



FAMILIES FIRST

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American study comes out in support of common sense view of smacking

New research from the United States has confirmed that the occasional use of physical correction does not damage a child's social or emotional development. Addressing the annual meeting of the American Psychological Association at the end of August, Dr Diana Baumrind of the Institute of Human Development at the University of California, announced the findings of a study involving more than 100 families which she had begun over 30 years ago. She concluded that she had found "no evidence for unique detrimental effects of normative physical punishment."

Exploding the myth

Dr Baumrind's study explodes the myth created by those who claim that all physical correction, no matter how or why it is administered, causes psychological harm and perpetuates a cycle of violence in society. She points to the fact that the anti-smacking lobby rests its case on studies which draw no distinction between abusive treatment on the one hand, and nonabusive physical correction on the other. They also fail to take into account the child's own patterns of misbehaviour and the general nature of the parent-child relationship.

The families who took part in Dr Baumrind's project, were first studied in 1968 before their children started school. They were subsequently interviewed and observed again in 1972-73 and 1978-80, when the children were in the early years of primary and secondary school.

"What really matters," Baumrind said, "is the child-rearing context. When parents are loving and firm and communicate well with the child, the children are exceptionally competent and well-adjusted, whether or not their parents spanked them as pre-schoolers."

Dr Murray Straus, one of the leading academics opposed to the physical correction of children, attended the presentation and conceded that Dr Baumrind's study was the best single study available in terms of methodology. However, he was still not persuaded. "There's strong evidence that other methods work just as well," he said.

Dr Straus is held in high regard by the anti-smacking lobby. Penelope Leach commented: "His work has been crucially important to all of us around the world who work with children's rights...He has led people to serious research on a topic that, until 10 years ago, had been ignored. If you believe in the importance of this issue, Murray Straus is a very, very important guy."

However, his critics judge that his findings are based more on his personal ideology than on solid academic research. Dr Robert Larzelere, for example, has suggested that Straus's claims are "more value-based than scientifically grounded."

While she insisted that she was not an advocate of corporal discipline, Dr Baumrind said that the evidence simply did not warrant a blanket injunction against its use. She added that in the absence of compelling evidence of harm, parental autonomy and family privacy should be respected and protected.

In this issue...

UK News and Developments.....p2

- Wales
- England
- Scotland
- Northern Ireland

A European perspective.....p4

Briefing on Scottish proposals.....p7

National Family & Parenting Institute....p11

Effects of smacking ban in Sweden.....p12

News in brief.....p16

- Christian Fellowship School
- New Global Initiative
- UN on violence in the family
- Childminding in Wales
- UN on Finland

Around the UK - News and Developments

In the year 2000, consultation papers were published in different parts of the United Kingdom with a view to changing the law on the physical correction of children.

In England, the Department of Health produced a document entitled *Protecting Children, Supporting Parents*, which was also used by the National Assembly for Wales as the basis for its own consultation. The Scottish Executive, meanwhile, published a different paper entitled, *The Physical Punishment of Children in Scotland: A Consultation*. A similar consultation was promised by the Northern Ireland Assembly in due course.

Since then, several developments have taken place within each of the nations within the United Kingdom in relation to the laws governing the physical correction of children.



WALES

In July 2000, the National Assembly for Wales published a summary of submissions it had received in response to the consultation document.

In total over 80 responses were received (17 from the Health Sector, 5 from university departments, 12 from local authorities, 14 from the voluntary sector, 27 from individuals, and 10 from unclassified bodies and groups).

A copy of the Assembly's summary of responses is available from Gareth Davies, Children & Families Division, The National Assembly of Wales, 4th Floor, Cathays Park, Cardiff CF10 3NQ (Tel: 02920 825640).

As this is a non-devolved issue, all responses received in Wales have been forwarded to the Department of Health in London for analysis in



conjunction with submissions received in England.

ENGLAND

Since the closing date for responses to the English consultation on 21 April 2000, there has been a deathly hush from the Department of Health. At the time of writing, no summary of responses has been produced, no proposals published, and the Department refuses to be drawn on the likely date of any announcement.

Families First has, however, received a letter from health minister, John Hutton, stating that: "More than 700 responses were received in total, of which nearly a third represented the views of a professional organisation, statutory body or group. It is noteworthy that the largest number of responses, over 500, came from individuals.

"I must thank *Families First* for taking part in the consultation exercise. We greatly appreciate the feedback provided in description of the experience of some of your supporters with regard to the consultation."

Since that letter was written, Mr Hutton has been given a new portfolio within the Department of Health, and Jacqui Smith has taken over as the minister responsible for this area of policy.

SCOTLAND

In early September, the Scottish Executive announced its proposals to limit the use of physical correction of children.

Among the chief proposals were that it should be made a criminal offence for a parent to smack a child under the age of three, to use an implement to discipline a child of any age, and that parents should be prevented from

delegating the use of physical correction to a trusted childminder. According to Scottish Justice Minister, Jim Wallace, the ban will be absolute. Physical correction under any of these circumstances will be illegal irrespective its effects on the child or the parent's reasons.

The Scottish Executive is planning to include these measures in its forthcoming Criminal Justice Bill. *Families First* has sent a briefing to all Members of the Scottish Parliament expressing concerns about the proposals in advance of the Bill which is due to be published this autumn (see pages 7-10).

NORTHERN IRELAND



Northern Ireland Assembly

On 11 September, the Office of Law Reform published a consultation paper for Northern Ireland entitled, *Physical punishment in the home - thinking about the issues, looking at the evidence*. The closing date for responses is 31 January 2002.

Copies of the full document (60 pages), a summary document (24 pages) and a children's version (6 pages plus activity sheets) are available from: The Office of Law Reform, Lancashire House, 5 Linenhall Street, Belfast BT2 8AA (Tel: 028 9054 2900)

The documents may also be accessed via the website at: <http://www.olrni.gov.uk/home.htm> (Select 'Consultations').

The Northern Ireland document is quite different from the documents published in other parts of the UK last year. The Office of Law Reform has clearly leaned very heavily on the literature of those who are ideologically committed to legislating against any form of physical correction.

In a section headed, **‘What does the research tell us?’** we are treated to gems such as the following:

“Physical punishment is less effective than other discipline strategies. It does not help children to take responsibility for their own behaviour or encourage them to internalise moral values. It may lead to immediate compliance, but does not improve their long-term behaviour...”

“Physical punishment is a significant factor in the development of violent attitudes and actions by children. Children model their own behaviour on that of their parents...”

“The majority of researchers point to an association between physical punishment, especially harsh physical punishment and later criminal behaviour.”

The footnote informs us that this section is based on two reports: *The Physical Punishment of Children: Some input from recent research* by Penelope Leach (NSPCC 1999) and *Loving Smack or Lawful Assault? A contradiction in Human Rights and Law* by Christina M Lyon (IPPR 2000). Both Dr Leach and Professor Lyon are well known for their strong opposition to all physical correction of children. There are no references in the bibliography to any studies which arrive at different conclusions.

Not only is the bias of the authors of the consultation paper evident in their choice of sources, but in places they seem to have got so carried away by their enthusiasm that a number of factual inaccuracies appear. Indeed, the document is so poorly referenced that it is difficult to verify many of the bald claims that are made.

