

8 August 2007

WRITTEN SUBMISSION

**NATIONAL ASSEMBLY
Portfolio Committee on Social Development**

**HEARINGS ON THE
CHILDREN'S AMENDMENT BILL
(B19B of 2006)
Section 139**

SUBMISSION PRESENTED BY

JUSTICE ALLIANCE OF SOUTH AFRICA

(Kindly Note that JASA would like to make an ORAL submission to the Committee)

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In view of

A. The widespread and strong objections by parents in South Africa to the abolition of the right to administer any form of corporal punishment, and,

B. Section 28(2) of the Constitution which provides that “a child’s best interests are of paramount importance in every matter concerning the child”

JASA respectfully proposes that the following clauses replace sub-clauses (2) and (3) of clause 139.

139. (2) No child may be subjected to corporal punishment which in its manner, or degree, is cruel, inhuman or degrading.

(3) Corporal punishment may be inflicted only in the following circumstances:

(a) by a person who has parental responsibilities and rights in respect of the child and who acts in accordance with subsection (1) hereof.

(b) in a moderate, reasonable and restrained manner, without anger, bearing in mind the child’s age, maturity and the circumstances of the offence.

(c) after the reason for the punishment has been explained to the child.

(d) using either an open hand or a flat object such as a light paddle which stings, but does not cause actual bodily harm.

(e) is inflicted only on the child’s hand or buttocks.

John J Smyth QC. On behalf of the Board of JASA 8 August 07