

Children Are Unbeatable! Newsletter England

Issue No. 13 – June 2014 (see [website](#) for previous issues)

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Parliament and Government

UK

In May the Government submitted its [fifth report](#) to the Committee on the Rights of the Child. Responding to the Committee's recommendation that all forms of physical punishment should be banned as required by the UK's obligations set out in Article 19 of the Convention on the Rights of the Child (children to be protected from all forms of violence) the Government states:

“The UK Government does not condone any violence towards children and has clear laws to deal with it. Our view is that a mild smack does not constitute violence and that parents should not be criminalised for giving a mild smack.”

The absurd and offensive claim that “a mild smack” is not a form of violence was also made by the previous Government. Even the mildest smack is designed to cause pain and humiliation, as well as sending children the message that hitting is acceptable. And while parents would be committing a criminal offence if they hit a child, just as they would if they hit an adult, parents would not be “criminalised” by charges or prosecutions for a mild smack, except on the rare circumstance this was found to be in both the public interest *and* in the best interests of the child victim.

The report also acknowledges that not all schools have been banned from using physical punishment, without offering an explanation as to why they are not:

“There are some unregistered independent settings, providing part-time education, that are not covered by this ban. However, work is underway to develop a code of practice which will send a clear

message about the expected standards that all settings should meet, and to highlight that assault of children is unlawful in any setting.”

For more on the code, see [Physical punishment in madrassas](#) below.

Wales

The next opportunity to remove the “reasonable punishment” defence in Wales will be in a domestic abuse bill, due to be introduced this month. The Bill will be considered first by the Communities, Equality and Local Government Committee of the National Assembly, chaired by Christine Chapman AM who first urged Wales to ban physical punishment in an Assembly debate in January 2002 on the motion “Hitting people is wrong and children are people too”. Since then, successive Labour-led Welsh Governments have been publicly committed, in contrast to the UK Government, to complete removal of the “reasonable punishment” defence in relation to assaults against children in Wales. As reported in the last newsletter, in February the current Labour leadership refused a free vote on an amendment to achieve this in the Social Services and Well-being (Wales) Bill, but the responsible Minister, Gwenda Thomas AM (a long-term supporter of CAU!’s aim) promised: “...There will be opportunities to examine this issue in forthcoming legislation in this Assembly term. It would be good to work on this on a cross-party basis in the future.” CAU! will be urging all supporters to step up pressure on the Welsh Government and Assembly to ensure there is no further delay. The domestic abuse Bill is an obvious vehicle for banning the only legalised form of violence in Welsh families – physical punishment of children.

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 currently 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! Click for the information you need:

- To find out if your [MP is a CAU! supporter](#);
- Suggestions for what to [write to your MP](#)
- For hard copy and online [sign-up forms](#).

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Physical punishment in madrassas

The Government is shortly to announce a “voluntary code” for madrassas (see [Parliament and Government](#) above) which includes a provision for corporal punishment not to be used on the pupils.

According to a report in [The Guardian](#), if a madrassa agrees to abide by the code it may be given “official recognition” on the Department for Education website. At present about 600 madrassas are members of the Mosques and Imams National Advisory Board which promotes good governance in mosques through a process of voluntary self-regulation. These are also likely to sign up to the code.

However, there are an estimated 2000-5000 madrassas operating in the UK. It is the madrassas outside the mainstream that are least likely to accept the code or be interested in “official recognition” and are the most likely to use physical punishment. Without any form of legal regulation they are fully entitled to do so – code notwithstanding.

What you can do

- 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

Parliaments in three more states have adopted laws completely banning all physical punishment, including in the home, since the last Newsletter: **Macedonia, Malta** and **Brazil**. In the case of Brazil, the law is still awaiting the signature of the president: once this has been achieved, the total number of states with full prohibition will be 38. Another 45 states have made public commitments to achieve a full ban – mostly during the Universal Periodic Review in the Human Rights Council in Geneva.

In June, the **Government of Sweden** hosted a high-level inter-governmental conference in Stockholm to celebrate the 25th anniversary of the adoption of the Convention on the Rights of the Child and the 35th anniversary of Sweden’s pioneering ban on all corporal punishment of children and to promote universal prohibition and elimination. To mark the occasion and to support the accelerating progress worldwide towards prohibiting all corporal punishment, the Global Initiative has published a special global progress report, [Childhood free from corporal punishment – changing law and practice](#). In it, Sweden’s Minister for Children and Elderly People, Maria Larsson, writes: “I really hope that this initiative will be taken over from one country to another as a relay-baton in our joined race to achieve the standards of the human rights of the child. I also hope that this conference will inspire other countries to take the necessary steps to ban the corporal punishment of children.

We will, hopefully, arrive at the point when children receive the necessary respect and are treated in a manner that never includes violence, or the threat of violence. A child who is hit – learns to hit. A child who is loved – learns to love.”

