



MINISTRY OF EDUCATION

(Please address all replies to the Director of Education)
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13th April 2005

Paulo Sergio Pinheiro
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CH – 1211 Geneva 10

Dear Sir,

Re : Response to the questionnaire for the UN Survey on Violence against Children.

Please find enclosed Tonga's response to the questionnaire for the UN Survey on Violence against Children.

Apologies for the delay,

Kind Regards,

Tupou Taufa
For Director of Education.

RESPONSE TO UNITED NATIONS SECRETARY-GENERAL'S
QUESTIONNAIRE ON VIOLENCE AGAINST CHILDREN

I. Legal Framework

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

In 1995 Tonga ratified the Convention on the Rights of the Child. At present a committee is working on a Report on the Convention.

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Tonga does not have sufficient laws regarding violence against children. The responses to Question 2 and Question 3 below have been extracted from the legislation currently enacted in Tonga (see Appendix 1).

3. Provide details of any specific legislative provisions on:

Listed below are the relevant provisions from the Criminal Offences Act (Cap. 18). You will find in Appendix 1, copies of the sections cited below.

- a. Section 99 - Infanticide
- b. Section 102 - Concealment of birth
- c. Section 115 - Cruelty to young persons
- d. Section 116 - Enticing or taking away children
- e. Section 121 - Carnal knowledge of girl
- f. Section 122 - Attempt to have carnal knowledge
- g. Section 123 - Belief as to age no defence
- h. Section 125 - Indecent assault on child
- i. Section 124 - Indecent assault
- j. Section 126 - Procuring the defilements of females
- k. Section 127 - Procuring defilement of females by threat, etc.
- l. Section 129 - Abduction of girls
- m. Section 132 - Incest by male person
- n. Section 133 - Incest by female person

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual, and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:

Provision cited in Answer # 3 can also be applied to this question.

5. Indicate if corporal punishment of children in any setting including in the family is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

Under the Education Act (CAP 86) teachers are prohibited from inflicting corporal punishment on any student. Punishment shall not be inflicted on student for failure or inability to learn for trivial breaches of school discipline.

A principal teacher or teacher who inflicts corporal punishment on any student or causes any student to inflict corporal punishment on another student shall be reported for action to the Director or their non-government Managing Authority. Details of the incident shall be entered in the schools' staff discipline register. (see Appendix 2)

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

Under Section 130 of the Criminal Offences Act (Cap. 18), juvenile offenders may be whipped. However, Section 31 of the same Act states that it shall be unlawful to sentence any female to be whipped.

Section 91 of the Criminal Offences Act states that the sentence of death shall not be pronounced on or recorded against any person under 15 years old (see Appendix 1 for a copy for such provisions)

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

N/A

8. Provide information on the way in which harmful or violent traditional practices including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

Tonga does not have such practices.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

N/A

10. Provide information on any difference in the definition of violence and the applicable legal framework according to;
- The sex or sexual orientation of the victim an/or perpetrator
- The age of the victim and /or the perpetrator
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage incest and sexual abuse within the family, and physical chastisement

See legislation provisions provided for Question # 3.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

N/A

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measure to address violence against children

N/A

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Both courts, Magistrate and Supreme Court deal with all criminal offences. There is no defined minimum age required for valid consent to sexual activity.

14. Provide information on any legislative defined minimum age required for valid consent to sexual activity. Is this different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

There is no defined minimum age required for valid consent to sexual activity.

15. Provide information on the minimum age of marriage for women and men.

- a. 15 – 17 years old with consent from parents or legal guardian
- b. 18 years old – no consent required.

16. Questions 16 - 24 N/A

25. *Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy)*

The usual outcome of legal proceedings in which children and juveniles are found can depend on a number of factors including previous convictions, type of offence etc. However, outcomes can be anything from community service, to attending programmes at the Salvation Army and even imprisonment

II. Institutional framework and resources to address violence against children.

26. *Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial. Municipal and local level which are currently responsible for addressing violence against children?*

The Government of Tonga currently does not have an institution coordinating multi-sectoral activities concerning violence against children.

