

Children are unbeatable!

An alliance of organisations and individuals seeking legal reform to give children the same protection under the law on assault as adults and promoting positive, non-violent discipline

BRIEFING 6

(March 2004)

RESEARCH REVIEW

Research supports the principled case for law reform as a human rights imperative.

It shows that most children are hit and many are hit severely.

It shows a link between physical punishment and aggressive and anti-social behaviour.

It shows that children feel hurt when they are "smacked".

It shows that parents do not believe that physical punishment works.

It shows that professionals think reform will help them protect children more effectively.

It shows that public opinion is not opposed to change.

It shows that law reform in other countries is working for the benefit of all.

FURTHER INFORMATION

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10 reasons to scrap "reasonable chastisement" and give children equal protection from assault in the home:

Children are being legally hit right now
Department of Health commissioned research shows that most UK children are hit and around a third are hit severely (Smith and Nobes, 1997).

Support child protection professionals
All those involved in protecting children from abuse, from the NSPCC to Social Services Directors, want the law changed to provide a clear basis for child protection.

Promote positive parenting
The law as it stands undermines the work of health visitors, midwives, early years carers and many others who try to promote positive, non-violent discipline.

Cultural change
The law sets standards in every sphere of society, including family relationships. How can we expect parents to stop hitting their children if the law says it's acceptable?

Reform works
Children are afforded equal protection from assault in Germany, Sweden, Norway, Austria and many other countries, changing attitudes and behaviour for the better.

Human rights obligations
The UN Committee on the Rights of the Child has twice recommended law reform; the European Social Charter requires abolition of all corporal punishment, and the European Court of Human Rights has ruled that UK law does not provide adequate protection.

The law is archaic
The law allowing "reasonable chastisement" dates back to 1860 and is out of step with the values of a modern society.

Ordinary people do not oppose change
In fact, when asked in a non-sensationalist way, the majority of people support changing the law to protect children from being hit (MORI for the NSPCC, 2002).

It's the right thing to do
Many countries have changed their laws without having public opinion firmly on their side. They did it because it is the right thing to do for children, children's rights and child protection, and public attitudes have changed as a result.

**hitting children is wrong
& the law should say so**

Introduction

Hitting children, like hitting anyone else, breaches their fundamental human right to respect for their physical integrity and human dignity. The existence of the "reasonable chastisement" defence, which parents can use to justify assaults on their children, breaches another fundamental right - to equal protection under the law. Hitting children is wrong and the law should say so.

Human rights provide the imperative for abolishing the "reasonable chastisement" defence and giving children the same protection as adults enjoy under the law on assault. We do not need research into the effects of hitting children to justify law reform, any more than research is needed to justify prohibition of domestic violence.

But research does add additional arguments and urgency to the campaign for law reform. It makes the extent and severity of corporal punishment – until quite recently a hidden form of violence, mostly happening behind closed doors in the family home – more visible. It reveals the huge price that children and society pay for continuing to allow and approve of corporal punishment. Between one and two children die every week from punitive assaults by their parents; many thousands more suffer serious injuries. Corporal punishment is clearly identified by many research studies as a significant factor in the development of violent attitudes and actions in childhood and later life; in the development of criminality and many other anti-social attitudes and practices. While in the very short-term, with some children at some ages, corporal punishment may achieve short-term compliance or obedience, it teaches the child nothing about desirable behaviour and the longer-term consequences are all negative.

Most recently, research with children themselves has begun to document how deeply upsetting they find being hit by the adults closest to them: "it hurts you inside", is the upsetting quote which titles a report of research with five to seven year-old children.

Public opinion polls document public attitudes to hitting children and to law reform. Crude polls still find a majority of parents and the public defending their right to "smack". But more sophisticated questioning reveals that already a strong majority reject "smacking" as a useful form of discipline and would welcome law reform if they can be confident the law will be used in a supportive rather than punitive way.

