

New 'gay rights' regulations rushed through Parliament

The Government's controversial Sexual Orientation Regulations have been passed by both Houses of Parliament.

The regulations outlaw discrimination against homosexuals in the provision of goods, facilities and services. The regulations, which also affect schools, will become law on 30 April.

Although the regulations include exceptions to protect the basic activities of churches, many faith-based social welfare projects are at risk of lawsuits because of their beliefs on sexual ethics. Commercial bodies which are run according to a religious ethos will also be in danger.

There has been a high level of cooperation between various Christian groups in opposition to these regulations. And many MPs and Peers strongly supported the case we made.

In the Commons MPs were denied a debate on the floor of the house. On 19 March the Government sprang a surprise vote which we lost by 310 to 100 (excluding tellers).

Two days later Peers in the Lords had a two-and-a-half hour debate which highlighted the deficiencies in the regulations. However, the Labour and Liberal Democrat parties told their Peers to vote in favour of the regulations and

the vote was lost by 168 to 122.

During the Lords debate a number of Peers who had previously voted in favour of gay rights measures said that these regulations were a step too far. They recognised that these laws will effectively place a duty on some people to act against their religious beliefs.

Peers also criticised the Government for introducing such far-reaching laws in the form of regulations rather than a Bill. By deciding to introduce these laws in this way the Government reduced the opportunities for debate in Parliament and blocked any possibility of Parliament being able to amend the regulations to improve them.

The Christian Institute's Legal Defence Fund, which currently stands at more than £200,000, is already being used to defend Christian freedom.

The Fund is currently supporting The Christian Institute's judicial review of the Northern Ireland version of the regulations. If the High Court finds that the Northern Ireland regulations contravene the right to religious freedom in the Human Rights Act then this could have implications for the regulations which have been passed for Great Britain.

Highlights from the Lords debate (page 5)

Analysis: We won the arg

The debate which took place in the House of Lords on 21 March 2007 was an example of winning the argument but losing the vote. Baroness O’Cathain’s excellent speech introducing her motion anticipated many of the arguments subsequently made against her. She carefully explained that the issue was not about rejecting homosexual people as people but about forcing religious people to endorse or promote immorality. She also criticised the rushed timetable, the elevation of gay rights over religious freedom and the intolerance of closing down organisations and businesses that refuse to condone homosexual practice. Her strong speech seemed to wrong-foot her opponents, who attacked her for arguments she had not actually raised.

Many of these opponents were deliberately emotive and did not engage with the real issues. Concerns over the conflict with religious liberties were blithely denied by Baroness Andrews for the Government, and other gay rights supporters such as Baroness Turner of Camden. Baroness Turner, who mentioned her membership of the National Secular Society and the British Humanist Association, actually stated that “No genuine objection on religious grounds is possible”. This was despite the presence of three Church of England bishops who clearly thought otherwise, not to mention the

thousands of letters which peers had received from Christians.

Baroness Howarth of Breckland charged opponents of the regulations with failing to “accept gay people as equal human beings”. She even invoked William Wilberforce’s campaign against slavery, as if Wilberforce would have backed homosexual rights. Baroness Howarth equated gay people with the good Samaritan in Jesus’ parable. Homosexual peer Lord Smith of Finsbury even invoked Christ himself in support of homosexual rights laws.

False analogies were drawn between sexual orientation and race, a point which the Bishop of Winchester rebutted in his speech. The Bishop made clear that even some homosexuals admit that sexual orientation is not fixed like race. He also said the Government was forcing people to promote lifestyles that were against God’s will. As well as the Bishop



“ A strong stand has been taken for religious liberty in the House of Lords. Over the years I could not have done this without the tremendous support of The Christian Institute. The briefing material they provide is first-rate, it strikes the right tone and is always thoroughly researched.

The test of good research is the readiness of the researchers to argue the points so the person using it is completely at ease with the arguments. This has given me great confidence in all the briefing material I have had from The Christian Institute.

Baroness O’Cathain

Argument but lost the vote

of Winchester, the Bishop of Southwell and Nottingham and the Archbishop of York supported Baroness O’Cathain. The Bishop of Southwell criticised the “secular dogmatism” epitomised in the regulations as they give greater weight to other human rights at the expense of freedom of religion. The Archbishop of York expressed his concern at the establishment of a hierarchy of rights and said that freedom of religion must include more than just freedom of worship.

