

United Nations Convention on the Rights of the Child Written Inputs to the List of Issues Prior to Reporting (LOIPR)

State party: United Kingdom of Great Britain and Northern Ireland

Prepared by the (UK) National Secular Society (NGO)
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The National Secular Society 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.

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Nomenclature: “CSA” is used to describe Child Sex Abuse, or more accurately sexual harassment, assault, or rape. We used the abbreviation “CCSA” for clerical-related CSA,

We recognise that some survivors of CSA prefer that term to victims.

Underlining has been added for emphasis, not present in original.

Recommendations are shown in bold.

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Introduction

About the National Secular Society

The National Secular Society (NSS) is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture. The NSS has been in special consultative status with the United Nations Economic and Social Council since 2016.

About the State party

The United Kingdom is an increasingly irreligious and religiously-diverse country. More than 50% of British adults say they have no religion, a figure that has risen from 48% since 2015 and 31% since 1983.¹ A survey by WIN/Gallup international, which questioned 64,000 people in 65 different countries, found that the UK is the sixth least religious country in the world.² While members of minority religions, most notably Islam, are increasing in number, the number of Christians is falling. This is especially true of the Church of England (CofE); only 1% of young adults identify as belonging to the CofE³, and fewer than 2% of people in England regularly worship at CofE churches.⁴

Despite this, religion – and the Church of England in particular – has considerable influence over UK legislature and policy-making. The CofE is the established church, and 26 bishops of the CofE have seats as of right in the House of Lords. The UK is one of only two countries in the world that gives representatives of religious groups automatic seats in its legislature (the other is Iran). Furthermore, the head of state - i.e. the monarch - must by law be a confirmed member of the CofE and is described as the ‘Defender of the Faith and Supreme Governor of the Church of England’.

This privileged position of the Church of England has resulted in the entrenchment of religion into many areas of public life. As a consequence, religious agendas are frequently prioritised over democratic and human rights concerns in the UK. According to Humanist International’s Freedom of

¹ NatCen, ‘British Social Attitudes 36’. 2019 <http://www.bsa.natcen.ac.uk/latest-report/british-social-attitudes-36/religion.aspx> Accessed 13 August 2020

² National Secular Society, ‘Survey: UK is one of the least religious countries in the world’ 13 April 2015 <https://www.secularism.org.uk/news/2015/04/survey--uk-is-one-of-the-least-religious-countries-in-the-world>

³ National Secular Society, ‘Just 12% of Brits are affiliated to C of E, major survey reveals’. 11 July 2019 <https://www.secularism.org.uk/news/2019/07/just-12-percent-of-brits-are-affiliated-to-c-of-e-major-survey-reveals>

⁴ National Secular Society, ‘Regular C of E worshippers form less than 2% of England’s population’. 12 October 2020 <https://www.secularism.org.uk/news/2020/10/regular-c-of-e-worshippers-form-less-than-2-percent-of-englands-population>

Thought Report 2018, in the United Kingdom freedom of thought is restricted by “systemic discrimination” in all areas monitored: government, education, society, and free expression. This is in stark contrast to some of its surrounding European neighbours – France, Belgium, the Netherlands, Norway, Sweden, and Iceland – where the religious and non-religious enjoy ‘free and equal’ treatment in all or most of these areas.⁵

One of those most notable areas where religion wields a great deal of power is in education. Some of the most widespread breaches of the CRC in the UK are found in state-funded schools. As a result of the 1944 Education Act, schools run by the Church of England and the Roman Catholic Church became fully integrated into a national state school system. The result was that schools run by religious institutions would be wholly or mostly funded by taxpayers but would still retain considerable freedom to teach according to their religious ethos. The 1944 Act also resulted in the law requiring all schools – including those not run by religious institutions – to hold daily collective acts of religious worship.⁶

Despite considerable changes to the UK’s demographics during that time, 75 years later the principles behind the 1944 Act continue to influence education policy. When equality law became fully codified and unified with the establishment of the Equality Act 2010, rather than amend aspects of the education system that conflicted with equality law such as faith-based discrimination in schools and the collective worship requirement, exemptions were built into the Act to maintain the status quo.⁷ These exemptions, which were included largely thanks to lobbying by the Church of England, the Roman Catholic Church and other religious groups with an interest in using state schools to further their religious agendas, are extensive and result in multiple breaches of the CRC.

Deference to religious demands impact on other areas of children’s lives too. A reluctance to challenge the religious practices of Jewish, Muslim and some African Christian traditions has resulted boys being denied the same protections as girls regarding religious and cultural genital cutting. Religious objections to abortion and contraception have resulted in withholding girls and women the right to control their own reproduction. And major religious institutions, including the Church of England and the Catholic Church, have denied victims of clerical child sexual abuse the right to justice, and children in their communities the right to adequate safeguarding.

⁵ Humanists International, ‘The freedom of thought report’. <https://fot.humanists.international> Accessed 20 October 2020.

⁶ Sharpe, Keith. “The 1944 Education Act was a landmark law – but let’s reconsider the privileges it granted to religion.” National Secular Society, 18 December 2019. <https://www.secularism.org.uk/opinion/2019/12/the-1944-education-act-was-a-landmark-law-but-lets-reconsider-the-privileges-it-granted-to-religion>

⁷ National Secular Society, ‘Faith-shaped holes: How religious privilege is undermining equality law’. September 2020 <https://www.secularism.org.uk/defend-equality-laws/faith-shaped-holes-how-religious.html>

Key areas of concern

1. General measures of implementation

1.1. Incorporating the CRC into domestic law

1.1.1. We welcome plans from the Scottish government to incorporate the CRC into its domestic law, making it the first country in the UK to do so.⁸

1.1.2. **We recommend that the Committee ask the State party:**

- What plans it has to incorporating the CRC into the laws of England & Wales and Northern Ireland.

2. General principles: non-discrimination (art. 2)

2.1. Faith schools: Discrimination on the grounds of religion or belief

2.1.1. Multiple exceptions in the Equality Act 2010 made to accommodate demands from religious groups have resulted in a high level of discrimination against children in the UK's education system.

2.1.2. These exceptions enable the establishment of schools with a religious character ('faith schools') that are wholly or primarily funded by the state. About one third of all state-funded schools in the UK are faith schools. The vast majority of these are either Church of England or Roman Catholic, but there is a growing number of schools with other religious designations including Islamic, Jewish, Sikh, Hindu, and other Christian denominations.⁹

2.1.3. Equality law exceptions enable faith schools to discriminate against children on the basis of their family's religion and participation in religious activities. Where oversubscribed, faith schools can prioritise children of families who regularly attend places of worship over those who do not, or those who follow different religions to that of the school.¹⁰

2.1.4. As a result, children are often unable to attend the nearest school to their home, or the school that is otherwise best suited to their needs, because their family does not belong to the 'right' religion. Testimonies from individuals who have experienced or witnessed discrimination against children on the grounds of their family's religion or belief in school

⁸ Scottish government, 'UN Convention on the Rights of the Child'. 2 September 2020.

<https://www.gov.scot/news/un-convention-on-the-rights-of-the-child/> Accessed 29 October 2020.

⁹ Department for Education, 'Get information about schools' <https://get-information-schools.service.gov.uk/> Accessed 21 October 2020.

¹⁰ National Secular Society, 'Faith-shaped holes: How religious privilege is undermining equality law'. September 2020 <https://www.secularism.org.uk/defend-equality-laws/faith-shaped-holes-how-religious.html>

admissions have been compiled in Annex 1.

2.1.5. Equality Act exceptions also enable faith schools to teach about religion in a subjective and confessional manner that excludes teachings about other religions and beliefs. Any school that promotes one particular religious worldview over all worldviews undermines the freedom of religion or belief of children who do not share that religion by giving them fewer opportunities to fully participate in school life.¹¹ Testimonies from individuals who have experienced or witnessed discrimination against children on the grounds of their family's religion or belief within faith schools have been compiled in Annex 2.

2.1.6. The issue is exacerbated by the fact that many pupils attend faith schools despite themselves or their parents having a preference for a non-religious school. Parents frequently send their children to a local faith school despite not sharing the faith of the school or wishing their children to be educated according to the tenets of a particular religion. Their reasons for choosing a faith school are practical; for example, it is the closest school to their home.

2.1.7. In some cases, there may not be any local schools apart from faith schools. The National Secular Society's research has found that between September 2014 and 2020, 132,216 pupils were assigned faith schools despite their parents expressing a non-faith preference, including 20,340 in 2020.¹² Testimonies from individuals who have experienced or witnessed problems as a result of the lack of secular school choices have witnessed discrimination against children on the grounds of their family's religion or belief within faith schools have been compiled in Annex 3.

2.1.8. Children of parents professing to be adherents of the Church of England or the Roman Catholic Church often are privileged over other pupils as they are likely to have preferential access to schools of their denomination. Secular schools treat pupils equally regardless of religion or belief. However, many of those attending religious schools who are not from that denomination or religion may feel alienated and excluded, as detailed in the testimonies in Annex 2.

2.1.9. **We recommend that the Committee ask the State party:**

- Whether it will consider repealing exceptions in the Equality Act 2010 that enable faith schools to discriminate against children on the basis of religion or belief in admissions and other aspects of school life;

- How it will ensure that every child has the right to access a local publicly-funded secular school.

¹¹ *ibid.*

¹² National Secular Society, 'The choice delusion: how faith schools restrict primary school choice in England'. 2018. <https://www.secularism.org.uk/faith-schools/choicedelusion.html>

3. General principles: best interest of the child (art. 3)

3.1. Equality Act exemptions based on religion or belief in education

3.1.1. The Committee on the Rights of the Child said in its concluding observations on the fifth periodic report of the UK that it “regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children” in a variety of fields.¹³

3.1.2. We believe education is one such field where the right of the child to have his or her best interest taken as primary consideration.

3.1.3. As outlined in 1. *General principles: non-discrimination (art. 2)*, discrimination against children on the basis of religion or belief in education is enabled by a failure to centralise the best interest of the child in equality law.

3.1.4. These exceptions to equality law were established following lobbying from a variety of religious institutions, including the Church of England and the Roman Catholic Church which represent the majority of state-funded faith schools. Their lobbying resulted in exceptions to the law being made in order to further their agenda to promote their religious ethos, at the expense of the right of children to equal treatment in schools.¹⁴

3.1.5. Segregating children in education according to religion or belief may serve to benefit religious institutions, but there is no evidence that it benefits children. On the contrary, it reduces opportunities for children to have meaningful interactions with other children from different backgrounds to their own.

3.1.6.2.1.6. We recommend that the Committee ask the state party:

- Whether it will review equality law to ensure it prioritises the rights of children. This may include repealing exceptions made to accommodate religious demands at the expense of children’s rights to access education without discrimination on the basis of religion or belief.

3.1.7. Additionally, the unwillingness to extend the robust laws protecting girls and women from female genital mutilation to boys stems from a deference to religious demands,

¹³ 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0biQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

¹⁴ National Secular Society, ‘Faith-shaped holes: How religious privilege is undermining equality law’. 2020.
<https://www.secularism.org.uk/defend-equality-laws/faith-shaped-holes-how-religious.html>

rather than prioritising the best interests of children; this is discussed further in 9.1. *Non-consensual, non-medical genital cutting in male children.*

4. Civil rights and freedoms: freedom of thought, conscience and religion (art. 14)

4.1. Collective worship in schools

4.1.1. The 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

4.1.2. We greatly welcome this recommendation from the Committee. But regrettably, there has been no progress in this area.