Consider the loaded language of the following paragraph:

“Many States in the US, as well as Canada, the Republic of Ireland and until recently Israel [take the view that parents may plead the defence of ‘reasonable chastisement’]. Other states, in the light of medical, educational and psychological thinking, and bearing in mind modern human rights instruments, have taken the step

of banning physical punishment altogether.”

The message of the document could be summed up as follows: “Smacking is on its way out. Fewer parents use it now. Fewer still approve of it. We need to promote more positive and effective ways of disciplining children. Legal reform needs to be approached in the light of ‘human rights provisions’ and ‘equality duties’”. There is no doubt smacking is a bad thing and has to go. The only question is how to go about it and how quickly.”

The document contains far more questions than the other consultation documents which again makes it more difficult for ordinary parents to respond.

Families First is currently preparing a critique of the document which we shall submit to the Office of Law Reform and members of the Northern Ireland Assembly. We believe that the nature and tone of the document is such that it should be withdrawn and rewritten.

And now for the good news...

Last October many *Families First* supporters in England responded positively to the government’s proposal to confirm the right of parents to delegate the use of reasonable physical correction to childminders in the National Daycare Standards.

Despite strong opposition from the children’s rights lobby and from an all-party committee of MPs, the government stuck to its guns. Education minister Margaret Hodge said, “This is an issue for parents. The idea that we, as politicians, have a better understanding of the welfare of their children is insulting to parents.” (*The Guardian* 3 May 2001).

Penelope Leach, however, declared that: “To be honest, the parent has

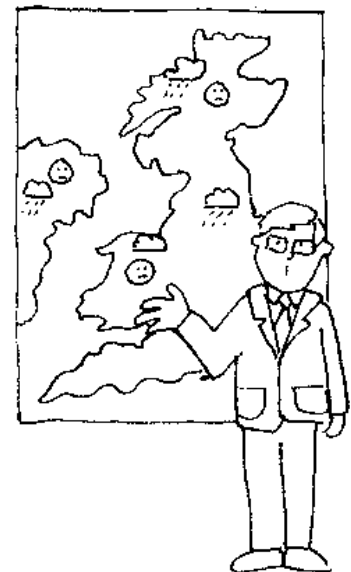
nothing to do with it...” (*Daily Mail* 21 October 2000), but a public opinion poll showed that 83% of parents disagreed with her. They felt it was a decision they should be able to make for themselves.

In a letter to *Families First*, the then Department for Education and Employment wrote:

“The government believes strongly that neither the government nor childcare professionals should assume that they care more about children’s welfare than parents... It is the government’s view that, having listened carefully to the opinions both of those working in the day care sector and of parents, the approach we have taken is the correct one and that the welfare of children will not be compromised.”

We were most encouraged to receive a letter from Julian Brazier MP saying:

“I just wanted to drop you a line to congratulate you on the excellent outcome on the childminder smacking issue. Had it not been for your campaign, I believe that the issue would have gone the other way. It does go to show that a few good men and women can make a difference.”



Smacking and the Law - a European Perspective

Ruby Harrold-Claesson, a Swedish lawyer and President of the Nordic Committee for Human Rights, reflects on the impact of anti-smacking legislation in Sweden and beyond

The EPOCH (End Physical Punishment of Children) Bulletin dated July 2000 states:

"In the following nine European countries there are explicit bans on corporal punishment by parents and all other carers: Austria (1989), Croatia (1999), Cyprus (1994), Denmark (1997), Finland (1993), Germany (2000), Latvia (1998), Norway (1987), Sweden (1979). In addition, in January 2000 a judgment of Israel's Supreme Court effectively banned all corporal punishment, and in 1996 Italy's Supreme Court in Rome declared all corporal punishment to be unlawful."

However, not all is as it might at first appear. Back in 1991, EPOCH claimed that Denmark had already passed a law against smacking. In reality, however, Denmark did not pass such a law until 1997. And while EPOCH assert that Finland passed its anti-smacking law in 1993, the truth is that Finland passed its law in 1984. Many other examples of inaccuracies in EPOCH's literature could be cited, which gives rise to the question: Can we trust the claims made by EPOCH? And what are their motives?*

I have previously written several articles about the Swedish law of 1979. My experience of cases where parents have used physical punishment of their disobedient, unruly and even potentially delinquent children, aided and abetted by their day-care givers, school teachers, social workers and the law enforcing authorities to report their parents to the police if they should dare lay hand on them, is that the law is a disaster for children and their families, but a great success for the system. It gives the social workers, police and prosecutors easy work. The repressive authorities no longer seek to fight crime in the society - the family is the main prey.

Consider the following facts:

- The Swedish law on the abolition of the physical punishment of children has resulted in hundreds of normal parents being harassed by the police and social authorities, prosecuted, sentenced and criminalised, because they have smacked their children for bad behaviour.

* See Lynette Burrows: *How to Control Adults by means of Children's Rights*. at: <http://www.nkmr.org/english/archives>

- The claim made by EPOCH that only one Swedish parent has been prosecuted for smacking a child since 1979 is far from the truth. In reality, there have been hundreds of cases, but they are difficult to trace because they appear alongside cases of assault and battery.

- While having the appearance of being altruistic and humanitarian, the 1979 law has led to unwarranted interference in private and family life, and has caused serious damage to the relationship between parents and their children, to the detriment of the family.

- Before the Bill abolishing the physical punishment of children was presented to the Swedish Parliament, several leading lawyers expressed strong misgivings. Their fears that the law would lead to prosecutions of parents who employed mild physical sanctions, while doing nothing to reduce the number of cases of genuine child abuse, have materialised.

- Parents belonging to ethnic minorities and parents with strong religious convictions, in particular, have been victimised under the 1979 law.

- The social authorities and the courts enforce the law concerning the child's right not to be subjected to physical punishment, irrespective of what the child has done. Many Swedish parents are therefore afraid of their children and dare not correct them for fear of being reported to the police, indicted and fined or sent to prison.

- The law against physical punishment does more damage to children than a smack from a mother or father. When the authorities intervene in the life of a well-functioning family, its life is destroyed. There is nothing that can mend the resulting hurt, pain and bitterness, and the children are the losers.

- When children are removed from their supposedly 'abusive' parents and taken into care, they suffer the torture of forced separation from parents, brothers and sisters, and other relatives and friends. They are also exposed to the risk of real abuse. Such children are frequently subjected to physical, mental, and even sexual abuse, but social workers and the police seldom listen to the complaints of children in care (cf The Waterhouse Report).

- The 1979 law has caused incalculable damage to countless families where allegations have been made and investigations carried out, even where the charges have been dropped at an early stage.
- The law has given rise to cases where children have accused their own parents of ill-treatment, without appreciating the consequences of their actions. The public prosecutor then takes over the case and may pursue it even where the parents deny any abuse and where children withdraw their accusations. In this way, the legislation has been directly responsible, not only for the destroying relationships between parents and children, but also for the break-up of many marriages and families.

The damage caused by this legislation is so serious that it should not be followed by any civilised country. Rather, Sweden needs the help of other nations to have this destructive legislation repealed.

Background

In July 1979 the Swedish parliament passed legislation banning physical punishment of children to mark the United Nations Year of the Child. When the law was presented to the international arena the spokesman for the Swedish government wrote:

“This provision does not represent an extension of the punishable area. It is still the provisions of the Criminal Code which will decide whether an action shall be subject to penalty or not.” To the Swedish population the law was presented as a ‘recommendation’ and placed in the Parents and Guardianship Code, not in the Penal Code. The Standing Law Committee made it quite clear to the Parliament that if the parents’ rights to use physical punishment were abolished by law, the laws of the Penal Code were the only laws that would be applicable.

