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# Generating ideas for the Law Commission's 14th Programme of law reform – NSS response

Submitted by email to: [programme@lawcommission.gov.uk](mailto:programme@lawcommission.gov.uk)

## Introduction

This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit, non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state, and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture.

Every idea for reform we have proposed here considers the context of the United Kingdom in the 21<sup>st</sup> century. Never before has the UK ever been so irreligious and religiously diverse:

- 52% of British people have no religion. The figure has risen from 48% since 2015 and 31% since 1983.<sup>1</sup>
- Just 27% of people in the UK believe in a god or gods.<sup>2</sup>
- Christians now constitute a minority in England, Scotland and Wales, while in Wales and Scotland the majority have no religion.<sup>3</sup>
- Just 1% of 18–24-year-olds say they belong to the Church of England.<sup>4</sup>
- Only 6% of adults in Britain are practising Christians, and very few of them decided to become Christians during adulthood.<sup>5</sup>
- 60% of Brits do not think religion is important in their lives. This has increased from 39% in 2006.<sup>6</sup>
- The majority (52%) of British adults regard religion as a negative influence on the world.<sup>7</sup>

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<sup>1</sup> NatCen, 'Religion', *British Social Attitudes 36*. <https://www.bsa.natcen.ac.uk/latest-report/british-social-attitudes-36/religion.aspx> Accessed 11 May 2021.

<sup>2</sup> YouGov, 'Brits' beliefs about God(s)'. <https://yougov.co.uk/topics/philosophy/trackers/brits-beliefs-about-gods> Accessed 11 May 2021.

<sup>3</sup> Office for National Statistics, 'Religion by sex and age group, Great Britain, January to December 2019'. 12 August 2020. <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/adhocs/12137religionbysexandagegroupgreatbritainjanuarytodecember2019> Accessed 11 May 2021.

<sup>4</sup> NatCen, 'Religion', *British Social Attitudes 36*. <https://www.bsa.natcen.ac.uk/latest-report/british-social-attitudes-36/religion.aspx> Accessed 11 May 2021.

<sup>5</sup> ComRes, 'Church of England – church mapping'. Research conducted between 17th and 31st March 2017. <http://comresglobal.com/wp-content/uploads/2017/09/Church-of-England-Church-Mapping-Survey-Data-Tables.pdf> Accessed 11 May 2021.

<sup>6</sup> Tamir, Christine et. al. 'The Global God Divide'. Pew Research Center, 20 July 2020. <https://www.pewresearch.org/global/2020/07/20/the-global-god-divide/> Accessed 11 May 2021.

<sup>7</sup> YouGov, 'The influence of religion on the world according to Brits'. <https://yougov.co.uk/topics/philosophy/trackers/the-influence-of-religion-on-the-world-according-to-brits> Accessed 11 May 2021.

Increasingly, the British population are rejecting traditional 'Bible values' regarding society and the lifestyle of the individual, and are embracing values more suitable for life in a diverse and democratic nation: liberty, tolerance, equality, fairness, and cohesion, all underpinned by principles of fundamental human rights for all, regardless of race, sex, sexuality or religion/belief.

Despite this, religion continues to retain a privileged position public life. The established nature of the Church of England, its 26 bishops in the House of Lords, and its constitutional ties to the Head of State, all serve to elevate not only Anglicanism, but religion in general. Deference to the Church of England has been extended to all religions (but, significantly, not non-religious worldviews), which we see in many aspects of law and society, from education to charity law to healthcare.

All ideas we submit to the Law Commission for reform are based on the principle that the law should be secular – it should be based on objective evidence and democratic values rather than religious ideology, and it should treat everybody equally, regardless of their religion or belief. The law should not afford privilege to religion – it should not assume that religion is inherently beneficial to individuals or to society (and neither should it assume that religion is inherently harmful to either).

The five ideas for reform we would like to propose to the Law Commission are:

1. Abolish laws requiring collective worship in schools
2. Remove 'the advancement of religion' as a charitable purpose
3. Genital cutting – give greater protection for boys
4. Remove religious exemptions to animal welfare laws regarding slaughter
5. A legal framework for assisted dying

Ideas #3 and #5, which involve aspects of healthcare, have been written in consultation with professionals from the Secular Medical Forum, which provides expert advice and opinion to the NSS on issues related to healthcare.

## Idea for reform #1: Abolish laws requiring collective worship in schools

Consultation Question 1: In general terms, what is the problem that requires reform? Please share your views below:

### **Laws requiring daily acts of collective worship in schools are archaic, unfair and should be abolished.**

Sections 70 and 71 of the School Standards and Framework Act 1998 require that all state-funded schools in England and Wales “shall on each school day take part in an act of collective worship”. Even in schools with no religious designation, the worship must be “wholly or mainly of a Christian character”<sup>8</sup>.

In Scotland the Education (Scotland) Act 1980 requires schools to hold religious observance<sup>9</sup>. The Scottish Executive’s policy on the provision of religious observance in Scottish schools is contained in the 2017 guidance.<sup>10</sup>

The Education and Libraries (Northern Ireland) Order 1986 requires daily acts of collective worship in schools in Northern Ireland<sup>11</sup>.

These laws originate from the 1944 Education Act in England, and its incorporation of schools run by the Church of England and the Roman Catholic Church into a national state school system. At that time, Britain’s religious landscape looked very different. In 1946, 45% of the British population were members of the Church of England, 11% were Roman Catholic, 8% were Church of Scotland and 19% were members of the Free Church. Only 6% belonged to other religions (including other Christian denominations), and 11% had no religion<sup>12</sup>. The statistics in our introduction reveal how dramatically this has shifted.

In such an irreligious and religiously diverse society, legally-required collective Christian worship in schools is anachronistic and discriminatory.

Consultation Question 2: Can you give us an example of what happens in practice? *For example, if you are a solicitor or barrister, you might describe how the problem affects your clients.* Please share your views below:

### **Incompatibility with equality and human rights**

Mandatory collective worship in schools is an outdated legacy of a society unrecognisable from the diverse and pluralistic Britain of today, where citizens hold a wide variety of religious beliefs, and increasingly, no religious beliefs.

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<sup>8</sup> School Standards and Framework Act 1998 c.vi

<https://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/religious-worship> Accessed 10 May 2021

<sup>9</sup> Education (Scotland) Act 1980 p.1 s.8 <https://www.legislation.gov.uk/ukpga/1980/44/section/8> Accessed 10 May 2021

<sup>10</sup> Scottish Government, ‘Curriculum for Excellence: religious observance’. 30 March 2017 <https://www.gov.scot/publications/curriculum-for-excellence-religious-observance/> Accessed 10 May 2021

<sup>11</sup> Education and Libraries (Northern Ireland) Order 1986 s21. <https://www.legislation.gov.uk/nisi/1986/594/article/21> Accessed 7 July 2021.

<sup>12</sup> Field, Clive D. Religion in Great Britain, 1939-99: A Compendium of Gallup Poll Data. University of Manchester, 2015

[www.brin.ac.uk/wp-content/uploads/2011/12/Religion-in-Great-Britain-1939-99-A-Compendium-of-Gallup-Poll-Data.pdf](http://www.brin.ac.uk/wp-content/uploads/2011/12/Religion-in-Great-Britain-1939-99-A-Compendium-of-Gallup-Poll-Data.pdf) Accessed 1 July 2021.

Compelling children to take part in acts of worship is incompatible with Article 9: Freedom of thought, conscience and religion of the Human Rights Act, Article 18: Freedom of religion or belief of the Universal Declaration of Human Rights, and Article 14: Freedom of thought, belief and religion of the United Nations Convention on the Rights of the Child (UNCRC).

The UN Committee on the Rights of the Child stated in its concluding observations on the fifth periodic report of the UK: “The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.”<sup>13</sup>

The laws are also incompatible with the principles of equality law. Daily acts of mostly Christian collective worship are discriminatory against children and families who are not Christian, as it results in less favourable treatment for them. However, the Equality Act 2010 unfortunately entrenches this discrimination through exceptions for collective worship within its Schedules, specifically:

- Item (c) “Acts of worship or other religious observance organised by or on behalf of a school (whether or not forming part of the curriculum)” in Schedule 3 Part 2 Paragraph 11<sup>14</sup>
- Schedule 11 Part 2 Paragraph 6: “6 Section 85(2)(a) to (d), so far as relating to religion or belief, does not apply in relation to anything done in connection with acts of worship or other religious observance organised by or on behalf of a school (whether or not forming part of the curriculum).”<sup>15</sup>

Furthermore, the Act’s explanatory notes say: “schools are under no obligation to provide opportunities for separate worship for the different religions and beliefs represented among their pupils.”<sup>16</sup>

The Joint Commission on Human Rights (JCHR), which oversaw the drafting of the Equality Act 2010, recommended that instead of enacting these exceptions, the government should “revisit the justification for legally requiring all maintained schools to ensure that pupils participate in a daily act of Christian worship.”<sup>17</sup>

Even some faith groups have expressed concerns over the collective worship requirement. In its submission to the JCHR on the drafting of the Equality Act, the United Synagogue Agency for Jewish Education raised the question over “whether it is appropriate now, in the multi-cultural Britain of the 21st century, to require the daily act of collective worship to be ‘mainly of a broadly Christian character’.”<sup>18</sup>

### **Unpopular and unclear**

The collective worship requirement is not popular. School prayers can be alienating, confusing and meaningless for those who are not religious or belong to minority religions. They are particularly unpopular among parents who have deliberately selected a school without a religious character because they want a secular education for their children. A 2011 ComRes survey found the majority

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<sup>13</sup> United Nations Committee on the Rights of the Child, ‘Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland’. 12 July 2016  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskHOj6VpDS%2f%2fjgg2Jxb9gncnUyUgbnuttBw eOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpixij3u20bjQBOLNTNvQ9fUIEOvA5LtW0GL> Accessed 10 May 2021

<sup>14</sup> <https://www.legislation.gov.uk/ukpga/2010/15/schedule/3/paragraph/11/enacted> Accessed 10 May 2021

<sup>15</sup> <https://www.legislation.gov.uk/ukpga/2010/15/schedule/11/paragraph/6> Accessed 10 May 2021

<sup>16</sup> Equality Act 2010 c. 15 Sch 11 (Explanatory notes) [www.legislation.gov.uk/ukpga/2010/15/notes/division/3/16/28/2](http://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/16/28/2) Accessed 10 May 2021

<sup>17</sup> Joint Committee on Human Rights, ‘Legislative Scrutiny: Equality Bill, 26th Report of Session 2008-2009.’ 12 November 2009, p76.  
<https://publications.parliament.uk/pa/jt200809/jtselect/jtrights/169/169.pdf> Accessed 10 May 2021

<sup>18</sup> Joint Committee on Human Rights, ‘Legislative Scrutiny: Equality Bill, 26th Report of Session 2008-2009.’ 12 November 2009, p74.  
<https://publications.parliament.uk/pa/jt200809/jtselect/jtrights/169/169.pdf> Accessed 10 May 2021

of adults in England surveyed said the collective worship law should not be enforced<sup>19</sup>. The majority of Scots also favour reform of the law<sup>20</sup>. More recently, a Censuswide survey found that while most Brits (52%) say school assemblies should be about moral issues, only 26% agree that they should feature religious worship<sup>21</sup>. Attitudes have also changed regarding the link between religion and morality; 79% of Brits do not consider it necessary to believe in God to be moral and have good values.<sup>22</sup> It should also be noted that 57% of Britons never pray, including 33% of Christians.<sup>23</sup>

The unpopularity of collective worship is reflected in the testimonies the NSS regularly receives from parents and pupils who are negatively impacted by the laws. We have compiled a selection of these in Appendix 1.

The law is also unclear, and is therefore interpreted differently from school to school. Some schools provide inclusive and meaningful assemblies with no formal worship; others hold inclusive assemblies with an opportunity for voluntary prayer/reflection; and in some schools the law is used as a justification for imposing worship on pupils and inculcating religious views.

### **Right of withdrawal**

All laws requiring collective worship in schools provide for the right of parents to withdraw their children from these activities. However, these provisions are fraught with problems in reality and do not adequately protect children's or parents' freedom of religion or belief.

Currently, very few parents exercise this right. Many parents are reluctant to separate their child from classmates and fear the stigma of opting out of activities that the whole school community is expected to participate in. Withdrawing children from collective worship can also be difficult in practice – some schools, even those without a religious character, are reluctant to allow parents to do this and can be highly obstructive. The NSS regularly deals with parents experiencing difficulty in exercising their right of withdrawal as part of our case work. Furthermore, many parents are simply not informed of their right to withdrawal, or even of the fact that collective worship takes place at the school at all. A compilation of testimonies the NSS has received from parents who have experienced difficulties in exercising the right of withdrawal is included in Appendix 2.

Furthermore, pupils do not have the right to withdraw themselves without parental consent until they reach Sixth Form. This is incompatible with their right to freedom of religion, belief and conscience.

### **External evangelism**

The collective worship requirement creates the additional problem of schools being exploited by external evangelical groups who offer to deliver prayer sessions. However, these groups operate under an agenda to proselytise to, and convert, school children.

In addition to having agendas that prioritise proselytising over the educational and welfare needs of children, school evangelists frequently have views that are not compatible with schools' duty to the

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<sup>19</sup> BBC News, 'State schools 'not providing group worship'. 6 September 2011 <https://www.bbc.co.uk/news/uk-england-14794472> Accessed 10 May 2021

<sup>20</sup> Sanderson, Daniel. 'Take religion out of the classroom'. The Times, 29 December 2016. [www.thetimes.co.uk/edition/scotland/take-religion-out-of-the-classroom-9j6x06mzw](http://www.thetimes.co.uk/edition/scotland/take-religion-out-of-the-classroom-9j6x06mzw) Accessed 10 May 2021

<sup>21</sup> National Secular Society, 'British public opposes religious influence in education, poll finds'. 11 June 2018 [www.secularism.org.uk/news/2018/06/british-public-opposes-religious-influence-in-education-poll-finds](http://www.secularism.org.uk/news/2018/06/british-public-opposes-religious-influence-in-education-poll-finds) Accessed 10 May 2021

<sup>22</sup> Tamir, Christine et. al. 'The Global God Divide'. Pew Research Center, 20 July 2020. <https://www.pewresearch.org/global/2020/07/20/the-global-god-divide/> Accessed 11 May 2021.

<sup>23</sup> Savanta ComRes, 'Premier Christian Media – prayer survey'. 24 January 2020. <https://comresglobal.com/polls/premier-christian-media-prayer-survey/> Accessed 11 May 2021.

Equality Act 2010. Many are members of the Evangelical Alliance, which considers homosexuality sinful and opposes same-sex marriage.<sup>24</sup>

Problems with school evangelism are among the most common the NSS deal with in our casework. Between 2017 and 2019 (prior to the COVID-19 pandemic and subsequent school closures and social distancing rules), problems involving school evangelism made up over 20% of our casework. School evangelism was also referenced by a number of parents who provided testimonials in Appendices 1 and 2.

More about the problem of school evangelism can be read in our 2016 report:  
<https://www.secularism.org.uk/uploads/evangelism-in-state-schools-2013-report.pdf>

### **Enforcement**

One argument for retaining collective worship laws is that they are not enforced in practice; schools are not penalised for failing to hold daily collective worship. However, collective worship laws should in no way be regarded as ‘dead letter laws’. That a significant number of schools, including those without a religious character, hold daily collective worship despite its divisive and unpopular nature is evidence that the law is still in effect and many schools take it seriously.

Furthermore, recent statements in parliament suggest that the government is prepared to take steps to enforce collective worship. On 31 March 2021 schools minister Nick Gibb was asked what steps the Department for Education was taking to ensure a daily act of worship was taking place in each maintained school. In response he said:

“Every maintained school, academy and free school is required to ensure that collective worship takes place each day. If the Department is informed that a school may be in breach of this requirement, it will be investigated. Where needed, the Department will remind schools of their duty on this matter and advise on how this can be met.”<sup>25</sup>

Consultation Question 3: To which area(s) of the law does the problem relate? Please tick one or more boxes.

Other: Education, human rights, equality

Consultation Question 4: We will be looking into the existing law that relates to the problem you have described. Please tell us about any court/tribunal cases, legislation, books or journal articles that relate to this problem. *You may be able to tell us the name of the particular Act or case that relates to the problem.* Please share your views below:

In England and Wales, collective worship is required by sections 70 and 71 of the School Standards and Framework Act 1998. In Scotland the Education (Scotland) Act 1980 requires schools to hold religious observance. The Scottish Executive's policy on the provision of religious observance in Scottish schools is contained in the 2017 guidance.

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<sup>24</sup> Evangelical Alliance, ‘Biblical and pastoral responses to homosexuality’ <https://www.eauk.org/resources/what-we-offer/reports/biblical-and-pastoral-responses-to-homosexuality> Accessed 12 May 2021.

<sup>25</sup> UIN 174005, tabled on 23 March 2021. <https://questions-statements.parliament.uk/written-questions/detail/2021-03-23/174005> Accessed 12 May 2021.

The Education and Libraries (Northern Ireland) Order 1986 Section 21 requires daily acts of collective worship in schools in Northern Ireland<sup>26</sup>.

Please see Q2 for details on interactions between these laws, human rights law and equality law.

### **Article**

Cumper, Peter and Mawhinney, Alice, 'Collective Worship and Religious Observance in Schools: An Evaluation of Law and Policy in the UK'. November 2015<sup>27</sup>

### **Case studies**

The following case studies outline some of the issues caused by the collective worship laws.

#### **Case study #1: Monkseaton High School**

Attempts by schools to challenge the collective worship requirement have met with resistance. Dr Paul Kelley, the now-former head of Monkseaton High School in Tyneside, made such an attempt. In 2007, *The Guardian* reported that Dr Kelley told government officials that he wanted to challenge the collective worship requirement. He said he wanted schools that followed a 'third way' that "neither banished religion from the classroom completely nor had children attending daily worship". His plans were blocked by senior government officials, who said religion was 'technically embedded' in many aspects of education.

In response to the issue, the Church of England said: "If he is arguing for a way for individual schools to opt out of those bits of the act he does not like that is not something we would support. Either overtly or by default, this country is still a Christian one."<sup>28</sup>

#### **Case study #2: Petition against collective worship in Wales**

In 2017, two Welsh school students launched a petition calling on Welsh Assembly Members to end the obligation on schools to hold collective worship.

The 15-year-olds attended Ysgol Gyfun Gymraeg Glantaf Welsh-language school, where assemblies with an act of worship took place every day.

Rhiannon Shipton, one of the two petitioners, said: "As students we strongly believe it is an unnecessary ritual to be forced to say the Lord's Prayer during each assembly. If anything it is a waste of time for those that are of another religion or are atheist.

"This is not an attack on any religion. People are free to have their beliefs, but it's wrong to force students to take part in prayers when they don't believe in the God that's being worshipped."

They met with the clerk to the Welsh Assembly's Petitions Committee to launch their appeal. The petition read: "We call on the National Assembly for Wales to urge the Welsh Government to pass a law that removes the obligation on schools to hold acts of religious worship."

Martin Shipton, Rhiannon's father, said both she and fellow petitioner Lily McAllister-Sutton were "becoming increasingly frustrated by being forced to say prayers against their will."

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<sup>26</sup> Education and Libraries (Northern Ireland) Order 1986 s21. <https://www.legislation.gov.uk/nisi/1986/594/article/21> Accessed 7 July 2021.

<sup>27</sup> Available at <http://collectiveschoolworship.com/documents/CollectiveWorshipReligiousObservanceAHRCNetworkReport13November2015.pdf> Accessed 5 July 2021.

<sup>28</sup> Asthana, Anushka. 'Crisis of faith in first secular school'. *The Guardian*, 23 September 2007. <https://www.theguardian.com/uk/2007/sep/23/schools.faithschools> Accessed 10 May 2021



Mr Shipton added that while parents can withdraw their children from assemblies, “that would set them apart from other pupils and remove them from an important communal event in the school's day.”

Instead of collective worship, Lily and Rhiannon suggested a time for reflection.

The petition won support from a committee of assembly members, including Neil McEvoy and David Rowlands.

The petition can be viewed at <https://petitions.senedd.wales/petitions/1175>.

More on this story can be viewed at the NSS website:

<https://www.secularism.org.uk/news/2017/04/welsh-students-launch-petition-against-collective-worship>

<https://www.secularism.org.uk/news/2017/06/welsh-ams-to-probe-whether-collective-worship-is-compliant-with-human-rights-law>

### Case study #3: The Harris family and Burford Primary School

*This is a summary of casework handled by the NSS. The full versions can be read at:*

[www.secularism.org.uk/opinion/2018/12/my-childrens-school-has-become-christian-by-default](http://www.secularism.org.uk/opinion/2018/12/my-childrens-school-has-become-christian-by-default)

[www.secularism.org.uk/news/2019/11/coe-trust-to-introduce-alternative-to-worship-after-legal-challenge](http://www.secularism.org.uk/news/2019/11/coe-trust-to-introduce-alternative-to-worship-after-legal-challenge)

Burford Primary School is a community ethos school in Oxfordshire. Lee and Lizanne Harris enrolled their children there “primarily because it was a non-faith-based community”, one of a minority of non-faith schools within four miles. The parents were both active contributors to the school, with Lizanne taking a leading role in the Parent-Teacher Association.

In 2015, the school joined the Church of England’s Oxford Diocesan Schools Trust (ODST) under the condition that its community school ethos would be protected. But the Harrises discovered through conversations with their children that regular assemblies were being held by the church in the school. The children said they were encouraged to participate in active prayer, Christianity was positioned as truth, and Bible stories were 'acted out' including beatings and crucifixion.

When the Harrises raised concerns, the head explained that she was legally entitled to run daily worship and was simply operating within the law.

The Harrises decided to withdraw their children from collective worship. This led to the children feeling “increasingly excluded” from assemblies and school activities, left to sit in side-rooms for long periods of time with a teaching assistant. “More and more it felt like our children were being discriminated against,” Lee said. “Daily activities that could help to provide an inclusive environment were seemingly being ignored.”

In July 2019, the Harrises launched a judicial review against Burford Primary School, arguing that the school must provide an inclusive assembly as a meaningful alternative for pupils withdrawn from Christian worship.

In response, ODST agreed to provide an inclusive alternative assembly for pupils withdrawn from Christian collective worship.

This case represents a rare win for the parents, but it shows the damage caused to inclusion and cohesion in school life, and the relationship and trust between school and parents, when religious worship is imposed. No parents should have to threaten legal action in order to ensure their children are treated equally to others. No school should impose collective worship.



Consultation Question 5: Can you give us information about how the problem is approached in other legal systems? You might have some information about how overseas legislatures have responded or how the court or tribunals approach the problem. Please share your views below:

The United Kingdom is the only western democracy to impose collective worship in schools.

In other legislatures, school-led worship in state-funded schools is prohibited due to constitutional separation of religion and state, or due to laws protecting freedom of religion or belief. Countries where religious worship is unlawful in state schools include Canada<sup>29</sup>, France<sup>30</sup>, India<sup>31</sup>, Japan<sup>32</sup> and the United States<sup>33</sup>.

Consultation Question 6: Within the United Kingdom, does the problem occur in any or all of England, Wales, Scotland or Northern Ireland? Please share your views below:

There are laws requiring collective worship in schools throughout the whole United Kingdom.

Consultation Question 7: What do you think needs to be done to resolve the problem? Please share your views below:

The laws requiring collective worship in the UK should be repealed. Exceptions in the Equality Act 2010 that enable collective worship should also be repealed.

Consultation Question 8: What is the scale of the problem? This might include information about the number of people affected this year or the number of cases which were heard in a court or tribunal over a particular period. Please share your views below:

Because all state-funded schools must by law hold collective worship, all children in the UK who attend a state-funded school, and by extension their families, are affected. The vast majority of UK children attend state-funded schools (local authority or academies).

School staff may also be affected. Particularly in faith schools, it may be challenging for school staff who do not wish to participate in prayers to withdraw themselves.

Consultation Question 9: What would be the positive impacts of reform?

Positive impacts of reform to repeal collective worship laws include:

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<sup>29</sup> CBC, 'Court challenges arise over prayers in the classroom'. <https://www.cbc.ca/archives/entry/court-challenges-arise-over-prayers-in-the-classroom> Sept. 27, 1988. Accessed 1 July 2021.

<sup>30</sup> 'France'. Berkley Center for Religion, Peace, and World Affairs. Archived from the original on 6 February 2011. <https://web.archive.org/web/20110206213909/http://berkleycenter.georgetown.edu/resources/countries/france> Accessed 1 July 2021.

<sup>31</sup> 'The Constitution (Forty-Second Amendment) Act, 1976'. Government of India. Archived from the original on 28 March 2015. <https://web.archive.org/web/20150328040620/http://indiacode.nic.in/coiweb/amend/amend42.htm> Accessed 1 July 2021.

<sup>32</sup> Takeda, Chido. 'School Education and Religion in Japan.' Contemporary Religions in Japan, vol. 9, no. 3, 1968 JSTOR, [www.jstor.org/stable/30233026](http://www.jstor.org/stable/30233026). Accessed 1 July 2021.

<sup>33</sup> United States Courts, 'Facts and Case Summary - Engel v. Vitale'. <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-engel-v-vitale> Accessed 1 July 2021.

**Modernisation:** The current laws are completely out-of-step with 21<sup>st</sup> century UK. They originate from a time when Christianity had far more prominence and power in society, and the majority of the population were practising Christians. Today, the UK is more irreligious and religiously diverse than ever before; see our introduction for more discussion.

**Fairness:** The current law is unfair to all non-Christians, for whom daily Christian prayer is meaningless and alienating. The only way to promote fairness in schools is to scrap the collective worship laws.

**Improving efficiency/simplicity:** Collective worship laws are an unnecessary addition to the many regulations schools must follow. Their inherent conflict with equality law has resulted in unnecessary complexity requiring exceptions in the Equality Act 2010. Scrapping collective worship laws, and the Equality Act exceptions that enable them, would improve simplicity in the law. It would also improve the UK's compliance with the UNCRC.

**Community cohesion:** Collective worship laws are divisive and accentuate differences in religion and belief, rather than uniting people of different religions or beliefs under the common values of tolerance and equality. Scrapping the laws would enhance cohesion both within schools and their local communities.

Consultation Question 10: If this area of the law is reformed, can you identify what the costs or other negative impacts of reform might be?

There would be no additional costs resulting from abolishing collective worship laws. In fact, schools are likely to make savings because they would no longer need to allocate time, staff and other resources to holding collective worship. Schools would also feel no need to use external evangelical groups to fulfil collective worship requirements, which would also result in savings.

There may be resistance to abolishing collective worship laws from some religious groups, including the Church of England. However, their interests should not be prioritised over the rights of children to their own personal freedom of religion, belief and conscience. Additionally, as highlighted in Q2, some religious groups have also questioned the collective worship requirement.

There are many obvious, inclusive alternatives to collective worship that can foster school community spirit while also fulfilling spiritual, moral, social and cultural development (SMSC) requirements. Many schools that unofficially ignore the collective worship requirement already hold non-religious assemblies that perform these functions. A TeacherTapp survey in 2019 found 14% of schools without a religious character have some form of daily reflection which is not religious worship.<sup>34</sup>

Consultation Question 11: Does the problem adversely impact equality, diversity and inclusion by affecting certain groups in society, or particular areas of the country, more than others? If so, what are those groups or areas?

The collective worship law results in direct discrimination against pupils, their families and staff on the basis of religion or belief. Non-religious people and religious minorities (i.e. non-Christians) are most greatly affected. This direct discrimination is only permitted through exceptions built into equality law; see Q2.

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<sup>34</sup> Teacher Tapp, 'Teachers are losing their religion – part one'. <https://teachertapp.co.uk/teachers-are-losing-their-religion-how-religious-are-teachers> Accessed 11 May 2021

Additionally, the law is also likely to result in indirect discrimination against pupils, their families and staff on the basis of other protected characteristics, including:

- Gender reassignment and sexual orientation– Most Christian denominations, including the Church of England, teach that same-sex relationships are morally wrong. This can extend to relationships involving transgender people. Compelling children and staff who are themselves LGBT+ or have LGBT+ members of their family to engage in the prayers of a religion that is discriminatory towards LGBT+ people could be considered harassment.
- Sex – Some women reject Christianity and other organised religions because of their historic and current subordination of women. Compelling female pupils and staff to engage in the prayers of a religion they have rejected because it is discriminatory towards women could be considered harassment.
- Race – There is a strong correlation between ethnicity, race and religion or belief. Particular racial minorities are more likely to belong to minority religions (i.e. non-Christian religions). Ethnic and racial minorities are therefore more likely to be discriminated against by Christian collective worship.

Consultation Question 12: In your view, why is the independent, non-political, Law Commission the appropriate body to undertake this work, as opposed to, for example, a Government department, Parliamentary committee, or a non-Governmental organisation? Please share your views below:

The Law Commission has a strong track record of identifying, and suggesting changes to, historical laws that need modernising. This includes laws involving religion, such as its recent proposals to reform wedding laws. Our suggestion for abolishing collective worship laws mirrors many of the principles behind the Commission’s suggested wedding law reforms: revising laws from a time where Christianity was more dominant in society to become more suited to the increasingly irreligious and religiously-diverse 21<sup>st</sup> century UK where the values of equality, fairness, pluralism and cohesion are of increasing importance.

Additionally, the Law Commission is well-equipped to examine the developing case law that is emerging as a result of cases like Burford Primary School (See Q4).

Consultation Question 13: Have you been in touch with any part of the Government (either central or local) about this problem? What did they say? Please share your views below:

We have regularly contacted the government on this issue, but they have made it clear (see Q2 and below) that they have no intention at present on repealing the law.

In 2016, then-Secretary of State for Education Justine Greening told us:

“I believe that the requirement for collective worship in maintained schools and academies encourages pupils to reflect on the concept of belief and the role it plays in the traditions and values of this country. It is for schools to tailor their collective worship provision to suit the needs of their pupils. We have no plans to change the current requirements for the daily act of collective worship in maintained schools and academies or the current arrangements surrounding the right to withdraw. The law is both inclusive and it provides a unique opportunity for schools to develop and celebrate the school's or academy's ethos and values.”

The Welsh education secretary recently told us:

“During the last Senedd, two Petitions were considered by Petitions Committee in relation to collective worship: one in favour of reform; one which wanted to maintain the status quo. My focus is presently on the implementation of the new curriculum, I will however listen to stakeholders' views on Collective Worship.”

We regularly engage with the United Nations on this issue, who have called on the Government to repeal collective worship laws; see Q2.

Consultation Question 14: Is any other organisation such as the Government or a non-Governmental group currently considering this problem? Have they considered it recently? If so, please give us the details of their investigation on this issue, and why you think the Law Commission should also look into the problem.

In 2017 a petition by two Welsh students to end collective worship laws won support from a committee of assembly members; see Q4. The Welsh Government responded to both petitions in 2020 and have indicated that it is a topic under consideration.

In 2019 Liberal Democrat peer Lorely Burt proposed a bill, the Education (Assemblies) Bill 2020, which would amend the current legal requirement to hold acts of worship. Under the bill, schools would not be required to organise compulsory acts of religious observance, but pupils would be permitted to opt in to voluntary acts of worship if they wish. Additionally, schools which are not religious in character would be required to provide assemblies that develop the “spiritual, moral, social and cultural education” of pupils regardless of religion or belief<sup>35</sup>.

