



Human Rights and Anti-Discrimination Commission

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STATEMENT

Corporal Punishment is Unlawful

The Fiji Human Rights and Anti-Discrimination Commission unequivocally condemns the recent call by the Fijian Teachers Association to reintroduce corporal punishment in schools.

The infliction of corporal punishment is unconstitutional and unlawful. The reintroduction of such practices directly opposes the rights of children to a safe, supportive, and violence-free educational environment

Corporal punishment is widely recognized as a form of violence and degrading treatment, infringing on children's inherent dignity and contravening the rights enshrined in the Constitution of the Republic of Fiji.

Pursuant to Section 11 (1) and (2) of the Constitution, every person including children have the right to freedom from torture of any kind, whether physical, mental or emotional; and from cruel, inhumane, degrading or disproportionately severe treatment or punishment - from any source, at home, **school**, work or in any other place.

Section 41 (1) (d) of the Constitution further states that: Every child has the right to be protected from abuse, neglect, harmful cultural practices, any forms of violence, inhumane treatment and punishment.

Fiji has also ratified the United Nations Convention on the Rights of the Child (CRC), which places a legal obligation on the State for the protection of children from all forms of physical or mental violence, injury, or abuse as well. Article 37 of the Convention states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. This is complemented and extended by Article 19, which requires States to "take all appropriate legislative, administrative, social and educational measures to protect children from all forms of violence and abuse.

*Neither Greater nor Lesser but Equal:
Dignity, Equality and Freedom for All in Fiji*



It is imperative to note that in 2002, the Lautoka High Court delivered a landmark ruling in the case of ***Ali v State*** that the infliction of corporal punishment in school is unconstitutional and unlawful.

The Child Protection Policy from Ministry of Education provides:

“Ministry of Education and schools shall take all appropriate measures to protect children from all forms of abuse, neglect and exploitation.”

The policy also states that the Ministry of Education and schools shall have zero-tolerance against child abuse perpetrators.

Unfortunately, despite corporal punishment being unlawful, such a practice remains prevalent in some schools. The Commission continues to receive complaints of children being subjected to physical and emotional abuse in schools. In a recent complaint, a 15-year-old student was subjected to physical abuse by a teacher using the handle of a mop and the teacher then instructed 5 other students to slap the student. In other complaints, chillie was rubbed on the private parts of four boarding students for taking French-leave from school and in another case, a child was subjected to verbal abuse by his teacher. Corporal punishment impacts a child’s health and wellbeing.

The Commission urges the State and other stakeholders to ensure that our schools are safe, and our education system promotes dignity and respect and has zero tolerance for violence. There is always alternative means (positive discipline methods) to discipline children both in schools and at home.

Pravesh Sharma
Chairperson
Human Rights and Anti-Discrimination Commission

