

Legal Implications of Administering Corporal Punishment on School Children in Ebonyi State, Nigeria

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Abstract

The rod of discipline has been an age long concept used to help and correct an erring child. Corporal punishment thus involves inflicting pain on the offender in order to achieve correction and show the offender that his actions were unacceptable. Many maintain that corporal punishment is needful and should not be banned while a good number kick against its use because of some psychological damages it has proven to result to especially when used frequently. This study appraises the legal implications of administering corporal punishment on schoolchildren. Despite the global calls for the abolition of corporal punishment on schoolchildren, some states in the United States of America have embraced the use of Corporal punishment likewise our Nigerian Criminal Code Act, thus it is still in use in Nigerian Schools. It is however recommended that teachers should consider the age, sex and the kind of offence before administering corporal punishment on the students and they should avoid frequent and abusive use of corporal punishment on the students. Also, the government should formulate Rules and Regulations on when and how to administer Corporal Punishment on students.

Keywords: *Corporal Punishment, Nigeria, Discipline, Primary and Secondary Schools.*

Introduction

Our children and youths are the leaders of the future generation, so they need proper nursing, love, care, discipline and control to be able to maximize their potentials and add value to the society. The training of our future leaders thus involves the use of instruments of love, control and discipline. Moreover, in order to instill discipline and control, some levels of punishment must be administered in love. This is as a corrective measure to curb indiscipline or misconduct and not in any way to inflict bodily harm. Thus, Oyedepo (2010) observed that it is better to train a child than to repair an adult.

In Nigeria, the use of corporal punishment is not limited to homes but also frequently used in Nigerian schools especially in Primary and Secondary public schools. It is worthy to note that globally, people are concerned on what measures to take to curb the moral decadence and security threats facing the society. However, a large percentage of the populace believe that it is possible by training the younger ones well, but can such training be complete without the use of corporal punishment to curtail the excesses of these young persons? Can there be other measures of training the younger ones without sparing the rod and spoiling the child? The Holy Bible also accepted the spanking of children to discipline them, it stated in Proverbs 13:24 of the Good News Version that: 'Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them'. Oghe (2015) sees corporal punishment as an action, which aims at molding the child to grow up as a better person. Corporal punishment is just a form of punishment and the Black's Law Dictionary (2004) defines it to mean a form of inflicting pain upon somebody in order to correct him or her. It is just pain that is inflicted in the course of administering corporal punishment and not injury

(Straus, 1996). Therefore, simply put, the researcher sees corporal punishment as pain meant to correct a person who has contravened an existing law and order.

On the other hand, do the teachers understand that the rationale behind corporal punishment is to inflict pain to correct an erring student and not to inflict injury or bodily harm in anger? Corporal punishment is aimed at promoting good behavior and instilling decorum into the mischievous heads of schoolchildren (Chianu, 2001). It is a physical pain meant to change behaviour (Greydaus, 1992). The different forms of corporal punishment that is used in secondary schools include spanking, kneeling down, painful body postures, knocking on the head, slapping, use of excessive drills (Egwunyenga, 2009). There are several theories for and against the use of corporal punishment in schools. Some theorists opine that the use of corporal punishment on students/children hardens them and builds up hatred, depression, anxiety, inferiority complex and other psychological problems in them (Saunders & Purehead, 2003).

The general objective of the study is to undertake a review of the legal implication of administering corporal punishment on school children. The study shall specifically understudy the relevant legal instruments for and against the use of corporal punishment in schools. Thus, we shall review this research question: What are the legal implications of administering corporal punishment in schools.

This study is primarily narrowed down to the acts of corporal punishment in Afikpo North Local Government Area of Ebonyi State in Nigeria. The scope of persons is limited to school children and the Theme revolved on the legal implications of administering corporal punishment on students.

