

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

Volume 4 – Number 1
August 2008

Global progress in gaining faith-based support for law reform

by Chris Dodd, co-ordinator of the Churches' Network for Non-violence and Inter-Faith Liaison

The power and influence of religion

With almost five of the world's six billion people professing some affiliation to a religion, it is not surprising that in many countries of the world, religion continues to have a powerful influence on local culture, customs and traditions, including the ways in which children are parented.

Corporal punishment of children has become a deeply entrenched practice in many parts of the world with some countries tracing its introduction back to the arrival of Christian missionaries in the nineteenth century. In some communities the Bible and other sacred texts are still used to justify corporal punishment. Although these views are increasingly being challenged, physical punishment and other humiliating treatment remains commonplace in all states and across all faiths and cultures, despite evidence of its ineffectiveness in changing behaviour, and an increased awareness of the physical, emotional and spiritual harm it does to children.

Most of the world's religions aim to teach the value of every human being through the respect and safeguarding of human dignity. Historically, religions have been involved in social justice and care for the vulnerable. But they have also failed to protect children from violence. More recently it has taken the revelation of large-scale child abuse of children in some religious institutions to persuade religious

communities to think deeply about the status of children in their organisations and of children as holders of human rights.

Some religions see themselves as having a prophetic role that challenges them to work for change for the vulnerable in society. These beliefs, together with the religious imperative to protect children from harm, can form a strong basis for engaging with faith-based groups and working collaboratively to address violence against children. All the world religions have in their scriptures a version of the golden rule: "Do to others as you would have them do to you" and most preach non-violence.

Opportunities for change

Recent global events such as the World Council of Churches Decade for Non-violence and the UN Study on Violence against Children have provided a platform for addressing the problem of corporal punishment. For those who have had access to the report, the UN Study has had a profound influence on religious thinking about children.

(continued on page 2) »

In April 2008, the Children's Amendment Act 41 of 2007 was signed by the President. Although now enacted, this law, together with the Children's Act 38 of 2005, has not yet been promulgated in its entirety. Apart from this, the first half of 2008 was quiet on the legislative front, with no new developments towards a total prohibition on corporal punishment. However, legal reform is not the only avenue for achieving the eradication of the use of physical punishment for children.

To this end, efforts in South Africa and elsewhere in Africa have still centred on advocacy activities while also emphasising a focus on the promotion of positive discipline in practice. To illustrate the various activities that have been undertaken recently, this edition reports on the South African National Workshop on Promoting Positive Discipline, hosted by RAPCAN in April 2008, as well as the annual meeting of the Southern African Network to End Violence Against Children. In addition, Judith Mulenga reports on the training of teacher trainers in positive discipline techniques in Zambia.

We are also happy to include a thought-provoking and enlightening article by Chris Dodd on the progress made by faith-based organisations in the campaign to end all forms of corporal punishment of children. This article reminds us that while there is a common perception that religion generally supports the use of corporal punishment, in fact religious leaders and organisations are now lending their voices to the call condemning all violence against children.

Finally, given that one of the focus areas of the UN Study on Violence against Children was violence against children in the juvenile justice system, we are delighted to report that the long-awaited Child Justice Bill was passed by the National Assembly on 25 June 2008. This legislation will finally ensure children in conflict with the law, a rights based criminal justice system that takes account of their individual needs while also promoting crime prevention and the interests of society.

(continued from page 1) »

Recognising the pivotal role religions can play in addressing violence against children, in May 2006, the World Conference of Religions for Peace in partnership with UNICEF convened a multi-religious consultation in Toledo, Spain for religious leaders of all the faiths from 30 countries. The aim of the consultation was to develop a multi-religious response to the UN Study on Violence against Children. Participants were asked to confront the reality of violence against children, think deeply about the causes, and find solutions and immediate responses to protect children. Another task set for conference participants was to explore how faith-based communities could come together to take a leadership role in their societies to protect children. The meeting pledged to help mobilise the international community and work in partnership with governments, UN agencies and others to implement the UN Study's recommendations.

The consultation rejected all forms of violence against children and named the principles of compassion, justice, love and solidarity as strengths in addressing violence against children. A key action was an acknowledgement of the past failures of religious groups to protect children and to be advocates for them. Religious leaders admitted that the suffering of children and their vulnerability had been increased through the silence, omission and failure of religious leaders to listen to children and take measures to protect them. There was an acknowledgement that religion, once seen as part of the problem must now be part of the solution. A declaration containing recommendations for action was endorsed at the Eighth World Assembly of Religions for Peace (WCRP) in Kyoto August 2006.¹

Multi-faith cooperation and collaboration means putting aside individual differences in the shared interest of children and using the many opportunities religious leaders and scholars have for creating awareness, speaking out and being advocates for children. Religious leaders have many opportunities to influence change in attitudes during their diverse roles and functions, not only in the religious organisation, but also as scholars and in public life.

