

Faith *in the* Family

# ADVOCATE

Issue 3, July 1999



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# Locking up parents

“

Mr F did not spend last Christmas with his family. The 48 year old primary teacher was banned for two weeks from visiting his own home following his arrest by the police. He was allowed three one hour visits to see his three children accompanied by social workers.

The story began when his eight year old daughter had been in pain over a bad tooth for days despite a full dose of Calpol. It was Christmas Eve. There was only one remedy. The tooth had to be pulled. The dentist had to be seen. But after 40 minutes in the waiting room she still refused to have an anaesthetic injection. Mr F “snapped”. He later admitted that he had “gone over the top”. According to a member of staff at the Health Centre he smacked his daughter’s bare bottom six or seven times. Shortly afterwards the girl submitted to having the tooth removed. Meanwhile a telephone call was made to the social services department. It was not long before Mr F found himself in a police cell.

Mr F was released on bail conditions which required that he stay away from his home. After a two week stay with relatives Mr F was allowed to go back. Every week following this social workers visited to check up on his ability as a parent.

Mr F was suspended on full pay from his teaching duties. Instead he worked in the school library. On 19 May the case came to court. He was found guilty of assault. Sheriff Dan Russell said “The blows were clearly sore and must have caused her pain. In my opinion this was unnecessary suffering. I therefore find the accused guilty of the charge.”<sup>1</sup> During the trial the eight year old girl gave evidence that she was not sore.

Mrs F said that her daughter cried every day her father had been away from home because she missed him so much.<sup>2</sup> The girl was “physically ill” for three days after giving evidence.<sup>3</sup>

After the verdict the Scottish Branch of the NSPCC and Save the Children called for all parental smacking to be banned.<sup>4</sup>

On 9 June Sheriff Russell formally admonished Mr F who was much relieved. He could have faced a three month jail sentence.<sup>5</sup> A request by social workers to have the children made the subjects of a supervision order was deferred for a Children’s Panel report. On 2 July Sheriff MacDonald sitting in the same Hamilton Court abandoned the case and the request to grant a supervision order was refused.<sup>6</sup>



Mr F’s crime was to smack his own daughter. The case attracted world wide attention. Many parents thought that it could easily have been them. As Mr F’s union representative said “If you take this to a logical conclusion, as I see it, if parents were to be locked up for smacking their children then we would be locking up half the parents in Scotland”.<sup>7</sup>

Mr F lost his temper, in his own words he went “over the top”. That was wrong, but which caused more harm to his daughter, the seven smacks or the even more heavy handed tactics of social services and the police? An unfortunate incident which could have been easily forgotten by all was turned into a six month nightmare courtesy of North Lanarkshire Social Services.

*“Children are unbeatable”*

The NSPCC, Save the Children and Barnardos all want to make parental smacking a criminal offence. EPOCH has teamed up with these organisations to launch a campaign called ‘*Children are unbeatable*’. This alliance believes that smacking children teaches them to be violent. The campaign seeks to make parental smacking a criminal offence.

Groups like EPOCH have had remarkable success in their campaigns. It is important that ordinary parents speak out for common sense before EPOCH’s success brands them all potential criminals.

Those who press the case for children’s rights have a very strange ideology. As well as wanting to ban smacking the NSPCC and Barnardos also pressed for the of age homosexual consent to be lowered to 16 and want homosexual couples to be allowed to adopt children.

Clearly something has gone very wrong when the nation’s favourite children’s charities are peddling such nonsense which can only hurt the children they claim to protect.

”

*Colin Hart*

Colin Hart - Director of *The Christian Institute*

## ■ References

- <sup>1</sup> *The Independent* 20 May 1999
- <sup>2</sup> *The Daily Telegraph* 20 May 1999
- <sup>3</sup> *The Daily Telegraph* 10 June 1999
- <sup>4</sup> *The Mirror* 20 May 1999; *The Daily Telegraph* 10 June 1999
- <sup>5</sup> *The Daily Telegraph* 10 June 1999
- <sup>6</sup> *The Herald* 3 July 1999
- <sup>7</sup> *The Guardian* 20 May 1999

## Home Office to consider special rights for transsexuals

A working group is being set up by the Home Office to decide whether transsexuals should be able to change their birth certificates. The Home Office said the group would also consider issues such as marriage and parenthood. Twelve Government departments will be represented on the committee, which has been asked to complete its report by Easter next year.<sup>1</sup>

This move follows a sustained campaign by Labour MP Lynne Jones (Birmingham Selly Oak). In 1997 she tabled a Commons motion congratulating the scriptwriters of *Coronation Street* for their highly sympathetic portrayal of "Hayley", a transsexual character. In the soap, Hayley is a genetic male who dresses as a woman and who wants to marry his boyfriend. Twenty five MPs backed the motion which also called for transsexuals to have the right to marry.

### ■ MPs who want transsexuals to have the right to marry<sup>2</sup>:

<b>Labour Party</b>	Griffiths/Jane	Smith/Angela
Austin/John	Jones/Lynne	Wyatt/Derek
Barnes/Harry	King/Oona	<b>Liberal Democrats</b>
Cann/Jamie	Laxton/Bob	Ballard/Jackie
Coleman/Iain	Livingstone/Ken	Brake/Tom
Cryer/Ann	Mahon/Alice	Hancock/Mike
Dawson/Hilton	McDonnell/John	Harris/Evan
Flynn/Paul	Osborne/Sandra	Jones/Nigel
Gerrard/Neil	Pollard/Kerry	Keetch/Paul

<sup>1</sup> House of Commons : Hansard : 14 April 1999 col 257 wa

<sup>2</sup> Early Day Motion 1655, Parliamentary Session 1997/98

## The National Curriculum

The Qualifications and Curriculum Authority (QCA) is currently carrying out a consultation exercise on the review of the National Curriculum. The consultation (which ends on 23 July 1999) asks for respondent's views on Religious Education, 'citizenship' and 'personal, social and health education' (PSHE). It presents an opportunity to influence what is taught in schools in England and Wales. In particular the debate about what values schools promote will be influenced by the responses which the QCA receive.

The Maranatha Community, based in Manchester, is asking people to advocate:

- that RE should continue to be allocated 5% of the School timetable and that it should be stressed that it makes an important contribution to the style and character of a school;

- that marriage should be promoted as the ideal in citizenship lessons and PSHE; and
- that children should be given clear moral guidance, not left to create their own values.

The consultation materials are available from the QCA (tel: 01787 884444) or from their website: <http://www.qca.org.uk>. They consist of The Secretary of State for Education's Proposals, The Consultation Materials and The Questionnaire - on which responses should be made. It is still worth writing even after the end of the formal consultation. For further information and briefing papers please telephone either Guy Hordern (member of the 1997 National Forum for Values in Education, 0121 440 1738, e-mail: [hordern@charis.co.uk](mailto:hordern@charis.co.uk)) or Nick Seaton (Campaign for Real Education, 01904 424 1234).

## Married without children

The Government's own *Advisory Board on Family Law* has said that the Government should realise that marriage is about more than just children.

Commenting in their annual report on the Government's Green Paper on the family, the Board said: "the Government's support for marriage focused too narrowly on the needs of children. In the Board's view, it should be recognised that there are positive socio-economic benefits in marriage, in addition to its value in providing stability for children".<sup>1</sup>

The utilitarian view, where marriage is seen as useful for bringing up children, should at least pre-dispose the Government to consider the saving to the taxpayer through the mutual support given by couples to one another in times of illness. This is of particu-

lar importance in old age and it does have an effect on the State given that demographic trends are leading to an increasingly aged population with associated pressures on health and social services. The strain on these services is reduced by the presence of a spouse who acts as unpaid carer for an elderly or disabled relative. It is also arguably better to have the care of a loved one than of the impersonal State, however hard the State tries to have a caring face.

The Board added that it looked forward to the introduction of no-fault divorce.<sup>2</sup> This was prior to the Lord Chancellor's announcement to shelve no-fault divorce (see page 11).

<sup>1</sup> Boyd-Carpenter, Sir T (Chairman) *The Advisory Board on Family Law, Second Report 1998/99* The Lord Chancellor's Department, section 3.19

<sup>2</sup> Boyd-Carpenter, Sir T (Chairman) *Op cit*, page 31

## Gay rights brought to you by



On 20 May *National Westminster Bank* - who claim to be “*More than just a bank*” proved that they certainly are by sponsoring gay rights group Stonewall’s tenth anniversary dinner at the Savoy Hotel, London. The “Equality Dinner” was attended by over 500 leading gay rights supporters including 3 Cabinet members (Mo Mowlam MP, Chris Smith MP and Jack Cunningham MP) and two junior Ministers (Hilary Armstrong MP and Paul Boateng MP).

The “Equality 2000” campaign, being run by Stonewall, calls for the following measures:

- 1 Gay and Lesbian partnership rights;
- 2 The right for gays to foster and adopt children;
- 3 The abolition of the criminal offence of gross indecency, which deals with gay sex in public;
- 4 Anti-discriminatory provisions for the workplace;
- 5 Repeal of the ban on homosexuals in the Armed Forces;
- 6 Repeal of Section 28 - which was introduced to stop local authorities from promoting homosexuality in schools.



Speaking at the dinner Dr. Jack Cunningham MP, the “Cabinet Enforcer”, outlined the Government’s plans to promote gay rights and confirmed that it was still their intention to repeal Clause 28 (see page 17).

The majority of the public (70% of men<sup>1</sup>), and presumably therefore the majority of NatWest customers, think that homosexual practice is wrong. They do not hate homosexuals, they just disapprove of what they do.

NatWest sponsored an extravagant event for an organisation which campaigns for radical gay rights reforms that the public are overwhelmingly opposed to.

The Christian Institute’s Development Officer, Iain Bainbridge, himself a customer of NatWest complained using NatWest’s customer services telephone line. He received a written response from NatWest’s customer relations department confirming that NatWest had indeed sponsored the event.<sup>2</sup>

The letter stated that “*the decision to sponsor this particular event was approved at board level and is in line with our sponsorship support for other minority groups.*” It then compared this with NatWest’s support of an initiative to

encourage the creation of profitable small business in the UK African and Caribbean communities. This appeared to imply that objecting to the funding of gay rights groups was morally equivalent to being racist. Few would be surprised to hear that a bank should be involved in seeking to help people set themselves up in business. But most people would not expect their bank to be involved in sponsoring gay rights groups.

Since *The Christian Institute* laid the facts before its supporters in a newsletter many have been complaining to NatWest and some have switched banks in protest.

*The Sunday Telegraph* has also got NatWest to admit that the bank will be sponsoring Stonewall’s fringe meeting at the Labour Party Conference in the autumn.

