

NSS challenges multiple threats to freedom of expression

Freedom of expression, one of the most precious pillars of our liberal democratic society, is being undermined throughout public life in the UK.

In recent months we have seen the Government proposing to outlaw 'annoying' behaviour; a parliamentary candidate threatened with death for posting on Twitter a cartoon satirising religion; university students intimidated on campus for wearing t-shirts of that same cartoon – which was subsequently censored by national news broadcasters; and the concept of free speech being so distorted so as to legitimise gender segregation at universities.

The National Secular Society is at the forefront of challenging this increasing climate of censorship demanded by the reactionary views of religious extremists who are encouraged by the willingness of un-thinking apologists to accommodate.



Jesus and Mo

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Accommodation of Islamic extremism challenged in UK universities

A couple of recent incidents concerning UK universities have sparked a national debate over free expression, and the extent to which universities are pandering to the sensibilities of Islamic extremists on campus.

Censorship: on campuses and in the media

The first incident occurred during the Freshers' Fair at the London School of Economics.

Two representatives of LSE's Atheist, Secularist and Humanist Student Society (ASH), President Abhishek Phadnis and Secretary Chris Moos, were told they would be physically removed from the fair unless they covered up the t-shirts they were wearing which were deemed "offensive" by student union officials. The t-shirts featured images from the award-winning satirical *Jesus and Mo* cartoon. Student Union officials removed materials from the Society's stand. A member of the LSE Legal and Compliance Team and Head of Security told the members of ASH that their wearing the t-shirts could be considered "harassment", as it could "offend others" by creating an "offensive environment", and that they were not behaving in an "orderly and responsible manner". The students eventually complied with demands to cover the t-shirts, but were closely followed by security guards for the remainder of the day.

In a written statement responding to the incident, Phadnis and Moos denied the accusations, adding: "Our right to free expression and participation in the LSE student community is being curtailed for no other reason than that we are expressing views that are not shared by others".

In November, with NSS and BHA support, the two students then instructed their solicitors to lodge an official complaint with the LSE. Its director's public apology stated that: "LSE takes its duty to promote free speech very seriously, and as such, will discuss and learn from the issues raised by recent events". He acknowledged that, with hindsight, the wearing of the t-shirts on this occasion did not amount to harassment or contravene the law or LSE policies. Although asserting that members of staff had acted in good faith and sought to manage the competing interests of complainant students and the ASH representatives "in a way that they considered to be in the best interests of all parties on the days in question", he accepted that "there was a misapprehension or misjudgment as to what was appropriate".

The apology was welcomed by the National Secular Society and the students, whom the NSS had been actively supporting with their appeal. However, we also shared the students' disappointment that it took the threat of legal action to elicit an acknowledgement of their grievances, "and that no apology has been forthcoming from the LSE Students' Union, whose grave misconduct began this chain of harassment".

In January, the *Jesus and Mo*



Abhishek Phadnis and Chris Moos

confrontation was discussed on the BBC's *The Big Questions* programme. Phadnis and Moos participated, as did Maajid Nawaz, Liberal Democrat Prospective Parliamentary Candidate (PPC) for Hampstead and Kilburn and co-founder and chair of the anti-extremism think tank Quilliam. Following the broadcast, Nawaz tweeted the cartoon, saying that he didn't find it offensive.

Reacting to the tweet, Mohammed Shafiq of the Ramadhan Foundation, Muslim commentator Mo Ansar and Bradford Respect MP George Galloway took to Twitter calling for Nawaz to be removed as a Liberal Democrat PPC. A petition was launched calling on LibDem leader Nick Clegg to remove Nawaz. Chris Moos countered this with one calling on the LibDems to give Nawaz their full support. In response, Nick Clegg said that while it is important to show respect to people of all faiths and none, Nawaz would not be dropped as a parliamentary candidate.

Gender Segregation

Nationwide concern has been expressed that universities are pandering to the demands of extremists, following publication of university guidance on external speakers who speak on campus, and the appropriateness of gender segregation.

