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Parents sue school after girl, nine, is banned from wearing hijab

London Evening Standard (02.01.2013) - A Muslim couple are taking a south London primary school to the High Court after their daughter was banned from wearing a headscarf.

The parents were so annoyed when the nine-year-old girl was prevented from wearing the traditional Muslim hijab they withdrew her.

After failing to gain the support of the school governors, they have launched a legal action to reverse the ban.

The parents say it would be a sin for their daughter's head to be uncovered while in the presence of male teachers.

The child's brother remains a pupil at the school. But Kate Magliocco, head of St Cyprian's Greek Orthodox Primary School in Thornton Heath, said the parents were informed about their uniform policy when their child was first admitted at seven.

She said: "The school is being taken to the High Court by parents of a Muslim girl. They believe that, because she is nine, she has reached puberty and it would be a sin for her

not to be covered because the school has male teachers. The decision not to allow her to wear a headscarf was taken by the governing body.

"The school has a very particular uniform policy, which is shared with parents and, as head, I must follow the plan. The pupil in question came to us from a private school.

"Her parents actively chose us and, before she arrived, we held a meeting which included details of the uniform plan."

She added: "They are a really nice family and it is a regrettable situation for both sides."

Admission details on the school's website begin with the promise: "The children of St Cyprian's will be equipped with the knowledge, skills and spirituality to enable them to achieve their full potential and to prepare them to contribute positively to the challenges of a diverse multi-cultural society." It adds that the school will "respect the religious beliefs and practice of all staff, pupils and parents."

Its mission statement says it promotes "good relations between people of different ethnic origins".

The uniform policy on the school website requires girls to wear a dark blue coat, an optional blazer, a skirt, white blouse and a navy blue pullover, but it does not mention a ban on headscarves. A court hearing is due to take place next month.

Scientology case to be reconsidered

Buxton Advertiser (18.12.2012) - Leading judges may decide whether services organised by the Church of Scientology involve "acts of worship".

Scientologist Louisa Hodkin lost a High Court fight for the right to marry fiance Alessandro Calcioli in a Church of Scientology chapel in central London.

A High Court judge concluded that the couple could not marry in the London Church Chapel, in Queen Victoria Street, because it was not legally a "place of meeting for religious worship".

But Mr Justice Ouseley said Supreme Court justices - the most senior judges in the UK - should consider the question of whether Scientologists worshipped and decide whether they wanted to rule on the issue.

Miss Hodkin, 24, who, like her fiance, is a volunteer at the London Church Chapel, said she was pleased that the Supreme Court had been asked to consider the case.

"I knew I would have to be strong and patient given the current law," she said after today's High Court hearing in London. "I am delighted that the court has granted me the opportunity to ask the Supreme Court to hear my case. I hope that the court allows me to marry in my own church, surrounded by my family and friends, which means everything to me."

Her solicitor, Paul Hewitt, who works for law firm Withers, said: "It has always felt wrong that, simply because she is a member of the Church of Scientology, Louisa has been

denied the right given to Christians, Muslims, Buddhists, Jains and other faiths to have a legal marriage ceremony in accordance with her own religious beliefs and in her own church." He added:

"Louisa is determined to see the process through to achieve this basic right."

Mr Justice Ouseley ruled after hearing legal argument at a High Court hearing in London in October. He was told that Miss Hodkin launched a challenge after the registrar general of births, deaths and marriages refused to register the London Church Chapel for the solemnisation of marriages under the 1855 Places of Worship Registration Act - because it was not a place for "religious worship".

The judge said the issue had been considered by the Court of Appeal in 1970. He said appeal judges had decided that Scientology services "did not involve acts of worship" - and he said he was bound by that decision. He said he therefore had to dismiss Miss Hodkin's challenge.

"In my judgment there has been no significant change in the beliefs of Scientologists or in their services since (that) decision," said Mr Justice Ouseley in a written ruling handed down at a hearing in London today.

"(That ruling), in the absence of a significant change in the way Scientologists worship, still binds me to hold that they do not worship."

Section 5 free speech campaign passes a major hurdle with Lords victory

National Secular society (13.12.2012) - The Reform Section 5 campaign chalked up a spectacular victory for freedom of expression on Wednesday evening when the House of Lords passed an amendment to remove the word "insulting" from section 5 of the Public Order Act. The win was by a comfortable margin, 150 votes to 54.

The victory was almost unprecedented, because it was achieved in the face of outright opposition from both Conservative and Labour frontbenches, who whipped against the amendment (requiring their members to vote against).

Number 10 admitted that it had not anticipated the defeat, which was a humiliation for the two main parties. To their credit, the Lib Dems, for whom this change is party policy, gave their complete support.

