

April 2008 Media Kit

The Crimes (Substituted Section 59) Amendment Act: Why we don't need referenda on child discipline issues

This media kit provides clear information about how the law is working and why the law change was necessary. It identifies the reasons why referenda on child discipline issues are unnecessary.

It also sets out ideas about some of the steps New Zealand should be taking to further enhance the safety of children, and provides information about the international movement towards banning the corporal punishment of children.

Enclosed:

1. How the law is working.- are parents being unnecessarily criminalised?
The first police report showed no noticeable increase in prosecutions and further reports are due out shortly.

Pages 3-4
2. Why the law change was necessary.
The law had allowed some parents to get away with serious acts of violence against children and had set a standard for acceptability of physical punishment.

Page 4
3. What's happening on the international scene to ban corporal punishment?
Since New Zealand changed its law, five more countries have outlawed physical punishment.

Pages 4-5
4. An overview of the law (including the review scheduled for June 2009).
The law makes provision for children to live in a safe and secure environment free from violence by abolishing the use of parental force for the purpose of correction.

Page 5-8
5. Why we don't need referenda on child discipline issues.
The implementation of the law has not seen parents unnecessarily criminalised. Further the law will be subjected to a full review in 2009. Referenda will not inform parents or improve the well-being of children. The proposed questions are misleading. Children's rights are not well understood.

Page 8-10

6. What else needs to be done?

Important steps include public education (about the law, about positive parenting and about child development), addressing the attitudes that support abuse, and addressing the social issues that put children at risk.

Pages 10-11

7. The New Zealand organisations that support the law, and contact details for media spokespeople.

Organisations delivering social services to children and their families support the law and many are available for interviews.

Pages 12-17

List of spokespeople at Pg 16-17

8. International comments about the New Zealand law.

Some prominent international figures have made supportive statements about our law and encourage New Zealanders to be proud of doing the right thing for children.

1. Professor Yanghee Lee, Chairperson of the UN Committee on the Rights of the Child

Page 18

2. Paulo Sérgio Pinheiro, Independent Expert leading the UN Secretary general's Study on Violence against Children

Page 19

3. Peter Newell, Coordinator, Global Initiative to End All Corporal Punishment of Children

Page 20

We trust this material will assist you in your reporting of these issues in the months ahead.

Yours sincerely

Hon Deborah Morris-Travers
Advocacy Manager, Barnardos New Zealand
Children1st@xtra.co.nz

The Crimes (Substituted Section 59) Amendment Act

How is the law working?

This is the critical element in any evaluation of the law. The leader of the Opposition, John Key MP, noted on National Radio on 22 February that he had no evidence to support the notion that good parents were being criminalised for a trivial offence. Our own research supports that conclusion.

In their public report on the first three months operation of the new law the Police reported:

- The new law creates no new criminal offences.
- There was no significant increase in complaints of incidents involving ‘smacking’ or ‘minor acts of physical discipline’.
- No investigations of child assault involving ‘smacking’ or ‘minor acts of physical discipline’ resulted in court prosecution.
- Many of the cases brought to Police attention were referred to family support agencies.

As far as we have been able to determine there have only been five cases of child assault in the name of physical discipline that have actually gone to court. There are:

- A Wairarapa father who pleaded guilty. The court ordered nine months supervision including parenting and anger management courses.
- A Canterbury Korean pastor who was acting as foster parent for a teenage girl. He attempted to stop her apparently excessive use of a cellphone with very harsh discipline. The court found the man, guilty, affirmed that child’s rights under the new law, and discharged without conviction.
- A Canterbury father of two is currently awaiting a jury hearing for allegedly having assaulted a small son in public resulting in complaints to the Police. Initially he received a warning, he then went to the media, the case was reviewed by the Police and the decision made to prosecute.
- A Nelson man has been committed to stand trial on five charges of assaulting his son. Allegedly he repeatedly beat him with a wooden spoon until it broke.
- An Auckland man was accused of hitting his five-year-old daughter with an open hand on the back of the head and swinging a pair of jeans at his six-year-old daughter, hitting her on the side of the head. Hitting children around the head, and throwing things at them, are potentially dangerous acts. Police were unable to present sufficient evidence for the case to proceed and the case was dismissed.