Following the passing of the law, a group of parents submitted a complaint to the European Commission of Human Rights in 1979 (Application 8811/79). The European Commission declared the parents’ complaint inadmissible in 1985 since the Swedish government had claimed that the law was a *lex imperfecta* and that no parent would ever be charged under the law.

My reaction to this is that unfinished laws have no place in civilized democratic societies and one would have expected a similar response from the European Commission. The Swedish government also omitted to inform the European Commission that a teacher in

Gällivare*, in the north of Sweden was being prosecuted for having smacked his 12-year old son's bottom. In this case - and in all similar cases - the courts have shown that they follow the desires of the Swedish legislator, which is to punish parents who physically punish their children, no matter what the child has done and no matter how slight the punishment to the child might have been.

Unfortunately, the European Commission failed to examine the Gällivare case, which was the only one that made news headlines internationally. Since then hundreds, perhaps thousands, of parents have been prosecuted in Sweden, and their children have been removed from their care and placed in foster homes, causing severe trauma to the children and their parents. The parents and children who have firsthand knowledge of the law know therefore that it is not a recommendation, but a harsh law that breaks up their families.

Recent investigations (SOU 2001:18 'Children and abuse') show that of a population of 2000 university students 300 admitted to having been physically punished as children. Evidence on Swedish trends indicates sharply increasing rates of physical child abuse, at least in criminal records of assaults by relatives against children under the age of 7. This frequency increased from 99 in 1981 to 583 in 1994, an increase of 489%.

Other countries with smacking bans

Finland The first country to follow Sweden's example was Finland. Finland passed its anti-smacking law in 1984 and not in 1993 as EPOCH claims - i.e five years after the Swedish law was passed. So far there is one famous case where the Supreme Court found a step-father guilty of slight abuse and he was fined - under that law - for pulling his step-daughter's hair and 'flicking' his finger in her face.

* The father had smacked his son because the boy had insisted on carrying his two-year-old brother on his bicycle along a busy road, resulting in injury to the toddler's foot which became caught in the spokes of the bicycle wheel. The Court of Appeal found that the father had every reason to be angry at his son for disobeying his father's orders and causing bodily harm to his younger brother, yet it quoted a long passage from the preparatory works of the 1979 law to the effect that there is a blanket prohibition against smacking children no matter what they might have done.

Norway The second country to follow was little-brother Norway in 1987 - eight years after Sweden. From my research I have found that the Norwegian anti-smacking law has been invoked in one case where a child had been severely neglected, but the parent had not struck the child.

Austria Austria passed a child protection law in 1989. According to information I received from the Austrian Embassy in Stockholm, when I was preparing a paper a few years ago, the law does not explicitly forbid parents to smack their children. Rather, the law makes failure to seek hospital assistance for a sick child a punishable offence.

Denmark Denmark passed its anti-smacking law in 1997 as part of a deal struck between the government and the radical opposition. According to information I have received from members of the Danish public - and judging from my own observations - the law is a paper product. True, it was invoked in a recent case where a small boy was ill-treated to death by his step-father. However, with or without that law, the stepfather would have been charged with manslaughter or murder.

With regard to Cyprus, Croatia, Latvia and Germany, which according to EPOCH's claims, passed anti-smacking laws in 1994, 1998, 1999 and 2000 respectively, information is hard to come by. As to EPOCH's claims that in 1996 Italy's Supreme Court in Rome declared all corporal punishment to be unlawful", it should be noted that Italy, like France, Sweden and the majority of European countries, does not have a common law system. Rather, all laws are codified and emanate from Parliament. The same goes for EPOCH's claim that "in January 2000 a judgment of Israel's Supreme Court effectively banned all corporal punishment".

The Swedish government boasts about the success of the law. Yet we keep reading headlines like the following: "Child abuse is increasing. Many beaten children call the Bris (Children's rights in society) helpline" (*Gothenburg Post*, 26 March, 1999); "Alarming increase of deadly child abuse" (*The Swedish Daily*, 26 October, 1996); "Increased violence against children in Sweden - Twenty years after the law against smacking many children are still being ill-treated" (*Gothenburg Post*, 25 April 1999)).

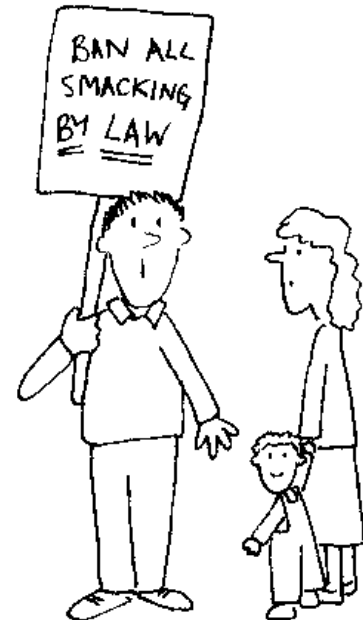
The results of the Swedish smacking ban have made themselves felt in all kinds of ways. Swedish youths are well-known in continental Europe for their unruly behaviour. In the 1980's and 1990's, the Swedish embassies and consulates of the ski-resort countries of

Europe sent letters pleading with the Swedish Foreign Office to urge High School principals to stop their pupils from going ski-ing during their February sports week.

Newspapers continue to carry articles reporting on declining standards among young people. The following headline which appeared in *Aftonbladet*, the social democratic tabloid, is not untypical: "Many teenage girls in fights. The police: 'They are just as bad as the boys'" (17 May, 2000). However, the media dare not demand a return to discipline and traditional values.

There are 177 countries in the world. Only four of them have confirmed anti-smacking laws - Sweden, Finland, Norway and Denmark. Their populations are relatively small. The population of Sweden (8 million) is smaller than that of London (10 million). Only a tiny fraction of the world's population has forbidden parental physical discipline of children. The Swedish anti-smacking lobbyists have tried to market their law all over the world, but the results are obviously quite meager. Common sense has so far prevailed.

- For further reading, see the website of the Nordic Committee for Human Rights <http://www.nkmr.org>



"Oh no, Madam. We don't believe in using force - we only believe in reason!"



FAMILIES FIRST

A Briefing on the implications and consequences of the Scottish Executive's proposals on the physical correction of children

October 2001

Scotland prepares to create a new class of criminals

I imagine this scene: a mother smacks her 2 year-old daughter who is throwing a temper tantrum. The tantrum stops immediately, the mother sits the little girl on her lap and talks to her gently. They have a cuddle and the child goes off happily to play.

A few doors away, a father smacks his 8 year-old son with a slipper for maliciously breaking his younger sister's doll. The father uses a slipper to discipline him in the same manner and to the same extent that other responsible parents might use their hand. The boy accepts the correction. The father sits down and talks to him about his attitude towards his sister and the boy promises to be more kind and thoughtful in future.

Have either of these children suffered any harm? Are either of them at risk? Would the interests of either of them be served by state intervention? The answer to all these questions is an emphatic "No!". Yet both parents in the above scenarios will be guilty of a criminal offence if the Scottish Executive goes ahead with its plans to outlaw smacking a child under the age of 3 or using any implement to discipline a child of any age.

