

Corporal Punishment Position Statement

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<b>Version no:</b>	V2 (updated October 2022)
<b>Date Approved:</b>  <b>EDs</b> <b>Committee</b> <b>Trustee Board</b>	tbc
<b>Review Frequency:</b>	Every 3 years unless legislation change
<b>Next Review Date:</b>	2025
<b>Circulation (primary location)</b>	Website

## 1. Purpose

**1.1** To make clear the National Deaf Children's Society (NDCS) and Deaf Child Worldwide's (DCW) position on corporal punishment with regards to all children within the UK and overseas and to highlight our specific concern of the impact corporal punishment has on deaf children

**1.2** The United Nations Committee on the Rights of the Child (2006) defines "corporal" or "physical" punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking, or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares, or ridicules the child.

**1.3** Every child's well-being and safety is paramount. There is a wealth of research and evidence of the negative impact that physical abuse, corporal punishment, and other unlawful actions has on all children, including children living with deafness and /or disabilities. These impacts can alter the child's language, communication, educational and intellectual development, and their ability to socialise and make friends.

**1.4** For example, research suggests that:

- a) Deaf children are more likely to be abused than hearing children (studies show they are at least twice as likely to experience abuse as hearing children, with one study identifying an incidence of abuse being 3.4 times that of hearing children).<sup>1</sup>
- b) Children with disabilities are at increased risk of experiencing corporal punishment.<sup>2</sup>
- c) Children with disabilities are especially likely to experience violence, including violent punishment, from adults, such as their parents, teachers, carers and others.<sup>3</sup>
- d) About 80% of children from 62 countries aged 2-14 were subjected to "violent discipline" (physical punishment and/or psychological aggression) in the home in the past month, and 17% experienced severe physical punishment.<sup>4</sup>
- e) Caregivers of children with disabilities were more likely to believe that they needed to use physical punishment than caregivers of children without disabilities.<sup>5</sup>
- f) Children with disabilities are almost four times more likely to experience violence than non-disabled children. The review indicated that children with disabilities are 3.7 times more likely than non-disabled children to be victims of any sort of violence, 3.6 times more likely to be victims of physical violence, and 2.9 times more likely to be victims of sexual violence.<sup>6</sup>

**1.5** NDCS and DCW are concerned that deaf children may not achieve key outcomes such as being healthy, keeping safe, educational success, family and social integration, communication, and language skills, as a result of experiencing physical abuse, unlawful punishment and/or corporal punishment.

1. Sullivan P.M., Brookhouser P, Scanlan J. (2000) Maltreatment of deaf and hard of hearing children in Hindley, P & Kitson, N,(Eds) *Mental Health and Deafness* (pp. 149-184), London :Whurr.
2. Global Initiative to End All Corporal Punishment of Children (2014) *Prohibiting and eliminating all corporal punishment of children with disabilities*.
3. Pinheiro, P. S. (2007), *World Report on Violence Against Children* Global Initiative to End All Corporal Punishment of Children.
4. UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF
5. Hendricks, C. et al (2014), "Associations Between Child Disabilities and Caregiver Discipline and Violence in Low- and Middle-Income Countries", *Child Development*, published online 29 July 2013.
6. World Health Organisation, "Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observation studies" July 2012.

## 2. Background

**2.1** The use of corporal punishment, physical punishment or unreasonable chastisement and the variation of levels of legality and acceptability across countries, states and territories, are much debated topics across the world, including within and between the four nations within the UK. They include full prohibition in all settings, a commitment to full prohibition which is yet to be achieved, prohibited in some settings, or not fully prohibited in any settings. Settings include schools, day care providers, penal institutions, alternative care providers and within the home. <https://endcorporalpunishment.org/>

**2.2** NDCS and DCW work across the UK, East Africa, and South Asia and acknowledge the varied social and cultural norms, legality, acceptability, and situations on the ground.

**2.3** The NDCS and DCW share the United Nations Committee on the Rights of the Child's definitions and strongly oppose the use of corporal punishment, physical punishment, abusive acts or unlawful actions in order to deliberately cause humiliation, pain, discomfort, anxiety, injury or any other negative impacts.

