

Equality for all!

– A joint event by ILGA-Europe and ENORB. Brussels, 26 March 2015

Case-studies and recipes for success

1- Recipe for success - Building Alliances between LGBTI and R&B groups

London's East End, with its history of successive immigrant communities, from the Jews in the post-war period to the Muslims of the present day, has long been the target for Far-Right organisations, from the Fascists of the thirties to the EDL (English Defence League) of recent years.

A coalition of local community groups, NGOs and religious organisations, primarily Churches and Mosques was set up to counter the EDL in 2010, and organised demonstrations designed to prevent EDL marches from reaching their targets – including local mosques. Both the main East London mosque and Rainbow Hamlets, the leading East End Gay and Lesbian LGBT organisation were members of the coalition. They first came into contact during the coalition's meetings, and when the EDL march threatened to break into the East London Mosque, Rainbow Hamlets, with their banners joined local Muslim allies to demonstrate solidarity against the EDL.

In 2012, the EDL organised a march which specifically targeted the East London Mosque, the largest mosque in the UK, and the LGBT organisation Rainbow sent a group of volunteers with placards "Gays and Lesbians support Muslims". As a result of this gesture of solidarity, trust grew between the two groups.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?
- 4- What are the key success factors that led to this positive result?
- 5- How would you have reacted if you had been in the shoes of LGBT activists or part of the Muslim community in London East End?
- 6- Do you think that policy makers could have a role to play to support this alliance-building?
- 7- What next steps could be taken to reinforce this alliance-building?
- 8- How could the communities explore more sensitive topics such as how mosques could respond more positively to members of their congregations who were gay or lesbian?
- 9- Can you share any other examples of similar happy-ending stories of alliance-building?

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2- Case study – Addressing discriminatory practices

Extracts from the press release of the European Court of Human Rights, “Right to manifest religion at work is protected but must be balanced against rights of others”, 15-01-2013¹

Ms Ladele is Christian and she believes that homosexual relationships are contrary to God’s law and that it is incompatible with their beliefs to do anything to condone homosexuality.

Ms Ladele was employed as a Registrar by the London Borough of Islington from 1992 to 2009. When the Civil Partnership Act came into force in the United Kingdom in December 2005, she was informed by her employer that she would henceforth be required to officiate at civil partnership ceremonies between homosexual couples. When Ms Ladele refused to sign an amended contract, disciplinary proceedings were brought against her in May 2007 which concluded that, if she failed to include civil partnership ceremonies as part of her duties, she would be in breach of Islington Council’s equality and diversity policy and her contract could be terminated.

She brought proceedings before the Employment Tribunal on grounds of religious discrimination; her claim was rejected on appeal on the basis that her employer was not only entitled to require her to carry out her duties but also to refuse to accommodate views which contradicted their fundamental declared principles – and, all the more so, where these principles were required by law, notably under the Equality Act (Sexual Orientation) Regulations 2007. Ultimately, in March 2010 Ms Ladele was refused leave to appeal to the Supreme Court.

Ms Ladele complained only under Article 14 taken in conjunction with Article 9 (freedom of religion). The Court considered that the most important factor to be taken into account was that the policies of her employer – to promote equal opportunities and to require employees to act in a way which did not discriminate against others – had the legitimate aim of securing the rights of others, such as same-sex couples, which were also protected under the Convention. In particular, in previous cases the Court had held that differences in treatment based on sexual orientation required particularly serious justification and that same-sex couples were in a relevantly

¹ <http://www.lgbt-ep.eu/wp-content/uploads/2013/01/Chamber-judgment-Eweida-and-Others-v.-the-United-Kingdom-15.01.2013.pdf>

similar situation to different sex couples as regards their need for legal recognition and protection of their relationship.

The authorities therefore had wide discretion when it came to striking a balance between the employer's right to secure the rights of others and the applicants' right to manifest their religion. The Court decided that the right balance had been struck and therefore held that there had been no violation of Article 14 taken in conjunction with Article 9.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?
- 4- Do you see this as a case of discrimination, hate speech, freedom of expression, freedom of religion, or none of those?
- 5- How would you have reacted if you had been in the shoes of Ms Ladele, or her employer?
- 6- Can you share any other examples of similar stories where the concept of 'freedom of religion' is evoked in opposition to the rights of LGBTI people or other groups?

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3- Case study – Freedom of expression or hate speech?

