

Table of Contents

- ***Gendered anti-Muslim hatred and Islamophobia***
- ***UK Government commits £12 million to championing religious freedom***
- ***'Gay cakes': UK Supreme Court finds in favour of Ashers Baking***
- ***Ashers 'gay cake' row: Bakers win Supreme Court appeal***
- ***Asylum-seekers and religious conversion: TF and MA***
- ***Restrictions lifted on Dartford nurse who gave Bible to patient***
- ***Lord Ahmad appointed as PM's Special Envoy to promote religious freedom***
- ***Church bells protected from noise complaints under new planning laws***

Gendered anti-Muslim hatred and Islamophobia

An interim report (January – June 2018) by Tell MAMA

Executive summary

Tell MAMA (29.11.2018) - <https://bit.ly/2zFH4zc> - Between January to June 2018, Tell MAMA recorded a total of 685 reports. Of these reports, 608 were verified as being anti-Muslim in nature and as having occurred in the UK. The majority were street-based ('offline') (65.9%, n=401), meaning that they occurred in-person between a victim and a perpetrator, or include acts of property damage or discrimination. Incidents of an online nature totalled 207, or 34% of verified cases in this reporting period.

Abusive behaviour continues to form the majority of 'offline' incidents by category, accounting for 45.3% (n=182). Many of these are characterised as occurring on a daily basis, suggesting that anti-Muslim incidents for Muslim communities have become normalised.

The rise in reports of discrimination is a trend Tell MAMA has observed since 2015 (detailed further in the report) and demonstrates how discriminatory attitudes and practices hinder the career and educational aspirations of Muslims. Institutional and structural forms of Islamophobia and anti-Muslim hatred are insidious and often unspoken forms of prejudice. An intersectional analysis of discrimination demonstrates how there are ethnic and religious penalties for Muslim women of various backgrounds in the workplace¹. Muslim men are also held back in the workplace due to racism, Islamophobia, and anti-Muslim prejudice.²

¹ Ganesh, Bharath, and Imam Abou Atta. "Forgotten Women: The impact of Islamophobia on Muslim women in the United Kingdom." European Network Against Racism (ENAR), 2016. https://www.enar-eu.org/IMG/pdf/forgotten_women_report_united_kingdom_-_final.pdf.

² Asthana, Anushka. "Islamophobia Holding Back UK Muslims in Workplace, Study Finds." The Guardian. Last modified June 26, 2018. <https://www.theguardian.com/society/2017/sep/07/islamophobia-holding-back-uk-muslims-in-workplace-study-finds>.

The statistics demonstrate the gendered nature of anti-Muslim incidents with over half of victims, where data was available, were Muslim women. The 'normalisation' of anti-Muslim and Islamophobic incidents is also reinforced by the most common locations for these incidents, which are public areas, place of work and household or private property.

By applying a 'differentialist' model of racialisation, which concerns "cultural factors in addition to traditional, physical markers of race and ethnicity"³ we can understand how the exclusion of Muslims is due to 'essentialised' forms of cultural differences.⁴

Verified anti-Muslim incidents between January to June 2018

The majority of anti-Muslim incident reports received by Tell MAMA between January to June 2018 were street-based ('offline') (65.9%, n=401), meaning that they occurred in-person between a victim (or property) and a perpetrator.

Tell MAMA received 229 online reports in the first half of 2018 and verified 207 reports. Consistent with previous annual reports, most took place on Twitter (59.9%, n=124), with 49 reports of Islamophobic content having occurred on Facebook (23.6%), and a further 28 reports (13.5%) taking place on other platforms, out of which a small proportion of reports concerned offensive content on YouTube (1.5%, n=3) and Instagram (0.96%, n=2).

[Continue reading...](#)

UK Government commits £12 million to championing religious freedom

The UK Government has committed £12 million to championing freedom of religion of belief worldwide.

Sight Magazine (10.11.2018) - <https://bit.ly/2KmJpDy> - The UK's Special Envoy for Freedom of Religion or Belief, Lord Tariq Ahmad, said the money "will go a long way in bolstering the work of civil society and NGOs to promote respect, and the value of religious diversity and tolerance...I will ensure that the UK stands up for everyone's right to practise or not practise a religion that is in line with their conscience, wherever they are in the world".

