



# FOR THE PUBLIC BENEFIT?

THE CASE FOR REMOVING  
'THE ADVANCEMENT OF RELIGION'  
AS A CHARITABLE PURPOSE

national  
**secular**  
society



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## Executive Summary

Charitable endeavour is about benefiting society. With public confidence in charities at an all-time low, it has never been more important for charities to demonstrate how they contribute to society and make a positive difference. The benefit provided by most of the 13 “charitable purposes” set out in the Charities Act 2011 is clear. The benefits of relieving poverty, promoting good health, saving lives and protecting the environment are obvious to all. But the public benefit of “the advancement of religion” is highly contestable.

Britain's religious landscape is constantly evolving. Religious adherence is simultaneously diminishing and diversifying. A majority of Britons no longer belong to any religion. As the majority drift away from Christianity, minority faiths and particularly Islam have seen significant growth. The inclusion of “the advancement of religion” in the list of charitable purposes is based on the outdated presumption that religion is inherently a good thing. But religion is no longer widely regarded as the exclusive source of humanity's morality and ethics, and is not the cohesive force that it perhaps once was in British society. The rise of religious fundamentalism and increasing orthodoxy has highlighted how religion can be a source of tension and conflict, and a significant driver of harmful social division.

**The time has therefore come to consider whether “the advancement of religion” should still be regarded as an inherent public good.** Religious and secular organisations alike should be free to apply for charitable status, but greater scrutiny is needed to ensure that all charities fully meet the public benefit test, regardless of their ethos. Merely advancing a particular religious worldview does not, in our view, pass this test. Only bodies that genuinely serve the public interest, rather than simply their own interests, should enjoy charitable status.

Even more worryingly, some religious charities are causing damage to society. Some actively support activities that cause harm to vulnerable people, children and animals. Others promote extremist political ideology. This is in spite of the fact that a registered charity is not supposed to cause more harm than good, and cannot exist for a political purpose. In these cases, charity abuses are frequently cloaked in the guise of “religious activities”.

**Removing “the advancement of religion” from the list of charitable purposes would not prevent religious organisations from enjoying charitable status, but it would require them to demonstrate a tangible, secular public benefit under one of the other charitable purpose headings.**

Removal of the advancement of religion for the list of charitable purposes would also remove the unnecessary burden on the Charity Commission, and its equivalent regulators in Scotland and Northern Ireland, to determine what is and isn't a religion.

It is not the intention of this report to undermine the role of faith communities in Britain today. Faith groups contribute greatly to social capital and play an important part in the charitable sector – often on the front line of tackling a range of issues from deprivation to social exclusion. These charities should be supported.

But gaining charitable status is an entirely secular endeavour whereby tax benefits are provided in exchange for the public good that a charity provides. Removing the advancement of religion from the list of charitable purposes would require religious charities to justify their charitable status in exactly the same way that secular organisations must do. In this way, the public could have greater trust in the charitable sector, and greater confidence that the taxpayer is only supporting the charities that genuinely deliver for communities.

## Recommendations for a fairer and clearer charity system:

### **1. Equal and neutral treatment of religious and non-religious charities**

“The advancement of religion” should no longer be recognised as a charitable purpose and as a public benefit in its own right. Religion should not be a factor in determining whether or not an organisation is recognised as a charity or eligible for registration.

### **2. End abuse and harm**

There should be far greater scrutiny and an end to religious charities that cause greater harm than good – there is abundant evidence that this still persists.

### **3. Tangible evidence of public benefit**

Charities must provide clear evidence that they demonstrate public benefit. What constitutes public benefit should be clearly defined and understandable.

### **4. An emphasis on supporting communities**

Charity sector policy should emphasise supporting charities, both religious and non-religious, which deliver tangible outcomes for communities

### **5. Effective use of taxpayer money**

The charity sector must ensure it uses public money to deliver genuine benefits to individuals and wider society.

### **6. Align charity law with public opinion**

Current charity law – and the continuation of ‘the advancement of religion’ as a charitable purpose – is increasingly out of line with UK public opinion and should be reformed to better reflect this.



# 1. Introduction: Why it's time to re-think faith and charity

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*"Change charity, and charity can change the world."*

– Dan Pallotta, entrepreneur and humanitarian activist

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**We want to see a fairer system that ensures all charities, both faith-based and secular, are treated equally and are held to the same high requirements of eligibility for charitable status.**

Since the emergence of charitable activity in the Enlightenment era, charitable organisations have become a vital part of democratic society. For generations, thanks to public generosity and a desire to do good, charities have made life better by helping to improve education and healthcare, relieve poverty, bring about social justice, enhance animal welfare and protect the environment.

Charities have long been highly respected in the United Kingdom, and the British people are generous. The UK was in sixth place on the Charities Aid Foundation's 2018 World Giving List, with 68% of adults saying that they had made a recent charitable donation<sup>1</sup>.

The charities themselves are currently flourishing. At the end of 2017, the collective annual income of charities in England and Wales passed £75 billion for the first time. Additionally, the number of registered charities had risen to a nine-year high of more than 168,000.<sup>2</sup>

But times are changing, and the public attitude towards charities with them.

In recent years, the charity sector has been rocked by successive scandals. In 2015, following the collapse of the high-profile Kids Company due to financial mismanagement<sup>3</sup>, the press published reports of some of the UK's best-known charities using unethical fundraising methods. Even more recently, sex abuse scandals within high-profile charities have highlighted major safeguarding issues in the charity sector<sup>4</sup>.

As a result, public trust in charities has reached an all-time low. In 2018, Charity Commission chief executive Helen Stephen said that the public trusts charities less than "the man or woman on the street"<sup>5</sup>. **In 2016, public confidence in charities was rated the lowest on record.**<sup>6</sup>

Another incident in 2018 further highlighted the deep problems within the UK's charity sector. *The Times* newspaper reported that Amazon had agreed to fund controversial religious organisations via its Amazon Smile scheme<sup>7</sup>. The scheme allows customers to nominate a charity from an immense list of charities registered with Amazon Smile; whenever the customer makes a purchase, Amazon donates a percentage of the sale to the nominated charity.

*The Times* reported that one of the charities participating in the scheme was the Muslim Research and Development Foundation (MRDF), which has been described by the government's counter-extremism commissioner Sara Khan as "the main Salafist organisation in the UK". Its founder and former chairman

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<sup>1</sup> Charities Aid Foundation, 'Caf World Giving Index 2018', p.11. <https://www.cafonline.org/about-us/publications/2018-publications/caf-world-giving-index-2018>

<sup>2</sup> Hillier, Andy. "Number of registered charities reaches highest level in almost a decade." Third Sector, 16 January 2018. <https://www.thirdsector.co.uk/number-registered-charities-reaches-highest-level-almost-decade/governance/article/1454612> Accessed 17 December 2018.

<sup>3</sup> BBC News. "Kids Company closure: What went wrong?" 1 February 2016. <https://www.bbc.co.uk/news/uk-33788415> Accessed 19 December 2018.

<sup>4</sup> BBC News. "Aid sector 'almost complicit' in sex scandal, say MPs." 31 July 2018. <https://www.bbc.co.uk/news/uk-politics-45013078>

<sup>5</sup> Preston, Rob. "Public trust in charities still low, says Helen Stephenson." Civil Society, 2 July 2018. <https://www.civilsociety.co.uk/news/public-trust-in-charities-still-low-says-helen-stephenson.html#sthash.SIFvY8Ss.dpuf> Accessed 17 December 2018.

<sup>6</sup> *Ibid.*

<sup>7</sup> Norfolk, Andrew. "Amazon scheme supports Islamic extremists." *The Times*, 8 October 2018. <https://www.thetimes.co.uk/article/amazon-scheme-supports-extremists-vdzsfvsls> Accessed 17 December 2018.

is Haitham al-Haddad, an Islamic scholar, who according to *The Times* believes that husbands “should not be questioned about hitting their wives”, that homosexuality “is an evil crime,” and that all western women “should submit to Allah and wear the niqab”. He is also reported to support child marriage, female genital mutilation and stoning people to death for adultery.<sup>8</sup>

Another charity registered with Amazon Smile was the Glasgow branch of Mountain of Fire and Miracles Ministries (MFM). Its 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 homosexuality”.<sup>9</sup> An undercover investigation in the *Liverpool Echo* last year revealed that an MFM church was putting these teachings into action through an extreme form of ‘gay conversion therapy’ involving starvation<sup>10</sup>.

Understandably, this prompted outraged members of the public to ask why Amazon was funding such charities. Amazon responded that it relied on the charities’ regulators to “determine which organisations are eligible to participate”, pointing out that the charities raised by *The Times* are registered<sup>11</sup>. MRDF is registered with the Charity Commission under no. 1119977. The Glasgow branch of MFM is registered with OSCR under no. SC046685, while MFM International is registered with the Charity Commission as no. 1100416.

It is understandable that Amazon would assume a charity registered with a regulator would be trustworthy. Most of the public would also assume this. But the incident demonstrates that registration is no guarantee that a charity will not use its funds for activities that could reasonably be considered harmful to society.

The increasing number and size of UK charities is putting a strain on the government to effectively regulate them. At the same time, public antipathy towards charities is growing: there is an increasing feeling that rather than doing good, many charities are simply using tax breaks and public donations to benefit themselves. Additionally, the rise of new ways to back causes that appeal to them, such as crowdfunding, means that young people may increasingly turn away from traditional charities. In short, the concept of ‘charity’ in the UK is facing an existential crisis.

In October 2018, the Charity Commission unveiled its new Statement of Strategic Intent, based on “Ensuring charity can thrive and inspire trust so that people can improve lives and strengthen society”. Its five objectives are: holding charities to account; dealing with wrongdoing and harm; informing public choice; giving charities the understanding and tools they need to succeed; and keeping charity relevant for today’s world.<sup>12</sup>

The National Secular Society agrees that achieving these five objectives would greatly help to inspire trust in the sector. However, the outdated nature of charity law itself will make achieving these objectives, especially the final objective of keeping charities relevant for today’s world, a near-impossible task.

This report argues that now is the time to re-examine charity law. Changes to the basic legal definitions of ‘charity,’ and how regulators act on these definitions, will result in a system that is more transparent, more streamlined, and more equitable.

The specific change that this report proposes is simple: to remove “the advancement of religion” as a charitable purpose, and to adopt a system that holds all charities to equal standards, regardless of whether or not they have a religious ethos.

<sup>8</sup> *Ibid.*

<sup>9</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-backs-gay-conversion-snczllxt0> Accessed 17 December 2018.

<sup>10</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 17 December 2018.

<sup>11</sup> Norfolk, Andrew. “Amazon scheme supports Islamic extremists.” *The Times*, 8 October 2018. <https://www.thetimes.co.uk/article/amazon-scheme-supports-extremists-vdzsfvsls> Accessed 17 December 2018.

<sup>12</sup> Charity Commission for England And Wales. “Ensuring charity can thrive and inspire trust so that people can improve lives and strengthen society.” GOV.UK, 4 October 2018. <https://www.gov.uk/government/news/ensuring-charity-can-thrive-and-inspire-trust-so-that-people-can-improve-lives-and-strengthen-society> Accessed 17 December 2018.

## Religious charities: The good, the bad, and the uncharitable

Many people are inspired to contribute to good causes as a result of their religious beliefs. They view charitable acts as a virtue, or even a requirement, according to their faith. As a result, a significant percentage of UK charities were established by religious groups in order to make a positive contribution to the world. Some of these charities have historically religious foundations, but are widely regarded as more or less secular today. Well-known examples include:

- **The Priory Of England And The Islands Of The Most Venerable Order Of The Hospital Of St. John Of Jerusalem** (registered charity no. 1077265), better known as **St John Ambulance**  
This British royal order of chivalry is essentially Christian, but it is most commonly associated with teaching and providing first aid and emergency medicine delivered by volunteers of all faiths and none<sup>13</sup>.
- **National Council Of Young Men's Christian Associations** (no. 212810), better known as **The YMCA**  
The YMCA was originally founded to put Christian principles into practice by developing a healthy "body, mind, and spirit". The organisation is best-known for its gyms and low-cost hostels aimed at young people; while it retains a Christian ethos, it is generally welcoming to all and secular in its provisions<sup>14</sup>.
- **Colleges of the universities of Cambridge and Oxford**  
Many of the Oxbridge colleges, which are now registered charities, have strong historical ties with Christianity. While Christianity and theology are still important aspects of the colleges today, their higher education provision is largely secular.

The three examples given above demonstrate how charities with a historic or current religious ethos may provide an essential and valued public benefit to people regardless of their religion or belief.

But there are other religious charities that are quite different. Rather than investing their donations into helping wider society, their funds are focused inward on themselves. They exist to promote one thing: the religion itself. Their efforts are driven solely on producing evangelistic material, funding preachers, and converting members of the public.

In the worst cases, religious charities do not simply fail to provide a measurable public benefit – **they actually cause more harm than good**. The extent of this harm can vary from activities that cause widespread criticism and controversy (such as promoting extremism, non-therapeutic infant circumcision, religious tribunals and 'gay conversion therapy'), to activities that are illegal, such as supporting terrorism and committing fraud.

## KEY FINDINGS

- **Over 20% of charities registered in England & Wales include "religious activities" among their charitable purposes**
- **Over 7% of these charities list only "religious activities" in their charitable purposes.**

All the while, these charities are depleting public money. Because registered charity status means being exempt from most tax, money that could be used for education, healthcare, social care and other essential public services is going into industrial-scale proselytising and religious activities that are meaningless to those outside the faith. While local governments struggle to maintain services

<sup>13</sup> "St John Ambulance (England)" Wikipedia, [https://en.wikipedia.org/wiki/St\\_John\\_Ambulance\\_\(England\)](https://en.wikipedia.org/wiki/St_John_Ambulance_(England)) Accessed 19 December 2018.

<sup>14</sup> Reisman-Brill, Joan. "The Ethical Dilemma: It's Fun to Stay at the YMCA—Unless You're an Atheist." *The Humanist*, 30 October 2015 [https://thehumanist.com/voices/the\\_ethical\\_dilemma/the-ethical-dilemma-its-fun-to-stay-at-the-ymca-unless-youre-an-atheist](https://thehumanist.com/voices/the_ethical_dilemma/the-ethical-dilemma-its-fun-to-stay-at-the-ymca-unless-youre-an-atheist) Accessed 17 December 2018.



under increasingly shrinking budgets, evangelical organisations can bask in the comfort of charitable status, ever fuelled by tax-free donations.

Why can religious charities that provide no secular public benefit exist? The answer lies in charity law. Organisations that fulfil a purpose from a defined list of “charitable purposes” are legally recognised as charities. One of those purposes is “the advancement of religion”.

To explain how “the advancement of religion” came to be a recognised charitable purpose, and how so many charities that exist solely to promote religion came to be, we must examine the very basics behind what is considered ‘charity’ in the UK.

