CORPORAL PUNISHMENT IN SCHOOLS IN SOUTH ASIA

Submitted to the Committee on the Rights of the Child

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TABLE OF CONTENTS

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EXECUTIVE SUMMARY

Corporal punishment is a common phenomenon in the daily life of South Asian children – at home, in schools, in places of work and in their neighbourhoods. Although very little research exists, testimonies from students, parents and teachers, as well as incidences reported in the media, suggest that corporal punishment is a common problem in many schools in the region. Not only are children physically and psychologically affected by corporal punishment, violence in schools and fear of teachers contributes significantly to children dropping out of school. Some children suffer a greater risk of corporal punishment due to their ethnic, family or class background. Children with disabilities are also more vulnerable to physical and psychological punishment. Corporal punishment in schools generally affects both boys and girls, but girls are more vulnerable to sexual abuse than boys.

While the Convention on the Rights of the Child (CRC) demands that children be respected as human beings with the right to dignity and physical integrity, in South Asia corporal punishment is often considered necessary to children's upbringing, to facilitate learning and to instil discipline.

No single factor accounts for the various forms of violence against children, including corporal punishment in schools. A range of interrelated social, cultural and educational factors contribute to the problem. The level of sanctioned violence is relatively high in South Asia, as is reflected in the high prevalence of violence against women and girls. Violence in its many forms is often explained as deriving from unequal power relations. Hierarchy and unequal power relations are strong in South Asia and are reflected in the subordination of various castes, classes and ethnic groups, and in the oppression of and violence against certain groups.

The phenomenon of corporal punishment clearly reflects and manifests children's lack of power and their low social status within society and the family as well as in the classroom. Children are generally seen as not 'mature' and the assumption is made that adults know best and thus must make decisions about children's lives. The teacher is considered a figure of authority who must be obeyed while the students should adjust and comply.

The lack of accountability towards children in South Asian schools is another factor that contributes to violence in schools and to teachers making use of corporal punishment. Crowded classrooms with inadequate infrastructure, insufficient learning tools, and the numbers of untrained teachers also contribute to increased stress among teachers and subsequently to the frequent use of corporal punishment.

Governments have made some legal provisions concerning child abuse and corporal punishment but these are usually too broad and are open to individual interpretation. Many of the laws are contradictory, and enforcement is half-hearted. With few exceptions, teachers who have been found guilty of using corporal punishment have been released on bail.

To address the issue of corporal punishment, the root causes of violence must be addressed, and child-friendly, child-centred teaching-learning promoted.

I. INTRODUCTION

Every day, in South Asia as elsewhere in the world, children are beaten in their schools as a mean of discipline. Corporal punishment means to inflict punishment on the body. It is to beat, hit, spank, swat, pinch or cane a child with belts, hands, sticks or any other tool. Such violence may be a deliberate act of punishment or simply the impulsive reaction of an irritated teacher, parent, adult or even an older child. No matter what form the violence however, it is always a violation of children's fundamental human rights.[1] Interpreting corporal punishment in merely physical terms does not cover all aspects of disciplinary violence against children in schools. While the physical manifestations of corporal punishment are obvious, other forms of psychological punishment and humiliation are also practised.

This paper deals with corporal punishment in schools. No attempt is made to cover all forms of violence in schools; nor are corporal punishment in homes (domestic violence) or corporal punishment in the juvenile justice system included. The paper is submitted to the Committee on the Convention of the Rights of the Child to provide input for its forthcoming discussion on domestic violence and corporal punishment, scheduled for September 2001. It also contributes to raising awareness about the issue of corporal punishment as part of a region–wide initiative against violence against children and women.

The paper gives an overview of the impact – physical and psychological – of corporal punishment on children and discusses the consequences in terms of learning achievement and dropping out of school. It summarises what the Convention on the Rights of the Child (CRC) and the Committee on the Rights of the Child have stated in relation to corporal punishment and examines existing national laws in South Asia that protect children against corporal punishment. It then presents the current situation in South Asia, the nature of corporal punishment and its underlying causes. The paper also gives a brief overview of various initiatives by UNICEF in the region and concludes with recommendations for further action.

Through its dialogue with government representatives, the Committee on the Rights of the Child has noted that the hitting of children is widespread in both rich and poor countries.[2] Based on the almost universal ratification and promotion of the CRC, violence in schools has increasingly been acknowledged as a violation of children's rights. In the last decade, more has been discovered about the detrimental short and longer-term consequences of hitting children. In South Asia, the print media has highlighted corporal punishment in schools with regular coverage that indicates an alarming prevalence in the region's schools.

[1] Hammarberg, T. and Newell, P. (2000). 'The Right Not to Be Hit.' *Children's Rights, Turning Principles into Practice.* UNICEF and Save the Children Sweden. Stockholm..

[2] ibid.

II. HOW CHILDREN ARE AFFECTED BY CORPORAL PUNISHMENT

> *"When you beat a child, you show them it is alright to beat others. When you slap them, pinch them, twist their ears, you teach them that violence and anger are the preferred ways to solve problems. When you beat with the intent of teaching them a lesson, you tell them they are failures and that they do not deserve your respect."*[3]

2.1 Risk for the Child's Physical and Psychological Health

Beyond violating a fundamental right of the child, beating a child causes pain, injury, humiliation, anxiety, anger and vindictiveness that could have long-term psychological effects. Physical abuse may reduce a child's sense of worth and increase vulnerability to depression.[4] Even minor forms of violence can cause injuries, and in the worst case permanent disability and even death. A blow causing a fall could result in injuries; eardrums can burst from a child's ears being boxed.

Children subjected to repeated violence may exhibit dysfunctional behaviour such as poor communication and they may as well display aggressive behaviour towards themselves and others. Child abuse and physcal punishment can produce feelings of guilt, violation, loss of control and lowered self-esteem.[5] While biological and various social factors interact in contributing to a child's development, studies show that child abuse and physical violence in the early years contribute significantly to a higher risk of children turning violent themselves.[6] Sometimes the child may not clearly understand the reason for the punishment, or the punishment is inconsistently given, and in these cases, corporal punishment can lead to passivity or strong feelings of helplessness.

