



The Royal Australasian
College of Physicians

The Royal Australasian College of Physicians
Paediatric & Child Health Division

Position Statement
Physical Punishment of Children

July 2013

1. The reason for this Statement

The Paediatric & Child Health Division of The Royal Australasian College of Physicians (RACP) has developed this position statement for the purpose of protecting children. We recognise that:

- Every child needs discipline. Discipline is an essential part of good parenting.
- While physical punishment (such as hitting or smacking a child) may appear effective in the short term, it can have adverse consequences in the long term for the child's health, particularly their behaviour and emotional wellbeing.
- There are much more effective and positive ways to provide discipline.
- A child – the most vulnerable and dependent member of our society – is still the only person in Australia whom it is legal to hit.
- The circumstances when physical punishment is likely to be used place a child at risk of an unintended escalation to serious physical assault.

The RACP believes that physical punishment is an outdated practice. It fails to recognise the human rights of the child. The purpose of this paper is to clarify paediatricians' position on physical punishment of children, to contribute to public discussion, and to promote positive non-violent discipline which will provide each Australian child with the best opportunity for future health and well-being.

We consider it important to resolve the inconsistency in Australian law which allows only children to be hit. We acknowledge this may take time to become accepted and instituted but believe the process should be commenced.

“When a big child hits a small child in the playground, we call him a bully; five years later he punches a woman for her handbag and is called a mugger; later still, when he slugs a workmate who insults him, he is called a troublemaker; but when he becomes a father and hits his tiresome, disobedient or disrespectful child, we call him a disciplinarian.”¹

2. Key points

- **Every child needs discipline.**
Discipline means guiding a child to learn appropriate behaviour. It is a crucial component of good parenting.
- **Physical punishment may be harmful in the long term.**
Research shows that a child who experiences physical punishment is more likely to develop aggressive behaviour and mental health problems as a child and as an adult.
- **Physical punishment is not effective.**
Although physical punishment appears effective in the short term, studies have shown that it teaches a child to avoid the behaviour in front of an adult rather than actually stop the behaviour.
- **There are more effective ways to discipline a child.**
Effective discipline is grounded in a positive, supporting, loving relationship between the parent(s) and child. It emphasises positive reinforcement rather than physical punishment.
- **Parents want to do the right thing, but require education and support.**
Parents may not be aware of the most effective methods of discipline and may benefit from support to learn how to implement them.
- **Health professionals have an important role.**
Paediatricians and other health professionals can play an important role in educating parents about effective discipline and supporting them in their use.
- **The law offers inconsistent protection against assault.**
A child is the only person in Australia that it is legal to hit.
- **Legal protection of parents who physically punish their child should no longer be accepted.**
Legal protections for adults who physically punish children are inconsistent with the United Nations Convention on the Rights of the Child, to which both Australia and New Zealand are signatories.

3. Recommendations

The RACP believes:

- Children should not be subject to physical punishment.
- Parents should be supported to use more effective, non-violent methods of discipline.
- Communities should help parents to understand better the harmful effects of physical punishment and other violence on children.
- Legal defences in Australia for the use of corporal punishment should be amended and the law clarified to state that all forms of corporal punishment are unlawful, so the law protects children from assault to the same extent that it does all people.

Summary of key arguments against physical punishment

Limited efficacy as a method of discipline

While physical punishment may appear to be an effective means of shaping children's behaviour in the short term, studies have shown that despite the apparent immediate compliance children do not actually learn the desired behaviour. Instead, they learn to avoid the negative behaviour in the presence of the adult. Children tend to learn to behave well in the context of a loving and trusting relationship with parents whose approval is important to them. The use of physical discipline can undermine the quality of a child's relationship with adults.

Adverse long-term effects

Research is increasingly showing that children who receive physical punishment are at increased risk for a range of adverse outcomes both in childhood and as adults, including mental health problems such as depression and anxiety, aggressive or antisocial behaviour, substance use problems, and abuse of their own children or spouse.

Punishment and abuse

A legal difficulty with allowing physical punishment of children is that a line must be drawn along the continuum between discipline and abuse. While various attempts have been made to specify this distinction, they vary across jurisdictions. Many cases of physical abuse are the result of physical punishment that became more severe than intended.

