

# Corporal punishment

co-authored with

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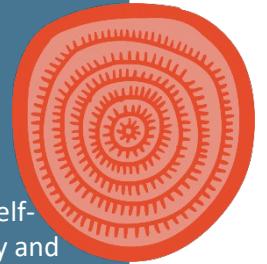
## Acknowledgements

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

The QFCC recognises the rich and resilient cultures that continue to sustain and strengthen Aboriginal and Torres Strait Islander peoples. We respect the right to self-determination and the critical importance of continuing connection to kin, Country and culture in the lives of Aboriginal and Torres Strait Islander peoples.

We recognise that self-determination, healing, dignity and respect are all fundamental elements needed to improve outcomes and relationships. As an agency, we are committed to embedding culturally safe and responsive design practices and delivery in our work.

The QFCC acknowledges the special rights of children which are recorded in the United Nations Convention on the Rights of the Child (UNCRC), guided by its four principles: the right of all children to survival and development; respect of the best interests of the child as a primary consideration in all decisions relating to children; the right of all children to express their views freely on all matters affecting them; and the right of all children to enjoy all rights of the UNCRC without discrimination of any kind.



### ***About the Queensland Family and Child Commission (QFCC) and this report***

The QFCC is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland children and their families. Under the *Family and Child Commission Act 2014*, the QFCC has been charged by government to review and improve the systems that protect and safeguard Queensland children.

### ***Accessibility***



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## Introduction

*'A child is the only person in Australia that it is legal to hit.'*<sup>1</sup>

*It is lawful for a parent or a person in the place of a parent, or for a schoolteacher or master, to use, by way of correction, discipline, management or control, towards a child or pupil, under the person's care such force as is reasonable under the circumstances.*<sup>2</sup>

Corporal punishment is typically defined as any punishment in which physical force is used and intended to cause pain or discomfort – regardless of the degree of force used.<sup>3</sup> Other definitions include the caveat that it causes pain but not lasting injury to differentiate it from physical abuse.<sup>4</sup> Corporal punishment ranges from 'spanking' with a hand or implement, to forcing a child to stand or kneel for prolonged periods to cause discomfort.<sup>5</sup> UNICEF research indicates that globally from 2005 to 2013, six in 10 children aged 2–14 years experienced corporal punishment by adult household members in the previous month.<sup>6</sup>

The prevalence of corporal punishment is difficult to determine with any certainty. Police and the Department of Child Safety do not collect data on the frequency of corporal punishment in matters where they have been involved. Furthermore most corporal punishment would not be expected to come to the attention of authorities given it is currently legally permissible. The QFCC, in the course of its function to report on child deaths, is reliant on the information provided by police and therefore also does not collect data on corporal punishment.

The best source of information is therefore prevalence surveys, such as the recently conducted Australian Child Maltreatment Study (ACMS). The ACMS found that 6 in 10 (58.4%) of 16-24 year olds had experienced corporal punishment at least four times during childhood, with similarly high levels experienced by boys, girls and those with diverse genders (59.9% versus 56.9% and 58.8%).<sup>7</sup>

<sup>1</sup> Royal Australian College of Physicians. (2013). *Position Statement: Physical Punishment of Children July 2013*.

<https://www.racp.edu.au/docs/default-source/policy-and-adv/pchd/physical-punishment-of-children.pdf>

<sup>2</sup> *Criminal Code Act 1899* sch 1 (the Criminal Code) s.280.

<sup>3</sup> Committee on the Rights of the Child. (2006). *General Comment No. 8 (2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment* (CRC/C/GC/8). United Nations.

<https://www.refworld.org/legal/general/crc/2007/en/41020> at [11].

<sup>4</sup> Donnelly, M. & Straus, M.A. (2005) *Corporal punishment of children in theoretical perspective*. New Haven, Yale University Press.

<sup>5</sup> Alla, K. (2021, August). What does the evidence tell us about physical punishment of children? *Australian Institute of Family Studies*.

