

# **EQUAL OPPORTUNITIES COMMITTEE**

Monday 6 March 2000  
(*Afternoon*)

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## **EQUAL OPPORTUNITIES COMMITTEE**

**6<sup>th</sup> Meeting 2000, Session 1**

### **CONVENER**

\*Kate MacLean (Dundee West) (Lab)

### **DEPUTY CONVENER**

\*Shona Robison (North-East Scotland) (SNP)

### **COMMITTEE MEMBERS**

\*Malcolm Chisholm (Edinburgh North and Leith) (Lab)  
\*Johann Lamont (Glasgow Pollok) (Lab)  
Marilyn Livingstone (Kirkcaldy) (Lab)  
\*Mr Jamie McGrigor (Highlands and Islands) (Con)  
\*Irene McGugan (North-East Scotland) (SNP)  
\*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)  
\*Tricia Marwick (Mid Scotland and Fife) (SNP)  
\*Mr John Munro (Ross, Skye and Inverness West) (LD)  
\*Nora Radcliffe (Gordon) (LD)  
Tommy Sheridan (Glasgow) (SSP)  
\*Elaine Smith (Coatbridge and Chryston) (Lab)

\*attended

### **WITNESSES**

Ann Allen (Church of Scotland)  
Jeremy Balfour (Evangelical Alliance)  
Ronnie Convery (Roman Catholic Church)  
Bronwen Currie (Religious Society of Friends)  
John Deighan (Roman Catholic Church)  
Mr Mohammad Ishaq (UK Islamic Mission)  
Gordon Macdonald (Christian Action Research and Education)  
Mr Mazhar Malik (Ethnic Community Resource Agency)  
Mr Sajid Quayum (Islamic Society of Britain)  
Rev Ian G Scott (Church of Scotland)  
Rev John Stevenson (Church of Scotland)  
Mr Rob Whiteman (Scottish Episcopal Church)

### **CLERK TEAM LEADER**

Martin Verity

### **ASSISTANT CLERK**

Alison Taylor

### **LOCATION**

Committee Room 1



## Scottish Parliament

### Equal Opportunities Committee

Monday 6 March 2000

(Afternoon)

[THE CONVENER *opened the meeting in private at 13:02*]

13:11

*Meeting continued in public.*

### Ethical Standards in Public Life etc (Scotland) Bill

**The Convener (Kate MacLean):** I welcome the witnesses to the Equal Opportunities Committee to give evidence on the Ethical Standards in Public Life etc (Scotland) Bill. I understand that your evidence will relate to section 28, or 2A, but the committee is interested to hear any comments that you may wish to make on any part of the bill. The witnesses will introduce themselves and their organisations, after which Ann Allen will speak on behalf of the group. If any other witnesses want to comment after Ann has spoken, they are quite at liberty to do so. The committee will then ask questions.

**Ann Allen (Church of Scotland):** I am the convener of the board of social responsibility of the Church of Scotland. That appointment is voluntary, and I have been involved with the board for 14 years. The board offers a generic social work service, including a service to the homosexual community. That service was visited recently by Iain Gray, the Deputy Minister for Community Care, and was highly commended. The board has the responsibility for the Church of Scotland for commenting on moral and ethical issues. That is my locus in this debate on section 2A.

**Ronnie Convery (Roman Catholic Church):** My job title is director of communications for the archdiocese of Glasgow, although I am usually known as Cardinal Winning's spokesman. The Catholic Church, as you know, takes a fairly strong line on this issue, and I am here to represent that line.

**John Deighan (Roman Catholic Church):** I am also of the Catholic Church. I am the parliamentary officer.

**Gordon Macdonald (Christian Action Research and Education):** I am the

parliamentary officer of CARE for Scotland. CARE is involved in public policy work but also in practical caring initiatives relating to education, in pregnancy crisis centres, in remand fostering and in a homes programme that we run from our office in Glasgow.

**Jeremy Balfour (Evangelical Alliance):** Good afternoon. I am the parliamentary officer for Evangelical Alliance. We represent individuals, churches across the denominations, charities that work with the homeless and with people who are dependent on drugs, and charities that work in other areas.

**Ann Allen:** I would like to start by explaining who we are and when we got together on this issue. We represent a much wider coalition of people. At the beginning of December, we met around the table at a meeting that was organised by Graham Blount of the Scottish Churches Parliamentary Office. At that meeting, it was obvious that a wide representation of Christian denominations had an agreed position on the repeal of section 2A. We therefore wrote an open letter that was due to be published but was in fact leaked to the press. A copy of that letter was sent beforehand to Wendy Alexander.

The signatories to that letter included: me, on behalf of my board; Cardinal Winning and Bishop Mario Conti from the Roman Catholic Church; a representative of the Salvation Army; Bill Slack, the general secretary of the Baptist Union; the moderator of the Free Church of Scotland; and the Associated Presbyterian Church. The United Free Church associated itself with us later when it sent in its own submission. There was also a signatory to the letter who represented a large proportion of the Scottish Episcopal Church, despite the position that has been taken by its bishops on this issue. In addition, there were signatories from EA and CARE, representing ecumenical organisations.

I have spelled all that out because I would not like you to think that we are some weird, right-wing fundamentalist group. As far as we can ascertain—and my mailbag bears this out—we represent the vast majority of Christian people in Scotland, especially in my denomination and in the others that I mentioned.

It is important to say that we agreed this statement at the beginning of December, before the Scottish School Board Association or the Keep the Clause campaign came into being. Our position was thought through, articulated and made public at that point. It was in response to the Executive's consultation document, which, by that time, we had had time to look at.

13:15

The evidence for repeal that was put forward by the Scottish Executive seemed to us to hinge on three things. It said that the section prevented the objective discussion of homosexuality in the classroom and that it prevented the counselling of pupils who were confused about their sexuality or were convinced that they were homosexual in orientation; that it prevented proper action against homophobic bullying and support of pupils who were bullied in that way; and that it prevented the funding of homosexual groups.

We strongly suggest that—because of the 1988 guidelines, which were of course missing from the consultation document, and because of the evidence that we have had from teachers and others—that those reasons given by the Executive cannot be validated other than anecdotally. There has been no research to back them up. We suggest that those reasons were not sufficient in any sense to justify the repeal of section 2A.

Although we represent a diversity of Christian denominations, there are certain things that are pertinent to the repeal of 2A on which we are absolutely united. First, as people in a faith community, we believe in a creator God, and that every single person in existence is made in the image of that God and therefore has dignity, worth and rights. We would never identify people according to their sexuality. Any hatred or bigotry that is directed at any group of individuals, homosexuals or whoever, would be totally contradictory to a Christian position. We distance ourselves totally from that kind of attitude. We need to underline that, because anyone who opposes section 2A has been labelled homophobic. We reject that totally. That would be a non-Christian position, and therefore clearly is not our position.

Also from a faith perspective, we unanimously agree that there is not, nor can there ever be, a moral equivalence between heterosexual commitment in marriage and homoerotic practice or other kinds of sexual activity. I know that you do not want a theological debate this afternoon, but we argue that point from a perspective of natural law, of creation order, of biblical prohibitions that are very clear and of Christ's teaching on morality and marriage. That is our position. We do, however, recognise that many people in Scotland do not see things from that perspective and choose different lifestyles. That is a fact of life that we acknowledge.

Our concern has always been over the blanket repeal of section 2A. The phrase "blanket repeal" has been in our terminology from the start. However, there is now a clause that will be substituted for 2A, which was delivered to us recently by First Minister Donald Dewar. Our

criticism of the suggested substitute is that it is vague and ill defined, and that it totally undermines the Judaeo-Christian foundation of the morality of Scotland as we have known it until now.

We note that that section endorses the value of stable family life. We would argue that even to use the term "value" is in a sense discriminatory. The only way in which value can be historically quantified, assessed and validated is on the evidence that exists on heterosexual commitment to marriage and parenting. We wonder why the section cannot specifically state that.

We know from the most recent general household survey that more than 70 per cent of children currently live in a household that is headed by a married couple. When one adds to that children who live in households whose head is widowed, divorced or separated, that means that the vast majority of children in Scotland have experience of marriage and of married parenting.

We know that less than 0.1 per cent of children live in a household headed by a same-sex couple. We acknowledge the need for that tiny minority of children to be included and accommodated. We also know that one child in every 200 will, statistically, be ultimately fixed in a homosexual lifestyle. However, we reject the need for our society to embrace a social inclusiveness that is dictated, framed and dominated by such a minority lifestyle.

We welcome strong protective guidelines in sex education and across the curriculum and we would be delighted to be consulted on them. However, we seek much stronger guidelines in statute for local authorities. There has been statutory impact on local authority budget spending and we would like that to continue. We would also like there to be a statute that will reinforce the value of marriage.

We consider the phrase "have regard to", which is currently the suggested phrasing for the legislation, to be meaningless. It would be impossible to implement and evaluate. The phrase "stable family life" is also unacceptable.

Section 2A not only imposed a positive duty, but laid a prohibition on local authorities. In law, a negative prohibition is always stronger than a positive. We seek the same degree of protection in new legislation as was afforded by the legislation that the Executive is repealing. At the moment, we have no reassurance that that will be the case.

A green paper issued by the Labour Government in 1999 said that

"marriage is still the surest foundation for raising children and remains the choice of the majority of people in Britain."

If that was the position of the Labour party in 1999,

we wonder why that position cannot be reinforced in legislation on this particular issue and whether it could be included in legislation that might be introduced.

There I rest my case.

**The Convener:** Thank you, Ann. If nobody wants to add anything at this stage, I shall open the debate to questions from members.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Much of the debate hinges on what is meant by promotion. The written evidence shows that the churches tend to focus on the first part of section 2A: the promotion of homosexuality as a lifestyle. My greatest concern with section 2A is the second part, which describes homosexual lifestyles as "pretended". A dictionary definition of "pretended" is "so-called, alleged, imaginary, make-believe, fictitious, fictional". Surely it is discriminatory that there is a piece of legislation on the statute book at the moment that describes people's lifestyles in those terms. Should not that discrimination be addressed by repealing that legislation?

**Ann Allen:** We are convinced that you will repeal that piece of legislation. We are opposed to blanket repeal. We do not mind you rephrasing the legislation in a way that would be less discriminatory; that has always been our position. However, we do not accept that it is the view and wish of the majority of people in Scotland—and every poll has indicated it—that there be an equivalence drawn between homoerotic practice and homosexual lifestyle and heterosexual commitment in marriage. As a Christian group, that is an immovable position for us. It may be considered discriminatory, but any moral choice is discriminatory. Any choice at all that we make in life is discriminatory and we all make choices. The homosexual community makes a choice.

**John Deighan:** We are not wedded to a particular formation of those words. We recognise that people have voiced their concerns about the word "pretended". In fact, we discussed that part with a lawyer who said that he did not quite understand what it was supposed to do. What we are trying to highlight is our concern that parents' wishes that their children be exposed only to the type of teaching that they prefer should be protected and enshrined in legislation. We are open to having the wording framed in such a way that it does not offend.

**Ronnie Convery:** So long as they afford the same degree of protection as is currently in place.

**Mr McMahon:** Donald Dewar made a statement in Parliament a couple of weeks ago saying that the same remedies in law were available under the new section. Is that acceptable?

**John Deighan:** The same remedies would be fine, but Donald Dewar said that the term "stable family life" had to be inclusive. As I said in my submission last week, that could allow someone to take a school or local authority to court for failing to promote a homosexual stable life, and we think that that is a problem. That may not happen, but we would not like our children to be taught that a homosexual stable life is just as good as a married stable life. We do not believe that it is possible to be totally inclusive with that term.

**Gordon Macdonald:** The point about pretended family life, which is the phrase to which the gay rights community takes exception as well as to the word "promoting", is that homosexuals perceive their relationships to be morally equivalent to marriage. From a Christian perspective, it is impossible to accept that, because of our understanding of God, His character and His relationship with the Church, which is reflected in marriage.

**John Deighan:** It is worth noting that, as Christians, we accept that other people are not Christians. The basic principle is that, as Christian parents, we are entitled to ensure that our children are brought up in accordance with what we see as a valid or preferred lifestyle. If homosexuals choose a particular lifestyle, we do not condemn it because they are not Christians and do not live to the same standards as we do. However, we are entitled to ensure that our children are reared with our values.

**The Convener:** Using that same argument, surely homosexuals are entitled to ensure that their children are reared in accordance with their values.

**John Deighan:** They may have that right within their family, but they do not have the right to promote homosexual relationships to our children, whom we do not want to be taught about that lifestyle.

**The Convener:** The same argument could apply to both sides. People cannot dictate exactly what their children will be taught about lifestyles.

**John Deighan:** We are talking about 0.1 per cent of children. Where there are irreconcilable differences, we must find a balance for the majority of children rather than for the 0.1 per cent of children who find themselves in such a family.

**The Convener:** In some schools, the majority of children will be living in single-parent families, but neither you nor I would want that to be promoted as preferable to any other family relationship.

