

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 If you choose the second or third option, a name is still required, but it will not be published.

Bernie Hughes

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

Assault can never be justifiable.

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

If they could be, they already would have been. Scotland is failing to accord children the same level of protection from assault to which they are legally entitled across Europe.

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?

Adults accused of assaulting children would be denied the spurious defence that their action was "justifiable".

Adults who assault children will be punished accordingly.

Children will be better protected from assault.

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. No possible disadvantage can outweigh the fundamental right to freedom from assault that we all enjoy, including children.

Page 11: Financial implications

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

The main impact will be to prevent accused adults relying on a spurious defence in court; the cost implication ought to be minimal. In any case, the fundamental right to freedom from assault cannot be restricted by price-tag.

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

Every step towards justice for one vulnerable group (in this case, children) contributes to a legal and civil framework in which every vulnerable group is afforded the full protection of the law.

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

Any negative impact on members of any of these groups will arise not as a consequence of their membership of the group in question, but as a consequence of their having assaulted a child.

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:

There can be no 'disproportionate' economic or social effect to freedom from assault. It cannot be priced.

Page 15: General

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

It's long overdue.