

European Court rejects extension of religious privilege

The European Court of Human Rights has reached its decision in the highly anticipated case of *Eweida and Others v United Kingdom*. These were billed as the most significant rulings on freedom of conscience and religion in many years. They raised important issues in relation to the right to religious expression in the workplace in the UK and the reconciliation of freedom of conscience and religion with other rights, most notably freedom from discrimination.

The court dismissed the three cases that would have been the most damaging if they had been upheld. This included both cases involving Christian employees refusing to provide services to gay people equally. They were former Relate counsellor Gary McFarlane and civil registrar Lillian Ladele. Nurse Shirley Chaplin also lost, on health and safety grounds, the absolute right to wear a crucifix at work.

The only case upheld was that of Nadia Eweida – the British Airways check-in clerk who had not been allowed to wear any jewellery (including a crucifix) over her uniform while working at the check-in desk. However, the dismissal of Chaplin's case demonstrates that the "right to wear a cross" at work is still not absolute, and that on occasions there may be a perfectly legitimate reason for employers to interfere with a Christian's – or anyone else's – right to manifest their beliefs. The



Shirley
Chaplain



Gary
McFarlane



Lillian
Ladele



Nadia
Eweida

The court dismissed the three cases that would have been the most damaging if they had been upheld

significance of Eweida's 'victory' is reduced to the need for employers to think carefully about whether they could make an accommodation. That BA had already accommodated for minority faiths, and had indeed already backed down and changed its uniform policy to accommodate Eweida's demands, somewhat undermined the defence's case.

There were a large number of interveners coming from a religious perspective and generally supporting

all of the cases. These include a former archbishop, a number of bishops and a well-funded American evangelical organisation. We believe the NSS to be the only organisation to have been given permission to intervene to make the case that all these cases should be dismissed.

We remain convinced that had any of the other three cases been lost it would have led to the creation of a hierarchy of rights in human rights

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◀“European Court” continued

law, led by religion. This could have made it possible for guest houses to display “no gays” signs, not unlike the “no blacks, no Irish, no dogs” of the fifties.

It appears from the judgement, which specifically mentioned the NSS, that [our intervention](#) was influential. Indeed, the Court backed our central argument that discrimination law is not merely about protecting service provision but also aims to protect the dignity and equal citizenship of gay and lesbian individuals.

We are pleased to have had the opportunity to make this contribution to protect UK equality legislation, which is probably the most comprehensive in Europe and the common-law world. [The judgement](#) applies throughout Europe.



Keith Porteous Wood discusses the ruling on BBC News

The announcement prompted a media storm with blanket coverage for us on BBC, ITV and Sky News with the president giving 25 radio interviews and even one on Russian TV. At one stage a media team of five struggled to meet the demand for interviews.

Feel free to insult me! Government agrees to reform section 5

In an important victory for freedom of expression, the [Reform Section 5 Campaign](#) has succeeded in persuading the Government to remove the word “insulting” from Section 5 of the Public Order Act 1986.

In January, The Home Secretary told the House of Commons that the Government will accept a Lords amendment to remove “insulting” which passed by 150 votes to 54, despite opposition from the Conservative and Labour frontbenches. It was the lowest pro-government vote in this Parliament.

Theresa May told the House that the Director of Public Prosecutions, having looked back at past cases, could not identify anywhere the behaviour leading to a conviction could not be described as abusive as well as insulting. He advised the Government that the word “insulting” could safely be removed without the risk of undermining the ability of the CPS to bring prosecutions.

This followed intense lobbying by



Rowan Atkinson makes a persuasive appeal for reform of Section 5 in the House of Lords

the Reform Section 5 Campaign led by the Christian Institute and the National Secular Society. Major supporters included Rowan Atkinson and Peter Tatchell.

The change to the law will come into effect when the Crime and Courts Bill completes its passage through Parliament.

We thank all of our members that took the time to support this campaign. Together we’ve achieved an important and significant victory for freedom of expression.

Scottish Catholic adoption agency faces loss of charity status after NSS complaint

The Charity Regulator in Scotland has told St Margaret’s Children and Family Care Society in Glasgow that it will lose its charitable status if it doesn’t lift its ban on applications from gay couples.

An [investigation concluded](#) that such discrimination means that the charity does not fully comply with the Equality Act. The Regulator also ruled that it failed the charity test because “persons in same sex couples who might be suitable adoptive parents and serve the best interests of children are simply not considered by the charity and may be

dissuaded by such discrimination from entering the adoptive pool”.

The NSS complained largely because of the latter point, and as the majority of the funding comes from public money.

