

EQUAL OPPORTUNITIES COMMITTEE

Monday 20 March 2000
(*Afternoon*)

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CONTENTS

Monday 20 March 2000

Col.

ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) BILL	519
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EQUAL OPPORTUNITIES COMMITTEE 8th 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

Morag Alexander (Equal Opportunities Commission)

Brian Dempsey (Outright Scotland)

Patrick Harvie (Strathclyde Lesbian, Gay and Bisexual Youth Group)

Tim Hopkins (Equality Network)

Judith Mackinlay (Lesbian Mothers Network in Scotland)

William Macreath (Levy & McRae, Solicitors)

Joe Patrizio (Scottish Parents Enquiry)

Patrick Rolink (Keep the Clause Campaign)

Anne Stewart (Keep the Clause Campaign)

CLERK TEAM LEADER

Martin Verity

SENIOR ASSISTANT CLERK

Mary Dinsdale

ASSISTANT CLERK

Alison Taylor

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Monday 20 March 2000

(Afternoon)

[THE CONVENER *opened the meeting in private at 13:04*]

13:12

Meeting resumed in public.

The Convener (Kate MacLean): There are still people coming into the public gallery, but I think that we should get started.

I suggest that item 4 be taken in private. Is that agreed?

Members *indicated agreement.*

Ethical Standards in Public Life etc (Scotland) Bill

The Convener: We will now take evidence on the Ethical Standards in Public Life etc (Scotland) Bill. We have Patrick Rolink and Anne Stewart from the Keep the Clause campaign, and Bill Macreath is here as an adviser. Welcome to the committee. Usually, we allow witnesses to make a short presentation, after which members ask questions. When you have finished, you are more than welcome to stay to listen to the other organisations that are giving evidence.

Patrick Rolink (Keep the Clause Campaign): Good afternoon. We welcome the opportunity to address the Parliament today. My name is Patrick Rolink. I am from Airdrie and I am speaking as a father of two children and as a concerned parent.

Anne Stewart (Keep the Clause Campaign): I am a mother of three children, expecting a fourth. I am also here as a concerned parent.

Patrick Rolink: The Keep the Clause campaign was formed in reaction to the proposed repeal of section 2A. It is an umbrella organisation that draws support from secular, religious and ethnic groups right across Scotland. All those groups are united in their concern over the Scottish Executive's plans to repeal section 28.

Our opposition to the repeal of section 28 is based not on intolerance or homophobia, but on what we feel is a genuine concern about the erosion of traditional family values in our society in Scotland. We feel that it is important that we protect children from inappropriate campaigning

by minority rights groups.

As a parent, I feel that the Executive has neither sought my views on this issue nor those of many parents throughout Scotland. The Keep the Clause campaign has given parents such as me—the so-called silent majority—a strong voice. We come before you today simply to ask that you listen to us as parents, hear our views and listen to our real, deeply felt concerns. It is our belief—and my personal belief—that the Scottish Parliament was created to bring real democracy and political responsibility closer than ever to the people of Scotland and to create a political culture that is totally inclusive.

I understand that it is the responsibility of the state to protect the rights of minorities, and I fully support that. I expect to live in a tolerant society. However, we cannot ignore the rights and values of the majority of people in this country. We have to remember that 70 per cent of children live in what is known as a traditional family environment with married parents, while only 0.1 per cent live in an environment with same-sex parents.

We do not condone any stigmatisation of children or attacks on those children in any circumstances—we totally deplore that. However, the state has to make a decision on what is valued in society. Homosexual relationships cannot be presented as having a moral equivalence to marriage. Sex education, we feel, should be designed to value and support heterosexual marriage as the key building block in our communities in Scotland. If section 28 is repealed—as we expect it will be—we believe that it is the responsibility of the Parliament, through this committee, to find alternative legislation that does not discriminate against any group in our society, but that at the same time protects and enshrines marriages as the central building block of our society.

As I said, we welcome this opportunity to present evidence to this committee. I urge the committee to provide proof to the people of Scotland that the unique committee structure of the Scottish Parliament can marry the will of the Parliament with the legitimate concerns of the people.

In that spirit, I will outline our concerns. We do not feel that the proposed new section supports marriage as the central building block of our society. We feel that the repeal of section 28 was part of a broader agenda of social change that undermines the traditional family and marriage as the basis of a family unit. The repeal of section 28 will remove the statutory protection of our children from inappropriate materials. Parents' rights in Scotland are weak. There is no statutory right for parents to be informed in advance of the content and context of how children are taught about

homosexuality. We feel that the repeal of section 28 could have implications under European law.

Anne Stewart: Patrick has said most of what I wanted to say. I would like to add that we are here to represent people who have signed up to the Keep the Clause campaign. We are not homophobic, but we are concerned about what our children will be taught. We also believe that the Scottish Parliament should listen to the concerns of parents such as me.

We believe that section 28 offered reassuring protection for children, without preventing the promotion of tolerance or the counselling of worried children. It seems to me that the Executive has tried to fix something that was not broke. However, now that we are in this position, the Parliament has a great opportunity to consider the whole area of sexual and moral education and to put in place the means of promoting ideals of family life for children to aspire to, acknowledging that we are all human beings, that we blow it sometimes, but that people have to be treated with kindness and respect no matter in what situation they are.

We are here to give evidence to the committee. I hope that members will allow us to do that. I hope also that the committee will give evidence to us, in a sense, and explain why we seem to have reached a point where marriage is now deemed to be so politically incorrect and embarrassing that it can hardly be mentioned in schools, never mind promoted.

The Convener: Thank you. I will now open the floor to members of the committee to ask questions.

Tricia Marwick (Mid Scotland and Fife) (SNP): I am Tricia Marwick, MSP and mother of two children who went through an excellent state education in Scotland.

You suggest that you need to save your children from inappropriate campaigning by minority rights groups. Can you expand on what you mean by that?

Patrick Rolink: Tricia Marwick, you touch on a very good point. I consider that I went through a tremendous education system in Scotland. The values that I grew up with were partly down to the excellent education system that we have here in Scotland. A lot of the values, principles and standards that I gained in school have carried through into my adult life. I believe that we should be promoting a positive agenda within schools in which marriage is a fulfilling relationship and the bedrock of society.

Tricia Marwick: Will you address the point that I raised? What do you mean by

“inappropriate campaigning by minority rights groups”?

Why do you suggest that we need to protect our children from that?

Patrick Rolink: It is not just us who feel that protection is needed. Some members of this committee have stated publicly that they have concerns about the Executive's proposals. The concerns that some people feel are reflected in the viewpoint that we should have traditional and family values in Scotland. I consider values that are different from those and that attack and corrode them to be inappropriate.

Tricia Marwick: I want to move on. You are obviously not going to define for me what you mean by inappropriate campaigning by minority rights groups. Perhaps you can define for me what you consider to be inappropriate material and why you have laid such emphasis on your belief that such material might get into our schools.

Patrick Rolink: There is no point in my standing here and saying that I am alone in feeling that about this issue. A good example is the Avon health pack. Parents in Lenzie were shown copies of the health pack. Five of them, some of whom originally supported the repeal of section 28 without any worries, shared my concerns. They saw the Avon health pack as an example of the inappropriate material that could enter our education system. The views of those parents reflect my views and the views of many other parents throughout Scotland.

Tricia Marwick: Do not you feel that some of the material that the Keep the Clause campaign has sent around the country is inappropriate?

Patrick Rolink: To be perfectly fair, the whole debate has been clouded by issues that do not stand up. When Wendy Alexander stated that the law was being changed because of homophobic bullying in schools, the Scottish School Board Association and the anti-bullying network came out and said that there was no quantifiable evidence to prove that argument.

We are told about the consultation process. I have held public meetings throughout Scotland on this issue, which have been publicised in newspapers so that anyone can come along, and I have yet to meet a parent who was consulted in any way whatever. The fact that the First Minister, when he goes on national television and tells us that the repeal was part of the Labour party manifesto, has to be corrected by a TV presenter and told that it was not—it was not even part of the initial legislative programme that was announced—is part of the reason why the debate has, in certain instances, not been of the quality that I would expect. That is one of the reasons why I have become involved in the debate. I believe that the debate could be positive. It could be used as a platform to end discrimination in

Scotland, but that must not happen in a way that forsakes family values or erodes traditional marriage.

Tricia Marwick: Perhaps you could give me a yes or no answer to this question. Do you accept that, before section 28 and after section 28, there has never been any inappropriate material in any Scottish school?

Patrick Rolink: I could—

Tricia Marwick: Yes or no?

Patrick Rolink: I could not answer that question.

Tricia Marwick: Do you accept that there has never been inappropriate material in Scottish schools, either before or after the introduction of section 28?

Patrick Rolink: With respect, you should let me answer the question in my way. As a parent, I read things in the press. It must cause me and parents throughout Scotland great distress to read in the press a Westminster MP state that, when he worked as a teacher, he had evidence of people being groomed for a particular lifestyle. If Westminster MPs say that section 28 is a protection, you cannot tell us that there is no need for protection; if there were no need for protection, you would not be offering us any guidelines.

Tricia Marwick: I will move on to—

The Convener: Please make this question brief, as other members wish to speak.

Tricia Marwick: My question is brief. Section 26(1)(b) of the bill refers to

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

Do you accept that that will prevent any inappropriate material from going into Scottish schools?

Patrick Rolink: The concern about that is the same as the one that you highlighted about my use of the word “inappropriate”; we are talking about an ambiguous term and the question arises who defines it. I think that it should be defined by the parents of Scotland. By using the term earlier, I have answered your question. To use the words “appropriate” or “inappropriate” in legislation would be ambiguous and open to interpretation.

Tricia Marwick: In evidence, however, the Catholic Church said that it was happy with section 26(1)(b) and accepted that no inappropriate material would go into Scottish schools.

Patrick Rolink: I am not here as a representative of the Catholic Church; I am here

as a parent.

The Convener: You are here as a representative of the Keep the Clause campaign.

Patrick Rolink: As a parent.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I speak as a parent of three children who went to a local state school that was always strong on anti-discrimination. I am glad to note that the school board there came out in favour of repeal of section 2A.

I think that you answered Tricia Marwick’s point that you could not find an example of inappropriate material before the introduction of section 2A. Another way of putting that point is to ask whether, given that in England section 28 has not applied to schools for the past six years, you have any examples of inappropriate material in schools there during that time.

Patrick Rolink: As I am not an expert on the English education system, I have to say absolutely not. However, I would welcome in Scotland the steps that are being taken in England to give parents the feeling that they are being listened to and cared for by the education system and legislative process.

