



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

ST LUCIA – COUNTRY REPORT

Child population: 55,000 (UNICEF, 2010)

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – Article 5 of the Children and Young Persons Act 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”. This provision should be repealed. The near universal acceptance of violence in childrearing necessitates clarity in law that no degree or kind of corporal punishment is acceptable or lawful. Explicit prohibition should be enacted of all corporal punishment in all settings, including the family home and all settings where adults have authority over children.

Other legislative measures necessary

Schools – Provisions in the Education Act authorising corporal punishment in schools, together with article 5 of the Children and Young Persons Act, should be repealed, and explicit prohibition enacted in relation to all schools, public and private.

Penal institutions – All provisions authorising corporal punishment as a disciplinary measure in penal institutions should be repealed, including those in the Statutory Rules and Orders No.23 and the Prison Rules and Orders. Explicit prohibition should be enacted of corporal punishment in relation to disciplinary measures in all institutions accommodating children in conflict with the law.

Alternative care – Provisions allowing corporal punishment in other institutions and forms of childcare, including article 5 of the Children and Young Persons Act and the Statutory Rules and Orders No.23 applicable to the Boys Training Centre, should be repealed. Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

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”. Provisions against violence and abuse in that Act, the Domestic Violence Act (1995) and the Criminal Code (2005) are not interpreted as prohibiting corporal punishment in childrearing.

As part of an initiative to reform child laws in the region, the Organisation of Eastern Caribbean States (OECS) has circulated a number of draft laws for consideration by member states, including St Lucia. The draft Children (Care and Adoption) Bill (2007), under consideration by the attorney-general, would protect children from “abuse” but not prohibit corporal punishment. It would define parental responsibility with reference to the duties, authority, rights and obligations “which by any law in force in [Saint Lucia], the parent of a child has in relation to that child” (article 2).

Schools

Corporal punishment is lawful in public and private schools under articles 50 and 51 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”.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sentence under the Criminal Code and the Children and Young Persons Act. A Child Justice Bill, drafted in 2007 by the OECS, has been sent to the Attorney-General. In its original draft it did not include corporal punishment among permitted sentences, though it did not explicitly prohibit it.

Corporal punishment is lawful as a **disciplinary measure** in penal institutions. 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 as at April 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. The draft Child Justice Bill would not prohibit corporal punishment in institutions accommodating children in conflict with the law.

Alternative care

Corporal punishment is lawful in other institutions and forms of childcare. 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. Article 5 of the Juvenile Act (see above) applies. Corporal punishment would not be explicitly prohibited by the OECS draft Children (Care and Adoption) Bill, which in its original form stated that a person authorised to provide care for a child

shall “correct and manage the behaviour of the child” (article 29(c)) and authorises the Minister to make regulations for “the management and discipline of an approved child care service” (article 140(2)(m)).

Prevalence research

In 2005, a study by UNICEF in association with the Governments of Barbados, St Lucia and St Vincent and the Grenadines, involving a survey of more than 2,300 households, interviews with key informants and discussion groups with adults and children, found that younger children were more likely than older children to experience corporal punishment such as being spanked, slapped or hit with a hand or an object. (UNICEF Office for Barbados and the Eastern Caribbean in association with the Governments of Barbados, St Lucia and St Vincent and the Grenadines (2006), *A study of child vulnerability in Barbados, St Lucia and St Vincent & the Grenadines*, Christ Church, Barbados: UNICEF Office for Barbados and the Eastern Caribbean)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

“While the Committee appreciates that the State party has made various amendments to existing legislation as well as adopted the Family Court Act in 1994 and the Domestic Violence Act in 1995, it is nevertheless concerned that existing legislation does not fully reflect the principles and provisions of the Convention, for example regarding non-discrimination, corporal punishment and juvenile justice. “The Committee is concerned at the fact that corporal punishment is a lawful way of disciplining children, both under the Children and Young Persons Act and the Education Act. The Committee is further concerned that corporal punishment is widely practiced as a highly favoured method of punishment.

“The Committee recommends that the State party:

- a) amend its legislation to explicitly prohibit corporal punishment in the family, schools and institutions;
- b) conduct awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process;
- c) ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the Convention, especially article 28 (2) as an alternative to corporal punishment at all levels of society.”

Universal Periodic Review

St Lucia was examined in the first cycle of the Universal Periodic Review in 2011. The Government stated that corporal punishment is part of the culture: the Government would continue public awareness raising on the issue together with efforts to phase out its use in schools but rejected the recommendations to prohibit corporal punishment (A/HRC/WG.6/10/LCA/1, National report, para. 121; A/HRC/17/6, Report of the Working Group, paras. 89(30), 89(81), 89(82), 89(83) and 89(84); A/HRC/17/6/Add.1, Report of the Working Group: Addendum). Examination in the second cycle is scheduled for 2015.

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