**Ann Allen:** No child should feel that he or she is being actively discriminated against. None of us has any objection to a homosexual lifestyle being objectively discussed in the classroom or to same-

sex attraction being explained to children. Nor do we object to children being told that some people find themselves in that situation, have that sexual orientation and follow through on that with practice—that is a reality. We are also clear that many children will come from single parents, who have either opted not to get married or whose relationships have broken down.

Teaching about relationship values, trust and commitment is essential. However, our tradition in Scotland is that lasting trust and commitment are generally found in marriage. As a teacher, I find that most children want that for themselves. Where it does not happen, they accept that that is the reality of circumstances. Nevertheless, I do not speak to many single parents who want to be single parents and who would not want a committed partner to help them to parent. Parenting is a difficult enough job for two people, never mind one person on their own.

13:30

**Ronnie Convery:** Not just the people who are here giving evidence, but many people in the country do not understand why the word “marriage” cannot be inserted in the new section. It is not so politically incorrect that it cannot be inserted. Last year, Henry McLeish said in the consultation document “Improving Scottish Family Law”:

“The Government’s view is that two parents offer the best prospects for their children and that stability is most easily found within marriage.”

That was the Government’s view last year, and I assume that it is the Government’s view this year. We simply cannot understand why that view cannot be represented somehow in a replacement section for section 2A.

On the issue of single parents, which is a bit of a sideline, the most recent figures published by the Office for National Statistics show that more than half of all cohabiting couples who have children will split up by the time their child is five years old, compared with just 8 per cent of married parents. I assume that it is because of that sort of information that Henry McLeish said that the Government’s view is that stability is most easily found within marriage.

Our only request is that that should be the thrust of any replacement section for section 2A. We accept that some sections of the homosexual community find the wording of section 2A offensive. I accept that it is badly drafted. It is ugly wording, and it does stigmatise, but it should not be beyond the wit of our legislators to find a means of replacing it that offers the same degree of protection as is currently enjoyed by parents.

**Jeremy Balfour:** On a wider point, there is the

issue of listening to parents and to the local community in regard to what is taught in schools. Parents and boards in schools should be consulted on what is to be taught about sex education and other matters. Beyond that, there is a wider issue. As every opinion poll clearly states, there is at least concern within the Scottish nation about the repeal of section 2A.

There is an issue of whether the Parliament can listen to what the public is saying. If repeal is necessary—and we accept that the wording is clumsy—the views of the Scottish people in the opinion polls must be listened to, and the Government must come back with wording that the majority of the Scottish people feels comfortable with, and which represents the majority view.

**Gordon Macdonald:** On a point that was raised earlier, in my written submission, which I assume you all have, I referred to the European convention on human rights. Our understanding from legal advice is that the ECHR defines the family as a married couple of a man and a woman. The point was made about homosexuals saying that their values are not reflected. The ECHR gives parents the right to have their children educated according to their religious or philosophical beliefs.

**Ronnie Convery:** May I come back on Michael’s original point, which was about discrimination?

**The Convener:** Briefly, because a lot of people wish to ask questions.

**Ronnie Convery:** I accept that we have to be non-discriminatory, but every law is in some sense discriminatory. On our way in here we saw some people standing outside having a cigarette. That is because smokers are discriminated against in that they are not allowed to smoke in certain public buildings. All laws, by their nature, are discriminatory. Obviously, we do not want section 2A to stigmatise people, but I point out as a matter of fact that most laws are de facto discriminatory.

**Shona Robison (North-East Scotland) (SNP):** I was going to raise the issue of single parents, but it has received an airing, so I will let Irene go on.

**Irene McGugan (North-East Scotland) (SNP):** Would some of you like to comment on the divergence of views that there are between and within some of the churches in Scotland? We will be hearing later from representatives of other Churches and denominations, including the Church of Scotland education committee, who hold different views to those articulated by yourselves. Presumably, they are using the same teaching, faith and beliefs to inform their decisions. Would you like to comment on that divergence?

**Ann Allen:** I had a discussion with John



Laidlaw, who is the convener—the same position that I hold—of the education committee of the Church of Scotland, on that issue last Wednesday. I said that the reason the majority of people in the Church of Scotland are unhappy with the position that he is stating is that he is starting from the position of loving relationships without defining those relationships. I said that most people see that as undermining marriage. He emphatically denied that that was the case, but in the classroom you are starting with respect, trust and relationships, rather than with marriage per se.

It must be said that the Church of Scotland is a broad Church. We are not a hierarchical Church. There are many different views on many different subjects. For example, the decision was taken to carry the national lottery by 11 votes at the General Assembly. The vast majority of our members are concerned about the repeal of section 2A. I have never had a mailbag like the mailbag I have had on this issue. I have had 120-odd letters, six of which supported repeal. The moderator's mailbag would be weighted similarly. This issue will be debated at the General Assembly. I am not a prophet, but I can imagine what the outcome of the debate will be.

As for the Episcopal Church, it is hierarchical, and the bishops are led by Bishop Holloway, who has taken a strong line against the Anglican communion, which, at the Lambeth conference in 1998, was clear that Christian tradition and teaching did not support homosexual practice. He is one of a minority of Episcopal and Anglican bishops who take the line that they do. The people who signed our letter are clear that they represent 70 per cent of the Episcopal membership.

The Quakers are a small group which does not subscribe to scripture in the way that we do. I think that they are giving evidence later, as is the Iona Community, which is a small ecumenical group with, from my perspective, fairly radical views. Often there is tremendous creative life in diversity. Unfortunately, we have to live with that kind of tension within the Christian community, and we do so in love. I disagree, in love, with other Christians who take a different view from mine.

**Ronnie Convery:** From the Catholic Church's point of view, all members of the bishops conference issued a common statement at the end of January, uniting behind the position, espoused first of all by Cardinal Winning, which was opposed to repeal of section 2A, unless it is replaced with similar safeguards that do not in any way undermine the current situation. That was the unanimous position taken by all the bishops of Scotland, who have the teaching authority of the Catholic Church behind them.

**Jeremy Balfour:** The Evangelical Alliance represents not just one denomination, but a

number of denominations across Scotland. Since this issue has been raised, I have received many e-mails and letters and have spoken at many public meetings. I do not want to say that 100 per cent of our members support what I have said today, but an overwhelming majority—within the high 90s—would agree with what we have said. I have received only a small amount of correspondence arguing the position held by those who do not want to see some protection for the family and in relation to local authority spending.

**Johann Lamont (Glasgow Pollok) (Lab):** I would be interested to know what evidence you have of attempts by teachers to promote homosexuality. I was a teacher for 20 years, and I had no experience of that, if your fear is that getting rid of section 2A means that people will actively argue for a particular lifestyle.

Any sex education or counselling about relationships that I am aware of is about supporting young people's understanding of themselves and their self-respect, so that they do not make inappropriate choices at an early age. As a mother of two young children, I am particularly anxious about the way in which we sexualise our children at an early age, and how they become vulnerable, not to one particular group, but to a group that I would define as predators, regardless of their sexuality. I would be interested to hear your evidence.

I am also interested in whether you accept that there is a distinction between what we do within our families to promote certain values and what we expect the education system to do. I hope that my youngsters will have the same perspective on social justice that I have, which comes from my political position. I do not know if I have the right to expect a school to argue for my views on equality and other issues.

It seems that there has been a shift in the argument from a focus on children—which I respect, because children ought not to be vulnerable, they ought not to be preyed upon and they ought to understand what their rights are—to an active argument for one particular kind of family unit, underpinned by marriage. In fact, it may be that teachers simply have to manage families that come in all shapes and sizes, and the ultimate judgment we ask children to make is whether they are safe within those families.

Do you accept that there has been a shift in the position of those that have been hostile to repeal, from arguing for the protection of children to arguing that schools ought actively to promote one kind of lifestyle, based on marriage?

**Ann Allen:** The evidence was historical—section 2A came into being because there was clear evidence of promotion. In recent weeks, it

has emerged that two local authorities in Scotland bought the Avon and Bath material. I would have thought that, by anyone's standards, that material promotes homosexual practice, never mind lifestyle. The material has not been used in Scottish schools. The legislation about promotion was aimed at local authorities, rather than specifically at what happens in a classroom. As a teacher, I am aware that many teachers would be very careful not to promote.

As to protecting children, if the argument has swung behind promoting or underlining marriage, it is because people who understand that the best relationships are about trust, commitment, till death do us part and through thick and thin, as encapsulated in the traditional form of marriage, see that as the best possible protection for children. The experience of that gives children a stability that nothing else can offer.

**Ronnie Convery:** If one book was responsible for section 28, it was "Jenny Lives with Eric and Martin", which caused a lot of trouble in London in the 1980s. In an interview with *Gay Times*, the publisher of that book said:

"When section 28 is successfully repealed, as I believe it will be shortly, we will be rushing to republish an updated version of the book and we shall make sure that every school which wants a copy will get a copy."

That is why we are afraid about the promotion of homosexuality in schools.

On schools replicating family values, from the Catholic point of view, we would hope that Catholic schools reproduce, in the curriculum, the views that families hold dear.

On your third point, the shift in the debate has come from those who advocate getting rid of section 2A. Originally, they said that the section was a problem because it prevented teachers from talking about homosexuality in class, the counselling of pupils confused about their sexuality and proper measures against homophobic bullying. When those concerns are answered, the argument shifts and people say: "It's not about that at all. It's really about stigmatising a group in the population."

**Johann Lamont:** Perhaps you should have a bit more faith in the good sense of the education authorities to act within guidelines.

What advice would you give to somebody working with a young person whose mother is being abused within her marriage? What advice would you give to a youngster who lives with a mother and her same-sex partner and who, because of that, is being bullied in his community? Would you accept that a teacher has to deal with the practical realities of that young person's experience, as opposed to what we may wish to aspire to for our families?

**Ronnie Convery:** That is all explicitly allowed for under section 2A.

**Johann Lamont:** So if a child is being bullied because their parents are gay, is it legitimate to say to the bully not just that they should not bully, but that the stable relationship that the child is in ought to be valued in itself?

**Ann Allen:** That already happens. My board runs counselling services, where we deal with people who are confused about their sexuality. We offer a completely non-directive, professional counselling service.

**Johann Lamont:** With respect, I am talking about a child in that circumstance. In order to challenge racist bullying, a teacher can say that racism is unacceptable. If a child is being bullied because their parents are of the same sex, can a teacher say, "That is an acceptable family lifestyle for that child; that family is as safe as yours, because no one is hurting the child"?

**Ronnie Convery:** What the teacher can say is that bullying for any reason is wrong. Homophobic bullying is just as wrong as racist, religious or any other kind of bullying.

**Johann Lamont:** So the teacher could say that that child lives in a safe family.

**Ronnie Convery:** That is perfectly legitimate under section 2A, which does not prevent the objective discussion of homosexuality or the counselling of pupils.

**Johann Lamont:** But you are saying that marriage is the building block of a better form of relationship. You would not be able to say, "Your mother's relationship with whoever is illegitimate"—

**Ronnie Convery:** We do not need to get into a discussion about the relationship that the child has with its mother or that the mother has with another woman. What we need to do is to say that bullying is wrong. It is wrong for a child to be bullied because of its mother's relationship and the bully must be sorted out. That is perfectly legitimate under section 2A.

13:45

**Jeremy Balfour:** You asked what advice we would give about a husband beating a wife. Some marriages do not work—you can go to any sheriff court to see that—but that does not take away from the model: when marriage works, it works well. From a Christian perspective, we would say that it was God given; it is the way that God intended family life to work. Some marriages do not work; if a woman is being beaten, the advice is that she should get herself away from danger. However, the ideal should be marriage; marriage

is the key word.

**Gordon Macdonald:** My understanding of marriage—I should say that I speak as someone who is not married—is that it is about self-sacrifice, loving each other and partnership; many people would recognise that. The fact that there are abusive people or bullies in society does not mean that marriage as an institution is not a good thing.

**Johann Lamont:** Would you accept that the definition of a safe relationship is not peculiar to marriage? There are people who will say that they love and respect their lifelong partner and that they care for their children, but who—for whatever reason—are not married.

**Ann Allen:** Yes, we would accept that there are relationships outside marriage that are safe for the people involved.

**Johann Lamont:** Would that be sufficient to underpin what is done in schools?

**Ann Allen:** In no sense are children responsible for the relationships that their parents enter into. Children do not have to justify the relationships that their parents or guardians are in. School is not about making those objective distinctions; it is about making a child feel his own worth and his place in society. He or she will have to work out what relationship he or she is going to enter into. For most children, boundaries and guidelines are essential if they are to be able to work that out.

It is not necessarily a bad thing to hold out an ideal for children. Lifelong commitment, if children are to envisage it as hard and as involving two people, is best represented by the public commitment of marriage.

**Ronnie Convery:** The answer to your question is provided by your own minister, Henry McLeish, who has said that the Government's view is that two parents offer the best prospects for a child and that stability is most easily found in marriage.

