



# ENDING CORPORAL PUNISHMENT IN SOUTH AFRICAN HOMES



**Save the Children**

# Ending corporal punishment in South African Homes

## Is corporal punishment abuse?

As recently as 30 years ago, the physical punishment of children—referred to as corporal punishment—was generally accepted worldwide and was considered an appropriate method of eliciting behavioural compliance that was conceptually distinct from physical abuse.<sup>1</sup> However, this perspective began to change as a) there was increasing recognition of the role played by corporal punishment in the physical abuse of children, often disguised as culturally acceptable forms of punishment, and b) studies found links between “normative” corporal-punishment and child aggression, delinquency and spousal assault in later life.<sup>2</sup>

While public health, social welfare, and human and child rights activists are generally able to reconcile this shift, it has proved much more difficult at a societal level. Conceptually there is a struggle between the dichotomy of *discipline* versus *abuse*. In a simplified understanding we believe that discipline is delivered by parents who love and care for their children, while abuse is inflicted by cruel and uncaring parents.

Research has shown that this is not true, many parents inflict corporal punishment in the hopes or belief that they are helping or improving their children.<sup>3</sup> What makes it especially difficult is that many people who have experienced corporal punishment as children view it as an appropriate response for parent-child conflict. The strongest predictor of approval of a style of punishment is having experienced that style as a child oneself.<sup>4</sup> Normalizing and legitimizing the forms and effects of corporal punishment that one experienced as a child reinforces the notion of a discipline-abuse dichotomy; in reality, in most cases, physical abuse is physical punishment in intent, form and effect.

There are two other common mental obstacles to recognising the role that corporal punishment plays in physical abuse:

1) We tend to think of corporal punishment occurring as separate or isolated incidents, under the complete physical and emotional control of the parent. Instead, corporal punishment occurs in a complex context of family dynamics and emotions with all parties involved at varying levels of anger, aggression, frus-

tration, and fear, and different understandings of the situation, expectations and appropriateness.

2) While not all incidents of corporal punishment escalate out of control, punishment can easily intensify to unintended levels if a child does not or cannot comply and a parent’s sense of frustration and powerlessness quickly increases. When a child does comply, the parent’s behaviour is reinforced and the likelihood that the parent will repeat it increases; but over time it’s effectiveness decreases as a child becomes accustomed to that level of corporal punishment.

*“Although spanking may immediately reduce or stop an undesired behaviour, its effectiveness decreases with subsequent use. The only way to maintain the initial effect of spanking is to systematically increase the intensity with which it is delivered, which can quickly escalate into abuse.”<sup>5</sup>*

Physical abuse is defined by the WHO as “the intentional use of physical force against a child that results in or has a high likelihood of resulting in harm for the child’s health, survival, development or dignity.”

Most of the physical violence against children in the home intends to discipline children:

- 21% of children in South Africa have experienced physical punishment by an adult who was supposed to be taking care of them<sup>6</sup>
- 75% of physical abuse occurred during episodes of physical punishment<sup>7</sup>

While corporal punishment may be considered a mild form of violence it violates the dignity and rights of children, and robs them of the joys of childhood.

The UNCRC issued General Comment 8 (GC8) in 2006, in which it clarified that State parties to the UN Convention on the Rights of the Child are obliged to prohibit corporal punishment of children in all settings including the home.

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*.

## What are the consequences of corporal punishment?

Children who grow up with violence in the home learn early and powerful lessons about the use of violence to dominate others. Many studies have found that a child's experience of corporal punishment is associated with higher levels of aggression against parents, siblings, peers and spouses. There is now robust evidence that corporal punishment is a risk factor for child aggression and anti-social behaviour. **One paper reviewed 88 studies of corporal punishment with 62 years of data and found that corporal punishment was associated with ten negative outcomes for children and the only positive effect was short-term compliance.**<sup>8</sup>

Corporal punishment not only causes immediate trauma; but it is associated with a range of mental health problems in children, youth and adults, including depression, unhappiness, anxiety, feelings of hopelessness, use of drugs and alcohol, and general psychological maladjustment.<sup>9</sup> Researchers are also finding that corporal punishment is linked to slower cognitive development and adversely affects academic achievement.<sup>10</sup>

There are also economic and social implications to physical punishment. The Cost of Violence against Children study<sup>11</sup> estimated that in 2015 alone, no action to prevent violence against children cost South Africa R238 billion, or nearly 5% of the country's GDP. In addition to this, costs to society in productivity and well-being are high.