Action by faith-based groups

One example of how religious scholars have helped to change attitudes about children can be found in the study *Children in Islam* published by UNICEF² in collaboration with Al-Azhar University, Cairo. *Children in Islam* promotes the rights of the child and calls for an end to harmful traditional practices against children. As a result of the study, prominent religious leaders have denounced violence against children, amongst them is Sheikh Sayyad Mohammed Tantawi, who said: "Parental care is the main foundation for protecting children and enabling them to enjoy the rights guaranteed by Islam. But society and state institutions also have a key role in this regard. For all children to acquire such rights without discrimination, law-makers must also ensure that children are protected from physical or moral humiliation."

¹ Available at: <http://www.churchesfornon-violence.org/links.html> and also featured in the December 2007 edition of *Article 19*, Volume 3, No. 3 (2007).

² *Children in Islam, Their Care, Protection and Development* (2005) Al-Azhar University, Cairo, Egypt, UNICEF.

Multi-faith cooperation and collaboration means putting aside individual differences in the shared interest of children and using the many opportunities religious leaders and scholars have for creating awareness, speaking out and being advocates for children.

In addition, sometimes an understanding of the religious symbolism and spiritual practice of a particular faith can be used to help change attitudes. In a Bhutan workshop with UNICEF, the guiding principles of the United Nations Convention on the Rights of the Child (UNCRC) were translated into a *mandala* - blending the Buddhist approach to life with the basic framework of the UNCRC. In Sanskrit *mandala* means circle, and its use in Buddhism combines an appreciation of the artistic form as well as a focus for meditation. In this example the child was placed in the centre of the *mandala* which is the abode of the deity. The child was surrounded by a series of circles and squares symbolising the principles of the UNCRC and emphasising their symmetry, interdependence and interrelatedness. Traditionally the *mandala* is a vehicle for concentrating the thoughts and mind on a valued concept towards enlightening the mind. In this case the mind was concentrated on children's rights.

One of the biggest challenges in gaining religious support for law reform comes from those who use religious texts as a justification for corporal punishment. In January 2008, the Bishops' Conference of Norway agreed that outdated language used to justify the corporal punishment of children should be replaced in new translations of the Christian Bible in Norway.

Church leaders agreed with the proposal for the word "chastisement" in the Bible to be replaced with more appropriate language reflecting its original meaning. They stated: "Chastisement has acquired a meaning that differs from its original intended meaning. In modern Norwegian usage the word chastisement is virtually synonymous with corporal punishment. Today this word is unsuitable for reflecting what is involved when the Bible speaks of parents' responsibility to raise and guide children."

"In the past corporal punishment was practised as a part of parenting. Today we know that such methods of punishment are destructive and offensive to children. Many have permanent mental or physical injuries from having suffered violence during childhood."

In a statement the Norwegian bishops said: "We urge those working in the churches to take an active lead in combating violence against children - in their sermons, education and guidance. Men and women working in the church must point out how such violence represents an infringement of human worth and is in conflict with Christian ethics."

During 2007 the South African Council of Churches (SACC) insisted there could be no biblical justification for corporal punishment of children in the 21st century. Supported by Save the Children, the SACC produced a position paper entitled: *Religions: The promotion of Positive Discipline and the Abolition of Corporal Punishment*. The paper states that: "Contrary to belief, there is no occasion ever in the New Testament where Jesus promotes physical punishment as a justifiable means of discipline". Christian proponents of hitting children base their arguments on the Old Testament. However, the Old Testament reflects patriarchy and slavery as the norm, and warfare as a way of solving problems.

In 2007 New Zealand Anglican bishops declared their support for the repeal of Section 59 of the Crimes Act (which authorised the use of corporal punishment) and presented a signed statement in support of the repeals, to Prime Minister Helen Clark. In response to Christians who argue that the Bible condones corporal punishment they said physical punishment was not supported by contemporary religious scholarship and stated: "As Christians, our reading of the Bible must always be done through the lens of Christ's teaching and life ... the way of Jesus was non-violence." ●

3 Cited on UNICEF www.unicef.org/bhutan/mandala.htm - Report of work in Bhutan on the Rights of the Child.

Report

on the 2008 meeting *by Carol Bower*

SOUTHERN AFRICAN
NETWORK TO END VIOLENCE
AGAINST CHILDREN

The Southern African Network to End Violence Against Children has been meeting annually since 2006, and did so again on 16 and 17 April 2008, at the offices of RAPCAN in Cape Town. Representatives from Lesotho, Mozambique, Swaziland, Botswana, Zambia, South Africa and Mauritius attended the meeting.