Human rights

The United Nations Convention on the Rights of the Child specifies that states must protect children from all forms of violence, including physical violence. Allowing adults to inflict physical punishment on children is a clear violation of this international convention, to which both Australia and New Zealand are signatories. The UN Committee that monitors countries' implementation of the Convention regularly recommends that Governments amend their laws and ban corporal punishment.

4. Discipline and Punishment

4.1 What is physical punishment?

Physical punishment (or corporal punishment) is defined as the use of physical force towards a child for the purpose of controlling the child's behaviour, and is often used as a punishment. It is inflicted on the child's body with the intention of causing some degree of pain or discomfort, however mild.² Physical punishment most commonly consists of hitting children with the hand or with an implement such as a wooden spoon or belt, but may also include kicking, shaking, biting or forcing a child to stay in uncomfortable positions.³

4.2 Is punishment the same as discipline?

Discipline and punishment are not the same thing. The word discipline comes from a Latin word meaning "to guide". Discipline is about guiding a child so that he or she learns appropriate behaviour. Punishment involves a negative experience for the child that occurs after they have done something of which the adult disapproves. Whether or not punishment is effective in the process of disciplining a child is debatable. It is increasingly evident that physical punishment is not an effective way to guide a child's behaviour. It is not safe, ethical or effective (see sections 5 and 6.1, respectively).

4.3 Community attitudes to physical punishment

Society's views on physical punishment are inconsistent. It is widely acknowledged that it is unacceptable for adults to hit one another, in most cases for teachers and other educators to hit students, to hit people in the criminal justice system, and to hit animals. However many people still consider it acceptable for adults to hit children as a form of discipline. **The only humans it is still legal to hit are the most vulnerable ones: children.**

Community attitudes to physical punishment for children remain divided, although support for the practice is declining. Studies have shown that in Australia, the majority of parents still smack their children.⁴ In 2002, 75% of surveyed adults in Australia agreed with the statement that it is sometimes necessary to smack a naughty child, and this decreased to 69% in 2006.⁵ In New Zealand, where physical punishment of children became illegal in 2007, there is evidence that both the legal change and the accompanying public dialogue are shifting attitudes. In a 1981 survey, 92% of men and 86% of women agreed it was acceptable for a parent to smack a child. By contrast, in 2008 only 58% of adults agreed it was acceptable for parents to use physical punishment.⁶ In 2009 only 9% of caregivers reported that they found smacking an effective form of discipline.⁷

International experience shows that the legal context influences community attitudes to physical punishment of children. In 1979 Sweden was the first country to ban explicitly all forms of corporal punishment of children. Research has shown that since the legislative change was made, public support for physical punishment has declined markedly.⁸ The proportion of Swedes who considered physical punishment – even in its mildest form – necessary for child discipline halved between 1965 and 1981, and halved again by 1994. The country has also seen other benefits including increased early identification of children at risk of abuse, and very low rates of mortality associated with child abuse.

4.4 Discipline or abuse?

Health professionals recognise that it may be difficult to draw the line between discipline and abuse, yet some jurisdictions attempt to maintain a legal distinction. For example Section 61AA (Defence of lawful correction) of the *New South Wales Crimes Act 1900*

(NSW) states that corporal punishment is unreasonable “if the force is applied to any part of the head or neck of a child, or to any other part of the body of the child in such a way as to be likely to cause harm to the child that lasts for more than a short period”. In many jurisdictions where physical punishment of children is legal there is no clear legal limit to the degree of harm that can be inflicted on a child.

In 2006 in an oral submission related to New Zealand’s Bill to repeal legislation that protects the legal right to use force against children, Dr Dawn Elder FRACP, a paediatrician and senior lecturer, stated that “The majority of cases of child abuse, including fatal child abuse, that we see and assess as child health professionals are the result of physical punishment becoming more severe than was intended.” Many cases of child abuse are instances of physical punishment getting out of hand.

Clearly most parents who physically punish their children do not intend to harm them. They may believe that physical punishment is effective, have difficulty managing challenging behaviours or may not have other disciplinary tools at their disposal.⁹ A study has found an association between families in which the relationship between the parents is poor or stressed and severe punishment of children.¹⁰ Punishing the child physically may serve as an outlet for the parent’s frustration and/or anger. This does not make it an effective way to discipline the child; that is, it does not change their behaviour in the long term.

