

European Network on Religion and Belief (ENORB) seminar: Manifesting Religion or Belief: A Human Rights Perspective.

Session 2: National, Religious and Secularist Contexts for Manifesting Religion or Belief

Speech delivered by National Secular Society executive director Keith Porteous Wood on Tuesday 17 November 2015 (AM) Brussels

It's likely that the United Kingdom's equality laws are the most comprehensive in the world. Since 2010 the Equality Act has included protection for a number of minorities against discrimination in the provision of goods and services. Parliament even decided that protection should be specifically extended to include discrimination on grounds of caste.

Caste discrimination has unfortunately spread from the subcontinent of India to the UK, where there are many people of Indian descent. Having worked for this change, we were jubilant that this would be the first such legal protection covering caste outside India.

Our celebrations were premature however. The Government has – extraordinarily - refused to implement the will of Parliament, and will not now add caste to the list of protected characteristics. This is despite the United Nations having stated that such anti-discrimination legislation is a treaty obligation, on the grounds that it has been demonstrated to occur.

Why – with such strong pressure to act – is the Government obdurately refusing to do so? I think it is the power of vested religious interests. It seems that the opposition of high caste Hindus – some of whom I expect are very wealthy and generous in their donations, has overridden the voices of the oppressed.

Maybe that has happened in India too, because I am not confident that the law works in practice there, either, where injustice against the Dalits and others of supposedly low caste is taken for granted.

It could be argued that the Universal Declaration of Human Rights is no longer Universal, having been under attack by those – again from a religious standpoint - who increasingly dismiss it as a 'Western' construct. The Organisation for Islamic Co-operation has a long standing rival, the Cairo Declaration, in essence making the Universal Declaration subject to Sharia.

The equality laws we have in the UK work relatively well for the population as a whole, but some gaping inequalities have been exempted from the laws. And once again this is probably because of religious vested interests.

For me the biggest problem relates to education. A third of publicly funded schools in England are faith schools – mostly Christian, a relic of the time when the population overwhelmingly regarded themselves as belonging to that religion. But now the majority of the population does not subscribe to any religion and many of those who are religious are not Christian. Religious discrimination is permitted in both admissions to the school and to the employment of teachers, to the potential detriment of non-church goers, the vast majority of the population. Only one in 30 of those between the ages of 30 and 44 claim to attend church on a normal Sunday.

In some rural areas, such schools are often the only ones available. Preference is given in teaching posts to those who share the religious ethos of the school, rather than requiring that the best teacher should be appointed. It blights the career of many teachers who cannot work at their local school because they don't share the religion. I repeat – these schools are funded by the taxpayer.

The EU Directive permits organisations with a religious ethos to require "individuals working for them to act ... with loyalty to the organisations' ethos". Given this, there can be no legitimate justification for requiring teachers to be of the faith, with the possible exception of those teaching religious education. Yet UK legislation, enacted before the Directive came into force, continues to permit religious discrimination in respect of 20% to 100% of teaching posts, depending on the type of school.

In theory, the European Commission is charged with upholding the effective implementation of the Directive in Member States. I regret to inform you that it has failed to act on complaints about this by us (the National Secular Society) and others, despite the complaints being taken to the highest levels. It seems that there is no appetite to take on the UK Government on a matter of such sensitivity. So this egregious discrimination remains, and becomes more acute as the proportion of non-Christian teachers discriminated against rises.

Furthermore, it is a breach of natural justice that the exchanges between the Commission and member states remains hidden from the complainants.

As the outsourcing of public services gathers momentum, driven by cuts in public funding, we become increasingly unhappy that jobs previously undertaken by public authorities with comprehensive equal opportunity policies are being subcontracted to religious organisations that do not have them. This can result in public money being used to finance discrimination on grounds of non-belief or sexual orientation. We believe that non-discrimination should be a precondition of the receipt of public funds and indeed that any services so provided should be carried out without any evangelisation.

The Equality and Human Rights Commission, responsible for overseeing the operation of the Equality Act in England and Wales, has conducted an extensive review of the operation of religion and equality laws. A small number of well-funded evangelical organisations, with effective publicity machines, repeatedly press for the expansion of religious exemptions, (sometimes also referred to as 'religious accommodation' or 'religious conscience clauses'). Were they to succeed, it would have the effect of elevating religion above other protected characteristics, and at particular risk would be the non-religious and non-heterosexuals.

A practical example of this occurred when several evangelical Christians took the UK to the European Court of Human Rights in Strasbourg several years ago claiming violation their religious rights. Two applications (one of which was by a civil partnership registrar) related to their unwillingness to serve gay clients. Another was a nurse who insisted on wearing a piece of jewellery, which happened to be a crucifix, despite health and safety concerns.

The National Secular Society was so concerned that a victory in these cases would fatally undermine equality laws, potentially throughout the EU, it formally intervened in the cases. The three cases were rejected.

But that is not the end of the matter, There is continuing pressure for accommodation and exemption, particularly over sexual orientation.

Fifty years ago it was routine for guest houses to display notices in their windows saying "no blacks no Irish, no dogs". Anyone wishing to refuse to accommodate gay people in their homes, or for them not to occupy double beds in their homes, are at complete liberty to do so, providing this is not a commercial transaction. But if it is a commercial transaction, equality laws should apply without exception, otherwise we will be inviting boarding establishments to put up a new sign: no gays.

One of our arguments that the European Court accepted against permitting such discrimination was that it would heap indignity and humiliation on gay people. Such actions would be unthinkable in a racial context and it is grounds enough to totally outweigh any claim to allow such discrimination on grounds of religious conscience.

I would like to end by clarifying what secularism is and what it is not. It is not seeking to deny anyone their right to manifest their religion within the law. It is seeking to establish a level playing field where everyone is neither advantaged nor disadvantaged because of their belief or no belief.

US Secretary of State Senator John Kerry has called for Syria to become a secular state. And I am sure Christians there would be only too keen for that to happen. Only under a secular state will religious and indeed sexual minorities be safe and not be at the mercy of a dominant state-sanctioned religion. Surely that is something everyone of goodwill should want, regardless of what religion currently has the most power.