

Working towards the promotion of positive forms of discipline and the abolition of corporal punishment to ensure the realisation of children's rights to dignity and physical integrity.

# article 19

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## What is wrong with beating children?

by Dipak Naker, co-director,  
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If you are against the use of corporal punishment, sooner or later someone will ask you this question: what is wrong with beating children to teach them how to behave? Some will ask you in genuine bewilderment, while others simply because they can't comprehend a relationship with children that does not involve the adult asserting power over children. Many of us have had years of experience in which we have learned that adults should control children around them and, in doing so, that beating them is necessary.

Most of us have witnessed children being slapped, shouted at and humiliated in the name of 'discipline'. Perhaps you have had a childhood where being beaten, silenced and intimidated was normalised and made acceptable by the prevailing value system. If that was the reality you grew up in, why would you come to think otherwise? Why would you abandon everything you have known, to learn a new way of relating to children? Why would you give up the comfort of the familiar for the uncertainty of the unfamiliar? Why wouldn't you ask, because you really don't understand, what is wrong with beating children to teach them how to behave?

There are a considerable number of studies that lend weight to the view that you can't help children grow or develop creatively by beating them. Just do a quick search on the Internet and you will find them. Perhaps

you have already done that. If you are still looking for additional reasons, this piece is aimed at you.

What I am about to argue is not new. However, what I hope may be compelling is that it emerged from children and adults themselves. Ultimately, if you are interested in creating a better world for children, who better to ask how to do that, than the children themselves and the adults who care about them?

We did exactly that in Uganda. We went to five diverse districts, from east to west, north to south. We asked 1 400 children and 1 100 adults, in many different ways, about their thoughts, feelings and experience of violence against children. We asked boys and girls, younger and older children, children who were in school and those who weren't. We sought out children who were living in rural and urban areas, orphans as well as those living with their parents. They said many things about violence against children (see [www.raisingvoices.org](http://www.raisingvoices.org)) but above all, unanimously they said two things: the violence against children was too much, and that it did not teach children anything except fear and shame.

Ninety eight percent of the children said they had experienced physical violence, a third of these children said they experience it at least once a week. Approximately one in

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<sup>1</sup> *Raising Voices* is a non-governmental organisation based in Uganda, working to prevent violence against women and children ([www.raisingvoices.org](http://www.raisingvoices.org)).

These are indeed exciting times for developments relating to the corporal punishment of children. The United Nations Committee on the Rights of the Child has recently released its 8th General Comment on Corporal Punishment, which is briefly discussed in this edition of *Article 19*. In addition, the eagerly awaited United Nations Global Study on Violence Against Children was released this month. Both of these will substantively add to the discussion on the illegality of corporal punishment of children and what measures countries must undertake to ensure the prohibition of corporal punishment.

In South Africa, the section 76 version of the Children's Bill is presently being debated in all of the provincial legislatures. It is this version of the Children's Bill that addresses the issue of corporal punishment. However while the provision upholds the rights of children to physical integrity and freedom from violence from both public and private sources, it does not expressly prohibit the use of corporal punishment in the home nor does it repeal the common-law defence of reasonable chastisement. To ensure South Africa fully protects its children from violence as well as its compliance with African and international human rights standards, it is imperative that corporal punishment and other forms of cruel, inhuman and degrading treatment are adequately addressed in the Bill and result in a prohibition of corporal punishment. We are thus faced with potentially the final possibility (in respect of the Children's Bill) of advocating for legislative reform that will result in a law that fully protects children from all forms of physical violence. We urge our readers to make full use of the opportunity to make submissions to their provincial legislatures in the hope that they can be persuaded to include a provision prohibiting all forms of corporal punishment.

eight said they experienced violence on a regular basis from people that are supposed to take care of them; their parents, teachers, neighbours, older siblings, relatives and community members. When children were asked how this violence made them feel, the response ranged from rage to resignation. In this confidential space, away from the watchful eyes of adults whose approval they needed, not a single child said being beaten filled them with pride or a sense of being loved or cared for.

