

**REPORT OF THE CHURCH AND SOCIETY COMMITTEE
GENERAL ASSEMBLY 2017**

INTRODUCTION

The remit of the Church and Society, by its definition, is a broad one. It would seem, with the increasing prominence of postmodern views of how we live together in society, which are non-traditional regarding family, church and state, that the church faces increasing challenges. The narrow road preached by Christ is an anathema to many and the broad road with its blurred notion of what is truth and the dilution of what is right or wrong has a wider appeal. As a result it is important that the church continues to make a stand on what it believes and this needs to be based firmly on God's word as given in the Bible.

In the past year Committee members have been continuing to look at 'the named person' scheme, the situation facing refugees and asylum seekers, and the issues of anti-human trafficking, suicide and mental health, and homelessness. Following the question raised at the General Assembly 2016, the Committee has been considering the matter of non-binary transgender. It is also aware of the government's proposal to replace the Bill of Human Rights.

The Committee would welcome to hear from anyone within the denomination who could contribute knowledge and experience on any of the topics covered in the report or know of any appropriate resources.

SCOTTISH PARLIAMENT

Children and Young People (Scotland) Act 2014 (Named Person Legislation)

The General Secretary re-sent the General Assembly's views on the Act with regard to the Named Person Legislation, to the new Scottish education minister, Mr. John Swinney MSP.

In July 2016 Judges at the supreme court ruled that the Scottish Government's controversial "named person" scheme for supporting children risked breaching rights to privacy and a family life under the European Convention on Human Rights, and thus overreached the legislative competence of the Holyrood parliament.

The five judges ruled that information-sharing provisions proposed by the scheme might result in disproportionate interference with article 8 rights under the ECHR, and that as presently drafted it risked breaching important regulations protecting privacy and confidentiality. The judges also expressed concern at the lack of safeguards that would enable the proportionality of an interference with article 8 rights to be adequately examined.

The Supreme Court gave the Scottish Government 42 days to correct the defects in the legislation but said that it recognised that the aims of the scheme were "unquestionably legitimate and benign". As a result, the Scottish Government initially indicated that the scheme would be delayed for a year with the possibility of it being implemented by August 2017, twelve months after originally planned. The Education Secretary said this would follow a period of "intense engagement" on necessary amendments, with input from practitioners, parents, charities and young people.

In March this year the Education Secretary announced a further delay with a new Bill being introduced, which will alter the original Act so that information sharing would have to be compatible with data protection law, human rights and the law of confidentiality.

Mr. Ian Buchanan attended the conference "Named Persons: Doomed... or Just Delayed" organised by No To Named Persons who are involved in opposing the scheme. The Committee will continue to monitor how the named person scheme is implemented.

Organ and Tissue Donation and Transplantation

As mentioned in last year's Committee report, The Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill, introduced by Anne McTaggart (MSP) in June 2015 was voted down in February 2016 after a Scottish Government amendment to reject it was supported by the majority of members. However, the Scottish Government at the time proposed commencing its own detailed consultation on further methods to increase organ donations and transplants.

In December 2016, the Scottish Government produced a consultation paper seeking views on ways in which the number of organ and tissue donors in Scotland could be increased. The Consultation looked at two ways to potentially increase the number of deceased organ donation and tissues donors - by seeking to increase numbers of referrals and by seeking to increase the number of times when donation is authorised to proceed.

The first chapter of the consultation sought views on alternative ways of potentially increasing the proportion of cases where organ and/or tissue donation is authorised. Specifically it looked at how an opt-out system allowing authorisation to be deemed in certain circumstances, with safeguards, might work in Scotland. This included authorisation for donation from adults who may not have the capacity to make their own decisions, children, and children in care.

The second chapter looked at increasing numbers of people considered as potential organ and tissue donors and whether hospital clinicians should be encouraged to refer patients who are expected to die in an intensive care unit or emergency department to a specialist nurse for organ donation in circumstances which would potentially enable them to be a donor.

The consultation period ended in March 2017. The Committee will continue to monitor how this issue is progressed.

Health and Social Care Plans

The Scottish Government has been consulting on whether or not integration authorities are doing enough to involve patients, carers, the third sector and other stakeholders in the design and future of health and social care. This is being investigated by MSPs on the Health and Sports Committee.

All integration authorities (i.e. a total of 31 local Health Board and Local Authority partnerships across Scotland) have a duty to involve stakeholders and ensure that they are consulted and have a say on planning the future of health and social care services. The Health and Sports Committee wants to establish to what extent organisations are involved in the decision making of the integration authorities and what information is being consulted on.

Integration authorities also have a duty to ensure that decisions made locally have a contribution from stakeholders from local areas such as health and care workers and the third sector. The extent to which local communities are involved is also under investigation.

