

INFORMATION SHEET

Physical Punishment of Children in New Zealand – An Update

BACKGROUND

In 2007 the Crimes Act 1961 was amended repealing the statutory defence (section 59) that had provided parents and caregivers with a legal defence if they were charged with assaulting a child. The law had been used to acquit parents and caregivers even when they had seriously harmed a child. Effectively, children were the only population group in New Zealand who were not protected in law.

Following the law change in 2007, Police regularly reported on how the law was being administered. The government also commissioned a review by Nigel Latta, concluding that the law was working well and there was no reason to repeal it.

Many family support organisations are working to support parents to learn about positive non-violent discipline and research shows that fewer parents believe that physical punishment is the right course of action.

Our law change was welcomed by the United Nations Committee on the Rights of the Child as it upholds children's rights to live free from violence and provides children with the same legal protection as other New Zealand citizens.

WHY AN INFORMATION SHEET NOW?

Physical punishment of children is again capturing media attention due to Conservative Party Leader Colin Craig's recent comments regarding the re-introduction of legalised hitting of children. A public debate based on misinformation is not helpful; especially when evidence shows that acceptance of physical punishment increases the risk of child maltreatment. This information sheet corrects some of the misleading claims that are being aired and provides relevant and up-to-date national and international research as the basis for these corrections.

THE INTERNATIONAL SCENE

There is a large and growing volume of research internationally that shows that physical punishment of children is associated with poor outcomes for children in both the short and long terms. The evidence is overwhelming.

More than 150 studies show that smacking/ hitting children leads to consequences such as:

- direct physical harm
- negative impacts on mental and physical health
- poor moral internalisation
- increased aggression in children
- increased perpetration and experience of violence in adults
- increased antisocial behaviour
- poor cognitive development
- damaged family relationships

The number of countries that have reformed laws to make physical punishment illegal is steadily growing. The UN Committee on the Rights of the Child continues to recommend that countries change their laws so that physical punishment is not legal.

For more information about the global research and the movement away from physical punishment, you can visit <http://www.endcorporalpunishment.org/pages/frame.html>

THE NEW ZEALAND SCENE

Research conducted in 2013 by UMR Research for EPOCH New Zealand shows that in the period 2008-2013 many more parents were rejecting the use of physical punishment. There has been a significant attitudinal shift. The law, combined with parent support and information, is likely to have contributed to that shift.

The proportion of parents with children under 18 who thought it is alright to use physical punishment with children was down significantly from 62% 2008 to 37% in 2013. This must be regarded as good news for New Zealand Children. The full research is available at http://epochnz.org.nz/site/images/2013_Physical_punishment_of_children_in_New_Zealand_2.pdf

MISLEADING CLAIMS

1 The law has done nothing to reduce child abuse.

Along with the Section 59 law came increased public awareness that violence against children shouldn't be tolerated. Increased awareness and reporting are important for ensuring action is taken on behalf of children living with violence. The law is part of creating social norms that don't tolerate physical punishment.

In the period 2008-2013 there was a dramatic increase in notifications to Child, Youth and Family. There was a 60 percent increase in notifications (representing 60,000 additional notifications) and a 40 percent increase in substantiated cases of child abuse and neglect.

The Child, Youth and Family Website states:

"Every year we receive thousands of calls (notifications/reports of concern) from people worried about a child or family. Police are our primary referrers, followed by health and education professionals, social service providers, family members and friends, and members of the public. Police notify Child, Youth and Family every time they attend a family violence incident and find a child present. This practice, along with an increased public awareness and willingness to speak up for children, is a significant driver in the sharp increase in notifications that occurred from 2006 to 2011 (since July 2010, we have been recording and reporting these separately). Notification numbers have begun to level in recent years".

<http://www.cyf.govt.nz/about-us/who-we-are-what-we-do/frequently-asked-questions.html#QHowmanynotificationsdoesChildYouthandFamilygeteveryyearandwhatarethetrends7>

Health data shows that hospital admissions arising from assault, neglect or maltreatment of children have declined gradually, while mortality during 2000–2009 remained relatively static. On average during 2000–2009, eight children per year died as a result of injuries arising from assault, neglect or maltreatment (From the Children's Social Health Monitor). <http://www.nzchildren.co.nz/injuries>.

2 The 2009 referendum indicated that a majority of New Zealanders wanted the 2007 law reversed.

This referendum was something of a farce. Just over 50% of eligible voters voted in the referendum and the question involved was misleading and confusing. The 2013 UMR Research study cited above found that roughly a third of New Zealanders support the law change, another third is opposed and the remainder are somewhere in between. Given lack of public education about the law, this is a reasonable level of support at this stage.

3 Police are being distracted from investigating real child abuse because of having to investigate 'smacking'.

Police reports into the implementation of the 2007 law do not support this claim. The Police classified the cases they reviewed as follows:

- **Smacking:** A slap with an open hand on buttocks or legs that does not result in any form of injury;

- **Minor act of physical discipline:** A slap with an open hand on any other part of the body that does not result in any injury;
- **Child assault:** Any form of assault (from a slap with the open hand to being hit with an instrument) that results in injury (including redness to the skin and bruising)

Police attended 355 events during the 6 month period covered by their 11th Review (22 December 2011 to 21st June 2012). This represents fewer cases than for the previous five 6-monthly periods. Twelve of these involved smacking, 31 involved minor acts of physical discipline, 252 were child assault. <http://www.police.govt.nz/news/release/34849>

This demonstrates that by far the biggest proportion of reports to the Police for 'smacking' are at the heavy-handed end of a scale. A 'smack' that results in injury is child abuse.

4 The law in Australia is working well and child abuse is declining.

There is no one law permitting physical punishment of children in Australia. In fact each state has a different law. Some have a statutory defence such as we used to have in New Zealand but others have a common law defence.

While there have been claims made that Australia's law is working to reduce child abuse, a review of Australian statistics shows that while there was a reduction in child abuse some years ago rates appear to have increased again in the past 2-3 years. Changes in the data may be attributable to changes in reporting rather than in the actual incidence of child abuse. <http://www.aifs.gov.au/cfca/pubs/factsheets/a142086/>.

There are well-informed voices calling for reform in Australia. The paediatricians behind a recent report all know child abuse very well. They see it daily and they strongly recommend a change in the laws in Australia so that physical punishment is no longer legal. <https://www.racp.edu.au/page/news/announcement&announcementid=5771B329-9A0F-7369-615E9B109A57E85C>

CONCLUSION

There are links between physical punishment and child abuse. Research for the Ministry of Social Development shows that cultural beliefs that support physical punishment, contribute to child maltreatment. <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/literature-reviews/preventing-maltreatment/index.html>

However, child abuse is a complex problem requiring complex solutions. Anyone interested in reducing child abuse must focus on ensuring that the appropriate legal protections are in place and we have a culture of respect and care for children, that parents are equipped with child management skills, that parents are well supported and have good mental health, that alcohol and drug abuse are reduced, and that families are not living with the constant stress caused by poverty.

Maintaining our current law and protections for children is an important step.

Let's leave our law alone.