Extracts from press article: “Discrimination against Christians ‘ignored’ across Europe – MPs”. 2 March 2016²

[There will be next week the] opening of an employment tribunal case involving a London nursery worker who claims she was dismissed for telling a lesbian colleague her beliefs on same-sex marriage.

Sarah Mbuyi denies claims that she harassed the woman, who cannot be named for legal during the conversation in January last year.

She also alleges that she was asked to act against her beliefs by reading stories about same-sex couples to children

Ms Mbuyi said: “In a Christian country one should be free to explain what Christians believe on issues if asked”. “And in any country, to state the agreed view of the historic Abrahamic Faiths on sexuality should simply be a matter of fact and history, and not taken by anyone, whether employee, or employer as personal or abusive.”

Andrea Williams, chief executive of the Christian Legal Centre said: “Sharing Biblical truths out of genuine love for colleagues is being outlawed in the workplace by an oppressive ‘cultural correctness’. There is a culture of fear which shuts down freedom of speech and the expression of faith.

“It’s indicative of the sad state we’re in that we’re using EU Law in Sarah’s case because she was prevented from living out her faith in a country which once led the world in freedom and justice.

“This culture tries to portray the liberating good news of the Gospel as oppressive and regressive. Sarah’s case demonstrates the confusion we’re experiencing in current times.”

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?

² <http://www.telegraph.co.uk/news/uknews/law-and-order/11440548/Discrimination-against-Christians-ignored-across-Europe-MPs.html>

- 4- Do you see this as a case of discrimination, hate speech, freedom of expression, freedom of religion, or none of those?
- 5- How would you have reacted if you had been in the shoes of Ms Mbuyi, her lesbian colleague or their employer?
- 6- Can you share any other examples of similar stories where the concept of 'freedom of religion' is evoked in opposition to the rights of LGBTI people or other groups?

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4- Recipe for success – Welcoming all members of our communities and celebrating their diversity

John was a prominent member of a large parish and was active in assisting and leading worship, and representing the church on local interfaith groups and church committees. He was also gay, in his forties, but had not 'come out' and few in the congregation appeared to know.

One year, shortly after Christmas, the parish priest had a heart attack and was encouraged by the bishop to retire. A new vicar, a woman priest was appointed, and the bishop suggested that she should ask John if he had ever felt a call to train as a lay minister or ordained priest to work alongside her in this large parish with an increasing younger congregation.

John had never revealed his sexuality to her predecessor, but felt confident enough to do so with her. He told her that he would have liked to train as a part-time priest alongside his day job, but he felt unable to put himself forward as a priest because of his sexuality.

She encouraged him to put himself forward for pre-selection interview and to confide in the interviewing priest and the bishop, saying that she would support him, despite the fact that the congregation was largely opposed to homosexuality and to gay or lesbian priests. He was eventually selected for training as a lay minister, and the multicultural congregation, several of whom, it eventually transpired, were in fact aware, or had long suspected his orientation, welcomed the news, and insisted that he should bring his (non-church-going partner) to the celebration for his induction.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?
- 4- What are the key success factors that led to this positive result?
- 5- How would you have reacted if you had been in the shoes of John or of the new vicar?
- 6- Could there be positive or negative consequences arising from the coming-out of John and his new position?
- 7- Can you share any other examples of similar happy-ending stories of coming-out in a religious context?

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5- Case-study – Welcoming all members of our communities and celebrating their diversity - Ahmed

Ahmed is a man married with a woman for the last 15 years and they have 3 children together. Ahmed and his family are Muslim. They recently immigrated to this European country which has a very small Muslim community. Ahmed is gay and has always known this, although he chose to get married rather than be ostracized from his family and community. Besides, he also loves and respects his wife with whom he has shared many years and dearly cherishes the children they are raising. Yet, Ahmed is curious to share his feelings and experiences with other LGBT people and so he reaches out to a local community center and attends some of their events.