Anne Stewart: What has not happened yet in English schools is not the point—I do not know how you expect us to comment on that. If the legislation that protects children from inappropriate material is taken away and permission is given for any material that might be produced to be used in schools, it is the future that we are interested in.

Patrick Rolink: As I have said, we accept that section 28 will be repealed. We are here today to talk positively about building bridges in the future in our communities, so that we can rid our society of discrimination against any group. Nobody in Scotland deserves to be discriminated against, but that fact should not be at the beck and call of people who do not believe that marriage and traditional families are important in our education system. The two go hand in hand. The committee should end discrimination, but it should also put forward legislation that makes parents feel comfortable.

Malcolm Chisholm: My point is that your campaign is based on whipping up fear. None of this happened before 1988 in Scotland; none of it has happened in the past six years in England; and it will not happen in Scotland. In two years’ time, people will wonder what all the fuss was about.

I will move on. Given that your concern is inappropriate material, do you agree that the new section that has been introduced deals directly with that issue? It deals with inappropriate material not only of a homosexual nature but of a

heterosexual or other nature.

Anne Stewart: What is inappropriate to one person is not inappropriate to another.

Patrick Rolink: The key issue is that the guidelines are not statutory. If one repeals a law, one cannot decide that nothing will replace it. I am not an expert on law or on the Scottish or English education systems, but I think that the guidelines that you propose are not legally binding on local authorities. As a parent, that is a major concern for me.

We have a Parliament that was elected to represent the people of Scotland. We were told that it would reflect not only the views of the people of Scotland but the make-up of the people of Scotland. The fact that so many people on the Equal Opportunities Committee are married with children reflects that traditional core of values in Scotland, which is a basic building block in our communities. I do not think that one can repeal section 28 without replacing it with something that is in a legal format.

Malcolm Chisholm: The new section deals with inappropriate materials.

I will move on. Do you not expect MSPs and, in particular, members of the Equal Opportunities Committee to have regard to the rights of minorities as well as to those of your stated majority? The evidence from my postbag is that that is not the majority, but even if I were to accept that it was, would I not have a special duty to consider the effect of your advertising campaign and your statements on gays and lesbians in my constituency?

13:30

Patrick Rolink: If you listened to me, Mr Chisholm, you would realise that I have already stated that I am in favour of legislation that gets rid of all discrimination in our society. That is a fact—I do not tolerate discrimination of any kind whatever.

Today, we must move on, because the debate has moved on since the section 28 issue first arose. We have a Parliament and a committee that, through the Parliament's unique structure, has the opportunity to introduce legislation that would comfort the majority of parents in Scotland.

I do not know about your mailbag, but I have held public meetings throughout Scotland and many of the comments that you have seen on the billboards came directly from concerned parents. Whether or not those comments can be justified or would stand up is down to the fact that the debate has been so badly handled by the Scottish Executive. Scottish parents feel left out in the cold; there is no one in the Parliament debating or

projecting the issue from our side. When people such as me stand up on a public platform, we are automatically classed as bigoted, homophobic and intolerant. Quite frankly, I find that offensive and I believe that that is why the debate has been so poor.

The Convener: May I interrupt you? No one at this committee has accused you of those things, and nor will they—it was a bit misleading of you to say that.

Anne Stewart: Mr Chisholm accused us of whipping up fear, which is a serious accusation, given that the fear has come naturally from the actions of the Executive in seeking to repeal the clause. The clause was repealed before any guidelines were shown to the public, or even mentioned.

Malcolm Chisholm: I think that I heard you say that you now accept that section 2A—or section 28—was discriminatory and that it will have to be repealed.

Anne Stewart: No.

Malcolm Chisholm: You invoked European law, but section 2A breaches the European convention on human rights as well as the Scotland Act 1998, both of which say that we must treat people of different sexual orientations equally.

Patrick Rolink: With respect, I came to the Parliament to speak my own words, not to listen to people say, "This is what you said." I said that I fully accept that legislation must be introduced to rid our society of other pieces of legislation or guidelines that are intolerant of groups within our communities. I see no need whatever for intolerance or discrimination. However, I do not see that as a reason to erode traditional family values. I do not think that the two positions go together.

The Convener: May I clarify that point? Are you in favour of repealing section 2A?

Anne Stewart: No.

Patrick Rolink: I have now accepted that this Government will repeal section 2A. I want to turn the issue into a positive one and say, "The clause has been repealed because people feel it discriminates against them." If people feel that, I think that the section should be repealed. However, in its place we need legislation that not only makes discrimination impossible, but upholds traditional family values in our country. I do not think that that is a difficult task.

Anne Stewart: While that is true, we are here to represent people—we were invited by the committee to represent those people who signed up to the campaign to keep the clause. Therefore,

we must represent the views of those people whether or not MSPs have already decided to repeal the clause.

The Convener: So, the Keep the Clause campaign is still in favour of retaining section 2A?

Patrick Rolink: Members of the committee have our submission, which makes it quite clear that we have accepted that section 2A will be repealed. We now want to turn this debate into a positive one, in order to move Scotland forward so that people can unite behind an Executive that introduces non-discriminatory legislation that upholds traditional family values.

Tommy Sheridan (Glasgow) (SSP): I want to talk about public opinion in Scotland on the protection of children and about the concerns that you have expressed as parents and on behalf of other parents.

You mentioned one example of inappropriate material: the pack that was used in Avon, which I am sure you will accept is not a Scottish local authority. When did the Keep the Clause campaign become aware of that pack?

Patrick Rolink: I cannot speak for the Keep the Clause campaign as I got involved in the issue before the Keep the Clause campaign started. I wrote to national newspapers at the end of November, I think, outlining my concerns about the fact that this had become a major political issue at a time when the Executive should be dealing with homelessness and problems in the education system and the health service. I became aware of the Avon health pack when someone mentioned it at a public meeting that I attended four or five weeks ago.

Tommy Sheridan: Anne, can you tell me when Keep the Clause became aware of the pack?

Anne Stewart: I do not know when the campaign became aware of it. I found out about it in the past couple of months.

I am just old enough to remember the furore that erupted in London over "Jenny Lives with Eric and Martin". The Avon health pack—what I have seen of it—appals me and I am sure that it would appal many parents if they saw it. If it were the only publication of that sort, we would not be worried about it, but it is an example of many. Strathclyde University has produced teaching material that is worse still. Who knows what could be produced in the future if we do not have legislation to prevent it.

Tommy Sheridan: Is the position of the Keep the Clause campaign that there are many examples of gay sex lessons being taught in our schools?

Patrick Rolink: No. At no point have I or

anyone with whom I have shared a platform argued that gay sex lessons are being taught. We are happy for section 2A to be repealed because we do not want anyone to feel that they are victimised or discriminated against. At the same time, we uphold marriage and traditional family values as a key building block of our community and we would like that to be enshrined in law.

Tommy Sheridan: With the greatest respect, I have noted that part of the argument. I would like Anne to say whether the Keep the Clause campaign is necessary because of concerns about gay sex lessons in schools.

Anne Stewart: "Gay sex lessons" is a funny term. It is meaningless, in a way, because it could be interpreted as implying a quite extreme lesson—the mind boggles at the prospect—or it might mean something innocuous, such as promoting tolerance of homosexuality, which section 2A did not prevent. I do not know how to answer your question.

Tommy Sheridan: Do you think that the term "gay sex lessons" is inappropriate?

Anne Stewart: I do not think that it is helpful.

Tommy Sheridan: In your evidence, you refer to opinion in Scotland and you claim to speak for the majority in the country. Would either of you care to comment on the wording of the *Daily Record* opinion poll that you referred to?

Patrick Rolink: I have not referred to a *Daily Record* opinion poll, Tommy. I can say that the Keep the Clause campaign has got just under 100,000 signatures on a petition, the Protect Our Children campaign in Dundee has got 25,000 signatures and the campaign run by a daily newspaper has about 10,000 signatures. I think that those figures give a clear indication of public opinion in Scotland.

Tommy Sheridan: You have given us written evidence, which I am sure you will accept the committee has a duty to read and question you on. On page 2 of your submission, we read:

"Public opinion is firmly behind the Keep The Clause campaign. Opinion polls such as those conducted by the *Daily Record* . . . have consistently shown that more than two thirds of the people in Scotland are opposed to the Executive's plans."

You refer to the *Daily Record*. I would like you to tell me the wording of the opinion poll that the *Daily Record* carried out.

Anne Stewart: I do not think that that matters. There have been so many polls.

Tommy Sheridan: If opinion polls do not matter, why do you think that the *Daily Record* would carry out an opinion poll asking whether gay sex lessons should be introduced in Scottish schools?

Patrick Rolink: That is a good example of some of the unhealthy debate that has taken place. I would not have asked that question.

The Convener: I want to interrupt, because that is an important point. It is possible to get thousands of people to sign a petition if the wording is right. Tommy Sheridan's point is that if the petition had been headed by accurate information, fewer people would have signed it. You quote the *Daily Record* poll in your evidence, and Tommy is asking whether you think that that poll was valid.

Anne Stewart: We are not here on behalf of the *Daily Record* and its poll. Our submission says "polls such as". Even the poll that asked the question the other way round—along the lines of "Do you think that we should have tolerance in schools?"—did not come out against keeping the clause, by any stretch of the imagination. Polls can be badly worded.

Patrick Rolink: You talk about getting an accurate reflection of the public view. As I said, I believe firmly that the Scottish Executive's position has been very badly presented. Ministers have told us that the law is being repealed to end homophobic bullying. However, when I, as a member of a school board and a parent, read that the Scottish School Board Association and the anti-bullying network say that there is no quantifiable evidence of such bullying, my hackles are raised. Hearing that repeal was part of a manifesto for which people in Scotland voted, when it clearly was not, also raises my hackles. We have been told that there was a consultation process and that 80 per cent of people who returned the consultation papers said that they were in favour of repeal, but I have spoken to hundreds of parents throughout Scotland who were not consulted at all.

I accept that there have been mistakes in the debate and that inaccurate information has been put out, which might have clouded the issue. However, people are now saying, "Please give us legislation that ends all discrimination in our society but—as a positive building block for our community—enshrines marriage." That is not a difficult position. It is not an unreasonable or unacceptable request.

Tommy Sheridan: Both of you are here to speak on behalf of Keep the Clause, but you do not appear to agree on your position. I know that you are both parents, but you were invited to give evidence to the committee on behalf of Keep the Clause.

