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NSS defends secularism at European Court

The NSS has been given leave by the European Court of Human Rights to intervene in four groundbreaking cases. All four are employment cases where the applicants failed to convince UK courts that they had suffered religious discrimination. The applicants have now appealed to Europe claiming that the UK law contravenes the European Convention on Human Rights.

The outcome of these cases could have a dramatic effect on the future of human rights in the UK, and potentially Europe. We argue that all four cases were correctly dismissed by domestic courts, and that the law in the UK already leans too far in accommodating religious belief. The applicants and other interveners argue the opposite.

We are not aware of any other intervener taking our secular line. With this heavy responsibility on our shoulders, we were therefore delighted that Lord Lester of Herne Hill QC – one of the top human rights voices in Britain – has drafted our intervention, and did so *pro bono*. Also acting *pro bono* as his junior counsel is Max Schaefer of Brick Court and academic lawyer Dr Ronan McCrea, a specialist in this area and author of *Religion and the Public Order of the European Union*. We are grateful to them all, and said so to

NSS challenges compulsory worship

The NSS has been putting pressure on the Government to review the law that requires all schools to provide a daily act of worship.

During the passage of the Education Bill, the NSS has been invited to a number of round table meetings with the Department for Education who have been keen to engage with us and understand our objectives and amendments we have put forward.

In July, Peers [debated the](#)

[amendments](#) calling for an end to compulsory worship, most of which were tabled by NSS honorary associate Lord Avebury; five of our honorary associates spoke in support. The Church of England was clearly concerned; in the chamber to oppose the amendments were three bishops, led by the chair of the Church of England Board of Education.

Lord Avebury drew attention to

[continues on page 2 ►](#)

[continues on page 3 ►](#)

DATES FOR YOUR DIARY

AGM Saturday 26 November

High Court Council prayers challenge Friday 2 December

Secularist of the Year 2012 Saturday 17 March

BulletinOnline

The *Bulletin* can be read online at www.secularism.org.uk/bulletins.html
Stories marked with a  have hotlinks to additional information.

◀“Compulsory Worship” continued

Westminster being the only legislature in the world to include *ex officio* representation of clerics. He suggested that this may be one reason why Britain is the only democracy in the western world to prescribe a mandatory act of worship in non-religious publicly funded schools (daily in England and Wales).

This Grand Committee debate in the House of Lords, in which we played a leading role, was the most comprehensive debate on collective worship in England for many years. No votes are taken at this stage of the Bill, but we will continue to press the Government for concessions at the next stage.

The Government has asked us to provide evidence of our contention that the law on worship is widely flouted. Fortunately, the BBC recently commissioned a [ComRes poll](#) in which 64% of parents reported that their children did not attend daily worship at school and 67% of parents do not believe such worship should

be a legal requirement.

We will also direct the Government to the latest [Ofsted report](#) on collective worship (1993), finding that 40% of schools inspected did not comply with legal requirements and in the remainder there were “tensions and difficulties”. The report stated that a detailed examination of the evidence from 96 full inspections revealed that not a single school complied fully with the letter of the law.

Revealingly, the report highlighted one school in Greater London where, instead of having to exercise their legal right to withdraw their children from worship, parents were asked to ‘opt in’. This resulted in 800 of the 900 pupils withdrawing from collective worship.

Our enquiries to Ofsted and SACREs have revealed that monitoring of compliance or quality of religious worship in community schools has been abandoned.

Take Action – Contact Your MP

✉ The Government answers objections to mandatory daily worship in which pupils must “take part” by pointing to parents’ legal right to withdraw their child from collective worship. However, excluding and separating children from classmates can lead to pupils, especially younger ones, being picked on for being “different”. This is the main reason for low withdrawal rates, rather than the Government’s claim that there is little opposition to compulsory worship from parents.

Using the arguments on our website, please write to your MP asking them to support moves to end compulsory worship in schools.

<http://bit.ly/schoolworship>. You can contact your MP at www.writetothem.com.

Top lawyers back NSS on teacher employment discrimination

As part of our campaigning on the Education Bill, we lobbied widely that the EU Employment Directive is contravened by legislation in place since 1998 permitting religious schools to discriminate against non-religious teachers.

