

Equal Protection from Assault Act is law from today

Legislation that gives children the same legal protection from assault as adults comes into force on Saturday 7 November 2020.

The Children (Equal Protection from Assault) (Scotland) Act 2019 removes the outdated defence of “reasonable chastisement” giving children the same legal protections everyone else already has. Scotland is the first country in the UK which has made it illegal for parents, or indeed anyone caring for children, to smack them.

The legislation, brought forward by John Finnie MSP who is a former police officer, and supported by Scottish Ministers, was passed by The Scottish Parliament in October 2019 in an overwhelming vote in favour. When Mr Finnie introduced the legislation for final parliamentary approval then he said: “It is very nearly 30 years—20 November is the 30th anniversary—since the United Nations Convention on the Rights of the Child was signed. Since then, states across the world have been required to protect children from all forms of violence. The United Kingdom has been criticised repeatedly for failing to take sufficient steps to comply with the requirements of the UNCRC.

“My bill aims to bring Scotland into line with what appears to be becoming the international standard in 57 countries.”

Children’s Minister Maree Todd said: “I’m very pleased that Scotland has become the first part of the UK to legislate to

ensure that children, without exception, have the same protection from assault as adults.

“This outdated defence has no place in a modern Scotland. It can never be reasonable to strike a child. The removal of this defence reaffirms that we want this country to be the best place in the world for children to grow up so that they feel loved, safe, respected and can realise their full potential.

“We have worked in partnership with organisations including children’s charities, Social Work Scotland and Police Scotland on implementation of this Act. As part of this, we will continue to promote positive parenting and build on the support we already offer to children and families.”

Joanna Barrett, NSPCC Scotland policy and public affairs officer, said: “This new law, finally gives children in Scotland their rightful protection against assault and the same safeguards as adults.

“By making this common sense move to get rid of the outdated defence of ‘justifiable assault’, we will be joining more than 50 other countries around the world in taking measures to protect the most vulnerable members of society.

“This law sets out in clear terms that physical punishment should no longer be part of childhood in Scotland and it marks a momentous step in making it a country where children’s rights are truly recognised, respected and fulfilled.”