

# FIMUN 2020 STUDY GUIDE



**Forum:** The Human Rights Council

**Issue:** Promoting the end of corporal punishment in schools

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**Position:** Committee Director

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## **Welcome Letter:**

Dear delegates,

First of all, We would like to welcome you all to the seventh annual session of FIMUN. This study guide should be a crucial part of your researches while being your priority source. We highly suggest the delegates have more detailed research on the topic and proper research upon their countries' policies to complete their preparation. Lastly, as a reminder, do not forget that the debates' aims should be finding peaceful solutions and raising awareness.

Please do not hesitate to contact us if you have any further questions.

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## **Introduction to the Committee:**

The Human Rights Council is the main inter-governmental body within the United Nations system responsible for addressing situations of human rights violations. The Council also receives thematic and country-specific reports from a series of independent expert mechanisms, including special procedures, as well as from the Office of the High Commissioner for Human Rights. Since the Council's inception in 2006, Human Rights Watch has been involved in strengthening its capacity to promote and protect human rights worldwide and be more responsive to the needs of victims of rights violations. We work to cast a light on the activities of the Council, hold its members accountable for their actions and advance compliance with its objective of addressing "situations of violations of human rights, including gross and systematic violations" around the world.

## **Introduction to the Topic:**

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 that allows all of us who 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 things.

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 therefore not solemnly scientifically based, it is also based on the moral relativism of individuals and therefore also nations.

Because of this fact, we must remain respectful to any nation 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:**

Corporal punishment or physical punishment is a punishment intended to cause physical pain to a person. It is most often practiced on minors, especially in home and school settings. Common methods include spanking or paddling. It has also historically been used on adults, particularly on prisoners and enslaved people.

### **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:**

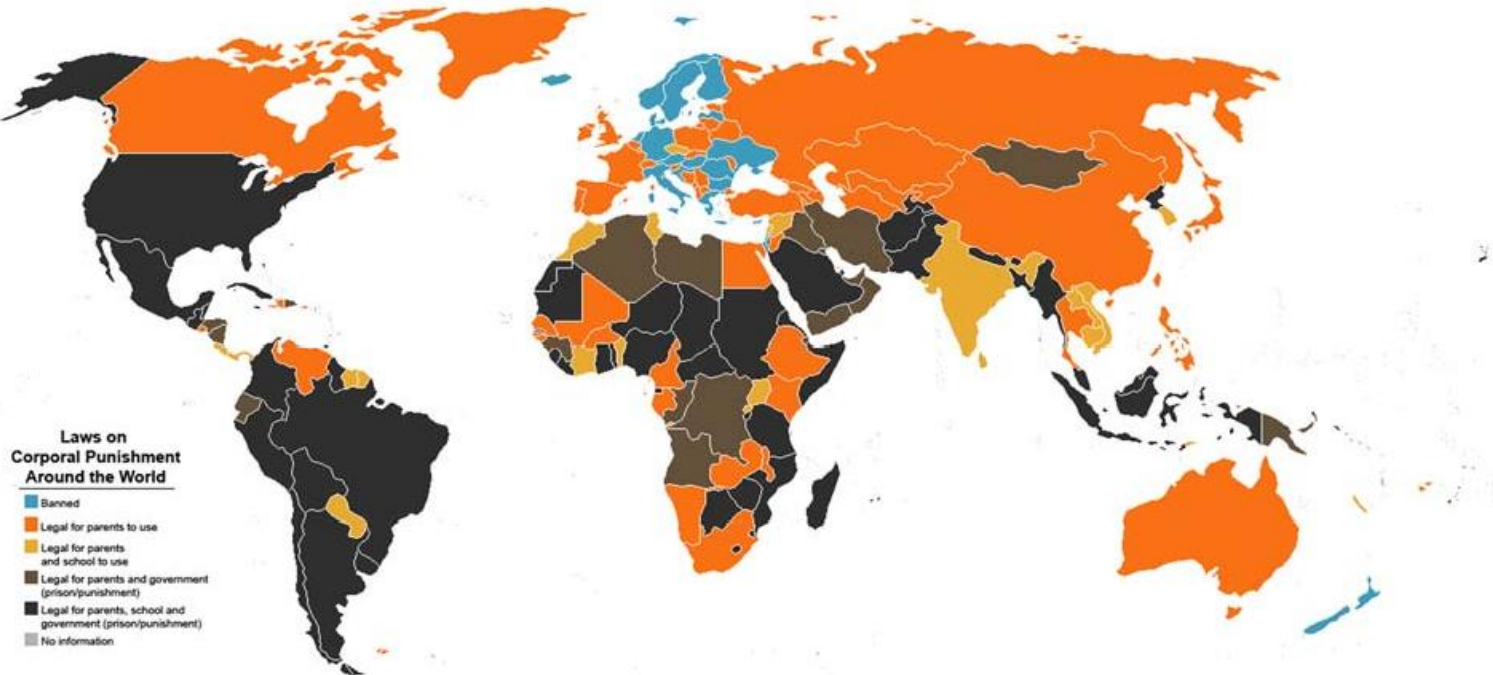
Cultural violence can be seen as a concept of structural violence over twenty years. Cultural violence can be defined as any aspect of a culture that can be used to legitimize violence in its direct or structural forms. Although symbolic violence is sometimes also built into a culture does not kill or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

### **School discipline:**

School discipline relates to the actions taken by a teacher or the school organization towards a student (or group of students) when the student's behavior disrupts the ongoing educational activity or breaks a rule created by the teacher or the school system. Discipline can guide the children's behavior or set limits to help them learn to take care of themselves, other people and the world around them.

