

CHILDREN (AMENDMENT) BILL, 2020*(Bill No. 11 of 2020)***OBJECTS AND REASONS**

This Bill seeks to abolish corporal punishment and to incorporate the Hague Convention requirements for adoption orders under the Children Act.

The intended effect of this Bill, together with ongoing awareness-raising campaign and support for parents, is to bring about a further reduction in the use and tolerance of the physical punishment of children in Seychelles. The prohibition of the physical punishment of children is consistent with Seychelles commitment to children's rights under the United Nations Convention on the Rights of the Child which requires Seychelles to take appropriate legislative measures to protect children from all forms of physical or mental violence, injury or abuse, maltreatment while in the care of parents, legal guardians or any other person who has the care of a child.

The Bill help bring to an end the physical punishment of children by a parent or any person acting in loco parentis (in the place of a parent) by repealing the statutory defence under the Children Act, and abolishing any other defence, with respect to assault against a child available to parents and persons acting in loco parentis. Corporal punishment will be an offence and children will therefore have the same legal protection from assault as adults.

Globally, the academic research suggests that physical punishment is no more effective than non-physical approaches to discipline. There is no compelling evidence against the proposal to remove the defence available to parents with respect assault against children. The majority of researchers in the field make the judgment that all physical punishment under all conditions is potentially harmful to children.

Furthermore, the Bill incorporates, into the Act, the requirements for adoption of children under Articles 4 and 5 of the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993).

Dated this 9th day of March, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

CHILDREN (AMENDMENT) BILL, 2020

(Bill No. 11 of 2020)



A BILL

OF

AN ACT to provide for further protection of children; the abolition of corporal punishment against children; and to give effect to requirements under the international conventions on children rights and for matters incidental thereto.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Children (Amendment) Act, 2020.

Amendment of
CAP 28 as last
amended by
Act 14 of 2016

2. The Children Act is amended as follows —

- (a) in section 2 by inserting in the proper alphabetical order the following definition —

““corporal punishment” means any kind of physical punishment of a child to maintain discipline or to enforce a rule in the exercise of parental authority, or rights or authority derived from having charge, custody, access, care, maintenance, or control of the child;”

- (b) by inserting immediately after section 44 the following as section 44A —

Application for an
adoption order to
comply with the
requirements
under Hague
Convention

“44A.(1) An application made under section 44 for an adoption order shall be subject to the requirements under the Hague Convention.

(2) For the purposes of this section, “Hague Convention” means the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 1993, and the Convention on the Civil Aspects of International Child Abduction, 1980, as ratified by the Republic.

(3) The Ministry or Department responsible for children affairs is designated the Central Authority to discharge the duties which are imposed by the Hague Convention.”;

- (c) in section 70 by repealing subsection (7);

- (d) by inserting immediately after section 70A the following as section 70B —

Prohibition of
corporal
punishment

“70.B (1) Notwithstanding any other law, no child shall be subjected to corporal punishment.

(2) Any person who contravenes subsection (1) commits an offence and on conviction is liable to pay a fine of SCR 25, 000 or to imprisonment for not more than 2 years, or both a fine and imprisonment.”

(e) in section 107 in paragraph (o) —

(i) by repealing subparagraph (iii);

(ii) in subparagraph (iv) by deleting the words “other lesser punishments for, or”.