

Keeping Ourselves Safe

Years 11–13

Focus area 1

This section of the KOS programme contains one of the following focus areas for students at years 11–13 (ages 15–17):

- 1. Is that legal?
- 2. Wrongdoing or moral dilemma?
- 3. Anger and violence
- 4. Violence and the media

Note: Research suggests that an effective KOS programme should include learning experiences from each of the focus areas.

Focus area 1: Is that legal?

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Focus area 1: Is that legal?

Notes for the teacher

1. Ensure that safety guidelines are in place. All school staff (not just the teachers concerned) must know what to do if a student discloses abuse to them during or after *Keeping Ourselves Safe*. Parents should also be made aware of what to do. See the Child Protection Guidelines available on the School Portal.
2. Female genital mutilation is illegal in New Zealand under section 204A of the Crimes Act. It is also illegal to take a child aged under 17 years overseas for the purposes of female genital mutilation being done overseas (under section 204B Crimes Act).

Curriculum links

Key Competencies: Managing self; Relating to others; Participating and contributing

Learning area: Levels 6–7 Health and Physical Education – Strand D: Rights, responsibilities, and laws

Underlying concepts:

- Well-being, Hauora (all aspects) – how abuse and harassment affect social, emotional and mental well-being
- The Socio-ecological perspective – the effect of laws and regulations on abuse and harassment
- Attitudes and values – developing a sense of social justice

Resources

Copysheet: **Scenarios of Abuse**

Copysheet: **What the Law Says**

Copysheet: **Definitions of Abuse and Sexual Harassment**

Copysheet: **Understanding the Law**

Learning intention

At the end of this focus area students will have an understanding of the laws relating to abuse and harassment.

Activities

Scenarios

Divide students into groups of four. Give each group one of the scenarios taken from Copsheet: **Scenarios of Abuse**. Ask them to discuss the following questions in relation to their scenario.

Ask: What form of abuse is this?
Is this situation an example of abuse as the law defines it?

Each group reports back to the class. If needed, use Copsheet: **Definitions of Abuse and Sexual Harassment** to help with the students' understanding of abuse and sexual harassment.

Give each group Copsheet: **What the Law Says**. Ask them to identify:

- which law, if any, applies to their scenario
- whether their scenario contravenes Article 3 of the International Labour Organisation Convention.

Abuses and their penalties

Put students into different groups. Supply each group with one of the scenarios of abuse from the copsheet. The group decides how severe they think the abuse is and one person from the group places themselves on a continuum, one end of which is Most Severe Offence, the other end being Least Severe Offence.

When each group has placed their representative on the line, ask each person to describe the abuse in their scenario. The class may decide that some people should change their position on the line.

Now use Copsheet: **What the Law Says** to identify the penalty for the abuse in each scenario on the line. Rename the continuum – one end is Most Severe Penalty, the other end being Least Severe Penalty. Students now reposition themselves on the line, according to the penalty for the abuse in their scenario.

Ask: Do these penalties seem fair? Why, or why not?
How might views about the fairness of the penalties differ according to the person – for example, the victim, the victim's family, or the offender?

Learning journal

Students use Copsheet: **What the Law Says** to complete Copsheet: **Understanding the Law**.

Copysheet: Scenarios of Abuse

Scenario 1 Lynda, aged 15, has gone to a party with some mates. She gets quite drunk. She says yes to sex with her boyfriend, but she then passes out. She wakes up sometime later and finds her boyfriend's mate having sex with her.	Scenario 2 At a rugby game Sara is watching her favourite team. When they score a try she supports their efforts by flashing her breasts. Several minutes later, after a runaway try from the other team, the guy standing in front of her turns round, exposes his genitals to her, grabs his penis and laughs.
Scenario 3 Mandy's boss comments on how attractive her low-cut blouse is, and suggests that she wears clothes like that more often. His comments make Mandy feel uncomfortable.	Scenario 4 Maggie has a part-time job after school. One day her boss hints that a promotion may be in the pipeline. He is acting in a very familiar way and suggests she might like to come round to his place for a drink to discuss her prospects.
Scenario 5 Jamie, who is 13, is staying away from home on a school basketball trip. The host parent comes to his room and slips his hand inside the bedclothes and rubs Jamie's penis.	Scenario 6 Sixteen-year-old John is working on a school project. His family does not have a computer but Bob, the friendly guy next door, has offered to let John use his computer. On his third visit he asks John if he'd like to see some of the stuff he has downloaded from the Internet. John is shocked by the objectionable pornographic material that comes up on the screen.

