
International Covenant on Civil and Political Rights

Alternative report – United Kingdom of Great Britain and Northern Ireland

January 2024

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Introduction

The National Secular Society (NSS) is a non-governmental organisation which works towards equal human rights for all regardless of religion or belief. Based in the United Kingdom, we also work internationally and have been in special consultative status with the United Nations Economic and Social Council since 2016.

Non-therapeutic circumcision of boys

Article 6 enshrines the right to life. Three baby boys have bled to death in recent years in the United Kingdom after they were subjected to non-therapeutic circumcision (NTMC).^{1 2 3} Data on the morbidity of NTMC is not centrally collected but one Freedom of Information Request revealed eleven infants were treated for life threatening haemorrhage, sepsis or shock post-NTMC at just one British hospital in just one year.⁴

Article 7 enshrines the prohibition of cruel, inhuman or degrading treatment. NTMC is routinely carried out on boys without anaesthesia.⁵ Even when local anaesthetic is used, it is often inadequate and the child experiences excruciating pain throughout the procedure and recovery.^{6 7} A paediatric surgeon, Mr Shiban Ahmed, who himself carries out circumcisions, has described some practice in the UK as “barbaric and amateurish” and “cruel”.⁸

Articles 9 enshrines the right to security of the person. The Human Rights Committee’s (HRC) general comment no. 35 states security of the person “concerns freedom from injury to the body and mind or bodily and mental integrity. Article 9 guarantees these rights to everyone.”⁹ NTMC is injury to the body and a violation of bodily integrity which deprives the child of the right to make choices about their own body. Those who have subjected children to NTMC without parental consent have been convicted of grievous bodily harm.¹⁰

¹ <https://www.kilburntimes.co.uk/news/22036666.queens-park-baby-bleed-death-two-days-circumcised/>

² <https://www.thetimes.co.uk/article/baby-bleed-to-death-after-circumcision-inquest-told-cvrmhlsqh6h>

³ <https://www.theguardian.com/uk/2012/nov/26/baby-circumcision-court>

⁴ <https://www.secularism.org.uk/uploads/foi-bch-response-received-260612.pdf?v=1344600368>

⁵ <https://jewishmedicalassociationuk.org/wp-content/uploads/2019/05/Frequently-Asked-Questions-1.pdf>

⁶ <https://minhalexander.files.wordpress.com/2016/10/cqc-sunday-times-re-shiban-ahmed-confidentiality-21-dec-2014.pdf>

⁷ <https://www.telegraph.co.uk/news/health/children/9415389/How-could-i-inflict-the-pain-of-circumcision-on-my-son.html>

⁸ <https://minhalexander.files.wordpress.com/2016/10/cqc-sunday-times-re-shiban-ahmed-confidentiality-21-dec-2014.pdf>

⁹ https://www.ohchr.org/Documents/HRBodies/CCPR/GConArticle9/DGC_Article9_RighttoLiberty.doc

¹⁰ <https://www.dailymail.co.uk/news/article-7426595/Pharmacist-spared-jail-posing-mother-11-month-old-boy-circumcised.html>

Article 18(3) qualifies the right to manifest religious beliefs in order to protect the health and rights of others. This includes qualifying the manifestation of parental religious beliefs around NTMC in order to protect right of the child to decide for themselves whether to undergo religious surgery. Health risks of NTMC include “permanent reduction in the head of the penis” according to the National Health Service.¹¹ A Freedom of Information request to the General Medical Council in 2023 revealed further complications of circumcision including penile deformity, haemorrhage necessitating blood transfusion, infection, urinary complications, inadequate anaesthesia, excessive pain and use of inappropriate restraint techniques.¹²

Article 24 enshrines the right of the child to measures of protection on a non-discriminatory basis, including on the basis of sex and religion. The State Party protects the bodily autonomy of girls by outlawing all forms of Female Genital Mutilation (FGM) under the Female Genital Mutilation Act 2003, even where it is performed on a cultural or religious basis.¹³ However, boys are not afforded the same legal protection against NTMC, which is presumed to enjoy an exemption to the law against wounding. This is despite a British judge ruling in 2015 that NTMC constitutes “significant harm” under the Children Act 1989 and is “more invasive” than some forms of FGM.¹⁴ Other childhood non-therapeutic surgeries such as ritual scarification of the cheeks are not legally permitted.¹⁵

In 2016, the UN Committee on the Rights of the Child (UNCRC) recommended the State Party ensure “that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned”.¹⁶ The UNCRC also recommended the State Party “Provide redress to the victims of such treatment”.¹⁷ Despite this, NTMC continues to enjoy a presumption of legality and no form of redress is available to those who have been subjected to it.

