

# Press Release

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## **“UK must improve children’s protection and ban corporal punishment” reports Commissioner Hammarberg**

Strasbourg, 09.10.2008 – The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, presented today to the government of the United Kingdom a memorandum on corporal punishment. Pointing to deficiencies in UK legislation with regard to respect for children’s rights, the Commissioner expresses serious concern about the large number of children across the UK who suffer physical chastisement.

“The UK is one of the few European countries which have neither achieved full prohibition of corporal punishment nor committed themselves publicly to it. Worse, it is in a small minority whose laws actually persist in allowing parents and some other carers to justify some level of violence as ‘reasonable’ when it is regarded as discipline. This situation is unacceptable and must be changed.”

Criticising the specific national legislative provisions on corporal punishment, he emphasises that “laws allowing the definition of ‘justifiable assaults’ and ‘reasonable punishments’ on children are not compliant with international human rights standards. Moreover, the fact that children, uniquely, should have less protection under the criminal law from assault is additionally discriminatory and unimaginable,” he says.

Commissioner Hammarberg welcomes the change in language in discussions about corporal punishment and notes that the government now “does not condone smacking”. At the same time, he notes, “without a change in the law, this position lacks credibility.”

The Commissioner therefore recommends that the ‘reasonable punishment’ defence and the concept of ‘justifiable assault’ be removed completely from all relevant legislative provisions and that authorities throughout the UK develop an awareness and education programme on children’s rights to protect and promote positive parenting without violence. He also calls for child-friendly policies to be adopted so as to inform children about their right to protection from all forms of violence and the services and assistance that are available to them.

[Link to the memorandum together with the authorities’ response](#)

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member States of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006.

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