All this is evidence of the new law working remarkably well in providing clear guidance to parents of the unacceptability of physical punishment and of both the Police and the courts applying the new law with sensitivity, and requiring a high level of proof.

Some of the publicity and advertisements used by petition supporters calling for referenda refers to incidents that are imprecisely described. We have been quite unable to identify the cases involved and establish whether or not they reflect poor practice under the new law.

Why the law change was necessary

There were many reasons why organisations working with children and their families supported the Crimes (Substituted Section 59) Amendment Act.

Among them:

- Section 59 of the Crimes Act 1961 had allowed some parents to get away with serious acts of violence against children.
- New Zealand has unacceptably high rates of child deaths resulting from maltreatment.
- Physical punishment is a demonstrated risk factor in child abuse.
- Hitting children is harmful. Research repeatedly shows physical punishment is linked to poor developmental outcomes and negatively impacts emotional, cognitive and relational skills.
- The law contributes to societal norms. By providing the defence of 'reasonable force' Section 59 suggested physical punishment was an expected, and accepted part of parenting.
- Consistent laws and public education support parents in the use of positive parenting, which is safer and more effective.
- Research shows many New Zealand children experience harsh physical punishment.
- The old Section 59 discriminated against children by not providing them with the same legal protection from assault as adults and animals.
- The old Section 59 breached international law.

What's happening on the international scene to ban the corporal punishment of children?

The public debate about Section 59 usually considers New Zealand in isolation. That is a mistake. Revision of the law relating to the use of physical punishment in correcting children's behaviour is a worldwide phenomenon. Since New Zealand revised its law in May 2007 a further five countries have now banned physical punishment of children, bringing the total number of countries to have implemented a legal ban to twenty three.

The supreme courts in two other countries, Nepal and Italy, have ruled that physical punishment in childrearing is unlawful, although the legislatures have not yet passed the appropriate law changes. At least another 22 countries are

either committed to full prohibition or are actively debating full prohibitionist bills in their parliaments.

Last year's law change in New Zealand is not some sort of social engineering aberration, but simply a reflection of a worldwide historic trend.

The full list of countries is:

Sweden (1979)	Ukraine (2004)
Finland (1983)	Romania (2004)
Norway (1987)	Hungary (2005)
Austria (1989)	Greece (2006)
Cyprus (1994)	Netherlands (2007)
Denmark (1997)	New Zealand (2007)
Latvia (1998)	Portugal (2007)
Croatia (1999)	Uruguay (2007)
Bulgaria (2000)	Venezuela (2007)
Israel (2000)	Chile (2007)
Germany (2000)	Spain (2007).
Iceland (2003)	

There is a strong movement throughout the world towards ending physical punishment of children. In some countries children are still caned in institutions and schools, as well as beaten in their homes. The number of countries that make all physical punishment of children illegal is growing rapidly – in Europe and in South America. New Zealand is the first country in Australasia to do so. New Zealand can now play a part in influencing other countries.

An overview of the Crimes (substituted Section 59) Amendment Act

Section 59 of the Crimes Act was amended in May 2007 by an overwhelming majority of the House. 113 out of 121 Members of Parliament supported the amendment at its final reading. The law entered into force on 22 June 2007.

What the law now says

The purpose of the Crimes (Substituted Section 59) Amendment Act is: “to make better provision for children to live in a safe and secure environment free from violence by abolishing the use of parental force for the purpose of correction.”

The new section 59 reads:

(59) Parental control

(1) Every parent of a child and every person in the place of a parent of the child is justified in using force if the force used is reasonable in the circumstances and is for the purpose of—

(a) preventing or minimising harm to the child or another person; or

- (b) preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or
 - (c) preventing the child from engaging or continuing to engage in offensive or disruptive behaviour; or
 - (d) performing the normal daily tasks that are incidental to good care and parenting.
- (2) Nothing in subsection (1) or in any rule of common law justifies the use of force for the purpose of correction.
- (3) Subsection (2) prevails over subsection (1).
- (4) To avoid doubt, it is affirmed that the Police have the discretion not to prosecute complaints against a parent of a child or person in the place of a parent of a child in relation to an offence involving the use of force against a child, where the offence is considered to be so inconsequential that there is no public interest in proceeding with a prosecution.

