



Caribbean Coalition for the Abolition of Corporal Punishment of Children (CCACPC)

Newsletter Issue 1 – June 2013

About CCACPC

The newly formed Caribbean Coalition for the Abolition of Corporal Punishment of Children (CCACPC) (website to be launched shortly) aims to speed the prohibition and elimination of corporal punishment in Caribbean states, overseas departments, territories and dependencies, including by: building a strong regional movement for prohibition and elimination which will increase visibility of the issue; advocating directly on the issue to governments and parliament in states and territories, and supporting the initiation and work of national campaigns for prohibition. It is a project of the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org).

Hazel Thompson-Ahye, well known as a children's rights advocate across the region, is the part-time Coordinator for the Coalition, based in Trinidad and Tobago. Hazel graduated from the University of the West Indies, Cave Hill, Barbados with her LLB Honours degree in 1980 and received her Certificate in Legal Education from the Hugh Wooding Law School in Trinidad in 1982. She holds an LLM Degree with Merit in the specialisation Family Law, including International Rights of the Child and Youth Justice, from the University of London. She was in private practice in Trinidad and Tobago from 1982 to 1988 and became Director of the Hugh Wooding Law School Legal Aid Clinic in 1988. In 2002 she joined the staff of the Eugene Dupuch Law School as Senior Tutor, a post from which she resigned in 2012 to return to her homeland to do consultancy work. In 2012, she received an award for outstanding service to the Council of Legal Education.

Hazel is a certified and licensed trainer with the International Institute for Restorative Practices, a Graduate School in Pennsylvania and has been conducting training in facilitating restorative conferences. She is also a trained and certified mediator and inaugurated the Hugh Wooding Law School Mediation Centre. She is currently serving a third term as a member of the Executive Council of the international Society of Family Law. However, her passion is children's rights and she has done a great deal

of work in this area, particularly in juvenile justice. In 2000, she coordinated the study of juvenile justice in the Caribbean region and the regional symposium in juvenile justice held in Trinidad and Tobago. She has conducted training for UNICEF in child rights and delivered many presentations in this area of law at conferences in Trinidad and Tobago, Jamaica, Barbados, Saint Lucia, Dominica, Guyana, Surinam, Curacao, The Bahamas, Montserrat, the United States, Canada, South Africa, Australia, Northern Ireland and Europe. She has also published a number of articles in her area of speciality, as well as a book, Women and Family Law and Related Issues.

This newsletter

Recent developments in the Caribbean, in the context of follow up to the UN Secretary General's Study on Violence against Children, mark significant steps towards prohibiting and eliminating corporal punishment of children. This newsletter aims to build on these developments, keeping people up to date on progress in the region as well as globally, highlighting new research and resources on the issue and contributing to the growth of a network of advocates focusing on ensuring children's right to protection from corporal punishment is realised in all Caribbean states and territories. Welcome to the first edition! Please send comments to: thomahye2013@gmail.com.

Note: The newsletter is being sent to all those across the region who have indicated their support for the Coalition's aims and others whom we hope will be interested. To unsubscribe from future editions, email info@endcorporalpunishment.org.

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1 PROGRESS TOWARDS PROHIBITION

The global context: Worldwide, 33 states (out of 198) prohibit corporal punishment in all settings including the home, 122 in schools, 158 as a sentence for crime, 124 in penal

institutions and 41 in all forms of alternative care (for more facts and figures see “Countdown to universal prohibition” at www.endcorporalpunishment.org).

In the Caribbean: No independent state in the Caribbean prohibits corporal punishment in the home, 2 prohibit it in schools, 5 as a sentence for crime, 4 in penal institutions, 2 in all forms of alternative care. Among the territories in the Caribbean, 2 prohibit corporal punishment in all settings including the home, 5 in schools, 14 in penal institutions and 2 in all forms of care. All 18 territories prohibit it as a sentence for crime.

Prohibition in all settings in Curaçao and St Maarten

Curaçao – a Caribbean country within the Kingdom of the Netherlands – in 2012 became the first place in the Caribbean to ensure that all its children are legally protected from all corporal punishment in all settings of their lives, including their homes. The Joint Custody Ordinance 2011 amends article 247 of the Civil Code so that it states:

(1) Parental authority includes the duty and right of the parent to care for and raise his or her minor child.

