



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

Prohibiting corporal punishment in schools: Positive responses to common arguments

This briefing addresses common issues raised in states in all regions when moves are made to prohibit corporal punishment in schools. It is intended to help clarify the key issues involved and give government officials and others working towards prohibition the confidence to pursue legal reform to prohibit school corporal punishment and so to move a step closer to realising children’s right to protection from all forms of violence in all settings.

I: Basic principles

There are three important principles to remember when listening and responding to arguments from teachers and others against prohibiting corporal punishment in schools:

1. Children have a right to legal protection from corporal punishment. In ratifying the UN Convention on the Rights of the Child states take on the obligation to implement the rights enshrined in the Convention. 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.

Because of this human rights imperative to prohibit corporal punishment in schools, it is not necessary to establish through research that corporal punishment is ineffective, or that school discipline or academic achievement improves when corporal punishment is not used. 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.

2. The ultimate aim of law reform is prohibition of corporal punishment in all settings, including the home. 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. Children carry their human dignity and physical integrity wherever they are, and it should be respected in all settings. Prohibiting corporal punishment in certain settings but not in others is nonsensical in terms of children’s human rights. Nevertheless, it is sometimes felt necessary to tackle schools before

attempting legal reform in the home. This briefing addresses issues specific to the school setting, but many teachers are also parents and there is considerable overlap with the process of prohibiting corporal punishment in the home.¹

3. Discipline problems should not be confused with discipline solutions. It is important to distinguish between problems with discipline in schools and the ways in which schools respond to those problems. There is a tendency for teachers 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, the nature and perception of the teaching profession in a particular country, the adequacy of the curriculum, etc. 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.

II: Responses to common arguments against prohibition in schools

1. Most teachers oppose prohibition of corporal punishment. We should listen to them, as they are the ones who have to deal with school discipline every day.

On this issue like others – violence against women, race discrimination – politicians have to lead, not follow public opinion. The emphasis must be on the government's absolute human rights obligation to ensure that the law provides children, like adults, with full protection of their human dignity.

There are many reasons why teachers may be resistant to prohibition:

(i) *habit, tradition, familiarity.* Corporal punishment has been used in schools in the past, is widely socially accepted in the education profession, and supported and even 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.² 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.

(ii) *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 are unlikely to have much effect when they are undermined by laws which allow corporal punishment.

(iii) *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.

(iv) *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

¹ The Global Initiative has developed responses to Frequently Asked Questions about prohibition in the home which can be useful in working with teachers as well as parents, see www.endcorporalpunishment.org

² See note 1

pressures facing children, which may impact on their ability to learn and on their behaviour. All of these can be addressed by awareness raising and initial and in-service professional training.

(v) *teacher stress*. Teachers may be poorly trained, underpaid and undervalued, classes may be large, and schools may be poorly resourced with inadequate lighting, heating and ventilation and poor sanitary conditions. This can diminish teachers' patience and result in angry and inappropriate responses to children's behaviour, "lashing out", etc. All this can lead to poor classroom management, lack of adequate preparation for lessons, use of inappropriate teaching methods, insufficient interest in the learner and/or the lesson, negative attitudes towards students and poor time-keeping and attendance. Such circumstances can make teachers resistant to apparent criticism of their ability to manage a classroom to "initiatives" which feel like yet another demand to deal with.

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

It is also worth remembering 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 quickly come round to support the change. The same will be true of prohibition in schools. While there will probably always be a minority who 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 vast majority once corporal punishment is no longer an option and when teachers are skilled with a range of positive approaches to classroom management, the days when beating children for not doing homework will seem arcane and barbaric.

2. Corporal punishment is necessary to teach children respect and discipline.

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)", paragraph 26:³

"... 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*. Discipline is not the same as punishment. Real discipline is not based on force, but grows from understanding, mutual respect and tolerance. Corporal punishment tells children nothing about how they should behave. On the contrary, hitting children is a lesson in bad behaviour. It teaches 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):

³ Available in English, French and Spanish at <http://www2.ohchr.org/english/bodies/crc/comments.htm>

“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, 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 are well documented. The negative emotional impact of corporal punishment in fact impedes learning and undermines 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 themselves learn to respect themselves and others. When teachers discipline children in positive, non-violent ways, children 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.⁴

3. Obviously beating to the point of injury or death is unacceptable, but when regulations on how to administer corporal punishment are followed properly, it forms an important and effective element of a school’s disciplinary policy.

