

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 If you choose the second or third option, a name is still required, but it will not be published.

Ariane Burgess

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

Please explain the reasons for your response

I am aligned with the contents of John Finnie MSPs draft consultation. "I want Scotland to be among the most progressive, socially just, and equal nations in the world. We all want our children to be happy, healthy and to give them the very best start in life. Yet in 2017, we still afford children less protection from assault than adults. It is an anomaly within Scots law which should now be remedied."

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

Again from the consultation: "The United Nations (UN) is clear that legal provisions which allow any level of violent punishment of children are not compatible with the UN Convention on the Rights of the Child and ought to be repealed. The UN is leading a global move to ban the physical punishment of children in an effort to change attitudes and cultural norms across the world. There are now 52 countries where physical punishment is unlawful; one of the most recent being the Republic of Ireland, where the law was changed in 2015." That the following situation occurred is outrageous: "In 1994, the stepfather of a 9-year old boy (A) was prosecuted in England for repeatedly beating him with a cane.⁷ At the end of the trial, the stepfather was acquitted on the basis that the jury found the punishment to have been reasonable. However, A appealed to the European Court of Human Rights, which found the child's human rights had been breached and found the UK was responsible for this and had failed to adequately protect the child." We need legislation to ensure that children can be properly protected and can seek recourse when they are abused.

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?

It's going to be difficult in some cases to know, or enforce protection from assault, however, if there is legislation children will be able to make a legal case against their abusers.

This will help to create a country where physical abuse of any kind towards children is unacceptable and hopefully encourage parents to learn caring ways to support their children's healthy development.

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?

I don't think there are any disadvantages. This should have happened along time ago. Thank you John Finnie MSP for holding this consultation.

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 cost of supporting people with long term mental and physical health issues as a result of physical assault will be reduced.

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

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

I am not an expert in this field and at this point am unaware of any negative impacts from the proposed Bill.

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?

Thank you John Finnie MSP for putting time and effort into putting forward this consultation and proposed Bill. It's long overdue and I trust that your fellow MSPs will get behind you in supporting this. I will be in touch with my local MSP about it.