

# Legal and Policy Framework of School Corporal Punishment in Sri Lanka

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In terms of protecting children's rights, Sri Lanka was among the first countries in the world to sign the UN Convention on the Rights of the Child. However, despite the repeated recommendations of the Committee on the Rights of the Child, the Human Rights Committee, National Child Protection Authority and various non-governmental organizations, the government has failed to take significant measures against corporal punishment. Thus, corporal punishment remains largely legal at home and at educational institutions. Therefore, this paper analyses various attempts to condemn corporal punishment at schools through numerous legal instruments and policies at national level in view of international and regional obligations. Corporal punishment in general is lawful in Sri Lanka when inflicted by the guardian within the provisions of the Penal Code. The illustration I to Section 341 gives legitimacy to using criminal force at schools by teachers. Corporal punishment to children in general can be construed as a punishable offence under Section 71 of the Children and Young Persons Ordinance No. 48 of 1939 (as amended), however the Act itself confirms the right of any teacher to administer corporal punishment to a child, thus creating ambiguity across varied legislation. Corporal punishment violates human rights to freedom from cruel, inhuman, and degrading treatment or punishment and freedom from physical violence. It also violates the right to be free from discrimination and children's right to education. This paper calls for urgent action in bringing the domestic laws in line with the international human rights obligations eliminating ambiguity and makes numerous recommendations aimed at strengthening the legal and policy framework in addition to introducing methods of positive discipline, in furtherance of the Ministry of Education Circular No. 12/2016. In keeping with transnational trends Sri Lanka should speed up its efforts to eradicate corporal punishment at schools and uphold the rights of children by honouring its domestic and international human rights obligations. In terms of methodology, the paper strictly adopts a doctrinal approach since the paper proceeds to engage in an analysis of the law in relation to corporal punishment.

**Keywords:** Corporal punishment, Human rights, Child rights, International obligations