<https://aifs.gov.au/resources/short-articles/what-does-evidence-tell-us-about-physical-punishment-children>

<sup>6</sup> World Health Organization. (2021). *Corporal punishment and health*. <https://www.who.int/news-room/fact-sheets/detail/corporal-punishment-and-health>

<sup>7</sup> Higgins, D., Mathews, B., Haslam, D., Scott J. (2022). *The national prevalence of self-harm in adolescence and associations with child maltreatment*. Australian Institute of Family Studies Conference, Melbourne. <https://aifs2022.paperlessevents.com.au/share/Mathews-229>

## Incidence of corporal punishment

The experience of corporal punishment is associated with socio-economic status, with higher rates of both the experience and use of corporal punishment more common in families which suffer more frequent economic hardship. However, it is important to note that corporal punishment occurs across all socio-economic status (SES) spectrums with almost 6 in 10 children who grew up in families with no financial hardship also reporting experiences of corporal punishment.<sup>8</sup>

The use of corporal punishment is common in Australia. Overall, 53.7 per cent of Australian parents use corporal punishment with both mothers and fathers equally likely to use this form of discipline. Parents of diverse gender may be slightly less likely to use this form of punishment.

Of note younger generations of parents particularly those 45 years and under are far less likely to use corporal punishment compared with older generations suggesting changing patterns of use. Parents who experience corporal punishment themselves as children are more likely to employ it as parents, suggesting potential transmission across generations.

**Table 1: Use of corporal punishment by parents and caregivers with and without personal experiences of corporal punishment by economic disadvantage**

Frequency of family economic hardship	Children who have experienced Corporal Punishment (CP)	Parents who have used CP themselves
Never	57.7%	52.9%
Not very often	65.8%	52.9%
Somewhat often	69.6%	54.6%
Very often	74.6%	56.4%

Source: Haslam et al, 2023

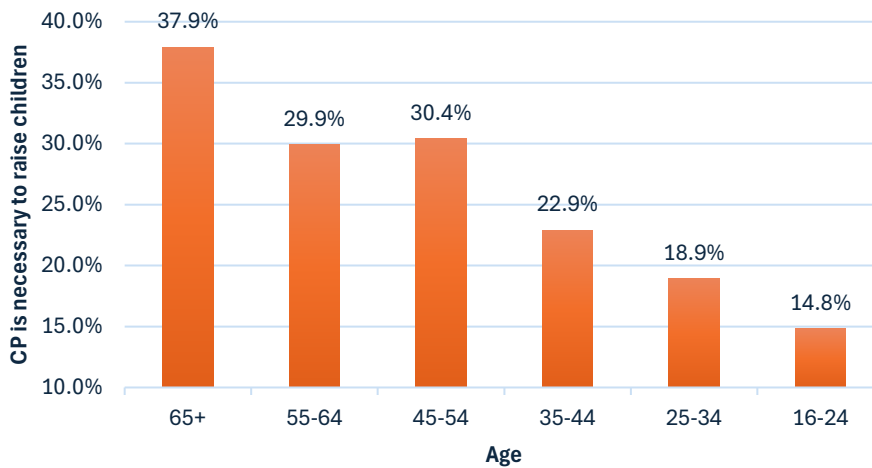
While one in four Australians believe that corporal punishment is necessary to raise children,<sup>9</sup> there is a divergence of belief across generations indicating changing attitudes and decreased belief in the need for violence (Figure 1).<sup>10</sup>

<sup>8</sup> Haslam, D., Malacova, E., Higgins, D., Franziska Meinck, Mathews, B. P., Thomas, H. J., Finkelhor, D., Havighurst, S. S., Pacella, R., Erskine, H. E., Scott, J. G., & Lawrence, D. (2023). The prevalence of corporal punishment in Australia: Findings from a nationally representative survey. *Australian Journal of Social Issues*, 59(3), 580-604. <https://doi.org/10.1002/ajs4.301>

<sup>9</sup> Haslam, D., Malacova, E., Higgins, D., Franziska Meinck, Mathews, B. P., Thomas, H. J., Finkelhor, D., Havighurst, S. S., Pacella, R., Erskine, H. E., Scott, J. G., & Lawrence, D. (2023). The prevalence of corporal punishment in Australia: Findings from a nationally representative survey. *Australian Journal of Social Issues*, 59(3), 580-604. <https://doi.org/10.1002/ajs4.301>

<sup>10</sup> Higgins, D., Mathews, B., Haslam, D., Scott J. (2022). *The national prevalence of self-harm in adolescence and associations with child maltreatment*. Australian Institute of Family Studies Conference, Melbourne. <https://aifs2022.paperlessevents.com.au/share/Mathews-229>

Figure 1: Community belief about the need to use corporal punishment by parents and caregivers by age group



Source: Haslam et al, 2023

Beliefs about the need for corporal punishment differ by level of disadvantage, parental status and gender:

- Compared to those with the least disadvantage Australians living with the highest disadvantage are twice (2.25 times) as likely to believe corporal punishment is necessary.
- Parents are twice (2.03) as likely to believe it is necessary compared to non-parents.
- Women are about half (0.5) as likely to believe it is necessary compared to men.

