

# Punishment

## Time for a change?

### In the past

It wasn't until 1889 that children in England and Wales had any kind of special protection in law. In fact, laws banning cruelty to animals appeared some time before those preventing cruelty to children.

One reason for this was that many people believed the law should not interfere in private family life. Another was the difficulty of prosecuting a violent parent, as the law did not allow one member of a family to give evidence in court against another.

### Today

Although corporal punishment is not allowed in schools or prisons, it is still part of many children's lives in Britain. All the main political parties are in favour of keeping the right of parents to smack their children.

Seventeen European countries now give children the same protection from assault as adults. In these countries, it is an offence for a parent to smack or slap a child.

European states giving children equal protection from assault

<b>Austria from 1989</b>	<b>Iceland from 2003</b>
<b>Bulgaria from 2000</b>	<b>Italy from 1997</b>
<b>Croatia from 1999</b>	<b>Latvia from 1998</b>
<b>Cyprus from 1994</b>	<b>Netherlands from 2007</b>
<b>Denmark from 1997</b>	<b>Norway from 1997</b>
<b>Finland from 1983</b>	<b>Romania from 2004</b>
<b>Germany from 2000</b>	<b>Sweden from 1979</b>
<b>Greece from 2006</b>	<b>Ukraine from 2004</b>
<b>Hungary from 2005</b>	

'MPs who vote to ban smacking are saying "I know best, I know better than loving parents".'

**Andrew Robathan MP, Conservative**



'Physical punishment does no one any good.'

**Annette Brooke MP, Liberal Democrat**



'If we ban smacking, it will criminalise millions of decent parents.'

**Humfrey Malins MP, Conservative**



Although parents are prosecuted only in very serious cases, it is argued that a law of this kind discourages parents from hitting their children.

## Signs of change

### Hitting out

Just over ten years ago, the teacher at Adam's school got in touch with social services after she had learned that Adam, aged nine, was being hit by his stepfather, John. An investigation took place, and John was charged with assault.

In court, Adam's mother said that her son could be difficult to deal with. 'He's been a handful since he was two,' she said. 'If I tell him off, he just looks through me.'

**The European Convention on Human Rights Article 3: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.**

John said that he had hit Adam with a garden cane after the boy had misbehaved at school. He had also hit Adam when he had threatened his younger brother with a knife. Adam said that John had given him the stick more than once. 'Sometimes he hits my legs, which hurts a lot.'

The judge explained to the **jury** that, in law, a parent was allowed to hit a child, even with a stick, if it was done 'moderately and reasonably' as a way of correcting a child's bad behaviour.



**Do you think John broke the law? Should the jury find him guilty or not guilty?**

The jury found John not guilty of assault. However a couple of years later, Adam's birth father took the case to the **European Court of Human Rights**, where lawyers on his behalf said that the law in England and Wales allowed parents to go too far in disciplining their children. They said that children needed greater protection and that the law should be changed.

The judges agreed, saying that British law broke the European Convention on Human Rights.

## No marks

Under these circumstances, the government must change the law, and in 2004, parliament decided that although parents could still smack or hit their children, it would become an offence if they left a physical mark, such as a bruise or scratch.



## Questions

- 1 What would be the advantages of a law making it an offence for a parent to hit their child, as it is in some other European countries? What would be the disadvantages?
- 2 What would you advise the government to do?

## KeyWords

### Corporal punishment

Physical punishment, such as caning or striking someone with a hand.

### European Court of Human Rights

Anyone who feels that the law in this country has not dealt fairly with their rights can take their case to the European Court of Human Rights in Strasbourg.

### Jury

A jury is made up of 12 people, who listen to the evidence in a trial and decide whether the person accused is guilty or not guilty.

In this unit, we look at what the law says about the employment of children, and ask whether they are protected enough from the dangers involved.

## Children's hours

### Against the law

Sam, aged 14, lived in Staffordshire, where he had a part-time job at a local butcher's. His first job was to scrub the tables and chopping boards. Then he started to clean the equipment, and finally moved on to using the mincer and slicer. 'I didn't have any training,' he said, 'I was just shown how to do it.'

One day, Sam was mincing a pork strip to go into sausages when a plaster on his hand became caught in the machine. The force of the machine was so strong that it dragged his hand into the cutters, and Sam lost his thumb and all his fingers on his right hand, including his knuckles.

When health and safety officers investigated the incident they found that a guard on the machine had been removed and that Sam was using his hand, instead of a plunger, to feed the meat into the mincer.

The butcher was fined £500 for illegally employing Sam in a butcher's shop, and received a further fine of £7,500 because of the dangerous conditions in which Sam was working.