In November, vice-chancellors' group Universities UK (UUK) advised that segregation by gender in talks from external speakers is probably lawful, as long as men

and women are sitting on a "side by side basis" and neither party is at a disadvantage.

UUK argued that by not implementing gender segregation, free speech could be curtailed since speakers who want a segregated audience will no longer want to speak. The NSS rejected the notion that a speaker's right to free speech should extend to his or her determining that an audience be segregated on gender grounds.

UUK withdrew its guidance following a large protest by students and human rights campaigners, including the NSS and a number of politicians, including David Cameron.

The Equality and Human Rights Commission (EHRC) is now assisting in the revision of the guidance.

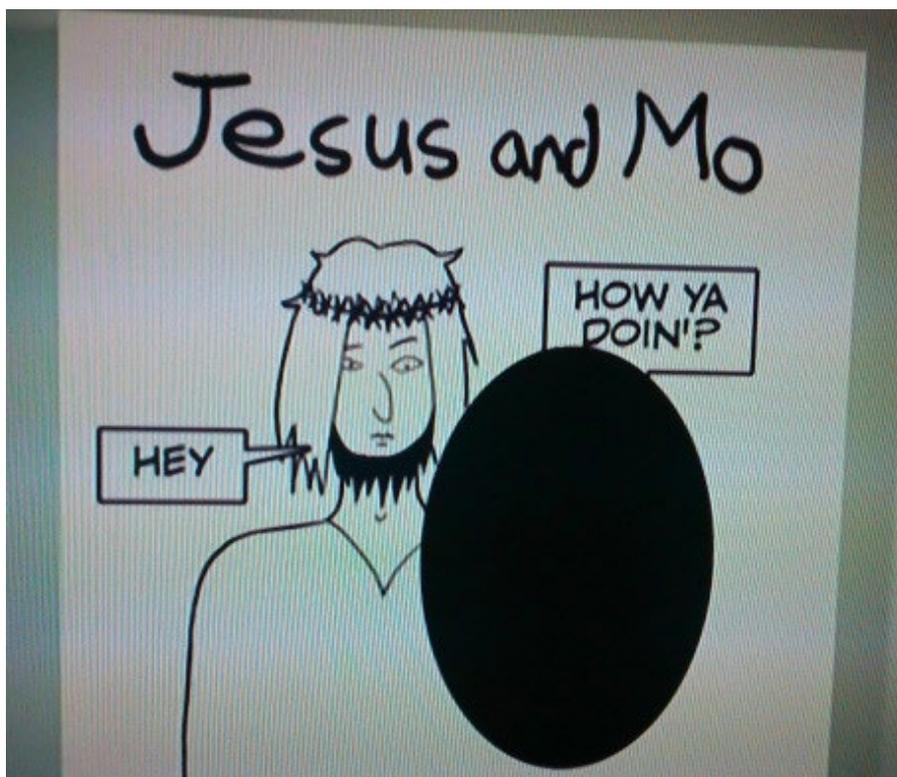


Maryam Namazie at the protest

Censorship of Jesus and Mo on Channel 4 News

When covering the ongoing dispute over the Liberal Democrat candidate Maajid Nawaz's use of the *Jesus and Mo* cartoon image on Twitter, Channel 4 News covered-up the picture of Mo. We wrote an open letter to the editor to express our deep concern about this decision.

We argued that Channel 4's report was complicit in the curtailment of freedom of expression and stereotyping Muslims as being inherently prone to extreme reactions. In justifying its action on the grounds of potential offence caused, Channel 4 had neglected to consider the offence it caused to the many, Muslim and non-Muslim, who value free expression. Our letter also highlighted the risk of creating a dangerous precedent, and stressed the importance of UK broadcasters upholding free expression when blasphemy is still punishable by death in some countries. In its response, Channel 4 reiterated that it did not want to cause offence to its audience.