4.1.3. The Committee will be aware that education in the UK is a devolved matter with each of the countries of the UK having separate systems under separate governments: the UK Government is responsible for England; whilst the Scottish Government, the Welsh Government and the Northern Ireland Executive are responsible for Scotland, Wales, and Northern Ireland, respectively.

4.1.4. England, Northern Ireland and Wales are the only countries in the world to require by law a daily act of mainly Christian worship in every publicly funded school, in which pupils are required by law to take part, not simply to attend. Scottish legislation also imposes a statutory duty on local authorities to provide religious observance in Scottish schools.

4.1.5. Only “sixth form pupils” (broadly those over 16 years old) are able to withdraw themselves from collective worship.¹⁶ The NSS has received multiple reports of children being punished or otherwise disadvantaged for refusing to participate in collective worship; some examples are given in Annex 4. The law gives parents the right to withdraw pupils, although this is rarely exercised as to do so can cause children to feel

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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

¹⁶ “(1B) If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused.” Education and Inspections Act 2006 s55 <https://www.legislation.gov.uk/ukpga/2006/40/section/55> Accessed 28 October 2020.

alienated from fellow pupils.

4.1.6. The collective worship requirement has been repeatedly criticised by the UK Parliamentary Human Rights Committee as a breach of older pupils' Human Rights. Attempts to change the law to give pupils below 16 years old of "sufficient maturity and intelligence" the right to withdraw have been resisted by successive Governments. Whilst the Convention recognises that the level of a child's participation in decisions must be appropriate to the child's level of maturity, UK law does not.

4.1.7. **We recommend that the Committee ask the state party:**

- Whether it will consider repealing all laws requiring acts of worship in school;

- How it will ensure no child is compelled to take part in religious worship in state funded schools;

- Whether it will give all children the absolute right to independently withdraw themselves from acts of worship.

4.2. Confessional religious education (RE)

4.2.1. All schools are required to hold lessons in religious Education (RE). As with collective worship parents have the right to withdraw their children, but children cannot withdraw themselves.¹⁷

4.2.2. RE is a unique subject in the UK because its curriculum is determined at local rather than national level, by panels of individuals that include those representing religious interests.¹⁸ As a result, RE has a tendency to promote biased views of religions and to omit or discourage views of those with no religious beliefs or those critical of religion. A 2018 academic article in *Religion* found RE teachers are undermining the subject by framing religion as intrinsically positive and glossing over its negative side.¹⁹

4.2.3. The pro-religion bias in RE can result in children being punished for criticising religious practices. In 2019, a vegetarian student was disqualified from her GCSE exam after she criticised halal meat, on the grounds that many animals killed for halal meat are not stunned before slaughter and so suffer unnecessarily.²⁰ Her view is shared by 77% of the

¹⁷ National Secular Society, '21st Century RE for All'. <https://www.secularism.org.uk/21st-century-re-for-all>

¹⁸ *ibid.*

¹⁹ National Secular Society, 'Framing religion as intrinsically positive harms education, study warns'. 5 December 2018 <https://www.secularism.org.uk/news/2018/12/framing-religion-as-intrinsically-positive-harms-education-study-says>

²⁰ Evening Standard, 'Vegetarian student disqualified from GCSE paper for 'obscene racial comments' after she criticised halal meat'. 18 August 2019 <https://www.standard.co.uk/news/uk/vegetarian-student-disqualified-from-gcse-paper-after-examiner-mistook-remarks-about-halal-meat-for-a4215746.html> Accessed 20 October 2020.

British public,²¹ 90% of EU citizens,²² and a wide range of veterinary, farming and animal welfare groups.²³

4.2.4. Furthermore, faith schools can ignore locally-determined RE curricula and teach their own RE in a confessional manner exclusively from their own religious viewpoint.²⁴ This approach to RE puts religious agendas ahead of children's objective education about religion. This is even less acceptable given some pupils have to attend such schools despite neither they nor their parents being of the same religious persuasion.

4.2.5. The Welsh government has published legislative proposals to replace Religious Education with a more pluralistic Religion, Values & Ethics (RVE) subject that will be balanced in its content and manner of teaching. Regrettably, the duty to teach the pluralistic RVE subject will not apply to faith schools, which may continue to teach a curriculum in line with the tenets of the faith of the school. This will deny many children equal entitlement to a broad and balanced education. Under current proposals, parents will be able to request a pluralistic curriculum instead. But religious lobby groups are fiercely opposing even this modest requirement. The proposals include a removal of the parental right to withdraw pupils from RVE.²⁵

4.2.6. The NSS has dealt with multiple cases where the right to withdraw children from RE has been impeded. At some schools, RE is a compulsory GCSE subject, and children withdrawn from RE are unable to take a different GCSE, leaving them with fewer qualifications than their peers.

4.2.7. **We recommend that the Committee ask the state party:**

- How it will ensure that education about religion and belief provided by state schools is objective, critical and pluralistic.

- Whether it will give all children the absolute right to independently withdraw themselves from RE for as long as the subject continues to be taught in a confessional or biased manner.

²¹ National Secular Society, 'MPs cite "overwhelming" public support in debate on non-stun animal slaughter'. 24 February 2015 <https://www.secularism.org.uk/news/2015/02/mps-cite-overwhelming-public-support-in-debate-on-non-stun-animal-slaughter>

²² Eurogroup for Animals, '9 out of 10 Europeans want mandatory stunning before slaughter and call on the EU to preserve the right of Member States to protect animal welfare'. 8 October 2020 <https://www.eurogroupforanimals.org/news/9-out-10-europeans-want-mandatory-stunning-slaughter-and-call-eu-preserve-right-member-states> Accessed 20 October 2020.

²³ National Secular Society, 'End religious non-stun slaughter' <https://www.secularism.org.uk/religious-slaughter>

²⁴ National Secular Society, '21st Century RE for All'. <https://www.secularism.org.uk/21st-century-re-for-all>

²⁵ National Secular Society, 'Religion, Values & Ethics, Curriculum for Wales proposals'. <https://www.secularism.org.uk/21st-century-re-for-all/rve-wales.html>

5. Civil rights and freedoms: protection of privacy and protection of the image (art. 16)

5.1. Faith school interference with private lives

5.1.1. Some faith schools place such tight restrictions on children's lives outside of schools that they amount to breaching Article 16.

5.1.2. A recent example is Beis Chinuch Lebonos Girls School, an Orthodox Jewish independent school in the London borough of Hackney. Its IT policy says children "may never hold any type of smartphone in their hands", may not have access to internet enabled devices at home and may never text. It also says parents must take precautions to ensure children cannot access Wi-Fi codes, must never share "clips, pictures etc that they have received on screen" with their children, and says children may only watch pre-approved DVDs. The NSS was informed by the Department for Education in 2019 that these restrictions the school places on families' behaviour are "a contractual issue and not one in which the department can intervene".²⁶

5.1.3. Similar restrictions have even been applied in faith schools in the state sector. Yesodey Hatorah Senior Girls School, a state-funded Orthodox Jewish school in north London, bans children and their families from wearing bright clothes, short sleeves and casual attire. It also bans families from watching television and accessing the internet. The Office of the Schools Adjudicator (OSA) said in 2018 that such restrictions are permitted in law.²⁷

5.1.4. In 2018 the OSA also approved admissions codes for two state-funded Orthodox Jewish schools that require that families to live Orthodox lives as defined by the *Shulchan Aruch* – a 16th century religious text. The restrictions they place on family life include gender specific modesty codes and prohibitions on LGBT relationships, make-up, computers, televisions and phones.²⁸

5.1.5. We recommend that the Committee ask the state party:

- **Whether it will continue to permit schools to compel families to obey invasive rules that breach CRC Article 16;**

- **How it will ensure the Office of the Schools Adjudicator upholds complaints regarding state schools with admissions codes that include requirements in breach of CRC Article 16.**

²⁶ National Secular Society, 'Jewish school may severely restrict families' IT use, says DfE'. 19 August 2019 <https://www.secularism.org.uk/news/2019/08/jewish-school-may-severely-restrict-families-it-use-says-dfe>

²⁷ National Secular Society, 'Jewish school may place requirements on families, adjudicator rules'. 9 Aug 2018 <https://www.secularism.org.uk/news/2018/08/jewish-school-may-place-requirements-on-families-adjudicator-rules>

²⁸ National Secular Society, 'Adjudicator: faith schools may insist families are strictly religious'. 4 December 2018 <https://www.secularism.org.uk/news/2018/12/adjudicator-faith-schools-may-insist-families-are-strictly-religious>

6. Civil rights and freedoms: access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)

6.1. Censorship in faith schools

6.1.1. We are extremely concerned that a number of faith schools are deliberately censoring teaching materials and withholding information from their pupils for religious reasons.

6.1.2. A recent example is Bnois Jerusalem Girls School, an Independent Orthodox Jewish school in the London Borough of Hackney. According to its most recent inspection report published in March 2020, reading books were “selected from a narrow genre of fiction” and even within that narrow genre, fiction books were “censored and redacted”. The school had limited the scope of the curriculum to “make it fit with Orthodox Jewish teaching”, which meant text, photographs and illustrations in geography textbooks were also redacted. Pupils were taught religious views about creationism within geography and science, without being taught scientific theories about the origins of life. Pupils did not have the opportunity to take external GCSEs or other meaningful qualifications, because leaders would have to break examination regulations in order to censor the papers. As a result, pupils were “not prepared for life in modern Britain”. Ofsted said some aspects of pupils’ personal development were “non-existent”, as they had very few opportunities to learn about other cultures and faiths.²⁹

6.1.3. Such censorship has also occurred in state-funded schools. In January 2020, Ofsted criticised Yesodey Hatorah Senior Girls' School, a state-funded Orthodox Jewish school in the London Borough of Hackney, for its long history of censoring information and knowledge that does not conform to its religious teachings, including censoring references in text books to Queen Elizabeth I³⁰ and redacting exam papers to remove questions about evolution.³¹

6.1.4. Schools that deprive children of access to necessary information are also in breach of Article 13 – the freedom to seek, receive and impart information and ideas of all kinds.

6.1.5. **We recommend that the Committee ask the state party:**

- What measures it is taking to ensure all schools, including independent schools, do not deprive children of access to information necessary for their development and preparation for adult life in the 21st century UK;

²⁹ Ofsted inspection of Inspection of Bnois Jerusalem Girls School, 10–12 December 2019. <https://files.ofsted.gov.uk/v1/file/50148453> Accessed 21 October 2020

³⁰ Jewish News, ‘Ofsted: Charedi school “airbrushed” Queen Elizabeth the First out of history’ 22 January 2020. <https://jewishnews.timesofisrael.com/ofsted-charedi-school-airbrushed-queen-elizabeth-the-first-out-of-history/> Accessed 19 October 2020.

³¹ BBC, ‘Jewish school redacts exam to remove evolution questions’. 4 March 2014 <https://www.bbc.co.uk/news/av/uk-england-london-26437882> Accessed 28 October 2020.

- Whether it will apply greater scrutiny of independent schools in the process of opening, and swifter action on schools that repeatedly censor children's access to information.

