

Children's Rights Alliance for England

Promoting the fullest possible implementation of the UN Convention on the Rights of the Child

Violence against Children within the Family and in Schools

SUBMISSION TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Family violence

1. Nature, extent, causes and consequences of violence against children

Eight year-old Victoria Climbié had 128 separate injuries on her body when she died from hypothermia at the hands of her aunt and aunt's partner, who are now serving life sentences for her murder. She had been tied up in a bath, was beaten with a bike chain and fed scraps of food "like a dog".¹

"I have a problem with my step-dad...he comes up to me, like, I'll go into my bedroom and I'll back off and I'll shut the door, and he goes "don't shut the door" and I'm like "oh God, he's going to hit me or something"...many times before he's hit me round the head, and like [I'll say] "you've got no right to hit me, you have no right to have a go at me", and then he says, he keeps telling me "I have every right to...I'm an adult, I can do whatever I want...you're only a kid. Sorry you can't do nothing: you're only a kid. You have no right to do anything."²

Assessing the nature and extent of violence against children within the family has to go beyond official statistics on "abuse". For example, in England 27 per 1,000 of the population aged under 18 were on child protection registers on 31 March 2000. Yet research carried out for the Department of Health in the 1990s found that 52% of one-year-olds and 48% of four-year-olds were hit/smacked at least once a week by their parents.

Clearly not all violence is visible to or dealt with by public authorities. That is why surveys of parents and children are crucial in providing a fuller picture of what goes on behind closed doors. However, there are inherent problems in seeking accurate information about parental violence.

¹ A public inquiry, headed by Lord Laming, has been established to ascertain why the death of this young child was not prevented by Britain's child protection system. A confidential police report into Victoria's death concluded that she would still be alive if she had had the slightest help from the police or social services (reported in *The Times*, January 13 2001).

² Quote from 13-year-old that took part in discussions for The Children's Society's NGO report to the Committee on the Rights of the Child - *It's not fair. Young people's reflections on children's rights.*

First, parental violence towards children decreases with age and size: the people that suffer the most are infants and young children. How can we assemble information about the experiences of infants and young children? Research has been carried out across the UK by children's NGOs seeking young children's reflections on why and how adults smack children³. When five, six and seven year-olds were asked what it feels like to be smacked, their responses were extremely powerful:

'it feels like someone banged you with a hammer' (5 year-old girl)

'it hurts and it's painful inside - it's like breaking your bones' (7 year-old girl)

'[It feels] like someone's punched you or kicked you or something' (6 year-old boy)

'Sometimes may feel that inside like their tummy hurts' (5 year-old boy)

'You're hurt and it makes you cry [and] drips come out of your eyes' (5 year-old girl)

But these children were not asked to describe their own experiences of violence in the home. This type of questioning would have placed the children in a vulnerable position, and would have led to dilemmas about whether to seek official help for those who were being harmed within the family. Inevitably gaining access to children in the first place would have been much more difficult had parents thought children were to be directly asked about their own experiences of being hit.

The solution to the problems of seeking personal accounts of violence from young children is to ask older people to reflect back on their early years.

However, as children get closer to adulthood they increasingly internalise dominant beliefs that violence from parents is not harmful and may even be legitimate. They also forget the pain and suffering that such violence brings. A study of over 11,000 adults in the US showed that 74% of those who had been punched, kicked or choked by their parents did not consider this treatment abusive. Further, research in Egypt with ten to 20-year-olds revealed that, although many had experienced extremely severe levels of corporal punishment, over a half leading to wounds and a quarter to fractures, loss of consciousness or permanent disability, 70% of young people thought their punishment was deserved.

Such distortions point to the need to ask questions about specific incidences of violence rather than about whether people felt they were loved or well looked after by their parents. For example, research by the National Society of Prevention of Cruelty to Children (NSPCC) into child maltreatment in the UK concludes that nine out of ten respondents felt they had a "warm and loving family background". Taking this on its own, it would be reasonable to assume that children in the UK suffer very low levels of violence within the home. But even the Government accepts that this is not the case. A recent report from the Social Exclusion Unit pointed out that by the time they reach 16, one in nine young people have run away from home for at least one night. The overwhelming cause of running away, given by 80% of

³ See, for example, National Children's Bureau and Save the Children (1998) *It hurts you inside. Children talking about smacking.*

young people, is problems within the family. Most quotes from young people in the Government's report⁴ refer to violence from parents:

"I don't know what you mean about choice. If I stay I get smacked around: if I run off then I might get beaten up or robbed; but at least I might not. At home I know for sure that I will... What choice is that?"

