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# Corporal punishment of children in Australia: The evidence-based case for legislative reform

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## Abstract

**Objective:** Across all of Australia's states and territories, it is legal for a parent or carer to hit their child. In this paper, we outline the legal context for corporal punishment in Australia and the argument for its reform.

**Methods:** We review the laws that allow corporal punishment, the international agreements on children's rights, the evidence on the effects of corporal punishment, and outcomes of legislative reform in countries that have changed their laws to prohibit corporal punishment.

**Results:** Legislative reform typically precedes attitude changes and reductions in the use of corporal punishment. Countries with the most ideal outcomes have instigated public health campaigns educating the population about law reform while also providing access to alternative non-violent discipline strategies.

**Conclusions:** Extensive evidence exists demonstrating the adverse effects of corporal punishment. When countries change legislation, educate the public about these effects, and provide alternative strategies for parents, rates of corporal punishment decrease.

**Implications for Public Health:** We recommend law reform in Australia to prohibit corporal punishment, a public health campaign to increase awareness of corporal punishment and its effects, provision of access for parents to alternative evidence-based strategies to assist in parenting, and a national parenting survey to monitor outcomes.

**Keywords:** corporal punishment, australia, law change, children, parents

Corporal punishment of children involves the use of physical force to cause pain, but not injury, to correct or control a child's behaviour.<sup>1</sup> In many parts of the world, it has long been considered a part of accepted disciplinary practices.<sup>2</sup> Acceptance of corporal punishment in the home remains widely endorsed, even while legal changes have occurred that prohibit corporal punishment use in other settings (such as education contexts), and contrasting with laws prohibiting any use of similar physical force between adults. Increasingly, over several decades, many countries have been

changing both their social norms and their laws regarding corporal punishment towards children. Prohibition of corporal punishment has grown into a global movement: 65 countries across diverse continents and cultures have now implemented full legal bans on corporal punishment in all settings including homes and schools.<sup>3</sup> These legal bans are consistent with demands for prohibition by international bodies including the United Nations Committee on the Rights of the Child,<sup>4</sup> major medical associations overseas and in Australia,<sup>5–7</sup> and

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findings by leading researchers about the deleterious effects of corporal punishment on a wide range of outcomes.<sup>8–11</sup>

In all eight Australian States and Territories, corporal punishment is still lawful, and the fundamental legal principles underpinning that legality have remained essentially unchanged since British colonisation and the adoption of English law in the early and mid-19th century.<sup>12</sup> Yet, the contemporary context has changed substantially, especially in recent decades. Just as other nations have done, it is necessary for Australia to now consider contemporary international policy and norms, and scientific evidence about the consequences of corporal punishment on children, and the poor efficacy of corporal punishment compared with other parenting practices. In 2019, the United Nations Committee on the Rights of the Child explicitly urged Australia to prohibit corporal punishment in all settings, develop awareness-raising and educational campaigns that promote positive and alternative forms of discipline, and underscore the adverse consequences of corporal punishment.<sup>13</sup>

The present article builds on prior work,<sup>14,15</sup> and adopts a multidisciplinary approach to analyse the case for law reform in relation to corporal punishment. We outline the nature of Australian laws about corporal punishment, situate our laws in an international policy setting, consider the latest scientific evidence about the harm caused by corporal punishment to children's health and wellbeing, summarise evidence of efficacy of corporal punishment compared with proven alternative methods of parenting and guiding children's behaviour, and review the evidence about the impact of legislative reform in other countries. We conclude by making an evidence-informed case for law reform and outline our recommendations for how to achieve this based on the experience of other countries.

## Background

### *Australian Laws on Corporal Punishment*

In Australia, corporal punishment has always been, and remains, lawful under both legislation and common law (see Table 1). Due to a federated legal system, each state and territory has its own criminal legislation. New South Wales, the Northern Territory, Queensland, Tasmania, and Western Australia each have criminal legislation authorising parents and caregivers to impose “reasonable” physical force on children for the purpose of exercising discipline (Table 1).

In the remaining three jurisdictions—Australian Capital Territory, South Australia, and Victoria—corporal punishment is made lawful through common law principles made by the courts rather than by legislation (Table 1). These principles establish that a parent, or a person in the position of a parent,<sup>24</sup> has the power to discipline a child through moderate and reasonable punishment.<sup>25–28</sup> There are limits on this power: Punishment must be reasonable in all circumstances, or the parent can be charged with criminal assault. For example, it is not reasonable to punish a child who is incapable of understanding what they have done wrong or to exert force that is unjustifiable in any circumstance.

