

Claire Griffiths
Deputy Clerk
Legislation Office
National Assembly for Wales
Cardiff Bay, CF99 1NA

12 March 2013

Dear Ms Griffiths

Consultation: Social Services and Well-being (Wales) Bill

I am writing on behalf of UNICEF UK to recommend that the Health and Social Care Committee agree to include in the Bill the banning of the physical punishment of children in Wales by removing the defence of 'reasonable punishment'. We believe this would help secure Wales' children's rights ambitions that are evident in the Children and Young Persons (Wales) Measure 2011.

For more than ten years, successive Welsh Governments have argued for a ban on smacking. This legislation provides the Assembly with an opportunity to fulfil this long-standing commitment.

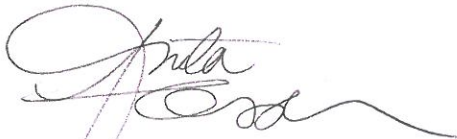
The UN Committee on the Rights of the Child – the monitoring body that oversees implementation of the Convention on the Rights of the Child – has paid special attention to asserting a child's right to protection from all forms of violence. In its examination of States parties' reports, it has noted with great concern the widespread legality and persisting social approval of corporal punishment and other kinds of cruel or degrading punishment of children. In 2008 when it last examined the UK Government on its implementation of the UNCRC, the Committee expressed concern that, although restricted in application, the defence of 'reasonable chastisement' had not been removed from the relevant legislation that applies to the UK and the devolved jurisdictions. The Committee issued a recommendation to "Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland, and in all Overseas Territories and Crown Dependencies."¹

However, legal prohibition is not sufficient in itself. UNICEF analysis suggests that promoting broad changes in attitudes and norms regarding the need for physical punishment in child rearing can help reduce levels of violent discipline. A comprehensive strategy is needed to prevent and address violence against children which, in addition to the legal prohibition of physical punishment in any setting, would include key actions to:

- Develop culturally appropriate and gender sensitive good-parenting programmes, and promote positive, non-violent disciplinary practices and participatory forms of child rearing.
- Strengthen the capacity of professionals who work for and with children and their families so that they can better prevent, detect and respond to violence against children.
- Promote awareness raising and public education on children's rights to break down the cloak of invisibility surrounding violence against children and protect them from its harmful effects.
- Engage children in all aspects of prevention, response and monitoring of violence against children in order to ensure that interventions take their views into account and are guided by the best interest of the child.

We would welcome the opportunity to provide further information and assistance as you debate this fundamental children's rights issue.

Yours sincerely,



Anita Tiessen
Deputy Executive Director
UNICEF UK

cc Christine Chapman AM, National Assembly for Wales, Cardiff Bay, Cardiff CF99 1NA.

¹ Committee on the Rights of the Child (2008) Consideration of reports submitted by States Parties under Article 44 of the Convention. Concluding Observations: United Kingdom of Great Britain and Northern Ireland
<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf>