

19 May 2015

PRESS RELEASE

Court rules cake case was discrimination

The Equality Commission for Northern Ireland welcomes the judgement in Belfast County Court today in the case of Lee v Ashers Baking Co Ltd.

The District Judge found that the Defendants - the Company and Colin and Karen McArthur - had unlawfully discriminated against Gareth Lee (pictured) on grounds of sexual orientation, religious belief and political opinion. She gave judgment in favour of Mr. Lee, a civil servant from Belfast, and damages were agreed at the sum of £500.

“This case raised issues of public importance regarding the extent to which suppliers of goods and services can refuse service on grounds of sexual orientation, religious belief and political opinion,” Dr. Michael Wardlow, Chief Commissioner of the Equality Commission, said. “In reaching her decision, the judge affirmed the position under the law – that the rights of people to hold religious beliefs is protected, as is the right to manifest them - but that they cannot do so in the commercial sphere in a way which is contrary to the rights of others.”

Gareth Lee had taken the case with the assistance of the Equality Commission following the cancellation by the bakery company of an order it had initially accepted, to provide him with a cake iced with the slogan “Support Gay Marriage”.

In her decision, addressing the complaints regarding sexual orientation, Judge Brownlee said:

“My finding is that the Defendants cancelled this order as they oppose same sex marriage for the reason that they regard it as sinful and contrary to their genuinely held religious beliefs” . . .

“The Defendants are not a religious organisation; they are conducting a business for profit and, notwithstanding their genuine religious beliefs, there are no exceptions available under the 2006 Regulations which apply to this case and the Legislature, after appropriate consultation and consideration, had determined what the law should be.”

She stated that the Defendants *“have unlawfully discriminated against the Plaintiff on ground of his sexual orientation contrary to regulation 5[1] of the 2006 Regulations and that this is direct discrimination for which there can be no justification.”*

As regards religious and political discrimination the judge concluded that the Defendants *“are opposed to the political opinion that supports gay marriage which they regard as sinful and contrary to their genuinely held religious beliefs. They believe that the Plaintiff holds a different religious belief and political opinion which seeks to extend marriage to same sex couples. I find that this was the reason why the order was cancelled which is direct discrimination prohibited under Article 3[2] of the 1998 Order and as such cannot be justified.”*

The court also gave consideration to an argument that findings of discrimination in this case would be contrary to the rights of the Defendants under the European Convention of Human Rights. The judge stated that she was satisfied that it did not give rise to any incompatibility between the rights of the Defendants under the Convention and the rights of the Plaintiff under the anti-discrimination laws.

- [See the full judgement of the Court](#) (*pdf*)
- [Guidance for Service Providers following the case of Lee v Ashers Baking Co Ltd](#) (*pdf*)