



gospel freedom

Christian faith and its place in public life

ChristianConcern

Speaking of Jesus Christ in public life

www.christianconcern.com

About Us

Christian Concern exists to speak of Jesus Christ in public life – in the media, in the courts and to Government. We take a stand on vital issues including Christian freedoms, God’s precious gift of life and His pattern for marriage and family.

Our sister organisation, the Christian Legal Centre, supports those who face challenge in their workplace or public service as a result of their Christian faith.

Sign up for our weekly easy-to-read summary of latest developments on key issues and a free information pack at www.christianconcern.com

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**Christian Concern
& Christian Legal Centre**

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Introduction

Britain has been known around the world as a bastion of democracy, tolerance, freedom of speech and freedom of religion. Our love for freedom finds its roots in the Christian faith, which has strongly influenced the formation of our laws and society.

Yet few will have failed to notice the almost continual stream of newspaper reports in recent years documenting the stories of ordinary Christians who have lost their jobs, been investigated by the police or been penalised as a result of expressing their Christian faith in the public sphere.

We have seen foster parents struck off because of their Christian moral values, a doctor issued with an official warning by the General Medical Council for sharing his faith with a patient, a van driver suspended for displaying a small cross in his van, council workers sacked or demoted for not wanting to officiate at Civil Partnerships, and a teacher suspended just for offering to pray with a pupil.

At Christian Concern we have noticed an increasing trend towards Christians being discriminated against on account of their faith. This happens particularly where:

- Christians share their faith at work;
- Christians display the cross as a symbol of their faith;
- Christians preach the Gospel on the streets; or
- Christians are asked to facilitate or promote the practice of homosexuality contrary to their conscience.

This booklet looks at why there have been so many cases of discrimination, examines the areas where religious freedom appears to be particularly under threat, and suggests ways that we can take action.

The assault on religious freedom

The rise of a new sexual 'ethic'

In order to understand why religious freedom has been so challenged and undermined in the UK, it is important to understand the sexual revolution.

In the last 50 years, in the UK, and across many Western countries, we have seen a seismic shift in the moral landscape. As the Christian faith has been rejected by much of society, so also has Biblical sexual morality. In its place we now have a new sexual 'ethic' which advocates widespread sexual licence and contains few if any restraints on sexual behaviour.

We now see significant social acceptance of sex outside of marriage, promiscuity and homosexual practices. The fruit of this new 'ethic' is evident in the diverse forms of family and societal breakdown that can be witnessed; the broken marriages and fatherless children; the destruction of childhood innocence; the huge number of abortions and the widespread proliferation of sexually transmitted diseases.

Equality Legislation

One aspect of this new sexual 'ethic' has been the normalisation and promotion of homosexuality. On the heels of the sexual revolution, homosexual lobby groups have secured major legal and policy changes in order to advance and enforce this new 'morality'.

The most significant piece of legislation in this regard is the Equality Act 2010. The introduction of equality law has resulted in the practice of homosexuality being given very significant legal protections. Unfortunately, this has resulted in a remarkable assault on freedom of religion in the public sphere.

Many individuals have lost their jobs, been demoted, harassed or even arrested due to very simple expressions of their Christian faith, especially regarding sexual ethics.

Judicial Interpretation

Although equality law affords legal protections to both those with religious beliefs and those who identify as homosexuals, these two protected 'equality strands' often clash in practice.

For example, what happens if a Civil Registrar, who has been working at her local council for 20 years, officiating at weddings on civil premises, is subsequently ordered to officiate at the ceremony of two male civil partners - yet refuses to do so because it is against her Christian beliefs?

In this scenario we see a clash between religious belief and homosexual 'rights'. Parliament left it to the Courts to decide how the legislation would be applied in practice. Unfortunately, the Courts have been consistent in ruling that homosexual rights take precedence over freedom of belief.

This judicial bias has led to many Christians being penalised and even losing their jobs. The Christian Legal Centre (CLC) has represented, amongst others:

- A Christian couple, Owen and Eunice Johns, who were rejected as potential foster parents by Derby Council after admitting that they would not promote homosexuality to a young child in their care. The High Court upheld the right of Derby Council to stop the Johnses from fostering children as their beliefs allegedly contravened the Council's 'equality and diversity' policy. The Equalities and Human Rights Commission intervened against the Johnses in their case and said that children were at risk of being "*infected*" by Christian moral teachings.¹
- Dr Sheila Matthews, who was dismissed from her role on the local authority's adoption panel after requesting to abstain from voting when homosexual couples were being considered as adoptive parents.²
- Andrew McClintock, a Christian Magistrate sitting on the Family Panel at Sheffield Magistrates Court, who was forced to resign because he was not allowed to opt-out of cases which would require him to

1 See: <http://www.christianconcern.com/cases/eunice-and-owen-johns>

2 See: <http://www.christianconcern.com/cases/dr-sheila-matthews>

place children in the care of homosexuals.³

- Theresa Davies, a Civil Registrar with Islington Borough Council, who was demoted from her job because of her refusal to preside over Civil Partnership ceremonies due to her Christian beliefs.⁴
- Dr Mike Davidson, a former trainee with the British Psychodrama Association (BPA), who was suspended by the BPA for stating that he believes "homosexuality is a sin" whilst taking part in a BBC radio broadcast in January 2012.