I hope you agree that we have established that the opinion poll that is mentioned in your evidence was entirely inappropriate because it asked parents an erroneous and misleading question

about the teaching of gay sex lessons. Such wording has been used by the people who support your campaign. You might not agree with that, but it happened and you mentioned that poll in your evidence. The opinion polls to which you refer in your evidence to show how much support you have are rather warped, because they ask the wrong questions.

Patrick Rolink: I do not agree. I have come here to speak for myself, not for people to put words in my mouth. I agree that some of the debate has been murky and that some of the issues have been clouded, but I would say, with my hand on my heart, that the parents to whom I have spoken are concerned that marriage and traditional family values are being eroded and that the Parliament is doing nothing to protect them.

Tommy Sheridan: With the greatest respect, Pat, you and Anne are here to speak on behalf of a campaign. The convener has already made that point.

Patrick Rolink: Yes, but one of the key points about Keep the Clause is that it is an umbrella organisation. It is made up of many different groups—secular, religious and ethnic. We do not agree on every issue, but we agree on the fact that we need to end discrimination in our society and that we must promote traditional family values.

I am sorry if some of you think that that is funny and repetitive, but that is the position that I have come to the committee to speak about. I think that that is a fair position on a matter that is of real concern to parents.

Tommy Sheridan: I do not think that it is funny, but I am confused because I thought that we were hearing from representatives from a high-profile campaign in Scotland, which has been involved in misleading the people of Scotland. That is why I wanted to question you as representatives of that campaign, but you do not seem to want me to do that; you want to be questioned on your views, rather than on the Keep the Clause campaign.

Anne Stewart: That is not true.

Tommy Sheridan: You disagree with me—that is fine. You also said that you are an umbrella group representing other areas of Scottish life, and several times during your evidence you have emphasised the value of the traditional family and marriage as the building blocks of society. You referred to the proportion of children who are being brought up in traditional married families, but you did not mention one-parent families. In my part of Glasgow, one child in three belongs to a one-parent family. Do you argue that the children in those families do not have the same stability, love and support as children in two-parent families?

13:45

Patrick Rolink: Absolutely not. In certain instances, single parents make sacrifices for their children that many people do not give them credit for. However, it is not unreasonable to say that many single parents are single not through choice but through circumstance. The vast majority of people who enter into a married relationship expect it to be a long-term commitment to each other and to their family. Unfortunately, situations change and marriages break up. In no way whatever does our position of promoting traditional family values alienate people who belong to single-parent families or people who do not have children. Promoting family values does not entail attacking another group.

Tommy Sheridan: Do you therefore agree that a child who is raised in a homosexual family or a one-parent family is no more normal or abnormal than a child who is raised in a traditional family—as you understand the word “traditional”?

Patrick Rolink: That is not what I am saying. I see a difference between a homosexual relationship and a heterosexual relationship. That is in our submission. I believe that we should promote traditional family values, which means a heterosexual marriage where a man and woman get married and have children. I believe that that is a fundamental building block in our communities. I do not believe that by promoting that, one attacks, victimises or discriminates against other people in our communities.

Tommy Sheridan: Your submission, with all its references to traditional family values and stable relationships, never uses the word “love”; that is a pity, as it should be central. What is your view, and that of the Keep the Clause campaign, on homosexuality? Are you arguing that homosexuality is perverse and should not be viewed as equal with other sexual orientations?

Patrick Rolink: The view of the people to whom I have spoken throughout Scotland is that homosexuality is not perverse and that homosexuals should not be discriminated against, targeted or victimised. Our view is that we need legislation to ensure that that cannot possibly happen, and we endorse fully the committee's attempts to do that as extremely valid and worthy of our support. However, we also ask that the committee endorse traditional family values as a building block of our communities.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): You said that the guidelines would not have any statutory or legislative authority. Are you aware that, in this chamber a couple of weeks ago, Donald Dewar made a statement about the new section that is to be inserted in the Ethical Standards in Public Life etc

(Scotland) Bill? He said that the new guidelines would have the same remedies in law as the existing guidelines and that any local authority or school that breached the guidelines would be treated exactly the same under the new section as they would have been under section 2A. Do you have any comments on what Donald Dewar said?

Patrick Rolink: I can certainly comment. I was aware of Donald Dewar making that statement, but I think that the new guidelines or advice circulars are not strong enough.

Mr McMahon: To be fair, Mr Rolink, we do not yet know what the new guidelines will be. A working group has been established to draw them up. You are pre-empting what the guidelines will say.

Patrick Rolink: With respect, I thought that you were referring to the issue of appropriate materials and stable family life.

Mr McMahon: The guidelines will be drawn up and section 26 of the new bill will match those. The section will protect against the guidelines being breached. Anyone who breaches the new guidelines will be in breach of the section.

Patrick Rolink: If parents groups and organisations throughout Scotland had been consulted on the proposed guidelines before the repeal of section 28 was announced, we might not be here today. I welcome the fact that consultation is now happening, but I stick to my position that any guidelines should be legally binding.

Mr McMahon: You mentioned in your submission that members of the Equal Opportunities Committee have said that they have concerns. You may have been referring to me, as someone who said that reassurance was needed. Donald Dewar gave that reassurance. Are you prepared to accept that the new section gives the same remedies in law as the existing section, and that if anyone breaches the new guidelines they will be subject to sanctions?

Patrick Rolink: You have highlighted a key point that has been missing in the debate. You are one of the people to whom I was referring as having concerns, but I am not aware what those concerns are, and neither are parents throughout Scotland. Perhaps you can tell me your concerns and why you think that there should be guidelines.

Mr McMahon: There should be guidelines because teachers have to know what the standards in schools should be. The guidelines have not yet been produced, but reassurance has been given that they will be protected. I asked for that reassurance and Donald Dewar gave it in the chamber. If you are asking for the same thing, do you consider the First Minister's commitments to be the reassurance that you were looking for?

Patrick Rolink: We seem to be going round the houses here. I want to return to the point that I think is crucial. We are repealing a piece of legislation and replacing it with guidelines. If we repeal legislation, we should replace it with legislation.

Mr McMahon: Section 26 is the replacement for section 2A. The guidelines are the replacement for the existing guidelines. The match between the new guidelines and section 26 will be exactly the same as the current match between the guidelines and section 28. If the guidelines are changed and they match the new section, would you consider that to be the reassurance that you were asking for?

Patrick Rolink: As you said earlier, I could not possibly comment because the guidelines have not yet been decided on.

Mr McMahon: But you have already dismissed the guidelines and said that you have not had—

Patrick Rolink: I corrected myself and said that I thought you were talking about the reference to stable relationships and appropriate material.

Mr McMahon: You also said that the Avon health pack went to a school in Lenzie.

Patrick Rolink: I did not say that. I said that parents from a school in Lenzie looked at the Avon pack.

Mr McMahon: Parents from a school in Lenzie saw it. Were the parents able to influence whether that material entered the school?

Patrick Rolink: I never made that statement.

Mr McMahon: I did not say that you made that statement—I am asking you whether it is the case. You said that parents had seen the pack and that they were shocked by it. Did they then prevent the material from getting into the school?

Patrick Rolink: I have no idea. What I have provided is anecdotal evidence from parents in Scotland. I was asked about literature, and I said that some parents in Scotland had seen the Avon pack. The only reason that I am aware of that is that it was reported yesterday in a Sunday newspaper. Of the five parents questioned, all thought that the material was inappropriate and unhelpful to our education system.

Mr McMahon: Was there any evidence that that material had been intended to go into the classroom?

Patrick Rolink: I cannot answer that question. I am just telling you about a newspaper report that I read.

Mr McMahon: Why did you use it as evidence?

Patrick Rolink: Because it is anecdotal

evidence. I was asked whether I had any evidence from talking to people, and I am telling you that five parents in Lenzie were shown the Avon pack, and that all of them said that they had serious concerns about it. I think that that is relevant.

Mr McMahon: The Scottish Executive has said that parents would be consulted before any materials entered the classroom. Would what you have described constitute a consultation on the Avon material and did the parents prevent it from entering the classroom?

Patrick Rolink: I was not aware that the Scottish Executive had promised parents the legal right to know what their children were being taught.

Johann Lamont (Glasgow Pollok) (Lab): I am the mother of two very young children. Do you agree that no one has a monopoly on concern for our children?

Patrick Rolink: I agree 100 per cent.

Johann Lamont: Do you accept that there are parents who do not take the same view as you do on section 28?

Patrick Rolink: Absolutely. In a democracy, we would expect people to have different opinions. The meetings that I have held have been public meetings, at which I have welcomed input from members of the public whose views may differ from mine.

Johann Lamont: But you feel confident that you speak for the majority of parents in Scotland, whether they want to keep the clause or not. Although you are an umbrella group, I would have thought that you might have been able to agree on that simple proposition.

Patrick Rolink: I did not say that I feel confident that I speak for the majority of parents in Scotland; I said that I feel confident that I speak for the majority of parents with whom I have spoken. That is a fairer reflection of my remarks.

Johann Lamont: Speaking for yourself and for folk to whom you have spoken is quite a different position from speaking for a broader group.

Patrick Rolink: It is a very important position. Those people feel that they have not been consulted by anyone else.

Johann Lamont: You mean the people to whom you have spoken.

Patrick Rolink: Yes.

Johann Lamont: I taught both before and after section 28 was introduced, and for those 20 years I did not see any evidence of inappropriate material in schools. Have you been able to establish whether inappropriate material has been

used in schools?

Patrick Rolink: I have not tried to establish that.

Johann Lamont: Have you any examples of any minority rights groups that are awaiting the repeal of section 28 to begin what you describe in your submission as “inappropriate campaigning”?

Patrick Rolink: I have no knowledge of that.

Johann Lamont: But you alleged that that would happen if section 28 were repealed.

Anne Stewart: We said that it might happen.

Patrick Rolink: I am a great believer in prevention being better than cure.

Johann Lamont: Do you think that if people have fears about education—regardless of whether there is evidence to back up those fears—the education authority is obliged to reassure them?

Patrick Rolink: “Fear” is a good word to use. —and many parents to whom I have spoken—feel afraid that people who talk about marriage and traditional family values are classed as non-inclusive and judgmental and are alienated in our society.

Johann Lamont: Why did you call the campaign “Keep the Clause” and not “Support Marriage and Family Life”? Is it because many people supported the Keep the Clause campaign—because of concerns about their children—who might not have been married?

Patrick Rolink: I have no idea. I have not spoken to everyone who supports the campaign.

