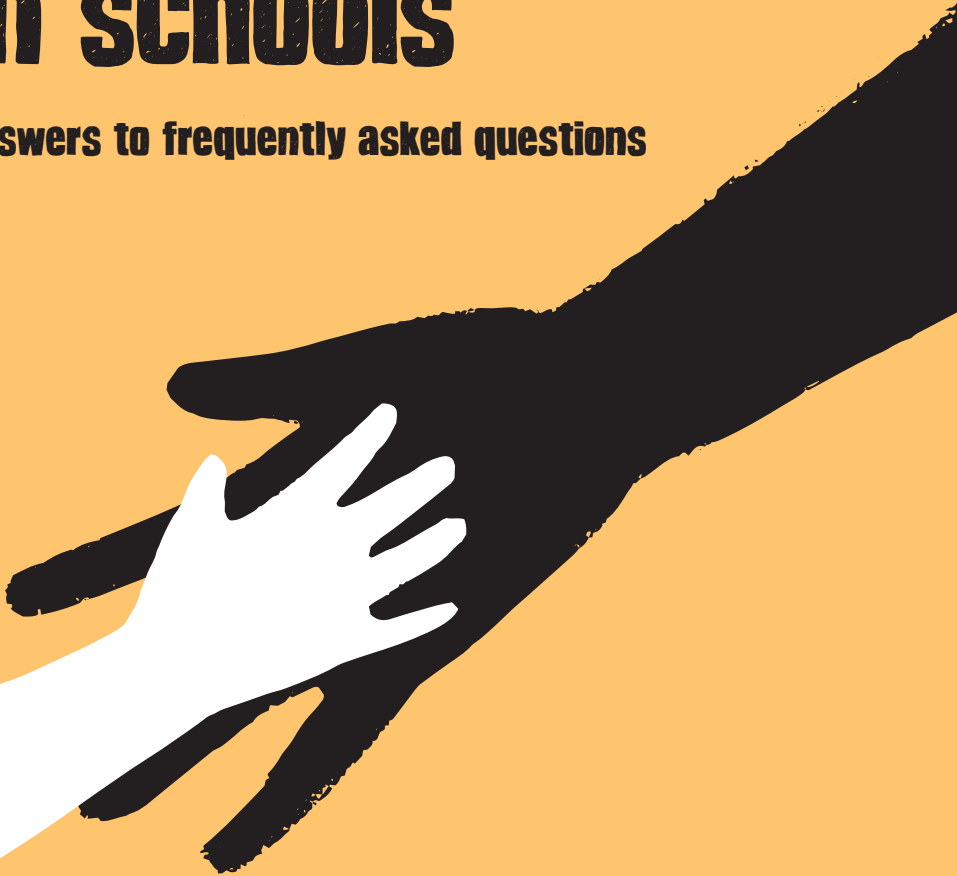


Prohibiting corporal punishment in schools

Answers to frequently asked questions



Also in this series:

Prohibiting all corporal punishment of children:

Answers to frequently asked questions

Banning all corporal punishment of children:

Questions and answers for children and young people

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www.endcorporalpunishment.org

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When moves are made to prohibit corporal punishment in schools there are particular questions that often arise. This booklet provides answers to some of those questions and aims to help clarify the key issues involved. It should give government officials, education professionals and others working towards prohibition the confidence to pursue legal reform and move a step closer to realising children's right to protection from all forms of violence in all settings.



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Part 1:

Basic principles



Children have a right to legal protection from corporal punishment

Nearly every state in the world has ratified the UN Convention on the Rights of the Child, and therefore has a duty to put into practice the rights that it contains. Article 28 (2) of the Convention states that school discipline methods should be “consistent with the child’s human dignity and in conformity with the present Convention”. The Committee on the Rights of the Child, which monitors implementation of the Convention, has consistently interpreted this article as requiring prohibition of corporal punishment in schools. The monitoring bodies of other treaties have also emphasised that international and regional human rights law requires prohibition of school corporal punishment.