7. Violence against children: right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))

7.1. Corporal punishment in unregistered faith 'schools' and independent faith schools

7.1.1. In its concluding observations on the fifth period report of the UK, the Committee on the Rights of the Child urged the UK to ensure "that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care".³²

7.1.2. While corporal punishment is prohibited in all UK schools, we are aware of multiple accounts of corporal punishment being used in unregistered faith 'schools'. (These illegal 'schools' are discussed in more details in 10.3. *Unregistered 'schools'*.)

7.1.3. In 2018, a BBC investigation filmed a teacher appearing to strike a pupil's head in a suspected unregistered Charedi Jewish 'school' in Essex.³³ Accounts of corporal punishment have also been given by those who attended unregistered 'schools' as children. Izzy Posen, who was sent to unregistered Charedi Jewish faith 'schools' in the London borough of Hackney as a child, said that instructors at these 'schools' would hit children with sticks, rulers and their hands.³⁴

7.1.4. There are also reports of corporal punishment being administered in registered independent schools. In an inspection in January 2019, school inspectorate Ofsted heard from pupils that teachers at independent Jewish school Talmud Torah Yetev Lev were using methods of discipline which were "harmful to pupils' physical and emotional well-being", including "cheek pinching, smacking and slapping".³⁵

7.1.5. **We recommend that the Committee ask the state party:**

³² 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYpkBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0bjQBOLNTNvQ9fUIEOvA5LtWOG> Accessed 26 October 2020.

³³ BBC, 'Abuse concerns over unregistered schools'. February 26 2018. <https://www.bbc.co.uk/news/uk-43126598> Accessed 15 October 2020.

³⁴ Posen, Izzy. 'Why God Doesn't Like Educated Kids: A Personal Account'. Speech given at Secularism 2019 conference on 18 May 2019, available at <https://www.secularism.org.uk/secularism-2019.html>

³⁵ Ofsted school report: Talmud Torah Yetev Lev, 22–24 January 2019. <https://files.api.ofsted.gov.uk/v1/file/50056910> Accessed 15 October 2020

- How it will ensure all unregistered school are closed or registered;
- How it will ensure schools where corporal punishment is used are severely penalised, including with closure if standards do not improve;
- Whether it will consider establishing a mandatory register of where every child is educated.

8. Disability, basic health and welfare: health and health services, in particular primary health care (art. 24)

8.1. Abortion

8.1.1. In its concluding observations on the fifth periodic report of the UK, the Committee on the Rights of the Child recommended that the UK “decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls’ access to safe abortion and post-abortion care services”.³⁶

8.1.2. Abortion was decriminalised in Northern Ireland in 2019, and a new legal framework for abortion adopted in 2020. As a result, girls and women in the early stages of pregnancy will theoretically be able to access an abortion “without conditionality” within the first 12 weeks of pregnancy. Since most abortion requests are in the first 12 weeks, the majority of girls and women with an unwanted pregnancy should soon theoretically be able to have an uncomplicated abortion in Northern Ireland.

8.1.3. However, introducing a non-evidence-based, arbitrary cut-off point of 12 weeks will mean girls and women who do not find out they are pregnant until later, do not learn about a foetal abnormality until later, or girls who might not know that they are pregnant or might not be able to see a doctor independently, will necessarily present beyond 12 weeks. The provisions for these girls and women up to 24 weeks will be subject to the same limitations as the previous set-up. And if a 12-year-old girl who by definition has been, at a minimum, the victim of statutory rape was not deemed suitable for an abortion, which is exactly what happened last year³⁷, it will be even more challenging for other girls and women with unwanted pregnancies to access an abortion after 12 weeks.

8.1.4. There are also concerns that despite the change in law, girls and women in Northern Ireland are still struggling to access abortion services. According to Alliance for Choice,

³⁶ 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%2fJg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

³⁷ The Independent, ‘Police escort for 12-year-old Northern Irish rape victim’s abortion condemned as “inhumane”’. 29 January 2019. <https://www.independent.co.uk/news/uk/home-news/northern-ireland-rape-victim-abortion-england-travel-police-escort-age-12-a8751126.html> Accessed 28 October 2020.

GPs are refusing to refer pregnant patients to hospital services so they can access the tablets needed to undergo a medical abortion. They are also aware of midwives and nurses refusing to care for patients before and after the procedure.³⁸

8.1.5. It is still the case that abortion has not been fully decriminalised throughout the United Kingdom. There are large fines for doctors who do not follow requirements to report or certify abortions. Other medical interventions performed with the informed consent of the patient are subject to professional regulation with no additional certification. There is no medical reason for doctors to have to certify abortions.

8.1.6. In Great Britain abortions are dependent on the approval of two doctors under the terms of the 1967 Abortion Act. And although temporary measures have been placed to permit abortion pills to be taken at home as a result of the pandemic, this is set to be revoked in the future once the pandemic eases. The Royal College of Obstetricians and Gynaecologists (RCOG) has said that, for early medical abortions, there is "no medical justification for drugs to be taken in a hospital or clinic setting" and "It is safer, more effective and better tolerated for women to administer the drugs in the privacy of their own residence".³⁹

8.1.7. We recommend that the Committee ask the state party:

– How it will ensure girls and women in Northern Ireland are not obstructed in any way from accessing abortion;

- Whether it will decriminalise abortion throughout all four nations and make permanent the provision of medication for abortion at home.

9. Disability, basic health and welfare: measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24(3))

9.1. **Non-consensual, non-medical genital cutting in male children**

9.1.1. In its concluding observations on the fifth periodic report of the UK, the Committee on the Rights of the Child recommended that the UK ensure "that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood" and "guarantee

³⁸ The Observer, 'Doctors accused of blocking abortions in Northern Ireland despite legalisation' 13 June 2020 <https://www.theguardian.com/world/2020/jun/13/doctors-accused-of-blocking-abortions-in-northern-ireland-despite-legalisation> Accessed 16 October 2020

³⁹ Royal College of Obstetricians & Gynaecologists, 'Clinical Guidelines for Early Medical Abortion at Home – England'. <https://www.rcog.org.uk/globalassets/documents/guidelines/early-medical-abortion-at-home-guideline-england.pdf> Accessed 16 October 2020

bodily integrity”.⁴⁰

9.1.2. These recommendations were made with particular reference to female genital mutilation (FGM) and medically unnecessary surgeries and other procedures on intersex children. While the NSS agrees that unnecessary genital cutting on female and intersex children violates their rights and should be outlawed, we urge the Committee to extend its scrutiny to infants and children who are subjected to religious or cultural penile circumcision.

9.1.3. Boys born into religiocultural communities that practise circumcision are not being protected from the unrestricted expression of their parents’ beliefs regarding their most intimate body parts. Male children born into these communities are having their genitals surgically altered, often without anaesthetic, in accordance with their parents’ or communities’ belief system. This is a gross injustice and breach of the Universal Declaration of Human Rights as well as the UNCRC.

9.1.4. Those children on whom medically unnecessary genital cutting has been performed will permanently lose a large part of their normal penis (approximately one third of the covering of the adult penis). The penile prepuce is one of the most sensitive parts of a man’s body, providing numerous functions in intact men and boys. Healthy intact men rarely choose to lose this part of their anatomy and when they do, often regret it.⁴¹

9.1.5. One of the main drivers for the omission to extend protections to boys and men has likely been that adults in traditional conservative Jewish and Muslim communities have practised this form of genital cutting on children born into their communities for centuries. Their stated justification has been that it is integral to their belief or culture. In so doing, they are assuming that all children born into their community will later choose to adopt both their beliefs and their practices; either that or they have no regard for those who might later choose otherwise. We believe this reasoning is fundamentally flawed, unethical and dangerous.

9.1.6. It has been recognised that “harmful practices can never be justified as manifestations of freedom of religion or belief, whatever their underlying reasons may be”.⁴² This principle must be applied without fear or favour. The logic that excludes male genital cutting from

⁴⁰ 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

⁴¹ Haaretz, ‘They felt pressured to get circumcised after moving to Israel. They now regret it’ 7 December 2019
<https://www.haaretz.com/israel-news/.premium.MAGAZINE-they-felt-pressured-to-get-circumcised-after-moving-to-israel-they-now-regret-it-1.8227063> Accessed 15 October 2020

⁴² Freedom of Religion Or Belief: An International Law Commentary By Heiner Bielefeldt, Nazila Ghanea-Hercock, Michael Wiener

this principle is unsound.

9.1.7. The debate on the topic of religious and cultural circumcision on boys has been subject to confusion due to claims by religious and cultural leaders asserting some form of medical benefit for religious circumcision and claiming no or minimal harmful effects. Genital cutting of male children is an anomaly in that it is allowed despite the lack of evidence of benefit, despite the fact that it evidently breaches several articles of the UNCRC, despite the accounts of intact adult males who cherish their foreskins, despite the evidence of harm and side effects from the procedure, despite the protections offered to females from anatomically similar wounding, and despite the fact that other medical procedures are highly regulated whereas surgery on male children's genitalia is largely unregulated.

9.1.8. In the UK in 2015, Sir James Munby, then the most senior judge in the family division of the High Court of England and Wales, noted the disparity in protection between boys and girls. In his judgment – *Re B&G* – Munby stated that non-therapeutic male circumcision of children constitutes 'significant harm' under the terms of the Children Act and noted that some forms of FGM, which would be illegal under the 2003 FGM legislation, cause considerably less harm to children than non-therapeutic male circumcision which he noted society still seemed willing to accept.⁴³ It is notable in this regard that section 1(5) of the FGM legislation expressly forbids custom or ritual as a mitigating factor when considering non-therapeutic cutting of a female child's genitals.⁴⁴

9.1.9. Many men who were circumcised as children are very reluctant to express disapproval of the procedure for a variety of reasons including embarrassment, a reluctance to criticise decisions made by their parents, and gender-based pressure not to appear vulnerable. However, an increasing number of men who were circumcised as children are beginning to speak out against it; examples of such men who have given their testimonies to the NSS are in Annex 6.

9.1.10. **We recommend that the Committee ask the state party:**

- What measures it will take to guarantee protections from non-therapeutic genital cutting for all children equally, regardless of sex.

10. Education, leisure and cultural activities: right to education (art. 28)

10.1. Segregated schooling – Northern Ireland

⁴³ *Re B and G (Children) (No 2)* [2015] EWFC 3 https://www.familylaw.co.uk/news_and_comment/re-b-and-g-children-no-2-2015-ewfc-3 Accessed 15 October 2020

⁴⁴ Female Genital Mutilation Act 2003, Section 1(5) <https://www.legislation.gov.uk/ukpga/2003/31/section/1> Accessed 15 October 2020

- 10.1.1. The Committee on the Rights of the Child noted in its concluding observations on the fifth periodic report of the UK that in Northern Ireland, “segregation of schools by religion persists”.⁴⁵
- 10.1.2. We welcome the Committee’s recommendation that the state party should “actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration” in Northern Ireland.
- 10.1.3. Progress in this area has continued to be unacceptably slow. Communities continue to live separate lives, and segregated schooling is both a cause and symptom of this. We believe the most effective way of promoting cohesion in the longer term would be a completely integrated school system.
- 10.1.4. In its Fifth Periodic Report to the Committee, para 9, the UK informed the Committee that, in line with the statutory duty to encourage and facilitate integrated education⁴⁶, the number of integrated schools has increased from 47 in 2002/03 to 65 in 2019/20.⁴⁷ This fails to acknowledge that only around 7% of children in Northern Ireland currently attend integrated schools.⁴⁸
- 10.1.5. Religious groups are strongly opposed to a loss of confessional schools and continue to heavily influence the Northern Ireland Executive. However, there is an overwhelming demand amongst Northern Ireland citizens for integrated schools.⁴⁹ 68% believe the issue of segregated education should be a priority for the Executive, with 57% saying politicians should set a target date for complete desegregation.⁵⁰ Notably, 82% of those expressing an opinion thought the international community should do more to encourage politicians to desegregate the education system.