5. Is Physical Punishment Ethical?

5.1 Human rights context

In 2006 the United Nations Secretary General’s World Report on Violence Against Children stated “No violence against children is justifiable, and all violence against children is preventable...The Study mark[s] an end to justification of violence against children, whether accepted as ‘tradition’ or disguised as ‘discipline’”¹¹.

The RACP supports a human rights-based approach in relation to identifying and managing the healthcare and other needs of children and young people, especially those who are vulnerable in our community. Children are vulnerable for a number of reasons, not least because they are largely dependent upon adults to be heard in our community.

Australia and New Zealand have both ratified the United Nations’ *Convention on the Rights of the Child*. This is a legally binding instrument used as an international framework for applying human rights to children. It specifies explicitly in Article 19 that States must “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”¹². This is a clear statement that any kind of violence against children is unacceptable.

Other human rights instruments such as the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* enshrine another fundamental principle, that all people are entitled to equal protection of the law without any

discrimination.* The notion that children who are hit by their parents may not receive equal protection under the law that prevents one person from physically harming another directly contravenes this universal principle of human rights.

5.2 Long-term impact of smacking

Physical punishment sends a message that aggressive behaviour is a solution to conflict.¹³ It is an ineffective way of teaching behavioural control, but can also have serious long-term effects on children's wellbeing. Two studies from 1996 found that children who received physical punishment were more likely later in life to experience problems with anger, to exhibit physical aggression, to experience marital discord, and to have problems with substance use, crime and violence.^{14 15} A 2002 meta-analysis showed links between physical punishment of children and risk of poor outcomes in childhood, including aggressive and/or antisocial behaviour, mental health problems and physical maltreatment, as well as several adverse outcomes in adulthood such as mental health problems, aggression, criminal or antisocial behaviour, and abuse of own children or spouse.¹⁶

More recent studies also uphold the adverse health effects of physical punishment, even in the absence of other risk factors. A 2010 study that looked at the impact of maternal smacking of three-year-olds and subsequent aggressive behaviour at age five controlled for both the child's level of aggression at age three and several other demographic features and potential confounding factors. Children were more likely to be aggressive at age five if they had been smacked at age three.¹⁷ It has also been found that physical punishment of children is more likely to occur in families where there is aggression or violence between the parents.¹⁸

A 2012 study also found that "harsh physical punishment in the absence of child maltreatment" is associated with mood disorders (such as depression or bipolar disorder), anxiety disorders, substance use problems and personality disorders. Between two per cent and seven per cent of different categories of disorders were estimated to be attributable to harsh physical punishment in childhood.¹⁹

5.3 Historical context

In the past, it was acceptable to hit various groups of people. Women (particularly by their spouse), employees, prisoners, the mentally ill and children in schools or other care settings could all at various times be hit for purposes of controlling their behaviour. It was considered not only acceptable but necessary to use physical punishment to shape the behaviour of all these vulnerable populations. The idea of administering physical punishment to these individuals is now plainly unacceptable – even shocking – to most people. The only exception is children who are hit by their parents.

6. Effective discipline for children

It is undisputed that children need discipline to learn appropriate and socially acceptable behaviour as they grow and develop. They require caring adults to guide them so that they learn the difference between appropriate and inappropriate behaviour, and strategies for regulating their own behaviour. Adults responsible for children's care, particularly parents, require effective techniques for shaping children's behaviour as they grow.

* This principle is specified in Article 7 of the Universal Declaration of Human Rights and Article 26 of the International Covenant on Civil and Political Rights.

However, it is increasingly clear that physical punishment is not an effective long-term strategy for shaping children's behaviour.