Recommendation: The State Party should extend existing protections for girls against non-therapeutic genital cutting to boys.

Access to abortion in Northern Ireland

In *K.L. v Peru*, the HRC found the State Party’s refusal to allow the victim access to a legal abortion constituted a violation of Article 17, which enshrines protection against arbitrary interference with private life.¹⁸ Abortion has now been decriminalised in Northern Ireland and is available by right up to twelve weeks’ gestation.

While the NSS welcomes the 2022 decision of the Secretary of State for Northern Ireland to formally commission abortion services, in practice access remains limited.¹⁹ ²⁰ Furthermore, as of 2022, less than half of

¹¹ <https://www.nhs.uk/conditions/circumcision-in-men/>

¹² <https://www.secularism.org.uk/news/2023/01/boys-face-serious-complications-from-circumcision-complaints-show>

¹³ <https://www.legislation.gov.uk/ukpga/2003/31/contents>

¹⁴ https://www.judiciary.uk/wp-content/uploads/2015/01/BandG_2_.pdf

¹⁵ https://irep.ntu.ac.uk/id/eprint/38092/1/1210781_Pegg.pdf

¹⁶ <https://crae.org.uk/publications-and-resources/un-crc-committees-concluding-observations-2016>

¹⁷ <https://crae.org.uk/publications-and-resources/un-crc-committees-concluding-observations-2016>

¹⁸ https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/AmicusBrazil_Annex.pdf

¹⁹ https://www.amnesty.org.uk/files/2023-12/Legal%20but%20not%20local_Barriers%20to%20accessing%20abortion%20services%20in%20Northern%20Ireland.pdf?VersionId=TMIsqFC1MS2CogIEIkaZHcy00SG_HYe

²⁰ <https://www.gov.uk/government/news/secretary-of-state-for-northern-ireland-instructs-the-department-of-health-to-commission-abortion-services>

Northern Irish adults knew that abortion was legal and only 10% of women knew how to access abortion services.²¹

Recommendation: The State Party should take necessary steps to ensure abortion services in Northern Ireland are readily available to all who require them.

State funded faith schools and faith-based admissions

One third of schools in England and Wales are faith schools.²² For many families, there is no meaningful choice but for their child to attend a local faith school. Faith schools are permitted to teach religious education that is biased towards, or exclusively focused on, one particular faith, and can teach relationship and sex education in line with the tenets of their faith (including that homosexuality is morally wrong).²³

Article 18(4) enshrines the right of legal guardians to ensure the religious and moral education of their children is in conformity with their own convictions. By depriving families of a meaningful choice to not send their child to a faith school, the State Party violates Article 18(4).

Recent research has also demonstrated faith schools under admit socio-economically disadvantaged children as well as those with special educational needs and disabilities.^{24 25} Articles 2 and 26 enshrine protection from discrimination on the basis of a variety of characteristics; the NSS contends that socio-economic status and special education needs and disability fall within the "other status" category.

Article 26 enshrines protection from discrimination under the law, including on the basis of religion. However, faith schools enjoy legal exemptions to the Equality Act 2010 which allow them to discriminate on the basis of religion in their admissions once they are oversubscribed. They can hire staff on a similarly discriminatory basis.

Admissions criteria in some areas are getting increasingly restrictive. For example, in 2020, Renfrewshire Council changed its admissions criteria to require parents who want their child to be considered for local Catholic schools to submit a certificate of baptism from the outset. Previously, it was only required at the 'ballot stage' if schools were oversubscribed. This change means non-Catholics are even less likely to get into their local Catholic school, even if it is the closest to their home, they have siblings at the school or they have medical needs (including wheelchair use) that cannot be accommodated in any other school.

We are aware that some minority religious schools have extreme admissions policies which amount to coercive control over families. This includes policies which require families in their personal lives to adhere to sexist dress codes, follow strict diets, limit their children's participation in social activities such as sport, restrict children's access to the internet, movies and books, and even have sex lives which are 'religiously compliant'.

Last year, the UN Committee on the Rights of the Child recommended the State Party end faith-based admissions criteria in English schools.

