

3 August 2017

Dear John Finnie MSP

We welcome the consultation on the proposal for a Bill to give children equal protection from assault by prohibiting the physical punishment of children by parents and others caring for or in charge of children.

We write specifically to emphasise that if Scotland is to be a country where human rights are recognised, celebrated and implemented, then children must be given equal protection in law.

Children have the right to be protected. Article 19 of the United Nations Convention on the Rights of the Child (UNCRC) sets out the States obligation to protect children from violence and the UN Committee on the Rights of the Child's General Comment No. 817 is unambiguous in stating that all forms of violence are incompatible with the UNCRC. Assaults justified under Scots Law at present are a breach of the right to respect for physical and psychological integrity protected by Article 8 of the European Convention on Human Rights (EHRC).

The UK has come under repeated criticism from UN human rights treaty bodies, the Council of Europe and the European Union for not honouring its international human rights commitments to provide children with protection from assault. In 2016 the UN Committee on the Rights of the Child 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." As recently as May 2017, there were seven recommendations to the UK through the Universal Periodic Review at the Human Rights Council to give children equal protection from assault.

We therefore strongly support the introduction of a Bill to the Scottish Parliament to give children equal protection from assault.

Yours sincerely



Mhairi Snowden

Coordinator