The results of the 2023 QFCC Community Perceptions Survey indicate that 20 per cent of respondents see an inability of parents to discipline their children as the biggest issue for parents and children in Queensland.<sup>11</sup> Fifteen per cent saw a lack of parental discipline and punishment as the biggest issue; this increased to 18 per cent in 2024.<sup>12</sup> This highlights the need to ensure parents are equipped with effective non-violent forms of discipline as alternatives to corporal punishment to reinforce the downward trend as young people are increasingly unlikely to condone the use of corporal punishment.

<sup>11</sup> Queensland Family and Child Commission. (2023). *Community Perceptions Research Report 2023*. <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/evaluating-child-protection-reforms>

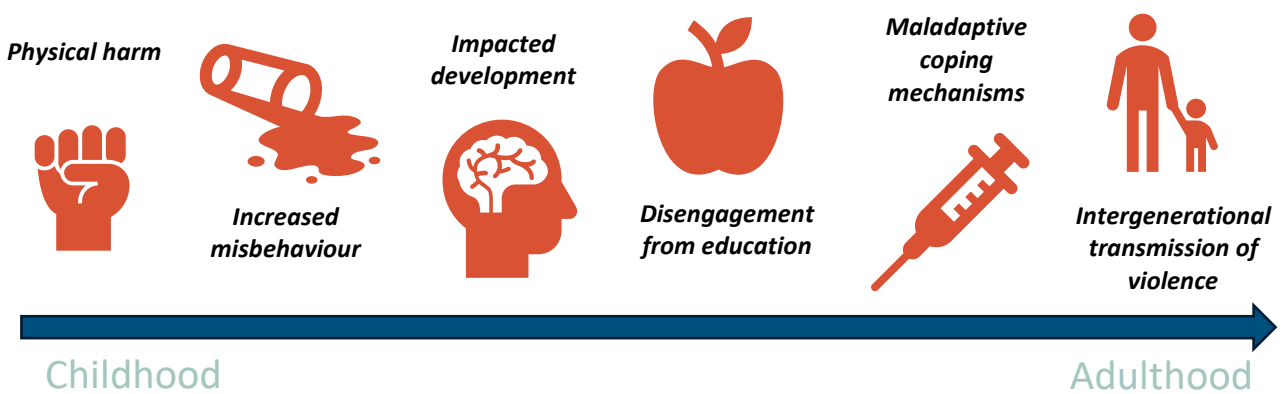
<sup>12</sup> Queensland Family and Child Commission. (2024). *Community Perceptions Research Report 2024*. <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/evaluating-child-protection-reforms>

## Impacts of corporal punishment

### Long-term harm to children

Most parents who use corporal punishment do so as a ‘last resort’, finding it less acceptable and less useful as a means of behaviour modification than modelling and rewarding.<sup>13</sup> These views are consistent with research indicating the ineffectiveness of physical punishment,<sup>14</sup> and the body of research from Australia and internationally which indicates that any level of corporal punishment has an adverse impact.

#### *The lifetime impacts of corporal punishment*



Any violence towards a child carries a risk of physical injury and permanent harm. It also has negative impacts on the emotional and mental state of the child, and their relationship with their parents.<sup>15</sup> It is associated with poor academic performance and lower self-esteem, affecting relationships and opportunities in late childhood and adulthood.<sup>16</sup> Experiences of corporal punishment are associated with higher levels of major depressive and generalised anxiety disorders (GAD), particularly among girls, although these are also driven by a prevalence of other maltreatment types in families where corporal punishment is used.<sup>17</sup>

Corporal punishment as a discipline strategy can be particularly damaging as parents do not typically use it as a first line parenting strategy. Rather it is often used when initial attempts to manage the behaviour have failed, leading to increased parental anger or frustration increasing the risk that excessive force is or will be used. As children age, the level of violence used to discipline them often increases. Studies indicate that while corporal punishment is effective at encouraging immediate compliance, it may have detrimental effects on future

