

# STATES OF JERSEY



## CHILDREN (JERSEY) LAW 2002: REPEAL OF ARTICLE 79 (P.144/2018) – COMMENTS

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Presented to the States on 14th January 2019  
by the Minister for Children and Housing

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STATES GREFFE

## COMMENTS

As Minister for Children and Housing, I strongly support Deputy M.R. Le Hegarat of St. Helier's proposition, [P.144/2018](#), and I also urge States Members to support it.

The UN Committee on the Rights of the Child ("UN Committee") have made it clear that the United Nations Convention on the Rights of the Child ("UNCRC") requires the prohibition in law, and elimination in practice, of all corporal punishment in all settings, including the home.

It was the will of the States Assembly that the UNCRC was extended to Jersey, which took place in 2014. In 2016, the UN Committee reviewed the UK's and Jersey's compliance with the UNCRC, and explicitly recommended that all corporal punishment in the family should be prohibited as a matter of priority. If this Assembly chooses not to adopt P.144/2018, Jersey will continue to fall short of its international obligations in this regard.

Deputy Le Hegarat's proposition addresses an imbalance between the legal protections given to adults and those provided to children. Whilst there is no provision in Jersey law which allows adults to use 'reasonable corporal punishment' against other adults, Article 79 of the [Children \(Jersey\) Law 2002](#) (the "2002 Law") provides a defence to allow certain adults to do so against children. It cannot be right that the law protects adults but not children.

Repealing Article 79 of the 2002 Law will not result in the criminalisation of parents. After New Zealand, a country with a population of nearly 5 million, banned all forms of physical punishment of children in 2007, between 2007 and 2012 there were only 8 prosecutions for corporal punishment in that time.<sup>1</sup> Under current policy, teachers must escalate any concerns they or others have identified about a pupil's welfare to their Designated Safeguarding Lead, who should in turn seek support from the Multi-Agency Safeguarding Hub Co-ordinator to investigate the matter further.<sup>2</sup> Once corporal punishment has been prohibited, teachers will not be required to go any further than they currently do to investigate and escalate these cases.

Repealing Article 79 of the 2002 Law will, however, help us to keep children and young people safe. There is a body of international research that provides significant evidence to show that countries that ban the smacking of children appear to be safer for young people to grow up in. These countries generally demonstrate a reduction in the number of young people involved in crime, lower rates of physical fighting among adolescents, and fewer instances of domestic abuse.<sup>3</sup>

I agree that these legislative amendments should not be delivered in isolation, and that awareness-raising guidance and training for parents is the best way to ensure that corporal punishment is consigned to history.

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<sup>1</sup> Hughes, P., Chief Executive, Ministry of Social Development (2009), Report to the Minister for Social Development and Employment: pursuant to section 7(2) of the Crimes (substituted section 59) Act, New Zealand Ministry of Social Development.

<sup>2</sup> States of Jersey, Education Department Policy: Child Protection Policy, June 2016, p.7.

<sup>3</sup> Straus, M.A., Douglas, E.M. and Medeiros, R.A. (2014), "The Primordial Violence: Spanking Children, Psychological Development, Violence, and Crime", published by Routledge, NY.

Parenting Support Services currently deliver the “Triple P” Positive Parenting Programme to parents of children aged from 2 to 12 years. As Minister for Children and Housing, I will work closely with the Minister for Education to ensure that all parents have ready access to this and any other relevant programmes.

This Assembly has already publicly stated that “Jersey should become the very best place for children to grow up and this ambition will inform everything we do as a government.”<sup>4</sup> Accepting this Proposition is a first step.

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<sup>4</sup> Proposed Common Strategic Policy 2018–22 ([P.110/2018](#))