Children may sometimes appear to take violence in the classroom lightly, for example finding it amusing when the teacher makes them stand outside the classroom. But this form of punishment may also have long-term consequences. Children who are subject to physical and mental punishment commonly experience humiliation and shame. There are even examples of children committing suicide because of repeated humiliating treatment in schools.

Corporal punishment is often justified as a necessary mean to create classroom discipline. In fact, corporal punishment is the least effective method of discipline. Punishment reinforces uncertainty and an identity of failure. It reinforces rebellion, resistance, revenge and resentment.

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[3] *Hinduism Today*, (July 1998)."Sparing the Child: Should Corporal Punishment End?"

[4] Sue, D., Sue D.W. and Sue, S. (2000). *Understanding Abnormal Behavior.* Sixth Edition. Houghton Mifflin Company. Boston.

[5] SCF-Sweden and EPOCH (1993) "The Child's Right to Physical Integrity and the UN Convention," Report to the UN Committee on the Rights of the Child from End Physical Punishment of Children Worldwide and Radda Barnen, Swedish Save the Children.

[6] Karr-Morse, R. and Wiley, M. S. (1997). *Ghosts from the Nursery; Tracing the Roots of Violence.* The Atlantic Monthly Press. New York.

2.2 Impact on Retention and Learning Achievements

A common effect of corporal punishment is a growing fear of teachers among school children and therefore a dislike of school. Studies show that corporal punishment is a direct and significant reason for children dropping out of school.[7] In Nepal, 14 percent of children claimed to have dropped out of school because they feared the teacher.[8]

When driven by fear of punishment, children learn simply to please the teacher and not to acquire skills and knowledge for their own development. Physical punishment thus distorts a student's motivation and learning is influenced by fear. Children who are physically and emotionally abused develop anxiety that causes loss of concentration and poor learning. They tend to fear taking risks and being creative.

It may not be only the children who are themselves subjected to physical punishment who are at risk of dropping out of school; children who are emotionally affected when others are beaten and humiliated in class may also refuse to return. A seven-year-old boy in the Maldives was reported refusing to go to school. The boy had witnessed a classmate being locked up in a storeroom because the child had not finished his homework. The seven-year-old believed the same could happen to him and would get up at 5.00 am to revise his vocabulary which he had learnt the previous day. According to his mother, the child was unable to concentrate on any activity, including his play and hobbies as he would be in a constant state of fear for not remembering the content of his schoolbooks.[9]

[7] UNICEF (1998a). "*Corporal Punishment in Primary Schools of North West Frontier Province Pakistan.*" NGO's Coalition on Child Rights – NWFP. UNICEF. Peshawar.
[8] Haq, M. and Haq, K. (1998). "Human Development in South Asia." The University Press Limited. Dhaka.
[9] Case reported to Project Officer, UNICEF Maldives.

III. LEGAL FRAMEWORK

3.1 The UN Convention on the Rights of the Child (CRC) and the CRC Committee

> "State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."
>
> CRC article 19

Various articles in the UN Convention on the Rights of the Child (CRC) reinforce the child's right to physical integrity and protection of his or her human dignity. Corporal punishment in the family or in schools and other institutions is thus a direct violation of the CRC.

The UN Committee on the Rights of the Child has emphasised that corporal punishment in the family, in schools and other institutions is incompatible with the CRC. The Committee has also stressed the importance of legal reform supported by campaigns to raise awareness about the detrimental effects of corporal punishment. In addition, it has emphasised alternatives to violent punishment in form of positive discipline in schools.

The CRC Committee has as well stressed that Article 28.2 of the CRC, concerning school discipline, includes conformity with Article 19, and the protection of children from "all forms of physical or mental violence." Physical punishments and other humiliating punishments amounting to psychological violence are thus outlawed. Whenever the reporting process under the Convention has revealed the continued existence of school corporal punishment, the Committee has proposed its abolition.[10]

> *"… if it is not permissible to beat an adult, why should it be permissible to do so to a child?* [11]

[10] UNICEF (1998). *Implementation Handbook for the Convention on the Rights of the Child.* UNICEF. New York

[11] CRC (1994). "Concluding Statement to the General Discussion on Child Rights in the Family." Committee on the Rights of the Child, United Nations. Geneva.

3.2 National Legislation Against Corporal Punishment in South Asia

Only a few countries in the world have outlawed corporal punishment of children. Some countries have banned hitting of students by teachers but not by parents.

All countries in South Asia have some legislation to protect children against serious physical assault, but in most countries, various laws and acts state that parents and teachers have the right to use violent forms of punishment if that punishment is "reasonable" or "moderate"; or if it is believed to be in the "best interest of the child".

Country	Law	Comment
Bangladesh	No legal provision	-
Bhutan	No legal provision	-
India	No legal provision	Judiciary markings against corporal punishment.
Maldives	Law on Protection of the Rights of the Child (1991)	Corporal punishment in schools must not affect the child physically or psychologically.
Nepal	Children's Act (1992)	Prohibits cruel treatment but allows beating for correcting misbehaviour.
Pakistan	Criminal Procedure Code	Prohibition against beating a child.
Sri Lanka	Constitution of Sri Lanka	Prohibits cruel treatment, but corporal punishment by teachers is allowed.

3.2.1 Bangladesh

Bangladesh has no legislation that defines the government's position on corporal punishment. The "Suppression of Violence Against Women and Children Act" (2000) does not specifically mention corporal punishment but it establishes harsher penalties for a variety of crimes against women and children (defined up to 14 years of age). In principle, if 'abuse' is established, the provisions of the Women and Child Repression Act (1995) can be used to prosecute the perpetrator of the abuse. This does not happen, however, because corporal punishment is generally recognised as a disciplining device and schools, both state-run and private, have been practising it with impunity. Nevertheless, corporal punishment is being recognised as an issue that must be addressed since it violates children's dignity and causes irreparable damage. During Children's Week celebrations in 1999, the abolition of corporal punishment was a highlighted theme. The Prime Minister used the occasion to ask the Primary Education Department in the Ministry of Education to devise a policy on corporal punishment.

