

**STOP SAYING “I AM WHAT I AM TODAY BECAUSE I WAS HIT”  
CORPORAL PUNISHMENT – IS IT NECESSARY TO DISCIPLINE YOUR CHILD?**

**S. Rashmi Balama\***

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This song of famous Sri Lankan baila singer Nihal Nelson gives you a nice explanation of the importance protecting children rights.

Let me ask you a simple question.

Haven't you ever got punished in the school or house? Haven't you ever kneel down in front of the class room or principal's office for not doing home works or for getting late to the school. Duster filled with white chalk powder! Remember? Scariest weapon of the Maths teacher.

Haven't you ever been a part of a “Sibling Fight” with your own sister or brother? Then got punished by mom or dad & missed the next meal or missed the chance to watch the favourite TV program; sesame street?

It's really hard to find someone who never got punished in their childhood.

But the time has come for a change in order to create a better world!!!

Child protection is important because it addresses some of the most vulnerable sector of people in the society. In this article, I will discuss about the Corporal punishment which is considered as a main aspect of Child violence.

Violence in childhood has been linked to psychological, physical and emotional health problems as children grow up. Child protection is about preventing violence and ensuring children who have experienced violence are cared for.

## **The Convention on the Rights of the Child (CRC)**

The international law instrument that covers the rights of children is the Convention on the Rights of the Child (CRC).

It was adopted by the United Nations in November 1989, and less than a year later it became law in September 1990, which, in UN terms, is a very quick turnaround. The Convention consists of 54 articles, of which 41 refer to substantive issues and the rest are just procedural.

The UN Convention on the Rights of the Child (CRC) is the most widely ratified international human rights treaty in history and outlines the fundamental rights children have, and the obligations of governments to children. These global standards guide programs and policies for children and can be used to identify when children are denied their rights and be used to seek redress.

## **What is Corporal punishment?**

Corporal punishment is defined by the United Nations Committee on the Rights of the Child as: "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light"<sup>1</sup>.

Moreover, Corporal punishment means punishing someone using physical force in a way which is meant to hurt them or make them uncomfortable. Corporal punishment can take the form of hitting ('smacking' or 'spanking') children, kicking children, shaking them or forcing them to stay in uncomfortable positions. Any punishment using force is corporal punishment, however light it is. There are also other forms of punishment which are not physical, but which are just as cruel – for example, deliberately making children feel scared or embarrassed.

Corporal punishment is widely practiced across countries and cultures, and a child protection issue that many of us have personally experienced.

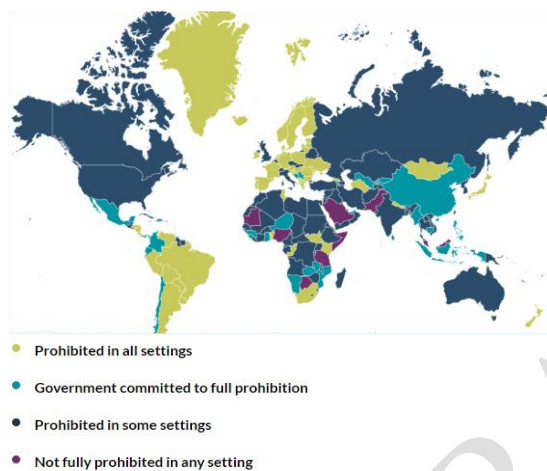
Over the last few decades, the acceptability of severe corporal punishment has decreased and corporal punishment is increasingly being recognized as a violation of a child's rights. As we will go on to discuss, the rights in the CRC are contested. The CRC challenges existing ideas of what children deserve and how they should be protected, and offers new approaches to conceiving of the rights and well-being of children.

The United Nations Committee on the Rights of the Child is in charge of making

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<sup>1</sup>UN Committee on the Rights of the Child (2001) "General Comment No. 1:" par 11.

sure that the countries who have signed the Convention actually put it into practice. The Committee has been clear that for countries to properly protect children's human rights one of the things they must do is have laws that ban all corporal punishment of children. However, passing and implementing these laws is challenging. Explore the map below to see which countries have prohibited the different forms of corporal punishment.<sup>2</sup>



As you can clearly see, Sri Lanka is in blue colour meaning our Government is committed in full prohibition.

### Where does it happen?

- *Home*
- *Schools*
- *Alternative care settings* – Corporal punishment should be prohibited in all alternative care settings (foster care, institutions, places of safety, emergency care, etc).
- *Day care* – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, preschools, family centres, etc) and all day care for older children (day

centres, after-school childcare, child-minding, etc).

Most importantly, children living in detention facilities, orphanages, on the street or in refugee camps require additional protection, resources, and support to ensure their rights are not being denied, to reunite them with their families, or to find alternative care for them.