We accept entirely that the Church is entitled to pursue any lawful doctrine in its worship. But running adoption agencies for fees, however, brings with it obligations under charity and equality law designed to protect both the children and potential adopters. The Regulator has concluded, as we did, that this charity was not following the law, and appears so far to be unwilling to do so.

Our complaint follows a number of Catholic adoption agencies in England severing their links with the Church or closing down because they were not prepared to follow the law. Numerous appeals failed, which will have cost hundreds of thousands of pounds in legal fees which could otherwise have gone into funding adoption.

The Scottish government has voiced regret over the Regulator’s action, but – significantly – has not disagreed with the legal arguments underpinning them. The Equality Law was passed in Westminster for the whole of the UK.

Parliamentary Bill to restrict 'religious courts' supported by peers

The European Commission and the House of Commons have been reluctant to tackle anything that might restrict, however appropriately, the practices associated with minority religions, such as the growth in the sharia 'law'. Thankfully, peers in the House of Lords have taken a much more robust stance. Seventy of them have expressed overwhelming support for the Arbitration and Mediation Services (Equality) Bill to limit the power of self styled 'religious courts'.

The Bill specifically prohibits them from acting in a discriminatory way – often to the detriment of women and children. The Bill was introduced by Baroness Cox and supported strongly by the NSS with the help of council member Anne Marie Waters and executive director Keith Porteous Wood.

The Bill was given a [second reading](#) on 19 October, almost unopposed and with some very powerful speeches given by the many enthusiastic supporters.

As we expected, however, the Government is not keen to open up this can of worms, albeit it did acknowledge that it was looking at another related sensitive area: Muslim marriages that are not registered and therefore not valid in civil law.

Further progress for the Bill is unlikely without more independently-compiled research about the extent of the problems. Our latest initiative therefore is for the establishment of an official House of Lords committee to examine the issues which the Bill seeks to address.

NSS contribute to BBC review on impartiality

We have given evidence to the BBC's impartiality review of its 'breadth of opinion'. In a [formal submission](#) prepared by NSS president Terry Sanderson, the NSS has accused the BBC of a lack of impartiality when it comes to non-religious voices and of according religion a kind of fawning respect that no other section of society is granted.

In addition to the formal submission Keith Porteous Wood and Terry Sanderson held discussions with former broadcasting executive Stuart Prebble, who is leading the review, which will focus on the BBC's news, current affairs and factual output.

NSS urge greater protection of women's human rights at EU President's meeting

The NSS again participated in the annual EU presidents' lunch for leading non-religious and philosophical organisations, along with the recently elected president of the European Humanist Federation, Pierre Galand, and the president of the European Freethinkers, NSS member Alan Frommer.

This year's NSS delegation comprised of vice president Elizabeth O'Casey and Keith Porteous Wood. The topic which guests were invited to address around the presidents' table was 'Intergenerational Solidarity: Setting the parameters for Tomorrow's Society in Europe'. All eyes were on Keith Porteous Wood when he managed to steer [our contribution](#) to call for EU intervention over the

death of Savita Halappanavar, the woman who died in an Irish hospital after repeatedly being refused an abortion that would have saved her life.

Keith pointed out that one of the most striking features of the difference in attitudes between the older and the younger in much of Europe is in their attitude to religion – and arguably even more importantly – to sensitive social issues. On these, younger citizens tend to be very much more liberal than their elders.

Opinion polls reveal that only 4% of Catholics under 40 years old think that there should be no abortion, ever. Nevertheless, that is the stance their Church so strenuously campaigns for, including in the European Parliament.

The tragic death of Savita painfully highlights the awful consequences of that position when it leads to laws that can deny all women, not just Catholics, the right to abortion.

Keith told the EU Presidents that it was a scandal that this death could happen in Europe and that Ireland's laws could deny women's human rights in this way.

He called on the EU to apply pressure on Ireland to amend its laws so as not to breach "the right to life" enshrined in Article 2 of the EU Charter of Fundamental Rights.



NSS vice president Elizabeth O'Casey



Keith Porteous Wood with European Union leaders

Major breakthrough in campaigning for equality in Scouts and Girl Guides

Both the Scouts and the Girl Guides have launched consultations to ask their members, and the wider public, whether an alternative non-religious version of the Promise should be developed for those who feel unable to make the existing commitment.

In its present form, the Scout Promise requires scouts to “to do my duty by God”. The Girl Guides promise includes the line “to love my God”. The current wordings act as a religious barrier to full membership to a significant proportion of young people – and potential volunteers.

The Scout Association – which is not a religious charity – has made efforts to accommodate followers of many different religions, and in recent years we’ve been putting pressure on them to consider doing the same to welcome people of no religion.

