



Official Response

SUBJECT: Children (Equal Protection from Assault) (Scotland) Bill
REQUESTED BY: John Finnie MSP
REFERENCE: OR-2017/08
DATE: 26 July 2017
SUBMITTED BY: Chloe Clemmons, Church and Society Council,
chloe.clemmons@scpo.scot

Aim and approach

1. 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?

X Fully supportive

Please explain the reasons for your response.

The Church of Scotland is one of the largest organisations in the country. We have over 350,000 members with a presence in every community in Scotland. Our churches and communities engage with thousands of young people every year and “investing in young people” is a theme of the work of the Church and Society Council of the Church of Scotland.

In [2016 the Church of Scotland General Assembly](#) recognised that physical punishment of children is a violent act and that violence is damaging to mental and physical health. The Assembly affirmed that such punishment was contrary to Jesus’ instruction to his followers to “love one another, as I have loved you”. In the context of considering issues from a theological basis and from the perspective of a developing international human rights framework, it was decided that it is right for the church to support measures to enable equal protection for children.

How we treat, love, nurture and discipline our children undoubtedly has profound and far-reaching implications for how they will live, behave and relate to others in society as adults. Arguably, if children have learned from the significant adults in their lives that violence is an acceptable response, then that is how they will respond. As a Church we believe we are

called to be peacemakers, it is the view of the General Assembly that the task of making peace surely begins with the values we instil in our children and the examples we set.

Evidence presented in the consultation document from the Children and Young People's Commissioner Scotland and the Scottish Youth Parliament suggested children and young people themselves do not support the use of physical punishment. As a Church we believe that it is important to hear this voice, ensuring that young people have a say in this decision that will directly impact their experience of the world.

Now is the time, we believe, to move on from the idea that violence against children, or any form, can be justified. Throughout history there have been times when, after deep and considered reflection, it has been decided that some of the behaviours once deemed acceptable in the past are deemed unacceptable. Such shifts are important as we seek to live in a way that encourages life in all its fullness. This is not just about a piece of legislation but it is also about a cultural shift in attitudes. Such a change should not seek to criminalise parents, or condemn those in the past who have used physical punishment to discipline their children. This is a time for moving forward and supporting a change.

On this basis the Church is in full support of this proposal to remove the defence of "justifiable assault" from the Criminal Justice (Scotland) Act 2003 so that children have the same legal protection from assault as adults.

2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

X No

Please explain the reasons for your response.

A society that takes the view that children have a right to equal protection from assault should not have a legal framework that legitimises physical punishment. It is necessary to change the law to end the possibility of physical punishment being seen as justifiable assault. The proposed legal change is an essential component in societal attitudinal change that is needed to ensure that children have equal protection from assault.

3. 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?

There is clear evidence that physical punishment is damaging to children. While parents continue to have responsibility to nurture their children, and create boundaries for them,

the Church believes that the resort to violence should cease to be acceptable as our society comes to understand its negative impact. This Bill is a move in the right direction for our society. It is a move away from the idea of violence in the home and a step towards normalising different non-violent forms of parenting.

In 2013 the Church considered a Christian understanding of human rights and affirmed the European Convention on Human Rights. The Church supports the implementation of the United Nations Convention on the Rights of the Child and the protections offered to children within it. The proposed legal change would enable Scotland to better comply with the UNCRC.

4. 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?

In the short term it would be necessary to provide public information on the legal change and additional support for parents to ensure that the legal change makes a practical difference.

Financial implications

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

X Unsure

Equalities

6. What overall impact is the proposed Bill likely to have for the following protected groups (under the Equality Act): race, disability, sex, gender reassignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity)?

X Positive

Please explain the reasons for your response (if you are of the view that there will be different overall impacts for different groups please specify in your comments)

The proposed change will mean that children have increased rights and protections to have the same rights and protections as adults.

**7. If you believe there is a negative impact in what ways could any negative impact of the Bill on any of the protected groups be minimised or avoided?
Sustainability of the proposal**

8. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

X Yes

General

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