As a result, the Equality and Human Rights Commission (EHRC) took [counsel’s advice](#) from the prestigious Matrix chambers. It confirmed the NSS’s basic contention that in this area the Directive had been breached, and probably also the European Convention on Human Rights.

All too predictably, [counsel’s opinion](#), which will cause the Government some discomfort, was sat on by the EHRC for nearly three crucial months while the Education Bill made its way through the Commons. We forced its release and circulated it to Ministers and even to those in the European Commission

responsible for Directive enforcement. Thanks to the intervention of Michael Cashman MEP, they discussed it at cabinet level. We have informed UK Ministers of this.

During the Education Bill’s [passage through the House of Lords](#), Baroness Turner (describing herself as a secularist) tabled a large group of amendments we had drafted seeking to correct this law licensing discrimination against non religious teachers. Lord Avebury (declaring himself as an NSS Honorary Associate) then castigated the Government for allowing the law to fall so far short of our treaty commitments on Human Rights and EU Directive compliance.

The Bishop of Hereford counter-attacked claiming without any apparent irony that Lord Avebury was not coming from a “neutral” position. In a clear misunderstanding of

secularism, the Bishop said that Lord Avebury’s association with the NSS “puts the noble Lord very much within the faith spectrum” and accused us of seeking to undermine the dual (state funded church schools) system. He appeared convinced that the overriding, or perhaps only, consideration in respect of teacher employment should be the provisions in religious schools’ trust deeds. Lord Avebury retorted that he was determined that trusts that administer faith schools do so in conformity with both European directives and with EU Human Rights.

We are pleased to report that the Government agreed to our call for them to respond in detail to counsel’s advice and to discuss it with us. Both peers expressed gratitude for our briefing on which they relied heavily.



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Government resisting RE in EBacc

 The Government's decision to exclude RE from the new English Baccalaureate (EBacc) qualification has angered religious groups who have been lobbying hard for its inclusion.

In March, the NSS submitted evidence to the Education Committee arguing that, as RE is already a mandatory curriculum subject, it is unnecessary to add it to core academic subjects such as maths, history, languages and science. Nor does RE's exclusion from the EBacc prevent pupils choosing to take a GCSE in it.

We are pleased to say that, so far at least, the Government has refused to succumb to mounting pressure to include it, although the lobbying continues unabated.

School admissions under scrutiny

The NSS has submitted a response to the Department for Education's consultation on changes to the school admissions framework.

As well as criticising the inherent unfairness of the faith school system, our submission also focussed on evidence that the discriminatory admissions policies of some faith schools lead to socio-economic segregation. We also highlighted the threat to community cohesion posed by restrictive admissions policies, particularly of single-faith schools.

The NSS is, however, pleased with the provision in the new draft code that permits anyone to raise an objection about admission arrangements in any school that they consider unfair or unlawful. This should improve the accountability of faith schools to the communities in which they are situated. It enables anyone, including secularists, to intervene if there are breaches of the code.

◀“Secular Workplace” continued

great applause at the March for a Secular Europe.

Other interveners include the (American) Alliance Defense Fund – a legal group from the religious right with very substantial funds – which has already supported the Eweida case.



We just have to hope that the Government too fights its corner and presents strong arguments to the Court against any weakening of our equality laws.

The cases

Lillian Ladele, the Islington registrar who refused to conduct civil partnership ceremonies

Gary McFarlane, a counsellor for Avon Relate who refused to give an unequivocal commitment to counsel same-sex couples

Nadia Eweida, who wanted to wear a cross over her uniform in breach of British Airways' policy

Shirley Chaplin, a nurse who considers it is her religious right to wear a cross on a chain around her neck, regardless of the health and safety concerns.

NSS boosts local campaign to save only non-religious school in west Isle of Wight



Save our School! Pupils at Weston Primary school spell it out

© Jeremy Cangjalosi

Isle of Wight Council is planning to shut Weston Primary school, the only community school in a twelve mile radius, because of a surplus of school places, leaving two local faith schools open. Standards at Weston Primary are judged by Ofsted to be significantly higher than the two faith schools, which were also considered for closure.

