

Children Are Unbeatable! Newsletter England

Issue No. 7 – February 2012 (see [website](#) for previous issues)

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Will Wales lead the way?

In October 2011 we heard the exciting news that the Welsh Government had acquired legal powers to ban physical punishment and that a cross-party motion had been tabled by CAU! supporters Julie Morgan, Christine Chapman (both Labour), Lindsay Whittle (Plaid Cymru) and Kirsty Williams (Liberal Democrat) urging the government to remove the defence of “reasonable punishment”.

Unfortunately, although the motion was passed by a clear majority, the Welsh ministers abstained. At the end of the [debate](#) (pages 31- 46) Gwenda Thomas, Minister for children and social services and a CAU! supporter, told the Assembly, “I do not want to add to the problems of those families who do not have at their disposal the means and necessary skills to parent more positively. I would be fearful of criminalising parents, especially our most vulnerable. A great deal of preparatory work would need to be done to pave the way for legislation of this sort, and we would not be able to bring forward legislation during the term of this Assembly [i.e. not before the next Assembly election].”

This outcome was deeply disappointing to Welsh CAU! supporters. Since 2002 successive Welsh governments have supported a ban on smacking – for example, in 2004 over two thirds of the National Assembly voted to regret that the UK had failed to take action to ban and in 2009 legal reform to outlaw

physical punishment was one of the points of the Government's ten point plan for children.

Since then, of course, Wales has elected a new Government and a different First Minister has been chosen, but the politicians remain largely the same. A large majority in the Assembly still supports a ban, including CAU! members in the Government. So why did the administration appear to lose its nerve when it came to putting words into action?

Two things may have occurred. First, there may have been a political glitch. The cross-party motion was tabled under a brand new procedure enabling backbench members to put issues to a full Assembly vote. The Government may have been uneasy about being side-stepped and in hindsight the motion could have been more tactically worded to allow the Government to feel its hands remained on the levers.

Second, Welsh politicians may have been affected by the deluge of lobbying hostile to a ban. Although there was barely a week between the motion being tabled and its debate, Assembly members spoke of being "inundated" in an unprecedented manner by "e-mails, letters and phone calls from social workers, health professionals, police officers and many concerned parents and grandparents." From the familiar misinformation aired in the debate ("Sweden has more child abuse deaths than the UK"; "scientific research shows smacking is one of the most effective forms of discipline"; "a ban would be impossible to enforce", "there is no relationship whatsoever between mild smacks and abusive assaults" etc.) it was clear that the small but well-funded group that actively supports physical punishment had been energetically disseminating its false arguments.

CAU! Wales is not giving up. Julie Morgan and her fellow members have made clear to the Government that they will take any viable opportunity to pursue reform and will be pressing for the matter to be put to a free vote as soon as possible.

House of Commons Education Committee

The Education Committee is conducting an inquiry into child protection. CAU! submitted [evidence](#) with particular regard to the inquiry's focus on effective early help for children at risk. The issue of physical punishment has yet to be considered by the Committee.

Early Day Motion

Sir Alan Meale tabled the following [Early Day Motion](#) on 16 January 2012: "That this House is aware the Government has yet to commit itself to ending the practice of the physical punishment of children in the UK despite its human right obligations and progress in other countries across the world; recalls that the United Nations Committee on the Rights of the Child has called on the UK

Government three times since 1995 to prohibit in law the physical punishment of minors, with further criticism likely later this year as part of its Periodic Review; notes that 31 states have already achieved prohibition of such punishments but that the UK remains one of only four EU countries that has failed to make some commitment in this regard; and calls on the Government to prioritise policy on this matter and in doing so deal with the noticeable absence of early years child protection in our nation.” We hope readers will [ask their MP](#) to sign the EDM.

UK still breaching human rights obligations

The **European Committee of Social Rights** has once again [held](#) (pages 15-16) that the UK is not in conformity with Article 17 of the Social Charter because the legal defence of “reasonable punishment” for corporal punishment has not been removed.