### Questions

- 1 Who do you think was responsible for Sam's injuries?
- 2 Should anyone else have been punished, other than the owner of the butcher's shop?

### Work force

Just under two million children in England and Wales have some kind of part-time work. This is about one in three children aged between 10 and 16. Girls are slightly less likely to work than boys, although the numbers are similar by the time they reach 15 or 16.

A few years ago, children's work mainly consisted of babysitting, newspaper and milk delivery. Today, many under-16s do very similar work to adults, such as working in shops, or serving and preparing food.

### Working wages

There is no national minimum wage for children under 16. The minimum wage for 16–17 year olds above compulsory school-leaving age is £3.30 an hour.



## Where do children and young people work?

- Shops and newsagents 20%
- Babysitting 19%
- Restaurants and cafés 19%
- Cleaning and other domestic work 10%
- Paper round 5%
- Animal and farm work 4%
- Building 3%
- Other, including hairdressing and working on a market stall 20%

Source: UNICEF working children survey 2004



## The law



All children below school-leaving age should be registered for work and carry a work permit, issued by their local council. In most circumstances, children under 13 may not be employed. This rule also applies to those who work for their parents.

Children may not work before 7a.m. or after 7p.m., or for more than two hours on a school day. They should not work for more than 12 hours in a school week, and for more than five hours on a Saturday (or weekday in the holidays) or two hours on a Sunday. (More information on the law is given on pages 48–49.)

## Questions

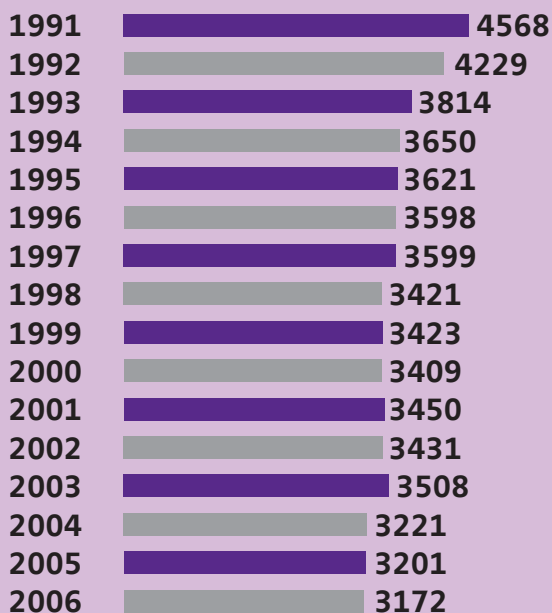
- 3 Why do you think children work?
- 4 What are the benefits and drawbacks?
- 5 Look at the list of jobs that children do. What kinds of dangers or problems might children face?
- 6 Should the minimum wage apply to children as well as adults? If so, what should it be?

# Driving lessons



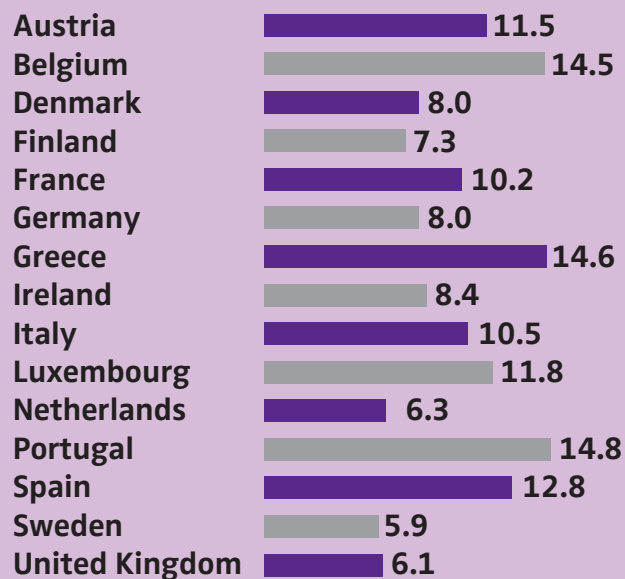
## Safer roads

Number of deaths on UK roads 1991–2006



Source: The Department of Transport

Road deaths per 100,000 population per year



Source: Office of National Statistics 2006

## Questions

Look at the information in the chart above:

- 1 What has been the general trend in road deaths in Britain since 1991?
- 2 In which year was the greatest fall in the number of road deaths?
- 3 Which of the countries listed have the highest and lowest figures?
- 4 How do the number of deaths on the road in Britain compare with much of Europe?



# A change in the law?

The laws controlling traffic on our roads have change greatly over the last 150 years.

