

8 June 2021

Call for input: Report on Respecting, Protecting and Fulfilling the Right to Freedom of Thought – **NSS response**

Submitted by email to: freedomofreligion@ohchr.org

The National Secular Society welcomes the Special Rapporteur's acknowledgement that religion can play a role in undermining freedom of thought (and by extension, freedom of religion or belief). Our response focuses on this particular area within the UK.

2. What does it mean in practice to respect, protect and fulfill a freedom not to:

b) be penalized for one's thoughts; or

c) have one's thoughts free from coercive or other interference?

We frequently encounter instances where individuals are penalised for their thoughts, or have their thoughts restricted, by coercive religious control.

#1 Restriction of information in high-control religions

The issue of freedom of thought is particularly serious in high-control, insular religions. Common features of such religions include restricting information that members are permitted to access, discouraging interaction and relationships with people outside the religion, and coercive requirements to attend regular worship sessions.

These features result in members inhabiting a world in which there is little information reaching them apart from religious teachings. Their thoughts are restricted quite literally, because a considerable amount of knowledge about the world is inaccessible to them, and instead they are surrounded by religious teachings that are not based on objective evidence.

The Charedi Jewish community is one example of a religion in the UK exhibiting these characteristics. In Charedi communities, religious leaders typically forbid members from viewing any material that has not been approved by themselves. Charedi schools often teach a limited curriculum that omits knowledge necessary to prepare children for life in 21st century Britain. They sometimes censor textbooks¹, refuse to teach sex education and about the existence of LGBT people², teach creationism as fact³, and offer only a narrow secular curriculum⁴.

In some cases, these schools are funded by the UK state. The admissions policies of some state-funded schools in Charedi communities prioritise children from families who ensure their children

have no access to TV or the internet⁵, do not watch movies⁶, do not attend cinemas or theatres⁷, do not visit public libraries⁸, and do not support sports teams⁹.

In the worst cases, children in Charedi communities attend illegal unregistered schools, where they may study nothing apart from religious texts and are often taught exclusively in Yiddish so they never master English. This places additional severe limits on the information they can receive from outside the community.¹⁰

A narrow education, coupled with limited access to information beyond the community, can have serious consequences for individuals growing up in Charedi communities. A recent report from Jewish counter-extremism group Nahamu highlighted how a lack of secular education means Charedi Jews are at risk of forced marriage and abuse within marriage¹¹. Furthermore, Charedi Jews who wish to leave the community as adults frequently lack the knowledge, skills and social networks to survive life 'outside' and cannot function without a high level of support from specialist charities.

#2 Punishment for transgressions in religious communities

Insular, high-control religions use threats of punishment to control members' thoughts and behaviours. One common method is 'shunning', in which a member who has 'transgressed' is forced to leave the community and friends and family are forbidden from contacting them. Due to these communities' insular natures, many members have few or no family or friends outside the community, meaning this punishment is extremely traumatic and life-changing. In March this year the Belgian chapter of the Jehovah's Witnesses was fined €96,000 for breaking human rights laws over its use of shunning¹², which has left former members suicidal¹³. Other religious communities that practise shunning include the Plymouth Brethren Christian Church and Charedi Jewish communities.

It is also common for religious communities to use threats of divine punishment to instil obedience. This may be particularly effective on children, who tend to have more vivid imaginations, have more difficulty discerning fact from belief and are more likely to accept statements from authority figures as fact.

Finally, in extreme cases religions may use threats of violence to discourage people from transgressing or leaving the religion. The NSS has found examples of Islamic registered charities promoting or signposting teachings that individuals who leave Islam or do not demonstrate sufficient religiosity should be put to death¹⁴.

Charity law plays a significant role in supporting insular, fundamentalist religious communities. There are thousands of registered charities representing Jehovah's Witnesses, Plymouth Brethren, Charedi Judaism and other similar religions in the UK, and they all benefit from state support via tax breaks. These organisations are able to register as charities because they exist for "the advancement of religion", a recognised charitable purpose in law, generally regardless of whether or not the teachings or activities of that religion are in the public interest.

#3 State-mandated religious worship in schools

A less severe, but far more widespread, restriction of freedom of thought in children is found in the UK's state schools.

The UK is the only western democracy that requires state-funded schools to hold daily acts of collective religious worship. Compelling children to take part in acts of worship is incompatible with Article 9: Freedom of thought, conscience and religion of the Human Rights Act, and Article 14: Freedom of thought, belief and religion of the United Nations Convention on the Rights of the Child.