The censored cartoon as it appeared on Channel 4 News

Freedom of expression protected through secular and religious organisations working together

Under the banner of *Reform Clause 1*, the National Secular Society, the Christian Institute and the Peter Tatchell Foundation successfully campaigned against a Government proposal to hand police new powers to clamp down on “annoying” behaviour. Ministers had wanted to replace anti-social behaviour orders in England and Wales with much more easily-obtained injunctions to prevent nuisance and annoyance (IPNAs). The plans, contained in Clause 1 of the Anti-social Behaviour, Crime and Policing Bill, would have imposed injunctions on anyone engaging, or threatening to engage, in “conduct capable of causing nuisance or annoyance to any person”.

While we are of course sympathetic to the Government looking to control the problem of

anti-social behaviour, we argued that the state should not outlaw annoying behaviour, and that Clause 1 represented a serious threat to public protest and free speech. Freedom of expression must include the freedom to annoy, and to legislate otherwise would undermine one of our most precious freedoms.

The former Director of Public Prosecutions, Lord (Ken) Macdonald QC, described the Government's plans for these new civil injunctions as amounting to gross state interference with people's private lives and basic freedoms. Liberty and Justice both expressed great concern about Clause 1 of the Bill, as did the Parliament's Joint Committee on Human Rights.

In early January, the campaign had its first success, when the House of

Lords rejected Clause 1 by voting for an amendment tabled by the crossbench peer with whom we were working, Lord Dear, to raise the threshold of what can be considered “annoying”.

Ahead of the vote, we wrote jointly with the Christian Institute to peers expressing serious concerns about threats to free expression posed by the proposals. We also discussed these concerns formally with Home Office minister, Norman Baker.

A few weeks later, the Government made a U-turn announcing it was to abandon its plans to replace anti-social behaviour orders with injunctions to prevent “nuisance and annoyance” and restore the original Asbo test, requiring a “harassment, alarm or distress” test before a court can grant an injunction.

Catholic Church held to account over child abuse at the UN

The world's media were out in force on 16 January to witness the historic first-ever public examination of the Vatican by the UN committee on the Rights of the Child, principally over child abuse and other forms of violence against children.

The Vatican fielded as their spokespersons for the all-day hearing Msgr Scicluna, until recently the Vatican's chief clerical sexual abuse lawyer, and Msgr Tomasi, head of its UN mission.

The High Commission's grand chamber in Geneva was packed, probably as never before, with victim groups, victims and lawyers as well as reporters and TV crews.

The forensic questions posed by the Committee over child abuse and Ireland's Magdalene Laundries were answered evasively, with the Vatican shamelessly maintaining they had no responsibility under the Convention for the worldwide activities of the Catholic Church.

Three weeks after the examination, the Committee published its concluding observations showing it completely rejected this interpretation of the Convention and had not been taken in by practically anything the Vatican representatives had said. Its denunciation of the Holy See's lamentable role was a refreshingly frank one, with it specifically requesting its observations be shown to the Pope.

The Vatican will be held to account for the implementation of the Committee's recommendations, which included:

- "mandatory reporting of all suspected cases of child sexual abuse and exploitation to law enforcement authorities", regardless of current Canon law
- "Ensure a transparent sharing of all archives which can be used to hold the abusers accountable as well as all those who concealed their crimes and knowingly placed offenders in contact with children"
- "Immediately remove all known and suspected child sexual abusers from assignment and refer the matter to the relevant law enforcement authorities for

investigation and prosecution purposes"

- an independent investigation of "all cases of child sexual abuse as well as the conduct of the Catholic hierarchy in dealing with them" with the outcome to be published
- "amend Canon law" that "impose[s] an obligation of silence on the victims and on all those that become aware of such crimes"
- "Provide compensation to victims of sexual abuse committed by individuals and institutions under the Holy See's authority without imposing any obligation of confidentiality"
- "Ensure that child victims and witnesses of crimes are provided with psycho-social support



Keith Porteous Wood interviewed on BBC News

"The Holy See's still playing hardball and evading its responsibility under the Convention for activities which it controls worldwide. I also think it's a test of the new pope. He's getting a wonderful press at the moment, but the reality is that we haven't seen anything that is any change from the previous regime, apart from the smiling face."