**The Convener:** By holding out something as an ideal, Ann, are you not saying to children in school that everybody else's lifestyle is less than ideal?

**Ann Allen:** But every marriage is less than ideal—there is no such thing as an ideal marriage.

**The Convener:** No, but if you hold out marriage as the ideal, that makes every child who is not living with married parents feel that their family life is less than ideal.

**Ronnie Convery:** That is like saying that if you hold out the ideal of passing your highers, you feel like a second-class citizen if you do not pass them. We have to have ideals, otherwise things do not function.

**The Convener:** Passing exams and lifestyles—

**Ronnie Convery:** Ideals are ideal.

**Ann Allen:** Surely it depends how this is phrased. In an inclusive society, there will be people who make different choices, but that is not to say that we cannot have ideals and that we cannot show that there is a proven value in marriage. The other day, I looked at Shaftesbury Project statistics on homelessness: 2 per cent of its referrals came from children from two-parent families. The other 98 per cent were from different family groups. That was just one example.

**Johann Lamont:** What proportion of the 98 per cent started off in families where marriages broke down?

**Ann Allen:** I am sure that some did.

**Johann Lamont:** So that statistic does not reveal the reality of some people's experience of marriage, which perhaps leads them to feel that it is not ideal. People have ideals of how they manage their lives, but the question is whether those ideals should be transferred into schools.

**Ronnie Convery:** Most single parents are not anti-marriage. They are single parents through circumstances and do not champion single parenthood as an ideal. Most people who get divorced want to get married again. Therefore it is not discriminatory to hold marriage as an ideal.

**Nora Radcliffe (Gordon) (LD):** I want to return to what I think is the crux of the issue. The Equal Opportunities Committee is committed to ensuring that legislation does not discriminate against anyone on the grounds of race, gender, religion, sexual orientation or whatever. A piece of legislation that singles out one section of the community for special treatment is basically discriminatory.

I do not see how one makes the leap to say that the removal of a piece of discriminatory legislation is an attack on marriage. That is a total non sequitur. We do not have a section 2A about race or gender or to stop our chemistry teachers teaching children to make bombs. I find it difficult to understand how we have got into this panic-stricken situation, in which people think that the teachers who have dealt with sensitive subjects in schools appropriately will suddenly become raving homosexual militants. I am interested in your comments on that.

**Ronnie Convery:** Would you be concerned if we got rid of all race relations laws and all laws that rightfully prevent discrimination on the grounds of race and then said that we would survive because people are not naturally racists? People want reassurance. Parents find section 2A to be a useful belt-and-braces approach, which provides reassurance that homosexuality will not be promoted in schools. It is the term "promoted"

that we do not like.

**Ann Allen:** Not many people knew of the existence of section 2A until its repeal was announced. They discovered that the section made it quite clear that there was no equivalence between heterosexual commitment in marriage and homosexual practice. That is the position of the majority of Scottish people; they do not think that there is moral equivalence between marriage and homoerotic practice. Many of them argue that not from a position of faith, but from natural law. They regard the repeal of section 2A as saying that there is equivalence between heterosexual commitment in marriage and homosexual activity, whereas 99 per cent of the population are heterosexual but only 0.7 per cent are homosexual by fixed orientation.

**Nora Radcliffe:** You have just restated the same non sequitur.

**Ann Allen:** Perhaps in your terms, but not in mine. You have created fear in people's minds. You have alerted people to the existence of a law saying that there was no equivalence and, by demolishing that law, you are saying that there is an exact equivalence and that homosexual activity can be promoted along with heterosexual commitment. That is what parents do not want.

**Nora Radcliffe:** That is a total non sequitur. Removing a ban on something does not automatically mean that one promotes it.

**Gordon Macdonald:** The new section that was announced by the First Minister has widened the definition of family life. It might have been better if he had not made that announcement, because he has now said that essentially there is moral equivalence. We now have an inclusive definition of family life.

**John Deighan:** The argument goes wider than just schools. I believe that many committee members have received material from PHACE West. Much public money went into producing that material, which we believe is promotional and not just health related. We think that there is a problem and that legislation is needed to prevent such material from being placed before our children.

**Nora Radcliffe:** Do you honestly think that material that has been prepared to warn homosexual adults of the health dangers of practising homosexual behaviour will find its way into schools?

**John Deighan:** That material glorifies—

**Nora Radcliffe:** Those schools have national, local authority and school guidelines. They have guidance teachers whom we have trusted with our children all this time. Are you honestly telling me that those people will accept that kind of material

in the classroom?

**John Deighan:** They would not accept it but, if section 2A is repealed, what will they do if this matter materialises?

**Ronnie Convery:** Section 2A is about local authorities as well as about classrooms. I will quote directly from the Healthy Gay Scotland website, which is available to youth clubs and other non-school elements under local authority stewardship:

"Cruising's a brilliant feeling. It's the best buzz there is! I start getting butterflies before I even get to the park."

If that is not promotional, I do not know what is.

**Nora Radcliffe:** How will repeal of section 2A affect that? Such material is on the internet, but why will it get into schools?

**Ann Allen:** If that material is available while section 2A is in place, what kind of deluge will there be when it is repealed? If there is currently restraint, what will the situation be when there is no legislation to restrain such material?

**Nora Radcliffe:** You cannot argue that the legislation does not restrain such material and then argue that removal of the section will produce a flood.

**Ann Allen:** Nobody knew of the existence of that material until we began to consider the implications of section 2A. If people had known that such material would be publicised, they could have invoked section 2A.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** There is clearly unacceptable material both of a homosexual and of a heterosexual nature, but the guidelines and the good sense of teachers will deal with that. So that we know what you have in mind, could you give one example of the promotion of homosexuality in Scottish schools before 1988?

**Ronnie Convery:** It was not promoted in Scottish schools. As we did not have a Scottish Parliament then, the Westminster Parliament introduced legislation covering the whole of the United Kingdom because homosexuality was being promoted in London schools.

**Malcolm Chisholm:** There has never been an issue about the promotion of homosexuality in Scottish schools.

**Ronnie Convery:** Not until now.

**John Deighan:** The situation has not remained static for 12 years.

**Malcolm Chisholm:** It is important that we realise that homosexuality has never been promoted in Scottish schools, irrespective of whether section 2A has been in place.

**Ronnie Convery:** But the PHACE West material has been funded by councils.

**Malcolm Chisholm:** I do not know that material, so I will not comment on it. I think that unacceptable material will be dealt with by the guidelines. Like Johann Lamont, I am mainly concerned with the safety of children. Do you think that a child would be safer in a heterosexual marriage in which there was conflict and violence, or in a single-parent or same-sex-couple home in which there was no conflict or violence?

**Ann Allen:** That is not the issue. I know of a case in which social services are involved where there is a child in an abusive same-sex household. It is clear that there are bad relationships between parents and children no matter whether the children are being looked after by parents who are committed to marriage, single parents or same-sex couples. We have to deal with the qualitative distinction on an individual basis. A child can be unfortunate enough to have poor parenting, whatever the style of parenting.

**Malcolm Chisholm:** You will understand why some Christians approach this question with the view that the key factor is safety and love in the family—that is why there is so much disagreement within the Christian Church on this issue. Is not that factor more fundamental than the points that you present? Would there not be more agreement if education focused on the values of safety and love rather than on the concepts of marriage or homosexual or heterosexual people living together?

We have to represent all our constituents. You talk about your mailbag, but I have had far more letters in support of repeal—I do not know whether Edinburgh is different from elsewhere. Although I respect your views on education, teachers have to realise that they are teaching different people and that society has different views about these matters. Many people may share your views, but a school cannot push just one view. Perhaps teachers should say that some people think one thing and some think another but we are all agreed about the core values.

**John Deighan:** The Labour party has stated that it accepts that marriage should be promoted. I believe that studies show that about 70 per cent of the population agree that schools should promote marriage, as it is the ideal environment in which children are safeguarded. Of course, some children will be abused in some married relationships, but that does not damage the ideal. Similarly, some homosexuals in stable relationships—I am talking about a small number—will perhaps look after and care for children and will not abuse them. We are saying that, if the Labour party is committed to the ideal, it should promote and strengthen that ideal through

legislation, not contradict it.

14:00

**Ann Allen:** I do not think that this is an either/or situation. I agree that every child will be encouraged to explore and adopt values of love, trust, commitment and respect. However, we need to think about where those values are taken in relationships—do we want children to think that sexual experimentation is the first or the last stage of a relationship? Where the commitment of marriage is taken seriously, it offers—and has always offered—the best possible value base for children.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Ann, this morning you have talked about homosexuality. Would you accept that, as a representative of a Church organisation, you can do so without fear, as you are not bound by section 2A or something similar?

You said that, when the Conservatives introduced the law, there was clear evidence of the promotion of homosexuality. I have done research into this and have found out that “Jenny Lives with Eric and Martin” was available in only one teacher-training college, where it would have been used to show teachers that not all children live in a family with married parents and that other family situations exist. What is the clear evidence that you mentioned? As Malcolm Chisholm said, there is no evidence of the promotion of homosexuality in Scottish schools.

I would like you to clarify something. What is your position at this point? Do you accept that it is right to repeal section 2A on the ground that it is discriminatory? If you have accepted that, is your view that there should be statutory guidelines? If so, do you accept, given that you talked about tradition, that the Scottish practice has been not to have guidelines in statute and that we would be changing our educational tradition if we legislated for such guidelines? Do you accept that teachers’ professionalism should be enough to ensure protection of our children if guidelines are introduced?

I was disturbed to get a letter from the diocese of Motherwell expressing the concern that repeal might lead to

“- the promotion of homosexuality in our schools

- a flood of homosexual literature entering the classrooms

- devaluation of the status of heterosexual family relationships by the promotion of homosexual lifestyles”.

The letter says:

“Such eventualities would be totally unacceptable.”

Most people would agree with that last statement but they would also say that those things would

not happen.

**Ann Allen:** I will start at the end of your questions and work back.

We are asking for a statute covering local authorities. We have never suggested that we want statutory guidelines in education, as you will see if you read our written submission. I understand how the Scottish education system works. We want strong, protective guidelines for schools and something in statute for local authorities.

We have understood from the first that section 2A would be repealed. We have not accepted the basis for repeal that was put forward in the consultation document. What we want in place of the current legislation is something that gives the same protection to children that section 2A did. The section that has been suggested by the First Minister does not give the same protection.

We have always trusted teachers but we are concerned about the huge variety of stances taken on sex education and morality across education authorities. The literature that is produced by different councils displays a wide range of views on sexual practice, promiscuity and homosexual practice.

Having talked to people who were in Westminster in the 1980s, I understand that there is clear evidence that local authorities were promoting homosexual practices, principally through the booklet "Jenny Lives with Eric and Martin", and that parents expressed deep concerns about that. Parents lobbied for something to be done, although no one would say that the legislation was well framed.

Our point is that any legislation that takes into account any kind of moral consensus will be discriminatory in some sense. However, such legislation is necessary for a balanced society, for the benefit of people of every gender, orientation, race and so on.

**Gordon Macdonald:** As Jeremy Balfour said, issues of parental involvement and parental rights are involved. We want parents to be consulted and to have a right to withdraw their children. Sam Galbraith's letter indicates that the guidelines might recommend that. We want the guidelines to have a statutory back-up so that parents have recourse to the law if they feel that the authority or the school is not sticking to the guidelines.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** What do you see as the way forward? I understand that parents in Scotland already have the right to withdraw their children from sex education.

**Ann Allen:** That is not correct.

**Jeremy Balfour:** We have a legal opinion that tells us that the situation is, at best, ambiguous. It is not clear whether the right to withdraw children from sex education is enshrined in law. That has never been tested in the courts, as far as I am aware.

**Ann Allen:** A circular from Michael Ewart, who works in the education department of the Scottish Executive, says that that right will be given. However, I suggest that withdrawing a child is hugely discriminatory—what does the child feel? That would be the worst kind of exclusiveness.

**Tricia Marwick:** I would like you to comment on section 26(1)(b) of the bill, which contains the First Minister's suggested amendment. It deals with the need to ensure that the content that is provided is appropriate to the child's age, understanding and stage of development. You have suggested that we are waiting for the floodgates to open and that inappropriate material will enter Scottish schools. However, does subsection (1)(b) deal with some of your concerns?

**Ronnie Convery:** We have no problem with subsection (1)(b). Our problem is with the first paragraph, which is deliberately vague and, as the Executive has said, talks about stable family relationships in a way that could include homosexual relationships.

Our concern is that the situation under the replacement section would be worse than if section 28 were simply repealed, because local authorities would be advised to promote the value of stable family relationships that could include homosexual domestic partnerships. Promoting that is worse than promoting nothing.

**Tricia Marwick:** If you accept that subsection (1)(b) meets your concerns, why have we sat for half this meeting listening to your concerns about the type of material that might end up in schools?

