VII.

REPORT

OF THE

COMMITTEE ON PUBLIC QUESTIONS, RELIGION & MORALS

Introduction

As we are all aware, 2017 marks the five hundredth anniversary of the Protestant Reformation, that great work of God whereby the gospel of grace that brings life and joy to sinners was restored to the Church. The motto of the Reformation was *Post Tenebras Lux*, or 'After Darkness, Light'. Amidst the prevailing gloom of Romish error and superstition, a spark was produced in Germany which lit a flame that burned brightly in much of Europe, despite Satan's best efforts to put it out. Incalculable spiritual blessing came to our own nation from the Reformation, with manifold benefits for our society. As a Church descended from the Reformation, it is fitting that we commemorate this year what the Lord wrought those centuries ago.

But what of that Reformation flame now? Is it still giving out its light, and are we as a people living in that light? We may perhaps answer that question by pointing to another anniversary which occurs this year – one which sadly is likely to receive far more attention than the one we are celebrating, particularly from the liberal establishment which tends to dominate our public affairs.

Five decades ago, the so-called "permissive society" was ushered in by a raft of legislation passed by Parliament. It included the abolition of the death penalty for murder in Great Britain in 1965, the abolition of theatre censorship throughout the United Kingdom in 1968, and divorce reform in England and Wales in 1969. However, it is two Acts of Parliament from 1967 which stand out, because of the permission they gave for things that are so clearly contrary to nature, as well as being opposed to the teaching of the Bible.

The Sexual Offences Act 1967 decriminalised homosexual acts in private in England and Wales above the age of 21 (similar legislation for Scotland followed in 1980 and for Northern Ireland in 1982). It initiated fifty years of 'progress' towards the point which we have now reached, where homosexuals are so protected by the law of the land that to voice a mild criticism of their lifestyle may lead to public vilification, and even an unwillingness to affirm their lifestyle may mean that a person gets into difficulties with his or her employment.

The Abortion Act 1967 made abortion legal under certain circumstances throughout Great Britain (but not in Northern Ireland, where it remains illegal). In the fifty years since then, over eight million children in the UK, including nearly half a million in Scotland, have lost their lives in their mother's womb, as abortion has become more and more widespread. Now a move is underway to have abortion taken out of the criminal law altogether, so that abortion on demand would be possible right up until birth.

A common feature of these two Acts of Parliament is that those who promoted them did not remotely foresee what they would lead to. Lord Arran, who sponsored the Sexual Offences Bill in the House of Lords, said on the day that the Bill passed: "This is no occasion for jubilation; certainly not for celebration. Any form of ostentatious behaviour, now or in the future, any form of public flaunting, would be utterly distasteful and would, I believe, make the sponsors of the Bill regret that they have done what they have done." Yet now we have the spectacle of lewd and offensive 'gay pride' marches taking place routinely in our towns and cities, and the phenomenon of 'gay marriage'. Likewise, a few years ago, David Steel, who as an MP was responsible for introducing the Abortion Act, expressed his concern in the House of Lords that tens of thousands of women were now using abortion as a form of contraception, and presenting for repeat abortions. He told a national newspaper: "This was never the purpose of the 1967 reform."

Scripture shows us that such developments are bound to occur when the influence of the gospel wanes in society. Then the church becomes silent about sin, and the civil magistrate ceases to curb immoral

behaviour. As a consequence sin grows in strength and in its outward expression, and is increasingly bold and shameless. It begins to assert itself in every area of public life, endeavouring to silence all opposition, especially any of the Lord's people who dare to stand up for biblical truth and righteousness.

We believe that the matters included in our report demonstrate this reality. The Reformation flame is barely flickering in our country today. Our culture is in steady decline and there are very few in church or state who are sounding the alarm. To describe the situation in our land now, and in the other lands of the Reformation, we need to reverse the motto we mentioned at the beginning. In 2017 in Scotland, the land of John Knox, and in the UK in general, it is, tragically, 'After Light, *Darkness*'.

What we are witnessing in our day is nothing new however. It belongs to the age-long conflict which has been present in our world ever since man sinned, and God in His sovereign love and mercy revealed to fallen man the Seed of the woman, our Lord and Saviour Jesus Christ. There is an ongoing spiritual war between the kingdom of darkness and the kingdom of light, between the working of sin and the working of grace, and we must view every event which happens in that overall context.

At the present it is the kingdom of darkness that appears to be flourishing in our nation, and while we are not without evidences that the Lord has not utterly forsaken us, we know that what we need is a Spirit-given revival of true religion. That alone will bring about the end of the permissive society and its harmful effects, and prevent what will otherwise be the complete destruction of our Christian heritage. We believe that such a revival *will* take place one day, as the Psalmist declares, and God will again be glorified among us:

> Thou shalt arise, and mercy have
> upon thy Sion yet;
> The time to favour her is come,
> the time that thou hast set. Ps. 102(i):13

Our report this year consists largely of updates on matters covered last year. Once again we deal firstly with issues which relate to Scotland in particular and then with those which concern the United Kingdom more generally.

1. SCOTLAND

During the past year the Committee has handled several matters specific to Scotland. Most of these matters have featured in previous reports but there is one new item. There have been some important developments concerning the Named Person scheme.

i. Scottish Independence

Since the 2014 referendum, which saw a majority of voters answer "No" to the question, "Should Scotland be an independent country?", the Committee has kept a watching brief on developments relating to Scottish independence. Elections to the Scottish Parliament on 5th May 2016 – the first in which 16 and 17-year-olds were able to vote – saw the Scottish National Party lose its overall majority. A majority in favour of independence still resulted however, with 63 MSPs representing the SNP being joined by 6 representing the Scottish Green Party, out of the total of 129.

