

Rethinking
religion and
belief in
public life:
**a manifesto
for change**

national
secular
society

Contents

Our vision: A secular Britain	3
About the National Secular Society	4
The Secular Charter	5
About this report	6
Executive Summary	7
1: Our changing society	9
Multiculturalism, secularism and group identity	11
Christian nation?	12
2: The role of religion in schools	15
Background to the 1944 settlement and its implications	17
Faith schools	18
Discrimination	20
Pupil admissions	20
Employment	21
Curriculum: Religious education	23
Curriculum: Sex and Relationships Education	25
Collective worship	26
Independent schooling	29
3: Freedom of expression	31
Freedom of expression, blasphemy and the media	32
4: Religion and the law	37
Civil rights, 'conscience clauses' and religious freedom	39
Conscience 'opt-outs' in healthcare	42
The use of tribunals by religious minorities	44
Religious exemptions from animal welfare laws	47
5: Religion and public services	49
Social action by religious organisations	50
Hospital chaplaincy	53
6: Institutions and public ceremonies	55
Disestablishment	56
The House of Lords	57
Remembrance	58
The Coronation	60
Monarchy and religion	61
Parliamentary prayers	61
Local democracy and religious observance	62
Public broadcasting, the BBC and religion	63
Complete list of recommendations	65

Our vision: A secular Britain



The UK today has incredible religious diversity, and, for the first time, a non-religious majority.¹ Yet the formal relationship between religion and the state has remained basically unchanged in the past century.

Reform is long overdue, and in this manifesto we set out the case for change to ensure that no one in our country faces discrimination because of their religion or lack of it, and that our political structures, education system and laws reflect our society as it is today.

Secularism defends the right to practise a religion, to proselytise within the law, and to be free from religious imposition. It requires the state to be neutral in all matters of religion.

Secularism defends the civil liberties of all, whatever their beliefs or worldview.

In this manifesto we present our case for secular reforms in the United Kingdom today, and offer policy proposals to rethink and reform the role of religion in public life.

A handwritten signature in black ink that reads "Terry Sanderson". The signature is written in a cursive, flowing style.

Terry Sanderson

President of the National Secular Society

¹ <http://www.bsa-data.natcen.ac.uk/#morality>

About the National Secular Society

The National Secular Society (NSS) is a non-profit organisation founded in 1866, funded by its members and by donations. It campaigns for an open, diverse society where all are free to practise their faith, change it, or to have no faith at all. The NSS advocates the separation of religion and state, including the disestablishment of the Church of England, and promotes secularism as the best means to foster a fair and open society in which people of all religions or none can live together as equal citizens.

We campaign for the principles enshrined in our **Secular Charter**.

The Secular Charter

The National Secular Society campaigns for a secular state, where:

- There is no established state religion.
- Everyone is equal before the law, regardless of religion, belief or non-belief.
- The judicial process is not hindered or replaced by religious codes or processes.
- Freedom of expression is not restricted by religious considerations.
- Religion plays no role in state-funded education, whether through religious affiliation of schools, curriculum setting, organised worship, religious instruction, pupil selection or employment practices.
- The state does not express religious beliefs or preferences and does not intervene in the setting of religious doctrine.
- The state does not engage in, fund or promote religious activities or practices.
- There is freedom of belief, non-belief and to renounce or change religion.
- Public and publicly-funded service provision does not discriminate on grounds of religion, belief or non-belief.
- Individuals and groups are neither accorded privilege nor disadvantaged because of their religion, belief or non-belief.

About this report

This manifesto considers key areas where the privileged role of religion in our public life today causes inequality and unfairness, and sets out the reforms we advocate, guided by the principles of our charter. The manifesto includes policy recommendations, derived from these concerns, formulated around our principles, to help policy-makers deal with the inequalities that our archaic constitutional settlement creates.

The manifesto can be read from cover-to-cover, or in individual sections. Our policy recommendations are easily accessible at the end of each section, and we provide background on the issues so that the reforms we propose can be understood in the proper legal and historical context.

Executive Summary

The National Secular Society is devoted to campaigning for significant reforms to the role played by religion in British public life, and an overhaul in the way institutions approach religion. The purpose of these reforms is not to drive religious people out of public life, it is simply to establish a level playing field for all.

While we are of course particularly concerned with the privileges afforded to one denomination of Christianity, the Church of England, many of the points we make apply to some degree to other denominations and religions. The iniquity of having the Church of England favoured now could easily be used as a precedent for seats in the legislature to be distributed to other religions too, even more than they are in practice now, which we would see as a serious mistake. The levelling should take place by the withdrawal of any *ex officio* religious seats in Parliament.

There is a particularly urgent need for secular political values today. Others will seek to claim proportionate privileges to those enjoyed by the Church of England, as their faiths grow in size and possibly overtake the following of the Anglican Church. This is already happening in education, where other religions had their case for their own faith-based schools strengthened by the existence of Church of England and other Christian schools. This has worrying implications for cohesion, too.

The NSS argues for a secular state where there is no established state religion and where everyone is equal before the law, regardless of religion, belief or non-belief. This means that citizens interact with the state as equals, not as members of religious communities through a group identity. In a society as irreligious as the United Kingdom, where religious belief is declining and simultaneously diversifying, this is a vital principle.

This key secular principle will guarantee freedom of belief and non-belief, and the freedom to renounce or change religion. This will mean that individuals and groups are neither privileged nor disadvantaged because of their religion or beliefs.

In such a state religion will undoubtedly continue to retain a role in the social and moral lives of believers. Christianity and other religions will be free to compete in the marketplace of ideas, but will not enjoy the unjustified patronage of the state.

We strongly urge policy makers and citizens of all faiths and none to recognise the value of keeping the power of the state separate from the ecclesiastical world and to find common cause in promoting the principles of secularism, ensuring equality for all regardless of religion or belief.

1: Our changing society

“I am increasingly sympathetic to the formal separation of church and state. Our society is too diverse to sustain a state religion.”

– Reverend Dr Giles Fraser

The landscape of religion or belief in Britain is rapidly changing. Polling and academic research consistently show that a majority of Britons do not belong to any religion.² Only 1.4% of the population of England now attend Anglican services on a typical Sunday. As the majority drift away from Christianity, minority faiths and particularly Islam have seen significant growth. We urgently need a long-term, sustainable settlement on the relationship between religion and the state.

This should be based on the principles of secularism. Secularism seeks to guarantee fairness for all, irrespective of religion or belief. It is especially necessary when there is an established or dominant state religion. It also plays an essential role in governing religiously plural societies. Paradoxically, the UK falls into both of these categories.

The diversity in religious belief, increased by immigration, has coincided with the overall increase in the irreligiosity of British people and a decline in religious practice overall. Notably, the proportion of young people who described themselves as even nominal Christians dropped below half for the first time in the 2011 Census, the wording of which captured cultural Christians and others who are essentially non-practising. Younger people drove a shift away from religion altogether, with 6.4 million more people of all ages describing themselves as having no religion than 10 years earlier. Subsequent research, surveys and polling have found an even greater decline, with 62% saying they are not religious.³

Broadly speaking, minority religions appear to favour the retention of establishment as it keeps religion at the centre of institutional national life, with bishops and prayers in Parliament, Church-led Remembrance and the Coronation service. The privileging of one religion will, in all likelihood, evolve into the privileging of other religions too. This was the path advocated by the Woolf Commission on Religion and Belief in Public Life.

We do not think this is the answer. A multi-faith approach is at odds with the increasing religious indifference in our society. A multi-faith model is neither sustainable nor appropriate.

2 http://www.bsa.natcen.ac.uk/media/38958/bsa28_12religion.pdf

3 <http://www.brin.ac.uk/news/2015/easter-religion-and-other-news/>

Multiculturalism, secularism and group identity

Immigration has driven significant changes in the UK's religious makeup. In recent decades successive governments encouraged a multicultural approach to deal with the changing demographics of society. This has tended to encourage diversity at the cost of undermining some common human rights and values. More recently, multiculturalism has evolved into 'multifaithism',⁴ with identity described around religion. This has resulted in an approach which emphasises communal or group rights, and treats minority religions as homogenous. Such an approach, like multiculturalism, gives unjustified power to group leaders, sometimes at the expense of individual human rights.

A focus on 'communal rights' under the multicultural framework has led to horrendous abuses, be it female genital mutilation (FGM) or forced marriage, as people (particularly women) were left isolated from mainstream society and trapped in cultural and religious blocs, within which group pressure and 'shame' culture denies them their legal rights.

Likewise, under the emerging 'multi-faith' approach where minority groups are seen exclusively through the prism of religion, the rights of women and 'minorities within minorities' are abandoned and ignored and secular space has diminished. These groups include, for instance, gay Muslims, ex-Muslims, and (though not a minority) women.

The state should treat all citizens equally as individuals rather than as members of communities that are only deemed to be accessible through invariably patriarchal and often unrepresentative community leaders.

Like previous governments, the media sometimes still resorts to 'community leaders' to access hard-to-reach groups. This strengthens traditionalist voices, who are often opposed to the interests of the minority groups within minorities. Both the media and the state should interact with minority religious groups through elected representatives, councillors and MPs, as they would with the rest of the population.

In contrast to our preference for individual human rights over communalist approaches, some groups⁵ have called for religious minorities to be represented – explicitly as faith groups – in the House of Lords. It is unclear how such figures would be chosen. Under any multi-faith model they would be almost inevitably unrepresentative, male religious leaders. Religious

⁴ As Prime Minister, David Cameron typically referred to Britain as a successful multi-faith, multi-racial democracy, shying away from the use of "multicultural".

⁵ E.g. the Woolf Commission's 2015 report.

leaders of all faiths tend to be unrepresentative of their own followers,⁶ much less the wider public. The Archbishop of Canterbury said the bishops, for instance, were the most orthodox since the Second World War⁷ and therefore, in our view, totally out of touch with the country.

Increasing secularity and the fragmentation of religious belief means the need to treat people as individual citizens rather than as members of a religion has become even more apparent. No faith-based approach from the state will ever encompass every strand of belief that exists in the UK today, and a human rights, individual-centred approach – rather than the failed multicultural or multi-faithist model – is vital for every citizen to be treated and valued equally.

Our Recommendation:

- 1. The Government should continue to move away from multiculturalism and instead emphasise individual rights and social cohesion. A multi-faith approach should be avoided.**

Christian nation?

We strongly warn against rhetoric repeatedly used by Government that identifies Britain as a “Christian country”. Christianity is one major influence among many that shape our current way of life; we are a nation of many denominations and religions and large sectors of the population do not hold, or practise, religious beliefs and where many who are religious do not define their primary identity in religious terms. Any approach which seeks to label the values widely shared by UK citizens as exclusively “Christian” is doomed to be out-of-touch with the views and lifestyles of the population.

Instead, we advocate a national identity based on fundamental values of democracy, separation of religion and state, the rule of law, individual liberty, and tolerance of those with different faiths and beliefs.

The public are broadly supportive of many secularist principles. 71% of people think that religious leaders should have no influence over the decisions of the government⁸ and 81% agree with the statement: “Religious practice is a private matter and should be separated from the political and

⁶ <http://www.acalltoaction.org.uk/11-news/277-the-smell-of-the-sheep-synod-2015>

⁷ <http://www.secularism.org.uk/blog/2016/01/welby-praises-most-orthodox-bishops-since-ww2-as-uk-gives-up-on-the-church>

⁸ http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/md6rf2qvws/Reputation%20UK%20Report_21-Aug-2012_F.pdf

economic life of my country.”⁹ Similarly, surveys show that the public do not approve of bishops being given seats in the House of Lords, arguably the most prominent manifestation of the UK’s established church (see Chapter 7). An overwhelming 58% of voters think that faith schools should not be funded by the state.¹⁰ There is a majority in favour of the types of reform we favour, reforms that would bring our constitutional settlement in line with the reality of our society

Our Recommendation:

- 2. The UK is a secularised society which upholds freedom of and from religion. We urge politicians to consider this, and refrain from using “Christian country” rhetoric.**

⁹ <http://www.secularism.org.uk/religion-and-education.html>

¹⁰ <https://www.theguardian.com/education/2014/jun/14/taxpayers-should-not-fund-faith-schools>

2: The role of religion in schools

“In this country many talk of the post Christian society, but the CofE educate more than 1,000,000 children in our schools.”

