



Global Initiative to
End All Corporal Punishment
of Children

BRIEFING ON SEYCHELLES FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Feb/Mar 2013

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

This briefing describes the legality of corporal punishment of children in the Seychelles. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for the Seychelles, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to the Seychelles, in the concluding observations on the initial to fifth state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

1 The state party's report to CEDAW

1.1 The initial to fifth state report of the Seychelles to CEDAW (14 November 2011, CEDAW/C/SYC/1-5 Advance Unedited Version) includes information concerning violence against women but makes no reference to corporal punishment – violence inflicted on girls and boys in the guise of discipline in childrearing and education.

2 The legality corporal punishment of children in the Seychelles

- 2.1 *Summary:* In the Seychelles, corporal punishment is unlawful as a sentence for crime and possibly in schools; it is lawful in the home, penal institutions and alternative care settings.
- 2.2 *Home:* Corporal punishment is lawful under the common law right to inflict “reasonable chastisement” on children. Section 70 of the Children Act 1982 prohibits cruelty to children, but states: “(7) Nothing in this section affects the right of a parent, guardian, teacher or other person having the lawful control or charge of a child to administer proper punishment to him if that punishment does not contravene subsection (1).” Subsection (1) prohibits assault and ill-treatment which causes or is likely to cause “unnecessary suffering, moral danger or injury to health” but does not prohibit all corporal punishment in childrearing.
- 2.3 *Schools:* The Government has stated that corporal punishment is prohibited in schools in the Children Act 1982.² However, the Act does not explicitly prohibit corporal punishment, which is lawful under section 70(7) (see above). The Education Act 1990 makes no reference to corporal punishment; we do not know if it is addressed in the Education Act 2004.
- 2.4 *Penal system:* Corporal punishment is unlawful as a sentence for crime. However, it is lawful as a disciplinary measure in penal institutions under section 70(7) of the Children Act (see above), and section 107 of the Act as amended in 1998 states that the Minister may make regulations for “the conduct of residential and other establishments and for securing the welfare of persons residing or accommodated in them, including ... (iii) specifying the occasions on which corporal punishment may be given to children in those establishments and the persons who may give it.” The Children Act (Juvenile Court) Rules do not provide for corporal punishment, nor do they prohibit it. There is no prohibition of corporal punishment in the Prisons Act 1991.
- 2.5 *Alternative care settings:* Corporal punishment is lawful under sections 70(7) and 107 of the Children Act (see above). The Children (Adoption) Rules and the Children Act (Foster Care) Regulations do not provide for corporal punishment nor do they prohibit it.

3 Recommendations by human right treaty monitoring bodies and during the UPR

- 3.1 *CRC:* In 2012, the Committee on the Rights of the Child recommended that all corporal punishment be prohibited in the Seychelles, including so-called “reasonable chastisement”, in the family, schools, alternative care settings and penal institutions.³
- 3.3 *UPR:* When the Seychelles was reviewed in the first cycle of the Universal Periodic Review in 2011 (session 11), a recommendation was made to “establish a de jure

² 2 March 2011, A/HRC/WG.6/11/SYC/1, National report submitted to the Universal Periodic Review, para. 59

³ 23 January 2012, CRC/C/SYC/CO/2-4, Concluding observations on second to fourth report, paras. 42 and 43

moratorium on the use of corporal punishment”: the Government appears to have accepted the recommendation in its general acceptance of recommendations concerning child protection.⁴

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⁴ 11 July 2011, A/HRC/18/7, Report of the working group, para. 100(49) ; 18 November 2011, A/HRC/18/2, Report of the Human Rights Council on its eighteenth session, para. 339