The amending act also included this provision at Clause 7:

Chief executive to monitor effects of this Act

- (1) The chief executive must, in accordance with this section, monitor, and advise the Minister on, the effects of this Act, including the extent to which this Act is achieving its purpose as set out in section 4 of this Act, and of any additional impacts.
- (2) As soon as practicable after the expiry of the period of 2 years after the date of the commencement of this Act, the chief executive must—
- (a) review the available data and any trends indicated by that data about the matters referred to in subsection (1); and
 - (b) report the chief executive's findings to the Minister.
- (3) As soon as practicable after receiving the report under subsection (2), the Minister must present a copy of that report to the House of Representatives.

What the law means

1. The new law means parents who assault children no longer have the defence of "reasonable force".

It is no longer a defence to a criminal charge of assault on a child to prove that the child's parent or carer used only reasonable force and that that force was intended to correct the child behaviour.

Children can now expect to be treated the same as adults in the eyes of the law if they are the victims of an assault.

2. Adults who have to restrain a child are protected.

Another worry that people had during the debate about physical discipline was that they might get prosecuted if they held or restrained a child to keep them or

someone else safe. The new law says that parents can hold or restrain or pick up children to:

- keep them safe, for example, from running on the road or touching a hot stove
- to prevent them hurting other people or damaging property
- to remove them from a place where they are being disruptive
- to provide children with care like changing their nappies (even against their will) or to take them to their room or put them to bed.

Such restraint has to be reasonable in the circumstances.

3. The police are able to choose not to prosecute in cases of minor assault.

Under the previous law the kinds of cases that went to court involved serious assaults. That is unlikely to change.

One of the great fears many people had when the new law was being debated was that parents who occasionally lightly smacked a child would be prosecuted in court and be convicted of a criminal offence. The new law recognises that prosecuting parents for minor assaults would not benefit either the child or the parent. Therefore the law contains a provision that reminds the police that they are allowed to choose not to prosecute when children are assaulted, if they think the assault is of a minor nature. Police have similar discretion to decide whether or not to prosecute adults who assault adults.

4. A review is scheduled two years after the law was passed.

The law also says that Parliament is to review the law as soon as practicable after June 2009 to see how it is working. Some of the things that might be looked at are:

- Have parents been prosecuted in cases where the assault is minor?
- Have more parents been reported to Child, Youth and Family Services?
- Have more parents have come to understand that there are better ways to teach children to behave well than hitting and smacking them?
- Are fewer children being hit and smacked or hurt and injured?

5. The law sets a standard that is consistent with what we know about helping children behave well and with the goals of child discipline.

We know from research into children's behaviour and development that it takes time for children to learn to how to behave in socially acceptably ways. Making acceptable behaviour something a child chooses to do because it is part of whom they are rather than something done only out of fear of punishment, is one of the goals of raising a child. It is about learning self-discipline. Indeed learning self-discipline extends through adolescence and even into adulthood. There are many things a parent can do to help this process - positive things that help the

child feel safe, loved and guided. Smacking and hitting are not part of these things.

Children are influenced to behave well when their parents behave well around them. Children copy their parents' behaviour. Children also like to please their parents.

Smacking children sometimes works to stop a particular behaviour in the short term but it does not contribute to a child developing self-discipline.

When we discipline children we are often trying to get the child to behave well in the short term (like to stop them kicking the cat) and of course that matters. But we should not forget that our ultimate goal is long-term. We want children to grow up to be caring, confident and respectful people (like to avoid hurting animals because they know it is wrong and they care about animals).

6. The law sends a message that violence to children is unacceptable.

Many children are raised in loving non-violent homes. However, some children in New Zealand are treated violently – much of this violence happens in the name of discipline. All children in New Zealand will be better protected when everyone knows that New Zealand is a place where you don't hit children.

