

# A CHILD-RIGHTS-BASED APPROACH TO CORPORAL PUNISHMENT OF CHILDREN IN PRIMARY SCHOOLS IN THE EASTERN ZONE OF THE TIGRAY REGION, ETHIOPIA

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## ABSTRACT

Corporal punishment is a very sensitive matter and an under-reported problem that threatens the development and survival of children in primary schools in the Tigray region of Ethiopia. The study examined the measures taken by the local government and other relevant actors to change the attitudes of teachers and students about corporal punishment. Moreover, this study explored the major limitations of the interventions by the government and other relevant actors to curb corporal punishment as well as their responses to these interventions. A qualitative research methodology was employed to collect data from children and teachers at the selected schools and also from school leaders, parents and community representatives connected with these schools. It was found that school directors and teachers administered corporal punishment to students who had caused disturbances even though such action was officially banned according to the domestic laws of the country and other international and regional conventions. This implies that the prevention of corporal punishment of children in schools by relevant duty bearers and their responses to the problem are less effective mainly due to a lack of commitment and the existence of gaps in policies. Hence, mainstreaming the values and principles of the child-rights-based approach is essential to address the problem of corporal punishment in schools.

**Keywords:** corporal punishment; child-rights-based approach; school children



## INTRODUCTION

The main purpose of the *United Nations Convention on the Rights of the Child* (UNCRC) (UN General Assembly 1989), which came into force on 2 September 1990 and was signed by 194 countries, is to safeguard and guarantee the rights and benefits of children. The UNCRC contains various provisions relating to the protection of children, among which is children's protection from any type of corporal punishment. In article 19(1) of the UNCRC, a child is guaranteed protection from all types of physical or psychological maltreatment, damage, abuse, exploitation, forced labour and neglectful treatment by a family, legal caretaker, mother or father or any other person whose responsibility it is to protect the child (UN General Assembly 1989). Besides this, article 28(2) contains the presupposition that disciplinary measures at a school or the rules and regulations of a school are consonant with the children's human rights and that state parties have the primary responsibility to assure the realisation of children's rights. Article 37(a) deals with the protection of children against degrading and inhuman treatment, cruel punishment and maltreatment.

The Federal Democratic Republic of Ethiopia (referred to in this paper as the FDRE or Ethiopia) is one of the signatory members of the UNCRC and of the *African Charter on the Rights and Welfare of the Child* (Organisation of African Unity 1990). Thus, these international and regional instruments have become domesticated in the FDRE as they are an integral part of the *Constitution of the Federal Democratic Republic of Ethiopia* (hereafter referred to as the Constitution) (FDRE 1995), and their interpretation is in line with the interpretation of the *Universal Declaration of Human Rights* (UN General Assembly 1948). Article 9(4) of the Constitution stipulates that "all international agreements ratified by Ethiopia are an integral part of the law of the land" and article 13(2) states that fundamental rights and freedoms specified in the Constitution shall be interpreted in a manner conforming to the principles of international instruments adopted by Ethiopia (FDRE 1995). Article 36(e) of the Constitution affirms that "every child has the right to be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children". Moreover, article 18(1), which deals with prohibition against inhuman treatment, stipulates that everyone has the right to be free from pain, inhuman and degrading treatment. Article 576 of the *Criminal Code of the Federal Democratic Republic of Ethiopia* (FDRE 2004) states that "whoever, having the custody or charge of a minor, ill-treats, neglects, over-tasks or beats him for any reason or in any manner, is punishable with simple imprisonment not exceeding three months."

In this study, the implementation by duty bearers of disciplinary measures at schools was analysed in line with the human rights covenants and the principles stipulated in the UNCRC (UN General Assembly 1989), the *Universal Declaration of Human Rights* (UN General Assembly 1948), the *African Charter on the Rights and Welfare of the Child* (Organisation of African Unity 1990) and the domestic laws of Ethiopia. The argument in this paper starts from the premise that corporal punishment is humiliating

and intimidating and deliberately imposes pain and restricts children's freedom and liberty. Moreover, such punishment affects the academic performance of students in schools and violates Ethiopian law and international human rights standards.

## PROBLEM STATEMENT

Violence against children is a very sensitive and under-reported problem that threatens the survival and development of children (Child et al. 2014; Rahman and Tareque 2013). Besides that, it is a source of other problems that have an impact on the lives of children, including "poor physical and cognitive development and mental health, substance abuse, suicidal behaviour, and reproductive and sexual ill-health" (Norman et al. 2012). The international organisation Save the Children reports that corporal punishment by parents, guardians and other adult family members is a common practice that violates the rights of children (Save the Children Sweden Ethiopia Program 2011). Globally, there is an increase in legally prohibiting the use of corporal punishment in schools, yet this kind of punishment continues. Proponents of punishment argue that it is an effective and non-harmful means of teaching children discipline, esteem and compliance, whereas others, as reported by the United Nations Children's Fund (UNICEF), point out that it has many detrimental effects, including poor academic performance, low class participation, high school dropout rates and a decline in psychosocial well-being (UNICEF 2014).

In research conducted by Skiba and Knesting (2001), it was revealed that the attitudes of students about the effectiveness and necessity of disciplinary action in school were totally different from the perceptions of parents, teachers and school administrators. Whereas school administrators and teachers regarded disciplinary measures at school as a means of maintaining good order in the classroom and facilitating teaching and learning, students tended to see such measures as the main cause of increasing student misbehaviour, especially if these measures (in the form of rules and policies) were enforced on them unfairly.

