

EQUALITY AND HUMAN RIGHTS COMMISSION: STATUTORY REVIEW 2023

Response from Humanists UK, March 2023



ABOUT HUMANISTS UK

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 100,000 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.

ABOUT FAITH TO FAITHLESS

Faith to Faithless is a programme of Humanists UK which works to raise awareness of the issues faced by those who leave high-control religious groups or cults and provide direct support to those affected. Deciding to leave a religion often means rejection from family and community, and apostates may end up homeless, isolated, and at risk of abuse. In addition, many high-control religions prevent members from accessing education or external services, and so individuals don't know where to turn for support. We provide facilitated peer support groups and social groups, provide a platform for apostate voices to be heard, and raise awareness of the issues they face. We train statutory and support organisations like the police, social services, and mental health organisations to better understand the issues apostates face, and the policy and practice implications this might have for them. We were founded in 2015. Now run by a staff team of three and advised by a voluntary Leadership Team of apostates with lived experience, the programme has expanded its capacity to both support individuals and effect sustainable change.

ABOUT THE NON-RELIGIOUS PASTORAL SUPPORT NETWORK

Since 2016, Humanists UK has overseen the Non-Religious Pastoral Support Network (NRPSN), which provides pastoral care in prisons, hospitals, and other settings. We have trained and accredited a network of over 250 pastoral carers who are operating both in a voluntary capacity and in paid positions. Although founded as part of Humanists UK, membership of the NRPSN is not limited to humanists and is open to all those who hold a non-religious worldview that is consistent and worthy of respect in a democratic society. There are now around a dozen non-religious pastoral carers employed by NHS trusts, with an employee or volunteer in 35% of trusts. Around 10% of prisons now have a non-religious pastoral carer, but these posts are generally held by volunteers.

ABOUT DEFENCE HUMANISTS

Defence Humanists brings together service personnel, veterans, Ministry of Defence staff, and their families to represent the interests of the non-religious in the armed forces. It organises events and community activities for its members and leads Humanists UK's participation in Remembrance Day events and similar activities around the UK. Defence Humanists is a section of Humanists UK.



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SUMMARY

This response to the Equality and Human Rights Commission's Statutory Review 2023 provides evidence on information gaps as they relate to protected characteristic religion or belief.

General Gaps

Education

Bullying in schools (England and Wales)

Impact of gender bias and stereotyping on educational attainment (England and Wales)

Faith-based 'carve-outs' in relationships and sex education in England can allow a vocal minority to stigmatise LGBT children, as well as reinforce gender bias and misogynistic stereotypes.

Impact of poverty and social exclusion on educational attainment (Wales only)

Humanists UK is conducting research into this area and will forward it onto the Equality and Human Rights Commission when it is available.

Work

Unfair treatment, bullying and harassment in the workplace (UK-wide)

Non-religious pastoral carers in prisons in England face unfair treatment in comparison to their religious counterparts.

Schedule 22 of the Equality Act allows for discrimination even outside of Genuine Occupational Requirements in faith schools.

Pay gaps in median hourly earnings (Wales only)

Pastoral support in hospitals and prisons in Wales remains overwhelmingly Christian. There are no non-religious pastoral carers in paid employment.

Living Standards

Material deprivation (UK-wide)

Apostates leaving high controlling religions experience financial hardship and housing precarity. However, this remains an under-researched area as apostates are rarely identified as a group.

Health

Access to mental health services (England and Wales)

Studies outside the UK show that those leaving high control religions have low well-being but struggle to access mental health services. Data of this kind for England and Wales is absent.

Discrimination in access to health (Wales only)

As stated under 'pay gaps in median hourly earnings' above, there is no funded access to pastoral care across Wales for non-religious people, a need identified by Marie Curie's 2018 report.

Justice and Personal Security

Prisons (England)

The non-religious are less likely to access services they want and need through a faith-based chaplaincy team, leading to unequal outcomes for mental health, rehabilitation and parole.

Domestic Abuse (Wales)

We are concerned that religious 'courts' are operating as a parallel quasi-legal system, due to the perception from those who engage with them that the decisions issued are legally binding.

Participation

Ability to influence decisions in the local area (England and Wales)

In England, humanists are repeatedly refused membership of the local authorities managing the content of religious education. The UK Government has repeatedly refused to provide legal clarity.

Civic Participation (England and Wales)

We have been calling for inclusive remembrance ceremonies for decades. Many remembrance ceremonies in England and Wales remain a predominantly Christian service.

Prayers in Council meetings serve no function to Council business, yet the practice continues to single out non-Christians who do not wish to partake.

Political participation and freedom of expression, assembly and association (England)

Both the House of Commons and House of Lords continue to start each day Christian prayers, leading to non-Christian parliamentarians missing out on seats in key debates.

Social and community cohesion (Wales)

Wales Humanists continue to be excluded from the Faith Communities Forum and from important dialogue and social cohesion work.

Treatment of personal data (England and Wales)

We remain concerned that the Census 2021 data underestimates the number of non-religious people because the question on religion relates to 'weak affiliation' rather than belief or practice.

Adequacy of the legislative and regulatory framework (Wales only)

Reserved areas are more likely to be considered from a less secular perspective than devolved areas due to the religious privileges in the Westminster Parliament that do not exist in the Senedd.

Child abuse

Illegal schools often operate in appalling conditions. They lack safeguarding, and many pupils are exposed to extreme homophobic and misogynistic content, as well as physical and sexual abuse.



Specific Gaps

Religion or Belief

Attainment at school leaving age and higher education attainment (England and Wales)

The judgment in *Fox* requires religious education (RE) to be inclusive of humanism and to be objective, critical, and pluralistic. Nevertheless, many children are denied access to inclusive RE.

Further information

Humanist marriages

Humanist marriages are legally recognised in Scotland, Northern Ireland, Guernsey and Jersey, but not in England and Wales. There are no reasons for any more delays to legal recognition.

RECOMMENDATIONS

1. The Department for Education should remove religious carve-outs from relationships and sex education. It should follow the Welsh Government's lead in removing the right to withdraw.
2. His Majesty's Prison and Probation Service (HMPPS) and NHS trusts across England and Wales should change recruitment practices so that non-religious pastoral carers are engaged on equal terms with their religious counterparts. This means appointing a pastoral care team that is reflective of the religious and non-religious worldviews held by the population using that service. NHS England and Wales should also update guidance documents to ensure inclusion.
3. The UK, Scottish, and Welsh Governments should change the law to limit discrimination in school employment to only where there is a Genuine Occupational Requirement. This could be achieved through removing provisions for preferential treatment from the School Standards and Framework Act 1998, Education (Scotland) Act 1980, and the Equality Act 2010, Schedule 22.
4. The Government should commission independent studies into the material deprivation of apostates, as well as their access to mental health services.
5. HMPPS should make sure prisoners declaring no religion have de facto equal access to services as religious prisoners. Such a change could be supported by including the Non-Religious Pastoral Support Network in the proposed Chaplaincy Faith and Belief Forum.
6. The impact of the use of alternative quasi-legal religious systems on the rights of women, girls, and children from or leaving religious communities must be continually monitored, preferably by an independent body such as the Equality and Human Rights Commission.

7. All SACREs should have a humanist representative as a full voting member. Additionally, the UK Government should adopt an approach similar to that provided for by the Curriculum and Assessment (Wales) Act 2021, which makes explicit that non-religious worldviews analogous to religion are taught on equal footing with religion.
8. Across the UK, all events serving a civic function should be secular and fully inclusive for all, and not a de facto act of worship. This includes remembrance ceremonies and council meetings.
9. In line with the recommendations of the All-Party Parliamentary Humanist Group in *Time for Reflection*, the UK Parliament should replace prayers with a daily 'time for reflection', similar to that held in the Scottish Parliament, inclusive of the broad range of religious and non-religious worldviews in today's UK.
10. Dialogue should not be closed to faith-only groups. Government engagement with all belief groups who share the goal of community cohesion, supporting freedom of religion and belief for all, should be the standard.
11. Data collection, including Census data, would prove more valuable to local decision-makers if it identified the beliefs and practices of their local population. The questions should be reframed to identify religious 'belonging' rather than 'weak affiliation', and to reflect people's behaviours and the services they require.
12. No part of the UK Parliament should be reserved for figures who represent one religion (Christianity) and one part of the union (England).
13. Parts three and four of the Schools Bill, which contained measures to close most of the loopholes enabling illegal religious schools to operate and commended cross-party support, should be returned to Parliament.
14. We want the UK Government to use its existing powers to enact recognition of humanist marriages, by Order, without delay – under section 14 of the 2013 Marriage Act. This can be done on the same interim basis as the outdoor marriage reforms.



GENERAL GAPS

EDUCATION

Bullying in schools (England and Wales)

In 2020, Relationships and Sex Education (RSE) became mandatory in all secondary schools and Relationships Education became mandatory in all primary schools in England. In Wales, compulsory Relationships and Sexuality Education was introduced for all pupils aged 3-16 in 2022.