– Keith Porteous Wood – Agence France Presse

for their rehabilitation [and] reintegration ... not ... preventing children from reporting to national law enforcement authorities..."

There was also harsh criticism, and action called for, relating to the Church's "removal of babies from their mothers" and selling them for large sums to foster parents. The babies were mainly from Spain, but also from the Magdalene Laundries in Ireland (as depicted in the recently-released film *Philomena*), whose forced labour was also the subject of a lengthy section on torture.



Holy See representatives at the UN hearing

The NSS submitted written evidence and was cross-examined by the Committee. The NSS's executive director, Keith Porteous Wood, also attended the public hearing and gave numerous interviews to the international media. The NSS was extensively quoted nationally and internationally in the wide media coverage of the Committee's concluding observations.

The Executive Director's contention that the Pope would be judged on his handling of this issue was carried by several media outlets including the BBC. The BBC's religious affairs correspondent, Robert Pigott, told viewers that the Committee's "powerful moral voice was one even the Pope cannot ignore".

Scottish Catholic adoption agency avoids deregistration as a charity

St Margaret's Children and Family Care Society faced deregistration as a charity after being found by the Office of the Scottish Charity Regulator (OSCR), in a carefully argued opinion, to have broken equality law by discriminating against prospective adoptive parents on grounds of sexuality, and charity law by not acting in the child's best interests. The OSCR had acted following a complaint filed by the NSS's lawyers.

After lengthy hearings, the Scottish Charities Appeal Panel (SCAP) has overturned this finding. It only did so after the Catholic charity gave evidence that it "does not have an absolute ban against those of same sex orientation" and civil partners "would be treated in the same way as a married couple". Elsewhere in the evidence, however, it was indicated they would be "accorded" "lower priority". No consideration was given to whether, as other charities such as Barnardos believe, that children's best interests are best served by not arbitrarily restricting the pool of prospective adoptive parents, who are in particularly short supply for hard-to-place children.

The "not hav[ing] an absolute ban" and "lower priority" appear to be far from non-discriminatory. The latter was deemed lawful as "a proportionate means of achieving

a legitimate aim", largely based on the charity being religious.

We are also troubled by the novel assertion of group, as opposed to individual, rights in the decision: "The [European Convention on Human Rights] allows [the charity] to express its religion either alone or in community with others and to manifest its belief in teaching, practice and observance. ... it manifests its religion in its approach to family and also in the way in which it carries out its adoption service."

It concluded that these Convention rights took precedence over the provisions of the Equality Act, and that a breach of the Act would not automatically lead to the charity failing the requisite public benefit test.

Our analysis that the decision "kicks a hole right through the middle of the Equality Act" was reported in the press and electronic media, which identified the NSS as the original complainant.

The SCAP decision was made after hearing legal representations from the charity, OSCR and the Equality and Human Rights Commission. Fortunately, however, SCAP is not a court, so the decision does not create a legal precedent. We are investigating what further action, if any, is possible and appropriate.

Religious lobbying against reproductive rights in the European Parliament

After a well-organised and extensive campaign by religious conservatives and extremists, the European Parliament has rejected a progressive Report on Sexual and Reproductive Health and Rights.

Along with many secular groups across Europe, the NSS had urged MEPs to approve the report, which highlighted the need to increase the fight against gender-based violence

and sexually transmitted infections, and advocated the right of women to make their own informed choices on their sexual and reproductive life, including access to contraception and abortion. Instead of backing the report, MEPs voted for a centre-right and far-right resolution that now undermines any further role of the EU in the area of women's rights.

