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The New Zealand Centre for Political Debate

The Smacking Ban: A dangerous law

In the Dominion Post article (14/3) "Police prepare rules to act on smacks" the New Zealand public is informed that police chiefs are preparing to send out guidelines for dealing with complaints about smacking as the bill outlawing the use of physical punishment as the final vote draws nearer. The Gisborne Herald article (17/3) "New bill 'unlikely' to drastically lift police workload" is based on a quotation from Police Minister Annette King. The Police Minister's views are quite irrelevant because the police, prosecutors and the criminal justice system are obliged to enforce the letter of the law. Thinking New Zealanders have known all along that the proposed law would lead to policing and criminalising responsible parents. Being a lawyer in Sweden under the regime of the anti-smacking law, I have known that all along, and I am still trying to warn New Zealand before it is too late: The anti smacking bill will turn parents into criminals. If the Bill becomes law it will mean the abolition of parental authority. That is exactly what the Editor of the Swedish newspaper The Day, (Dagen) wrote in his editorial "An unnecessary law" on November 11, 1978, (See www.nzcpd.com for link).

Read also John McNeil's article "The Anti smacking bill will turn parents into criminals" published in Challenge Weekly (See www.nzcpd.com for link).

In Sweden the supporters of the Bill - the law was passed by 344 of 350 votes "to protect

children from abuse" - claimed that no parent would be prosecuted under the anti-smacking law because it was promulgated in the Parents and guardianship Code. However, When I state in lectures, debates or public talks, etc., that the anti-smacking law is invoked to support the criminal charges against the parents and that the law has made parents afraid of their children, that the children intimidate their parents by threatening to report them to the police and the social services, etc., my opponents say that I am scaremongering or that I don't know what I am talking about.

However, my statement is confirmed in the article "European Report: Mummy and Daddy spare rod -- or go to court", published in 2000. Well, there you have it. (See www.nzcpd.com for link)

In a government-funded speech in February 2006, Joan Durrant, claimed that Sweden's smacking ban has reduced child abuse to "virtually zero". (See www.nzcpd.com for link).

The ideological advocates, led by Sue Bradford, claim that a smacking ban will reduce child abuse in New Zealand. However, Dr. Chris Beckett's paper (2005), that bears the title: 'The Swedish Myth: The Corporal Punishment Ban and Child Death Statistics', shows that it did not reduce child abuse nor child homicides. It is just a myth. (See www.nzcpd.com for link).

Dr. Bob Larzelere has shown that in Sweden, trends indicate sharply increasing rates of physical child abuse, at least in criminal records of

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assaults by relatives against children under the age of seven (7). This frequency increased from 99 in 1981 to 583 in 1994, a 489% increase. On February 28, 2007, Family First published a press release informing of a "14% Increase in Child Abuse despite Swedish Smacking Ban". These are the latest figures from Sweden revealing that more children were abused in Sweden in 2006 compared with the 2005 figures, according to The Swedish Daily. (See www.nzcpd.com for link).

Since 1978 - the year before the anti-smacking Bill gained force of law - until today, thousands of parents have been reported, accused, arrested by the police, detained, tried in courts of law and sentenced to fines or prison as a result of the said law. Christian Diesen, a professor in Sweden was quoted in an article in the NZ Herald saying: "Approximately 7000 cases [of beating children] are reported each year, but only 10 per cent lead to prosecution..." It would seem that Diesen would like to see more parents prosecuted. Anyway, ten per cent gives the grand total of 700 cases per annum multiplied by 27 years, makes 18 900 prosecutions for child abuse from 1979 until 2006. The number of prosecutions may seem small, but the 7 000 reports multiplied by 27 years brings the number of families that have been affected to 189 000. In unsubstantiated cases, suspected physical abuse of children is transformed into factual administrative and mental abuse of the children and their parents.

