

Repeal Section 59 now

What is Section 59?

Section 59 of the Crimes Act 1961 states that the parents of a child, or a person in place of a parent are "justified in using force by way of correction towards a child if that force is reasonable in the circumstances."

It is often up to a jury to decide if the force used was in fact reasonable. Just recently a jury in Timaru found a woman not guilty of assaulting her son, despite the fact she had beaten him with a cane and a riding crop on different occasions.

Her defence was that Section 59 of the Crimes Act allowed these beatings as 'reasonable force.'

This case is not an isolated incident. For example in recent years a Havelock North man escaped punishment for beating his young son with a 30cm piece of wood, and in Hamilton a jury considered it reasonable for a father to hit his 12 year old daughter with a piece of hosepipe.

Bill now before Parliament

Sue Bradford's Bill to repeal Section 59 of the Crimes Act - Crimes (Abolition of Force As a Justification for Child Discipline) Amendment Bill 2005 passed its first reading in Parliament on 27 July.

The Green, Labour, Progressive and Maori Parties supported the Bill, along with a number of organisations and individuals including Plunket, the Law Society, the Children's Commissioner, the Families Commissioner, Barnardos, Unicef, Save the Children, the Principal Family Court Judge, and the AUT Public Policy Institute.

Public submissions on the Bill have now opened with the Justice & Electoral Committee, Parliament, Wellington.



Making a difference
Wharikihia kia tina!

Green

Why repeal section 59?

The Green Party seeks to remove the ability of parents to use the defence of 'reasonable force' if they are charged with assaulting their children.

Sue Bradford's new Bill does not suddenly criminalise parents who, for example, lightly smack their children, or physically remove them from danger.

No new law is being proposed to make smacking a crime.

Nor do the Greens propose that police and the courts should start arresting, prosecuting and convicting parents for smacking.

All we want to do is remove one bad law, not create a new one.

And in response to those who say we should amend the law to define 'acceptable' hitting and smacking, we believe that we should not use the law to precisely calibrate acceptable levels of violence against children.

Our goal is simply to work to end the pervasive culture of violence against babies and children which sadly continues to afflict our country.

Changing the law not enough on its own

The Green Party recognises that repealing section 59 is not enough on its own.

Repeal needs to be accompanied by better education in schools about parenting and increased resourcing for church and community groups who provide support and advice for parents on non violent ways of bringing up babies and children.

What can you do?

- Raise the issue with candidates at election meetings
- Write letters to politicians and candidates from all parties
- Make a submission to the Justice and Electoral Select Committee
- Get involved with the Green Party campaign – contact us now
- Support candidates and parties that back the full repeal of section 59

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