

RE: Call for Evidence: Freedom of Expression

Date: 17 November 2020

Submitted to: Human Rights (Joint Committee)

Introduction

1. Christian Legal Centre is a leading legal advocacy group in the United Kingdom dedicated to the protection of religious liberty. We acted as counsel of record for several of the applicants in the seminal case of *Ewedia and Others v. the United Kingdom*, and have taken part in many of the precedent setting cases involving freedom of thought, conscience, and religion in the United Kingdom; a number of those cases dealing with the punishment of religious expression. Christian Legal Centre's cases are frequently covered by British print and broadcast media.
2. We make this submission because of the nefarious effect the over-regulation of speech has had on the free exercise of Christian belief in the United Kingdom. The methodology of this submission is to provide the committee detailed evidence from areas where Christian speech has been most impaired. The majority of the evidence cited herein comes from the direct experience of the Christian Legal Centre and the Christians we support.

Universities

3. The erosion of freedom of speech is happening on university campuses across the United Kingdom. An alarming trend of limiting freedom of expression on university campuses has become more and more aggressive in recent years. As *Spiked Online* has reported, 43 % of British Universities have implemented speech codes and policies which limit religious expression.¹ Evidence also shows that no less than 108 universities in the United Kingdom have actively censored free speech or have done so through over-regulation.²

¹ See: <http://www.spiked-online.com/free-speech-university-rankings/>.

² *Id.*

4. By way of example, it would seem, cultural forces are aggressively trying to wipe out any dissenting views about abortion. On University Campuses across the country, students' unions are adopting totalitarian pro-abortion policies which seek to prohibit the affiliation of pro-life student groups and no platform any pro-life activities. Such policies are not only woefully anti-democratic, they are often unlawful. In the last two years, legal challenges were successfully brought against the Students' Unions at Glasgow University, the University of Strathclyde and Aberdeen University. Cardiff University's pro-choice policy was also amended following a challenge, to remove any semblance of direct discrimination or restrictions on freedom of association. The Christian Legal Centre played significant roles in challenging the pro-abortion policies at both Aberdeen University³ and Cardiff University.

Disproportionate Impact on Christians

5. The over regulation of speech has become such a problem in the United Kingdom that even mainstream Christian values expressed publicly and privately have led to fines, imprisonment, and injury to employment.
6. Last year, the Christian Legal Centre received 895 enquiries from Christians who felt that they had suffered some form of detriment because of their Christian faith. A significant number of those enquiries came from people who were facing, or had faced, disciplinary action because of comments they had made in relation to homosexuality and gender identity in the context of their Christian beliefs. In fact, in the experience of the Christian Legal Centre, the number of these cases has grown exponentially in recent years. In one notable case, a student was removed from his university course for Facebook comments about homosexual behaviour being a sin.⁴ In another, an actress was sacked and blackballed for posting her Christian beliefs about homosexual behaviour.⁵ These cases also extend to schools. In Fairford, a pastoral assistant was fired from her job at a local Academy for posting her concerns about LGBT education

³ <https://christianconcern.com/news/pro-life-group-win-affiliation-at-aberdeen-university/>.

⁴ <https://www.theguardian.com/world/2019/jul/03/christian-wins-appeal-after-being-thrown-off-social-work-course>.

⁵ <https://www.bbc.com/news/entertainment-arts-49881027>.

and the new RSE regulations on her private Facebook page.⁶ A pastor in a small free church in Ely, Cambridgeshire was sacked from his part-time job as a caretaker of a school for posting a message about gay Pride events and Christianity in his capacity as a pastor.⁷ A Christian magistrate was also removed from his position for suggesting that children do better when raised by a mother and father in a low conflict marital relationship.⁸ A former criminal who had a powerful conversion to Christianity which changed the trajectory of his life forever had his license to trade at the Chichester Market summarily revoked, after 15 years of running a stall in the market, because a customer was offended by a Christian tract he received from him about sexual immorality.⁹ A physician was dismissed from his position at the Department for Work and Pensions because he refused to be compelled to use gender pronouns in a way that offended his Christian beliefs and conscience, even though he had never actually discriminated against a single service user.¹⁰ Even an ordained Minister was forced out of his job in a prison for quoting the Bible about sexual immorality in a voluntary prison service to a group which included sexual offenders.¹¹ Most recently, a Christian Counsellor in Wiltshire was brought before the Council's Standards Committee for expressing her opposition to using public funds to support LGBT campaigning efforts during a Local Area Board meeting.¹²

Street Preachers

7. Despite the exemptions written into the Public Order Act 1986, specifically Sections 29J and 29JA, street preachers continue to be arrested for preaching on the issue of homosexual behaviour. Michael Jones¹³, Andrew Geuter¹⁴, Rob Hughes¹⁵, and Tony Miano¹⁶ are all examples of Christian Legal Centre cases which involved Christians

⁶ See: <https://www.bbc.com/news/uk-england-gloucestershire-47946755>.

