



Learn

without fear.



Learn Without Fear
**The Campaign to End
Violence in Schools**
CHALLENGES IN INDIA

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“**Learn Without Fear** is Plan's contribution to what must be a global effort to protect children from physical, sexual and mental abuse in schools, which should be places of safety for children.”

- Professor Paulo Sérgio Pinheiro, former independent expert for the United Nations Secretary-General's on Violence Against Children (UNVAC)

“Child abuse is shrouded in secrecy and there is a conspiracy of silence around the entire subject. In fact, there is a well entrenched belief that there is no child abuse in India and certainly there is no sexual abuse in the country. Further, certain kinds of traditional practices that are accepted across the country, knowingly or un-knowingly amount to child abuse. Existing socio-economic conditions also render some children vulnerable and more at risk to abuse, exploitation and neglect. It is about time that we recognise this and take remedial measures.”

- Renuka Chowdhury, Minister of State (independent charge), Ministry of Women and Child Development

Quoted from study on Child Abuse, MWCD, 2006.

“We welcome Plan's latest campaign that tackles violence in schools. School-related violence knows no colour or creed, and child helplines play a critical role in allowing children to report incidents and offering support to those who are affected. We look forward to working closely with Plan in making schools around the world violence-free zones.”

- Jeroo Billimoria, Chair, Child Helpline International



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This report drew heavily on the following pieces of research and papers:

- **Learn Without Fear - The Global Campaign to End Violence in Schools.** Surrey: Plan Limited (2008).
- **Painful Lessons: The Politics of Preventing Sexual Violence and Bullying at School.** London: Overseas Development Institute. Nicola Jones, Karen Moore, Eliana Villar-Marquez & Emma Broadbent (2008).
- **Expel Violence! A Systematic Review of Interventions to Prevent Corporal Punishment, Sexual Violence and Bullying in Schools.** Bordeaux: International Observatory on Violence in Schools. Catherine Blaya & Eric Debarbieux (2008).
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- **Impact of Corporal Punishment on School Children: A Research Study.** New Delhi: Saath Charitable Trust (2006).
- **Gender Discrimination: Its Impact on Girls' Schooling in Four States of India.** New Delhi: Dr. Deepti Priya Mehrotra (2006), Sexual Violence in India : Paper prepared for Plan India by Tulir -center for the Prevention and Healing Child Abuse.
- **Bullying in school:** An essay by Dr. Samir Parikh, prepared for Plan India.



Disclaimer:

Photos used in this document feature children from communities and group with which Plan works, but it should not be inferred that they are necessarily victims of violence.

Acronyms and Glossary

AIDS	Acquired Immune Deficiency Syndrome
Battery	Beating; intentional use of force or violence
CP	Corporal Punishment
CRC	UN Convention on the Rights of the Child
EFA	Education for All (global commitment to provide quality basic education for all children, youth and adults)
GNP	Gross National Product
HIV	Human Immunodeficiency Virus
INGO	International non-governmental organization
MDGs	Millennium Development Goals (a set of eight time-bound targets aimed at ending extreme poverty worldwide by 2015; agreed by leaders from developed and developing countries at the 2000 UN Millennium Summit)
MWCD	Ministry of Women and Child Development
NGO	Non-governmental organisation
NCPCR	National Commission for the Protection of Child Rights
NSPCC	National Society for the Prevention of Cruelty to Children
PTA	Parent-Teacher Association Statutory rape When an individual (regardless of age) has consensual sexual relations with an individual not old enough to legally consent to the behaviour
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNVAC	United Nations Secretary-General's Study on Violence against Children
WHO	World Health Organization

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By Dr Shantha Sinha
Chairperson, NCPCR

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Schools are the only spaces in contemporary society that children can call their own. Schools impart education and open a world of opportunities and possibilities for children.

Children cherish the treasure of experiences lived in school, recalling them time and again to gain strength while negotiating the world of adults. Schools give children a great sense of nostalgia and that of belonging, enabling them to dream and charter new ways that celebrate the human spirit for justice, equality and a world without violence.

Yet, increasingly, we are witness to a pervasive acceptance of punishing children in schools, as if it were an important and indispensable pedagogical tool. This belief in punishment as a tool to correct the child is widely accepted across classes, regions, cultures and even nations.

There are multiple forms of violence: Whipping, caneing, forcing children to run round the field, making them write a 1000-line imposition, calling children names, passing insinuations, pinching, slapping, scolding, and many more.

Today, there are several instances where children have become victims of physical and sexual abuse in schools inflicted by school teachers and largely condoned by the school management.

Further, it has been noticed that older children replicate adult behaviour and revel in bullying especially younger children when they are asked to monitor the class. After all, they too are part of the environment that tolerates violence on children.

Violence in any form is harmful and causes untold harm and trauma to the child. It leaves the child scarred for a long time.

The use of violence on children is an expression of the unquestioning power the adult chooses to establish over the child. This abuse of power is often considered 'essential and natural'. Such social acceptance to corporal punishment results in all other forms of violence against children being condoned.

Plan's global campaign to end violence in schools is indeed an important step to generate a public debate and discourse on violence against children, an attempt to promote learning without fear.

Plan's report, **Learn Without Fear**, adapted to an Indian context, helps all practitioners, educators and child defenders to understand the predicament of our children in schools. It tells us what to do at all levels in schools, at the national and state level and global level. It gives abundant information based on research and studies on this abhorrent practice and states the various laws that exist to tackle the issue.

The report also documents voices of children and provokes us to act in their favour. It is a report full of hope and possibilities to create a world that is free of violence on children and making schools the instruments of peace and harmony in our society.

Dr. Shantha Sinha
Chairperson, National Commission
for Protection of Child Rights





Safety and security don't just happen: they are the result of collective consensus and public investment.

We owe our children- the most vulnerable citizens in any society - a life free from violence and fear.

Nelson Mandela,
World Report on Violence and Health, 2002

Introduction

Violence in schools is a truly global problem.¹ The violence may be corporal punishment, sexual abuse, neglect, verbal and emotional abuse, bullying, peer-to-peer violence, youth gangs, weapons or harassment on the journey to and from school.

Plan is one of the oldest and largest international development organizations in the world, operational in 68 countries. Plan works in 49 developing countries across Africa, Asia and the Americas and has offices in another 17 developed countries in Europe, North America, East Asia and Oceania.

Plan directly supports more than 1.5 million children and their families, and further, indirectly supports an estimated 9 million people who live in communities that are working with Plan. Plan's vision is of a world in which all children realise their full potential in societies, which respect people's rights and dignity.

In India, Plan works in 13 states and has directly impacted lives of over a million children and their families since 1979 and empowered them to realise their potential.

Our child centred community development interventions focus on Child Protection and Child Participation, Children in Difficult Circumstances, Education, HIV/AIDS, Early Childhood Care and Development, Water and Environment Sanitation, Disaster Preparedness, Household Economic and Social Security and Community Governance.

The basis of Plan's work lies in its commitment to the principle of equality and rights, developing the capacity of civil society to enable them to meet their needs and replicating successful models that have worked.





Campaign to end violence

An internal survey carried out in 2007 across all the countries in which Plan operates found that the main school violence issues affecting the children and communities Plan works with are corporal punishment, sexual violence and bullying.²

This evidence led Plan to create **Learn Without Fear**, a campaign to end violence against children in schools. Launched in 2008, each Plan office will adapt the campaign in order to tackle the aspects of school violence that are of greatest importance to children in that country.

The campaign primarily focuses on corporal punishment, sexual violence and bullying in schools.

This report, adapted to the Indian scenario, is an attempt to improve our understanding of school violence. The first step to putting an end to school violence is to know the size and nature of the problem. In particular, it is necessary to examine social, political and cultural contexts in which school violence exists in order to develop appropriate interventions.

While quality education is key to eliminating poverty and giving children the chance to improve their lives, school violence proves to be a major barrier. However, stopping school violence requires a paradigm shift, and the commitment of individuals, governments, NGOs and international organizations.

This will take time, but **Learn Without Fear** aims to be a step in the right direction.

Violence against children is an abuse of their rights. It is not only cruel and unjust but also predictable and preventable.³ It is time that children have a chance to learn without fear to reach their full potential.

Children are most Vulnerable

India is home to almost 19 per cent of the world's children. More than one third of the country's population, around 440 million, is below 18 years. According to one assumption 40 per cent of these children are in need of care and protection, which indicates the extent of the problem.

In 2007, the Ministry of Women and Child Development, Government of India, brought out a study based on experiences of 12,447 children, aged 5-18 years, across 13 states.

The study revealed some disturbing facts:

- 69 per cent children reported physical abuse, including corporal punishment, i.e. Two out of three children were victims of corporal punishment
- 62 per cent of the corporal punishment was in government and municipal schools
- 53.22 per cent children reported having faced one or more forms of sexual abuse
- 21.90 per cent child respondents reported facing severe forms of sexual abuse and 50.76 per cent other forms of sexual abuse
- The states of Andhra Pradesh, Assam, Bihar and Delhi have almost consistently reported higher rates of abuse in all forms as compared to other states
- Most children did not report the matter to anyone

The study revealed a high prevalence of corporal punishment in all settings homes, institutions and streets.

Why does Violence happen?

Plan India believes that the existence of power inequity in society leading to discrimination on the basis of caste and gender is the major cause of violence. Discrimination against children on the basis of their caste often leads to them being exposed to situations of both verbal and physical abuse.

Societal acceptance of violence as a form of discipline is another contributory factor leading to violence against children. Parents, teachers and community members - having themselves suffered similar beatings - believe it is alright to use physical force on children, for it will help them become better disciplined. This only perpetuates the cycle of violence. Children too accept it as inevitable and a justified form of punishment.

