

Council Prayers Victory

We have won our legal challenge to prayers during council meetings. On 10 February the High Court ruled that:

“The saying of prayers as part of the formal meeting of a Council is not lawful under section 111 of the Local Government Act 1972, and there is no statutory power permitting the practice to continue.”

In other words, holding prayers is not within the Council's legal powers as it was ruled that they do not facilitate the discharge of any of the Council's functions, nor are they conducive or incidental to them.

Our legal challenge, which took the form of a Judicial Review, was presided over by the judge in charge of the Administrative Court, Mr Justice Ouseley, at an all-day hearing on 2 December, 2011.

We were represented by David Wolfe of Matrix Chambers and the defendants, Bideford Town Council (supported by the well-funded Christian Institute), were represented by James Dingemans QC.

In Court we contended that the Council's practice is unlawful on three main grounds, all of which were challenged by Mr Dingemans:

(1) it is unjustified (and thus unlawful) indirect discrimination against persons of no religion

(2) it is incompatible with Articles



9 and 14 ECHR (freedom of religion/conscience and non-discrimination)

(3) it is *ultra vires* (outside the powers of) the Council.

It was only necessary for us to win on one point and Justice Ouseley found the practice unlawful under the Local Government Act – therefore the Judicial Review was decided in our favour. The arguments under the Equality Act and the Human Rights Act were examined in less detail, but the judge concluded that the councillor's Human Rights had not been discriminated against nor had his Human Rights been infringed.

The ruling applies immediately to

the formal meetings of all councils in England and Wales, the majority of which conduct prayers as part of their meetings. The defendants have been given permission to appeal.

In passing judgement, Mr Justice Ouseley directed:

“I do not think the 1972 Act [...] should be interpreted as permitting the religious views of one group of councillors, however sincere or large in number, to exclude, or even to a modest extent, to impose burdens on or even to mark out those who do not share their views and do not wish to participate in their expression of them. They are all equally elected councillors.”

The judgement echoed an admirably secular passage in the judgment by LJ Laws in *McFarlane v Relate Avon Ltd* (2010), which a number of equality cases have also cited:

“The precepts of any one religion, and belief system, cannot, by force of their religious origins, sound any louder in the general law than the precepts of another. If they did, those out in the cold would be less than citizens and our constitution would be on the way to a theocracy, which is of necessity autocratic.”

We are pleased our success at the High Court has started a national conversation about

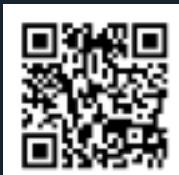
continues on page 2 ▶

Secularist of the Year

Lunch on Saturday 17 March 2012 in central London.

Tickets are £45 and £15 (students) from the NSS website, or contact the office.

to be presented
by Nick Cohen



◀ “Council Prayers” continued

secularism. An increasing proportion of people do not practise any religion while minority faiths are growing in number and influence. This underlines the need for shared civic

Keith Porteous Wood
on Channel 4 News



spaces to be secular and equally welcoming to all, believers and non-believers alike. Keith Porteous Wood has led this campaign throughout.

What you can do

If your council is continuing to conduct prayers during formal meetings, we would be interested in learning about it. Please see <http://bit.ly/mST0wK> and if you think they are breaking the law, please let us know by sending full details by email to councilprayers@secularism.org.uk, putting the name of the authority at the start of the subject line. If you do not have email, please write to the office.

You can read the judgement in full at: <http://bit.ly/xEqIB0>

You can read a full report of the hearing held on 2 December 2011 at <http://bit.ly/sovDtD>

A Bill of Rights for the UK?

We wrote a response to the Government’s consultation on whether the UK should have a Bill of Rights. We do not want any existing rights to be lost. We also strongly recommended that the current secular nature of the law is upheld and that if there is to be a ‘common set’ of beliefs and values, then no religious groups or individuals should be allowed privileged input into deciding them.

Campaigning for human rights

The NSS has been, we believe, the first organisation among the secular and allied movements to employ the United Nations Universal Periodic Review (UPR) process to criticise the human rights situation in member states. Our test run was in respect of Ireland (over child abuse) but our first formal submission was, ironically, the UK – whose turn for review has just arisen.

We were careful to state that, in the main, basic human rights are well respected in the United Kingdom and that equalities legislation is well developed. Nevertheless, we pointed to areas where significant improvements are overdue.