**Ann Allen:** With respect, we have answered questions that we have been asked. My initial statement did not mention the type of material that might end up in schools. The crux of our argument is the point about the moral equivalence that the first paragraph of the new section underlines between heterosexual commitment in marriage and homosexual relationships. Section 2A does not say that those relationships are morally equivalent. If you repeal section 2A, you will tell Scottish people—and parents and the Christian community in particular—that, as far as the Executive is concerned, anything goes in relationships, as long as they are stable.

**Tricia Marwick:** With respect, Ann, you said that the starting point was that we needed section 2A because of material that was found in some inner-London schools, and that section 2A was introduced because of that material, not because

of moral issues. We have accepted already that none of that material has ever found its way into Scottish schools. If section 26(1)(b) is passed, none of that material will ever get into Scottish schools.

**Ronnie Convery:** Who is to say that some of that material is not appropriate for pupils in the later stages of secondary schools? Some of it is deliberately targeted at youth clubs, which involve young children aged 14, 15 and 16. If such material is appropriate for children of those ages in youth clubs, it would be appropriate for children of those ages in schools.

I repeat that the First Minister's proposed amendment creates a moral equivalence between heterosexual marriage and homosexual domestic partnerships.

**Tricia Marwick:** Let me be quite clear about this. You would be quite happy for the new section to be inserted—in particular, section 26(1)(b)—but you have an argument about section 26(1)(a), which refers to “stable family life”.

**Ann Allen:** Yes.

**Tricia Marwick:** Can we, in future, have a discussion and a debate that does not revolve around the kind of material that might or might not be in our classrooms?

**The Convener:** To be fair, those comments were made in response to questions from the committee, rather than being in Ann's initial statement. I accept the point—

**Tricia Marwick:** I was trying to suggest that the wider debate in Scotland does not revolve around the material that might go into Scottish schools, because the witnesses have already accepted that section 26(1)(b) will ensure that such material will not get into Scottish schools.

**Ann Allen:** In our written submission, we said that we warmly welcome the protective guidelines on the education of children that are to be introduced. We are quite happy that material will be screened—that is, we will be clear about that once we have seen those guidelines and have had the opportunity to consult on them. That is not the issue. With respect, I do not think that any of us has argued that the material is the issue, either in the public domain or privately. I do not have a brief for education—that is John Stevenson's brief and he will discuss that later this afternoon. I do not want to incur his wrath by arguing the education brief.

**The Convener:** We have overrun by 15 minutes, but the second set of witnesses has yet to arrive. I will allow the discussion to continue for a little longer. It will come to an abrupt halt when those witnesses arrive, although we will not throw you out.

**Jeremy Balfour:** The debate in the media, elsewhere outwith the chamber and our discussion this morning has rightly concentrated on education, in terms of what can and what cannot be taught in schools, but there is a wider issue, in terms of what local authorities are able to fund.

Although we all accept the wording of section 26(1)(b)—we have said that that is not an issue—there is a question about the money that local authorities can give to organisations, which could then use certain materials. We want the committees and the Parliament to consider both education and local authority funding—

**Gordon Macdonald:** And not just in relation to homosexuality, but in relation to all sorts of issues. For example, should local authorities fill in potholes rather than—

**Shona Robison:** As we are getting near the end of the discussion, I am able to come back in on some of the comments that people have made.

I am quite disturbed that the debate has shifted. I agree with Gordon Macdonald that it has shifted on to a discussion of what forms a stable family relationship. Would the debate have shifted on to that agenda if the First Minister had not proposed the new amendment?

In my previous life, I worked in areas where 40 per cent of households in some communities were headed by a lone parent. As with any family relationship, some households were good and others were bad. The strain on those families was not that they were lone-parent households—they were under strain because they were living in poverty. That strain would exist whether they were one or two-parent families. I would be interested in your comments on that.

I have noted some of the comments that have been made during the discussion. We have heard that there was a problem in some London boroughs, which was never an issue in Scotland, and that people did not know about the existence of section 2A before its repeal was proposed. Are we not talking about fear rather than reality? That fear may have been enhanced by some of the more imaginative media headlines, such as “gay sex lessons”. When fear takes over from reality, is it not incumbent on all of us—particularly Church institutions—to get beyond that stage by examining the facts and the reality, rather than concentrating on the fear that is inevitably a strong motivating force?

14:15

**Ann Allen:** With respect, people were not properly consulted on the need for the repeal of section 2A, as the repeal was simply announced. That in itself is unusual. If the consultation process

had been lengthier and had involved many of the concerned groups of parents, that fear might have been dissipated.

At the beginning of December, we opened up the debate on behalf of the Churches with a reasoned letter that dealt with the three issues of bullying, giving out objective information about sexuality and funding. Our letter said, quite clearly:

"We live in a society where 3 out of 4 children can live in a home headed by a married couple. We have a Labour Government committed to promoting family values. A recent Gallup Poll found over 70% support for strongly promoting the value of marriage in schools."

We went on to say that

"there is no moral equivalence between heterosexual commitment in marriage and other expressions of sexual behaviour. We seek the protection of our children in an increasingly sexualised culture".

That is where we started this debate and that is where we are still—we have not moved our position. The media may have moved their position and the Executive has certainly moved its position from the three principal planks in the consultation document. Our position has always been that we have held out for heterosexual commitment in marriage to be upheld as the value base for life in Scotland today, to which people can aspire and in which they can find help. That has been our position from start to finish.

**Shona Robison:** May I come back on that point? Do you understand the difficulty that a teacher would have in some of the areas that I mentioned earlier? They might sit in front of a class where perhaps as many as half of the children in that class are not part of the aspiring model that you put up. These children have fairly low confidence and life expectations. Is that approach not yet another slap in the face for, or put down of, their family structure?

**Ann Allen:** I do not come at this argument from the education point of view—that is not my locus. I am in a social work department. I have come at this issue from the point of view of local authority legislation. It seems to me that the position has shifted with the repeal of section 2A—however discriminatory that legislation may be. The legislation gave a clear commitment to heterosexual marriage as our moral goalposts.

I am a teacher by profession and know exactly where children are coming from and what they have to deal with in terms of broken family relationships and other difficulties. Every child is dealt with individually and I do not think for a minute that any responsible teacher is going to stand in front of a classroom and promote marriage in an offensive and exclusive way—that would be naive. However, there must be a discussion about marriage and that discussion

may be underpinned by the fact that many people are happily married, stay married and find it the best situation for them. Other people may not find that, but the Government must hold the position that marriage has value, and it must include that in its legislation.

**Ronnie Convery:** That position is based on sociological observation—it is not based on morality. The Government says that marriage just happens to offer the best stable start for children growing up. That is not a moral judgment—it is simply recognition of a sociological fact.

You talk about fear, but this is about fear. You talk about the newspapers, but the newspapers are reflecting very real fears on the part of normal members of the public, who fear—in the words of the Catholic bishops—that:

"To take away a law which prohibits the promotion of homosexuality and replace it with 'guidelines' risks leaving our children extremely vulnerable to the message that a homosexual lifestyle is an equally valid moral choice to marriage."

That is the fear, and the challenge for this committee and the Parliament is to overcome it.

**Gordon Macdonald:** Shona Robison quoted the figure of 40 per cent lone parents.

**Shona Robison:** In some areas.

**Gordon Macdonald:** That says to me that society needs to encourage marriage. We do not need to have a vicious circle of family breakdown, which imposes economic as well as social costs on society. It highlights the fact that public policy should seek to promote marriage. Obviously, not everyone will have the perfect marriage and some marriages will break down, but as a society we should seek to promote it. If we do not, in 20 or 50 years' time the economic and social costs will be enormous.

**The Convener:** I will allow Jeremy Balfour to have the last word in this section, as the second set of witnesses has arrived.

**Jeremy Balfour:** Johann Lamont said that she did not want her children exposed too early to any form of sex education. We are not simply sexual beings.

**Johann Lamont:** I was talking about the sexualisation of our children, which includes four-year-old girls being encouraged to wear make-up for the gratification of I do not know whom. The issue is much broader than one particular group.

**Jeremy Balfour:** That is a wider debate that we need to have in society. The danger is that society is defining us as sexual beings only. We would all accept that our humanity—what we are as individuals—is far bigger than our sexuality. From a Christian perspective, we would like to see a far



wider debate on what constitutes humanity and who we are. The danger of this debate is that it concentrates on one area. However, broadening it out is probably outside the remit of today's discussion.

**The Convener:** At the moment, yes.

Thank you for coming to give evidence. I hope that you feel that you have been given a fair hearing. I am sure that the committee has found it useful to have a face-to-face dialogue, instead of reading about one another's comments in the press.

**Ann Allen:** We appreciate very much your hearing us. Thank you.

**The Convener:** At the beginning of the meeting I forgot to move that we take item 3, the review of evidence, in private. Is that agreed?

**Members indicated agreement.**

**The Convener:** I welcome the next witnesses to this meeting of the Equal Opportunities Committee to give evidence on the Ethical Standards in Public Life etc (Scotland) Bill. I understand that you will be giving evidence on the repeal of section 28, but if you want to make comments on any other parts of the bill, you are free to do so. I have been informed that you would each like to take a minute to introduce yourselves, after which Mr Malik will speak on behalf of everybody. The committee will then have a chance to ask questions. If anyone wants to make further comments, they are free to do so. Mr Malik, would you like to introduce yourself?

**Mr Mazhar Malik (Ethnic Community Resource Centre):** My name is Mazhar Malik, and I work with the Ethnic Community Resource Agency as manager of its education and youth services.

**Mr Sajid Quayum (Islamic Society of Britain):** My name is Sajid Quayum and I am currently involved with the Islamic Society of Britain in Glasgow, as well as a number of youth groups, including Young Muslims UK, in Glasgow.

**Mr Mohammad Ishaq (UK Islamic Mission):** My name is Mohammad Ishaq, and I am president of the Glasgow branch of the UK Islamic Mission. I am also a hospital chaplain and have been a member of the executive committee of the UK Islamic Mission nationwide.

**Mr Malik:** I will follow Islamic tradition by beginning with the name of Allah. I will speak first in Arabic, and then provide the committee with a translation of what I say. Bismillah al rahman al rahim—in the name of Allah, the most gracious, the most merciful.

Respected convener and members of the committee, I wish you a very good afternoon. First,

I would like to offer the committee sincere thanks on behalf of my colleagues and the Scottish Muslim community for giving us the opportunity to convey our views on the Ethical Standards in Public Life etc (Scotland) Bill. We are against the bill in its current form. We strongly oppose the repeal of section 2A of the Local Government Act 1988, more commonly referred to as section 28.

We are for family values, as traditionally defined. We are for parents' empowerment. Our opposition to the repeal of section 2A is based firmly on our ethical standards, guided by God, and on the angered opinion of the vast majority of Scottish people, including the whole Muslim community.

Muslims are concerned with the environment in which they live. They do not believe in living in isolation. They believe that they should have a strong concern for the people with whom they share their lives. They believe in constant co-operation and sharing between the communities, to enjoin what is good and forbid what is wrong. We are instructed in chapter 5, verse 2 of the holy Qur'an,

"help one another in righteousness and piety, but do not help one another in sin and injustice."

We are also guided by our prophet Mohammed—peace be upon him—through his tradition. Once, when he was surrounded by his companions, he told them a story—because his method of teaching was by interaction, sharing his ideas and asking people questions. He narrated a story about a valley that God decided to destroy because the inhabitants were involved in mischief. When he sent down the angels, they found a man who was known to be very pious and righteous, and spent all his time praying. The angels became confused and went back to Allah to ask him what they should do, given that they had found this pious man. Allah told the angels to destroy the man along with the rest of the valley, because he was concerned only about himself. He was living in seclusion and not bothering about what was happening to children, parents and other members of the society around him. That is the teaching that we have to enlighten our lives.

Muslims believe in absolute values. We do not believe in relative or relativist values. We believe that we should engage with and promote to all members of society absolute values. Relative values can also be referred to as materialistic values. With relative values, some things are right sometimes and others are wrong at other times, because everything is based on the market. Such values are not about principles, but about what people accept.

Let us take the example of homosexuality. Some years ago, it was a taboo subject, but now, in this Parliament, we are going out of our way to

legislate for the promotion of this sexual behaviour. I pose this question to all members of society: how far do we intend to go? Other forms of sexual behaviour exist, which people feel are the right choices for them—for example, paedophilia. Instead of going into detail, we can consider the age of consent in other European countries. I do not want to say much on that.

14:30

Another behaviour is necrophilia—having sex with dead people. What do we say to that? That is also exercising freedom of speech and action. There is also incest—sex between parents and children. What do we say to that? In addition, some forms of bondage are popular, and even legal. Another behaviour is bestiality—having sex with animals. Even on TV we have seen naturists: people who do not want to dress themselves because they were born without clothes and see no reason why they should not live without clothes.

We feel that if this onslaught of promoting relativist values continues, the Scottish Executive—or the Labour party—will legislate in favour of some of the above sexual behaviours. I, or someone from the community, will be invited again and again to come and give evidence on those unethical and unnatural behaviours. I remind Donald Dewar and members of the Parliament—no matter which party they belong to—that they have been elected to represent the Scottish public, to work hard in their interests and to respect their wishes, and that they are here to strengthen Scottish society, not to destroy it.