Therefore prohibition of corporal punishment in schools is best understood as a human rights obligation. Research has a useful place in revealing the prevalence of corporal punishment, monitoring implementation of prohibition, and developing effective positive, non-violent, participatory approaches to school discipline. But research is not needed in order to “prove” that corporal punishment should be prohibited in schools: the issue is one of human rights.

Nonetheless, there is overwhelming research evidence that corporal punishment has a detrimental effect on learning. In a recent study, experience of corporal punishment at school was linked to poorer test scores and negative effects on children's psychosocial well-being.¹ Violence at school – including corporal punishment – is also a key reason why children dislike school and contributes to school dropout.²

Under the 2030 Agenda for Sustainable Development, adopted by world leaders in September 2015, countries have committed to mobilise efforts to create “safe, non-violent, inclusive and effective learning environments for all” (target 4a) and to end all forms of violence against children (target 16.2). Ending corporal punishment of children in schools – and all settings – is fundamental in reaching these and other health and education targets.

1. UNICEF Office of Research - Innocenti (2015), *Corporal Punishment in Schools: Longitudinal Evidence from Ethiopia, India Peru and Viet Nam*, Florence: UNICEF Office of Research

2. Global Initiative (2016), *Corporal punishment of children: review of research on its impact and associations*, available at <https://endcorporalpunishment.org/resources/research/>

**“Children
have a right
to respect
for their
human dignity
and physical
integrity.”**

Children have a right to protection from violence in all settings

The obligation on states to prohibit corporal punishment of children is based on children's right to respect for their human dignity and physical integrity, as human beings. While this booklet addresses the very important topic of prohibiting corporal punishment in schools and the specific questions that this raises, governments and education professionals should also be aware that children have a right to respect for their human dignity and physical integrity in all settings of their lives, including the home, childcare settings, alternative care, penal institutions and in the military.

Discipline problems should not be confused with discipline solutions

It is important to distinguish between discipline problems in schools and the ways in which schools respond to them. There is a tendency among those who are against prohibition to point to children's behaviour as demonstrating the need for corporal punishment. But children's behaviour does not necessitate a violent response.

Discipline problems in school result from a combination of many factors, including those relating to the child's individual circumstances, the school environment, how the teaching profession is trained and supported in a particular country, the adequacy of the curriculum, and so on. Poor school discipline represents a failure to identify and address appropriately the causes of the perceived problem; it does not result from a failure to inflict corporal punishment on children.

Addressing disciplinary problems requires creative, empathic, supported, respectful and professional interventions, not beating and humiliating learners. There are many easily available resources for establishing and maintaining good classroom management while respecting children's human rights (see Part 3 for selected examples).



Part 2:
Prohibiting
corporal
punishment
of children
in schools:
Answers to
frequently
asked questions



