

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 If you choose the second or third option, a name is still required, but it will not be published.

LGBT Youth 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**

Our manifesto for 2016-2021 states that 'We believe that young people's rights, articulated in the United Nations Convention on the Rights of the Child (UNCRC), should be fully realised in Scotland. Full incorporation of the UNCRC into Scots Law would improve civic inclusion and legal protection for LGBTI young people'. The issue of Equal Protection is a children's rights issue and would further legal protection for children and young people. As noted in Together's Member Briefing on Equal Protection, the UN Committee's concluding observations stated 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.' Research shows that: the majority of of parents don't think physical punishment is effective; it is ineffective and detrimental; and, children and young people do not want to experience physical punishment\*. Although social attitudes often influence policy change, legislation has also been shown to influence behaviour. For this reason, LGBT Youth Scotland welcomes the proposal to extend equal protection from 'justifiable' assault to children and young people, as it would enhance children and young people's access to their rights and contribute to the cultural shift that is moving away from the acceptance of physical punishment. We support Together's response, which provides more in-depth information on children's rights. \* Heilmann, A., Kelly, Y., and Watt, R.G. (2015). Equally Protected? A review of the evidence on the physical punishment of children. Commissioned by NSPCC Scotland, Children 1st, Barnardo's Scotland and CYPCS. Scottish Youth Parliament (2016). 'Lead The Way' Scottish Youth Party Manifesto 2016 - 2021.

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**

As noted in question one, we recognise that policy and practice can only go so far to create social change and national consistency, and legal protections are appropriate when protecting rights.

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 recognise a growing body of research and shifting public opinion, as well as remove a legal exception to upholding children and young people's right to protection from violence.

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.

## 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?

**Please explain the reasons for your response**

We are not aware of any evidence indicating impact on protected characteristics other than 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?

Unsure

## Page 15: General

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

*No Response*