

'Sdim Curo Plant!
Children are Unbeatable! Cymru

Hitting children is wrong and the law should say so



The Children are Unbeatable! Alliance (CAU! Cymru) seeks the prohibition of all physical punishment of children in Wales, together with support for positive parenting. At present the law allows parents and others to justify common assault as “reasonable punishment”. This law is unjust, unsafe and unnecessary and must go. We urge the Government to fulfil its commitment to children’s rights and make Wales the first “smacking free zone” in the UK.

Wales can lead the way!

“In October, the National Assembly for Wales had a plenary debate and a vote on a motion regarding the need to remove the defence of ‘reasonable chastisement’. I was extremely pleased that this important issue has been put firmly back on the political agenda and even more so that the Assembly voted in favour of the motion.” Keith Towler, Wales Commissioner for Children, annual report 2012.

Wales champions children



In the last decade Wales has led the UK in promoting children's rights:

- Wales was the first to ban smacking in all early years care;
- Wales was the first to include children in the definition of domestic violence;
- Wales was the first to appoint a Children's Commissioner;
- Wales was the first to embed the Convention on the Rights of the Child in law and policy-making.

In 2009 the Welsh Government stated:

"We accept the UN Committee's recommendation that the reasonable punishment defence ought to be removed so that children and young people can enjoy the same level of protection in law as adults do."

Previous Welsh Governments lacked legislative power to take this step but in October 2011 the First Minister confirmed that it is now possible:

*"The Welsh Ministers' view is that it would be possible for legislation to be passed by the Assembly... whose effect would be to bring to an end the availability of the defence of reasonable punishment for those cases where it still applies for an offence of assaulting a child."*¹²

On 19 October 2011 the National Assembly voted by a cross-party majority of 24 to 15 to urge the Government to introduce this legislation. Government ministers abstained.

CAU!
Cymru's message to the National Assembly is: **Finally you can deliver the long-standing promise to Welsh children to ban smacking - don't let them down.**

Frequently asked questions

Won't this criminalise good parents who smack their children?

Currently all reported child assaults are investigated, but trivial smacks are not prosecuted nor do they lead to care proceedings. After a smacking ban this situation would remain exactly the same. As with a trivial assault on an adult, light smacks would be unlawful but police and prosecution would not pursue them unless this was clearly in the public interest and the child's.

Isn't smacking necessary as a last resort, to stop a child running into the road or hurting someone?

Of course parents should snatch children out of danger but they need not hit them afterwards. And physically punishing a child for hurting someone else sends the worst possible message. Parents are role models and should practice what they preach.

Hasn't the National Assembly more important things to tackle, like the economic crisis?

This reform costs almost nothing, aids child protection and working with parents and saves countless Welsh children from unnecessary pain and humiliation.

Don't polls show a majority of the public opposes a smacking ban in Wales?

No country has banned smacking on the back of public support. However parents' attitudes and practices quickly change after law reform. This is a measure, as with the wearing of seat belts or banning of smoking in public places, where governments must lead, not follow.

Shouldn't the government stay out of private family life?

Parents have freedom to raise children their own way, but within limits. Once, hitting wives and servants was legal and acceptable; now it is not. Hitting children is the only form of violence in the home which is still allowed.

Won't smacking die out on its own if we support parents and promote culture change?

People said this about corporal punishment in schools, but until the law banned it many schools carried on caning. Waiting for the mythical moment when smacking disappears condemns generations of children to unnecessary misery and violations of their rights.

What's wrong with smacking?

The risk of escalation

There is no such thing as a “safe smack”. All carry the risk of escalating into injurious assaults. Because smacking doesn't work, some parents hit with increasing severity¹. Research has found that the majority of physical abuse cases were perpetrated in the context of physical punishment². Also parents tend to hit children in anger or frustration when they are not in control³.

Making violence acceptable

Every smack sends two messages to the child. The first is that hitting is an acceptable means of control, the second that the victim deserves such treatment. Both messages have a toxic effect, contributing to a social acceptance of violence. For example, recent surveys show between a fifth and a half of young adults think it is acceptable in some circumstances for men to hit women⁴.

Long-term harm

A mountain of research shows that “ordinary” physical punishment is associated with many harmful behaviours in childhood such as aggression, antisocial behaviour and delinquency as well as anxiety, depression and self-harm⁵. Studies

also suggest that smacking can affect cognitive development⁶. The negative effects carry into adulthood, with clear associations between physical punishment in childhood and criminality, domestic violence, mental illness, substance abuse and coercive sexual behaviour in later life⁷.

It doesn't work

Although a smack may stop a child in the short term, it fails to teach or motivate good behaviour in the long term⁸. Parents do not enjoy smacking⁹. Relationships between parents and children, even under stressful conditions, improve when smacking stops¹⁰.



