

# Children are unbeatable!

An alliance of organisations and individuals seeking legal reform to give children the same protection under the law on assault as adults and promoting positive, non-violent discipline

**CHILDREN BILL REPORT STAGE BRIEFING**

**(2 November 2004)**

## CLAUSE 56 IS UNCLEAR, UNJUST & UNWORKABLE EQUAL PROTECTION IS THE WAY FORWARD

**CHILDREN'S HUMAN right to full protection under the law on assault must be made a reality. Hitting children is wrong and the law should say so. The Children Are Unbeatable! Alliance has campaigned consistently since its formation in 1998 for children to be accorded equal protection. It is now the broadest campaign coalition ever assembled on a children's issue.**

**The Alliance includes organisations representing all the elements of the child protection system. They all support equal protection and know that it is the only safe, just and workable way forward. All mainstream professional associations working with children and families oppose clause 56 (was clause 49) of the Children Bill, which was added in the House of Lords.**

**There is no justification whatsoever for giving the smallest and most fragile of our citizens less protection from being hit than we take for granted for ourselves. Nobody would think of proposing that minor assaults or "smacking" of any other members of society should be decriminalised. So how can it be acceptable for children?**

**The Children Bill is the obvious vehicle for equal protection reform. Clause 56 perpetuates inequality. It allows parents to continue to justify common assault as reasonable punishment. The message it transmits is "carry on smacking". Can Parliament seriously contemplate approving such legislation in the 21st century?**

**The House of Commons must replace clause 56 with equal protection - and Parliamentary tradition demands that every MP should be allowed a free vote on what is so clearly an issue of principle and conscience.**

Further information: Bess Herbert 07961 072828 [www.childrenareunbeatable.org.uk](http://www.childrenareunbeatable.org.uk)

**10** reasons to support equal protection for children under the law on assault:

**Children are being legally hit right now**  
Research commissioned by the Department of Health shows that most UK children are hit and around a third are hit severely (Smith and Nobes, 1997).

**Support child protection professionals**  
All those involved in protecting children from abuse, from the NSPCC to Social Services Directors, want the law changed to provide a clear basis for child protection.

**Promote positive parenting**  
The law as it stands undermines the work of health visitors, midwives, early years carers and many others who try to promote positive, non-violent discipline.

**Cultural change**  
The law sets standards in every sphere of society, including family relationships. How can we expect parents to stop hitting their children if the law says it's acceptable?

**Reform works**  
Children are afforded equal protection from assault in Germany, Sweden, Norway, Austria and many other countries, changing attitudes and behaviour for the better.

**Human rights obligations**  
The UN Committee on the Rights of the Child has twice recommended law reform; the European Social Charter requires abolition of all corporal punishment, and the European Court of Human Rights has ruled that UK law does not provide adequate protection.

**The law is archaic**  
The law allowing "reasonable chastisement" dates back to 1860 and is out of step with the values of a modern society.

**Ordinary people do not oppose change**  
In fact, when asked in a non-sensationalist way, the majority of people support changing the law to give children equal protection (MORI Social Affairs Institute, 2004).

**It's the right thing to do**  
Many countries have changed their laws without having public opinion firmly on their side. They did it because it is the right thing to do for children, children's rights and child protection, and public attitudes have changed as a result.

**hitting children is wrong  
& the law should say so**

# WHY CLAUSE 56 IS NOT THE WAY FORWARD

Statement from:

**Association of Directors of Social Services**

**British Association for the Study and Prevention of Child Abuse and Neglect**

**British Association of Social Workers**

**Community Practitioners' and Health Visitors' Association**

**National Society for the Prevention of Cruelty to Children**

**Parenting Education and Support Forum**

**Royal College of Paediatrics and Child Health**

"WE DO NOT believe that clause 56 of the Children Bill represents a safe or workable way forward for children and child protection. To us, the only alternative to the status quo is to give children the same protection as adults have from assault.

Our concerns are that:

## **Clause 56 sends the wrong message**

By retaining the defence of "reasonable punishment" in relation to common assault, clause 56 maintains the legality of hitting children and sends the message "carry on smacking". Clause 56 would prevent those working with parents and in child protection from delivering the only clear and safe message – that hitting children has no place in positive discipline.

## **Clause 56 does not deter dangerous forms of punishment**

By removing the defence in relation to assaults which cause visible or provable injury, clause 56 would effectively encourage parents who are committed to using corporal punishment to favour assaults which are unlikely to cause visible bruising or marks but which may risk causing serious injury – for example blows to the head, shaking, and so on. The clause could not be amended to ban 'risk of injury' because experts agree that all physical punishment of children carries some risk of injury.