And finally, research in countries which have reformed their laws to remove defences like "reasonable chastisement" and prohibit all corporal punishment shows that abolition not only satisfies children's human rights, but when accompanied by awareness-raising and public education, it very quickly and substantially changes attitudes and reduces violence against children.

This briefing summarises the available research, with references on page 8.

How much are children hit?

A large-scale Government-commissioned research study in the 1990s, interviewing parents and children, found very high rates of corporal punishment in the home, including severe punishment. The large majority (91 per cent) of children had been hit. Frequency of hitting declined with the child's age. In families where both parents were interviewed, it was found that almost half the children were hit weekly or more often; one in five of the children had been hit with an implement and over one third (35 per cent) had been punished "severely". "Severe" punishments were those "that were intended to, had the potential to, or actually did cause harm to the child, and included actions that were repeated, prolonged, or involved the use of implements".

Three quarters of mothers stated that they had already "smacked" their babies before their first birthday, and 14 per cent of one year-olds had been hit with "moderate" severity; 38 per cent of four year-olds had been smacked more than once a week. The study - "Community Study of Physical Violence to Children in the Home and Associated Variables" was commissioned by the Department of Health.

Most research concerning prevalence of corporal punishment has relied on interviews with one parent. When the combination of both parents' punishments is considered, the extent of physical punishment received by children is found to be considerably greater than that reportedly administered by mothers, or by fathers, alone. So, while one quarter of individual parents in two-parent families reported physically punishing their child at least weekly, nearly half the children (46 per cent) were physically punished this frequently. 52 per cent of one year old children, 48 per cent of 4 year-olds, 35 per cent of seven year-olds and 11 per cent of 11 year-olds were hit or smacked weekly or more often by their parents. Three children, all aged one year, were reportedly hit or smacked daily or more often by a parent.

The NSPCC commissioned an interview survey of a large random sample of almost 3000 18 to 24 year-old young adults on their experiences of childhood, focusing on the extent and effects of child maltreatment. Inevitably such studies, relying on memory, will not record assaults in early childhood. Nevertheless, from this large-scale survey, almost three quarters reported physical punishment; 7 per cent of the sample were assessed as having been seriously physically abused by parents and 14 per cent as having suffered "intermediate abuse". It is well-established that adults tend to understate abusive experiences in their childhood. The most extreme example of this was revealed in a 1994 survey of 11,600 adults in the US which found that 74% of those who had been punched, kicked or choked by their parents did not consider this type of behaviour was abusive, and even 38% of those who had required two different types of medical intervention for injuries from corporal punishment did not see their parents' behaviour as abusive.

Corporal punishment... is a predictor of poorer child mental health (12 of 12 studies), eroded parent-child relationships (13 of 13 studies), weaker internalization of moral standards (13 of 15 studies), increased child aggression (27 of 27 studies), and increased child anti-social behaviour (11 of 12 studies)

Effects of corporal punishment – short and long-term

Accumulating research on the ill-effects of corporal punishment

A landmark meta-analysis of 88 studies on the effects of typical forms of corporal punishment by Elizabeth Thompson Gershoff, published in 2002, demonstrates that corporal punishment predicts numerous negative outcomes and no positive long-term outcomes. It is a predictor of poorer child mental health (12 of 12 studies), eroded parent-child relationships (13 of 13 studies), weaker internalization of moral standards (13 of 15 studies), increased child aggression (27 of 27 studies), and increased child anti-social behaviour (11 of 12 studies).

The UK research commissioned by the Department of Health in the mid-1990s (see prevalence studies, above, page 2) found that children who had been severely punished at some time were much more likely to be frequently aggressive with their siblings.

A US study in 1996 reported that even low frequencies of corporal punishment (spanking, slapping, hitting without objects) predicted psychological distress among youth (e.g., sadness, low self-esteem), even when the supportive quality of the parent-child relationship was taken into account. Only recently have researchers begun to ask young children themselves how "smacking" effects them; studies with children as young as five have been carried out throughout the UK and find children reporting great distress and unhappiness (see details, page 5).

