

## Christians in Parliament: Consultation on ‘Being a Christian in the UK Today’

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### Introduction

1. The following memorandum will assess the growing marginalisation of Christians in the United Kingdom. Established in 2008, the Christian Legal Centre supports Christians who have been victimised or otherwise suffered a detriment as a direct result of their Christian identity or beliefs. Together with Christian Concern, we have been dedicated to the protection, proclamation and promotion of the Gospel through legal and legislative advocacy. We acted as counsel of record for several of the applicants in the seminal case of *Eweida and Others v. the United Kingdom*<sup>1</sup>, and have taken part in many of the precedent setting cases involving freedom of thought, conscience, and religion in the United Kingdom. The Christian Legal Centre assists hundreds of clients annually, and received an estimated 1100 inquiries this past year.

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<sup>1</sup> *Eweida and Others v. the United Kingdom*, 48420/10, 36516/10, 51671/10, 59842/10, HEJUD [2013] ECHR 37 (15 January 2013).

2. The question of why our Christian freedoms are not being sufficiently safeguarded has nothing to do with lack of legal protections. Those protections are in fact very robust. The reality is that Christian freedoms are not being protected by our courts, not because they do not exist, but because our courts are blind to them. The courts have argued, for example, that the cross is not a Christian symbol<sup>2</sup> or that the belief that children do best with a mother and father within the confines of marriage is not a defensible or Christian opinion.<sup>3</sup> In reality, the problem is not that we do not have enough laws protecting Christian freedoms; it is that our courts have been obstinate in refusing to recognise these freedoms. To date, correction within the UK has come from Strasbourg. However, if we are to truly live out our protected Christian freedoms without fear of legal punishment, much has to be done within our domestic tribunals in order to reform their treatment of Christian rights.
3. The Christian Legal Centre is grateful to Christians in Parliament for launching this consultation. The aim of this memorandum is three-fold: (a) to assess the existing legal protections for freedom of religion; (b) to look at the root causes of why Christian freedoms have been so diminished in recent years; (c) to provide examples from the daily work of the Christian Legal Centre to highlight some of the issues faced by Christians in modern Britain. The submission is supplemented by an appendix which profiles 20 recent matters supported by the Christian Legal Centre, all of which have taken place within the last 18 months.

## **(A) The Law**

### **(i) Article 9: Freedom of Thought, Conscience, and Religion**

4. The first premise we must address is that freedom of religion enjoys multi-layered protection in British legislation. Article 9 of the European Convention on Human Rights [hereafter: "Convention"], as transposed into domestic law vis-à-vis the Human Rights Act 1998, protects freedom of thought, conscience, and religion.<sup>4</sup> It has been defined broadly by the European Court of Human Rights.
5. Article 9 stands alone in that it is the only fundamental right which recognizes the relationship between the individual and the transcendent. It therefore protects the most profound and deeply held conscience and faith-based beliefs.<sup>5</sup>
6. It considers that freedom of religion is one of the foundations of a democratic society.<sup>6</sup> The European Court, in the *Manoussakis and Others v. Greece* judgment, has also ruled that any interference with freedom to manifest one's religion must be reviewed with very strict

<sup>2</sup> <http://www.christianconcern.com/cases/shirley-chaplin>.

<sup>3</sup> <http://www.christianconcern.com/cases/richard-page>.

<sup>4</sup> 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

<sup>5</sup> See e.g., *Eweida and Others v. the United Kingdom*, 48420/10, 36516/10, 51671/10, 59842/10, HEJUD [2013] ECHR 37 (15 January 2013), dissenting opinion of Judges Vučinić and De Gaetano, §2ff. They argue that freedom of conscience is mentioned in Article 9.1, but is not subject to any of the limitations in Article 9.2, meaning that once a genuine and serious case of conscientious objection is established, an employer is obliged to respect it both positively and negatively.

<sup>6</sup> ECHR, 25 May 1993, *Kokkinakis v. Greece*, Series A No. 260-A, § 31: AFDI, 1994, p. 658.

scrutiny.<sup>7</sup> This fact is noteworthy in the context of comparative jurisprudence, where the United States courts utilise a strict scrutiny standard when reviewing matters pertaining to a constitutional right.<sup>8</sup> It is also noteworthy that the only two rights singled out for enhanced scrutiny by the Human Rights Act 1998 directly and indirectly support freedom of religion.<sup>9</sup>

7. The Grand Chamber of the Court of Justice has noted that Article 10(1) of the Charter of Fundamental Rights and Freedoms corresponds to Article 9 of the Convention.<sup>10</sup> It has also held that it is not for state authorities to distinguish between private or public manifestations of faith, because to do so would diminish the protections afforded to freedom of thought, conscience, and religion.<sup>11</sup> The Advocate General's opinion<sup>12</sup> in the case provides further illumination stating that for people of faith, because religion or belief makes up such a core component of who they are, that individuals cannot be expected to forgo manifesting their faith.<sup>13</sup>
8. Article 9 protects the *forum externum*, on the basis that "bearing witness in words and deeds is bound up with the existence of religious convictions."<sup>14</sup>

## (ii) Equality Act 2010

9. The Equality Act's stated purpose is to harmonise England and Wales' equality law in an effort to prevent direct and indirect discrimination, victimisation, and harassment among the enumerated protected characteristics.<sup>15</sup> The Act goes so far as to place a public sector equality duty on public authorities to eliminate any conduct prohibited by the act; to advance equal opportunity among those who share a protected characteristic and those who do not; and to foster good relations among people.<sup>16</sup>
10. Religion or belief is enumerated as a protected characteristic. The Equality Act defines religion as: "*any religion and a reference to religion includes a reference to a lack of religion.*"<sup>17</sup> It defines belief as: "*any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.*"<sup>18</sup>
11. The House of Lords has ruled that in order for religion or belief to be protected under the Equality Act, the beliefs involved must possess an adequate degree of seriousness, importance, and coherence.<sup>19</sup>

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<sup>7</sup> ECHR, 26 September 1996, *Manoussakis and Others v. Greece*, Reports 1996-IV: AFDI, 1996, p. 749, § 44.

<sup>8</sup> The standard was introduced by the United States Supreme Court in *United States v. Carolene Products Co.*, 304 U.S. 144 (1938), *fn.* 4.

<sup>9</sup> Section 12 on Freedom of Expression and Section 13 on Freedom of Thought, Conscience and Religion.

<sup>10</sup> C-71/11 and C-99/11, Judgment of 5 September 2012.

<sup>11</sup> *Id.*, §62-63.

<sup>12</sup> Available at:

[http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d56f4da844638e4762911b82fb0bb55b65.e34KaxiLc3eQc40LaxqMbN4Oa3aNe0?text=&docid=121723&pageIndex=0&doclang=en&mode=req&d  
ir=&occ=first&part=1&cid=1062121](http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d56f4da844638e4762911b82fb0bb55b65.e34KaxiLc3eQc40LaxqMbN4Oa3aNe0?text=&docid=121723&pageIndex=0&doclang=en&mode=req&d<br/>ir=&occ=first&part=1&cid=1062121).

<sup>13</sup> *Id.*, § 107.

<sup>14</sup> *Id.*

<sup>15</sup> Equality Act 2010, Introductory Text.

<sup>16</sup> Equality Act 2010, Section 149(1).

<sup>17</sup> *Id.*, Section 10(1).

<sup>18</sup> *Id.*, Section 10(2).

<sup>19</sup> *R (Williamson and Others) v. Secretary of State for Education and Employment* [2005] UKHL 15, § 23.

12. What we have regrettably seen from our courts, particularly employment tribunals, is the whittling down of Article 9 to protect only freedom of worship.<sup>20</sup> This limiting view suggests that freedom of religion is to be respected so long as it is kept in the private sphere and within a church setting, but that acts motivated by faith are not protected in the public square.<sup>21</sup>
13. This definition does tremendous violence to freedom of religious expression. It also ignores a further premise of this paper; that is, that the intention of parliament when legislating the Equality Act was not to create a hierarchy among the protected characteristics. Strictly speaking, the artificial hierarchy being built by non-precedent setting cases in relation to the outworking of the Equality Act and its overwhelming preference to protect sexual orientation and gender identity over religion or belief runs contrary to both the spirit and the plain meaning of the Act.<sup>22</sup>
14. The European Court of Human Rights has remedied this slightly with the *Eweida* judgment,<sup>23</sup> three of the four cases of which originated with Christian Legal Centre. That ruling held that a fair balance must be struck between freedom of religion and other rights, rather than just giving *carte blanche* to sexual orientation.<sup>24</sup> Despite this, the courts in the United Kingdom have been slow, and even sometimes obstinate, in applying the *Eweida* standard.<sup>25</sup>

### (iii) Public Order Act 1986

15. Another area where robust protections exist in the law for Christians, and this in relation to street preaching or evangelism, relates to the Public Order Act 1986. The free speech clause, tabled by Lord Waddington as section 29JA in the Public Order Act 1986, states that: "*In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or*

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<sup>20</sup> See Section below: (C) Marginalisation of Freedom of Religion: Cases.

<sup>21</sup> Thomas Reese, Chair of the U.S. Commission on International Religious Freedom, provides unique insight into the replacement of freedom of religion with freedom of worship at: Thomas Reese, 'Freedom to Worship' vs. 'Freedom of Religion', National Catholic Reporter, 18 August 2016, <https://www.ncronline.org/blogs/faith-and-justice/freedom-worship-vs-freedom-religion>. In Europe, this trend towards marginalisation of freedom of religion has been labelled intolerance and discrimination against Christians. See: OSCE/ODHIR, Intolerance and Discrimination Against Christians: Focusing on Exclusion, Marginalization, and Denial of Rights, 4 March 2009. <http://www.osce.org/odihr/40543>. The European Parliament has also actively promoted awareness of the trend. On 2 October 2012, the European People's Party together with the European Conservatives and Reformists Group jointly adjourned a seminar at the European Parliament focusing exclusively on the issue of intolerance and discrimination against Christians. The European People's Party held a similar seminar on 16 March 2013.

<sup>22</sup> Section 4 of the Act lists the protected characteristics in the following order: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. See: *Explanatory Notes, Equality Act 2010*, Part 2, <http://www.legislation.gov.uk/ukpga/2010/15/notes>. The alphabetic ordering of the characteristics further evidences that no hierarchy was intended. This is in contrast to other rights documents, which typically order freedoms in manner which highlight the most fundamentally important rights at the top of the document. For example, the European Convention on Human Rights provides for right to life at Article 2 and prohibition of torture at Article 3. A similar approach is utilised by the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the Charter of Fundamental Rights of the European Union.

<sup>23</sup> *Supra* fn. 2.

<sup>24</sup> §83, "Given the importance in a democratic society of freedom of religion, the Court considers that, where an individual complains of a restriction on freedom of religion in the workplace, rather than holding that the possibility of changing job would negate any interference with the right, the better approach would be to weigh that possibility in the overall balance when considering whether or not the restriction was proportionate."

<sup>25</sup> See e.g. *V. Wastaney v. East London NHS Foundation Trust*, UKEAT/0157/15/LA. Upholding the Employment Tribunal ruling at § 106 that, "[The] European Convention or cases decided under it takes us no further than ordinary domestic principles in this case." The focus of the ET was, therefore, on the 'reason why' an employer acted as he did under national anti-discrimination law while excluding any analysis as to Miss Wastaney's Article 9 rights. Accordingly, the *Eweida* balance was wholly ignored.

*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”.*<sup>26</sup>

16. Furthermore Clause 29J of the Racial and Religious Hatred Act 2006 reads: *“Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.”*<sup>27</sup>
17. To be clear, public preaching on matters pertaining to sexual practice and religion are protected speech within the United Kingdom.
18. According to the seminal case of *Redmond-Bate v Director of Public Prosecutions*: *“A police officer has no right to call upon a citizen to desist from lawful conduct. It is only if otherwise lawful conduct gives rise to a reasonable apprehension that it will, by interfering with the rights or liberties of others, provoke violence which, though unlawful, would not be entirely unreasonable that a constable is empowered to take steps to prevent it.”*<sup>28</sup>
19. Lord Justice Sedley, delivering the majority opinion, further adds: *“If the threat of disorder or violence was coming from passers-by who were taking the opportunity to react so as to cause trouble..., then it was they and not the preachers who should be asked to desist and arrested if they would not”*<sup>29</sup>

## **(B) Root Causes**

### **(i) The Threat of Secularism to Christian Religious Liberty**<sup>30</sup>

20. There is more to secularism than merely church-state ordering. Indeed, the true heart of secularism is not a belief in the separation of church and state, but the belief that questions can only be answered, and considerations can only be made, by reference to the present life.<sup>31</sup> As George Jacob Holyoake, the man who first used the phrase “secularism”, explained in the nineteenth century, *“Secular knowledge is manifestly that kind of knowledge which is found in this life, which relates to the conduct of this life, conduces to the welfare of this life, and is capable of being tested by the experience of this life.”*<sup>32</sup>
21. This belief therefore has significant implications for how religion is viewed in the public square under the secular humanist philosophy. Firstly, because it is claimed that religion deals only with “spiritual” matters, and because secularism specifically overlooks such considerations, a society premised on secularism will not provide any public space for spiritual matters and will

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<sup>26</sup> <https://www.legislation.gov.uk/ukpga/1986/64/section/29JA>.

<sup>27</sup> <https://www.legislation.gov.uk/ukpga/1986/64/section/29J>.

<sup>28</sup> *Redmond-Bate v Director of Public Prosecutions* [1999] EWHC Admin 732 (23rd July 1999) Case no: CO/188/99 Queen’s Bench Division (Divisional Court), § 8.

<sup>29</sup> *See*: § 18.

<sup>30</sup> Elements of this section were previously published by the author in 2015. *See*: Roger Kiska, *Secular Intolerance in Europe*, Open Doors [World Watch Research], 2015. <http://opendoorsanalytical.org/wp-content/uploads/2014/10/Secular-Intolerance-in-Europe.pdf>.

<sup>31</sup> *See*: Holyoake, G.J., *The Origin and Nature of Secularism*, (London: Watts and Co.) 1896, p. 51.

<sup>32</sup> Stated in a public debate with Charles Bradlaugh, held in 1870. *See*: <http://www.catholic.org/encyclopedia/view.php?id=10646>

confine religion to the private realm. The result is the active and sometimes aggressive removal of religion from public life. For example, in the secularist mindset, chaplains in hospitals have “no clinical benefit”<sup>33</sup> and are therefore a waste of money; local counsellors or politicians voluntarily beginning the day in corporate prayer is “wholly inappropriate”<sup>34</sup> and collective worship in schools is “a clear breach of young people’s human rights.”<sup>35</sup> The secularist will state people may believe whatever they want, but those beliefs must be private, and certainly the state should not actively support them through funding and tax exemptions. Thus, rather than public expressions of religion being seen as beneficial for society, it is seen as a “privilege” which needs to be removed.

22. Secondly, secularism has no basis for comprehending an individual’s appeal to a higher authority. Thus, from the secular perspective, freedom of conscience must be very limited indeed: it is only permitted providing that it has no impact on others. Such a concession, however, is meaningless: a person’s freedom of conscience only needs to be exercised when it collides with the status quo. Given that secularism cannot provide a framework for appeals to a higher authority, it is unsurprising that in the increasingly secular countries such as the United Kingdom, conscience exemptions are constantly being challenged with regard to profound moral issues such as abortion or materially participating in supporting same-sex marriage.<sup>36</sup> In words similar to rhetoric often used in the debate over conscientious objection in the United Kingdom, Norwegian Health Minister Robin Kåss recently explained, “*If you deny a patient contraception or a referral for an abortion, you can’t be a general physician. Doctors have to be ready to do their duty.*”<sup>37</sup> Similarly, the National Secular Society in the United Kingdom intervened against two religious believers who were dismissed for attempting to exercise their freedom of conscience in the workplace. It stated: “*We believe any further accommodation of religious conscience in UK equality law would create a damaging hierarchy of rights, with religion at the top.*”<sup>38</sup>
23. Therefore, insofar as secularism means more than “*the separation of the state from religious institutions*” and the principle that “*people of different religions and beliefs are equal before the law*”, secularism is in opposition to religious liberty: it seeks the privatisation of religion, it is not neutral with regard to morality and ethics, and the vision for society espoused by secularists stands in stark contrast to the Judeo-Christian moral framework that has existed in Europe for many centuries.

## **(ii) Sexual Orientation and Gender Reassignment**

24. Including sexual orientation or gender reassignment among the considerations on the basis of which it is unlawful to discriminate can easily lead to regarding sexual practice as a positive source of human rights. Both definitions, in fact, suffer from a lack of legal clarity; the question of whether laws protecting sexual orientation and gender reassignment as they are currently drafted, therefore poses a threshold question under Convention analysis.

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<sup>33</sup> <https://www.secularism.org.uk/uploads/nss-hospital-chaplaincy-campaign-briefing.pdf>.

<sup>34</sup> <https://www.secularism.org.uk/council-scraps-prayers.html>.