Accordingly, the UN Committee on the Rights of the Child stated in its concluding observations on the fifth periodic report of the UK: “The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.”¹⁵

Laws requiring collective worship in schools provide for the right of parents to withdraw their children from this activity. However, these provisions do not adequately protect children’s or parents’ freedom of religion or belief. Very few parents exercise the right of withdrawal; many are reluctant to separate their child from classmates and fear the stigma of opting out of activities that the whole school community is expected to participate in. Withdrawing children from collective worship can also be difficult in practice – some schools, even those without a religious character, are reluctant to allow parents to do this and can be highly obstructive. Furthermore, many parents are simply not informed of their right to withdrawal, or even of the fact that collective worship takes place at the school at all.

Additionally, pupils do not have the right to withdraw themselves without parental consent until they reach Sixth Form.

Children compelled to participate in daily acts of worship, sometimes through the threat of punishment or the more implicit threat of alienation from their peers, may be left with the impression that it is somehow ‘naughty’ or ‘bad’ not to believe in or worship a God, or perhaps even fear divine punishment if they do not participate in prayers (see #2 above).

#4 State-funded faith schools

The issue of compulsory collective worship in schools is compounded by the inclusion of schools with a designated religious character (‘faith schools’) in the UK’s state-funded school system.

Approximately one-third of the UK’s state-funded schools are faith schools¹⁶. The governing bodies of faith schools aim to ensure the religious ethos permeates all aspects of school life and the curriculum.

Typically, parents do not choose to send children to faith schools due to the faith ethos. They are more likely to send children to the school because it is closest to their home, or because it gets good results¹⁷. In many cases, there is no choice at all – for many parents, the only schools in their locality are faith schools. Almost three in ten families across England live in areas where most or all of the closest primary schools are faith schools, and every year between 45,000 – 60,000 families apply for primary schools in areas with extreme restrictions on non-faith school choice¹⁸.

11. What is the effect (if any) of the following on freedom of thought:

b) proselytism or "anti-conversion" efforts; or

c) "treatment" for one's thoughts – including for mental health reasons.

b) Proselytising to vulnerable people

Religious groups should have the freedom to proselytise, to distribute their literature and to seek new members. Similarly, groups that seek to help people leave religions should be free to do so.

Support groups for people trying to leave oppressive religious communities do essential work in protecting and upholding freedom of thought and freedom of religion and belief.

However, there are instances where proselytism is inappropriate because it can impact upon other fundamental freedoms.

One of the most common concerns members of the public bring to our attention is proselytism by evangelical Christian groups in schools. Evangelical organisations exploit the collective worship laws and the requirement for all schools to teach Religious Education to use schools as mission fields¹⁹. As highlighted in Question 2, proselytism to school children poses a threat to freedom of thought due to the particular vulnerabilities of children and the restrictive nature of the school environment meaning that they cannot easily escape unwanted proselytism.

Other religious organisations may inappropriately proselytise when working with vulnerable adults. One example is debt advice charity Christians Against Poverty (CAP). CAP volunteers visit those struggling with debt in their homes and invite them to pray and to attend Christian retreats. AdviceUK, the national body which represents the interests of advice-providing organisations, terminated CAP's membership in 2011 when it judged prayer whilst offering debt advice to be "incompatible" with membership. Steve Johnson, chief executive of AdviceUK, described the offer of prayer by CAP as an "emotional fee".²⁰

The NSS has also received multiple reports of concern regarding proselytism in religious charities working with people struggling with addiction.

c) 'Conversion therapy'

'Conversion therapy' is the practice of trying to change an LGBT+ individual's sexual orientation to heterosexual. All reputable UK health and psychological organisations consider the practice to be ineffective, unethical and harmful²¹.

Conversion therapy represents a severe interference with freedom of thought because it exploits and magnifies feelings of self-resentment, often resulting from religious inculcation, over one's natural feelings of attraction and identity. It also reinforces social stigmas about LGBT+ identities, causing more people to conceal or try to suppress their feelings.

The UK government has said it will bring in legislation to end conversion therapy²², but there are concerns that there may be religious exemptions²³. Because advocates and practitioners of conversion therapy in the UK tend to be religious groups, such exemptions could render legislation meaningless.

The NSS recognises that conversion therapy is a broad term with no single definition and there are difficulties in achieving a balance between preserving freedom of religion and protecting LGBT+ people from harm in legislating against the practice. We believe the best way to end conversion therapy is to end the demand, by working towards a society that treats LGBT+ people as equals and challenging religious institutions that espouse homophobic views.

