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NSS Response to Equalities Review: Interim Report

Our response to the “Equalities Review, Interim Report for consultation”¹ is shown below. The Society was grateful for the invitation to put our case directly to a member of your Review Team at a round table discussion on 28 March 2006.

A. Who we are, and some background

The National Secular Society (NSS) was founded in 1866 by radical MP Charles Bradlaugh, and is the most prominent organisation in Britain supporting the rights of the non-religious. We campaign for the separation of church and state and for an end to religious privilege.

The NSS distinguished supporters are listed at the foot of this page.

The NSS has championed human rights and equality throughout its 140 year history. More recently we have submitted written evidence and been called to give oral evidence to a number of official bodies such as Royal Commissions (most notably that on the Future of the House of Lords), Select Committees of both Houses of Parliament for example on education and religious offences.

On the EU Employment Directive we campaigned in the European Parliament, securing a change in the Directive. In connection with its implementation, we worked closely with DTI officials at pre-consultation and consultation stages, meeting then on numerous occasions, and also discussed issues in detail individually with ministers.

¹ Currently on http://www.theequalitiesreview.org.uk/upload/assets/www.theequalitiesreview.org.uk/interim_report.pdf and published in early 2006.

Honorary Associates: Graham Allen MP Robert Marshall-Andrews QC MP Prof. Peter Atkins Iain Banks Lorraine Barrett AM Edward Bond Michael Cashman MEP Colin Challen MP Nick Cohen Prof. Richard Dawkins Lord Desai Rt. Hon. Michael Foot Prof. A C Grayling Dr. Evan Harris MP Patrick Harvie MSP Christopher Hitchens Paul Holmes MP Prof. Ted Honderich Kelvin Hopkins MP Sir Ludovic Kennedy Graham Linehan Baroness Massey of Darwen Lord McIntosh of Haringey Jonathan Meades George Melly Sir Jonathan Miller Taslima Nasrin Lord O'Neill of Clackmannan Lord Peston Harold Pinter Philip Pullman Lord Raglan Claire Rayner Martin Rowson Joan Ruddock MP Joan Smith Dr. David Starkey Lord Taverne QC Polly Toynbee Baroness Turner of Camden Gore Vidal Prof. Lord Wedderburn of Charlton QC

B. Concerns regarding Data

1. The NSS has a number of concerns regarding the way data on religion and belief is collected, processed and used, and the consequences of this for the delivery of equality.

(a) The Census

2. We are concerned about increasing government reliance on the census for information about religious and non-religious affiliation.

Grounds for our Concern

3. Our concerns over the Census figures are set out in detail in the attached response by the NSS to the Consultation by the Office of National Statistics² a copy of which we provided when visiting your offices on 28 March 2006. Briefly, it is our view that the figures give a grossly exaggerated picture of religious adherence. Responses are very sensitive to the exact wording of the question. For comparison, we cite the British Social Attitudes Survey carried out in 2001, the same year as the Census, by the National Centre for Social research in which 41% said that they did not belong to a religion. For methodological and statistical reasons set out in Appendix 1, we place higher reliance on the latter survey.

4. These discrepancies have significant implications for any policy formation, analysis process or religion/belief monitoring, both in terms of how the information is requested and in respect of the comparanda by which collected data is measured. This is true regardless of whether analysis covers individual belief or of group allegiance. Religion and belief can be a deeply sensitive matter and official requests for information on them may cause unwelcome intrusions into a person's private life. Particularly in strongly patriarchal communities, as many ethnic minority communities are, questions on sensitive issues may not even be given to members of the household to complete. Even if they are, any controversial or compromising questions may simply not be answered, or if they are, frank answers are unlikely to be given. This is one built-in bias in the census: completion by the head of the family, who is likely to be male and overall be older and more conservative than those whose for whom he is completing the data.

² Also available on

<http://www.secularism.org.uk/uploads/35430434015cc7c284491961.pdf?CPID=4d84e7f0be1a4bf20258953bcdfed2df>

5. As noted above, even small changes in wording can produce significantly differing responses, not so much between minority religions but between those who express a religious affiliation and those who do not. This has obvious disadvantages for the non-religious. For example, we believe that some groups representing minority religions place a high value on the role of monitoring especially given the “data desert”, but the benefits (and an absence of disadvantage) of any such process must be available to all.

Although the NSS (and others) have provided the Equalities Review with other statistical sources on religion and how they regard it to the population (e.g. the Home Office 2001 Citizenship Survey), we are concerned at suggestions that this material lacks depth simply because it is not longitudinal and may not readily allow further analysis. Statistical recording of religion/belief data as a whole is relatively recent (official collection started with the 2001 Census) and it would appear that this criticism could apply equally to all such data, including the Census.

