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Press Release

Proper implementation of the High Court order prohibiting physical and humiliating punishment of children and emphasis on adopting alternative methods of discipline instead of punishment

Bangladesh Legal Aid and Services Trust (BLAST), with the support of Save The Children (STC) organised a divisional Consultation Meeting titled “Ending Physical and Humiliating Punishment of Children and Child Protection: The Current Situation and the Way Forward” under its project, Legal Reform for Ending Corporal Punishment in All Settings, on 17 June 2017 at the Conference Room, Well Park Hotel in Chittagong.

Advocate Rezaul Karim Chowdhury, Coordinator, BLAST Chittagong Unit, gave the welcome speech and outlined the background and the objectives of the meeting, which was followed by the Keynote presentation delivered by BLAST’s focal person, Md. Masud Karim. Ekramul Kabir, Manager, STC, highlighted the different initiatives undertaken nationally and internationally, to prevent violence against children. In an open discussion about the steps needed to coordinate public and private initiatives to end the physical and humiliating punishment of children and to enact new law for the protection of children, the participants in the meeting reflected upon the current status of implementation of the Guidelines issued by the government following the High Court order, and highlighted the need to adopt alternative methods of disciplining children instead of subjecting them to physical and humiliating punishment and increase the number of teachers in proportion to students in the classroom, in addition to raising awareness of the issue at every level and providing the necessary training.

In his speech as the Chief Guest, Mr. Habibur Rahman, Additional District Commissioner (Education), Chittagong, stated **“There is no scope, now, to deny the prohibition of physical and humiliating punishment of children by teachers following the order of the Honourable High Court and the Circular and policies issued by the Ministry of Primary and Mass Education. Furthermore, it is now necessary to ensure greater implementation of such directions at field level and carry out the requisite monitoring.”**

Advocate Subash Chandra Lala, President, BLAST Chittagong Unit, opined that **“It will only be possible to implement the order if there is increased awareness, and coordination between guardians, teachers and concerned social actors in their efforts to end the physical and humiliating punishment of children,”** in his concluding remarks at the end of the meeting.

In the open discussion, Nasima Akhter, Asst. Superintendent, Primary Teachers’ Training Institute, said “The instances of children being subjected to physical or humiliating punishment will be reduced if teachers focused on simply providing education in their respective educational institutions instead of getting involved in a number of different activities besides teaching.” The District Education Officer, Hosne Ara, was of the opinion that “It is not possible for the government alone to implement the High Court order and the policies of the Ministry of Education; relevant government and non-governmental organisations have to coordinate and work together in order to achieve this.” Shihab Shirazee, Advocate of the Supreme Court of Bangladesh, said “There is no scope to recognise the validity of the practice of inflicting extrajudicial punishment in the name of discipline, by any logic; such incidents of punishment must be brought under the appropriate judicial process.” Representatives of different government and non-governmental organisations, teachers, students, lawyers, human rights activists and civil society representatives were present in the meeting.

Background: BLAST and Ain O Salish Kendra filed Writ Petition No. 5684/2010 on 18 July 2010. The High Court issued an order on 13 July 2011 in the context of the writ, which stated that any form of corporal punishment inflicted in schools and torture and cruel, inhuman or degrading treatment violate the Constitutional rights of children to life and individual liberty. These acts are contrary, in particular, to Articles 27, 31, 32, 35 (5), and to human rights. According to section 70 of the Children Act 2013, it is a punishable offence to assault, abuse neglect, or subject a child to similar treatment, and thereby cause physical and psychological harm to the child. International laws also guarantee the rights of a child to dignity and protection from physical harm. As signatory to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, Bangladesh has an obligation not to subject children to torture, inhuman or degrading treatment.

It is to be noted that according to research undertaken by BLAST in 2016, it has been found that children in educational institutions are still subjected to physical violence through the use of canes, dusters and rules, and psychological violence through verbal abuse, threats of punishment, and other acts. The research also revealed that 69% of the parents and guardians feel that the physical and humiliating punishment of children in educational institutions is necessary for the sake of discipline, 55% believe that punishments help to guide children in the right direction,

27% feel that the lack of punishment causes children to be led astray, and 25% are of the opinion that punishments make children to listen to their tutors. This Consultation Meeting has been arranged in the context of this, and so that we may be able to determine the way forward in implementing the law and the court order.

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