This development comes in the

context of other recent efforts by conservative Christians to undermine the sexual and reproductive rights of women. One of these was the European citizens' initiative "One of us" – which, if implemented, would ensure that the EU does not provide any funds to embryonic stem cell research, IVF treatments that involve the destruction of embryos, or abortion provision of any kind.

NSS intervenes to prevent community school takeover

In December we successfully assisted local parents in blocking a proposal to convert a community school in Suffolk to a Church of England voluntary aided 'faith school'.

The proposal to take on a religious character appeared to be driven by the local authority-appointed school governor, who is also the local Church of England vicar, with the active backing of the Diocese of Norwich.

Local parents opposed to the plans contacted the NSS after being given the impression that the conversion was a *fait accompli* following a consultation exercise carried out by

the Diocese.

In a formal submission to Suffolk County Council we presented evidence that there was no real demand for a church school and that the proposal served the Church rather than the needs of local families and the population of Suffolk as a whole.

We also argued that the consultation process was biased by failing to inform parents of the significant implications of converting the status of the school. This clearly contravened Government guidance requiring those bringing forward proposals to "provide sufficient information for those being

consulted to form a considered view on the matters on which they are being consulted".

Just days before the school was set to formally adopt its new status, Suffolk County Council rejected the governors' application. While it had no objection in principle to the school changing status from community to voluntary aided, the demand from the community for voluntary aided school places had not been demonstrated.

We will continue to campaign against attempted takeovers of existing community school provision by religious bodies. If you become aware of any, please let us know.

Creationism accommodated in the classroom

In our previous *Bulletin* (Autumn 2013) we reported our uncovering of a state funded religious school censoring questions about evolution on science exam papers.

Alarmingly, our enquiries have shown the Government and the OCR exam board to be complicit in the concealing of key scientific knowledge from pupils – denying them the right to answer exam questions deemed by the school to be incompatible with its religious ethos.

In a letter to the NSS following the detection of exam malpractice we had exposed, Elizabeth Truss MP, Parliamentary Under Secretary of State for Education and Childcare, assured us that the exam board in question had proposed a "proportionate and reasonable response".

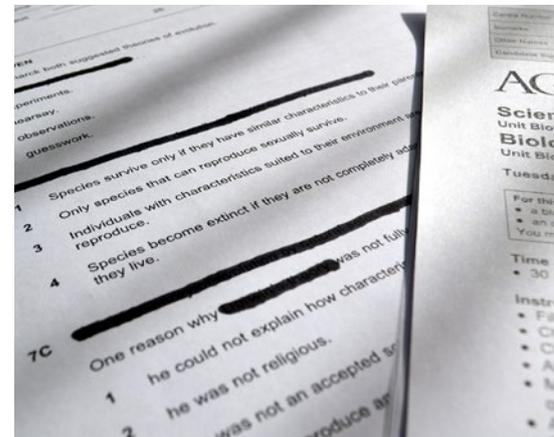
However, the response from our FOI request to Ofqual, the exam board regulator, revealed that this amounted to exam boards coming to an agreement with schools, "stipulating how, when and where the redactions take place, but at the

same time respecting their need to do this in view of their religious beliefs".

It is neither reasonable nor acceptable for an exam board to collude with religious groups in censoring exam papers in any school, whether or not the school concerned is in receipt of state funding. The integrity of public examinations is undermined if some candidates have a restricted range of questions.

The censoring of key scientific concepts from school science lessons and exams by religious organisations pursuing their own religious agenda compromises children's education. It also reveals a lack of governmental concern over minority faith schools not preparing pupils for life in wider British society.

The pressure for such redaction heightens our worries that religious precepts are strongly influencing science lessons in some minority faith (and possibly also minority denomination) schools. Our FOI exposed both the Government's lack of rigour on this, and its keenness



to keep this issue out of the public eye. Given this, it is difficult to have confidence that the Government and associated agencies will ensure that all schools teach the new science curriculum in full when it is introduced later this year. It seems that, with science as with sex education, the Government may be complicit in depriving those pupils most in need of it. This only strengthens our argument that no publicly-funded school should be run by a religious organisation.