It has supported a committee in collaboration with various non-government organizations to address the Convention on the Rights of the Child. The Government of Tonga ratified the Convention in 1995. Writing of a Report has been called for however it has been indefinitely postponed due to a lack of financial resources.

27. *Is there a lead Government authority tasked with responsibility for addressing violence against children?*

No.

28. *Are specific financial and/or human resources allocated by your country to address violence generally? If YES. Please indicate the extent of these allocations.*

N/A

29. *Does your country allocate specific financial and/or human resources to activities to address violence against children?*

No.

30. *Do international or bilateral donors provide resources to your country for activities to address violence against children?*

If YES, indicate the extent of these resources and the way in which they are used.

The National Centre for Women and Children, a centre that addresses issues with regards to women and children often receives aid from international donors. These include NZAID, AUSAID, UNDP, UNISEN, and UNICEF. The aid allows for the day to day running of the centre and funds the centre's awareness programmes. Also, resources have been provided such as provision of a house for the centre to operate from and its furniture.

In 2004, the New Zealand government funded a training work-shop held for pre-school teachers with the aim of preventing corporal punishment in schools and finding alternative ways to discipline children. Through the workshop teachers were educated on the importance of interacting with young children and the need to stop physical punishment.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

No.

32. If your country has a national human rights institution, such as a human rights commission or ombudsmen, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

"Legal Literacy Program" is a program set up to inform women and children of their rights. However, there is no national human rights institution to deal with the issue of violence against children.

33. Are there any parliamentary structures (for example special committee) to address violence against children?

No.

34. Have there been any recent parliamentary initiatives to address violence against children?

No.

III. Role of civil society in addressing violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved and the major activities engaged in.

An active Non-Government Organisation addressing violence against children in Tonga at present is the “National Centre for Women and Children” whose donors include the British and Australian High Commissions. The centre was established in October 2000 to address the issues concerning violations of the rights of women and children. Originally set up by a league of Catholic women as the “Centre for Women and Children”, the centre has now been acknowledged by the Government consequently transforming the centre into the “National Centre for Women and Children”.

In addition, “Legal Literacy” is a program set up by the Catholic Women’s League of Tonga which also predominantly deals with issues concerning women and children. According to the Legal Literacy program, there is a high degree of difficulty in addressing the issue violence and raising awareness amongst victims. This is because Tonga’s traditional value-system governs the way its people live in society. Violence, particularly in homes is a topic which is taboo. A parent hitting a child to discipline him should be of no concern to anyone but that parent. In cases of sexual abuse brought to the Legal Literacy program, it has become known that often society chooses not to interfere. Again the reason given for such response is Tonga’s taboo system. Accusing someone of such disturbing behavior as sexual abuse is frowned upon. Moreover, children are perceived as their parent’s property. A common belief amongst Tongans is that children are under the jurisdiction of their parents until they are twenty one years old. Thus, implying that children should not have rights. The Literacy program believes that the Legal system falls into this notion in that there are no special judicial proceedings for children. There are no separate courts or jails for juveniles.

To date, the “Legal Literacy” program has 77 clients. These clients are mostly women. Many of the children who approach them are brought by their mothers in the attempt to escape violent partners. It is in the interest of the Legal Literacy program to reach those victims who are not aware of their support. Children do not realize that acts of violence towards them are unlawful (because of the common belief by society that children are their parent’s property).

Thus, creating awareness is a major priority those involved in the Legal Literacy program. In the attempt to create awareness, the program carries out annual visits to villages informing women and children of their rights. They regularly visit schools and hold talks with students. The program also has weekly shows on national television to inform and raise awareness. Moreover, advertisements for the program are placed on local newspapers and on billboards around Tonga.

