



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

ST VINCENT & THE GRENADINES – COUNTRY REPORT

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Is there a legal defence for corporal punishment which must be repealed?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 – article 8 of the Juveniles Act provides for parents, teachers and other adults to administer “reasonable” punishment to a child. The near universal acceptance of violence in childrearing necessitates clarity in law that no degree or kind of corporal punishment is acceptable or lawful. This provision should be repealed and explicit prohibition enacted of all corporal punishment in all settings, including the family home and all settings where adults have authority over children.

Other legislative measures necessary

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Act and Regulations and other relevant subsidiary legislation authorising corporal punishment in schools should be repealed, and explicit prohibition enacted in relation to all schools, public and private.

Penal system – All provisions authorising judicial corporal punishment and corporal punishment as a disciplinary measure in penal institutions should be repealed, including the Corporal Punishment of Juveniles Act and relevant provisions in the Juveniles Act and the Juveniles (Approved Schools) Rules. Explicit prohibition should be enacted of corporal punishment in relation to disciplinary measures in all institutions accommodating children in conflict with the law.

Alternative care – Provisions allowing corporal punishment in approved schools and other alternative care settings should be repealed and explicit prohibition enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

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.

As part of an initiative to reform child laws in the region, the Organisation of Eastern Caribbean States (OECS) has circulated a number of draft laws for consideration by member states, including St Vincent and the Grenadines. The draft Children (Care and Adoption) Bill (2007), under consideration by the attorney-general, would protect children from “abuse” but not prohibit corporal punishment. It would define parental responsibility with reference to the duties, authority, rights and obligations “which by any law in force in [Saint Vincent and the Grenadines], the parent of a child has in relation to that child” (article 2).

Schools

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.

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 may be carried out only after medical examination and under the supervision of a prison official. A Child Justice Bill drafted in 2007 by the OECS was sent to the Attorney General. It does not include corporal punishment among permitted sentences, though it does not explicitly prohibit it.

Corporal punishment is lawful as a **disciplinary measure** in penal institutions. The Juveniles Act and the Juveniles (Approved Schools) Rules allow corporal punishment to be administered on boys within approved schools. The draft Child Justice Bill does not prohibit corporal punishment in institutions accommodating children in conflict with the law.

Alternative care

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. Corporal punishment would not be explicitly prohibited by the OECS draft Children (Care and Adoption) Bill, which states that a person

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; see also CCPR/C/VCT/Q/3, 6 December 2005, List of issues prepared in the absence of the second periodic report of Saint Vincent and the Grenadines, due on 31 October 1991, Q9

authorised to provide care for a child shall “correct and manage the behaviour of the child” (article 29(c)) and authorises the Minister to make regulations for “the management and discipline of an approved child care service” (article 140(2)(m)).

Prevalence research

A UNICEF study of child vulnerability in Barbados, St Vincent and St Lucia, completed in November 2006, found that younger girls and boys were much more likely to be punished than their teenage siblings in all three countries. The number of small children who received no punishment was below 50% in all countries. Overall, younger children, both girls and boys, were more likely to be subjected to corporal punishment, such as spanking, slapping or hitting with the hand or an object.²

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(13 June 2002, CRC/C/15/Add.184, Concluding observations on initial report, paras. 28, 29, 52 and 53)

“The Committee is deeply concerned that corporal punishment is widely practised in schools, in the administration of justice, in other institutions and within the family, and that it is regulated by law and used against children from an early age.

“The Committee recommends that the State party urgently:

- a) prohibit through legislative and administrative provisions the use of corporal punishment in all contexts, including in schools, in the administration of justice, in other institutions and within the family;
- b) make use of information and education campaigns to sensitize parents, professionals working with children and the public in general to the harm caused by corporal punishment and to the importance of alternative, non-violent, forms of discipline, as provided for in article 28.2 of the Convention.

“While recognizing the State party’s efforts in this domain the Committee remains concerned that:

- h) the Corporal Punishment of Juveniles Act allows for the caning of juveniles who have been found guilty of crime.

“The Committee recommends that the State party:

- f) urgently prohibit the corporal punishment of children in the context of the juvenile justice system....”

Human Rights Committee

(24 April 2008, CCPR/C/VCT/CO/2, Concluding observations in the absence of a report, para. 11)

“While noting the delegation’s statement that judicial corporal punishment is not resorted to in practice, the Committee is concerned that the Corporal Punishment of Juveniles Act still permits caning, in violation of the prohibition of cruel, inhuman and degrading punishment contained in article 7.

The State party should immediately amend or repeal the Corporal Punishment of Juveniles Act so as to prohibit caning. It should also consider whether it is any longer necessary, or consistent with its

² Reported in *The Barbados Advocate*, 23 May 2007

obligations under the Covenant, to maintain in force the relevant savings clause of section 10 of the Second Schedule to the Constitution of the State Party.”

Universal Periodic Review

St Vincent and the Grenadines is due to be examined under the Universal Periodic Review process in 2011.

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