Supporters of the proposals claim that parents will not be prosecuted. It is all about sending out a message, they say. But laws are not made to send out messages. They are made to be enforced. All it takes is for some malicious or misguided

soul to report these loving parents to the authorities and months of unnecessary pain and anguish could follow.

Not thought through

The consequences of the proposals have not been properly thought through. Most parents know that it is important to begin disciplining children at an early age. Physical correction is a particularly valuable parenting tool in the training of toddlers. A well-timed smack can prevent a little disobedience from growing into a fully-fledged tantrum, or a little spitefulness developing into a major battle zone. Parents who follow the directives of the Scottish Executive may well find themselves having to smack their children far more when they are aged 3 and over than they might otherwise have done had they started sooner.

If these proposals are enacted, they will place many of Scotland's most tender-hearted parents on the wrong side of the law. Rather than offering protection, they will expose children and their families to the heavy hand of state intervention.

Parents are responsible

It is the responsibility of parents to bring up their children, including the choice of how to discipline them in a reasonable manner. Whether smacking is used should be left to parental discretion. It is not the business of the state to impose any particular parenting style on all parents by force of law.

The Scottish Executive acknowledges that "the law in Scotland already protects children from unreasonable chastisement".¹ There is therefore no need for it to legislate against:

- smacking children under 3
- using a safe implement to discipline a child
- parents delegating discipline to childminder

It is the business of the state to protect children from harm, not to dictate to parents as to when and how their children may be disciplined.

A copy of this briefing was submitted to Jim Wallace, Deputy First Minister and Justice Minister, in response to the Scottish Executive's proposals. Copies have also sent to each Member of the Scottish Parliament, together with a letter urging them to consider the damaging consequences of the current proposals.

¹ Scottish Executive, News Release, 6 September 2001

What is Wrong with the Proposals?

- **They are not based on sound research evidence**

There is *no evidence* that:

- (a) physical correction of children under the age of 3 does them any harm;
- (b) the use of a safe implement to physically correct a child does any harm;
- (c) allowing parents to delegate the use of reasonable physical correction to a trusted childminder places minded children at risk.

- **They fail to respect the autonomy of the family unit**

Each family is shaped and influenced by certain social, cultural, religious and philosophical factors which are not common to every other family. Values and standards will therefore differ from family to family and this will be reflected in the way children are disciplined. To prescribe *how* and *when* parents may discipline their children undermines the family unit and represents precisely the kind of “heavy-handed intrusion into family life” which the Executive stated in the consultation document that it was determined to avoid.

- **They are based on false assumptions about physical correction**

The Deputy Minister of Justice refers to ‘hitting’, to ‘violence’ and ‘retribution’ in connection with physical correction. He says the proposals are designed to protect children from ‘evil intent’.² However, reasonable physical correction is a proven, time-honoured method of discipline. Used wisely, it is often the most effective way of correcting certain

types of misbehaviour. It is also far more kind and more merciful than many of methods which the anti-smacking lobby advocates.

While these methods often prolong a child’s agony, are more emotionally damaging and build up resentment in the child, the pain of a moderate physical sanction, remains with the child for a very short period of time and does not in any way damage the close relationship between a parent and child, based on mutual love and respect.

To suggest that parents who smack a child under the age of 3, use an implement or delegate their authority to a trusted childminder are acting with ‘evil intent’ is unfounded and a gross injustice.

- **They discriminate against some religious families**

Some parents within the Judaeo-Christian tradition use an implement out of religious conviction. They note that the Bible refers to a “rod” rather than to the hand. For example, “The rod and reproof give wisdom, but a child left to himself brings shame to his mother.”³

There is no doubt that thousands of parents who have a clear religious and philosophical basis for using a safe object to discipline their children in a careful and responsible way would continue to act according to their convictions. Provided that they are not correcting their children in such a way as to cause or to risk causing injury, to prosecute such parents would be unjust, a poor use of public resources and, most importantly, it would be damaging to the children and families concerned.

- **There is no need for them**

The Scottish Executive readily admits that the existing law already protects children against unreasonable chastisement. On its own admission, there is no need for any further legislation.

- **They are illogical**

To say that parents may physically correct a child over the age of 3 but not under does not make sense. Parents know it is important to begin training their children while they are young. Physical correction is particularly valuable as a way of setting boundaries for toddlers and impressing upon them that certain behaviour is unacceptable. There is also widespread agreement that it is equally illogical to permit parents to discipline with their hands but not with a safe implement. Not one respondent to the consultation paper offered any reasoned case for banning implements. There is no basis for the Deputy Justice Minister’s claim that “the use of implements carries the clear risk of injury to the child.”⁴



“Just you wait ‘til you’re 3”

² Scottish Parliament, 13 September 2001, cols 2499-2501

³ Proverbs 29:15

⁴ Scottish Parliament, 13 September 2001, col 2502

The Damaging Consequences

- **Good parents will be criminalised**

Any law that is framed in such a way that it criminalises good people who are going about their lives in a reasonable and responsible manner is a bad law. Laws exist to restrain people from doing wrong and to provide a basis for punishing offenders. Good people should have nothing to fear from the law.

- **Abused children will not receive any greater protection**

The Executive acknowledges that the law already protects children from unreasonable chastisement. Parents who are causing genuine harm to their children can be prosecuted under the present legislation. The proposals will not offer any further protection to children who are suffering real abuse.

- **They will deflect public resources from where they are most needed**

Police and social services resources are already fully stretched. To place restrictions on the right of parents to reasonably discipline their children will lead to valuable time being spent intervening in good, well-ordered homes where a parent uses a safe implement or smacks a toddler, while neglecting children in situations of real harm and danger.

- **Good families will be harassed by social workers**

Many social workers are trained to regard any physical correction as child abuse. To remove the defence of reasonable chastisement from parents in the way that is being proposed, would significantly lower the threshold at which the local authority could intervene in a family.

It would no longer be a question of whether the child was suffering "significant harm". If an implement was being used, or the child was under the age of 3, that would be a sufficient justification. Questions of the *manner, extent or effects* of the discipline or of the reasons for it and the relationship between the parents and the child would no longer be relevant.

The government recognises that: "enquiries into suspicions of child abuse can have traumatic effects on families"⁵ Any intervention into a home where there is no question of any harm being suffered by the child, is clearly not in the best interests of the child.

- **They will create a climate of fear - among children as well as parents**

Children in loving stable homes do not fear their parents for smacking them, but they would fear social services harassment and the prospect of their parents being prosecuted.

The case of the Motherwell teacher who was convicted of assault for smacking his 8 year-old daughter highlights the trauma caused to a child when the authorities intervene in a caring home. As a correspondent on BBC Online aptly put it:

"I would suggest that the damage done to her by her father pales into insignificance compared to the ritual abuse inflicted on her by society. It is this that should be banned."

If the Executive's proposals were to pass into law, parents would feel more vulnerable than ever. Many are already afraid to smack their children in case they are reported to

a social worker who is strong on ideology, but lacking in common sense. That sense of fear would only increase both among parents and children.

- **They will damage good families**

The Executive's proposals are unworkable and unenforceable. The new law would be widely broken. Some parents will simply reach the end of their tether with their children and lash out in frustration when they have lost control. Perhaps if no harm has been done and they say they will never do it again, they might be excused and left alone.

But what if they haven't lost control? What if they are acting out of deeply-held conviction and a genuine love for their children? Such parents will be guilty of a criminal offence and are liable to prosecution. What action will be taken against them? Will the children be taken away - to a foster home where they are statistically at more risk of being genuinely abused? Will the children be forced to testify against their parents in court? Will the parents be imprisoned?

