

Article 9

RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION



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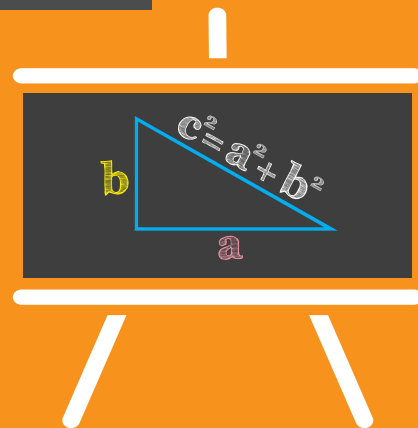
RIGHT NOT TO BE DISCRIMINATED AGAINST



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With the future of equality and Human Rights laws up for debate, this issue focuses on their importance to our work and the role of secularism in protecting Human Rights and equality for all.

DATES FOR YOUR DIARY:

Annual General Meeting 2015
Saturday 28 November

Secularist of the Year 2016
Saturday 26 March

Secularism 2016: past, present, future
– our 150th anniversary conference
Saturday 3 September

From the president:

Equality laws are fair to everyone – despite claims to the contrary



Over the last several decades equality laws have sought to end the unfair treatment of traditionally disadvantaged people in this country. People with disabilities now have the right to be treated in the same way as everyone else when they apply for jobs or access to services; women can seek redress if they are treated differently from men in the workplace; people from minority ethnic backgrounds have legal protection from the crude discrimination which once was a daily reality in Britain. Gay people can no longer be turned away from hotels or shops simply because they are gay.

I remember before the equality laws were introduced, when such acts of petty, humiliating discrimination were commonplace. When we see the way that women, homosexuals and people from different races are treated in other places and other times, we should be proud as a society to have such progressive legislation on our statute book.

Sadly, over the past few years there has been a sustained campaign by organisations such as The Christian Legal Centre and the

Christian Institute to give religion – specifically Christianity – a different, privileged, status in equality law.

They've argued, through endless failed court cases, that religion must be given special exemptions. They claim that a "conscience clause" that would permit them to continue to discriminate against homosexuals is necessary.

The National Secular Society has argued that granting more such exceptions – for there are already too many, as you can read elsewhere in this *Bulletin* – would make a mockery of our equality laws.

A fringe minority of Christians claim that "religious freedom" is violated when they cannot refuse services

to gay people, or cannot deny them jobs or accommodation. Remarkably they claim that by not being able to discriminate they are themselves discriminated against.

So far, the courts have not bought into this idea. When religious "rights" and gay rights come into conflict, the justice system has struck a reasonable balance and generally said "no" to the Christian Legal

Centre's claims.

This doesn't mean individual Christians are not protected from unjust treatment. The recent case of Sarah Mbuyi was proof of that. She was fired because she upset a lesbian colleague with critical comments that emanated from her religious beliefs. The employment tribunal found in Ms Mbuyi's favour,



and we agreed with its verdict. Ms Mbuyi was treated unfairly, particularly as the gay woman involved had not complained.

Our equality laws are a great achievement and are working well to the advantage of all.

We should stand firm against the battering that they are receiving from these few determined Christian activists.

NSS calls on new Justice Secretary to clarify position on veils in court

In May we wrote to Michael Gove urging him to ensure that clear instructions are issued prohibiting face coverings in court.

The issue first arose in 2013 when Judge Peter Murphy at Blackfriars Crown Court allowed a Muslim defendant to wear a face covering while in court, when not giving evidence. He did so after much deliberation, and urged for specific guidance.

Later in 2013 the Lord Chief Justice acknowledged this "was an important issue" that many people "found divisive" and "has to be addressed." We were informed by HM Courts & Tribunals Service that he was considering guidance and that a

public consultation would "shortly be opened". The consultation failed to materialise and no directions have been issued.

We believe judges, court officials, barristers, solicitors, jurors or witnesses, whether giving evidence or not, should not be allowed to cover their faces in civil or criminal proceedings.

Our stance is supported by legal professionals. A Bar Council poll found 91% of barristers are in favour of some restrictions: 57% would insist that face veils were removed for the entirety of court proceedings and a further 34% only when a defendant was giving evidence.

“The National Secular Society upholds the universality of individual Human Rights, which should never be overridden on the grounds of religion, tradition or culture.”

This policy statement was proposed and approved by an overwhelming majority at our 2014 AGM in recognition of the Society’s increasing focus on Human Rights issues and the importance of secular principles in the ongoing discourse of Human Rights.

