



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

ST LUCIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 10th 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) 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 St Lucia 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 the home, and urge the Government to ensure that current legal reforms explicitly prohibit all corporal punishment of children and repeal all legal defences for its use.

1 Legality of corporal punishment in St Lucia

1.1 Corporal punishment is lawful in the **home**. Article 5 of the Children and Young Persons Act (1972) confirms “the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to him”. The Organisation of Eastern Caribbean States has drafted a number of “model” bills for states in the region, including a Children (Care and Adoption) Bill (2007) which is under consideration by the attorney-general in St Lucia. The Bill protects children from “abuse” but does not prohibit corporal punishment.

1.2 Corporal punishment is lawful in public and private **schools** under articles 49-54 of the Education Act (1999) and article 5 of the Children and Young Persons Act. Article 50 of the Education Act prohibits “degrading or injurious punishment” but allows for corporal punishment “where no other punishment is considered suitable or effective”.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime but lawful as a disciplinary measure in penal institutions. Males convicted of an offence may be sent to the Boys Training Centre, where “for minor offences committed in the schoolroom” they may be given “not more than 2 strokes with the cane on each hand” (Statutory Rules and Orders No.23, 1976, section 13). The Prison Rules and Orders (1964) also provide for the administration of corporal punishment (section 54), though this is reportedly no longer used and the provision has been under review. The draft Child Justice Bill does not prohibit corporal punishment in institutions accommodating children in conflict with the law.

1.4 Corporal punishment is lawful in **alternative care settings**. The right to administer “reasonable punishment” in the Children and Young Persons Act (see above) applies. The Boys Training Centre houses boys in need of care and protection, as well as those in conflict with the law (see above), and the use of the cane is permitted. Corporal punishment is not prohibited in the Children (Care and Adoption) Bill.

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party’s initial report in 2005, the **Committee on the Rights of the Child** recommended explicit prohibition in law of all corporal punishment of children in the home and other settings (CRC/C/15/Add.258, Concluding observations on initial report, para. 35).