

Children (Equal Protection from Assault) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I would like this response to be anonymous (the response may be published, but no name)

Please insert your name or the name of your organisation. If you choose the first option above, this should be the name as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 7: Your views on the proposal

Q1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Fully Supportive

Q1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Please explain the reasons for your response

I am an adult survivor of emotional and physical child abuse, the latter mostly comprising smacking, though also being grabbed and hauled about by the wrist. The legality and (in the 1980s, as this was) social acceptability of smacking made it far easier for my "respectable" middle-class parents to terrorise me, including in public spaces. I still suffer flashbacks and other severe PTSD symptoms from the abuse, and the stress of these have also had a severe long-term impact on my physical health. Being punished physically did not make me a better or more well-behaved child - I was already, in fact, a very well-behaved child, just a sensitive and excitable one, and all the physical pain and humiliation of smacking taught me that I didn't matter, that it was fine for people to touch (and hurt) me without my consent, and that I would be hurt and terrorised if I messed up even slightly. And it did nothing to help me behave better - I panicked when smacked, rather than being able to calm myself down, and as I think with many children, it was space to calm down in that I needed to behave better. I resented and feared my parents and did not feel I could trust them or believe them on the rare occasions they told me they loved me. In time I became an exceedingly vulnerable young adult with horribly low self-esteem, and I ended up being raped and emotionally abused by my now ex-husband and did not even fully defend myself, because I had learned from my parents that I was worthless, that every mistake I made proved that I was worthless, that I had no right to physical or emotional boundaries, and that so long as hurting me and humiliating me didn't leave a bruise, it was fine for someone who claimed to love me to treat me like that. I know that some adults who have been smacked claim that "it never did them any harm". I admit to some scepticism about that - I would think that thinking it's okay to hurt a child proves that the person in question has at least had their approach to life thoroughly distorted! But even if it is true, those who were smacked and have not suffered long-term psychological harm for it are the lucky ones. And their parents are also lucky. Smacking a child is at best playing Russian roulette with that child's short-term and long-term health and well-being, and I thoroughly endorse proposals to give children the same rights to avoid physical assault as adults have.

Q2. Could the aims of the proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

No

Q3. What do you think would be the main advantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

It would take away the plausible deniability of a lot of abusers, who can justify to themselves hurting and scaring their children by claiming it is "only" smacking. It would also strengthen the ability of abused children to recognise that their parents/carers' behaviour is unreasonable and wrong, thus helping them to be not as severely traumatised by it. The combination of these would I think lead to a shift in behaviour, and a general decrease in the amount of physical abuse taking place.

In terms of more complex advantages, I think it could also lead to an improved respect for children in our society, which is much needed.

Q4. What do you think would be the main disadvantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

No disadvantages as such, but there is the inevitable difficulty of gathering evidence of illegal behaviour that takes place in private. However, we do not offer that as a justification for other forms of domestic violence; I do not think that the victim being a child makes it less worth at least attempting to enforce such a law.

Page 11: Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

Unsure

Page 12: Equalities

Q6. What overall impact is the proposed Bill likely to have on the following protected groups (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Positive

Please explain the reasons for your response

Fairly obviously, expanding the right to not be physically assaulted to children will lead to greater equality between ages. Disabled children (including autistic children) and LGBTQ+ children are disproportionately victims of abuse by parents and other caregivers, so stand to benefit particularly from this Bill.

Q7. Could any negative impact of the proposed Bill on any of these protected groups be minimised or avoided?

I see no negative impact, although support for stressed (especially single) parents in finding more positive parenting methods would be very sensible. As a general rule, anything that decreases inequality, especially overwork and anxiety among the poorer members of society, is likely to lead to better parenting - although having said that, my own parents were middle-class (albeit suffering some financial problems) and did not work excessive hours, and there is an obvious and overwhelming danger in seeing child abuse of this kind as exclusively perpetrated by those with a lower socioeconomic status. Child abuse can be and is perpetrated by all levels of society.

Page 14: Sustainability of the proposal

Q8. Do you consider that the proposed Bill can be delivered sustainably i.e. without having a disproportionate economic, social and/or environmental impact?

Yes

Page 15: General

Q9. Do you have any other comments or suggestions on the proposal?

No Response