There is a lack of awareness about the issue of children's rights among adults and children, specifically their right to protection and participation. Given this scenario, children seldom have a voice and even if they are abused, the matter is not looked upon as a rights violation or reported.

Child Protection low on Priority

Ineffective and poor educational environment in schools, such as high teacher student ratio, poor teacher training, the pressure to teach a huge and mostly irrelevant syllabi leads to frustration among teachers which leads to them taking it out against children in the form of physical and verbal abuse.

Ten successive Five Year Plans have not allocated adequate resources to meet the needs of children. The share of resources for child protection in the annual budgets have remained abysmally low at 0.034 per cent in 2005-06 and remained the same in 2006-07.

Whether it is called disciplining or venting of personal frustrations, the fact is that it is a grave violation of children's right to live with dignity and freedom from violence, their right to be loved and cared for and their right to be nurtured with respect.

WHO defines 'physical abuse' of a child as an incident resulting in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power, or trust. There may be single or repeated incidents.

Social scientists have developed certain indicators for identifying physical abuse as given below:

Physical Abuse	Sexual Abuse	Emotional Abuse	Girl Child Neglect
<ul style="list-style-type: none"> Slapping/kicking Beating with staff/stick Pushing Shaking 	<p>Severe forms:</p> <ul style="list-style-type: none"> Sexual assault Making the child exhibit private body parts Exhibiting private body parts to a child Photographing a child in the nude <p>Other forms:</p> <ul style="list-style-type: none"> Forcible kissing Sexual advances during travel situations Sexual advances during marriage situations Exposure- Children forced to view private body parts Exposure- Children forced to view pornographic materials 	<ul style="list-style-type: none"> Humiliation is the lowering of the self esteem of the child by harsh treatment, ignoring, shouting or speaking rudely, name calling and use of abusive language Comparison is between siblings and with other children 	<ul style="list-style-type: none"> Lack of attention to girls as compared to brothers Less share of food in the family Sibling care by the girl child Gender discrimination.

Study on Child Abuse

(Source: MWCD, 2007)

India has the world's largest number of sexually abused children, with a child below 16 years raped every 155th minute, a child below 10 every 13th hour and one in every 10 children sexually abused at any point of time. (WHO 202)

Safeguarding children's rights

The Constitution of India recognises the vulnerable position of children and their right to protection. It guarantees in Article 15 special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty and the right against exploitation are enshrined in various articles in the Constitution, and reconfirm India's commitment to the protection, safety, security and well-being of all its people, including children.

Further, Article 34 of the Right to Education Bill, 2004 (Draft of February 2008, currently before Parliament) states:

- (1) No child shall be awarded physical punishment in any recognized school.
- (2) Violation of sub-section (1) by a teacher shall amount to professional misconduct, and shall be liable to be punished in accordance with the disciplinary rules applicable to him/her.
- (3) If a recognised school other than an approved school, fails to take action against a teacher as provided in sub-section (2) above, it shall be liable to forfeit its recognition or State grant or both, in such manner as may be prescribed.



Legal ban on corporal punishment

There is no national prohibition in law of corporal punishment in schools. The government has issued instructions to states to stop its use in schools and the National Policy on Education (1986, modified 1992) states in section 5.6 that "corporal punishment will be firmly excluded from the educational systems".

A draft Right to Free and Compulsory Education Bill which proposes prohibiting corporal punishment in schools, applicable to the whole of India, is under discussion (2008).

Some states have already prohibited corporal punishment in schools.

- In December 2000, the Delhi High Court ruled that provisions for corporal punishment in the **Delhi** School Education Act (1973) were inhumane and detrimental to the dignity of children.
- In 2002, the **Andhra Pradesh** government imposed a ban on corporal punishment in all educational institutions by amending Rule 122 of the Education Rules (1966), violations of which should be dealt with under the Penal Code.
- Corporal punishment was prohibited in **Tamil Nadu** in June 2003 through an amendment of Rule 51 of the Tamil Nadu Education Rules prohibiting the infliction of mental and physical pain during "corrective measures".

In February 2004, the Calcutta High Court ruled that caning in state schools in West Bengal was unlawful, and it was prohibited in **Chandigarh** in the 1990s.

Link between Punishment and poor Performance

Evidence round the world indicates a strong relationship between high rates of corporal punishment and higher rates of poor academic achievement, dropouts, juvenile delinquents, incarceration and spouse abuse.

There appears to be a strong link between corporal punishment during the growing years of a child's life, and his/her easily becoming a perpetrator (of violence) later in life.

Most effective local strategies for tackling corporal punishment, sexual violence and bullying are those that concentrate on the school itself, for example changing classroom techniques and establishing clear rules regarding behaviour in school.⁷

School-wide interventions that aim to lower the violence rate are the most effective. Not only do they reduce violent or aggressive behaviour, they can also reduce truancy, improve academic achievement, and enhance social skills and wellbeing.

A key component of a school-wide approach is clear management standards.⁸ School violence should be challenged every day and be integral to school management.

A US study of more than 1,200 schools showed that the school environment impacts on the successful establishment of intervention programmes. Other studies show that victimisation increases when there is instability in the teacher team or a lack of clarity and fairness in applying school rules.⁹

Making schools safe for children

Child protection is a shared responsibility, and for any intervention to be effective, there should be a synergy between efforts being made by different stakeholders to address the issues.

There is a need to create a mechanism that will make such a synergy possible. These may include child protection mechanisms at village, block, district and state levels which involve parents, elected representatives of urban and rural local bodies, teachers, anganwadi workers, medical practitioners, police and social workers and responsible members of public among others.

A new policy, more effective legislation, better executed schemes and strengthening of the service delivery mechanism will help create a more safe environment for children.

In India, the high incidence of corporal punishment in schools is a clear indicator of the absence of use of positive disciplining techniques by teachers. In most states, corporal punishment continues unchecked.

There is need to formulate a central legislation banning corporal punishment and to create a system wherein strict action is taken against abusive teachers and principals. Childrens' participation in meetings held by village education committees on issues dealing with school functioning is also another way to make the system more responsive.





Learning without fear

Plan's vision for this campaign is to ensure that children feel safe while attending school and that they can expect a quality learning experience without the fear or threat of violence.

The campaign focuses on:

- Persuading state governments to outlaw all forms of violence against children in school, including corporal punishment and to enforce those laws
- Working with school leaders and teachers to create violence-free schools and to promote alternative discipline methods to corporal punishment
- Creating a momentum for change including increased resources from donors and governments to tackle violence in schools in developing countries

All of us, as individuals, governments, NGOs and the media have a role to play in ensuring that children can go to school without fear or threat of violence and receive a quality education in a safe and secure environment. Ending violence in schools is in all our interest.

References

- ¹ Learn Without Fear - The Global Campaign to End Violence in Schools. Surrey: Plan Limited (2008).
- ² Ibid p 7
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- ⁴ Study on Child Abuse: India 2007. New Delhi: Ministry of Women and Child Development, Government of India (2007).
- ⁵ Ibid p 3
- ⁶ Impact of Corporal Punishment on School Children: A Research Study. New Delhi: Saath Charitable Trust (2006).
- ⁷ Learn Without Fear - The Global Campaign to End Violence in Schools. Surrey: Plan Limited (2008).
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- ¹⁰ Impact of Corporal Punishment on School Children: A Research Study. New Delhi: Saath Charitable Trust (2006).
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Corporal Punishment



Defining Corporal Punishment

Corporal punishment occurs when physical force is used by someone in a position of authority against someone in his or her care with the intention of causing some degree of pain or discomfort.

Hitting children with a hand, or with a cane, strap or other object; kicking, shaking or throwing children; scratching, pinching, biting or pulling hair; forcing them to stay in uncomfortable positions; locking or tying them up; burning, scalding or forced ingestion all such acts amount to corporal punishment. Such punishment can have psychological as well as physical effects.

The Extent of the Problem

The use of physical force to inflict pain on children as a punishment is common in schools in many countries across the world. The UNVAC study called on all countries to ban corporal punishment by 2009.ⁱ

Yet 91 countries out of 197 monitored by the Global Initiative to End All Corporal Punishment of Children legally permit teachers to physically punish children in their care. Even in countries where corporal punishment is banned, the law is often not effectively enforced.ⁱⁱ

Evidence shows that boys typically suffer greater violence at the hands of their teachers than girls if they step out of line in class. Children already discriminated against based on, for example, disability, poverty, caste, class, ethnicity or sexuality are more likely to suffer corporal punishment than their peers.



In 2006, Plan International conducted a study 'Impact of Corporal Punishment on School Children', in 41 districts of four Indian states Uttar Pradesh, Bihar, Rajasthan and Andhra Pradesh.

The key findings of the study were:

- Corporal punishment is an accepted way of life in schools and at homes
- Almost all teachers and parents, covered under the study had no hesitation in accepting that they punish children physically. Many argued the children cannot be disciplined without punishment.
- The most common forms of punishments are hitting with hands or a stick, pulling the child's hair or ears, and asking the child to stand for a long time in extremely uncomfortable positions.
- Threat of physical violence is also used as a punishment to create fear among children
- In all the schools the research team visited, there were at least five beatings per class per day.
- Inflicting punishment on children is a part of the teachers' tool kit or a "justified" extension of the teachers' repertoire!

"We are beaten mercilessly at the school. As a result, we are no longer able to sit properly." (A group of boys from upper primary school, village 465 RD, Bikaner district, Rajasthan)

".....sir is a good teacher; so what, if he beats?sir does not beat, but does not teach either." (A primary school girl student, village Badkidali, Maharjgunj district, Uttar Pradesh)

"Punishments come handy to control this crowd," a school teacher in Uttar Pradesh (source, study Impact of Corporal Punishment on School Children)



There is a strong association of a particular type of punishment with a particular kind of offence.

