

Children Are Unbeatable! Newsletter England

Issue No. 17 – October 2015 (see [website](#) for previous issues)

If you do not want to receive further issues of the newsletter, please inform Rachel Hodgkin at rachel@childrenareunbeatable.org.uk.

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Parliament and Government

Westminster

The number of MPs supporting CAU!'s aims fell significantly after the General Election as a result of defeat or retirement, from 98 MPs before May 2015 to 57 MPs. Liberal Democrat supporter MPs dropped from 27 to five, Labour from 62 to 46 and "other parties" from nine to six.

However, eight members of Labour's new shadow cabinet are supporters, including Jeremy Corbyn, John McDonnell and Chris Bryant (leader of the House of Commons). We are sure that many of the new intake of MPs will sign up in support of CAU!, including key shadow ministers, and are hopeful of gaining more Conservative support and support from the SNP and other parties.

Information about relevant interests of MPs or peers and how best to make contact with them is warmly welcomed; readers are encouraged to ask their local MP to sign up to CAU! and promote our aims.

- 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](#).

Wales

The First Minister, Carwyn Jones AM, told a Welsh Labour Policy Forum meeting early in July that removal of the “reasonable punishment” defence to ban physical punishment was Welsh Labour policy which should be reflected in the manifesto for the May 2016 National Assembly elections. Plaid Cymru included this commitment in its manifesto for the 2015 Westminster election: “Plaid Cymru would remove the reasonable punishment defence, giving children equal protection under the law and preventing smacking”.

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.

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Across the world

Ireland

There is a serious possibility that all physical punishment will be banned in the Republic of Ireland in the next few weeks.

An amendment to remove the defence of “reasonable punishment” (similar to the English defence) was tabled to the “Children First Bill” in the Irish Seanad on September 23 by Senator Jillian van Turnhout. The Minister for Children and Youth Affairs responded very positively: “I have been in discussions with the Attorney General and with my Department... and we are very hopeful. There is absolutely no ideological issue here. Everybody wants this to happen. I do not want to leave this behind us...I cannot with absolute authority or confidence accept the amendment today but I have no doubt that by Report Stage, one way or the other, there will be a clear answer on this. If I have my way we will have this defence of ‘reasonable chastisement’ removed from the Statute Book.” The Seanad debate can be read [here](#) (see amendment 6, about half way down the page).

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Human rights pressure on the UK

UN Human Rights Committee tells UK to ban all corporal punishment

In its concluding observations following examination of the UK’s seventh report under the International Covenant on Civil and Political Rights, the Human Rights Committee expressed concern about the lack of an explicit prohibition on corporal punishment in the home and about the existing legal defences of “reasonable punishment” in England, Wales and Northern Ireland and “justifiable

assault” in Scotland. The Committee [recommended](#): “The State party should take practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings, including the home, throughout United Kingdom and all Crown dependencies and overseas territories, and should repeal all existing legal defences across the State party’s jurisdiction. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects” (see paragraph 20).

UK periodic examination by the Committee on the Rights of the Child

In May 2016 the UK Government will be examined by the UN Committee on the Rights of the Child on the measures it has taken since 2008 to further implement the Convention on the Rights of the Child, following its report to the Committee in 2014 (see CAU! newsletter 13).

This summer a coalition of 76 English non-governmental organisations submitted the [Civil Society Alternative Report 2015 to the UN Committee on the Rights of the Child](#), commenting on the Government’s claims and highlighting a number of violations of children’s rights. The four UK children’s commissioners also submitted a separate joint report as did coalitions of NGOs in Scotland, Wales and Northern Ireland. In October representatives from all these groups will meet in private session with the Committee, following which the Government will be asked to provide information to the Committee on a “List of Issues” which seeks to fill in the gaps and bring up to date the Government’s original report.

All the alternative reports emphasise the need for all forms of physical punishment to be outlawed in the UK, in line with the recommendations of many human rights treaty bodies.

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Child protection

Cultural relativity in child protection

High court judge Mrs Justice Pauffley received widespread media attention for saying that allowances should be made for different cultural contexts when assessing child abuse. The Family Division case involved a man recently arrived from India who was accused of assaulting his son. The father denied using a belt, claiming he had only given his son a “a slap or a tap” for disciplinary purposes. The judge said that “within many communities newly arrived in this country, children are slapped and hit for misbehaviour in a way which at first excites the interest of child protection professionals,” going on to say that in her view this did not amount to “punitively harsh treatment of the kind that would merit the term physical abuse”.

A spokesman for the NSPCC said: “Children need to be protected irrespective of cultural sensitivities. Different practices are no excuse for child abuse taking place in this country and the law doesn't make that distinction.” A Government spokesman said there should be “no exceptions” which allowed foreigners to inflict violence on their sons and daughters.

While these statements are undoubtedly correct it should also be noted that the judge appears to be under misapprehension about British culture, given thousands of British children are slapped for misbehaviour on a daily basis. The Government spokesperson's criticism of the judge is curiously inconsistent with the Government assertion in its report to the UN Committee on the Rights of the Child that “a mild smack does not constitute violence” (see human rights pressure, above).

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 Rachel Hodgkin (0208 889 9034 or rachel@childrenareunbeatable.org.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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Physical punishment in madrassas

Government drops proposed Code of Practice

A loophole in the law means physical punishment in part-time education institutions is currently lawful. In its report to the UN Committee on the Rights of the Child, the Government accepted this was the position, noting that while corporal punishment is banned in all schools throughout the UK, “there are some unregistered independent settings, providing part-time education, that are not covered by this ban”. The Government's report states: “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”.

Despite evidence that children are routinely physically punished in some of the UK's thousands of madrassas (supplementary Islamic schools) the Government

has so far refused to reform the law to correct this anomaly. However, following difficulties in drafting and implementing, it has been [reported](#) that even the modest plan for a code of practice has been shelved. This would mean there are now no proposed measures to protect children in part-time education from common assaults by their teachers.

In September two teachers at the Sparkbrook Islamic Centre were jailed for a year for beating a ten year old boy with a plastic stick, causing extensive bruising and psychological trauma. The judge told the perpetrators that they had not just “misunderstood what constitutes proper punishment”, and that “acts of brutality of this sort which you each indulged in, with a stick, will not be tolerated.” Causing bruising with a plastic stick would also have constituted unlawful physical punishment if it had been administered by a parent. However if the teachers had confined themselves to hand slaps (also condemned by the judge) they would have been able to raise the defence of “reasonable punishment”, in striking contrast to teachers in every other educational setting.

What you can do

- Write to Nicky Morgan, Secretary of State for Education, or to 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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Research

Children reporting abuse

Self-reporting by parents of their use of physical punishment and other forms of abuse is inevitably likely to be biased or an underestimate. In any event studies based on a single informant are less accurate than multiple-informant studies. USA-based [research](#) examined the potential of using reports by children on the extent and nature of parental abuse. As well as exploring the value of child reports in determining prevalence the study also looked at children’s sensitivity to relevant factors, such as family stress or parents’ dysfunctionality. The study concludes that not only do children provide valid alternative evidence on the extent of parental abuse they “can provide a potentially valuable, unique outlook on how their parents and family are functioning.”

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