⁷ <https://christianconcern.com/cccases/keith-waters/>.

⁸ <http://www.christianconcern.com/cases/richard-page>.

⁹ <https://archive.christianconcern.com/our-issues/employment/market-trader-wins-case-after-licence-revoked-for-giving-tract>.

¹⁰ See e.g.: <https://www.foxnews.com/faith-values/christian-doctor-fired-gender-pronoun>.

¹¹ <https://christianconcern.com/cccases/barry-trayhorn/>.

¹² See: Roger Kiska, *One Woman's Victory for the Freedom to Disagree*, The Conservative Woman, 13 November 2020, <https://www.conservativewoman.co.uk/one-womans-victory-for-the-freedom-to-disagree/>.

¹³ <http://www.christianconcern.com/cases/michael-jones>.

¹⁴ <http://www.christianconcern.com/cases/andrew-geuter>.

¹⁵ <http://www.christianconcern.com/cases/rob-hughes>.

¹⁶ <http://www.christianconcern.com/cases/tony-miano>.

being arrested for so-called homophobic remarks. While the Christian Legal Centre has a 100% success rate in street preacher cases, it cannot be denied that such arrests have a strong chilling effect on freedom of Christian expression. Similarly, Mike Overd¹⁷ has been arrested seven times in recent years for publicly preaching on issues related to Islam and sexual purity. In his one conviction (before being over-turned on appeal), the prosecutor in the Bristol magistrate's court suggested that preaching certain verses from the Bible in today's England can amount to a Public Order offence.

8. Ian Sleeper was arrested for preaching a message of love for Muslims, but criticising Islam as a religion.¹⁸ He was arrested in Southwark Borough, detained for 13 hours and had strict bail conditions imposed on him from entering the Borough. The Crown Prosecution Service eventually dropped the charges. Nonetheless, the chilling effect of such arrests undoubtedly has serious repercussions for freedom of Christian expression.
9. In 2019, footage of the arrest of Pastor Oluwole Ilesanmi outside of Southgate Tube Station went viral.¹⁹ Pastor Oluwole was arrested for allegedly breaching the peace, although mobile phone video footage clearly evidenced that no such breach of the peace occurred. Prior to the arrest, the street preacher had been engaging a Muslim man who appeared ready to physically confront Pastor Oluwole. When police arrived, the Muslim man left the scene without being confronted by police and Pastor Oluwole was arrested.
10. Records show that police then drove him more than 5 miles away to a remote area and de-arrested him, leaving him without any means of getting back to his place of residence. Police then denied that the event happen until evidence was produced to substantiate it. The end result was that Pastor Oluwole was award a damages settlement for the misconduct he suffered.

¹⁷ <http://www.christianconcern.com/cases/mike-overd>.

¹⁸ <https://archive.christianconcern.com/cases/ian-sleeper>.

¹⁹ <https://christianconcern.com/news/police-caught-out-by-street-preacher-evidence/>.

Public Space Protection Orders

11. Freedom to oppose abortion has also been under attack. In 2018, while the Home Office rejected efforts to create buffer zones around abortion facilities as evidence suggested that the vast majority of protests have been peaceful, local councils such as Ealing have nonetheless been enacting Public Space Protection Orders (PSPOs) which have the same legal effect as creating buffer zones. In August 2019, Christian Hacking became the first person ever to be arrested for publicly praying in front of an abortion clinic in violation of a PSPO.²⁰ The PSPO prohibited certain types of protest, including prayer, within 100 meters of an abortion clinic.

12. The European Court of Human Rights has noted that there can be “*no doubt as to the acute sensitivity of the moral and ethical issues raised by the question of abortion or as to the importance of the public interest at stake*”.²¹ The Court also noted that pro-life activity contributes to a highly controversial debate of public interest.²² While not all pro-life activity is Christian, much of it is. This has led detractors to try and minimize the importance of the pro-life voice by marginalising it as merely religious. This anti-Christian bias has led in cases like Christian Hacking’s to full-fledged discrimination.

Conclusion

13. The ongoing erosion of freedom of expression is having an increasingly detrimental impact on the ability of Christians to enjoy many of their fundamental freedoms. It has made it difficult for Christians to express their views without fear of punishment at work and has also led to social ostracism. Regulation of speech by public actors has further made it far more difficult for people with serious and cogent beliefs about issues such as abortion and homosexuality to air their views in the public square. The weight of speech regulation has been unduly burdensome on far too many people for far too long in the United Kingdom. We therefore urge the Joint Committee to take action in defence of this most fundamental of freedoms.

²⁰ <https://christianconcern.com/comment/the-case-of-christian-hacking-civil-disobedience-part-of-christian-history/>.

²¹ ECHR, *Case of Annen v Germany*, application no. 3690/10, judgment of 26 November 2015, §62.

²² *Id.*