These included: discrimination in admissions and employment in religious schools; mandatory worship in schools; the growth of sharia courts; caste discrimination legislation not yet put into force; deporting those from sexual

minorities to their country of origin where they would face almost certain death; and the failure to adequately address child abuse in religious institutions (which has been much more prevalent than is realised). Rather than just criticise, we made constructive recommendations in all these areas.

Keith Porteous Wood met with officials at the Human Rights division of the Foreign and Commonwealth Office at the end of January. He formally handed over our UPR review of the UK but the meeting was largely devoted to raising our concerns and those of International Humanist & Ethical Union about the growing use of religious law, as opposed to law which is democratically determined and compliant with human rights. Our concerns apply principally to sharia, but also to canon law, a convenient shield for the “Holy See” (Vatican) in relation to child abuse cases.

NSS queries MoD spending on religious chaplaincy

In October, the NSS challenged the Government over its spending on military chaplains in the UK. The response to our Freedom of Information request to the Ministry of Defence (MoD) revealed that the Armed Forces employ 280 Christian chaplains across all three services costing a total of £22 million annually. Our findings were picked up by the BBC, who broke the story.

We argued that the spending represented a misuse of public money, particularly at a time of significant spending cuts. Our point was backed up by the Government’s own statistics which revealed that a quarter of all army chaplains are either on medically limited deployability or are medically non-deployable.

A significant part of a chaplain’s role is to provide pastoral support to all service personnel and not just the religious. Therefore, in a letter to Defence Minister Andrew Robathan MP, NSS Campaigns Manager Stephen Evans questioned why the chaplaincy services are delivered exclusively by ministers of religion.

The reply from the Minister failed to address this point but he did recognise that £22m was a “significant amount of money”. The Minister said the MoD will continue to monitor all aspects of expenditure but there were currently no plans to alter the Chaplaincy’s funding arrangements.

Read the full story at <http://bit.ly/milichap>

Freedom of expression under attack

Freedom of expression, and particularly freedom of speech, has been under attack from several directions in recent months.

On Campus

The NSS has been advising and supporting three London colleges where it has been threatened by Muslim extremists.

■ At Queen Mary, a talk on sharia by NSS Council Member Anne Marie Waters on behalf of the One Law for All campaign had to be cancelled when a Muslim man filmed everyone present and threatened violence.

■ At University College London, the Atheist Secular Humanist Society (ASHS) were told by the Students' Union to take down a cartoon showing two fictional characters called Jesus and Mo from their Facebook page after complaints that it insulted Islam.

■ At the London School of Economics, the Students' Union threatened to expel the LSESU Atheist and Humanist Society for the same reason. We are concerned that the Union has conflated race and religion by passing a resolution "That Islamophobia is a form of anti-Islamic racism"

In addition, a 17 year old NSS member has also been forced to remove the Jesus and Mo cartoon from his personal

Facebook page or face expulsion from his sixth form college.

Some universities have tolerated threats to freedom

of expression in a misguided deference to religious, racial and/or cultural minorities – in some cases for decades.

These threats to freedom of expression have already succeeded in creating a climate of fear that is leading to self-censorship. Such

"successes" will encourage extremists to go even further.

Universities should be resolutely defending freedom of expression and a much more determined and organised counter-attack is vital.

The NSS will continue to actively support the students, led by vice President Elizabeth O'Casey, Council member Anne Marie Waters and Senior Campaigns Officer Tessa Kendall.

Keith Porteous Wood spoke about religious threats to freedoms and equalities at Cambridge University and at UCL (where security staff were in evidence).

Advertising Standards Agency

We have also become increasingly concerned about the threat to free expression created by an unreasonable deference to religion by the Advertising Standards Authority (ASA) tantamount to religious censorship.

It has dismissed our objections that it is unreasonably restricting freedom of expression by banning adverts if they risk offending even a few believers. Our objections followed the banning of a series of adverts by ice cream company Antonio Federici, which the ASA ruled had breached the Code of Advertising Practice (CAP) by being "offensive, because they mocked Catholicism". One advert was banned after complaints by only six people.

Our objections emphasised the importance of freedom of

expression. We also objected to the wording of the CAP which includes the ruling that "Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability". Although our objections received a defensive reply, we hope our stance will have some effect.

If, on the other hand, further decisions fail to uphold freedom of expression, we will take more concerted action.