The statutory guidance for RSE in both nations makes reference to anti-bullying education^{1,2} and the Welsh RSE code explicitly mentions 'LGBTQ+ based bullying'.³ In Wales, where the parental right to withdraw from RSE has been removed, all schools must provide 'learning that develops learners' awareness and understanding of different identities, views and values and a diversity of relationships, gender and sexuality, including LGBTQ+ lives'.⁴ However, in England the current position on LGBTQ+ inclusion in RSE is not mandatory and is open to wide levels of interpretation by individual schools. In part, this is because law explicitly states that guidance must be clear that such '**education is appropriate having regard to the... religious background of the pupils**'.⁵ The current statutory guidance therefore states: '**the religious background of all pupils must be taken into account when planning teaching**'.⁶ The impact of this is felt in the teaching of a range of topics, including abortion and contraception, but is perhaps at its most significant when it comes to LGBT-inclusive RSE. The statutory guidance says only that the Government expects 'all pupils to have been taught LGBT content at a timely point'.⁷ It leaves schools free to determine when this point is. It also suggests that, on the basis of consultation with 'parents and the local community', schools may require a 'differentiated curriculum',⁸ leaving individual schools vulnerable to pressure from a vocal minority who don't want certain topics taught.⁹ This clearly means that children in

¹ Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers* (2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805781/Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education.pdf> [accessed 6 February 2023].

² Welsh Government (2021) *The Curriculum for Wales – Relationships and Sexuality Education Code* <<https://www.gov.wales/sites/default/files/publications/2022-01/curriculum-for-wales-relationships-sexuality-education-code.pdf>> [accessed 6 February 2023].

³ Ibid. p.11

⁴ Ibid. p.3

⁵ Education Act 2002, S80A, <https://www.legislation.gov.uk/ukpga/2002/32/section/80A> [accessed 22 February 2023].

⁶ Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers* (2019) para. 20, p.12 and para. 68, p. 24. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805781/Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education.pdf> [accessed 6 February 2023].

⁷ Ibid. para. 37, p.15.

⁸ Ibid. para. 114, p.41.

⁹ See e.g. Humanists UK, '600 pupils reportedly withdrawn from Birmingham school as protesters announce 'God created women for men's pleasure' 20 May 2019 <<https://humanists.uk/2019/05/20/600-pupils-reportedly-withdrawn-from-birmingham-school-as-protestors-announce-god-created-women-for-mens-pleasure/>> [accessed 6 February 2023].

some schools can be denied lessons about LGBT people/relationships and other issues on the grounds of their school's or local parents' beliefs.¹⁰ This not only undermines the right of such children to 'have access to accurate information on their sexuality.'¹¹ It also does not address the issues of stigmatisation and bullying that LGBT children are frequently subjected to when their peers do not receive properly inclusive education in this area.¹²

Challenging LGBT discrimination in school lessons and in everyday school life is fundamental to fostering equality at school and in wider society, but it can only be done in a context where children have access to accepting relationships education. This teaching should take place at both primary and secondary level, to stem the development of anti-LGBT prejudice and to support LGBT people in the school community.

Impact of gender bias and stereotyping on educational attainment (England and Wales)

In recent years both the UK and Welsh Governments have introduced RSE as a compulsory curriculum subject. However, faith-based 'carve-outs' to RSE policy that allow differentiated content according to whether the school has a religious character or teaches pupils from a religious background in England exacerbate problems of gender bias and stereotyping.

To illustrate, in 2021, we exposed a deeply concerning faith-based resource that was being used in schools: the Catholic RSE programme, *A Fertile Heart: Receiving and Giving Creative Love*.¹³ A troubling Year 10 lesson in one *A Fertile Heart* textbook aims to teach pupils to 'understand different levels of male/female complementarity' arguing that, in a romantic relationship, 'masculinity is more about initiating... and femininity is more about receiving'. This theme is developed in a lesson on 'sexual bonding' where hormones are cited as a biological reason that women 'find it more difficult to enter uncommitted sexual relationships' and 'are prone to suffer mentally and emotionally if sexual relationships fail.' The lesson summary states that these biological arguments show that 'man has been created to be the initiator in sexual relationships and woman the receiver-responder'. The resources also tell pupils that all contraception is wrong and that 'the pill bulldozes through and prevents the young woman understanding her fertility and femininity'. Taking the pill – which is referred to as a 'danger' in multiple sections of the resource –

¹⁰ Humanists UK, 'Jewish school caught encouraging mass withdrawal of children from RSE so school can foster 'good religious girls' (24 July 2019) <<https://humanism.org.uk/2019/07/24/jewish-school-caught-encouraging-mass-withdrawal-of-children-from-rse-so-school-can-foster-good-religious-girls/>> [accessed 6 February 2023].

¹¹ UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland* (2016) para 63b <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en> [accessed 6 February 2023].

¹² Research shows that 45% of LGBT pupils are subject to bullying because of their identity, and the majority hear discriminatory language in school (see Stonewall, *School Report 2017* <<https://www.stonewall.org.uk/school-report-2017>> [accessed 6 February 2023].

¹³ Humanists UK. 'Exposed: Catholic school resources say 'man was created to be the initiator in sexual relationships', women 'receiver-responders'. January 2021. <<https://humanists.uk/2021/01/24/exposed-catholic-school-resources-say-man-was-created-to-be-the-initiator-in-sexual-relationships-women-receiver-responders/>> [accessed 21 February 2023].

to manage the menstrual cycle is discouraged on the basis it can 'mask chemical imbalances that could be better dealt with another way'. Suggested activities during a related Year 11 lesson involve discussing whether contraception has made women 'more "available" and vulnerable to being used'.

¹⁴ Clearly, these resources promote false and harmful ideas about women and girls which perpetuate dangerous and outdated stereotypes that underpin narratives that contribute towards misogyny and violence against women and girls (VAWG).

While the Government eventually condemned *A Fertile Heart* – saying it contained 'gender stereotypes' that 'could normalise non-consensual behaviour or encourage prejudice'¹⁵ – it took six months to reach this conclusion, after previously declining to comment on the resource.

Impact of poverty and social exclusion on educational attainment (Wales only)

Humanists UK is currently conducting research into this area, but it will not be ready in time for the 1 March 2023 deadline of this review. We will share our findings with the Equality and Human Rights Commission when they are ready.

Recommendation 1: The Department for Education should remove religious carve-outs from relationships and sex education. It should follow the Welsh Government's lead in removing the right to withdraw.

WORK

Unfair treatment, bullying and harassment in the workplace (UK-wide)

Non-religious pastoral carers in prisons

In her research into non-religious pastoral care in English prisons, Dr Katie Hunt interviewed providers of non-religious pastoral care from the Non-Religious Pastoral Support Network (NRPSN) who volunteered in prisons. She found that all interviewees felt 'unwelcome and unsupported, at least initially'. Obstacles included a low status within the prison in comparison to religious chaplains, and difficult relationships with managing chaplains who act as gatekeepers by controlling access of pastoral carers to prisoners of minority religions and non-religious beliefs.¹⁶

¹⁴ Humanists UK. 'Exposed: Catholic school resources say 'man was created to be the initiator in sexual relationships', women 'receiver-responders'. January 2021. <https://humanism.org.uk/wp-content/uploads/Scan_0028-merged-compressed.pdf> [accessed 21 February 2023].

¹⁵ Humanists UK. 'UK Government slams Catholic RSE resource over 'gender stereotypes' that 'could normalise non-consensual behaviour' (14 June 2021) <<https://humanists.uk/2021/06/14/uk-government-slams-catholic-rse-resource-over-gender-stereotypes-that-could-normalise-non-consensual-behaviour/>> [accessed 6 February 2023].

¹⁶ Katie Hunt, 'Non-religious prisoners' unequal access to pastoral care', *International Journal of Law in Context* (2022), p.124. <<https://www.cambridge.org/core/journals/international-journal-of-law-in-context/article/nonreligious-prisoners-unequal-access-to-pastoral-care/D7D3E3E582535B883CFD4A92DD9A8CE3>> [accessed 21 February 2023].

Unequal treatment is recorded in the access non-religious pastoral carers have to prisoners compared to their religious counterparts. Pursuant to section 10(5) of the Prison Act 1952, prisoners' religious identity is recorded on arrival.¹⁷ 'Ministers' are provided with a list of prisoners who identify with their religion, but are not permitted to visit any other prisoners. However, because His Majesty's Prison and Probation Service (HMPPS) do not categorise those prisoners declaring 'no religion' as being 'non-religious', and because non-religious pastoral carers are not 'ministers', they are not provided with such a list. Yet the non-religious constitutes 31% of inmates. Contact between non-religious prisoners and non-religious pastoral carers must be initiated by the prisoner. However, the prisoner can only do this if they already know that there is a non-religious pastoral carer available which is not always the case because, as stipulated above, the power of the managing chaplain is discretionary.¹⁸ This also impacts the pastoral care provided to non-religious prisoners which is addressed in more detail in the Prisons section below.

Obstacles disproportionately affecting non-religious pastoral carers also relate to their voluntary status. Before the pandemic, approximately 20% of prisons were served by a non-religious pastoral carer, all of whom were voluntary which has its own inherent problems, namely lack of pay, and lower availability. Several NRPSN interviewees highlighted that they were doing as much work as sessional chaplains for minority religions, but remained unpaid which they perceived as exploitative and furthered the marginalisation of non-religious worldviews and the needs of non-religious prisoners.¹⁹ The impact of the pandemic exacerbated this as all volunteering in prisons was suspended as a safety measure. While representatives of major religious groups continued to be employed by prison chaplaincy services, all non-religious pastoral care stopped for at least 12 months because they were volunteers. Notably, this came at a time when pastoral care would have been most needed with longer periods locked in cells and a higher risk of bereavement. By the time restrictions were lifted, many volunteers did not wish to return.²⁰ As it stands, non-religious pastoral support has returned to only 9% of prisons, mostly in a voluntary capacity.

