

UNICEF – United Nations Children’s Fund Committee

Promoting the end of corporal
punishments in schools



Forum	United Nations Children’s Fund Committee
Issue:	Promoting the end of corporal punishment in schools
Student Officer:	Diyora Rakhimova
Position:	President

Introduction

Corporal punishment describes the use of physical action in order to serve a disciplinary action on an individual, in response to undesirable behaviour. Examples of corporal punishment used in schools includes spanking, slapping and pinching, and have shown to be administered in front of the class, or privately in a different classroom. (Gershoff, Elizabeth T, and Sarah A Font) It has been around for centuries, and in the past, the use of corporal punishment has been justified by the doctrine *in loco parentis*, which allowed teachers the same authority and rights as parents to punish children in their care and was highly prevalent in schools in many countries around the world.

The Committee on the Rights of the Child view corporal punishment to be highly degrading. Hence, the UN and national governments have made numerous efforts to ban the use of corporal punishment, due to its demeaning nature and negative effects on children, both physically and emotionally. (Atieno, Lydia) The key reasons behind the banning of corporal punishment in schools includes the lasting and serious negative effects on the child, irrelevance to improving the education level, and the fact that it is recognised by the United Nations as being against the fundamental rights of children. (Gershoff, Elizabeth T, and Sarah A Font)

Fortunately, corporal punishment is now banned in the majority of countries in the world, including the whole of Europe, most of South America, South Africa, New Zealand and many other countries and is increasingly prohibited by law. However, it remains legal and utilised in several countries such as India, Malaysia, Singapore and Tanzania and even continues in some places where it is outlawed. Hence it is an important issue for the United Nations Children’s Fund Committee to tackle and bring to an end.



Definition of Key Terms

Corporal Punishment

The Committee on the Rights of the Child in the General Committee no. 8 defines corporal punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. It often involves hitting (smacking, slapping, spanking) children, with the hand or with an implement. Corporal punishment still exists and is said to still be common throughout the world, even though it has been banned in multiple countries.

OHCHR

Office of the United Nations High Commissioner for Human Rights works to promote and protect human rights that are guaranteed under law. They also help in providing children with sufficient rights and combat the use of corporal punishment.

General Overview

The rationale of corporal punishment in schools

Corporal punishment in schools dates back to ancient history and was practiced for a number of reasons. It was traditionally believed that adults had the right to punish children who were behaving in an undesirable way, as a way of serving their sentence for the wrong-doing they committed. Adults often saw it as their duty to punish children in such a way. Corporal punishment was seen as the best way to discipline children, to build their character and ensure that they grew up to be respectful of adults and other authority figures in society. Moreover, for teachers it was believed that there was not only a need to punish pupils in this way, but also a right of teachers to specifically use corporal punishment as the most crucial way of maintaining good order in the classroom. (Gershoff, Elizabeth T, and Sarah A Font)

The first nations to outlaw corporal punishment



Poland was the first country to end corporal punishment in schools in 1783. Since then, many countries have followed. Following the 1917 Russian revolution, corporal punishment was ended in the Soviet Union as it opposed the ideology of communism. Supporters of communism in other parts of the world, such as Europe, started to fight against corporal punishment in schools. In the 1960s for example, corporal punishment such as caning boys was still very common in Britain, to which communists expressed shock, and saw this as a symptom of corrupt capitalist education systems.

Presence in modern society

Corporal punishment in schools has been made illegal in 128 countries in the world, including the entire continent of Europe, as policy makers and researchers have argued that corporal punishment in schools does not increase students' achievements or improve behaviour, and instead causes negative effects on students, such as injuries and psychological damage.

Moreover, several human-rights organisations such as the UN Committee on the Rights of the Child, have indicated that any sort of physical punishment is a breach of children's human rights, and have successfully fought over the years to end corporal punishment in schools in many parts of the world.

However, it is still legal and very much practiced in about 69 countries in the world, including some states in the United States and Australia, and several countries in Africa and Asia, such as Malaysia, Singapore, India and Tanzania. In Malaysia, caning is a common form of corporal punishment used for school children, especially for boys as many schools are still gender segregated, but is also reported with girls. However, there are rules and guidelines on who can do the caning and at what circumstance. For example, caning can only be performed by the Headmaster, and either on the palms or over clothing. (Atieno, Lydia) Public caning was also banned in schools in Malaysia after the Education Regulations of 2006 came into force, and although these are good strides, more must be done to completely outlaw corporal punishment of any type (whether it is done in public or in the headmaster's office) in schools.