<p>Scenario 7</p> <p>Sally is 14 and has been chatting on the Internet. She gets to know a guy the same age as her over a few months. They arrange a meeting in a local park. When he arrives he turns out to be much older than he said. He suggests they go to a motel for sex. When she is hesitant he asks her why she is teasing him. She reluctantly agrees to go with him.</p>	<p>Scenario 8</p> <p>Dinner isn't on the table when Joe walks in the door from work. He tells Fatima that there will be no money for the next week and he will eat out. He hits her, knocking her to the ground. He then storms off, shouting at her that she is a useless bitch.</p>
<p>Scenario 9</p> <p>Jimmy threw the basketball through the lounge window. His mother hits him around the face and tells him there will be no food for him for two days.</p>	<p>Scenario 10</p> <p>Sixteen-year-old Sohila lives with her sister and brother-in-law. He pays Sohila to have sex with him, or sometimes gives her things instead, like cigarettes.</p>
<p>Scenario 11</p> <p>Sixteen-year-old Billy lives on a farm with his parents. Billy is made to work hard on the farm. He has bad asthma and sometimes breathing is very hard. It is made worse by such things as feeding out hay to the cows. His mother says this is just an excuse and won't take him to the doctor, even when he is very sick.</p>	<p>Scenario 12</p> <p>Fifteen-year-old Gaila responds to an advertisement in the newspaper wanting models. When she arrives she discovers that the modelling is without clothes to take demeaning photos. At first she is reluctant, but she is told that it will lead to other sorts of work.</p>
<p>Scenario 13</p> <p>Luke's father grows cannabis at home to sell. He gets 15-year-old Luke to make deliveries to his clients.</p>	<p>Scenario 14</p> <p>Vanessa is 15, and Shaun is 17. They have been going out together for four months and regularly have sex.</p>

Answers for Scenarios of Abuse

Scenario	Law that applies
1	Crimes Act Section 128 Sexual violation
2	Summary Offences Section 27 (the male offends) Indecent exposure
3	Employment Relations Act Section 108 Sexual harassment
4	Employment Relations Act Section 108 Sexual harassment
5	Crimes Act Section 134 Sexual conduct with young person under 16
6	Films, Videos, and Publications Classification Act Section 127 Exhibition to persons under 18
7	Crimes Act Section 210 Abduction of a child under 16 Crimes Act Section 131B Meeting young person under 16 following sexual grooming etc
8	Crimes Act Section 194 Assault on a child, or by a male on a female
9	Crimes Act Section 194 Assault on a child, or by a male on a female Crimes Act Section 196 Common assault
10	Prostitution Reform Act Section 22 No person may contract for sexual services from, or be client of, persons under 18 years Crimes Act Section 131B Meeting young person under 16 following sexual grooming etc
11	Crimes Act Section 152 Duty of parent or guardian to provide necessities
12	Films, Videos, and Publications Classification Act Section 123 Offences of strict liability relating to objectionable publications or Films, Videos, and Publications Classification Act Section 124 Offences involving knowledge in relation to objectionable publications /International Labour Organisation Convention
13	Misuse of Drugs Act Section 6 Dealing with controlled drugs / International Labour Organisation Convention
14	Crimes Act Section 134 Sexual intercourse or indecency with girl between 12 and 16

Copysheet: Definitions of Abuse and Sexual Harassment

A Definition of Abuse

This definition has been adapted from the Family Violence Protection Co-ordinating Committee Kaupapa on family violence.

Abuse is anything that one person does to another that damages a person physically, emotionally, mentally or sexually.

It includes threatening or frightening a person, depriving them of love or affection, depriving them of food, shelter, or clothing, attacking or hurting them with or without a weapon, and misusing them sexually.

