

Bulletin

national
secular
society

Issue 76 Autumn 2020

challenging religious privilege

DEFENDING FREE SPEECH IN SCOTLAND

**NSS PLAYS PROMINENT
ROLE AS HATE CRIME BILL
FACES DELUGE OF
CRITICISM**

**VAGUE PROVISIONS ON
'STIRRING UP HATRED'
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**OUR
BRADLAUGH
LECTURE GOES
ONLINE**
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We must be free to disagree

Freedom of expression has occupied an important part in the National Secular Society's history. One of our former presidents, G.W. Foote, was imprisoned for blasphemy. As an organisation we've gone from being prosecuted for blasphemy to being instrumental its abolition, at least in England and Wales.

Earlier this year Scotland announced proposals to abolish its blasphemy laws. Naturally, this is a very necessary and welcome development. However, other aspects of the proposed legislation pose a significant threat to free speech. Vague new 'stirring up hatred' offences in the Scottish government's hate crime bill are too broad and risk criminalising speech that is merely felt to be offensive to certain people.

Amid a burgeoning culture of outrage and offence, it is vital that we continue to defend as a matter of principle the right to question, to criticise and mock or lampoon all ideas, including religious ones.

The NSS led the way in sounding the alarm over the new proposals

and has been at the forefront of opposing them. Our concerns have since been echoed by police, legal experts, opposition politicians, the Scottish press and free speech advocates everywhere. Working in coalition with other free speech defenders, under the campaign banner 'Free to Disagree', we've ensured Holyrood's justice committee has received an avalanche of submissions warning of the risk to freedom of expression.

I'm optimistic that our campaigning will achieve significant amendments that will defend freedom of expression from the unintended consequences of this well-meaning but misguided legislation.

Still on a positive note, it was encouraging to see the Law Commission propose long overdue reforms to marriage law in England and Wales – along the lines of what we've been calling for. Church and state entanglement has left us with overly complex and restrictive laws, and we'll continue to lobby for secularising reforms that give all

couples greater freedom to marry in a way that is meaningful to them.

Speaking of church-state entanglement, the vital principle of separation of religion and state will be the subject of our Bradlaugh Lecture this year. Human rights barrister, academic, author and broadcaster Geoffrey Robertson QC will make the case for the disestablishment of the Church of England, one of our primary objectives since our founding in 1866. Given the ongoing need for social distancing, the annual lecture will be held online this year. It promises to be one not to be missed.

As you'll read elsewhere in this Bulletin, our team are working tirelessly across a number of important fronts to challenge religious privilege. We're incredibly grateful to all of our members who make all of this work possible. Together we are making strides towards a secular Britain where freedom of religion or belief is assured, but where religion is not imposed on others or unduly privileged in public life.

Standing up for gay rights

Our lobbying helped to ensure businesses won't be able to refuse services for same-sex marriages in Northern Ireland.

In July ministers said exceptions in equality law allowing religious organisations to refuse to solemnise same-sex marriages wouldn't be extended to other service providers such as hoteliers,

florists and photographers.

As we mentioned in the summer Bulletin, we wrote to the secretary of state for Northern Ireland in March to warn against doing this.

Since then we've also urged the government to consider the role of charities promoting 'conversion therapy' as it looks into ways to end the practice.

We wrote to the equalities minister Kemi Badenoch to express support for government efforts to end 'conversion therapy' and urge ministers to consider the role of charity law in perpetuating the practice.

Charities of concern

Our letter to the government raised the case of the following charities:

- Mountain of Fire and Miracles Ministries – revealed to be practising a form of 'conversion therapy' involving a three-day starvation programme in 2017.
- Winners Chapel International – where a pastor was found offering "complete mind reorientation" in 2018.
- Core Issues Trust – advocates "change orientated therapy" for people "seeking to leave homosexual behaviours and feelings".



Bhakti Kulmala from Pivatbay

Leading the way on free speech in Scotland

We're playing a major role in an effort to defend free speech in Scotland, as ministers plan to extend prohibitions on 'stirring up hatred' in an upcoming hate crime bill.

As we reported in the summer Bulletin, the bill includes provisions which would criminalise behaviour which is "threatening or abusive" and intended or "likely" to stir up hatred on various grounds, including religion.

In a submission to the Scottish parliament's consultation in July we warned these provisions represented "an unacceptable erosion of freedom of expression" and described the threshold for prosecution as "dangerously low".