## **Clause 56 is likely to result in unfair and unnecessary prosecutions**

The proposed change in the Charging Standard, suggesting that minor injuries – minor bruising – should in future be charged as "Actual Bodily Harm" (ABH) could lead to a substantial increase in prosecutions which is most unlikely to be in children's interests. While the vulnerability of the victim is plainly a factor to be considered in prosecution and sentencing decisions, this proposal seems inappropriately punitive (the maximum sentence for ABH is five years imprisonment) and discriminatory. Some children bruise easily while others – for example black children – do not show marks from hard blows.

If the Standard is to be that minor bruising justifies an ABH charge, there will be no possibility of the police and others being able to avoid formal investigation and intervention in such cases. Evidence will have to be collected on the precise degree of injury, even though this may be inappropriate treatment of a family in difficulties.

### **Clause 56 has no clarity or legal certainty**

As the Joint Committee on Human Rights notes in its nineteenth report published on September 21st 2004: "There is general agreement that the present law is unsatisfactory because it leads to too much uncertainty about what exactly constitutes 'reasonable chastisement'. In our view the new clause [clause 56] perpetuates this uncertainty, because it requires proof of harm and there is a great deal of uncertainty about what degree of harm is required. For example, will hitting resulting in a reddening of the skin be charged as common assault or actual bodily harm, and for how long need it subsist in order for it to cross the necessary threshold?"

### **Clause 56 would not satisfy human rights obligations**

The UK's human rights obligations under international and European human rights instruments would not be met, as has been confirmed by the parliamentary Joint Committee on Human Rights in its recent report.

### **Clause 56 would not work to change the culture**

The primary purpose of the law reform we seek is to change the culture and to provide a clear basis for public education and for child protection. Clause 56 will not achieve this.

### **Clause 56 would place an unreasonable burden on the medical profession**

Paediatricians and GPs would have to make extremely subjective judgments on what constituted minor bruising. They would be required to make fine distinctions in an area where there is a sparse evidence base. It is difficult to accurately determine the cause of a bruise or its severity. A recent review of bruising in children has also shown it to be impossible to age a bruise. There is a danger, if doctors are seen as part of a legal process, that the bond of trust with the family could be damaged.

Removing the defence completely to give children equal protection will mean that the law protecting children is just as clear as it is in relation to assaults between adults. The de minimis principle will apply to trivial assaults and as the DPP and Joint Committee on Human Rights have confirmed, there are very few if any prosecutions for minor assaults on adults and the same will be true for children. We are confident that given appropriate guidance, drawn up with the involvement of those practically involved in child protection, the law can be implemented in the best interests of children and families. There is no reason for any change in the significant harm threshold for formal investigation.

We call upon the Government to reject Clause 56 as it stands, and to give children precisely the same protection in law as adults."

## **EQUAL PROTECTION IS MANAGEABLE SAY POLICE, BUT CLAUSE 56 IS NOT**

"... removing the defence of reasonable chastisement would not create an unmanageable situation for the police service.

**The proposed clause 56 would introduce far more complexity than it would solve; as one example the police would be seeking statements from doctors and paediatricians at such a level that I think they would find that**

**unmanageable.** We take no view on whether or not the defence should be removed. If Parliament removes the defence, the police service in England and Wales will be able to manage the consequences".

**Terry Grange, Chief Constable, Association of Chief Police Officers lead for England and Wales on child protection.**

# EQUAL PROTECTION IS THE ONLY CREDIBLE WAY FORWARD

## Does equal protection mean banning smacking?

For those who want to use such a sound bite, the clear answer is yes. We want to ban “smacking” insofar as adults are banned from smacking each other. Giving children the same protection as adults under the law on assault means abolishing the nineteenth century defence of “reasonable chastisement”.

## Should it be a criminal offence to smack a child?

Again, the clear answer is yes. Just as it is a criminal offence for one adult to “smack” another, we want equal protection for children. We want the law to say that hitting children, however you dress it up, is as unacceptable and unlawful as hitting anyone else. Given the far greater vulnerability of children, it is hard to understand why this should still be seen by some as controversial.

