

Ending Conversion Practices in Scotland



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- Individual
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Full name or organisation's name

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- Yes
 No

Questionnaire

Question 1

Do you support our approach to defining conversion practices which focuses on behaviour motivated by the intention to change or suppress a person's sexual orientation or gender identity?

- Yes
 No
 Don't know

Question 2

Please give the reason for your answer to Question 1.

The Free Church of Scotland welcomes the opportunity to respond to this consultation. As a church, we unequivocally condemn abusive, coercive, and violent practices. These contradict Christian teaching. The Bible teaches that everyone is made in the image of God and worthy of inherent dignity and respect. We reject the idea that anyone can be forced to live a certain way. As a denomination, the Free Church of Scotland passed church legislation in 1846 disowning all "persecuting principles of religion" meaning we do not force our beliefs on anyone but encourage all to respond voluntarily in faith to the gospel of Jesus Christ. As Christians we seek to embody the love of Jesus in every aspect of life, including discussions about sex and identity.

We recognise and share the desire of the Scottish Government to protect those who suffer under so called "conversion practices". However, we believe the proposals in this consultation would lead to a disproportionate interference in private and family life, freedom of religion and freedom of expression. If there was evidence that genuinely harmful practices are not being dealt with, there may be an argument for legislation. However, we do not believe the Scottish Government has demonstrated this. The consultation refers only to anecdotal or self-reported evidence, and an unrepresentative UK Government LGBT survey that did not define 'conversion therapy'.

Sweeping new provisions have been drafted that could criminalise conversations and other interactions that are lawful and legitimate in a free society. They raise the alarming prospect of church leaders, parents, counsellors, and others being criminalised simply for expressing the clear teaching of the Bible.

Our biggest concern with the legislation is around the proposed definition of "conversion practices" which is confusing and lacks clarity, despite the claim in the consultation document that one of the objectives is to "Provide clarity about what actions are permissible and what are not" (para 41). We note that Roddy Dunlop KC, the Dean of the Faculty of Advocates, has said the definition is not legally coherent.

Given the weaknesses of other safeguards within the legislation we believe that the key test as to whether or not practices will be criminalised will be whether they are caught by the definition. This makes the details of the definition used the most important aspect of the bill.

The definition as drafted is extremely broad and fails to define what are to become criminal "conversion practices". It is therefore impossible for parents, faith leaders and

others to be able to know how to regulate their behaviour to avoid being criminalised. Moreover, even if legitimate behaviour has not actually been criticised the legislation will have a chilling effect on individuals' willingness to engage in reasonable discussion around matters of sexual orientation or gender identity due to the fear of prosecution.

Key terms within the definition are either not defined or carry a specific meaning in these proposals contrary to their usual meaning. This is seen with the term "conversion" where the consultation document feels the need to clarify that it "is not intended to reflect other common uses of the term "conversion", for example, from one or no religion to another." (para 11). Within Christianity, conversion involves a person placing their faith in Christ for salvation and embracing His call to repentance, obedience, and service. Conversion is the gift of God, and it necessarily leads to change. The church faithfully teaches the word of God to equip Christians in every area of life. The use of the religious word "conversion" creates confusion. And we note that there is no international, universal definition of the term "conversion practices". Within the consultation document it is pointed out that there are other potential terms which could have been used (para 18).

The proposed meaning of the term "sexual orientation" is also novel in this legislation as it is not the same definition employed in the Equality Act 2010. Within these proposals it will include "reference to the person having no sexual orientation towards other persons". Within the consultation document, the Scottish Government refers to individuals with no sexual orientation towards other people as "asexuals". However, no further definition is given as to what is meant by "sexual orientation". This becomes problematic when the offence then speaks of suppressing someone's "sexual orientation" as without a clear definition it is difficult to know just how broad this would be. For example, could a parent preventing a teenage child from accessing pornography be guilty of suppressing their sexual orientation?

Even more concerning is that no definition is given of the term "gender identity". The relevant protected characteristic under the Equality Act 2010 is "gender reassignment" but this is not the same as "gender identity". "Gender identity" is a highly contested term within society. These proposals propose to incorporate the concept of "gender identity" into Scots law with little discussion of what it actually means, what the implications are and with no agreed definition.

The discussion of the meaning of "gender identity" within the consultation seems confused. On the one hand it appears to be a specific characteristic of (at least some) individuals which is distinct from that person's "physical characteristics". The legislation also proceeds on the basis that others may make (right or wrong) presumptions about what another's gender identity is, or may be. However, the proposed legislation is also drafted on the basis that any individual may be unsure or uncertain as to what their own current "gender identity" might be. We would question how this can be an enforceable definition and how a court is meant to decide that "conversion practices" related to "gender identity" have occurred.

Given the lack of clarity as to key terms within the definition of conversion practices we have major concerns about how extensive the range of behaviour is which could potentially be caught by the criminal law under these proposals. We note that repeatedly the consultation document feels the needs to seek to reassure the reader of what will not be caught. However, in our view this is because of a fundamental lack of clarity in the definition itself. We are also not clear of what the status of these reassurances are since they do not appear on the face of the proposed legislation and so presumably the limits

of the definition would need to be established through case law in the Criminal courts. This will result in individuals facing accusations and potentially complex and stressful criminal trials even if they are not ultimately guilty of an offence.

We are also not reassured by the specific exclusions in the consultation document. The consultation states that “non-directive” guidance will not be outlawed, and that “general” statements of belief will be allowed. However, that fundamentally misunderstands how freedom of religion and belief operates in law and practice. Article 9 of the European Convention on Human Rights includes public and private manifestations of belief in “worship, teaching practice and observance”. Religious leaders within the Christian faith call on all human beings to change – to follow God’s word in their lives – this is directive and applied directly to individuals in preaching, pastoral care and prayer. This occurs individually and in group settings. Moreover, parents (whether religious or not) also seek to direct their children and warn them of the consequences of their decisions, particularly in relation to some of life’s biggest issues around sexuality and gender. In our opinion the inclusion of these specific exclusions within the legislation makes it more likely that the legitimate behaviour of Christian leaders and parents will be caught by the legislation as it seems to suggest the only acceptable behaviour is the “non-directive” approach authorised by the state.