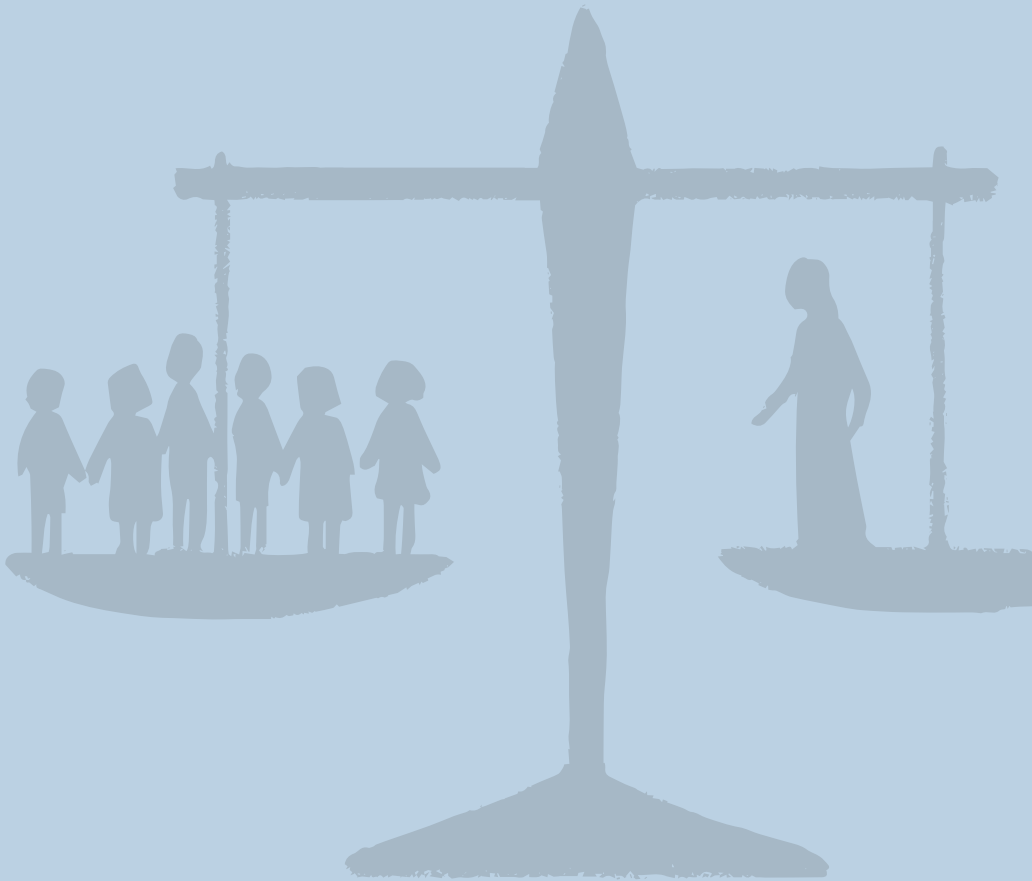
Many teachers oppose prohibition of corporal punishment. Should we listen to them, as they are the ones who have to deal with school discipline every day?

Governments should engage with teachers about the challenges that they face, however on this issue – like others, including violence against women, race discrimination and public health – governments have a responsibility to lead, not follow public opinion. The emphasis must be on the government's human rights obligation to ensure that the law provides children, like adults, with full protection of their human dignity, and then to work together with and support teachers to ensure that it is implemented.

Evidence from research also clearly shows that non-violent, positive discipline delivers better results in the classroom, while corporal punishment is associated with many negative outcomes including lower IQ scores, smaller vocabularies, poorer cognitive abilities, slower cognitive development, and poorer school marks.³

3. Ogando Portela, M. J. & Pells, K. (2015), Corporal Punishment in Schools Longitudinal Evidence from Ethiopia, India, Peru and Viet Nam – Innocenti Discussion Paper 2015-02, Florence: UNICEF Office of Research

It is also frequently given as a reason for not attending or dropping out of school.⁴ Again, it is the government's responsibility to lead in overseeing the adoption of the most effective teaching approach across the education system, by supporting teachers to develop non-violent, positive discipline strategies through training, support, sufficient resources and good school governance, as well as by sending a clear message through prohibition that corporal punishment in schools is no longer lawful.



4. Pinheiro, P. S. (2006), World Report on Violence against Children, Geneva: United Nations

Why do teachers resist prohibition of corporal punishment?

In addition to the reasons described above, there are other reasons why teachers may resist prohibition:

Habit, tradition, familiarity

Corporal punishment has been commonly used in schools in the past, is widely accepted in the education profession in some countries, and supported and even sometimes encouraged by parents. Teachers themselves will probably have experienced it during their own schooldays. And many teachers are also parents who may have used corporal punishment in bringing up their own children.

But times change and societies move on. Recognition of children as rights holders requires action to end the legality and social acceptance of violence against children, just as societies have moved to end acceptance of violence against women. This is not a matter of blame – in the past teachers have acted in accordance with social expectations – but the time has come to move on to positive, non-violent relationships with children.

Legality

So long as the law authorises corporal punishment in schools it will be seen as a legitimate way to deal with school discipline. Policy, advice and guidance promoting positive disciplinary techniques will have limited impact when they are undermined by laws which allow corporal punishment. Even when education law appears to be silent on the issue, the near universal acceptance of some degree of physical punishment in childrearing and education can mean that educators feel justified in using force and inflicting pain and/or humiliation on a student in the guise of discipline.

