

Children (Equal Protection from Assault) (Scotland) Bill

Page 2: About you

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

on behalf of an organisation

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".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

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 am content for this response to be attributed to me or my organisation

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 If you choose the second or third option, a name is still required, but it will not be published.

Children's Parliament

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

As a children's rights organisation, Children's Parliament strongly believes that justifiable assault is a violation of children's human rights as outlined in the United Nations Convention on the Rights of the Child (UNCRC), the European Convention on Human Rights (ECHR) and other human rights treaties. Scotland is increasingly out of step with other countries, particularly in Europe, in failing to ensure equal protection for all children from assault in law. International evidence demonstrates that physical punishment 1) leads to increased childhood aggression and anti-social behaviour, 2) exacerbates the reciprocal relationship problem behaviour and physical punishment, 3) results in poor mental health in childhood, and 4) indicates a greater chance of adult aggression and anti-social behaviour, substance abuse, poor relationships, etc. It is clear that physical punishment as a method to change problem behaviour does not work and also has a detrimental effect on children's lives and the relationships they have with their parents/carers and it can often escalate into more serious forms of maltreatment and abuse. In addition to this evidence, children routinely tell us that they want to have positive, respectful relationships with the adults in their lives. These relationships should demonstrate kindness, empathy, trust and dignity. Across our work, children say "we are taking our example from you" - they look to the adults in their lives to set a good example through their actions, words and behaviour and children indicate that when adults shout at or hurt them, it is teaching them that it is okay to do this to other people. In our Pushing the Boundaries project, children aged 7-11 explored relationships, rules, discipline and punishment in the home. Children said that they wanted clear, consistent rules and for parents/carers to talk to them and explain when they have made a mistake or done something wrong. In regards to physical punishment specifically, children said: "Hitting me makes me feel bad in my heart. It's upsetting and it teaches you to hit your own kids." - MCP, age 10 "Do not skelp me for being cheeky. It makes me feel embarrassed. I thought about this and I don't want to do this to my children." - MCP, age 9 The UNCRC emphasises the importance of family life and the role of parents/carers. However, family life is often considered to be a private space, and there can be a reticence to talk about it in terms of children's rights. It is important to have these conversations, and children are keen to have opportunities to talk about family life and confirm the value of reflecting on and exploring what rights mean in the context of family relationships. We talk about children's rights as keeping children healthy, happy and safe both in public life (at school and in the community) and in private life (at home). Children often express the view that their rights should be enshrined in law and that adults and institutions should not be able to choose when a right is respected/realised. While still falling short of full incorporation of the UNCRC, the removal of the legal defence for 'justifiable assault' ensure that another aspect of children's rights is protected under Scottish law - the right to be kept safe from all forms of physical or mental violence.

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

No

Please explain the reasons for your response

UNCRC General Comment No. 8 states that any physical punishment of children is incompatible with the UNCRC and that children need safeguards in place, including specific legal protection. The issue of equal protection from assault in Scotland has been raised repeatedly by the UN Committee on the Rights of the Child as well as other UN bodies and we are failing to meet our international obligations and increasingly out of step with the progress in other parts of the world. Additionally, with the duty placed on Scottish Ministers to consider steps to further the UNCRC in the Children and Young People Act (Scotland) 2014, this is not only an opportunity to comply with international human rights obligations but to also fulfil our own legislative duties. Evidence demonstrates that a change in legislation combined with an awareness raising campaign are the most effective ways to change behaviours around physical punishment. Until children have equal protection from assault under Scottish law, they remain vulnerable to harm.

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?

1. All children would have a legal protection from assault all of the time.
2. It would provide an opportunity to raise awareness of children's rights and support parents/carers to learn about positive parenting approaches and strategies for dealing with problem behaviours that do not include physical punishment, thus improving children's lives and their relationships with their parents/carers.
3. Scotland would meet international human rights obligations and meet international standards of protection for children.
4. Scotland would be fulfilling legislative duties under the Children and Young People (Scotland) Act.
5. It is one more step in ensuring that 'Scotland is the best place to grow up'

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?

None.

Children remain the only group of people in Scotland that are not guaranteed protection from assault under Scottish law. Removing the legal defence of 'justifiable assault' is well past due.

Physical punishment does not work - international evidence demonstrates that physical punishment has a detrimental effect on the lives of children and their relationships with parents/carers and does not effectively change problem behaviour. A change in the law will help change social attitudes and behaviours about physical punishment.

Scotland is out of step with other countries and there is increasing pressure to bring about a change in legislation so that Scotland meets its international human rights obligations.

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

Please explain the reasons for your response

While there would be a cost associated with an awareness raising campaign and resources required to support parents/carers in positive parenting, a decline in physical punishment could also lead to lower costs of medical and social programs, including mental health services, due to a decrease in childhood and adult aggression, anti-social behaviour, substance misuse, etc. Equal protection is part of a prevention and early intervention model that would help children and families be healthier, happier and safer down the line.

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

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?

Please explain the reasons for your response

As children are the only group in Scotland without equal protection from assault under the law, this proposed Bill would ensure that children will not continue to be placed in a vulnerable position due to their age.

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

No Response

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