(2) Caring for and raising the child includes care and responsibility for the mental and physical wellbeing and safety of the child and the development of his or her personality. In the care and upbringing of the child the parents will not use mental or physical violence or any other degrading treatment.

The prohibition applies to all persons acting *in loco parentis*, and came into force on 1 January 2012.

Sint Maarten – another Caribbean country within the Kingdom of the Netherlands – has also now joined the list of prohibiting countries. Its newly enacted Joint Custody Ordinance 2013 makes a similar amendment to its Civil Code as did the law reform in Curaçao.

Formerly part of the Netherlands Antilles, Curaçao and Sint Maarten became autonomous in 2010 when the Antilles were dismantled following constitutional reforms within the Kingdom of the Netherlands. The prohibitions of corporal punishment mirror the law in the Netherlands (Europe), where prohibition in all settings was achieved in 2007. Similar reform is under discussion in Aruba.

Other positive moves towards law reform

Anguilla: The Education Act 2012 was passed in December 2012. It explicitly prohibits corporal punishment in assisted schools, private educational institutions and early childhood education facilities. We are currently trying to find out if the Act is in force.

Grenada: The Juvenile Justice Act 2012 has been passed and assented to by His Excellency the Governor-General. The Act explicitly prohibits corporal punishment as a sentence of the courts for persons under 18, stating in article 64(2): “A sentence of flogging or whipping shall not be imposed on a child.” The date of commencement is still to be determined.

Jamaica: Provisions for judicial flogging and whipping have finally been removed from the statute books with the enactment of the Law Reform (Flogging and Whipping) (Abolition) Act 2013 which states in article 2: “(1) The imposition of flogging or whipping as a penalty for any offence is abolished. (2) Every reference to flogging or whipping, as a penalty for an offence, appearing in any enactment, is declared to be of no effect....” The Act repeals

the Flogging Regulation Act 1903 and the Crime (Prevention of) Act 1942. Provisions for whipping in the Obeah Act 1898 and the Larceny Act 1942 are repealed in the Obeah (Amendment) Act 2013 and the Larceny (Amendment) Act 2013 respectively.

Trinidad and Tobago: The Children Act 2012 received royal assent on 6 August 2012. It prohibits corporal punishment by all persons except parents/guardians and therefore achieves prohibition in schools, penal institutions, alternative care settings and as a sentence for crime. Article 4 provides for the prevention of cruelty to children: it retains the right to administer “reasonable punishment” but asserts that this does not authorise corporal punishment in settings outside the home: “(6) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to such child. (7) Reasonable punishment referred to in subsection (6), in relation to any person other than a parent or guardian, shall not include corporal punishment.” Proclamation of the Act is required before it comes into force.

Other developments

Guyana: In 2012, the Ministry of Education completed a National Consultation on the draft Education Bill, including prohibition of corporal punishment in schools. In May 2013, Minister of Education, Priya Manickchand, reported that the re-drafted Education Bill is “almost complete and shall be ready for laying in the National Assembly before the recess” (reported in *Kaieteur News Online*, 13 Mat 2013). Additional regulations under the proposed Act have also been drafted and are expected to be laid at the same time as the Bill. We have yet to confirm that the re-drafted Bill includes prohibition of corporal punishment.

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2 CAMPAIGNS AND CALLS FOR PROHIBITION

Regional developments

In May 2012 a regional conference was held in Jamaica on follow up to the UN Secretary General’s Study on Violence against Children. During the meeting a **major new report** was launched on progress towards prohibiting and eliminating corporal punishment of children in the Caribbean (see under “Resources” below). The report is published jointly by the Global Initiative to End All Corporal Punishment of Children and the Global Movement for Children in Latin America and the Caribbean (a strategic alliance of regional organisations and networks comprising Childfund, The Christian Association of Youth (YMCA International), Defence for Children International (DCI), the Inter-America Children’s Institute of the OAS, Latin America and Caribbean Network for the Defense of Children’s and Adolescents’ Rights (REDLAMYC), Plan International, RED ANDI (Network of news agencies for children’s rights), Save the Children, SOS Children’s Villages International, UNICEF and World Vision).