Swedish case law bears ample evidence of the devastating effects the anti-smacking law has had on children and their parents and the Swedish society as a whole. The case with the family of seven children in the south of Sweden shows that even if the parent has been acquitted in the criminal case, the children are taken into care and placed in foster care. It therefore seems quite obvious that the Select Committee - of which Sue Bradford was a member and thus

could exert undue influence - did not examine the Swedish case law that I presented at the oral hearing, otherwise Parliament would have voted against the Bill at the second reading.

For those who aren't yet acquainted with Swedish case law on smacking, here are two interesting cases: 1 - On June 17, 2000 a father was finally acquitted in the Court of Appeal for Western Sweden for physically forcing his 11-yr old son to take a shower before returning home to his mother in the Autumn of 1997. The District court found that the father had assaulted his son when he led him bodily to the shower.

2 - On May 5, 2005, the Court of Appeal for Western Sweden found a step-father guilty of abuse for slapping his 15-yr old step-daughter who had spat in his face. The step-father had been acquitted in Varberg District court in October 2004.

Prosecuting parents for physically forcing or punishing their children when words and admonitions prove to be insufficient is in no way in the best interest of children - neither in Sweden nor in New Zealand. It is, and must remain, the parents' duty and right to educate and socialise their children within the context of their family.

Who has the right to decide what is right? The politicians or the parents who know and love their children and want what is best for them? Sweden's politicians decided what was right and best for the children of Sweden, and the parents were forced to abdicate or be dragged through the criminal and administrative court systems. Today both parents and children suffer at the hands of the social bureaucracy with the right to separate children from their "abusive" parents and put them in foster homes. However, separating children from their parents constitutes the greatest abuse - both physical and emotional - that can be inflicted on children and their families.

The right to respect for private and family life is a basic Human Right. Article 12 of the

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Universal Declaration of Human Rights stipulates:

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

Likewise, Article 16 of the United Nations Convention on the Rights of the Child guarantees:

"1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks."

Sue Bradford's Bill to criminalise smacking is pure and simple state intervention and interference in the family structure, typical for regimes that aim to break down the family, undermine parental authority and make children the property of the state - to be used and abused at will by the bureaucrats in what they claim to be "the child's best interest".

I have been criticised for saying that Swedish children are badly behaved. Well, I am not the only one who finds that Swedish children are badly behaved. See for eg Roger Lord's article "The children are embarrassing Sweden" (See www.nzcpd.com for link), and Linda Skugge's article "We are bringing up a generation of monsters" (See www.nzcpd.com for link). Also, contact the Swedish Foreign Office in Stockholm and ask them to supply you with the correspondence between the former Head of the Legal Department, Hans Corell, and the Swedish consuls in continental Europe concerning "Swedish youths' behaviour during the sport holidays in the Alps". 1991-01-22 is the date on one of Hans Corell's letters.

To normal thinking people, a well-

behaved child is a joy to its parents, friends and the community at large; a badly behaved child is an abomination. The Daily Mail, March 13, 2007, has published the article, "The terror aged ten", about the 10-yr old boy who drinks, smokes pot, steals and terrorises his neighbourhood. (See www.nzcpd.com for link)

Some of those who have commented on the article think that the boy's parents should be made answerable for his behaviour.

Sue Bradford has extensive, personal experience of being arrested by the police, detained, tried in courts of law and sentenced to prison. It seems that she wants decent, loving, caring parents to share her experiences.

I am convinced that New Zealand has enough intelligent, level-headed politicians so they will not want their fellow citizens to have to make the same mistakes that Sweden has made. Bradford's Bill is not being progressive; it is being destructive and repressive. The French reporter, Jean-Francis Held, wrote the article "Smacking: Those Swedes must be crazy!" (See www.nzcpd.com for link)

I hope we will not have to read the article: "Smacking: Those Kiwis must be crazy!"

By the way, if the New Zealand MP's want to follow Sweden's example, then I can inform you that we had a change of government in October 2006.

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