## 2. What is a charity?

*"A charity is an organisation that is set up to fulfil one or more purposes that the law recognises as charitable. It cannot have some purposes which are charitable and some which are not. The legal meaning of charity does not always coincide with what people in general would consider to be a good cause. A charity must have purposes for the benefit of the public...Being a charity is not a matter of opinion, or of preference, but a matter of law. Registration with the Commission does not make you a charity. The way you are set up, and the purposes you have chosen make you a charity."*

– Charity Commission, 'Faith in Good Governance', 2009<sup>15</sup>

Essentially, two things define a charity: the Charities Act 2011, and its interpretation by regulators such as the Charity Commission.

As the above definition explains, the Charities Act 2011 defines a charity as an organisation serving a recognised charitable purpose. Section 3 of the Charities Act describes the 13 purposes recognised as charitable:

- the prevention or relief of poverty
- the advancement of education
- the advancement of religion
- the advancement of health or the saving of lives
- the advancement of citizenship or community development
- the advancement of the arts, culture, heritage or science
- the advancement of amateur sport
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
- the advancement of environmental protection or improvement
- the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
- the advancement of animal welfare
- the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services
- any other purposes currently recognised as charitable or which can be recognised as charitable by analogy to, or within the spirit of, purposes falling within (a) to (l) or any other purpose recognised as charitable under the law of England and Wales<sup>16</sup>

Organisations that fulfil any of the above purposes may be recognised as charities.

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<sup>15</sup> Charity Commission For England And Wales. "Faith in Good Governance." GOV.UK, November 2009, p. 6. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355533/faithgovenglish.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/355533/faithgovenglish.pdf) Accessed 17 December 2018.

<sup>16</sup> Charity Commission For England And Wales. "What makes a charity (CC4)." GOV.UK, 1 September 2013. <https://www.gov.uk/government/publications/what-makes-a-charity-cc4/what-makes-a-charity-cc4#part-2-about-charitable-purposes> Accessed 17 December 2018.

The Charity Commission is a non-ministerial government department that regulates charities in England and Wales. There is also a Charity Commission for Northern Ireland, while charities in Scotland are regulated by the Office of the Scottish Charity Regulator (OSCR).

The Charity Commission, and its equivalent bodies in Scotland and Northern Ireland, act as the gatekeepers for charities. The Commission is not only responsible for monitoring the finances and governance of charities (and investigating them when they are suspected of breaking the rules), but also for registering charities. It is the Commission that determines whether or not an organisation can be considered charitable and eligible for registration. Even if an organisation is not registered, it may still be subject to regulation by the Commission if the law recognises its activities as 'charitable'.

When it is unclear whether an organisation is charitable or not, the Charity Commission makes the call. This makes the Commission the ultimate authority on defining what is a charity. Because "the advancement of religion" is included in the list of charitable purposes, this has the additional effect of making the Commission the authority on defining what is recognised as a religion in charity law as well. The problems caused by this with this are explored later in the report.

## Why become a registered charity?

The rules for running a charity are strict. Becoming a charity can considerably restrict what an organisation can do. The Charity Commission lists some of these restrictions:

- Charity trustees are normally unpaid volunteers – they can be paid only where it is authorised
- Charities can't usually benefit anyone connected with the charity, for example giving work to a trustee's family member or company, unless it is authorised
- Charities can have only those purposes that the law recognises as being charitable - they can't have a mix of charitable and non-charitable purposes
- Charities can't take part in certain political activities, such as campaigning for a change in government
- Strict rules apply to trading by charities
- Registered charities must provide public, up-to-date information about their activities and finances
- Charities are outward facing – they can't be set up to benefit the narrow interests of a closed group<sup>17</sup>

It is a legal requirement for charities with an annual income of over £5,000 to apply for registration with the Charity Commission<sup>18</sup>. Other publications by the Commission also suggest that it is a legal requirement for *all* eligible religious organisations to register; this is explored later.

Despite the strict rules, many organisations are keen to register as charities. This is because they see the many benefits of charitable status as easily outweighing the restrictions.

There are many financial incentives for an organisation to become a registered charity. Charities are mostly exempt from income tax, corporation tax, capital gains tax and stamp duty. They also pay no more than 20% of normal business rates on the buildings they use. Additionally, the public (especially funders) are more likely to donate to registered charities because they trust that the charity will abide by the Charity Commission's regulatory framework. Under the Gift Aid Scheme, charities can claim

<sup>17</sup> Charity Commission For England And Wales. "How to set up a charity (CC21a)." GOV.UK, 20 May 2014. <https://www.gov.uk/guidance/how-to-set-up-a-charity-cc21a> Accessed 17 December 2018.

<sup>18</sup> Charity Commission For England And Wales. "Set up a Charity." GOV.UK <https://www.gov.uk/setting-up-charity/register-your-charity?step-by-step-nav=3dd66b86-ce29-4f31-bfa2-a5a18b877f11> Accessed 17 December 2018.

from HMRC an additional 25% of any donation made by a UK tax-payer, and UK companies can donate to charity before any tax is deducted. Finally, donations made to charities by a bequest in a will are free of inheritance tax.<sup>19</sup>

For religious organisations, registering as a charity is not simply a legal requirement. It is a step they are eager to take in order to access a much greater supply of funding.

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<sup>19</sup> Charity Commission For England And Wales. "Faith in Good Governance." GOV.UK, November 2009, pp. 6-7. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355533/faithgovenglish.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/355533/faithgovenglish.pdf) Accessed 17 December 2018.

### 3. The public benefit test: does the advancement of religion pass?

Before 2006, charities that existed for the purpose of advancing religion were automatically presumed to serve a public benefit. However, the introduction of the Charities Act 2006 (which preceded the current 2011 Act) means that this presumption is no longer afforded, and that all charities must demonstrate that they exist for the public benefit in what is known as the 'public benefit test'.<sup>20</sup>

This means that charity annual reports must now include a report of their charitable purposes. They must also include a statement by the charity trustees confirming they comply with their duty to have due regard to public benefit guidance published by the Commission.

In its guidance on the public benefit requirement, the Charity Commission states that "Where it is not clear that a purpose is beneficial, the Commission may need to ask for evidence of this."

It gives examples of public benefit including:

- "the architectural or historical merit of a building preserved under an advancement of heritage purpose
- the artistic merit of an art collection displayed under an advancement of art purpose
- the healing benefits of a therapy provided under an advancement of health purpose
- the educational merit of a training programme offered under an advancement of education purpose"<sup>21</sup>

But twelve years since the public benefit test became applicable to charities that advance religion, there still appear to be a great number of charities whose stated activities and charitable objects appear to serve only to propagate the religion, with no evidence of the supposed public benefit this serves. **Out of approximately 34,800 charities registered with the Charity Commission conducting religious activities, over 12,000 charities list "religious activities" as their sole purpose (over 7% of all charities).**<sup>22</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, fighting for human rights, or anything else that could objectively be considered beneficial to society. If a charity can still exist for the sole purpose of holding religious activities, one can conclude that the Charity Commission still assumes that religious activities are 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>23</sup>

<sup>20</sup> Robinson, Lucy. "Charities the Public Benefit Test." Lawson Lewis Blakers. <http://www.lawsonlewis.co.uk/charities-the-public-benefit-test.htm> Accessed 17 December 2018.

<sup>21</sup> Charity Commission For England And Wales. "Public benefit: the public benefit requirement (PB1)." GOV.UK, January 2017, p.7. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/588234/PB1\\_The\\_public\\_benefit\\_requirement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588234/PB1_The_public_benefit_requirement.pdf) Accessed 17 December 2018.

<sup>22</sup> Data extracted December 2018 from the Charity Commission England and Wales' Charity Commission Data Download Alpha, <http://data.charitycommission.gov.uk/default.aspx>. Does not include linked charities.

<sup>23</sup> HC Deb (26 Jun 2006) col 96. <https://publications.parliament.uk/pa/cm200506/cmhansrd/vo060626/debtext/60626-0651.htm>



Even the Charity Commission 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 (no. 234714) 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>24</sup>

How does the Charity Commission recognise which ‘intangible benefits’ are valid under charity law? Even on this point, the Commission is vague. In its document “Analysis of the law relating to public benefit”, the Commission writes:

“In general, the benefit to the public should be a tangible and objective one, although an intangible benefit may suffice if there is “approval by the common understanding of enlightened opinion for the time being” that there is benefit to the public.”<sup>25</sup>

What does “enlightened opinion for the time being” mean? Whose opinions are considered sufficiently “enlightened” to determine whether something is beneficial to the public? And what if the majority of public are in disagreement with what “enlightened opinion” considers a public benefit?

With increasing numbers of British people rejecting religion, some of whom consider religion to be inherently harmful, whether even “enlightened opinion” can consider the advancement of religion a public benefit must be questioned.

## Is the charity system biased towards religion?

The Equality Act 2010 defines religion and belief as a protected characteristic and makes it clear that ‘religion’ “includes a reference to a lack of religion” and ‘belief’ “includes a reference to a lack of belief”<sup>26</sup>. In theory, this should afford religious and nonreligious worldviews equal standing in the law.

But English common law tradition affords religion a privileged position. In *Gilmour v. Coates* [1949], Lord Reid stated:

“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”<sup>27</sup>.

And in *Neville Estates v Madden*, the High Court stated: ‘As between different religions the law stands neutral, but it assumes that any religion is at least likely to be better than none.’<sup>28</sup>

The assumption that advancing religion is a public benefit, and that fostering and supporting religious belief is inherently a good thing, is also to be found in charity law. The inclusion of the advancement of religion in the list of charitable purposes is in itself an indicator of the favoured status of religion in charity law.

Additionally, the Charities Act diverges considerably from the Equality Act in that the charitable purpose of “the advancement of religion” purposefully and omits “belief”, i.e. non-religious worldviews. This issue was raised in a House of Lords debate on the Charities Bill, in which Lord Wedderburn of

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<sup>24</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 17 December 2018.

<sup>25</sup> Charity Commission for England and Wales. “Analysis of the law relating to public benefit.” February 2018, p.10. [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 17 December 2018.

<sup>26</sup> Equality Act 2010, c. 15. Part 2, Chapter 1, Section 10. <https://www.legislation.gov.uk/ukpga/2010/15/section/10>

<sup>27</sup> *Gilmour v. Coates*, [1949] AC 426 (H.L.), at pages 458-9

<sup>28</sup> *Neville Estates Ltd v Madden* [1962] Ch 832, 853

Charlton suggested that the wording be amended to “the advancement of religion or belief”. He pointed out that to exclude “belief”:

“...arguably does not comply with Articles 9 and 14 of the European Convention on Human Rights on the right to manifest one’s religion or belief and to have that right secured without discrimination.”<sup>29</sup>

Despite these objections raised by Lord Wedderburn and other peers, the amendment was rejected.

As a result, charity regulators treat religion favourably. 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, 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>30</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.

From this wording, it would seem the Commission holds the view that religious people are more moral or altruistic than non-religious people. In a country where at least half of the population have no religion<sup>31</sup>, this hints at an uncomfortable level of prejudice.

Another example of the Commission’s assumption that promoting religion is in the public good can be found in the Commission’s suggested wording for religious charities when describing their objects.

When organisations apply for charitable status, they must describe what their purposes are by writing them in the “objects clause” of their governing document. A “charitable object” is essentially the same thing as a “charitable purpose”. There is a prescribed format to writing the objects; charities must follow a specific style using set phrases.

Because writing the objects in the approved format can be challenging, the Charity Commission provides example objects to essentially copy and paste, filling in the appropriate words in the blanks. The example objects given for the advancement of religion are as follows:

- To advance the [insert basis of faith] [faith] [religion] for the benefit of the public in accordance with [the statements of belief appearing in the schedule] [the following doctrines: ...]
- The advancement of the [insert basis of faith] religion mainly, but not exclusively, by means of broadcasting [insert basis of faith] messages of an evangelistic and teaching nature.
- To advance the [insert basis of faith] religion in [insert area of benefit] for the benefit of the public through the holding of prayer meetings, lectures [public celebration of religious

<sup>29</sup> HL Deb (28 Jun 2005) col 137. <https://publications.parliament.uk/pa/ld200506/ldhansrd/vo050628/text/50628-06.htm>

<sup>30</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-public-benefit.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358531/advancement-of-religion-for-the-public-benefit.pdf). Accessed 17 December 2018. Guidance currently under review.

<sup>31</sup> National Secular Society. “More than half of Brits now non-religious, study finds.” 4 September 2017. <https://www.secularism.org.uk/news/2017/09/more-than-half-of-brits-now-non-religious-study-finds>

festivals] producing and/or distributing literature on [insert basis of faith] to enlighten others about the [insert basis of faith] religion.<sup>32</sup>

This wording, which can be found in the objects of many religious charities, makes it clear that the Charity Commission considers evangelism, prayer meetings, and the production of religious literature to be serving the public benefit.

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
- carrying out religious devotional acts
- carrying out missionary and outreach work"<sup>33</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, 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.

Additionally, although charity law has gradually become less sectarian and more tolerant over the decades, and the definitions of what is recognised by charity law as a religion have widened, the common law has refused to accept belief systems that are "adverse to the very foundations of all religion".<sup>34</sup>

Echoes of this sentiment can be found in the Charity Commission's handling of complaints against the Cult Information Centre (CIC, registered charity number 1012914) in 2012. CIC provides information and advice on religious movements that it deems to be 'cults'. It offers help to ex-cult members and their families, and assists researchers into cults<sup>35</sup>.

Despite the CIC's relatively small size (its income at YE 30 Jun 2017 was £20,234<sup>36</sup>), it represents enough of a threat to certain religious sects that it has been the subject of "numerous" complaints to the Charity Commission. Many of those sects behind the complaints are themselves registered charities. In 2012, the Commission investigated one of these complaints. Although the complaint was eventually not upheld, the Commission stated:

"The problem is that the CIC's education work seems to be coming from a pre-conceived standpoint whereas, when we granted charitable status, we specified that any educational work needs to be objective and factual."<sup>37</sup>

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<sup>32</sup> Charity Commission For England And Wales. "Example Objects - Advancement of Religion." GOV.UK, 10 May 2013 <https://www.gov.uk/government/publications/example-charitable-objects/example-objects-advancement-of-religion> Accessed 17 December 2018.

<sup>33</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 17 December 2018.

<sup>34</sup> *Thornton v. Howe* (1862) 31 Beav 14

<sup>35</sup> Cult Information Centre homepage, <https://cultinformation.org.uk>. Accessed 19 December 2018.

<sup>36</sup> From Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=1012914&SubsidiaryNumber=0>

<sup>37</sup> Wallis, Lynne. "Cult information charity faces Charity Commission curb after complaint." *The Guardian*, 13 January 2012. <https://www.theguardian.com/voluntary-sector-network/2012/jan/13/charity-fall-foul-commission> Accessed 17 December 2018.

Ian Haworth, main representative of CIC, likened the restrictions that the Commission sought to impose to “a drugs awareness charity being told it can still operate, as long as it never says drugs are bad.”<sup>38</sup>

The Commission’s position as described in its statement does not seem to reflect that numerous religious charities that also list “education” as one of their objects can hardly be said to be presenting “objective and factual” information about their religion. While the Commission felt obliged to investigate the CIC because of its perceived bias against cults, it does not routinely investigate the many religious charities that list “Education/Training” as one of their objectives and produce educational resources with a pro-religious bias.

## Why charity law needs secularism

The presumption that religions make people and society “better” is long outdated. This idea has been disproved again and again by successive studies in countries throughout the world.