### **General Overview:**

Corporal punishment is a worldwide issue. Although there are some 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.



As can surprisingly be seen there are only a few countries, which completely ban corporal punishment. What also comes as a surprise is a notion that MEDCs are much more advanced in their laws than LEDCs. However, this chart shows us how little of the MEDCs 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 behavior. However this it has been studied that corporal punishment is completely not an effective method of managing behavior. It causes severe harm to a child's wellbeing.

## **Background Information:**

### **The practice of Corporal Punishment:**

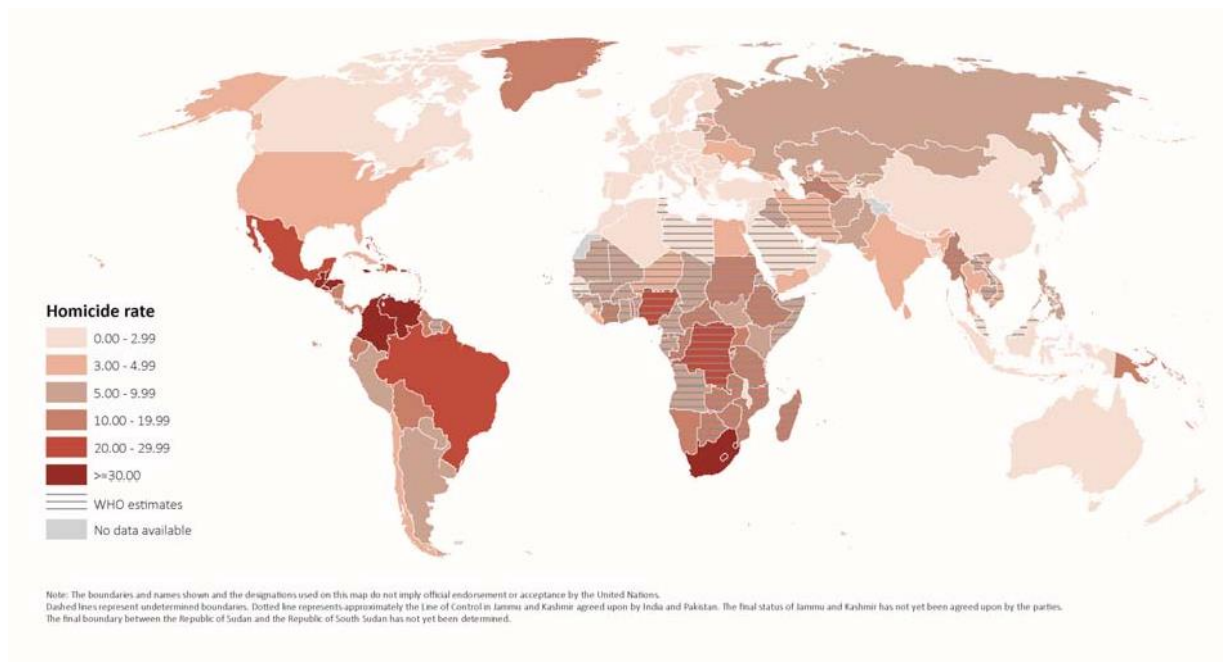
Where corporal punishment is practiced, whether in public or private schools, the specific type of punishment allowed is usually written out in some form of the official document. The information in this document could include the type of punishment allowed (e.g., paddling), the number of strokes that can be given, who among the school staff are authorized to deliver the punishment and whether parents must first give their permission before punishment can be delivered to their child. These guidelines help school personnel to keep their punishment consistent and in line with school policy and also inform parents of what their child might incur if their actions merit discipline.

Many schools with corporal punishment guidelines also offer parents the option to 'opt-out' of the corporal system. Some schools even offer the student a choice of whether to submit to corporal punishment or receive an alternate form of disciplines, such as suspension or detention.

### **Consequences of corporal punishment in schools:**

Corporal punishment can have a lot of harmful psychological and physical effects 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 the behaviors of children. Corporal punishment may result in the worsening of problem behavior. Not only does corporal punishment reinforce some problem behavior 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 below there might be a positive correlation present between the use of physical violence and restrictions on corporal punishment.



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 many other disciplinary methods 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 behaviors.