- Core Issues Trust, a Christian ministry headed by Dr Mike Davidson), that was prohibited by Transport for London (TfL) from running posters across London buses stating: 'Not Gay! Ex-Gay, Post-Gay and proud. Get over it!' The bus advertising campaign was in response to a homosexual campaign group's posters, which also appeared on London buses and stated: 'Some people are gay. Get over it!' London Mayor Boris Johnson had instructed TfL to pull the adverts just hours before they were due to become public because he was concerned that they would cause "offence". Core Issues Trust took the case to the High Court and argued that the Mayor had unlawfully restricted free speech, and had discriminated against the Trust by stifling one side of

3 See <http://www.christianconcern.com/cases/andrew-mcclintock>

4 See <http://www.christianconcern.com/cases/theresa-davies>

the debate on the issue. The case was rejected and will be heard by the Court of Appeal in December 2013.

- Gary McFarlane, a relationships counsellor, who was sacked by Relate Avon for gross misconduct after mentioning on a staff training day that he might have a conscientious objection to providing sex therapy to homosexual couples due to his Christian beliefs, but that he would talk to his managers if the situation ever arose. The Employment Tribunal ruled that Gary had not been discriminated against on the grounds of his religious beliefs. The decision was upheld by the Employment Appeal Tribunal, and later by the European Court of Human Rights (ECHR) which ruled that the decision was within the ‘margin of appreciation’ afforded by the UK Court.⁵

However, positive developments were made since the ECHR challenged a number of principles adopted by the British Courts and the UK Government after it intervened *against* Gary’s case in its submission to the ECHR.⁶

Notably, the UK Government had made the remarkable assertion that since individuals were free to resign and find other jobs, there had been no infringement of Gary’s freedom of religion - in other words, ‘your freedom to resign secures your freedom of religion’. But the ECHR ruled that ‘freedom to resign and find another job’ is not sufficient to guarantee religious freedom.

Furthermore, the UK Courts had ruled that beliefs about marriage as between a man and a woman were not a core component of Christian belief and so not protected. The ECHR said that these beliefs were part of Gary’s Christian identity and so were in principle protected.

These are *significant breakthroughs* and will be a great help in contending for Christian freedoms in the UK Courts in the future.

Other notable examples include:

- Several Catholic adoption agencies were forced to permanently close after refusing to place children in the care of homosexual couples, which was against their religious ethos.⁷

5 See <http://www.christianconcern.com/cases/gary-mcfarlane>

6 See <http://www.christianconcern.com/our-concerns/religious-freedom/european-court-judgment-big-steps-forward-but-further-to-go>

7 See <http://www.christianconcern.com/our-concerns/sexual-orientation/judge-rules-against-christian-guesthouse-owners>

- Two Christian owners of a guesthouse, Peter and Hazelmary Bull, were found to have acted unlawfully in restricting their bookings policy for double rooms to “married couples only”, and were fined £3,600 in damages after refusing to offer a double room to a homosexual couple.⁸
- Lillian Ladele, a Civil Registrar, who was forced to leave her job because she refused to officiate at Civil Partnership ceremonies. She lost her case for religious discrimination in the Employment Tribunal. The ruling was later upheld by the Employment Appeal Tribunal, the Court of Appeal and the European Court of Human Rights.⁹

However, once again progress was made since, contrary to the UK Courts, the ECHR ruled that beliefs about marriage as between a man and a woman were a core component of Christian belief and so were in principle protected. The ECHR also disagreed with the UK Government’s assertion that “freedom to resign and find another job” was sufficient to guarantee Lillian’s religious freedom.¹⁰

8 See <http://www.personneltoday.com/Articles/15/12/2009/53434/Christian-registrar-Lillian-Ladele-loses-religious-discrimination.htm>

9 See <http://www.christianconcern.com/our-concerns/religious-freedom/european-court-judgment-big-steps-forward-but-further-to-go>

10 See <http://www.christianconcern.com/our-concerns/religious-freedom/european-court-judgment-big-steps-forward-but-further-to-go>

The new intolerance

Intolerance towards belief

We live in a society in the UK where people are increasingly afraid of what they can and can't say in public, and where people sometimes lose their jobs for expressing Christian views (views which were considered mainstream until recently).