Review of Related Literature

Conceptual Review:

The Black's Law Dictionary (2004) defined Corporal Punishment is a form of inflicting pain upon somebody in order to correct him or her. Garlik, Henring and Warner (2002) concurred to this by affirming that the desired outcome of physical punishment is child compliance into adult directives. Ogbe (2015) sees corporal punishment as an action either at home or in the school, which means to rebuke the child of wrong doing as a means of molding the child towards better adulthood. According to Dayton (2005), corporal punishment is a measure of discipline whereby a supervising adult deliberately inflicts pain upon a child in response to a child's unacceptable behaviour and/or his inappropriate language.

From the above definitions, we understand that corporal punishment entails inflicting 'pain' and not 'injury and it is calculated to correct the offender and not to harden him/her. In addition, it is a response to an unacceptable behaviour or language, to ensure that the said unacceptable behaviour is not repeated. Straus (1996) emphasized that corporal punishment is administered intentionally following the aim of correcting or controlling the child's behaviour.

It is however, common that some teachers out of anger, emotional distress or even transferred aggressive inflict pains on their students indiscriminately without recourse to the age and type of offence committed, and these have led to injury, dislocation of some parts of the body or even death. Gudyanga (2004) affirmed that the fact that corporal punishments can easily escalate to physical abuse is not a valid reason to brand corporal punishment as physical abuse or even attribute all nasty consequences and experiences from physical abuse to corporal punishment.

Benatar (2004) in his philosophical study of corporal punishment says clearly that there are instances of abusive corporal punishment but that is insufficient to demonstrate even a correlation between corporal punishment and physical abuse and prove a casual relationship. In their empirical research, Shumba & Moorad (2001) discovered that not only corporal punishment is likely to reflect in abuse, thus, that abolishment of corporal punishment (as was done in Sweden) is not a guarantee to achieving zero physical abuse of children.

Chianu (2001) saw Corporal Punishment as an accepted method of promoting good behaviour and instilling decorum into the mischievous heads of School Children while Greydanus (1992) said it is a physical pain meant to change behaviour.

Gershoff E. T. et al (2018) observed that school corporal punishment is only legalized in 19 states in America and in these states, over 160,000 children are subjected to corporal punishment in schools every year. This was also drawn down from the case of *Ingraham v. Wright* where the US Supreme Court held that school corporal punishment is constitutional; States were thereafter left to decide whether or not to allow its use in schools. These 19 US states allow the use of CP to discipline children from preschool till they graduate at 12th grade, there are : Alabama, Arkansas, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wyoming (Centre for Effective Discipline, 2015).

Caron, C. (2018) saw Corporal Punishment as paddling, spanking or other forms of physical punishment. It is worthy to note that although some 19 states in the U. S. allow corporal punishment, some other states reject it in favour of other forms of discipline. She also observed that in some rural areas in USA, many parents find Corporal Punishment as culturally acceptable and better than a suspension from school. This permission to spank in America is traceable to over 40 years old *locus classicus* case of *Ingraham v. Wright*.

Society for Research in Child Development (2016) observed that in 2013- 2014 school year, more than 160,000 children were disciplined using corporal punishment in public schools in US. It was further reported that Black children, boys and children with disabilities are subjected to corporal punishment with greater frequency than their peers.

There are Biblical Injunctions that encourage parents to train, discipline and punish their children when need be. We shall consider the following scriptural back-ups from the Holy Bible that support spanking/correcting children in order to achieve a desired behavior. There are:

1. Proverbs 13: 24 “He who spares his rod (of discipline) hates his son but he who love him disciplines diligently and punishes him early”. (*King James Version*)
“If you don’t punish your son, you don’t love him. If you love him, you will correct him.” (*Good News Version*)
2. Proverbs 3: 12 “For whom the Lord loves he corrects, even as a father corrects the son in whom he delights”. (*King James Version*)
“The Lord corrects those he loves as parents correct a child of whom they are proud” (*Good News Version*)
3. Proverbs 19: 18 “Discipline your son while there is hope but do not indulge your angry resentments by undue chastisement and) set yourself to his ruin.” (*King James Version*)
“Discipline your children while they are young enough to learn. If you don’t you are helping them to destroy themselves.” (*Good News Version*)