After a few encounters, he begins to feel very uncomfortable because he senses that there is an expectation that he will leave his family and finally liberate his true emotional and sexual impulses. Ahmed has no intention of doing so, and he actually does not feel conflicted about this because for him, honour is in keeping his commitment and raising a family. Why can't he acknowledge being gay without renouncing his religion and culture? There are many ways to understand religious teachings and traditions and Ahmed does not see anything wrong with being gay. He was prepared to be "different" as a Muslim and an immigrant in this new country, but he was not expecting to feel challenged for his religious beliefs and personal choices. Finally, Ahmed decides that the LGBT community is not a place for him and it would be better if he continues to forge his own isolated path with his family.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?
- 4- How would you have reacted if you had been in the shoes of Ahmed?
- 5- What will be the impact of this situation on Ahmed? On this local LGBT group?
- 6- How would you re-write the rest of the story to get a happy-ending?
- 7- Can you share any other examples of similar stories of LGBTI people coming from a religious or belief group being stigmatised by one community or another or feeling uncomfortable?

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6- Recipe for Success: Christian Women's Organisation

The Holy Cup is an international women's organisation founded by a Jesuit Priest almost 100 years ago who believed women are the key to transforming the world. In the beginning, the organisation offered lifestyle alternatives for women in an era when there were very few: they could be married, single or celibate. Over time, however, those women who chose a life of celibacy became part of a kind of inner circle as they were freer to take on responsibilities within the organisation.

As women became more liberated sexually and there were more spaces for lesbians to meet openly, less and less women made the choice of celibacy in the organisation. There were obviously many women who lived in partnerships in the organisation, but whether they had a sexual relationship was never discussed openly.

In the 80s and 90s this unspoken cultural norm began to be challenged in the organisation creating some tensions between the more conservative Catholic members and those who were more liberal in their interpretations of the teachings and authority of the Church.

As more and more women came out as lesbians in the organisation, there were fears that the organisation would be perceived as a lesbian organisation. Yet the arguments lost steam as it became clear that since the beginning there have been heterosexual, homosexual and bisexual women whether they chose celibacy, singlehood or partnership/marriage. It actually was no longer a choice but a reality that had to be accepted.

Ultimately, there was an initiative in the organisation to create opportunities to speak openly in small local groups about this diversity and in particular focusing on the links between spirituality and sexuality. As decisions had to be made about residential center staff (it had always been fulfilled by the celibate members but they were ageing/dying), the question became more of accepting couples and families rather than one about whether it was a same-sex or opposite-sex relationship.

As the diversity in the organisation is honoured, the fears of being perceived as a lesbian organisation have proven un-founded and even if they are seen that way by some outsiders, it is not an issue for the members.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- What are the factors that led to this being a story with a happy ending?
- 4- Do you know other examples in which religion and a diversity of sexual orientations exists in harmony, without necessarily being defined as an LGBT faith-based organisation?
- 5- Do you know examples in which a diversity of religious expressions can exist harmoniously within an LGBT organisation?

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7- Case-study – Welcoming all members of our communities and celebrating their diversity - Patricia

Patricia is a lesbian who was raised Catholic and is still a practicing Catholic. She has come out to her family and friends, experiencing some difficulties in the relationships at first but ultimately she now feels accepted for who she is as a woman attracted to other women. Yet, Patricia has made a personal decision to live a life of celibacy as a way to live her own path of spiritual deepening. She finds sex and sexual relationships very distracting for her other interests, such as community service and contemplation. Friendships and intimacy are still important to Patricia and it can be awkward sometimes in heterosexual environments. Patricia starts to attend events organised by the local LGBT organisation. Often there are comments made about other people being “religious” in a way that seems to be loaded with negative prejudice. She starts to feel uncomfortable about her own sense of faith and continued participation in her Catholic church and automatically hides that part of her identity. The problem gets compounded when she is invited out to lesbian bars with an expectation that she would want to hook up. She is sure that her choices would not be understood by the others she has met in the LGBT center. Unfortunately there are no Christian LGBT groups in her town. Patricia starts to distance herself from the center and hardly ever attends activities anymore, especially those that would require socializing.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?
- 4- How would you have reacted if you had been in the shoes of Patricia?
- 5- What will be the impact of this situation on Patricia? On this local LGBT group?
- 6- How would you re-write the rest of the story to get a happy-ending?
- 7- Can you share any other examples of similar stories of LGBTI people coming from a religious or belief group being stigmatised by one community or another or feeling uncomfortable?

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8- Recipe for success – Addressing discriminatory practices

Extracts from press article: “LDS Church, LGBT advocates back anti-discrimination, religious rights bill”³, 05 March 2015

Calling it a monumental and historic day, Utah lawmakers unveiled much-anticipated legislation Wednesday that aims to balance religious freedom and protections against discrimination of LGBT people in the workplace and housing.