6. Given that the Equalities Review Terms of Reference include providing an understanding of the long term and underlying causes of disadvantage that need to be addressed by public policy, and making practical recommendations on key policy priorities for (among others) the Government and public sector, it is in our view essential that the Equalities Review team not only treat the Census figures with caution but also evaluate *all* official data on open and equal terms.

The Nature of our Concerns

7. We can already see reliance placed on census figures in studies such as the Review of the Evidence Base on Faith Communities prepared for the ODPM. Despite the recognition of “an issue about the relationship of census data on religion to religions as they are lived and practiced”, this is not dealt with as an issue concerning the accuracy of the fundamental data. If, as we maintain, a significant part of the Census material on religion and belief is flawed, it follows that in our view the whole is vitiated as a source reference and that work on “decoding” that Census material may unwittingly magnify distortions leading to unfair results.

8. Treating the Census data as a reliable picture of religious and non-religious belief is not our only concern. Perhaps more worrying is inappropriate presentation of the data which can be misleading and overstate religious affiliation. An example is the Government's synthesis of UK statistics on the official www.statistics.gov.uk website which creates a serious distortion of the England and Wales figures in overstating religious affiliation and substantially understating the No Religion figure (see Appendix 1, 11 ff, n.12 for full details and references). Far from "decoding", this distortion makes the true situation harder to discern, let alone interpret. Unless the Equalities Review appreciates the fundamental nature of our concerns with the available data and its use, not only will the cause of equality not be served, it will actually be hindered.

(b) the Data Desert

9. The Interim report uses the phrase data desert to describe shortfalls in available evidence in some areas which include religion and belief. Clearly this absence of source material is not something which the Equalities Review can solve but the danger lies in treating the absence of data as a problem which impacts equally on the different elements in this strand. It is clear that this is not so and that the problem is getting worse.

10. *"It has only been in the last decade that the dimension of religion has begun to move into centre-stage in policy considerations..."* Review of the Evidence Base on Faith Communities 6.2. Previously, with the dimension of religion (and indeed belief) no more than in the wings of policy formation, all were treated equally fairly, or unfairly, by its relative unimportance. This comparatively recent trend (which the NSS opposes) to move religion centre-stage has not, however, been coupled with any parallel move to place the interests of the non-religious at the heart of policy formation.

11. Several Government studies and reports, most notably from the Home Office, have focussed on the religious to the virtual exclusion of the specifically non-religious. The most blatant instance of this that we have found is the Home Office Research Study 274 Religion in England and Wales: findings from the 2001 Home Office Citizenship Survey³ publ 2004.

³ <http://www.homeoffice.gov.uk/rds/pdfs04/hors274.pdf> published 2004

12. The survey is directed solely towards the “faith communities”, and information about anyone else is incidental. There is a Faith Communities Unit, but no corresponding unit for the remainder of the population. And of course the hundreds of thousands in the minority communities (now seemingly all transmuted into religious communities) who are not religious have effectively become disenfranchised non-persons on whose behalf ‘their’ religious leaders speak.

13. As shown above, the Government itself is in some cases directly responsible for some of this data desert, which suggests some serious questions, not least of which is whether there is an institutional attitudinal problem. The Government appears to be institutionally religiophilic (or even less elegantly non-religiousphobic), which leaves at least half of the population disconnected in some way from engagement with the Government.

13. The non-religious are less likely than before to have their voice heard, and therefore are facing new and emerging discrimination. Indeed, it is a vicious cycle in which the non-religious will be increasingly overlooked since, we are told, data collection is driven by policy needs but policy has a pre-determined preference to investigate problems associated with or impacting differentially on religious groups. This means that further data collection and data analysis will be limited solely to one element of the religion and belief strand, namely religion.

14. If the shortfall or data desert is approached in this partial way it will increasingly disadvantage the non-religious and those who do not identify themselves in terms of their religion or belief. The 2001 Home Office Citizenship Survey shows that when asked: “what says something important about you if you were describing yourself”, religion came just ninth in the list of priorities. Even more significantly, four times as many thought religion was not important to their identity as those who did. We recognize the considerable variation in the attitude of importance of religion between different ethnic groups but nonetheless, current government emphasis on only the religion element of this strand is disproportionate and the benefit, if any, which it produces is directly at the expense of those overlooked.

15. Absence of information on religion and belief was historically neutral; now that one side of the equation is becoming better understood, the absence of information on the non-religious is a harmful political creation. We are concerned that absence of information is taken as an indication that there is a parallel absence of issues to be addressed for the non-religious, and fails to put the experience of certain religious groups in a true context.

16. We are also concerned that this approach will result in those experiencing social, legal or other forms of discrimination or inequitable treatment will feel the need to identify themselves as religious in order to focus state attention on their plight and that this will further distort the true picture.