Many examples of discrimination and intolerance have been as a result of Christians sharing their faith or wanting to abide by their Christian values in the public sphere. For example:

Local Authorities

- Haringey Council in London threatened a local family centre with the withdrawal of vital funds unless it agreed to renounce all expression of Christianity including singing songs about Jesus from the voluntary services it provided.¹¹
- A printing company lost their entire contract with the local council because they did not want to print materials promoting an LGB event hosted by the council as it was against its religious ethos.¹²
- A local authority tried to withdraw a grant from a Christian care home because the elderly residents did not wish to answer detailed questions about their sexual orientation.¹³
- LGB local authority staff wanted to use a building associated with the Catholic Church and were asked to leave. As a result of this incident, the local council decided to no longer use venues owned by the Catholic Church, which had a significant financial impact on the church.¹⁴

11 See <http://www.dailymail.co.uk/news/article-419992/Childrens-group-threatened-closure-religious-songs.html>

12 See Stonewall Guide: Religion and Sexual Orientation: how to manage relations in the workplace, page 20: <http://www.stonewall.org.uk/workplace/1473.asp#religion>

13 See <http://www.dailymail.co.uk/news/article-1102206/Home-retired-missionaries-loses-grant-wont-ask-residents-lesbians.html>

14 See Stonewall- Religion and Sexual Orientation: how to manage relations in the workplace page 21 The Stonewall guidance can be downloaded from this link: <http://www.stonewall.org.uk/workplace/1473.asp#religion>

- A foster parent was struck off the carer list for Gateshead Council for allowing a Muslim girl in her care to convert to Christianity.¹⁵
- The former Government's Communities Secretary John Denham admitted that some local governments had shown "reluctance" in commissioning services from faith-based groups and that faith groups had been disadvantaged when it came to accessing funding.¹⁶
- Christian groups were told by the former Government's Communities Secretary Hazel Blears that they will only be able to access funding for social work if they promise not to evangelise.¹⁷

Hospitals and doctors

- CLC client Caroline Petrie, a nurse from Weston-super-Mare, was suspended without pay for asking a patient whether she would like to be prayed for. North Somerset Primary Care Trust suspended Mrs Petrie even though the patient in question was not offended. She later returned to her job.¹⁸
- CLC client Dr Richard Scott, a Christian GP from Margate, Kent, with 28 years' experience as a doctor, was given an official warning by the General Medical Council, following a complaint that he shared his faith with a patient at the end of a consultation.¹⁹
- CLC client Anand Rao, a Christian nurse with 40 years of experience, was sacked for suggesting that a patient "go to church" to relieve stress during a simulated situation on a staff training day.²⁰
- Dr David Drew was sacked for emailing a motivational prayer to his colleagues and lost his claim for unfair dismissal, after an Employment Tribunal ruled that there was "no need" for religious references to be made at work.²¹

15 See <http://www.telegraph.co.uk/news/religion/4559867/Christian-foster-mother-struck-off-after-Muslim-girl-converts.html>

16 See <http://www.christiantoday.com/article/christians.called.to.challenge.political.candidates.on.funding/25569.htm>

17 See <http://www.eauk.org/articles/debt-care.cfm>

18 See <http://www.christianconcern.com/cases/caroline-petrie>

19 See <http://www.christianconcern.com/our-concerns/religious-freedom/christian-gp-found-guilty-of-malpractice-for-sharing-his-faith>

20 See <http://www.christianconcern.com/our-concerns/employment/nurse-sacked-suggesting-patient-try-going-church>

21 See <http://www.christianconcern.com/our-concerns/religious-freedom/christian-doctor-sacked-following-prayer-e-mail>

Schools/Education

- CLC client Olive Jones, a supply teacher, was dismissed on the spot from her teaching role after offering to pray for a child and her family. Following intervention by the CLC, Mrs Jones was offered a similar position by the council; however she had already found work elsewhere.²²
- CLC client Kwabena Peat, a Christian teacher, was suspended from his job after he sent letters to other staff members complaining that a staff training day was being used to promote homosexual rights.²³
- School receptionist Jennie Cain was threatened with dismissal after she sent an email to friends from her church asking them to pray for her daughter who had been told off at school for talking about Jesus in the playground.²⁴
- Edinburgh University Christian Union was banned from running a course on sexual purity on University premises because the University claimed that the course breached its 'equalities and diversity' policy by encouraging Christian sexual ethics such as the recommendation that people do not have sex outside of marriage.²⁵