Why we don't need referenda on child discipline issues

In March 2007, before the law was changed, supporters of physical punishment of children had launched two petitions. The petitions were part of their opposition to a law change. They attempted to mobilise public opinion using the threat that changing Section 59 would result in widespread 'criminalisation' of parents. In the event the final version of the law minimises the likelihood of parental prosecution whilst affirming the child's right to be free of violence.

The implementation of the law has not seen parents unnecessarily criminalised. Further the law will be subjected to a full review in 2009. Referenda will not better inform parents about positive parenting or improve the well-being of children.

The pro-smacking lobby has continued with its opposition to the law and now the country is confronted with the prospects of referenda on questions which were developed in the context of an earlier campaign and before the form and effect of the law change were known.

How relevant therefore are the signatures collected before the new law came into effect?

It is not surprising that a large number of New Zealanders have signed the petitions. It was, after all, clear from the public debate the previous year that many people were, at best, uncertain of the effect of the law change. It is doubtful though that the 300,000 plus individuals who have signed this petition had much knowledge of the religious beliefs and socially conservative agendas of the promoters and their organisations.

It is even less likely that many of them would have signed the petitions if they had had more information about those promoting them at the time they signed.

The proposed referenda questions

They are petitioning parliament on two questions:

1. Should a smack as part of good parental correction be a criminal offence in New Zealand?
2. Should the government give urgent priority to understanding and addressing the wider causes of family breakdown, family violence and child abuse in New Zealand?

The first question is a *non sequitur* — it does not follow from the law as actually amended. ‘A smack as part of good parental correction’ suggests an occasional light hit in the context of a loving relationship between a conscientious parent and their child. The law quite specifically indicates that the Police are expected to exercise their discretion in the cases of ‘inconsequential’ physical discipline and prosecution and conviction are unlikely to follow a light smack.

The question could have relevance as an issue of public concern if in fact it was shown that the Police were failing to exercise that discretion as Parliament had intended — that widespread prosecution and conviction of parents was occurring. There is no such evidence.

The second question implies that the government is failing to understand or address ‘the wider causes of family breakdown, family violence and child abuse in New Zealand’.

This, of course, is a quite different topic from the use of physical punishment of children. These are complex issues that are under constant review by researchers and officials and a referendum is not an informed way of assessing whether enough is being done currently.

A conflict of rights

The debate on physical punishment is sometimes presented by opponents of the new law as a conflict between the rights of children and the rights of parents.

Under scrutiny, this argument, like many about human rights, resolves itself into the wish of one group to have unrestricted power in relation to another.

The argument is complicated in the case of children by the fact that legitimate parental authority is essential to children's good development.

This need for the exercise of parental authority, however, is all the more reason for there to be carefully designed rules of conduct which will be followed by most without serious question but which will be enforceable by law when necessary.

Children are surely entitled to the basic human rights standard of freedom from physical assault and the threat of assault. This is no more an encroachment on parental rights than any other legitimate limit placed on citizens in preservation of the rights of others.

The UN Convention on the Rights of the Child is the world's foremost human rights instrument for children. It has been ratified by all but two of the countries of the World. New Zealand ratified the UN Convention in 1993. It has strong statements of children's rights and is also equally clear about the right of families to bring up their children according to their traditions. By repealing section 59 and prohibiting physical punishment, New Zealand is now in compliance with the Convention.

What else needs to be done?

Public education

Community organisations were keen to see a public education campaign mounted on the new law after it was enacted. The purpose would have been to ensure that as many parents as possible had a clear idea of what the law meant.

The need for public education about the law, and about positive parenting, remains.

Parenting education and education in schools should convey information about the different stages of development and what to expect from children at each stage.