Public Order Act

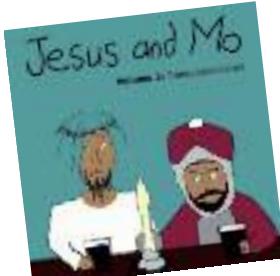
As part of our campaign to defend freedom of expression, we also responded to the recent Government consultation on removing the word

"insulting" from section 5 of the Public Order Act (applying to England and Wales). We recommended strongly that the word be removed so that insult is no longer a criminal offence. Its inclusion is a threat to freedom of expression, particularly when religious groups or individuals claim their faith has been insulted, thereby preventing legitimate debate or criticism. The

removal of "insulting" would benefit both the religious and non-religious – we are equally concerned to protect the religious at risk of prosecution from anyone complaining that religious beliefs are insulting to them.

We thank our members who also submitted responses to this consultation.

Keith spoke at the One Law for All rally for free expression on 11 February. It was called to protest about the problems on campus, but will also address threats more widely.



One of the Antonio Federici adverts

Education Act passes into law: Church of England prepares to dominate state education

In November, the Education Act 2011 (for England) received Royal Assent. We worked with Honorary Associates in the House of Lords to introduce amendments to the legislation, all of which were opposed by the Government.

Amendments tabled by Lord Avebury to make collective worship optional (rather than mandatory as it is now) and by Baroness Turner of Camden to scale back the discrimination permitted against teachers in faith schools were strongly argued by our peers in the Chamber.

Both peers and NSS Executive Director Keith Porteous Wood met Education Minister Lord Hill and his senior staff at the Department for Education to make a last ditch attempt to persuade them to accept our amendments. The Government was clearly anxious not to upset the Church of England, and sided with the Bishops who had been put on the defensive by the strength of our attack and therefore led the opposition to our amendments.

We particularly thank Lord Avebury, Baronesses Turner, Flather and Massey and all the other Honorary Associates who supported us in the Lords.

Protecting community school provision

In the previous *Bulletin* we covered an NSS-backed campaign to save the only non-faith school in the west of the Isle of Wight from closure. The school has been saved by opting out of local authority control and gaining academy status.

In an attempt to make such closures more difficult, NSS Honorary Associate Lord Avebury tabled, at our request, an amendment to the Education Bill (now Act) to remove the presumption in guidance that there should be no reduction in the proportion of denominational places in an area, when consideration is being made for school closures.

Responding to the amendment on behalf of the Government during the passage of the Education Bill, Lord Hill did not accept the amendment but conceded that the guidance sounded "unbalanced". We are now taking the matter up with the Department for Education.

Sex education should be evidence-based

We submitted a response to the Review of Personal, Social, Health and Economic Education 2011 (which relates to England and includes sex education) stressing that sex education should not simply promote religious morality. Our submission stated our objections to Nadine Dorries MP's Bill requiring abstinence to be promoted in schools, but only to girls. This Bill failed to receive a second reading but we understand that, unfortunately, the Government is considering adopting some of its provisions.

Putting a human rights shield a

In the last few months, Keith Porteous Wood and Anne Marie Waters (who joined the Council in November 2011 and who is a spokesperson for One Law for All) have been working closely with Baroness Cox and her team to build political support for the Arbitration and Mediation Services (Equality) Bill to apply human rights

Government resists calls to regulate madrassas

We have been pressing the Government to implement tighter controls over madrassas (Islamic supplementary schools) in England following revelations in the media of physical and sexual abuse.

Campaigns Manager Stephen Evans wrote to the Children & Families Minister, Tim Loughton MP, calling for a national register of madrassas and urged the Government to swiftly implement recommendations made by an official report (accepted by the previous Government in 2010) to extend to supplementary schools, including madrassas, the ban on physical punishment in schools and other children's settings.

Mr Loughton has told the NSS that the Government is considering the report's recommendations but was less keen on tighter regulation. This will be music to the ears of Mohammad Shahid Raza, chairman of the Mosques and Imams National Advisory Board, who has said he is not "comfortable" with greater external regulation and inspections and would prefer the issue dealt with through self-regulation.

The NSS will continue to press for regulation of madrassas.



Channel 4's alleged madrassa abuse footage

Government crackdown on extremism in free schools

 The Government has kept the promise given to the NSS that groups advocating creationism as a scientific theory, and those with values “inconsistent with British democratic principles” would automatically be rejected as promoters of free schools.

