



# Parliament in View

## Equality Bill and its Duties

The UK Government introduced the Equality Bill at Westminster on 27 April 2009. The Bill has two stated purposes. To harmonise discrimination law and to strengthen the law to support progress on equality. It will place a new duty on certain public authorities to consider socio-economic disadvantage when taking strategic decisions about how to exercise their functions. It will also extend the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic.

The practical effect is that listed public authorities will have to consider how their policies, programmes and service delivery will affect people with the protected characteristics: Age; Disability; Gender reassignment; Marriage and civil partnership; Race; Religion or belief; Sex; Sexual orientation.

This bill requires specified public authorities, when making strategic decisions such as decid-

ing priorities and setting objectives, to consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage. Such inequalities could include inequalities in education, health, housing, crime rates, or other matters associated with socio-economic disadvantage. It will be for public authorities to determine which socio-economic inequalities they are in a position to influence.

This duty, as the Bill is currently drafted, applies to England and Wales only.

However the bill may be amended to apply to Scottish public authorities, and is therefore subject to a Scottish Government consultation.

Another aspect of considerable importance and which is also being consulted upon by Scottish Ministers is in regard to the Public Sector duty to **promote equality**. This sounds like a noble aim but it has to be recalled that in the

name of equality Christian organisations have been labelled as discriminatory for holding to their beliefs. We have seen for example that in efforts to supposedly promote equality Christian values have been mocked and degrading pornography has been exhibited in the Glasgow Council controlled Gallery of Modern Art.

The duty could force organisations to endorse such visions of equality. The Scottish government has noted that a wide group of bodies will be covered by this duty including local authorities, health boards and educational authorities.

Comments can be made to the consultations at

[www.scotland.gov.uk/consultations](http://www.scotland.gov.uk/consultations).

The bill as a whole is likely to take several months to be completed at a UK level and its ambitious scale is bound to pose many challenges on how to interpret and implement its provisions.

## New Government Programme

The new parliamentary year was marked by the presentation of the Scottish Government's plan of action for the year ahead. Traditionally that includes the announcement of new legislation and this year Alex Salmond outlined 11 new bills which his government intends to introduce for this session. Controversial among these is the bill to permit a referendum on independence some time next year. It will bring to a head the competing agendas pursued in the governments 'National Conversation' and that of the Labour party instigated 'Calman Commission' which have both been

examining the different views on potential change to how Scotland is governed and the range of issues which should be determined nationally.

Other bills include the issue of housing, in particular trying to ensure rentable housing remains available at appropriate levels (which will include ending the right to buy) and that people are not made homeless unnecessarily when they fall into bankruptcy.

Legal services will be reorganised by means of a new bill as will the Children's hearing system with a bill of its own. The issue of alcohol misuse remains a high priority of the

government and a bill will seek to introduce a range of measures to curb the ill-effects of the drinking culture. Rural issues will feature prominently in the new programme with bills on managing wildlife and the environment as well as one of crofting reform which will go hand in hand with a rural development fund. Patients are to benefit from new legal rights contained in a Patient's Rights bill.

In addition some bills remain to be completed from last session and several members bills are at various stages including one on palliative care.

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### Special points of interest:

- *Equality to be enforced*
- *Domestic abuse rising in Scotland*
- *Sexual Health Plan fails to learn from failures*
- *Europe's powers to increase*
- *Nuclear weapon report due*
- *New funding arrangements affecting charities*

## End of Life Issues

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The proposal to introduce assisted suicide has unfortunately received enough support to be introduced as a bill in the Scottish Parliament. This will involve it being officially considered as a change in the law. Such a change will however have to receive a majority of votes from Scotland's 129 MSPs. That looks unlikely at this stage but there is no place for complacency over such a serious issue. Positive media coverage and Margo MacDonald's affable manner have contributed to taking the proposals further than before. The bill is yet to be released and before MSPs vote on the issue a Parliamentary Committee will examine the bill in detail and make recommendations to the full Parliament. The process is likely to begin sometime around the turn of the year.

At a UK level an attempt during the summer by Lord Falconer to permit aiding and abetting suicide was rejected by the House of Lords. But the Law Lords subsequently opened the door to permitting such practice by approving Debbie Purdy's case which demanded guidelines for who would be prosecuted should people help with assisted suicide abroad. The case of 23 year old Daniel James whose parents were investigated, but not charged, after accompanying him to Zurich to end his life has prompted efforts to have the law changed in this way. This affects England and Wales only and the penalty for assisted suicide still remains at 14 years imprisonment. Interim guidelines have been produced and comments can be submitted before 16th December, details at [www.cps.gov.uk](http://www.cps.gov.uk)

The related concern of suicide is pertinent in Scotland where recent figures show that over the last five years there has been a total of 4,044 recorded suicides. While this is a major concern to the Government, particularly when the suicide rate is higher than in England and Wales, the annual rate has been reduced by 10% since the years 2001 to 2003. The Scottish Government is committed to the "Choose Life" strategy. This is a ten-year programme hosted by NHS Scotland, for suicide prevention. In addition, the Government is also funding the Scottish element of a national UK "Confidential Inquiry into Suicide and Homicide by People with Mental Illness" to identify further strategies for support and prevention.

## Assessing the European Situation

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Scotland's 6 newly elected MSPs are now: Ian Hudghton (SNP), Alyn Smith (SNP), David Martin (Lab), Catherine Stihler (Lab), Struan Stevenson (Con) and George Lyon (LibDem).

The European Parliamentary elections however provided further evidence of a worrying gap between the peoples of Europe and the politicians who aspire to represent them.

In Scotland only a derisory 28.6% of the electorate bothered to vote. This was even worse than the rest of the UK where the turnout was around 34%. These figures hardly represent an endorsement of the European institutions. There are many factors we can point to for an explanation: the poor media coverage prior to voting day; a general disenchantment with politicians; a lack of awareness of the importance of European decision-making; a general feeling that voting doesn't change things. These and several other factors deserve further analysis but we can still at this point diagnose that there is something wrong in a democratic

system which seems mostly to inspire apathy. The vision of European cooperation no longer appears to inspire or motivate. It is not likely that his can be the fault of the political institutions themselves. Political systems can of course be improved; the democratic accountability of the EU institutions can be strengthened, but there is a deeper problem in Europe which is found also at national levels of the member states. This was eloquently explained by Pope John Paul II in 'Ecclesia in Europa' when he identified the crisis of values in Europe. The Challenge for the Church is to breathe life once again into the soul of Europe to make it capable once again of providing a culture which is capable of providing a home to the diverse peoples of our continent and to inspire them with a vision of hope to which they can commit themselves. In the Church's social teaching we have a powerful resource unequalled which we must offer to the peoples and nations of Europe.

Part of that teaching involves promoting a commitment to solidarity and a call to our citizens to the responsible use of freedom.

## General Medical Council

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Issues about the end of life are very prominent in a variety of areas: politically, as highlighted in the adjacent article; but also legally, in the Debbie Purdy case considered by the House of Lords about a woman in a very similar situation to Dianne Pretty who wants assistance to end her own life. Dianne Pretty's case failed at the Lords and then at the European Court of Human Rights in Strasbourg but the arguments are being pushed again by Mrs Purdy.

Another area where the end of life is being considered is in the medical field. The availability of medical technology allows much more to be done to keep people alive and to save people who may otherwise have died. This results in complex situations where it is difficult to clearly discern the appropriateness of different medical treatments. Medical staff are therefore assisted in making these assessments through guidelines which are produced by the General Medical Council. Such guidelines can be crucial, for example the guidelines produced for medical staff with the Adults with Incapacity Act ensured that the Act could not be interpreted to bring about someone's death through passive euthanasia.

