



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

GRENADA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8th session, 2010

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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, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in all settings in Grenada, despite the concerns and recommendations of the Committee on the Rights of the Child and the Human Rights Committee. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings.

1 Legality of corporal punishment in Grenada

1.1 Corporal punishment is lawful in the **home**. Section 54 of the Criminal Code allows for the use of “justifiable force” under the “authority to correct a child, servant or similar person for misconduct”. As at February 2009, a Children (Care and Adoption) Bill (2007), drafted by the OECS, was under consideration by the attorney-general. The Bill protects children from abuse but does not prohibit corporal punishment. It defines parental responsibility with reference to the duties, authority, rights and obligations “which by any law in force in [Grenada], the parent of a child has in relation to that child” (article 2).

1.2 Corporal punishment is lawful in **schools** under the Education Act (2002), Act No.11 (2003) and section 54 of the Criminal Code.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime under the Criminal Code and the Corporal Punishment (Caning) Ordinance (1960). As at February 2009, a Child Justice Bill (2007), drafted by the OECS, was being considered by the attorney general. It does not include corporal punishment among permitted sentences. Corporal punishment is lawful as a disciplinary measure in penal institutions under the Criminal Code. It would not be prohibited by the Child Justice Bill.

1.4 In **alternative care settings**, licensing requirements prohibit corporal punishment in care institutions, but section 54 of the Criminal Code applies. It is not prohibited in the Children (Care and Adoption) Bill, which states that a person authorised to provide care for a child shall “correct and manage the behaviour of the child” (article 29(c)).

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state part’s initial report in 2000, the **Committee on the Rights of the Child** expressed concern at the legality and use of corporal punishment of children and recommended prohibition in all settings, including within the family and the juvenile justice system (CRC/C/15/Add.121, paras. 21 and 28).

2.2 In 2009, in its concluding observations in the absence of a state party report, the **Human Rights Committee** expressed concern at provisions authorising corporal punishment in the Criminal Code, the Prisons Act and the Education Act and at judicial whipping of boys. The Committee recommended that corporal punishment be prohibited in places of detention, schools and other institutions (CCPR/C/GRD/CO/1, para. 11).