The amendment was tabled by independent peer Lord Dear, himself a former chief police officer. He told peers that "The amendment would herald a very significant victory for freedom of expression". He listed a sample of the many distinguished individuals and organisations that had supported the amendment, including the current and previous Directors of Public Prosecutions, a former Lord Chancellor, the Joint Parliamentary Committee on Human Rights, Liberty, Justice, the Peter Tatchell Human Rights Foundation, the Christian Institute and the National Secular Society.

Peers queued up to speak in support of Lord Dear. Not a discordant note was struck until the opposition frontbench peer, Baroness Smith of Basildon, announced that: "We do not want to risk removing a useful tool which currently enables the police to address homophobic and religiously offensive issues." She sought to justify this by giving an example of homophobic bullying which she claimed needed the retention of the word "insulting". Humiliatingly for a frontbench spokesperson, no one else agreed: they were

adamant that there were plenty of other parts of the Public Order Act that could be used to prosecute this antisocial behaviour.

The Government spokesperson winding up did little better and was equally unpersuasive. He maintained that the amendment would remove the police's "flexibility ...to respond to hate crime and to defuse tension quickly in public order situations".

Lord Dear insisted on taking it to a vote, pointing out how many peers had come from all corners of the country to take part in this debate: "We have waited far too long for this."

This victory, remarkable as it is to have been achieved in the face of such opposition, is not the end of the fight, however. The Bill revised by this amendment will need to be approved by the House of Commons, where there is also an energetic, supportive campaign led by Rt Hon David Davis MP. So it is to the Commons that we now need to turn our focus.

Earlier there had been wry smiles all round when Lord Dear observed that "The National Secular Society and the Christian Institute are often at odds, but here they stand shoulder to shoulder supporting the amendment." Last night was the culmination of an intense and vigorous campaign by both organisations and Peter Tatchell, who yesterday [appeared on the BBC Daily Politics programme](#) taking part in an amusing stunt involving a pantomime horse outside the Home Office. This was preceded by a [persuasive appeal](#) by comedian Rowan Atkinson.

The Christian Institute and the NSS, who both accept that they couldn't have achieved this victory without a joint campaign, have lobbied relentlessly and twice written joint letters to peers. Simon Calvert, Campaign Director of RS5, said he was "delighted" at the result and commented: "Freedom of speech is such a vital part of British heritage but this law has seen many people suffer – simply for speaking their mind. Tonight we have seen that the House of Lords does not want this to continue. Now it's up to the Government to decide whether it's going to allow tonight's vote to stand. We hope they'll see sense and allow this important reform to become law."

Witnesses may testify anonymously at charity tribunal case on Plymouth Brethren

Decision comes after the Charity Commission was approached by people wanting to give evidence about alleged harm done by the religious group

(07.12.2012) Third Sector Online - The charity tribunal has given permission for the first time for witnesses at a forthcoming hearing to give evidence anonymously from behind screens or by video link, or in private.

The hearing will consider the appeal by the Preston Down Trust, a congregation of Plymouth Brethren in Devon, against the decision by the Charity Commission not to grant it charitable status. It is seen as a test case for about 300 other Brethren congregations.

The Brethren is a religious group that expects daily church attendance of members and has a strict doctrine of separation that prohibits members from eating or drinking with non-members or having friendships outside the group. Former members say that it was known until recently as the Exclusive Brethren.

[Papers from a directions hearing](#) at the tribunal earlier this week allow for witnesses "to remain anonymous to the appellants, to be screened off at the hearing, to give evidence by video link and/or for part of the hearing to be held in private session".

The tribunal papers say that said that before it would allow anonymity, the commission would have to explain "why the witness's evidence is relevant to an issue before the tribunal" and "why such measures are necessary in order to obtain the best quality evidence from that witness".

Charity law provides that an organisation can be refused charitable status if it does not provide sufficient public benefit, or if it creates disbenefits that outweigh any benefits.

A spokeswoman for the Charity Commission said that it had been approached by several people who had requested the opportunity to give evidence anonymously about alleged harm done by the Brethren. It would submit a list of such witnesses, but would not include their evidence in its own case, she said.

Instead, it would present its original case against giving charitable status to the Brethren, offering evidence about lack of public benefit but not about disbenefit.

Third Sector understands that the witnesses who have approached the commission are former members of the Brethren who believe harm has been done to themselves and their families by the group. They might wish to remain anonymous because they are worried about harassment, or because family members remaining in the Brethren could suffer victimisation.

Stephanie Biden, a senior associate at charity solicitors Bates Wells & Braithwaite, said the decision to allow evidence to be given anonymously indicated that the tribunal was willing to hear evidence of alleged harm done by the Brethren.