The UN Committee on the Rights of the Child has called for collective worship laws to be repealed; see Q2.

As all collective worship laws throughout the UK remain in place, we think the Law Commission should also look into the problem. As explained in Q12, the Law Commission’s prior projects, including its recent work on reforming wedding laws, indicate that the Commission is well placed to tackle legal issues involving human rights, equality and religion.

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<sup>35</sup> Bill viewable at <https://bills.parliament.uk/bills/2579>

## Idea for reform #2: Remove ‘the advancement of religion’ as a charitable purpose

Consultation Question 1: In general terms, what is the problem that requires reform? Please share your views below:

In charity laws throughout the UK, ‘the advancement of religion’ is a recognised charitable purpose. This is out-of-step with 21<sup>st</sup> century UK – ‘advancing religion’ is not inherently beneficial to the public and in some cases causes harm.

Additionally, ‘the advancement of religion’ causes inequality between religious and non-religious organisations, and between different religious organisations. In England, Wales and Northern Ireland, organisations cannot register as charities simply for advancing non-religious worldviews, even if those worldviews may be based on moral principles that benefit the public. They must register under a different charitable purpose. Guidance from the Northern Ireland Charity Commission explicitly states that “to establish and operate ethical societies” (i.e. non-religious organisations that promote morals and ethics, such as humanist organisations) is not recognised as a charitable purpose<sup>36</sup>.

Furthermore, there are multiple cases of religious organisations being refused charitable status because they do not conform to the somewhat narrow definitions of religion in charity law. These include organisations representing Paganism and Scientology (see Q4).

**We therefore think it is time for ‘the advancement of religion’ to be removed from the list of charitable purposes.** Religious organisations that provide a genuine, tangible public benefit can easily be registered under a different charitable purpose, in the same way as secular charities. This would ensure greater fairness in charity law and would mitigate the damage that harmful religious organisations cause.

For a more in-depth discussion about this issue, please see the NSS’s 2019 report: <https://www.secularism.org.uk/charities/charity-report.html>

Consultation Question 2: Can you give us an example of what happens in practice?

Despite the Charities Act 2006 supposedly abolishing the automatic assumption that charities that exist for ‘the advancement of religion’ pass the ‘public benefit test’, the fact that ‘the advancement of religion’ remains on the list of charitable purposes effectively means that religion is assumed to be inherently beneficial to society.

In 2019, the NSS found that out of approximately 34,800 charities registered with the Charity Commission for England & Wales conducting religious activities, over 12,000 charities list “religious activities” as their sole purpose (over 7% of all charities).<sup>37</sup> Unlike many other religious charities, these charities do not, on the face of it, exist for the purposes of relieving poverty, educating children, preserving buildings or the environment, helping sick people, promoting human rights, or anything else that could objectively be considered beneficial to society. If a charity can still exist for

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<sup>36</sup> The Charity Commission for Northern Ireland, ‘The advancement of religion: Supporting document for charity trustees’. November 2013 [https://apps.charitycommissionni.org.uk/Library/pdf\\_documents/The%20advancement%20of%20religion%2020131128.pdf](https://apps.charitycommissionni.org.uk/Library/pdf_documents/The%20advancement%20of%20religion%2020131128.pdf) Accessed 4 June 2021.

<sup>37</sup> For more information see the National Secular Society’s 2019 report, ‘For the public benefit? The case for removing ‘the advancement of religion’ as a charitable purpose’. <https://www.secularism.org.uk/charities/charity-report.html>

the sole purpose of holding religious activities, one can conclude that the Charity Commission still assumes that advancing religion is inherently a public benefit.

This conclusion is supported by statements by politicians and other relevant parties regarding the treatment of religion and the public benefit test. When the Charities Act 2006 was debated in parliament, Ed Milliband (then the Minister for the Third Sector) sought to reassure religious charities that their status would be secure. He said:

“The hon. Member for Isle of Wight asked a series of questions about religion, poverty and education. In all those cases, it is right that public benefit must be shown, but I reassure him that, at least for religion, the obligation will not be onerous. We have accepted, and I think others have, too, that making provision for people to attend acts of worship is clearly a public benefit. It is clear in case law, and it will remain part of the charity law of this country. Religions have nothing to fear.”<sup>38</sup>

Even the Charity Commission for England & Wales has itself admitted that religious (or, at least, Christian) charities are not under any particular onus to demonstrate tangible public benefit. In its 2010 briefing paper “Charities Act 2006: public benefit and the advancement of religion”, Christian charity Stewardship stated:

“Dame Suzi Leather, Chair of the Charity Commission and herself a Christian, has given public assurance that the Commission will not insist on the quantification of public benefit in the Trustees’ Reports of Christian charities, recognising that many of the benefits associated with religion are intangible.”<sup>39</sup>

The Charity Commission’s own guidance reflects that the Commission operates under the presumption that religious activities are inherently ‘good’, and that the wider public somehow benefits from the existence of more religious people.

One example of this is to be found in its guidance document on ‘The Advancement of Religion for the Public Benefit’. Within this document, the Commission gives the following example of what it considers to be a general public benefit of a charity:

“For example, it is acceptable for a charity advancing Judaism to restrict its activities to people within the Jewish community because of the benefits to the wider public from the practice of those religious beliefs by members of that community.”<sup>40</sup>

The document does not give any reason as to why the Charity Commission thinks advancing Judaism among the Jewish community benefits the wider public. It appears to be operating on the assumption that members of religious communities are more likely to be more benevolent, altruistic or otherwise serve the public benefit than the general population as a whole. In a country where at least half of the population have no religion, this hints at an uncomfortable level of prejudice.

The Commission’s guidance on what “the advancement of religion” means also highlights that evangelism and worship are considered charitable purposes:

“Examples of ways in which charities can advance religion include:

- the provision of places of worship
- raising awareness and understanding of religious beliefs and practices

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<sup>38</sup> 3 HC Deb (26 Jun 2006) col 96. <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo060626/debtext/60626-0651.htm> Accessed 12 May 2021

<sup>39</sup> Stewardship, “Charities Act 2006: public benefit and the advancement of religion.” January 2010, p.12. Accessed via Docplayer: <https://docplayer.net/65001460-Charities-act-2006-public-benefit-and-the-advancement-of-religion.html> Accessed 12 May 2021

<sup>40</sup> Charity Commission For England And Wales. “The Advancement of Religion for the Public Benefit.” GOV.UK, December 2011, p.15. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/358531/advancement-of-religion-for-the-publicbenefit.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358531/advancement-of-religion-for-the-publicbenefit.pdf). Accessed 12 May 2021. Guidance under review.

- carrying out religious devotional acts
- carrying out missionary and outreach work<sup>41</sup>

Under these definitions of what can be considered “the advancement of religion” as a charitable purpose, it would appear perfectly legitimate for a charity to do nothing beyond praying and printing leaflets advertising the religion with the aim of gaining more followers. It would be equally as valid in charity law, and entitled to all the tax relief and other benefits of charitable status, as a religious charity that proactively helps people who are ill or in poverty.

It should be noted that the above-mentioned guidance has been withdrawn and “under review” for several years. A note on its contents page states: “This guidance is currently under review. It no longer forms part of our public benefit guidance and should now be read together with our set of 3 public benefit guides. It will remain available to read until we publish replacement guidance”.

Section 17 (1) of the Charities Act 2011 gives the Charity Commission an objective of promoting awareness and understanding of the operation of the public benefit requirement and requires the Commission to issue guidance in pursuance of that objective. There is however no apparent plan to publish new guidance<sup>42</sup>.

For a more in-depth discussion about this issue, please see the NSS’s 2019 report:

<https://www.secularism.org.uk/charities/charity-report.html>

Consultation Question 3: To which area(s) of the law does the problem relate? Please tick one or more boxes.

If other, please state: Charity law

Consultation Question 4: We will be looking into the existing law that relates to the problem you have described. Please tell us about any court/tribunal cases, legislation, books or journal articles that relate to this problem. *You may be able to tell us the name of the particular Act or case that relates to the problem.* Please share your views below:

The relevant acts are the Charities Act 2011, the Charities and Trustee Investment (Scotland) Act 2005, and Charities Act (Northern Ireland) 2008.

The NSS has summarised the issue in its 2019 report ‘For the Public Benefit? The case for removing ‘the advancement of religion’ as a charitable purpose, which can be downloaded here:

<https://www.secularism.org.uk/charities/charity-report.html>

### Court and tribunal cases

Gilmour v. Coates [1949]: The bias towards religion in charity law was stated by Lord Reid: “The law of England has always shown favour to gifts for religious purposes. It does not now in this matter prefer one religion to another. It assumes that it is good for man to have and to practice a religion”

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<sup>41</sup> Charity Commission For England And Wales. “Charitable purposes.” GOV.UK, 16 September 2013.

<https://www.gov.uk/government/publications/charitable-purposes/charitable-purposes> Accessed 12 May 2021

<sup>42</sup> Charity Commission for England and Wales, ‘Analysis of the law relating to public benefit’. September 2013

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/589796/Public\\_benefit\\_analysis\\_of\\_the\\_law.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589796/Public_benefit_analysis_of_the_law.pdf) Accessed 5 July 2021.



Neville Estates Ltd v Madden [1962]: Further bias towards religion in charity law stated by the High Court: “As between different religions the law stands neutral, but it assumes that any religion is at least likely to be better than none.”

Decision: Church of Scientology (England and Wales). The Charity Commission, 17 November 1999.<sup>43</sup>

Scientology is officially recognised as a religion in a number of countries, and for the purposes of holding religious wedding ceremonies in marriage law in the UK (see R (Hodkin) v Registrar General of Births, Deaths and Marriages [2013]). But in 1999, the Charity Commission rejected the Church of Scientology’s application for charitable status on the grounds it was not a religion and did not advance the public benefit. It did not accept that the Church’s many rituals and practices amounted to religious worship. Furthermore, it ruled that the manner in which Scientologists carry out their activities was considered to be too private to demonstrate any public benefit (The argument that many of the Church of Scientology’s activities can be considered harmful, and therefore outweigh potential public benefit, was not considered).

One can see a contradiction in Charity Commission’s eventual ruling that the Exclusive Brethren organisation Preston Down Trust is in fact a charity, despite the fact that the Brethren’s activities are even more secretive than those of Scientology (see below). Scientology certainly promotes itself to the public, which should mean, if rules were consistently applied, that it meets the charitable purpose of the advancement of religion.

Decision: The Temple of the Jedi Order. The Charity Commission, 19 December 2016<sup>44</sup>

Although based on the fictional Jedi characters of the Star Wars franchise, the Temple of the Jedi Order (TOTJO) seriously consider themselves to be a religion. In the US they are a recognised International Ministry and Public Charity<sup>45</sup>.

They state on their website: “The Jedi here are real people that live or lived their lives according to the principles of Jediism, the real Jedi religion or philosophy. Jedi followers, ministers and leaders embrace Jediism as a real living, breathing religion and sincerely believe in its teachings. Jediism does not base its focus on myth and fiction but on the real life issues and philosophies that are at the source of myth. Whether you want to become a Jedi, are a real Jedi looking for additional training or just interested in learning about and discussing The Force, we’re here for you. We believe in Peace, Justice, Love, Learning and Benevolence: It is unlikely that the Jedi way conflicts with other beliefs and traditions.”<sup>46</sup>

According to a TOTJO spokesperson, approximately 30,000 people have accounts with the Order’s site, and around 750 people a year become members.<sup>47</sup>

But the Charity Commission ruled that TOTJO is not a religion in charity law because it “lacks the necessary spiritual or non-secular element”, that there was “insufficient evidence that moral improvement is central to the beliefs and practices” and that its framework “allows individuals to pursue Jediism in different ways”.

A number of legal experts pointed out that in its reasons for rejecting the application, the Commission had shown an unclear and inconsistent method in dealing with religions. In his analysis of the Commission’s decision, Dr Russell Sandberg, Head of Law at Cardiff University, concludes:

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<sup>43</sup> Accessible at <https://www.gov.uk/government/publications/church-of-scientology-england-and-wales>. Accessed 1 July 2021.

<sup>44</sup> Accessible at <https://www.gov.uk/government/publications/the-temple-of-the-jedi-order> Accessed 1 July 2021.

<sup>45</sup> Homepage, Temple of the Jedi Order. <https://www.templeofthejediorder.org/> Accessed 4 June 2021.

<sup>46</sup> Homepage, Temple of the Jedi Order. <https://www.templeofthejediorder.org/> Accessed 4 June 2021.

<sup>47</sup> Ross, Alice. “Jedi order fails in attempt to register as religious group.” The Guardian, 19 December 2016. <https://www.theguardian.com/society/2016/dec/19/temple-of-the-jedi-order-application-religion-rejected-charity-commission-uk>. Accessed 4 June 2021.

“The understanding of the definition of religion for the purposes of charity and registration law is now hideously confused. Without questioning the actual decision, elements of the reasoning by the Charity Commission are cause for concern: following *Hodkin* [see above] slavishly in some respects but ignoring it in others and introducing a plethora of new assumptions and requirements that are deeply questionable. There is now a desperate need for the definition question to be revisited and for reform that increases clarity and inclusiveness.”<sup>48</sup>

#### Case report: Preston Down Trust<sup>49</sup>

It has been suggested that the Charity Commission has been more reluctant to challenge religious charities since it backed down on its initial decision to refuse charitable status to a branch of the Exclusive Brethren, a subset of the Plymouth Brethren Christian Church. The Exclusive Brethren are well known for their fundamentalist and isolationist approach. They permit only limited contact with people outside their community<sup>50</sup>. The Brethren are controversial for a variety of reasons, including their treatment of members who ‘transgress’ its rules<sup>51</sup>, its highly conservative schools that restrict learning and interaction between male and female pupils<sup>52</sup>, and accusations of child abuse in Australia<sup>53</sup>.

The Commission initially refused to register Preston Down Trust, which runs Brethren meeting houses in Torquay, Paignton, and Newton Abbott, in 2012. Its grounds for refusal were that due to its closed an exclusive nature, the Trust was unable to demonstrate public benefit<sup>54</sup>.

The Plymouth Brethren Christian Church spent £2m on lobbying and legal fees to challenge this decision, and in 2014 the Commission reversed its decision and granted charitable status to Preston Down Trust, on “the basis of a new application for registration based on revised trusts set out in a Deed of ... and commitments to changes in religious practice and wider social engagement”<sup>55</sup>. This prompted Paul Flynn, Labour MP for Newport West, to tell the chair and chief executive of the Commission:

“You climbed down because you didn’t want the financial and legal problems. You’ve become weakened and emasculated. You agreed to surrender your previous principled position in exchange for an easy life. You aren’t going to turn anyone down again because you’ve become cowardly as a result of the might of a lobbying organisation.”<sup>56</sup>”

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<sup>48</sup> Sandberg, Russell. “The Farce Awakens: Why the Charity Commission’s decision on Jediism reveals a need to revisit the definition of religion.” Law & Religion UK, 22 December 2016. <https://lawandreligionuk.com/2016/12/22/the-farce-awakens-why-the-charity-commissions-decision-on-jediism-reveals-a-need-to-revisit-the-definition-of-religion/> Accessed 4 June 2021

<sup>49</sup> Accessible at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/846858/preston\\_down\\_trust\\_case\\_report\\_withdrawn.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/846858/preston_down_trust_case_report_withdrawn.pdf)

<sup>50</sup> Norington, Brad. “Brethren lift veil on their exclusive lifestyle.” The Australian, 20 September 2008. <https://www.theaustralian.com.au/news/brethren-lift-veil-on-lifestyle/news-story/9552d92edc6d1a2d0e232b2e9cb5e62b> Accessed 18 December 2018.

<sup>51</sup> Lawrence, Nick. “The cost of leaving the Exclusive Brethren.” BBC News, 17 January 2011. <https://www.bbc.co.uk/news/uk-england-shropshire-12182333> Accessed 30 June 2021.

<sup>52</sup> Religion News Service. “Exclusive Brethren Christian Schools Under Investigation In Britain After Former Teachers Speak Out.” Huffington Post, 24 March 2015. [https://www.huffingtonpost.com/2015/03/24/exclusive-brethren-schoolsinvestigation\\_n\\_6925606.html](https://www.huffingtonpost.com/2015/03/24/exclusive-brethren-schoolsinvestigation_n_6925606.html) Accessed 30 June 2021.

<sup>53</sup> Bachelard, Michael. “Potential witness in Exclusive Brethren sex abuse case paid to remain silent.” The Sydney Morning Herald, 21 October 2017. <https://www.smh.com.au/national/potential-witness-in-exclusive-brethren-sex-abuse-case-paid-to-remain-silent-20171018-gz35mf.html> Accessed 30 June 2021.

<sup>54</sup> Cross, Simon. “Brethren Church denied Charitable status.” 4 September 2012. <https://www.eden.co.uk/blog/law/brethren-churchdenied-charitable-status-p11199> Accessed 30 June 2021.

<sup>55</sup> Charity Commission For England And Wales, “Preston Down Trust: Charity Commission decision – brief summary.” GOV.UK, 9 January 2014 <https://www.gov.uk/government/publications/preston-down-trust/preston-down-trust-charity-commission-decisionbrief-summary> Accessed 30 June 2021.

<sup>56</sup> Ainsworth, David. “Charity Commission criticised for action on Plymouth Brethren case.” Civil Society, 4 February 2014. <https://www.civilsociety.co.uk/news/charity-commission-criticised-for-action-on-plymouth-brethren-case.html> Accessed 30 June 2021.

There are now over 140 charities connected to the Plymouth Brethren Christian Church<sup>57</sup>.

### Reports and journal articles

Barker, C. R. (1999). 'Religion and charity law. Juridical Review: the Law Journal of the Scottish Universities', (5), 303-315.<sup>58</sup>

Dunham, Sandra et. al. 'The cost of religion in Canada: Tax implications of charities advancing religion.' Centre for Inquiry Canada, May 2021.<sup>59</sup>

Edge P, 'Charitable status for the advancement of religion: An abolitionist's view.' Charity Law and Practice Review 3 (1996)<sup>60</sup>

Owen, Suzanne. 'The Problem with Paganism in Charity Registration in England and Wales'. Implicit Religion, vol 21, no 3 (2018)<sup>61</sup>

Consultation Question 5: Can you give us information about how the problem is approached in other legal systems? You might have some information about how overseas legislatures have responded or how the court or tribunals approach the problem. Please share your views below:

The status of religious charities is being questioned in other countries. In December 2017, a bill was heard in the Victorian Parliament, Australia, to amend the Charities Act 1978 to exclude the advancement of religion as a charitable purpose. According to the Australian Charities Report 2016, "advancing religion" is the most common charitable purpose, reported by 32% of charities. Victorian Upper House MP Fiona Patten, who read the bill, said the "notion that the advancement of religion is a charitable purpose, would be questioned by most people in our community these days". She said commercial enterprises owned by religious institutions should be subject to the same legal and financial laws as other commercial entities<sup>62</sup>.

Meanwhile, in 2018 the Senate of Canada appointed a special committee to study the charitable sector in Canada. It is expected that the committee will be considering the debate over the presumption of public benefit of religious charities<sup>63</sup>. Furthermore, Canada's Charities Directorate was given more powers to close down "renegade" charities in 2007, allowing it to revoke the status of problematic charities more easily than the UK's regulators<sup>64</sup>.

In May this year, the Centre for Inquiry Canada estimated the preferential tax treatment for religious charities costs Canadian governments over \$1.2 billion annually, adding that there are additional beneficial tax implications associated with charitable status that cannot be calculated but would add to this total. It concluded: "Providing special tax status to organisations that exist to promote their religion is inappropriate and unaffordable."<sup>65</sup>

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<sup>57</sup> Data from Charity Commission database: <https://register-of-charities.charitycommission.gov.uk/charity-search/-/results/page/1/delta/20/keywords/%22plymouth+brethren%22>

<sup>58</sup> Accessible at <http://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?recordid=475&productid=7122>

<sup>59</sup> <https://centreforinquiry.ca/wp-content/uploads/2021/04/CoR-tax-implications.pdf> Accessed 14 July 2021.

<sup>60</sup> Accessible at <https://www.khplc.co.uk/client-area/review/155/CLPR-Vol314-Charitable-Status-for-the-Advancement-of-Religion-An-Abolitionists-View-Peter-Edge> Accessed 1 July 2021.

<sup>61</sup> Accessible at <http://dx.doi.org/10.1558/imre.38296> Accessed 1 July 2021.

<sup>62</sup> Williams, Wendy. "Advancement of Religion as Charitable Purpose In Question." Pro Bono Australia, 15 December 2017.

<https://probonoaustralia.com.au/news/2017/12/advancement-religion-charitable-purpose-question/> Accessed 27 May 2021.

<sup>63</sup> Senate of Canada. "New Senate committee to consider ways to bolster charitable sector." 9 May 2018. <https://sencanada.ca/en/newsroom/cssb-new-senate-committee-consider-ways-bolster-charitable-sector/> Accessed 27 May 2021.

<sup>64</sup> Donovan, Kevin. "Charity rules beefed up." The Star, 21 December 2007. [https://www.thestar.com/news/investigations/2007/12/21/charity\\_rules\\_beefed\\_up.html](https://www.thestar.com/news/investigations/2007/12/21/charity_rules_beefed_up.html) Accessed 27 May 2021.

<sup>65</sup> Dunham, Sandra et. al. 'The cost of religion in Canada: Tax implications of charities advancing religion.' Centre for Inquiry Canada, May 2021. <https://centreforinquiry.ca/wp-content/uploads/2021/04/CoR-tax-implications.pdf> Accessed 14 July 2021.

Calls to remove the tax-exempt status of religious organisations, particularly the Catholic Church, have increased since evidence of mass abuse of indigenous children at Catholic residential schools came to light this year<sup>66</sup>.

Consultation Question 6: Within the United Kingdom, does the problem occur in any or all of England, Wales, Scotland or Northern Ireland? Please share your views below:

This problem occurs in all of England, Wales, Scotland and Northern Ireland.

Consultation Question 7: What do you think needs to be done to resolve the problem? Please share your views below:

The 'advancement of religion' should be removed from the lists of charitable purposes in all relevant legislation in England & Wales, Scotland and Northern Ireland. Religious and non-religious charities should be treated equally when assessing whether or not they pass the public benefit test. Religious charities that provide a genuine, tangible public benefit and do not cause harm will be able to register under one of the other charitable purposes in law.

Consultation Question 8: What is the scale of the problem? This might include information about the number of people affected this year or the number of cases which were heard in a court or tribunal over a particular period. Please share your views below:

In 2019, the NSS found that out of approximately 34,800 charities registered with the Charity Commission for England & Wales conducting religious activities, over 12,000 charities list "religious activities" as their sole purpose (over 7% of all charities). Although some of these charities will include activities that do have a tangible public benefit, such as helping the poor, among those "religious activities", a considerable proportion are only conducting activities that benefit the religious organisation itself, such as proselytising and producing leaflets.

This means the loss to the public purse in terms of gift aid and other tax breaks to religious charities that do not benefit the public is likely to be considerable, although an exact estimate is difficult.

Additionally, it is impossible to state how many individuals have been harmed by the activities of religious charities, although those numbers are again likely to be high due to the large number of charities registered for the purpose of "advancement of religion", and the number of members of religious charities identified as particularly harmful. For example, in the UK there are approximately 130,900 active members of the Jehovah's Witness religion<sup>67</sup>, which has been associated with a number of potential harms. Other charities may cause harm to those outside the religion by perpetuating negative and stigmatising ideas about particular groups, such as LGBT people, women, and members of different religions. See Appendix 3 for examples of the kinds of harms perpetuated by religious charities. Such activities undermine public trust in the charity sector.

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<sup>66</sup> For example: Zoledziowski, Anya. 'There are growing calls to finally tax the Catholic Church'. Vice, 7 July 2021. <https://www.vice.com/en/article/m7ep4x/there-are-growing-calls-to-finally-tax-the-catholic-church>; Robson, John, 'Churches should not be tax-exempt (but not because of residential schools)'. National Post, 7 July 2021. <https://nationalpost.com/opinion/john-robson-churches-should-not-be-tax-exempt-but-not-because-of-residential-schools>; Thomas, Josh, 'Don't burn the churches, tax them.' Fort Saskatchewan Record, 10 July 2021. <https://www.fortsaskatchewanrecord.com/news/dont-burn-the-churches-tax-them> All accessed 14 July 2021.

<sup>67</sup> Wikipedia, 'Jehovah's Witnesses by country'. [https://en.wikipedia.org/wiki/Jehovah%27s\\_Witnesses\\_by\\_country](https://en.wikipedia.org/wiki/Jehovah%27s_Witnesses_by_country) Accessed 30 June 2021.

## Consultation Question 9: What would be the positive impacts of reform?

Positive impacts of reform to charity law to remove ‘the advancement of religion’ from the list of charitable purposes include:

**Modernisation:** The view that ‘advancing religion’ is inherently positive, and that it is somehow better to have a religion than not, is an outdated one that is increasingly offensive in a country where over 50% of the population have no religion.

**Fairness:** Including “the advancement of religion” on the list of charitable purposes privileges religion. Other organisations advancing nonreligious philosophies, lifestyles, worldviews or ideologies have no true equivalent charitable purpose under which they can register. Indeed, organisations advancing nonreligious political philosophies are effectively excluded from becoming charities in England and Wales because a charity “cannot have political activity as any of its charitable purposes”.<sup>68</sup> Charities promoting religiously-influenced political philosophies can register more easily as charities because these values can be covered by ‘the advancement of religion’. Additionally, as Charity Commission tribunals have demonstrated, the Charity Commission appears biased against more obscure, newer religions that do not closely resemble more well-known, ‘traditional’ religions (see Q4), which means only certain religious organisations are able to register under “the advancement of religion”.

**Economic:** Removing ‘the advancement of religion’ from the list of charitable purposes would mean only those charities that provide a public benefit would be entitled to gift aid and other tax benefits. This would mean more public money that has previously gone to benefit religious organisations that serve no tangible public benefit would go back into the public purse.

**Improving simplicity of law:** Including ‘the advancement of religion’ in the list of charitable purposes causes unnecessary complexity in law. It forces the law to grapple with deeply philosophical questions such as ‘what is a religion’, and what constitutes an intangible public benefit. The complexity is evidenced by the number of convoluted Charity Commission tribunals involving religion (see Q4 for examples). Removing ‘the advancement of religion’ would remove this complexity and would mean charity law only needs to consider tangible, objective and evidence-based public benefit. It would also enhance public trust in the charity sector.

**Reducing harm:** Many of the harms promoted by some religious charities are directly related to the religious teachings they promote; see Appendix 3 for examples. Removing ‘the advancement of religion’ would help to mitigate some of those harms and in turn would reduce regulatory burdens.

## Consultation Question 10: If this area of the law is reformed, can you identify what the costs or other negative impacts of reform might be?

Charity regulators would ultimately make long-term savings as fewer organisations overall would be eligible for charitable status if “the advancement of religion” was no longer a charitable purpose, cutting down significantly on the administration costs.

Furthermore, greater savings would be made to the public purse as fewer organisations would be eligible for the gift aid and other tax benefits associated with registered charity status.

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<sup>68</sup> Charity Commission for England and Wales, “Guidance: Campaigning and political activity guidance for charities (CC9) “. Gov.uk, March 2008. p.8 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/610137/CC9.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/610137/CC9.pdf) Accessed 25 May 2021.

Consultation Question 11: Does the problem adversely impact equality, diversity and inclusion by affecting certain groups in society, or particular areas of the country, more than others? If so, what are those groups or areas?

The inclusion of ‘the advancement of religion’ on the list of charitable purposes has a particularly adverse impact on equality and diversity and inclusion for a number of certain groups, including:

**Non-religious people:** Including “the advancement of religion” on the list of charitable purposes privileges religion. Other organisations advancing nonreligious philosophies, lifestyles, worldviews or ideologies have no true equivalent charitable purpose under which they can register. Over half the population are not religious, and they are therefore disadvantaged and treated unfairly by current charity law.

Furthermore, some religious charities promote hostility, violence and intolerance towards nonreligious people or those who leave their religion. Please see Appendix 3 for examples of charities that have promoted or condoned messages of violence (sometimes execution) or hatred towards ‘apostates’, including Afghan Islamic and Cultural Centre, Bolton Central Islamic Society, IslamBradford, Islamic Centre Leicester and Islam Research Foundation International.

**Members of minority religions:** There have been cases where organisations representing minority religions have been excluded from receiving charitable status because the Charity Commission did not consider their religion to be a religion for the purposes of charity law, despite them being recognised as religions elsewhere in law (see Q4).

Additionally, some religious charities promote hostility, violence and intolerance towards religious minorities. Examples of charities that have that have promoted or condoned messages of violence or hatred towards members of religious minorities are included in Appendix 3; these charities include Islamic Centre Leicester, Islamic Research Foundation International, Khatme Nubuwwat Centre, and York Christadelphian Ecclesia.

Finally, the harms that religious organisations inflict upon their own adherents must be considered. High control, insular religions are frequently criticised by members and former members for treating their members in an abusive manner. See Appendix 3 for a summary of the harms caused by the Watch Tower Bible and Tract Society of Britain and other Jehovah’s Witness charities as an example, although there are many other charities affiliated with other religious groups that have attracted similar criticisms.

**LGBT+ people:** It is very common for religious charities to promote hateful and intolerant ideas about LGBT+ people, because many religions prohibit same-sex relationships. Most of the examples of harmful charities listed in Appendix 3 have promoted some form of homophobia. In some cases, they have even promoted messages advocating or condoning the killing of gay people – these include Afghan Islamic and Cultural Centre, Bolton Central Islamic Society, Christadelphian Auxiliary Lecturing Society, IslamBradford, Islamic Network and The Preston Muslim Cultural Centre.

Other charities have conducted or promoted activities that can be classified as ‘gay conversion therapy’, or suggested that being gay is a disease or disorder in need of curing. These include Core Issues Trust, The Faith Movement, Ghamidi Centre of Islamic Communication, Mountain of Fire and Miracles Ministries International and World Mission Agency – Winners Chapel International.

**Women:** It is also very common for religious charities to promote misogynistic and sexist ideas about women. This is because many religions consider women to be subordinates to men. In some cases, charities have promoted material that advocates or condones violence against women. Examples of charities promoting sexism, misogyny or violence against women can be found in Appendix 3; such charities include Bolton Central Islamic Society, Christadelphian Bible Mission, The Christadelphian



Sunday School Union, Croydon Mosque and Islamic Centre, Ghamidi Centre of Islamic Communication, Holiness Revival Movement Worldwide Europe, IslamBradford, The Preston Muslim Cultural Centre, Thamesdown Islamic Association, and York Christadelphian Ecclesia.

**Children:** Some religious charities advocate physical punishment of children, justified by certain statements in the Bible. Examples are in Appendix 3; these include Free Presbyterian Church of Scotland and York Christadelphian Ecclesia.

There is also at least one charity established solely to promote infant male religious circumcision (The Initiation Society; see Appendix 3); please see Idea for Reform 3 for further discussion on why this is harmful to children.