Nevertheless, a major obstacle raised by those involved in the Literacy program is the ignorance of society. Despite the awareness programs, many are still silenced by the taboo system. It is difficult therefore for the Literacy program to help those who do not want to be helped.

The Literacy program understands that the intensity of the issue of violence against children has yet to be realized by the people of Tonga. They have initiated a move to change the minds and attitudes of its people in the attempt to encourage victims to open up and seek help.

Moreover, the Literacy program has identified many cases of violence against children that is prevalent in Tonga including physical and sexual abuse.

36. Describe the support provided by your Government for those activities and the efforts made to coordinate civil society and government initiatives.

The Government has recognized the Catholic women's centre for women and children and this has led to the formation "National Centre for Women and Children". It has promised funding in the form of a building towards the centre. The Centre is awaiting this building.

In the effort to coordinate the centre's and government initiatives, the centre maintains continuous collaborative ties with various government departments such as the Central Planning Department, Ministry of Health and the Crown Law Department.

37. Describe the role played by the media in addressing violence against children.

The role media plays in addressing violence against children is an educating medium. In broadcasting media, programs are aimed at educating parents and the public in general about children's rights via news, current affairs and special programs.

The Tonga Broadcasting Commission, Tonga's National broadcaster, is aware of the vulnerability of children when exposed to violence on television as they tend to adopt this sort of behaviour in their interaction with others. Thereby, programs are edited and screened so that they are safe for children to watch.

Parents are taught through these programs the need for children to be raised in a safe and loving environment because of the knowledge that often children that are treated badly at home reflect this behavior in public by taking out their anger on other children and even their teachers.

The media enforces itself as the medium between parents and children by communicating through the newspapers, radio and television the ramifications of abusing children.

In print media, court reports convince people of the problem of violence against children locally, regionally and internationally. This helps to expose the public more into the reality of the situation.

Overall, the media in many ways educates and informs people on the realities of violence against children.

IV. Children as Actors in addressing violence

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programs and policies to address violence against them. Provide details, including ages and other details of children involved.

The Tonga National Youth Congress (TNYC) is a non-profit organization addressing all areas related to the youth of Tonga. In supporting the National Centre for Women and Children's awareness programs, the TNYC constantly hold productions performing short dramas and action songs to generate awareness amongst the Tongan communities. Members of TNYC are of the ages 14 - 35 and membership is voluntary.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Children have no involvement in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

The most involvement children can have in activities addressing violence against children is through the TNYC. As mentioned, membership is voluntary. Many of the productions performed to raise awareness attempts to encourage the youth of Tonga to join the TNYC in their journey to make positive impacts amongst Tonga's younger population.

V. Policies and programmes to address violence against children

41. Does your Government have a comprehensive policy concerning violence against children?

The Government of Tonga does not currently have a comprehensive policy concerning violence against children.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

No.

In Public schools, regulations restrict teachers from performing corporal punishment on students. Teachers performing sexual abuse on students are dismissed.

In the attempt to raise parental support for children the Ministry of Education in collaboration with private organizations hold a weekly workshop to encourage the importance of education and boost Tonga's literacy level. The workshop is held particularly for those parents who are uneducated. It explores various tactics that parents in such circumstances may pursue to encourage their children to read, write and attend school.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

No.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

No.

VI. Data collection, Analysis and Research

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

No.

46. Have there been any small-scale or representative studies with parents and children on violent victimization of children?

No

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

No.

48. Have studies or surveys been undertaken into the impact of legal measure to address violence against children?

No.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part? Provide details.

In Tonga, the same system is applied to all deaths which are known or suspected that violence may have played a part. The Police will make inquiries and if enough evidence is obtained to charge with murder (section 91 of C.O.A Cap 18/88 Vol 1), manslaughter (section 93 of C.O.A Cap 18/88 vol 1) or any similar offence the appropriate charge is followed.

