

## HUMAN RIGHTS WATCH

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: 212-290-4700  
Fax: 212-736-1300

### US PROGRAM

David C. Fathi, *Director*  
Alice Farmer, *Aryeh Neier Fellow*  
Jamie Fellner, *Senior Counsel*  
Abigail Marshak, *Associate*  
Ashoka Mukpo, *Associate*  
Alison Parker, *Deputy Director*  
Sarah Tofte, *Researcher*

### HUMAN RIGHTS WATCH

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Michele Alexander, *Development & Outreach Director*  
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Andrew Mawson, *Deputy Program Director*  
Suzanne Nossel, *Chief Operating Officer*  
Dinah Pokempner, *General Counsel*  
James Ross, *Legal & Policy Director*  
Joe Saunders, *Deputy Program Director*  
Jane Olson, *Chair, Board of Directors*

## AMERICAN CIVIL LIBERTIES UNION

Legal Department  
National Office  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004-2400  
Tel: 212-549-2500  
Fax: 212-549-2651

### OFFICERS AND DIRECTORS

Susan N. Herman, *President*  
Anthony D. Romero, *Executive Director*  
Richard Zacks, *Treasurer*



[www.hrw.org](http://www.hrw.org)

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Dear [Legislator]:

As national and international human rights organizations, we urge you to vote in favor of HB 26, which will prohibit the use of corporal punishment in Ohio's public schools, and to support the paddling ban Governor Strickland has introduced into the state budget. Corporal punishment is prohibited by international law, and is illegal in public schools in 29 states and at least 100 countries. The overwhelming trend among cities and states in the US is toward complete abolition of corporal punishment in public schools. Ninety-five of the 100 largest school districts in the US have prohibited corporal punishment.

Human Rights Watch and the American Civil Liberties Union published a detailed report on corporal punishment in US public schools in August 2008, *A Violent Education: Corporal Punishment of Children in US Public Schools*, the Executive Summary for which is enclosed with this letter. Based on our research, we urge you to vote in favor of a complete ban on corporal punishment in Ohio for three main reasons: because it is ineffective in producing safe learning environments, because it is an abusive violation of human rights laws binding on the United States, and because it is racially discriminatory.

First, we recognize the importance of school discipline in providing safe and nurturing school environments in which students can thrive. Corporal punishment has the opposite effect: research suggests that children who are physically punished are more inclined to engage in aggressive conduct toward their peers. Furthermore, corporal punishment can result in the student failing to thrive academically and may contribute to school drop out. There are many effective methods of school discipline that can provide appropriate educational environments without violating the students' fundamental human rights. International human rights standards recognize – and research demonstrates – that school discipline is most effective when it is used to teach positive behavioral skills and create enriching learning environments. Instead of abrogating students' dignity and physical integrity by continuing to permit corporal punishment, Ohio should ban corporal punishment completely, and use other research-tested methods of discipline to create a positive school environment that can benefit all students.

Second, corporal punishment is abusive treatment that contravenes international legal standards prohibiting cruel, degrading, and inhuman treatment found in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), treaties that are binding on the United States. Article 7 of the ICCPR states that “[n]o one shall be subjected to ... cruel, inhuman or degrading treatment or punishment.” The Human Rights Committee (HRC), the body charged with oversight and implementation of the ICCPR, issued a General Comment detailing states’ obligations under Article 7, and concluded that this “prohibition must extend to corporal punishment, including excessive chastisement ordered... as an educative or disciplinary measure.” The HRC emphasized that “Article 7 protects, in particular, children, pupils and patients in teaching and medical institutions.” Furthermore, Article 16 of CAT prohibits acts of cruel, inhuman or degrading treatment or punishment, and the Committee on Torture has noted that “corporal punishment could constitute in itself a violation of the Convention.”

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

Third, the use of corporal punishment in Ohio public schools is racially discriminatory. According to the US Department of Education, African-American students in Ohio make up 16.8 percent of the statewide student population, but 31.6 percent of those who are paddled, meaning that they are paddled at almost twice the rate that would be expected. Such disparities are not unique to Ohio; in the 2006 -2007 school year, African-American students made up 17.1 percent of the nationwide student population, but 35.6 percent of those paddled. Article 5(b) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires the US to protect “the right of everyone, without distinction ... to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.” The right of African American students in Ohio to security of person is violated at disproportionate rates merely as a consequence of their attendance in Ohio’s public schools. The Ohio legislature should take decisive action to prevent the perpetuation of this inequity and pass a ban on corporal punishment in Ohio public schools.

Yours sincerely,



Christine Link  
Executive Director  
American Civil Liberties Union of Ohio  
Max Wohl Civil Liberties Center  
4506 Chester Avenue  
Cleveland, OH 44103  
216.472.2220  
www.acluohio.org



Alice Farmer, Esq.  
Aryeh Neier Fellow  
Human Rights Watch /ACLU  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
212.549.2500  
www.hrw.org  
www.aclu.org