Consultation Question 12: In your view, why is the independent, non-political, Law Commission the appropriate body to undertake this work, as opposed to, for example, a Government department, Parliamentary committee, or a non-Governmental organisation? Please share your views below:

The Law Commission has a strong track record of identifying, and suggesting changes to, historical laws that need modernising. This includes laws involving religion, such as its recent proposals to reform wedding laws. Our suggestion for removing “the advancement of religion” from the list of recognised charitable purposes in law mirrors many of the principles behind the Commission’s suggested wedding law reforms: revising laws from a time where religion (especially Christianity) was more dominant in society to be more suited to the increasingly irreligious and religiously diverse 21<sup>st</sup> century UK where the values of equality, fairness, pluralism and cohesion are of increasing importance.

Consultation Question 13: Have you been in touch with any part of the Government (either central or local) about this problem? What did they say? Please share your views below:

We regularly engage with charity regulators on this issue.

Since 2019, the NSS has monitored all charities registered each month under the purpose of “the advancement of religion” or the objects of “religious charities” across the UK. On several occasions, we have found newly registered charities with such egregiously harmful material on their websites that we have reported them to the charity regulators. We have also reported other, older charities we have discovered to be promoting harm to charity regulators. See Appendix 3 for examples.

While the Charity Commission for England & Wales has successfully intervened with some of these charities, there are other examples where the charity regulators have been seemingly powerless to prevent the harm caused by charities. Examples include Buckfast Abbey Trust and Core Issues Trust; see Appendix 3 for further details.

We think the process of civil society groups such as ourselves monitoring newly registered charities for potential harms and reporting them to the charity regulator is inefficient and ineffective. It should not fall to organisations like ourselves to compensate for the failings of charity law to mitigate the harms caused by charities. Until fundamental reform is made to charity law, the problem is likely to continue.



Consultation Question 14: Is any other organisation such as the Government or a non-Governmental group currently considering this problem? Have they considered it recently? If so, please give us the details of their investigation on this issue, and why you think the Law Commission should also look into the problem.

To our knowledge no other organisation is currently considering this problem. The Law Commission are well-placed to consider this problem that has been largely overlooked.

## Idea for reform #3: Genital cutting – give greater protection for boys

Consultation Question 1: In general terms, what is the problem that requires reform? Please share your views below:

There is an immense disparity between the protections afforded to boys and girls regarding autonomy over their genitals. Girls and women are afforded full protection as all forms of Female Genital Mutilation (FGM) are explicitly prohibited. However, no such explicit laws exist prohibiting non-consensual, medically unnecessary (i.e. religious or cultural) circumcision or other genital modification in boys and men. This is incompatible with human rights law, creates inequality between men and women, and leaves thousands of boys at risk of serious harm and even death.

**The law therefore needs to be reformed to ensure boys are entitled to the same level of protection over their bodily autonomy as girls.**

Consultation Question 2: Can you give us an example of what happens in practice? *For example, if you are a solicitor or barrister, you might describe how the problem affects your clients.* Please share your views below:

Boys born into religiocultural communities that practise childhood circumcision (chiefly Jewish, Muslim and some African Christian communities) in the UK are not being protected from the unrestricted expression of their parents' beliefs regarding their most intimate body parts. Male children born into these communities are having their genitals surgically altered, in accordance with their parents' or communities' belief system.

Those children upon whom medically unnecessary genital cutting has been performed permanently lose a large part of their normal penis (approximately one third of the covering of the adult penis). The penile prepuce is one of the most sensitive parts of a man's body, providing numerous functions in intact men and boys. Healthy intact men rarely choose to lose this part of their anatomy and when they do, often regret it.<sup>69</sup>

### **The harms of circumcision**

The debate on the topic of religious and cultural circumcision on boys has been subject to confusion due to claims by religious and cultural leaders asserting some form of medical benefit for religious circumcision and claiming no or minimal harmful effects.

Non-therapeutic circumcision of children, commonly performed without adequate anaesthetic, is excruciatingly painful. Even in clinical environments, infant circumcision is usually performed under a local rather than a general anaesthetic. The level of anaesthesia used is rarely sufficient to remove all sensation. Circumcisions performed in non-clinical environments may involve no pain relief at all and risk further complications such as infection and haemorrhage in the absence of trained healthcare professionals. Following the procedure, infants continue to experience considerable pain and discomfort during recovery. All boys subjected to circumcision irreversibly lose the ability to experience the pleasurable sensations and the sexual functions of the foreskin itself.

Surgical complications resulting from circumcision can include: Scarring, urinary difficulties, meatal stenosis, sinus formation, erection problems, denuding of the skin of the penis, infection, bleeding,

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<sup>69</sup> Haaretz, 'They felt pressured to get circumcised after moving to Israel. They now regret it' 7 December 2019 <https://www.haaretz.com/israel-news/premium.MAGAZINE-they-felt-pressured-to-get-circumcised-after-moving-to-israel-they-now-regret-it-1.8227063> Accessed 30 June 2021.

psychological problems, amputation of the penis, and even death. In some Jewish communities, the mohel (circumciser) sucks the baby's penis following circumcision in a ritual known as 'metzitzah b'peh'. This carries a serious risk of disease transmission, especially of the herpes virus. In no other context would oral contact with a minor's genitals be considered legally permissible – indeed, its legality is questionable as there is no allowance for it under the Sexual Offences Act 2003.

Aside from the physical harm caused by circumcision, there is an implicit harm in depriving a person of the chance to retain an intact body, particularly when there is no medical reason to operate.

Throughout history, male circumcision has been advocated as a pseudo-medical cure for a variety of ailments ranging from epilepsy to excessive masturbation. However, any marginal health claims are extremely contested and in any case if the benefits of the operation outweighed the risks, NHS doctors would recommend it for every child – regardless of the parents' religion – and they do not. The NSS is unaware of any national medical, paediatric, surgical or urological society in the world that recommends routine circumcision of all boys as a health intervention. Usually, where male circumcision is performed for religious or cultural reasons, proponents rely instead on the claim that it is of purported benefit to a child to have genital surgery in order to fully 'belong' to the community of birth. This claim is made despite the fact that the male child's adult beliefs, sexual preferences and wishes cannot be known at the time the surgery is performed, and despite the fact that similar claims made for non-therapeutic genital surgery on girls or for other harmful traditional procedures practised on children such as facial scarification have been ruled unlawful (see *R v Adesanya*, summarised in Q4).

Supposed medical benefits of circumcision are increasingly under question in the UK. The only absolute medical indication for circumcision of boys under five years old is pathological phimosis which is unusual before the age of 5 according to the British Association of Paediatric Surgeons<sup>70</sup>. The proportion of boys in England circumcised for purported medical reasons had fallen from 35% in the early 1930s to 6.5% by the mid-1980s. An estimated 3.8% of male children in the UK in 2000 were being circumcised by the age of 15. The researchers stated that too many boys, especially under the age of five, were still being circumcised because of a misdiagnosis of phimosis<sup>71</sup>.

Men who are unhappy that they were circumcised as children may be reluctant to express disapproval of the procedure for a variety of reasons including embarrassment, a reluctance to criticise decisions made by their parents, and gender-based pressure not to appear weak or vulnerable. However, an increasing number of men who were circumcised as children are beginning to speak out against it; examples of such men who have given their testimonies to the NSS are in Appendix 4.

It is a myth that FGM is always more invasive and harmful than circumcision. This myth ignores the wide spectrum of procedures that come under the classification of 'FGM'. No-one would deny that extreme forms of FGM, in which all external female genitalia are severely damaged or removed in unhygienic conditions, cause greater long-term suffering than mainstream forms of male circumcision.

But 'minor' forms of FGM, such as those widespread in Malaysia, involve a pinprick to the clitoral hood, sometimes known as the 'ritual nick'. This type of FGM entails a much smaller risk of infection or other unintended complications than other forms, and the amount of tissue damaged is minimal. Nevertheless, along with other forms of FGM, this causes pain and distress to the child and is rightly outlawed in the UK.

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<sup>70</sup> The Royal College of Surgeons of England, 'Statement on Male Circumcision'. 6 March 2001 <http://www.rcs.org/library/statements/RCS2001/> Accessed 12 July 2021.

<sup>71</sup> Men's Health Forum, 'Circumcision FAQs'. <https://www.menshealthforum.org.uk/circumcision-faqs> Accessed 1 July 2021.

In contrast, male circumcision always involves the permanent removal of the foreskin. It can therefore be said that male circumcision is more invasive, harmful and risky than the 'ritual nick' type of FGM. It is therefore inconsistent that all types of FGM are banned, while all types of male circumcision are permitted.

### **The 'religious freedom' argument**

One of the main drivers for the omission to extend protections to boys and men has likely been that adults in traditional conservative Jewish and Muslim communities have practised this form of genital cutting on children born into their communities for centuries. It is true that many adults who have exercised their freedom of religion or belief and have chosen to remain within their birth community support the continuation of the circumcision practice. Their stated justification for performing this on their children has been that it is integral to their belief or culture. In so doing, they are assuming that all children born into their community will later choose to adopt their beliefs and their practices; either that or they have no regard for those who might later choose otherwise. We believe this reasoning is fundamentally flawed, unethical and dangerous and by forcing the practice on young children, it denies the children the very same freedoms to express their beliefs that they themselves have exercised.

It has been recognised that "harmful practices can never be justified as manifestations of freedom of religion or belief, whatever their underlying reasons may be".<sup>72</sup> This principle must be applied without fear or favour. The logic that excludes male genital cutting from this principle is unsound.

Consultation Question 3: To which area(s) of the law does the problem relate? Please tick one or more boxes.

Civil law, criminal law, equality law, human rights law.

Permitting non-consensual, non-therapeutic male circumcision may additionally violate the following articles of the UN Convention on the Rights of the Child (UNCRC):

- Article 2 (non-discrimination)
- Article 3 (best interests of the child)
- Article 4 (implementation of the Convention)
- Article 6 (life, survival and development)
- Article 12 (respect for the views of the child)
- Article 13 (freedom of expression)
- Article 15 (freedom of association)
- Article 14 (freedom of thought, belief and religion)
- Article 19 (protection from violence, abuse and neglect)
- Article 24 (health and health services)
- Article 37 (inhumane treatment and detention)

We recommend watching James Chegwidde's 2018 presentation on the different areas of law that non-therapeutic infant male circumcision may breach, viewable at <https://www.youtube.com/watch?v=pbu8tO2Ca5g>.

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<sup>72</sup> Freedom of Religion Or Belief: An International Law Commentary By Heiner Bielefeldt, Nazila Ghanea-Hercock, Michael Wiener

Consultation Question 4: We will be looking into the existing law that relates to the problem you have described. Please tell us about any court/tribunal cases, legislation, books or journal articles that relate to this problem. *You may be able to tell us the name of the particular Act or case that relates to the problem.* Please share your views below:

The laws protecting women and girls from non-consensual, non-medical genital cutting are the Female Genital Mutilation Act 2003 (England, Wales and Northern Ireland) and the Female Genital Mutilation (Scotland) Act 2005. Even without specific FGM legislation, many cases of FGM might be prosecuted under broader legislation enacted to protect children from unnecessary harm.

Although there is no specific law covering non-therapeutic male circumcision of children, laws prohibiting non-consensual intimate contact or cutting of male or female genitals include the Children Act 1989, the Offences against the Person Act 1861, and the Sexual Offences Act 2003.

### **Court/tribunal cases**

Re v Adesanya (Times LR, 16 July 1974) – a Nigerian mother was prosecuted for the ceremonial scarring of the cheeks of her nine and fourteen year old sons. In this case, despite the fact that the scarification would have been accepted as a normal part of Yoruba custom, and that the Nigerian community in Britain was probably not aware that the practice was contrary to English law, Mrs Adesanya was convicted<sup>73</sup>.

Re J (Specific Issue Orders: Muslim Upbringing and Circumcision) [1999] 2 FLR 678<sup>74</sup>, on appeal Re J (Specific Issue Orders: Child’s Religious Upbringing and Circumcision) [2000] 1 FLR 571<sup>75</sup> - J was born to a Christian mother and Muslim father who separated when he was two and a half years old. Thereafter J was brought up by the mother in an essentially secular household. However, when J was five years old the father applied for specific issue order that J be circumcised. The mother opposed the father's application, which was also opposed by the Official Solicitor acting as J's guardian ad litem. The judge held that on the facts it was not in J's best interest to be circumcised. A subsequent appeal was dismissed.

Re S (Specific Issue Order: Religion: Circumcision) [2004] EWHC 1282 (Fam)<sup>76</sup> - After the separation from her husband, a mother applied to the court for permission for her son to be circumcised. The father opposed the application. She was concerned that if the children were not raised as Muslims, she, and possibly her entire family, would be expelled from the religious community. Permission was rejected, on the grounds that circumcision was not in the son’s best interests at present, because it would limit his freedom of choice.

Re B & G (2015)<sup>77</sup> – The High Court ruled that nontherapeutic male circumcision (including competently performed circumcision) constitutes “significant harm” to a child for the purposes of the Children Act in the context of care proceedings. The High Court further concluded that to claim male circumcision is less invasive or harmful than some forms of female genital mutilation (FGM) would contradict the evidence and indeed be “irrational”.

Re A (a child) EWFC B131 (2015)<sup>78</sup> – The parents of Child A, under local authority care, applied for the local authority to arrange for A to be circumcised. The judge said circumcision would be “likely to be painful with attendant discomfort”, with a degree of “physical and psychological risk”.

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<sup>73</sup> Available at <https://www.casemine.com/judgement/uk/5a8ff7be60d03e7f57eb1b76> Accessed 1 July 2021.

<sup>74</sup> Available at <https://www.bailii.org/ew/cases/EWCA/Civ/1999/3022.html>. Accessed 12 July 2021.

<sup>75</sup> Available at [http://www.cirp.org/library/legal/Re\\_J/2000.html](http://www.cirp.org/library/legal/Re_J/2000.html) Accessed 12 July 2021.

<sup>76</sup> Summarised at <https://www.4pb.com/case-detail/re-s-specific-issue-order-religion-circumcision/> Accessed 12 July 2021.

<sup>77</sup> Available at: [https://www.familylaw.co.uk/news\\_and\\_comment/re-b-and-g-children-no-2-2015-ewfc-3](https://www.familylaw.co.uk/news_and_comment/re-b-and-g-children-no-2-2015-ewfc-3) Accessed 17 June 2021.

<sup>78</sup> Available at: <https://www.casemine.com/judgement/uk/5a8ff7c460d03e7f57eb1f23> Accessed 12 July 2021.

Re L and B (Children: Specific Issues: Temporary Leave to Remove from the Jurisdiction: Circumcision) [2016] EWHC 849 (Fam)<sup>79</sup> - A Muslim father's applications for his children, living solely with their mother, to be circumcised was dismissed. The court found it was not in the children's best interests to undergo the procedure until they were competent in terms of their age and degree of maturity to make a decision for themselves.

R v Martina Obi-Uzom (2019) – Martina Obi-Uzom was found guilty of causing grievous bodily harm to an 11 month old baby boy by having him circumcised despite his mother's objections. She was given a suspended sentence of 14 months. The judge acknowledged circumcision entailed "physical harm". She was also suspended from the register of the General Pharmaceutical Council, who said her conviction "arose from the Registrant's decision to prioritise her religious, cultural and traditional beliefs over and above the law and a fundamental tenet of the profession, namely the giving and receiving of informed consent."<sup>80</sup>

M v F Respondents, X Local Authority, P (By his Children's Guardian) (2021)<sup>81</sup> – The High Court ruled that a one-year-old boy ("P") taken into care should not be circumcised, despite the wishes of his Muslim parents. The judge concluded that the decision to circumcise P should be deferred until he is "able to make his own choice, once he has the maturity and insight to appreciate the consequences and long-term effects of the decision". The judge acknowledged that circumcision would be "painful and distressing to P for a number of days or weeks", and that circumcision later in life would "require greater cooperation from P".

### **Journal articles**

The Brussels Collaboration on Bodily Integrity (2019) 'Medically Unnecessary Genital Cutting and the Rights of the Child: Moving Toward Consensus', *The American Journal of Bioethics*, 19:10, 17-28<sup>82</sup>

Darby, Robert. 'Targeting Patients Who Cannot Object? Re-Examining the Case for Non-Therapeutic Infant Circumcision.' (2016) *Sage Open* Volume: 6 issue: 2<sup>83</sup>

Dena S. Davis, 'Male and Female Genital Alteration: A Collision Course with the Law?', *11 Health Matrix* 487 (2001)<sup>84</sup>

DeLaet, Debra. (2012). 'Genital Autonomy, Children's Rights, and Competing Rights Claims in International Human Rights Law'. *The International Journal of Children's Rights*. 20. 554-583. 10.1163/15718182-55680007. <sup>85</sup>

Earp, Brian & Darby, Robert. (2017). 'Circumcision, Sexual Experience, and Harm'. *University of Pennsylvania Journal of International Law*. 37. 1-56.<sup>86</sup>

Earp, B. D., & Steinfeld, R. (2018). 'Genital autonomy and sexual well-being'. *Current Sexual Health Reports*, Vol. 10, No. 1, 7-17.<sup>87</sup>

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<sup>79</sup> Summarised at [https://www.familylaw.co.uk/news\\_and\\_comment/l-and-b-children-2016-ewhc-849-fam](https://www.familylaw.co.uk/news_and_comment/l-and-b-children-2016-ewhc-849-fam) Accessed 12 July 2021.

<sup>80</sup> General Pharmaceutical Council, 'Fitness to Practise Information for Mrs Martina Ifeyinwa Obi-Uzom 2040821'. 24 June 2021.

<https://www.pharmacyregulation.org/registers/pharmacist/ftpissues/2040821> Accessed 1 July 2021.

<sup>81</sup> Available at: <https://www.bailii.org/ew/cases/EWHC/Fam/2021/1616.pdf> Accessed 1 July 2021.

<sup>82</sup> Available at <https://doi.org/10.1080/15265161.2019.1643945> Accessed 22 July 2021.

<sup>83</sup> Available at <https://journals.sagepub.com/doi/full/10.1177/2158244016649219> Accessed 27 July 2021.

<sup>84</sup> Available at <https://scholarlycommons.law.case.edu/healthmatrix/vol11/iss2/7> Accessed 22 July 2021.

<sup>85</sup> Available at

[https://www.researchgate.net/publication/275506072\\_Genital\\_Autonomy\\_Children's\\_Rights\\_and\\_Competing\\_Rights\\_Claims\\_in\\_International\\_Human\\_Rights\\_Law](https://www.researchgate.net/publication/275506072_Genital_Autonomy_Children's_Rights_and_Competing_Rights_Claims_in_International_Human_Rights_Law) Accessed 22 July 2021.

<sup>86</sup> Available at [https://www.researchgate.net/publication/315763686\\_Circumcision\\_Sexual\\_Experience\\_and\\_Harm/citation/download](https://www.researchgate.net/publication/315763686_Circumcision_Sexual_Experience_and_Harm/citation/download) Accessed 27 July 2021.

<sup>87</sup> Available at <https://link.springer.com/article/10.1007/s11930-018-0141-x>. Accessed 27 July 2021.

Earp, Brian, et. al. 'Reason and Paradox in Medical and Family Law: Shaping Children's Bodies'. *Med Law Rev.* 2017 Nov 1;25(4):604-627. doi: 10.1093/medlaw/fwx027. PMID: 28541496.<sup>88</sup>

Fox, M., & Thomson, M. (2005). 'Short Changed? The Law and Ethics of Male Circumcision', *The International Journal of Children's Rights*, 13(1-2), 161-182. 10.1163/1571818054545196<sup>89</sup>

Fox, Marie et. al. (2016). 'Ritual Male Circumcision in the United Kingdom'.<sup>90</sup>

Hammond, Tim and Carmack, Adrienne. (2017) 'Long-term adverse outcomes from neonatal circumcision reported in a survey of 1,008 men: an overview of health and human rights implications', *The International Journal of Human Rights*, 21:2, 189-218<sup>91</sup>

Möller, Kai. 'Male and Female Genital Cutting: Between the Best Interest of the Child and Genital Mutilation'. *Oxford Journal of Legal Studies*, Volume 40, Issue 3, Autumn 2020, Pages 508–532<sup>92</sup>

Consultation Question 5: Can you give us information about how the problem is approached in other legal systems? You might have some information about how overseas legislatures have responded or how the court or tribunals approach the problem. Please share your views below:

There is no state which currently unequivocally protects all healthy male children from non-therapeutic circumcision, albeit the legality of such circumcision is disputed in some legislations; see below.

At least 59 countries have banned FGM<sup>93</sup>. In recent years, some countries have implemented bans on non-consensual surgery on intersex minors, including Malta (see below for more information), Chile<sup>94</sup>, India<sup>95</sup> and Germany<sup>96</sup>.

## Australia

Statement from the Royal Australasian College of Physicians (RACP):

"After reviewing the currently available evidence, the RACP believes that the frequency of diseases modifiable by circumcision, the level of protection offered by circumcision and the complication rates of circumcision do not warrant routine infant circumcision in Australia and New Zealand. ... Since circumcision involves physical risks which are undertaken for the sake of psychosocial benefits or debatable medical benefit to the child, ... The option of leaving circumcision until later, when the boy is old enough to make a decision for himself does need to be raised with parents and considered."<sup>97</sup>

<sup>88</sup> Available at <https://pubmed.ncbi.nlm.nih.gov/28541496/>. Accessed 22 July 2021.

<sup>89</sup> Available at <https://doi.org/10.1163/1571818054545196>. Accessed 27 July 2021.

<sup>90</sup> Available at [https://www.academia.edu/25302415/Ritual\\_Male\\_Circumcision\\_in\\_the\\_United\\_Kingdom](https://www.academia.edu/25302415/Ritual_Male_Circumcision_in_the_United_Kingdom). Accessed 27 July 2021.

<sup>91</sup> Available at <https://www.tandfonline.com/doi/abs/10.1080/13642987.2016.1260007> Accessed 22 July 2021.

<sup>92</sup> Available at: <https://doi.org/10.1093/ojls/gqaa001> Accessed 22 July 2021.

<sup>93</sup> Equality Now, 'FGM and the law around the world'. 18 June 2019 <https://www.equalitynow.org/the-law-and-fgm> Accessed 18 June 2021.

<sup>94</sup> "Chilean Government Stops the 'Normalization' of Intersex Children". OutRight Action International. January 14, 2016. <https://outrightinternational.org/content/chilean-government-stops-normalization-intersex-children> Accessed 18 June 2021.

<sup>95</sup> Knight, Kyle. 'Indian state bans unnecessary surgery on intersex children'. Human Rights Watch, 29 August 2019. <https://www.hrw.org/news/2019/08/29/indian-state-bans-unnecessary-surgery-intersex-children> Accessed 18 June 2021.

<sup>96</sup> "Schutz von Kindern mit Varianten der Geschlechtsentwicklung". Deutscher Bundestag (in German). <https://www.bundestag.de/dokumente/textarchiv/2021/kw12-de-geschlechterentwicklung-kinder-830122> Accessed 18 June 2021.

<sup>97</sup> Royal Australasian College of Physicians, 'Circumcision of infant males'. 2010



Cosmetic circumcision for newborn males is currently banned in all Australian public hospitals but is permitted in private hospitals<sup>98</sup>.

In 1993, a non-binding research paper of the Queensland Law Reform Commission (Circumcision of Male Infants) concluded that on “a strict interpretation of the assault provisions of the Queensland Criminal Code, routine circumcision of a male infant could be regarded as a criminal act” and that doctors who perform circumcision on male infants may be liable to civil claims by that child at a later date.<sup>99</sup>

In 2009, the Tasmanian Law Reform Institute released its Issues Paper investigating the law relating to male circumcision in Tasmania, which “highlights the uncertainty in relation to whether doctors can legally perform circumcision on infant males”<sup>100</sup>.

## Belgium

Statement from the Belgian Advisory Committee on Bioethics:

“As circumcision is irreversible and therefore a radical operation, we find the physical integrity of the child takes precedence over the belief system of the parents.”<sup>101</sup>

## Canada

Statement from the Canadian Paediatric Society:

“The CPS does not recommend the routine circumcision of every newborn male. ... With newborn circumcision, medical necessity has not been clearly established. ... In cases in which medical necessity is not established or a proposed treatment is based on personal preference, interventions should be deferred until the individual concerned is able to make their own choices.”<sup>102</sup>

Statement from the College of Physicians and Surgeons of British Columbia:

“To date, the legality of infant male circumcision has not been tested in the Courts. It is thus assumed to be legal if it is performed competently, in the child's best interest, and after valid consent has been obtained.

At all times the physician must perform the procedure with competence and at all times, the parent and physician must act in the best interests of the child. Signed parental consent for any treatment is assumed to be valid if the parent understands the nature of the procedure and its associated risks and benefits. However, proxy consent by parents is now being questioned. Many believe it should be limited to consent for diagnosis and treatment of medical conditions, and that it is not relevant for non-therapeutic procedures.”<sup>103</sup>

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<sup>98</sup> Pengelley, J (12 November 2007). "SA to ban most circumcisions in state hospitals". The Advertiser. Archived from the original on 26 February 2014. <https://web.archive.org/web/20140226170054/http://www.news.com.au/national/sa-to-ban-most-circumcisions-in-state-hospitals/story-e6frfkvr-111114853797> Accessed 17 June 2021.

<sup>99</sup> 'Circumcision of Male Infants Research Paper'. Brisbane: Queensland Law Reform Commission, 1993. <http://www.cirp.org/library/legal/QLRC/> Accessed 17 June 2021.

<sup>100</sup> "Male circumcision". Tasmanian Law Reform Institute. Archived from the original on 6 June 2009. <https://web.archive.org/web/20090606212132/http://www.law.utas.edu.au/reform/malecircumcision.htm> Accessed 17 June 2021.

<sup>101</sup> "Ethics committee rules against infant circumcision | Flanders Today". flanderstoday.eu. Archived from the original on 19 August 2019. <https://web.archive.org/web/20190819173936/http://www.flanderstoday.eu/current-affairs/ethics-committee-rules-against-infant-circumcision> Accessed 17 June 2021.

<sup>102</sup> Canadian Paediatric Society. "Newborn male circumcision | Canadian Paediatric Society". cps.ca. Archived from the original on 3 February 2020. <https://web.archive.org/web/20200203153328/https://www.cps.ca/en/documents/position/circumcision> Accessed 17 June 2021.

<sup>103</sup> Circumcision (Infant Male) Archived 15 February 2012 in: Professional Standards and Guidelines. Vancouver, College of Physicians and Surgeons of British Columbia, 2009 <https://web.archive.org/web/20120215182208/https://www.cpsbc.ca/files/u6/Circumcision-Infant-Male.pdf> Accessed 17 June 2021.

## Council of Europe

In October 2013 the Parliamentary Assembly of the Council of Europe adopted a non-binding resolution in which they state they are “particularly worried about a category of violation of the physical integrity of children which supporters tend to present as beneficial to the children themselves despite clear evidence to the contrary”, and included in this category “circumcision of young boys for religious reasons”<sup>104</sup>.

## Denmark

In 2016 the Danish Medical Association called for an end to infant male circumcision, arguing that the procedure should only ever be performed with “informed consent”<sup>105</sup>. In April 2018 a proposal to the Danish government to create a gender-neutral age of consent of 18 for all forms of non-therapeutic genital cutting was rejected, despite considerable public support<sup>106</sup>.

## Finland

In 2019 the Finnish Ombudsman issued this statement after the Finnish Supreme Court found that non-therapeutic circumcision of boys is assault:

“The Deputy Ombudsman took the view that circumcising young boys, who are unable to give their consent, without a medical reason is highly questionable from a legal standpoint. ... On 31 March 2016, the Supreme Court adopted two decisions that complement a previous precedent in which the Court found that the non-medical circumcision of boys constitutes an assault offence but is not punishable when it is considered to be in the best interests of the child. In 2013, the Nordic Ombudsmen for Children adopted a joint statement stating that boys should be given the chance to decide for themselves whether or not they want to be circumcised. In 2015, the Finnish Ombudsman for Children Tuomas Kurttila proposed that Finland should enact an act prohibiting the non-medical circumcision of young boys.”<sup>107</sup>

## Germany

Statement from the German Association of Pediatricians (BVKJ):

“From a medical point of view, there is no reason to remove the intact foreskin of underage and non-consenting boys. ... The tip of the foreskin is richly supplied with blood by important vascular structures. The foreskin serves as a connecting channel for numerous important veins. Circumcision can contribute to erectile dysfunction by destroying these blood lines. Their removal can, as the accounts of many sufferers show, lead to considerable restrictions on the sexual experience and mental stress. The frequently cited AAP opinion (DOI: 10.1542 / peds.2012-1989 Pediatrics "originally published online 27 Aug. 2012) contradicts earlier statements by the same organization without being able to invoke new research findings. This AAP opinion is now considered scientifically unsustainable by almost all other pediatric societies and associations in the world. ... The WHO recommendation on prophylactic

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<sup>104</sup> Parliamentary Assembly, Council of Europe. Children's Right to Physical Integrity Resolution 1952., Adopted at Strasbourg, Tuesday, 1 October 2013. Archived 10 October 2013 <https://web.archive.org/web/20131010015941/http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=20174&lang=en> Accessed 17 June 2021.

<sup>105</sup> Sheikh, Jakob (4 December 2016). "Lægeforeningen: Indfør aldersgrænse for drengomsækering" [Danish Medical Association: Implement an age requirement for circumcision of boys]. Politiken (in Danish). Archived from the original on 8 November 2020. <https://web.archive.org/web/20201108103843/https://politiken.dk/indland/art5720474/L%C3%A6geforeningen-Indf%C3%B8r-aldersgr%C3%A6nse-for-drengoms%C3%A6ring> Accessed 17 June 2021.

<sup>106</sup> National Secular Society, 'Danish bid to create age of consent for genital cutting set to fail'. 25 April 2018 <https://www.secularism.org.uk/news/2018/04/danish-bid-to-create-age-of-consent-for-genital-cutting-set-to-fail>

<sup>107</sup> "Circumcision of boys (TAS 143/2016, issued on 23 August 2016)" 16 October 2019. Archived from the original on 16 October 2019. <https://archive.ph/20191016053752/https://www.tasa-arvo.fi/web/en/-/circumcision-of-boys-tas-143-2016-issued-on-23-august-2016-> Accessed 17 June 2021.

circumcision also applies only to sexually mature sexually active men in low-hygiene countries and cannot be used as a basis for the prophylactic circumcision underage boys. ... Worldwide, no medical professional society, not even the AAP, sees such a significant advantage in the general circumcision of young boys that it generally recommends them. ... Religious regulations must not influence doctors in their care for their patients - and underage children deserve our very special care here. According to our sense of justice, boys have the same constitutional legal right to physical integrity as girls; they must not be disadvantaged because of their gender (Article 3 of the Basic Law). Parental rights and religious freedom end where the physical integrity of a child who is under the age of consent is not affected (Article 2 of the Basic Law) without a clear medical indication.”<sup>108</sup>

In May 2012, the Cologne regional appellate court ruled that religious circumcision of male children amounts to bodily injury, and is a criminal offense under existing legislation in the area under its jurisdiction. In response to this judgement, the German Government enacted primary legislation to circumvent existing safeguards which explicitly legalised non-therapeutic male circumcision of babies under six months old.<sup>109</sup>

### **Iceland**

In 2018, the Progressive Party proposed a bill that would change the words “girl child” in existing legislation criminalising FGM to “child” and “her sexual organs” to “[their] sexual organs”, thereby making Iceland the first European country to ban male circumcision for non-medical reasons<sup>110</sup>. The bill is currently a “work in progress”<sup>111</sup>.

