

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 If you choose the second or third option, a name is still required, but it will not be published.

Humanist Society 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

Humanist Society Scotland fully support the changes proposed by the draft bill. As representatives of Scotland's community of Humanists we wish to see all people, including and especially children able to live a fulfilling life free from the threat of violence. We believe it is never reasonable for an adult to assault a child or young person. In addition Humanists have a long history of being involved in promoting and defending Human Rights for all individuals including children and young people. Humanist Society Scotland believe that the law as currently defined fails to live up to the standards and expectations that Scotland has set for itself through Human Rights legislation and as signatories and supporters of the UN Convention of the Rights of the Child. It also does not allow children and young people to manifest their rights under the Human Rights Act. We hope that changes be brought across the legal framework to ensure children and young people have their rights respected and recognised in areas where they currently are not. As a society of individuals who believe in a rational evidence based approach to policy making we would refer to the findings of the report Heilmann, A., Kelly, Y. and Watt, R.G. (2015) Equally protected?: a review of the evidence on the physical punishment of children and young people. This has very clear evidence based findings that: - Physical punishment increases childhood aggression and antisocial behaviour - Physical punishment is related to depressive symptoms and anxiety amongst children - Physical punishment carried a serious risk of escalation into abuse.

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

Humanist Society Scotland believe that the current law needs reforming. Fundamentally it is the drafting of the current law, Criminal Justice (Scotland) Act 2003, which allows there to be 'justifiable assault' against children and young people. A legislative change would result in the ending of this special defence therefore removing the ability for a parent or carer to assault a child albeit in the eyes of the current law 'justifiably'.

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?

That the law will recognise that children have the equal right to the expectation of freedom from assault that is currently enjoyed by adults in Scotland. The continued state sanctioning of certain forms of physical punishment undermines the fundamental rights of human dignity and physical integrity of Scottish children and young people.

Not only does the current law fail to protect children and young people from physical punishment but we believe such punishment is ineffective in setting positive outcomes for children. The evidence backed research in this area points to the fact that physical punishment actually increases negative behaviour in children and young people rather than diminish it.

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?

Humanist Society Scotland do not see any disadvantages to this change in law.

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

Based on experiences of other countries who have amended laws to the same effect there is no evidence to suggest a significant increase in prosecutions, however what it has done is acted as a way to change attitudes and behaviours towards less use of physical punishment against children and young people.

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

Currently children are not given the same protections as adults from assault and therefore groups are being discriminated on currently, on the basis of age. Removing justifiable assault will ensure children and young people are given the same protections as adults from assault.

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?

No Response