Politics

- Tory MP Chris Grayling had to apologise and was later denied the job of Home Secretary after he was recorded saying that B&B owners should be allowed to follow their conscience and exercise their Christian faith when deciding whether or not to allow non-married couples to share double rooms in their home.²⁶
- The Conservative Party's candidate for North Ayrshire and Arran, Philip Lardner, was sacked for expressing his views on the same issue regarding Christian B&B owners, as well as his views on homosexuality, on his website.²⁷
- Dr Hans-Christian Raabe, a Manchester GP, was sacked by the Home

22 See <http://www.christianconcern.com/cases/olive-jones>

23 See <http://www.christianconcern.com/cases/kwabena-peat>

24 See <http://www.christianconcern.com/our-concerns/religious-freedom/school-receptionist-faces-dismissal-asking-prayer-after-daughter-scold>

25 See <http://www.christianconcern.com/our-concerns/universities/edinburgh-university-censors-its-christian-union>

26 See <http://www.dailymail.co.uk/news/election/article-1277799/David-Camersons-new-Cabinet-Theresa-May-Home-Secretary-Ken-Clarke-Chancellor.html#ixzz10nFBasf5>

27 See <http://www.timesonline.co.uk/tol/news/politics/article7109552.ece>

Office from the Advisory Council on the Misuse of Drugs after it was discovered that he had co-authored an article entitled '*Gay Marriage*' and *Homosexuality: Some Medical Comments*, written with six other medical practitioners in 2005, which mentioned a correlation between homosexuality and paedophilia.²⁸



Police

- The Bishop of Chester was investigated by the Cheshire constabulary after he told his local newspaper of research showing that some homosexuals re-orientated to heterosexuality.²⁹
- Joe and Helen Roberts were interrogated by the police after they complained about their local council's 'gay rights' parade. The police said it was a 'homophobic incident', but later admitted no crime had been committed and apologised.³⁰
- Family values campaigner Lynette Burrows was telephoned by police who told her that they were investigating a 'homophobic incident' after she said on radio that homosexual men may not be suitable for raising children.³¹

28 See <http://www.dailymail.co.uk/news/article-1354325/Christian-drug-expert-Hans-Christian-Raabe-sacked-Government-advisory-panel.html#ixzz10n9AQQZw>

29 See <http://www.dailymail.co.uk/news/article-201684/Police-quiz-bishop-gay-comments.html>

30 See <http://news.bbc.co.uk/1/hi/england/lancashire/4555406.stm>

31 See <http://www.telegraph.co.uk/news/uknews/1505143/Police-warn-author-over-gay-comments>

- A Christian cafe owner in Blackpool was told to stop displaying Bible verses on a TV screen in his cafe and threatened with arrest unless he complied. The police later backed down.³²

Other

- CLC client Lesley Pilkington, a qualified counsellor, was investigated and penalised after being secretly recorded by an undercover journalist in a sting operation. The journalist, a homosexual, told her that he wanted counselling for unwanted same-sex attraction. Mrs Pilkington agreed to meet with him but only within a Christian counselling context, which he agreed to. The journalist later complained to her professional body and she lost her senior accreditation.³³
- CLC client David Booker, who worked for the English Churches Housing Group, was suspended from work after answering questions about his faith. He was asked privately by a colleague about Christian teaching on sexual ethics, which Mr Booker explained. As well as being suspended he was also threatened with the sack for gross misconduct.³⁴
- CLC client Celestina Mba, who worked for Brightwell Children's Home in London, was forced to resign after being told that she must work on a Sunday. Prior to starting the job, she had agreed with her employers that she would not work on Sundays in accordance with her Christian beliefs. However, soon after she began her employment, she was told that the arrangement was temporary, forcing her to choose between her job and her Christian observance. Her case was rejected by both the Employment Tribunal and the Employment Appeal Tribunal, and has now been taken to the Court of Appeal.³⁵
- The Advertising Standards Authority informed a group of Christians in Bath that they could not continue to make any claims in their advertising which stated or implied that, by receiving their prayer, people could be healed. The Christians, from many different churches

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32 See <http://www.christianconcern.com/our-concerns/religious-freedom/christian-cafe-owner-banned-from-displaying-bible-verses>

33 See <http://www.christianconcern.com/our-concerns/sexual-orientation/appeal-panel-rules-on-lesley-pilkington-case>

34 See <http://www.christianconcern.com/our-concerns/religious-freedom/homeless-charity-suspends-christian-answering-questions-about-his-fai>

35 See <http://www.christianconcern.com/our-concerns/religious-freedom/court-says-christians-dont-keep-sunday-special-for-it-to-be-protected>

in the Bath area, have been praying for the public outside Bath Abbey for three years, regularly offering to pray for people who are sick to receive healing.³⁶

Many of those who have been penalised have been victims of what is known as 'political correctness'. The concept of 'political correctness' arose from a Marxist think tank in 1920s Germany called the Institute for Social Research, which sought to spread Marxist ideology.

