
THE BBC: THE BBC'S EDITORIAL GUIDELINES

Response from Humanists UK, November 2018

ABOUT HUMANISTS UK

1. At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by over 70,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

EXECUTIVE SUMMARY

- We urge the BBC to consider its duties under its Charter, the Communications Act 2003, as well as legislation relating to equality and human rights, and include non-religious programming and content in its editorial guidelines, on an equal footing to the inclusion of religious programming and content.
- We additionally call on the BBC to take note of the fundamental right to freedom of expression and amend the draft guidelines so that content can be created which can scrutinise and legitimately criticise religion without undue barriers.

INTRODUCTION

Religion, beliefs, and worldviews

2. Our response to this consultation is underpinned by the recommendation that references to religion in the BBC draft editorial guidelines should be updated to refer to 'religion or belief'. We have set out some introductory text below to explain why this should be the case below.
3. 'Religion or belief' (or sometimes 'religion and belief') is a phrase that now appears in UK legislation. The Communications Act 2003, for example, refers to 'religion and other beliefs', and says that "'belief" means a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrine'.¹
4. This is analogous to what is more commonly referred to (for example, in the field of religious education) as 'Religions and non-religious worldviews', which is generally understood to refer to those religions and beliefs that seek to answer ultimate questions, comprehensively relating the nature of life and the world to morality, values, and/or the way people should live. In other words, the phrase refers to religions and to their non-religious equivalent worldviews.²

¹ Communications Act 2003, section 264:

<http://www.legislation.gov.uk/ukpga/2003/21/section/264>

² See, for example, the final report of the Commission on RE, which proposes renaming the subject 'Religion and Worldviews':

5. Humanism is the only prominent non-religious worldview that is common in the UK today. It is also the most well-articulated and well-resourced³ non-religious worldview in the UK, and therefore the most suitable for inclusion in various initiatives that examine the major religions (such as the BBC's output). We expand on this below.

Legal responsibilities relating to religion or belief placed upon the BBC

6. Under its Public Purpose no. 4, 'the BBC must reflect, represent and serve the diverse communities of all of the UK'.
7. In addition, and as mentioned above, the Communications Act 2003 defines public service broadcasting as including programmes on 'religion and other beliefs' and specifies that 'belief' means 'a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrines'.
8. The BBC has even more fundamental duties under both the Human Rights Act 1998 and the Equality Act 2010. In the case of the Equality Act these duties require the BBC not just to avoid discrimination on the basis of the Act's protected characteristics,⁴ but to actually promote equality,⁵ and while the Human Rights Act does not just require the BBC to avoid any unjustified discrimination in the delivery of the rights guaranteed in the Act, but (in section 6) makes it 'unlawful for a public authority' such as the BBC 'to act in a way which is incompatible with a Convention right'. For the purpose of this submission the relevant protected characteristic under the 2010 Act is religion or belief, while the relevant application of the 1998 Act is to any discrimination in the delivery of the right to freedom of religion and belief (Article 14 in combination with Article 9).
9. We emphasise at the start (and this is amply demonstrated by looking at relevant case law) that the law clearly establishes that for its purposes, religions and non-religious beliefs such as humanism are not to be distinguished. The law requires there to be no discrimination - not only in favour of (say) Christians over Muslims but in favour of those of any religion over (say) humanists. In the terms of a significant recent High Court judgment what is required is 'equal respect' and the equal treatment that follows from it.⁶

Demographics

10. When considering our response to the consultation questions set out below it is also useful to have the following demographic information in mind.

<https://www.commissiononre.org.uk/final-report-religion-and-worldviews-the-way-forward-a-national-plan-for-re/>

³ Numerous substantial books on humanism have been published in the last twenty years and Humanists UK has produced online resources including a MOOC hosted by Sandi Toksvig and a highly praised website for schools, <https://understandinghumanism.org.uk/>.

⁴ sn.52: 'It is unlawful for a public authority exercising a function to do any act which constitutes discrimination'.

⁵ sn.149(1).

⁶ The case concerned the state's duties in respect of religious education but the principles are identical to those that govern a public authority: 'the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents' convictions.' - R (Fox) -v- Secretary of State for Education [2015] EWHC 3404 (Admin) at paragraph 39: <https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>