On the first day, some time was spent reaffirming the commitment of the members to the continued co-ordination of advocacy for banning all forms of corporal and humiliating punishment and promoting positive discipline in Southern Africa. It was agreed that activities will continue to focus on bringing together interested and committed organisations within the Southern African region to work towards a prohibition of corporal punishment through capacity building, information dissemination, and joint regional advocacy initiatives.

In addition, the roles of the co-ordinating organisation (RAPCAN) and the members were confirmed.

2007 activities

A review of the activities of the network in 2007 was undertaken. These activities included:

- The finalisation of the name and purpose of the Network and roles of the members
- Updating the Position Statement
- Making the South African fact sheets on corporal punishment available to all members of the Network
- Producing and disseminating *Article 19*
- Making a submission to the South African Parliament with regard to the Children's Amendment Bill
- Writing a letter to the African Union (AU)
- Investigating the possibility of undertaking advocacy with the AU

- Writing and disseminating letters and information packs to SADC
- Developing a handbook on advocacy for reform law
- Making submissions to UN human rights bodies¹
- Developing positive parenting programmes
- Developing country-specific plans for the period (by each member of the Network).

In-country developments

Representatives from the different countries also reported on developments and activities in their countries. One of the highlights from these reports was in relation to Mauritius, where the Ombudsperson for Children, following the publication of the UN Study on Violence against Children, launched a kit on Prevention of Violence at School. A network grouping different stakeholders in the education sector was set up. The Ombudsperson noted that materials are being prepared to be sent to schools. The Ombudsperson for Children has also proposed that existing laws and regulations be amended so as to include a clear definition of corporal punishment and to explicitly prohibit such punishment in the family, at school and in all other settings.

International developments

It was noted that seven countries prohibited all forms of corporal punishment in 2007, with New Zealand being the first English-speaking country to do so. Three Latin American countries (Chile, Uruguay and Venezuela) were added to the list, and there is now a strong drive in South America towards a prohibition. This was identified by the Network as a lobbying point that could be utilised, since these are developing countries with similar contexts and challenges to those in Southern Africa.

There are now 24 countries with full prohibition, and numerous others are considering it, including Brazil, Canada, Nicaragua, the Philippines and Switzerland.

The meeting noted that progress is faster in Latin America than in Africa and Asia. In addition, international actors are increasingly taking a stance. For instance, UNICEF has begun to discuss corporal punishment in *A World fit for Children*; Amnesty International raised the issue in their report *Safe Schools: Every Girl's Right*; the Council of

¹ These submissions were made in relation to the Universal Peer Review process at the UNHRC. Both South Africa and Zambia produced shadow reports to the country report; in Zambia, this was published in the press.

Europe has launched a Europe-wide initiative to support the prohibition of corporal punishment and the promotion of positive discipline, and have developed an entire kit around this theme for distribution; and the Human Rights Council included information on the issue of corporal punishment in their Universal Periodic Review process.

Developments in the faith-based arena

Faith-based organisations are also increasingly taking up the issue - for example, Norwegian churches are supporting an update of the references to chastisement in the new translation of the Bible.

An update was provided regarding developments in the Southern African region. Faith-based organisations such as the SA Council of Churches and the Zambian Inter-faith Networking Group on HIV/AIDS have taken a stance against corporal punishment. This has been an important development on a global level.

Update on the UN Study

A brief update on the Global Study on Violence Against Children was given, which noted the positive development to appoint a Special Representative on Violence Against Children (although no appointment had yet been made by the time of writing). In addition, the Network was informed of the establishment of an NGO Advisory Council - which has representation from all nine UNICEF regions in the world, including Eastern and Southern Africa (namely, Gilbert Onyango from the Cradle in Kenya).