A 2009 academic article by Phil Zuckerman, professor of sociology and secular studies at Pitzer College, highlighted studies demonstrating that religious countries have higher rates of violent crime, lower rates of charitable giving, and lower levels of happiness than more secular countries.<sup>39</sup> Another study published in *Current Biology* in 2015 found that children raised in religious households were less generous than those from non-religious families.<sup>40</sup> And a 2018 study published in *Science Advances* concluded that countries with less religious populations tend to be wealthier and more tolerant than more religious nations<sup>41</sup>.

These examples are not intended to serve as evidence that religion causes more harm than good, or that non-religious people are more moral than religious people. Rather, they demonstrate that the commonly-held assumption that religion is inherently good is not supported by fact.

And this is before we consider the fact that, while there are indeed many registered religious charities, the majority of charities are entirely secular and do not have a religious ethos. Clearly, one does not need to be religious in order to be inspired to set up a charity to do good in the world.

A secularist approach advocates an entirely neutral approach to religion and non-religion, treating neither as inherently good or inherently bad. It is this approach that should be adopted in charity law.

Aside from arguments over the inherent benefit of religion, public attitudes must also be considered. If a cause is to be deemed a “public benefit,” and therefore exempt from tax, it is reasonable to insist that the general public on the whole agrees that it is beneficial to them, or at the very least agrees that the cause is not harmful.

But research over recent years consistently demonstrates that the British are increasingly apathetic towards religion. Furthermore, more Brits believe religion is a social harm, rather than a social good:

<sup>38</sup> *Ibid.*

<sup>39</sup> Zuckerman, Phil. “Atheism, Secularity, and Well-Being: How the Findings of Social Science Counter Negative Stereotypes and Assumptions.” *Sociology Compass* 3/6 (2009): 949–971, 10.1111/j.1751-9020.2009.00247.x [http://www.onlyemes.org/wp-content/uploads/2013/03/zuckerman\\_on\\_atheism.pdf](http://www.onlyemes.org/wp-content/uploads/2013/03/zuckerman_on_atheism.pdf) Accessed 17 December 2018.

<sup>40</sup> Decety, Jean et al. “The Negative Association between Religiousness and Children’s Altruism across the World.” *Current Biology*, November 16, 2015, Volume 25, Issue 22, P2951-2955. <https://doi.org/10.1016/j.cub.2015.09.056> Accessed 17 December 2018.

<sup>41</sup> Ruck, Damian J. et al. “Religious change preceded economic change in the 20th century.” *Science Advances* 18 Jul 2018: Vol. 4, no. 7 <http://advances.sciencemag.org/content/4/7/eaar8680.full> Accessed 17 December 2018.

### What do the British think about religion?

- **The UK is the sixth least religious country in the world.**
- **53% of British people have 'no religion'. The figure has risen from 48% since 2015.**
- **70% of 16- to 29-year-olds in the UK say they have no religion and 59% say they never attend a religious service.**
- **68% of Britons say that religion is "not important" to their own life.**
- **Just 23% of Britons under 65 say religion defines them personally.**
- **90% of adults in England do no religious activity at all on Sunday, more than 95% do none on Saturday, Fridays or Wednesdays. 98% do none on Thursdays, Tuesdays or Monday.**
- **Under-40s in Britain are nearly twice as likely to be non-religious than Christian.**
- **75% of Britons have never been influenced by a religious leader.**
- **53% agree that the place of religion in our society is too important in the UK.**
- **More than 60% of Brits under 65 say religion does more harm than good, with no evidence linking this to religious intolerance.<sup>42</sup>**

There is some justification in prevailing apathetic or negative attitudes towards religion. The UK has suffered significant acts of religious terrorism, resulting in mass loss of life. The Catholic Church, the Church of England and other religious institutions have been rocked by a series of sexual abuse scandals and subsequent cover-ups. Many religious institutions maintain and propagate misogynist and homophobic attitudes that are completely at odds with the views of the population as a whole. Religious lobbyists stand in the way of the public receiving the best possible care in the areas of family planning and end-of-life care. And dominant religious groups continue to enjoy a privileged status in government, law and education above members of minority religions and those unaffiliated with religion.

There is also the issue of religious charities guilty of misconduct and/or mismanagement, sometimes severe. Any charity, regardless of their ethos and objects, may be subject to mismanagement or misconduct, and religious charities are no exception.

The NSS examined each charity for which a Charity Commission inquiry report was published online from 2014–2017, and found that organisations that list "religious activities" listed among their charitable purposes were among the reports every year.

Although the majority of inquiries were for comparatively trivial matters, such as failure to submit annual accounts and returns to the Commission, other cases were far more serious. These include:

#### Khalsa Missionary Society<sup>43</sup>

**Registered charity number:** 1126873 (Now removed, does not operate)

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** "To advance the Sikh religion in the UK for the benefit of the public through the holding of prayer meetings, lectures, public celebration of religious festivals producing and/or distributing literature on Sikhism to enlighten others about the Sikh religion, including organising a kirtan (musical hymns)"

**Activities:** Not available

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<sup>42</sup> National Secular Society. "Data and statistics." <https://www.secularism.org.uk/data.html>

<sup>43</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/RemovedCharityMain.aspx?RegisteredCharityNumber=1126873&SubsidiaryNumber=0>



**Inquiry report published:** 2017

**Inquiry findings:** The Charity Commission found that one of this charity's trustees had used the charity as a conduit to facilitate immigration fraud, by falsely claiming immigrants were qualified Sikh ministers employed by his charity. The charity has since been removed from the Commission's register, on the basis that the charity was not undertaking any charitable activity and there were no validly appointed trustees to administer the charity.<sup>44</sup>

**Manchester New Moston Congregation of Jehovah's Witnesses**<sup>45</sup>

**Registered charity number:** 1065201

**YE 31 Mar 2017 income:** £8,079

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** "The practice and advancement of Christianity founded on the holy bible, as understood by the denomination of Christians known as Jehovah's Witnesses, including the preaching of the good news of God's kingdom by Jesus Christ within the congregation area and the holding of meetings."

**Activities:** "Arranging meetings for public worship, which includes bible education and training in Christian living. Preaching the Christian message to the public within the congregation area. Distributing bibles and other religious literature; also giving pastoral assistance to the congregation and the wider community. All of these services and facilities are provided without charge."

**Inquiry report published:** 2017

**Inquiry findings:** The Charity Commission found that the charity's trustees did not deal adequately with allegations of child sexual abuse in 2012 and 2013 against one of its trustees. One allegation was dismissed as "a matter between 2 teenagers". Furthermore, victims were required to attend the misconduct appeal hearing and be subjected to "inappropriate, demeaning and disrespectful questioning" in the presence of the abuser, and the abuser was permitted to question the victims despite the fact that, by that time, he had been convicted and served a prison sentence for the relevant offences.<sup>46</sup>

**Case Study 3: Bristol Community Church Trust (now known as Bourne Christian Centre)**<sup>47</sup>

**Registered charity number:** 1044496

**YE 31 Mar 2017 income:** Not reported; charity below Annual Return £10,000 threshold for this financial year

**Charitable purpose(s) listed:** The prevention or relief of poverty; overseas aid / famine relief; religious activities

**Charitable objects:** "(a)The proclamation and furtherance of the gospel of god concerning his son Jesus Christ our lord and the preaching and teaching of the Christian faith. (b)The relief of persons who are in conditions of need hardship and distress or who are aged or sick."

**Activities:** "Preaching and teaching the Christian faith; helping local families though counselling, play therapy and other support, regardless of their beliefs; fundraising for our projects and those we support."

**Inquiry report published:** 2016

**Inquiry findings:** The charity was guilty of management and safeguarding failures after its former youth pastor was convicted of sexual offences. In 2011, a member of the congregation warned that

<sup>44</sup> Charity Commission For England And Wales. "Khalsa Missionary Society: Inquiry report", 24 March 2017. <https://www.gov.uk/government/publications/khalsa-missionary-society-inquiry-report> Accessed 17 December 2018.

<sup>45</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=1065201&SubsidiaryNumber=0>

<sup>46</sup> Charity Commission For England And Wales. "Decision: Manchester New Moston Congregation of Jehovah's Witnesses," 26 July 2017. <https://www.gov.uk/government/publications/manchester-new-moston-congregation-of-jehovahs-witnesses-inquiry-report/manchester-new-moston-congregation-of-jehovahs-witnesses> Accessed 17 December 2018.

<sup>47</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=1044496&SubsidiaryNumber=0>

sexual abuse allegations had been made against the youth pastor. The Charity Commission opened a compliance case in the same month, which was escalated to a statutory inquiry after serious safeguarding concerns became apparent. The youth pastor was convicted of sexually touching a child and voyeurism in 2012, and the senior pastor suspended after he was arrested on allegations of witness intimidation and perverting the course of justice. The inquiry found that there had been misconduct and mismanagement of the charity's administration, because steps were not taken at the time the safeguarding incidents occurred by the charity's trustees to protect beneficiaries, and there were weaknesses in the charity's safeguarding policies, procedures and practice.<sup>48</sup>

#### Case Study 4: Islamic Education and Research Academy (IERA)<sup>49</sup>

**Registered charity number:** 1134566

**YE 30 Jun 2017 income:** £979,154

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** "The advancement of the Islamic religion."

**Activities:** "1 The advancement of the Islamic religion; 2 To advance the education of the public in the ways of Islam; 3 To promote research into the Islamic faith and to publicly disseminate the useful results thereof"

**Inquiry report published:** 2016

**Inquiry findings:** An inquiry was launched amid allegations that its leaders promote anti-Semitism and have called for homosexuals and female adulterers to be stoned to death<sup>50</sup>. The inquiry concluded that trustees must do more to prevent associating with organisations and individuals who "encourage or support terrorism and/or extremist views".<sup>51</sup> The Charity Commission also criticised the charity over its partnership with Islamic University Online, an organisation founded by Dr Bilal Philips, who was banned from the UK for his extremist views in 2010. In 2013 the charity held an event on a university campus in which women were forced to sit at the back of the room<sup>52</sup>.

These inquiry reports serve to indicate that religious charities are certainly not immune from abuse. These cases should stand as further evidence that there is no truth in any assertion that advancing religion inherently provides a public benefit – organisations that exist for that purpose may be conducting unethical, or even illegal, activities.

It would be wholly incorrect to say that religious groups make no positive contribution to society. Many do provide valuable services to society in helping those in need. But in the public mind, the harms perpetrated by religious groups increasingly outweigh these benefits.

In the context of such public mistrust of religion, lawmakers must seriously consider how the public benefit of charities that exist only to advance religion can possibly be justified. By having to put itself at odds with public sentiment, the Charity Commission risks further loss of confidence in its goals and ability from the British people.

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<sup>48</sup> Charity Commission For England And Wales. "Inquiry Report Bristol Community Church Trust," 23 September 2016. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/555071/bristol\\_community\\_church\\_trust.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/555071/bristol_community_church_trust.pdf) Accessed 17 December 2018.

<sup>49</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithPartB.aspx?RegisteredCharityNumber=1134566&SubsidiaryNumber=0>

<sup>50</sup> Mendick, Robert. "'Anti-Semitic' charity under investigation." *The Telegraph*, 24 May 2014. <https://www.telegraph.co.uk/news/10854579/Anti-Semitic-charity-under-investigation.html> Accessed 17 December 2018.

<sup>51</sup> Charity Commission For England And Wales. "Inquiry Report: Islamic Education and Research Academy (IERA)," 4 November 2016. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565354/islamic\\_education\\_and\\_research\\_academy\\_iera.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565354/islamic_education_and_research_academy_iera.pdf) Accessed 17 December 2018.

<sup>52</sup> Turner, Camilla. "Leading Islamic charity told by watchdog to distance itself from extremism." *The Telegraph*, 12 November 2016. <https://www.telegraph.co.uk/news/2016/11/12/leading-islamic-charity-told-by-watchdog-to-distance-itself-from/> Accessed 17 December 2018.

## 4. Case Studies: Religious charities with dubious public benefit

The NSS found that over 7% of charities registered with the Charity Commission list solely “religious activities” as their charitable object. Many of these charities are large, well-known and wealthy organisations; out of the 165 religious charities with an annual income of over £10 million, 42 (over 25%) list no objects apart from religious activities.<sup>53</sup>

Case studies are presented here to illustrate just a few of the many registered religious charities in operation whose public benefit could in some areas be questionable.

### Case Study 1: The British and Foreign Bible Society<sup>54</sup>

**Registered charity number:** 232759

**YE 31 March 2018 income:** £19.4 million

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** “To encourage the wider circulation or use (or both) of the Holy Bible or any part or parts thereof”

**Activities:** “We are working to make the Bible available and accessible worldwide and build people’s confidence in it. We are an advocate for the Bible’s place in our national life and we work closely with 146 other Bible societies across the world to deliver our global ministry.”

**Comment:** This charity, which made the news in June 2018 for being fined £100,000 after hackers gained access to the personal data of more than 400,000 of the charity’s supporters<sup>55</sup>, is devoted entirely to proselytising, mainly through distributing the bible.

The charity’s financial statements for YE 31 March 2018 reveal that it spent over £15 million on charitable activities, which are broken down as:

“Making the Bible available” .....	£8.9 million
“Making the Bible accessible” .....	£3.0 million
“Demonstrating the Bible’s credibility” .....	£2.4 million
“Educating the public” .....	£1.0 million <sup>56</sup>

Much of its work is overseas, such as in Africa and the Middle East.

Under the Charity Commission’s own guidance, the work of the British and Foreign Bible Society is charitable, because all of its activities easily conform to the Commission’s own definitions of what constitutes “the advancement of religion.” Whether this in turn is truly a public benefit, however, is highly questionable. How does the British public truly benefit from the mass distribution of bibles both in the UK and overseas?

If “the advancement of religion” was no longer a recognised charitable purpose, this charity may find it challenging to justify its charitable status.

<sup>53</sup> Figures retrieved by the National Secular Society from Charity Commission database on 1 August 2018. Two charities were excluded from these stats despite appearing on the list because of the lack of information about them recorded in the database: Clifton Diocese (which is newly registered) and Delapage Limited (which is under interim management following the Trustee’s declaration of bankruptcy).

<sup>54</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/DocumentList.aspx?RegisteredCharityNumber=232759&SubsidiaryNumber=0>

<sup>55</sup> Kay, Liam. “Christian charity fined £100k after hackers accessed supporters’ data.” *Third Sector*, 11 June 2018. <https://www.thirdsector.co.uk/christian-charity-fined-100k-hackers-accessed-supporters-data/digital/article/1484593> Accessed 17 December 2018.

<sup>56</sup> “Bible Society Annual Review & Report 2018.” Figures rounded. [http://apps.charitycommission.gov.uk/Accounts/Ends59/0000232759\\_AC\\_20180331\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends59/0000232759_AC_20180331_E_C.pdf) Accessed 19 December 2018.