Although some studies have found no relation between corporal punishment and negative outcomes,<sup>12</sup> and others have found the relation to be moderated by other factors,<sup>13</sup> no study has found corporal punishment to have a long-term positive effect, and most studies have found negative effects.<sup>14</sup>

## What does parenting in South Africa look like?

South African parents face a range of challenges, including limitations on financial resources to adequately provide quality nutrition, health care and education to their children. As a risk factor,<sup>15</sup> poverty is complexly linked to parenting. Parents struggling with poverty are likely to suffer from depression and depressed parents are more likely to use harsh punishment and be inconsistent in their responses to their children's behaviour.<sup>16</sup> Mothers in this situation are less likely to be affectionate towards their children, and more likely to use corporal punishment.<sup>17</sup>

## Corporal Punishment in South Africa

On 28<sup>th</sup> September 2019, the Constitutional Court upheld this 2017 high court judgement, and declared the common law defence of "reasonable chastisement" to be inconsistent with the Constitution.

In September 2018, Save the Children South Africa, together with a group of organizations, endorsed a submission on the proposed *Children's 3rd Amendment Bill* to insert section 12A in the Children Act 2005 to repeal the common law defence of reasonable chastisement that allowed parents and carers to lawfully subject children to corporal punishment.

In October 2017, a parent found guilty of assault for physically punishing his 13-year-old son appealed against his conviction in the South Gauteng High Court on the grounds of the common law defence of "moderate and reasonable chastisement". The court found that the defence violated children's rights and rejected the appeal, thus striking down the common law defence which had previously allowed parents to use physical punishment. The case was appealed to the Constitutional Court.

The Children's Act No. 38 of 2005 & its 2007 Amendment protects children from all forms of assault and promotes positive, non-violent forms of discipline.

In 2000, South Africa ratified the ACRWC, whose Committee interprets the Convention to explicitly prohibit corporal punishment.

In 1996, the South African Schools Act, under Section 10, banned the use of corporal punishment in schools.

In 1995, South Africa ratified the UNCRC; obligating it to ensure that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment....".

## What can we do to help parents and caregivers?

Positive parenting: parenting where parents/caregivers have good relationships with their children, use non-violent forms of discipline, and exercise supervision over their children as appropriate to their developmental stage.

Interventions to support and develop positive parenting are mandated by Chapter 8 of the Children's Amendment Act (Act No. 41 of 2007), which deals with prevention and early intervention. Section 144 focuses on developing the capacity of parents to act in the best interests of their children by:

- Strengthening positive relationships within families,
- Improving the caregiving capacity of parents, and
- Using non-violent forms of discipline.

This provides the legal basis for the provision of parenting programmes to address these needs.

There are a number of parenting programmes that have been shown to be effective for improving parenting, reducing child maltreatment, managing behaviour, and improving children's cognitive and behavioural outcomes.<sup>18</sup>

The foundation of positive parenting programmes is positive discipline. Positive discipline is as an approach that uses discipline to teach rather than punish and, as a result, helps children succeed and thrive in life. It is fair, loving, caring and consistent. It provides warmth and structure and encourages routine. It is age appropriate. It encourages parents to learn how to control and manage their emotions and should be administered when an adult is not angry. Positive discipline techniques build on available experience and knowledge.

## How can we promote effective, positive discipline

Often, the first step is to make parents, families and communities aware of the harmful effects of corporal punishment and the benefits of positive discipline.

Just as important as banning corporal punishment is supporting parents and caregivers in making this ban realistic and effective through sharing with them approaches and techniques that focus on the best interests of their children and build their own capacity as parents.

Teaching both parents and children their rights and responsibilities will lead to a common understanding which

in turn leads to behaviour change for both the child and parent. Both parent and child must learn how to manage conflict in non-violent and respectful ways.

