

# **Commission nixes English Catholic adoption agency's bid on gay couples**

LONDON - The Charity Commission for England and Wales has refused the adoption agency Catholic Care permission to amend its constitution so it can turn away gay and unmarried couples.

The charity, which covers the dioceses of Leeds, Hallam and Middlesbrough in northern England, must now choose between closing an adoption service that finds new homes for about 10 children a year or breaking from diocesan patronage and becoming a secular institution.

"The charity is very disappointed with the outcome," said an Aug. 19 statement from the adoption agency.

"Catholic Care will now consider whether there is any other way in which the charity can continue to support families seeking to adopt children in need," the statement said.

Catholic Care was the only Catholic adoption agency of 11 in England and Wales to fight through the courts the gay rights regulations passed in 2007 to prohibit discrimination in providing goods and services. The other agencies have broken from the church or closed down.

The charity argued that Regulation 18 of the sexual orientation regulations allows limited discrimination in pursuit of charitable objectives, meaning that it could comply with the law and operate according to Catholic teaching.

The Charity Commission rejected the agency's application in June 2009, and in March the case went before London's High Court, where the judge asked the regulator to reconsider its ruling. The latest decision, made July 21 but published Aug. 19, dismissed the charity's case on the grounds that it was in the interests of children to allow gay couples to adopt because there needed to be as wide a pool of

prospective parents as possible.

But it also said the demise of Catholic Care would not matter because the numbers of children it dealt with were small and that these could be placed with “prospective parents through other channels.”

It said that “discrimination on the ground of sexual orientation is a serious matter because it departs from the principle of treating people with equal respect.”

Andrew Hind, chief executive of the commission, said in an Aug. 19 statement that “such discrimination can only be permitted in the most compelling circumstances.”

“We have concluded that in this case the reasons Catholic Care have set out do not justify their wish to discriminate,” he said.

Neil Addison, a Catholic lawyer who specializes in religious freedom, said that if all 11 Catholic adoption agencies – which together found new families for about 250 children a year – had united in their opposition to the regulations, the commission would not have been able to argue that their closure would have been insignificant.

He told CNS Aug. 19 that the lesson for the church in countries that recently legalized gay adoption is that “the Catholic adoption agencies should stick together and take a united stand, otherwise they will be picked off.”

Senior Catholic politicians also described the ruling as an affront to religious freedom and the rights of conscience.

Ann Widdecombe, a former Conservative Party minister, told CNS Aug. 19 that the decision suggests “very clearly” that Christians in Britain have “very few rights.”

“There is a world of difference between expecting you to live in a society where people do different things and have different values and living in a society where people are forced actively to facilitate things that are against their consciences,” she said.

“The promotion and facilitation of homosexual activity is what they are asking the Catholic adoption agencies to do,” she said.

Widdecombe said that although the trend to legalize gay adoption was spreading around the world, the threat to Catholic charities would probably vary from country to country. Scotland, which has its own legislature, had allowed its Catholic adoption agencies a loophole to carry out their work in accordance with church teaching, she said.

Human rights lawyer Daniel Brennan, the president of the Catholic Union of Great Britain, a group that examines legislation, said he thought the balance of rights was wrong under the regulations. He said he thought they violated the European Convention on Human Rights' Article 9, which protects freedom of conscience and belief.

"The reason for the article was so that we don't go back to the totalitarian regimes of the 20th century, such as Nazism and communism," he told CNS in an Aug. 19 telephone interview.