

DRAFT MINUTES of the CPG on CHILDREN

November 19th 2013

Conference Room 24

Sponsored by Julie Morgan AM

AGENDA

Chair: Julie Morgan AM

12:30: Welcome and Introduction – Julie Morgan AM

12:35-1:00: Professor Kirsten Sandberg: ‘The human rights imperative to prohibit all corporal punishment of children.’

1:00-1:10: Cross-Party Group responses.

1:10-1:25: Questions and comments from the floor

1:25: Closing.

PROCEEDINGS

- Julie Morgan AM opened the meeting.
- Julie Morgan thanked everyone for attending and introduced Professor Kirsten Sandberg, Chair, UN Committee on the Rights of the Child.
- Professor Sandberg delivered a PowerPoint presentation (copy attached).
- The presentation covered the following topics:
 - The interest of the UN Committee in the issue of banning corporal punishment – the UN Committee always raises this issue with states through state reports.
 - General Comment No 8 – particularly about corporal punishment. Prohibition and elimination of corporal punishment is an immediate and unqualified duty on the state. This is essential in creating non-violent societies. Article 16 of the UNCRC is the starting point of the convention to do away with corporal punishment – all forms of physical and mental violence. The ‘best interests of the child’ is no justification for ‘reasonable’ corporal punishment. It’s essential that Family Law prohibits violence against children and Criminal Law applies as fully to children as to adults.
 - Other treaty bodies – other UN committees also endorse full prohibition.
 - Concluding observations to the UK 1995 – UN Committee on the Rights of the Child worried about the “imprecise nature of the expression of reasonable chastisement.”
 - Concluding observations to the UK 2002 – the Committee concluded that the “proposals to limit rather than remove the ‘reasonable chastisement’ defence do not comply with the principles and provisions of the convention.” The defence of ‘reasonable chastisement’ undermines other work to promote educational and positive parenting.

- Concluding observations to the UK 2008 – the Committee welcomed “the commitment of the National Assembly in Wales to prohibiting all corporal punishment in the home.” Wales’ standpoint welcomed, but unfortunately, Wales did not then have the power to enact the necessary legislation. Wales is promoting positive parenting, but the lack of legislation is undermining this.
- Recommendation to UK 2008 -- prohibit all corporal punishment in the family, actively promote positive and non-violent forms of discipline, raise awareness about children’s rights. Legislation is a must.
- Wales’ commitment – 2007 report – “The Welsh Assembly Government has already committed itself to supporting a ban on physical punishment and has funded publication of a booklet *Help in Hand* given to all new parents that advises on positive ways of dealing with behaviour and avoiding smacking.”
- Concluding observations to the UK 2008
- Further development – further progress in the Rights of Children and Young Persons (Wales) Measure in 2011, devolved powers in 2011, and the Children’s Rights Scheme in 2012.
- Wales – what next?

- Comments from the floor:

Christine Chapman AM, Lindsay Whittle AM, Aled Roberts AM, Eleri Thomas (on behalf of the Children’s Commissioner, Keith Towler), Cardiff Councillor Richard Cook, Keith Ingham, Catriona Williams (Children in Wales), Pam Davies (Flying Start), Jan Pickles (NSPCC), Rhodri Morgan, Sara Reid (Children Are Unbeatable!), Andy James (Barnardo’s), Pat Dunmore, Tim Ruscoe (Barnardo’s), and several others.

Points made:

- The potential for change is here.
 - The experience of other countries shows that a change is possible.
 - The issue goes hand-in-hand with the issue of domestic violence.
 - We now need to act for all children.
 - The support of all the UK Children’s Commissioners.
 - Backbenchers and all people need to be persuaded and to have the conviction to change the law.
 - The overwhelming majority to support the Children Are Unbeatable! alliance from Cardiff Council – free vote given.
 - What has changed – this has been looked at in the past by the Welsh Government and already agreed.
 - Flying Start works on the issue with parents.
 - On a grassroots level, legal change would help with the promotion of positive parenting.
 - No regret from countries that have banned smacking.
 - It’s an international obligation.
- Julie Morgan closed the meeting.