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

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About you
Dr Elizabeth Gershoff, Professor of Human Development and Family Sciences, University of Texas

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)

I (Dr. Elizabeth Gershoff, Professor of Human Development and Family Sciences, University of Texas at Austin, Texas, USA) have spent 15 years studying the effects of physical punishment on children and have conducted two meta-analyses of the body of research. Several conclusions are warranted from the research:

--Physical punishment is a form of violence against children. Euphemisms such as "smacking" make it easier for citizens to accept the practice but do not minimize the fact that physical punishment causes physical and emotional harm to children.

--Physical punishment is ineffective.

--Physical punishment is linked almost entirely with negative outcomes for children, including increased aggressive behaviors, increased mental health problems, and lower cognitive ability.

--Physical punishment increases the risk that children will experience physical abuse (injury) at the hands of their parents. A national study in Canada found that 75% of cases of physical abuse involve physical punishment.
abuse start out as physical punishment when a child behaves in a way the parent does not like. (see: http://cwrp.ca/publications/497)

--Harm from physical punishment extends into adulthood and is recognized as an Adverse Childhood Experience.

--The research showing harm to children examined physical punishment, or smacking, alone-it excluded harsher methods.

--Although experiments are not possible with physical punishment and children, several research studies that have used advanced statistical methods to approximate experiments have found that physical punishment predicts deterioration in children’s behaviors over time.

--Advocates who claim "there is no evidence that physical punishment is harmful" are misrepresenting the strength and consistency of the research.

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 current Welsh law does not provide children with equal protection under the law against assault. Removal of the defence of reasonable punishment would remove this double standard and make all assaults against people against the law, including those perpetrated against the smallest and most vulnerable members of Welsh society. This Bill is also consistent with the UN Convention on the Rights of the Child which states that children have a right to protection from violence, including from their parents.

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)

The main potential barrier is the difficulty in educating the public about the reasons for the Bill and about alternatives to physical punishment.

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)

The Bill could benefit from more explicit plans for educating the public about the law and about alternatives to physical punishment.
3 Unintended consequences

3.1 Do you think there are there 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)

The main unintended consequence that has been observed in other countries that have implemented bans (e.g., New Zealand, Sweden) is that there may be a slight uptick in the number of parents reported for suspected child maltreatment. Some critics have argued that this is evidence that the ban somehow increases maltreatment. A much more likely explanation is that the ban increased the public's awareness of (a) the harms of physical punishment and physical abuse, and (b) their obligation to report suspected cases of physical abuse. In other words, citizens who were reluctant to report suspected abuse before the ban because they assumed the behavior was legal or at least a family matter now are clearer that suspected abuse should be reported. In New Zealand, the police were concerned that a ban would lead to a greater burden on them; after 12 reports, the New Zealand Police concluded that there was no uptick in actual maltreatment and no additional burden on the police.

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)

If passage of the Bill leads to increases in referrals to the police or to social services, there would be some financial implications for the added personnel time. However, as seen in New Zealand, any uptick in referrals to the police were minimal in that country after passage of a similar law (see periodic reports here: https://www.police.govt.nz/about-us/publication/crimes-substituted-section-59-amendment-act-2007). These additional personnel costs should be weighed against the country's obligation to protect children from harm and to prevent long-term impacts of violence.

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)

A number of professional organizations in the U.S. and Canada have concluded that physical punishment is harmful and that parents should avoid using it: American Academy of Pediatrics, American Professional Society on the Abuse of Children, American Academy of Child and Adolescent Psychiatry, American Psychological Association, Canadian Paediatric Society, Canadian Psychological Association, and National Association of Pediatric Nurse
Practitioners (US). There is thus a growing consensus among professionals who work with children that physical punishment is harmful, is not necessary, and should be avoided.