– Justin Welby, Archbishop of Canterbury

The most overt imposition of religion on British citizens is in education. Largely on account of the Church's historical role in the provision of education, the distinction between education and religious inculcation can be decidedly blurred. We urgently need to move towards a more inclusive, secular state education system.

Religious inculcation of children should not be regarded as a legitimate activity of the state. A secular approach to education would ensure that all publicly funded schools are strictly neutral on matters of religion and belief, truly inclusive and open to all children, regardless of their or their parents' religious or philosophical backgrounds.

Sadly, while the population of the UK becomes less religious, recent education policy has opened the door to increased religiosity in schools – at the taxpayers' expense.

This section of the report focuses primarily on England and Wales but makes reference to other parts of the UK.

Background to the 1944 settlement and its implications

The blurring of the distinction between education and religious inculcation in Britain is largely the legacy of the Church's historical role and influence in education. Concerns were expressed as early as 1818 about the predominance of the Established Church in education. The state first offered support to CofE and non-denominational schools in 1833 and Catholic ones in 1847.

It was not until 1870 that the state started opening its own primary schools and secondary ones in 1902.

This tug of war between the Church of England and other denominations, and a little later the State, continued for well over a century. It dictated the terms of the Education Act, 1944, the 'Butler Act', that created the 'dual system' which brought religious schools into the state-maintained sector in England & Wales.

There is a pressing need to review the Butler settlement. The Act dealt with the education of a society that is fundamentally different to the one that exists today. Whilst the Butler Act had to deal with the conflicting interests of Anglicans, Nonconformist Protestants, Jews and Catholics, the modern education system must factor in a great many other religious and belief identities. Principal among these is the majority of people who do not follow any religion or those who are religious but seek a religiously neutral schooling for their children.

The Butler settlement established Voluntary Aided and Voluntary Controlled faith schools. In the former the majority of the governors were church-appointed, in the latter the majority were local authority-appointed. While the state paid for the entirety of Voluntary Controlled (VC) schools' expenditure, churches were responsible for 50% of Voluntary Aided (VA) schools' capital expenditure; therefore those churches who could afford it opted for VA status for their schools. The 50% has however been progressively reduced by governments to minimal levels, predictably without any reduction of the level of church control.

Subsequent major education reforms, legislative changes and actions by the churches have resulted in church schools becoming very much more religious in character. They have also been enabled under UK law to discriminate in some circumstances against staff who are not observant members of the denomination of the school.

Faith schools

Around a third of publicly-funded schools in England and Wales have a religious character. This is not a situation that has public support – indeed, it has widespread public opposition.¹¹

The public funding of these faith schools gives religious organisations the opportunity to further their own interests by inculcating children into a religious faith at the public’s expense. Despite the decline in religiosity, these attempts to inculcate are much greater than in previous decades.

One of the most concerning aspects of faith schools is their potential to divide children and segregate children along religious and ethnic lines. The Social Integration Commission has warned that “increased numbers of children [are] being educated in peer groups dominated by a single faith group or community”.¹²

Demos has warned that British schools are “highly segregated”¹³ and that “religious identities often overlap with ethnic identities and therefore some faith schools effectively exclude other ethnic groups.” This mirrors the self-segregation of some religious minorities from wider society. This is deeply troubling, and an inevitable result of a divisive faith-based approach to education. It is, at best, a wasted opportunity encourage social cohesion from a young age.¹⁴

State funding of religious schools is often justified as a means of providing parental choice. However the more faith schools there are the greater the restriction of choice for parents who do not want a religious education for their children, or do not share/want to share the faith of that school in their locality. In some parts of the country, particularly in rural areas where the only school is a church one,¹⁵ parents are left with little or no choice but to send their child to a school with a religious ethos.¹⁶ This clearly fails to adequately respect parents’ and pupils’ religious or philosophical convictions and impedes the ability of many parents to give their child the religious upbringing of their choice. Conversely, some oversubscribed schools can give

¹¹ <https://www.theguardian.com/education/2014/jun/14/taxpayers-should-not-fund-faith-schools>

¹² http://socialintegrationcommission.org.uk/images/sic_kingdomunited.pdf

¹³ <http://www.integrationhub.net/module/education/>

¹⁴ <http://www.secularism.org.uk/uploads/social-cohesion-sharing-crisps-with-someone-different.pdf>

¹⁵ <http://www.secularism.org.uk/news/2015/10/academy-closure-will-force-children-into-faith-schools>

¹⁶ This is something the National Secular Society is regularly contacted about. See, for instance: <https://www.secularism.org.uk/news/2015/10/nss-urges-education-secretary-not-to-force-isle-of-wight-pupils-into-faith-schools>

preference to the children of churchgoers, even if they live in outlying areas. The effect is to deny local children whose parents are not church attenders the right to attend a local school which their taxes help to fund.

In former decades many Anglican schools did not promote their religion particularly vigorously, so attendance posed less of a problem for non-religious families. Gradually they have turned to doing so and with increasing vigour and, especially with closure of Sunday schools for want of attendees and the rapidly emptying pews, the Church regards the provision of state-funded education as central to its mission. The Church today expects a Christian ethos to “permeate the whole educational experience”, acknowledging that schools enable “more direct engagement with children and their families than any other contact including regular Sunday worship”.¹⁷ Indeed, there are more children attending ‘collective worship’ in schools every day than there are Anglicans worshipping in churches each week.

To ensure everyone's right to raise their children in accordance with their own religious or philosophical convictions is respected equally, we believe there needs to be a move away from faith-based schools in favour of inclusive secular schools which promote commonly shared societal, rather than religion-specific values.

Promoting shared universal values would better enable schools to develop a strong common social identity amongst young British citizens, a key component in building social cohesion. Allowing schools to promote the superiority of one particular religion or set of religious values, even implicitly, is inimical to this aim. The very existence of such schools, even if they are light touch in their religiosity, contributes to children from different backgrounds being separated from each other.

Recent developments in education policy, including free schools and academisation, are offering new avenues to increase religious influence, particularly in nominally secular schools.

We believe that for too long the child's rights issues raised by faith-based schooling have been ignored, especially by those intent on increasing religious provision. Young people should be given both the freedom and the necessary critical thinking skills to make their own reflective choices in their own time. They should be entitled to an education which doesn't seek to indoctrinate with a particular religious worldview or even one that inculcates in them with the belief that religion is intrinsically and always good.

¹⁷ <https://www.churchofengland.org/media/1797195/02-07-2013%20chadwick%20report%20update.pdf>

The state has a legitimate interest in requiring schools to impart knowledge about religions and beliefs, but not in supporting confessional teaching – a common feature of faith schools of all denominations – and regrettably even some nominally secular schools. As a matter of principle, we believe there should be no place in publicly funded schools for evangelism or proselytization.

Whilst parents should be given broad discretion to raise their children as they wish at home, the independent interests of the child would always be the first priority at school. We believe pupils' best interests are served by a broad and balanced education which includes objective basic knowledge about the world's religions and beliefs. They should also be provided with age-appropriate sex and relationships education, and knowledge about important scientific ideas, theories and facts regardless of whether these clash with their parents' religious beliefs.

Discrimination

As long as religious schools remain part of the state education system, religious adherence will in practice be a discriminatory factor in pupil admissions, and in the employment of staff.

Pupil admissions

Equality Act exceptions permit schools designated as having a religious character to use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.

Admissions policies which discriminate on religious grounds are not only unfair and detrimental to community cohesion, there is also compelling evidence that they lead to socio-economic segregation and are highly selective.¹⁸

Parents attending places of worship or partaking in religious activities have privileged access to publicly-funded faith-based schools, and equal access to non-religiously designated schools. In stark contrast, parents not wanting a faith-based education for the child, or who are unable or unwilling to attend a place of worship for the purpose of securing a school place at a local religiously selective school, often have their options limited.

¹⁸ http://www.suttontrust.com/wp-content/uploads/2016/04/Caught-Out_Research-brief_April-16.pdf

Young people’s access to publicly-funded schools should never be determined by their religious beliefs or activities, or those of their parents. In practice, this would mean prohibiting any publicly funded school from using faith-based oversubscription criteria.

Although parents have a right to ensure their religious or philosophical beliefs are respected during their children’s education, this is not an absolute right. Provided these beliefs are properly considered, an education authority can depart from them if there are good reasons for doing so and it is done in an objective, critical and pluralistic way. It would not be problematic from a Human Rights perspective if every school became inclusive and secular.

“Imagine if thousands of ordinary state schools in England could refuse to admit children because their parents were practising Christians, or Muslims, or members of any other recognised religion ... There would be uproar, and rightly so”.

Annie Powell, writing in *Left Foot Forward* on discrimination in the faith school system

Faith school admissions must be placed under more scrutiny. Research has found substantial violations of admissions rules by religiously-selective faith schools in England¹⁹ exacerbating the inherent discrimination.

Employment

Currently, otherwise suitably qualified teachers can be discriminated against in a third of all publicly funded schools. Equality Act exemptions permit faith schools to apply a religious test in appointing, remunerating and promoting teachers, including head teachers²⁰. In some schools up to one fifth of positions (including since 2006 the headteacher) can be ‘reserved’, but in other types of faith school, every teaching and leadership position can potentially be the subject of a religious test. Furthermore, provisions in the School Standards and Framework Act (SSFA) give the governors of some faith schools the right to discipline and dismiss teachers for any conduct, including private conduct outside the school, which they deem to

¹⁹ <http://fairadmissions.org.uk/wp-content/uploads/2015/09/An-Unholy-Mess.pdf>

²⁰ Voluntary Controlled (VC) faith schools (and converter academies) in England & Wales can apply a religious test in appointing one fifth of teaching staff, including the head teacher. Voluntary Aided (VA) faith schools (and religious academies) can apply a religious test on all teaching staff. In addition, teachers can be disciplined or dismissed for conduct which is “incompatible with the precepts of the school’s religion”, which could apply to almost every teacher, whether religious or not. Historically, the distinction was a function of the contribution made in the Church’s name if not by the Church itself; the wealthier contributors were able to secure what is now VA status.

be “incompatible with the precepts, or with the upholding of the tenets, of the religion of the school”.

Teachers should not be blocked from teaching positions in publicly-funded schools on the basis of their religious/non-religious beliefs, or practices. There are a very limited number of roles for which one’s personal religious beliefs or practices can legitimately and justifiably be considered a genuine occupational requirement. The demographics show there is an increasingly limited pool of potential staff who follow a religion at all, and this is an added complication given significant long-term problems with recruitment and teacher numbers.

The non-religious or non-practising are materially disadvantaged and this will have severe practical consequences where religious schools are the only ones in the area, as is the case in many rural locations.

Our Recommendations:

3. There should be a moratorium on the opening of any new publicly-funded faith schools.
4. Government policy should ultimately move towards a truly inclusive secular education system in which religious organisations play no formal role in the state education system.
5. Religion should be approached in schools like politics: with neutrality, in a way that informs impartially and does not teach views.
6. Ultimately, no publicly funded school should be statutorily permitted, as they currently are, to promote a particular religious position or seek to inculcate pupils into a particular faith.
7. In the meantime, pupils should have a statutory entitlement to education in a non-religiously affiliated school.
8. No publicly funded school should be permitted to prioritise pupils in admissions on the basis of baptism, religious affiliation or the religious activities of a child’s parent(s).
9. Schools should not be able to discriminate against staff on the basis of religion or belief, sexual orientation or any other protected characteristics.

Curriculum: Religious education

Schools are appropriate places for young people to learn about religious traditions and the beliefs and perspectives of those whose beliefs and values differ from their own. Pupils have much to gain from being familiar with a broad range of different religious practices, which are important to many people in our society.