Iain Bainbridge said: “Gay rights groups will not give up fighting. It is therefore vital that Christians make their voice heard. If you or your church bank with NatWest use the Customer Services Freephone

Number 0800 50 50 50 to complain. Have your account number ready. Also ask to speak to your local bank manager and write to the Chairman of NatWest, Sir David Rowland, at Chairman’s Office, National Westminster Bank Plc, 41 Lothbury, London, EC2P 2BP.”

<sup>1</sup> Johnson A M et al *Sexual Attitudes and Lifestyles* Blackwell Scientific Publications 1994 page 243

<sup>2</sup> Letter from Mrs A J Phillips, Customer Relations to Mr Iain Bainbridge 9<sup>th</sup> June 1999



## Teenage pregnancy report

In June, the Prime Minister presented to Parliament a new national programme to tackle the problem of teenage pregnancy.<sup>1</sup> He announced a £60 million package had been put together with two specific goals: “to halve the rate of conceptions among under 18 year olds by 2010 and to lessen the risks of young parents suffering the consequences of social exclusion by getting more teenage parents back into education, training or employment.” He stated in the foreword to the report: “I don’t believe young people should have sex before they are 16.”<sup>2</sup>



The Prime Minister put his personal authority behind the report.

The strategy had been developed by the Social Exclusion Unit which was given the remit of developing an integrated strategy to tackle the problem of teenage pregnancy. The report spelt out the problem in stark terms: Britain has the highest teenage pregnancy rate in Western Europe. There are 90,000 conceptions a year amongst teenage girls, 8.6% of these are to girls under 16, 2.4% to girls under 14. Half of pregnancies to under 16s and a third of those to 16 and 17 year olds result in an abortion - over 15,000 per year. The teenage birth rate is double that in Germany, three times higher than in France and six times higher than in the Netherlands. The outlook for teenage parents is also bleak: “Teenage parents are more likely than their peers to live in poverty and unemployment and be trapped in it through lack of education, child care and encouragement.”<sup>3</sup> As for the babies themselves: “The death rate for the babies of teenage mothers is 60 per cent higher than for the babies of older mothers and they are more likely to have low birth weights, have childhood accidents and be admitted to hospital. In the longer term, their daughters have a higher chance of becoming teenage mothers themselves.”<sup>4</sup>

The Prime Minister outlined five broad areas of action:<sup>5</sup>

- New guidance on sex and relationships education in schools. The emphasis will be “on enabling teenagers to resist pressure to have sex too early”<sup>6</sup>. Proposals include sex education policies for children in key stage 2 (ages 7 - 11) and using peer mentors in secondary schools – young single

mothers talking about their experiences.

- Improved access to contraceptives and sexual health services on the NHS, and advice through a new national helpline for ‘advice and counselling’.
- For pregnant teenagers help will be given to ‘enable’ them to return to education, training and employment. Those under 16 will be required to return to education.
- By 2003 16 and 17 year old mothers who cannot live with their parents or ‘partner’ will be offered ‘semi-independent housing with support’ but not a Council tenancy.
- The Child Support Agency “will vigorously pursue” absent fathers regardless of age.

Conservative health spokesman, Anne Widdecombe, gave broad support to the idea of ‘hostels’ for teenage mothers. However she had doubts over the effectiveness of further sex education: “I think there is a clear lesson to be learned from the fact that we have never had so much sex education, so much ready availability of contraception, and yet we have got record levels of teenage pregnancy.”<sup>7</sup>

Melanie Philips, writing in *The Sunday Times* the day before the report was released, also criticized the provision of more and more sex education: “Providing more contraceptive advice to children, as the government appears to be suggesting, will solve nothing and may even make matters worse.” We should instead, she suggested, be looking at the American experience, where teenage pregnancies have been declining in recent years. She puts this down to “abstinence campaigns and more conservative attitudes among the young towards sex.”<sup>8</sup>

<sup>1</sup> House of Commons Hansard 14 June 1999, written answers cols. 17-18

<sup>2</sup> *Teenage Pregnancy* Cm4342, June 1999, page 4

<sup>3</sup> *Ibid.* page 6

<sup>4</sup> *Loc. Cit.*

<sup>5</sup> House of Commons Hansard 14 June 1999, written answers col. 18

<sup>6</sup> *Loc. cit.*

<sup>7</sup> *The Daily Telegraph*, June 14 1999

<sup>8</sup> *The Sunday Times*, 13 June 1999 *Abstinence makes the heart grow fonder.*

## OBE for services to homosexual rights

The Queen’s Birthday Honours list saw a new development in political acceptance of homosexual rights activism. The list included the award of an OBE to Angela Mason “for services to homosexual rights”<sup>1</sup>. Angela Mason is Executive Director of the homosexual rights group, Stonewall.

Angela Mason has publicly advocated a legal right for homosexuals to adopt children as well as campaigning for gay marriage<sup>2</sup> (see page 4). To say the least Miss Mason is a highly controversial figure. Her organisa-

tion has said that the continued existence of Section 28 (which bans the promotion of homosexuality in schools) feeds the prejudice which can result in terrorist acts such as the nail-bombing of the Admiral Duncan pub in Soho.<sup>3</sup>

It is the Office of the Prime Minister that recommends honours to the Queen. The only previous award to a homosexual rights activist went to Ian McKellen who received a knighthood for services to acting despite being a gay rights campaigner. However,

Angela Mason’s award is being given precisely because she is a gay rights campaigner.

In a press statement at the time of the announcement, Colin Hart, Director of *The Christian Institute*, commented that, “Awarding an OBE ‘for services to homosexual rights’ is just as absurd as awarding an OBE for services to adultery.”

<sup>1</sup> *Daily Telegraph*, 12 June 1999

<sup>2</sup> “Equality 2000”, Stonewall Lobby Group, June 1997

<sup>3</sup> Stonewall press release, 29 June 1999

## The campaign to criminalise parents who smack

Concerned parents are still waiting to hear when the Government is to go ahead with its planned consultation on parental discipline. The consultation was announced after a ruling under the European Convention on Human Rights in the “A” case. Invoking a part of the Convention originally drafted to deal with oppressive Governments, the Strasbourg court ruled that a step-father who hit his unruly step-son with a garden cane had breached the boy’s right to freedom from “inhuman or degrading treatment or punishment”.

The step-father had been acquitted by a UK jury after it heard evidence about the punishment and about the boy’s behaviour. The boy had apparently been stealing and threatening his two year old brother with a knife. The Strasbourg court awarded the boy compensation of £10,000 and legal costs of £20,000.<sup>1</sup>

The “A” case concerned a very particular set of circumstances. It was a ‘hard case’. But this did not stop Barnardo’s, the NSPCC, Save the Children, the National Children’s Bureau and the Royal College of Paediatrics and Child Health using it as an occasion to issue a statement calling for the outlawing of all corporal punishment of children. These groups are part of a 200 member alliance campaigning to criminalise parents who smack. They made it clear that even a ban on the use of objects in child discipline (such as a wooden spoon) would not be enough, saying, “We believe it is both wrong and impracticable to seek to define acceptable forms of corporal punishment of children. Such an exercise is unjust. Hitting children is a lesson in bad behaviour.”<sup>2</sup>

Paul Boateng MP was the Health Minister at the time of the “A” case judgment. He announced that the Government would consult on changing the law to define what parents should be allowed to do. He did not rule out new legal restrictions on parents, but did state that the Government “believes in parental discipline. Smacking has a place within that, and our law will not change in order to outlaw smacking. We are determined to ensure that our laws protect children against abuse. But we are equally determined to ensure that nothing undermines a parent’s right to discipline a child within a caring and loving environment.”<sup>3</sup> He added, “the overwhelming majority of parents know the difference between smacking and beating”.<sup>4</sup>

A year later the consultation has still not begun. The Department of Health have not yet published the consultation paper which officials say is “in the process of being written and approved by the Minister”.<sup>5</sup>

The anti-smacking lobby will be continuing to press their case in the media and with politicians. Pro-family campaigners remain anxious that, even if smacking itself isn’t outlawed, any new law will infringe upon the rights of ordinary loving parents. Some parents use an object such as a wooden spoon on a child’s rear in order to avoid having to use their hand, which they prefer to use as a source of comfort.

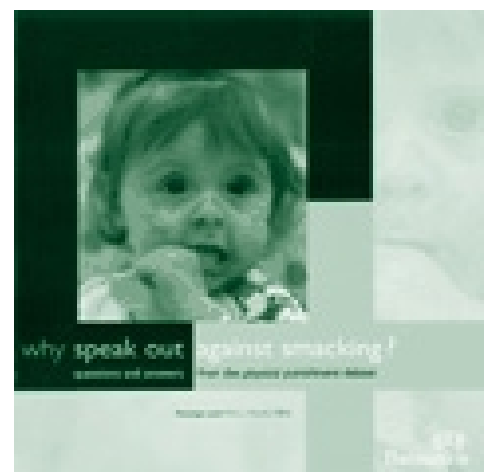
Even “defining” or “enshrining” the right to smack would cause problems for ordinary parents. Once the form and circumstance of ‘legal smacking’ were laid down, parents could feel unable to smack at all for fear of failing to meet the criterion and winding up in court.

Criminalising parental smacking is the culmination of a campaign which has seen the banning of physical punishment in every other setting: state schools; children’s homes; foster homes; and, from September 1999, independent schools. Twenty Christian schools affected by the independent schools ban are taking the Government to the European Court of Human Rights, saying it infringes the right of parents to educate their children in accordance with their beliefs.<sup>6</sup>

*Families for Discipline*, a pro-family organisation, is encouraging parents to speak out in support of “loving, reasonable and responsible physical correction in appropriate circumstances”. In particular it is urging parents to take part on the Department of Health consultation when it eventually takes place. *Families for Discipline* can be contacted at the address on page 10.

<sup>1</sup> A v The United Kingdom (100/1997/884/1096) Judgment 23 September 1998. See also the *Daily Mail* 24 September 1998  
<sup>2</sup> *The Guardian*, 24 September 1998  
<sup>3</sup> *The Times*, 24 September 1998  
<sup>4</sup> *The Independent*, 24 September 1998  
<sup>5</sup> Telephone conversation with officials at the Department of Health, 7 June 1999.  
<sup>6</sup> *Church of England Newspaper*, 5 February 1999

The NSPCC and Barnardos: two of the many children’s organisations which have signed up to the campaign.



Why speak out against smacking?  
A booklet by Barnardo’s.

# An EPOCH of rights - and wrongs

*Norman Wells, of Families for Discipline, weighs up the campaign to "end physical punishment of children by parents ... through public education, research and legal reform"*

**Y**oung children need to develop their sense of right and wrong behaviour, but some research suggests that physical punishment may not be a very effective sanction."