Political correctness is an ideology which has totalitarian roots and is often used to control what people think and say. This can be done by making people afraid of saying the wrong thing. The marginalisation of ideas leads to the marginalisation of the people who express such views.



Political correctness is hostile to truth and has been devastating to freedom of speech and freedom of belief in the UK. It is part of religious freedom to hold, express and defend views that are considered to be politically incorrect.

36 See <http://www.christianconcern.com/our-concerns/religious-freedom/mps-challenge-ban-on-claiming-god-can-heal>

Intolerance towards the cross

There is also increasing intolerance towards displays of the cross. For example:

- CLC client Colin Atkinson was suspended from work by Wakefield District Housing for refusing to remove the palm cross he had discreetly displayed inside his van for 15 years. Following the intervention of the Christian Legal Centre he was allowed to return to work, but difficulties continued and he was forced out of his job at a later date.³⁷
- Pupil Samantha Devine was sent home from a school in Derby after she refused to remove her cross.³⁸
- Pupil Lauren Grimshaw-Brown was told by her school to take off her necklace with a cross on it because of ‘health and safety’ fears, although children following other faiths could continue to wear jewelry on religious grounds.³⁹
- CLC client Shirley Chaplin, an NHS nurse, was faced with disciplinary action and taken off her ward after being told that she was no longer permitted to wear her cross while at work. She had worn her confirmation cross on a small chain around her neck throughout her nearly thirty years in front-line nursing.⁴⁰ An Employment Tribunal found that she had not been discriminated against on the grounds of her religious beliefs. The decision was upheld by the Employment Appeal Tribunal, and later by the European Court of Human Rights which heard Shirley’s case together with those of Gary McFarlane and Lillian Ladele.⁴¹

Once again significant breakthroughs were made since the ECHR expressly disagreed with the assertions made by the UK Government in its intervention *against* the case that the cross was not a generally recognised Christian symbol, and that since wearing the cross is not compulsory for Christians, it is not a protected freedom. The European

37 See <http://www.christianconcern.com/cases/colin-atkinson>

38 See <http://www.telegraph.co.uk/news/religion/8609858/How-religion-has-clashed-with-secular-society.html>

39 See <http://www.dailymail.co.uk/news/article-1196794/CoE-school-pupil-banned-wearing-crucifix-Sikh-pupils-allowed-wear-bangles.html>

40 See <http://www.christianconcern.com/cases/shirley-chaplin>

41 See <http://www.christianconcern.com/cases/shirley-chaplin>

Court ruled that, in principle, wearing the cross *is* an expression of Christian faith and so is a freedom to be protected.

The British Government had also suggested that because Shirley was free to resign and find another job, there had been no infringement of her freedom of religion. The European Court ruled that ‘freedom to resign and find another job’ was not sufficient to guarantee Shirley’s religious freedom.⁴² These are *positive developments* which will be of great assistance in fighting for Christian freedoms in the UK Courts going forward.

Intolerance towards public evangelism

Some Christians have encountered intolerance from the police when attempting to share the Gospel on the streets.

The good news is that we still have freedom in the UK to share the Gospel with others, and this freedom must never be taken for granted.

The European Convention on Human Rights guarantees the right to freedom of religious belief (Article 9) and freedom of expression, including freedom of speech (Article 10).

Yet there have been a number of recent challenges to freedom of speech in relation to street evangelism.

For example:

- In September 2013, Rev Josh Williamson was arrested for “breach of the peace” after an officer told him that he was preaching “too loudly” whilst addressing a crowd in Perth, Scotland. Rev Williamson had explained that he wasn’t using any amplification and asked what the acceptable volume would be. The officer replied that the noise level wasn’t the issue but that a complaint had been made against him. He was taken to Perth police station, interviewed and released with a caution.⁴³

42 See <http://www.christianconcern.com/our-concerns/religious-freedom/european-court-judgment-big-steps-forward-but-further-to-go>