## Case Study 2: Watch Tower Bible And Tract Society Of Britain<sup>57</sup>

**Registered charity number:** 1077961

**YE 31 Aug 2017 income:** £89.6 million

**Charitable purpose(s) listed:** Overseas aid / famine relief, religious activities

**Charitable objects:** "To advance the Christian religion as practised by the body of Christian persons known as Jehovah's Witnesses by:

(a) preaching the gospel of God's kingdom under Jesus Christ unto all nations as a witness to the name, word and supremacy of almighty God, Jehovah; (b) producing and distributing bibles and other religious literature in any medium and educating the public in respect thereof; (c) promoting religious worship; (d) promoting Christian missionary work; (e) advancing religious education; (f) maintaining one or more religious orders or communities of special ministers of Jehovah's Witnesses."

**Activities:** "1. Printing and distributing bibles and bible-based literature in several languages.

2. Funding the construction of places of worship in various countries.

3. Supporting congregations and associations of Jehovah's Witnesses and others in connection with their spiritual and material welfare in the United Kingdom and abroad, by making donations and advancing the Christian missionary work."

**Comment:** This charity acts as the central governing organisation for Jehovah's Witnesses in the UK.

At YE 31 August 2017 it had spent £48.5 million on charitable activities, broken down as follows:

"Producing and distributing Bible literature" ..... £5.2 million

"Promoting Christian missionary work" ..... £0.3 million

"Making donations to further religious education" ..... £18.5 million

"Design and build of places of worship and administrative facilities" ..... £24.3 million<sup>58</sup>

All of these activities fall largely into the category of advancing religion.

Aside from issue that the public benefit of this charity's work is questionable, there is an argument to be made that the charity actively causes harm. The Jehovah's Witnesses movement has been long criticised for its authoritarian treatment of members, including its practices of shunning for those who transgress rules set by the organisation (in which other Jehovah's Witnesses are prohibited from interacting with a shunned member) and its prohibition on blood transfusions.<sup>59</sup>

Jehovah's Witness policies regarding the handling of sexual abuse cases have also been criticised; its church discipline requires there to be two witnesses to acts of molestation in order for allegations to be substantiated<sup>60</sup>, which is usually an impossibility is given the nature of sexual abuse. Additionally, leaders aware of allegations report it to authorities only when legally obliged to do so. See the earlier case study on Manchester New Moston Congregation of Jehovah's Witnesses for an example.

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<sup>57</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithPartB.aspx?RegisteredCharityNumber=1077961&SubsidiaryNumber=0>

<sup>58</sup> "Report of the Trustees and Financial Statements for the Year Ended 31st August 2017 for Watch Tower Bible and Tract Society of Britain". Figures rounded. [http://apps.charitycommission.gov.uk/Accounts/Ends61/0001077961\\_AC\\_20170831\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends61/0001077961_AC_20170831_E_C.pdf) Accessed 19 December 2018.

<sup>59</sup> "Criticism of Jehovah's Witnesses." Wikipedia [https://en.wikipedia.org/wiki/Criticism\\_of\\_Jehovah%27s\\_Witnesses](https://en.wikipedia.org/wiki/Criticism_of_Jehovah%27s_Witnesses) Accessed 19 December 2018.

<sup>60</sup> "Jehovah's Witnesses' handling of child sex abuse." Wikipedia [https://en.wikipedia.org/wiki/Jehovah%27s\\_Witnesses%27\\_handling\\_of\\_child\\_sex\\_abuse](https://en.wikipedia.org/wiki/Jehovah%27s_Witnesses%27_handling_of_child_sex_abuse) Accessed 19 December 2018.

### Case Study 3: Church Commissioners For England<sup>61</sup>

**Registered charity number:** 1140097

**YE 31 Dec 2017 income:** £167.3 million

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** “To promote the mission and ministry of the Church of England in the ways more particularly described in: the Church Commissioners Measure 1947; the Pastoral Measure 1983; and the National Institutions Measure 1998”

**Activities:** “Promoting the mission and ministry of the Church of England especially by supporting poorer dioceses with ministry costs, providing funds to support mission activities, paying for bishops’ ministry and some cathedral costs, administering the legal framework for pastoral reorganisation and closed church buildings, paying clergy pensions for service prior to 1998 and running the clergy payroll.”

**Comment:** Church Commissioners for England is the religious charity with the fourth highest income. It has the highest income of any charity that exists for the sole purpose of religious activities.

The charity manages an £8.3bn investment fund. At YE 31 Dec 2017 it had spent £226.2 million on charitable activities. Breakdown:

Mission activities.....£56.6 million

Diocese and ministry support.....£37.3 million

Bishops’ ministry and cathedral costs .....£44.0 million

National payroll for clergy.....£0.9 million

Administering the legal framework .....£5.2 million

Clergy pensions obligation.....£82.2 million<sup>62</sup>

It is true that Church Commissioners for England does support beneficial causes, such as food banks, homeless shelters and rehabilitation of ex-offenders. But such activities need not be considered “religious” for the purpose of charity law. They should be categorised under a more relevant object, for example “The prevention or relief of poverty”.

Furthermore, many of the above costs appear to be largely associated with the administration of the church. If the advancement of religion was abolished as a charitable purpose, the Church Commissioners would perhaps need to re-classify its activities, separating genuinely charitable purposes (helping the poor, homeless etc.) from its other activities (the advancement of Anglicanism). Considering the vast income of the Church Commissioners, losing charitable status for its purely religious activities would result in a significant amount of money going back into the public purse as taxes.

The case studies above further demonstrate how there still appears to be a presumption that religious activities, such as the distribution of bibles, is still inherently in the public benefit, despite there being no evidence to support this in most cases.

The fact that an organisation happens to be religious, or promotes religion in addition to activities that do have a public benefit (i.e. providing tangible assistance to people, animals or the environment), should not be a consideration for the Charity Commission when deciding whether or not the organisation is eligible for charitable status.

<sup>61</sup> Data from Charity Commission For England And Wales database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithPartB.aspx?RegisteredCharityNumber=1140097&SubsidiaryNumber=0>

<sup>62</sup> “Investing in the Church’s growth: The Church Commissioners Annual Report 2017”. Figures rounded. [http://apps.charitycommission.gov.uk/Accounts/Ends97/0001140097\\_AC\\_20171231\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends97/0001140097_AC_20171231_E_C.pdf) Accessed 19 December 2018.



## 5. Case Studies: Charities that do more harm than good

Some religious charities do not merely appear to serve no public benefit. There are some that cause more harm than good.

Regardless of whether or not a charity is religious, the Charity Commission states that “a purpose cannot be a charitable purpose where any detriment or harm resulting from it outweighs the benefit.”<sup>63</sup>

The Commission’s guidance on “The Advancement of Religion for the Public Benefit” provides examples of what it considers may constitute “detriment or harm”. These include:

- “Something that is dangerous or damaging to mental or physical health”
- “Something that encourages or promotes intentional threats of violence or hatred towards others”
- “Unlawfully restricting a person’s freedom”<sup>64</sup>

However, there exist religious charities that do hold or facilitate activities that cause detriment or harm according to these criteria. The following case studies demonstrate that the privileged status of religion in charity law may be giving organisations the ability to register as charities where secular organisations would fail on the grounds that they cause harm.

### Case 1: ‘Conversion therapy’ charities

‘Conversion therapy’, also known as ‘reparative therapy’, ‘gay cure therapy’ and a number of other terms, is the practice of trying to change an LGBT individual’s sexual orientation to heterosexual. High-profile advocates of conversion therapy today tend to be fundamentalist Christian groups and other organisations which use a religious justification for the therapy. It does not include legitimate therapeutic options to assist people struggling with their gender identity or sexual orientation to live more comfortably.

All reputable health and psychological organisations consider the practice to be ineffective, unethical and harmful. The UK Council for Psychotherapy, supported by various other psychotherapy and LGBT rights organisations, have released a consensus statement on conversion therapy stating:

“There is no good evidence this works and we believe it has the potential to cause harm. Often these approaches are based on religious interpretations about sexuality rather than on a researched and informed understanding of sexual orientation.”<sup>65</sup>

In July 2018, in recognition of the harm that conversion therapy causes to individuals and to society, the government announced in its LGBT Action Plan that it would bring forward proposals to end the practice of conversion therapy in the UK.<sup>66</sup>

Despite this, there are registered charities that offer or facilitate these bogus ‘treatments’. One of these is Mountain of Fire and Miracles Ministries, which has been highlighted earlier in this report. Another is Winners Chapel International (no. 1134421). In November 2018, undercover work by ITV

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<sup>63</sup> Charity Commission For England And Wales. “Public benefit: the public benefit requirement.” GOV.UK, 16 September 2013 <https://www.gov.uk/government/publications/public-benefit-the-public-benefit-requirement-pb1/public-benefit-the-public-benefit-requirement> Accessed 17 December 2018.

<sup>64</sup> Charity Commission For England And Wales. “The Advancement of Religion for the Public Benefit.” GOV.UK, December 2011, p.12. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/358531/advancement-of-religion-for-the-public-benefit.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358531/advancement-of-religion-for-the-public-benefit.pdf). Accessed 17 December 2018. Guidance currently under review.

<sup>65</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 17 December 2018

<sup>66</sup> Government Equalities Office. “LGBT Action Plan.” July 2018, p. 2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721367/GEO-LGBT-Action-Plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721367/GEO-LGBT-Action-Plan.pdf) Accessed 17 December 2018.

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>67</sup>

It should be noticed that NSS has previously raised concerns about Winners Trust, following their application to the Department for Education to open a school. Their application was withdrawn following media attention on the church’s teaching that disobedience in children is linked to witchcraft, and the release of video footage of the church’s leader slapping a young girl after accusing her of being a witch.<sup>68</sup>

A major promoter of conversion therapy is Core Issues Trust. This Christian charity, registered in Northern Ireland (no. 105095), offers what it calls “Change Oriented Therapy (COT),” which supports “client goals to prioritize conservative religious values over their same-sex attractions in identity development.”<sup>69</sup>

Other charities that do not directly offer conversion therapy, but are cause for concern in this area, include:

- **True Freedom Trust (no. 1159015)** – This charity states that its mission is to “promote a biblical pattern for gender and sexual relationships.”<sup>70</sup> It offers a referral service “for those who struggle with same-sex temptations and gender confusion”<sup>71</sup> to counsellors “who are sympathetic to our Basis”<sup>72</sup>. It takes the view that same-sex relationships are “sexual immorality”<sup>73</sup>.

True Freedom Trust does not offer conversion therapy (which it calls “reparative therapy”), but neither does it condemn the practice. This is the charity’s statement regarding “reparative therapy”:

“True Freedom Trust (TfT) is aware that Reparative and other therapies aimed at eliminating or reducing unwanted same-sex attractions are attracting controversy. We are aware that some feel such therapy has harmed them, but also aware that some have felt benefit from such therapies in various ways, including lasting reduction in same-sex feelings. TfT believes people should have the right to choose and explore ways in which they can be helped and our understanding is that no reliably robust scientific studies are available to prove claims one way or another.”<sup>74</sup>

<sup>67</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 17 December 2018.

<sup>68</sup> National Secular Society. “Church of ‘witch-slapping’ pastor withdraws application to open UK school.” 25 August 2015 <https://www.secularism.org.uk/news/2015/08/church-of-witch-slapping-pastor-withdraws-application-to-open-uk-school>

<sup>69</sup> Core Issues Trust. “Change Oriented Therapy (COT)” <https://www.core-issues.org/change-oriented-therapy> Accessed 17 December 2018

<sup>70</sup> True Freedom Trust. “What We Believe” <https://truefreedomtrust.co.uk/beliefs> Accessed 17 December 2018.

<sup>71</sup> True Freedom Trust. “What is TFT?” <https://truefreedomtrust.co.uk/about-us> Accessed 17 December 2018.

<sup>72</sup> True Freedom Trust. “What does TfT think of Reparative Therapy?” <https://secure.truefreedomtrust.co.uk/content/what-does-tft-think-reparative-therapy> Accessed 17 December 2018.

<sup>73</sup> True Freedom Trust. “What Does The Bible Teach About Same-Sex Practice?” May 2017. <https://truefreedomtrust.co.uk/what-does-bible-teach-about-same-sex-practice> Accessed 17 December 2018.

<sup>74</sup> True Freedom Trust. “What does TfT think of Reparative Therapy?” <https://secure.truefreedomtrust.co.uk/content/what-does-tft-think-reparative-therapy> Accessed 19 December 2018.

True Freedom Trust is partnered<sup>75</sup> with a number of other Christian charities, including Affinity (no. 258924), The Evangelical Alliance (no. 212325), Journey UK (no. 1056150), and Living Out (no. 1165572). This is what some of these charities say about homosexuality:

**Affinity:** Articles published on its website include “The myth of sexual orientation” and “resisting the desecration of marriage”.<sup>76</sup>

**The Evangelical Alliance:** “We encourage evangelical congregations to welcome and accept sexually active lesbians and gay men. However, they should do so in the expectation that they, like all of us who are living outside God’s purposes, will come in due course to see the need to be transformed and live in accordance with biblical revelation and orthodox church teaching. We urge gentleness, patience and ongoing pastoral care during this process and after a person renounces same-sex sexual relations.”<sup>77</sup>

**Journey UK:** They offer courses that draw on “insights of psychology and child development” for “Christians of all backgrounds facing various relational and sexual experiences.” They follow “an orthodox Christian understanding of sexuality, including God’s plan for sexual relations between a man and a woman within marriage”<sup>78</sup>.

**Living Out:** Their mission is “To help Christian brothers and sisters who experience same-sex attraction stay faithful to Biblical teaching on sexual ethics and flourish at the same time.”<sup>79</sup> On the Biblical teachings, they state: “Attempts to read these texts as anything other than prohibitions of homosexual behaviour do not ultimately work. The plain reading of each passage is the right one. It is homosexual practice in general, rather than only certain expressions of it, which are forbidden in Scripture. To attempt to demonstrate otherwise is to violate the passages themselves.”<sup>80</sup>

- **CARE (Christian Action Research and Education) (no. 1066963)** – This charity states its objects as “the advancement and propagation of the Christian gospel and in particular Christian teaching as it bears on or affects national and individual morality and ethics”. In 2009 it co-organised a conference with “a special focus on how religious professionals and friends/relatives can respond biblically and pastorally to those struggling with unwanted SSA (same-sex attraction)”.<sup>81</sup>

If the government is to succeed in its goal of ending conversion therapy, it will need the regulators’ cooperation in investigating and de-registering charities that are found to be practicing, promoting or facilitating this harmful activity.

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<sup>75</sup> List on True Freedom Trust homepage, <https://truefreedomtrust.co.uk>. Accessed 17 December 2018.

<sup>76</sup> Affinity. “Marriage and Sexuality Articles” <http://www.affinity.org.uk/resources/marriage-and-sexuality> Accessed 17 December 2018.

<sup>77</sup> Evangelical Alliance. “Biblical and pastoral responses to homosexuality” <https://www.eauk.org/resources/what-we-offer/reports/biblical-and-pastoral-responses-to-homosexuality>.

<sup>78</sup> Journey UK. “FAQ’s” <https://www.journey-uk.org/faqs/> Accessed 17 December 2018.