Legislators, gay rights advocates, community leaders and two apostles and a Young Women leader of the LDS Church stood together at a news conference introducing the proposal. In a rare move, the church publicly backed a specific bill before the Utah Legislature.

Elder Christofferson said some people will criticize the bill, but it contains "strong" religious freedom protections and a "fair" approach to housing and employment. He said the church acknowledged at the outset that all parties might not get what they want, but they negotiated complex issues in a spirit of goodwill and respect.

"It is better that both sides get most of what is desired than to have a winner-take-all where one side loses," he said.

The bill proposes to add sexual orientation and gender identity to Utah's anti-discrimination laws for housing and employment, and clarify exemptions for religious institutions and provide protections for religious expression.

Equality Utah Executive Director Troy Williams said years ago as a young gay man and former LDS missionary he could never picture the LGBT community standing together with LDS apostles.

Sen. Steve Urquhart, R-St. George, said the bill drives a spike into the idea that religious liberties and gay rights can't co-exist. He has run legislation seeking to prohibit discrimination based on sexual orientation and gender identity for three years. He said he was excited about including the religious protections. "People of faith can act like people of faith. They can talk like people of faith," Urquhart said.

³ <http://www.deseretnews.com/article/865623399/Utah-lawmakers-unveil-anti-discrimination-religious-rights-legislation.html?pg=all>

Sen. Jim Dabakis, D-Salt Lake City, said Utah is sending a message to the world that it's willing to take on the "great social issues of our time" and find common ground.

Dabakis, Adams, Urquhart and Rep. Brad Dee, R-Ogden, formed a working group to draft the bill that was filed today.

SB296 would prohibit employers from discriminating against job applicants and employees based on gender identity or sexual orientation. Landlords and property owners also would be banned from discriminating against LGBT people.

Everyone would be afforded the same free-speech protections in their private lives and could not be fired for their religious, personal or political beliefs about marriage, family and sexuality.

The bills seeks to protect churches and their affiliates, religious schools, small or family-owned businesses, and specifically the Boy Scouts of America. It would not prohibit employers from setting "reasonable" dress and grooming standards and designating sex-specific bathrooms or showers.

It does not contain religious exemptions from non-discrimination provisions for individuals or for-profit businesses.

"We have to find a way to live together. We just can't endlessly be litigating against each other. We can't endlessly be in culture wars," Wilson said. "If you want to know why Utah got it right, it's because they actually called a truce in the culture war."

Dabakis, the state's only openly gay legislator who married his longtime partner in late 2013, said the LDS Church and the LGBT community started to come together after the divisiveness and bitterness of Proposition 8 in California in 2008.

LDS Church leaders last month called on government officials to protect religious rights while also protecting lesbian, gay, bisexual and transgender Utahns from discrimination in housing, employment, and public accommodations such as restaurants, hotels and transportation. Church leaders also emphasized that people should not be forced to perform services that go against their religious beliefs.

"We have rolled up our sleeves, and with respect and civility, we have found common ground," said Dabakis. "This bill is the result of those discussions, as well as countless other gatherings with important community groups all across Utah."

Not everyone is pleased with the outcome of that effort.

"I don't like it," said Utah Eagle Forum President Gayle Ruzicka. "I'm disappointed in what's in there for religious protection." She said it's missing protections for religious consciences and religious expression.

The conservative Sutherland Institute supports the LDS Church's approach to the issue but is taking a wait-and-see attitude on the bill.

Sutherland points out that the protections in SB296 are limited to discrimination law. It wants the Legislature to include other religious liberty concerns outside of employment and housing such as the ability of parents to pass on moral standards to their children and people of faith to act on their marriage beliefs without fear of retribution.

Questions:

- 1- How do you feel when reading this story?
- 2- What are the specific issues at stake in this case?
- 3- Who are the stakeholders? What is their role?
- 4- What are the key success factors that led to this positive result?
- 5- How would you have acted if you had been in the shoes of LGBT activists or part of the LDS Church in Utah?
- 6- Do you think that policy makers could have a role to play to support this joint work?
- 7- What next steps could be taken to reinforce this joint work?
- 8- How could the communities explore more sensitive topics such as those mentioned by opponents to this initiative?
- 9- Can you share any other examples of similar happy-ending stories of alliance-building and joint work on anti-discrimination legislation?