Significantly, other legal principles may prohibit corporal punishment in designated settings, even where it remains permitted in the home. The federated legal system in Australia has, however, resulted in an inconsistent approach to these principles, with laws differing across states and territories. Three examples are illustrative. First, education legislation prohibits the use of corporal punishment across all school sectors in South Australia, Tasmania, the Australian Capital Territory,

and the Northern Territory (Education and Children's Services Act 2019 (SA) s 83(1); Education Act 2016 (Tas) s 248; Education Act 2004 (ACT) s 7(4); Education Act 2015 (NT) s 162). In contrast, Victoria and New South Wales prohibit corporal punishment only in government schools (Education and Training Reform Regulations 2007 (Vic) r 14; Education Act 1990 (NSW) s 35(2A)), while non-government schools must have their own policy prohibiting corporal punishment as a condition of registration, rather than legally prohibiting the practice in those settings (Education and Training Reform Act 2006 (Vic) s 4.3.1 (6); Education Act 1990 (NSW) s 47(1)(h)). Western Australia has no provisions regarding non-government schools, having only banned corporal punishment in government schools.<sup>29</sup>

Second, although jurisdictions differ in their legislation on corporal punishment in schools, corporal punishment is expressly prohibited in all early childhood education and care settings in the country, through the model legislation initiated in Queensland with the Education and Care Services National Law,<sup>30</sup> and since adopted by

**Table 1: Australian state and territory criminal law provisions permitting corporal punishment.**

Jurisdiction	Legislation	Legislative provisions
ACT	Crimes Act 1900 (ACT) <sup>16</sup>	No provision—common law applies to permit reasonable corporal punishment
NSW	Crimes Act 1900 (NSW) s 61AA <sup>17</sup>	Provides a defence to criminal proceedings regarding application of physical force to a child if “the force was applied for the purpose of the punishment of the child, but only if (a) the physical force was applied by the parent of the child or by a person acting for a parent of the child, and (b) the application of that physical force was reasonable having regard to the age, health, maturity or other characteristics of the child, the nature of the alleged misbehaviour or other circumstances. (2) The application of physical force, unless that force could reasonably be considered trivial or negligible in all the circumstances, is not reasonable if the force is applied (a) to any part of the head or neck of the child, or (b) 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”
NT	Criminal Code 1983 (NT) s 27(p) <sup>18</sup>	Justifies force not likely to cause death or serious harm where exercised by a parent or guardian of a child, or a person in the place of such parent or guardian, to discipline, manage or control such child
QLD	Criminal Code 1899 (Qld) s 280 <sup>19</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
SA	Criminal Law Consolidation Act 1935 (SA) <sup>20</sup>	No provision—common law applies to permit reasonable corporal punishment
TAS	Criminal Code Act 1924 (Tas) s 50 <sup>21</sup>	It is lawful for a parent or a person in the place of a parent to use, by way of correction, any force towards a child in his or her care that is reasonable in the circumstances
VIC	Crimes Act 1958 (Vic) <sup>22</sup>	No provision—common law applies to permit reasonable corporal punishment
WA	Criminal Code Act 1913 (WA) s 257 <sup>23</sup>	It is lawful for a parent or a person in the place of a parent to use, by way of correction, towards a child or pupil under his care, such force as is reasonable under the circumstances

separate legislation in each state and territory (Education and Care Services National Law (ACT) Act 2011 (ACT) s 166; Children (Education and Care Services National Law Application) Act 2010 (NSW) s 166; Education and Care Services (National Uniform Legislation) Act 2011 (NT) s 166; Education and Early Childhood Services (Registration and Standards) Act 2011 (SA) s 166; Education and Care Services National Law (Application) Act 2011 (Tas) s 166; Education and Care Services National Law Act 2010 (Vic) s 166; Education and Care Services National Law Act 2012 (WA) s 166). The National Law includes an express prohibition on corporal punishment (s 166). The prohibitions make it an offence for approved providers (s 166(1)) and nominated supervisors (s 166(2)) to fail to ensure children are not subjected to corporal punishment, and for any staff member, volunteer (s 166(3)) or family day care educator (s 166(4)) to use corporal punishment.

Third, child protection legislation prohibiting corporal punishment of children in the care of child protective services (e.g., residential care, foster and kinship care) has been adopted in some, but not all, jurisdictions. Examples of this prohibition can be found in Queensland in the Child Protection Act,<sup>31</sup> and in New South Wales in the Children and Young Persons (Care and Protection) Regulation;<sup>32</sup> however, no such protections for children in care exist in the other states and territories.

These prohibitions in designated settings are important advances for children's rights. They are also significant because they indicate both a legislative appetite for reform to prohibit corporal punishment and an acceptance by parliaments and key stakeholders of the normative and scientific arguments for reform.