Religious discrimination in teacher employment

In general the Equality Act says that you cannot discriminate against employees (actual or prospective) on the basis of religion and belief. However, there is an exception to this if a 'Genuine Occupational Requirement' (GOR) exists. A GOR would be applicable in certain circumstances, such as the Catholic church advertising for only baptised Catholics to apply for the priesthood.

However there is one place where the Equality Act (Schedule 22) does allow discrimination even outside of GORs: in faith schools. Specifically, the School Standards and Framework Act allows religiously designated voluntary aided schools, academies, free schools, and private schools in England and Wales to give:

¹⁷ Prison Act 1952 S10(5) <<https://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/52/section/10>> [accessed 23 February 2023]

¹⁸ Ibid. p.125-126.

¹⁹ Ibid.

²⁰ Ibid. p. 127.

[P]reference (...) in connection with the appointment, remuneration or promotion of teachers at the school, to persons– (i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school... or (ii) who attend religious worship in accordance with those tenets, or (iii) who give, or are willing to give, religious education at the school in accordance with those tenets.²¹

The same applies to the termination of the employment of any teacher,²² and similarly, voluntary controlled and foundation schools (and academies that were VC or foundation schools prior to conversion) are allowed to discriminate for up to a fifth of teaching staff, regardless of whether or not a GOR applies.

In Scotland, the law actively mandates religious schools to discriminate:

A teacher appointed to any post on the staff of any... [religious] school by the education authority... shall be required to be approved as regards his religious belief and character by representatives of the church or denominational body in whose interest the school has been conducted;²³

In other words, the exception in the Equality Act from GOR rules means that in domestic legislation, faith schools are able to discriminate much more broadly than where there can be said to be a GOR.

However, the European Employment Directive²⁴ is more strict, and prohibits **all** employers from discriminating against employees on the basis of their religion or belief, except where there is a GOR:

[B]y reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes **a genuine and determining occupational requirement**, provided that the objective is legitimate and the requirement is proportionate.

Therefore currently, teachers who are discriminated against by a faith school due to their faith or due to having no religion, without the existence of a GOR, have been unlawfully discriminated against under the European Employment Directive.

This route is now due to be closed. Under the terms of the Retained EU Law (Revocation and Reform) Bill (as of February 2023 awaiting Committee Stage in the House of Lords, having passed through the Commons), the Directive will cease to apply in the UK. Therefore teachers will likely

²¹ School Standards and Framework Act 1998, Section 60(5)(a). Sections 124A(2) and 124AA(6) extend the same provisions to all religiously designated schools. <<http://www.legislation.gov.uk/ukpga/1998/31/section/60>> [accessed 21 February 2023].

²² School Standards and Framework Act 1998, Section 60(5)(b). Sections 124A(3) and 124AA(7) extend the same provisions to all religiously designated schools. <<http://www.legislation.gov.uk/ukpga/1998/31/section/60>> [accessed 21 February 2023].

²³ Education (Scotland) Act 1980, section 21(2A): <http://www.legislation.gov.uk/ukpga/1980/44/part/1/crossheading/management-of-denominational-schools>

²⁴ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, 2000, Article 4. <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:303:0016:0022:en:PDF>> [accessed 21 February 2023].



soon have no recourse to appeal against non-GOR discrimination on faith (or lack thereof) grounds in faith schools.

Pay gaps in median hourly earnings (Wales only)

Barriers to equality continue in the area of chaplaincy and pastoral care in Wales, especially for the non-religious. People still face discrimination in access to non-religious pastoral support in hospitals and prisons, or in employment as part of all pastoral care teams. Pastoral support remains overwhelmingly Christian and there are no employed non-religious pastoral carers. The Standards for Spiritual Care Services in the NHS in Wales 2010²⁵ and the Capabilities and Competencies for Healthcare Chaplains / Spiritual Care Givers in Wales 2010²⁶ have not been reviewed for thirteen years and are no longer fit for purpose, falling behind the corresponding documents in England and Scotland were reviewed in 2015 and are currently being updated again to ensure inclusion.

From a freedom of information request to Welsh Government in 2017, a total spend of £1.2 million across the seven healthcare trusts was found to be allocated to all Christian chaplains, with one exception of a Muslim chaplain in Swansea.²⁷ There was no equivalent funding for non-religious pastoral care and any non-religious pastoral carers working as part of chaplaincy teams were doing so as volunteers, receiving no payment for doing the same role as the other members of the teams. This situation has not changed since 2017 as there are still no paid positions for non-religious pastoral carers.

Meanwhile, non-religious pastoral carers of the sort trained by Wales Humanists in Wales have enjoyed a marginally higher degree of success in England, where there are thirteen non-religious pastoral carers in paid employment. Of those thirteen, one is an interim Managing Chaplain in a prison, two are heads of service in the NHS, and the rest in NHS roles. The NHS England's 2015 guidelines Promoting Excellence in Pastoral, Spiritual and Religious Care mandates equal pastoral support and care to non-religious people on the same basis as chaplaincy is provided to the religious. Nonetheless, as informal estimates suggest there are approximately 800 chaplains employed across NHS England,²⁸ the number of non-religious pastoral carers in paid employment remains inadequate in both England and Wales.

²⁵ Welsh Assembly Government, 'Standards for Spiritual Care Services in the NHS in Wales 2010' <<https://humanists.uk/wp-content/uploads/STANDARDS-FOR-SPIRITUAL-CARE-SERVICES-IN-THE-NHS-IN-WALES-2010-ABSOLUTE-FINAL.pdf>> [accessed 21 February 2023].

²⁶ Welsh Assembly Government, 'NHS Wales Capabilities and Competencies for Healthcare Chaplains 2010' <<https://humanists.uk/wp-content/uploads/CAPABILITIES-AND-COMPETENCES-ABSOLUTE-FINAL.pdf>> [accessed 21 February 2023].

²⁷ Data collected by Humanists UK from FOI request to all seven Healthcare trusts in Wales, 2017. <<https://humanists.uk/wp-content/uploads/NHS-Wales-Chaplaincy-FOI-2017.xlsx>> [accessed 21 February 2023].

²⁸ In 2015, there were just over 900 NHS chaplaincy posts, down from around 1,100 in 2010. See: The Guardian, 'The spirit of healthcare: the NHS's £25m brigade of chaplains' (22 February 2016), <<https://www.theguardian.com/society/2016/feb/22/spirit-of-healthcare-the-nhs-chaplains-religion>> [accessed 27 February 2023]



In 2018, Marie Curie produced a report on improving access to palliative care for people with dementia, learning disabilities and people with different or no religious beliefs.²⁹ The report outlines the problem 'For people who are non-religious there can be barriers around not receiving appropriate spiritual care, if the only services available are provided from a religious perspective.' This problem is amplified across NHS Wales where there is no funding for a non-religious pastoral care service despite 47% of the population ticking 'no religion' in the 2021 Census.³⁰

Recommendation 2: His Majesty's Prison and Probation Service (HMPPS) and NHS trusts across England and Wales should change recruitment practices so that non-religious pastoral carers are engaged on equal terms with their religious counterparts. This means appointing a pastoral care team that is reflective of the religious and non-religious worldviews held by the population using that service. NHS England and Wales should also update guidance documents to ensure inclusion.

Recommendation 3: The UK, Scottish, and Welsh Governments should change the law to limit discrimination in school employment to only where there is a Genuine Occupational Requirement. This could be achieved through removing provisions for preferential treatment from the School Standards and Framework Act 1998, Education (Scotland) Act 1980, and the Equality Act 2010, Schedule 22.

LIVING STANDARDS

Material deprivation (UK-wide)

Apostates leaving high-cost groups³¹ are likely to experience fear, guilt, sorrow, pain, loss, and suffering on an existential level, often with serious implications for one's well-being and health.³² This is often accompanied by severe financial hardship – the loss of community and familial financial support is further compounded by a lack of access to secular education during childhood.

³³

²⁹ Marie Curie, 'Improving access to palliative care for people with dementia, learning disabilities and people with different or no religious beliefs', August 2018 <<https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/hospice-care/our-hospices/cardiff-and-the-vale/improving-access-project-full-report-english.pdf>> [accessed 21 February 2023].

³⁰ Office of National Statistics, 'Religion, England and Wales: Census 2021', 29 November 2022, <<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021>> [accessed 21 February 2023].

³¹ High-cost groups are defined as 'the most demanding, high-cost, theologically and culturally exclusive religious groups' in Christopher P. Scheitle and Amy Adamczyk, 'High-cost religion, religious switching, and health', *Journal of health and social behaviour* 51(3), 30 September 2010. p. 326 <<https://journals.sagepub.com/doi/abs/10.1177/0022146510378236?journalCode=hsbb>> [accessed 13 February 2023].

³² Maria Björkmar, Peter Nynäs and Camilla Koskinen, 'Living Between Two Different Worlds": Experiences of Leaving a High-Cost Religious Group', *Journal of Religion and Health* 61(6), 17 August 2022, <<https://link.springer.com/article/10.1007/s10943-021-01397-1>> [accessed 13 February 2023].

³³ Ronit Pinchas-Mizrachi and Baruch Velan, 'The Effects of Sociocultural Transitioning on Accessibility to Healthcare: The Case of Haredi Jews Who Leave Their Communities' *Contemporary Jewry* 42(1), 26 April 2022, <<https://link.springer.com/article/10.1007/s12397-022-09433-2>> [accessed 13 February 2023].