That may surprise you. After all, have we not trained our children sufficiently to swallow what Alice Miller, the famous pro-child Swiss psychologist calls the 'poisonous pedagogy'; that being beaten is for your own good? It was not unusual for some children to begin that defence in focus group discussions and soon abandon it when they found that we were not there to change their minds. We were there to simply listen and learn from their views. Once the 'defence' was deemed unnecessary, authentic feelings and thoughts emerged.

We learned many things about violence against children through this study. The first thing we learned was that children think of violence against them in a very different way to adults. Adults focus on the act while children focus on the experience. What that means is, when an adult is beating a child, they think of it as an isolated incident that is over when the physical act is over. But children learn the fear and the shame of the incident and how the act makes them feel about the person who commits it against them. They learn that people bigger than them can treat them unfairly without there being consequences for the abuser. In an important way, they learn about the nature of power in intimate relationships and that whoever has more of it, prevails. Children learn that the best way to protect themselves from the abuse is to have power over people. We are all familiar with the consequences of that lesson when these children become adults and acquire power.

Secondly, when adults were asked why they beat children, a majority said to guide children and to teach them how to behave. Yet rarely did the adult take the time to talk with the child, discuss what they had done wrong or explain their error. If they did, they are more likely to use an alternative to a beating as a form of punishment. When children are beaten for reasons beyond their comprehension, they rarely learn what was wrong with their behaviour and they certainly don't learn how to behave better.

Thirdly, adults severely underestimate the emotional response their violence provokes in children. When children feel humiliated, their reaction can range from fury to depression. Because most children do not have the option of expressing their feelings, these feelings end up being stored within them, wreaking terrible havoc. Children violated over a long period of time can victimise others, behave anti-socially or just withdraw from developing their identity. They may feel hopeless and some may become suicidal. It affects their performance at school, as well as their self-confidence. It affects who they are likely to become.

Fourthly, despite the fact that beating of children is common, more than half of the adults were not sure that beating was creating a desired change in behaviour. Many admitted that often they beat children out of frustration rather than a carefully thought-out strategy

to teach children something. Many times children are beaten because they are children rather than because of their actions.

Finally, when children's dignity is routinely insulted, they lose trust in adults who make them feel that way. They outwardly learn to fear and internally resent the adult who inflicts violence on them. They develop ways to cope with the violence rather than spend that energy on developing their intelligence. They become much smaller individuals than what they could have been.

As we reflected on these things, it became clearer to us how diverse societies have come to legitimise violence against children. The only way we can sustain such patent injustice in our intimate relationship is by refusing to empathise with the child. How else could we live with another human being on a day-to-day basis, while deep in our hearts knowing that we regularly do them injustice? After all, that is the oldest trick in the book for dominating another group of people. We learned about other blatant ways in which adults ignore the evidence in front of their eyes. If beating taught anything to anyone, no one would need to be beaten twice or at least repeatedly, and yet that is what continues to happen to children.

Most importantly, we learned from children that beating children is not a harmless vice that parents succumb to and we can turn a blind eye to. The violence has powerful short-term, and profound long-term con-

sequences, not only for the child, but also for the entire community (perhaps even entire countries). For these and many other reasons, beating a child is counter-productive. It does not achieve the aim of changing behaviour. It does not help the child learn what was wrong with their behaviour. It undermines their confidence and contributes towards the child learning to trust you less. If you are interested in helping children learn, beating them is the last thing you would want to do.

If you are still reading this, I presume that you are willing to ask the deeper questions. If I can be presumptuous, I would like to ask you the following: How might your possibilities as an adult be different, had you not been beaten and shamed as a child? I wonder what you might have been, had you not been humiliated as a child? Would you persist in believing that it has done you no harm or would you be honest enough to see the injury it might have caused you? Wait! Don't answer just yet. Let it circle in your head and come back to it when you are about to fall asleep at night ... just when you are entering that intimate space and maybe are more deeply in touch with your heart. Then, and only then, answer to yourself as honestly as you can. ●

## Six Key Recommendations

The UN Study on Violence Against Children was launched and presented to the UN General Assembly on 11 October 2006 in New York. In view of this Save the Children hopes that governments will make new commitments for ending all forms of violence against children in the 2006 UN Resolution on the Rights of the Child, to be debated by the UN General Assembly in October/November. In response to the UN study, Save the Children would like to emphasise the importance of the following six key recommendations to be included in the UN General Assembly resolution:

1. States should as a matter of urgency, explicitly prohibit all forms of violence against children, including sexual abuse and exploitation; corporal punishment and all other forms of degrading punishment, in all settings, including the home.
2. States should develop a national child protection system and allocate sufficient funds to undertake a wide range of measures to prevent (and respond to) all forms of violence against children, including educational and media campaigns, the provision of child-friendly legal, medical and psychosocial services, and disaggregated data collection capable of monitoring the prevalence of violence against children.
3. States should establish mechanisms for listening to girls and boys with the aim of involving children directly in the design and implementation of policies (and programmes) that address the violence against them. Children's own actions to address violence should also be supported.
4. States should do their utmost to minimise the number of children coming into conflict with the law. They should establish comprehensive and child-friendly juvenile justice systems, complying with international standards, which aim to rehabilitate children and divert them away from criminalisation and detention.
5. States should make particular efforts to promote the active participation of boys and men in ending gender discrimination and violence against children.
6. States should support the appointment of a Special Representative of the UN Secretary General on the Elimination of Violence against Children, with the mandate and resources required to provide leadership and oversight on this issue.



# The defence of 'reasonable chastisement':

## Falling foul of international law

**Dr Raymond Arthur, senior lecturer in Law, University of Teesside in England, submitted this article to *Article 19* in order to share the European perspective on corporal punishment and the defence of reasonable chastisement.**

The common-law defence of 'reasonable chastisement' allows parents to discipline children using punishment involving physical violence. Those with parental responsibility may lawfully chastise and inflict moderate and reasonable corporal punishment for the purpose of correcting or punishing a child. This parental freedom to physically chastise their children has attracted worldwide censure for its failure to comply with international law. In this article I will consider the extent to which the defence of 'reasonable chastisement' violates international law.

### Reasonable chastisement and international law

The United Nations Committee on the Rights of the Child has been extremely critical of the defence of reasonable chastisement (United Nations Committee on the Rights of the Child, 2002: par. 38(b); United Nations Committee on the Rights of the Child, 1995: par. 16). The Committee on the Rights of the Child has repeatedly criticised the imprecise nature of reasonable chastisement and the risk of it being interpreted in a subjective and arbitrary manner. The Committee believes that reasonable chastisement allows treatment and punishment of children involving physical and mental violence in breach of Articles 19 and 37 of the United Nations Convention on the Rights of the Child. Article 19 insists that children must be protected from all forms of physical or mental violence, and Article 37 pro-

hibits cruel and degrading treatment and punishment. These provisions of the United Nations Convention extend to children's protection from interpersonal violence equal to that which adults enjoy. At its 42nd session, held in Geneva in May 2006, the Committee on the Rights of the Child adopted a new General Comment on the issue of corporal punishment that stressed the need for all states parties to move quickly to prohibit and eliminate all corporal punishment (United Nations Committee on the Rights of the Child, 2006).

The United Nations Committee on Economic, Social and Cultural Rights, the human rights treaty body which monitors states' progress in implementing the International Covenant on Economic, Social and Cultural Rights, has echoed the opinion of the Committee on the Rights of the Child and recommended that the physical punishment of children in families should be prohibited (United Nations Committee on Economic, Social and Cultural Rights, 2002). The Committee on Economic, Social and Cultural Rights considers corporal punishment as being inconsistent with the fundamental guiding principle of international human rights law enshrined in the preambles to the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The preamble of the Universal Declaration of Human Rights asserts, "Childhood is entitled to special care and assistance" and the preamble of the International Covenant on Economic, Social and Cultural Rights recognises that "the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Article 7 of the United Nations International Covenant on Civil and Political Rights similarly prohibits inhuman and degrading treatment.

Thus various United Nations Committees have been active in precipitating moves towards international acceptance of the detrimental effects of the physical chastisement of children, advancing strong arguments for the progressive abolition of all forms of physical violence against children. Several institutions of the European Union have also voiced criticism of the defence of reasonable chastisement. In 1985 the Committee of Ministers of the Council of Europe drafted Recommend-

ation No. R(85)4, a formal recommendation on violence in the family which states that member states should prohibit the physical punishment of children. The Committee of Ministers recommended that member states should “review their legislation on the power to punish children in order to limit or indeed prohibit corporal punishment, even if violation of such a prohibition does not necessarily entail a criminal penalty”. The explanatory memorandum noted that “[It] is the very assumption that corporal punishment of children is legitimate that opens the way to all kinds of excesses and makes the traces or symptoms of such punishment acceptable to third parties”.

