

SUBMISSION

To the Justice and Electoral Select Committee on the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill.

This submission is from The New Zealand Federation of Graduate Women represented by:

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We wish to appear before the Committee to speak to our submission.

1. We represent the New Zealand Federation of Graduate Women. NZFGW is a non-profit, charitable non-government organisation working locally, nationally and internationally to improve the status of women and girls, to promote life long education and to enable graduate women to use their expertise to effect positive change. The organisation was founded in 1921 and is affiliated to the International Federation of University Women headquartered in Geneva and holding official observer status at UNESCO. We have 14 branches with over one thousand graduate members. We also have a close association with the Pacific Network of Graduate Women. In preparing this submission we have consulted our branches throughout New Zealand. Many of our members have tertiary qualifications in early childhood development and special needs and expert knowledge in working with children, as well as being parents and grandparents.
2. We strongly support the proposed repeal of section 59 of the Crimes Act 1961 and the consequential amendments to the Education Act 1989. We believe that section 59 gives the wrong signals to parents and guardians of children and that there are better alternatives for child discipline.
3. It is unconscionable that New Zealand should continue to provide statutory protection for parents and guardians to use force against children in their care, when comparable use of force against an adult would be actionable and subject to penalties. Many countries have now made corporal punishment of children illegal in line with the UN Convention on the Rights of the Child (UNCROC). In 1990 we made corporal punishment in NZ schools illegal, but included an exemption in both the Education Act and the Crimes Act for parents or guardians using reasonable force in the circumstances. Since 1990 there has been no noticeable

decline in discipline in schools and acceptable alternatives have been developed. We feel it is now time to remove the exemption provided by section 59.

4. We have all read in the media of cases where anger or frustration has caused escalation of corporal punishment far beyond what could be classed as “reasonable force.” There have been some horrific cases in recent years and reports from the Children’s Commissioner back this up. Although attempts have been made, it is very difficult to define precisely what “reasonable force” means. Some groups in our country have much stronger traditions of chastising their children and for various reasons juries are sometimes reluctant to convict in child abuse cases. A strong message needs to be sent and only a repeal of section 59 would achieve this.
5. There is evidence, both from New Zealand and from overseas, that children who are frequently disciplined by being smacked, learn that this is an acceptable way to deal with opposition and conflict.
(See publication from the Office of the Children’s Commissioner “The Discipline and Guidance of Children: Messages from Research” 2004.)
6. The National Society for the Prevention of Cruelty to Children in UK (NSPCC) has stated that in the 10 countries of the EU where it is illegal to hit children, there has been a considerable reduction in child abuse. Canadian research has shown this also. (New Zealand Herald article “Smacking Ban seen as Way to Cut Child Abuse” based on an interview with Dr Joan Durrant, Canadian psychologist, 14 February 2006.)
7. However we do not want to criminalise a parent who gives an occasional light smack on an older toddler’s bottom. At present the Police have discretion whether to lay charges in adult assault cases if the offence is very minor and in our opinion this is the best way to deal with similar situations regarding such children. Of course chastising small infants can never be excused and the Police policy guidelines should be tighter in those cases.
8. It is not enough however, to just repeal the legislation. We feel that more funding should be put into alternative discipline and anger management courses, so that they are seen as viable options. There are now a wide variety of these courses run by schools and other agencies, but they need to be more widely publicised. Recent programmes about parenting on TV have been very popular and informative. Perhaps in future, when these are shown, the parenting courses available in New Zealand could be listed during the programme credits.

Signed

Date