Addressing the attitudes and themes that support abusive behaviour

Throughout the 2007 campaign on Section 59, we saw in public debate some of the themes that actively support abusive behaviours towards children and create barriers to the prevention of child abuse. These themes are:

- A view of children as the property of parents;
- Parents having rights over children; and

- A prevalence of attitudes that actively support the rights of parents and nominated others to hit or assault children as part of a regime of physical punishment.¹

As part of the Campaign for Action on Family Violence, a literature review² has shown there are six things needed to reduce the chances of child maltreatment (physical and psychological):

- Establishing a positive ideology of children
- Addressing beliefs about the physical punishment of children
- Reducing adult partner violence
- Addressing alcohol and drug abuse
- Creating support systems that parents are willing and able to engage with, and
- Providing parent education and skills.

Changing Section 59 is one step in the process of addressing beliefs about physical punishment of children.

Addressing other social issues

In addition to dealing with the beliefs and attitudes that feed into maltreatment, there is a need to address the stressors that may cause parents to lose patience, and be less resourceful than they need to be.

These include poverty, social isolation, unemployment, and overcrowded housing. Many of the organisations supporting the Crimes (Substituted Section 59) Amendment Act are also working on these issues.

In addition, the mental health of parents/ caregivers is an important part of the picture and it is vital that post-natal depression and other mental health disorders are diagnosed and treated in a timely way.

¹ Public Health Group, Ministry of Health, *Child Abuse Prevention: The health sector's contribution to the Strengthening Families Initiative*, Public Health Issues 1995-96 series, Wellington, 1996, p16

² Rhonda Pritchard and Jennifer Martin, *Preventing the Physical and Psychological Maltreatment of Children*, Ministry of Social Development, Wellington, March 2008

Supportive Organisations

The extent of support for law change to ban use of force of correction is clear from this 2006 list of agencies that supported full repeal: (List held by EPOCH New Zealand)

- Action for Children and Youth Aotearoa (Auckland)
- Ahu Whakatika Challenge Violence Trust (Rotorua)
- Alternatives to Violence Project
- Amnesty International New Zealand
- Anger Change Trust Auckland
- Aotearoa New Zealand Association of Social Workers
- Arai Te Uru Whare Hauora (Dunedin)
- Auckland Women's Centre
- Awhina Whanau Services Inc (Hastings)
- Barnardos
- Bream Bay Community Support Trust (Ruakaka)
- Birthright New Zealand Inc
- Canterbury Home Birth Association
- Catholic Social Services (Wellington)
- CCS
- Central Plateau Reap (Taupo)
- Central Hawkes Bay Support and Counselling Services
- Centre for Effective Discipline (USA)
- Child Abuse Prevention Services (National Office Wellington) – now JIGSAW
- Child Abuse Prevention Council, (Windsor, Canada)
- Child Development Foundation (Auckland)
- Child Helpline Trust (Christchurch)
- Children's Agenda (Auckland) Children's Issues Centre (Dunedin)
- Child Poverty Action Group
- Childwise Methodist Mission (Christchurch)
- Living Without Violence (Waiheke Network)
- Mana Social Services Trust (Rotorua)
- Dannevirke Family Services Inc
- Domestic Violence Centre (Preventing Violence in the Home – Auckland)
- Dove Hawkes Bay
- Eastbay REAP (Whakatane)
- Education for Change (Christchurch)
- EPOCH USA
- He Mana tōia Tamaiti/ Every Child Counts
- Family Focus (Greymouth)
- Foundation for Peace Studies (Auckland)
- Family Help Centre (Rotorua)
- Family Support Services Whanganui Trust

