

Working Group on Positive Discipline Newsletter

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EDITORIAL

2009 is not only upon us but well-advanced! It has been a busy time for the WGPD with a number of planned activities well-advanced. We will be reporting on these and on regional, continental and global developments.

In this newsletter is an invitation to become a member of the Working Group on Positive Discipline – please circulate it widely among your colleagues.

Carol Bower

WGPD DEVELOPMENTS

Launch of the website

As promised in the second edition of this newsletter, the Working Group on Positive Discipline's website has gone live! You can find it at <http://www.rapcan.org.za/home/>; click on the link at the bottom left of RAPCAN's home page. In addition to information about and links to organisations which are members of the WGPD, the website provides access to a number of documents and other resources around the issues of positive parenting and non-violent discipline of children.

Project in partnership with the Department of Education

A sub-group of WGPD members – Childline S.A, RAPCAN, and the Parent Centre – has been meeting with representatives from the national Department of Education to develop material for the life orientation curriculum for grade 8. The objective is to influence risk factors towards the reduction of teenage pregnancy in South Africa and to strengthen parenting practice for future generations through implementing a pregnancy reduction programme with

a parenting component. Research and experience has shown that if young people and children are better informed about the significant responsibilities, compromises and costs of parenting, they may make alternative decisions about engaging in risky sexual behaviour including delaying sexual debut.

This will be implemented in 2010.



Legal sub-group

A second sub-group is currently investigating the legal and legislative options with regard to the prohibition of corporal punishment of children by their parents. This group comprises WGP members the Centre for Child Law, Childline S.A, the Community Law Centre's Child Rights Project, the South African Council of Churches, the South African Human Rights Commission and RAPCAN.

Evaluation of our advocacy process

This is completed, and can be downloaded from the website. There are two documents – a longer one entitled *“Review of Advocacy Toward the Prohibition of Parental Corporal Punishment undertaken by the Working Group on Positive Discipline”*, and a summarised version of activities entitled *“Banning Corporal Punishment - The South African Experience”*.

A copy of the summarised version is attached to this newsletter for your information.

REGIONAL DEVELOPMENTS

The Southern African Network to end Corporal and Humiliating Punishment of Children held its 4th annual meeting in Pretoria 11th and 12th May 2009. Organisations from Botswana, Mauritius, Mozambique, South Africa, Swaziland and Zambia were in attendance. Activities undertaken by Network members were reported on, as well as regional and global developments; an ambitious set of activities and plans was confirmed for

the year ahead.

The website of the Network was launched at the meeting – it is hosted by RAPCAN and can be found at <http://www.rapcan.org.za/sanchpc/default.asp>.

It provides information about and links to Network members, as well as access to documents and research developed and undertaken by Network members.

CONTINENTAL DEVELOPMENTS

Southern Sudan has become the first African country to prohibit parental corporal punishment.

Section 21 of the new Child Act, officially launched in April, states: *“Every child has the right to be protected from torture, cruel, inhuman or degrading treatment or punishment, and in particular ... (b) no child shall be subjected to corporal punishment*

by chiefs, police, teachers, prison guards or any other person in any place or institution, including schools, prisons and reformatories.” Southern Sudan has a separate government and separate legislative system from Northern Sudan, under the Common Peace Agreement, but it is not as yet an independent state and so not added to the list of autonomous states that have achieved law reform

In **Kenya**, the Minister for Gender, Children and Social Development stated in February that "Corporal punishment de-humanizes the child, is brutal and instils fear in the child which inhibits the child's normal growth, productivity and creativity".

Amendments to article 127 of the Children Act 2001 have now been drafted which repeal the "right of any parent or other person having the lawful control or charge of a child to administer reasonable punishment on him".

In **Namibia** the Legal Assistance Centre is consulting on a draft Child Care and Protection Bill, with a view to

tabling it before Parliament later in 2009, which explicitly prohibits corporal punishment in "any place of safety, shelter, children's home, place of care or an educational and vocational centre" and states that those with parental authority must respect the child's right to physical integrity, but it does not as yet include repeal of the defence of "reasonable chastisement" to charges of assault of a child by a parent.

In **Nigeria** the Child Rights Act 2003 has been passed into law in Cross River state, making it unlawful for a court to order a child to be subjected to corporal punishment. The Act is now in force in 23 of Nigeria's 36 states.

GLOBAL DEVELOPMENTS

The Republic of Moldova has prohibited corporal punishment in all settings, including the family home. The Family Code has been amended to explicitly prohibit corporal punishment by parents and others with parental authority.

