

September 2022

International Covenant on Economic, Social and Cultural Rights: NSS input

This response is made on behalf of the National Secular Society.

The 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.

More information about our organisation can be found here:

<https://www.secularism.org.uk/about.html>

Article 2

The Committee's 2016 concluding observations note the failure of the Equality Act 2010 to prevent 'intersectional discrimination'.¹ This is exacerbated by religious exemptions to the Equality Act 2010, which allow for:

- i) Discriminatory religion-based admission criteria at state-funded faith schools (despite lack of belief being a protected characteristic under the Equality Act 2010).²
- ii) Discriminatory religion-based employment and promotion criteria at state-funded faith schools.³
- iii) Discriminatory religion-based provision of Relationship and Sex Education (RSE) which allows state-funded faith schools to teach anti-LGBT+ ideology in line with scripture.⁴

The Equality Act 2010 does not include caste as a protected characteristic despite government estimates that between 50,000 - 200,000 members of the population are at risk of caste discrimination.⁵ The UN Human Rights Council called on the UK government to include caste as a protected characteristic in 2012 but it has failed to act.⁶

RECOMMENDATION: The government must repeal exemptions to the Equality Act 2010 which allow state-funded faith schools to discriminate against children and their families, as well as staff, on the basis of religion or belief. It must repeal the exemptions in the Equality Act 2010 permitting harassment of school pupils on the basis of gender reassignment and sexual orientation which

¹ Committee on Economic, Social and Cultural Rights, 'Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*' Para 22.

² Schedule 3 Part 2 Paragraph 11 Item (b), and Schedule 11 Part 2 Paragraph 5, Equality Act 2010.

³ Schedule 22 Paragraph 4, Equality Act 2010.

⁴ Schedule 3 Part 2 Paragraph 11 item (a), Equality Act 2010.

⁵ Hilary Metcalf and Heather Rolfe, 'Caste Discrimination and Harassment in Great Britain' 121, Page 20.

⁶ 'United-Nations-Upr-Recommendation-on-Caste.Pdf' <<https://www.secularism.org.uk/uploads/united-nations-upr-recommendation-on-caste.pdf>> accessed 13 September 2022.

permit anti-LGBT+ ideologies to be taught. The government must amend the Equality Act 2010 to include caste as a protected characteristic.

Article 12

The 2016 concluding observations recommend abortion legislation in Northern Ireland be amended such that it is compatible with 'women's right to health, life and dignity.'⁷ ss58 and 59 of the Offences Against the Person Act 1861, which criminalised abortion, were repealed in 2019 and abortion is now, theoretically, legalised up to 12 weeks gestation. Then Secretary of State for Northern Ireland, Brandon Lewis, wrote in May 2022:

"However, with over two years having passed since the Abortion (Northern Ireland) Regulations 2020 established a framework, women and girls are still unable to access high-quality abortion and post-abortion care in Northern Ireland. This is entirely unacceptable."⁸

Furthermore, Westminster must vote annually to uphold the provisions of the Abortion Regulations in Northern Ireland.^{9 10} As such, the legality of abortion in Northern Ireland remains precarious.

RECOMMENDATION: The government must commission abortion services such that the right to abortion in Northern Ireland is practical and effective rather than theoretical and illusory. The government should amend the Abortion (Northern Ireland) Regulations 2022 to make the law permanent rather than subject to an annual vote.

Article 13

The Committee's 2016 concluding observations, at Paragraph 64, state:

'The Committee recommends that the State party take all necessary measures to reduce the attainment gaps, particularly among children belonging to low-income families, including by reconsidering the austerity programmes adopted and effectively implementing measures aimed at reducing de facto discrimination and segregation of students based on their religion, national or social origin, as well as their economic background.'¹¹ [Emphasis original]

This is borne out by the data: Muslim state schools are 98% Black Minority Ethnic (BME); Hindu state schools are 97% BME; Sikh state schools are 98% BME.¹² By comparison, only 13% of the general public is BME.¹³ Following the concluding observations, the UK government has taken no action to end state-funded faith schools which give rise to segregation on religious and national grounds.

RECOMMENDATION: The government must end state funding for faith schools which segregate children directly by religion and indirectly by national origin. Failing this, as above, the government

⁷ Committee on Economic, Social and Cultural Rights (n 1) para 62.

⁸ 'Written Statements - Written Questions, Answers and Statements - UK Parliament' <<https://questions-statements.parliament.uk/written-statements/detail/2022-05-19/hcws39>> accessed 14 September 2022.

⁹ 'Abortion (Northern Ireland) Regulations 2021 - Commons' Votes in Parliament - UK Parliament' <<https://votes.parliament.uk/Votes/Commons/Division/1022>> accessed 14 September 2022.

¹⁰ 'Abortion (Northern Ireland) Regulations 2022 (SI, 2022, No. 554) - Commons' Votes in Parliament - UK Parliament' <<https://votes.parliament.uk/Votes/Commons/Division/1324>> accessed 14 September 2022.

¹¹ Committee on Economic, Social and Cultural Rights (n 1) Para 64.

¹² 'SCHOOLS THAT WORK FOR EVERYONE FINAL.Pdf' Page 32 <https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone/supporting_documents/SCHOOLS%20THAT%20WORK%20FOR%20EVERYONE%20%20FINAL.PDF> accessed 14 September 2022.

¹³ 'Ethnicity Facts and Figures' <<https://www.ethnicity-facts-figures.service.gov.uk/>> accessed 13 September 2022.

must repeal religious exemptions to the Equality Act 2010 which allow faith schools to discriminate on religious grounds in their admission policies.