Agbenyega (as cited in Kilimci 2009) has found that corporal punishment is used by the majority of teachers to discipline school children and that they are reluctant to stop physically punishing those who violate the rules and regulations of the school. In a study conducted by McIvor (2005) on behalf of the Save the Children Sweden and Africa Child Policy Forum, 50.6 per cent of the teacher participants indicated that corporal punishment assisted them in getting misbehaving students to behave properly. In contrast to that, 74 per cent of the children participants indicated that corporal punishment did not do any good and only instilled terror, humiliation and fear in them. Clearly, corporal punishment is not in the best interests of children, and the infliction of such punishment disregards this basic principle of the CRC. The argument in this paper is that this type of practice is the result of a lack of awareness of the principles of the UNCRC in particular and of human rights in general and that it is also symptomatic of ignorance about other less harmful ways of disciplining students.

Physical and humiliating punishment of children is one of the commonly exercised forms of violence against children in Ethiopia (Save the Children Sweden Ethiopia Program 2011). Studies show that physical and humiliating punishment of children by parents or guardians, adult family members and relatives is an accepted traditional practice in Ethiopia (Tadele 2001), and that it occurs in both the public and private domain. The UN Committee on the Rights of the Child (2015) reports that corporal punishment is still a widely accepted practice in schools and other settings in Ethiopia despite the fact that physically punishing and verbally insulting students for disciplinary reasons are regarded as crimes and violations of human rights. Hence, the researchers analysed the level of awareness of relevant duty bearers and rights holders (children) about human rights (particularly as contained in the UNCRC report). Moreover, the researchers investigated the causes and consequences of physical and humiliating punishment and also the perceptions of teachers, students and families about corporal punishment.

## RESEARCH OBJECTIVES

The corporal punishment of children is a human rights violation, therefore government and non-government organisations at international, regional, national and local levels need to properly attend to the issue.

The main purposes of this study were as follows: to get new insights into the measures taken by the local government to change the attitude of teachers and students about corporal punishment; to portray the major weaknesses of the interventions and the responses to these interventions undertaken by government and other relevant actors regarding corporal punishment; and to explore the experiences of teachers and students relating to corporal punishment. Through identifying the weaknesses of the measures taken to curb corporal punishment, the researchers hoped to gain new and valuable insights into strengthening the preventative measures by drawing on human rights principles and, in particular, the principles of a child-rights-based approach (CRBA).

In order to achieve the purposes of the study, the researchers formulated research questions, which are dealt with next.

## RESEARCH QUESTIONS

### General research question

- What are the causes and consequences of corporal punishment and how could measures and interventions to curb corporal punishment be strengthened through applying CRBA?

## Specific research questions

- What are the experiences of children regarding corporal punishment in schools in the Eastern Zone of the Tigray region?
- What are the perceptions of teachers, students and parents of corporal punishment?
- What measures have been undertaken by relevant actors to curb corporal punishment at schools in the Eastern Zone of Tigray?
- What are the requirements of CRBA regarding corporal punishment in schools?

## Research methodology

In order to address the research problem and the research questions, the researchers used a qualitative method of data collection. First-hand information was collected from children, teachers and school leaders at the selected schools and from parents and community representatives connected with these schools. A child-rights-based approach (CRBA) was used as the study's theoretical framework and method of analysis.

## A child-rights-based approach

CRBA was used as the theoretical framework and method of analysis to explore the research problem. CRBA is a perspective that focuses on international, regional and national human rights principles and instruments. In the current study, principles of child rights, such as participation, non-discrimination, the best interests of the child, and accountability and the rule of law, were used to assess corporal punishment in schools and the interventions of relevant actors to curb corporal punishment and their responses to these interventions.

The relevant principles of CRBA are discussed next.

## Participation

The principle of participation encompasses the notion that children are not only to be consulted but also to be engaged in active and free participation, decision-making and activities that help them to enjoy their social, economic and political entitlements through which they can realise their human rights (UNICEF 2007). In all parts of the world, children's views are often overlooked by the government or other relevant bodies (e.g. families and communities) (Mukherjee 2005). Children's right to freely give their opinions about and to be heard in matters affecting their lives is recognised in the CRC (UN General Assembly 1989, art. 12). This right requires relevant governmental and non-governmental actors to emphasise that the voices and views of children must be

heard before, during and after the formulation and execution process of intervention measures intended to resolve the children's problems (Save the Children 2007). Hence, this research study analysed the involvement and engagement (participation) of children in matters that affected their lives in the school setting. Moreover, it assessed the availability of various activities, such as student clubs at school, that were established to facilitate students' participation.

## Non-discrimination

Non-discrimination is one of the principles of CRBA. Article 2 of the CRC (UN General Assembly 1989) makes provision for non-discrimination, noting that State parties must protect and ensure the rights of the child as stated in the Convention. In accordance with article 2(2) of the CRC, it is the responsibility of State parties to take all suitable actions to safeguard the protection of the child from any kind of discrimination. Thus, relevant duty bearers must accept responsibility for respecting and ensuring children's right not to be discriminated against in all matters affecting children's lives and development.