Housing precarity is often a serious issue for apostates – but current case law allows housing associations to choose a faith affiliation, and select tenants on a faith basis. This is justified as a proportionate means to redress the significant disadvantage experienced by members of those communities, but the disadvantage and experience of apostates **leaving** those same communities is not considered.³⁴

Data collection for equality, diversity and inclusion purposes rarely, if ever, identifies apostates as a specific group. This means that the level of material deprivation experienced by apostates and those leaving high control religions, as well as their ability to access services (see ‘Access to mental health services’ below) cannot be accurately quantified.

Recommendation 4: The Government should commission independent studies into the material deprivation of apostates, as well as their access to mental health services.

HEALTH

Access to mental health services (England and Wales)

Whilst previous research has typically found that more religious people tend to have better health, almost no attention has been given to how switching religious groups or leaving religion altogether is related to self-reported health. Using data from the 1972 through 2006 US General Social Surveys – a long-running project run by NORC at the University of Chicago – Scheitle and Adamczyk examined the relationship between health and religious switching as moderated by the religious tradition of origin. Their findings were significant – leaving high-cost groups that are theologically and culturally exclusive is associated with poor health in a way that leaving less controlling religious communities is not.³⁵

Faith to Faithless encounters a significant number of apostates from the most extreme end of the Jewish community, known as the Haredi community. A qualitative study of disaffiliated individuals from Haredi communities in Israel focused on specific steps in the process of accessing healthcare, including recognising the need for help, deciding to actually turn to the health system, interaction with the system, and behaviour after referring to the health system, and identified twenty different significant barriers. These include the financial impact of disaffiliation and the resulting lack of time and resources to manage health, especially if private psychotherapy is needed, and crucially: the

³⁴ See *R (on the application of Z and another) (Appellants) v Hackney London Borough Council and another (Respondents)* [2019] EWCA Civ 1099, <<https://www.bailii.org/ew/cases/EWCA/Civ/2019/1099.html>> [accessed 13 February 2023], and *R (on the application of Z and another) (Appellants) v Hackney London Borough Council and another (Respondents)* UKSC 2019/0162 <<https://www.supremecourt.uk/cases/uksc-2019-0162.html>> [accessed 13 February 2023].

³⁵ Christopher P. Scheitle and Amy Adamczyk, ‘High-cost religion, religious switching, and health’, *Journal of health and social behaviour* 51(3), 30 September 2010, <<https://journals.sagepub.com/doi/abs/10.1177/0022146510378236?journalCode=hsbb>> [accessed 13 February 2023].



worry that seeking help for (mental) health problems confirms what high control communities are saying about them ('See, we told you she was crazy').³⁶

Using pooled General Social Survey samples from 1973 through 2012, Fenelon and Danielsen³⁷ compared the health and subjective well-being of apostates to those who remain affiliated to their religious communities. They found that apostates experience poorer health and lower well-being than both those consistently affiliated, and those who are consistently unaffiliated. In this study, disadvantage for those who leave religious traditions is completely mediated by the frequency of church attendance. Fenelon and Danielsen point to the importance of the social processes surrounding religious disaffiliation. Faith to Faithless peer support groups and social networks therefore meet a crucial health need for apostates.

We would welcome a repeat of these studies in the UK context.

Discrimination in access to health (Wales only)

As stated above, there is no funded access to pastoral care across Wales for non-religious people.³⁸ Funding is made available through all seven healthcare trusts but is allocated to lead chaplains who are all Christian, and appoint teams of faith chaplains, which are all religious and overwhelmingly Christian. There is minimal support for other faiths but no funded positions for non-religious support. Where non-religious pastoral carers have been permitted to join chaplaincy teams, it is in a voluntary capacity only making it difficult to recruit and retain staff to provide this service. The Marie Curie report from 2018 proves the need for dedicated non-religious pastoral care alongside faith based chaplaincy.³⁹

See recommendations 2 and 4.

JUSTICE AND PERSONAL SECURITY

Prisons (England)

Non-religious offenders are discriminated against in English prisons in the provision of chaplaincy and pastoral care services – contrary to the Article 14 of the European Convention on Human

³⁶ Ronit Pinchas-Mizrachi and Baruch Velan, 'The Effects of Sociocultural Transitioning on Accessibility to Healthcare: The Case of Haredi Jews Who Leave Their Communities' *Contemporary Jewry* 42(1), 26 April 2022, <<https://link.springer.com/article/10.1007/s12397-022-09433-2>> [accessed 13 February 2023].

³⁷ Andrew Fenelon and Sabrina Danielsen, 'Leaving my religion: Understanding the relationship between religious disaffiliation, health, and well-being', *Social Science Research*, May 2016, <<https://www.science-direct.com/science/article/abs/pii/S0049089X16000284>> [accessed 13 February 2023].

³⁸ Data collected by Humanists UK from FOI request to all seven Healthcare trusts in Wales, 2017. <<https://humanists.uk/wp-content/uploads/NHS-Wales-Chaplaincy-FOI-2017.xlsx>> [accessed 21 February 2023].

³⁹ Marie Curie, 'Improving access to palliative care for people with dementia, learning disabilities and people with different or no religious beliefs', August 2018 <<https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/hospice-care/our-hospices/cardiff-and-the-vale/improving-access-project-full-report-english.pdf>> [accessed 21 February 2023].



Rights (ECHR) in conjunction with Article 9 – by depriving them of the ability to connect with like-minded people.⁴⁰

In England, professional pastoral care in prisons is provided almost exclusively through the chaplaincy which is dominated by the Anglican Church. Section 7(4) of the Prison Act provides that '[t]he chaplain and any assistant chaplain shall be a clergyman of the Church of England', that is no longer reflective of modern plural England, or its prison population.⁴¹ Pastoral support offered by other religious representatives tends to be smaller, sessional, and casualised, and non-religious pastoral carers are entirely absent in most cases.⁴² Yet fewer than half of prisoners are Christian and only 14% are Anglican, with a higher number of Roman Catholic prisoners.⁴³ Despite being available to everyone, an exclusively Christian chaplaincy is likely to be unsuitable for prisoners of other faiths and especially off-putting for the non-religious. This is demonstrated in a YouGov poll commissioned by Humanists UK in 2016 which showed that only 4% of non-religious people said they had used a chaplain – compared to 14% of Christians, and 11% of people from other religions. Almost three-quarters of non-religious respondents were 'unlikely' or 'very unlikely' to want support from a chaplain, but 45% would use a non-religious equivalent if available.⁴⁴

This creates a hierarchy of access in which the benefits of such services are more available to some prisoners than others, according to the service-users' religion or belief.⁴⁵ While some prisons do offer facilities beyond chaplaincy such as counselling, peer support, and official prison visitors as potential sources of care, these services are not non-religious equivalents to chaplaincy (indeed they are equally available to religious prisoners, leaving them better supported overall), and referral to these services is often made through the chaplaincy team. Claims that a Christian chaplain offering support to prisoners of 'all faiths and none' qualifies as equal treatment fails to recognise that the non-religious are unlikely to seek assistance through a faith-based service, and therefore less likely to be referred to the services they may want and need to access.⁴⁶ This 'equal treatment' can lead to unequal outcomes for mental health, rehabilitation and parole prospects,⁴⁷ and may well amount to discrimination under Article 14 of the ECHR in conjunction with Article 9.⁴⁸

⁴⁰ Katie Hunt, 'Non-religious prisoners' unequal access to pastoral care', *International Journal of Law in Context* (2022). p.116 <<https://www.cambridge.org/core/journals/international-journal-of-law-in-context/article/nonreligious-prisoners-unequal-access-to-pastoral-care/D7D3E3E582535B883CFD4A92DD9A8CE3>> [accessed 8 February 2023]

⁴¹ Prison Act 1952 S10(5) <<https://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/52/section/10>> [accessed 23 February 2023]

⁴² *Ibid.* p.117

⁴³ *Ibid.* p. 118. Also see: 'Ministry of Justice, Prison Population: 30 September 2021', *Offender Management Statistics Quarterly*, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028793/Population_30Sep2021.ods> [accessed 8 February 2023]

⁴⁴ Humanists UK, 'Humanists UK Polling on Pastoral Care in the UK', <<https://humanists.uk/wp-content/uploads/Humanists-UK-polling-on-pastoral-care-in-the-UK.pdf>> [accessed 8 February 2023]

⁴⁵ *Ibid.* p.118

⁴⁶ *Ibid.* p.121-122

⁴⁷ *Ibid.* p.118.

⁴⁸ Human Rights Act 1998, Schedule 1, <<https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>> [accessed 24 February 2023].



His Majesty's Prison and Probation Service (HMPPS) categorises those holding non-religious beliefs as 'people without beliefs' creating the assumption that the non-religious – the second largest belief group in prison after Christians – do not require specific representation within the chaplaincy team. As such, while all religious prisoners can request arrangements to have access to a Minister of their own faith, there is no equivalent policy for the non-religious.⁴⁹ While the Head Chaplain has discretion to allow a non-religious prisoner access to a like-minded pastoral carer, such a provision is not mandated by the Prison Service Instructions and discrimination under Article 14 of the ECHR in conjunction with Article 9.⁵⁰

The UK Government announced in January that it intends to replace HMPPS's Chaplaincy Council with a Chaplaincy Faith and Belief Forum and that this will include non-religious pastoral carers.⁵¹ The change would affect England and Wales. This is welcome news and Humanists UK hopes to see this proposal become a reality.