50. Are regular reports published describing the statistical profile of the known or suspected violent deaths investigated by the system? If YES, what proportion of all homicide deaths are under the age 18?

There are no regular reports published. However, Appendix 3 details a table taken from the Homicide Register.

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check that all apply):

There are no reports on the national profile of known and suspect deaths published by Tonga.

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002, and 2003.

Year	Total No. of Violence Cases against Children
2000	92
2001	77
2002	81
2003	107

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002, and 2003.

See Appendix 4

VII. Awareness, Advocacy and Training

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children? If YES, please describe any recent campaigns, including the settings and types of violence that were the subject of the campaigns and the target audience (general public, caregivers, teachers etc.)

No.

55. How were the campaign messages and information disseminated (check all that apply)?

N/A

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children? If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply)?

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including pediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists					
Teachers and other educators	√				
Court officials (including judges)					
Police	√	√			√
Prison Officers					
Juvenile offenders personnel Institution personnel Parents/Guardians					
Other (please specify)					

Please provide details.

Teachers and other educators - A workshop was held for pre-school teachers in 2004 to inform them of the dangers of corporal punishment and allowed them to explore other non-violent forms of disciplining children.

APPENDIX

APPENDIX 1

1988 Ed.)

Criminal Offences

CAP.18

31. (1) It shall be unlawful to sentence any female to be whipped.

Whipping.

(2.) Sentence of whipping may be passed upon a male offender only when the law expressly provides that the offence of which he has been convicted is punishable by whipping.

(3.) A male offender may be sentenced to be whipped once or twice and the Court when pronouncing any such sentence shall specify the number of strokes to be inflicted on each occasion:

Provided that in the case of any male offender under 16 years of age the total number of strokes to which he is sentenced shall not exceed 20 and in the case of any other male offender the total number of strokes prescribed by such sentence shall not exceed 26. No person who has been whipped shall be again whipped within 14 days. *(Amended by Act 9 of 1987.)*

(4.) Every sentence of whipping shall be carried out by the chief goaler or gaoler for the district within the prison precinct and in the presence of a magistrate.

(5.) Where the person sentenced to be whipped is a male under 16 years of age the whipping shall be inflicted on the breech with a light rod or cane composed of tamarind or other twigs. In the case of any other male offender the whipping shall be inflicted on the breech with a cat of a pattern approved by the Cabinet. *(Amended by Act 9 of 1987.)*

(6.) No sentence of whipping shall be carried out until the offender has been examined by a doctor or a Government medical assistant and certified by him that there is no mental or physical impairment of the offender such as to render him unfit to undergo such punishment. *(Amended by Act 8 of 1984.)*

(7.) No sentence of whipping shall be carried out on an adult unless ordered or approved on review by the Cabinet, and for the purposes of this subsection "adult" means a person who is 16 years of age and over. *(Added by Act 4 of 1942, Amended by Acts 5 of 1984 and 9 of 1987.)*

91. (1) Every person who commits murder shall be sentenced to death or to imprisonment for life:

Penalty for Murder.

Provided that sentence of death shall not be pronounced on or recorded against any person under the age of 15 years but in lieu of such punishment the Court shall sentence such person to be detained during His Majesty's pleasure and such person shall thereupon be liable to be detained in such place and under such condition as the Privy Council may direct and whilst so detained shall be deemed to be in legal custody.

(2) Every person who attempts to commit murder shall be liable to imprisonment for life or any less period.