It is impossible to regard corporal punishment as distinct from physical abuse. Almost all abuse takes place in a context of punishment or discipline. As long ago as 1970, David Gil in the US reported that the most common form of physical abuse is carried out by a caregiver with a disciplinary intent. The recent Canadian Incidence Study of Reported Child Abuse and Neglect found that 69 per cent of the substantiated cases of child physical abuse that took place in Canada in 1998 occurred in the context of punishment.

Just over 30,000 children were added to child protection registers in England and Wales during 2002, a fifth of them because of physical abuse; one can be confident that the vast majority of this abuse is in fact corporal punishment.

A Social Exclusion Unit report on Young Runaways, issued in November 2002, states: "Research suggests that a substantial minority of runaways are running away from physical abuse. Occasional runaways under the age of 16 were seven times, and repeat runaways were seventeen times, more likely to say they had been 'hit a lot' by their parents. Those running away before the age of 11 were generally more likely to have experienced physical abuse in the family."

Corporal punishment was found to be a risk factor for physical harm in all of the 10 studies of this relationship examined in Gershoff's 2002 meta-analysis. Light corporal punishment can easily escalate into more injurious violence, both within a single incident and over time. In fact, children who are physically punished are many times more likely to experience severe violence than those who are not punished physically. For example, in another large Canadian study, children who experienced minor physical violence (e.g., pinching, shaking, spanking) were seven times more likely to experience severe violence (e.g., punching, kicking, hitting with an object) than those who had not been subjected to minor physical violence.

An American review of physical abuse cases concluded that child abuse most often occurs as "extensions of disciplinary actions which at some point and often inadvertently crossed the ambiguous line between sanctioned corporal punishment to unsanctioned child abuse". As noted above interview studies of the prevalence of corporal punishment in the UK have found up to a fifth of children being hit with implements and more than a third punished "severely" (see page 2).

Inquiries into child deaths from parental assault frequently record escalation from smacking. Most recently, as the parliamentary Health Select Committee noted in its 2002 report on the Victoria Climbié tragedy: "What happened to Victoria involved the apparent escalation of discipline and punishment. Carl Manning told the Inquiry that the abuse had begun with little smacks." Manning's initial assaults on Victoria took the form of "slapping" for disciplinary purposes, but these slaps then escalated to punches and sadistic beatings with bicycle chains and belts,

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with him commenting, grotesquely, on her imperviousness: "You could beat her and she would not cry. She could take beatings like anything". Sandy McClure, self-confessed killer of Nicole Bone, when asked by police if it was acceptable to smack reportedly replied: "It was the way I was brought up and it never did me any harm". Nicole's death was brought about by his disciplining the 13 month old child for "refusing" to walk.

The outcomes of childhood corporal punishment persist into adulthood: corporal punishment is associated with poorer adult mental health (8 of 8 studies) and higher levels of adult criminal and antisocial behaviour (4 of 5 studies) in Gershoff's meta-analysis.

The experience of corporal punishment early in life can alter people's notions of acceptable violence: individuals who have been severely punished tend to grow up to believe that their experiences were normal. These perceptions, in turn, increase the likelihood of maltreatment continuing. Gershoff's meta-analysis reveals that children who are physically punished are more likely to grow up to abuse their own children or spouses – although of course this cycle of violence is far from inevitable (5 of 5 studies).

Two American psychologists – Diana Baumrind and Robert Larzelere – are frequently quoted by Christian fundamentalist groups who campaign for parents' rights to hit their children, including with implements. But these researchers only defend very tightly defined

corporal punishment: "an open-handed light spank or two", to the hand or buttocks (but never to the face or front torso) of a child no younger than 18 months. They also state that corporal punishment should not be impulsive and should never be escalated in frequency or intensity in order to produce compliance through physical pain. The only benefit they identify for such corporal punishment is short-term compliance (if an adult hits a child, it is understandable that the child may obey in the short term). And these psychologists accept that other methods of discipline are equally likely to achieve short-term compliance.