"Because I hate my mum. She always hits me and gives me verbal abuse."

"Dad was drunk and wanted to beat me up because I was behaving badly."

"Because I was sick of my dad and his girlfriend hitting me."

"My dad kept on beating me up."

The third problem about collecting data on the nature and extent of violence, at least within the UK, is the tendency to grade violence, from loving smacks to "abuse". Debates about violence against children are currently skewed by our society's focus on children who are in contact with social services because of severe mistreatment. Indeed, a junior health minister (later appointed as minister for children and young people) announced in 1997 that *"most parents know the difference between beating and smacking"*. The public consultation that followed on parental physical punishment ruled out the option of banning smacking. This would be like the Government saying the state should only intervene where male violence against women leads to hospital treatment or police protection, and that all other forms of violence should be treated as a private matter between men and women.

Debates about children's treatment within the family need to shift from the focus on "abuse" to encompass all forms of behaviour that are injurious to children's present self esteem and physical and emotional well being and to their survival and development.

Many factors are said to increase the likelihood of violence within the family - parents' own experiences as children, poverty and social status, family separation, even the behaviour and personalities of infants and children - but ultimately it is about misuse of power. There is nothing unique about violence towards infants and children, except that it is globally tolerated in a way that would be unthinkable for adults. Excuses made for violence against infants and children can be easily discredited:

Children's behaviour is to blame - women subject to violence have also been held as personally responsible because they repeatedly nag, are clumsy or because they do not follow instructions for example. However, such explanations are now seen as offensive and inappropriate. Why is it that children are the only human beings that are blamed for being victims of violence?

Social and economic factors - poverty and social exclusion are not accepted as reasons to tolerate violence towards women. This is also a red herring in that violence towards children is tolerated in almost all cultures and across social divides. Within the UK violence was an integral part of the boarding school experience of children from very affluent families until the end of the last century.

⁴ Social Exclusion Unit (2001) *Consultation on young runaways*.

The developing nature of children - that parents have a critical role in helping infants and children develop positively and to respect the human rights of others underlines the necessity of a non-violent upbringing. The way to encourage children to live their lives without violence is to *show them how*.

Reasoning doesn't work - this is also true for some sections of the adult population - those who have dementia or people with severe learning impairments for example. However, violence is not seen as a legitimate way of "training" these people, or responding to harmful or inappropriate behaviour. The human dignity and physical integrity of adults in these situations protect them from levels of violence inflicted on infants and children presenting the same kinds of behaviour.

Violence against children hurts them physically, it degrades and humiliates them and it attacks their spirit and self esteem. Violence against children has all the same consequences as that inflicted on adults but it is particularly pernicious because of who inflicts it, the life stage of the child and children's inability to seek redress.

Much of the violence that children experience is meted out by people they love and depend on. From an infant's perspective it must be deeply shocking when first hit by a parent that so far has done nothing else but smile, praise, encourage and warmly care for them.

Violence from parents can come at any time and can take any form that adults choose. In 1994 the NSPCC commissioned a survey of adults' childhood experiences, linked to their current attitudes towards child rearing. Over 1000 adults took part, aged between 18 and 45 years. The researchers found that 95% of adults believed that "showing you care for them is a good way of ensuring positive behaviour in children". However, it also found that 66% of adults believed that "it's the right of parents to punish a child however they see fit without anyone else interfering". This latter finding is not surprising when we have politicians continually refusing to fully protect children because they believe parents should be able to choose when and how to hit infants and children. Indeed, new standards for childminders providing care to under eights state that these paid carers can smack children if they have "a prior written agreement with the parents". There are "additional criteria" for under two-year-olds but even these extremely vulnerable people are not protected from smacking.

As well as the immediate consequences of being the victim of violence, alluded to above, children's development is necessarily affected by their early life experiences. They come to learn that violence pays, that conflict can be resolved by threatening, bullying and using force on less powerful people.