Domestic abuse (Wales only)

Religious 'courts' in Wales do not enjoy legal status except for the limited circumstances as prescribed by the Arbitration Act 1996. Even under this Act, the decisions from religious 'courts' are only enforceable under very limited circumstances, which includes agreement to the terms of arbitration.⁵² However, we are concerned that religious 'courts' are operating as a parallel quasi-legal system, due to the perception from those who engage with them that the decisions issued are legally binding. In cases of domestic abuse, the operation of such courts risks undermining the human rights of, in particular, women, girls, and children from those religious communities.

This is not to say that individuals do not have the right to regulate their life in accordance with their religion or belief, and it is not to say that individuals should not be free to submit to the decisions made by religious 'courts' insofar as the decisions are compatible with the common law of England and Wales (English Law). Rather, it is absolutely necessary that individuals do **freely** submit to the 'authority' of such 'courts', and that they are aware of their legal rights under English law. To fail to ensure this would be to effectively endorse the existence of a parallel religious system of rule.

⁴⁹ Katie Hunt, p 120. See also: National Offender Management Service, 'Faith and Pastoral Care of Prisoners' (29 November 2022), p.6. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1120809/psi-05-2016-faith-and-pastoral-care-for-prisoners.pdf> [accessed 24 February 2023]

⁵⁰ Human Rights Act 1998, Schedule 1, <<https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>> [accessed 24 February 2023].

⁵¹ *Hansard*, 'Prisons: Chaplaincy Service volume 826: debated on Tuesday 10 January 2023', <<https://hansard.parliament.uk/lords/2023-01-10/debates/2E4D3BD4-3EDB-49B5-ACB1-20415D4C9FFC/PrisonsChaplaincyService>> [accessed 8 February 2023].

⁵² Arbitration Act 1996, section 1(b), <<https://www.legislation.gov.uk/ukpga/1996/23/section/1>> [accessed 8 February 2023]



The two primary religious ‘courts’ that operate in the UK are Muslim sharia councils and Jewish beth din. This is supported by research collated in support of Baroness Cox’s Arbitration and Mediation Services (Equality) Bill, which contended that there are no formal Sikh, Buddhist, or Hindu mediation or arbitration services in the UK.⁵³ From a brief survey of the various sharia councils and beth din in operation in the UK, the majority of the work they undertake is not formal arbitration e.g. for commercial disputes, but rather is related to religious divorces and marriages, or other religious issues, for example around conversion.⁵⁴

Criticisms of religious ‘courts’ include whether parties are fully informed of their legal rights (or lack thereof) under civil law, and whether the subject matter of certain decisions of religious tribunals ‘creep’ into matters that ought only be considered by the civil or criminal courts. For example, in 2021, the Federation of Synagogues was criticised for ‘siding with domestic abusers at the expense of their victims’ by warning that it would refuse to approve a Get (divorce documentation) to any women initiating criminal prosecution against her husband for ‘coercive and controlling behaviour’ under the Domestic Abuse Act 2021. Notably, the Federation was widely criticised by parliamentarians, lawyers, and activists, and from within the Jewish community, including the London Beth Din.⁵⁵ In some cases, the indignity of being chained to a marriage in this way continues after a woman’s death, as happened in the case of Leah Hochausser, who had secretly recorded herself speaking about her campaign for her own freedom – her religious court, the Union of Orthodox Hebrew Congregations, argued that because she was unlikely to remarry she didn’t need a divorce and they therefore refused to facilitate one.⁵⁶ Get abuse – when one partner uses the Get as a means to manipulate or extort their spouse – has also been documented at rabbinic courts in the UK.⁵⁷

Apostates who leave high control communities also have to navigate religious courts, where they have often agreed to resolve custody and financial disputes via alternative dispute resolution, before leaving their communities. Evidence of this is available for American communities, but this is known to be a problem in the UK, too.⁵⁸

⁵³ Charlotte Rachael Proudman, *Equal and Free? Evidence in support of Baroness Cox’s Arbitration and Mediation Services (Equality) Bill*, Equal and Free, (2012), p.79. <http://equalandfree.org/wp-content/files_mf/1441879624Equal__Free_booklet_May_2012.pdf> [accessed 8 February 2023].

⁵⁴ E.g. ‘How does the Islamic Sharia Council Work?’, Islamic Sharia Council, <<http://www.islamic-sharia.org/services/>> [accessed 8 February 2023], and ‘About the US’, London Beth Din: The United Synagogue, <<http://www.theus.org.uk/londonbethdin>> [accessed 8 February 2023].

⁵⁵ Jenni Frazer, ‘Chief Rabbi steps in as rabbinical courts accused of siding with domestic abusers’, *The Jewish Chronicle*, 8 July 2021 <<https://www.thejc.com/news/uk/campaigners-warn-that-rabbinical-courts-are-siding-with-domestic-abusers-1.518409>> [accessed 8 February 2023].

⁵⁶ Jewish News, ‘Opinion: Leah’s tragic case exposes systemic negligence on the part of one Beit Din’ 26 January 2023, <<https://www.jewishnews.co.uk/opinion-leahs-tragic-case-exposes-systemic-negligence-on-the-part-of-some-beit-din/>> [accessed 20 February 2023].

⁵⁷ Rate My Beit Din, ‘Rabbinic Courts’, <<https://www.ratemybeitdin.com/rabbinic-court-rating>> [accessed 1 March 2023].

⁵⁸ The New York Times, ‘When Living Your Truth Can Mean Losing Your Children’ 25 May 2018, <<https://www.nytimes.com/2018/05/25/nyregion/orthodox-jewish-divorce-custody-ny.html>> [accessed 20 February 2023]



Even those who do manage to transfer into the family court system often fall prey to organised alienation by the community who see it as their sacred duty to 'save the children's souls'. With well funded legal teams arguing that the high control community is the safest and most familiar way for the children to live, self-funded apostates often lose custody of their children, and even when they don't, are prevented from making decisions about their education.⁵⁹

Nonetheless, the need for data gathering on the use of religious 'courts' in domestic abuse cases is clearly illustrated. The Government must maintain a picture of, and react to, the problem of women in high control communities who are being gatekept from secular court systems.

Similarly, apostates are often a hidden population of abuse victims who are vulnerable due to religious, cultural, and traditional constraints made by abusive family members. Police forces and other statutory agencies may have difficulty identifying and understanding the complexities of violence toward an apostate, or may make errors when assessing the risks apostates are facing. Disclosure of being abused for identifying as an apostate within a religious household to law enforcement is extremely uncommon, thereby preventing detection or prosecution of abusive acts committed by family members and limiting public awareness of this issue.⁶⁰

Recommendation 5: HMPPS should make sure prisoners declaring no religion have de facto equal access to services as religious prisoners. Such a change could be supported by including the Non-Religious Pastoral Support Network in the proposed Chaplaincy Faith and Belief Forum.

Recommendation 6: The impact of the use of alternative quasi-legal religious systems on the rights of women, girls, and children from or leaving religious communities must be continually monitored, preferably by an independent body such as the Equality and Human Rights Commission.

PARTICIPATION

Ability to influence decisions in local area (England and Wales)

It is statutory for schools to offer religious education (RE) to all pupils from ages 5-18. However, RE is not a part of the National Curriculum in England. Instead its content and management are determined locally. Standing Advisory Councils for Religious Education (SACREs) are the local committees that advise local authorities responsible for education on matters connected with RE and collective worship and support schools with the delivery of RE.

In Wales, following the Curriculum and Assessment (Wales) Act 2021, religious education has been renamed Religion, Values, and Ethics (RVE) to reflect the inclusion of non-religious philosophical convictions (worldviews) such as humanism. The new Curriculum for Wales was rolled out to

⁵⁹ BBC, 'Scare the mother, save the child' 6 December 2016, <<https://www.bbc.co.uk/news/resources/idt-75361d40-67f0-4544-bb29-c9bee5b2251f>> [accessed 20 February 2023]

⁶⁰ Hari Parekh and Vincent Egan, 'Apostates as a Hidden Population of Abuse Victims', *J Interpers Violence* 36 (23-24), December 2021, <<https://pubmed.ncbi.nlm.nih.gov/31928309/>> [accessed 8 February 2023]



schools across Wales in September 2022, and SACREs were renamed Standing Advisory Councils for Religion, Values and Ethics (SACs).⁶¹

The landmark 2015 judgment in *Fox*⁶² requires RE to be inclusive of humanism and to be objective, critical, and pluralistic, in order to comply with ECHR Article 9. This is because non-religious worldviews such as humanism should be read in as being analogous to religions. It should then follow that the bodies responsible for overseeing the RE curriculum locally should include humanists within their membership, in order to comply with *Fox*. Despite this, humanists have been repeatedly refused membership of SACREs across England on the basis that humanism is not a 'religion'. The UK Government has repeatedly refused to provide legal clarity, preferring to refer the matter back to local authorities. For example in February 2023 the Government minister in the House of Lords stated during a debate on the Education (Non-Religious Philosophical Convictions) Bill:

*'The Government believe that RE curricula should continue to be designed at a local level, ...through locally agreed syllabuses or by individual schools. Continuing with this model ensures that local demographics can be appropriately accounted for, including where this relates to non-religious worldviews.... We know that most schools are already integrating non-religious worldviews into their RE provision, and that non-religious representation already exists on many SACREs across the country. We will continue to trust our schools to deliver high quality religious education that is reflective of all beliefs and inclusive of the local demographic.'*⁶³

This hands-off approach means that coverage is patchy, despite changing demographics. In 30 local authorities the 2021 census results show that there is now a higher number of non-religious people than Christians in England and Wales. Yet as of February 2023, while there are 114 humanist representatives on 152 SACREs in England and 16 humanist representatives on 22 SACs in Wales, only 65 of those in England are full members. The remainder are co-opted, with no voting rights. Meanwhile, the Church of England and Church of Wales are represented on all within their jurisdictions as a requirement.⁶⁴ To comply with case law established following *Fox*, every SACRE should now have, or be willing to have, a humanist representative as a full voting member.