Future advocacy opportunities and planning

Given the recommendations made in the UN Study on Violence Against Children, a discussion was held on how to take advocacy forward internationally and regionally, and it was agreed, amongst other things, that:

1. Support should be sought from international organisations.
2. There may be lessons to be learnt from the South American experience, given that three countries from that region have recently prohibited corporal punishment.
3. All the international Conventions should be explored for clauses supportive of a prohibition on corporal punishment to enable the members of the Network to develop an overarching framework to report on corporal punishment.
4. 'Popular' or accessible versions of the UN Study on Violence Against Children and other UN documents would be helpful. A 'popular' version of General Comment 8 of the UNCRC would also be helpful for civil society organisations that provide direct services to children and parents.
5. The All Africa Conference of Churches to be held in Mozambique in 2008 should be targeted as a forum that could be used to send a common message with regard to ending corporal punishment.
6. Ongoing research on the issue should be supported and such research should be scientifically based, credible and verifiable.
7. Innovative ways to use the African representative on the NGO Advisory Council should be explored to follow up the recommendations of the UN Study .
8. SADC has certain institutionalised protocols that are binding on



Participants at the network meeting.

Member States, including a Gender Protocol. However, none of these are linked to children. SADC also has a Regional Strategic Development Plan (RIDSP) which sets out priorities and strategies amongst other things. Opportunities presented by these Protocols and policies should be explored.

9. There should be a network in each country, similar to the Working Group in South Africa, and that each country should investigate ways to collaborate and exchange ideas and information.
10. After a presentation on regional instruments to address violence against children, it was agreed that the Network should link with regional networks such as ANPPCAN and Conafe, and that Network members should explore using the individual complaints mechanism within the African Charter on the Rights and Welfare of the Child in relation to corporal punishment after all domestic remedies have been exhausted.
11. After a discussion on a strategy for accessing the African Committee of Experts on the Rights and Welfare of the Child, it was agreed that the slot allocated to the Network at the November meeting of the Committee should be secured and finalised.

In addition to the above a range of other strategies were discussed.

The second day of the meeting was dedicated to developing national strategies within the different countries represented on the Network. Particular attention was paid to the role and further involvement of faith-based organisations. Some time was spent reflecting on lessons learnt from the South African experience of attempting to prohibit corporal punishment in the home. ●

Any further information on the Network can be obtained from :

Samantha Waterhouse: sam@rapcan.org.za or
Carol Bower: bower.carol@googlegmail.com

ACHIEVING LEGAL REFORMS: Global workshop



In May 2008 - in recognition of the urgency of law reform and the need to maximise efforts across the world to achieve prohibition - the International Save the Children Alliance, in collaboration with the Global Initiative to End All Corporal Punishment of Children and the Churches' Network for Non-Violence, held a global workshop, entitled "Prohibiting all physical and other humiliating punishment of children: achieving legal reforms" in Bangkok, Thailand. The workshop was aimed at building capacity among partner organisations to campaign for the full prohibition of all forms of corporal and other humiliating punishment of children, particularly through legal reform. In addition, it focused on strengthening the involvement of partner organisations in the regional and global campaign to end corporal punishment.

In keeping with the aims of the workshop, the presentations primarily focused on what the elements of legal reform should entail; how legal changes in different countries could be facilitated; the identification of challenges to law reform; the identification of obstacles to implementing prohibitions within all settings; and how to use legal action and other regional and international

human rights mechanisms to achieve a prohibition. In this regard, representatives from countries that had recently enacted a full legal prohibition, such as New Zealand, Costa Rica and Romania, provided best practice examples on how to get laws prohibiting corporal punishment through parliament and how to lobby government and parliament on the issue. In addition, a session of the workshop was dedicated to children's participation in law reform processes and the ethical issues that need to be borne in mind when engaging with children. Furthermore, Chris Dodd from the Churches Network for Non-Violence delivered an enlightening presentation on the global progress made in gaining support from faith-based organisations for law reform on the issue of corporal punishment. As an outcome of the workshop, individual countries were asked to develop country-specific strategies on how they would embark on achieving total prohibition and to identify any resources that are available that could be used to promote the prohibition of all physical and other humiliating punishment of children.

The workshop was held over four days and representatives from 27 countries were present.

This workshop was immediately followed by a training session for all partner organisations on Positive Discipline - what it is and how to do it, presented by Dr Joan E Durrant. ●

CRIN reports on Costa Rica approving a ban on corporal punishment

On 1 July 2008, *CRINMAIL* No. 995 published the following article on the most recent country to effect a total prohibition on corporal punishment.

[SAN JOSE, 25 June 2008] - Costa Rica will become the first country in Central America to pass a law banning all corporal punishment of children, assuming the President signs the bill - usually a mere formality.

Parliamentarian for the Partido Unidad (Unity Party), Ana Elena Chacón, who put forward the law, expressed satisfaction with the move:

"Sweden was the first country in the world to abolish physical punishment of children in 1979. This decision has resulted in a reduction in violence in Swedish society. It has taken us five years to take this important step which was advanced by the Ombudsperson for Human Rights and Children".

