

JOINT STATEMENT FROM PARENTING ORGANISATIONS

Why law reform to achieve equal protection for children is fundamental to promoting positive parenting

The Family and Parenting Institute, Parenting UK and the International Federation for Parenting Education are among many organisations involved in supporting families and children which believe that removal of the “reasonable punishment” defence to give children equal protection under the law on assault is long overdue. (The alliance of Children are unbeatable! which campaigns for removal of the defence includes more than 600 organisations and projects across the UK and is the largest alliance ever formed around an issue for children; see full list at www.childrenareunbeatable.org.uk.)

We see it as a necessary and urgent reform not just for children’s well-being and safety, but for the benefit of families and society at large.

The imperative for achieving this reform is one of human rights: to fulfil children’s right to full respect for their human dignity and physical integrity and to equal protection under the law. The UK is under very strong pressure from international and European human rights monitoring bodies to ban smacking. While the law continues to condone physical punishment, parenting education programmes and other efforts to encourage parents to move on to adopt positive, non-violent and effective forms of discipline are seriously undermined. And the safety of the minority of children whose parents still rely on violent punishment is compromised.

Law reform in itself is not enough: it has to be linked to public education campaigns in order to achieve real change in society’s traditional acceptance of physical punishment. Some argue that we should wait for conditions and attitudes to change before introducing law reform, that a smacking ban would simply impose yet more stress on already vulnerable families. But children need protection now and should not have to wait, any more than women had to wait for men to be offered universal anger-management classes or full employment before they were protected legally from violence. And smacking does not relieve stress – quite the reverse. Parents who give up smacking invariably report improved relationships with their children and more productive responses to misbehaviour.

People sometimes express concern that banning smacking through removal of the “reasonable punishment” defence will lead to parents being prosecuted for “trivial” smacking. This does not happen in the case of trivial assaults between adults – there is the legal principle of *de minimis*: the law doesn’t concern itself with trivial matters. Prosecution only goes ahead if it is in the public interest, and there is no public interest in prosecuting parents for “trivial” smacking. The threshold for investigation of assaults on children and for formal intervention in families won’t change – as now, an investigation will only be triggered when there is reason to believe a child may be at risk of significant harm. Smacking is banned in 22 other European countries and the sky has not fallen.

We urge the UK Government and the devolved administrations to introduce the necessary legislation to make “reasonable punishment” history.