Infanticide. 99. (1) Where a woman by any willful act or omission causes the death of her child being a child under the age of 12 months but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child then notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder she shall be guilty of an offence to wit of infanticide and may for such offence be death with and punished as if she had been guilty of the offence of manslaughter of the child. *(Amended by Act 9 of 1987.)*

(2) Where upon the trial of a woman for the murder of her child being a child under the age of 12 months the jury are of opinion that she by any willful act of omission caused by its death but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child then the jury may notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the jury upon a trial for the murder of a newly-born child to return a verdict of manslaughter or a verdict of guilty but insane or a verdict of concealment of birth in pursuance of section 102 of this Act except that for the purposes of the proviso to that section a child shall be deemed to have recently been born if it had been born within 12 months before its death. *(Added by Act 7 of 1939.)*

Concealment of birth. 102. If any woman shall be delivered of a child,

every person shall by any secret disposition of the dead body of the said child whether such child died before or after its birth Endeavour to conceal the birth thereof shall be guilty of an offence and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding 3 years:

Cruelty to children and young persons. 115. (1) If any person over the age of 16 year, who has the custody, charge, or care of any child or person, willfully assaults, ill-treats, neglects, abandons, or exposes such child or young person, or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing or limb, or organ of the body and any mental derangement), that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$1000, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment for any term not exceeding 3 years; and for the purpose of this section a parent or other legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person. *(Amended by Act 9 of 1987.)*

(2) A person may be convicted of an offence under this section, notwithstanding that actual suffering or injury to health, or the likelihood of such suffering or injury to health, was obviated by the action of another person.

(3) A person may be convicted of an offence under this section, notwithstanding the death of the child or young person in respect of whom the offence is committed.

(4) Upon the trial of any person over the age of 16 for the manslaughter of a child or young person of whom he had the custody, Charge or care, it shall be lawful for the jury, if they are satisfied that the accuse is guilty of an offence under this section in respect of such child or young person, to find the accused guilty of such offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruable or payable in the event of the death of the child or young person, and had knowledge that such sum of money was accruing or becoming payable, then the Court may in its discretion either increase the amount of the fine under this section so that the fine does not exceed \$2000 or, in lieu of awarding any other penalty under this section, sentence the person to imprisonment for any term not exceeding 5 years. *(Amended by Act 9 of 1987)*

(6) A person shall be deemed to be directly or indirectly interested in a sum of money under this section, if he has any share in or any benefit from the payment of that money, though he is not a person whom it is legally payable.

(7) A copy of a policy of insurance, certified by an officer or agent of the insurance company granting the policy, to be a true copy, shall in any proceedings under this section be prima facie evidence that the child or young person therein stated to be insured has been in fact so insured, and that the person in whose favor the policy has been granted is the person to whom the money thereby insured is legally payable.

(8) For the purpose of this section-

(a) the expression "child" means a person under the age of 14 years;

(b) the expression "young person" means a person who is 14 years of age or upwards and under the age of 16 years. *(Added by Act 12 of 1957.)*

Enticing 116. (1) Every person who with intent to deprive
or taking away any parent or other person having the
children. lawful charge of any child under the age of
14 years of the possession of such child unlawfully-
(a) takes or entices away or detains such child, or

(b) Receives such child knowing it to have been so taken or enticed away as aforesaid,

Shall be liable to imprisonment for any period not exceeding 5 years.

(2) Nothing in subsection (1) contained shall render liable to prosecution on account of getting possession of any such child as is mentioned therein any person claiming in good faith a right to the possession of such child any person being the mother of an illegitimate child.

Illustration

Sub-section (2). A mother believing in good faith but mistakenly that she has the right to the custody of her child under an agreement with its father who is her husband takes it away from the father. She is not guilty of offending against this section.

Carnal knowledge of girl. 121. Any person who carnally knows any girl under the age of 12 years shall be liable on conviction thereof to imprisonment for any period not exceeding life.

Attempt to have carnal knowledge. 122. Any person who attempts to have carnal knowledge of any girl under the age of 12 years shall be liable on conviction thereof to imprisonment for any term not exceeding 10 years.

Belief as age no defence. 123. It shall be no defence to any charge under section 121 or 122 to prove that the girl consented to the act or that the person reasonably believed that the girl was of or above the age of 12 years.

Indecent assault. 124. (1) any person who shall commit an indecent assault on any female shall be liable on conviction thereof to imprisonment for any term not exceeding 2 years.