3.2.2 Bhutan

Bhutan has no legal provisions prohibiting corporal punishment in schools, but parents have recourse to the law and judges have the power to decide cases in accordance with the principles of natural justice. Teacher training institutes strongly discourage the use of corporal punishment as a form of discipline within the school environment and are promoting alternative methods to manage discipline in the classroom.

3.2.3 India

India's National Policy on Education (1986) proposed abolition of corporal punishment in schools but no legislation has been passed banning it. In 1999, the Delhi High Court admitted a petition by the Parents Forum for Meaningful Education (PFME) challenging the practice of corporal punishment in schools. This followed statements by the Delhi Government in favour of retaining provisions in the Delhi Education Act that provide for certain forms of punishment to students over 14 years of age.[12] In December 2000, in response to public interest litigation, the Delhi High Court struck down provisions of corporal punishment in the Delhi School Education Act (1973) as being inhumane and detrimental to the dignity of children. An interesting feature of this case was the state government's contention that corporal punishment in moderation is meant to inculcate discipline in the child in his or her own interest. This judgement has paved the way for a public debate on this issue.[13]

3.2.4 Maldives

Maldives' law on the Protection of the Rights of the Child (1991) recognises the rights of children and their freedom and dignity and aims to create conditions in which they can develop their full potential and look forward to a full and satisfying adult life. It prohibits the beating of children and the use by parents of severe punishment that may harm the child mentally or physically. The law also states that punishment in schools must not affect the child physically or psychologically. With this background, the state party report to the CRC Committee in 1997 stated that corporal punishment is prohibited in schools.[14]

[12] *Hindustan Times*, 9 April 1999.
[13] *Hindu*, 2 December 2000.
[14] CRC "Rapport Complementaire des Maldives: Maldives" 24 July 1997, No CRC/C/8/Add.37. Committee on the Rights of the Child, United Nations. Geneva.

3.2.5 Nepal

The Nepal "Children's Act" (1992) prohibits cruel treatment of children, but it allows parents, family members and teachers to beat a child lightly if it is for the purpose of correcting a behaviour. The Law of Land (*Muluki Ain*) states that guardians and teachers shall not be held responsible if they grievously hurt a child in the course of education or defence; if the beating results in death they shall be punished with a small fine.[15]

3.2.6 Pakistan

Pakistan's Criminal Procedure Code states that beating a child is illegal. However, physical violence against children seems to be commonplace and socially accepted. A small study in North West Frontier Province showed that a majority of heads of schools believe corporal punishment is necessary in schools.[16] Physical abuse of children has not been recognised as a child rights issue that deserves attention.

3.2.7 Sri Lanka

Corporal punishment is unconstitutional in Sri Lanka. Article 10 of the Constitution of Sri Lanka recognises everyone's right not to be subjected to torture or to other cruel, inhuman and/or degrading treatment or punishment. Nevertheless, the legal system permits the use of corporal punishment in the family or in the school and attempts to regularise rather than eliminate it. Although physical cruelty towards children is a punishable offence, a number of laws allow corporal punishment and absolve parents, guardians and teachers of guilt. (This includes section 76.6.6, Children and Young Person's Ordinance and regulations on school discipline issued by the Education Department).[17]

[15] CRC "Summary record of the 303rd meeting: Nepal" 4 June 1996, No CRC/C/SR. 303. Committee on the Rights of the Child, United Nations. Geneva.
[16] UNICEF (1998a) op.cit..
[17] Goonosekere, S. (1998). *Children, Law and Justice A South Asian Perspective*. Sage Publications. New Delhi

IV. CORPORAL PUNISHMENT IN SCHOOLS IN SOUTH ASIA

Many South Asian countries have rules and regulations concerning corporal punishment in schools but law enforcement is often weak and initiatives by national authorities to curb the problem of violence in schools are often feeble if they exist at all. With a few exceptions, most teachers who have been offenders have been released on bail and evidence shows that no further action has been taken against them. Although statistics and data are scarce, rich anecdotal information reveals that corporal punishment is a widespread phenomenon in many schools in South Asia.

Following are a few examples of reports and media articles presenting the frequent incidence of corporal punishment in schools in South Asia.

4.1 Bangladesh

In Bangladesh, slum children in Dhaka have reported that corporal punishment is widely practiced in the public schools. Caning on shoulders and palms and squeezing a pen between the child's fingers were the most common examples of corporal punishment detailed. Corporal punishment is not only physically painful; the children interviewed also said that other students made fun of them, making them feel "mentally bad." While some private schools in the capital have policies banning corporal punishment, their administrators have admitted that it occasionally happens.[18]

Articles published in Bangladeshi newspapers further illustrate the type and severity of corporal punishment in schools: A six-year old girl had to be hospitalised when she lost consciousness after a caning by the head teacher for eating nuts in class.[19] Similarly an eight-year-old boy was severely whipped for playing in the school corridor instead of being in class.[20]

Anecdotal evidence also shows that corporal punishment is practised as well in *madrassahs* (religious schools). A 13-year old boy ran away from the religious school he was attending and arrived at his parents house in chains with his hands and legs tied to a piece of wood.[21] Children in *madrassahs* frequently complain to their parents about inhumane and cruel punishments like the use of bar-fetters and iron chains.

[18] Interview with slum children conducted by UNICEF Bangladesh with the assistance of Phulki.
[19] *Prothom Alo*, "A teacher indeed." 6 July *1999*.
[20] *Sangbad*, "Inhuman behaviour by a school teacher." 4 July 1999.
[21] *Daily Janakantha* "Tale of a madrassah which is like a prison: children chained even for slightest offences." 15 May 1999.