The European Committee on Social Rights, which oversees implementation of the European Social Charter, has underlined the Charter’s requirement for “a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere.” The European Social Charter is a Council of Europe treaty which guarantees social and economic human rights. The Committee on Social Rights stated that it “does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence” (European Committee on Social Rights, 2001). In reaching this conclusion the Committee rejected the argument that there was an educational value in the corporal punishment of children that could not otherwise be achieved. In Recommendation 1666, the *Europe-wide ban on corporal punishment of children*, the Parliamentary Assembly of the Council of Europe declared that in order to comply with the European Social Charter member states had to ban all forms of corporal punishment and any other forms of degrading punishment or treatment of children. The Parliamentary Assembly considered that any corporal punishment of children was in breach of their fundamental right to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member states violates their equally fundamental right to the same legal protection as adults. The Assembly recommended that social and legal acceptance of corporal punishment of children had to end. To achieve this goal, the Assembly invited the Council of Europe’s Committee of Ministers to launch a coordinated and concerted campaign in all the member states for the total abolition of corporal punishment of children and recommended that the member states enact appropriate legislation prohibiting the corporal punishment of children, particularly within the family. In April 2005 the Committee of Ministers responded to the Parliamentary Assembly Recommendation 1666 and agreed with the Assembly on the need to begin a concerted campaign for the abolition of all violence against children. Similarly the European Court of Human Rights decided in *A v UK* [1998] that the common-law defence of reasonable chastisement undermined the law’s ability to protect children’s rights.

## Conclusion

The defence of reasonable chastisement has attracted the condemnation of the European Committee of Social Rights, the United Nations Committee of Social Rights, the United Nations Committee on the Rights of the Child, the Council of Ministers, the European Court of Human Rights, and violated the Social Charter, Recommendations No. R(85)4 and 1666 of the Council of Ministers and the European Convention of Human Rights. All justification of an assault on a child

“All justification of an assault on a child should be removed, thereby putting the child in exactly the same position as adults in respect of the law.”

should be removed, thereby putting the child in exactly the same position as adults in respect of the law. Such reform would provide children with greater protection and bring the law into full compliance with international law obligations. ●

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# General Comment on Children's protection against corporal and other cruel or degrading forms of punishment

The United Nations Committee on the Rights of the Child recently released a General Comment particularly relating to the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.<sup>1</sup> This comment specifically deals with the nature of a State Party's obligations regarding articles 19, 28(2) and 37 and seeks to guide States Parties in understanding the provisions concerning the protection of children against all forms of violence. It also seeks to highlight the obligation of all States Parties to move quickly to prohibit and eliminate all corporal punishment and all cruel or degrading forms of punishment of children and to outline the legislative and other awareness-raising and educational measures that states must take.

This comment is the first of a series of comments which the Committee resolved to issue concerning eliminating violence against children, following its two-day General Discussion on this issue held in 2000 and 2001.<sup>2</sup> Further recommendations adopted following the General Discussion held in 2001 included the Committee calling upon states to "enact or repeal, as a matter of urgency, their legislation in order to prohibit all forms of violence, however light, within the family and in schools, including as a form of discipline, as required by the provisions of the Convention ..."<sup>3</sup>

The Comment notes that the Committee defines "corporal" or "physical" punishment as "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light."<sup>4</sup> This involves hitting (smacking, slapping, spanking) children with the hand or with an implement such as a whip, belt, shoe, wooden

spoon, etc. However, it can also involve kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning or forced ingestion such as washing children's mouths out with soap or forcing them to swallow hot spices.<sup>5</sup> The Committee views corporal punishment as invariably degrading and also recognises that there are other non-physical forms of punishment which are also cruel and degrading and thus incompatible with the Convention. These include punishment which belittles, humiliates, denigrates, threatens, scares or ridicules the child.