But she said that there was little case law that would help the tribunal balance evidence of public benefit against evidence of harm, and it was not clear how the evidence would be handled. "How much harm counteracts how much benefit?" she said.

Biden said that it was not clear how much weight the tribunal would give to evidence of harm from former Brethren if the commission did not focus on it, or if the individuals chose to remain anonymous.

Olympic Judo: Wojdan Ali Seraj Abdulrahim Shahrkhani from Saudi Arabia to wear form of headscarf

By Stephen Wilson

Huffington Post (31.07. 2012) - A female judo fighter from Saudi Arabia will be allowed to compete in the Olympics wearing a form of headscarf after a compromise was reached that respects the "cultural sensitivity" of the Muslim kingdom.

Judo officials had previously said they would not let Wojdan Ali Seraj Abdulrahim Shahrkhani compete in a headscarf because it was against the principles of the sport and raised safety concerns.

But an agreement was reached after several days of IOC-brokered talks between the International Judo Federation and the Saudi Olympic Committee that clears the way for her to compete Friday in the heavyweight division.

"They have a solution that works for both parties, all parties involved," International Olympic Committee spokesman Mark Adams said. "The athlete will compete."

The agreement was later formally announced in a joint statement by the judo federation and the Saudi committee.

"Working with the IOC, a proposal was approved by all parties," the statement said. "The solution agreed guarantees a good balance between safety and cultural considerations."

Ali Seraj Abdulrahim Shahrkhani, the judoka's father, declined to describe what changes - if any - will be made to his daughter's head cover for the competition.

He told The Associated Press his daughter has been training with women at a special facility in London for an hour and a half every day since she arrived with her parents and her brother. Shahrkhani said his daughter, who has a blue belt in judo, is preparing for Friday's fight in seclusion.

"It's her first time in competition and it's the Olympic Games, so she is focused on that," Shahrkhani said.

Saudi Arabia, which had never sent female athletes to the Olympics before, brought its two first female Olympians to London on condition they adhere to the kingdom's Islamic traditions, including wearing a headscarf.

Shahrkhani's participation was thrown into doubt last week when judo officials said a headscarf could be dangerous because of chokeholds and aggressive grabbing techniques.

Without giving precise details, Adams said the headscarf agreement is in line with Asian judo rules and is "safety compliant but allows for cultural sensitivity."

"In Asia, judo is a common practice so they asked for something that would be compliant with that, and the judo federations have reached a compromise that both are happy with," he said.

Asian judo federations have previously allowed Muslim women to wear the headscarf, known as a hijab, during major competitions. Headscarves are allowed in taekwondo, but taekwondo fighters also wear a headguard, which covers the headscarf.

Shahrkhani may be the first judoka to fight at the Olympics who does not hold a black belt in judo, a Japanese martial art. She did not qualify for her Olympic spot like most of the other judo fighters.

The IOC extended a special invitation for her to compete as part of negotiations to bring Saudi women to the Olympics for the first time. The other Saudi female athlete to compete in London is 19-year-old Sarah Attar, a California-based 800-meter runner.

Saudi Arabia, Qatar and Brunei had been the only three countries that had never fielded female Olympians in their teams. With all three now including women, these are the first Olympics in which every competing nation - 205 - is represented by female competitors.

"Our aim is that we want to have women from all national Olympic committees competing in the games," Adams said. "Clearly one of those that is new is Saudi. We want to make sure we give a maximum chance for women from every NOC to take part in the games."

Exclusive Brethren group appeals against Charity Commission's refusal to grant charitable status

Third Sector Online (25.07.2012) - An Exclusive Brethren meeting hall has lodged an appeal with the charity tribunal against the Charity Commission's refusal to grant it charitable status in a case likely to determine whether other Exclusive Brethren groups meet the public benefit requirement.

The Preston Down Trust, which meets in Torquay, Paignton and Newton Abbott in Devon, was denied charitable status because the commission was not satisfied that it had been established for the advancement of religion for public benefit.

The Exclusive Brethren are distinct from the Open Brethren following a split in the 1840s in the denomination also known as the Plymouth Brethren. Exclusive Brethren avoid contact with those who do not follow their teachings, including other Christians, and do not allow non-members to attend their religious services.

Details posted on the tribunal's list of cases show that an appeal was registered by trustees of the Preston Down Trust and the Horsforth Gospel Hall Trust, an exclusive Brethren group in Leeds which was granted charitable status in 1988.