<sup>13</sup> Cuskelly, M., Morris, M., Gilmore, L., Besley, T. (2015). Parents' Reported use and Views of Strategies for Managing the Behaviour of their Preschool Child. *Australasian Journal of Early Childhood*, 40(2), 99-106. <https://doi.org/10.1177/1836939115504000212>

<sup>14</sup> Discussed in Alla, K. (2021, August). What does the evidence tell us about physical punishment of children? *Australian Institute of Family Studies*. <https://aifs.gov.au/resources/short-articles/what-does-evidence-tell-us-about-physical-punishment-children>

<sup>15</sup> Gershoff, E. T., & Grogan-Kaylor, A. (2016). Spanking and child outcomes: Old controversies and new meta-analyses. *Journal of Family Psychology*, 30(4), 453-469. <https://doi.org/10.1037/fam0000191>

<sup>16</sup> Heekes, S.-L., Kruger, C. B., Lester, S. N., Ward, C. L. (2020). A systematic review of corporal punishment in schools: Global prevalence and correlates. *Trauma, Violence, & Abuse*, 23(1). <https://doi.org/10.1177/1524838020925787>

<sup>17</sup> Higgins, D., Mathews, B., Haslam, D., Scott J. (2022). *The national prevalence of self-harm in adolescence and associations with child maltreatment*. Australian Institute of Family Studies Conference, Melbourne. <https://aifs2022.paperlessevents.com.au/share/Mathews-229>

behaviour and compliance with rules;<sup>18</sup> this in turn increases the degree of violence required to obtain immediate compliance. This escalation of the severity of violence means the line between physical punishment and ‘clear’ child abuse becomes blurred, and the risk of permanent or fatal harm increases. Additionally, parents can have different views of what constitutes ‘acceptable’ levels of corporal punishment with some parents believing acts that constitute physical abuse are types of corporal punishment.

## Influence on adult behaviour

Not only is corporal punishment ineffective at changing behaviour in the long-term, but it also contributes to the development of adults who are aggressive, unable to manage their emotions, and more likely to use violence.<sup>19</sup> Corporal punishment has been shown to have similar impacts on children’s behaviour as adverse childhood experiences (ACE)<sup>20</sup> and is comparable to childhood maltreatment in terms of its association with adult antisocial behaviour.<sup>21</sup>

Corporal punishment is associated with detrimental impacts on the moral internalisation of children. Children who experience corporal punishment are less able to understand parental reasons behind behavioural expectations, and more likely to prioritise not being caught instead of correcting their behaviour. They are also less able to understand how their behaviour impacts on others.<sup>22</sup>

Meta-analyses from several countries indicate that corporal punishment is associated with a range of mental health impacts in children, young people and adults, including depression, anxiety, feelings of hopelessness and substance abuse.<sup>23</sup> Even ‘moderate’ corporal punishment (e.g. spanking) may impact on the brain development of children and affect their behaviour into adulthood.<sup>24</sup> International research indicates that corporal punishment at a young age is associated with undesirable behaviour in older childhood, including aggression, antisocial attitudes, destructive habits, and the acceptance of violence as a means to solve problems.<sup>25</sup>

Concerningly, Australian studies suggest that individuals who experienced corporal punishment as children are more likely to engage in or condone intimate partner violence as adults.<sup>26</sup>

<sup>18</sup> Havighurst, S. S., Mathews, B., Doyle, F. L., Haslam, D. M., Andriessen, K., Cubillo, C., Dawe, S., Hawes, D. J., Leung, C., Mazzucchelli, T. G., Morawska, A., Whittle, S., Chainey, C., & Higgins, D. J. (2023). Corporal punishment of children in Australia: The evidence-based case for legislative reform. *Australian and New Zealand Journal of Public Health*, 47(3), 100044. <https://doi.org/10.1016/j.anzjph.2023.100044>, 4

<sup>19</sup> Royal Australian College of Physicians. (2013). *Position Statement: Physical Punishment of Children July 2013*.

