



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

TRINIDAD AND TOBAGO
BRIEFING FOR THE HUMAN RIGHTS COUNCIL
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From Peter Newell, Coordinator, Global Initiative

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) 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 Trinidad and Tobago despite the repeated recommendations of the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and all forms of alternative care, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Trinidad and Tobago

1.1 Corporal punishment is lawful in the **home**. Article 22 of the Children Act (1925) confirms “the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer reasonable punishment to such child or young person”. According to statistics from UNICEF on violence in the family, 75% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006.¹

1.2 Corporal punishment of children is lawful in public and private **schools** under article 22 of the Children Act (see above). It is prohibited in the Children (Amendment) Act 2000, but as at January 2011 this had not come into force. The Education Act 1996 makes no reference to corporal punishment.

1.3 In the **penal system**, law reform has not yet completely abolished corporal punishment as a sentence for crime. The Miscellaneous Provisions (Children) Act (2000) prohibited corporal punishment as a sentence for persons under 18 by repealing the Corporal Punishment (Offenders Not Over Sixteen) Act and amending the Corporal Punishment (Offenders Over Sixteen) Act to apply to offenders over the age of 18. However, it did not repeal other laws which allow under 18s to be sentenced to corporal punishment. Article 83(g) of the Children Act provides for a child or young person found guilty of an offence to be ordered to be whipped: this provision is repealed in the Children (Amendment) Act 2000 (article 24), but as at January 2011 this Act was not in force. Article 18 of the Larceny Act 1919 provides for boys under 16 to be liable to corporal punishment.

1.4 Corporal punishment is lawful as a disciplinary measure in penal institutions. The Young Offenders (Male) Detention Regulations, pursuant to the Young Offenders Detention Act (1926), authorise corporal punishment with a rod to be ordered in detention institutions by the Inspector, Commissioner or Assistant Commissioner of Prisons (article 64 and the Third Schedule), up to 18 strokes, 14 strokes and 9 strokes respectively. Under the Children Act, children convicted of offences may be sent to a certified industrial school or a certified orphanage, where corporal punishment is lawful under article 22 of the Children Act (see above).

1.5 Corporal punishment is lawful in **alternative care settings** under article 22 of the Children Act (see above).

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended prohibition of corporal punishment in all settings including the home – in its concluding observations on the state party’s second report in 2006 (CRC/C/TTO/CO/2, para. 40) and on the initial report in 1997 (CRC/C/15/Add.82, paras. 32 and 39).

2.2 In 2002, the **Committee on Economic, Social and Cultural Rights** recommended that Trinidad and Tobago prohibit corporal punishment in all settings (E/C.12/1/Add.80, Concluding observations to the second report, paras. 29 and 52).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF