BHA Response to *The 'Religion or Belief' Equality Strand in Law and Policy: Current Implications for Equalities and Human Rights.*

About the British Humanist Association

The British Humanist Association (BHA) is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society.

As humanists we take personal responsibility for our own lives and actions and shared responsibility for those of the community in which we live. We value the autonomy of the individual and principles such as freedom of belief and conscience. We therefore embrace the ideal of the open society.

We reject any social structure that privileges or establishes one 'religion or belief' – such as that which prevails in the UK today – and also the sort of social structure found in several European countries which are organised on confessional lines with taxes distributed to a limited number of religious and (sometimes) humanist bodies and some social services provided through such bodies. We reject it because it favours a selected group of dominant beliefs and tends to ossify society around them, placing artificial limits on choices and in particular bolstering historically and conventionally dominant religion and belief groups by subsidising them by virtue of their default position after they have lost the true support of the majority of their nominal adherents. We believe such social structures are not conducive to the development of a cohesive or integrated community.

Humanists are concerned with the maximisation of well-being of individuals for the social good and benefit of society as a whole. Humanists believe in individual rights and freedoms – but believe that individual responsibility, social cooperation and mutual respect are just as important.

Introduction

The BHA welcomes the opportunity to publish a report which gives such a detailed and useful account of the 'religion or belief' equality strand. The report was commissioned by the BHA as part of a wider project funded by the Equality and Human Rights Commission which aims to increase understanding of 'religion or belief' equalities work. The BHA believes the report to be a balanced and accurate representation of current

law and policy in this equality area and agrees with the majority of the recommendations and conclusions drawn.

However, the report was written by brap, a human rights and equalities organisation, and not by the BHA itself. The BHA would therefore like to respond to the report with reference to our specialist knowledge and experience in this field. What follows is the BHA's response to specific recommendations and conclusions made in the report that are not fully compatible with our understanding of the current situation.

Response to general themes and conclusions
The BHA endorses the majority of the conclusions made in the report, particularly:

- The need for an extended definition of 'public function' in the Human Rights Act.
- The importance of protecting the rights of service users and staff if religious organisations are contracted to run public services.
- That public authorities should give closer consideration to the way they use census data due to the fact that it is not fully relevant to policy making with regard to 'religion or belief.'
- That the inclusivity of 'inter-faith' work needs to be questioned and the repercussions of exclusion of non-religious people at local level need to be fully examined.
- That Religious Education should be made part of the National Curriculum.
- That collective worship in schools is incompatible with the right to freedom of 'religion or belief' and should be replaced with broader assemblies.
- That increased monitoring of the use of Genuine Occupational Requirements is needed to ensure that misuse in this area is minimised.
- That limiting the 'religion or belief' equality strand to 'faith' is discriminatory and exclusive.
- That using representatives to engage communities may not be the best way forward for community cohesion regarding 'religion or belief' and that more work needs to be done to clarify the usefulness of this approach. This is also important with regard to equalities work, particularly on deprivation.

However, there are several themes and conclusions that the BHA questions. For example, the report highlights the perception that there has been a 'marked increase' in self identification with religion (page 33.) In fact, the BHA believes the opposite to be the case. For example, in the 2001 Home Office Citizenship Survey religion was chosen by only 20% of the population as an important factor in their identity, coming 9th out of

15 suggested factors and ranking lower when the white population was considered in isolation.[1]

To clarify in terms of the organisation of non-religious people in the UK (page 46), the BHA has approximately 16 000 members and registered supporters and has approximately 100 organisations affiliated to it. It may well be true that non-religious individuals do not always manifest their beliefs collectively in the same way as religious people: their beliefs do not require it. However, it does not follow from this that non-religious beliefs are less important to their holders than religious beliefs to theirs, or that they are not motivated to engage in social action by their beliefs, and it is particularly important to point out that they have equivalent status in law. Those who identify as humanist may – and in our experience usually do - consider their beliefs fundamental to their identity and choices, reflecting the fact that Humanism highlights this life as the only one we have and puts helping others at paramount importance. By no means is it necessarily true therefore that non-religious individuals do not see their beliefs as what 'makes them tick.'

In terms of reaching non-religious people for involvement at local level, it is true that there are fewer opportunities than with worshipping communities. However, the BHA now has a database of over 150 volunteers who are willing to take on such work and there are several Humanist groups involved in social cohesion initiatives at local level.[2]

Although there is some evidence of stereotyping of religious groups as liable to engage in proselytising (page 68), it must be noted that this is not completely without grounds. It is of course important not to generalise and this perception should not be a barrier to religious organisations who wish to receive funding on a par with any other community group, but this has to be balanced with the fact that public money should never be used to advance any particular 'religion or belief' and that their very use as a channel for delivering public services enhances the standing of a religious organisation and is – or is liable to be seen as – an endorsement of its beliefs.

Similar considerations apply to equalities work where all organisations receiving public money must sign up to a comprehensive equality scheme in order to protect against misuse of public money.

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[1] http://www.homeoffice.gov.uk/rds/pdfs04/hors274.pdf, Tables 3.1 and 3.2
[2] See http://www.humanism.org.uk/about/local

Response to recommendations

Section 5 – Government Policy
Recommendations 10.3, (i) a)

> "There is a need to develop alternative spaces and/or forums where 'religion and belief' stakeholders can come together. While additional to existing 'inter-faith' and equalities, these smaller groups could be complementary 'sub-sets', with their participants reflecting both religious and non-religious perspectives. (If non-religious participation in existing 'inter-faith' networks remains a sticking point then 'religion and belief' 'sub-groups' could be helpful in offering a 'neutral' space for 'mixed' discussion/input.)"

The BHA would be happy to engage with any such 'sub-groups' as are proposed in the report, only if there was an evidenced need for them at local level. As discussed in other areas of the report, when local authorities concern themselves with 'religion or belief' equalities it is often in connection with community cohesion and identity. The BHA believes that 'religion or belief' 'sub-groups' would be viable only if the usefulness of current 'inter-faith' groups in such work was established – in which case the proposed 'sub-groups' could be seen as an alternative to (rather than complementary to) existing 'inter-faith' work.

Recommendations 10.3, (iii) a)

> "Equal recognition, for funding purposes, of religious minority and non-religious groups – and indeed all other third sector organisations. Approaches to making funding decisions should be open, transparent and based on robust evidence of need. Third sector organizations should be judged on the basis of their expertise and ability to deliver particular services, or to offer advice on particular issues. This will help to address any discrepancies or inequality in access to funding for 'religion or belief' groups."

To clarify the BHA view in this area, the BHA does not believe that there is significant evidence that faith-based organisations are unable to access mainstream funding due to their faith identity. Instead, it is more likely that they are unable to access funding due to a number of characteristics that they share with similar sized community organisations with no religious (or non-religious) identity, including their general capacity and lack of fundraising skills and/or appropriate governance structures.

The BHA believes that any community organisation that meets the criteria for funding or capacity building support (including being able to demonstrate that they comply with discrimination legislation and equality and diversity policies) should be able to apply and that decisions should be made on evidenced need and merit. Therefore faith-based community groups should not be able to access specific funding streams designed only for such groups and all funding should be available to the entire local community sector.

Recommendations 10.3, (iii) c)

> "Building skills, knowledge and expertise of non-religious and religious to engage with each other in a non-confrontational way on contentious issues. This might include mediation and conflict resolution techniques or customised 'advocacy' courses to develop a new cohort of regional advocates on 'religion or belief' issues."

There is little evidence that such investment is needed at local level. Although there is some evidence of a widening gap in understanding between religious and non-religious people at local level, this is mainly due to the exclusive nature of work around community cohesion and 'religion or belief', the majority of which does not include non-religious representation. If, therefore, there is evidenced need for work in this area, it should be done by increasing inclusion in this area generally rather than specifically targeting individuals for specialist engagement.

Recommendations 10.3, (iii) d)

> "Support for local and regional public agencies, equality networks and 'inter-faith' organisations/networks to:
> - Establish safe, neutral environments where contentious issues can be discussed;
> - Support to develop clearer guidance on inclusive engagement and consultation as well as clear rationale for which policy areas require the input of 'religion or belief' perspectives."

'Inter-faith' organisations are very rarely appropriate for humanists and other non-religious people to join as full and active members and indeed the non-religious are often excluded by the group's constitution. They are therefore not themselves a suitable vehicle to develop guidance on inclusive engagement as they do not encompass the full 'religion or belief' strand and are far from neutral environments. In addition, 'inter-faith' work has seen a disproportionate amount of government funding via the *Face to Face* agenda. Support in this area should therefore centre on public agencies and equality networks with possible involvement from 'inter-faith' networks and Humanist groups. It may be noted that 'inter-faith' organisations and work on social

cohesion based around such groups also excludes the very large number of people who may self-identify as religious but have no active involvement with any religious organisation or group. 'Inter-faith' dialogue and consultation can, by its nature, only engage less than 10% of the population.

Recommendations 10.6 d)

> "A key challenge public officials will face is developing effective approaches to monitoring compliance with equality law, again as the case study demonstrates."

Although this is true in part, the BHA would like to reiterate the point that compliance with equality law for contracted organisations may not be enough to prevent discrimination when public services are contracted to religious organisations. This is due to the exemptions in equality law for organisations based on 'religion or belief' as discussed in Section 3 of the report.

Recommendations 10.6 e)

> "New approaches to ensuring equity in commissioning practice are being developed in a number of areas of public service delivery. A notable example is in the health sector. Following the Darzi report,219 commissioners are being encouraged to consider the interplay of a range of factors in determining the appropriateness of commissioned services and those organisations they choose to contract with. These principles can be adapted in relation to engagement with 'religion or belief' groups. In particular commissioning should include that services are:
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> - Fair: ensuring that people, regardless of 'religion or belief', can access them and that they take full account of the personal circumstances of individuals and diversity within 'religion or belief' groups;
> - Personalised: ensuring that services match what the service user wants and that they can exercise choice in determining the way services are provided;
> - Effective: ensuring that outcomes are the same for people from different 'religions or beliefs';
> - Safe: ensuring that those with particular beliefs or from particular backgrounds are not harassed or victimised during the provision of services because of their life choices;
> - Locally accountable: ensuring that commissioners engage with local 'religion or belief' groups to discuss the needs of local people (listening to a representative variety of views in this regard and ensuring that all have an opportunity to contribute). Feeding back

decisions to local 'religion or belief' groups and using evidence to inform commissioning decisions."

In order to be fully accountable, local commissioners must engage with a wide range of local groups and representative bodies, as well as individuals. Unless there is strong evidence that such measures are needed because 'religion or belief' groups are unable to access general communication channels, commissioners should not specifically target 'religion or belief' groups over and above any other community groups when seeking to engage with the local community about commissioning decisions. To do so would give an unfair advantage to such groups and would make the process unrepresentative of the local community.