A commission spokeswoman said the Horsforth Gospel Hall could be affected by the outcome of the case. "It, along with a small number of Exclusive Brethren organisations, was registered prior to the implementation of the Charities Act 2006 on the basis of the law as it was then understood," she said.

"The 2006 act removed the presumption of public benefit from certain classes of charity including religious charities. The central issue in the appeal will be whether the public benefit requirement is satisfied in relation to the exclusive Brethren organisations under the law as it now is."

The spokeswoman said that the regulator "welcomed this opportunity for the law to be clarified in this area as it affects the exclusive Brethren".

She said that the decision to deny charitable status to the Preston Down Trust "took into account the nature of Christian religion embraced by the trust and the means through which this was promoted, including the public access to its services and the potential for its beneficial impact on the wider community".

Third Sector was unable to reach anybody at the Preston Down Trust or the Horsforth Gospel Hall Trust for comment.

Rod Buckley, a member of Preston Down Trust, said later that it does allow non-members to attend services.

Polygamy in Islam: The women victims of multiple marriage

By Linda Serck

BBC (31.05.2012) - When Dr Zabina Shahian married Pervez Choudhry she thought he would be the man with whom she would settle down for the rest of her life and start a family.

But she did not know the former Conservative party leader on Slough Borough Council was still married.

Choudhry, 54, who claimed he did not realise the marriage in Pakistan was legally valid in the UK, was given a community order after admitting bigamy.

A "devastated" Dr Shahian now wants to help other women who are victims of polygamous marriages - a practice a leading family lawyer says is "rife" within the British Muslim community.

Dr Shahian believes the episode has meant she has "missed the boat" at starting a family.

The GP, in her 40s from Erdington in Birmingham, spent more than two years and thousands of pounds gathering evidence against Choudhry.

The investigations, which involved a private detective, revealed Choudhry married his first "arranged" wife in 1986, with whom he had three children but never legally divorced.

But Dr Shahian, who did not want her picture published, realises she was lucky, as a career woman, to have been able to afford the detective fees and also to have support from her family to go through with the prosecution.

However she said some members of her local South Asian Muslim community were less understanding.

"When I go down to my parents I get all the neighbours looking at me.

"As a Muslim woman I'm supposed to keep a low profile. I feel like I've committed a crime here although I'm the victim.

"You're supposed to keep your mouth shut and you're supposed to just carry on. It is impregnated into our culture."

Despite this she is determined to help other Muslim women who find themselves the victim of polygamy, women who may not have the same financial security and who may feel cultural pressure not to speak out.

The Choudhry bigamy case was unusual, as more commonly the actions of Muslim men who take more than one wife are not answerable under UK law.

Polygamy 'widespread'

This is because they are able to avoid having their second or third marriages registered in the UK by having a Nikah ceremony instead - an Islamic non-registered marriage contract not recognised under British law.

For a Nikah wedding to be recognised in the UK, the marriage needs to have an accompanying civil ceremony.

Dr Ghayasuddin Siddiqui, director of think tank The Muslim Institute, said men could exploit the "cruel loophole" of the Nikah, allowing them to have more than one wife under Islamic law but not having to register the marriage in the UK, which means the woman would have no spousal rights if the marriage were to fail.

"They dump their first wife and simply go to Pakistan, Bangladesh or wherever and marry again," he said.

Leading family solicitor Annemarie Hutchinson, who represents Muslim women, said no official statistics were available but that Dr Shahian joined thousands of Muslim women in the UK who were victims of polygamous marriages.

"There are lots and lots of second marriages and second wives - it's rife."

But in cases where prosecution would be possible, she said there would be no case "unless the first or second wife pushes for it".

"It's bigamy but the police won't prosecute because there would be thousands of cases," she said.

A Muslim Marriage Working Group, set up by the Ministry of Justice, met on Monday for the first time to identify the issues "some Muslim women experience when they do not have a legally registered marriage", according to a spokesman.

But combating a cultural pressure on some Muslim women is difficult, says Dr Siddiqui.

Polygamy "is so widely spread they don't blame men having a second wife or a third or fourth wife," he said.

"They accept this is their lot."

Sheikh Ibrahim Mogra, of the Muslim Council of Britain and who is an imam, said in the Koran it stated men were allowed to take more than one wife, but only under strict rules that included obtaining consent from the first wife and treating all wives equally and fairly.

He did not think there were many polygamous marriages in the UK but "condemned" the actions of men who flout the polygamy rules.

He also described as "sad" the "cultural pressures" that prevent women standing up for justice.

"Whatever cultural norms there may be, what Islam does not allow is the mistreatment of women, full stop."

Dr Shahian said: "Islam does not allow deceit and lies, but there are a lot of women who, due to their circumstances and due to their financial problems, accept being the second wife.