4.2 Bhutan

The media in Bhutan has also reported cases of severe hitting in schools. UNICEF has officially reacted to these reports in the local print media. While corporal punishment may not be frequently used in schools within the formal education system, it is commonly believed that some monasteries have severe disciplinary systems in place.

4.3 India

Children in several schools in India have reported that the teachers would regularly hit them hard with hand or a ruler, pinch them or make them stand or kneel outside the classroom. A study conducted with support from UNICEF revealed that 66 percent of children in the state of Maharashtra reported that their teacher regularly punish them in class; the figure for the state of Tamil Nadu was 87 percent. The prevalence of corporal punishment against children in urban and rural schools was found to be similar.[22]

A seven–year-old girl in India was thrashed by her teacher in class because she forgot to paste a picture of a train in her notebook for homework. To teach the girl a lesson, the teacher beat the child on her hands, legs and back with a wooden ruler; to make doubly sure that the child learnt her lesson, he then slapped her hard on her face and arm. The teacher was arrested but was released on bail the next day. The child was admitted to hospital in critical condition, her arm bruised and her liver damaged.[23]

One teacher in India quit her job as Head Mistress in a private school because the school's practice was to beat the children. "The principal's complaint against me was that I was soft with the children and that I had to be tough. The teachers would mercilessly bang the heads of these little children against the wall and beat them with canes. They wanted me to do the same thing but I protested and quit the job."[24]

The Public Report on Primary Education in India (PROBE), 1998, highlighted that the disparaging attitude of upper-caste teachers towards *dalit* (oppressed or low caste) children is one of the most common forms of social prejudice in the classroom. This can take various forms from telling them they are 'stupid' and making them feel inferior, to using them for menial chores and giving them liberal and physical punishment. *Dalit* children also commonly experience harassment from upper class/caste pupils.

[22] Mode (1996). "Attitudes Study on Elementary Education in India A Consolidated Report", A Study Sponsored by UNICEF India.
[23] *Indian Express*, 2 August 1998.
[24] *Hinduism Today*, "Growing up Afraid," July 1998.

4.4 Maldives

The following cases of corporal punishment have been reported and the Ministry of Education has taken action. In Haa Dhaalu school, an expatriate teacher pushed a student agasint the wall. The child hit the wall and fell to the floor, unconscious. The service of the teacher was terminated. Previously, several schools practiced punishment in the form of sending children out of the classroom, forcing them to kneel on the ground in the sun for long periods of time. No such insidences have been reported during the last two years.[25]

4.5 Nepal

As in many other countries in the region, it is commonly believed in Nepal that children must be punished when doing something wrong. Although physical punishment is banned in many private schools in Kathmandu, physical punishment and harsh disciplinary system exist. Also in government schools, children are often physically punished as the teachers believe this is the only way to discipline them. The mildest form of corporal punishment noted is tweaking ears while caning and slapping are the usual forms of severe physical punishment. Use of verbal chastisement is also common.

Corporal punishment also exists in its extreme forms, as illustrated by two newspapers. "Around 18 children studying in one of the boarding schools were made to lick human faeces by a teacher after the kids failed to rote learn the multiplication table as demanded by the teacher."[26] Another case reported was of a 10-year-old girl who was severely thrashed and hung upside down from the ceiling fan by the school principal. She was punished because the principal *thought* she had stolen a fruit lying on the principal's desk.[27]

The frequent use of corporal punishment in many schools in Nepal is also reflected in the findings of a study stating that "modern-day schools have to be recognised as constituting the foundation of violence against school children."[28]

4.6 Pakistan

In Pakistan, a study in the North West Frontier Province showed that corporal punishment is considered necessary to maintain discipline, build character and facilitate learning. It is also acceptable as part of the culture and said to be good for the morale of teachers as they feel in command.

Many poor parents in Pakistan cannot afford to send their children to government schools and so send them to *madrassahs* which provide free food and lodging. Investigations by the Human Rights Commission of Pakistan in 1994 said that in

[25] As per information from the UNICEF Maldives Country Office.
[26] *Kathmandu Post*, 30 March 2000.
[27] *Kathmandu Post*, 29 August 1999.
[28] Tamrakar and Mishra (1995) "Social Construction of Violence in schools: Notes from Kathmandu."

some of these schools children in groups of four or five were locked in iron chains to a heavy wooden block to prevent them from escaping. Several children between the ages of 8 – 14 had been continuously chained for up to one year. The head of the school later said that "parents leave their children with us and ask us to chain them because they have fallen into bad habits of watching satellite television."[29]

4.7 Sri Lanka

No known cases of corporal punishment in schools have been reported from Sri Lanka.

[29] Amnesty International (1998) "Children in South Asia,: Securing their Rights" April, AI Index: ASA 04/01/98, London: Amnesty International.

V. WHY CORPORAL PUNISHMENT IN SOUTH ASIA?

5.1 Fixed and Strong Power Relations

No single factor can account for the various forms of violence against children, including corporal punishment in schools. A range of interrelated social, cultural and educational factors contribute to the problem. Although hitting children is common practice it is by no means universal and nothing suggests that it is 'natural human behaviour.' The level of sanctioned violence has gradually decreased in several countries, and eight counties in the world have explicitly banned all forms of corporal punishment of children. Historically and geographically, corporal punishment of individuals – women, children or other disadvantaged groups -- has tended to follow enslavement, colonisation, military occupation and certain religious teaching.[30] Socially sanctioned violent behaviour is thus commonly found in societies where unequal power relations and hierarchies are strong.

In South Asia, the degree of 'acceptable' violence due to societal norms and values appears to be very high. The last few years have seen a rise of violence in the region, mostly targeted against ethnic or religious minorities, which lacks historical precedent. The gravest form of violence, however, is that committed against women and children, particularly girls. Such violence occurs within the family, in schools and at the workplace. Violence against women and girls in South Asia includes not only physical violence, but also sexual, psychological and emotional abuse. Physical violence extends even to murder, sometimes in the guise of 'honour killings,' and also includes domestic violence, public assault, mutilation and torture, as well as stove burning and acid throwing.