The campaign has been a long one. We met with Derek Twine, the chief executive of the Scouts, five years ago to discuss this issue. That meeting didn’t yield any positive result, at least in the short term, but perhaps started a process of questioning and re-evaluation for them.

Last year we increased the pressure on the Scouts by publicly [challenging](#) Chief Scout Bear Grylls when he claimed in the media that scouting was for everyone regardless of their religion, ethnicity or belief. Responding to the NSS, the Scouts UK Chief Commissioner insisted that the “duty to God” was a “fundamental premise”.

Then, in October 2012, came the [case of George Pratt](#) from Somerset which perfectly highlighted the unfairness of the Scout Association’s position. Despite attending the local Scout troop that meets opposite his home for the past ten months, 11-year-old George was barred from full membership because he did not believe in God and didn’t want to make the Scout Promise in its present form. He was told that because of his atheist views, he would not be welcome to join or even continue attending meetings. This attracted yet

more negative publicity for the Scouts, in which we were widely quoted. On the back of that publicity, we launched a petition on the [change.org](#) platform calling on the Scouts to welcome non-believers.

Less than a month later, the Scouts announced a consultation designed to do just that.

Derek Twine, who retires as Scouts chief executive in April after 16 years at the helm, wrote a spirited article in *The Telegraph* arguing for equality for the non-religious, writing: *“No other group is excluded from the Scouts on the grounds of religion or belief. ... What’s the point of making some people feel hypocritical or dishonest if they take a Promise with which they fundamentally disagree?”*

Likewise, the UK Chief Commissioner demonstrated his change of attitude in a YouTube video, stating: *“perhaps now it is time for a change”* suggesting it was the *“right thing to do”*.

Their consultation closed on 31 January. We encouraged our members and supporters to take part and hope that it will result in a less discriminatory, more inclusive scouting movement that welcomes all youngsters equally – regardless of their religious beliefs, or indeed, lack of them.



“What’s the point of making some people feel hypocritical or dishonest if they take a Promise with which they fundamentally disagree?”

Girlguides

The Guides have always been less intransigent than the Scouts on the Promise issue.

In 2011 we were told by the Girl Guides leadership that the current promise which includes “to love my God” would be reviewed when “the time is right”. With the appointment of new a Chief Executive in November last year, we wrote urging her to consider the introduction of a secular oath. Pointing out that we entirely

supported the core values of tolerance, justice, respect and co-operation, we argued that there was no need to contextualise these in a religious framework. It appears we were pushing at an open door, as just a month later the Guides and Brownies also announced their consultation.

In an accompanying FAQ, the Guides pointed out that guiding has always been open to girls of all faiths and none, stating:

Campaign for Guides



Danny Lawson/PA Archive/Press Association Images

“Are some people feeling that if they take a Promise they are essentially disagree?”

“we have never been a Christian organisation.”

Unlike the scouts who are considering the introduction of an additional atheist oath, the Girl Guides appear to be moving towards one inclusive secular promise for all Guides. This consultation closes on 3 March.

Please take part and do what you can to ensure Girlguiding UK becomes true to its policy of being “fair, open and inclusive”.

European Commission to investigate NSS complaints about discrimination against non-religious teachers

The European Commission has agreed to investigate complaints submitted by the NSS concerning whether UK legislation around state funded ‘faith’ schools breaches European employment laws in relation to discrimination on the grounds of religion or belief.

The complaints centre on The School Standards and Framework Act 1998 (SSFA) and the extent to which it permits discrimination against staff employed in state funded ‘faith’ schools. The NSS has long argued that the level of discrimination permitted in ‘faith’ schools against non-religious teachers and those not of the faith of the school goes beyond that which is permitted by European Directive 2000/78/EC, which establishes a general framework for equal treatment in employment and occupation.

In Voluntary Aided religious schools in England & Wales, governing bodies can apply a religious test in appointing, remunerating and promoting all teachers. In Voluntary Controlled religious schools, up to one fifth of teaching staff (known as ‘reserved teachers’) may be the subject of such discrimination.

Under EU law, discrimination is only justified if the religion or belief of a teacher in the school constitutes a genuine, legitimate and justified occupational requirement having regard to the school’s religious ethos.

A similar complaint of ours concerning the Education (Scotland) Act 1980 relating to discrimination of staff employed in “denominational” (in effect Roman Catholic) schools is also being investigated by the EC.

As well as the law itself, our complaint drew attention to a recent case where a teacher who had been baptised as a Catholic but had become non-practising had been dismissed from a school in Glasgow. Because of her baptism, the diocese had only been prepared to accept a reference from her local parish priest who declined to give it because of her not practising.