We also note that the consultation admits the offence can be committed even where the alleged perpetrator is “driven by a desire to help or protect the person” (para 83). Usually, criminal offences require an intent to cause harm or wicked recklessness. But here the “intent” element of the offence is placed within a broader “motivation” test so that the intent is to change or suppress rather than to cause harm. This “motivation” test is a weak test with no requirement to prove that harm was intended or foreseen by the accused. This seems to mean that any practice which could be defined as a “conversion” practice (using the broadest definition) would potentially be caught by this legislation. And given the lack of a clear definition of what “conversion practices” actually are this is completely unworkable and fails the basic tests of good law that must be clear and unambiguous.

When interacting with someone struggling with their sexual orientation or gender identity, the only way someone could be certain that their behaviour was acceptable under these proposals would be to adopt an “affirming” attitude e.g. by offering pro-trans advice. This would push more people down the route of life-changing drugs and surgery which they may later come to regret.

This broad application is already seen within the guidance accompanying the conversion therapy law in the Australian state of Victoria (<https://www.humanrights.vic.gov.au/change-or-suppression-practices/have-you-experienced-a-change-or-suppression-practice/>). The consultation document praises the Victoria approach and we worry the same broad approach to the interpretation of the law will be used in Scotland. The examples given in the guidance document of prohibited practices include:

“a religious leader meeting one-on-one and telling a member of their congregation that they are broken and pressuring them to suppress and ignore their feelings of same-sex attraction by practising celibacy...”;

“a religious leader telling a member of their congregation – with the intent to induce that person to change or suppress their sexuality – that they will be excommunicated if they continue their same-sex relationship and prohibited from returning as long as that relationship continues...”; and

“a parent rejecting the recommendations of qualified health professionals and refusing to support their child’s request for medical treatment that will prevent physical changes from puberty that do not align with the child’s gender identity, because the parent believes it is against nature and a boy should be a boy and a girl should be a girl”.

Accordingly, due to the extensive breadth of the definition of conversion practices and the lack of clarity as to what practices will and will not be covered by the proposals we are unable to support the Scottish Government’s approach to defining conversion practices which focuses on behaviour motivated by the intention to change or suppress a person’s sexual orientation or gender identity. The lack of clarity makes it impossible for any individual to know whether their practices will fall foul of the criminal law and will in general dissuade anyone from daring to discuss these matters for fear of accusations and having to defend themselves in a lengthy and complex court action.

Question 3

Do you think that legislation should cover acts or courses of behaviour intended to ‘suppress’ another person’s sexual orientation or gender identity?

- It should be covered
- It should not be covered
- Don’t know

Question 4

Please give reasons for your answer to Question 3.

The inclusion of suppression within the legislation would significantly widen the scope of the legislation and the consultation acknowledges this (para 56). We believe the inclusion of this term will result in the legislation having a significant impact on parents and religious leaders.

The proposals say that suppression includes “controlling a person’s appearance (e.g. clothes, make-up, hairstyle)” and “restricting where a person goes and who they see” (para. 50). This directly challenges parents’ rights and responsibilities. Parents regularly limit what is appropriate for a child to wear, where a child goes and who they associate with but if there was a suggestion this was to suppress their sexual orientation or gender identity this would now be criminalised or at the very least a parent could be accused of a conversion practice. We are concerned that the lack of definition of sexual orientation will have a major impact here – without a clear definition of sexual orientation it is impossible to define what it means to suppress sexual orientation. For example, would a parent preventing a teenage child from accessing pornography be guilty of suppressing sexual orientation since at the very least they are suppressing the expression of the individual’s sexual orientation.

Encouraging celibacy is identified as another potential example of suppression (para 56). However, teaching on celibacy for the unmarried is the mainstream historic teaching of Christian churches. Within the Free Church we know of members who are same sex attracted and yet choose to practice celibacy. Under these proposals any attempt to support or encourage them in this practice would be seen as conversion practices, even if the individual asked for help from their church leader.

The concept of suppression is also not clearly defined in the proposed legislation – defining it through a selection of specific examples is not clear enough as to what is intended to be caught by the legislation and does not limit the potential broad application. We are concerned that including the concept of suppression provides activists with more opportunities to challenge traditional Christian teaching on marriage, sexuality and gender.

Question 5

Do you support or not support an approach which uses a package of both criminal and civil measures to address conversion practices in legislation?

- Support
- Do not support
- Don't know

Question 6

Please give reasons for your answer to Question 5.

We do not support the package of criminal and civil measures to address conversion practices because there are already sufficient legal protections available, there is a lack of clarity as to the extent of the new offences and the package of measures blurs the line between criminal and civil measures.

Existing Legal Protection

The Scottish Government claims that there is a gap in the existing law relating to conversion practices. However, in exploring the existing law they only consider the offences of stalking, threatening or abusive behaviour and domestic abuse. Even on this limited exploration of existing law we note from the consultation the Scottish Government admits the gap they see in relation to the offence of threatening or abusive behaviour under s.38 of the Criminal Justice and Licensing (Scotland) Act 2010 is that the “offence does not capture forms of conversion practices that would not be considered to be threatening or abusive” (page 25). However, we would argue that only practices which are threatening or abusive should be illegal. Other practices might be considered distasteful or wrong but in a free society it is government overreach and a disproportionate interference with the rights to freedom of religion and family life to make them illegal.

Moreover, as already indicated the offences identified by the Scottish Government do not cover the full range of potential remedies already available to deal with conversion practices. The government do not consider existing obligations placed on the state and prosecutors under the European Convention on Human Rights, nor do they consider existing civil law remedies for personal injury under delict or the obligations imposed under the Protection from Harassment Act 1997 and the Equality Act 2010.

It is already the case in Scotland that conduct towards another person which constitutes degrading treatment and which results in psychological suffering, is illegal and in breach of the criminal law. Such conduct could include insulting, degrading or belittling persons on account of their sexual orientation. Moreover, the police and prosecution authorities

in Scotland are already obliged to provide effective protection (in particular to children and other vulnerable persons) against such conduct and should take reasonable steps to prevent such ill-treatment.

In addition to this the police and prosecutors through a system of statutory aggravations take into account homophobic or transphobic motivations when prosecuting other crimes.