By having an overview of different faiths and worldviews, education can tackle religious bigotry, intolerance and prejudice and foster mutual understanding and peaceful coexistence. This should include education about secular and philosophical critiques which are a part of, and not separate from, religious literacy.

However, the need for improved 'religious literacy' is often misrepresented or overstated by those wishing to elevate the status of religion or belief in public life.

We reject the notion that a deep theological understanding of religion is a necessary pre-condition for a peaceful and tolerant society. Basic civility, a clear sense of citizenship, toleration and respect for plurality are the values that will nurture a more harmonious society – and these values should be promoted throughout state education.

A rounded intercultural understanding will benefit young people and help them to navigate issues of religion and belief in later life, but the in-depth study of particular religions should be regarded as a parental or individual's responsibility, for those that want it, and not the responsibility of the state.

The current purpose of religious education is unclear and the legal framework and provision of the subject is seriously outdated, confused and in urgent need of reform. We are particularly concerned about the arrangements for faith schools which gives them the freedom to teach exclusively or disproportionately about their own religion.

Religious education evolved out of religious schooling and it is clear that the historic relationship between the Church of England and the state continues to have a profound influence over the way in which religion and belief is approached in schools. Many of the structural features of religious education, such as local determination, created in the nineteenth century, are still present to this day.

We see no reason why subject content for religious education should 'reflect local circumstances' and we are concerned about the current role of multi-faith Standing Advisory Councils (SACREs) in advising and monitoring local authorities and schools on the quality and provision of statutory Religious Education.

The subject is clearly regarded by religion and belief communities as an opportunity to reinforce and enhance their own influence throughout the education system. The privilege once solely enjoyed by the Church of England is increasingly being shared by other religious groups, but in our view this is not an appropriate way for state education to be conducted.

We therefore believe it would be in pupils' best interests for there to be a move away from the outdated concept of 'religious education'. Instead we would urge the Government to consider making religious and belief education a constituent part of another area of the curriculum or consider a new academic programme of study for all pupils that promotes learning about a variety of religious, non-religious worldviews, including perhaps, basic philosophy.

A reformed subject could provide a stimulating yet non-partisan environment for pupils to study beliefs and values that shape the world in which they live. It could promote an appropriate level of religious knowledge and an understanding of important secular philosophical and ethical perspectives.

Religion, and Christianity in particular, is part of Britain's cultural heritage and deeply informs our visual arts, history, music and literature. Opportunities will arise for religious aspects to be explored across the curriculum. This will enrich students' understanding of both the arts and religious doctrine in a more direct and context-oriented way.

Those ideas pertaining to the normative, theological and value-based elements of religious belief can be covered in the context of a reformed subject which looks at these elements in a much wider and more inclusive framework of faith, philosophy and ethics.

Importantly, any content for a subject area covering religion and belief should be determined by teachers and educationalists rather than those with vested interests who, through consultation, would have an equal (as opposed to privileged) opportunity to comment on proposals as other stakeholders.

We recognise that policy makers may be reluctant move away from the subject of religious education for political and cultural reasons, but until the subject is suitably reformed, young people will continue to be denied the rounded, objective, relevant and academically rigorous education they should be entitled to.

Our Recommendations:

10. Faith schools should lose their ability to teach about religion from their own exclusive viewpoint and the law should be amended to reflect this.
11. The Government should undertake a review of Religious Education with a view to reforming the way religion and belief is taught in all schools.
12. The teaching of religion should not be prioritised over the teaching of non-religious worldviews, and secular philosophical approaches.
13. The Government should consider making religion and belief education a constituent part of another area of the curriculum or consider a new national subject for all pupils that ensures all pupils study of a broad range of religious and non-religious worldviews, possibly including basic philosophy.
14. The way in which the RE curriculum is constructed by Standing Advisory Councils on Religious Education (SACREs) is unique, and seriously outdated. The construction and content of any subject covering religion or belief should be determined by the same process as other subjects after consultation with teachers, subject communities, academics, employers, higher education institutions and other interested parties (who should have no undue influence or veto).

Curriculum: Sex and Relationships Education

Research has shown that comprehensive sex education can help increase safe-sex and contraceptive use, reduce the number of sexual partners people have, delay the onset of sexual activity, reduce the frequency with which people have it and the rates of pregnancy.

Given the evidence for comprehensive and impartial sex education being so important for young people to receive, the fact that the decision as to whether a comprehensive level of sex and relationships education should be taught is often left to the school itself is concerning. As is the fact that faith schools are encouraged to devise SRE classes which reflect their faith's values and ethical codes.

For, whilst some faith schools teach SRE to a high standard (and some community schools teach it badly), we are concerned that young people

in the more orthodox of these schools are not getting the full, unbiased information they need to prepare them for adult life. Without adequate legislation and effective monitoring, too many young people are at risk.

It should be borne in mind that not all members of a particular religion or denomination have the same views or levels of belief. There will be a diversity of views within a religion or faith community and it is therefore important that a vocal minority of the most orthodox do not claim to speak for everyone.

We are concerned that if schools are allowed to teach SRE according to their ethos, the conflict between fact and faith may leave children and young people exposed.

Our Recommendation:

15. All children and young people, including pupils at faith schools, should have a statutory entitlement to impartial and age-appropriate sex and relationships education, from which they cannot be withdrawn.

Collective worship

The law in England & Wales provides that children at all maintained schools “shall on each school day take part in an act of collective worship”. Even in schools with no religious designation, the worship must be “wholly or mainly of a Christian character”. In Scotland, there is also a statutory duty on local authorities to provide religious observance in Scottish schools. As a result, acts of worship, including prayers, are commonplace in schools across Britain.

It is widely recognised that the collective worship requirement is an anachronism; the legacy of a society unrecognisable from the diverse and pluralistic Britain of today where citizens hold a wide variety of religious beliefs, and increasingly, no religious beliefs whatsoever. Broadly the younger people are, the less religious they are.²¹ The parents of school age children are the least religious age cohort. Only 3% of middle aged adults attend church on a normal Sunday and only a fraction of them attend a CofE church.

²¹ <https://www.secularism.org.uk/news/2015/04/as-cameron-says-uk-still-a-christian-country-62-percent-tell-yougov-they-are-not-religious>

School communities are made up of pupils from a variety of religion and belief backgrounds, even in schools with a religious character, as such schools are often the only ones within a manageable distance, particular in rural areas. Even with the statutory parental right of withdrawal, the requirement on schools to hold acts of “broadly Christian” worship, in which pupils by law are required to “take part”, undermines young people’s freedom of religion or belief.

The proponents of collective worship claim that the legal right to withdraw protects pupils’ and parents’ religious freedoms. However, we do not consider the ability of parents to withdraw their children as being a satisfactory solution. The act of withdrawal itself can be problematic. It excludes a child from part of the school day, which can be both confusing and upsetting. Excluded pupils risk being ostracized by classmates and even victimised by staff, who sometimes make withdrawal difficult for parents or – unlawfully – refuse withdrawal or impose unreasonable conditions. We are regularly contacted by parents seeking our help in such cases.²²

On the other hand, where pupils themselves wish to withdraw, it violates their religious freedom, for the school in effect forces them to worship. It is a clear violation of their human rights, as noted in 2016 by the UN²³ and earlier by the Joint (Parliamentary) Committee on Human Rights (JCHR)²⁴, at least for older children. The ability of sixth form pupils in England and Wales to withdraw themselves²⁵ falls short of both the UN and the JCHR recommendations. Scotland has no pupil withdrawal so even adult pupils lack the capacity to withdraw.

We are also increasingly seeing schools holding acts of worship throughout the school day away from assemblies and in classroom settings and mealtimes making withdrawal even more impractical.

The focus of any reforms should be on inclusiveness.

School assemblies with an ethical framework provide an ideal opportunity to promote the spiritual, moral, social and cultural development of pupils

²² For example, see this account <http://www.secularism.org.uk/blog/2014/11/parents-perspective--the-collective-worship-dilemma>

²³ <http://www.secularism.org.uk/uploads/crcgbr.pdf> para 35.

²⁴ <http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/241/24106.htm> Session 2005/06 25th report para 2.6 (and Appendix 2 – letter from the National Secular Society to Secretary of State for Education dated 16 June 2006) <http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/241/24112.htm>

²⁵ Section 55 of the Education and Inspections Act 2006 amended section 71 of the School Standards and Framework Act 1998 to ensure the right of sixth-form pupils to be excused from attendance at religious worship if they so request. The National Secular Society was instrumental in securing this right for young people.

and provide an opportunity to foster a sense of a collective identity amongst pupils. However, legally imposed acts of worship are not necessary to achieve these educational goals and risk alienating pupils who are not active in the religion of the worship.

Removing acts of worship from the school day would not restrict the ability of schools to hold assemblies which address a whole range of topics, including faith and belief, but it would lead to a state education system with no compulsion to ‘worship’ – something that should be welcomed by everyone who believes in the fundamental right to freedom of religion and belief.

Our Recommendations:

16. The legal requirement on schools to provide Collective Worship should be abolished.
17. The Equality Act exception related to school worship should be repealed. Schools should be under a duty to ensure that all aspects of the school day are inclusive.
18. Both the law and guidance should be clear that under no circumstances should pupils be compelled to worship and children’s right to religious freedom should be fully respected by all schools.
19. Where schools do hold acts of worship pupils should themselves be free to choose not to take part.
20. If there are concerns that the abolition of the duty to provide collective worship would signal the end of assemblies, the Government may wish to consider replacing the requirement to provide worship with a requirement to hold inclusive assemblies that further pupils’ ‘spiritual, moral, social and cultural education’.

Independent schooling

Independent schools should not provide religious communities with an opportunity to shield children and young people from an effective education or the realities of modern life. Sadly, many examples of independent religious schools we have come across do exactly that.

On a school trip along a coastal hike by one ultra-Orthodox Jewish school lives were put at risk because none of the 36 teachers or pupils could read English or understand the warning notices about the risk of drowning. They were put at serious further risk because of an unwillingness to seek help in case this led to the discovery of the school, which banned secular knowledge. In fact the authorities however had been aware of the “school” for five years but had not tried to close it down.

Whilst independent schools may have considerable flexibility about how they deliver their curriculum, all schools must also be required to demonstrate a satisfactory standard in respect of the quality of education provided, the moral, social and cultural developments of pupils, the welfare, health and safety of pupils, the premises and accommodation at the school, and the suitability of the proprietor and staff within the school.

Pupils of these establishments have an independent right to education. Children should not therefore be left to languish in substandard independent schools in which their independent rights are ignored.

There are legitimate concerns about the extent to which such schools give the same opportunities to both sexes, what if any age-appropriate sex education they provide, how they treat sexual minorities, and whether they teach the law about non-discrimination. Examples have been found of blatant gender discrimination in independent religious schools and failures to provide elements of the science curriculum which contradict religious beliefs.²⁶

Similar expectations should be set for all schools, regardless of their funding status or religious ethos. Concerns about extremism in schools and efforts to promote cohesion through education have society-wide relevance. It is therefore essential that all pupils educated in the UK, regardless of the type of school they attend, receive a broad and balanced education and learn about the values considered key to contributing to mutual understanding and a cohesive society.

²⁶ <http://www.independent.co.uk/news/uk/home-news/faith-schools-enforce-gender-segregation-among-staff-members-chief-inspector-warns-a7005076.html>

Our Recommendations:

21. All schools should be registered with the Department for Education and as a condition of registration must meet standards set out in regulations.
22. Government must ensure that councils are identifying suspected illegal, unregistered religious schools so that Ofsted can inspect them. The state must have an accurate register of where every child is being educated.

3: Freedom of expression

“There cannot be a democratic society without the fundamental right to freedom of expression. The progress of society and the development of every individual depend on the possibility of receiving and imparting information and ideas. This freedom is not only applicable to expressions that are favourably received or regarded as inoffensive but also to those that may shock, offend or disturb the state or any sector of the population.”