The non-discrimination principle requires the implementation of all children's rights without any exception (McIvor 2005). This also applies to children's rights to be free from any type of intimidation and coercive punishment at schools. Hence, State and non-State actors in primary schools are obliged to ensure that their actions are not discriminatory. In the current study, the non-discrimination principle was used to assess the treatment of the students at the schools by the school leaders and teachers and to establish whether the treatment of the students was affected by the school leaders' and teachers' consideration or non-consideration of certain aspects, such as family background, age and sex.

## The best interests of the child

Similar to the other principles of CRBA, the principle that the best interests of the child must be a priority is of the utmost importance to realise the rights of children at school and in social settings. Article 3(1) of the CRC states that the best interests of children must be the prime consideration in all affairs that concern them (UN General Assembly 1989). Thus, this principle should guide all relevant public and private actors to make sure that their actions and interventions have the interests and the rights of children at heart. This principle concerns all decisions that affect the survival and development of the child (Hodgkin and Newell as cited in Alemu and Birmeta 2012). Based on this premise, the principle relating to the best interests of the child was applied in this study to evaluate the amount and availability of resources allocated to ensure that the best interests of children were served. It was also applied to analyse the extent to which the government and other relevant bodies considered the needs and circumstances of the child at school when making decisions and implementing actions.

## **Accountability and the rule of law**

Accountability and respect for the rule of law are central elements to a rights-based approach to corporal punishment of children in school. The aim of this approach is to expand the level of responsibility of duty bearers for the different activities they carry out by making sure they recognise and are cognisant of their obligations (UNICEF 2007). A rights-based approach will often involve instituting regulations, policies and administrative procedures that guarantee the promotion of rights and opportunities through contextualising international human rights standards at a local level to achieve progress and ensure accountability (Bengtsson 2007). Therefore, it was essential to take this principle into account in this study to analyse the extent to which the relevant actors complied with laws and policies pertaining to children. Moreover, the capacity of the duty bearers to implement the applicable laws and policies of the State was thoroughly assessed.

## **SOURCES OF DATA**

Both primary and secondary data sources were used to conduct this study. The primary sources included the specific schools' children, teachers, school leaders, parents and community representatives. The secondary sources consulted consisted of relevant academic publications, previously conducted studies and reports of the UN Committee on the Rights of the Child.

## **RESEARCH TECHNIQUES**

A qualitative approach was used to acquire a deep understanding about the issue of corporal punishment and its intervention mechanisms. When following a qualitative approach, participants in the study area are contacted directly or interviewed about ordinary events and circumstances, and multiple sources of evidence are used (Dawson 2007). A qualitative research strategy is indispensable when investigating a complex phenomenon so as to understand and portray the situation from the point of view of the study group. The aim is to find solutions to problems by investigating many social behaviours and the society that owns these behaviours (Berg 2007).

It was, therefore, important in this study to extract rich information from relevant government organisations, children who had experienced corporal punishment at school, teachers and school leaders. Moreover, it was important to explore the points of view of the participants about the corporal punitive measures taken and the interventions made, and to draw comparisons between these and the main purposes of CRBA.

## DATA COLLECTION TOOLS

### Key informants' interviews

The aim of interviewing a key informant is to obtain required information from a person who is presumed to be experienced and knowledgeable about the topic under investigation (Mack et al. 2005). In this study, the relevant duty bearers who were interviewed intensively were teachers and school leaders at the selected schools and parent representatives connected with these schools.

### In-depth interviews

The in-depth interview is a strategy used to evoke a clear picture of the interviewee's experience that relates to the research area. The interviewee is considered as an expert whereas the researcher is viewed as a student who desires to learn anything the research participant can say about the research area (Mack et al. 2005). In this study, the researchers conducted in-depth interviews with the school directors, unit leaders and members of the students' parliaments at the selected schools. Conducting these interviews was of paramount importance to establish the knowledge the children had about their human rights, their perceptions of the causes and consequences of corporal punishment, and the relationships between them and the duty bearers. Interviews were conducted with 10 students from each school who had experienced corporal punishment at school.

### Focus group discussions

The focus group discussions were primarily arranged to address issues that had not been included and answered by other data collection techniques (Dawson 2007). Four focus group discussions were held and between five and six participants were selected for each discussion. The participants were representative of different groups as far as sex, age, educational background and social status were concerned. Sometimes the discussions were flexible to make provision for discussing important ideas that came to the fore.

### Document analysis

Relevant data were collected from governmental and non-governmental reports, and international and national laws and policies relating to corporal punishment were studied. These included domestic laws relevant to corporal punishment, the *Constitution of the Federal Democratic Republic of Ethiopia* (FDRE 1995), the *Criminal Code of the Federal Democratic Republic of Ethiopia* (FDRE 2004), policies in relation to women and children, and various directives issued by Ethiopia's Ministry of Labour and Social



Affairs. The researchers also analysed the minutes of students' parliament meetings and the school regulations of each of the schools selected for study.

## SAMPLING

The researchers used non-probabilistic sampling techniques. Accordingly, purposive sampling was employed to select the primary schools in the Eastern Zone of Tigray and the key informant interview participants. Participants for the in-depth interviews were selected by means of convenience sampling. Through purposive sampling, five school leaders, five unit leaders, 10 teachers and five parent representatives were selected from each school. Moreover, 10 students from the students' parliament, the children's rights club and the class representatives at each school were selected to participate. In addition, convenience sampling was used to select 10 student participants who did not belong to any of the clubs at the each of the targeted schools.

