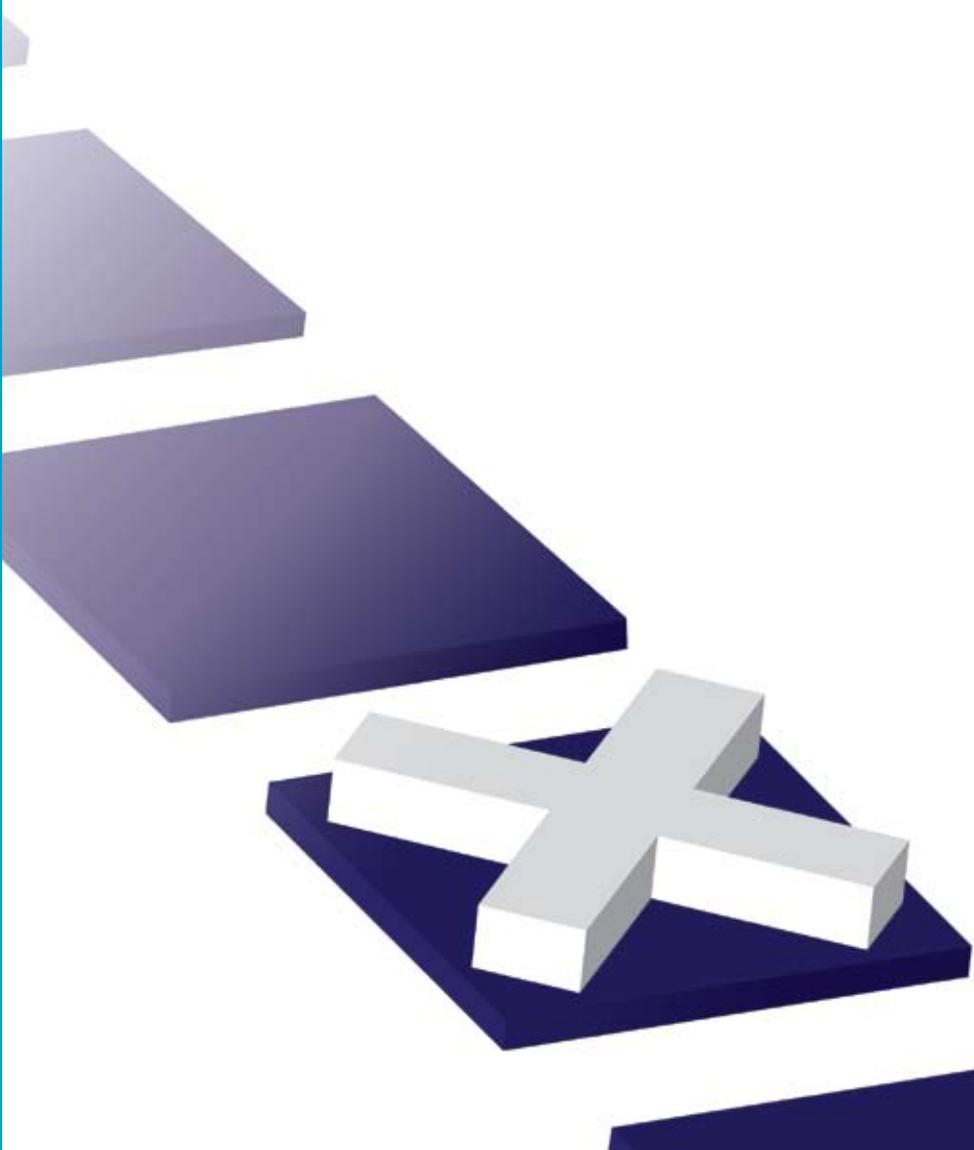


Scottish Election Briefing 2011



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CHRISTIAN INFLUENCE IN A SECULAR WORLD

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Introduction

Elections for the Scottish Parliament will take place on 5 May. As Christian citizens we should think carefully about how to vote.

The Christian Institute is a registered charity and cannot endorse any political party or candidate in elections. We cannot tell you who to vote for. That is a matter for you. What we can do is provide you with factual information about the policies of the political parties and key background information on recent legislation. This is set out in this *Scottish Election Briefing*.

To help Christians find out the views of the candidates standing in their constituencies we have provided *Questions for Candidates* in the centre of this briefing.

Further copies of the *Scottish Election Briefing* are available on our website christian.org.uk/scottishelection and from our office on request – telephone **0191 281 5664**.

Election 2011

Since its inception The Christian Institute has promoted the Christian faith in the public square in six main areas – marriage and the family, medical ethics, education, religious liberty in the UK, matters of public morality, and the constitution.

Within these broad areas, this *Scottish Election Briefing* highlights some of the policies of the four main political parties at Holyrood

– the SNP, Labour, the Conservatives and the Liberal Democrats. There are other parties standing in the Scottish Parliament elections; we have also included some of the known policies of the Scottish Green Party and UKIP, parties which have representation at national or European level. Many Christians ask us about the policies of the Christian Peoples Alliance and the Scottish Christian Party. These have also been included. Space and time constraints have not permitted us to cover other parties fielding candidates.

In a collapsing culture, public policy is increasingly affected by secular values. The main political parties are by no means immune to this. All four main parties have policy positions with which biblical Christians strongly disagree, such as the endorsement of civil partnerships.

In casting a vote Christians are not necessarily endorsing every item of policy of the party they vote for. They are exercising judgment which can often boil down to deciding what is the least worst option.

Certain parties have an overriding central principle. For example, the SNP holds that Scotland should be independent from the rest of the UK and UKIP believes that the UK should leave the European Union. Of course, Christians who agree with the central principle can vote for these parties in good conscience.

But when it comes to the BNP the situation could not be more different. It seems to us that the central principles of that party enshrine beliefs which completely contradict the Christian faith.¹ This is demonstrated, for

example, by their longstanding ‘whites only’ membership policy, which was only changed following court action.

Simon Darby, the BNP’s National Media spokesman, has previously strongly criticised senior members of Christian denominations (including bishops), saying that by speaking out against the BNP they are attempting to “subvert the democratic process” and writing that he would “not be surprised to see some of these weak and deluded wretches actually convert to Islam.”²

Our *Scottish Election Briefing* therefore does not consider the policies of the BNP.

This *Scottish Election Briefing* covers many issues where important Christian principles are at stake. There are many other issues about which Christians show a particular concern and where much material is available (like the Developing World), but we know that many are concerned with issues such as those covered by this briefing.

We have to have laws to restrain evil and policies to commend what is good (1 Peter 2:13-14), but the Government is not responsible for everything. Indeed if there is to be freedom, it must not be. Many Christians are gravely concerned about legislative proposals which intrude into ordinary family life, evangelism and the running of the local church.

As we pointed out in our 2007 *Scottish Election Briefing*, it is important to say that society is more than the state. Society is made up of families and many institutions and organisations between the state and the citizen. Government by itself cannot solve all our problems or even come remotely close.

The issues we have highlighted are those where we believe the Bible is clear. They tend to be issues where biblical principles, and in particular the Ten Commandments, directly apply. We cannot break God’s law without there being consequences – to a degree in this life, and fully in the life to come. God cannot be

mocked. A man reaps what he sows (Galatians 6:7). A nation will never be blessed by breaking God’s laws.

Christian citizenship

The state is a means of God’s ‘common grace’. The Bible is very clear that the governing authorities act on God’s behalf to restrain evil (see Romans 13 and 1 Peter 2). This is for the good of all people in this world – not just Christians.

The Christian has dual citizenship: of heaven (Philippians 3:20); and of an earthly nation (usually that in which he was born). The Christian’s duty is to obey the governing authorities, except where they forbid what God requires, or require what God forbids (Acts 5:29). It is the Christian’s heavenly citizenship which commands the ultimate loyalty.

As well as duties, being a citizen gives us certain rights. The Apostle Paul was prepared both to use *and not to use* his rights as a Roman Citizen depending on which option most benefited the gospel cause (Acts 16:37-39; 21:39; 22:25-29; 25:10-12).

In 21st Century Britain, we live in what is historically a relatively unusual situation – we live in a democracy. Unique responsibilities and privileges flow from living in a democracy. One is that we have the right to vote. Surely Christians should use this privilege.

Christians in Scotland live in a collapsing culture in which God’s moral law is openly flouted. The situation is no different from the rest of Britain. Things will not get better unless this is addressed. The only lasting and real solution to the problem of man’s sin is uniquely provided in the Gospel of our Lord Jesus Christ. The Gospel denies that there can ever be political salvation in this life. Nevertheless, we are to pray that our authorities would provide freedom for the Gospel and freedom for Christians to live “peaceful and quiet lives

in all godliness and holiness" (1 Timothy 2:1-2). We are to pray that the governing authorities will fulfil their God-given mandate and govern according to God's moral law (Romans 13:1-7 and 1 Peter 2:13-14). The Scottish Parliamentary Elections provide an opportunity for Christians to speak out and play their part.

Biblical priorities

The Bible gives a clear basis for knowing right from wrong. God's moral law is laid down for everyone – not just for Christians.

Jesus criticised the Pharisees and told them "you have neglected the more important matters of the law – justice, mercy and faithfulness" (Matthew 23:23). This included "setting aside the commands of God" by neglecting their parents (when they needed financial support) in order to observe a man-made tradition (Mark 7:9-12). For Jesus, and for us, it is God's commands which set out what constitutes justice, mercy and faithfulness.

