



The Maranatha Community

***Submission to the  
Delegated Legislation Committee – House of Commons***

on  
**The proposed  
Sexual Orientation Regulations**

Addressed to  
Delegated Legislation Committee,  
House of Commons  
Westminster, London

The Maranatha Community welcomes the inquiry into the proposed Sexual Orientation Regulations by the Delegated Legislation Committee.

We represent thousands of Christians of all denominations and differing backgrounds. We are totally opposed to any discrimination on the basis of sexual orientation and believe that every man, woman and child is created in the Image of God and is of inestimable value to God, regardless of sexual orientation.

**However, we would like the Select Committee to consider urgently the following areas of grave concern regarding the proposed Sexual Orientation Regulations (SORs), and would respectfully ask the Committee to raise the following seven issues with the Government before the SORs are presented to Parliament:**

**1. Is your Committee convinced that there is a genuine need for these Regulations?**

In a recent letter to the Times (30.11.06), the Minister Meg Munn claimed that the Sexual Regulation Orientations are necessary, as 'lesbian or bisexual people are denied access to essential healthcare'. If this were indeed the case, this sort of discrimination could easily be dealt with through existing guidance issued to the medical profession, for example by General Medical Council guidance (such as the GMC guidance 'Valuing Diversity' and other regulations), there is no need to introduce the SORs or any other new regulations for this purpose. However, many of our members have extensive experience working in the NHS for many years, and they are not aware of any incidents of lesbians or bisexuals being 'denied access to essential health care'. We enquired at the Equality Unit, DTI about this claim, however the Equality Unit was unable to provide us with any substantive evidence to support it. There only appears to be very limited anecdotal evidence, for example the case of a lesbian woman being denied a smear test. However, even if this indeed happened, it is a matter of medical education and should not be addressed by Legislation.

Legislation is not the right instrument to dictate clinical judgment.

In essence, we hold that the government has failed to provide robust evidence to support the claim, that homosexual individuals are denied access to essential healthcare. This has been presented at Ministerial level as one of the main bases for introducing the SORs.

**We would be grateful if you would ask the Government to provide robust evidence to justify the claim that the SORs are necessary because 'homosexual individuals are denied access to essential healthcare'.**

## **2. Is your Committee convinced that there are adequate safeguards in place to protect individuals and groups against abuse of the proposed Regulations?**

Abuse of these Regulations – for example with the intention of silencing certain groups – is a very real possibility. We are aware of the following case from Toronto, Canada. (Canada already has in place similar legislation, prohibiting discrimination on the basis of sexual orientation): A gay advocacy group approached a printer, Mr Brockie with the request to print their material. The printer, a Christian, refused on the basis of his belief. Subsequently, the Ontario Human Rights Commission ruled that Mr. Brockie should have done the work. It ordered him to apologise to the gay group and to pay it Can \$5,000 (approx. £ 2,500). We understand that the gay advocacy group was aware that the Christian would refuse their request, nevertheless he was approached. We understand that the gay advocacy group was aware that Mr Brockie would turn down their request on the basis of his belief, but that they nevertheless chose to approach him. If so, we consider that they deliberately provoked conflict over the issue. We believe that the proposed SORs do not provide sufficient protection against abuse. This issue has been discussed with the Equality Unit of the DTI, however it appears that no consideration has been given as how to prevent abuse of the Regulations. In light of this example, **we would be grateful if you would ask the Government how they will ensure that that the proposed SORs will not be abused, for example by malicious claims.**

## **3. Has your Committee assessed whether the Government has followed correct Parliamentary procedure?**

Following on from the public consultation on the proposed SORs, the Government's Consultation Paper received over 3,000 responses. We are not aware that the Government has to date published a summary of these responses. We understand that the overwhelming majority of these submissions (well over 2000) argued for greater exemption of religious organisations. We believe that to ask for a public consultation on the issue without properly taking into account the views of the public makes a mockery of the public consultation process and democratic principles. This is a very disconcerting sign that the Government may not be truly interested in public opinion anymore. We believe that to ask for a public consultation on an issue, and then to claim, for example in Ministerial replies to letters from MPs representing constituents' concerns, that the responses have been 'carefully considered', without publishing full and convincing reasons for rejecting the responses, makes a mockery of the public consultation process and of the principles of democratic parliamentary democracy. This, and verbal responses like that given by the Deputy Prime Minister to a question by Jeffrey Donaldson MP about the Northern Ireland SORs (Hansard 29 November 2006, col 1083, Q6 [104559]), constitute very disturbing indications that the Government is prepared to ride roughshod over majority public opinion (vide, for example, Mr Donaldson's question) and in regard to the SORs does not have the legitimacy of providing representative government of the people of this country.