Abuse can be done to anyone, regardless of their age, race or social standing, and affects quite a number of people in our community.

Abuse continues because it is supported by the power that some people, groups of people, or institutions have over others.

Such abuse includes violence that occurs within a family, abuse against children and young people, rape of women by people they know and incest.

A Definition of Sexual Harassment

Sexual harassment is a form of discrimination. It refers to a kind of behaviour which may be personally offensive and which may affect morale and the way an employee or student carries out their work.

It includes requests for sex; sex-oriented jibes or verbal abuse; offensive gestures or comments; and unwanted and deliberate physical contact.

It may occur between employer and employee, co-workers, teacher and students, and between students.

Copysheet: Understanding the Law

Use the information from Copysheet: **What the Law Says** to help you complete this chart.

Example of abuse	Law that applies	Penalty
A child is locked into a cupboard for hours.		
An adult peeps into a house and watches a young person getting undressed.		
A teenage boy exposes himself to a girl.		
A man meets a 15-year old girl face to face after a conversation in a chat room and forces her to go to his house.		
A caregiver is not giving a child enough to eat.		
A man has consensual sexual intercourse with his 14-year-old daughter.		
A child is enticed into a car.		
A baby is hit around the head by her mother.		
A man has sex with a 16-year-old prostitute.		
A teenager has severe stomach pains for two days, but his parents do not take him to the doctor. He develops blood poisoning from a burst appendix and nearly dies.		
A man makes a 13-year-old boy touch the man's penis.		
Parents do not provide adequate supervision for a 13-year-old.		
A 16-year-old boy forces his 14-year-old girlfriend to have sexual intercourse.		
A young person is beaten, leaving bruises that last for several days.		
A woman shows objectionable pornographic magazines to a young teenager.		
A boss makes sexual suggestions to an employee.		

Answers for learning journal activity Understanding the Law

Example of abuse	Law that applies	Penalty
A child is locked into a cupboard for hours.	Crimes Act Section 195	Imprisonment up to 5 years
An adult peeps into a house and watches a young person getting undressed.	Summary Offences Act Section 30	Fine up to \$500
A teenage boy exposes himself to a girl.	Summary Offences Act Section 27	Imprisonment up to 3 months/ fine up to \$1000
A man meets a girl face to face after a conversation in a chat room and forces her to go to his house.	Crimes Act Section 210 Crimes Act Section 131B	Imprisonment up to 7 years Imprisonment up to 7 years
A caregiver is not giving a child enough to eat.	Crimes Act Section 195	Imprisonment up to 5 years
A man has consensual sexual intercourse with his 14-year-old daughter.	Crimes Act Section 130	Imprisonment up to 10 years
A child is enticed into a car.	Crimes Act Section 210	Imprisonment up to 7 years
A baby is hit around the head by her mother.	Crimes Act Section 194	Imprisonment up to 2 years
A man has sex with a 16-year-old prostitute.	Prostitution Reform Act Section 23; ILO Convention	Imprisonment up to 7 years
A teenager has severe stomach pains for two days, but his parents do not take him to the doctor. He develops blood poisoning from a burst appendix and nearly dies.	Crimes Act Section 152 Crimes Act Section 195	Imprisonment up to 7 years Imprisonment up to 5 years
A man makes a 13-year-old boy touch the man's penis.	Crimes Act Section 134(3)	Imprisonment up to 7 years
Parents do not provide adequate supervision for a 13-year-old.	Summary Offences Act Section 10B	Fine up to \$2000
A 16-year old boy forces his 14-year old girlfriend to have sexual intercourse.	Crimes Act Section 128	Imprisonment up to 20 years
A young person is beaten, leaving bruises that last for several days.	Crimes Act Section 196	Imprisonment up to 1 year
A woman shows objectionable pornographic magazines to a young teenager.	Publications Classification Act Section 127	Imprisonment up to 10 years
A boss makes sexual suggestions to an employee.	Employment Relations Act Section 108	This is a civil matter. Follow the sexual harassment policy set down by the employer, or make a complaint to the Human Rights Commission.