**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – June 2011**

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**SEYCHELLES (second/fourth report – CRC/C/SYC/2-4)**

**Corporal punishment in the home**

Corporal punishment is lawful in the **home** under the common law right to inflict “reasonable chastisement” on children. Section 70 of the Children Act (1982) addresses cruelty to children, but we have been unable to establish whether or not it expressly confirms a “right” of “reasonable chastisement” in childrearing. There is no explicit prohibition of corporal punishment in the Family Violence (Protection of Victims) Act (2000), the Penal Code and the Constitution (1993).

**Corporal punishment outside the home**

According to the Government’s report to the Universal Periodic Review (A/HRC/WG.6/11/SYC/1, dated 2 March 2011), corporal punishment in **schools** is prohibited under the Children Act. We have been unable to verify this, and there is no reference to such prohibition in the second/fourth report to the Committee on the Rights of the Child.[[1]](#footnote-1) Education is governed by the Education Act (2004) but we have no details of its provisions.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Children Act, the Penal Code and the Constitution. It is reportedly unlawful as a disciplinary measure in penal institutions, but there appears to be no explicit prohibition in law.

Similarly, corporal punishment is reportedly considered unlawful in **alternative care settings** but we have been unable to identify explicit prohibition in legislation.

**When the Committee on the Rights of the Child examined the state party’s initial report in 2002, it was led to believe that corporal punishment was prohibited in all settings under the Children Act 1982 (e.g. see CRC/C/SR.816, 2003, para. 331). The Committee consequently noted prohibition “in the home, school and all other institutions” in its concluding observations and made recommendations concerning public education campaigns and the promotion of positive, non-violent forms of discipline (CRC/C/15/Add.189, paras. 5, 32 and 33). We have been unable to obtain a copy of the Children Act in order to examine the letter of the law, but our research suggests that there is no explicit prohibition of corporal punishment in the home and possibly other settings and we have found no evidence that the “reasonable chastisement” defence has been repealed.**

**In light of the Committee on the Rights of the Child’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” 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 question the Government of the Seychelles in detail on legislation relating to corporal punishment of children in the home, in schools and in penal and care settings. We hope the Committee will urge the state party to ensure that the “reasonable chastisement” defence is repealed, that legislation explicitly prohibits corporal punishment of children in all settings, and that appropriate public education and awareness raising campaigns are carried out.**

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

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*April 2011*

1. In addition, the 2004 Seychelles national report to the African Commission on Human and Peoples’ Rights covers the period 1994 to 2004 and quotes extensively from legislation, but makes no mention of prohibiting corporal punishment of children. [↑](#footnote-ref-1)