Explicit legal prohibition of corporal punishment sends a clear message that violence towards children in schools is no longer acceptable, and opens the way for the adoption of more respectful, positive and effective techniques.

Faith

In religious schools, the use of corporal punishment may be supported and encouraged by particular interpretations of religious texts. There may be a lack of awareness of alternative interpretations which would promote non-violent disciplinary measures and of the growing faith-based support for ending the use of corporal punishment. See 'Some religious schools say their faith requires them to use corporal punishment. Is it discrimination to stop them using it?' page 30 for more details.

Lack of knowledge

Believing that corporal punishment is necessary and effective in managing school discipline can result from a lack of knowledge of positive discipline methods, of children's rights, of healthy child development and of how children learn, of the inefficacy of corporal punishment as a disciplinary measure and its negative effects on children and their ability to learn, and of the differences between punishment and discipline. Teachers may also fail to appreciate the many pressures facing children, which may impact on their ability to learn and on their behaviour. All of these topics should be covered during initial and in-service teacher training.

Teacher stress

Teachers may be poorly trained, underpaid and undervalued, classes may be large, and schools may be poorly resourced. This can diminish teachers' patience and result in angry and inappropriate responses to children's behaviour, "lashing out" and difficulties in achieving good classroom management. However this cannot be a justification for teachers venting their stress on students. See 'Many teachers and other staff are under stress from having to manage overcrowded classes and due to a lack of resources. Doesn't banning corporal punishment just add to their stress?' page 32 for a fuller discussion of teacher stress.

.....

Understanding these reasons can help in communicating with teachers about the need for prohibition and in putting in place appropriate measures to ensure its implementation. However, none of them should be used as an excuse for retaining corporal punishment, even as a 'last resort', and none changes the immediate human rights obligation to prohibit all corporal punishment.

It is also important to note that almost all the countries that have prohibited corporal punishment in the home have done so ahead of public opinion, and then public opinion has come round to support the change. The same will be true of prohibition in schools. While there may be a minority who continue to blame prohibition of corporal punishment in schools for all discipline problems – an argument nearly always based on misinformation and distortion of the facts – for the majority, once corporal punishment is no longer an option and when teachers are skilled in a range of positive approaches to classroom management, the days when beating children for not doing homework will seem arcane and barbaric.



If you want to teach children respect and discipline, then surely you have to use corporal punishment?

This argument derives from the idea that hitting children is in their “best interests”. It also confuses discipline with punishment and respect with fear.

(i) The **“best interests”** of a child. The Committee on the Rights of the Child addresses this issue succinctly in its General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)” (para. 26):⁵

“... interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child’s views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity.”

(ii) **Discipline vs punishment.** Good classroom management is not the same as punishment. It is not based on force, but grows from understanding, mutual respect and effective communication. Corporal punishment is little more than a lesson in bad behaviour, teaching children that adults find it acceptable to use violence to sort out problems or conflicts. In its General Comment No. 8, the Committee on the Rights of the Child explains that while corporal punishment is rejected, discipline is recognised as fundamentally important in a healthy childhood (para. 13):

5. Available in English, French, Spanish, Arabic, Russian and Chinese at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f8&Lang=en

“In rejecting any justification of violence and humiliation as forms of punishment for children, the Committee is not in any sense rejecting the positive concept of discipline. The healthy development of children depends on parents and other adults for necessary guidance and direction, in line with children’s evolving capacities, to assist their growth towards responsible life in society.”

Of course, there may be times when teachers need to use physical force, for example in dealing with dangerous situations. In these cases, the response should be proportionate, based on the principle of the minimum amount of force necessary, and aimed at protection not punishment. As the Committee explains (para. 15):

“The Committee recognizes that there are exceptional circumstances in which teachers and others, e.g. those working with children in institutions and with children in conflict with the law, may be confronted by dangerous behaviour which justifies the use of reasonable restraint to control it. Here too there is a clear distinction between the use of force motivated by the need to protect a child or others and the use of force to punish. The principle of the minimum necessary use of force for the shortest necessary period of time must always apply. Detailed guidance and training is also required, both to minimize the necessity to use restraint and to ensure that any methods used are safe and proportionate to the situation and do not involve the deliberate infliction of pain as a form of control.”