The General Medical Council held a consultation during the summer on the guidelines it intends to provide to doctors entitled "End of life treatment and care: Good practice in decision making". These guidelines look at issues such as advance planning of care for the dying, palliative care, assisted feeding, organ donation and bereavement.

It is important that such documents recognise the dignity of every human person to the very end of life. The use of language can inadvertently lead us to think that some conditions result in people having lower dignity. This was noted in a response to the consultation by the Scottish Council of Human Bioethics. The Council stated that "**Good end of life care helps patients with life-limiting conditions to live as well as possible until they die, and to die with their dignity being respected**".

Without people involved in our political systems who base their efforts on serving the common good of all people and who recognise the dignity of every human person, our political projects are doomed to failure. We all share in this responsibility: from those who feel able only to participate in democracy by voting wisely, to those who seek elected office.

The European states are in need of the missionary work of the Church. In the political field it is lay people who can reach into political and governmental structures and make them compatible with a Christian vision of society. Such a vision has unfortunately been lacking in Europe and we have therefore suffered from laws which have undermined the dignity of the human person and pushed people of faith to the margins of political life. The phenomenon of so many declining the chance to vote shows that a better political and social system needs to be realised which is more connected with the people of our countries. Only then will the majority be willing to commit their efforts and eventually their votes.

# Current Legislation

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**Arbitration (Scotland) Bill (Ex)** Stage 2 completed 7 October  
**Control of Dogs (Scotland) Bill (M)** Stage 1 (Subordinate Legislation Committee) 6 October  
**Criminal Justice and Licensing (Scotland) Bill (Ex)** Stage 1 (lead committee (Justice)) 27 October  
**Home Owner and Debtor Protection (Scotland) Bill (Ex)** Stage 1 (Subordinate Legislation Committee) 27 October Stage 1 (evidence, lead committee (Local Government and Communities) 28 October  
**Interpretation and Legislative Reform (Scotland) Bill (Ex)** Stage 1 (evidence, lead committee (Subordinate Legislation) 27 October Stage 1 (Standards, Procedures and Public Appointments Committee) 27 October  
**Legal Services (Scotland) Bill (Ex)** Stage 1 (Finance Committee) 6 October  
**Marine (Scotland) Bill (Ex)** Stage 1 (debate, meeting of the Parliament) 29 October,  
**Public Services Reform (Scotland) Bill (Ex)** Stage 1 (evidence, lead committee (Finance)) 27 October  
**Schools (Consultation) (Scotland) Bill (Ex)** Stage 2 completed 30 September, *Stage 3 amendments may now be lodged with the clerks to the Education, Lifelong Learning and Culture Committee*  
**Tobacco and Primary Medical Services (Scotland) Bill (Ex)** Stage 2 (Day 1) (Health and Sport Committee) 11 November  
**Ure Elder Fund Transfer and Dissolution Bill (P)** Introduced 1 October

(Ex) = Executive Bill; (M) = Member's Bill; (C) = Committee Bill; (P) = Private Bill.

## Funding Changes

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COSLA president Pat Watters recently spoke to the Scottish Churches Social Inclusion Network, on which the Catholic Parliamentary Office is represented, and highlighted the need for Churches to be involved in community planning structures. Funding arrangements for local authorities will demand new approaches for many organisations which rely on government money to fund their work. This will affect many charities and Church organisations that care for a myriad of people in society.

The new funding arrangements were agreed when the SNP administration came into power and created their concordat with local authorities and they will come into effect in 2011. It is as this date approaches that the urgency of new ways of thinking have become more apparent. The changes mean that local government will have much more control of how money is spent in their region. No

longer will central government be ring-fencing the money of councils to determine how they should spend their money.