<sup>35</sup> <https://www.secularism.org.uk/uploads/collective-worship-briefing.pdf>.

<sup>36</sup> Roger Kiska, (2018) “*Freedom of conscience: a benefit to health care worker and patient alike*”, International Journal of Human Rights in Healthcare, Vol. 11 Issue: 2, pp.144-152.

<sup>37</sup> See: <http://www.thelocal.no/page/view/doctors-cant-opt-out-of-abortion-duties>.

<sup>38</sup> <https://www.secularism.org.uk/defend-equality-laws/intervention-at-european-court-o.html>.

25. In order to be prescribed by law, the law in question must be accessible and foreseeable in its effects.<sup>39</sup> It thus cannot suffer from vagueness. The “quality” of the law must clearly and precisely define the conditions and forms of any limitations on basic Convention safeguards and must be free from any arbitrary application.<sup>40</sup>

26. To this extent, the ECHR, in *Metropolitan Church of Bessarabia v. Moldova*, held that domestic law, to meet the clarity requirement, must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention:

In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for a legal discretion granted to the executive to be expressed in terms of an unfettered power. Consequently, the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise.<sup>41</sup>

27. For the general public, a law limiting a Convention freedom, including Article 9, must be accessible and foreseeable in its effects. This has not been the case in relation to sexual orientation and gender reassignment, with the result being that many Christian ministries, service providers, organisations and educators are left unaware of what the actual legal obligations are towards these protected characteristics.

#### **(a) Gender Reassignment v. Freedom of Religion in Education: A Case Study**

28. Nigel and Sally Rowe are Christian parents who hold and wish to instil in their children, a Biblically centred belief in gender. Beliefs that would include Genesis 1:27, where Scripture says, “*So God created man in His own image, in the image of God He created him; male and female He created them.*”; or Matthew 19:4, where Christ says, “*Have you not read that He who created them from the beginning made them male and female...*”

29. In seeking to raise their children according to their Christian beliefs, they sent their two sons to a Church of England school on the Isle of Wight. Within two school years, both of their children, ages 6 and 8, found themselves in classes with boys who, under their parents and the school’s direction, were to be identified as girls. As a result of the confusion and discomfort suffered by their older son, he was removed from the school and home educated since 2016. Nigel and Sally attempted to work the matter out with the school in relation to their youngest son.

30. In a response to a letter they sent the school asking about anti-bullying measures and their own parental rights, the school responded by suggesting that anyone who could not believe that these children were girls or refused to use female pronouns would be viewed by the school as being transphobic. The school also announced their intention to educate parents and students alike in accordance with this gender ideology. The result has been that Nigel and Sally

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<sup>39</sup> See: *De Wilde, Ooms and Versyp (the “Vagrancy cases”)* judgment of 18 June 1971, A 12, § 93; Appl. No. 101761, *X v. the Netherlands*, Coll 8 (1962) 1, 4; Appl. No. 1983/63, *Wallace v. the Netherlands*, Yearbook VIII (1965) 228, 246 and 264; Appl. No. 7736/76, *X v. Switzerland*, DR 9 (1970) 206, 207; Appl. No. 7308/75, *X v. the United Kingdom*, DR 16 (1979)

<sup>40</sup> *Olsson v. Sweden*, 130 Eur. Ct. H.R. (ser. A) at 30 (1988); see also *S.W. v. United Kingdom*, 335 Eur. Ct. H.R. 28, 42 (1995) (discussing how the development of criminal law by the courts should be reasonably foreseeable); *Sunday Times*, 30 Eur. Ct. H.R. (ser. A) at 31.

<sup>41</sup> *Metropolitan Church of Bessarabia v. Moldova*, 2001-XII Eur. Ct. H.R. 81, 111.

have now removed their youngest son and litigation over the matter will commence imminently.

31. The Christian Legal Centre has been supporting several other families in nearly identical matters.
32. The issue of legal clarity is important in relation to these cases, because on the one hand, parents enjoy a significant amount of legal protection as how their children are to be educated. On the other hand, gender reassignment, while a protected characteristic, lacks definition in relation to minors.
33. Protocol 1, Article 2 of the European Convention of Human Rights, as transposed into our domestic law through the Human Rights Act 1998, 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”*.<sup>42</sup> The European Court has interpreted this to mean that: *“the second sentence of Article 2 (P1-2) implies[...] that the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. 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 must not be exceeded.”*<sup>43</sup> This same requirement, in nearly identical language, has also been ratified by the United Kingdom in no less than 5 other international treaties.<sup>44</sup>
34. Nigel and Sally believe that the gender reaffirming policy being used in their children’s school amounted to indoctrination within the meaning of Protocol 1, Article 2. Manifestation of gender reassignment as defined so liberally by schools across the nation is pervasive of everyday life in way that other protected characteristics rarely are. A person who wishes to manifest a different gender, may seek to be known by a different name, use different pronouns, seek different toileting or changing facilities (or to use the same toileting or changing facilities of those of their ‘acquired’ gender). They may request the use of gender-neutral uniforms or to be able to dress in the uniform of their ‘acquired’ gender.
35. This is a manifestation that is very public and pervades the everyday life and activities of a school community. The manifestation of gender reassignment in the structures, routines, and interactions of everyday school life is also particularly invasive of the thought, conscience, and religion of other students.
36. The request to be known by a different name, or for the use of different pronouns, or use of shared changing facilities, for example, requires others repeatedly and even perpetually, to acquiesce in the denial of what they hold to be a central tenet of their Christian belief (namely,

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<sup>42</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5.

<sup>43</sup> *Kjeldsen, Busk Madsen and Pedersen v Denmark*, Judgment, Merits, App No 5095/71 (A/23), [1976] ECHR § 53.

<sup>44</sup> *Convention against Discrimination in Education*, UN Educational, Scientific and Cultural Organisation (UNESCO), 14 December 1960, Article 5(1)(b); *International Covenant on Economic, Cultural and Social Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966, Article 13; *Universal Declaration of Human Rights*, United Nations, UN General Assembly, 10 December 1948, 217 A (III), Article 26(3); *International Covenant on Civil and Political Rights*, UN General Assembly, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171 Article 18(4); and *Convention on the Rights of the Child*, UN General Assembly, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Articles 14 and 18.



the belief that gender is God given and manifests biologically at conception, and that it cannot and should not be subverted).

37. As well as being pervasive and invasive of everyday school life, manifestation of gender reassignment is likely to persist for a significant period of time. The fact that students may get used to it over time, does not diminish the depth of challenge that it represents to fundamental Christian belief about the right ordering of the world. The challenge cannot be limited to the initial manifestation, even if some get used to the situation after a period of initial shock. If anything, the persistent nature of the manifestation is an even greater challenge, since there is a greater chance of routine and the largely unnoticed challenge to Christian belief through the moral signalling of practices that are permitted by authority structures.”
38. This challenge to Christian parents is exacerbated all the more by the lack of legal certainty relating to if gender reassignment can even apply to children. Gender affirming policies affirm gender identity, and not gender reassignment. The two are not synonymous. The Equality Act 2010 defines the protected characteristic of “gender reassignment” thus: “*A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.*”<sup>45</sup> The Act neither defines what is meant by the ‘process’ envisioned or “the proposal to undergo” gender reassignment. No binding case-law whatsoever exists which applies such an expansive definition of what is meant by a proposal to undergo gender reassignment as to include young children.
39. In *Croft v. Royal Mail Group plc*<sup>46</sup>, the courts ruled that protection for discrimination based on gender reassignment required making progress in the gender reassignment process to apply. Anatomical sex, it was held, played a factor in determining the applicability of anti-discrimination legislation. Notably, recognition of gender reassignment in the context of non-discrimination law is not automatic and does not flow from merely identifying by a different gender. Neither does the Equality Act protect males who merely identify as females and dress in female clothing.<sup>47</sup>
40. Nor does an expansive definition of gender reassignment withstand scrutiny when compared to the only other piece of domestic legislation defining the term, that being the Gender Recognition Act 2004. A very strict legal process is required to obtain a Gender Recognition Certificate pursuant to the Act. The applicant seeking legal recognition of their gender reassignment must be 18 years of age<sup>48</sup> and must have lived in the acquired gender for a period of at least 2 years ending with the date the application is made.<sup>49</sup> Evidence of gender dysphoria is also required, provided either by a medical practitioner practising in the field of gender dysphoria or a chartered psychologist in the field.<sup>50</sup> A Gender Recognition Panel must then determine if the evidence provided is sufficient to grant the Certificate.<sup>51</sup>
41. Despite this lack of legal certainty, the Department of Education has held out gender affirming policies such as “Schools Transgender Guidance” (more commonly known as the Cornwall guidance)<sup>52</sup> as best practice. Many Local Authorities have followed suit, leaving many schools genuinely confused as to what the actual legal requirements are in relation to gender

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<sup>45</sup> *Equality Act 2010 (c. 15, pt. 2)*, §7(1).

<sup>46</sup> [2003] IRLR 592.

<sup>47</sup> Gwyneth Pitt, *Pitt's Employment Law* (London: Sweet & Maxwell, 2016). 48.

<sup>48</sup> *Gender Recognition Act 2004 (c.7)*, § 1(1).

<sup>49</sup> *Id.*, § 2(1)(b).

<sup>50</sup> *Id.*, § 3(1)(a-b).

<sup>51</sup> *Id.*, § 1(3).

<sup>52</sup> Intercom Trust *et al.*, *Schools Transgender Guidance* (ed. Steve Canon and Toby Best), 2015. [https://www.cornwall.gov.uk/media/13620644/schools-transgender\\_guidance\\_booklet-2015.pdf](https://www.cornwall.gov.uk/media/13620644/schools-transgender_guidance_booklet-2015.pdf).

reassignment and pupils. The end result has been the marginalisation, punishment, and branding of many Christian parents and school employees as transphobic for refusing to accede to the cultural zeitgeist of the day.

42. A further example has been the case of Joshua Suttcliffe, whom the Christian Legal Centre has also been supporting.<sup>53</sup> Joshua is a maths teacher and was sacked for ‘misgendering’ a pupil. In other words, he used a female pronoun for a student biologically female but who wished to be identified as a boy. For this, Joshua, a devout Christian, has been pushed out of his job. Joshua never intended offense. Quite the opposite, the statement was meant to build the students up. Prior to this incident, Joshua had called the pupil in question by a neutral name so as not to cause offense while not compromising his Biblical beliefs regarding creation and gender.

### **(b) Sexual Orientation and Education: A Case Study**

43. Similar confusion exists in relation to the meaning of sexual orientation. When the Equality Framework Directive 2000<sup>54</sup> was being drafted, which would later create a legal obligation upon all EU Member States to adopt their own in-kind anti-discrimination legislation, it originally stated that: “With regard to sexual orientation, a clear dividing line should be drawn between sexual orientation, which is covered by this proposal, and sexual behaviour, which is not.”<sup>55</sup> The provision never made it into the final binding Directive, and the confusion of whether sexual practice was included in sexual orientation was gifted to the Member States.
44. The United Kingdom appears to have conflated the two issues, creating significant legal confusion for Christians who wish to ‘love the sinner but hate the sin.’ In 2004, the High Court held that: “*The protection against discrimination on grounds of sexual orientation relates as much to the manifestation of that orientation in the form of sexual behaviour as it does to sexuality as such. Sexual orientation and its manifestation in sexual behaviour are both inextricably connected with a person’s private life and identity.*”<sup>56</sup> Lord Roger, writing his opinion for the majority in an asylum case, posited that sexual orientation includes the right to live freely and openly as a gay man, suggesting that: “*Male homosexuals are to be free to enjoy themselves going to Kylie concerts, drinking exotically coloured cocktails and talking about boys with their straight female mates.*”<sup>57</sup>
45. The celebration of sexual freedom and the metanarrative that because the LGBT community has been historically marginalised, that correction should be made part of education, has led to a level of proselytism in some schools regarding sexual orientation which is highly inappropriate. LGBT campaigners have also taken strategic positions within the Department of Education and Ofsted, providing a disproportionate amount of influence over education policy when compared to other protected characteristics. Luke Tryl, for example, Director of Corporate Strategy for Ofsted, continues to publicly identify himself as a Stonewall Campaigner.<sup>58</sup>

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<sup>53</sup> <https://www.christianconcern.com/our-issues/education/maths-teacher-takes-school-to-court-in-transgender-row>.

<sup>54</sup> 2000/78/EC.

<sup>55</sup> See: Commission of the European Communities, Brussels, 25.11.1999, COM(1999) 565 final, 1999/0225 (CNS), p.8.

<sup>56</sup> R (on the application of Amicus - MSF section and others) v. Secretary of State for Trade and Industry [2004] IRLR 430 at § 432. See also: Paul Coleman and Roger Kiska, *The Proposed EU “Equal Treatment” Directive: How the UK Gives Other EU Member States a Glimpse of the Future*, IJRF Vol 5:1 2012 (113-128).

<sup>57</sup> HJ (Iran) (FC) (Appellant) v. Secretary of State for the Home Department, [2010] UKSC 31, per Lord Roger, at §78.

<sup>58</sup> See e.g.: <https://twitter.com/luketryl?lang=en>.

46. The end result have been school environments as egregious towards Christian belief as that in Heavers Farm School in Croyden.<sup>59</sup> Izoduwa Montague is one of at least 14 parents who complained to the headteacher of Heavers Farm when pupils as young as 5 were forced, without any right to opt-out, to participate in a Pride Parade.<sup>60</sup> The Christian Legal Centre, who has been supporting Izoduwa and appeared with her before the school's Governors, have also been made aware that at least 3 parents who complained (including Izoduwa) were barred from the school premises after making their complaints and that their children faced numerous and lengthy detentions. The school also had posters supporting Stonewall around the school, read LGBT themed books to the children like "And Tango Makes Three", and have since Izoduwa's story broke in the national media adopted a rainbow flag symbol as its PTA logo.<sup>61</sup> The school also displays a photo of a year 1 pupil holding a placard stating: "*I have a dream if bois cood go to the saim toilet as gerls [sic.]*"<sup>62</sup>
47. As part of the complaints procedure, Izoduwa met with the headteacher to discuss her concerns as a Christian mother about the level of proselytism within the school regarding sexual orientation. The head's daughter, also a member of school staff, attending the meeting wearing a t-shirt with the slogan: "*Why be racist, sexist, homophobic, or transphobic when you could just be quiet.*"<sup>63</sup> The school rejected any contention that the shirt breached school dress code policy for staff, implying that it was perfectly normal for pupils as young as 4 to be exposed to this messaging.<sup>64</sup>
48. In another case which the Christian Legal Centre supported, where the client has asked to remain anonymous, a mother of Asian heritage complained to the governors at her child's school about the disparate treatment she encountered in how perceived LGBT bullying was being handled and how the bullying of her son and the racial epithets made against him were being treated. She complained that no parental involvement was undertaken when the school decided to partner with Stonewall in breach of her rights as a Christian parent. In its response to her, drafted on 25 September 2018, the Governors bolding explained that parental engagement was not undertaken because "*not all carers can be relied upon to engage, whether from lack of interest, lack of time or lack of sympathy with equality principles.*" The letter continued that it also did not wish to create conflict within the school community by engaging parents about whether they should partner with the LGBT campaigning organisation. The Governors were more blatant within the personal meeting itself, where a representative of the Christian Legal Centre was present, where they stated that parents were part of the problem and not the solution.
49. To be clear, there is no obligation, stemming from the Equality Act 2010, to promote or affirm either sexual orientation or gender reassignment. The content of the national curriculum is specifically excluded from the Equality Act 2010.<sup>65</sup> The only statutory obligation relates not to the content of the curriculum but to how it is taught; i.e. teaching of the curriculum must have

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<sup>59</sup> <https://www.christianconcern.com/media/izzy-montague-explains-why-she-challenged-school-over-forced-pride-celebration>.

<sup>60</sup> <https://www.dailymail.co.uk/news/article-6425175/Mum-complained-gay-parade-sons-school-shocked-staff-member-wearing-t-shirt.html>.

<sup>61</sup> <https://heaversfarmparentteacherassociation.wordpress.com/>

<sup>62</sup> <https://heaversfarm.com/2018/10/18/peridot-martin-luther-king-i-have-a-dream/>.

<sup>63</sup> <https://www.dailymail.co.uk/news/article-6425175/Mum-complained-gay-parade-sons-school-shocked-staff-member-wearing-t-shirt.html>.

<sup>64</sup> *Id.*

<sup>65</sup> Equality Act 2010, Section 89(2).

“due regard” to eliminating unlawful discrimination, harassment and victimisation; it must advance equal opportunity; and it must foster good relations among people.<sup>66</sup> “Due regard” has been defined by the Department of Education, in advice provided for school leaders and governors, as: “*The duty to have ‘due regard’ to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications.*”<sup>67</sup> All three of these objectives can be done in a manner consistent with upholding parental rights for Christian families.

