

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 If you choose the second or third option, a name is still required, but it will not be published.

Dr Virginia Paul-Ebhohimhen

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**

Having a blanket legislation ban that wrongly interferes with reasonable individuals and families welfare cannot bring an effective solution to complex social problems. Using alcohol for illustration, the focus should be on prevention and identification of harmful use or abuse rather than a total ban on use. While total ban may be ideal for cigarette smoking where there is no safe cigarette smoke, banning all physical punishment including a loving parent's smack is akin to an unnecessary action and probably detrimental in situations where that measure is both the most effective age, maturity (and even gender) appropriate measure of discipline.

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**

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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?

I see no advantages because as described in 1 and 2, a total ban is an unnecessary approach to the real issue in question of preventing physical abuse. Including a loving parent's smack in the umbrella of 'all physical punishment' while totally accurate grammatically, does not in any way mean such discipline measures is within the umbrella of 'assault' or 'physical abuse' of children.

The focus of the law and social and health services should be on preventing and identifying genuine assault (usually in vulnerable groups like children living with parents who are themselves suffering addiction or other significant mental health problems or experiencing relationship crisis) rather than removing reasonable measures used by regular healthy families.

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?

The focus of the law and social and health services should be on preventing and identifying genuine assault (usually in vulnerable groups like children living with parents who are themselves suffering addiction or other significant mental health problems or experiencing relationship crisis) rather than removing reasonable measures used by regular healthy families.

A total ban is therefore going to result in the most vulnerable being missed even more with further widening of the inequality gaps in the protection of children from assault, despite unnecessary criminalisation of a vast majority of loving parents that such ban may be expected to bring.

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

Significant increase in cost

**Please explain the reasons for your response**

A total ban may be expected to result in the most vulnerable children being missed even more with further widening of the inequality gaps in the protection of children from assault, despite unnecessary criminalisation of a vast majority of loving parents that such ban may be expected to bring (with the associated criminal justice costs). Evidence from Sweden has shown that the ban of smacking in 1979 was followed by increased child abuse rates and child on child violence.

## 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?

Negative

**Please explain the reasons for your response**

A total ban that takes no cognisance of age or maturity (and sometimes gender) appropriate discipline measures resulting in missing even more of the already most vulnerable and hence widening the inequalities gap in regards to child protection can do nothing to foster age, gender or religious and maybe racial equality

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

A total ban that takes no cognisance of age or maturity (and sometimes gender) appropriate discipline measures resulting in missing even more of the already most vulnerable and hence widening the inequalities gap in regards to child protection can do nothing to foster age, gender or religious and maybe racial equality.

Not going ahead with the proposed bill but rather undertaking focused high risk groups identification to avoid further harm on the vulnerable group of children is what should be advanced.

## 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:**

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## Page 15: General

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

I admire the objectives of this consultation in being underpinned by a desire to protect all children from assault. Towards realising the objective, a justified and evidence based approach would be to focus on prevention and identification of harmful physical punishment or assault in at risk groups rather than a blanket ban to all physical punishment (including a loving parent's age, gender or maturity appropriate smacking) for regular healthy families.

Evidence is that a total ban ends up with unintended worse outcomes for the most vulnerable despite unnecessary criminalisation of the vast majority of loving parents and resource wastage.

I therefore do not support the proposed total ban on all physical punishment.