It would be a gross injustice if the law were to be drafted in such a way that it could break up loving families and separate good parents from their children. The thousands of loving parents in Scotland who believe in the value of mild physical correction under the age of 3 and who choose to use a safe object to discipline, need to be protected from the abuse of their children and families that an unjust law would cause.

⁵ *Working Together to Safeguard Children* (Department of Health, 1999), 2.25

In Others' Words

The following quotations are taken from published responses to the Scottish consultation paper. Not all of these individuals and groups would support the overall position of *Families First*, but they share a number of our concerns about the current proposals nevertheless.

On fixing an age

“The physical punishment of very young children is a...difficult matter and we consider that to fix any age limit is inappropriate.”

Family Law Association

On implements

“We do not believe that a ban on the use of implements would be logical. It would be absurd if a parent who punched his child might be able to rely on a defence of reasonable chastisement, whereas a parent who hit his child with a newspaper could not. The term 'implement' is open to a wide range of interpretations.”

Youthvoice Worldwide

“It is a matter of degree: greater injury can be caused by a hand/fist than by many implements.”

Dr Rhona Smith

“using some implements - e.g. slipper - could sometimes be less severe than a smack from a heavy-handed person.”

Angus Youth Council

“The use of objects in corporal punishment is an irrelevance if the child is being hit. The damage depends on the motivation, the circumstances, the anger and the physical and psychological damage. No distinction should be made.”

British Psychological Society

“The arbitrary banning of all use of implements in corporal discipline overlooks the fact that it is the misuse of implements that is wrong, and not all use is misuse.”

Dr David Mackereth MB ChB

On childminding

“The Society does not think that when parents make childminding arrangements they should necessarily be constrained to give explicit permission physically to punish their children. If they do not want a childminder physically to punish their children, they can tell them not to do so. This is a matter the Society believes is for private and not legal regulation.

“If the law is to recognise a concept of 'reasonable chastisement' then it must allow parents the freedom explicitly or implicitly to discharge their childcare responsibilities in accordance with their beliefs in the physical punishment of children.”

The Law Society of Scotland

On respect for families

“... as far as possible the family unit [must] be regarded as having its own autonomy... [A]ny legislation concerning what goes on within the family should be borne out of necessity, rather than seeking a uniform approach to (in this instance) discipline within every family. A striving for such uniformity would strike us as undue interference of the state in personal relationships. In relation to this, whilst the opinion survey is interesting and informative, it ought not to be determinative of how every family orders itself.”

United Free Church of Scotland

“It is important that the Government does not enact legislation which would place children and families at risk of unnecessary and heavy-handed intrusion.”

Rev & Mrs Jonathan Wood

On prosecuting parents

“The argument that a law rendering all physical punishment as a crime would not be enforced in 'de minimus' cases is illogical and calls into question its need.”

Scottish Police Federation

“Members of the Centre regarded this more as a matter of social policy than one of law reform... There was a fear that parents could be dragged before the courts for administering a simple slap to correct unreasonable behaviour. The existing law is unclear, but members of the Centre had some doubts as to whether or not legislation could make it any clearer.”

Centre for Research and Law Reform, University of Glasgow

On protecting children

“Irrespective of the proposals, abuse will continue. There is a balance between this position of physical punishment and the position of parents being frightened to do anything about the physical punishment of their children, thereby leading to children dominating their parents.”

East Renfrewshire Council, Education Department

“It is also important to bear in mind that forms of punishment, such as verbal abuse, mocking or sarcasm, may be a lot more inhuman and degrading in their effects, and to focus on physical punishment without taking into account its alternatives is thus not justified.”

*Prof H R Schaffer
University of Strathclyde*

Government-funded parenting body misrepresents the facts to advance anti-smacking agenda

At the official opening of Parents' Week in October 2000, the Prime Minister's wife, Cherie Booth QC, launched a 32-page parents' guide to the law entitled *Is it legal?*, published by the government-funded National Family & Parenting Institute (NFPI).

While the booklet contains much useful information, it is marred by a tendency to undermine the authority and responsibility of parents, particularly in connection with children receiving health and contraceptive treatment without parental consent, and in relation to physical correction.

The very first question to be addressed by the booklet is: *'Is it legal to smack my child?'* The whole tenor of the answer given is negative and the impression is given that the authors desperately wish they could respond with a simple 'No'. The reply begins by referring to smacking in terms of assault:

"In the UK, as in other legal systems, it is against the law for one person to assault another. However, when it comes to children, parents may claim a defence of 'reasonable chastisement' if they smack or 'assault' their child."

The authors then go on to suggest that UK law is out of step with the rest of Europe:

"This defence is not open to parents in many European countries."

The truth is that in the vast majority of European countries parents *may* use reasonable physical correction. If it were deemed relevant to refer to other European countries at all, it would have given a far more accurate impression to have stated, "While a small number of European countries have removed the defence of 'reasonable chastisement', in the UK and in most other European states, it remains perfectly legal for parents to physically discipline their children in a moderate and reasonable manner."

It is also inaccurate to state that the current law in the UK "has been criticised by the European Court of Human Rights". In the case of *A v UK* (1998), the European Court ruled that the UK had failed to protect the rights of 'A' in the particular case under consideration. The Court made no comment on the law itself and declined to make any comment on physical correction in general terms.

The answer goes on to state that "it is against the law for teachers, nursery workers and childcare workers to smack children", omitting to mention that childminders may smack with parental consent. It then concludes by claiming that:

"Some recent research by the NFPI showed that only one in five parents thought that smacking was a good way of teaching children the difference between right and wrong."

This statistic has now been quoted in numerous newspaper and magazine articles and is rarely questioned. Needless to say, it also features in *Understanding Discipline* (2001), the NFPI's own overview of research on child discipline practices.

No justification

However, a closer look at the survey question responses reveals that the NFPI has no justification for putting such an interpretation on parents' responses.

The figure is derived from a question asking which actions would *most* enable parents to "teach a child the difference between 'right' and 'wrong'". The options suggested were:

- (a) reasoning - 61%;
- (b) creating a diversion - 17%;
- (c) 'grounding' - 30%;
- (d) smacking - 21%;
- (e) rewarding good behaviour - 52%;
- (f) parental example - 74%;
- (g) making children feel happy and loved - 73%;

(h) spending time with children - 75%.

The fact that only 21% of respondents included smacking among the options that would *most* enable parents to provide moral training for their children by no means implies that 79% felt it had no value, still less that it was not effective. No one would argue that physical correction has a more important place in the nurture and protection of children than good parental example, spending time with children, and making them feel happy and loved. It is therefore no surprise to find that these options scored highest in the survey. But that does not provide any basis for saying that it has no value at all within the context of a warm family home, where parents also reward good behaviour and reason with their children.

While the NFPI is described as an 'independent charity', it was set up by the government in November 1999 to provide 'authoritative advice to government on family policy'. At that time, the government pledged £2 million of public funding over its first three years.

It is a particular cause for concern that an institute set up with public money to give authoritative advice to the government on parenting issues should manipulate statistics in this way and then use them in support of legislation which would expose loving families to state intervention where parents smack their children, no matter how carefully and responsibly.