This sentence in a letter from a Junior Health Minister, addressed to my MP in December 1992, prompted me to take a keen interest in the movement to legislate against the corporal discipline of children. When I enquired of the Department of Health as to the source of their research, I was referred to EPOCH (End Physical Punishment of Children), APPROACH (Association for the Protection of All Children, EPOCH's associated charity) and the work of John and Elizabeth Newson, whose report on *The Extent of Parental Physical Punishment in the UK* is published by APPROACH. At that stage, no account had been taken of the research which reaches the opposite conclusion.

So who are EPOCH? How do they operate? What are they seeking to achieve? And what lies behind their campaign?

## ■ EPOCH

Following the abolition of corporal discipline in maintained schools by a single vote in the House of Commons in 1986, the committee of the Society of Teachers Opposed to Physical Punishment (STOPP) transferred its funds to a new organisation which would campaign for legislation forbidding the use of any form of physical discipline in any setting, including within the family home.



EPOCH, together with APPROACH, was duly formed in April 1989 with the avowed aim "to end physical punishment of children by parents and other carers... through public education, research and legal reform." With popular author Penelope Leach as their Parent Education Co-ordinator, EPOCH claim to have the support of over sixty British organisations, including the widely-respected NSPCC, NCH Action for Children, Barnardo's, the National Children's Bureau and Save the Children Fund. In preparation for the Department of Health consultation on parental discipline, they have also been the driving force behind an alliance of 200 children's groups and commercial companies, under the name of 'Children are Unbeatable!'

Considerable sums of money are being invested in the campaign to outlaw physical discipline, although public support is virtually non-existent. For example, of a total sum of over £600,000

received by APPROACH in the years up to 1997, less than 0.5% has been donated by individual subscribers and over 90% has come from trusts and charities, such as the Calouste Gulbenkian Foundation and the Joseph Rowntree Trust. This funding enables the anti-smacking lobby to employ salaried staff and to exercise an influence out of all proportion to its size.

Over the past ten years, EPOCH have successfully captured the minds of many childcare professionals and influential figures in the media. With notable exceptions, they receive sympathetic coverage and there are few women's magazines or parenting magazines that will carry articles in support of loving physical discipline. The absence of any research evidence to support their claims is veiled by their clever use of emotive language and sweeping generalisations. For example, rather than allowing for even the possibility of loving controlled corporal discipline, they speak and write of "hitting" children, characterising any physical sanction as a form of violence and abuse.

EPOCH are well aware that, while there is solid evidence that severe and inconsistent punishment in the context of a cold and unloving parent-child relationship may have harmful consequences for the child, there is not a single shred of evidence to support the contention that *all* corporal discipline is likely to contribute to delinquency, to violence in society and all manner of other social and psychological ills. Even Penelope Leach appears to concede that research in support of EPOCH's position is in short supply when

she writes, “social policy cannot always await rigorous research evidence.”<sup>2</sup> Nevertheless, the campaign goes on with a breadth of vision which is not to be underestimated.

In 1990, an informal alliance of organisations was formed under the banner of EPOCH-WORLDWIDE and in August 1996 an international conference held in Ireland called for the worldwide ban on corporal discipline by the year 2000. A two-day seminar in London during March 1992 attracted childcare professionals and government officials from seventeen European countries to discuss *Ending Physical Punishment of European Children*. In addition to holding conferences, influencing public opinion through the media, mobilising childcare organisations and lobbying MPs, government departments and policy-makers, EPOCH are also active in formally advising on European court cases and have attended meetings of the United Nations Committee on the Rights of the Child, a body of ten ‘children’s rights experts’ charged with examining the implementation of the United Nations Convention on the Rights of the Child throughout the world.

## ■ Aims

In an attempt to allay the fears of British parents, EPOCH insist that in seeking legislation prohibiting the use of corporal discipline, they are seeking merely to change attitudes to children and “not to increase prosecution of parents, or state intervention in family life.”<sup>3</sup> They go on to claim that since Sweden introduced a legal ban on all physical chastisement in 1979 there has been just one prosecution of a parent, who was fined the equivalent of £10 for spanking his 11 year-old son. While it is true that the 1979 civil law is rarely invoked, EPOCH omit to mention that the courts no longer separate physical punishment from child abuse or assault and battery. They therefore invariably go directly to the penal code on assault and battery.<sup>4</sup>

The situation in Sweden over the past twenty years has not been anything like as rosy as EPOCH would have us believe. A 1995 report from the government

organisation *Statistics Sweden* recorded that police reports of child abuse by family members rose four-fold from 1984 to 1994, while reports of teen violence increased nearly six-fold.<sup>5</sup> At the same time, according to two Swedish lawyers, the law against physical discipline has “resulted in hundreds of normal parents being harassed by the social authorities and prosecuted in the courts, sentenced and thus made criminals because they have smacked their unruly children.”<sup>6</sup>

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Whatever EPOCH may like us to think, legislation against the corporal discipline of children is bound to result in increased state intervention in the family. Indeed, EPOCH’s co-ordinator Peter Newell, admits that this will be the case in his contribution to *The Handbook of Children’s Rights*. Referring to the unsuccessful application to the European Commission of Human Rights by a group of Swedish parents who claimed that the 1979 law breached the right to respect for family life, he comments that “the European human rights machinery has confirmed that the state can legitimately interfere in family life with the objective of promoting children’s rights and protecting them from violence.”<sup>7</sup>

## ■ Wider Agenda

We would be mistaken, however, if we viewed the corporal discipline debate in isolation from the much broader children’s rights agenda. Peter Newell, for example, is heavily committed, not simply to legislation against all physical chastisement, but to a whole philosophy of children’s rights, of which discipline is

only a small, but highly significant part. In 1979 he was one of the founders of the Children’s Legal Centre, he established the Children’s Rights Development Unit in 1991, and currently serves as Chairman of the Children’s Rights Office. His commitment to the ‘children’s rights movement’ led him to write a commentary on the United Nations Convention on the Rights of the Child, published by the National Children’s Bureau (1993) and he has also co-authored a formal proposal for a statutory independent Children’s Rights Commissioner under the title *Taking Children Seriously*.

Mr Newell’s ‘partner’, Rachel Hodgkin, is also active on the children’s rights scene. After a number of years with the Children’s Legal Centre and then as Policy Officer of the National Children’s Bureau, she is now working as an ‘independent consultant’ based at EPOCH’s offices. Until last year she served as Administrative Secretary to the All-Party Parliamentary Group on Children. In 1998, Rachel Hodgkin and Peter Newell co-authored the *Implementation Handbook for the Convention on the Rights of the Child*, published by the United Nations Children’s Fund. They are also both closely associated with Article 12, a children’s rights organisation run by children and for children which was launched at the end of 1996.

There is therefore no suggestion that Mr Newell would retire from campaigning if EPOCH were to achieve its aim. A legal ban on corporal discipline would be merely a staging-post on a much longer journey. Ultimately, the aim is nothing less than the legal imposition of an entire philosophy which would affect how we order our families and bring up our children. As in any movement, there are differences of emphasis among children’s rights advocates, but the following objectives are not at all uncommon:

- Parental responsibility should be defined in legislation so that children can call their parents to account if they do not deliver on their duties;<sup>8</sup>
- Every family should be ordered on democratic lines with parental

authority requiring the consent of the children;<sup>9</sup>

- Parents should be required in law to take their children's views seriously and children should be able to challenge breaches of this principle in court;<sup>10</sup>
- Schools should encourage a children's rights ethos, and education on the UN Convention on the Rights of the Child should be introduced into the curriculum;<sup>11</sup>
- All children should receive sex education in school and parents should no longer have the right to withdraw their children from classes for any reason;<sup>12</sup>
- 'Gender stereotypes' should be eliminated from schools and feminist thinking should be reflected across the curriculum;<sup>13</sup>
- The validity and legitimacy of homosexual relationships should be promoted in schools;<sup>14</sup>
- A Commission for Children's Rights should be established on similar lines to the Commission for Racial Equality and the Equal Opportunities Commission to promote children's rights and to ensure that children have effective means of redress.<sup>15</sup>

## ■ Roots And Fruits

From a Christian perspective, EPOCH's campaign, together with the entire children's rights agenda, falls down on three counts:

### *(a) It is based on a belief in the original goodness of children*

The whole children's rights argument is built on the assumption that children are born innocent and positively good. Therefore it follows that children don't need direction from their parents; they don't need to receive correction, whether physical or otherwise, and it is scandalous that anyone should dream of making decisions for them once they can speak and act for themselves.

In a book setting out the case against physical punishment, EPOCH's co-ordinator, Peter Newell, uses particularly strong language to dismiss the biblical truth that we are all born with a heart

inclined to all kinds of evil (Psalm 51:5; Jeremiah 17:9; Mark 7:21-23):

There are still small sects who preach the pernicious and discredited doctrine of original sin and the need to beat it out of children. Rational arguments about children's rights to justice and protection are unlikely to make much impact on them.<sup>16</sup>

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**A 1995 report from the government organisation *Statistics Sweden* recorded that police reports of child abuse by family members rose four-fold from 1984 to 1994, while reports of teen violence increased nearly six-fold.<sup>5</sup>**

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Peter Newell also served as research co-ordinator for the Calouste Gulbenkian 'Commission on Children and Violence'. When the report was published amid much publicity in November 1995, it stated very confidently:

...available research on child development disproves the theory - still popular in some quarters - of the original 'badness' of children.<sup>17</sup>

Even leaving the Bible to one side, there is surely overwhelming evidence to demonstrate that the nature and character of every child born into the world are fundamentally flawed. But the advocates of children's rights either cannot or will not see it. All their theories are based on a false premise because they have failed to understand the true nature of children.

### *(b) It undermines parental responsibility*

The Bible teaches that children are a gift of God and that he has entrusted responsibility for their care, instruction and nurture to their parents (2 Corinthians 12:14; Deuteronomy 6:4-7; Proverbs 1:8; Ephesians 6:1-4; Colossians 3:20-21; 1

Thessalonians 2:11). In particular, fathers are to reflect the Fatherhood of God in the way they deal with their children (eg Psalm 103:13; Luke 11:11-13). Fathers are to be kind, patient and compassionate; providing, instructing, exhorting, rebuking, disciplining and forgiving. In the area of discipline, therefore, the God-honouring father will correct his children in a comparable way to that in which the heavenly Father corrects his children. And the Bible makes clear that such discipline may be painful: "Now no chastening seems to be joyful for the present, but grievous; nevertheless, afterwards it yields the peaceable fruit of righteousness to those who have been trained by it." (Hebrews 12:11). Contrary to the view of EPOCH, parents who discipline their children in this way are not abusing them or violating their physical and emotional integrity, but rather demonstrating their love for them (Hebrews 12:5-11).