Whilst we are obligated to obey God in everything, certain parts of the moral law are absolutely foundational and fundamental. That is why God has been pleased to give us the Ten Commandments.

When it comes to votes in Holyrood, there are cases where MSPs vote for or against what is

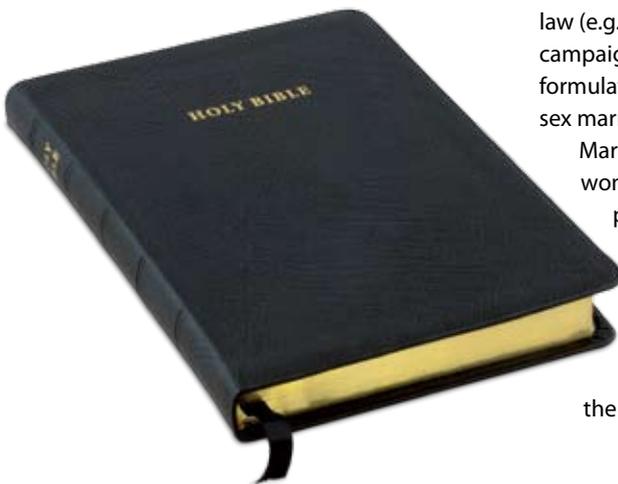
taught in the Commandments. For example, a vote for euthanasia is a vote to break the 6th Commandment (Exodus 20:13). Similarly it is a breach of the 7th Commandment (Exodus 20:14) to promote homosexuality to young people in schools or to equate homosexual unions with marriage. These are not matters of political opinion, but straightforward issues of right or wrong.

Same-sex marriage

Of the Ten Commandments, both the 5th and the 7th uphold and protect marriage (Exodus 20:12, 14). Jesus Christ was crystal clear that marriage is between a man and a woman (Matthew 19:1-6). Christians in Scotland are particularly alarmed at moves to redefine marriage in Scots law to allow homosexuals to get married. In March 2011 the Equality and Human Rights Commission called on the next Scottish Government to legalise same-sex marriage.³ It is clear that homosexual activists are clamouring for the revolutionary change, which would abolish the traditional definition of marriage and impose a radical new definition on the whole of society.

Although marriage law is devolved to the Scottish Parliament, Alex Salmond has said that Westminster will have to legislate because the change would affect so many areas of law (e.g. tax and immigration).⁴ Homosexual campaigners reject this argument and have formulated detailed plans for legalising same-sex marriage at Holyrood after the elections.⁵

Marriage between one man and one woman has always had a privileged position in law precisely because it is the cornerstone of society. All around the world, across all religions and cultures, the successful societies have been those based upon marriage.⁶ But changing the law changes the way people think about marriage,



encouraging relationships outside marriage and bringing heartbreak and injustice in its wake.

If the Scottish Parliament legalises same-sex marriage, there is no doubt that schools will be told to promote it to children. Homosexual lobby group Stonewall has already issued a teachers' pack to primary schools this year recommending pro-homosexual storybooks for reading in class, including the controversial *King and King*. This book describes a story of two princes who 'marry' each other and has been at the centre of legal action when used in schools in the USA.

Not only does Stonewall recommend *King and King*, its teachers' pack even advocates primary school children acting out such books as school plays. One head teacher on the accompanying DVD says pupils should be taught to be resilient to the values of their parents and grandparents.⁷

Touchstone issues

Debates about tuition fees, apprenticeships or council tax can all involve a moral component, but from a biblical perspective they can never be as important as a debate on whether euthanasia should be legalised or on another issue directly addressed by the Ten Commandments. When it comes to the economy, Christians can legitimately disagree about the best way to tackle the UK's national debt. This is because in order to make a judgment many other facts need to be assessed. For example, there can be no doubt that the state has a right to levy taxes (Romans 13:7), but we can never be absolutely certain about what should be the correct level of income tax. There are many economic and moral factors involved and Christians who hold to biblical truth can legitimately disagree on the interpretation of the facts.

Recent high-profile cases of threats to religious liberty have highlighted the increasing

marginalisation of Christians. Even prominent non-Christians have warned of the dangers of an aggressive secularism pushing believers out of the public square. If the salt remains in the salt cellar and the light is increasingly hidden under a secular bushel, then it will become very much harder for Christians to do those good works which transform society. Suppressing gospel values will accelerate the moral decline of our society.

Christians need to take courage and speak out on the three touchstone issues of religious liberty, the sanctity of marriage and the sanctity of human life: not just on issues which are unlikely to attract opposition.

Devolution

Elections to the Scottish Parliament are normally held every four years. However, if the Fixed-Term Parliaments Bill (being debated at Westminster) is enacted, then MSPs will sit for a five-year term in this Parliament with the next elections being held in 2016.

The Scottish Parliament can make laws in areas such as education, health, crime, local government, agriculture, social work, economic development and transport. It can vary the basic rate of income tax by 3 pence in the pound.

Westminster retains responsibility for other areas such as defence, equality/discrimination law, employment, national finance and economics, foreign affairs and welfare. These are 'reserved matters' on which Holyrood cannot legislate.

Though Westminster makes laws on reserved matters, the Scottish Parliament can still have a role on those same issues. For example gambling law is decided at Westminster, but the Scottish Government does have a legal right to be consulted on the location of casinos. Abortion law is reserved for Westminster but there is considerable scope for Scottish

Ministers to promote abortion through the public services, or to promote alternatives to abortion. In a similar way, although legislation such as the Equality Act 2010 can only be passed at Westminster, Holyrood can significantly affect the equality agenda in Scotland – for example, it has power to make its own regulations to implement the ‘public sector equality duty’ contained in the 2010 Act.

Unlike abortion, which is a reserved matter, it would be possible for Holyrood to legalise euthanasia.

Candidates and parties

There are perhaps two factors which we all must consider when deciding who to vote for. We must consider *the candidates* and we must consider *the parties* they represent.

The voting system for elections to the Scottish Parliament is quite complicated. Each elector has two votes – one for his constituency and one for his region. A system of proportional representation is used. Overall, the aim of the electoral system is to ensure that the number of seats in the Parliament won by each party broadly reflects their percentage of votes in each region.

You have to consider how you will cast your two votes – one for your constituency and one for your region. In the *constituency* list you vote for individual candidates; in the *regional* list you vote for a party.

Thinking first about the constituency list: you may decide it is better to vote for an exceptional candidate who shares your Christian views across a range of moral issues even if they are standing for a party which you would not naturally support. You may decide that the most important consideration is to vote for the candidate who is standing for a party which in your view represents the least worst option. You may decide that it is better to vote for one of the Christian political parties

which may happen to stand in your area. These are decisions which ultimately only you can make. Christians should exercise their Christian conscience in these matters. Just because your parents or your work colleagues vote in a certain way does not mean that you need to do the same. It is your choice.

In terms of the regional list, people’s thinking is more in terms of the parties as a whole. That makes finding out the policies, and past record, of the political parties all the more important. Of course, you are free to vote for a candidate from one party in the constituency list, but vote for a different party in the regional list. You are also free to vote for individuals with no party affiliation standing in your constituency or region.

The key to finding your candidates is to be sure what parliamentary area (constituency) you live in. Some constituency boundaries have changed for the 2011 election. Type in your postcode here to find out: <http://www.scottish.parliament.uk/msp/membersPages/MSPAddressPostcodeFinder.htm>

The Guardian has published the most comprehensive list of candidates we have seen; it includes information on the candidates’ sex, ethnicity and ‘sexuality’ but not their religious beliefs: <http://www.guardian.co.uk/news/datablog/2011/apr/04/scottish-parliament-welsh-assembly-election-candidates-diversity>

Speaking to candidates

You can’t make an informed decision without knowing what the parties and the candidates stand for. Christians should make it their business to find out the policies of each candidate and party. They should seek to find out their positions on key moral issues.

Candidates or their representatives may come to your door, call by telephone or stop you in the street to ask how you intend to vote.

This presents an ideal opportunity to raise Christian concerns and to find out where the candidates stand on key issues. A candidate's opinions on certain moral issues can be quite different from the position of their party.

More than at any other time the candidates will be open to listen to your views. Should they be elected they will be representing you in Scottish Parliament.

Think through two or three issues and have questions ready in case canvassers call or stop you whilst out shopping. Limit yourself to two or three issues with which you are most concerned. Be prepared to give a reason for your view. This *Scottish Election Briefing* will help you get to grips with the issues you are interested in.

If you speak to the candidate himself, ask if he is willing to raise your concerns in Parliament if elected. If he says he will, you can hold him to this promise should he be elected.

If you speak to a representative canvassing on behalf of the candidate, ask for your concerns to be forwarded. The very act of asking questions is a Christian witness.

Writing to your candidates

If you don't want to wait for candidates to knock at your door, then you could write to them either by letter or by email in order to raise your concerns. This way you can be sure that all the candidates are aware of your concerns.

Election literature which is put through your letterbox will give the local addresses for your candidates. If you write to a candidate, keep your letter short but do raise specific points. Make sure you tell them that you are a constituent. You could swap notes with other

Christian friends who have had contact with a candidate.

It is highly unlikely that you will find a party or a candidate you feel has all the right views. In some constituencies there will be the option to vote for a candidate who takes a firm stand on moral issues. This is unlikely to be the norm. Instead it is likely to be a decision about what is the least worst option amongst the political parties and candidates. For many Christians there is a genuine dilemma over choosing a party or a particular candidate. Whatever your decision it is relevant to consider how the parties fared in the last election in your constituency and your region.⁸

There are many ways of being a Christian citizen, but elections provide a good opportunity for Christians to be salt and light in our society. We must pray for wisdom and speak out for the truth.

