

# NSS intervenes in European court 'discrimination' cases

**F**our Christians who lost their cases against UK employers have applied to the European Court of Human Rights (ECtHR) claiming that the UK has failed to uphold their freedom of religion. The four applicants are Chaplin, Eweida, Ladele and McFarlane; the first two involve crucifixes at work and the others discriminating at work against gay people. Their cases were heard in Strasbourg on 4 September.

As any loss of these cases would severely compromise the UK's equality provisions, we were relieved that the NSS's application to the Court for leave to intervene was granted. Unfortunately, we are the *only* intervener arguing that the rejection of all four cases by the UK courts did not breach the applicants' human rights.

The Prime Minister supported the crucifix wearers during PMQs in July. So, when the Government defended all four cases in Strasbourg, the right wing press united in outrage. The widespread media coverage of the cases did at least give us an opportunity to provide a secular perspective. The Executive Director appeared on the *Today* programme, Radio 5 Live and BBC Breakfast TV, and we also spent two full days giving six international interviews (mostly to the BBC World Service) plus numerous national and local media outlets.

Misleading reporting and misrepresentation by the press has fomented public outrage over the crucifix cases. They were about health and safety and

jewellery; there is no ban on crosses or crucifixes. The very considerable attempts by the employers to accommodate these employees

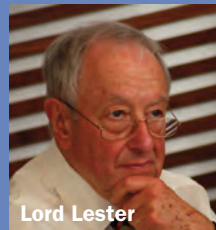
were repeatedly rebuffed, we are told, particularly after the Christian Legal Centre came onto the scene.

Our intervention could prove to be crucial as it highlighted a number of key arguments that, worryingly, were not made by the Government's counsel. We are very grateful indeed to have had our intervention led by Lord Lester of Herne Hill QC, widely regarded as the father of Human Rights in this country, and

also well-regarded in Strasbourg. Our thanks go also to Dr Ronan McCrea of University College London and Max Schaefer of Brick Court, who assisted so generously with the intervention.

We expect the court's ruling sometime before the end of the year. Joshua Rozenberg and other prominent lawyers do not expect the applicants to succeed, but the four cases will be judged individually.

A webcast of the hearing can be viewed at <http://bit.ly/echrwebcast> and our submission to the court can be read at <http://bit.ly/echrsubmission>.



Lord Lester



Ronan McCrea



# First ever strike derails faith school merger

Plans to amalgamate a community school with a faith school provoked what is almost certainly the first ever strike over the unfair employment provisions in religious schools. Teachers at the community school told the NSS that they would feel very uncomfortable working in a faith school.

In July, parents and teachers at a school in Dagenham won an important victory when Barking & Dagenham Council was forced to reverse its plans to close a community school and amalgamate it with a Church of England school.

The NSS worked with local campaigners to oppose the plans, which would have forced Village Infants School pupils into a faith-based education – against the wishes of a majority of parents.



The Voluntary Aided (church controlled) school is permitted by law to discriminate against local children in favour of pupils with religious parents. The community school teachers were also concerned about working for a school controlled in effect by the diocese, rather than the local authority – and particularly

employment discrimination legally permitted there against those of a different faith or none.

NSS Campaigns Manager Stephen Evans [appeared on local BBC News](#) along with teachers at Village Infants and a local NUT representative to criticise the Council's actions. In the face of such a spirited campaign, governors at the Church of England School withdrew their support for the merger and within days the council was forced to rescind their earlier decision to merge the schools.

Heather Douglas, outgoing head teacher at Village Infants, thanked the National Secular Society for its help throughout the campaign and said she was "delighted" for the children, who can now remain at their own community school.

## Catholic Education Service rebuked

Following a complaint from the NSS, The Secretary of State for Education, Michael Gove, wrote to the Catholic Education Service (CES) in June to express concern over a letter that the CES had distributed to its schools. The rebuke came after the CES, responsible for the running of hundreds of state funded schools, wrote to more than 359 Catholic secondary schools in England and Wales to ask them to draw attention to a letter written by senior archbishops arguing against marriage equality.