By way of contrast, the 'children's rights' perspective reduces parental responsibility to guaranteeing children the full exercise of their 'rights' - as defined by children's rights 'advocates' themselves. It holds parents accountable - not to God - but to their children and to the state, and has the effect of setting children against their parents.

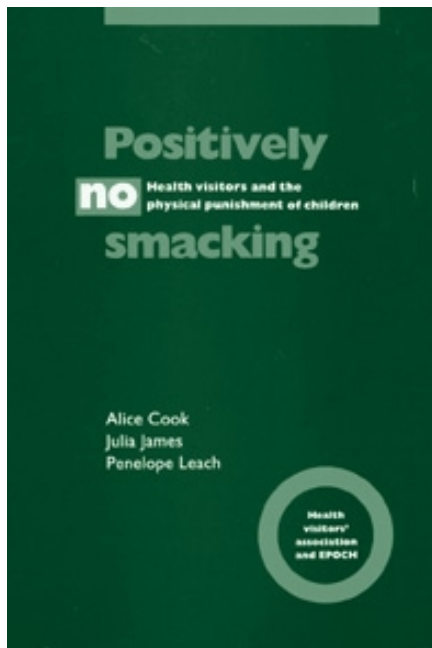
Charles Colson wisely warns us to be:

very cautious of recommendations decreasing the role of parents and increasing the role of the state in family life. God created the family as the basic unit of society and planned that truth would be passed from parents to children, from generation to generation.

Children's rights theory claims to promote the welfare of children. But in reality it throws children into the arms of state professionals - who may be filled with big ideas but empty of the bonds of family love.<sup>18</sup>

### *(c) It is rooted in rebellion against God and the created order*

God says, "Honour your father and mother that your days may be long upon the land



The Health Visitors' Association and EPOCH together published *Positively No Smacking* - a guide for health visitors.

children's rights agenda are saying a definite 'No' to God's promise of blessing. Where children honour and obey their parents, family life will be strengthened, there will be a greater social stability, and a commitment to God's revealed truth will be more readily maintained. If we are really interested in "the best interests of the child" we should bring him up in the way of the all-wise Creator, because that is the way of blessing.

God's Word, says James, is "the perfect law of liberty" (James 1:25) and John tells us that "his commandments are not burdensome" (1 John 5:3). You only have to contrast the simplicity of the fifth commandment with the complex and detailed legislative programme favoured by the children's rights movement to see just how true that is! When people rebel against God, they think they will find freedom, but in reality they find themselves in a terrible bondage to rules of their own making.

To quote Brian Edwards once again on the fifth commandment:

Long before a child thinks about murder, contemplates the passing pleasure of adultery, understands the apparent advantage of stealing, learns to lie or yearns for the possessions of others, it struggles to break free from parental discipline. That is always the first relationship to be trampled upon, and therefore the first one that a child must learn to value. From this commandment flows an attitude to a thousand people.<sup>20</sup>

EPOCH's co-ordinator, Peter Newell, says he believes that if we put an end to the physical discipline of children, "we could

indeed transform our world."<sup>21</sup> On that point we are agreed. But it certainly wouldn't be a godly transformation and the repercussions for the family and for society would be disastrous.

As Don Carson observes:

We must hold the state and other social institutions accountable... Once passed, laws achieve such awesome power in the hands of many bureaucrats that questions of justice, fairness, even of common sense, get squeezed to the periphery.<sup>22</sup>

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which the Lord your God is giving you" (Exodus 20:12). It is, as the apostle Paul writes, "the first commandment with a promise" (Ephesians 6:2). But the humanistic children's rights movement has completely reversed that. Brian Edwards has captured the spirit of the modern way of thinking in a parody of the fifth commandment:

Parents should honour their children by refraining from any form of physical discipline and dogmatic instruction that is likely to influence them significantly to believe in moral absolutes and a Creator God; this is likely to cause grave emotional instability in later life.<sup>19</sup>

In so turning God's ordinances on their head the supporters of the modern



The *Children are Unbeatable* alliance - a grouping of 200 children's organisations and commercial companies

<sup>1</sup> However, a survey has revealed that EPOCH's claims concerning the extent of the support for its campaign are vastly exaggerated. See *Who really wants a ban on smacking?* in *Families for Discipline* No 5, Spring 1997. The same may be said for the newly-formed Children are Unbeatable alliance. Many of the organisations listed clearly have not understood the true intent of the campaign.

<sup>2</sup> P Leach, *Should Parents Hit Their Children?* in *The Psychologist*, May 1993

<sup>3</sup> *Hitting people is wrong - and children are people too*, EPOCH publicity leaflet, p7

<sup>4</sup> Anne Davis, *Families for Discipline*, letter published in *The Independent*, 24 September 1996

<sup>5</sup> *Spare the Rod? New Research Challenges*

*Spanking Critics in Family Policy* Vol 9 No 5, October 1996

<sup>6</sup> *Swedish Lawyers Call for Repeal of Anti-smacking laws*, in *Families for Discipline* No 3, Spring 1995

<sup>7</sup> Peter Newell, *Respecting children's right to physical integrity*, in *The Handbook of Children's Rights* (Routledge 1995) p220

<sup>8</sup> Roger Smith, *Parental responsibility - and an irresponsible state?* in *Childright* No 71, November 1990

<sup>9</sup> David Archard, *Children: Rights & Childhood* (Routledge 1993) p3

<sup>10</sup> *UK Agenda for Children* (Children's Rights Development Unit 1994) p8

<sup>11</sup> Parliamentary Assembly of the Council of

Europe Recommendation 1286 (1996) *On a European strategy for children*; Concluding Observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland (January 1995)

<sup>12</sup> *UK Agenda for Children* (Children's Rights Development Unit 1994) p9, 106

<sup>13</sup> Parliamentary Assembly of the Council of Europe, Recommendation 1281 (1995) *On gender equality in education*; Council of Europe Childhood Policies Project, *Children's Rights and Childhood Policies in Europe* (1996)

<sup>14</sup> *UK Agenda for Children* (Children's Rights Development Unit 1994) p10

<sup>15</sup> Martin Rosenbaum and Peter Newell, *Taking Children Seriously: A Proposal for a Children's*

*Rights Commissioner* (Calouste Gulbenkian Foundation, 1991)

<sup>16</sup> Peter Newell, *Children Are People Too*, (Bedford Square Press 1989), p14

<sup>17</sup> *Children & Violence* (Calouste Gulbenkian Foundation 1995), p11

<sup>18</sup> Charles Colson, *A Dance with Deception* (Word 1993) p179

<sup>19</sup> Brian Edwards, *The Ten Commandments for Today* (Day One 1996) p30

<sup>20</sup> *ibid* p169

<sup>21</sup> Newell, *Respecting children's right to physical integrity*, in *The Handbook of Children's Rights*, op cit p225

<sup>22</sup> Don Carson, *The Gagging of God* (Apollos 1995) p426

## No-fault divorce hits the rocks

Is the break down irretrievable?

By Colin Hart

There has been much rejoicing amongst pro-family campaigners following the announcement by the Lord Chancellor, Lord Irvine, that the Government has dropped plans to bring in no-fault divorce in the year 2000.

It was John Major's 1996 Family Law Act that first ushered in the idea of no-fault divorce in the UK. Under this proposal there was no longer to be any need for a spouse to make an allegation of fault such as adultery, nor to have a period of separation, in order to get a divorce.

Robert Shrimpsley Chief Political Correspondent of *The Daily Telegraph* has commented that, "The Family Law Act was one of the most contentious pieces of legislation introduced by John Major's Government. Aside from his European proposals, it attracted more opposition from his own party than any other measure."<sup>1</sup>

The Act was actually the brain-child of the then Lord Chancellor, Lord Mackay together with the Law Commission. Under the existing system, a spouse wanting a divorce, has to prove the existence of one of five legal reasons for a divorce. The original version of the Family Law Bill replaced these grounds for divorce with a one-year period of "reflection". The Bill also encouraged divorcing couples to use so-called 'mediators' instead of the courts to make arrangements about their assets, house and children.

Baroness Young and Edward Leigh MP led the Parliamentary campaign against the legislation. They failed to get no-fault divorce removed from the Bill, but family campaigners did manage to introduce a whole series of amendments to help couples to try to stay together instead of divorcing.



**"The Family Law Act was one of the most contentious pieces of legislation introduced by John Major's Government."**

Government figures showed that between 20,000 and 30,000 couples a year start divorce proceedings but then change their minds. The divorce petition is dropped.

In the light of this, pro-family campaigners were keen to give couples more time to attempt a reconciliation. Subsequently MPs voted to increase the period of reflection from a year to 18 months where the couple had children or where one party was being divorced against his or her will.

Another feature of the legislation was that a spouse wanting to get a divorce was required to attend an "information meeting". Key amendments by Edward Leigh MP shifted the focus of this information meeting towards trying to save the marriage and ensured that the meeting was to be conducted on a one-to-one basis instead of large, impersonal group sessions.

Despite these important gains, the central issue of no-fault divorce remained.

### ■ The first step

Pilot programmes were the first step in bringing the new Act into effect. Over 5,500 people attended information meetings around the country under experimental schemes.

In order to see if there were ways to cut costs, the effectiveness of one-to-one information meetings was compared with "divorce packs" sent by post and with sessions in front of a computer looking at the contents of a CD ROM.

Even if such impersonal techniques had worked, primary legislation would have been needed to repeal the requirement that these meetings should be one-to-one.

One of the prime goals of the legislative reforms was to encourage the use of mediation. The pilot programmes found that only 7% of those attending the pilot schemes had gone into mediation. In some pilot schemes take up of mediation was as low as 4%.<sup>2</sup> Rather than encouraging the use of mediation, the meetings resulted in 39% of attendees reporting that they were more likely than before to use a solicitor.<sup>3</sup>

Given that the entire divorce reforms were geared to encouraging mediation the Lord Chancellor decided to call a halt following the "disappointing" pilot schemes.

# Divorce

On a more positive note the 1996 amendments by Edward Leigh did have direct practical effects. Some 13% of attendees took up the offer of a meeting with a marriage counsellor.<sup>4</sup> A counsellor's job is not helping couples to divorce, like a mediator, but helping them to stay together. Of the 13%, 61% indicated that they wanted to go forward into counselling.<sup>5</sup> Some 43% of those who attended counselling said that afterwards they were *less* likely to proceed to divorce.<sup>6</sup> Counsellors reported that marriage counselling was inappropriate in only 3% per cent of the cases that came to them.

## ■ The collapse

The divorce reforms have collapsed under the weight of their own contradictions. Mediation was promoted as if it was reconciliation. Yet mediation only takes place to help divide up the assets and make arrangements for the children.