⁴⁵ 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

⁴⁶ Education Reform (Northern Ireland) Order 1989

⁴⁷ 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

⁴⁸ Department of Education, ‘Integrated schools’. <https://www.education-ni.gov.uk/articles/integrated-schools>
 Accessed 29 October 2020

⁴⁹ Survey on behalf of the Integrated Education Fund, 2013. <http://www.ief.org.uk/wp-content/uploads/2013/02/Lucid-Talk-Attitudinal-Survey250213.pdf> Accessed 29 October 2020.

⁵⁰ Integrated Education Fund, ‘Integrated Education Poll’. June 2013. <http://www.ief.org.uk/wp-content/uploads/2011/08/Integrated-education-poll-June-2013.pdf> Accessed 29 October 2020.

10.1.6. We recommend that the Committee ask the state party:

- Whether it will make a commitment to phase out religiously segregated publicly-funded schools in Northern Ireland and replace them with integrated schools within a defined and reasonable timeframe.

10.2. Segregated schooling – Great Britain

10.2.1. While we welcome the Committee's attention on segregated schools in Northern Ireland, we must stress that the education systems in England, Scotland and Wales are also resulting in community segregation according to religion or belief.

10.2.2. State education is being increasingly organised around religious identities, leading to greater religious segregation. Religious schools, particularly minority religious schools, are also the most ethnically segregated. The majority of Sikh, Muslim and Hindu state-funded schools have no white British pupils. At the same time, most Jewish state schools have no pupils of Asian ethnicity at all.⁵¹

10.2.3. Segregation, already at unacceptable levels, is growing in the English schools system as a result of the Free Schools initiative. This enables groups of parents, charities, businesses, and religious or voluntary groups to set up schools with public money.

10.2.4. A segregated school system also exists in Scotland, a country where sectarian hatred between Protestants and Catholics is still a serious issue. Almost all state-funded schools in Scotland are split between Denominational (almost all Catholic) schools and Non-denominational (in theory community schools, but traditionally seen as Church of Scotland) schools.⁵²

10.2.5. Denominational schools can apply discriminatory admissions criteria that prioritise children who are baptised Catholic. Admissions criteria in some areas are getting increasingly restrictive. For example, Renfrewshire Council has this year changed its admissions criteria and requires 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.⁵³

⁵¹ Humanists UK, 'Religious schools most racially segregated state schools, new findings show', 18 October 2013. <https://humanism.org.uk/2013/10/18/religious-schools-racially-segregated-state-schools-new-findings-show/> Accessed 15 October 2020

⁵² National Secular Society, 'What types of school are there?' <https://www.secularism.org.uk/faith-schools/what-types-of-school-are-there.html>

⁵³ Renfrewshire Council, 'Admissions to schools and placing request policy'. August 2020 [http://www.renfrewshire.gov.uk/media/12515/Admissions-to-School-and-Placing-Request-Policy/pdf/Admissions to School and Placing Request Policy Aug 2020 - updated version.pdf](http://www.renfrewshire.gov.uk/media/12515/Admissions-to-School-and-Placing-Request-Policy/pdf/Admissions%20to%20School%20and%20Placing%20Request%20Policy%20Aug%202020%20-%20updated%20version.pdf) Accessed 20 October 2020

10.2.6. We recommend that the Committee ask the state party:

- Whether it will take steps to ensure all new publicly funded schools are secular in character and truly inclusive and equally welcoming to children of all religion and belief backgrounds.

10.3. Unregistered 'schools'

10.3.1. There is a serious and long-standing problem of institutions operating as 'schools', despite not being registered with the Department for Education, often operating covertly and illegally. Many of these schools operate according to the tenets of fundamentalist religion and the curriculum is mostly or wholly religious in nature. Proprietors of such 'schools' choose not to register so they can avoid oversight from the DfE, and hence avoid regulations that may conflict with their religious teachings.

10.3.2. According to the school inspectorate Ofsted, over 100 unregistered religious schools were investigated in England between January 2016 and August 2019.⁵⁴ To date there have only been two successful prosecutions for running unregistered schools. Following the second prosecution, HM Chief Inspector Amanda Spielman said she was "concerned that this case is just the tip of the iceberg." She has called for Ofsted to have stronger investigatory powers and for the government to tighten the legal definition of a school. According to the school inspectorate Ofsted, over 100 unregistered religious schools were investigated in England between January 2016 and August 2019, although there was only one successful prosecution in that time.⁵⁵

10.3.3. Because they lack oversight, unregistered 'schools' fail to conform with school standards, particularly in the areas of safety, health, suitability of staff and quality of education.

10.3.4. Former Charedi Jewish community member Izzy Posen reports that in the unregistered schools he was sent to throughout his childhood, the curriculum was entirely religious in nature - there were no secular subjects taught like maths or English. As a result, he could only speak Yiddish until he began teaching himself English at the age of 15. He describes one of the schools as "a very unsafe environment". For example, because of the lack of a refrigerator, milk would be stored on the school's roof and children would be made to climb on the pipes up to the roof to fetch it. He also describes the school's hygiene as "horrific" and says the toilets were never cleaned. To ensure the school inspectorate did not discover the school, pupils were instructed to hide whenever inspectors were in the neighbourhood. Children were inculcated with a narrative that school inspectors were

⁵⁴ Ofsted, 'Unregistered schools management information', last updated 16 September 2020.

<https://www.gov.uk/government/statistical-data-sets/unregistered-schools-management-information> Accessed 14 October 2020

⁵⁵ Gov.uk, 'Press release: Two convicted of running illegal school in London'. 13 September 2019.

<https://www.gov.uk/government/news/two-convicted-of-running-illegal-school-in-london> Accessed 29 October 2020.

“the evil people who disliked our faith trying to convert us to their agenda”, so they would comply readily with their instructors.⁵⁶

10.3.5. Unregistered schools can put children’s lives at risk. In 2016, a group of children from an unregistered Charedi Jewish school nearly drowned after being taken on a hiking expedition by unqualified teachers. The children, who were dressed in traditional Orthodox clothes instead of hiking gear for the trip and were unable to read warning signs because they could not speak any English, had to be rescued by emergency services after the tide came and nearly swept them out to sea. According to *The Independent*, the teachers put the children’s lives in further danger because, once they realised they were at risk of drowning, they initially contacted community leaders instead of contacting authorities for fear of the illegal school being discovered.⁵⁷

10.3.6. In the UK there is no requirement to register a child who is home educated. The current statutory guidance sets out that parents can decline the offer of a home visit by the local authority.⁵⁸ This makes detecting unregistered schools even more difficult, because there is no record of children who have never been in school. The NSS is concerned that many ‘home educated’ children are in fact enrolled in unregistered schools.

10.3.7. Some home educating parents and guardians are strongly opposed to registration because they believe it undermines their privacy. However, concerns about parents’ privacy should not undermine the best interest of the child. A register of all home educated children is the best way to ensure the child’s basic welfare and educational needs are met.

10.3.8. The NSS is also concerned that home educated children who are not registered with the local authority, and therefore receive no monitoring visits, are particularly vulnerable to abuse by their parents or carers. Some of these children are withdrawn from school by parents who belong to fundamentalist religions and wish to shield their children from knowledge that conflicts with their religion. According to a 2018 Metropolitan Police study, half of 70 known extremists in London removed their children from state schools to educate them at home.⁵⁹

10.3.9. In extreme cases, home education may be used as a pretext to conceal abuse. In one of the worse examples of child abuse on record in the UK, eight year old Victoria Climbié

⁵⁶ Posen, Izzy. ‘Why God Doesn’t Like Educated Kids: A Personal Account’. Speech given at Secularism 2019 conference on 18 May 2019, available at <https://www.secularism.org.uk/secularism-2019.html>

⁵⁷ The Independent, ‘Pupils at illegal ultra-Orthodox Jewish faith school almost drowned after being taken on hiking trip in Dover’. 11 July 2020 <https://www.independent.co.uk/news/uk/home-news/pupils-illegal-faith-school-almost-died-after-being-taken-hike-cliff-traditional-ultra-orthodox-jewish-dress-untrained-teachers-a7116956.html> Accessed 20 October 2020.

⁵⁸ Department for Education, ‘Elective home education: Departmental guidance for parents’. April 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EH_E_guidance_for_parents_after_consultation_v2.2.pdf Accessed 21 October 2020.

⁵⁹ National Secular Society, ‘Extremists exploit lax home schooling laws, police study finds’. 4 March 2018 <https://www.secularism.org.uk/news/2018/03/lax-home-schooling-laws-being-exploited-by-extremists>

was murdered in 2000 by her guardians Marie-Thérèse Kouao and Carl Manning after years of sustained abuse. There appears to have been a religious element to her abuse, as her guardians took her to be 'exorcised' by pastors.⁶⁰ The abuse went on for so long partly because Victoria never attended a school in the UK⁶¹ – she was effectively 'off the radar' of local authorities.

10.3.10. We recommend that the Committee ask the state party:

- **What steps it will take to detect unregistered 'schools' and either close them or compel them to register with the Department for Education;**
- **How it will hold those responsible for knowingly operating unregistered 'schools' to account;**
- **Whether it will implement a system of compulsory registration of home educated children.**

11. Education, leisure and cultural activities: aims of education with reference also to quality of education (art. 29)

11.1. Relationships and sex education provision

11.1.1. In its concluding observations of the fifth periodic report of the UK, the Committee on the Rights of the Child recommended that the state party ensure "that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools".⁶²

11.1.2. There has been some progress in this area. As of September 2020, Relationships Education is compulsory in all primary schools in England, and Relationships and Sex Education (RSE) is compulsory in all secondary schools.

11.1.3. However, the NSS is concerned that RSE provision will not be consistent across all schools. Government guidance says that "schools with a religious character may teach the distinctive faith perspective on relationships", and that they "may wish to reflect on faith teachings about certain topics as well as how their faith institutions may support

⁶⁰ BBC, 'Cleric said Climbié was "possessed"'. 8 October, 2001 <http://news.bbc.co.uk/1/hi/uk/1586816.stm>
Accessed 20 October 2020

⁶¹ BBC, 'Victoria's parents welcome 'progress''. 8 September, 2003
<http://news.bbc.co.uk/1/hi/education/3091120.stm>

⁶² 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYpKBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
Accessed 26 October 2020.

people in matters of relationships and sex.”⁶³

11.1.4. We have reason to believe many faith schools will interpret this as a license to teach distorted and biased information about sex and relationships. An NSS 2018 report, *Unsafe Sex Education: The risk of letting religious schools teach within the tenets of their faith*, found that 77% of state-funded faith schools were teaching RSE in accordance with religious scripture. The study found many faith schools explicitly teaching that effective forms of contraception, abortion, sex outside of marriage and masturbation are morally wrong and should be avoided. Some faith schools were also teaching taboos around menstruation.⁶⁴

11.1.5. Such teachings about RSE put children at risk by discouraging them from taking control over their own bodies and by shaming those who engage in relationships that do not conform to religious teachings. Testimonies from pupils or their parents regarding negative experiences of sex education in faith schools are collated in Annex 5.

