

Latest News of Significant Individual Cases

The following are summaries of the story so far in some of the significant recently-resolved or still unresolved cases involving Christians responding to a wide range of legal, police or disciplinary action against them. Seeking a remedy by means of litigation can be a lengthy process – sometimes taking several years for a closure to be reached. The first case mentioned is being handled by the Christian Institute, the rest by the Christian Legal Centre.

Cornerstone (North East) Adoption and Fostering Service

On 6 May, the High Court heard a judicial review of Ofsted's actions against Cornerstone. It is a small independent fostering and post-adoption support agency that only places children with evangelical Christian foster carers. In doing so it relies upon exceptions to equality law passed by Parliament in 2010.

Having previously being rated 'Good' in all areas, an Ofsted report issued in June 2019 downgraded Cornerstone's fostering work to 'Requires Improvement'. It labelled the Christian ethos of the agency 'discriminatory' because it only works with evangelical Christian carers, and holds to the mainstream belief that marriage is between a man and a woman. The report has not been published, pending the conclusion of legal proceedings.

A ruling is expected in the coming weeks.

The Health Protection (Coronavirus Restrictions) (England) Regulations 2020

DIY Home Abortions

Back in March, a notice appeared on the government website appearing to allow women to conduct their own medical abortions at home. Following an outcry, the notice was removed from the website, claiming that it had been 'published in error' and visitors to the website were assured that there would 'be no changes to the abortion regulations'.

The Secretary of State for Health and Social Care, Matt Hancock, told the House of Commons 'There are no proposals to change the abortion rules due to Covid-19'. Health Minister, Lord Bethell, then told the House of Lords, 'We do not agree that women should be able to take both treatments for medical abortion at home. We believe that it is an essential safeguard that a woman attends a clinic, to ensure that she has an opportunity to be seen alone and to ensure there are no issues... It is not right to rush through this type of change in a sensitive area such as abortion without adequate parliamentary scrutiny'.

Just a few days later the Government made an extraordinary U-turn. In spite of all previous assurances, on 30 March, regulations were amended to allow women to abort their child at home.

Christian Concern has challenged the Government's decision by way of judicial review and on Tuesday 19 May, appeared in the High Court vis Skype seeking permission to challenge on the basis that it usurps proper parliamentary procedure and that policy changes were not only unlawful but also made without proper parliamentary scrutiny, making it unsafe for pregnant women.

Michael Phillips, counsel for Christian Concern, said the 1967 Abortion Act has had 'a coach and horses' run through it by allowing women to take pills at home during the lockdown and pointed out that 'women's lives have been put at risk because of this amendment'.

Mr Phillips asserted that Matt Hancock, Secretary of State for Health and Social Care had not been given the full picture by civil servants, who were being informed by members of the abortion lobby, and that these civil servants were effectively acting as lobbyists for abortionists'. Mr Phillips argued that the

Government had failed to fully take into account factors such as the physical and psychological risks to women, the risk of women being coerced into an abortion, the risk of a woman taking abortion drugs prescribed for another person and the risk that they will be taken outside the 10-week gestation limit.

In their judgment Lord Justice Singh and Mr Justice Chamberlain refused permission for a judicial review and said the Government's decision was lawful. Christian Concern appealed and on 18 June, Lord Justice Lewinson granted permission for the case to be heard by the Court of Appeal. The date for the appeal hearing has yet to be set.

The Health Protection (Coronavirus Restrictions) (England) Regulations 2020

Church Closure

Churches have been prevented from holding corporate worship since the Covid-19 lockdown was introduced. A group of high-profile church leaders, representing some of the largest and fastest growing churches in the UK and assisted by the Christian Legal Centre, asked the Government to reinstate self-governance of churches and to trust church leaders to re-open responsibly. Were the Government not to agree to these requests legal action, by way of a judicial review of the decision, would follow.

In a pre-action letter filed with the Government on the 29 May, the church leaders argued that blanket 'lockdown' restrictions imposed on all churches are both unlawful and unnecessary, and asked the Government to prioritise re-opening churches as part of the Government's 'exit-strategy'.

Faced with the pressure of this legal challenge to the lockdown regulations, some relaxation of the regulations for churches were announced on 23 June, one day before the legal deadline for application for judicial review, with Prime Minister, Boris Johnson, saying that church services could take place from the 4 July, but with a number of arbitrary restrictions including limiting the number people allowed inside the church building to 30 and restrictions on singing.

At the same time, no restrictions have been placed on the number of people allowed into pubs, restaurants, cinemas and indoor shopping centres, some of which have a capacity of 5,000 people. The church leaders have lodged the application for a judicial review, because of the important principles of religious freedom and church independence which are at stake. They argue that the Government should never have made in-person church ministry illegal in the first place and that there was a fundamental inconsistency in allowing churches to operate foodbanks, while making prayer meetings illegal.

Pastor Ade Omooba MBE, one of the church leaders seeking judicial review, said the group had faced no alternative but to take legal action: 'There is a highly significant principle at stake here on the freedom of the church to govern itself without state intervention. If it goes unchallenged the ramifications will be felt for years to come.' Lawyers supporting the church leader's application for judicial review, argue that the government's strategy regarding church closures has 'failed to take into account the importance of freedom of religion to the life of a believer.' They also argue that UK constitutional and Human Rights laws upholds the right to manifest one's belief in community is sacrosanct.

'No scientifically valid barriers to re-opening'

The case is backed by [expert environmental microbiologist, Dr Ian Blenkarn](#), who describes the government strategy of restricting church services as 'bizarre' 'contradictory' 'perverse' and 'unreasonable'. Concluding his report, he states: 'In light of the current knowledge of COVID-19 coronavirus infection, and the general principles of infection prevention and control, I can identify no scientifically valid barriers to reopening of churches for services as outlined here.'

Dr Blenkarn also states that fully operating church services: 'Will in all likelihood be considerably safer

than many current commercial activities in the manufacturing and supply industries, including many shops and supermarkets that are currently permitted to operate.’

Church and government have distinct spheres

Also backing the church leaders’ case is expert in Christian public theology, Dr Martin Parsons, who concludes his witness statement that English and Scottish law sets out:

Distinct spheres for church and government, with the government being specifically excluded from interference in matters of worship beyond minor details (adiaphora) in England and excluded from interference in all aspects of worship in Scotland.

Prior to the lockdown, nearly all churches had already put measures into place, suspending services and small groups. Whilst recognising the urgency with which the government acted in March, the letter says that blanket impositions on churches are unnecessary and stopping church leaders from putting responsible measures in place to restore worship.

In the government’s proposed strategy to exit the lockdown, churches have been placed in the bottom category, suggesting that they are amongst the most dangerous and least important services to the community, subject to the severest restrictions for the longest period of time. The letter argued that the government should recognise the importance of churches and church ministries to society and allow churches to open earlier than at the very last stage of the easing of restrictions.

In response to the church leaders’ letter, the government rejected the claims, stating that: ‘parliament can legislate for Church of England matters’ and that as a ‘matter of constitutional law, parliament remains sovereign’. The claimant’s asked for an expedited hearing, as the matter was of some urgency, but the request was refused, and a date has yet to be set for the case to be heard.

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