Campaign to abolish chancel tax

We've been actively campaigning for the abolition of chancel repair liability, an archaic tax dating back around 500 years but recently revived and potentially reducing the value of properties or their saleability.

Under laws originating with Henry VIII's dissolution of the monasteries, property owners still face liabilities to repair their local Anglican church, even though the liability is not mentioned in their title documents.

After Henry VIII dissolved the monasteries and the land was sold off, liability for repairs of the chancel (the section used by the choir and the clergy) was often passed on with ownership of that land.

Chancel repair liability (CLR) gradually fell into disuse over ensuing centuries, but the matter came to public attention in 2003 following the case of *Cantlow v Allsoburn* when almost £100,000 was demanded from Andrew and Gail Wallbank for repairs to their local church. After a protracted legal battle, the House of Lords found in favour of the Parochial Church Council (PCC) (the trustees of the local Church of England parish), leaving the Wallbanks with a £400,000 bill including legal costs. They were forced to sell their farm to meet the costs.

Following the case, the Government introduced compulsory registration so purchasers could identify land subject to CLR and to give notice of a PCC's claim to levy CLR. The Church and English Heritage informed parishes they had a duty to register properties. However, only around 250 parishes, out of many thousands who could have, registered any CLR. Some did not do so because of practical difficulties, others for fear of upsetting parishioners. And, indeed, the Church and English Heritage now accept that Parochial Church Councils can decline to register if they can demonstrate that to do so would seriously undermine their Church's mission.

Registrations have been made on 12,000 properties. For those whose land has been registered, the potential consequences could be to reduce the value of their house or land or even its marketability.

Both the Law Commission and the Law Society have considered CLR and concluded that the only equitable solution is for it to be phased out.

Despite this, abolition has not taken place. The Church does not want to forego CLR which it considers — whatever its origins — as an enforceable civil liability



of landowners who knew or should have known about it. The Church justifies its position by pointing to the very high proportion of grade I listed buildings in its care which need to be maintained, most of which are financed by parishioners.

Similarly, the Government has confirmed to us at Ministerial level that it would be unwilling to bridge the funding gap by introducing a levy — temporary or not — as a *quid pro quo* for abolition.

We will continue to pursue our ultimate aim of removing this unfair and anachronistic form of ecclesiastical taxation, but in the meantime our executive director has been working with MPs, the Ministry of Justice and the highest levels of Church administration to pursue mitigating solutions for homeowners, both at national and local level.

Male circumcision and the limits of religious freedom

The National Secular Society has continued to highlight the troubling practice of male circumcision on babies as an abuse of freedom of religion. We argue that that as a medically unnecessary, and potentially dangerous, surgical procedure at an age when a child cannot consent, circumcision on babies constitutes a breach of a child's human right to physical integrity, for which there is no justification in healthy children.

In October last year, two resolutions condemning the practice of male circumcision were passed:

- the Parliamentary Assembly of the Council of Europe (PACE) passed Resolution 1952 (2013) condemning male circumcision as a human rights violation, by a vote of 78 to 13, with 15

abstentions, and

- Nordic ombudsmen for children, Nordic paediatricians, and paediatric surgeons agreed a resolution urging their national governments to work for a ban on non-therapeutic circumcision of underage boys.

The PACE resolution called male ritual circumcision a “violation of the physical integrity of children”. The former rapporteur on Social Affairs, Health and Sustainable Development, Marlene Rupprecht, noted in a report to the Council the dangers associated with the practice, such as infections, organ curvatures, perforated urethras and other irreversible damage from wrongly applied bandaging.

Some religious groups have claimed that the Council's decision

to condemn circumcision restricts the right to freedom of religion.