- Hamilton Abuse Intervention Project
- Hamilton Refuge and Support Services
- Hauraki Safety Network
- Healing and Rape Crisis Centre (Te Awamutu)
- Hinengakau Maatua Whangai (Taumarunui)
- Home and Family Society Inc (Auckland)
- Home and Family Society Christchurch Inc
- Horowhenua Family Violence Intervention
- Human Rights Foundation of Aotearoa New Zealand\
- Humanists for Non-violence
- Inner City Group for Men (Auckland)
- Inner City Women's Group (Grey Lynn)\
- James Family Presbyterian Support Northern (Auckland)
- Kaitia Homebased Whanau Support
- Kapiti Men for Non Violence Inc
- La Leche League NZ
- Linton Camp Community Services
- Living Without Violence (Porirua)
- Manawatu Alternatives to Violence
- Maori Women's Welfare League
- Methodist Mission Northern (Glen Eden)
- Motueka Women's Support Link
- Naku Enei Tamariki (Lower Hutt)
- Napier Women's Refuge
- National Collective of Independent Women's Refuges
- National Council for Young Catholics
- National Council of Women of New Zealand
- National Network of Stopping Violence Services
- Natural Parenting New Zealand Ltd (Christchurch)
- Nelson Rape and Sexual Abuse Network
- New Zealand Association for Adolescent Health and Development
- New Zealand Association of Counsellors
- New Zealand Family Planning Association
- New Zealand Family Research Trust (Auckland)
- New Zealand Federation of Business and Professional
- New Zealand Playcentre Inc
- New Zealand Psychological Society
- North Harbour Living Without Violence Inc (Takapuna)
- North Shore Women's Centre (Glenfield)
- North Taranaki Kindergarten Association (New Plymouth)
- Office of the Children's Commissioner
- O Le Lafitaga Trust (Auckland)
- OMEP (World Organisation for Early Childhood)
- Pacifica
- Pacific Foundation (Auckland)

- Paediatric Society of New Zealand
- Parent and Family Counselling Service (Whangarei)
- Parent Help Wellington Inc
- ParentingWorx
- Parentline Charitable Trust (Hamilton)
- Parentline Hawkes Bay Inc
- Parentline Manawatu
- Parent's Centre NZ Inc
- Peace Movement Aotearoa
- Peppertree House – South Auckland Family Refuge
- PORSE In-Home Childcare Network (NZ) Ltd
- Presbyterian Support New Zealand
- Public Health Association of New Zealand Inc
- Quakers
- Quaker Peace and Service
- Rahui Pokeka Maatua Whaangai Justice (Huntly)
- Relationship Services NZ Inc
- Rodney Stopping Violence Services
- Royal New Zealand Plunket Society
- Safer Families Foundation (Takapuna)
- Save the Children
- South Canterbury Women's Refuge
- South Canterbury Violence Intervention Project
- Start Inc (Christchurch)
- Stopping Violence Services Nelson
- Stopping Violence Services Wairarapa
- Supportline Women's Refuge (Auckland)
- Taranaki Social Services (New Plymouth)
- Te Aupouri Iwi Social Services (Kaitaia)
- Te Awamutu Womens' Centre
- Te Awamutu Women's Refuge – Nga Maunga Hei Kakahu Inc
- Te Awhina Support (Murupara)
- Te Hauauru Mahi A Iwi (Kaikohe)
- Te Korowai Aroha O Ngati Whatua (Wellsford)
- Te Manawa Services (Fielding)
- Te Puna O Te Aroha Maori (Women's Refuge (Whangarei)
- Te Roopu Whakaruruhau (Palmerston North)
- Te Ruru Resources
- Te Tari Puna o Aotearoa/NZ Childcare Association
- Te Whare Oranga Wairua Women's Refuge (Taupo)
- Te Whanau O te Mangarongo (Lower Hutt)
- Te Whariki Manawahine O Hauraki (Thames)
- Thames Women's Resource Centre
- The Body Shop
- The Brainwave Trust

- The Dove Group for Children (New Plymouth)
- The Women's International League for Peace and Freedom
- Tongan Tamaki Community Centre (Auckland)
- Tongariro Whanau Support Trust (Turangi)
- Tupoho Maatua Whangai Trust (Whanganui)
- Tu Tama Wahine o Taranaki Inc (New Plymouth)
- UNICEF New Zealand
- Violence Free Waitakere
- Wairarapa Community Counselling Centre
- Wairarapa Women's Refuge
- Waitakere Abuse and Trauma Counselling Service Inc
- Wesley Community Action
- Wellington Community Law Centre
- Wellington Ending Violence and Abuse
- Whanau Awhina Women's Refuge(Whanganui)
- Whanganui Living Without Violence Trust
- Women's Centre (Christchurch)
- Women of the Kaipara Resource Centre (Dargaville)
- Youth Law/Tino Rangatiratanga
- Youthline Auckland Charitable Trust