11. According to the British Social Attitudes Survey, 52% of the population say they do not belong to any religion.⁷ Separately, a private opinion poll commissioned by Humanists UK in 2014, carried out by YouGov, found that 6% of British adults readily identify with the term 'humanist' (the other options presented to non-religious respondents being atheist, agnostic, spiritual, naturalist, none of these, and don't know). Some of those who chose other options would likely also subscribe to the label 'humanist', but in any case, the results still reveal that there are more people in Britain who readily describe themselves as humanists than, for example, Muslims.⁸
12. With that said, humanism is different from the major religions in being a descriptive label for a set of beliefs that have existed throughout history and across the world. Often when people come to self-identify as a humanist they say they have 'discovered' a term that has long applied to them. This doesn't happen with religions, but that does not mean humanists, whether self-identifying or not, hold a worldview that is any less cogent or substantive than that of religious people. Non-religious people are not compelled by their beliefs to engage in any sort of formal practice or observance, join any organisation, or even identify with any particular creed at all. The difference between religions and non-religious worldviews on this score should not mask the fact that the humanist outlook on life is as widespread in Britain today and as worthy of respect as any minority religion.
13. To get closer to understanding this phenomenon, a 2016 Humanists UK-commissioned YouGov poll asked British adults a series of questions about their beliefs about religion, ethics, morality, and reason. The results found that 22% of the population has a non-religious outlook on life that matches the humanist one. Indeed, since the legal recognition of humanist marriages in Scotland, Humanist Society Scotland now carries out 20% of all wedding ceremonies in Scotland, more than any other religion or belief group.⁹ Furthermore, 17% self-define as humanist when this fact is pointed out to them, reflecting that humanism is the explicit or implicit worldview of a significant plurality of non-religious people in Britain.¹⁰

⁷ British Social Attitudes Survey 2017:

<http://natcen.ac.uk/news-media/press-releases/2018/september/church-of-england-numbers-at-record-low/>

⁸ According to the British Social Attitudes Survey a total of just 6.3% of people in Britain belong to all minority smaller religions, including Islam, Judaism, Hinduism, Sikhism, etc).

⁹ Humanists UK. 30 October 2018. Government announces reforms around legal wedding venues in England and Wales.

<https://humanism.org.uk/2018/10/30/government-announces-reforms-around-legal-wedding-venues-in-england-and-wales/>

¹⁰ YouGov poll on Humanism, conducted 28-29 July 2016:

<https://humanism.org.uk/wp-content/uploads/Results-for-BHA-Humanism-313-18.04.17.xlsx>

RESPONSE TO INQUIRY QUESTIONS

Do the draft guidelines set out appropriate editorial standards for those making BBC programmes and content?

The exclusion of non-religious programming and content in Section 12: Religious Content

14. In light of the reasoning outlined in the introduction, we do not believe that the draft guidelines provide appropriate editorial standards for those making BBC programmes and content, as they do not encompass guidance for content for or reflecting the non-religious relating to what makes them distinctive in their beliefs, behaviours, or identities, or the history of non-religious thought.
15. The exclusion of non-religious beliefs from section 12, and in past editorial guidelines, means that the non-religious remain unrepresented across BBC programming. This is explored by examining three relevant types of programme in more detail below.
 - (a) Current affairs programmes and documentaries related to religion or belief – e.g. *Muslims Like Us* (BBC Two), Neil MacGregor's *Living With The Gods* (BBC Radio Four), *Canvey – The Promised Land* (BBC Two).
 - (b) Magazine and discussion programmes about religion and belief designed to educate, entertain and inform – e.g. *Sunday* (BBC Radio Four), *The Moral Maze* (BBC Radio Four), *The Big Questions* (BBC One), *Sunday Morning Live* (BBC One).
 - (c) Programmes by believers about religion and belief and addressed to fellow-believers – e.g. the daily service on BBC Radio Four, and programmes to mark specific religious festivals (Easter, Divali etc).

We will consider these in turn.

16. In terms of (a), the BBC has not broadcast a single documentary programme about humanism or humanists either on television or radio since a short interview series on the then Home Service in 1965.
17. With reference to (b), humanists and the non-religious are generally invited to take part in discussion programmes and so this is less of a problem. However, such inclusion is still far from proportional to the demographics of the population.
18. In regard to (c), there is an unbroken daily sequence of programmes specifically serving the Christian community (e.g. *Thought for the Day* and *Prayer for the Day* (BBC Radio Four), the daily service (BBC Radio Four) and *Songs of Praise* (BBC One) are all predominantly Christian), plus occasional programmes devoted to the observances of other religions such as Passover or Eid. But there has never been a single programme in which humanists have been given a platform to talk to fellow humanists.
19. When presenting the above concerns, we often hear that the majority of the BBC's programming is 'non-religious' and that it is religious programming that is in the minority. However, this naively or willingly overlooks the distinction between programming that is not concerned with religion or belief, on the one hand, and programming that is specifically about or for the non-religious as such, on the other. For example, *BBC News at Six* is not a programme about religion,

and neither is it a programme about non-religious beliefs. Instead it aims to be about the newsworthy activities of everyone, regardless of religion or belief, and these activities typically do not concern religion or belief at all. The same is true for most of the BBC's output. To say that the weather forecast balances *Thought for the Day* (where five times a week a religious person shares reflective thoughts on the events of the day) is clearly false. The same is also true for programmes like *Infinite Monkey Cage*. Yes, it is about science. But it is not about what makes non-religious people distinctive, in their beliefs, behaviours, or identities, or the history of non-religious thought. Religious people can (and do) just as easily identify with the views being put forth on *Infinite Monkey Cage* as non-religious people.