Johann Lamont: Did any of your petitions include a statement about traditional family values or did they focus on people’s genuine concerns about their children?

Patrick Rolink: All I can tell you is that, in the meetings that I have attended, the main issue has purely and simply been family values.

Johann Lamont: So are you now saying that the Keep the Clause campaign is not about keeping the section or protecting children who are perceived to be vulnerable to a particular group in society, but about an anxiety that schools were not promoting family values?

Patrick Rolink: No. The Keep the Clause campaign is an umbrella organisation. There has been a lengthy public debate, which has been clouded and made somewhat murky by inaccurate statements from all sides. Anne Stewart and I have come before the committee today to say that, after listening to the debate, we accept that legislation should be brought in to end discrimination in our society. However, although we support fully the fact that there is no room for

intolerance, we want to promote traditional family values, which would be both a positive step and a good thing for Scotland.

Johann Lamont: Do you agree that much of the strength of feeling about section 28—no matter why people felt that way—centred on anxieties about the protection of children, and that that was a fundamental starting point for many of the groups in the Keep the Clause campaign?

Patrick Rolink: I agree to a certain extent that a lot of people were worried about their children.

Johann Lamont: Do you acknowledge that Donald Dewar met many of those concerns by making the new section focus explicitly on the need to protect our children from dangers, whatever their source?

Patrick Rolink: The new section is not strong enough. If section 28 is repealed, it should be replaced by a similar piece of legislation that fully supports ending discrimination but promotes traditional family values. I have said about nine times that I am here because I want traditional family values to be promoted within our education system as a key building block for the future.

Johann Lamont: Would it be fair to say that the Keep the Clause campaign collected signatures on the basis that children should be protected, and that Donald Dewar has now addressed that?

Patrick Rolink: I cannot speak for everyone who signed petitions, only for the people to whom I have spoken. They are worried that the Scottish Executive has brought in new guidelines that do not reflect the fact that traditional family values are a key building block in the community.

Johann Lamont: Can you clarify what your petition said?

Patrick Rolink: Not off the top of my head.

Nora Radcliffe (Gordon) (LD): Thank you for coming today to give evidence. If we strip out all the murky debate that has taken place until now, we are probably all on the same side in wanting the best for our children in the future.

Patrick Rolink: Absolutely.

Nora Radcliffe: What we do not agree about is whether we require statute to do that.

Where would you say a child learns best about traditional family values?

Anne Stewart: It depends on the child. Different children have different opportunities to learn—at home.

Nora Radcliffe: Do you think that it is the responsibility of schools to inculcate traditional family values?

14:00

Anne Stewart: There is enormous pressure on children in the culture in which they are growing up. Some of them will come from homes where they will be taught traditional family values, and some will not. I see no reason at all why it is not appropriate for schools to hold up a positive role and a positive way of life for children to aspire to, while acknowledging that the children come from different backgrounds and that life does not necessarily work out that way.

We tell children that smoking is bad for them. Some children have parents who smoke, and some smoke themselves, but we still have to hold up an ideal for children at a time of life that is very confusing.

I am concerned not just about homosexuality but heterosexuality, given that we talk to children only about stable relationships—children do not know what that means. At school age, children think that going out with somebody for three weeks is going steady and is a stable relationship. They do not know what stable means; it has to be defined. Who on earth is going to decide on that definition? Are we to tell children that their relationship is stable if it lasts for six months or a year? Is Parliament going to put that into the legislation? It has not been fully acknowledged that children need a more positive—

Nora Radcliffe: Do you think that such judgments should be made by law and in Parliament, or ought they to be made in the community and in the home?

Anne Stewart: What concerns me is that “stable family relationship” is the term that is being used in place of marriage. That concerns many parents. People are afraid to promote marriage as such, and are using a term that, I believe, is meaningless to children.

Nora Radcliffe: I think that there has been a great leap from banning a section that is discriminatory to the implications of that concern. I do not see the logic of saying that because we ban a discriminatory piece of legislation, we somehow undermine marriage and values of family life.

Patrick Rolink: That confusion has perhaps been brought about by the Executive’s failure to include family life in the alternatives that have been proposed, and in its use of the words “stable relationships” rather than “traditional family values”.

I do not want to quote statements, but Jim Wallace stated to the press that

“Marriage is the most recognisable and widely accepted way of signalling to society a couple’s commitment to each other and to their life”

as partners.

I endorse that fully; it was a powerful statement, which reflects the views of most parents in Scotland.

Nora Radcliffe: But does it have to be in statute to be current?

Patrick Rolink: I would like it to be in statute. If an alternative is inserted, which mentions stable relationships and deletes marriage and traditional family values, that gives the impression that there is something wrong with marriage and stable family relationships in the traditional sense that we know them. I do not believe that to be the case.

Nora Radcliffe: We will have to agree to differ on that one.

Are you reassured by the fact that two local authorities in Scotland ordered the Avon pack to examine it, and that neither of them decided that it was suitable material?

Patrick Rolink: I am reassured for now, but the make-up of those local authorities could change at the next election. I am more reassured by local authorities such as Falkirk and North Lanarkshire, which—in view of the way they voted—expressed the concerns of many parents about the Scottish Executive’s position.

Nora Radcliffe: What contact do you have with your own children’s school about what is taught to them?

Patrick Rolink: I am a member of my local school’s board. To be fair, the school is fantastic, and I am very happy with the education that my children receive. One of the things that I tend to harp on about is the effect that school had on me. I see education as not only about maths, English and physics but about people’s whole being, the standards that they hold to in adult life, and the way in which that is reflected in their behaviour towards other people. That is why I am so concerned about education, which is the one chance that our children get in life to make a real go of things and get on in the world.

I cannot see how including something in statute that upholds traditional family values would do anything other than enhance children’s education.

Nora Radcliffe: Do you think that that is necessary? Do you think that, if we do not put this in statute, it will not happen?

Patrick Rolink: I feel that it is necessary.

Nora Radcliffe: Can you answer the question? If that does not happen, will the way in which children are taught change dramatically?

Anne Stewart: There will probably be no difference in most schools, but if the legislation is not there, there is no redress against anybody who does something that is inappropriate or that

offends parents. The legislation must be there to protect the children. I never thought that clause 28 was homophobic or discriminatory. Most people who signed up to the Keep the Clause campaign would be gravely offended at being called homophobic.

The Convener: I have found the petition that Johann Lamont asked about. Do you think that some people—single parents, grandparents who have brought up their grandchildren, foster carers or adoptive parents who have brought up children in single-parent relationships—signed the petition because it refers only to the intentional promotion of homosexuality and not to traditional family values or heterosexual marriage? In other words, do you think that some people who signed this petition were unaware that the Keep the Clause campaign was going to change its emphasis from homosexuality to heterosexual marriage?

Patrick Rolink: I confess to being a little disappointed. I understand why the Keep the Clause campaign irks MSPs and why it has upset some people. However, the fact is that although I came along here today—rightly or wrongly, but in good faith and in a reasonable manner—to say that I fully support the Executive's and the Parliament's decision to end all discrimination in our society, I do not understand why we cannot promote marriage and traditional family values as building blocks for the future.

We could spend the whole day debating the Keep the Clause campaign and statements that have been made by ministers, politicians and pundits, but the people of Scotland are looking to the committee to move the debate forward. We can move it forward by introducing legislation that ensures that no member of our community feels victimised or discriminated against in any way. No one deserves that. Nevertheless, I do not know what is wrong with promoting traditional family values. That is what we need to move the debate on; that is what the people of Scotland want.

Tommy Sheridan: The campaign has not done that.

The Convener: With respect, it is not surprising that we are discussing the Keep the Clause campaign, as you are here to represent that campaign. You did not answer the question. The question was this: do you think that the people who signed the petition were misled, as the campaign has changed its emphasis and moved on to what you want to promote?

Anne Stewart: They are two sides of the same coin. Promoting family values involves protecting against the promotion of homosexuality.

Patrick Rolink: I hope that members of the Scrap the Section campaign have changed their views after listening to the debate and talking to

people, as we have. The position that we have adopted, which I have tried to put forward today, is a sensible, reasonable and adult position. I cannot say why people signed the petition, but the Parliament should take note of the fact that many people felt that the only way in which they could make their opinion heard was by signing that petition. They did not feel that they were being included in the consultation process.

Shona Robison (North-East Scotland) (SNP): We appreciate the fact that you have come along today, but it is our job to question some of the conflicting things that you are saying. I agree with Patrick Rolink that someone can promote traditional family values while being against discrimination, but that is not the view that the campaign has taken. You referred to the "murky" debate, by which I understand that you are unhappy with certain aspects of the campaign's focus and what has been said. Is that correct?

Patrick Rolink: No, I would not say that. The campaign is an umbrella group to which lots of other groups belong. I cannot speak for everyone's views and opinions and there are times when people use words that I would not use. However, the sentiment and the spirit of the campaign are positive now. It is about going forward.

Shona Robison: The problem is that although marriage is the new focus, we have to consider what has happened, because it has left something in its wake.

Patrick Rolink: How do we go forward here? Do I sit here all day and argue with you about statements that have been made by people such as Wendy Alexander and Donald Dewar and about the consultation process? I am unhappy about aspects of the debate from your point of view as well. It does not serve the people of Scotland if I try to score political points by saying so-and-so said this and so-and-so said that. Today is about moving forward.

Shona Robison: On that point about moving forward, you have used the term "ending discrimination". Do you acknowledge what we have learned over the course of this campaign? It is important to learn lessons for the future, so that we can move on. Do you accept that there seems to be anecdotal evidence for a rise in attacks on the gay community?

Patrick Rolink: I cannot possibly comment. All I would say is that if there have been such attacks, I condemn them totally—such attacks are outrageous. I do not judge my friends on their sexual orientation; I treat people the way they treat me. That is the model I would like to see for Scotland. If anyone is attacking members of the gay community, using my side of the argument as

a tool, that is an outrage and an affront to democracy. It is an affront to the views of people such as me.

Shona Robison: I accept that you do not hold those views personally. Do you accept, however, that such attacks could be a consequence of some of the murkier—as you described it—things that have been said during the campaign? It is important to learn lessons, particularly if you agree that you want to end discrimination.

Patrick Rolink: I am sorry, but I cannot possibly comment because I am unaware of the anecdotal evidence that you are talking about.

Anne Stewart: People who attack others for such reasons are mindless thugs. In my experience, they are people who have not thought over the issues and are the sort of people who would attack any group they happened not to identify with.

