

Title of advertisement: Some facts you need to know about the “Anti-Smacking” Bill

Claim: This mum gives her kids a smack sometimes...Sue Bradford’s Bill will make her a criminal.

Comment:

This mother will not become a criminal unless a complaint is laid about her behaviour and she is prosecuted and convicted.

The bill that will have its second reading in Parliament within the next few weeks is the *Crimes Amendment Bill* that emerged from the Select Committee process at the end of 2006. It is inaccurate to call it the Sue Bradford Bill. The bill that will be given a second reading in Parliament soon is considerably different from Sue’s original bill and is the one recommended by the majority of the Select Committee who reviewed vast numbers of submissions, heard many oral presentations and sought advice from the Law Commission on the shape of the new bill.

If it becomes law the bill will in fact make all use of force for correction illegal placing children in the same legal situation as adults in regard to assault. All assaults between adults are illegal, but minor assaults do not usually get prosecuted. No doubt the bill if passed would result in the same outcome for the mother in the advertisement.

Claim: If the Bill is passed, good parents will be treated as criminals under the law.

Comment:

While a smack or a hit will technically be an assault if the bill becomes law the police have very sensible prosecution guidelines providing multi-factor discretion on what they prosecute.

Likewise the Children and Young Persons Service (the other organisation to which someone may complain about ill-treatment of a child) made it very clear in their submission to the Select Committee that their practice would not change if section 59 is repealed and that the guiding principle **of minimal intervention in family life to ensure the safety of a child** will remain.

The new bill has provisions that provide protection for parents who for example use “time out” or find it necessary to restrain their child to keep them safe or administer normal care.

The alarmist nature of this claim is consistent with Family Integrity’s grossly misleading brochure *Kiss your children good-bye*. (Follow this link to view the brochure: http://www.storesonline.com/members/846699/uploaded/Brochure_-_Kiss_Children_Goodbye_7.pdf)

Claim: Banning smacking will not stop child abuse.

Comment:

Supporters of repeal of section 59 have never claimed that the primary or sole purpose of law reform is to stop child abuse. The causes of child abuse are as multi-factored as are preventative measures.

However one of the factors that contribute to widespread child abuse is a belief in the legitimacy and efficacy of physical discipline. Physical discipline is a known and researched risk factor for child abuse: children exposed to physical discipline are more at risk of physical abuse than those who are not.

Most adults apprehended for physical child abuse claim that their actions were an attempt to teach the child to behave.

In the long term repeal of section 59 is likely to contribute positively to a range of measures to reduce child abuse. Repeal will help change a culture in which hitting children is regarded as “normal”.

The advertisement also quotes from a 2003 UNICEF report, but very selectively. In fact the report is opposed to physical punishment of children.

The report *Child Maltreatment Deaths in Rich Nations* referred to in the advertisement does in fact refer to poverty and use of alcohol and drugs as contributing factors to child abuse. Significantly, the writers of the advertisement ignore the fact that the same report also talks about the need for a “culture of non-violence toward children” and makes a passionate plea to end the use of physical punishment.

The task is therefore one of creating a culture of non-violence towards children...which says it is totally unacceptable in any circumstances for adults to express either their will or their frustration in the language of violence towards the young.

The report also says:

The arguments against physical punishment of children boil down to four: that hitting children is a violation of their fundamental human rights; that it can too easily escalate into more severe forms of physical abuse; that even when it does not it may still have consequences for the child's mental and emotional development; and that it makes a significant contribution to a wide range of societies' most intractable problems.

Claim: Child abuse is already illegal in New Zealand

Comment:

The bill is not about child abuse. The claim that the defence has only been used seven times in 16 years is misleading – we do not in fact know how many times it has been

used successfully or unsuccessfully because District Court cases are not reported centrally and only reach widespread attention if reported in the media.

In addition the section 59 defence has discouraged prosecution in cases where the nature of the assault is such that prosecution might have been warranted.

Section 59 as it presently stands impacts on other legislation – for example, we have an anomaly under the Domestic Violence Act 1995 where a child can be given a protection order if he or she witnesses a parent being assaulted but not if they are hit themselves

Claim: Reasonable smacking does not damage children.

Comment:

While the best evidence we can find indicates that mild physical discipline in a loving and otherwise non-violent home may not “damage” children there is a considerable body of evidence to show that moderate or harsh physical discipline does damage children (*The Discipline and Guidance of Children: A Summary of Research* – Office of the Children’s Commissioner and Children’s Issues Centre 2004).

How does defining physical punishment as “reasonable” identify an individual child’s risk level?

Recent research indicates that around half of New Zealand children experience discipline that can be described as “harsh” or not “reasonable”. (Dobbs T. *Insights: Children and Young People Speak Out About Family Discipline*. Save the Children. 2005 and Millichamp, Martin and Langley *On the receiving end: young adults describe their parents’ use of physical punishment and other disciplinary measures during childhood*. New Zealand Medical Journal 2006.)

Claim: Kiwis know the difference between smacking and child abuse.

Comment:

There is no evidence to support this claim. There is a big difference between wanting to keep the status quo in regards to the legality of physical discipline and knowing the level at which children are damaged by physical punishment.

Poll outcomes depend on the questions asked and the level of knowledge of those questioned. While it is possible that a majority of parents unnecessarily fear the consequences of law reform we know that among young parents more than half do not think physical discipline is effective (www.littlieslobby.org.nz/documents/Ray_Of_Hope_April05.pdf)

One of the purposes of law reform is to influence behavioural and attitudinal change. Law reform will be congruent with initiatives to change parenting practices towards the use of non-violent discipline (The “SKIP” programme).

Conclusion

The advertisement is misleading and designed to raise fear among the uninformed. It serves the purposes of a minority unlikely to be prosecuted under any new law. They

believe in the use of mild or moderate physical discipline, (often for Biblical reasons) and they are unwilling to place the greater good of the well-being of the majority of New Zealand children uppermost.