

# 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".)

Professional with experience in a relevant subject

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 If you choose the second or third option, a name is still required, but it will not be published.

Laura Pasternak

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**

It is shameful that Scotland, which is generally a beacon of compassion, tolerance and human rights internationally, still has a defence of justifiable assault against children and young people. They should receive equal, if not more protection from assault due to their vulnerability and dependence - not less. The law is at odds with parents and young people's views on physical punishment against children, it is in contravention of our international human rights obligations and there is widespread support across Scotland for a change in the law. The national and international evidence of the negative impact of physical punishment on children is settled on this issue - it is detrimental to children and young people's long-term health and wellbeing and adult outcomes, carries a high risk of escalation into abuse, and receives decreasing public support. It can also increase the likelihood of internal and external aggression, which can lead to poor mental health in adult life (something of which I have personally experienced), and contribute to the problem of domestic abuse. Furthermore, it is at odds with Scotland's policies on positive parenting strategies, and signal that we should not fight violence with violence. Scotland is behind our European counterparts on this issue, and should follow Ireland and change the law. This will bring further attitudinal change towards physical punishment, and benefit future generations.

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**

We need to legislate to give children and young people equal protection, in addition to the proposed Scotland-wide information campaign to raise awareness of the change in the law, educational materials aimed at supporting parents and changing public attitudes towards physical punishment, and additional parenting support. Legislative change can catalyse wider changes in societal attitudes and behaviours, as happened with the ban in smoking in public places. Legal reform for equal protection is needed now, without any further delay.

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?

- Children and young people would have the same legal rights and protection from assault as adults.
- It would break any cycles of violence and safeguard the rights, health and wellbeing of children and young people. This would result in improvements in mental health, better educational attainment and a reduction in anti-social behaviours.
- It would shape public attitudes towards the practice of physical punishment against children and young people, ultimately reducing its prevalence.
- It would also bring the law up-to-date with society's declining support and use of physical punishment against children and young people.
- Scotland would be in compliance with its international human rights obligations, setting a good example internationally and sending out a clear message that our society does not tolerate violence, and that we treat each other with dignity and respect.
- Parents and others caring for or in charge of children and young people will have stronger and healthier relationships with them.
- It would make the law and what is acceptable clearer to parents and carers.
- It is an opportunity to promote positive parenting or caring strategies.
- It would underpin Scotland's efforts to reduce violence in society.

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?

Providing certain steps are taken (Children's Rights and Well-being Impact Assessment, adequate parental information and support, funding for public services, awareness raising about the non-punitive nature of this reform in relation to parents and others caring for or in charge of children), there will be no significant or immitigable disadvantages to prohibiting all physical punishment of children and young people.

## Page 11: Financial implications

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

Some increase in cost

**Please explain the reasons for your response**

I support the resource implications estimation as set out in the consultation paper.

## 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**

It is likely to afford children and young people with the same legal rights and protection from assault as adults, alleviating the age-discriminatory effect of Scots law as it stands as regards physical punishment.

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

N/A

## 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?

None.