<sup>79</sup> Living Out. “What we’re about” <http://www.livingout.org/what-we-re-about> Accessed 17 December 2018

<sup>80</sup> Living Out. “What does the Bible say about homosexuality?” <http://www.livingout.org/the-bible-and-ssa> Accessed 17 December 2018

<sup>81</sup> Pink News. “100 protest outside London “gay cure” conference”. 25 April 2009. <https://www.pinknews.co.uk/2009/04/26/100-protest-outside-london-gay-cure-conference/> Accessed 18 December 2018.

## Case 2: The Initiation Society<sup>82</sup>

**Registered charity number:** 207404

**YE 31 Dec 2017 income:** £49,406

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** “To train mohelim and to supply mohelim. To initiate a Jewish child into the covenant of Abraham (upon an application being made for that purpose). To grant relief when necessary on such occasion. To compile and maintain a register of qualified mohelim”

**Activities:** “To promote advancement of the Jewish religion by facilitating the initiation of male Jewish children into the covenant of Abraham”

**Comment:** 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.

All forms of forced cutting on children’s genitals violate their bodily autonomy and breach basic child safeguarding guidance. They also risk serious sexual, physical and emotional harm and carry a risk of death from a procedure performed for no medical reason.

No national medical, paediatric, surgical or urological society in the world of which we are aware recommends routine circumcision of all boys as a health intervention. The foreskin is a normal body part with physical, sexual and immunological functions. Surgically removing it from non-consenting children has been associated with various physical and psychological difficulties; these are likely to be greatly under-reported because people who have experienced sexual harm are often reluctant to reveal it as societal dismissal or stigmatisation may compound the harm.

There is now a growing medical consensus that existing ethical principles of non-therapeutic childhood surgery should no longer include an exception for non-therapeutic excision of the foreskin. In May 2010, the Royal Dutch Medical Association (KNMG) in association with all the major Dutch medical colleges released a policy statement asserting that:

“...non-therapeutic circumcision of male minors is a violation of children’s rights to autonomy and physical integrity. Contrary to popular belief, circumcision can cause complications – bleeding, infection, urethral stricture and panic attacks are particularly common. KNMG is therefore urging a strong policy of deterrence. KNMG is calling upon doctors to actively and insistently inform parents who are considering the procedure of the absence of medical benefits and the danger of complications.”<sup>83</sup>

In 2016 the Danish Medical Association also called for an end to male circumcision, arguing that the procedure should be performed only with “informed consent”<sup>84</sup>. This follows the joint statement in 2013 by all the Scandinavian children’s ombudsmen that children should be allowed to choose for themselves and that non-therapeutic childhood circumcision “violates fundamental medical-ethical principles”<sup>85</sup>.

Even the British public at large is opposed to circumcision. In 2018, 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>86</sup>

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

<sup>82</sup> Data from the Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=207404&SubsidiaryNumber=0>

<sup>83</sup> KNMG. “Jongensbesnijdenis” <https://www.knmg.nl/advies-richtlijnen/dossiers/jongensbesnijdenis.htm> Accessed 18 December 2018

<sup>84</sup> Frisch, Morten. “Denmark Doctors Declare Circumcision Of Healthy Boys ‘Ethically Unacceptable.’” *Huffington Post*, 22 April 2017. [https://www.huffpost.com/entry/denmarks-29000-doctors-declare-circumcision-of-healthy\\_b\\_58753ec1e4b08052400ee6b3](https://www.huffpost.com/entry/denmarks-29000-doctors-declare-circumcision-of-healthy_b_58753ec1e4b08052400ee6b3) Accessed 18 December 2018

<sup>85</sup> “Let the boys decide on circumcision: Joint statement from the Nordic Ombudsmen for Children and pediatric experts.” Child Rights International Network, 30 September 2013. <https://www.crin.org/en/docs/English-statement-.pdf> Accessed 18 December 2018

<sup>86</sup> “Survey Results”. 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 18 December 2018.

more harm than good. On these grounds, it should not enjoy charitable status. Any other charities that facilitate ritual circumcision of infants should also be de-registered.

### Case 3: Buckfast Abbey Trust<sup>87</sup>

**Registered charity number:** 232497

**YE 31 Oct 2017 income:** £10,880,405

**Charitable purpose(s) listed:** Religious activities only

**Charitable objects:** "To promote or maintain any charitable purpose connected with the Roman Catholic religion"

**Activities:** "Its primary activity is to maintain and support the Benedictine community of monks at Buckfast Abbey."

**Comment:** Although it would be impossible to infer from its listed objects and activities, 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>88</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>89</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 the charity to stop selling the wine<sup>90</sup>. In 2005, Scottish Justice Minister Cathy Jamieson also suggested that retailers should stop stocking Buckfast.<sup>91</sup>

In September 2006, Andy Kerr, the Scottish Executive's Health Minister, described the drink as "an irresponsible drink in its own right" and a contributor to anti-social behaviour.<sup>92</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>93</sup>

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<sup>87</sup> Data from the Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithPartB.aspx?RegisteredCharityNumber=232497&SubsidiaryNumber=0>

<sup>88</sup> The Buckfast Abbey Trust Annual Report Year ended 31 October 2017, p.4 via the Charity Commission database. [http://apps.charitycommission.gov.uk/Accounts/Ends97/0000232497\\_AC\\_20171031\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends97/0000232497_AC_20171031_E_C.pdf)

<sup>89</sup> "Crime link as Buckfast revealed to have as much caffeine as eight colas." *The Scotsman*, 17 January 2010. <http://thescotsman.scotsman.com/scotland/Crime-link-as-Buckfast-revealed.5989472.jp> Accessed 18 December 2018

<sup>90</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 18 December 2018.

<sup>91</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 18 December 2018.

<sup>92</sup> "Health minister condemns Buckfast tonic wine." *The Scotsman*, 24 September 2006. <https://www.scotsman.com/news/politics/health-minister-condemns-buckfast-tonic-wine-1-1415585> Accessed 18 December 2018.

<sup>93</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 18 December 2018.



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>94</sup> In 2017, Scottish Police reported there had been 6,500 crimes related to the drink in the previous two years.<sup>95</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>96</sup>. The Commission decided that regulatory action was not required.

#### Case 4: Non-stun slaughter charities

In the UK, it is against the law to slaughter an animal without stunning it first. The only exemption is for animals slaughtered for meat intended for Jewish and Muslim communities<sup>97</sup>. Some Jews and Muslims believe their religion requires animals to be slaughtered without stunning for their meat to be acceptable for consumption.

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 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>98</sup>.

Likewise, the EU’s Scientific Panel on Animal Health and Welfare (AHAW) have stated that: “Due to the serious animal welfare concerns associated with slaughter without stunning, pre-cut stunning should always be performed.”<sup>99</sup>

RSPCA<sup>100</sup>, Compassion in World Farming<sup>101</sup> and the British Veterinary Association<sup>102</sup> all support an end to non-stun slaughter to improve animal welfare at the time of death. Additionally, the majority of the British public are opposed to non-stun slaughter, with nearly 80% wanting to see it ended<sup>103</sup>.

Despite this, there are a number of charities in the UK that support the non-stun slaughter industry by providing training or certification of non-stun slaughter methods. These include:

<sup>94</sup> “Buckfast ‘in 5,000 crime reports’.” BBC News, 18 January 2010. <http://news.bbc.co.uk/1/hi/scotland/8464359.stm> Accessed 18 December 2018.

<sup>95</sup> Morrissey-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 18 December 2018.

<sup>96</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-monk-brewed- tonic-wine>

<sup>97</sup> Department for Environment, Food & Rural Affairs. “Guidance: Halal and kosher slaughter.” 15 October 2015 <https://www.gov.uk/guidance/halal-and-kosher-slaughter> Accessed 19 December 2018.

<sup>98</sup> Farm Animal Welfare Council. “Report on the Welfare of Farmed Animals at Slaughter or Killing Part 1: Red Meat Animals.” June 2003, p.35. [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 18 December 2018.

<sup>99</sup> Blokhuis, Harry J. et al. “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 (2004), 45, p.2. <https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2004.45> Accessed 18 December 2018.

<sup>100</sup> RSPCA, “What are we doing about non-stun slaughter?” [https://www.rspca.org.uk/whatwedo/latest/blogs/details/-/articleName/Blog\\_What\\_are\\_we\\_doing\\_about\\_non\\_stun\\_slaughter](https://www.rspca.org.uk/whatwedo/latest/blogs/details/-/articleName/Blog_What_are_we_doing_about_non_stun_slaughter) Accessed 18 December 2018.

<sup>101</sup> Compassion in World Farming. “Humane Slaughter.” <https://www.ciwf.org.uk/our-campaigns/slaughter/> Accessed 18 December 2018.

<sup>102</sup> British Veterinary Association. “An end to non-stun slaughter.” <https://www.bva.co.uk/News-campaigns-and-policy/Campaigns/An-end-to-non-stun-slaughter/> Accessed 18 December 2018.

<sup>103</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> Accessed 18 December 2018.

- Halal Monitoring Committee/HMC (UK) (no. 1147462)
- London Board For Shechita (no. 1171869)
- National Council Of Shechita Boards Of Great Britain (no. 263423)

The scientific consensus of the harm caused by non-stun slaughter, coupled with overwhelming opposition to the practice among the public, means that the Charity Commission should acknowledge that the activities of these organisations are deleterious to animal welfare and do not providing any real public benefit.

### Case 5: Religious ‘courts’

Certain religious communities operate ‘courts’ that rule on issues including family disputes. They include Islamic ‘courts’ known as ‘sharia courts’ or ‘sharia councils’, and beth dins, which rule on matters related to Jewish religious codes.

Identifying religious courts can be difficult in some cases, but some are registered charities. Charities that exist primarily to support or facilitate sharia courts include Islamic Sharia Council Of Great Britain And Northern Ireland (no. 1003855) and UK Board Of Sharia Councils (no. 1154139). Mosques, which are usually registered charities, may run sharia councils as part of their activities.

Charities supporting beth dins include Manchester Beth Din Ltd (no. 1142133) and The European Beth Din Limited (no. 1141821).

Sharia councils and beth dins vary in their functions, but all of them can typically issue a ‘divorce’ in accordance with religious teachings. This ‘divorce’ is not legally recognised but has significance within the religious community; for example, a religious ‘divorce’ may need to be obtained before permission to re-marry in accordance with the religion can be granted. Jewish marriages have a unique status in England and Wales and the Divorce (Religious Marriages) Act of 2002 means a civil judge can withhold legal divorce from a Jewish couple until a religious divorce (*get*) has been carried out.<sup>104</sup>

Religious tribunals are cause for concern for a number of reasons. One reason is that they may undermine the principle of “one law for all,” i.e. British law, resulting in parallel legal systems and further segregation between different communities in Britain. This in turn has a damaging effect on integration.

Another reason is that users of sharia councils in particular may be unaware that their rulings have no legal bearing, especially if those subjected to them have limited English language skills and knowledge of their rights in Britain<sup>105</sup>.

A final reason is that some religious courts are discriminatory against women. This is of particular concern in both sharia councils and beth dins.

Examples of some of the problems Muslim women have faced in sharia councils include: condoning domestic violence; asymmetrical access to a religious divorce (it is a much simpler process for the husband than the wife); rulings regarding child custody that ignore the best interests of the child; discriminatory policies defining the testimonies of women as being only worth half that of men; and the denial of the concept of marital rape.<sup>106</sup>

Orthodox beth din councils arbitrate Jewish religious ‘divorce’, which can only be executed by the husband delivering the *get* to the wife, who must then accept it in order to complete the process. Because it is not possible for a Jewish woman to obtain a *get* without her husband’s co-operation

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<sup>104</sup> Divorce (Religious Marriages) Act 2002, c.27 Section 1 <https://www.legislation.gov.uk/ukpga/2002/27/section/1>

<sup>105</sup> One Law For All. “Sharia law in Britain: A threat to one law for all and equal rights.” June 2010, pp. 14-15 [http://onelawforall.org.uk/wp-content/uploads/New-Report-Sharia-Law-in-Britain\\_fixed.pdf](http://onelawforall.org.uk/wp-content/uploads/New-Report-Sharia-Law-in-Britain_fixed.pdf) Accessed 19 December 2018

<sup>106</sup> Proudman, Charlotte Rachael. “Equal and Free? Evidence in support of Baroness Cox’s Arbitration and Mediation Services (Equality) Bill.” May 2012, p. 9. <https://www.secularism.org.uk/uploads/equal-and-free-16.pdf>

according to traditional interpretations, this can result in the woman being trapped in ‘marital captivity’.<sup>107</sup>

As long as religious ‘courts’ undermine UK law and women’s rights, they cannot be said to be providing a public benefit. Their eligibility for charitable status must be questioned.

## Case 6: Extremist political religious charities

According to the Charity Commission, charities “can never have a political purpose”.<sup>108</sup> Furthermore, the Commission advises that:

“Concerns about a charity involved in supporting, or giving a platform to, inappropriate extremist views, would call into question whether what it was doing was lawful, supporting its purposes and for the public benefit. Those views might include promoting violence or hatred on the grounds of race, religion or sexual orientation.”<sup>109</sup>

Yet some religious charities would appear to be existing for the purpose of promoting political ideas, in many cases extremist ones.

One example is Hindu Swayamsevak Sangh, also known as HSS. Registered in the UK with the number 267309, HSS is associated with Rashtriya Swayamsevak Sangh (RSS)<sup>110</sup>, an Indian right-wing, nationalist, paramilitary volunteer organisation that is widely regarded as the parent organisation of the ruling party of India, the Bharatiya Janata Party.<sup>111</sup>

HSS has conducted activities that support RSS’s ideology of *Hindutva* (Hindu nationalism). In 2015, an undercover investigation by ITV’s *Exposure* found that HSS had run a training camp for teenage boys which included lectures on Hindutva. One speaker gave a lecture accusing other religious groups of conspiring to oppress Hindus. He told the boys, “If it comes to Islam, they are the world’s worst religion”.<sup>112</sup>

Following the documentary’s release, the Charity Commission launched an inquiry into HSS and found that the comments were “wholly inappropriate and unacceptable at an event run by a charity”<sup>113</sup>. But despite the fact that the organisation has a clear political purpose that is demonstrated through its activities, HSS still remains on their register.

HSS is one of a number of religious charities that have raised concerns over their political activities and links with extremism. These also include those linked with Islamism, or politicised fundamental Islam.

