



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

ST VINCENT AND THE GRENADINES
BRIEFING FOR THE HUMAN RIGHTS COUNCIL
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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) 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 Vincent and the Grenadines despite the recommendations of the Committee on the Rights of the Child and the Human Rights Committee. 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 enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in St Vincent and the Grenadines

1.1 Corporal punishment is lawful in the **home**. Article 8 of the Juveniles Act punishes ill-treatment of children but allows for the parent, teacher or other person having control of the child to administer “reasonable” punishment. Provisions against violence and abuse in the Criminal Code (1988), the Domestic Violence (Summary Proceedings) Act (1995) and the Constitution (1979) are not interpreted as prohibiting corporal punishment in childrearing.

1.2 Corporal punishment is lawful in **schools** under article 8 of the Juveniles Act (see above) and article 53 of the Education Act 2005, which allows for it to be administered by the principal, deputy principal or a specially designated teacher, in a private room, using an instrument prescribed by regulations. Only females may inflict corporal punishment on girls.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime. The Corporal Punishment of Juveniles Act permits a male juvenile (under 16) convicted of a crime to be caned up to 12 strokes on the buttocks using a light rod. It is reportedly inflicted on the bare buttocks, usually by a policeman at a police station.¹ We have no information on judicial corporal punishment for 16-17 year olds. Corporal punishment is lawful as a disciplinary measure in penal institutions. The Juveniles Act and the Juveniles (Approved Schools) Rules allow it to be administered on boys within approved schools.

1.4 Corporal punishment is lawful in **alternative care settings** under article 8 of the Juveniles Act (see above). Corporal punishment of boys is permitted and regulated in approved schools under the Juveniles Act and the Juveniles (Approved Schools) Rules.

2 Recommendations by human rights treaty monitoring bodies

2.1 In 2002, following examination of the state party’s initial report, the **Committee on the Rights of the Child** expressed concern at the widespread use of corporal punishment and recommended prohibition in all contexts, including the home, schools and other institutions, and in the administration of justice (CRC/C/15/Add.184, paras. 28, 29, 52 and 53).

2.2 In 2008, the **Human Rights Committee** published concluding observations in the absence of a state party report and recommended that the Corporal Punishment of Juveniles Act be immediately amended or repealed so as to prohibit caning (CCPR/C/VCT/CO/2, para. 11).

¹ Human Rights Association (2002), *NGO Initial Report on Saint Vincent and the Grenadines submitted to the United National Committee on the Rights of the Child*, p. 27