The Comment notes that corporal punishment and other cruel or degrading forms of punishment of children take place in many settings including within the home and family. However, it stresses that, in rejecting any justification of violence and humiliation as a form of punishment for children, the Committee is not in any sense rejecting the positive concept of discipline.<sup>6</sup> It notes that the healthy development of children relies on parents and other adults for necessary guidance and direction, in line with children's evolving capacities, to assist their growth towards a responsible life in society. The Committee further recognises that parenting and caring for children, especially babies and young children, demands frequent physical actions and interventions to protect them and that this is quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation - and adults know the difference between a protective physical action and a punitive assault. The Committee also notes that there are exceptional circumstances where one, for example teachers and childcare workers, may be confronted by dangerous behaviour which justifies the use of reasonable restraint to control it, but there is a clear distinction between the use of force motivated by the need to protect a child or others, and the use of force to punish.

This comment should be welcomed as a set of definitive guidelines for addressing the issue of corporal punishment. ●

<sup>1</sup> General Comment No: 8, Committee on the Rights of the Child, 42nd Session, Geneva, 15 May - 2 June 2006, GRC/C/GC/8 (Advanced unedited version).

<sup>2</sup> General Comment No. 8, op cit, p 1-2.

<sup>3</sup> General Comment No. 8, op cit, p 3.

<sup>4</sup> General Comment No. 8, op cit, p 4.

<sup>5</sup> General Comment No. 8, op cit, p 4.

<sup>6</sup> General Comment No. 8, op cit, p 4.

*He even beat me up all over my body. My uncle, whom I stay with, when he's not around usually I'm found with my aunt at home. So, when he is not around, and comes back, aunty starts telling him that I don't work properly. So, my uncle called for me so that he could talk to me. Then my aunt did so and uncle started asking why I don't do what aunt tells me. I told him I do everything she tells me and then he became angry and almost beat me up 'you should do what your aunty tells you.'*

Girl 13-18 Luapula Province, urban)

*I get beaten for punishment of fetching water. So, my friends came and took me to play saying they'd come and help me afterwards. So, as we were playing, I just saw mum come back. Then I ran and got a bucket so I could fetch water. All my friends ran away. Then mum told me to stand where I was. Then she got a whip and beat me up (all over my body) and I cried. She chased me from home. I told her 'mum there's nowhere I'm going it's just here'. Then she said if you want to stay here, go and fetch water.*

Boy 9-12 Luapula Province, semi-urban

*My father beat me when I broke the glass for the next door. He beat me with a stick. My father took a stick from a tree and peeled it and put salt on it and then he beat me.*

Boy 6-8 Lusaka Province, urban

*I was beaten on my thighs with a cooking stick. I never swept the floor.*

Girl 9-12 Copperbelt, urban

*I was told to eat over salted food because it was me who over salted the food.*

Girl 13-18 Copperbelt, peri-urban

*I was beaten all over my body with a cooking stick and put on starvation because I had burnt my young sister with hot water. It was painful.*

Girl 13-18 Copperbelt, urban

*My guardian was checking my books and found one was light in weight so he asked me why the book was light and I told him that I get papers in the book for tests and school but my guardian beat me saying I deliberately rip papers from books because I like drawing. And I wasn't given any food.*

Boy 13-18 Lusaka Province, peri-urban

# Violence against African Children

*by Carol Bower, independent consultant, and  
Benyam D Mezmur, doctoral intern, University  
of the Western Cape*

The Second International Policy Conference on the African Child was hosted by the African Child Policy Forum in Addis Ababa in May 2006. It was subtitled “Violence Against Girls in Africa”, but looked more generally at violence against African children – boys and girls.

A wide range of presenters focused on different forms of violence against children, and it was particularly helpful and relevant that Professor Paulo Sergio Pinheiro was present to discuss some of the findings of the Global Study on Violence Against Children. Other presenters included Dr Yakin Ertruk (UN special rapporteur on Violence against Women), Mr Jean Baptiste Zoungnan (Chair of the African Committee of Experts on the Rights and Welfare of the Child), and Prof. Jaap Doek (Chair of the UN Committee on the Rights of the Child).

A combination of presentations, workshops and discussion groups allowed participants to discuss issues of common interest, share experience and good practice, and identify common concerns regarding violence against children across the continent.

