Unfortunately, children do not report the most egregious harm done to them; it is highly unlikely that they will beat a path to the door of the police station because someone smacked them.

In any event, South African law operates on the principle that the law does not concern itself with that which is trivial (de minimas curat lex) which applies equally to adults and children who have been subject to less serious assaults.

Imprisonment of their parents is seldom in children’s best interest, and will only happen where corporal punishment has been severe enough to cause injury, and in the best interests of the child in question.

The majority of the current international country-level bans on corporal punishment are housed within the family code, not the criminal code, and thus do not have criminal penalties and rather tend to require community service or supervision. The bans are viewed as educational and thus as a means of encouraging citizens to avoid this risky behaviour.

The National Prosecuting Authority confirmed in 2007 that, in the unlikely event that a child reports being smacked or hit at home, the most likely outcome is an admission of guilt fine, as is the case with common assault. Thus, no criminal record is attached to the perpetrator.

The Children’s Act provides clearly for prevention and early intervention programmes that are aimed at “developing appropriate parenting skills and the capacity of parents and care-givers to safeguard the well-being and best interests of their children, including the promotion of positive, non-violent forms of discipline” (section 144 [1] [b]). It is to these that parents using corporal punishment will be referred.