On 16th October the Scottish Government published a draft bill which would enable a second Scottish independence referendum to take place. On 13th March First Minister Nicola Sturgeon announced that she would seek the approval of the Scottish Parliament the following week to negotiate with the UK Government for a Section 30 order granting legislative consent for such a referendum, the plan being to hold the referendum between autumn 2018 and spring 2019, before the UK is due to leave the European Union. On 16th March, prior to the debate in the Scottish Parliament, Prime Minister Theresa May stated that "now is not the time" for such a referendum, as it would be unclear to people exactly what they were voting for.

On 28th March the Scottish Parliament voted 69 to 59 in favour of holding a second referendum. The next day the Prime Minister signed Article 50 of the Treaty on European Union, beginning the process which is designed to enable the UK to leave the EU at the beginning of April 2019. In a surprise move on 18th April, Theresa May called for a general election, which the UK Parliament agreed to the following day. The election will take place on 8th June and the outcome may well have a bearing on the timing of any second referendum – and possibly on whether a referendum is held at all in the near future.

ii. Same-Sex 'Marriage'

In recent years we have had to report on the legalisation of same-sex unions in Scotland, first in the form of civil partnerships and then moving on to 'marriages', and the way in which the established Church has gradually abandoned any remaining pretence of an adherence to the norms of Scripture, and meekly followed suit, in terms of its own law.

In 2015 the General Assembly of the Church of Scotland voted to permit congregations to call ministers in civil partnerships. In 2016 that provision was extended to ministers in same-sex 'marriages'. This year their Assembly will be considering a report from the Church's Theological Forum which proposes that their Legal Questions Committee look into the matters which would need to be addressed in possible new legislation which would permit ministers to conduct same-sex 'marriages', and to present a report to the 2018 Assembly.

In addition, the Forum is proposing that their Assembly "invite the Church to take stock of its history of discrimination at different levels and in different ways against gay people and to apologise individually and corporately and seek to do better." There is no thought of inviting homosexuals to apologise for *their* behaviour, let alone beseeching them to repent of it, and to trust in the Lord Jesus Christ for forgiveness, which is the message the Church ought to be conveying to sinners throughout the nation. We pray that the Church of Scotland will yet turn from its anti-scriptural and indeed apostatising path.

iii. Assisted Suicide

The Assisted Suicide Bill, which was originally brought forward by the Independent MSP Margo MacDonald and was taken up after her death by the Green MSP Patrick Harvie, was heavily defeated in the Scottish Parliament in May 2015. This issue has not been raised again since then, and there are no indications at present of any move to do so.

iv. Organ and Tissue Donation

The Transplantation (Authorisation of Removal of Organs etc.) Bill introduced by the Labour MSP Anne McTaggart in June 2015, which began as the Organ and Tissue Donation Bill, fell in February 2016 following the Stage 1 debate, because of "serious concerns about the practical impact of the specific details in the Bill that relate to organ donation rates and transplants." Although the Bill's failure was not due to MSPs disagreeing with its principle, the subject of organ donation has not yet returned to the Parliament.

During the debate on the Committee's report at the 2016 Assembly, one speaker expressed a view on organ and tissue donation which differed radically from that which was stated by the Committee in their submission to the public consultation on Anne McTaggart's original Bill in 2014. The Convener indicated that the Committee would be pleased to hear from any who had views on this sensitive matter, and submissions were received from three individuals. The Committee are keeping the subject under review and are happy to give further thought to it, and the biblical principles which bear upon it.

We were surprised to discover, even as we were compiling this report, that the Scottish Government recently held a consultation on Organ and Tissue Donation and Transplantation, with the aim of increasing the numbers of deceased donors. According to the Scottish Government website, the Consultation opened on 7th December and closed on 14th March. We confess that we were completely unaware of the consultation, which does not seem to have been publicised to the extent that the one on Anne McTaggart's

Bill was, and we apologise for missing this opportunity. We have contacted the Scottish Government to ask whether a submission can be made at this stage, or whether there is an alternative way of making our view on the subject known to the government.

The consultation paper is available at the following link:

https://consult.scotland.gov.uk/health-protection/organ-and-tissue-donation-and-transplantation/supporting_documents/00511160.pdf

v. Named Persons

The Children and Young People Act, which became law on 27th March 2014, required among other things that certain public bodies in Scotland provide 'Named Persons' for every child and young person. The scheme was due to come into effect across the country at the end of August 2016. The 2014 General Assembly directed the Committee to look into the relationship between this aspect of the new legislation and the implementation of the existing Child Protection system, and to report to the 2015 General Assembly with recommendations for both the denomination and Christian parents.

In 2015 the Committee reported to the Assembly that their investigations into the subject were not yet complete. We also pointed out that a petition for a judicial review of the Named Person legislation had been launched in July 2014 by a number of Christian and other organisations and individuals, and that, while the petition had been refused at the Court of Session in January 2015, the petitioners had appealed the judgment. The Assembly permitted the Committee to continue their work, and the Committee submitted a lengthy report on the Named Person scheme to the 2016 Assembly.

In September 2015 the Court of Session refused the appeal, and the petitioners appealed to the UK Supreme Court. The 2016 Assembly welcomed the Committee's report and instructed the Publications Committee to place it on the Church website and give it appropriate publicity. At our June meeting we decided that the uploading of the report and recommendations should wait until the Supreme Court had given its judgment on the petition.

On 28th July the Supreme Court delivered its ruling. The five judges were unanimous that the data-sharing provisions of the Named Person scheme breach the right to a private and family life under article 8 of the European Convention on Human Rights, making it unlawful in its present form. Since these provisions are "not within the legislative competence of the Scottish Parliament", they have been struck down. The judgment also contained this most significant statement: "The first thing that a totalitarian regime tries to do is to get at the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers' view of the world. Within limits, families must be left to bring up their children in their own way."

It was the first time the Supreme Court had prevented a major piece of legislation passed by the modern Scottish Parliament, which began meeting in 1999, from coming into force. Legal action may now follow where sensitive information concerning individuals has been shared without their permission under pilot versions of the scheme. The Scottish Government was given a few months to come up with a revised scheme, present it to the Supreme Court for approval, and then introduce the necessary legislation to the Scottish Parliament.