The Church had even claimed in the Employment Tribunal that “there was no such thing as a non-practising Roman Catholic”. Her claim of indirect discrimination was dismissed by the Tribunal. Alistair McBay contacted and met with the teacher who kindly consented to our using her case to support our complaint, knowing that it might not change her own outcome but might prevent the same appalling treatment befalling others in the future.

We have also made a complaint about the equivalent law in Northern Ireland. The Commission has told us that it was already investigating this and would take our complaint into account.

The United Kingdom Government will now be approached for its reaction to our complaints.

National Trust amends controversial creationism exhibit

The National Trust has amended an exhibit at its Giant’s Causeway visitor centre which gave credence to the creationist perspective that the earth was created around six thousand years ago.

A statement issued last October by the National Trust said: “Having taken on board a wide range of feedback, and commissioned interpretive specialists to develop a suitable reflective piece, the National Trust has now amended the existing exhibit.”

We drew public attention to the previous exhibit after being contacted by members in Northern Ireland. Whilst the exhibit still makes reference to creationist views, it at least now makes clear that the scientific evidence, supported by the National Trust, completely contradicts the creationists’ belief that the Earth was created around six thousand years ago.

A big thank you to all supporters who got involved in this campaign!

Government confirms school worship guidance can be ignored

The Department for Education has confirmed that its own controversial guidance on Collective Worship, long opposed by the NSS, can now be ignored by schools. The guidance, published in 1994, stipulates that worship in schools “should be concerned with reverence or veneration paid to a divine being or power.” In a positive step, the DfE has said it is now leaving it up to schools to interpret the law as they see fit.

While we very much welcome the Government’s apparent confirmation of the irrelevance of this piece of guidance, we will again be pressing the Government to go further and consider abolishing the antiquated law that requires all schools in England & Wales to provide a daily act of worship of a ‘broadly Christian’ nature, as we did during the 2011 Education Bill.

NSS challenge plans to give Christians privileged access to community schools

The NSS has assisted local campaigners opposing proposals that would indirectly apply discriminatory faith-based admissions criteria to non-religiously designated schools.

Reigate Priory Junior, a community school in Surrey, and Tudor Grange Academy, a secondary school in Solihull, also without a religious character, are both proposing to change their admissions criteria to give priority to children attending two religiously selective Church of England primary schools, by naming them as ‘feeder schools’.

As neither school has been designated a ‘faith’ school, they do not benefit from the wide privileged exemptions from equality law granted to schools of a religious character.

Having taken legal advice, NSS campaigns manager Stephen Evans has written to Surrey County Council and the Executive Principal at Tudor Grange Academy, warning them that the plans are therefore likely to be unlawful, amounting to discrimination on grounds of religion and belief. He has also raised the matter with the Department of Education.

NSS highlight threat to homeowners from archaic ‘church tax’

People could soon find their homes and property worthless if it becomes subject to an ancient liability requiring the owner to contribute to the upkeep of the local church.

Chancel repair liability arose from the dissolution of the monasteries and is still enforceable, despite not being mentioned in deeds and not having been collected for centuries. The liability (to the Church of England and the (Anglican) Church in Wales) potentially affects the landowners of 3.5 million acres of land in England and Wales.

The problem was virtually unknown until the notorious [Wallbank case](#) in 1990 when Aston Cantlow parochial church council (PCC) demanded chancel repairs from the owner of a local farm. The case went to the House of Lords, with the encouragement

of the CofE Archbishops’ Council. The farm had to be sold to pay the repairs and legal costs which totalled nearly £500,000.

Under a 2002 law, chancel repair obligations will come to an end for purchasers of land from 13 October unless the Church has noted its interest in the particular property on the register at HM Land Registry by then. So far, 8,000 properties have been registered, and many properties will become virtually worthless.

At our suggestion, NSS honorary associate Nia Griffith MP drew attention to this in a debate on the topic in the House of Commons. In winding up the debate, Parliamentary Under-Secretary of State for Justice, Helen Grant, made it clear that the Government would not contribute to any compensation for victims. Nia and NSS executive director Keith

Porteous Wood have discussed the matter with the Minister and at length with the head of civil law at the Ministry.

Keith has proposed that law be eventually changed to phase out chancel repair liability, but meanwhile that landowners be given the option to buy out their liability to the Church for a proportionate cost – say 1% of the value of the property. Outrageously, the PCC can currently claim the entire chancel repair costs from one landowner, leaving them to recover, if they can, the amounts due by others. Under Keith’s proposal, the Church would lose this right.

