Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Tystiolaeth i’r Pwyllgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 Bil Plant (Diddymu Amddiffyniad Cosb Resymol) (Cymru)

Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

CADRP-397

About you

Individual

1  The Bill’s general principles

1.1  Do you support the principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

— Yes

1.2  Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1000 words)

Abolishing the defence is long overdue. The defence harks back to a time when men were allowed to hit their wives, their servants and their children. It is an anomaly that in 2019 parents are allowed to hit their children as long as it is deemed reasonable punishment. We do not sanction the hitting of any other humans by humans - just children. Why? Children have a right to the same level of protection from assault that adults have. No more, no less. Equal Protection.

There are many more other reasons I could cite for supporting the principles in the Bill but I will single out the logic of implementing evidence-based policies. There is a great deal of evidence that the physical punishment of children is ineffective and evidence that it can in fact cause harm to the child. This is public health issue. Similar to the banning of smoking in public places or the compulsory wearing of seat belts, changing the law and removing the defence of reasonable punishment will (with support and public information for parents) bring about changes in behaviour so that fewer children are subjected to the harm of being hit. Just as with the seat belt legislation and the smoking in public places legislation - it may not be a popular law to begin with but behaviour does change and within a relatively short period of time people adapt.
1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 1000 words)

Yes. Definitely. As emphasised above - government has a role in promoting public health and encouraging people to behave in ways that support wellbeing. Experience tells us that laws can change behaviour and sometimes governments have to lead the way for the good of the people (including children) it represents.

It is also a question of embedding children's human rights in Legislation. Children have a right not to be hit and governments in the UK have been told repeatedly by the UN Committee on the Rights of the Child that the defence of reasonable punishment is not acceptable - the law must be reformed to give children equal protection.

2 The Bill’s implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 1000 words)

No. There is a lot of experience from around the world to draw on. We are way behind the curve with 54 other countries already enacting legislation that provides for equal protection. I have been working on this issue for many years and I am aware that WG have done a lot of preparatory work over the last 15 years. Parenting support, public information strategies have all been discussed and trialled - there is much on which to build. Implementation will be greatly supported by a generous public information campaign using universal services and by the ongoing provision of parenting support.

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 1000 words)

The EM illustrates that WG have thought through these issues and taken advice from other countries who have reformed the law.

3 Unintended consequences

3.1 Do you think there are any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 1000 words)

No.
4  Financial implications

4.1  Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 1000 words)

No

5  Other considerations

5.1  Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

I really welcome the legislation. It is something I have been campaigning on for many years. I hoped that devolution would allow us in Wales to take this positive step and provide equal protection for the children living in Wales. It will be a proud day when the legislation comes into force and make a big difference to the health and happiness of our children and future generations.