South Africa ratified the Convention on the Rights of the Child in 1996. In its Concluding Observations to South Africa’s Initial Country Report, the UN Committee on the Rights of the Child (UNCRC) recommended that “the State party take effective measures to prohibit by law the use of corporal punishment in the family and, in this context, examine the experience of other countries that have already enacted similar legislation”.

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 South African Constitution, in section 28 (1)(d), guarantees the right to protection from “maltreatment, neglect, abuse or degradation” and further states, in section 28 (2) that “A child’s best interests are of paramount importance in every matter concerning the child”.

Government has a constitutional obligation to protect all citizens from harm whether from public or private sources. This includes corporal punishment in the home. This is also the reason that the country has enacted laws against domestic and gender based violence.

**THE FACTS**

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4. The Children’s Act as Amended (38 of 2005) has as among of its objects:
   - To give effect to the constitutional right of children to protection from maltreatment, neglect, abuse or degradation (section 2 [b][iii]); and
   - To give effect to the Republic’s obligations in terms of international instruments binding on the Republic (section 2[c]).

5. Government has a constitutional obligation to protect all citizens from harm whether from public or private sources. This includes corporal punishment in the home. This is also the reason that the country has enacted laws against domestic and gender based violence.