## DATA ANALYSIS

The collected data first had to be translated from Tigrigna into English. The data that had been obtained through interviews and focus group discussions were categorised according to specific themes/subjects and synthesised to form meaningful patterns to provide a clear picture of the study.

## Ethical considerations

The aim of the research was to do no harm to the subjects of this research and to put them at no risk by reaching wrong conclusions. Thus, the researchers gave serious consideration to the safety and privacy of the research participants. All possible efforts were made to frame the research topic, the ideas discussed in the research paper and the research methodology used in a manner that did not inflict harm on the children. A brief explanation of the purpose and nature of the study was provided to the teachers, directors, parent representatives and children.

The informed consent of interviewees was obtained orally before an interview or a discussion started. The researchers established a relationship with the participants before each interview and discussion, which paved the way for smooth interactions between the two parties during the sessions.

All participants were notified about the confidentiality of the information they provided, which was effectuated through using fake names or codes. The participants understood that the researchers could be held liable not only for the confidentiality of all information, but also for the disclosure of information that could harm the privacy and dignity of the participants. Therefore, during the process of asking participants to give their consent, the researchers explained how they would use the information and what

risks they would run in the case of infringement of confidentiality. The participants were informed that participation was voluntary and that they could decide not to take part at any time or stage without being prejudiced against in any way.

## RESULTS AND DISCUSSION

### Applying CRBA to corporal punishment of children in primary schools

#### General characteristics of the research participants

This study was conducted in four elementary schools in the Eastern Zone of the Tigray region in Ethiopia. These schools were the Tsinseta Primary School, the Adigrat Special School, the Agazi Elementary School and the Millennium Primary School. The participants of this study were school children, teachers, school directors and parent representatives. A lot of time was spent on exploring the views of the participants about corporal punishment in schools. The participants provided their perspectives on the practice and the degree of physical and humiliating punishment, the consequences of corporal punishment that school children suffered and the reasons behind using corporal punishment in schools.

#### Students' beliefs about corporal punishment in schools

The student participants reported that physical and psychological punishment was common and was becoming a culture in schools. For most of the students, corporal punishment was not a big deal, but others had a different view. Even though the majority of the students were in favour of physical and humiliating punishment, others were against corporal punishment. Research conducted by Skiba and Knesting (2001) revealed that the attitudes of students as regards the effectiveness and necessity of disciplinary actions in school differed completely from the perceptions of parents, teachers and school administrators. Whereas school administrators and teachers regarded disciplinary measures at school as necessary to maintain good order in the classroom and to facilitate the teaching and learning process, students tended to see such measures as the main cause of increasing student misbehaviour, especially if these measures (such as rules and policies) were enforced on them unfairly.

A student in the focus group discussion with participants from the Agazi Elementary School asserted as follows:

An outstanding student had terminated his education, disappointed by bad action taken by his teacher. The upset student wrote on the blackboard why he thought the view of the teacher was wrong. When the teacher investigated the matter to establish who had written on the blackboard,

the upset student told him it had been written by the excellent student. Later on, even though the excellent student tried to convince his teacher that he had not written on the blackboard, the teacher insulted him, saying “such type of behaviour cannot be expected from a person like you. After all, you are a deacon and people like you are serving in churches.” After insulting his personality, he beat him by slapping him and he kicked him out. After that, the student handed in all of his school property and dropped out of school.

This occurrence proves that there are students who are subjected to coercive punishment for actions they did not perform.

A finding of Jabeen (2004) in a report compiled for Save the Children is that students regard physical and psychological punishment for children’s bad behaviour as acceptable if teachers use corporal punishment to correct such bad behaviour but only if that punishment is “reasonable and justified”. In another report compiled by McIvor (2005) on behalf of the Save the Children Sweden and Africa Child Policy Forum, it is stated that students agree that a minor type of punishment can be used for students who are difficult to correct with counselling and discussion. However, the students are against serious and excessive punishment that results in physical injury. Nevertheless, there is no clear evidence that humiliating and psychological punishment will bring about an improvement in classroom management or that it will improve the moral character of children or develop students’ respect for teachers or school leaders, even though students allege that this is so (National Association of School Psychologists 2014).

The reason why the majority of the student participants supported corporal punishment could be due to the fact that corporal punishment has been widely practised for many years, as a result of which it has become part of the culture in schools and has been embedded in different social settings. This implies that there is a belief that the school system will collapse if teachers and/or school leaders are no longer able to physically punish students at school. However, there were some students who strongly opposed the practice of corporal punishment.

## **Beliefs of school staff members regarding corporal punishment in schools**

All the school staff members in the selected schools noted that discipline problems in schools and the infliction of corporal punishment in schools are a reality. The majority of these participants indicated that they were against corporal punishment in principle but that they had been using it to correct students’ behaviour. They acknowledged that the Government had abolished corporal punishment but that, according to them, this regulation was not adhered to in practice. In research conducted by the Save the Children Sweden Ethiopia Program (2011) it is revealed that in spite of the majority of teachers and school staff agreeing in principle with the complete banning of corporal

punishment in schools, they admit that minor forms of corporal punishment are being used in schools.