## Will parents be prosecuted for smacking?

The clear answer is that prosecution would be very unlikely, if by “smacking” you mean something which constitutes a minor assault. Minor assaults between adults are very rarely prosecuted; the authorities act sensibly by applying the *de minimis* principle (that the law does not act on trivial matters). However, the law still clearly says that hitting an adult - in any way - is unacceptable. We want the same principles and practice applied to assaults of children. In addition, prosecution of any parent would have to be in the best interests of the child, which would mean that very few cases reach the courtroom.

## Why change the law if it is not to be fully enforced?

The clear answer is that it would be enforced, in a similar way to how the law is enforced for adult-on-adult assaults at present. Abolishing the “reasonable chastisement” defence in relation to physical assault would enable prosecutions to be pursued when it is in the public interest and the best interests of the child. But this misses the point - the influence of the law stretches far beyond the courtroom. The primary purpose of the law must be to educate and deter. This is our primary motivation for wanting to change the law to give children equal protection from assault. Prosecution is invariably an indication of the law's failure to protect. There are numerous examples - most recently the use of mobile phones in cars - of laws that are introduced first and foremost to achieve cultural change, changes in individual behaviour.

## Prosecution policy

Concern that equal protection for children might lead to unwarranted prosecutions of parents has been addressed by the Director of Public Prosecutions (DPP). In May, he told the Joint Committee on Human Rights that prosecutions of adults for minor assaults are very rare and, if equal protection reform was implemented, he suspected that prosecutions for minor assaults of children would be too. However, reasonably enough, he could not rule out such prosecutions because of the greater vulnerability of children, and of certain groups of children including disabled children.

The DPP indicated that his office would inevitably need to develop guidance; the Alliance believes that this should focus in particular on the best interests of the child. Associations representing the police and social services, which support the principle of equal protection, have also argued for clear guidance to ensure effective implementation and avoid inappropriate interventions.

There needs to be increased sensitivity to violence against children, but there should not be unwarranted prosecutions. In the few cases in which prosecution is justified, it should not be hampered by an archaic defence.

# NEW CLAUSE TO ACHIEVE EQUAL PROTECTION FOR CHILDREN

## PURPOSE & EFFECT

The purpose of the New Clause is to give children equal protection under the law on battery and assault, while not interfering with parents' necessary rights to use reasonable force to protect and restrain their children and to punish their children in non-violent ways. The New Clause does not create any new offence.

The "reasonable chastisement" defence, which the New Clause revises, exists as common law, that is law developed in judgments over the years: the still quoted leading case dates back to 1860, when Chief Justice Cockburn ruled in a case in which a teacher had beaten a child to death: "By the law of England, a parent ... may for the purpose of correcting what is evil in the child, inflict moderate and reasonable corporal punishment..."

Subsection (1) means that battery of a child can no longer be justified as a lawful form of punishment. Subsection (2) makes clear that parents can use reasonable force to protect children and property and to prevent the commission of a crime.

The common law defence is confirmed in statute in only one place – in section 1 of the Children and Young Persons Act 1933, which makes cruelty to children an offence. Subsection (7) states: "Nothing in this section shall be construed as affecting the right of any parent, or (subject to section 548 of the Education Act 1996) any other person having the lawful control or charge of a child or young person to administer punishment to him."

So subsection (4) et seq of the New Clause consequentially amends Section 1 of the 1933 Act. It preserves parents' right to "punish" children, and through the reference to "unlawful battery" in the new subsection (9) it again preserves parents' necessary rights to use physical actions to protect a child, other people or property or to prevent the commission of a crime.

**New Clause tabled to the Children Bill by David Hinchliffe MP, Hilton Dawson MP, Julie Morgan MP, Win Griffiths MP, Annette Brooke MP, Paul Burstow MP, Hywel Williams MP and others.**

Reasonable chastisement

(..) (1) Battery of a child cannot be justified in any proceedings on the grounds that it constituted reasonable punishment.

(2) Battery of a child is not unlawful if the act amounts to the use of reasonable force in order to -

- (a) avert an immediate danger to the child or any other person;
- (b) avert an immediate danger to property; or
- (c) prevent the commission of a crime, or an act which would be a crime if the child had reached the age of criminal responsibility.

(3) For the purpose of subsections (1) and (2) "child" means a person under the age of 18.

(4) Section 1 of the Children and Young Persons Act 1933 (c.12) (cruelty to persons under sixteen) is amended as follows.

(5) In subsection (7) at end insert the words "subject to subsection (8)".

(6) After subsection (7) insert —

"(8) Corporal punishment administered to a child cannot be justified in any proceedings on the ground that it was administered in pursuance of a right exercisable by virtue of subsection (7).