The law includes the fundamental right of children to receive training, education, care and discipline from their mother, father or guardian, teaching and healthcare staff, as well as those working in the justice system, without the use of physical punishment or humiliating treatment.

According to statistics from the Patronato Nacional de la Infancia, there were 4 469 cases of abuse during 2006: 697 more than in 2005.

"This move is not denying parents the power to discipline their children, but just saying they must do this without violence. It is not a case of not using discipline, but of re-educating ourselves in establishing boundaries. These boundaries must be set without humiliation, without smacking and without anger if we want to raise respectful, responsible and confident young people," said the parliamentarian.

The UN Study on Violence Against Children set 2009 as the deadline for all Member States to have banned all corporal punishment of children. ●

Global Update:

Once this law is enacted Costa Rica will become the 24th country to have effected a total prohibition on corporal punishment.

Permission to reproduce this report was granted by *CRINMAIL* on 25 July 2008.

CHILDREN'S VIEWS ON CORPORAL PUNISHMENT FROM ACROSS THE WORLD

ROMANIA

"You feel angry, like you don't mean a thing"

- girl, 13 years old

"There are persons who are seeing violence as a way to resolve problems"

- girl, 14 years old

"Maybe not always the kid understands for what is punished, but learns that power and authority can be proved through violence"

- girl, 15 years old

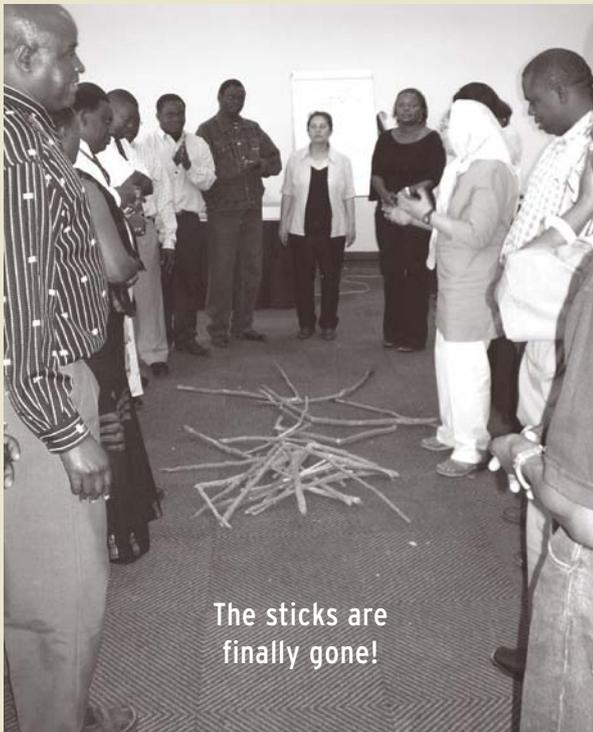
"A big man should not beat a small man"

- boy, 8 years old

Presented by Gabriella Alexandrescu of Save the Children Romania at the Global Workshop entitled "Prohibiting all physical and other humiliating punishment of children: achieving legal reforms", held in Bangkok in May 2008.

Let's catch them doing right

by Judith Mulenga of the Zambia Civic Education Association



“Let's catch them doing right.” This was the catch phrase during the *Training of Trainers Workshop in Positive Disciplining Methods* for teacher trainers that took place in Zambia in August 2007. The training was organised by the Zambia Civic Education Association (ZCEA) and facilitated by Lorna Siers and Fatima Noordien of Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN). The participants were drawn from the 14 Government of the Republic of Zambia teacher training colleges.

The focus of the training was to expose the teacher trainers to new approaches and ideas in respect of positive discipline.

At the outset of the training session, the teacher trainers raised the following questions:

- What has caused the call for an abolition of corporal punishment?
- Why should the world be forced to do the same thing in the same way? We have different circumstances.
- If corporal punishment benefited the people in the past, why and how has it failed in present times?
- Where do you draw the line between excessive punishment and corporal punishment?

Shifts on personal perceptions on corporal punishment

The facilitators started the training with an exercise which required the teacher trainers to recall their experiences of corporal punishment at home and at school when they were 10 years old, in order to explore positive disciplining methods. Most of the participants remembered painful experiences of being beaten, smacked, pinched and verbally abused. Most of them remembered that they did not enjoy the learning experience when teachers beat them. Most said they wished their teachers could have talked to them instead. When they were asked if they would treat their children the same way, most said they would not. One of them said, “I do not want to treat my children the way I was treated. I want better things for them.” All but one agreed that as adults they think it is possible for teachers to use non-violent ways of disciplining children. They felt that physical punishment was not the only option in disciplining children.