### *The International Legal and Policy Context*

The UN Convention on the Rights of the Child is an international treaty established in 1989 outlining the human rights held by children, and the responsibility of each nation to uphold those rights.<sup>33</sup> Article 19(1) requires nations to:

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.

Some governments argued that allowing parents to use “reasonable” or “moderate” corporal punishment of children does not violate article 19(1) of the Convention.<sup>34</sup> In response, the elected body responsible for interpreting the Convention, namely the Committee on the Rights of the Child, stated that the Convention does not condone any forms of physical or corporal punishment.<sup>4</sup> Notably, in paragraph 18 of the Committee's General Comment on Corporal Punishment,<sup>4</sup> the Committee declared:

... There is no ambiguity: “all forms of physical or mental violence” does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and the State must take all appropriate legislative, administrative, social and educational measures to eliminate them.

The Committee further clarified that corporal punishment is properly understood as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light,” which includes smacking with the hand, pinching, or washing a

child's mouth out with soap Paragraph 11.<sup>4</sup> Laws permitting corporal punishment are also inconsistent with the Sustainable Development Goal 16.2: “Ending all forms of violence against children,” which Australia is committed to pursuing.

A 2022 status report showed 196 nations are parties to the Convention on the Rights of the Child, including Australia.<sup>35</sup> As one way to demonstrate their commitment to the Convention, 63 nations have passed laws prohibiting corporal punishment, and many more are in the process of doing so. Australia has not changed its laws, despite ratifying the Convention in 1990. As a technical matter of law, Australia is not required to enact legal change simply as a consequence of treaty ratification, and further complications are presented by our federated nation structure, whereby corporal punishment laws are within the power of the states and territories. Nevertheless, Australia is able to take available steps to abolish corporal punishment, and its failure to do so has prompted severe rebukes from the international community. The Committee on the Rights of the Child has criticised Australia's legislative position on physical punishment during two recent Universal Periodic Reviews of Australia's human rights record.<sup>36,37</sup> The Committee on the Rights of the Child has recommended on both occasions that Australia introduce a full prohibition on parental physical punishment. Following the 2011 review, the Australian government rejected this recommendation, noting that while Australia has several programs to protect children from family violence, and there are laws prohibiting assault, reasonable corporal punishment would remain lawful.

### *Prevalence of Corporal Punishment in Australia*

In Australia, methodologically rigorous, nation-wide studies conducted to investigate the prevalence of parental corporal punishment use are limited but include recent data from youth report as well older studies from parent reports. The Australian Child Maltreatment Study<sup>38</sup> found that 61% of youth (16–24 years,  $n = 3,500$ ) self-reported experiencing corporal punishment 4 or more times in childhood.<sup>39</sup> In addition, across the entire sample aged 16 and over ( $N = 8,503$ ), the proportion who believed that corporal punishment was necessary in raising children declined dramatically by age, from 38% of the oldest cohort ( $n = 1,000$  aged 65+) to 15% of the youth cohort.<sup>39</sup>

Other Australian research indicates between 28% and 72% of parents report using corporal punishment with their children.<sup>40–43</sup> A survey of 1,450 Australian parents found that 80% reported they had been smacked/corporally punished as a child, and over half (51%) reported they had smacked/corporally punished their own child.<sup>44</sup> In a study of 152 Australian parents of children under 6 years old, corporal punishment was reported as being used by 28% of the sample.<sup>41</sup> A survey of 2,000 Australian parents found only 17% of parents had used physical discipline at least some of the time in the last month and 23% had threatened corporal punishment.<sup>45</sup> These findings indicate a possible decline in support for—and use of—corporal punishment among many Australians but continued use by a substantial number.

### *Key Themes When Considering Corporal Punishment Law Reform*

Several arguments are often made in justification for maintaining current laws allowing corporal punishment, and understanding these

arguments provides insight into what is required for change. In this section, we outline the reasons why legislation change has not occurred, followed by a discussion of how these issues will need to be addressed for change to occur.

#### Parental or child rights

The notion that parenting is a private role is juxtaposed with the public discourse about the way a parent can/cannot act has been discussed recently by Higgins et al.<sup>46</sup> The rights of parents are indeed noted in the Convention on the Rights of the Child; however, these are with respect to parents' right to act in the best interests of their child and not the over-riding of parents' rights over those of their children.<sup>33</sup> Politicians often tread carefully around the issues of parental privacy and parent rights, given that many in the community, including parents, believe that parenting is a private role<sup>47–49</sup>; a role that should be supported but not interfered with. According to this view, parents should be free to choose how they raise and discipline their children, and the state should not interfere—nor have control over—family matters. This notion of parental rights can also intersect with cultural and religious beliefs about the role of parents.<sup>50</sup> Many Australian parents' attitudes and beliefs may be considered as conservative and accepting of corporal punishment, with parents having the right to choose how they discipline their children.<sup>51</sup>

The “parental rights” argument is in contrast to the ‘child rights’ argument that use of corporal punishment is a violation of children's human rights to live a life free from violence both inside and outside the home.<sup>33,52–55</sup> In order to overcome this conflict, there will need to be public debate about the two positions and reflection about how rights of parents and rights of children can both be met.