The UK is soon to be examined by the Human Rights Council in Geneva in the second cycle of the **Universal Periodic Review** of its overall human rights record. In the first cycle, recommendations for a complete ban on corporal punishment were rejected by the UK Government; the Government will undoubtedly face further questioning and pressure this summer.

Labour MP calls for return to Victorian laws on discipline

David Lammy, MP for the Tottenham area of London where last summer’s riots began, claims the previous government has made parents “no longer sovereign in their own homes” by tightening smacking laws in the Children Act 2004 (section 58). In his book *Out of the ashes: after the riots* Lammy blames the riots on a lethal blend of poverty, lack of opportunity, poor education, consumerism, nihilism, individualism and weakened parenting. In January the press picked up his call to remove section 58 and restore parental rights under the Victorian laws which permitted harsher forms of discipline. He said he had found that many of his constituent parents believed smacking is banned and are “paranoid” social workers will take their children away.

Lammy’s arguments are confusing. He scorns section 58, because its threshold of no injuries beyond “reddening of the skin” enables black parents to impose harsher punishments because their children’s skin may not show bruising (a point raised as a discrimination issue for black children by the Commission for Racial Equality when section 58 was being debated) and yet he also appears to want the law to free them to hit harder. He complains that the new law empowers social workers, not judges, to determine what is “reasonable”, whereas in fact this decision-making remains the same (initially social workers, police and prosecution but ultimately the courts). He believes it’s easy for middle-class parents to control their children without smacking but not poor parents “with knives, gangs and the dangers of violent crime just outside the window”; but he fails to make any connection with violence perpetrated on the inside of the window. He accepts his constituents’ fears that their children will be

removed if they smack them although there is absolutely no evidence this occurs under section 58 – or would occur under a full ban.

Lammy received support from Boris Johnson but many organisations and individuals, including other Labour MPs, spoke against Lammy's views. For example Andrew Flanagan, chief executive of the NSPCC, agreed that the new laws were confusing but said, "The only way to stop this ambiguity is to ban smacking altogether and help parents to use more positive and constructive forms of discipline."

What you can do

Wales: This newsletter only goes to CAU! supporters in England: CAU! Cymru is separately coordinated. If any readers have supportive contacts in Wales, please send details to info@endcorporalpunishment.org.

England: We need to recruit as much parliamentary support as possible – please write to your MP (or friendly Peer) to ask them to support CAU! Here is all the information you need:

www.childrenareunbeatable.org.uk/pdfs/caucampaignsheetMPApril07.pdf

If you would prefer to email your MP, you can use this website:

www.writetothem.com (please include this link in your email:

www.childrenareunbeatable.org.uk/pages/signup-individuals.php)

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Child protection

Thirty-two Local Safeguarding Children Boards in England – more than one fifth of the total – have signed up to the Alliance's aims and we are now involved in a fresh round of requesting LSCB chairs to enable their boards to consider adding their support. In addition to the primary focus on children's right to equal protection, we are highlighting the benefits of repealing section 58 in the context of reduced public-sector finance.

What you can do

- If you come into contact with an LSCB which has not yet decided to support CAU! (see the [full list](#) of supporting LSCBs under 'Local Safeguarding Children Boards') please encourage them to consider (or revisit) this decision.
- If you sit on an LSCB, please ask the chair to place CAU!'s renewed invitation to support its aims on the board meeting agenda. Contact Pat Gordon-Smith on 07528 275646; pat.gsmith@yahoo.co.uk if you would like any information or materials to present to the chair and board.
- Tell us about any local or national possibilities for the Alliance to discuss changing the law on physical punishment with child protection professionals, and to encourage their support for the Alliance. Opportunities might include conferences, training sessions or informal meetings.