The Department for Education (DfE) has now appropriately amended the model funding agreement which provides the framework within which the free schools operate in England.

Another new section will prevent religious groups with political agendas inconsistent with British democratic principles from opening free schools.

Nevertheless, schools are expected to promote “respect” for faiths, religious and other beliefs. Ideally, respect should be promoted for individuals rather than ideas, but at least some of the more extreme religious groups will now be prevented from receiving public money to indoctrinate children. The new rules apply only to future free schools, not existing ones.

We have also called on the DfE to closely monitor schools when they are up and running to ensure that neither creationism nor other extremism is allowed to creep in later, in contravention of the assurances given at the outset.

round sharia law

the briefings was chaired, at our suggestion, by the prominent QC Lord Carlile of Berriew. Both he and the former Lord Chancellor, Lord Mackay of Clashfern, showed considerable enthusiasm. Support from peers such as this will make it more difficult for the Government to obstruct the Bill’s progress.



NSS in Europe

Vice president Elizabeth O’Casey and Keith Porteous Wood were involved in a series of public and private high-level meetings in EU institutions in Brussels on 30 November. First was a short speech as the NSS’s contribution to the formal dialogue between “non-confessional” organisations and the European Commission required by Article 17 of the Lisbon Treaty. The NSS was pleased to be invited to this annual event again. It took place in the Cabinet Room of the Commission adjourning to a formal lunch with Commission president Jose Manuel Barroso, and presidents Buzek and Van Rompuy of the Parliament and Council of Ministers at the table.

One of the meeting’s themes was “A partnership for democracy”, so Keith chose to draw attention to the colossal imbalance in the Article 17 dialogue between non-confessional organisations and religious ones, particularly the Catholic Church.

The religious organisations are immensely more influential because of their hierarchical structure, historic links and substantial funding, in total contrast to the non-confessional organisations. Furthermore, the topics on which the churches’ spokespersons choose to exert the greatest influence are the very ones where they are at the greatest variance from their own flocks – and even more so from the rest of the population. These topics include start and end of life issues and sexual matters.

Keith stressed the need for policy

to be based on evidence. He concluded that a much better way to establish the views of EU citizens on these subjects than listening to religious leaders was by commissioning detailed opinion polls. NSS Honorary Associate Sophie in ’t Veld MEP sees some merit in this approach and discussions are continuing about how this suggestion can be developed practically. Effective speeches were also delivered by Alan Frommer of the European Association of Freethinkers and David Pollock for European Humanist Federation (both also NSS members). The event concluded with a press conference.

The final meeting was at the European Parliament to discuss the operation of the Article 17 dialogue. Sophie in ’t Veld MEP (chair of the Parliament’s Secular Platform) posed searching questions about the implementation of Article 17 to the acting chair, Bishop László Tőkés MEP. On failing to receive satisfactory answers, she and other secularists walked out of the meeting in protest. Keith, and David Pollock who was on the platform, remained. Later, having been delayed, Parliamentary President Jerzy Buzek arrived to take over the chair. Keith immediately drew to his attention the strength of feeling about the inadequacy of the Article 17 dialogue process.

We hope that making this stand will put down a marker for the next presidency; German socialist Martin Schulz has now become Parliamentary President.

AGM

At a well-attended AGM in November, Terry Sanderson was re-elected President and both Gerard Phillips and Elizabeth O'Casey were re-elected as Vice Presidents.

Stephen Dunkling has retired after two years as Treasurer, for which we thank him. Our newly elected Treasurer is Clare Wadd, a qualified accountant with experience in both large and small organisations.

A third of our Council members retire by rotation every year and the election this year was competitive. Peter

Vlachos and Dan Bye were re-elected and three new members were elected: Peter Revell and Anne Marie Waters are lawyers and Adrian Tippetts works in PR. Martin Perry has retired from Council, with our particular thanks for his invaluable work on the investment sub-committee.

The Secular Charter was overwhelmingly adopted as policy and will guide our campaigning and policy objectives. It can be read here: <http://bit.ly/csFFCB>.



VP Elizabeth O'Casey



President Terry Sanderson



Adrian Tippetts



Anne Marie Waters



Dan Bye



Peter Vlachos



Clare Wadd



Peter Revell



AGM volunteers

Communications

Led by President Terry Sanderson, our media profile continues to grow both at home and internationally.