#### Whether corporal punishment is an effective parenting strategy

The effectiveness of corporal punishment as a parenting strategy has been examined in a number of meta-analyses. Some have found it is effective for attaining *immediate* compliance from children.<sup>9,56</sup> In fact, Gershoffs<sup>9</sup> meta-analysis found that corporal punishment was more effective than no action or time out in increasing immediate short-term compliance. Larzelere et al.<sup>56</sup> confirmed these findings in relation to immediate compliance, as conditional spanking was more strongly related to reductions in non-compliance than most alternative discipline strategies investigated.

Despite enhancing immediate compliance, however, corporal punishment is associated with a range of negative effects including decreased compliance over time and increased child aggression.<sup>10</sup> A meta-analysis of 75 studies across 13 countries found that only 1 out of 111 statistically significant effect sizes were associated with a link between “spanking” and a positive child outcome; 99% showed spanking to be associated with negative outcomes.<sup>10</sup> The one outlying result found that in a sample of US soldiers serving in West Germany in 1972, being spanked as a child was associated with less use of amphetamines and opiates. In contrast, the remaining 110 significant results showed deleterious effects of corporal punishment across a wide range of outcomes for various populations of children, including reducing trust and connection with those they are closest to, lower self-esteem, more internalising and externalising behaviour problems including aggression, mental health difficulties, and increased risk for later substance abuse, antisocial behaviour, and violence.<sup>11</sup> These findings have come from retrospective and prospective studies.<sup>10</sup> Due to ethical considerations regarding

violence towards children, no study has been able to experimentally manipulate exposure to corporal punishment. Those opposed to corporal punishment law reform argue that such meta-analytic findings are therefore insufficient reasons to enforce change because the designs of studies included in reviews have precluded the demonstration of *causal relationships* and that substantial, consistent negative associations across a number of studies do not demonstrate causality.<sup>57</sup> Weighing up the evidence is a part of ongoing academic and public debate on this issue and we examine the findings on the adverse effects of corporal punishment later in this article.

#### Cultural and religious differences in parenting practices

Corporal punishment has historically been used as a child behavioural correction tool,<sup>58</sup> and it is considered normative in some cultures. Beliefs about the acceptability of corporal punishment may vary by religious identification or ethnicity and, therefore, result in different levels of corporal punishment use across ethnic and religious groups.<sup>59</sup> In international studies, religious participation of any kind has been linked to increased corporal punishment use,<sup>60</sup> and meta-analytic results indicate a modest association between greater Christian conservative views and increased corporal punishment.<sup>61</sup> Other religions also vary in their support for or against corporal punishment, ranging from explicit prohibition of corporal punishment (e.g., Baha'i Faith<sup>62</sup>) to support for corporal punishment within religious texts (e.g., Islam<sup>63</sup>). Within religious communities, there is, however, great debate as to the acceptability of corporal punishment, and many religious groups support initiatives for its prohibition.<sup>62,63</sup>

There is also considerable cross-cultural variability in parents' beliefs about the acceptability, necessity, and efficacy of corporal punishment.<sup>64</sup> For example, in a study of 24 countries, Lansford et al.<sup>65</sup> report that recent use of corporal punishment (in the last month) ranged from 1% to 44%. A 2014 UNICEF report also found that the rates of corporal punishment varied widely—with Albania (48%) and Mongolia (49%) being on the lower end, and Bangladesh (89%) and Iraq (81%) being on the higher end of use.<sup>66</sup> Australia is a multicultural country, with more than one quarter (27%) of the population born overseas, and almost half (48%) with a parent born overseas.<sup>67</sup> Religious affiliation is also increasingly diverse, with almost half of Australians (44%) reporting being Christian, and 10% identifying with a non-Christian religious affiliation in the latest Census; starkly different from the 71% and 4% reported in 1996, respectively.<sup>68</sup> Any proposed Australian legislative change therefore needs to be accompanied by significant engagement with different ethnic and religious communities to ensure those affected are supported to understand the adverse effects of corporal punishment and find alternative parenting strategies.

