

BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**BRIEFING ON SOUTH AFRICA FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN**

PRESESSIONAL WORKING GROUP – July 2010

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SOUTH AFRICA (second to fourth reports – CEDAW/C/ZAF/2-4)

Corporal punishment is lawful in the **home**. Under common law, parents have the power “to inflict moderate and reasonable chastisement on a child for misconduct provided that this was not done in a manner offensive to good morals or for objects other than correction and admonition” (*R v Janke and Janke* 1913 TPD 382). When the Children’s Act was amended in 2007, a clause which would have prohibited corporal punishment in the home was removed from the Amendment Bill before it was passed by Parliament, pending further investigation.

Corporal punishment is unlawful in **schools**, the **penal system** and **alternative care settings**.

Numerous large scale research studies have found a high prevalence of corporal punishment of girls and boys. The first national survey of attitudes to childrearing and the use of corporal punishment by caregivers was undertaken in 2003, as part of the South African Social Attitude Survey. Of almost 1,000 parents, 57% reported using corporal punishment, most commonly on children aged 3 years, with 33% using severe corporal punishment (beating with a belt or stick), most commonly on 4-year-olds.¹ The National Youth Victimization Study released in 2006 by the Centre for Justice and Crime Prevention found that 51.4% of children continue to be subjected to corporal punishment in schools.² In the National Schools Violence Study in 2008, 70.1% of primary school learners and 47.5% of secondary school learners reported being physically beaten, caned or spanked by an educator or principal when they had done something wrong; almost half of primary school children (47.3%) reported being spanked, caned or hit at home.³

In 2000, in its concluding observations on the state party’s initial report, the **Committee on the Rights of the Child** recommended explicit prohibition of corporal punishment in the home and effective implementation of prohibition in other settings (CRC/C/15/Add.122, para. 28). In 2006, the **Committee Against Torture** recommended enforcement of legislation prohibiting corporal punishment in schools and other institutions (7 December 2006, CAT/C/ZAF/CO/1, para. 25).

We hope the Committee on the Elimination of Discrimination Against Women will emphasise to the government of South Africa the importance of prohibiting corporal punishment in all settings, including the home, and recommend that the “reasonable chastisement” defence be explicitly repealed as a matter of priority, supported by appropriate public education and awareness raising and the promotion of positive, non-violent childrearing and education.

¹ Dawes, A. et al. (2004), *Partner violence, attitudes to child discipline & the use of corporal punishment: A South African national survey*, Cape Town: Child Youth & Family Development, Human Sciences Research Council

² Reported in Shlensky, A. (2006), “Corporal punishment still rife in classrooms despite being banned”, *Cape Times*, 11 May 2006

³ Burton, P. (2008), *Merchants, Skollies and Stones: Experiences of school violence in South Africa*, Cape Town: Centre for Justice and Crime Prevention