## Safety

Many of the biggest developments in vehicle safety – such as better brakes, road holding and body construction – were introduced by manufacturers. However, the law has also

played a part in improving safety.

Parking restrictions were first introduced in the 1920s. Until then, motorists could park wherever they liked. The

minimum age of 17 for driving in Britain was introduced in 1930 and driving tests became compulsory in 1932.

In 1973, motorcyclists became required by law to wear crash helmets, and the wearing of seat belts, where fitted, became compulsory for drivers and front seat passengers in 1983. This rule was extended to all passengers in 1991.

## Alcohol

Although it was already an offence to be drunk in charge of a motor vehicle, the breathalyser test and drink-drive laws, as we know them today, were first introduced



in 1967. There was considerable opposition to these measures. The minister in charge received abusive letters, and a death threat; but in the following year, there were 1,152 fewer deaths on the road.

## Speed limits

The first cars were limited to speeds of 4 mph in the country and 2 mph in towns. In 1896 this was raised to 14 mph, and had reached 30 mph in towns by 1935. For many years there was no maximum speed limit on many British roads, but the 70 mph limit came into force on motorways in 1965.

In 1992 the first fixed roadside speed cameras were used in Britain. There are now over 6,000 installed throughout the country.

- 5 In 2001, the government promised to halve the number of deaths on Britain's roads by 2010. It is still a long way from that target.

What actions could the government take to make our roads safer? Try to give at least two proposals.

- 6 What would be the advantages and disadvantages of each one?



# All in the game

## Too dangerous?

---

### Death in the ring

In September 2005, shortly after losing his world lightweight title, American boxer Leavander Johnson collapsed in his dressing



room. He was immediately taken to hospital where doctors tried to stop the bleeding on the left side of his brain. Five days later his life-support machine was turned off, after Leavander had failed to regain consciousness and his heart and kidneys had ceased to function.

Whenever a boxer is seriously injured or dies, there are calls for the sport to be banned.

### In favour of boxing

Those in favour of boxing argue that serious injuries and deaths in the sport are rare. They also point out that other sports can be dangerous. Tragically, sometimes people die taking part in motor sports or horse jumping.

Those in favour of boxing say that:

- it is a great character builder, instilling discipline and respect
- boxing is part of the human make-up
- it helps people channel their aggression

- boxers know the risks they face
- it provides exciting entertainment.

### Against boxing

‘It can’t be right,’ some people say, ‘if the main purpose of a sport is to make someone unconscious.’ Doctors are amongst the strongest critics of boxing. In fact, the British Medical Association has long argued that the sport should be banned.

Those against boxing say that:

- boxing encourages blows to the head, which is very dangerous
- when a boxer is hit on the head, their brain is knocked against the side of their skull, harming blood vessels, nerves and brain tissue
- blows to the head can also damage a person’s sight and hearing
- helmets may not protect against injury
- there are many other character-building sports that are not as dangerous as boxing.

## Kid gloves

---

Until the mid 1960s, many schools in Britain taught boxing in PE or games lessons. For the last 40 years, any young person who wanted to box needed to join a gym or private club.

In 2007, a group of schools in Kent decided to re-introduce boxing as an option on the timetable. Classes are taken under careful supervision and those supporting the idea see it as a way to offer young people a wider range of sport.

Again, doctors have criticised this move. Headway, a charity that helps people with brain injuries, says that it is impossible to protect boxers from harm, as long as it is legal to hit an opponent above the neck.

## A sporting chance

There are records of organised fights between women taking place in London in the 1720s. These were very rough events in which almost anything was allowed. In 1904 women's boxing was an exhibition event at the Olympics, and now there is a strong possibility that it will become a full Olympic event at the London Olympics in 2012. At the moment, boxing is the only sport in the summer Olympics where women are not represented.



In 1998, Jane Couch was the first female boxer to obtain a licence to fight in Britain. Today it is estimated that more than 30,000 women throughout the world box competitively.

## Questions

- 1 Some people have called for an outright ban on boxing. What do you think are the strongest arguments in favour of and against this idea?
- 2 Which of the following views is closest to your own?
  - Ban all boxing.
  - Make boxing safer by not allowing the head to be used as a target.
  - Allow the sport to continue and grow.
- 3 Jane Couch found it very difficult to obtain a licence to box in Britain, and succeeded only after taking the British Boxing Board of Control to court, claiming sex discrimination.

Here are some things that people say about women boxing. What's your view?

- 'It's not a nice thing to see women fighting.'
- 'Women are not built to box.'
- 'Men are allowed to box, so women should be able to do so as well.'