Speaking on BBC Radio 4's Today Programme, the BBC's religion editor Martin Bashir said the money "can't come soon enough".

Asked by his BBC colleague John Humphrys, "Is there much persecution?" Bashir highlighted the Pakistan park bombing of Easter 2016, the Palm Sunday bombing of two churches in Egypt last year, and the massacre of more than 200 Christians in Nigeria's Plateau state in June this year.

³ Selod, Saher, and David G. Embrick. "Racialization and Muslims: Situating the Muslim experience in race scholarship." *Sociology Compass* 7, no. 8 (2013): 644-655.

⁴ Balibar, Étienne, "La construction du racisme." *Actuel Marx* 2 (2005): 11-28.

“Two years, three continents, hundreds murdered solely because of their Christian faith,” he summarised.

Asked what he'd do with the £12 million, the head of the Coptic Orthodox Church in the UK, Archbishop Angaelos, said Bashir had been “right about the extent and quantity” of the persecution and that the “exciting thing about the programme” was that it brought together, for the first time, government, development and advocacy organisations, academics and religious leaders.

He said this would bring a lot of expertise on the ground that could “help change hearts and minds” and “take away the tools of those who want to persecute by speaking to the heart of individuals who are used by them when they're vulnerable”.

The archbishop added that he believed the persecution of Christians, while it was “a phenomenon in many countries”, was not very widely publicised in mainstream media in the West because it is “seen as a Western development, although we know it started in the Middle East”.

He added: “It is just as deplorable as anti-Semitism, Islamophobia and anything else that targets people precisely for their faith and so therefore must be addressed at the same level.”

Humphrys asked whether part of the problem may be that “there isn't a word for it...We have a word for Islamophobia; we don't have a word for not liking Christians!”

The archbishop agreed and said that “it's more than a word; there isn't a concept for it and therefore there's a greater sensitivity to speak about it. But then there isn't a way of collaborating or coordinating a coalition of people who speak against it, and I think that's why – when there is a concept, a word, an ethos, it's much easier to bring people around it.”

When challenged to find a word for it, the archbishop said he was “all for it” and had been speaking to many others about creating one, but that he hadn't found the solution yet and wished to collaborate with others – of all faiths and none – to find it.

'Gay cakes': UK Supreme Court finds in favour of Ashers Baking

By Frank Cranmer

Law & Religion UK (11.10.2018) - <https://bit.ly/2QVCT8A> - Yesterday, the Supreme Court handed down judgment in Lee v Ashers Baking Company Ltd & Ors (Northern Ireland) [2018] UKSC 49.

The background

As every regular reader will know, Gareth Lee is a gay man associated with QueerSpace, an organisation for the lesbian, gay, bisexual and transgendered community in Northern Ireland. To mark the International Day Against Homophobia and Transphobia, in May 2014 he ordered a cake from Ashers Baking bearing the slogan “Support Gay Marriage” and a picture of the Sesame Street puppets Bert and Ernie. He had previously bought

things at the same branch of Ashers and had become aware, from a leaflet, that he could have a cake iced with a graphic of his own design. Ashers initially accepted his order but Mrs Karen McArthur subsequently telephoned him to say that his order could not be fulfilled because Ashers was “a Christian business and, in hindsight, she should not have taken the order”: she apologised and refunded his money.

In *Lee v Ashers Baking Co Ltd & Anor* [2015] NICTy 2, Mr Lee claimed before Belfast County Court that he had been discriminated against, contrary to the provisions of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 and/or the Fair Employment and Treatment (Northern Ireland) Order 1998. District Judge Brownlie held the company liable for unlawful discrimination contrary to the provisions of the 2006 Regulations and the 1998 Order and ruled that it could not rely on the protection afforded by Article 9 ECHR. That judgment was subsequently upheld on appeal; in *Lee v McArthur & Ors* [2016] NICA 29 the Court [Morgan LCJ, Weatherup and Weir LJJ] held that Ashers had discriminated directly against Mr Lee on grounds of sexual orientation by refusing to make the cake and, further, that the Regulations and Order were not incompatible with Articles 9, 10 or 14 ECHR.