– Council of Europe, Resolution 1510 (2006)

Freedom of expression, blasphemy and the media

The National Secular Society has campaigned vigorously against all attempts to restrict free speech and artistic expression throughout its history. It played a leading role in ensuring that the common law offences of blasphemy and blasphemous libel were abolished in 2008. But the struggle did not end with that success.

While blasphemy is no longer explicitly outlawed in England and Wales, self-censorship grows stronger and stronger. This is enforced by a toxic mix of terrorism, state-sponsored violence, 'safe space' ideology on campuses and identity politics. The unjustified use of religiously-aggravated crimes and the low threshold for prosecutions also create risks to freedom of expression.

In recent years we have repeatedly drawn attention to the adherence of major media outlets, including the BBC and Channel 4, to Islamic blasphemy codes²⁷. Events have forced these issues into mainstream discussion, yet there is still significant reticence within the media to begin undoing the damage caused by the media-enforced 'taboo' of depicting certain forms of religious imagery (including satire).

In the wake of the attacks on the Paris office of satirical magazine *Charlie Hebdo* in 2015, there has been some liberalisation on this front. After similar controversies (like the *Jyllands-Posten*/Mohammed cartoon riots) the British media (and outlets around the world) refused to show the cartoons in question. After the Paris attacks in January 2015, this was initially repeated, before the BBC withdrew widely criticised editorial guidance which forbade the depiction of the Prophet Mohammed and it, and other press organisations, showed the *Charlie Hebdo* cartoons of Mohammed.

We welcome this change, but remain critical of the many media outlets who refuse to publish cartoons of Mohammed on spurious grounds, or at least refuse to admit that they are not doing so out of fear.²⁸ Deciding not to publish a cartoon (which is central to a news story) is not an editorially neutral decision; it reinforces the most orthodox and reactionary religious tendencies by embracing the prohibition on depicting religious figures.

²⁷ Open letter to C4 http://www.huffingtonpost.co.uk/stephen-evans/maajid-nawaz-channel-4_b_4686638.html

²⁸ <http://nickcohen.net/2014/02/15/twenty-five-years-on-from-rushdie-we-are-frightened-to-say-we-are-scared/>

Media organisations must have the liberty to publish material (or not) as they see fit. But self-censorship under the threat of violence is not an exercise of free choice.

The state should fully commit itself to defending those who decide to make use of their fundamental human rights to free expression and speech, regardless of whether individuals' substantive use of their right is seen by some as 'inflammatory' or 'provocative'. These arguments amount to blaming victims for violence directed at them. The state must defend these individuals. Instead, we have seen art exhibitions cancelled after the police made unreasonable demands for financial compensation for security. The state must incur the financial cost of defending free speech, as it does unequivocally in France.

Death threats against Salman Rushdie are widely seen as the start of the current malaise in the UK. Those responsible were allowed to go unpunished while Rushdie was castigated and vilified. Iqbal Sacranie the man who said of Rushdie that "death would be too easy", has been lauded, even knighted, and recently appointed as a Patron of the Woolf Commission into religion and belief in public life. This sends a signal that restricting others' freedom of expression can be carried out with impunity and that religion is off limits for debate or criticism.

Religion must not be returned to a place of special protection, where it cannot be satirised, ridiculed or criticised. This is increasingly called for under the guise of protecting 'community cohesion' or 'community relations,'²⁹ and many religious figures and political leaders (including Pope Francis³⁰ and President Obama³¹) have argued that free expression should only be exercised where it will not aggravate religious sensibilities. This argument must be rejected emphatically; free expression is a fundamental principle of a free, democratic, secular society, and we must not return, through the backdoor, to the type of society where religion is exempt from criticism, ridicule and satire.

Public opinion is in favour of allowing Mohammed to be depicted, but polling after the *Jyllands-Posten* case showed that 78% of British Muslims³² said the publishers should be prosecuted. Given the rate of social change, and the presence of well over three million Muslims in the United Kingdom, it is vital that universal values including freedom of expression are vigorously

²⁹ <http://www.theguardian.com/media/2015/feb/10/police-several-forces-seek-details-charlie-hebdo-readers>

³⁰ <http://www.bbc.co.uk/news/world-europe-30838667>

³¹ <http://www.economist.com/blogs/democracyinamerica/2015/02/political-correctness>

³² <http://ukpollingreport.co.uk/blog/archives/291>

promoted in the education system. It must also be made clear to all that in an open and free society there can be no right not to be offended.

This difference between broader public opinion and the views of British Muslims represents a serious long-term concern. Worryingly, young Muslims are less tolerant than their forbears and according to a Policy Exchange poll this also suggests that such intolerance is more likely to grow rather than diminish³³. While it is clear that it is only a minority of Muslims who tell pollsters that they endorse violence, it is nonetheless a significant minority.

Blasphemy is one of the major areas of great public interest in religion and belief in society, and it presents urgent challenges.

Blasphemy laws historically applied to the doctrines of the Established Church, but protected equivalent doctrines in other churches. Other, more recently enacted, offences can be covert equivalents of blasphemy and even more proscriptive as they apply to all religions. An example in England and Wales is religiously aggravated Public Order Act offences.

One Labour MP reportedly said that blasphemy was the “number one” issue on the doorstep for their Muslim constituents³⁴ during the 2015 General Election, and Keith Vaz MP, chairman of the Home Affairs Select Committee, indicated his willingness to vote for a blasphemy law that protected all faiths.³⁵

Many prohibitions on freedom of speech come from within higher education, where widespread ‘no-platform’ and safe space policies are limiting discussions, including around religion.

³³ <http://news.bbc.co.uk/1/hi/uk/6309983.stm>

³⁴ <http://www.secularism.org.uk/blog/2015/11/a-timid-defence-of-free-speech-is-no-match-for-islamism-we-must-do-better>

³⁵ <http://www.secularism.org.uk/news/2015/11/labour-mp-keith-vaz-would-have-no-problem-with-reintroduction-uk-blasphemy-laws>

Our Recommendations:

23. Any judicial or administrative attempt to further restrict free expression on the grounds of 'combatting extremism' should be resisted. Threatening behaviour and incitement to violence is already prohibited by law. Further measures would be an illiberal restriction of others' right to freedom of expression. They are also likely to be counterproductive by insulating extremist views from the most effective deterrents: counterargument and criticism.
24. Proscriptions of "blasphemy" must not be introduced by stealth, legislation, fear or on the spurious grounds of 'offence'. There can be no right to be protected from offence in an open and free secular society.
25. The fundamental value of free speech should be instilled throughout the education system and in all schools.
26. Universities and other further education bodies should be reminded of their statutory obligations to protect freedom of expression under the Education (No 2) Act 1986.

4: Religion and the law

“We cannot avoid the need to re-state what ought to be, but seemingly are not, well understood principles regulating the relationship of religion and law in our society.

We live in this country in a democratic and pluralistic society, in a secular state not a theocracy.

Although historically this country is part of the Christian West, and although it has an established church which is Christian, there have been enormous changes in the social and religious life of our country over the last century. Our society is now pluralistic and largely secular. We sit as secular judges serving a multi-cultural community of many faiths. The laws and usages of the realm do not include Christianity, in whatever form.

The aphorism that ‘Christianity is part of the common law of England’ is mere rhetoric.”

– Lord Justice Munby and Mr Justice Beatson

One of the most important functions of secularism is to balance competing freedoms, ensuring that everybody's rights and civil liberties are given equal consideration.

The Human Rights Act ensures all individuals have the right to freedom of thought, conscience and religion; but sometimes competing freedoms and rights come into conflict; particularly in the workplace.

The conflict between anti-discrimination law and religious freedom is a particularly acute tension between competing rights, and courts in the UK and in the United States are having to resolve religious objections to performing certain services.

In our view, UK courts have for the most part been successful in striking a fair balance, but religious lobby groups, often unrepresentative of the views of their co-religionists, would like to prioritise religious beliefs over equality law – providing disproportionate religious exemptions which would for example effectively legalise discrimination against LGBT people on religious grounds. For example, in Northern Ireland there are significant calls for a 'conscience clause' which would pose a great danger to notions of equality. Attempts to tip the balance in favour of religion over equality, must be resisted.

In this chapter we consider the meaning and likely impact of 'conscience clauses' and also the existing religious opt-outs in healthcare.

In challenging traditional religious privileges in law and society, we maintain that legal rights and the administration of justice should be based on equality, respect for human rights and objective evidence.

Article 9 of the European Convention on Human Rights ensures everyone has the right to freedom of thought, conscience and religion; this includes the freedom to change one's religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief.

For over a thousand years, the Church has played an integral part in shaping the law of the land – a law that privileges the Church to this day. The Church of England is the only organisation apart from the Government that can table Bills and its Measures form part of the law of the land. Such a complex web of legal privilege is unsustainable in the context of the continuing significant rise in the proportion of those of minority faiths, and of non-believers. The only solution is for the Church of England to be separated from the state. Disestablishment would involve a substantial period of legal reform. We discuss this aspect of religion and law in Section 7 under 'Disestablishment'.

But the threat to secular law does not just come from inappropriate law or challenges in the court. Extra-legal religious 'courts', such as sharia councils,

have no legal authority but can wield significant *de facto* power within insular Muslim communities. This is a profound societal challenge with no simple solutions.

Finally, we look at religious exemptions that exist for Jewish and Muslim religious animal slaughter, permitting non-stun slaughter of animals. In our view, supported by a majority of the British public,³⁶ these religious exemptions should end.

Civil rights, ‘conscience clauses’ and religious freedom

The development of anti-discrimination law means the UK has the most comprehensive anti-discrimination law in the world, but it is undermined by excessive religious exemptions.

Religious conservatives are becoming increasingly active and putting considerable funds into fighting the introduction of such legislation or undermining existing legislation. Such bodies also work in international fora including the EU and the Council of Europe, where the restriction of women’s reproductive rights is a particular focus³⁷, and they are increasingly organised³⁸. The churches and other religious bodies also seek to influence and they often have long-standing and powerful links; the Vatican’s diplomatic service is by some measures the most influential in the world.

The United Nations has criticised on Human Rights grounds Northern Ireland, Ireland and Poland for the unavailability – on religious grounds – of abortion. Northern Ireland (to which the UK’s Abortion Act 1967 still does not apply) has similar laws to Ireland and women in both countries who can afford it have no alternative but to travel to Britain to have abortions.³⁹ The law has still not been changed despite a powerful recommendation from the United Nations, which the UK government refused to implement in 2012 and

³⁶ In 2015 a YouGov poll commissioned by the RSPCA found that 77% of the general public want non-stun slaughter to end. <http://www.politics.co.uk/opinion-formers/rspca-royal-society-for-the-prevention-of-cruelty-to-animals/article/almost-80-per-cent-of-uk-wants-an-end-to-non-stun-slaughter>

³⁷ <http://www.secularism.org.uk/catholics-trying-to-write-religi.html> and <http://www.secularism.org.uk/123912.html>

³⁸ [https://www.secularism.org.uk/uploads/epf-analysis-on-the-vote-on-the-resolution-1763-\(2010\)-and-recommendation-on-womens-access-to-lawful-medical-care-the-problem-of-unregulated-use-of-conscientious-objection.pdf](https://www.secularism.org.uk/uploads/epf-analysis-on-the-vote-on-the-resolution-1763-(2010)-and-recommendation-on-womens-access-to-lawful-medical-care-the-problem-of-unregulated-use-of-conscientious-objection.pdf)

³⁹ <https://www.amnesty.org.uk/press-releases/new-call-northern-ireland-abortion-reform-un-rules-ireland-violates-human-rights> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418272/uk-upr-mid-term-report-2014.pdf (Page 98 recommendation 110.77)

again in 2014. The Government is bowing to unreasonable religious demands in colluding in denying human rights to Northern Ireland women that are enjoyed elsewhere in the UK. It is also notable that Northern Ireland is the only part of the UK where same sex marriage has not been legalised.