"I hope a lot of women out there who are suffering would put a stop to this."

Former archbishop accuses U.K. courts of persecuting Christians

"The Daily Telegraph (16.04.2012) - Christians are being "persecuted" by the courts and "driven under-ground" in the same way that homosexuals once were, a former

Archbishop of Canterbury has warned. George Carey says worshippers are being "vilified" by the state, treated as "bigots" and sacked simply for expressing their beliefs.

The attack is part of a direct appeal to the European Court of Human Rights before a landmark case on religious freedom.

In a written submission seen by The Daily Telegraph, the former leader of more than 70 million Anglicans warns that the outward expression of traditional conservative Christian values has effectively been "banned" in Britain under a new "secular conformity of belief and conduct."

His comments represent one of the strongest attacks on the impartiality of Britain's judiciary from a religious leader.

He says Christians will face a "religious bar" to employment if rulings against wearing crosses and expressing their beliefs are not reversed.

Carey argues that in "case after case" British courts have failed to protect Christian values. He urges European judges to correct the balance.

The hearing, due to start in Strasbourg on Sept 4, will deal with the case of two workers forced out of their jobs over the wearing of crosses as a visible manifestation of their faith. It will also take in the cases of Gary McFarlane, a therapist sacked for saying that he may not be comfortable in giving sex counselling to homosexual couples, and a Christian registrar, who wishes not to conduct civil partnership ceremonies.

Carey, who was archbishop from 1991 to 2002, warns of a "drive to remove Judaeo-Christian values from the public square." Courts in Britain have "consistently applied equality law to discriminate against Christians."

They show a "crude" misunderstanding of the faith by treating some believers as "bigots." He writes: "In a country where Christians can be sacked for manifesting their faith, are vilified by State bodies, are in fear of reprisal or even arrest for expressing their views on sexual ethics, something is very wrong.

"It affects the moral and ethical compass of the United Kingdom. Christians are excluded from many sectors of employment simply because of their beliefs; beliefs which are not contrary to the public good."

He outlines a string of cases in which he argues that British judges have used a strict reading of equality law to strip the legally established right to freedom of religion of "any substantive effect. "

"It is now Christians who are persecuted; often sought out and framed by homosexual activists," he says. "Christians are driven underground. There appears to be a clear animus to the Christian faith and to Judaeo-Christian values. Clearly the courts of the United Kingdom require guidance."

He says the human rights campaign has gone too far and become a political agenda.

Keith Porteous-Wood, executive director of the National Secular Society, said: "The idea that there is any kind of suppression of religion in Britain is ridiculous. - Even in the European Convention on Human Rights, the right to religious freedom is not absolute - it is not a licence to trample on the rights of others."

Forced marriages of young Muslim girls- illegal but religious

Digital Journal (25.03.2012) - The forced marriage of under-age girls is prevalent in many countries, with an estimated 25,000 young girls forced into marriage each day. The issue is becoming an increasing concern in the U.K., and in the London Borough of Islington.

Girls as young as nine-years-old are being forced into marriage in the London Borough of Islington, with marriages carried out by back street Imams. Although child marriage is illegal in Britain, families circumvent the law by conducting marriages in shariah courts attached to mosques.

The *Islington Tribune* (<http://www.islingtontribune.com/news/2012/jan/islington-girls-forced-marriage-age-nine>) reported on the growing trend in which girls under 16 years-of-age are forcibly married to often middle-aged men. They cited figures provided by the Iranian and Kurdish Women's Rights Organisation (IKWRO) showing at least 30 girls were forced into marriage in the Islington borough in 2010. Five of the girls were aged between nine and eleven, the oldest were sixteen.

The UK's *Forced Marriage Unit* (<http://www.fco.gov.uk/en/news/latest-news/?view=News&id=557968882>) says that each year 3,000 girls are forced to marry against their will, with the summer school holidays being the most busiest time. The New Humanist Organization also reveals that the school holidays are the most dangerous times for girls to suffer enforced female genital mutilation, when British school girls are taken abroad for the procedure which is illegal in Britain.

Dianna Nammi, director of IKWRO, described the ordeal of child brides. She noted they are forced to sleep with their husbands, which would be a crime under British law, and said

"They have to cook for them, wash their clothes, everything. They are still attending schools in Islington, struggling to do their primary school homework, and at the same time being practically raped by a middle-aged man regularly and being abused by their families. So they are a wife, but in a primary school uniform."

According to the *ICRW* (<http://www.icrw.org/child-marriage-facts-and-figures>) child brides are more likely to suffer from domestic violence and sexually contracted diseases. They often "show signs symptomatic of sexual abuse and post-traumatic stress such as feelings of hopelessness, helplessness and severe depression."