South Asia is a society with strong hierarchy and unequal power relations. Reflected in the subordination of various castes, classes and ethnic groups, oppression of certain groups is 'allowed' and accepted. Violence can often be attributed to these unequal power relations, deriving from patriarchy and family institutions that reinforce inequalities between husband and wife, sons and daughters. Legislation and cultural sanctions that have traditionally denied children and women an independent legal and social status further maintain and exacerbate these unequal power relations. Unequal and fixed power relations between men and women, and between boys and girls, as well as violence against women and children is also perpetuated by lack of educational opportunities, poverty and deprivation, leading to desperation and exploitation.

The South Asian concept of "respect for the elders" is commendable in its own right but the society's hierarchical set up – whether family, community, caste hierarchies or religious institutions – gives power to those in authority, the 'elders', the men; and in schools, to the teachers. Though teaching is perceived stereotypically as a socially appropriate profession for women, rural South Asia has a majority of male teachers. The male oriented school environment is reinforced by the long distances to schools in many remote areas, unofficial social norms that downplay the importance of

[30] SCF-Sweden and EPOCH, "Hitting People is Wrong – and Children are People Too."

education for girls and lack of physical infrastructure in schools, for example sanitary facilities for girls. These factors independently contribute to giving girls less opportunity for schooling in South Asia and to continuing male domination at all levels of society.

The phenomenon of corporal punishment clearly reflects and manifests children's lack of power and their low social status within society, the family and in the classroom.[31] On the assumption that adults know best and that decisions about children's lives must be made by adults, children are often considered not 'mature.'

In schools, the teachers are seen as figures of authority, transmitting knowledge to the students who are expected to submit, obey and learn. The teacher chooses and enforces a choice and the students comply. The teacher is the subject of the learning process, while the students are the objects.[32] As the person with authority to decide the process and content of learning, the teacher is also given the authority to exercise punishment if the students fail to comply and learn. Such punishment is felt to be a necessary part of the pedagogy and important for a child's upbringing. Corporal punishment is also believed to have a toughening impact on boys.[33]

Violence deriving from unequal power relations is often culturally acceptable with the victim made to believe that violence is deserved. Many students see corporal punishment as a normal feature of their education. Some of the children interviewed for this paper said that "it happens and we accept it as normal because if we do something wrong then we must be punished."[34]

Subordination establishes a pattern for discriminatory behaviours at all levels and societal settings. Certain sectors of society, such as girls, women and other underprivileged groups have been identified as particularly vulnerable. At the school level, teachers tend to treat children with disabilities, children from 'lower' castes or classes with contempt and often physically and verbally abuse them. In a study carried out on the effectiveness of child rights training in Pakistan, the researcher found that children with disabilities suffered from further lowering of their self esteem and feelings of self worth because teachers often called them by their disability.[35] While there are no studies showing that girls are more vulnerable to corporal punishment in schools than boys, girls are at greater risk of sexual abuse.

[31] Hammarberg, T. and Newell, P. op.cit..
[32] Shotton, J. "Pedagogy, the Classroom and Education in Nepal." Quarterly Development Review.
[33] UNICEF (1998a) op.cit..
[34] Interviews with teachers and children in Kathmandu.
[35] UNICEF and SCF, (2000), "Towards the Future: Child Rights Training," Nepal UNICEF Regional Office for South Asia and Save the Children South and Central Asia Region.

5.2 The Home Environment

Acceptance of the need for physical punishment in schools as a way of teaching and instilling discipline in children may be perpetuated by parents, particularly fathers. It is often believed that in the absence of corporal punishment, children will become uncontrollable. Incidents have been reported of fathers instructing teachers at school to punish their children. In Bangladesh, a 10-year-old residential student of a *madrassah* ran away because of the hardship experienced. His father brought him back and the *madrassah* authorities punished him by forcing him to shoulder a piece of wood tied with an iron chain to his leg for seven days. When questioned, the principal said the father of the boy had imposed the punishment.[36] Some teachers interviewed in Kathmandu reported that in many instances parents urge the teachers to beat their children as they "are very naughty and they would not study unless they were beaten."[37] Interviews with parents in Pakistan revealed that a majority approved of corporal punishment and felt that teachers have the full right to impose corporal punishment on the students.[38]

Several studies from the region show that physical punishment of children at homes is also a common practice. In a study carried out in Pakistan, interviews with 4,200 children resulted in all respondents admitting to receiving physical punishment at home. The forms of punishment included slapping on face and back, hitting with a stick and kicking.[39] Another study from Nepal confirms that physical violence against children within the household is common; 33 percent of the respondents were reported victims of physical domestic violence.[40]

A study carried out by UNICEF Nepal in 2000 shows that the use of physical punishment against younger children is not common. Instead, parents generally resort to threats, intimidation, fear and in some cases deprivation of food as an incentive for good behaviour. For the most part, parents recognised that beating is not the best way to discipline children and that they should maintain their composure when correcting a child's wrong doing. However, it was reported that parents sometimes slap their children when their patience wears thin, particularly older, school-aged children. Fathers were described as the main disciplinarians, while mothers often control children by threatening that their fathers will punish them.[41]

Growing up in an environment where violent behaviour is common renders many children more likely to accept violence in the school environment.

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[36] UNICEF (1999b). "Corporal Punishment – A Literature Review of the Situation in Bangladesh." UNICEF. Dhaka

[37] Interviews with teachers in Kathmandu.

[38] UNICEF (1998a) op.cit.

[39] UNICEF(1999a). "Children's Perceptions of Physical Abuse at Home in North West Frontier Province, Pakistan." NGOs Coalition on Child Rights NWFP, Collaboration, UNICEF, Pakistan.

[40] SAATHI, for the Asia Foundation (1997). "A National Survey on Violence agaisnt Women and Girls in Nepal." The Asia Foundation, Kathmandu.

[41] UNICEF (2000). "Bringing Up Children in a Changing World; Who's Rights? Whose Rights?" UNICEF. Kathmandu.