Let us put the situation into a broader perspective. More than 2.3 million British Muslims and more than 1 billion Muslims around the world, along with the vast majority of people, would view Britain and Scotland as a society that is rushing towards the destruction of family values and, as a result, society itself. I believe strongly that international policies and views on British and Scottish people will be modified as a result of this bill.

I emphasise that it is the absolute right of parents to decide what they want their children to learn in schools. Parents also believe that they have been betrayed by the Labour party. I urge members of the Parliament to update themselves with the statistics. According to ITN, a Gallup poll showed that 75 per cent of parents voted against the repeal of section 28, that 75 per cent of children live in a household that is headed by a married couple, that 24 per cent of children live with lone heterosexual parents who have either divorced or separated, and that well over 70 per cent of parents want marriage to be promoted in schools. Therefore, we Scottish Muslims are with

the majority of the Scottish people in opposing this bill in its present form and with all its implications. However, as we understand that there is a need for ethical standards in public life in Scotland, we strongly recommend that all references to the repeal of section 28 be withdrawn from the bill. We would be happy to reconsider a new bill, amended as I have suggested, and look forward to the consultation procedure.

Certain attitudes exist in the Muslim community towards the repeal of section 28. As we are here to represent Muslim people, I shall say what they intend to do. First and foremost, Muslims will oppose the Labour party. I cite the example of the leader of a multi-faith coalition for the campaign to retain section 28. He says that he, his father and his grandfather always voted for the Labour party and that this is the first time they will not go along with the Labour party.

Secondly, although Muslims have always argued for and supported private schools, that choice was never decisive as people also thought that state schools, in which all children are taught together, were a good idea. However, Muslims would definitely opt for private schools if section 28 were repealed. Discussion of that is under way and there is already such a school in Glasgow. Once, at a public meeting that we held, I consulted the head teacher of that school and asked him to advise us from his experience as an educationist. He said that it did not concern him, as it did not affect him; he was maintaining traditional values for all the children in the school.

Work is under way and letters have been prepared on the European convention on human rights. One such letter is in circulation. It is from a parent who wishes to assert their rights under protocol 1, article 2 of the European convention on human rights—normally referred to as the ECHR. That protocol was signed by representatives of Her Majesty's Government and is now legally binding in the United Kingdom under the Human Rights Act 1998. The article states:

"No person shall be denied the right to education in the exercise of any functions that it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

The parent wishes it to be known that their religious and philosophical convictions preclude and forbid the teaching of homosexuality and lesbianism as either acceptable or normal lifestyles or family patterns in society. Accordingly, they do not want their children to be presented with any lesson that teaches, insinuates, implies or suggests that homosexuality and lesbianism are acceptable, either by verbal teacher instruction, in text books or work sheets, by video or tape cassette recording, by visiting speakers, or by any

other mode of instruction whatsoever. The letter concludes by requesting that, after the date of its receipt, the parent's children be withdrawn from the class group if and when any such lesson is planned, and that the school provide alternative accommodation and instruction for the duration of the planned lesson.

The kind of literature to which I refer is already available—I was involved in distributing examples of it outside a mosque. I spoke to a few people from different age groups, and they all put their head down—they were upset. They said that they would like to withdraw their children from school, and that they did not have a choice. I cannot find the words in English to translate what they said in Punjabi, but the gist of it was that they had no choice—what could they do but take their children out of school? That is the reaction of Muslim parents. Muslims will also continue to support umbrella groups that are working against the repeal of section 28 until the Government makes a U-turn, as happened in the case of the poll tax.

I thank members for listening to my remarks and hand the discussion over to the committee.

**The Convener:** Thanks, Mr Malik. If nobody else wants to say anything I shall proceed to invite questions from members of the committee.

**Johann Lamont:** For the committee's information, would your preferred position be to make homosexuality illegal?

**Mr Malik:** Yes, our position is that it should be made illegal.

**Johann Lamont:** So, no amendment to section 28 would change your view on that? You think simply that homosexuality is an unacceptable lifestyle?

**Mr Malik:** Yes.

**Johann Lamont:** You talked about parent empowerment. In a school in which youngsters come from all sorts of backgrounds and faiths—or no faiths—how can the curriculum be managed? How can the school meet the needs of parent empowerment if parents are voicing conflicting views on the teaching of sex education?

**Mr Malik:** It is simple, really. A school normally has a board that guides what happens in it, on which parents are represented. The majority will decide, as has been the case in any other situation—not only on the issue of homosexuality.

**Johann Lamont:** You see no need for the protection of minority rights in the school curriculum in relation to this matter?

**Mr Malik:** We are not saying that these people should be kicked out of the school. We are saying that the teaching and promotion of such behaviour is a matter for the majority to decide. Whatever the

situation, these people should be counselled, guided and helped to return to a natural and healthy lifestyle.

**Johann Lamont:** If you and I sent our children to the same school, I would take the view that the focus of their sex education should be on the protection of those children, that they should also be taught about the context of human relationships and that homosexuality is something that one cannot change. You would take a contrary view. How should a school manage that difference? We both have rights in relation to our children's education.

**Mr Quayum:** How far do we go? How could every point of view possibly be represented with regard to sex education? There are a number of viewpoints. The Ethical Standards in Public Life etc (Scotland) Bill exists to represent the ethics of the community at large. I have talked to a number of people and judging by the reaction of the community—not only the Muslim community, but the community as a whole—homosexuality is not regarded as the norm. That is a minority opinion. I am sure that it has been mentioned 1,700 times that it is fine to discuss homosexuality, but the issue at stake is the promotion of it. Repealing section 2A, which uses the words "promote homosexuality", would create imbalance in the curriculum.

**Johann Lamont:** The contrary argument is that there is no evidence that homosexuality has been promoted in Scottish schools.

**Mr Quayum:** Do you mean at present?

**Johann Lamont:** There is no evidence that homosexuality has been promoted before or after the clause was introduced. Do you have evidence that homosexuality was promoted before the clause came into force?

**Mr Malik:** There are projects that promote homosexuality in, for example, Dundee, which have implications for grants. If section 2A is removed, I see no reason why members of the gay and lesbian community would stop promoting homosexuality.

Put simply, the absence of evidence of the promotion of homosexuality reflects the success of section 28. If the section did not exist, there might not have been evidence of the promotion of homosexuality.

**Johann Lamont:** Do you have evidence of homosexuality being promoted before 1988?

**Mr Malik:** No, not at the moment.

**Mr Quayum:** As far as I am aware, material has been prepared in readiness for repeal of the clause.

**The Convener:** Lots of statements have been

made to that effect and there have been many rumours, but I do not think that that is the case. Donald Dewar and Sam Galbraith have given reassurances that there is no intention to promote homosexuality in schools—the intention is that we do not to discriminate against any particular lifestyle.

I would like to pick up on a comment that Mr Malik made. I can give him a cast-iron guarantee that he will not appear before this, or any other committee to discuss paedophilia, necrophilia, bestiality or incest. Those practices are illegal and as far as everybody here is concerned they will remain illegal. They are totally different from homosexuality, which is not illegal. That is a big difference and I do not think that Parliament will ever discuss legalisation of those practices.

Johann makes the point that homosexuality has never been promoted as a preferred lifestyle in Scottish schools, nor has it been promoted as a lifestyle that is better than any other—the repeal of section 28 would not change that.

**Mr Ishaq:** As Mr Malik said, before section 2A was introduced, homosexuality was taboo, but now it is becoming the norm. In schools, television and radio, homosexuality is promoted and councils are funding projects for its promotion. Why cannot we say that those other practices might become legal in future?

**The Convener:** Because homosexuality involves consenting adults, whereas the other practices that were mentioned involve abuse of power and abuse of people or animals without consent. That is a big difference.

**Mr McMahon:** Mr Malik, I see that you have a leaflet from Keep the Clause, which says, “Protect our children” at the top. A week or so ago, Donald Dewar announced a new section to replace section 2A. Part of that section mentions

“the need to ensure that the content of instruction provided in the performance of functions is appropriate having regard to each child’s age, understanding and stage of development.”

The section is aimed at any council

“in the performance of those of its functions which relate principally to children”

The new section is aimed at protecting children. It says, specifically, that councils cannot, in any area in which they are responsible for children, use inappropriate materials. They must take into account children’s age and understanding of situations. Would you accept that new section?

14:45

**Mr Malik:** I will also pick up on what the convener said. The issue is the way in which we go forward. Why was it decided that sex education

should be part of the school curriculum? Because there were too many unwanted pregnancies. Did we succeed? The youngest pregnancies in Europe are in Britain. We did not succeed. Kate MacLean said that paedophilia, necrophilia, bestiality and incest are illegal. What criteria do we use to make something illegal? Homosexuality was not previously acceptable in society.

If we educate children about homosexuality by providing material on homosexuality and reduce the age of homosexual consent, I cannot see how that will not result in more homosexuality. When the number of homosexuals increases, we will have to accommodate those people in society. We will not be protecting children; we will say that we are going to educate them further. As a responsible citizen, it is my moral duty to warn the committee, and to bring those points before it. Unless we use God’s criteria—which I strongly support because He created us, He knows what is best for us and He gave us those criteria—and stick by them, we will end up having all sorts of behaviour in society.

**Mr McMahon:** Another organisation that gave evidence to the committee suggested that male children are three times more likely to have homosexual experiences if they are in private sector education, which is not covered by section 2A. You said that people are threatening to take their children from the state sector into the private sector if section 2A is repealed. You would be putting children where they would be more likely to be exposed to predatory males.

**Mr Malik:** I would like to see more evidence on that, including information about which private schools were being referred to and what curriculums those schools followed.

When I referred to private schools, I was talking about the 64 Muslim schools in Britain—I do not think that that would happen at those schools. The curriculum that such schools follow alongside the state curriculum is very inclusive and teaches values from a young age. As parents of children in such schools, we would know that our children would grow up with our beliefs and with the values that we want to instil in them.

I cannot accept the argument of the organisation to which Mr McMahon refers.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** How did you consult the people you represent before you came to the committee, and how did you come to your views?

**Mr Malik:** Consultation was a concern. We three represent different organisations, but the mosque is the platform that all our organisations use. The mosque is not just a place of worship—it is a community centre. We cannot say that we only focus on such issues as this—we must constantly

review issues because people come with different ideas and the minister of the mosque must accept that there are other matters that the mosque must deal with.

People came to mosques and they asked the people who run the mosques to do something about the matter of promotion of homosexuality. Meetings were held and the organisations had their say. We then, in response to their wishes, prepared literature that we distributed to people to educate them and to give the Muslim view. There was more demand for that leaflet than for any other.

Usually, Muslims would view the value of literature in terms of the organisation that promotes it, but on this issue there was an overwhelming wish to join other members of the community because, as I said, our intention is to co-operate with other members of the community in doing good. We strongly believe that doing what we are doing is to do good that is defined by God, and that homosexuality is a wrong that is defined by God.

**Mr Quayum:** A number of public meetings were held in different Glasgow mosques, at which the attendance was 100 or 200 people. I am not aware of anyone who attended any of those public meetings who was in favour of repealing section 28.

I would also like to explain how we came to our opinion. As my respected companion Mazhar said, we believe in absolute values that come from God—that is most important to us. We are here to represent the Muslim community but also to represent Islam. There is a verse in the Qur'an that states explicitly that homosexuality is not acceptable to Muslims. That is a Qur'anic injunction—in other words it is an injunction from God.

**Mr Ishaq:** We went to all the mosques in Scotland. At all of them it was agreed that section 2A should not be repealed. In every mosque and at every khutaba ceremony on Fridays people are being told that repeal should not happen.

**Mr Malik:** I would like to quote the verses from the holy Qur'an that Sajid referred to. They are in chapter 7, verse 80 and 81. They state that Allah sent Prophet Lut—may Allah be pleased with him—and Lut asked:

"Do ye commit lewdness such as no people in creation (ever) committed before you?"

For ye practise your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds."

There are other verses that we could quote.

**Mr Ishaq:** If a Muslim goes against an instruction in the Qur'an, he cannot be a Muslim

anymore.

**Shona Robison:** You have made it clear what the Qur'an says, but you would probably accept that homosexuality is legal and is likely to remain so. Therefore there will be young people in all communities, including the Muslim community, who are likely to seek advice about their sexuality. What would you do if a young Muslim sought advice—would someone from the Muslim community be able to give advice or would you accept a school teacher discussing such problems in confidence with that young person?

**Mr Malik:** It would be a matter of working together. The Muslim community puts great trust in teachers and the majority of our children are in school. I would not go along with not trusting a teacher. I would, however, like to know the teacher myself and I would try to complement what the teacher was doing. I work for the Ethnic Community Resource Agency and I liaise with teachers and students. The Muslim community, the mosque or my organisation would have a role alongside that of the teacher to give advice to that young person.

