

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 If you choose the second or third option, a name is still required, but it will not be published.

YouthLink Scotland

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**

YouthLink Scotland is committed to the wellbeing and protection of young people. We are an organisation which promotes children's rights and which respects diversity. We, like many other organisations in civil society, support children and young people's equal protection from 'justifiable assault', and believe that Mr Finnie's proposal is a welcome step in creating space for our country to discuss and debate this significant matter; and a matter where Scotland lags behind other nations and which sits in stark contradiction to the ambition of 'Scotland being the best place to grow up' In the youth work sector we are committed to preventative approaches, approaches which stop negative behaviours happening in the first place and which prevent costs (financial and social) to individuals and communities. On a daily basis youth work organisations in Scotland are supporting young people who face challenges, struggles and illness as a result of poor mental health and wellbeing. Evidence shows that experiencing physical punishment will lead to detrimental outcomes for young people and adults; including anxiety, depression, and aggression (Heilmann, A., Kelly, Y., and Watt, R.G. (2015)) Young People told our member the Scottish Youth Parliament, through their Lead the Way engagement that they believed that all physical assault against children should be illegal – a statement which was supported by 82% of the respondents. This is unsurprising when half of children in Scotland still experience 'smacking' as was reported in the Growing up in Scotland study. We believe that youth work and community learning and development approaches have a role to play in supporting parents to be the best that they can be, and to have strategies available to them to support their children. Research shows that parents (82%) want access to alternative approaches and the necessary support to make that happen. Ultimately this is a human rights matter. We fully support the statement prepared by Together: "The UNCRC is clear about children's right to equal protection. The UN Committee on the Rights of the Child's General Comment No. 8 is unambiguous in stating that all forms of violence are incompatible with the UNCRC, and that children need a range of safeguards, including specific legal protection. The UN Committee – alongside very many other UN treaty bodies – has repeatedly condemned Scotland's failure to protect children from physical punishment. In 2016, the UN Committee concluded that the UK (including Scotland) should "prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences." This has been followed in 2017 by seven recommendations to the UK through the Universal Periodic Review at the Human Rights Council."

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**

There has been condemnation of the UK's position on physical assault within the family by various UN treaty bodies; alongside recommendations for change – neither of which have brought about the desired political or social change. Mr Finnie's proposal is a welcome step towards legislative change and it is our hope and belief that societal change will follow. This is an opportunity for Scotland to engage in this issue, and to reflect on the value it gives children. Children have a suite of rights bestowed upon them by the very condition of their age, and which reflects their vulnerability and need for additional protection: this must be recognised. We call for a Children's Rights and Wellbeing Impact Assessment to be conducted by the Scottish Government to inform the ministerial decision on whether or not to support the resulting Bill.

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?

- For children and young people to feel safe; be nurtured; be healthy; be respected (GIRFEC)
- For parents to feel empowered to discipline their children in non-violent ways
- For children to live without fear of assault from family members
- For children to manage their relationships with their peers positively using strategies they can model from effective parenting

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?

- For children to grow up and become parents themselves, equipped with the knowledge of managing the relationship with their own children that does not include physical punishment

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?

There is no disadvantage, only the challenge of how this will be implemented and monitored.

## 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?

Unsure

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*