We welcomed the fact that the bill proposes to abolish Scotland's blasphemy law, but warned it would be "deeply regrettable" if this advance for human rights was undermined by a crackdown on free speech.

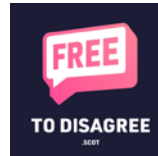
Joint campaigning

Meanwhile we have joined other campaigners including the Christian Institute and Index on Censorship to form the 'Free to Disagree' campaign, which argues for a rethink of ministers' plans.

We are also working with the Edinburgh Secular Society to lobby MSPs. In a joint letter to the justice minister Humza Yousaf, who's responsible for the bill, we warned that it poses a threat to free speech on religion.

"Behaviour would have to be not only abusive and threatening but likely to stir up, or having the intention of stirring up, hatred."

Scotland's justice minister Humza Yousaf suggests to parliament that the threshold for prosecution in the hate crime bill is higher than it is. He later corrected the record



NSS spots minister's misrepresentation of bill

And we spotted that Yousaf had made the threshold for prosecution seem higher than it really is in parliament, by suggesting behaviour would need to be "abusive and threatening" rather than "threatening or abusive".

The minister's error was then reported in *The Times*, and he corrected the record.

Deluge of criticism

As the Scottish parliament's consultation closed it emerged that a very diverse range of groups – including police representatives, legal experts, opposition politicians and press freedom advocates – had criticised the bill in response.

Amid this deluge of criticism, the Scottish government has hinted at the possibility of compromise. We'll keep pushing for a significant rethink of this bill.

Scotland's chilling new blasphemy law

Secular groups hit out at hate law plan to 'restrict freedom of speech'

Justice secretary accused of confusion over hate crime bill

National Secular Society chief warns new abuse laws 'seriously risk chilling free speech'

Our concerns have been very widely reported in the national and local press

Blasphemy laws keep causing needless misery

Blasphemy laws have continued to cause needless misery in the last few months – most notably in Nigeria and Pakistan.

As we went to press the president of the Humanist Association of Nigeria, Mubarak Bala (*pictured*), remained detained – more than four months after he was arrested amid accusations of blasphemy (*see summer Bulletin for more details*).

We were among groups who lobbied the UK government to take up his case after his arrest – and Foreign Office ministers did so "on an urgent basis" in June.

Meanwhile there was shocking news from Pakistan, as an Ahmadi Muslim man was killed in court while on trial for blasphemy. After the killing thousands rallied in support of the gunman in north-western Pakistan.

And in September a Christian man was sentenced to death after being found guilty of sending blasphemous text messages.

We've continued to urge the Foreign Office to take a tough stance on blasphemy laws, and we'll keep working to promote their repeal wherever they exist.



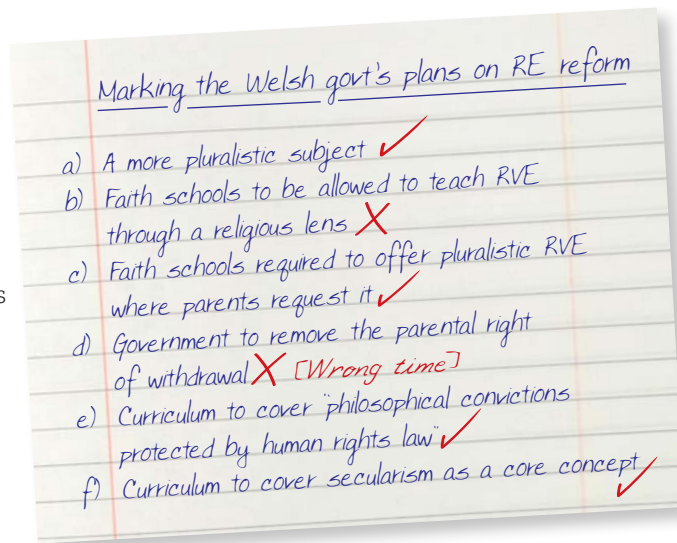
Courtesy of Humanists International

Working to ensure every child gets a pluralistic education

We've continued to push the Welsh government to extend planned reforms of religious education, so every child is given a pluralistic and balanced syllabus.

As we've mentioned in previous Bulletins, ministers plan to replace RE with a new subject, religion, values and ethics (RVE).

