

## **EQUAL PROTECTION – YOUTHLINK RESPONSE –SUBMITTED ONLINE on 26/7/17**

### **SECTION 1 - ABOUT YOU**

#### **1. Are you responding as:**

- an individual – in which case go to Q2A  
 on behalf of an organisation? – in which case go to Q2B

#### **2A. Which of the following best describes you? (If you are a professional or academic whose experience or expertise is not relevant to the proposal, please choose “Member of the public”)**

- Politician (MSP/MP/Peer/MEP/Councillor)  
 Professional with experience in a relevant subject  
 Academic with expertise in a relevant subject  
 Member of the public

#### **2B. Please select the category which best describes your organisation:**

- Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)  
 Commercial organisation (company, business)  
 Representative organisation (trade union, professional association)  
 Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)  
 Other (e.g. club, local group, group of individuals, etc.)

#### **3. 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  
 I would like this response to be anonymous (the response may be published, but no name)  
 I would like this response to be confidential (no part of the response to be published)

Name/organisation: YouthLink Scotland

#### **4. 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.)**

Contact details:

Susan Hunter, Senior Policy and Research Officer, [shunter@youthlinkscotland.org](mailto:shunter@youthlinkscotland.org)

## SECTION 2 - YOUR VIEWS ON THE PROPOSAL

### 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?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

#### Please explain the reasons for your response.

YouthLink Scotland is committed to the wellbeing and protection of young people. We are an organisation which promotes children's rights and which respects diversity. We, like many other organisations in civil society, support children and young people's equal protection from 'justifiable assault', and believe that Mr Finnie's proposal is a welcome step in creating space for our country to discuss and debate this significant matter; and a matter where Scotland lags behind other nations and which sits in stark contradiction to the ambition of 'Scotland being the best place to grow up'

In the youth work sector we are committed to preventative approaches, approaches which stop negative behaviours happening in the first place and which prevent costs (financial and social) to individuals and communities. On a daily basis youth work organisations in Scotland are supporting young people who face challenges, struggles and illness as a result of poor mental health and wellbeing. Evidence shows that experiencing physical punishment will lead to detrimental outcomes for young people and adults; including anxiety, depression, and aggression (Heilmann, A., Kelly, Y., and Watt, R.G. (2015))

Young People told our member the Scottish Youth Parliament, through their Lead the Way engagement that they believed that all physical assault against children should be illegal – a statement which was supported by 82% of the respondents. This is unsurprising when half of children in Scotland still experience 'smacking' as was reported in the Growing up in Scotland study.

We believe that youth work and community learning and development approaches have a role to play in supporting parents to be the best that they can be, and to have strategies available to them to support their children. Research shows that parents (82%) want access to alternative approaches and the necessary support to make that happen.

Ultimately this is a human rights matter. We fully support the statement prepared by Together: "The UNCRC is clear about children's right to equal protection. The UN Committee on the Rights of the Child's General Comment No. 8 is unambiguous in stating that all forms of violence are incompatible with the UNCRC, and that children need a range of safeguards, including specific legal protection. The UN Committee – alongside very many other UN treaty bodies – has repeatedly condemned Scotland's failure to protect children from physical punishment. In 2016, the UN Committee concluded that the UK (including

Scotland) should “*prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences.*” This has been followed in 2017 by seven recommendations to the UK through the Universal Periodic Review at the Human Rights Council.”

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

Yes (if so, please explain below)

No

Unsure

**Please explain the reasons for your response.**

There has been condemnation of the UK’s position on physical assault within the family by various UN treaty bodies; alongside recommendations for change – neither of which have brought about the desired political or social change. Mr Finnie’s proposal is a welcome step towards legislative change and it is our hope and belief that societal change will follow. This is an opportunity for Scotland to engage in this issue, and to reflect on the value it gives children. Children have a suite of rights bestowed upon them by the very condition of their age, and which reflects their vulnerability and need for additional protection: this must be recognised.

We call for a Children’s Rights and Wellbeing Impact Assessment to be conducted by the Scottish Government to inform the ministerial decision on whether or not to support the resulting Bill.

**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?**

- For children and young people to feel safe; be nurtured; be healthy; be respected (GIRFEC)
- For parents to feel empowered to discipline their children in non-violent ways
- For children to live without fear of assault from family members
- For children to manage their relationships with their peers positively using strategies they can model from effective parenting
- For children to grow up and become parents themselves, equipped with the knowledge of managing the relationship with their own children that does not include physical punishment

**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?**

- There is no disadvantage, only the challenge of how this will be implemented and monitored.

**Financial implications**

**5. Taking account of both costs and potential savings, what financial impact**

**would you expect the proposed Bill to have:**

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

**Please explain the reasons for your response.**

### **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)?**

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

**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)**

**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?**

- Yes
- No
- Unsure

### **General**

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

*Submitted via SmartSurvey on 26 July 2017*