Even veteran supporters of gay rights such as Baroness Butler-Sloss (a very senior judge) and Viscount Bledisloe QC made speeches against the regulations. They recognised that there were genuine religious concerns and that the regulations went too far in imposing the wishes of the homosexual lobby on religious people. Labour Peer Lord Anderson, who as an MP had voted in favour of homosexual rights in the past, opposed his own party because he believed the Government was giving undue priority to gay rights ‘zealots’.

Towards the end of the debate, the Minister Baroness Andrews said that “how the curriculum is taught... is caught by the regulations.” This is a vindication of The Christian Institute’s position regarding the effects of the regulations on education. The Government has repeatedly denied that the curriculum would be affected. Yet ministers now admit that the teaching of the curriculum is affected - precisely what we have been saying all along.

The full debate can be read online at www.parliament.uk under “Lords Hansard” for 21 March 2007. Key extracts are given on page 5. Christians are urged to read the debate to better understand the nature of our opponents’ arguments - and to see the courage of those who spoke for what is right.

For or against the regulations?

Commons

	Against	For
Labour	10	250
Conservative	85	29
Liberal Democrat	4	29
Others	3	4
TOTAL	102	312

(tellers have been included)

Lords

	Against	For
Labour	10	106
Conservative	69	4
Liberal Democrat	1	42
Cross Benchers	33	15
Bishops	3	0
Others	6	1
TOTAL	122	168

What happens now?

The fight for Christian freedom under the Sexual Orientation Regulations is by no means over.

Some cases against Christians are very likely to succeed. Other claims, however, could be successfully resisted. Gay rights groups often exaggerate the effect of legislation in their favour. The crucial thing is that Christians fight test cases that are brought against them.

There are important legal arguments in our favour. The Human Rights Act contains a right to religious freedom. The Equality Act protects the right of religious organisations to discriminate in favour of co-believers. The courts will have to reconcile the clear conflict between these protections and the Sexual Orientation Regulations. But the courts can only rule in our favour if we fight.

The more up-front a Christian organisation is about what it believes, the better case it will have in court. The important thing is to stand firm. The Christian Institute's Legal Defence Fund stands ready to support appropriate test cases to help to protect the rights of believers nationwide.

Education

The debate in the Lords vindicated what we have said all along about education. For months the Government gave the impression that court cases could not be brought concerning the teaching of the curriculum. But, minutes before the final vote, the Minister Baroness Andrews was forced to admit that "how the curriculum

is taught... is caught by the regulations".

This means that there could be litigation backed by gay rights groups against schools. The government-funded group No Outsiders is already saying that primary schools must use pro-gay story-books (including books listed in our publication, *Curriculum in the Courtroom*) to comply with the new regulations.

Future debates in Parliament

Later this year the Government intends to outlaw goods and services discrimination against transsexuals. Again, we will have to fight for religious protections. Within the next few years all discrimination law, including the Sexual Orientation Regulations, will be re-visited by Parliament. The Government has promised a Single Equality Bill to bring together all laws on discrimination. This will give Christians another opportunity to argue for amendments to protect religious freedom.

Judicial Review

We believe the Sexual Orientation Regulations are open to legal challenge under the Human Rights Act. Before any decision is made on that we must await the outcome of our judicial review of the Northern Ireland version of the regulations. If the court accepts our claim that the regulations are unlawful, it could strike them down. This could have implications for the Great Britain regulations.



CHRISTIAN INFLUENCE IN A SECULAR WORLD

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Lord Alli
(Homosexual businessman):

"Regrettably, the need for the regulations has been overshadowed again by far-fetched claims made in part by the noble Baroness [O'Cathain], by some of her supporters and by some—I repeat 'some'—in the Catholic Church. The regulations are fair and balanced, and they are the same regulations that religious organisations argued that they needed for themselves."



Baroness Turner of Camden
(Vice President of the British Humanist Association):

"The reasons normally given for this outrageous discrimination are religious—we have heard some of them this evening—but it is quite untrue that the regulations contravene people's freedom of religious conscience... No genuine objection on religious grounds is possible."



Lord Anderson of Swansea
(Former Labour MP):

"My Lords, my long-standing habit in more than 36 years in Parliament has been to support my party. I shall not do so tonight... I have in the past—consistently, I believe—supported legislation to remove hurtful, unjustified discrimination against homosexuals. ...the Government are prepared to countenance the closure of bona fide agencies that provide a valuable service because the Government give priority to the interests of gay people. The reality is that the regulations are a one-way ratchet, and zealots will certainly push them as far as possible."



