

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 If you choose the second or third option, a name is still required, but it will not be published.

Rape Crisis 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

One of the key strategic objectives of the Scottish Government is to make Scotland a place that is safer and stronger. How can this be fully achieved when the most vulnerable in our society, our children and young people, can be justifiably assaulted by those who have a responsibility for their care and wellbeing.

Corporal punishment was banned in schools in 1987 as it was recognised as unacceptable, yet 30 years later this 'right' still remains for parents. One of the key outcomes of the Scottish Government is that 'we have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others', yet the research which clearly demonstrates that physical punishment of children does have negative consequences is not being taken into account or reflected in our legal system. See Equally protected: A review of the physical evidence at

<https://www.nspcc.org.uk/globalassets/documents/research-reports/equally-protected.pdf>

This research also clearly evidenced (p.34) the link between physical punishment and later aggressive and anti-social behaviours, including a link between increased prevalence of intimate partner violence, sexual coercion and controlling behaviours. What inconsistent messages are we giving in our work to end violence against women and girls, if physical assault can be justified by the behaviour of the child and legitimised by the rights of the adult. The Rape Crisis Scotland sexual violence prevention programme operating in secondary schools across Scotland looks at key issues around consent and healthy relationships. The programme explores the messaging around gender, bodily autonomy, boundaries and rights.

Removing the right to bodily autonomy, and blaming the child's behaviour, whilst justifying assault as legitimate in certain circumstances are at complete odds with this ethos, and is contrary to the intentions of Equally Safe. The programme also aims to involve and encourage the participation of young people in shaping those interventions. Children and young people when consulted are giving a clear message that they want this to change. 82% of the more than 70,000 responses from young people in Scotland who took part in the Scottish Youth Parliament consultation said that all physical assault against children should be illegal. It also challenges victim blaming, and attributes responsibility with the perpetrators.

<http://bit.ly/1RhENsA>

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

Legal reform sends a very clear message and promotes cultural change to end the use of physical punishment in Scotland. Giving children full protection against assault will send a clear message to all of us about how we treat each other as human beings, and underpin Scotland's efforts to reduce violence across the whole of society. Without legal reform some children will have less protection from violence and assault than others, depending on whether their parents use physical punishment. Given the irrefutable evidence that physical punishment is harmful, it is not acceptable to wait for every parent's approach to catch up with the evidence, before introducing legal reform. This is particularly important because in the absence of clear messaging from the Scottish Government some parents may not even be aware of the evidence.

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 will be given a clear message that their rights and safety are equally valued in Scottish society. How can we promote messaging around everyone's right to live a life free from fear, harm and abuse from others when the key caring relationships have rights to justifiable physical punishment enshrined in the law. How also are we to challenge that victim blaming is unacceptable, if we are in effect saying there are some behaviours from children which justify being hit. We would not tolerate this for adults, so how can we for children?

There is strong evidence from other countries that the passage of legislation, in combination with public awareness and education campaigns, heralds a further change in public attitudes. Changing this legislation shows clear moral, ethical and political leadership to help effect that change. We should be aspirational. Equally Safe states that 'Violence against women and girls, in any form, has no place in our vision for a safe, strong, successful Scotland. It damages health and wellbeing, limits freedom and potential, and is a violation of the most fundamental human rights. The Scottish Government, CoSLA and key partners are committed to preventing and eradicating it once and for all.' This includes hurt and harm within the family home.

Studies have clearly demonstrated that public support for, and prevalence of, physical punishment declined before the introduction of legal bans and continued to decline afterwards. Legislative change can be a key catalyst for cultural messaging, attitudinal and behavioural change.

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.

We appreciate there are anxieties about criminalising parents, however there is no evidence that a change to the law results in increased criminal proceedings in any of the 52 countries where this reform has already taken place. The law has had enormous value in further reducing the use of physical punishment but there have been no corresponding rise in prosecutions. Indeed, there is no evidence of negative consequences for parents, families or children from the countries that have already made these legal changes and experienced its practical results.

Some have previously stated that they do not think that proposals to give children equal protection from assault are "enforceable" or "workable." Given that Scotland is one of a very small minority of European Union nations that has not committed to legal reform and 52 other countries have undertaken legal reform it is clear that other countries have found it possible to implement such legislation.

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 reduction in cost

Please explain the reasons for your response

Whilst there may be some additional expenditure in awareness raising, and combined with positive parenting messages and support which is already underway, the likelihood that this preventative spend and the decrease in negative outcomes in the longer term will have positive benefits.

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

Protecting all young people, especially those who may face additional difficulties within the family environment, can only ensure the intersectional rights of all.

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

NA

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?

No Response