Anti-discrimination law covering sexual orientation has been a particular target of religiously-motivated litigation in the UK and the European Court of Human Rights (ECHR). Both UK⁴⁰ and European⁴¹ courts have rejected challenges to anti-discrimination law on the grounds that it breached the applicants' freedom of religion under Article 9 of the European Convention on Human Rights.

One case (Ladele) concerned a registrar who had declined to conduct civil partnerships for a local authority and another, (McFarlane) an employee of a relationship counselling service who did not wish to give sex-counselling services to same sex couples. Both bodies had strong equal opportunity policies. The above challenges to the European court were actively supported, if not initiated, by evangelical organisations and US-based organisations including the Alliance for Freedom, formerly Alliance Defense Fund, active in this field.

Civil rights must not be compromised on the grounds of others' religion. A secular state defends these principles, including the freedom of religion and belief, while ensuring that the rights of others are not infringed. This is not always an easy balance to maintain.

In a secular society the law protects people and not beliefs. Everyone, not as is often taken for granted solely the religious, is entitled to have their conscience treated with respect and without interference by the state. However, citizens also enjoy rights to dignity and equality before the law.

We believe that existing exemptions to equality law are already excessive, and some in breach of the EU Employment Directive. We are therefore vigorously opposed to any further accommodation of religious belief that would have the effect of establishing a hierarchy of rights or allow religious believers to discriminate against women or sexual minorities.

Most people have come to recognize that acts of discrimination violate the right of individuals to access goods, services and jobs as well as undermining their dignity. This was ratified in the ECHR case involving Ladele and McFarlane. People are of course entitled to believe whatever they wish, but they may not discriminate in employment or the service they provide.

⁴⁰ *Bull v Hall*.

⁴¹ *Eweida and Others v UK*.

However, some media reporting seems intent on creating the misleading impression that Christians face discrimination in the UK as a result of this new settlement. We are seeing a new muscularity of action being taken at employment tribunals or the courts to bring cases that if successful – very few are, fortunately – would result in conscience (which seems in practice only to refer to religious conscience) being placed at the top of the hierarchy of rights.

As the Supreme Court recognised in a case relating to the refusal of a room with a double bed to a gay couple by Christian owners of a hotel:

“There is no question of [...] replacing “legal oppression of one community (homosexual couples) with legal oppression of another (those sharing the defendants’ beliefs)”. If Mr Preddy and Mr Hall [the same-sex couple] ran a hotel which denied a double room to Mr and Mrs Bull [the Christian hotel owners], whether on the ground of their Christian beliefs or on the ground of their sexual orientation, they would find themselves in the same situation that Mr and Mrs Bull find themselves today.”

The European Court of Human Rights has repeatedly made it clear that Article 9 equally protects atheists, agnostics and non-religious philosophies.

As found by Laws LJ in *MacFarlane v RELATE Avon*:

“24. We do not live in a society where all the people share uniform religious beliefs. The precepts of any one religion – any belief system – cannot, by force of their religious origins, sound any louder in the general law than the precepts of any other.

“25. So it is that the law must firmly safeguard the right to hold and express religious belief; equally firmly, it must eschew any protection of such a belief’s content in the name only of its religious credentials.”

It would also be deeply discriminatory and wrong to assert that the dignity of individuals discriminated against on grounds of sexual orientation is less important than the dignity of individuals suffering discrimination on racial grounds or that the conscience of religious individuals is more important than the conscience of people whose beliefs arise from other sources.

Religion-specific conscience exemptions are impossible to reconcile with the duty to treat the conscience of each individual with equal concern and respect and therefore violate the duty imposed by Articles 9 and 14 (non-discrimination).

Our Recommendations:

27. We are opposed in principle to the creation of a ‘conscience clause’ which would permit discrimination against (primarily) LGBT people. This is of particular concern in Northern Ireland.
28. Religious freedom must not be taken to mean or include a right to discriminate. Businesses providing goods and services, regardless of owners’ religious views, must obey the law.
29. Equality legislation must not be rolled back in order to appease a minority of religious believers whose views are out-of-touch with the majority of the general public and their co-religionists.
30. The UK Government should impose changes on the rest of the UK in order to comply with Human Rights obligations. Every endeavour should be made to extend same sex marriage and abortion access to Northern Ireland.

Conscience ‘opt-outs’ in healthcare

We accept that the conscience exemption for medical staff who do not wish to be directly involved in abortions/terminations is reasonable. We are however concerned by attempts to significantly expand conscience exemptions, to those involved in administrative work relating to abortions/terminations which could result in obstructions to legal services. The NSS encouraged the Scottish NHS to appeal to the Supreme Court to reverse the ruling that such staff were entitled to claim conscience exemptions. We are pleased that the Supreme Court overturned this ruling⁴² in *Greater Glasgow Health Board v Doogan and Wood*.⁴³

There is a similar exemption for general practitioners, who, unless there is a risk to life, are permitted to refer those seeking abortion/terminations if they are not prepared to do so themselves. We hope that the *Doogan and Wood* judgment will also dispel any doubts that those involved administratively, for example preparing referral letters, cannot lawfully refuse to do so.

We oppose the conscience exemptions for pharmacists in relation to emergency contraception thought by some to be an abortifacient. We share the concern of the Secular Medical Forum that the recently formed

⁴² <http://www.theguardian.com/world/2014/dec/17/catholic-midwives-abortion-ruling-overturned>

⁴³ https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0124_Judgment.pdf

General Pharmaceutical Council “intends to allow pharmacists with strong personal religious beliefs to opt out of providing some services to patients. Patients’ needs and safety should take priority over the views of professional healthcare providers who have freely chosen their profession”⁴⁴ and we are pleased to note that the US Supreme Court recently ruled in this direction.⁴⁵

Our objections include that fulfilling prescriptions is the core function of pharmacists’ jobs and if they cannot in conscience fulfil legally valid prescriptions for everyone they should choose another job. Such prescriptions are generally issued in circumstances when patients are already under stress and a refusal to fulfil them adds to this. Such rejection can be humiliating, and in rural areas for instance the patients may not be in a position to visit an alternative pharmacy on grounds of cost or time or where doing so might result in them having to disclose the circumstances which they may not be prepared to do.

It is also unacceptable that pharmacists should take it upon themselves to refuse to fulfil valid prescriptions issued by medical practitioners privy to circumstances to which they are not.

This is not a specifically religious conscience exemption but in practice it is almost always religious in nature. Our objection is not to conscience opt outs that are religious or because they are religious, but to opt-outs that adversely affect others.

Demands to accommodate the discriminators under the banner of “Freedom of Conscience” must be balanced against the demeaning effect on those discriminated against, humiliating them and reducing them to the status of second class citizens. Legislators should be seeking to protect the vulnerable, rather than facilitate greater oppression.

We believe that the growing pressure for ever wider religious exemptions, accommodations and (largely religiously-motivated) conscience clauses is being driven by a small and unrepresentative proportion of (largely) evangelical Christian groups that are disproportionately powerful and well-funded.

⁴⁴ Consultation response http://www.secularmedicalforum.org.uk/docs/SMF_response_to_General_Pharmaceutical_Council_consultation_January_2010.doc

⁴⁵ *Stormans, Inc. v. Wiesman* https://www.supremecourt.gov/opinions/15pdf/15-862_2c8f.pdf

Our Recommendations:

31. Efforts to unreasonably extend the legal concept of ‘reasonable accommodation’ and conscience to give greater protection in healthcare to those expressing a (normally religious) objection should be resisted.
32. Conscience opt-outs should not be granted where their operation impinges adversely on the rights of others.
33. Pharmacists’ codes should not permit conscience opt outs for pharmacists that result in denial of service, as this may cause harm. NHS contracts should reflect this.
34. Consideration should be given to legislative changes to enforce the changes to pharmacists codes recommended above.

The use of tribunals by religious minorities

The use and flourishing of approximately 85 sharia ‘courts’ in the UK poses a serious threat to common citizenship in the UK, and the integrity of secular law. But it is an immediate threat to women’s rights and the rights of minorities. Even if these councils are used willingly (and many women will feel they have no alternative but to submit to patriarchal pressure) the mere existence of these bodies creates a communal pressure on women to use discriminatory religious courts.⁴⁶

Religious tribunals must be completely separate from the state legal system and should not be granted authority to adjudicate upon areas governed by the state legal system, or admitted, in any way, into the administration of family law or any judicial proceedings. There is a danger of sharia entering UK law ‘through the backdoor’ in this way, particularly in regards to family law.

Acceptance of religious tribunals in secular matters by the state may reduce access to secular courts (and knowledge of secular legal rights) amongst the groups who are seriously disadvantaged under religious ‘law’. These groups, particularly Muslim women, are ‘minorities-within-minorities’ and must be able to access their full legal rights. Muslim men on the other hand can summarily divorce without needing any court’s approval.

⁴⁶ <http://www.telegraph.co.uk/news/uknews/law-and-order/9975937/Inside-Britains-Sharia-courts.html>

Allowing groups to opt out of the state legal system in favour of a religious alternative strikes at the heart of citizenship and a cohesive society.

There are documented cases of women being refused divorces even when men have been violent, and custody of the children being determined on arbitrary religious criteria rather than the child's best interests. Civil divorces may not be recognised by fellow Muslims, so there is huge pressure to obtain a religious divorce, which can be hard or impossible, especially for women. An analogous situation for Jewish women was improved by the Divorce (Religious Marriages) Act of 2002 and means a civil judge can withhold divorce until a Jewish religious divorce has been carried out.

While some sharia councils are little other than informal dispute resolution fora, others describe themselves as Muslim Arbitration Tribunals and claim to operate under the Arbitration Act. This provides for arbitration decisions to be enforced by British courts, albeit in practice we have seen no evidence of their decisions being enforced in this way.

Very few mosques are registered to carry out civil marriages and the levels of civil registration of Muslim marriages are very low. This has potentially adverse financial consequences for the abandoned party (generally women) in a relationship which even though religiously recognised does not trigger enforceable financial obligations on dissolution.

Further examination is needed of the consequences of the low level of civil registration and to consider policy options which could even include making civil registration mandatory. A consequence, and perhaps also reason, for low registration is that the absence of civil registration enables *de facto* polygamy and the "husband" to escape financial consequences of divorce.

The adverse effect on, especially women's, rights of religious tribunals has led some provinces in Canada to proscribe them. This approach should not be ruled out. A commitment to religious liberty must be weighed against the powerful obligation to protect those most vulnerable from the imposition of patriarchal religious law.

With the growing orthodoxy in Islam in particular and the predicted rise in the number of Muslims it could be that these problems reach a scale when principled toleration becomes untenable. If sharia edges ever closer to *de facto* law in Muslim-majority areas, a prohibition on sharia and other religious arbitration must be contemplated. These questions need to be continually reviewed.

Partial solutions have already been placed before Parliament. The Divorce (Religious Marriages) Act 2002, noted above, could enable a court to require the dissolution of a religious marriage before granting a civil divorce. This will normally be more appropriate in Jewish cases where the marriages are

more likely to be civilly registered. We welcomed the proposals set out in the Arbitration and Mediation Services (Equality) Bill which sought to make religious tribunals non-discriminatory on grounds of sex and to criminalise those falsely purporting to exercise any of the powers or duties of a court.

Another possibility that merits further consideration is adopting legislation that would make the failure to grant a divorce unlawful marital captivity. Dutch laws now allow women whose husbands will not grant a religious divorce to pursue civil or criminal proceedings⁴⁷.

A meaningful and sustainable communal life in a multicultural society needs meaningful engagement with shared institutions. The legal system is more than just one option which consumers can choose from in a 'marketplace' of judicial and non-judicial systems. The law is the central institution which defines our rights and obligations as citizens. Allowing groups within society to withdraw from this most basic element of communal life undermines the idea of a meaningful common life and common citizenship. To do so would also undermine the idea of equality before the law which has been a foundational element of liberal democratic systems which was dearly won after centuries of struggle against legal orders which treated people differently based on criteria such as race, religion or community status e.g. aristocratic background. The British abandoned this principle in India by introducing religion-specific personal law which remains in force today. This must not be replicated here.