<https://www.racp.edu.au/docs/default-source/policy-and-adv/pchd/physical-punishment-of-children.pdf>

<sup>20</sup> ACEs are potentially traumatic events that occur in childhood and have been shown to be predictive of future outcomes and behaviours: Ma, J., Lee, S. J., & Grogan-Kaylor, A. (2021). Adverse childhood experiences and spanking have similar associations with early behavior problems. *The Journal of Pediatrics*, 235, 170-177. <https://doi.org/10.1016/j.jpeds.2021.01.072>

<sup>21</sup> Afifi, T. O., Fortier, J., Sareen, J., & Taillieu, T. (2019). Associations of Harsh Physical Punishment and Child Maltreatment in Childhood With Antisocial Behaviors in Adulthood. *JAMA network open*, 2(1), e187374. <https://doi.org/10.1001/jamanetworkopen.2018.7374>

<sup>22</sup> Gershoff, E. T. (2002). Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review. *Psychological Bulletin*, 128(4), 539–579. <https://doi.org/10.1037/0033-2909.128.4.539>, 541

<sup>23</sup> Durrant, J. E., & Ensom, R. (2017). Twenty-Five Years of Physical Punishment Research: What Have We Learned? *Journal of the Korean Academy of Child and Adolescent Psychiatry*, 28(1), 20–24. <https://doi.org/10.5765/jkacap.2017.28.1.20>

<sup>24</sup> Savage, L. (2023). Corporal punishment: Why the intentional use of violence against children is still acceptable. *Australian Journal of Social Issues*, 59, 667-675. <https://doi.org/10.1002/ajs4.274>

<sup>25</sup> Wiggers, M., Paas, F. (2022). Harsh Physical Discipline and Externalizing Behaviors in Children: A Systematic Review. *International Journal of Environmental Research and Public Health*, 19, 14385. <https://doi.org/10.3390/ijerph192114385>, 12.

<sup>26</sup> Poulsen, A. (2018). The Role of Corporal Punishment of Children in the Perpetuation of Intimate Partner Violence in Australia. *Children Australia*, 43(1), 32–41. <http://doi.org/10.1017/cha.2018.6>

## Intergenerational violence

Research shows there is also an intergenerational aspect to the use of corporal punishment.<sup>27</sup> Parents are more likely to use violence against their spouse or child if their own parents used corporal punishment against them or their siblings when they were children.<sup>28</sup> This is consistent with the notion of corporal punishment being indistinct in nature from general physical abuse, and the long-term impacts on abuse behaviour found in other corporal punishment studies.

The experiences of children who are subjected to corporal punishment influences their perceptions of cultural norms in relation to violence,<sup>29</sup> contributing to what advocates and researchers refer to as the ‘outdated’ foundation of the legal framework of corporal punishment in Australia.<sup>30</sup> It is perceived as stemming from a parental ‘right’ to use violence towards children, inexplicably distinct from the prohibitions of family violence found elsewhere.

It is impossible to raise a generation that views violence as unacceptable if they are raised in homes where violence is a common and legally sanctioned part of childhood. Even as young parents’ attitudes change, so long as corporal punishment is sanctioned, these norms will stubbornly remain, and the cycle of violence will continue.

## Legal status of corporal punishment and domestic discipline

### In Queensland

‘Domestic discipline’ is a defence to a charge of physical violence under Queensland criminal law. It provides a complete defence for a parent or teacher who has been charged with an assault or similar charge against a child in their care in the context of corporal punishment.

Once the defence of domestic discipline is raised by the defendant, the onus is on the prosecution to prove beyond a reasonable doubt that the actions were either not for correction, discipline, management or control; or that they were not ‘reasonable’ in the circumstances.<sup>31</sup> The defence does not authorise child abuse, however the line between these may be unclear. The scope of these factors (particularly what is ‘reasonable’ force) are not defined in the Criminal Code, and little caselaw exists to guide parents and children on the limitations of acceptable violence. This results in a lack of clarity in defining corporal punishment as opposed to family and domestic violence.

<sup>27</sup> Muller, R. T., Hunter, J. E., & Stollak, G. (1995). The intergenerational transmission of corporal punishment: a comparison of social learning and temperament models. *Child abuse & neglect*, 19(11), 1323–1335. [https://doi.org/10.1016/0145-2134\(95\)00103-f](https://doi.org/10.1016/0145-2134(95)00103-f)

<sup>28</sup> Gershoff, E. T. (2002). Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review. *Psychological Bulletin*, 128(4), 539–579. <https://doi.org/10.1037/0033-2909.128.4.539>,

<sup>29</sup> Wiggers, M., Paas, F. (2022). Harsh Physical Discipline and Externalizing Behaviors in Children: A Systematic Review. *International Journal of Environmental Research and Public Health*, 19, 14385. <https://doi.org/10.3390/ijerph192114385>, 9.