### Benefits of positive discipline

- Creates order, calm and harmony in the home
- Children feel loved and secure in a world that can sometimes feel scary
- Children learn to take responsibility for their choices and actions
- Healthy discipline leads to healthy, lifelong habits

Punishment	Discipline
Emphasizes what a child should do	Emphasizes what a child should not do
Is a once-off occurrence	Is an ongoing process
Insists on obedience	Sets an example to follow
Centers around the adult's anger and power	Focused on helping children change
Is negative	Is positive
Makes children behave	Accepts children's need to assert themselves
Thinks for the child	Encourages a child's ability to think
Defeats self-esteem	Encourages self-esteem
Condemns misbehaviour	Encourages self-discipline behaviour

In November 2019, Save the Children South Africa will hold the first Roundtable on Positive Parenting at Parliament in Cape Town. It is an opportunity to educate MPs and their staff on positive parenting, and for children to address the group directly on their own experiences of physical discipline.

Save the Children South Africa is also working with the Department of Social Development to roll out positive parenting training to caregivers around the country.

We recognize the need that parents all over the country have for effective, positive parenting tools and we intend to scale up this work in 2020, in partnership with government and civil society.

Because this is how we stop violence in our society, by bringing up our children in an environment of love and respect, in which violence has no place.

*Steve Miller, Save the Children South Africa CEO*

## Key words and concepts

**Corporal punishment:** the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child's behaviour. Any punishment using force is corporal punishment.

In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child. Save the Children uses the term 'physical and humiliating punishment', instead of corporal punishment, to capture the wide array of disciplining methods used by adults towards children, which may include corporal or physical punishment, and the threat of it, as well as psychological punishment that belittles, scares or ridicules the child.

**Assault:** Unlawfully and intentionally:

- Applying force to a child
- Creating the belief that force is going to be applied to a child.

**Abuse:** Any form of harm or ill-treatment deliberately inflicted on a child. It includes:

- Assaulting a child or inflicting any other form of deliberate injury on a child
- Sexually abusing a child or allowing a child to be sexually abused
- Bullying by another child
- Exposing or subjecting a child to behaviour that may harm the child psychologically or emotionally.

**Positive discipline:** A form of discipline that is not punitive, but rather promotes discipline that facilitates constructive learning, promotes children's self-control, and uses incentives and modelling to motivate good behaviour.