During discussions, participants related personal experiences which signalled a marked shift in perceptions about corporal punishment. One participant noted that adults want the easy way out, that they do not prepare adequately or want to think critically, so whenever they are challenged by children the easy way out is to beat them rather than face the questions that children pose. Yet another participant observed that positive disciplining methods should be used both in

Most of the participants remembered painful experiences of being beaten, smacked, pinched and verbally abused ... Most said they wished their teachers could have talked to them instead.

the home and in school to avoid sending mixed messages to the children and confusing them.

'It is terrible!' - Video of violence against children

To emphasise the extent of violence that is perpetrated against children at home, a video showing different types of physical abuse that children are subjected to was shown to the participants, which depicted acts including sexual abuse, beating, shaking and pushing. The expressions on the faces of participants revealed utter disbelief at the kinds of violence that go on every day in children's lives. After watching the video some of their responses were:

- Corporal punishment is not done by demons but by normal human beings who care for the people they abuse.
- Lack of self-control and over-reaction by the adults meting out abuse were evident.
- The aim in disciplining a child should be corrective, not punitive.

'It is not the child's fault!' - Factors leading to bad behaviour

In order to explore the reasons why children misbehave in the homes, at school and in the community, the participants were asked to choose a setting and brainstorm factors that might lead to children behaving badly. Interestingly, during the report-back sessions, participants noted that none of the reasons they could think of for children behaving badly could be attributed to the children themselves.

Their discussions revealed that in both the home and at schools children behaved badly because they might have poor role models; poor value systems that degrade children; repressive rules and procedures that stifle curiosity and cognition; and that the patriarchal society also contributed to children's behavioural difficulties. The participants mentioned that there was a lack of or poor understanding of human rights issues in communities, particularly pertaining to children; unemployment; poverty; breakdown of families due to the HIV/AIDS pandemic; substance abuse and peer pressure. These circumstances can lead to rebellious behaviour by children and young people.

'You can't tell by looking' - Open window session

The session enjoyed most by the teacher trainers was the 'open window' session. This session required participants to stand by the windows of the conference room and look out at people passing by in order to guess each person's character, likes, dislikes, family background and history, and to give reasons for their guesses. They realised that one cannot tell who a person really is by looking at them unless you talked to that person. The way a person appears, walks or talks might give an indication of their character, but only through communicating with them would one really get to know who they are and what they are like. The teacher trainers agreed that this also applies to children. Unless one talks and listens to the child, one may never know why the child is behaving in a particular way. It followed that whatever disciplinary measures were used for a particular child, these would be in vain as they would not address the root causes of the problem if the person disciplining the child does not know the child and what he or she is like.

Let's catch them doing right - Look for positives!

The teacher trainers admitted that often teachers want to catch children doing wrong and thus they do not see the many things that children do right. The 'looking for positives' in children exercise added a different dimension to teacher-pupil relationships for the participants. They came to realise that to catch children doing right is a good approach for any teacher, as focusing on positive things about children will make a teacher's life less stressful. They liked the idea of engaging with parents when their children do things right rather than always only summoning them for their children's bad behaviour.

'Too many Mr Slacks in the schools!' - The question of demotivated teachers

After a video showing of a demotivated teacher called Mr Slack whose pupil, John, caused endless trouble in class in addition to not doing his homework and frequently playing truant from school, the teacher trainers observed that with poor working conditions and meagre salaries, there are too many "Mr Slacks" in the Zambian school system. They had the following to say about the Mr Slack video:

- He has no interest for the learners and the environment in the class is not conducive to teaching and learning.
- The meaning of corrective measures was lost through his actions.

(continued on page 10) »

(continued from page 9) »

The teacher trainers recognised the need for them to help teachers develop their passion for teaching. They strongly agreed that motivated teachers build self-esteem and create interest in the learner.

What next?

The teacher trainers outlined what needed to be done in schools in order to foster positive learning environments through positive discipline. They said a whole paradigm shift needed to take place in schools in Zambia. They agreed that the implementation of positive discipline would be most effective when all the role-players were involved (i.e. the school management, the teachers, the learners and the parents) in creating a child-friendly learning environment focused on 'the best interests of the child' and involving 'child participation' in all matters that affect children. It should be an environment that not only promotes learners' rights and responsibilities, but also enhances teacher capacity, morale and commitment. This discussion led to various roles and responsibilities being identified for the school management, teachers, learners and parents, in order to create an environment that embraces the notion of positive discipline.

