

Knights of Saint Columba

Accrington Council 188

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Source Christian Institute

Banning smacking could criminalise loving parents, top prosecutors in Scotland and Wales have warned.

James Wolffe QC, Scotland's Lord Advocate pointed out to MSPs that assaulting children is already illegal, but that parents are permitted to administer a light tap to discipline their children. Wolffe told Holyrood's Equalities and Human Rights Committee on Thursday that removing this defence would effectively create a new category of criminal behaviour.

Criminalising parents

He said: "It is important to keep in mind that, at present, it is a crime for a parent to assault a child. The law currently treats as criminal parents who assault their children.

"There is a qualified defence of reasonable chastisement which is currently available, and will no longer be available to parents who assault their children if this Bill is passed."

MSP Oliver Mundell said numerous legal experts have agreed the change "will create a new category of behaviour that is criminal".

Divorce

The Welsh Government is also considering criminalising parents who smack their children. Chief Crown Prosecutor Barry Hughes gave evidence to the Welsh Assembly's Children, Young People and Education Committee on Thursday.

He said he could foresee "real difficulties" during divorce proceedings, with parents potentially making false smacking allegations against one another to try to win custody.

He also said that the prosecution services would take into account how a child feels about being smacked when considering whether to prosecute a parent.

Inappropriate

The Committee also heard from concerned parents this week that a ban is inappropriate and unnecessary.

One parent said: "In my role as a counsellor, nobody I have spoken to in the last five years has been traumatised by physical punishment in childhood."

Another pointed out that the current law already has "excellent provisions to protect children", while others said a ban would create a "culture of fear", and a culture of mistrust "between parents and the state, and also between parents and children".

Bernard Holden MBE JP

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