In light of this judgment, and the subsequent indication from the Education Secretary John Swinney that the rollout of the Named Person scheme would be delayed for at least a year, the Committee's report on the scheme and the accompanying recommendations were not placed on the Church website. On 8th September John Swinney told MSPs: "the Scottish Government will undertake a three-month period of intense engagement in Scotland, we will take input from practitioners as well as parents, charities as well as young people, those who support the named person policy and those who have concerns about it." Although this was not an open consultation, the Committee decided to take the opportunity to restate its

views on the scheme and wrote the following letter to John Swinney on 16th December:

> Our Church has taken a keen interest in the Named Person scheme since it was first proposed. As a Committee responsible for representing our Church's view on matters of spiritual and moral concern we wrote to MSPs in 2014, when the Children and Young People (Scotland) Bill was at Stage 3, and then contributed to the consultation on the Draft Statutory Guidance on the Children and Young People (Scotland) Act in 2015. Following the ruling by the Supreme Court on 28th July, which declared that the data-sharing provisions of the scheme breach the right to a private and family life under article 8 of the European Convention on Human Rights, we feel it necessary to reiterate our main concerns regarding the scheme:
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> (1) *The Relationship between the Family and the State*
> The Bible shows us that the family is not a sub-division of the state, but something quite separate. The family was instituted by God prior to the state, having its own distinct authority and area of responsibility. Children do not belong to the state: they belong ultimately to God, but are entrusted by Him to their parents, who have the duty and privilege of raising them for the Lord (Psalm 78:5-8; 127:3). We believe therefore that the state should only intrude into the domain of the family in exceptional circumstances. The government refers to the Named Person scheme as a 'service' but we are not aware that parents generally have been requesting such a service. We believe that the solution to the problem of dysfunctional families is not a greater role for the state but a return to the Christian values which gave us strong and stable families in former generations.
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> As a general rule, no-one is more suited to looking after children than their own parents. Unless they are infringing the criminal law they should be left alone to get on with this demanding job. However, if the Named Person scheme ever comes into full effect, parents will effectively be placed in a situation where they are competing with the state for the primary responsibility for their children. The Act setting up the scheme begins with a section on *children's* rights, including the following statement: "The Scottish Ministers must promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children." (Part 1/1/3) Yet *parental* rights are not once mentioned in the Act!
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> (2) *The Relationship between Parents and their Children*
> The Bible speaks of a "natural affection" which belongs within the family circle (2 Timothy 3:3). Parents have a unique love for their own children (Psalm 103:13; Proverbs 3:12; Isaiah 49:15), which generates a corresponding love in return, and also trust and respect. In such an environment, children will tend to obey their parents – something which is conducive to their welfare (Ephesians 6:1-3). The Named Person scheme gives selected adults considerable influence over children and young people with whom they have no natural tie or loving bond. The Act states that where the Named Person "considers it to be appropriate in order to promote, support or safeguard the wellbeing of the child or young person", he or she has the function of: "(i) advising, informing or supporting the child or young person, or a parent of the child or young person, (ii) helping the child or young person, or a parent of the child or young person, to access a service or support, or (iii) discussing, or raising, a matter about the child or young person with a service provider or relevant authority." (Part 4/19/5/a/i-iii) It troubles us that the child and parent are apparently to be dealt with *separately*, not together.
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> Is there not a danger in granting Named Persons such access to children and such powers in relation to them? What guarantees are there that they will not use these things for wrong purposes?
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> (3) *The Nurture of Children*
> The Bible charges parents with the responsibility of bringing up their children, not the state (Genesis 18:19; Proverbs 1:8; Ephesians 6:4). While parents may delegate aspects of that nurture to other

individuals, they cannot transfer their *responsibility*. We note that the scheme is being introduced at the same time as the amount of 'free' childcare offered to parents is being increased, the result being that more and more mothers are going out to work, instead of being "keepers at home", to "guide the house" (Titus 2:5; 1 Timothy 5:14).

As it presently stands the Named Person scheme represents a real threat to any parents who do not bring up their children in the 'proper' way, as the state views it. The government guidance for the Act, in its section on 'information sharing', states: "The Named Person will seek the views of the child and, as appropriate, the parents, about what information should and should not be shared. Throughout this engagement the Named Person should make it clear that whilst the views of the child and parents are valued and must be taken into account, *their consent is not being sought*, and the Named Person may, where appropriate, share information *without consent*, when it is required to promote, support or safeguard a child's wellbeing." (10.2.14) [italics ours]

It ought not to be the rôle of the authorities in any democratic country – and especially not in our own, with its long history of religious and civil liberties – to spy on the population in general. The more the state insists on determining the 'correct' way for people to think and act, the more it will be tempted to take note of those who do not conform. Christian parents who practise their faith consistently may come under the suspicion of the state. We trust that, following the ruling of the Supreme Court, the power which has been granted to Named Persons to gather confidential information about parents and their children will be removed entirely.

(4) *The Wellbeing of Children*

The Bible commands parents to raise their children in the ways of the Lord (Deuteronomy 6:4-7; Proverbs 22:6). Wellbeing is understood in terms of the soul as well as the body, the needs of the soul having first importance (Matthew 4:4; Mark 8:36,37). The Named Person scheme means that the state will now determine what is best for children in Scotland, not parents, and sadly the Act views wellbeing entirely in earthly terms. It also defines wellbeing very broadly. According to the Act, a child is deemed to have a wellbeing need if "the child's wellbeing is being, or is at risk of being, *adversely affected by any matter*." (Part 5/33/1-4) [italics ours]

Christian parents desire the wellbeing of their children, but the Christian view of what constitutes wellbeing differs radically from the ideas prevailing today, which emphasise 'rights', 'tolerance' and 'diversity', and not truth and righteousness. Because the Act gives the Named Person the function of "helping the child or young person...to access a service or support" (Part 4/19/5/a/ii), it is all too likely that Named Persons will be involved, in certain situations, in providing young people with access to such things as contraception and abortion *against* the wishes of their parents. That is entirely unacceptable.