The teachers from the Agazi Elementary School argued as follows:

The problem lies with the Government. If we dismiss students as a disciplinary measure, the question is what their destiny will be because they are still young. The Government does not have a clear guideline for dealing with misbehaving students. We are not strictly applying the school guideline in relation to misbehaving students: if we had, many students would have been expelled from school. Dealing with the more than 30 per cent of students who are misbehaving is very difficult, and the percentage is increasing every year. The direction of the Government's policy is not to dismiss students from school even though they violate the school rules and regulations or the rights of others. Teaching or tutoring a student who has no interest in learning is extremely difficult.

In this regard, the teachers indicated that they did not have the authority to make decisions about dealing with students who did not obey the rules and regulations of the school.

The participating teachers reported that there were many factors that played a role in the use of corporal punishment. For instance, the majority of the parents of the children encouraged the teachers to punish their children if they misbehaved at school. The inference can be made that parents do not regard the corporal punishment of children as a violation of children's rights: instead they regard it as a cultural responsibility related to child nurturing. The reason for this perception may be due to the fact that corporal punishment in the home environment is not strictly prohibited. Even though the country's Constitution prohibits corporal punishment at school, it does not contain directions about using violent practices to discipline children at home and in the family. However, according to other laws of the country, guardians may use corporal punishment in the case of misbehaving students. A case in point is the *Revised Family Code of the Federal Democratic Republic of Ethiopia* (FDRE 2000) of which article 258(2) reads "The guardian may take the necessary disciplinary measures for the purpose of ensuring his/her upbringing." This implies that the reason why parents allow violent disciplining practices at schools is because these practices are considered the best way of moulding children's behaviour and are commonly used at home. This indicates the incompatibility between the domestic laws of the country and the CRC (UN General Assembly 1989). Moreover, not only is the *Revised Family Code of the Federal Democratic Republic of Ethiopia* (FDRE 2000) inconsistent with the CRC, but it also contradicts other laws enacted in Ethiopia. For instance, it contradicts articles 576(1) and (3) of the *Criminal Code of the Federal Democratic Republic of Ethiopia* (FDRE 2004) that states:

Whoever, having the custody or charge of a minor, ill-treats, neglects, over-tasks or beats him for any reason or in any manner, is punishable with simple imprisonment not exceeding three months. [...] The taking, by parents or other persons having similar responsibilities, of a

disciplinary measure that does not contravene the law, for purposes of proper upbringing, is not subject to this provision.

Members of the school staff at the Tsinseta Elementary School reported that in response to their query for the applicability of corporal punishment in their school to be explained, a school leader had said that the actions of all teachers were different. Some teachers provided advice to their students about their behaviour whereas other teachers who were oversensitive used unlawful actions, actions that could damage the psychological and physical development of the students. Mostly, teachers resorted to humiliating and physical punishment when they could no longer control the behaviour of the students.

In a study report that Jabeen (2004) compiled for Save the Children it is indicated as follows:

In most cases, teachers became tense when the issue of school discipline related to child rights presented. The teachers also mentioned that parents contributed to the application of corporal punishment by teachers. That is, parents allowed teachers to use corporal punishment on students for they thought that the measure could shape the children's behaviour and help them develop into "gentle" citizens.

Therefore, it can be said that teachers are considered as the direct representatives of parents and that they have the responsibility not only to teach lessons but also to correct students' behaviour using different means. Teachers conceive that corporal punishment is one way of making students outstanding in their academic performance and making them ideal citizens of the country. This presumption of teachers and parents about corporal punishment has not been proved to be correct, and it is posited that corporal punishment can have a highly negative effect on the development and future life of a child.

In a study report compiled by Save the Children in Ethiopia it is indicated that even though corporal punishment is prohibited in schools by law and even though written statements to this effect are visibly posted in school compounds, visits to different schools have revealed that corporal punishment is used in almost all these schools. In a questionnaire administered as part of the study in question, 34 per cent of the students and 25 per cent of the teachers indicated that corporal punishment was meted out in their schools (Save the Children Sweden Ethiopia Program 2011).

## Reasons for inflicting corporal punishment and its consequences for the development and life of a child

The current study revealed that the main causes of physically and psychologically punishing children are the deep-rooted culture and attitude of the society, failure of parents to accept responsibility for shaping the behaviour of their children, large class sizes and poverty. Teachers from the Agazi Elementary School expressed the following views about poverty being the cause of problems with discipline in schools:

It is obvious that there can be a big difference between students who are enrolled in private schools and those who are enrolled in public schools. Students in private schools might be better behaved than students in public schools. The economic level of the home the student grows up in might determine if that student is well behaved and performs well academically. Well-off societies can discipline their children to behave properly. Students from poor families might have behaviour problems due to the negligence of their parents to control their children, and these problems are manifested in the students' conduct at schools.

Similar to this finding, a study of Ethiopian children found that children who attended government-funded schools were much more likely than their peers in private schools to have experienced physical punishment (Ogando, Portela, and Pells 2015).

The teachers who participated in the current study complained about the negligence of parents to check on the academic progress of their children. A teacher from the Millennium Primary School argued as follows:

The misbehaving students were forced to bring their parents to school and the teachers and the school director made parents aware of their children's behaviour. However, many of the parents indicated that their hands were tied as their children's behaviour had degenerated to such a level that it was beyond their capacity to control it. Parents' view was that it was up to the teacher to change the behaviour of their children by whatever means they had at their disposal. Their viewpoint was that a teacher and God were almost equal, and that a teacher was the only one who could change the behaviour of their children. This responsibility was given to teachers. More than 90 per cent of the parents relied on teachers to correct their children's behaviour.

