



Global Initiative to  
**End All Corporal Punishment  
of Children**

**ST KITTS AND NEVIS**  
**BRIEFING FOR THE HUMAN RIGHTS COUNCIL**  
**UNIVERSAL PERIODIC REVIEW – 10<sup>th</sup> session, 2011**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

**Summary**

**This briefing describes the legality of corporal punishment of children in St Kitts and Nevis despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and urge the Government to ensure that current legal reforms explicitly prohibit all corporal punishment of children and repeal the Corporal Punishment Act and other legal provisions authorising whipping of children.**

## **1 Legality of corporal punishment in St Kitts and Nevis**

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Probation and Child Welfare Act (1994) are not interpreted as prohibiting corporal punishment in childrearing. The Organisation of Eastern Caribbean States (OECS, of which Saint Christopher and Nevis is a member) has drafted a number of “model” bills for states in the region, including a Children (Care and Adoption) Bill (2007) which is under consideration by the attorney-general in St Kitts and Nevis. The Bill protects children from “abuse” but does not prohibit corporal punishment.

1.2 Corporal punishment is lawful in **schools** under the Education Act (2005), the Corporal Punishment Act (1967) and the common law disciplinary power of teachers.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime. The Magistrate’s Code of Procedure (1961) allows a magistrate to order the private whipping of a child (under 14) or young person (under 16) by a policeman, in the presence of certain officials and the child’s parent or guardian (article 100). The Corporal Punishment Act also applies. Corporal punishment may be carried out only after medical examination and under the supervision of a prison official. There is no prohibition of corporal punishment as a disciplinary measure in penal institutions. The Child Justice Bill (2007) drafted by the OECS does not include corporal punishment among permitted sentences, but does not explicitly prohibit its use as a disciplinary measure.

1.4 Corporal punishment is lawful in **alternative care settings**, and is not prohibited in the Children (Care and Adoption) Bill.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 Following examination of the state party’s initial report in 1999, the **Committee on the Rights of the Child** recommended explicit prohibition in law of corporal punishment of children in all settings, including the home, and repeal of the Corporal Punishment Act (CRC/C/15/Add.104, paras. 20 and 32).