Party policies

The parties set out their policies in their manifestos, official policy documents, or resolutions determined by their party conference. The Christian Institute's website links to the 2011 manifestos covered in this publication: see christian.org.uk

Obviously the Scottish Government's actions are there for all to see. Since the opposition parties are not in a position to implement their ideas, we can only note what they have said about the Government's legislation and the way they have voted – see *our Legislation Summary at the end of this briefing*.

Christians must weigh the evidence and exercise their Christian conscience.

Scottish National Party

snp.org



The Scottish National Party (SNP) has led a minority Government in Scotland since 2007, with 47 MSPs in the Scottish Parliament. The Party's leader, Alex Salmond, is First Minister. The SNP has 6 MPs at Westminster.

Record as Scottish Government 2007-2011

As with the other major parties, the SNP gave its MSPs a free vote on Margo MacDonald's Bill to legalise **euthanasia**. First Minister Alex Salmond voted against the Bill, having said he was not persuaded by it.⁹

In 2007, the SNP extended the funding of the controversial Scottish **Sexual Health Strategy** until 2011.¹⁰ In 2008 Scottish Government Ministers supported plans for sex clinics in rural secondary schools. These clinics were to provide condoms and pregnancy testing, but a spokesman promised that the **morning-after pill** would not be given out.¹¹ Public Health minister Shona Robison said that the morning-after pill should be made more easily accessible in other local facilities.¹² In 2008 the Scottish Government made the morning-after pill available for free at most Scottish pharmacies.¹³

Sexual Offences (Scotland) Act 2009 – The Bill originally proposed by the SNP minority Government would have legalised oral sex

between teenagers, but the Government moved an amendment to close the loophole after a parliamentary committee scrutinising the Bill raised concerns. See *Legislation Summary*.

Homosexual marriage – Alex Salmond said in 2010: "Currently no party in Scotland is able to legislate for same-sex marriage in Scotland without the permission of Westminster, due to the impact on laws covering immigration, pensions, inheritance tax and other areas where London still holds the power."¹⁴

Foster carers – The SNP introduced fostering rights for homosexual couples; the new regulations came into force in September 2009.¹⁵

Homosexual teaching in schools – In 2008 the Scottish Government launched an 'anti-homophobia' guide for schools. The guide advocated pro-homosexual teaching, saying that even if some parents object "this does not mean that it should not go ahead."¹⁶

Home education – The SNP minority Government published statutory guidance in December 2007. The guidance upheld the right of parents to home educate and denied that child protection problems are any more likely to arise with home-educated children than those educated at school.¹⁷ The SNP has not proposed to formally regulate home education.



Scottish National Party Leader Alex Salmond

SNP Education Minister Michael Russell said last year that home education was “a key aspect of parental choice”.¹⁸

Religious schools – In 2008 Alex Salmond said: “All faith-based schools play a significant role in helping to shape, inspire and strengthen our young people to learn. It’s time to celebrate their contribution to Scottish education.”¹⁹ In the same year, Mr Salmond backed the first state-funded Islamic school in Scotland.²⁰

Sexual Orientation Regulations 2007 (SORs) – The party believes Roman Catholic adoption agencies should be free to refuse to place children with same-sex couples.²¹ In 2009 it emerged that Education Secretary Fiona Hyslop had been working behind the scenes to preserve the freedom of Roman Catholic adoption agencies to continue to restrict their services to heterosexual married couples.²²

Hate crimes – The Scottish Government supported the Offences (Aggravation by Prejudice) (Scotland) Act 2009 which introduced extra penalties for crimes committed against homosexuals and transsexuals. *See Legislation Summary.*

‘Abusive speech’ offence – In 2010 the SNP minority Government brought in a law which criminalises ‘abusive speech’ in public or in private. To breach the new law, a person must have spoken or behaved in a threatening or abusive manner, intentionally or recklessly causing (or likely to cause) a reasonable person to suffer fear or alarm. *See Legislation Summary.*

Prostitution – The SNP opposed the introduction of ‘tolerance zones’ in February 2003²³ and supported the Prostitution (Public Places) (Scotland) Act 2007 which strengthened the prostitution laws in Scotland. However, in Government the party has resisted

amendments to criminalise paying for sex. See *Legislation Summary*.

Pornography – As part of its Criminal Justice and Licensing (Scotland) Act 2010, the SNP introduced a new offence of possessing extreme pornography.

Drugs

In May 2008 the SNP administration launched a new general anti-drugs strategy which was widely seen as moving away from previous ‘harm reduction’ policies adopted by other parties.²⁴ However, the Scottish Government has recently been criticised for presiding over ‘soaring’ levels of drug misuse and methadone prescriptions.²⁵

Cannabis – In 2003 the party supported the UK Government’s reclassification of cannabis from class B to class C.²⁶ However, in 2008 the SNP minister in the Scottish Government welcomed the decision to return cannabis to class B;²⁷ at Westminster three SNP MPs voted for cannabis to return to class B, while four abstained or were absent.

Mephedrone – The SNP welcomed Westminster’s decision to ban the ‘legal high’ mephedrone in 2010.²⁸

Alcohol – In 2005, the SNP criticised 24-hour drinking legislation.²⁹ The Scottish Government proposed the Alcohol etc. (Scotland) Bill 2010 which contained measures to introduce a minimum price per unit on alcohol and to ban shops from having cut-price offers or selling alcohol as a loss leader.³⁰ Minimum pricing was voted down by opposition parties in the Scottish Parliament. See *Legislation Summary*.

Stance on UK-wide issues at Westminster

Human Fertilisation and Embryology Act – SNP MPs had a free vote on the Bill.³¹

Abortion – Alex Salmond voted to reduce the time limit on abortions from 24 to 20 weeks, but has said it is a free vote issue for his party.³² He also backed proposals to set up an independent commission to examine abortion laws in 2007.³³

Gender Recognition Act 2004 – Alex Salmond and all four other SNP MPs at the time voted for the Gender Recognition Bill which allows someone to change their gender in law and be treated as that new gender for all purposes. Churches and religious organisations are not wholly protected from the effects of the Act.³⁴ Three SNP MPs supported an amendment to protect churches from the Bill, while Alex Salmond and the fifth MP did not vote.

Incitement to religious hatred – The SNP was in favour of the House of Lords amendments, which included a robust free speech shield.³⁵

The SNP supported **special employment rights for homosexuals**³⁶ and similar regulations covering ‘religion or belief’, removing the absolute discretion of churches to employ believers in whatever post they see fit.

Equality Act 2010 – The SNP offered general support for the Bill.³⁷ SNP MP John Mason moved amendments in the Commons to protect religious liberty, making clear that he did so as a backbench MP and not on behalf of his party.

Gambling – The SNP spoke out against the Gambling Act 2005.³⁸

Policies

Human cloning – In February 2005 the then SNP Shadow Minister for Culture and Sport laid a motion in the Scottish Parliament congratulating the UN for its declaration against all forms of human cloning, and endorsing its call for member states to prohibit all forms of human cloning.³⁹

Section 28 – The SNP supported the repeal of Section 28.⁴⁰

Homosexual adoption – The SNP supported the Adoption and Children (Scotland) Act 2007 which extended joint adoption to homosexual couples. The party opposed amendments by one of its own MSPs, Roseanna Cunningham, to stop homosexual couples adopting.⁴¹

Civil Partnership Act 2004 – The SNP spokesman welcomed the policy intentions of the Civil Partnership Bill.⁴² All of the then five SNP MPs voted for the Bill at Westminster; they also voted against an amendment to extend the benefits of the Bill to siblings who share a house.

Legal rights for cohabittees – The 2003 SNP conference overwhelmingly agreed that

unmarried heterosexual partners should be included in the Civil Partnership Act and be given the same property, taxation and inheritance rights as married couples.⁴³

Divorce – The SNP gave its MSPs a free vote on the Family Law (Scotland) Bill which made divorce quicker and easier, though its spokesman welcomed the Bill.⁴⁴

Smacking – The party is against a total ban on parental smacking. It supports the current law in Scotland.⁴⁵

Constitution – The SNP is well known for favouring Scottish independence. In November 2009 the Scottish Government published a White Paper setting out options for reform.⁴⁶ It consulted on a draft Referendum (Scotland) Bill, but did not introduce a Bill to the Scottish Parliament. Ministers have said they will return to the issue if re-elected.⁴⁷ The SNP has campaigned for the repeal of the Act of Settlement, which excludes Roman Catholics from the line of succession to the throne.⁴⁸

House of Lords – The SNP's 2010 manifesto promised to scrap the House of Lords.⁴⁹

Human Rights Act – The SNP has said it will oppose repealing the Human Rights Act.⁵⁰



At the dissolution of the Scottish Parliament the Scottish Labour Party had 46 MSPs. Labour currently has 257 MPs at Westminster.

Record as Scottish Executive 1999-2007

From 1999 until 2007 Labour ran the Scottish Executive with its Liberal Democrat coalition partners.

In 2000 the Executive **repealed Section 28** (or 'section 2A') of the Local Government Act 1988 which prohibited the promotion of homosexuality in schools and elsewhere.

The Executive introduced the **Adoption and Children (Scotland) Act 2007** which legalised joint adoption by unmarried and homosexual couples. Labour opposed Roseanna Cunningham MSP's amendments to stop homosexual couples jointly adopting.