For further information contact:

Murray Edridge Phone: 04 385 7560
Chief Executive 027 485 1896
Barnardos New Zealand Email: murray.edridge@barnardos.org.nz
www.barnardos.org.nz

Deborah Morris-Travers Phone: 0274 544 299
Advocacy Manager Email: children1st@xtra.co.nz
Barnardos New Zealand
www.barnardos.org.nz

Beth Wood Phone: 027 443 7370
EPOCH NZ Email: bethwood@xtra.co.nz
www.epochnz.org.nz/

Brian Gardner Phone: **04 802 5402 or 0274 529 556**
National Network of Stopping Violence Services Email: brian.gardner@nnsvs.org.nz
www.nnsvs.org.nz

Dr Ian Hassall Phone: (09) 921 9999 ext 8466
Senior Lecturer 027 588 8639
Institute of Public Policy Email: ian.hassall@aut.ac.nz
Auckland University of Technology

Tau Huirama Phone: (04) 802 0891
Chief Executive, Strategic Relationships 027 293 7437
Jigsaw Email: tau@jigsaw.org.nz
www.jigsaw.org.nz

Dr Dawn Elder Phone: 0274-491836
Paediatrician Email: dawn.elder@otago.ac.nz
Paediatric Society of New Zealand www.paediatrics.org.nz

Sophi Nauman Phone: (04) 474 1572
Marketing and Communications Manager 027 2407926
Plunket Email: sophi.nauman@plunket.org.nz
www.plunket.org.nz

John Bowis Phone: (04) 3856847
Executive Director 029 2009348
Save the Children NZ Email: john.bowis@savethechildren.org.nz
www.savethechildren.org.nz

Barbara Lambourn Phone: (04) 496 9612
Advocacy Manager 029 9700853
Unicef New Zealand Email: barbara@unicef.org.nz

Dennis McKinlay Phone: (04) 496 9610
Executive Director 021 396 966
Unicef New Zealand Email: dennis@unicef.org.nz
www.unicef.org.nz

Elaine Dyer Phone: (09) 8374849

Project Manager (09) 416 8774 (a/h)
Violence Free Waitakere Team Leader
Te Korowai Manaaki Promoting Great Parenting Email: elainedyer@clear.net.nz

Heather Henare Phone: (04) 802 5078
Chief Executive 0274 490 885
National Collective of Independent Women's Refuge Email: heather@refuge.co.nz
www.womensrefuge.org.nz

Sue Reid
Communications Advisor Phone: (04) 802 1335
Takawaenga Whakamohio (027) 206 6462
Family Planning Association New Zealand Email: Sue.Reid@familyplanning.org.nz
www.familyplanning.org.nz

International comments about New Zealand's law

Message from Professor Yanghee Lee, Chairperson of the United Nations Committee on the Rights of the Child on the occasion of the launch of the book *Unreasonable Force; New Zealand journey towards banning punishment of children*. (Transcribed from videotape)

Hello – I am Yanghee Lee – the Chairperson of the United Nations Committee on the Rights of the Child.

Greetings and Kia ora. Kia ora to the tamariki /mokapuna of New Zealand and to all the people in New Zealand gathered for the launch of the book tonight.

As Chairperson of the UN Committee on the Rights of the Child it gives me great pleasure to be able to share in the event. I would like to be there in person but right at this moment the UN Committee on the Rights of the Child is in session in Geneva.

New Zealand's periodic report to the Committee was being presented at the time I was first appointed to the Committee in 2003. I vividly remember discussing corporal punishment and section 59.

Most of you will know how steadfast the UN Committee has been in promoting an end to physical punishment around the world in its recommendations in response to country reports.

The United Nations Study on Violence to children strongly recommends an end to all corporal punishment of children. It is not a day too early to do so. In my opinion legal loopholes have allowed this form of violence to children to continue.

The time is right to end this tradition and it is very reassuring to be able to report that we are making progress. The UN study on violence includes ending physical punishment of children by 2009 as one of its 12 over-riding recommendations.