It was claimed that no fault divorce would make divorce less acrimonious. It would lead - so it was said - to improved relationships between the parents after the divorce and so benefit children. But this claim failed to acknowledge that acrimony in divorce is not due to the *mechanism* of divorce so much as the *fact* of divorce.

It was claimed that more marriages would be saved because of the year for reflection. Yet the legislation provided little incentive for reconciliation. The focus was on the expeditious splitting of assets through mediation.

The reforms were only made politically acceptable by selling them as a package to save marriages. But family campaigners were not fooled.

## ■ Blaming no-fault divorce

In the United States, no-fault divorce is being blamed as a significant factor in the American divorce explosion which now sees around half of all marriages ending in divorce. The most thorough study to date on the effects of no-fault divorce was carried out in 1995 by the University of Oklahoma. It concluded that no-fault divorce had put up the divorce rate by 0.8 divorces per 1,000 population.<sup>7</sup> This is equivalent to an increase of 26% on the UK's crude divorce rate.

In the USA opinion has shifted as study after study has confirmed the poorer outcomes for children's education, health and employment following divorce. Even leading liberals are changing their minds. Hillary Clinton, a former divorce lawyer, wrote in her syndicated column of January 27th 1996:

*"For much of the 1970s and 1980s, many believed that a bad marriage was worse than a good divorce. Now, however, we know that children bear the brunt of failed marriages... Divorce has become too easy because of our permissive laws and attitudes... The good news is that attitudes about marriage and divorce seem to be changing. Some states are beginning to examine whether their divorce laws are too lax."*

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**It was claimed that no fault divorce would make divorce less acrimonious. ...But this claim failed to acknowledge that acrimony in divorce is not due to the *mechanism* of divorce so much as the *fact* of divorce.**

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As a result of this shift in attitude, many States are now considering attempts to repeal no-fault divorce laws. Arizona and Louisiana have already legislated to allow couples to opt out of no-fault divorce.

## ■ The way forward

In the UK, for the time being at least the present system of divorce based on the 1969 Divorce Law Reform Act remains. This is certainly not perfect. The so-called 'special procedure' brought in in 1977 means that the divorce procedure can be conducted by post. Solicitors know their way around the system and some are quite willing to help concoct lurid allegations in order to maximise the divorce settlement for their client and to secure a swift divorce.

Some 70% of divorce proceedings are initiated by wives and allegations of violence are commonly made to frighten husbands into acquiescing.<sup>8</sup> Husbands or wives who don't want to divorce may be encouraged to

adopt an attitude of resignation and even sign a false affidavit admitting fault in order to facilitate a so-called 'quickie' divorce.

In the light of such practices and the escalating divorce rates, it is interesting that in Northern Ireland the divorce rate is only one quarter of what it is in England and Wales.<sup>9</sup> The question must be asked: what are the reasons for this huge difference, given that the same divorce law applies? Clearly the churches have a stronger influence on the culture than is the case on the mainland. But another crucial difference is that a husband or wife who wants a divorce cannot simply divorce by signing bits of paper: he or she must appear in person before a judge to explain the reasons for the divorce and make their case.

We therefore need to take a long overdue look at the 'special procedure' in England and Wales. These administrative changes made subsequent to the 1969 Act have liberalised divorce law still further. The changes can be undone. They must be undone.

Surely it is also time for the whole idea of "pre-nuptial agreements" to be abandoned. The Lord Chancellor's proposal that couples should be able to draw up their divorce settlement before they even marry is unlikely to do much to encourage a belief in the permanence of marriage.

## ■ Upgrading from "marriage-lite"

Instead of providing for divorce, it is time to provide for marriage. The legal definition of marriage is "*the voluntary union for life of one man and one woman to the exclusion of all others*".<sup>10</sup> Liberal divorce laws mean that a union for life is not upheld and not even encouraged. For couples wanting to get married, 'marriage-lite' is the only option on offer.

Why shouldn't couples be able to have a marriage contract which lines up with the legal definition of marriage? Spouses should be allowed to take out a marriage contract which only permits divorce on the grounds of fault in order to give legal force to their marriage vows. This will help them to take their own vows more seriously, as well as giving them the assurance that the law will encourage their spouse to live up to their part of the bargain.

# Scottish parliament: marriage and divorce shake-up?

Louisiana and Arizona have just introduced such a system which they call “covenant marriage”. Couples can opt out of no-fault divorce either before they marry or afterwards. State officials in Louisiana report that in the first eight months of the new law 3000 already-married couples took out a covenant marriage - upgrading from marriage-lite.<sup>11</sup>

It will take many years to counter the damage caused by thirty years of no-fault divorce. But covenant marriage is a great start.

If couples were allowed to take out a proper marriage contract in the UK then over time they could become very popular. Churches might even refuse to marry couples who were not prepared to enter a legally binding marriage which reflects the content of the marriage vows.

It is vitally important that these options are explored to try to stem the tide of divorce. In particular, the case against no-fault divorce must continue to be stated. Let us hope and pray that it is never introduced in the UK. ■

The Scottish Office recently completed a public consultation on Family Law following proposals put forward by the Scottish Law Commission (SLC) as long ago as 1989. What the Scottish Office proposed may, under the new Scottish Executive and the Scottish Parliament, result in radical changes to marriage and divorce law.

## ■ No consummation?

For a start the Scottish Law Commission has proposed that inability to consummate should no longer be a ground for voiding a marriage.<sup>1</sup> In Christian theology failure to consummate a marriage has always meant that the marriage contract was not fulfilled.

The marriage can therefore be voided. There is, of course, a distinction between failure to consummate a marriage and impotency which occurs later on in the marriage. Impotency during a marriage has never been considered as a basis to void it.

Under the SLC proposals permanent impotency would cease to be a bar to entering into marriage. In other words a marriage would not need to be consummated at all. This proposal would fundamentally undermine Christian marriage which has always relied on the creation of ‘one flesh’ through heterosexual intercourse<sup>2</sup>.

## ■ Transsexual and homosexual marriage?

The SLC actually proposes that the ban on marriages between



Abolishing the need to consummate a marriage, cutting the time needed to get a divorce through living apart and abolishing legal separation are all radical measures. But these proposals may all become law in Scotland.

those of the same biological sex should remain. But abolishing the need to consummate a marriage would of course be useful to those attempting to fight for same-sex marriage.

Transsexuals are currently fighting to have the right to change the sex recorded on their birth certificate (see page 3).

If a transsexual person is granted the right to change his or her birth certificate this would allow two people of the same genetic sex to marry. Abolishing the need for heterosexual intercourse to occur would mean that the marriage could not subsequently be voided.

Once transsexual marriage is allowed it is a very short legal distance away from allowing same sex marriage. With transsexual marriage, as with gay marriage, the genetic sex of both parties is the same.

Marriage for transsexuals and for homosexuals are both being openly advocated by the Scottish Equality Network<sup>3</sup>, a homosexual rights coalition, who are pressing Members of the Scottish Parliament to pass legislation to recognise same-sex marriage.

## ■ Divorce law reforms

The Scottish Office has put forward three proposals for divorce law reform. “Option (a)” is to leave the law as it is. “Option (c)” is to go for full no-fault divorce as in England and Wales. It is highly unlikely that option (c) will be followed by the Scottish Executive since the Lord Chancellor has put no-fault divorce reforms in England and Wales on hold following disappointing pilot schemes (see page 11).

“Option (b)” is for the new Scottish Executive to adopt the proposals from the Scottish Law Commission (SLC). This appears to be the most likely option.

At present there are five grounds for divorce in Scotland. Three of these involve fault (adultery, behaviour and desertion). The other two grounds relate to a period of living apart or “non-cohabitation” (2 years if both parties consent to the divorce, five years if one party withholds consent to the divorce).

<sup>1</sup> Robert Shrimley, *Daily Telegraph* 18 June 1999  
<sup>2</sup> Walker, J *Information Meetings and Associated Provisions within the Family Law Act 1996, Summary of Research in Progress*, June 1999, The Lord Chancellor's Department, page vii

<sup>3</sup> *Loc. cit.*

<sup>4</sup> *Loc. cit.*

<sup>5</sup> *Ibid.* section 4.9

<sup>6</sup> *Ibid.* section 4.11

<sup>7</sup> Nakonezny, Paul et al. *The effect of no-fault divorce*, *Journal of Marriage and the Family* 57(May 1995): 477-488

<sup>8</sup> *Marriage, divorce and adoption statistics 1995*, ONS Series FM2 no. 23, 1998, Table 4.6, page 92

<sup>9</sup> In 1993 the divorce rate per 1,000 married population was 3.1 in Northern Ireland and 14.3 in England and Wales see *Annual Report 1993: The Registrar General for Northern Ireland* page 11 and *Population Trends 95*, Spring 1999, ONS, page 95, Table 9.3

<sup>10</sup> *Hyde v Hyde and Woodmansee* [1866] LR 1 PD 130

<sup>11</sup> See *Citizen*, Focus on the Family, April 1998, page 6; Loconte J *I'll Stand Bayou in Policy Review* (Number 89), May-June, The Heritage Foundation, Washington, USA; and [www.divorcereform.org/cov.html](http://www.divorcereform.org/cov.html)

The SLC have proposed leaving the two fault-based grounds of adultery and unreasonable behaviour but desertion as a ground for divorce would go.

More radical are the proposals to cut the time for divorce based on non-cohabitation. If both parties consent the SLC say that divorce should be allowed after one year instead of two years separation. If one party does not consent the SLC say that divorce should be allowed after two years instead of five years' separation.

The effect would be very serious. In 1997, 22% of all divorces granted to couples with children were on the basis of 2 years non-cohabitation. A further 9% of such

couples were divorced after 5 years separation where one party withheld consent. For couples *without* children divorce on the basis of 2 or 5 years' separation comprised 78% of all divorces.

Cutting the amount of time before divorce means less time for people to reconsider the step they are taking. In England between 20,000 and 30,000 people every year abandon divorce proceedings and remain married.

### ■ Abolition of legal separation

The SLC also proposes that judicial separation should be abolished.<sup>4</sup> Judicial separation makes arrangements for a couple to live apart whilst preserving the marriage. It is a route that Christians have historically supported be-

cause it avoids divorce and leaves open the possibility of reconciliation. Abolition of legal separation would mean there could be no legal mechanism to facilitate longer term reconciliation.

### ■ Radical reforms

Abolishing the need to consummate a marriage, cutting the time needed to get a divorce through living apart and abolishing legal separation and are all radical measures.

But these proposals may all become law in Scotland.

It is important that Christians and others who care about marriage make their views known to their Members of the Scottish Parliament (MSPs) and to Donald

Dewar, the First Minister. The Parliament's Public Information Service can advise members of the public who their MSP is if they dial 0131 348 5000 and have their postcode to hand.