After hearing reports that the Council was to revisit its resolution, the NSS, the Secular Medical Forum (SMF) and the International Humanist and Ethical Union (IHEU) wrote jointly to the President of PACE urging it to retain the resolution as worded. We also noted that the United Nations Committee on the Rights of the Child regarded the circumcision of young boys as a form of “violence against children” in its concluding observations regarding Israel's compliance with the UN Convention on the Rights of the Child.

We are pleased to report that a follow-up hearing of the Assembly on the issue of male circumcision at the end of January did not result in any change to the resolution.

Lobbying Bill

An unprecedented number of campaigning groups, including the NSS and many charities, have united to resist the threat to their activities posed by the Government's lobbying bill, now the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014.

The bill was ostensibly aimed at preventing affluent candidates "buying" seats in parliament and curbing the activities of professional lobbyists. Much harder hit, though, was an undisclosed target: campaigning groups, many of whom have been an inconvenience to the Government.

An unprecedented alliance of approaching 200 groups, also involving the online campaigning group 38 Degrees, brought together those often diametrically opposed, such as the Countryside Alliance and the League Against Cruel Sports, and also the NSS and the Christian Institute.

This alliance was instrumental, with the help of peers and NSS honorary associate Graham Allen MP, in forcing Government concessions. These included raising the minimum spending threshold that triggers the need to register, raising some overall spending limits and reducing the period for which campaigning is restricted ahead of the 2015 General Election. Crucially, the Government conceded the alliance's call for a post-general election review of all the legislation that applies to organisations campaigning during elections.



Full-page adverts in the national press called on MPs and peers to reform the Lobbying Bill

national secular society **Bulletin**
Issue 56 | Spring 2014
 National Secular Society
 25 Red Lion Square,
 London WC1R 4RL
 Telephone: (020) 7404 3126
 Email: enquiries@secularism.org.uk

Secularist of the Year 2014: the shortlist

This year we have a remarkable list of deserving nominees for Secularist of the Year, with its £5,000 Irwin Prize. Tickets are still available for the lunch and presentations which will be held in central London on Saturday 29 March, finishing at 4pm. Tickets for what promises to be a memorable occasion are priced at £45 and this includes a 'Jesus & Mojito' welcome cocktail and a three-course meal with tea or coffee. Tickets can be purchased online via our website or from the NSS office by making a cheque payable to 'National Secular Society' and sending it to NSS, 25 Red Lion Square, London WC1R 4RL – and please remember to indicate any special dietary requirements. This year's prize will be presented by Shadow Minister for Foreign and Commonwealth Affairs, Kerry McCarthy MP.



Nick Cohen



Jem Henderson



Safak Pavey



Abhishek Phadnis and Chris Moos



Gita Sahgal



Dan Snow

The Shortlist

Nick Cohen – for his eloquent and passionate defence of free speech and for consistently standing up for secularist principles in the media.

Jem Henderson – for standing up for the rights of all Girl Guides to take the new secular oath after her local guide leaders refused to drop God from the promise. One person who nominated Jem described her as "an inspiration" and praised her "tremendous courage and integrity" for standing up to powerful public figures and organisations opposing her in the media.

Safak Pavey, member of the Turkish Parliament – for consistently standing up in defence of secularism in Turkey as the Islamist-leaning Government tries to dismantle it. In 2012, she was awarded the International Women of Courage Award by Hillary Clinton

on behalf of the US Department of State.

Abhishek Phadnis and Chris Moos (jointly) – for bravely challenging Islamist groups, their own university (LSE) and Universities UK over important and fundamental issues such as free speech and gender segregation.

Gita Sahgal – for her advocacy of secularism and tireless activism against fundamentalism, blasphemy laws, restrictions on free speech and violence against women. Gita was co-founder of Southall Black Sisters, Women Against Fundamentalism and more recently the Centre for Secular Space.

Dan Snow – for promoting a secular vision for the national ceremony of remembrance and challenging the Church of England's dominant role at the Cenotaph.