In 2018, the Henry Jackson Society released *Wolves in Sheep’s Clothing: How Islamist Extremists Exploit the UK Charitable Sector*<sup>114</sup>. This report uncovered the extent to which Islamists use charities

<sup>107</sup> Boztas, Senay. “UK Jewish Orthodox councils ‘institutionalising marital captivity and upholding discriminatory religious laws’.” *Independent*, 8 January 2016. <https://www.independent.co.uk/news/uk/home-news/uk-jewish-orthodox-councils-institutionalising-marital-captivity-and-upholding-discriminatory-a6803256.html> Accessed 18 December 2018

<sup>108</sup> Charity Commission, “MP Factsheet: Charities, politics and campaigning.” GOV.UK, p. 1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354727/Charities\\_politics\\_and\\_campaigning\\_MP\\_factsheet\\_6.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/354727/Charities_politics_and_campaigning_MP_factsheet_6.pdf) Accessed 18 December 2018

<sup>109</sup> Charity Commission For England And Wales, “Guidance Compliance toolkit chapter 5: Summary.” GOV.UK, 19 November 2018. <https://www.gov.uk/government/publications/protecting-charities-from-abuse-for-extremist-purposes/compliance-toolkit-chapter-5-summary>. Accessed 18 December 2018

<sup>110</sup> “From US to UK, how RSS went global with overseas wing Hindu Swayamsevak Sangh in 39 countries.” *Zee News*. 21 December 2015. [http://zeenews.india.com/news/india/from-us-to-uk-how-rss-gone-global-with-overseas-wing-hindu-swayamsevak-sangh-in-39-countries\\_1836942.html](http://zeenews.india.com/news/india/from-us-to-uk-how-rss-gone-global-with-overseas-wing-hindu-swayamsevak-sangh-in-39-countries_1836942.html) Accessed 18 December 2018

<sup>111</sup> Haynes, Jeff (ed.). *Democracy and political change in the ‘third world’*. Routledge, 2001, p. 168. [https://books.google.co.uk/books?id=YdWAAgAAQBAJ&pg=PA168&redir\\_esc=y#v=onepage&q&f=false](https://books.google.co.uk/books?id=YdWAAgAAQBAJ&pg=PA168&redir_esc=y#v=onepage&q&f=false) Accessed 18 December 2018

<sup>112</sup> *Exposure: Charities Behaving Badly*, ITV. Broadcast Wed 18 Feb 2015.

<sup>113</sup> Charity Commission For England And Wales, “Inquiry Report: Hindu Swayamsevak Sangh (UK).” GOV.UK, p.1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/549675/hindu\\_swayamsevak\\_sangh\\_uk.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/549675/hindu_swayamsevak_sangh_uk.pdf) Accessed 18 December 2018

<sup>114</sup> Webb, Emma. “Wolves in Sheep’s Clothing: How Islamist Extremists Exploit the UK Charitable Sector.” The Henry Jackson Society, 2018. <http://henryjacksonsociety.org/wp-content/uploads/2018/02/HJS-Islamist-Charity-Report.pdf> Accessed 18 December 2018

to further their cause of spreading extremist propaganda. A selection of the charities featured in the report that list "religious activities" as one of their charitable purposes include:

- **Al Muntada al Islami Trust (no. 293355):** States "The advancement of the Islamic religion in accordance with the Quran and the Sunnah of the prophet Muhammad (pbuh)" as its first charitable object. It runs an independent faith school Evergreen Primary School (formerly Al Muntada Primary School)<sup>115</sup>, which was rated as "required improvement" in its September 2017 Ofsted inspection<sup>116</sup>. In 2012, concerns were raised that money raised by trust had allegedly ended up in the hands jihadist militants Boko Haram<sup>117</sup>. The Charity Commission was unable to confirm these reports, stating: "There are a number of registered charities with a similar name to this organisation, so the commission is not able to confirm at this stage whether or not this relates directly to a UK registered charity."<sup>118</sup> The charity denies allegations of any terrorist links<sup>119</sup>.
- **Al-Manar Centre Trust (no. 1130211).** This mosque was attended by Islamic State fighters Nasser Muthana and Reyaad Khan<sup>120</sup>. It has hosted extremist speakers, including Muhammad Mustafa al-Muqri, who is allegedly connected to the proscribed organisation al-Gamaa al-Islamiya<sup>121</sup>.
- **The Al Maghrib Foundation (no. 1157315) and Prophetic Guidance (no. 1134082):** These are two related charities (they share a trustee) who have given platform to a number of lecturers identified as extremist by The Henry Jackson Society.<sup>122</sup>
- **Islamic Dawah Centre International (IDCI) (no. 1092139):** States its charitable objects as "To advance the education of the public in the teachings and culture of the Islamic faith primarily but not exclusively through the provision of information and educational literature and materials"<sup>123</sup>. In 2010 it invited the radical Islamic preacher Zakir Naik to speak at an event in Birmingham<sup>124</sup>. His entry to the UK was denied by then-Home Secretary Theresa May, who said "I am not willing to allow those who might not be conducive to the public good to enter the UK."<sup>125</sup> IDCI have also sold literature written by extremists, including Naik, on their website<sup>126</sup>.
- **Islamic Research Foundation International (IRFI) (no. 1122086):** Lists "The advancement of the faith and religious practices of Islam" as its first charitable object. Despite being

<sup>115</sup> Data from Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=293355&SubsidiaryNumber=0>

<sup>116</sup> Ofsted. "School report: Al-Muntada Islamic School." 12-14 September 2017 <https://files.api.ofsted.gov.uk/v1/file/2766369> Accessed 18 December 2018

<sup>117</sup> Doward, Jamie. "Peer raises fears over UK charity's alleged links to Boko Haram." *The Guardian*, 9 September 2012. <https://www.theguardian.com/world/2012/sep/09/uk-charity-boko-haram> Accessed 18 December 2018

<sup>118</sup> *Ibid.*

<sup>119</sup> Al Ghadie, Saeed. "Al Muntada Trust responds to the Henry Jackson Society report." Al Muntada Trust, 20 July 2017. [http://almuntadatrust.org/?option=com\\_content&task=view&id=30&Itemid=46](http://almuntadatrust.org/?option=com_content&task=view&id=30&Itemid=46) Accessed 18 December 2018

<sup>120</sup> Gilligan, Andrew. "How our allies in Kuwait and Qatar funded Islamic State." *The Telegraph*, 6 September 2014. <https://www.telegraph.co.uk/news/worldnews/middleeast/kuwait/11077537/How-our-allies-in-Kuwait-and-Qatar-funded-Islamic-State.html> Accessed 18 December 2018

<sup>121</sup> Marsden, Sam et al. "Revealed: The British jihadist who swapped boozing for terror – and the schoolboy charity fundraisers who are waging war for ISIS." *Daily Mail*, 23 June 2014. <https://www.dailymail.co.uk/news/article-2666421/British-jihadist-swapped-boozing-football-terror-fresh-faced-schoolboys-grew-call-Sharia-law-Iraq-Syria.html> Accessed 18 December 2018

<sup>122</sup> Webb, Emma. "Wolves in Sheep's Clothing: How Islamist Extremists Exploit the UK Charitable Sector." The Henry Jackson Society, 2018, p.58. <http://henryjacksonsociety.org/wp-content/uploads/2018/02/HJS-Islamist-Charity-Report.pdf> Accessed 18 December 2018.

<sup>123</sup> Data from Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=1092139&SubsidiaryNumber=0>

<sup>124</sup> Sunday Mercury. "Midland charity invited radical Muslim preacher to speak to crowds". *Birmingham Mail*, 27 June 2010. <https://www.birminghammail.co.uk/news/local-news/midland-charity-invited-radical-muslim-248177> Accessed 18 December 2018

<sup>125</sup> BBC News. "Indian preacher Zakir Naik is banned from UK." 18 June 2010, <https://www.bbc.co.uk/news/10349564> Accessed 18 December 2018

<sup>126</sup> Webb, Emma. "Wolves in Sheep's Clothing: How Islamist Extremists Exploit the UK Charitable Sector." The Henry Jackson Society, 2018, pp. 46-47. <http://henryjacksonsociety.org/wp-content/uploads/2018/02/HJS-Islamist-Charity-Report.pdf> Accessed 18 December 2018

banned in the UK, Zakir Naik (see above) is listed as one of its trustees<sup>127</sup>. The charity finances Peace TV, which has been banned in Bangladesh due to concerns that it incites terrorism<sup>128</sup>.

- **Islamic Network (no. 1101603)**: This charity lists “The advancement of the Islamic religion” as its sole charitable object<sup>129</sup>. 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>130</sup>, the charity continues to provide a platform for extremists according to the Henry Jackson Society<sup>131</sup>.
- **Lewisham Islamic Centre (no. 285641)**: This mosque’s imam Shakeel Begg was caught on tape in 2006 apparently telling Kingston University students to “take some money and go to Palestine and fight, fight the terrorists, fight the Zionists”<sup>132</sup>. Michael Adebolajo and Michael Adebowale, who killed drummer Lee Rigby in 2013, allegedly worshipped at this mosque.<sup>133</sup>

The Charity Commission has recently been given increased powers to protect charities from extremism via the Charities (Protection and Social Investment) Act 2016, including the power to disqualify people from being trustees under certain conditions, and the power to direct the winding up of a charity following a formal inquiry. But the existence of the charities listed above indicates that the Commission is still not regulating the sector as rigorously as it should. This was suggested in the conclusion of the National Audit Office in 2017, when its Progress Report on the Charity Commission concluded that the Commission “needs to manage the risk that its powers will not be sufficient in the future.”<sup>134</sup>

Because religion and political ideology can frequently be intertwined, as is the case with Hindutva and Islamism, it may be difficult for the charity regulators to discern whether an organisation has been set up for a political purpose when that purpose ties in with religion. It appears that the Charity Commission finds it much easier to deregister non-religious far-right charities than those with a religious ethos. Following its appearance on *Exposure*, the white nationalist Steadfast Trust (no. 1105806) was removed, classified as “registered in error”<sup>135</sup>, but HSS was not. Neither was Islamic Education and Research Academy (IERA), which has been mentioned earlier in this report for promoting extremist ideology and also appeared on *Exposure*.

Removing the advancement of religion as a charitable purpose would eliminate the blind spot when it comes to political religious charities, making political organisations that cloak their objectives in religion easier to identify and reject as charities.

<sup>127</sup> Data from Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithPartB.aspx?RegisteredCharityNumber=1122086&SubsidiaryNumber=0>

<sup>128</sup> Hussain, Maaz. “After Terror Attack, Bangladesh Bans Peace TV”. VOA News, 13 July 2016. <https://www.voanews.com/a/after-terror-attack-bangladesh-bans-peace-television-maintain-peace/3416966.html> Accessed 18 December 2018

<sup>129</sup> Data from Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=1101603&SubsidiaryNumber=0>

<sup>130</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 18 December 2018

<sup>131</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 18 December 2018.

<sup>132</sup> Begg v British Broadcasting Corporation [2016] EWHC 2688 (QB), 28 October 2016, para. 140

<sup>133</sup> Marsden, Sam. “Lee Rigby killers had links to Lewisham mosque that ‘attracts radicals’.” *The Telegraph*, 19 December 2013. <https://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10518792/Lee-Rigby-killers-had-links-to-Lewisham-mosque-that-attracts-radicals.html> Accessed 18 December 2018.

<sup>134</sup> Webb, Emma. “Wolves in Sheep’s Clothing: How Islamist Extremists Exploit the UK Charitable Sector.” The Henry Jackson Society, 2018, pp. 33-34. <http://henryjacksonsociety.org/wp-content/uploads/2018/02/HJS-Islamist-Charity-Report.pdf> Accessed 18 December 2018.

<sup>135</sup> From Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/RemovedCharityMain.aspx?RegisteredCharityNumber=1105806&SubsidiaryNumber=0>



## Case 7: Charities committing or facilitating fraud

One of the roles of a charity regulator is to ensure charities are not committing fraud. The Charity Commission is frequently successful in identifying and stopping charity fraud; see Khalsa Missionary Society previously, which was found by the Commission to be committing immigration fraud.

But there are other cases where charities appear to be committing or facilitating fraud, yet the Commission has not launched an inquiry into them. In some of these cases, the charity in question is connected with a closed and isolated religious community, which may make fraud harder to identify and tackle.

One concerning case is that of Agudas Israel Community Services (AICS, no. 287367). This charity, which lists its activities as “to assist in the provision of Orthodox education and the alleviation of poverty”<sup>136</sup>, is located in Stamford Hill in the London borough of Hackney, within the heart of Europe’s largest Hasidic Jewish community in Europe<sup>137</sup>. Hasidic Judaism is a branch of ‘ultra-orthodox’ Charedi Judaism.

In November 2018, BBC Radio 4 broadcast a programme about the Stamford Hill Hasidic community, ‘The Unorthodox Life of Miriam’. Interviews in the programme revealed that an advisor, Mr Posen, at AICS had reportedly been giving members of the community advice on how to claim benefits despite owning their own homes and earning above the threshold for claiming benefits.

An undercover worker for the BBC phoned AICS and spoke directly to Mr Posen, posing as an Israeli looking for advice on finding work and claiming benefits. Mr Posen advised him to work at a “religious school”, and to “sort it out” with the school to make part of his earnings official and part of it off the books, which would enable him to keep claiming benefits.

In a statement made in the BBC broadcast, AICS denied any law-breaking.<sup>138</sup>

The fact that Charedi charities may be facilitating benefit fraud increases the need for greater transparency from the charities. But many of these charities appear reluctant to reveal the full details of their finances.

One such charity is Ezer V’ Hatzalah Ltd (no. 1117140), registered in Stamford Hill. With an income of just under £15 million, it is one of the wealthiest Orthodox Jewish charities in England. In 2016, the National Secular Society noticed in the charity’s annual report that it gave £12 million in grants to “charitable institutions” for “advancement of religion and education”. The report stated, “The grants to charitable institutions are detailed in a separate publication. Copies of this publication are available to the public by writing to the Trustees at the charity’s principal address by registered post.”<sup>139</sup>

The NSS were interested in determining how the grants had been used. It has made multiple requests to be sent the “separate publication”, but no response was forthcoming. After complaining about the lack of transparency, the Charity Commission informed us that it would “expect a well-run organisation to have responded” to our request, but appeared powerless to compel it do so.

Another way in which charities enable members of the Charedi community to commit benefit fraud is through handling wages. Employers reportedly make donations by cheque to a charity, which then cashes it and gives back the employee the wage as a donation. BBC Radio 4 raised the practice, but did not indicate which charities might be involved.<sup>140</sup>

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<sup>136</sup> <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=287367&SubsidiaryNumber=0>

<sup>137</sup> Haynes, Gavin. “London’s Ultra-Orthodox Jews Are Moving to Brexit-land.” Vice, 6 June 2018. [https://www.vice.com/en\\_uk/article/vbqym/londons-ultra-orthodox-jews-are-moving-to-brexit-land](https://www.vice.com/en_uk/article/vbqym/londons-ultra-orthodox-jews-are-moving-to-brexit-land) Accessed 18 December 2018.

<sup>138</sup> BBC, “Transcript Of “File On 4” – “The Unorthodox Life Of Miriam”. 6 November 2018. [http://downloads.bbc.co.uk/rmhttp/fileon4/28\\_Unorthodox\\_Life\\_of\\_Miriam\\_new.pdf](http://downloads.bbc.co.uk/rmhttp/fileon4/28_Unorthodox_Life_of_Miriam_new.pdf) Accessed 18 December 2018.

<sup>139</sup> [http://apps.charitycommission.gov.uk/Accounts/Ends40/0001117140\\_AC\\_20161130\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends40/0001117140_AC_20161130_E_C.pdf)

<sup>140</sup> BBC, “Transcript Of “File On 4” – “The Unorthodox Life Of Miriam”. 6 November 2018. [http://downloads.bbc.co.uk/rmhttp/fileon4/28\\_Unorthodox\\_Life\\_of\\_Miriam\\_new.pdf](http://downloads.bbc.co.uk/rmhttp/fileon4/28_Unorthodox_Life_of_Miriam_new.pdf) Accessed 18 December 2018.



