

Children Are Unbeatable! Newsletter England

Issue No. 10 – June 2013 (see [website](#) for previous issues)

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Parliament and Government

Wales

As reported in previous newsletters, there is a real possibility of the National Assembly for Wales achieving a ban on smacking late this year or early next.

Children Are Unbeatable!-Cymru continues to campaign for the necessary amendment to remove the “reasonable punishment” defence to be added to the [Social Services and Well-being \(Wales\) Bill](#), still at Stage 1 in the Assembly. The Bill provides the obvious immediate vehicle for banning smacking and 20 respondents to the Stage 1 Consultation called for a ban, including the Archbishop of Wales, the Children’s Commissioner and CAU! supporting organisations.

But the leadership of the minority Labour Government continues to show hesitation and there have been “mysterious” setbacks: the chairperson of the Assembly’s Children and Young People’s Committee, Christine Chapman AM and two members of the Committee, Julie Morgan AM and Jenny Rathbone AM, were both moved suddenly by the Labour Whip to other committees. The three AMs are long-term supporters of a smacking ban; a [BBC political commentator](#) came to the obvious conclusion – that these Labour AMs had been moved solely to prevent a strong majority on this Committee recommending a ban and the Committee also tabling the necessary amendment.

In May, Welsh Labour launched a consultation on the issue across constituency parties, AMs and MPs, affiliates and others. The consultation document was grossly distorted and plainly intended to delay any action as long as possible. It entirely fails to mention the decade of consistent commitment to banning smacking from successive Labour-led Welsh Governments since 2002 and the First Minister's statement in October 2011 that the Assembly now has the devolved power to achieve a ban. Nor does it note Welsh Governments' substantial investment in promoting positive parenting and non-violent discipline. It refers to the "experience of other countries" which has no basis in any known fact, and gives inaccurate information about the current law in Wales. This extraordinary document does not identify the issue as one of equality and human rights for children, nor does it refer at all to the intense human rights pressure that the UK Government is under to ban smacking.

The consultation poses five "alternative" questions:

- Do you think our next manifesto for 2016 should include a promise to change the law?
- Do you think if a change in the law led to more prosecutions of parents and more state intervention in the family, that this would be undesirable and it is better not to change the law at present?
- Do you think a change in the law should only be considered once there has been a programme to inform public and media opinion and to promote positive parenting – this might take 2-3 years given the experiences of other countries, but should this be started now?
- Do you think there should be no discussion about changing the law until after the next Assembly Elections in Wales?
- Do you think the law to remove from parents the defence of reasonable punishment should be introduced by Welsh Government at the earliest opportunity?

The deadline for responses is September 2 2013. CAU! Cymru is briefing Welsh Labour constituencies and other Labour bodies, highlighting the distortions and omissions and urging respondents to support the last option.

Meanwhile AMs from Plaid Cymru and the Liberal Democrats have stated that they will table the necessary amendment if the Government does not add it to the Bill.

Groundswell of support in Wales continues to grow. A CAU!-Cymru [video](#) is now available on YouTube, with contributions from the Archbishop of Wales, police (including the Chief Constable of Gwent), the Children's Commissioner, child protection professionals, children's organisations and Welsh children themselves. In April Labour-run Cardiff Council formally [voted to support the aims](#) of CAU!-Cymru.

What you can do:

This newsletter only goes to CAU! supporters in England – [CAU!-Cymru](#) is separately coordinated – but if any readers have supportive contacts in Wales, please send details to Sara Reid, Coordinator of CAU! Cymru, (sara.reid.cymru@gmail.com).

Westminster

Although there are probably no viable opportunities for law reform in England under the Coalition Government, 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 the information you need:

- To find out if your MP is already a supporter, go to the [supporters page](#) on the CAU! website and scroll down to the list of “Individual” supporters;
- For the leaflet on recruiting MPs click [here](#);
- For a hard copy sign-up form click [here](#);
- For the online sign-up form click [here](#).

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Human rights pressure on the UK

The UN Committee Against Torture called for complete legal abolition of physical punishment in its fifth [concluding observations](#) on the UK. This form of cruel and degrading treatment, once permitted under English law for use on convicts, soldiers, servants, apprentices and wives, is now only permitted in relation to children:

“The Committee recommends that the State party prohibits corporal punishment of children in all settings in Metropolitan territory, Crown Dependencies and Overseas Territories, repealing all legal defences currently in place, and further promote positive non-violent forms of discipline via public campaigns as an alternative to corporal punishment.”

The UN High Commissioner for Human Rights has issued a report on [The right of the child to the enjoyment of the highest attainable standard of health](#).

Violence is identified as one of the health issues requiring attention; the report states: “In the light of the impact of corporal punishment on children’s health, including fatal and non-fatal injury, as well as psychological and emotional consequences, corporal punishment and other cruel or degrading forms of punishment in all settings should be eliminated” (para. 56).

The Committee on the Rights of the Child has also issued a General Comment on article 24, the child’s right to the highest attainable standard of health ([No. 15](#)), which once again calls on all states to outlaw corporal punishment.

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Child protection

Over a third of the English Local Safeguarding Children Boards have now made a formal decision to support the aims of CAU!, but many have not yet even put the matter on the agenda. Others have in the past considered it and decided against, mainly on the grounds that supporting a change to the law is not within the LSCB's statutory scope of responsibilities.

