



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

BARBADOS – COUNTRY REPORT

Child population: 60,000 (UNICEF, 2010)

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal system, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – The Prevention of Cruelty to Children Act confirms “the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child” (section 4). This provision should be repealed, and the law should clearly state that all forms of corporal punishment and other cruel and degrading treatment are unacceptable, including by parents and others with parental authority.

Other legislative measures necessary

Schools – Provisions in the Education Act and Education Regulations authorising corporal punishment in schools should be repealed and explicit prohibition enacted in relation to all schools, public and private.

Penal system – Provisions authorising corporal punishment in the penal system in the Juvenile Offenders Act, the Corporal Punishment Act, the Magistrates Jurisdiction and Procedure Act, the Magistrate’s Court Act, the Prisons Act and the Reformatory and Industrial Schools Act should be repealed, and explicit prohibition enacted of judicial corporal punishment and disciplinary corporal punishment in all institutions accommodating children in conflict with the law.

Alternative care – Corporal punishment is reportedly prohibited in state-arranged foster care and in pre-school settings, and in day care and centres and residential children’s homes run by the Child Care Board, but we have yet to see the exact text of the relevant laws/regulations and the prohibition is presumably undermined by section 4 of the Prevention of Cruelty to Children Act. Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc, in addition to repeal of section 4 of the Prevention of Cruelty to Children Act.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Article 4 of the Prevention of Cruelty to Children Act (1904) states: “Nothing in this Act shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.” Provisions against violence and abuse in the Domestic Violence (Protection Orders) Act (1994), the Protection of Children Act (1990), the Employment (Miscellaneous Provisions) Act (1977) and the Offences Against the Person Act (1994) are not interpreted as prohibiting corporal punishment in childrearing.

Schools

Corporal punishment is lawful in schools under the Education Regulations pursuant to article 59 of the Education Act (1983), and article 4 of the Prevention of Cruelty to Children Act. Education Regulation 18(j) authorises principals to inflict corporal punishment and to delegate the authority to do so to the deputy principal and senior teachers. In 2006, the Government delegation stated that “the Government and people of Barbados did not view corporal punishment as torture, or inhumane or degrading in itself” and there were no plans to review its legality (CCPR/C/BRB/3, Third state party report to the Human Rights Committee, para. 244). During the Universal Periodic Review of Barbados in 2008, the Government noted that the Minister of Education had had publicly advocated for abolition of corporal punishment in schools but that this was not currently the official position (A/HRC/10/73, Report of the Working Group, para. 49).

Penal system

Corporal punishment is lawful as a **sentence for crime** for males. The Magistrate’s Courts Act provides for boys aged 8-15 to be “privately whipped” at a police station, up to 12 strokes with a “tamarind or other similar rod”, in place of or in addition to any other punishment (article 71). The Juvenile Offenders Act includes “ordering the offender to be whipped” among the list of available sanctions for children and young people (article 16(f)). The Act also provides for a court to order a boy aged 12-15 to be “privately whipped” in lieu of or in addition to any other punishment (article 9). The Corporal Punishment Act states that whipping or flogging should be administered on a single occasion, up to 12 strokes for persons under 16 or 24 for older persons (article 2). Corporal punishment may be carried out only after medical examination and under the supervision of a prison official.

Corporal punishment is lawful as a **disciplinary measure** in penal institutions. On conviction of an offence, children and young people may be sent to a Reformatory and Industrial School (Juvenile Offenders Act, section 16). The Reformatory and Industrial Schools Act (1926) authorises the infliction of corporal punishment as a disciplinary measure on boys (section 31), and allows a magistrate to order whipping as a punishment for attempted escape (section 34). Young people aged 16 and above are tried as adults and may be sentenced to imprisonment. The Prisons Act (1964) allows the use of force for purposes of maintaining discipline (section 20) and provides for corporal punishment for specific disciplinary offences, up to 12 strokes for persons below the age of 21 (section 40).

Alternative care

Corporal punishment is reportedly prohibited in state-arranged foster care and in pre-school settings, and the Child Care Board Regulations (1985) prohibit the use of corporal punishment for any child in a day care centre or a residential children's home run by the Board. Corporal punishment is lawful in private foster care and section 4 of the Prevention of Cruelty to Children Act (see above) applies.

Prevalence research

In 2005, a study by UNICEF in association with the Governments of Barbados, St Lucia and St Vincent and the Grenadines, involving a survey of more than 2,300 households, interviews with key informants and discussion groups with adults and children, found that younger children were more likely than older children to experience corporal punishment such as being spanked, slapped or hit with a hand or an object. (UNICEF Office for Barbados and the Eastern Caribbean in association with the Governments of Barbados, St Lucia and St Vincent and the Grenadines (2006), *A study of child vulnerability in Barbados, St Lucia and St Vincent & the Grenadines*, Christ Church, Barbados: UNICEF Office for Barbados and the Eastern Caribbean)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(24 June 1999, CRC/C/15/Add.103, Concluding observations on initial report, paras.19 and 22)

“The Committee is concerned about legislation and policies that allow the use of flogging of children as a disciplinary measure in prisons and its use as a judicial sentence. In this respect, the Committee welcomes the commitment of the State party to give prompt consideration to the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee encourages the State party to conduct a public awareness-raising campaign and to review its legislation and policies in order to eliminate flogging as a judicial sentence and as a disciplinary measure in the prison system.

“The Committee is seriously concerned about the high proportion of children who appear to be victims of physical abuse, in most instances accompanied by psychological and emotional abuse. The Committee is highly concerned about the subjective element involved in legislation that permits a ‘reasonable degree’ of physical chastisement as a disciplinary method. The Committee is concerned that the tolerance of corporal punishment in schools will make it extremely difficult to educate parents about alternative forms of discipline, and wishes to point out that there is usually a connection between the social and legal acceptability of corporal punishment and the high level of child abuse which is of serious concern. The Committee encourages the State party to review its policies and legislation in order to eliminate corporal punishment as a method of discipline and to implement fully the provisions of articles 19 and 39 of the Convention; it recommends that the State party increase its efforts to educate the public about the negative impact of corporal punishment on the development of the child and on the effort to prevent child abuse; finally, the Committee encourages the State party to seek international assistance and advice on successful examples of how to overcome traditional social attitudes regarding corporal punishment.”

Human Rights Committee

(11 May 2007, CCPR/C/BRB/CO/3, Concluding observations on third report, para. 12)

“The Committee is concerned that corporal punishment is still available as part of judicial sentences and is permitted within the penal and education systems. (arts. 7 and 24)

The State party should take immediate measures to eliminate corporal punishment as a legitimate sanction in its law and to discourage its use in schools. The State party should also take all necessary measures towards the eventual total abolition of corporal punishment.”

Universal Periodic Review

Barbados was examined in the first cycle of the Universal Periodic Review in 2008. The Government rejected the recommendations to prohibit all corporal punishment of children but accepted the recommendation for public awareness initiatives to change people’s attitudes to corporal punishment (A/HRC/10/73/Add.1, Report of the Working Group: Addendum, paras. 21 and 23). Although the Minister of Education publicly advocated prohibition in schools, this was not the official Government position (A/HRC/10/73, Report of the Working Group, para. 49). Examination in the second cycle is scheduled for 2013.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
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May 2012