### **Netherlands**

Statement from the Royal Dutch Medical Association (KNMG):

“There is no convincing evidence that circumcision is useful or necessary in terms of prevention or hygiene. Partly in the light of the complications which can arise during or after circumcision, circumcision is not justifiable except on medical/therapeutic grounds. Insofar as there are medical benefits, such as a possibly reduced risk of HIV infection, it is reasonable to put off circumcision until the age at which such a risk is relevant and the boy himself can decide about the intervention, or can opt for any available alternatives.

“Contrary to what is often thought, circumcision entails the risk of medical and psychological complications. The most common complications are bleeding, infections, meatus stenosis (narrowing of the urethra) and panic attacks. Partial or complete penis amputations as a result of complications following circumcisions have also been reported, as have psychological problems as a result of the circumcision.

“Non-therapeutic circumcision of male minors is contrary to the rule that minors may only be exposed to medical treatments if illness or abnormalities are present, or if it can be

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<sup>108</sup> "Stellungnahme Dr.med. Wolfram Hartmann, Präsident des Berufsverbands der Kinder- und Jugendärzte, zur Anhörung am 26. November 2012 zum Gesetzentwurf der Bundesregierung zur Beschneidung: [www.bvki.de](http://www.bvki.de)". [bvki.de](http://www.bvki.de) (in German). Archived from the original on 16 October 2019. <https://web.archive.org/web/20191016133736/https://www.bvki.de/bvki-news/pressemitteilungen/news/article/stellungnahme-drmed-wolfram-hartmann-praesident-des-berufsverbands-der-kinder-und-jugendaerzte/> Accessed 17 June 2021.

<sup>109</sup> "Jewish groups condemn court's definition of circumcision as grievous bodily harm". The Daily Telegraph. London. 27 June 2012. Archived from the original on 16 August 2019. Retrieved 27 June 2012. <https://web.archive.org/web/20190816050517/https://www.telegraph.co.uk/news/worldnews/europe/germany/9358636/Jewish-groups-condemn-courts-definition-of-circumcision-as-grievous-bodily-harm.html> Accessed 17 June 2021.

<sup>110</sup> National Secular Society, 'NSS says UK should follow Iceland's lead to end genital cutting'. 19 February 2018 <https://www.secularism.org.uk/news/2018/02/nss-says-uk-should-follow-icelands-lead-to-end-genital-cutting>

<sup>111</sup> Zeld Caldwell (29 May 2018). "Bill to criminalize male circumcision is still alive in Iceland". Aletheia. Foundation for Evangelization through the Media. <https://aletheia.org/2018/05/29/bill-to-criminalize-male-circumcision-is-still-alive-in-iceland/> Accessed 17 June 2021.

convincingly demonstrated that the medical intervention is in the interest of the child, as in the case of vaccinations.

“Non-therapeutic circumcision of male minors conflicts with the child's right to autonomy and physical integrity.

There are good reasons for a legal prohibition of non-therapeutic circumcision of male minors, as exists for female genital mutilation.”<sup>112</sup>

## Malta

In April 2015, Malta became the first country to outlaw “any sex assignment treatment and/or surgical intervention on the sex characteristics of a minor” in the Gender Identity Gender Expression and Sex Characteristics Act<sup>113</sup>:

“(1) It shall be unlawful for medical practitioners or other professionals to conduct any sex assignment treatment and/or surgical intervention on the sex characteristics of a minor which treatment and/or intervention can be deferred until the person to be treated can provide informed consent: Provided that such sex assignment treatment and/or surgical intervention on the sex characteristics of the minor shall be conducted if the minor gives informed consent through the person exercising parental authority or the tutor of the minor.”

The NSS could not find any data on how the inclusion of “surgical intervention” in this bill would impact the legality of infant male circumcision. However, rates of infant male circumcision in Malta appear to be very low<sup>114</sup>.

## Norway

Statement from the Norwegian Ombudsman for Children:

“The Ombudsman for Children is opposed to having children circumcised when they are so small that they are unable to express their views on it. Being circumcised is something that cannot be changed. Then we think it is right to wait until the children are old enough to decide for themselves.”<sup>115</sup>

In June 2012, the Centre Party proposed a ban on circumcision on males under eighteen, after an Oslo infant died in May following a circumcision.<sup>116</sup>

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<sup>112</sup> ‘The non-therapeutic circumcision of male minors’. KNMG. 2010. p. 16. Archived from the original on 13 May 2020. Retrieved 18 October 2019. <https://www.knmg.nl/circumcision/> Accessed 16 June 2021.

<sup>113</sup> “Malta passes law outlawing forced surgical intervention on intersex minors”. Star Observer, 2 April 2015. <https://www.starobserver.com.au/news/international-news-news/malta-passes-law-outlawing-forced-surgical-intervention-on-intersex-minors/134800> Accessed 18 June 2021.

<sup>114</sup> Table 1 Percentage of circumcised males in each of the 237 countries and territories in the world. Morris, B.J., Wamai, R.G., Henebeng, E.B. et al. ‘Estimation of country-specific and global prevalence of male circumcision’. *Popul Health Metrics* 14, 4 (2016). <https://doi.org/10.1186/s12963-016-0073-5> Accessed 18 June 2021.

<sup>115</sup> Barneombudet (29 September 2013). “Aldersgrense for omskjæring av gutter”. Barneombudet (in Norwegian Bokmål). Archived from the original on 16 October 2019. <https://web.archive.org/web/20191016133736/https://barneombudet.no/2013/09/29/aldersgrense-for-omskjaering-av-gutter/> Accessed 17 June 2021.

<sup>116</sup> Dag Øistein Endsjø (19 June 2012). “Attenårgrense for omskjæring”. *Dagbladet* (in Norwegian). Archived from the original on 19 July 2016. Retrieved 26 June 2018. [https://web.archive.org/web/20160719181128/http://www.dagbladet.no/2012/06/19/kultur/debatt/omskjering/helse\\_bergen/bar\\_over\\_kropp/22180612/](https://web.archive.org/web/20160719181128/http://www.dagbladet.no/2012/06/19/kultur/debatt/omskjering/helse_bergen/bar_over_kropp/22180612/) Accessed 17 June 2021.

In September 2013, the Children's ombudsmen in all Nordic countries issued a statement by which they called for a ban on circumcision of minors for non-medical reasons.<sup>117</sup>

## **Slovenia**

Statement from the Slovenian Human Rights Ombudsman:

“Circumcision of boys for non-medical reasons is a violation of children's rights. ... The ritual circumcision of boys for religious reasons in our country is unacceptable for legal and ethical reasons and should not be performed by doctors.”<sup>118</sup>

## **Sweden**

Statement from the Swedish Medical Association:

“There are no known medical benefits to the (circumcision) intervention on children. ... Therefore, there are strong reasons to wait for the intervention until the person who is the subject of the measure has reached such age and maturity that he can give informed consent. ... The EAR believes that the goal is to cease non-medically justified circumcision without prior consent.”<sup>119</sup>

## **USA**

Uniquely amongst the major developed nations, routine, non-religious circumcision of newborn male children is common practice in the USA although the rate has been dropping steadily over recent years. Despite the (now-expired) 2012 policy from the American Academy of Pediatrics, claiming more benefit than harm from routine circumcision, routine circumcision is not promoted primarily for health reasons even in the USA.

Consultation Question 6: Within the United Kingdom, does the problem occur in any or all of England, Wales, Scotland or Northern Ireland? Please share your views below:

All. Non-therapeutic circumcision is most prevalent in Jewish, Muslim and some African Christian communities.

Consultation Question 7: What do you think needs to be done to resolve the problem? Please share your views below:

There are a number of ways in which this problem could be tackled via legislation. We would like to suggest two possibilities.

Option 1 would be to modify existing laws for FGM so they incorporate non-consensual, non-therapeutic male circumcision. This would be similar to the approach attempted in Iceland (see Q5).

Option 2 would be to create a new, separate bill, similar to the Female Genital Mutilation Act 2003, focusing exclusively on prohibiting non-consensual, non-therapeutic cutting to boys' genitals.

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<sup>117</sup> Nordic Association of Children's Ombudsmen. 'Let the boys decide for themselves'; 30 September 2013 [archived 19 February 2014]. <https://web.archive.org/web/20140219031326/http://www.crin.org/en/library/news-archiv/male-circumcision-nordic-ombudspersons-see-ban-non-therapeutic-male> Accessed 17 June 2021.

<sup>118</sup> "Obrezovanje fantkov iz nemedicinskih razlogov je kršitev otrokovih pravic". varuh-rs.si. <https://www.varuh-rs.si/sl/obravnavane-pobude/primer/obrezovanje-fantkov-iz-nemedicinskih-razlogov-je-krsitev-otrokovih-pravic/> Accessed 17 June 2021.

<sup>119</sup> "Omskärrelse av pojkar". Sveriges läkarförbund (in Swedish). <https://slf.se/rad-och-stod/okategoriserad/omskarelse-av-pojkar/> Accessed 18 June 2021

In both possibilities, it would be important not to prohibit *genuinely consensual* religious or cultural circumcision of adult males. Some adult men may choose to undergo circumcision for religious or cultural reasons, and their freedom to do so should be respected, just as most adults are free to consent to tattooing, piercing and other forms of body modification. An 'age of consent' clause may be helpful in providing clarity in establishing whether non-therapeutic circumcision is consensual.

Finally, the Commission should consider the case of intersex individuals, or individuals who identify as transgender or non-binary. These individuals are arguably not adequately protected by existing FGM laws, and similarly laws that focus exclusively on male circumcision would also not guarantee equal protection. In particular, non-consensual 'normalisation' surgery on intersex children has also attracted widespread criticism in recent years, including from the UN<sup>120</sup>. If the Commission were to extend its consideration to these individuals, Option 1 may be the preferred option as the law could be adapted to make it clear that no person, regardless of their age, biological sex, chromosomes, appearance of their genitals, or gender identity, may have their genitals cut or modified without their express consent.

The NSS supports legislation towards ending non-consensual, non-medical circumcision entirely, rather than legislation designed to regulate circumcision. While there are arguments that increased regulation can help ensure circumcision only takes place under clinical conditions by trained medical professionals, and may thus reduce complications, this would not address the fundamental issue of the right of the child to bodily integrity and freedom of religion or belief. Increased regulation would help to protect some babies and children from the extreme pain of surgery without anaesthetic that many now experience, but would not address the inherent risks to the child of anaesthesia itself or of a medically unnecessary surgical procedure. Neither is it likely to mitigate the pain and distress the child suffers during the recovery period.

Furthermore, attempts to regulate male circumcision may lead to attempts to legalise regulated forms of non-consensual FGM. Proponents of FGM can convincingly argue that the law would be discriminatory on the grounds of sex and religion or belief if it did not permit regulated forms of infant female genital cutting but did permit regulated forms of infant male genital cutting. Such arguments would be all the stronger for the fact, acknowledged by Sir James Munby in his judgement on Re: B&G that male circumcision is more harmful than some forms of FGM.

Consultation Question 8: What is the scale of the problem? This might include information about the number of people affected this year or the number of cases which were heard in a court or tribunal over a particular period. Please share your views below:

### **Prevalence of circumcision**

There is no regulation of non-therapeutic male circumcision on children when performed by non-healthcare professionals, which is usually performed outside clinical settings. For this reason, it is not possible to obtain exact figures on how many boys are circumcised for non-medical purposes.

A national survey on sexual attitudes in 2000 found that 15.8% of men or boys in the UK aged 16–44 were circumcised by their parents' choosing<sup>121</sup>.

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<sup>120</sup> See the UN's 'Free and Equal' campaign, <https://www.unfe.org/intersex-awareness/> Accessed 16 June 2021.

<sup>121</sup> Dave, S S et al. "Male circumcision in Britain: findings from a national probability sample survey." *Sexually transmitted infections* vol. 79,6 (2003): 499-500. doi:10.1136/sti.79.6.499 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1744763/> Accessed 18 June 2021.



Non-therapeutic male circumcision of children occurs primarily in Jewish and Muslim communities. According to 2018 data, 336,965 people identified their religion as Jewish in Britain<sup>122</sup>. The Board of Deputies of British Jews has reported that the number of male circumcisions procured by Jewish parents acts as a proxy for estimating the total birth rate within the UK Jewish community<sup>123</sup>. Therefore, it is not possible to determine the number of Jewish parents who choose not to circumcise their male children. Thus, any claims as to the universality of infant male non-therapeutic circumcision within the Jewish community are inherently non-verifiable.

The ONS found 3,372,966 people in Britain identified their religion as Muslim<sup>124</sup>. The Muslim population is growing more rapidly than the overall population in the UK<sup>125</sup>.

Circumcision is also practiced in some African Christian communities. Immigration from North and Sub Saharan Africa has been increasing<sup>126</sup>.

UK law requires that both parents provide consent to non-therapeutic neonatal circumcision. However, in a study of 62 nontherapeutic circumcisions undertaken in the UK between 2005 and 2006, both parents consented to the procedure in only four cases (6.2%), and in no case was the patient's consent obtained<sup>127</sup>.

### **Instances of complications**

Because non-therapeutic circumcision of children is unregulated when it takes place in non-clinical settings, it is also not possible to obtain exact figures on how many circumcised boys experience complications from the procedure, as many will not be reported.

Between 1988 and 2014, there were 22,000 harms recorded by the NHS resulting circumcision. They included scarring and full penis amputation.<sup>128</sup>

Information obtained from a Freedom of Information request revealed that in 2011, nearly a dozen infant boys were treated for life-threatening haemorrhage, shock or sepsis as a result of non-therapeutic circumcision at a single children's hospital in Birmingham<sup>129</sup>. In 2012, Manchester Children's Hospital reported that it admitted up to three children a month due to bleeding following circumcision<sup>130</sup>. An investigation into circumcisions performed at an Islamic school in Oxford found that 13 out of 32 boys who had the procedure – at an average age of six – ended up with medical problems<sup>131</sup>.

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<sup>122</sup> Office for National Statistics, 'Muslim population in the UK'. 2 August 2021. <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/muslimpopulationintheuk/> Accessed 18 June 2021.

<sup>123</sup> Mashiah DC. 'Vital statistics of the UK Jewish population: births and deaths'. The Board of Deputies of British Jews London: Institute for Jewish Policy Research; 2018 [cited 2021 Apr 29] p. 30. Available from: <https://www.bod.org.uk/wp-content/uploads/2021/01/births-and-deaths-report-revise.pdf> Accessed 12 July 2021.

<sup>124</sup> Office for National Statistics, 'Muslim population in the UK'. 2 August 2021. <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/muslimpopulationintheuk/> Accessed 18 June 2021.

<sup>125</sup> Gani, Aisha. 'Muslim population in England and Wales nearly doubles in 10 years'. The Guardian, 11 February 2015. <https://www.theguardian.com/world/2015/feb/11/muslim-population-england-wales-nearly-doubles-10-years> Accessed 18 June 2021.

<sup>126</sup> Office for National Statistics, 'Population of the UK by country of birth and nationality'. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationality> Accessed 18 June 2021.

<sup>127</sup> World Health Organisation, 'Neonatal and child male circumcision: a global review'. April 2010 [https://www.who.int/hiv/pub/malecircumcision/neonatal\\_child\\_MC\\_UNAIDS.pdf](https://www.who.int/hiv/pub/malecircumcision/neonatal_child_MC_UNAIDS.pdf) Accessed 30 June 2021.

<sup>128</sup> BBC, 'A Cut Too Far? Male Circumcision'. Broadcast Thursday 18 Jul 2019.

<sup>129</sup> Earp, Brian. 'Boys and girls alike'. Aeon, 13 January 2013. <https://aeon.co/essays/are-male-and-female-circumcision-morally-equivalent> Accessed 23 June 2021.

<sup>130</sup> BBC, 'Manchester baby boy "bled to death after circumcision"'. 27 November 2012. <https://www.bbc.co.uk/news/uk-england-manchester-20503660> Accessed 23 June 2021.

<sup>131</sup> Campell, Denis. 'NHS urged to offer circumcisions to avoid botched operations'. The Guardian, 11 July 2010. <https://www.theguardian.com/society/2010/jul/11/doctors-urge-circumcision-on-nhs> Accessed 23 June 2021.



Babies have died in the UK as a direct result of non-therapeutic circumcision in the UK. One such tragic case was that of 27-day old Goodluck Caubergs in 2010, who bled to death following circumcision<sup>132</sup>. Within a few months, another 28-day old baby, Angelo Ofori-Mintah, also bled to death following an unregulated community circumcision performed by a religious practitioner with no healthcare training<sup>133</sup>. Others may also have died as a result of circumcision without the procedure being recorded as the cause, as may have been the case for eight-day old Amitai Moshe who suffered a heart attack minutes after he was circumcised in a north London synagogue. His death was treated as “unexplained”<sup>134</sup>.

In the US, where circumcision is common and is usually performed under clinical conditions, more than 100 neonatal circumcision-related deaths occur annually, accounting for about 1.3% of male neonatal deaths from all causes. As the study notes, “because infant circumcision is elective, all of these deaths are avoidable.”<sup>135</sup>

Additionally, these figures may not include complications that may only affect circumcised males once they reach adulthood and become sexually active. Due to the highly personal nature of circumcision, many men are reluctant to speak openly about any negative experiences they may have as a result of circumcision. Those circumcised at a young age, and have no memory of having a foreskin, may also be unaware that any sexual or other difficulties they encounter as adults are as a result of being circumcised.

#### Consultation Question 9: What would be the positive impacts of reform?

- Saving lives, improving health – Non-therapeutic circumcision is by definition medically unnecessary, meaning that complications resulting from circumcision are entirely preventable. Prohibition of non-therapeutic circumcision on infants would result in fewer complications, including death.
- Fairness – All children, regardless of sex or religion/belief background, should be entitled to autonomy over their genitals. At present, only girls are afforded this protection in law. Furthermore, the law may treat children unfairly on the basis of religion or belief, because permitting circumcision (but not other harmful religious activities) on children means these children do not receive the same level of protection as children born to parents who are not Jewish, Muslim or African Christian.
- Economic – Even though non-therapeutic circumcision is typically not funded by the UK state, complications resulting from circumcision are typically treated under the NHS. Prohibiting non-therapeutic, non-consensual circumcision would be likely to result in fewer children requiring NHS treatment.
- Human rights: Protecting the rights of boys to bodily autonomy would help the UK meet its human rights obligations. The permissive attitude to forced genital cutting on boys is in breach of the UNCRC which recommends respect for the right of the child to freedom of

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<sup>132</sup> Fogg, Ally. ‘Male circumcision: Let there be no more tragedies like baby Goodluck’. The Guardian, 17 December 2012. <https://www.theguardian.com/commentisfree/2012/dec/17/male-circumcision-baby-goodluck> Accessed 23 June 2021.

<sup>133</sup> Brent & Kilburn Times, ‘Queen’s Park baby bled to death two days after being circumcised’. 22 June 2012. <https://www.kilburntimes.co.uk/news/queen-s-park-baby-bled-to-death-two-days-after-3691580> Accessed 12 July 2021.

<sup>134</sup> Curtis, Polly. ‘Police probe death of baby after circumcision’. The Guardian, 17 February 2007. <https://www.theguardian.com/uk/2007/feb/17/religion.world1> Accessed 23 June 2021.

<sup>135</sup> Bollinger, Dan. (2010). Lost Boys: An Estimate of U.S. Circumcision-Related Infant Deaths. *Thymos: Journal of Boyhood Studies*. 4. 78-90. 10.3149/thy.0401.78. [https://www.researchgate.net/publication/240804903\\_Lost\\_Boys\\_An\\_Estimate\\_of\\_US\\_Circumcision-Related\\_Infant\\_Deaths](https://www.researchgate.net/publication/240804903_Lost_Boys_An_Estimate_of_US_Circumcision-Related_Infant_Deaths) Accessed 23 June 2021.

thought, conscience and religion, and advises that traditional practices prejudicial to the health of children should be abolished. Reform would ensure that boys are included within the protections ordinarily guaranteed to every person to protect them from torture and degrading treatment and interference with their right to an intact healthy body.

Consultation Question 10: If this area of the law is reformed, can you identify what the costs or other negative impacts of reform might be?

The greatest barrier to legislation on circumcision is resistance from religious groups, as seen in other countries where legislation has been attempted. Religious groups argue that to prevent parents from ritually cutting their boys' genitals is to violate their right to religious freedom under article 18 of the Universal Declaration of Human Rights.

The NSS rejects this argument. Article 18 is a qualified right which is subject to the rights and freedoms of others. In the case of male genital cutting, as with female genital cutting, the right of parents to cut their child's genitals for religious reasons should not override the right of the child to not be forced to undergo painful and permanent surgery without medical need.

Furthermore, forced non-therapeutic circumcision is a violation of the child's own right to freedom of religion or belief. Article 18 protects individuals from having religion imposed upon them; circumcision represents the permanent imposition of a religious act upon a child when he is too young to formulate his own beliefs. Children from religious backgrounds that practice circumcision may adopt religions or beliefs that do not include circumcision when they grow up – but it will already be too late for those who were circumcised as children.

It should be noted that religious and cultural concerns were originally a barrier to banning FGM in the UK. In 1993, Brent Council proposed a motion that FGM should be made available on the NHS, stating that female genital cutting is "...a right specifically for African families who want to carry on their tradition whilst living in this country". Councillors who opposed the motion were abused and accused of racism and cultural insensitivity<sup>136</sup>.

It should also be noted that the general public is increasingly opposed to non-consensual, non-medical circumcision. In a 2018 YouGov survey, 62% of people in the UK said they would support a law prohibiting the circumcision of children for non-medical reasons. Only 13% would oppose it<sup>137</sup>.

Consultation Question 11: Does the problem adversely impact equality, diversity and inclusion by affecting certain groups in society, or particular areas of the country, more than others? If so, what are those groups or areas?

At present, the law (or lack thereof) regarding circumcision has an acutely adverse impact on equality on the basis of the following protected characteristics under the Equality Act 2010:

**Sex** – The most serious example of inequality resulting from the current legal situation is the inconsistent treatment of boys and girls. Girls are protected from all forms of non-consensual, non-therapeutic cutting to their genitals, including forms that are less invasive than typical male circumcision. Boys have no protection in law at all.

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<sup>136</sup> Evening Standard, 'Ann John: I was branded a colonialist for fighting against 'barbaric' FGM'. 28 March 2014. <https://www.standard.co.uk/lifestyle/london-life/ann-john-i-was-branded-a-colonialist-for-fighting-against-barbaric-fgm-9220777.html> Accessed 23 June 2021.

<sup>137</sup> YouGov, 20 February 2018. <https://yougov.co.uk/opi/surveys/results#/survey/444c51db-162a-11e8-b96c-33473174869a/question/ae085809-162a-11e8-8ed7-f55898a9a9be/toplines> Accessed 1 July 2021.

Furthermore, although intersex individuals are not presently explicitly protected by the Equality Act, it should be noted that this issue may have a disproportionate impact on intersex infants and children. Intersex children who present genitals with both male or female characteristics, or characteristics that are of indeterminate sex, may ‘slip through cracks’ as the law is ill-equipped to deal with cases involving FGM or circumcision for such individuals. Intersex individuals also face the additional issue of a lack of protection against unwanted ‘normalisation’ surgery.

Gender reassignment – Because the law treats males and females significantly differently on the issue of genital cutting, it is arguably ill-equipped to deal with cases involving individuals who identify as transgender or non-binary. Infant male circumcision can also create barriers for those who later identify as transgender women and seek gender affirmation surgery, because removing the foreskin results in loss of tissue that could be used in a vaginoplasty<sup>138</sup>. Indeed, a transgender woman who has had circumcision performed on her as a biologically male child might reasonably argue that her rights as a transgender woman have been unreasonably infringed by presumptive, wholly unnecessary surgery before her gender could possibly be known.

Race – The majority of UK children who undergo non-therapeutic, non-consensual circumcision belong to minority ethnic groups – typically Jewish, African or Asian. A hesitancy to challenge male circumcision out of fear of being accused of racial or cultural insensitivity may result in children from these groups receiving less protection over their individual welfare, rights and freedoms than children from other ethnic backgrounds.

The inconsistency in how FGM and male circumcision are treated in law may result from racial bias. Male circumcision has been a long-established tradition in many communities in Europe, the US and other white-majority nations. In contrast, FGM has not been an established practice in these nations, being confined predominantly to Africa and Asia with populations that are not majority white. This may be why FGM is frequently labelled ‘barbaric’ in the UK and other white-majority countries, while male circumcision is regarded by many as an acceptable religious tradition. Such racial biases, however unintended, must not be allowed to determine public policy on children’s healthcare issues.

Religion or belief – Similarly to race, children from families belonging to specific minority religions (mainly Judaism, Islam or African Christian denominations) are more likely to be circumcised than other children. A hesitancy to challenge male circumcision out of fear of being accused of religious intolerance may result in children from these groups receiving less protection over their individual welfare, rights and freedoms than children from other religion or belief backgrounds. Additionally, as discussed in Q10, boys who undergo religious or cultural circumcision before they are old enough to consent are not having their own individual freedom of religion or belief respected.

Consultation Question 12: In your view, why is the independent, non-political, Law Commission the appropriate body to undertake this work, as opposed to, for example, a Government department, Parliamentary committee, or a non-Governmental organisation? Please share your views below:

The Law Commission has a strong track record of identifying, and suggesting changes to, historical laws that need modernising. This includes laws involving religion, such as its recent proposals to reform wedding laws. Our suggestion of bringing the law with regard to male circumcision in-line with existing laws covering FGM and that protect children more widely mirrors many of the principles behind the Commission’s suggested wedding law reforms: revising laws from a time where

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<sup>138</sup> Dua, Sumeet. ‘Why male circumcision should be delayed’. KevinMD.com, 22 December 2020. <https://www.kevinmd.com/blog/2020/12/why-male-circumcision-should-be-delayed.html> Accessed 23 June 2021.

religion was more dominant in society to be more suited to the increasingly irreligious and religiously-diverse 21st century UK where the values of equality, fairness, pluralism and cohesion are of increasing importance.

The Commission also has a strong track record of identifying inconsistency and inequality in the law. The differing protection afforded to the genitals of boys and girls is a glaring example of inconsistency and inequality that needs urgent redressing.

Finally, the Commission has good track record of identifying problem areas in law that could give rise to unwanted legal complications. One certainly exists for male circumcision – while it is not specifically outlawed, there is nothing specific in law that allows for male circumcision, and arguably it could be considered illegal under the Offences against the Person Act 1861.

While the law continues to tolerate non-consensual, non-therapeutic male circumcision, laws prohibiting FGM remain vulnerable to being challenged by pro-FGM advocates on the grounds that the law is discriminatory and inconsistent. A change in law to permit FGM, even ‘minor’ forms under clinical conditions, would be a disaster for the rights of women and girls. Such an attempt has been underway in the USA<sup>139</sup>. The Law Commission is extremely well-placed to understand this threat and to propose the means of preventing it.

Consultation Question 13: Have you been in touch with any part of the Government (either central or local) about this problem? What did they say? Please share your views below:

The government has consistently demonstrated an unwillingness to address the issue of male circumcision, and also shows considerable ignorance regarding the procedure and its relationship to FGM. During a House of Commons debate in March 2019, a number of MPs expressed that FGM has “nothing to do with religion”, accused those who do highlight the religious significance of FGM as ‘bashing’ Islam, and said it cannot be compared with FGM<sup>140</sup>. As explained in our response, these statements are inaccurate.

Consultation Question 14: Is any other organisation such as the Government or a non-Governmental group currently considering this problem? Have they considered it recently? If so, please give us the details of their investigation on this issue, and why you think the Law Commission should also look into the problem.

In addition to the various international medical associations, legal commissions and other institutions referenced in Q5, other organisations that have spoken out against non-therapeutic, non-consensual male circumcision include Child Rights International Network (CRIN)<sup>141</sup>.

The Law Commission’s scrutiny of the law in this area would be extremely useful, because it is ambiguous as to whether non-therapeutic, non-consensual male circumcision is technically legal at all.

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<sup>139</sup> Reuters, ‘US law banning female genital mutilation declared unconstitutional’. The Guardian, 21 November 2018.

<https://www.theguardian.com/law/2018/nov/20/us-female-genital-mutilation-detroit-michigan-unconstitutional> Accessed 1 July 2021.

<sup>140</sup> HC Deb, 7 March 2019 <https://www.theyworkforyou.com/debates/?id=2019-03-07b.1164.1> Accessed 23 June 2021.

<sup>141</sup> Child Rights International Network, ‘Bodily integrity’. <https://home.crin.org/issues/bodily-integrity> Accessed 23 June 2021.

## Proposal #4: Remove religious exemptions to animal welfare laws regarding slaughter

Consultation Question 1: In general terms, what is the problem that requires reform? Please share your views below:

Slaughter laws throughout the UK require all animals to be stunned before slaughter in order to minimise unnecessary suffering. However, an exemption exists for animals slaughtered according to Jewish or Muslim rites for halal or kosher meat.

There is consensus among veterinary and animal welfare groups that is more humane to stun an animal before slaughter than not to do so. **For this reason, the NSS thinks religious exemptions should be removed from laws requiring stunning before slaughter. Animal welfare should not be undermined by religious concerns.**

Until non-stun slaughter is completely prohibited, **the law should require all products from animals that were slaughtered without stunning to be clearly labelled as such, so that consumers can make informed decisions.**

Consultation Question 2: Can you give us an example of what happens in practice? *For example, if you are a solicitor or barrister, you might describe how the problem affects your clients.* Please share your views below:

Every year, millions of cattle, sheep, goats and birds are slaughtered without stunning according to religious rites.

The Jewish method of slaughter, shechita, does not permit stunning. There are no UK Jewish institutions that will certify meat as kosher if the meat is from an animal that was stunned before slaughter.

Some Islamic authorities believe dietary rules for halal meat can be satisfied with animals stunned before slaughter if animals do not die as a result of the stun, and therefore there are halal certifiers that will accept meat as halal if a 'recoverable stun' is administered first. One example is the Halal Food Authority<sup>142</sup>.

However, there is no definitive consensus and slaughter without pre-stunning does also take place. One of the largest certifiers of halal meat in the UK, the Halal Monitoring Committee (HMC), will not certify meat that was stunned before slaughter<sup>143</sup>. In 2018, 58% animals killed for halal meat were pre-stunned in line with EU parameters, while 42% were not pre-stunned or were poultry that were ineffectively stunned, according to the Food Standards Agency<sup>144</sup>.

When an animal is not stunned before slaughter, the animal will only become unconscious and insensitive to pain after prolonged blood loss.

