

Human Rights Watch

Children's Rights

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Letter to the Jackson, MS Public School District Board of Trustees

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Human Rights Watch urges the Jackson, MS Public School District Board of Trustees to respect the rights of all children in Jackson public schools, and refrain from reinstating corporal punishment in the Jackson Public School District. Corporal punishment in public schools is prohibited by international law and is illegal in public schools in at least 100 countries. Furthermore, the overwhelming trend among cities and states throughout the US is toward complete abolition of corporal punishment in public schools.

March 27, 2008

Delmer C. Stamps, President
Jackson Public School District Board of Trustees
PO Box 2338
Jackson, MS 39255

Dear President Stamps:

As the largest US-based human rights organization in the world, we urge you to oppose reinstating corporal punishment in the Jackson Public School District. As you may know, corporal punishment in public schools is prohibited by international law and is illegal in public schools in at least 100 countries. Furthermore, the overwhelming trend among cities and states throughout the US is toward complete abolition of corporal punishment in public schools. We urge you to respect the rights of all children in Jackson public schools, and refrain from reinstating corporal punishment.

Human Rights Watch is in the process of compiling a detailed report on corporal punishment in the US. Though the report will have national scope, we are focusing in particular on Mississippi, the state with the highest percentage of students paddled, and on Texas, the state with the highest absolute number of students who are paddled. In our report, slated for release in September 2008, we would like to be able to publicize a decision by the Board of Trustees to keep corporal punishment out of Jackson public schools. Similarly, should you decide to reinstate corporal punishment, we would use our report to raise our grave concerns with what would be, in our view, a retrogressive policy shift.

Forms of corporal punishment contravene international legal standards prohibiting cruel, degrading, and inhuman treatment found in the Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), treaties to which the US is party. Article 7 of the ICCPR states that [n]o one shall be subjected to cruel, inhuman or degrading treatment or punishment. The Human Rights Committee (HRC), the body charged with implementation of the ICCPR, issued a General Comment on the scope of obligations under Article 7 and concluded that this prohibition must extend to corporal punishment, including excessive chastisement ordered as an educative or disciplinary measure. The HRC emphasizes that Article 7 protects, in particular, children, pupils and patients in teaching and medical institutions. Furthermore, Article 16 of CAT prohibits acts of cruel, inhuman or degrading treatment or punishment, and the Committee on Torture notes that corporal punishment could constitute in itself a violation of the Convention.

The use of corporal punishment in the Jackson Public School District also raises concerns under children's rights to non-discrimination. Article 5(b) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires the US to protect the right of everyone, without distinction to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. If Jackson were to reinstitute corporal punishment, African American students would be at risk of having their rights to security of person violated at disproportionate rates merely as a consequence of seeking public education. According to the US Department of Education, both African American boys and African American girls in Mississippi are significantly more likely to receive corporal punishment than their white counterparts when compared to relevant percentages of the student population. The Jackson Public School District should refrain from perpetuating this inequity and uphold the ban on corporal punishment in its public schools.

Corporal punishment also violates Article 26 of the ICCPR, which mandates that all persons are entitled without any discrimination to the equal protection of the law. Criminal law on assault should provide equal protection to children, as it does to adults; corporal punishment violates the right to equal protection by allowing children to be assaulted in the name of discipline.

International law norms which are widely accepted throughout the world also specifically prohibit corporal punishment in public schools. The Convention on the Rights of the Child (CRC), the world's most universally ratified human rights treaty, prohibits the use of corporal punishment against children. Article 19 states that States 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. The Committee on the Rights of the Child, the international body charged with monitoring compliance with the CRC, states that the use of corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline (General Comment of the Committee on the Rights of the Child No. 1, para 8) and that Article 19 does not leave room for any level of legalized violence against children (General Comment No. 8, para 18). The United States and Somalia are the only two governments in the world that have not ratified the CRC.

We acknowledge that within the United States, Mississippi is not alone in using corporal punishment in public schools. Nevertheless, we urge you to continue to set an example in standing up for the rights of Jackson's children. School districts and states throughout the US are upholding the rights of children by rejecting corporal punishment at an accelerating rate. Twenty-eight states and the District of Columbia have passed bans on corporal punishment in schools. Of the remaining 22 states, 13 of them paddle 1 percent or fewer of their school children, according to the US Department of Education. Ninety-five of the 100 largest school districts in the US have prohibited corporal punishment. Furthermore, there has been substantial and accelerating progress globally toward the prohibition of corporal punishment in schools; by 2007 more than 100 countries had prohibited corporal punishment in schools. If Jackson were to reintroduce corporal punishment, it would be a move very much against both international and domestic trends.

We recognize the importance of school discipline in providing safe and nurturing school environments in which students can thrive. However, there are many effective methods of school discipline that can provide appropriate educational environments without violating the students' fundamental human rights. We urge you to explore positive behavior initiatives. Instead of abrogating the students' dignity and physical integrity by reinstating corporal punishment, the Jackson Public School District should uphold the ban on corporal punishment and continue to work toward a positive school environment that can benefit all students.

Yours sincerely,

Alice Farmer, Esq.
Aryeh Neier Fellow
US Program, Human Rights Watch

Cc: All members, Jackson Public School Board
Earl Watkins, Ph.D, Superintendent, Jackson Public Schools
Hank Bounds, Superintendent of Education, Mississippi Department of Education
Hon. Rep. Cecil Bound, Chair, Mississippi House Education Committee
Hon. Sen. Videt Carmichael, Chair, Mississippi Senate Education Committee
Governor Haley Barbour, State of Mississippi

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

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