

# Children Are Unbeatable! Newsletter

Issue No. 1 – December 2009

This is the first issue of a quarterly Children Are Unbeatable! newsletter, which is being emailed to all supporting organisations and individuals in England as well as being posted on the website as a [PDF](#). If you do not want to receive further issues of the newsletter, please inform Miranda Horobin at [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

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## Overview of progress

CAU!’s settled policy is to use any credible parliamentary opportunity to seek to achieve equal protection for children. The Government states that it “does not condone” smacking, but remains completely resistant to banning it - as the Council of Europe’s Commissioner for Human Rights put it, this position “lacks credibility”. Following a meeting with Baroness Delyth Morgan, the Government Minister responsible for the issue (and at the time a signed-up supporter of the Alliance), she wrote to us to underline the policy: “I do need to repeat that the Government does not intend to ban smacking, nor to allow a free vote should the issue come up again for debate in Parliament since this might facilitate a ban, to which we are opposed as a matter of policy.”

This is a depressing period for the campaign. There is accelerating progress towards prohibition of all corporal punishment across Europe and the world, detailed below. Our grass roots support increases, and for the first time an opinion poll commissioned by CAU! found more 18 to 25 year-olds supporting banning smacking than opposing it (there is a substantial majority against a ban still in older age groups). You can be sure that we will keep up pressure before and after the forthcoming election, and ask you to ensure that the case for achieving this completely inevitable but long-overdue reform for children is kept high on the agenda, locally and nationally: there are various suggestions for action below. We will consider all strategies, including legal action, to force the Government to fulfil its clear human rights obligation to children.

Peter Newell, Coordinator (further information:  
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## Parliament

Children Are Unbeatable! is supporting an amendment to the new Children, Schools and Families Bill which would restrict use of the defence of “reasonable punishment” to people with legal parental responsibility (i.e. most parents, adopted parents, legal guardians etc). The amendment would prevent all others who act *in loco parentis* to children from using physical punishment – for example sports coaches, tutors, and teachers in Sunday Schools, madrasas and any other form of part-time education below 12½ days a week (all other education is already covered) as well as those working with children in the health, mental health, play and youth services. The amendment would also deny the defence to family members, baby-sitters, nannies and partners of parents.

In the last Parliamentary session, the Apprenticeships, Skills, Children and Learning Bill appeared to present a credible opportunity to try to achieve equal protection, given its provisions addressed a wide range of issues including safeguarding children and the use of force in schools. However an amendment to give children equal protection under the law on assault was not accepted by parliamentary officials in either the Commons or the Lords, on the grounds it was beyond the scope of the bill.

Children Are Unbeatable! has been in contact with a wide range of parliamentarians from both Houses, asking them to sign up as a supporter of CAU! and sending them a copy of our briefing [The only safe foundation for child protection is to end legalised violence against children](#) in the wake of the Baby Peter case. Following these mail-outs, we gained ten more supporters in the Commons and 27 more in the Lords. The new supporters in the Lords represent all the main parties and crossbenchers, and include Baroness Campbell of Surbiton (former commissioner for the Equality and Human Rights Commission), Baroness Amos (former Leader of the House of Lords) and Baroness Verma (Conservative shadow minister for children, schools and families).

### **What you can do:**

- Lobby MPs in support of the amendment to the Children, Schools and Families Bill
- Investigate and feed to CAU! any information on the views on equal protection of new parliamentary candidates

For more information contact Catherine Hodder, CAU! Parliamentary Officer, tel 0207 278 8222 ext 27; [chodder@crae.org.uk](mailto:chodder@crae.org.uk).

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## The Courts

More than 11 years ago the European Court of Human Rights ruled in *A v UK* that the UK had violated the article 3 rights (protection from inhuman and degrading treatment) of a boy who had been severely caned by his stepfather, subsequently acquitted under the defence of “reasonable chastisement”. Since then the Government has argued it has remedied the breach by introducing section 58 of the 2004 Children Act. While it is technically correct that the stepfather could no longer be acquitted in England (though still could be in Scotland), members of the CAU! Alliance have hitherto successfully argued against the Committee of Ministers of the Council of Europe closing the case because the new law does not protect children from all breaches of article 3 and because the Government has failed to effectively deter such violations. This autumn, however, following intense political pressure from the UK Government, the Committee of Ministers issued a [final resolution](#) closing the case.