The scientific consensus is clear that it is more humane to stun an animal prior to slaughter than not to do so. The slaughter of animals without pre-stunning is permitted in the UK despite a

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<sup>142</sup> Halal Food Authority, 'FAQs'. <https://halalfoodauthority.net/FAQs.html> Accessed 23 June 2021.

<sup>143</sup> HMC, 'Issues of mechanical slaughter and stunning'. <https://halalhmc.org/resources/issues-of-mechanical-slaughter-and-stunning/> Accessed 23 June 2021.

<sup>144</sup> Department for Environment, Food and Rural Affairs, 'Results of the 2018 FSA Survey into Slaughter Methods in England and Wales'. February 2019 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/778588/slaughter-method-survey-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778588/slaughter-method-survey-2018.pdf) Accessed 23 June 2021.

recommendation by the government's own advisory body, the Farm Animal Welfare Council (FAWC), that the practice should be banned. The FAWC have concluded that animals slaughtered without pre-stunning are likely to experience “very significant pain and distress” before they become unconscious<sup>145</sup>.

The EU's Scientific Panel on Animal Health and Welfare (AHAW) has stated: “Due to the serious animal welfare concerns associated with slaughter without stunning, pre-cut stunning should always be performed.”<sup>146</sup>

The Federation of Veterinarians of Europe (FVE) has stated: “FVE is of the opinion that from an animal welfare point of view, and out of respect for an animal as a sentient being, the practice of slaughtering animals without prior stunning is unacceptable under any circumstances”.<sup>147</sup>

RSPCA<sup>148</sup>, Compassion in World Farming<sup>149</sup> and the British Veterinary Association<sup>150</sup> all support an end to non-stun slaughter to improve animal welfare at the time of death.

Consultation Question 3: To which area(s) of the law does the problem relate? Please tick one or more boxes.

Other: Animal welfare

Consultation Question 4: We will be looking into the existing law that relates to the problem you have described. Please tell us about any court/tribunal cases, legislation, books or journal articles that relate to this problem. *You may be able to tell us the name of the particular Act or case that relates to the problem.* Please share your views below:

The Acts relating to the problem are:

The Welfare of Animals at the Time of Killing (England) Regulations 2015

The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012

The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014

The Welfare of Animals at the Time of Killing (Wales) Regulations 2014

Report: Farm Animal Welfare Council, ‘Report on the Welfare of Farmed Animals at Slaughter or Killing Part 1: Red Meat Animals’. June 2003<sup>151</sup>.

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<sup>145</sup> Farm Animal Welfare Council, ‘Report on the Welfare of Farmed Animals at Slaughter or Killing Part 1: Red Meat Animals’. June 2003 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325241/FAWC\\_report\\_on\\_the\\_welfare\\_of\\_farmed\\_animals\\_at\\_slaughter\\_or\\_killing\\_part\\_one\\_red\\_meat\\_animals.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/325241/FAWC_report_on_the_welfare_of_farmed_animals_at_slaughter_or_killing_part_one_red_meat_animals.pdf) Accessed 23 June 2021.

<sup>146</sup> Blokhuis; et al. (15 June 2004). "Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals". The EFSA Journal. European Food Safety Authority. <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2004.45> Accessed 23 June 2021.

<sup>147</sup> Federation of Veterinarians in Europe, ‘Slaughter without stunning causes unnecessary suffering’. 8 February 2019 [https://fve.org/publications/slaughter\\_without\\_stunning/](https://fve.org/publications/slaughter_without_stunning/) Accessed 23 June 2021.

<sup>148</sup> RSPCA, ‘Slaughter without pre-stunning’. <https://www.rspca.org.uk/getinvolved/campaign/slaughter> Accessed 23 June 2021.

<sup>149</sup> Compassion in World Farming, ‘Humane slaughter’. <https://www.ciwf.org.uk/our-campaigns/other-campaigns/slaughter/> Accessed 23 June 2021.

<sup>150</sup> British Veterinary Association, ‘Non-stun slaughter’. <https://www.bva.co.uk/take-action/our-policies/non-stun-slaughter/> Accessed 23 June 2021.

<sup>151</sup> Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325241/FAWC\\_report\\_on\\_the\\_welfare\\_of\\_farmed\\_animals\\_at\\_slaughter\\_or\\_killing\\_part\\_one\\_red\\_meat\\_animals.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/325241/FAWC_report_on_the_welfare_of_farmed_animals_at_slaughter_or_killing_part_one_red_meat_animals.pdf) Accessed 23 June 2021.



Consultation Question 5: Can you give us information about how the problem is approached in other legal systems? You might have some information about how overseas legislatures have responded or how the court or tribunals approach the problem. Please share your views below:

Non-stun slaughter, including that according to religious rites, is effectively banned in the following countries:

Belgium<sup>152</sup>, Denmark<sup>153</sup>, Slovenia<sup>154</sup>, Sweden<sup>155</sup>, Iceland<sup>156</sup>, Liechtenstein (except poultry)<sup>157</sup>, New Zealand (except poultry)<sup>158</sup>, Norway<sup>159</sup>, Switzerland (except poultry)<sup>160</sup>.

The following countries require religiously-slaughtered animals to receive a stun immediately after their throats are cut, which exceeds the standards for UK religious slaughter:

Austria<sup>161</sup>, Estonia<sup>162</sup>, Finland<sup>163</sup>, Greece (except poultry)<sup>164</sup>, Latvia<sup>165</sup>, Slovakia<sup>166</sup>.

Consultation Question 6: Within the United Kingdom, does the problem occur in any or all of England, Wales, Scotland or Northern Ireland? Please share your views below:

While non-stun slaughter is permitted throughout the United Kingdom, it currently only occurs in England<sup>167</sup>. It can be sold unlabelled anywhere in the UK.

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<sup>152</sup> Jan Gerits (28 June 2017). "Vlaams Parlement keurt verbod op onverdoofd slachten goed". DeRedactie.be (in Dutch). Retrieved 18 March 2018. [https://www.vrt.be/vrtnws/nl/2017/06/28/vlaams\\_parlementkeurtverbodoponverdoofdslachtengoed-1-3011916](https://www.vrt.be/vrtnws/nl/2017/06/28/vlaams_parlementkeurtverbodoponverdoofdslachtengoed-1-3011916) Accessed 23 June 2021.

<sup>153</sup> "Welfare at slaughter". Danish Veterinary and Food Administration. 19 February 2014. [https://www.foedevarestyrelsen.dk/english/Animal/AnimalWelfare/Slaughter\\_of\\_animals/Pages/default.aspx](https://www.foedevarestyrelsen.dk/english/Animal/AnimalWelfare/Slaughter_of_animals/Pages/default.aspx) Accessed 24 June 2021.

<sup>154</sup> "Slovenia's Constitutional Court Rules Ban on Halal Slaughter Legal". Total Slovenia News. 24 May 2018. Retrieved 27 June 2018. <https://www.total-slovenia-news.com/news/1303-slovenia-s-constitutional-court-rules-ban-on-halal-slaughter-legal> Accessed 24 June 2021.

<sup>155</sup> "Swedish Animal Welfare Act, 1988" Archived 28 July 2014 at the Wayback Machine <https://web.archive.org/web/20140728171604/http://www.government.se/sb/d/574/a/90310> Accessed 24 June 2021.

<sup>156</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 23 June 2021.

<sup>157</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 23 June 2021.

<sup>158</sup> "Commercial Slaughter Code of Welfare". Minister of Agriculture of New Zealand. 1 October 2018. <https://www.mpi.govt.nz/dmsdocument/1409/direct> Accessed 23 June 2021.

<sup>159</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 23 June 2021.

<sup>160</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 23 June 2021.

<sup>161</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 23 June 2021.

<sup>162</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 24 June 2021.

<sup>163</sup> Statute for the Protection of Domestic Animals, Par. 4, "Suomen Asetuskokoelma," 1934

<sup>164</sup> "Legal Restrictions on Religious Slaughter in Europe". Library of Congress. 14 May 2018. <https://www.loc.gov/law/help/religious-slaughter/europe.php> Accessed 24 June 2021.

<sup>165</sup> Christopher Needham (15 November 2012). "Religious slaughter of animals in the EU" (PDF). Library Briefing. European Parliament. [https://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120375/LDM\\_BRI\(2012\)120375\\_REV2\\_EN.pdf](https://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120375/LDM_BRI(2012)120375_REV2_EN.pdf) Accessed 24 June 2021.

<sup>166</sup> Silvio Ferrari, Rossella Bottoni. "Legislation on religious slaughter" (PDF). Factsheet. DIALREL. Archived from the original (PDF) on 9 September 2016. <https://web.archive.org/web/20160909024118/http://dialrel.eu/images/factsheet-legislation.pdf> Accessed 24 June 2021.

<sup>167</sup> RSPCA, 'Improving the welfare of farm animals at the time of their death: The campaign to end non-stun slaughter'. <https://www.rspca.org.uk/documents/1494939/7712578/Non+Stun+Slaughter+Briefing.pdf> Accessed 24 June 2021.



Consultation Question 7: What do you think needs to be done to resolve the problem?  
Please share your views below:

We make the following recommendations:

### **#1 End exemptions for religious slaughter**

The only way to ensure animals do not suffer needlessly when slaughtered is to end religious exemptions from requirements that all animals be stunned before slaughter.

### **#2 Require labelling on all products from animals slaughtered without stunning**

There is currently no requirement under UK law for meat from animals slaughtered without stunning to be labelled as such. As a result, non-stun slaughtered meat is routinely sold on the general market to unwitting members of the public. As long as religious groups retain the privilege of an exemption from legislation that prohibits slaughter without pre-stunning, we maintain it is only fair that consumers have the right to information that enables them to avoid such products if they so wish.

### **#3 End supply of non-stun slaughtered meat to schools**

We are also concerned by the prevalence of non-stunned meat supplied in schools, sometimes without parents' or pupils' knowledge. We do not think councils should supply schools with meat from animals that have not been slaughtered according to the highest animal welfare standards – let alone without informing parents or pupils.

### **#4 Ensure 'recoverable stunning' techniques are effective**

We accept that using 'recoverable stunning' techniques may achieve a balance between protecting animal welfare and maximising religious freedom. However, questions remain about the effectiveness of the current 'recoverable stun' techniques employed in the UK. Compassion in World Farming (CIWF) has expressed concerns that chickens slaughtered for halal meat are not being stunned effectively – they are merely immobilised and can still feel pain<sup>168</sup>.

Recoverable or not, all stunning methods used should render animals insensitive to pain, otherwise they are meaningless.

### **#5 End exports of non-stun slaughtered meat**

2018 Food Standards Agency figures revealed nearly a quarter of sheep meat that was not stunned before slaughter was exported from the UK. According to the British Veterinary Association, this equates to around 750,000 sheep being slaughtered without prior stunning per year for consumption outside the UK<sup>169</sup>.

It is clear that the religious slaughter exemption is being abused to boost the UK's halal export industry. For as long as an exemption exists, the number of animals killed under that exemption should be kept to a minimum, and the export of animals that have been slaughtered without stunning should be prohibited.

### **#6 Improve transparency of non-stun slaughter figures**

We are concerned that the Food Standards Agency has recently stopped publishing data on the number of animals being slaughtered without pre-stunning<sup>170</sup>. We contacted the Environment

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<sup>168</sup> Compassion in World Farming, 'FAQs – Halal chicken slaughter'. <https://www.ciwf.org.uk/contact-us/faqs-halal-chicken-slaughter/> Accessed 24 June 2021.

<sup>169</sup> National Secular Society, 'Britain risks becoming a 'hotbed of non-stun slaughter', warns NSS'. 15 February 2019 <https://www.secularism.org.uk/news/2019/02/britain-risks-becoming-a-hotbed-of-non-stun-slaughter-warns-nss> Accessed 24 June 2021.

<sup>170</sup> National Secular Society, 'NSS criticises lack of transparency over non-stun slaughter'. 18 September 2020 <https://www.secularism.org.uk/news/2020/09/nss-criticises-lack-of-transparency-over-non-stun-slaughter> Accessed 24 June 2021.

Secretary in September to raise this issue, but we have not received any assurances that the FSA will resume making these figures public. As long as non-stun slaughter remains legal, the data on how many animals die via this slaughter method must be made transparent.

### **#7 End the charitable status of organisations supporting non-stun slaughter**

As discussed in Ideas for Reform #2, organisations can easily become registered charities if they exist for ‘the advancement of religion’. A number of charities supporting non-stun slaughter have done so; the largest include Halal Monitoring Committee (HMC) and The London Board for Shechita.

HMC has been criticised by some halal suppliers for aggressive tactics and putting them under pressure by pushing the message that only non-stunned meat is ‘genuinely halal’. Because halal suppliers fear losing the trust of their customers, they can feel forced to switch to unstunned halal meat and pay thousands of pounds for HMC certification.

One Huddersfield-based halal butcher alleged to the BBC in 2011 that HMC inspectors threatened him, tried to damage his property and told people in the local mosque not buy his meat<sup>171</sup>. Another halal trader stated in a BBC Look North interview that HMC are “really hammering the halal industry” and that “they’re nothing but a scam.”<sup>172</sup>

Because non-stun slaughter is considered to cause unnecessary harm by veterinary and animal welfare groups, we believe promoting it is not fulfilling the public benefit requirement necessary for charitable status. We therefore think organisations existing to support and promote non-stun slaughter should not be given charitable status.

Consultation Question 8: What is the scale of the problem? This might include information about the number of people affected this year or the number of cases which were heard in a court or tribunal over a particular period. Please share your views below:

Millions of farm animals are slaughtered every year without prestunning. In 2018, over 94 million farm animals were slaughtered without pre-stunning for halal and kosher meat in 2018, according to the Food Standards Agency. This included 25% sheep, 10% broiler chickens, 8% goats and 1% cattle slaughtered overall.

The number of animals slaughtered without stunning has shown a dramatic increase in recent years. In 2013, just 15% of sheep and goats were not pre-stunned, but this rose to almost a quarter (24.4%) of all slaughters between April and June 2017. The number of chickens slaughtered without pre-stunning has increased from 3% in 2013 to 18.5% in 2017<sup>173</sup>.

However, it is becoming more difficult to monitor non-stun slaughter figures. As explained in Q7, the FSA has stopped publishing non-stun slaughter figures.

We are concerned that the number of animals stunned without slaughter will continue to increase. The Muslim population is rising (see Idea for Reform #3 Q8), and the demand for non-stun meat may also be on the rise due to the aggressive tactics used by HMC (see Q7). Additionally, exports of non-stun meat are also likely to drive up the figures.

The problem of meat from animals slaughtered without stunning entering the general market unlabelled is also extensive. We have found many examples of halal and kosher meat from animals

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<sup>171</sup> Buttoo, Sanjiv. ‘Row brewing over halal meat regulation’. BBC Asian Network, 19 January 2011. <https://www.bbc.co.uk/news/uk-england-12220652> Accessed 24 June 2021.

<sup>172</sup> BBC Look North interview, available to view at <https://www.youtube.com/watch?v=M-vya2dPzaE> Accessed 24 June 2021.

<sup>173</sup> National Secular Society, ‘NSS seeks end to religious exemption amid sharp rise in non-stun slaughter’. 6 October 2017. <https://www.secularism.org.uk/news/2017/10/nss-seeks-end-to-religious-exemption-amid-sharp-rise-in-non-stun-slaughter>

not stunned before slaughter being sold in UK supermarkets without clearly labelling<sup>174</sup>. Non-stun meat may even be sold without a halal or kosher label. In 2018, 90,000 of the 2.9 million non-stunned animals slaughtered for kosher-certified meat were rejected as unfit for religious consumption and went into the general market unlabeled<sup>175</sup>. In addition, certain cuts such as the hindquarters of cattle are not themselves regarded as kosher and are routinely sold on the general market unlabeled<sup>176</sup>.

This lack of labelling on non-stun meat products flies in the face of consumer rights. 77% of the British public want non-stun slaughter to end, but they are unable to make informed choices in order to avoid eating non-stun meat themselves<sup>177</sup>. The lack of labelling also undermines others' religious freedom; some Sikhs, Christians and Hindus strongly believe that they must not consume meat slaughtered according to Muslim or Jewish rites.

We are also concerned by the prevalence of non-stunned meat being supplied to schools, sometimes without parents' or pupils' knowledge. An investigation by NSS in 2018 found that that around one in 12 councils provide non-stunned halal meat for school meals, reaching thousands of children across Britain. In many of these schools, there is no separate meat option for children who do not want to eat non-stunned meat. They must have a vegetarian meal instead<sup>178</sup>.

A subsequent investigation by *The Times* found that in several cases, schools providing only non-stunned halal meat were not informing parents of the nature of the meat and how it was slaughtered<sup>179</sup>.

Consultation Question 9: What would be the positive impacts of reform?

**Animal welfare** – The primary benefit of removing religious exemptions from laws intended to protect animals at time of slaughter will be to minimise unnecessary suffering caused to millions of animals every year.

**Fairness** – A secondary issue regarding non-stun slaughter is that of fairness and equality before the law, regardless of religion or belief. The exemptions for Jews and Muslims in animal welfare laws gives these groups particular privileges that are not afforded to any other religion or belief group in the UK, undermining the concept of 'one law for all'.

Consultation Question 10: If this area of the law is reformed, can you identify what the costs or other negative impacts of reform might be?

Proposals to reform this area of law are likely to meet resistance from Jewish and Muslim groups, who may argue that preventing them from slaughtering animals without stunning breaches their right to religious freedom under article 18 of the Universal Declaration of Human Rights.

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<sup>174</sup> National Secular Society, 'Unstunned meat widespread in UK supermarkets, NSS research reveals'. 4 January 2018.

<https://www.secularism.org.uk/news/2018/01/unstunned-meat-widespread-in-uk-supermarkets-nss-research-reveals>

<sup>175</sup> Department for Environment, Food and Rural Affairs, 'Results of the 2018 FSA Survey into Slaughter Methods in England and Wales'. February 2019 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/778588/slaughter-method-survey-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778588/slaughter-method-survey-2018.pdf) Accessed 24 June 2021

<sup>176</sup> KLBD, 'What is Kosher?'. 7 September 2020. <https://www.kosher.org.uk/article/what-kosher> Accessed 24 June 2021

<sup>177</sup> National Secular Society, 'MPs cite "overwhelming" public support in debate on non-stun animal slaughter'. 24 February 2015

<https://www.secularism.org.uk/news/2015/02/mps-cite-overwhelming-public-support-in-debate-on-non-stun-animal-slaughter>

<sup>178</sup> National Secular Society, 'At least 17 councils giving schools non-stunned meat, NSS reveals'. 18 October 2018.

<https://www.secularism.org.uk/news/2018/10/at-least-18-councils-giving-schools-non-stunned-meat-nss-reveals>

<sup>179</sup> Webster, Ben. 'Parents left in dark over 'inhumane' meat'. *The Times*, 19 November 2018. <https://www.thetimes.co.uk/article/parents-left-in-dark-over-inhumane-meat-fjpkcpmj8> Accessed 24 June 2021

The NSS rejects this argument. Article 18 is a qualified right, which means that an interference with the right can be justified in certain circumstances. We maintain that the welfare of animals provides such a justification.

In 2020 the European Court of Justice ruled that states subject to its jurisdiction may ban non-stun slaughter on animal welfare grounds. The court upheld laws introduced in the Flemish region of Belgium and said restricting non-stun was not an undue infringement of the right to religious freedom, provided it was conducted for a legitimate purpose. The court also noted a scientific consensus that prior stunning was the optimal means of reducing an animal's suffering at the time of slaughter<sup>180</sup>.

Consultation Question 11: Does the problem adversely impact equality, diversity and inclusion by affecting certain groups in society, or particular areas of the country, more than others? If so, what are those groups or areas?

The lack of any requirements for meat from animals slaughtered without stunning to be labelled as such, and its provision in schools without parents' or pupils' knowledge, is likely to most greatly impact those with a religious or philosophical objection to eating religiously slaughtered meat. Sikhs in particular regularly express that their religion prohibits the consumption of religiously-slaughtered meat<sup>181</sup>. The NSS has also heard similar religious objections from Christians, Hindus and Pagans, as well as atheists who are appalled at the idea of unknowingly consuming meat from an animal that suffered unnecessarily for a god in which they do not believe.

Consultation Question 12: In your view, why is the independent, non-political, Law Commission the appropriate body to undertake this work, as opposed to, for example, a Government department, Parliamentary committee, or a non-Governmental organisation? Please share your views below:

The Law Commission has a strong track record of identifying, and suggesting changes to, historical laws that need modernising. This includes laws involving religion, such as its recent proposals to reform wedding laws. As non-stun slaughter becomes increasingly common, the need to legislate against it to prevent more animals from suffering a needlessly painful death becomes more acute.

Consultation Question 13: Have you been in touch with any part of the Government (either central or local) about this problem? What did they say? Please share your views below:

The government's own advisory body, the Farm Animal Welfare Council (FAWC), has said that the practice should be banned. The FAWC concluded that animals slaughtered without pre-stunning are likely to experience "very significant pain and distress" before they become unconscious<sup>182</sup>.

The government has repeatedly said that it would "prefer all animals to be stunned before slaughter"<sup>183</sup>. However, it has not made any actions to either restrict or prohibit non-stun slaughter,

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<sup>180</sup> National Secular Society, 'States may restrict non-stun slaughter on welfare grounds, ECJ rules'. 18 December 2020 <https://www.secularism.org.uk/news/2020/12/states-may-restrict-non-stun-slaughter-on-welfare-grounds-ecj-rules>

<sup>181</sup> Singh, Hardeep. 'Sikhs and vegetarians who criticise halal meat are not Islamophobic'. The Article, 20 August 2019 <https://www.thearticle.com/if-criticising-halal-meat-is-islamophobic-then-all-sikhs-are-racist> Accessed 24 June 2021.

<sup>182</sup> Farm Animal Welfare Council, 'Report on the Welfare of Farmed Animals at Slaughter or Killing Part 1: Red Meat Animals'. June 2003 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325241/FAWC\\_report\\_on\\_the\\_welfare\\_of\\_farmed\\_animals\\_at\\_slaughter\\_or\\_killing\\_part\\_one\\_red\\_meat\\_animals.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/325241/FAWC_report_on_the_welfare_of_farmed_animals_at_slaughter_or_killing_part_one_red_meat_animals.pdf) Accessed 23 June 2021.

<sup>183</sup> HL Deb, 7 February 2018, c2001 <https://www.theyworkforyou.com/lords/?id=2018-02-07b.2001.0> Accessed 24 June 2021.

or introduce mandatory labelling for non-stun slaughtered meat.

Consultation Question 14: Is any other organisation such as the Government or a non-Governmental group currently considering this problem? Have they considered it recently? If so, please give us the details of their investigation on this issue, and why you think the Law Commission should also look into the problem.

The EU's Scientific Panel on Animal Health and Welfare (AHAW) has stated: "Due to the serious animal welfare concerns associated with slaughter without stunning, pre-cut stunning should always be performed."<sup>184</sup>

The Federation of Veterinarians of Europe (FVE) has stated: "FVE is of the opinion that from an animal welfare point of view, and out of respect for an animal as a sentient being, the practice of slaughtering animals without prior stunning is unacceptable under any circumstances"<sup>185</sup>

RSPCA<sup>186</sup>, Compassion in World Farming<sup>187</sup> and the British Veterinary Association<sup>188</sup> all support an end to non-stun slaughter to improve animal welfare at the time of death.

We think the Law Commission's input would be helpful in tackling the problem because, although the government has expressed it would 'prefer' all animals to be stunned before slaughter, it is enacted no policy to tackle the issue, or even introduce labelling for non-stun slaughtered meat. In fact, its willingness to allow unstunned meat to be exported to supply halal markets overseas is contributing to the problem.

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<sup>184</sup> Blokhuis; et al. (15 June 2004). "Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals". The EFSA Journal. European Food Safety Authority. <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2004.45> Accessed 23 June 2021.

<sup>185</sup> Federation of Veterinarians in Europe, 'Slaughter without stunning causes unnecessary suffering'. 8 February 2019 [https://fve.org/publications/slaughter\\_without\\_stunning/](https://fve.org/publications/slaughter_without_stunning/) Accessed 23 June 2021.

<sup>186</sup> RSPCA, 'Slaughter without pre-stunning'. <https://www.rspca.org.uk/getinvolved/campaign/slaughter> Accessed 23 June 2021.

<sup>187</sup> Compassion in World Farming, 'Humane slaughter'. <https://www.ciwf.org.uk/our-campaigns/other-campaigns/slaughter/> Accessed 23 June 2021.

<sup>188</sup> British Veterinary Association, 'Non-stun slaughter'. <https://www.bva.co.uk/take-action/our-policies/non-stun-slaughter/> Accessed 23 June 2021.

## Idea for Reform #5: A legal framework for assisted dying

Consultation Question 1: In general terms, what is the problem that requires reform? Please share your views below:

UK law does not accommodate assisted dying, leading to numerous UK citizens dying a slow and painful death, and putting others at risk of imprisonment if they make the agonising yet compassionate decision to help a loved one in agony to die.

The situation is intolerable and unsustainable because some people who would otherwise choose an assisted death will experience unbearable suffering even with the best available medical care. The largest poll ever conducted on assisted dying has found that 84% people in Great Britain support a change in the law<sup>189</sup>.

The National Secular Society supports patient autonomy and works to protect patients from the imposition of other people's personal religious views. Strong opposition to assisted dying comes from some religious leaders who regard life as sacred and assisted dying as intrinsically harmful. We support the democratic right of all people to contribute to this debate. However, the over-representation of religious groups, and the special status granted to religious groups, currently imposes a disproportionate level of influence. The views of the general public, professionals and relevant organisations should be fairly reflected at policy level.

Without a legal structure for assisted dying, relatives and friends of terminally ill adults sometimes feel they have nowhere to turn and may resort to 'assisting' their loved-one to take their own life. This leads to botched suicides, and to increased distress for relatives and friends who have felt that they had no option but to take matters into their own hands. It also creates added worry for the patient who may be concerned that their relatives might be prosecuted after their death.

We support the direction of guidance issued by the former Director of Public Prosecutions (see Q3), but have concerns that, without a formal legal framework for assisted dying, vulnerable patients may be more at risk since there is no recognised pathway under current legislation to gauge and record the patient's views before death; the assessment by prosecutors is invariably made after the person has died when their views cannot be known with certainty.

Perversely, doctors are more likely to be prosecuted under current guidance than others involved in assisted dying. This is despite the fact that doctors are best able to ensure that there are no further effective treatments for the patient, to ensure that the patient has capacity and has considered all available options (maintaining a sustained wish to die in the face of those options), and who are best able to ensure a painless and straightforward death for those who want it.

**We therefore propose the Law Commission draft a legal framework, or a number of possible frameworks, to guide the government into formulating compassionate and safe legislation to allow for assisted dying under certain circumstances.** There are a number of different models for a legal framework as used in other states and proposed by UK-based campaign groups. The Law Commission is well placed to consider these and draw up proposals for a legal framework suitable for the UK.

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<sup>189</sup> Campaign for Dignity in Dying, 'Largest ever poll on assisted dying finds increase in support to 84% of Britons'. 2 April 2019 <https://www.dignityindying.org.uk/news/poll-assisted-dying-support-84-britons/> Accessed 25 June 2021.

Consultation Question 2: Can you give us an example of what happens in practice? For example, if you are a solicitor or barrister, you might describe how the problem affects your clients. Please share your views below:

Because there is no recognition of ‘assisted dying’ in UK law, those who help others to die may be charged with assisting a suicide. In England and Wales section 2 of the Suicide Act 1961 makes it a criminal offence for a third party to assist or encourage another to commit suicide<sup>190</sup>.

Assisting a suicide is also a crime in Northern Ireland, under Section 13 the Criminal Justice Act (Northern Ireland) 1966<sup>191</sup>.

There is no specific crime of assisting a suicide in Scotland. But it is possible that helping a person to die could lead to prosecution for murder or culpable homicide.

As a result, people suffering unbearable incurable and/or terminal diseases causing immense detriment to their quality of life, and having exhausted all available treatment options, have no legal means to have a safe and peaceful death at the time of their choosing.

Consultation Question 3: To which area(s) of the law does the problem relate? Please tick one or more boxes.

Medical or health law, criminal law

Consultation Question 4: We will be looking into the existing law that relates to the problem you have described. Please tell us about any court/tribunal cases, legislation, books or journal articles that relate to this problem. You may be able to tell us the name of the particular Act or case that relates to the problem. Please share your views below:

### **Legal cases**

The following have been summarised from from My Death My Decision, ‘Legal cases’:

<https://www.mydeath-mydecision.org.uk/legal-cases/>

#### **Diane Pretty**

*The Queen on the Application of Mrs Diane Pretty (Appellant) v Director of Public Prosecutions (Respondent) and Secretary of State for the Home Department (Interested Party) (House of Lords)*<sup>192</sup>

*Pretty v. the United Kingdom (European Court of Human Rights)*<sup>193</sup>

Summary: Diane Pretty was diagnosed with motor neurone disease in 1999. Rather than endure the final stages of a drawn-out and unpleasant death, she wanted the ability to end her life on her own terms. However, because she was paralysed from the neck down, she needed help from her husband to die. While suicide isn’t a crime, having her husband help her would be - and he would have been at risk of prosecution. In response, Diane took the Government to court challenging the UK’s ban on assisted dying for violating her human rights.

When the UK’s highest court considered her case, they ruled against her. Diane appealed the judgment to the European Court of Human Rights, who in a seminal ruling partially accepted her

<sup>190</sup> Suicide Act 1961 s2 <https://www.legislation.gov.uk/ukpga/Eliz2/9-10/60/section/2> Accessed 25 June 2021.

<sup>191</sup> Criminal Justice Act (Northern Ireland) 1966 s13 <https://www.legislation.gov.uk/apni/1966/20/section/13> Accessed 25 June 2021.

<sup>192</sup> <https://publications.parliament.uk/pa/ld200102/ldjudgmt/jd011129/pretty-1.htm> Accessed 25 June 2021.

<sup>193</sup> <https://www.bailii.org/eu/cases/ECHR/2002/427.html> Accessed 25 June 2021.



argument. Unlike the House of Lords, it held that a right to a private life evoked considerations about an individual's quality of life as well. Therefore, since the law prevented Diane from avoiding an undignified and distressing end of life, the court refused to rule out the possibility of it violating her human rights under Article 8 of the European Convention on Human Rights.

Diane died two weeks after the European Court's decision, following breathing difficulties.

#### Debbie Purdy

*R (on the application of Purdy) (Appellant) v Director of Public Prosecutions (Respondent)*<sup>194</sup>

Summary: In 2009 Debbie Purdy, who was suffering from the incurable condition multiple sclerosis, successfully challenged the law on assisted dying. Knowing that she would eventually die in a distressing manner, she wanted to die with dignity by travelling to Switzerland. But she would have needed her husband to help her. The core of Debbie's legal challenge was whether the existing law (under the Suicide Act 1961) was too unclear for her to predict accurately if her husband would be prosecuted for helping her travel to Switzerland at some point in the future. She alleged that the vague nature of the law breached her human rights to a private and family life (Article 8 of the European Convention on Human Rights).