Why it is more important? Because those children are not placed under their biological parents who does not wish to destroy them or with teachers who are legally obliged to protect them. These children are out of the sight of the society and thus can easily be abused.

### How does it happened?

These are few types of Corporal punishments that can be seen in the society.

- **Forced children to kneel.**

A 35-year-old Tokyo school teacher made 96 high school students kneel for 20 minutes in the plaza outside the Tokyo Metropolitan Government building in who said he was annoyed with the students who were late for a field trip and ordered them to kneel on the tiles for 20 minutes to discipline them, Fuji TV reported.

- **Made children swear not to misbehave.**

This is several notches down from kneeling. One kid was made to stand in front of the class, put up three fingers, and swear that he would never misbehave again.

- **Called childrens' names and hurled verbal abuses.**

<sup>2</sup> <https://endcorporalpunishment.org>

One time, a myopic student walked up to the front of the class to have a closer look at the whiteboard and got scolded for that. When he explained his poor eyesight, this is what she

had to say. *“TOO BAD THAT YOU CAN’T SEE, GO GET NEW SPECS!”*

On a separate occasion, another student did the same thing and was told:

*“GO BACK TO YOUR SEAT! GO GET NEW SPECS, YOU DON’T HAVE MONEY TO BUY ONE?!”*

Students who forgot to bring their science books were also called *“retarded monkeys”*. Guess what – this insult happens to be the tamest of this list.

- **Threw actual objects at children.**

So far, the brazen teacher has thrown a stapler, water bottle, and several markers in the direction of kids whom she deemed deserved it. One of the markers actually struck a child on the lip.

Here was her defence: the marker slipped out of her hand and accidentally hit the child in the face. Apparently, it’s gotten so bad that students have to stay alert and dodge when it happens. Never thought there’d be a day this happens in Singapore.

- **Called a Christian student a “disgrace to God”.**

On several occasions, she publicly shamed a student whom she knew was a Christian, and told him that he was a “disgrace to God”.

Her statement was so emotionally traumatic that upon returning home that day, the kid held his Bible, went to the store room alone and sobbed.

- **Threatened students who complained to parents.**

Upon discovering that the school had received complaints from worried parents, the teacher decided to scare them into submission.

*“I KNOW SOMEBODY COMPLAINED ABOUT ME. I WILL NOT SAY YOUR NAME BUT I KNOW WHO IT IS...”*

Some netizens expressed their concern regarding her abusive tendencies, with one

Facebook user commenting that “abuse should never be tolerated or excused”, and advised her to “seek help”.

## **Why Corporal punishment should be prohibited?**

Those who advocate for corporal punishment in schools believe that it is an effective and immediate way to curb discipline problems in the classroom. It also sends a strong message to the other children that there are swift and uncomfortable consequences for misbehavior in the school environment.

But is it what really happened?

Corporal punishment and physical abuse are commonly viewed along a continuum, so that, when corporal punishment is administered too severely or frequently

the outcome can be physical abuse<sup>3</sup>. The American Academy of Paediatrics has concluded that corporal punishment is ineffective at best and harmful at worst<sup>4</sup>. Canadian researchers dug through 20 years of published research and found that spanking fails to change a kid's behaviour and can cause long-term damage. They found that kids who are spanked are more likely to be depressed, aggressive, antisocial and anxious<sup>5</sup>. In Sri Lanka, there have been few studies on corporal punishment and physical abuse. The most detailed study was by De Zoysa, Newcombe, and Rajapakse in 2008, on 12-year-old Sinhala speaking school children. It reported a high prevalence and frequency of corporal punishment<sup>6</sup>.

Dr Piyanjali De Zoysa, Professor in Clinical Psychology, Faculty of Medicine, University of Colombo, elaborated on

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<sup>3</sup>Gershoff ET. Corporal punishment by parents and associated child behaviours and experiences: A macroanalysis and theoretical review. *Psychological Bulletin* 2002; 128:539-79.

<http://dx.doi.org/10.1037/00332909.128.4.539>

<sup>4</sup>American Academy of Paediatrics. Guidance for effective discipline. *Pediatrics* 1998, 101:723-8.

<sup>5</sup>Durrant J, Ensom R. Physical punishment of children: lessons from 20 years of research. *Canadian Medical*

*Association Journal* 2012; 184(12): 1373-7.

<http://dx.doi.org/10.1503/cmaj.101314>

<sup>6</sup>de Zoysa P, Newcombe PA, Rajapakse L.

Consequences of parental corporal punishment on 12-year old children in the Colombo district. *Ceylon Medical Journal* 2008; 53(1): 7-9.