Keith has also sent a copy of his proposals to the Secretary General of the Archbishops’ Council and the Church’s representative in the Commons, Sir Tony Baldry MP.

Secularism defended during Lords debate on religion

The Liberal Democrat peer Baroness Falkner of Margravine, who has recently become an Honorary Associate of the NSS, has given a spirited defence of secularism during an otherwise largely deferential [debate about the role of religion in public life](#).

We were delighted that she offered to speak to offer some alternative views, which we were happy to discuss with her. She clearly attracted peers' attention when she observed that:

"Separating religion and state enables those of all religions and none to participate as equal citizens. The fight for that equality, which we now take for granted, has been fought over hundreds of years by non-conformists, Catholics, Jews, and non-believers. In fact, in the 1880s the founder of the National Secular Society, the Liberal MP Charles Bradlaugh, was obstructed from taking his elected seat in [the Commons] four times because of his non-belief, and was responsible for the Oaths Act 1888 which ended this affront. We take the Bishops' Bench rather for granted as something very normal, but, in international terms, it could hardly be less so. We sit in the only Parliament in the world that gives



Baroness Falkner of Margravine

bishops the right to sit."

While Lady Falkner accepted that religions have just as much right to express their views as anyone else, their views should not be given greater weight than anyone else's in framing public policy and law. She observed that as society becomes more multi-religious the importance of secularism is becoming more widely understood; separating religion and state enables those of all religions and none to participate as equal citizens.

She concluded that "religions should not have privileged positions to restrict others' freedoms – something that they do far too often".

Honorary Associate Baroness

Flather, who declared herself as a secularist, joked that she was "pleased that the noble Baroness, Lady Falkner, put in a word or two that did not quite pass for praise of religion."

Winding up the debate, the Minister for Faith and Communities, Baroness Warsi, again stressed the "vital role" religion plays in British society. To underline the importance attached to religion by the Government she then went on to point out the vast amounts of money they are spending on various interfaith projects.

Lady Warsi said the Government was committed to maintaining the status of religious education as a compulsory subject that all pupils must study, and to the provision of collective worship in schools, and made the obligatory dig at our council prayers judicial review.

She concluded:

"When I first set the tone for this Government's faith agenda in 2010, declaring that we would "do God", many warned that this was something that a government Minister should not say. Two years on, I am heartened to see that so many Ministers have got behind this agenda, and our actions demonstrate the importance that we attach to the role of religion in British society."

Successful re-launch for Lawyers Secular Society

The Lawyers Secular Society has successfully re-launched with NSS member Charlie Klendjian taking over the secretarial role from LSS founder and former NSS vice president, Carla Revere.

David Wolfe QC, who acted for the NSS in our High Court council prayers victory, spoke at the re-launch event, where senior legal professionals discussed ways in which the LSS could help to promote progressive law and policy making that advances equal rights for all. Further meetings have been exceptionally well attended and interest in the LSS is mushrooming following a supportive article in a professional magazine. A series of future meetings is being planned.

The LSS is open to barristers, solicitors, legal academics, legal professionals and law students, either religious or non-religious, who are 'committed to secularism'. To find out more visit the website at www.lawyerssecularsociety.org



Charlie Klendjian and Sundas Hoorain of the Lawyers Secular Society

NSS welcomes new honorary associates



Baroness Falkner of Margravine

Kishwer Falkner is a Liberal Democrat politician and Life Peer. She is the lead Liberal Democrat Spokesperson for Foreign

Affairs in the House of Lords. Born in Pakistan, and after living and working in the Middle East, Lady Falkner moved to the UK in the late seventies. She recently gave a spirited defence of secularism during an otherwise largely deferential House of Lords debate about the role of religion in public life.

Geoffrey Robertson QC

Geoffrey Robertson is founder and head of Doughty Street Chambers, one of the UK's leading human rights practices. His book the *Case of the Pope* helpfully included authoritative confirmation of the Executive Director's assertions at the UN Human Rights Committee that the Vatican had broken, in relation to child abuse in Roman Catholic institutions, multiple (actually six) Articles of the UN Convention on the Rights of the Child. His latest book, *Mullahs Without Mercy*, explores disturbing questions about Iran's potential for acquiring the bomb.



Dr Julian Huppert MP

Julian Huppert was elected as Liberal Democrat MP for Cambridge in 2010 with a majority of 6,792. In Parliament Julian has championed the cause of science and evidence-based policies. Julian has tabled an Early Day Motion in Parliament which called on the Government to repeal the requirement for compulsory worship in schools and to encourage schools to hold educational assemblies that will include all children. He also lent his support to the successful campaign to reform Section 5 of the Public Order Act.



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