4. Proverbs 22: 15 “Foolishness is bound up in the heart of a child, but the rod of discipline will drive it far from him.” (*King James Version*)
“Children just naturally do silly, careless things, but a good spanking will teach them how to behave.” (*Good News Version*)
5. Proverbs 23: 13 “Withhold not discipline from the child, for if you strike and punish him with the rod, he will not die.” (*King James Version*)
“Don’t hesitate to discipline children. A good spanking won’t kill them. As a matter of fact, it may save their lives” (*Good News Version*)
6. Proverbs 29: 15 and 17 “ The rod and reproof give wisdom, but a child left undisciplined brings his mother to shame. Correct your son, and he will give you rest; yes, he will give delight to your heart”. (*King James Version*)
“Correction and Discipline are good for children. If they have their own way, they will make their mother’s ashamed of them. Discipline your children and you can always be proud of them. They will never give you reason to be ashamed.” (*Good News Version*)

In agitation against the use of corporal punishment London (1985) later recommended that only cane was at best instrument to use and that it should be kept out of sight. Also, the Human Rights Watch (1999) saw corporal punishment as a destructive form of discipline that is ineffective in an educational environment.

Relevant legal authorities on Corporal Punishment in Nigeria

This subsection discusses the relevant laws or legal authorities that concern itself with corporal punishment as it is done in schools in Nigeria. The Criminal Code Law (Laws of Ebonyi State, 2009) approves the use of disciplinary measures on persons below 18 years and this can be done at home or by a guardian or by the school authority. Thus, it approves the administration of corporal punishment on the schoolchildren.

Again, in Article 11(2) of the Children and Young Persons Act, Cap 22, Laws of the Federation of Nigeria, 1958 (this law has not been ratified by all the states in Nigeria) provides that no young person would be imprisoned if corporal punishment has been administered on him among other forms of penalty like prohibition, fine and others. Furthermore, in its Article 14(8) it provided that a child or young person can be whipped as his/her punishment.

However, in 2003, the Child’s Rights Act was promulgated and in its Section 221 (1) (b), it made a provision prohibiting any form of administering corporal punishment on a child. The Criminal Code Act, Cap C38 Laws of the Federation of Nigeria, 2004 (which is enforceable in Southern Nigeria) in its Section 295 endorsed the use of corporal punishment for disciplinary measures in persons below the age of eighteen (18) years that is the age bracket of a child. This is also in *Pari Passu* with Section 55 of the Penal Code Act, Laws of the Federation of Nigeria, 2004 (which is enforceable in the Northern States of Nigeria), as both of them approve the use of corporal punishment as punishment measures for children upon conviction of a crime.

In the United States of America, the Supreme Court in the case of *Ingraham v. Wright*⁴³⁰ U.S. 651 (1977) upheld the disciplinary corporal punishment policy of Florida’s public schools. It also held that the corporal punishment administered on the students were not ‘cruel and unusual’. In addition, those children who suffered severe punishment could gain

assault and battery. Hinchey (2003) observed that courts have always found in favour of schools and teachers in lawsuits bordering on administration of corporal punishment.

In Nigeria, Section 221 (1) (b) of the Child's Rights Act, 2003 prohibits the use of corporal punishment as judicial sentence for juveniles. The Global Initiative to End Corporal Punishment of Children stated that in Nigeria, corporal punishment is lawful as the following laws, which are also enforceable in Ebonyi state, authorize it, there are:

- i. The Children and Young Person's Law
- ii. The Criminal Code Act (enforceable in the Southern Nigeria-Ebonyi State inclusive).
- iii. The Penal Code Act(enforceable in the Northern Parts of Nigeria) and
- iv. The Sharia Penal Code Law (enforceable in some states in the Northern Nigeria which enshrined it as binding on them, example Sokoto State, Kwara State etc).

Stephen (2013) observed that corporal punishment is a generally accepted practice which is in accordance with the laws enforceable in Nigeria. The European Union was the first continent of the world to ban the use of corporal punishment in the schools.