(iii) **Respect vs fear.** Respect should not be confused with fear. “Good” behaviour due to fear of being punished means that a child is avoiding punishment, not showing respect. Corporal punishment can appear to be effective when it results in immediate compliance, but its negative short and long term effects– including poorer cognitive development and educational outcomes, and contributing to school dropout⁶ – in fact impede learning and undermine the teaching and learning process.

Children learn to truly respect people and things when they appreciate their intrinsic worth. When teachers demonstrate respect for children’s human dignity and integrity, children learn to respect themselves and others. When teachers discipline children in positive, non-violent ways, they learn that conflict can be resolved without undermining this respect. Positive forms of discipline are designed to ensure that children learn to think about others and about the consequences of their actions. There are many materials available to support non-violent classroom management which can be adapted and translated for use in every country.⁷

6. Global Initiative (2016), Corporal punishment of children: review of research on its impact and associations, available at <https://endcorporalpunishment.org/resources/research/>

7. Many of these are listed on the Global Initiative website www.endcorporalpunishment.org; some examples are given in Part 3: Useful websites and resources



Of course causing injury or death is unacceptable, but when regulated and administered properly, doesn't corporal punishment form an effective element of a school's disciplinary policy?

Beating a child may physically hurt more than a smack, but both are on a continuum of violence and both breach a child's right to respect for human dignity and physical integrity. Societies do not try to define acceptable levels of force when challenging violence against elderly people, for example, where zero-tolerance clearly conveys the message that all violence is unacceptable. So why should it be appropriate to try to define acceptable levels of violence when it comes to children?

It is also inaccurate to suggest that adults have precise control over the degree of violence they use. Adults often don't appreciate the difference in size and strength between them and a child, and the impact that this difference can have on the intended and actual physical pain felt by the child. Large scale research in which

parents have been asked about the force used when “smacking” their child found that two in five had used a different degree of force than intended.⁸ And research by the Institute of Psychiatry and University College London found that changes in brain activity when force is used in tit-for-tat situations naturally lead to escalation in the degree of force used and inaccuracy in judging how much force is being used.⁹

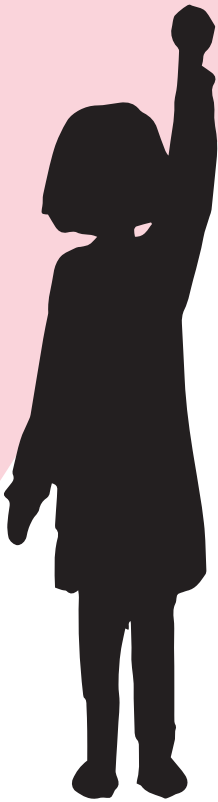
Law makers and governments have traditionally tried to separate ‘child abuse’ and ‘corporal punishment’, but most abuse is corporal punishment – adults assaulting children to punish them and gain control. There have been numerous cases where corporal punishment at school has escalated and resulted in death or serious and permanent injury for the child.

8. Kirwaun, S. & Bassett, C. (2008), Presentation to NSPCC: Physical punishment, British Market Research Bureau/National Society for the Prevention of Cruelty to Children

9. Shergill, S. S. et al (2003), “Two eyes for an eye: The neuroscience of force escalation”, *Science*, vol. 301, 11 July 2003, p. 187

In relation to children's achievement at school, corporal punishment has been clearly shown to have detrimental effects on children's cognitive development and educational outcomes, and contributes to school dropout (see Part 1: Basic principles). Furthermore, there has been a change in our understanding of the learning process. Educators now know that far from being passive recipients of knowledge, under the complete control of the teacher, children learn best when they are active participants in their own learning, with the teacher guiding and facilitating that learning through the provision of stimulating and engaging educational opportunities. Good classroom management depends not only on non-violent responses to student behaviour that is considered unacceptable, but on skilled and properly trained teachers engaging students in an appropriate and stimulating curriculum within an environment that is supportive to adults and children alike.