The recently revised version of [*Working Together to Safeguard Children*](#), although drastically reduced from the previous edition, still lays great emphasis on the independence of LSCBs. Their role includes identifying strategies for improving child protection and holding both their member-organisations and others – not excluding the Government – to account. Research in Canada and the US reveals the central role that physical punishment plays in abuse cases and research in the countries that have banned smacking shows that rates of violence to children, including severe violence, radically decline after law reform: the child protection arguments for supporting the aims of CAU! are overwhelming.

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” – scroll down to “L”) 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 or 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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Domestic violence

Home Secretary Teresa May and Crime Prevention Minister Jeremy Browne have jointly published the 2013 Action Plan [*A Call to End Violence against Women and Girls*](#). Once again, the priority is “to prevent violence against women and girls from happening in the first place, by challenging the attitudes and behaviours which foster it and intervening early to prevent it,” and once again there is complete failure to mention the obvious preventive measure of banning physical punishment, despite research showing that this clearly fosters domestic violence in later life.

Children Are Unbeatable! is encouraging domestic violence organisations to sign a [statement](#) on why the legality of physical punishment of children undermines efforts to combat adult domestic violence. Signatory organisations now include Women's Aid, Refuge, Zero Tolerance, AVA (Against Violence and Abuse), Respect and Eaves.

What you can do

- Encourage organisations working on domestic violence to sign the statement. For more information contact rachel@childrenareunbeatable.org.uk.

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Physical punishment in madrassas

Since the last newsletter there has been no progress on this issue, which remains an indefensible gap in the law and a clear breach of children's rights.

What you can do

- Sign the [e-petition](#) to the Government to outlaw physical punishment in all part-time educational provision, posted by Natasha Coster
- Write to Michael Gove or your MP to express concern about the Government's failure to ban physical punishment in all educational and care settings for children including madrassas and Sunday schools. (See 'how to write to your MP in the [Parliament](#) section above).

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Across the world

More than half the child population in the European Union now enjoy full legal protection from all forms of physical punishment, but 11 European countries have still to enact this reform. A new regional report – [Prohibiting corporal punishment: achieving equal protection for children in EU member states](#) – has been published which reviews progress towards prohibition in all EU member states.

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Research

An NSPCC report "[How safe are our children?](#)" estimates that over half a million children are abused or neglected at home, although only a fraction (one in nine) are protected by local authorities. Using 19 indicators, the report reckons to present the most robust and up-to-date data on child protection available in the UK. Although the report identifies some improvements in safeguarding, it calls for a new approach, focused more on prevention, to secure the safety of this huge population of abused children.

The UK media reported an American study claiming it showed “smacking does no harm if children feel loved” (for example, [Daily Telegraph, 18 April 2013.](#)) This study of 189 Mexican-American adolescents, published in the journal *Parenting: Science and Practice*, found that although there were associations between harsh discipline and antisocial behaviour, this could be nullified by high levels of maternal warmth.

Aside noting that pro-smacking research now only claims that smacking “sometimes does no harm” (as opposed to always does good) these findings are contradicted by at least three other US studies. One, a [1996 study](#) of 2,000 10-16 year olds in the USA found that the more often the young people had been “spanked”, slapped or hit, by parents or guardians in the past year, the stronger the association with psychological distress (including feeling sad, feeling alone and feeling bad about themselves). It found that the association was greater when parents were more supportive: “In fact, this “loving” context may affect the meaning that children attach to the punishment, such that they are more likely to attribute it to their own failures and deficiencies, or experience the discipline as arbitrary and unexpected. Indeed, believing that “they spank me often because they love me” may be more distressing than believing that “they spank me often because we don't get along.”” The second, [2012 study](#), involved 89 children aged 9-12 in the USA. This found that children of parents who spanked them but who otherwise communicated with them in a positive and supportive way were more likely to be depressed than children who were spanked and whose parents did not communicate with them in a supportive way. The third [2013 study](#) of 3,279 pairs of mothers and children, examined whether maternal warmth moderates the association between maternal use of spanking and increased child aggression at the progressive ages of 1, 3 and 5 years. It also found that spanking was predictive of behaviour problems and that maternal warmth did not counteract these negative consequences.

In February 2013, the Government announced a national pledge to reduce the number of excess deaths in children (estimated at 1,600 a year, using the rates of comparable countries). In May 2013, the British Medical Association (BMA) Board of Science published [Growing up in the UK: Ensuring a Healthy Future for our Children](#), aiming to identify measures which should reduce inequalities in child health and raise that the UK's relatively low ranking in league tables of child health and well-being. The negative impact of physical punishment on children's healthy development is mentioned and “legislation against smacking” is identified as an example of “whole-population, universal strategies likely to shift patterns of parenting”, but unfortunately the report does not make this a formal recommendation. Once again, it refers to the false statement that, in Sweden, . . . “...much of the decline [in physical punishment] pre-dated legislation banning smacking (1979)”, which overlooks two facts: first, Sweden removed the parental defence for physical punishment in 1957, when the decline in its use began, and

second, Sweden's current low rates of physical punishment – under 10% – are inconceivable in the UK or any other country where smacking remains legal.

And finally...

Justice Secretary Chris Grayling was [reported](#) as saying that the occasional smack is necessary “to send children a message” if their behaviour “warranted it.” What behaviour warrants a smack? No doubt a bigger child bullying and hurting a smaller child. And what “message” is sent by a smack? That it's quite all right for a bigger person to hurt a smaller person.

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