We've been urging the government to ensure the reformed subject incorporates the diversity of both religious and non-



government's efforts to make the subject more pluralistic – but warned that it risked missing an opportunity for substantial reform.

Our main criticism was that the plans will still allow faith schools to teach the subject from a religious perspective – albeit they will be required to offer pluralistic RVE as an option where parents request it.

We also pushed back against an extraordinary letter from Catholic school leaders to the first minister,

Mark Drakeford, which opposed the planned reforms.

The letter, which had the support of the Catholic Education Service, claimed the reforms “strike at the very identity of Catholic schools”.

We'll keep arguing that every child should be taught about religious and non-religious worldviews in a critically-informed way. You can visit our dedicated campaign page to see more on our plans and how you can help us make the case: secularism.org.uk/rve-wales.

“This is little more than special pleading and an attempt to preserve an outdated approach which focuses on religious inculcation over a modern, broad and balanced education.”

Our letter to Mark Drakeford, in response to Catholic school leaders' letter to him

religious worldviews – and our lobbying is having an impact.

We argued that plans to include only non-religious worldviews which are “analogous to religion” was too limited. The government's current plans now cover “philosophical convictions protected by human

rights law” in its core curriculum.

This is a more inclusive standard than previously proposed. And, crucially, secularism would be covered among a series of core concepts.

In response to a consultation in July, we also welcomed the

Defending young people's rights in persistently failing faith schools

We have raised concerns with the education minister Elizabeth Berridge that independent religious schools, with often serious failings, are being allowed to repeatedly fail inspections.

Our recent letter highlighted examples of six schools that have failed multiple inspections in recent years.

We said the government was “falling short on its obligations to young people” and asked what action ministers were taking to safeguard children's fundamental human right to a quality education.

When the independent school standards were updated in 2015 the secretary of state signalled that they would be firmly enforced when there was evidence of non-compliance.

In all six cases the schools' most recent Ofsted inspection reports were published in 2020.

Some of the failings at the schools we highlighted:

- Teaching creationism as science
- Unlawfully segregating children by sex
- Not entering pupils for GCSEs
- Censoring resources
- Limiting curricula
- Failing on safeguarding
- Leaving children struggling to communicate in English
- Refusing to make pupils aware of sexual orientation and gender reassignment.



Faith schools and choice: an ongoing delusion

Our research has again revealed that thousands of children in England are being assigned faith schools despite their families choosing non-faith schools each year.

We found that 132,216 children were assigned to faith schools despite their families listing a non-faith school as their first preference between 2014 and 2020.

Almost a fifth (26,163) of those pupils were assigned to schools which their families hadn't listed as preferences at all.

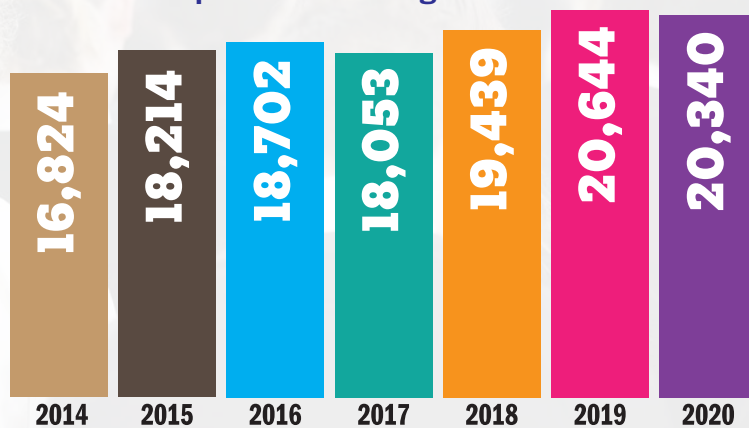
In 2020, 20,340 pupils were sent to faith schools despite their families listing a non-faith school as their first preference.

Faith school advocates often frame their case in terms of parental choice – but conveniently forget the families who have religion imposed on them without choosing it.

We're arguing that ministers should look to roll back faith schools and open inclusive, secular schools which enable children to make their own minds up about religion.

And if they won't commit to that they should at least ensure every child has a right to a suitable secular school within a reasonable distance, so families can be free from religion if they choose.

Children assigned faith schools against their families' preferences in England



More than 130,000 children assigned to faith schools despite parents wanting a non-religious school

National Secular Society calls on the Government to guarantee 'every child has a right to a suitable secular school within a reasonable distance'

Our findings were reported in *iNews*

Plans for new faith schools not being properly scrutinised

We warned that proposals to open 19 new faith schools in England are not being properly scrutinised because of a lack of transparency around them.