### **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.

### **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 organizations 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.



## **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.

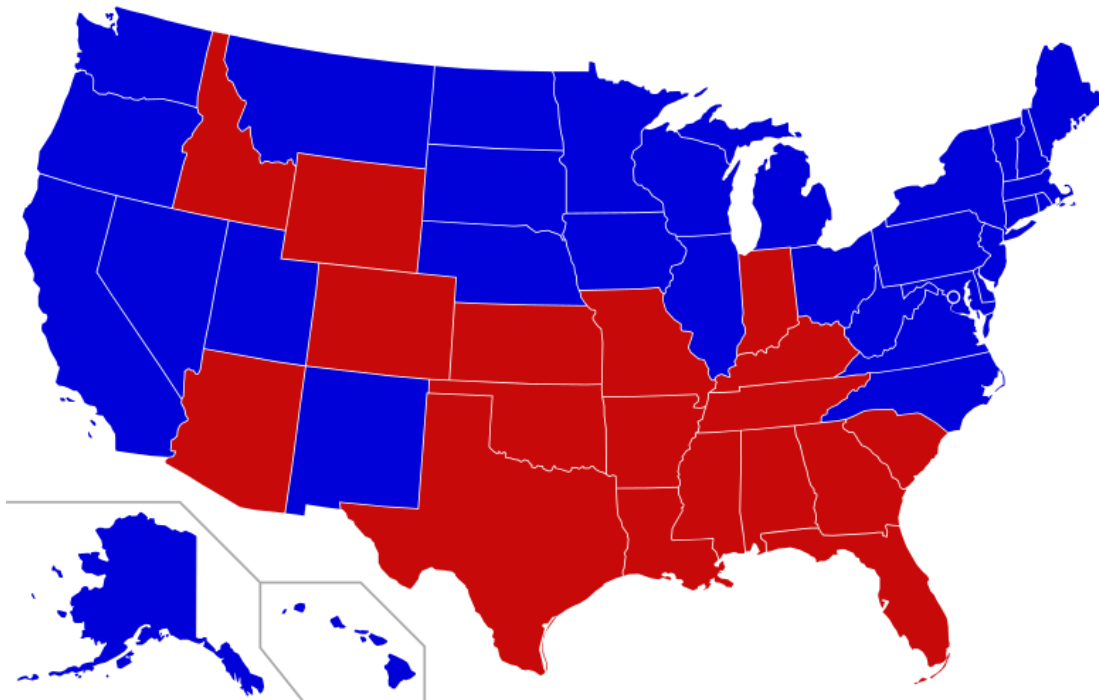
### **Uganda:**

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 faithfully 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 recognized under common law. But the GIEACPC is urging countries like Uganda to reform its laws to prohibit corporal punishment in all settings, which is what Uganda is currently desperately trying to do.

## United States:

Corporal punishment is still legal in private schools in every U.S. state except New Jersey and Iowa, legal in public schools in nineteen states, permitted in eighteen, and practiced in fifteen.

Corporal punishment in school is illegal in Canada, Europe, Australia, and New Zealand, which makes the USA the only western-world country where corporal punishment in school is still allowed. The practice is banned in 128 countries in the world.



■ Corporal punishment in public schools prohibited

■ Corporal punishment in public schools permitted!

## 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 offenses. 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 more countries are 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, following 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 any 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.

- It is crucial to have a monitoring plan to ensure corporal punishment is not practiced in schools. Teachers, Principals of the school and other staff members have to work as a team to ensure that such incidents do not go unnoticed.
- Parents also play a significant part in the monitoring plan. Parents need to ensure that corporal punishment is not practiced at home so that the child understands that corporal punishment is not the right method of correction. This opens a portal of discussion to children so that they can share their discomfort about corporal punishment practiced in school. We need to understand the fact that all children may not be comfortable sharing complaints about their teachers to school management. It is the responsibility of all adults in their life to ensure that such issues do not go unnoticed and hence, parents working along with the school authority is a critical aspect to ensure this.
- Teachers need to be trained with alternate coaching and corrective methods. We know kids. They are mischievous and will end up doing something that should not have been done. Without an alternative to corporal punishment, there is no way a teacher can ensure that children do not repeat them.

- It is even important for teachers to understand the emotional impact of corporal punishment in children. Having insight on this will help teachers understand a child's psychology better, this will, in turn, ensure that teachers stick to the plan of No Corporal punishment in school.
- Parents and children having an open discussion with the school Principal or other school faculties will also help the school in understanding if the policies are in place. Because there is no definitive monitoring method to measure and understand if teachers are sticking to the no corporal punishment in school rule, such slightly unorthodox methods need to be kept in practice. This will help the management monitor the teacher's behavior in classes.
- Other private pieces of training to teachers on sensitivity and alternative corrective measures can also be helpful for teachers.

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 to achieve these means through which awareness and promoting of the end of corporal punishment can be spread.

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