Ashers Baking and the McArthurs appealed; their appeal was heard together with two associated references by the Attorney General for Northern Ireland on devolution issues.

The judgment

The Supreme Court’s judgment, though unanimous, was in two parts: Lady Hale PSC gave judgment on the discrimination issue, while the judgment on the procedural issue as to whether or not an appeal lay against the decision of the Northern Ireland Court of Appeal was given by Lord Mance. What follows concentrates on the discrimination issue.

In the opinion of Lady Hale, the substantive question before the Court was

“whether it is unlawful discrimination, either on grounds of sexual orientation, or on grounds of religious belief or political opinion, for a bakery to refuse to supply a cake iced with the message ‘support gay marriage’ because of the sincere religious belief of its owners that gay marriage is inconsistent with Biblical teaching and therefore unacceptable to God. If the prima facie answer to either question is ‘yes’, then questions arise as to the rights of the bakery and its owners to freedom of religion and freedom of expression, under articles 9 and 10 of the European Convention on Human Rights, and what difference, if any, those rights might make to that prima facie answer.” [1].

In the County Court, DJ Brownlie had concluded that support for same sex marriage was “indissociable” from homosexual orientation. Lady Hale rejected that conclusion as a misunderstanding of

“... the role that ‘indissociability’ plays in direct discrimination. It comes into play when the express or overt criterion used as the reason for less favourable treatment is not the protected characteristic itself but some proxy for it” [25].

She went on to point out that people of all sexual orientations supported gay marriage and that it was not a proxy for any particular sexual orientation [25]. Nor did she agree with the Court of Appeal that the message on the cake could only benefit gay or bisexual people:

“It could also accrue to the benefit of the children, the parents, the families and friends of gay people who wished to show their commitment to one another in marriage, as well as to the wider community who recognise the social benefits which such commitment can bring” [33].

Further, there had been no associative discrimination because “In a nutshell, the objection was to the message and not to any particular person or persons” [34]. Moreover, under the provisions of the Fair Employment and Treatment (Northern Ireland) Order 1998, “the less favourable treatment prohibited by FETO must be on the grounds of religious belief or political opinion of someone other than the person meting out that treatment” [45: emphasis added]. The objection had not been to Mr Lee because he, or anyone with whom he associated, held a political opinion supporting gay marriage: the McArthurs had objected to being required to promote the message on the cake: “The less favourable treatment was afforded to the message, not to the man” and Ashers had been quite prepared to serve him in other ways [47].

As to the issue of Convention rights, she noted that rights under Articles 9 and 10 might be limited or restricted in accordance with the law where the limitation was necessary in a democratic society and pursued a legitimate aim:

“It is, of course, the case that businesses offering services to the public are not entitled to discriminate on certain grounds. The bakery could not refuse to provide a cake – or any other of their products – to Mr Lee because he was a gay man or because he supported gay marriage. But that important fact does not amount to a justification for something completely different – obliging them to supply a cake iced with a message with which they profoundly disagreed. In my view, they would be entitled to refuse to do that whatever the message conveyed by the icing on the cake – support for living in sin, support for a particular political party, support for a particular religious denomination. The fact that this particular message had to do with sexual orientation is irrelevant to the FETO claim” [55: emphasis added].

Nor did she believe that the Fair Employment and Treatment (Northern Ireland) Order had to be read or given effect “in such a way as to compel providers of goods, facilities and services to express a message with which they disagree, unless justification is shown for doing so” [56]. Furthermore:

“As the courts below reached a different conclusion on this issue, they did not have to consider the position of the company separately from that of Mr and Mrs McArthur. It is the case that in *X v Switzerland*... and in *Kustannus Oy Vapaa Ajatteliija Ab v Finland*... the European Commission of Human Rights held that limited companies could not rely upon article 9(1) to resist paying church taxes. In this case, however, to hold the company liable when the McArthurs are not would effectively negate their convention rights. In holding that the company is not liable, this court is not holding that the company has rights under article 9; rather, it is upholding the rights of the McArthurs under that article” [57: emphasis added]

Appeal allowed.

Ashers 'gay cake' row: Bakers win Supreme Court appeal

The Christian owners of a Northern Ireland bakery have won their appeal in the so-called "gay cake" discrimination case.