In February the government published details of its latest wave of free schools. Nineteen faith

schools – 14 Christian, three Islamic and two Sikh schools – were among them.

The Department for Education has rejected our requests to see details of the proposals for the schools. It said

the process of assessing applications should be “free from speculation and lobbying until the final decision is made”.

“Divisive faith schools are being foisted on communities that may not want or need them as a result of the government’s opaque process for assessing applications.”

Our head of education Alastair Lichten, in iNews

We requested an independent review of that decision. We said the department was attempting to “shield controversial decisions from scrutiny” and “exclude the public from debating them”.

Liverpool to review school admissions

Liverpool City Council is investigating how rules on admissions may disadvantage children from ethnic and religious minority backgrounds.

We've called on the council to consider the impact of discriminatory admissions policies in faith schools in its review.

The review was set up after a group of Muslim parents said admissions criteria for faith schools and academies nearby meant their children often ended up having to travel long distances to school.

Pushing for a rethink of laissez-faire approach to genital cutting

We urged England's children's commissioner, Anne Longfield, to encourage child protection agencies and the government to rethink their approach to male circumcision.

We said all children should be protected from non-therapeutic genital cutting, regardless of the religion, belief or traditions of their parents.

We also said:

- Forced genital cutting of boys is “an irreversible, gross violation of their human rights” which is “largely dismissed as inconsequential or falsely claimed to have therapeutic value”.
- Children, and particularly young infants, are incapable of consenting to medically unnecessary and harmful procedures.

- The right to practice religion under article nine of the European Convention on Human Rights is a qualified right, which is subject to the “rights and freedoms of others”.
- The permissive attitude to forced genital cutting on boys is in breach of the UN convention on the rights of the child.

We wrote our letter after an acclaimed academic article, by Dr Kai Moller at the LSE, argued the UK's legal approach to male genital cutting was “indefensible” and “must be changed” to protect children.

This was just the latest sign that the historic *carte blanche* granted to male circumcision is facing a challenge. We'll continue to argue that all children deserve the right to bodily integrity.

GROWING SIGNS OF CHALLENGE TO MALE CIRCUMCISION

“The currently dominant view, according to which the common law creates an exception for the case of male genital cutting, has been shown to be arbitrary and indefensible.”

Dr Kai Moller, 2020

“Exposing a child to such risks without curative or rehabilitative justification goes against medical ethics, as well as parental responsibilities to protect a child from injury and harm.”

Child Rights International Network, 2018

“If FGM Type IV amounts to significant harm, as in my judgment it does, then the same must be so of male circumcision.”

James Munby, head of family division of the High Court, 2015



jeff, from Pixabay

NSS recommendations on wedding law gain official support

We had a significant lobbying success in September as the Law Commission recommended sweeping reforms to England and Wales's wedding laws, reflecting many changes we've argued for.

The commission's proposals would create an officiant-based system for the legal recognition of marriage, to replace the current restrictive building-based system.

This would mean all weddings could legally take place in a location of the couple's choice, including outside or at home.

The proposals would enact several other measures which we've argued for during our lobbying of the commission.

Weddings conducted by non-

religious belief organisations, such as Humanists, or independent celebrants could be recognised, if the government decided to permit them.

The commission will now consult on its proposals before making recommendations to the government.

We'll be responding to make the case for comprehensive legal

“In the past two centuries, England and Wales have experienced profound social changes. As a society, we are far more culturally and religiously diverse, we are far more secular and people want to celebrate their weddings in varied and unique ways.”

[The Law Commission explains its proposals](#)

reform to ensure greater clarity and fairness for all couples. We urge our supporters to respond positively to the consultation.



The Law Commission's proposals would reflect our own by:

- Creating an officiant-based system for the legal recognition of marriage – so couples could marry where they want.
- Introducing universal legal rules for all weddings.
- Abolishing restrictions on religious content in civil weddings.
- Introducing universal civil preliminaries (steps taken before a couple is authorised to have a legally binding wedding).
- Providing a framework to allow Humanist and independent celebrants to conduct legally binding weddings.

Why we can't leave religious groups to deal with child abuse in-house

In recent months the Independent Inquiry into Child Sexual Abuse has heard eye-opening evidence of religious obstruction and obfuscation over child abuse.