Table 5.1.1.3: Bihar & Andhra Pradesh-Offence & Punishments for School Children

Bihar (in School)		Andhra Pradesh (in School)	
“Offence”	Punishment	“Offence”	Punishment
No Uniform	Sent back	Late coming	50 sit ups; Beating
Homework not done	Tear the notebook	Homework not done	2 beats on the hand
Talking in the class	Sent out	Not taking down notes	Stand like a chair
Late for the prayers	Stand in a corner the whole day	Absent during prayers	70 sit ups
Lessons not done	Note to parents	Can not answer the questions	5 beating on the hand
Late paying of fees	Not allowed to sit for the exams	Making noise in the class	Beating
Dirty uniform	Keep standing with the nose touching the wall	Waste food (mid day meal)	Stand on the bench
Unkept Nails	Beating	Long absence	Monetary Fine (Rs.1)
Long absence	Monetary Fine	No proper plaiting of hair	Monetary Fine (Rs. 0.50)
Mistakes at the Roll Call	Stand on the bench	No uniform	Beating
		No bathing	Stand in the Sun
		Fine not paid	10 hits on the knuckles

Source: Impact of Corporal Punishment on School Children: A Research Study (2006)

Children's views on Corporal Punishment

Plan International's study also revealed what children think about corporal punishment. Some of their thoughts are very illuminating:

- Corporal punishment is desirable as it has a huge corrective value
- Parents and teachers have a right to subject children to corporal punishment otherwise they would go astray
- The injury (resulting out of a punishment) is not as painful as the act of punishment
- Corporal punishment is a just reward for bad behaviour.✓

The study recommended that there was need to make each and every adult in the society understand the inevitability of internalising non-violence as a life skill and then practicing it during all his/her interactions with children and others.

Further, parents and teachers will have to undergo a process of deculturation by drastically reducing their respective “ownership” on children that enjoys societal sanction. This ownership exists in almost every interaction that occurs between the adults and the children.

If we wear a colorful dress to school on non-uniform day, the teacher punishes us

- Girl-13-15 years-Andhra Pradesh



Causes of Corporal Punishment

Corporal punishment is often defended in the name of tradition and sometimes in the name of religion. In countries like India, hitting a child is considered the right of parents and teachers. The supposed beneficial impact on children's behaviour is also frequently used as an argument to defend physical punishment as a discipline method.

In fact, corporal punishment is more likely to cause children to act violently than to improve behaviour. There is no evidence that corporal punishment improves children's academic achievement. A review of existing literature carried out for Plan found "no serious work that defends corporal punishment at school".

Rather than educational efficacy, it is tradition, religion and the support of parents and teachers for corporal punishment that sustains the practice.

Even where corporal punishment is outlawed or limited by law, its cultural acceptability often encourages weak enforcement of the law. In many countries, the reporting of cases of abuse to school authorities appears to be low, and suspected perpetrators are rarely held accountable.

Yet it is a paradox and a breach of human rights that the smallest and most vulnerable people should have less protection from assault than adults. Corporal punishment of children breaches their fundamental human rights to respect for human dignity and physical integrity. Its legality in many countries conflicts with the universal right to equal protection under the law.^{iv}

The meaning of equal protection

Giving children equal protection means criminalising assaults on children in the same way and to the same extent as assaults on adults. Criminalising corporal punishment means making it against the law.

Children's rights to respect for their human dignity and physical integrity and to equal protection require that the law effectively and equally protects them from all forms of corporal punishment and other humiliating punishment or treatment.

Source: Global Initiative to End All Corporal Punishment of ChildrenError! Bookmark not defined.

Why teachers rely on Physical Punishment



It is found that in countries where corporal punishment in schools is legal, or where laws against beating children are not strictly enforced, the actual use of corporal punishment is often affected by everyday factors such as teachers' stress, availability of resources and teacher training.^{vi}

Although it is of critical medium and long-term importance, the current international drive to achieve Education for All (EFA) has posed major challenges for education systems across the globe. The focus on quantity (number of children enrolled) rather than quality has left teachers in many countries grappling with the problem of trying to control many children in often cramped conditions.

In some instances, this has resulted in making children more vulnerable to violence at school.

This reinforces teachers' reliance on physical punishment to discipline students, but also risks decreasing their capacity to intervene in cases of student violence.

Public debates about education tend to focus on issues like school buildings, the lack of educational materials, high teacher-pupil ratios and the high costs of school fees. Teachers who are struggling to cope are more likely to rely on corporal punishment to maintain order.

These problems are compounded in countries like India, where teachers have poor training and motivation. Teachers suffer from low pay and a lack of training in alternative, non-violent, disciplinary techniques. As a result, they often resort to punitive and physically violent methods of control.

In Asia, the general acceptance of corporal punishment in schools and at home is often part of a wider problem of violence. This includes bullying and sexual violence, violence against women and girls in homes and in the community, and discrimination against various minority groups.

Respect for elders means that their behaviour even when violent or discriminatory can be seen by children as acceptable, perpetuating an intergenerational cycle of violence and supporting the child's own bullying or violent behaviour.^{vii}

Consequences of Corporal Punishment

In the short term, corporal punishment can lead to physical injury or even death.¹ In the longer term it boosts the development of violent behaviour. Corporal punishment is associated with assaults on spouses, depression, problem-level drinking and lowered educational, occupational and economic achievement.

There are two major reasons for negative long term effects.^{viii}

Firstly, children who face corporal punishment at school are more likely to drop out of education, harming their future prospects. A study in Nepal, where corporal punishment is routine, found that 14 per cent of school drop-outs can be attributed to fear of teachers.¹

Secondly, corporal punishment often causes psychological damage to children.

Psychological damage can lead to depression, feelings of abandonment and even suicide. Children who are physically punished are also less likely to engage in altruistic behaviour or empathise with others. They are more likely to engage in disorderly and aggressive conduct and more likely to use corporal punishment on their own children, thus perpetuating the cycle of violence.

There is a strong correlation between corporal punishment and crime at school. This close link between corporal punishment and physical abuse was confirmed by a detailed analysis of 88 studies from around the world.

Ending corporal punishment in schools is therefore not only a matter of children's fundamental human rights but an important strategy to reduce violence in societies.

Stopping corporal punishment

Research in India has highlighted the need for urgent action as it directly linked violence in schools to high drop-out rates, damaged self esteem and personality problems in pupils.

Plan is now working with grassroots NGOs on creating models for child-friendly environment in 170 schools, and with governments to replicate these elsewhere. Plan also engaged children in developing a child-friendly version of the study to enable them to advocate for a corporal punishment ban.

Top education officials from the Ministry of Human Resource Development have recently asked all states and union territories to amend urgently their education acts and rules to penalise teachers and school management officials who hurt children. While corporal punishment in schools was banned in national policy in 1986, the implementation of this through federal policies, laws and school policies has not occurred widely.

Improving law and Policy

Effective prohibition of corporal punishment requires a clear, unambiguous statement in legislation. Otherwise, the idea persists that inflicting pain on a child in the name of discipline is acceptable, normal or even in their best interest.

Assault on adults is a criminal offence in all countries. But in many, the law also gives parents, and those acting in their place (such as teachers), a right to various forms of 'reasonable punishment'. In some circumstances, this can mean giving adults the right to assault children in the name of discipline.

Recent court decisions in some countries recognising all corporal punishment by parents, teachers and others as incompatible with states' international obligations (such as the CRC) are welcome. However, court decisions can be reversed and are no substitute for clear, unambiguous legislation.

Elsewhere, both statute and case law is silent on corporal punishment, but there is a traditional acceptance of the 'right' of parents and others to use it. This means that while the assault laws appear to make no distinction between adults and children, it is often assumed that it is legal to hit children in the name of discipline.

In such countries, prohibition can only be achieved through an explicit statement in law applying to the family, schools, penal systems for children and in the laws and regulations governing all alternative care settings.^{ix}



Need for Positive Disciplining Techniques

So far, in India, child protection has been dealt with in a piecemeal and dilatory way with allocation of minimum resources reaching out to a miniscule numbers of children in difficult circumstances.

The MWCD study says that the high incidence of corporal punishment in schools is a clear indicator of the absence of use of positive disciplining techniques by teachers. Some state governments have banned corporal punishment in schools. However, corporal punishment continues unchecked.

There is a need for formulating a central legislation banning corporal punishment and creating a system wherein such cases are not only reported but strict action taken against abusive teachers and principals.

