

**Briefing from Barnardo's Scotland, Children 1st and NSPCC Scotland for  
Stage 1 Debate: Children (Equal Protection from Assault) (Scotland)  
Bill**

**28<sup>th</sup> May 2019**

Barnardo's Scotland, Children 1<sup>st</sup> and NSPCC Scotland **fully support the principles of the Children (Equal Protection from Assault) (Scotland) Bill**. Furthermore, we encourage all MSPs, from across the chamber to come together and support the Bill at Stage 1 in line with recommendations from the Equalities and Human Rights Committee's Stage 1 report.

**Now is the time for Parliament to act to ensure children are Equally Protected from all forms of violence within the law.**

**Support for legal change**

The Committee heard from a number of individuals, organisations and experts during their Stage 1 evidence – these included respected academics, children's rights experts, children's charities, women's organisations, parenting organisations, religious bodies, representatives from Health, international experts, legal bodies, social work and police – an overwhelming majority of these witnesses spoke in favour of the principles of the Bill.

John Finnie's original consultation on the draft Bill received over 650 responses, **75%** of which were supportive.<sup>i</sup>

In the Scottish Youth Parliament's Lead the Way Manifesto, of 72,744 responses from 12-25 year olds, **82%** agreed that 'all physical assault against children should be illegal'.<sup>ii</sup>

Feedback from 260 pupils who participated in the Equalities and Human Rights Committee 'meeting in a box' to gather evidence from children and young people showed that **66%** of them supported the Bill.<sup>iii</sup>

A study of 179 parents in Glasgow in May 2018 revealed that **60%** of respondents supported the Bill, and crucially two-thirds of respondents who admitted to 'smacking' said the change in the law would lead to them smacking less or stopping altogether.<sup>iv</sup>

**Evidence for legal change**

The evidence supporting this change is unequivocal, overwhelming and no longer possible to ignore. Along with the Children and Young People's Commissioner we jointly commissioned "*Equally Protected? A review of the evidence on the physical punishment of children*"<sup>v</sup> which draws together the international evidence, available since 2008, on the prevalence of attitudes towards physical punishment; the short and long term outcomes of physical punishment; and the relationship between physical punishment and the risk of further child maltreatment.

The Review found that physical punishment is associated with increased childhood aggression and antisocial behaviour; is related to depressive symptoms and anxiety among children; and carries a serious risk of escalation into abuse.

In his foreword, Professor Sir Michael Marmot, UC said:

*"The international evidence could not be any clearer – physical punishment has the potential to damage children and carries the risk of escalation into physical abuse"*

### **Scotland's International Obligations**

It is our view that this Bill is required, as a matter of urgency, to bring Scotland in line with international Human Rights obligations. The Scottish Government have committed to incorporating the United Nations Convention on the Rights of the Child (UNCRC) into Scots Law – the current legal position on physical punishment will become completely untenable at this point.

**When the evidence is this clear it is incumbent upon parliamentarians and policy makers to act.** Children have the right to protection from all forms of harm and physical violence; children have the right to grow up in safe, nurturing environments which are free from violence, the current legal position in Scotland does not do this.

56 other countries have successfully made or committed to making this change.<sup>vi</sup> Now is the time for Scotland to act. We urge all MSPs from across the chamber to vote in favour of this Bill at Stage 1.

### **Contact**

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- <sup>i</sup> [https://www.parliament.scot/S5MembersBills/Consultation\\_summary\\_physical\\_punishment.pdf](https://www.parliament.scot/S5MembersBills/Consultation_summary_physical_punishment.pdf)
- <sup>ii</sup> [https://d3n8a8pro7vmtx.cloudfront.net/scottishyouthparliament/pages/283/attachments/original/1457781662/Lead\\_The\\_Way\\_Manifesto.pdf?1457781662](https://d3n8a8pro7vmtx.cloudfront.net/scottishyouthparliament/pages/283/attachments/original/1457781662/Lead_The_Way_Manifesto.pdf?1457781662)
- <sup>iii</sup> [https://www.parliament.scot/S5\\_Equal\\_Opps/equal%20protection%207/Meeting\\_in\\_Box\\_responses.pdf](https://www.parliament.scot/S5_Equal_Opps/equal%20protection%207/Meeting_in_Box_responses.pdf)
- <sup>iv</sup> <https://www.communitypractitioner.co.uk/resources/2019/05/exploring-glasgow-parents%E2%80%99-views-equal-protection-assault-bill>
- <sup>v</sup> <https://learning.nspcc.org.uk/media/1117/equally-protected.pdf>
- <sup>vi</sup> <https://endcorporalpunishment.org/countdown/>