BBC (10.10.2018) - <https://bbc.in/2pXYimf> - The UK's highest court ruled that Ashers bakery's refusal to make a cake with a slogan supporting same-sex marriage was not discriminatory.

The five justices on the Supreme Court were unanimous in their judgement.

The high-profile dispute began in 2014 when the bakery refused to make a cake with the slogan "Support Gay Marriage".

The customer, gay rights activist Gareth Lee, sued the company for discrimination on the grounds of sexual orientation and political beliefs.

But the bakery has always insisted its objection was to the message on the cake, not the customer.

Ashers lost the case and the subsequent appeal, but on Wednesday the firm won its appeal at the Supreme Court.

The legal battle - which has lasted four-and-a-half years and has cost nearly £500,000 so far - has raised questions over equality and freedom of conscience.

Ashers bakery's general manager Daniel McArthur said he was delighted and relieved by the ruling.

"I know a lot of people will be glad to hear this ruling today, because this ruling protects freedom of speech and freedom of conscience for everyone," Mr McArthur said outside the court.

Mr Lee said the case had made him feel like a second-class citizen and that he was now concerned about "the implications for all of the gay community".

"To me, this was never about conscience or a statement. All I wanted to do was to order a cake in a shop," he said.

Northern Ireland's Attorney General John Larkin welcomed the decision.

The Equality Commission for Northern Ireland, which has supported Gareth Lee's action against Ashers, said it would study the implications of the judgement carefully.

"There is a concern that this judgement may raise uncertainty about the application of equality law in the commercial sphere, both about what businesses can do and what customers may expect," said Dr Michael Wardlow, the organisation's chief commissioner.

Asylum-seekers and religious conversion: TF and MA

By Frank Cranmer

Law and Religion UK (03.09.2018) - <https://bit.ly/2CkUg0a> - When an asylum-seeker claims fear of persecution as an apostate if returned to his or her country of origin, how should a tribunal evaluate the genuineness of a claimed religious conversion?

In TF and MA, Appeals by Against the Secretary of State for the Home Department [2018] ScotCS CSIH 58, the appellants were both Iranian nationals whose claims for

asylum had been rejected by the Secretary of State and whose subsequent tribunal appeals had been unsuccessful [1]. Both appellants worshipped at the Tron Church, Glasgow – an Evangelical congregation that had seceded from the Church of Scotland in 2012 – and both produced evidence from a number of individuals with connections to the church that they had become Christians. Both claimed that they had a well-founded fear of persecution arising out of their conversion to Christianity after their arrival in the UK; however, the tribunals did not believe that their conversions were genuine and refused both appeals on that basis [2]. It was not disputed on behalf of the Secretary of State that converts from Islam to Christianity do, in fact, face a risk of persecution if compelled to return to Iran [4].

When the appeal came before an Extra Division of the Inner House, the crucial issue was that the FTT judge had found both TF and MA to be lacking in credibility [36] and, by implication therefore, that the FTT and the UT had also dismissed the evidence of the minister and elders of the Tron Church as to the genuineness of the appellants' conversions.

On the weight to be given to such evidence, the Court (per Lord Glennie) said this:

"[W]e have no doubt that expert evidence – both opinion evidence and expert evidence of fact – is admissible on these matters and can be given by the individuals we have mentioned. However, there is a separate question as to the weight to be attached to such evidence. It is trite law that an expert witness must explain the basis of his or her evidence; mere assertion or 'bare ipse dixit' is worthless: *Kennedy v Cordia* (supra) at paragraph [48]. But, as was recognised in the first sentence of that paragraph, there is a certain type of expert evidence – expert evidence based on personal observation or sensation – which is difficult to substantiate in this way. Such evidence may relate to questions of quality of goods or materials, or the quality of workmanship, or the artistic or literary merits of a work of art, a book or a play. In such circumstances it may be that all the expert can do is give his opinion based upon his long and varied experience. That, in our opinion, is the type of evidence that we are concerned with in cases such as this" [59].