Further, childrens' participation in meetings held by village education committees on issues dealing with school functioning, governance and maintenance of facilities at school, should be encouraged.^x

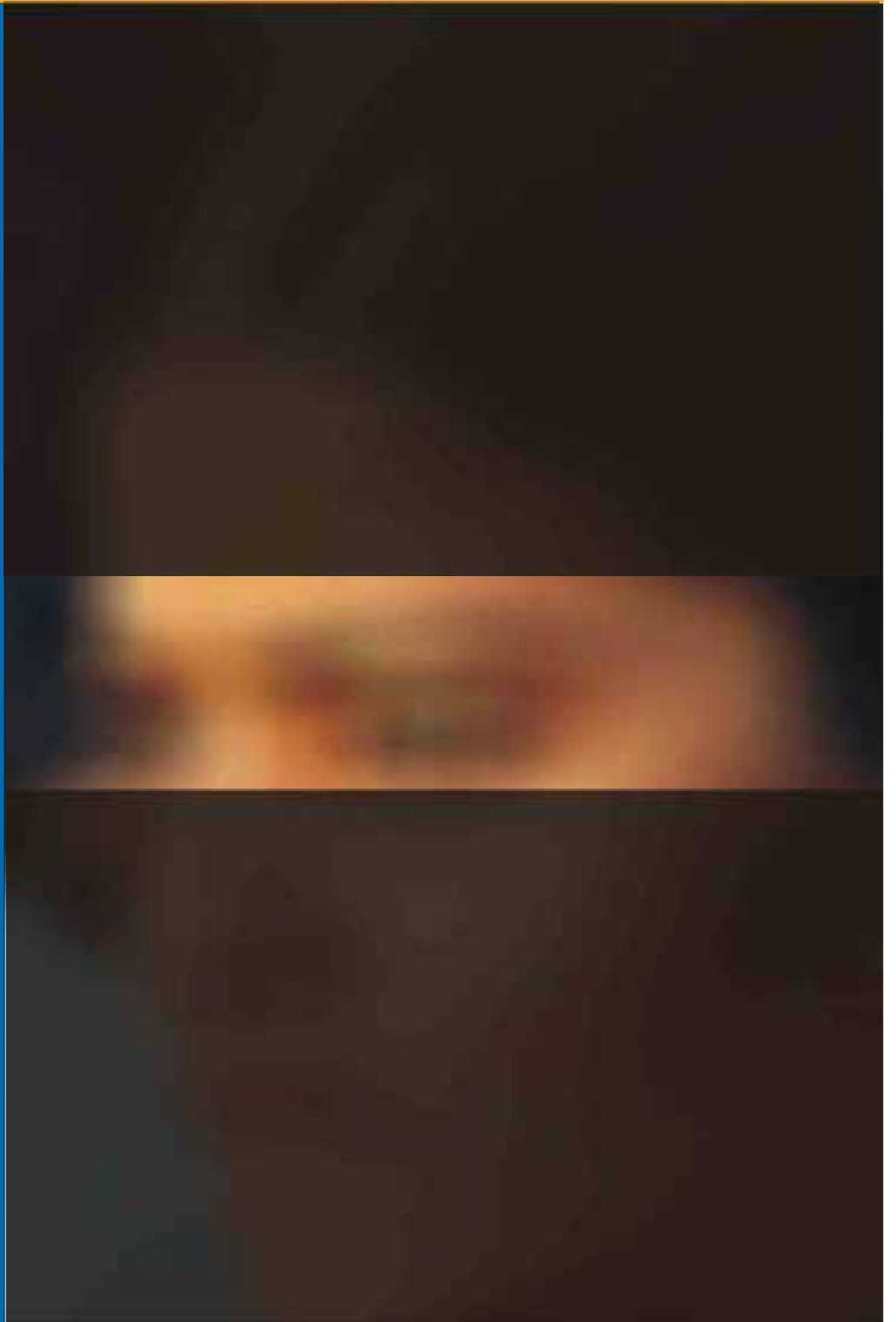
The results of the study point to the need for a national scheme. Such a scheme should identify vulnerable families and children, prevent vulnerabilities and provide services to those in need.

The scheme should strengthen statutory support services provided under the Juvenile Justice (Care and Protection of Children) Act 2000 for children in need of care and protection and children in conflict with law.

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Sexual Violence



Defining Sexual Violence

The UNVAC study (2006) defines sexual abuse of children as “including any kind of sexual activity inflicted on children, especially by someone who is responsible for them, or has power or control over them, and who they should be able to trust”.

The Extent of the Problem

The number of children across the world subjected to sexual abuse is shocking. In 2002, WHO estimated that 150 million girls and 73 million boys under the age of 18 had been raped or suffered other forms of sexual violence.

There are currently no reliable estimates of how much of this abuse takes place in or around schools. This is in large part due to the shame felt by the victims and the often justified lack of confidence that reporting the incident will only cause more harm to them.

However, it is not impossible to gauge the extent of the problem. We do know that such violence is usually carried out by people known to the child (for example, relatives, teachers and peers) and that school-based sexual abuse is a major problem in many countries and regions.

In contrast to corporal punishment, girls are at greater risk of sexual violence than boys - although many boys are also abused. Many schools girls face a twin threat of sexual violence from both male teachers and older male students. Studies show that girls are most likely to be abused on their journey to or from school, in or near toilets, empty classrooms, computer rooms, libraries or dormitories or near the perimeter of school grounds.¹

According to a WHO study, the lifetime impacts of child sexual abuse account for approximately six percent of cases of depression; six percent of alcohol and or drug abuse/dependence; eight percent of suicide attempts; 10 percent of panic disorders, and 27 percent of post traumatic stress disorders. Such risk factors and behaviours can lead to some of the principal causes of death, disease and disability. (WHO 2006)

A Taboo Subject

The subject of child sexual abuse is still a taboo in India. There is a conspiracy of silence around the subject and a very large percentage of people feel that this is a largely western problem and that child sexual abuse does not happen in India.

Partly due to the traditional conservative family system and partly due to the community structure, talk about sex and sexuality is not encouraged.

Parents do not speak to children about sexuality as well as physical and emotional changes that take place during their growing years. As a result of this, all forms of sexual abuse that a child faces do not get reported to anyone.

This silence encourages the abuser so that he is emboldened to continue the abuse and to press his advantage to subject the child to more severe forms of sexual abuse.²

Very often children do not even realise that they are being abused. In a study 'Women's Experiences of Incest and Childhood Sexual Abuse' conducted by RAHI, some of the respondents stated that till the questionnaire was administered to them they did not realise that they had been abused as children. They had buried the incident as a painful and shameful one not to be ever told to anyone.

The MWCD study (2007) looked at gender-wise break up of children who were subjected to one or more forms of sexual abuse in the sample states. Contrary to the general perception, the overall percentage of boys was much higher than that of girls.

In fact 9 out of 13 States reported higher percentage of sexual abuse among boys as compared to girls, with states like Delhi reporting a figure of 65.64 per cent.

The study also showed that two-thirds of children in India are physically abused while more than half have faced some form of sexual abuse. Abuse range from touching, fondling private body parts, being forced to exhibit private body parts and severe sexual abuse or rape.

Percentage of children among different evidence groups reporting sexual abuse		
	YES	NO
Child in family environment not going to school	53.18	46.82
Children in schools	49.92	50.08
Children in work (Shop, factory or other places)	61.61	38.39
Children on the streets	54.51	45.49
Children in institutional care	47.08	52.92
Total	53.22	46.78

Percentage of children among different evidence groups reporting being forced to private body parts		
	YES	NO
Child in family environment not going to school	10.94	89.06
Children in schools	9.36	90.64
Children in work (Shop, factory or other places)	16.35	83.65
Children on the streets	15.10	84.90
Children in institutional care	12.14	87.86
Total	12.60	87.40

Source: MWCD 2007

Causes of sexual violence

The causes of sexual violence vary greatly from country to country and school to school but teachers' behaviour and traditional gender stereotypes are key factors.

Girls in societies where women are accorded a lower or more passive status (and where practices such as infanticide, female genital cutting and honour killings take place) are more likely to suffer sexual violence at school.

Regardless of the legal position, however, teachers' behaviour can reinforce culturally acceptable gender practices and attitudes. By not reporting or responding seriously to complaints of sexual abuse, teachers and school authorities convey the message that sexual abuse will be tolerated.³

Victims often don't report sexual violence and abuse because of fear of stigmatisation. They also lack confidence in school authorities to take action, and rarely confide in their teachers. Equally disturbing is the fact that few perpetrators are held accountable.

Besides, teachers are often reluctant to report colleagues' abuse, and in some cases school authorities and even parents do not necessarily disapprove of sexual relations between pupils and teachers.

Indeed, unless teachers themselves have been educated about gender and power issues, they are likely to model behaviour that reflects their own experiences and those of the wider community, which are often deeply unequal and even violent.

Another key concern relates to the risk of violence while travelling to school. UNVAC research suggests that girls' likelihood of molestation increases as the distance to school increases.

“The way to our house is through the jungle, there are always ruffians there. I feel scared to come alone. What then of my daughter?”

Mother of a girl student

Girls are blamed for the offence

In South Asia and Islamic South East Asia, the concepts of family honour, sexual purity and shame make girls less likely to report sexual violence out of guilt or fear that she will be blamed. In some parts of South Asia, rape is viewed first and foremost as an offence against the honour of male members of the family.⁴

One report notes that “in India incidents other than rape are dismissed under the inappropriate term 'eve-teasing' [a euphemism for sexual harassment or molestation]... Eve-teasing degrades a girl or woman without affecting her physically and is considered by men as something 'light in nature' and 'fun', whereas for females it is a violation”.

The Education For All Global Monitoring Report (2003/2004) says that in India, “almost 90 per cent of single teacher schools, which account for at least 20 per cent of all schools, are staffed by men and 72 per cent of two-teacher schools have no women teachers”.

Annu Jha, field worker with the NGO Nav Srishti, which brings non-formal education to girls in some Delhi slum areas, notes, “One of the main reasons parents take girls out of school is the rampant sexual harassment in, and on the way to, school.”

Sarita, 14, a Class 8 student from Rajasthan, walks several km to school. It takes her about an hour each way. The bus ride costs a lot -- Rs 10. But the walk is scary, with long lonely stretches: “One day a jeep stopped near me and the men in it started asking questions. They chased me but I ran away.” Despite this fearful journey to school and back, Sarita is determined to attend school. She enjoys studies and dreams of becoming a teacher.

Cases presented at the public hearing on 'Violence against Girl Children in Educational Institutions in Tamil Nadu' - organized by the National Commission for Women and the Tamil Nadu State Commission for Women in 2004; and the people's public hearing on 'Corporal Punishment, Torture and Sexual Abuse of Children in Schools and Hostels' - organized by the Tamil Nadu Child Rights Protection Network in 2004, bear testimony to reality. Over half of the accused had previous cases of child sexual molestation pending against them but had been transferred to a new school where they had again molested.⁵

Anecdotal evidence from India also suggests that students studying at 'bridge schools' usually residential schools to help former child labourers make the transition into school are vulnerable to sexual harassment and other forms of violence.