MSPs themselves can be contacted by telephoning 0131 348 5000 and asking for them by name. The address for all MSPs, including Donald Dewar, is:

The Scottish Parliament,  
Edinburgh,  
EH99 1SP

<sup>1</sup> *Improving Scottish Family Law*, The Scottish Office, March 1999, page 17 at section 4.6 (f).

<sup>2</sup> Genesis 2:24 and 1 Corinthians 6:16

<sup>3</sup> *Equality at Holyrood*, Scottish Equality Network, April 1999

<sup>4</sup> *Improving Scottish Family Law*, *Op cit.* page 16

## Canadian courts back homosexual partnerships

The Supreme Court of Canada has ruled that homosexual partners should have the same legal status as heterosexual couples - the first country in the world to do so. In a decision which has stunned Christian campaigners, the court granted a request by a lesbian - known only as "M" - to strike down part of Ontario's marital law that meant that only married or common-law heterosexual couples could claim maintenance payments. The case resulted from the break up of a ten year personal and business relationship.<sup>1</sup>

The Court said its decision "may well affect numerous other statutes that rely upon a similar definition of the term 'spouse'".<sup>2</sup> This likelihood is confirmed by Toronto lawyer and homosexual activist Michael Leshner who commented, "Once gays and lesbians are recognised as a family for certain purposes, it is discriminatory in the extreme to say they are not a family for all purposes."<sup>3</sup>

Canada incorporated a charter of human rights into national legislation in 1982 and it was this charter that provided the legal basis for the decision. M's lawyer, Martha

McCarthy said, "It ... is the first time that gays and lesbians can say that the Charter's promise of equality for them and for their relationships has been fulfilled."<sup>4</sup>

In 1994 voters in Ontario overwhelmingly rejected a Government Bill which attempted to amend the definition of 'spouse' to include homosexual couples. Christian Campaigners are outraged that this change has now been forced upon Ontarians through the non-democratic means of a court decision.

"The basis of the family is now ideology, not biology"<sup>5</sup> said Dr. Darrel Reid, President of Focus on the Family (Canada). "We've given away centuries of family tradition. For the first time in history, 'spouse' has been re-defined - and that has to be seen as a new and negative development for the family." However, campaigners took comfort from the fact that the decision could be interpreted to apply only to co-habitation and not traditional marriage.

And in a further backlash against the court ruling, on 8 June the Canadian House of Commons voted 216 to 55 in favour of a

motion tabled by the conservative Reform party but backed by members of the ruling Liberal party which said that, "marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps to preserve this definition of marriage in Canada."<sup>6</sup>

Campaigners stated that they would be "working very hard to make sure that there is substance to this motion, and more than just words in support of strengthening the traditional family."<sup>7</sup> Confusingly, despite Liberal support for the motion, the Liberal Government is reportedly considering tabling a massive omnibus bill to rid every federal statute of discrimination against homosexual couples.<sup>8</sup>

<sup>1</sup> Focus on the Family Canada, Opinion Dec-Jan 1999. Can be viewed at [www.fotf.ca/PPOL/ARTICLES/C0199\\_P6.HTM](http://www.fotf.ca/PPOL/ARTICLES/C0199_P6.HTM)

<sup>2</sup> [http://news.bbc.co.uk/1/hi/english/world/americas/newsid\\_349000/349125.stm](http://news.bbc.co.uk/1/hi/english/world/americas/newsid_349000/349125.stm)

<sup>3</sup> Focus on the Family Canada, Opinion Dec-Jan 1999, *Op. cit.*

<sup>4</sup> [http://news.bbc.co.uk/1/hi/english/world/americas/newsid\\_349000/349125.stm](http://news.bbc.co.uk/1/hi/english/world/americas/newsid_349000/349125.stm)

<sup>5</sup> Focus on the Family Canada, press release 21 May 1999. Can be viewed at [www.fotf.ca/PPOL/TFN/TFN\\_231.HTM](http://www.fotf.ca/PPOL/TFN/TFN_231.HTM)

<sup>6</sup> Focus on the Family Canada, press release 9 June 1999. Can be viewed at [www.fotf.ca/PPOL/PRESS/060999.HTM](http://www.fotf.ca/PPOL/PRESS/060999.HTM)

<sup>7</sup> *Loc cit.*

<sup>8</sup> *Loc cit*

# Age of consent: The Sequel

Simon Calvert reports after another defeat for homosexual activists

In July last year when the House of Lords threw out an attempt by the House of Commons to lower the homosexual age of consent the country breathed a sigh of relief. But no-one believed that would be the end of it. MPs had demonstrated a crusading commitment to homosexual rights and Government ministers had been decidedly partisan.<sup>1</sup> Despite remaining quiet on the subject, even the Prime Minister was cited in support of lowering the age, his speech from 1994 in favour of reducing the age to sixteen<sup>2</sup> being frequently quoted.

As expected, the Queen's Speech in November 1998 included a new Government Bill - the Sexual Offences (Amendment) Bill - to try again to lower the age. Despite being a Government Bill members of all the political Parties were allowed a "free vote" rather than being instructed to vote according to a party line. Sure enough supporters and opponents of the Bill could be found in all parts of the political spectrum.

## ■ Abuse of Trust

A new feature of the Bill was its creation of a new offence known as "abuse of trust". Designed to appease widely expressed concerns about older homosexual men preying legally on sixteen and seventeen year old boys, the new offence purported to criminalise adults in positions of trust who engaged in sexual contact with young people in their care. However, there was little reason to have confidence in the new offence. Government Ministers had not insisted on abuse of trust legislation *before* supporting lowering the age of consent in 1998, giving the new offence every likelihood of



being merely a sop. Only after the House of Lords rejected lowering the age did a brief Home Office consultation take place on abuse of trust. Incredibly, the majority of those taking part in the consultation were *against* the creation of an offence.<sup>3</sup> Despite this the Home Office went ahead with it.

In fact, the recommendation of Home Office Officials following the consultation was for a "very limited criminal offence" which was expected to have "minimal resource implications".<sup>4</sup> Politicians who read the wording of the offence discovered that this was exactly what the Bill created. Edward Leigh, MP for Gainsborough, commenting on the abuse of trust provisions said, "there are massive anomalies ... the Bill does not cover part-time pupils, step-parents, youth workers or occasional supply teachers. No wonder the Home Office had admitted that there will be only 10 to 15 prosecutions a year."<sup>5</sup> During the course of a House of Commons committee which debated the abuse of trust provisions, MPs made numerous attempts to strengthen the legislation, all but one of which were rejected by the Government.<sup>6</sup>

## ■ The Bill

MPs like Edward Leigh, Gerald Howarth, and Jamie Cann made sure that the

arguments against the Bill were well rehearsed in the Commons but the votes were predictably one-sided. MPs voted in favour of reducing the age of consent on three separate occasions, every time by a large margin. Significantly, however, between 30% and 44% of MPs abstained or were absent on every occasion.<sup>7</sup> After the final Commons vote on 1<sup>st</sup> March, once again, the attention of the media turned to the Lords and to Baroness Janet Young.

The 72 year-old Peeress had made it clear that her opposition to reducing the age of consent remained firm. Given the number of Peers who had agreed with her in July 1998<sup>8</sup> and the enormous popular disapproval of lowering the age<sup>9</sup>, expectation was high that another defeat for homosexual activists might be in the offing.

Lady Young's straight forward tactic was to oppose the Sexual Offences (Amendment) Bill at its Second Reading in the House of Lords.

## ■ Spend, spend, spend

The tactic of supporters of the Bill was also straight forward - spend, spend, spend. Stonewall, the homosexual rights group, had been leading the charge to lower the age for years and weren't about to give up now. They had been stirring up their supporters for months in advance and they went public with their campaign in January 1999 by printing quarter of a million leaflets attacking Baroness Young. 50,000 of these were inserted in the London edition of the Guardian. But there was more to come. A further half a million of these leaflets were then printed - updated to include an attack on *The*

*Christian Institute* - and inserted into every edition of the *Guardian* and the *Independent* on 12 March<sup>10</sup>.

Ironically, Stonewall also falsely alleged that *The Christian Institute* had £5 million to fight against lowering the age of consent. Stonewall used this as a means of raising more money from their own supporters.<sup>11</sup>

The climax of the Stonewall media campaign came on the day of the House of Lords vote when Stonewall took out a full page advert in *The Times* (see inset) claiming that only Baroness Young opposed lowering the age of consent. In support of lowering the age, Stonewall cited apparently respectable organisations such as the BMA, the Royal College of Nursing and, more disturbingly, the NSPCC, Barnardo's and the National Children's Homes. All of these bodies had made statements in support of lowering the age of consent.

### ■ Fraudulent claims challenged

Stonewall also claimed that an equal age of consent at 16 was supported by "two thirds of the British public"<sup>12</sup>. A closer examination of the opinion poll referred to, however, showed that in fact their questionnaire had elicited only 35% support for reducing the age to 16.

But dis-information was the name of the game. Fortunately, brave souls were prepared to contradict the inaccurate claims being advanced in favour of the Bill. Paul Diamond, a leading Christian human rights barrister, wrote to members of the House of Lords pointing out that there was not, as was claimed, a legal



The advert placed in *The Times* on the day of the House of Lords vote

requirement from Europe to lower the age of consent. Former Assistant Divisional Director of Barnardos in the North East, Graeme Oakes, wrote to Peers to disassociate himself from Barnardo's stated support for homosexual rights, and to argue for the protective effect of a differential age of consent. He also supplied Peers with a leaflet from Camden & Islington Community Health Services Trust listing, in the London area alone, literally dozens of advice centres for homosexual 16 year olds - disproving the claim that the age of consent prevents young men from receiving advice about homosexuality.

### ■ The final vote

Their Lordships drew on these materials as well as on the briefing material sup-

plied by *The Christian Institute* and the seven hour long debate settled decidedly on Lady Young's side of the fence. As their Lordships filed into the lobbies to vote the queue of Peers voting "Content" to Lady Young's amendment, which remained long after the "Not contents" had dispersed, gave away the result. The vote, announced at ten minutes after midnight, was 222 "Content", and 146 "Not content". It was a difficult time of year for Peers when many were away on holiday with their families. The division also took place late at night. But many Peers, including the Archbishop of Canterbury, felt strongly enough to come and vote.

Homosexual rights group *Outrage* announced to the press that "The evil Baroness Young of Farnworth was successful in getting the House of Lords to kill the Sexual Offences (Amendment) Bill"<sup>13</sup> but the reception from the rest of the population was rather more positive. It was clear that those supporting the Bill had done much more this time to get Peers out to vote and it transpired that if Hereditary Peers had been excluded the vote would have been extremely close. Lady Young would have lost by only one vote (104-105) proving, nonetheless, that no-one could argue that it was only Hereditary Peers who opposed the Bill (see the table below).