Incidentally, to be consistent, the NFPI would also have to say that since a mere 17% felt that creating a diversion was effective, steps should be taken to outlaw that also, and parents should be taught to employ other methods. Yet they have been strangely silent on that point!

Sweden: data does not support success claims

Campaigners against the physical correction of children frequently cite Sweden as a model. They argue that the 1979 ban on smacking has had thoroughly positive outcomes. Here, Dr Robert E Larzelere of the University of Nebraska Medical Center provides a critique of some recently-published papers .

During the past couple of years, Joan Durrant of the University of Manitoba in Canada, has published two overlapping evaluations of the welfare of Swedish children during the two decades since Sweden banned smacking by parents in 1979.¹ There is undoubtedly a need for rigorous, objective evaluations of such major policies, particularly as other countries are considering placing limits on the right of parents to employ physical correction. Unfortunately, however, Durrant's conclusions seem to reflect her unconditional commitment to an anti-smacking perspective more than an objective appraisal of the data available from her sources.

Few people outside Sweden can check out her sources since they are written primarily in Swedish and sometimes unavailable in other languages. This critique therefore highlights some of the inconsistencies between her conclusions and data sources. Durrant's four main conclusions concern the effect of Sweden's smacking ban on: (a) attitudes and practices about smacking; (b) physical child abuse; (c) assaults by young people raised after 1979; and (d) safety networks of support for child-rearing in Sweden.

Public attitudes towards smacking

According to Durrant, "the corporal punishment ban and ongoing public education campaigns appear to have been extremely effective in altering the social climate with regard to corporal punishment."² She supported this with a table showing that the percentage of the Swedish public supportive of corporal punishment dropped from 35% in 1971 to 26% in 1981, and down to 11% in 1994.

Unfortunately, she not only compared survey questions that were very different in 1981 and 1994, but she used only one of the two responses to the 1994 question that indicated qualified support for corporal punishment. The original survey item used from 1965-1981 was: "A child has to be given corporal punishment from time to time." The percentage in Sweden agreeing with this statement dropped from 53% in 1965 to 26% in 1978,³ the year prior to the ban on smacking. It then stayed at 26% in 1979 and 1981,⁴ which was apparently the last year that item was used in a Swedish national survey.

The 11% cited by Durrant in 1994-5 were "positively inclined to milder forms of physical punishment", while a further 22% were "in principle against all form of physical punishment, but can use such punishment if upset enough."⁵ Only 56% were against all forms of

physical punishment, and the remaining 10% did not choose any of the three options. The survey also included the following item, which was closer to the wording used between 1979 and 1981: "Mild or moderate physical punishment is sometimes necessary as a child-rearing method, but should be carefully considered and not the result of anger." Thirty-four per cent agreed partly or fully with this item, an increase from the 26% support in 1978, just before the 1979 ban.⁶

"Durrant's conclusions seem to reflect her unconditional commitment to an anti-smacking perspective more than an objective appraisal of the data"

This same Swedish survey found that the actual use of physical punishment had dropped very little. Thirty-two per cent of respondents aged 13-15, born during or after 1979, had received physical punishment from their fathers, compared with 34% in the next oldest generation. (31% of those born after the ban on smacking had been physically disciplined by their mothers, compared with 36% in the next oldest age-group). Physical punishment of teenagers changed even less. For example, 17% of 13-15 year-olds reported corporal punishment by their fathers "when a teenager", compared to an average of 16% in the three older generations. Corporal punishment of 13-15 year-olds by their mothers remained constant at 16% across the four age groups.

So, in direct contrast to Durrant's conclusion, changes in attitudes towards physical punishment occurred before the 1979 legislation and have changed very little since then.⁷ This raises questions about everything else. If the ban on smacking failed to change attitudes or practices concerning physical punishment, how could it influence anything else? One possibility is that the ban affected the frequency of physical punishment, even though the percentage of parents using it dropped very little. Another possibility is that physical punishment against the law may have different effects from its use within the law.

For example, parents may have become less inclined to use a mild physical sanction when they are still in control and more likely to use physical punishment when "upset enough". This could easily increase the risk of child abuse.

Physical child abuse

One of the major motivations behind the ban on smacking was to reduce child abuse. There have been few evaluations of whether it achieved that goal and no available study has convincingly documented a resulting decrease in child abuse.⁸ It is noteworthy then that Durrant focuses only on mortalities classified as due to child abuse in Sweden. Sweden had one of the lowest mortality rates for young children both before and after the 1979 ban on smacking. As Durrant has noted, the change from before to after 1979 failed to achieve statistical significance.⁹ However, the same source that she used for her statistics on assaults against children indicates sharply increasing rates of physical child abuse, at least in criminal records of assaults by relatives against children under the age of seven. This frequency increased from 99 in 1981 to 583 in 1994, a 489% increase.¹⁰ This could reflect a change in reporting mechanisms, an actual increase, or other factors. Other countries need an unbiased, objective way of deciding among these alternative explanations before emulating Swedish policies.

Violence by Young Perpetrators

Durrant concluded that those raised after the 1979 ban on smacking were less likely to be perpetrators of assaults against children, relative to overall societal trends.¹¹ Table 1 summarizes the percentage increases in criminal assaults against 7-14 year-olds by the age of perpetrator, from the very source that Durrant used to test this hypothesis.¹² This shows that the largest increases occurred for perpetrators under 15 years of age, who were born after the ban on smacking. The second largest percentage increase occurred for 15-19 year-old perpetrators, who were aged 0-4 when the law was passed in 1979. Thus those raised after the ban on smacking are increasingly likely to be perpetrators of such assaults as they grow up.

How then did Durrant arrive at the opposite conclusion? First, she reported the percentage of all perpetrators who were in a particular age cohort rather than the actual frequency of criminal assaults. This distances the readers from the actual descriptive data and obscures the fact that assaults against children were increasing for all age groups. Second, she featured adults in their twenties as the youngest cohort. Table 1 shows that the smallest percentage increase in assaults against 7-14 year-olds was by 25-29 year-olds. People in this age group were at least 10 years old when the ban on smacking was introduced in 1979. By combining them with 20-24 year-olds, she obtained a group that was increasing its criminal assaults against children less rapidly than the older cohorts. Since this category of assaults was increasing less rapidly, it was decreasing as a percentage of all assaults against children.

In the journal article, but not in the paper published by Save the Children, Durrant acknowledged that the

number of assaults by 15-19 year-olds against 7-14 year-olds increased significantly from 1984 to 1994, but she claimed that as a proportion of all perpetrators, there was no significant increase among 15-19 year-olds. Nevertheless Table 1 shows that the percentage increase in assaults against 7-14 year-olds was larger for 15-19 year-old perpetrators than in any older group. Its percentage increase is exceeded only by perpetrators born after the ban on smacking, whose assaults increased by 519% from 1984 to 1994. This trend was reported by Durrant, but in a separate section on youth crime. In her published article she combined data on assaults against children under 7 as well as assaults against 7-14 year-olds. Assaults by 7-14 year-olds against children under 7 are infrequent and relatively stable, so combining the two ages of victims serves to dampen the increase of 519% shown in Table 1.