#### Impact of corporal punishment law changes on different communities

Legislative change to prohibit corporal punishment may have a much greater impact on some communities and contribute to increased prosecution and marginalisation. Aboriginal and Torres Strait Islander peoples have a long history of trauma, racism, and colonisation, including forced removal of children, family separation and institutionalisation, that has huge impacts on their culture and communities.<sup>69</sup> The effects of this shared trauma are profound and, combined with ongoing discrimination and enduring social and health inequalities, contribute to a pattern of intergenerational family



violence.<sup>70,71</sup> The disproportionate number of Aboriginal people involved in both the criminal justice system<sup>72</sup> and the child protection system<sup>73</sup> underscore the potential for further victimisation, should law change occur without effective measures to address this. It will be essential to mitigate such impacts by working with—and being led by—Aboriginal and Torres Strait Islander leaders and communities, towards increasing community awareness of the adverse effects of corporal punishment, improving access to culturally appropriate parenting programs, and empowering communities to determine the approach taken to create change.

Any legislative change involving Aboriginal and Torres Strait Islander families will need to engage a co-design process, whether managed through commissioning bodies or directly with relevant governmental departments. Historical systemic disadvantage is perpetuated by legislation which is not culturally appropriate for Aboriginal and Torres Strait Islander peoples. Corporal punishment in Aboriginal lore is often a severe punishment decided and enacted only by lore makers in each diverse community.<sup>74</sup> A space for conversation about how to link Aboriginal and Torres Strait Islander peoples' discipline strategies and the Australian law would allow a way to break the cycle of violence resulting from use of corporal punishment in families.

#### *Challenges with upholding corporal punishment bans*

Critics have argued that prohibiting parental use of corporal punishment through legislation would be unenforceable and could have unintended consequences.<sup>75</sup> Arguments are based on (a) the lack of resourcing for law enforcement officers who would be given this additional responsibility of monitoring parents' behaviour; (b) that most parental discipline of children occurs in private and cannot be observed by police or others; and (c) that any vexatious complaints would be time-consuming and difficult to investigate. Critics fear that legislative change could criminalise parents for minor incidents, placing additional strain on justice systems, and that prosecutions could result in fines or other impositions on parents that would disadvantage the whole family. We examine this later in this article when reviewing the impact of legislative change in New Zealand under the section "Learnings from around the globe."

The challenges to legislation reform outlined above, including concerns about parental rights, beliefs corporal punishment is an effective discipline strategy, impacts on communities of different religious beliefs and cultural parenting practices, and the potential burden on the justice and child protection systems, are all important to consider and address if legislation change is to occur. In the following section, we consider the adverse effects of corporal punishment and explore alternative parenting strategies.

#### **The Adverse Effects of Corporal Punishment**

Effective discipline should teach children positive behaviours and encourage child development. Although the focus of discipline is often in the moment (i.e., making the behaviour stop), the impact of discipline can only be judged over time (i.e., does the behaviour stop occurring? Do the child's confidence and skills to resolve similar issues improve? Does the discipline strategy foster the child's socio-emotional development?). For example, moral internalisation is an important socialisation goal—"taking over the values and attitudes of society as one's own so that socially acceptable behaviour is motivated not by anticipation of external consequences but by

intrinsic or internal factors."<sup>76</sup> Yet, in her meta-analysis, Gershoff<sup>9</sup> found that use of corporal punishment was associated with lower levels of moral internalisation. Similarly, Larzelere et al.<sup>56</sup> found that corporal punishment was less effective than non-physical discipline strategies in teaching alternative behaviours, developing a child's conscience, and advancing a child's emotional development.

Although corporal punishment can increase immediate compliance in children, it is not an effective method of improving behaviour.<sup>10,11</sup> Corporal punishment models the use of violent physical behaviour, fails to teach children prosocial alternative behaviours, and is linked with increased non-compliance and aggression over time.<sup>9,10</sup>

There is an extensive evidence base that corporal punishment is associated with a range of adverse outcomes. A recent meta-analysis examining data for over 160,000 children found all effects were negative,<sup>10</sup> with corporal punishment associated with child internalising and externalising behaviour problems, child mental health problems, low moral internalisation, negative parent-child relationship, child aggression, child antisocial behaviour, impaired cognitive ability, low self-esteem, mental health problems, antisocial behaviour in later adulthood, and a range of other adverse outcomes. Many prior reviews have similarly demonstrated the adverse effects of corporal punishment.<sup>9,56,77,78</sup>

Corporal punishment is also associated with increased likelihood of physical abuse and exposure to traumatic events.<sup>79</sup> Traumatic experiences—especially those involving carers and that begin at an early age, are prolonged, and lack immediate restorative experiences—can disrupt psychological, neurobiological, relational, and cognitive development.<sup>80</sup> Traumatic experiences that occur in the context of interpersonal relationships, and/or that involve experiences of betrayal of important bonds, have been associated with later distress and mental health problems, more than non-relational traumatic experiences.<sup>81</sup> Serial exposure to interpersonal violence, including emotional and physical abuse, may lead to developmental, emotional, behavioural and interpersonal problems, and impact the child's emerging personality.<sup>82</sup>