At present local authorities need to spend much of their money as directed by the decisions of central government, so if they decide in Edinburgh how much money is for schooling and how much is for housing then the influence of local politicians is greatly constrained. That meant in the past that groups could try to influence central government about the need for their area of work to be supported, but now for groups which operate nationally they will have to do that work with perhaps dozens of separate councils. Perhaps the new ways of working have much to say for them, for example that it allows local councillors who are much closer to the issues of local communities to influence the priorities for funding in their area. It also means that there is much more

value in holding local politicians to account and they are potentially the ones most easy to influence since they are often elected with small majorities and they are now competing under proportional representation in local elections. This could be a new incentive to improve democracy if people make use of it and that is the key message for preparing for the new funding regime, people need to adapt their methods of influencing and holding politicians to account. If local Church groups want to influence funding of activities from elderly care to housing then they need to find out about Single Outcome Agreements which councils are now making with local community groups who often form themselves into coalitions to have a greater chance of influencing local priorities. This takes place through Community Planning Partnerships.

Further information is available at <http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/community-planning>

## In Brief

Domestic abuse is growing in Scotland. Figures recently released by the Government show that over a period of only nine years, from 1999 to 2008, the incidence of domestic abuse has grown dramatically and steadily.

In the year 1999 to 2000, there were 33,197 cases of domestic abuse while in 2007 to 2008, there were 49,655 cases. This rise has occurred in every part of Scotland and has affected both women (from 30,513 to 42,500 cases annually) and men (from 2,500 to 6,700 cases annually). Domestic abuse against females dominates these figures. However, the percentage increase reported against males during the period has been greater. While it can be argued that a factor in the increase might be better reporting of such incidents, there remains a major issue which is a sad reflection on contemporary Scottish society and its problems.

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The Irish government has legal guarantees that the Lisbon Treaty won't impinge on taxation and ethical issues. This along with concerns about Ireland's economic situation may have influenced the recent vote to accept the treaty thus overturning the previous referendum and it removes an obstacle from the path of further European integration for all member states.

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This autumn, the Scottish Government will publish the report of the Working Group on Scotland without Nuclear Weapons of which John Deighan, Parliamentary Officer was a member, this autumn.

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A petition to permit same-sex marriage was dealt with by the Parliament's Public Petitions Committee. The Scottish Government responded to the Committee's enquiry by rejecting the proposal which had received backing from various groups including the Quakers. Yet the committee members, Marlyn Glen, Robin Harper, John Wilson, Jamie McGrigor, Bill Butler and Anne McLaughlin have been determined to pursue the matter and have now linked it with a newer similar petition demanding a change in the law to permit same-sex marriage and mixed-sex civil partnership. Since civil partnership grants all the rights of marriage, mixed-sex civil partnership benefits are available for those prepared to marry and the other proposal has already been rejected by the Government, there is little merit in this continuing to get parliamentary time. Committee members are hopeful that the measure can be imposed from the European Court of Human Rights.

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## CATHOLIC PARLIAMENTARY OFFICE

John Deighan  
Parliamentary Officer  
5 St Vincent Place  
GLASGOW, G1 2DH

Tel./Fax: 0141 222 2182  
Mobile: 07930 405 313  
Email: [jdeighan@rcpolitics.org](mailto:jdeighan@rcpolitics.org)

*An agency of the Bishops' Conference of Scotland*

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Edited by John Deighan with contributions from  
Tom Higgins, Lucille McQuade and Tom Bradshaw

## New Website

The Catholic Parliamentary Office has launched a new website.

**[www.rcpolitics.org](http://www.rcpolitics.org)**

Having now been in existence for 10 years the office has been in much need of an improved site to permit better information sharing. The next year promises to be one which needs individuals to take more action if we are to influence society in a positive manner. The euthanasia struggle promises to be one that extends beyond the considerations of Margo MacDonald's Bill. The office is finalising a DVD on the issue of assisted suicide which will soon be sent to all MSPs and will hopefully be added to the website.

This coming year will also be one which sees a General Election. At the last election the website carried the views of politicians who responded to the questions on major issues of interest to Catholic voters and we hope to do the same again in this election.