Religion and belief in the workplace



In March the Equality and Human Rights Commission (EHRC) released the findings of their consultation on the personal experiences of employees, employers, service users and providers concerning “religion or belief” in the workplace.

The Commission said their research revealed “widespread confusion” over the laws protecting religion or belief in the UK and said it would use the evidence to “examine how effective the law is in this area”. The report noted that some Christian employers, service users and providers thought Christianity had “lost status” as a result of equality laws.

We’re concerned that the baseless narrative of anti-Christian persecution in the UK is beginning to gain some traction and has led the Commission into thinking that “something must be done”.

We have contributed to round

table discussions with the EHRC relating to their consultation and responded formally to their call for evidence. Very few thought any changes to the law to further accommodate the religious were necessary.

We have urged the EHRC to consider the very real problems of discrimination relating to faith schools stemming from Equality Act exemptions and warned them against supporting any additional exemptions to make further accommodations for religious beliefs in the workplace.

In May our executive director met other high profile stakeholders at an EHRC meeting at the University of Cambridge and again challenged the mistaken notion that Christians are ‘discriminated against’ by equality legislation. He also emphasised that the needs of the non-religious and religiously

unconcerned are almost ignored in the education system.

Meanwhile, the Woolf Institute has convened a Commission on Religion and Belief in British Public Life to consider the place and role of religion and belief in Britain, and make recommendations for public life and policy.

Ex-Lord Chief Justice Lord Woolf, has previously said the courts had gone “too far” in restricting the rights of Christians in the workplace and said it was “about time the tide turned”.

Given the almost exclusively religious make-up of Lord Woolf’s Commission, we believe its findings are likely to reflect the priorities of people of faith, rather than the general public, and we have therefore declined to lend any legitimacy to the Commission by becoming involved.

Proposed NI ‘conscience clause’ bill

We have voiced our opposition to the DUP’s proposed ‘conscience clause’ bill – which would effectively permit discrimination against LGBT citizens in Northern Ireland based on religious beliefs.

In our response to a consultation on the Bill, we warned that the legislation would legitimise and increase discrimination against LGBT people and damage Northern Ireland’s reputation. All the remaining political parties have united to defeat the Bill, and the DUP appears to be contemplating some limitation of its scope.

The legislation was a wholly disproportionate response to the Ashers bakery case in which a Christian-run bakery faced legal action after refusing to bake a cake for a gay customer with a motto supporting gay marriage.

Later, in May, Belfast County Court ruled that bakery unlawfully discriminated against the customer. In delivering her ruling, the judge said: “The defendants are not a religious organisation. They are a business for profit. There are no exceptions available.” The ruling raises complex legal issues and has been appealed.



Killings targeting secular bloggers in Bangladesh

Following the brutal murder of a third secularist blogger in Bangladesh this year, the NSS joined protestors outside the High Commission in London calling on Bangladeshi authorities to protect freedom of expression and demanding justice for the murdered writers.

We continue to be vocal in raising concerns over the persecution of Christians and other minorities in the Middle East and



have called on the UK Government to recognise the extent of global discrimination against atheists.

Keith Porteous Wood represented the NSS at the launch of the Foreign Office's annual Human Rights Report and spoke to the Minister of State, Baroness Anelay, and senior officials. He has led our work on freedom of expression at the European Commission, European Parliament and United Nations.

Censorship on campus

Amid a widespread climate of fear and censorship on UK university campuses, we've been helping students to raise awareness when universities and student unions have limited discussion, criticism and satire of religion.

In one recent case Bath University's Student Union cut a comedy show at the behest of the university chaplaincy, and edited-out a scene featuring Jesus and mentioning Mohammed. We drew attention to this outrageous case, and helped the Bath Atheist, Humanist and Secularist society draft an open letter in protest. In response the Union admitted that their decision to cut the material was "in line with normal practice" – showing how vigilant we must continue to be.

In other incidents, secular activists and non-religious students have faced harassment from union and university officials when arranging events.

Many would think organised student groups would be natural allies in our campaign to protect students' free expression. Unfortunately the National Union of Students has so far failed to step up, and in April the NSS had to call on them to clarify what they mean by the nebulous term 'Islamophobia', when their conference voted to prohibit it on campus.

This heavy handed approach and widespread censorship of 'blasphemous' thought and speech contrasts starkly with a failure to challenge hard-line Islamist speakers invited on to campuses.

Indeed efforts to counter such extremism have been actively opposed. Last year the West London University cancelled the launch of a report into the activities of such groups.

In February, after widespread criticism from the NSS and LGBT groups, Westminster University postponed an event with radical preacher Haitham al-Haddad. He has described homosexuality as a "criminal act."