Children are no longer seen as the property of their parents but as people in their own right, and this change in perspective applies equally to teachers and others working "in loco parentis". As human beings, children enjoy human rights – and these do not stop at the school gates. Children have the same right as adults to protection from being hit and hurt. Whether or not the punishment inflicted is in line with school regulations, hitting a child breaches that child's right to respect for his or her physical integrity. And all corporal punishment that is lawful reflects a violation of children's right to equal protection from assault under the law.



Some religious schools say their faith requires them to use corporal punishment. Is it discrimination to stop them using it?

Some faith-based schools refer to their respective religious texts as requiring the use of corporal punishment. But hitting children is not compatible with the ideals, values and beliefs of the major world religions, which profess compassion, equality, justice and non-violence. Adherents of the world religions model their lives on the example and teachings of their founders. Scholars and theologians emphasise that there is no recorded evidence of any of the founders of the major religions striking a child.

The religious view which condones corporal punishment of children often stems from a culture of authoritarianism, power and control over children. It regards blind obedience as a virtue and physical punishment as an acceptable response to children who are considered to be 'disobedient'.

Religious leaders are part of the global movement to eliminate corporal punishment of children. More than 800 religious leaders at the World Assembly of Religions for Peace in Kyoto, Japan (2006) endorsed a declaration

– *A Multi-religious Commitment to Confront Violence against Children (the Kyoto Declaration)*¹⁰ – which urges governments to adopt laws to prohibit all violence against children, including corporal punishment.¹¹

The Committee on the Rights of the Child, in its General Comment No. 8, asserts that religious freedom “may be legitimately limited in order to protect the fundamental rights and freedoms of others”.¹² The Committee states:¹³

“Some raised faith-based justifications for corporal punishment, suggesting that certain interpretations of religious texts not only justify its use, but provide a duty to use it. Freedom of religious belief is upheld for everyone in the International Covenant on Civil and Political Rights (art.18), but practice of a religion or belief must be consistent with respect for others' human dignity and physical integrity....”

10. The full text of the declaration is available at <http://churchesfornon-violence.org/wp/wp-content/uploads/2012/02/Violence-Against-Children-3.pdf>

11. For further information, see www.churchesfornon-violence.org

12. General Comment No. 8, para. 29

13. General Comment No. 8, para. 29

Many teachers and other staff are under stress due to overcrowded classes and lack of resources. Doesn't banning corporal punishment just add to their stress?

This argument is a tacit admission of an obvious truth: corporal punishment is often an outlet for adults' pent-up feelings rather than an attempt to educate children. Many schools urgently need more resources and support, but however real adults' problems may be, venting them on children cannot be justifiable. Children's protection should not wait on improvements in the adult world, any more than protection of women from violence should have had to wait for improvement in men's conditions.

In any case, hitting children is ineffective in relieving stress. Adults who hit out in temper often feel guilty; those who hit dispassionately find they have angry and resentful children to cope with. Life in schools where corporal punishment has been abandoned in favour of positive discipline is much less stressful for all.

It is true that many teachers are working in very difficult conditions. They may be poorly trained, underpaid and undervalued, their classes may be large, and schools may be poorly resourced and governed. They may be understandably resistant to changes in teaching practice that are not accompanied by adequate resources or support. In order to support teachers to move away from corporal punishment governments must invest in proper teacher training and support, adequate resources for schools and better education governance, as well as enacting prohibition in law.

When properly introduced, for example alongside training about evidence on the harmful effects of corporal punishment and the positive effects of non-violent discipline, equipping teachers with new positive classroom management skills and eliminating the use of corporal punishment can transform the teaching profession and the school environment to the benefit of teachers and learners alike.

We already have school/ ministerial policy against corporal punishment. Why is it necessary to change the law as well?

In some states, policies, ministerial circulars/directives and/or codes of discipline state that corporal punishment should not be used, but there is no prohibition in legislation, which is either silent on the issue or undermines policy by expressly authorising corporal punishment.¹⁴ Adopting a policy against corporal punishment acknowledges that it is wrong and detrimental to learning – but failing to support that policy with legislation is confusing, puts teachers in an unclear legal position, and does not adequately secure children's right to a safe, violence-free education.