(9) For the purpose of subsection (8), administering corporal punishment to a child means doing anything for the purpose of punishing that child which would constitute unlawful battery."

## 1995

UN Committee on the Rights of the Child, after examining the UK's first report under the UN Convention on the Rights of the Child, expresses concern at the existence of the "reasonable chastisement" defence and the level of violence against children in the UK; recommends prohibition of all corporal punishment in the family.

## 1998

European Court of Human Rights finds that the beating of a young English boy by his stepfather breaches the boy's right to protection from degrading punishment and that the UK Government is responsible because current law - the defence of "reasonable chastisement"- fails to provide "adequate protection" including "effective deterrence". Court orders the UK to pay the boy £10,000 damages and his legal costs.

## 2001

European Committee of Social Rights, responsible for monitoring compliance with the European Social Charter, tells Council of Europe member-states, including UK, that the Charter requires prohibition of all corporal punishment.

European Committee of Social Rights decides to defer its conclusion on the latest report from UK until it receives more information on the legality of corporal punishment. The Committee notes that "not all forms of corporal punishment are prohibited within the family".

## 2002

UN Committee on Economic, Social and Cultural Rights recommends UK should prohibit corporal punishment in the family "given the principle of the dignity of the individual that provides the foundation for international human rights law".

UN Committee on the Rights of the Child, after examining the UK's second report under the Convention on the Rights of the Child, "deeply regrets that the UK persists in retaining the defence of 'reasonable chastisement' and has taken no significant action towards prohibiting all corporal punishment of children in the family". Recommends UK "with urgency adopt legislation throughout the State party to remove the 'reasonable chastisement' defence and prohibit all corporal punishment in the family and in any contexts not covered by existing legislation".

## 2004

Parliamentary Assembly of the Council of Europe adopts recommendation stating: "The Assembly considers that any corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member states violates their equally fundamental right to the same legal protection as adults. Striking a human being is prohibited in European society and children are human beings. The social and legal acceptance of corporal punishment of children must be ended". The Assembly proposes "a co-ordinated and concerted campaign in all the member states for the total abolition of corporal punishment of children. The Assembly notes the success of the Council of Europe in abolishing the death penalty and the Assembly now calls on it to make Europe, as soon as possible, a corporal punishment-free zone for children."

The parliamentary Joint Committee on Human Rights confirms that UN and European agreements requires complete abolition of "reasonable chastisement" in order to give children equal protection under the law on assault.

# UK parliamentary Joint Committee on Human Rights

**JCHR September 2004:** "We do not think that the very clearly expressed views of the UN Committee on the Rights of the Child can be ignored. As the only body charged with monitoring compliance with the obligations undertaken by States in the Convention on the Rights of the Child, its interpretations of the nature and extent of those obligations are authoritative. In our view, the Committee has consistently made clear that corporal punishment of children is a serious violation of the child's right to dignity and physical integrity, and that states must both introduce a legislative prohibition of such punishment at the same time as measures for educating the public about the negative consequences of corporal punishment. In the light of this, we do not consider that there is any room for discretion as to the means of implementing Article 19 CRC as interpreted by the Committee on the Rights of the Child: it requires the reasonable chastisement defence to be abolished altogether."

**JCHR November 2003:** "It is anomalous that while the Green Paper's stated goal is to "keep children safe", the Government does not acknowledge, in the context of the law on assault, that children should have the same right as adults to respect for their human dignity and physical integrity and to equal protection under the law. The Government struggles to support the reasonable chastisement defence, which continues to be incompatible with its obligations under the Convention on the Rights of the Child."

**JCHR June 2003:** "We conclude that the time has come for the Government to act upon the recommendations of the UN Committee on the Rights of the Child concerning the corporal punishment of children and the incompatibility of the defence of reasonable chastisement with its obligations under the Convention. We do not accept that the decision of the Government not to repeal or replace the defence of reasonable chastisement is compatible with its obligations under the Convention on the Rights of the Child."