Last August a case in the civil division of the Court of Appeal ([MA, SA and HA \(child applicants\) and MA, HA and the City and County of Swansea \(respondents\)](#), Case No B4/2009/1068, 31 July 2009) attracted widespread press coverage. The case concerned the return of children to their parents from state care. The Court of Appeal accepted the findings of the lower court in relation to a three year-old child “M” that “on at least one occasion the parents slapped M on the hand; that on one occasion the mother kicked her on the leg and the father hit her to the side of the face; that on at least one occasion the father kicked M; that on at least one occasion, presumably different from any of those of which the judge had already spoken, the father hit M to the right side of her face and kicked and pushed her; and that on at least one yet further occasion the mother slapped M on the side of her face.” (para. 21). Both the lower court and the Court of Appeal concluded that in all the circumstances there was insufficient evidence of “significant harm” to justify separation into state care. While this may have been a reasonable decision in all the circumstances, the references to the legality of such forms of physical punishment led to newspaper headlines such as the Daily Mail’s: “Physically punishing a child with a smack (or a kick) is NOT against the law.”

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## Child protection

CAU! has focused this year on the child protection world by asking local safeguarding children boards (LSCBs) in England to support the Alliance’s statement of aims. Listed below are the 18 English LSCBs that have so far signed up to the Alliance. Conversations with LSCB managers and chairs reveal overwhelming backing for the Alliance’s aims – on human rights grounds as well as to achieve more effective child protection. We hope many more will give their support.

The majority of LSCBs have yet to discuss the matter, but strong expressions of support make us hopeful that many more will support our aims. However a number of LSCBs, though supporting CAU!’s aims, have declined because they feel they do not have the power to back what is seen as a “political lobby

group". *Working together to safeguard children* expressly grants LSCBs the independence to make any decision that enables them to "exercise their unique statutory role effectively". Supporting LSCBs have interpreted signing up as essential for their future effectiveness. For example Dudley LSCB said: "We signed up to CAU! because we felt that a change to the law was aspirational in terms of policy development and we wanted to stand firm with children."

#### Local Safeguarding Children Boards supporting CAU! aims at Nov 09

Croydon	Newcastle	St Helens
Dudley	North Tyneside	Sunderland
Durham	Oldham	Westminster
Isle of Wight	Oxfordshire	Wiltshire
Lewisham	Redbridge	Wolverhampton
Lincolnshire	South Tees	York City

#### ***What you can do***

- If your work involves child protection in any way, please contact your LSCB and encourage them to sign up to the Alliance
- If you are a member of an LSCB that has not yet discussed signing up to the Alliance, please urge your board chair to place the issue on the agenda for the next meeting
- If you are a member of an LSCB that voted not to sign up, please ask the chair to reconsider the decision
- If you are a member of an LSCB that has signed up, please ask your chair to promote that decision with other boards in the region

For more information or some campaign materials for LSCBs, please contact Pat Gordon-Smith on 07528 275646; [pat.gsmith@yahoo.co.uk](mailto:pat.gsmith@yahoo.co.uk) .

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#### **Young supporters**

The Children are Unbeatable! Alliance has an ever-growing group of young supporters who campaign with the Alliance for their right to equal legal protection from violence, and its own section on the [CAU! website](#). Young people's contributions have ranged from speaking directly to MPs and policy makers, to taking part in conferences, speaking at meetings and telling other children about the campaign. In London in September, two young supporters attended the Children's Rights Alliance for England children's rights conference, where their opinions on the legality of corporal punishment were heard by policy makers, as well as other young people and adults. In recent months, many children and young people have been involved in contributing to the Churches' Network for Non-violence roadshow, which has visited Cambridge, Coventry and Winchester (see below). Their contributions include adding their thoughts and drawings to the travelling exhibition, and preparing and delivering speeches for the major services connected with the roadshow.

Young supporters running a workshop at a conference on social change in Leeds in November helped other young people attending the workshop to express their views on family violence by using art.

### ***What you can do to help***

- Ask children and young people you know to sign up to the Alliance, at [www.childrenareunbeatable.org.uk/children](http://www.childrenareunbeatable.org.uk/children). Young supporters receive a free action pack and regular information bulletins
- Use our free activity pack for schools and groups. It contains free lesson plans and ideas for activities on the themes of violence against children, faith and human rights. Download it at [www.childrenareunbeatable.org.uk/children](http://www.childrenareunbeatable.org.uk/children)
- Invite us to visit your group. We offer free information and activity visits to youth groups, schools and other children's groups

For more information contact Elinor Milne, Children's Campaign Coordinator: [elinor@childrenareunbeatable.org.uk](mailto:elinor@childrenareunbeatable.org.uk); tel 07504 738 741.

