



Children's Institute, University of Cape Town
31 January 2012

Statement in support of positive discipline and prohibition of cruel and degrading punishment

There have been reports that the Children's Institute, University of Cape Town, has called for a ban on corporal punishment in a submission to the Department of Social Development. Please note the following regarding the submission.

The submission was made by the Working Group on Positive Discipline that is coordinated by RAPCAN. The Children's Institute is a member of the working group and supported the submission. The submission was one of several made to the Department of Social Development, who started considering amendments to the Children's Act and its regulations in the last quarter of 2011. The need to review the Act – and to make amendments to its regulations – arose since the Act came into full force in 2010, as the process of engagement and interpretation of the law has exposed areas where the Act could be clearer, or where it needs to be improved.

The submission by the Working Group on Positive Discipline seeks to:

- Provide children with the same level of legal protection from physical violence that is available to adults (No one may spank or slap or beat an adult; it constitutes assault – and children are physically, emotionally, etc. more vulnerable than adults and should receive more protection).
- Provide parents and families who use corporal punishment with support and tools to assist them with disciplining their children in the most effective way.
- Allow for prosecution of parents in cases where this is appropriate – noting that in most instances criminalising and prosecuting parents is NOT in the best interests of the child or of the family.
- We also note that children currently do not use the law against their parents who abuse them seriously; there is very little reason to expect that they will suddenly call on the police in less serious instances. Research in countries that have banned corporal punishment shows that there is not an increase in criminal reporting.

The submission does not seek the criminalisation of parents for spanking. The majority of parents who use corporal punishment love their children and want what's best for the child. Prosecuting parents will not be in the best interests of children unless the level of violence is severe and alternative support options have failed.

Claims have been made that it is a cultural practice to hit children and that the state should not interfere with this. Corporal punishment is widely used by people from different cultural backgrounds in South Africa; however, so are the alternatives. There is a Zulu saying that “you don’t build a family with a stick”.

The full submission can be accessed at:

http://www.ci.org.za/depts/ci/pubs/pdf/policysubmissions/2011/submission_wg_positive_discipline.pdf

Why does the Children's Institute, University of Cape Town, support the submission?

The UN Convention on the Rights of the Child, The African Charter on the Rights and Welfare of the Child and the South African Constitution all recognize children’s right for respect of their human dignity, physical integrity and equal protection under the law. South Africa has a duty to respect, promote and protect these rights of all citizens. Corporal punishment is inconsistent with these rights.

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