It is also a civil wrong for individuals to inflict on another person inhuman and degrading treatment (which may include physical abuse and emotional abuse) in contravention of the standards set out in Article 3 of the European Convention on Human Rights. And individuals who have been subject to conduct which amounts to harassment and/or domestic abuse also have the right to take a civil action before the courts to obtain among other remedies a non-harassment order, breach of which constitutes a criminal offence.

In addition, the Equality Act 2010 outlaws harassing behaviour which constitutes less favourable treatment because of "sexual orientation". Separate provision is made in the Equality Act 2010 to make unlawful unwanted conduct which is related to the protected characteristic of "gender reassignment" and which has the purpose or effect either of violating another's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person. And less favourable treatment of another because of their rejection of or submission to the unwanted conduct related to the protected characteristic of gender reassignment is also made a statutory wrong under the Equality Act 2010.

When all of the relevant protection already in place is taken together it is difficult to see what is the gap in the current law which must be addressed. The combined force of the existing legislation makes clear that abusive and coercive conversion practices are already illegal in Scots law and sufficient safeguards already exist. Accordingly, the proposed package of new measures is not required and in fact is disproportionate given the lack of a pressing social need for further legislative changes.

Lack of Clarity

In addition to noting that there is already sufficient legal protection we also are concerned about the lack of clarity around the definition of conversion practices. As noted in our answer to question 2 the definition of conversion practices is too vague and is unworkable. Without a clear definition of conversion practices there is no basis for either the criminal or civil measure to work effectively. There is insufficient legal certainty as to what will be caught by the new offence and what behaviour might lead to a civil order. This is contrary to the rule of law in that punishment could be imposed in circumstances where it was impossible for someone to know whether their behaviour would contravene the law in advance.

The lack of clarity as to the extent of the law will also have a chilling effect on legitimate activities in a liberal democracy including normal conversations, debate and discussion around sexuality and gender. If you cannot be certain what behaviour will be caught by the offence you will be inclined to avoid all discussions on the topic, even legitimate discussion. This undermines liberalism where a multiplicity of diverse voices should be heard and encouraged and where space is made for dissenting voices in order for society to flourish.

Blurring of Criminal and Civil Measures

We believe the proposed civil measures are dangerous because they are easier to obtain than a criminal conviction, which requires proof beyond reasonable doubt. For a civil order to be obtained all of the protections built into the criminal offence (actual harm and the need for an identifiable victim) are removed and the standard of proof applied by the court will be the balance of probabilities. A huge amount of discretion is given to judges to apply any orders they consider will reduce the likelihood of potential harm. And a breach of the order is an automatic criminal offence – hence the blurring of the line between civil and criminal measures. It is disingenuous to say the orders are civil when they become criminal if breached. This again will have a disproportionate impact on families and religious leaders both through the use of orders but also the chilling effect on freedom of expression.

Accordingly, we do not support this extensive package of measures which confuses criminal and civil, is unworkable in practice due to a lack of clarity around definitions and is unnecessary given the extensive protection already offered by the law.

Question 7

What are your views on the proposal that the offence will address the provision of a service?

- Support
- Do not support
- Don't know

Question 8

Please give reasons for your answer to Question 7.

It is not clear what is meant by the “provision of a service”, particularly on the face of the proposed legislation which simply provides some positive examples of what may constitute a service but has insufficient detail to make clear what would not be caught by this term. We also note that it does not matter if the service is provided for a fee or free of charge which broadens what could potentially be considered the provision of a service.

The consultation document does attempt to define what is meant to be covered by the offence of the provision of a service. However, this is not consistent with the draft legislation and moreover still does not provide the degree of clarity that would be expected from a criminal offence.

The lack of clarity in the definition of providing a service is further evidenced by the fact the consultation felt the need to expressly specify that a service does not “mean a service of worship or church service” (paragraph 89). Of course, it later becomes clear in the consultation document that while a service of worship or church service may not be caught by the provision of a service section it could easily form part of a coercive course of conduct.

The consultation states it is intended to cover “pseudo-medical” practices (paragraph 90) but does not define what is meant by “pseudo-medical” practices nor does the legislation. On the face of the legislation it seems likely this would cover pastoral

counselling and prayer particularly as religious leaders would be seen as individuals possessing “purported expertise, knowledge or skills” (paragraph 95). We note the stated intention not to prohibit counselling or therapy where an individual is “supported with their unwanted or confusing thoughts and feelings through an open, explorative and even challenging approach that does not have a pre-determined outcome or preference towards their sexual orientation or gender identity”. However, this provides no comfort for religious leaders operating within orthodox traditional Christian teachings on sexual ethics and gender identity where we have a clearly defined preference as we seek to follow the Bible’s teaching which we believe to be the unchanging Word of God. We teach that our creator has designed human beings to flourish in following his design for sexuality and gender. Any pastoral discussions we have are of course compassionate to the individual’s concerns. However, we also do not compromise what we believe to be the revealed word of God. We do not force or coerce anyone else to accept our beliefs but we do seek to persuade people and to support them to live out their religious convictions.

We note another apparent exclusion from conversion practices would be “a religious leader who has an informal conversation with someone about doctrinal views” in relation to sexual orientation or gender identity (although we again note this is not clear on the face of the bill). However, the issue with such a statement is that it immediately implies that other practices such as more formal discussions around church membership or whether someone is suitable for a particular voluntary role in the church may be seen as conversion practices. Moreover, we believe the statement that general informal conversations regarding “doctrine” is permissible fails to understand the nature of the Christian faith whereby doctrine is to be lived out in practice and individuals are urged to follow the teaching of Jesus as Lord.

One of the examples given in the proposed legislation is “coaching or instructing” (paragraph 94). This is vaguely defined but it does seem incredibly broad, perhaps meaning that any attempt to encourage someone to live a particular way in relation to sexual orientation or gender identity could be considered coaching or instructing. This would cover one to one discipleship programmes in churches and group support sessions where individuals seek support from fellow believers to live according to their own convictions. There is also an “instructing” or teaching element to preaching and accordingly it is possible that preaching on certain topics or passages of the Bible would be outlawed.

Question 9

What are your views on the proposal that the offence will address a coercive course of behaviour?

- Support
- Do not support
- Don't know

Question 10

Please give reasons for your answer to Question 9.

As a church, we unequivocally condemn abusive and coercive practices. We seek to give everyone an opportunity to freely respond in faith to the good news of Jesus Christ. We reject the idea that anyone can be forced to live a certain way. As already noted in

our answer to question 2, as a denomination, the Free Church of Scotland passed church legislation in 1846 disowning all “persecuting principles of religion” meaning we do not force our beliefs on anyone. However, while we do not believe we practice coercive practices we are concerned that some of the ordinary pastoral work of churches could be inadvertently caught by the wide definition of a coercive course of conduct. We are also concerned that parents’ normal behaviour as parents will be affected by these proposals.

The consultation says provision of advice and guidance by a religious leader would only be captured where there is coercion. However, the consultation document then says that coercion includes ‘emphatic directives accompanied by forceful statements intended to pressure the individual’ (paragraph 103). It is easy to see how urging someone to repent because they are endangering their soul and facing eternal consequences could be deemed to meet this threshold. However, these concepts are part of the traditional Biblical teaching on the message of salvation and should not be criminalised.

We note that the concept of “weaponising a person’s religious beliefs” is also introduced as coercion (paragraph 106). It is not clear what this is meant to cover but it is not hard to imagine a situation where applying traditional Christian morality to someone’s personal circumstances could result in an accusation of weaponising religious belief.

Would other normal practices of Christian churches be considered coercive? For example, would refusing church membership to an individual who is currently in a homosexual relationship? Or the exercising of Church Discipline against someone who leaves their spouse because they have come out as gay? Or refusing to recognise someone as suitable for a church leadership position because they identify as transgender? Any proposed legislation must ensure that a church which teaches the traditional Christian sexual ethic and takes steps such as withdrawing membership from people who reject it, cannot be construed as engaging in conversion practices. On the basis of the consultation document this is not the case. These proposals are a direct interference with the spiritual independence of the Christian church and we would suggest are contrary to Section 2 of the Church of Scotland Act 1921:

“Nothing contained in this Act or in any other Act affecting the Church of Scotland shall prejudice the recognition of any other Church in Scotland as a Christian Church protected by law in the exercise of its spiritual functions.”

These proposals will also have an extensive impact on parents (whether religious or not). The proposals say that coercion will include “controlling of the victim’s day-to-day activities” and “pressuring the victim to act in a particular way” (paragraph 104). However, parents regularly control and pressure their children to behave in certain ways. This is normal parenting and in keeping with their rights to raise their children in accordance with their own faith and belief. If these proposals are enacted there is a risk that parents will be prosecuted merely for trying to guide their children to the path they believe is best for them or to guide them away from life altering medical treatments such as puberty blockers.

Due to many ways that ordinary church practices and normal parenting could be wrongly construed as a coercive course of behaviour we cannot support this being part of the test for whether the criminal offence has been committed.

Question 11

What are your views on the requirement that the conduct of the perpetrator must have caused the victim to suffer physical or psychological harm (including fear, alarm or distress)?

- Agree
 Do not agree
 Don't know

Question 12

Please give reasons for your answer to Question 11.

The Free Church of Scotland is completely opposed to harmful behaviour. However, we again note that threatening and abusive behaviour is already illegal. Our concern is that the definition of harm contained within the draft proposals is extremely broad and subjective.

We note that by expressly including fear, alarm and distress under psychological harm there are practically no limits to what can be included in the definition of harm. Moreover, "distress" is highly subjective and raises the distinct possibility that a conviction will be obtained based on self-reporting of distress. What evidence could possibly be adduced to disprove the existence of distress? The Scottish Government claims the harm test is one of the key safeguards built into the proposed criminal offence. However, when the burden of proving distress is so low it does not amount to much of a safeguard. And even if the harm requirement does result in someone not ultimately facing a criminal sanction there is still the distinct possibility that false accusations could be made and that an accused would be put through the stress of a criminal trial in order to establish that no harm occurred.

The low threshold for harm that includes distress is an unreasonable interference with the right of freedom of expression. We note that Lord Justice Sedley stated in *Redmond-Bate v DDP* [2000] HRLR 249:

"Free speech includes not only the inoffensive, but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to promote violence. Freedom only to speak inoffensively is not worth having."

Within a liberal democracy we must be free to express contentious views on matters relating to gender identity and sexual orientation even if someone might be distressed by our views. And yet this proposed definition of harm would be a direct intrusion into the most basic right of freedom of expression.

There is also no requirement in the proposed offence to prove an intention to cause harm or even recklessness as to whether or not harm will occur (paragraph 83). Instead, we have a novel concept where intent (usually a required *mens rea*) is redefined to be part of the action itself (the *actus reus*) where intention means intention to change or suppress sexual orientation or gender identity – motivational intent. Accordingly, someone could be criminalised even when they have no intention of causing any harm, even when they intend to support someone struggling with their sexual orientation or gender identity. This essentially turns this offence into a strict liability offence. However, the problem with that is that the definition of what actually amounts to "conversion practices" is so unclear that it is impossible to enforce this as a strict liability offence. This strict liability offence is potentially far reaching and means that someone could unwittingly commit the offence even where they had no intention at all to cause harm.

We also note that with the consultation document the Scottish Government claims that conversion practices are “inherently harmful” (paragraph 35) and that they go on to quote a report from the United Nations Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity (IESOGI), titled ‘Report on Conversion Therapy’ which states that ““all practices attempting conversion are inherently humiliating, demeaning and discriminatory” (paragraph 38). This surely creates a presumption of harm meaning that the proposed new offence of engaging in conversion practice may be committed without the need to prove any harm. Again, this makes the offence essentially a strict liability offence but without any way of knowing what will and will not be covered by the offence.

In summary while we support the principle of actual harm being required for any offence to be committed the reality is that the threshold for actual harm is too low and may actually be presumed in all cases where the vague concept of “conversion practices” are shown to have occurred. This would criminalise ordinary conversations and other interactions that are lawful and legitimate in a free society. Church leaders, parents, counsellors and others could be criminalised simply for expressing the clear teaching of the Bible. Even if they would not actually be caught by the terms of the proposed offence (which is not clear) the existence of the offence would have a chilling effect of deterring anyone from engaging in discussion and pastoral support around sexual orientation or gender identity.

Question 13

Do you agree with the inclusion of a defence of reasonableness?

- Agree
 Do not agree
 Don't know

Question 14

Please give reasons for your answer to Question 13.

In our view reasonable behaviour should never be criminalised and accordingly an explicit defence of reasonableness is always best practice in drafting proposed criminal offences such as this. However, we note that the consultation document envisions this only being used in a very small number of circumstances (paragraph 122) and even suggests it is difficult to envisage when it would be used (paragraph 123). Accordingly, while any safeguard is to be welcomed we do not see much practical relevance of it unless more examples were given of reasonableness which covered a greater range of ordinary conversations and pastoral support.

Question 15

Do you agree or not agree with the proposed penalties for the offence of engaging in conversion practices?

- Agree
 Do not agree
 Don't know

Question 16

Please give reasons for your answer to Question 15.

A maximum sentence of 7 years for a vaguely defined offence is dangerous and disproportionate. We note that the consultation document makes a comparison with existing offences. However, the examples cited require proof of intent to cause harm or at least recklessness as to whether harm occurs and more serious conduct must be proven. In particular, we note that the closest existing offence that would currently cover threatening and abusive conversion practices is section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 only carries a maximum sentence of 5 years. The consultation document makes clear this offence is unsuitable because it only applies to threatening and abusive conversion practices – the logic of this is that the new criminal offence is intended to cover conversion practices which are not threatening or abusive and apply a great sentence to them than the existing offence under section 38. A prison sentence of 7 years is completely disproportionate for such a vague defence with a low threshold and could result in parents and pastors facing years in jail simply for supporting someone to live out their Christian faith. This will undoubtedly have a chilling effect on freedom of expression with many, out of fear of the penalties, avoiding all discussions of sexual orientation or gender identity.

We also note the existing strain on police, court and prison resources and believe these proposals will place an additional unnecessary burden on already stretched resources.

Question 17

Do you agree that there should be no defence of consent for conversion practices?

- Yes
 No
 Don't know

Question 18

Please give reasons for your answer to Question 17.

The right to freedom of religion includes the right to practice your belief. Individuals should be free to choose what practices they wish to engage in, providing such practices are not abusive. Where someone comes to faith and they wish to live out their conviction through practicing a particular sexual ethic they should be allowed to receive support from their spiritual leader and others in their faith community. It is paternalistic and dehumanising to refuse someone's autonomy in choosing how they practice their faith and in consenting to normal pastoral care, discipleship and prayer. The state does not have the right to tell someone how they can practice their faith.

Prayer is a basic practice of faith and the legislation should make clear praying with other people, at their request and with their consent, should not be criminalised. It is also a normal practice in many faith communities for individuals to choose celibacy and to be supported in this. A church should be free to support someone who chooses to live a celibate life without fear that those who offer support would be criminalised.

The creation of this criminal offence without any defence of consent will have a chilling effect on churches being able to provide normal spiritual support to those struggling with

their sexual orientation or gender identity without fear of accusations of engaging in conversion practices.

The Scottish Government Expert Group recommended that there should be no defence of consent on the basis that you cannot consent to torture. It is completely inappropriate and disingenuous to compare non-abusive practices, such as prayer or pastoral counselling, to torture.

Question 19

Do you have any other comments regarding the criminal offence as set out in Parts 8 and 9?

Section 4 of the draft legislation (paragraph 118) relating to the avoidance of doubt provisions raises a number of concerns for us.

Subsection 1(a) of the Avoidance of Doubt Provision purports to give a blanket exclusion to healthcare professionals providing treatment to align a person's physical characteristics with their gender identity. This appears to give broad protection to healthcare professionals some of whom are engaging in questionable procedures without a consensus of medical opinion. We note the concerns raised particularly by the interim report of the Cass Review in relation to children and young people. There are also now a growing number of individuals who underwent treatment they now regret and who feel wrongly pushed down a particular path where a cascade of intervention then occurred resulting in irreversible long term health issues. Some individuals report that healthcare professionals encouraged them to transition without providing appropriate other support such as counselling.

We believe healthcare professionals would be under threat if they express a professional opinion that it is not in a patient's best interests to undergo gender reassignment.

There is also an inherent contradiction between these proposals and the offence under section 3(1) of the Prohibition of Female Genital Mutilation (Scotland) Act 2005. Under that section any person who aids, abets, counsels, procures or incites an act of "female genital mutilation" is guilty of an offence. However, if the current legislative proposals concerning the criminalisation of "conversion practices" come into law, any person who obstructs, counsels against, discourages or otherwise seeks to prevent an act of (male or female) genital mutilation where that act is avowedly intended to "align" a person's "physical characteristics" with that person's asserted "gender identity" will, in principle, be guilty of an offence.

Subsection 1(b) of the Avoidance of Doubt Provision also concerns us. Given the lack of a clear definition of Conversion practices within the legislation a huge range of activities could potentially be caught by the criminal law. The only limit that is placed on this is the avoidance of the doubt provisions which make clear that affirming practice and non-directive practices will not be criminalised. However, by spelling out these two particular cases the implication is that these are the only approaches to sexual orientation and gender identity that will be acceptable – affirming and non-directive. This imposes on society as a whole a settled opinion on how contested matters of sexual orientation and gender identity are to be discussed without the threat of criminal sanction. This is a serious interference with basic human rights and inappropriate in our liberal democracy.

Parents, religious leaders, gender critical feminists and others who do not accept the official state position now risk criminalisation. We fear that prayers and sermons would be criminalised if their content did not conform to the state mandated requirements only to affirm, validate and support the identity and lived experience expressed and stated by an individual (but never to question or raise concerns about an individual's expression of their sexuality or gender identity) (See Paragraph 3.29 of Aidan O'Neill KC's legal opinion - <https://www.christian.org.uk/wp-content/uploads/Aidan-O'Neill-KC-Conversion-practices-opinion-February-2024-highlights.pdf>). A catch-all conversion practices law could turn church ministers into criminals for teaching traditional Christian ethics about celibacy or the Christian view of marriage and this would be a serious breach of human rights.