Recommendation: The State Party should take necessary steps to end state funded faith schools and faith-based exemptions to the Equality Act 2010.

²¹ <https://www.amnesty.org.uk/press-releases/northern-ireland-fewer-half-women-realise-abortion-lawful-new-poll>

²² <https://www.secularism.org.uk/faith-schools>

²³ <https://www.secularism.org.uk/uploads/unsafe-sex-report-april-2018.pdf>

²⁴ <https://www.tandfonline.com/doi/full/10.1080/03054985.2023.2249818>

²⁵ <https://www.suttontrust.com/our-research/selective-comprehensives-2024/>

Confessional religious education

The religious education curriculum in England is determined at a local rather than national level by committees which include religious leaders. This enables biased promotion of religious views and the omission or discouragement of views of those critical of religion. This is particularly true of religious education at faith schools, which are permitted to teach the subject from their own religious viewpoint.

Religious education is compulsory in the UK and there is no right for children to withdraw themselves without parental permission. This is incompatible with Article 18.

In July 2022, the High Court of Northern Ireland held that current arrangements for religious education breach Article 2 of the Protocol of the European Convention of Human Rights, which provides that the state "must respect the right of parents' religious and philosophical convictions in respect of education and teaching".²⁶

It was successfully argued that a complete focus on Christianity, to the exclusion of all other faiths and with no meaningful alternative, is an unlawful violation of the human rights of children in NI. This arrangement is incompatible with Article 18(4).

Recommendation: The State Party should take the necessary steps to ensure religious education provided by state schools is objective, critical and pluralistic. Meanwhile, the State Party should give all children the absolute right to independently withdraw themselves from religious education for as long as it continues to be taught in a confessional or biased manner.

Legally mandated collective worship in state schools

A daily act of collective worship is legally mandated in state schools by the Education Act 1944.²⁷ Barring an exemption, the worship is to be "wholly or mainly of a broadly Christian nature".²⁸ Although parents are allowed to withdraw their child from collective worship, students below the age of 16 are not permitted to withdraw themselves. This is incompatible with the right to freedom of religion enshrined in Article 18, which applies to "everyone".

In a letter of 23 August 2022, Baroness Barran, Parliamentary Under-Secretary of State for the School System, wrote of collective worship legislation: "The government believes that the law is both inclusive and flexible in allowing all schools to tailor their provision to suit their pupils' needs".

This is, regrettably, inaccurate. We are aware of several schools which have attempted to formally replace collective worship with secular assemblies, but none have been successful. For example, in August 2022, Poulner Infant School in Hampshire, England applied to the local Standing Advisory Council for Religious Education for an exemption from collective worship, on the grounds of that 2/3 of pupils were not Christian.²⁹ The application was refused. Hence, it is evident that the law is not flexible in allowing schools to meet pupils' needs.

²⁶ <https://www.secularism.org.uk/news/2022/07/ruling-collective-worship-and-re-in-ni-schools-breach-human-rights>

²⁷ <https://www.legislation.gov.uk/ukpga/Geo6/7-8/31/contents/enacted>

²⁸ <https://www.legislation.gov.uk/ukpga/1988/40/section/7/enacted>

²⁹ <https://www.advertiserandtimes.co.uk/news/school-loses-bid-to-stop-daily-christian-worship-9268757/>

The UNCRC has twice recommended the State Party end the relevant legislation, but it remains in place.^{30 31} The State Party told the UNCRC it has “currently no plans” to review the legislation.³²

Recommendation: The State Party should take necessary steps to end legally mandated collective worship in state schools.

Discrimination against LGBT children in faith schools

In *Toonen v Australia*, the HRC established Article 26’s prohibition on discrimination on the basis of sex includes a prohibition on discrimination on the basis of sexual orientation.³³

Government guidance on relationships and sex education (RSE) in England and Wales allows faith schools to “teach in accordance with the tenets of their faith”. Faith schools are free to teach limited or distorted information about same-sex relationships if such relationships are not considered compatible with the faith for the school.

There is evidence that some faith schools teach discriminatory messages about LGBT people. In a 2018 report, the NSS highlighted examples of Catholic schools stating in RSE policies that same-sex relationships are “unacceptable”, “against the natural order” and “morally wrong”, and that people who are homosexual are “objectively disordered”.³⁴

The disinvitation of a gay author from a state-funded Catholic faith school in Croydon, England in March 2022 highlights how religious control of schools can negatively impact on inclusivity for LGBT pupils and families too.³⁵ The diocese said: “At the heart of every Catholic school sits the person of the Lord Jesus Christ and the teachings of the Catholic Church.” According to the Catechism of the Catholic Church, “homosexual acts” are “acts of grave depravity”, “intrinsically disordered” and “contrary to the natural law.”