⁶¹ Humanists UK, *A guide to SACREs in England (Standing Advisory Councils on Religious Education) and SACs in Wales (Standing Advisory Councils for Religion, Values and Ethics)*, August 2022, <https://humanists.uk/wp-content/uploads/2018-10-12-TP-A-guide-to-SACREs_SACs-August-2022.pdf> [accessed 8 February 2023]

⁶² *Fox v Secretary of State for Education* [2015] EWHC 3404 (Admin), <<http://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>> [accessed 2 September 2022]

⁶³ *Hansard*, 'Education (Non-religious Philosophical Convictions) Bill [HL] volume 827: debated on Friday 3 February 2023', <[https://hansard.parliament.uk/lords/2023-02-03/debates/DEFE6FBD-3674-4843-8854-6C54D17AB568/Education\(Non-ReligiousPhilosophicalConvictions\)Bill\(HL\)](https://hansard.parliament.uk/lords/2023-02-03/debates/DEFE6FBD-3674-4843-8854-6C54D17AB568/Education(Non-ReligiousPhilosophicalConvictions)Bill(HL))> [accessed 23 February 2023]

⁶⁴ The Local Authorities (Committee System) (England) Regulations 2012, Part 5 <<https://www.legislation.gov.uk/uksi/2012/1020/part/5/made>> [accessed 24 February 2023]; Local Government Act 2000, Schedule 1, F19 (8.4) <<https://www.legislation.gov.uk/ukpga/2000/22/schedule/1>> [accessed 28 February 2023].



Civic participation (England and Wales)

Remembrance ceremonies

For decades we have been speaking out in support of inclusive remembrance ceremonies.⁶⁵ The Ministry of Defence's bi-annual armed forces diversity statistics show the percentage of personnel who declare "No Religion" continues its increasing trend in both the UK Regular Forces and the Future Reserves. In the Regulars, this has increased from 15.5% as at 1 October 2012 to 37.2% at 1 September 2022. Similarly for the Reserves, it has increased from 17.7% as at 1 October 2012 to 29.1% at 1 September 2022. Meanwhile, the number of those declaring a Christian religion continue on a downward trajectory. As of 1 October 2022, 58.6% of Regulars and 67.9% of Reserves declared a Christian religion, down 2.5% and 0.9% respectively in the last year. This makes those describing themselves as having 'no religion' is the largest group after Christianity, with the non-religious number more than ten times all the non-Christian religions combined, including Hindus, Muslims, Jews, Sikhs and Buddhists who collectively make up 4.2% of the Regulars and 3.0% of the Reserves.

⁶⁶ Further, there are over 600 members and supporters of Defence Humanists, a section of Humanists UK that brings together service personnel, veterans, Ministry of Defence staff, and their families to represent the interests of the non-religious in the armed forces. It is likely that this number is larger than the number of both Jewish and Sikh personnel, and is presumably also larger than a number of Christian denominations.⁶⁷ It is therefore vital that the contribution of non-religious personnel to the armed forces is recognised.

We've been working in towns and cities across the UK, in partnership with local humanist and Royal British Legion groups, towards more inclusive ceremonies. While we have seen encouraging openness towards inclusion, this is often as a minority part of mostly Christian ceremonies. For example, remembrance ceremonies in Westminster, Cardiff, Belfast and London City Hall continue to hold remembrance services that are in fact an act of Christian worship. While London's City Hall claims to hold 'an inclusive service for those of faith and no faith',⁶⁸ it does so on the basis that guests may select which parts of the service they wish to take part in. As the service is predominantly that of Christian worship with some 'interfaith' aspects, it is not possible for the non-religious to engage in any meaningful way.

⁶⁵ Humanists UK, 'Remembrance ceremonies' <<https://humanists.uk/campaigns/secularism/government-and-faith-communities/remembrance-ceremonies/>> [accessed 8 February 2023]

⁶⁶ Ministry of Defence, 'UK armed forces biannual diversity statistics: 1 October 2022', 12 January 2022 <<https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-october-2022/uk-armed-forces-biannual-diversity-statistics-1-october-2022#religion>> [accessed 24 February 2023]

⁶⁷ Jewish and Sikh personnel each make up 0.1% of 194,890 strong UK Regular Forces. See Ministry of Defence, 'UK armed forces biannual diversity statistics: 1 October 2022', 12 January 2022 <<https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-october-2022/uk-armed-forces-biannual-diversity-statistics-1-october-2022#religion>> [accessed 24 February 2023] and Ministry of Defence, 'UK Defence in Numbers 2022', 22 February 2023, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1137992/UK_Defence_in_Numbers_2022.pdf> [accessed 24 February 2023]

⁶⁸ The Royal British Legion, City Hall Branch, 'Order of Service', November 2019.



Council meeting prayers

In 2012, the High Court ruled that the saying of prayers as part of the formal meeting of a Council was unlawful (under the section 111 of the Local Government Act 1972), as they served no function to the meeting and that there was no statutory power permitting the practice to continue. Subsequent to this, a 'general power of competence for local government' was introduced which enabled local authorities in England to reinstate prayers in meetings.⁶⁹ This process is discriminatory and provides a privilege to Christians who may be given preferential seating or early access to meetings. Alternatively, it forces non-Christians to arrive at meetings and recuse themselves before returning to the meeting. Non-Christians may not wish to single themselves out and instead be forced to sit through something they don't believe in or disagree with. Despite the fact that there was no such general power in Wales, a number of local councils persist with including prayers as part of their meetings and this is unlawful.⁷⁰

Political participation and freedom of expression, assembly and association (England)

In its 2020 report, *Time for Reflection*,⁷¹ the All-Party Parliamentary Humanist Group (APPHG) highlighted the unbalanced relationship between religion and the state in the Westminster Parliament. The report calls for parliamentary prayers to be replaced with a 'time for reflection' inclusive of all.

The report highlights the exclusive nature of prayers, and how parliamentarians can miss out on seats in Prime Minister's Questions and other key debates in both Houses. If MPs and peers don't attend prayers they can fail to secure a seat in the chamber for the rest of the day, which hampers their ability to represent their constituents. One MP said, 'I stand outside the House of Commons chamber at the start of the session, peering through the window as colleagues take part in prayers. Whilst I appreciate it means a lot to them, the rituals make me feel excluded. I'm unable to take part in the start of the parliamentary day unless I lie and profess to believe in something I do not.' The report recommends replacing prayers with a daily 'time for reflection' similar to that held in the Scottish Parliament, which would be inclusive of the broad range of religious and non-religious worldviews in today's UK.

Social and community cohesion (Wales)

Welsh Government established a Faith Communities Forum in 2001 with the aim of creating a space for dialogue and consultation between faith groups. As the profile of religion and belief has changed towards more non-religious beliefs, we asked in 2016 for Wales Humanists to be permitted to join the Forum. This request was repeatedly denied, until in 2019 the Social Justice Minister agreed to a full review of the Forum's membership to make it more inclusive. The review was stalled during the pandemic, but membership of the group extended to another Christian denomination. We have been promised by the Welsh Government that the Forum would become more open to non-religious

⁶⁹ House of Commons Library, 'The General Power of Competence', 20 September 2021. P.15-16 <<https://researchbriefings.files.parliament.uk/documents/SN05687/SN05687.pdf>> [accessed 24 February 2023]

⁷⁰ BBC, 'Half of councils hold Christian prayers before meetings' 23 Jul 2017, <<https://www.bbc.co.uk/news/uk-wales-40654893>> [accessed 8 February 2023]

⁷¹ All-Party Parliamentary Humanist Group, 'Time for Reflection', 2020, <https://humanists.uk/wp-content/uploads/APPG-report_religion-in-parliament_Jan2020_print.pdf> [accessed 8 February 2023]



beliefs who share the goal of community cohesion yet the matter has still not been resolved. Dialogue should not be closed to faith-only groups. Government engagement with all belief groups, supporting freedom of religion and belief for all, should be the standard, but this is not currently happening.

Treatment of personal data (England and Wales)

The results of the 2021 Census in England and Wales showed that the number of people ticking 'No religion' jumped by over 8 million, from 25% to 37% of the population, while the share ticking 'Christian' fell from 59% to 46%.⁷² However, this result underestimates the number of non-religious people because the question is not only optional, but also uses leading wording ('What is your religion?') which has long been shown to inflate the number of people who do not believe in, practice, or consider themselves to belong to a religion choosing a religious box. The question relates to 'weak religious affiliation' which refers to how respondents connect or identify with a religion regardless of whether they actively practise that religion or believe in its tenets. Someone who rarely attends church or who was just baptised as a child or went to a Christian school would positively identify as Christian.⁷³ By contrast, the annual British Social Attitudes Survey found in 2020 that 53% of British adults belong to no religion, with only 37% Christians.⁷⁴

In 2021, YouGov conducted a survey on behalf of Humanists UK, asking 1,000 British adults the same question about religion as it appears on the Census – 'What is your religion? (This question is voluntary)'.⁷⁵ It then asked those who ticked 'Christian' as to why. Just 34% of English and Welsh adults did so because they 'believe in the teachings of Christianity', 27% did so because they 'believe that Jesus Christ was a real person who died and came back to life, and was the son of God', and just 14% did so because they 'go to religious services at a church other than weddings, christenings/baptisms or funerals'. 55% did not select any of these options.

