

Churches’ Network for Non-violence (CNNV)

Charity No: 1115528

Response to Stage 1 Consultation on the Social Services and Well-Being (Wales) Bill

From: Churches’ Network for Non-violence

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The Churches’ Network for Non-violence (CNNV) was formed to broaden religious support for the prohibition and elimination of corporal punishment of children and to challenge faith-based justification for it. Physical punishment of children is incompatible with universal values professed by all the major religions including: respect for human dignity, compassion, equality, justice and non-violence.

Since the United Nations Global Study on Violence against Children, growing numbers of religious leaders and their communities have taken decisive action towards ending corporal punishment of children, and regard prohibition as a religious and moral imperative. In support of the UN Study, Religions for Peace – the largest coalition of the world’s religious communities – adopted a “Multi-Religious Commitment to Confront Violence against Children” (The Kyoto Declaration 2006). Support for law reform is explicit in the Declaration:

“We call on Governments to adopt legislation to prohibit all forms of violence against children including corporal punishment and to ensure the full rights of children, consistent with the Convention on the Rights of the Child and other international and regional agreements.”¹

In Wales, Christian and Muslim leaders have signed statements of support calling for the prohibition and elimination of physical punishment of children.

“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.”

¹ A *Multi-Religious Commitment to Confront Violence against Children* (The Kyoto Declaration), Eighth World assembly, Religions for Peace, Kyoto, Japan, August 2006.

Given the overall context and aims of the Bill, CNNV urges the Health and Social Welfare Committee to include a recommendation in the stage 1 Report that a clause be added to remove the “reasonable punishment” defence in relation to assaults on children in Wales.

Inclusive policy-making – focus on human rights, equality and dignityThe Explanatory Memorandum refers to the Inclusive Policy Making Model developed by the Welsh Government. This requires development of policy and legislation which meets “the identified needs of individuals and communities” based on the principles of human rights; fairness, respect, equality and dignity.

A climate which respects and protects human rights is fundamental to the promotion of health. Children have the right to respect for their physical and emotional integrity and are entitled to equal protection under the law. Removal of the “reasonable punishment” defence is a vital measure for children’s health and well-being. Without this reform the principles and aims of the Bill and children’s safeguarding cannot be fully realised.

Does the Bill as drafted, deliver the stated objectives as set out in Chapter 3 of the Explanatory Memorandum?

We do not consider that the Bill as drafted delivers the objectives as set out in Chapter 3 of the Explanatory Memorandum. Successive Welsh Assemblies have undertaken to protect children from all forms of physical violence by removing the defence of “reasonable punishment” under section 58 of the Children Act 2004.

There is a clear human rights obligation to remove the defence. Successive Welsh Governments have been committed to achieving a complete ban on physical punishment. The First Minister confirmed in October 2011, that the National Assembly now has the power to legislate to remove the defence and enact this overdue reform for children.

The principle of well-being

A state of well-being is dependent on policies which protect people and create conditions in society that allow the attainment of health by all people within the settings of their everyday life. The Bill defines “well-being” in relation to key determinants of health. The experience of physical punishment in childhood is a risk factor for mental health problems both in childhood and in adulthood. A recent US study (2012) on mental health in childhood concluded that corporal punishment is associated with poor mental health in children, including behaviour disorders, anxiety disorders and depression. The study found an association between physical punishment and poorer mental health.²

² Afifi, T.O. et al(2012), “Physical punishment and Mental Disorders: Results from a Nationally Representative US Sample”, Pediatrics, 2 July 2012

Physical punishment can have serious negative effects on a child's emotional and physical health and development. There is evidence to suggest that exposure to violence in early childhood alters the developing brain by interfering with normal neuro-developmental processes.³

Physical punishment can be psychologically damaging and may induce a sense of low self-worth, sadness, fear, shame, anger, an inability to trust, anxiety, despair, depression and withdrawal.

Studies have repeatedly demonstrated that both girls and boys who have been physically punished before the age of five have been found to be aggressive and have experienced difficulty with managing their behaviour and forming peer relationships in later childhood and into adolescence, even when physical punishment has ceased.⁴

Domestic, family and personal relationships

Corporal punishment may legitimise violence for children in their interpersonal relationships because they tend to internalise the relationships they experience in childhood. Social learning theory also suggests that physical punishment enables children to learn aggressive behaviour from the example of adults around them.

The use of physical punishment can have an adverse effect on the quality of parent-child relationships. Children's secure attachment is fostered by warm, positive parent-child interactions and negatively associated with punitive interactions. Research reveals that attachment is known to have an important influence on a wide variety of child development outcomes and social competence.⁵ Attachment security is vital for children's sense of well-being and their feelings of safety within and outside the family boundary.⁶

Children have a right to the highest standard of physical, emotional and spiritual health but this cannot be attained for all children while the law allows children to be physically punished.

The legality of physical punishment means that some Christian parents, including religious groups who believe in biblical inerrancy, will continue to ignore children's right to physical integrity and disregard the benefits of positive non-violent parenting. Those who consider it to be a duty will continue to physically punish their children,

³ Perry, B.D.(2001), "The Neurodevelopmental Impact of Violence in Childhood", in D. Schetky & E.P. Benedek (eds) (2001), *Textbook of Child and Adolescent Forensic Psychiatry*, Washington DC: American Psychiatric Press, Inc., 221-238

⁴ See Glaser, D.. (2007), *The Link*, The Official Newsletter of the International Society for the Prevention of Child Abuse and Neglect, (ISPCAN), 16(2)

⁵ Coyl, D.D., L.A. Roggman and L.A. Newland (2002) "Stress, maternal depression, and negative mother-infant interactions in relation to infant attachment" *Infant Mental Health Journal*, 23(1-2):145-163.

⁶ Laible, D.J. and R.A. Thompson (2000) "Mother-child discourse, attachment security, shared positive" *Child Development*, 71(5):1424-1440.

using texts from the Old Testament to justify their actions. They argue that “ordinary” physical punishment in the context of a loving home is part of “normal” parental discipline.

Contribution made to society

Mental health and well-being in childhood has an impact across the life course. Physical punishment is also negatively associated with mental health. Research involving adults has shown that having been physically punished in childhood is associated with later antisocial behaviour. The consequences and costs for society in both the short and long-term include those associated with childcare, welfare and mental health.⁷

Children should not have to wait any longer for the legal protection from assault which adults take for granted. The existence of a special exception of “reasonable punishment” of children breaches the principle of equal protection under the law. The preamble of the UN Convention on the Rights of the Child affirms that because of their “physical and mental immaturity”, children need special safeguards and care, including appropriate legal protection”. The assumption that adults have a right to hit children indicates their lowly status in society.

Wales has led the way towards transforming the lives of children in the UK. Wales was the first to appoint a Children’s Commissioner; first to incorporate the UN Convention on the Rights of the Child into legislation and the first to ban smacking in childcare settings. Wales should now be the first to ban smacking.

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⁷ Gershoff, E.T. (2008), *Report on Physical Punishment in the United States: What research tells us about its effects on children*, Columbus OH; Centre for Effective Discipline