Our understanding of Subsection 1(b) is made clearer in the consultation document where the Scottish Government states that it intends to promote the enactment of legislation which will criminalise anything other than what it describes as "non-directive and ethical guidance and support to a person who might be questioning their sexual orientation or gender identity or experiencing conflict or distress, whether that is provided by a healthcare practitioner, a family member, or a religious leader" (paragraph 45). This appears to mean that "any discussions, questioning, guidance or general parental direction, guidance, controls and restrictions" which the Scottish Government deems to be "directive" or "coercive" will be criminalised.

There are also other areas of the proposed criminal offence that concern us. We are aware of an increasing number of Detransitioners, who regret changing gender, who feel unable to tell their stories or experiences. The same is true of individuals who have chosen to live celibate lives rather than act on homosexual desires. We are concerned that these proposals would criminalise these individuals telling their stories with the intention of helping others struggling with the same issues. Someone's personal experience should not be silenced through criminal law or the threat of the criminal law.

We are also concerned that a number of activists would target the innocent, ordinary work of churches because they disagree with our beliefs on sexual orientation and gender identity. They would report churches to the police. Even where the complaints are unwarranted, religious leaders would face the pressure of an investigation and may even have to defend their rights in court.

Some activists have even made clear that they want a conversion therapy law to effectively impose LGBT theology on churches. But the criminal law shouldn't be used to settle a theological dispute.

Another aspect of the proposed offence that concerns us is that there is insufficient respect for the freedom of parents to bring up their children in accordance with their faith and beliefs. This is protected under human rights law and more should be included on the face of bill to protect and uphold parents' rights. The Supreme Court in *Christian Institute v. Lord Advocate* [2016] UKSC 51, 2017 SC (UKSC) made this clear: "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."

Question 20

What are your views on it being a criminal offence to take a person out of Scotland for the purpose of subjecting them to conversion practices?

- Support
 Do not support
 Don't know

Question 21

Please give your reasons for your answer to Question 20.

The Free Church of Scotland is completely opposed to threatening and abusive behaviour which may be described as "conversion practices" but which are already illegal in Scots Law. We acknowledge that some countries in the world do not make these horrendous abusive practices illegal and accordingly we can see justification for an offence of taking someone out of Scotland to receive such abusive practices. However, the proposed offence of taking a person out of Scotland for the purpose of subjecting them to conversion practices uses the broader definition of "conversion practices" used in the rest of the legislation. This definition includes conversion practices which are not threatening or abusive and accordingly we cannot support the use of this definition. Accordingly, since the offence of taking someone out with Scotland uses that same definition we cannot support the offence as currently drafted.

Question 22

What are your views on the proposed penalties for taking a person outside of Scotland for the purposes of conversion practices?

- Support
 Do not support
 Don't know

Question 23

Please explain your answer to Question 22.

Any penalty must be consistent with other abusive practices in Scots law. However, this proposed offence goes beyond threatening and abusive behaviour and accordingly we view the proposed penalty as an unjustified and disproportionate response.

Question 24

What are your views on the proposal that conversion practices should be an aggravating factor for existing offences?

- Support
 Do not support
 Don't know

Question 25

Please explain your answer to Question 24.

We believe aggravation would already be covered under the Hate Crime and Public Order (Scotland) Act 2021 for sexual orientation and gender reassignment. We see no gap in the law requiring further aggravating factors to be added and in fact would see the potential for confusion given the concepts of sexual orientation and gender identity are not defined in the same way as in the Hate Crime and Public Order (Scotland) Act 2021.

Question 26

Do you have any views on the steps we have taken to ensure the proposals are compatible with rights protected by the European Convention of Human Rights?

We are not persuaded that sufficient work has been done to ensure that the proposals are compatible with rights protected by the European Convention of Human Rights. The threshold for these proposals is incredibly low, the proposals are vaguely defined and there is a high likelihood that everyday pastoral and parenting activities will be caught by the wide ambit of these proposals. We are not assured that merely explaining biblical teaching to a same sex attracted or trans identifying person will not constitute an offence. Indeed, it appears that criminalising such lawful, ordinary interactions is an ambition of proponents of this legislation. In short, we believe the government's proposals are flawed by design, and should be dropped. If ministers insist on taking legislation forward, we will lobby for specific references on the face of the bill as to how these proposals would interact with human rights and specific protections for religious believers, parents, medical professionals and others to be included within the legislation and accompanying guidance.

There is no analysis of what specific articles of the convention are engaged. We note that a leading advocate, Aidan O'Neill KC has published a legal opinion suggesting that four separate articles of the ECHR would be engaged and potentially breached (see <https://www.christian.org.uk/wp-content/uploads/Aidan-O-Neill-KC-Conversion-practices-opinion-February-2024-highlights.pdf>).

Article 8 – private and family life

Article 8 ECHR provides that “everyone has the right to respect for his private and family life, his home and his correspondence”. In *Lautsi v. Italy* (2012) 54 EHRR 3 the Strasbourg Grand Chamber stated: “The state is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions. That is the limit that the states must not exceed.” In our view the proposals would breach Article 8 as an unlawful interference with parental rights.

Article 9 – Freedom of Religion

Article 9 ECHR, guarantees freedom of religion and freedom, either alone or in community with others and in public or private, to manifest religion or belief in worship, teaching, practice and observance. The consultation suggests this freedom should be restricted to expressing doctrinal statements and that any directive teaching or coaching be prohibited. However, that would breach Article 9 where everyone has the right not just to teach but to practice and observe their religious beliefs. We also note that the absence of provisions on consent in the legislation mean that an individual who wishes to seek help to practice his religious convictions is prevented from being able to seek help from others in their church or wider faith community.

Article 9 also impacts on parent's rights to raise their children in accordance with their religious beliefs. In *TC v. Italy* [2022] ECtHR 54032/18 the court said:

"The Court considers that for a parent to bring his or her child up in line with one's own religious or philosophical convictions may be regarded as a way to 'manifest his religion or belief, in teaching, practice and observance'. It is clear that when the child lives with his or her parent, the latter may exercise Article 9 ECHR rights in everyday life through the manner of enjoyment of his or her Article 8 ECHR rights"

Article 10 – Freedom of Expression

Article 10 ECHR guarantees freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference. The proposals are clearly defined to interfere with these rights by prohibiting certain viewpoints and practices including discussions and conversations.

Article 11 – Freedom of Peaceful Assembly & Association

Article 11 ECHR guarantees to everyone the right to freedom of peaceful assembly and to freedom of association with others.