NSS warns of *de-facto* blasphemy law

A meeting was held at the European Parliament in March, prompted by the Paris *Charlie Hebdo* atrocities, to draw attention to the systematic erosion of freedom of expression in the EU.

The meeting was convened by honorary associate Sophie in 't Veld MEP, chair of the European Parliament Secular Platform. She opposed "any kind of restrictions solely for the reasons of protecting or defending religion or belief". Speakers noted that many of the politicians who were so keen to jump on the bandwagon denouncing the attacks have a long history of compromising free expression.

Examples include Home Secretary Theresa May's plans to ban 'non-violent extremists' from television and social media, and Labour's then leader, Ed Miliband's, intention to 'outlaw' undefined 'Islamophobia'.

At the meeting Keith Porteous Wood drew attention to the "huge challenge" presented by the reactionary views held by a significant minority of young Muslims, revealed in polls.

He also drew attention to the danger of *de-facto* blasphemy laws. Muslim countries are repeatedly attempting to introduce world-wide international ones at international fora. Some countries have already introduced their own, for example the UK's draconian "religiously aggravated public order offences" that have low prosecution thresholds but potential seven year prison terms.

The full discussion can be watched at <http://bit.ly/1Jjo1L>

Free speech activists invited to lecture senior Police

In February our executive director Keith Porteous Wood, along with other free speech activists Peter Tatchell and Simon Calvert of the Christian Institute, gave two hard-hitting presentations to London's Metropolitan Police commanders, liaison officers and trainers urging them to take freedom of expression much more seriously.

Having been arrested many times, veteran human rights campaigner Peter Tatchell joked that this was his first visit to New Scotland Yard by invitation.

The three were invited because of the joint Reform Section 5 campaign which successfully amended the Public Order Act to stop it criminalising "insulting words or behaviour".

Secularist of the Year 2015: Charlie Hebdo

French satirical and anti-racist magazine *Charlie Hebdo* was awarded the Secularist of the Year 2015 prize for its courageous response after the attack on its Paris office, which included publishing an editorial making a passionate defence of secularism and the right to free expression.

The prize money was donated to a fund supporting the families of the murdered cartoonists. The award was accepted on *Charlie Hebdo*'s behalf by *Guardian* cartoonist and free speech activist Martin Rowson.

The event also honoured Lord Avebury with a special award for his long support of secularism and our campaigns in Parliament. We also recognised the work of Maajid Nawaz's Quilliam Foundation. Helen Bailey and Elaine Hession were acknowledged for their key achievements in the ongoing campaign to abolish Chancel Repair Liability. Next year's event will take place on Saturday 26 March.

You can listen to all the speeches online at bit.ly/1KWpCxX



Martin Rowson's speech was well received



Aliya Saleem (secular education campaigner), Gita Sahgal (the Centre for Secular Space) and Tehmina Kazi (British Muslims for Secular Democracy)

"Since the events of 7 January in Paris, Charlie Hebdo has become more than a magazine – it has become an ideal, a symbol of democracy, a rallying cry to those who value freedom and openness in public debate."

– Terry Sanderson



Lord Avebury with Safak Pavey (last year's winner and recently re-elected Turkish MP)



Right: Keith with Nikita Malik, of the Quilliam Foundation

Challenging hate speech, protecting free expression

Prompted by rising trends of religiously motivated hatred, including the rise of Islamism and within the Christian far-right, the EU Fundamental Rights Agency (FRA) recently consulted on necessary steps to tackle anti-Semitic and anti-Muslim hatred.

In our response we called for a renewed commitment to free speech and strong civil society as the best defences against bigotry and discrimination.

We argued that as Europe becomes less religious and more

religiously diverse, secularism is the best system to promote the cohesion of people of all faiths and none into inclusive societies with shared values.

The NSS also spoke up for minorities within minorities, including secular and liberal Muslims who are marginalised when community engagement is moderated through self-appointed 'community leaders'.

The FRA provides expert advice to many EU institutions, and offers guidance to EU member states

to "ensure that the fundamental rights of people living in the EU are protected". It is therefore an important forum in which to advance secular principles.

Meanwhile, in February we met with (former) DCLG Minister Stephen Williams to discuss the rise in religious hate crime and how it is tackled in the UK. We urged the minister to consider collecting and publishing more detailed information on hate crimes, to gain a better understanding of them.

New legislation gives English councils the power to pray

A new law passed in March allows councils in England to conduct prayers and other religious activities as part of their official business.

