

Working Group on Positive Discipline Newsletter

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EDITORIAL

Hello and welcome to the first newsletter from the Working Group on Positive Discipline, a network of organisations advocating for positive parenting and non-violent discipline in South Africa. The Working Group has been advocating for some time now on this issue, and we realise that we need to keep our friends and supporters informed about what we are doing, provide information and updates about what is happening globally, regionally and in South Africa, and (hopefully) make new friends too!

We are not intending to follow a specific programme of disseminating this newsletter, but hope to send out one or two editions a year. And this is the first one! We hope you find it useful and informative.

Samantha Waterhouse and Carol Bower

UPDATE ON THE LEGISLATIVE SITUATION

Last year was a busy one for the Working Group, with all our attention focussed on the passage of the Children's Amendment Bill [B19-F 2006] through Parliament.

We were naturally disappointed when clause 139 was excised from the Bill. However, as there had been such a backlash against the clause from the public at large (and there was a danger that, if left in place, it could derail the whole process), we accepted this and agreed that we would focus renewed energy on this issue in 2008.

However, we were very pleased that the clauses relating to building parental

Clause 139 underlined the need for respecting and promoting the rights of children, including their right to physical and psychological integrity; it prohibited any and all forms of corporal punishment and inhuman or degrading punishment; it removed the common law defence of reasonable chastisement and made the Department of Social Development responsible for ensuring that education and awareness programmes promoting appropriate discipline are available throughout the Republic. It stressed that prosecution of parents should be considered only as a last resort, and that referral to an early intervention services was preferred.

capacity for non-violent discipline were retained, and incorporated into clause 144.

The Children's Amendment Act was passed by Parliament and has been signed by the President – now for implementation!

The Working Group on Positive Discipline consists of: the Centre for Child Law, University of Pretoria; Childline South Africa; Community Law Centre, University of the Western Cape; MSTP – Management of Schools Training Programme; RAPCAN – Resources Aimed at the Prevention of Child Abuse and Neglect; Save the Children Sweden; South African Council of Churches; South African Human Rights Commission; UCARC – Mthatha Child Abuse Resource Centre

WGPD plans

In 2008, the working group is planning to feed into and sustain the discussion and debate on promoting positive discipline and prohibiting all corporal punishment in South Africa, and hopes to build the network of support for this issue by building knowledge and understanding of the imperative to promote positive discipline and prohibit all corporal punishment in South Africa.

Accordingly, it is hosting a ***national seminar*** on 15 April. The programme for the day is intended to provide a range of information, and will comprise a series of panels. The morning session will concentrate on providing information on the current

situation, the basic arguments for prohibition, information on positive parenting, and materials related to these issues. The afternoon session will focus on what must be done and by whom – relating to law reform, policy development or implementation, behaviour change (of adults), and challenging attitudes towards children and corporal punishment. We hope to facilitate and examination of the responsibilities of various role-players, and to influence planning etc. of organisations and even departments.

If you would like to attend the meeting, please contact Sam (sam@rapcan.org.za) or Carol or (bower.carol@gmail.com).

Regional meeting

Members of the Working Group are also members of a Regional Network – the Southern African Network to End Violence Against Children, with members from South Africa, Swaziland, Zambia and Lesotho. They are holding their annual Regional meeting to share experiences and developments in April also.

Reports on two exciting projects are expected – the development of materials for encouraging positive parenting and non-violent discipline in South Africa; and research being undertaken in Zambia on parenting and parenting skills, planned by ZINGO

Useful internet resources:

www.endcorporalpunishment.org

www.stophitting.com

www.neverhitachild.org

Global status of prohibition

Twenty three countries have already prohibited all forms of violent and humiliating discipline of children. With the most recent first, these are Spain, (2007), Chile (2007), Venezuela (2007), Uruguay (2007), Portugal, (2007), New Zealand (2007), the Netherlands (2007), Greece (2006), Hungary (2005), Romania (2004), Ukraine (2004), Iceland (2003), Germany (2000), Israel (2000), Bulgaria (2000), Croatia (1999), Latvia (1998), Denmark (1997), Cyprus (1994), Austria (1989), Norway (1987), Finland (1983) and Sweden (1979). In addition, in Italy in 1996 the Supreme Court in Rome declared all corporal punishment to be unlawful; this is not yet confirmed in legislation.