As to how such evidence should be assessed:

"The witnesses have observed many people undertaking courses with a view to baptism and becoming members of the church. They have seen some succeed and some fail. They will have been able to assess individuals over time as a result of those individuals taking part in activities within the church. They will have seen the intensity of their participation and will have heard the questions they ask and the interest in understanding that they show as matters are explained. Their evidence will be of the impression that that individual has made on them. They will be able to say that, in their opinion, based on their experience of this individual and many others, the individual in question is or appears to be genuine (or in other cases, they are not satisfied, or not yet satisfied, of the genuineness of their self-proclaimed faith). This, in our opinion, is admissible opinion evidence which is entitled to respect. Of course, it remains for the court or tribunal to make the final decision, and nothing in the expert evidence can take that away from the court or tribunal. To this extent, it is legitimate to question the experts on their opinions and as to the basis upon which they have reached those opinions. In some cases, it may be appropriate to question the objectivity of the assessment made by the witness or to suggest that there may be an element of wishful thinking, given the evangelical mission of the particular church. But, as we have already made clear, that exercise should not start with any predisposition to reject the evidence because it does not fit in with some a priori view formed as to the credibility of the appellant. The evidence should be considered on its merits and without any preconception, based upon an assessment of the individual appellants, that it is suspect or otherwise falls to be disregarded" [59: emphasis added].

The Inner House disagreed with the conclusion of the UT that, in each case, there had been no error of law in the decision of the FTT and no lack of adequate reasoning [63]. It concluded that the FTT and the UT had erred in law in both cases and had failed properly to take account of the independent evidence relating to the genuineness of the appellants' conversions to Christianity – and had failed to give adequate reasons for, in effect, disregarding that evidence. The two appeals were allowed, the decisions of the FTT and the UT were set aside, and the appeals against the decisions of the Secretary of State were remitted to the FTT for rehearings in each case before a differently-constituted tribunal. The issue of expenses was reserved [65].

Restrictions lifted on Dartford nurse who gave Bible to patient

A nurse sacked from a hospital and then placed under restrictions for imposing her religious beliefs on patients has been told she is fully fit to practice.

BBC (08.08.2018) - <https://bbc.in/2vuEDNU> - Sarah Kuteh was dismissed from Darent Valley Hospital in Kent two years ago after giving her Bible to a patient.

The Nursing and Midwifery Council (NMC) said it was now in the public interest for her to return to practice.

Ms Kuteh told BBC South East she was absolutely elated at the decision because nursing was her passion.

She said: "I didn't expect to be sacked so I was shocked. This means so much to me because I can go back to the profession I love."

Dartford and Gravesham NHS Trust said it was pleased she could continue her career as a nurse unrestricted.

Patients' faiths

It said her case had never been about religion and she was dismissed for gross misconduct after she was made aware of several complaints from patients and asked to refrain from preaching to them.

"We took no satisfaction in having dismissed Sarah but must always act in the best interests of our patients and in accordance with professional codes of conduct," a statement said.

The mother of three had worked at the hospital in Dartford from 2007 and had 15 years of nursing experience when she was sacked in August 2016.

Her job had involved asking patients about their faith as part of a pre-operative assessment questionnaire.

She said that although she had no intention of imposing her beliefs on others, she would sometimes tell them about how her own faith had helped her overcome adversity.

Ms Kuteh launched legal action in December 2016, supported by the Christian Legal Centre, and in a statement at the time she said: "How could it ever be harmful to tell someone about Jesus?"

Her dismissal was ruled as fair by an employment tribunal in April 2017.

Ms Kuteh subsequently found a new job in a nursing home, but was only allowed to work as a nurse subject to a range of conditions imposed by the NMC.

At a hearing before an NMC panel last month, her supervisor praised her as "a kind, caring, honest, friendly nurse" and "a valuable member of the team".

Ms Kuteh conceded that giving her personal bible to a patient was "going too far" and "crossing professional boundaries", and she should have used a bible from the hospital chaplaincy instead.

The NMC unanimously ruled the restrictions should end.

Lord Ahmad appointed as PM's Special Envoy to promote religious freedom

Lord Ahmad given role as Prime Minister's Special Envoy on Freedom of Religion or Belief.

UK Prime Minister's Office (04.07.2018) - <https://bit.ly/2z6Orli> - Lord Ahmad has today been appointed as the Prime Minister's Special Envoy on Freedom of Religion or Belief.