50. Under section 78 of the Education Act 2002, schools must also provide a “*balanced and broadly-based curriculum’ which promotes ‘the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepares pupils at the school for the opportunities, responsibilities and experiences later in life.*”<sup>68</sup> Schools have a legal obligation to fulfil section 78 in a manner consistent with parental rights and Protocol 1, Article 2 of the Human Rights Act 1998.

51. Finally, schools are also obliged to promote fundamental British values as part of the curriculum. The Department of Education’s guidance on this issue defines the 4 British values to be promoted as: democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.<sup>69</sup> The definition of these values is non-statutory in nature and is meant to inform schools regarding their obligations under Section 78 of the Education Act 2002 as defined above.

52. This is the sum total of the equality duty, none of which sets any requirement to endorse or acquiesce to issues which might offend the parental rights of Christian families and the manner in which they wish to raise their children according to their own Biblical beliefs. Nonetheless, schools increasingly have run roughshod over parental rights on LGBT issues, marginalising parents and characterising Christian families as part of the problem that they must overcome to enlighten pupils in relation to prevailing cultural ‘norms’.

### **(c) The Public Benefit of Promoting Values Based Education**

53. “*Thou shall love thy neighbors as thyself,*” the words enshrined in Matthew 22:39, embody the Judeo-Christian principle commonly known as the ‘Golden Rule’. Immanuel Kant notes that this external commandment to further your neighbour’s welfare from good-will that is immediate and not derived from motives of self-advantage, is premised on the internal commandment to love God above all.<sup>70</sup>

54. While the ‘Golden Rule’ can certainly be applied as a secular truth, forgetting the faith-based origins of it and creating educational policies which focus on values that are

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<sup>66</sup> Cf. Equality Act 2010, Sections 84, 89, and 149.

<sup>67</sup> Department of Education, *The Equality Act 2010 and schools: Departmental Advice for school staff, governing bodies and local authorities*, May 2014.

<sup>68</sup> <https://www.legislation.gov.uk/ukpga/2002/32/section/78>.

<sup>69</sup> Department of Education, *Promoting Fundamental British Values as Part of the SMSC in Schools: Departmental Advice for Maintained Schools*, November 2014. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/380595/SMSC\\_Guidance\\_Maintained\\_Schools.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/380595/SMSC_Guidance_Maintained_Schools.pdf).

<sup>70</sup> Immanuel Kant, *Religion Within the Limits of Reason Alone*, Book IV, Part 1, Section 1. Cf. Matthew 22:38.

hostile or indifferent to faith becomes self-negating and does not guarantee full respect for others.<sup>71</sup>

55. Respect and promotion of faith-based values provide a conceptual underpinning for loving your proverbial neighbour. Moral relativism and secular humanism on the other hand do not have a moral anchor; providing no core source from which true equality based on equal dignity can be sustained. Rather than being a shield to defend the principle of equality, moral relativism often can be a sword which inspires division and the denial of dignity for all.
56. The fact is that Parliament, and by extension the Department of Education and Ofsted, have a compelling state interest in promoting and guaranteeing values-based education which respects families with faith backgrounds.
57. Kathryn Chan, in the Oxford Journal of Law and Religion, provides an illuminative definition of what is sometimes referred to as the ‘wellspring’ argument supporting the advancement of faith and religion as a public benefit: “*The advancement of religion is for the public benefit because persons who ‘have and practice a religion’ contribute disproportionately to the general ‘redistributive’ project of charity law – namely, the transfer of resources from persons to charitable purposes without the direct coercion of the state.*”<sup>72</sup>
58. She notes that evidence to substantiate the ‘wellspring’ argument is readily available, citing a Canadian study suggesting that it is uncontroversial that religious institutions have historically played an integral role in the provision of social welfare services, caring both for their own members, and for the broader population.<sup>73</sup> Credible studies also evidence that faith-based organisations and churches represent physical safe spaces not only for their congregations and members, but also for the community at large through complex social networks.<sup>74</sup> The National Congregations Study (2006–2007), for example, found that 45% of congregations were involved in formal delivery of social services, while another 27% were involved informally.<sup>75</sup>
59. Studies done here in the United Kingdom have shown that children who grow up in faith-based households tend to do better academically than other children at O level, A level and at university.<sup>76</sup> The Journal for the Scientific Study of Religion has also found that students who attended church weekly while growing up had significantly more years of total schooling by their early thirties than peers who did not attend church.<sup>77</sup> A Pew Research Study on religion and education also found that students of Jewish and Christian background are more likely to receive Higher Education degrees than the non-religious.<sup>78</sup>

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<sup>71</sup> See e.g.: Message of His Holiness Pope Benedict XVI for the Celebration of the World Day of Peace, 1 January 2011, §3.

<sup>72</sup> Kathryn Chan, *The Advancement of Religion as a Charitable Purpose in an Age of Religious Neutrality*, vol. 6 Oxford Journal of Law and Religion 112, 127 (2017).

<sup>73</sup> Paul Bramadat and David Seljak (eds), *Christianity and Ethnicity in Canada* (University of Toronto Press 2008)(as cited in Chan, 2017).

<sup>74</sup> Dr. Chisara N. Asomugha *et al.*, *Faith-Based Organisations, Science and the Pursuit of Health*, vol. 22, no. 1 Journal of Health Care for the Poor and Underserved, 50, 50-51(2011).

<sup>75</sup> M Chaves, SL Anderson, *Continuity and Change in American Congregations: Introducing the Second Wave of the National Congregations Study*, *Sociol Relig.* 2008; 69: 415–40 (as cited in Asomugha, 2011).

<sup>76</sup> Alice Sullivan, Samantha Parsons, Francis Green, Richard D. Wiggins, George Ploubidis & Timmy Huynh, *Educational attainment in the short and long term: was there an advantage to attending faith, private, and selective schools for pupils in the 1980s?*, vol 44, no. 6 Oxford Review of Education, 806, 818 (2018).

<sup>77</sup> L.D. Loury, *Does Church Attendance Really Increase Schooling?*, 43 *Journal for the Scientific Study of Religion* 119-127 (2004).

<sup>78</sup> Pew Research Center, “Religion and Education Around the World” (December 2016), available at <http://www.pewforum.org/2016/12/13/religion-and-education-around-the-world/>.

60. Precisely stated, children who grow up within a framework where faith and values are sincere and dynamic have been shown to do better academically and on average, achieve greater success in higher education. As adults, studies prove that people of faith provide a disproportionate benefit to society by way of charitable giving and social outreach when compared to those who do not regularly attend a place of worship. Given the legal obligations surrounding parental rights in education, it would be sound policy and legally advisable to support the promotion of values which are in harmony with and respect the rights of families with faith backgrounds. The current educational scheme, as evidenced from the two cases studies above regarding gender identity and sexual orientation, has failed to serve parental rights and has in some schools caused open rebellion as a result. A system built around promoting Judeo-Christian values would remedy the existing inequalities in education among the protected characteristics while respecting parental rights.

### **(C) Marginalisation of Freedom of Religion: Cases**

61. This submission has identified several of the root causes of why Christians have become so marginalised in today's Britain. There are certainly more, such as the breakdown of the family culture, postmodern deconstructionist theory, the sexual revolution and so forth. What is important is how these causes have impacted Christian life in the United Kingdom. The following section will look at some of the real-life victims of this marginalisation. All have been supported by the Christian Legal Centre.

62. Barry Trayhorn<sup>79</sup> is an ordained Pentecostal minister who was forced to resign from his post as a gardener at HMP Littlehey, after a complaint was made by an anonymous prisoner about Bible verses he quoted at a prison chapel service where he volunteered. Barry quoted from 1 Corinthians 6:9-11. The two verses, also as quoted in the employment Tribunal ruling, were: *"know ye not that the unrighteous shall not inherit the Kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, nor thieves, nor covetors, nor drunkards, nor revilers, nor extortioners, shall inherit the Kingdom of God. And such were some of you: but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the spirit of our God."*[ET 10.20] He finished his message by letting the prisoners know God's love for them: *"You may want to complain about this, but this is the word of God. God loves you and wants to forgive you"*

63. The Honourable Mrs Justice Slade DBE, presiding over Barry's case, mused during the proceedings that it may be alright for this verse to be read in St Paul's Cathedral but not in Littlehey Prison where there are vulnerable prisoners.

64. The case raises significant issues of freedom of worship and freedom of expression (the right to share Scripture during a voluntary church service). Fundamentally it asks whether our courts now deem Scripture they disagree with as being "hate speech". Where a Biblical message of repentance from sexual vice during a prison ministry service to sexual offenders is just cause for losing one's job, we must really re-think whether religious liberty and our God ordained duty to preach the gospel message have become dead letter in British law. Has a right to not be offended been adopted into our law even where offense is in the best interests of the

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<sup>79</sup> <http://www.christianconcern.com/cases/barry-trayhorn>.

hearer? Barry's case exemplifies a potential watershed moment in the history of our courts where even our pastors and ministers can lose their jobs for disagreeing with the cultural orthodoxy of the day.

65. Felix Ngole<sup>80</sup> is a Christian student who has been removed from his master's degree in social work at the University of Sheffield after he made comments on his personal Facebook page in support of biblical teaching on marriage and sexual ethics. Felix was told that, by posting his comments on Facebook, he *"may have caused offence to some individuals"* and had *"transgressed boundaries which are not deemed appropriate for someone entering the Social Work profession."* *The case represents an egregious incidence of viewpoint discrimination whereby Felix has been disciplined not for the subject matter he addressed, but for the side he took in the debate. The case highlights the reality that some universities are seeking to create a bar to certain professions which would make it impossible for authentic Christians to practice those vocations.*
  
66. Counsel for the University of Sheffield, Sarah Hannett of Matrix Chambers, told the Court that the University's policy *"is not just that the services must be provided without discrimination, but without perception of discrimination, and that required the removal of Mr Ngole from the course."* She denied that there was a nexus between his sharing his opinion on biblical marriage and his Christian faith yet nonetheless argued that Felix was removed not for what he said, but the manner in which he said it.
  
67. Christian Legal Centre standing counsel Paul Diamond rightly pointed out that this is a distinction without difference. The genuineness of this argument also smacks of dubiousness as no students from the University of Sheffield who have used their Facebook pages to promote social views which the university agrees with, including on this topic, have ever been punished. The matter has been granted judicial review by the High Court. Its ruling will have widespread implications in all of our daily lives, including higher education and employment. The case stands for the fundamental principal that Christians enjoy the same freedoms to express their opinions as everyone else in the public square without fear of being expelled from their profession of choice or otherwise punished.
  
68. Mike Overd<sup>81</sup>, together with another street preacher, Michael Stockwell, had been convicted of a 'religiously aggravated' public order offence, following their arrest in July 2016. He and his friends had been preaching in a Bristol shopping area and responding to questions, objections and abuse. Despite being the victim of verbal assault, only the street preachers were arrested and charged. The ruling was eventually overturned on appeal.
  
69. Prosecutor Ian Jackson also told the court that *"although the words preached are included in a version of the Bible in 1611, this does not mean that they are incapable of amounting to a public order offence in 2016."* The conviction was reminiscent of a modern-day heresy trial. Freedom of religion and the right to express one's faith are fundamental to the law and to a vibrant democratic society. In fact, religious tolerance is the very barometer by which the health of a democracy can be judged. The views of Mr. Jackson, as well as the Magistrate's Court which convicted Mr. Overd and Mr. Stockwell, evidence a deep and very dangerous

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<sup>80</sup> <http://www.christianconcern.com/cases/felix-ngole>.

<sup>81</sup> <http://www.christianconcern.com/cases/mike-overd>.

cultural shift fed by intolerance and ignorance of both the Christian message and the prevailing legal protections for Christian speech.

70. Victoria Wastenev<sup>82</sup> was suspended from role as a Senior NHS occupational therapist for nine months following complaints from a Muslim colleague about “unwelcome proselytism”. Victoria, who is head of Forensic Occupational Therapy at a London hospital, began sharing her faith with a Muslim colleague over a period of several months during which time she believed they had developed a genuine friendship. During those conversations, Victoria invited her colleague to church; asked if she could pray for her (which she was given permission to do by the complainant); and gave her a book about a Muslim woman’s encounter with Christianity.
71. Upon being disciplined Victoria was not even allowed to cross-examine the complainant to gather a fair and impartial record of the actual events, a fundamental right of due process in any legal proceeding. The case evidences a systematic intolerance towards Christianity in the NHS. Victoria had hosted Christian worship services previously for interested patients which was shut down while other religions were fully accommodated and facilitated in practicing their faith. Regarding her case, Ms. Wastenev stated: *“What the Court clearly failed to do was to say how, in today’s politically correct world, any Christian can even enter into a conversation with a fellow employee on the subject of religion and not, potentially, later end up in an Employment Tribunal.”*<sup>83</sup>
72. Sarah Kuteh<sup>84</sup> is a Christian nurse with 15 years’ experience. She had been working at Darent Valley Hospital since 2007 where she had awarded promotions in the past for her competent service. Sarah, who at the time of her termination worked in pre-op assessment, was terminated for gross misconduct following a single written complaint and several purported verbal complaints to other nurses for sharing her faith.
73. Sarah typically saw 30-40 patients a week and had served several hundred during her tenure with the hospital. Part of the form which patients were required to fill-out included a question about their religious affiliation. The termination in light of her outstanding experience and there having been only been one formal complaint was grossly disproportionate.
74. Judge Martin Kurrein, hearing Sarah’s case before the Employment Tribunal, said that: *“people should not express anything about their own beliefs without it first being raised as a question by someone else”*. The Judge also apologised for his lack of religious literacy and any offense he may have caused as a result.
75. Sarah Collins, General Manager, Adult Medicine and Cancer Services at Dartford and Gravesham NHS Trust testified that there should be no tolerance for sharing one’s faith at work and that religious freedom must be circumscribed at the work place because it may bring discomfort to the public or to co-workers.

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<sup>82</sup> <http://www.christianconcern.com/cases/Victoria-Wastenev>.

<sup>83</sup> *Id.*

<sup>84</sup> <http://www.christianconcern.com/cases/sarah-kuteh>.



76. Sarah's case is important for many reasons including defending the right to share the gospel in the public square. Undergoing a medical procedure can be an emotional and terrifying experience. Sarah's loving attitude is the very definition of "good bedside manner".
77. Sarah also faced disqualification before the Nursing and Midwifery Council and was only recently reinstated following a period of suspension.
78. Vicky Allen<sup>85</sup> was a teaching assistant for special needs students at the Brannel School in Cornwall. She was responsible for teaching students with disabilities, including autism. She responded to a direct question from one of her special needs students, a 14-year-old, about whether she thought same-sex marriage was "ok". Minutes later the same student asked about whether the meaning of the rainbow symbol had changed.
79. Vicky, an experienced teacher who knew the pupil well and recognised that not addressing the subject would lead to him being nervous and disruptive, answered in accordance to her Christian faith. Neither the student in question or any of the other students present, expressed any offense or distress at the answers.
80. Vicky was later investigated for having shared her opinion and given a formal 12-month written warning. The Christian Legal Centre took her case believing that any such censorship of the gospel message must be vigorously challenged at every step. Thanks to the work of the Centre, before the case was heard by the Employment Tribunal, the Governing Body of the school issued a full apology expressing that Vicky had a legal right to share her Christian beliefs with students.
81. A Christian couple were rejected by their local council as candidates when they sought to adopt several children they fostered.<sup>86</sup> The reason given them for why they were not viable candidates to adopt the children who had been in their care and were making great improvements was that they expressed their views that children need both a mother and a father. While the denial has since been reversed, their views on parenting continued to affect their ability to adopt and had been described as being contrary to United Kingdom equality legislation. This matter uncovers the sad reality that those in charge of adoptions and foster care are allowing sexual politics to trump the best interests of the children in need of care. Eventually, with the help of the Christian Legal Centre, the family finally was able to adopt the children in question.
82. Svetlana Powel<sup>87</sup> is another of several teachers represented by the Christian Legal Centre who were punished simply for sharing their opinions, when queried by students, on the sanctity of marriage and the Christian view of homosexual behaviour. Svetlana has been a teacher for 16 years. She had also been an atheist for 30 years before becoming a Bible believing Christian.
83. During class discussion time with 17-18-year-old students, a student brought up the issue of same-sex marriage. Svetlana had previously discussed Christianity with the student on a 1-on-1 basis when the student acknowledged that he was a Christian. The discussion was premised by the fact that Svetlana was substituting for a teacher who was aggressively atheist and

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<sup>85</sup> <http://www.christianconcern.com/cases/vicky-allen>.

<sup>86</sup> <http://www.christianconcern.com/cases/christian-family-adoption-block>.

<sup>87</sup> <https://www.christianconcern.com/media/christian-teacher-dismissed-and-reported-to-prevent-for-telling-student-god-loves-you>.

shared his views openly with the students. Several students expressed offence over her comments about homosexual behaviour, which she premised by saying that God loves everyone, for which Svetlana was immediately sacked and then reported to Prevent.