20. With the above in mind, we question how far the BBC is meeting its Charter obligations and its legal requirements under the Communications Act 2003, the Human Rights Act 1998, and the Equality Act 2010.
21. **We strongly recommend that the BBC's draft guidelines are updated to encompass non-religious programming.** We would be happy to meet with the consultation team to discuss our rationale and recommendations further, and work through what this means in practice for the language of Section 12.
22. Further, the absence of BBC guidelines regarding the non-religious means that errors can be made in reporting or broadcasting concerning the non-religious, which might not otherwise have been made if religious and non-religious beliefs were both recognised and covered in the Editorial Guidelines. For example, Humanists UK and its armed forces section, Defence Humanists, were for the first time represented at the National Remembrance Day at the Cenotaph this November. However, Humanists UK's Chief Executive, Andrew Copson, was described in the BBC commentary as a 'faith leader', despite attending on behalf of the non-religious personnel in the armed forces. Another example was the BBC coverage of President Michael D Higgins' second inauguration which took place on the same day. In this case, the accompanying BBC article¹¹ stated that 'Christian, Jewish and Islamic religious representatives opened the inauguration ceremony with a prayer' but did not mention the reflection given afterwards by the Humanist Association of Ireland.

Freedom of expression and thought

23. We are additionally concerned about sections 5.3.54 - 5.3.56 on harm and offence as relating to the freedom to criticise religion across BBC output.
24. As noted in the draft guidelines, freedom of expression is a fundamental right for individuals. It is protected by all major international human rights instruments, including Article 19 of both the Universal Declaration of Human Rights (UDHR), whereas, however, there is no right reserved for individuals not to be offended.
24. We view that shielding religion from criticism in the manner that the draft editorial guidelines lay out - in that any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified and referred to a senior editorial figure or independent production company for approval - cannot be regarded as a social good. Criticism of religion which is false can be tested and met with legitimate counter-arguments, while criticism which is true should be heard for the sake of correcting errors. In some cases, criticism helps religious thinkers improve

¹¹ BBC. 11 November 2018. Michael D Higgins inaugurated as President of Ireland. <https://www.bbc.co.uk/news/world-europe-46173897>

theology. In more substantive cases, criticism is essential to shedding light on immoral or unlawful practices carried out in the name of religion.

25. While we of course are not advocating for any relaxing in the guidance related to hate speech, **we contend that the BBC should revise its guidelines and remove sections 5.3.54 - 5.3.56 relating to causing offence to those with religious views.** Indeed, we note that if the true spirit of existing law was realised, that we would similarly argue for the freedom of expression for any person who wishes to criticise or cause offence to those with, or to those specifically without, a religion.
26. Additionally the guidelines should be updated to reflect that non-religious people can also be victims of hate crime. This is made clear in both the Crime and Disorder Act 1998 (section 28) and the Racial and Religious Hatred Act 2006 (section 29A contained within schedule 1)¹², whereby hate crimes can be committed against 'a group of persons defined by reference to religious belief or lack of religious belief'.¹³ Therefore, **section 8.3.3 of the draft guidelines should be updated to read 'Broadcasting hate speech can constitute a criminal offence if it is intended or likely to stir up hatred relating to race, religion [additional text: or belief], or sexual orientation.'**

Do they properly address the BBC Charter duty to form partnerships with external organisations to produce content?

27. We view that the exclusion of the non-religious from past and current guidelines means that the BBC is not actively forming partnerships with external organisations to produce content for or about the non-religious as previously referenced above.

Do they sufficiently reflect the changes in the media landscape since the last review in 2010?

28. The updated editorial guidelines do not reflect the shift in the audience landscape since 2010 as the population as a whole has become increasingly non-religious, particularly amongst the young. The British Social Attitudes Survey reports an increase in the number of people identifying as non-religious from 50% in 2010 to 52% in 2018, however it is amongst the younger generation that this change has become even more pronounced, whereby 64% of those in the 18-24 age group reported being non-religious in 2010, increasing to 70% in 2017.¹⁴
29. It therefore appears logical for the BBC to increase its content made for and about the non-religious to not only meet its legal and Charter obligations, but also to attract the younger generation who are increasingly turning to other media services.

How well do they reflect audience expectations of the BBC?

30. Audiences have a realistic and justified expectation for the BBC to represent a diversity of religions and beliefs as laid out in its Charter, and legislated for in the Communications Act 2003 and in equality and human rights legislation.

¹² Racial and Religious Hatred Act 2006. <http://www.legislation.gov.uk/ukpga/2006/1/schedule>

¹³ Crime and Disorder Act 1998. Section 28 (5).
<https://www.legislation.gov.uk/ukpga/1998/37/section/28>

¹⁴ NatCen. 2017. Church of England numbers at record low.
<http://natcen.ac.uk/news-media/press-releases/2018/september/church-of-england-numbers-at-record-low/>

31. It is vital that the full diversity of religious and humanist beliefs are taken into account and accurately reflected across the BBC's programming about religion or belief. A majority of BBC licence fee payers, listeners, and viewers are not religious and our beliefs deserve coverage, explanation, and exploration.

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