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**SUBMISSION TO THE PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT ON
THE CHILDREN'S AMENDMENT BILL: DISCIPLINE OF CHILDREN**

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INTRODUCTION

This submission is made by **Carol Bower**. I am an independent consultant who has worked with children's rights issues for a number of years, and I have a particular interest in the prohibition of corporal punishment of children. Previously, until the end of July 2006, I was the Executive Director of Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), and worked extensively with the Children's Bill (section 75) and its Amendment Bill.

THE CHILDREN'S AMENDMENT BILL

Clause 139 – Discipline of children

The decision-makers, in prohibiting corporal punishment in the home, have taken a far-sighted and proactive stance in addressing a controversial matter, for which they are to be commended. However, experience in advocating for the prohibition of corporal punishment has shown me that this is an issue about which many people feel very passionate, and the passage of this section of the Amendment Bill is likely to be stormy.

I would like to underline the point that, aside from the many other reasons that exist to ban hitting children (that children are physically and emotionally smaller and more vulnerable than adults, that they deserve the same protection as adults, and that beating children violates their rights to physical integrity and to freedom from fear, humiliation and degradation), a critical one is that we need to address the levels of violence in our society.

South Africa is an extraordinarily violent society, with among the highest levels in the world of sexual, interpersonal, family and community violence. The fact that most crimes of violence in South Africa are perpetrated by a person known to the victim was confirmed last week by the South African Police Services (SAPS) when they released their latest statistics.

It is time for South Africans to take a long and hard look at child-rearing practices that feed and support the violence in our society. Hitting children sends out the wrong messages, and teaches the wrong lessons.

When we hit children we teach them that it is acceptable to impose your will on someone else, and that they have no say, or rights, or dignity in the matter; that bigger and stronger people can hurt those who are smaller and weaker; that if I don't like what you say and do, I can force you to do what I want you to. These attitudes are at the core of what is wrong in our country.

A different approach is needed – one that inculcates values of non-violence and the peaceful resolution of differences, a respect for diversity and the human rights of others, and self-discipline.

The evidence from research is very clear. Studies into the effects of spanking and corporal punishment over the last fifty years have shown that spanking does sometimes work - in the short-term. However, this research also shows that non-violent methods of discipline work just as well. So there is no need to use corporal punishment, which has many negative long-term effects. Five studies conducted since 1997 provide evidence that, on average, the behaviour of the children of parents who spanked them got worse, and that there is a strong association between corporal punishment and children's aggression, their mental health, and their anti-social behaviour as children and as adults.

In her very thorough and landmark study, Gershoff¹ found that parental corporal punishment is associated with the following undesirable behaviours and experiences:

- decreased moral internalization (self-discipline),
- increased child aggression,
- increased child delinquent and antisocial behaviour,
- decreased quality of relationship between parent and child,
- decreased child mental health,
- increased risk of being a victim of physical abuse,
- increased adult aggression,
- increased adult criminality and antisocial behaviour,
- decreased adult mental health, and
- increased risk of abusing own child or spouse.

Corporal punishment was associated with only one desirable behaviour, namely, increased immediate compliance.

Clause 139 (7)

The Children's Bill Working Group Sub-Group on Corporal Punishment and Positive Discipline (of which I am a member) has made a submission concerning the wording of section 139 (7). I support the wording suggested, for the reasons given in that submission. The following wording is suggested.

139 (7): Prosecution of a parent or person holding parental responsibilities and rights referred to in subsection (6) may be instituted if ~~the punishment constitutes abuse~~ this is in the best interests of the child.

Sincerely



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¹ Gershoff, E (2002). *Corporal Punishment by Parents and Associated Child Behaviours and Experiences*. Psychological Bulletin, 128 (4), pp 539 – 579.

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