(2) A girl under the age of 16 years cannot in law give any consent which would prevent an act being an indecent assault for the purposes of this section. (*Insured by Act 9 of 1987.*)

(3) A woman who is feeble minded \, insane or an idiot or imbecile cannot in law give any consent which would prevent an act being an indecent assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on such woman by reason of the incapacity to consent, if that person know or had reason to suspect her to feeble minded, insane or an idiot or imbecile. (*Inserted by Act 9 or 1987.*)

Indecent assault on child. 125. (1) Any person who shall commit an indecent assault on any child under the age of 12 years shall be liable on conviction thereof to imprisonment for any term not exceeding 5 years.

(2) it shall be no defence to any prosecution for an indecent assault on a child under the age of 12 years to prove that he or she consented to the act or indecency.

Procuring the defilement of females. 126. Any person who-
(a) Procures or attempts to procure any girl or any woman under 21 years of age to have unlawful carnal connection either within or without the Kingdom with any person or persons, or (*Amended by Act 9 of 1987.*)
(b) Procures or attempts to procure any woman or girl to leave her usual place of abode in the Kingdom with intent that she may become an inmate of or frequent a brothel within or without the Kingdom, Shall be liable to imprisonment for any term not exceeding 5 years: Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only unless such witness be corroborated in some material particular by evidence implicating the accused.

Abduction of Girls. 129. (1) any person who shall take or cause to be taken any girl being under the age of 14 years out of the possession, and against the will of her father or mother or any other person having the lawful charge of her, shall be liable on conviction thereof to imprisonment for any term not exceeding 5 years.
(2) It shall be no defense to any prosecution brought under this section to prove that the girl consented to being so taken or that the accused was told or reasonably believed the girl to be of or above the age of 14 years.

Juvenile offender may be whipped. 130. In the case of any male person convicted of an offence against any of the provisions of sections 118 and 129 (both inclusive) of this Act the Court, if the age of such offender does not exceed 16 years, may instead of sentencing him to imprisonment order him to be whipped in accordance with the law for the time being in force regulating the punishment of offenders by whipping. (*Amended by Act 9 of 1987.*)

Incest by male person. 132. (1) Any male person who has carnal knowledge of a female person who is to his knowledge his granddaughter, daughter, sister, mother, aunt, mother's sister's daughter, father's sister's daughter, father's brother's daughter, or niece shall be liable to imprisonment for any term not exceeding 10 years. (*Amended by Act 15 of 1935*)
(2) It is immaterial that the carnal intercourse was held with the consent of the female person.
(3) If any male person attempts to commit any such offence as aforesaid he shall be liable to imprisonment for any term not exceeding 7 years.
(4) On a person's conviction of an offence under this section against a girl under the age of 21 or of attempting to commit such offence, the Court may by order divest him of all authority over her. (*Inserted by Act 9 of 1987.*)

- (5) An order divesting a person, of authority over girl under subsection (4) may, if he is her guardian, remove him from the guardianship. *(Inserted by Act 9 of 1987.)*
- (6) An order under this section may appoint a person to be the girl's guardian during her minority or any less period. *(Inserted by Act 9 of 1987)*
- (7) An order under this section may be varied from time to time or be rescinded by the Supreme Court. *(Inserted by Act 9 of 1987.)*

Incest by [redacted] **133.** Any female person of or
female person. [redacted] above the age of 18 years who
consents to her grandfather, father, brother, son, uncle, father's
mother's son, mother's brother's son, mother's sister's son, or nephew
having carnal knowledge of her (knowing him to be her grandfather,
father, brother, son, uncle, father's mother's son, mother's brother's
son, mother's sister's son or nephew, as the case may be) shall be
liable to imprisonment for any term not exceeding 10 years. *(Amended
by Acts 15 of 1935 and 9 of 1987)*