In July, the NSS sent a detailed submission to the Council backed up with legal reasons against eliminating diversity of provision in the area and denying parents the choice to send their children to a non-faith school. The outcome of the Council's consultation will be known in October.

The churches vigorously opposed the closure of their schools, with the Church of England offering token changes.

This is a further example of an excellent community school being sacrificed so that faith school places are protected. Once more, those who lose out are the non-religious, or others who do not want any kind of religious schooling for their children.

You can visit the Save Weston Community Primary School site at <http://bit.ly/WestonSOS>

Fighting for secularism in Brussels

Because proceedings in the European Parliament and European Commission often have a direct bearing on the UK, we take our responsibilities there very seriously. These are two of several recent initiatives taken by the Executive Director in Brussels.

European Commission

He has had a number of discussions with senior officials in the Justice Directorate concerning our complaints about the failure of the UK Government to properly transpose the EU Employment Directive into UK law. Formal complaints have been lodged about both England and Scotland.

President of Parliament meeting

We participated in a meeting of the European Parliament secular platform with President Buzek of the European Parliament. The NSS was among the questioners seeking to establish how even-handed the dialogue by the European Parliament and other EU institutions is between religious and non-religious organisations. The dialogue is mandated by Article 17 of the Lisbon Treaty.

This attempt to hold the President to account was the brainchild of NSS Honorary Associate Sophie in 't Veld MEP. She was visibly shocked when President Buzek told the meeting that he did not support separation of religion and politics, preferring each to be "autonomous".

The deputy he chose to oversee Article 17 activities is Vice President Tokes, a bishop of the Reformed Church in Romania who happens also to be an MEP.

Sophie in 't Veld therefore suggested to President Buzek a further Vice President for contacts with secular organisations, both religious and non-religious. She pointed out the eligibility of the Vice President of the EPPSP, Mr Miguel Angel Martinez MEP, for this role as he is also a Vice President of the Parliament.

Political deal sidelines religious slaughter issue

EU proposals to introduce compulsory labelling for meat produced by ritual slaughter were dropped in July following a political deal between MEPs and the Council of Ministers.

The NSS had raised concerns in the UK and Europe that a significant proportion of this meat is bought by consumers who don't realise they are buying meat from animals not stunned before slaughter.

Amendments to enforce the clear labelling of this meat were opposed by national governments, including the UK, mainly, we believe, because of concern about religious opposition, which is very powerful and well organised.

In order to allow the food information legislation to progress, MEPs dropped the religious slaughter amendment. They agreed, however, that the issue should be considered in the context of forthcoming European legislation on animal welfare. It is not clear, though, why there should be any less opposition to this.

The Government is due to consult on the implementation of a new EU regulation on the protection of animals at the time of killing. This will be an opportunity for us to challenge the exemption.

We hope British MPs will follow the lead of Dutch parliamentarians who insisted on pre-stunning and passed a law effectively banning the ritual slaughter of animals. We believe this was because an animal rights party held the balance of power.

March for a Secular Europe



The [Secular Europe Campaign](#) focuses on the Vatican and its enormous political and economic power. It also stands up for one law for all, freedom of expression and for women's and LGBT rights, and it opposes state-funded faith schools.

This year's London march was co-ordinated by Marco Tranchino, as was the Protest the Pope march last year. The march ended opposite Downing Street with a rally where Terry Sanderson was the first speaker and Keith Porteous Wood the last. Others included Sue Cox (Survivors Voice Europe),

NSS Conference on Secularism

The secular conference on 10 September was a sell-out. Nick Cohen began the day by challenging the presumption that religions must be respected. He was followed by Dr Antony Lempert, Dr Evan Harris, Baroness Mary Warnock, Baroness Muriel Turner, Keith Porteous Wood, Anne Marie Waters of One Law for All, Sue Cox of Survivors' Voice Europe, Paul Blanchard and Dr

Edward Presswood. NSS President Terry Sanderson opened and closed the Conference.



Baroness Muriel Turner

Delegates heard about the importance of secular values in healthcare, education, law and government as well as how to promote secularism and surviving sexual abuse by priests.



Dr Evan Harris

A common theme was that unchecked religion damages lives, and that secularism matters because it is the best and fairest way to stop religious abuses of privilege and power.

