

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 If you choose the second or third option, a name is still required, but it will not be published.

Lochaber Women's Aid

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

Our mission as a feminist organisation is to work to end Domestic Abuse and Violence Against Women, children and Young People by tackling the root cause which is gender inequality. Lochaber Women's Aid believe that physical punishment of children contradicts a child's human rights to be protected. Children should be protected from all forms of discrimination due to their protected characteristic (age) and the legislation in place for children must support our policies and frameworks to promote social equality. The GIRFEC approach has been built up from the right every child has to be protected and feel safe and our Laws need to be brought in line with the UN Convention on the Rights of the Child to ensure the protection of children. Children must be afforded the same rights and protections as adults. Their increased vulnerability by being a child makes it all the more critical that they enjoy equal protection from assault. The proposal is clear that the main aim of the change in law is not about criminalising parents; it is about rectifying a significant gap in children's protection, rights and equality currently missing from Scots law. We are supportive of this aim. Scots law must be brought in line with human rights instruments including the UN Convention on the Rights of the Child (UNCRC) and the Convention to Eliminate All Forms of Violence against Women (CEDAW). As an organisation working to end violence against women, we believe that everyone has the right to live without fear of being hurt. Physical punishment of children sits within the wider continuum of violence within society, and undermines the message that violence in all its forms will not be tolerated. Enshrining the aims of the proposal in law is the best means of establishing a clear, unequivocal mandate for the equal protection of children from assault. This would provide clarity for parents and in the criminal justice response towards protection for children.

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

Enshrining the aims of the proposal in law is the best means of establishing a clear, unequivocal mandate for the equal protection of children from assault. This would provide clarity for parents and in the criminal justice response towards protection for children.

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?

- Reducing the risk of emotional and physical harm to children.
- Reducing the risk of 'milder' physical punishment escalating into child abuse.
- Enhancing the status of children as independent rights holders.
- Better clarity for parents, services and children themselves about what is acceptable and unacceptable treatment of children.
- Further support and awareness for parents about positive parenting methods.
- Promoting a culture in Scotland that challenges violence and abuse in all its forms.
- Scotland meets its international human rights obligations.

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.

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

Broadly cost-neutral

Please explain the reasons for your response

We would imagine that any costs incurred would be met through existing public sector budgets, be these at a local, regional or national government level.

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

We believe that with appropriate and high-quality information and support accompanying legislation, the proposed Bill will have a positive impact on protected groups, in particular through redressing current inequalities around age. We recommend that in addition to a Child Rights and Wellbeing Impact Assessment, an Equality Impact Assessment is also undertaken to help ensure that the impact of the legislation is fully explored and that measures are put in place to mitigate any negative impacts the Bill may have upon all protected groups.

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

Please explain the reasons for your response:

We can not foresee that the Bill will have any additional social, economic or environmental cost impact.

Page 15: General

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

None.