



Justice Institute Guyana
56 Main & New Market Streets
North Cummingsburg
Georgetown
Tel: 231 7996
www.justiceinstituteguyana.org

Corporal Punishment

1. Our values

The Justice Institute Guyana believes that each and every person has inherent dignity which must be respected. Corporal punishment is a violation of the dignity of the person being punished.

The person inflicting corporal punishment also suffers a loss of his or her dignity by responding through the use of violence.

2. Recommendations

We recommend the abolition of corporal punishment in all circumstances.

3. Specific Recommendations:

- (i) There should be a widespread public education programme on the Rights of the Child Convention. As part of that public education programme, child friendly posters explaining the Rights of the Child Convention should be displayed in all schools.
- (ii) Teacher training programs should contain directions and strategies on alternative methods to corporal punishment.
- (iii) Teachers should be capable of being role models for their students including demonstrating self-discipline, self-control and genuine concern for their students, colleagues and others.
- (iv) Social workers and child psychologists should be available to work in school more frequently.

- (v) Schools must implement strategies to reward children for good behaviour in the same way that they are rewarded for academic achievements.
- (vi) Forums and seminars should be organised to enable and encourage parents to develop essential parenting skills, to share their experiences and to learn from one another.
- (vii) Children should be involved in the civil society consultations on corporal punishment and encouraged to express their feelings about corporal punishment.
- (viii) The State should invest more money in promoting and ensuring the welfare of children in State institutions.
- (ix) The recommendation of the ROC Committee should be implemented viz. *“Conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child’s human dignity and in conformity with the Convention.....”¹*

4. Background

In Guyana, as in many other countries, corporal punishment is used in nursery, primary and secondary schools, and within families. It is considered a suitable and effective disciplinary method by many individuals.

The United Nations Committee on the Rights of the Child (CRC) which monitors the implementation of the Convention on the Rights of the Child, in its General Comment No. 8, defined corporal punishment as:

“any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment which are also cruel and degrading and thus incompatible with the Convention. These

¹ Second, Third, Fourth Reports Combined of States Parties to the Committee on Rights of the Child, Government of Guyana (2010) - http://www.unicef.org/guyana/CRC_Final_Report_April_2010.pdf

include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”²

Corporal punishment is a human rights issue. It is illegal to strike an adult. Such use of force is considered a violation of human rights. Why then is it acceptable to strike a child who is, by definition, more vulnerable than an adult? Furthermore physical punishment can easily escalate into serious injury, particularly if a whip, a belt, a piece of wood, or other weapons are used.

5. Overview

“As of October 2010, 29 countries had prohibited corporal punishment in all settings, including in the home; the practice remained legal in another 168 countries. Sweden became the first country to ban corporal punishment of children when it added the following provision to its Parenthood and Guardianship Code in 1979: Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment.”³

Various studies on the effects of corporal punishment have shown a number of negative outcomes such as: aggression, delinquent behaviour, anti-social behaviour, decreased quality of the parent-child relationship and higher rates of physical abuse. In addition, studies have suggested an association between corporal punishment and adult aggression, criminal behaviour, poor health, and abuse of one’s own child and spouse. There is a lack of evidence demonstrating positive outcomes of corporal punishment.

One argument in Guyana is that banning corporal punishment will undermine the authority of parents, caregivers and educators. In many situations corporal punishment secures immediate compliance by a frightened and humiliated child. But what happens when the child is no longer fearful or becomes weary of pain and humiliation?

Some individuals argue that their success has much to do with the fact that they were subjected to corporal punishment and therefore they do not support a ban. Some

² Children And Corporal Punishment: “The Right Not To Be Hit, Also A Children’s Right,” Council of Europe, CommDH/IssuePaper (2006)1 /2008 - <http://www.unhcr.org/refworld/pdfid/47988eae2.pdf>

³ Child Disciplinary Actions at Home: Evidence from a range of Low- and Middle-Income Countries, UNICEF, Division of Policy and Practice (2010)-http://www.childinfo.org/files/report_Disipl_FIN.pdf

teachers, education officers, government officials and even parents contend that teachers are losing control of children in schools today and therefore physical punishment is the only effective method of regaining control. But is it really a good idea to subject children to pain, violence or public humiliation as a way of cultivating sound morals and acceptable behaviour?

Corporal punishment is also psychologically and emotionally damaging. Children may become emotionally detached from people who hit them frequently, especially when they are being hit by the very people who are supposed to protect them and nurture them. They may lose the ability to trust. They may fail to develop the life-skills that should enable them to relate to others in a psychologically healthy way.