Shona Robison: Would you accept, though, that when we use the language of protecting our children, people begin to think, “Protect from what?”

Anne Stewart: No one who has read the newspaper articles and thought very deeply would go out and attack a homosexual. People who attack others are mindless criminals.

The Convener: The point Shona has made is that if you have billboards talking about protecting our children from homosexuals, people might get the idea that your campaign is saying that homosexuals will be predatory or dangerous towards children. That may be why there has been an increase in attacks and in phone calls to helplines and so on.

Patrick Rolink: With respect, that is an opinion. Obviously you have your reasons for having that opinion. If people have attacked any members of our community because of their sexual orientation, they should be punished to the full extent of the law. Their views do not represent those of anyone I have spoken to in this campaign.

Elaine Smith (Coatbridge and Chryston) (Lab): Like my colleagues, I welcome you both along this afternoon.

I want to explore your involvement with the campaign. Pat, you talked about it being an umbrella organisation. Can you tell me, for the record and for my own benefit, in what capacity you are representing the Keep the Clause campaign today? What is your level of involvement in and interaction with the campaign? For example, are you involved in organising the campaign at an operational level? What group are you in within the umbrella organisation? Are you both in the same group or are you in different groups?

Anne Stewart: It is not really an organisation in the way a political party is—we do not have a detailed manifesto. It is an organisation of people who have signed a petition because they are like-minded on this one matter. They are like-minded in the conclusion that they have come to, but they have not all got there by the same route. We are representing people only in so far as we agree on that conclusion. Some people have come to it for religious reasons, others have come to it for other reasons. We are not a political party or a permanent organisation in the way that other organisations that you will have heard from are.

Elaine Smith: But you are what Patrick Rolink described as an umbrella organisation. You seemed to indicate that you were part of a group that came under that umbrella organisation.

Patrick Rolink: I wrote round all the Churches in Airdrie, where I live, to ask for a public meeting and debate on section 28. We formed a group made up of all the religious organisations in Airdrie, and at our first meeting we agreed that we would not hold any more meetings in church halls because this is not a religious issue but an issue of values, morals and family life. I have been to public meetings in places such as Falkirk, Larbert, Coatbridge and Shotts, which are open to everyone; the notices say, “All welcome to attend”. I am not part of a strategy group or involved in the organisation of the campaign as such. I was asked to come here to speak as a parent, and that is why I have come.

14:15

Elaine Smith: Who asked you to attend?

Patrick Rolink: It was Media House.

Elaine Smith: Your colleague Bill McHugh—

William Macreath (Levy & McRae Solicitors): My name is actually Macreath. I am a solicitor from Glasgow.

Elaine Smith: I was wondering about your involvement.

William Macreath: It is quite simple. I act for Mr Souter and I was asked to attend the meeting first to observe—which is perfectly normal both here and at the Westminster Parliament—and to ensure that questions are pertinent to the issues that are before the committee. You ask what the organisation is about. There is a trust document, there are trustees and there was a petition, to which Mr Sheridan has referred—that is appropriate. The debate has moved on, and some of the questions today have been very relevant. I hope that you have taken on board some of the answers. My role is simply to be here. Anne Stewart is a minister's wife and was quite concerned about what would happen today. The

same applies to Mr Rolink. It is perfectly reasonable that I should attend, and I have not taken exception to any questions that have been asked so far.

Elaine Smith: We invited you along so that we could listen to your evidence. I simply wanted it clarified in what capacity you are representing Keep the Clause. Did the trustees ask you to come along?

William Macreath: Yes. The trustees are the people who are behind the campaign. They tend to take the view that because they are perhaps too intimately involved in the matter they would rather have ordinary people give their views to the committee. I think that that is what the committee requires, and you have heard those views. Mr Sheridan has—rightly—made the point that within any umbrella organisation there is disagreement between people. I have no views on this matter. I am a solicitor and am here in a dispassionate role. You need to hear the evidence of Mr Rolink and Mrs Stewart and to come to your own conclusions about their feelings on the matter and why they support the campaign.

Elaine Smith: I wanted to be sure that they are representing the Keep the Clause campaign.

William Macreath: They are.

Nora Radcliffe: I would like to clear up a small point that niggled earlier on. You said that parents were not consulted. Do you accept that when the announcement of an intention to repeal clause 28 or section 2A was made, there was a period of public consultation?

Patrick Rolink: Speaking only as an ordinary individual, I was not aware of the consultation process. I have not spoken to anyone who was.

Nora Radcliffe: However, the fact remains that the opportunity existed and people could have made representations at that time. It is not the case that the change was proposed without consultation.

Patrick Rolink: I consider myself more up to date on current affairs than most people—I like watching “Newsnight” and programmes of that sort—and I was not aware of any process that would have allowed me an input into the consultation. To be fair, I welcome the opportunity to appear before the committee today. That shows that the Parliament has real teeth and that there are committees to which people can come along to speak. It is a demonstration of democracy and goes against what I said earlier about a lack of consultation. This is a tremendous opportunity, which I welcome. I am glad that you have asked the questions that you have asked and that I have said the things that I have said. We may not agree on everything, but we agree that we need to move

forward.

The Convener: Three members who have already spoken are indicating that they would like to ask further questions. I ask them to keep their questions brief. If it is all right with the witnesses, I will ask members to put their questions first and then take the answers together.

Patrick Rolink: That is fine, as I have to get the kids from school.

The Convener: Okay.

Tommy Sheridan: My question is dead brief, so it may be best if you answer it straight away. I disagree with Pat Rolink’s suggestion that the Keep the Clause campaign has been positive. I think that it has been very negative across Scotland and has been the antithesis of democracy. That is why I want to ask whether you have been involved in collecting signatures for petitions and so on.

Patrick Rolink: Yes, and I have held public meetings.

Tommy Sheridan: Anne, you have not.

Anne Stewart: No.

Tommy Sheridan: I ask because you have come here today and we have referred to an opinion poll, which is in your evidence, from which you want to dissociate yourselves and to a petition the wording of which you do not even know.

Anne Stewart: I did not say that I did not know the wording of the petition; I said that I had forgotten it. I did not say that I had never seen the petition; I just could not recite the wording off by heart when you asked.

Tommy Sheridan: I am positive that you have seen the petition. Most of us have; it has been on billboards all over the place. The point is that the wording has been deliberately misleading. That is why it is antidemocratic. You are here today to speak on behalf of the campaign. I know that you have been selected—some might say set up—by Media House, but the point is that the evidence that you have given today is on behalf of a campaign that has not contributed positively to the debate, so let us agree to disagree on that point.

Patrick Rolink: As you know, Tommy, I value and respect your opinion on most things, but I take exception to the suggestion that I have been set up to be here today. I am here and my wife is in the gallery supporting me. I am big enough and ugly enough to make my own decisions.

Tommy Sheridan: Bill was about to jump in and help you there, Pat.

Patrick Rolink: I do not need any help, thanks Tommy.

Tricia Marwick: If you have come to the conclusion that section 2A will be repealed and are now campaigning for traditional family values, can we take it that the Protect your children: Keep the Clause campaign is going to change into the campaign for the protection of family values?

Patrick Rolink: I will most certainly be putting forward that view.

Mr McMahon: I have a quick question, Patrick, on the statement you made about the lack of awareness of the consultation process. You said that you wrote letters to the press in November, which was during the consultation period. You obviously knew that there was an issue. You took the time to write to the press, but did not take the time to write to the Scottish Executive as part of the consultation. Why were you not aware that the consultation was taking place?

Patrick Rolink: I do not want to finish off by trying to score a political point here. I wrote to the press because I read an article that said that Wendy Alexander was carrying out a personal crusade. The whole thrust of the argument in my letter was that I did not feel that politicians in Edinburgh should be carrying out personal crusades; they are here to represent the people. I honestly was not aware of the consultation process and how I could participate in it. If I had been, I certainly would have taken part.

The Convener: I have one final question for clarity, because we will need to condense your evidence into a report that we will pass on to the Local Government Committee, which is the lead committee. You have said that you accept the fact that, whether members of your campaign are happy or not, section 28 will be repealed. You are not happy, however, with the phrase "stable family life". In your evidence to the committee today and in your written submission, you quote a question from Brian Monteith about what is meant by stable family life. It asks whether that phrase would include

"(a) a married couple; (b) an unmarried heterosexual couple; (c) a gay couple; (e) a lone parent and (f) other carers such as grandparents, other blood relations, foster parents and guardians."

Given that you have stated that a married couple is the ideal, do you feel that any of those other groups should have equal status?

Patrick Rolink: That is a very clever question, because if I say no, it means that I want to treat those people differently. I want to have an aspiration that the ideal that we promote within our schools is that the best way for children and our community to go forward—and the most fulfilling relationships—is through what is known as a normal, stable, traditional family.

The Convener: I was not trying to be clever—I

am not often accused of that.

Patrick Rolink: Neither am I.

The Convener: I ask the question for clarity. If you are asking us to recommend an alternative to the Local Government Committee or the Executive, it would be useful to know what that alternative would be. You have said that marriage is the ideal. Are you saying that none of those other situations should be given equal status? I will read them out again if you want.

Patrick Rolink: I will say what was said in the submission. We believe that a homosexual relationship and a heterosexual relationship are different.

The Convener: So you think that lone parents, other carers, and unmarried heterosexual couples are equal to a married couple?

Anne Stewart: We are saying that we want marriage to be promoted. We do not want to pass value judgments about the situations in which people find themselves because of what life throws at them. Most single parents have not chosen to be single parents. I understand that most single parents would still hope that their children would one day meet Mr Right or Miss Right, get married, and have a happy marriage.

The Convener: Thank you for coming. I am sorry that you have been kept longer than I had expected.

The next evidence the committee will hear will be given by Morag Alexander of the Equal Opportunities Commission, whom I welcome to the committee. I am sorry that you have had to wait so long—I hope that you have found the meeting interesting so far. Members have copies of your written submission. I am happy for you to speak to your submission, and then the committee will ask questions.

Morag Alexander (Equal Opportunities Commission): I thank you for your welcome. I wish to make a short statement, after which I will be happy to answer questions. I intend to speak only about the repeal of section 2A and not on the other parts of the Ethical Standards in Public Life etc (Scotland) Bill.

I accepted your invitation to attend today not because the Equal Opportunities Commission has statutory responsibility to speak on issues of sexual orientation but because the commission has 25 years' experience in dealing with discrimination. I felt that our experience could be useful to you in considering the repeal of section 2A.