Children and youth groups participated in the conference and in the processes leading up to the event. They presented and shared their experiences and voiced their opinions throughout the conference. In particular, representatives of the African Youth Forum and various children’s parliaments were encouraged to participate.

Issues that were considered by the Conference included:

- Violence against women and girls - the international dimension
- Violence against children at work
- Violence against girls in schools and educational set-

tings

- Violence against children perpetrated by other children
- Sexual abuse and sexual violence
- The Southern African, Asian and South American experiences in combating violence against children.

## Some of the highlights

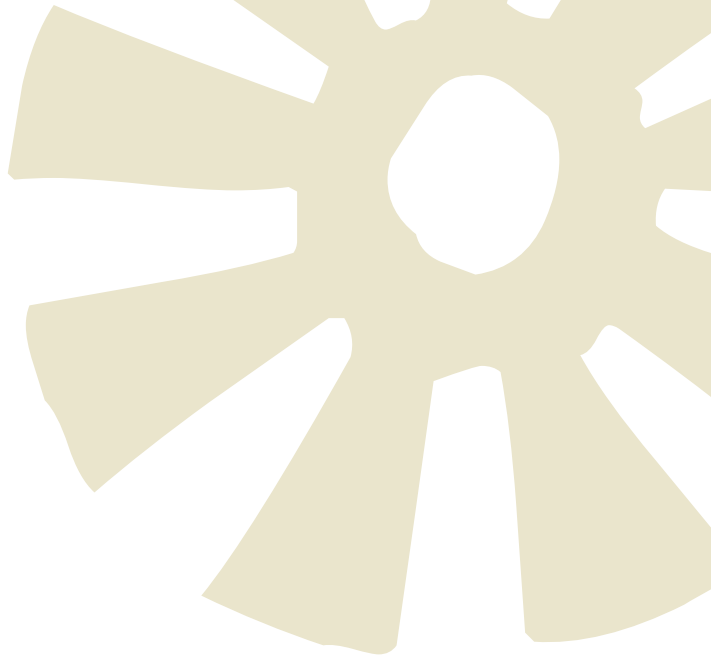
During the Conference, a lot of issues, worthy of mention, were raised. It was correctly argued that, if we are to tackle violence against children, we must understand what we mean by violence and where and why it happens. From the vantage point of protecting girls under international law, cultural relativism was identified as one barrier that still serves as a major justification for violence against women and girls. The failure of international law to properly scrutinise the human-rights responsibilities of non-state actors, for instance in the case of trafficking of women and girls for the purposes of labour and sexual exploitation, was also identified.

Attention was drawn to the fact that the need to recognise that the ability of women and girls to address violence against them is directly related to their social and economic empowerment. Therefore, the need to support community-based prevention and protection mechanisms that include women and girls as active participants was one proposal. The fact that, in male-dominated societies, girls lack social capital as they are considered crucial for the reproduction of society, and their bodies are considered as prizes to be won by men was underscored. These attitudes expose them disproportionately to beatings, food deprivation, threats of witchcraft and sexually-oriented aggression. Thus, without addressing power relations in rural communities, it is unlikely that girls will ever be able to acquire enough social capital to escape violence.

The contribution of gender-based violence to the continued spread of HIV, which has already claimed more than 20 million lives in Africa, and the possible means on how to tackle it, was also put in the spotlight. The Conference was alerted that, with infection rates among girls in sub-Saharan Africa being four to seven times higher than among boys, gender-based violence is not an issue that can be looked at lightly. Reflecting on



“... helping children to develop in a way that enables them to advocate on their own behalf was mentioned as one of the main strategies to combat violence against children.”



experience from Zambia, process drama was identified as a very useful tool to facilitate the interrogation of stereotypical constructions of masculinity and femininity leading to gender-based violence.

The most obvious solution to ending violence against children in the workplace, being to end child labour altogether, the need to mobilise society to establish codes of conduct, information and monitoring systems, and improve access to education for all working children, received emphasis.