Recommendation: The State Party must ensure all schools, regardless of religious ethos or the religious affiliation of the local communities, will teach about LGBT people and relationships in an inclusive, non-discriminatory and age-appropriate manner.

Corporal punishment in unregistered faith schools

The Committee’s List of Issues asks the State Party for “information on the concrete steps taken to put an end to corporal punishment in all settings in England and Northern Ireland”.³⁶ However, the State Party’s report fails to acknowledge the endemic use of corporal punishment in illegal, unregistered faith schools.³⁷

One Hasidic teachers’ guide, endorsed by religious leaders, advocates the hitting of boys to “humiliate them” and to “to put fear into them, to make them submissive”.³⁸ The guide recommends “a small strap for neglecting study” and

³⁰ https://crae.org.uk/sites/default/files/uploads/CRC_C_GBR_CO_5_24195_E.docx

³¹ https://digitallibrary.un.org/record/4013807/files/CRC_C_GBR_CO_6-7-EN.pdf?ln=en

³² <https://www.gov.gg/CHttpHandler.ashx?id=156399&p=0>

³³ <http://hrllibrary.umn.edu/undocs/html/vws488.htm>

³⁴ <https://www.secularism.org.uk/uploads/unsafe-sex-report-april-2018.pdf>

³⁵ <https://www.secularism.org.uk/opinion/2022/03/an-inclusive-britain-starts-with-inclusive-schools>

³⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fOPR%2f8&Lang=en

³⁷ <https://www.thetimes.co.uk/article/hasidic-boys-school-abuse-uk-jewish-education-investigation-london-2023-qx385fx52>

³⁸ <https://www.thetimes.co.uk/article/hasidic-boys-school-abuse-uk-jewish-education-investigation-london-2023-qx385fx52>

“a large staff to steer him away from evil when rebuke is ineffective”.³⁹ Amanda Spielman, then head of the school inspectorate Ofsted, called the guide a “manifesto for corporal punishment”.⁴⁰

In 2022, the State Party abandoned its Schools Bill which would have granted Ofsted greater powers to crack down on unregistered schools.⁴¹ Its failure to address corporal punishment in this setting is incompatible with Articles 7 and 24.

Recommendation: The state party should take necessary steps to end illegal, unregistered faith schools

Freedom of expression

Article 19 enshrines the right to freedom of expression. Blasphemy laws have now been repealed in England, Wales and Scotland. However, blasphemy and blasphemous libel remain common law offences in Northern Ireland.

De facto blasphemy codes have also emerged in recent years: In 2021, a teacher was forced into hiding after he received death threats for showing a picture of the Islamic prophet Muhammad in the context of a class on free expression. He remains in hiding as of the time of publication.⁴² Last year, a 14-year-old autistic student was suspended and subjected to death threats after he allegedly scuffed a copy of the Quran at school.⁴³ The incident was recorded as a non-crime hate incident by the police.

Recommendation: The State Party should take necessary steps to end blasphemy laws in Northern Ireland. It should provide robust public support to individuals and organisations accused of ‘blasphemy’. Non-crime hate incidents should not be issued on the basis of offending religious sensibilities.

Charity law

Charities may register in the UK under the charitable purpose ‘the advancement of religion’. In the wake of Hamas’ October 7 attack, dozens of Islamic charities were referred to the charity regulator for promoting extremism.⁴⁴ Other UK charities registered under the advancement of religion have compared homosexuality to bestiality⁴⁵ condoned the execution of gay people⁴⁶, said housework is the “primary function” of women⁴⁷, and condoned the execution of ‘apostates’⁴⁸.

Article 20(2) enshrines the prohibition of religious hatred that constitutes incitement to hostility or violence shall be prohibited by law. However, the charitable purpose ‘the advancement of religion’ enables extremist views, cloaked in religion, to be promulgated.

Recommendation: The State Party should reform charity law to remove ‘the advancement of religion’ as a charitable purpose.