Every child's human right

The UK has been told repeatedly by international human rights treaty bodies that it must remove the defence of “reasonable punishment.” These include:

- The Committee on the Rights of the Child (three times: 1995, 2002 and 2008).¹¹
- The Committee on Economic, Social and Cultural Rights (twice: 2002 and 2009)
- The Committee on the Elimination of Discrimination against Women (2008)
- The European Committee of Social Rights (twice: 2005 and 2012)

In addition, the UK has received repeated recommendations from other states to prohibit all corporal punishment in the Universal Periodic Review by the Human Rights Council in Geneva (2008 and 2012).

The Welsh Government is required by the Rights of Children and Young Persons (Wales) Measure to have due regard to the requirements of the UN Convention on the Rights of the Child (CRC). In 2008 the CRC Committee welcomed “the commitment of the National Assembly in Wales to prohibiting all corporal punishment in the home, but notes that under the terms of devolution it is not possible for the Assembly to enact the necessary legislation.”

Across the world 33 countries have implemented a ban on smacking, giving children their right to full protection from physical punishment; 23 of these are in Europe. Within the EU, the UK is one of only four countries that have not prohibited smacking nor expressed commitment to do so.

All the main parenting organisations in Wales support a ban on smacking, as do many Christian, Muslim and inter-faith bodies.

“We believe that legislation to remove the defence of “reasonable punishment” is crucial because it reflects the compassionate, non-violent society we want for all children. Physical punishment of children has for too long been a common part of our culture. But physical punishment as a form of discipline is incompatible with the core religious values of respect for children’s human dignity, justice and non-violence. There are no circumstances under which this painful and humiliating practice can be justified.” The Most Reverend Barry Morgan, Archbishop of Wales and other prominent Christian leaders.

“The imperative for achieving this reform is one of human rights: to fulfil children’s right to full respect for their human dignity and physical integrity and to equal protection under the law. The UK is under very strong pressure from international and European human rights monitoring bodies to ban smacking. While the law continues to condone physical punishment, parenting education programmes and other efforts to encourage parents to move on to adopt positive, non-violent and effective forms of discipline are seriously undermined. And the safety of the minority of children whose parents still rely on violent punishment is compromised.”

Statement from major UK and Welsh parenting organisations.

NOTES

● 1 Gershoff, E. T. (2002), *Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review*, Psychological Bulletin, 128(4), 539-579. Analysis of 88 studies on effects of physical punishment (excluding ‘abusive’ punishment) ● 2 Most recent: Trocmé N, MacLaurin B, Fallon B, et al. *Canadian Incidence Study of Reported Child Abuse and Neglect: final report*. Ottawa: Public Health Agency of Canada; 2001 and this study’s Major findings, Ottawa: Public Health Agency of Canada; 2005. ● 3 Elliman, D. & Lynch, M. (2000), *The physical punishment of children*, Archives of Disease in Childhood, 83:196–198; Durrant, J. E. et al (2004), *Joint Statement on Physical Punishment of Children and Youth*, Ottawa: Coalition on Physical Punishment of Children and Youth ● 4 Cited by House of Commons Home Affairs Committee report on *Domestic Violence, Forced Marriage and “Honour”-Based Violence* (sixth report of session 2007-08); vol. 1 NSPCC, Teen abuse survey of Great Britain (2005). Research shows associations between physical punishment and partner-abuse in later life. ● 5 See note 1. All 27 studies on aggression found an association. Durrant, J. & Ensom, R. (2012), *Physical punishment of children: lessons from 20 years of research*, Canadian Medical Association Journal, 6 February 2012 refutes the theory that more aggressive children are just smacked more. 12 of 13 studies on antisocial behaviour found an association; all 12 on mental health problems found an association. ● 6 Berlin, L. J. et al (2009) *Correlates and Consequences of Spanking and Verbal Punishment for Low-Income White, African American, and Mexican American Toddlers*, Child Development 80(5):1403-1420; MacKenzie, M. J. et al (2011) *Corporal Punishment and Child Behavioural and Cognitive Outcomes through 5 Years of Age: Evidence from a Contemporary Urban Birth Cohort Study*, *Infant and Child Development*, published online in Wiley Online Library 25 Oct 2011. ● 7 See Note 1 ● 8 See Note 1: 3 of 5 studies found an association with children’s immediate compliance but 13 of 15 found physical punishment did not contribute to long-term compliance. ● 9 Bunting L, Webb M A and Healy J, *In two minds? Parental attitudes toward physical punishment in the UK*, Children & Society Vol 24 (2010), pp 359-370. ● 10 See Note 1: all 13 studies found an association between corporal punishment and a decrease in the quality of parent-child relationship. ● 11 See Committee on the Rights of the Child General Comment No. 8 (2006) *The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*. ● 12 Letter from First Minister Carwen Jones to AMs.

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