84. When looking at the case, it is important to remember that former Secretary of State for Education Michael Gove, explained during the passage of the Marriage (Same Sex Couples) Bill that: *"...any teacher, if asked direct or invited to share his view by a parent or a student, is perfectly at liberty to say, with equal marriage—as with adultery, divorce or abortion— what their own moral view might be"*.<sup>88</sup> He further referenced the fact that this position had been, and continues to be the statutory guidance of the Secretary of State for Education since it was issued in 2000 under David Blunkett.
85. It is within this context, that is that Svetlana was acting in accordance with the prevailing guidance on this issue and was merely dialoguing with students who were near adulthood, that the Employment Tribunal made its ruling. The Tribunal nonetheless found that Svetlana had not been discriminated against for her Christian beliefs, despite the other teacher in question having done far worse including cursing at students and drawing a graphic photo of the female anatomy and showing it to his class. This teacher, who was used as the comparator for Svetlana's discrimination case received no punishment whatsoever and continues to work at the school.
86. Richard Page<sup>89</sup>, a Christian magistrate, was disciplined by a Cabinet minister and England's highest judge for saying that a child's best interests lie in being raised by a mother and a father. He was later removed as a non-executive director of an NHS Trust after an NHS panel unanimously removed him for holding opinions that go against the interests of health service for his beliefs in relation to parenting.
87. Employment Tribunal Judge Downs stated during proceedings that his instincts told him that *"this is a case which is crying to be heard."* It would seem that merely expressing Christian beliefs in the workplace, even where those beliefs are heavily fortified by the best available social science, may become a bar to employment. The case is set to be heard by the Employment Appeal Tribunal.
88. In relation to foster care, Eunice and Owen Johns<sup>90</sup> applied to foster a child in Derby but their application stalled because of their Christian sexual ethics. This was despite the fact that the Johns' were highly experienced foster carers with a long history of public service with children from troubled homes. In a High Court judgment, the judges failed to rule on the specific declaration sought by the Johns and stated that homosexual "rights" trump freedom of conscience in the context of fostering; that if children are placed with parents who have biblical Christian views, then *"there may well be a conflict with the local authority's duty to safeguard and promote the welfare of looked-after children"*.<sup>91</sup> The tax-payer funder Equality Commission made submissions against the Johns' stating that placing foster children with Christian parents runs the risk of "infecting them" with Christian views. The court ruled that

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<sup>88</sup> Marriage (Same Sex Couples) Bill Deb, 12 February 2013, c9.

<sup>89</sup> <http://www.christianconcern.com/cases/richard-page>.

<sup>90</sup> <http://www.christianconcern.com/cases/eunice-and-owen-johns>.

<sup>91</sup> *R (Eunice Johns and Owen Johns) and Derby City Council and Equality and Human Rights Commission* [2011] EWHC 375 (Admin), § 93.

councils can require the promotion of homosexuality as a pre-requisite to being allowed to foster. It also made it clear that councils can stop Christians from fostering children on this basis. As a result, the Johns remain unable to foster.

89. Sarah Mbuyi<sup>92</sup>, a Christian nursery nurse, was dismissed for gross misconduct from her job in a London children's nursery after saying that marriage is between one man and one woman. She made these comments during a conversation with a homosexual colleague in which she explained the biblical position on homosexuality and marriage in reply to her colleague's derision on Christianity's position on sexual ethics. Only by recourse to an Employment Tribunal, with the support of the Christian Legal Centre, did Sarah win her case against the nursery.
90. Gary McFarlane<sup>93</sup>, a relationship counsellor, was terminated from his position with Relate Counselling for gross misconduct for merely asking if he could be accommodated in his Christian beliefs on biblical sexuality, by not being required to counsel same-sex couples in matters pertaining to sexual activity. Gross misconduct is the harshest penalty available to an employer and as a result, Gary has essentially been blacklisted from the counselling profession altogether. Importantly, Gary's employment was terminated despite not actually having discriminated against anyone (he had simply made the query of his employer). In counselling, it is commonplace to refer clients out to other therapists for any number of reasons including conflict of interest, lack of scheduling capacity, or lack of competency in that area of counselling. The case was ultimately heard by the European Court of Human Rights.<sup>94</sup>
91. Domestic courts in the United Kingdom have even been unable to recognise the cross as a Christian symbol. Shirley Chaplin<sup>95</sup> and Nadia Eweida<sup>96</sup> were both told by their respective employers that they would no longer be able to wear a cross as part of their uniform policies. The issue was finally redressed by the European Court of Human Rights which stated that a cross worn for reasons motivated by faith must be distinguished from ordinary decorative jewellery. It noted that in a healthy democracy, tolerance and diversity demands that individuals be able to communicate their beliefs to others in ways such as visibly wearing a cross.<sup>97</sup> The Court rejected the United Kingdom's position, which relied on old Commission case-law, that religious freedom meant only the right to leave one's job and find another if they disagreed with any element of their job which limited the exercise of their Christian faith.<sup>98</sup>
92. The United Nations General Assembly has also been helpful in this regard. In its *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, it held that "*discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the*

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<sup>92</sup> <http://www.christianconcern.com/cases/sarah-mbuyi>.

<sup>93</sup> <http://www.christianconcern.com/cases/gary-mcfarlane>.

<sup>94</sup> *Eweida and Others v. the United Kingdom*, 48420/10, 36516/10, 51671/10, 59842/10, HEJUD [2013] ECHR 37 (15 January 2013).

<sup>95</sup> <https://www.christianconcern.com/cases/shirley-chaplin>.

<sup>96</sup> <https://www.christianconcern.com/our-concerns/religious-freedom/nadia-eweida-loses-next-stage-her-fight-wear-cross>.

<sup>97</sup> *Eweida and Others v. the United Kingdom*, 48420/10, 36516/10, 51671/10, 59842/10, HEJUD [2013] ECHR 37 (15 January 2013), § 93-94.

<sup>98</sup> *Id.*, § 83.

*International Covenants on Human Rights...*<sup>99</sup> The Declaration also called on States to respect the rights of religious adherents to use and manifest objects related to their religious faith.<sup>100</sup> Restrictions on the adornment of religious clothing or symbols may not be imposed for discriminatory purposes or be applied in a discriminatory manner.

## Conclusion

93. The purpose of this submission has been to provide Christians in Parliament clear evidence that life as a Christian in the United Kingdom can be very difficult. Intolerance and discrimination fed by secular humanist and LGBT campaigning has created institutional prejudices towards Christians. These prejudices have been documented in the work place, in the provision of goods and services, education, by Local Authorities and Social Workers, and among professional bodies and university programmes. While the statutory protections afforded Christian expression and belief are robust, they are nonetheless being misapplied or ignored by our courts and tribunals.

94. Perhaps the words of Sir James Munby sum it up best:

Religion is no longer the business of judges. The courts should not try to be the guardians of morality because there is no longer one definition of right and wrong in the wake of the sexual revolution. Judges should now take people as they find them. Beliefs about matters such as sex outside of marriage or homosexuality held by the majority in the 1960's are as distant to modern Britons as ancient civilisations such as Nineveh or Babylon.<sup>101</sup>

95. This hermeneutic has been adopted broadly by the courts, which have in turn viewed Christian beliefs as antiquated, and sometimes hateful. This muscular form of liberalism, to paraphrase Ofsted Chief Inspector Amanda Spielman,<sup>102</sup> views serious Biblical belief as extremist and close minded. Christian beliefs in this sense must not be tolerated in a democratic society.

96. The consequences of this worldview, we hope, are strongly evidenced by the numerous and serious marginalisation of Christians outlined in this submission. For those who are brave enough to challenge the cultural zeitgeist, punishment of some form is increasingly inevitable. For many other Christians, they have ceded this form of Christian expression all together in a form of self-censorship.

97. If these antecedent root causes are not fully identified and abated, and if churches, legislators and policy makers remain silent, the long-term consequences for Christianity in the United Kingdom will be serious and potentially permanent. The time to act is now.

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<sup>99</sup> Proclaimed by General Assembly resolution 36/55 of 25 November 1981, Article 3.

<sup>100</sup> *Id.* Article 6(c).

<sup>101</sup> Address to the Law Society (2013). <https://www.judiciary.uk/Resources/JCO/Documents/Speeches/law-morality-religion-munby-2013.pdf>.

<sup>102</sup> Cf. <https://www.secularism.org.uk/news/2018/02/ofsted-head-school-leaders-should-promote-muscular-liberalism>.

Respectfully submitted,

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**Roger Kiska**

**Legal Counsel**

**Christian Legal Centre**

**11 December 2018**

# Appendix

## Examples of Discrimination Against Christians in the UK

Collected in this appendix are 20 recent examples of Christians being discriminated against in the UK for expressing their Christian faith. We hope you will take the time to read through the press release for each example which represents another person who has suffered for their faith in the UK.

It should be remembered that the Christian Legal Centre helps over 200 clients every year. The vast majority of these cases never reach the media. Nevertheless, these people have called us because they are facing difficulties for expressing their faith in the UK.

This is just 20 examples from the last 18 months. Many more could be collected, and each example could be expanded further with personal reflections on the cost of expressing your Christian faith in the UK today.

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# 1. Magistrate removed for saying children best raised by a mother and father.

Press release 3 December 2018

## Historic case of ex-magistrate challenging top judges moves forward

In a hearing on 27 November 2018, ex-magistrate Mr Richard Page was granted permission to take his case against the Lord Chancellor and Lord Chief Justice to the Employment Appeal Tribunal.

Mr Page, 72, was removed as a magistrate by the Lord Chancellor and Lord Chief Justice in 2016 for expressing his view that it was in a child's best interests to be raised by a mother and a father. Mr Page is accusing the most senior judges in England and Wales of victimising him for his deeply-held Christian and philosophical view that children do best when raised by a mum and dad in a committed, stable relationship.

The Christian Legal Centre is supporting Mr Page, who was represented in court by the highly-experienced religious freedoms barrister, Paul Diamond.

### Exemplary record

Mr Page served as a magistrate for 20 years with an exemplary record until, in July 2014, he dissented in a judgment relating to an adoption by a same-sex couple. Expressing the view that it was in a child's best interests to have both a mother and a father, he was reported for his actions, reprimanded, and forced to attend 're-education training', which he duly did.

In March 2015, Mr Page spoke on a BBC television programme where he further explained his opinion, saying "My responsibility as a magistrate as I saw it was to do what I considered best for the child, and my feeling was therefore that it would be better if it was a man and a woman who were adoptive parents."

This common-sense statement led to an investigation by the Judicial Conduct Investigations Office's disciplinary panel. They recommended to the Lord Chief Justice and the Lord Chancellor that Mr Page should be removed from office for serious misconduct, saying that "*any reasonable person*" would "*conclude that [Mr Page] would be biased and prejudiced against single sex adopters*". Mr Page was removed from the Magistracy on 29 February 2016 for bringing the judiciary into disrepute.

On the 16 February 2018, the Employment Tribunal upheld this decision.

### Within the bounds of judicial functions

Representing Mr Page, barrister Paul Diamond argued that although judges are expected to show restraint while commenting in public, Mr Page's remarks were well within the bounds of his judicial functions - and that Mr Page had therefore been victimised.

In legal argument before the judge, Mr Diamond compared Mr Page's comments to those of Judge Pickles, who described the Lord Chief Justice, Lord Lane, as a "*dinosaur living in the wrong age*" and

the Lord Chancellor, Lord Hailsham, as a "*brooding Quixotic dictator*" born with a golden spoon in his mouth and as "*an arrogant, pompous, toffee-nosed Old Etonian*".

He also noted other members of the judiciary who publicly stated their political views, such as Lord Phillips who, in 2009, provoked concern when he voiced 'sympathy' for assisted suicide, shortly after having decided the Purdy v DPP case on the very same point.

Similarly, in a speech in May 2018, Lord Justice Munby, the President of the Family Division, said that he welcomed and applauded single parent, unmarried, three parent, and polygamous households; and the demise of the typical nuclear family was, by implication, not a matter of concern.

### **Judges are permitted to hold even 'intolerant' views**

Her Honour Judge Katherine Tucker allowed Mr Page's appeal to proceed, saying that judges have a fundamental role in democratic society. She said that judges are permitted to hold even 'intolerant' views that should be respected - but that there may be limits as to how they can be expressed so as not to impugn the impartiality of the courts.

Responding to the decision, Mr Page commented:

*"I am amazed that it has taken so long to get this far. It is vital that we maintain the true independence and impartiality of the judiciary and that ordinary people like me are not excluded from it."*

Andrea Minichiello Williams, chief executive of the Christian Legal Centre which is supporting Mr Page said:

*"This is an important moment, shining a light on how justice is done in our country. Even the top judges in the land should not be beyond proper scrutiny and we are glad to see Richard's claim go forward."*

*"It was always disproportionate to remove a kind-hearted and long-serving public servant like Richard from his position simply because of the way that he expressed his beliefs."*

*At the Christian Legal Centre, we see many people removed from public life for expressing views. We will continue standing by Richard, and others like him, as long as it takes for the legal system, and society in general, to recognise the positive impact of Christians in our nation's life."*



## **2. Primary school children compelled to take part in a 'Gay Pride' event.**

**Press release 20 November 2018**

### **Parent to confront primary school governors over treatment following Gay Pride complaint**

A PARENT will today challenge the governors of a primary school after it compelled primary-aged children, as young as five, to take part in a 'Gay Pride' event.

Mrs Izoduwa Adhedo is one of a group of parents of children at Heavers Farm Primary School in South East London who complained at their children being forced to take part at the event, which took place in June 2018.

Several of the parents, including Mrs Adhedo, have reported that they were treated dismissively and victimised following their complaints.

At the meeting, Mrs Adhedo will raise concerns about the behaviour of senior members of staff, including that they misled her with incorrect statements of law and failed to follow proper procedures.

Despite requests from other parents, only Mrs Adhedo has been permitted to attend today's meeting.

### **No opt outs allowed**

In June 2018, the Headteacher of Heavers Farm Primary School in South East London made all pupils take part in a Pride parade within the school. Despite numerous complaints from parents, they were informed that no 'opt outs' would be allowed.

Parents who complained were treated dismissively and, in several cases, have reported that the school retaliated against them by barring them from the school premises or treating separate safeguarding complaints dismissively.

When one family asked to meet the Executive Headteacher, Ms Susan Papas, to discuss the issue, they were joined at the meeting by the head's daughter, also a member of staff, who confrontationally wore a t-shirt asking, *"Why be racist, sexist, homophobic or transphobic, when you could just be quiet?"*

Parents also say that they have been misled with incorrect statements of law when they challenged the school on the issue of the Pride event.

Parents claim that the school is forcing a very aggressive LGBT agenda onto children under 12 years of age in a manner which abuses parental rights and victimises parents. Many of the complaining parents are fearful of speaking to the press over concerns that their children will be further victimised and/or expelled.

The Christian Legal Centre is providing support to the group of parents as they challenge their treatment and knows of at least ten families that are raising objections.

### **Education, not indoctrination**

Mrs Izoduwa Adhedo commented:

*“After I complained about my young child being forced to take place in an event that goes against our Christian beliefs, the school’s attitude towards me changed completely. I know other parents who are afraid to speak up because of how the school has treated me.*

*“It was like being bullied. They stopped treating me like any other parent but were antagonistic towards me. I believe that they retaliated against me by unreasonably excluding me from the premises, victimising my child and not taking my safeguarding concerns seriously.*

*“I wasn’t even trying to stop the Pride event. I just wanted my child to receive an education, rather than indoctrination.”*

Andrea Williams, Chief Executive of the Christian Legal Centre said:

*“In another example of ‘totalitolerance’, those who preach tolerance and diversity the loudest do not appear to be interested in practising it.*

*“The treatment of parents at Heavers Farm Primary School represents one of the most chilling breaches of parental rights I have ever seen in my many years of working on educational issues.*

*“Education is always a partnership between the school and parents, but the school’s actions show disrespect, dismissiveness and hostility towards these parents. A particular agenda is being forced onto children inside the school gates and parents are being given no means to ensure that their children are being taught in line with their religious and philosophical beliefs.”*

### **3. Christian event at Lady Margaret Hall, Oxford requires additional security.**

**Press release 25 October 2018**

#### **Statement concerning Lady Margaret Hall and the Wilberforce Academy**

Christian Concern can confirm reports in the media that we have made enquiries about hosting our 10th annual Wilberforce Academy at Lady Margaret Hall (LMH), Oxford in 2019.

Although we understand that the college's Junior Common Room (JCR) has voted to oppose our booking, our correspondence has been directly with the college which has the requisite management and decision making power on these issues. As a charity, the university has a duty to maximise the use of its assets.

Today (25 Oct), the college wrote to inform us that if they were to host our event, they would require us to pay for additional security, due to the likelihood of members of the LMH community – including staff and senior members – wishing to “express vehement disagreement” and engage in “sustained, “very noticeable” protest.

