



**Response by the British Humanist Association
to the Interim Report of the Equalities Review**

June 2006

1. The British Humanist Association (BHA)

The 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 those who seek to live good lives without religious or superstitious beliefs and to educate about Humanism. Humanism is a non-religious worldview which holds that we should make sense of the world using reason, experience and shared human values and without reference to doctrine, dogma, or any supernatural forces.

The census of 2001 showed that those with no religion were the second largest 'belief group' at 15.5%, and two and a half times more numerous than all the non-Christian religions put together. Other surveys consistently report much higher proportions of people without a belief in god(s), particularly among the young¹. By no means do all these people self-identify as humanists, but our long experience is that the majority of people without religious beliefs, when they hear what Humanism is, say they have unknowingly long been humanists themselves.

The BHA is deeply committed to human rights, equality, good relations and social cohesion, and an end to irrelevant discrimination. We advocate an open and inclusive society: one 'based on the recognition that people have divergent views and interests and that nobody is in possession of the ultimate truth'.² In such a society people of all beliefs (religious and non-religious) would have equal treatment under the law, and the right of individuals to hold their beliefs and, to the extent that this does not infringe the rights of others, to live by them, would be accommodated within a legal framework that sets common legal standards.

We welcome the Equalities Review, and the cross-strand and coherent approach to issues of discrimination and equality that it represents and we look forward to contributing further to the Review.

2. Our initial submission to the Equalities Review

Though we comment in this response on the interim report for consultation, we recommend to the review team our submission to the original call for evidence in its entirety. We stand by everything that submission contained, and hope that its contents will be fully considered and that it will usefully inform the Equalities Review's final report.

As a member of the Equality and Diversity Forum, we contributed to and fully endorse the EDF's joint submission to the Equalities Review, and we commend it to the Review team.

¹ 65% of young people are not religious according to *Young People in Britain*, a 2004 research report for the DfES.

² George Soros: appendix to *The Bubble of American Supremacy* (Weidenfeld & Nicolson, 2004)

3. The need for evidence

We welcome the fact that the interim report recognises the lack of evidence in the field of religion and belief at pp. 8, 15, 104. As we stated in our original submission, there is not even reliable census data for this strand. We are concerned, therefore, that the deeply flawed 2001 census is reported at p.104 as being the first gathering of data on religion or belief, without any caveat as to its widely accepted unreliability.

We strongly urge that the final report of the Equalities Review recommends the gathering of *valid* data in the 2011 census, alongside its further recommendations on the need for more research.

We would refer the Review team to our remarks on the census in our original submission:

The data used to measure religious and non-religious belief were gathered from responses to the 2001 question, 'What is your religion?' where the first option was 'Christian' and the option of 'none' was the last on the list of definitions available. The imprecision of this question made no allowance for a fact that the Office for National Statistics' itself accepts:

The way in which people answer questions on religion is very sensitive to the exact question wording. This is particularly true for people who have a loose affiliation with a religion. Slight differences in question wording can produce large differences in the proportion of people who say they are Christians or have no religion, although the proportion of people from other religions tends to be more stable.³

... Most importantly, the question failed to take into account the need to gather data not just on religion but on *religion or belief*. This privileging of religious belief engenders the sort of oversights that characterise much official discrimination against the non-religious. It is characterised by a view of non-religious belief as being simply an absence of religion rather than a positive set of convictions in its own right...

... In our view, useful data on religion or belief can only be gathered by a question of the sort used as standard for demographic profiling by many polling organisations (e.g. YouGov): 'Do you regard yourself as belonging to any particular religion, or religious denomination?...Yes/No'. Followed by 'How would you describe your religious or non-religious beliefs?' ...List of options that includes 'non-religious', with an option to specify.

³ <http://www.statistics.gov.uk/CCI/nugget.asp?ID=984&Pos=&ColRank=2&Rank=448>

We would in fact argue that two questions are required to accurately map this terrain and that an additional question, of the sort that was indeed included in the Scottish census of 2001, should be included before the question above: 'Were you brought up with religious beliefs?...YES/NO.' 'How would you describe the religious or non-religious beliefs you were brought up with?'...List of options that includes 'non-religious', with an option to specify. This is essential because, as we can see in the analysis of the Glasgow census returns we cite in section 11 below, long-term trends in the beliefs of the population can only be accurately modelled by the inclusion of such a double question.

Census data is used across government nationally and locally in policy and planning, and the inconsistency of the census data on religion or belief with other surveys⁴ should be a cause of alarm.

We note that some organisations concerned with sexual orientation believe that the gathering of accurate data in the 2011 census is an opportunity to inform future work on that strand, and we believe that it is no less vital that accurate data on religion and belief be gathered at the same time.

The Office for National Statistics is currently consulting on the content of the 2011 census so a contribution to that debate from the Equalities Review's final report would be timely. Data resulting from the 2011 census will be in use until 2024, perhaps longer, so its accuracy is essential.

We strongly feel that, although there is a paucity of evidence on religion or belief, the Equalities Review did have, in our submission, a certain amount of evidence which nonetheless went unused in the interim report. We accept that the interim report is only *interim* but we worry that the lack of evidence for religion and belief, rather than acting as a stimulus to the Review, has in fact resulted in issues affecting those that whose main inequalities fall within this strand, namely the non-religious, including humanists, but also members of the minority religions, being excluded from any consideration at all.

The interim report acknowledges the lack of evidence about the religion or belief strand, but it cannot be acceptable simply to set priorities for action based solely on areas where evidence is available. We accept that the Review team cannot plug the evidence gaps that are identified, but we consider it essential that the final report identifies what needs to be done to plug these gaps – especially by Government and the CEHR, and especially in the case of the most serious inequalities.

⁴ See annex three of our original submission

4. The last 60 years

We strongly recommend to the Review team the idea of secularisation as a contributor to the post-war increase of equality (p.5 of our original submission):

Certainly in the years from 1948 the power of religion as a factor in the limiting of the individual's life choices and as a factor perpetuating inequality was seriously eroded. The decriminalisation of homosexuality, the legalisation of abortion and the liberalisation of divorce law all represented the overturning of barriers to equality inspired by Christianity. This process was made easier by the decline of religious belief in the population as a whole, and the increasing unwillingness of the population to allow religious belief as a factor to delimit their moral and ethical behaviour. As a factor in the secular society's ambition to promote equality, the decline of religion is of notable significance.

We hope that the Review team will not shy away from recognizing this fact in its final analysis.

5. Defining and measuring equality

We agree that an analysis of life stages and trigger events within the life-cycle may add something to our understanding of inequality and we agree that equality is, in an important sense, about the life-chances of individual. However, such trigger events will only ever be one factor in inequality, and it cannot be right to present them as the sole way of making sense of the causes of inequality. To do so would be to ignore the impact of discrimination and structural inequalities that will in many cases have a far greater impact. To take just one example from the interim report: bereavement may trigger inequality, but it will only do so if there are other, pre-existing factors.

The analysis of inequality through a life-cycle approach also dismisses too much of what is valid and useful in a strand-based approach. It would be wrong to ignore issues that affect only individual strands and which may in fact be the main issues affecting a particular strand. Equality of process and equality of outcome are imperfect measures, but their value is understated in the interim report. Thus, while a 'capabilities' approach may add something to our understanding of some inequalities, it cannot replace equality of process and outcome. We are aware that the 'capabilities' approach has demonstrated a practical value in the literature relating to overseas development, but we are not aware of any research relating to the situation in societies, such as the UK, where many, if not all, the 'capabilities' that agencies seek to address in developing countries are already addressed. We would suggest that, if the final report focuses on 'capabilities', it needs to include a clear definition of

'capabilities', and some interpretation of how the approach used in developing countries might apply in the UK context.

Equality of process and equality of outcomes remain important indicators for the non-religious. For clear and important examples of this, we refer the Review team to pp.6-15 of our original submission, where we highlight the inequality that persists in the relationship of institutions with the non-religious compared with their relationship with the religious.

The interim report focuses almost exclusively on employment and education, ignoring such issues as service provision, both access to services and the appropriateness of services, and this is particularly important in light of the crucial role of the state in the provision of services. Here, an approach to equality based on a 'capabilities' approach is insufficient. Access to services, the quality of services accessed, and the dignity of service recipients, must all be indicators of equality. We would maintain that access to services, and the quality of services accessed, are in many cases determined by attributes that fall into one or other of the equality strands, and so must be relevant areas for exploration by the Review. For what this means to the non-religious specifically, we refer the Review team to pp.16-22 of our original submission.

Similarly, the 'capabilities' approach precludes the crucial issue of equal dignity. The concept of equal dignity is essential to developing a culture of equality within a wider culture of human rights. In the case of the non-religious, this is of vital importance and is something we addressed at length in our original submission at pp.42-5, especially at page 44:

It is essential that a framework recognising the great diversity of religious and non-religious beliefs be developed by Government and impartially applied to issues arising in this strand. The 'faith-based' approach is not sufficient and in fact, alienates many.