In India, reliable and nationwide data is available for very few forms of violence against children. All dimensions of violence in different settings have not been studied comprehensively. Nonetheless, available researches, assessments and surveys suggest that children in India are at risk of many forms of violence in different contexts and settings.

A study by NGO Tulir-Centre for the Prevention and Healing Child Abuse, Chennai, on 'Prevalence and Dynamics of Child Sexual Abuse' in 2005 among Class 11 schoolchildren within the Chennai Corporation Zones indicated 42 per cent of the 2,211 children surveyed had experienced one or more forms of behaviour which can be construed as sexually abusive. Only a dismal 38 per cent reported the abuse and more often than not were not helped.

Data from open-ended interviews and a participatory workshop in two schools in Karnataka revealed that girls were vulnerable to sexual harassment both within the school grounds (mostly by male pupils) and while travelling to and from school (by older boys and adult men), especially on public transport. For some girls, sexual harassment reduced their desire to continue their schooling, for others it increased their fear of being withdrawn if parents came to hear of any incident.⁶

Consequences of sexual violence

The effects of sexual violence in school are multiple and overlapping. Victims suffer physical and psychological trauma and are at risk of sexually transmitted infections, including HIV. Young girls may also face the consequences of unwanted pregnancy. These include unsafe abortion, social stigma and being forced to leave school.

Sexual harassment and violence form a major barrier to girls' and young women's access to education and their ability to benefit from it. It is a powerful factor in influencing parents to keep girls out of school, for girls themselves avoiding school and for girls' underperformance in the classroom.⁷

The long-term psychological and physical consequences of rape and other serious offences can be severe.

Where children fail to report sexual violence because of guilt or fear of negative repercussion, they often turn to alcohol or drug abuse in an effort to cope with their experience. They may also become more prone to depression and also resort to crime.

Those who manage to report abuse are likely to experience hostility, which can force them to change and sometimes quit school. Unfortunately, teachers or students accused of abusing them often remain in place and experience no repercussions.

There are currently no estimates for the number of people who die each year as a result of sexual abuse in school. But given the scale of the problem and the dangers posed by sexually transmitted infections, illegal abortions and mental health problems it seems inevitable that sexual violence in schools takes the lives of many children each year.⁸

Media reports of sexual abuse in schools

A day after two teachers of an MCD school in Sultanpuri, New Delhi, were suspended on charges of sexually abusing students, another complaint of harassment came in from a municipal school in Jaffarpur.

According to a written complaint, the accused teacher, Praveen Kumar, has been sexually abusing students of the school for sometime now.

Said an MCD official: "According to the complaint sent to us, Kumar's transfer orders had been issued earlier. Despite this, he continued to teach at the school in Jaffarpur."

In the complaint a copy of which has also been sent to MCD commissioner K S Mehra the parents of one of the victims has even alleged that the accused teacher is being protected by the school.

The victims have not been identified in the complaint, fearing intimidation by the accused. This is not the first time that a case of sexual harassment has come in from an MCD school.

In April last year, a principal of an MCD primary school in Pushp Vihar was arrested on charges of molesting a nine-year-old girl.

In August 2007, six girls of an MCD school in Mangolpuri had accused their teacher of sexually abusing them.

It is necessary to train police officers to deal with crimes of sexual violence and employing specially trained court intermediaries to support child victims in prosecuting cases of abuse.

When tackling sexual violence in schools, it is also important to involve a wide range of stakeholders, including political and religious leaders and community-based organisations.

Improving law and policy

Law and policy tend to take account of the fact that sexual violence in schools affects girls and boys differently. Good practices to address the issue include the following:⁹

- The development and enforcement of gender-sensitive anti-violence regulations, including systematic reporting of offences and holding perpetrators accountable.
- Employing a higher number of female teachers and school-based social workers, and ensuring they receive adequate training in preventing and responding to gender-based violence so that they can serve as role models and counsellors to girl students.
- The development of life skills curricula that include modules to build both boys' and girls' awareness of the power dynamics of gender inequality, and practical sex education and sexuality classes to provide alternative models to the often abusive relations that children may see modelled within the household or community.
- Training youth leaders and peer educators to tackle school violence, especially empowering children and young people to stand up to and report violence.
- Development of preventative healthcare services, including training personnel to raise awareness in the community, recognise warning signs of abuse and to intervene sensitively.

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Bullying



Defining Bullying

Definitions of bullying vary, but commonly emphasise the importance of repetition, along with harm and unequal power. Not all aggression is bullying, but bullying is always aggression, defined as hurtful and hostile behaviour.

Definitions imply the difficulty victims face in defending themselves. It also

The extent of the problem

Bullying is a common behaviour in schools across the world.

Boys are generally more likely than girls to be both victims and perpetrators of bullying. Boys and girls also treat their victims in different ways - boys are more likely to use physical intimidation and violence, while girls tend towards verbal and social bullying.

According to Dr Samir Parikh, a psychiatrist and Chief of Department of Mental Health and Behavioural Sciences, Max Healthcare, New Delhi, bullying can be broken into two categories: Direct bullying, and indirect bullying, also known as social aggression.

Direct bullying involves a great deal of physical aggression, such as shoving and poking, throwing things, slapping, choking, punching and kicking, beating, stabbing, pulling hair, scratching, biting, scraping and pinching.

Social aggression or indirect bullying, on the other hand, is characterised by threatening the victim into social isolation. This isolation is achieved through a wide variety of techniques, including spreading gossip, refusing to socialise with the victim, bullying other people who wish to socialise with the victim, and criticising the victim's manner of dress and other socially-significant markers (including the victim's race, religion, disability, etc).

“Many children in my school try to dominate the juniors”

“There are children who take away the lunch boxes and eat our food”

“Teachers do not say anything”

“Monitors in the class threaten us and beat us”

“Girls verbally and emotionally hurt, boys beat up the younger ones”

Children's voices from Baat Nanhe Dilon ki
- Radio programme

Other forms of indirect bullying which are more subtle and more likely to be verbal include such techniques as name calling, the silent treatment, arguing others into submission, manipulation, gossip or false gossip, lies, rumours, staring, giggling, laughing at the victim, saying certain words that trigger a reaction from a past event, and mocking.

There are also children who engage in bullying because they lack the social skills or have some form of insecurities about the same. These children need attention, are confused or overwhelmed by transitions, don't know how to control their anger, have not been taught how to interact properly, have low problem-solving skills, lack empathy or are unaware of their effect on others.



Causes of bullying

Children often become targets for bullies because of their ethnicity or sexuality. Disabled children are also more likely targets. The UN Violence Study on Violence Against Children with Disabilities reports that they may be more likely to put up with abuse in order to gain access to social groups.

However, "Bullies are taught to bully, they are not born that way. They learn acts of bullying through what they see around them - their parents, peers, on television, in print media. Thus, the onus of bullying falls not just on the perpetrator of the act but on the society as a whole. The important risk factor that has been identified is uncontrolled anger. It can be difficult for any individual, child or adult, to control their anger in certain situations."

Plan's report, 'I'm a teenager: What happened to my rights?', highlights an increasingly common reason for being bullied - the stigma associated with AIDS. Children whose parents are living with HIV, or those who have been orphaned by the disease, may be rejected by their friends and schoolmates.

Bullies, particularly boys, often target the youngest, smallest and weakest children.

Bullying is linked to experiences of violence in the home, as children learn that violence is a primary mechanism for negotiating relationships. Children who suffer family violence are more likely to be bullies and be bullied.

Physical violence in general and bullying in particular is also more common in schools which are overcrowded with inadequate adult supervision. Children attending schools located in violent or poor neighbourhoods or where discrimination against ethnic or other groups is accepted, are also more likely to experience violence.

Frequently bullying and absenteeism

Bullying was reported by 157 (31.4 per cent) of the 500 children interviewed in three local schools in Maharashtra. There was no significant difference in the prevalence of bullying amongst boys and girls in co-education schools. However, it was significantly low in schools enrolling girls alone. Teasing and keeping names were the commonest forms noticed. Causing physical hurt was reported by 25 (16 per cent) students. Only 24 (24 per cent) parents were aware that their children were being bullied. Feeling sad, preferring to stay alone and frequent tearing of clothes were almost exclusively noted in bullied children and bullied children were more likely to report symptoms such as school phobia, vomiting and sleep disturbances.

This study was conducted by enrolling students from three randomly selected schools from the locality.

The study concluded that bullying is a common phenomenon amongst school going children. Healthcare professionals need be aware of this phenomenon so that they can diagnose the underlying cause when these symptoms are reported and plan for appropriate interventions.

- *Bullying in schools: Prevalence and Short term impact*
V. Y. Kshirsagar, Rajiv Agarwal and Sandeep B. Bavdekar

Research indicates that rising levels of deprivation, inequality and social exclusion play a large part in school-based violence.

In Asia, school-based bullying attracts even less public attention than sexual violence. Indeed, it is often considered that bullying and fighting are all part of growing up.

In India and other parts of South Asia, caste continues to play a significant role in increasing the vulnerability of children to violence, including in the school environment. It can also discourage children from reporting abuse. Throughout the region, indigenous and minority ethnic status is also a key basis of discrimination and violence against and between students, as is religious status.

The spread of new technology has increased the intensity of problems faced by bullied children. Cyber bullying, the use of the internet, mobile phones and other digital technologies to threaten or abuse children, means bullying can now take place at any time and without spacial limitations.

Most victims do not report what they are suffering because they feel ashamed, fear derision or revenge from their aggressors and blame themselves. Bullied children tend to have a reduced network of friends who might give support and protection.



Bullying inside classrooms

The Bullying Research Initiative in Training and Education (BRITE) volunteers surveyed 12 English-medium schools across Dehradun, Mussoorie and Chandigarh and found out that students have been dealing with bullying not only on the playground, but inside classrooms, according to media reports.

