

## Working Group on Positive Discipline Newsletter

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### EDITORIAL

Since we issued the first edition of this Newsletter, there has been much activity around the issue of prohibiting the corporal and other humiliating punishment of children, both in South Africa and in our region. This newsletter will update you on these events, and look at some of what will be happening in 2009.

May we take this opportunity to wish everyone a successful and productive 2009 – *aluta continua!*

Carol Bower

### NATIONAL DEVELOPMENTS

#### **Meetings with the Department of Education**

After the presentation made by the DoE at the meeting in April 2008, members of the Working Group on Positive Discipline embarked a series of meetings with representatives of the DoE at national level. These were also a continuation of a process began in 2007 regarding the proper implementation of the prohibition in schools. RAPCAN, Childline, the Quaker Peace Centre, the UCT School Leadership Programme, and the Parent Centre have all been involved in these meetings. Representatives from the DoE have included National DDG Ms Gugu Ndebele, Deputy Chief Education Specialist Ms Rina Stander, and Mary Mononela from the Western Cape DoE.

There is an in-principle agreement with the DoE to develop materials on positive parenting for potential inclusion in the life-skills curriculum at 9 pilot schools (one in each province) which have already been involved in a programme involving training on codes of conduct, drug abuse prevention,

and curriculum support.

Mostly, the project has been driven by provinces and is a system of support for schools that are overwhelmed by their conditions.

Felicity Butt, an intern working at RAPCAN, prepared a very interesting paper on training on parenting and its effect on the reduction of teenage pregnancy – a copy is attached for your information.

It has been agreed that two distinct but related projects will be introduced in the 9 schools – one focused on positive discipline and the other on parenting skills as a pregnancy prevention strategy, although the DoE acknowledges that the issues are related to each other.

At a meeting in December, tasks were allocated to the organisations involved and it is the intention to implement this in 2009.

## **Potential legal challenge**

On 4<sup>th</sup> December, a meeting of legal experts was convened by WGPL member, the Centre for Child Law, to discuss the options and possibilities of taking forward a Constitutional challenge to the defence of reasonable chastisement. The meeting was very successful, and research by Frank Pelsler has confirmed the likely success of such a challenge.

It was agreed that it is best to have several applicants making a joint application and working with the same council rather than having many different parties in court, to

avoid discrepancies and problems that can arise in these circumstances. The SAHRC will be the first applicant, with RAPCAN, Childline and the SACC joining. The CLC will only join as *amicus* in the matter should it be necessary to do so, and may decide to act as co-counsel with the advocate. The Centre for Child Law will act as attorneys for the applicants, and Stephen Budlender will be the advocate in the matter.

The point of entry will be the Pretoria High Court. With regard to timing, this would be best at the end of March or early April.

best at the end of March or in early April. Initial affidavits must be ready by then but the research to prepare some of the more detailed Heads of Argument needs only be ready a few months later.

There were concerns about the timing of the General Election, and it was felt that it would be a problem if this became an election issue. Parliament should make an announcement regarding this early in January, and we will re-look at the issue of the date to launch based on this announcement.

## **Evaluation of our advocacy process**

An evaluation of our advocacy during the processing of the Children's Act as Amended was carried out, and the final draft is ready for circulation and input. This will be sent to everyone in the New Year.

The following issues were considered:

- The context of corporal punishment in South Africa;
- The history of the process of the Bill linked to developments within the Working Group;
- The key role-players involved;
- The different strategies used by the Working Group;
- The methodology used for the evaluation;
- Lessons learned and recommendations.

## REGIONAL ACTIVITIES

### ACERWC and AACC

The South African Council of Churches (Keith Vermeulen), DISHWANELO – the Botswana Centre for Human Rights (Emily Rukhwana), and the Zambian Civic Education Association (Judith Mulenga) represented the Southern African Regional Network on Corporal Punishment at a meeting with the African Committee of Experts on the Rights and Welfare of the Child in Addis Ababa earlier this year.

This was a complex meeting to arrange and prepare for. Special mention of Daksha Kassan (CLC, for work on the submission), Sam Waterhouse (RAPCAN, for finalisation of the submission and soliciting continent-side support), and the three presenters must be made for doing the Network proud.

The submission made the following recommendations:

The adoption of a written statement urging States in Africa to prohibit corporal and other forms of humiliating punishment of children in all settings and to urge States to promote measures to implement and promote this prohibition.

Ensuring that member States provide information on their progress in eradicating the use of corporal and other forms of humiliating punishment of children in all settings in their periodic reports.

To draw attention, in its recommendations to individual member States, to measures that member States need to undertake to fulfil their obligations under

international and African human rights instruments.

To continue to urge individual Committee members to promote a ban on corporal punishment of children in their individual interactions with government officials and other relevant stakeholders.

To support our position to fully address general societal violence and ensure that children are raised in homes and communities that instil a strong sense of self-discipline and an abiding respect for the rights and dignity of all.

To support the recommendation in the *Africa Declaration on Violence Against Girls* for the African Union to establish a Special Envoy on Violence against Children to support the efforts of the Committee towards preventing, reporting and monitoring violence against children on the Continent.

Then, a couple of weeks later, Keith Vermeulen and Carol Bower attended and presented at the All Africa Conference of Churches in Maputo. Wording suggested for a Resolution at the end of the Conference built on the recommendations to the ACERWC, and added addressing and promoting positive parenting and non-violent discipline in congregations across the continent, preaching sermons highlighting the gentle, kind and respectful tone of the recorded encounters between Jesus and children, and supporting the establishment of parenting support groups within congregations, and the promotion of appropriate and positive parenting skills, training and capacity-building within Church membership.

## GENERAL

### **Awareness-raising**

- 1 Preparations for the launch of web sites for both the national and regional networks are advanced – watch this space as these will be launched early in 2009. The two submissions noted above (to the ACERWC and the AACC) will be available on line early next year.
- 2 Sam Waterhouse attended and presented at a meeting hosted by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. This formed part of the events marking the 16 Days of Activism.

### **New publications**

- 1 Launched in Nairobi, Burkino Faso and the Netherlands on 20 November 2008, the ***African Report on Child Wellbeing 2008: How child-friendly are African governments?*** is a comprehensive review of the status of the rights of children by the African Child Policy Forum. The report can be downloaded at: [www.africanchildforum.org/index.asp](http://www.africanchildforum.org/index.asp).
- 2 Also worth taking a look at is ***Children's Rights in Africa: a Legal Perspective*** edited by Julia Sloth-Nielsen. The book profiles recent developments and experiences in furthering children's legal rights in the African context, and distils from these future trends regarding the specific role the law can play in the African children's rights environment. It can be ordered from Ashgate Publishers: [www.ashgate.com](http://www.ashgate.com).
- 3 The latest edition of the ***Global Initiative Newsletter*** (#6, January 2009) highlights that the year begins with 23 states having achieved law reform and governments in at least a further 24 committed to prohibition and/or actively considering draft legislation. Campaigns are now under way all over the world. This first newsletter of 2009 reports on moves towards prohibition worldwide, including bills under discussion, new campaigns, new research and developments under international human rights law. It can be accessed at <http://www.endcorporalpunishment.org/pages/frame.html>.