The new article 53 of the Code covers "the right of the child to be protected" and states in paragraph 4 that the child "has the right to be protected against abuses, including corporal punishment by his parents or persons who replace them". Article 62 concerns parents' rights and states in paragraph 2 that "methods to educate children, chosen by parents, will exclude abusive behaviour, insults and ill-treatments of all types, discrimination, psychological and physical violence, corporal punishments [etc]".

This brings the total number of countries worldwide which have achieved full prohibition to 24. If Southern Sudan is included (see above), the total would be 25 states.

GENERAL

New publications

- 1 The **Global Initiative** has recently published a new booklet to support law reform which addresses Frequently Asked Questions about prohibiting corporal punishment in all settings, including the home. It can be downloaded at <http://www.endcorporalpunishment.org/pages/frame.html>.

- 2 A child-friendly version - **Banning all corporal punishment of children - Questions and answers for older children and young people** can be found at <http://www.endcorporalpunishment.org/pages/pdfs/FAQ-child-friendly2009.pdf>.
- 3 The latest edition of the **Global Initiative Newsletter** (#8, June 2009) – always an interesting read and full of information on global progress towards prohibition - can be accessed at <http://www.endcorporalpunishment.org/pages/pdfs/newsletters/Issue08-June2009.pdf>.
- 4 The **Council of Europe** launched its "Raise your hand against smacking!" campaign in June 2008. A toolkit has been developed as part of this campaign - it contains a mix of publications addressed to different target audiences, including alternatives to violence in the form of positive parenting and an outline of three approaches needed to successfully challenge corporal punishment - awareness raising, legal reform and policy reform. The kit also contains examples of promotional material - postcards, posters, calendars and a handy e-card, with audio-visual material, including a slide-show presentation and Handscape, a television spot by Saatchi & Saatchi-London, in both a Mac and PC version.

The kit is particularly useful for those wanting to start awareness-raising action at national, regional or local level. It can be ordered at http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2426 or down-load it at: http://www.coe.int/t/transversalprojects/children/Source/Video/Handscape_English.WMV

Invitation to new members

The Working Group, in its planning for the period beyond the passing of the Children's Act in late 2007 committed to strengthening the national alliance and support base towards the promotion of positive discipline in families. To this end, individuals and organisations who are interested in the issue are invited to join the working group. Please circulate the invitation letter which follows to your colleagues.

July 2009

Dear colleague

The Working Group on Positive Discipline (WGPD) began its life as a sub-group of the much larger Children's Bill Working Group with the aim of advocating for the prohibition of all forms of corporal punishment in the Children's Act. Subsequent to the dropping of the relevant clause from the Children's Act, the WGPD regrouped and considered its future activities. For your interest, a copy of the review of advocacy activities undertaken by the WGPD during the passage of the Children's Act is attached.

The WGPD¹, which is coordinated by Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN – www.rapcan.org.za) agreed early in 2008 to the following activities for the period beyond the passage of the Act:

- Strengthening the national alliance and support base towards the promotion of positive discipline in families - visible and articulated support is essential.
- Targeted advocacy with key individuals.
- Engagement with the Department of Social Development on Positive Parenting programmes.
- Engagement with the Department of Education on Positive Parenting in the life-skills curriculum.
- Engagement with parliament and the courts regarding law reform towards the removal of common law defence and prohibition.

Some of these activities have commenced and progress is good. For example, engagement with the Department of Education has resulted in a joint project focused on pregnancy reduction among school girls with a parenting component included in it; this is at an advanced stage of planning.

Included in these plans was a commitment to strengthening the awareness and practice of positive parenting, providing information and news about developments and policies towards this end. The WGPD has issued two previous newsletters, in April and December 2008. These included updates on the statutory position in South Africa and globally; press cuttings around the issue; and information about forthcoming meetings and recent publications.

The WGPD will continue to provide this kind of information, and intends inviting interested people to become members of the WGPD – a membership form appears on the website. Membership implies that you will receive information (newsletters, regular information updates via an e-list) and that you will be appraised of developments and activities, with opportunities to participate.

As someone who has shown an interest in this issue, we invite you to become a member of the Working Group on Positive Discipline, and to complete the membership form which appears on the website of WGPD – go to <http://www.rapcan.org.za/home/> and click on "Working Group on Positive Discipline" at the bottom left of the page.

Thank you!



Carol Bower, on behalf of the WGPD

¹ The WGPD comprises the following organisations: Childline South Africa; Centre for Child Law, University of Pretoria; Community Law Centre, University of the Western Cape; Parent Centre; Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN); South African Human Rights Commission; and South African Council of Churches