6.1 Does physical punishment work?

Physical punishment appears to be at best no more effective at shaping children's behaviour than more positive forms of discipline,²⁰ and at worst far less effective.²¹ Proponents of physical punishment may have observed that it may lead to immediate compliance. However, this outcome tends to be short lived, with the child learning to avoid the behaviour in front of the adult, rather than actually changing their behaviour.¹⁶ This short term benefit of the child's immediate compliance is offset by the child's failure to learn self-control and inductive reasoning.^{16 22}

A systematic review on the short-term and long-term effects of physical punishment concluded that although children are more likely to comply with adults' demands in the short term following physical punishment, they do not actually learn the desired behaviour.²³ The review concluded that repeated and escalating levels of physical punishment may be required to sustain the desired behavioural outcome. Physical punishment also teaches a child that problems can be resolved through physical aggression.²⁴ It has been found that physical punishment increases the likelihood of disruptive or "bad" behaviour.²⁵

Taken in the context of the longer term negative consequences of physical punishment as discussed, these findings clearly show that it is by and large an ineffective strategy for guiding children's behaviour.

6.2 Strategies for effective discipline

It is important to educate parents about the most effective forms of discipline that help to guide children's behaviour. Discipline should be grounded in a positive, supportive, loving relationship between the parent(s) and child, and should focus on positive reinforcement strategies to increase desired behaviours.²⁶

Key messages for parents about effective ways to shape their children's behaviour:²⁷

- Maintain a close, loving and trusting relationship with your child.
- Be clear and consistent in what you expect from your child.
- Keep expectations and limits reasonable, consistent and age appropriate.
- Let the little things go.
- If consequences are used, ensure that they relate logically to the child's behaviour.
- Provide the child with ways of behaving differently in the future.
- When you and/or your child are upset, take time to calm down before you react.
- If you feel out of control, ensure your child is safe and walk away from them until you feel composed.
- Be clear that it is the behaviour of which you disapprove, not the child.
- Respond positively when your child behaves in the desired way. Your pleasure and praise are powerful reinforcers of good behaviour.
- Seek help and support if problems persist.

6.3 Support for parents

Sometimes more support for parents is required for them to be effective as they discipline their child. Long standing habits may not be easy to change, even if parents would prefer alternative methods of managing behaviour. Parenting programs (such as those referenced in section 8) can be useful and cost-effective ways of enhancing parenting skills. There is evidence that group-based parenting programs can both improve

emotional and behavioural outcomes for young children²⁸ and can have a positive impact when there are child conduct problems.²⁹

Parents may also experience other stressors that make it more challenging to adopt positive disciplinary strategies. Physical or mental health problems (whether of the parent or child), financial stress, employment difficulty and housing problems are all examples of factors that can compromise a parent's resilience and their ability to maintain a consistent and calm approach to their child's behaviour. When health professionals provide information and guidance to parents struggling with their child/ren's behaviour, they should assess whether there are other areas in which the parent/s require additional support. Addressing other stressors may improve a parent's ability to implement positive disciplinary strategies.

6.4 Role of health professionals

Paediatricians (and other health professionals) can play an important role in educating parents about effective disciplinary strategies for children. Such conversations can be emotionally charged and strongly influenced by the beliefs of both the parents and the paediatrician. It is advantageous if the health professional can identify and respond to particular stressors the family may be experiencing.

A suggested strategy for paediatricians²⁶ is to make an observation about the child's behaviour during a healthcare visit, and ask the parent(s) about the child's behaviour at home. This may provide an opening for a balanced conversation about difficult behaviours, how they are managed, and – if necessary – how they can be managed more effectively. This can be backed up by distributing appropriate material about positive non-physical disciplinary strategies available to parents, for example pamphlets and website addresses (see section 8).

Different parents may have very different expectations of children's behaviour. What is considered reasonable behaviour in one family (or even by one parent) may not be acceptable to another. Sensitivity to varying thresholds for behaviour should be taken into account. People from different cultures may also have varying expectations regarding discipline and children's behaviour. This can be discussed with families using culturally sensitive approaches.

Paediatricians and other health professionals also have a role to play in terms of taking a leadership stance on this issue. Health professionals who work with children have a unique perspective on the harms associated with physical punishment of children, and the potential for such practices to escalate. As such they are well placed to bring these issues to public attention, and may be able to take on roles in the media to raise the profile of this issue from a child protection perspective.

Health professionals may partner with other groups who have an interest in achieving change in this area. The range of advocacy groups in this area includes some highly respected organisations that base their work on scientific evidence and the best interests of children. Other groups and individuals may also be appropriate partners with whom to collaborate in order to get the message out that **it is never acceptable to hit a child**.