In *Magyar Keresztény Mennonita Egyház v Hungary* (2017) 64 EHRR 12 the Strasbourg Court observed:

"...religious associations are not merely instruments for pursuing individual religious ends. In profound ways, they provide a context for the development of individual self-determination and serve pluralism in society. The protection granted to freedom of association for believers enables individuals to follow collective decisions to carry out common projects dictated by shared beliefs."

Restrictions on churches' ability to provide help and support to one another to live out moral convictions of the Christian faith relating to sexual orientation and gender identity would clearly breach article 11. Moreover, any attempt to limit a church's freedom to appoint leaders and volunteers who share their beliefs on sexual orientation and gender identity would potentially breach article 11.

Proportionality

Of course, almost any right can be restricted by the state in limited circumstances to prevent others' harm. However, the test applied by the courts would be whether the legislation is a proportionate interference with convention rights. Clearly criminalising threatening or abusive practices would be proportionate but as repeatedly pointed out

threatening or abusive practices are already illegal. Accordingly, the legislation is designed to criminalise practices which are not threatening or abusive. In our view this aim is disproportionate to the extensive interference with convention rights being proposed. No pressing social need has been demonstrated in the consultation to justify new legislation.

Non-Arbitrary

Another relevant aspect of human rights law is that the law must not be arbitrary. The new legislation must be shown to set out rules of sufficient precision to enable any individual to regulate his or her conduct, and to afford individuals protection against the possibility of arbitrary interferences by public authorities with their Convention rights. However, given the lack of clear definitions within these proposals we are of the view that the legislation would be seen as arbitrary and contrary to the rule of law.

For all these reasons we believe a much fuller analysis of the human rights implications of these proposals is required. Aidan O'Neill KC concludes his legal opinion by stating: "In sum, these proposals from the Scottish Government for legislation are ill-thought out, confused and confusing, and fundamentally illiberal in intent and effect. I conclude therefore that there are very strong arguments indeed that these legislative proposals of the Scottish Government are beyond the legislative competence of the Scottish Parliament, primarily because of their over-breadth, their disproportionate intrusion into private and family life and freedom of religion and freedom of expression, but also because of their internal incoherence."

(<https://www.christian.org.uk/wp-content/uploads/Aidan-O-Neill-KC-Conversion-practices-opinion-February-2024-highlights.pdf>.)

Article 2 of Protocol 1 – Education

We are also concerned that the proposals would interfere with Article 2 of Protocol 1 of the Convention (A2P1 ECHR). The consultation document concludes with the following statement of intent as regards future educational work to be done:

"We will explore how best to educate children and young people as well as the general public on what conversion practices are, and the detrimental impact they have on victim's lives, as part of our wider work on LGBTQI+ visibility. Tailored and targeted community outreach programmes will also be considered to ensure that no area of society is left out." (paragraph 205).

Among the Convention rights listed in Schedule 1 of the Human Rights Act 1998 is Article 2 of Protocol No. 1 to the European Convention which states:

"Right to education

[i] No person shall be denied the right to education

[ii] In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

This requires the state to respect the rights of parents to ensure education is in conformity with their own religious and philosophical convictions. The Strasbourg court takes a broad view of what constitutes education, the right to which is protected under and in terms of A2P1 ECHR, noting in one case (*Campbell and Cousens v. United*

Kingdom (1982) 4 EHRR 293):

33. [T]he education of children is the whole process whereby, in any society, adults endeavour to transmit their beliefs, culture and other values to the young, whereas teaching or instruction refers in particular to the transmission of knowledge and to intellectual development [and] the process whereby a school seeks to achieve the object for which it was established, including the development and moulding of the character and mental powers of its pupils.

...

40. ... Article 2 (P1-2) constitutes a whole that is dominated by its first sentence, the right set out in the second sentence being an adjunct of the fundamental right to education.....[T]here is also a substantial difference between the legal basis of the two claims, for one concerns a right of a parent and the other a right of a child. The issue arising under the first sentence is therefore not absorbed by the finding of a violation of the second.

41. The right to education guaranteed by the first sentence of Article 2 (P1-2) by its very nature calls for regulation by the State, but such regulation must never injure the substance of the right nor conflict with other rights enshrined in the Convention or its Protocols”

Accordingly, the stated intent of the Scottish government to “educate children and young people” about and against the necessarily detrimental impact of what it considers to be “conversion practices” will be lawful (and within the powers of the Scottish Government) only insofar as compatible with the A2P1 ECHR Convention right of parents to ensure their children’s education and teaching is in conformity with the parents’ own religious and philosophical convictions. We are concerned that already insufficient attention has been given in this consultation to the rights of parents to educate their children in accordance with their beliefs.

Question 27

What are your views on the purposes of the proposed conversion practices protection order?

- Support
- Do not support
- Don't know

Question 28

Please explain your answer to Question 27.

We have a number of serious concerns with these proposals. Primarily the issue is that any of the apparent safeguards which would apply to the proposed criminal offence would not apply to a pre-emptive civil order.

There is no requirement to show any actual harm – just a vague notion of potential harm. However, given that the Scottish Government have made clear that conversion practices are “inherently harmful” (paragraph 35) there would always be potential harm where a potential conversion practice was going to be carried out. This results in circular logic and essentially removes any requirement to prove potential harm once it has been established there is a potential conversion practice.

There does not need to be a clearly identified victim and it is envisioned that orders could be granted “to protect the wider community”. This is extremely broad, with no precedent in existing legislation. The consultation already states that certain statements amount to hatred such as “being gay is sinful or that transgender identity does not exist”. Accordingly, it would not take much to envision someone who believes “hateful” statements having various conditions pre-emptively applied to them to stop them propagating those views, causing potential harm.

Moreover, it has already been seen that activists are prepared to put pressure on local authorities to shut down evangelistic events at major venues (for example in the case of *Billy Graham Evangelistic Association v Scottish Event Campus Ltd* [2022] SC GLW 33). It does not take much to imagine those same activists putting pressure on local authorities and the police to apply for pre-emptive conversion practice civil orders to shut down events or restrict the freedom of churches and religious leaders.

The court is also empowered to grant virtually any order they believe will reduce the likelihood of harm and there is no reference to whether or not such an order must be a proportionate interference with human rights.