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Early Years

The Alliance is seeking support from organisations interested in the care, education and wellbeing of children under five. National early years organisations currently supporting the aim's of CAU! include:

4Children
British Association for Early Childhood Education (Early Education)
Centre for Research in Early Childhood
Coram Family
Daycare Trust
Early Years Equality
HighScope Uk
National Campaign for Real Nursery Education
National Childminding Association
National Day Nurseries Association
OMEP, UK National Committee
Nyehome Nursery Schools Ltd
Pre-School Learning Alliance
TACTYC

A further 39 local organisations and 29 Sure Start programmes have also signed up to CAU!'s aims. We are approaching local children's centres, nursery schools and private day nurseries directly, or via inserts in professional magazines, inviting them to join this support.

What you can do:

- Please send us your ideas for early years organisations we should approach for support. Contact Pat Gordon-Smith on 07528 275646; pat.gsmith@yahoo.co.uk for information and the full list of early years supporters.
- If you work in or alongside an early years setting, please encourage them to sign up to the aims of the Alliance. There is now an easy to use “early years sign-up button” on the website: <http://childrenareunbeatable.org.uk/pages/signup-early-years.php>

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“Restraint” in penal settings

The Children’s Rights Alliance for England (CRAE) lost its application for judicial review of the government’s refusal to inform children who were victims of painful restraint in secure training centres (STCs) that they have a potential right to compensation. However the High Court judge confirmed that over nearly a

decade there had been many hundreds of instances of unlawful restraint in order to impose children's compliance with staff orders (tantamount to corporal punishment) and that the children would not have known that their rights had been violated. A freedom of information request also revealed that 285 children had suffered life-threatening or serious injuries from restraint measures in STCs since 2006. CRAE is seeking leave to appeal.

What you can do

Contact CRAE on restraint@crae.org.uk if you know a child who has experienced painful or degrading forms of restraint during a custodial sentence, in school or in any other setting.

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Physical punishment in madrasas

A freedom of information request to more than 200 local authorities made by BBC's radio programme [File on 4](#) (broadcast in October) revealed that over the last three years there have been 421 allegations of physical abuse in madrasas, of which ten went to court, leading to two convictions (as well as 30 allegations of sexual abuse, leading to one conviction).

An estimated 250,000 Muslim children attend these unregulated religious instruction centres. Nazir Afzal, the chief crown prosecutor for the North West of England, said he believed the BBC's figures represented "a significant underestimate" because children and parents are reluctant to come forward and community pressure had led to some families withdrawing complaints.

Ghayasuddin Siddiqui, founder of the Muslim Institute and CAU! supporter, said: "We are basically destroying the lives of young people. Some kind of system must be put in place to ensure that only teaching takes place there, not sexual or physical abuse." Mohammad Shahid Raza, chairman of the Mosques and Imams National Advisory Board said he would treat the matter as urgent, "These figures are very, very alarming and shocking. There is no justification for such punishments within our mosque schools. I'm not sure how wide this unacceptable practice is, but our responsibility is to make those who run the mosques realise we live in a civilised society and this is not acceptable at any cost."

Since the programme, a Keighley madrasa teacher who was filmed kicking and slapping children by a Channel 4 programme broadcast earlier in the year received a ten week jail sentence. An [IPPR report](#) on a survey of 179 madrasas published in November 2011 also highlighted their use of corporal punishment, but showed that some councils were more proactive than others. For example, of the estimated 85 madrasas in Leicestershire, 66 have signed up to a safeguarding collaboration between the Federation of Muslim Organisations,

Leicester council and the police and none now uses any form of corporal punishment.

Corporal punishment is not prohibited in madrasas so long as it does not exceed "reasonable punishment" common assaults allowed under section 58 of the Children Act 2004 (because these schools operate for less than 12½ hours a week and so fall outside the law prohibiting corporal punishment). An official report by Sir Roger Singleton published in 2010 called for a legal prohibition of all physical punishment outside the child's home; the Department for Education said, "The government does not support the use of physical punishment in schools and other children's settings" and is considering Sir Roger's recommendations.

