



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

SOLOMON ISLANDS

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 11th session, 2011

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

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 as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in the Solomon Islands despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in the Solomon Islands

1.1 Corporal punishment is lawful in the **home**. Article 233 of the Penal Code addresses cruelty to children but also states: “Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person, having the lawful control of a child or young person to administer reasonable punishment to him.”

1.2 Corporal punishment is lawful in **schools** under article 233 of the Penal Code (see above). The Education Act (1978) is silent on corporal punishment, stating in article 45 that the Minister may make rules concerning “powers of discipline over pupils that may be exercised by teachers and Education Authorities”.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in the Penal Code, the Criminal Procedure Act or the Juvenile Offenders Act (1972). In June 2006, elders and church leaders on Wagina Island reportedly agreed to stop whipping as a form of punishment for people who break village rules.¹ Corporal punishment is prohibited as a disciplinary measure in penal institutions in article 53 of the Correctional Services Act (2007).

1.4 Corporal punishment is lawful in **alternative care settings** under the “right to administer reasonable punishment” in article 233 of the Penal Code.

2 Recommendations by human rights treaty monitoring bodies

2.1 In its concluding observations on the state party’s initial report in 2003, the **Committee on the Rights of the Child** expressed concern at the widespread use of corporal punishment and recommended prohibition in the family, schools and all other contexts (CRC/C/15/Add.208, Concluding observations on initial report, paras. 30 and 31).

¹ Reported in *People First*, 15 June 2006