The abovementioned situation indicates that teachers have a dual responsibility. They are responsible for teaching lessons and also for correcting the poor behaviour of students by using coercive and non-coercive methods. The contribution of parents in moulding their children is very small.

Most of the participants in the study who were members of the students' parliaments and the child rights clubs at the schools that were surveyed said that most teachers had stopped the physical punishment of children or had decreased the extent of meting out physical punishment. However, verbal punishment and abuse in the form of insults, vilification and other similar verbal attacks had replaced physical punishment. They identified the effects of such punishment as being humiliation, low self-esteem, depression and deterioration in school performance, especially in the case of students who were victims of corporal punishment. Members of the students' parliaments and the child rights clubs also listed the adverse effects of corporal punishment on students and reported that punished students had a poor relationship with the teachers who had punished them, that they hated the subjects these teachers taught and that these students experienced feelings of fear.

Research has shown that corporal punishment increases abnormal behaviour (Gershoff 2008; Paolucci and Violato 2004). This is contrary to the goals of school staff and teachers. Likewise, research studies have shown that there is a relationship between school corporal punishment and child abuse (Gershoff 2010). A study carried out in

Canada, China, India, Italy, Kenya, Norway, the Philippines, Thailand, Singapore and the United States reveals that violent child discipline correlates with aggression and anti-social behaviour (Gershoff 2008). In addition, Brown (cited in Ame, Agbényiga, and Apt 2011) argues that children may tell lies and may be dishonest to escape from corporal punishment and that the existence of corporal punishment can cause innocent students to develop feelings of fear and psychological disturbances. Corporal punishment could also lead to students developing low self-confidence, being frightened to go to school, having less concentration in class and dropping out of school altogether (UNESCO 2017). In some states of the USA an association has been established between corporal punishment and murder and also between corporal punishment and capital punishment. Students are likely to be murdered in schools where corporal punishment is administered, and a high number of youths from schools where there is a very high rate of corporal punishment are likely to commit capital crimes (Gershoff 2008).

An association has been found between the frequent infliction of corporal punishment and psychological disorders in children. Children can feel humiliated when they receive corporal punishment in schools, and this can negatively affect the child's ability to develop rational problem-solving skills and can also make the child less tolerant and more rebellious and antagonistic (Gershoff 2008; UNESCO 2017). Corporal punishment leads to mental impairment, conduct instability, nervousness, hopelessness, self-destruction attempts, drug and alcohol addiction, low self-respect, aggression and psychological unrest (Global Initiative to End All Corporal Punishment of Children 2011). Furthermore, corporal punishment is believed to escalate students' drop-out, suspension and expulsion (Skiba and Knesting 2001) and to decrease children's inspiration and desire to learn and grow. In addition, children who are victims of corporal punishment leave the school system, become prostitutes and street children and end up being a burden on the nation (McIvor 2005).

## Mechanisms employed to correct misbehaving students in schools

Many of the staff members and students of the Adigrat Special School mentioned examples of the ways students misbehaved and were punished. Some of the students took off their uniforms after school and went home without wearing their uniforms. If this happened, the parents knew that their children had done something wrong at school. Consequently, the parents visited the school to discuss the behaviour of their child. This was done with the agreement of the teachers and the family union. Many students who misbehaved stayed away from class because of their fear to bring their parents to the school. So, once a teacher takes away a student's school uniform, the student's parents know that their child has done something wrong at school. However, the participants in the study explained that many of the students who caused disturbances at school had more than one school uniform. Hence, once their school uniform has been taken away, they go home wearing another uniform; therefore the practice of taking away school uniforms has no effect.

Teachers at the Agazi Elementary School indicated that the most common methods of punishment were physical (students had to kneel down and were beaten by hand or with a stick) and psychological (students were insulted, belittled and ridiculed). Psychological punishment was very degrading. According to the students and the members of staff, corporal punishment at the school was part of the school ethos and culture.

In focus group discussions held with students, teachers and parents, it was revealed that the practices of forcing children to do physically demanding jobs, requesting them to kneel down, twisting their fingers or arms while holding pencils in between, pinching their ears and flicking rubber bands at them are common in schools in Ethiopia (Save the Children Sweden Ethiopia Program 2011).

In the focus group discussion with students from the Tsinseta Primary School, the Adigrat Special School, the Agazi Elementary School and the Millennium Primary School, many of them reported the following type of punishment that was being used:

If students failed to obey the school rules they were punished by having to pay a fine of more than fifty Birr. This type of punishment could occur if you damaged school property or failed to come to class on time. However, as this type of punishment was not acceptable to the students and the parents it was not functional. Some teachers came to class carrying sticks that they could use if a student showed unacceptable behaviour. If they forgot to bring their sticks, the students would cause disturbances in class. Some teachers showed negligence by not controlling the behaviour of their students. According to them, it was not their responsibility to struggle with misbehaving students.

Based on the above observations, it can be said that the teachers are negligent by not considering the best interests of the children in the school.

Some school staff members and teachers contended that counselling and other reinforcing mechanisms were used to change the behaviour of misbehaving students. They suggested some methods that could be used, for instance, giving a misbehaving student a responsibility like making the student a class representative or getting the student to participate in a school club. This is a good reinforcing mechanism but it is not sufficient to solve the problem of coercive punishment. It will be difficult to banish corporal punishment if teachers and school administrators are not well trained in other ways of positive child discipline (Rajdev 2012).