### ■ The Government pledge

At the Stonewall Equality Dinner on 20 May 1999 Dr Jack Cunningham, the Cabinet 'Enforcer', flanked by two other cabinet members and two junior ministers, stated clearly that the Government was determined to force through a Bill to

## Facts about the Lords' vote:

**Without hereditaries:** If Hereditary Peers had not been allowed to vote, Lady Young would have lost by 104 to 105.

**Labour:** Less than 45% of Labour Peers voted for 16.

**Bishops:** 26 Church of England Bishops are entitled to sit and vote in the Lords. 8 of them voted on the age of consent. 5 voted with Lady Young, 3 voted against.

	AGAINST REDUCING AGE OF CONSENT						FOR REDUCING AGE OF CONSENT					
	Con	Lab	LDem	XB	Other	TOTAL	Con	Lab	LDem	XB	Other	TOTAL
Life Peers	70	14	0	14	1	99	9	58	30	5	0	102
Hereditary Peers	88	1	1	27	1	118	7	8	7	18	1	41
Bishops					5	5					3	3
<b>TOTAL</b>	<b>158</b>	<b>15</b>	<b>1</b>	<b>41</b>	<b>7</b>	<b>222</b>	<b>16</b>	<b>66</b>	<b>37</b>	<b>23</b>	<b>4</b>	<b>146</b>

lower the age of homosexual consent. He stated that he very much hoped that the Government would reintroduce legislation in the next session of Parliament.<sup>14</sup>

It seems highly likely that this will happen. Homosexual activist Chris Morris, whose case before the European Court of Human Rights was one of the catalysts for the original Commons vote in 1998, has asked the Court to continue to put his case on hold in anticipation of a new bill in the next session.<sup>15</sup> By then Hereditary peers will not be able to vote and the Government is creating its own life peerages all the time. But if, even with new life peers, the Lords once again reject the Bill, it is expected that the Government will use the Parliament Acts to force it through.

This constitutional reserve power contained in the Parliament Acts has only been invoked five times in history. No doubt there will be a political price to pay if the Government resorts to this extreme measure to enforce gay rights. ■

<sup>1</sup> Jack Straw wrote to Ann Keen MP on 27 July 1998 reiterating his personal support for sixteen. Alun Michael, a Home Office Minister at the time, put his name to one of the amendments lowering the age of consent - see Hansard, House of Commons, 22 June 1998, Col. 785

<sup>2</sup> Hansard, House of Commons, 21 February 1994, Cols. 99-100

<sup>3</sup> Appendix B, Working Group on Preventing Unsuitable People from Working with Children and Abuse of Trust, Interim Report from Working Group: Abuse of Trust, Home Office November 1998

<sup>4</sup> Working Group on Preventing Unsuitable People From Working With Children and Abuse of Trust, Interim Report from Working Group: Abuse of Trust, Home Office, November 1998, Paras. 32 & 33. See also the official notes which predicted the offence would result in only 10 to 15 prosecutions a year: Sexual Offences (Amendment) Bill, Explanatory Notes, HL Bill 28-EN, Para. 23

<sup>5</sup> Hansard, House of Commons, Standing Committee E, Sexual Offences (Amendment) Bill, Col. 125

<sup>6</sup> See Hansard, House of Commons, Standing Committee E, Sexual Offences (Amendment) Bill, 2 - 11 February 1999

<sup>7</sup> *Second Reading*: Hansard, House of Commons, 25 January 1999, Cols. 110-113. The vote was 313 to 130. 206 MPs abstained or were absent. *Committee Stage*: Hansard, House of Commons, 10 February 1999, Cols. 380-383. The vote was 330 to 126. 197 MPs abstained or were absent. *Third Reading*: Hansard, House of Commons, 1 March 1999, Cols. 807-810. The vote was 281-82. 290 MPs abstained or were absent. At the time of the votes 2 MPs had not taken their seats and 4 by convention do not vote (the Speaker and her Deputies).

<sup>8</sup> See Hansard, House of Lords, 22 July 1998, Cols. 973 - 976. Peers voted 289 to 122 against lowering the age of consent

<sup>9</sup> 65% oppose lowering the age according to *The Daily Telegraph*, 28 July 1998. 69% oppose lowering the age according to *The Guardian*, 10 November 1998.

<sup>10</sup> Stonewall press release 11 March 1999

<sup>11</sup> Stonewall press release 4 February 1999 and Stonewall letter to supporters (undated) sent out in March 1999.

<sup>12</sup> *The Times*, 13 April 1999

<sup>13</sup> Outrage press release 14 April 1999

<sup>14</sup> Speech by the Rt.Hon. Dr Jack Cunningham to Stonewall Equality Dinner 20 May 1999. Available from Dr Cunningham's office. May also be viewed at <http://www.stonewall.org.uk/news>

<sup>15</sup> Equality Alliance News 21 June 1999

# Promoting homosexuality with public money

By Jon Errington

Gay rights campaigners have launched a major campaign to repeal Section 28, the law which currently bans the promotion of homosexuality in schools. The campaign has the support of Dr. Jack Cunningham, Minister for the Cabinet Office, who, in a speech to the Stonewall Equality Dinner in May, stated: "The New Labour Government is committed to repeal Section 28. I cannot anticipate the contents of the next Queen's Speech. However, I can say quite clearly that the Government believes that Section 28 serves no useful purpose and we remain committed to the repeal as soon as Parliamentary opportunity arises. Section 28 was wrong in 1987. It is wrong in 1999. And it will go."<sup>1</sup>



Dr. Jack Cunningham: "Section 28 serves no useful purpose"

However, Section 28 was an amendment put forward by back-benchers<sup>2</sup> in response to a legitimate outcry in the media, amongst parents and from the public at large against what appeared to be the promotion of homosexuality by a number of local authorities, spending an inordinate amount of public money.

Some of these authorities adopted policies which dealt with homosexuality as an "equal opportunities" issue. Some had gone further and created "lesbian and gay officers". The most controversial issue at the time of the debates in 1988 was the distribution of literature aimed at children which presented homosexual practices and homosexual families as "normal" and as a valid option for them and for other people. Some of this literature included graphic descriptions of homosexual activity.

Some of these authorities adopted policies which dealt with homosexuality as an "equal opportunities" issue. Some had gone further and created "lesbian and gay officers". The most controversial issue at the time of the debates in 1988 was the distribution of literature aimed at children which presented homosexual practices and homosexual families as "normal" and as a valid option for them and for other people. Some of this literature included graphic descriptions of homosexual activity.

One of the most well-known books was *Jenny lives with Eric and Martin*, translated from Danish and first published in English in 1983 by Gay Men's Press (GMP).<sup>3</sup> It shows two homosexual men living together, one of whom has a child called Jenny from a previous relationship.

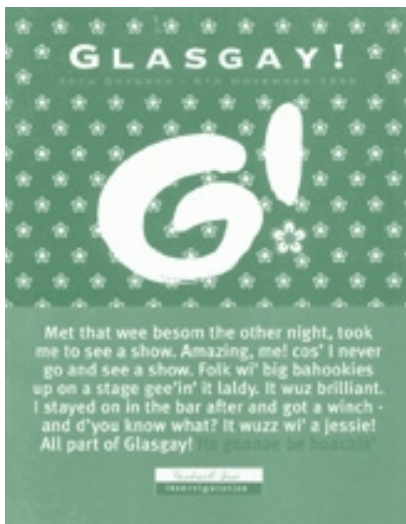
The book describes simple details of daily life to show the "normality" of the little girl's home situation. This includes breakfast in bed with her father, who appears to be naked, and his boyfriend.



# Section 28

As well as stopping LEAs promoting homosexuality as a pretended family relationship in maintained schools, Section 28 also bans expenditure by local authorities on promoting homosexuality. This includes expenditure on public libraries and other local authority services.

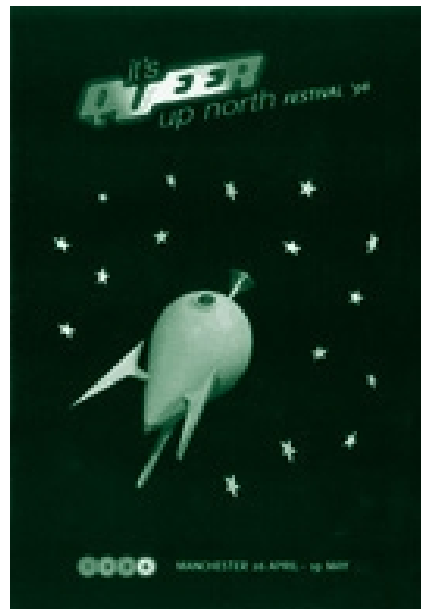
Since the Act was passed some local authorities have tried to get around the legislation. One way appears to be through using NHS Trusts to produce promotional literature. However it is clear that an increasing amount of public money is being spent on gay rights projects (such as festivals) for which even the value in terms of health promotion is non-existent. What may have started as raising health awareness is now little more than promotion of the homosexual lifestyle. Below are some examples of what is available with Section 28 in force. Rather than serving “no useful purpose” Section 28 does appear to have had a restraining effect on the promotion of homosexuality. One wonders what would have been produced if Section 28 had not been passed.



**“Glasgay”**  
The Glasgay festival is a “ten-day lesbian and gay arts festival with over 40 events throughout the city.” Glasgay is part funded by Glasgow City Council. Events last year included theatre productions, films, art exhibitions, discussions and social events. These included a play called *The Dyke & the Porn Star*: “Direct from the Sydney Mardi Gras and London’s Drill

Hall sexually explicit drama about a young butch dyke’s obsession with a femme top porn star. Erotic, highly charged and humorous... Is Glasgow ready for it?”<sup>4</sup>

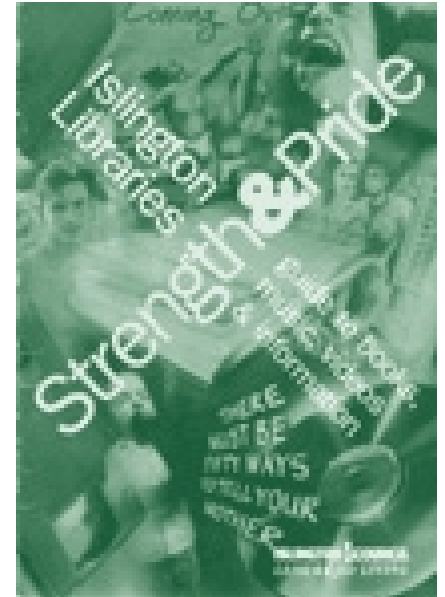
At the time of the Glasgay festival, the Glasgow Mitchell Library (the main public library in Glasgow) joined in with a display in the foyer attacking Section 28, with display boards headed: “Section 28: Clause for Concern”; “The Clause in the Classroom”; “Glasgow City – Supporting Equality”; “Pretend Families Fight Back”; and “The closest thing to lesbian heaven on earth...”.



