

Response ID ANON-JXXE-V92T-M

Submitted to Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill
Submitted on 2025-08-31 23:26:01

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What is your name?

Name:
Trina Budge

What is your email address?

Email:
info@forwomen.scot

Are you responding as an individual or on behalf of an organisation?

Organisation

Organisation details

Name of organisation

Name of organisation:
For Women Scotland

Information about your organisation

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For Women Scotland is a not-for-profit grassroots group campaigning to protect and strengthen women's rights in Scotland.

Questions (page 1 of 2)

What are your views on the proposed changes in the Bill to require that a child is informed if their parent asks for them to be withdrawn from either or both RME/RE and religious observance in school?

Please provide your response in the box provided.:

Incorporated in the answer to the following question.

What are your views on the proposed changes in the Bill to require that a child is given the chance to express their views; and where the child's views are different from the parent's views, the school would have to follow the child's wishes?

Please provide your response in the box provided.:

The Bill starts from the assumption that only the State can or will take into account a child's views. In doing so, it undermines and fails to understand the underlying premise of the UNCRC that parents have the best interest of the child as their basic concern and exercise their rights and responsibilities taking into account the child's age and capacity.

The Preamble and Articles 5 and 18(1) of the UN Convention on the Rights of the Child state:

"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....

(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...

(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." [1]

The Scottish Government must exercise its powers in a manner which is compatible with the requirements of Article 2 of Protocol No 1 to the European Convention on Human Rights, particularly the second sentence which has been incorporated into Schedule 1 of the Human Rights Act 1998, which states:

"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." [2]

Consequently, parents have a fundamental right, which the State must respect and protect, to raise their children in accordance with their own views and beliefs about what is best for their child's wellbeing, development and flourishing. As the judge noted in *AB v CD* [2021] EWHC 741 (Fam) at §44:

"The caselaw is replete with judicial statements about not merely the centrality of parents in decisions about their children, but also as to why the Courts should in the vast majority of situations respect and uphold the parents' views and decision making about their children." [3]

The Bill removes fundamental rights from parents and families and seems very unlikely to survive a first challenge in the courts.

References:

[1] <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

[2] <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>

[3] <https://www.casemine.com/judgement/uk/6062ccd52c94e033f025b9d1>

What do you anticipate being the implications of this Bill for schools, pupils and parents?

Please provide your response in the box provided.:

A person does not have to be a child psychologist to appreciate the family tensions that may arise by pitting children against parents in this situation. Schools have neither the time, resources or access to professional mediators to resolve the complex discussions and decisions that may arise. It also displays a failure in the council's duty to have regard to the value of STABLE family life in a child's development. [1]

The State, whether it be a school or any other public authority, has no business interfering with the exercise of parental authority unless the child is suffering or at risk of suffering significant harm. It is difficult to imagine a decision on non-participation in a religious education class falls into this category and overriding a parental decision would never be a matter on which a school alone might act unilaterally, however well meaning its views on the wellbeing of the child.

References:

[1] <https://www.legislation.gov.uk/asp/2000/7/section/35>

Questions (page 2 of 2)

What insights or experiences do you have regarding how the right to withdraw from religious observance and RME/RE currently works in schools?

Please provide your response in the box provided.:

This Bill will introduce an exemption to the section 6 compatibility duty of the UNCRC Act in circumstances where a public authority is compelled to act incompatibly with UNCRC requirements in fulfilment of another Act of the Scottish Parliament. This mirrors the approach taken to Acts of the UK Parliament. Do you have any thoughts on this approach?

Please provide your response in the box provided.:

Parts 1 and 2 of this Bill are unrelated and it is unclear why Part 2 has been added after the public consultation.

It seems more appropriate to separate the two parts into individual Bills, if indeed Part 2 is necessary at all, given that an exemption already exists relating to UK legislation and the Policy Memorandum states at s48 "There should not be any provisions in existing legislation in devolved areas that require a public authority to act in a way that is incompatible with the UNCRC."

We do note that the Bill seeks to introduce Scottish legislation that permits other Scottish legislation to be disregarded, which seems rather ill-thought out and something the Scottish Ministers have previously argued against.

Have you got any other comments on the Bill?

Please provide your response in the box provided.:

There are similarities with the situation documented in our report 'What's Happening in Your Child's Classroom' [1] whereby the Scottish Government's transgender guidance for schools [2] appears to be predicated on the erroneous idea that children under the age of sixteen in Scotland have the legal capacity or power, without any parental involvement, knowledge or consent - or even contrary to the specific parental wishes communicated to the school - to require school authorities accede to a child's request to be affirmed as the opposite sex.

The parallels with what is proposed for Religious Education are clear. Schools have been ferocious in their pursuit of teaching the Scottish Government's views on gender ideology (nine out of ten schools teach gender identity as if it were a settled and agreed fact [3]) at the expense of respecting the views of the vast majority of parents who would wish to raise their children with the protected Philosophical Belief known as "gender critical" ie. the understanding that human sex is binary and immutable.

Many parents have been left confused and distrustful of the Government as a consequence and it is not hard to envisage similar tabloid headlines [4] regarding schools usurping parents' religious (or non-religious) views, breakdown in school relationships and potential court cases.

References:

[1] <https://forwomen.scot/wp-content/uploads/2024/08/Whats-Happening-in-Your-Childs-Classroom.pdf> (see page 13 on age of legal capacity)

[2] Page 60 of the guidance claims the Age of Legal Capacity (Scotland) Act 1991 states that "a child of 12 and over is presumed to have sufficient capacity to make decisions, and enter into formal agreements on their own behalf."

<https://www.gov.scot/publications/supporting-transgender-young-people-schools-guidance-scottish-schools/>

However, such a statement runs contrary to the provisions of the Act which states at Section 1:

(1) As from the commencement of this Act—

(a) a person under the age of 16 years shall, subject to section 2 below, have no legal capacity to enter into any transaction;

(b) a person of or over the age of 16 years shall have legal capacity to enter into any transaction.

<https://www.legislation.gov.uk/ukpga/1991/50>

[3] Page 27, <https://forwomen.scot/wp-content/uploads/2024/08/Whats-Happening-in-Your-Childs-Classroom.pdf>

[4] Scottish four-year-olds can change gender at school without parents' consent

<https://www.telegraph.co.uk/news/2021/08/12/scottish-four-year-olds-can-change-gender-school-without-parents/>

<https://archive.ph/m6Nt6>

Private school had parents investigated by social services in row over trans daughter

<https://www.telegraph.co.uk/news/2024/05/01/scotland-private-school-george-watson-college-trans-row/>

<https://archive.ph/vmMPs>

Scots school did not tell parents about their child's gender transition

<https://www.thescottishsun.co.uk/news/10908790/scots-school-didnt-tell-parents-pupils-transition/>

<https://archive.ph/j18o0>