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Faith groups

The annual World Day of Prayer and Action for Children was held by UNICEF and religious groups on 20 November 2011; its theme for the following year is ending violence against children. UNICEF highlighted the [Muslim fatwa](#) issued two years ago in Mauritania forbidding corporal punishment, arising from a study of the Koran and other Islamic texts by a prominent network of Imams who found no justification for corporal punishment. The fatwa has been distributed to more than 2,000 schools and religious centres and has led to a significant reduction of corporal punishment in madrasas. "Violence does not discriminate," said Anthony Lake, UNICEF Executive Director. "It cuts across race, religion, class and culture."

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Across the world

More countries prohibit physical punishment

Togo and the Republic of Congo (NB this is not war-torn Democratic Republic of Congo) join the list of states that have prohibited all forms of physical punishment, bringing the number of states worldwide to 32, of which five are in Africa.

Debate in the US

The US media extensively debated physical punishment in the wake of two widely publicised scandals – the posting on YouTube of a harrowing [video](#) secretly filmed by a 16 year-old of her father, a Texan judge, beating her with a leather belt and the murder convictions of parents who had followed the instructions in a parenting guide by Christian fundamentalists Michael and Debi Pearl. The special two part CNN report on the issue can be viewed here: [part 1](#), [part 2](#).

The Global Initiative to End Corporal Punishment

The Global Initiative has published its [2011 Report](#) on worldwide progress to end all corporal punishment. For a hard copy, further information about the Global Initiative or to receive its newsletter, contact infor@endcorporalpunishment.org.

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Research

Child protection systems have little impact

A [study](#) published in *The Lancet* of child maltreatment over the past two decades in six states (England, Sweden, New Zealand, Western Australia, Manitoba (Canada) and the USA) concludes that government child protection initiatives have little impact. Professor Ruth Gilbert, professor of clinical epidemiology at the University College London Institute of Child Health, said: "Our results suggest the need to focus on preventing factors that contribute to child maltreatment, in order to substantially reduce rates of child maltreatment in the future."

However the researchers do not include the legal prohibition of physical punishment in such preventive measures, on the basis of an inaccurate argument (promulgated by those in support of smacking) that: "In Sweden, serial surveys showed that physical punishment by parents in the previous year fell from 95% in 1965, to 50% in 1971, well before corporal punishment was banned in 1979."

In fact Sweden repealed the equivalent of its section 58 defence in 1957 and subsequently tightened up the parental code in 1966. When these law reforms aimed at prohibiting physical punishment were ignored in a court case in 1975 the Government introduced the explicit and watertight ban in 1979. Thus, contrary to the quoted claim, a fall in Sweden's physical punishment did follow legal reform (together with government initiatives to ensure effective implementation). The Lancet study also notes that after 1979, surveys showed the use of physical punishment fell "to 30% in 1980 and 2% in 2006," but regrettably chooses to attribute this excellent result solely to Sweden's low child poverty levels and parenting services, rather than suggesting that a ban on smacking is an additional universal measure effective against child maltreatment.

Discipline in black families

Asadah Kirkland, an African-American woman, has written a book "Beating Black Kids" challenging the idea that corporal punishment is a legitimate tradition among black families. She has a [website](#) and [newsletter](#).

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And finally...

Coronation Street is currently running a smacking storyline. Character Owen was shown hitting ten-year old schoolgirl Faye on the legs because she poisoned his fish. A "storm of controversy" is alleged to have broken out on social media sites,

as well as a small number of complaints to Ofcom. The actor Ian Puleston Davies told the press that he would never hit his own two children and was disappointed by the angry reaction: "These things happen whether we like it or not. So let's show it. We're messengers, don't shoot us." A spokesperson for the show said that they did not condone smacking and that there would be "ramifications" for Owen's relationship with Faye's adoptive mother, Anna. Her first response has been to throw Owen out of the house... CAU! supporters are invited to speculate what will – or should – happen to Owen, Faye and Anna next as a result of the smacking.

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