Austria is committed to hosting a follow-up meeting in 2016 and the Minister of Justice, Dr Wolfgang Brandstetter, writes: "...it is intended to share experience about the long and rocky path that needs to be followed in a concerted manner by political decision-makers and other groups of society in order to arrive at a state of affairs where not only the concept for a new culture of a violence-free upbringing of children is fostered but where a life without violence becomes standard for children throughout Europe and the world."

The Holy See has been urged by the Committee on the Rights of the Child to explicitly ban corporal punishment in all settings, by amending both the Vatican City law and Roman Catholic Canon law. In its [Concluding Observations](#) on the Holy See's second report, the Committee welcomed the Holy See's delegation's commitment to "take back for consideration" the proposal of a ban, but expressed concern that the Catholic Church continued to tacitly condone corporal punishment. It reminded the Holy See that the Convention "leaves no room for any level of violence against children." For more information contact info@churchesfornon-violence.org.

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Research

Academics for Equal Protection

A group of 21 senior academics in Wales with expertise in children's social care, education, community paediatrics, family law and criminology, have formed "Academics for Equal Protection" to lobby the Welsh Government for a legal ban on smacking. Dr Sally Holland, a founder member from Cardiff University's School of Social Sciences, spoke at a fringe meeting at the Welsh Labour conference. She said: "The academic evidence – hundreds of studies – is very clear, smacking is not the best way to get children to behave. This will not lead to the widespread criminalisation of parents. It's not introducing a new crime – it is merely saying that 'reasonable punishment' should not be a defence."

For more information contact Dr Sally Holland at hollandS1@cardiff.ac.uk.

Eavesdropping on parental discipline

A [study](#) published in the American Journal of Psychology involved 33 mothers who agreed to wear digital audio recorders for up to six evenings. A total of 41 incidents of physical punishment were recorded in 15 families. The results showed that the mothers failed to follow good practice advice, that 20% of the mothers' self-reports did not corresponded to recorded events and that in 73% of the incidents children misbehaved again within ten minutes of the punishment. The authors warned that, because of the smallness of the sample, these could only be preliminary findings.

The study was reported in the [Daily Mail](#) under the heading "Parents smack their children more than they admit – and it DOESN'T improve behaviour". This claim was then subject to analysis on the NHS's [Choices](#) site, which concluded (on surprisingly flimsy grounds): "The results of this very small and

select US study contributes little evidence on the use or effectiveness of corporal punishment for children in this country. However, it does serve to stimulate public debate about the validity and morality of being physically violent to children as a way of trying to improve their behaviour.”

28 years later: results from the Finnish ban

Finland was the second country after Sweden to ban all physical punishment, in 1983. A [survey](#) in 2011 of 4,609 people between 15 and 80 years through a written questionnaire found a significant drop in reports of being slapped or beaten as a child among the respondents who were born after the law was changed. The number of murdered children also declined. Respondents who had been exposed to high amounts of physical punishment scored significantly higher on alcohol abuse, depression, mental health problems as well as divorce and suicide attempts.

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And finally...

... yet another contribution from the United States which will no doubt be the last country to ban physical punishment, along with gun ownership and capital punishment.

“How to give a spanking”, posted on the anonymous Wiki How To site, includes step by step instructions illustrated by helpful photographs. Steps six to twelve provide sufficient justification for a smacking ban, describing the act in near-obscene detail:

- “Spank younger children with an open hand, and not a tool. Belts are dangerous if misused and should be avoided.
- “Some parents, families, and cultures prefer bare bottom spankings, and some advocate spanking only over clothing. Use your own best judgement, considering all factors: your cultural norms (and therefore embarrassment and sense of intrusion your child may feel), your child's safety (spanking on a bare bottom can allow you to see how much redness you're leaving, but it also offers less protection from the hand), your child's age and comfort/discomfort with nudity, and what they're wearing (certain items of clothing might make it hurt more or less). While spanking may be acceptable to you as a form of punishment, you probably want to avoid it becoming a humiliating or traumatizing event; make your decisions accordingly, since you know your child and your culture the best.
- “Remove all rings from your fingers. These can hurt your child and be dangerous for own hands as well. You don't want anything that will obstruct the spanking or possibly hurt your child. Also consider taking out any items in your pockets that may make it uncomfortable for your child to lie across your lap. Set these objects on a table or chair off to the side.

- “Bend your child over your knee. Sit down, then pull the child over your lap.
- “Do not talk during the spanking. Save any conversation for after the spanking is done—just get it over.
- “Relax your hand and all your limbs, with one firm hand on their back and one on their bottom. Make sure your child isn't squirming and his or her legs are locked.
- “Don't hit too hard. It doesn't take a lot of force to successfully discipline your child, and hitting too hard can cause injury or trauma. Plus, the symbolism of the act is just as important as the actual pain inflicted. Make sure you listen to the child's responses, to know if you are hitting too hard. For avoiding injure your child you should keep a safe distance from the genital area, the coccyx and the kidneys of the child. Pay attention to the reddening of your child's bottom: at the latest if both cheeks are bright red, the spanking should end.”

The posting ends on an ambiguous note: “Hug them, and give them a kiss. They may feel resentful to you for a few days, but will generally forgive you.”

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