<http://dx.doi.org/10.4038/cmj.v53i1.218>

why corporal punishment persists in the country. She said, "When we consider why an adult would beat up a child we see that most people do this with an idea of compliance. They expect the child to behave at that certain time. Usually when you hit a child or pull at the child's hair, there is immediate compliance. Most people are very happy about that. But as rational adults we want something more than immediate compliance and we want something more for our children. We want to make them functioning citizens of the world." She further showed how there is no moral internalisation when a child is subjected to corporal punishment, and added, "The values that the adults want to impart to the child when they hit a child is not internalised. For instance when a child is hit for not producing the completed home work, the child feels unhappy, shameful and angry. They do not grasp the message that the teacher wants to give. The biggest problem when a child is hit is that they do not learn societal values. Children also learn that aggression is okay. They begin to imitate this behaviour. This is seen in our state universities when students rag other students and at the work place when we find work place harassment. Of course in the work place physical abuse is seldom seen, however verbal harassment and passive aggression exists in the work environment. The reason is that as children if we learned that hitting is normalised it is carried in their adulthood as well."

She highlighted the three main reasons that teachers beat up children, referring to a study done by Professor Harendra De Silva in an island wide survey, in six district in

Sri Lanka on school corporal punishment:  
Not doing homework, Love affairs and  
Dress code.

These are basic issues that are seen in all schools in the globe. Children not doing homework because there is an inundation of homework in our system and having love affairs and not dressing properly are normal psycho-sexual behaviour. However, beating children for such behaviour has a plethora of consequences.<sup>7</sup>

### **Sri Lanka's approach in prohibiting corporal punishment**

Sri Lanka expressed its commitment to prohibiting all corporal punishment of children, including in the home, at the July 2006 meeting of the South Asia Forum, following the 2005 regional consultation of the UN Study on Violence against Children. This commitment was reiterated during the Universal Periodic Review of Sri Lanka in 2017, during which Sri Lanka clearly accepted a recommendation to prohibit corporal punishment in all settings. Sri Lanka is a Pathfinder country with the Global Partnership to End Violence Against Children, which was established in 2016.

The Penal Code Amendment Act No. 22 of 1995<sup>8</sup> provided for the offence of

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<sup>7</sup> <http://www.dailymirror.lk/news-features/Corporal-Punishment-discipline-and-truth>

<sup>8</sup> Parliament of the Democratic Socialist Republic of Sri Lanka: Penal Code (Amendment) Act, No. 22 of 1995.

Cruelty to Children (section 308A) which reads as follows:

- (1) "Whoever, having the custody, charge or care of any person under eighteen years of age, willfully assaults, ill-treats, neglects, or abandons such person or causes or procures such person to be assaulted, ill-treated, neglected, or abandoned, in a manner likely to cause him suffering or injury to health (including injury to, or loss of sight or hearing, or organ of the body or any mental derangement), commits the offence of cruelty to children.
- (2) Whoever commits the offence of cruelty to children shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine and be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person".

Through the Penal Code Amendment Act No. 16 of 2006<sup>9</sup>, Section 308A was amended by the addition of the following explanation: "injury" includes psychological or mental trauma. However, article 82 of the Penal Code<sup>10</sup> states: "Nothing, which is done in good faith for the benefit of a person under twelve years of age, or, of unsound mind, by or by consent, either

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<sup>9</sup> Parliament of the Democratic Socialist Republic of Sri Lanka: Penal Code (Amendment) Act, No. 16 of 2006.

<sup>10</sup> Penal Code

express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause/or be intended by the doer to cause, or be known by the doer be likely to cause, to that person”.

Article 341 of the Penal Code provides for the offence of “criminal force”. It states: “Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending illegally by the use of such force to cause, or knowing it to be likely that by the use of such force he will illegally cause injury, fear, or annoyance to the person to whom the force is used, is said to use "criminal force" to that other”.

However, Illustration (i) of article 341 states that if a schoolmaster, in the reasonable exercise of his discretion as master, flogs one of his scholars, he does not use criminal force, because, although he intends to cause fear and annoyance to the scholar, does not use force illegally.

Article 71 of the Children and Young Persons Ordinance (1939)<sup>11</sup> provides for the offence of Cruelty to Children and Young Persons. 71(1) states: “If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted,

ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding three years, or to both such fine and imprisonment”. In addition, 71(6) states: “Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having lawful control or charge of a child or young person to administer punishment to him”.

Thus, currently in Sri Lanka, corporal punishment is lawful in the home, at school and in alternative care settings such as public and private day care, residential institutions, foster care, etc. Although section 2 of Circular No 2005/17, issued by the Ministry of Education in 2005, states that corporal punishment should not be used in schools, this had not been confirmed in the legislature.