In his discussion, Prof. Pinheiro confirmed that his report will not propose new international instruments, but instead will argue for effective action based on current state obligations. He expressed his hope that the African Union (AU) will consider how best to work regionally, and thus ensuring that the report becomes a living instrument; a catalyst for real and lasting change in the lives of African children and a decisive turning point towards the elimination of violence against children. AU member states were also urged to report on their progress towards implementing the African Charter on the Rights and Welfare of the Child before 2009 to the African Committee of Experts on the Rights and Welfare of the Child.

The need to listen to children and ensure that they have a voice, by helping children to develop in a way that enables them to advocate on their own behalf was mentioned as one of the main strategies to combat violence against children. The private sector, the media, as well as traditional and religious leaders were also identified as potential partners in the fight to counter violence against children, as one option in providing better access to services that can help children protect themselves.

### Corporal punishment

Unsurprisingly, the issue of corporal punishment transpired at different stages of the Conference, often accompanied by heated debates. It was argued that violent punishment scars the childhood of a majority of the world's children. The global assumption that adults can hit and humiliate children with impunity was put under fierce criticism. A clear point was

made that we need to recognise that we will not make significant progress in challenging the worst forms of violence against children if we continue to endorse routine, daily, casual violence at home, in the school and in child-care institutions.

The issue of corporal and other forms of humiliating punishment of children served as the vehicle for launching the All Africa Report: Ending Legalised Violence Against Children, that was compiled for the Global Study on Violence Against Children by the End Corporal Punishment of Children Campaign<sup>1</sup>. Both the chairperson of the African Committee of Experts on the Rights and Welfare of the Child and the chairperson of the Committee on the Rights of the Child emphasised the need to protect children from corporal and other humiliating forms of punishment, and the subject evoked much heated discussion. The consensus of opinion, however, was in favour of a total and outright prohibition, with the need for public education and awareness-raising. Parental capacity-building was also emphasised.

The Conference resulted in a Declaration<sup>2</sup>, in which (among other things) African governments were urged to immediately enforce various recommended actions, especially with regard to conditions that constitute a grave violation of the rights and fundamental freedoms of girls and African children. The prohibition of corporal punishment and other humiliating forms of punishment was emphasised.

The pressure from activists and those involved directly in the protection of the rights of children on the ground to prohibit all forms of corporal punishment is growing, and forms part of the call of Professor Pinheiro in his Report on the Global Study. It surely cannot now be long before this legalised form of violence against children is outlawed in every corner of the globe! ●

<sup>1</sup> Obtainable at: <http://www.endcorporalpunishment.org>

<sup>2</sup> For a full transcript see <http://www.africanchildforum.org>

# Discipline

## in South African Public Schools

*by Janis Wylie, deputy director, MSTP*

**Management, Systems & Training Programmes (MSTP) have worked extensively in provinces throughout South Africa mainly in the field of educational management and leadership.**

In September 2004 funding was made available for an MSTP research project which was started in eight schools in the King William's Town District of the Eastern Cape to examine methods of discipline and develop an effective model of positive discipline strategies that could be employed effectively at all levels across all contexts in South Africa and other countries.

The findings will be formalised by the end of this year and presented to the Department of Education and to NGOs working in the field of children's rights.

The overall project outcomes are:

- to make available information about positive forms of discipline that can be used as guidelines to schools and educators as alternative forms of discipline to corporal punishment within the context of a human rights culture in South African schools.
- to take this model of best practice across a wider context; namely to other NGOs in the field of human rights and education departments in South Africa and other countries.

The project design has been undertaken in three phases:

- **Phase 1:** This involved four months of planning, the setting up of logistics and obtaining the 'buy in' of all stakeholders.
- **Phase 2:** This involved action research and the collection and sharing of data between the schools as well as the implementation and support of strategies.
- **Phase 3:** This involves the development of a model of best practice, the making of recommendations to the Department of Education, and an advocacy campaign and information-sharing with others in the fields of human rights.

### Preliminary findings

A baseline assessment was conducted in February 2005 which indicated that corporal punishment was evident in all the schools. There was little compliance with the ban on corporal punishment. This was accepted by learners and parents alike, as it was common practice in the home. There were also high levels of learner-on-learner violence.

Resource materials from the Department of Education on alternative discipline strategies were not in use or were unavailable and there was no awareness or concern for the rights of the learners in general by the school community.