In the report, Caribbean experts including religious leaders united in calling for an end to corporal punishment of children in their homes, schools and all other places. In a message to the conference, Paulo Sérgio Pinheiro, the Independent Expert who led the UN Study, said:

“Seven years have passed since the Caribbean Regional Consultation for the UN Study, held in Trinidad in 2005. Some of you were with me there to hear young people describing the daily violence suffered in their homes, in the institutions and schools established to ‘care for and ‘educate’ them.

Violence has no place in children's lives; violence is not caring and violence is anti-educational. We have repeated endlessly the mantra of the Study Report: 'No violence against children is justifiable; all violence against children is preventable.'...

Violence cannot be dignified or justified by reference to faith or religion; increasingly, this is accepted in relation to violence against women, and it must be accepted in relation to children....

I commend to you the Global Initiative's report on progress towards eliminating it in this region, to be launched at the conference. I am delighted to see the impressive lists in the report of unequivocal support for banning and eliminating it from prominent Caribbeans and from many NGOs and human rights institutions across the region."

At the same conference Rosa Mariá Ortiz, the **Inter-American Commission on Human Rights (IACHR)** Rapporteur on the Rights of the Child, presented two IACHR reports, both of which emphasise the obligation of states to prohibit corporal punishment of children – the *Report on Corporal Punishment and Human Rights of Children and Adolescents* (2009) and the report on *Juvenile Justice and Human Rights in the Americas* (2011).

Corporal punishment was also highlighted during the 23rd meeting of the Council for Human and Social Development (COHSOD) of the **Caribbean Community (CARICOM)**, held in Guyana in July 2012, which focused on violence against children as a key issue. COHSOD received the regional progress report. Under an agenda item "Towards full prohibition of corporal punishment", CARICOM member states were urged to engage key stakeholders in ongoing dialogue on the issue. CARICOM Secretary-General Irwin LaRocque stated:

"Let us agree that no violence against children and youth can be justified – not those actions cloaked as 'tradition' and culture and certainly not those disguised as 'discipline'. We must expose ... what is frequently considered 'a private matter among family'" (quoted in *Caribbean 360*, 19 July 2012)

The most recent outcome from the follow up meeting in Jamaica is the adoption of a "Regional Roadmap on the Protection of Children against all forms of violence in the Caribbean". The Roadmap identifies as one of its three priority recommendations the "adoption of national legislation prohibiting all forms of violence against children". Under this heading, it states: "States in the Caribbean are urged to explicitly prohibit corporal punishment in all settings. This legal prohibition will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the repeal of defences currently included in legislation, including the term 'moderate' or 'reasonable', which introduces an element of discretion that is inconsistent with the rights of children and adolescents to their personal integrity and human dignity.... Sentences such [as] corporal punishment, death penalty and life imprisonment should be abolished in all countries in the region." Recommendations are made for implementing the roadmap, including the designation of a high level authority in each country to coordinate implementation of the UN Study recommendations, follow up by Independent National Human Rights Institutions and the development of roadmaps at national level.

National campaigns and calls for prohibition

St Lucia: Rise St Lucia is calling for an end to corporal punishment of children, including through law reform to prohibit it. Co-Director Dr Stephen King challenged the Minister of Education on when corporal punishment would be abolished in schools, and a national consultation on the issue is planned. In July 2012, the organisation submitted the first

NGO shadow report for St Lucia to the Committee on the Rights of the Child from the Road to Geneva Youth-NGO Child Rights Coalition, including the results of research on corporal punishment and recommendations for law reform to prohibit it in all settings. The report is available on the [RISE St Lucia website](#). RISE St Lucia hosted a visit from the Rapporteur on Child Rights of the Inter-American Commission on Human Rights on 4-5 March 2013, themed around promotion of non-violence with children with particular emphasis on a practical timetable for the elimination of corporal punishment.

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3 HUMAN RIGHTS MONITORING AND ADVOCACY

The UN Convention on the Rights of the Child is applicable in all Caribbean states and territories (except Puerto Rico and the US Virgin Islands, as it has not been ratified by the US). Other core UN human rights instruments have been ratified by various Caribbean states. Prohibiting and eliminating corporal punishment is an obligation on states under international human rights law: this section of the newsletter reports on the developing jurisdiction of the treaty monitoring bodies and opportunities for influencing their future work on the issue. It also covers the Universal Periodic Review (UPR) of states' overall human rights records. The Global Initiative systematically briefs all treaty bodies and the UPR on every state being examined: we are keen to support national NGOs in making submissions and thereby helping to increase pressure on governments for reform. For further details email elinor@endcorporalpunishment.org.