Stephen (2003) further observed that although the use of corporal punishment does not violate any law in Nigeria, rather it is contrary to the set out provisions of the International Human Rights and particularly the United Nations Convention on the Rights of the Child and Nigeria is a signatory to the said UN Convention.

Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Convention on Civil and Political Rights, both in protection of the Human Rights provides that no person shall be subjected to any form of inhuman or degrading treatment and abuse.

There are International regional instruments relevant to the use of corporal punishment on children, they include:

- i. The United Nations Convention on the Rights of the Child (CRC): This is the primary instrument for children and according to the Global Initiative to End All Corporal Punishment of Children (2017), this convention has been ratified or acceded to by 196 countries (Nigeria inclusive).

Article 19 (1) of the said convention provides that parties shall ensure that children are adequately protected from all forms of violence, abuse or injury, neglect, maltreatment, while under the care of their parents, legal guardian or any other person.

Again, Article 28 (2) in talking about discipline in the school provided that measures must be put in place to ensure that it is carried out in a manner consistent with the child's human dignity and in conformity with the present Convention.

Furthermore, Article 37 of the Convention provided against the use of corporal punishment as a judicial sentence on children by stating that state parties should ensure that no child is subjected to torture, inhuman or degrading treatment or punishment and no person below 18 years should be tried for a capital offence or be sentenced on life imprisonment.

Commissioner for Human Rights, Council of Europe (2006) state that corporal punishment of children often becomes inhuman and then leads to a violation of their human dignity and this would lead to invoking the laws relevant to addressing Human Rights issues in children. They further held that the United Nations Convention on the Rights of the Child (CRC) had been ratified by all member states of the Council of Europe.

Other internationally relevant instrument on corporal punishment which Nigeria is a party to include the following.

- i. The International Convention on Civil and Political Rights (ICCPR) entered into force on 23rd March, 1976

- ii. The African Charter on Human and Peoples' Rights, this was adopted in Nairobi June 27, 1981 and entered into force on October 21, 1986
- iii. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or punishment commonly known as the United Nations Convention against Torture (UNCAT) is an International Human Rights Treaty under the review of the United Nations, that aims to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world and it came into force on 26 June 1987.
- iv. United Nations Universal Declaration of Human Rights, 1948
- v. Convention on the Rights of the Child (CRC)-this was ratified by Nigeria on 16th April, 1991 and enacted into her domestic laws as the Nigeria's Child's Rights Law, 2003.

Section 1 of the Child's Right Act, Cap. C 50, Laws of the Federation, 2004 stated that,

In every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative or legislative authority, the best interest of the child shall be primary consideration.

Section 11 of the Child's Rights Act provides that no child shall be subjected to torture, inhuman or degrading treatment or punishment, this is in line with Article XXXVII of United Nations Convention on the Rights of the Child.

We have however affirm that corporal punishment is not an inhuman or degrading treatment and that is why we canvass for a considerable corporal punishment where the teacher takes cognizance of the age, sex and the kind of offence committed by the child.

Part 4 of Children and Young persons (Remand Homes) Rules, Rules 17 to 19 provides for three methods of punishment which should only be used when other disciplinary measures have failed. These three methods are 1. Temporary loss of recreation or priveleges, 2. Reduction in the quality or quantity of food (medical advice is necessary here). 3. Separation from other wards (The wards must not be less than twelve years). Rule 19 stipulates three conditions needed in the administration of corporal punishment, there are: Punishment is to be inflicted with a cane and be applied either on the hands or on the buttocks over normal clothings and shall not be more than six strokes on each hands or on the buttocks. This punishment is however stated to be for children in Remand Homes.

We have observed that these International Conventions and Treaties zealously kick against the use of corporal punishment in schools and even generally at home. However in Nigeria, and specifically in Ebonyi State, the use of corporal punishment is still widely in vogue as a medium of instilling discipline in school children/students. Thus, we have tried to bring to light the diverse legal backups to the use of corporal punishment and those against its use in our schools.

Review of Empirical Studies

Several scholars had undertaken empirical researches bordering on the use of corporal punishment in schools and in children.