For these and other reasons we believe that the government should go much further than suggesting amendments to the information-sharing provisions of the scheme: we urge you to consider the repeal of the scheme altogether.

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A reply was received on 9th February. It informed us that the government's engagement programme "involved more than 50 meetings that directly engaged with some 250 organisations and groups – and included around 700 practitioners and professionals, young people and parents/carers." It also stated: "The Named Person service is about ensuring children and parents get advice and help, with early support if and when they need it."

On 7th March John Swinney informed Parliament that proposed new legislation would be tabled before the end of June, in a bill which would amend the powers of the Named Person, and that the aim now is to see

the scheme rolled out across Scotland in 2018. The new legislation will certainly have to make it clear that any advice offered by a named person to parents is entirely optional, making it impossible for the scheme to work in the way the government intended originally.

We await the publication of the promised Bill. Only if and when the Bill becomes law will the Committee be able to properly fulfil the direction given to it by both the 2014 and 2016 General Assemblies, namely, "to investigate the relationship of the Named Persons legislation and the implementation of the existing Child Protection system and report to the forthcoming General Assembly with recommendations for both the denomination and for Christian parents."

vi. Scottish Queer International Film Festival

At the end of September the Committee was made aware of an annual event underway in Glasgow having the unsavoury title of the 'Scottish Queer International Film Festival'. This event receives public money through an agency funded by the Scottish Government. On 16th February the Committee wrote to Fiona Hyslop MSP, Cabinet Secretary for Culture, Tourism and External Affairs, as follows:

> We write to express our grave concern at the event known as the 'Scottish Queer International Film Festival' (SQIFF) which is held at the Centre for Contemporary Arts (CCA) in Glasgow at the end of September. This festival first ran in September 2015, was repeated in 2016 and is due to take place again this year from 27th September to 1st October. We would like to highlight three things:
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> 1) The most important thing we wish to raise is *the unwholesome nature of this festival*. Even its title is unpleasant, making use of the word 'queer' in a way which is generally regarded as derogatory towards those who are being referred to (but in this case is no doubt intended to be provocative to other people). Normally when an event is described as a 'festival' it is understood to be a celebration, but the material on the SQIFF website (www.sqiff.org) makes it plain that this festival is devoted principally to *homosexuality*: there is nothing to celebrate in homosexuality, it being condemned by the Word of God, which describes it as "uncleanness", "vile affections", "against nature" and "unseemly" (Romans 1:24-27).
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> The Holy Scriptures, as the only authoritative rule of belief and behaviour for mankind, unambiguously declare homosexual conduct to be sinful. The seventh commandment of the moral law, which applies in all generations, declares: "Thou shalt not commit adultery." (Exodus 20:14). This prohibition clearly extends to homosexual conduct: "Thou shalt not lie with mankind, as with womankind: it is abomination." (Leviticus 18:22). The divine punishment visited upon Sodom is a solemn warning to us that God hates this sin (Genesis 19:4-7, 12-14, 23-25). Like every other sin of which we may be guilty, it needs to be repented of if we are to enjoy salvation and eternal life (Genesis 19:4-7, 12-14, 23-25; 1 Corinthians 6:9-11). It is surely perverse to celebrate a lifestyle that is so shameful and so destructive.
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> The programme and publicity for the 2016 festival which is found on the CCA website (www.cca-glasgow.com/programme/sqiff2016) demonstrate its crude and depraved content. It is obvious that a festival such as this can only exist because of the degeneration of our culture and the coarsening of our society over recent decades.
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> 2) There is also *the government's involvement with this festival*. The SQIFF festival receives sponsorship from Creative Scotland, an agency funded by the Scottish government to the level of £44 million in 2016. The Creative Scotland website indicates that the award of £31,512 it made to the 2016 festival was part of a total of £1.2 million of Open Project Funding which came from UK National Lottery.
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> Among the worst features of the 2016 programme was a 'workshop' on 'Porn Filmmaking'. The *Scottish Daily Mail* of 21st September, in an item entitled 'Taxpayers foot bill for porn movie

workshop', reported the concerns of the Scottish Coalition Against Sexual Exploitation (SCASE), that the workshop normalises pornography. A spokesman for SCASE said that pornography should not be "seen as something that is harmless, because in our experience it's not. It's a form of violence against women and contributes to it." The Labour MSP Rhoda Grant said: "If the Government are clear that sexual exploitation and pornography are linked to violence against women why is the public purse funding it?"

We want to address that question directly to you. Does the Scottish government agree that the content of this festival is corrupting and harmful? If so, is the Scottish government happy that it should continue to be linked with this festival through one of its own agencies? We do not believe it to be adequate to say that the government does not interfere with decisions made by Creative Scotland as to how it spends its money. We imagine that if Creative Scotland funded a festival celebrating 'racism' or 'Islamophobia' then the government would be very quick to intervene, and threaten the withdrawal of funds.

3) Finally there is *the public's association with this festival*. According to the Creative Scotland website, "Creative Scotland is the public body that supports the arts, screen and creative industries across all parts of Scotland on behalf of everyone who lives, works or visits here." The SQIFF website states: "SQIFF...was formed with the aim of adding to the exciting and growing amount of queer film stuff happening around Scotland....Our goal is to get people watching, talking about, and making more queer films."

We do not believe that a decadent festival of this sort in any way justifies the description of 'art'. Neither do we believe that it has the support of the public, or that people in general would want to be associated with it in any way. We believe that most people would think the sponsorship of this festival a gross waste and indeed a grievous misuse of public money, and that they would view such things as education, the health service and the care of the elderly as far more deserving of financial help.

We therefore urge you to review the actions of Creative Scotland in promoting and funding this festival, and to ensure that all support given to it by this government agency is brought to an end as soon as possible.