Feedback has been very positive. NSS Vice President Gerard Phillips organised the conference and said, "The NSS would like to thank everyone who came. The speakers were excellent and the delegates responded with challenging questions and with passion."

More photos from the conference at <http://bit.ly/nDyBm2>



Keith Porteous Wood addresses the hall



Gerard Phillips

Secular Europe



Terry Sanderson



Marco Tranchino and Sue Cox

Maryam Namazie (One Law for All) and Peter Tatchell as well as representatives from the European Humanist Federation, National Federation of Atheist, Humanist and Secular Student Societies, the Gay and Lesbian Humanist Association and the BHA.

You can watch Terry Sanderson, Richard Dawkins, Robin Ince, Philip Pullman and many others talk about why a secular Europe matters on Youtube <http://bit.ly/pc8IUU>. Full photo gallery at <http://bit.ly/nsspics>

International Association of Freethought

An International Association of Freethought was originally formed in 1904 but dissipated over the years. The NSS has been involved in discussions about the possible formation of a new international freethought organisation, and a new International Association of Freethought was formed at the International Humanist and Ethical Union (IHEU) congress held in Oslo in August. It will be a section of IHEU, but autonomous.

Keith Porteous Wood spoke at the launch and will be one of five international spokespersons of the new organisation. Its initial objectives are:

- separation of religious institutions and states in all countries, on all continents
- an international commission of inquiry on public financing of religious institutions
- exposure and denunciation of the crimes committed by priests

NSS backs Bill to limit Sharia Law

The NSS has co-sponsored with Baroness Cox the [Arbitration and Mediation Services](#)



(Equality) Bill. It seeks to place equality and human rights constraints where adjudications under religious “law” are being enforced in the UK courts – exploiting provisions of the Arbitration Act.

The NSS was centre stage at a press launch of the Bill in Parliament and at packed meetings in the House of Lords to introduce the bill to Peers, where it was favourably received. Keith Porteous Wood

criticised those including the Archbishop of Canterbury and the former Lord Chief Justice who regard the spread of sharia with equanimity, rather than championing democratically-determined and human rights compliant law.

We were particularly pleased to have the support of many peers who are honorary associates, as well as Lord Carlile QC who spoke eloquently about the threat to human rights.

Keith also took part in a debate at the House of Commons on whether sharia law should be permitted under the powers of the Arbitration Act. One of the two Muslim representatives at the

debate casually indicated that, while he opposed stoning in the UK, he did not do so in Muslim countries. The audience overwhelmingly rejected the enforcement of sharia through UK law.

One Law for All organised the debate, which was jointly sponsored by the NSS. Parliamentarians were invited in a joint letter from both organisations enclosing a copy of *Sharia Law in Britain: A Threat to One Law for All and Equal Rights*.

<http://bit.ly/shariabooklet>

We are continuing our work in Parliament to gather more information, refine the Bill and to build support among parliamentarians.

NSS critical of Irish Government over clerical child abuse

 We sent a briefing with damning evidence to the Council of Europe about major problems that remain in Ireland over child abuse. The Council undertakes investigations into member states on a cyclical basis, and our submission was timed to coincide with the examination of Ireland.

The 50-page briefing, compiled by Keith, draws 15 conclusions and makes 14 recommendations. These include mandatory reporting of suspected child abuse, even when revealed in the confessional, something the previous Government refused to enact. We also propose an independent review of the extent, we believe significant, to which Ireland is in breach of International Treaty obligations over child abuse. We also drew together for investigators key extracts from the mountains of evidence showing Vatican collusion in covering up child abuse by priests in Ireland, much of it not readily available.

We are convinced that there is a direct connection between Ireland having the highest per capita incidence of institutional child abuse and the complete lack of church/state separation.

The briefing was several months in preparation, and as it was being released, the new Irish Taoiseach (Prime Minister) Enda Kenny broke decades of silence by speaking out against clerical child abuse cover-ups in Ireland. While we support his actions and hope they mark the beginning of a new resistance to Vatican pressure, the points made in the briefing remain valid.

Mr Kenny’s speech resulted in the recall of the Vatican representative to Rome. The Vatican then issued a lengthy response to the Irish Government. While regretting the abuse and acknowledging wholesale failures in Ireland, the Vatican itself

predictably acknowledged no responsibility whatsoever.