We have emphasised repeatedly, in our evidence above, the fact that non-religious beliefs are of a single type in their legal aspect with religious ones: they are legally equivalent to religious beliefs. But we have seen again and again that the implications of this are not being felt and this failure starts right at the top of our political leadership. Even when the Parliamentary Joint Committee on Human Rights advised that, to be compliant with the legal requirement not to discriminate between religious and non-religious beliefs, Parliament should explicitly include 'belief' with 'religion' in the current Charities Bill, the Government paid no heed to their recommendation. Some academics, lawyers and civil servants (and the Registrar General of Scotland) may have grasped the principle we outline, but politicians have frequently not (the one exception anywhere in this evidence being Lord McIntosh speaking on the Broadcasting Bill in 8(i)

above) and it has certainly not filtered down into the public authorities that are bound by it).

Government guidance that will accurately advise as to the consequences for all public bodies of the law on religion *and belief* is desperately needed, and this should go hand in hand with a new approach to the strand that eschews any notion of being solely about religion and faith, and any notion of being concerned primarily with group and 'community' rights, rather than with the rights of the individual.

Non-religious beliefs must be recognised across all relevant public policy in their own right as having the same validity as religious ones and the implications of this must be fully realised in services, employment, marriage, and in all other areas where religion is currently an issue.

Those factors that are not given as great an importance by a 'capabilities' approach are of special importance where humanists and the non-religious are concerned, since it is often structural factors (such as residual religion or an inherent pro-religious bias) that we identify as having the greatest effect on equality for us in the religion and belief strand.

In summary, while we certainly agree that equality should be measured on an 'objective basis' (p.75 of the interim report) and that the priority for the equality agenda should be that everybody in society has the basic levels referred to on p.77 as their entitlement, we worry that the approach taken towards both the nature of equality (ie 'capabilities') and to the measurement of equality means that issues of discrimination and inequality affecting the non-religious, and indeed also members of the minority religions and other individuals, have effectively been excluded.

We recognise that the interim report is explicit that the focus on educational attainment and labour market participation 'should not be taken to imply that these are the most significant or that penalties not included here are unimportant or inconsequential' and we hope that the sorts of inequalities where the non-religious are disadvantaged will be given more attention in the final report of the Review.

6. The problems identified with a strand approach

In spite of our severe reservations about the 'capabilities' approach, we have some sympathy with the problems highlighted on p.9 of the interim report of the strand based approach. Indeed, such problems are one of the reasons for the BHA's longstanding support for an integrated CEHR.

We accept that there are real problems of communication involved with a strand based approach which can be summarised as a false public perception of 'political correctness' and perceptions that equality is only an issue for certain minority groups. We do not at all endorse these public perceptions but we see the need for a massive communications initiative, which we hope the Equalities Review will recommend be undertaken by the CEHR.

We accept too that there is a risk that the strand based approach may, long term, have a demoralising effect in that it can create (or perpetuate) a sense of victimhood. We would add that, when such a sense has been created, it can also have the negative consequence of obscuring real progress made. In the strand of religion or belief this general concern can be even more significant, because a sense of victimhood can serve to disguise the real causes of inequality, and divert resources away from where they are most needed. An example might be a focus on Muslims as a victim group when in fact the relevant disadvantaged group may be Asians of Pakistani origin, with middle class white Muslim converts sharing very little of the disadvantage of their co-religionists.

Finally, we agree that it 'cannot be right that public policy is determined largely by the best organised, often most well-funded and ultimately most popular cause'. We do not, however, accept the possible implication that the expertise within the various strand-based organisations has little to contribute. It must also be recognised that many of the advances in equality have been a direct result of lobbying by equality organisations. While popular causes cannot be allowed to dictate the agenda, equality organisations should not be ignored. We might also point out that the BHA, whose evidence has been ignored in the interim report, has very limited resources for lobbying, especially when compared to religious organisations, and that discrimination suffered by the non-religious has never been a popular cause.

Overall, we accept that there are weaknesses in the strand based approach, and that these must be addressed, but (for the reasons given in section 5 above) we do not believe that the 'capabilities' approach as laid out in the interim report is an adequate replacement.

7. Levers for change

We note with interest the attention given by the interim report (p.91) to positive action of a limited and specified sort. We recognise that such action, strictly limited, may have a place in accelerating the achievement of equality, but negative public perceptions of such action will remain a stumbling-block and, should the Review team intend to recommend such action, we urge it to counter such negative reactions by making a very robust case for such action in its final report.