## Institutional responses to corporal punishment of children in schools

### Child participation

The principle of participation requires the active engagement of children in all matters affecting their lives. Children's right to express their views freely and to be heard in



matters affecting their lives is recognised in the CRC (CRC 1989, art. 12). This right requires the Government and other relevant actors to consider the views and voices of children before, after and during the enforcement of the interventions designed to address children's problems (Save the Children 2007).

Almost all the schools that participated in the study have a number of clubs and associations that students can belong to. The clubs and associations promote the participation of students in different affairs of the relevant school. Examples of clubs are a students' parliament, an anti-AIDS club, an environmental protection club, an agriculture and development club, a sport club, a literature and drama club, a traffic club, a civics and ethics club, a child rights club and a tomorrow's teacher club. All the clubs have air time on the mini media of the school so as to help them achieve their objectives.

The chairperson of the child rights club at the Agazi Elementary School explained:

The child rights club has eight members: four males and four females. The club uses various means to raise the awareness of the school community on child rights and child abuse and neglect. They use the mini media every Thursday by organising drama and poems with a major focus on specific situations such as early marriages and harmful traditional practices. In most cases the club makes an effort to educate their students on their rights, duties and the type of behaviour expected of them as part of the teaching-learning process.

The students' parliament of the Agazi Elementary School has six members consisting of three males and three females. Members of this parliament play the role of counselling in order to help children who have behavioural problems to correct their behaviour, to adjust to the school situation and to evaluate the behaviour of teachers. Weekly meetings take place with class representatives. The responses of the parliament members regarding the disciplinary problems of the students are similar to the responses of the members of the child rights club and are based on their views about dealing with behavioural problems. In regard to corrective measures, efforts are made by teachers and members of the students' parliament to improve the discipline at their schools by undertaking different activities. The school has mechanisms to correct students who display unacceptable behaviour, for instance, by making use of the services of the students' parliament. The parliament members have discussions with students who are causing disturbances in and outside the classroom, and if these students have any social problems they report these to the school administration to give the students the necessary support.

A unit leader at the special school in the town of Adigrat reported as follows:

We have an active students' parliament who supports us in improving the behaviour of students. The students' parliament also evaluates the performance and behaviour of teachers in the classes that misbehaving students attend. The members of the students' parliament are fairly empowered and the Bureau of Education places a high emphasis on the effective operation of the parliament. Government agencies provide two or three training sessions per year to members of the students'

parliament. These members not only take decisions about student matters but they also evaluate the teachers at their school. For instance, they have the power to grade their teachers based on their overall performance in school.

The training provided to the students' parliament is regarded as limited. Two or three workshops in a year that involve a small number of children cannot ensure the full participation of the children on issues that affect their lives and development.

## NON-DISCRIMINATION

Non-discrimination (i.e. the prohibition of discrimination) is a key human rights principle that is essential to safeguard children's rights. This is because children are often the targets of violence because of their age, level of maturity and dependency on adults; therefore, as in the case of adults, children must be given full protection from violence (UNICEF 2014).

The schools that were selected for this study have many students who come from poor family backgrounds. Therefore, if they miss some of their classes it might be because they are hungry. Moreover, many of them come to class without having done their homework or class assignments, and they often have difficulty concentrating in class and engaging in the teaching-learning process in general. As a result, teachers or school staff might punish them without understanding their real problems. It has been found that students at the age of about eight who are from poor family backgrounds are more likely than others to suffer corporal punishment (Ogando, Portela, and Pells 2015). This implies that the relevant actors have not recognised the universally accepted forms of children's vulnerability, such as, children raised in homes with chronically ill parents, children with disabilities, children brought up by economically poor parents, children living with HIV/AIDS and children living in rural areas. The participants in almost all the schools of the study reported that there were no non-government organisations or other relevant actors that actively supported students from poor families.

Documents compiled by the students' parliaments of the Adigrat Special School and the Millennium Primary School indicated that some teachers did not treat all students equally. The best-performing students received the best treatment.

### The best interests of the child

In accordance with the CRBA, the best interests of children should be taken into account when actions are taken and decisions are made that may affect the interests of the children (UNICEF 2014). Therefore, violence, such as corporal punishment or torture, is not justified as such behaviour is not in a child's best interest.

A unit leader of the special school in the town of Adigrat town commented:

As a unit leader of this school, I have been using harsh punishments for students who created disturbances. I am the only teacher that students are afraid of because I use a stick or any other means on misbehaving students. A student is as afraid of a stick as a donkey is.

The above comment infers that the school leader uses degrading punishment and does not recognise the importance of holding the primary interests of the children at heart. In acknowledging children's best interests, account must be taken of the realisation of their rights and of their views on matters. The adoption of this route can be a powerful tool in the hands of adults to defend any action they take or decision they make in regard to children.

Except for one research participant from the Agazi Elementary School in Adigrat, the members of the school staff did little research to study disciplinary actions that would take students' best interests in the teaching-learning process into account. This is the reality even though the primary consideration of the CRBA is to ensure children's physical and emotional well-being and have their best interests at heart.