Let us throw away the sticks!

On the last day in order to reflect the shift in the participants' perception of corporal punishment, the group threw away sticks as a symbolic gesture acknowledging the effectiveness of positive discipline.

Conclusion

As a way forward, the participants agreed that they would present workshops to staff at their respective colleges either on their own, with support from the Zambia Civic Education Association, or with other participants at nearby colleges. In addition, they would design programmes for their students (teacher trainees) to promote the implementation of positive forms of discipline and advocate for the total prohibition of all forms of violence against children in all contexts, particularly the school and the home. Finally, all agreed that the group should meet with the Zambia Civic Education Association after these steps were implemented to discuss and review the resultant successes and challenges. ●

NATIONAL WORKSHOP

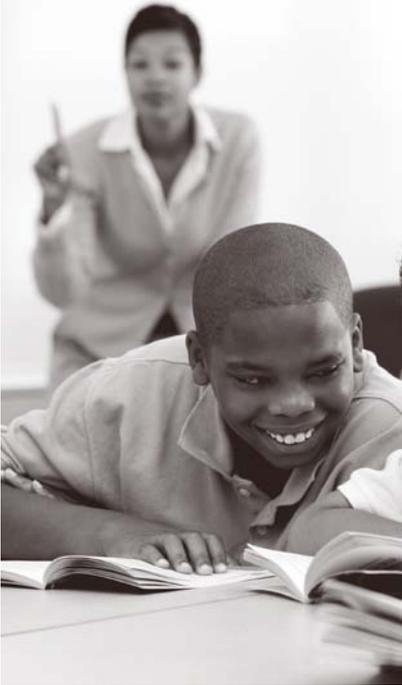
PROMOTING POSITIVE DISCIPLINE IN SOUTH AFRICA

by Samantha Waterhouse, RAPCAN

In response to the decision taken in parliament at the end of 2007, on the one hand not to prohibit parental corporal and humiliating punishment in South Africa and on the other to include parenting programmes in the Children's Amendment Act 41 of 2007, the Working Group on Positive Discipline held a national workshop on 15 April 2008. The objectives of the workshop, attended by a wide range of stakeholders including government departments and institutions, civil society organisations and children and young people, were to strengthen the support base for prohibiting all forms of corporal punishment, discuss the implementation of positive parenting programmes in the country, and inform future advocacy initiatives.

The workshop commenced with speakers providing information on the human rights framework in relation to corporal punishment, as well as the legal status of corporal punishment globally and in South Africa. Presentations were made regarding key objections that were raised in response to the call for prohibiting corporal punishment. These included a presentation by Rev. Vuyani

POSITIVE DISCIPLINE



Vellum of the South African Council of Churches, addressing objections based on religious grounds, and a presentation by Nokuku Sipuka of the Umtata Child Abuse Resource Centre, addressing objections based on cultural grounds. Links between the history of violence in South Africa and the common use of violent disciplinary measures by parents were also addressed in a thought-provoking paper delivered by Carol Bower.

A major part of the programme focused on implementing parenting programmes in South Africa. Musa Mbere Ngcobo of the Department of Social Development noted the Department's commitment to increase parenting programmes aimed at the preservation and strengthening of families. She also noted the importance of such programmes as part of prevention and early intervention services within the Children's Act.

Childline South Africa and the National Association of Child Care Workers highlighted the importance of making quality parenting programmes available that recognise the range of needs of parents, including that parents must be supported in their efforts; that programmes should focus on positive parenting

and not only on positive discipline; and that programmes must promote self-awareness in addition to increasing the knowledge and skills of parents.

The meeting discussed various challenges related to upscaling existing good quality parenting programmes to ensure their wider availability. In addition, in order to avoid rolling-out poor quality programmes, it was agreed that minimum standards must be in place and programmes must be research-based. It was suggested that positive parenting must be included in the basic training of all social service professionals. Certain groups, such as single parents, young parents, child-headed and 'granny'-headed households and foster and adoptive parents, should be prioritised for delivery of programmes of this nature.

