

Ending Corporal Punishment of Children – An essential element of ending violence to children

I am very grateful to UNICEF for the invitation to this workshop and delighted to be here in this beautiful place with all of you. Although I live in New Zealand I am here representing the London based organization Global Initiative to End All Corporal Punishment of Children.

<http://www.endcorporalpunishment.org/pages/frame.html>

The Global Initiative works to promote law reform to protect children from all forms of corporal punishment.

Corporal punishment (sometimes called physical punishment) can be defined as punishment that uses force causing pain. Assaults commonly known as hitting, beating, smacking, slapping, whipping and other cruel punishments like washing a child's mouth out with soap are all types of corporal punishment. Discipline and punishment are not the same thing. Discipline is about guidance and children can be disciplined perfectly well without punishment.

Corporal punishment can occur in a variety of settings: homes, schools and early childhood centres, institutions, alternative care, or as a sentence for a crime.

Currently 46 states or nations worldwide have prohibited corporal punishment by making it illegal. But in our region, that is, South East Asia and the Pacific, only one country has banned corporal punishment in all settings and that is New Zealand.

<http://www.endcorporalpunishment.org/pages/pdfs/reports/GlobalReport2014.pdf>

What about the Pacific? I have with me today a briefing from the Global Initiative and UNICEF - *Progress towards prohibiting all corporal punishment of children in Pacific countries*. This is being launched at this conference. It gives us an up to date picture on the status of corporal punishment in 16 Pacific states. These are Fiji, Palau, Papua New Guinea, Samoa, Australia, Cook Islands, Kiribati, Marshall Islands, Micronesia Federated States, Nauru, Niue, Solomon Islands, Tonga, Tuvalu, Vanuatu and New Zealand. The report provides detailed information on the status of corporal punishment in various settings in 15 Pacific countries that have not banned corporal punishment. I do not have time to go through each country in detail but here are some headlines:

- Nine countries ban corporal punishment in schools – seven do not
- Corporal punishment is banned in penal institutions in nine states and as a sentence for crime in ten states.
- 15 countries do not protect young children in day care
- Only 10.3% of Pacific children are protected in law from all corporal punishment in all settings.
- Analysis of data on child discipline found high rates of physical punishment of children in the Pacific
- The Governments in four countries (Fiji, Palau, Papua New Guinea and Samoa) have made a commitment to banning all corporal punishment by accepting recommendations to do so made

during the Universal Periodic Review of their overall human rights record but they have not yet done so.

The briefing also provides information for each country on:

- Opportunities for law reform and progress towards prohibition and
- Action required to achieve full protection – ie. drafting and introducing of appropriate legislation and repealing existing legal provisions that allow the use of corporal punishment in various settings.

I urge you to read this excellent briefing.

“Why is banning corporal punishment relevant to this workshop on *Ending Violence to Children in the Pacific* conference?” I will reiterate what I suspect you already know.

Corporal punishment is a form of violence to children. It violates children’s fundamental human right to physical integrity and protection. The UN Committee on the Rights of the Child and other human rights bodies see it this way. In their periodic reviews of member states they consistently recommend to governments that they repeal laws that excuse and permit use of corporal punishment.

Sitting behind this now is a huge volume of research from around the world that links corporal punishment of children with poor developmental outcomes such as increased aggression, learning problems, behavior problems and mental health and violence in later life. A useful summary of findings can be found on the Global Initiative website.

<http://www.endcorporalpunishment.org/pages/pdfs/Summary%20of%20research%20on%20the%20effect%20of%20corporal%20punishment%20April%202013.pdf>

There are various ways in which corporal punishment is linked to child abuse. The primary one being that physical abuse, injury and death from assault, are frequently the result of punishment that has escalated. Research also indicates that individuals who have experienced physical punishment during childhood are at greater risk of also having experienced physical abuse and greater risk of using physical punishment as adults. <http://link.springer.com/article/10.1007%2Fs10896-014-9663-9#page-1>

Corporal punishment is also linked with domestic violence. The Global Initiative recently produced an excellent leaflet on this subject. *Prohibiting Corporal Punishment of Children – a key element in ending family violence.*

<http://www.endcorporalpunishment.org/pages/pdfs/briefings/Domestic%20Violence%20Briefing%202015.pdf> It refers to studies which have found a correlation between intimate partner violence and corporal punishment, with greater subjection of children to corporal punishment in households where violence is perpetrated between adults. But also being physically punished as a child is associated with inflicting violence on a partner or child as an adult.

A great deal is known now about the effects of physical and emotional trauma on the development of young brains - this includes the long term effects of physical assaults on young children – and in households where children are hit they are often hit from a very young age.

<http://soundmedicine.org/post/childhood-trauma-leads-brains-wired-fear>

Ending corporal punishment is challenging.