**Parent/caregiver:** The primary person responsible for caring for a child, whether biologically related or not.

## References

1. Durrant, J., & Ensom, R. 2012. Physical punishment of children: lessons from 20 years of research. *CMAJ*, 184(12), 1373-1377.
2. Straus MA. (2000). Corporal punishment and primary prevention of child abuse. *Child Abuse Negl.* 2000;24:1109-1114.
3. a) Gil DG. Violence Against Children: Physical Child Abuse in the United States. Cambridge, MA: Harvard University Press; 1970. b) Kadushin A, Martin JA. Child Abuse: An Interactional Event. New York, NY: Columbia University Press; 1981. c) Margolin L. Child abuse by babysitters: an ecological interactional interpretation. *J Fam Violence.* 1990;5:95-105. d) Trocme' N, MacLaurin B, Fallon B, et al. Canadian Incidence Study of Reported Child Abuse and Neglect: Final Report. Ottawa, ON, Canada: Minister of Public Works and Government Services Canada. 2001. e) Trocme' N, Fallon B, MacLaurin B, et al. Ontario Incidence Study of Reported Child Abuse and Neglect (OIS 1998). Toronto, ON, Canada: Centre of Excellence for Child Welfare, Faculty of Social Work, University of Toronto; 2002. f) Durrant JE, Trocme' N, Fallon B, et al. Punitive Violence against Children in Canada. Technical Paper Series (#HT091-02001/ 001/SS). Ottawa, ON, Canada: Public Health Agency of Canada; 2006. g) Trocme' N, Durrant JE. Physical punishment and the response of the Canadian child welfare system: implications for legislative reform. *J Soc Welfare Fam Law.* 2003;25:39-56
4. Buntain-Ricklefs JJ, Kemper KJ, Bell M, et al. Punishments: what predicts adult approval. *Child Abuse Negl.* 1994;18:945-955.
5. American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health. Guidance for effective discipline. *Pediatrics.* 1998;101:723-727; p.726
6. Centre for Justice and Crime Prevention. 2015. The Optimus Study on Child Abuse, Violence and Neglect in South Africa. [http://www.cjcp.org.za/uploads/2/7/8/4/27845461/cjcp\\_ubs\\_web.pdf](http://www.cjcp.org.za/uploads/2/7/8/4/27845461/cjcp_ubs_web.pdf)
7. Trocme' N, Fallon B, MacLaurin B, et al. Canadian Incidence Study of Reported Child Abuse and Neglect — 2003: major findings. Ottawa (ON): Public Health Agency of Canada; 2005
8. Gershoff, E. Corporal Punishment by Parents and Associated Child Behaviors and Experiences: a Meta-analytic and Theoretical Review. *Psychological Bulletin*, 128, no. 4 (2002):539-79.
9. a) Afifi TO, Brownridge DA, Cox BJ, et al. Physical punishment, childhood abuse and psychiatric disorders. *Child Abuse Negl* 2006; 30:1093-103. b) Turner HA, Muller PA. Long-term effects of child corporal punishment on depressive symptoms in young adults: potential moderators and mediators. *J Fam Issues* 2004;25:761-82. c) Javo C, Rønning JA, Heyerdahl S, et al. Parenting correlates of child behavior problems in a multiethnic community sample of preschool children in northern Norway. *Eur Child Adolesc Psychiatry*2004;13:8-18. d) Rodriguez CM. Parental discipline and abuse potential affects on child depression, anxiety, and attributions. *J Marriage Fam* 2003; 65:809-17.
10. Straus MA, Paschall MJ. Corporal punishment by mothers and development of children's cognitive ability: a longitudinal study of two nationally representative age cohorts. *J Aggress Maltreat Trauma* 2000;18:459-83.
11. Fang, X., Fry, D. A., Ganz, G., Casey, T., & Ward, C. L. (2016). The economic burden of Violence Against Children in South Africa. Report to Save the Children South Africa. Georgia State University, and Universities of Cape Town and Edinburgh.
12. Bradley RH, Corwyn RF, Burchinal M, et al. The home environments of children in the United States Part II: relations with behavioral development through age thirteen. *Child Dev* 2001;72: 1868-86
13. Gunnoe ML, Mariner CL. Toward a developmental-contextual model of the effects of parental spanking on children's aggression. *Arch Pediatr Adolesc Med* 1997;151:768-75
14. Grogan-Kaylor A. The effect of corporal punishment on antisocial behavior in children. *Soc Work Res*2004;28:153-62
15. a) J W Kaminski, R Perou, S N Visser, K G Scott, L Beckwith, J Howard, D C Smith and M L Danielson. Behavioral and socio-emotional outcomes through age five years of the Legacy for Children public health approach to improving developmental outcomes among children born into poverty, *American Journal of Public Health* 103 (2013), 1058-1066. b) B A Kotchick and R Forehand, Putting parenting in perspective: a discussion of the contextual factors that shape parenting practices. *Journal of Child and Family Studies* 11 (2002), 255-269.
16. G H Elder, J S Eccles, M Ardel, S Lord, Inner-city parents under economic pressure: perspectives on the strategies of parenting, *Journal of Marriage and Family* 57(3) (1995), 771-784.
17. R H Bradley, R F Corwyn, H P McAdoo and C G Coll, The home environments of children in the United States, Part I: variations by age, ethnicity and poverty status, *Child Development* 72(6) (2001), 1844-1867.
18. Richter, Linda M. and Naicker, Sara N. 2013. A Review of Published Literature on Supporting and Strengthening Child Caregiver Relationships (Parenting). Arlington, VA: USAID's AIDS Support and Technical Assistance Resources, AIDSTAR-One, Task Order 1.

# WE DO WHATEVER IT TAKES



**Save the Children**

Save the Children believes every child deserves a future.

In South Africa and around the world, we give children a healthy start in life, the opportunity to learn and protection from harm. We do whatever it takes for children—every day and in times of crisis—transforming their lives and the future we share.

## CONTACT US

**Head Office:** 1067 Arcadia Street, 3rd Floor SAQA House, Hatfield, Pretoria

**Tel:** +27 (0) 12 430 775



[www.facebook.com/SavetheChildrenSouthAfrica](http://www.facebook.com/SavetheChildrenSouthAfrica)



[www.linkedin.com/company/save-the-children-south-africa](http://www.linkedin.com/company/save-the-children-south-africa)



[www.youtube.com/user/SavetheChildrenSA](http://www.youtube.com/user/SavetheChildrenSA)



[www.instagram.com/SavetheChildrenSouthAfrica](http://www.instagram.com/SavetheChildrenSouthAfrica)



[www.twitter.com/SaveChildrenSA](http://www.twitter.com/SaveChildrenSA)