As part of the Scottish Executive, the Scottish Labour Party initially gave assurances that religious **adoption agencies** would be given an exemption from laws requiring them to accept homosexuals as prospective adopters. At Holyrood it supported a weak amendment to the Adoption and Children (Scotland) Bill which was defeated. In Westminster Labour backed the full implementation of equality laws with no

exemptions (see *Sexual Orientation Regulations below*). At the time, then First Minister Jack McConnell insisted that Scottish Labour was in favour of an opt-out for Roman Catholic agencies, even though discrimination law is a reserved issue and, therefore, Westminster can override adoption legislation in Scotland.⁵¹

As part of the Executive, Scottish Labour forced through reforms to **divorce law**, slashing the waiting time for 'no fault' divorce. The waiting time for divorces on the ground of non-cohabitation was cut from two years to one year where both spouses consent and from five years to two where one spouse contests the divorce.

As part of the Executive in 2003, the Party introduced legislation to stop certain types of **parental discipline**. Shaking a child and use of implements became outlawed. The loose wording of the law could potentially catch innocent loving parents. However, Labour is against a total ban on parental smacking.

The law on prostitution was strengthened by the Executive's **Prostitution (Public Places) (Scotland) Act 2007**.

The Executive introduced the controversial Scottish **Sexual Health Strategy** in 2005.⁵² In 2001 the Executive also introduced the **Healthy Respect** project, which promoted sex education in schools and offered condoms and

the morning-after pill at drop-in centres. An academic study of the project later concluded that it had "limited beneficial effects"⁵³

Record at Westminster on UK-wide issues 1997-2010

In 2008 Labour passed the controversial **Human Fertilisation and Embryology Act** which:

- legalised the creation of **animal-human hybrid embryos** for research;
- allowed the creation of **'saviour siblings'**;
- abolished the **'need for a father'** consideration before commencing IVF treatment.

The Labour Government allowed its MPs a free vote on these three issues, though then Prime Minister Gordon Brown strongly supported all three and Labour MPs were whipped to support the Bill as a whole. The legislation includes regulation-making powers to allow the birth of **GM children** with three genetic parents – two mothers and a father. It also permits scientists to use current stocks of donated tissue for embryo experiments, even where the original donors did not give their express consent.

The embryology Bill saw votes on lowering the upper gestational limit for **abortion** from 24 weeks. Labour MPs were allowed to vote according to their conscience; Gordon Brown voted against any reduction. In the final Commons debate the then Government used a procedural measure to ensure that amendments to further liberalise the abortion law went to the bottom of the list for consideration. Lack of time then meant that they never reached a vote. The press speculated that Gordon Brown wanted to avoid causing unhelpful controversy.⁵⁴

During its time in power at Westminster Labour pushed through several 'gay rights' measures, including **lifting the ban on homosexuals serving in the Armed Forces**, passing the **Civil Partnership Act** and reducing the **homosexual age of consent** to 16.

The year 2003 saw the introduction of **special employment rights for homosexuals** and **employment laws covering 'religion or belief'** which have interfered with the ability of churches and Christian organisations to maintain their distinctive doctrines and ethos. Under these laws the Bishop of Hereford was successfully sued for refusing to employ a homosexual youth worker and atheists won an employment case against Prospects, a Christian charity for people with learning disabilities.

Labour passed the **Equality Act 2006**, which prohibited religious discrimination when providing goods and services. The Government refused to include conscience protections for Christians in business. It was this Act which set up the Equality and Human Rights Commission.

The 2007 **Sexual Orientation Regulations (SORs)** resulted in almost all religious adoption agencies in Britain becoming entirely secular bodies or closing down because the Regulations did not easily allow for their conscientious objection to homosexual adoption. The Regulations outlaw discrimination on the ground of sexual orientation. The SORs have also been used to sue Christian B&B owners who refuse double rooms to same-sex couples. The Court of Appeal has used the Regulations to assert that sexual orientation rights take precedence over religious rights.

The **Equality Bill** debated by Parliament in 2009-10 sought to consolidate all discrimination laws, including for example the SORs, into a



Scottish Labour Leader Iain Gray

single Act. Yet the Bill as introduced would have narrowed the employment freedom of churches and religious organisations even further than the 2003 employment laws (see above). The House of Lords voted three times against any narrowing of the 2003 legislation and the previous Government eventually gave way. The legislation, which is now the Equality Act 2010, also places a duty on public bodies – like schools and the police – to promote homosexual and transsexual rights. It may also have a negative impact on private or voluntary bodies with Government contracts. Scottish Labour's 2011 manifesto says: "We will develop strong guidance for the effective implementation of the public duties under the Equality Act."⁵⁵

Shortly after the 2005 General Election Labour tried again to outlaw **incitement to religious hatred**, this time in its Racial and Religious

Hatred Bill. The proposed law threatened religious liberties throughout Britain.⁵⁶ After strong opposition from Christians around the country, several Labour MPs rebelled against their Government and the House of Commons voted to substantially alter the offence, including a robust free speech protection. The Scottish Executive **resisted the introduction of a Scottish religious hatred bill.**⁵⁷

The law on **cannabis** was downgraded by the Labour Government in 2004 – cannabis became a class C drug on a par with sleeping pills. However, in response to overwhelming evidence of cannabis damaging mental health, it restored the drug to class B in 2009.

The **Gender Recognition Act**, passed in 2004, provides a raft of legal rights for transsexuals, including the right for people to change their legal birth sex. So a man can become a woman

in law and then marry another man. Labour did permit sporting bodies to have exemptions from the legislation, but it resisted amendments in Parliament to protect churches and religious organisations from the effects of the Act.⁵⁸ The Scottish Executive backed a 'Sewell motion' which applied Westminster's decision to Scotland.

The **Gambling Act 2005** provided for a massive deregulation of the gambling industry, introducing Las Vegas-style casinos to Britain and allowing for a great multiplication of betting shops and slot machines and a proliferation of internet gambling. Licences were granted for 16 huge new casinos – with the largest of them considerably bigger than anything existing before the Act. Gordon Brown only rejected plans for the one super casino allowed by the legislation.⁵⁹ Significantly, casino machines – 'fixed-odds betting terminals' – were formally legalised in casinos and betting shops. These machines have been called the 'crack cocaine' of gambling.⁶⁰

Policies

Assisted suicide – Together with MSPs from other political parties, Labour MSPs were given a free vote on Margo MacDonald's End of Life Assistance (Scotland) Bill. Scottish Labour leader Iain Gray voted against the Bill.

In 2000 the Labour-led Scottish Executive passed the **Adults with Incapacity (Scotland) Act**. The accompanying Code of Practice contained the statement that: "Any health professional, like any individual, who acted by any means – whether by withholding treatment or by denying basic care, such as food and drink – with euthanasia as the objective, would be open to prosecution under the criminal law."

Scottish Labour highlighted that this statement had been removed from the 2008 version of the Code and successfully demanded its reinsertion.⁶¹ Leader Iain Gray said: "The Scottish Labour Party will resist any attempt to introduce euthanasia by the back door."⁶²

Homosexual marriage – Scottish Labour's 2011 manifesto calls for a consultation on redefining marriage, saying "the time is now right to consult on options to provide genuine equality for same-sex couples and their families, by addressing the different status of civil partnership and marriage. We are clear – Scotland shouldn't be left behind on these issues."⁶³

UK Party leader Ed Miliband strongly supports redefining marriage to allow homosexual couples to obtain the same certificate as married people.⁶⁴ An unnamed Scottish Labour spokesman said in December 2010: "As there would need to be changes in tax and other legal matters, the introduction of equal marriage would need to be taken forward on a UK-wide basis. Ed Miliband has made his views on the issue clear already but it is for the UK Government to bring forward any proposals in this area."⁶⁵

Scottish Labour's manifesto 2011 promises to change the law to allow **civil partnership registrations in churches** in Scotland.⁶⁶

Marriage taxation – Scottish Labour opposes tax breaks for married couples.⁶⁷

School discipline – "Labour has called for a discipline code to be developed in every school in Scotland, so bad behaviour can be tackled. But when things get out of hand, we want more powers for head teachers to permanently exclude disruptive pupils, and more rights for teachers and schools to

discipline pupils who persistently misbehave.”⁶⁸ Its 2011 manifesto says: “Scottish Labour will make tackling bullying and indiscipline a priority... We will compel schools to monitor and record incidences of bullying and share this information transparently with parents... We will also ensure that citizenship is an integral part of the curriculum, promoting respect, tolerance and civility within schools and beyond.”⁶⁹

Hate crime – Scottish Labour has said it will make full use of all hate crimes legislation, and “review how best to police and prevent all hate crimes including homophobia...and religious hatred...”⁷⁰ The party’s 2011 manifesto says it “will work to drive up reporting rates, improve support for victims and ensure the perpetrators of hate crimes are severely dealt with. We will also ensure that sentencing guidelines deliver consistency in taking account of aggravated factors such as racism, homophobia, sectarianism and other hate crimes.”⁷¹ See *Legislation Summary*.

Drugs – Scottish Labour backed moves to outlaw ‘legal highs’ such as mephedrone.⁷²

Prostitution/lap-dancing – Scottish Labour’s 2011 manifesto says: “We are committed to cracking down on those who purchase sex and will build on the work done through the Criminalisation of the Purchase and Sale of Sex (Scotland) Bill. We will also bring forward a detailed and robust licensing scheme for those premises in which lap-dancing takes place.”⁷³ See *Legislation Summary*.