In a landmark and unanimous decision, Debbie won her case. Although the House of Lords stopped short of declaring the law against assisted dying as entirely invalid, it ruled that because the Director of Public Prosecutions had not specified under which circumstances and when someone would be prosecuted for helping another to die, the law did breach Debbie's human rights by lacking a sufficient degree of clarity. Shortly following Debbie's case, the then Director of Public Prosecutions, Sir Keir Starmer MP, issued guidance to prosecutors on factors to be taken into account when deciding whether or not to bring a prosecution for assisting another to die - which remains valid today. Yet, despite her success, the prosecutors' guidance gave Debbie no guarantee that her husband would not be prosecuted in the event of his helping her to die, so she eventually decided in 2013 that she wanted to end her life without her husband risking imprisonment - meaning she chose to starve herself to death.

#### Tony Nicklinson, Paul Lamb, and 'Martin'

*R (on the application of Nicklinson and another) (Appellants) v Ministry of Justice (Respondent), R (on the application of AM) (AP) (Respondent) v The Director of Public Prosecutions (Appellant), R (on the application of AM) (AP) (Respondent) v The Director of Public Prosecutions (Appellant)*<sup>195</sup>

Summary: Tony Nicklinson became paralysed following a sudden stroke in 2004. His condition (locked-in syndrome) left him completely paralysed but for the ability to blink and to turn his head. He was dependent upon round-the-clock care for almost every aspect of his life and in a state of constant pain. Knowing that he had no prospect of improvement, Tony was determined not to spend the rest of his life in a state of increasing misery and stated that he wanted a 'Plan B' for when life became intolerable. He did not want to have to starve or dehydrate himself to death which was the only available legal option for him to end his suffering. In 2012, he challenged the UK's laws on assisted dying by arguing that doctors should have a defence in law for helping him die, and that the current law breached his rights to a private and family life (Article 8 of the European Convention on Human Rights). When the High Court ruled against Tony, he was devastated, started to refuse food and water and died six days after the ruling.

Tony's wife, Jane, continued Tony's case through the later stages of the judicial process alongside Paul Lamb, another man paralysed from the neck down. They also argued that the ban on assisted

<sup>194</sup> <https://publications.parliament.uk/pa/ld200809/ldjudgmt/jd090730/rvpurd-1.htm> Accessed 25 June 2021.

<sup>195</sup> <https://www.bailii.org/uk/cases/UKSC/2014/38.html> Accessed 25 June 2021.

dying was incompatible with Paul's human right to a private and family life under the European Convention on Human Rights.

'Martin', whose identity was concealed for legal reasons, was also almost completely unable to move and wanted to end his life by travelling abroad. Martin argued that the Director of Public Prosecutions' Guidelines on assisted dying were still not clear enough for healthcare professionals to know if they could provide assistance without risking prosecution.

In what is still the UK's leading authority on assisted dying, the UK Supreme Court ruled in 2014 against Nicklinson, Lamb, and Martin. Whilst at least two judges (including the later President of the Supreme Court) supported Paul's case and would have immediately issued a declaration of incompatibility, a five-four majority thought Parliament should be given an opportunity to consider amending the law before making a definitive judgment. Importantly, some of the judges chose to provide guidance on how legislation might work. In Martin's case, the court ruled that the Director of Public Prosecutions should review the written policy on assisted dying, and indicated that it could take further action if necessary, but stopped short of declaring the guidance invalid or directing the Director of Public Prosecutions to change them.

#### Noel Conway

*R (on the application of CONWAY) Appellant/ Claimant v The Secretary Of State For Justice*<sup>196</sup> (Court of Appeal)

*R (on the application of Conway) (Appellant) v Secretary of State for Justice (Respondent)*<sup>197</sup> (Supreme Court)

Summary: Noel Conway was diagnosed with motor neurone disease in 2014. His degenerative condition required him to use an artificial ventilator to breathe. In 2017, he launched the first assisted dying legal case which aimed to specifically only help people with six months left to live.

Noel argued that the law banning assisted dying was incompatible with his human rights to a right to a private and family life. He also suggested that where previous legal cases had failed, his case would succeed because his specific focus on the terminally ill would enable him to create a limited and well-regulated assisted dying law. In particular, Noel said that assisted death should only be available to someone who was: 18+ years old, terminally ill (meaning they had less than six months to live), reached a voluntary, clear, and settled decision, and obtained permission from the High court to end their life.

However, the Court of Appeal rejected his case. The court acknowledged that a lengthy history of legal cases had well-established that a ban on assisted dying infringed someone's human rights to a private life. However, it decided that the law could continue to be justified on the basis that it secured the legitimate aims of protecting vulnerable people. The Supreme Court also refused Noel Conway permission to appeal the Court of Appeal's judgment.

Noel Conway died on June 9 2021 after deciding with his family to remove his ventilator.

#### Other ECtHR Judgments

Haas v Switzerland App no 31322/07 (ECtHR, 20 January 2011)

Koch v Germany App no 497/09 (ECtHR, 19 July 2012)

Gross v Switzerland App no 67810/10 (ECtHR [GC], 30 September 2014)

#### International Judgments

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<sup>196</sup> <https://www.judiciary.uk/wp-content/uploads/2018/06/conway-judgment-27062018.pdf> Accessed 26 June 2021

<sup>197</sup> <https://www.supremecourt.uk/docs/r-on-the-application-of-conway-v-secretary-of-state-for-justice-court-order.pdf> Accessed 25 June 2021

### *Austria*

Judgment G 139/2019-71 of 11 December 2020 of the Constitutional Court of Austria in Vienna

### *Canada*

Rodriguez v British Columbia (AG) [1993] 3 SCR 519

Carter v. Canada (AG) [2015] 1 SCR 331

Truchon and Gladu v. Canada (AG) and Quebec (AG) 2019 QCCS 3792 (CanLII)

### *Germany*

BVerfG, Judgment of the Second Senate of 26 February 2020

BVerwG 3 C 19.15, Judgment of 02 March 2017

### *Ireland*

Fleming -v- Ireland & Ors [2013] IEHC 2

Fleming -v- Ireland & Ors [2013] IESC 19

### *Italy*

Judgment No.242 of 2019 of the Italian Constitutional Court, available at:

<https://www.cortecostituzionale.it/actionJudgment.do>

### *New Zealand*

Seales v Attorney-General [2015] NZHC 1239

### *South Africa*

Robert James Stransham-Ford v. the Minister of Justice and others (27401/15) [2015] ZAGPPHC 230

Robert James Stransham-Ford v. the Minister of Justice and others (531/2015) [2016] ZASCA 197

### *USA*

Washington v. Glucksberg, 521 U.S. 702 (1997)

Baxter v. State, MT DA 09-0051, 2009 MT 449

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Battin, Margaret P. *et al. Physician Assisted Suicide: Expanding the Debate* (Routledge 1998)

Brewer, Colin. *O, let me not get Alzheimer's Sweet Heaven: Why so many people prefer death or active deliverance to living with dementia* (Skyscraper 2019)

Brewer, Colin and Irwin, Michael. *I'll See Myself Out, Thank You* (Skyscraper 2015)

McLean, Sheila. *Assisted Dying: Reflections on the Need for Law Reform* (Routledge 2007)

Wootton, Sarah and Riley, Lloyd. *Last Rights: The Case for Assisted Dying*. Biteback Publishing, June 2020.

Quill, Timothy E. and Battin, Margaret P, *Physician-Assisted Dying: The Case for Palliative Care & Patient Choice* (The John Hopkins University Press 2004)

### **Journal articles**

Margaret P Battin et al. "Legal physician-assisted dying in Oregon and the Netherlands: evidence concerning the impact on patients in "vulnerable" groups." *Journal of medical ethics* vol. 33,10 (2007): 591-7. doi:10.1136/jme.2007.022335<sup>198</sup>

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<sup>198</sup> Available at: <https://jme.bmj.com/content/33/10/591> Accessed 22 July 2021.

Sarah E. Braaten, 'Law, Vulnerability and Medical Assistance in Dying in Canada: A Post-Carter Policy Review', 2017.<sup>199</sup>

Roger Brownsword, Penney Lewis, and Genevra Richardson, 'Prospective Legal Immunity and Assistance with Dying: Submission to the Commission on Assisted Dying', *King's Law Journal*, 23:2, 181-193 (2012).<sup>200</sup>

James Downie *et al*, 'Pereira's attack on legalizing euthanasia or assisted suicide: smoke and mirrors', *Curr Oncol*, Vol 19, 2012, pp 133-138.<sup>201</sup>

James Downar *et al*, 'Early experience with medical assistance in dying in Ontario, Canada: a cohort study' *CMAJ* February 24, 2020 192 (8) E173-E181.<sup>202</sup>

Ronald Dworkin, Thomas Nagel, Robert Nozick, John Rawls, Judith Jarvis Thompson, *et al*, 'The Philosophers' Brief', *The New York Review*, March 27 1997.<sup>203</sup>

Ezekiel J. Emanuel *et al*, 'Attitudes and Practices of Euthanasia and Physician-Assisted Suicide in the United States, Canada, and Europe' *JAMA* 2016;316(1):79-90.<sup>204</sup>

Linda Ganzini *et al*, 'Physicians' Experiences with the Oregon Death with Dignity Act' *N Engl J Med* 2000; 342:557 - 563.<sup>205</sup>

Linda Ganzini, 'Legalised Physician-Assisted Death in Oregon', *QUT Law Review*, Vol 16, Iss1, pp 76-83.<sup>206</sup>

Samantha Halliday, 'Comparative reflects upon the Assisted Dying Bill 2013: a plea for a more European approach', *Medical Law International*, 13(2-3), 135-167.<sup>207</sup>

Emily Jackson, 'Legalized Assisted Dying: Cross Purposes and Unintended Consequences', 41 *Dalhousie L.J.* 59 (2018).<sup>208</sup>

Bregje D Onwuteaka-Philipsen *et al*, 'Dutch experience of monitoring euthanasia' *BMJ* 2005;331:691.<sup>209</sup>

Bregje D. Onwuteaka-Philipsen *et al*, 'Two Decades of Research on Euthanasia from the Netherlands. What have we learnt and what questions remain', *J Bioeth Inq.* 2009 Sep; 6(3):271 - 283.<sup>210</sup>

Clive Seale, 'National survey of end-of-life decisions made by UK medical practitioners', *Palliative Medicine* 2006; 20:3 - 10.<sup>211</sup>

Anne Marie Su, 'Physician Assisted Suicide: Debunking the Myths Surrounding the Elderly, Poor, and Disabled', 10 *Hastings Race & Poverty L.j.* 145 (2013).<sup>212</sup>

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<sup>199</sup> Available at: <https://core.ac.uk/download/pdf/94148537.pdf> Accessed 23 July 2021.

<sup>200</sup> Available at: <https://doi.org/10.5235/KLJ.23.2.181> Accessed 23 July 2021.

<sup>201</sup> Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3364762/pdf/conc-19-133.pdf> Accessed 23 July 2021.

<sup>202</sup> Available at: <https://www.cmaj.ca/content/192/8/E173> Accessed 23 July 2021.

<sup>203</sup> Available at: <https://www.nybooks.com/articles/1997/03/27/assisted-suicide-the-philosophers-brief/> Accessed 23 July 2021.

<sup>204</sup> Available at: <https://jamanetwork.com/journals/jama/article-abstract/2532018> Accessed 23 July 2021.

<sup>205</sup> Available at: <https://www.nejm.org/doi/full/10.1056/NEJM200002243420806#:~:text=The%20Oregon%20Death%20with%20Dignity%20Act%2C%20enacted%20on%20October%202027,in%20the%20state%20of%20Oregon.&text=This%20law%20allows%20the%20physician,which%20the%20patient%20may%20administer.> Accessed 23 July 2021.

<sup>206</sup> Available at: <https://lr.law.qut.edu.au/article/view/623/580> Accessed 23 July 2021.

<sup>207</sup> Available at: <https://pure.hud.ac.uk/en/publications/comparative-reflections-upon-the-assisted-dying-bill-2013-a-plea> Accessed 23 July 2021.

<sup>208</sup> Available at: <https://digitalcommons.schulichlaw.dal.ca/dlj/vol41/iss1/3/> Accessed 23 July 2021.

<sup>209</sup> Available at: <https://www.bmj.com/content/331/7518/691.short> Accessed 23 July 2021.

<sup>210</sup> Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2733179/> Accessed 23 July 2021.

<sup>211</sup> Available at: <https://journals.sagepub.com/doi/10.1191/0269216306pm10940a> Accessed 23 July 2021.

<sup>212</sup> Available at: [https://repository.uchastings.edu/hastings\\_race\\_poverty\\_law\\_journal/vol10/iss1/5](https://repository.uchastings.edu/hastings_race_poverty_law_journal/vol10/iss1/5) Accessed 23 July 2021.

Yente Van Wesemael *et al*, 'Process and Outcomes of Euthanasia Requests under the Belgian Act on Euthanasia: A Nationwide Survey', (2011) 42(5) J Pain Symptom Management 721, J.A.C.<sup>213</sup>

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Demos, 'The Commission on Assisted Dying' (2011)<sup>216</sup>

European Association for Palliative Care, Palliative Care Development in Countries with a Euthanasia Law: Report for the Commission on Assisted Dying Briefing Papers (2011)<sup>217</sup>

Palliative Care Australia, 'Experience internationally of the legalisation of assisted dying on the palliative care sector', (2018)<sup>218</sup>

Riley, Lloyd and Hehir, David. 'The inescapable truth: How 17 people a day will suffer as they die'. Campaign for Dignity in Dying, September 2019.<sup>219</sup>

Riley, Lloyd and Hehir, David. 'The true cost: How the UK outsources death to Dignitas'. Campaign for Dignity in Dying, November 2017.<sup>220</sup>

The Royal Society of Canada Expert Panel, 'End-of-Life Decision Making' (2011)<sup>221</sup>

The Winston Churchill Memorial Trust of Australia, 'The Dorothea Sandars and Irene Lee Churchill Fellowship to study the interface between Palliative Care and legalized Physician Assisted Suicide and Voluntary Euthanasia' (2013)<sup>222</sup>

Queensland Law Commission, 'A legal framework for voluntary assisted dying' (2021)<sup>223</sup>

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<sup>213</sup> Available at: <https://pubmed.ncbi.nlm.nih.gov/21570807/> Accessed 23 July 2021.

<sup>214</sup> Available at: <https://eprints.qut.edu.au/198052/> Accessed 23 July 2021.

<sup>215</sup> Available at: <https://eprints.qut.edu.au/57057/> Accessed 23 July 2021.

<sup>216</sup> Available at <https://demos.co.uk/project/the-commission-on-assisted-dying/> Accessed 23 July 2021.

<sup>217</sup> Available at: <https://web.archive.org/web/20111119091409/https://www.commissiononassisteddying.co.uk/wp-content/uploads/2011/10/EAPC-Briefing-Paper-Palliative-Care-in-Countries-with-a-Euthanasia-Law.pdf>. Accessed 23 July 2021.

<sup>218</sup> Available at [https://palliativecare.org.au/wp-content/uploads/dlm\\_uploads/2018/12/Experience-internationally-of-the-legalisation-of-assisted-dying-on-the-palliative-care-sector-APEX-FINAL.pdf](https://palliativecare.org.au/wp-content/uploads/dlm_uploads/2018/12/Experience-internationally-of-the-legalisation-of-assisted-dying-on-the-palliative-care-sector-APEX-FINAL.pdf) Accessed 23 July 2021.

<sup>219</sup> Available at [https://www.dignityindying.org.uk/wp-content/uploads/DiD\\_Inescapable\\_Truth\\_WEB.pdf](https://www.dignityindying.org.uk/wp-content/uploads/DiD_Inescapable_Truth_WEB.pdf). Accessed 7 July 2021.

<sup>220</sup> Available at [https://cdn.dignityindying.org.uk/wp-content/uploads/DiD\\_True\\_Cost\\_report\\_FINAL\\_WEB.pdf](https://cdn.dignityindying.org.uk/wp-content/uploads/DiD_True_Cost_report_FINAL_WEB.pdf). Accessed 7 July 2021.

<sup>221</sup> Available at: <https://pubmed.ncbi.nlm.nih.gov/22085416/> Accessed 23 July 2021.

<sup>222</sup> Available at <https://www.churchilltrust.com.au/project/the-dr-dorothea-sandars-and-irene-lee-churchill-fellowship-to-explore-the-interface-between-palliative-care-and-physician-assisted-suicidevoluntary-euthanasia/> Accessed 23 July 2021

<sup>223</sup> Available at <https://www qlrc.qld.gov.au/ data/assets/pdf file/0020/681131/qlrc-report-79-a-legal-framework-for-voluntary-assisted-dying.pdf> Accessed 23 July 2021.

Consultation Question 5: Can you give us information about how the problem is approached in other legal systems? You might have some information about how overseas legislatures have responded or how the court or tribunals approach the problem. Please share your views below:

### **Australia**

Physician-assisted suicide is currently legal in Victoria<sup>224</sup>, Western Australia<sup>225</sup> and Tasmania<sup>226</sup>. In June 2021 a bill to legalise assisted dying was passed in South Australia<sup>227</sup>.

### **Austria**

In December 2020, the Austrian Constitutional Court ruled that the prohibition of assisted suicide was unconstitutional<sup>228</sup>.

### **Belgium**

The Euthanasia Act legalized voluntary euthanasia in Belgium in 2002, but it did not cover physician-assisted suicide<sup>229</sup>.

### **Canada**

Physician-assisted suicide has been legal in the Province of Quebec since 5 June 2014<sup>230</sup>. It was declared legal across the country through the Supreme Court of Canada decision *Carter v. Canada (Attorney General)* of 6 February 2015<sup>231</sup>. The House of Commons passed a Bill in mid-June 2016 that allows for physician-assisted suicide<sup>232</sup>.

### **Colombia**

In May 1997 the Colombian Constitutional Court allowed for the voluntary euthanasia of sick patients who requested to end their lives, by passing Article 326 of the 1980 Penal Code<sup>233</sup>.

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<sup>224</sup> SBS News, 'Voluntary euthanasia is now legal in Victoria'. 19 June 2019 <https://www.sbs.com.au/news/voluntary-euthanasia-is-now-legal-in-victoria> Accessed 25 June 2021

<sup>225</sup> Perpetch, Nicholas. 'Voluntary euthanasia becomes law in WA in emotional scenes at Parliament'. ABC News, 10 December 2019. <https://www.abc.net.au/news/2019-12-10/voluntary-euthanasia-becomes-law-in-wa-in-emotional-scenes/11784828> Accessed 25 June 2021

<sup>226</sup> Lohberger, Loretta. 'Tasmania passes voluntary assisted dying legislation, becoming third state to do so'. ABC News, 23 March 2021. <https://www.abc.net.au/news/2021-03-23/tasmania-passes-assisted-dying-legislation/100024852> Accessed 25 June 2021

<sup>227</sup> Marchant, Gabriella and Mullins, Sarah. 'Voluntary assisted dying to become law in South Australia as euthanasia bill passes Parliament'. ABC News, 24 June 2021. <https://www.abc.net.au/news/2021-06-24/euthanasia-voluntary-assisted-dying-approved-by-sa-parliament/100236608> Accessed 25 June 2021

<sup>228</sup> Brade, Alexander; Friedrich, Roman (16 January 2021). "Stirb an einem anderen Tag". *Verfassungsblog* <https://verfassungsblog.de/stirb-an-einem-anderen-tag/> Accessed 25 June 2021

<sup>229</sup> Adams, M.; Nys, H. (1 September 2003). "Comparative Reflections on the Belgian Euthanasia Act 2002". *Medical Law Review*. 11 (3): 353–376. doi:10.1093/medlaw/11.3.353

<sup>230</sup> Hamilton, Graeme (10 December 2015). "Is it euthanasia or assisted suicide? Quebec's end-of-life care law explained". *National Post*. Toronto, Ontario. <https://nationalpost.com/health/is-it-euthanasia-or-assisted-suicide-quebecs-end-of-life-care-law-explained> Accessed 25 June 2021

<sup>231</sup> *Carter v. Canada (Attorney General)*, 2015 S.C.C. 5, [2015] 1 S.C.R. 331 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14637/index.do> Accessed 25 June 2021

<sup>232</sup> Bill C-14, An Act to amend the Criminal Code & to make related amendments to other Acts (medical assistance in dying), 1st Sess., 42nd Parl., 2015–2016 (assented to 2016-06-17), S.C. 2016, c. 3. [https://laws-lois.justice.gc.ca/PDF/2016\\_3.pdf](https://laws-lois.justice.gc.ca/PDF/2016_3.pdf) Accessed 25 June 2021

<sup>233</sup> Whiting, Raymond (2002). *A Natural Right to Die: Twenty-Three Centuries of Debate*. Westport, Connecticut. <https://archive.org/details/naturalrighttodi00whit/page/n51/mode/2up?q=colombia> Accessed 25 June 2021

## Germany

Assisting suicide is generally legal and the Federal Constitutional Court has ruled that it is generally protected under the Basic Law. Physician-assisted suicide was formally legalised on 26 February 2020 when Germany's top court removed the prohibition of "professionally assisted suicide"<sup>234</sup>.

## Ireland

The Dying with Dignity Bill 2020 is at its Third Stage in the Dáil Éireann. It would "make provision for assistance in achieving a dignified and peaceful end of life to qualifying persons and related matters."<sup>235</sup> Ireland's Law Commission has assisted by making recommendations for amending the bill.<sup>236</sup>

## Jersey

In June, 78.3% of the Citizens' Panel on Assisted Dying agreed that assisted dying should be permitted where a Jersey resident, aged 18 and over, has a terminal illness or is experiencing unbearable suffering and wishes to end their life<sup>237</sup>.

## Luxembourg

Voluntary euthanasia and physician-assisted suicide were legalised in the country in April 2009<sup>238</sup>.

## Netherlands

Physician-assisted suicide is legal under the same conditions as voluntary euthanasia. Physician-assisted suicide became allowed under the Act of 2001 which states the specific procedures and requirements needed in order to provide such assistance<sup>239</sup>.

## New Zealand

Assisted suicide was decriminalised after a binding referendum on New Zealand's End of Life Choices Act 2019. The legislation takes effect on 6 November 2021<sup>240</sup>.

## Switzerland

Switzerland is one of a few countries in the world which permits assisted suicide for non-resident foreigners<sup>241</sup>. Between 1998 and 2020, 475 British citizens travelled to Dignitas in Zurich for an assisted suicide<sup>242</sup> - more than double the number of Swiss nationals who used Dignitas for assisted suicide within the same period.

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<sup>234</sup> BBC, 'Germany overturns ban on professionally assisted suicide'. 26 February 2020. <https://www.bbc.co.uk/news/world-europe-51643306> Accessed 25 June 2021

<sup>235</sup> Oireachtas.i, 'Dying with Dignity Bill 2020'. <https://www.oireachtas.ie/en/bills/bill/2020/24/> Accessed 23 July 2021.

<sup>236</sup> Law Society Gazette, 'Law Society gives its input on assisted dying bill'. 11 February 2021. <https://www.lawsociety.ie/gazette/top-stories/law-society-makes-recommendations-on-assisted-dying-bill/> Accessed 23 July 2021.

<sup>237</sup> ITV, 'Citizens' Jury votes overwhelmingly in favour of legalising assisted dying in Jersey'. 22 June 2021. <https://www.itv.com/news/channel/2021-06-22/citizens-jury-votes-overwhelmingly-in-favour-of-legalising-assisted-dying-in-jersey> Accessed 25 June 2021

<sup>238</sup> Terhan Times, "Luxembourg becomes third EU country to legalize euthanasia". April 4 2009; Archived from the original on 13 June 2011. [https://web.archive.org/web/20110613232728/http://www.tehrantimes.com/index\\_view.asp?code=191410](https://web.archive.org/web/20110613232728/http://www.tehrantimes.com/index_view.asp?code=191410) Accessed 25 June 2021

<sup>239</sup> The World Health Organisation, "Netherlands, first country to legalize euthanasia". 2001 <https://www.who.int/bulletin/archives/79%286%29580.pdf> Accessed 25 June 2021

<sup>240</sup> "End of Life Choice Bill (as at 23 October 2019), Explanatory note". <https://www.legislation.govt.nz/bill/member/2017/0269/latest/DLM7285905.html> Accessed 28 June 2021.

<sup>241</sup> Humphry, Derek. 'Law reform'. AssistedSuicide.org, 15 October 2015. [http://www.assistedsuicide.org/suicide\\_laws.html](http://www.assistedsuicide.org/suicide_laws.html) Accessed 28 June 2021.

<sup>242</sup> Dignitas, 'Accompanied suicides per year and country of residence'. 31 December 2020 [http://www.dignitas.ch/index.php?option=com\\_content&view=article&id=32&Itemid=72](http://www.dignitas.ch/index.php?option=com_content&view=article&id=32&Itemid=72) Accessed 28 June 2021.



## United States

Assisted death is legal in the American states of California<sup>243</sup>, Colorado<sup>244</sup>, Hawaii<sup>245</sup>, Oregon<sup>246</sup>, Washington<sup>247</sup>, Washington DC<sup>248</sup>, New Jersey<sup>249</sup>, New Mexico<sup>250</sup>, Maine<sup>251</sup> and Vermont<sup>252</sup>. In Montana, the Montana Supreme Court ruled in *Baxter v. Montana* (2009) that it found no law or public policy reason that would prohibit physician-assisted dying<sup>253</sup>.

Many of the above states employ the 'Oregon model' for assisted dying, based on Oregon's law. This is the model supported by the UK-based Campaign for Dignity in Dying.

Consultation Question 6: Within the United Kingdom, does the problem occur in any or all of England, Wales, Scotland or Northern Ireland? Please share your views below:

Nowhere in the UK is assisted dying explicitly legal. It is effectively criminalised in England, Wales and Northern Ireland. Because it is not explicitly legal in Scotland, it is possible that helping a person to die could lead to prosecution for murder or culpable homicide.

Consultation Question 7: What do you think needs to be done to resolve the problem? Please share your views below:

We believe the time has come for the law to be reformed to enable assisted dying, under a secure legal framework. As has happened in other jurisdictions, legislation can be passed that will fulfil the dual purpose of protecting vulnerable people from unwanted euthanasia or social pressures to end their lives, and supporting the most vulnerable people who are suffering unbearably and who have exhausted all other options, to exercise their autonomy and to end their suffering in a humane manner.

Consultation Question 8: What is the scale of the problem? This might include information about the number of people affected this year or the number of cases which were heard in a court or tribunal over a particular period. Please share your views below:

The current law prohibiting assisted dying is widely regarded as cruel and inhumane, as it forces people who are suffering unbearably into an impossible decision: to suffer increasing pain and indignity until the illness runs its course; to risk a painful or violent death via suicide without medical

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<sup>243</sup> Aliferis, Lisa. "California To Permit Medically Assisted Suicide As of 9 June". NPR, 10 March 2016. <https://www.npr.org/sections/health-shots/2016/03/10/469970753/californias-law-on-medically-assisted-suicide-to-take-effect-june-9/> Accessed 28 June 2021.

<sup>244</sup> UC Health, 'Colorado end of life options act'. <https://www.uchealth.org/colorado-end-life-options-act/> Accessed 28 June 2021.

<sup>245</sup> Death with Dignity, 'Hawaii'. <https://deathwithdignity.org/states/hawaii/> Accessed 28 June 2021.

<sup>246</sup> Oregon Health Authority, 'Oregon's Death with Dignity Act'. <https://www.oregon.gov/oha/PH/ProviderPartnerResources/Evaluationresearch/deathwithdignityact/Pages/index.aspx> Accessed 28 June 2021.

<sup>247</sup> Washington State Department of Health, 'Frequently asked questions about death with dignity'. <https://www.doh.wa.gov/youandyourfamily/illnessanddisease/deathwithdignityact/frequentlyaskedquestions> Accessed 28 June 2021.

<sup>248</sup> DC Health, 'Death with Dignity Act of 2016'. <https://dchealth.dc.gov/page/death-dignity-act-2016> Accessed 28 June 2021.

<sup>249</sup> Gillespie, Jessica, 'New Jersey's Medical Aid in Dying for the Terminally Ill Act'. Nolo, 31 December 2020. <https://www.nolo.com/legal-encyclopedia/new-jersey-s-aid-dying-the-terminally-ill-act.html> Accessed 28 June 2021.

<sup>250</sup> New Mexico End-Of-Life Options Coalition, 'About the Elizabeth Whitefield End-of-Life Options Act'. <https://endoflifeoptionsnm.org/advocacy/end-of-life-options-act/> Accessed 28 June 2021.

<sup>251</sup> Maine Death with Dignity homepage <https://www.mainedeathwithdignity.org/> Accessed 22 July 2021.

<sup>252</sup> Vermont Department of Health, 'Act 39 Frequently Asked Questions'.

[https://www.healthvermont.gov/sites/default/files/documents/pdf/Act39\\_faq.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/Act39_faq.pdf) Accessed 28 June 2021.

<sup>253</sup> *Baxter v. State*, 2009 MT 449, 224 P.3d 1211, 354 Mont. 234 (2009). <https://www.courtlistener.com/opinion/888660/baxter-v-state/> Accessed 28 June 2021.

supervision; or to risk implicating their loved ones in a crime with a possible prison sentence of 14 years if they ask for help to die.

Prior to the Covid-19 pandemic, every eight days someone from the UK travelled to Switzerland for help to die, and ten times as many dying people are ending their lives at home. Three hundred suicides in England each year involve a person with a terminal illness.<sup>254</sup> Around 1,000 people each year receive help to die, illegally, from a doctor at their request<sup>255</sup>.

Travelling to Switzerland's Dignitas clinic is simply not a viable option for most people in the UK whose suffering has become so unbearable and unmanageable that they consider their only option is to end their lives. It costs more than £10,000, so it is too expensive for a huge proportion of Brits. Furthermore, the long journey to Dignitas is too much for those already in great pain and distress. Those who do make the journey are often forced to do so earlier than they would choose, so they can have an assisted death before their illness prevents them from travelling. Those who go with their loved one and are present during the process face the risk of prosecution when they return to the UK<sup>256</sup>.

The number of people who would prefer assisted dying as an option to them is likely to be greater than the above figures suggest. The hospice care sector supports more than 225,000 people with terminal and life-limiting conditions in the UK each year<sup>257</sup>, while as many as 118,000 people in the UK with terminal or life-limiting conditions are not able to access palliative care from its members<sup>258</sup>.

It is also widely acknowledged that even with the best available palliative care some people's suffering cannot be alleviated. Whilst most pain can be controlled with good medical care, the suffering that many people who seek an assisted death experience encompasses much more than just pain.

Reforming the law on assisted dying is widely supported by the public. The largest poll ever conducted on assisted dying has found that 84% people in Great Britain support a change in the law.<sup>259</sup>

#### Consultation Question 9: What would be the positive impacts of reform?

Accommodating assisted dying in law would:

- 1) Help to end the unnecessarily prolonged suffering and indignity of those people, suffering unbearably and with no reasonable prospect of recovery or improvement who would otherwise be forced either to let the illness slowly run its course or to commit suicide without medical supervision;
- 2) Support the individual autonomy of adults with capacity who are experiencing unbearable and unrelievable suffering which they feel that they can no longer bear despite the best medical attention;
- 3) End the punishment of people who help their loved ones to die as an act of compassion;
- 4) Offer protection to vulnerable adults who do not want an assisted death in the rare case that they are 'helped to die' by unscrupulous relatives or friends who can now claim after the event that the

<sup>254</sup> Campaign for Dignity in Dying, 'Suicides'. <https://www.dignityindying.org.uk/why-we-need-change/suicides/> Accessed 28 June 2021.

