Intro

1 Humanist Society Scotland supports the proposals as set out in the bill.

2 Humanism is a non-religious viewpoint. In Scottish law Humanism is recognised as a 'belief system'\(^1\). Humanists are people who share an understanding that our world is best understood through science, observation and rational enquiry rather than accepting supernatural explanations. Humanist Society Scotland is the national body of Humanists affiliated to the global Humanist International network. We have over 14,000 members and in addition to our charitable work, we help thousands of couples and families hold Humanist ceremonies that are held in accordance with their values and beliefs every year.

The Principles of the Bill

3 Humanist Society Scotland wish to see a Scotland where all people, including and especially children, are able to live a life free from the threat of violence. We believe it is never reasonable for an adult to assault a child or young person.

4 Humanists have a long history of promoting and defending Human Rights for all individuals including children and young people. Humanist Society Scotland believe that the law as currently defined fails to live up to the standards and expectations that Scotland has set for itself thorough Human Rights legislation and as signatories and supporters of the UN Convention of the Rights of the Child. It also does not allow children and young people to manifest their rights under the Human Rights Act. We hope that changes be brought across the legal framework to ensure children and young people have their rights respected and recognised in areas where they currently are not.

5 As a society of Humanists who believe in a rational evidence based approach to policy making, we would refer to the findings of the report Heilmann, A., Kelly, Y. and Watt, R.G. (2015)\(^2\). This has very clear evidence based findings that:

- Physical punishment increases childhood aggression and antisocial behaviour
- Physical punishment is related to depressive symptoms and anxiety amongst children
- Physical punishment carried a serious risk of escalation into abuse

\(^1\) For example Marriage Scotland Act 2014
\(^2\) Equally protected?: a review of the evidence on the physical punishment of children and young people.
The Current Law

6 Humanist Society Scotland believe that the current law needs reforming. Fundamentally it is the drafting of the current law, Criminal Justice (Scotland) Act 2003, which allows there to be 'justifiable assault' against children and young people. A legislative change would result in the ending of this special defence therefore removing the ability for a parent or carer to assault a child albeit in the eyes of the current law 'justifiably'.

7 We do not accept that there should be a special provision in law which allows for a particular age group to 'justifiably' be assaulted, in the current law this extended to children and young people. This would appear contrary to Equality and Human Rights legislation which protects people from unfair treatment based on their age.

Physical chastisement as a teaching tool

8 Opponents to the proposed changes have submitted, in their view, that physical chastisement is an effective teaching method. The arguments presented to the committee on this basis have been emotive and anecdotal, driven by their own experience or practice. There has been no empirical evidence submitted beyond personal theory and anecdote that physical chastisement is better at improving behaviour than other approaches that do not use violence.

9 Indeed it has been submitted in evidence to the committee that there is a number of sources of evidence to the contrary. We would draw to attention of the committee in particular to the evidence submitted by Prof Callaghan on the 28th February for sources.

Secular law making and human rights on religion and belief

10 The most recent demographic data of the population of Scotland show that more than half of people living in Scotland are not religious (56% in 2018)\(^3\). While it is true to say that a large number of people in Scotland live their lives according to a religious outlook, the majority do not. Humanist Society Scotland believe that it is important that people of any faith or belief group, or those who fit neither, should have fundamental protections regarding their faith and belief in law. This is currently maintained in Scotland through Article 9 of the Human Rights Act and also protected from discrimination under the Equality Act.

11 Submission has been made to the committee that the law change either targets or unfairly impacts specifically on parents of a Christian faith:

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\(^3\) Scottish Social Attitudes 2018
“may have a disproportionate and unintended impact of singling out families with strong religious beliefs”

“not only parents can and will be criminalised but all Protestant churches”

“It is a means which has been given to them by God and the state has no right to remove it from them.”

12 As with all religious arguments there can be differing perceptions and interpretations within faith communities of a common base. We would highlight submission from the Church of Scotland who disagree with such arguments from a faith basis. This submission makes no reference that there is somehow a requirement or expectations on Christians to physically assault children. There is no evidence that any individual is being targeted on the basis of their faith or belief by this legislation.

13 Humanists share a view that no one faith or belief group have the right to insist that their worldview should dictate or exclusively shape laws. Indeed a secular approach, which divorces religion/faith/belief from the law making process, allows for a society where everyone can live equally and without discrimination. One submission to this committee suggests that this legislation as proposed:

“mark a further stage in the erosion of Christian values and the secularisation of our society”

14 There continues to be a common misconception, or perhaps even deliberate myth-making, in some quarters on what secularism in a political context means. It is sometimes suggested, as above, that Secularism is about the banning, erosion or otherwise removing religion from people’s lives. However Members should be aware that secularism, as properly understood and promoted by Humanists, has three main principles4:

1 – Separation of religious institutions from the institutions of state, and no domination of the political sphere by religious institutions

2 – Freedom of thought, conscience and religion for all, with everyone free to change their belief, and manifest their beliefs, within the limits of public order and the rights of others

3 – No discrimination against anyone on the grounds of their religion or non-religious worldview, with everyone receiving equal treatment on these grounds.

15 These three principles are equally vital, and complement each other, in a secular society. Contrary to the view that secularism is in some way a process in which to remove individuals right to practice a religion this principle is at the very heart

4 As defined in Copson (2017), Secularism – Politics, Religions and Freedom. Copson’s definition is based on the work of French sociologist of secularism Jean Baubérot.
of what secularism is. This approach of protecting right to freedom of thought, conscience and religion is a fundamental part of the Human Rights framework and law\(^5\).

\(^5\) For example Article 9 of the Human Rights Act