Alcohol – Labour voted against amendments to set a minimum price for alcohol in the Alcohol Etc. (Scotland) Bill (see *Legislation Summary*). The party’s 2011 manifesto promises a “National Strategy for Action on Alcohol”.⁷⁴

Constitution – The party is “proud to have brought in the Human Rights Act”.⁷⁵ In 2010 it stated: “We believe that there is a case for reform of the laws concerning marriage to Roman Catholics and the primacy of male members of the Royal family. However, any reform would need the agreement of all the Commonwealth countries of which The Queen is the Sovereign.”⁷⁶

Scottish Labour has said it wants to create a fully elected **House of Lords** in stages.⁷⁷

Scottish Conservatives

scottishconservatives.com



At the dissolution of the Scottish Parliament the Scottish Conservatives had 17 MSPs. The Conservative Party has 306 MPs in the House of Commons, including its leader, the Prime Minister David Cameron. At Westminster it has formed a coalition Government with the Liberal Democrats.

Stance on Scottish Parliament issues

Assisted suicide – As with other political parties, Conservative MSPs were given a free vote on Margo MacDonald's Bill to legalise euthanasia. The Scottish Conservative leader Annabel Goldie voted against the Bill and no Conservative MSP voted for it.⁷⁸ David Cameron has condemned the idea of decriminalising assisted suicide and warned that helping the terminally ill to die is "dangerous for society".⁷⁹

Adoption in Scotland – Annabel Goldie supported the Adoption and Children (Scotland) Act 2007, which extended joint adoption to homosexual couples.⁸⁰ The Conservatives gave their MSPs a free vote on the issue.⁸¹

Divorce – In 2005, the Scottish Conservatives were given a free vote on proposals in the Family Law (Scotland) Bill which made divorce quicker and easier.⁸²

Homosexuality – The Scottish Conservatives opposed the repeal of Section 28.⁸³ Subsequently, the UK party leadership has changed position.

Parental smacking – The Scottish Conservatives attacked attempts to completely prohibit smacking when changes to the law were being considered at Holyrood in 2003.⁸⁴ The Party has since made clear it supports the present Scottish law which allows for reasonable chastisement.⁸⁵ In 2008 David Cameron stated that he does not believe smacking should be outlawed.⁸⁶

Prostitution – In February 2003 the Scottish Conservatives opposed Independent MSP Margo MacDonald's Bill to introduce tolerance zones.⁸⁷ The party supported the Prostitution (Public Places) (Scotland) Act 2007 which strengthened the prostitution laws in Scotland.

Sex education – In 2009, after learning that there were plans to teach sex education to children in Glasgow as young as four, the Conservatives said there would be "massive concerns" from parents about whether this was the correct priority.⁸⁸

Drugs – The Scottish Conservatives advocate an abstinence-based approach for getting criminals off drugs.⁸⁹ Annabel Goldie has advocated a zero tolerance approach and in a 2011 leaders' TV debate she strongly backed

the Scottish Government's recovery from drugs programme.⁹⁰

Cannabis – Annabel Goldie called the downgrading of cannabis to a class C drug “a massive mistake”.⁹¹

Mephedrone – the Scottish Conservatives welcomed Westminster's decision to ban the ‘legal high’ mephedrone in 2010.⁹²

Stance on UK-wide issues at Westminster

Human Fertilisation and Embryology Act

Abortion – In 2008, Conservative MPs had a free vote on abortion. David Cameron voted to lower the abortion time limit to 20 weeks.⁹³ Andrew Lansley, the then Shadow Health Spokesman, wanted the abortion limit to be reduced to 22 weeks.⁹⁴ However, they both wanted to make early abortions quicker and easier.⁹⁵

Hybrid embryos – Conservatives were allowed a free vote on animal-human hybrid embryos. David Cameron voted in favour.⁹⁶

Saviour siblings – Conservatives were allowed a free vote on ‘saviour siblings’.⁹⁷ David Cameron did not vote.

Fatherhood – Conservatives had a free vote, though spokesmen stated that children conceived through IVF needed a male role model.⁹⁸ David Cameron voted for keeping the ‘need for a father’ requirement.

Civil Partnership Act – The Conservative Party gave a free vote to its MPs on the Civil Partnership Bill. David Cameron strongly supports civil partnerships and now claims that



Annabel Goldie, Leader of the Scottish Conservatives

this is the position of the Conservative Party despite the fact that there was a free vote.⁹⁹ David Cameron has previously stated: “As far as I am concerned, commitment matters whether it’s between a man and a woman, a man and a man or a woman and a woman.”¹⁰⁰

Gender Recognition Bill – The Conservative Party had a free vote on this issue, though the frontbench spokesman voted for it. The party also permitted a free vote on an **amendment to protect churches from the effects of the Bill**.

The Conservatives supported **special employment rights for homosexuals** whilst at the same time backing the then Labour Government's exemptions for churches and other religious bodies. The Conservatives also supported the Government's **employment**

regulations on religion and belief, which removed the absolute discretion of churches to employ believers in whatever post they see fit.

Equality Bill 2005 – In the Lords, Conservative Peers voted against plans to introduce religious harassment laws in the provision of goods and services following concerns about free speech and religious liberty.

Sexual Orientation Regulations 2007 (SORs) – David Cameron voted for the SORs and said that Roman Catholic adoption agencies would have to comply with the law.¹⁰¹ Conservative MPs and Peers were given a free vote. None of the shadow cabinet at the time voted against the SORs, though some abstained or were absent for the vote. Almost three times as many Conservative MPs voted against the SORs as voted for them. A significant number also abstained or were absent.

Equality Act 2010 – Conservative MPs and Peers were whipped to support an amendment by Lady O’Cathain maintaining existing employment exemptions for churches, but the party gave its general support to the Bill as a whole.¹⁰²

Incitement to religious hatred – The Conservatives backed the Lords amendments to narrow the scope of the offence and include a robust free speech protection.¹⁰³ The then Shadow Home Secretary, David Davis, said the proposed law would “seriously undermine freedom of speech” and would be “massively counter-productive”.¹⁰⁴

Gambling – The Party did not in the end oppose the Gambling Act 2005. David Cameron initially supported Government plans for one super casino but the party then distanced itself from proposals to site the casino in Manchester, giving its Peers a free vote on that issue.¹⁰⁵

Policies

Homosexual marriage – the coalition Government at Westminster is ‘formally looking’ at redefining marriage to allow homosexual couples to obtain the same certificate as married people. The policy of the Scottish Conservatives is unknown.

Family – The Scottish Conservatives have given mixed messages about marriage and the family in the past. They have previously stated that “it is not the job of the state to get involved in family life; far less to pass judgement on the merits of one individual family over another” and that “many [families] are households with same-sex couples”. However the Party has also said that “research confirms that the chance of a child securing a good education, living a healthy lifestyle, staying away from the trap of criminal activity and becoming a productive worker and member of society, is increased if they are part of a family in which the parents are married and living together”. They went on to say, “in order to reverse Scotland’s social breakdown, it is the job of Government to put in place the structures to reverse family breakdown and encourage stability and commitment.”¹⁰⁶

Marriage – The Conservatives’ 2010 manifesto gave a commitment to “end the couple penalty for all couples in the tax credit system”.¹⁰⁷ It also stated that marriage would be recognised in the tax system in the next Parliament – but that recognition, in the form of a tax break, would also be applied to civil partnerships.¹⁰⁸

Education – In 2009 the Scottish Conservatives lamented the state of **school discipline** in Scotland, and dedicated themselves to giving headteachers more control over discipline in their own schools.¹⁰⁹

The Scottish Conservative manifesto 2011 promises to “enable educational charities, philanthropists, not-for-profit trusts and groups of parents to set up new schools and allow existing state schools to be run independently of local authorities... We will give headteachers of schools remaining within local authority control more powers over the running of their own school...”¹¹⁰ Successive Governments (Conservative, Labour and coalition) have pursued a similar approach in England over the past two decades.

Equality and Human Rights Commission

– The coalition Government at Westminster is currently consulting on restricting the Commission’s remit.¹¹¹

Religious broadcasting freedom – For some years the Conservatives have opposed the ban on Christians holding some TV and radio licences.¹¹²

Alcohol – The Scottish Conservatives voted against amendments to set a minimum price for alcohol in the Alcohol Etc. (Scotland) Bill (see *Legislation Summary*). Their 2011 manifesto promises to “follow the UK Government’s lead

and ban the sale of alcohol below the cost of duty and VAT.”¹¹³

Constitution – David Cameron supports changing the law to allow a monarch to be married to a Roman Catholic,¹¹⁴ though his view on how this would affect the establishment of the Church of England is unknown. Foreign Secretary, William Hague, recently said that changing the Act of Settlement is not a priority for the coalition Government.¹¹⁵

The Conservatives promised in their 2010 general election manifesto to replace the Human Rights Act 1998 with a UK Bill of Rights.¹¹⁶ Following this, the Westminster Government recently appointed an independent Commission to “investigate the creation of a UK Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights, ensures that these rights continue to be enshrined in UK law, and protects and extend our liberties.”¹¹⁷

House of Lords – In 2010 the Conservatives said: “We will work to build a consensus for a mainly-elected second chamber to replace the current House of Lords.”¹¹⁸

Scottish Liberal Democrats

scotlibdems.org.uk



The Scottish Liberal Democrats had 16 MSPs when the Scottish Parliament was dissolved. The Liberal Democrats currently have 57 MPs in Westminster, where they are in a coalition Government with the Conservatives. Their leader Nick Clegg is Deputy Prime Minister.