43 See <http://www.christianconcern.com/our-concerns/religious-freedom/christian-street-preacher-arrested-in-scotland>

- In September 2013, street preacher Rob Hughes was arrested in Basildon after a bystander falsely accused him of making a statement that he didn't make. He was taken to Basildon police station and held there for seven and a half hours before being released at around 11.30pm that night. The Christian Legal Centre was in contact with him as the arrest was taking place and was able to send a solicitor to help him in the police interview process.⁴⁴
- In July 2013, Tony Miano was arrested in London after being accused of using “homophobic language” whilst preaching on the need to abstain from sexual immorality based on the Bible (1 Thessalonians 4:1–12). He was taken to a police station, where he was photographed, fingerprinted and had a DNA sample taken. He was also asked a series of questions about his faith, including whether he would offer a homosexual person a “favour”. Following intervention by the Christian Legal Centre, he was released after spending seven hours in custody.⁴⁵
- In 2010, CLC client Michael Overd was arrested for preaching the gospel in Taunton, Somerset and mentioning the practice of homosexuality. Mr Overd was charged under Section 5 of the Public Order Act 1986 but was acquitted as the magistrates found that he did not intend to cause harassment, alarm or distress.⁴⁶
- In 2002, Harry Hammond was convicted under Section 5 for holding up a sign saying that homosexuality is immoral. He was convicted and fined several hundred pounds. The High Court upheld the conviction saying that magistrates were entitled to find the sign “insulting” to homosexuals.⁴⁷
- In 2008, police officers used Section 5 to try and stop Andy Robertson from preaching in Gainsborough marketplace, claiming that people might be “offended”. He refused to be intimidated, continued preaching and was not arrested.⁴⁸
- In 2008, CLC client Miguel Hayworth was questioned and detained by police in Kent after preaching from a passage in the Bible which states

44 See <http://www.christianconcern.com/our-concerns/religious-freedom/yet-another-street-preacher-arrested>

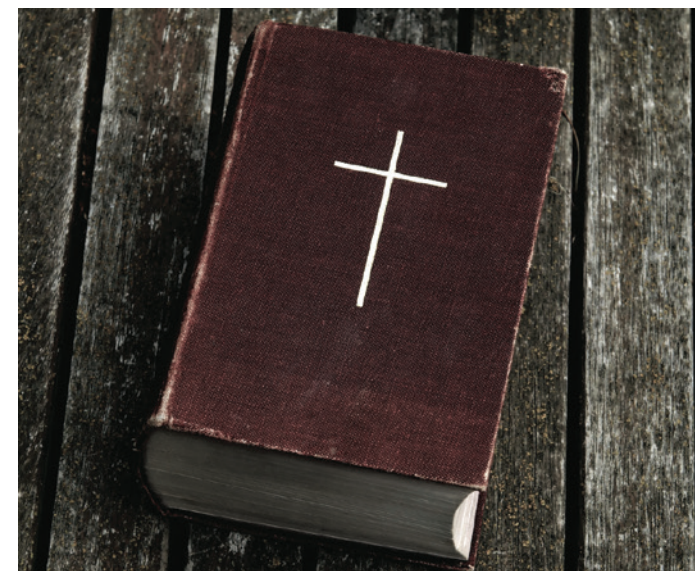
45 See <http://www.christianconcern.com/our-concerns/religious-freedom/street-preacher-arrested-in-london-for-homophobic-language>

46 See <http://www.christianconcern.com/our-concerns/religious-freedom/victory-for-free-speech-as-christian-preacher-found-not-guilty>

47 See http://www.christian.org.uk/rel_liberties/cases/harry_hammond.htm

48 See <http://www.christianconcern.com/our-concerns/religious-freedom/it-crime-say-homosexuality-sin-police-told-open-air-preacher>

- that homosexual behaviour is sinful. He was later released and allowed to continue preaching. After intervention by the Christian Legal Centre, the police offered him compensation for false imprisonment.⁴⁹
- In 2010, CLC client Dale Mcalpine was arrested and charged under Section 5 because he told a police officer, who was asking him, that he believed that homosexual acts are sinful. He had not mentioned homosexuality in his street preaching. Mr Mcalpine later won £7,000 plus costs from Cumbria Police in settlement for a claim of wrongful arrest, unlawful imprisonment and breach of his human rights.⁵⁰



Many of the street preachers mentioned above were wrongly arrested as a result of misinterpretation by police officers of Section 5 of the Public Order Act 1986, which currently makes it a criminal offence to use “threatening, abusive or insulting words or behaviour” with intent to cause “harassment, alarm or distress.” The House of Lords has now passed an amendment to remove the word “insulting” from the Public

49 See <http://www.telegraph.co.uk/news/religion/6034144/Preacher-threatened-with-arrest-for-reading-out-extracts-from-the-Bible-in-public.html>

50 See <http://www.christianconcern.com/our-concerns/religious-freedom/christian-preacher-arrested-homosexual-police-officer-saying-homosexu>

Order Act, which will come into force in early 2014.

