

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2015/09/09/classrooms-shouldnt-be-places-fear>

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The American Civil Liberties Union recently released footage of an 8-year-old student in Kenton County, Kentucky, shackled and crying in pain. In the video, the third-grader (named only SR), is restrained by a pair of handcuffs around his biceps, forcing his arms behind his back. He is visibly distressed and in pain. The boy, we learn, has Attention Deficit Hyperactivity Disorder and a history of trauma. He is just 3 feet 6 inches tall and weighs only 52 pounds.

If you think this sounds draconian and exceptional, it isn't. Children with disabilities receive corporal punishment at a disproportionate rate to their peers, despite evidence that it can cause serious physical and psychological harm. Worse, statistics show that African-American children are more likely to receive physical chastisement in school. These disparities violate children's right to nondiscrimination in access to education, making it harder for these children to succeed, and undermine the social fabric of schools.

Corporal punishment in public schools is still widely practiced in 19 U.S. states. In Kentucky, physical restraint is allowed if the student's behavior poses an imminent danger of physical harm to themselves or others. (Mechanical restraints such as handcuffs are expressly prohibited.)

While 124 nations have criminalized physical chastisement in public schools, the United States is way behind on this issue. While more than half of the states in this country prohibit corporal punishment, the U.S. Supreme Court has refused to impose constitutional restrictions on the practice of what is termed reasonable corporal punishment. Of course, the term reasonable is slippery. The most common type of corporal punishment in the United States is paddling. Paddling is used to punish a range of behaviors from fighting to minor misdemeanors such as being late, going to the bathroom without permission or chewing gum.

Safe and healthy school environments where children can learn cannot be achieved through violence and coercion. When violence is used to punish children, it affects the entire school environment, creating a culture of fear and intimidation.

The U.S. government should ban corporal punishment in all schools across the country. And restraints should never be used to punish children. Classrooms should be a safe space for children to learn, not places of fear.

Shantha Rau Barriga is disability rights director at Human Rights Watch.

Human Rights Watch / ACLU Joint Submission Regarding the United States Record Under the International Convention on the Elimination of All Forms of Racial Discrimination

The Human Rights Consequences of Parental Notice of Abortion in Illinois

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