

Eminent Swedish experts comment on misrepresentation of the effect of Swedish corporal punishment ban

Given the importance of the decision before the New Zealand Parliament on Section 59 of the Crimes Act, and given how prominent the Swedish situation has become in the debate, we believe that it is critical to provide accurate information about the Swedish situation. We are aware that a number of claims made in the media have raised fears about the consequences of law reform. These claims are unfounded and grossly misrepresent the Swedish situation. We wish to set the record straight.

First, the criminal defense equivalent to Section 59 was repealed in Sweden in 1957 – almost 50 years ago. Since that time, corporal punishment has been considered assault under the law. But just as trivial assaults against adults are not prosecuted, neither are trivial assaults against children prosecuted. In order to charge and prosecute a parent, such action would have to be in the child's, the family's and the public's best interests. Certainly, prosecution in the case of a minor incident would not serve the interests of the child, the family or the society.

Second, the corporal punishment “ban” implemented in 1979 was a symbolic measure. It simply ensures that all Swedes know that children have the same protection that adults enjoy. It did not create a new crime of smacking. The ban is there simply to educate. Because it is so clear, it has been extremely helpful in educating parents about the harms of smacking, as well as motivating them to seek out parent support programs. But it has nothing to do with prosecution because it is not a criminal law. In fact, since the ban was implemented, the prosecution rate has not changed.

Third, law reform in Sweden has *not* resulted in a greater willingness of child welfare authorities to remove children from their homes. In fact, by far the most common child welfare measure is the provision of in-home support to families, including personal support and provision of contact families who provide assistance and respite to families under stress. Fewer than 4,000 children entering the system for the first time in 2004 were placed in out-of-home care and only about 200 of these were placed in immediate custody.

Fourth, making physical punishment unacceptable in Swedish society has led to greater public awareness of violence against children. It is more likely now that maltreatment of children will be identified and reported. Increased detection and reporting was one of our objectives, as it has been in many countries seeking to address violence against children. Unfortunately, the increase in reporting statistics has been misinterpreted by some as an indication of increased child abuse. In fact, there is no evidence to support the claim that actual child abuse has increased in Sweden. Rather, the reporting rate has increased because professionals are now required to report

suspected maltreatment and because members of the public are less likely to look the other way.

Fifth, Swedish parents are not afraid of their children nor are they afraid to discipline them. Studies of Swedish parents have found them to be quite willing to control and set limits on their children's behaviour. But Swedish parents rarely smack their children as discipline. They are much more likely to use positive methods of teaching their children – the kinds of methods that have been shown to encourage children's compliance while building relationships and improving communication between parents and children.

Sixth, the aim of law reform in Sweden has always been to protect children, not to punish parents. The law operates in conjunction with parent education and support. The law sets a clear standard of non-hitting; parent education programs provide the support parents need to achieve that standard. Virtually all Swedish parents participate in parent support and education programs. As they do so, their parenting skills increase and the need for intervention into families declines. In fact, parents' use of physical punishment has declined dramatically over recent decades and child abuse deaths are virtually unheard of.

Seventh, improvements in parenting skills have been reflected in improvements in children's health and well-being. For example, today's Swedish youth are extremely unlikely to use drugs on an ongoing basis and they have become less likely to become involved in criminal activity. While some have claimed that Swedish youth have become increasingly violent, this claim is based on misrepresentations of the statistics. In fact, Swedish youth are no more violent today than they were 20 years ago. What has changed is that bullying is more likely to be reported and it is recorded in the assault statistics.

In summary, law reform in Sweden has *not* led to greater government intrusion into family life. Rather, it has set a clear standard for which parents now strive and it has reinforced the value of positive parenting. In Sweden, law reform has been a vital and effective tool for public education and child abuse prevention. Our law has been essential to our ability to protect children while supporting families.

Sincerely,

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