We have commented widely on subjects covered by our education campaigns, including on collective worship, faith schools, the rush for Catholic schools to convert to academy status and Michael Gove's plan to send a King James Bible to every school.

Our campaign victory against council prayers was widely reported on all channels and in all major newspapers. We had good coverage

on law and equalities, healthcare, our campaign to have the Act of Settlement amended, military chaplains, Christmas and David Cameron's speech about Christian Britain.

■ NSS Vice President **Gerard Phillips** was on Channel 4's *4thought.tv* talking about the role of religion in public life.

■ **Robert Stovold** is investigating the legality of faith-healing claims made by the Church of Christ Scientist and will be giving a talk at the Brighton Science Festival on 26

February.

■ **Dan Bye** gave a talk to Leeds Atheist Society in November about faith schools.

■ **Anne Marie Waters** spoke about secularism to a London school, at Birmingham University Reason Week, at the rally in defence of free speech, on the burka at Conway Hall and on 'Sharia Law in England' at the Kent Critical Law Society Conference. She also debated with a Muslim student group at Croydon College on sharia law and women.

Campaigning for secularism in Scotland

In November, Keith Porteous Wood and Edinburgh-based Council member Norman Bonney met with Scottish Cabinet Minister for Education Mike Russell MSP. We raised a number of issues including concerns over sectarianism in relation to faith schooling and the level of discrimination against teachers not ‘of the faith’, ostensibly licensed under the Education (Scotland) Act 1980.

On the same day we held a well-attended meeting for our members in Scotland. This meeting at the Scottish Parliament was hosted by NSS Honorary Associate Patrick Harvie MSP. Norman Bonney outlined the substantial Scottish dimension of our work in the past year and the considerable challenges in promoting a secularist agenda in Scotland and its parliament.

Also in November we called for the removal of Time for Reflection from formal proceedings of the Scottish Parliament. In a letter to the Parliamentary Bureau we argued that the practice permits unelected individuals to exert unwarranted influence on the proceedings of the Parliament and confuses the realms of government and religion.

We suggested that if there was overwhelming demand for the retention of some kind of ritual in the

Chamber, a period of silent reflection similar to that held in the Northern Ireland Assembly should be considered.

The reply from the Scottish Parliament was not encouraging. While acknowledging that achieving balance of all the faiths and none was “hugely problematic”, they insisted that Time for Reflection was a fully inclusive and representative reflection of Scottish society.

There are two more meetings for members in Scotland coming soon:

Saturday 3 March (2–4pm) at the Piper in the Square, Cochrane St, Glasgow. Norman Bonney and Keith Porteous Wood want to hear from members in Scotland about how they think we can build on our work there.

On Wednesday 23 May (6–8pm) Patrick Harvie MSP will host a meeting about our Secular Charter in the Scottish Parliament. President Terry Sanderson will talk about the development and aims of the Secular Charter and join a panel of MSPs to discuss its application to the work of the Scottish Parliament.

Please contact admin@secularism.org.uk or call the office in advance if you would like to come along.

Honorary Associates

We are delighted to welcome three new honorary associates

Dr Michael Irwin

Dr Irwin has held senior positions for decades in international organisations including Medical Director at the United Nations.

He was President and then Director of the World Federation of Right to Die Societies and was also Chair of the British Voluntary Euthanasia Society, now known as Dignity in Dying. He is the founder and co-ordinator of the Society for Old Age Rational Suicide (SOARS) and the founder of the Secular Medical Forum, which works closely with the NSS.

Since 2005 Dr Irwin has most generously sponsored the National Secular Society’s £5,000 Secularist of the Year award, known as the Irwin Prize.



Dr Michael Irwin

James (Jim) Fitzpatrick MP

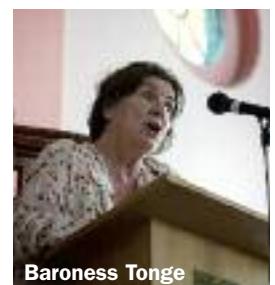
Jim Fitzpatrick is Labour MP for Poplar and Limehouse, having defeated George Galloway of the Respect Party. He was a Labour Government Whip and has held Ministerial posts.