**We would urge your Committee to clarify with the Government, as to why the opinion of the overwhelming majority of the respondents who have called for exemption of religious organisations has not been reflected in the proposed Regulations. In the absence of this, the proposed Regulations should not be presented to Parliament.**

## **4. Has your Committee recognised that the proposed SORs fail to distinguish between sexual orientation and sexual lifestyle?**

A fundamental flaw in the proposed regulations is that they confuse sexual orientation with sexual lifestyle. A person may be aware of same-sex attraction (and therefore may consider himself or herself to be homosexual or bisexual), without necessarily acting upon this same-sex attraction. This constitutes a homosexual orientation. However, if the same person were to act on this orientation, for example by regularly engaging in homosexual sexual activity, this would constitute homosexual lifestyle. Together with most Christians, the Maranatha Community clearly condemns any discrimination on the basis of sexual orientation. However, with the mainstream of teaching of the major religions, we are concerned about homosexual behaviour, as – in our experience – it has adverse physical, emotional and spiritual consequences (such as the significant reduction of life expectancy of between 8 and 20 years for homosexual men). In this context we need to emphasise that there is no evidence whatsoever that would support the notion that there is a 'gay gene', that homosexuality is 'inherent' (like race or colour, as the Joint Committee on Human Rights recently incorrectly claimed), innate and unchangeable. This notion is refuted for example by studies of identical twins, where there is concordance (both identical twins homosexual) of between 20 and 32% regarding homosexuality, as opposed to concordance of essentially 100% for race or sex (ie essentially 100% of identical

twins have the same race or sex). This shows that environmental factors, learned behaviour and other factors play a significant part in the development of homosexual orientation and behaviour. No-one has ever been 'born gay'. Indeed, there is substantial evidence that homosexual orientation and behaviour is neither innate nor unchangeable. It is therefore grossly misleading to suggest that discrimination against sexual behaviour, for example homosexual behaviour, is in the same league as discrimination on the basis of colour or race: an individual has no choice about his or her colour or race, which are indeed inherent characteristics, but engaging in homosexual behaviour, just like engaging in heterosexual behaviour, is to a significant extent, a matter of choice. Once this is recognised, it can be seen that the bulk of the proposed SORs are either redundant or inappropriate. Discrimination on the basis of true sexual orientation could be dealt with much more simply.

**We therefore urge your Committee to ask the Government why the proposed SORs fail to distinguish between sexual orientation and sexual lifestyle.**

## **5. Has your Committee assessed the impact these Regulations will have on freedom of speech, of conscience, of belief, and of religion?**

The proposed regulations will restrict freedom of conscience, belief, thought and religion and will have a chilling effect on freedom of speech. A simple statement of opinion, for example expressing concerns about the homosexual lifestyle or the adoption of children by gay couples is likely to lead to police investigation and possible criminal proceedings. This concern is supported by the view of the recent Parliamentary Joint Committee report which stated:

"In our view, the prohibitions on discrimination in the Regulations limit the manifestation of (...) religious beliefs and that limitation is justifiable in a democratic society for the protection of the right of gay people not to be discriminated against..." (Joint Committee on Human Rights. Legislative Scrutiny: Sexual Orientation Regulations. para 44). And: "Where such manifestation of a belief conflicts with the right of gay people not to be discriminated against in their access to services as important as adoption services, it is in our view necessary and justifiable to limit the right to manifest the belief." (para 52)

In the assessment of the Joint Committee, the right to freedom of thought, conscience and religion is considered to be absolute and cannot be restricted (Article 9 (1) of the ECHR), while the right to manifest one's religion or belief in practice is qualified and capable of limitation under Article 9 (2) in order to protect the rights of others. (Joint Committee on Human Rights. Legislative Scrutiny: Sexual Orientation Regulations. Sixth Report of Session 2006-07, Summary) However, the same distinction does not apply for sexual orientation, where the orientation and homosexual behaviour would not be limited by legislation. This would even apply in the situation where the manifestation of homosexual behaviour would interfere with personal opinion, conscience and religious rights of others. With the proposed regulations, it is likely that the right to manifest homosexual behaviour trumps the right to manifest one's conscience, belief and religion. This is a dangerous precedent of infringement of the right to of freedom of conscience, opinion and religion and to manifest this right in private or public.

