



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

GUYANA

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 Guyana, despite the concerns and recommendations of the Committee on the Rights of the Child, the Committee Against Torture, 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 Guyana

1.1 Corporal punishment is lawful in the **home**. Section 9 of the Criminal Law (Offences) Act (1894) confirms “the right of the guardian or teacher of a child to administer reasonable and proper punishment to the child”. A similar provision is in section 7 of the Summary Jurisdiction (Offences) Act (1894). A Protection of Children Bill (2009) is under discussion but we have no further details.

1.2 Of more than 5,000 households surveyed in 2006, 74% of children were subjected to psychological or physical punishment; 16% experienced severe punishment; 59% minor physical punishment; 63% psychological punishment.¹ Government-commissioned research involving almost 4,000 children in 2005 revealed that 87% had received corporal punishment at least once in the home and 81% had been beaten or hit with a belt, cane, whip or other object. One third (33%) described physical punishments leading to injury.²

1.3 Corporal punishment is lawful in **schools** under the Education Act, section 9 of the Criminal Law (Offences) Act and section 7 of the Summary Jurisdiction (Offences) Act. In interviews with 1,200 secondary school pupils, 56.1% reported being whipped by their teachers, using branches from trees, pieces of wood, rulers, metal strips from old tables and other parts of old school furniture, or hands; 18% reported being made to kneel down, 20.2% being shaken, and 26.3% being slapped; 26.2% reported suffering injuries as a result.³

1.4 In the **penal system**, corporal punishment is lawful as a sentence for crime for males under the Whipping and Flogging Act (1922), section 19 of the Juvenile Offenders Act (1931), section 11 of the Criminal Law (Offences) Act and section 12 of the Summary Jurisdiction (Offences) Act. In 2007, a Juvenile Offenders (Amendment) Bill (2007) was before Parliament, but we have been unable to obtain details of its provisions or progress.

1.5 Corporal punishment is lawful as a disciplinary measure in penal institutions under section 20 of the Training School Act (1907) and section 37 of the Prison Act (1957). In the government research noted above, over a quarter of children in the New Opportunity Corps training school reported being physically punished by staff.⁴

1.6 Corporal punishment is lawful in **alternative care settings** under article section 9 of the Criminal Law (Offences) Act and section 7 of the Summary Jurisdiction (Offences) Act. It is prohibited in childcare and childminding services in the Children’s Act (Part IX), possibly not in force. In the government research noted above, over a quarter (27%) of children in the children’s homes reported being physically hurt by a caregiver in the home.⁵

¹ Bureau of Statistics and UNICEF (2008), *Guyana Multiple Indicator Cluster Survey 2006: Final Report*, Georgetown, Guyana: Bureau of Statistics and UNICEF

² Cabral, C. & Speek-Warnery, V. (2005), *Voices of Children: Experiences with Violence*, Georgetown: Ministry of Labour, Human Services and Social Security/ Red Thread Women’s Development Programme/ UNICEF-Guyana

³ Gill-Marshall (2000), “Child Abuse in Guyana: A study of teacher abuse of children” (University of Guyana Thesis). Cited in NGO Report to the Committee on the Rights of the Child (2003)

⁴ Cabral & Speek-Warnery (2005), *ibid.*

⁵ Cabral & Speek-Warnery (2005), *ibid.*

2 Recommendations by human rights treaty monitoring bodies

2.1 In its concluding observations on the state party's initial report in 2004, the **Committee on the Rights of the Child** recommended explicit prohibition of corporal punishment in the family, schools and other institutions (CRC/C/15/Add.224, paras.31 and 32).

2.2 In 2006, following examination of the state party's initial report, the **Committee Against Torture** recommended abolition of all laws allowing whipping and flogging (CAT/C/GUY/CO/1, para. 13).

2.3 The **Human Rights Committee** in 2000 expressed concern at the use of corporal punishment in Guyana and recommended legal measures to eliminate it (CCPR/C/79/Add.121, Concluding observations on second report, para.12).