

GBV 35

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill :
Stage 1

Response from: Rachel Matthews

I am writing with regard to the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill to urge you to remove the 'reasonable punishment' defence for physical punishment of children in Wales, and give the most vulnerable members of our society equal protection from violence as that which applies to adults.

I am the author of the "Help at Hand Toolkit" which was launched in the Senedd. Jane Hutt, at the time Minister for Children, Education, Lifelong Learning and Skills, wrote in her foreward:

"The Welsh Assembly Government has a clear line on physical punishment. We believe that the physical punishment of children and young people is wrong. Our policy is based on rights and respect. Children have the same right not to be hit as adults."

and "I am disappointed that so far we have not been able to persuade the UK Government to remove the legal defence of 'reasonable punishment', but I am sure that change will eventually come. The Assembly Government is determined to continue pressing the case for change. "

The Assembly Government has an opportunity to enact that change now – not to renege on a stand and policies which have been in place for the best part of a decade. Ten years in which another generation of children have no defence against being legally assaulted by their carers. Don't let another opportunity pass you by.

As you can imagine, I have heard every argument against legal change, or excuse for postponement. None of them carry any weight in the light of the simple, basic fact that we say it is not OK under any circumstances to assault an adult, yet we say it is OK in certain circumstances to assault children.

I am not going to rehearse the arguments here – you can find them all in the "help at Hand Toolkit"

However, in particular, I would like to point out:

- The Explanatory Memorandum states that the Bill's overall intention is to create a stronger and more consistent focus on prevention of violence between family members (including parents and children), the protection of victims and support for all affected. While hitting children remains legal there can be no consistency of approach in either prevention or protection from violence and abuse.
- Measures to change the social acceptability of interpersonal violence – for example by providing healthy relationships education in schools – will be seriously undermined unless it is absolutely clear that using violence of any kind to control or punish others, whatever their age, is never acceptable.
- Research evidence shows clear associations between physical punishment in childhood and the perpetration of violence against partners in later life.
- Successive Welsh Governments and the National Assembly for Wales have supported giving children 'equal protection' for over a decade and have in the past acknowledged that it is a human rights imperative under UN Conventions.
- 39 countries have already banned smacking. Although none of these countries took this step in response to public demand and led by national governments, in all of them, once the ban was in force, rates of violence fell and the anticipated negative consequences predicted by opponents didn't occur.

- The amendment to remove the 'reasonable punishment' defence is clear and concise. It simply repeals, in relation to assaults on children in Wales, section 58 of the Children Act 2004. This is civil not criminal justice legislation so arguments that the Bill is 'not a criminal justice Bill' are not relevant. The amendment would have no adverse effects on other elements of the Bill (on the contrary it would of course have a very favourable impact on their long-term outcomes) and the Government's own legal advisers have confirmed that giving children equal protection is within the Assembly's competence.

I look forward to you honouring the commitments of successive Welsh Governments, both in the spirit and the letter.