



Global Initiative to
End All Corporal Punishment
of Children

**BRIEFING ON ST LUCIA FOR THE
COMMITTEE ON THE RIGHTS OF THE CHILD,
PRESESSIONAL WORKING GROUP – October 2013**

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This briefing describes the legality of corporal punishment of children in St Lucia. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations on the issue, the recommendations to prohibit made during the UPR in 2011 (rejected by the Government) and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:

- **in its List of Issues for St Lucia, raise the issue of corporal punishment of children, in particular asking what measures have been taken towards explicitly prohibiting corporal punishment in the home and other settings?**
- **in its concluding observations on St Lucia’s combined second to fourth report, recommend that legislation is enacted to explicitly prohibit corporal punishment in all settings, including the home, as a matter of urgency, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

1 St Lucia’s report to the Committee on the Rights of the Child

1.1 The combined second-fourth state party report to the Committee on the Rights of the Child is not available at the time of this briefing.

2 The legality of corporal punishment of children in St Lucia

2.1 *Summary:* In St Lucia, corporal punishment is unlawful as a sentence for crime, but it is lawful in the home, schools, penal institutions and alternative care settings.

- 2.2 *Home (lawful)*: Article 5 of the Children and Young Persons Act 1972 address cruelty to juveniles (under 16) but states: “(6) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him.”
- 2.3 *Schools (lawful)*: Corporal punishment is lawful under the right of teachers “to administer reasonable punishment” in article 5(6) of the Children and Young Persons Act 1972. Article 50 of the Education Act 1999 states that “degrading or injurious punishment shall not be administered” but also that “corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Chief Education Officer”.
- 2.4 *Penal system – sentence for crime (unlawful)*: There is no provision in law for judicial corporal punishment.
- 2.5 *Penal system – disciplinary measure in penal institutions (lawful)*: Males convicted of offences 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 in 2006 the provision was under review. The Correctional Services Act 2003 and the Correctional Services Code of Conduct Regulations 2005 provide for the establishment and management of correctional facilities and the treatment of persons and make no provision for corporal punishment.
- 2.6 *Alternative care settings (lawful)*: Corporal punishment is lawful under the right of persons having lawful control or charge of a juvenile “to administer reasonable punishment” in article 5 of the Children and Young Persons Act 1972. The Boys Training Centre houses boys in need of care and protection as well as those in conflict with the law and the use of the cane is permitted (see above).

3 Opportunities for achieving prohibition

- 3.1 As part of an initiative to reform child laws in the region, the Organisation of Eastern Caribbean States (OECS) circulated a number of draft laws for consideration by member states, including to St Lucia. As originally drafted, these laws did not explicitly prohibit corporal punishment but in encouraging a review of relevant national legislation they provide a key opportunity to enact prohibition of corporal punishment. **We hope the Committee will urge the Government of St Lucia to pursue the enactment of new child laws which include explicit prohibition of corporal punishment in all settings.**

4 Recommendations by human rights treaty bodies and during the UPR

- 4.1 *CRC*: In 2005, the Committee on the Rights of the Child recommended that legislation in St Lucia be amended to explicitly prohibit corporal punishment in the family, schools and institutions.¹

¹ 21 September 2005, CRC/C/15/Add.258, Concluding observations on initial report, paras. 9, 34 and 35

4.2 *UPR*: St Lucia was examined in the first cycle of the Universal Periodic Review in 2011 (session 10). In its national report to the UPR, the Government stated that corporal punishment is part of the culture and that prohibiting it in schools and eradicating it in the family is a “formidable challenge”, but that there had been progress in phasing out its use in schools.² A number of recommendations were made during the review to prohibit corporal punishment.³ The Government rejected them, stating that it “recognizes the need to pursue alternative forms of discipline to corporal punishment” but that “amending the legislation which allows the use of corporal punishment remains a formidable challenge as non-violent corporal punishment is rooted in our tradition and culture”.⁴

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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² 12 November 2010, A/HRC/WG.6/10/LCA/1, National report to the UPR, para. 121

³ 11 March 2011, A/HRC/17/6, Report of the working group, paras. 89(30), 89 (81), 89(82), 89(83) and 89(84)

⁴ 1 June 2011, A/HRC/17/6/Add.1, Report of the working group: Addendum