

Ladele and McFarlane v. UK

[Case Law](#), [Anti-discrimination](#), [European Court of Human Rights](#), [Goods and Services](#), [Sexual Orientation](#), [Strategic Litigation](#), [United Kingdom](#)

Refusal to provide services

(Application nos 51671/10 and 36516/10), September 2011

[Find Court's judgement here.](#)

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- In both cases the issue is the **denial of services** to members of the public because of their sexual orientation by a religiously-motivated individual. Ms Ladele, a marriage registrar, and Mr McFarlane, a relationship counsellor, refused to respectively carry out civil partnerships and counselling for same-sex couples, due to their Christian beliefs. Disciplinary sanctions were taken against them by their employers.
- Professor Robert Wintemute on behalf of ILGA-Europe, the International Commission of Jurists, and FIDH submitted the following:
 - Individuals providing good or services are not entitled to accommodation of their religious beliefs where they require that they exclude segments of society on the basis of **personal identity characteristics** such as sexual orientation. The right to manifest one's religion is not absolute and may be circumscribed in the name of compelling objectives. Protecting the right of others to be free from discrimination is a legitimate limitation on the right to manifest one's religion in the public sphere. It is necessary in a democratic society because the elimination of discrimination based on sexual orientation corresponds to a pressing social need.
 - This analysis is borne out by national law and practice which commonly deny such exemption to ensure the equal provision of goods and services to people regardless of sexual orientation.
- The European Court of Human Rights delivered its [judgement in 15 January 2013](#).
- Following the same approach as interveners above, the Court held that there was no violation by the State of the applicants' right to freedom of religion (Article 9 of the Convention). Its reasoning focused on the importance of balancing the right to freedom of religion with the **public interest in providing non-discriminatory services** and **'ensuring that members of the public, regardless of their sexual orientation, are treated with dignity and have equal access to services.'**