Reports suggest benefit fraud is rife within the Charedi community. It is therefore imperative that charity regulators take such claims seriously and investigate the charities implicated, especially those within insular and highly controlled religious settings.

### Case 8: Overseas evangelism charities

Religious charities operating overseas are flourishing. Almost half of all UK overseas charities are faith-based. They are increasingly supported by the government; in the past, the Department for International Development was hesitant to engage with faith-based charities and two years ago funded only two, but now this number has reached almost 30.<sup>141</sup>

While there are religious charities doing excellent work overseas, there are others that use their charitable status as means of proselytizing to people in developing countries.

One example is Samaritan's Purse International Limited (registered charity no. 1001349). This charity, one of the wealthiest religious charities in the UK with an income of £15.9 million in 2018<sup>142</sup>, runs a project called "Operation Christmas Child" in which members of the public donate shoeboxes of toys to be given to children living in poverty alongside conversion-orientated material promoting evangelical Christianity. Additionally, children receiving the gifts are encouraged to attend bible classes.<sup>143</sup>

According to its accounts, in 2018 Samaritan's Purse spent just under £400,000 on "emergency response", £1.4 million on "long term development", just over £51,000 on "Other," over £230,000 on "The Greatest Journey" (its 'discipleship course'), and a huge £13 million on Operation Christmas Child.<sup>144</sup>

The ethics of Operation Christmas Child are highly questionable. They use poverty and humanitarian tragedies as a means to evangelise to children, often in Muslim-majority countries. Although the charity insists their aid comes with 'no strings attached', it is clear that a huge degree of social pressure is generated for families in poor communities to support the charity's agenda. There are additional concerns regarding the environmental impact on transporting vast quantities of shoeboxes filled with plastic toys around the world.

<sup>141</sup> HL Deb, 12 July 2018, c1026. <https://www.theyworkforyou.com/lords/?id=2018-07-12b.1026.0#g1026.1> Accessed 3 January 2019.

<sup>142</sup> Data from Charity Commission database: <http://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithPartB.aspx?RegisteredCharityNumber=1001349&SubsidiaryNumber=0>

<sup>143</sup> Samaritan's Purse. "The Amazing Journey of a Simple Shoebox Gift." <https://www.samaritans-purse.org.uk/what-we-do/operation-christmas-child/the-journey-of-a-shoebox/> Accessed 18 December 2018.

<sup>144</sup> "Trustees' Report & Financial Statements for the year ended 31 March 2018: Samaritan's Purse International Limited" [http://apps.charitycommission.gov.uk/Accounts/Ends49/0001001349\\_AC\\_20180331\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends49/0001001349_AC_20180331_E_C.pdf)

## 6. Are charity regulators best placed to define “religion”?

There is no scholarly consensus over what constitutes a “religion”<sup>145</sup>, and many would argue that it is not within the remit of a governmental department to wrestle with this philosophical question.

But because the Charities Act accepts religious activities as charitable purposes, it has had to settle on a definition for practical purposes. It therefore acts not only as the authority for what is and isn't a charity, but also for what is and isn't a religion in charity law.

The Charity Commission's definition of religion is as follows:

“For the purposes of charity law, a religion is a system of belief that has certain characteristics that have been identified in case law and clarified in the Charities Act, which states that: religion includes: a religion which involves a belief in more than one god, and; a religion which does not involve a belief in a god”

It also specifies that:

“When considering whether or not a system of belief constitutes a religion for the purposes of charity law, the courts have identified certain characteristics which describe a religious belief. These characteristics include: belief in a god (or gods) or goddess (or goddesses), or supreme being, or divine or transcendental being or entity or spiritual principle ('supreme being or entity') which is the object or focus of the religion; a relationship between the believer and the supreme being or entity by showing worship of, reverence for or veneration of the supreme being or entity; a degree of cogency, cohesion, seriousness and importance; an identifiable positive, beneficial, moral or ethical framework”<sup>146</sup>

But in practice, this definition is both insufficient and inconsistently applied.

### Case 1: The Pagan Federation

In October 2012, the Charity Commission rejected an application from the Pagan Federation, a prominent Pagan organisation<sup>147</sup>. Paganism is recognised as a religion within the context of the national decennial census, which recorded 75,281 Pagans in 2011 (including the different belief systems that commonly fall under the umbrella “Pagan”)<sup>148</sup>. Pagans outnumber Jains, Baha'is, Zoroastrians and Humanists,<sup>149</sup> and most would argue that the religion fits the definition above according to the information on the Pagan Federation website<sup>150</sup>. In fact, Paganism has been recognised as a religion by employment tribunals and the Ministry of Justice<sup>151</sup>.

But the Commission argued that it did not fulfil the ‘essential characteristics’ of a religion or its criteria for public benefit<sup>152</sup>. This is despite the fact that the Pagan Federation operates services that would be regarded as beneficial at least to members of the Pagan community, such as providing pastoral care to Pagans in prisons and hospitals<sup>153</sup>. Part of the issue was that Paganism is an “umbrella term” for

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<sup>145</sup> Nongbri, Brent. *Before Religion: A History of a Modern Concept*. Yale University Press, 2013.

<sup>146</sup> Charity Commission For England And Wales. “Guidance: Charitable purposes.” GOV.UK, 16 September 2013. <https://www.gov.uk/government/publications/charitable-purposes/charitable-purposes> Accessed 18 December 2018.

<sup>147</sup> Youde, Kate. “Paganism fights on principle.” *Third Sector*, 17 December 2012. <https://www.thirdsector.co.uk/paganism-fights-principle/governance/article/1163381> Accessed 18 December 2018.

<sup>148</sup> Wikipedia, “Neopaganism in the United Kingdom.” [https://en.wikipedia.org/wiki/Neopaganism\\_in\\_the\\_United\\_Kingdom](https://en.wikipedia.org/wiki/Neopaganism_in_the_United_Kingdom) Accessed 18 December 2018.

<sup>149</sup> Voas, David. “Census 2011 – Any other religion?” *British Religion In Numbers*, 16 December 2012. <http://www.brin.ac.uk/2012/census-2011-any-other-religion/> Accessed 18 December 2018.

<sup>150</sup> Jones, Prudence. “Introduction to Paganism.” The Pagan Federation <https://paganfed.org/index.php> Accessed 18 December 2018.

<sup>151</sup> Youde, Kate. “Paganism fights on principle.” *Third Sector*, 17 December 2012. <https://www.thirdsector.co.uk/paganism-fights-principle/governance/article/1163381> Accessed 18 December 2018.

<sup>152</sup> *Ibid.*

<sup>153</sup> Pagan Federation, “Welcome to the Pagan Federation.” <https://paganfed.org/> Accessed 18 December 2018.

a diverse range of belief systems, including Wicca and Druidism<sup>154</sup>. But the same can be said for well-established religions such as Christianity, with its diverse denominations that can look very different from each other. Lawyers suggested that the Pagan Federation should cease to be an “umbrella for everybody” and to be more specific on its doctrines<sup>155</sup>. But why should a religious group be forced to become more exclusive in order to conform to charity law’s definition of religion?

At present, the Pagan Federation remains an organisation without charitable status.

## Case 2: The Church of Scientology

Scientology is widely recognised as a religion. Sociology professors David G. Bromley and Douglas E. Cowan stated in 2006 that “most scholars have concluded that Scientology falls within the category of religion for the purposes of academic study.”<sup>156</sup> Religious studies professor Hugh B. Urban writes that “Scientology’s efforts to get itself defined as a religion make it an ideal case study for thinking about how we understand and define religion.”<sup>157</sup> Additionally, 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.<sup>158</sup>

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.<sup>159</sup> 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<sup>160</sup> (The argument that many of the Church of Scientology’s activities can be considered harmful, and therefore outweigh potential public benefit, was not considered by the Charity Commission).

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 (discussed later). Scientology certainly promotes itself to the public<sup>161</sup>, which should mean, if rules were consistently applied, that it meets the charitable purpose of the advancement of religion.

## Case 3: The Temple of the Jedi Order

A final landmark case that demonstrates the failings of the Charity Commission’s treatment of organisations that define themselves as “religious” is its rejection of the Temple of the Jedi Order (TOTJO)’s application to become a registered charity in 2016.<sup>162</sup>

<sup>154</sup> Youde, Kate. “Paganism fights on principle.” *Third Sector*, 17 December 2012. <https://www.thirdsector.co.uk/paganism-fights-principle/governance/article/1163381> Accessed 18 December 2018.

<sup>155</sup> *Ibid.*

<sup>156</sup> Cowan, Douglas E.; Bromley, David G. “The Church of Scientology”. In Gallagher, Eugene V.; Ashcraft, W. Michael (eds.). “Introduction to New and Alternative Religions in America [Five Volumes].” Greenwood Publishing Group, 2006, p.170. <https://books.google.co.uk/books?id=oZiScvbS6-cC&pg=RA4-PA170&lpg=RA4-PA170> Accessed 18 December 2018.

<sup>157</sup> Chapman, Mark. (2013). Urban, Hugh B.: “The Church of Scientology: A History of a New Religion.” *Review of Religious Research*, 2013. vol. 55. Issue: 1, pp. 203-204.

<sup>158</sup> BBC News, “Supreme Court judges allow Scientology wedding.” 11 December 2013. <https://www.bbc.co.uk/news/uk-25331754> Accessed 18 December 2018.

<sup>159</sup> Belger, Tom. “Supreme Court ruling on Church of Scientology could affect legal meaning of religion, Charity Commission says.” *Third Sector*, 12 December 2013. <https://www.thirdsector.co.uk/supreme-court-ruling-church-scientology-affect-legal-meaning-religion-charity-commission-says/governance/article/1224712> Accessed 18 December 2018.

<sup>160</sup> Charity Commission For England And Wales. “Decision Of The Charity Commissioners For England And Wales Made On 17th November 1999 Application For Registration As A Charity By The Church Of Scientology (England And Wales).” [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/324212/cosfulldoc.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/324212/cosfulldoc.pdf) Accessed 18 December 2018.

<sup>161</sup> Scientology.org. “How do people get into Scientology?” <https://www.scientology.org.uk/faq/what-scientology-does-for-the-individual/how-do-people-get-into-scientology.html> Accessed 18 December 2018.

<sup>162</sup> Charity Commission For England And Wales. “Commission publishes decision on Jedi registration application.” GOV.UK, 19 December 2016. <https://www.gov.uk/government/news/commission-publishes-decision-on-jedi-registration-application>

Although based on the fictional Jedi characters of the *Star Wars* franchise, TOTJO seriously consider themselves to be a religion. In the US they are a recognised International Ministry and Public Charity. 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>163</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>164</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"<sup>165</sup>.

Even the lay reader can identify inconsistency with the Commission's reasoning in ruling that TOTJO is not a religion, when so many other religious organisations to which the above reasoning also applies are registered as charities without question. 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:

"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<sup>166</sup> 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>167</sup>

The three cases above demonstrate that charity law is no longer equipped to handle the complex and ever-developing concept of "religion". The simplest solution to this issue would be to remove the advancement of religion from the list of charitable purposes, and for the Charity Commission and other regulators to demonstrate neutrality with regard to the religious ethos or activities of any applicants.

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<sup>163</sup> Homepage, Temple of the Jedi Order. <https://www.templeofthejediorder.org/> Accessed 18 December 2018.

<sup>164</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 18 December 2018.

<sup>165</sup> *Ibid.*

<sup>166</sup> Refers to Supreme Court decision in *R (Hodkin) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77 concerning the Places of Religious Worship Registration Act 1855; see Church of Scientology above.

<sup>167</sup> Sandberg, Russell. "The Force Awakens: Why the Charity Commission's decision on Jediism reveals a need to revisit the definition of religion." *Law & Religion UK*, 22 December 2016. <http://www.lawandreligionuk.com/2016/12/22/the-force-awakens-why-the-charity-commissions-decision-on-jediism-reveals-a-need-to-revisit-the-definition-of-religion/> Accessed 18 December 2018.

## “Closed religious orders” – how ‘open’ do they have to be?

The Charity Commission specifies that “closed religious orders” are not charities:

“...a charity’s aims must be for the public benefit, not just for private benefit. So, simply having a religious belief, or being a religious person, is not advancing religion for the public benefit. That is why closed religious orders that do not give the wider community the opportunity to benefit in a demonstrable way have been held by the Courts not to be charitable.”<sup>168</sup>

Not only does this contradict the Charity Commission’s example of how they consider advancing Judaism within the Jewish community to benefit the “wider public” (see Chapter 3), but there are examples of closed religious orders that do not benefit the wider community getting charitable status.

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>169</sup> The Brethren are controversial for a variety of reasons, including its treatment of members who ‘transgress’ its rules<sup>170</sup>, its highly conservative schools that restrict learning and interaction between male and female pupils<sup>171</sup>, and accusations of child abuse in Australia<sup>172</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>173</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, “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>174</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>175</sup>

There are now over 130 charities connected to the Plymouth Brethren Christian Church<sup>176</sup>.

<sup>168</sup> Charity Commission For England And Wales. “The Advancement of Religion for the Public Benefit.” GOV.UK, December 2011, p.16. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/358531/advancement-of-religion-for-the-public-benefit.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358531/advancement-of-religion-for-the-public-benefit.pdf) Accessed 17 December 2018. Guidance currently under review.

<sup>169</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>170</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 18 December 2018.

<sup>171</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-schools-investigation\\_n\\_6925606.html](https://www.huffingtonpost.com/2015/03/24/exclusive-brethren-schools-investigation_n_6925606.html) Accessed 18 December 2018.

<sup>172</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 18 December 2018.

<sup>173</sup> Cross, Simon. “Brethren Church denied Charitable status.” 4 September 2012. <https://www.eden.co.uk/blog/law/brethren-church-denied-charitable-status-p11199> Accessed 18 December 2018.

<sup>174</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-decision-brief-summary> Accessed 18 December 2018.

<sup>175</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 18 December 2018.

<sup>176</sup> Data from Charity Commission database: <http://beta.charitycommission.gov.uk/charity-search/?q=Plymouth+Brethren>

## 7. Is religion having charity forced upon it?

On the flipside, there are religious organisations that may not wish to be registered with as charities at all. They may wish to retain a level of independence so they can, for example, support a particular political party or candidate, or donate funds to political parties. Charities are officially restricted from doing this.

But the current laws mean that religious organisations are not merely eligible for charitable status. They may be obliged to register as charities.

The Charity Commission's 'Faith in good governance' document, which provides guidance specific to prospective religious charities, states that "A charity is an organisation that is set up to fulfil one or more purposes that the law recognises as charitable" and furthermore:

"Being a charity is not a matter of opinion, or of preference, but a matter of law. Registration with the Commission does not make you a charity. The way you are set up, and the purposes you have chosen make you a charity. Registration is a recognition of your charitable status."<sup>177</sup>

Because "the advancement of religion" is recognised as charitable by law, this means that any official institution with a governing document that exists to conduct and promote religious activities (if the religion in question meets the definition 'religion' of charity law) is classified as a charity, regardless of whether or not it is registered with the Charity Commission, or whether or not it considers itself a charity.