The Bishop of Southwell & Nottingham:

"For Parliament to require our Roman Catholic friends, after a brief stay of execution, to choose between acting in a way that conflicts with their religious convictions and closing down work that is manifestly for the common good reflects a new kind of secular dogmatism... It is hard to escape the conclusion that the right to freedom of religion is being treated as of lesser weight than other human rights."



The Archbishop of York:

"...the Government are venturing down an unconsidered path through the establishment of a new hierarchy of rights. ...It now seems that a legal sausage machine is being created by the regulations, requiring all of us to go through it and come out the other end, sanitised and with our consciences surgically removed. ... Article 9 of the European Convention of Human Rights protects not only the holding of beliefs, but also the manifestation of those beliefs in worship, in teaching, in practice and in observance. But we must be clear that 'practice and observance' does not mean simply the narrow context of corporate worship."



Lord Smith of Finsbury
(Homosexual and former Labour Cabinet Minister):

"I do not have any problem with people believing something. I do not have any problem with people expressing that belief. However, I have a problem when they put that belief into action in a way that harms or discriminates against other people in society... For me and many Christians, the Christ whom we look to is someone who talked about love and inclusion, who accepted and drew in the people who did not fit into the mainstream of society and did not seek to exclude them."



The Bishop of Winchester:

"...the Government seem to have fallen away from the necessity to work with the tension between competing rights... I greatly regret the fact that the Government ...chose to legislate to coerce the churches and others to accept as the norm for this society... alternative patterns of living and of family life that many people conscientiously believe are less than the best, less than the most healthy, and less than God's will for humankind."



Viscount Bledisloe QC:

"My Lords, I think I can claim with justification and with pride that in every issue that has come before your Lordships' House before, I have consistently supported the position of the gay community in the face of quite a lot of opposition... Now we have come to a position that is precisely the opposite to where we were on all previous regulations, where the gay lobby, if I can so describe it, is seeking to impose its morality on the religious communities..."



Lord Lester of Herne Hill QC:
(Liberal Democrat Spokesman):

"The regulations must strike, and do strike, a fair balance between the competing rights and interests... As has been said, it is as unfair and unjustifiable to treat a human being less favourably because he is gay as it is because he is a Jew, a Catholic, a man or of Asian origin, or because he or she is old or disabled."



Baroness Butler-Sloss:
(President of High Court Family Division 1999-2005):

"I strongly support gay relationships and have lectured up and down the country in support of the civil partnership legislation and all that goes with it... But these regulations, in my view, are ill-drafted, have not been properly scrutinised, and give the major religious and faith groups concern... they should be reconsidered, re-written and should not be passed in their present form."



Baroness Howarth of Breckland
(Former Director of Social Services, Brent):

"Two hundred years ago, William Wilberforce made a speech in Parliament that freed black people to be equal human beings. I hope that this evening your Lordships will vote for these regulations. ... I say that this issue is about believing that homosexual people are equal."



Baroness Andrews
(The Parliamentary Under-Secretary of State, Department for Communities and Local Government):

"To sum up, these regulations have achieved the right balance between protecting religious liberty and human rights under the law... Nothing in these regulations prevents people holding beliefs... We have had a debate today about where the church belongs. The church belongs in the world... Where discrimination really hurts children is in how the curriculum is taught, and that is caught by the regulations."



Baroness Hanham
(Conservative Spokesman):

"There has been a feeling that there has been an assault on Christian values and beliefs... The regulations are about reducing discrimination, but it is evident that where they rightly and properly address that issue, they also give rise to the question whether those with Christian religious beliefs will now perceive themselves as the ones who are open to being discriminated against... It will be a terrible outcome if the coin only turns from one side to the other."



Baroness O'Cathain:

"In the regulations, the Government are rushing headlong into the incredibly sensitive area of a clash between gay rights and religious freedom, and doing so by secondary legislation which does not allow for amendments and permits only very limited debate. I believe this circumscribing of people's fundamental freedoms is outrageous. ...It is profoundly dangerous of the Government to decide to use the law to force religious believers to change their beliefs. ...Is it right to say, 'You must do business our way or not at all'? There is not much tolerance or diversity in that. Surely tolerance means freedom to disagree. ...In these areas, the Government are effectively putting up a sign saying, 'No Christians allowed'. ...The Government have taken the view that gay rights trump religious rights."