Nearly 1,200 students and 600 teachers were consulted between 2002 and 2005 as part of the project. Bullying among boys is usually through fights or using abusive language. In girls, bullying takes the form of teasing, name-calling or avoiding someone.

According to media reports, the study conducted by Uttarakhand MLA and school teacher Karen Mayer and psychologist and child protection consultant Aparna Massey showed that bullying often took place during class hours.

"Bullying is not state or country specific and there is a need to recognise the impact it has on children. Most schools are in denial about bullying on campus and didn't want to participate in the study. What is worrisome is that more bullying happens right under the teacher's nose and not as assumed, during lunch or recess when students are unsupervised," Karen said.

The BRITE study showed that 58.7 per cent boys in the age group of 14 to 18 felt that bullying was present on campus, while the figure was higher among girls, 65.09 per cent.

"Most of the students had been conditioned to think that it was okay to receive corporal punishment. Often parents asked teachers to hit their child to instil discipline," Aparna added.

Consequences of bullying

Victims of bullying sometimes lose self-esteem, feel shame, suffer anxiety and come to dislike school and often play truant to avoid victimisation.

Those that remain in school often develop concentration problems and learning difficulties, which further increase their disaffection. Others react aggressively, sometimes bullying other classmates in an effort to regain status.

Most seriously, victims of bullying suffer from increased stress and serious psychological problems and are more likely to attempt suicide.

Studies show children who are bullied are more likely to be depressed than their peers and that bullied girls are more likely to be suicidal.

Bullying can also lead to death. Victims of bullying can suffer from long term emotional and behavioural problems.

But bullies also suffer problems. They too are more likely to experience anxiety and depression and are at higher risk of suicide and self-harm than those not involved in bullying.

Both, victims and bullies, are likely to perpetuate the cycle of violence.

Improving law and policy

As discrimination is often the basis for bullying, anti-discrimination legislation is an important first step to prevention. Most countries have now ratified the International Convention on the Elimination of All Forms of Racial Discrimination, although a few maintain procedural reservations, which may be relevant in some cases of bullying.

However, the most significant changes will have to be made in the school system. It is essential to tailor anti-bullying strategies to each independent school's needs. Developing a 'whole-school approach' in which children and adults work together to create an environment where bullying is not tolerated tends to be more beneficial in the long run.

Setting up of support schemes that encourage children to make friends can help in the endeavour. Having friends is one of the best defenses against bullying, but not everyone has the right social skills to make friends easily.

Dr Jitendra Nagpal, Consultant Psychiatrist with VIMHANS, New Delhi, and Project coordinator for "Expressions", an adolescent wellness programme, has noticed an increase in bullying in recent years. The programme attempts to reduce bullying among children, improve the social climate of classrooms, and reduce related anti-social behaviours, such as vandalism and truancy.

[He recommends a multi-pronged approach to prevent violence in schools:](#)

- Laws need to be child-driven not school-driven
- More than punitive measures, there is need to focus on capacity building of educators/teachers
- Teachers need to evolve alternative ways of disciplining students
- Responsible behaviour among children needs to be inculcated

Teaching assertiveness skills and confidence-building to the class may be a way to help more children make friends. Set up a peer-support scheme.¹⁰

It is also essential to check and change the behaviour of children who bully. This can be achieved through preventive work.

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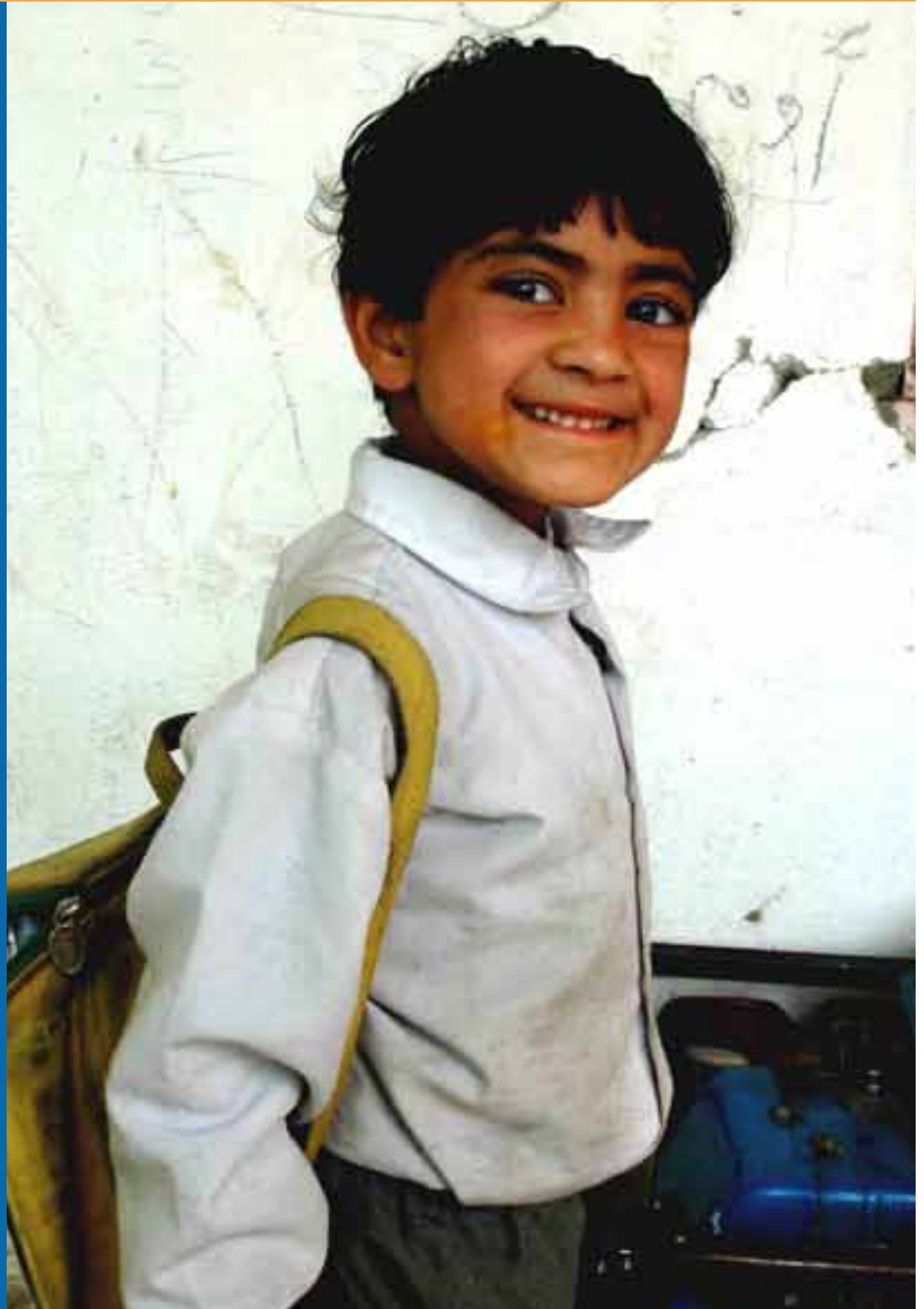
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Tackling violence in schools: what works?



Research indicates that the most effective local strategies for tackling corporal punishment, sexual violence and bullying concentrate on the school itself, like changing classroom techniques and establishing clear rules regarding behaviour.

School-wide interventions that aim to lower the violence rate are the most effective. Not only do they reduce violent or aggressive behaviour, they can also reduce truancy, improve academic achievement, and enhance social skills and wellbeing.¹

A key component of a school-wide approach is clear management standards.

Much also depends on how the school implements intervention programmes. Schools that are already organised in a proactive and democratic manner with strong links to their communities have a stronger chance of success.²

To check violence in school, the active commitment and support of teachers and parents is critical.

Children feel less of victims when they are supported by their family and by teachers, and when local stakeholders such as residents' associations, the police and social services work together to protect them.

Effective programmes are based on encouragement, not on repression. In addition, promoting children's awareness of their rights and encouraging their participation in school governance is of fundamental importance in overcoming authoritarian school environments and promoting non-violent discipline.



Positive school environment essential

Some key lessons learned regarding bullying:³

- There is need for early bullying prevention.
- Gender is an important factor. Studies indicate that girls are more receptive to anti-bullying intervention, have more favourable attitudes towards victims (especially during adolescence) and are significantly more willing to play an active part in challenging school bullying. However, it seems that the programmes are more effective for boys than for girls in the long-term.
- A positive school environment with a comprehensive approach involving the entire teaching team is essential for any programme's success.
- The longest programmes are the most effective.
- Collaboration between a local project and a large national campaign is not always a guarantee of success.
- Effective programmes focus on interactive methods (role playing, real life situations, and practical work on feelings and emotions) rather than just information transmission.
- Work on bullying is most effective when associated with interventions with families, teachers and the whole school and the wider community.

Legal and social mechanisms

Local interventions, although critical to reducing violence in schools, cannot be expected to be successful without a supportive legislative environment.

Legal prohibition of violence in schools is a vital first step towards making schools safe for children. If violence is not outlawed then it becomes difficult to convince communities, school authorities and parents that it is unacceptable.

Civil society has a critical role to play in convincing policymakers to ban corporal punishment.

Further, there is also an urgent need to evolve a separate National Child Protection Policy. There is also an established need for a National Legislation to deal with child abuse. The proposed legislation should address all forms of sexual abuse including commercial sexual exploitation, child pornography and grooming for sexual purpose. It should also deal with physical abuse including corporal punishment and bullying, economic exploitation of children, trafficking of children and the sale and transfer of children.⁵

The legislation should also look at mechanisms of reporting and persons responsible for reporting.