11.1.6. Children from religious backgrounds, who are more likely to be sent to a faith school, are most in need of comprehensive, supportive RSE – but are the least likely to get it. Whereas many children will receive information about sex and relationships from their parents, children of conservative religious parents may be denied access to this information both at home and at school, if faith schools are permitted to teach RSE according to the tenets of their faith. Failure to educate children properly about safe sex and exploitation places children at significant risk of harm, not least from unwanted pregnancies and STIs.

11.1.7. Faith schools have also been found to teach discriminatory messages about same-sex relationships; this is detailed further in 11.2. *Discrimination against LGBTI children in faith schools*.

11.1.8. Additionally, the government guidance says in all schools, “when teaching these subjects, the religious background of all pupils must be taken into account when planning teaching, so that the topics that are included in the core content in this guidance are appropriately handled.”⁶⁵

⁶³ Department for Education, ‘Relationships Education, Relationships and Sex Education (RSE) and Health Education’ 2019.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships Education Relationships and Sex Education RSE and Health Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf). Accessed 29 October 2020.

⁶⁴ National Secular Society, ‘Unsafe sex: The risk of letting religious schools teach within the tenets of their faith’. April 2018. www.secularism.org.uk/uploads/unsafe-sex-report-april-2018.pdf

⁶⁵ Department for Education, ‘Relationships Education, Relationships and Sex Education (RSE) and Health Education’ 2019.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships Education Relationships and Sex Education RSE and Health Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf) Accessed 29 October 2020.

- 11.1.9. This creates an unreasonable expectation that faith-based opposition to teaching elements of RSE, including same-sex relationships may be accommodated. This extends to nonreligious schools that happen to have high numbers of children from conservative religious backgrounds. This has already occurred in some schools in relation to teaching about same-sex relationships and is discussed further in 11.2. *Discrimination against LGBTI children in faith schools.*
- 11.1.10. The government's implication that nonreligious schools must modify their RSE curriculum to comply with the wishes of religious parents undermines the secular ethos of such schools. It also prioritises the faith-based desires of parents over the education and welfare needs of children.
- 11.1.11. Furthermore, parents will have the right to withdraw their children from sex education lessons, regardless of the wishes of the child. Parents who wish to 'shield' their children from necessary information about sex and relationships for religious reasons are those most likely to use the right of withdrawal. This will leave behind children from conservative religious backgrounds, who most need impartial, appropriate education in this area.
- 11.1.12. The picture is similar in Wales. New legislative proposals will introduce a new statutory RSE requirement through an Area of Learning and Experience on Health and Wellbeing from September 2022. However, draft RSE guidance makes clear that faith schools will continue to be allowed to teach RSE from their own perspective. Additionally, schools must honour parental requests to withdraw their children from RSE lessons.⁶⁶
- 11.1.13. In 2019 research by the NSS found that all 12 of the secondary state faith schools in Wales with sex and relationships education (SRE) policies were teaching the subject within the tenets of Catholicism or the Church in Wales.⁶⁷
- 11.1.14. The Scottish Government has published statutory guidance on relationships, sexual health and parenthood education (RSHPE) in state-maintained schools. However, this guidance is not compulsory and faith schools, which teach one in five pupils in Scotland, are allowed to follow their own guidance.⁶⁸
- 11.1.15. In 2018 research by the NSS found that at least nine of Scotland's 53 Catholic state secondary schools are teaching sex education through the tenets of Catholicism. The true number of Scottish schools doing this is likely to be significantly higher. The other 44

⁶⁶ Education Wales, 'Relationships and Sexuality Education in schools' February 2019 <https://gov.wales/sites/default/files/consultations/2019-02/relationships-and-sexuality-education-in-schools-guidance.pdf> Accessed 16 October 2020

⁶⁷ National Secular Society, 'Welsh faith schools will keep distorting sex education, NSS warns'. May 25 2020 <https://www.secularism.org.uk/news/2018/05/welsh-faith-schools-will-keep-distorting-sex-education-nss-warns>

⁶⁸ The Family Planning Association, 'Our views on relationships and sex education'. <https://www.fpa.org.uk/relationships-and-sex-education/our-views>. Accessed 29 October 2020.

schools did not have a sex and relationships policy or its equivalent available on their websites.⁶⁹

11.1.16. RSE is included on a statutory basis within the Northern Irish curriculum. Although grant-aided schools are required to develop a policy on relationships and sexuality education, this is based on the ethos of the school and there is evidence to suggest a large number of schools do not have a policy in place.

11.1.17. **We recommend that the Committee ask the state party:**

- How it will ensure all schools, regardless of religious ethos or the religious background of pupils, offer impartial, inclusive, rights-based and comprehensive relationships and sex education that is age-appropriate;

- Whether it will revoke the parental right of withdrawal from sex education.

11.2. Discrimination against LGBTI children in faith schools

11.2.1. The Committee on the Rights of the Child stated in its concluding observations of the fifth periodic report of the UK that “lesbian, gay, bisexual, transgender and intersex children do not have access to accurate information on their sexuality”.

11.2.2. The Committee also stated that “many children in certain groups”, including “lesbian, gay, bisexual, transgender and intersex children” continue to experience “discrimination and social stigmatisation”.⁷⁰

11.2.3. We believe these two issues are connected. It should be noted that due to exceptions in the Equality Act 2010, children are not protected from harassment on the basis of gender reassignment or sexual orientation within schools.⁷¹ The lack of protection of LGBTI children, or those with LGBTI parents, within UK schools is fuelling this discrimination and social stigmatisation. This is particularly true in faith schools.

11.2.4. Because government guidance on RSE in England and Wales has said that faith schools can “teach in accordance with the tenets of their faith”, it appears faith schools are free to teach limited or distorted information about same-sex relationships if such

⁶⁹ National Secular Society, ‘Scottish government commits to LGBT-inclusive education’. 8 November 2018 <https://www.secularism.org.uk/news/2018/11/scottish-government-commits-to-lgbt-inclusive-education>

⁷⁰ 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfYpKBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

⁷¹ National Secular Society, ‘Faith-shaped holes: How religious privilege is undermining equality law’. 2020. <https://www.secularism.org.uk/defend-equality-laws/faith-shaped-holes-how-religious.html>

relationships are not considered compatible with the faith for the school.

11.2.5. There is evidence that some faith schools that already teach RSE are teaching discriminatory messages about LGBTI people. In its 2018 report *Unsafe sex education: The risk of letting religious schools teach within the tenets of their faith*, 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”.⁷² Testimonies from pupils or their parents regarding negative attitudes to LGBT+ people expressed at faith schools are collated in Annex 5.

11.2.6. LGBTI children growing up in an environment hostile to their developing sexuality and needs places them at increased risk of mental health problems and also to exploitation since they will not feel able to confide in their parents or teachers. LGBTI pupils of faith are somewhat more likely to have tried to take their own life than those who are not of faith (30% compared to 25%).⁷³

11.2.7. Schools in England are also required to take “the religious background of all pupils into account” during RSE lessons, creating an unreasonable expectation that faith-based opposition to teaching about same-sex relationships may be accommodated. This has already occurred in some schools – in 2019, a number of primary schools stopped teaching lessons about same-sex relationships following protests from religious fundamentalists.⁷⁴

11.2.8. Some progress has been made in Scotland. In 2018 Scotland's deputy first minister and education secretary announced a package of reforms designed to ensure "LGBTI inclusive education" is "embedded in the curriculum". The reforms require schools to tackle "prejudice in relation to the LGBTI community" and promote "awareness of the history of LGBTI equalities and movements".⁷⁵ However, because Scotland's Catholic schools are either teaching sex education via religious tenets or do not have a sex education policy on their website, there are concerns that faith schools may be teaching ideas that undermine LGBTI equality .

11.2.9. We recommend that the Committee ask the state party:

- How it will ensure all schools, regardless of religious ethos or the religious affiliation of the local communities, will teach about LGBTI people and relationships in an

⁷² National Secular Society, ‘Unsafe sex: The risk of letting religious schools teach within the tenets of their faith’. April 2018. www.secularism.org.uk/uploads/unsafe-sex-report-april-2018.pdf

⁷³ Bradlow et al., ‘School report: The experiences of lesbian, gay, bi and trans young people in Britain’s schools in 2017’. Stonewall, 2017. https://www.stonewall.org.uk/sites/default/files/the_school_report_2017.pdf Accessed 28 October 2020

⁷⁴ National Secular Society, ‘More schools suspend diversity teaching under Muslim pressure’. 20 March 2019.

<https://www.secularism.org.uk/news/2019/03/more-schools-suspend-diversity-teaching-under-muslim-pressure>

⁷⁵ Scottish government, ‘LGBTI education’. 8 November 2018 <https://www.gov.scot/news/lgbti-education/> Accessed 16 October 2020

inclusive, non-discriminatory and age-appropriate manner.

12. Special protection measures: sexual exploitation and sexual abuse (art. 34)

12.1. Child abuse in religious settings

12.1.1. In its concluding observations on the fifth periodic report of the UK, the Committee on the Rights of the Child expressed concerns regarding “recent allegations of widespread child sexual exploitation and abuse by high profile figures, by organized gangs and in institutional settings”, in addition to “the low rate of prosecution of child sexual exploitation and abuse”.⁷⁶

12.1.2. The NSS shares these concerns, and notes that child abuse in religious institutions in particular is a serious and unresolved issue presenting specific challenges due to the unique characteristics of religious institutions.

12.1.3. The Independent Inquiry into Child Sexual Abuse in England & Wales (IICSA), the most comprehensive inquiry into Child Sexual Abuse (CSA) since the Australian Royal Commission,⁷⁷ is nearing completion in the UK.⁷⁸ IICSA’s numerous strands include residential schools and religious organisations. Most victims of religious institutions to come forward have been victims of the Church of England and the Catholic Church, but the number of victim witnesses from the Catholic Church, Jehovah’s Witnesses, Islam and Judaism appeared to be disproportionately large relative to the level of adherence to those faiths and denominations in England and Wales.⁷⁹

12.1.4. Analyses of evidence from witnesses confirms those complaining of CSA in religious settings, relative to such abuse in other settings,⁸⁰ is less likely to be reported to the police, and much more likely to be reported to the religious organisation, even when much later as an adult. Such internal reporting was often largely ignored and rarely, if ever, prompted reporting of credible alleged criminal CSA to civil authorities. Relative to abuse in other settings, victims are much more likely to be male (as the Australian

⁷⁶ 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%2fJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0G>
 Accessed 26 October 2020.

⁷⁷ Royal Commission, ‘Royal Commission into Institutional Responses to Child Sexual Abuse’ (Final Report 2017)
<https://www.royalcommission.gov.au/royal-commission-institutional-responses-child-sexual-abuse> Accessed 26 October 2020

⁷⁸ Independent Inquiry into Child Sexual Abuse (IICSA), <https://www.iicsa.org.uk>

⁷⁹ Hurcombe, Rachel et.al. ‘Truth Project Thematic Report: Child sexual abuse in the context of religious institutions’. IICSA, May 2019, p. 72 <https://www.iicsa.org.uk/key-documents/11687/view/truth-project-thematic-report%3A-child-sexual-abuse-context-religious-institutions-full-report.pdf> Accessed 26 October 2020.