While the legislation enjoyed cross-party support, the NSS mobilised a number of peers who strongly criticised the Bill during its passage through Parliament.

Lord Avebury told peers “it is no triumph for democracy if local authorities and other bodies are given power to impose something which is bound to divide members from one another according to their religion or belief.”

The Bill was supported by and fulfilled the ambition of (now Sir) Eric Pickles, formerly Secretary of Communities and Local Government to overturn the 2012 High Court ruling that the inclusion of prayer in local authority meetings was not lawful. This followed the legal challenge brought by the NSS.

Although a wide range of local authorities can now legally impose

worship, we’re confident there will be no significant increase in those that do so.

Days after the law passed, Whitchurch Town Council voted to abolish the practice. Councillor Steven Neilson, whom the NSS advised, paid tribute to his “Christian friends and colleagues” for helping to make meetings “equally welcoming to all, regardless of religious beliefs or lack of belief”.

The potential for sectarianism was demonstrated in Causeway Coast and Glens Borough Council, Northern Ireland, which was bitterly divided over ending council prayers. Councillor Cara McShane argued that religion and politics should be separate, pointing out “staff are compelled to be at these meeting[s]”.

Meanwhile, the Canadian Supreme Court ruled unanimously that a municipal council must not hold prayers as part of its meetings and the state must “remain neutral” in matters of religion and belief.



The local paper reported on the debate which divided Whitchurch Town Council

NSS backed non-stun slaughter petition debated in Parliament

A petition supported by the NSS to end religious exemptions allowing non-stun animal slaughter was debated in Parliament in February.

Despite drawing well over 100,000 signatures, and 77% support among the general public, the Government was adamant that “there would be no ban on religious (non-stun) slaughter in the UK”, presumably influenced by the powerful religious slaughter lobbies. We’ll continue to campaign with animal welfare groups to urge the Government to at least adopt

more modest reforms, such as the labelling of food from animals killed without prior stunning.



Reform Easter trading laws

Easter Sunday is part of the only four-day public holiday – a popular time for people to start work on improving their homes and gardens. Religiously motivated Easter trading restrictions on larger shops, including garden centres, DIY and furniture stores in England and Wales impede this and are an unwarranted restriction on business.



We’ve assisted Baroness Turner of Camden in drafting a parliamentary Bill to enable – but not require – larger shops in England to open, subject to the existing six-hour limit. The Bill was successful in the ballot for new Private Members’ Bills so will soon be introduced in the House of Lords for debate.

The date of Easter varies by over a month, determined by reference to lunar cycles – and in the case of the Eastern Church also a long-abandoned calendar.

This variation causes problems for schools and for the leisure industry, where in the northern hemisphere Easter marks the start of the season.

We have written to the Prime Minister urging him to use The Easter Act 1928, which allows for the date to be fixed in April (with the proviso that ecclesiastical bodies can agree) to resolve this. In 1971 the Government replaced the similarly variable Whitsuntide with the late spring bank holiday.

Meeting with Welsh Education Secretary

In February Keith Porteous Wood and Stephen Evans met Huw Lewis, Minister for Education and Skills in Wales, at the Welsh Assembly.

Education is a devolved matter and they urged the Minister be one step ahead of Westminster and abolish the requirement for schools to hold a daily act of broadly Christian worship.

They also brought to Mr Lewis's attention unacceptable discrimination over transport to faith schools. The meeting provided an opportunity to discuss changes to the provision of religious education in the context of a major review of the school curriculum in Wales which has called for a 'radical' overhaul of how and what pupils learn.



Stephen Evans outside the Welsh National Assembly

Campaign to end school worship

In the run up to the General Election almost 12,000 people signed our petition urging political parties (in England) to make it their policy to remove the legal obligation on schools to hold acts of collective worship. Teachers, educationalists, religious organisations, local authorities and thousands of ordinary citizens of all faiths and none have voiced their opposition.

Both the Liberal Democrats and the Green Party made that commitment; other parties were less clear. The re-appointed Conservative Education Secretary Nicky Morgan has re-affirmed her support for the continuation of the legal obligation on all schools to hold acts of worship.

We will continue to work with others to nurture the growing consensus to end compulsory worship in schools.

Supporting parents' right to a secular education

There has been a marked increase in children being allocated faith schools in England against their parents' wishes. We've been assisting more families than ever before to appeal against places assigned to them at religious ethos schools – despite the parents not listing such schools as preferences on their admissions applications.

The shortage of school places in many areas, coupled with the opening of religious free schools (which can allocate up to 50% of places on religious grounds), has resulted in local authorities allocating unsuitable faith-based schools to families who don't share the school's religious character.