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A reply was received in March which failed entirely to deal with the points raised in our letter, insisting instead on how seriously Creative Scotland takes "equality, diversity and inclusion". The Committee is likely to write to Fiona Hyslop again on this issue, repeating its concerns.

We encourage people to sign the petition objecting to this disgraceful use of public money at:

citizengo.org/en/fm/37423-scottish-taxpayer-money-used-fund-arts-festival-running-pornography-workshop

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2. UNITED KINGDOM

Over the past year the Committee has dealt with a number of matters which concern the United Kingdom generally. Most of these matters have featured in previous reports but two, both relating to abortion, have been taken up by the Committee since last year's report. Major developments have taken place concerning Britain's membership of the European Union and in the case involving Ashers Baking Company.

i. Human Fertilisation and Embryology

The Human Fertilisation and Embryology (Mitochondrial Donation) Regulations were passed by the UK Parliament in February 2015. They enable two particular techniques to be used under licence as part of *in*

vitro fertilisation (IVF) treatment. Both techniques aim to prevent certain life-threatening conditions occurring in offspring, by transferring genetic material taken from a donor egg to the faulty egg cells of a woman, or to her embryos, resulting in so-called 'three-parent babies'. These gene 'edits' are forever, meaning that if these embryos are transplanted and survive, their genetic profile will be replicated in their offspring, and so on down through the generations. The chief concern is that this process may in time be extended to issues of a more aesthetic kind, such as physical appearance, raising the spectre of 'eugenics'.

We reported last year that, prior to the Regulations coming into effect, preliminary papers for a legal challenge to the Regulations had been accepted by both the European Commission and the European Parliament. In January the challenge was not allowed to proceed, on the hard-to-grasp legal ground that the procedures involved used 'human cells' and not 'human substances'. The Scottish Council on Human Bioethics is to be commended for its endeavours on this issue.

ii. Abortion

There are three items we need to report on which concern the subject of abortion:

(a) In February 2016 Professor Cathy Warwick, Chief Executive of the Royal College of Midwives, commented favourably on a campaign being launched by the British Pregnancy Advisory Service which aims to remove abortion from the criminal law, stating that the campaign had the College's full support. There had been no attempt to consult the College's members about the campaign however, and Professor Warwick faced calls to resign. A petition demanding that the College withdraw its support for the campaign was started, and has now gained over 40,000 signatures. In May Professor Warwick caused further controversy by saying that abortion is "part of the role" of midwives, and she continued to withstand pressure to relinquish her position. On 1st October the Committee sent the following letter to Professor Warwick:

> We write to express our concern at recent developments which threaten the lives of the most vulnerable members of our society, namely the unborn.
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> We were disturbed by the announcement in February that the Royal College of Midwives (RCM) was giving its support to the 'We Trust Women' campaign launched by the British Pregnancy Advisory Service (BPAS). We understand that the campaign aims to have abortion removed from the criminal law altogether, which would effectively mean abortion on demand right up until birth for any reason – a situation that exists in only a very few countries. If such a campaign was ever successful, potentially no child in the womb would be safe.
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> According to the RCM website you commented on the BPAS campaign as follows: "This is a fundamental issue about equality for women. It is about them having control over their own body and not having their bodies subject to the diktats of others, however well meaning." You totally ignore the child and its body, not to mention its soul, as though the child was irrelevant and its welfare of no importance.
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> In our view it was unethical for the College to join this campaign, and indeed a tragedy. The situation was compounded in May when the College issued a position statement on abortion reflecting the new position, as evident in the following section: "The continued criminalisation of abortion in the UK may drive women to access abortion services which are neither safe nor legal, and which may prove harmful or even fatal. Accordingly, the RCM supports the campaign to remove abortion from criminal law."
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> We were amazed to hear that the College did not consult its members before taking up this position, but gratified to learn that many midwives, maternity support workers and student midwives have signed a letter to the College's Board stating that the College does not speak in their name and

asking the Board to revoke the College's support for the campaign. In their letter they say: "we object to this new extreme position taken by the College. It is out of keeping with what we take to be the ethic of our profession." We are also pleased to see that to date over 40,000 people have signed a petition addressed to you, demanding that the College retract its support for the BPAS campaign and its new, extreme position on abortion.

What astounded us however was to learn that, while you hold the position of Chief Executive of the College, you are also Chairwoman of the BPAS's Board of Trustees. BPAS is paid around £25 million a year by the National Health Service to conduct abortions and would obviously benefit financially from any removal of the current restrictions on abortion. It is fairly obvious that your role in the BPAS compromises your role in the College: the members of the College have the duty and privilege of helping to bring new life into the world, while one of the main purposes of the BPAS is to help bring about the end of that same life. Unsurprisingly, your support for abortion and your involvement with a leading abortion provider seem to be affecting your views on the midwifery profession, and motivating you to attempt to alter the natural inclination of midwives, which is to have a concern for the welfare of the unborn child, as well as that of the child's mother.

We are bound to say that we oppose the deliberate ending of unborn human life altogether. On the basis of the Bible we believe that human life begins at conception and that in the sixth commandment, "Thou shalt not kill" (Exodus 20:13), God issues a warning against the taking away of human life unjustly, especially the life of the weak and vulnerable. We believe that we have a God-given duty to speak up for those who cannot speak for themselves: "Open thy mouth for the dumb in the cause of all such as are appointed to destruction" (Proverbs 31:8). There are none who are in greater need of a voice being raised on their behalf than the unborn.

We note that the badge created for the College when it was established in 1881 bears the inscription: "Life is the gift of God." We had hoped that over the past few months the College would have listened to the concerns of its members and others and reconsidered the step it has taken. Sadly that has not been the case, and we now wish to add our voice to the plea for the new stance adopted by the College to be reversed.