Some supporters of corporal punishment in schools point out that many children come from single parent homes where the parent is struggling to cope or have relatively young parents who lack discipline. Teachers have to deal with students who simply have not been taught appropriate social behaviour and who challenge authority. Corporal punishment is seen as necessary to restore discipline to the classroom. But corporal punishment does nothing to solve the underlying problems that the child is experiencing at home. It does not teach a child appropriate social behaviour. Furthermore if a child comes from a loving home in which the parents do not use corporal punishment, what impact does it have on that child's emotional health to experience physical punishment in school?

Corporal punishment sends out the message that violence is an appropriate response to problems or people. In Guyana, every day there are instances of women being abused by their husbands, reputed husbands and sexual partners in domestic disputes. In some cases this abuse has caused the death of the woman. Corporal punishment is part of an overall pattern of violence in the home, starting with abuse of the most vulnerable person.

In June 2006 the United Nations Committee on the Rights of the Child, adopted a general comment on children's right to protection from corporal punishment and other cruel or degrading forms of punishment. The committee emphasised:

"Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an

*obligation of state parties under the convention. It is also a key strategy for reducing and preventing all forms of violence in societies.*⁴

Guyana's position on the issue of corporal punishment was stated in its second, third and fourth combined periodic reports of States parties to the Committee on the Rights of the Child in 2010:

*"The State Party, whilst recognizing those rights of children as defined in articles 37 and 19 of the Convention on the Rights of the Child, continues to believe that democracy in decision-making is also upheld. With much discourse going on, this issue continues to receive attention even though some time has lapsed following the 2007 Parliamentary debate of the motion to end school corporal punishment. The Education Act is in draft form and consultations to solicit public opinion on corporal punishment among others have been completed. The Government of Guyana and the Parliamentary parties will continue to collaborate with civil society and other interested parties to study this issue in depth, and attempt to come to a consensus on corporal punishment in the near future."*⁵

Even though there have been several campaigns in Guyana against corporal punishment, it continues to exist. Since the report in 2010, we have seen little progress in terms of public awareness on alternative methods of punishment but some effort has been made to engage civil society on this issue. It appears that many persons still hold to their initial position to keep corporal punishment in the school system but in spite of this, many individuals and NGOs have publicly spoken in favour of a ban on corporal punishment. The example of Sweden, which initiated the first total ban on corporal punishment since 1979, has shown that public attitudes can be changed. The number of Swedish parents and teachers denouncing corporal punishment increased after the ban. Sweden also accompanied this legal ban with country-wide awareness campaigns which enabled parents, teachers and children themselves to become aware of the law banning corporal punishment.

⁴ United Nations "Report of the Committee on the Rights of the Child," General Assembly, Official Records, Sixty-third Session, Supplement No. 41
http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/63/A_63_41.pdf

⁵ Second, Third, Fourth Reports Combined of States Parties to the Committee on Rights of the Child, Government of Guyana (2010) - http://www.unicef.org/guyana/CRC_Final_Report_April_2010.pdf

6. The Law

193 states,⁶ including Guyana, are parties to the Rights of the Child Convention (ROC) which requires public and private bodies to act in the best interests of the child at all times.

This obligation is also found in Article 38B of the Constitution which states that

“The best interest of the child shall be the primary consideration in all judicial proceedings and decisions and in all matters concerning children whether undertaken by public or private social welfare institutions, administrative authorities or legislative bodies.”

Article 19 ROC requires Guyana 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....”

Article 37 states that

“No child shall be subjected to torture or other cruel, inhuman and degrading treatment or punishment.”

The ROC is also incorporated into our Constitution through Article 154A and the Fourth Schedule of our Constitution.

Guyana has a legal obligation to comply with the ROC and to ban corporal punishment.

7. Conclusions

The government has an obligation to protect children and to ban corporal punishment. That obligation is both moral and legal.

Corporal punishment is a violent response to the way that a child is behaving and it is a violation of the child’s rights as a human being.

Corporal punishment does not teach the child to distinguish between right and wrong. It teaches fear. The child learns to fear those whom she or he should love and trust.

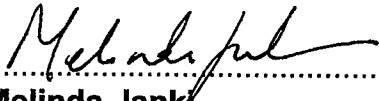
Corporal punishment teaches a child that violence is an appropriate response – it is not.

⁶ The USA, Somalia and South Sudan are not parties.

Democracy is not merely a matter of majority decision making. Guyana is a society which is established on democratic principles as enshrined in the Constitution. Democratic principles require an elected government to protect the rights of all citizens equally – even when (or perhaps especially when) the majority are in favour of abusing the rights of a vulnerable group. Otherwise majority decision-making becomes indistinguishable from mob rule.

A healthy democracy requires that decisions are made on the basis of reason and knowledge, and not on the basis of emotion and prejudice, even when held by the majority. The government has an obligation to educate the population on the rights of children and the alternatives to corporal punishment.

The abolition of corporal punishment is essential if we are to become a more caring and peaceful society in which the dignity of each citizen is respected and social injustice is removed.


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Melinda Janki
Director


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Ronella Hill-Wharton
Administrator