A National Action Plan for the Promotion and Protection of Human Rights 2011-2016<sup>12</sup> (NAPHR), has been approved by the Cabinet and its implementation strategy was approved in 2011. NAPHR 2011-2016 Goal No. 7.5 is the elimination of corporal punishment

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<sup>11</sup> Children and Young Persons Ordinance

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<sup>12</sup> Sri Lanka National Action Plan for the Promotion and Protection of Human Rights 2011-2016.

in schools. The activities envisaged are as follows:

- Implement effectively existing legislation/policy
- /circulars prohibiting corporal punishment and establish a reporting procedure so that instances of corporal punishment can be reported effectively.
- Enact and enforce legislation to prohibit corporal punishment in schools and educational institutions.
- Create awareness among parents, teachers and principals on the law and on alternate forms of discipline consistent with the dignity of the child.
- Establish a grievance mechanism to report corporal punishment.
- Conduct periodic survey on the incidence of corporal punishment to ascertain statistics on corporal punishment.

There seems to be some degree of apparent or perceived ambiguity and possible conflicts in the many documents, circulars and legislative pronouncements regarding corporal punishment in Sri Lanka. In view of the clear scientific evidence for the obvious ineffectiveness and potentially harmful long-term effects of corporal punishment in children, what is probably the need of the hour is a clear, explicit and unequivocal legal declaration on the matter in question.

It is a must that Sri Lankans find the time to read up and analyze the corporal punishment laws that have been enacted.

Apart from legislation, Non-governmental organizations such as UNICEF is working with partners to strengthen the child protection system at the national, regional and community level so that children can thrive within supportive family and community environments that protect them, and provide them with safe and equal access to important services.

Over the past three decades, UNICEF has been working with the Sri Lankan government to strengthen the child protection system and has played a central role in policy formulation and strategic planning.

### **Is Corporeal punishment is the only way out? Are there any alternative methods to discipline the child?**

Despite the facts I explained above it is an acceptable truth that parents, teachers or officers in charge of a child, it could be really frustrating, upsetting and mentally exhausting when these children fight with each other or engaged in any type of misbehavior. So these are fascinating and effective solutions to that problem.

- **Hold Hands, (Or Sit Nose to Nose) or Hug it Out-** this is a sure-fire solution to end the quarrelling.
- **2 Bodies 1 Tee-Shirt** - Some call it the punishment shirt, while other families call it the I Love You Shirt. The idea is that you have an extra-large men's T-shirt that the children have to wear *together* until they stop bickering. Older kids can even be made to do chores while crammed in the tee-shirt together. While the shirt is on, talk about how things work out



better when they work together. This method is mostly use by western countries in sibling fights.

- **Be Calm** – Adults can always explain to their children conflict resolution skills, so when the fighting breaks out, they stay out of it, intervening only when absolutely necessary.
- **Clean the House or classroom or dorm**-So adults can make their kids clean the house when they're bickering needlessly. Given the choice to clean the house or classroom or dorm or stop arguing, kids will stop arguing every time.
- **Give them a Problem to Solve Together** - One mom had three boys very close in age, and to stop their arguing she would have them do a puzzle together. When they finished that one, she would give them a harder one. Solving puzzles together encouraged them to get along, rely on each other, and help one another. This method can be used even in schools as it drives the mind of the child in an effective way.

## Conclusion

We have to accept the fact that practices that have existed for generations are very hard to change. It is sad that there is a mistaken notion that it is good for the child.

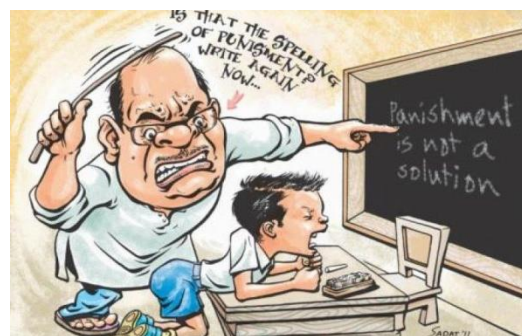
“Once I gave a lecture on corporal punishment at a leading school in Colombo, and after the lecture a teacher came up to me and said I am what I am today because I was hit. I said if you were not hit you would have been the principal of this school,” said Prof, Harendra de

Silva, Founding Chairperson, NCPA and Professor Emeritus of Paediatrics (Col), Former Member Presidential Task Force on Child Protection.

The attitudes of people have not changed since their childhood. However, Prof. Harendra illustrated the different stages we need to go through to stop corporal punishment: Provide information and knowledge to the people, as to why we should we not beat up a child. This knowledge must be ingrained within the people. We need to have attitudinal change; simply giving knowledge is insufficient. We must provide skills to people regarding what to do when a child misbehaves.

Most people believe that corporal punishment is part of our culture and other forms of soft discipline is from western culture,<sup>13</sup> which is a “pure myth”.

**So it's time to stand up against Corporal Punishment – Start the mission first within you!**



<https://srilankabrief.org/2018/06/73-4-of-children-between-1-and-14-subjected-to-corporal-punishment-in-srilanka-unicef>

<sup>13</sup> <http://www.dailymirror.lk/news-features/Corporal-Punishment-discipline-and-truth>

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