The Lobbying (Scotland) Bill

As mentioned in last year's Committee report, in March 2016 legislation that increases the transparency in lobbying was passed by the Scottish Parliament.

A Lobbying Registrar has been appointed by the Scottish Government and he will draw up the procedures to be followed. One of the problems is that the legislation does not define 'lobbying'. Organisations etc. will have to register if they have 10 paid staff, which would therefore include the United Free Church of Scotland. There will be a need to keep a log of any meeting taking place between a paid member of staff and an MSP.

The Scottish Government will be issuing guidance regarding the Act and the creation of the Scottish Lobbying Register in the autumn.

UK PARLIAMENT

Private Members Bill – Istanbul Convention

This Bill, sponsored by Dr Eilidh Whiteford, aims to require the United Kingdom to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

The Istanbul Convention is the most comprehensive legal framework that exists, outlining minimum standards for a State's response to violence against women and girls. It covers prevention, protection, prosecution and monitoring. Violence against women and girls takes many forms and is widespread in the UK. The Istanbul Convention would guarantee urgently needed change to prevent and tackle violence against women. For example, it would protect funding for domestic violence shelters, rape crisis centres, and 24/7 helplines; ensure education on healthy relationships in schools; and guarantee awareness-raising campaigns.

The Third Reading of the Bill was passed and the Bill now progresses to the House of Lords.

ANTI-HUMAN TRAFFICKING

Mrs. Hazel Watson, Convener of the Scottish Churches Anti-Human Trafficking Group, came to speak to the Committee in September 2016. She explained the work of the group, the nature of human trafficking and about the Human Trafficking and Exploitation (Scotland) Act passed by the Scottish Government in November 2015.

The legislation defines recruitment, transportation or transfer, harbouring or receiving, or exchange or transfer of control of another person, for the purposes of exploiting them, as offences. It recognises that men and women can be forced into criminal activities such as cannabis cultivation, shoplifting, pick-pocketing, benefit fraud and identity theft, forced marriages, or into domestic servitude. In some cases, there can be multiple forms of exploitation, such as domestic servitude coupled with sexual exploitation.

The act also created the offence of 'slavery, servitude and forced or compulsory labour', so that those who exploit others, even without having trafficked them, will also be held accountable. Both offences now carry a maximum sentence of life imprisonment.

The Human Trafficking and Exploitation (Scotland) Act requires that the Scottish Government create a Strategy on Human Trafficking and Exploitation, which has to be reviewed every three years. The first consultation on creating the strategy was at the end of 2016.

Across the churches the view is that it will introduce measures that should increase the likelihood of successful prosecutions in relation to human trafficking and also ensure better support for survivors of trafficking. The provision of resources to support the action required was identified as being important for success.

The Committee is grateful to Rev. Elizabeth Mackay who now represents the Committee on the Scottish Churches Anti-Human Trafficking Group as well as attending meetings arranged by Christian Aid which continues to look at possible projects relating to gender such as human trafficking and gender based violence.

REFUGEES / SCOTTISH FAITHS ACTION FOR REFUGEES

At present there are thirteen groups involved in Scottish Faiths Action for Refugees. Mr. Ian Buchanan continues to represent the Committee at meetings of SFAR. Its continued aims are to:

- Advise members of faith communities in Scotland on practical, societal and ethical issues relating to refugees and asylum seekers;
- Support and encourage faith-based humanitarian and advocacy efforts to promote the welfare of refugees and asylum seekers, and propose and co-ordinate joint initiatives;

- Challenge rhetoric in politics and the media which demeans refugees and asylum seekers or which seeks to exploit their vulnerability;
- Develop projects to assist with refugee and asylum seeker integration in Scotland;
- Encourage deeper interfaith working amongst Scotland's faith communities and stronger ecumenical relations amongst churches in Scotland.
- Develop a longer term strategy to support the engagement of Scottish faith communities with asylum seekers and refugees over the next generation.

The SFAR website provides a range of resources and suggestions for action and a booklet is also in production that will provide guidance and practical help to those interested in supporting asylum seekers and refugees.

The report from SFAR is found in Appendix 1.

SUICIDE / MENTAL HEALTH

The Scottish Government is in the process of preparing a mental health strategy.

The Committee has been keen to take forward the issue of mental health and have been considering the possibility of having an event within each Presbytery for Ministers / Elders and others who are interested to give them an insight into this subject and suggest ways in which to engage with those in their communities who have mental health issues.

NON-BINARY TRANSGENDER

Following last year's General Assembly where this matter was raised, there has been a great deal in the media regarding the issue of transgender and a number of organisations have been changing their guidelines to support individuals who question their gender identity. These changes have been increasingly controversial.