Corporal punishment also has been found to impact brain development. Meta-analyses show that exposure to physical and emotional abuse is associated with significant reductions in the volume of cortical and subcortical brain regions in children and adolescents.<sup>83</sup> These brain changes are suggested to reflect disruption to the development of brain circuits important for emotion regulation and cognitive functioning. Importantly, studies show that corporal punishment predicts brain changes in a similar way to more extreme forms of maltreatment such as physical abuse. For example, Delaney et al.<sup>84</sup> found that exposure to corporal punishment was associated with smaller global brain volume in children, in addition to smaller volume of specific regions in the frontal cortex. These changes were not better explained by exposure to physical abuse. Whittle et al.<sup>85</sup> found that corporal punishment was associated with delayed development of parietal cortical regions in Australian children as they transitioned into adolescence, thought to reflect delayed cognitive development. Other research shows that corporal punishment (but not other forms of physical abuse) in childhood is associated with long lasting brain changes, including reduced frontal lobe volume in young adults, more than 8 years after exposure.<sup>86</sup>

Findings on the adverse effects of corporal punishment do not always account for whether or not physical abuse occurs.<sup>56</sup> However, recent

research that controls for physical abuse has found that corporal punishment has a unique association with negative outcomes like health risk behaviours.<sup>8</sup> For example, corporal punishment is associated with increased suicide attempts, moderate to heavy drinking, and street drug use, even after accounting for physical and emotional abuse.<sup>8</sup> Similar findings have been observed in a recent neuroimaging study, where Cuartas et al.<sup>87</sup> compared the brain function of children who had been exposed to corporal punishment, but not physically abuse, to children who had not been exposed to either. They found enhanced neural responses to threat, in a manner similar to more severe forms of maltreatment.<sup>87</sup> Together, the extent of evidence and the consistency of findings, even controlling for physical abuse, suggests the impact of corporal punishment is adverse in and of itself.

### ***Corporal Punishment Increases the Risk of Physical Abuse and Violence as an Adult***

Research has found that parents often increase the severity of corporal punishment over time to gain the same level of compliance.<sup>88–91</sup> This means they may move from corporal punishment to physical abuse,<sup>88–90,92</sup> and a number of researchers have found an association between physical punishment and increased child abuse risk.<sup>79,93–95</sup> Gershoff's<sup>9</sup> meta-analysis corroborated this: corporal punishment was associated with a substantially increased physical abuse risk. This association, however, has not been systematically examined in meta-analyses.<sup>9,56,77,78</sup>

Experiencing corporal punishment in childhood has also been found to be associated with increased risk of acting aggressively or being a victim of violence in future intimate relationships, as well as using physical discipline in later parenting.<sup>9,78,79</sup> These outcomes further perpetuate a cycle where force is used in relationships. Gershoff<sup>9</sup> found that there was an increased risk for an adult who had been physically punished as a child to abuse their own child or spouse. Similarly, Paolucci et al.<sup>78</sup> meta-analysis demonstrated a small but significant relationship between adults' childhood experiences of corporal punishment and risk of abusing their own child or spouse.<sup>78</sup>

### ***Economic Costs of Corporal Punishment***

There are substantial economic costs that occur as a consequence of corporal punishment, as well as more severe forms of physical abuse. These include indirect costs, such as those associated with the impacts of corporal punishment on children (e.g., mental health; substance abuse; violence and crime), and direct costs associated with medical treatment for injuries that occur as the result of corporal punishment. The financial costs of violence towards children and young people in Australia during 2016–2017 was estimated to be \$34.2 billion, with the lifetime costs estimated at \$78.4 billion.<sup>96</sup> International research based on Disability Adjusted Life Years (DALYs) has further highlighted such costs, with physical abuse in China, for example, estimated to account for 12% of DALYs lost because of depression; 17% of those lost to anxiety; 21% of those lost to problem drinking; 19% of those lost to illicit drug use, and 18% of those lost to self-harm.<sup>97</sup> In Australia, an estimated 24% of self-harm, 21% of anxiety disorders, and 16% of depressive disorders burden in males; and 33% of self-harm, 31% of anxiety disorders, and 23% of depressive disorders burden in females has been found to be attributable to child maltreatment.<sup>98</sup> Recent initial findings from the Australian Child Maltreatment Study (reported above) demonstrate

the experience of four or more episodes of being physically disciplined is associated with increased rates of depression in 16–24 year olds for both males and females, and increased rates of anxiety for females. While data on the economic impact of physical punishment (beneath the threshold of being classed as maltreatment) are not available in Australia, based on ACMS findings that physical punishment is related to greater mental health problems, physical punishment will have its own substantial economic costs.