<sup>30</sup> Dallaston, E. (2023). Prohibition of corporal punishment and alternative justifications for the lawful use of force against children in Australia. *Australian Journal of Social Issues*, 59(3), 637–647. <https://doi.org/10.1002/ajs4.299>; Havighurst, S. S., Mathews, B., Doyle, F. L., Haslam, D. M., Andriessen, K., Cubillo, C., Dawe, S., Hawes, D. J., Leung, C., Mazzucchelli, T. G., Morawska, A., Whittle, S., Chainey, C., & Higgins, D. J. (2023). Corporal punishment of children in Australia: The evidence-based case for legislative reform. *Australian and New Zealand Journal of Public Health*, 47(3), 100044. <https://doi.org/10.1016/j.anzjph.2023.100044>

<sup>31</sup> Supreme Court of Queensland. (2017). *Benchbook – Domestic Discipline – Section 280*. <https://www.courts.qld.gov.au/court-users/practitioners/benchbooks/supreme-and-district-courts-benchbook>



It is difficult to judge how frequently the defence of domestic discipline is used, or how frequently it impedes prosecution of parents for assaults against their children. A review conducted by the Department of Justice and Attorney-General in 2008 suggested that in the vast majority of instances where charges are brought for assaults by parents against their children, the defence was not raised by the defendant (as they pleaded guilty) nor noted by the prosecution as a reason for discontinuing charges (presumably there being other reasons which were more relevant).<sup>32</sup> This indicates that a repeal would not result in a large number of prosecutions which otherwise would be prevented.

The Queensland Law Reform Commission (QLRC) is currently undertaking a review of certain defences in the Criminal Code, including that of domestic discipline. This review was recommended by the Women's Safety and Justice Taskforce in its first report in 2021.<sup>33</sup> The QFCC supports the review and has facilitated discussions with young people to collect and share their views and experiences with the QLRC.

## In Australia

Article 19 of the United Nations Convention on the Rights of the Child (the CRC) requires Australia to ensure that the State and Territory governments protect children from '*all forms of physical or mental violence, injury or abuse... while in the care of parent(s), legal guardian(s) or any other person...*'.<sup>34</sup> Article 18 also requires that parents and guardians are provided the assistance they need to perform their responsibilities. Despite these obligations, corporal punishment remains lawful throughout Australia. In every state and territory there is either a legislative or common law defence for the use of corporal punishment, with various levels of scope or restriction.<sup>35</sup>

As noted, the legal line between corporal punishment and family violence is unclear and is primarily driven by cultural norms.<sup>36</sup> Unlike Queensland, New South Wales criminal law attempts to define where 'lawful correction' ends and illegal violence begins. Force used is 'unreasonable' if it is applied to the head or neck, or to any other part of the body where the harm may be more than temporary.<sup>37</sup>

## Internationally

In comparable developed countries, there is a clear trend (particularly from the 1990s) towards the prohibition of corporal punishment in the home. Notable exceptions to this trend include England and Northern Ireland, which are the only constituent countries of the United Kingdom not to outlaw corporal punishment. The Children's Commissioner for England has made several strong statements against the legality of corporal punishment,

<sup>32</sup> Department of Justice and Attorney-General. (2008). *Summary of review of section 280 of the Criminal Code*. Queensland Cabinet and Ministerial Directory.

<https://cabinet.qld.gov.au/documents/2008/Nov/Review%20of%20Domestic%20discipline%20defence/Attachments/Summary%20of%20Review%20of%20s280%20of%20Criminal%20code.pdf>

<sup>33</sup> Women's Safety and Justice Taskforce. (2021). *Hear her voice - Report one - Addressing coercive control and domestic and family violence in Queensland*. <https://www.womenstaskforce.qld.gov.au/publications>

<sup>34</sup> United Nations Office of the High Commissioner for Human Rights. *Convention on the Rights of the Child* (1989). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>35</sup> See for example Crimes Act 1900 (NSW) s.61AA; Criminal Law Consolidation Act 1935 (SA) s.20(2); Criminal Code Act 1924 (Tas) s.50; Criminal Code 1913 (WA) s.257; Criminal Code Act (NT) s.27.