⁸⁰ *ibid*, tabulated points p. 74; text pp. 2 - 5

Commission also found) and are more likely to be gay males.

12.1.5. According to the above report, the “power, authority and reverence” bestowed on “self-governing” and “male-dominated, closed and insular religious” institutions and perpetrators meant that abusers could act with “relative impunity”. Their influence, coupled with manipulation of victims’ spirituality and religion, made it particularly difficult for victims to disclose. Those doing so “were often [falsely] disbelieved, discredited and not supported”. The report said the reputation of the institution was “seen as paramount and the needs of the child victims were diminished or ignored”.

12.1.6. In respect of the Church of England, IICSA concluded:

“The culture of the Church of England facilitated it becoming a place where abusers could hide. Deference to the authority of the Church and to individual priests, taboos surrounding discussion of sexuality and an environment where alleged perpetrators were treated more supportively than victims presented barriers to disclosure that many victims could not overcome.

“Another aspect of the Church’s culture was clericalism, which meant that the moral authority of clergy was widely perceived as beyond reproach. ... the Church ... neglect[ed] the physical, emotional and spiritual well-being of children and young people in favour of protecting its reputation.”⁸¹

12.1.7. An equivalent overall report will not be published on the Catholic Church in England and Wales until 8 November 2020 (the NSS can provide an update on request). However, reports on parts of the Church have detailed decades-long and widespread abuse in practically all Benedictine Order monasteries and connected schools.⁸² They have also detailed the determination of the now *de facto* leader of the Church and Cardinal Vincent Nichols “to defend the reputation of the Church rather than fully acknowledge the possibility of its shortcomings” during his time as Archbishop of Birmingham. The report says the “plight of victims was ignored or swept under the carpet, allowing the perpetrators to carry on abusing, often for many years.”⁸³

⁸¹ IICSA, ‘The Anglican Church - Safeguarding in the Church of England and the Church in Wales - Investigation Report’. 6 October 2020. <https://www.iicsa.org.uk/document/anglican-church-safeguarding-church-england-and-church-wales-investigation-report> Accessed 26 October 2020.

⁸² IICSA, ‘Ampleforth And Downside Investigation Report August 2018’ 9 August 2018 (<https://www.iicsa.org.uk/document/ampleforth-and-downside-investigation-report-august-2018>) and ‘The Roman Catholic Church (EBC) Case Study: Ealing Abbey and St Benedict’s School Investigation Report’. 24 October 2019 (<https://www.iicsa.org.uk/document/roman-catholic-church-ebc-case-study-ealing-abbey-and-st-benedicts-school-investigation>) Both sites accessed 26 October 2020.

⁸³ IICSA, ‘Roman Catholic Church (Archdiocese of Birmingham case study) Investigation Report’. 20 June 2019 <https://www.iicsa.org.uk/document/roman-catholic-church-archdiocese-birmingham-case-study-investigation-report> Accessed 26 October 2020.

12.1.8. The above abuses occurred despite the Nolan Independent Review on Child Protection in the Catholic Church in England and Wales in 2001⁸⁴ and, later, the Cumberlege Commission in 2007.⁸⁵ Both were Church-appointed and both substantively failed to prevent CSA and the cover up by the hierarchy of perpetrators, preventing their prosecution and enabling abuse to continue.

12.1.9. A characteristic of minority religions and denominations (in the UK, for example, Islam, Judaism and Jehovah's Witnesses) is the strength of the religious and community omertà. Ahead of the formal report on these, below are extracts of evidence given under oath to IICSA by a principal counsel for victims/survivors:

"Over the past two decades [mosques] have completely failed to perform any meaningful regulatory or other improvement function at all in relation to child abuse"

"Power, silence and denial within South-Asian communities"

"...the safeguarding failings at the largest Hindu temple in Leicester and how the Sikh gurdwara in Southall refused to refer vulnerable women and children to local women's groups."

"In ultra-Orthodox [Jewish] communities, ... the very fact of child abuse itself is constantly minimised and denied by religious leaders. ... Organisations and settings seek to give the impression of effective safeguarding ... but the reality ... is one of half-hearted or non-existent implementation."

"Mrs Justice Lieven's devastating comment about child protection policies in the Jehovah's Witnesses being drawn up for public consumption but not followed."

[Counsel concluded] "Religious settings are woefully under-regulated ... many religious settings are less regulated than donkey sanctuaries. Self-regulation has very largely failed."

"...without mandatory reporting, other regulatory powers and actions are effectively neutered or undermined."

12.1.10. We note the alleged destruction of abuse records by Jehovah's Witnesses. In a 2017 seminar in Britain, a group of elders were reportedly told to destroy records: "... the

⁸⁴ Nolan, Michael. 'A Programme For Action: Final Report Of The Independent Review On Child Protection In The Catholic Church In England And Wales'. July 2017.

<https://www.combonissionaries.co.uk/wp-content/uploads/2017/07/Nolan-Review-Final-Report.pdf>

Accessed 26 October 2020.

⁸⁵ The Cumberlege Commission Report, 'Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church'. The Incorporated Catholic Truth Society, 2007 <https://www.csas.uk.net/wp-content/uploads/2018/06/Safeguarding-with-Confidence-The-cumberlege-Commission-Report.pdf> Accessed 26 October 2020.

Witnesses' record management overseer, explained that handwritten notes and drafts of internal documents [relative to CSA] needed to be destroyed because of the potential legal harm they posed to the organization".⁸⁶

12.1.11. Additionally, in Australia Jehovah's Witnesses "destroyed more than 1,000 cases of child sexual abuse since 1950 to 'protect their wives'".⁸⁷

12.1.12. Currently, neither England, Wales nor Scotland have any Mandatory Reporting (MR) law. This makes them outliers compared to the 86-90% of European and American countries in which "some form of mandatory reporting exists", according to MR pressure group MandateNow.⁸⁸ MR has been called for by many victims' advocates at IICSA.⁸⁹ It was the subject of a presentation⁹⁰ to IICSA by Prof Ben Mathews, known to the UN CRC as a worldwide expert on MR.

12.1.13. Faced with such religious institutional incorrigibility and wider omertà relative to CSA, as in so many countries, we similarly, and again, recommend legislatively imposed Mandatory Reporting of institutional abuse, which could also benefit other scenarios including residential homes and sports environments, and with no downside of significance.

12.1.14. The most frequent counter-argument to MR is "increased reporting may divert attention from the most serious cases".⁹¹ However, Professor Ben Mathews found that in Australia, there was "an initial increase for 2 years after introduction of MR; [then] stability for the next 12 years". Crucially, there were "Substantially enhanced report

⁸⁶ *The Philadelphia Inquirer*, 'Jehovah's Witnesses official says to destroy records because 'Satan's coming after us'. 9 July 2018 <https://www.inquirer.com/philly/news/jehovahs-witnesses-child-sexual-abuse-records-destroy-satan-video-20180709.html> Accessed 26 October 2020.

⁸⁷ *Daily Mail Australia*, 'Jehovah's Witnesses destroyed more than 1000 cases of child sexual abuse since 1950 to 'protect their wives' Royal Commission told'. 27 July 2015. <https://www.dailymail.co.uk/news/article-3175840/Jehovah-s-Witnesses-destroyed-1000-cases-child-sexual-abuse-1950-protect-wives-Royal-Commission-told.html> Accessed 26 October 2020.

⁸⁸ Mandate Now, 'More than 200,000 people call for mandatory reporting of child abuse.' 2 December 2015 <http://mandatenow.org.uk/more-than-200000-people-call-for-mandatory-reporting-of-child-abuse/> Accessed 26 October 2020.

⁸⁹ IICSA, 'The Anglican Church Investigation Report'. October 2020, para 30. <https://www.iicsa.org.uk/key-documents/22519/view/anglican-church-investigation-report-6-october-2020.pdf> Accessed 26 October 2020.

⁹⁰ Mathews, Ben. 'Mandatory reporting laws and child sexual abuse'. (<https://www.iicsa.org.uk/key-documents/11005/view/professor-ben-mathews-presentation-1.pdf>) and 'The impact of mandatory reporting laws in Australia: Results of five different empirical studies into mandatory reporting of child sexual abuse at national and state levels' (<https://www.iicsa.org.uk/key-documents/11027/view/professor-ben-mathews-presentation-2.pdf>). Childhood Adversity Research Programme, presentation given at IICSA 29 April 2019. Model Mandatory Reporting law available at <https://www.iicsa.org.uk/key-documents/21060/view/professor-ben-mathews-a-model-law-mandatory-reporting-child-sexual-abuse-england-wales.pdf> All accessed 26 October 2020.

⁹¹ IICSA, 'B.5.4: Mandatory Reporting' in 'The Anglican Church Investigation Report', October 2020., para 29 <https://www.iicsa.org.uk/publications/investigation/anglican-church/part-b-church-england/b5-seal-confessional/b54-mandatory-reporting> Accessed 26 October 2020.

outcomes for children (i.e. substantiations, findings of harm, and referral to services).⁹²

12.1.15. The vicarious liability of institutions for CSA was only established through case law after numerous attempts by the Catholic Church to derail it while the current *de facto* head of the Church in England and Wales, Cardinal Nichols, was Archbishop of Birmingham or (later) Westminster.⁹³

12.1.16. A UK law firm makes the case that limitation laws around child abuse claims must be changed:

“The Limitation Act [1980] provides the Court with a discretion to waive the three years’ time limit but this involves Court proceedings and both parties making legal and factual arguments on the issue. This creates an uncertainty, which may cause a Claimant, not to pursue a claim at all or to settle for a reduced figure in compensation to take into account the litigation risk of proceeding.”⁹⁴

12.1.17. The Church of England’s insurers initially sought to employ limitation as a defence in the CSA case of Julie Macfarlane.⁹⁵

12.1.18. Pursuing CSA cases are made harder, if not impossible, by the destruction of records. According to the IICSA Inquiry into Ealing Abbey and St Benedict's School, “there are very few original documents left from the 2006 inquiry because, under our normal retention periods, those documents were duly destroyed in accordance with the retention policy.”⁹⁶

12.1.19. And in its English Benedictine Congregation case study into Ampleforth and Downside schools, IICSA found that former headmaster of Downside Dom Leo Maidlow Davies of Downside “made a bonfire” of files that “could have contained important information about the behaviour of individual monks and the lives of the children at the school.”⁹⁷

⁹² Mathews, Ben. ‘The impact of mandatory reporting laws in Australia: Results of five different empirical studies into mandatory reporting of child sexual abuse at national and state levels’. Childhood Adversity Research Programme, presentation given at IICSA 29 April 2019 (see Study 2) <https://www.iicsa.org.uk/key-documents/11027/view/professor-ben-mathews-presentation-2.pdf> Accessed 26 October 2020.

⁹³ Emmott, Tracey. ‘Supreme Court refuses Catholic Diocese appeal in ‘JGE’ case’. Emmott Snell Solicitors, 27 February 2013 <https://www.emmottsnell.co.uk/blog/supreme-court-refuses-catholic-diocese-appeal-in-jge-case> Accessed 26 October 2020.