**Shona Robison:** Are you saying that you would have no problem with a young Muslim who felt that he or she might be homosexual going to a teacher for advice, if you trusted the teacher?

**Mr Malik:** Yes, I think so.

**Mr Quayum:** As someone who has been through the education system in Scotland, I should add that such advice has to be specific to Muslims, as their needs and wants are different from those who are not Muslim. That is why organisations such as the Young Muslim Organisation UK—with which I used to be involved—have set up groups that operate in schools, and which run open discussion circles. By no means are we closed to discussion. I represent Radio Ramadhan, which has been running in Glasgow for the past four years. We have no problem with discussions about homosexuality, and in fact have had several such discussions. Our discussions, however, take the religious injunctions as their starting point, and then move into other areas such as dealing with situations and giving the best advice for a particular individual. Although I do not believe that that can be done solely by the teacher, teachers are greatly respected within Islamic tradition, and that should not be taken away.

**Mr Ishaq:** I believe that people are not born homosexual. How can God say that homosexuality is evil and then create someone like that? We believe instead that people are telling each other about and promoting homosexuality.

**Nora Radcliffe:** At one point in your opening remarks, you said that we, as MSPs, must

represent the people who elected us. I belong to the Liberal Democrats, and we have been opposed to section 2A since its inception. We opposed the fact that it was put into legislation, because it is wrong, unnecessary, discriminatory and it almost legitimises intolerance by singling out one section of society. By supporting the repeal of section 2A, we have not changed our minds in any way. The Labour party has also—

**Mr McGrigor:** Convener, that is not a question; it is a political statement.

**Nora Radcliffe:** It might be a political statement, but I am making it to invite comment and to answer a point that has already been raised. We have been asked whether we are doing something that we believe is right and which represents the views of the people who elected us.

We do not think that the repeal of section 2A means, as you said, that we are going out of our way to legislate to promote homosexuality. You said that you did not believe that people are created homosexual. People are, however born with imperfections, and it might be that homosexuality is an imperfection. We do not discriminate against people with physical disabilities. If homosexuality was treated as a physical disability, could Muslims accept it on that basis?

In Muslim eyes, homosexuality is wrong; however, homosexuality is recognised as a legitimate state of being by the British legal system. Although we might never bridge that gap, we should respect each other's point of view. Do you accept that the repeal of section 2A is not an attack on family values and does not mean that other people's views will be respected less?

**Mr Ishaq:** Why do we need to repeal section 28, if counselling children about homosexuality is already covered in guidelines for teachers? No one is asking teachers not to help those children.

**Nora Radcliffe:** The section is basically wrong and should not be there.

**Mr Ishaq:** Why is it wrong?

**Nora Radcliffe:** Because it is discriminatory and legitimises intolerance.

**Mr Ishaq:** Muslims and people of other religions experience discrimination and abuse in the streets every day, and nothing in the law protects us from such bullying. Why are we not promoting such legislation instead?

**Nora Radcliffe:** I would equally promote such legislation. There should be not be discrimination on any grounds.

**The Convener:** I think that we are getting into a different area of discussion. The Race Relations Act 1976 protects people against racial

harassment, but there is no legal protection for people of different sexual orientations. The repeal of section 2A is meant to remove some discrimination from the law, which is very different from people holding religious or moral views about homosexuality. Such views are not law. However, I do not want to get involved in a new discussion about other areas of discrimination. If no one wants to respond to Nora's other points, I will let Malcolm Chisholm in.

**Mr Malik:** I want to return to Nora Radcliffe's opening remarks. The Labour party does not represent people's wishes; if this issue is only a matter of legislation being wrong, we must still take other people's opinions into consideration. We would all agree that children should be taught the rights of parents.

I mentioned the survey on ITN—which is very popular—that showed that a majority of people are against repeal of section 2A. Donald Dewar said on TV that he is committed to the repeal of the section. Where does he get such a commitment? He is not an individual; he represents people. He is answerable to the responsibility that God has given him. His commitment comes from the people whose respect has given him the honour and the right to take his seat. We want his commitment to stem from the views of the people that he represents, not from his own personal convictions.

**Nora Radcliffe:** We receive representations from people with a wide range of opinions; indeed, my personal postbag falls into three categories of opinion. Some people are totally opposed to the repeal of section 2A, some totally support its repeal and a third are not bothered whether section 2A is there, as long as teachers have guidelines and children are being taught appropriately. As I am satisfied that such guidelines are in place and that children are being taught appropriately, that means that the balance is, in my view, 2:1 for repeal.

15:00

**Mr Malik:** What I am about to say should be listened to very carefully, because it should not be misquoted. In this country, the essence of democracy is majority opinion. However, as a Muslim, I will agree with the majority opinion if it is in accordance with the Qur'an and the tradition of Mohammed—peace be upon Him. Otherwise, I will disagree with the majority opinion. I should emphasise that that is my own opinion.

Committee members talk about representation, but I believe that the people who are trying to remove this section of the law are undemocratic. The majority of people are saying that it should not be done.

**Nora Radcliffe:** That is one perception.

**The Convener:** Can we move on. We have got a bit of dialogue going and Malcolm has been waiting to get in for a while.

**Malcolm Chisholm:** On the Equal Opportunities Committee, we mostly see ourselves as protecting minorities. I do not think that a majority has the right to discriminate against a minority.

I am not sure what the majority thinks. As I said at the previous meeting, the vast majority of the letters that I receive support repeal. I do not know why, but that is the fact. I am not conceding that the majority opinion is not to repeal, but even if I did, I do not believe that a majority has a right to discriminate. I am sure that you would agree with that in other contexts.

I hear what you say—I respect it and understand it—but how does it work in a school? There must be other issues in schools—a range of subjects—on which people of any religion have different views. Any school might have people from 10 different religions. In general terms, if there is a controversial issue, do you think that one way forward would be for a teacher to say, “We are talking about such a subject. Some people have such a view—particularly people of such a religion—and other people have another view”? How should schools proceed if they do not do things in that way?

**Mr Malik:** I hold the same position as before. What criteria would we use? At the moment, people say that there is discrimination. I mentioned other examples. Is there discrimination? Why are we making it illegal? There should be freedom. People should do what they want. Why does the majority think that certain forms of sexual behaviour are illegal?

**Malcolm Chisholm:** One has to make a moral judgment. As lawmakers, of course we make the judgment that paedophilia is not right in this country. Obviously you disagree with me, but you might disagree with some laws while other people disagree with others. The fact is that homosexuality is legal in this country, so it is in a completely different category—in terms of the law of the land—from the other things to which you referred. I understand that you do not take that view, but like people in all sorts of religions, you must find that you do not agree with a particular law or have a particular value or belief that conflicts with other people. My question is how does that work in a school? We cannot present one view if there are lots of different views.

**Mr Malik:** As responsible citizens, we abide by any law. Islam teaches us that. Even if we do not agree with it, the law must be upheld. We do not want to create a mess in society. We look forward to more children being withdrawn from classes, because that is a parent’s right. It will become a

financial question for the state. How will it provide instruction and accommodation? There are many small issues, but at the end of day we come back to God’s criteria, because we are all his creation whether we accept that or not. We will have to agree to follow the scriptures and to do what God has told us is the right thing to do.

**Malcolm Chisholm:** I understand your fears about repeal—a lot of people have fears about what will happen—but we should consider the time when this law did not exist. A lot of Muslims must have gone to school in the 1980s when there was no such law. In the 1980s, did any Muslim have a problem with a school on this issue?

**Mr Ishaq:** There is a big difference between then and now. At that time, there was no homosexuality on television or on the radio. Now, it is promoted a lot. We see it every day on TV and in newspapers—everywhere. Then, there was nothing; it was taboo—nobody talked about it. That is why we feel that promotion will now happen in schools. Now, there are organisations and riots. They are doing everything in the streets nowadays.

**Mr Quayum:** Society has changed quite substantially since I was at school. I look at young people now who are going through the school system and talk to them every day. It cannot be denied that the homosexual lobby is very powerful. That is clear to me every day on television. To give a simple example, soap opera is one of the most powerful forces used by television. Soap operas are some of the most popular programmes on television and they sort of represent a general community. It used to be the case—we laughed at this—that they would stick in a black or Asian face. Now, it seems that there is a homosexual or lesbian person in every soap opera, because it is accepted that one has to be put in, as used to happen with us. There is a strong lobby for the promotion of homosexuality throughout programming on television and in all the media.

Given the change in society that has taken place over the past 10 to 12 years, it is my sincere belief—and the belief of many of the Muslims in Scotland—that taking the law away will potentially open the floodgate on the promotion of homosexuality. We believe that the homosexual lobby is very powerful.

**Tricia Marwick:** You are obviously not in favour of the promotion of homosexuality in schools. Are you in favour of any sex education in schools?

**Mr Malik:** I was educated in Pakistan. I would not say that it is an Islamic society, but it is a Muslim society, because the majority of people are Muslims and that is where the curriculum is supposed to take its guidelines. I got sex education to guide me through the changes that

would take place in my body. Equally, girls were advised what changes their body would go through. Marriage was the only form of relationship that was promoted. That is the sort of sex education that I believe in. I will be delighted if that is what happens in schools.

**Mr Ishaq:** It needs to happen at the right age and to be taught in the right way. Otherwise, we are against all kinds of sex education.

**Mr Quayum:** Why is that relevant to the discussion?

**Tricia Marwick:** If you are opposed to any discussion of homosexuality in school, which you certainly are, does that extend to not wishing to have any sex education in school at all?

**Mr Ishaq:** There are parents who withdraw their children from any kind of sex education.

**Mr Quayum:** Doubtless there is a difference of opinion on that among the Muslim community. In my experience, no parent would not want their child not to know about the biological changes that they will go through. Certain facts will be given to their children. The problem arises when one brings the moral implications of sex into the education system. I, for one, was advised about what precautions to take when having a sexual relationship with a girl—contraception or whatever—but I was never advised about abstinence. That is a clear imbalance. Muslims believe that they should abstain from sexual relations before marriage. That is the law that they uphold.

**Mr Ishaq:** That applies not only to Muslims. All the main religions believe it.

**Mr Quayum:** If there is to be a moral discussion, we must ensure that it covers the whole range. At the moment, there is no promotion of abstinence in schools.

**Tricia Marwick:** Is that enough to consider withdrawing children from sex education as we currently know it?

**Mr Quayum:** Repeal the section?

**Tricia Marwick:** No. You are saying that you are concerned because there is no mention of abstinence in state sector sex education. I am asking whether that is a big enough concern for you to withdraw your children from any sex education in state schools.

15:15

**Mr Quayum:** That is a very general statement and one would have to consider the specific circumstances. Personally, as a parent, I would find out exactly what was being taught to my children and decide whether I felt comfortable with

the level of discussion. I am not going to generalise, and I would not say that every school is the same. I would make a decision based on the particular circumstances.

**Mr Ishaq:** We believe that children are being taught about such matters at too young an age. That is why such young girls are getting pregnant. Children of five or six years old are talking about sex and so on. That is not acceptable. Sex education should be taught at the right age, the right time and in the right way.

**Mr Malik:** The idea would be to promote marriage, rather than anything else. Why turn a blind eye and create more legislation when we are already in a mess because of the legislation?

**Mr Quayum:** The difficulty that we face as Muslims is that our beliefs are based on a complete system of life and not just on individual laws. Quite often we are misunderstood because people see a woman in a headscarf or a maniac with a machine gun and they believe that that is what our religion permits. The difference between Islam and many other religions is that Islam deals with the complete conduct of life—social, economic, and political. Every aspect of life is contained in our religion and the elements cannot be separated.

When we say that homosexuality is not acceptable, it is in the context of the complete system. We treat the problem from the roots, rather than the branches. That understanding would be taught and promoted from a young age, although we would never disallow discussion. I do not think that any Muslim would disallow discussion of any nature. We are often quite frank and open about sexual matters, because we believe that we must be. We have never believed, as some religions teach, that sex in itself is immoral—although we believe that it must be within the correct circumstance.

**Mr Ishaq:** First, it was said that arranged marriages were not acceptable, then it was thought that a boy and girl should see each other before marriage, then it was acceptable that they live together before marriage and now they are living together and having children before they get married. That means that many young people think that there is no need to get married—that it is just a piece of paper. That is where it is leading.

**Mr Malik:** I was waiting for Malcolm Chisholm to return, because I wanted to respond to his comments. However, as colleagues, you can tell him what I have said.

Many discussions have taken place about what Muslims think. We represent Muslims and we consider ourselves members of the general Scottish community. We are conveying our equal concern about our children. When we say "our



children", we mean all the children in this society.

I would like to give an example of a friend from an Arab background, who was always busy arranging youth activities. Somebody asked him why he spent all his time organising youth activities rather than spending time with his own children. He said that the children he worked with would be the friends of his children, mixing and playing with them, and therefore his concern for the children with whom he worked was concern for his own children.