5.3 The School System in South Asia

Progress made…challenges remain

Over the past three decades, South Asia has made substantial progress in providing education to its children. Approximately 150 million children are attending primary school, although 50 million are still out of school. Moreover, more than 40 percent of those who enter primary school drop out before completing their primary education cycle. South Asia has the largest gap of any region between the primary enrolment rates of girls and boys. These gender gaps in education result not only from a lack of girl-friendly schools but also because of parents' low interest in education for their daughters, reflecting both cultural biases and the high opportunity cost of girls' work at home.[42] Such educational disparities affect not just girls but several other disadvantaged groups as well, such as the poor, linguistic and ethnic minorities, refugee children, rural children and working children.

Limited resources for public education, the poor quality of government schools and the growing demand for education by a rapidly increasing urban middle-class have enhanced the role of the private sector in providing private education. A study in Bangladesh showed that not quite 70 percent of all children enrolled in schools attended government schools.[43] While expensive and exclusive private schools may exacerbate education inequalities, evidence shows that private schools are important in many countries where the burden of providing quality education cannot be borne by governments alone. Poor quality education, lack of teacher training and violence are nevertheless also attributed to many private schools.

Teachers

A major challenge faced by the region is the lack of teachers. South Asia has only 66 percent of the total number of teachers it actually requires. One reason is the lack of suitable candidates applying for teaching posts. Despite the importance of female teachers in getting children, especially girls, into schools, many countries in the region have still only a limited number of women teachers. Pakistan has only 25 percent women teachers; Bangladesh 27 percent and India 31 percent. Efforts are, however, being made to change this situation. In Bangaldesh, for example, there is a policy decision to give 60 percent of all vacant primary teaching posts to women.[44]

The low social status and lack of professional recognition often make teaching an unattractive career choice. As previous experience or training is not required for a teaching post, teaching is often taken up as a last resort by the educated unemployed. Many of the teachers in South Asia are extremely poorly trained with limited or no pre- or in-service training. Poor training makes teachers unable to address the diverse

[42] Haq, M. and Haq, K. (1998) op.cit.
[43] Chowdhury, A.M.; Choudhury, R.K and Nath, S. (eds.) (1999). *Hope not Complacency*. Campaign for Popular Education, Bangladesh. The University Press Limited. Dhaka.
[44] UNICEF (2001), Haq, M.

learning demands of children in the classroom and teachers are often unable to actively engage children in the learning process, making learning tedious for the child. Poor training thus contributes to teachers coming unprepared to class, a teaching-learning process that may not actively engage the child, causing breakdowns in classroom discipline, and violence and abuse by teachers attempting to restore discipline and children's interest.[45]

The Issue of Accountability

The general organisational structure of primary schooling is fairly similar across South Asia. The base of the education pyramid consists of individual schools organised by geo-political districts, managed by a principal, and sometimes overseen by school management committees or parent-teacher associations. At the top of the pyramid is the national ministry or department of education, which plans and administers the education system as a whole.[46]

A key challenge for the education system in South Asia is limited accountability to children's learning. Not only is South Asia unable to provide all school-age children, especially those from underprivileged groups, and in particular girls, with the opportunity to attend school, but the schools also often fail to provide core skills, such as reading and writing, to those who remain to complete their primary education. One reason for this failure is lack of accountability for students' learning and for the classroom environment at all levels of the educational system.[47] Poor working conditions and salaries inhibit the flow of suitable individuals attracted to the teaching profession. Teachers often have to maintain other jobs to compensate for their low salaries; in countries where teachers are transferred around the country, teachers' preference for urban areas also negatively impacts their motivation to teach students in remote rural areas.[48] Lack of accountability among teachers is further exacerbated because advancement and teachers' salary increments are rarely linked to actual performance in terms of children's learning outcome. The education system in South Asia typically uses enrolment rate as a key indicator for success and progress and thereby omitting assessing children's actual learning achievements.

Lack of accountability also leads to violence in schools and teachers using corporal punishment against children. Most schools in the region lack specific policies on the issue of corporal punishment. Although many private schools have banned corporal punishment; and may have detailed policy papers regulating disciplinary actions that range from 'demerit cards' to expulsion from school, instances of teachers being penalised for not following the policies and rules against corporal punishment are extremely rare. Most school management committees seldom, if ever, discuss policies and administration from the perspective of the rights of the child. Corporal punishment appears on the agenda only when there is a special case to discuss.

[45] National Child Protection Authority, "Corporal Punishment of Children Is it Really Necessary?" Colombo.
[46] Haq, M and Haq, K. (1998). op cit.
[47] ibid.
[48] UNICEF (2001). op cit.

The main criteria for supervising and evaluating teachers are frequently based on whether the curriculum has been completed and how many students achieve 'good' marks in the final exams. Supervision is not seen as a method of constructive criticism to support teachers in improving their teaching skills, but is considered a tool of control. Several incidents have been reported of physical abuse of children for performing poorly on exams. Assessments of teachers' performance hardly ever include students' views and feedback.

Physical Condition of Schools and Classrooms

Throughout the region, most schools suffer from inadequate facilities and structures that are in an abject state of disrepair and neglect. In Nepal, for example, 67 percent of primary schools lack latrines and one-third of the existing toilets are in bad condition. In Pakistan, 70 percent of primary schools have no latrines.[49] Working conditions within the classroom further reduce teachers' motivation and increase their stress. Classrooms are often overcrowded with children in varying ages and with varying education demands. In addition, inadequate lighting, ventilation and teaching/learning tools, make it difficult for teachers to teach and for learners to learn.