In a letter to the NSS, the Department told us that Mr Gove had written to the Catholic Education Service concerned that their letter to the schools "unintentionally blurred the distinction between discussing issues that are a matter of faith and promoting partisan political views".

Far from being "unintentional" the letter formed part of the Church's strategy to exert political pressure on the Government, while abusing their privileged access to pupils in publicly-funded schools.



## March for a secular Europe

Hundreds of secularists took to central London streets on 15 September to [march for a secular Europe](#) – calling for equality, respect for human rights and an end to religious privilege.

NSS President Terry Sanderson addressed the crowds and urged politicians to lose their fear of religious leaders and recognise that the UK is ready for secularism.

Peter Tatchell also gave an impassioned speech warning that religious organisations are the biggest threat to equality for women & LGBT people, but also acknowledging the people of faith who stand alongside us for secularism and equality.

Speakers from other organisations included the Secular Medical Forum, Survivors Voice Europe, United Sikhs, the British Humanist Association and the Council of ex-Muslims of Britain.



# Home Secretary under pressure to reform Public Order Act

In August, we helped organise a [protest](#) demonstration outside Parliament in which protestors carried placards alluding to the mild “insults” for which members of the public have already been arrested under the Section 5 of the Public Order Act.

This was part of our campaign to protect free speech by working in coalition with other [Reform Section 5](#) campaigners to persuade the Government to remove “insulting words or behaviour” from Section 5, which has a chilling effect on free speech. Abuse and incitement to violence would remain unlawful.

The protest drew attention to the Government’s failure to announce the results of the consultation on Section 5, for which the deadline was in April. We understand that a majority of submissions to the consultation supported a change in the law, as do the majority of politicians.

A big thank you to all NSS members who took action and contacted the Home Secretary.



## NSS challenge National Trust over creationism

When Peter Floyd, an NSS member in Northern Ireland, alerted us to references to creationism at a new state-of-the-art visitors’ centre at the Giant’s Causeway UNESCO World Heritage Site, we were quick to publicly challenge the National Trust.

Within just a few hours, our website had generated over 42,000 visits and within days over 3,500 people had joined a [Facebook group](#) set up by Peter to campaign for the removal of a creationist display.

We have seen allegations of pressure that may have been applied by biblical fundamentalists close to prominent members of the

Democratic Unionist Party (which agreed some of the funding for the visitor centre).

NSS Campaigns Manager Stephen Evans raised concerns on BBC Radio Ulster about these links between politicians and extremist religious groups.

The NSS sent a formal complaint to the National Trust, adding to its overflowing inbox on the subject and we’ve championed the Facebook group, which has been running an excellent local campaign to keep up pressure on the National Trust.

As a result, the Trust has finally promised to review its controversial

exhibit in the new Giant’s Causeway visitors centre, but the offending display is still in place as we go to print.



NT exhibit offered Young Earth Creationist explanations for the origins of the rocks and suggested there was an “ongoing debate” about this.

## NSS question religious circumcision of male infants

A German court in Cologne ruled in May that non-therapeutic circumcision of male children amounts to bodily injury, and is a criminal offence in the area under its jurisdiction.

In one British hospital alone in 2011, 11 baby boys needed to be admitted to the hospital’s paediatric intensive care unit with life-threatening complications following circumcision. In February this year a one-month-old baby from North London bled to death less than two days after he was circumcised.

The [Secular Medical Forum](#), under the leadership of Dr Antony Lempert, has long argued that the removal of a child’s foreskin – for non-medical reasons – should never be performed. We are

grateful to him and to barrister James Chegwidan for assisting Keith Porteous Wood to draw together reports highlighting a high level of international criticism of this practice, both on medical and legal/human rights grounds. This information was set out in a letter to the Minister of State responsible for the UK’s UN Convention on the Rights of the Child (UNCRC) obligations asking her to



Dr Antony Lempert on BBC1’s *Sunday Morning Live*

investigate whether infant circumcision is a breach of UK children’s rights. We argued that this invasive surgery is non-consensual, non-therapeutic, irreversible, unnecessary and not without risk.