⁹⁴ Collins, Dianne. ‘Limitation Laws Around Child Abuse Claims Must Be Changed’. Nelsons, 29 November 2019. <https://www.nelsonslaw.co.uk/time-limitations-child-sexual-abuse-claims/> Accessed 26 October 2020.

⁹⁵ Macfarlane, Julie. ‘The moment my heart stopped fainting’. *Church Times*, 9 October 2020 <https://www.churchtimes.co.uk/articles/2020/9-october/features/features/the-moment-my-heart-stopped-fainting> Accessed 26 October 2020.

⁹⁶ IICSA, ‘Ealing Abbey and St Benedict's School’ (transcription). 8 February 2019, p.21 <https://www.iicsa.org.uk/key-documents/9281/view/transcript-8-february.pdf> Accessed 26 October 2020.

⁹⁷ IICSA, ‘Part D: Conclusions’ in ‘Ampleforth and Downside (English Benedictine Congregation case study) Investigation Report’, August 2018, para 13. <https://www.iicsa.org.uk/publications/investigation/ampleforth-downside/part-d-conclusions> Accessed 26 October 2020.

12.1.20. Safeguarding appears to be very ‘hit and miss’ according to an IICSA report on the Church of England in 2020: “There is no national standard for the means by which dioceses monitor the state of safeguarding within parishes. Several dioceses are developing their own processes...”⁹⁸

12.1.21. **We recommend that the Committee ask the state party:**

- Has it considered the arguments advanced at IICSA by numerous child sex abuse victims, their lawyers and Mandatory Reporting experts, for a new Mandatory Reporting (MR) criminal offence whereby those in a position of personal trust toward children or vulnerable adults who while in their care have reasonable grounds for knowing or suspecting the commission of physical or sexual abuse or abuse are required to report it to the appropriate civil authorities;
- Has it similarly considered whether there should be a significant penalty and the prescription period of at least 40 years as victims often take many decades to report and the Australian Royal Commission found it took 33 years on average;⁹⁹
- Is it aware of the model MR law, not tailored to any particular country, proposed by Professor Ben Mathews of Queensland University of Technology;¹⁰⁰
- Has it considered whether an MR law should also criminalise the destruction of records or evidence of CSA and failing to disclose them;
- Has it considered whether Civil law should be amended to specifically provide for the vicarious liability of all institutions, including religious institutions, for CSA and for the elimination of all civil statutes of limitation for CSA;
- Has it considered whether all institutions, including religious institutions, should be required by law to place prominent safeguarding statements in every location advising those concerned about CSA to contact a help line totally independent of the institution at any level.

⁹⁸ IICSA, ‘The Anglican Church Investigation Report’. October 2020, p.44 para. 120 <https://www.iicsa.org.uk/key-documents/22519/view/anglican-church-investigation-report-6-october-2020.pdf> Accessed 26 October 2020.

⁹⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, ‘Final Report: Preface and Executive Summary’. Commonwealth of Australia 2017, p.48. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_preface_and_executive_summary.pdf Accessed 26 October 2020.

¹⁰⁰ Mathews, Ben. (2020). A Model Law for the Mandatory Reporting of Child Sexual Abuse: Submission to the Independent Inquiry into Child Sexual Abuse (England and Wales). Brisbane, Queensland University of Technology. 1-15. 14 August. <https://www.iicsa.org.uk/document/professor-ben-mathews-model-law-mandatory-reporting-child-sexual-abuse-england-and-wales> Accessed 26 October 2020.

ANNEXES

Annex 1: Testimonies – Children denied a place at state-funded faith schools on the grounds of religion or belief.

The following quotes are from parents and school governors who have experienced or witnessed discrimination in faith school admissions. All quotes come from signatures of the No More Faith Schools campaign petition at www.nomorefaithschools.org. Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.

“Why is my child facing such blatant discrimination due to the beliefs of her parents? I have always encouraged her to learn about all religions and decide for herself when the time feels right. So, I haven’t had her christened or baptised because that isn’t my choice to make for her. But now we need to apply to high schools and it seems she isn’t worthy enough to even be considered for half of the faith schools in my area based on religious criteria.”

“Parents attend church just to get them into their most convenient school, not because of their devotion to the religious orientation. We have a school five meters away from our house, but our son can’t go there because we refuse to attend the local church. This should not be happening in today’s society. Children should be able to make their own choice when they are able to make that choice.”

“My own (atheist) children were taught creationist beliefs in their village primary school (there was no non-faith school we could choose), and that other faiths were essentially primitive. At secondary level, in our nearest town, there are three non-selective schools, two of which are faith schools. These faith schools don’t accept children from families with no faith unless the families lie about their lack of faith. Our ‘choice’ was restricted to one school, therefore, unless our children passed the selective tests for the non-faith grammar schools. The faith schools’ admissions criteria therefore massively distort the secondary system here.”

“I live right by a school (2 min walk) that I would like my daughter to go to. But as we are not a religious family I’m told she can’t go there and will now have to drive my child to school as the others are 5–10 minute drive from our home.”

“My daughter can’t go to her local school because she hasn’t been christened. This is discrimination, no matter how it is dressed up!”

“My child has autism and the closest school with small intakes operates a faith based criteria which would make it unlikely for him to be admitted because I don’t go to church.”

“I object to having to contribute to funding the local school to which my own child was denied access on religious grounds while also having to pay for him to be educated privately as a result.”

“As a parent myself, I find my children locked out from local schools for no other reason than religious affiliation. Around 60% of children attending the local secondary do not even come from our county, this leads to the bizarre situation of children being bussed in and out each day. This is a crazy system.”

“Certain parts of Cheltenham are in the catchment area for just one non-religious school, with four religious schools nearby who select children based on the parent’s availability to

attend church on Sundays. How is this fair on anyone?"

"I am a victim of religious apartheid and I am actually funding it through the tax I pay the government. My daughter has no school to go to in her borough due to draconian and discriminatory criteria used by faith schools."

"As a school governor (and chair of governors) I have observed first-hand the harm caused to communities by faith schools. In my local area, privilege awarded to faith criteria above distance from school are used to select pupils based not on their faith but on their parents' willingness to attend a certain church on a weekly basis in the year or so leading up to admission. These are two completely different things. The system is ruthlessly exploited by middle class parents, who have turned the local church schools into state funded independent schools, excluding children from disadvantaged backgrounds who are forced to attend school in a different village. The result is segregation by socioeconomic status which is utterly unacceptable. It would be naive to imagine that the poorest families, families with a single parent, or parents working shifts or weekends, or two or three jobs to survive can possibly play this ridiculous game that the middle classes play."

"I had to lie to get my children into a C of E School because it was in a better neighbourhood. The alternative was in the middle of a council estate of thugs and drug dealers. Nothing to do with faith."

Annex 2: Testimonies – Children experiencing discrimination within faith schools

The following quotes are from faith school pupils, parents and teachers who have experienced or witnessed discrimination and alienation due to the religious curriculum at faith schools. All quotes come from signatures of the No More Faith Schools campaign petition at www.nomorefaithschools.org. Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.

“As someone who is about to finish their time at a Catholic school, I have seen first-hand over the last 13 years the toxic environments they can be. I hold no ill will towards religion, that’s not what this is about. This is about a more equal and inclusive society where people aren’t indoctrinated. Since finding out about my atheist beliefs, I have been singled out, berated and humiliated by more than one teacher, even though my personal religious beliefs are none of their business. Despite my respect for them, they evidently show a lack of respect for me.”

“My children were always under pressure to believe in God in their C of E primary. It was seen as naughty/ disrespectful to question or disagree with the school ethos.”

“The overwhelming emphasis on religion at my children’s Church of England school is affecting my son’s mental health. He is constantly being reprimanded for questioning Christianity.”

“Our children’s infant and primary schools were both C of E, which caused them a great deal of confusion - their teachers telling one thing, when they knew we didn’t believe. Our son in particular became very upset about it.”

“My daughter was discriminated against repeatedly at age 4 for coming from a nonreligious family. First she wasn’t able to attend our local state school because we had to prove we attended Catholic mass for her to be admitted. Then she was repeatedly discriminated against at the Church of England school she attended. Despite not being voluntary aided, the local vicar and people from his congregation who did not have children or grandchildren at the school had taken up all the school’s governor positions. This resulted in the school holding mass rather than assembly every morning, making the children pray four times a day and overall an inordinate religious influence. Although we had officially requested that she not have to attend RE – as this was taken as an opportunity for indoctrination rather than teaching tolerance and understanding of different beliefs – we were told this would be too difficult for the school to implement so she was forced to attend. Following repeated night terrors after being told by the vicar that nails were put into Jesus’s hands and feet due to YOUR sins, she asked please not to go into assembly again and was punished by the school for making this request.”

“My son is currently being forced by his C of E secondary school (an academy) to take a GCSE in RE which means he will have to drop either history (his preferred choice of humanity) or triple science. This is a ridiculously stressful and unnecessary thing to put a young person through. This is the only secondary school in our town and we had no choice but to send him there.”

“As a non-Catholic who has worked as a supply teacher in a Catholic school for two years, I have seen first-hand religious discrimination and horrible attitudes. This has no place in our society and would be illegal in any other work place.”

Annex 3: Testimonies – Children sent to state-funded faith schools due to lack of choice

The following quotes are from parents or guardians who have sent their children to a faith school, or individuals who had to attend faith schools as children, despite this not being their preferred choice. All quotes come from signatures of the No More Faith Schools campaign petition at www.nomorefaithschools.org. Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.

More testimonials regarding the lack of school choice resulting from the existence of state-funded faith schools can be read at www.secularism.org.uk/faith-schools/choicedelusion.html

“I am an atheist raised by atheists, the only school in the village I lived in was C of E. I had to go participate in Christian rituals in a church several times a year, was regularly told off for not praying and was taught that Hindu and Muslim legends are “myths” whilst Noah’s ark literally happened.”

“In my area I have a choice of one primary school for my son if he wants a non-religious education. It’s upsetting and discriminatory that the vast majority of non-religious people, and religious people who don’t believe that belief is a public matter, in this country aren’t catered for.”

“My child had no choice but to go to a faith school – all of the state primary schools near us are faith schools. We eventually placed him in a private school in order to get out of the faith system – not an ideal solution. I really object very strongly to the stranglehold that religion is taking in our children’s education. The state system is forcing non-faith families into religious obligations around our children’s education. This is unacceptable and contrary to the freedom to follow and practice any religion or none!”

“My son recently started reception at a faith school. Not because I’m religious, but because I had no choice. This is our local school; most other local schools are also faith schools. As a result, I will be forced to navigate challenging conversations with a four-year-old whether I feel he is prepared for them or not. Religious families will already be speaking to their children about religion at home, and non-religious families will not appreciate having to contradict what their children are taught at school.”

“Both our children have had to go to faith schools because they were the only local schools available. We are an atheist family, and this was not at all what we would have chosen. In country areas the local faith school is effectively compulsory.”

“We decided we couldn’t live with our son being indoctrinated in the Catholic faith, a religion we don’t follow, and the alternative of excluding him from classes and religious activities is just not acceptable. The appeals panel said they understood our decision but said they couldn’t guarantee a place at an alternative school by September.”

“Faith schools leave non-religious parents with a difficult choice. Too frequently you have to either send your child to a school miles away from your home, or send them to your local faith school and have them be educated about things you do not believe in.”