Instead, people in England and Wales were more likely to tick 'Christian' because they were christened (59%) or brought up to think of themselves as a Christian (49%), because one of their parents is/was a Christian (44%), or they went to a Christian or Sunday school as a child (42%). 26% also said they had ticked 'Christian' because 'this is a Christian country', while 12% said 'it reflects my ethnicity'. None of these reasons reflect these people's religious beliefs or practices today.

Most British adults who ticked 'Christian' said they either never attend a place of worship (27%),

⁷² Office of National Statistics, 'Ethnic group, national identity, language, and religion: Census 2021 in England and Wales' 29 November 2022, <<https://www.ons.gov.uk/releases/ethnicgroupnationalidentitylanguageandreligioncensus2021inenglandandwales>> [accessed 29 November 2022]

⁷³ Government Analysis Function, 'Religion harmonised standards' 10 September 2020, <<https://analysis.function.civilservice.gov.uk/policy-store/religion/>> [accessed 8 February 2023]

⁷⁴ Humanists UK, 'Latest British Social Attitudes survey shows huge generational surge in the non-religious' 1 April 2021 <<https://humanists.uk/2021/04/01/latest-british-social-attitudes-survey-shows-huge-generational-surge-in-the-non-religious/>> [accessed 8 February 2023]

⁷⁵ YouGov on behalf of Humanists UK, 'Religious Identity, Fieldwork Dates: 26th – 28th February 2021' <<https://humanists.uk/wp-content/uploads/Results-for-Humanists-Religious-Identity-130-1.3.2021.xlsx>> [accessed 8 February 2023]



outside of pandemic times, or do so less than once a year (24%). Similarly, 29% of those who ticked another religious answer said they never attend a place of worship, while 14% said they do so less than once a year.

When asked how religious they are, 26% of those ticking 'Christian' said that they are very or somewhat non-religious, as did 20% of those ticking another religious option. 30% of those ticking 'Christian' and 14% of those ticking another religious answer said they are neither religious nor non-religious.

Notably, when answering the initial questions ('What is your religion?'), among English and Welsh people, 47% ticked 'No religion', 41% 'Christian', 8% another religion, and 4% refused to answer. These headline figures do not match people's behaviour when they actually filled in the Census. This is likely because the official nature of the form and the placement of the religion question after the ethnicity question all encourages people to tick a religious answer that refers to their cultural identity rather than their beliefs and practice.⁷⁶

This has important policy implications, as the Census data cannot be relied upon by decision-makers when choosing how to provide services such as state schools or state-funded pastoral care. This is because the leading nature of the question prompts some people to tick a religious answer even though this doesn't reflect their beliefs or practices. The data collected would prove more valuable to local decision-makers if it identified the beliefs and practices of their local population. A question that identifies 'belonging' rather than 'weak affiliation' would better reflect people's behaviours and the services they require. This means reframing the question in the first place.

Adequacy of the legislative and regulatory framework (Wales only)

Unlike the UK Parliament, the Senedd reserves no automatic places for religious figures, and Senedd business starts directly without prayers. This is entirely different from the situation in Westminster, which is unique among democratic sovereign parliaments in automatically allocating 26 seats for Church of England bishops in the House of Lords, and which starts parliamentary business in both chambers with daily Anglican prayers. In fact, it even enables MPs to reserve limited seating for the day ahead by attending these prayers, which others have pointed out is a form of indirect discrimination against non-Christians.

Reserved areas are therefore more likely to be considered from a less secular perspective, than were they devolved. There is also less Welsh representation in the House of Lords, which could create imbalance in presenting the views of the population in Wales.

Areas devolved to Scotland and the Crown dependencies, such as marriage law and the ability to legislate on assisted dying, have been able to move forward and to a place where public opinion is

⁷⁶ Government Analysis Function, 'Religion harmonised standards' 10 September 2020, <<https://analysis.function.civilservice.gov.uk/policy-store/religion/>> [accessed 8 February 2023]



represented in the pace of change. This leaves Wales lagging behind on issues like legal recognition of humanist marriages, when it should be leading the way as the most non-religious nation.

Recommendation 7: All SACREs should have a humanist representative as a full voting member. Additionally, the UK Government should adopt an approach similar to that provided for by the Curriculum and Assessment (Wales) Act 2021, which makes explicit that non-religious worldviews analogous to religion are taught on equal footing with religion.

Recommendation 8: Across the UK, all events serving a civic function should be secular and fully inclusive for all, and not a de facto act of worship. This includes remembrance ceremonies and council meetings.

Recommendation 9: In line with the recommendations of the All-Party Parliamentary Humanist Group in *Time for Reflection*, the UK Parliament should replace prayers with a daily 'time for reflection', similar to that held in the Scottish Parliament, inclusive of the broad range of religious and non-religious worldviews in today's UK.

Recommendation 10: Dialogue should not be closed to faith-only groups. Government engagement with all belief groups who share the goal of community cohesion, supporting freedom of religion and belief for all, should be the standard.

Recommendation 11: Data collection, including Census data, would prove more valuable to local decision-makers if it identified the beliefs and practices of their local population. The questions should be reframed to identify religious 'belonging' rather than 'weak affiliation', and to reflect people's behaviours and the services they require.

Recommendation 12: No part of the UK Parliament should be reserved for figures who represent one religion (Christianity) and one part of the union (England).

CHILD ABUSE

(England and Wales)

In 2021 the Independent Inquiry into Child Sexual Abuse (IICSA) reported significant evidence of widespread abuse in illegal faith schools.⁷⁷ The report explains that there are as many as half a million children attending out-of-school settings, around half of which are religious. A substantial number of these are so-called 'unregistered schools', also known as illegal schools. Such settings exploit loopholes in the law that mean that settings that only provide religious instruction do not meet the minimum definitions of a school and are therefore able to evade regulation. The report

⁷⁷ Independent Inquiry into Child Sexual Abuse, 'Child protection in religious organisations and settings', September 2021, <<https://webarchive.nationalarchives.gov.uk/ukgwa/20220301172234/https://www.iicsa.org.uk/key-documents/26895/view/child-protection-religious-organisations-settings-investigation-report-september-2021.pdf>> [accessed 10 February 2023].



quotes Ofsted as saying that ‘this leads to a perverse situation where, “As the law stands, the more inadequate the educational provision, the more likely a setting is to be exempt from regulation.”’⁷⁸

In our experience, unregistered schools with a religious character in England generally provide an extremely narrow curriculum. This is usually focused on learning religious scripture to the exclusion of subjects such as English, Maths, and Science. Former pupils have described leaving these ‘schools’ unable to speak English. One said he left with the education level of the average nine or ten-year-old. Illegal schools often operate in appalling conditions, with a total lack of safeguarding, and many pupils are exposed to extreme homophobic and misogynistic content, as well as physical and sexual abuse.

Following eight years of campaigning by us, in 2022 the UK Government brought legislation to Parliament, in the form of Parts three and four of the Schools Bill, which contained measures to close some of the loopholes enabling illegal religious schools to operate. However, despite nearly completing passage through the House of Lords and commanding widespread cross-party support, parts three and four fell victim to controversies about part one of the Bill. As a result, the whole Bill has now been dropped.⁷⁹ While the legislation to tackle illegal schools remains Government policy, there is no indication from Ministers that it will return before the next general election.

Recommendation 13: Parts three and four of the Schools Bill, which contained measures to close most of the loopholes enabling illegal religious schools to operate and commended cross-party support, should be returned to Parliament.

SPECIFIC GAPS RELIGION OR BELIEF

Attainment at school leaving age and higher education attainment (England and Wales)

In 2015, the High Court found that the Government had made an ‘error of law’ when it claimed that a school that simply teaches GCSE Religious Studies, the specification for which does not necessarily include non-religious worldviews like humanism, would be providing sufficient teaching to meet its mandatory duty to provide religious education (RE). This was because the failure to ensure that Key Stage 4 pupils would receive RE that considered both religious and non-religious perspectives amounted to a breach of the duty, under the European Convention on Human Rights, to ‘take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner’.⁸⁰

⁷⁸ Ibid.

⁷⁹ Humanists UK (2022) ‘Government fails most vulnerable children by dropping Schools Bill’ <<https://humanists.uk/2022/12/07/government-fails-most-vulnerable-children-by-dropping-schools-bill/>> [accessed 10 February 2023]

⁸⁰ *Fox v Secretary of State for Education* [2015] EWHC 3404 (Admin), para 39 <<https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>> [accessed 2 September 2022].



Despite this ruling (henceforth referred to as *Fox*), RE in many schools in England still excludes non-religious beliefs. Following the case, the landmark report of the Commission on Religious Education (CoRE) also argued that the subject should be fully inclusive of humanism and renamed Religion and Worldviews to reflect the fact it should cover both religious and non-religious perspectives.⁸¹ Nevertheless, the Government has chosen not to take further steps to ensure that they do. Indeed, one of the reasons given for not implementing the CoRE recommendations was that 'some stakeholders have concerns that making statutory the inclusion of "worldviews" risks diluting the teaching of RE,'⁸² a discriminatory view of non-religious beliefs that has been repeated on several occasions by the Catholic Education Service.⁸³

The Government's position on this matter has led to many children being denied access to inclusive RE provision. In some cases, this has required families to resort to threats of legal action in order to ensure their freedom of religion or belief is respected. For instance, in July 2022, a humanist parent in Worcestershire challenged the GCSE syllabus at his child's school on the basis that it was not sufficiently pluralistic and did not treat non-religious perspectives with equal respect.⁸⁴ Although the parent was able to secure more inclusive provision via the threat of judicial review, many parents will not be in a position to take such steps in order to secure the rights of their children.