It is necessary to enact explicit prohibition of corporal punishment so that there is complete clarity that corporal punishment is no longer acceptable.

14. For a list of states that have policies against corporal punishment but no prohibition in law, see Global Initiative to End All Corporal Punishment of Children (2015), Towards non-violent schools: prohibiting all corporal punishment. Global report 2015, p.5

Part 3: Useful websites and resources

African Committee of Experts on the Rights and Welfare of the Child (2011), Statement on Violence against Children

<http://endcorporalpunishment.org/assets/pdfs/reference-documents/ACERWC-statement-on-VAC-2011-EN.pdf>

Classroom Management Online

<http://classroommanagementonline.com/index.html>

Committee on the Rights of the Child (2001), General Comment No.1 on “The aims of education”

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2001%2f1&Lang=en

Committee on the Rights of the Child (2006), General Comment No.8 on “The right to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28(2) and 37, inter alia)”

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f8&Lang=en

Committee on the Rights of the Child (2011), General Comment No.13 on “The right of the child to freedom from all forms of violence”

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f13&Lang=en

Council of Europe, regional campaign “Raise your hand against smacking!”

www.coe.int/en/web/children/corporal-punishment

Council of Europe (2007), Abolishing corporal punishment of children: Questions and answers, Strasbourg: Council of Europe Publishing

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046d05e>

Education World

www.educationworld.com

Global Campaign for Education

www.campaignforeducation.org

Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org

Global Initiative to End All Corporal Punishment of Children (2009), Prohibiting corporal punishment of children: A guide to legal reform and other measures

<http://endcorporalpunishment.org/resources/resources-on-law-reform/legal-reform-handbook-2009/>

Global Initiative to End All Corporal Punishment of Children (2012), Resources for eliminating corporal punishment in schools

<http://endcorporalpunishment.org/resources/thematic-reports/resources-for-eliminating-corporal-punishment-in-schools.html>

Global Initiative to End All Corporal Punishment of Children (2015), Towards non-violent schools: prohibiting all corporal punishment. Global report 2015

<http://endcorporalpunishment.org/resources/thematic-publications/schools-report-2015/>

Global Partnership to End Violence Against Children

www.end-violence.org

Gordon Training International

www.gordontraining.com

Inter-American Commission on Human Rights (2009), Report on corporal punishment and human rights of children and adolescents

<http://endcorporalpunishment.org/wp-content/uploads/key-docs/IACHR-report-on-corporal-punishment-2009.pdf>

Learn Without Fear

<https://plan-uk.org/act-for-girls/about-because-i-am-a-girl/learn-without-fear>

Parents and Teachers Against Violence in Education

www.nospank.net/books.htm

South Asia Initiative to End Violence Against Children, regional campaign “Equal protection for children”

www.saievac.org/cp

United Nations Sustainable Development Agenda 2030

<http://www.un.org/sustainabledevelopment/>

UNICEF (2001), Child protection: discipline and violence

www.unicef.org/teachers/protection/violence.htm

UNICEF Office of Research - Innocenti (2015), Corporal Punishment in Schools: Longitudinal Evidence from Ethiopia, India Peru and Viet Nam

www.younglives.org.uk/sites/www.younglives.org.uk/files/Corporal%20Punishment%20in%20Schools.pdf

**The time has come
to end all corporal
punishment of children.
Children have a right
to respect and equal
protection from all
forms of violence now!**

The Global Initiative to End All Corporal Punishment of Children

The Global Initiative to End All Corporal Punishment of Children promotes universal prohibition and elimination of corporal punishment and freely offers technical support and advice on all aspects of law reform.

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Save the Children Sweden

Save the Children Sweden is advocating for the prohibition of corporal punishment in all settings. In 1979 Save the Children Sweden contributed to Sweden becoming the first country in the world to explicitly ban corporal punishment. The organisation is working to highlight the issue of achieving a legal ban and elimination corporal punishment and to put the issue on the political agenda around the world.

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resourcecentre.savethechildren.net



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