Attitudes to corporal punishment

Children's views on "smacking"

Children – the group most affected by corporal punishment - have only very recently been asked their views on it and wider issues of childrearing and discipline.

In 2000, the National Family and Parenting Institute commissioned MORI to carry out a survey of "Teenagers' Attitudes to Parenting". Of the 2300-plus young people aged from 11 to 16, the substantial majority recommended positive, caring approaches to managing children's behaviour. Least favoured methods were "smacking", threatening or "blanking". Only 10 per cent of young people favoured "smacking". The report states: "Nearly two-thirds believed that parents' clarity about what is right and wrong was one of the most important factors in determining children's happiness."

It hurts you inside: the views of young children in England

When the Department of Health in England consulted on law reform and corporal punishment in the family in 2000, it made no attempt to consult with children. So two non-governmental organizations, the National Children's Bureau and Save the Children decided to carry out a unique consultation on "smacking" with very young – five to seven year-old – children. 16 small group discussions were held during 1998 with 76 five to seven year-olds (there was one four year-old) in six schools and two summer play schemes.

A community artist was commissioned to create a story book whose central character "Splodge" was an alien, introduced to children as not knowing much about our world. To help Splodge understand "smacking", a series of non-personal questions were put to groups of children, who answered questions in turn.

The consultation produced these major messages from the children:

- + Children defined "smacking" as hitting; most of them described a "smack" as a hard or very hard hit.
- + Children said "smacking" hurts.
- + The vast majority of the children who took part thought "smacking" was wrong.
- + Children respond negatively to being "smacked", and adults were thought to regret "smacking".
- + Children said they usually get hit indoors and on the bottom, arm or head.
- + The main reasons children are hit include: they have been violent themselves; they have been naughty or mischievous; they have broken or spoiled things; or because they have disobeyed or failed to listen to their parents.
- + Half the children involved in the consultation said they will not "smack" children when they are adults; five year-olds most often said they will not "smack" children when they are big.

Wales: Listen Up! Children Talk about Smacking

Save the Children carried out research into the views and experiences of 77 young children, aged 4 to 10 years, in after-school clubs and primary schools in Wales. Using the cartoon character Splodge, children were asked similar questions to those in the English research.

These are some of the children's responses:

Children said that a "smack" is a hit – often with some degree of force, and sometimes using some sort of implement such as a slipper. Children said that "smacking" hurts.

"It's when someone hits you really hard" (5 year old boy)

"It's a hit that hurts your bottom" (9 year old boy)

"Or they could hit you with something else like a slipper or a shoe" (7 year old girl)

Children said "smacking" usually took place in the home. They felt embarrassed and humiliated if they were "smacked" in a public place, and they were clear that adults did not want to be seen hitting them.

"Somewhere where no-one can see – they know that it's bad" (9 year old girl)

"Maybe somewhere on their own. By the lake, by the shop, on their own by the railway station and they don't know and nobody's watching" (6 year old girl)

The most common place on the body for a "smack" was the child's bottom, though the leg, hand, face and other parts of the body were also mentioned.

Children talked about the considerable physical hurt and emotional impact of being "smacked". They did not view "smacking" as "trivial".

"It makes you feel sad" (8 year old girl)

"It hurts – where it hits" (8 year old boy)

"It feels like you've been stung like a bee" (6 year old girl)

"Feel ill" (6 year old boy)

"It gives you a big red mark and it stings a bit" (7 year old girl)

"It feels like you're going to cry 'cause it hurts you that much" (7 year old boy)

"Inside your body hurts" (6 year old girl)

Children associated "smacking" with parents being angry. Some of the older children said that adults were regretful after they "smacked" a child.

"They get mad and look cross" (4 year old boy)

"They keep on swearing" (6 year old girl)

"They feel upset, bad" (8 year old girl)

"I think they don't want anyone to see. They know that it's bad but they still do it" (8 year old boy)

"Parents feel guilty" (6 year old girl)

All but three children thought "smacking" was wrong.