In an empirical research by Vittrup and Holden (2010) in their work titled 'Children's Assessment of Corporal Punishment and over Disciplinary Practices: the Role of Age, Race, SES and Exposure to spanking. In that study, the researcher assessed four disciplinary methods (spanking, reasoning, withdrawing privileges and Time-out) among Africa-American and Anglo-American Children of about 108 in number ranging between 6-10 years old. Children watched videos depicting a child being disciplined and then rated each discipline method. Spanking was rated as most effective for immediate compliance but not

for long-term behavioural change. Reasoning was rated as the most fair while spanking was the least fair.

This work however only concentrated on children ranging between 6 to 10 years and thus does not fall within secondary school age, except in very few cases before you see a 10 year old in secondary school. However, this work is still very relevant and similar to our research because it shows the children's approval of spanking (corporal punishment) as needful for immediate compliance on behavioral change.

In another similar empirical research by Lee, Taylor, Altschul, and Rice (2013), they still found out that those children who were spanked more than twice in the prior month at age 3 by either parent were associated with child aggression at 5 years. This research leads to increasing the use of effective and non-aggressive child discipline techniques and also to reduce the use of spanking in children.

We have also seen that the Americans have a different view to the use of spanking, in an integrative Literature Review by Chiocca (2017), which was a research on American parent's beliefs about the use of corporal punishment. The study reviewed 25 research articles to get information about corporal punishment and its use. The results showed that the main factors that influence parents' endorsement of the use of corporal punishment is the belief that corporal punishment is a necessary part of parenting, even for infants and that certain stressors involving interactions between the parents, child and environment can elicit the use of corporal punishment. The researchers however suggested that further research is needed to determine what methods are effective in changing parents' attitudes and beliefs about the use of corporal punishment.

It is therefore stated that if parents actually approve the use of corporal punishment, they would raise no dust if the teachers administer corporal punishment when their wards/children are at fault in schools.

There is an endless debate over the impact of spanking and corporal punishment in children of home or in school. Ferguson (2013) in his work titled 'Spanking, Corporal Punishment and Negative Long Term Outcomes: A Meta-Analytic Review of Longitudinal Studies'. This empirical work considered the impact of spanking and corporal punishment on negative child outcomes externalizing and internalizing behavioural problems and cognitive performance.

Previous meta-analysis reviews have mixed long and short terms studies and relied on bivariate r which may inflate effect sizes. Spanking and Corporal Punishment (CP) correlated with cognitive performance. He made a conclusion that the impact of spanking and corporal punishment and the negative outcomes evaluated here are minimal. He advised that psychologists should take a more announced approach in discussing the effect of spanking and corporal punishment with the general public, consistent with the size as well as the significance of their longitudinal associations with adverse outcomes.

In the work of Invocavity (2014) titled 'The Effects of Corporal Punishment on Discipline Among Students in Arusha Secondary Schools. The study was meant to find out the effects of corporal punishment on discipline among studies in Arusha Secondary Schools. Clustered sampling technique was applied to identify the sample size for the study; the Data Collection was done using the questionnaire and interviews. His findings indicated the following: That corporal punishment can be administered to students with care in its administration and management. That teacher should provide non-corporal punishment Responses that can be productive to students after completing their studies. This he advised students to follow school rules in order to avoid the punishment. He recommended that teachers should get training on how they can manage students' disciplinary problems in schools.

This empirical study is very relevant to our work, this is because it concerns students just as our own research and it borders mainly on the use of corporal punishment as discipline. Omari (2006) argued that for punishment to work, let the child know and understand when he/she is being punished and then the punishment should follow immediately after the misbehaviour.

Invocavity (2017) also found out that teachers confirmed that non-corporal punishment such as warning helps to restore students discipline and students in general agreed that non corporal punishment affect their discipline.

Another empirical study was undertaken by Adesope, Ogunwuyi and Olorode (2017) in a work entitled 'Effects of Corporal Punishment on Learning Behavior and Students Academic Performance in Public Secondary School in Ibarapa East Local Government in Oyo State'. They described corporal punishment as one of the dangerous issues that are threatening to vacate the roots of personality development in the academic life of students. The researcher used stratified random sampling to obtain data from 300 respondents from secondary school in Ibarapa East Local Government. The data was analyzed using T-test statistical tool and discussions were made in the basis of finding and results. Frequency count, mean score and standard deviation were used for analysis.