Moreover, although corporal punishment in schools has been banned in the South Eastern countries and China, it still remains prevalent in many parts of the country,



especially in the more rural areas where such areas are often not monitored and cases not reported and hence it is difficult to enforce the law.

The effect on students

Teachers in schools where corporal punishment is practiced often believe that violence helps to discipline the students, however there is very little evidence to showcase this. No evidence exists that shows enhancement of students' school work, but is believed to teach respect toward the teacher. In fact, it is more likely that it instills fear on the student, rather than gain respect towards their teachers who frequently use corporal punishment against them. Moreover, many medical and psychological reports have shown that it produces actually lower outcomes in the academic performance of students, and has a large negative impact towards psychological health. Instead of creating disciplined children who behave, corporal punishments seem to have an opposite effect and could potentially create problematic and aggressive people in the future.

Major Parties Involved

United Nations Children's Fund (UNICEF)

The United Nations Children's Fund (UNICEF) is a special programme of the United Nations (UN), and is devoted to aiding national efforts to improve the health, nutrition, education and general welfare of children, and has played a key role in the thus far efforts and achievements towards ending corporal punishment in schools. The United Nations Convention on the Rights of the Child (UNCRC) is the basis of all of UNICEF's work, and calls for the protection of the rights of all children, regardless of ethnicity, gender, religion or language.

United Nations Committee on the Rights of the Child (CRC)

The UN Committee on the Rights of the Child is a body of eighteen independent experts that monitors and ensures the implementation of the UN Convention on the Rights of the Child by nations that ratify the Convention. The Committee works to



eradicate any type of violence against children, be that in schools or elsewhere in a child’s life. They interpret Article 19 of the Convention which obliges member states to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse while in the care of parents, legal guardian or any other person who has the care of the child” to imply a prohibition on all forms of corporal punishment. Moreover, they have emphasised that in order to effectively protect the human rights of children, corporal punishment and all other cruel and degrading treatment of children must be eliminated. (Baldwin, Doug)

Parliamentary Assembly of the Council of Europe

The Council of Europe’s Parliamentary Assembly brings together 47 members states’ representatives and is dedicated specifically towards maintaining human rights and maintaining laws following human rights. The first meeting was held in 1949, their main achievements since opening have been prohibiting the death penalty in Europe, shaping the European Convention of Human Rights, strengthened laws on human rights and helping nations defeat and overcome conflict. The PACE is also very involved in banishing corporal punishments that students still face in school. (Atieno, Lydia)

Timeline of Key Events

Date	Description of event
1000BC	First dated corporal punishments
1783	Poland becomes the first nation to ban corporal punishment in schools
September 1990	The United Nations Convention on the Rights of the Child comes into force The Committee on Economic, Social and Cultural Rights adopts a General Comment on “The Right to Education”, which states that corporal punishment is
1999	inconsistent with the fundamental guiding principle for international human rights law written in the Preambulatory clauses of the Universal Declaration of Human Rights
2000	Corporal punishments are banned in Germany and Bulgaria



2005	Corporal punishments are banned in Romania
October 2006	Paulo Sergio Pinheiro, Independent Expert for the Secretary-General Study on Violence against Children, presents his final report to the UN General Assembly, <i>The United Nations Study on Violence against Children</i> , which for the first time outlines the spread of child violence around the world, and contains recommendations on preventing it
2006	The United Nations Committee on the Rights of the Child recommends that a ban is placed for all corporal punishments
June 4th, 2016	The High Level Global Conference “Towards Childhoods free from corporal punishment is convened by the Austrian government (Baldwin, Doug)

UN involvement, Relevant Resolutions, Treaties and Events

- Declaration on the Critical Economic Situation in Africa, 3 December 1984 **(A/RES/39/29)**
- The United Nations Convention on the Rights of the Child (UNCRC). Adopted and opened for signature, ratification and accession by General Resolution 44/25 of 20 November 1989. Entry into force 2 September 1990 **(Appendix 1)**
- GA resolution on the mandate of the Special Representative of the Secretary General on Violence against Children, 22 February 2008 **(A/RES/62/141)**

Previous Attempts to solve the Issue

In the past twenty years, eighteen new countries have introduced laws which prohibit corporal punishment in all settings, including schools. It is important to see that with the turn of the century, the pace of prohibition and introduction of new laws supporting human rights has gathered momentum.