³⁹ <https://www.thetimes.co.uk/article/hasidic-boys-school-abuse-uk-jewish-education-investigation-london-2023-qx385fx52>

⁴⁰ <https://www.thetimes.co.uk/article/hasidic-boys-school-abuse-uk-jewish-education-investigation-london-2023-qx385fx52>

⁴¹ <https://www.theguardian.com/politics/2022/dec/07/schools-bill-for-england-scrapped-after-months-of-opposition>

⁴² <https://www.thetimes.co.uk/article/teacher-who-showed-muhammad-cartoon-still-in-hiding-3-years-later-x86nk0870>

⁴³ <https://www.thetimes.co.uk/article/quran-wakefield-school-students-police-investigation-uk-2023-zrj5q75ck>

⁴⁴ <https://www.secularism.org.uk/news/2023/11/nss-refers-40-islamic-charities-to-regulator-over-extremism-fears>

⁴⁵ <https://www.thirdsector.co.uk/regulator-accused-permitting-charities-promote-extreme-homophobia/governance/article/1819938>

⁴⁶ <https://www.secularism.org.uk/opinion/2020/04/charity-and-homophobia-shouldnt-mix>

⁴⁷ <https://www.secularism.org.uk/news/2023/03/regulator-oks-misogyny-homophobia-at-scottish-religious-charities>

⁴⁸ <https://www.secularism.org.uk/news/2019/04/nss-refers-islamic-charities-promoting-extremism-to-regulator>

Discrimination in the Church of England

The Church of England (CofE) is an established church and, by extension, an arm of the British state. Twenty-six of its bishops sit by right in the House of Lords. No other group enjoys automatic seats in the legislature on the basis of religion or belief.

By law, the monarch must be part of the Anglican communion.⁴⁹ Catholics, and those married to Catholics, are legally disqualified from inheriting the throne.⁵⁰ Catholics and Jews are legally disqualified from advising the monarch on the appointment of Anglican bishops.⁵¹ Thus, when former Prime Minister Boris Johnson converted to Roman Catholicism in 2021, it would have been a “high misdemeanour” for him to advise the then queen on the appointment of bishops.⁵²

The Church’s established status legally privileges Anglicans above those of other religions and beliefs, including non-belief. This is incompatible with non-discrimination on the basis of religion enshrined in Article 26.

Furthermore, the Church’s doctrine teaches that same-sex intimacy is a sin and same-sex marriage is impermissible.⁵³ Last year, King Charles III swore to uphold this doctrine as part of his coronation oath.⁵⁴ As the established church, it has a legal obligation to marry heterosexual couples, but has refused to take the necessary steps to permit its clergy to marry homosexual couples.⁵⁵ In 2022, Ben Bradshaw MP, himself an Anglican, said the Church is “actively pursuing a campaign of discrimination” against gay and lesbian people.⁵⁶

Five hundred CofE churches ban female priests.⁵⁷ The CofE also allows its churches to reject the authority of female, but not male, bishops.⁵⁸ These provisions are enabled by religious exemptions from the Equality Act 2010. The Church’s discrimination against women and LGBT individuals is also incompatible with Article 26.

Recommendation: The State Party should take necessary steps to disestablish the Church of England.

⁴⁹ <https://www.parliament.uk/site-information/glossary/bishops/>

⁵⁰ <https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/religion/overview/catholicsnonconformists-/>

⁵¹ <https://researchbriefings.files.parliament.uk/documents/CBP-8886/CBP-8886.pdf>

⁵² <https://www.thetimes.co.uk/article/announcing-bishops-will-fall-to-someone-else-now-pms-a-catholic-9k29b272z>

⁵³ <https://www.theguardian.com/uk-news/2022/aug/02/justin-welby-affirms-validity-of-1998-declaration-that-gay-sex-is-a-sin>

⁵⁴ <https://www.royal.uk/sites/default/files/documents/2023-05/The%20Coronation%20Order%20of%20Service.pdf>

⁵⁵ <http://hrlibrary.umn.edu/undocs/html/vws488.htm>

⁵⁶ <https://www.theguardian.com/world/2022/oct/04/church-of-england-welcome-gay-people-face-parliament-ben-bradshaw>

⁵⁷ <https://www.thetimes.co.uk/article/500-churches-in-c-of-e-still-ban-female-priests-fxvmswjcf>

⁵⁸ <https://www.theguardian.com/world/2022/nov/11/female-clergy-face-institutionalised-discrimination-campaigners-claim>