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Some good news, some bad

There is much positive news to report. We are glad that an influential committee of MSPs has agreed with several of our concerns on plans to undermine Scotland's age of consent.

We are also pleased that the Charity Commission in England and Wales has taken on board some of our comments regarding its 'public benefit' guidance for religious charities.

On both those issues, concerns remain. But the prayers and actions of our supporters have clearly been a good influence.

We are also pleased that the Government U-turn on cannabis policy is now in force. Arguments which we

first raised in 1997 are now widely accepted.

Our Legal Defence Fund continues to play a vital role. We have helped a number of Christians protect their freedom to share the gospel and live according to their faith.

But we are disappointed that the good ruling in the Lillian Ladele case was overturned. Miss Ladele will appeal to the Court of Appeal.

We are also saddened that the Government wants to remove a free speech shield from its 'homophobic hatred' law. We campaigned for the introduction of that shield last year and will work to keep it.

Christian care home wins back council funding

A Brighton care home for elderly Christians has won back thousands of pounds of funding withdrawn by the local council because of its religious beliefs on homosexuality.

Brighton and Hove City Council wanted the home to ask its elderly Christian residents about their sexual orientation every three months, use images of homosexuals in its promotional literature and show a Stonewall presentation on 'gay rights' to staff.

Residents at the

Brighton home are made up of Christians aged over 80, including former missionaries and a retired church minister.

Although managers at the care home explained that to comply with the demands would unduly distress the elderly residents and undermine the home's Christian ethos, the Council accused it of "institutionalised homophobia" and pulled £13,000 of funding used to support a warden.

The Pilgrim Homes charity, which runs the

home and others like it, sought to resolve the matter, but having reached an impasse it told the Council of its intention to take legal action for religious discrimination.

After the story broke in the national press the Council sought an urgent meeting. The Council has now agreed to withdraw its accusation and restore the funding.

The case was backed financially by The Christian Institute's Legal Defence Fund.

Free speech shield in 'gay hatred' law threatened

The Government is planning to overturn a crucial free speech protection added last year to a controversial 'gay hate' law.

The free speech shield was added last May to the new offence of 'incitement to homophobic hatred' after a late night House of Lords victory.

It makes it clear that criticising homosexual practice or urging people to refrain from such conduct will not, in itself, be a crime.

But with clause 58 of its new Coroners and Justice Bill, the Government is attempting to remove the protection God graciously granted last May.

The wording of the free speech protection, added by former Home Secretary Lord Waddington, is as follows: "for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred".

In theory, if the protection was removed Christians would remain free to express their beliefs about homosexual practice.



Lord Waddington, former Home Secretary

The law ought only to catch the use of threatening words or behaviour which have the intention of stirring up hatred. No genuine Christian should find themselves falling foul of that.

But we believe a free speech protection should nevertheless remain attached to the offence to clarify an area of the law which could easily be used as a pretext for silencing Christian views on sexual behaviour.

Given the level of intimidation faced by Christians on the issue of homosexual practice, an explicit free speech protection is a reasonable approach.

Three reasons why we need free speech protection

1. Joe and Helen Roberts



Christian pensioners, Joe and Helen Roberts, were interrogated by police in 2005 because they expressed their opposition to their local council spending public money on 'gay rights' projects. They were told that they were very close to committing a hate crime with a seven year prison sentence. No such offence existed at the time.

2. The Bishop of Chester



In November 2003 the Bishop of Chester was investigated by Cheshire Constabulary after he told his local newspaper that some homosexuals re-orientated to heterosexuality with the help of therapy. The police dropped the investigation, after consultation with the Crown Prosecution Service, because the Bishop had not broken any "current" laws.

3. Iris Robinson



In June 2008 Northern Ireland MP Iris Robinson was reported to the police for expressing her religious beliefs on homosexual practice. Speaking on BBC Radio Ulster, she said the Bible describes homosexuality as an "abomination". She also said that homosexuals should seek counselling to help them change their lifestyle.

MSP committee tells Government to keep oral sex unlawful for under-16s

The Scottish Parliament's Justice Committee has told the Scottish Government to rethink its plans to water down age of consent laws.

The original proposals would have legalised a range of non-penetrative sexual activities including oral sex between children aged 13 to 15.

But after examining the Sexual Offences (Scotland) Bill, the Justice Committee recommended that oral sex should remain covered by age of consent laws.

The Christian Institute and other organisations provided evidence to the committee, and Christians throughout Scotland have been praying and writing to MSPs with their concerns.