Activities that meet the UK Council for Psychotherapy definition of 'conversion therapy'²⁴ are sometimes conducted by registered charities. The most prominent of these is Core Issues Trust, a Christian charity registered in Northern Ireland. The Northern Ireland Charity Commission has refused to review its charitable status despite concerns raised by the NSS and others²⁵.

Charities that openly promote conversion therapy are comparatively rare. But charities that promote homophobic ideologies that conversion therapy relies upon are common. The NSS has reported a

number of charities to charity regulators for promoting homophobia. They have included charities promoting or condoning violence towards gay people²⁶.

Furthermore, homophobic ideas may be taught in state-funded faith schools. The NSS has found examples of state-funded Catholic school policies that say same-sex relationships are “unacceptable” and “go against the natural order”, and calling gay people “objectively disordered”²⁷.

As long as schools are permitted to teach that being gay is immoral or unnatural, and charities are permitted to promote anti-LGBT+ ideology, the freedom of thought of LGBT+ people remains under threat.

12. Information about what practices and policies may unduly affect freedom of thought of individuals in vulnerable situations, including:

b) children;

Please see our answer to Question 2.

c) girls, women, and LGBT+ persons;

It is common for religious groups to promote misogynistic and sexist ideas, including the idea that women should be subordinate to men and should adhere to higher standards of ‘modesty’ than men. The NSS has reported religious charities to charity regulators for promoting or signposting ideas that condone violence against women and female subjugation²⁸.

Being raised in these ideas can dissuade women from standing up for their rights, seeking to empower themselves through education or employment, or even escaping abusive relationships. This erodes the freedom of thought of women and girls – partly by denying them the access to education to give them a more rounded worldview, and partly by encouraging or compelling them to surrender much of their agency, including over decisions affecting their lives, to men.

Regarding LGBT+ people, please see Question 11 c).

f) members of minority religious or belief communities.

Please see Question 2 for details of freedom of thought in insular religious communities.

13. What steps could States take to ensure that an individual's freedom of thought is not unduly affected by certain practices and policies? For instance, it is recalled that the Committee on the Rights of the Child has encouraged States to take certain measures with respect to the digital environment.[2]

Good practice for identifying, responding to and mitigating violations of freedom of thought:

We make the following recommendations to respond to and mitigate potential violations of freedom of thought in the UK as identified in this response:

1. All schools, including independent religious schools, should be required to teach to a standard that adequately prepares children for life in the UK in 21st century UK. This includes teaching a well-rounded secular curriculum incorporating inclusive, age-appropriate sex education. They should not be permitted to teach stigmatising ideas about LGBT+ people.
2. State-funded schools should not be allowed to incorporate unreasonable requirements that undermine freedom of thought or children's education in their admissions policies.
3. Those seeking to leave high-control, insular religions should be supported in adjusting to life 'outside' and protected from any retaliations from the religious community.
4. All unregistered schools should, as appropriate, be registered with the government or closed down in a timely manner.
5. Religious organisations that promote practices or ideas that undermine freedom of thought or otherwise harm the public should be prevented from becoming registered charities. This may include reviewing 'the advancement of religion' as a charitable purpose in law.
6. Laws requiring acts of collective worship in schools should be repealed.
7. All state-funded schools should be secular in nature, i.e. they should not promote a particular religious ethos.

¹ Evans, Stephen. 'Why respect religious demands to keep pupils in the dark?' National Secular Society, 28 April 2020. <https://www.secularism.org.uk/opinion/2020/04/why-respect-religious-demands-to-keep-pupils-in-the-dark>

² National Secular Society, 'Exposed: Orthodox Jewish schools' plan to escape LGBT-inclusive RSE'. 11 June 2019. <https://www.secularism.org.uk/news/2019/06/exposed-orthodox-jewish-schools-plan-to-escape-lgbt-inclusive-rse>

³ National Secular Society, 'NSS urges clampdown on creationist faith school'. 31 October 2017 <https://www.secularism.org.uk/news/2017/10/nss-urges-clampdown-on-creationist-faith-school>

⁴ National Secular Society, 'Independent school still not teaching about evolution after warning'. <https://www.secularism.org.uk/news/2021/05/independent-school-still-not-teaching-about-evolution-after-warning> 14 May 2021

⁵ Avigdor Hirsch Torah Temimah Primary School Admissions Criteria and Application Process (Admission Arrangements) for entry to Reception class in September 2022 <https://torahtemimah.files.wordpress.com/2021/02/final-admissions-arrangements-2022.pdf> Accessed 28 May 2021

⁶ Yesoiday Hatorah Girls' Academy - Supplementary Information Form <https://www.yhga.org.uk/wp-content/uploads/2019/08/YHGA-Admission-Application-Supplementary-Information-Form.pdf> Accessed 28 May 2021