As you probably know, the Equal Opportunities Commission, which is sponsored by the Department for Education and Employment, is the

statutory body that is charged with upholding the Sex Discrimination Act 1975 and the Equal Pay Act 1970, and with promoting equal opportunities generally for women and men. The EOC has been advised by leading counsel that sexual orientation discrimination as such is not made unlawful by the Sex Discrimination Act 1975, the Equal Pay Act 1970, or by EU law; that has been confirmed by the judgments of the European Court of Justice and by the Court of Appeal. However, there are circumstances in which sexual orientation discrimination is capable of constituting unlawful sex discrimination; that has been confirmed by a Court of Appeal ruling.

The cases concerning sexual orientation that fall within the EOC's jurisdiction would arise when there is less favourable treatment of gay men than of lesbian women or vice versa, in circumstances that are covered by the Sex Discrimination Act 1975 and other legislation, or where sexual orientation discrimination is merely a pretext for sex discrimination. It is the Equal Opportunities Commission's view that freedom from discrimination on grounds of sexual orientation has to be recognised as an entitlement in a just society and that discrimination on grounds of sexual orientation is a human rights issue for men and women.

As you know, equal opportunities is defined in schedule 5, section L2 of the Scotland Act 1998 as

"the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions."

There are, of course, many other definitions. For example, equal opportunities is about ensuring that there is no discrimination against individuals on any grounds that cannot be objectively justified. Or, again, equal opportunities is about ensuring that individuals are not treated less favourably because of prejudice. Discrimination based on prejudice often begins with messages, or even nuances, that very young children absorb at home and sometimes, sadly, during their early years at nursery or later at school.

14:30

In the new Scotland of the 21st century, I do not believe that we should accept the prejudice and resultant discrimination as a given. This Parliament speaks the language of inclusion and should be seen to act accordingly. Difference, whether it is based on sex, colour, disability, religion, social class or sexual orientation, is valued in the language of social inclusion and needs to be valued in practice also.

Pastoral care in schools should provide for the

emotional, physical and social needs of individual pupils. Those in authority in schools should work to foster the belief that all people have a value in their own right, and should create a non-threatening atmosphere. Guidance staff should be able, free from fear of recrimination, to offer support to all pupils within their remit, both individually and in groups. They should be able to focus particularly on pupils who are socially or emotionally needy or at risk and on those who have encountered discrimination, harassment or bullying. Support must be available to young people who are gay and lesbian. Teachers can also support gay and lesbian pupils by beginning to change the discriminatory attitudes held by some pupils and teachers, by demonstrating that every individual pupil is valued and by a firm response to unacceptable behaviour based on prejudice.

The Equal Opportunities Commission's response to the consultation document was mentioned. I would like to quote from that response, which deals specifically with the repeal of section 2A. It said:

"The Scottish Parliament and Executive will be aware of the EOC's response to the Consultative Steering Group consultation. In our response, the EOC stated:

"The establishment of a Scottish Parliament with law making powers is a unique opportunity to address the issues of equality of opportunity from the outset of the new institution."

The full text of that submission is given in annexe H of the consultative steering group's report. Our response continues:

"We are pleased that the Parliament and Executive have now accepted a number of recommendations made by the EOC, including the establishment of an Equal Opportunities Committee, an Equality Unit and a commitment to mainstream equality in the work of the Parliament and Executive.

All of this is consistent with Section L of Schedule 5 of the Scotland Act which empowers the Scottish Parliament to encourage equal opportunities on grounds not only of sex, but also, inter alia, of sexual orientation, and with the Programme for Government which commits the Executive to putting equal opportunity at the heart of all policy making.

However, we believe that Section 2A of the Local Government Act 1986 raises issues of compatibility with Section L of Schedule 5 of the Scotland Act, and with the Executive's support for equal opportunity as expressed in the Programme for Government, and we welcome the decision of the executive to address these issues in the Ethical Standards in Public Life etc (Scotland) Bill.

Following an extensive consultation throughout Britain in 1997, the EOC informed the UK Government of our view that there should be legal protection against discrimination for lesbians and gay men. The EOC also recommended that the UK Government should study the question, consult the people who would be affected and decide the best way to protect lesbians and gay men from discrimination. More recently, the EOC agreed to accept an invitation from the UK Government to collaborate on the production of a good

practice guide on sexual orientation.”

The Convener: Thank you, Morag. I open out the discussion to questions from members of the committee.

Johann Lamont: I want to ask about the broader issue of education in school and your suggestion that it could promote inequality in later life. I am thinking of girls being put into inappropriate roles at an early age, which we should address through the education system more actively than just talking to young people about anti-discrimination measures. How do we influence our children into taking up certain roles at an early stage?

Morag Alexander: There has long been recognition and an understanding that teachers' expectations of pupils can affect children's performance tremendously. In relation to social class, for example, a teacher sees a child from a poor background and may not expect too much of that child, so the child's performance results in an outcome that there is no way round.

The same can happen in relation to gender. Individual teachers may have expectations that girls are more likely to want to study particular subjects, so they are pushed in those directions, while boys are likely to want to study other subjects. The result is that few girls study physics or computing studies at higher levels in schools, whereas many boys study those subjects, with fewer boys studying languages in the later years at school. Therefore, while individual pupils may be well suited to certain subjects, the message has somehow been given out that those subjects—or roles—are not appropriate for women or for men.

It is true that teachers' inability to support individuals is seen by other children, and messages are given out about that. I suggest that nuances exist that certain ways of life and certain types of sexual orientation are not appropriate. Discrimination is based on prejudice and when such beliefs and attitudes are not challenged, they result in discrimination. Individuals who belong to one group or the other, such as people who are gay or lesbian, begin to value themselves less because of the attitudes and, sadly, the behaviour of other people when that results in exclusion or bullying.

Johann Lamont: Does the EOC have a view on what I describe as the inappropriate early sexualisation of children, which is not quite the same thing as giving children information about sex education, relationships and so on? I speak as a mother of a young daughter who is concerned about the extent to which society wants her to dress and conduct herself in a particular way, which is about performing in an inappropriate

sexual model at an early age. Has the EOC undertaken any work in that area?

Morag Alexander: No, we have not, although we have been involved in many cases concerning what is appropriate dress for women in school—which you will be aware of—or the working environment. However, that is not what you are getting at, Johann. The commission has not done any work in that area, and it would not be appropriate for us to do such work when we have so much else to do. I have come here today to talk about our experience of discrimination and the way in which it arises, and perhaps to clarify where the law stands on it. From my experience as a mother and grandmother—everyone seems to be declaring their family status today, although I did not intend to do so—I know that children receive messages in all sorts of ways. I do not doubt that work has been done on that, but it has not been done by the Equal Opportunities Commission.

Tricia Marwick: To what extent does the proposed repeal require a review of the current guidelines on the provision of sex education in schools? Do you have a view on that?

Morag Alexander: We have a view on it in so far as we want the promotion of equality of opportunity for all groups in society. That arises not from our statutory role, but from our understanding of discrimination, which I explained earlier.

The Convener: What do you think about the new section? Do you think it is acceptable in terms of equal opportunities? I believe that you heard the evidence of our previous witnesses. Do you concur with the view of Keep the Clause, that it needs to be strengthened in some way?

Morag Alexander: I have tried to speak as the director of the Equal Opportunities Commission in Scotland. The commission does not have a view on that matter. It has not discussed it or decided on it, and I am not sure that it necessarily would. I would personally prefer the inclusive statement that is proposed, which would not exclude people in same-sex relationships from constituting a family unit.

Elaine Smith: You suggested that section 2A prevents teachers from giving support. Could you expand on that a wee bit? What other things does it prevent local authorities doing?

Morag Alexander: Fears have been expressed about what happens when a teacher sees children being bullied for a particular reason. Children may need reassurance that their position and sexual orientation is perfectly acceptable, but if the teacher chooses to discuss that with the child or with the class they could be at risk of falling foul of section 2A. We do not have a lot of evidence to

back that up, but—everyone is citing anecdotal evidence today—people have shared that concern with me and I know that that happens.

I would like local authorities and the Scottish Parliament to emphasise the fact that we want an inclusive society in which difference is valued. If that means recognising as individuals who must be equally valued people who have a disability, who come from a different social background or who have a different sexual orientation from the majority of us, it is important that we provide enough support for teachers who want to make that case.

Elaine Smith: Some people have argued that section 2A does not stop teachers being able to support. You are saying that there is a fear that they might be prosecuted and that there is a reluctance because of that.

Morag Alexander: I have heard as much through anecdotal evidence. My graver concern is that the language in section 2A, which refers to “promoting homosexuality” and a “pretended family relationship”, is based on an untruth. I do not understand how homosexual relationships could be promoted. In this Parliament, in which we have tremendous hopes for inclusiveness and decisions based on adequate discussion and rigorous argument, those kinds of givens should not be accepted but should be challenged.

Tricia Marwick: How would you respond to those who would claim that you have just outlined a politically correct agenda?

Morag Alexander: I would not accept the epithet.

The Convener: Morag, I thank you for attending this afternoon. No doubt we will see you here again.

Before the next witnesses take their seats, we will have a 10 minute adjournment.

14:45

Meeting adjourned.

14:55

On resuming—

The Convener: Our next witnesses are Tim Hopkins from Equality Network, Brian Dempsey from Outright Scotland, Patrick Harvie from the Strathclyde lesbian, gay and bisexual youth group, Joe Patrizio from Scottish Parents Enquiry and Judith Mackinlay from the Lesbian Mothers Network in Scotland. Each witness will make a short statement and then members can ask questions.

Tim Hopkins (Equality Network): Thank you for inviting us to give evidence to the committee. Lesbian, gay, bisexual and transgender people are those who are most affected by section 2A and we are very grateful for the opportunity to come along and comment on it.

Having heard the previous witnesses, I want to say that I welcome the tone of much of what Patrick Rolink was saying. In particular, I welcome his comment that the organisations under the umbrella of Keep the Clause recognise that section 28 will be repealed and that they are now focusing on ensuring that the law is non-discriminatory and promotes family values. Having read the evidence that the various Parliament committees have heard over the past few weeks, it seems that there is a greater consensus than the newspapers suggest.

Members have a written submission from the Equality Network and I would like to highlight a couple of points in that. It is clear to us that section 2A is discriminatory. If one replaces the word “homosexuality” with any of the other phrases that I have suggested, such as “mixed-race marriage”, “left-handedness” or “the Jewish religion”, the extent of that discrimination becomes clear.

