

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 If you choose the second or third option, a name is still required, but it will not be published.

Derek Westwood

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 opposed

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 believe Question 1 to be a leading question. I understand that Scottish law defines physical punishment of children as 'justifiable assault', but I do not consider that lovingly drawing children's boundaries before they are in a position to draw their own constitutes 'assault' in any meaningful way outside the narrow legal definition. It is obvious to most reasonable people that criminalising responsible parents will succeed in doing just that: on the other hand irresponsible parents who appear in court typically for inflicting injury, serious injury or death on their children will continue to do so regardless of any well-meaning parliamentary draftsmanship. An analogy might be the banning of all alcoholic drinks, on the grounds that a minority of drinkers are wife-beaters, cause accidents through drink driving or are alcoholics. Similarly, an earnest legislator might wish to abolish vegetarianism, on the grounds that Adolf Hitler was vegetarian. I consider all these grounds to be intellectually, morally and philosophically spurious.

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

Yes (if so, please explain below)

**Please explain the reasons for your response**

I am not in sympathy with the aims of the proposal. However the safety of children could be enhanced by pre-emptive and substantive parenting teaching in school. We have all left school with only the sketchiest knowledge of how to be a good parent, unless we have been blessed by having had good and loving parents ourselves. A second means of helping to secure children's safety could be by the compulsory and legally enforceable sterilisation of all parents and step-parents who have been convicted of committing serious violence on children. No convicted adult should enjoy some vague and inalienable 'right' to procreate, in view of his or her criminal record; that 'right' to procreate would have the mischievous and pernicious implication that their children had no 'right' to live out their childhoods free from serious violence, or murder.

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?

None.

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?

Children are already protected by law from assault, and require no further legal protection to ensure their safety.

The proposed ban intrudes upon the majority of well-regulated (and self-regulated) families across the country.

The plan fails to make any distinction between loving and abusive parents. In this respect it treads the same unwholesome and potentially dangerous path as the now notorious Named Person legislation.

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**

Although I have no doubt that there may be financial implications, I do not consider myself competent to reply to this question.

## 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**

I do not wish to reply to the above question.

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

I do not wish to reply to the above question.

## 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?

No

**Please explain the reasons for your response:**

I have replied to the question concerning the economic impact. I have no idea as to what might constitute the 'environmental' impact of the proposed Bill. Does the proposer of the Bill? The social impact of the Bill will be serious, with the potential criminalisation of responsible parents.

## Page 15: General

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

The Proposer of the Bill will be aware that in 2014 a Com Res poll discovered that 65% of adults said that it 'is sometimes necessary for a parent to smack a naughty child', and that only 22% disagreed. The Bill clearly has little public support.

Perhaps the Proposer of the Bill would like to legislate that there is no such thing as a 'naughty child'?

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

There is apocryphal evidence that 'child abuse rates and child-on-child violence' in Sweden increased after the banning of smacking in that country in 1979. I intend to research this, and I hope and expect that all responsible legislators in Holyrood will do so as well.