

P-05-1059 Classify Places of Worship as essential, to allow people to attend church during lockdowns

Y Pwyllgor Deisebau | 1 Rhagfyr 2020
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Reference: RS20/14570

Petition Number: P-05-1059

Petition title: Classify Places of Worship as essential, to allow people to attend church during lockdowns

Text of petition: "Places of worship have been classified as non-essential by Welsh Government. This means that churches have been effectively classed as of similar importance to retail shops and are unable to hold services during "firebreak" or "lockdown". There is no evidence that churches have contributed to the spread of Covid-19. Churches have been one of the best examples of Covid-safe environments, and have wholeheartedly followed extensive, prohibitive guidelines to do their part for the nation.

Whilst some have argued that churches can still operate online, this is to the detriment of the community. This is resulting in unnecessary harm, when there is no evidence that churches have contributed to the spread of Covid-19."



1. Background

Places of worship were required to close except in certain circumstances during the UK-wide lockdown between March and June, and the Welsh ‘firebreak’ lockdown between 23 October and 8 November. The [current Welsh Government guidance](#) allows places of worship to open for services and ceremonies, but with social distancing and other measures in place.

Article 9 of the European Convention on Human Rights (ECHR) (which is incorporated in UK domestic law through the Human Rights Act 1998) provides **everyone with the right to manifest one’s religion or beliefs**. It is a ‘qualified’ right rather than an ‘absolute’ right, which means that **it can be limited in certain circumstances**. Any interference with the right must be proportionate, lawful and necessary in the interests of public safety, the protection of health or the protection of the rights and freedoms of others (among other grounds).

Unconnected to this petition, an advocacy group called Christian Concern is [campaigning](#) for churches to be exempt from lockdowns in England and Wales. On 23 October, the group coordinated [a letter to First Minister](#) as part of a ‘pre-action’ protocol for judicial review, which was signed by a number of Welsh church leaders. It claimed the firebreak restrictions were an “**extreme interference with Article 9 rights**”, and that “[s]uch a far-reaching and large-scale intervention may only be justified by the most compelling scientific evidence of a resulting benefit to public health.” This was followed up on 29 October by [another letter](#) following a response from the Welsh Government (which does not appear to be published).

On 2 November, a similar [pre-action letter](#) was sent to the UK Government relating to the lockdown in England.

2. Welsh Government action

In its [October report](#) on firebreaks, the Wales Technical Advisory Cell **estimated the impact of the closure of places of worship on the Rt:**

“Closure of places of worship / community centre: Low to moderate impact (moderate confidence)

Potential reduction in Rt of up to 0.1, though precise estimation very

difficult. Strong association with places of worship including significant outbreaks linked to religious community in South Korea, cases in churches in Singapore, and Germany (despite social distancing). Environmental risks vary depending on the building. Small venues higher risk than large spaces as the volume mitigates aerosol transmission. Some ceremonies involve touch surfaces and proximity for short duration (e.g. communion).”

UK-wide lockdown regulations and impact assessments

The **regulations** that imposed the lockdown in Wales in **March** required places of worship to close, except for: funerals, the broadcasting of services, the provision of voluntary services, or the provision of urgent public services (such as food banks, support for homeless or vulnerable people, blood donation or emergency support) upon the request of Welsh Ministers or a local authority.

The **impact assessment** of the regulations published in June assessed the potential positive and negative impacts of reopening places of worship (p26). Subsequent **impact assessments** have also considered the impact of restrictions on Article 9 rights, but state that the restrictions are based on “justifiable public health grounds”.

Firebreak lockdown regulations and impact assessments

The **regulations** that imposed the ‘**firebreak**’ in Wales in October/November required places of worship to close, except for: funerals, the solemnization of marriages or formation of civil partnerships, the broadcasting of services, the provision of essential voluntary services, or the provision of public services upon the request of Welsh Ministers or a local authority.

The **impact assessment** of the firebreak restrictions noted the **negative impact on people with religious beliefs** and considered allowing services to be broadcast as a mitigation measure. It also highlighted that older people were more likely to attend places of worship and so increased their risk of becoming infected.

The impact assessment acknowledged the **interference with Article 9 rights**, but states:

“The fundamental purpose of all the coronavirus restrictions has been to **protect everyone’s right to life (Article 2 of the ECHR)**. Whilst the package of measures agreed for implementation between 23 October

and 9 November will infringe on many of the ECHR articles, this is considered **proportionate in seeking to preserve life**.

It is also important to note the decision to implement a two week firebreak - with severe restrictions for households and widespread closures in the economy - **strikes a balance between protecting public health and the social, financial, economic and well-being harms caused by the restrictions**. A longer period would cause greater harms to people's lives and livelihoods. The tighter restrictions during this short period are intended to reduce the need for further restrictions, although this cannot be ruled out."

The updated impact assessment states that reopening places of worship will have a positive impact on the wellbeing of people with religious beliefs.

Faith Communities Forum

The Welsh Government has a Faith Communities Forum and the minutes of the Forum's meetings in April and June provide an overview of discussions about the impact of restrictions on religious communities in Wales. The Deputy Minister and Chief Whip Jane Hutt wrote to faith leaders on 23 March regarding the first lockdown.

3. Welsh Parliament action

The closure of places of worship during the firebreak has been raised in plenary a number of times.

On 20 October, in response to a question from Darren Millar MS, the Minister for Finance and Trefnydd Rebecca Evans MS stated that she appreciated the importance of worship to people's wellbeing, and "the evidence published by the Government that was received from the TAC group [...] sets out the importance of minimising the contacts that we have. We can't look to every single type of setting, because we're looking at people's contacts in the round and trying to minimise the number of contacts that we have. But I do appreciate the difficulties that it will cause people".

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that

these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.