Despite this, there is still a possibility that officers will continue to misinterpret the law in this area. They must be reminded that criticism of sexual acts is permitted not only under the European Convention on Human Rights, but also under the Waddington free speech clause at Section 29JA of the Public Order Act 1986 which states:

“In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred”.

This clause allows people to criticise homosexual acts and to urge people to refrain from them, without breaching the law.

What may come next?

The redefinition of marriage

The UK Government’s Marriage (Same Sex) Couples Act passed into law in July 2013.

Since marriage was redefined in Canada in 2005, there have been several hundred proceedings in courts, human rights commissions and employment boards against Christians who do not want to facilitate or promote same-sex ‘marriage’. Public employees have been disciplined, businesses have been sued and churches have been threatened with sanctions over their Christian beliefs on marriage.

Will the same thing happen in the UK? We believe the answer to be a clear “yes”.

What will happen at work?

As a result of the passing of the Marriage (Same Sex) Couples Act, it is likely that under the Equality Act 2010, ordinary Christians who are occupied in a wide range of jobs including teachers, civil servants and council workers will lose their jobs or be penalised if they have a conscientious objection when asked to facilitate or promote same sex ‘marriage’ as part of their job.

Anyone who is penalised will not be able to rely on the Courts to protect their religious freedom because, as noted earlier, homosexual rights are always given precedence over the protection of religious beliefs in any clash between the two in Court.

The case precedents mentioned at the beginning of this booklet are likely to be followed by the Courts in any cases relating to same-sex ‘marriage’.

In fact, this public censorship has already begun. Those who believe in the traditional definition of marriage are facing significant harassment and censure - not just from isolated activists but from major public bodies.

Examples of censorship in 2012 and 2013 on the topic of marriage include:

- Science teacher Robert Haye, who was dismissed from Deptford Green School after expressing the view that homosexual practice is a “sin” when responding to questions posed by his year 11 pupils. The Teaching Agency subsequently placed an indefinite bar on Mr Haye from teaching at any school or sixth form. The ban was later upheld by Education Secretary Michael Gove.⁵¹
- The cancellation of Christian Concern’s marriage colloquium, first by the Law Society and then by the Government-run Queen Elizabeth II Conference Centre. A range of high profile speakers were due to discuss the redefinition of marriage at the event. The heads of both venues alleged that the colloquium breached their ‘diversity’ policies. This was the deliberate censorship of a legitimate debate.⁵²
- CLC client Christina Summers, a Green Party councillor, was expelled from the Green group of councillors after being the only elected member of Brighton and Hove City Council to vote against a motion in support of the Government’s plans to legalise same-sex ‘marriage’.⁵³
- Adrian Smith, a housing manager from Manchester, was demoted and had his salary cut significantly by his employers after he questioned whether same-sex ‘marriage’ was an ‘equality too far’ on his private Facebook page, outside of working hours.⁵⁴
- A Christian bus driver, Arthur McGeorge, is currently under investigation by his employers, and could lose his job, for circulating a Coalition for Marriage petition at work during his lunch break. The petition advocates keeping the current legal definition of marriage.⁵⁵

51 See <http://www.christianconcern.com/our-concerns/religious-freedom/ban-on-teacher-upheld-in-name-of-british-tolerance>

52 Christian Concern and the Law Society have since reached an agreement whereby the Law Society has said that it will accept bookings in the future. The Law Society (without endorsing those views) acknowledged that Christian Concern was entitled to hold and express its Biblical views on marriage and sexual ethics, which it agreed were sincerely held by the organisation. The Law Society announced that it will also organise a full debate on the issue of same sex marriage in which a number of eminent speakers will attend, including a speaker from Christian Concern.

53 See <http://www.christianconcern.com/our-concerns/sexual-orientation/christian-faces-expulsion-from-greens>

54 See <http://www.christianconcern.com/our-concerns/sexual-orientation/christian-demoted-for-expressing-views-on-marriage>

55 See <http://www.christianconcern.com/our-concerns/social/bus-driver-faces-disciplinary-action->

- A Christian blog writer was put under formal investigation by the Advertising Standards Agency for displaying an entirely non-offensive and straight forward pro-marriage advert by the Coalition for Marriage on his website. He was later cleared.⁵⁶
- Anglican Lay Reader Peter Gowlland was suspended for two months by All Saints Church in Sanderstead for suggesting that congregation members should sign the Coalition for Marriage petition.
- Celebrity singer Will Young was widely applauded after saying on BBC Question Time that clergy who preached too strongly against same-sex ‘marriage’ should be sent to prison.⁵⁷

This public censorship has taken place even before same sex ‘marriage’ was introduced in our nation. People have been penalised for just supporting the traditional definition of marriage as between one man and one woman. Now that same-sex ‘marriage’ has become a reality, this censorship will get dramatically worse.