Since this has become an international controversy, NSS Executive Director Keith Porteous Wood prepared both written and oral statements setting out the strength of medical and legal opposition to this practice for the UN’s Human Rights Council (HRC) and the Committee on the Rights of the Child, the Chair of which he has offered to meet. This work was carried out under the auspices of the International Humanist and Ethical Union (IHEU), to which the NSS is affiliated.

# Sold out Secularism 2012 inspires audience

600 delegates from around the country, and overseas, gathered in a packed out conference hall to discuss one of the most crucial issues of our age: the place of religion in a modern, democratic and secularised society. Stalwart NSS members mingled with those attending their first NSS event, and the high proportion of students helped keep the air fizzing with ideas and debate.

Speakers at the conference included Richard Dawkins, Nia Griffith MP (Shadow Minister for Wales), Ted Cattle CBE (Professor at the Institute of Community Cohesion), Nick Cohen, Pragna Patel, Peter Tatchell and Maryam Namazie.

A strong theme of freedom of expression

emerged from the speeches. Other topics included the need to defend human rights, the need for the separation of church and state, and how to best manage public services and community relations in a world defined by globalization and super-diversity.

The conference was the brainchild of Vice President Gerard Phillips and Council Member Peter Revell. We thank NSS member Shaun Joynson for assisting with the organisation of the event and we are also particularly grateful to the many volunteers and staff who helped make it run so smoothly.

You can see the photos from secularism 20102 at <http://bit.ly/Sec2012>. Listen to the speeches at <http://bit.ly/Poddelusion>



## Church and state clash over equal marriage

The most bitter fight in living memory between the churches and state has been playing out over the summer with same-sex marriage as the battleground. This has been prompted by public consultations on both sides of the border. Numerous statements by the Scottish RC Church on the subject have outraged practically the whole Scottish population – from which the Church has practically alienated itself. For example, the Catholic Bishop of Aberdeen likened gay marriage to polygamy and incest while Cardinal Keith O'Brien, a Scot, and now the most senior Catholic in the UK, described gay marriage as “grotesque”. They are of course entitled to express their views, but religion should have no privileged input of its views into the legislative process which determines the law that applies to everyone, religious or not. O'Brien clearly expects such input, for he self-importantly suspended direct talks with the Scottish Government on the subject after relations between the two bodies became “strained” by Government proposals.

We worked with Honorary Associate Patrick Harvie MSP on this and his was by far the most effective dissenting voice.

The Church of England hierarchy are practically united in their opposition, and, like us, their Archbishops' Council made a submission to the consultation. At best, theirs is deeply flawed and many consider it to be a dishonest document. They claimed, absurdly, both that there are not “two categories of marriage, ‘civil’ and ‘religious’”, and that what was proposed would lead to them being forced to conduct same sex religious marriages by the European Court of Human Rights. Their equivalent to O'Brien's breaking off of relations was to hint that if the Government proceeded as planned, it would put Establishment at risk. If only ....

Given the privileged importance that was likely to be accorded by the Government to the CofE submission, the NSS requested prominent discrimination barrister Dr Ronan McCrea to prepare a critique of it. [The critique](#) shows the submission to be wrong in practically every legal

point. We sent the critique to the (then) Equalities Minister, Lynne Featherstone MP, and as an aid to the few Anglican bishops who had dissented from their Council's diktat. We are most grateful to Dr McCrea, a member, for his critique which won well-deserved publicity.

The Scottish consultation went beyond the one in England by also seeking views on legalising same-sex religious marriage, but only for those bodies and celebrants who wished it. Deputy Prime Minister Nick Clegg MP has announced his intention to introduce an amendment to the envisaged legislation for England and Wales to enable this. Anglican and Catholic hierarchies oppose this even more.

In doing so, they know they are restricting the religious liberties of others. The Church clearly considers its authority over marriage for everyone and every other religious body to be absolute.

