

20 JAN 2003 / 5

# THE FOUR CHURCH LEADERS (IRELAND)

His Grace  
The Archbishop of Armagh  
Primate of All Ireland  
The See House  
Armagh BT61 7EE

His Grace  
The Archbishop of Armagh  
Primate of All Ireland  
Ara Coeli  
Armagh BT61 7QY

The Moderator of the General Assembly  
Church House  
Belfast  
BT1 6DW

The President of the Methodist Church  
1 Fountainville Avenue  
Belfast  
BT9 6AN

17 January 2003.

The Rt. Hon. Tony Blair, M.P.,  
Prime Minister,  
10 Downing Street,  
LONDON,  
SW1A 2AA

Very Rev. Dr. Samuel Hutchinson  
The Presbyterian Church in Ireland  
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Dear Prime Minister

## ANTI-DISCRIMINATION LEGISLATION FOR NORTHERN IRELAND

Following your recent meeting with the Four Church Leaders they wish to take the opportunity to express their serious concerns about aspects of the pending Northern Ireland Anti-Discrimination legislation which will enact by Regulations in 2003 the provisions of the European Race and Framework Directives and within a Northern Ireland Single Equality Bill extend equality protection to the provision of goods, facilities and services and to other groups beyond the requirements of the Framework Directive.

The Four Church Leaders express these concerns within the context of their support for the practice of equality in employment, but also within their overriding commitment to upholding the Christian ethos of the Churches which is threatened by certain aspects of this legislation, as outlined below

### Protection for New Groups

The Framework Directive extends equality protection in employment to those of differing sexual orientation, with no distinction being made between orientation and lifestyle practice. The Churches, however, make such a distinction and regard those with a non-celibate lifestyle outside of marriage, whether heterosexual or homosexual, as presenting lifestyles in conflict with the ethos of the Churches and therefore problematic for employment by the Churches.

The Church Leaders have discussed this particular concern at a recent meeting with the senior officials of the Office of the First Minister and Deputy First Minister and requested that the context in which employment is carried out be permitted as a determining factor in exemptions from the requirements of anti discrimination legislation with reference to Article 4:1 of the Framework Directive.

### Article 4:1 of the European Framework Directive

"Notwithstanding Article 2 (1) and (2), Member States may provide that a difference of treatment which is based on a characteristic related to any of the grounds referred to in Article 1 shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate."

JOINT SECRETARIES:

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The Clerk of the General Assembly, Church House, Belfast, BT1 6DW. Tel: 028 9032 2284. FAX: 028 9023 6609



### **Other Considerations under the Single Equality Bill**

The Church Leaders have also expressed serious concerns over the recommendations of the Northern Ireland Equality Commission to extend, within the Single Equality legislation, the definition of "marital status" to include cohabiting couples, both heterosexual and homosexual. Should a legal requirement be placed on Churches to provide equal consideration to cohabiting couples in employment positions where married couples are normally recruited this would conflict with the Christian ethos of the Churches.

The other main concerns arising from recommendations of the Equality Commission relate to the extension of equality legislation to all volunteers, which, if implemented, would cripple volunteering at local church level because of the bureaucracy involved. Another relates to the recommended removal of the exception for teachers from the provisions of the Fair Employment and Treatment (Northern Ireland) Order 1998, Article 71 of the Order, despite the fact that the Commission's own research on this matter provided no evidence of support for such a change.

### **Article 9 of the European Convention on Human Rights**

This Article protects the right to freedom of thought, conscience and religion and applies both to individuals and religious bodies.

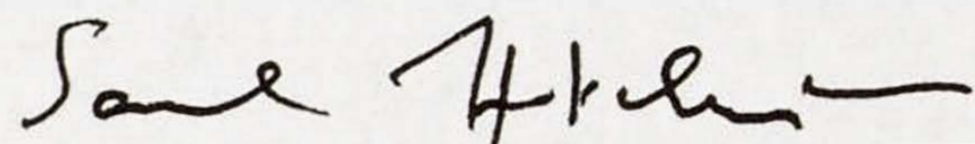
The Church Leaders are concerned that insofar as the proposed legislation infringes the ethos of the Churches this may present a challenge to the right to freedom of religion.

### **The Churches as All-Ireland Institutions**

The Church Leaders would also seek consistency across the jurisdictions of Northern Ireland and the Republic of Ireland on the treatment of the Churches on these issues in keeping with the Belfast Agreement and the special inter-governmental relationship between the two jurisdictions.

We look forward to your reply to these concerns raised by the Four Church Leaders.

Yours sincerely,



SAMUEL HUTCHINSON