What will happen to churches?

The Government has repeatedly claimed that religious freedom will be protected as no church will be forced to conduct same sex ‘marriage’ ceremonies against its will.

These assurances are meaningless and cannot be substantiated. As a result of the passing of the Marriage (Same Sex Couples) Act, the partners in a same sex ‘marriage’ are, as a starting point, entitled to exactly the same rights as heterosexual couples under both domestic and European equality laws. This includes the right to have their ceremonies conducted in churches.

In 2012, the European Court of Human Rights quoted a resolution by the Parliamentary Assembly of the Council of Europe which said that, should same-sex marriages be legalised, it will place the State under an obligation to “ensure that [the] rights and obligations [of homosexual couples] are

over-marriage-petition

56 See <http://www.christianconcern.com/our-concerns/social/asa-accused-of-bias-over-investigation-into-christian-advert>

57 See <http://www.christianconcern.com/our-concerns/religious-freedom/lay-reader-suspended-for-supporting-coalition-for-marriage>

equivalent to those of heterosexual couples in a similar situation.”⁵⁸

There are bound to be legal ‘test cases’ brought against those churches who do not want to provide such ceremonies. In a letter to Home Secretary Theresa May, the Archbishop of Canterbury Dr Rowan Williams and Archbishop of York Dr John Sentamu, stated:

“Assurances that the freedom of the churches and other religious organisations would be safeguarded are of limited value given that once the law was changed the key decisions would be for domestic and European courts.”



58 Gas and Dubois v. France, March 2012 (no. 25951/07)

The position of the Church of England

As part of the Government’s quadruple lock of measures in the Marriage (Same Sex Couples) Act, it is now illegal for the Church of England to conduct same sex ‘marriages’.

We believe however that the quadruple lock is unsustainable and open to legal challenge under Article 14 of the European Convention on Human Rights.

Under Article 14, unlawful discrimination occurs when persons in similar situations are treated differently without an objective and reasonable justification. Thus, where same-sex couples have been given the right to marriage, it will be difficult for the Government to argue that there is a reasonable justification for allowing heterosexual couples to marry in the Church of England but not same sex couples.

The Government will therefore be open to legal challenges on this point. In fact, homosexual couple Tony and Barrie Drewitt-Barlow, who have been in a civil partnership since 2006, are already challenging the Government’s decision to prohibit same sex ‘marriages’ on CofE premises by taking legal action against their local CofE parish. The couple are seeking permission to ‘marry’ at the church in Danbury, and announced their intention to launch a legal challenge within weeks of the Marriage (Same Sex Couples) Act passing into law. The outcome of this case is yet to be seen.⁵⁹

59 See <http://www.christianconcern.com/our-concerns/religious-freedom/gay-couple-launch-legal-campaign-for-church-wedding>

Going forwards

A Christian response

It is absolutely vital that, as Christians, we continue to live out our faith in public and continue to share the Gospel with others. We must not be deterred from continuing such a public witness, and must not be deterred from being a witness to Christ by any fear of the consequences.

We are all called to follow Jesus' command:

“Go into all the world and proclaim the gospel to the whole creation. Whoever believes and is baptised will be saved, but whoever does not believe will be condemned.”⁶⁰

In the long term, the only way to guarantee the survival of religious freedom in the UK is for the Gospel to advance and for the nation to return to Jesus.

At Christian Concern, as well as campaigning for Christian moral values and defending Christians who have been discriminated against, we also encourage the church to engage in evangelism.



Please join our Not Ashamed campaign, which encourages Christians to be bold and open about their faith. You can purchase merchandise to wear featuring the cross, which can provide good witnessing opportunities. Please see <http://www.notashamed.org.uk>

60 Mark 16v15-16 ESV

Donate to Christian Concern

Christian Concern exists to speak of Jesus Christ in public life.

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Other booklets in Christian Concern's 'Current Issues' series

Abortion: *The hidden hurt of abortion in the UK*

Embryo Science: *The value of human life made in God's Image*

Same Sex 'Marriage': *The costs and consequences of redefining marriage*

gospel freedom

Christian faith and its place in public life

Historically, Britain has been known throughout the world as a bastion of freedom. Freedom of speech, conscience and religion have all been hallmarks of British democracy. It is the Christian faith which has provided the foundation for our laws which protect these important freedoms.

But this foundation has been eroded in recent years, accompanied by a similar erosion in freedom. Britain's reputation has been tarnished as numerous cases have come before the courts in which Christians have been challenged for expressing their faith.

This booklet documents the cases that have arisen and explores how this shift has occurred and what Christians can do in response.

**Christian Concern
& Christian Legal Centre**

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