APPENDIX 2

2002 Ed.)

Education Act

CAP.86

Discipline of Students

40. (1) The Ministry, non-government Managing Authorities and their personnel shall take reasonable steps to prevent:

- (a) students injuring themselves;
- (b) students harassing or injuring other students;
- (c) students harassing or injuring others;
- (d) staff harassing or injuring students; or
- (e) members of public harassing staff or students on school property

(2) The principal teacher and staff in each school shall establish an agreed and written code of behaviour and of dress for the school staff and for the student. This code of behaviour shall:

- (a) reflect the values of the local community as well as those of the wider national society;
- (b) reinforce that all school students and staff will be safe and are valued;
- (c) define, model and reinforce non-violent and non-discriminatory language and practices; and
- (d) stipulate that suspension, exclusion and expulsion procedures are considered only when all other approaches have been exhausted.

(3) Teachers shall endeavour to secure the good behaviour of students without recourse to physical, emotional, degrading and injurious punishments.

(4) Under no circumstances shall a teacher inflict corporal punishment on any student.

(5) Under no circumstances shall staff in any school direct student to administer corporal punishment on another student.

(6) Breaches by staff or students of the school behaviour code established under subregulation (2) shall be reported to the principal teacher. The principal teacher shall consider the circumstances and decide on the management strategy most appropriate for the situation.

(7) Breaches by the principal teacher of the school behaviour code established under subregulation (2) shall be reported to the Director of the non-government Managing Authority who shall consider the circumstances and decide on the management strategy most appropriate for the situation.

(8) Punishment shall not be inflicted on students for failure or inability to learn or for trivial breaches of school discipline.

(9) A principal teacher who inflicts corporal punishment on any student or causes any student to inflict corporal punishment on another student shall be reported for action to the Director of their non-government Managing Authority. Details of the incident shall be entered in the school's staff discipline register.

APPENDIX 3

Table taken from Homicide Register

Year	No. of Homicide Deaths under 18 yrs.	%
2000	10/39	25.6
2001	13/39	33/3
2002	10/40	25
2003	7/39	17.9

Year	Homicide Classification	No. of Cases
2000	Manslaughter by negligence	6
	Suicide	2
	Electrocution	1
	Drowning	1
	Total	10
2001	Murder	2
	Manslaughter	3
	Manslaughter by negligence	3

	Suicide	3
	Electrocution	2
	Burning	2
	Sudden Death	1
	Total	13
2002	Manslaughter	1
	Manslaughter by negligence	1
	Suicide	2
	Electrocution	1
	Drowning	3
	Burning	2
	Total	10
2003	Manslaughter by negligence	5
	Drowning	1
	Sudden Death	1
	Total	7

APPENDIX 4

Violence against children - under 18 yrs

Sec & Cap	Offences	Year 2000		Year 2001		Year 2002		Year 2003	
		Total Crimes Report	Conv	Total Crimes Report	Conv	Total Crimes Report	Conv	Total Crimes Report	Conv
91 18/88	Murder	-	-	2	-	-	-	-	-

Vol 1									
92 18/88 Vol 1	Manslaughter	-	-	-	-	1	1	-	-
93 18/88 Vol 1	Manslaughter by negligence	6	3	3	1	1	1	6	4
107 18/88 Vol 1	Bodily harm	4	3	5	4	9	5	5	3
112 18/88 Vol 1	Common Assault	76	44	60	41	63	36	75	39
115 18/88 Vol 1	Cruelty to children and young person	-	-	2	1	1	1	7	4
118 18/88 Vol 1	Rape	1	1	-	-	1	-	3	3
120 18/88 Vol 1	Attempt Rape	-	-	1	1	-	-	-	-
124 18/88 Vol 1	Indecent Assault	3	3	3	2	3	2	4	2
125 18/88 Vol 1	Indecent Assault upon a child	2	2	1	1	2	1	5	4
132 18/88 Vol 1	Incest by male person	-	-	-	-	-	-	2	2