Scottish Executive 1999-2007

From 1999 until 2007 the Liberal Democrats were coalition partners with Labour in the Scottish Executive.

In 2000 the Executive **repealed Section 28** (or 'section 2A') of the Local Government Act 1988 which prohibited the promotion of homosexuality in schools and elsewhere.

The Executive introduced the **Adoption and Children (Scotland) Act 2007** which legalised joint adoption by unmarried and homosexual couples. The Liberal Democrats opposed Roseanna Cunningham MSP's amendments to stop homosexual couples jointly adopting.

The Lib Dems opposed religious **adoption agencies** being given an exemption from laws requiring them to accept homosexuals as prospective adopters. They turned against Scottish Labour, their coalition partners, and opposed an exemption during the passage of the Adoption and Children (Scotland) Bill.

As part of the Executive, the Lib Dems pushed through reforms to **divorce law**, slashing the waiting time for 'no fault' divorce.

The law on prostitution was strengthened by the Executive's **Prostitution (Public Places) (Scotland) Act 2007**.

As part of the Executive, the Lib Dems increased restrictions on **parental discipline**. The party would go much further and introduce **a ban on all parental smacking**.¹¹⁹

The Executive introduced the controversial Scottish **Sexual Health Strategy** in 2005 and in 2007 the Scottish Lib Dems wanted to extend the funding for a further four years.¹²⁰

In 2001 the Executive also introduced the **Healthy Respect** project, which promoted sex education in schools and offered condoms and the morning-after pill at drop-in centres. An academic study of the project later concluded that it had "limited beneficial effects".¹²¹

UK-wide issues at Westminster

Human Fertilisation and Embryology Act

– Liberal Democrats were allowed to vote according to their conscience on lowering the time limit for **abortion** from 24 weeks. Leader Nick Clegg voted against any reduction.

MPs were allowed a free vote on the creation of animal-human embryos, 'saviour siblings' and scrapping the 'need for a father' requirement for IVF children. Nick Clegg voted in favour of animal-human embryos and 'saviour siblings', and also supported repeal of the 'need for a father' requirement.

The Liberal Democrats supported the **Gender Recognition Act 2004**, providing a raft of legal rights for transsexuals, including the right for people to change their legal birth sex. Churches and religious organisations are not wholly protected from the effects of the Act.¹²² They permitted a free vote on an **amendment to protect churches from the Bill**. As part of the Scottish Executive, they approved a Sewell motion which applied Westminster's decision to Scotland.

Equality Bill 2005 – The Liberal Democrats wanted religious harassment removed from the Bill to safeguard free speech about religious beliefs.¹²³

Sexual Orientation Regulations (SORs) – The Lib Dems supported the Labour Government in voting for the SORs and opposed exemptions for religious adoption agencies.¹²⁴ Lorely Burt, then equality spokesman, said it was vital that the plans contained in the SORs should not be weakened in any way.¹²⁵

Equality Act 2010 – The Lib Dems firmly supported the Equality Bill and voted for narrowing employment protections for churches and religious organisations. They also argued that religion should *not* be included as a protected characteristic in the public sector equality duties.¹²⁶

Incitement to religious hatred – It was party policy to oppose the Labour Government's Racial and Religious Hatred Bill. The Lib Dems

supported amendments made in the Lords, including a robust free speech protection.¹²⁷

Gambling – After initially opposing the Gambling Bill on second reading the party did not vote against the third reading of the **Gambling Bill** in 2005. In 2007 the party opposed the Casinos Order made under this legislation. The Liberal Democrats supported Gordon Brown's decision to scrap the super casino, saying it was "the right decision".¹²⁸

Policies

Euthanasia – UK party leader Nick Clegg has said he believes euthanasia is a difficult moral issue and therefore party members have a free vote on the issue, as was the case for the party's MSPs on Margo MacDonald's End of Life Assistance (Scotland) Bill. Mr Clegg said the situation in the Netherlands makes him feel "morally very uncomfortable".¹²⁹

Homosexual marriage – The Scottish Liberal Democrats' election manifesto 2011 promises to redefine marriage to allow homosexual couples to marry and to create heterosexual civil partnerships.¹³⁰ The party has previously called on the Scottish Government to allow **civil partnerships and same-sex marriages in churches**.¹³¹

The coalition Government at Westminster is 'formally looking' at redefining marriage to allow homosexual couples to obtain the same certificate as married people.

Before the 2010 General Election Nick Clegg said: "I support gay marriage. Love is the same, straight or gay, so the civil institution should be the same, too. All couples should be able to make that commitment to one another."¹³²



Tavish Scott, Leader of the Scottish Liberal Democrats

Elsewhere he stated: “Until same sex marriage is permitted it is impossible to claim gay and straight couples are treated equally”.¹³³

Homosexual rights – In 2008 the party pushed for the fostering regulations to be amended to allow same-sex couples to foster children.¹³⁴ At Scotia Pride 2011 Scottish Lib Dem leader Tavish Scott said: “Gay rights should be promoted right across the globe.”¹³⁵ It is Scottish Lib Dem policy to end the public safety policy of banning men who have ever had sex with men from **giving blood**.¹³⁶ The party’s 2011 manifesto promises to work with Westminster to “review” the issue.¹³⁷

The 2011 manifesto also encourages the development of homosexual lobby group Stonewall’s *Education for All* programme for **schools**.¹³⁸ As part of this scheme young boys in primary schools are encouraged to try on dresses and teachers are advised to get children to act out pro-homosexual stories covering

issues such as same-sex marriage. Titles recommended include *King and King*, *The Sissy Duckling* and *Hello Sailor*. An accompanying DVD suggests children should be made ‘resilient’ to the values of their parents and grandparents.¹³⁹

The Liberal Democrats are against favouring **marriage** in the tax system.¹⁴⁰ UK leader Nick Clegg described the Conservatives’ proposals for a tax break for married couples as “patronising drive”.¹⁴¹ In 2008, Families Spokesman Susan Kramer said: “Liberal Democrats recognise ‘real’ families, as they exist in all their variations and complexity - traditional families, families centred on heterosexual but also gay and lesbian relationships, multi-generational families, step-families, extended families and single parent families.” She said those who speak out for traditional families are “stuck in a mid-20th century time-warp.”¹⁴²

School discipline – The Scottish Lib Dems’ election manifesto 2011 says they will: “Allow head teachers greater control over discipline in schools, with off-site education for persistently disruptive or violent pupils.”¹⁴³

Religious broadcasting freedom – During the passage of the Communications Bill 2003, the Lib Dems initially supported removing restrictions on religious bodies holding TV and radio licences. However, in a last minute U-turn, they supported the Westminster Government in maintaining the ban.¹⁴⁴

The Scottish Lib Dems supported the establishment of the **Scottish Commission for Human Rights** to promote human rights and equality in Scotland.¹⁴⁵

Drugs

The party’s election manifesto 2011 says: “We will create a recovery system that focuses not only on getting people into treatment and meeting process-driven targets, but getting them into full recovery and off drugs and alcohol for good.” It goes on to promise they will: “Recognise that substitute prescribing continues to have a role to play in the treatment of heroin dependence, both in stabilising drug use and supporting detoxification.”¹⁴⁶ The Scottish Lib Dems have previously said heroin users should be given clean heroin on the NHS to cut down on crime and prostitution and prevent deaths from tainted drugs.¹⁴⁷

Cannabis – At Westminster the Liberal Democrats voted for cannabis to remain a class C drug.¹⁴⁸

Ecstasy – Party policy has been to weaken the law by reclassifying ecstasy from class A to class B.¹⁴⁹

Alcohol – The Scottish Lib Dems voted against amendments to set a minimum price for alcohol in the Alcohol Etc. (Scotland) Bill (*see Legislation Summary*). Their 2011 manifesto promises to: “Continue to support UK-wide measures to tackle the sale of alcohol at unacceptably low cost avoiding unintended consequences of cross-border sales and without simply boosting the profits of retailers.”¹⁵⁰

Constitution – Liberal Democrat policy is to disestablish the Church of England.¹⁵¹ In the light of this policy it is difficult to see how the special position of the Church of Scotland could also be preserved. For example, to have a consistent UK policy on this question the Church of Scotland Act 1921 would have to be repealed. The party also wants to repeal the law which excludes Roman Catholics from the line of succession to the throne.¹⁵² The Liberal Democrats want a written Bill of Rights for Britain, including strengthening and entrenching the **Human Rights Act**.¹⁵³ The Westminster Government recently appointed an independent Commission to “investigate the creation of a UK Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights, ensures that these rights continue to be enshrined in UK law, and protects and extend our liberties.”¹⁵⁴

The Scottish Lib Dem manifesto 2010 said the party wants a 100% elected **House of Lords**.¹⁵⁵ Deputy Prime Minister Nick Clegg is chairing the Westminster coalition Government’s committee for House of Lords reform.¹⁵⁶ The party has also said it would “involve the people” in producing a written constitution.¹⁵⁷

Scottish Green Party

scottishgreens.org.uk



The Scottish Green Party had two MSPs when the Scottish Parliament was dissolved.

Policies

Assisted suicide – Both Scottish Green Party MSPs voted for Margo MacDonald’s End of Life Assistance (Scotland) Bill.

The Scottish Green Party is in favour of legalising full **homosexual marriage** and has committed to backing legislation in the new Parliament. It also wants to allow heterosexuals to register **civil partnerships**.¹⁵⁸

The party opposed amendments to the **Adoption and Children (Scotland) Act 2007** which would have prevented homosexual couples from adopting. They also opposed calls to allow Roman Catholic adoption agencies to refuse homosexual couples and refer them to alternative agencies.