If we are going to have a law that discriminates against a minority, natural justice and the European convention on human rights say that there must be a very good reason; the law must be absolutely necessary if it is going to discriminate. As we have explained on pages 3 and 4 of our submission, we do not think that there is a good reason for section 2A—it does not do anything useful. That would be enough for the section to be repealed. Just as the discriminatory parts of the Act of Settlement 1701 are ineffective, they are nevertheless offensive and discriminatory and should be repealed.

The reason that the repeal of section 2A is so urgent and that we welcome the fact that the Scottish Parliament has moved ahead so quickly is that the section does a lot of harm. There is more detail on that on page 2 of our submission. There is a variety of evidence, some of which is anecdotal. There has not been much research into

discrimination against LGBT people in Scotland. However, there has been some research, from which we quote. The level of bullying and social exclusion experienced by young LGBT people is clear. A lot of the evidence on the effect of section 28 is anecdotal, and it suggests that the section adds to discrimination. However, there is also some statistical evidence, which we have quoted.

In short, section 28 is discriminatory. There is evidence that it does a lot of harm. It does not appear to do anything useful. We therefore welcome the fact that it is to be repealed.

15:00

Brian Dempsey (Outright Scotland): Good afternoon. In our written submission, we wanted to highlight the impact of the anti-repeal campaign. I understand that the ground may have shifted somewhat today, and that there is a different tenor to the arguments of those who oppose repeal.

Focusing on the impact of the anti-repeal campaign should not be allowed to detract from the positive arguments that many LGBT organisations have repeatedly put forward. However, it is important that we all learn lessons from the recent events around the repeal of section 28.

We refute the accusation that we have moved away from the argument that section 28 damages young people. The negative impact that the section has on young people remains the most important issue. The concerns raised by the Executive about bullying and marginalisation have not been answered, contrary to what has been said in evidence to this committee over the past couple of weeks.

We do not use the word homophobe lightly, but we must draw attention to the prejudiced, ill-informed and homophobic nature of the Keep the Clause campaign in particular. Until today at least, our communities have been demonised by the Keep the Clause campaign, which, in our view, has never been interested in rational debate.

We would like to emphasise that, despite the tenor of the Keep the Clause campaign and the damage that that has done, there is good evidence that Scotland remains a country that aspires to equality of treatment and social inclusion.

Joe Patrizio (Scottish Parents Enquiry): I am a father of four children, one of whom is gay. I also have four grandchildren, who are too young for us to know yet whether any of them is gay. Parents Enquiry is a helpline for parents who are having trouble coming to terms with one of their children being gay.

There are four helplines in Scotland, two in

Edinburgh, two in Glasgow. They are run from our homes; we are not professionals. Calls are routed to us from the lesbian and gay switchboards, the Samaritans, citizens advice bureaux, health organisations and a few doctors. We do not actively advertise. If we did, we would be overwhelmed.

The calls that come to us from parents tell us that the main problems they have are that they are totally bewildered and afraid and that they feel isolated. Most of those feelings come from ignorance. When they phone, they are taking the first step towards educating themselves. To some extent, we can help them because we have been there. We know what they are feeling.

Section 2A is iniquitous because it inhibits teachers from telling children what it means to be gay. It is important that they learn, to help them to cope with it. The chances are that, in any class, there will be no gay children; however, there is a strong possibility that, in that class, there will be a future parent, grandparent, uncle or aunt with a gay child to contend with—if contend is the right word. Being gay affects not only the person who is gay, but the rest of the family. We have found that great strain is put on that family, particularly the parents, who have to mediate between the gay child and the rest of the family. That can be quite hard at times.

One of the positive things that we can tell parents is that we are closely associated with the Stonewall Youth Project. Stonewall organises events at which parents and other members of the family can come together to talk. That is important to the children and the parents.

Feelings of isolation, guilt and fear go with being part of a family that has a gay child. Scottish Parents Enquiry can help only on a small scale. This is a nation-wide problem and it needs nation-wide solutions, through education.

Patrick Harvie (Strathclyde Lesbian, Gay and Bisexual Youth Group): My name is Patrick Harvie and I have been a youth worker in Glasgow for the Strathclyde lesbian, gay and bisexual youth group for two or three years. Thank you for giving me the opportunity to speak to you today.

I apologise for the fact that this is a late substitution. We were expecting a member of the group to come along. It is a shame that he is not here, as he could have made a valuable contribution to the debate. We are here because of the effects of discrimination. That is one of the biggest reasons that younger people, especially people who are still at school, are reticent to speak up in an environment such as this one.

The experiences of members of the youth group are very varied, as one would expect from any large and diverse group of people. In the

discussions that we have had at the group since the section 28 debate began in earnest, one thing has been clear to me—all the group's members have seen homophobia in their schools and most have seen it ignored or, at worst, perpetrated by schools.

I am sure that all of us present are familiar with some of those forms of abuse, words and insults that we learned to use even before we knew what they meant. Now Keep the Clause slogans have been added to the armoury of homophobes who are right now harassing young lesbian, gay, bisexual and transgender people in schools. The results are high rates of early school-leaving, truly frightening rates of attempted suicide and many other problems that stay with people throughout their lives.

Young people have a legal right to their education and to health information; they have a right to have those things delivered in a safe environment. The continued existence of section 28 undermines those rights, which is why I believe that it should go.

Judith Mackinlay (Lesbian Mothers Network in Scotland): The first thing that I want to say is that my family is real. It makes me cry and it makes me furious that in law my family is labelled as pretend, unacceptable and without value. That insults me and allows others to discriminate against me and members of my family.

The law contributes significantly to a climate in which lesbians, gay men, bisexuals and transgender people are bullied, abused, attacked and condemned. Many of us are coerced into silence and invisibility. If we pretend to be straight or allow you to assume that we are, we may avoid the most direct and violent injuries and insults for ourselves and our children. However, you would not suggest or expect that a Muslim child should pretend to be Christian, or that a mixed-race child should pass as white in order to get by in a racist monoculture. You work and legislate for that culture to change and to become inclusive.

My family is real and valuable. It deserves support and protection from the law. I have the courage to be here to tell you that I am a mother, a teacher and a lesbian. Neither my child nor any child that I teach will emulate my sexual orientation. I am no threat to anyone's children. Rather, my strength and honesty in being seen and saying who I am are a gift to encourage all children to accept, value and speak out for themselves.

The Convener: Thank you. I open the discussion out to questions from members of the committee.

Shona Robison: Joe, what you had to say was informative. You told us things that we had not

heard before. The Keep the Clause campaign is focused on the rights of parents. The representatives who talked to us this morning talked about parents protecting their children. How do you and parents whom you know feel about the use of the issue of parental responsibility by the Keep the Clause campaign? I imagine that it is difficult for you.

Joe Patrizio: It is extremely difficult. It is hard to describe our feelings. We feel angry about what those people say. We understand where they are coming from and that they are afraid, but their fear comes from their ignorance: they do not know what it is like to have a gay child. They have a fear of bogeymen, but those bogeymen will disappear when we get some light on the subject.

I believe that people should be educated about what it is like to be gay and what it is like to have a gay child. Once they understand that a gay person is just a person and is not a bogeyman or a bogeywoman, they will understand that there is no threat.

We must trust our teachers. There is no evidence that teachers have tried to inflict unsuitable material, homosexual or heterosexual, on our children. If they had done, I and my children who are parents would have had something to say about it. Teaching material must be appropriate.

Mr McMahon: Tim, you commented on the perceived shift in what Patrick Rolink had said. Do you believe that the term "traditional family values" has a discriminatory tone? Has it caused you particular difficulties?

Tim Hopkins: One of the problems with the phrase is that it is not well defined. What does "traditional" mean? A hundred years ago, many values that people would not like to see in marriages today, such as inequality between the sexes, were common.

The key point about section 26, which will replace section 28, is that the wording should stigmatise no one. The key family values are things such as love, commitment, stability, honesty and respect—and if that is what is meant by "traditional family values", well and good. Those values are common to virtually everyone in Scotland, whether they have a faith or not. If any values are to be written down, those values, which are held by everyone, should be.

If we legislate about "traditional family values" or "traditional marriage" and set one value up as the principal value, there is a danger that we will devalue other really important things such as love and commitment. The other danger is that of stigmatising people, and saying that if they are not from a particular type of background, they are not valued in the same way.

Those are our concerns. Our principal concern about any guidelines, or about section 26 of the new bill, is that it should be non-discriminatory. The wording has to be considered very carefully for the reasons that I have described.

Joe Patrizio: As someone who is married, I would certainly not want to return to the traditional marriage in which I owned my wife, or to a situation in which she could not, in law, do anything without my permission. Are those the traditional family values that we want to return to? Certainly not, I would say.

15:15

Patrick Harvie: Having listened to the debates and read the comments about this matter in the press, the one thing that people return to when they talk about why marriage is a valued institution is stability. The new section, as currently worded, is perfectly inclusive of that.

Tricia Marwick: My question is to Judith Mackinlay. I do not want you to speak specifically about your experience and your child, but perhaps more generally about lesbian mothers. Do you think that the children of lesbian mothers, particularly at school, have a hard time because of bullying and because of who their parents are? Is that a problem that you see? Do you think that repeal of section 2A will allow such children to be treated more fairly at school?

Judith Mackinlay: Yes. We have new inquiries from people whom we meet in Edinburgh once a month. Various groups meet around the country. People travel a long way to come and get some support. Sometimes they just come once to know that they are not alone. They often come because their children are being bullied or because they are concerned about starting a new school and about what they should tell the teachers. What can the teachers do anyway?

Sometimes the bullying is from other children and sometimes it is from teachers. It is not very common, but it is not impossible for it to happen. It is very hard, with the law as it stands, for parents to move very far. If someone wants to hide behind the legislation and if they want there to be inaction, they can hide behind it despite there being lots of ways to move forward.

The law stops me personally from feeling confident enough to go to school and say: "This is the situation. My daughter is starting school. I would really like her experience to be reflected in the classroom." My experience of talking to other women is that other mothers do not feel confident that they can expect what other discriminated groups can expect or hope for.

Malcolm Chisholm: I was very moved by how

Judith Mackinlay described the effect of section 2A on her. I am very concerned about the effect of the nature of the campaign against repeal on lesbians and on gay men. We have all, I am sure, had one or two letters or e-mails from people who have written very movingly about that. Janet Paisley wrote a superb article a few weeks ago in *The Scotsman* reflecting that.