The study adopted Descriptive Survey design of ex-post facto type, this is because the actions (corporal punishment) under investigation already existed and were not manipulated in the course of the study. Their results or finding shows that corporal punishment has great effects on students' academic performance creating a sort of friction and making them show lack of interest in their work. He recommended that there should be the introduction and passage of federal legislation prohibiting the use of corporal punishment in public secondary schools.

This research work by Adesope et al (2017) is similar to our work in many ways. It concerns itself with the subject matter of corporal punishment which is also the own subject matter. Its geographical coverage is Nigeria just like ours but in different states in Nigeria; theirs was in Western Nigeria (Oyo State) while ours is in Eastern Nigeria (Ebonyi State). There is still a gap in knowledge because their work centered on how corporal punishment affect the academic performance of secondary school students, while ours is on the legality of administering corporal punishment.

Another empirical study carried out in Tanzania on the Disciplinary Networks in Secondary Schools: Policy Dimensions and Children's Rights in Tanzania by Yaghambe and Icabord (2013). This research explored the effectiveness of physical punishment policy in managing school discipline problems noting the limitation. The study was conducted in 10 secondary schools accounting for 50 teacher and 104 students. A descriptive qualitative methodological approach was used; semi-structured questionnaires, interviews and observations were used. Their findings suggested that the use of physical and corporal punishment method was often degrading to students and less effective. They noted wide range of students' right, abuses and how they were in apparel with the Convention on the Rights of the Child (CRC), the African Human and Peoples' Rights Charter on Human Rights.

Relating these studies with our research work, shows that the study is agitating against the use of corporal punishment in secondary schools and this relates it also to the existing Convention and Charter on Child's Rights Protection.

We shall now consider an empirical study carried out in India in 2015 by Reena Cheruvalath and Medha Tripathi on 'Secondary School Teachers' Perception of Corporal Punishment: A Case Study in India'. The scholars noted that although corporal punishment had been banned in India schools, it was still being used to control disciplinary problems. Their work was

based on a pilot study of 160 secondary school teachers chosen across India. Their results revealed that teachers still perceived the use of corporal as an effective method of controlling indiscipline in class. They thus recommended that proper training should be carried out for teachers and students-teachers in the use of counseling to manage behavioral problems, also full time counselors should be appointed in schools.

Relating this with our research work, we have observed that most countries where the use of corporal punishment has been banned in schools are still administering it because of its usefulness. We believe and propound that it should not be banned, rather, caution should be observed in its usage. They both centre on the use of corporal punishment in schools and its legal back up.

According to the Global Initiative to End All Corporal Punishment of Children (Global Initiative, 2016), corporal punishment is banned in all of Europe and most of South America and East Asia. It is legally prohibited in schools in 128 countries allowed in 69 (35%) countries. It stated also that the three industrialized countries that continue to allow corporal punishment are Australia, Republic of South Korea, and The United States of America.

Covell and Becker (2011) observed that corporal punishment is still occurring all through the world both in countries where it is legal and where it is banned.

In South Africa, students have reported that corporal punishment has continued to be a regular part of education (Payet & Franchi, 2008). Gershoff (2017) in his work on 'School Corporal Punishment in Global Perspective: Prevalence, Outcomes and Efforts at Intervention' has observed that school corporal punishment has continued to be a legal means of disciplining children in a third world countries.

In our list empirical studies carried out by Ogbe (2015), he adopted the ex post facto design of a descriptive research to a population sample of schools in Edo and Delta state of Nigeria. He used a sample size of 400 obtained from school principals, teachers, PTA chairmen representing parents. In his discussion, he found out that both parents and teachers accepted that corporal punishment was highly desirable as an instrument of child molding in schools. This finding is in line with the finding of Alvy (1987), Newell (1993) and Shamba and Moorad (2000) who also discovered that black parents view spanking more positively and likely see it as a variable tool for teaching lessons such as obedience to authority and accepted social behavior.