The role, which supports the Prime Minister's commitment to religious tolerance in the UK, will allow Lord Ahmad to demonstrate the country's commitment to religious freedom by promoting inter-faith respect and dialogue internationally.

Lord Ahmad, who is also Minister of State for the Commonwealth and the UN at the Foreign & Commonwealth Office, will promote the UK's firm stance on religious tolerance abroad, helping to tackle religious discrimination in countries where minority faith groups face persecution.

The appointment underscores the Prime Minister's commitment to tackling religious prejudice in all its forms and follows the government's recent announcement of a further £1 million funding for places of worship that have been subjected to hate crime attacks.

Prime Minister Theresa May said:

"Religious discrimination blights the lives of millions of people across the globe and leads to conflict and instability. Both here and abroad, individuals are being denied the basic right of being able to practise their faith free of fear.

"Tolerance for those of different faiths is fundamental to our values, and is an issue I know is already of great importance to Lord Ahmad, who is constantly looking for fresh ways to promote religious liberty in his role as Minister for Human Rights at the Foreign Office.

"I look forward to supporting him in this new role as he works with faith groups and governments across the world to raise understanding of religious persecution and what we can do to eliminate it."

The PM's Special Envoy for Freedom of Religion or Belief, Lord Tariq Ahmad of Wimbledon said:

"In too many parts of the world, religious minorities are persecuted, discriminated against and treated as second class citizens. As a man of faith, I feel this very keenly.

"Freedom of Religion or Belief is a human right enshrined in the Universal Declaration of Human Rights. It must be respected. People from all faiths or none should be free to practise as they wish. This respect is key to global stability, and is in all our interests.

"I am delighted to have been appointed as the PM's Special Envoy. I shall use the UK Government's global network to reach across religious divides, seek the elimination of discrimination on the basis of religion or belief and bring different communities together."

Church bells protected from noise complaints under new planning laws

Harry Farley

Christian Today (21.01.2018) - <http://bit.ly/2EgeW76> - Church bells will be protected from noise complaints under new planning laws to be introduced.

Ministers are changing planning guidance in England for new houses after parishes whose bells have chimed for centuries were forced to comply with noise abatement orders by disgruntled neighbours who had recently moved to the area.



St Peter's Church, Sandwich. The village church has been ringing its bells for 900 years through the day and night.

The updated guidance shows the government is 'standing up for churches', ministers said, and it means vicars will not have to put up with 'unreasonable restrictions put on them because of changes in nearby land uses since they were established' because new houses are built near them.

Becky Clark, the Church of England's director of Churches and Cathedrals, said: 'We welcome these planned changes, which will help ensure that the distinctive sound of church bells continues to ring out well into the future.'

'The Church Buildings Council – the body which helps dioceses maintain church buildings - supports the continued use of church buildings as places of worship, including proclaiming their presence through the ringing of bells.'

'We maintain a register of historic bells, some of which date back to the 13th century, and provide grants to help with their care and conservation. Bell ringing has been part of Christian worship for a thousand years.'

National planning policy already stops unreasonable restrictions being placed on businesses but ministers will change the National Planning Policy Framework to emphasise the point. The changes will not just apply to churches but also music venues.

Housing Secretary Sajid Javid said it was 'wrong' that churches and entertainment sites were having to make expensive changes to their business arising from developments outside their control.

'I have always thought it unfair that the burden is on long-standing music venues to solve noise issues when property developers choose to build nearby,' he said.

'I am pleased to finally have an opportunity to right this wrong and also give more peace of mind to new residents moving into local projects.'

It comes after St Peter's Church, Sandwich, was forced to silence its bells after a handful of complaints from new neighbours. A Save Our Chimes campaign started, and a local survey organised indicated that 85 per cent of residents wanted the chimes to continue.

Local MP Craig MacKinlay told The Daily Telegraph: 'Church bells have tolled for centuries across the country and it is vital that they can continue to be heard.'

'This started off as a local issue in Sandwich and I am delighted that ministers have listened and are now going to act nationally.'

'The bell has tolled for local meddlers who want to silence the chimes and local councils who too frequently put commonsense and centuries of tradition aside to come to decisions that are held in respect by local people.'