The website also permits anyone to sign up to receive an e-mail version of this newsletter and to see issues being highlighted by the Parliament.

An interesting inclusion on the site is a link to the short advert 'Epic' which is responsible for bringing thousands of lapsed Catholics back to their faith in the United States. Whilst funds may prevent a Scottish version at this stage, the powerful advert is well worth sharing with friends.

Comments on how to improve the website and this newsletter are most welcome.

## More Abortion

The government released figures to show that abortions have risen yet again in Scotland. The total abortions for 2008 was 13817 which of course doesn't include abortions cause by the morning after pill which cannot be accurately quantified at present.

Women aged 20—24 have the highest rate of abortion.

The sexual health strategy continues to promote condoms, contraception and abortion with no apparent signs that it has ever succeeded in reducing 'unwanted' pregnancies or sexually transmitted infections. A new



government website aims at getting people talking more about sex and to prove how hip and trendy the new site is it has the obligatory homosexuals kissing. It follows the worn path of 'sex as a consumer good' and therefore has little to offer those who are now suffering from a culture which pressurises the young (and old) to be sexually active and who are consequently suffering from the scourges of abortion, infections, infertility and broken hearts. The government may in fact have little effect anyway in dealing with these issues as so much is influenced by media; but at present tax-payers' money seems poorly used by continuing to invest heavily in methods that fail to deliver any positive results.

## Recommended Reading

This issue's recommended reads are:

Firstly, 'Euthanasia, Ethics and Public Policy' by John Keown. This will give a thorough understanding of the issues around assisted suicide and euthanasia, which will be so important for the year ahead.

Secondly, 'The Screwtape Letters' by C.S. Lewis provides a humorous and insightful look at the spiritual struggle we all face in life. The audio version narrated by John Cleese is particularly enjoyable.

## Consultations (with closing date)

- Proposal to modify the Cairngorms National Park Designation Order (18/01/2010)
- Proposal to modify the Loch Lomond and the Trossachs National Park Designation Order (18/01/2010)
- Consultation on the Beef and Pig Carcase Classification (Scotland) Regulations 2009 (20/11/2009)
- Economic Returns from Variety Trialling in Scotland (09/10/2012)
- Repossession of Residential Property: Protection of Tenants (06/11/2009)
- Consultation on the Energy Efficiency Action Plan for Scotland (05/01/2010)
- Consultation on the Energy Efficiency Action Plan for Scotland (05/01/2010)
- The Education (Additional Support for Learning) (Scotland) Act 2004 & 2009: consultation on changes to the secondary legislation and supporting children's learning code of practice (08/01/2010)
- Amendments to the Mental Health Legislation in the event of a Civil Emergency or Influenza Pandemic (13/11/2009)
- Scottish Planning Policy - Proposed Policy Changes (12/11/2009)
- Scottish Planning Policy Environmental Report Annex A (12/11/2009)
- Consultation on public sector equality duty specific duties (15/01/2010)
- The Debt Arrangement Scheme - Improving Access (14/12/2009)
- Consultation on Implementation Proposals For EU Requirements Regarding Electronic Identification (EID) Of Sheep And Individual Recording Of Sheep And Goats (02/11/2009)
- Consultation on Implementation Proposals For EU Requirements Regarding Electronic Identification (EID) Of Sheep And Individual Recording Of Sheep And Goats (02/11/2009)
- Draft Identity Management and Privacy Principles Consultation (23/11/2009)
- Consultation on Historic Scotland Guidance Notes - Managing Change in the Historic Environment(08/12/2009)
- Scotland's Zero Waste Plan Consultation 2009(13/11/2009)
- Scotland's Zero Waste Plan Consultation - (SEA) Environmental Report(13/11/2009)
- Scotland's Zero Waste Plan Consultation - (SEA) Environmental Report (13/11/2009)
- High Hedges (13/11/2009)
- Changes to the Renewables Obligation (Scotland) Order 2009 (29/10/2009)