In 1990, the UN Convention on the Rights of the Child (UNCRC) came into force,



which included the Right to Protection of the child against abuse, and is classified as an Immediate Right. The Convention aims to prevent all violence and abuse towards children, with Article 19 calling for member states to protect their children from “all forms of physical or mental violence” in all settings. (Atieno, Lydia) During the first decade of ratification, the Committee on the Rights of the Child promoted and campaigned for the development of public education campaign to promote positive and non-violent discipline in schools and family life. (Baldwin, Doug)

In 2006, Paulo Sergio Pinheiro, the Independent Expert for the Secretary-General Study on Violence against Children, presented his final report to the UN General Assembly. His study analyses child violence in five settings, one of them being in schools, and contains recommendations for action to prevent and respond to it. Moreover, a detailed *World Report on Violence against Children* was written following the Study, and contains these recommendations to stop violence against children, and set an aim to prohibit corporal punishment of children by 2009. (Atieno, Lydia)

In light of the UN Study, ten countries have officially prohibited all forms of corporal punishment for children, and it is hoped that many more will follow.

In June of 2016 the High-level Conference “Towards Childhoods free from Corporal Punishment” took place in Vienna, which aimed to celebrate the progress in law reform to protect children from being hit and hurt by those entrusted in their upbringing, and build momentum for further reform. They adopted a new resolution at the Conference. **(Appendix 2)**. It was also stated that although great strides had been made, 150 countries worldwide, including 18 members of the Council of Europe had not yet met their obligations under the UNCRC and several other international human rights treaties to end corporal punishment.

Possible Solutions

To this day, a lot of effort has been expended by nations and organisations to put an end to a punishment that is as degrading and opposing to human rights as corporal punishment, and although it has been outlawed in many countries, there still remain many countries in which such punishments are heavily practiced and the health of many children are placed at risk.



Solutions that seek to solve this issue should concentrate on ending corporal punishment in countries where it still exists, looking closely at the reasons behind why it is still prevalent when many other nations have already ended it. Lessons can be learnt from other nations who have successfully outlawed the punishment in the past, to see how they achieved it and through what means, and attempt to apply similar measures. The first solution that is possible is to create a separate branch from the UN which focuses on abolishing global corporal punishments. The branch will be a part of the UN and encourage member states with high corporal punishment rates to be a part of this. Producing annual reports and progression of those countries encountering corporal punishments.

As culture plays a large role in many of the countries that still allow corporal punishment in schools, and is often the key factor which hinders any laws or human rights suggestions from being considered. Governments and locals may be unwilling to consider solutions are entirely against their beliefs. Hence, it is important to also analyse the background of these nations, and come up with specific solutions that will take this into regard. Solutions should also seek to promote the ratification of the Convention on the Rights of the Child by all member states, as it outlines physical punishment of any kind, in any setting, towards children as a breach of human rights. Nations that ratify the Convention are bound to it by international law, and their compliance is heavily monitored by the UNCRC and would hence be a key step in outlawing corporal punishment in schools.

Public education is crucial to ensure the enforcement of law, and the right information should be disseminated to children and parents. Teacher training sessions, public interest and education programmes, mobilising of entire communities and educating children on their own human rights will help to change attitudes, and help ease the acceptance of new laws prohibiting corporal punishment. Teacher trainings could, for example, concentrate on showing the harmful and negative effects of corporal punishment and how different and more effective techniques could be used instead to discipline children. Raising awareness of the negative effects of corporal punishment, in both schools and at home, also plays an important role in helping to eradicate corporal punishment, and hence solutions should also consider the home environment.

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Appendix or Appendices

Appendix 1



<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

<https://downloads.unicef.org.uk/wp->

content/uploads/2010/05/UNCRC_PRESS200910web.pdf?_ga=2.77427861.1854337804.1561388078-1825648170.1561388078

Appendix 2

https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/other_documents/resolution_of_the_vienna_conf_2016.pdf

Appendix 3

<https://www.ijern.com/journal/2018/April-2018/15.pdf>

