

**BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON GUYANA FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – October 2012**

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The human rights obligation to prohibit corporal punishment of girls and boys

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. This briefing describes the legality of corporal punishment of children in Guyana and urges the Committee on the Elimination of Discrimination Against Women to include the issue in its examination of the state party’s implementation of the Convention.

Corporal punishment of children in Guyana

In Guyana, corporal punishment of children is lawful in the home and in schools. In the penal system, it is unlawful as a sentence for crime and as a disciplinary measure in penal institutions, with the exception of 17 year old boys. It is possibly prohibited in some forms of alternative care. The seventh/eighth state party report to the Committee on the Elimination of Discrimination Against Women refers to corporal punishment in passing (CEDAW/C/GUY/7-8, footnote 54) but makes no reference to the widespread acceptance and legality of the infliction of violence on girls in the name of discipline in the home and other settings.

With regard to corporal punishment in the home, article 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 made in article 7 of the Summary Jurisdiction (Offences) Act (1894). Provisions against violence and abuse in the Infancy Act, the Juvenile Offenders Act (1931), the Domestic Violence Act (1996), the Constitution (1980) and the Protection of Children Act (2009) are not interpreted as prohibiting corporal punishment in childrearing.

In schools, corporal punishment is lawful under article 9 of the Criminal Law (Offences) Act and article 7 of the Summary Jurisdiction (Offences) Act. The Education Act (1877) makes no reference to corporal punishment. The possibility of including prohibition in the draft Education Bill has been under discussion for some time.

With regard to alternative care settings, the above mentioned footnote in the state party report states that according to the Child Care and Services Development Bill a caregiver or sponsor must ensure no child is subject to corporal punishment. This Bill was passed by the National Assembly in June 2011 but we have yet to verify that it includes prohibition and the forms of care to which the prohibition applies.

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

Numerous research studies have exposed the vulnerability of girls and boys to corporal punishment in their homes and schools. For example, UNICEF's major report on discipline in the home found that in Guyana 76% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006.² It was also found that 18% of girls and women aged 15-49 thought that a husband would be justified in hitting or beating his wife under certain circumstances.³ Government-commissioned research in 2005, involving almost 4,000 children aged 3-17, found that corporal punishment was the fourth most commonly mentioned type of abuse (45%), after fighting, killing/murder and beating/beat-up; 87% of 7-17 year olds had received corporal punishment of some kind (licks, lashes, beating) at least once in the home and 81% had been beaten or hit with a belt, cane, whip or other object; children as young as 3 years reported being disciplined by their parents with an object, a third (33%) described physical punishments leading to injury (bleeding skin, broken bones, blacking out). Over a quarter (27%) of children in the children's homes visited reported being physically hurt by a caregiver in the home, and a similar number reported being physically punished by staff at the New Opportunity Corps training school.⁴ According to another report, an assessment of standards in the twenty residential care institutions in Guyana found that 55% of them allowed beating children as a punishment.⁵

Recommendations by human rights treaty monitoring bodies

In its concluding observations on the state party's initial report in 2004, the Committee on the Rights of the Child expressed concern at corporal punishment and recommended prohibition in the family, schools and other institutions (CRC/C/15/Add.224, paras. 31 and 32). Other treaty bodies have made recommendations concerning corporal punishment in the penal system.⁶

Guyana was examined in the first cycle of the Universal Periodic Review process in 2010. In response to recommendations to prohibit all corporal punishment of children, the Government drew attention to reforms underway regarding the penal system but defended the use of corporal punishment in other settings, stating that there is a distinction between physical abuse and punishment administered according to regulations and that public opinion is not in favour abolition.⁷

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of corporal punishment of girls in its List of Issues for Guyana, in particular asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment, to ensure girls enjoy their rights as human beings to respect for their human dignity and physical integrity and to equal protection under the law, including in schools and homes.

² UNICEF, 2010, *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

³ UNICEF, 2009, *Progress for Children: A report card on child protection*, NY: UNICEF

⁴ 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

⁵ Ministry of Labour, Human Services and Social Security, 2006, *Assessment of procedural and physical standards in children's residential care institutions in Guyana*

⁶ *Committee Against Torture*, 7 December 2006, CAT/C/GUY/CO/1, para. 13; *Human Rights Committee*. 25 April 2000, CCPR/C/79/Add.121, Concluding observations on second report, para.12

⁷ A/HRC/WG.6/8/L.13, 14 May 2010, Report of the Working Group on the Universal Periodic Review: Guyana, paras. 70(36)-(42) ; 13 September 2010, A/HRC/15/14/Add.1, *Report of the Working Group on the Universal Periodic Review: Guyana, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, paras. 9, 53 and 54 ; 1 October 2010, A/HRC/15/L.10, *Report of the Human Rights Council on its fifteenth session*, para. 576

In light of General Recommendation No. 19 on Violence against women adopted by the Committee on the Elimination of Discrimination Against Women in 1992, of the links between corporal punishment of children and all other forms of violence including gender-based violence, and of the Committee on the Rights of the Child's General Comment No. 8 (2006), we hope the Committee will subsequently recommend to the state party that explicit prohibition of all corporal punishment of children be enacted in relation to all settings, including the home, schools and all care settings, as a matter of urgency.

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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