

# PRESS STATEMENT

## **The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (Sections 20, 29, 53 of the New Constitution)**

On behalf of the Child Rights Sector this statement aims to highlight the obligation of the State under the New Constitution to eliminate all forms of corporal punishment and all other cruel or degrading forms of punishment of children by the enforcement of legislative provisions and other awareness-raising and educational measures that States must take.

Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Constitution but it is also a key strategy for reducing and preventing all forms of violence in societies.

- ▶ Under the New Constitution, **Article 29** states that every person "has the right to freedom and security of the person, which includes the right not to be ...
- ▶ (c) subjected to any form of violence from either public or private sources;
- ▶ (d) subjected to torture in any manner, whether physical or psychological;
- ▶ (e) subjected to corporal punishment; or
- ▶ (f) treated or punished in a cruel, inhuman or degrading manner"

Further **Article 53** confirms that every child has the right "to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazard-

ous or exploitative labour". **Article 20(1)** states: "The Bill of Rights applies to all law and binds all State organs and all persons."

The effect of the prohibition in the new Constitution is immediate: **Article 2(4)** renders void any law, including customary law that is inconsistent with the Constitution.

We thereby urge the Government to ensure the enforcement of these provisions through legal reform of affected laws including the Education Act, Provision of the Prison's Act and those in the Borstal Act.

**Thank You.**