C. Lack of Recognition of the Negative role of Religion as a Cause of Inequality

1. The positive force for good that some religious organisations represent in a number of aspects of their work, for example to combat poverty and to promote ideas of social responsibility, sometimes causes the fact that religions often form hindrances of the most entrenched kind to full equality to be overlooked. The NSS believes that this important negative role has not yet been fully explored by the Equalities Review Panel.

2. As we said in our original submission, in our view, it is unchallengeable that religion is the major source of discrimination, yet this fact is rarely acknowledged. Religion acts as a brake on the removal of forms discrimination by its disproportionate influence on the formation of policy and legislation. This religious influence extends much further than the enforcement among adherents of religious doctrine, much of it rooted in the social fabric thousands of years ago. It extends also to current social attitudes influenced by religious teaching and attitudes in recent centuries even among those who are no longer under the direct influence of religious bodies. Such religious influence can also affect all citizens when it is reflected and perpetuated in legislation, or as a motivation in those seeking to obstruct changes to legislation.

3. Religion is a source of discrimination not just against the non-religious, but also affecting several of the equality strands, in particular sex, and sexual orientation discrimination. In our campaigns for equality, it is our experience that we are frequently able to make common cause with groups representing these other strands in opposition to the demands of religious organizations.

4. In our original submission, we referred to examples of the negative role played by religion such as the socially divisive effects of faith schools and attitudes that deny full equality on the basis of gender or sexuality. We note that the Equalities Review Interim Report makes reference to the fact that LGBT responses to the call for evidence often mention discrimination by religious groups in employment and education, and to the internal opposition within this strand. This highlights a significant conflict of rights both internally and between strands. The response of religions to the advent of new legislation to promote equality is to seek, even on occasions to demand, wide exemptions designed to allow existing patterns of behaviour continue rather than to admit change.

5. In our view, the group most likely to want to discriminate, especially on religion/belief, sex and sexual orientation, are the religious. As the Christian Institute acknowledge, “proportionately, [religious believers] are far more likely to believe that homosexual practice is wrong”⁴. Yet this is the very group to whom the Government caves in and grants most licence to discriminate, thereby fatally undermining the whole objective of equality legislation.

6. It is with this background in mind that we register our concern over the working definition of equality, in particular the Review Panel’s preference for a “capabilities” approach (Interim Report Chap. 5). Although the Interim Report claims that this approach avoids the paternalism and authoritarianism associated with policies framed in terms of achieving equality of outcome, it fails to point out that it may encourage the paternalism and authoritarianism associated with religion. Based as it is on acceptance that what individuals are able to do in their lives depends crucially on the context in which they live, it does not appear to recognize that although some may seek to achieve equality within that context, for others equality will be achieved by *escaping* from their context. The limiting aspects of religion, even one which individuals may on occasion identify as their own, can mean that for some, particularly women and gays, this variation on equality of opportunity may be less and not more liberating.

7. Within communities which are characterised by strong religious commitment and/or patriarchal attitudes, some people are especially vulnerable to having their human rights abused. They include women and homosexuals, whether or not they themselves are religious. We suspect a higher incidence of this problem within minority ethnic groups, but those involved in extreme sects and very religious families are also at higher risk. For them, the community or family religion (and the predominantly male power structures that come with it) are all too often a source of oppression, or the religious power structures help to reinforce oppression exerted at home.

⁴ http://www.christian.org.uk/soregs/sornewsletter_apr06.htm Sexual Orientations Briefing Feb/April 2006

8. Even in this country, many do not enjoy all of their human rights – such as of freedom of conscience, family life, freedom of association and even education. Examples include ‘honour killings’ and the failure to secure any convictions for female genital mutilation, both the subject of concerns by the Metropolitan Police. For these victims, the prospect of faith based welfare will not be welcome; welfare provided neutrally by the state would be preferable by far.

9. We deeply regret the Equality Review has not faced these vital issues head on. We hope that this is not because cultural and/or religious sensitivities have inadvertently taken precedence over helping those whose human rights are seriously compromised by direct or indirect religious pressure.

10. We note that the Review Panel recognizes that analyzing in terms of Groups, such as the strands, is not enough and may even be unhelpful, but the reasons given focus on analytical shortcomings rather than the fact that the problem in some cases may lie in the nature of the group itself and the restrictions caused to individuals by their membership (actual or perceived) of it.

D. Interaction Between Status and Triggers

1. Once again, we feel that the role of religion has been underplayed or worse, ignored, in the analysis of status, life stages and trigger episodes. It is no surprise that the Interim Report identifies that most people think that the both the worst kinds of inequality and the best remedies are in education and employment.

2. The delivery of education has historically been influenced by and in part controlled by religion, notably the Church of England, and this influence and control are being extended currently by both the proportionate increase of church schools and the inclusion in the state sector of schools of other religions. Similarly, religious organizations and organizations with a religious ethos claim wide exemptions to employment equality legislation. This can have a significant discriminatory effect for a person of no religion and yet neither of these issues has been taken account of in the analysis of the Interim Report.