## “Queer Up North”

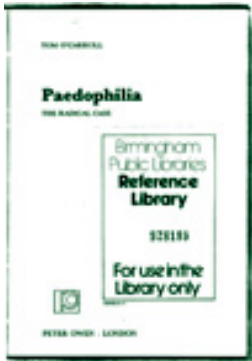
*It's Queer Up North* is a bi-annual “festival of arts”. In 1996, Manchester City Council provided money to the Manchester Central Grants Team which, in turn, was one of the main funders of *It's Queer Up North*. This festival offered acts such as “The Go Girls” performing “Passionight”: “a rollercoaster ride of lesbian courtship from a steamy Spanish Feria to the heights of erotic fantasy”, and Club Bent: “a cavalcade of daring dance numbers, new form drag, circus, comedy, multi-media majesty, filth and frivolity”, and dozens of other homosexual films and performers including Britain’s “first internationally successful porn star.”<sup>5</sup>

**“Strength and Pride”**  
*Strength and Pride*, the “Islington Libraries guide to books, music, videos and information” is produced by Islington Council. To the reader, the main title *Strength & Pride* may sound curious – until the reader looks more carefully at the images which make up the cover design of this guide. Paintings of lesbian embraces and a scarcely concealed frame from what appears to be a porn film make up the collage. The Guide (which the cover informs us can be made available on audio cassette or in large print) is a 52 page catalogue of books, magazines, videos and music, much of which is available from Islington libraries (shelf references are included). The guide also gives a list of help-lines such as those run by the so-called



Lesbian and Gay Christian Movement, Lesbian and Gay Teenage Group, Lesbian Avengers and Outrage.<sup>6</sup>

Most of the videos are described with reference to their sexual content. The books include *Spartacus* which is a gay tourism guide and *Tricks*: “25 sexual encounters that are in turn funny, sexy, brutal and nasty.”<sup>7</sup> *Out of Bounds* is “a romantic and touching novel showing the forbidden love of a school teacher for one of his pupils and of the many hazards therein. Set in the idyllic surroundings of an English boys school, the love blossoms around the cricket field...”<sup>8</sup>



## “Paedophilia” - how to make it legal - just ask for the book in Birmingham City Library

The book *Paedophilia – The Radical Case* is available on request from the reference section of Birmingham Central Library. This book, by a self-confessed paedophile, makes the case for the legalisation of paedophilia, based on his own and others experiences with children. Are there *any* books so tasteless and obscene that Birmingham City Library would refuse

to stock them? In what must be one of the most obscene books to be stocked by a public library the author states:

“I am a paedophile, and in the chapters that follow it will become apparent why I have felt it necessary to crash through the barriers of societal disapproval by speaking out.”<sup>9</sup>

“I should explain that I feel on much stronger ground in describing and selecting anecdotes relating to those between men and boys than others. Nearly all of my paedophilic friends are boy lovers, and although I myself have a strong sexual attraction to little girls, as well as boys, the *practice* of heterosexual paedophiles is not a field in which I can claim more expert knowledge than non-paedophilic writers on the subject.”<sup>10</sup>



## “Pink Paper”

Birmingham City Library also gives away free copies of *The Pink Paper*, a weekly tabloid style publication which includes news and stories relevant to a homosexual audience. The publication, which anyone of any age could pick up, contains adverts for telephone chat lines (“Hot Live Gay Chat” “Gay Fetish Club” “Exotic Gay Stories”) and holiday adverts using graphic sexual imagery. In the edition obtained when *The Christian Institute* staff

visited the library, a “Vox Pop” on censorship revealed, that a selection of lesbians and gays thought censorship was a bad thing but that homosexual imagery should be in the right context – such as a library, obviously.<sup>11</sup>

## “Young People’s Guide”

Produced with funding from Birmingham City Council and Birmingham Health Authority, the *Young People’s Guide* contains advice on a range of issues from alcohol and drugs to contraception and sexuality for teenagers. It gives advice on how to “come out” and for teenagers to be open and honest about their sexuality. It gives this advice in a way that suggests there are no moral issues involved and which completely fails to deal with the risks (particularly the health risks) of adopting the homosexual lifestyle.<sup>12</sup>



## “Colours of the Rainbow”

In 1996 dozens of primary schools received a 160 page guide produced by Camden and Islington NHS Trust (not itself part of the local authority) telling teachers how to create “positive” images of homosexuals and persuade children that it is an acceptable lifestyle.<sup>13</sup> This publication, entitled “*Colours of the Rainbow*”<sup>14</sup>, makes the ludicrous claim that 40% of all men have had homosexual intercourse. Although Camden and Islington NHS Trust produced the booklet, it is clearly designed to be a teacher’s handbook for teachers of children aged 5 to 16.

In a lesson for five year-olds under the theme “Spectrum of Sexuality”, designed to last for just over two hours, the teacher explains that,

“Michael is 6, has black hair, green eyes, white skin and is about the same height as... (point to a pupil). He likes sweets and lives with his two mums, Mona and Yasmin. Ask the class to draw/paint his family. Name and label them.”<sup>15</sup>

Two other families are similarly described. One who has a mother and a father and the other who has two fathers.

In a 45 minute lesson for seven year olds, pupils are given pictures of one group of women and one group of men. The purpose of the lesson is to discuss the use of “ambiguous sexuality images and sexual imagery in advertising”. The men are in suggestive poses wearing only shorts. A pair of women in the female group are holding hands. The children are asked to describe how the pictures make them feel.<sup>16</sup>



In a 25 minute lesson for 14 year olds, teachers are provided with information from Stonewall about “homophobic violence”. Teachers are told that they may like to give an information leaflet about Stonewall to their pupils.<sup>17</sup> The leaflet gives details of Stonewall’s lobbying and campaigning activities and invites the reader to become a member, giving a contact name and address.

<sup>1</sup> Speech by the Rt.Hon. Dr Jack Cunningham to Stonewall Equality Dinner 20 May 1999. Available from Dr Cunningham’s office. May also be viewed at <http://www.stonewall.org.uk/news>

<sup>2</sup> Dame Jill Knight MP for Birmingham Edgbaston and Mr David Wilshire MP for Spelthorne. Hansard House of Commons 9 March 1988 column 421.

<sup>3</sup> Börsche, S *Jenny Lives with Eric and Martin*. Translated from the Danish by Louis Mackay. English edition first published 1983 by Gay Men’s Press Publishers Ltd.

<sup>4</sup> *Glasgay 30<sup>th</sup> October – 8<sup>th</sup> November 1998* programme, see page 3

<sup>5</sup> *It’s Queer Up North Festival 1996* programme

<sup>6</sup> *Strength & Pride – Islington Libraries guide to books, music, videos & information* Islington Council 1996 page 41 - 52

<sup>7</sup> *Ibid* page 9

<sup>8</sup> *Ibid* page 11

<sup>9</sup> Tom O’Carroll *Paedophilia The Radical Case* Peter Owen, London 1980 page 9

<sup>10</sup> *Ibid* page 72

<sup>11</sup> *Pink Paper* issue 554 Friday 16 October 1998, see page 20

<sup>12</sup> *Young People’s Guide* Birmingham City Council & Birmingham Health Authority, see pages 123-133

<sup>13</sup> *Daily Mail* 2 March 1996

<sup>14</sup> *Colours of the Rainbow* Mole S, Camden & Islington Health Promotion Service 1995

<sup>15</sup> *Ibid*, page 80

<sup>16</sup> *Ibid*, pages 86 and 87

<sup>17</sup> *Ibid*, page 135 - 138

# Summary

## Parental Discipline

- There have been a number of high profile cases in the press recently regarding the right of parents to discipline their children by smacking.
- A man in Scotland was found guilty of criminal assault after smacking his daughter.
- In the “Re A” case a man was originally found not guilty in a British court, but at the European Court of Human Rights he was found guilty of “inhuman or degrading treatment or punishment”. The boy had been punished for stealing and for threatening his younger brother with a knife.
- On the back of these and other cases childcare groups have been calling for it to be made a criminal offence to smack your own child. Barnardos, the NSPCC, Save the Children and others have signed up to the agenda of EPOCH - End Physical Punishment of Children - a group which argues for children’s rights.

## Divorce

- In 1996 the then Conservative Government introduced the concept of no-fault divorce into legislation - The Family Law Act. In June 1999 the Lord Chancellor, Lord Irvine of Lairg, announced that for the time being the Government would not be implementing Part II of that Act - no-fault divorce and mediation - because pilot programmes had failed. Couples did not want asset splitting mediation. More of them wanted reconciliation counselling.
- The Scottish Office has started a review of family law in Scotland following a period of public consultation. Among the more radical suggestions

included in their report are:

- overturning the need to consummate a marriage;
- cutting the time needed to get a divorce through separation to one year; and
- abolishing legal separation.

All these measures could be implemented by the new Scottish Executive and Scottish Parliament.

- Gay rights campaigners are pressing for same-sex marriage to be legalised in Scotland.

## Protection of the young

- Faced with weak “abuse of trust” safeguards, on 13 April Baroness Young led another House of Lords defeat for those who want to reduce the homosexual age of consent to 16.

## Other news

- NatWest are supporting the gay rights agenda, sponsoring both the Stonewall Annual Equality Dinner and also the Stonewall stand at this year’s Labour Party Conference. Meanwhile Stonewall have launched a campaign to repeal Section 28 - the law which currently bans the promotion of homosexuality in schools.
- The Prime Minister has presented to Parliament a new national programme to tackle the problem of teenage pregnancy. Ideas include new guidance on sex and relationship education in schools; improved access to contraceptives and sexual health services on the NHS, help for teenage mothers to return to education; and offering teenage mothers “semi-independent housing with support” instead of council tenancies.

## Faith *in the* Family

The married family is the future. It is *the* most stable relationship in which to raise children. It follows that, for the sake of our Nation’s children, public policy must uphold marriage - *the voluntary union for life of one man and one woman to the exclusion of all others.*

*Faith in the Family* is a new project of *The Christian Institute* which seeks to promote marriage and family values in public

policy. *The Advocate* is a bi-monthly publication of news and comment on the major issues facing the family today.

*The Christian Institute* is a policy research organisation which seeks to uphold historic, Biblical, Christian truth. Since being established as a charity in 1990 the Institute has specialised in marriage & the family, religious liberties, education, the case against drugs legalisation, and the constitution.



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