We therefore urge the College to recognise the historic ethos of the profession it represents and to abandon its support for the decriminalisation of abortion. We also insist that you recognise the conflict of interests you have personally and cease immediately your connection with the BPAS.

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To date no reply has been received, despite a follow-up enquiry concerning our letter, and Professor Warwick is sadly still in her position at the head of the RCM.

(b) Last year we reported on Aisling Hubert's attempts, assisted by Christian Concern and the Christian Legal Centre, to bring about a private prosecution of two doctors who were secretly filmed at private clinics in England offering abortion to a woman who told them that she was pregnant with a girl, but had really been hoping for a boy. Both doctors offered the woman a 'termination', meaning that they were willing to carry out an abortion solely on the basis of the gender of the unborn child.

After a police investigation, the Crown Prosecution Service (CPS), while acknowledging that there was sufficient evidence to provide a realistic prospect of conviction, decided that it would not be in the public interest to prosecute. Miss Aisling Hubert, a member of the anti-abortion group Abort67, then launched a private action against the two doctors, based on the video evidence in the public domain. The cases reached the Crown Court, but the CPS refused to release further video material in its possession, eventually informing lawyers representing Miss Hubert that it would take over and drop the cases, blocking the private prosecutions. In December 2015 Miss Hubert brought a challenge against the Director of Public

Prosecutions, but the High Court refused permission for a judicial review. Miss Hubert indicated that she would appeal the ruling.

What has happened since then is that in July Miss Hubert was ordered to pay a total of £47,000 in legal costs, including £36,000 to the two doctors – an outcome which appears to turn the concept of justice completely on its head. As she said at the time: "It feels as though I am being punished by the legal establishment for exposing its reluctance to challenge gender-abortion." We were pleased to learn at the beginning of April that the funds had been raised to pay off these legal costs. Given this turn of events, and the time which has now elapsed, it would appear that Aisling Hubert no longer intends to appeal the High Court ruling, but we are grateful to God for her determined efforts to shine a light on a scandal which some powerful forces would like to keep hidden – efforts which we believe are not in vain.

(c) In March the Labour MP Diana Johnson proposed the Reproductive Health (Access to Terminations) Bill in the House of Commons, which sought to remove all legal restrictions on abortion. On 10th March the Committee e-mailed all MPs with the following letter (a separate but similar letter was sent to Diana Johnson):

> We write to encourage you to attend the House of Commons on Monday 13th March and vote against the Ten Minute Rule Motion by Diana Johnson MP, which seeks leave to bring in a Bill that would remove some of the legal prohibitions on abortion.
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> Diana Johnson's Motion states:
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> "That leave be given to bring in a Bill to regulate the termination of pregnancies by medical practitioners and to repeal certain criminal offences relating to such terminations; and for connected purposes"
>
> We find it shocking that such a Bill could be proposed in what is supposed to be a civilised country. The purpose of the Bill is immoral and inhuman and symptomatic of a society which has abandoned the Christian values upon which it was founded. We wish to draw your attention to the following:
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> 1) *The wording of the Motion*. The use of language such as "reproductive health" and "terminations" must not be allowed to obscure the reality of what this proposed Bill is about, namely *abortion*, or the deliberate ending of unborn human life. We are taught in the Bible, which is God's word to man, that man was made in the image and likeness of God (Genesis 1:26). It is that fact which gives human life its real dignity and worth; human life in all its stages should be regarded as sacred.
>
> On the basis of the Bible we believe that human life begins at conception and that in the sixth commandment, "Thou shalt not kill" (Exodus 20:13), God issues a solemn warning against the taking away of human life unjustly, especially the life of the weak and vulnerable: there are none more defenceless and in need of protection than the unborn.
>
> 2) *The campaign behind the proposed Bill*. The proposed Bill is part of a concerted move to end all restrictions on abortion. In February 2016 the British Pregnancy Advisory Service, a leading abortion provider, launched the 'We Trust Women' campaign, which aims to have abortion removed from the criminal law altogether. In May the Royal College of Midwives, ignoring its own motto, "Life is the gift of God", issued a position statement which supported the campaign – although amazingly it did not consult its members before adopting this new stance.
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> While the Bill is deliberately vague as to what is to be repealed, there are two important Acts which it is no doubt targeting. Repealing Sections 58 and 59 of the Offences Against the Person Act (1861) would make it impossible to enforce the safeguards contained in the Abortion Act of 1967, so that abortion on demand would be possible up to 24 weeks, irrespective of the ground or the way in

which the abortion was procured. Repealing the Infant Life Preservation Act (1929) would make abortion on demand possible up to *birth*.

3) *The likely effects of the proposed Bill*. It is an undeniable fact that the use of the provisions of the 1967 Abortion Act has been extended far beyond what David Steel MP (now Lord Steel of Aikwood) intended when he introduced it. While we do not know exactly what Diana Johnson hopes the results of her proposed Bill will be, the likely consequences, given recent developments, are fairly clear – and utterly horrific.

In February 2012 an investigation into so-called 'gender abortion' was published by the *Daily Telegraph*, detailing how two doctors offered an abortion to a woman who claimed to be expecting a baby girl and was really wanting a boy. Perversely, the Crown Prosecution Service, while acknowledging that there was sufficient evidence to provide a realistic prospect of a conviction, decided that it would not be in the public interest to bring a prosecution. Fiona Bruce MP sought to end this scandal in February 2015 with her amendment to the Serious Crime Bill which would have made gender abortion explicitly illegal; sadly her amendment failed. Last year the degree to which babies with Down's syndrome are being 'screened out' of our population was highlighted; currently 90% of children prenatally diagnosed with the syndrome are aborted.

If Diana Johnson's Bill was to succeed, abortion could presumably be carried out for *any* reason whatsoever. As genetic testing develops, allowing more and more to be known about the make-up of the unborn child, it is not only abortion on the basis of sex or disability that we must expect: in the future *any* unwanted trait, be it physical, personal or social, could be cited by parents as a justification for the aborting of their child. This may be what our modern eugenicists want to see, but is it what our society needs? More importantly, is it what God has ordained for mankind? The answer is a resounding, *No*.