This study tallies with our research work in that it brings to light the need for corporal punishment in our schools. Ogbe (2015) so found out that both parents and teachers accepted the correction of the adage 'spare the rod and spoil the child and thus accepted that an erring child should be corrected with the use of corporal punishment in order to mold the child's life. The parents further accepted that a disciplinarian teacher could be assigned to administer corporal punishment in the school and this is in line with the proposition by Nakopodia (2007) that the teacher should use his/her sense of maturity to determine the kind of corporal punishment to administer while the school board would use their discretionary power to determine what warrants suspension and expulsion.

Our research work also supports the need for corporal punishment in secondary schools. But this research work did not state the global perception on the use of corporal punishment and the legal implication of using corporal punishment in secondary schools.

Summary of the Review

In this review of related literatures, we have seen that there are scholars who accept the needfulness of the use of corporal punishment while others have a different view on the administration of corporal punishment in schools.

The agitations against the use of corporal punishment are very numerous. Many scholars have opined that it's not safe for the school children, others state that it has damaging psychology effect, some others see it that it makes the children violent and so on. These diverse agitations can make any country quickly ban the use of corporal punishment on schoolchildren.

The United Nations have been calling on all countries to ban the administration of corporal punishment on schoolchildren. Some countries have banned while others especially some African states, United States and Australia have not adhered to the express ban on the use of corporal punishment. However, researches have shown that legal ban alone cannot eliminate the use of corporal punishment.

We have discussed the different laws that are relevant to the protection of the Child's Rights and their wellbeing as citizens of the country. These laws include the Child's Rights Act, the Children and Young Person's Law, the Criminal Code, the Convention of the Rights of the Child, the African Charter on Human and People's Rights and so on. These laws are relevant to ensure the safety and protection of the child.

These reviews therefore show that both foreign and local scholars/authors agree to the adverse effect of corporal punishment, yet a few others accept its need. Some countries where the use of corporal punishment has been banned still want to adopt its use in order to control behaviours in schools. There are also diverse behavioural changes and control.

RECOMMENDATIONS

Due to the prevalent need for the proper administration of corporal punishment on school children. We therefore recommend the following:

- a. That parents should instill good traits in their wards/children to avoid any form punishment in school.
- b. That both parents and teachers should make their children and students understand that the use of Corporal Punishment is to correct a wrong doing and not a violent act or hate to the offenders.
- c. Parents and Teachers should be enlightened to know that frequent use of Corporal Punishment has adverse mental/psychological effect on the children/students.
- d. Teacher should be cautious in administering punishment to avoid escalating some to abuse or inhuman treatment.
- e. The legislature should amend the Criminal Code Law to protect the students/children from abusive disciplinary measures or even enact a law or regulations especially on the use of Corporal Punishment in schools and at homes.

Finally, the training of children is not just for the parents but the society at large so let all hands be put on deck to ensure we raise these godly leaders of tomorrow and thus make our society and country a better place.

CONCLUSION

It has been established that in Nigeria, there are legal instruments in support of and those against the use of corporal punishment in schools. Numerous researchers have shown that it is better not to use this corporal punishment frequently. We should be aware that we should instill discipline in the children so that they would not sorry over them or be ashamed when

they act in public. However, in line with Section 1 of the Child's Rights Act, every action towards the child should be in his best interest and we canvass that administering corporal punishment on school children is paramount in order to obtain good behaviours of a child, correcting an erring student and even to maintain peace and serenity in the school environment.

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- Children and Young Persons Act, Cap 22, Laws of the Federation of Nigeria, 1958
- Convention on the Rights of the Child (CRC)
- Penal Code Act, Laws of the Federation of Nigeria, 2004
- Sharia Penal Code Law
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- The International Convention on Civil and Political Rights (ICCPR)
- The United Nations Convention on the Rights of the Child (CRC)
- United Nations Universal Declaration of Human Rights, 1948

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