> *"In many schools, the teachers are paid a pittance, made to work long hours and often treated shabbily by the management. They give expression to their anger towards the management by treating the child harshly. That's unfair."* [50]

Quality Teaching-Learning Process

Limited support for child-centred teaching-learning process and given the culturally accepted norms described above, teachers commonly treat their students as objects to be taught, passive recipients of information rather than active participants in their own learning process. Teaching methods are generally teacher-centred, with little recognition of children's perspectives, needs and experiences. Classroom discipline is maintained by keeping students in an intermittent or constant state of fear. Harsh and violent discipline, however, hampers children's motivation and ability to learn, leaving them in a vicious circle of low achievement, repetition, rejection and ultimate withdrawal from the education process.[51]

Significant attempts have been made to improve the quality of teaching methodology. 'Joyful Learning' and 'Minimum Ways of Teaching-Learning' are learning approaches being used in the region.[52] Increasingly, "child-friendly" teaching training workshops are being conducted in many countries in South Asia, although

[49] ibid.
[50] *Hindusim Today* (July 1998). "Growing up Afraid."
[51] UNICEF (1994). Innocenti Occasional Papers, Child Rights Series. No. 9, Innocenti. Florence., Haq, M. and Haq, K. (1998).
[52] UNICEF (2001). op cit.

this training often focuses on methods for subject teaching and less on ways to ensure a learning environment free from violence and abuse. While the genuine child-friendly teaching-learning method ensures that teachers do not have to resort to violence and that learning is a positive, meaningful and enriching experience for the individual child, there is often inadequate support for teachers who have participated in child-friendly teaching training workshops to implement child-friendly methods. A child-friendly teaching-learning process can only be realised if accompanied by structural changes, such as use of adequate and appropriate teaching materials, classroom organisation, proper time management, continuous assistance, supervision and support. So while many teachers strive for a teaching style that is more child-centred, as few teachers have access to actual guidance on positive disciplinary methods, the very basic principles of the child-centred teaching-learning process are still missing.

Increasing Academic Pressure

> *"Failure to perform better than others in regular class work, home work and tests, under a system which is obsessed with ranking invites frequent and systematic physical and emotional violence."* [53]

For the urban middle and upper class children, increasing academic pressure may also result in repeated violence. Expansion of private enterprises, rapid urbanisation, and high rates of youth unemployment in South Asia are independently increasing the value of earning and a career. Education is becoming important for later entry into a successful career path. Society places high value on children who stand first in class, and parents gain social status if children manage well and perhaps even study abroad. Shrinking job opportunities are increasing academic pressure on many adolescents in the aspiring urban middle class. Failure to perform superlatively may result in physical abuse of the child by disillusioned parents.

[53] Tamrakar and Mishra (1995) "Social Construction of Violence in schools: Notes from Kathmandu."

VI. ADDRESSING THE ISSUE

6.1 Need for Judicial Reform and Child-centred Learning

Corporal punishment is a breach of children's fundamental rights and does not respect their dignity and physical integrity. Some governments in South Asia (see section 3) have publicly expressed concern about corporal punishment, and examples exist of members of the judiciary marking their positions against corporal punishment. Despite these efforts, however, corporal punishment seems to be rampant in many schools in the region.

Merely adopting legislation against corporal punishment of children is clearly insufficient. Physical punishment of children must be banned -- not to punish teachers and parents -- but to sensitise teachers, parents and other community members about all children's rights to physical integrity and human dignity. It is also important to adopt positive disciplinary methods and reinforce child-friendly schools where a child-centred teaching-learning process prevails.

A child-centred approach to teaching-learning considers the learning needs and capacities of the individual child. It promotes the child's participation in all aspects of school life and takes into account the diversity of learning needs and the support and methodologies required to match the mode and pace of each child. The approach is built on seeking solutions through dialogue and listening where everyone's views are taken into account. Furthermore, motivation is enhanced through encouragement and positive feedback rather than punitive, violent measures.

CHILD-FRIENDLY, CHILD-CENTRED LEARNING

Several examples of child-centred active learning pedagogy can be found in the region:

GSS in Bangladesh runs a comprehensive education programme for children of all ages. Half of the students are girls. GSS follows the government curriculum, but adapts the content to allow progressive, individual learning based on each child's capacities and learning styles. The pedagogy adopted by GSS is child-centred based on independent thinking and a learning environment where the teacher is no longer an authority figure to obey and children merely objects. Instead, children are seen as active agents in their own learning and the teacher is the facilitator. Eighty per cent of GSS children are able to read and write independently after 18 months of schooling. Corporal punishment in GSS schools has never been reported.

BRAC is another NGO running schools in Bangladesh. The schools target girls and follow a curriculum relevant to the needs of the rural poor. They promote a positive participatory learning environment at a low cost. Classes in BRAC schools are small, giving each child the opportunity to receive the teacher's attention and assistance when needed. Additionally, because parents and their daughters are more comfortable with women teachers and as women teachers tend to be more sensitive to the needs of children, BRAC recruits almost all women teachers; currently 97% are women.

Thus the emphasis is on a meaningful, enjoyable, exciting and - most importantly - a reassuring environment where children as independent individuals worthy of personal respect have the freedom to express their views, question, discuss and debate without fear of retribution.

Violence in schools must be addressed in conjunction with addressing other forms of violence. Little progress can be made in confronting violence against other underprivileged groups if violence and corporal punishment of children continue to be an accepted practice within families and communities. Boys and girls should be socialised into a non-violent environment.

"*As long as any kind of violence in the family environment is accepted by society as legitimate, no real change of attitudes can occur which may create the atmosphere in which the family environment is indeed free from violence against women too. Thus promoting the rights of children to be protected from any kind of violence and abuse in the family should be regarded as the key and the starting point for all strategies aiming to prevent family violence. We must put children at the centre of our response to family violence, advocating the elimination of any kind of violence to them, including all corporal punishment. "*[54]

6.2 UNICEF Programme Activities in South Asia

UNICEF has taken an explicit stand against corporal punishment. The late UNICEF Executive Director James Grant made this position clear in his speech to the General Assembly in November 1994:

"In recent decades much experience has been gained in identifying, preventing and punishing violent child abuse, but these experiences need to be more widely shared and applied. I am convinced that improving the treatment of children at home – showing them love, teaching them tolerance, resolving conflicts peacefully and empowering them with practical knowledge and solid values is an essential; part of efforts to prevent the more public cycles of violence that tear at the fabric of our societies and undermine world peace."