## 3. Legislation

**3.1** Within the UK, Legal defences for the use of corporal punishment are found in section 58 of the Children Act 2004 in England, and article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006..

**3.2** Scotland, through its Children (Equal Protection from Assault) (Scotland) Act 2019 (enforced 7<sup>th</sup> November 2020). and Wales, through its Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (enforced 21<sup>st</sup> March 2022) prevents anybody using reasonable chastisement and any other legal defence for the use of corporal punishment. Therefore, it is illegal in these nations. In other countries, States and Territories, legal defences vary. <https://endcorporalpunishment.org/reports-on-every-state-and-territory/uk/>

**3.3** However, any use of corporal or physical punishment must be within the parameters as defined in each country, state or territory's legal framework such as:

- The Children (Northern Ireland) Order 1995
- The Children Act 1989
- The Children Act 2004
- The United Nations Convention on the Rights of the Child (UNCRC)
- The United Nations Convention on the Rights of the Disabled Person (UNCRDP)
- (All nations/countries that NDCS and DCW work within have signed and ratified the UNCRC and UNCRDP).

- All other relevant child protection, reasonable chastisement/punishment, prevention of harm and other relating legislation, along with any /statutory and/or best practice guidance in each domestic jurisdiction and legal systems.

**3.4** NDCS and DCW acknowledges UK legislation and guidance with regards to the prevention of harm to children and the protection of children and the UNCRC, with its 54 articles designed to protect children's rights, freedom, safety and well-being.

**3.5** All children are protected through child protection and human rights legislation within the UK and throughout the world.

**3.6** In countries and regions where corporal punishment may be partly or wholly legal, NDCS and DCW still recognise human rights as being protected by international law and aim to ensure that the work they support is underpinned by human rights and social justice.

**3.7** NDCS and DCW will strive to influence positive and humane disciplines as well as eliminate discrimination and other behaviours associated with corporal punishment in order to empower deaf children, adults, their families and professionals working with them, as well as prevent abuse and harm.

#### **4. NDCS and DCW Position Statement on corporal punishment.**

**4.1** NDCS, DCW, its partners, stakeholders, schools, health services, communities and families play a crucial role in promoting the rights and welfare of deaf children.

**4.2** NDCS, DCW, and its partners, working with professionals and family members involved in the child's life, have a major role in preventing harm and responding to the significant impact and risks faced by deaf children who experience corporal punishment, unlawful physical actions and physical abuse. NDCS/DCW expects anybody who represents them, as well as partners, to adopt inclusive approaches that enable and empower anybody who has experienced this treatment, to come forward without fear to share information regarding corporal punishment, physical punishment and/or unreasonable chastisement, including children.

**4.3** NDCS and DCW acknowledge that parents/care givers often require physical actions and interventions to protect a child, for example, but not limited to, stopping a child running onto the road, stopping a child from placing their hand in a hot oven, or legal physical restraint which prevents harm to themselves or others. However, NDCS and DCW believe these actions and interventions should not cause harm, humiliation, pain, discomfort, anxiety, injury or any other negative impacts.

**4.4** NDCS and DCW promote and support the use of positive discipline. Rather than focus on wrong-doing by the child and punishing them for it, we believe the focus should be on using measures such as rewarding and encouraging positive behaviours by cooperating with children.

**4.5** NDCS and DCW take our responsibilities toward safeguarding children and child protection seriously in all countries, states and territories in which we operate or provide support in working with deaf children and their families. NDCS and DCW will respond to all acts of abuse and/or unlawful action(s) against children, including unlawful punishment, in accordance with legislation, guidance, policies and procedures applicable to NDCS, DCW and/or its partners.

**4.6** All individuals involved with NDCS and/or DCW are expected to report any knowledge or awareness of corporal punishment, physical punishment, physical abuse or unreasonable

chastisement, regardless of local legislation or jurisdiction status. Any individual can share their knowledge or concerns with any member of staff, volunteer or management within NDCS, DCW or a partner. NDCS and DCW will work with agencies, services, partners, families, police, social care, professionals, volunteers, contractors and any other relevant individuals in order to seek and gain the best outcomes for the child/adult experiencing abuse or unlawful action including unlawful punishment. The child's and/or adult's welfare, along with what is considered to be in their best interests, will take priority at all times.