7. Is Physical Punishment Legal?

7.1 International context

Globally, more countries are establishing legislation that prevents legal defence of assault of children by parents as part of discipline, with increasing numbers of countries reviewing their legislation in this area. Thirty-three countries have prohibited physical punishment of children by parents, and two more have declared it to be unlawful but have not yet amended legislation.³⁰

7.2 Australian situation

Most Australian states and territories have now banned physical punishment in both government and non-government schools.^{*} However, it remains lawful for parents in all jurisdictions to use physical punishment for children. In many jurisdictions this right is stated explicitly, often using the term “reasonable” to describe the level of force or chastisement that is permitted.

The Tasmania Law Reform Institute in 2002 published a legal review³¹ initiated by the then Commissioner for Children based on inconsistencies around the legality of parents physically punishing their children. In particular, they note that physical punishment of children in schools, juvenile detention centres, foster care and childcare is prohibited. Further, under the civil law a child (like any other person) can sue any person who physically harms them. However, under the current law a parent would have a legal defence if they claim they were using reasonable force for purposes of correction.

Other Australian states are also reviewing their legislation around physical punishment of children. There have been campaigns by non-government organisations opposed to the legality of physical punishment in Australia.

7.3 New Zealand Situation

In New Zealand, the Crimes (Substituted Section 59) Amendment Act 2007 removed the defence of “reasonable force” for parents being prosecuted for assault of their children. The Bill leading to the amendment was debated intensely preceding its passing.

There is evidence that the law, and the public debate that preceded it, may be leading to fewer people in New Zealand being willing to accept physical punishment of children. A survey commissioned by the Children’s Commissioner in 2008 found that attitudes are changing over time with fewer people believing that physical punishment is an effective and acceptable form of discipline.³² A survey conducted in 2012 found that 63 per cent of parents surveyed said they have never, or only rarely, smacked their child since the law change.³³

In New Zealand the legislation includes a provision for discretion with respect to prosecution of parents who physically punish their children. The 2007 law allowed police to use their discretion not to prosecute parents who physically punish their children, if they consider that the assault is trivial. Police monitoring of their implementation of the law indicates that very few cases of minor “smacking” are prosecuted. Where parents do come to the attention of police, they are increasingly being referred to other agencies for information and support in regard to managing their children.³⁴ This is clearly a beneficial outcome for the child and their parents.

* The exceptions are Western Australia and Queensland, in which regulations banning corporal punishment do not extend to non-government schools, and the Northern Territory, where corporal punishment remains lawful except where parents expressly withhold their consent for such forms of punishment.

8. Resources

Positive discipline strategies

- *Alternatives to Smacking* from NAPCAN (National Association for Prevention of Child Abuse and Neglect), available at <http://www.napcan.org.au/images/uploads/pdf/b3391sjuqaog4kc.pdf>
Accessed 10 August, 2012
- *Strategies with Kids – Information for Parents (SKIP)* is an organisation in New Zealand that supports positive parenting approaches and managing children's behaviour as part of a loving, nurturing relationship. They partner with other organisations and also provide resources for parents on their website <http://www.skip.org.nz/>
Accessed 28 August, 2012
- *Choose to Hug: Information and suggestions for parents* from the NZ Office of the Children's Commissioner, available at http://www.occ.org.nz/_data/assets/pdf_file/0006/3759/OCC_Choose_to_Hug.pdf
Accessed 10 August, 2012
- *Children are Unbeatable: Seven very good reasons not to hit children* from the New Zealand Office of the Children's Commissioner and UNICEF New Zealand, available at http://www.unicef.org.nz/store/doc/children_are_unbeatable.pdf
Accessed 10 August, 2012

Parenting support

- *Triple P Positive Parenting Program* is an evidence-based program for parents of children aged three to eight years old. More information at www.triplep.net
Accessed 17 August, 2012
- Australian parenting website *raising children network* was established by a partnership of Australia's leading early childhood agencies and provides parenting advice, information and support: <http://raisingchildren.net.au/>
Accessed 4 September, 2012
- *The Incredible Years* are evidence-based programs for reducing children's aggression and behavioural problems. It has been trialled extensively in the UK and is now in use in some parts of Australia: <http://www.incredibleyears.com/>
Accessed 4 September, 2012

9. Acknowledgements

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