Here 'transgender' or 'transsexualism' should not be confused with 'intersex' conditions where an individual is born with sex chromosomes, external genitalia, or an internal reproductive system that is not considered standard for either male or female. Transgender conditions are recognised psychological conditions (technically referred to as 'gender dysphoria') in which people who are born with a completely unambiguous male or female body develop gender identity issues resulting in their rejection of their biological sex and often self-identify as a member of the opposite sex or may consider themselves neither male nor female (non-binary). There are various ways in which transgender people may describe themselves.

The Committee is concerned at how the issue of transgender is being brought to the attention of young children and the influence of some groups pushing for acceptance of their views without proper scrutiny. However, the Committee does not wish to make any recommendations, at least at this point in time, until it has had the opportunity of getting a better understanding of the issues involved.

The Committee is aware that The Christian Institute has produced two leaflets on this subject: "Transsexualism" and "Transsexualism: Parents' guide". The Committee is grateful that the Ministry Committee is planning to make use of the book "Transgender" by Vaughan Roberts during the In-Service Conference in September.

THE REPLACEMENT FOR HUMAN RIGHTS BILL

There has been no further action on this since August 2016 when the Justice Secretary confirmed that the plans to replace the Human Rights Act with a British Bill of Rights will go ahead. It is expected that there will be no progress until after Brexit – so 2019 or later.

The Committee will continue to monitor any action that is proposed in the future and would look at the possibility of associating with other church groups when producing a response.

SCOTTISH CHURCHES HOUSING ACTION

Scottish Churches Housing Action helps churches and others make practical responses to the challenge of homelessness in Scotland. They work to increase understanding of homelessness, and policies that will end it.

They have a 15-year track record in developing local volunteer-based initiatives such as starter packs, and befriending. The Julius Project has seen the development of new befriending initiatives for homeless people. Their latest project is Aid & Abet, a peer mentoring project for ex-offenders in Edinburgh.

The charity also encourages the development of affordable housing from redundant or under-used church property.

Scottish Churches Housing Action has set up a new body, Whitebeam Homes, to deliver affordable housing. Houses will be bought on the open market, and made available at below-market rents to people in need.

The Committee is grateful to Rev. Ann Purdie as she continues to represent the Committee and takes an active part in the work of Scottish Churches Housing Action.

The report from Scottish Churches Housing Action is found in Appendix 2.

CHRISTIAN AID SCOTLAND

Christian Aid is working in over 60 countries helping people, regardless of religion or race, to live a full life, free from poverty. The charity is part of a wider movement for social justice, striving to achieve equality, dignity and freedom for all.

They provide urgent, practical and effective assistance where need is great, tackling the effects of poverty as well as its root causes. Since April 2012, Christian Aid's work has been focused around the goals and objectives identified in their corporate strategy, 'Partnership for change – the power to end poverty'.

The Christian Aid report is found in Appendix 3.

WORK PLACE CHAPLAINCY SCOTLAND

Since World War II workplace chaplains have been involved with the Scottish workforce. The chaplains come from a variety of backgrounds, some from church leadership and chaplaincy backgrounds with others from industry, education and commerce.

More about their work and the challenges faced are given in the report found in Appendix 4.

SCOTTISH CHURCHES PARLIAMENTARY OFFICE

The review of the work carried out by the Scottish Churches Parliamentary Office (SCPO) and the Advisory Group, which began last year, is continuing and the Committee has been feeding in its responses to the review process.

One aspect of the review has been for the SCPO Advisory Group to look at and collate what the denominations are working on and then seeing where there are areas of overlap and to identify the areas of possible collaborative work.

“Meet Your MSP” is an ecumenical project promoted by the SCPO, which aims at improving engagement between churches and members of the Scottish Parliament and has been described as “hugely important” by local politicians. The SCPO continues to provide high quality resources, which the Committee very much appreciates.

The SCPO report is found in Appendix 5.

CONTRIBUTION TO ORGANISATIONS

The following contributions were made in 2016:

Scottish Churches Parliamentary Office	£2,500
Scottish Churches Housing Action	£2,250
Work Place Chaplaincy Scotland	£1,250
TOTAL	£6,000

CONCLUSION

The Committee wishes to thank the Rev J O Fulton, General Secretary and Mrs Helena Jarvis for the enormous amount of work that they undertake on behalf of the Committee throughout the year. The Committee also appreciates the time and effort that Mr. Bill Cairns gives to representing the Committee on the Church of Scotland Church & Society Council.

In the name of the Committee

IAN D. BUCHANAN Convener

ERIC M. WORTON Vice-convener

JOHN O. FULTON Secretary

