



# CORPORAL PUNISHMENT

## What is corporal punishment?

Corporal punishment is when a person in authority uses physical force with the intention of causing pain for disciplinary purposes. Corporal punishment of children usually includes things like smacking, slapping, spanking or beating with the hand or with some implement (like a stick or a belt). It can also involve other things, like kicking, shaking, pinching or burning.

Discipline is meant to teach a person the difference between right and wrong, not to cause injury. There is no need to inflict pain to discipline a child. There are many other forms of discipline which are much more effective.

The use of corporal punishment is not permitted in Namibian schools, although some instances of it are still reported. The Namibian Supreme Court ruled that corporal punishment in schools is a violation of children's constitutional right to human dignity.

Corporal punishment is used in many homes. There have been cases in Namibia where excessive physical force has been used against children in the home. There are cases where children have been seriously injured or burned. Some children have even been beaten to death.

## Why is corporal punishment a problem?

Corporal punishment can turn into serious physical abuse.	Children who are exposed to violence are more likely to be violent as adults.
Corporal punishment teaches children that violence is an acceptable way of dealing with issues.	Corporal punishment does not teach children the reason why their behaviour was wrong.
Corporal punishment teaches children that it is okay to use violence against someone you love.	Corporal punishment can affect self-esteem by making the victim feel scared, sad, ashamed or worthless.
Corporal punishment makes children more aggressive towards other children.	Corporal punishment can destroy the relationship between a child and the child's parents or caregiver.

Child discipline is very important – without it, society would have many problems. The question is *what kind* of child discipline is most effective.

## Rights that are affected by corporal punishment

- Ⓢ right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment
- Ⓢ right to be protected from violence and abuse
- Ⓢ right to development, including the right to the highest attainable standard of physical and mental health
- Ⓢ right to dignity and bodily integrity.

## The proposed Child Care and Protection Act

The law on corporal punishment in the home is being revised because:

- Ⓢ Children in Namibia have been seriously injured and killed by “punishment”.
- Ⓢ The Namibian Constitution says that “no persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.” This includes children.
- Ⓢ Namibia has signed international conventions which require that the use of corporal punishment be addressed.

The draft Child Care and Protection Act says that any person who has control of a child, including the child's parents, must respect a child's right to physical integrity. Respecting physical integrity means preventing bodily injury. This means that the punishment of a child should not include corporal punishment.

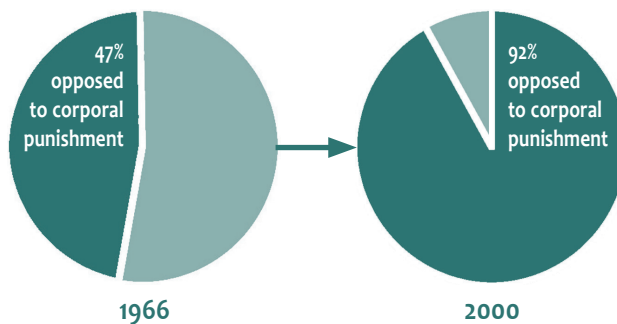
The new law would also outlaw the use of physical force to punish a child at any facility which cares for children (including children's homes, crèches and day care centres).

The aim of these provisions is to encourage people who care for children to use other forms of discipline. The law is not intended to authorise prosecution of parents for minor issues.

### What do other countries do?

At least 25 countries have banned all forms of corporal punishment, including corporal punishment in the home. Sweden was the first country to outlaw all corporal punishment and other humiliating treatment of children. The new law helped produce a dramatic change in public opinion.

Legal restrictions on corporal punishment of children imposed in Sweden beginning in 1979 gradually helped change public attitudes, so that more people became opposed to corporal punishment.



## Alternatives to corporal punishment

There are many other ways that children can be punished. Here are four examples:

- (1) **Explain the problem.**
- (2) **Make children take responsibility for their actions:** For example, if the child breaks something, he or she must fix it.
- (3) **“Time out”:** Sometimes children become overexcited and this can lead to bad behaviour. It can be effective to take the child out of the room - to calm down, sit quietly and think about what he or she has done wrong.
- (4) **Take away privileges:** The punishment could be not watching television, not being allowed to visit friends or not receiving pocket money.

## ISSUES FOR DISCUSSION

- ③ What should the new law say about how children should be punished?
- ③ If minor physical punishment such as spanking is still allowed, how can children be protected from physical abuse? For example, some countries prohibit “the use of force” or “violence” against children, or any form of discipline which causes “physical or psychological harm”.
- ③ What is the best way to raise public awareness of alternative forms of discipline which are more effective and better for children?

## WHAT DO YOU THINK?

Send your comments to:

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For more information on the draft Child Care and Protection Act, contact Monalisa Zatjirua (061-2833116) or Celeste Feris (061-2833179) at the Ministry of Gender Equality and Child Welfare, or Rachel Coomer at the Legal Assistance Centre (061-223356).