The NSS [wrote to the Irish Government](#) to assist them with their reply. We focused on the conflict of law and sovereignty posed by Roman Catholic canon law. This conflict has been, and continues to be, a significant systemic obstacle to punishing perpetrators and achieving justice for their victims. We maintain that this canon law directly precludes secular justice in the country in which the alleged crimes have been committed. We have taken this up, courtesy of the International Humanist and Ethical Union, with the United Nations.

Scotland

The Scottish Parliament has a weekly Time for Reflection rather than prayers but the religious representatives from different faiths do not reflect the fact that one third or more of Scots has no religion. NSS Council member Norman Bonney wrote to the Presiding Officer to challenge the existing arrangements.

The NSS made a submission to the Parliament’s Justice Committee pointing out potential threats to freedom of expression in the proposed Bill to challenge sectarianism in football. The Bill is now being reconsidered.

We also wrote to the Scottish Education and Culture Committee, calling for an end to faith schools, the removal of religious representatives from local authority education committees, and an end

Communications

The summer is often a quiet time for news, but we have been widely quoted and interviewed on many subjects, keeping our profile high in all areas of the media.

Led by Terry Sanderson and Keith Porteous Wood, the NSS spoke out about education issues including faith schools and free transport to them, RE and its exclusion from the EBacc, and imposed worship in schools. Equality laws and religious people who want special rights in the workplace continue to be contentious areas. We commented widely on the doctor who faced disciplinary action for praying over his patients and trying to convert them. We also discussed caste, the religious element of the oath taken by Scouts and Brownies and the benefits of a secular society. Council Member Norman Bonney was quoted about the Scottish football hate bill and their Parliament's equivalent of prayer time.

We thank all our members and supporters who have written to the local and national press or joined online discussions about secular issues. It is important to do this as there is no shortage of people expressing strongly held religious views.

Vice President Elizabeth O'Casey gave a talk to the Central London Humanist Group on Freedom of Expression.

In addition to being Chair of Council, organising the Secular Conference and writing the Introduction to Secularism, Vice President Gerard Phillips has been heavily involved in the Secular Europe Campaign, including being in one of the videos promoting the march and rally. He has also worked with NSS staff to strengthen our relationship with student groups and gave a talk to the Lewisham Humanists in September.

Council members: Robert Stovold is contributing a chapter to a collection of papers debating the appropriateness of providing spiritual care in the NHS and Peter Vlachos spoke to Brighton and Hove Humanists on 'The Case for Secularism'.

Freedom of Expression

We had a constructive meeting with the chair of the Advertising Standards Authority, Rt Hon Lord Smith of Finsbury, to express our concerns about the ASA's commitment to freedom of expression in the media. This was prompted by their adjudication against three ice cream adverts that 'were likely to cause serious offence to some readers, even though only very few complained. The adverts showed two priests about to kiss, a pregnant nun and a suggestive image of a priest and a nun. Our case was made for us by the court overturning (on freedom of expression grounds) an ASA ruling against a fundamentalist church's advert considered to be homophobic. We have since formally complained about the Code of Advertising Practice, which we suspect was largely to blame for the ice cream ad decision.

to officially-sanctioned discrimination against non-believing staff in faith schools.

British monarchs swear a coronation oath to maintain Protestantism and Presbyterianism in Scotland. In a letter to Scottish MPs, the Moderator of the Church of Scotland, the Secretary of State for Scotland and the Prime Minister, Norman Bonney wrote that this helps perpetuate sectarianism.

■ **The Office of the Scottish Charity Regulator "has determined that further enquiries are appropriate" in connection with our complaint about an adoption agency ruling out non-married adoptive parents. As noted on page 4, we have formally complained to the EU about legalised discrimination against non-religious teachers.**

Health

Secular Medical Forum

In June, SMF chair Dr Antony Lempert spoke on non-therapeutic ritual circumcision on both Channel 4's *4Thought.TV* and Radio 4's *Broadcasting House*. At its annual meeting in June, the BMA refused to debate the issue.