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### **Faith groups**

The Churches' Network for Non-violence (CNNV) multi-faith reference group in partnership with the NSPCC, Tearfund and Elinor Milne, Coordinator of Children Are Unbeatable! Children's Campaign are taking a roadshow – "Growing up without violence – ending legalised violence against children" – around the UK during 2009-2010. The aim is to increase multi-religious and community support for the Children Are Unbeatable! Campaign and provide resources to encourage religious groups and communities to play an active role in the campaign for equal protection. CNNV works with religious communities, organisations and local CAU! supporters to develop a local roadshow planning group.

The roadshow and exhibition visited Coventry Cathedral from 7<sup>th</sup> to 12<sup>th</sup> November where a service and candlelit vigil, attended by the Lord Mayor of Coventry, was held on the 9<sup>th</sup>. During the service two young people delivered messages describing what it is like to be hit. They urged the congregation to go out and tell others about the service and to spread awareness. A candle globe, made for the occasion by a local blacksmith, was lit by representatives of different faiths and organisations in Coventry, to remember all children who have suffered violence. The Church of England's Mothers' Union also provided resources and offered four positive parenting workshops. The week ended with a workshop, "Ending legalised violence against children", with students and staff at Warwick University's Department of Early Childhood Studies. On 18<sup>th</sup> November the roadshow moved to Winchester Cathedral where there was a concert around the roadshow theme by choirs and soloists from Foundation Music, University of Winchester, and Pan Jazz, Portchester Community College.

For further information and news about roadshows in 2010 please contact: [chris@churchesfornon-violence.org](mailto:chris@churchesfornon-violence.org) or visit: [www.churchesfornon-violence.org](http://www.churchesfornon-violence.org)

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## Across the world

At the start of 2009, children in the following countries had equal protection from assault, with corporal punishment prohibited in all settings including the family home: Austria, Bulgaria, Costa Rica, Croatia, Cyprus, Denmark, Finland, Germany, Greece, Hungary, Iceland, Israel, Latvia, Netherlands, New Zealand, Norway, Portugal, Romania, Spain, Sweden, Ukraine, Uruguay and Venezuela. During the year the Republic of Moldova and Luxembourg were added to the list, bringing the number to 25. The interim Government of Southern Sudan became the first African Government to achieve equal protection for children.

As at November 2009, corporal punishment is prohibited in schools in 109 countries, as a judicial sentence for children and young people in 150 countries, as a “disciplinary” measure in penal institutions in 109 countries, and in alternative care settings in 36 countries.

Much of this progress has been in the context of follow up to the [UN Study on Violence against Children](#), together with pressure from international and regional human rights treaty monitoring bodies. The UN Committee on the Rights of the Child continued its systematic approach to recommending that states prohibit all corporal punishment of children. During 2009, prohibition was also recommended to states examined by the Committee on the Elimination of Discrimination Against Women, the Committee Against Torture, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee.

Regionally, the Council of Europe pursued its campaign to ensure prohibition in all 47 member states and the European Parliament adopted a [resolution](#) calling on European Union member states that have not yet enacted legislation prohibiting all corporal punishment to do so. The Inter-American Commission on Human Rights published a [report](#) on corporal punishment of children calling for full prohibition in all member states of the Organisation of American States.

Sweden marked the thirtieth anniversary since achieving equal protection for children with a report describing how the law came about and its impact on society: [Never Violence – Thirty Years on from Sweden’s Abolition of Corporal Punishment](#). The report also dispels some of the myths perpetuated by critics of Sweden’s law and opponents of law reform elsewhere.

In New Zealand, where the use of force for the purpose of correction was prohibited in 2007, opponents of the new law forced a referendum aimed at overturning it. Only 57% of those eligible to vote actually voted, the majority of whom voted “no” on a loaded and much-criticised question “Should a smack as part of good parental correction be a criminal offence in New Zealand?” The Prime Minister, Mr John Key, ruled out any change to the 2007 law, since police reviews of the law repeatedly demonstrate that it is working well and

parents are not being unnecessarily criminalised. He announced a review of the policies and procedures of the Police and Children, Youth and Family to identify any changes necessary in implementing the law.