Despite the vehement opposition from the religious establishment, and indeed many Tory back benchers, same-sex marriage looks likely to be adopted.





# Bishops remain as Lords reform proposals fail again

The latest attempt to reform the House of Lords collapsed amid acrimony within the Conservative/Lib-Dem coalition Government in August. The Government received more than 2,000 representations following the publication of its White Paper and draft Bill in May 2011, with the majority, including our own, concerned with the question of the privileged position of the bishops' bench. The majority of respondents in several recent polls all opposed it, Westminster being the only parliament in the world to give bishops seats as of right.

In the debates that preceded the collapse, most of the strongest speeches opposing the bishops bench came from Labour MPs representing Scottish and Welsh constituencies. Nia Griffith (Llanelli, an Honorary Associate and a speaker at the NSS Conference) [opposed plans](#) to reduce the number

of bishops from 26 to 12 in a slimmed down chamber. She rejected any reserved places for bishops in our legislature "because it is not the established Church of the whole UK, because the appointment of bishops does not conform to the spirit of equality legislation and because it is high time that we separated Church and state." Christian MP Chris Bryant, (Rhondda) said it was "bizarre" to have the bishops in the Lords, adding "I would move an amendment to get rid of all the bishops." Graeme Morrice, Labour MP (Livingston) objected to the appointment of legislators "because they hold a particular religious office". Mark Lazarowicz, (Edinburgh, North and Leith) noted that "by giving a privileged place to leaders of one faith group, we discriminate against every other faith group, let alone against agnostics and atheists."

# Thought for the Day bias challenged

**Our complaint concerning bias during a *Thought for the Day* broadcast by Lord Singh earlier this year has been rejected by the BBC Complaints Department. We have therefore elevated the complaint to the BBC's Editorial Complaints Department, which in theory at least, is carrying out an 'independent' investigation.**

**The broadcast closely followed our High Court ruling over council prayers and the subsequent claims of "continuing marginalisation of religion in public life" from senior Government figures. We therefore alleged that the broadcast was a biased commentary on a topical political controversy.**

**The BBC's head of religion, Aaqil Ahmed, has since announced that the Corporation will resist calls to include non-religious voices on *Thought for the Day*. He told the *Telegraph* that "we've had some very detailed thoughts about this and we've decided to continue as was".**

# NSS raises concerns about rise in faith-based food banks

We've been the first to [draw attention](#) to the secular implications of the rapid growth of charity-run food banks – because of growing poverty. Most, but not all, are run by churches and faith groups. The Christian-motivated Trussell Trust now has 500 all over the UK, and many more in the pipeline. A number of local authorities are now actively considering providing funding for such initiatives.

Cuts next year to the social fund, which provides emergency aid to vulnerable people, mean that from April 2013 many local authorities will no longer be able to provide cash help to applicants. When the fund becomes devolved to local authorities, some are planning to refer clients to food banks. This is likely to lead to a significant increase in faith-based welfare.

Over the summer we have taken part in numerous radio debates with the Trussell Trust, which is highly professional and says it would not tolerate the religious conditions sometimes imposed in the US on recipients of food parcels. Its website states it serves “people of all faith groups and beliefs or none”, although – inevitably – some recipients resent being on the receiving end of charity, particularly in a religious setting.

This is of course much more than a secular issue. In a still relatively affluent country, the level of public funding for aid to the poorest in our society and the mechanisms for its delivery are key political questions. Are we about to see a return to Victorian-style charity-led poor provision?

NSS Campaigns Manager Stephen Evans has written to the Minister of State at the Department for Work and Pensions, seeking statutory safeguards to ensure that food banks and other similar services contracted by local authorities will not be permitted to discriminate in service delivery or in employment.

# Councils continue to drop prayers

There has been a steady stream of councils in England changing their procedures to conform to the High Court order we obtained forbidding councillors being summoned to take part in prayers during formal council meetings. The National Association of Local Councils has advised its members to conform to the Order and we understand that there is no longer a single council in Wales that includes prayers in its formal meetings.

