

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

**BRIEFING ON GRENADA FOR THE COMMITTEE ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN  
PRESESSIONAL WORKING GROUP – February/March 2012**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**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),<sup>1</sup> 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 Grenada 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 Grenada**

In Grenada, corporal punishment of girls and boys is lawful in the home, schools, penal institutions and alternative care settings. It is lawful for boys as a sentence for crime. The state party report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/GRD/1-5) describes efforts to address the problem of violence against women and children, but makes no reference to the violence that may lawfully be inflicted on girls in the name of discipline.

In the home, article 54(i) of the Criminal Code allows for the use of “justifiable force” under the “authority to correct a child, servant or similar person for misconduct”. Provisions against violence and abuse in the Child Protection Act (1998), the Domestic Violence Act (2001) and the Criminal Code are not interpreted as prohibiting corporal punishment in childrearing.

In schools, corporal punishment is lawful under the Education Act (2002), Act No.11 (2003) and article 54(i) of the Criminal Code.

In the penal system, boys may be sentenced to be flogged or whipped under the Criminal Code and the Corporal Punishment (Caning) Ordinance (1960); such sentences may not be imposed on girls, who may be sentenced instead to solitary confinement. There is no prohibition of corporal punishment in relation to girls or boys as a disciplinary measure in penal institutions.

With regard to alternative care settings, the Requirements of the Approval and Licensing of Child Care Homes, Grenada Bureau of Standards GDS 654:2002 prohibit corporal punishment in care institutions, but this is undermined by article 54 of the Criminal Code (see above).

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<sup>1</sup> 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](http://www2.ohchr.org/english/bodies/crc/comments.htm).

## **Recommendations by human rights treaty monitoring bodies**

In its concluding observations on the state party's second report in 2010, the Committee on the Rights of the Child expressed concern at the practice and legality of corporal punishment and recommended explicit prohibition in all settings, including in the family (CRC/C/GRD/CO/2 Advance Unedited Version, paras. 5, 6, 32, 33, 59 and 60). The Committee previously recommended prohibition in all settings in its concluding observations on the initial report in 2000 (CRC/C/15/Add.121, paras. 21 and 28).

In 2009, the Human Rights Committee expressed concern at corporal punishment in schools and as a criminal punishment for boys, and recommended prohibition in places of detention and in schools (CCPR/C/GRD/CO/1, Concluding observations in the absence of a report, para. 11).

Grenada was examined under the Universal Periodic Review process in 2010. The Government did not accept the recommendations to prohibit all corporal punishment of children.<sup>2</sup>

**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 Grenada, 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.**

**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, as a matter of urgency.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
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<sup>2</sup> A/HRC/WG.6/8/L.11, 14 May 2010, *Report of the Working Group on the Universal Periodic Review: Grenada*, paras. 25, 71(61), 71(62) and 71(64); 1 October 2010, A/HRC/15/L.10, *Report of the Human Rights Council on its fifteenth session*, paras. 510 and 511