The committee agreed that legalising oral sex for teenagers would ignore the medical risks and

More online...

For the latest news and resources on the age of consent plans please visit christian.org.uk



The Christian Institute's David Greatorex giving evidence to the Committee in November 2008

send out the wrong message.

However, the committee's report did not address other sexual activity, such as groping. The Christian Institute believes that boys and girls deserve equal protection under the law from unwanted sexual contact and therefore calls on the Scottish Government to retain the current law, extending its protection to boys.

The Government is expected to respond to the report by mid-February.

Lillian Ladele seeks Court of Appeal ruling

Threatening to fire a Christian registrar who asked to be exempt from registering homosexual civil partnerships was not an act of discrimination by Islington Council, a court has decided.

The ruling, published on the Friday before Christmas by the Employment Appeal Tribunal (EAT), overturns a previous decision that found in favour of Miss Lillian Ladele.

Lawyers acting for Miss Ladele say she was shunned by colleagues who mounted a witch hunt against her because of her Christian beliefs on marriage.

The original tribunal accepted the claims, but that decision



has been reversed by the EAT, chaired by its President, Mr Justice Elias.

The EAT did accept that Islington had acted in an improper, unreasonable

and extraordinary manner (paragraphs 62 and 77 of the judgment) but ruled this did not amount to religious discrimination.

The ruling states: "The council were not taking disciplinary action against Ms Ladele for holding her religious beliefs; they did so because she was refusing to carry out civil partnership ceremonies and this involved discrimination on grounds of sexual orientation."

Miss Ladele intends to appeal the ruling to the Court of Appeal. The case is being financed by The Christian Institute's Legal Defence Fund.

Report blind to benefits of marriage

A new Government paper, *Families in Britain*, highlights many positive outcomes enjoyed by married families but suggests that marriage itself has nothing to do with it.

The paper declares that “the quality of relationships matters most regardless of the legal form”.

The paper shows that family breakdown leads to serious problems for both adults and children.

Yet material hardship and relationship problems, rather than the break up itself, are blamed for most of these difficulties.

Relieving the financial hardship of broken families is emphasised rather than preventing such hardship by keeping couples together.

Families in Britain states that children whose parents are married have fewer behavioural and emotional problems than children of cohabiting parents.

Married couples are described as “happier” and less likely to separate.

Yet the paper labels Britain’s growing variation in family forms due to increasing cohabitation and family breakdown as “diversity not decline”.

Street preachers protected

Christian street preachers and public evangelists are increasingly having their free speech rights interfered with by over-zealous police officers and local authorities.

The Christian Institute’s Legal Defence Fund has been used to successfully resolve a number of these cases without the need to launch legal actions.

Brian Dee had been open-air preaching and handing out Christian tracts in Bury St Edmunds once a week for over ten years.

Last year council officials wrongly told Mr Dee that he was violating a local by-law aimed at reducing litter.

Our Legal Defence Fund helped Mr Dee. The council subsequently admitted that there was no problem and he has been able to continue his evangelism.

Last summer Tony Rollins was preaching in Birmingham about sin and its consequences when he mentioned homosexuality.

An onlooker took offence and two police officers arrived at the scene. Mr Rollins was arrested under Section 5 of the Public Order Act, handcuffed and kept in a police cell for four hours. He was charged and was set to appear in court. We believe this was a misapplication of the law and our Legal Defence Fund assisted Mr Rollins.

In September prosecutors decided it was not in the public interest to pursue the case.



More online...

For useful guides to the law on open-air preaching and tract distribution go to christian.org.uk



Fireman wins landmark case

A Roman Catholic fireman from Glasgow has won his legal battle against his bosses after he was punished for refusing to take part in a ‘gay pride’ march.

After failing to overturn the disciplinary findings at three internal appeals, John Mitchell took the matter to an Employment Tribunal.

Days before the hearing was due, Strathclyde Fire and

Rescue admitted they had failed to take account of his religious beliefs.

Mr Mitchell has been awarded damages and has received an apology from his employers.

Public servants should not be forced to take part in a public rally on an issue with which they disagree.

Cannabis returns to class B classification

The Government's decision to return cannabis to a stricter drug classification came into effect on 26 January.

Cannabis has been restored to class B status, reversing the downgrade to class C that took place in 2004.

Since the law was softened judges, police, parents and mental health experts have called for the move to be reversed because of the damage it has caused.

The Christian Institute

More online...