Although we are here as representatives of Muslims, we are equally concerned as members of the Scottish community. It is not a minority fear, as Malcolm put it, but fear for the whole society. We feel responsible and believe that we must convey our thoughts and views. Such matters affect us as they affect the whole society.

Malcolm Chisholm referred to the committee as lawmakers. I find that statement ironic, because it came across as if he were boasting that he makes the law, rather than taking a trial and error approach. I offer the example of zakat, compulsory charity, which is one of the five pillars of Islam. Zakat is given to poor people and it means to purify wealth. All rich Muslims have to give zakat. The law determines who is poor and it was given to mankind 1500 years ago in the Qur'an. However, as a result of the laws in this society, a woman can go to the social security office and discover that the policy has changed and that she is no longer regarded as poor. The Government decides how much money she needs to live on.

The first example was of real law making—until the day of judgment, the criteria for poverty will never change. That is true of any Islamic law. Even though we are surrounded by Government legislation, we die with the belief in God, facing God in the hereafter. In the Qur'an, God says that we should tell the people who do not believe in God that they should wish death and face God for digressing from the guidance that he gave in the scriptures.

**The Convener:** Does anyone have any more, brief, questions?

**Mr McMahon:** You read from a letter from someone who is withdrawing their child from education. Do I understand from that that the Muslim community is aware that parents have the right to withdraw their children from sex education and that it has happened in the past?

**Mr Malik:** Yes.

**The Convener:** Do you have any further comments?

**Mr Quayum:** I am not aware of the whole consultation process that is under way. Facing a panel of 20 MSPs firing questions is quite

daunting. I would like to ask the committee what it is doing to get proper representation from the community as a whole, to discover people's views. I regard this arrangement as woefully inadequate.

**The Convener:** I apologise. Such a formal setting is intimidating for witnesses who are not used to it. We try to make it as informal as possible, although that is rather difficult in the circumstances.

The Equal Opportunities Committee is taking evidence specifically on section 2A, and two other committees are taking evidence on other parts of the bill. Some organisations have asked to give evidence to the committees. Any individual who lives in Scotland is entitled to visit their MSP at their surgery and to write or e-mail with their views. That has been happening. I have received hundreds of e-mails and letters. Furthermore, if mosques, gurdwaras or Hindu temples want to invite members of the Scottish Parliament to address meetings or to listen to views, I am sure that members would be happy to come along.

There are many ways in which people can become involved in the consultation. This is the most formal, as it will form part of the evidence that we put to the Local Government Committee. However, every MSP has a vote in Parliament and will take on board the views of the communities that make up their constituency.

**Mr Quayum:** My feeling is that section 28 will be repealed and that the Executive is not budging on that. From the comments that have been made today, I am sincerely wondering what the point is of giving evidence to committees when there is a strong feeling that they will not consider not repealing section 28. The same impression has been created by the comments that politicians have made in public. A working group has already been set up to consider safeguards.

**The Convener:** There is a working group on guidelines.

**Mr Quayum:** That suggests to me, as an outsider, that the process has already begun and that nothing will stop it. Unless you can tell me otherwise, I cannot understand what is the purpose of this consultation.

**The Convener:** At the end of the day, members of the Scottish Parliament will hold different views. None of the political parties has decided whether there will be a free vote, so anything can happen. You would expect the Equal Opportunities Committee to have a particular bias towards equality and not allowing the majority to discriminate against minorities. I am sorry if you feel that this has been a waste of time. We have found it very valuable.

**Mr Quayum:** Perhaps I came across too

strongly. As a youth worker, who is involved more at the grassroots end than the official end, I have come across many committees that deal with black and ethnic minority issues. These issues are discussed at a high-brow level, but very little ends up happening at the grassroots. I would like to ask the committee what will be done with the evidence that we have given today and what we will receive back. I am a very simple person and would like to see what the results of this will be. Will our evidence simply be lost in a humungous pile of paperwork?

**The Convener:** We are taking evidence today and on 20 March. The committee will then consider all the oral and written evidence it has received and draw up a report that will be sent to the Local Government Committee, which is the lead committee on this bill. When the report is published, we will send a copy of it to each of the organisations that have given evidence to the committee. That will happen before the end of April.

**Mr Quayum:** So the report will be ready by 20 March?

**The Convener:** On 20 March we are taking more evidence. The committee will consider a final draft of its report on 27 March, which we will submit to the Local Government Committee. Towards the beginning of April, we should be able to send you a copy of our report on the evidence that we have taken from various organisations. After that, the Local Government Committee will consider all the evidence that it has taken, along with the evidence that we have submitted. The bill should have completed its passage before the summer recess, which starts at the beginning of July. Today, we are taking evidence on the first stage of the bill, but there is a second stage during which MSPs can propose amendments to the bill line by line. There is also a third stage, when the bill comes before Parliament. That should happen before the beginning of July.

**Mr Ishaq:** Are members from the Labour party free to vote in favour of or against repeal?

**The Convener:** I do not think that that has been decided yet. I do not think that any of the parties have decided whether they will allow a free vote.

**Mr Quayum:** I would find it helpful if we could be informed, either through a letter or through a report, of the progress of the bill at each stage. For the record, I would like to state that I do not believe this to have been a waste of time, or we would not have come in the first place.

**The Convener:** Thank you for coming.

**Mr Quayum:** Thank you for your time.

**The Convener:** We will now adjourn for 10 minutes.

15:29

*Meeting adjourned.*

15:39

*On resuming—*

**The Convener:** I am sorry to have kept people waiting. The first part of our meeting overran, then we had to have a short break.

I welcome our witnesses. I understand that Rev Norman Shanks will not attend.

**Rev John Stevenson (Church of Scotland):** Norman sends his apologies. He has another meeting connected with the cathedral on Iona.

**The Convener:** Thank you. I invite the witnesses to take a couple of minutes to speak to the committee, after which members can ask questions.

**Rev John Stevenson:** I speak on behalf of the Church of Scotland's education committee. I know that other representatives of the Church of Scotland have given evidence already.

The Church of Scotland's education committee supports the repeal of section 2A. Indeed, we see it as a matter for educationists and schools, rather than as a discussion about homosexuality. Our committee has not entered into the rights and wrongs of homosexuality as such, but has approached the matter from the position of education and of schools.

We believe that young people in our schools are increasingly aware of the variety of sexual orientations and lifestyles that exist, and that education must start from where children are. We believe that schools already teach about positive relationships and that that is the appropriate context in which to include understanding of sexual relationships. We would not like to see sex education as a subject in itself. There has been quite a lot of talk about sex education as if it were a subject. We would like sex education to be included in the curriculum that deals with relationships, moral values, personal and social education, health education and other areas. That, I believe, is what the Executive intends. We would like sex education to be taught in the context of a discussion about moral values and personal relationships.

We believe that areas such as guidance, personal and social education and health education should be able to cover the whole range of sexual orientation within a developed programme. That programme should encourage and develop respect for others, self-respect and understanding. Any such programme should be done in consultation with parents, and we welcome the Scottish Executive's intention to

encourage schools and local authorities to discuss the curriculum with parents.

Education must meet the greatest potential of each child, and we must appreciate the rights and needs of each person, including those with a homosexual, or gay, orientation. Education must be concerned with the whole person, in the community and in relationships. Relationships based on self-giving love are the ideal for which we should strive.

We welcome the opening up of the debate and we hope that the opportunity will be taken to ensure that schools and teachers are fully equipped and prepared to teach about all aspects of sexuality with sensitivity and discernment. Teachers should be properly prepared in our teacher training colleges and through professional development programmes to handle this delicate and often controversial subject.

We hope that the programmes for sex education within personal and social development will go on beyond second year. I know that a review of the health education programme is being undertaken by the Scottish Consultative Council on the Curriculum, but that is for the five-to-14 age group. We hope that any programme or guidelines produced will apply beyond second year and will take into account the emotional and physical development of pupils at the upper secondary stage.

That is all that I wanted to say. We have one reservation, however, about something which has been recently discussed by the minister. It was also mentioned on the document issued about the guidelines so far: the right to withdraw. It is my understanding that the only subject on the curriculum from which parents have the right to withdraw their children by statute is religious and moral education.

We would be concerned should the right to withdraw be extended further, and should that be the thin edge of the wedge for other subjects. We would be concerned about a right to withdraw from a programme of personal and social education that included sex education.

15:45

**Bronwen Currie (Religious Society of Friends):** I am Bronwen Currie, from the Religious Society of Friends, the Quakers. I wish to preface my comments by saying that, although I am speaking as a Quaker, I cannot speak on behalf of all Quakers in Scotland. The Religious Society of Friends has not yet held any formal discussions about section 2A. However, those Quakers whom I have been able to consult are fully in support of what I have to say this afternoon.

Quakers believe that there is that of God in everyone, that everyone should therefore be equally valued in their diversity, and should be treated with the same respect and concern for their needs. It follows that Quakers strive to root out discrimination, both in themselves and in society at large.

As a Quaker, I believe that our schools should seek to affirm and meet the needs of every child and teenager, of whatever sexual orientation and from whatever type of family.

I believe that section 2A of the Local Government Act 1986 prevents schools from meeting the needs not only of homosexual children and of children who believe that they may be homosexual, but of children living with a homosexual parent and partner. I believe that section 2A discriminates on the ground of sexuality and serves to legitimise and encourage homophobia. Quakers hold a variety of views and feelings about sexuality, but from previous discussions on the matter, and from the written views expressed by Quakers over a number of years, going back to the publication of "Towards a Quaker View of Sex" in 1963, I am confident that most friends would affirm the value of any stable, loving, committed relationship, whether heterosexual or homosexual.

In that context, I am confident that Quakers would generally agree about the value of stable family life in a child's development, and would therefore approve of the wording of the Executive's proposed replacement section, providing that the word "family" was interpreted inclusively.

I want to end with a short quotation from a Quaker writing:

"We affirm the love of God for all people, whatever their sexual orientation, and our conviction that sexuality is an important part of human beings as created by God, so that to reject people on the grounds of their sexual orientation is a denial of God's creation."

**Mr Rob Whiteman (Scottish Episcopal Church):** Our circumstances are similar to those described by Bronwen Currie: there has not been an opportunity for the general synod of the Episcopal Church to consider the matter. Section 2A has been considered by our education committee and our social responsibility committee. I believe that members have a copy of our original evidence, written by the conveners of those two committees, by the convener of the mission board and by the seven bishops of the Scottish Episcopal Church, so I will not bother you by reading it all.

We see the issue as one of discrimination. The Episcopal Church would be against discrimination in any quarter, and welcomes open discussion of

difficult issues. We think that section 2A is contrary to such an approach. We think that education is a preparation for life and that it must therefore involve a frank discussion—appropriate to the level of the pupils—of all aspects of the world in which we live. Section 2A seems to go against that.

We recognise that, for some, section 2A raises the question of the acceptability of homosexuality. We recognise that many in the Christian community hold that the Bible speaks clearly against homosexuality. However, many in the Episcopal Church would note that scripture is open to a number of interpretations that can be held with integrity; we do not see the Bible as speaking definitively on this matter.

That is a slight red herring, in that I do not think that the repeal of section 2A reflects either way on the arguments about homosexuality. The section is about discrimination, and that is what we oppose.

**The Convener:** Thank you. I will open the meeting up to questions from the committee.

**Johann Lamont:** Thank you for stating the position of your organisations. How do you think that public policymakers should manage the competing pressures that are on them? What should we be saying to schools? You are saying that youngsters should not be taken out of individual subjects. We have heard evidence from a number of groups which—from their own faith position—feel strongly about protecting their youngsters from being given broader information. What guidelines would best reassure parents who hold such strong views? There is clearly a conflict; it will not be possible to accommodate everybody's views. Your view would certainly be that a parent ought not to have the right to withdraw a child; how can you deal with the anxieties that others feel?

**Rev John Stevenson:** I understand those anxieties, but it seems to me that the curriculum should be—as far as is possible—inclusive, so that the views of all can be represented in such a way that no one needs to opt out. By and large, religious and moral education achieves that at present, by offering a multifaith religious education programme. I doubt that many people from other faiths withdraw their children from that kind of religious and moral education. Somehow we have to present personal and social relationships, learning from one another, and respect for one another in such a way as would allay any fears. We have heard about those fears on television from the people who have given evidence already. I understand them, but we need to have an inclusive programme that will take their position into account.

**Johann Lamont:** What role would parents have?

**Rev John Stevenson:** The question is not so much about the role that parents would have, but about the way in which we can take into account the dogma of other teachings and other faiths, and about the way in which we can win people's confidence by consulting parents—who may come from a religion that does not believe in this kind of approach—and by explaining to them exactly what we are doing. We have to explain that we are not promoting homosexuality, but explaining it and teaching about it.

**Johann Lamont:** That is the great problem that we are wrestling with. To what extent do we as parents have to shift towards an accommodation? In terms of values, what responsibility lies within the family, and what broader responsibility lies in education? You strike a different balance from the one struck by the groups that we heard from earlier.