In December 2009 the Global Initiative to End All Corporal Punishment of Children will publish its fourth global report on progress towards universal prohibition. For further information on this and all aspects of prohibition, see the [Global Initiative website](#). For regular updates on global progress, including news of new campaigns, research and resources, sign up to the Global Initiative e-newsletter (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

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## Parenting

In August 2009 the Department of Children, Schools and Families published a free booklet [Being a Parent in the Real World](#) by Laverne Antrobus as part of the Government's £60 million Parent Know How programme. The booklet has two pages headed "Smacking: it's not the answer". The overall advice is against smacking, but a box entitled "The Government strengthened the law in 2004 to protect children from harm" underlines the inadequacy of current law to protect children. For example it states that "even if a parent causes no actual injury to a child, some acts such as shaking a child, dragging a child by their hair, using a belt, cane, slipper or other implement, may not be accepted by the courts as 'reasonable punishment'". In other words the Government is acknowledging that these plainly degrading acts could be considered lawful by UK courts.

The Northern Ireland Commissioner for Children and Young People (NICCY) and the Children are Unbeatable! Alliance (CAU!), are hosting a public information talk on positive parenting which will be held in Belfast on Thursday 4th February 2010. The key-note speaker will be Dr Penelope Leach and a panel of local representatives to comment on the subject from a range of viewpoints including health, politics and faith. For more information contact [cau@ci-ni.org.uk](mailto:cau@ci-ni.org.uk).

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## Government

In November 2009 the Home Office launched its strategy on violence against women [Together we can end violence against women and girls](#). Although a major part of the strategy is aimed at prevention and tackling the roots of violence, no acknowledgement is made that the legality of physical punishment by parents may be an important cause of the social acceptability of violence. A number of respondents had made this point to the Government consultation, including [evidence submitted by Children Are Unbeatable!](#)

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## Research

Demos' recent study, [Building character](#) by Jen Lexman and Richard Reeves, found that what they called "tough love" parenting was more likely to produce children with capable and empathetic characters than "laissez faire", "disengaged" or "authoritarian" forms of parenting. The document makes clear that the aim of discipline in tough love "is to reason with and support their child rather than to be punitive". It also makes the point that "The term 'nanny state' is used pejoratively to describe government meddling in the private concerns of citizens. But if there is one area where Government intervention is justified, it is in precisely the area of life signalled by the term 'nannying' – the development of children's capabilities."

Unfortunately the Demos report did not refer to the mass of evidence showing that physical punishment is detrimental to many aspects of children's development, and its findings were therefore used by the pro-smacking press to support their views. However, Murray Straus, whose research on how children's cognitive development may be adversely affected by smacking also received coverage this autumn, has published a useful three-page summary of the evidence against physical punishment, [Research on Spanking By Parents: Implications for Public Policy](#), page 18 of *The Family Psychologist*.

A study of the association between parental control and child aggression in 200 8 to 10 year-olds found that physical punishment was positively associated with physical aggression both at home and at school (particularly for boys), with a cumulative effect if both parents deployed the same forms of control. The [full report](#) (for a fee) is published in the *British Journal of Developmental Psychology* (2009), vol. 27.

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### **And finally...**

Advice from agony aunts of the past:

"To my correspondents on the subject of children and discipline: As the mother of two boys and six girls (the youngest now 25), my advice is that the first principle of punishment is whipping, namely that you cannot begin too early. Permit me to state my method, as it is fully answered. As babies in arms, my children were never allowed what they screamed for, and at the age of one year, I began to chastise them, that is to say, at first to give perhaps two or three strokes with a small birch twig, increasing the punishment between one and three. One argument in favour of my system is that my dear children, who are all married, have adopted it in every single detail. Depend on it, children chastised systematically from a year old will seldom require the rod after ten."

The English Woman's Domestic Magazine, 1870

*"Do you believe that petting a child is bad for it?"*

"Yes, decidedly I do. A child gets very much attached to Mother (or Nurse) who feeds and baths it. It should be the mother's aim to prevent the child getting too attached to her and fondling the child too often has the opposite effect. The child who gets all the fondling is always looking for it in everybody

and is miserable without it. The adult who is always recounting his ills and looking for sympathy is the outcome of too much coddling in childhood. That is why psychologists say too much mother-love is harmful.”

Modern Woman, 1929

(Extracted from *Never kiss a man in a canoe* by Tanith Carey)