

The Human Rights Council

Promoting the end of corporal punishment in schools



Forum:	The Human Rights Council
Issue:	Promoting the end of corporal punishment in schools
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Position:	President of the Human Rights Council

Introduction

School is a safe space where children, and maybe even adults, learn to communicate and to discover. School is supposed to be an educational institution which allows all of us which have access to it to make use of it, and have it benefit us in the most extraordinary of ways. It helps us build our future, discover the world, gain experiences any many more thing.

However, corporal punishment in schools might hinder this process. It can cause the impairment of learning and therefore the success in a child later on in life, either socially or academically. However, some cultures do not find some forms of corporal punishment to be harming to learning or the upbringing of a child. The opinion on corporal punishment is therefor not solemnly scientifically based, it is also based on the moral relativism of individuals and therefore also nations.

Because of this fact it is absolutely vital that we remain respectful to any and all nations and organizations by just promoting the end of corporal punishment in school. Raising awareness on the issue and bringing to light the potential dangers of this action might morph some previously set stances towards the recognition of the dangers of corporal punishment, specifically in schools.

Definition of Key Terms

Corporal punishment

As defined by the Committee on the Rights of the Child general comment No. 8, on protection from corporal punishment; corporal punishment is the punishment administered by an adult to the body of a child, usually in the home or the at school. And according to another source corporal punishment corporal punishment is the intentional use of physical force to



cause bodily harm or discomfort as a penalty for unacceptable behaviour. Some examples of harmful actions can include: spanking, hitting, shoving, choking, forcing a child to assume a position that becomes painful over time, confining a child in an uncomfortable space, denying bathroom privileges, forcing a child to eat a noxious substance (such as soap or dog food), and withholding water and/or food from a child.

Less economically developed countries (LEDCs)

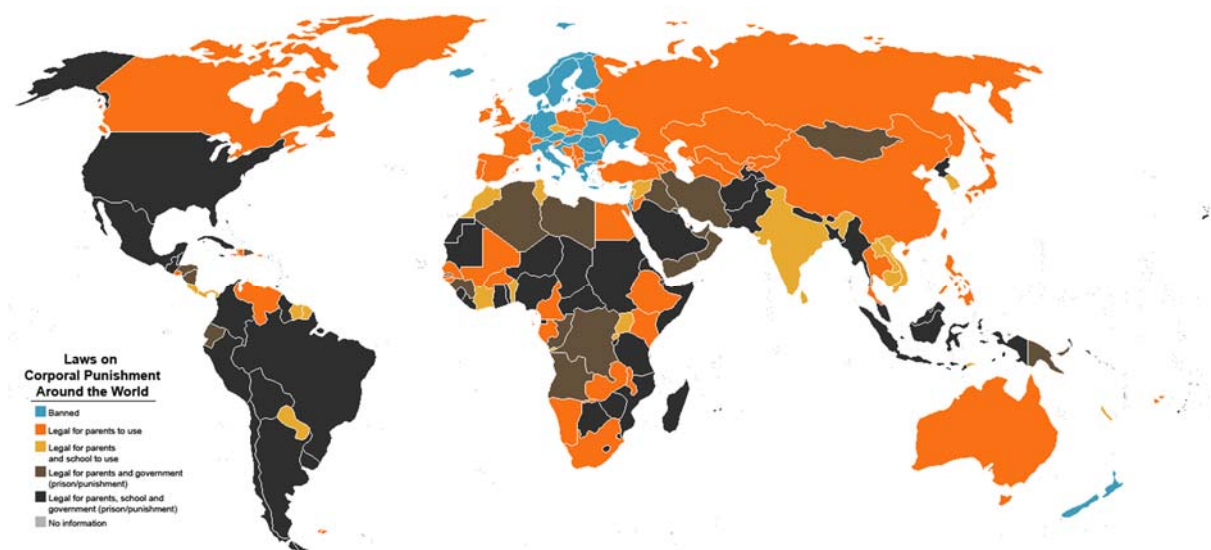
A Less Economically Developed Country, also referred to as a third world country or a developing country, is a country that usually has a very low score on the Human Development Index. They are opposite to Less Economically Developed Countries (MEDCs), also known as first world countries. MEDCs usually have a much higher score on the Human Development Index.

Cultural violence

Cultural violence can be seen as a concept of structural violence over twenty years. Cultural violence can be defined as any aspect of a culture that can be used to legitimize violence in its direct or structural forms. Although symbolic violence is sometimes also build into a culture does not kill or harm as direct violence or violence built into the structure would.

General Overview

Corporal punishment is a worldwide issue. Although there are some laws in place preventing the use of corporal punishment, or at least to restrict corporal punishment, rules are not always followed and even if they are, a vast majority of the nations do allow corporal punishment to occur. Below is a graph indicating the laws on corporal punishment per country.