The inquiry's recent hearings have investigated abuse in various religious organisations and settings which had previously been beyond its remit.

Pressure not to report

The evidence highlighted the pressures placed on many not to report abuse for fear of damaging the reputation of their religious community or organisation.

For example Sarah Davies, a survivor of abuse within a Jehovah's Witness community, said she was taught that everyone outside the faith was "controlled by Satan".

And Nazmin Akhtar, from the Muslim Women's Network UK, said pressure not to report was linked to both norms around "shame and honour" and the perceived need for community protection.

Obstruction of safeguarding efforts

External witnesses also highlighted the level of obstruction which some religious organisations present to efforts to safeguard children.

A witness from the Charity Commission told the inquiry that two Jehovah's Witnesses charities had presented "simply unprecedented" levels of legal challenge to the commission's safeguarding inquiries.



"A mandatory reporting law provides a refuge for those within regulated activities who often face fierce pressures not to report."

[Richard Scorer calls for legal change at IICSA](#)

And a commissioner responsible for safeguarding in the City of London and Hackney told the inquiry that engaging yeshivas – Jewish educational institutions – is "like playing whack-a-mole", as they often move when they're detected.

Support for mandatory reporting and independent oversight

The evidence showed that we can't simply leave religious groups to deal with child abuse in-house.

Our vice-president Richard Scorer (pictured), who was working at the inquiry in his professional capacity as a lawyer, called for an end to religious groups' self-regulation on safeguarding.

Richard and others also called for a law mandating the reporting of abuse allegations to the statutory authorities.

Measures to protect children mustn't be undermined by misplaced assumptions that they would unduly encroach on 'religious freedom' or provoke social tensions.

ECHR submission on religion on birth certificates

We've challenged a requirement that parents in Greece must declare their religion on children's birth certificates in an intervention at the European Court of Human Rights.

In *Papanikolaou v Greece*, the ECHR is considering whether the obligation violates the European Convention on Human Rights.

Our submission has argued the obligation violates the right to private and family life and the right to

freedom of religion or belief (articles eight and nine of the convention).

We also said the obligation amounted to the unnecessary collection of sensitive personal data.

In previous cases the ECHR has ruled that requiring individuals to reveal their personal beliefs violates article nine.

It's also established that disclosure of information about personal religious and philosophical convictions may engage article eight.

via Wikipedia. © User:CherryX [CC BY-SA 3.0]



Submission on caste discrimination

We urged the UN special rapporteur on minority issues, Fernand de Varennes (pictured), to push the UK government

to outlaw discrimination on the grounds of 'caste'.

We also urged him to ensure non-religious victims of persecution worldwide are afforded equal protection to those from religious communities.

Our intervention came as he prepared a report on minorities' rights for the UN general assembly's 75th session.



Bradlaugh Lecture to make the case for disestablishment



BRADLAUGH LECTURE 2020

The ultimate blasphemy: disestablishing the Church of England

Geoffrey Robertson QC

TUESDAY 3 NOVEMBER 2020, 7pm–8.30pm

We're pleased to announce that our annual Bradlaugh Lecture will go ahead this year, as an online-only event in partnership with Conway Hall.

Geoffrey Robertson QC defended the last blasphemy cases in the UK, against *Gay News* and *The Satanic Verses*. On Tuesday 3 November he'll recall the struggle to abolish the blasphemy law and look forward to the effort to disestablish the Church of England before Charles III's coronation.

His lecture comes at a timely point. This year marks the 100th anniversary of the disestablishment of the Church in Wales, and new year's day 2021 will be the 150th anniversary of the Church of Ireland's disestablishment.

BRADLAUGH
LECTURE

We're delighted to continue our partnership with Conway Hall for this event. The hall was our home for many years and has a much longer history as a vital hub for free speech, radical ideas and independent thought. Now it faces an uncertain future amid the coronavirus pandemic.

We encourage those virtually attending the lecture to donate generously to support the future of the hall if possible.

national secular society **Bulletin**

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Latest NSS podcasts

We're continuing to explore subjects of interest to secularists in depth in our regular podcasts. Our most recent episodes look at topics including:

- The links between the secularist and republican movements
- What 'conversion therapy' involves and how to tackle it
- The rise of Catholic nationalism in Poland
- Religious freedom in China.

Visit secularism.org.uk/podcast to listen and subscribe.

