

C.I.D.A.C.

Commission of Inquiry into
Discrimination Against Christians



Commission of Inquiry Terms of Reference

Preamble

Press reports and anecdotal evidence suggest an increasing incidence, intensity and range of difficulties are being experienced by Christians (at work and more generally within society) arising out of expressions of religious belief and/or issues of conscience.

Amongst other things, there have been a number of court cases concerning manifestation of the Christian faith where those involved (though often vindicated) have lost jobs or educational opportunities, and have had their rights to exercise free speech and conscience challenged, undermined or curtailed.

Additionally, they have suffered reputational harm, the stress of seeking and financing what may turn out to be protracted legal advice and advocacy, and other adverse consequences. There are also concerns about the chilling effect on freedom of speech that may result from fear of arrest or loss of employment.

Some believe that unfair treatment of Christians and traditional Christian belief has increased since the “Clearing the Ground”¹ Inquiry was held in 2012. This Commission aims to establish the nature, context and extent of what is happening, and why, and to make a series of policy recommendations.

Remit

The Inquiry will hear evidence from witnesses who say they have faced discrimination, marginalization, injustice or stigma on account of their Christian

¹ <https://www.eauk.org/current-affairs/publications/clearing-the-ground.cfm>

faith. The remit is interdenominational. It only covers events taking place in the United Kingdom.

As a general rule, evidence will only be heard from cases that have emerged since 2012, although in exceptional circumstances, the Commissioners have discretion to hear earlier cases.

Evidence will also be heard from a variety of experts.

In the light of the evidence received, within the framework of the broad categories below, the Inquiry will:

Law

- Identify which laws, if any, may have created or contributed to discrimination;
- Identify which laws, if any, were not adequately or properly applied in cases of discrimination;
- Investigate how specific, robust, constructive, workable and fair are existing human rights and equalities' laws;
- Consider the extent to which human rights and equalities' law, together with the associated guidance (statutory or otherwise), are compatible with traditional Common Law rules of law and evidence.

Application of laws

- Investigate potential misapplication of human rights and equalities' law by governmental bodies (e.g. Ofsted & Department of Education), corporations, charities and other relevant bodies;
- Investigate the degree to which the legal system fairly and justly applies traditional principles of law as they touch on religious freedoms;
- Investigate whether laws are being applied without fear or favour by police forces, and the degree of discrimination, if any, which Christians suffer through failure so to do;
- Investigate the role, function and operation of the Crown Prosecution Service in cases involving discrimination against Christians;

- Investigate whether the statutory remit of the Equality and Human Rights Commission is being met in cases involving discrimination against Christians.

Society

- Identify the prevailing attitudes within segments of society that may have a causative, contributory and/or validating role in cases of discrimination;
- Consider the degree to which “religious illiteracy” causes or contributes to any discrimination, marginalization, injustice or stigma experienced by Christians;
- Consider the impact of corporate equality and diversity codes and guidance (whether statutory or otherwise), as well as how they apply to the ability of Christians to manifest their faith;
- Consider the impact of no-platforming and cancel culture;
- Consider whether the creation of “protected characteristics” may undermine principles of common citizenship and equality before the law;
- Investigate whether there is an unfair prioritization of rights of certain groups, operating to the detriment of others.

Remedies

- The Inquiry will propose remedies to any problems or issues identified under any of the above. Specifically:
- The Inquiry will address circumstances where the application of laws, codes or policies places unreasonable burdens, limits, restrictions or penalties on Christians, whether by threatening their livelihood or good reputation, or in the general exercise of fundamental human rights and equalities’ protections;
- The Inquiry will seek to propose workable solutions, whether involving reasonable accommodation or otherwise, in cases of conflicting human rights and equalities’ claims;
- The Inquiry will consider and make recommendations concerning the removal or amendment of any legal provisions currently operating contrary to traditional principles of common and statutory law;

- The Inquiry will consider and make recommendations concerning the operation of corporate or other codes.

Types of Witnesses

The Inquiry may hear evidence from witnesses drawn from the following arenas:

- the workplace;
- education;
- fathers and mothers in the upbringing of their children;
- social media;
- news media (online and print);
- church communities and governance;
- government, public authorities and civil service;
- the legal system;
- police and armed forces;

Other arenas not covered by the above categories may be considered at the Commissioners' discretion.