We would therefore encourage a strong civil society challenge to these institutions. Education about civil rights and the state legal system is essential, so that individuals are not left isolated or left *de facto* subject to oppressive quasi-legal systems.

In the long term, education is key to depleting demand for sharia, or other discriminatory religious councils. However, the difficulties of this approach should not be understated. Tackling the demand for sharia councils is a long-term project, and in the meantime many women face the threat or reality of 'honour' violence, particularly in cases where families originate from or maintain close ties with the Indian sub-continent.

It is not only a case of tackling the supply of sharia courts, but the demand. That is a neglected aspect of the debate.

⁴⁷ <http://www.independent.co.uk/news/uk/home-news/sharia-courts-in-britain-lock-women-into-marital-captivity-study-says-a6761141.html>

Our Recommendations:

35. The legal system must not be undermined. Action must be taken to ensure that none of the councils currently in operation misrepresent themselves as sources of legal authority.
36. Work should be undertaken by local authorities to identify sharia councils, and official figures should be made available to measure the number of sharia councils in the UK to help understand the extent of their influence.
37. There needs to be a continuing review by the Government of the extent to which religious 'law', including religious marriage without civil marriage, is undermining human rights and/or becoming *de facto* law. The Government must be proactive in proposing solutions to ensure all citizens are able to access their legal rights.
38. All schools should promote understanding of citizenship and legal rights under UK law so that people – particularly Muslim women and girls – are aware of and able to access their legal rights and do not regard religious 'courts' as sources of genuine legal authority.

Religious exemptions from animal welfare laws

European and UK animal welfare legislation requires all animals to be stunned before slaughter in order to minimise suffering. However, an exemption exists for religious communities to meet Jewish and Muslim religious dietary preferences.

The right to religious freedom should be protected, but this is not an absolute right, and laws designed to minimise the suffering of animals should not be subject to religious exemptions. Religious customs, like any others, must be subject to the law. There is overwhelming public support for this position.⁴⁸

Scientific evidence shows that non-stun slaughter compromises animal welfare. This is the rationale for the regulations relating to the treatment of animals at the time of slaughter. We therefore maintain that to meet the just requirements of morality, it is imperative that this law should apply to

⁴⁸ <http://www.politics.co.uk/opinion-formers/rspca-royal-society-for-the-prevention-of-cruelty-to-animals/article/almost-80-per-cent-of-uk-wants-an-end-to-non-stun-slaughter>

all sections of society equally and without exception. Regrettably, previous attempts over many years to do so have met with strong opposition and lacked support by the UK Government and in the EU.

Until religious exemptions to animal welfare regulations are withdrawn, there should be accurate labelling to ensure that customers are made aware when meat they are purchasing or consuming is derived from animals slaughtered under the exemption.

Our Recommendation:

39. Laws intended to minimise animal suffering should not be the subject of religious exemptions. Non-stun slaughter should be prohibited and existing welfare at slaughter legislation should apply without exception.
40. For as long as non-stun slaughter is permitted, all meat and meat products derived from animals killed under the religious exemption should be obliged to show the method of slaughter.
41. In public institutions it should be unlawful not to provide a stunned alternative to non-stun meat produce.

5: Religion and public services

“...thoughtful people – like the Irish Evangelical Alliance’s Nick Park, who says he thanks God for secularism – know that privileging religion is a bad thing. No, Christians shouldn’t abuse their positions to evangelise, and if they do they should be brought to account.”

– Reverend Mark Woods, writing in Christian Today

Social action by religious organisations

Recent years have seen a drive to contract out the provision of public services. This, perhaps encouraged by the greater freedoms allowed by the Localism Act 2011⁴⁹, has resulted in many more religious organisations seeking to become service providers of publicly-funded services⁵⁰.

Social action or charitable work should be welcomed by organisations whether or not they are religious. However, this should not entitle groups to discriminate on grounds of religion or belief or sexual orientation, in either service provision or employment, as is currently the case.

This is particularly concerning within publicly funded service provision. This anomaly may become more acute as voluntary organisations increasingly take on roles previously performed by the state.

The Equality Act 2010⁵¹ allows, under some circumstances, for discrimination exemptions on the grounds of religion or belief in employment where a belief is an 'occupational requirement'. The Act grants exemptions to religious organisations so that they can in such circumstances discriminate against potential applicants for jobs on grounds of religion or belief and of sexual orientation. It also allows such discrimination against current employees on the same grounds.

However, job descriptions can easily be drafted to create unnecessary or bogus occupational requirements, for example by introducing a requirement to lead prayer. Thus, those of the 'wrong' or no religion or those whose 'lifestyle' doesn't fit the organisations' ethos (gay, divorced, single parents, for example) might be dismissed or ineligible for promotion. There has been shown to be a 'glass ceiling' for staff without faith in religious organisations, where staff without faith cannot be promoted⁵².

Even more worryingly, this type of discrimination is also allowed against public sector workers who have been transferred to a religious employer; that is, people who were originally working in the secular public sector with equal opportunities who, through no choice of their own, are transferred to employment in a religious organisation contracted to provide public services will then face a faith test. Even if transfer of undertaking provisions protect the transferees, they will not protect their successors.

⁴⁹ <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted/data.htm>

⁵⁰ <http://blogs.lse.ac.uk/politicsandpolicy/archives/14581>

⁵¹ <http://www.legislation.gov.uk/ukpga/2010/15/schedule/9>

⁵² Sarah Johnsen, "Blurred Boundaries between the Religious and Secular in Homelessness Services". Access here: http://www.religionandsociety.org.uk/attachments/files/1331806307_Johnsen-FINAL.pdf

In addition to the potential for employment discrimination there is also the possibility of discrimination in the provision of the services themselves. The Equality Act grants religious organisations an exception⁵³ so that, in defined and limited circumstances, they can lawfully discriminate in the provision of services on religious grounds⁵⁴. This applies even when an organisation is working under contract to provide public services.

Furthermore, the lax nature of the monitoring of sub-contracting organisations⁵⁵ providing public services means that in practice proselytisation or placing conditions upon the receipt of goods is unlikely to be policed.

These concerns have been echoed by some liberal religious groups. For example, in a submission to the Parliamentary Public Administration Select Committee about the Big Society agenda, the Unitarian Church warned that the provision of services by religious groups could lead to discrimination against marginalised groups. It stated: *“We have concerns that some religious groups that seek to take over public services, particularly at local level, could pursue policies and practices that result in increased discrimination against marginalised groups, particularly in service provision and the employment of staff. Non-religious people and those not seen to conform to the dominant ethos of a religious body, such as being in an unmarried relationship or divorced and being lesbian, gay, bisexual or transgendered, could find themselves subject to discrimination.”*⁵⁶

Another concern about religious bodies acting as service providers is that the Human Rights Act 1998 (HRA) may not apply to them, since it is not clear whether they constitute ‘public authorities’. The term ‘public authority’ used within the HRA was based on the assumption that most public services would be provided by the state directly, however this is increasingly not the case. And while anybody understood to constitute a ‘public authority’ must comply with all relevant legislation including equalities and human rights legislation when exercising their functions, there is uncertainty as to whether religious organisations providing publicly-funded services constitute

⁵³ <http://www.legislation.gov.uk/ukpga/2010/15/schedule/23>

⁵⁴ The law allows organisations to provide goods, facilities or services only to people of a particular religion or belief, so long as they can show that any restrictions exist because of “the purpose of the organisation, or in order to avoid causing offence, on grounds of the organisation’s religion or belief, to followers of that religion or belief”. The organization has to also show that the purpose of its existence is to either: “practice, teach or advance a particular religion or belief; provide benefits for people who hold a particular religion or belief; or promote good relations between people of different faiths” (Equality Act 2010: What do I need to Know?, p8) Accessed here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85027/vcs-religion-belief.pdf

⁵⁵ http://www.publications.parliament.uk/pa/cm200708/cmselect/cmworpen/memo/dwp/ucrn0402.htm#_ftn2, Sections 1.14 & 1.15.

⁵⁶ <http://www.secularism.org.uk/faith-based-welfare-could-bring.html>

‘public authorities’ since British law, thus far, has interpreted the term very narrowly⁵⁷. Problematically, those falling outside the definition of a ‘public authority’ are not bound by the HRA. A report by the Parliament’s Joint Committee on Human Rights argued that “it is unacceptable that service providers and commissioning authorities should continue to enter into contracts for the provision of essential public services without any clarity as to the legal position of the service provider under the HRA.”⁵⁸

Our Recommendations:

42. The Equality Act should be amended to suspend the exemptions for religious groups when they are working under public contract on behalf of the state.
43. Legislation should be introduced so that contractors delivering general public services on behalf of a public authority are defined as public authorities explicitly for those activities, making them subject to the Human Rights Act legislation.
44. It should be mandatory for all contracts with religious providers of publicly-funded services to have unambiguous equality, non-discrimination and non-proselytising clauses in them.
45. Public records of contracts with religious groups should be maintained and appropriate measures for monitoring their compliance with equality and human rights legislation should be put in place.
46. There should be an enforcement mechanism for the above, which would for example receive and adjudicate on complaints without complainants having to take legal action.

⁵⁷ For example, in a 2002 Court of Appeal case (*Callin, Heather and Ward v Leonard Cheshire*) it was ruled that state-funded patients in a privately-operated care home could not sue the private care home under the HRA, because the provision of care was not a ‘public function’ under s6(3)(b) HRA.

“a private body carrying out a public function on behalf of a public body would only be a ‘public authority’ under the HRA if it could be shown that the function itself has a ‘public flavour’.”
<http://www.uniset.ca/other/cs3/20022AER936.html>

⁵⁸ Joint Committee on Human Rights, *The Meaning of Public Authority under the Human Rights Act*, Ninth Report of Session 2006–07, p25 Access online here: <http://www.publications.parliament.uk/ja/jt200607/jtselect/jtrights/77/77.pdf>

Hospital chaplaincy

The present system of hospital chaplaincy services leads to unequal care depending on faith (or lack of it); the majority of patients are unlikely to share the particular religion of the available chaplain and will not wish to avail themselves of their services. Even where chaplains are prepared to offer their services to all, and feel they can do so satisfactorily to those of other denominations, different faiths and none, many of the patients would prefer a non-religious counsellor or someone of their own denomination or faith.

Having only religious chaplains is not an acceptable compromise for a large proportion of our diverse society who rightly expect and deserve the state to fund non-discriminatory services. Nowhere is this more important than where people are at their most vulnerable, in a hospital environment.

It should be the responsibility of religious groups, rather than the NHS, to fund religious care for those who wish it. Publicly funded jobs within the NHS should not be restricted to applicants on the grounds of faith, and services should not discriminate based on religion.

NHS funding is under unprecedented strain and this is a further powerful reason for funds not to be diverted from front line services to provide religious chaplaincy that should be funded by religious bodies or charities, such as those that provide air ambulances.

The Department of Health has permitted hospital chaplains to be funded by the NHS since its foundation in 1948. The close connection between the State and the Church of England meant that originally all posts went to Anglicans and it was assumed that the majority of patients would be Anglican. It was also deemed appropriate that a hospital should have a chapel. The majority of Chaplains who are paid for by the NHS are still Christian, but in recent years additional resources have been needed to recognise the needs of those of other faiths, and many hospitals have now established multi-faith chaplaincy teams.

In today's pluralistic and multi-faith society, the provision and funding of chaplaincy/pastoral care services within a specifically religious framework needs urgent review. We favour such services being provided by religious bodies directly and/or any funding being provided through charitable trusts.

A hospital chaplain is the only job in the entire NHS for which applicants are discriminated against on the grounds of religion or belief, and normally the jobs are only offered if the applicant is endorsed by the relevant religious authorities, and endorsement has been withheld on grounds of an applicant being married to someone of the same sex.

