

Submission to the Commission on Religion and Belief in British Public Life from the Northern Ireland Catholic Council on Social Affairs

October 2014

1. The Northern Ireland Catholic Council on Social Affairs (NICCOSA) welcomes the opportunity to respond to the consultation paper issued by the Commission on Religion and Belief in British Public Life. NICCOSA is the Northern Ireland sub-committee of the Council for Justice and Peace of the Irish Bishops' Conference. With a membership of mostly lay Catholics with relevant experience and expertise, NICCOSA provides advice and support to the Catholic Bishops of Northern Ireland on social, legal and political issues.
2. The members of NICCOSA wish to express their appreciation for the valuable work of the Commission in reflecting on issues of vital importance for churches, faith communities and society as a whole. We welcome the emphasis on issues of identity, the common good, mutual trust and collective action in the Commission's Terms of Reference.
3. NICCOSA wishes to focus its submission on the area of social action, where a number of significant concerns have arisen for churches and faith communities in Northern Ireland, notably in connection with the protection of ethos for faith-based organisations involved in social action. These issues are illustrative of many of the complex considerations and competing rights that go to the heart of the questions to be studied by the Commission on Religion and Belief in British Public Life.
4. NICCOSA was one of the organisations that contributed to the 2011 research report *Faith in Community: A Long Term Investment*, published by the Northern Ireland Community Faith Forum. This report highlights the unique contribution of faith-based organisations to social capital in Northern Ireland, based on characteristics such as a holistic, values-based approach to social need, a particular concern for the most vulnerable and the promotion of volunteering and active citizenship. The report goes on to identify barriers and challenges facing faith-based organisations, including difficulties in accessing public funding because of concerns about conditions and restrictions that may be in conflict with the ethos of the organisation.
5. In this submission NICCOSA will outline some key concerns in this area with reference to the experience of ACCORD Catholic Marriage Care Service. ACCORD is a faith-based agency, established by the Irish Catholic Bishops'

Conference in 1962 to support Christian Marriage. Services provided by ACCORD include marriage preparation and counselling services for couples experiencing difficulties in their relationship.

6. Like many organisations in the faith sector, ACCORD has experienced a significant increase in demand for its services since the financial crisis in 2008.¹ This is partly a consequence of the pressures of financial difficulties on marital relationships. A further contributory factor is that ACCORD provides its services on the basis of need, meaning that the support it offers is available to couples who would be unable to pay for private support and might otherwise face long delays in seeking assistance from statutory agencies.
7. In addition to the funding from the Catholic Church, and a strong volunteer base, ACCORD currently receives public funding for its counselling services. However, this vital public funding is now under threat as a result of conditions arising from equality legislation. As an organization of the Catholic Church, ACCORD's ethos is based on the definition of marriage provided in the teaching of the Catholic Church. This teaching informs its approach to issues of marriage and the family and will, necessarily, place some limitations on the services and supports ACCORD can provide, notably in relation to same-sex unions.
8. Recent legislative changes in the area of marriage and civil partnerships has posed challenges for ACCORD since, for reasons of religious faith and belief, ACCORD cannot treat all types of relationship as equal to marriage. If appropriate exemptions are not included in equality legislation to protect the rights of Christians in organisations such as ACCORD to maintain their ethos, such organisations will no longer be eligible for public funding. This would be detrimental to the common good as it would limit the ability of these organisations to give support to some of the most vulnerable members of our society, such as those who are unable to pay for services.
9. A central consideration in this debate is the balance between equality of citizens and protections for freedom of religion and belief. The State has legislated to ensure that all citizens have equal rights. The Human Rights Act 1998 incorporates the European Convention on Human Rights and Fundamental Freedoms. Section 6(1) makes it unlawful for any public authority to act in a way which is incompatible with a Convention right. Article 8 of the Convention provides the individual with respect for his private and family life, and Article 9 for the right to freedom of thought, **conscience and religion**.

¹ See for example the Press Release from the 2013 ACCORD Annual Report: "2013 figures indicate increase for ACCORD's two key services: marriage preparation and marriage counselling", 13 Feb 2014, www.catholicbishops.ie. Reports for previous years from 2009 show a similar upward trend in demand.

10. Section 75 of the Northern Ireland Act 1998 provides that a public authority in carrying out its functions relating to Northern Ireland must have due regard to the need to promote equality of opportunity, *inter alia*, between persons of different religious belief, political opinion, and marital status. Section 75(2) provides a further duty on a public authority to have regard to the desirability of promoting good relations between persons of different religious belief.
11. Moreover, section 76(1) of the Northern Ireland Act 1998 provides that **it is unlawful** for a public authority carrying out functions relating to Northern Ireland to discriminate against a person or **class of person** on the ground of religious belief or political opinion.
12. Catholic Social Teaching is founded on the respect for the equal dignity of all human beings. In relation to the State, Catholic Social Teaching emphasises the particular responsibility of government to protect the common good. Equality legislation has an important role in this regard. In relation to the particular case outlined in this submission, it is clear that the State has a responsibility to ensure that all couples are in a position to avail of relationship counselling and support. We believe that the best way to achieve this is by supporting a range of service providers, including faith-based organisations working from their particular ethos, thereby reflecting the diversity of our society and promoting a truly pluralistic and inclusive approach.
13. To oblige faith-based organisations, such as ACCORD, to abandon their ethos in order to avail of public funds would be a breach of Articles 8 and 9 of the European Convention, and accordingly a breach of section 6(1) of the Human Rights Act 1998. It would also entail a breach of sections 75-76 of the Northern Ireland Act 1998. The omission of an exemption clause to the Equality Legislation could also be viewed as a direct assault to the freedom of conscience of Christians in Northern Ireland. This raises a question that goes to the heart of the work of the Commission on Religion and Belief in British Public Life: namely, can the Law show equal respect for religious and non-religious beliefs and identities?
14. It would be helpful if the Commission, in its final report, could highlight the challenges faced by faith-based organisations in this area. Organisations such as ACCORD are facing increasing demand for vital social services which contribute to greater social equality by ensuring that those who cannot afford to pay are not left without assistance. At the same time, however, they are seeing their funding come under threat as a result of equality legislation. What is needed is a pluralistic, inclusive approach to social service provision that recognizes the unique role and contribution of faith-based organisations alongside other providers.
15. We ask the Commission to consider recommendations aimed at strengthening

equality legislation so that it provides adequate protection against discrimination on the basis of religious belief, with particular attention to the vital area of access to public funds for faith-based social action.

16. NICCOSA welcomes the opportunity to contribute to this consultation. Please do not hesitate to contact us if any you require further details on any of the issues raised above.

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