3. By any analysis, education must be seen as a significant tool for increasing an individual’s life chances and opportunities. Education is treated in the Interim Report as though the state’s delivery of it is neutral in the same way that, for example, health care is, and we hope will remain.

4. In contrast to education, health care is delivered by health professionals appointed solely for relevant expertise in locations (hospitals, surgeries etc.) chosen for their clinical appropriateness. Individuals may conform to their religious (or other) beliefs by exercising their right to decline specific treatments or to request an individual treatment plan which is in accordance with their requirements. There is not, however, preferential access to services and treatments based on a patient's religion, nor state-funded establishments which provide health services for members of certain religions or denominations only. Whilst health care is delivered in this neutral fashion which is designed to benefit all those in need of health care services efficiently and equally, education is not.

5. We suspect that this is part of the reason so many respondents identified education as providing some of the worst kinds of inequality (see ICM 2005 survey at n.2 below which showed 96% in favour of ending support for faith schools). The manner of delivery of state education is part of the problem, perpetuating disadvantage already suffered by some non-religious, and cannot be treated (as it appears to be in the Interim Report) as simply part of its solution. Ignoring this crucial aspect of state education is misleading for the conclusions of the Equalities Review.

6. There can exist a parental preference for faith schools based on educational attainment and not desire for a religious education. This preference can in itself, lead to an improvement in those preferred schools which, for a number of reasons which we say have nothing to do with religion, either outperform or are perceived as outperforming community schools. Yet access to them is not available on equal terms and the group most likely to experience discrimination in choice of school consists of atheists, and in particular secular atheists who cannot honestly claim that they support a faith school's ethos. Other disadvantaged groups are the poor (Church of England schools have a lower proportion of children entitled to free school meals (one indication of low income families) than non-religious schools⁵, and looked after children regardless of their religion. Anecdotal evidence suggests the disadvantaged groups also include those for whom English is not their first language, children who (or children whose parents) are less articulate, and those with behavioural problems. The proportion of children so disadvantaged is a substantial proportion of the total.

⁵ Hansard, column 608W, 12 Jul 2001

7. Community schools suffer a double discrimination. They are not only deprived of many of the *crème de la crème* pupils, they have to manage as best they can with this substantial group denied entry to religious schools. It is well understood in educational circles that there is a critical proportion of problem children – even just children from economically poorer backgrounds – beyond which the progress of the whole class is materially impeded. We think many community schools, especially in inner city areas have exceeded this critical proportion. If this occurs, the negative discrimination extends beyond the disadvantaged groups to every child in the school. Many of these children desperately need help if they are to escape from any disadvantages to which they are subject. Clearly the less segregation there is of this type, the greater the resilience of the maintained schools as a whole to be able to cope with these children.

6. The Government seems determined to exacerbate this problem by expanding the religious school sector as much as possible, seemingly oblivious to public opinion. Even a *Church Times* survey⁶ showed 75% in favour of phasing out faith schools. Among the wider public, an ICM survey in 2005 found that 96% agreed with the statement ‘[Prime Minister] Tony Blair should end his support for faith schools’⁷. A front page banner headline declared in the *Guardian* that “Two thirds oppose state aided faith schools”⁸ Yet the Prime Minister seemed visibly shocked and momentarily bewildered when confronted with a press corps overwhelmingly opposed to single faith schools, saying “I hadn't realised that you all felt so strongly”⁹.

7. It is trite to acknowledge that *all* schools should provide good education, and simply not enough for the Interim Report or the Equalities Review Team to rely on this as a reason to ignore the issue of privileged access to schools available to the religious. Quality of and access to education should not be related to personal belief, and tacit acceptance of the status quo reinforces discrimination and social segregation. The power of education to enable social and personal transformation is too important for this discrimination to pass without comment. We fully accept that it is not the role of the Equalities Review to dismantle the faith school system but a failure to pay even lip service to the exclusion of sections of society to an increasing proportion of state schools and to recognize that atheists can suffer social disadvantage in this way does not encourage us that the Belief element of the Religion and Belief strand has been heard by the Review Panel.

⁶ *Church Times* question of the week for 13 April 2006

⁷ New Statesman on-line poll, September 2005

⁸ Reported <http://education.guardian.co.uk/faithschools/story/0,,1554593,00.html> 64% of respondents thought “Schools should be for everyone regardless of religion and the government should not be funding faith schools of any kind”

⁹ (Rt Hon Tony Blair, MP on 25 July 2005 at 10 Downing Street) <http://www.number-10.gov.uk/output/Page7999.asp> and <http://politics.guardian.co.uk/terrorism/story/0,15935,1536365,00.html> The relevant moment was also televised.