## Accountability and the rule of law

The aim of CRBA is to expand the level of accountability in development activities by articulating and identifying the awareness and rights of rights holders and duty bearers to claim their rights to achieve their obligations. The CRBA also entails the establishment of legislation, policies and administrative procedures that guarantee the realisation of rights and opportunities through translating international human rights standards in a local context for achieving progress and ensuring accountability (Bengtsson 2007).

The majority of the participants in the study were cognisant of the fact that the practice of using physical and humiliating punishment in schools for any purpose was a violation of the rights of children. Nevertheless they were unable to stop using corporal punishment. The current study revealed that students in schools participated in different clubs and committees to help them claim their rights when these were endangered. These rights are emphasised by the country's government and by the Bureau of Education. The members of the students' parliament and the unit leaders at the Adigrat Special School confirmed that officials of the Bureau of Education visited the school monthly and supervised the activities at the school. This bureau played a significant role in facilitating the implementation of the new guidelines of the Ministry of Education in the schools. For instance, school teachers and the members of students' parliaments and child rights clubs were trained by experts to help them implement the new guidelines based on the real situations at their schools. Apart from training the school teachers in their duties relating to teaching activities, they were given guidance in doing day-to-day follow-ups to help students develop good behaviour and to give students special support. Teachers were also assisted in following up their efforts to help students (boys as well as girls) with special needs so as to improve their academic performance and prevent them from dropping out of school. Furthermore, teachers were encouraged to counsel

students who showed undesirable behaviour in the classroom, pointing out to them that it was their duty to behave and refrain from committing misdeeds. Education experts also educated the members of the students' parliaments and child rights clubs on the duties of students and the type of behaviours expected of them in the teaching-learning process. Evaluations of the monthly reports submitted by students' parliaments and child rights clubs were also done at the monthly meetings between the education supervisors, teachers and the members of the students' parliaments and child rights clubs. However, many of the study participants reported that the kind of support and supervision from the government agencies referred to above did not happen on a continuous basis.

## CONCLUSION

This research explored the experience of children with regard to corporal punishment in the selected primary schools of the Eastern Zone of the Tigray region in Ethiopia. The views of the duty bearers (teachers and parent representatives of the relevant schools and the relevant bureaus and offices in the region) and the rights holders (students) were critically examined. These experiences and views were examined from a CRBA perspective. The CRBA is grounded in the four general principles of non-discrimination, child participation, the best interests of the child and accountability and the rule of law.

Based on the interviews conducted with the participating duty bearers, it was found that the majority of the teachers had been inflicting corporal punishment on misbehaving students even though such action is officially banned. This infers that the schools' staff apply harsh punishment, and indications are that this is done because of the following factors: they are either not skilled in or knowledgeable about classroom management, therefore they believe that corporal punishment is the best way of disciplining students regardless of what the law specifies; and they are not completely aware about the international human rights covenants that form an integral part of the law of Ethiopia in general and the CRC in particular. Many of the students participating in the study reported that physical and psychological punishment was almost the norm in their schools; therefore they did not regard it as a big issue. Even though the laws and regulations of Ethiopia prohibited corporal punishment, children still experienced corporal punishment at schools. This indicates that there is a violation of the basic human rights of children. It can be stated that the main factors that give rise to the violation of the rights of children in schools are poor implementation of the relevant laws and regulations, insufficient efforts and commitments by the concerned bodies and officials to curb such violation, and the low rate of reporting incidents of illegal punishment to law enforcement bodies. Even though there are many clubs in the schools that can strengthen the involvement of students in various school activities, the contribution of these clubs in minimising corporal punishment is not very substantial.

Participation is one of the principles of CRBA. This principle entails the full participation of children in school affairs that affect them and that should promote

the children's best interests. The study found that there were many clubs such as students' parliaments, anti-AIDS clubs, environment protection clubs, agriculture and development clubs, sport clubs, literature and drama clubs, traffic clubs, civics and ethics clubs, child rights clubs and tomorrow's teacher clubs. The researchers believe that these clubs can promote the participation of students in school matters if they are applied in a more comprehensive way and involve as many students as possible. Thus, the implementation of the CRBA principle of participation was promising in most of the schools that took part in the study.

As far as the CRBA principles of non-discrimination and assistance to the most vulnerable groups are concerned, the study found that these principles were not properly implemented. Many students who came from poor family backgrounds or vulnerable families and found themselves in these circumstances due to various factors, did not get any type of support from government or non-government organisations. Moreover, the study indicated that the students who performed well academically and those who showed poor academic performance were not treated equally. Teachers and other school staff gave more support to students who performed well academically.

The other principle of CRBA is that the best interests of the child should guide all actions and decisions that concerned bodies take to ensure that the interests of children are respected. Not in any circumstances could there be any justification for the physical and psychological punishment of children as an action that is in their best interests. However, in the area covered by the research study it was found that corporal punishment was widely practised and that it had many negative effects on the children. Another finding was that government organisations were not committed enough to address the problem of corporal punishment: there were gaps in policies and the use of corporal punishment was widespread.

In conclusion: viewed from the perspective of CRBA, the situation of the widespread practice of the corporal punishment of children by school staff in schools is cause for concern. This problem could be ascribed to gaps in policies and a lack of implementation capacity, commitment and legislation. The Government of Ethiopia in general and the Bureau of Education of the Tigray region in particular should take up the task of facing and addressing these challenges. Hence, measures to rigorously apply the principles and values of CRBA in all Ethiopian schools are essential to address the problem of corporal punishment in the country's schools.

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