We welcome the move towards a wider use of Equality Impact Assessments in the interim report (p.92).

In connection with the issue of legislation, we take this opportunity to repeat our opposition to the broad exemptions for religious groups that are permitted from the Equality Act 2006, and the Employment Equality Regulations (see pp.38-40 of our original submission) in the case of both sexual orientation and religion or belief. We urge the Review to recommend the abolition of all exemptions for religious groups from duties not to discriminate which go beyond those that are analogous to the objective exemptions in other equality enactments (such as the Race Relations Act).

Cultural change (p.93 of the interim report) as a lever for increasing equality is key. In the area of religion or belief, we can do no more than recommend to the Review team our 2006 revised policy document on schools and religion or belief, *A Better Way Forward* which we have submitted to the Review along with this response. We observe that practice in schools has figured as a repeated theme in the evidence received so far by the Review and we believe our proposals in *Better Way Forward* go a long way to addressing many issues of discrimination in the strand of religion or belief. We would add that, while we accept that the segregation of children in faith and sectarian schools is not the only cause of increasing segregation by culture or ethnicity, we believe that adopting the proposals in *A Better Way Forward* would go some way towards addressing these issues, as well segregation by religion or belief.

We would also support changes to the Code of Practice enforced by the Press Complaints Commission so that it is not only individuals named in the press that can have recourse to complaint.

8. 'Religion or belief' as a theme

On p.98 of the interim report, religion and belief is identified as a 'theme'. We are not certain why this is so. In our original submission, we certainly identified religion (though not 'belief') as a factor in perpetuating inequality and, in historical terms, we stand by the narrative of diminishing religiosity and increasing equality that we constructed as a theme of the last sixty years. We hope that this is at least in part the context for the inclusion of 'religion and belief' as a theme, but question, if this is so, why 'religion', rather than 'religion or belief', should not be highlighted.

At the time we are making this submission, the effect of religion as an inhibitor of equality is again making itself felt, with calls from religious groups for limitations on the Sexual Orientation Regulations which are currently being drafted to protect against sexual orientation discrimination in the provision of goods facilities and services:

Lord Mackay said: 'For people of religious faith who believe that the practice of homosexuality is wrong, these proposals seem to me to carry a serious threat to their freedom in their voluntary and charitable work and in relation to earning their livelihood in a number of occupations.'

Bishop Nazir-Ali said several of the main faiths in Britain would have 'serious difficulty' with the regulations. 'They will certainly affect a great deal of charitable work done by the churches and others. It is the poor and disadvantaged who will be the losers.'

Rupert Kaye, the chief executive of the Association of Christian Teachers, said: 'Diverse individuals and organisations should be free to agree to disagree. They should not be required by law to show 'mutual respect' to individuals or organisations whose beliefs or lifestyle are anathema.'

Senior Muslims were also critical. Dr Majid Katme, the spokesman for the Islamic Medical Association, argued that the proposals demonstrated that the Government was prepared to discriminate against faith communities in order to promote 'equality'.

'The right to hold deep faith convictions that affect the way people think and behave in every aspect of life is sacrificed in these regulations,' he said.⁵

The role which religion is playing in retarding equality in a number of strands must, we believe, be included in the Review's final report.

We also hope that the final report of the Review will clarify two other references to religion or belief that appear in the interim report:

On p.21 the interim report indicates that there is a strong public belief that discrimination associated with religion remains pervasive. It is not clear what this means, what the evidence is, or what the implications are.

On p.23 the report claims that, 'Most alarming is that in some groups (most frequently but not exclusively defined by race or religion) disadvantage is effectively being passed from parent to child.' In the absence of the data, it is difficult to know how such a claim can be substantiated. It would be very important to establish whether, in cases where both race and religion might be playing a part, there is any evidence that religion is an essential factor in this process, or whether the essential factor is ethnicity, or possibly culture.

⁵ Daily Telegraph, 03/06/06

9. Conclusion

Above we have made some observations on the content of the interim report of the Equalities Review, but in conclusion we wish to recommend our original submission to the Review once again as representing the totality of our thinking on these issues, and a more complete picture of the discrimination suffered by those we represent.

British Humanist Association

1, Gower Street
London WC1E 6HD

www.humanism.org.uk

T: 020 7079 3580

F: 020 7079 3588

E: info@humanism.org.uk
(for general enquiries)

In connection with this submission, please contact Hanne Stinson (Chief Executive) on hanne@humanism.org.uk or 020 7079 3583 or Andrew Copson (Education and Public Affairs) on andrew@humanism.org.uk or 020 7079 3584