The SMF recently responded to the Royal College of Psychiatry review of the evidence concerning the impact of abortion on women's mental health, an area where anti-choice campaigners are scare-mongering and misrepresenting the evidence.

In August the SMF provided a speaker for the secular children's camp, Camp Quest.



Charitable Chaplaincy Campaign

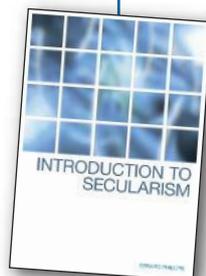
For the last three years, secularists in Wales have been collecting data on the cost of hospital chaplains to the NHS in Wales. Currently, expenditure is over £1.3 million a year. Led by NSS member Alan Rogers, the campaign aims to save money for medical services and have chaplains funded through charity.

A survey of candidates at the recent Welsh Assembly elections showed 60% support our campaign's aims. If you live in Wales and would like to join the Charitable Chaplaincy Campaign, please contact the office and we'll put you in touch with Alan.

■ **We also submitted a response to the Broadcast Code of Advertising Practice consultation on pregnancy advisory services advertising.**

Introduction to Secularism

The latest NSS publication is for people new to secularism who would like to learn more. It looks at what is secularism, its relevance to the UK and today's challenges. It's available on our website <http://bit.ly/3WaXSr>



Donations

Everything we do is funded by our members and supporters. We do not accept any public funds and without your support, we would not be able to continue our work for a fairer society.

Your donations and your standing orders allow us to plan ahead and expand our campaigning as well as funding the day-to-day business. We are particularly grateful for the donations of £3000, £1000, £650, £399 and £200 as well as all the donations from people joining or renewing their memberships. Donations can be made via the Donate button on our homepage, by cheque or a standing order form (please contact the office for one). We are happy to discuss any questions about donations.

■ Even though some of our lawyers are acting for us *pro bono*, our legal cases in the European Court of Human Rights and the council prayers challenge at the High Court – which is likely to go to appeal – are still expensive. We are appealing for £20,000. Please consider making a donation to help us cover these costs and take a stand with us. These cases could be a significant step towards building a more secular society.

national secular **Bulletin**
society

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NSS on campus

Staff member Tessa Kendall and Council officers Gerard Phillips and Stephen Dunkling had a productive meeting with the new officers of the National Federation of Atheist, Humanist and Secular Student Societies (AHS). We discussed ways of working more closely and of spreading the word into more universities, as well as how their members can help us on specific campaigns. If you are interested in starting a group at your college, you can contact the office or the AHS for help <http://bit.ly/qi5Ylz>. Affiliation to the NSS for student groups is now free.



New AHS
President
Jenny Bartle

New Honorary Associates



Lord Avebury

A Liberal MP from 1962–70 and now a Liberal Democrat peer. He also founded and chaired the Parliamentary Human Rights Group for 21 years. For

more than ten years, he has worked on many successful NSS campaigns – most notably the abolition of the blasphemy laws, for which he jointly won our Secularist of the Year award in 2009 – and continues to work closely with Keith in Parliament.



Baroness Murphy

A doctor who worked for many years in the NHS, most recently as Professor of Psychiatry of Old Age at Guy's Hospital. In 2004 she was made

a life peer and sits as a crossbencher. She has spoken out strongly against Government plans for academies in House of Lords debates and is active in other aspects of education, gay rights and equalities.

NSS online

As well as our website, you can 'like' us on Facebook and follow us on Twitter @natsecsoc. We urge members shopping on Amazon to click on the Amazon link on our homepage and then a percentage of anything you spend will come to us.

Volunteers

We would like to thank the volunteers who help us in our work in campaigning, in the office and at events. Particular thanks go to:

LORD LESTER OF HERNE HILL QC, DR RONAN MCCREA and MAX SCHAEFER for their *pro bono* work on the intervention at the European Court of Human Rights

BRAD DAVIS of WhiteLight for designing the *Bulletin*, annual report and other promotional material

CLAUDINE BAXTER for her work in the office

BARRY THORPE for research work
SVEN KLINGE for photographing our events

We would also like to thank all the volunteers who worked on the secularism conference.

If you would like to help with general office work, campaigning or at the AGM, please contact the office. We'd be especially keen to hear from members with accounting or legal experience.