Additionally, the guidance states that an organisation has "a duty to apply for registration" if it meets the following criteria:

- "it is set up in England and/or Wales for exclusively charitable purposes; and
- it has an income exceeding £5000 per annum; and either:
- it is a company incorporated in England and Wales; or
- the majority of charity trustees live in England and Wales; and/or
- the majority of assets are in England and Wales."<sup>178</sup>

This means that any organisation set up to advance religion in any way that meets all the above criteria does not merely have the right to register as a charity – it has a legal duty to do so.

The guidance makes this clear:

"Depending on its level of income, your church, gurdwara, mandir, meeting house, mosque, synagogue, temple, vihara or other place of worship may be required by law to register with us."<sup>179</sup>

As a result, some religious organisations may have registered with the Charity Commission not because they want to receive the benefits, or because they consider themselves a charity, but because they are afraid of breaking the law if they do not.

In fact, the Charity Commission has identified that many religious institutions exist that have not registered as charities, and it is actively seeking these out to encourage them to register. In April 2017, the Charity Commission launched its "Faith Charities Project," with the objective to "actively

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<sup>177</sup> Charity Commission For England And Wales. "Faith in Good Governance." GOV.UK, November 2009, p.6.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355533/faithgovenglish.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/355533/faithgovenglish.pdf)  
Accessed 17 December 2018.

<sup>178</sup> *Ibid*, p.7.

<sup>179</sup> *Ibid*, p.6.



promote registration of faith-based charities as charities". It described the purpose of the Faith Charities Project as:

"The Charity Commission has identified that a large number of faith-based organisations are not registered as charities for a number of reasons, including unawareness of the requirement and access issues, and is undertaking positive action to promote registration to them and provide support to do so."<sup>180</sup>

Recently, the Commission has been recruiting Case Managers especially for this role.<sup>181</sup>

Once a religious organisation is registered as a charity, it can be very difficult to lose this status.

The Charity Commission's "Maintenance of an accurate register of charities" document says that it will deregister organisations that no longer appear to be charities "as a last resort", but this does not usually happen<sup>182</sup>. Instead, when a charity is found to be run in a manner that contravenes the rules for charities, the Commission will attempt to enforce those rules rather than deregister the organisation:

"An institution may be identified as having activities which are not charitable, although its objects are charitable. If this is the case, we will offer advice on ways in which the organisation can continue to carry out its objects by operating in a purely charitable way. This could involve limiting or changing certain current activities or hiving them off to non-charitable subsidiaries."<sup>183</sup>

The Commission is even reluctant to deregister charities that are guilty of misconduct: "In cases where the conduct of the trustees amounts to "misconduct" or "mismanagement" we will not normally remove an institution from the Register. Instead, we will use our remedial powers to ensure that the charity pursues its charitable objects."<sup>184</sup>

It should be noted that although the Commission has the authority to deregister charities that are found to be "sham" charities, this has never happened in practice:

"There does not appear to be any decided case in which a court in England and Wales has come to the conclusion that an institution formed as a charity is in fact a sham."<sup>185</sup>

Commenting on the 2014 of Regentford Ltd, an orthodox Jewish charity that lodged a charity tribunal appeal against the Charity Commission's refusal to remove it from the register of charities, legal consultant Rachel Holmes said, "Charity status is not something you can shed simply because you feel like it."<sup>186</sup>

Con Alexander of Veale Wasbrough Vizards commented, "In practice, a charity is unlikely to be able to cease being a charity voluntarily," and that an entity wishing to stop being a charity would have to change its purposes.<sup>187</sup>

Stephen Roberts, head of legal policy and litigation at the Charity Commission, confirms this:

<sup>180</sup> Information obtained via Freedom Of Information request by NSS to the Charity Commission on 16 October 2018.

<sup>181</sup> Charity Commission job description for "Case Manager (with a key focus on the Faith Charities Project)" found on GOV.UK <https://files.civilservicejobs.service.gov.uk/admin/fairs/aptrack/download.cgi?SID=b3duZXI9NTA3MDAwMCZvd25lcnR5cGU9ZmFpciZkb2NfdHlwZT12YWVmZG9jX2lkPTU5OTE5NCZ2ZXJpZnk9ZmJmMTZlZTA4YTl4NTBINTU3NzliNWYxMTEONTdjYjk> Accessed 17 December 2018.

<sup>182</sup> Charity Commission for England And Wales. "Maintenance Of An Accurate Register Of Charities." GOV.UK, December 2012, p.2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/358884/rr6text.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/358884/rr6text.pdf) Accessed 17 December 2018.

<sup>183</sup> *Ibid.*, p.3.

<sup>184</sup> *Ibid.*

<sup>185</sup> *Ibid.*, p.8.

<sup>186</sup> James, Sam Burne. "Can you end charity status?" *Third Sector*, 12 March 2014. <https://www.thirdsector.co.uk/end-charity-status/article/1284098> Accessed 17 December 2018.

<sup>187</sup> *Ibid.*

“The commission will give its consent to a change to non-charitable purposes in only the most exceptional circumstances. Even if it does, the existing property of the company continues to be held for charitable purposes.”<sup>188</sup>

Even if a charity, religious or otherwise, appears to be conducting harmful activities, the Commission does not have the power to close it down. In the 2015 *Exposure* documentary *Charities Behaving Badly*, Michelle Russell, Head of Investigations and Enforcement at the Charity Commission, was interviewed following undercover investigations of charities promoting extremism. When asked why the Commission did not simply deregister such charities, she answered, “Legally, we can’t...we haven’t got the power to deregister a charity because it’s a bad charity”.<sup>189</sup>

Because the advancement of religion is considered a charitable purpose, religious organisations have no choice but to become a registered charity, and to obey the Charity Commission’s rules, once their income reaches the specified threshold. And once they are registered, it is extremely challenging to be de-registered.

Removing “the advancement of religion” from the list of charitable purposes would therefore give religious organisations considerably more freedom to manage their affairs without abiding by the strict rules and requirements of the charity regulators (they would remain bound by the rules of any other legal entity with an income).

Religious charities that had no other charitable purpose aside from the advancement of religion would have to be removed from the regulators’ registers if religious activities were no longer recognised as inherently charitable. For some of these charities, this could mean liberation from the rules of the regulator. And for the regulators, it would result in a considerable reduction in the number of charities it must oversee, easing the burden on its limited resources.

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<sup>188</sup> *Ibid.*

<sup>189</sup> *Exposure: Charities Behaving Badly*, ITV. Broadcast Wed 18 Feb 2015.

## 8. The future

*“The simplest acts of kindness are by far more powerful than a thousand heads bowing in prayer.”*

– Mahatma Gandhi

If “the advancement of religion” as a charitable purpose was abolished tomorrow, what would happen?

We believe the overall effect on UK society would be positive. Which is why making this change to charity law should not be considered a mere hypothetical, but a real possibility to be seriously considered and explored.

The status of religious charities is already 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<sup>190</sup>. 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<sup>191</sup>”. She said commercial enterprises owned by religious institutions should be subject to the same legal and financial laws as other commercial entities.

Meanwhile, the Senate of Canada has recently 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>192</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>193</sup>

Even recent changes to guidance from the Charity Commission for England and Wales indicate that a fresh approach to religious charities is far from unthinkable. Following a consultation, in December 2018 the Charity Commission released new guidance on their approach to assessing the charitable status of organisations which use or promote complementary and alternative medicine (CAM) therapies. The Commission outlined the need for the review as follows:

“This work has not been about determining whether any one CAM therapy or approach is ‘good’ or ‘bad’, but confirming whether organisations which use or promote these therapies meet the legal test to be charities. Nevertheless, registration of an organisation as a charity is recognition that it is set up to benefit the public.”<sup>194</sup>

The Charity Commission has therefore made it clear that it takes a neutral stance on CAM therapy, but organisations that promote such therapy need to demonstrate that they provide a genuine public benefit, like any other charity. The Commission’s new guidance now places a greater burden on CAM therapy organisations to provide firm evidence that they do benefit the public:

“CAM organisations seeking registered charity status will need to be very clear about the benefit they consider their treatment can provide, and they will need to ensure that they have evidence to

<sup>190</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 17 December 2018.

<sup>191</sup> *Ibid.*

<sup>192</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 17 December 2018.

<sup>193</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 17 December 2018.

<sup>194</sup> Charity Commission For England And Wales. “Outcome report: The use and promotion of complementary and alternative medicine: making decisions about charitable status.” GOV.UK, 11 December 2018, p.2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/763303/CAM\\_Outcome\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763303/CAM_Outcome_report.pdf) Accessed 17 December 2018.

prove that benefit. Those claiming (for example) to cure diseases will need to provide robust medical evidence.”<sup>195</sup>

The link between CAM and religion will be clear to many: both claim to promote wellbeing, but neither base their techniques on achieving that wellbeing on scientific process that is accepted by the mainstream. This broad link aside, the Commission’s guidance goes as far as to directly address CAM therapies that are overtly rooted in religious beliefs:

“The courts have recognised some purposes relating to the promotion of faith healing as charitable. The Commission does not consider that these cases provide a legal basis for accepting purposes which include the advancement of faith healing (or any other form of therapy) otherwise than as purposes for the advancement of religion. This is because, on the modern understanding of the public benefit requirement, the analysis applied in these cases would not be sufficient to establish that a health benefit has been demonstrated. The cases do not demonstrate that the necessary element of benefit was shown, and, to the extent that the cases might have relied on a presumption of public benefit, they cannot now be used as a precedent”<sup>196</sup>

The Commission therefore does not recognise that faith healing can be presumed to benefit the public. If the Commission is comfortable in this conclusion, it should again seriously question the public benefit of all other aspects of religion.

Removing “the advancement of religion” from the list of charitable purposes would not result in the deregistration or closure of all religious charities. And neither should it. As acknowledged throughout this report, there are many religious charities that do genuine good. We would not want to see these charities disappear. But the point is they do not have to disappear: a religious charity that is demonstrably benefitting the public would still be considered charitable, under another purpose. They are the charities helping the sick, the poor, the young, and the old, to name but a few of the many types of people benefitting from the good works of charities with a religious ethos.

Then there are the charities that are more ambiguous: The charities that list only “religious activities” in their objects. Their position would be less certain. In many cases, it would be a simple case of demonstrating their benefit by listing a different objective.

For example, a charity listing only “religious activities” whose purpose is to maintain old churches could possibly change its object to “The advancement of the arts, culture, heritage or science”, which covers the preservation ancient sites or buildings. A charity that supports religious festivals could also change its object to this category, because it also covers the preservation of historical traditions. By honestly examining their activities, even those charities for whom “religious activities” is their sole object can still find their place within the charity sector.

Some religious charities hold both religious activities and other charitable purposes. Since no charity can have some purposes that are charitable and some that are not, in some cases these charities may have to separate into two organisations – one for the religious activities, and one for the charitable activities. This should not prove too challenging; it is not uncommon for non-charitable organisations to have an associated charity.

Finally, there will be those charities for which the regulators will be unable to identify any charitable purpose beyond the advancement of religion. A few may even be found to be doing more harm than good, once the presumption that advancing religion is a public benefit is stripped away. These charities will have to choose between changing their purpose, or continuing as they are but deregistering as a charity and becoming a taxable, non-profit entity. They will not have to close down as an organisation.

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<sup>195</sup> *Ibid*, p.5.

<sup>196</sup> Charity Commission For England And Wales. “The use and promotion of complementary and alternative medicine: making decisions about charitable status: the Legal Framework.” GOV.UK, 11 December 2018, p.2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/763304/CAM\\_Legal\\_framework.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763304/CAM_Legal_framework.pdf) Accessed 17 December 2018.

Three key parties stand to benefit from the removal of the advancement of religion as a charitable purpose:

## 1. The public

- Organisations that serve no charitable purpose aside from religious activities would no longer be able to be charities, which means that they would have to pay tax like any other non-charitable organisation. This would result in a boost for the public purse; money previously used to simply promote specific religious agendas would go back into the public services where they are desperately needed, including hospitals, schools, social services, libraries, and public amenities.
- The charities that are causing harm in society, but are able to retain their charitable status thanks to their religious activities, would be forced to either stop their harmful activities or deregister. Harmful organisations that are not registered charities would no longer have the benefit of tax breaks or public trust that charitable status confers, meaning that they would be in less of a position to continue their harmful acts.
- People would recognise that charities are there to deliver tangible outcomes to communities, rather than the evangelical agendas of religious institutions. Scrapping the advancement of religion as a charitable purpose would align charity law with public opinion

## 2. The Charity Commission and other regulators

- The deregistration of charities that serve no purposes aside from the advancement of religion would represent a significant reduction of the burdens of already over-pressured charity regulators. It would free up considerably more time and resources for the regulators to do their job regulating charities.
- The regulators would no longer need to worry about the evermore complex definition of “religion” and going through lengthy decision-making processes each time this was contested, again freeing up more time and resources for its main job.
- The knowledge that charities must be genuinely serving a tangible public benefit, rather than making money thanks to outdated assumptions that advancing religion is itself beneficial, would improve public confidence in charities and charity regulators; a particular necessity at a time when trust in charities is on the wane.

## 3. Religious organisations

- Religious organisations would no longer be compelled to register as charities simply because they are religious. They could retain their independence from the rules of the regulators.
- Exclusively religious organisations that have been registered as charities in the past, but may be considering de-registering in order to follow their own objectives more effectively, would be given a chance to do so.
- New and emerging religious organisations, especially those that differ considerably from Abrahamic religions, would no longer be subject to discrimination by the regulators because they did not neatly fit the definition of “religion” in charity law. They would be treated equally and held to the same standards of any other organisation, religious or otherwise. Similarly, organisations that represent communities of non-religious philosophical worldviews (such as humanists and atheists) would be treated no differently from religious organisations in charity law. This in turn would help in promoting equality between people of different religions and beliefs in wider society.

Ultimately, the arguments for the separation of religion from charity law are the same as those for the separation of religion from state. Secularism helps to ensure that everyone is treated equally and fairly regardless of whether or not they are affiliated with a religion. Secularism prevents religion from imposing its own doctrines on the state; and likewise, secularism protects religions from having their doctrines re-written or their practises impeded or controlled by the state, except in cases where those practices harm individuals or society.

The same principles apply to charity law. If the law recognises that advancing religion is inherently charitable, and therefore worthy of benefiting from public funds through tax exemptions, this not only leads to religious organisations gaining a privileged status in society. It also gives the government the power to insist that a religion change its fundamental principles and teachings; an example being the Preston Down Trust, who agreed to changes in religious practice in order to be considered charitable by the Charity Commission. And it even gives the government the power to have the ultimate say on what is and isn't a religion, with larger, older and more 'mainstream' religions given automatic recognition, while emerging and more unusual religions like Paganism and Scientology are turned away for not fully conforming to the law's idea of what a religion should look like.

A secular, religiously-neutral approach to charity law would recognise the need for the concept of charity to change as society itself has changed. It's one improvement that will help re-establish public enthusiasm and trust in charitable causes, and will ensure that everyone who has something beneficial to offer society can have the same opportunities, regardless of whether their motives are spiritual or secular.





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