**Rev John Stevenson:** I can appreciate that, but religious and moral education can also be a delicate subject, yet balance is achieved there. I hope that we could achieve the same kind of balance by winning people over and presenting a programme that would not make people want to withdraw their children.

**Mr Whiteman:** Education should be about open discussion of the issues rather than promotion of any particular issue. It is about people developing the ability to reason their arguments and to decide where they stand. The safeguard is that any inappropriate promotion of any position will be picked up by HM inspectorate and the various regulations that are in place. Education must be about preparing people for life and allowing them to reach their own judgments.

**Bronwen Currie:** Education is about preparing children and young people to live in a plural society. It should be possible to do that and to acknowledge that certain groups within that plural society have strong views about certain subjects. As part of the discussion, it might be necessary to acknowledge that there are religious groups that have a prescriptive law against a particular practice, and that there are people who are homosexual. Children have to be aware about life as it is.

**Elaine Smith:** As you favour repeal, what do you understand that the current legislation prevents local authorities from doing?

**Bronwen Currie:** I am not a teacher, but it seems to me that it is likely to make teachers cautious in dealing with children who ask about homosexuality. There is a fear that the legislation makes teachers err on the side of caution. Anecdotally, I have heard of an incident of

bullying, which took place outside the school gates; the head teacher gave the excuse that the school could not deal with the incident because of section 2A. It depends on the interpretation by teachers.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** You will appreciate that we have heard much evidence and that the issue seems to be getting more confused as we go on.

This question is religious and moral to a degree. Living in a Christian society, we accept that we are part of God's creation, that we are created in his own image, and that we are created equal. Surely it is wrong if there is discrimination against minorities or groups that are not of the same sexual or moral persuasion. If we are critical of our neighbours or companions or of people who are different from ourselves, we are critical of God's creation. That is morally wrong.

**Rev John Stevenson:** I agree that homosexual people, too, are made in the image of God.

**Mr Munro:** That is the big factor for us. If we hold to that view, we must accept that this part of legislation must be repealed.

**Rev John Stevenson:** We have tried not to repeat one another, but I agree that this is bad legislation, which discriminates against a particular group.

In answer to Elaine Smith's question, I am sure that teachers currently teach sex education and perhaps also teach about homosexual orientation. However, there must be a fear at the back of people's minds, because teaching influences children. That is what teaching is about. It is not just imparting information; it is enthusing children. A good teacher enthuses pupils to learn, to study and to believe. A teacher should present a delicate subject such as religious education or sex education in such a way as to open pupils' minds to considering the possibilities. We should encourage children to think and reflect and to respect and accept other people for what they are.

We have the opportunity to improve the kind of sex education, personal and social relationships education and health education that is already being taught. We have opened up the subject, and we must take the opportunity to present better guidelines and better teaching practice.

16:00

**Elaine Smith:** There is no doubt that there are fears out there. Like other members, I have received mail from those who favour repeal and from those who want to keep the clause, as they call it. Do you have any fears that repeal will result in a flood of inappropriate material into our schools, and what do you understand by the term

"promotion"?

**Rev Ian G Scott (Church of Scotland):** I think that promotion is the difficult word in the whole exercise. However, I would have thought that the mechanisms that prevent all kinds of other material from being used in school will apply to any inappropriate material from any lobby, whatever it aimed to promote.

**Rev John Stevenson:** The fears should be about not materials, but the personality of the teacher. In many subjects, the problem may not be the reading material, but the enthusiasm or personality of the teacher. Pupils are often influenced by the person and not just by the information that they are given.

**Elaine Smith:** That is a different point of view from others that we have heard. We must consider the professionalism of teachers when they deliver subjects to their classes. We must have trust in that professionalism. If any teacher acts inappropriately, whether they are homosexual or heterosexual, that would be dealt with. I should add that those are not my concerns; what I said was that there are concerns out there.

**Rev John Stevenson:** When you say "homosexual or heterosexual", that is precisely the point. There are mechanisms for dealing with inappropriate behaviour or influence by teachers or by anyone else. Why should there be different measures for homosexuals and for heterosexuals? A child is as much at risk from heterosexual exploitation as from homosexual exploitation—probably proportionately more so.

**Bronwen Currie:** There is a huge amount of totally inappropriate heterosexual material out there and I do not see anybody jumping up and down saying that we need to protect our children from it. Well, we do, but there does not seem to be a need for legislation to do it.

**Mr McMahon:** A working group is considering guidelines and some representatives of the Churches are involved in that. What do you think should be specifically included in or excluded from those guidelines?

**Rev John Stevenson:** Do you mean particular areas?

**Mr McMahon:** I mean anything that concerns you about the guidelines or anything that you would like to appear in them.

**Rev John Stevenson:** Perhaps I could answer that by quoting from our response. As you know, the Scottish Consultative Council on the Curriculum sent out a consultative document on health education guidelines. Although we welcome the document in many ways, we believe that certain areas need to be looked at. For example, the curriculum for five to 14-year-olds is laid out in

stages of achievement, and so on. We feel that that would be an inappropriate framework for sex education, because children mature at different ages and come from backgrounds where they will be either misinformed or differently informed. Any framework for sex education will need to be able to be adapted and used appropriately given a child's maturity, rather than their age. A person could be 21 and still sexually immature, or—as many youngsters are now—12 or 11 and very mature. Any programme would need to take into account the fact that one cannot lay out development stages in sex education as one would for other subjects, such as mathematics or reading. Is that what you wanted to hear?

**Mr McMahon:** I was trying to get a picture of the relevant issues.

**Rev John Stevenson:** There are other subject areas that are not mentioned in health education but which ought to be dealt with, such as sexual harassment. How do young people cope with sexually suggestive behaviour? How do they react? How do they deal with stereotyping and gender awareness, and with recognising other people for what they are? How do they deal with what I would call stress management? There are mood swings during sexual development and pressures on young people as they grow up. How can they be helped to deal with them? Young people need to be provided with information, but those areas need to be looked at as well. Is that what you were after?

**Mr McMahon:** Yes.

**Mr McGrigor:** With the exception of Bronwen Currie, who has already told us this, could you outline how you arrived at your views, and the scope and method of consultation with the people whom you represent?

**Rev John Stevenson:** We arrived at our views by taking the matter to the education committee of the Church of Scotland. When the proposed repeal of section 2A was first announced, we drew up a brief statement, which was approved by the committee. We then amplified that statement and sent it out to committee members, who approved it; after that, it was presented to the Scottish Executive.

**Mr McGrigor:** So that was the scope—it was just the committee.

**Rev John Stevenson:** Yes.

**Rev Ian Scott:** We are charged by the General Assembly to do precisely that.

**Mr McGrigor:** I am not complaining about that. I am just asking.

**Mr Whiteman:** When the proposal first came out, it was discussed briefly by our education

committee and by our social responsibility committee, whose remit was passed down from the General Synod and is similar to that of the education committee. A paper was produced, which was discussed in the College of Bishops and signed by the primus on behalf of the bishops. That letter, which you saw, was looked at by the conveners of the education and social responsibility committees, and by the convener of the parent board of those two committees, which is our mission board. Those were the signatories to that letter. A copy of the letter went back to the committees, stating what our position would be. The matter has gone as far as it can within the Episcopal Church structures short of going to a General Synod.

**Rev John Stevenson:** We have no mechanism of consulting the Church of Scotland as a whole other than through the General Assembly, which meets only once a year, in May. There is no other way in which we could reasonably handle this matter. Obviously, our committee is like yours: it is receiving letters and comments from parents and others in the teaching world.

**The Convener:** I was going to ask about that, as other witnesses have spoken about mailbags and representations that they have had and about how virtually no one is in favour of the repeal of section 2A. Is that your experience?

**Rev John Stevenson:** To be honest, most of the letters that we have received have cautioned against the repeal of section 2A. We have had some in favour of repeal. The majority have approached the matter as a discussion about homosexuality rather than about how it is dealt with in schools. Most of the letters seem to raise fears about homosexuality.

To return to Elaine Smith's question, I did not want to give the impression that I did not trust teachers. We rely on the integrity and ability of teachers. That is why we should insist that they are given help to deal with this subject. I am not sure how well it is dealt with in teacher training colleges.

**Elaine Smith:** I just wanted you to clarify that point.

**Shona Robison:** Section 26(1)(a) talks about "the value of stable family life".

The agenda today and in the media seems to have shifted to be about whether the bill should specifically talk about marriage. I would welcome your views on that.

**Bronwen Currie:** Friends expressed the concern to me yesterday that the word "family" might be construed to mean only one man and one woman who were married. We would not be happy with such an exclusive interpretation.

**The Convener:** As I understand it, the term “family” will be very inclusive, referring to a wide diversity of family circumstances.

**Mr Whiteman:** It is important that the guidelines recognise that sexuality should be expressed within a broader framework of moral relationship. We would like the guidelines to promote open, non-judgmental discussion—I assume that they will.

**Rev John Stevenson:** Our Church speaks with many voices and from many points of view. The official position is that it recognises heterosexual marriage as the norm—if we want to call it that—although it recognises other relationships as well. In my experience, partnerships are becoming much more common. I remember way back that people came to me in fear and trembling because they had to get married. Now people do not need to get married—my minister is sitting next to me, so I must watch what I say. When I was in the parish ministry, I married many people who had previously lived together in a relationship. I think that the word “family”, whether one likes it or not, has to include such relationships. Although one may recognise heterosexual marriage as the ideal, there may be ideal partnerships and loving relationships between people of the same sex or of different sexes.

**Bronwen Currie:** It should be emphasised that it is the stability and loving nature of a family relationship that is important.

**The Convener:** Are there any other questions?

16:15

**Johann Lamont:** We talked about postbags on this issue, but all the groups from different faiths and denominations have taken different positions. Some witnesses have claimed—more strongly than others—to represent a broader community. To what extent do you reflect the view within your own faiths and beyond? In their evidence, witnesses have asserted that they know that the majority of people take a certain view; that is what is pushing the witnesses, who are confident that they reflect that view. To what extent do you think that the position that you have taken reflects the religious groupings and faith groupings in our society, or is that something to which you aspire?

**Rev John Stevenson:** That is difficult to judge, because people who write letters may be the ones who feel strongest against the repeal and who have the greatest fears. It is difficult to tell what the silent majority think. I do not know how members think that they represent their constituency. The people who send letters to MSPs are the people who feel strongly about an issue.

I am on a school board in Edinburgh—I will not

say which one, but it is an ordinary secondary school board in Edinburgh. It was interesting to hear what parents had to say. I went to the meeting thinking that the parents would all speak against the repeal, but that is not what happened. If this were not being recorded, I would say other things. Seriously, the meeting was interesting because there was not the opposition that I would have expected from the school board—a cross-section of opinion was represented and there was a discussion.

**Johann Lamont:** My question was prompted by the fact that there seems to be a view that some people are concerned about children and others are not. The group that argues for retention of the clause has concerns about children at heart but, as a parent, I know that it is not the case that one does not have the interests of children at heart if one takes a contrary view.

**Rev Ian Scott:** I have a slightly different perspective from the one taken by the Church of Scotland education committee, of which I am a member. I am also a parish minister and have not, in any way, sought to initiate debate or discussion in my own congregation, nor have I taken soundings. I would not claim to represent a majority view that says this, that or the other.

However, I have the impression that those who are concerned about their children are aware that the world in which their children are growing up is very different from the one in which they grew up, including on matters of sexuality. I believe, from conversations that I have had, that that has moved people to say either that we must protect children—which is slightly unrealistic, as the world outside is different from the world where we can protect them—or that we must help them to understand the world in which they live, to cope with it and to deal with its plurality. I think that the latter is a stronger view—including among parents—than we might think from the amount of adverse comment that is floating around. However, that is a subjective judgment based on conversations that I have had.

**Mr Whiteman:** I have taken soundings from a number of people. Some people in the Episcopal Church are strongly opposed to repeal, but the vast majority of those to whom I have spoken—or who have contacted me—are in favour of repeal.

**Rev John Stevenson:** A number people are also writing to say, “Wait and see what the guidelines are like.”

**The Convener:** I thank the witnesses for attending the committee this afternoon. As I said to the previous witnesses, we have another evidence-taking session on 20 March. On 27 or 28 March, we will, I hope, agree on a report, which we will submit to the Local Government

Committee. We are committed to sending a copy of that report to people who have come to give evidence. This is stage 1 of the bill; stage 2 consists of line-by-line scrutiny and amendments. If any groups wish to amend the bill, they will have to find an MSP who is prepared to lodge the amendments. We will send details of the next stage to witnesses.

**Rev John Stevenson:** Is there any consultation on the amendments once they are lodged?

**The Convener:** Normally, evidence would not be taken again. Evidence on the principles of the bill is taken at stage 1. In the case of the other bill in which I have been involved, people have made representations to individual members of the relevant committee. Stage 3 is dealt with in Parliament and people may make individual representations then.

**Rev John Stevenson:** I would like thank you on behalf of our group for allowing us to present our case.

16:21

*Meeting continued in private until 16:29.*



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