### ***Evidence on Alternatives to Corporal Punishment***

An extensive evidence base demonstrates parenting strategies that do not use corporal punishment are effective in responding to challenging child behaviours and correcting misbehaviour (e.g.,<sup>99,100</sup>). Indeed, the clinical intervention and prevention programs found to be the most effective in improving child and parent outcomes related to behavioural adjustment, mental health, and family relationships, are those that support parents to implement skills and strategies associated with positive parenting practices.<sup>101</sup> These include strategies for improving the quality of the parent–child relationship, supporting emotional awareness and self-regulation, rewarding and reinforcing age-appropriate child behaviour, and responding to negative child behaviours with effective instructions and non-violent consequences, for example, brief time-out; redirection; positive discipline; empathy, emotion coaching.<sup>102,103</sup> These evidence-based parenting programs are often delivered to parents as alternatives to corporal punishment and have a range of positive outcomes including promoting children's social–emotional functioning and parent–child relationships, and reducing children's problem behaviours, aggression and mental health difficulties.<sup>101</sup>

### ***Learnings from Around the Globe***

Around the world, four in every five children aged 2–14 years are subject to corporal punishment in homes, schools, or childcare settings.<sup>66</sup> While 86% of children worldwide are not yet protected by legislation prohibiting against corporal punishment, many countries have now responded to the 1989 call from the United Nations Convention on the Rights of the Child and made corporal punishment illegal. Forty years ago, only Sweden had prohibited corporal punishment; now 63 countries have taken this step.<sup>3</sup> New Zealand was the first English-speaking country to make the shift in 2007, with Ireland, Scotland, and Wales following in more recent years. Legislative changes in a range of different countries have created a series of natural experiments in which to test the links between corporal punishment and adverse outcomes, including the impact on child physical abuse.

Historically in Sweden, physical discipline of children was widely used and accepted as an essential part of good parenting.<sup>104</sup> The 1979 legislative change was introduced alongside a significant public health campaign to raise awareness that corporal punishment was not acceptable, legal, or an effective discipline strategy; provision of a supportive child welfare system; and wide access to alternative parenting strategies.<sup>105</sup> Views about acceptability and use of corporal punishment have dramatically changed in Sweden over time. In 1965, 53% of the population held attitudes supporting physical punishment of children; this dropped to 11% in 1996<sup>106</sup> and has remained stable ever since.<sup>107</sup> In 2000, 86% of Swedish children reported never having experienced physical punishment,<sup>106</sup> and child death rates due to physical punishment have remained low since 1971.<sup>108</sup>

Other European countries have legislated against corporal punishment more recently. Bussmann et al.<sup>109</sup> conducted a comparison of corporal punishment in Austria, Germany, Spain, France, and Sweden to examine the impacts of legal prohibition, as well as use of information and education campaigns about legislative change and the effects of corporal punishment. In each country, 1,000 parents with at least one child under 18 years old were surveyed ( $N = 5,000$ ) about their frequency of using corporal punishment, their own childhood experience of corporal punishment, and frequency of violence in the parental relationship. At the time of their study, Austria, Germany, and Sweden had instigated legal prohibition of corporal punishment, whereas France and Spain had no ban in place. The five countries had different types and intensity of educational campaigns. There were marked differences across the countries, with bans and educational campaigns both seemingly associated with a lower prevalence of corporal punishment. The highest proportion of parents using a “mild slap on the face” with their children was seen in France (72%; with no ban and no campaign), followed by Spain (55%; with no ban but with a campaign), Austria (50%; with a ban but with no campaign), Germany (43%; with a recent ban and a campaign), and Sweden (14%; with an early ban and a campaign). The study also showed changes across generations, with a much greater proportion of Swedes being raised non-violently than in the other surveyed countries. Further, 90% of Swedes knew about the laws prohibiting corporal punishment, while in Austria (32%) and Germany (31%), fewer parents were aware that a smack on a child’s bottom was illegal. Continuous public health educational campaigning therefore appears essential to ensure members of the public are aware of the laws, know the harmful effects of corporal punishment, and are empowered with alternatives to corporal punishment. Further, measuring both attitudes and practices prior to and following legislative change, such as through national surveys, is important to evaluate the impact on corporal punishment and to inform further educational and support strategies.

