

Smacking ban is slap in the face to parents

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The Justice and Electoral Committee's announcement that it is supporting the Bill designed to remove the statutory defence for parents who use force against their children for the purpose of correction, should cause parents to shiver in their boots.

We have just heard about the right of a teenager to effectively 'divorce' their parent because they don't like the family rules, a 12 year old being sneaked off to get contraceptives by their school without parental knowledge, and now this Bill. Parents in NZ should be horrified by the way their authority and responsibilities are being undermined by government policy.

The UN Convention on the Rights of the Child is constantly quoted as the driving force for removing section 59, yet clause 5 of this Convention acknowledges the important role of parents in raising a child with appropriate direction, guidance, and correction.

It recognises the right, and duty, of parents to provide direction and guidance in a manner consistent with the evolving capacities of the child.

This is what opponents to smacking don't understand. The capacity of a child is very different to the capacity of an adult. That's why we have laws protecting children from sexual involvement and exploitation, driving vehicles, voting, drinking alcohol, certain purchases, watching violent and sexually explicit movies etc. That's why we need to train and correct children in a way that is different to how we deal with adults.

The proposed amendment put forward by the Select Committee simply confuses the issue further.

Under the amendment, reasonable force can be used to prevent a child from engaging in offensive or disruptive behaviour, and can also be used by parents to perform the normal daily tasks that are incidental to good care and parenting. However, it cannot be in the form of correction.

If my child is about to touch the hot grill of the heater for the 3rd time and I give them a light smack on the hand and say "No!", is that prevention and good care, or is it correction? A good lawyer will have field day with this amendment and argue that it is prevention and good care – which is acceptable for a parent to do under the law.

If my child is about to pull down the display of spaghetti cans in the supermarket and I give their bottom or hand a light smack and say "No!", is that prevention or correction? I would argue prevention – so it's ok! The supporters of this Bill would tell me to cancel my shopping excursion, change my plans, pick up my screaming squirming child and go home. Now that has really dealt with disruptive behaviour – not!

The majority view of the Select Committee has also ignored a number of key issues in this debate

1. If s59 is repealed, good parents will be treated as criminals under the law - The police have confirmed, and has been confirmed by two Queen's Counsels that smacking a child would be assault. They will have to investigate any complaint made against a parent for smacking or even removal to 'time out'. This will immediately place a family under enormous

pressure. The police have to enforce the law, regardless of what politicians say.

It is bad lawmaking when politicians tell us that the Bill will only work if it's not enforced!

2. Child abuse is already illegal in New Zealand - Repealing s59 isn't needed, because the law already says that child abusers have committed a crime. Since 1990, there have only been seven successful defences under s59 – that's seven in 16 years!

3. Banning smacking will not stop child abuse - In 2003, a UNICEF report identified poverty, stress and family breakdown – along with drug and alcohol abuse – as the factors most closely and consistently associated with child abuse and neglect. Of the five countries with the lowest child abuse death rates in the UNICEF report, four allow smacking!

4. Reasonable smacking does not damage children or teach them to be violent - A recent Otago University study found that children who were smacked in a reasonable way had similar or slightly better outcomes in terms of aggression, substance abuse, adult convictions and school achievement than those who were not smacked at all.

The Select Committee has chosen to ignore the views of the 80% of NZ'ers (average of the polls) who know the difference between a smack and child abuse, and want s59 retained.

Yes – we definitely need to send a strong message that violence and child abuse is unacceptable in NZ. Stopping perpetrators and supporters of child abuse hiding behind the 'right to silence' would be a good place to start!

But in our attempts to send a clear message, we should not end up treating good parents as criminals under the law. That is an unacceptable burden to great mums and dads who should be supported, not prosecuted.

The Politicians must support kiwi parents and reject this Bill.