Committee on the Rights of the Child

The Committee held its 62nd session 14 Jan – 1 Feb 2013, during which it examined the combined second/third report of **Guyana** on implementation of the Convention on the Rights of the Child. In its concluding observations on the report, the Committee welcomed the prohibition of corporal punishment in institutions in Guyana, in the Child Care and Development Services Act 2011, but expressed concern at the legality of corporal punishment in other settings and recommended prohibition: "The Committee recommends that the State party take all appropriate measures to explicitly prohibit corporal punishment in all settings, particularly in the domestic and school contexts. Furthermore, it recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive and alternative forms of discipline and respect for children's rights, with the involvement of children, while raising awareness about the adverse consequences of corporal punishment on children." For more information see the Global Initiative's country report on [Guyana](#).

In its [report to the Committee](#), the Guyanese Government seems to take the position that public opinion must be in favour of prohibition before the law can be reformed: "The Government of Guyana and the Parliamentary parties will continue to collaborate with civil society and other interested parties to study this issue in depth, and attempt to come to a consensus on corporal punishment in the near future." But while changing attitudes towards corporal punishment is undeniably important, it is not a prerequisite for pursuing law reform. On the contrary, most of the states which have prohibited all corporal punishment of children have done so ahead of public opinion: the new law and awareness raising on it has then provided a firm foundation for challenging deeply held views about disciplining children and for promoting positive, non-violent forms of childrearing and education.

The next Caribbean state to be examined by the Committee on the Rights of the Child will be St Lucia, in May/June 2014 (66th session). The deadline for submitting information to the Committee is 1 June 2013. The Committee will examine Jamaica in January/February 2015 (68th session). Information should be submitted to the Committee in February 2014.

Other treaty bodies

The **Human Rights Committee**, at its 107th session in March 2013, examined **Belize** on its implementation of the International Covenant on Civil and Political Rights. In its concluding observations, the Committee welcomed the prohibition of corporal punishment in schools in the Education and Training Act 2010, but stated that it regretted the information provided by the Government that no initiative had been taken to repeal the provisions in the Criminal Code which permit corporal punishment. The Committee recommended that Belize “put an end to corporal punishment in all settings”. For more information see the Global Initiative’s country report on Belize.

The Human Rights Committee will be examining **Haiti**’s implementation of the Covenant in October 2014. Briefings should be submitted to the Committee in November 2013.

The **Committee on Economic, Social and Cultural Rights** examined implementation of the International Covenant on Economic, Social and Cultural Rights in **Jamaica** at its 50th session in April/May 2013. In its concluding observations, the Committee expressed concern at corporal punishment of children in Jamaica and recommended that the State party “prohibit all forms of corporal punishment in all settings, including within the family” (see the Global Initiative’s report on Jamaica).

The Committee will be examining **Guyana**’s implementation of the Covenant at a future session. The Government has submitted its report; a date for the exam is still to be set.

The **Committee Against Torture** examined implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the **UK** at its 50th session in May 2013. In its concluding observations, the Committee recommended that corporal punishment of children be prohibited “in all settings in Metropolitan territory, Crown Dependencies and Overseas Territories, repealing all legal defences currently in place”. For more details, see the Global Initiative’s reports for Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands.

The Universal Periodic Review

The obligation to prohibit and eliminate corporal punishment of children is frequently raised with states in the Universal Periodic Review of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email info@endcorporalpunishment.org).

During the first cycle of the UPR, 2008-2011, recommendations on corporal punishment were made to all Caribbean states except Haiti. The second cycle of the UPR is now well under way. Caribbean states reviewed are **Bahamas** and **Barbados** – both received recommendations to prohibit corporal punishment of children and the respective Governments are due to provide their responses in June 2013. **Belize** will be reviewed

October/November 2013 (17th session) – the deadline for submitting information has passed. **Dominica** will be reviewed in May/June 2014 (19th session) – information must be submitted by 1 September 2013. Please let us know if you would like support in submitting a national NGO briefing and/or if you would like us to share the Global Initiative briefing when we draft it in early July 2013 (info@endcorporalpunishment.org).