New Zealand provides a final important case study to consider. New Zealand is most similar to Australia geographically, culturally, and historically; yet has different constitutional structures and a smaller population than Australia. After a lengthy campaign spanning two decades, New Zealand passed a law prohibiting corporal punishment in 2007.<sup>110</sup> This was preceded by a Government-funded positive parenting campaign (SKIP, Strategies with Kids: Information for Parents) encouraging non-violent discipline as an alternative to corporal punishment.<sup>111</sup> Inclusion of—and work with—Māori and Pacific Island communities to encourage use of these parenting strategies, making materials available in Māori and Samoan languages, and ensuring community leaders were part of the process, all assisted to bring about change.<sup>112</sup> Contrary to initial concerns held by opponents of NZ legal reform legislation, the changes did not result in an increase in problems arising because parents were unable to use strict discipline, such as children being out of control or higher delinquency rates, and the police did not report greater rates of prosecutions of parents who had engaged in minor corporal punishment.<sup>113,114</sup> In the two years following law reform, NZ Police monitored corporal punishment/smacking reports and continued to record the impact of the law for an additional year. Monitoring over the 3-year period following legislative change found that of the 335 recorded incidents where police attended for child assaults, only 12 were for smacking (none of which resulted in prosecution), and 31

were for minor acts of physical discipline (9 of which resulted in prosecution), with an overall reduction in all types of incidents. Initial fears that “good parents” would be prosecuted for smacking were proven unfounded.<sup>114</sup> Further, attitudes towards corporal punishment, which had been changing prior to legal change, showed significant acceleration post-legislation: 89% of parents approved of physical punishment in 1981, 87% in 1993, 58% in 2008 (the year after law change), 35% in 2013, and 19% in 2018.<sup>115,116</sup>

## Conclusion and Recommendations

The evidence clearly shows that corporal punishment has no benefits to children, and its detrimental effects are wide reaching. It leads to reducing trust and connection with those children are closest to; lowering self-esteem; increasing behaviour problems and mental health difficulties; and intensifying the risk for later substance abuse, antisocial behaviour, and poorer outcomes across a range of indicators. Children who experience corporal punishment are at greater risk for later violence in intimate relationships as adults and using corporal punishment with their own children, contributing to intergenerational transmission of violence within families. Corporal punishment breaches children’s fundamental right to be free from violence, as outlined in the UN Sustainable Development Goal of ending all forms of violence against children, and the Convention on the Rights of the Child. Whether taking an evidence-based approach (i.e., considering adverse impacts) or a child-rights perspective (i.e., asserting that children deserve the same right to be free from violence as afforded to adults), continuing to allow corporal punishment of children by their parents and carers is antithetical to the wellbeing of children in Australia.

Although emerging evidence suggests there is lessening support for corporal punishment in Australia, we do not need to wait for changes in attitudes to occur. Changes in legislation in many other countries have occurred *prior* to attitude changes (i.e., lowering of support for corporal punishment) and prior to reductions in the use of corporal punishment with children. Countries with the most ideal outcomes from this legislative change have instigated public health campaigns educating the population about the law reform while also providing access to alternatives to corporal punishment (i.e., knowledge about non-violent discipline strategies).

Based on this review, we recommend that Australia needs to:

- enact legal reform in each state and territory to prohibit corporal punishment of children;
- increase access to, and reach of, culturally appropriate parenting strategies that provide a non-violent alternative to corporal punishment, with more intensive supports available for families at risk for corporal punishment or maltreatment (as outlined by Doyle et al., 2022);
- implement a public health educational campaign to inform the population that the law has changed (e.g., <https://gov.wales/ending-physical-punishment-children>), while accurately explaining the consequences of this change;
- employ a whole-of-government approach to ensure appropriate health (services providing alternative parenting strategies) and law enforcement approaches (including alternatives to prosecution) work collectively; and



- measure the impact of change through a regular national parenting survey to monitor attitudes towards, and use of, corporal punishment and alternative discipline practices, and use nationally representative surveys to monitor child wellbeing and prevalence of child maltreatment to see whether improvements occur.

## Declaration of competing interest

The Parenting and Family Research Alliance (PAFRA) is a group of multidisciplinary researchers from Australia's leading universities and research institutes. We are involved in conducting research, communication and advocacy pertaining to parenting, families and evidence-based parenting support. We advocate for evidence-based policy and investment to benefit children, families and communities. With respect to corporal punishment, we specifically call for Australian legislative reform to ensure children are protected under law from any form of physical assault (in the same way that adults are) in all settings. In doing this, we hope that Australia will join the 65 countries that have already prohibited corporal punishment, and the 26 countries who have committed to law reform in this area.<sup>117</sup> We call for this change to reduce the prevalence of violence towards children in Australia, due to the negative impact of corporal punishment on children.<sup>9,56,77,78</sup> We advocate for widespread access to supports for alternatives to corporal punishment through dissemination of evidence-based parenting programs and supports.<sup>101</sup> We call for ongoing evaluation of the impact of the change in legislation and access to supports for non-violent parenting strategies.

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