<sup>255</sup> Campaign for Dignity in Dying, 'Key questions'. <https://www.dignityindying.org.uk/assisted-dying/key-questions/> Accessed 28 June 2021.

<sup>256</sup> Campaign for Dignity in Dying, 'Dignitas'. <https://www.dignityindying.org.uk/why-we-need-change/suicides/> Accessed 28 June 2021.

<sup>257</sup> Hospice UK, 'Facts and figures'. <https://www.hospiceuk.org/about-hospice-care/media-centre/facts-and-figures> Accessed 28 June 2021.

<sup>258</sup> Kelso, Paul. 'More than 100,000 terminally ill patients denied hospice care'. Sky News, 2 August 2017.

<https://news.sky.com/story/more-than-100-000-terminally-ill-patients-denied-hospice-care-10970074> Accessed 28 June 2021.

<sup>259</sup> Campaign for Dignity in Dying, 'Largest ever poll on assisted dying finds increase in support to 84% of Britons'. 2 April 2019 <https://www.dignityindying.org.uk/news/poll-assisted-dying-support-84-britons/> Accessed 25 June 2021.

person did in fact want to die. A formal legal structure requiring thorough assessment and due process before an assisted death could take place would ensure that there is no defence in law for such murders.

Consultation Question 10: If this area of the law is reformed, can you identify what the costs or other negative impacts of reform might be?

There are risks associated with ending restrictions on assisted dying. The most common concern is that the law could be abused to end the lives of those who do not wish to die, particularly vulnerable people. However, robust safeguards built into the legal framework would mitigate these. The current law contains no safeguards to protect dying people who want to control their death and perversely offers fewer protections to people who did not want to die but whose relatives later claim that they did.

Some doctors with a conscientious objection to assisting a patient to die might feel obliged or under pressure to assist. The largest ever survey of medical opinion on Assisted Dying conducted in 2020 by the British Medical Association found that the majority of respondents were not opposed to assisted dying<sup>260</sup>. Safeguards would need to be built into the system to ensure that doctors with conscientious objections would not be penalised or pressurised if they exercised their conscientious objection to participation in assisted dying.

There will be additional costs involved in a robust assessment process, training of professionals and use of assisted dying. However, many of these costs would be offset by the reduced need to provide ongoing care to people who are suffering unbearably.

There are reasonable concerns that a change in the law to permit assisted dying might, subtly or otherwise, lead some elderly or vulnerable people to consider an assisted death in order to spare their relatives the perceived burden of caring for them. This concern could reasonably be addressed in a robust assessment period to ensure that this is not the main reason for a person wishing to end their life.

A 2007 study based on evidence from Oregon in the US and the Netherlands concluded: "Where assisted dying is already legal, there is no current evidence for the claim that legalised PAS (physician-assisted suicide) or euthanasia will have disproportionate impact on patients in vulnerable groups"<sup>261</sup>.

Consultation Question 11: Does the problem adversely impact equality, diversity and inclusion by affecting certain groups in society, or particular areas of the country, more than others? If so, what are those groups or areas?

Terminal or incurable illness can affect anyone, at any time. Certain incurable illnesses such as terminal cancer are more likely to be diagnosed in older people<sup>262</sup>.

Since a legal assisted death is only possible abroad at the Dignitas clinic in Zurich, and disabled people are less able and sometimes unable to travel because of their disability, disabled people are uniquely disadvantaged by the current situation. A person with a terminal or severe, incurable illness

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<sup>260</sup> British Medical Association, 'Physician-assisted dying survey'. 21 May 2021. <https://www.bma.org.uk/advice-and-support/ethics/end-of-life/physician-assisted-dying-survey> Accessed 12 July 2021.

<sup>261</sup> Battin, Margaret P et al. "Legal physician-assisted dying in Oregon and the Netherlands: evidence concerning the impact on patients in "vulnerable" groups." *Journal of medical ethics* vol. 33,10 (2007): 591-7. doi:10.1136/jme.2007.022335 <https://pubmed.ncbi.nlm.nih.gov/17906058/> Accessed 28 June 2021.

<sup>262</sup> Web MD, 'Cancer incidence rates by age'. <https://www.webmd.com/cancer/guide/cancer-incidence-age> Accessed 28 June 2021.

may well be disabled as a result of that illness. According to the Campaign for Dignity In Dying, 86% of people with a disability support a change to the law on assisted dying<sup>263</sup>.

The option of travelling to Dignitas is only accessible for those who are financially secure, as it costs over £10,000 in total. This is highly discriminatory against those who are less wealthy. Certain protected characteristics recognised by the Equality Act 2010 are linked with income, including age, disability, race and sex.

Consultation Question 12: In your view, why is the independent, non-political, Law Commission the appropriate body to undertake this work, as opposed to, for example, a Government department, Parliamentary committee, or a non-Governmental organisation? Please share your views below:

The Law Commission is well-placed to suggest legal frameworks without giving a position on what framework, if any, should be adopted. For example, in its proposals for reforms to wedding laws published this year, it provided a framework for independent celebrants to conduct legally-binding weddings without commenting on whether or not the government should change the law to permit independent celebrants to do this.

In the same way, the Law Commission can suggest a range of frameworks, perhaps based on the 'Oregon model' advocated by the Campaign for Dignity in Dying and the 'Canadian model' advocated by My Death, My Decision, that the government may wish to consider, while remaining neutral on which, if any, should be pursued.

Consultation Question 13: Have you been in touch with any part of the Government (either central or local) about this problem? What did they say? Please share your views below:

We are aware that there are many in government who support a reform on assisted dying laws. In January last year, a private member's bill to "to enable competent adults who are terminally ill to be provided at their request with specified assistance to end their own life" was introduced in parliament<sup>264</sup>.

Consultation Question 14: Is any other organisation such as the Government or a non-Governmental group currently considering this problem? Have they considered it recently? If so, please give us the details of their investigation on this issue, and why you think the Law Commission should also look into the problem.

There are many groups supportive of reforming the law on assisted dying in the UK. Two prominent campaign groups, Campaign for Dignity in Dying and My Death, My Decision, have been referred to throughout this response.

In one of the largest surveys of medical opinion ever, the British Medical Association found that half of doctors personally support changing the law. If the law were to change, a majority of doctors also said that people facing incurable suffering should be able to request an assisted death<sup>265</sup>.

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<sup>263</sup> Campaign for Dignity in Dying, 'The facts'. <https://www.dignityindying.org.uk/why-we-need-change/the-facts/> Accessed 28 June 2021.

<sup>264</sup> Assisted Dying Bill [HL] <https://bills.parliament.uk/bills/2592> Accessed 28 June 2021.

<sup>265</sup> My Death, My Decision, 'Key questions'. <https://www.mydeath-mydecision.org.uk/key-questions/#1617971307424-7edc46e2-5a37> Accessed 28 June 2021.

Although the vast majority of medical professionals support assisted dying, a minority conscientiously object to a change in the law. This is why most high profile medical groups are either neutral or do not have a stance on assisted dying, including: The Royal College of Physicians, The Royal Society of Medicine, The Royal College of Nursing, and the Royal College of Psychiatrists<sup>266</sup>.

What is needed is a robust and effective framework to enable assisted dying. The Law Commission is perhaps better-placed than any of the above to propose such a framework, or possible frameworks, given its legal expertise.

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<sup>266</sup> My Death, My Decision, 'Key questions'. <https://www.mydeath-mydecision.org.uk/key-questions/#1617971307424-7edc46e2-5a37>  
Accessed 28 June 2021.

## APPENDICES

### Appendix 1: Experiences of collective worship in schools

*The following quotes are from parents, pupils and teachers who have voiced opposition to collective worship laws in school. All quotes come from signatures of the NSS's petition to end collective worship. All signatories here supplied postcodes.*

#### From parents and guardians:

“Non-faith schools should not have compulsory worship, in doing so they become faith schools in my eyes. I think it is dreadful, why bother creating non-faith schools if they are going to be run with compulsory Christian-based worship, it's nonsense. I chose where my family lived based on the local school being a non-faith school and was shocked to find them leading my son in prayer twice a day.”  
– Abigail, Lincolnshire

“I deliberately chose to send my children to the only school in town not affiliated to a church. As an atheist (married to a Muslim) I don't want religious worship imposed on my child. The current law removes that choice.” – Samuel, Surrey

“My 8-year-old daughter felt uncomfortable when she was expected to pray at her school carol concert. She is an atheist but thought she'd get into trouble if she didn't conform. I don't want her to feel like this. She has asked lots of questions about God and Christianity and has decided herself that she does not believe in any of it. So why is her school telling her about it as if it's true?” – Amie, Surrey

“I believe all religions should be taught and respected, however, I specifically enrolled my son into a non-religious school only to find they ask students to participate in prayer during assembly. I want my son to make up his own mind in regard to his faith and belief, should he have any, and for it not to be forced on him.” – Jo, Devon

“My son was bemused and horrified that he was expected to take part in an act of worship to a god he knew didn't exist. He was brave enough to speak out, many thousands of others have this inflicted on them. Worship in schools must end.” – James, London

“Imagine being forced to listen to the teachings of another faith, and being made to join in with their prayers, and being told off if you don't. All of my children experienced this at primary school. Gathering together to share and reflect upon ideas and values is an intrinsic part of British education, and one which I value highly. However, imposing 'worship' on a captive audience is unacceptable.” – Anne, Warwickshire

“I was relieved our children have access to a non-religious community school. This turned to dismay when I found out about worship including a vicar attending school assemblies 3 times a year and church service at Xmas. It's infuriating and outdated and should be stopped now.” – Hillie, Surrey

“I'm appalled my child is subjected to religion, the basis of which is the antithesis of education, at a place and by people he trusts. Our rights and trust are being violated.” – Victoria, East Riding of Yorkshire

“I want my children to learn about all religions through R.E. classes, not to be compelled to worship one in particular that they haven't chosen for themselves.” – Beth, Merseyside

“End compulsory worship in schools immediately. My children suffered at school because of compulsory worship regulations.” – Enda, Lancashire

“My daughter goes to a state school. We are a non-religious family. There is no reason why she should be compelled to join in any act of worship. Faith should not be a component of state education.” – Louise, London

“My local state school was using compulsory worship to indoctrinate my two sons without my knowledge.” – David, Surrey

“My children came back from school disturbed on many occasions because of mandatory praying! Very wrong.” – Stefan, Cornwall

“Currently looking at primary schools for our son to start in reception next year. We live in a rural area of North Yorkshire and are struggling to find a local primary school that doesn't do worship. We are agnostic and we do not believe we should have to have this struggle.” – Cassie, North Yorkshire

*From teachers, former teachers and school staff:*

“Collective worship should be abolished today. Twenty-seven years of attending and leading daily primary school assemblies in Catholic, Anglican and mainstream (non-faith) schools has convinced me that all references to God are by their nature inherently exclusive and utterly pointless. Faith is really important to some people but it is an individual matter - always. There is a real value to assemblies, but by nature their purpose is to involve the student body inclusively in considering or celebrating important themes or messages. An enforced pretence that the whole school shares an idea that there exists an entity to be praised or consulted - or that they have a shared understanding of what that entity is or what its nature might be - is a nonsense. Such things can surely only be personal matters and therefore can have no place at all in an assembly.” – Darren, South Gloucestershire

“It is a disgraceful state of affairs that worship is still a feature of school assemblies. As a retired teacher, I have considerable experience of assemblies being hijacked for evangelical Christian worship by the hierarchy in a 'community' school. This brainwashing of young minds (whatever background or culture) to accept and believe unsubstantiated fantasies must not continue. Freedom from biased, partisan and coercive forms of worship is essential to allow young minds to think freely and develop a more reasoned and evidence-based world view.” – Alan, Northamptonshire

“I'm a qualified teacher who has always struggled with forced religious elements in schools such as collective worship, and I believe this is a key issue. I'm an atheist and have always taken pride in delivering engaging and respectful R.E lessons on a range of religions and cultures. It's disgraceful that despite our curriculum's emphasis on British values such as tolerance (which should be acceptance), children and staff at community schools are regularly assumed and expected to have beliefs that are 'broadly Christian in nature'. Daily collective worship should be replaced with daily collective reflection where children and staff's differing belief systems can be respected.” – Louise, Greater Manchester

“As a pupil and then as a senior teacher, I found this to be the most ridiculous and unacceptable thing in school. It made a mockery of the idea of educating students to think for themselves.” – Hannah, Oxfordshire

“I write as a former RE teacher. And I can tell you compulsory worship does no good! End it now!” George, Cumbria

“As a retired primary headteacher I found that the daily act of worship would not encompass the needs of my school community.” – Noel, London

“As a former teacher who sometimes took school assembly, I avoided doing the act of worship because I did not want to indoctrinate anyone, least of all small children. Technically breaking the law? Yes. Any regrets? No.” – Julie, Greater Manchester



“Worship in schools opens the door to evangelical groups. This happened where I used to teach and it happens in my granddaughter's primary school now. It is widespread as can easily be verified.” – John, North Yorkshire

*Pupils and former pupils*

“I went to a supposedly non-faith high school, where each day the school population was required to sing a hymn and say the lord's prayer in assembly. We also had church groups visiting and 'encouraging' us to visit church, at which point I recall one atheist teacher walking out of the hall in protest. Each child was given a bible, and RE often assumed we were all Christian. Anyone who was not taking part in the singing or praying in assembly was often made an example of, as teachers would watch us and sometimes walk around to 'check' if we were singing. On one occasion at least, those who were seen to not be joining in were made to stay standing whilst the 'good' kids got to sit down and stop singing, so as to punish and humiliate those who didn't want to have religion forced on them when they didn't believe it. I was one of these people, as were many others. It makes zero sense to force kids under threat of humiliation and punishment to participate in a religion which only a small minority of them actually believe in. It's discriminatory, humiliating, disrespectful to young peoples' personal choices and self-determination, unfair, and anachronistic in a modern, multicultural society.” – Charlie, West Yorkshire

“I was forced to pray in school. It made me uncomfortable. Even at a young age I knew religion wasn't for me. That was my choice to make. It's not up to the state to force religion on anyone. Doing so is a breach of basic human rights.” – Bridie, Lancashire

“I was forced to attend every day until 6th form. I just stood there refusing to sing or chant the prayers. A bad start to each day!” – Susan, London

“As a young student I was extremely adversely affected by forced worship which has had a terrible impact on my adult life.” – Emma, London

“I found compulsory worship personally demeaning, embarrassing.” – Sadler, London

“As a non-Christian I suffered religious school assemblies for 6 years. This was an abuse.” – Nicholas, Fife

“I regard it as abuse. As a child, I was punished for refusing to bow my head and pray to the Head Master's invisible friend.” – Ian, Somerset

## Appendix 2: Experiences of difficulties in exercising the right of withdrawal from collective worship

*The following quotes are from parents, pupils and teachers who have experienced difficulties in withdrawing their children or themselves from collective worship, or were uninformed of the collective worship or their right to withdraw. All quotes come from signatures of the NSS's petition to end collective worship. All signatories here supplied postcodes.*

"I have previously withdrawn my daughter from religious assembly and have just agreed to let her attend as she is feeling very left out." – Simon, Somerset

"I asked for my children to be excluded from all religious activities in school. My whole family are now made to feel like social pariahs." – Bob, Cornwall

"Compulsory worship in schools is anachronistic. I've avoided withdrawing my child from assembly because I think it's an important part of the school day to share information and participate in whole school community activities. But particularly during KS1 when an external group came in to evangelise I certainly considered it. It actually caused arguments with my daughter who was adamant she was a Christian and therefore better than me because the 'Open the Book' people said she was." – Emma, West Yorkshire

"I don't want my daughter to participate in acts of worship until she is old enough to choose to do so, yet I do not want to have to exclude her from assemblies. The law needs updating, and religious instruction should have no place in education." – Jenny, Cornwall.

"My daughter has recently started school and is being gradually indoctrinated into a Christian belief system that is not representative of her family's outlook. It is fundamentally wrong that the state interferes in the belief system of its citizenry. For my family it feels like a violation of our article 8 and article 9 rights. The only option available is to have my daughter excluded from those events at the risk of her feeling ostracised. At age 4 she is too young to comprehend concepts like God and unbelief and in fact should not be having to experience the unnecessary hassle of facing these issues at such a young age. Please end this nonsense legal provision." – Sean, London

"As a person of no religious belief and a father of three primary school age children, I have found it highly disconcerting when my children come home and tell me they've been made to pray to a Christian God, had a religious minister take their assembly or that they've been taken to a church service. Also, whether in the classroom, assembly or church they are regularly told religious faith statements as fact and encouraged to do Christian projects to drill this into their minds. My children have moved schools twice because of our jobs and moving home. The picture is the same at every school. We have atheist and Muslim friends who all find Christian worship very uncomfortable as like us they don't want their children indoctrinated but also don't want them shamed and segregated by walking out from prayer like a walk of shame." – Paul, Greater Manchester

"My 2nd child is now at school and I find myself again having to explain that God didn't create the earth and that is just someone's belief. Local evangelists are coming into a state school giving assemblies and preaching to children from age 4 upwards. The headmaster says that they have an obligation to provide worship. This is a state school. Supposedly nonreligious. It seems like we are not the only parents having this issue. The national curriculum needs updating from its near 80 year old world view that every morning time should be set aside to worship a divine being. Withdrawing them isn't the answer either as it would single them out and they are too young to fully understand the situation." – Chris, Derbyshire

“I see many parents not wanting to take their children out of collective worship and many more being complete oblivious to its existence or nature. Our children are being indoctrinated without our knowledge or consent.” – Richard, Swansea

“I was forced to undergo religious worship at secondary school, against my strong wishes. The worship was interspersed with school activity announcements, so avoiding the worship would have left me without essential information. The headmaster was a Methodist lay preacher. I felt manipulated and bullied by the system.” – Jon, Devon

“I find it tragic that I had to choose between allowing my children to be exposed daily to indoctrination by the church or making them objects of remark by withdrawing them from assemblies - and now those children are having to make the same decisions in regard to their own children.” – Joanne, Dorset

“My child should not be singled out and have to be excluded from assembly because I don’t want them to be brainwashed into a religious belief.” – Tamsin, Devon

“I was shocked to discover my 6 year old son was being asked to pray in class, something that had never been discussed with us as parents.” – Helen, Ceredigion

“I was unaware of the legal requirement for schools to impose worship until this Covid-19 lockdown, when I lovingly watched my four-year-old have her first Zoom class assembly. It was cute as all the children interacted. However, I was then horrified when I heard them instruct all the children to pray, and I watched my four-year-old, without question, clasp her hands together and repeat the prayer. I am worried about the indoctrination of religion on her (and all children), and while I respect everyone's right to pray and to worship, I only ask that that courtesy and respect is reciprocated with regards to non-religious families, and that religious practice is not a major pillar of education, and certainly not imposed.” – James, Northamptonshire

### Appendix 3: Religious charities that have promoted, or are currently promoting, harmful messages, activities or products

All charities listed here have “religious activities” or “the advancement of religion” listed as their classification in the charity regulator register.

**Charity name:** **Afghan Islamic and Culture Centre**

**Charity number:** 1185588

**Year registered:** 2019

**Income:** This charity has been recently registered - it does not need to update its information until 10 months after its first financial period ends.

**Summary:** This charity’s homepage links to a website that condones the execution of gay people and those who leave Islam. There is also a downloadable ebook on the website that says “According to some legists of Islam, a Muslim who rejects the Namaz (daily prayer) is liable to be punished with death like an apostate.”<sup>267</sup>

**Charity name:** **Bolton Central Islamic Society**

**Charity number:** 1041569

**Year registered:** 1994

**Income:** £320,927

**Summary:** In 2019 this charity’s website was found to link to external sites that say gay people should be executed. One of the sites also implied that wives cannot unconditionally refuse sex with their husbands, and condoned the execution of those who leave Islam.<sup>268</sup>

**Charity name:** **Buckfast Abbey Trust**

**Charity number:** 232497

**Year registered:** 1964

**Income:** £11,989,380

**Summary:** This charity is perhaps most well-known for its association with the strong caffeine infused alcoholic drink “Buckfast tonic wine.” The wine is produced by the monks at Buckfast Abbey through Dart Abbey Enterprises Limited. The wine is sourced, bottled and distributed by J Chandler & Co (Buckfast) Ltd. Buckfast Abbey Trust receives a royalty for each litre sold. As the Trust’s annual report notes, this sale of wine is “a valuable source of revenue for the charity.”<sup>269</sup>

In Scotland, Buckfast tonic wine is notorious for its association with anti-social behaviour. Its link to violent behaviour in drinkers may be due to its unusually high caffeine content; each 750 ml bottle contains as much caffeine as eight cans of cola.<sup>270</sup>

Several Scottish politicians and social activists have singled out Buckfast as responsible for crime, disorder, and social deprivation. Helen Liddell, former Secretary of State for Scotland, has called for

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<sup>267</sup> Manson, Megan. ‘Most new faith based charities do nothing but promote religion. Time to reform charity law’. National Secular Society, 19 November 2019. <https://www.secularism.org.uk/opinion/2019/11/most-new-faith-based-charities-do-nothing-but-promote-religion-time-to-reform-charity-law>

<sup>268</sup> National Secular Society, ‘NSS refers Islamic charities promoting extremism to regulator’. 15 April 2019. <https://www.secularism.org.uk/news/2019/04/nss-refers-islamic-charities-promoting-extremism-to-regulator>

<sup>269</sup> The Buckfast Abbey Trust Annual Report Year ended Year ended 31 October 2019, p.4 via the Charity Commission database. [https://register-of-charities.charitycommission.gov.uk/charity-search?p\\_id=uk\\_gov\\_ccew\\_onereg\\_charitydetails\\_web\\_portlet\\_CharityDetailsPortlet&p\\_p\\_lifecycle=2&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_resource\\_id=%2Faccounts-resource&p\\_p\\_cacheability=cacheLevelPage&\\_uk\\_gov\\_ccew\\_onereg\\_charitydetails\\_web\\_portlet\\_CharityDetailsPortlet\\_objectiveId=A10264035&\\_uk\\_gov\\_ccew\\_onereg\\_charitydetails\\_web\\_portlet\\_CharityDetailsPortlet\\_priv\\_r\\_p\\_mvcRenderCommandName=%2Faccounts-and-annual-returns&\\_uk\\_gov\\_ccew\\_onereg\\_charitydetails\\_web\\_portlet\\_CharityDetailsPortlet\\_priv\\_r\\_p\\_organisationNumber=232497](https://register-of-charities.charitycommission.gov.uk/charity-search?p_id=uk_gov_ccew_onereg_charitydetails_web_portlet_CharityDetailsPortlet&p_p_lifecycle=2&p_p_state=maximized&p_p_mode=view&p_p_resource_id=%2Faccounts-resource&p_p_cacheability=cacheLevelPage&_uk_gov_ccew_onereg_charitydetails_web_portlet_CharityDetailsPortlet_objectiveId=A10264035&_uk_gov_ccew_onereg_charitydetails_web_portlet_CharityDetailsPortlet_priv_r_p_mvcRenderCommandName=%2Faccounts-and-annual-returns&_uk_gov_ccew_onereg_charitydetails_web_portlet_CharityDetailsPortlet_priv_r_p_organisationNumber=232497) Accessed 25 May 2021.

<sup>270</sup> “Crime link as Buckfast revealed to have as much caffeine as eight colas.” The Scotsman, 17 January 2010. <https://www.scotsman.com/news/crime-link-buckfast-revealed-have-much-caffeine-eight-colas-2466145> Accessed 25 May 2021.

the charity to stop selling the wine<sup>271</sup>. In 2005, Scottish Justice Minister Cathy Jamieson also suggested that retailers should stop stocking Buckfast.<sup>272</sup>

In 2018 Alex Neil, SNP MSP for Airdrie and Shotts who has called for the caffeine content of Buckfast to be reduced, said: "Buckfast has been the scourge of my constituency in Lanarkshire and elsewhere in central Scotland for a great number of years now".<sup>273</sup>

In January 2010, a BBC investigation revealed that Buckfast had been mentioned in 5,638 crime reports in the Strathclyde area of Scotland from 2006 to 2009.<sup>274</sup> In 2017, Scottish Police reported there had been 6,500 crimes related to the drink in the previous two years.<sup>275</sup> One in 10 of those offences had been violent and 114 times in that period a Buckfast bottle was used as a weapon.

In 2017 NSS urged the Charity Commission to investigate this charity for potential abuse of the charity system to avoid taxes in its sale of the wine. NSS also raised concerns about the charity and associated companies being run for "considerable private benefit running to millions of pounds a year". In 2016, the charity's trading arm, J Chandler (Buckfast) Ltd, employed just 28 people yet paid an average of £144,984 to each person. Directors' fees exceeded £2.5million in 2013. Directors and past directors include those described in formal documents as ministers of religion.<sup>276</sup> The Commission decided that regulatory action was not required.

**Charity name: Christadelphian Advancement Trust**

**Charity number: 1080393**

**Year registered: 2000**

**Income: £77,062**

**Summary :** In 2019, NSS reported this charity to the Charity Commission for content on its website equating homosexuality with bestiality, disease, masochism and Nazism: "The life of sexual impurity is an "ever increasing" downwards path; the endless quest for new relationships and sexual novelty doesn't need to be described. It is significant that having "left the natural use of the woman"(Rom. 1:27), male homosexuals descend on an "ever increasing" path of perversion; they rarely remain where they are, in moral terms. At least two independent surveys of gay men found that around 20% admitted having sex with animals, compared to 3% of heterosexual man (2). The majority of homosexuals have literally thousands of encounters over a lifetime (hence the rapid spread of disease between them), with very few developing stable relationships (3). There is also well documented connection between homosexuality and masochism. The top six male serial killers in the US were all gay; as were many Nazi concentration camp operators."

The website also promoted intolerance of people with Asperger's Syndrome. It said: "It's no good blaming human nature, an external "satan" or Aspergers or any mental condition. These may or may not be explanatory background factors, but they don't take away from the real guilt of committed sin, and our need to repent and find cleansing in Christ."<sup>277</sup>

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<sup>271</sup> Donohoe, Graeme. "BBC Bucky bust up as Antiques Roadshow heads for Buckfast Abbey." Daily Record, 4 March 2018. <https://www.dailyrecord.co.uk/news/uk-world-news/bbcs-antiques-roadshow-buckfast-plan-12121553> Accessed 25 May 2021.

<sup>272</sup> "Ban Buckfast at off-licences says minister Jamieson concerned over street violence." Herald Scotland, 5 February 2005. [http://www.heraldscotland.com/news/12408621.Ban\\_Buckfast\\_at\\_off-licences\\_says\\_minister\\_Jamieson\\_concerned\\_over\\_street\\_violence/](http://www.heraldscotland.com/news/12408621.Ban_Buckfast_at_off-licences_says_minister_Jamieson_concerned_over_street_violence/) Accessed 25 May 2021.

<sup>273</sup> Donohoe, Graeme. "BBC Bucky bust up as Antiques Roadshow heads for Buckfast Abbey." Daily Record, 4 March 2018. <https://www.dailyrecord.co.uk/news/uk-world-news/bbcs-antiques-roadshow-buckfast-plan-12121553> Accessed 25 May 2021.

<sup>274</sup> "Buckfast 'in 5,000 crime reports'." BBC News, 18 January 2010. <http://news.bbc.co.uk/1/hi/scotland/8464359.stm> Accessed 25 May 2021.

<sup>275</sup> Morrissy-Swan, Tomé. "England gets a taste for Buckfast, the fortified wine that's linked to crime." The Telegraph, 17 July 2017 <https://www.telegraph.co.uk/food-and-drink/news/england-gets-taste-buckfast-fortified-wine-linked-crime/> Accessed 25 May 2021.

<sup>276</sup> National Secular Society. "NSS urges regulator to investigate charity behind notorious monk-brewed booze." 11 April 2017. <https://www.secularism.org.uk/news/2017/04/charity-regulator-urged-to-investigate-religious-organisation-behind-controversial-monkbrewed-tonic-wine>

<sup>277</sup> National Secular Society, 'NSS refers Christadelphian charities to regulator'. 26 November 2019.

<https://www.secularism.org.uk/news/2019/11/christadelphian-charities-condoning-violence-and-promoting-misogyny>

**Charity name:** Christadelphian Auxiliary Lecturing Society

**Charity number:** SC045786 (OSCR)

**Year registered:** 2015

**Income:** £242,681

**Summary:** This charity's website, without any condemnation, quotes a Bible passage that says men who have sex with other men "must be put to death".<sup>278</sup>

**Charity name:** Christadelphian Bible Mission

**Charity number:** 1020558

**Year registered:** 1993

**Income:** £1,012,481

**Summary:** The NSS found this charity's website equated gay people with rapists and child abusers: "From lack of discipline has come corruption, immorality, violence, drug and alcohol abuse, hijacking, kidnapping, theft, child abuse, homosexuality, rape and murder." It also promoted the subjugation of women.<sup>279</sup>

**Charity name:** The Christadelphian Sunday School Union

**Charity number:** 1097921

**Year registered:** 2003

**Income:** £14,321

**Summary:** This charity is a Sunday school for children. The contents of their website reflect what they teach children. They include statements like "A woman is subject to her father, and then to her husband" and "If we are honest, most women are better than men at preparing an ecclesial supper, talking to children and old people etc. and men are, in general, better at most of the more leading roles."

It also says "Homosexual practices are clearly condemned (Leviticus 18:22; 20:13; Romans 1:27; 1 Corinthians 6:9-10). Discuss the challenges, and the importance, of staying loyal to Bible teaching when many people view homosexual practices as normal, and homosexual relationships as of equal merit as heterosexual ones."<sup>280</sup>

**Charity name:** Christ Embassy

**Charity number:** 1059247

**Year registered:** 1996

**Income:** £4,853,156

**Summary:** In 2021 the NSS requested the Charity Commission investigate the relationship between Christ Embassy and Loveworld, a TV channel it supports. In April 2021 Ofcom ruled that Loveworld had broadcast "materially misleading and potentially harmful statements about the coronavirus pandemic and vaccines". It said these statements "were made without scientific or other credible basis" and "went without sufficient context or challenge". Presenters' statements included claims that "the vaccine is not working at all" and "the vaccine is not a vaccine, I wish we had another name for it because it's not a vaccine at all".

Ofcom also fined the channel £125,000 in March over "serious, repeated and reckless" breaches of its rules. These included claims that the virus was linked to the rollout of 5G technology, potential vaccines were part of a plan to introduce a "New World Order" and quarantine facilities were comparable to Nazi concentration camps.

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<sup>278</sup> Hellowell, John. 'The Bible and medicine'. TheChristadelphians.org, <https://www.thechristadelphians.org.uk/booklets/the-bible-and-medicine>

<sup>279</sup> National Secular Society, 'NSS refers Christadelphian charities to regulator'. 26 November 2019.