Imam Ahmed Saad of Finsbury Park Mosque condemned the practice which he describes as cultural rather than Islamic. He said "This is down to ignorance, and ignorant people who will use any excuse they can to do this to their children. It is the practice in their home countries and they don't want to stop that here, so they will say it's in the Koran, when it is not. According to Islam, it is entirely unacceptable."

Saad went on to say that such forced marriages are child abuse and that the Imams involved are uneducated. A spokesman for the Forced Marriage Unit said that forced marriages of under-age children is a criminal matter.

Britain crucifix workplace ban argument for European court a blow to Christian symbol, say critics

By Richard J. Brennan

The Toronto Star (12.03.12) - The British government is set to argue at the European Court of Human Rights that Christians do not have the right to wear a cross or crucifix openly at work.

Critics call the move a blow to Christianity, saying the display of its symbols of faith is restricted while symbols of religions such as the Sikh turban and Muslim hijab are granted special status.

The London Telegraph has revealed the government will argue that employers can ban the wearing of the cross and sack workers who insist on doing so because wearing the crucifix is not a "requirement" of the Christian faith.

Judges in Strasbourg will hear the test case on religious freedom in Britain later this year. It will bring together four separate cases, including that of Nadia Eweida, who works for British Airways. Her case dates from 2006 when she was suspended for refusing to take off the cross which her employers claimed breached BA's uniform code.

Although the airline later changed its policy, the Telegraph reports Eweida fought the case through the U.K. court system, finally losing her application to be heard by the Supreme Court.

She and co-plaintiffs in separate cases want the European court to rule their human right to manifest their religion, protected under the European Convention of Human Rights, has been breached.

But the government's response, as reported by the Telegraph, states that the wearing of the cross is not a "requirement of the faith" and therefore does not fall under the remit of Article 9 of the European Convention on Human Rights.

The government's position on the right of Christians to wear the cross at work emerged after its plans to legalize same-sex marriages angered leaders of Britain's Roman Catholic Church.

In a surprise move, Rowan Williams, the Archbishop of Canterbury, appeared to undermine the case for wearing the crucifix when he said that for many Christians, it has become little more than jewellery, "which religious people make and hang on to" as a substitute for true faith.

Williams, speaking at a church service in Rome where he met the Pope on the weekend, said the cross had been stripped of its meaning as part of a tendency to manufacture religion.

"And the cross itself has become a religious decoration," he said.

Cameron would consider changing law to protect religious freedom

By Tim Ross

The Telegraph (13.03.12) - Two women who have been barred from wearing the traditional symbol by their employers are taking their campaign to the European Court of Human Rights.

Judges in Britain have ruled against Nadia Eweida, a British Airways check-in clerk, and Shirley Chaplin, a nurse, who wanted to wear the cross at work.

Mrs Eweida's case dates from 2006 when she was suspended by BA for breaching the company's uniform code. Mrs Chaplin was barred from working on wards by Royal Devon and Exeter NHS Trust after refusing to hide the cross she wore on a necklace chain.

The pair, and two other Christians, are bringing legal action against the UK because they believe British laws have failed to protect their human rights, specifically the right to freedom of religion.

Their lawyers argue that article nine of the Human Rights Act should allow them to "manifest" their beliefs by wearing items, including the cross, which are not a "requirement of the faith".

The Government's official submission to the Strasbourg court dismisses their argument as "ill-founded".

The response, prepared by the Foreign Office, adds: "In neither case is there any suggestion that the wearing of a visible cross or crucifix was a generally recognised form of practising the Christian faith, still less one that is regarded (including by the applicants themselves) as a requirement of the faith."

Downing Street said the Government was required to pass on the ruling of the British court to the European Court in Strasbourg and is awaiting its judgment.

The Prime Minister's spokesman said Mr Cameron supported the right of Christians to wear symbols of their faith. "The PM's personal view is that people should be able to wear crosses," said the spokesman. "Our view is that the Equality Act as it stands should allow people to express their views in this kind of way."

A No 10 source said it was possible the European court would agree with the claims from the two women and clarify the right of Christians to wear the cross in a way that does not "cause offence to others".

However, if the court refused to support the women, "we would have to consider what action we might take", the source said. It was understood that one option could be to legislate.

The subject was raised yesterday in the Commons. Eric Pickles, the Communities Secretary, told MPs: "Providing any object doesn't get in the way of doing the job, a discreet display of someone's religion is something we should welcome."

Outrage at move towards banning Christian crosses from workplace

The Scotsman (14.03.2012) - Religious groups have hit out at the UK government after a leaked document suggested it was moving to deny Christians the right to wear crosses at their place of work.