“My village school is C of E – most who attend do so because it is the village school, not because of its religious affiliation. My children attended for this reason but have been shown pictures of God’s garden presented as fact, been given alcoholic wine without my

consent and it has been a challenge to keep their minds open and objective about religion. I've now removed my children from the school."

"We have taken the very hard decision to remove our children from our local but C of E school. The attempted indoctrination and divisive nature of the school became too much."

"I was gobsmacked and outraged when they told me I didn't get any of my six chosen choices of schools... I didn't want her to go to a Hindu school so I am surprised the council would think I would accept a faith school which I didn't even apply for."

Annex 4: Testimonies – Collective worship

The following quotes are from current and school former pupils, or their parents or guardians, who have been coerced into participating in collective worship in school. All quotes come from signatures of the No More Faith Schools campaign petition at www.nomorefaithschools.org, or from the 'End compulsory worship' petition at www.secularism.org.uk/petition-end-compulsory-worship.html . Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.

"I attend a faith school for sixth form purely to learn my A Levels. I am not interested in partaking in the 'Catholic Ethos' of the school, however I have missed at least 15 hours of crucial A Level lessons over the past two years in order to attend 'compulsory' religious ceremonies like mass. I constantly receive threats and unfair punishments from the school for not taking part in these. I think it is wrong that I am missing important hours of education, which a school is fundamentally supposed to provide, in order to celebrate religion against my will. I was not made aware of the amount of education I would be missing out on when joining the school for these reasons. I believe people should be able to choose their faith and practise it privately, and beliefs should not be forced upon pupils who attend a school. They often use the excuse 'you chose to attend this faith school' however many pupils like myself it would be impractical and scarcely affordable to attend a school much further away purely on the basis of wanting an education not negatively impacted by compulsory worship."

"I am currently a student at a state school which holds regular religious services, and does not make sixth form students aware of their right to withdraw from these services (I personally think that all students should be allowed to decide whether or not they take part in these sermons regardless of age or parental desire for them to partake or not partake in the services, but that's a different matter). I think that it is quite disturbing and sad that schools - which are supposed to be beacons of education, discovery, and learning - are allowed to indoctrinate students, from a very young age (often before the children have had the experiences and ability to research things for themselves in order to formulate their own views and opinions on things), in settings where the views and teachings expressed and taught are often presented as fact, and not subject to debate and discussion regarding the truth and validity of the claims made."

"I have attended two non-faith and two faith secondary schools (C of E & Catholic). I have experienced discrimination due to my non-belief from teachers as well as pupils, one instance of which resulted in a teacher not letting me participate in the lesson at all. I had to sit at the back of a class of ten, on the other side of the room, and wasn't allowed to talk or ask questions, because I wouldn't say the school prayer."

"I was forced to pray in school. It made me uncomfortable. Even at a young age I knew religion wasn't for me. That was my choice to make. It's not up to the state to force religion on anyone. Doing so is a breach of basic human rights."

"I went to a supposedly non-faith high school, where each day the school population was required to sing a hymn and say the Lord's Prayer in assembly. We also had church groups visiting and 'encouraging' us to visit church, at which point I recall one atheist teacher walking out of the hall in protest. Each child was given a bible, and RE often assumed we were all Christian. Anyone who was not taking part in the singing or praying in assembly was often made an example of, as teachers would watch us and sometimes walk around to 'check' if we were singing. On one occasion at least, those who were seen to not be joining in were made to stay standing whilst the 'good' kids got to sit down and stop singing, so as to punish and humiliate those who didn't want to have religion forced on them

when they didn't believe it. I was one of these people, as were many others. It makes zero sense to force kids under threat of humiliation and punishment to participate in a religion which only a small minority of them actually believe in."

"As a child I was sent to a Catholic school - this reflected my parents' religion, but not my own. By the age of 14 I was an atheist (a position that has never changed), but was forced (under threat of expulsion) to pray in assembly. The school had a deliberate no sex-education policy, though we did get the occasional anti-abortion propaganda lesson. No child should ever be put in this position."

"I was forced to undergo religious worship at secondary school, against my strong wishes. The worship was interspersed with school activity announcements, so avoiding the worship would have left me without essential information. The headmaster was a Methodist lay preacher. I felt manipulated and bullied by the system."

"I was subjected to forced worship in a non-church state school as a teenager. Parents won't withdraw children as they are frightened of rocking the boat."

"As a non-Christian I suffered religious school assemblies for 6 years. This was an abuse."

"My daughter has been scolded in front of the school for not praying correctly when she is an atheist who doesn't believe in praying."

"My six-year-old daughter is conflicted and confused, our household is atheist but she has to attend a Church of England school. They ENFORCE their beliefs. It is not right! My daughter is made to feel like our opinions are wrong. She is told to believe in god! Outrageous!"

"My children are currently stigmatised and discriminated against for having no belief. Collective Worship is imposed even though Burford Primary is registered as a non-faith school. Primary school children in particular need to experience inclusivity and as things stand, they are excluded from 20% of their assemblies due to compulsory worship."

"My 8-year-old daughter felt uncomfortable when she was expected to pray at her school carol concert. She is an atheist but thought she'd get into trouble if she didn't conform. I don't want her to feel like this. She has asked lots of questions about God and Christianity and has decided herself that she does not believe in any of it. So why is her school telling her about it as if it's true?"

"My son was bemused and horrified that he was expected to take part in an act of worship to a god he knew didn't exist. He was brave enough to speak out, many thousands of others have this inflicted on them."

"My children came back from school disturbed on many occasions because of mandatory praying! Very wrong."

"My granddaughter is greatly distressed at having to 'say prayers' to something she does not believe in...she feels her rights are being abused!"

"As a person of no religious belief and a father of three primary school age children, I have found it highly disconcerting when my children come home and tell me they've been made to pray to a Christian God, had a religious minister take their assembly or that they've been taken to a church service."

Annex 5: Testimonies – Relationships & Sex Education and attitudes to LGBT+ issues at faith schools

The following quotes are from former school pupils, or parents of current school pupils, who have criticised relationships & sex education, or teachings about LGBT+ people, at faith schools. All quotes come from signatures of the No More Faith Schools campaign petition at www.nomorefaithschools.org, or from the 'Faith free sex education' at <https://www.secularism.org.uk/petition-faith-free-sex-education.html>. Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.

“Attending Catholic school for 12 years severely impacted my mental wellbeing. As a teen questioning my sexuality, the toxic and dated attitudes of the Church were reflected in the school’s atmosphere. Left out of PSHE, LGBT+ teachers disallowed from disclosing that they weren’t straight or talking about their partners even as heterosexual teachers were allowed to invite students to their weddings, shaping students’ beliefs to think of LGBT+ people as Other... Such indoctrination and discrimination should not be funded by the state.”

“Catholic high school affected my mental health and well-being, and as a pansexual woman, I felt as though I could never express my true self in that environment. The idea that you have to keep your true identity hidden is toxic, especially for kids who are LGBT+. I remember my school being misogynistic too, and female students were often pressured to become ‘good Christian girls’. Kids should not be taught that being a certain identity is harmful or that only the opinion of the Church matters.”

“I went to a faith school and honestly I hated the religious part of it - if they are going to offer the study of religion at school or religious services then it should not be compulsory for children to attend. Having an anti-abortion lady come to speak with us in year 10 and presenting frankly doubtful facts and not being offered an opposing opinion was unpleasant. Any of the girls listening could have been pregnant and wondering what to do and giving biased information to vulnerable young people like that is not right. There were lots of things like this, learning the Catholic views on homosexuality but not any other opinions, the creation myths, twisting of information and evidence to suit opinions on evolution or miracles and compulsory religious retreats.”

“I went to a Catholic school in the West Midlands and at the age when I should have been receiving useful info about my emerging sexual urges, we were told that masturbation would lead us to going to hell and were shown film footage of a foetus being aborted into a bucket. Parental consent was not sought!”

“I’m an atheist. I went to Catholic schools. Religion is divisive. I was taught that abortion is wrong, that contraception is wrong, that homosexuality is wrong, etc etc. If we're going to build a truly inclusive society that values everyone equally, we need to stop allowing children to be indoctrinated in this way.”

“We selected our local faith school for my eldest before my youngest daughter began to identify as a ‘boy’ when she started to learn language. Wanting to keep our children in the same school our youngest is now in reception and the class accept my child as a boy. I am, however, increasingly concerned by fundamentalist Christian elements in the school objecting to the more inclusive PSHE curriculum. I fear the stigmatisation, potential for bullying and worst of all, the self-internalisation of inappropriate Christian messages my child could take from the agenda they seek to promote.”

Annex 6: Testimonies of men in the UK who were circumcised as children

The following quotes are from the comments by men based in the UK who were circumcised as children, or parents who regret that their children have circumcised. They were collected from the National Secular Society's petition to end non-consensual religious or cultural circumcision. The petition is available at www.secularism.org.uk/petition-male-circumcision.html. Names and UK postcodes for all testimonies were supplied, but have been anonymised here to protect the privacy of the individuals involved.

"I was mutilated as part of a Jewish and Muslim family. Because of the horrific physical and mental affects, I have been in and out of hospital since I was 13. It has forever shattered my life. My parents' right for religious freedom should never have been allowed to take precedence over my right for autonomy and the government needs to recognise this."

"I am victim of this barbaric mutilation and it has DESTROYED my life. It's too late for me but nobody else should have to suffer this way. Future generations will look back on this the way they currently view FGM."

"I often feel like exploding with rage when I reflect that a highly sensitive and functional part of my anatomy was amputated from my perfectly formed body when I was at my most vulnerable and defenceless and in need of protection from danger. Is there any justice in this life when our own parents can betray us so nonchalantly before we even know that we are born?"

"I was circumcised as a baby and feel that my body was violated."

"I was given no choice as a baby by my supposedly religious parents who had no scientific or social basis for cutting me."

"I resent that someone cut me without my permission. I would like to have had the choice."

"I'm a 63 year old victim. There was no religious 'requirement' and I was never invited to consent. I never got an explanation from my parents. Who I always resented."

"My own sex life has been blighted by having this procedure imposed on me without my consent. Help to save others by banning it."

"I'm signing this petition partly because I was circumcised as a child and had no say in the matter. I would like other children to decide for themselves."

"I was circumcised as a baby, no choice only consequences."

"I was circumcised at birth in 1945, not for religious reasons but because the doctor had an illogical, Victorian belief that it would improve health and reduce masturbation!"

"I was circumcised at the age of one week. It has not caused me any problems but I did not have a choice about it. If I was religious, which I am not, I would say that God put my foreskin there for a purpose known to him. The religious people who cut it off have decided that they are superior to their god and have destroyed some of his work."

"Both of my children have been circumcised for religious beliefs but I disagree with it and I think a lot of people feel pressured by their families or community to have their baby's circumcised. I know my

husband was affected both times and would not have chosen it if the pressure wasn't there. If this was illegal people would have an excuse to give as to why it wasn't done."

"My son's father was Jewish and being very young (no excuse) I was misguided enough to have my baby circumcised. Not, mercifully at birth because I was not Jewish myself, but at 6 months old so he had a general anaesthetic. The dressing came off and what followed is too painful to describe. I have suffered dreadful guilt ever since, but that's nothing compared to what my poor baby went through. It's a hideous ritual. It must be banned."

"I have a boy and my Muslim husband insisted to circumcise him due to religious reasons without concern for my boy's consent. I want a law which can protect my boy from this traumatic problem."