

# **An Assault on Human Rights?**

## **The Implications of the Proposed Sexual Orientation Regulations**

A submission to MPs and Peers on the Department of Trade and Industry's  
consultation document

*Getting Equal: Proposals to Outlaw Sexual Orientation Discrimination in the  
Provision of Goods and Services*

*13 March 2006*

**The Maranatha Community  
in association with  
The Council for Health and Wholeness**

## **The Maranatha Community**

The Maranatha Community is a Christian movement with many thousands of members throughout the country active in all the main churches. Its membership includes a substantial number of people involved in the health and caring professions and in a wide range of voluntary community service. Since its formation over 25 years ago, it has been deeply involved in work amongst children and young people both in this country and abroad, people with drug and alcohol problems, the elderly, the disabled and the disadvantaged. It has taken the initiative in a broad range of projects directly contributing to the health of the nation, and it also has extensive international experience. For many years it has responded with care and consideration to the expressed needs of those involved in homosexual relationships.

The Maranatha Community

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The Maranatha Community Trust is a registered charity, number 327627.

The Leader and co-founder of the Community is Mr Dennis Wrigley.

## **The Council for Health and Wholeness**

The Council for Health and Wholeness is a multi-disciplinary body embracing doctors drawn from a broad spectrum of specialist disciplines, nurses and various medical auxiliaries, counsellors, chaplains and others. It has close links with the healing ministry of the Christian Church, and is involved in a wide range of research projects and studies, including many aspects of human sexuality.

The Council is based in the offices of the Maranatha Community. Its medical coordinators are Dr Hans-Christian Raabe, Dr Linda Stalley and Dr Natasha Fraser.

# The Sexual Orientation Regulations 2006

## Summary

1. □ The Women and Equality Unit of the Department of Trade and Industry has proposed “Sexual Orientation Regulations” under the Equality Act 2006.
2. □ Under these proposals, the Government would introduce sweeping regulations affecting many aspects of our lives, including the provision of goods, facilities and services; the selling or letting of premises; education; and the work of public authorities.
3. □ Despite their title, the proposed regulations are not concerned with sexual orientation, but with sexual lifestyle. They seek to impose upon the entire community, subject to very few and very limited exceptions, the acceptance of forms of conduct which many people, for reasons of conscience, social order or religion, consider unacceptable.
4. □ The proposed regulations therefore have far-reaching implications for freedom of action in our nation on grounds of conscience, good social order or religion. The control measures proposed would introduce an entirely unacceptable degree of State intrusion and intervention into the lives of the British people.
5. □ We, the Maranatha Community, therefore call upon MPs and Peers, regardless of political affiliation and of any party pressure that might be applied, to ensure the defeat of the Sexual Orientation Regulations when they are presented to Parliament for approval, unless they are radically amended to protect freedom of speech, conscience, and religion in this country.

## An Assault on Fundamental Freedoms of Conscience and Religion

6. Respect for freedom of conscience and freedom of religious belief and practice is a fundamental element of civilised society.
7. One of the foundations of our British Nation and culture is the Magna Carta of 1215, which says, “*We... have confirmed for us and our heirs in perpetuity, that the English Church shall be free and shall have its right undiminished and its liberties unimpaired.*”<sup>1</sup> It concludes, “*It is our wish and command that... men in our kingdom shall have and keep all these liberties [and] rights... well and peaceably in their fulness and entirety... for ever.*”<sup>2</sup>
8. The United Nations Universal Declaration of Human Rights states: “*Everyone has the right to freedom of thought, conscience and religion; this right includes... freedom, either alone or in community with others and in public or*

*private, to manifest his religion or belief in teaching, practice, worship and observance.*"<sup>3</sup>

9. Furthermore, the Declaration states that, "*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference... and to receive and impart information and ideas through any media...*"<sup>4</sup>
10. These rights are incorporated in the European Convention on Human Rights.<sup>5</sup>
11. In other words, respect for freedom of conscience and freedom of religious belief and practice is not only fundamental to civilised society, but has been a basic premise of our national life for hundreds of years, and is also deeply enshrined in the legal conventions of the modern world.
12. In stark contrast, the proposed Sexual Orientation Regulations<sup>6</sup> seek to give one particular view of homosexual lifestyles almost total precedence over centuries-old beliefs and practices of Christians, Muslims and Jews, and the social convictions and conscience of many others.
13. The proper basis for regulations of the proposed kind is that they should govern only the free space that exists **after** right and due provision has been made for freedom of social conviction, conscience and religion. Instead, the Government is proposing to set that one particular view of homosexual lifestyles **above and before** all considerations of social conviction, conscience and religion, apart from a small and closely constrained set of exemptions.
14. The proposals make no provision whatsoever for people with objections on the grounds of social conviction or conscience, and put the burden of proof upon faith communities to justify broadening the scope of the exemptions allowed to them. **The proposals far exceed the bounds of legitimate limitation of rights and freedoms provided for by the United Nations Universal Declaration of Human Rights<sup>7</sup> and the European Convention on Human Rights<sup>8,9</sup>.**
15. Despite the far-reaching character of these proposals, the Government is proposing to introduce these changes to the law by regulation rather than by legislation, so that there will be no opportunity for full consideration and discussion of them in Parliament: they will be subject only to a simple vote of acceptance or rejection in each House.
16. We note that the timing of these proposals has run over the Parliamentary summer recess, further minimising the opportunity for Peers and MPs to discuss them before they come before the two Houses of Parliament for the vote.

