

STATEMENT

PAN: Children Policy Dialogue
Abolishment of corporal punishment in the home
Pretoria, 3 December 2013
Opening Remarks by UNICEF Representative, Aida Girma

- Mr Temba Masilela, Deputy CEO Research from the HSRC
- The distinguished speakers this afternoon
- Ladies and gentlemen

It is for me great honour to welcome you at this afternoon's Policy Dialogue hosted by PAN: Children – a partnership between the HSRC and UNICEF to advance evidence based policy for children – on the abolishment of corporal punishment in the home by parents and caregivers.

I wish to start of this afternoon to remind us about what rights are guaranteed to children in South Africa in relation to the topic at hand. I know many of these will be discussed in more depth by the expert speakers.

The South African Constitution guarantees everybody's right to dignity in section 10 and everybody's right to physical and psychological integrity in section 12 (1) (c), (d) and (e). It does not distinct between different groups of people and applies equally to all, whether you are a child or an adult.

Similarly, the Convention on the Rights of the Child (CRC), an international treaty South Africa has ratified, declares that "*States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child*" (Article 19). It further supports parents in providing guidance and direction to their children (Article 5).

The African Charter on the Rights and Welfare of the Child ratified by South Africa also requires in Article 11(5) from States Parties to "*take all appropriate measures to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter*". This is further strengthened by the statement of the African Committee of Experts on the Rights and Welfare of the Child in 2008 where they stated that corporal punishment and other harmful traditional practices should be publicly condemned and eliminated.

It is evident that children's right to be protected from corporal punishment is safeguarded in the country's Constitution as well as international treaties that the country agreed to abide to. Corporal punishment in any setting – home, school and the penal system – is a violation of children's rights and results in physical, emotional and psychological harm.

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In spite of South Africa's strong legislative framework, corporal punishment remains widespread in South Africa, in both the school setting – where it is illegal – and in homes where it is hidden from public view and protected through civil and customary law.

UNICEF urges the Government of South Africa to embark on legislative reform, in particular with the proposed amendments to the Children's Act, together with a civic education programme that will provide parents and caregivers with skills and knowledge to employ positive discipline in the raising of their children.

UNICEF believes that the prohibition of all forms of violence against children, including corporal punishment, is necessary to break the cycle of violence in communities and is a prerequisite for a society where human dignity are respected and protected.

I wish to conclude my opening statement with a very profound statement that Mr Nelson Mandela, this democracy first president and global advocate for child rights made in 2003 regarding all forms of violence against children. He said *"[I]f we want to be the caring society we thought we were striving for during our fight against the iniquities of apartheid, we must eradicate all traces of violence against and abuse of children. No form of violence can ever be excused in a society that wishes to call itself decent, but violence against children must surely rank as the most abominable expression of violence. It subjects the most vulnerable and the weakest with indignity, humiliation, degradation and injury"*.

I think the biggest gift that South Africa can give to Madiba is to abolish corporal punishment against children everywhere, in particularly in the home by parents and caregivers.

I wish you success with this dialogue this afternoon.

UNICEF South Africa, PO Box 4884, Pretoria, 0001, Republic of South Africa
 Tel: +27123548201 Fax: +27123548293 Email: agirma@unicef.org or Pretoria@unicef.org
 Visit our webpage at www.unicef.org/southafrica or <http://www.unicef.org/>
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FOR MORE INFORMATION

Media:
 Emma de Villiers, Communication Specialist
 UNICEF South Africa
edevilliers@unicef.org | 073 156 3650

General:
 André Viviers, Senior Social Policy Specialist
 UNICEF South Africa
aviviers@unicef.org