Table 1: Frequency of Criminal Assaults Against Children from 7-14 Years of Age (Wittrock 1995)

Age of suspect	1984 (Birth Year)	1994 (Birth Year)	Percentage Increase
under 15	116 (1970+)	718 (1980+)	519%
15-19	107 (1965-69)	354 (1975-79)	231%
20-24	12 (1960-64)	28 (1970-74)	133%
25-29	19 (1955-59)	29 (1965-69)	53%
30-39	68 (1945-54)	151 (1955-64)	122%
40-49	47 (1935-44)	116 (1945-54)	147%
50+	25 (<1935)	57 (<1945)	128%

Safety Networks of Support for Child-Rearing in Sweden

Durrant claims that interventions on behalf of children have become much more preventive and supporting, occurring earlier in the escalation of violence. I cannot critique her conclusions on this as confidently because I do not have access to her data. I do, however, have access to some other statistics that suggest a different perspective on her statistics, but the entire picture is not completely clear to me. Secondly, whether the current Swedish system is supportive or intrusive towards families is seen very differently by critics of the current Swedish social system than it is by its supporters. After hearing the two perspectives, it is difficult to figure out how the Swedish system is experienced by families, especially by less privileged families, such as immigrants and the poor.

For example, the critics' perspective on the nature of voluntary vs. compulsory social services is quite different

from Durrant's. In the *compulsory* programme, parents are allowed to see their children only once a month for a closely supervised visit.¹³ Most parents therefore choose the *voluntary* programme as the lesser of two evils. Their child might be taken away from their home (37% of new cases in the 'voluntary' programme in 1995, down from 54% in 1982),¹⁴ but at least they will be able to visit the child more often and have a greater chance of being reunited.

"those raised after the ban on smacking are increasingly likely to be perpetrators of assaults as they grow up."

The number of new children in the compulsory programme for out-of-home care actually increased by 7% between 1982 and 1995,¹⁵ although you would not know that from Durrant's journal article. Neither would you know that what Durrant calls "support and care measures" consist of removal from the home for 46% of new children in the system, down from 60% being removed from the home when the programme started in 1982.¹⁶ So her hypothesis that early identification of problems was "intended to lead to earlier, more supportive intervention" turns out to mean removal from the home in at least 46% of the new cases receiving "support and care measures". This is not the kind of "increasingly preventive" child welfare measure that I would welcome.

Two sources have claimed that children are much more likely to be removed from their homes in Sweden than in other European countries, though I cannot vouch for their statistics. Using 1981 data, Ivarsson records that around 22,000 children in Sweden were removed from their homes in 1981, compared with 1,900 in Germany, 710 in Denmark, 552 in Finland, and 163 in Norway.¹⁷ Durrant corroborates this by showing that there were 22,807 Swedish children in out-of-home care in 1982, 4,839 for the first time that year.¹⁸ According to Westerberg, Sweden has about 15,000 children in care, compared with 40,000 in Great Britain, which has a population more than seven times the size of Sweden.¹⁹

Durrant also implies that some of the increases, such as those in criminal assaults against children, are due to increased reporting because of increased awareness and because more minor incidents are considered reportable. It is difficult to tell the extent to which increased statistics on child abuse and on assaults by minors reflects a genuine increase or a change in reporting mechanisms. Several facts suggest the increases are actual and not only due to changes in reporting mechanisms.

Firstly, Gelles and Edfeldt compared the Swedish rate of physical child abuse in 1980 with figures from two American surveys conducted in 1975 and 1985.²⁰ As Durrant pointed out, the 1975 American response rate

was lower than the Gelles-Edfeldt survey undertaken in Sweden in 1980. This was probably because that American survey used face-to-face interviews, whereas the Swedish survey used telephone calls. Fortunately, the 1985 American survey used telephone calls and had an even higher response rate than the Swedish survey. Considering a variety of factors, the fairest and most conservative comparison was to compare the Swedish child abuse rate with the average of the two American rates. By this method the Swedish child abuse rate was 49% higher in 1980 than the average of the 1975 and 1985 American rates.²¹

Not that a supposedly anonymous survey would not be influenced by the procedures by which physical child assaults get recorded in criminal records. Yet 3% of Swedish parents reported beating up their child in 1980 compared with 1% of American parents in 1975 or 1985. I first thought that these 1980 statistics might reflect a temporary increase in child abuse as Swedish parents were adjusting to child-rearing without smacking. I am now doubting that because I have seen no evidence of a decrease in Swedish child abuse rates since then.

Secondly, Durrant's view that more minor incidents are being recorded as criminal assaults would suggest that the most serious category (aggravated assaults, punishable by 1-10 years in prison) should be increasing more slowly than criminal assaults in general. However, serious aggravated assaults against all children increased 388% from 1984 to 1994, whereas assault suspects in general increased 277%.²² Durrant maintains that this difference is not statistically significant, but it provides strong evidence against criminal assault records becoming increasingly predominated by mild incidents.

Thirdly, the timing and suddenness of the increase does not support a reporting interpretation. Durrant implies that the ban on smacking and the 1982 changes in social services had the commendable purpose of enhancing an early warning system for violence before it got more serious. That would suggest a sharp increase during the 1980s. If this was in fact preventive, then criminal statistics for physical child abuse and assaults by minors should level off or decrease subsequently. However, both statistics increased relatively little during the 1980s and then increased sharply at an accelerating rate in the 1990s. Children whose preschool years from 2-6 were entirely under the ban on smacking first became teenagers in 1990. From 1984-1989 the average annual increase in assaults by minors against minors was 3.4%. From 1990-1994, the average annual increase was 17.9%.

Fourthly, as noted by Durrant, if the increase is entirely due to reporting differences, the same increase would not be reflected in victimization statistics. This would have been a strong point in Durrant's favour if her sources had reported trends in victimization statistics for 7-14 year-

olds. Instead, von Hofer showed that the victimization statistics for 16-20 year-olds were stable over this time period.²³ Indeed, von Hofer's article corroborates my Table 1 in that he shows that the rate of criminal assaults by minors (7-14 years) has increased much more dramatically than older groups. His statistics are based on a wider age range of victims than the child victims that Durrant and I are interpreting differently. Further, von Hofer showed that the incidents requiring medical attention doubled for 16-20 year-olds. The latter trend suggests that the average victimization incident is getting more severe and not less severe as Durrant implies.

Conclusion

Durrant draws conclusions about four major trends since Sweden's 1979 ban on smacking. On the first three trends, the very sources she cites strongly suggest conclusions opposite to hers. Attitudes and practices about corporal punishment have changed very little since 1979. In fact such changes were far more dramatic before 1979.

Secondly, the best indicators of physical child abuse showed a 489% increase in physical child abuse cases classified as criminal assaults in Sweden from 1981-1994. Child abuse fatalities have been infrequent in Sweden both before and after the 1979 legislation, though not as low as Durrant claims.

Thirdly, the best evidence suggests that perpetration of criminal assaults against 7-14 year-olds is increasing most rapidly in age groups raised after the law against smacking was passed. This directly contradicts Durrant's conclusion based on selected evidence from the same data source.

On the fourth issue, it is difficult to evaluate the extent to which the Swedish social services have achieved an optimal balance between a preventive approach to protecting children on the one hand, and becoming overly intrusive on the other. Most of the evidence suggests that the large increase in assaults by minors and in physical child abuse is not entirely explained by changes in reporting mechanisms. Critics of the law do not think the increase has been caused entirely by the ban on smacking. Rather, the critics say that the influence of parents has been inadvertently compromised by the entire set of overly intrusive Swedish policies. Because parents have been disempowered, the police must intervene in many more incidents than was previously the case.