Severe corporal punishment in schools can lead to personal injury, disability and even death. When this happens, there are often negative repercussions for the teacher and the school involved, particularly when the incident is taken up by the media. But in societies where corporal punishment is seen as acceptable and lawful, the inference is usually that in these individual cases the punishment has gone “too far”, and rather than condemning corporal punishment outright efforts are made to reinforce regulations as to how corporal punishment should be administered, by whom, etc.

But societies are moving on. Children are no longer seen as the property of their parents but as people in their own right, and this shift 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. 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

⁴ Many of these are listed on the Global Initiative website www.endcorporalpunishment.org. Some examples are given at the end of this briefing

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.

Furthermore, there has been a shift in understanding the process of learning. Educators are moving on from seeing children as passive recipients of knowledge, under the complete control of the teacher, to seeing them as active participants in their own learning, with the teacher guiding and facilitating that learning through the provision of stimulating and engaging learning opportunities. Good school discipline depends not only on non-violent responses to poor student behaviour, 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.

4. In religious schools, corporal punishment is mandated by our faith.

Some Christian and Islamic schools refer to their respective religious texts as mandating the use of corporal punishment. In fact, such interpretations of the text are contentious, and there are a growing number of religious leaders promoting non-violence in childrearing. For example, at the 2006 World Assembly of Religions for Peace in Kyoto, Japan, more than 800 faith leaders endorsed "a religious commitment to combat violence against children", which urges governments to adopt laws in compliance with the Convention on the Rights of the Child and to prohibit all violence, including all corporal punishment.⁵

But in any case, the right of every person to freedom of religious belief does not override the right of every person, including every child, to respect for human dignity and personal integrity. As the Committee on the Rights of the Child makes clear:⁶

"Some raise 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. Freedom to practise one's religion or belief may be legitimately limited in order to protect the fundamental rights and freedoms of others."

5. Many teachers and other staff are under stress from overcrowding and lack of resources. Prohibiting corporal punishment under these conditions would simply add to the 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 await improvement of 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.

In conflict-ridden countries, adults working with children, including teachers, are themselves victims of violence and humiliation. They agree on protecting children's rights, but question who is fighting for *their* rights. Clearly, these breaches of rights must be addressed but children should not have to wait until adults are able to enjoy their own rights. *All* people have rights to respect for this dignity and physical integrity and to equal protection under the law – and children are people too.

⁵ For further information see <http://www.churchesfornon-violence.org/>

⁶ General Comment No. 8, para. 29

A selection of useful websites and electronically available resources

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://www2.ohchr.org/english/bodies/crc/comments.htm>

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://www2.ohchr.org/english/bodies/crc/comments.htm>

Council of Europe (2007), *Abolishing corporal punishment of children: Questions and answers*, Strasbourg: Council of Europe Publishing, <http://www.endcorporalpunishment.org/pages/pdfs/LegalReformHandbook.pdf>

Education World – www.educationworld.com

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://www.endcorporalpunishment.org/pages/pdfs/LegalReformHandbook.pdf>

Gordon Training International – www.gordontraining.com

Learn Without Fear – www.learnwithoutfear.org

Parents and Teachers Against Violence in Education – <http://www.nospank.net/books.htm>

South African Department of Education (2000), “Alternatives to Corporal Punishment: The Learning Experience”, <http://www.endcorporalpunishment.org/pages/pdfs/SouthAfrica-AlternativetoCP2000.pdf?pageid=329&catid=10&category=Reports&legtype=null>

UK Department for Education and Skills (2005), *Learning Behaviour: The report of the Practitioners’ Group on School Behaviour and Discipline*, <http://publications.teachernet.gov.uk/eOrderingDownload/STEER-FINAL.pdf>

UNICEF (2001), *Child protection: discipline and violence*, www.unicef.org/teachers/protection/violence.htm.