

**Wales Observatory on Human Rights of
Children and Young People**

**Arsyllfa Cymru ar Hawliau Dynol Plant a Phobl
Ifanc**

Claire Griffiths
Deputy Clerk
Legislation Office
National Assembly for Wales
Cardiff Bay
CF99 1NA

12th March 2013

Dear Ms Griffiths

Consultation: Social Services and Well-being (Wales) Bill

I am writing on behalf of the Wales Observatory on Human Rights of Children and Young People to ask the Health and Social Care Committee to promote greater recognition of children's rights in Wales, by supporting legislation to put a stop to the physical punishment of children.

For more than ten years successive Welsh Governments have argued for a ban on physical punishment of children; a position consistent with the United Nations Convention on the Rights of the Child, and with the view of the United Nations Committee on the Rights of the Child. The UN Committee has noted that corporal punishment represents cruel or degrading punishment of children. In 2008 it expressed concern that the defence of 'reasonable chastisement' had not been removed from the relevant legislation that applies in the UK. The Committee issued a recommendation to prohibit all corporal

punishment in the family, including through the repeal of all legal defences. This recommendation applies to Wales as it does to the other nations of the UK.

Having regard to the rights of the child as set out in the UNCRC, the Observatory considers that it is imperative that where the opportunity arises to remove the defence of reasonable chastisement in Wales, this is what should take place. The current Bill represents just such an opportunity, and we urge the Health and Social Care Committee to support relevant legislation.

Whilst reasonable chastisement remains a lawful defence children's rights are being violated in Wales, as in the rest of the UK. Legislation to remove the defence in Wales would represent fulfilment of the Welsh Government's express intent.

We would welcome the opportunity to provide further information and assistance on this issue.

Yours sincerely,

Simon Hoffman

Co-director

Wales Observatory on Human Rights of Children and Young People

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To discuss any aspect of this letter please contact:

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