UNICEF Bangladesh has taken some initiatives by using the annual government Child Rights Week celebration as a medium for advocating against corporal punishment of children. While the intent has been to spread awareness that all children have fundamental rights, for many years the activities were largely cultural and ceremonial in nature. Since 1997 however, Child Rights Week has been an important nation-wide campaign raising awareness about different things. This is largely due to UNICEF, which has continued to introduce themes in consultation with the Ministry of Women and Children Affairs.

In 1999, a pamphlet arguing against corporal punishment, both in Bangla and English, was distributed during Child Rights Week. The Ministry of Women and Children Affairs requested districts and *thanas* to hold discussion sessions on the issue involving students and teachers. Many District Commissioners, on their own

[54] Mrs Judith Karp, Vice-Chair of the Committee on the Rights of the Child, speaker at seminar on"Ending all corporal punishment of children in Europe," European Parliament, March 1999. Brussels.

initiative, sent out directives to schools to ban corporal punishment on children. A widely used slogan was also developed. Two TV spots on corporal punishment were produced and aired. When the Prime Minister inaugurated Child Rights Week 1999, she requested the Primary Education Department in the Ministry of Education to design a policy on corporal punishment.

UNICEF Sri Lanka has worked alongside government departments and in 1995 the Sri Lanka parliament unanimously passed four bills which were expected to bring "sweeping changes in existing legislation related to child abuse, rape and sexual offences." UNICEF, along with Save the Children Norway and Sweden, has provided assistance and support to the Police Headquarters, Criminal Intelligence and Organised Crime Department, to produce a handbook on child abuse to enable Police Officers to acquire the necessary knowledge to "implement the law comprehensively and effectively." The National Child Protection Authority (NCPA) has with UNICEF assistance produced informative booklets for teachers on the implications of and alternatives to corporal punishment.[55]

UNICEF Pakistan conducted a study on corporal punishment in primary schools in the NWF province in collaboration with a local NGO, the National Coalition on Child Rights (NCCR). The study revealed that the majority of schools authorise corporal punishment, primarily to maintain discipline, and most parents believe it 'facilitates learning'. Based on these findings, UNICEF began advocacy work with the governor and the education department of the province that resulted in the issuance of a circular to all government primary schools banning corporal punishment practices in schools. Many discussions, seminars and workshops around the issue have been organised for a wide range of people from the government, CBOs, media and teachers. District vigilance committees have been set up. Members include the Deputy Commissioner of the province, District Education Officer, NGO/CBO representatives and activists. Their main functions are to organise awareness raising seminars, monitor corporal punishment in schools and report cases of corporal punishment in the district to NCCR.

The Education Section of UNICEF Pakistan is currently developing a project on discipline that will look at corporal punishment in a wider protection context, both family and schools, examining laws, policies and practices in the homes, and preparing training packages for Parent Teacher Associations.

In **India**, Divya Disha, one of UNICEF's NGO partners, has organised child rights clubs in schools in Hyderabad, the most recent achievement being the development and signing the Child Rights Charter by 12 schools. This Charter outlines the roles and responsibilities and obligations of schools, teachers, parents and students. Corporal punishment is implicit within the charter and recent information from the NGO has indicated that the clubs will soon take up this issue

[55] National Child Protection Authority. op cit.

VII. THE WAY FORWARD: AN AGENDA FOR UNICEF

The phenomenon of corporal punishment in schools has slowly been recognised by govemments in South Asia as an issue of concern and a violation of children's rights. UNICEF has recently established improved protection of children from violence, exploitation and abuse, along with girls' education, as two of five organisational priorities for the future.

· **The Child's Right to Education**

The overarching education goal for UNICEF in South Asia is to help children learn and succeed. This can only be achieved in a non-violent, child-centred and gender-sensitive learning environment. Girls' quality education should be promoted as a necessary requirement for the better future of South Asia. There is a need to sensitise and train teachers, parents, school management and students on a rights-based approach to child development in general and a child-centred teaching-learning process in particular. For this purpose, linkages and convergence between the education and child protection sectors should be sought.

· **Addressing the Root Cause of Violence**

Addressing violence against women and girls is a regional priority for UNICEF in South Asia. UNICEF has demonstrated that violence against children cannot be reduced without addressing violence against women. Rather than seeking patchwork interventions, the aim is to create a holistic process that will address all forms of violence that derive from unequal power relations and strong hierarchies. There is a strong recognition of investing in men as role models and advocates for improving the lives of women, girls and other underprivileged groups. Men's participation in creating new modes of socialisation where boys and girls are equally valued in the private and public domain is crucial and should be promoted.

· **Research on the Phenomenon of Corporal Punishment**

Little documentation exists on the phenomenon of corporal punishment in schools in South Asia. More in-depth research is needed, not only about the scope of the problem but on its impact on girls' and boys' learning achievement and dropout rates. Research on corporal punishment must also address the issue of perpetuating socially sanctioned forms of violence against underprivileged groups and individuals in South Asia. The research should be participatory in design with children as the main informants.

· **Policy Statements and Legal Reform**

UNICEF should advocate for legal reform banning corporal punishment in schools. Governments and educational institutions need to be challenged to ensure explicit prohibition of corporal punishment in schools, in homes and within the juvenile justice system.

· **Addressing the Issue of Non-accountability**

Support should be provided to develop teachers' training curricula as well as to develop monitoring systems that help ensure accountability of teachers. Such systems must also include a mechanism for complaints by students. Support to parents' and teachers' organisations should be provided.

• **Increased Awareness on Children's Rights**

Teachers, parents and students should be informed about children's right not to be hit. All such information must be backed up by parenting education programmes that take into account positive disciplinary methods and good child-rearing practices.

· **Communication and Advocacy**

Communication messages must be developed for key target groups that can be included in various advocacy and programme initiatives, in basic education, child health and parenting education programmes.

· **Networking and Alliance Building**

Alliances should be built with and support given to networks and organisations working on eliminating corporal punishment at country, regional and international levels.

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