## More than 350 organisations support the Children Are Unbeatable! Alliance, including:

Aberconwy Women's Aid • Adolescent and Children's Trust • Adoption UK • African Caribbean Family Mediation Service • Africans Unite Against Child Abuse (AFRUCA) • After Adoption • Article 12 • Article 31 Action Network • Association of Directors of Social Services • Association of Educational Psychologists • Association of Family Solicitors for Children, NI • Association of Lawyers for Children • Barnardo's • BAWSO Women's Aid - Black Association of Women Step Out Ltd • Boys and Girls Welfare Society • Brachnell Forest Area Child Protection Committee • British Agencies for Adoption and Fostering UK • British Association for Community Child Health • British Association for Early Childhood Education – Early Education • British Association for the Study & Prevention of Child Abuse & Neglect • British Association of Psychotherapists, Child & Adolescent Training Committee • British Association of Social Workers • CAF/CASS (Cymru) • Carers UK • Catholic Children's Society (Westminster) • Caritas Social Action, the Catholic Church in England and Wales • Centre for Studies on Inclusive Education • Cerebra, The Foundation for the Brain Injured Child • Child Poverty Action Group • Child Protection Service, National Public Health Service (Wales) • ChildLine • Children Law UK • Children's Commissioner for Wales • Children's Legal Centre • Children's Play Council • Children's Rights Alliance for England • Children's Rights Officers and Advocates • The Children's Society • The Children's Trust • Churches' Network for Non-Violence • Community Practitioners' and Health Visitors' Association • Conwy Area Child Protection Committee • Conwy & Denbighshire NHS Trust • Council for Disabled Children • Crime Concern Trust Ltd • Croydon Area Child Protection Committee • CSV - Community Service Volunteers • Cumbria Area Child Protection Committee • Daycare Trust • Denbighshire Early Years Forum • Durham Young People's Centre • Early Years Equality • Epilepsy Action • 4Children • Faculty of Public Health • Fair Play for Children • Family Rights Group • Family Service Units • Fathers Direct • Fostering Network • Gingerbread, NI • Greenwich Women's Aid • Guide Association, NI • Harrow Area Child Protection Committee • Hartley Wintney Youth Council • Howard League for Penal Reform • Institute of Community Studies • Juvenile Justice Board, NI • Kidscape • Kingston-Upon-Hull & East Riding of Yorkshire Area Child Protection Committee • Kirklees Parenting Support Forum • Leicester Council of Faiths • Liberty • Lincolnshire Area Child Protection Committee • Local Government Association (Social Affairs and Health Committee) • Maternity Alliance • Mediation UK • Medical Foundation for the Care of Victims of Torture • Medical Women's Federation • Mental Health Foundation • Methodist Church • Middlesbrough, Redcar & Cleveland Youth Offender Team • Mind - The Mental Health Charity • NAPAC - National Association for People Abused in Childhood • National Association for Primary Education • National Association for the Care and Resettlement of Offenders – NACRO • National Association for the Education of Sick Children • National Association of Guardians ad Litem and Reporting Officers – NAGALRO • National Association of Probation Officers • National Association of Social Workers in Education – NASWE • National Association of Toy and Leisure Libraries • National Association of Youth & Community Education Officers • National Campaign for Nursery Education • National Childminding Association • National Children's Bureau • National Council of Voluntary Child Care Organisations – NCVCCO • National Council of Women of Great Britain • National Family Mediation • National NEWPIN • National Playbus Association • National Portage Association • National Society for the Prevention of Cruelty to Children – NSPCC • National Standing Committee of Advisers, Inspectors and Consultants: Personal and Social Education • National Union of Students United Kingdom (NUS UK) • National Youth Advocacy Service • National Youth Agency • Natural Nurturing Network • NCH • New Learning Centre • Newark Play Association • North Wales Child Protection Forum • Northern Ireland Women's Aid Federation • One Parent Families Scotland • Parenting Education and Support Forum • Parentline Plus (incorporating Parent Network and National Stepfamily Association) • Parents Advice Centre (NI) • Parents for Children • Parents for Inclusion • Parents in Ryedale • Peace Pledge Union • PIPPIN - Parents in Partnership; Parent Infant Network • Playgroup Network, Richmond • Playlink • Portsmouth Diocesan Council for Social Responsibility • Post Adoption Centre • Pre-School Learning Alliance • Promoting Effective Parenting (PEP) • Quarriers • Relate • Religious Society of Friends (Quakers) in Britain • Rhondda Cynon Taff Area Child Protection Committee • Rhymney Valley Women's Aid • Rights of Women • Royal College of General Practitioners • Royal College of Midwives • Royal College of Paediatrics and Child Health • Royal College of Paediatrics and Child Health Wales • Royal College of Psychiatrists, Child and Adolescent Psychiatry Faculty • Royal College of Speech and Language Therapists • Royal Institute of Public Health • Save the Children UK • Scope • Shelter • Social Care Association • South Wales Child Protection Forum • Southampton Child Protection Committee Special Parenting Service • St. John Ambulance, National Headquarters • Sure Start Programmes: Barkerend; Barrow; Barton; Tredworth & White City – Gloucester; Beaumont Leys & Stocking Farm; Bridgend; Billesley; Birkenhead North; Blurton – Stoke on Trent; Blyth; Cheshire; Chester le Street; Conwy; Copeland; Greenwich; Hartcliffe, Highridge & Worthywood; Kendray & Worsbrough; Low Hill & The Scotlands; Mereside & Clifton; North Prospect; North Washington; Rose Hill; Littlemore; Somerstown; South Tyneside; Stanley; Thorney Close; West Green • Suzy Lamplugh Trust • UK Committee for UNICEF • UK Public Health Association • UK Youth Parliament • United Reformed Church • Victim Support • Voice for the Child in Care • Who Cares? Trust • Women's Aid Federation of England • Woodcraft Folk • Wrexham Area Child Protection Committee • Ynys Mon Area Child Protection Committee • Zero Tolerance Charitable Trust •