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4 RESOURCES TO SUPPORT LAW REFORM

Caribbean progress report

The regional progress report referred to above was published in May 2012 by the Global Initiative in collaboration with the Global Movement for Children in Latin America and the Caribbean. The 64-page report – *[Prohibiting corporal punishment of children in the Caribbean: Progress report 2012](#)* – charts progress and delay in prohibiting and eliminating this form of violence against children in the region. It describes research showing the nature and extent of corporal punishment in Caribbean countries and reveals the high level of support among faith groups and others for its abolition. The report sets out the human rights obligation to protect children from all forms of corporal punishment and other cruel or degrading punishment and the steps needed to enact and enforce laws to prohibit it. With detailed individual reports on every state and territory in the Caribbean, the report is an invaluable resource for all those concerned with ending violence against children.

Global progress report

The Global Initiative in collaboration with Save the Children published its global progress report for 2012. It includes a feature on growing faith support for prohibition and elimination of corporal punishment in the Caribbean. The report sets out progress towards prohibiting corporal punishment in all states worldwide, campaigns and initiatives at national and regional level including in the Caribbean, features on the links between corporal punishment and the rights of women, the rights of persons with disabilities and the right to health, summaries of prevalence and attitudinal research and information on various aspects of achieving law reform. With a wealth of global facts and figures it provides useful contextual information for the promotion of law reform at national and regional levels in the Caribbean. *[Ending legalised violence against children: global report 2012](#)* was published in December.

Research in Latin America and the Caribbean

A new report which analyses data from interviews with more than 180,000 women in 12 countries in Latin America and the Caribbean shows the links between partner violence against women and corporal punishment of children. For all countries with data on the topic, the proportion of women who said that children in their current home were punished by being hit, beaten or slapped was higher among those who experienced partner violence than among those who did not experience partner violence. And the proportion of women who reported experiencing partner violence was far higher among those who had been beaten as children than among those who had not been beaten as children – at least twice as high in most cases. (Bott, S. et al (2012), *Violence Against Women in Latin America and the Caribbean: A comparative analysis of population-based data from 12 countries*, Washington DC: Pan American Health Organisation & Centers for Disease Control and Prevention)

New review of research on the effects of corporal punishment

The evidence that corporal punishment is harmful to children, adults and societies is overwhelming. The more than 150 studies included in the Global Initiative's new review of research on the effects of corporal punishment show associations between corporal punishment and a wide range of negative outcomes, including: direct physical harm, negative impacts on mental and physical health, poor moral internalisation, increased aggression in children, increased perpetration and experience of violence in adults, increased antisocial behaviour, poor cognitive development, and damaged family relationships. Intended for use by advocates for prohibition, the review (*Research into the effects of corporal punishment: working paper*, March 2013) shows how corporal punishment violates not just children's right to freedom from all violence, but also their rights to health, development and education. A [summary](#) version is also available.

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5 WHAT YOU CAN DO

Keep yourself informed

- Read this newsletter and other Global Initiative publications, all freely available (at www.endcorporalpunishment.org or email info@endcorporalpunishment.org for a publications list)
- Sign up for updates via RSS feeds at www.endcorporalpunishment.org
- Familiarise yourself with our website (www.endcorporalpunishment.org)
- Keep in touch with the Global Initiative (info@endcorporalpunishment.org)

Help us to share information with the Coalition and globally

- Send us resources for promoting positive discipline in homes, schools and other settings – especially those developed as part of a comprehensive campaign for law reform – to list on our website (elinor@endcorporalpunishment.org)
- Send us information on new or planned research for us to summarise for the website and in our individual country reports (elinor@endcorporalpunishment.org)
- Send us information on relevant legislation and on current opportunities for reforming the law through new laws being drafted etc (elinor@endcorporalpunishment.org)
- Send us contact details for organisations campaigning to prohibit and eliminate corporal punishment of children (elinor@endcorporalpunishment.org)

Encourage more support

Encourage other organisations and individuals in your country or across the Caribbean to join the Coalition.

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"In the administration of corporal punishment there is the coming together of authority, force, and violence in a relationship between parties who are not equal and which

leaves one party with physical and emotional pain and scars. It has long been recognised that in a civilised society no one should have such control over the life of another, without being subject to public scrutiny by the relevant authorities – not even parents.”

Suffragan Bishop of Montego Bay Howard Gregory, writing in the *Jamaica Observer*, 11 March 2012