We recognise that the proposed Bill would apply to England and Wales only, and that abortion law in Scotland is a matter which has been devolved to the Scottish Parliament. However that does not mean that Diana Johnson's Bill would have no impact on Scotland. Our concern is that if the proposed Bill becomes law it would give encouragement to those who would like to achieve something similar in Scotland, which would be a most regrettable development.

We believe that those in authority, and especially those who make our laws, have a God-given duty to speak up for those who cannot speak for themselves: "Open thy mouth for the dumb in the cause of all such as are appointed to destruction" (Proverbs 31:8). We expect Members of Parliament to have compassion for the unborn child and therefore urge you to be present for Diana Johnson's Ten Minute Rule Motion and to register your vote against it.

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The Bill passed by 172 votes to 142, which is disturbing both for the number of MPs who gave the Bill their support and the number who either abstained or did not bother to attend. A Bill of this type is rarely given further time for debate by the government, and even less likely to become law. As things turned out, two unexpected events brought Diana Johnson's Bill to a swift end. The second reading debate on the Bill was arranged to take place on 24th March, but the terrorist attack at Westminster two days earlier led to the debate being rescheduled for 12th May: then on 18th April the general election was called; with Parliament due to be dissolved on 3rd May, the Bill now falls.

As we praise God for this outcome, and admire the providences which led to it, we must continue to pray that the Lord will not only prevent any further liberalisation of abortion law anywhere in our country, but bring to an end the shameful situation where one in every five pregnancies in the UK ends in abortion, and abortion is legal right up to birth for babies with disabilities.

iii. Relations with the Vatican

We regret that, due to other priorities, the Committee has made no further progress during the past year in the work which it began in 2014 to prepare a document dealing with Britain's political relations with the Vatican, and the dangers involved in those relations.

iv. Referendum on Membership of the European Union

The referendum on the UK's membership of the European Union duly took place on 23rd June. Despite most political parties and individual politicians backing the 'Remain' option, and despite some dire warnings during the campaign of what exiting the EU might lead to, a majority voted for the 'Leave' option. With an overall turnout of just over 72%, a total of 16,141,241 (48.1%) voted to remain in the EU, while 17,410,742 (51.9%) voted to leave the EU. In terms of the constituent countries of the UK, the figures were as follows: England, 46.7% for Remain, 53.3% for Leave; Northern Ireland, 55.8% for Remain, 44.2% for Leave; Scotland, 62.0% for Remain, 38.0% for Leave; Wales, 47.5% for Remain, 52.5% for Leave.

On the day after the vote the Prime Minister David Cameron, who had staked his reputation on a 'remain' result, announced that he would be resigning his office, and by September he had left Parliament altogether. It was both sad and telling that he spoke of the introduction of same-sex 'marriage' as one of the steps he was most proud of during his time in office: how true it is that God is not mocked!

The reasons why Christians voted to leave the EU, as we believe many did, no doubt differed from those which persuaded other people to do the same. For ourselves, as we indicated in last year's report, there was a concern, not only with the loss of national sovereignty, but with the fact that our involvement in the EU, with its strong Roman Catholic influence, endangers our Protestant identity. The EU gives no honour to God as an institution, and its laws are not founded upon His law. Despite a serious drift over recent decades, the UK still gives official recognition to the Protestant Christian faith, as seen most clearly in the monarchy and in the existence of established churches. We wish to see that recognition retained, believing it to be a requirement of Scripture and something which is for the good of our nation and the cause of Christ among us.

As we noted earlier in this report, in our section on Scottish Independence, the process whereby the UK will leave the EU has now been set in motion. Given the number of nations involved, with their differing and competing interests, no-one can really predict exactly what form 'Brexit' will take. We need to pray that the Lord's hand will so direct the process that ultimately our allegiance as a nation will once again be to Him, and not to any earthly institution.

v. Ashers Baking Company

We did not mention the Ashers case in our 2016 report, but things have moved on significantly during the past year.

Ashers Baking Company, which is run by the McArthur family and is based in Belfast, was taken to court in 2014 by the Equality Commission for Northern Ireland, for refusing to place the slogan "Support Gay Marriage" on a cake which it was asked to bake by a customer who is homosexual, although Ashers was unaware of his orientation at the time. Because the order conflicted with their Christian belief that marriage is only between a man and a woman, the McArthurs declined to fulfil the order, politely explaining their position to the customer and returning the deposit which had been paid. The McArthurs were charged under the Equality Act (Sexual Orientation) Regulations 2006, and received backing from the Christian Institute's Legal Defence Fund. In 2015 the High Court in Belfast found against them for breaking sexual orientation and political discrimination laws, but the McArthurs appealed against the ruling.

On 24th October last year the Court of Appeal in Belfast rejected the McArthurs' appeal. The three judges recognised that the family did not refuse the service because Mr Lee was homosexual, but still ruled that refusing the order because of the slogan was "direct discrimination". They reasoned that the benefit from

the slogan on the cake could only accrue to homosexual or bisexual people, and so Ashers, in declining to fulfil the order, was discriminating against such people.

The McArthurs are now considering an appeal to the UK Supreme Court. It is not certain that such an appeal is possible, and their lawyers have written to the Appeal Court judges in Belfast requesting that they issue a ruling clarifying the position. If the Supreme Court is not an option, the McArthurs could still mount a challenge in the European Court of Human Rights.

This case is important because of the serious implications it has for our religious and civil freedoms, especially the freedom of conscience. The Attorney General for Northern Ireland, John Larkin, has said that the case is about "expression", and whether it is in fact lawful under the Province's law for Ashers to be compelled "to articulate or express or say a political message which is at variance with their political views and in particular their religious views." We might add that same-sex 'marriage' is currently illegal in Northern Ireland, and has either been voted against or blocked in the Northern Ireland Assembly five times since 2012.