To download a free copy of *Going Soft on Cannabis* go to christian.org.uk



warned about the dangers of downgrading cannabis as far back as 1997.

The arguments presented in our 2002 briefing, *Going Soft on Cannabis*, are now widely accepted.

A U-turn was announced in

May last year by Home Secretary Jacqui Smith, who pointed to evidence of the drug's harmful effects.

Under a new penalty order timed to coincide with the return to class B, the drug will be treated on a 'three strikes and you're out' basis.

A person caught with cannabis will be given a warning on the first occasion, an £80 fine if caught a second time and will face arrest on the third offence.

Charity Commission publishes improved guidance

The Charity Commission, charities regulator for England and Wales, has published the new guidance it will use to assess the charitable status of churches and other religious organisations.

We do not believe that churches will face any difficulties complying with the law. The guidance is not legally binding but trustees of religious charities are required to "have regard to" the Commission's analysis. The Commission says this means trustees should be able to show that they are aware of the guidance, have taken it into account where relevant and have good reasons if they choose not to follow it.

As a result of a consultation on draft guidance held last year, the Charity Commission has addressed several concerns raised by Christian groups. For example, the draft guidance suggested that the Commission was intending to regulate membership criteria of religious groups, including churches. This suggestion is absent from the final guidance. The final guidance also contains assurances that vexatious and unsubstantiated complaints to

the Commission about religious charities will be dismissed.

Despite the improvements, there are still some worrying parts of the guidance. We still have concerns about the Commission's approach to charities which have the sole purpose of seeking to convert people from one religion to another, though there is an encouraging recognition that evangelism is regarded as a central part of the Christian religion.

The guidance also implies that the Commission can adjudicate on what is correct religious doctrine and practice. But these are matters the Commission is neither able nor supposed to determine.

Fundamentally, we believe that the Charity Commission is wrong in law to apply an 'activities test' assessing the benefits versus the detriments of a charity's activities. According to some leading experts in charity law the Commission has misinterpreted the new Charities Act. These experts say that under the Act 'public benefit' should have the meaning developed by English case law, which does not include an activities test.



Latest news on EU Directive

An EU Directive which threatens the religious liberty of Christians does not go far enough, an influential MEP has said.

The draft Directive aims to outlaw discrimination in the provision of goods and services, including on grounds of sexual orientation and religion.

Similar laws in the UK have interfered with the religious liberty of Christian groups and individuals.

If the Directive is passed in its current form it will hand control of important discrimination law to Brussels.

Kathalijne Buitenweg, an MEP from the Netherlands, has been examining it on behalf of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE).

As the Committee's rapporteur, Kathalijne

Buitenweg recently presented an initial report which includes several key recommendations.

These include extending the scope of the Directive, potentially even to churches, by deleting sections which limit it to 'professional or commercial' spheres.

She also wants to remove the phrase "This Directive is without prejudice to national laws on marital and family status, including on reproductive rights".

This could see the Directive used to force all EU member states to allow homosexuals to adopt and to access assisted reproduction.

However, her report does recognise that proposals on harassment – which may damage the free speech rights of Christians – are too broadly drafted.

If the Committee accepts the Buitenweg

report it will then be considered by the whole Parliament, which may adopt its suggested changes as the Parliament's own view.

The final power to enact or dismiss the Directive lies with the Council of the European Union.

The Council is not bound by the Parliament's view but is expected to have regard to its opinion.

Several EU states, including Germany and the Czech Republic, have indicated that they would rather deal with controversial discrimination law themselves than hand control to Brussels.

The LIBE Committee is scheduled to vote on the Buitenweg report on 17 February.



More online...

For the latest news and resources on the EU Directive please visit christian.org.uk



New laws clamp down on sex trade

The laws in England and Wales on prostitution and lap-dancing clubs are to be tightened, but the Government has stopped short of a complete ban on buying sex.

Under the Policing and Crime Bill it will be an offence to pay for sex with a prostitute 'controlled for another person's gain', even if the purchaser is unaware that the prostitute is being controlled.

It will still be legal for men to pay for sex with a prostitute who is acting independently. But it is hoped that the

measure will deter would-be purchasers because of the uncertainty over whether a particular prostitute is actually independent.

The Government will also apply more stringent tests before issuing licences to lap-dancing clubs by designating them "sex encounter venues". The Home Secretary says the move will "give local people a far louder voice in determining whether and where those clubs can be set up". Since a relaxation of the law in 2003, lap-dancing clubs have doubled across the UK.