The Church of Scotland stressed that there should be "no discrimination" against people who wish to make statements of faith by wearing jewellery, after it emerged that ministers were fighting a case brought by two women at the European Court of Human Rights.

Nadia Eweida and Shirley Chaplin claim that they were discriminated against when their employers barred them from wearing the symbol.

Mrs Eweida's case dates from 2006 when the 61-year-old, from Twickenham, was suspended by British Airways for breaching its uniform code. Mrs Chaplin, a 56-year-old nurse from Exeter, was barred from working on wards by Royal Devon and Exeter NHS Trust after refusing to hide the cross she wore on a necklace.

Lawyers for the two women claim that the protection under Article Nine of the Human Rights Act for "manifesting" religion covers things that are not a "requirement of the faith".

The article states that "everyone has the right to freedom of thought, conscience and religion," including the right to "manifest" their religion or belief "in worship, teaching, practice, and observance".

The government is expected to make a submission to the Strasbourg court which dismisses their argument as "ill-founded". Its argument, leaked to a Sunday newspaper, will state that the applicants' wearing of a visible cross or crucifix was not a manifestation of their religion or belief within the meaning of Article 9, and... the restriction on the applicants' wearing of a visible cross or crucifix was not an "interference" with their rights protected by Article 9.

The response, prepared by the Foreign Office, adds: "In neither case is there any suggestion that the wearing of a visible cross, or crucifix, was a generally recognised form of practising the Christian faith, still less one that is regarded (including by the applicants themselves) as a requirement of the faith."

Christian groups have condemned the government's stance as extraordinary and said it should not interfere.

Rev Ian Galloway, convenor of the Church of Scotland's Church and Society Council, said: "Unless organisations have specific policies which preclude all employees from wearing jewellery, or governing the ways jewellery may be worn, the Church of Scotland hopes that there will be no discrimination against people who wish to wear items of a religious nature.

"Whatever the strict legal situation, we believe that individuals should have the right to make statements of faith, and this extends to the wearing of appropriate jewellery."

The Archbishop of York, Dr John Sentamu, also attacked the government's argument. He said: "This is not the business of government actually. They are beginning to meddle in areas that they ought not to. I think they should leave that to the courts to make a judgment.

"If someone wanted to manifest their belief as a Christian that they wanted to wear a cross – after all at their baptism they are sealed with a cross of Christ – so if they decided to say, 'I know I am sealed with it, but I am going to wear it', I think that is a matter really for people and that we should allow it."

Abu Qatada released under strict bail conditions

Abu Qatada returned to the streets of Britain on Monday night under some of the most draconian bail conditions ever imposed as ministers intensify diplomatic efforts to remove him permanently from the country

The Telegraph (13.02.2012) - The extremist preacher was freed from Long Lartin top security jail but will be banned from holding lengthy conversations with anyone beyond his family and will not be allowed to leave his home for 22 hours a day — including going into his garden. He is prohibited from using a mobile phone, computer or the internet.

Officials hope that the measures will prove temporary as James Brokenshire, the security minister, prepares to fly to Jordan, where Qatada has been convicted in his absence of terrorism-related offences.

The European Court of Human Rights blocked Britain from deporting the 51-year-old Islamist cleric to Jordan after ruling that he might not receive a fair trial.

However, Qatada's own mother last night said the hate preacher should be sent back to Jordan.

Aisha Othman, 70, told the Daily Mail from her home in the Jordanian capital Amman: "He has been away too long. We want him home now.

"I don't know why the British keep him. There is no good reason. I can't see why they would want him."

The courts have described Qatada as a "dangerous risk". He is specifically not allowed any contact with 27 people, including Ayman al-Zawahiri, the al-Qaeda leader.

Under the bail conditions, if he meets an acquaintance in a chance encounter, he "must, after any initial greeting, disengage himself from the situation". Another condition stops him from leading prayers, giving lectures or preaching, other than to offer advice to his wife and children at his home.

David Cameron is under mounting pressure to find a way of deporting Qatada, even if it means defying the European court.

Jordan said on Monday it would "very soon" approach the court with new guarantees that Qatada would be treated fairly if he was deported. "[The law] mentions very expressly that any evidence obtained from torture or a threat of torture should not be admissible before the courts in Jordan," said Ayman Odeh, the justice minister.

"We are confident that once we have the chance to make this statement through the diplomatic channels ... [it] will be taken into consideration."

Jordan passed an amendment banning evidence obtained from torture last September.

Home Office sources said Jordan's new efforts should not be considered a "quick fix", meaning Qatada could remain free in Britain for months.

