

“This successful prosecution is the first indication that the new legislation is being used by officers in NSW Police and that the courts are supporting police efforts in such cases”, said Detective Superintendent John Heslop.

“The new laws are being taken seriously by police officers who regard child protection as part of their role and the outcome serves as a warning for other parents that the law will not condone the use of inappropriately harsh physical punishment of children”, he said.

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In March 2003, the Icelandic government passed a new *Children's Act* which completes the process of total abolition of corporal punishment of children in Iceland by making it unlawful in the home. Article 28 of the new Act states:

Iceland Bans Spanking

It is the parents' obligation to protect their child against any physical or mental violence and other degrading or humiliating behaviour. This is interpreted by government and by the Ombudsman for Children as explicitly prohibiting corporal punishment by parents, and is supported by provisions in the 2002 Child Protection Act which had already placed an obligation on parents to treat their children with care and consideration, and to safeguard their welfare at all times.

The new law will enter into effect on 1 November 2003.

There is no legal defence available to parents who use corporal punishment, although there is a right to use physical restraint as an emergency measure when an individual is in danger of injuring himself or others. Cases of corporal punishment may come within the scope of the *Child Protection Act (2002)*, which

orders imprisonment (If those who have a child in their care mistreat the child mentally or physically, abuse him/her sexually or otherwise, or neglect the child mentally or physically, so that the child's life or health is at risk (Article 98) and for any person who inflicts punishments, threats or menaces upon a child, that may be expected to harm the child physically or mentally (Article 99), and imprisonment or fines for any person who subjects a child to aggressive, abusive or indecent behaviour or hurts or insults him/her (Article 99)).

The eleven states that have already banned corporal punishment of children are: Sweden (1979), Finland (1983), Norway (1987), Austria (1989), Cyprus (1994), Denmark (1995), Italy (1996), Lithuania (1998), Croatia (1999), Israel (2000) and Germany (2000).

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The UK Government has rejected calls for a ban on smacking from the Commons Health Select Committee and the Joint Committee on Human Rights.

The committee reports say that physical punishment is incompatible with the UN Convention on the Rights of the Child, and that it is too often used as an excuse for violence.

An NSPCC/MORI poll of 100 MPs has found that 83% believe that physical punishment can tip over into physical abuse, and 55% of Labour MPs support a change in the law.

Source: Guardian
<http://www.guardian.co.uk/guardianpolitics/story/0,3605,984396,00.html>
25 June 2003 p8