In some areas, a lack of choice has long left many families with little option but to send their children to a Church of England school. With more religiously controlled free schools opening children are even being allocated places at minority faith schools with which they have no connection. In Leeds and South Buckinghamshire, this year's round of admissions has seen around 40 children from non-Sikh families being allocated places at Sikh ethos academies against their parents' wishes.

We're assisting parents with appeals to ensure that their philosophical beliefs are respected during their children's education. The greater the proportion of religious schools, the less possible this becomes.

The long-term solution is of course clear: inclusive schools, underpinned by secular principles that teach universal rather than religion-specific values.

Chancel Repair Liability reform

We've been continuing our high level work to mitigate, and eventually abolish, Chancel Repair Liability.

In January the Government recognised the NSS as the major player seeking to reform CRL and indicated they are happy to work with the Church and us. The Labour frontbench expressed keenness to assist us, but after remaining in opposition will be less well placed to do so.

Lord Avebury has successfully reintroduced his Bill to abolish CRL into the House of Lords.

While unlikely to gain Government support, the debates provide

opportunities for challenging and clarifying on the record the position of the Church, Government and opposition. The Church doesn't oppose abolition, provided it is compensated.

One of the many arguments why compensation is inappropriate is that the Church already receives substantial amounts from public funds. In the pre-election budget the Chancellor announced a £40 million fund for listed places of worship roof repairs, on top of £20 million announced a year earlier and other funding.

In March our executive director



told Radio 4's *Sunday* programme that before dipping into public funds the Church should spend the spare £4 billion the Church Commissioners have above funds needed to fulfil their contractual liabilities.



Lord Garel-Jones

Lord Garel-Jones is a Conservative Peer, and previously served as Minister of State at the Foreign Office, as well as Deputy Chief Whip. He served for many years as the MP for Watford.

He frequently spoke in the House of Lords on marriage equality, and insightfully said that “today’s controversy will rapidly become tomorrow’s consensus.”

He drew attention to religious support for marriage equality in debates in the Lords, and reminded the House that the state “could and would make its own secular rules for its citizens” regarding the definition of marriage.



Joey Barton

Joey Barton is a professional footballer and philosophy student.

In an article he wrote in the run-up to the election on what he would do if he were Prime Minister, Barton said that “all public money would be withdrawn from religion.” He said that “religious people should cease to expect taxpayers to subsidise their particular thinking and lifestyles.”

He called for an end to public funding for faith schools, and for the disestablishment of the Church of England, saying government should “promote a spirit of tolerance and mutual understanding by standing neutral on the issue of religion.”

New NHS chaplaincy guidance

NHS England guidance, published in March, places a new obligation on hospitals to consider the needs of non-religious patients through appropriate pastoral care.

The recognition that it is not only religious people who require comfort and pastoral support during their time in hospital is welcome and long overdue.

The NSS and Secular Medical Forum contributed to the consultation leading to the guidance and it seems our message is starting to get through.

We’re still concerned that the chaplaincy adopts an unsustainable ‘multi-faith’ approach, rather than a truly secular system. There is still a requirement for chaplains to “abide by the requirements of their sponsoring religious or belief community”.

At a conference launching a report on Chaplaincy by the Christian think tank Theos, Keith Porteous Wood argued that the NHS should make chaplaincy secular, opening up pastoral care positions to anyone with the necessary skills to provide such support, regardless of their religion or belief.

Keith was joined by some chaplains in criticising Professor Joy Carter, vice-chancellor at the University of Winchester, whose speech encouraged chaplains to exploit such publicly funded access for proselytization or evangelisation.

Thanks

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Alice Suttle for help with Secularist of the Year 2015.

Barry Thorpe for help with our work in Parliament.

Patricia Tricker for help with translation.

2016 marks 150th anniversary

The National Secular Society, founded in 1866, is marking its 150th Anniversary in 2016. We’re lining up a number of events to celebrate the history, achievements and future of the NSS, not least an anniversary conference on Saturday 3rd September 2016. Tickets will go on sale later in the year. Look out for more

details online and in the autumn *Bulletin*.



Interested in healthcare?

The Secular Medical Forum campaigns for a secular approach to healthcare issues and works to limit the harm caused to patients by the imposition of religious beliefs.

Membership of the Secular Medical Forum is open to all healthcare professionals and students in the UK. Non healthcare professionals are welcome to join as associate members. Those interested in assisting with administration or accounting would be especially welcome. Please contact Dr Antony Lempert at antony@secularmedicalforum.org.uk

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