The taxpayer will have to fund up to 60 police officers at a cost of about £10,000 a week to protect the extremist preacher from vigilante attacks.

Peter Bone, a senior Conservative backbencher, called for the Government to deport Qatada and "worry about the consequences of the European Court later".

"Other countries have done this in the past: Italy did it, they put their national interests first," he said. "They put the interests of saving the lives of men, women and children in Italy before the so-called rights of an extremist terrorist and nothing really happened to Italy. We should act in that way. Send him home."

On Monday, a Downing Street spokesman did not rule out the possibility of a deportation in defiance of the European Court. "We are committed to removing him from the country," he said. "We want to see him deported. We are looking at all the options for doing that."

Banned Phones and 27 terrorist contacts

Abu Qatada's bail conditions are so strict they name 27 extremists and terrorists he is not allowed to meet, including the leader of al-Qaeda, Ayman al-Zawahiri.

When Qatada was last released on bail the list included Osama bin Laden but al-Zawahiri is the most serious terrorist named after the death of bin Laden last year.

Others named in the eight-page document are Rachid Ramda, the 1995 Paris Metro bombing mastermind, Abu Hamza, the firebrand cleric, and Yasser al-Sirri, who was convicted of terrorism charges in his absence in Egypt and who was photographed with Qatada when he was last on bail in 2008.

Babar Ahmad, who is accused by the US of raising funds for insurgents, is also on the list.

Other bail conditions include:

A 22-hour curfew during which Qatada cannot even enter his garden.

He must wear an electronic tag.

A ban on using a phone, computer or data storage devices and a ban on anyone bringing a computer into the house.

With the exception of his wife and children he cannot meet or communicate with anyone without prior approval.

He is banned from making any statement without the prior approval of the Home Secretary.

If he meets an acquaintance in a "genuinely chance situation" he "must, after any initial greeting, disengage himself from the situation (whether by explaining the terms of his bail order or by making an excuse)".

He is allowed out for one hour twice a day but cannot go beyond a tight boundary without approval.

He must surrender his passport and not possess any ticket that takes him farther than his prescribed boundary.

He is allowed only one approved bank account.

European Human Rights Court bans Al Qaeda preacher's deportation

A preacher suspected of bombings in Jordan will soon be free in Britain because the European Court of Human Rights blocked his deportation

By Amiel Ungar

Israel National News (19.01.2012) - Back in 2009, Michael Chertoff, Secretary of Homeland Security in the Bush Administration, wrote an article for the Harvard Journal of Law and Public Policy. In his article, Chertoff contended that international human rights law was hampering the fight against terrorism and as a classic example he cited the case of a radical Islamist Jordanian preacher named Abu Qatada.

The worthy preacher had earned the nickname of "Al Qaeda's Ambassador to Western Europe". Qatada entered the United Kingdom illegally from Jordan where he was suspected of terrorism. However, given the contemporary law regarding migration (that is also hampering Israel's ability to stem the flow of illegal migrants pouring over the Egyptian border into Israel) Chertoff claimed that a Catch-22 had been created.

The same open advocacy of terrorism that makes someone a threat to a host country allows that same person to argue that he will not be treated fairly in his home country. Once that argument is raised, Western Civilization's hands are often tied. The individual cannot be deported, nor can he be held for something he has not yet done. The result is that a person who has no legal right to be in a country and poses a clear danger to its citizens cannot be jailed in that country nor removed from it.

Yesterday came the sequel to this saga. The British government believed that it had actually found a way to deport Abu Qatada back to Jordan. It had reached an agreement with the Jordanian government under which the Jordanian authorities pledged not to employ torture or other human rights violations against Qatada. Pending his deportation, Qatada was lodged at a high-security prison.

The British government failed to reckon with the European Court of Human Rights. That court ruled that the British government could not deport Qatada. While Qatada was immune from torture, some of the evidence that would be used against him could have been procured via torture. Therefore, although the court believed that the agreement between Britain and Jordan would be honored and Qatada would not be ill-treated, he still would not receive a fair trial in Jordan and therefore must be allowed to stay in Britain.

This means that Qatada, who has cost the British tax payer more than £1 million in prison costs, legal fees and welfare benefits could be back on the streets in three months and enjoying the hospitality of the British government together with his wife and five children.

The decision may also set a precedent that one cannot deport a person to a country where the standards of justice do not match up to British standards.

The British government's is already upset at some of the ECHR rulings, for example, the decision ignoring British law that would give prisoners the right to vote.

The Cameron government has made no secret of the fact that it would like to limit the court's jurisdiction. Yesterday's verdict may provide it with more ammunition.