It would appear from this and other recent cases that the rights of homosexuals are more protected in law than the rights of Christians, although presumably that was not the intention when the legislation was drafted. The message coming from the courts is that, when running a business, Christians should either put their beliefs to one side or cease from providing any service which might cause them problems in today's society. But if that is what the existing law really means, then the law must be changed. Interestingly a number of liberal figures, and even some prominent homosexuals, have voiced their concern at the threat the Ashers judgment poses to freedom of conscience.

Every society needs some sort of moral code, but how is what is morally right on the one hand, and what is morally wrong on the other, to be determined? To us it is obvious that God sets the standard for what is allowed and what is not. However those in power today insist that there can be no reference to religious belief in deciding this question, and that the Bible cannot be allowed to dictate the law of the land. They plead the principles of 'equality', 'diversity', 'fairness' and 'tolerance', and are now wrapping them all up into a package and labelling it 'British Values', but what they are really doing is substituting *their own belief* for historic Christian religious belief. Whether the term used for it is 'atheism', 'humanism', 'secularism' or something else, it is a belief which seeks to take the place of Christian belief, and become our national belief.

That Protestant, Reformed Christianity is the established religion in our country is a very precious thing. As Rev. Trevor Kirkland has pointed out: "It is why we have the constitution we have. It is why there are daily prayers in parliament. It is why we have the Bible in schools. And on it goes." But the privileged position which the Christian faith holds in our land is being progressively undermined, often by the very institutions that are meant to uphold it. If Christianity is removed from the national sphere then some other form of belief will dominate, with all the grievous consequences – which is why we must do all that we can, while we can, to "contend for the faith" in the state, as well as in the church.

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The matters contained in this report illustrate only too well what happens when the Christian religion, with its distinctive worldview, is forsaken, and a godless worldview takes over. We need to plead with the Lord that in His mercy He would bring about our national repentance, with a recovery of the authority of the Bible in the church, and a return to Christian values in our public life. When the dying flame of the Reformation has been rekindled by the Spirit of God, it will be possible to say of our land once more, 'After Darkness, *Light*'.

DAVID BLUNT, *Convener*
DONALD MACDONALD, *Vice-convener*

PROPOSED DELIVERANCE

1. The General Assembly receive and adopt the Report of the Public Questions, Religion & Morals Committee and thank the Committee, especially the Convener, Vice-convener and Clerk;

2. The General Assembly commend the work of the Committee to our people. They encourage congregations and individuals to inform the Committee of local matters of particular spiritual and moral concern that might be helped by being more widely known and by being addressed by the Committee;

3. The General Assembly lament the "permissive society" which was created fifty years ago, with the gross immorality that has followed and the harm that has been done to so many in our country, especially the young and vulnerable. They pray for the day when the Lord will revive His work among us and bring this evil folly to an end;

4. The General Assembly deplore the progressive departure of the Church of Scotland from biblical teaching on marriage over recent years, and note the yet further step which is now proposed, which would see its ministers allowed to celebrate homosexual unions under the guise of same-sex 'marriages'. They plead with the Church of Scotland to desist from such a move and to reverse its present course, in the knowledge that the Holy Scriptures are of supreme authority in Christ's church, and that as the inspired, infallible and inerrant Word of God they declare marriage to be between a man and a woman, and the only lawful sphere for sexual relations;

5. The General Assembly note the likelihood of the subject of human organ and tissue donation returning to the Scottish Parliament soon. They instruct the Committee to give further attention to this subject, and especially to the biblical principles involved, with a view to making an appropriate submission to the Scottish Government as soon as is possible;

6. The General Assembly note with interest the significant developments during the past year regarding the Named Person scheme, in particular the fact that key aspects of the legislation have been struck down by the Supreme Court, and that the Scottish Government intends to bring new legislation before Parliament in June, with a view to having a revised scheme in place throughout Scotland in 2018. They renew their direction to the Committee on Public Questions, Religion & Morals to investigate the relationship of the Named Persons legislation and the implementation of the existing Child Protection system and report to the forthcoming General Assembly with recommendations for both the denomination and for Christian parents. At the same time they continue to pray that the scheme will ultimately be withdrawn;

7. The General Assembly encourage the Committee to persevere in raising with the Scottish Government their objections to the event known as the 'Scottish Queer International Film Festival', and likewise in their efforts generally to make known to government and other bodies the Church's position on important moral and spiritual issues;

8. The General Assembly regret that the legal challenge to the Human Fertilisation and Embryology (Mitochondrial Donation) Regulations which was taken to Europe has not been allowed to proceed. They encourage the Committee to continue to monitor the developments which are taking place in this branch of science, with their profound implications for the integrity, dignity and sanctity of human life;

9. The General Assembly note with sadness the various items which the Committee has had to take up over the past year in connection with the subject of abortion. They pray that in this, the fiftieth year since the passing of the infamous Abortion Act 1967, the church and people in our land will awake to the horror of abortion, and that the Lord in His mercy will soon bring about an end to this awful scourge;

10. The General Assembly encourage the Committee to persevere with their research into Britain's political relations with the Vatican and pray that they will be enabled to fulfil their aim of producing a document that will demonstrate to our government the danger of having any links with the so-called Holy See;

11. The General Assembly note with interest the result of the referendum on the UK's membership of the European Union which was held last June, and that the process whereby the UK will leave the EU is now underway. They pray that the Lord, who is sovereign in all things, would oversee and overrule in this process and all that may follow, to the end that the UK may reaffirm its Protestant Christian identity, and return to godly laws;

12. The General Assembly note with regret the judgment of the Court of Appeal in Belfast in the case involving Ashers Baking Company. They pray that the McArthurs and their legal backers will know the Lord's guidance as they consider an appeal to the UK Supreme Court, and that the Lord will vindicate the McArthurs and other Christians who are being punished by the courts and in other ways for exercising their biblical beliefs.