Advocacy was strongly lacking as was support to the schools. It was found that the Department of Education was complicit by its lack of adherence to the law: at all levels turning a 'blind-eye' to what is happening on a daily basis in their schools.

“There was little compliance with the ban on corporal punishment. This was accepted by learners and parents alike, as it was common practice in the home.”

Characterised by location in poor socio-economic areas with most learners on social grants, the schools exhibited high levels of absenteeism, late-coming, drug and alcohol abuse by both teachers and learners; teenage pregnancies, a lack of or no parental control and HIV/Aids. This was combined with a school environment not conducive to learning, and impacted negatively on a population who will be the next parents and teachers of children - perpetrating a cycle of violence.

The school's staff were found to be demotivated, stressed and depressed and did not feel there was any interest or support from the District.

### Alternative strategies

The schools were requested to try alternative strategies of discipline and report on their findings. In the schools where there has been progress, significant observations include the following:

- Leadership and advocacy by the school principal.
- Learners forming part of a decision-making process: school policy on discipline, school rules, class rules, codes of conduct.
- An effective Representative Council of Learners with clearly defined roles and responsibilities (in high schools).
- Learners taking responsibility to educate the community and keeping parents informed of the changes at school.
- Parents' meetings to further inform and encourage support of the methods employed by the school with regard to discipline.
- Individual conferencing with learners on performance
- The attendance of parents at the interview when learners infringe on agreed behaviour policies
- An attempt by teachers to get to know all the learners in the school

### Results

This has resulted in:

- Sharing success with other school principals in a similar context
- A reduction in absenteeism, late-coming and drug-taking both by teachers and learners
- Improved relationships between stakeholders; especially teachers and learners
- Empowerment of learners in taking a share of responsibility for the discipline in the school
- An implementation of disciplinary strategies that have contributed to an atmosphere of positive change

It is hoped that the recommendations resulting from the findings coupled with an effective model of discipline strategies will be taken on board by the Department of Education in the interest of sustainable change in the schools of this country. ●

## FORTHCOMING CONFERENCE: Access to Quality Education: For the Good of All

The South African Department of Education will host the forthcoming 16th Conference of Commonwealth Education Ministers (16CCEM) in Cape Town. The conference will be held from 10-14 December 2006 at the Cape Town International Convention Centre (CTICC).

### Conference structure

The Ministerial Conference at 16CCEM will be complemented by a Teachers' Forum, a Youth Forum and a Stakeholders' Forum (for civil society and the private sector). These events are designed to provide Ministers with a range of views on the issues under discussion.

For more information, visit [www.16ccem.com](http://www.16ccem.com).

## GLOBAL DAY OF ACTION AGAINST VIOLENCE

Save the Children celebrates a Global Day of Action Against Violence on 19 October 2006. The purpose of the worldwide Day of Action Against Violence is:

- To generate awareness on the UN Global Study on Violence Against Children and the opportunities it presents for taking action and holding governments to account to eliminate violence against children.
- To generate national, regional and international media coverage of Save the Children's six key recommendations for ending violence against children.
- To mobilise governments to endorse the UN study and implement its recommendations.
- To profile Save the Children's knowledge on good practice for ending violence against children and its historic involvement in the UN Study.
- To maximise children's meaningful participation, support children to communicate their recommendations, and promote national and regional follow-up that features children's participation and own actions.

To achieve this, activities will be undertaken on global, regional and national levels around the world on 19 October 2006.

For more information contact Ulrika Sonesson at 012 342 0222 or [ulrika@za.rb.se](mailto:ulrika@za.rb.se).

## FORTHCOMING CONFERENCE: 2nd Arab ISPCAN Regional Conference on Child Abuse and Neglect

From 5 - 7 March 2007 a conference entitled, "Child Rights and Protection of Children from all forms of Violence, Abuse and Neglect in Arab Countries" will be held at the University of Aden, Republic of Yemen. For further information contact:

**Hassan Kassim Khan**, Ph. D., President, Yemen Psychological Association, E-mail: [kassim6@yahoo.com](mailto:kassim6@yahoo.com) or

**Hani Jahshan**, MD, President of APNPCAN Network, E-mail: [hani.jahshan@arabispican.org](mailto:hani.jahshan@arabispican.org)

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