It seems that the college is afraid that members of its own community would be unable to maintain peaceful protest, bringing into question their commitment to their own college value of ‘fairness – openness and equality’. Surely if students or staff members were to act in violent or aggressive ways towards visitors to the college, then this would be covered under the college's normal code of conduct for staff and students and the usual disciplinary measures could be taken against such action. We recognise the value of peaceful protest but the usual procedure for any responsible hosting organisation is to contact the police who, paid for by tax payers, will make an assessment and provide cover.

We are perplexed as to how the historic Christian view of marriage, gender and sanctity of life would constitute a threat to students' “physical and mental safety”. We have held 9 other Academies in Oxbridge colleges. Students there have been able to cope and neither we, nor those universities have heard of any harm caused by our events. On the contrary, we have often been told that we were exemplary guests.

We have written to ask the college what the expected costs would be for the additional security that they believe is necessary to prevent their own community members causing disruption to our event.

It is disappointing that the college and its students would appear to feel so threatened by an event promoting the same Christian values as Oxford University has so clearly been shaped by.

#### **Further information:**

The full text of the letter from the college's Domestic Bursar is reproduced below:

*“Dear XXXX,*

*Thank you for talking to me about this – I said that I would follow up on email.*

*We are aware that previous conferences you have held at Oxford and Cambridge have caused considerable disquiet. Your publications setting out your thinking on such issues as homosexuality and abortion have caused great offence to members of our community. Our policy on conference bookings, agreed by Governing Body, states that we will not accept bookings from organisations which promote values which are in conflict with those of the college. Those values include free speech. But we are also an inclusive college which does not, for instance, discriminate against people on grounds of sexuality.*

*We would also draw your attention to the University's policy on free speech, adopted by the College, which states: "Wherever possible, [all voices and views] should also be exposed to evidence, questioning and argument."*

*In the event you do wish to come to LMH we felt it fair to alert you to the strong likelihood that members of our community - including staff and senior members - would wish to express vehement disagreement with your views and might well want to protest at your presence in the college. I think you should anticipate that any protest LMH could be sustained and very noticeable. We have noted that your own organisation regularly takes part in forms of public protest.*

*If you still wish to be considered for a booking, this would now be a matter for our Governing Body, which meets next week. It would be a great help, should you wish to proceed, to know if you would be willing to accept two conditions:*

*1) It is possible that LMH would have to take additional security measures in order to guarantee your ability to hold discussions and classes in the college. We would want an undertaking that you would pay these costs.*

*2) Given the university's policies on free speech we would ask you, during your stay in the college, to engage in a meaningful dialogue - format to be decided - with any members of the college who wished to expose your thinking to "evidence, questioning and argument."*

*The matter will be discussed at the a meeting on October 31st. If you could let me know your current intentions by tomorrow (Friday) that would be very helpful.*

*I look forward to hearing from you. "*

## 4. Calls for 'buffer zones' around abortion clinics

19 September 2018

### **Pro-Life charity's freedom of speech restricted as abortion clinic buffer zones rejected**

*In a victory for freedom of speech, the Home Secretary, Sajid Javid, has rejected calls for 'buffer zones' to be introduced outside abortion clinics, saying that they "would not be a proportionate response" to pro-life activities. This ironically comes as a pro-life charity has been banned from having a stall at freshers' fairs in three different universities.*

### **Home Secretary rejects 'buffer zones'**

Sajid Javid, the Home Secretary, has rejected calls to impose 'buffer zones' outside abortion clinics to stop pro-life supporters from protesting abortion, calling them a disproportionate response to what actually takes place outside these clinics.

A recent review by the Home Office into violence and harassment outside abortion clinics has found minimal evidence of these activities, concluding that they *"are not the norm, and predominantly, anti-abortion activities are more passive in nature"*. In fact, the main activities mentioned are praying, displaying banners and handing out leaflets.

Mr Javid also cited existing legislation, such as the Public Order Act 1986, saying that laws were already in place to stop harassment or intimidating behaviour outside abortion clinics. This means that police already have the power to impose certain conditions on any demonstration if they believe it could result in public disorder or its purpose is to intimidate others.

### **Ealing Council's 'buffer zones'**

Speaking to BBC Radio 4, Binda Rai, an Ealing Councillor who has actively supported abortion clinic 'buffer zones', argued that the law is unclear and allows women to be 'hijacked' in a *"very manipulative process"*.

In April this year, Ealing Council voted to implement a Public Spaces Protection Order (PSPO) outside the Marie Stopes Clinic, which states that, *"protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling"*. This so-called 'buffer zone' is still active.

Clare Murphy, from the British Pregnancy Advisory Service, which provides abortion services in the UK, said that the charity would seek to work with councils to implement similar 'models' to that of Ealing to 'protect' women and staff from pro-life supporters.

### **An 'issue of free speech'**

However, pro-life supporters said that their aim is simply to offer support to women who feel they have no other choice.

Alina Dulgheriu was supported outside an abortion clinic and has said that when she met the group, *“it was the first time that I felt I had a choice ... If it weren’t for the real, practical and emotional support that I was given by them, my daughter would not be here today”*.

The Home Secretary has said that the matter will remain under review, however his statement rejecting ‘buffer zones’ comes as a welcome victory for pro-life supporters.

Antonia Tully, of the Society for the Protection of Unborn Children said that *“this is a massive victory for common sense, democracy and above all for the hundreds of vulnerable women who are saved from the horror of abortion at the very gates of the abortion clinic”*.

Andrea Williams, of Christian Concern, has said that this is primarily an “issue of free speech and freedom of expression”, and that people protesting outside abortion clinics are *“just wanting to help people who are often facing a crisis and struggling to know what to do”*.

In his statement, the Home Secretary recognised that *“in this country, it is a long-standing tradition that people are free to gather together and to demonstrate their views”*.

### **Freedom of speech threatened at Warwick University**

This news comes as pro-life charity, Life, has been refused a stand at Warwick University’s freshers’ fair, alongside two other universities that have rejected their application.

Warwick Students’ Union said it supports a *“pro-choice stance”* following a democratic vote and therefore has no obligation to allow the charity on campus.

The Office for Students said that although it ‘champions’ freedom of speech in universities, their responsibilities do not extend as far as students’ unions.

Anne Scanlan, the charity’s director of education, said that *“Life has, on many occasions, been impeded in its right to freedom of expression on university campuses because of the actions of student unions, some of which have adopted a pro-abortion policy.*

*“No university or institution on their campus should be allowed to discriminate against pro-life students or pro-lifers in general.*

*“For too long, student unions have operated as a law unto themselves. Whilst universities provide lip service to the principle of freedom of speech, on their campuses free speech is often impeded or blatantly violated by student unions.”*

While the government might be happy to back the freedom of speech and expression on this occasion, it appears we still have a long way to go in practice. As a Church, we need to stand up to protect life.

## 5. Christian Chaplain excluded from HMP Brixton.

Press release 16 September 2018

### Chaplain branded 'extreme' wins return to HMP Brixton

A Christian volunteer chaplain who was controversially barred from HMP Brixton after unsubstantiated complaints has won his battle to return to the prison.

Pastor Paul Song volunteered at the prison for nearly 20 years but last year was told by the senior Muslim chaplain: *"If you do turn up here without my prior permission, your keys will be confiscated, and you will be walked to the gate"*.

A prison official later told Pastor Song that the decision to remove him as a volunteer chaplain was "permanent and with immediate effect", following accusations from the Muslim chaplain that Pastor Song had called a prisoner a 'terrorist'.

But following an independent review, the decision has been overturned and Pastor Song has restarted his chaplaincy work at the prison.

#### Excellent record

No complaints had been made about Pastor Song's ministry or his attitude towards prisoners. Pastor Song had been a volunteer chaplain at HMP Brixton for nearly 20 years. He had an excellent rapport with both prisoners and staff - with many former prisoners speaking glowingly about the support they've received from Pastor Song.

He was so trusted in his role that he had freedom to come and go from the prison as was necessary.

During his ministry at HMP Brixton, Pastor Song had used various Christian resources to run his courses, including *Alpha* and *Just 10*, and had always enjoyed the support of the previous senior chaplain, Reverend Philip Chadder. His courses had a capacity of 70 and were always oversubscribed.

But after Imam Mohamed was appointed as senior chaplain in 2015 things changed drastically.

Pastor Song explained, *"Imam Mohamed's discriminatory agenda was clear from the outset. He began scrutinising the material for each of our courses, commenting that the material was 'too radical', and that the Christian views expressed were 'extreme'. He paid scant regard to the fact that the courses are mainstream Christian courses, used by churches throughout the world. He also said he wanted to 'change the Christian domination' within HMP Brixton."*

Imam Mohamed asked Pastor Song to stop running the courses, which he reluctantly agreed to do, but he continued to work with individual prisoners.

#### Pastor Song excluded

Not content with simply shutting down Pastor Song's courses, in August 2017, Imam Mohamed sent him an email saying, *"You do not have permission to enter the wings, nor do you have the permission*

*to speak to any prisoners here at HMP Brixton. If you do turn up here without my prior permission, your keys will be confiscated, and you will be walked to the gate”.*

Pastor Song recalls, “I was absolutely bemused. I had no prior indication that there was a problem. No details of any problem had been given, and so, maybe against my better judgement, I wanted to discuss the matter face-to-face as I was sure there had been a misunderstanding.” Accordingly, he met with Imam Mohamed, who told him he was no longer welcome at the prison and said he had no right to appeal against the decision.

It was not until he received a letter from Graham Horlock (Head of Reducing Re-offending at HMP Brixton) that Pastor Song learned of the accusations made against him. It was alleged that he had called a prisoner a ‘terrorist’ and that he had made reference to Isis. The letter went on to say that the decision to remove him as a volunteer chaplain was *“permanent and with immediate effect.”*

Commenting at the time on the allegations against him, Pastor Song said, *“When speaking with prisoners, staff members or anyone else, I would never make offensive comments. The Bible exhorts believers to ‘love thy neighbour as thyself’, and to ‘let thy light shine before men’, and so being intentionally offensive would violate these commandments.”*

He continued, *“The whole reason I was serving at Brixton was because of my desire to bring the good news of the gospel to people, regardless of their religion or background. I believe that it has the power to transform the lives of all who believe, and so I would never do anything which may cause an individual to not want to hear the Christian message.”*

### **Over 40,000 people sign petition to reinstate Pastor Song**

Pastor Song’s story was featured widely in news media. After he sought help from the Christian Legal Centre, a petition was started, asking the prison’s governor, David Bamford, to reinstate him. Over 40,000 people have since signed the petition.

Theresa Villiers MP submitted a written question to the Secretary of State for Justice, asking if he had discussed the matter with the prison governor and if he would *“take steps to press for that pastor’s reinstatement”*.

### **Pastor Song's legal action**

With the assistance of the Christian Legal Centre, Pastor Song set about challenging the decision to dismiss him and made an application for the decision to be judicially reviewed.

In May this year, he agreed to stay the proceedings on the understanding that Her Majesty’s Prison Service carry out an independent review into the events surrounding his dismissal. The review would be conducted by Sara Pennington, Governor of HMP Elmley.

The meeting with Governor Pennington was very open and honest and Pastor Song was given every opportunity to state his case. At the conclusion of the meeting, Governor Pennington confirmed she would compile a report that summarised her findings.

### **A successful outcome**

On 16th August 2018, Pastor Song met with David Bamford, the Governor of Brixton Prison, to discuss Governor Pennington’s report. Governor Bamford confirmed that the report concluded



that *“the decision to exclude Paul Song from HMP Brixton is not a reasonable one; due process was not followed in line with PSI42/2014 for the exclusion of an individual. I therefore recommend that Paul Song be reinstated as a volunteer chaplain at HMP Brixton”*. Governor Bamford agreed that all of Pastor Song’s prison passes should be restored and that he should resume his duties as soon as practicable.

After the meeting Pastor Song said, *“I am so pleased with the outcome and I have seen God at work. I did not expect them to allow me back, but why am I surprised, why did I not have greater faith? After all, the accusations against me were false. I didn’t say the things I was accused of and now I can get back in and help the prisoners.”*

Andrea Williams, chief executive of Christian Legal Centre said:

*“We are delighted that Pastor Song is once again able to bring his life-changing ministry to prisoners at Brixton Prison.*

*“We have worked extensively on many fronts to see Pastor Song reinstated – through legal support, detailed research and grassroots campaigning. It is wonderful to see justice done and prisoners once again benefiting from Paul’s ministry.*

*“Christian ministry in prisons has a long history, and its presence is essential for the rehabilitation and transformation of lives. Paul’s work has led to many prisoners in HMP Brixton turning their lives around, and we’re delighted that prisoners who are desperate for a new way of life will again be able to see Paul.”*

## 6. Christian scoutmaster excluded for criticising promotion of Islam and LGBT events.

Press release 9 September 2018

### Scouts give up in Christian scoutmaster's discrimination case

The Scout Association has agreed to settle a discrimination claim of Mr Brian Walker, a veteran scoutmaster expelled from the Association last year for criticising its official magazine for "promoting" Islam and LGBT pride events.

Mr Walker, 62, supported by the Christian Legal Centre, brought a claim alleging discrimination on the grounds of his Christian beliefs.

In August, he accepted the Scout Association's offer to pay damages and compensate his legal costs in an out-of-court settlement. Mr Walker intends to donate the entire sum of the award to the Christian Legal Centre, to be spent on similar cases challenging anti-Christian discrimination.

The agreement was reached less than a month after a court hearing in Bristol where a judge refused the Scout Association's application to "strike out" Mr Walker's claim as having no real prospects of success.

### Expelled for concerns about drift from Christian roots

Having dedicated 52 years of his life to the Scout Movement, Mr Walker was barred from membership for writing to the movement's official magazine expressing his concern that the charity was moving away from its Christian roots.

In his letter, Mr Walker raised several concerns:

- that the movement was promoting political correctness and interfaith issues (even encouraging scouts to visit a mosque); but for St George's Day advised using a non-religious venue for St George's day services and celebrations.
- that in the Scouting faith calendar, no meaning was attached to the Christian festivals of Christmas and Easter; but that Islam was widely promoted.
- that the magazine should be careful in promoting Islam, given the way the religion treats women and their rights.
- that an article showed a female Muslim scout leader taking girls canoeing wearing her full Islamic veil. Concerned about safety, he wrote "*Hello! Canoeists don't dress like that... because they need all round unobstructed vision so they protect the group, and of course they will most likely drown wearing that Darth Vader tent!*".

His letter, sent to Scouting Magazine's editor on 18 March 2017, was never published, but the Scout movement's District Commissioner for Bristol South, Scott Stowell, wrote back to Mr Walker to expel him with immediate effect.

Mr Walker, supported by the Christian Legal Centre, appealed his dismissal from the organisation.

However, in a meeting of the Appeal Committee on 7 June 2017, although Mr Walker stated *“I did not mean to offend anyone personally, but was making a wider point about the values of Scouting”*, the panel agreed with the original decision and advised Mr Walker that his membership was cancelled.

### **Scouting “based on Christian principles”**

Half a year later, Mr Walker brought a legal action for discrimination against him on the grounds of his Christian beliefs, and alleging that the Association had breached its own Equal Opportunities Policy. He said at the time:

*“Scouting was started in 1908 by Sir Robert Baden-Powell, based on Christian principles, whilst welcoming those of all faiths and none. Over recent years, I have been concerned that the movement has increasingly promoted Islam above Christianity. Islam is not what has given the scouting movement its inclusive and welcoming nature.*

*“The irony is that the Chief Scout is Bear Grylls, an internationally-known Christian who is the figure-head for the Alpha Course - which specifically states that Jesus is the only way to God and that Christianity is unique! Their own Chief Scout believes this, and says this publicly, and yet, when I, as a grass roots member for 52 years, challenge the values in a letter which is not even published, I am silenced and dismissed.*

*“I am raising this case as I believe the fundamental values of Scouting are being undermined. Parents need to be made aware of what is happening at the centre of Scouting, and will eventually flow out into the local groups. We need to act now to maintain and protect the values on which the movement was based.”*

## 7. Vue Cinemas blocks 'ex-gay' film.

Press release 8 August 2018

### **Vue Cinemas admits it was unlawful to block 'ex-gay' film**

**In a significant victory for freedom of expression, cinema chain Vue has admitted that it was wrong to block the screening of an 'ex-gay' film, and settled in full a legal claim brought against them.**

The feature-length documentary, 'Voices of the Silenced', profiles individuals who have successfully moved away from same-sex attraction behaviours, and question their "gay" identity.

The film was due to be shown to an invited audience of 120 at the Vue Cinema in Piccadilly in February 2018.

#### **'Value clash'**

Following media coverage of the film's content, however, the cinema abruptly cancelled the booking just the day before the proposed screening, claiming that the film might be "unlawful".

In a letter to organisers, the cinema said:

*"it has recently come to our attention that the film which was due to be screened does not accord with Vue's fundamental values and beliefs, would cause serious and widespread offence and may be unlawful."*

The cinema did not articulate how the film breached its fundamental values and beliefs, or explain the grounds for claiming that it might be "unlawful".

