



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

**ANTIGUA AND BARBUDA**  
**BRIEFING FOR THE HUMAN RIGHTS COUNCIL**  
**UNIVERSAL PERIODIC REVIEW – 12<sup>th</sup> session, 2011**

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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](http://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 Antigua and Barbuda 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 in the home and as a sentence of the courts, and urge the Government to enact legislation to achieve this as a matter of priority.**

## **1 Legality of corporal punishment in Antigua and Barbuda**

1.1 Corporal punishment of children is lawful in the **home**. Article 5 of the Juvenile Act (1951) addresses child cruelty but confirms “the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him”.

1.2 Corporal punishment is lawful in **schools** under the Education Act (1973), which allows its administration by a principal, deputy or delegated person. Article 32(1) states that “degrading and injurious punishment shall not be administered” but article 32(2) allows for corporal punishment “as a last resort”. Article 5 of the Juvenile Act (see above) also applies.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime. A number of laws allow whipping as part of, or as an alternative to, the specified punishment for offenders under the age of 16, including the Offences Against the Person Act (1873) (articles 54 and 62), the Criminal Law Amendment Act (1887) (article 3), the Railways Offences Act (1927) (article 3), and the Magistrates Code of Procedure Act (1892) (article 105). The Juvenile Act (article 12) also allows for persons under 18 to be sentenced to whipping. According to the Corporal punishment Act (1949) a juvenile may be sentenced by a High Court or a Magistrates Court to be whipped up to 12 strokes. The Court will determine where the punishment will be carried out; a medical practitioner must be present and must have certified that the person is fit to receive the punishment. Persons under 18 can be whipped but not flogged, using a tamarind rod applied to the buttocks. Females cannot be sentenced to be whipped or flogged. Corporal punishment may be ordered in addition to other punishment on any person convicted of certain offences of grievous bodily harm, being armed, robbery and assault.

1.4 Corporal punishment is lawful as a disciplinary measure in penal institutions. The Corporal Punishment Act provides for flogging for breaches of prison discipline (article 4), and the Prison Act (1956) allows up to 12 strokes for persons below the age of 21 (article 11). In addition, the Training Schools Act (1891) allows for enforcement of regulations “by fine, whipping, imprisonment or other punishment” (article 5).

1.5 Corporal punishment is lawful in **alternative care settings** under article 5 of the Juvenile Act (see above).

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

2.1 Following examination of the state party’s initial report in 2004, the **Committee on the Rights of the Child** recommended the immediate repeal/amendment of the Corporal Punishment Act and the Education Act together with explicit prohibition of corporal punishment in all settings, including the family, schools and other institutions (CRC/C/15/Add.247, paras. 35, 36 and 37).

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