We also note that the standard of proof for the granting an order is the lower civil standard of balance of probabilities rather than the criminal standard of beyond a reasonable doubt. This is particularly concerning when the penalty for a breach of the order is an automatic criminal penalty. The consultation document admits that one reason for introducing civil orders is that they are easier to obtain than a criminal conviction.

You could be in a position where someone is accused of conversion practices as a criminal offence and the prosecution is unsuccessful. However, on the balance of probabilities they would be able to use that incident as the evidence that a person has engaged in conversion practices for the purposes of a conversion practices prevention order.

Allowing criminal enforcement of civil protection orders essentially amounts to a lower threshold criminal offence by the back door and we consider this completely unreasonable. If civil protection orders are insisted upon (which for other reasons contained in this answer we do not think they should be) we would suggest that a breach of an order should not result in a criminal conviction but a civil remedy of damages.

It also appears that an order could be obtained by a third party, even against the will of the person being ‘protected’. This could prevent a church allowing someone to attend who wants to attend. This could limit someone’s freedom as to where they choose to worship and is an unjustified interference with ECHR.

We are also concerned that orders could be granted against parents when teachers report things via the local authority. This is a direct interference with the parent’s right to raise their child in accordance with their own religious beliefs and has the potential to destroy the trust between parents and teachers.

In summary we find conversion practice civil orders deeply concerning and in practice believe these would invariably breach ECHR convention rights.

Question 29

Do you agree or disagree with the proposals for who should be able to apply for a conversion practices civil order?

- Agree
 Do not agree
 Don't know

Question 30

Please explain your answer to Question 29.

We note with concern that the proposal suggests that where a conversion practices civil order relates to a specific individual to be protected the person to be protected or third parties (with leave of the court) could apply for an order. This raises the distinct possibility that activists could deliberately target religious leaders, particularly where they disagree with the theology of the individuals. This opens the possibility of politically motivated or anti-religious activism through the courts. There are already cases where someone has deliberately targeted Christian businesses through the courts and this would give an open invitation to activist organisations to attempt to pursue religious leaders.

We also note that third parties could be family members and that the views of the individual being protected can be overridden by a court. This creates the alarming possibility that someone could start attending a church, could want to attend the church and receive support in relation to their sexual orientation and the person's family could decide they believe he has joined a "cult" and apply to the court for an order preventing the church engaging with him. This is a serious breach of his right to freedom to practice religious belief.

Question 31

Do you have any other comments regarding the civil order as set out in Parts 13 - 15?

N/A

Question 32

Do you have any views on the potential impacts of the proposals in this consultation on equality by:

- a) Age
- b) Disability
- c) Gender reassignment

- d) Civil partnership
- e) Pregnancy and maternity
- f) Race
- g) Religion and belief**
- h) Sex
- i) Sexual orientation

In our view the proposals would have a negative impact on religion and belief. We note the proposals have been campaigned for by activists who object to biblical teaching about sexual ethics and gender identity. They are free to disagree with the church's beliefs and practices but the force of the state should not be used to dictate church doctrine.

Repentance from sin of all kinds, including sexual sin, and prayer for others are basic Christian beliefs and practices which these proposals threaten to criminalise. Alongside sexual ethics we also teach that all human beings regardless of sexual orientation or gender identity are made in the image of God and worthy of dignity and respect. Jesus taught us to love our neighbour – meaning anyone we come into contact with including those who identify as LGBTQIA+. We are not a threat to those who identify as LGBTQIA+ and do not deserve to be criminalised.

We also note that some of the activists come from the Christian tradition but have abandoned traditional biblical moral teaching. It is not the role for the state to adjudicate on theological disputes between competing Christian groups or to mandate what is acceptable religious teaching.

It must also be noted that freedom of religion and belief allows individuals to practice their beliefs according to their own individual conscience and does not require conformity to the teachings of a particular religious community. This means that even though some within the broader Christian tradition do not agree with us in relation to the Christian ethics of sexual orientation and gender identity we are still entitled to practice our traditional beliefs.

We are also concerned by the tone of the consultation document which seems to be directly opposed to certain faith and belief positions. The consultation says that “statements that being gay is sinful or that transgender identity does not exist” are “hatred” (paragraph 85). They are not hatred. In fact, alternative beliefs are worthy of consideration in a democratic society, and the Scottish Government should not be dismissing them as hatred. We note that recent case law (*Maya Forstater v Center for Global Development Europe and Others* [2021] IRLR 706) has established that ‘lack of belief in transgenderism’ and ‘lack of belief that someone can change their biological sex’ are protected beliefs under the Equality Act 2010.

Question 33

Do you have any views on the potential impacts of the proposals in this consultation on children and young people, as set out in the UN Convention on the Rights of the Child?

The proposals would result in unwarranted intrusion and expansion of the powers of the State into the private realm of families. They fail to protect parents' rights and duties. The importance of protecting parents' rights and duties from an over-expansive State is expressly set out in preamble and Articles 5 and 18(1) of the UN Convention on the

Rights of the Child as follows:

“Convinced that the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community

...

Article 5: State parties shall respect the responsibilities, rights and duties of parents ... to provide in a manner consistent with the evolving capacity of the child appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention

...

Article 18: Parents ... have the primary responsibility for the upbringing and development of their child: the best interests of the child will be their basic concern.”

We also note that Article 14 states that the child’s freedom of thought, conscience and religion must be respected and that the rights and duties of parents to provide direction to their child in relation to their rights of freedom of thought, conscience and religion must be respected:

“Article 14

- 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.*
- 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.”*

However, these proposals will interfere with the child’s freedom to manifest their beliefs and have the potential to criminalise parents offering guidance and direction to their children in matters of faith, belief and conscience, in direct contradiction of Article 14.

Question 34

Do you have any views on the potential impacts of the proposals in this consultation on socio-economic inequality?

N/A

Question 35

Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

N/A

Question 36

Do you have any views on the potential impacts of the proposals in this consultation on privacy and data protection?

N/A

Question 37

Do you have any views on the potential impacts of the proposals in this consultation on businesses and the third sector?

N/A

Question 38

Do you have any views on the potential impacts of the proposals in this consultation on the environment?

N/A