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NGO Liaison Officer  
Office of the United Nations  
High Commissioner for Human Rights  
Human Rights Council  
UNOG-OHCHR  
1211 Geneva 10, Switzerland

19 November 2007

**Universal periodic review of the United Kingdom's fulfilment of human rights obligations**

I am writing to submit evidence from the National Society for the Prevention of Cruelty to Children (NSPCC), to the universal periodic review of the fulfilment of the United Kingdom's human rights obligations.

The NSPCC provides more than 180 services in all parts of the UK, including ChildLine, a national telephone helpline service for distressed children. Our services work with children, young people and adults to protect children from abuse, help them to overcome the effects of their abuse and to provide them with someone to whom they can turn for help, advice and support. We are the leading charity for child protection in the UK.

Our submission is focused exclusively on the UK Government's failure to meet its human rights obligations in not affording children equal protection from assault. We also support many of the findings and recommendations contained in submissions from the Children's Rights Alliance for England and the Children Are Unbeatable! Alliance.

I enclose a copy of the NSPCC's recent submission to the Government's review of the law in this area which may be of interest to you. For further

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information on the details of this submission please contact Lorriann Robinson, Policy Adviser on 020 7825 7459 or email [lorriannrobinson@nspcc.org.uk](mailto:lorriannrobinson@nspcc.org.uk).

Dame Mary Marsh  
**Director and Chief Executive**

## **Equal protection**

There are 19 states, world wide, most recently in New Zealand and Portugal, where legislation affords children full protection from corporal punishment in all settings. UK governments continue to allow some forms of corporal punishment in the home. In failing to afford children equal protection under the law on assault, the UK Government is in breach of its human rights obligations under Articles 2, 3 and 19 of the United Nations Convention on the Rights of the Child (UNCRC), and other human rights instruments.

UK law permits parents charged with common assault against children to claim they administered 'reasonable punishment'. This position is untenable on child protection and children's rights grounds. The law allows parents who subject children to inhumane and degrading treatment in effect to exploit a legal loophole that allows them to hit children without leaving a visible mark. This makes it difficult for professionals who are concerned about a child's welfare to support children and families effectively, because it undermines their efforts to provide consistent messages about the risks associated with corporal punishment and to promote more positive parenting techniques. The NSPCC recently provided detailed evidence to the Government's Department of Children, Schools and Families review of Section 58 of the Children Act 2004, which introduced the defence of reasonable punishment. A copy of this submission is attached.

The United Nations Committee on the Rights of the Child, monitoring the UK's compliance with the Convention on the Rights of the Child, has twice recommended that the UK should afford children equal protection from assault. In June 2006, the Committee reminded all States, including the UK, which have ratified the Convention that equal protection for children is "an immediate and unqualified obligation". The Westminster Parliament's Joint Committee on Human Rights concluded in its nineteenth report that "we do not think that the very clearly expressed views of the Committee on the Rights of the Child can be ignored. As the only body charged with monitoring compliance with the obligations undertaken by states in the CRC, its interpretations of the nature and extent of those obligations are authoritative. In our view, the Committee has consistently made clear that corporal punishment of children is a serious violation of the child's rights to dignity and physical integrity and that states must introduce legislative prohibition of such punishment at the same time as measures for educating the public about the negative consequences of corporal punishment"<sup>1</sup>.

The NSPCC urges the Human Rights Council to join the Council of Europe, the United Nations Committee on the Rights of the Child, the Westminster Parliament's Joint Committee on Human Rights and other national and international bodies, in recommending that the UK Government should finally meet its human rights obligations and afford children equal protection from assault.

1. Joint Committee on Human Rights Nineteenth Report (prepared September 21, 2004), available <http://www.publications.parliament.uk/pa/it200304/itselect/jtrights/161/16107.htm>