"Well, if it was an adult smacking then they might think it's wrong to smack because they might hurt the child's heart, they might break the child's heart" (7 year old girl).

Similar studies have been conducted in Scotland and Northern Ireland with strikingly similar results.

Parents' views

A MORI survey on attitudes to parenting and families commissioned by the National Family and Parenting Institute in 2001 found that only 16 per cent thought "smacking" an effective way to teach children the difference between right and wrong. A similar survey in 1999 found 23 per cent favouring "smacking". The weight of opinion is behind what is termed "positive parenting" and the surveys showed growing support for it: "Spending time with children, setting a good example, making them feel happy and loved are seen as the most important ways to help children learn the difference between right and wrong. Reasoning with children, rewarding good behaviour and, to a lesser

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extent, 'grounding' children are seen as much more effective than smacking or diverting children." Younger parents were more likely to emphasise positive parenting and less likely to mention "smacking" than older parents.

In contrast to the idea that promoting positive parenting will be seen as a "nanny-state" activity, the survey found there is a high degree of support for the idea that parenting does not come naturally but is something you have to learn: nearly seven out of 10 agreed.

A further booster survey was conducted among minority ethnic parents. This found the same views and attitudes towards discipline as in the larger survey; just 13 per cent favoured "smacking" as a way of helping to teach children the difference between right and wrong.

The major parenting organisations – the Parenting Education and Support Forum and the National Family and Parenting Institute – both support removal of the "reasonable chastisement" defence, as do many other individual parent support groups and many of the Government's Sure Start projects.

Professional opinion

The "Children are unbeatable!" Alliance includes among its 350 organisational supporters all the major professional groups working with and for families and children (for full list see www.childrenareunbeatable.org.uk).

In 1996, the report of the National Commission of Inquiry into the Prevention of Child Abuse, chaired by the late Lord Williams of Mostyn and initiated by the NSPCC, recommended removal of the defence of "reasonable chastisement" to give children equal protection under the law on assault. The Commission had considered over 450 written submissions and contributions from over 10,000 people.

When the Department of Health analysed responses to its consultation on law reform and physical punishment, in 2001, it acknowledged that "nearly all the organisations which responded were in favour of changes, and opposed all physical punishment of children".

The NSPCC surveyed the views of its child protection and family support professionals in 2001. 190 social work professionals responded, with an average of 13 years experience of dealing with child protection concerns. Respondents were asked to speak from their entire professional experience and not just their recent service at the NSPCC. This is a summary of the results:

+ 88 per cent of respondents had been involved in one or more cases where physical punishment had been a factor in the child being placed on the protection register.

+ 78 per cent of respondents thought that law reform would help their work.

+ 70 per cent of respondents agreed that "the existence of 'reasonable chastisement' in law sends a message to abusive and potentially abusive parents that persistent and harsh physical punishment is acceptable".

+ 57 per cent of respondents felt that, around half or more of the time, parents try to excuse their abusive behaviour as "reasonable chastisement". Another 29 per cent said that abusive parents do this occasionally.

+ 46 per cent of respondents felt that half or more of physical abuse cases started with "light smacks" which became harder and harder hitting. This escalation happened "occasionally", according to another 25 per cent of respondents.

+ 68 per cent agreed that law reform would "strengthen the ability of social workers to intervene earlier in order to protect a child at risk of abuse".

Public opinion polls

Governments have in the past quoted public opinion as an argument against changing the law on corporal punishment. In other European countries which have reformed their laws, politicians have taken action ahead of public opinion – but public opinion quickly changes to support the reform (see below).