**We would be grateful if your Committee would ask the Government whether they agree with the assessment of the Joint Committee on Human Rights, that the right of a gay person to manifest his or her homosexuality trumps the right of another person to manifest his freedom of speech, religion, belief and conscience?**

## **6. Has your Committee assessed the risk of *increasing* discrimination against those who hold certain beliefs, including religious views, as a result of the proposed Regulations?**

The Regulations allow for discrimination against the manifestation of belief, conscience and religion, but prohibit discrimination against homosexual orientation and behaviour. Let us contrast how the law is likely to treat the manifestation of religious belief, conscience etc (as opposed to the belief, conscience itself) vs how it is likely to treat the manifestation of a homosexual orientation, ie homosexual behaviour (as opposed to the homosexual orientation itself). Already, before the introduction of the SORs, individuals as diverse as the Bishop of Chester (who stated the view that some homosexuals can change their sexual orientation, a view supported by a large number of scientific studies), Lynette Burrows (who expressed concerns at the adoption of children by gay couples, a view that can be supported by some scientific studies and anecdotal evidence), and Sir Iqbal Sacranie, (who repeated publicly the well known position of Islam on homosexuality), have been subject to police investigations. We therefore note with grave concerns the proposed Regulations would be a further step towards the increasing criminalisation of statements of belief, a practice that we would associate with a police state rather than a liberal modern democracy.

**We therefore urge your Committee to ask the Government as to whether they can give reassurance that the proposed SORs will not lead to restrictions of freedom of belief, of conscience, of religion and of speech, and will not lead to discrimination against those who hold certain beliefs, and if so, how discrimination can be justified.**

## **7. Has your Committee assessed the likely public policy impact of the proposed Regulations on family, marriage, and especially on child health?**

In the recent UNICEF report, 'An Overview of Child Well-being in Rich Countries' the UK came last among 21 developed nations in a wide variety of indicators including happiness, alcohol and drug misuse, teenage pregnancy, poverty etc. In the report, one of the key reasons for the poor performance of the UK was the high rate of family breakdown in the UK. This contrasts with most other developed countries that have far fewer children growing up in broken families or single-parent families. If – as suggested by the proposed SORs, - homosexual behaviour and gay parenting will have to be promoted or described as 'normal' in schools and in public policy, this further undermines the heterosexual marriage-based family. The marriage-based family is the basic building block of society. If we did away with this, there is nothing to replace it with.

**We would therefore be grateful if the Committee could raise the question with the Government of whether the proposed SORs (which would require schools to teach that homosexual parenting is of equal worth and validity to heterosexual marriage and require Government policy and various agencies to support a similar position in legislation, taxation, policy etc) would further undermine the heterosexual marriage-based family with all the documented adverse consequences of family breakdown such as drug, tobacco and alcohol misuse, precocious sexual activity including teenage pregnancy, emotional problems, juvenile delinquency and childhood poverty.**

### **Conclusion:**

**The proposed Sexual Orientation Regulations should not come into effect in their current form for the following reasons:**

- 1. The Government has failed to produce satisfactory evidence for the need to have them introduced.***
- 2. There are no adequate safeguards in place to prevent abuse of the Regulations.***
- 3. The Government has ignored the views of the overwhelming majority of respondents to the consultation, who wanted religious groups to be exempted.***
- 4. The proposed Regulations are fundamentally flawed as they fail to distinguish between sexual orientation and sexual behaviour.***
- 5. The proposed Regulations will lead to a chilling of freedom of speech, of belief and religion.***
- 6. The proposed Regulations are likely to lead to increased discrimination of those who hold certain beliefs, and***
- 7. The proposed Regulations will further undermine the basic building block of society, the marriage-based family.***

**The proposed Sexual Orientation Regulations should not come into effect in their current form.**

14 March 2007

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The Maranatha Community is a Christian movement of many thousands of members throughout the United Kingdom and abroad, in all the main churches. The Community is directly involved both locally and nationally in politics, peace and reconciliation work, and aid to communities in need both in this country and overseas.

The Leader of the Community is Mr. Dennis Wrigley.

Maranatha Community UK, 102 Irlam Road, Flixton, Manchester, M41 6JT. Tel: 0161 7484858 Fax 0161 7477379

Email [info@maranathacommunity.org.uk](mailto:info@maranathacommunity.org.uk). Web [www.maranathacommunity.org.uk](http://www.maranathacommunity.org.uk)