

NSS speaks out at UN

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The Executive Director of the National Secular Society, Keith Porteous Wood, has spoken out at the United Nations Human Rights Council about the need to hold religious minorities to the same standards of human rights observance as everyone else. He has also criticised the increasing acceptance of religious law as a legitimate alternative to democratically agreed legal systems.

Keith was speaking as a representative of the International Humanist & Ethical Union (to which the NSS is affiliated). This is what he said:

Freedom of religion and belief is something we fight for. The UK, where I come from, takes this right particularly seriously, and perhaps that is why it has become one of the most religiously diverse countries on earth. It is also among the least religious. I am not sure that this is the paradox it appears – the generally relaxed attitude to religion is part of the reason why this diversity is not, generally, a source of conflict.

But there are problems about organised religion and its sometimes seriously adverse impact on democracy and human rights, and that is my subject today. I will make six propositions, some of which I think you will find quite challenging.

Here are my propositions:

Firstly, as Heiner Bieleveldt, UN Special Rapporteur on Freedom of Religion or Belief noted here just last week, State religions, whatever religion they may be, are a potential threat to the freedom of religion of those who do not belong to the dominant sect.

This is a huge problem in the many mono-religious states; the idea of a Christian Church being tolerated in several Middle Eastern states is unthinkable. But even in the UK this is a problem, because the established Church there, the Church of England, has a substantial presence in the UK parliament, and their nomination of 26 bishops to sit there undermines democracy.

And there is another problem about the lack of separation: religion and state are the two principal power structures, and when fused together, both escape any control. A question often asked is why was clerical child rape and cruelty endemic in Ireland? Having studied this at some length, I have concluded that one, if not the, major component was the absence of religion and state separation.

Secondly, we should, of course, accept and welcome those from minorities in our countries. But we must be as intolerant of any intolerance practised by the minority community as by the majority community. Similarly, we must expect no less from them in the observance of human rights.

There seems to be a problem in much of Europe in this respect. The fear of being regarded as racist has sometimes blinded observers from recognising, far less criticising, for example, the unequal treatment of women, and even their oppression.

Forced marriage, childhood marriage, honour killings, female genital mutilation – all Human Rights issues – are all illegal in the UK, but they unquestionably all happen. Yet prosecution rates are very low if not zero in some cases. The police are far too concerned not to upset cultural sensitivities, so

victims suffer from these horrific injustices far more than they would if the law were applied with as much vigour to these offences as is applied to other offences.

The UK government, particularly under Prime Minister Tony Blair, assumed with breathtaking naïvety that if it was pleasant and accommodating to extremists they would respond with impeccable good manners and focus any remaining extremism somewhere else. This policy runs counter to one of the first hard lessons that children learn in school: giving into bullies displays your weakness and encourages even more bullying.

An electrifying example of this occurred in 2007 when investigative journalists produced a TV programme which exposed hate speech being preached in a Birmingham mosque. The West Midlands police became involved, as did later the prosecution service. Horrifyingly, this was not to prosecute the hate speech, but to do all in their power to punish the programme makers. After a huge amount of pressure, the authorities apologised and paid a substantial sum of compensation, and I eventually succeeded in extracting an apology from the Attorney General in the House of Lords. This was a particularly heinous example, but it illustrates an overreaction which is to be found elsewhere in the justice system. Because the extremists are from minority ethnic and religious groups, they are treated with kid gloves. It has become unthinkable for anyone to be accused of racism against someone in the majority community.

Such double standards allow extremism to flourish and have also given rise to the perception (and in some cases the reality) that those from minority religions or of minority ethnicity are treated much more leniently by the law than those who are not.

So, thirdly, a more lenient application of the law to minorities brings with it another problem: resentment in the majority community. That will create a backlash that, I am sad to say, will be exploited by intolerant extreme right wing and racist organisations. We ignore this at our peril.

The importance of one law for all

My fourth proposition is that we must never allow democratically determined, human rights compliant, law to be supplanted by any rivals such as religious "law".

In this vein, the growing practice of sharia law in the UK is being increasingly (but incorrectly) represented as "official". As we have heard, women fare badly under Sharia law, a system invented by men for men. Even a senior European Commission lawyer thought Sharia law was official in the UK when I directed her to the homepage of the website www.matribunal.com displaying a picture of a bewigged former Lord Chief Justice that implied his endorsement.

There are a growing number of so called "official" Sharia courts that supplant the role of family courts, and I suspect, will soon supplant criminal courts too. Disgracefully, neither British nor European politicians seem prepared to stand up to this. The only exception is UK Baroness Cox's Arbitration and Mediation Services Bill which seeks to place a Human Rights wrapper around Sharia in the UK. I am pleased to be working with her to work towards this Bill becoming law.

Last summer, I took part in a debate by academics and lawyers in a European policy forum in Brussels about the emergence of Sharia courts in the UK. Shamefully, the predominant view was that this is not a problem, nor will it be even if such courts became far more widely used and create a parallel justice system. I remain shocked that such an educated audience should be so negligent at upholding democratically determined, human rights compliant law.

I cannot conclude my comments on religious law without at least a passing reference to Roman Catholic Canon Law. Of course it is the right of any religion to devise whatever mechanisms it pleases to censure its followers, provided those mechanisms are not unlawful in the place where they are operated.

Such religious law becomes a legitimate concern, however, where it obstructs the operation of democratically determined law, particularly on criminal matters – for example in the prosecution of clerical child rapists. The distinguished UN jurist, Geoffrey Robertson QC, sets out in detail in his brilliant book, *The Case of the Pope*, why he is convinced that Canon Law procedures undermine secular justice in this important area. This is a huge subject, but in summary: Canon Law is hugely biased in favour of clerics; the maximum punishment is derisory - defrocking; and oaths taken in the canon law process preclude the giving of evidence to a secular court.