## **Homosexual Orientation and Homosexual Lifestyles**

17. **A clear distinction must be maintained between homosexual orientation and homosexual lifestyles.** This distinction is obscured in the proposed “Sexual Orientation Regulations”. This may have been done deliberately, to help to induce those concerned about improper discrimination on the grounds of sexual orientation to believe that the proposed regulations have a legitimate basis and should be supported.
18. **As a Christian community, we are called to love, respect and care for every person, regardless of their race, gender, colour, faith or sexual orientation.** But that does not mean that we must accept as normal, desirable or equally acceptable every possible form of homosexual activity and lifestyle, any more than it implies that we must accept everything that anyone does (legitimately or otherwise) in the name of religion. Accordingly:
  - a. **We affirm our respect for the worth and human dignity of every person, irrespective of their sexual orientation, preferences or practice.**
  - b. **We strongly oppose any behaviour which in any way embraces hostility, victimisation or abuse towards those who adopt a homosexual lifestyle.**
  - c. **In common with hundreds of millions of Christians, Muslims and Jews, together with many others, we repudiate homosexual acts and lifestyles because they conflict with legitimate convictions regarding society; objections of conscience; and personal beliefs, religious teaching and scriptures.**

## **Terminology, Attitudes and the Law - Democracy and Totalitarianism**

19. The term “homophobic” has come to be used to describe and condemn bigoted and malicious attitudes towards people of homosexual orientation or conduct.
20. However, it is also increasingly being applied, misleadingly, to anyone who takes a different view from that of militant homosexual activists who wish to impose upon society the perception that their view of homosexual activity and lifestyles is the only legitimate one, and the only one that should be permitted expression under the law.
21. It is notable that the Home Office and Police Services already define “hate incidents” and “hate crime” in ways that go far beyond the law as approved by Parliament.<sup>10</sup> There have already been incidents in this country where the police have attempted to condition the thinking of people who have expressed views on homosexuality different from those promoted by these militant activists.<sup>11</sup>

22. The proposed regulations would offer militants **almost unlimited opportunity for malicious action** against churches, mosques and synagogues, and against companies and private individuals who wish to promote, defend or simply act in accordance with our traditional national social values, individual conscience or religious belief and teaching.
23. **Respect for individual social values, conscience and life-transforming religious convictions is a fundamental characteristic of free societies.** It is what differentiates responsible democracies from totalitarian regimes. The Sexual Orientation Regulations represent an attempt to impose a totalitarian style of control upon people's freedom of action.

### **Specific Objections to the Proposals**

24. **False Premises.** The proposals equate discrimination on the grounds of sexual lifestyle with discrimination on the grounds of disability or race. That is a false premise. A person has no choice about a disability or his race. While a person's sexual orientation can be affected by a variety of factors, his or her sexual activity and lifestyle is a matter of choice. **It is entirely invalid to attempt to introduce the Sexual Orientation Regulations on the grounds of comparability with measures against discrimination on the basis of race or colour.** The proposals also:
  - a. Suggest, without any supporting evidence, that the proportion of the population with homosexual orientations is far higher than reputable research indicates.
  - b. Imply that all these people wish to indulge in homosexual lifestyles. In fact, many homosexually orientated people do not wish to do anything of the kind.
25. **Freedom of Speech.** Our liberty to hold, discuss and propagate our views about sexual activities and lifestyles is fundamental to the British freedom of speech, religion and conscience. The proposed Sexual Orientation Regulations threaten this freedom.
26. **Theological Confusion.** The proposed regulations are fundamentally flawed in seeking to limit exemptions on religious grounds to "*observance or practices that arise from the basic doctrines of a faith*". For most world religions, belief, teaching and practice are inseparable. It is impossible to divide "the basic doctrines of a faith" from the consequential approach to life issues that follows irrevocably from those doctrines.
27. **Discrimination against Christian, Muslim and Jewish Teaching and Action.** Unless they are radically amended, the proposed regulations will discriminate severely against much Christian, Muslim and Jewish teaching and action on sexuality. They will introduce an unprecedented degree of State control of religious teaching and practice in this country. They would make it

impossible, for example, for a Christian or Muslim couple running a bed-and-breakfast in their own home to maintain Christian or Muslim principles in the allocation of double rooms solely to married couples.