Source: ChartsBin.com

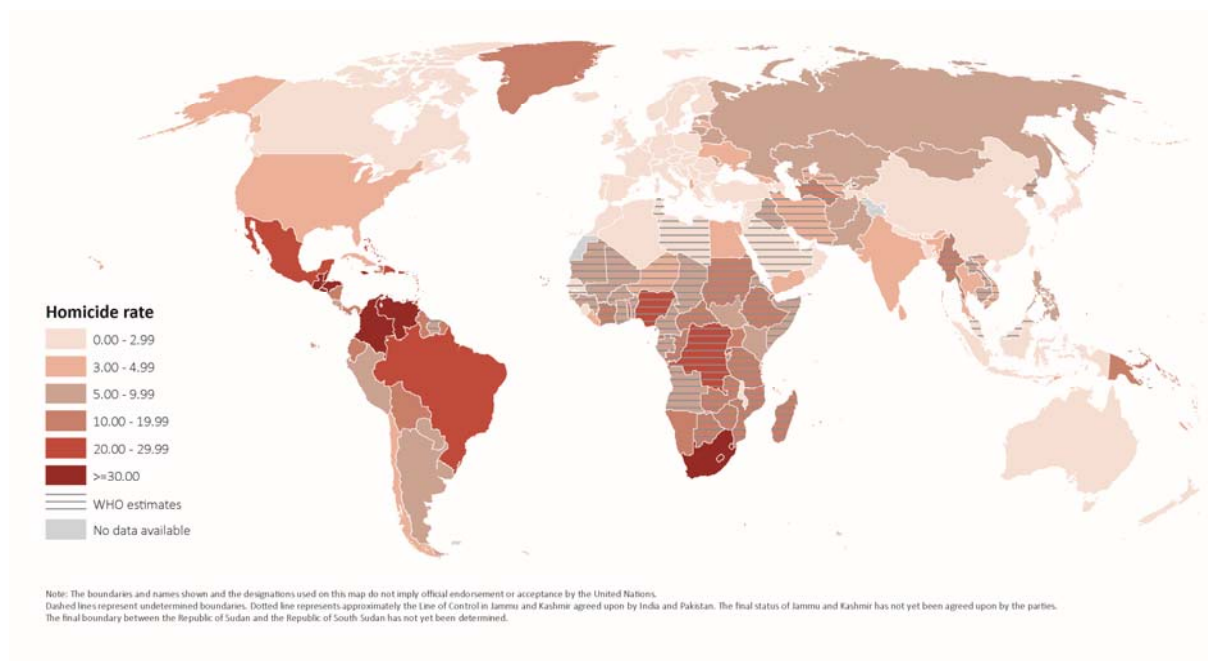
As can surprisingly be seen there are only a few countries, which completely ban corporal punishment. What also comes as a surprise is the notion that MEDCs are much more advanced in their laws than LEDCs. However, this chart shows us how little of the MEDCs actually ban corporal punishment, and how many condone it at least to a certain extent.

The reason that corporal punishment is legal in some countries is because of its apparent effective method in managing behaviour. However this it has been clearly studied that corporal punishment is completely not an effective method of managing behaviour. In fact it causes severe harm to a child's wellbeing.

Consequences of corporal punishment in schools

Corporal punishment can have a lot of harmful psychological and physical effect on a child. According to studies corporal punishment does not teach a child how to act properly. In the best case scenario corporal punishment has only a temporary effect on behaviours of children. In fact, corporal punishment may actually result in the worsening of problem behaviour. Not only does corporal punishment reinforce some problem behaviour but it also teaches a child that physical force is the way to resolve conflicts. They perceive these acts of force imposed upon them to be the way to resolve any conflicts in the future. The chart below shows the number of homicide rates, by country or territory (2012 or latest year), United Nations Office on Drugs and Crime, Global Homicide Report 2013. Comparing this to the chart above there might be a positive correlation present between the use of physical violence and restrictions on corporal punishment.





Source: United Nations Office on Drugs and Crime

Other harmful, short-term and long-term, psychological and emotional effects can be, impairing a child's trust and confidence; cause embarrassment, humiliation, a sense of worthlessness, anger, resentment, and confusion; cause the child to have trouble forming close, especially intimate, relationships with others later in life, poor academic performance, low class participation, school dropout and declining psychosocial well-being. In addition to this it has been known that there are many other disciplinary methods which are much more effective than corporal punishment and that act as perfect alternatives to the deed. Such alternative measures may include using distractions, making use of time-outs, and creating consequences for actions that violate acceptable behaviours.

Culture

Although corporal punishment may seem like an unjust act of violence it is known that in countries such as Sudan, Nigeria and Malaysia this type of punishment does not seem wrong. Just as corporal punishment from a parent to their child can seem normal in countries such as Spain and Turkey. It is important to keep these cultural views in mind when discussing this issue as the cultural variation differs opinions. Knowledge about cultural appropriation is key to a balanced discussion on this topic.