Sweden has historically been a very non-violent country, especially compared to the United States. Perhaps Sweden can afford a sixfold increase in criminal assaults by minors against minors. Other countries cannot.

Accordingly, we need to get a much more convincing explanation of this increase in Sweden before other countries regard Sweden as an example to emulate. We also need objective, unbiased evidence that their policies have reduced physical child abuse. Such evidence does not currently exist.²⁴

To repeat the main conclusion of my 1999 article, we need timely, rigorous and unbiased evaluations of these kinds of policy changes in the future. The degree of bias in Durrant's evaluations increases my suspicions that the success of Sweden's ban on smacking is uneven at best and counterproductive at worst. Successful policy changes do not need their evaluations to be biased to document their success.

Notes:

- ¹ Durrant, J E (1999) Evaluating the success of Sweden's corporal punishment ban. *Child Abuse & Neglect*, 23, 435-448.
- Durrant, J E (2000) A Generation Without Smacking: The impact of Sweden's ban on physical punishment. London: Save the Children.
- ² Durrant (1999), op cit.
- ³ Solheim, J S (1982) A cross-cultural examination of use of corporal punishment on children: a focus on Sweden and the United States. *Child Abuse and Neglect*, 6, 147-154.
- ⁴ Ziegert, K A (1983) The Swedish prohibition of corporal punishment: a preliminary report. *Journal of Marriage and the Family*, 45, 917-926.
- ⁵ Statistics Sweden (1996) Spanking and other forms of physical punishment. (Demography, the Family and Children 1.2) Stockholm, Sweden: Statistics Sweden.
- ⁶ Sanden, A & Lundgren, L (1997) Spanking of children much less common. Statistiska centralbyran. <http://www.scb.se/scbeng/vhtm/barnaga.htm>
- ⁷ This analysis of the relevant data is corroborated by Roberts, J (2000) Changing public attitudes towards corporal punishment: The effect of statutory reform in Sweden. *Child Abuse & Neglect*, 24, 1027-1035.
- ⁸ Larzelere, R E & Johnson, B (1999) Evaluation of the effects of Sweden's spanking ban on physical child abuse rates: A literature review. *Psychological Reports*, 85, 381-392.
- ⁹ Durrant (1999), op cit.
- ¹⁰ Wittrock, U (1992) Barnmisshandel I kriminalstatistiken 1981-1991 [Violent crimes against children in criminal statistics, 1981-1991]. KR Info, 1992, 7; Wittrock, U (1995) Barnmisshandel, 1984-1994 [Violent crimes against children, 1984-1994]. KR Info, 1-6. These papers are available in English at: <http://people.biola.edu/faculty/paulp/>
- ¹¹ Durrant (1999), op cit.
- ¹² Wittrock (1995), op cit.
- ¹³ Westerberg, S (1999), How parents were deprived of their rights in Sweden. London: Family Education Trust.
- ¹⁴ Durrant (1999), op cit.
- ¹⁵ Durrant (2000), op cit.
- ¹⁶ *ibid.*
- ¹⁷ Ivarsson, M (1984) Sverige 1984. Malmo, Sweden: Lehmanns Forlag.
- ¹⁸ Durrant (2000), op cit.
- ¹⁹ Westerberg (1999) op cit.
- ²⁰ Gelles, R J & Edfeldt, A W (1986) Violence towards children in the United States and Sweden. *Child Abuse and Neglect*, 10, 501-510.
- ²¹ Larzelere, R E & Johnson, B (1999) op cit.
- ²² Wittrock (1995) op cit.
- ²³ von Hofer, H (1995) Criminal violence and youth in Sweden in a long-term perspective. Paper presented at the Tenth Workshop for Juvenile Criminology, Siena.
- ²⁴ Larzelere, R E & Johnson, B (1999) op cit.

News In Brief

Christian Fellowship School

The Christian Fellowship School in Liverpool has been granted leave to apply for judicial review in connection with a section in the School Standards & Framework Act 1998 which ostensibly bans the use of corporal discipline in independent schools.

Their application follows a decision by the European Court of Human Rights stating that while the Act forbids a teacher to use physical correction “*by virtue of his position as such*”, there is nothing in the law to prevent a teacher from using a physical sanction on the express authority of the child’s parent.

The Children are Unbeatable website claims that the Christian Fellowship School lost its appeal in the European Court, while the Northern Ireland consultation paper goes further and adds that “The Court said that to have ruled otherwise could have led to a number of potential breaches of the rights of others - children - under the Convention”. Both claims are inaccurate.

The case is due to be heard in the High Court early in November.

Same old ‘new’ initiative

A “New Global Initiative to end all corporal punishment of children” was launched in April in Geneva, with the support of Unicef, members of the UN Committee on the Rights of the Child, and “key international human rights organisations and individuals”.

This familiar-sounding initiative is being co-ordinated by Peter Newell, of EPOCH (End Physical Punishment of Children), in association with Thomas Hammarberg, who was formerly vice-chair of UN Committee on the Rights of the Child and currently serves as Sweden’s Ambassador for

Humanitarian Affairs. It comes as no surprise to learn that EPOCH are providing the secretariat for the initiative.

The Global Initiative aims to:

- Forge a strong alliance of human rights agencies, key individuals and international and national NGOs against corporal punishment;
- Make corporal punishment visible by building a global map of its prevalence and legality;
- Systematically lobby state governments to ban all forms of corporal punishment and to develop public education programmes
- Provide detailed technical assistance to support states with these reforms.

Further details will be found on their website: www.endcorporalpunishment.org

UN Discussion Day

At the end of September, the United Nations Committee on the Rights of the Child held a Day of General Discussion on ‘Violence Against Children within the Family and in Schools’ in Geneva. Unfortunately the UN appears to have prejudged the issue long before the discussion began.

The purpose of the event was to “examine the role played by cultural values and societal attitudes which may foster, tolerate or even justify violent forms of discipline or other violent acts against children within the family.” The blurb was full of assumptions about physical correction. For example, “The acceptance of corporal punishment as a disciplinary measure reflects a problematic attitude to the rights of children. The notion that some forms of violence against children are acceptable and could be tolerated creates or maintains a social climate in which it is more difficult to prevent and detect extreme forms of violence and abuse against children, including, for example, incest and infanticide.”

Families First was the only organisation to submit a paper

presenting a positive view of physical correction, based on academic research. We pointed out that violence is generally impulsive, aggressive and motivated by negative feelings; an expression of uncontrolled anger or frustration. As such, it has nothing in common with loving physical correction, which is moderate, reasonable, controlled and given for the positive benefit of the child.

Childminding in Wales

Notwithstanding the decision of ministers in England to confirm that childminders may smack children in their care with parental consent, the National Assembly of Wales is proposing to impose a ban on smacking by childminders as part of its National Minimum Standards.

Families First has responded to the Welsh consultation document and has urged the National Assembly to let it remain a matter for parental discretion.

UN on Finland

In September 2000, the UN Committee on the Rights of the Child made the following interesting observations about Finland:

“Although the State party was the second State in the world to prohibit all corporal punishment of children in the family,...the Committee is concerned at the number of cases of violence against children, including sexual abuse in their homes. It also regrets the lack of information on this phenomenon.

“The Committee recommends that the State party consider taking additional measures to prevent and, where this has not been possible, to identify in a timely manner instances of violence against children within families, to intervene at an early stage, and to develop child-friendly programmes and services for prevention, treatment and rehabilitation with personnel specially trained to work with children.”