

Letter to Editor – Equal Protection for children from assault

To talk of ‘smacking’ is to minimise what is a fundamental issue for our society. The fact is that children in Scotland have less legal protection than adults from physical assault.

We commend the Minister for Children and Young People for giving this important matter her attention. We warmly welcome the Scottish Government’s opposition to the physical punishment of children. Quite rightly, the Minister is actively considering how the ‘justifiable assault’ of children – as Scots Law defines it – is compatible with our human rights obligations and our shared desire for Scotland to be ‘the best place to grow up’.

The recent letter from Dr Lucy Reynolds shows that, far from being solely an academic or legal debate, the physical punishment of children is a real, live issue for those working with children and families across Scotland. Many professionals across health, education, social care and the police, as well as children’s organisations, have concerns about the law as it stands. Similarly, evidence shows that the majority of parents realise that physical punishment is not an effective way of disciplining their children, and do not wish to use it.

Despite growing evidence that physical punishment is harmful to children, despite signs that public attitudes towards physical punishment are changing, and despite repeated criticism from numerous international human rights bodies, protecting children fully against physical assault in the law remains unaddressed.

Any legal change would not be to create a new offence but would instead be to remove a legal defence, thereby offering children and adults the same protection from assault.

It is worth noting that none of the many countries worldwide that have introduced bans have experienced a rise in criminal prosecution, dispelling the myth that legal change would criminalise loving parents. Legislative reform is intended to be educational and cultural rather than punitive. And, of course, any change must go hand-in-hand with better support for parents to care for their children without physical punishment.

Decisions such as these require commitment and leadership from our law-makers; to follow a path, even in the face of criticism, because it is the right thing to do. We hope the Minister continues to listen intently to what the evidence is telling us about how physical punishment impacts on children, and acts accordingly to ensure that our children are equally protected from violence before the law.

Tam Baillie, Children and Young People’s Commissioner in Scotland

Mark Ballard, Head of Policy, Barnardo’s Scotland

Jackie Brock, Chief Executive, Children in Scotland

Matt Forde, National Head of Service, NSPCC Scotland

Dr Peter Fowlie, Royal College of Paediatrics and Child Health’s Officer for Scotland

Theresa Fyffe, Director, Royal College of Nursing Scotland

Alistair Gaw, President, Social Work Scotland

Mary Glasgow, Director of Children and Family Services and External Affairs, Children 1st

Juliet Harris, Director, Together

SallyAnn Kelly, Chief Executive, Aberlour

Karyn McCluskey, Director, Violence Reduction Unit

David Ross, Policy and Coordination Manager, Scottish Police Federation

Dr Marsha Scott, Chief Executive, Scottish Women’s Aid

Clare Simpson, Project Manager, Parenting Across Scotland