## EQUAL PROTECTION FACTS & FIGURES

### **Hitting children is common and often severe**

A major research study in the 1990s (Smith & Nobes for the Department of Health), interviewing parents and children, found very high rates of physical punishment in the home, including severe punishment.

The large majority (91 per cent) of children had been hit. In families where both parents were interviewed, almost half the children were hit weekly or more often; one in five of the children had been hit with an implement and more than one third (35 per cent) had been punished "severely".

Three quarters of mothers stated that they had already "smacked" their babies before their first birthday, and 14 per cent of one year-olds had been hit with "moderate" severity; 38 per cent of four year-olds had been "smacked" more than once a week.

### **Strong professional consensus for reform**

More than 350 organisations now support the Children Are Unbeatable! Alliance. Professional groups supporting the Alliance include the NSPCC, Barnardo's, the National Children's Bureau, the Association of Directors of Social Services, the National Childminding Association, the Parenting Education & Support Forum, the Royal College of Midwives, the Community Practitioners' and Health Visitors' Association and the British Association of Social Workers.

According to the Government's own statement, "nearly all" the professional groups that gave evidence to its consultation on the issue in 2000 favoured reform.

### **Support for reform is broad and growing**

The Children Are Unbeatable! Alliance is the broadest campaign coalition ever assembled on a children's issue. Today, for example, the Catholic Church in England & Wales, the Methodist Church, the United Reformed Church and many other faith groups are signed up to the aims of the Alliance.

### **Political support is considerable**

Nearly 200 MPs and Peers are now signed up to the aims of the Children Are Unbeatable! Alliance.

The parliamentary Joint Committee on Human Rights and the House of Commons Health Select Committee have called for the law to change, as has the National Assembly for Wales.

A 2003 MORI survey for the NSPCC showed that 45 per cent of MPs support giving children equal protection (vs 35 per cent oppose, the rest undecided), with a majority of Labour MPs (55 per cent) supporting reform.

### **People are ready for change**

A recent research study conducted by the MORI Social Affairs Institute for the Children Are Unbeatable! Alliance found that seven in ten people (71 per cent) support a change in the law to give children the same protection from being hit in the family home as that currently enjoyed by adults. Only ten per cent would oppose such a move. Parents (74 per cent), young adults under 24 years old (76 per cent) and women (73 per cent) are most likely to support law reform of this kind.

Another poll conducted by Populus for The Times (12 April 2004) also found a majority of under 24 year olds in favour of reform "which would have the effect of making it illegal for parents to smack their children". Of the whole sample, 35 per cent agreed with reform presented in this way, rising to 42 per cent for Labour voters.

### **Human rights pressure is impossible to ignore**

In 1998 the European Court of Human Rights ruled that UK law does not provide adequate protection for children in this respect and Council of Europe monitors are pressing Ministers to act.

The European Social Rights Committee, monitoring compliance with the European Social Charter, urges abolition of all corporal punishment. The UN Committee on the Rights of the Child has twice recommended reform to the UK, most recently in October 2002. Only this year, the Parliamentary Assembly of the Council of Europe called for Europe to become a "corporal punishment free zone".

### **Reform is working across Europe and can work here**

Twelve European countries already give children equal protection: Austria (1989), Croatia (1999), Cyprus (1994), Denmark (1997), Finland (1983), Germany (2000), Iceland (2003), Latvia (1998), Norway (1987), Romania (2004), Sweden (1979), Ukraine (2004).