Despite this, The Secretary of State for Communities and Local Government wrote an [article](#) for the *Telegraph* that said: “We have resisted a legal challenge by the intolerant National Secular Society to ban town hall prayers. We have changed the law to safeguard and entrench the right of councillors to pray at the start of council meetings should they wish.” It is regrettable that a minister of a democratic country deems it appropriate to abuse an organisation for seeking the opinion of a court – especially where the court finds in their favour.

Despite Mr Pickle's protestations, the court order

remains in place. As for the charge of “intolerance”, Mr Pickles is careful not to mention that, prior to the High Court hearing and indeed during it, we confirmed we were entirely happy with optional prayers prior to the meeting or a period of silent reflection during it. Hardly intolerant.

The Government has not attempted to have the court order rescinded, nor to have the courts confirm that this change in law made council prayers lawful during meetings – perhaps because Mr Pickles is worried they might lose on either or both counts.

Progress is being made north of the Border too. Highland Council maintains that it has changed its procedures to conform with the court order, but we suspect they do not: negotiations continue. Following a highly visible campaign by NSS council member Norman Bonney, perhaps the most symbolically important council, Edinburgh City Council, has quietly changed to an optional (and significantly less well-attended) “Time for Reflection” before the formal meeting.

## Religious arbitration tribunals

**Presumably because of the fear of losing votes, whether justified or not, successive governments have consistently and shamefully shied away from tackling matters that impinge even partly on the Muslim community, even when to do so seriously undermines protection of the vulnerable, especially women. Examples include female genital mutilation, forced and/or underage marriage, and marriage that is not civilly registered. We have campaigned on them all.**

**Women find obtaining divorces almost impossible in burgeoning Sharia tribunals, even if their husbands have been violent. The [Arbitration and Mediation](#)**

**[Services \(Equality\) Bill](#) has been drafted to stop the tribunals discriminating against women and also pretending to be courts. Predictably, however, the Government is lending no support for the Bill, but it continues to receive enthusiastic support from peers, and a second reading is scheduled for October.**

**The Bill was tabled by Baroness Cox. The executive director with NSS council member Anne Marie Waters continue to help her in this and they have also worked with the *Sunday Times* to highlight the Bill, as well as highlighting unregistered – and indeed, underage – Muslim marriages in the UK.**



## Alistair McBay joins the NSS team

Alistair McBay lives in Perth and will be advancing NSS campaigns in Scotland, campaigning on issues unique to north of the border, and working closely with Keith Porteous Wood and Stephen Evans on issues in the UK, Europe and beyond.



Alistair said: "I am looking forward to the challenge. Whether or not Scotland becomes an independent country, there will still be serious secularist issues, mostly in education. For example, our sectarian school system, religious observance in non-denominational schools and religious representatives in every local authority education committee. The more parents abandon religion, the harder the churches try to convert their children, even in publicly funded schools. There is much to do to reverse this insidious trend."

## Kirkin' it into touch

**The latest NSS Scottish campaign is against the 'Kirkin' o' the Council' parades and services of dedication for the newly-elected councils. President Terry Sanderson described the ceremony as "the church laying claim to the council as a Christian monopoly. This is unacceptable because it detracts from councillors and service users of other faiths and none feeling equally valued." Our criticism of the Kirkin' of Highland Council (based in Inverness) which for the first time involved school children, resulted in a hostile press in the north of Scotland media.**

## NSS members in Scotland meet at Holyrood

On 23 May, Honorary Associate Patrick Harvie MSP hosted a meeting at the Scottish Parliament in Edinburgh for NSS members in Scotland. NSS President Terry Sanderson led a discussion on the NSS's Secular Charter. He outlined different approaches to secularism around the world and explained why secularism should be embraced by those of all religions and none as a mechanism for ensuring equality for all.

There was also lively discussion about Terry's determination that the NSS should be concentrating on promoting secularism, rather than campaigning to dissuade people from their religion.