Major Parties Involved and Their Views

United Nations International Children's Emergency Fund (UNICEF)

UNICEF aims to end corporal punishment in all nations. This party has taken many actions to ensure that the issue is deliberated. Through means such as, but not limited to, regular organization of conferences regarding the Rights of a Child, promoting the end of corporal punishment through campaigns, supporting initiatives such as the Global Initiative to End All Corporal Punishment of Children (GIEACPC), and informing the general public on the possible alternative disciplinary methods.

Uganda

Although Uganda is not a major party in this issue it has gained a lot of recognition regarding this issue. In 2006 corporal punishment in schools of Uganda was abolished; but there have been issues with teachers maintaining faithful to the law in this matter as there are still cases in Uganda where corporal punishment occurs in schools. In 2015 a new bill was introduced to amend the Children Act to prohibit corporal punishment in the home and all other settings. However this bill was withdrawn, for unknown purposes, but most likely because of cultural norms and beliefs. Currently corporal punishment is lawful in the home. A right to administer “reasonable chastisement” is recognised under common law. But the GIEACPC is urging countries like Uganda to reforming its laws to prohibit corporal punishment in all settings, which is what Uganda is currently desperately trying to do. The only question left is, will they reinforce these new laws or just implement them?

Global Initiative to End All Corporal Punishment of Children

This party aims to eradicate all forms of corporal punishment of children. They promote universal prohibition and elimination of corporal punishment, together with the support of parties such as UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO), human rights institutions, and international and national NGOs, and many other international and national organisations and individuals. This organization produces reports on the legality and prevalence of corporal punishment in each state and territory globally, global and regional tables of progress towards prohibition of corporal punishment in all setting, information on the human rights imperative to prohibit all corporal punishment, guidance on achieving complete elimination of corporal punishment, and summaries of research on the issue, among others.



Timeline of Events

- 18th century common punishments (not only directed towards children) included flogging, whipping, and birching among others. However it has been abolished in around 1881
- Birching was a common punishment in schools and was allowed to be imposed by the courts of minor offences. However, birching in Britain was banned in 1949
- The Boston-based national Coalition of Advocates for Students found that in the late 1980s, 5.2% black schoolchildren and 2.3% of white students were spanked annually.
- Until the late 20th century it was common for teachers to beat their children. In this century teachers were also allowed to hit children ever since the bamboo cane became popular in the 19th century
- The use of physical violence against students in US public schools dropped from 1.4 million students in 1981 to 500,000 in 1991
- In present day corporal punishment is still current. Although there are more countries forbidding, corporal punishment in schools there is still a majority of nations that condone it if the parents of a child do it.
- Throughout history until recently most parents hit their children. However in the late 20th century and early 21st century public opinion turned against corporal punishment and in several countries it has been banned.

UN involvement, Previous Attempts to Resolve the Issue, Relevant Resolutions, Treaties and Events

The UN has been actively involved in banning, or promoting the end of, corporal punishment, especially in schools. Through their work with UNICEF and other United Nations associated organizations.

Some relevant resolutions, treaties and events include

- Convention on the Rights of the Child; adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49
- 9 April 2009, UNICEF lauds first-ever children's rights law in Southern Sudan
- ABDO v. COMMISSIONER GENERAL OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES; Case No.:



UNRWA/DT/SFO/2011/67; Judgment No.: UNRWA/DT/2013/034 U; Date: 1 October 2013

As can be seen there have been plenty of previous attempts to resolve the issue, however it is still a struggle to enforce many of these implementations, as there are many cultures in countries, which take on different cultural perspectives implying that some forms of corporal punishment should be allowed. There is also an issue of not being able to properly regulate corporal punishment, especially in schools where sometimes a school might not want to lose its high prestige and therefore will 'hide' some evidence of teachers who have enforced maybe even the slightest bit of corporal punishment.

Possible Solutions

Although it is not possible to change the laws of each nation forcefully, as we have to keep in mind the cultural differences and norms and values, we can help promote the end of corporal punishment in schools through a series of actions.

A way that could help promote the prohibition of corporal punishment is through the advertisement of alternative forms of disciplinary methods. For example a certain primary school where corporal punishment has been abolished provided guidance and counselling to their pupils whenever they did something wrong. The same school suggests that if the child cannot be handled by school authorities that the school should either involve the parents or guardians of the child. The promotion of alternative "simple" punishments (not corporal ones) can also correct children in a much more effective way than corporal punishment could.

Another way to help promote the end of corporal punishment is to raise awareness through a series of campaigns, inform the general public on possible dangers of corporal punishment and to continue to support and bring to light parties and organizations such as UNICEF, the GIEACPC, and UNESCO in order to achieve these means through which awareness and promoting of the end of corporal punishment can be spread.

Appendix

Research summaries by country from the GIEACPC:

<http://www.endcorporalpunishment.org/assets/pdfs/research-summaries/Global%20research%20summaries.pdf>





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