

CCT 4/2000 - Appeal to be heard in the Constitutional Court at 10:00 on Thursday, 4 May 2000.

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## Media Summary

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*The following explanation is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

This matter concerns the prohibition by the South African Schools Act of 1996, of corporal punishment in schools. Christian Education of South Africa, representing 196 independent Christian schools, contends that this prohibition violates the right of parents of its pupils to freedom of religion and that it interferes with the right to establish independent schools, the right to participate in the cultural life of their choice, the right to enjoy their culture and to practise their religion. These contentions were rejected by Liebenberg J in the Eastern Cape High Court.

The applicant argues on appeal that corporal punishment is part of the religious beliefs of parents of its pupils and that the prohibition interferes with their right to religious freedom. It relies on verses in the Bible which, it says, instruct Christian parents to use corporal punishment in raising and disciplining their children. Further, it argues that the parents in question have expressly delegated the authority to discipline their children to teachers and that such delegation of authority is in accordance with their religious beliefs. It argues that at its schools corporal correction is administered in a biblical way with guidelines to the teachers on how to apply it. It claims that the prohibition of corporal punishment is accordingly unconstitutional to the extent that parents have consented to it.

The Minister of Education opposes the appeal and argues that corporal punishment violates the right of the child to human dignity, to equality, to be protected from maltreatment, neglect, abuse or degradation, to be free from violence, not to be tortured and the right to be free from cruel, inhuman or degrading treatment. He argues that the verses of the Bible that the applicant relies on do not empower or prescribe the use of corporal punishment by teachers, and that in passing the legislation Parliament sought to respect, protect, promote and fulfil the rights in the bill of rights that would be violated by corporal punishment.