Terry and Patrick concluded on the importance of pressing hard for a secular constitution – whether or not Scotland opts for independence.

## NSS calls for child protection focus on religious institutions in Scotland

In July, Alistair McBay submitted an NSS response to the Scottish Government's consultation on the National Framework for Child Protection, Learning and Development in Scotland.

We analysed the painful history of sexual, physical and mental abuse of children in institutions run by religious groups and religious orders. Given their obdurate resistance to framing effective child protection measures in them, we warned that the dangers continue.

We called on the Scottish Government to ensure that law passed in Scotland by the Scottish Government – rather than Vatican Canon Law – takes primacy. We recommended that it be made a criminal offence to not report reasonable suspicions of child abuse to the secular authorities, and for supervisory employees or officers to facilitate child abuse by moving perpetrators on.

## Religious slaughter: TAKE ACTION!

Religious groups alone are exempted from animal welfare legislation requiring animals to be stunned before slaughter in order to minimise suffering. Both the Department of Food and Rural Affairs (DEFRA) and Scottish Government have just launched consultations on the implementation of a new European council regulation, which include consideration of whether stunning should be mandatory.

Regulation 1099/2009 allows Member States not to grant such an exemption. The Government claims to prefer all animals to be stunned before slaughter, but defends the continuation of the exemption on religious liberty grounds.

In Human Rights law, the right to religious freedom is not absolute. No exemptions should be made on religious grounds to animal welfare regulations which apply without exception to everyone else.

Please read the campaign briefing on our website and then respond to the consultation by calling for an end to the exemption. A link to the consultation is available on the campaign pages of the NSS website. The consultation closes on 24 October 2012. Find out more at

<http://bit.ly/DEFRAconsult>



# Government resisting pressure to protect against caste discrimination

The NSS took an active part in the campaigning which resulted in the introduction, under the previous government, into the Equality Act 2010 of a power enabling (through a ministerial order) caste to be included as a protected characteristic. This power was to be triggered if research showed evidence of discrimination that would be prosecutable under the Act if caste were to become a protected characteristic. The research uncovered such discrimination in employment, social and health care, worship and politics.

The Government has nevertheless resolutely refused to trigger the power. It has shamelessly defended

its refusal on the outrageous pretext that those of upper-caste disagree with exercising the power.

We identified that the UN's triennial examination of the British Government's human rights record presented an opportunity to put pressure on the Government to trigger the power. A condemnatory oral intervention drafted by NSS Executive Director Keith Porteous Wood was delivered on 20 September 2012 at the Human Rights Council by IHEU representative Josephine Mackintosh.

The intervention concluded with the sentence "I invite this Council to inform the UK that objections by



potential oppressors are a wholly unacceptable justification for further delaying the implementation of caste discrimination legislation."

We are continuing our work for the law to be changed with Honorary Associate Lord Avebury and other parliamentarians and campaigners.

## NSS welcomes new honorary associates

### Nia Griffith MP

An accomplished teacher and linguist, she has been an active trade unionist and community worker. She has been Labour MP for Llanelli since 2005 and is particularly interested in industry and climate change. She is of Irish birth and attended Somerville College, Oxford. Nia proved a very popular speaker at this year's NSS conference.



### Rt Hon Nick Brown MP

Brought up in Tunbridge Wells, Nick attended Manchester University. He has worked in advertising and as legal adviser to a trade union, becoming MP for Newcastle East in 1983. Mr Brown has been Minister of Agriculture, Fisheries and Food and Chief Whip in Labour Governments, and is a patron of Leeds Youth Opera.



## New Minister for Faith

In the September reshuffle, Baroness Warsi became "Minister for Faith and Communities", probably the only such position in a Western



government. Attacking secularism appears to be high on her job description. Tweeting from the United Nations she said: "The British government is a government that is proud to "do God".

national secular society **Bulletin**

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**NSS AGM**

All members are invited to attend the 2012 Annual General Meeting at 1.30pm on Saturday 24 November at [Conway Hall](#), London, WC1R 4RL. Registration will start at 1pm