In a related case in Northern Ireland (known as *JR87*), the High Court recently drew on the same case law as the *Fox* case to rule that a biased approach to RE is incompatible with Article 2 of the First Protocol of the European Convention on Human Rights (A2P1). In Northern Ireland, the RE curriculum is almost exclusively Christian (save for one unit on world religions in the later stages of secondary school). The Court found this approach breached the rights of a non-religious father and his child.⁸⁵ As in *Fox*, the Court found that the right to withdraw was 'not a sufficient answer to the lack of pluralism' in either religious education or collective worship (which is discussed below). This is because 'the need to withdraw a child [is] a manifestation of the lack of pluralism in question'⁸⁶

⁸¹ Commission on Religious Education, 'Religion and worldviews: the way forward, a national plan for RE', September 2018 <<https://www.commissiononre.org.uk/wp-content/uploads/2018/09/Final-Report-of-the-Commission-on-RE.pdf>> [accessed 2 September 2022].

⁸² Letter to the Chair of the Commission on RE from Secretary of State for Education, Damian Hinds, 6 December 2018 <<https://www.religiouseducationcouncil.org.uk/wp-content/uploads/2018/12/Letter-to-The-Very-Reverend-Doctor-John-Hall-from-Rt-Hon-Damian-Hinds-MP...-1.jpg>> and <<https://www.religiouseducationcouncil.org.uk/wp-content/uploads/2018/12/Letter-to-The-Very-Reverend-Doctor-John-Hall-from-Rt-Hon-Damian-Hinds-MP...-2.jpg>> [accessed 2 September 2022].

⁸³ Catholic Education Service, 'Statement from the Catholic Education Service on the consultation on RE and RSE in Wales' (3 October 2019) <<https://www.catholiceducation.org.uk/component/k2/item/1003674-statement-from-the-catholic-education-service-on-the-consultation-to-re-and-rse-in-wales>> [accessed 2 September 2022].

⁸⁴ Humanists UK, 'School will provide RE fully inclusive of humanism following legal threat' (12 July 2022) <<https://humanists.uk/2022/07/12/school-will-provide-re-fully-inclusive-of-humanism-following-legal-threat/>> [accessed 1 September 2022].

⁸⁵ *In the matter of an application by JR87 for Judicial Review [COL11833]*, para. 122. <<https://www.judiciaryni.uk/sites/judiciary/files/decisions/%5B2022%5DNIQB53Final%20-%20Approved.pdf>> [accessed 17 November 2022].

⁸⁶ *R (Fox) v Secretary of State for Education [2015] EWHC 3404* <<https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssf.pdf>> [accessed 2 September 2022].



and not only 'runs the risk of placing undue burdens on parents' which might mean they are deterred from withdrawing their child in the first place, but also 'of stigmatisation of... children'.⁸⁷ Clearly, if the curriculum does not make adequate room to discuss the diverse range of religions and non-religious beliefs held in the UK, this is not only a risk to the freedom of conscience of individuals; it also means that children and young people will fail to develop the inclusive, tolerant attitudes necessary to live well together.

Here it is worth noting that, as part of an overhaul of the curriculum in Wales, the Welsh Government has recently enacted the Curriculum and Assessment (Wales) Act which requires that non-religious philosophical convictions are explicitly included in the curriculum and that the bodies responsible for it include non-religious representatives on an equal footing with religious representatives.⁸⁸ A Bill that would achieve the same changes as those in Wales for RE in England is, as of February 2023, awaiting Committee Stage in the House of Lords, but will not become law because the UK Government opposes it.⁸⁹

Furthermore, in both England and Wales schools are legally mandated to carry out a daily act of collective worship. If a school is a faith school then this worship must be in line with the faith of the school but even where this is not the case, there must be worship 'wholly or mainly of a broadly Christian character'.⁹⁰ Schools can opt for alternative faith worship but not opt out of worship altogether – they are not permitted to provide a non-religious alternative.⁹¹

Like RE, parents have the right to withdraw their children from worship, and over 16s may withdraw themselves. However, this option is not available to younger children and, as also noted in the *JR87* case, withdrawal can be no replacement for pluralistic provision in either RE or worship. On this basis, schools should offer fully inclusive assemblies that are suitable for all children regardless of background or belief. A Bill introduced during the 2021-2022 parliamentary session that would have introduced such assemblies in place of collective worship was not supported by the Government and so did not progress.⁹²

See recommendation 7.

⁸⁷*In the matter of an application by JR87 for Judicial Review [COL11833]*, para. 122. <<https://www.judiciaryni.uk/sites/judiciary/files/decisions/%5B2022%5DNIQB53Final%20-%20Approved.pdf>> [accessed 17 November 2022].

⁸⁸ Curriculum and Assessment (Wales) Act 2021 <<https://www.legislation.gov.uk/asc/2021/4/contents/enacted>> [accessed 1 September 2022].

⁸⁹ Humanists UK. Peers come out strongly in favour of reforming RE, February 2023. <<https://humanists.uk/2023/02/03/peers-come-out-strongly-in-favour-of-reforming-re>> [accessed 9 February 2023].

⁹⁰ School Standards and Framework Act 1998 <<https://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/religious-worship>> [accessed 2 February 2023].

⁹¹ Hansard HL Deb. vol. 814 col. 1094, 10 September 2021 <<https://hansard.parliament.uk/lords/2021-09-10/debates/1F8305FD-63BA-4E38-99C4-774928DED5AA/Debate>> [accessed 2 February 2023].

⁹² Humanists UK. 'Queen's Speech: Assisted dying and inclusive assemblies bills fall', 10 May 2022. <<https://humanists.uk/2022/05/10/queens-speech-assisted-dying-and-inclusive-assemblies-bills-fall/>> [accessed 9 February 2023].



FURTHER INFORMATION

HUMANIST MARRIAGES

Humanist weddings are non-religious wedding ceremonies that are fully customised to match the deepest-held values and beliefs of the couple getting married. They are conducted by a humanist celebrant, someone guaranteed to share their beliefs. Through an extended period of close collaboration with the couple, the celebrant produces a completely bespoke script. The ceremony also occurs in whatever location is most meaningful for the couple.

Humanists UK has more than 300 trained and accredited wedding celebrants who already conduct over 1,100 weddings (without legal recognition) in England and Wales each year. Humanist marriages gained legal recognition in Scotland in 2005, the Republic of Ireland in 2012, and Northern Ireland in 2018 following a Court of Appeal ruling that concluded that a failure to do so would be a breach of human rights. Jersey also gave legal recognition to humanist marriages in 2018 and in 2021 Guernsey followed suit.

In 2022, the Law Commission published its review of marriage law in England and Wales. The Government is now due to respond to it. The report is the latest in 10 years of reviews and consultations into humanist marriages. With its release, there are no reasons for any more delays to legal recognition.

When six couples took a legal case to the High Court in 2020, the judge ruled that the lack of legal recognition for humanist marriages was discrimination, and that in light of that, the Secretary of State for Justice ‘cannot... simply sit on his hands’ and do nothing about the matter. However, given the ongoing Law Commission review, the judge accepted the Government’s argument that its refusal to act immediately could be justified ‘at this time’. From this she concluded, ‘Although I may deprecate the delay that has occurred since 2015, I cannot ignore the fact that there is currently an on-going review of the law of marriage in this country’.⁹³

Now that this review has concluded, we therefore hope that the Government will recognise that there is no longer any reason to delay legal recognition of humanist marriages. We strongly suggest that this is done by laying a statutory instrument now, as is possible under Section 14 of the Marriage (Same Sex Couples) Act. This is because of the length of time before any wholesale reform of marriage law is likely to be made. The Government could even lay an Order on an interim basis, pending a wider change to the law.

By convention, the Government has up to six months to publish an interim response to the Law Commission’s proposals, and then a further six months to issue a full response. If it does decide to bring forward any wholesale legislation, it may choose to consult further on what this should look like. After that, it would have to announce this legislation in a King’s Speech, before finally introducing a new Bill to Parliament. It may then take a year for this Bill to become an Act. This

⁹³ *R (Harrison and others) v Secretary of State for Justice* [2020] EWHC 2096 (Admin): <https://www.bailii.org/ew/cases/EWHC/Admin/2020/2096.pdf> [accessed 24 February 2023].



means that any wholesale reform of marriage law is likely to be made in 2024 at soonest, if at all. There is a real risk that this may not become law before the next general election.

We think the time the Government has already spent reviewing the matter is long enough. Most of the Law Commission's recommendations could well require further consultation, but humanist marriages have already been subjected to this for the last ten years. We don't see any reason why humanists can't have legal recognition of their marriages at least on an interim basis, which wouldn't prevent a wholesale reform to marriage law from being made at a later date. Interim reform was already used by the Government to legally recognise outdoor civil and religious marriages, undermining the very argument that saved it from defeat at the High Court.

Recommendation 14: We want the UK Government to use its existing powers to enact recognition of humanist marriages, by Order, without delay – under section 14 of the 2013 Marriage Act. This can be done on the same interim basis as the outdoor marriage reforms.

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