Some press articles that appeared during the passage of the Children's Amendment Bill:

No biblical justification' for hitting children

By Ben MacLennan

There can be no biblical justification for corporal punishment of children in the 21st century, a spokesperson for the SA Council of Churches (SACC) said yesterday.

Keith Vermeulen, director of the SACC's public policy liaison unit, was speaking at a Cape Town media briefing on the Children's Amendment Bill, which will make it illegal for parents to hit their children.

Parliament is holding public hearings on the bill next week.

"Contrary to belief, there is no occasion ever in the New Testament where Jesus promotes physical punishment as a justifiable means of discipline," Vermeulen said. He said Christian proponents of hitting children sought to base their arguments on the Old Testament. However, the Old Testament reflected patriarchy and slavery as the norm, and warfare as a way of solving problems. It was problematic to attempt to transplant that text to a culture three or four thousand years later, Vermeulen said.

Samantha Waterhouse, advocacy manager of child rights NGO Rapcan, said the Corporal Punishment Working Group was aware that there had been a large backlash against the proposed ban. Some Christian leaders were claiming that parents had not only a right, but a duty, to beat their children. "This is frightening in the context of the current levels of violence against children in South Africa, and completely irresponsible," she said.

Waterhouse said children were being spanked, given "good hidings", or beaten with items such as lengths of hosepipe, across the country every day. If this abuse was inflicted on adults, there would be no question that it was a violation of their rights. Yet, children were even more vulnerable than adults, both physically, psychologically and emotionally. Hitting children was a violation of their constitutional rights to be free from all forms of violence, and to equal protection under the law.

Waterhouse said the corporal punishment clause would act as a deterrent, like current legislation on cell phone use while driving, and also as a way of changing behaviour.

South Africa already had a very high rate of general violence, Waterhouse said, and teaching children that it was an acceptable solution to conflict would only exacerbate the problem.

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It's nearly time for **International Spank Out day**, initiated in 1998 by EPOCH-USA to bring widespread attention to the need to end physical punishment of children and to provide educational information to parents and caregivers about non-violent alternatives. Over 500 informational events and programmes have been held in the US and in other countries where it is sometimes called "no hitting day", "no smacking day" or "day of non-violence for children" - see <http://www.nospank.net/>

The statement by the Portfolio Committee on Social Development, about the excision of Clause 139 from the Children's Amendment Bill:

The Committee excised clause 139, dealing with the discipline of children, from the Bill in recognition of the need for further investigation of the matter and anticipates this matter being finalised in a proposed amendment bill to be introduced in 2008.

The Committee however, wishes to emphasise that the existing law regulating inappropriate forms of discipline of children remains in place and urges that the programmes envisaged in this Bill aimed at promoting positive parenting skills be implemented by the Department of Social Development.

The Committee is of the view that this matter should have been tagged as a section 75 matter by the Joint Tagging Mechanism when the comprehensive Children's Bill was introduced in 2003.

Activists urge ban on corporal punishment

Child's rights activists on Friday urged MPs to push through a bill that will ban corporal punishment of children, saying it was vital that children be protected from violence. The social development portfolio committee on Thursday postponed deliberations on the measure after members of the African National Congress' parliamentary caucus reportedly objected to the ban. The committee has agreed on all the other clauses of the Children's Amendment Bill.

"It is disappointing that the decision was not taken [yesterday]," said Nokuku Sipuka of the Mthatha Child Abuse Resource Centre. "The provisions are critical to protect children from high rates of violence against them."

Paula Proudlock of the Children's Institute at the University of Cape Town said the prohibition on corporal punishment was part of a bigger package in the bill to change the culture of violence against children. "It is important that the bill not be delayed at this time," she said.

Samantha Waterhouse of child rights group Rapcan said it was important that political parties be guided on the imperative to protect children from harm and not by the need to get votes. "We are mindful that children can't vote," she said.

The committee's deliberations on the bill this week coincided with the international release of a message from Archbishop Desmond Tutu, urging an end to corporal punishment. "Millions of the world's children still suffer from humiliating acts of violence and these violations of their rights as human beings can have serious and lifelong effects," he said. "Violence begets violence and we shall reap a whirlwind. Children can be disciplined without violence that instills fear and misery."

His message was published in a report by the Global Initiative to End All Corporal Punishment of Children, which said a total of 19 states worldwide had now banned all beating of children. Two other states - Italy and Nepal - had prohibited the practice through Supreme Court rulings. A further 17 states had publicly committed themselves to a full ban. - Sapa

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