This is one of the reasons why child abuse flourished largely unchecked for so long; despite the massive scale of this abuse, about which more is being learned with every month that passes. Very few clerics have ended up in prison; the calling of time on child abuse owes more to the investigative press than to justice, or, I am sad to say, the UN Convention on the Rights of the Child, to which the Holy See is a signatory. They have not filed a quinquennial report for around 20 years and I have seen very little pressure being applied to them to fulfil their obligations, far less clean up their act and for example, release the secret files to prosecuting authorities.

Freedom of expression

Whereas race cannot of course be criticised, nor can someone's choice of religion, that which is done in the name of religion should be open to debate. It is very dangerous for ideas to become immune to examination, even criticism, simply because they have been given a religious label.

Many religious ideas affect many more than believers of the religion or religions in question. Take prohibitions on contraception; they have immense implications on deaths from HIV/AIDS, world poverty and the sustainability of world population. Some of the most powerful leaders in the world are religious leaders, and shielding leaders of any kind from scrutiny and criticism is a recipe for disaster.

So my fifth proposition is: No-one has the right not to be offended; and both religious ideas and religious leaders should be open to criticism like anything or anyone else.

It follows, therefore that I am deeply saddened that in this Council of all places in the whole world, Sharia law has been ruled to be beyond discussion by distinguished delegates, unless they are "experts" and therefore presumably Muslim. If I have got that wrong and non-Muslim experts are acceptable, I will be quick to apologise.

For those of you who like solving simultaneous equations, or are logicians, I have a little exercise.

If criticising Islam = Islamophobia, and Islamophobia = racism (as we are told), and racism = unacceptable (as we agree), does this therefore mean that criticising Islam is unacceptable?

That is the very questionable algebra or dubious logic that is being increasingly employed to silence critics in the UK by guilt-tripping them. We must not allow criticism to be stifled in this manipulative way.

I'm very much struck by Indian born UK writer [Kenan Malik's opinion](#) that: "The trouble with Islamophobia is that it is an irrational concept. It confuses hatred of, and discrimination against, Muslims, on the one hand, with criticism of Islam on the other. The charge of 'Islamophobia' is all

too often used not to highlight racism but to stifle criticism. And, in reality, discrimination against Muslims is not as great as is often perceived - but criticism of Islam should be greater. All too often Islamophobia is used as an excuse in a way to kind of blackmail society."

I am not suggesting that restrictions to freedom of expression are the monopoly of any one religion.

I therefore oppose all blasphemy laws, and helped in the abolition of the UK's remaining (Christian) blasphemy laws. We also know of censorship by Sikhs and Hindus. The worst example of countries operating a blasphemy law, however, is Pakistan where accusing a rival of blasphemy is a convenient way of removing them. Not only does this result in their removal to jail, but the survival prospects of those accused of blasphemy, far less convicted of it, is very poor. And the judiciary are wary of even trying such cases.

Religion and Democracy

My final proposition is that we need to be alert to – and seek to prevent - religion undermining democracy.

Let me explain why I believe Religion and Democracy to be uncomfortable bedfellows.

During the visit of the Pope to the UK last year, there was a series of opinion polls that showed that the large majority of Catholics disagreed with their hierarchy's hard line on important social questions about permissible sexual behaviour and the start and end of life. Of course we would not expect 100% agreement, but surely a majority. Well the answer is far from that; only around 10-15% (yes, 10-15%) agree with their Church on these issues.

That of course is a matter for the Church and its followers, but it assumes a wider significance when one considers the huge influence that the Church exerts in politics, and indeed in UN organisations by virtue of their observer status.

And this significance is materially heightened when we realise that the Church seeks to wield its greatest influence on these very issues on which it is at greatest odds with its followers - such as contraception, homosexuality and abortion. I remind you of what I said earlier about the – I believe catastrophic - impact of their policy on contraception.

Article 17 of the Treaty of Lisbon commits The European Union to dialogue with both religious and non-confessional organisations, in a commendable attempt to ensure even-handed influence across the whole spectrum of religion, belief and non-belief. But the reality is almost the opposite. Despite plummeting Church attendance in Europe at least, the Church hierarchy has a huge and growing influence, with professional, well established lines of communication. In total contrast, the growing proportion of non-religious are virtually unrepresented because they are so heterogeneous, not hierarchically-organised and have few resources. But they are not the only ones to be disenfranchised; those 85-90% of Catholics are not represented either.

Maybe you can see now the democratic deficit created by this system. I have suggested in the European Parliament that citizens' views on such topics should be established by independent opinion polls, but I am confident that the Church will fight against this with all its might in order to retain its privileged input and influence.

There is another, I believe sinister, way in which the Church undermines democracy.

Most of you will have heard the Pope and senior clerics in the Catholic hierarchy routinely threatening Catholics who are in high office or politicians that they must follow the hierarchy's out-

of-touch positions on these social questions, particularly on abortion. Those defying these edicts face excommunication or at least a ban on them receiving communion. Such sanctions are deeply hurtful to Catholics, so the pressure is very real.

The Church is therefore requiring these influential Catholics to impose this unrepresentative hard-line Catholic doctrine even when it runs contrary to their perception of what is best for those they are paid or elected to serve. Surely that perverts democracy, particularly when those electing or appointing these influential people often have no idea about this competing loyalty.

Image: Geneva - Keith Porteous Wood and Raheel Raza, a Pakistani-born Muslim women's rights activist from Toronto. Her speech can be [heard here](#).

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