



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

## **DOMINICA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 6<sup>th</sup> session, 2009**

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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, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Dominica, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home and as a sentence for crime.**

## **1 Legality of corporal punishment in Dominica**

1.1 Corporal punishment of children is lawful in the **home**. Article 5 of the Children and Young Persons Act 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”. Provisions against violence and abuse in the Children and Young Persons Act, the Protection Against Domestic Violence Act, the Offences Against the Person Act and the Small Charges Act are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 Corporal punishment is lawful in public and private **schools** under section 49 of the Education Act and article 5 of the Children and Young Persons Act.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime for young male offenders under the Penal Code, Magistrate Code of Procedure (section 100), the Corporal Punishment Act and Juvenile Offenders Punishment Act (sections 2 and 3). On ratifying the American Convention on Human Rights, Dominica made a reservation on article 5 (the right to humane treatment), stating that it “should not be read as prohibiting corporal punishment administered in accordance with the Corporal Punishment Act of Dominica or the Juvenile Offenders Punishment Act).

1.4 Corporal punishment is lawful as a disciplinary measure in penal institutions. “Government training schools” are governed by the Children and Young Persons Welfare Act and the Government Training School Act, which do not prohibit corporal punishment. Young people under 18 may also be sentenced to imprisonment. Section 33 of the Prisons Act and sections 47 and 48 of the Prison Rules allow visiting justices to order corporal punishment for breaches of discipline.

1.5 Corporal punishment is lawful **alternative care settings** under article 5 of the Children and Young Persons Act.

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

2.1 In 2004, following examination of the state party’s initial report, the **Committee on the Rights of the Child** expressed concern at the authorisation of corporal punishment in schools and as a sentence for crime, and recommended prohibition by law in all settings, including the home (CRC/C/15/Add.238, paras. 28, 29, 46 and 48).