Whilst chaplaincy remains a paid job exclusively for religious applicants, care for the non-religious is implicitly downgraded. This further undermines any justification for public funding.

Where NHS pastoral support services are provided, such support should be provided within a religiously neutral context, catering to all patients and staff equally. Religious care, such as prayer and sacramental services, should be the domain of religious groups. Where patients require specific religious services, hospital staff should make arrangements for that by liaising with local faith representatives.

Our Recommendations:

47. Religious care should not be funded through NHS budgets.
48. No NHS post should be conditional on the patronage of religious authorities, nor subject directly or indirectly to discriminatory provisions, for example on sexual orientation or marital status.
49. Alternative funding, such as via a charitable trust, could be explored if religions wish to retain their representation in hospitals.
50. Hospitals wishing to employ staff to provide pastoral, emotional and spiritual care for patients, families and staff should do so within a secular context.

6: Institutions and public ceremonies

“After the first world war the Cenotaph was designed by Edwin Lutyens as a secular memorial because the war dead were from a dizzying array of peoples, nations and creeds About 26,000 serving members of the armed forces today describe themselves as having no religion ... Remembrance is one of our most important duties as citizens. The act itself must reflect changing times. The event at the Cenotaph every November must feel as relevant and profound today as it was when it was first conceived. It must reflect the society it serves. If people switch off, they will forget. And when we forget, we repeat.”

– Historian Dan Snow

Disestablishment

The Church of England is established only in England, not Wales, Scotland or Northern Ireland. While the Church of Scotland is the national church in Scotland this carries with it minimal privileges compared with the Church of England.

One of the greatest privileges of the Church of England is the 26 bishops from English dioceses with *ex officio* seats in the UK Parliament, which gives them significant power to introduce and amend UK-wide legislation. The UK parliament is the only one in the world where bishops have such seats. Other significant privileges include the Church's currently pre-eminent role in national ceremonies, especially the coronation, and the monarch being the Supreme Governor of the Church, over whose liturgy and regulation Parliament has nominal control.

Historically, the Church's powers were much more extensive, though many privileges remain. In the 14th century the House of Lords was formed and was more powerful than the Commons because many of its members were or represented major landowners, including many bishops and abbots. Tithes were payable to the Church. Under the Test Acts public officials had to be communicants. The Church could punish the populace, even having its own courts and prisons. Until as late as the mid-19th century the Church played a major role in the legal system and could levy compulsory rates.

The existence of a legally-enshrined, national religion and established church privileges one part of the population, one institution and one set of beliefs.

Despite it still attracting a significant degree of affection and loyalty, the Church of England's privileged role as the Established church is no longer tenable in today's heterogeneous Britain. According to a YouGov poll, 62% say they are not religious, and polls registering residual "Christian" identity show that this is cultural, not theological.

We agree with the former UN Special Rapporteur on Religion and Belief, Prof Heiner Bielefeldt when he said: "... it seems difficult, if not impossible, to conceive an application of the concept of an official State religion that in practice does not have adverse effects on religious minorities, thus discriminating against their members."⁵⁹

It is clear that this politically powerful vocal minority will work hard to organise and oppose efforts at disestablishment. But only by removing all symbolic and institutional governmental ties with religion can Britain

⁵⁹ <http://www.secularism.org.uk/news/2012/03/state-sponsored-religions-are-undesirable-says-un>

ensure equal treatment not only to all religions but also to believers and non-believers alike.

Disestablishment has already taken place in Ireland and Wales and the NSS has long campaigned for this for England. Establishment has built up over many centuries in an organic and untidy way and disestablishment will be complex. As the precedent in Wales shows, disestablishment is possible and is no threat to the religious freedom of Christians.

Our Recommendations:

51. The Church of England should be disestablished, beginning with the removal of the Bishops' Bench in the House of Lords.

The House of Lords

The presence of an *ex officio* Bishops' Bench in the House of Lords, comprising two Archbishops and 24 Bishops of the Church of England, is archaic, unfair and undemocratic. It is a privilege which sits uneasily in a modern democracy and is contrary to aspirations for a more representative and equitable Parliament.

The presence of *ex officio* unelected bishops in the House of Lords is representative of institutional favouritism for one religion and is unjustifiable. This right of a selection of bishops to legislate as part of the House of Lords entrenches a privileged position for one denomination of one faith, and is both divisive and unrepresentative. The United Kingdom is the only democratic country to have religious representation in its legislature by right.

58% of Britons say bishops not be allowed to vote in the House of Lords.⁶⁰ According to *Religious Trends*, a comprehensive statistical analysis of religious practice and observance in the UK, published by Christian Research, the projected total church attendance in Britain by 2050 will have declined to 899,000, of which Anglicans would comprise less than 100,000⁶¹. Meanwhile, the active Hindu population, currently at some 400,000, will have more than doubled to 855,000. There are currently 2.6m active Muslims in Britain, though the actual number now may be much higher.

⁶⁰ <https://yougov.co.uk/news/2012/01/31/bishops-house-lords/>

⁶¹ *Religious Trends 7, 2007/2008* published by Christian Research Table 12.6.2

In addition to the bishops there are many other faith leaders who have been given seats in the House of Lords. Together, they amount to double representation of religious interests, as many temporal peers already identify themselves as being religiously motivated, a much higher proportion than in the country, partly because of their greater average age. They frequently seek to block progressive legislation and reform, not least in the realm of equality law where the Church has used its privileged position to secure exemptions and concessions or with religious opposition to civil partnerships and same-sex marriage. The views of the bishops on social issues (such as same sex marriage and the right to die) are often opposed to those of the majority of the country and indeed members of their own church.

The continued existence of the bench of bishops fails to respect those who do not subscribe to the Christian faith. We reject any suggestion that their presence is necessary to reflect a higher ‘moral’ perspective unavailable to non-Christians.

Any proposals to extend religious representation in the Lords to other religions, such as made by the Woolf Commission,⁶² should be resisted. Such a move would be both unworkable and unpopular and run the risk of creating sectarian tensions. It would further erode the franchise of the increasing numbers of non-religious people, and indeed of the many liberal religious people whose leaders, those most likely to be gifted a seat in the House of Lords, tend to hold considerably more orthodox and conservative views shared by very few in the country.

Our Recommendation:

52. The Bishops’ Bench should be removed from the House of Lords. Any future Second Chamber should have no representation for religion whether ex-officio or appointed, whether of Christian denominations or any other faith. This does not amount to a ban on clerics; they would be eligible for selection on the same basis as others.

Remembrance

It is important that all members of British society feel equally included in national events such as Remembrance Day or the coronation. It is no longer appropriate for the Church to presume to lead the nation in such events.

⁶² <http://www.woolf.cam.ac.uk/practice/commission-on-religion-and-belief.asp>

Such public ceremonies and institutions are still tied exclusively to Christianity and the established church – despite the large proportion of the population which is either from another religion, or more likely not religious or religiously indifferent. Such ceremonies should be secular in nature to ensure they are not in any way alienating of an increasingly non-religious and multi-faith Britain.

The annual ceremony of remembrance at the Cenotaph has changed little since it was first introduced in 1921; exclusively Christian rituals are prominent, hymns are sung, a bishop leads a religious procession, a cross is born in front of the procession and the bishop leads Christian prayers. For most Britons, Remembrance Day is an extremely important national event – it gives people the chance to think about what it is to be part of the nation of Britain and to think about all those who were courageous and selfless enough to offer their lives because the country asked them to.

Christianity in general, and the Church of England in particular, can no longer be fully inclusive of the whole nation. It is therefore legitimate to question the appropriateness of the Church being so closely associated with a national ceremony of remembrance, which should be equally inclusive of all citizens, regardless of religion and belief.

So many of those being remembered are soldiers who came from the former colonies and dominions and did not subscribe to the institutionalised form of Christianity as represented by the Church of England. Notably, the Cenotaph monument was deliberately designed and approved by the Cabinet to be a secular monument without Christian or other religious inscriptions or features precisely because of the diversity in the beliefs of the allied and Empire dead of the First World War⁶³. As might be expected, the Church opposed this bitterly and has attempted to move the ceremony to Westminster Abbey, but failed.

Thus, it is not just for the current diverse set of members of the UK that a more inclusive Remembrance Day commemoration ceremony is important, but also to pay tribute to all those being remembered. Given the central place of Remembrance Day in the British calendar, the ceremony must now be reformed so as to be secular. This would be to revert to the original intention, for all those being remembered and for all those future generations who will need to remember.

⁶³ <http://www.secularism.org.uk/uploads/cenotaph-a-consensual-and-contested-monument-of-remembrance.pdf>

France, for example, has dignified ceremonies of this type without any religious aspect or functionaries, usually led by mayors or national politicians and representatives of armed and public services.

Our Recommendation:

53. The Remembrance Day commemoration ceremony at the Cenotaph should become secular in character. Ceremonies should be led by national or civic leaders and include period of silence for participants to remember the fallen in their own way, be that religious or not.

The Coronation

The appointment, election or succession of a head of state – whether in a republic or a constitutional monarchy such as the UK – plays an important role in forming and reflecting a nation’s identity and being the time when all stand together in unity.

Currently, this ceremony (the Coronation) happens as part of an exclusively Anglican ritual in Westminster Abbey.

The act of anointment is performed by a priest rather than a civil official, with the succession ‘sanctioned and blessed by God’. The UK is the only democracy to have such an explicitly Christian ceremony for its head of state’s accession, with the monarch pledging to maintain the Laws of God. It also has sectarian anti-Catholic overtones⁶⁴.

At the coronation the head of state makes their oath to serve the British people. This contract is a symbol of stability and continuity in the country. Regardless of whether individuals support the idea of monarchy or not, it is important for all that the head of state’s official accession is inclusive and representative of the heterogeneous state the new monarch will be heading.

The current ceremony invests the holder of the crown with such express sacredness, echoing the divine right of kings. It is not only likely to seem outdated to many, within the context of modern Britain, but it is also inaccessible to many in terms of what it seeks to represent. The coronation is representative of a significant constitutional event and we see it as inappropriate for that to occur solely through a religious service.

⁶⁴ <http://www.secularism.org.uk/uploads/european-monarchy-coronation.pdf>

It would be far better for the accession ceremony to take place in the seat of representative democracy – in Westminster Hall, for example, and it should not be religious. An optional religious blessing could occur afterwards, perhaps in Westminster Abbey, if the new monarch so-wished.

Monarchy and religion

The requirement that the Sovereign be in communion with the Church of England and their *ex officio* role as “Supreme Governor” of the Church of England are of obvious concern for the National Secular Society. It is our hope that future reform would divest the Monarch of their religious responsibilities, particularly as many of their duties and powers are *de facto* vested in the Prime Minister. The “defender of the faith” (the *fid def* on coins) was, ironically, awarded to Henry VIII by the Pope Leo X, something he may have regretted.

One such responsibility is the recommendation of ecclesiastical appointments by the Prime Minister to the Monarch. We believe that it is inappropriate, for both the Church and the nation, for anyone outside the Church to be responsible for any part of the appointment of clergy. It is currently entirely possible for a non-Anglican Prime Minister to be charged with effectively appointing Anglican clergy, and this may have been why Tony Blair concealed his associations with the Catholic Church until after his premiership.

Our Recommendations:

54. The ceremony to mark the accession of a new head of state should take place in the seat of representative secular democracy, such as in Westminster Hall and should not be religious.
55. The monarch should no longer be required to be in communion with the Church of England nor *ex officio* be Supreme Governor of the Church of England, and the title “Defender of the Faith” should not be retained.

Parliamentary prayers

Sittings in both the House of Commons and the Lords begin with prayers. When the Chamber is at its busiest, parliamentary prayers act as a bizarre and antiquated seat reservation system, and even MPs and peers who are slated to speak have no option but to attend prayers in order to reserve a seat.

Whilst this may be viewed by some as an important tradition, it also serves to assert the superiority of Christianity and the Church of England in particular at Westminster. Although the ‘appeal to tradition’ may be persuasive to some, we regard parliamentary prayers as an anachronism – inimical to a modern pluralistic secular democracy.