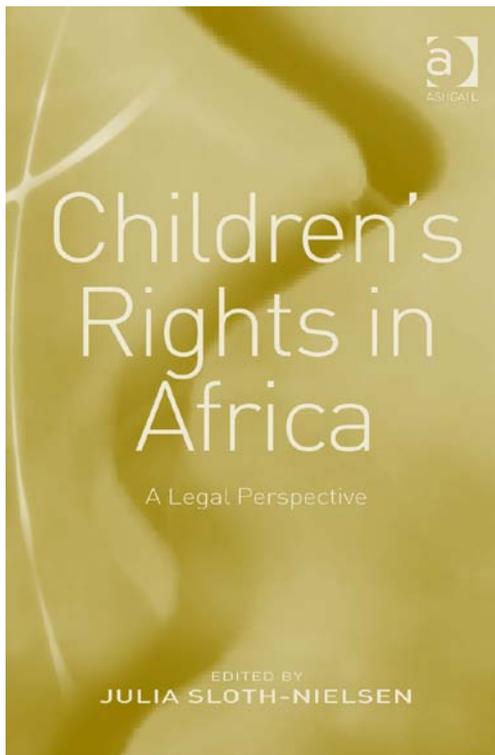
A statement was made by the representative from the national Department of Education that they saw no significant role for the Department to play in promoting parenting skills among learners. This was met with great concern by delegates. This has subsequently led to dialogue between the Department and the Working Group on Positive Discipline on the possibility of including a parenting curriculum within the life-skills curriculum at schools.

In conclusion, the discussion at the workshop highlighted key areas for moving forward:

- It was noted that many small, good quality programmes do exist, and that these must be made more accessible and be more widely available. It was also emphasised that poor quality programmes which are ineffective should not be rolled out or continued.
- The need to work with a range of community leaders and the religious sector was identified. This was seen as critical in order to change the mindsets of those who still support the notion of corporal punishment in the home and to equip them with the tools needed to promote positive parenting skills.
- It was recognised that social marketing campaigns have value and therefore should be explored in trying to ensure widespread support for a prohibition on corporal punishment in the home.
- It was agreed that advocacy with the Department of Education should be undertaken in order to include parenting skills in the life-skills curriculum at schools.
- It was thought that the National Prosecuting Authority and the Department of Justice and Constitutional Development must promote access to parenting programmes by means of diversion options for adults charged with assault against their children and through the increased orders available for children's courts to utilise when children are found in need of care and protection as a result of being physically maltreated by their parents. ●

Forthcoming conference

Defence for Children International (DCI) will be hosting a conference entitled "Ending Violence Against Children in Juvenile Justice Systems: From Words to Action" in Brussels, Belgium over the period 1-3 October 2008. The aim of this conference is to address the recommendations of the UN Study On Violence Against Children for ending violence against children in institutions and more specifically in juvenile justice systems. For more information visit: www.dci-conference.org



NEW BOOK ON CHILDREN'S RIGHTS

In September 2008 Ashgate will publish *Children's Rights in Africa: a legal perspective* edited by Julia Sloth-Nielsen. This work examines important themes relative to the protection and promotion of the rights of African children. These *inter alia* include child labour, violence against children and trafficking in children. This book profiles recent developments and experiences in furthering children's legal rights in the African context, and distils from these future trends the specific role that the law can play in the African children's rights environment. It can be pre-ordered from the following websites:

http://www.ashgate.com/default.aspx?page=637&calcTitle=1&title_id=9215&edition_id=9861

<http://www.booktopia.com.au/children-s-rights-in-africa-a-legal-perspective/prod9780754648871.html>

<http://www.amazon.ca/Childrens-Rights-Africa-Legal-Perspective/dp/0754648877>

This publication was made possible by the generous funding of SAVE THE CHILDREN SWEDEN.

Published by the Children's Rights Project, Community Law Centre

Copyright © Community Law Centre, University of the Western Cape

The views expressed in this publication are in all cases those of the writers concerned and do not in any way reflect the views of SAVE THE CHILDREN SWEDEN or the Community Law Centre.

Editors

JACQUI GALLINETTI and DAKSHA KASSAN

Tel: 021 959 2950 • Fax: 021 959 2411

E-mail: jgallinetti@uwc.ac.za • dkassan@uwc.ac.za

Editorial board

CAROL BOWER - Independent Consultant

ANDREW DAWES - Human Sciences Research Council

MARIA MABETOA - Department of Social Development

JUDITH MULENGA - Executive Director, Zambia Civic Education Association

JULIA SLOTH-NIELSEN - Faculty of Law, UWC

ULRIKA SONESON - Save the Children Sweden

SALIM VALLY - Education Policy Unit, University of the Witwatersrand

SAMANTHA WATERHOUSE - RAPCAN

Layout and design

OUT OF THE BLUE CREATIVE COMMUNICATION SOLUTIONS

Tel: 021 947 3508 • E-mail: lizanne@outoftheblue.co.za