The Scottish Green Party voted in favour of changes to **divorce law** which cut the waiting time for ‘no fault’ divorce.

In 2008 co-convenor of the party, Patrick Harvie MSP, brought forward the **Offences (Aggravation by Prejudice) (Scotland) Bill** which introduced tougher penalties for crimes committed against homosexuals and transsexuals. See *Legislation Summary*.

Alcohol – In 2010, both Scottish Green MSPs voted in favour of introducing a minimum price per unit of alcohol.

Scottish Green Party MSPs abstained on the **Prostitution (Public Places) (Scotland) Bill 2007**, arguing that it failed to deal with the harm and exploitation that surrounds prostitution.¹⁵⁹

The Scottish Green Party wants to “make sure Scotland’s **Human Rights Commission** is strong and independent, to protect and uphold the European Convention on Human Rights”¹⁶⁰

UK Independence Party

ukip.org



The UK Independence Party (UKIP) is now the third largest UK party in the European Parliament, with 12 MEPs. Its leader is Nigel Farage MEP.

Policies

Marriage – UKIP said in 2010 it would remove the ‘couple penalty’ in benefits for married couples and would also introduce a “flat tax policy that would disincentive young single mothers from getting pregnant purely to obtain financial/benefits advantages”.¹⁶¹

School discipline – The party believes that school discipline should be strengthened, with individual schools given the final say in what sanctions they wish to employ against disruptive and/or unruly pupils, not local authorities or other outside agents.¹⁶²

Hate crimes – UKIP “refuses to recognise that expression and opinion are crimes” and would “review all existing politically correct ‘hate crime’ laws”.¹⁶³

UKIP expressed support for the Roman Catholic **adoption agencies** in seeking an exemption from the **Sexual Orientation Regulations** so they would not have to place children with homosexual couples.¹⁶⁴

Equality and Human Rights Commission – In 2010 UKIP vowed to cut all spending for the Commission.¹⁶⁵

UKIP leader Nigel Farage has said he believes **drugs** should be decriminalised and regulated and has called for a Royal Commission to investigate the issue.¹⁶⁶ He also believes **prostitution** should be decriminalised and regulated.¹⁶⁷

Constitution – UKIP is well known for its policy of ending the UK’s membership of the European Union. UKIP Scotland would replace MSPs with Scottish Westminster MPs.¹⁶⁸ They have previously suggested that Scottish MPs would sit in Scotland for one week per month to deal with issues only affecting Scotland.¹⁶⁹ The party would abolish the Human Rights Act and replace it with a British Bill of Rights.¹⁷⁰

Christian Peoples Alliance (CPA)

cpaparty.org.uk



Policies

Abortion – The CPA's 2010 manifesto promised that they would seek to repeal the 1967 Abortion Act, end use of the morning-after pill and outlaw embryo experimentation including embryonic stem cell research.¹⁷¹ The CPA "will foster a culture that respects life from conception to natural death, resisting euthanasia and providing real support to mothers."¹⁷²

The CPA opposed **homosexual marriage** in its 2010 manifesto.¹⁷³

The CPA will campaign for the introduction of a transferable married couples allowance so that **marriage** is once again given a privileged status.¹⁷⁴

Divorce/Mediation – In its 2010 manifesto, the CPA said it wanted to "promote reconciliation where marriages enter difficulties, not mediation that's designed to facilitate divorce."¹⁷⁵

Equality Act – The Scottish CPA has said: "The abuse of 'equalities' legislation will be tackled and our MSPs will campaign to restore

fundamental freedoms of religious expression to Scottish life."¹⁷⁶

In its 2010 Election manifesto, the CPA endorsed *The Spirit Level*, considered to be the handbook of equality law, which advocates an **equality of outcomes** approach.¹⁷⁷

Drugs – The Scottish CPA believe that the classification of all drugs should be reviewed with special reference to high strength cannabis. They say the philosophy of 'harm reduction' in the drugs field is failing and advocate "an increase in rehabilitation centres and a vigorous and co-ordinated educational programme in schools presented by experts."¹⁷⁸

Gambling – The Scottish CPA will oppose the extension of gambling especially super casinos.¹⁷⁹

According to the CPA's 2010 manifesto: "Steps to legalise **prostitution** or brothels will be firmly rejected."¹⁸⁰

House of Lords – In its 2010 manifesto the party said it would "reform the House of Lords, such that it becomes an efficient and effective 'revising chamber', whilst seeking to reflect the proportion of the total popular vote."¹⁸¹

Scottish Christian Party (SCP)

scottishchristianparty.org.uk



The Scottish Christian Party is the name for the Scottish section of The Christian Party.¹⁸²

Policies

The SCP wants to end **abortion** and the destruction of human embryos.¹⁸³ It also opposes human cloning.¹⁸⁴ The SCP would “outlaw voluntary, non-voluntary and involuntary **euthanasia** by omission or by direct act, including neonatal euthanasia.”¹⁸⁵

Homosexual marriage – The party rejects “all attempts to re-define marriage” to be anything other than “between one man and one woman for life”.¹⁸⁶ It also believes that it is best for children to be raised by one man and one woman in a married relationship, including in cases of **adoption**.¹⁸⁷

The SCP will make **contraception** for minors, without parental approval, illegal.¹⁸⁸

The Scottish Christian Party said its MPs would: “Abolish race equality laws, sexual orientation equality laws, and gender equality laws so that there are no special benefits for special interest groups, but impartial justice for all.”¹⁸⁹

Free speech – The party “totally opposes the erosion of the hard-fought right to free speech, the introduction of the policing of thoughts and the de facto introduction of ‘thought crime.’”¹⁹⁰

The SCP has promised to: “Put in place a zero tolerance approach towards illegal **drug possession for personal use** through the use of a full range of alternative punishments, rather than prison sentences.”¹⁹¹

The SCP would “promote, but not impose, Sunday as a day of rest.”¹⁹²

The SCP opposes **prostitution**, including ‘tolerance zones’ and mini-brothels.¹⁹³

Legislation summary: Scottish Parliament 2007-2011

Margo MacDonald: End of Life Assistance (Scotland) Bill

In January 2010 Independent MSP Margo MacDonald proposed the End of Life Assistance (Scotland) Bill which sought to allow the terminally ill or people who are permanently physically incapacitated to seek assistance in ending their lives. This would have effectively legalised voluntary euthanasia in Scotland.

The following month the Scottish Parliament established the Bill Committee to consider the Bill's general principles and report on them to the Scottish Parliament. In March 2010 the Committee launched a public call for evidence asking for comments on whether eligible people should be legally allowed to request end of life assistance from a doctor, whether the age and residency requirements were appropriate and whether the level and nature of the safeguards were sufficient.

Of the 601 people and organisations who submitted written evidence to the Committee, 86 per cent of respondents were opposed to the Bill.¹⁹⁴

In the same month *Care Not Killing* organised a petition against the Bill that received over 14,000 signatures, making it the largest public petition witnessed by the Scottish Parliament.¹⁹⁵

A number of influential medics, religious leaders and disability campaigners spoke out against the Bill during the giving of evidence

to the Committee. BMA Scotland revealed that the majority of doctors are steadfastly opposed to the legalisation of assisted suicide in Scotland.¹⁹⁶

First Minister Alex Salmond said he was not persuaded by the Bill and Health Secretary Nicola Sturgeon said she was "fundamentally concerned" about the proposed safeguards contained within it.¹⁹⁷

Disability group *Inclusion Scotland* held a protest outside Holyrood arguing that the principles of the Bill discriminated against disabled people. Following pressure from disability campaigners, Margo MacDonald agreed to drop the clause which said that a person would be eligible for an assisted suicide if they were "permanently physically incapacitated to such an extent as not to be able to live independently" and if they found life "intolerable".¹⁹⁸

On 18 November 2010 the Committee published its Stage 1 report on the Bill. The Committee said that, overall, it was "not persuaded" the law needed changing and therefore did not recommend the general principles of the Bill to Parliament.¹⁹⁹

The Scottish Parliament held its Stage 1 debate on the Bill on 1 December 2010. Scottish party leaders Alex Salmond (SNP), Iain Gray (Lab), Annabel Goldie (Con) and Tavish Scott (Lib Dem) all voted against the Bill. MSPs voted 85 to 16 against the Bill in a free vote. There were two abstentions. As a result the Bill fell.

Sexual Offences (Scotland) Act 2009

In December 2007 the Scottish Law Commission recommended lowering the age of consent for full sexual activity to 13 where the parties were both under 16. Non-penetrative sexual activity would also have been legal between an over-16 and an under-16 as long as they were within a two year age range, e.g. 17 and 15.²⁰⁰ Scottish Children's Commissioner, Kathleen Marshall, supported the Law Commission's proposals.²⁰¹

The Scottish Government consulted on the Law Commission's recommendations in early 2008²⁰² and published its Sexual Offences (Scotland) Bill in June 2008.

The Bill did not go as far as the Law Commission had recommended on full sexual activity, instead keeping the age of consent at 16. However, the Bill legalised oral sex and other sexual activity for teenagers. Sexual activity not involving penile penetration would have become legal for 13-year-olds and older, as long as there were no more than two years between the parties. The Bill would have allowed a 16-year-old and 14-year-old, or 15-year-old and 13-year-old, to engage in sexual activity short of full vaginal or anal intercourse.