He has said that he detects a growing intolerance among a minority of his East End constituents who organise around the Islamic Forum of Europe and has called for segregation of men and women in public buildings to be outlawed.



James Fitzpatrick

of a wholly elected House of Lords and of equal gay rights. She is pro-choice and strongly pro stem cell research. She famously asked Tony Blair at PM's questions if he was “happy to allow the teaching of creationism alongside Darwin's theory of evolution in state schools”.



Baroness Tonge

Christopher Hitchens (1949 – 2011)

We are very sorry to report the death of Honorary Associate Christopher Hitchens. His award-winning career as a journalist and writer spanned nearly 40 years, during which he was always a fierce critic of religious privilege and champion of secular values. He will be greatly missed.

Secularist of the Year

Nick Cohen will be presenting the prizes and talking about his brilliant and, sadly, apposite, new book on freedom of expression entitled *You Can't Read This Book*.

There is still time to book a ticket at the Secularist of the Year lunch in London on 17 March, a Saturday so that it is possible to travel there and back in the day from most parts of the country. It will again be a fantastic afternoon of prize-giving, entertainment, special guests and a chance to meet other secularists from across the UK. You can buy tickets here <http://bit.ly/s7h5Dn> or from the NSS office. The tickets cost £45 and £15 for students.

New Secular Wales group

Secular Wales is a new group for members and supporters throughout Wales to discuss secular issues and to work with the NSS to extend our campaigning there. You can find them on Facebook <http://on.fb.me/wUDEe4> or email secularwales@gmail.com.

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:

Brad Davis of WhiteLight for designing the *Bulletin*, annual report and promotional material

Claudine Baxter for her work in the office

Barry Thorpe for research work

Tim Jones at darkroommatter.com for photographing our AGM

Charlie Klendjian for assisting the Lawyers' Secular Society

If you would like to volunteer to assist with general admin or campaigning, wherever you are based, please contact the office.

Date for your diary

Richard Dawkins will be the guest of honour at 2012's Secularist Conference on Saturday 22 September in central London.



Lawyers Secular Society

Following a number of enquiries by lawyers about the Lawyers Secular Society, a social event is planned for the summer near the Inns of Court. If you would like to be informed about this, please email admin@secularism.org.uk.

Donations

We always appreciate the support and generosity of our members; memberships, standing orders and donations are our only form of income to fund our work for a fairer society. Standing orders in particular help us plan ahead with our campaigns with confidence as well as funding the office and our daily business. If you would like to set up a standing order or increase one, please email the office for a form at admin@secularism.org.uk.

We are particularly grateful for the donations of £2,500, £250 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 standing order form (please contact the office for one).

If you would like to remember the NSS in your will, the office will be pleased to assist and also has an information leaflet.

The full costs of our judicial review of council prayers are not clear yet. Unfortunately, the money generously given so far is considerably short of the expected costs. Further donations would be very much appreciated. You can donate online at <http://bit.ly/d5cPOP>

Secular Medical Forum

The SMF responded to the General Medical Council's consultation on child protection, making the important distinction between children's rights and adult choice imposed on them, particularly with religiously-motivated genital surgery.



Dr Ed Presswood spoke on behalf of SMF at the Science, Secularism, Religion conference in Rome. The new-look SMF website was launched in early January. Non-healthcare professionals are now welcome to join. For more information, please contact antony@secularmedicalforum.org.uk and follow on Twitter @SecularMedForum.

NSS online

Our website has been given a design make-over to create a fresh look and improve social networking opportunities.

The website now offers users the chance to share articles through social networks to help us get our message out there. Another useful feature is the 'related articles' section which automatically appears at the end of all of our news and blog output, providing more context and background to the issues we campaign on. Please take a look at www.secularism.org.uk and let us know of any improvements to the site you'd like to see in the future.

Don't forget you can follow us on Twitter @natseccsoc and 'Like' the National Secular Society page on Facebook.

If you're shopping online with Amazon, please remember to use the click-through on our homepage and we'll receive commission.

national secular society Bulletin

Issue 50 Spring 2012

National Secular Society
25 Red Lion Square, London WC1R 4RL
Telephone: (020) 7404 3126
Fax: 0870 762 8971
www.secularism.org.uk

Executive Director
Keith Porteous Wood FCCA
kpw@secularism.org.uk

Senior Office Staff
Stephen Evans and Tessa Kendall
admin@secularism.org.uk