But I know that such reforms are not achieved without a struggle on the part of the public, child advocates and politicians. I understand that in New Zealand the debate was very public, protracted and at times painful. But experience shows that when a country does achieve this new status for its children good things rather than bad things happen and attitudes begin to change.

I understand that in May 2007 almost every politician in the New Zealand Parliament voted for the new law banning the use of force for correction of children. I applaud all politicians who supported the new law and thank you for your excellent leadership and example to other countries. New Zealand is the first English speaking country in the world and the first country in the South East

Asia and Pacific region to achieve this significant advance in children's rights. New Zealand's pioneering tradition in advancing human rights is well known-

I believe that New Zealand's influence on other countries in the region and throughout the world in bringing about this new legislation will be considerable. I am convinced the detailed recording of New Zealand's case will provide a blueprint for other countries.

On behalf of the UN Committee on the Rights of the Child I thank all who worked to achieve the law change in New Zealand.

**Paulo Sérgio Pinheiro, Independent Expert leading the UN Secretary general's Study on Violence against Children, 2003 – 2007:
Message for the launch of Unreasonable Force**

I'm so pleased to be able to join in the celebration and congratulations, from the USA where I am currently teaching... I well remember in 2005, at the UN Study Regional Consultation for East Asia and Pacific in Bangkok, hearing the passionate call from a young New Zealand woman and other children for prohibition of all corporal punishment.

It was a call heard from children throughout the Study process, in all regions. Plainly, corporal punishment is the commonest form of violence against children. Adults invented this absurd legal concept of "reasonable" punishment, "reasonable" violence... But there is nothing at all "reasonable" about hitting children. My report, presented to the General Assembly in October 2006, was very clear on that, and recommends that all states should prohibit ALL violence, including ALL corporal punishment, by 2009.

New Zealand's ban, achieved in 2007, is a great step forward. It seems that this concept of "reasonable violence" has its roots particularly in English law, so it is particularly important to have achieved prohibition in an English-speaking country. Let's hope others follow quickly.

My Study for the UN Secretary General has raised expectations among the world's children. It is going to take leadership from brave politicians, like those who steered your reform through, and active advocacy from NGOs and children, to fulfil those expectations – and in particular to stop adults disguising violence as "discipline".

I am still shocked to find adults defending what they see as a right - or even a duty - to hit and hurt children. It is not just the dignity of children which suffers from the persisting legal and social acceptance of corporal punishment, but also the dignity of parents and of whole societies. New Zealand has moved on to a new respect for children. I warmly congratulate the author of your Bill, Sue Bradford, your Prime Minister, Helen Clark and all others who supported the legislation.

Those of you involved in the campaign know well how difficult and controversial this issue remains; I am sure the book you have prepared will provide valuable advice and I look forward to reading it.

New Zealand's breakthrough for children
Statement from Peter Newell, Coordinator, Children are unbeatable!
Alliance, UK and Global Initiative to End All Corporal Punishment of Children

It's a tremendous breakthrough to have an English-speaking country join the list of those that have reformed their law to give children the same protection as adults from being hit.

In England, we just hope it won't be too long before we follow you. Our Labour Government has got as far as saying it "doesn't condone" physical punishment by parents, but it resists the long overdue step of removing the "reasonable punishment" defence completely.

England bears a heavy responsibility for spreading the habit of corporal punishment of children during the colonial period, institutionalising it in schools and penal systems and encouraging it in the home, including through some missionary teaching. I understand more than 70 states have adopted the English common law defence of "reasonable chastisement".

Many congratulations to Sue Bradford for her integrity and initiative, your Prime Minister for putting her government behind the reform and to all the politicians who in the end came together to see the reform through. And I am very proud to have worked from a great distance with Beth Wood and others over too long a period.

Reform is accelerating fast globally – the first three states in Latin America joined the list just before Christmas, making a total of 23, and another 22 are publicly committed. If they fulfil their commitments, more than a fifth of UN member states will have given their children equal protection from assault.

My request to New Zealand is to use every opportunity to be evangelical about your reform – the book will certainly help many of us around the world! And maybe New Zealand's children could mobilise the world's children...