

Ending family violence in Barbados – confronting physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women Pre-Sessional Working Group from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), August 2016

Introduction: family violence in Barbados and CEDAW's examination of the fifth to eighth state party report

Barbados's fifth to eighth state party report to CEDAW notes public concern that there is relationship between corporal punishment at home and at school and domestic violence, and describes various efforts towards eradicating intimate partner violence and other violence against women. However, the report does not mention that the most common form of violence against girls and boys, violent punishment, remains lawful in the family home and other settings. In relation to public concern about the links between corporal punishment and domestic violence, the Government states that it "holds all adults accountable for their own choices of violence" but not does acknowledge its own responsibility to take one of the most basic steps towards eliminating violence in the family home – prohibiting violent punishment of girls and boys.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its list of issues and subsequent examination of Barbados. In particular, we hope the Committee will:

- **in its list of issues, ask Barbados what progress is being made towards ensuring that legal protection from violence in the domestic setting is afforded to girls, including through the prohibition and elimination of all forms of corporal punishment, and**
- **in its concluding observations on the state party report, recommend that Barbados ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including all physical punishment of children.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Barbados
2. A short summary of research revealing the prevalence of violent punishment of children in their homes and other settings
3. Treaty body and UPR recommendations on the issue made to Barbados to date.

1 Laws on domestic violence and corporal punishment of children in Barbados

Summary

1.1 While there are laws against domestic violence and laws with provisions on violence against children generally in Barbados, these do not prohibit all corporal punishment of children. Both within the home and outside it, girls and boys may be violently punished without breaching any laws. The Government has rejected UPR recommendations to prohibit corporal punishment.

Detail

1.2 Corporal punishment of girls and boys is lawful in the family home and other settings of their lives. Article 4 of the Prevention of Cruelty to Children Act 1904 states: “Nothing in this Act shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.” Provisions against violence and abuse in the Domestic Violence (Protection Orders) Act 1994, the Protection of Children Act 1990, the Employment (Miscellaneous Provisions) Act 1977 and the Offences Against the Person Act 1994 are not interpreted as prohibiting corporal punishment in childrearing.

1.3 The Domestic Violence (Protection Orders) (Amendment) Bill 2016 (not referenced in the state party’s report to CEDAW) aims, *inter alia*, to provide a comprehensive definition of domestic violence and to extend the persons considered to be victims of domestic violence. The bill defines child abuse as “any act of domestic violence perpetrated against a child” and domestic violence as “the wilful infliction or threat of infliction of harm by one person in a domestic relationship upon another person in that relationship and includes child abuse, emotional abuse, financial abuse, physical abuse and sexual abuse” (art. 2). But the Bill would not prohibit corporal punishment or repeal the right “to administer punishment”.

1.5 Protecting children from violent punishment in the home and other settings in Barbados requires clear prohibition of all corporal punishment and repeal of all justifications and authorisations for its use in childrearing and education.

2 Research revealing the prevalence of violent punishment of children in the home and other settings

2.1 In a survey conducted in 2012, three out of four children (75.1%) aged 2-14 years were found to have been subjected to at least one form of violent “discipline” (psychological aggression or physical punishment) by their parent or another household member in the month preceding the survey; this was slightly higher for boys (78.1%) compared to girls (72.1%); in urban areas (76.7%) compared to rural areas (72.3%), and for younger children compared to older children. Over 6% of children reported being subjected to severe physical punishment. In contrast to the actual prevalence of physical punishment (55.7%), 35.7% of respondents believed that children need to be physically punished; this belief appears to increase as the level of education of the respondent increases.¹

2.2 A study carried out in 2009, which involved 800 adults and 350 children, found high levels of support among adults for “flogging” in homes and schools: 75% supported flogging in the home, 54% in schools. The figures had decreased slightly since a similar survey in 2004, when 80% supported flogging in the home and 69% in schools. Of children, 54% supported flogging in the home (76% in 2004). A large majority of children (74%) were opposed to flogging in schools (compared to 56% in 2004). Eighty-six per cent of children said they had been flogged at home,

¹ Barbados Statistical Service (2014), *Barbados Multiple Indicator Cluster Survey 2012: Final Report*, Bridgetown, Barbados: Barbados Statistical Service

56% at school; 63% of adults said they had flogged their child.²

3 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

- 3.1 **Treaty bodies:** In 1999, the Committee on the Rights of the Child expressed concern at corporal punishment of children in Barbados and recommended that legislation be reviewed in order to eliminate it.³ In 2007, the Human Rights Committee expressed concern at corporal punishment in the penal and education systems and recommended measures be taken towards its total abolition.⁴
- 3.3 **Universal Periodic Review:** During the Universal Periodic Review of Barbados in 2008, a number of recommendations were made to prohibit all corporal punishment of children.⁵ The Government rejected these recommendations, stating that the laws of Barbados protect children from abuse and that corporal punishment in schools and prisons must be administered in compliance with regulations; the Government accepted a recommendation regarding public awareness initiatives to change people's attitudes to corporal punishment.⁶ Recommendations on the issue were made again during the second cycle review of Barbados in 2013.⁷ Once again, the Government accepted recommendations concerning changing traditional attitudes on corporal punishment, but rejected the recommendations to prohibit it.⁸

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² Caribbean Development Research Services (2009), *Corporal Punishment and Other Major Educational Issues in Barbados*, UNICEF & Barbados Union of Teachers

³ 24 June 1999, CRC/C/15/Add.103, Concluding observations on initial report, paras. 19 and 22

⁴ 11 May 2007, CCPR/C/BRB/CO/3, Concluding observations on third report, para. 12

⁵ 9 January 2009, A/HRC/10/73, Report of the working group, para. 77(14)

⁶ 16 March 2009, A/HRC/10/73/Add.1, Report of the working group: Addendum, paras. 21, 22 and 23

⁷ 12 March 2013, A/HRC/23/11, Report of the working group, paras. 102(80), 102(81), 102(82), 102(83), 102(84), 102(85) and 102(86)

⁸ 5 June 2013, A/HRC/23/11/Add.1, Report of the working group: Addendum, paras. 25 and 26