Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

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<th>Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill</th>
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**About you**

Name: Ian Hassall

Role: Independent Children’s Advocate

1 **The Bill’s general principles**

1.1 **Do you support the principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?**

— Yes

1.2 **Please outline your reasons for your answer to question 1.1**

*(we would be grateful if you could keep your answer to around 1000 words)*

As New Zealand’s first Children’s Commissioner and later as an independent children’s advocate I was a prime mover in the successful campaign to pass similar legislation in New Zealand (Crimes [Substituted Section 59] Amendment Act 2007). My experience in that role has recently been published (Hassall, I. [2019] New Zealand’s landmark law change to prohibit corporal punishment of children, In, Saunders, B., Leviner, P., Naylor, B. (Eds.) Corporal punishment of children: Comparative legal and social developments towards prohibition and beyond. Leiden: Brill: Nijhoff).

I have had brought to my attention misleading material that seeks to undermine confidence in the law change, that has been circulated in Scotland, Wales and Canada. It purports to show that there have been ill-effects from the 2007 New Zealand legislation, for which there is no sound evidence. In particular, it suggests that:1. Good parents have been unjustly persecuted, 2. Children’s behaviour has deteriorated. 3. There is public clamour to reverse the effects of the law change. 4. There has been no improvement in the child abuse statistics. There is no evidence to support the first and third of these assertions. On the contrary, police and child protection and survey data show no misapplication of the law and an increasing support for the legislation. In relation to the second assertion there is no evidence one way or
the other and it would be difficult to imagine data that would illuminate such a general question as children’s behaviour. On the fourth assertion it was never anticipated that the law change would in the short term reduce child abuse. The origins of child maltreatment are complex. Societal and attitudinal changes that may result from the legislation may well, in time, lead to a reduction.

My reason for taking an interest in what the Welsh Assembly decides is my experience that our global world supports or fails to support children’s interests and well-being as a whole. What happens in Wales is important for New Zealand and for every other country.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 1000 words)

Yes. The existing legislation that permits hitting children is a serious obstacle to respect for them, at least in the minds and behaviour of some. Respect for children and indeed respect for all family members is a pre-requisite for domestic harmony and reduction of family violence. Research shows a co-existence of violence to partners and to children.

It can be forgotten unless children are involved in discussions surrounding this issue that being hit hurts and is humiliating. The question must be asked, ‘why should we wish to inflict pain on the people we love?’.

Public education is sometimes cited as an alternative to legislative change but it should be seen as an addition. It does not address the first point above. The law is powerful in setting a standard.

2 The Bill’s implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 1000 words)

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2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 1000 words)

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3  Unintended consequences

3.1 Do you think there are any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 1000 words)

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4  Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 1000 words)

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5  Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

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