In England and Wales, already a majority of the public (58 per cent) support law reform to remove the "reasonable chastisement" defence and give children equal protection under the law on assault, if they can be sure that parents will not be prosecuted for "trivial smacks". The NSPCC commissioned MORI Telephone Surveys Ltd to conduct research in early February 2002 with a representative sample of 914 adults. Support for law reform was strongest among the post-war generations: 70 per cent of 16 - 25 year olds, 71 per cent of 25 - 34 year olds and 64 per cent of 35 - 44 year olds. Women are also more likely to support law reform (63% versus 53% men), as are white-collar clerical workers (C1's) (64%) and people living in households with two or more children (68%).

Effects of abolishing corporal punishment

At least ten European countries already give children equal protection from assault in the home. Sweden's experience is the most researched. In the 1950s, corporal punishment was very much part of Swedish child-rearing; most children were hit by their parents and 13 per cent of mothers used implements to beat their children. Sweden's law reforms started almost 50 years ago in 1957, when a defence similar to the UK's "reasonable chastisement" defence was removed from the criminal code. In 1979, Sweden went on to become the first country in the world to explicitly prohibit all corporal punishment.

In 1965, 53 per cent of Swedes believed that corporal punishment was necessary in childrearing; this had reduced to 26 per cent by 1979. By the mid 1990s only 11 per cent of Swedes described themselves as "positively inclined" to even mild forms of corporal punishment; among young people aged 13 to 34, this proportion is only 6 per cent.

Since 1981, reporting of assaults against children in Sweden has increased - as it has world-wide, following the "discovery" of child abuse. This indicates the increased sensitivity about violence against children, but certainly does not reflect any increase in prevalence of child abuse.

In the face of progressive law reform and ongoing public education, corporal punishment has become a rarity in Sweden, and the use of implements to beat children virtually unknown. A 1994 survey of middle school pupils (13- to 15-year-olds, whose early childhood occurred shortly after explicit prohibition) showed only 3 per cent reporting harsh slaps from parents, and only 1 per cent said they had been hit with implements.

Sweden has a very low rate of child abuse fatalities and a recent rigorous investigation of child deaths in Sweden found that between 1979 and 2000, the absolute number of children who died in Sweden due to physical abuse was four. In the UK between one and two children die every week from child abuse and neglect.

The vast majority of reported assaults are for petty or common offences, suggesting that children largely are being identified before serious injury occurs. It is very important to note that the proportion of reported assaults that are legally pursued without trial has remained steady, while the prosecution rate has in fact shown a declining trend. There has been no increase of parents being drawn into the criminal justice system for minor assaults.

Nor has there been an increase of children being removed from parents through the intervention of social workers. Quite the reverse: the number of children coming into care has decreased by 26 per cent since 1982 (and of children in care, an increasing proportion are short-term placements). There has also been a decrease in compulsory measures of social work intervention - in 1995, fewer than 20 per cent of measures were implemented without parental consent. In-home family support measures, with parents' consent, have increased over this period.

There is no evidence of deteriorating behaviour among the child population; in striking contrast to the UK, overall rates of youth crime have remained steady since 1983. The proportion of individuals convicted of theft who are between the ages of 15 and 17 years declined by 21 per cent between 1975 and 1996. The proportion of suspects in drugs crimes who are in this age group declined by 75 per cent between 1970 and 1996. Young people's drug intake, alcohol intake, and suicide rates have also declined: the proportion of young people who consume alcohol has been decreasing steadily since 1971, as has the proportion of youth who have experimented with drugs. The proportion of young people who continue to use drugs is negligible. The rate of youth suicide also declined between 1970 and 1996.

Professor Joan Durrant's review of available research concludes: "While drawing a direct causal link between the corporal punishment ban and any of these social trends would be too simplistic, the evidence presented here indicates that the ban has not had negative effects. In terms of its original goals of modifying public attitudes toward corporal punishment and facilitating early identification and supportive intervention, it has certainly been successful."

In Germany, explicit prohibition of all corporal punishment came into effect in 2000. First results of a research study two years later found that the prevalence of corporal punishment has significantly decreased and the legal prohibition is accepted by an overwhelming majority of the public.

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