I am wondering about how we can get the people from the Keep the Clause campaign, who were here earlier, to see things from a different point of view. I wonder if you, as a lesbian or as a gay man, could help us to see what being bombarded with all the images that have been portrayed might feel like, and what effect that has had. Could you tell us a bit more about the reaction to that? I have heard anecdotal evidence of violent incidents as a result of it. Do you have any information about that?

Tim Hopkins: I have some statistical information about that. It concerns a rise in the number of calls to counselling services, both to the Strathclyde lesbian and gay switchboard and to the Steve Retson Project, which is primarily a sexual health project at Glasgow royal infirmary but which also give people counselling about their sexuality. Both those services have measured a 25 per cent increase in the number of calls since the end of December. Many callers mention that their concerns about their sexuality have grown stronger because of publicity in newspapers and the billboard advertising.

Patrick Harvie will probably confirm reports that the slogans such as "Keep the Clause" that have been used in the billboard advertising are being used as terms of insult against people on the street or at school. There is nothing to say that insults would not have happened anyway, with different phrases being used, but it all adds up.

Everybody with whom I have spoken, including seasoned gay rights campaigners, feels very vulnerable and upset. When one is passed in the street by a lorry that is carrying a billboard saying something such as "Why is Glasgow City Council spending £200,000 encouraging homosexuality among children?" one feels under attack. From every side, people are telling one that one does not have the same right to respect as everybody else has. It is an attack on one's complete being and it makes people feel upset and vulnerable. People who for many years had not felt afraid of attack in the street now feel afraid.

Judith Mackinlay: I have buried my head, turned off the radio and tried not to look at billboards. I have felt that, although I have written to many MSPs and said what I thought during the consultation period, my voice has not been heard. I did not have the money to put up billboards. I am very glad to have my voice heard here.

Patrick Harvie: I confirm what Tim Hopkins said. I have spoken to people in my youth group who have experienced abuse in the form of the "Keep the Clause" slogans. I work with a tiny group of young people—the group has been around for a long time—which struggles by. It has received £375 of public funding in the past financial year, which is less than a quarter of its annual rent. To be accused of spending hundreds of thousands of pounds on the most ridiculous material, which is simply not the case, is deeply offensive to me, both personally and professionally.

Brian Dempsey: I do not want to go on at length, but it is important to point out that the slogan that the Keep the Clause campaign has been pushing, "Protect our children", is insidious and underhand. It is one of the oldest tricks in the book to accuse a marginalised or powerless minority of being a threat to everybody else's children. That slogan is quite disgusting. I reinforce the view that even people who are quite forceful and politically aware have been taken aback and have felt under threat and distressed. Although we are all open to sensible political debate about these subjects, such an underhand and offensive campaign is unacceptable in Scotland.

Malcolm Chisholm: I agree with what you say about safety. A letter from one of my constituents contains a very interesting comment. She says:

"The other issue which I have not heard mentioned in the debate is that the heterosexual family is the place where women and children are least safe, as all the statistics on violence and abuse of women and children clearly show."

Although that is clearly not an argument against the heterosexual family, it helps to put into context the suggestion that the protection of children is an issue only in certain types of relationships.

I have two questions for the Equality Network. First, I am interested in the fact that you are quite happy with the new section—obviously there is a history behind that—and would be interested to hear any amendments that you might have. Secondly, on Europe, will you clarify how the ECHR relates to this issue? During the debate, it struck me that the ECHR angle should have been used a bit more.

Tim Hopkins: When we first read the wording of section 26 on the day that it was announced, we welcomed it. It is good that it is child centred and quite defensive; it says that material must be appropriate to a child's age, understanding and stage of development. However, although that is all fine, the section itself says nothing about what the child needs. To that extent, we felt that it was not child centred enough and that adding the word "needs" to that list of attributes would make it quite clear that children need education that is focused

on their needs. Although section 2 of the Standards in Scotland's Schools etc Bill says that the purpose of teaching is to develop each child, we felt that section 26 would be a good place to make that point as well.

As for the ECHR, the decisions made by the European Court of Human Rights show more and more clearly that it is taking sexual orientation discrimination very seriously. We have mentioned that one of the court's rulings makes it clear that, although article 14 of the convention does not explicitly list sexual orientation as a ground on which discrimination is banned, the phrase "other status" now includes sexual orientation.

Article 2 of the first protocol of the convention, on the right to education, provides clear grounds for attacking section 28. There is plenty of evidence that the section makes it difficult for teachers to deal with homophobic bullying, which means that people leave school earlier and lose some of their education. Many young people in Patrick Harvie's group have said such things. Our report mentions a study of social exclusion of lesbians and gay men in Glasgow in which a significant proportion of people felt that their educational attainment had been limited because of their sexual orientation. That is a fairly clear breach of article 2 of the first protocol of the ECHR.

A report that has been recently put together by two English barristers says that section 2A breaches article 10, which is the right to freedom of expression, because the article stipulates that certain things should not be said in schools and certain things cannot be done by local authorities. For example, if a local authority cited section 2A to withhold funding from an art exhibition, that might be a breach of the freedom of expression.

Furthermore, article 8, which concerns the right to respect for family and private life, has already been used by the European courts to uphold complaints about discrimination on grounds of sexual orientation, for example, on the issue of unequal ages of consent. It is quite clear that the court believes that private life includes respect for one's privacy as a gay person to be a gay person.

As for family life, in a recent English case, the House of Lords ruled that the term "family" in the Rent Act 1977, which guarantees right of succession to a member of a family after someone dies in rented accommodation, included the same-sex partner of a gay man. There are all sorts of reasons to suppose that a challenge to section 2A using the European convention on human rights would be successful.

15:30

Tommy Sheridan: As representatives of

lesbians and gay men, or as lesbian or gay people, do you feel that the Keep the Clause campaign has played a negative role in Scotland by promoting intolerance and creating an atmosphere that makes it difficult to encourage understanding of sexual orientation?

Brian Dempsey: I certainly agree with that. I make a distinction, as you were careful to do, between the Keep the Clause campaign and the people who have been affected by its propaganda. I would not label everyone who is concerned about the repeal of section 2A as being in the same boat. To anyone who is aware of the sort of material that Jack Irvine produces in the *Daily Record*, the fact that Brian Souter chose him to head up the Keep the Clause campaign indicates a certain attitude. The fact that the campaign was launched after the consultation period had finished also indicates a negative approach.

In some opinion polls, people have been asked questions that do not reflect the wording of section 2A. Instead they are asked such questions as, "Do you think that the ban on promotion of homosexuality should be removed?" Even in polls in which a majority of people answer that it should not be removed, they also say that they support tolerance and inclusion in schools. The Keep the Clause campaign has set out with a negative agenda and, frankly, in bad faith. However, I am glad to say that I do not think that it has had a profound effect on attitudes in Scotland.

Tommy Sheridan: Sam Galbraith made a statement to Parliament about the proposals to replace section 2A with a form of words emphasising stable family life. He also said that there would be guidelines to education authorities on the conduct of sex education in schools, including consulting parents when reviewing a programme of sex education. I have no problem with that.

Sam Galbraith also said that he would establish a working group with representatives of parents and churches to review curriculum advice for schools and teachers, and that its proposals would be available to MSPs before a final vote is taken on the bill. I am concerned about the involvement of churches in reviewing the curriculum on sex education in schools. I have written to the minister to ask him whether he is willing to have representatives from groups such as the Equality Network on that working group to balance the advice that will be issued. It is important that the advice should not be one-sided. Have you been contacted by the minister yet?

Tim Hopkins: No. We have discussed that issue ourselves. I understand that there are often church representatives on curriculum working groups, reflecting the fact that there are denominational schools. If one sees the working

party as an attempt to assuage people's concerns, there may be a role for some people from the churches; however, it is important to note that there are no representatives from the LGBT communities on the working group, and we have thought carefully about that.

It is vital that the working group comes up with curriculum guidelines that are non-discriminatory. If it proceeds along the lines of coming up with guidance that deal specifically with the teaching of homosexuality, we would consider it unacceptable for a group to develop such guidelines without consulting the LGBT communities or allowing us to have an input. On the other hand, if the plan is to come up with generic guidelines which make sense and are appropriate for people of all sexual orientations, that issue is less specific to us.

To answer your question, we have not heard.

Johann Lamont: I was interested in the comments about families. If we were a civilised, child-centred society, it would be sufficient to say that our children should be safe and that the weight of the law should be used against those who prey upon or neglect children for whatever reason. There is no evidence that any particular group is more guilty of that than any other, although Malcolm Chisholm suggests that there is a pattern of behaviour in some families that gives cause for concern. I am glad that, in general, you have welcomed Donald Dewar's clause, because it focuses on the child and children's needs.

Another aspect of the debate about section 28 is the idea that it is possible to promote homosexuality in some way and that there are those who, given the opportunity, would want to groom young people towards a particular sexual orientation either inside or outwith the school system. Given your experience of working with young people and talking to people in the gay and lesbian community, have you picked up any evidence, perhaps among parents or in the inquiry group, that there are young people who feel that they have ended up in their situation because they were groomed to be that way or because things were promoted to them in a particular way?

Patrick Harvie: Quite the reverse. Like me, and all of us, every person with whom I have ever worked through the youth group has had heterosexuality promoted to them day in, day out from a very early age. That does not change their sexual orientation.

Judith Mackinlay: Much has been said about the need to enshrine traditional family values in law. I have a child who is five who has known from a very early age that some people have one mummy and some people have two mummies—that there are all sorts of different families. She has already planned to have seven children and a

wedding. She has lined up a boy to marry, has consulted him and everything is fine.

The other day she asked me, "Mummy, what is a boyfriend? What is a girlfriend?" I asked her what she thought they were. She has been well groomed to be a heterosexual, but not by me and I have not groomed her to be a lesbian either. She said that she thought that a boyfriend or a girlfriend was someone who knew a lot about love.

We do not need to tell children about traditional family values. They get it. They know what everyone, apart from a few of us, aspires to. They aspire to it too, whether it is for them or not. No one that I have met has not had that made out to be the thing that they should be, as Patrick Harvie said.

Joe Patrizio: My gay son knew that there was something different about him when he was six. He was the third child of four and grew up the same as the rest of them. There was nothing that promoted homosexuality to him in the school that he went to. It was just something that happened—something that is.

The Convener: Are there any other questions? If not, I thank all our witnesses for coming along this afternoon. They have given us valuable evidence, which we will be able to pass to the Local Government Committee shortly. Thank you.

15:39

Meeting continued in private until 15:53.

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