- It is a long held tradition. The use of corporal punishment has been a tradition in most places. Of interest is that in New Zealand Maori - the indigenous people- claim that traditionally they treated their children very kindly and treasured them and did not beat them because they were the link to their whakapapa or ancestry. They claim that it was the influence of Europeans that exposed them to hitting their children. I have heard the same said of Samoa. You may know about traditions in other cultures.
- Talk of banning corporal punishment can cause discomfort and resentment. Parents, and other public, may be very uncomfortable about discussing a law change – or very resentful that they are being told to break with tradition by people outside their family. They hold strong beliefs that the physical punishment is necessary. Parents probably don't have enough information about positive, non-violent discipline. Non-violent discipline is very effective in guiding children to behave well. And then there is the fear that if corporal punishment is outlawed parents will be criminalized – prosecuted or marched off to jail if they smack their children.
- Some religious denominations and faiths advocate the use of physical discipline – justifying this with biblical and other texts. But this is not at all true of all churches now. I draw your attention to the excellent work of the organization “Churches for Non Violence” that works with leaders from a range of faiths, not only Christian, who preach true non-violence to children. I am distributing here a briefing *Faith-based support for prohibition and elimination of corporal punishment of children – a global overview*” produced by the Churches Network for Non-violence <http://churchesfornon-violence.org/>

Why do we want law change – would public education not be sufficient? We want law change because children have a right to full protection from assault under the law – the same right as all adults. You may say that law change is irrelevant because it can't or won't be enforced. Or you may fear that law change may criminalize parents who only smack a little and prosecuting parents is not helpful. The importance of law change is symbolic and educational, not punitive – it is about what a law says about respect for children's human rights. There is also a huge educational opportunity attached to changing the law and the discussion accompanying change.

I don't have time today to tell you the New Zealand story and how law change was accomplished – perhaps another time. A full history of the campaign has been written <http://epochnz.org.nz/images/stories/documents/s59%20Book.pdf>

However I would like to share with you some good news:

Attitude change can follow law change rather than lead it. Research done in New Zealand indicates that attitudes about use of corporal punishment are changing rapidly.

In a survey conducted by the Children's Commissioner Office in New Zealand in 2008 (one year after law reform) 58% of respondents still thought that there were times when it was alright to use physical discipline with a child. Five years later this had declined to 40%. In 2008, 62% of parents still thought that there were times when it was alright to use physical discipline but by 2013 this was down to 35%. Support for the use of physical punishment is declining.

http://epochnz.org.nz/images/2013_Physical_punishment_of_children_in_New_Zealand_2.pdf

Police reviews of the implementation of the new law in New Zealand over a number of years show that law change can be implemented in sensible and supportive ways that do not necessarily result in prosecution or conviction but support parents to change their behaviour.

<https://www.police.govt.nz/sites/default/files/resources/other-reports/11th-review-section-59.pdf>

In New Zealand:

- Police receive relatively few complaints for minor infringements of the law. People don't report the very minor stuff. The law is explicit in giving Police discretion in applying the law, something they have always had but needing to be restated to quell fears.
- Even at a more serious level such as when a child is hit with an implement and/or is bruised the parents are often warned or diverted to counselling and parenting programmes rather than prosecuted.
- In those cases that do get to court, sentences are often in the nature of suspended sentence and orders to attending parenting classes.
- There has been an increase in complaints about more serious and violent offending against children, indicating, I think, an increased intolerance of violence.

Ideally law reform and public and parent education about effective non-violent discipline should go hand in hand. We have been fortunate in New Zealand in that large child and family support agencies have for many years promoted non-violent discipline. Additionally there is a Government initiative, Strategies for Kids: Information for Parents (SKIP) which has been in place since 2003 and has done incredible work with parents and communities promoting positive, non-violent parenting. www.skip.org.nz. My colleague, Elizabeth Goodwin, who is here with us, can tell you more.

I am excited to be here because I am hoping that I will be able to have informal discussions with some of you over the next few days – to hear from you what the challenges will be in the various communities you live in and what opportunities for change might arise. It would be good if the Global Initiative could establish a network of people who would keep us informed about the Pacific, guide us about what is possible and helpful. In return, we can provide resources, information and support.

There is much more I can say but hopefully I have said enough to set the scene.

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Short list of resources

- The Global Initiative to End All Corporal punishment of Children. Wide range of information <http://www.endcorporalpunishment.org/pages/frame.html>
- List of countries that have banned corporal punishment in all settings (April 2015) <http://www.endcorporalpunishment.org/pages/pdfs/reports/GlobalReport2014.pdf>

- Positive non-violent parenting
<http://www.occ.org.nz/assets/Uploads/Reports/Parenting/Choose-to-hug.pdf>
- www.skip.org.nz
- Summary of the effects of corporal punishment
<http://www.endcorporalpunishment.org/pages/pdfs/Summary%20of%20research%20on%20the%20effects%20of%20corporal%20punishment%20April%202013.pdf>
- Link between corporal punishment and child abuse.
<http://link.springer.com/article/10.1007%2Fs10896-014-9663-9#page-1>
- Link between corporal punishment and domestic violence
<http://www.endcorporalpunishment.org/pages/pdfs/briefings/Domestic%20Violence%20Briefing%202015.pdf>
- Elizabeth Gershoff's landmark research on effects of corporal punishment.
<http://www.endcorporalpunishment.org/pages/pdfs/Gershoff-2002.pdf>
- Trauma and brain development. <http://soundmedicine.org/post/childhood-trauma-leads-brains-wired-fear>.
- Christian support for ending corporal punishment . <http://churchesfornon-violence.org/>
- The New Zealand story <http://epochnz.org.nz/images/stories/documents/s59%20Book.pdf>
- New Zealand research post law reform
http://epochnz.org.nz/images/2013_Physical_punishment_of_children_in_New_Zealand_2.pdf
- Handbook for worship and gatherings – ending corporal punishment of children
http://endcorporalpunishment.org/pages/pdfs/Handbook-for-Worship2015.pdf?mc_cid=054163a240&mc_eid=739badd58