#### **'Settled in full'**

Although an alternative venue was eventually found for the screening, the organisers launched legal action against the cinema group, claiming breach of contract and seeking compensation for wasted expenses.

Last week, lawyers acting for the cinema group admitted breach of contract and settled the claim in full.

#### **'A victory for freedom of expression'**

Responding to the news, Dr Mike Davidson, who produced the documentary, and represents the Core Issues Trust, said:

*"I am delighted that freedom of expression has won today. We worked hard to create Voices of the Silenced because we believe that it contains a very important, highly-relevant message - people can change. This population have been failed by Mental Health Services because they are denied professional counselling respectful of their world view."*

*"Vue Cinemas has recognised that it was wrong to block us from showing the film. I hope that in future they won't fold under pressure from LGBT activists who want to suppress the voices of those who want to move away from same-sex attraction and behaviour."*

**'Voices that need to be heard'**

Andrea Williams, chief executive of the Christian Legal Centre, which supported Dr Davidson, added:

*"People like Mike need to be heard loudly and clearly in the current debate on sexuality and gender. Their experiences simply don't fit in with current LGBT ideology and narratives which claim that it's impossible for someone's sexual attraction to change."*

*"LGBT activists shouldn't be allowed to define or deny other people's life experiences or squeeze them out of the public debate."*

*"It is not compassionate to allow LGBT ideology to go unchallenged, nor to prevent people who want to see change in their lives from seeking help."*

*"I hope that the government starts to listen to the voices of people like Mike before pursuing any attacks on the freedom of people with same-sex attraction to seek change."*

## 8. Nurse dismissed after giving a Bible to one patient.

Press release 8 August 2018

### Victory as restrictions lifted on nurse who gave Bible to patient

In 2016, Darent Valley Hospital in Dartford summarily dismissed Sarah Kuteh after complaints that she had talked to patients about her Christian faith and had given a Bible to one patient. The hospital also brought a case questioning Sarah's 'fitness to practise' as a nurse before the professional regulatory body, the Nursing and Midwifery Council (NMC).

However, in a judgment delivered on 26th July 2018, the NMC panel unanimously ruled that Sarah Kuteh was fully 'fit to practise' and "*it is in the public interest to return an otherwise experienced and competent nurse into practice*", as it revoked all restrictions on her nursing practice with immediate effect.

This concludes the protracted legal battle where, for almost two years, Sarah fought for her professional future. Supported by the Christian Legal Centre, Sarah engaged an eminent barrister, Jonathan Storey, to represent her at a series of hearings.

Although Sarah found a new job in a nursing home, she was only allowed to work as a nurse subject to a range of 'conditions' imposed by the NMC, including close supervision by a more senior nurse.

In a statement presented to the NMC panel, Sarah's supervisor praised her as "*a kind, caring, honest, friendly nurse*" and "*a valuable member of the team*". Another colleague described her as "*respectful to both service users and colleagues*" and wrote that she "*always acts professionally while on duty*".

At the hearing, Sarah conceded that giving her personal Bible to a patient back in 2016 was "*going too far*" and "*crossing professional boundaries*", and she should have used a Bible from the hospital chaplaincy instead.

"*We have been very impressed by your insight*", the panel chairman Adrian Smith told Sarah before handing down the decision vindicating her professional credentials.

### Talking about faith was part of pre-op assessment

Sarah, who has 15 years' nursing experience, was sacked for gross misconduct in August 2016. She had worked at Darent Valley Hospital since 2007.

Her job involved asking patients about their faith as part of a pre-op assessment questionnaire. From time to time, this led to a conversation about faith with the patient.

On average, Sarah would see around 30-40 patients a week, and over the course of six months spoke to hundreds of patients.

Sarah said that although she had no intention of imposing her beliefs on others, she would sometimes tell them about how her own faith in Christ had helped her overcome adversity.

"*I would... reassure them, based on the joy and peace that I really have found in Jesus,*" she said.

In April 2016, her Matron came into her office and said she had been told by other staff about a few complaints by patients that she had discussed religion with them.

Sarah said that from then on, she would only discuss religion if the patient asked her to. If they initiated the conversation about religion, she would check they were happy.

But in June 2016, she was called into the Matron's office and was shocked to be told that further complaints had been made. Only days later, she was suspended, told to collect her belongings and escorted from the hospital.

Sarah recalls the experience as *"embarrassing and very painful"*, in light of her fifteen years' nursing experience.

*"I was walked out of that hospital after all I had done during all my years as a nurse and I was told I couldn't even speak to any of my colleagues,"* she said.

*"All I had done was to nurse and care for patients. How could it ever be harmful to tell someone about Jesus?"*

### ***"Wholly motivated by compassion"***

Andrea Williams, Chief Executive of the Christian Legal Centre, commented:

*"We are delighted that Sarah Kuteh is once again able to practise nursing without restrictions.*

*"But for the question on the pre-op assessment questionnaire, these conversations would not have taken place. Without proper investigation, she was fired and her long career as a nurse put under threat.*

*"Those who know Sarah recognise what a caring, hard-working nurse she is, and the professionalism she brings to her job. Although it's disappointing that she was ever penalised for her actions – which were wholly motivated by compassion – we rejoice that Sarah is once again free to bring her skill and expertise to her role as a nurse."*

## 9. Christian mayor forced to resign over allegations of 'homophobic' posts.

Press release 3 August 2018

### Complaints dismissed against Christian ex-mayor accused of 'homophobia' and 'dishonesty'.

**The local councillor who was forced to resign as Mayor of Ferryhill over social media posts has had formal complaints about his conduct dismissed.**

Mr Richard Smith's story was featured extensively in the news when he stepped down from his position after a number of activists, led by local drag queen 'Tess Tickle', campaigned for his removal over posts on his personal Facebook account.

A number of these activists made formal complaints to Durham County Council, alleging that Mr Smith's posts were "*homophobic, transphobic, extremist, stir up hatred against persons on the basis of protected characteristics*". A further complaint accused Mr Smith of dishonesty relating to the distribution of food to the needy by Immanuel Christian Fellowship, of which he is a trustee.

Having received support from the Christian Legal Centre, Mr Smith has had all of these complaints dismissed by Durham County Council.

Regarding the complaints about his social media posts, the decision points out that:

- Mr Smith has the right to freedom of expression, as expressed in articles 9 and 10 of the European Convention on Human Rights
- Many of the posts were made prior to his election as a town councillor
- None of his posts were made in his official capacity as a councillor or as mayor

The complaint alleging dishonesty provided no supporting evidence of its claims and no official complaints have been made to Greggs or Immanuel Christian Fellowship about the distribution of food.

#### **'Politically motivated'**

In his response to the complaints, Mr Smith argued that the allegations were "*damaging to his integrity*" and politically motivated, following the first change in the balance of power in the town council for 118 years.

Reacting to the decision, Mr Smith said:

*"I'm grateful that the council has recognised my right to freely express my Christian faith while remaining a town councillor.*

*"My faith in Christ is what drives me to help people regardless of their faith, disability, colour, culture, sexuality, or political persuasion. I have never let the convictions of my faith dictate who receives my*



*help or the help from the church. I've always been motivated by the love of God that is found in Christ Jesus, a love that is full of mercy and grace."*

Andrea Williams, Chief Executive of the Christian Legal Centre, said:

*"We are delighted to have supported Richard - a caring and compassionate man, full of conviction and ideal for public service. He never should have been hounded out of his position as mayor, but we're pleased that he can continue to serve the public as a town councillor."*

## 10. Market trader removed from stall for evangelising customers.

Press release 26 July 2018

### No such crime as 'homophobia', says judge, awarding damages to a market trader removed from his stall for evangelising customers

After 15 years of selling watches and mobile phone cases at his stall at Chichester market, Steve Loha had his licence revoked with immediate effect after a customer complained that he was offered an "offensive" Christian cartoon tract in May 2017.

However, in a judgment delivered on Friday 20th July in Chichester County Court, a judge has found that Mr Loha's removal was illegal.

Supported by the Christian Legal Centre, Mr Loha sued Bray Associates, UK's largest operator of outdoor markets, for breach of contract.

In his evidence, Mr Loha told the court how, after converting to Christianity while imprisoned in Winchester, he abandoned his lifelong career as a professional criminal and he began a new life as an honest small businessman and evangelist. But for offering an evangelical tract to a customer, he saw his business destroyed overnight.

Bray Associates shareholder and director Brian Nunan testified that an employee of their landlord - Chichester District Council - went to Mr Loha's stall to buy a watch battery, and was "offended" by a "homophobic" tract offered to him. The Council's Licencing Manager, Laurence Foord, telephoned Mr Nunan to express the council's "displeasure". Mr Nunan then "decided to summarily terminate" Mr Loha's licence to trade at Chichester market.

In written submissions to the court, Bray Associates' lawyer argued that by "distributing offensive homophobic material", Mr Loha breached the Equality Act and may have also committed a criminal offence.

However, in the judgment, Deputy District Judge Mark Harvey rejected those arguments.

The judgment points out that under criminal law, "hostility based on sexual orientation" is "an aggravating factor when considering the seriousness" of a criminal offence, but "not an offence in its own right". The judge goes on to ask rhetorically: "If the homophobic element is parasitic on a criminal offence, what is that offence?"

The judge also rejected a proposed analogy with employment law, where an employee may be "summarily dismissed" for "gross misconduct". He points out that the law in relation to licences, such as a trader's licence to occupy a market stall, is based on "centuries of unique and discrete legal principles", and a complaint of 'homophobia' does not enable the marketplace operator to evict a trader "summarily", without giving a reasonable notice or hearing his side of the story.

Legal experts will see the judgment as an important clarification of the law, showing that the time-honoured legal principles cannot be overridden by the need to protect 'LGBT' individuals from 'offence'.

Bray Associates' legal representatives are applying for permission to appeal the ruling.

## **Conversion**

In his evidence for the trial, Mr Loha told the court how, some 20 years ago, his conversion to Christianity made him abandon his life-long career of serious crime, and begin a new life as a market trader and evangelist. *“Sadly, having been led by Jesus from my life of crime into a new life as an honest Christian small entrepreneur, I have now been treated like a criminal again – simply for being His follower and bearing witness to my faith,”* he wrote in a statement.

Mr Loha, who comes from a Sikh background, told the court that his criminal career began in his teens after *“a series of family tragedies brought me to despair... I then turned my energy into making money. I started transporting guns to Ireland. I was soon known as ‘the guy who can get you anything’.”*

It was in Winchester prison that Mr Loha’s life was transformed:

*“I was invited to attend chapel by an inmate who had witnessed my anger. On going into the chapel, I was drawn to the crucifix, Jesus on the cross. I couldn’t get the image out of my head. In my cell, I picked up a picture of Jesus and put it on my wall. It struck me that this man was innocent. I deserved to be where I was. Why did they kill Him? I really wanted to find out.”*

After being released from prison, Mr Loha became involved in charity work and evangelism. Starting in 2002, he became a small trader at Chichester market, trading two days a week in watches, mobile phone cases, accessories and similar personal items. In 15 years of trading, he built a regular clientele of local customers. On occasions, Mr Loha entered brief conversations with his customers, where he shared his experience of being converted into the Christian faith from his life of crime. On occasions, he would offer a customer one of the evangelical cartoon tracts published by Chick Publications in the US.

However, Mr Loha’s small business was destroyed with one blow in May 2017, when the market manager suddenly phoned to inform him that his licence had been revoked with immediate effect because of a complaint from a *“member of the public”*.

## **‘Ruined’**

Not only did that put an end to 15 years of his continuous trading at Chichester, Mr Loha told the court, but also *“ruined”* his business and livelihood, *“based primarily on patiently building a reputation and relationships with customers”*. As Bray Associates *“dominates operation of most market places all over this part of England”*, his business opportunities were severely restricted.

The next day, Mr Loha e-mailed the director of Bray Associates, Brian Nunan, offering an *“unreserved”* apology for any offence caused by the tract. *“I am very sorry that it caused offence,”* he wrote. *“I there for wish to unreserved apologise to yourself and also with your help to apologise to the gentleman in question.*

*“As you will know I have been served in this market 15 years plus with no trouble and with depending elderly customers who rely on me weekly.*

*“I am very keen to show not only that I regret what I did but also promise yourself and person involved that it will never happen again... I would be more than happy to apologise to the individual concerned in person if need or by letter.*

*“Thank you for your time and hope you will consider allowing me back.”*

However, Mr Nunan’s reply five days later, copied to two officials at Chichester Council, was uncompromising. *“Unfortunately, I cannot change my decision,”* Mr Nunan wrote, *“...the literature was extremely homophobic and unacceptable. In today’s world religious oppression, fanaticism and persecution is rife. Anything that supports or encourages them must be eradicated.”*

The letter concludes by saying: *“my Landlords are of the same opinion”*.

When the matter was later examined in Chichester County Court, Bray Associates relied on Mr Loha’s email of apology as *“a tacit admission... that the distributed material was offensive”*.

### **Political influence**

Supported by the Christian Legal Centre, Mr Loha took his case to court. Mr Nunan admitted in evidence that the removal of Mr Loha was in fact instigated by the market’s landlord, Chichester Council, rather than a complaint from a private customer.

As the judge observes in the ruling, *“Chichester Council have allowed the Defendant company to operate and manage various markets in the city and therefore they were in a position to complain”*.

Mr Nunan has testified that a council employee bought a watch battery from Mr Loha, who then gave him a cartoon tract, which he read *“in detail”* after returning to his workplace. *“The Council employee found the leaflet to be gratuitously homophobic and was, unsurprisingly, offended by its content,”* Mr Nunan continued.

*“I understand the Council employee raised the matter as a complaint with his employer (in his capacity as a member of the public). I was then telephoned by Mr Laurence Foord the Licencing Manager of the Council who made plain the displeasure of both the member of the public and of the Council itself.*

*“I said I would investigate the matter and make a decision in the light of my findings and report back to the Council.”*

However, in his ruling the judge concluded that no proper investigation in fact took place. The judge notes that Bray Associates *“argues that its decision is final but that doesn’t remove a duty to act fairly and hear the both parties before reaching a final decision... I am bound to say that the Defendant didn’t even give the opportunity to hear the Claimant’s side before reaching a final decision”*.

Bray Associates' legal representatives are applying for permission to appeal the ruling.

### **Common sense prevails**

Andrea Williams, chief executive of the Christian Legal Centre, commented:

*“This decision makes a welcome change from a worrying trend we have seen in many recent judgments which sought to justify removal of Christians from their jobs and livelihoods for purely ideological reasons. In this case, however, the judge had the courage to uphold the rule of law.*

*“Steve gave out tracts to make known the hope of salvation in Jesus Christ for all people. Christians share this good news message in different ways, but agree that all people, everywhere, need to believe in Jesus to find eternal life.*

*“Steve Loha stands for some of the most precious things in humanity, honest hard-working enterprise, courageous evangelism, and genuine repentance of sin. He deserved justice, and we are very privileged to have served him in securing its triumph.”*

## **11. Christian Doctor loses contract for saying gender is biological**

**13 July 2018**

### **Contract terminated**

A Christian doctor had his contract terminated as a medical assessor for the Department of Work and Pensions (DWP) because of his belief that sex is genetic and biological.

Dr David Mackereth has 26 years' experience as an NHS doctor. He has been undergoing training to work as a disability assessor for the Department of Work and Pensions. He was asked whether he would refer to patients according to their chosen gender identification. Dr Mackereth answered that in good conscience he could not refer to someone who is obviously biologically male as if he was female. His contract was then terminated.

Dr Mackereth said:

*"I don't believe I should be compelled to use a specific pronoun. I am not setting out to upset anyone. But, if upsetting someone can lead to doctors being sacked then, as a society we have to examine where we are going."*

### **Committed Christian**

Dr Mackereth is a committed Christian who attends a Reformed Baptist church. When asked about referring to patients by their preferred gender, he explained his problem with this approach:

*"I said that I had a problem with this. I believe that gender is defined by biology and genetics. And that as a Christian the Bible teaches us that God made humans male or female. I could have kept my mouth shut. But, it was the right time to raise it."*

*"The tutor took me aside and said he had passed my comments up the chain to the DWP."*

### **DWP say you must use chosen gender**

The DWP then explained in an email communication that their lawyers were adamant that any contact with patients or clients must refer to them in their chosen gender, otherwise it *"could be considered to be harassment as defined by the 2010 Equality Act."*

### **We disagree**

We believe that the DWP has over-stated the case here. Gender identity is not protected under the Equality Act, only gender reassignment is protected. Therefore, it would not be regarded as harassment to refer to someone who presents as male as a male, particularly where they have not undertaken any significant step towards anatomically reassigning their gender as the Equality Act

requires. Furthermore, Dr Mackereth's religious convictions are themselves protected, and it could therefore be argued, in the legal sense, that he is the real victim of harassment in all of this.

When Dr Mackereth explained that he could not *"in good conscience"* conform to those demands, the contract was terminated.