Children's ability to seek help and stop the violence is extremely limited, and almost impossible for infants and young children. In the absence of public education that all violence is unacceptable, children continue to "put up with" mistreatment that would be intolerable for adults. Further, in the UK our child protection system is so geared towards detecting and responding to "abuse" that many children fear contacting public bodies because they do not want their parents to get into trouble or because they risk being removed from home themselves. More than a million children have used the confidential telephone counselling service run by ChildLine in the past decade. This is the single biggest example of a service being directly sought by thousands of children: that it is anonymous and confidential is undoubtedly the reason for its "success".

2. Policies and programmes to prevent and reduce violence against children

"I was just thinking that if they changed the law then a lot of people will realise what they had done to their child and they would probably...be happy that the law was changed. If they don't change the law they will think 'oh well, the child doesn't mind so we can keep on doing it."

7- year-old girl about smacking, England 1998

Only law reform can precipitate what the human rights community strives for: the elimination of all forms of violence towards all children in all settings. Without law reform, violence against children will always be tolerated and seen as legitimate. Given that no more than a dozen countries in the world have prohibited all forms of parental violence, this must continue to be *the* absolute priority for children's rights advocates, and for the Committee on the Rights of the Child.

Children and young people that have sought legal redress for parental violence - because they have been raped or seriously physically assaulted for example - are particularly vulnerable and face additional challenges because they are young. For example, their vocabularly and ability to articulate what has happened to them, and to withstand cross-examinations, can reduce the chances of prosecution. Children, just like women, can also suffer from prejudicial judges who comment on their sexually provocative behaviour or propensity to tell lies. The process of disclosing and seeking remedy for the violation of their human rights can also lead to children being rejected and excluded from the family home, and even abandoned by extended family members. That is why states parties to the CRC need to develop very sophisticated child and family support services that aim to ensure children do not lose everything because they have stood up to violence. These systems must incorporate independent advocacy for individual children and young people to ensure their voices are heard and taken seriously by public bodies.

Public education about children's physical integrity and the harmful effects of family violence is crucial but it must piggyback or be geared towards law reform. It must stress the human rights of children and strongly reiterate that violence is unacceptable for all people, including the very small and the very young. Careful thought has to be given to presenting evidence about the short and long-term harmful effects of violence as this implies that if hitting children "worked" it would be acceptable.

3. Links with *State Violence against Children* theme day

We suggest that consideration be given to whether family violence is at the centre of all violence against children in other settings. How can we expect professionals (many of whom are parents) working with children to give up violence if the law permits violence within the home? How do childhood experiences of being subject to violence contribute to adults' later inability to deal with conflict and pressures in a positive, non-violent way? How can we detect serious infringements of children's human rights in institutional settings if children have come to believe that adults act legitimately in hurting and violating them?

Violence within schools

*'I think they should sack this teacher because I've got a teacher on Wednesday and I didn't know what to do with my work and the teacher fell asleep and because I woke him up he hit me. And I think that teacher should be sacked because he's always hitting people.'*⁵

All forms of corporal punishment within educational settings are now prohibited across the UK. However, school students have no independent complaints procedures to seek remedy for violations of their rights. Even when allegations of violence by teachers are made, children face extreme difficulties in being believed and taken seriously.

Contrary to developments in social services settings (in children's homes and in foster care for example) there is an overwhelming reluctance from teacher organisations to accept that corporal punishment does still happen.

Marjorie Evans, a south Wales head teacher, has become a national figurehead for discrediting allegations from several young children and their parents that she ran her primary school "like a concentration camp". Evans was supported by all the major teaching unions and much of the national press. She was initially found guilty of forcibly dragging a ten-year-old boy with learning difficulties but was later acquitted on appeal. Evans was disgusted that the initial court had chosen to believe the young child's version of events.

After Evans won her appeal, further allegations were then considered by her employing authority, with a special needs teacher, another teacher, two dinner ladies, a nursery nurse and the head teacher's own secretary all supporting children's claims. Yet the disciplinary panel concluded that there was "no credible evidence" to support the seven allegations of violence and inappropriate behaviour.

The provisions and standards of the Convention on the Rights of the Child, including children's absolute right to physical integrity, are not addressed in teacher training courses. Adult-led discussions of violence within educational settings tend to focus on peer bullying, obscuring the need to also tackle violence from adults.

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⁵ Taken from interviews with English children in 1999 for The Children's Society NGO report to the Committee on the Rights of the Child.