⁷ Beis Yaakov Jewish High School Academy Admissions Policy and Procedures (2022 /2023) https://ba035448-8ef9-4586-9b8e-38572628ec7c.filesusr.com/ugd/9f8df0_3d7c4c024aa6471f80a9ce88c23e08d9.pdf Accessed 28 May 2021

⁸ Beis Yaakov Jewish High School Academy Admissions Policy and Procedures (2022 /2023) https://ba035448-8ef9-4586-9b8e-38572628ec7c.filesusr.com/ugd/9f8df0_3d7c4c024aa6471f80a9ce88c23e08d9.pdf Accessed 28 May 2021

⁹ Yesoiday Hatorah Girls' Academy - Supplementary Information Form <https://www.yhga.org.uk/wp-content/uploads/2019/08/YHGA-Admission-Application-Supplementary-Information-Form.pdf> Accessed 28 May 2021

¹⁰ Example testimonial: Posen, Izzy. 'Why God Doesn't Like Educated Kids: A Personal Account'. Presentation delivered on 18 May 2019 at the National Secular Society's Secularism 2019 conference https://www.youtube.com/watch?v=iq66V_H5JaM

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¹² Bradshaw, Lisa. 'Court hits Jehovah's Witnesses with €96,000 fine for discrimination'. *The Bulletin*, 17 March 2021. <https://www.thebulletin.be/court-hits-jehovahs-witnesses-eu96000-fine-discrimination> Accessed 28 May 2021.

¹³ Bradshaw, Lisa. 'Testimonies heard in criminal proceedings against Jehovah's Witnesses'. *The Bulletin*, 17 February 2021. <https://www.thebulletin.be/court-hits-jehovahs-witnesses-eu96000-fine-discrimination> Accessed 28 May 2021.

¹⁴ National Secular Society, 'Islamic charities push death for "apostates" and female subjugation'. 12 June 2019. <https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>

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- ¹⁵ United Nations Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland'. 12 July 2016
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskHOj6VpDS%2f%2fJqg2Jxb9gncnUyUgbnuttBweOlylfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0GL> Accessed 10 May 2021
- ¹⁶ Data available from Gov.uk, 'Get Information about Schools'. <https://get-information-schools.service.gov.uk/>
- ¹⁷ YouGov/University of Lancaster Faith Matters Debate Survey Results, Fieldwork: 5th - 13th June 2013.
https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/4n6d3tnayp/YG-Archive-University-of-Lancaster-Faith-Matters-Debate-results-180613-faith-schools.pdf Accessed 1 June 2021.
- ¹⁸ National Secular Society, 'The choice delusion: how faith schools restrict primary school choice in England'.
<https://www.secularism.org.uk/faith-schools/choicedelusion.html>
- ¹⁹ For more information see National Secular Society's 'Stop evangelism in schools' campaign page,
<https://www.secularism.org.uk/evangelism-in-schools/>
- ²⁰ Evans, Stephen. 'The questionable ethics of evangelical debt advice'.
- ²¹ UK Council for Psychotherapy et al, "Conversion therapy Consensus statement". June 2014
<https://www.secularism.org.uk/uploads/uk-council-for-psychotherapy-consensus-statement-on-conversion-therapy.pdf>
- ²² Equality Hub, Government Equalities Office, and The Rt Hon Elizabeth Truss MP. 'Government sets out plan to ban conversion therapy'. Gov.UK, 11 May 2021. <https://www.gov.uk/government/news/government-sets-out-plan-to-ban-conversion-therapy> Accessed 1 June 2021.
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- ²⁴ UK Council for Psychotherapy et al, "Conversion therapy Consensus statement". June 2014
<https://www.secularism.org.uk/uploads/uk-council-for-psychotherapy-consensus-statement-on-conversion-therapy.pdf>
- ²⁵ National Secular Society, 'Regulator decides not to act against 'conversion therapy' charity'. 31 March 2021
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- ²⁶ Manson, Megan. 'Charity and homophobia shouldn't mix'. National Secular Society, 15 April 2020.
<https://www.secularism.org.uk/opinion/2020/04/charity-and-homophobia-shouldnt-mix>
- ²⁷ National Secular Society, 'Unsafe Sex Education: The risk of letting religious schools teach within the tenets of their faith'. May 2018 <https://www.secularism.org.uk/uploads/unsafe-sex-report-april-2018.pdf>
- ²⁸ National Secular Society, 'Islamic charities push death for 'apostates' and female subjugation'. 12 June 2019.
<https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>