## **Free speech and freedom of conscience denied**

Dr Mackereth said:

*"Firstly, we are not allowed to say what we believe. Secondly, as my case shows, we are not allowed to think what we believe. Finally, we are not allowed to defend what we believe.*

*"By stating what has been believed by mankind for centuries - namely that gender and sex are determined at birth - you can come under ferocious attack.*

*"If we are no longer allowed to say that you believe sex and gender are the same and are determined at birth, everyone who holds my views can be sacked on the spot under this Act. I'm not an isolated case."*

## **Others under pressure**

Dr Mackereth is concerned that many other Christian medical professionals could also be dismissed simply for affirming that gender is a biological characteristic. We share his concerns. Transgender ideology is now preventing doctors from doing their jobs properly. This is even though transgender ideology is contrary to science – which forms the basis of medicine and medical training. We hope that the DWP are challenged about this decision.

## **12. Christian street preacher arrested and held for 20 hours.**

Press release 22 March 2018

### **Christian preacher arrested in Barking for hate speech has charges dropped**

Christian Legal Centre client, Pastor David Lynn, was released on Wednesday (21 March) without charge after being arrested outside Barking Tube Station on 20 March 2018 for preaching the gospel.

David was held at Fresh Wharf Custody Base in Barking for over 20 hours, during which he was questioned by the police under caution.

#### **Preached for 22 years without being convicted**

Pastor David, who leads a church in Toronto, has preached on the streets for over 22 years without conviction. He also leads a ministry called Christ's Forgiveness Ministries, based in Toronto, which has 40,000 supporters and a YouTube channel with over 8.8 million views.

David began preaching at 1pm on Tuesday, and arrived outside Barking Tube Station at 3.30pm, where a group of supporters joined him. He preached about people searching for love in the wrong places, and that it is only through a right relationship with Christ that this deep need can be satisfied.

A crowd formed, and David frequently handed the microphone to onlookers to allow them to respond to his preaching. It was alleged that David called a homosexual lady in the crowd 'perverse' and 'sinful', though he denies this, and video footage captured of the preaching does not substantiate her complaint. Instead, it shows groups of supporters cheering, chanting 'Jesus' and supporting David throughout his preaching. The atmosphere was more like a carnival than a confrontation.

#### **"We were wrong to arrest David"**

David was later approached by the police after the lady alleged that his comments had been homophobic. He was arrested and taken to the custody base, without having the opportunity to explain his story.

After holding David for 20 hours, the interviewing officers admitted that the police had been wrong to arrest him. They expressed regret that he had been held for so long, and recognised that his right to freedom of expression should have been better protected.

#### **"I am grateful to the Christian Legal Centre"**

Following the case, David said:

*"My vision is to bring the life changing message of Jesus Christ's love and forgiveness to the world through evangelism. I am passionate about igniting and uniting the global body of Christ for the evangelistic mandate, and I want to bring the message of salvation to the entire world, keeping the focus on Christ and spreading God's love and forgiveness found in Jesus. What happened on Tuesday shocked me, and I am grateful to the Christian Legal Centre for responding immediately to my arrest and helping me avoid being charged".*

Andrea Williams, chief executive of the Christian Legal Centre, said:



*“The police’s readiness to arrest David is another example of the freedom of street preachers being curtailed. We are delighted that he has not been charged for sharing the good news of Jesus, and we remain committed to providing expert legal support, free of charge, where street preachers face trouble with the police”.*

## 13. Two street preachers interviewed for hate speech.

Press release 16 January 2018

### Two street preachers interviewed for hate speech in Camberley, Surrey have all charges dropped

*A Reading street preacher of 30 years (Dave Barker) and co-preacher (Stephen Wan) have had all charges dropped against them.*

David Barker (aged 58) and Stephen Wan (aged 50) were interviewed by the police under caution, following a message that was preached on the High Street in Camberley, Surrey on 9 December 2017. As they were preaching a number of hecklers gathered and made trouble for the preachers.

It was alleged that the preachers said "homosexuals are going to hell" and "man cannot lie with man". The preachers did not say these things.

David spoke first about the good news and Christmas, he then explained that all people have sinned and fallen short of the glory of God and quoted John 3:16. He then challenged a self-professed atheist, and suggested that atheism was a 'temporary condition'.

Stephen then continued to explain the true meaning of Christmas and that Jesus was called 'Jesus' because he would save his people from their sins. He explained that that Jesus is the saviour because he came into the world to atone for the sins of all mankind. The previous heckler then returned swearing, accusing him of preaching hate.

The heckler then asked about homosexuality, so Stephen explained the Genesis creation story and that marriage is an institution ordained by God for the purpose of procreation. Again, the heckler demanded to know what Stephen thought of homosexuality. Stephen then referred the heckler to the Bible. The police were then called.

On 30 December 2017, David and Stephen faced extensive questioning by the police under caution. There they were represented by Christian Legal Centre's allied solicitor, Michael Phillips who helped the clients explain to the police that they had a freedom to speech which permitted them to explain the Christian message and in particular what the Bible has to say about marriage; including what the Bible has to say about same-sex relationships. As an example, Romans 1:26-27 says: *"Even their women exchanged natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion."*

#### **"I want to thank the Christian Legal Centre"**

Following the case, David said:

*"I was miraculously converted nearly 4 decades ago when the Lord saved me from alcoholism. Ever since then I have dedicated my life to spreading the gospel and I have preached the gospel on the streets of Reading every Saturday for 30 years since then. I have never been interviewed by the police before. This is a concerning development. But I just want to thank the Christian Legal Centre for their help and support at this difficult time. They provided their help completely for free and I am very*

*grateful."*

Andrea Williams, chief executive of the Christian Legal Centre said:

*"We're delighted that David and Stephen will not face charges for sharing the good news of Jesus with the public. Once again, the historic freedoms to preach Christianity on UK streets have been upheld. We are pleased to continue our excellent record of protecting street preachers in the UK by providing them with legal support, free of charge."*

## **14. Nigerian Pastor and street preacher charged with hate speech.**

**Press release 18 December 2017**

### **Pastor Oluwole Ilesanmi acquitted of hate speech**

A Missionary Nigerian Pastor who is also a Christian street preacher has been acquitted of using 'threatening and abusive language' whilst preaching in Woodgreen, London.

Pastor Oluwole Ilesanmi, aged 62, had been charged concerning a sermon that he preached on 24 June 2017, when a Muslim and two political activists pressed charges when he preached against the Quran. Although he was charged by the police with an 'Islamophobic' hate crime, the Crown Prosecution Services, having considered written representations from Christian Legal Centre's allied solicitor Michael Phillips, decided to discontinue the charge prior to trial.

### **A crowd gathered, shouting him down**

Oluwole, a Nigerian missionary to the UK, was preaching on High Road in Wood Green. During his sermon he explained that there was a connection between terrorism and Islam.

A number of false allegations were made against the missionary, in an effort to silence Oluwole. Two white non-Muslim political activists approached and accused him of preaching lies, and of being Islamophobic. He responded that the Bible speaks the only truth and that people need to give their lives to the Lord Jesus.

### **Freedom to preach the Christian message**

Oluwole was charged by police under Section 5 of the Public Order Act for using threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress which was racially aggravated.

Christian Legal Centre's allied solicitor Michael Phillips argued in written submissions to the CPS that the law provides the freedom for him to preach the Christian message, a freedom which has been upheld in the courts for many years. The CPS accepted these submissions and dropped the case.

### **"I want to thank the Christian Legal Centre"**

Following the case, Oluwole said:

*"I am in the United Kingdom to bring back the true message of the gospel that Christians many years ago brought to Nigeria. I have seen first hand what sadly many Christians have suffered in Nigeria first-hand. It is ironic that I was accused of exactly what the Muslims are doing in my country and so many other countries around the world.*

*When will the UK wake up and realise that submission to Islam is not the answer, that only the Lord Jesus Christ is the answer to the UK's problems? I was interviewed, charged and put on trial for being a hate preacher. I have never been such a person, I have only preached about the love of Jesus.*

*But the most loving thing that a preacher can do is tell people the truth not just about the gospel but also about false religions, such as Islam. I want to thank the Christian Legal Centre for the help and support and their free legal counsel.”*

Andrea Williams, chief executive of the Christian Legal Centre said:

*“We are proud to represent street preachers from all over the world who sadly are being arrested and put on trial more and more frequently. Again, the police simply do not appear to know or understand about the legal freedoms that street preachers have in the UK. We would urge the police to educate their officers so that innocent Christians don't continue to be arrested.”*

## 15. Christian maths teacher suspended for 'misgendering' a pupil.

Press release 10 December 2017

### Maths teacher takes school to court in transgender row

Joshua Sutcliffe is taking his employers - an Oxfordshire school and its headmaster - to an Employment Tribunal, after accusations of gross misconduct by 'misgendering' a 'transgender' student. In November, Mr. Sutcliffe was suspended and placed in isolation for telling students 'well done girls' while one of them wanted to be identified as a boy. He now says he has been unfairly dismissed by the school.

Mr Sutcliffe, from Oxford, began working at the school in September 2015 and taught children aged 11-18. He has an exemplary record and has achieved excellent results, with his key-stage 3 students outperforming every parallel class.

On November 2, a complaint was made that he referred to the pupil as a 'girl', rather than 'boy'. The child had self-declared as 'male', but Mr Sutcliffe, who had been given no formal instruction on how he was to refer to the pupil, said "well done girls" in her presence. When the pupil became irate Mr Sutcliffe sought to diffuse the situation and apologised. Nonetheless, an investigation began during which time Mr Sutcliffe was prevented from teaching and forced to spend all his time in isolation in the staff room.

Following the week-long investigation, the school found Mr Sutcliffe to have 'misgendered' the pupil, 'demonstrating discriminatory behaviours' and 'contravened the school's equality policy'. The school recommended dealing with the matter of 'misconduct' under its disciplinary policy.

In his time at the school, Mr Sutcliffe started running a successful Bible club, which was attended by over 100 pupils in its time before being shut down 18 months after its inception. The Headteacher initially told him that the Bible club could not run without a register and a curriculum, but when Mr Sutcliffe produced the required documents, the Head still insisted on cancelling the club, whilst at the same time allowing the school's LGBTI, mindfulness club, and Qigong club to continue running without register or curriculum.

The story was made public in November, provoking national outcry in support of Mr Sutcliffe. Following the media attention, the school postponed the pre-scheduled disciplinary hearing, and initiated further investigations against Mr. Sutcliffe, alleging breach of confidence and bringing the school into disrepute.

In response, Mr. Sutcliffe has now written to the Headmaster accusing the school of "increasingly oppressive" behaviour and of presuming him to be guilty of misconduct. He states that the School's investigations are "unashamedly designed to silence me from speaking out about your malpractices".

The letter reads:

*"As a Christian, I do not share your belief in the ideology of Transgenderism. I do not believe that young children should be encouraged to self-select a 'gender' which may be different from their biological sex; or that everyone at school should adjust their behaviour to accommodate such a 'transition'; or that people should be punished for lack of enthusiasm about it. Implementation of these ideas is detrimental to the welfare of children, which I believe should be a paramount*

*consideration. However, as a professional, I was always careful not to breach my employer's policies so long as I was not forced to act contrary to my conscience."*

Mr. Sutcliffe claims that the School has "systematically and maliciously" breached his rights, and has made it impossible for him to continue working for it. He continues:

*"I am more than willing to answer all the unjustified allegations you are now advancing against me, and detail my own grievances about your totalitarian 'equality' policies and practices. However, I intend to do so before an independent Tribunal, not before yourselves acting as a judge and jury in your own case. I regret that our relations have reached this point, but I feel I have no choice but to bring legal proceedings against you without further notice."*

Andrea Williams, chief executive of the Christian Legal Centre which is supporting the teacher, added:

*"This case is one of a flood of cases we are encountering where teachers are finding themselves silenced or punished if they refuse to fall in line with the current sexual and gender ideology being imposed on our children in schools.*

*"We all know how much we change during our teenage years. It is vital that during those years we help our children to live in the biological sex they were born rather than encouraging them to change 'gender'. If we encourage them to change gender it is not kind and compassionate; it is cruel.*

*"What we need is a culture in our schools which gives emotional support to children through puberty without encouraging them to make life-long decisions against their natural born biological sex.*

*'If we collude in the transgender delusion we do not serve our children well, we harm them'.*

## 16. Street preacher convicted of hate speech

Press release 8 December 2018

### Christian street preacher cleared of hate speech conviction

A CHRISTIAN Street preacher has had his conviction for using 'threatening and discriminatory language' whilst preaching in Lincoln overturned yesterday by the Crown Court.

Daniel Courney, aged 33, had appealed against a decision by Lincoln Magistrates on 14 September after the CPS pressed charges over complaints by Muslims in the area.

Daniel, an American missionary who served in the United States military and has been a missionary in Nepal and India for 8 years was preaching in the High Street, Lincoln. During his sermon a heckling crowd gathered, shouting him down when he explained that Jesus is the only way to God.

A Muslim woman and her family who were walking by claimed the preacher singled her out and reported to the police that Mr Courney called her "ISIS" and told her to "go back to your country". He denied making such a comment and the Crown Court agreed, quashing the sentence imposed by the Magistrates.

Mr Courney had been arrested by police under Section 5 of the Public Order Act, and was charged with using threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress.

In court, Christian Legal Centre's allied solicitor Michael Phillips argued that the law provides the freedom for him to preach the Christian message, a freedom which has been upheld in the courts for many years.

Following the case, Daniel said:

*"I came to the United Kingdom with its rich Christian history, to bring back the message of Jesus Christ. The message is a simple one: repent and believe in the Lord Jesus Christ and do not follow false religions. Unfortunately I've had to travel to and from the United Kingdom four times in the last three months. I have had other restrictions on my liberty during that time. I have been held in police custody and accused of being a hate preacher. At all times I simply wanted to proclaim the gospel of Jesus Christ. I want to thank Christian Legal Centre for the help and support and their free legal counsel."*

Andrea Williams, chief executive of the Christian Legal Centre said:

*"We are proud to represent street preachers in our country as they share the love of Jesus Christ with people on the street. This case once again highlights the need for police operating in these situations to understand how the law protects free speech."*



## 17. Christian student expelled from university for quoting Bible on Facebook.

Press Release 27 October 2017

### Court rules student can be expelled for quoting Bible on Facebook

A Christian student who was expelled from university after posting on Facebook in support of Biblical teaching on marriage and sexual ethics has today lost his case in a judicial review of the university's decision.

Felix Ngole was studying for an MA in Social Work at Sheffield university. In 2015 he made comments using his personal Facebook account on the story of the American registrar Kim Davis who was imprisoned after conscientiously refusing to register same-sex marriages. Felix expressed his Christian beliefs on the issue and argued that: *"same sex marriage is a sin whether we like it or not. It is God's words and man's sentiments would not change His words"*. He was asked where in the Bible it says that same-sex marriage is wrong, and he quoted various passages to demonstrate this.

Nearly two months later, Mr Ngole received an email from a university official informing him that his Facebook comments were being investigated. He was later interviewed by an investigatory team, and subsequently removed from his course by a panel chaired by Professor Marsh, an LGBT rights campaigner.

Mr Ngole, supported by the Christian Legal Centre, sought to challenge the university's decision in a judicial review which was heard in the High Court over two days. The court ruled that the university acted lawfully in removing Mr Ngole from his course.

#### 'May have caused offence'

The court heard that the university *"investigatory team accepted that Mr Ngole was fully entitled to his religious beliefs, and had acted with honesty and integrity"*. The university held that it was not Mr Ngole's views that were at issue, but his public posting of these views. They held that this expression of his views *"may have caused offence to some individuals"*.

The university argued that they were right to sanction Mr Ngole and bar him from his chosen profession in spite of the fact that Mr Ngole had lawfully expressed his Christian views as a practicing Christian, outside of his professional studies, in a context in which he was not identified as a social work student, and despite this expression having no impact on his work and professional abilities.

#### 'Freedom of speech impaired'

The university and the court agreed that Mr Ngole's freedom of speech had been impaired. The judge accepted that his posts *"were undoubtedly intended by him to convey a religious perspective."* Nevertheless, the court ruled that *"Mr Ngole had no religious imperative to comment on an American news website about Kim Davis"*.

The judgment stated: *“Freedom of expression is an important right. Exercising that right to express the content of deeply held religious views deserves respect in a democratic and plural society, nowhere more so than in a university. Freedom of religious discourse is a public good of great importance and seriousness.”*

### **'No discrimination'**

The university agreed that there had been no cause for concern or evidence of Mr Ngole acting in a discriminatory fashion, whether on placement or otherwise. The university's decision was not based on speculation that Mr Ngole would discriminate in the future either. No discrimination has actually occurred, or is expected to occur in this case.