<https://www.secularism.org.uk/news/2019/11/christadelphian-charities-condoning-violence-and-promoting-misogyny>

<sup>280</sup> National Secular Society, 'NSS refers Christadelphian charities to regulator'. 26 November 2019.

<https://www.secularism.org.uk/news/2019/11/christadelphian-charities-condoning-violence-and-promoting-misogyny>

Christ Embassy's pastor Chris Oyakhilome founded Loveworld. The charity's 2018 financial report also makes clear that it has funded Loveworld. And according to an inquiry report from the Charity Commission in 2019, the charity's headquarters is located at the Loveworld Conference Centre.

In 2019 the commission investigated Christ Embassy over its transactions with “partner organisations”, including Loveworld.<sup>281</sup>

**Charity name: Church of God in Romford**

**Charity number: 1188545**

**Year registered: 2020**

**Income: £32,084**

**Summary:** This is the most recently-registered branch of an evangelical church. Its website says those who practice “homosexual activity” can “have no part in God's Kingdom” and that it is the duty of church members to support those who come out as gay in “what will have to be for them a celibate lifestyle, at least as far as relationships with the same sex are concerned”.

In discussing AIDS, it contrasts those who have been infected “quite innocently (e.g. when receiving health-care)” with those who are infected as a “consequence” of “non-biblical sexual practices”.<sup>282</sup>

Charity name: **Core Issues Trust**

Charity number: 105095 (Charity Commission for Northern Ireland)

Year registered: 2016

Income: £126.9K

Summary: Core Issues Trust (CIT) advocates what it calls “change orientated therapies” for people “who want to move away from homosexual feelings, behaviours and attractions”. The trust says the therapies it promotes “support client goals to prioritise conservative religious values over their same-sex attractions in identity development”.<sup>283</sup> Under its objects of association, it encourages “lifestyle choices consistent with Christian living” and upholds the view that sexual relationships outside heterosexual marriage are “inconsistent with” the Bible.<sup>284</sup> Although CIT rejects the term 'conversion therapy' this activity falls under the definition of ‘conversion therapy’ as set out by the UK Council for Psychotherapy (UKCP).<sup>285</sup>

In 2020 the NSS wrote to the Charity Commission for Northern Ireland to urge it to review CIT’s status as a registered charity. The Charity Commission responded by saying it would not take any action, as it is “not the role of the commission to adopt a position on the charity's conduct in this matter”. It noted that the Core Issues Trust presents its therapy as “beneficial” and “contests the view that this practice is inherently harmful”. It added: “We note that the practice of conversion therapy / change orientated therapy is not among the purposes of the charity.”

The response appeared to suggest it was not the commission's role to take a position on such therapy while it is legal.

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<sup>281</sup> National Secular Society, ‘Christian charity backs TV station pushing Covid misinformation’. 22 April 2021.

<https://www.secularism.org.uk/news/2021/04/christian-charity-backs-tv-station-pushing-covid-misinformation>

<sup>282</sup> Churches of God, ‘Homosexuality: Alternative Lifestyle?’. 30 April 2010 <https://churchesofgod.info/article-homosexuality-an-alternative-lifestyle/> Accessed 27 May 2021.

<sup>283</sup> Core Issues Trust, ‘Change Oriented Therapies (COTs) and SAFE-T’. <https://www.core-issues.org/change-oriented-therapy> Accessed 25 May 2021.

<sup>284</sup> Core Issues Trust, ‘Objects of Association’. Accessed 25 May 2021.

<sup>285</sup> UK Council for Psychotherapy et. al. ‘Conversion therapy: Consensus statement’. June 2014.

<https://www.secularism.org.uk/uploads/uk-council-for-psychotherapy-consensus-statement-on-conversion-therapy.pdf> Accessed 25 May 2021.



**Charity name:** Croydon Mosque and Islamic Centre

**Charity number:** 285030

**Year registered:** 1982

**Income:** £420,702

**Summary:** The NSS found articles on this charity's website promoting the subordination of women by telling wives and daughters to wear burqas and encouraging them not to leave the home.<sup>286</sup>

**Charity name:** The Faith Movement

**Charity number:** 1188137

**Year registered:** 2020

**Income:** This charity has been recently registered - it does not need to update its information until 10 months after its first financial period ends.

**Summary:** An editorial on the charity's website says that the "correct response" to any young person who comes out as gay is to say "No, you are not 'gay', what you are is a human being created by God". It says homosexual "temptations" result from "a confusion of the affective and the erotic faculties" that "may be deeply rooted in neurosis". According to the writer, such urges "must be faced with humility and overcome with the tried and tested formula of prayer, self mastery through grace and, most crucially, with the help of chaste and supportive friendship".<sup>287</sup>

Another blog on the website compared the arguments of those who support equal civil rights for LGBT+ people with "those of slaveholders and those involved in the slave trade". It said "reparative therapy" (another term for the harmful practice of 'gay conversion therapy') is an "option" for gay people, and homosexuality "seems to result from fragmentations within the child/father/mother relationship".<sup>288</sup> This content has since been removed from the website.

**Charity name:** Free Presbyterian Church Of Scotland

**Charity number:** SC003545 (OSCR)

**Year registered:** 1944

**Income:** £3,662,379

**Summary:** The Free Presbyterian Church of Scotland's website refers to same-sex relationships as "heinous", "vile", "great evil", an "abominable practice" and "a lifestyle of disease and death". It website quotes the Bible's assertion that those who wear clothes of the opposite sex are "abomination unto the Lord thy God", and says: "What fearful uncleanness ensues from 'cross-dressing' and other deliberate and extreme 'trans-gender' sins against this requirement."<sup>289</sup>

This charity's website also has an article explaining why parents should physically discipline their children by deliberately inflicting pain<sup>290</sup>. It should be noted that in 2019 Scotland made it a criminal offence for parents to smack their children.

**Charity name:** Ghamidi Centre of Islamic Communication

**Charity number:** 1192764

**Year registered:** 2020

**Income:** This charity has been recently registered (14 December 2020) - it does not need to update its information until 10 months after its first financial period ends

**Summary:** In 2021, soon after the charity was registered, the NSS found a lecture published on the

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<sup>286</sup> National Secular Society, 'Islamic charities push death for "apostates" and female subjugation'. 12 June 2019.

<https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>

<sup>287</sup> Faith.org.uk, 'The Debate About Homosexuality'. 1 November 2003. <https://www.faith.org.uk/article/november-december-2003-the-debate-about-homosexuality> Accessed 27 May 2021.

<sup>288</sup> Manson, Megan.

<sup>289</sup> Free Presbyterian Church of Scotland, 'Heaven-provoking Legislation'. March 1999. <https://www.fpchurch.org.uk/publications/the-free-presbyterian-magazine/1998-to-2003/march-1999/article-heaven-provoking-legislation-199/> Accessed 26 May 2021.

<sup>290</sup> Bridges, Charles. "'Withhold not Correction'". Free Presbyterian Church of Scotland, November 2001.

<https://www.fpchurch.org.uk/publications/the-free-presbyterian-magazine/1998-to-2003/november-2001/withhold-not-correction-460/> Accessed 26 May 2021.

Ghamidi Centre's website is entitled "Is there room for gays and lesbian (sic) in Islam?". During the lecture Islamic scholar Khalid Zaheer said homosexuality "cannot be allowed" because "there are people who lose their senses and are inclined to killing others" and that "we're not going to allow killing because of the reason that there is somebody who has a problem in his mind or is mentally ill". He said homosexuality "needs to be stopped, it needs to be curbed" and if there are "people who are suffering from diseases which are causing them to be inclined to do things which are illegitimate, we need to cure such patients".

Another lecture on the website entitled "The Right to Beat Wives" said it is acceptable for a husband to "punish" his wife if she challenges his authority, provided it does not "leave any sign of wound" on her.<sup>291</sup>

**Charity name: HMC (UK)**

**Charity number: 1147462**

**Year registered: 2012**

**Income: £2,558,859**

**Summary:** HMC UK exists to certify halal food and to train people (such as slaughtermen) in the production of halal food. They only certified meat as halal if it has been slaughtered without stunning. More discussion on why this is harmful is in Ideas for Reform #4.

**Charity name: Holiness Revival Movement Worldwide Europe (Horemow Europe)**

**Charity number: 1194619**

**Year registered: 2021**

**Income:** This charity was registered recently. It does not have to provide information until 10 months after its first financial period.

**Summary:** A passage in one leaflet on Horemow Europe's website explicitly blames women's fashion choices for contributing to rape, saying: "What does it mean to look sexy anyway? It is simply to appeal for or suggest sex by the way you dress and apply make-up. No wonder there is increase in rape today and people are not addressing the real problem. You who dress like this is a strong contributor to the problem."<sup>292</sup> The website also have a blog featuring claims that trousers are "the uniform of a harlot" and wearing trousers helps women "to market her commodity to get the opposite sex aroused as they view the shape of her private part"<sup>293</sup>.

**Charity name: : The Initiation Society**

**Charity number: 207404**

**Year registered: 1962**

**Income: £82,574**

**Summary:** This charity trains *mohelim* and maintains a register of mohelim. A mohel is a person who performs circumcision on infant boys specifically for religious, non-medical purposes. The Initiation Society is facilitating a practice that endangers a child's physical health and undermines a child's right to bodily integrity. It can therefore be reasonably argued that this charity is causing more harm than good. Please see Ideas for Reform #3 for further discussion on the harms caused by religious infant genital cutting.

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<sup>291</sup> National Secular Society, 'New Islamic charity's website says same-sex attraction is a "disease"'. 29 January 2021.

<https://www.secularism.org.uk/news/2021/01/new-islamic-charity-says-same-sex-attraction-is-a-disease>

<sup>292</sup> Horemow London, 'Will a Christian go to Heaven like this?'. Horemow Europe <https://www.horemoweuropa.org/wp-content/uploads/2018/11/Will-a-Christian-proof.pdf> Accessed 5 July 2021.

<sup>293</sup> Rika, Paul, 'The wearing of trousers by women (part 1)'. Horemow Europe, 19 April 2020. <https://www.horemoweuropa.org/daily-devotion/the-wearing-of-trousers-by-women-part-1/> Accessed 5 July 2021.

**Charity name: IslamBradford**

**Charity number: 1154340**

**Year registered: 2013**

**Income: £117,924**

**Summary:** This charity's website was found in 2019 to host a link to a website that said men who have sex with other men are "to be executed" and calls homosexuality "a great and abhorrent evil". It said punishments for homosexuals include being "burned with fire", "thrown down from a high place" and "stoned to death".

The website also said that Muslims who leave Islam and do not rejoin "will be killed" and that Islam regards people of other religions as "sinners" who will "abide forever in the Fire of Hell".

It also said female genital mutilation (FGM) "is neither a bad practice or harmful, if it is done within moderation".<sup>294</sup>

**Charity name: Islamic Centre Leicester**

**Charity number: 257559**

**Year registered: 1969**

**Income: £452,601**

**Summary:** In 2019 the NSS found the website of the charity Islamic Centre Leicester said the punishment for 'apostasy' is death. It also promoted links to "pre-checked" websites which promote the killing of those who leave Islam and hateful views of Ahmadi Muslims and Jews.<sup>295</sup> This content appears to have been removed after NSS reported its concerns to the Charity Commission.

**Charity name: Islamic Network**

**Charity number: 1101603**

**Year registered: 2004**

**Income: £65,422**

**Summary:** Despite an intervention by the Charity Commission after they posted material legitimising the murder of homosexuals and condoning or encouraging the killing of members of the Islamic community in certain circumstances<sup>296</sup>, the charity continues to provide a platform for extremists according to the Henry Jackson Society.<sup>297</sup>

**Charity name: Islamic Research Foundation International**

**Charity number: 1122086**

**Year registered: 2007**

**Income: £518,259**

**Summary:** Until 2019 one of Islamic Research Foundation International (IRFI)'s trustees was Zakir Naik, an Islamic preacher who was denied entry to the UK in 2010 due to his extremist views. IRFI finances Peace TV, which Ofcom took off the air in 2019 following multiple breaches of the broadcasting code for hate speech and inciting murder<sup>298</sup>.

In 2012 Naik said on Peace TV that he "tended to agree" that Muslims should be executed if they leave Islam and tried to proselytise a different religion "against Islam".<sup>299</sup>

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<sup>294</sup> National Secular Society, 'NSS refers Islamic charities promoting extremism to regulator'. 15 April 2019.

<https://www.secularism.org.uk/news/2019/04/nss-refers-islamic-charities-promoting-extremism-to-regulator>

<sup>295</sup> National Secular Society, 'Islamic charities push death for 'apostates' and female subjugation'. 12 June 2019.

<https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>

<sup>296</sup> Charity Commission For England And Wales. "Inquiry Report: Islamic Network." 20 July 2015, p. 1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/446278/islamic\\_network.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/446278/islamic_network.pdf) Accessed 26 May 2021

<sup>297</sup> Webb, Emma. "Wolves in Sheep's Clothing: How Islamist Extremists Exploit the UK Charitable Sector." The Henry Jackson Society, 2018, p.55. <http://henryjacksonsociety.org/wp-content/uploads/2018/02/HJS-Islamist-Charity-Report.pdf> Accessed 26 May 2021

<sup>298</sup> Manson, Megan. 'Any serious counter-extremism strategy should consider religious charities'. National Secular Society, 15 March 2021.

<https://www.secularism.org.uk/opinion/2021/03/any-serious-counter-extremism-strategy-should-consider-religious-charities>

<sup>299</sup> National Secular Society, 'No inquiry opened into charity promoting Islamist extremism'. 16 December 2019.

<https://www.secularism.org.uk/news/2019/12/regulator-hasnt-investigated-charity-promoting-islamist-extremism>

In 2016 the channel was fined £65,000 after another speaker, Dr Israr Ahmad, used terms such as “like a cancer”, “evil genius”, “their poison” and “cursed people” to describe Jews.<sup>300</sup>

After the NSS raised repeated concerns, the Charity Commission finally intervened in 2020 and appointed an interim manager to “consider the future viability” of IRFI. According to the Commission for Countering Extremism, the Charity Commission “faced difficulty” to automatically bar Naik as trustee because his extremist actions “do not come under the scope for disqualification”.<sup>301</sup>

**Charity name: Journey UK**

**Charity number: 1056150**

**Year registered: 1996**

**Income: £77,874**

**Summary:** Journey UK offer courses that draw on “insights of psychology and child development” in “areas of struggle in relationships and sexual addictions.” They follow “an orthodox Christian understanding of sexuality, including God’s plan for sexual relations between a man and a woman within marriage”.<sup>302</sup>

**Charity name: Khatme Nubuwwat Centre**

**Charity number: 328715**

**Year registered: 1990**

**Income: £49,174**

**Summary:** In 2019, a Charity Commission inquiry report found Khatme Nubuwwat Centre (KNC) displayed leaflets written in English which called Ahmadi Muslims “enemies of Islam”, “wicked” and “a cancer for the Muslim Ummah”. They said Ahmadi Muslims who refuse to convert to mainstream Islam within three days should face a “capital sentence”.<sup>303</sup>

**Charity name: The Kingdom Church GB**

**Charity number: 1137370**

**Year registered: 2010**

**Income: £368,790**

**Summary:** This church’s bishop and charity trustee Irugu Wiseman, also known as Bishop Climate, runs a group called Bishop Climate Ministries. A post on the Bishop Climate Ministries website, published in March 2020, promotes the protective power of “the Divine Plague Protection Oil” and “Scarlet Yarn”. The post originally read: “By faith you can be saved from the Coronavirus pandemic by covering yourself with the Divine Plague Protection Oil and wearing the Scarlet Yarn on your body. As you use this oil, along with a special scarlet yarn, every coronavirus and any other deadly thing will pass over you.” According to local newspaper Southwark News the kit was originally on sale for £91.

After the NSS raised the issue, a Charity Commission spokesperson said: “We are looking into the serious concern about Kingdom Church GB’s alleged sale of false COVID-19 protection devices, as a matter of urgency.”<sup>304</sup> It has since appointed an interim manager to the charity.<sup>305</sup>

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<sup>300</sup> National Secular Society, ‘NSS questions charity links to Islamic TV channel under investigation’. 23 November 2018.

<https://www.secularism.org.uk/news/2018/11/nss-questions-charity-links-to-islamic-tv-channel-under-investigation>

<sup>301</sup> Manson, Megan. ‘Any serious counter-extremism strategy should consider religious charities’. National Secular Society, 15 March 2021.

<https://www.secularism.org.uk/opinion/2021/03/any-serious-counter-extremism-strategy-should-consider-religious-charities>

<sup>302</sup> Journey UK. “FAQ’s” <https://www.journey-uk.org/faqs/> Accessed 25 May 2021.

<sup>303</sup> National Secular Society, ‘NSS questions public benefit of Islamic “anti-Ahmadi” charity’. 21 March 2019.

<https://www.secularism.org.uk/news/2019/03/nss-questions-public-benefit-of-islamic-anti-ahmadi-charity>

<sup>304</sup> National Secular Society, ‘Charity regulator to look into sale of coronavirus “protection kits”’. 2 April 2020.

<https://www.secularism.org.uk/news/2020/04/charity-regulator-to-look-into-sale-of-coronavirus-protection-kits>

<sup>305</sup> National Secular Society, ‘Church’s future as charity in doubt after ‘plague protection kits’ row’. 5 March 2021.

<https://www.secularism.org.uk/news/2021/03/churchs-future-as-charity-in-doubt-after-plague-protection-kits-row>

**Charity name: Living Out**

**Charity number: 1165572**

**Year registered: 2016**

**Income: £56,487**

**Summary:** An article on Living Out's website suggests the organisation regards same-sex relationships and desiring sexual encounters with someone of the same sex, as sinful<sup>306</sup>. It therefore seeks to help "Christian brothers and sisters who experience same-sex attraction stay faithful to biblical teaching on sexual ethics"<sup>307</sup>. In other words, the organisation exists to encourage gay people to practice abstinence.

In 2015, the Charity Commission rejected an application from Living Out to the charity register, on the basis that it was not serving a public benefit and because it "was not evidenced that the organisation sought to promote the wider Christian religion rather than the specific doctrines with regard to homosexuality."<sup>308</sup>

Living Out sought a review, and in 2016 the Charity Commission reversed its decision and accepted Living Out on to the register<sup>309</sup>. Critics of this decision included Conservative MP Michael Freer who expressed surprise that "the Charity Commission could remotely believe this to be of public benefit"<sup>310</sup>.

But the commission said it was now satisfied that Living Out "was a more broadly-focused organisation, interested in promoting acceptance, love, compassion and a welcoming place in the Christian Church for same-sex attracted individuals who wish to stay true to their Christian faith".<sup>311</sup>

**Charity name: The London Board for Shechita**

**Charity number: 1171869**

**Year registered: 2017**

**Income: £2,289,220**

**Summary:** This charity licenses abattoirs, factories and butchers that supply kosher meat, which is obtained by slaughtering animals without stunning them first. More discussion on why this is harmful is in Ideas for Reform #4.

**Charity name: Mountain of Fire and Miracles Ministries International**

**Charity number: 1100416**

**Year registered: 2003**

**Income: £4,582,825**

**Summary:** Mountain of Fire and Miracles (MFM)'s founder Daniel Olukoya preaches that gay people are possessed by "the spirit of the dog" and believes that prayer can save those "in the bondage of

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<sup>306</sup> Allberry, Sam. 'The Christian debate over sexual identity: orientation and labelling'. Living Out, 12th January 2021. <https://www.livingout.org/resources/articles/29/the-christian-debate-over-sexual-identity-orientation-and-labelling> Accessed 25 May 2021.

<sup>307</sup> Charity Commission for England and Wales register of charities: Living Out <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5058286/charity-overview> Accessed 25 May 2021.

<sup>308</sup> Corfe, Emily. 'Charity Commission registers organisation that encourages gay Christians to remain celibate'. *Civil Society News*, 17 Feb 2016. <https://www.civilsociety.co.uk/news/charity-commission-registers-organisation-that-encourages-gay-christians-to-remain-celibate.html> Accessed 25 May 2021.

<sup>309</sup> Living Out: Charity Commission decision dated 15 February 2016 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/501454/Living\\_Out\\_full\\_decision.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/501454/Living_Out_full_decision.pdf) Accessed 25 May 2021.

<sup>310</sup> Cooney, Rebecca. 'Mike Freer MP criticises the decision to register Living Out as a charity'. *Third Sector*, 19 February 2016. <https://www.thirdsector.co.uk/mike-freer-mp-criticises-decision-register-living-charity/governance/article/1384237> Accessed 25 May 2021.

<sup>311</sup> Living Out: Charity Commission decision dated 15 February 2016 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/501454/Living\\_Out\\_full\\_decision.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/501454/Living_Out_full_decision.pdf) Accessed 25 May 2021.

homosexuality”.<sup>312</sup> An undercover investigation in the Liverpool Echo in 2018 revealed that an MFM church was putting these teachings into action through an extreme form of ‘gay conversion therapy’ involving starvation.<sup>313</sup>

**Charity name: The Preston Muslim Cultural Centre**

**Charity number:** 518584

**Year registered:** 1987

**Income:** £244,285

**Summary:** In 2019, the NSS found this charity’s website had a downloadable book that said homosexuals are “to be killed by the sword”. It also said a wife “should hasten to respond to her husband’s call if he wants her”, meaning she must not refuse him sex.<sup>314</sup>

**Charity name: The Slough Islamic Trust**

**Charity number:** 254759

**Year registered:** 1968

**Income:** £385,664

**Summary:** The NSS found links on the charity’s website to content that encouraged hatred of gay people, including statements such as “Homosexuality becoming wide-spread among people is the harbinger of sociological problems and asocial earthquake” and “Today, with dark propaganda spread through television, movies and the Internet, homosexuality is knocking on the door of Muslims around the world”.<sup>315</sup>

**Charity name: Thamesdown Islamic Association**

**Charity number:** 276549

**Year registered:** 1978

**Income:** £97,133

**Summary:** The NSS found a downloadable book on this charity’s website promoting marital rape: “The conjugal act is the right of the husband and the woman cannot deny him this right without any valid reason”. On the subject of husbands beating their wives, it said that “mild hitting is allowed, but not on the face”. It also said husbands should forbid wives from “freely mixing” with strangers, reading novels, or leaving the house without permission.<sup>316</sup> The content was removed after NSS raised concerns with the Charity Commission.

**Charity name: True Freedom Trust**

**Charity number:** 1159015

**Year registered:** 2014

**Income:** £130,685

**Summary:** This charity states that its mission is to “promote a biblical pattern for gender and sexual relationships.”<sup>317</sup> It offers a referral service “for those who struggle with same-sex temptations and

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<sup>312</sup> Norfolk, Andrew. “Amazon supports Mountain of Fire and Miracles Ministries church that backs ‘gay conversion’.” *The Times*, 10 October 2018. <https://www.thetimes.co.uk/article/amazon-supports-mountain-of-fire-and-miracles-ministries-church-that-backsgay-conversion-snczllxt0> Accessed 25 May 2021.

<sup>313</sup> Parry, Josh. “This is the reality of gay ‘cure’ conversion therapy taking place in Liverpool.” *Liverpool Echo*, 3 July 2018. <https://www.liverpoolecho.co.uk/news/liverpool-news/echo-goes-undercover-gay-cure-13468107> Accessed 25 May 2021.

<sup>314</sup> National Secular Society, ‘NSS refers Islamic charities promoting extremism to regulator’. 15 April 2019.

<https://www.secularism.org.uk/news/2019/04/nss-refers-islamic-charities-promoting-extremism-to-regulator>

<sup>315</sup> National Secular Society, ‘Islamic charities push death for ‘apostates’ and female subjugation’. 12 June 2019.

<https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>

<sup>316</sup> National Secular Society, ‘Islamic charities push death for “apostates” and female subjugation’. 12 June 2019.

<https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>

<sup>317</sup> True Freedom Trust. “What We Believe” <https://truefreedomtrust.co.uk/beliefs> Accessed 25 May 2021.



gender confusion”<sup>318</sup> to counsellors “who are sympathetic to our Basis”<sup>319</sup>. It takes the view that same-sex relationships are “sexual immorality”<sup>320</sup>.

**Charity name:** Watch Tower Bible and Tract Society of Britain

**Charity number:** 1077961

**Year registered:** 1999

**Income:** £129,599,589

**Summary:** This charity is the largest of the 1,260+ charities affiliated with the Jehovah’s Witness religion. Jehovah’s Witnesses have long been subject to wide criticism, including from former members, due to its harmful activities. These include: exerting coercive control over their members through threats of annihilation at Armageddon and the practice of ‘shunning’; policies that fail to adequately tackle sexual abuse within Witness communities; statements that encourage women at risk of domestic violence to stay with their husbands<sup>321</sup>; and threatening members with punishment if they receive blood even in life-threatening circumstances.<sup>322</sup>

**Charity name:** World Mission Agency - Winners Chapel International

**Charity number:** 1134421

**Year registered:** 2010

**Income:** £10,397,172

**Summary:** In November 2018, undercover work by ITV News obtained video evidence of a pastor at the Dartford branch of Winners Chapel offering “complete mind reorientation” for gay people. The pastor stated that messages about gay acceptance in society were “carefully scripted” by Satan, and compared it with Nazi propaganda. The process was described by the reporter as follows:

“I went through hours of counselling and prayer sessions, all directed at ridding me of my homosexuality. Sometimes the prayers in themselves seemed harmless, such as for God to direct me and guide me. I felt it changed from something that could have been comforting to something sinister and potentially traumatising...There was little sensitivity about how this could have been incredibly damaging to me”.<sup>323</sup>

**Charity name:** York Christadelphian Ecclesia

**Charity number:** 1185342

**Year registered:** 2019

**Income:** £2,424

**Summary:** This charity is the most recently-registered of six different charities that list ThisIsYourBible.com as their official website on the Charity Commission’s register. The others are: Amersham Christadelphian Ecclesia (1167789), Bradford Christadelphians (1176497), Erith Christadelphian Ecclesia Charitable Incorporated Organisation (1170080), Morpeth Christadelphian Ecclesia (1075016), and Teignmouth Christadelphian Ecclesia (1169123).

In 2019, the NSS referred all six of these charities to the Charity Commission after finding the following statement on its website:

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<sup>318</sup> True Freedom Trust. ‘What is TFT?’ <https://truefreedomtrust.co.uk/about-us> Accessed 25 May 2021.

<sup>319</sup> True Freedom Trust. ‘Can Sexual Orientation Be Changed?’ <https://secure.truefreedomtrust.co.uk/content/what-does-tftthink-reparative-therapy> Accessed 25 May 2021.

<sup>320</sup> True Freedom Trust. ‘What Does The Bible Teach About Same-Sex Practice?’ <https://truefreedomtrust.co.uk/what-does-bible-teach-about-same-sex-practice> Accessed 25 May 2021.

<sup>321</sup> Evans, Lloyd. ‘The harm caused by Jehovah’s Witnesses shows charity law reform is urgently needed’. National Secular Society, 26 March 2019. <https://www.secularism.org.uk/opinion/2019/03/the-harm-caused-by-jehovahs-witnesses-shows-charity-law-reform-is-urgently-needed>

<sup>322</sup> National Secular Society, ‘Rethink relations with Jehovah’s Witnesses committees, NSS urges NHS’. 24 September 2020 <https://www.secularism.org.uk/news/2020/09/rethink-relations-with-jehovahs-witnesses-committees-nss-urges-nhs>

<sup>323</sup> Brand, Paul. “An ITV News undercover investigation exposes the UK church that claims God can fix gay people.” 12 November 2018. <https://www.itv.com/news/2018-11-12/an-itv-news-undercover-investigation-exposes-the-uk-church-that-claims-you-dont-have-to-be-gay> Accessed 25 May 2021.



“As part of the rebellion of our society against God’s rules, homosexuality (sex between members of the same sex) has been declared ‘normal’, and now open same-sex relationships have become common, and even supported by law. Homosexuality is clearly condemned in the Bible. The Law of Moses said, ‘If a man lies with a male as he lies with a woman, both of them have committed an abomination. They shall surely be put to death’ (Leviticus 20 v13).”

The website also promoted physically punishing children, intolerance of Wiccans, and the subjugation of women.<sup>324</sup>

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<sup>324</sup> National Secular Society, ‘NSS refers Christadelphian charities to regulator’. 26 November 2019.  
<https://www.secularism.org.uk/news/2019/11/christadelphian-charities-condoning-violence-and-promoting-misogyny>

#### Appendix 4: Testimonies of men in the UK who were circumcised as children

*The following quotes are from the comments by men based in the UK who were circumcised as children, or parents who regret that their children have circumcised. They were collected from the National Secular Society's online petition to end non-consensual religious or cultural circumcision. Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.*

"I was mutilated as part of a Jewish and Muslim family. Because of the horrific physical and mental affects, I have been in and out of hospital since I was 13. It has forever shattered my life. My parents' right for religious freedom should never have been allowed to take precedence over my right for autonomy and the government needs to recognise this."

"I am victim of this barbaric mutilation and it has DESTROYED my life. It's too late for me but nobody else should have to suffer this way. Future generations will look back on this the way they currently view FGM."

"I often feel like exploding with rage when I reflect that a highly sensitive and functional part of my anatomy was amputated from my perfectly formed body when I was at my most vulnerable and defenceless and in need of protection from danger. Is there any justice in this life when our own parents can betray us so nonchalantly before we even know that we are born?"

"I was circumcised as a baby and feel that my body was violated."

"I was given no choice as a baby by my supposedly religious parents who had no scientific or social basis for cutting me."

"I resent that someone cut me without my permission. I would like to have had the choice."

"I'm a 63 year old victim. There was no religious 'requirement' and I was never invited to consent. I never got an explanation from my parents. Who I always resented."

"My own sex life has been blighted by having this procedure imposed on me without my consent. Help to save others by banning it."

"I'm signing this petition partly because I was circumcised as a child and had no say in the matter. I would like other children to decide for themselves."

"I was circumcised as a baby, no choice only consequences."

"I was circumcised at birth in 1945, not for religious reasons but because the doctor had an illogical, Victorian belief that it would improve health and reduce masturbation!"

"I was circumcised at the age of one week. It has not caused me any problems but I did not have a choice about it. If I was religious, which I am not, I would say that God put my foreskin there for a purpose known to him. The religious people who cut it off have decided that they are superior to their god and have destroyed some of his work."

"Both of my children have been circumcised for religious beliefs but I disagree with it and I think a lot of people feel pressured by their families or community to have their baby's circumcised. I know my husband was affected both times and would not have chosen it if the pressure wasn't there. If this was illegal people would have an excuse to give as to why it wasn't done."

“My son's father was Jewish and being very young (no excuse) I was misguided enough to have my baby circumcised. Not, mercifully at birth because I was not Jewish myself, but at 6 months old so he had a general anaesthetic. The dressing came off and what followed is too painful to describe. I have suffered dreadful guilt ever since, but that's nothing compared to what my poor baby went through. It's a hideous ritual. It must be banned.”

“I have a boy and my Muslim husband insisted to circumcise him due to religious reasons without concern for my boy's consent. I want a law which can protect my boy from this traumatic problem.”