Edinburgh-based QC Herbert Kerrigan said the Bill would have legalised at least eleven scenarios of oral sex which were then unlawful.²⁰³

The Bill was considered at Stage 1 in the Scottish Parliament by the Justice Committee. After taking written and oral evidence, the Committee recommended that the Bill should be amended to include oral sex within the scope of the offence provisions.²⁰⁴

In response to the Committee's report, the Scottish Government tabled amendments at Stage 2 to include oral sex in the scope of the offences and remove the two year age gap defence with regard to oral sex. All the political parties on the Committee appeared to support this. The Committee voted to accept these amendments.²⁰⁵

However, the Bill still legalised non-penetrative sexual activity such as masturbation or groping between teenagers.

The Stage 3 debate took place on 10 June 2009. No amendments were tabled to include masturbation or groping within the scope of the offences. The Liberal Democrats tabled an amendment which meant the Scottish Government had to consult young people about the changes before they could be implemented.²⁰⁶ Labour supported this.²⁰⁷ The Conservatives did not.²⁰⁸ However, after assurances from Justice Secretary Kenny MacAskill, the Lib Dems withdrew the amendment.²⁰⁹

The Scottish Parliament passed the Sexual Offences (Scotland) Bill on 10 June 2009 and it received Royal Assent on 14 July 2009.

Under the new Act oral sex remains an offence for under-16s but masturbation and groping have been legalised for children aged 13 or over where there are no more than two years between the participants.

Free speech

The Criminal Justice and Licensing (Scotland) Bill was introduced by the SNP minority Government in March 2009.

At Stage 2 the Government tabled Amendment 378. This amendment created an offence of threatening, alarming or distressing behaviour. It was intended that the offence could be used to prosecute both stalking and other activities, such as domestic abuse, which might have been difficult to successfully prosecute as a result of court decisions clarifying the scope of the existing common law offence of breach of the peace.

However Amendment 378 did not resemble a stalking-specific offence, but was much more akin to a general public order offence. The wording would have caught a huge range of conduct. The amendment had a very low threshold, and the wide breadth of the offence as drafted gave rise to serious free speech concerns. At its worst, the draft offence would have criminalised private behaviour which was not intended to cause fear, alarm or distress, and caused no one fear, alarm or distress.

A specific stalking offence, tabled by Rhoda Grant, was agreed at Stage 2 (although amended at Stage 3). Following debate in the Committee, the Scottish Government did not move Amendment 378, but the Minister said that at Stage 3 he would bring forward an alternative amendment.²¹⁰

The Scottish Government's alternative proposal for Stage 3 (Amendment 63) created a new offence of 'threatening or abusive behaviour'. This is a narrower offence than the previous proposal, omitting reference to distressing behaviour. At its lowest threshold, it catches 'abusive' speech which is likely to cause 'alarm'.

The Conservatives tabled an alternative – Amendment 188. This amendment limited the offence to persons in a domestic relationship and gave police and prosecutors more scope to deal with domestic abuse incidents. Robert

Brown (Lib Dem spokesman) tabled another alternative amendment to broaden the scope of the common law breach of the peace offence so that it could be used in domestic abuse cases.

Government Amendment 63 was agreed by the Scottish Parliament at Stage 3. Labour supported the amendment.²¹¹ The Conservatives and Liberal Democrats did not.²¹²

Amendment 63 became Section 38 of the Criminal Justice and Licensing (Scotland) Act, which received Royal Assent on 6 August 2010.

Offences (Aggravation by Prejudice) (Scotland) Act

Green Party MSP Patrick Harvie lodged his proposal to introduce stronger penalties for crimes committed against homosexuals and transsexuals on 22 November 2007. The proposal gained the support of 45 MSPs.²¹³ On 15 January 2008, the Scottish Government announced its backing and said that the Bill would be taken forward as a 'Handout Bill' – a member's bill which is sponsored and supported by the Government.²¹⁴ Patrick Harvie introduced the resulting Offences (Aggravation by Prejudice) (Scotland) Bill on 19 May 2008.

The Bill sought to ensure that, where it can be proven that an offence has been motivated by malice and ill-will against the victim's actual or presumed sexual orientation, or because the victim is thought to be a transsexual, a court must take that motivation into account when determining the sentence. The Bill did not introduce any new offences. There were concerns that the proposals could undermine free speech and religious liberty by giving LGBT groups a legal mechanism for targeting those who disagree with them. The Bill's provisions

also apply to disability. (The law already allowed for stronger penalties for racially or religiously motivated crimes.)

The Stage 1 debate took place on 18 March 2009. No amendments were lodged at Stage 2. The Stage 3 debate was held on 3 June 2009, at which the Scottish Parliament passed the Bill.

Patrick Harvie said that there had been cross-party support for the Bill.²¹⁵ Justice Secretary Kenny MacAskill said: "The Government is delighted to have been able to give its support".²¹⁶ Richard Baker said: "Labour welcomes the bill. We will support it at decision time".²¹⁷ Bill Aitken said: "Conservative members are content that it should proceed."²¹⁸ Robert Brown said: "I am glad to offer the Liberal Democrats' support for the bill, which was a commitment in our 2007 manifesto."²¹⁹

The Bill received Royal Assent on 8 July 2009.

Prostitution

The Criminal Justice and Licensing (Scotland) Bill was introduced by the SNP minority Government in March 2009.

Labour MSP Trish Godman tabled an amendment at Stage 2 of the Bill which would have made it a criminal offence to purchase sex. The amendment also made it a crime to advertise or facilitate paid-for sexual activity.²²⁰ SNP MSP Nigel Don tabled a backbench amendment which made buying sex from a trafficked woman a strict liability offence; this was not on behalf of his party.²²¹ His amendment would have paralleled the law in England and Wales.

Trish Godman moved her amendments during the Stage 2 debate on 20 April 2010; however, they were defeated by five votes to three. The Labour party supported the amendments and the three Labour members voted in favour.²²² Nigel Don did not move his amendment.

The amendments were tabled again at Stage 3 by Labour MSP Marlyn Glen. Richard Baker (Lab) also re-tabled the strict liability offence. Labour clearly stated that ideally they would like Marlyn Glen's amendments to pass but that they would support strict liability in the event of their failure.²²³ The other major parties said that they believed the issue was too big to bring into the Bill and required further consultation.²²⁴ All Labour MSPs present voted in favour of both amendments. Everyone else voted against both.²²⁵ Justice Secretary Kenny MacAskill said that if there was enough evidence that trafficking was a problem, the Government would take action.²²⁶

Therefore the law remained unchanged in Scotland.

In November 2010 Trish Godman launched a public consultation on the Proposed Criminalisation of the Purchase and Sale of Sex (Scotland) Bill. The Bill would outlaw the purchasing of sex and related selling activities. The consultation considered the criminalisation of just the purchaser as well as the criminalisation of both purchaser and seller. The consultation closed on 18 February 2011.²²⁷ Trish Godman had sufficient support to bring forward a Bill on this issue, but did not lodge a final proposal before the Scottish Parliament dissolved in March for the elections.

Alcohol pricing

The Alcohol Etc. (Scotland) Bill was introduced by Health Secretary Nicola Sturgeon as a Scottish Government Bill on 25 November 2009.

The Bill would have introduced measures aimed at reducing alcohol-related harm, such as the introduction of a minimum price per unit of alcohol sold.

Arguments for minimum pricing included that it would reduce consumption and therefore alcohol-related harm, and that it would be a targeted measure as it would mainly affect the cheaper drinks more likely to be bought by heavier drinkers. Critics of the policy claimed it would not affect heavy and harmful drinkers as they are less sensitive to price, it would disproportionately affect low income groups and it would only serve to increase the profits of major retailers at the expense of the majority of moderate drinkers.²²⁸

The Stage 1 report from the Health and Sport Committee showed that the Committee was divided on the subject of minimum unit pricing but, in the interests of further scrutiny, it recommended the Bill should move to Stage 2 and called on the Government to place the minimum price on the face of the Bill.²²⁹

At Stage 2 the Scottish Government lodged amendments to set the minimum unit price at 45 pence per unit and to introduce a 'sunset clause' which would allow the minimum unit price to be piloted for 6 years.²³⁰

At Stage 2, the Conservatives, Labour and the Liberal Democrats all voted to remove minimum pricing from the Bill.²³¹

At Stage 3 the SNP tabled an amendment to reinstate minimum unit pricing to the Bill. Labour, Conservatives, and the Liberal Democrats voted down the amendment.²³² Therefore minimum pricing proposals were not included when the Bill was passed. The Bill received Royal Assent on 15 December 2010.

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Candidate questions

Six questions to ask your local candidates

1. Are you in favour of changing the definition of marriage so that homosexual couples can get married?

Homosexual activists have outlined detailed plans to push the new Scottish Parliament to legalise same-sex marriage. This would be a profound legal change with reverberations throughout society, including implications for what children are taught in schools.

2. What will you do to end the culture of methadone dependency?

There are concerns that national policies are not getting addicts off drugs but instead simply giving them methadone indefinitely.

3. Do you believe that assisted suicide or euthanasia should be legalised?

MSPs could be asked to vote on whether to back either move.

4. Should it be a crime to say homosexual practice is sinful?

There is increasing pressure to silence Christians on this issue, either by using existing laws or by creating new hate crimes like those in England.

5. Do you believe that parents should be banned from smacking their children?

MSPs could be asked to vote on a smacking ban.

6. Do you believe the prostitution laws should be strengthened to outlaw purchasing sex?

Debates continue on whether Scotland should lead the way in the UK and make paying for sex with a prostitute a criminal offence.