### **'Severe sanction'**

The judge accepted that the university's sanction of Mr Ngole *“was indeed severe”*. The judgment also stated: *“Nor is it to doubt that there may well be good grounds to fear more generally for the place of religious discourse, and the understanding of and respect for religious adherents, in the context of a liberal and secular consensus within universities or elsewhere.”*

The judgment further stated: *“If a chain of events, starting with a student posting Bible verses on a news website and ending with him being removed from his course, is one for which the law does not provide him with a remedy, it is important to test hard why not.”*

### **'Perceived risk'**

What in the end was judged to have justified the university's actions was a perceived risk of damage. The court ruled that *“It was how they could be accessed and read by people who would perceive them as judgemental, incompatible with service ethos, or suggestive of discriminatory intent. That was a problem in its own right. ... But whatever the actual intention was, it was the perception of the posting that would cause the damage. It was reasonable to be concerned about that perception”* (emphasis added).

### **'Biblical views must not be expressed'**

Andrea Williams, Chief Executive of the Christian Legal Centre which is supporting Mr Ngole commented:

*“The court has ruled that though Mr Ngole is entitled to hold his Biblical views on sexual ethics, he is not entitled to express them. But freedom to believe without freedom of expression is no freedom at all.*

*“Many views are frequently expressed by students on social media and in other contexts. It is the expression of Biblical morality that has been singled out for sanction by the university.*

*“The university, in investigating Mr Ngole's personal Facebook posts and disciplining him for them, is acting as if they are thought police. This ruling will have a chilling effect on Christian students up and*

*down the country who will now understand that their personal social media posts may be investigated for political correctness.*

*“As the judgment stated: 'Freedom of expression is an important right. Exercising that right to express the content of deeply held religious views deserves respect in a democratic and plural society, nowhere more so than in a university.' In this case the judge has failed to safeguard Mr Ngole's freedom of expression, in spite of the importance she rightly attaches to that freedom.*

*“This ruling comes after Jo Johnson, the universities minister last week criticised universities for failing to protect freedom of speech. He said: 'Freedom of speech is a fundamentally British value which is undermined by a reluctance of institutions to embrace healthy vigorous debate. Our universities must open minds not close them.'*

*“This ruling flies in the face of the government's expressed intention to promote free speech at universities.”*

### **'Christian bar to office'**

*Mr Ngole said: “I am very disappointed by this ruling which supports the university's decision to bar me from my chosen career because of my Biblical views on sexual ethics. I intend to appeal this decision which clearly intends to restrict me from expressing my Christian faith in public.”*

*Andrea Williams said: “Rulings like this show that society is becoming increasingly intolerant of Christian moral values. Christians are being told to shut up and keep quiet about their moral views or face a bar from employment. Unless the views you express are politically correct, you may be barred from office. This is very far from how a free and fair society should operate.*

*“We will appeal this ruling in an attempt to protect basic freedoms in our society. No democratic society can function without freedom of expression. This ruling shakes the foundations of freedom in our society.”*

## 18. Christian parents remove children from primary school over transgenderism.

Press release 10 September 2017

### Parents remove six-year-old from church primary school over handling of transgender request

A couple on the Isle of Wight have removed their child from a Church of England primary school pending legal review of the school's handling of another pupil's request to be recognised as 'transgender'.

Nigel and Sally Rowe felt they were left with no option but to withdraw their child as the new school year began, after receiving what they describe as a *"cold and shockingly inappropriate"* response to concerns they had raised.

The couple, who have actively supported the school over the past four years and helped to lead assemblies, describe the step as *"deeply painful and very reluctantly taken."*

They have informed the school of their decision (TUE 05 SEP), citing the stance adopted by the school on *"child gender ethics"*.

Mr and Mrs Rowe feel they cannot return their child to the school until there is a satisfactory resolution and believe their only hope of reaching it is to launch legal action, challenging the school's behaviour and the legitimacy of national guidelines.

They say that they are taking action to safeguard the wellbeing of their own children but also to challenge the *"aggressive new gender ideology that is being rolled out across the education system to the detriment of children's best interests."*

The family is being supported by the Christian Legal Centre.

A short video featuring the Rowes talking about their experience is available [here](#).

#### **'Occurred again'**

Two years ago, a boy in the Rowe's eldest child's class decided that he wanted to become a 'girl'.

From that point on, the child was treated by the school as a girl, causing concern to the Rowes and other parents.

Sally Rowe explained:

*"There was no consultation with other parents. Our son, like others, was struggling with starting school life, and with the school's suggestion that young children can change gender. So, we felt that we could no longer allow him to attend the school."*

The couple's younger child continued at the school, only for a similar thing to happen.

Nigel Rowe explained:

*“Incredibly, a similar situation occurred again when our youngest son was six years old. A child, also aged six, would come to school one day as a boy, and on another day as a girl.*

*“Unsurprisingly, we raised our concerns with the school when our son came from school saying he was confused as to why and how a boy was now sometimes a girl!*

*“The suggestion that gender is fluid, conflicts sharply with our Christian beliefs as a family.*

*“At six years of age children are exploring all sorts of new ideas and feelings. They do not have the emotional stability or maturity to make any life-changing decision, even if there was one to be made. This time we really felt that we had to challenge the school.”*

### **‘Transphobic behaviour’**

Mr and Mrs Rowe raised their concerns with the school, and met with the headteacher and class teacher.

They also set out their concerns in a formal letter, and contacted the Diocese of Portsmouth and the Church of England’s Chief Education Officer.

In a written response, the school, having taken advice from the Diocese of Portsmouth and citing County Council policy, defended its behaviour.

In a section about bullying, the school made clear that it considered “the refusal to acknowledge a transgendered person’s true gender e.g. by failing to use their adopted name or using gender inappropriate pronouns” to be “transphobic behaviour”.

The letter from the church school continued:

*“Additionally, when a parent or carer raises a concern about the feelings of their child when spending time in the company of a transgender identified pupil, support work is aimed at answering the question: ‘How can we make your child feel better?’ rather than compromising the rights of the transgender child.”*

### **'Direct clash'**

Mr Rowe commented:

*“I am shocked by the suggestion, especially from a church school, that just because we question the notion that a six-year-old boy can really become a girl, we are ‘transphobic’.*

*“I cannot contemplate my son being disciplined and stigmatised as a bully simply because he believes that a six-year old born as a boy, is actually a boy.*

*“As Christians, we believe that all people are valued and loved by God. But we also believe in the goodness of God’s created pattern of male and female. We certainly don’t have an irrational fear of those who are suffering from Gender Identity Disorder. In fact, we want to see them get the proper help that they need.*

*"But the school's behaviour has created a direct clash between our family's rights and freedoms, and the imposition of this new ideology. We, and our children, are being bullied into accepting a new moral framework which strongly conflicts with what we really believe."*

### **'Delusional, damaging and abusive'**

Commenting on the case, Andrea Williams, chief executive of the Christian Legal Centre, which is supporting the family, said:

*"Transgender ideology is being aggressively imposed on unsuspecting schools, parents and children. School classrooms, which should be among the safest environments for children, are rapidly becoming dangerous battlefields in a war over gender identity."*

*"Vulnerable children are being used as pawns and will be harmed the most."*

*"The right response to gender identity confusion is not to fuel ambiguity and anxiety but to give children the tools they need to embrace their birth sex."*

*"We need to expose this agenda for what it is – delusional, destructive and abusive."*

*"Children aged six years of age are far too young, emotionally and physically to consider issues as complex as identity, gender and sexuality. Schools should create a safe environment for all pupils, not foster confusion and uncertainty about gender amongst young children."*

*"The school should have consulted with all parents and taken their views into account, not just the views of one particular child's parents."*

*"A Church of England school, especially, should hold to the biblical teaching that God created us as men and women, and that marriage is between a man and a woman, for life."*

*"Schools are being let down by poor guidance, leaving them wide open to legal challenge."*

### **'Wellbeing of children'**

Mr Rowe went on to explain:

*"In basic terms, we believe it is wrong to encourage very young and vulnerable children to embrace the false promise of 'transgenderism'. As Christians, we believe that Gender Identity Disorder is something that needs to be addressed with love and compassion."*

*"But we cannot have a new ideology imposed on the primary school classroom. It is unfair both to the children in question, and other pupils and their families."*

*"In the end, it is immoral and cruel to encourage children at the age of six - yes - six years of age, to not recognise their birth sex. A child of that age is not able to fully understand these complex social issues. The safeguarding and welfare of many other children is threatened."*

*"Our great concern is what will happen to schools across the country if this type of ideology"*

*continues. Will we have schools where there are no longer boys and girls? That's why we believe this new social construct must be challenged - for the safeguarding of our children and the future of society - but people are being frightened into staying silent.*

*"We can hardly believe that it has come to this, and it breaks our hearts to be in this position. But what kind of parents would we be if we weren't prepared to protect the wellbeing of our own children?"*

*"At the end of the day, we are parents of very young children – just like thousands of ordinary parents up and down the country."*

Mr and Mrs Rowe claim that the advice that the school is relying on is "politically-correct" but damaging to children.

They say that the school's handling of the situation did not show proper regard for the possible long-term emotional and psychological effects for the two young children seeking to 'change gender', or for the confusion and concern caused to other people by the suggestion that boys are not always boys, and girls are not always girls.

## 19. Street preacher arrested and held for 13 hours.

Press Release 16 August 2017

### Victory for street preacher held in cell for 13 hours for sharing love for Muslims and truth of Islam

A Christian street preacher who was arrested on 23 June and held for 13 hours in a police cell, after displaying placards depicting love for Muslims and criticising the ideology of Islam, has this week been informed by the Crown Prosecution Service (CPS) that no charges will be brought against him.

Ian Sleeper was arrested outside Southwark Cathedral under Section 5 Public Order Act 1986, religiously aggravated by section 31 Crime and Disorder Act 1998. He was subsequently released on bail after the CPS could not decide whether to charge him. Strict conditions were imposed preventing him from going into the Southwark Borough.

Having been on bail for 6 weeks, the police have now decided to take no further action against him.

Mr Sleeper has been supported by the Christian Legal Centre throughout.

#### 'Kick political correctness into the long grass'

Mr Sleeper, owner of the Singleton Tandoori Indian Balti House in Ashford, began taking his placards onto the street in January 2017 after it became clear that his Muslim staff were ignorant of aspects of their own religion.

*"After reading the Qur'an and observing the behaviour of my Muslim staff, it became clear that they were not practising much of their religion's teachings. I found this curious, and, after chatting to them about their belief, I realised this was due to their ignorance of the Quranic verses. They simply do not know what their religion teaches."*

He continued, *"Their ignorance is almost on a par with the wider public's, where the horrors and gross gender inequalities of Islam are not apparent to most people"*.

Mr Sleeper began outside the BBC broadcasting house in Central London, with a placard reading *"#Love Muslims Hate Islam Time For The Truth"*. Following the terror attack on Westminster Bridge this year, he changed location.

Commenting on his motivation for going on the street, Mr Sleeper said: *"As Christians we must hate sin, spread the gospel and love God. Through my actions I aim to achieve all three"*.

He continued: *"My hope is for the world to rid itself of Islam but I feel this can be best done by creating awareness among people of Islamic truth, and I wanted to initiate a shared national conversation about Islam. Society needs to kick political correctness into the long grass and be unafraid to criticise Islam. It was political correctness and an abuse of my rights under the law that got me detained in a police cell for 13 hours"*.



## **'I love my Muslim neighbour'**

Mr Sleeper has never previously been in trouble with the police, and he makes a clear distinction between Muslims and the ideology of Islam.

*"I differentiate between Muslims the people and Islam the ideology", commented Ian. "I love my Muslim neighbour as the Bible commands, and I am friends with all my Muslim staff. But I hate the religion's ideology. It is not Muslims we should be attacking, it's Islam. Islam makes Muslims victims with a tight grip that holds them captive to an evil ideology."*

*"The majority of people we engage with on the street agree with us. This includes ex-Muslims as well as Muslims. Many Muslims fear that they are unable to speak up against and leave Islam, but I have had the privilege of meeting ex-Muslims on the street, and are often joined by them in my protest."*

Commenting on this week's decision by the CPS, Mr Sleeper said: *"It is reassuring to hear that I have not been charged for seeking to expose the truth about Islam. Truth cannot be taken for granted in our modern world, and so I will be back out on the street soon. Please pray for me and my brothers and sisters in Christ, as we all seek to expose deception and turn people to Christ"*.

## **Freedom to expose Islamic ideology must be guaranteed**

Andrea Williams, chief executive of the Christian Legal Centre which is supporting Mr Sleeper commented:

*"The fact that the CPS took six weeks to decide whether to charge Mr Sleeper illustrates the authorities' lack of understanding about how the law applies to street preachers."*

*"This same lack of awareness is often seen in the police's conduct, when street preachers are arrested where no violation of the law has occurred. It is clear that additional training is needed to safeguard the fundamental right of freedom of expression, which is foundational to a functioning democracy."*

*"Throughout the six-week period, Mr Sleeper's fundamental rights were partially violated by the bail conditions. This is unacceptable, and we will continue to stand by Mr Sleeper as we fight for justice."*

*"Mr Sleeper made it clear that he was motivated by love, and a desire for his Muslim neighbour and the wider public to understand the truth about the claims of Islam."*

*"Freedom to speak up and expose this ideology should be guaranteed within a democratic society that prides itself on freedom of expression."*

## 20. Christian prison worker disciplined for quoting Bible in chapel service.

Press release 2 August 2017

### Christian prison worker loses appeal over quoting Bible in chapel service

A Christian prison worker who felt he had no option but to resign after being disciplined for quoting from the Bible during a prison chapel service, has lost his appeal against an Employment Tribunal's ruling that the prison was right to discipline him.

Rev. Barry Trayhorn, an ordained Pentecostal minister, worked as a prison gardener and volunteered in chapel at HMP Littlehey, a prison for sex offenders.

In May 2014, Rev Trayhorn spoke in a prison chapel service, quoting the Bible and talking about God's forgiveness for those who repent.

He quoted 1 Corinthians 6:9 which says: *"Neither fornicators, nor idolaters, nor adulterers, nor homosexuals, nor sodomites, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners will inherit the kingdom of God."*

A complaint was later made about the inclusion of homosexuals in the list, and he should not have not mentioned them in his quoting of the Bible. Rev Trayhorn was disciplined and eventually felt forced to resign.

In a judgment handed down yesterday (02 August), Mrs Justice Slade upheld the Employment Tribunal's ruling, that the quoting of a the Bible in a chapel service could *"legitimise... mistreatment"* of homosexual prisoners; and Rev Trayhorn was appropriately disciplined for quoting the sin.

Mr Trayhorn plans to take his case to the Court of Appeal, supported by the Christian Legal Centre.

### State control of doctrine

This ruling amounts to state control of what is and is not acceptable doctrine for a chapel service. The court ruled that quoting the Bible out loud in a service could be insensitive to sex offenders.

In effect, the state is determining what counts as sin. The passage quoted is a classic vice list of several immoral behaviours. Sexual immorality is included, alongside greed, drunkenness, theft, slander, and idolatry. Neither Mr Trayhorn, nor the passage quoted, focused on sexual sin.

The ruling means that certain parts of the Bible may be regarded as off-limits for quoting and preaching from in a chapel service. In effect, the state is determining that some parts of the Bible are acceptable to quote and some are not. If you quote the wrong part, you could face consequences.

This ruling has implications for Christian chaplaincies in all kinds of institutions – schools, prisons, hospitals, universities, and other workplaces.

This is in spite of the fact that attendance at chapel is entirely voluntary. No one was obliged to attend. Further, Pentecostal prisoners are not permitted to have a religious service in their faith tradition.

Those ministers who do not conform to state doctrine regarding what does or does not count as sin can be openly disciplined and forced out of their jobs as a result of this ruling. The use of the Bible is officially not a defence for a Christian minister to defend his Christian views.

### **'We cannot hold back the gospel truth'**

Commenting on the judgment, Barry Trayhorn said:

*"Prisoners need to hear God's word just as much as anyone else. If people come to a Christian chapel service, we cannot hold back the gospel truth that God forgives those who repent."*

*"In no way did my speaking from 1 Corinthians 6 intend to bully or mistreat anyone. I shared the gospel with them because I am motivated by the love of Christ to tell them that they can find forgiveness. I told the prisoners I am the worst sinner I know."*

*"I am worried that this ruling will restrict other people like me from sharing Christ in prisons - and even eventually in churches."*

*"Christianity is under attack in this nation. I cannot help but wonder if other faiths would be given the same treatment."*

### **'Dangerous precedent'**

Andrea Williams, Chief Executive of the Christian Legal Centre, said:

*"This ruling sets a dangerous precedent not only for prison chaplains but for any minister who preaches the gospel. To say that quoting a verse from the Bible can be offensive, could have serious implications on the freedom of prison ministers to share the good news of the gospel."*

*"It should not be for the state to decide which parts of the Bible can and cannot be quoted during preaching, nor to dictate that verses that some may find unpalatable should be interpreted to fit with current social norms."*

*"It was clear that Barry's talk centred on God's forgiveness and love for those who repent of their sin. This is a message that those imprisoned for sexual offences desperately need to hear. Our prisons are in need of the light of the gospel, yet this ruling sets a trajectory towards the Bible being forbidden in these institutions."*