

European Court rejects extension of religious privilege

The European Court of Human Rights has reached its decision in the highly anticipated case of *Eweida and Others v United Kingdom*. These were billed as the most significant rulings on freedom of conscience and religion in many years. They raised important issues in relation to the right to religious expression in the workplace in the UK and the reconciliation of freedom of conscience and religion with other rights, most notably freedom from discrimination.

The court dismissed the three cases that would have been the most damaging if they had been upheld. This included both cases involving Christian employees refusing to provide services to gay people equally. They were former Relate counsellor Gary McFarlane and civil registrar Lillian Ladele. Nurse Shirley Chaplin also lost, on health and safety grounds, the absolute right to wear a crucifix at work.

The only case upheld was that of Nadia Eweida – the British Airways check-in clerk who had not been allowed to wear any jewellery (including a crucifix) over her uniform while working at the check-in desk. However, the dismissal of Chaplin's case demonstrates that the "right to wear a cross" at work is still not absolute, and that on occasions there may be a perfectly legitimate reason for employers to interfere with a Christian's – or anyone else's – right to manifest their beliefs. The



Shirley
Chaplain



Lillian
Ladele



Gary
McFarlane



Nadia
Eweida

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significance of Eweida's 'victory' is reduced to the need for employers to think carefully about whether they could make an accommodation. That BA had already accommodated for minority faiths, and had indeed already backed down and changed its uniform policy to accommodate Eweida's demands, somewhat undermined the defence's case.

There were a large number of interveners coming from a religious perspective and generally supporting

all of the cases. These include a former archbishop, a number of bishops and a well-funded American evangelical organisation. We believe the NSS to be the only organisation to have been given permission to intervene to make the case that all these cases should be dismissed.

We remain convinced that had any of the other three cases been lost it would have led to the creation of a hierarchy of rights in human rights

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