Strong enforcement necessary

All forms of violence against children in school must be outlawed. A school that tolerates one form of violence against children such as corporal punishment - is also likely to be permissive of others. Indeed corporal punishment and sexual violence are linked. A girl who submits to giving sexual favours to a teacher will expect to avoid being beaten, whereas one who turns down a teacher risks a beating.⁶

But laws alone are insufficient. Strong enforcement is a necessary next step to reducing the number of children who suffer violence at school. Without enforcement, laws become largely irrelevant.

Resources are also important. Securing sufficient and reliable budgets both ensures funding to implement changes in schools and signals political commitment to addressing the problem.

Action against child abuse must be on the national agenda

It is time that child abuse is placed on the national agenda. As media has started highlighting this issue, understanding its gravity, an environment for discussion on this issue has now been created.

This understanding needs to be translated into action, and not only the central government, but state governments, civil society, families and children themselves need to understand the rights perspective and together create the enabling environment wherein a child learns without fear.

- Although the primary responsibility of protecting children from abuse and neglect lies with the families or the primary caregivers, communities and civil society and all other stakeholders are also responsible for the care and protection of children.

The overarching responsibility is that of the state and it is the state that has to create a protective environment and provide a safety net for children who fall into vulnerable and exploitative situations.



Guidance for Policy Makers

A nine-point framework for policy approaches to prevent school bullying and violence:⁷



- 1) Draw up, implement and monitor a national action plan to prevent school bullying and violence. This plan should be based on government and NGO consensus and include representation from education, health, social welfare and justice agencies.

Actions should include reviewing and reforming existing legislation and policy; improving data collection; strengthening services for victims; developing prevention responses and monitoring and reporting on progress.

- 2) Enhance the capacity to collect comprehensive and reliable data on school bullying and violence. Standardise definitions and improve comparability across countries and time.
- 3) Define priorities for, and support research on, the causes, consequences, costs and prevention of school bullying and violence. Undertake systematic and rigorous evaluations of prevention initiatives.
- 4) Develop a national strategy to assist schools to prevent and reduce bullying and violence.

Programmes should be tailored to the needs and characteristics of individual schools. The most successful interventions are regularly audited whole-school programmes, introduced early in the educational career of children and involving multiple stakeholders in the design process. They focus on reducing the risk of bullying and violence; responding to incidents of bullying and violence and treatment and rehabilitation for those involved in incidents.

- 5) Develop a media campaign to promote non-violent values, attitudes and behaviour.
- 6) Integrate prevention of school bullying and violence into teacher education at both pre-service and in-service levels

- 7) Establish an advisory body for partners in education.

This body should provide advice and guidance on how to develop and implement school policies and programmes to tackle bullying and violence.

- 8) Contribute to an international research network.

Potential areas of research in which an international network could play a key role in preventing school bullying and violence include national baseline investigations where the same definition and tools or measurement are used; in-depth case studies of national policies and monitoring and evaluation of violence prevention programmes.

- 9) Promote legislation to deal effectively with school bullying and violence.

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Plan's call for Action

A violence-free school is the right of every child.

Lets work towards a world where:

1. No one can inflict violence on children in schools without facing punishment
2. Children are able to report violent incidents and expect appropriate care and support when they are affected by school violence
3. Children are recognized as critical participants in developing strategies and solutions to address violence in schools
4. Governments establish holistic data collection systems and carry out research to ascertain the scale and severity of violence in their schools
5. Significant resources are earmarked by governments and international organisations to tackle violence in schools
6. UN agencies, multilateral donors, development banks and international NGOs increase support to governments to tackle violence in schools
Pupils, parents, all school staff and the community work together to expel violence from schools

Plan India will play its part Will you ?

Join us in our campaign

Together We Must End all Violence In Schools



Appendix 1

Legal and Rights framework for intervention on corporal punishment by the State

There is a growing appreciation for addressing the issue of corporal punishment as an act of violence. There are many provisions through which the State can intervene on corporal punishment.

Constitution of India

Art. 21: The interpretation of 'right to life' has been expanded to mean:

1. A life of dignity.
2. A life which ensures freedom from arbitrary and despotic control, torture and terror.
3. Life protected against cruelty, physical or mental violence, injury or abuse, exploitation including sexual abuse.

Art 39. The State shall in particular direct its policy towards securing.

E. That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength;

F. That children' are given the opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

The Juvenile Justice (Care and Protection) Act, 2006

Section 23: "Whoever, having the actual charge of or control over, a juvenile or the child, assaults, abandons, exposes or willfully neglects the juvenile or causes or procures him/her to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessarily mental or physical suffering, shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both. "

This section has no exceptions to exempt parents or teachers. Though it is intended to punish cruelty by those in authority, it equally applies to parents and teachers. The whole purpose of the Juvenile Justice Act 2000 is to translate the objectives and rights enshrined in Convention on Child Rights, which include separation of juveniles in conflict with law from ordinary judicial proceedings to avoid corporal punishment.

The National Policy on Education (1986)

Para 5.6 "Child-Centered Approach: A warm, welcoming and encouraging approach, in which all concerned share solicitude for the needs of the child, is the best motivation for the child to attend school and learn. A child-centered and activity-based process of learning should be adopted at the primary stage. First generation learners should be allowed to set their own pace and be given supplementary remedial instruction.

As the child grows, the component of cognitive learning will be increased and skills organized through practice. The Policy of non-detention at the primary stage will be retained, making evaluation as disaggregated as feasible. Corporal Punishment will be firmly excluded from the educational system and school timings as well as vacations adjusted to the convenience of children."

The National Charter for Children (2003)

This charter acknowledges the principles and provisions of the Constitution and of

The 1974 National Policy as comprising its guiding frame, and includes 'neglect' and 'Degrading treatment' in its. Listing of conditions from which children must be protected.' The charter states its intent to 'secure for every child its right to be a child and enjoy a healthy and happy childhood ... and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse ...' and asserts that 'the state and community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children.' (Thukral and Abbasi, 2007)

Article 7 (f): The State shall ensure that school discipline and matters related thereto do not result in physical, mental, psychological harm or trauma to the child.

National Plan of Action for Children 2005 (NPA)

One of the core objectives of the NPA is "to protect all children against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, pornography, 'corporal punishment, torture, exploitation, violence, and degrading treatment".

United Nations Convention on Rights of the Child, 1989.

(India acceded to this convention in 1992).

Article 3

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 19

1. 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, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 28

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense-of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and-active means, to adults and children alike.

Appendix 2

International commitments

There are a number of universal and regional commitments and documents relevant to violence against children in schools; below is a non-exhaustive selection. The majority of these are not legally binding but they are recognised customary law that should be enforceable at domestic level through national legislation and national policy in countries which have signed and ratified them. Plans therefore calls on all States to comply with their international commitments to ensure that children are protected from violence in schools.

Human rights instruments: treaties, declarations and treaty body references

- **UN Universal Declaration of Human Rights** (adopted by the UN General Assembly in 1948) is 'a common standard of achievement for all peoples and all nations'. Article 5 states that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'. Article 26 states that 'everyone has the right to education' and "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms". It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace'.

- **UN Convention on the Rights of the Child** (entered into force on 2 September 1990, 193 states parties): Article 2 states the obligation to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment. Further, Article 19 states the obligation to take all appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. Article 28.2 demands school discipline to be administered "in a manner consistent with the child's human dignity and in conformity with the present Convention". Further, article 37 states that 'no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.'

- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (entered into force on 26 June 1987, 113 states parties): Article 1 - “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed. It is possible to consider physical abuse committed by a teacher as an act protected under this convention. Article 16 sets up the obligation to prevent other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture, when such acts are committed by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.

- **International Covenant on Civil and Political Rights** (entered into force on 23 March 1976, 116 states parties): Article 7 states that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment, and as emphasised by the Human Rights Committee in General Comment 20 on article 7, corporal punishment falls within the scope of article 7. Article 24 points out that every child shall have, without any discrimination, the right to such measures of protection as are required by their status as a minor, on the part of their family, society and the state.

- **UN Convention on the Elimination of all Forms of Discrimination against Women** (entered into force on 3 September 1981, 115 states parties): Article 1 sets up a wide definition of discrimination under which it is possible to consider school violence against women, committed on the basis of gender, as discrimination. With regard to educational matters, Article 10 points out the right of women to access the same curricula, examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, and the obligation to the elimination of any stereotyping of the roles of men and women.

- **International Convention on the Elimination of All Forms of Racial Discrimination** (entered into force on 4 January 1969, 145 states parties): States shall adopt measures to prohibit and to eliminate racial discrimination in all its forms, notably in the enjoyment of the right 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.

- **Convention on the Rights of Persons with Disabilities** (entered into force on 3 May 2008, signed by 118 states and ratified by 7): This Convention guarantees rights for disabled persons. 67 countries have signed and 3 have ratified the Optional Protocol to the Convention establishing a complaint procedure in the case of violations of rights included in the Convention. The document is based on principles of respect for dignity, autonomy and freedom to make one's choices, non-discrimination, full and effective participation, respect for difference, equal opportunities and accessibility. The Convention gives special attention to violence, abuse and neglect of children with disabilities in educational settings under the non-discrimination foundation principle.

- **Declaration on the Rights of Indigenous Peoples** (adopted 13 September 2007): This declaration is a comprehensive statement addressing the rights of indigenous peoples. Article 6 of the declaration is relevant in addressing protection against violence in all settings for indigenous children. The Convention gives special attention to violence, abuse and neglect of indigenous children in educational settings under the non-discrimination foundation principle.