28. **Public Use of the Bible and the Qu’ran.** It is possible that activists might seek to limit public use of those parts of the Bible and Qu’ran that speak against homosexual practice, particularly in non-religious premises or in open spaces. The Bible has been a major influence for good in the shaping of our nation. It would be intolerable and against the national interest to allow parts of it to be subject to de facto censorship in this way.
29. **Education.** The marriage-based family is the fundamental building block of civilised society. It reflects commitment and the intention of permanency. The social cohesion that flows from the marriage-based family provides security for society, the married couples and their children. It also provides the most healthy and beneficial environment in which to bring up children. The destruction or abandonment of the marriage-based family has enormous social consequences, and many of the major social and health problems in our country today are the result of this.<sup>12</sup> Children have the right to be given the best possible preparation for adult life. This must include clear teaching (without causing avoidable pain to those in single-parent families or other relationships) that marriage is the preferred and best relationship. They have the right to be informed about the dangers and potential consequences of promiscuity, multi-partnering, and alternative sexual practices. The Sexual Orientation Regulations would provide an opportunity for activists to oppose teaching about relationships that was based on Christian ethics. They could be exploited, for example, to demand that books promoting homosexual relationships should be used in English literature classes, if classic novels about heterosexual relationships such as “Pride and Prejudice” were used there.<sup>13</sup>
30. **Health.** The consultation document claims (again without any supporting evidence) that there will be a “*health benefit*” from the introduction of the proposed regulations. The truth is that some homosexual practices, especially anal intercourse, are highly dangerous to health. Already practising homosexuals are prohibited from giving blood for transfusion. Any measures that tended to encourage or normalise homosexual practices would in fact be very likely to do damage to the nation’s health, and put an increased burden of costs upon the National Health Service.
31. **State Control and Coercion.** The proposed regulations are very complicated (vide, for example, the proposed prohibition of “indirect discrimination”). A substantial proportion of the population are already deeply concerned about the apparently ever-increasing degree of State control over their lives. **The proposed regulations would extend this control to unprecedented levels.** The prospect of a Government-funded “Commission for Equality and Human Rights” with extensive powers of investigation and enforcement is one that most democratically minded people rightly view with alarm. It is a clear step towards the creation of an Orwellian state.

## **Summary and Call for Parliamentary Action**

- 32. The proposed regulations would, for probably the first time in Britain, apply the force of law to silence legitimate public expression.** They would secure freedom for a militant minority to promote their views and lifestyles regardless of other people's valid concerns and objections on grounds of social conviction, conscience or religious belief.
- 33. The proposed exemptions approach the issue from the wrong end.** The regulations should only apply to the "free space" **after** issues of social conviction, conscience and religious belief have been taken into account.
- 34. The proposed regulations offer almost unlimited opportunity for aggressive activists to make malicious complaints** and trigger investigations which will be costly both to the public purse and, potentially, to the defendants. These actions are likely to hinder severely the work and witness of faith groups, and to disrupt legitimate businesses equally severely.
- 35. The control measures proposed would introduce an entirely unacceptable degree of State intrusion and intervention into the lives of the British people.** Men and women of our nation and of our allies have in the past given their lives to prevent this degree of totalitarian control overtaking our country.
- 36. The proposed regulations have produced such a strong reaction from the public that the Government have deferred their introduction by six months to allow further consideration.** This provides an excellent opportunity for MPs and Peers to exert the maximum influence to have the proposed regulations amended appropriately.
- 37. We therefore call upon MPs and Peers, regardless of political affiliation and of any party pressure that might be applied, to ensure the defeat of the Sexual Orientation Regulations when they are presented to Parliament for approval, unless they are radically amended to strongly affirm and protect freedom of speech, conscience, and religion in this country.**

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## **References:**

1. Magna Carta, clause 1. This and clause 63, are still valid under the charter of 1225.
2. Ibid, clause 63.
3. The United Nations Universal Declaration of Human Rights, Article 18.
4. Ibid, Article 19.
5. The European Convention on Human Rights, Articles 9.1 and 10.1.
6. Getting Equal: Proposals to Outlaw Sexual Orientation Discrimination in the Provision of Goods and Services, 13 March 2006.
7. The United Nations Universal Declaration of Human Rights, Article 29.2.
8. The European Convention on Human Rights, Article 9.2.
9. The European Convention on Human Rights, Article 10.2.
10. "Hate Crime: Delivering a Quality Service", ACPO/Home Office, March 2005.
11. "The criminalisation of statements of belief" - Maranatha Submission to the Independent Police Complaints Commission, August 2006.
12. "Marriage and Family in the United Kingdom", Maranatha, October 2006.
13. Leaflet "New laws could force gay laws on schools", The Christian Institute, September 2006.