



6 February 2015

Equality Commission responds to Conscience Clause

The Equality Commission for Northern Ireland has responded to the Consultation on a Northern Ireland Freedom of Conscience Amendment Bill submitted by Paul Givan, MLA, of the Democratic Unionist Party.

The Commission does not support either of the proposed amendments to the Sexual Orientation Regulations as set out in the draft Bill.

“We believe that, if introduced, the proposed amendments would significantly weaken protection against discrimination in Northern Ireland for lesbian, gay and bisexual people when accessing goods, facilities and services or buying or renting premises,” Dr. Michael Wardlow, Chief Commissioner of the Equality Commission said.

“These exceptions are targeted solely on the rights protected by the sexual orientation Regulations and no equivalent provisions are proposed for other areas of equality law”, Dr. Wardlow said. “They are inconsistent with the approach adopted under other equality strands where there is also the potential for competing rights, and with the approach adopted by equality law in other parts of the United Kingdom.”

The Commission has consistently made it clear that any exception to equality law or other law must be narrowly defined and objectively justifiable. It believes that the proposed business exception meets neither of these conditions. It is also too wide in scope, lacks legal clarity and certainty in a number of important areas and lacks appropriate safeguards.

The Commission does not believe that faith-based adoption or fostering agencies should be exempted from the sexual orientation Regulations when providing goods, facilities and services or carrying out public functions on behalf of a public body.

“We do not believe that the exceptions proposed strike a fair balance between those rights and the rights of service providers to manifest their faith,” Dr. Wardlow said.

The Commission’s full response to the proposed Bill can be read [online](#) (*pdf*)