- **International Labour Organization Convention 182. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour** (entered into force on 19 November 2000, 165 states parties): The convention states the obligation to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, such as the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (entered into force on 18 January 2002, 124 states parties): The Protocol prohibits the sale of children, child prostitution and child pornography, and sets up some measures that states shall implement in their territories.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (entered into force on 1 July 2003, 37 states parties): Article 16 states that migrant workers and members of their families shall be entitled to effective protection by the state against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions. Article 30 states that the child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the state. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the state.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, Palermo Protocol (entered into force on 25 December 2003, 117 states parties up to December 2006): One purpose of this Protocol is to prevent and combat trafficking in persons, paying particular attention to women and children, which includes the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose, among others, of the prostitution of others or other forms of sexual exploitation.
- General Comment No. 8 (2006). The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, paragraph 2; and 37, inter alia) (adopted on 2 March 2007): In this General Comment, the Committee on the Rights of the Child emphasises that eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of state parties.

- **Human Rights Committee** - monitors implementation of the [International Covenant on Civil and Political Rights](#):

- Article 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment..."
- Article 10: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person..."
- Article 24(1): "Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."
- Article 26: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".
- In its General Comment No. 20, adopted in 1992, on Article 7 of the Covenant, the Committee states: "The prohibition in Article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim. In the Committee's view, moreover, the prohibition must extend to corporal punishment, including excessive chastisement ordered as a punishment for a crime or as an educative or disciplinary measure. It is appropriate to emphasise in this regard that Article 7 protects, in particular, children, pupils and patients in teaching and medical institutions."

- **Committee on Economic, Social and Cultural Rights** - oversees implementation of the International Covenant on Economic, Social and Cultural Rights:

- Article 10(3): "Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions..."
- Article 13(1): "The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms..."
- In 1999, the Committee adopted a General Comment on The Right to Education: "In the Committee's view, corporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the Preambles to the Universal Declaration of Human Rights and both Covenants: the dignity of the individual. Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation. Nor should any form of discipline breach other rights under the Covenant, such as the right to food. A State Party is required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution within its jurisdiction. The Committee welcomes initiatives taken by some States parties which actively encourage schools to introduce 'positive', non-violent approaches to school discipline."
- The Committee has expressed concern at the persisting legality of school corporal punishment and recommended prohibition. For example, in 1997 it recommended the elimination of corporal punishment in privately financed schools in the UK. In May 2002, the Committee called on the UK to ban all physical punishment of children in families.

- **Committee against Torture** - responsible for monitoring implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It condemned corporal punishment in 1995.
- **Corporal punishment and juvenile justice standards**
 - UN Standard Minimum Rules for the Administration of Juvenile Justice, the "Beijing Rules": Rule 17.3 (Guiding Principles in Adjudication and Disposition) states: "Juveniles shall not be subject to corporal punishment."
 - UN Rules for the Protection of Juveniles Deprived of their Liberty: Rule 67 states: "...all disciplinary measures constituting cruel, inhumane or degrading treatment shall be strictly prohibited, including corporal punishment..."
 - UN Guidelines for the Prevention of Juvenile Delinquency, the "Riyadh Guidelines": Paragraph 21(h) states that education systems should devote particular attention to "avoidance of harsh disciplinary measures, particularly corporal punishment" and paragraph 54 says: "No child or young person should be subjected to harsh or degrading correction or punishment measures at home, in schools or in any other institutions."
- **European Committee of Social Rights** - [supervises conformity of the law and practice of member states of the Council of Europe with the European Social Charter](#). In 2001 it made a "general observation" on Article 17 ("The right of mothers and children to social and economic protection") of the Charter, which noted:
 - "The Committee does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence. The Committee does not consider that there can be any educational value in corporal punishment of children that cannot be otherwise achieved.
 - "... the Committee considers that Article 17 requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It furthermore considers that any other form of degrading punishment or treatment of children must be prohibited in legislation and combined with adequate sanctions in penal or civil law."

- Since then, the Committee has asked many members for details of the legality of corporal punishment, in the home, schools and other institutions and day care. In 2003, in its Conclusions concerning Poland and other countries it found a violation of article 17 on the grounds that "corporal punishment of children in the home is not prohibited".
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International goals and programmes

- **Education for All:** In April 2000, the World Education Forum in Dakar, Senegal adopted the Dakar Framework for Action to achieve six Education for All (EFA) goals.
- **Millennium Declaration and Development Goals:** In September 2000, the Millennium Declaration established two of the EFA goals as two of the eight Millennium Development Goals. Goal 2 states that, by 2015, all children should have access to free and compulsory primary education of good quality. Goal 3 is to, by 2005, achieve gender equality in primary and secondary education and, by 2015, achieve gender equality in all levels of education. These two goals constitute a specific timetable for achieving “the right of the child to education ... progressively and on the basis of equal opportunity” required by the UN Convention on the Rights of the Child.
- **The United Nations Girls' Education Initiative (UNGEI) role in promoting girls' participation:** In 2000, then UN Secretary-General Kofi Annan launched the UN Girls' Education Initiative (UNGEI), a partnership for girls' education and gender equality. It is emerging as an effective strategy for the prevention of violence against girls. In countries where UNGEI is established, partners work together to strengthen interventions that promote girls' access to quality education.
- **The Yokohama Global Commitment 2001:** Adopted at the 2nd World Congress against Commercial Sexual Exploitation of Children that took place in Yokohama, Japan, which brought together representatives from governments, intergovernmental organisations, non-governmental organisations, the private sector, and members of civil society from around the world. The Commitment reaffirmed the protection and promotion of the interests and rights of the child to be protected from all forms of sexual exploitation, such as child prostitution, child pornography and trafficking of children for sexual purposes.

- **A World Fit for Children:** The Special Session of the UN General Assembly on Children, 8 to 10 May 2002, culminated in the official adoption by 180 nations of its outcome document, A World Fit for Children. This document includes 21 specific goals and targets for the next decade. In particular, it states the obligation to ensure that education programmes and materials fully reflect the promotion and protection of human rights and the values of peace, tolerance and gender equality. The agenda also aims to protect children from all forms of sexual exploitation, including paedophilia, trafficking and abduction.

- **Building a Europe For and With Children Programme:** This three-year Council of Europe programme seeking to ensure respect for children's rights throughout all countries in Europe. Its objective is the promotion of children's rights and their protection against all forms of violence. It is based on the four Ps: protection of children, prevention of violence, prosecution of criminals, and participation of children. The programme pays special attention to particularly vulnerable children - those with disabilities, living in poverty, and being raised without parental care.

- **The Stockholm Declaration and Agenda for Action:** This is a global partnership against the commercial sexual exploitation of children. The Agenda for Action aims to identify priorities for action and to assist in the implementation of relevant international instruments. It calls for action from states, all sectors of society, and national, regional and international organisations against the commercial sexual exploitation of children.

- **Inter-Parliamentary Union-UNICEF publication Child Protection: A Handbook for Parliamentarians:** This publication provides examples of parliamentarians' responses to the challenges of child protection and addresses 10 specific protection issues. Chapters 8 to 11 (sexual exploitation of children, trafficking and sale of children, harmful traditional practices and violence and neglect) are relevant.

●Adapted from: Nicola Jones, Karen Moore, Eliana Villar-Marquez and Emma Broadbent (2008) *Painful lessons: the politics of preventing sexual violence and bullying at school*. London: ODI

Recommendations received by India on corporal punishment by Human Rights Treaty bodies

Committee on the Rights of the Child

(26 February 2004, CRC/C/15/Add.228, Concluding observations on second report, paras. 44 and 45)

"The Committee notes the decision of the New Delhi High Court of December 2000 regarding prohibition of corporal punishment in the schools under its jurisdiction, but remains concerned that corporal punishment is not prohibited in the schools of other states, in the family, nor in other institutions for children, and remains acceptable in society.

"The Committee strongly recommends that the State party prohibit corporal punishment in the family, in schools and other institutions and undertake education campaigns to educate families, teachers and other professionals working with and/or for children on alternative ways of disciplining children."

Committee on the Rights of the Child

(23 February 2000, CRC/C/15/Add. 115, concluding observations on initial report, paras. 38, 40, 44 and 45)

"With respect to article 37 (a) of the Convention, the Committee is concerned by numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.

"Amendment to the Juvenile Justice Act is recommended to provide for complaints and prosecution mechanisms for cases of custodial abuse of children. In addition, the Committee recommends the amendment of section 197 of the Code of Criminal Procedure, which requires government approval for prosecution of law enforcement officials when complaints of custodial abuse or illegal detention are alleged; and section 43 of the Police Act, so that police cannot claim immunity for actions while executing a warrant in cases of illegal detention or custodial abuse.

"In the light of articles 19 and 39 of the Convention, the Committee is concerned at the widespread ill-treatment of children in India, not only in schools and care institutions but also within the family

"The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions.

The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools.

Programmes for the rehabilitation and reintegration of abused children need to be strengthened, and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment."

List of documents on the CD

- I. **United Nations Violence Against Children study**
- II. **Study on Child Abuse, Ministry of Women and Child Development, 2006 Guidelines issued by NCPCR on banning corporal punishment**
- III. **Secretary, Ministry of Human Resource Development, Sh. Arun Kumar Rath's letter on guidelines against corporal punishment**
- IV. **Plan documents**
 - I) Learn without Fear The global campaign to end violence in schools-launch document
 - ii) Plan's briefing campaign on school violence and child rights
 - lii) Plan's briefing on school violence and gender issues
 - iv) Impact of Corporal Punishment on Children Plan India,2006
- V. **Responses from some Indian states regarding efforts to ban corporal punishments**
- VI. **Print media content and coverage analysis on corporal punishment**
- VII. **Bullying in schools: An essay by Dr Samir Parikh, prepared for Plan India**
- VIII. **Sexual violence in India: An article prepared by NGO Tulir - Centre for the Prevention and Healing Child Abuse for Plan India**