<sup>36</sup> Savage, L. (2023). Corporal punishment: Why the intentional use of violence against children is still acceptable. *Australian Journal of Social Issues*, 59, 667-675. <https://doi.org/10.1002/ajs4.274>

<sup>37</sup> *Crimes Act 1900* (NSW) s.61AA(2)

including recently in October 2024, which referenced bans in Scotland and Wales.<sup>38</sup> International examples of both abolition and permissibility of corporal punishment are detailed in the appendix.

## Conclusion

In Australia corporal punishment (known as domestic discipline under the Criminal Code) is a common form of legally sanctioned household violence. Decades of scientific data indicate corporal punishment is ineffective as a form of discipline and increases the risk of problem behaviour over time. Moreover, it is associated with a range of harms for children and deprives children of their right to grow up free of all forms of violence. Given this evidence, corporal punishment should not be used or recommended as a form of discipline. Instead, parents must be shown how to build strong, positive relationships with their children and equipped with effective, non-violent communication and behaviour management tools.

Changing societal norms indicate younger people are less likely to believe corporal punishment is needed to properly raise children and more recent generations of parents are less likely to use corporal punishment than older generations. Despite this, corporal punishment remains common and as long as it remains legally sanctioned this form of violence is likely to continue. In a context where reductions in all forms of violence against women and children are a national priority, children should have the same legal entitlements as adults to live free from all forms of violence.

The current QLRC review of criminal defences offers Queensland an opportunity to lead Australia in legislative change that would fast track changes in societal norms around violence in the home. This must occur in combination with broad based public health campaigns to provide parents with effective parenting strategies and ensure more Queensland children have the opportunity to grow up in safe, loving, violence free homes.

## Recommendations

The QFCC recommends that the Queensland Government fund a public health campaign aimed at reducing the incidence of corporal punishment in Queensland families. At a minimum, this should include development and deployment of:

- a) resources for parents to raise awareness about the harmful impacts of physical discipline on children and promoting practical, non-violent, evidence-based disciplinary approaches, to be provided at key developmental milestones (such as vaccination appointments);
- b) resources for children and young people, to improve understanding of their rights to live free from violence, and awareness of how to access support services;
- c) specific and tailored resources and approaches for cohorts at higher risk of using physical discipline including First Nations families, families from culturally and linguistically diverse backgrounds, and parents and children that live with disability; and
- d) a multichannel communication strategy to increase the visibility of existing funded parenting supports.

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<sup>38</sup> Tapper, J. (2024, October 19). *Ban smacking in England now, says children's commissioner*. The Observer. <https://www.theguardian.com/news/2024/oct/19/ban-smacking-in-england-now-says-childrens-commissioner>

## Appendix

### Legal status of corporal punishment in other jurisdictions

Jurisdiction	Abolition	Law	Notes
Sweden	Yes from 01/07/1979	<i>Lag om ändring i föräldrabalken SFS 1979</i>	Prohibited in schools from 1958.
New Zealand	Yes from 21/06/2007	<i>Crimes (Substituted Section 59) Amendment Act 2007</i>	Removed the defence of 'reasonable force' from the <i>Crimes Act 1961</i> for parents charged with assault on their children.
Scotland	Yes from 7/11/2020	<i>Children (Equal Protection from Assault) (Scotland) Act 2019</i>	Removed the defence of 'reasonable chastisement' for parents charged with assault alongside a range of other reforms.
Republic of Ireland	Yes from 11/12/2015	<i>Children First Act 2015</i>	Eliminated common law 'physical chastisement' and defence of 'reasonable chastisement' under <i>Children Act 2001</i> .
England (incl. Northern Ireland)	No	Common law (see <i>R v Hopley</i> [1860] 2F&F 202) and <i>Children Act 2004</i>	Common law defence found to violate article 3 of the European Convention on Human Rights. Section 58 of the <i>Children Act 2004</i> limits the scope of the defence to common assault.
Wales	Yes from 21/03/2022	<i>Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020</i>	Abolished common law defence.
Canada	No	<i>Criminal Code</i>	Section 43 provides a parent may use 'reasonable' force for discipline.
United States	No	Various	Corporal punishment by parents is lawful in all 50 states.
Germany	Yes from 2000	<i>Bürgerliches Gesetzbuch</i> article 1631(2)	This Civil Code amendment followed a substantial decrease in the use of corporal punishment since 1996.
France	Yes from 2/07/2019	<i>Interdiction des violences éducatives ordinaires</i>	Physical punishment is prohibited as a civil offence and no penalty applies.