For parliamentarians wanting them, prayers could be held in a nearby location in the Palace of Westminster prior to the start of formal business, as the late Lord Avebury advocated.

Our Recommendation:

56. We believe Parliament should reflect the country as it is today and remove acts of worship from the formal business of the House.

Local democracy and religious observance

A number of local authorities in Britain also begin their meetings with prayer.

Local democracy should be equally welcoming to all sections of society, regardless of their individual religious beliefs or lack of belief. Council meetings should be conducted without anyone feeling compelled to participate in prayers, or feeling excluded, or that they have to absent themselves from any part of the meeting.

The inclusion of acts of religious worship during council meetings undermines religious freedom. Simply because a majority of councillors may wish to impose their beliefs on other councillors it is not legitimate for them to do so any more than it would be for them to use their majority to deny rights to others or even break the law. Whilst prayers as part of council meetings may not seem like a great imposition to those who are involved with or enjoy the prayers, it can be for those who do not believe, or who hold faiths different to those of the religion invoked by the prayers in question. Councillors are elected to conduct business on behalf of the community, not to pray and many, especially the young, whether religious or not, find it off-putting doing so during councils’ formal business.

The absence of prayers from the formal business of meetings in no way impedes the religious freedoms of believers or denies anybody the right to pray. However, the inclusion of organised worship in secular settings is incompatible with a genuine commitment to religious freedom.

If there are to be any prayers, these should be entirely optional, preferably held outside the chamber, but in any event preceding formal proceedings by

sufficient time to allow those joining after prayers to do so at a pre-arranged time and with dignity.

Our Recommendation:

57. Acts of religious worship should play no part in the formal business of parliamentary or local authority meetings.

Public broadcasting, the BBC and religion

While there is clearly a role for innovative and informative religious programming, the range and approach of BBC national and local programmes and resources should be reconsidered.

The secularisation of society should encourage our public broadcaster, the BBC, to revisit its deferential treatment of religion and reconsider the prominence it is still given.

This is part of an approach at the BBC which helps conflate ethics and religion. Implicit in the set-up of the programming is the baseless assumption that profound, reflective and ethical thought comes only from religious representatives. This represents an inaccurate, discriminatory and degrading attitude toward those with no religious belief and undermines the BBC's duties of balance and impartiality.

One particularly problematic example is Radio 4's *Thought for the Day*. This is broadcast in a peak time slot on Radio 4's flagship news *Today* programme. The programme gives a voice exclusively to those who identify as religious and explicitly excludes non-believers.

The programme is just a small part of the BBC's output, but its prominence and the implication of ethical expertise given to it is symbolic of how the broadcaster views religion. Numerous attempts over many decades to challenge this discriminatory approach have met with no success, and strong suspicions of questionable complaint handling.

Our Recommendations:

58. The BBC should rename *Thought for the Day* 'Religious thought for the day' and move it away from Radio 4's flagship news programme and into a more suitable timeslot reflecting its niche status. Alternatively it could reform it and open it up to non-religious contributors.
59. The extent and nature of religious programming should reflect the religion and belief demographics of the UK.

Complete list of recommendations

1: Our changing society

Multiculturalism, secularism and group identity

1. The Government should continue to move away from multiculturalism and instead emphasise individual rights and social cohesion. A multi-faith approach should be avoided.
2. The UK is a secularised society which upholds freedom of and from religion. We urge politicians to consider this, and refrain from using “Christian country” rhetoric.

2: The role of religion in schools

Faith schools

3. There should be a moratorium on the opening of any new publicly-funded faith schools.
4. Government policy should ultimately move towards a truly inclusive secular education system in which religious organisations play no formal role in the state education system.
5. Religion should be approached in schools like politics: with neutrality, in a way that informs impartially and does not teach views.
6. Ultimately, no publicly funded school should be statutorily permitted, as they currently are, to promote a particular religious position or seek to inculcate pupils into a particular faith.
7. In the meantime, pupils should have a statutory entitlement to education in a non-religiously affiliated school.
8. No publicly funded school should be permitted to prioritise pupils in admissions on the basis of baptism, religious affiliation or the religious activities of a child’s parent(s).
9. Schools should not be able to discriminate against staff on the basis of religion or belief, sexual orientation or any other protected characteristics.

Religious education

10. Faith schools should lose their ability to teach about religion from their own exclusive viewpoint and the law should be amended to reflect this.
11. The Government should undertake a review of Religious Education with a view to reforming the way religion and belief is taught in all schools.
12. The teaching of religion should not be prioritised over the teaching of non-religious worldviews, and secular philosophical approaches.
13. The Government should consider making religion and belief education a constituent part of another area of the curriculum or consider a new national subject for all pupils that ensures all pupils study of a broad range of religious and non-religious worldviews, possibly including basic philosophy.
14. The way in which the RE curriculum is constructed by Standing Advisory Councils on Religious Education (SACREs) is unique, and seriously outdated. The construction and content of any subject covering religion or belief should be determined by the same process as other subjects after consultation with teachers, subject communities, academics, employers, higher education institutions and other interested parties (who should have no undue influence or veto).

Sex and relationships education

15. All children and young people, including pupils at faith schools, should have a statutory entitlement to impartial and age-appropriate sex and relationships education, from which they cannot be withdrawn.

Collective worship

16. The legal requirement on schools to provide Collective Worship should be abolished.
17. The Equality Act exception related to school worship should be repealed. Schools should be under a duty to ensure that all aspects of the school day are inclusive.
18. Both the law and guidance should be clear that under no circumstances should pupils be compelled to worship and children's right to religious freedom should be fully respected by all schools.

19. Where schools do hold acts of worship pupils should themselves be free to choose not to take part.
20. If there are concerns that the abolition of the duty to provide collective worship would signal the end of assemblies, the Government may wish to consider replacing the requirement to provide worship with a requirement to hold inclusive assemblies that further pupils' 'spiritual, moral, social and cultural education'.

Independent schooling

21. All schools should be registered with the Department for Education and as a condition of registration must meet standards set out in regulations.
22. Government must ensure that councils are identifying suspected illegal, unregistered religious schools so that Ofsted can inspect them. The state must have an accurate register of where every child is being educated.

3: Freedom of expression

Freedom of expression, blasphemy and the media

23. Any judicial or administrative attempt to further restrict free expression on the grounds of 'combatting extremism' should be resisted. Threatening behaviour and incitement to violence is already prohibited by law. Further measures would be an illiberal restriction of others' right to freedom of expression. They are also likely to be counterproductive by insulating extremist views from the most effective deterrents: counterargument and criticism.
24. Proscriptions of "blasphemy" must not be introduced by stealth, legislation, fear or on the spurious grounds of 'offence'. There can be no right to be protected from offence in an open and free secular society.
25. The fundamental value of free speech should be instilled throughout the education system and in all schools.
26. Universities and other further education bodies should be reminded of their statutory obligations to protect freedom of expression under the Education (No 2) Act 1986.

4: Religion and the law

Civil rights, ‘conscience clauses’ and religious freedom

27. We are opposed in principle to the creation of a ‘conscience clause’ which would permit discrimination against (primarily) LGBT people. This is of particular concern in Northern Ireland.
28. Religious freedom must not be taken to mean or include a right to discriminate. Businesses providing goods and services, regardless of owners’ religious views, must obey the law.
29. Equality legislation must not be rolled back in order to appease a minority of religious believers whose views are out-of-touch with the majority of the general public and their co-religionists.
30. The UK Government should impose changes on the rest of the UK in order to comply with Human Rights obligations. Every endeavour should be made by to extend same sex marriage and abortion access to Northern Ireland.

Conscience ‘opt-outs’ in healthcare

31. Efforts to unreasonably extend the legal concept of ‘reasonable accommodation’ and conscience to give greater protection in healthcare to those expressing a (normally religious) objection should be resisted.
32. Conscience opt-outs should not be granted where their operation impinges adversely on the rights of others.
33. Pharmacists’ codes should not permit conscience opts out for pharmacists that result in denial of service, as this may cause harm. NHS contracts should reflect this.
34. Consideration should be given to legislative changes to enforce the changes to pharmacists codes recommended above.

The use of tribunals by religious minorities

35. The legal system must not be undermined. Action must be taken to ensure that none of the councils currently in operation misrepresent themselves as sources of legal authority.
36. Work should be undertaken by local authorities to identify sharia councils, and official figures should be made available to measure the number of sharia councils in the UK to help understand the extent of their influence.

37. There needs to be a continuing review by the Government of the extent to which religious 'law', including religious marriage without civil marriage, is undermining human rights and/or becoming *de facto* law. The Government must be proactive in proposing solutions to ensure all citizens are able to access their legal rights.
38. All schools should promote understanding of citizenship and legal rights under UK law so that people – particularly Muslim women and girls – are aware of and able to access their legal rights and do not regard religious 'courts' as sources of genuine legal authority.

Religious exemptions from animal welfare laws

39. Laws intended to minimise animal suffering should not be the subject of religious exemptions. Non-stun slaughter should be prohibited and existing welfare at slaughter legislation should apply without exception.
40. For as long as non-stun slaughter is permitted, all meat and meat products derived from animals killed under the religious exemption should be obliged to show the method of slaughter.
41. In public institutions it should be unlawful not to provide a stunned alternative to non-stun meat produce.

5: Religion and public services

Social action by religious organisations

42. The Equality Act should be amended to suspend the exemptions for religious groups when they are working under public contract on behalf of the state.
43. Legislation should be introduced so that contractors delivering general public services on behalf of a public authority are defined as public authorities explicitly for those activities, making them subject to the Human Rights Act legislation.
44. It should be mandatory for all contracts with religious providers of publicly-funded services to have unambiguous equality, non-discrimination and non-proselytising clauses in them.
45. Public records of contracts with religious groups should be maintained and appropriate measures for monitoring their compliance with equality and human rights legislation should be put in place.

46. There should be an enforcement mechanism for the above, which would for example receive and adjudicate on complaints without complainants having to take legal action.

Hospital chaplaincy

47. Religious care should not be funded through NHS budgets.
48. No NHS post should be conditional on the patronage of religious authorities, nor subject directly or indirectly to discriminatory provisions, for example on sexual orientation or marital status.
49. Alternative funding, such as via a charitable trust, could be explored if religions wish to retain their representation in hospitals.
50. Hospitals wishing to employ staff to provide pastoral, emotional and spiritual care for patients, families and staff should do so within a secular context.

6: Institutions and public ceremonies

Disestablishment

51. The Church of England should be disestablished, beginning with the removal of the Bishops' Bench in the House of Lords.

The House of Lords

52. The Bishops' Bench should be removed from the House of Lords. Any future Second Chamber should have no representation for religion whether ex-officio or appointed, whether of Christian denominations or any other faith. This does not amount to a ban on clerics; they would be eligible for selection on the same basis as others.

Remembrance

53. The Remembrance Day commemoration ceremony at the Cenotaph should become secular in character. Ceremonies should be led by national or civic leaders and there should be a period of silence for participants to remember the fallen in their own way, be that religious or not.

Monarchy and religion

54. The ceremony to mark the accession of a new head of state should take place in the seat of representative secular democracy, such as in Westminster Hall and should not be religious.

55. The monarch should no longer be required to be in communion with the Church of England nor *ex officio* be Supreme Governor of the Church of England, and the title “Defender of the Faith” should not be retained.

Parliamentary prayers

56. We believe Parliament should reflect the country as it is today and remove acts of worship from the formal business of the House.

Local democracy and religious observance






57. Acts of religious worship should play no part in the formal business of parliamentary or local authority meetings.

Public broadcasting, the BBC and religion

58. The BBC should rename *Thought for the Day* ‘*Religious thought for the day*’ and move it away from Radio 4’s flagship news programme and into a more suitable timeslot reflecting its niche status. Alternatively it could reform it and open it up to non-religious contributors.
59. The extent and nature of religious programming should reflect the religion and belief demographics of the UK.

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