

Humanist Society Scotland

Civil society contribution to United Nations Universal Periodic Review

5 July 2016

About the Humanist Society Scotland

Humanist Society Scotland (HSS) is part of a UK, European and wider international movement of people and organisations. In Scotland, HSS members have a clear vision of a secular Scotland, and the activities that HSS can pursue to achieve that end.

Although there has been a humanist movement present in Scotland since the post-war era, the establishment of a dedicated Scottish charity came in 1989. This was motivated by the constitutional debates of the 1970s and the strong feeling that there was a need for a Scottish-based organisation to provide services and advocate on behalf of people in Scotland.

Humanist Society Scotland seeks to represent the views of people in Scotland who wish to lead ethical and fulfilling lives guided by reason, empathy and compassion. We provide a range of non-religious ceremonies and campaign for a secular state. HSS has over 15,000 members across Scotland.

What human rights issues are we interested in?

Humanist Society Scotland is deeply committed to the protection and promotion of human rights, and is therefore very concerned with the plans which were outlined in the UK Conservative Party manifesto in 2015, to repeal the 1998 Human Rights Act and replace it with a 'British Bill of Rights'.

We consider universality to be one of the most important principles of legal human rights protections, and are concerned that the pledged reforms of these human rights laws would seriously undermine this. In contrast, the Scottish Government has taken a very different approach, speaking about the need to embed human rights throughout all of the Scottish Government's actions, and also look at what the Scottish Government can do to give greater effect to other international human rights treaties¹.

The main human rights issue that Humanist Society Scotland is interested in is in relation to education. HSS campaigns for reform of a wide variety of policy² and legislative reforms to the education system in Scotland.

School Pupils in Scotland are unable to opt-out of attending religious observance

In Scotland all state schools are required to provide religious observance³ and also give provision for parents to withdraw their children from such activities (the so-called 'conscientious clause')⁴. However, unlike in England and Wales, there is no legal provision for pupils to withdraw themselves.

In November 2015 the Arts and Humanities Research Council launched a comprehensive academic report titled *Collective Worship and Religious Observance in Schools: An evaluation of Law and Policy in the UK*⁵. This report called specifically on the Scottish Government to make both policy and legislative changes to the provision of religious observance. The report highlighted (pp.4) that pupils in Scotland do not, unlike pupils in England and Wales, have a legal right to withdraw from religious observance.

¹ First Minister Nicola Sturgeon Dynamic Earth, Edinburgh 9 December 2015, Speech to SNAP Human Rights Innovation Forum <http://news.scotland.gov.UnitedKingdom/Speeches-Briefings/SNAP-Human-Rights-Innovation-Forum-2040.aspx>

² In January 2014, HSS issued a joint call for legislative reform of religious observance with the Church of Scotland: <https://www.humanism.scot/what-we-do/news/humanist-society-scotland-and-church-of-scotland-issue-a-joint-call-for-changes-to-religious-observance/>

³ S. 8 Education (Scotland) Act 1980

⁴ S. 9 Education (Scotland) Act 1980

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<https://www.humanism.scot/what-we-do/news/hss-welcomes-calls-for-major-reforms-to-religious-observance-in-schools/>

The report which HSS funded, *Religion in Scots Law: Report of an Audit at the University of Glasgow*⁶, also highlighted the need for parental withdrawal from religious observance in Scotland.

At a meeting with Scottish Government education officials on 2 March 2016, HSS raised this inconsistency between England and Wales, and Scotland. HSS was advised by education officials that although the law and policy do not allow a pupil to opt-out of religious observance, in practice their view would be taken into account.

This meeting was followed up by a letter on 10 March 2016 from HSS⁷ with a formal request that the Scottish Government review their policy in relation to pupils being able to opt-out of religious observance.

On 3 June 2016 the United Nations Committee on the Rights of the Child issued its fifth periodic review⁸ of the UK. In the report they specifically highlight the fact that children in Scotland are not able to legally withdraw from religious observance as being incompatible with Articles 12 and 14 of the UNCRC.

On 13 June 2016 HSS received an official response from the Scottish Government⁹, in which they confirm that *“There is no [...] statutory right to withdraw afforded to children and young people.”* and they have no intention to change the policy.

HSS believes that the lack of ability to opt-out of religious observance breaches Art 8 of the ECHR, as well as Arts 12 and 14 of the UNCRC, to which the UK is a signatory. S.1 of the Children and Young People (Scotland) Act 2014 requires Scottish Ministers to “keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements” and we also therefore consider it to be a breach.

Falling short of a complete review of the legislation in this area¹⁰, we believe that the Scottish Government should issue revised guidance to all head teachers in Scotland, that they should allow pupils to opt-out of religious observance where they choose.

⁶ <https://www.humanism.scot/what-we-do/research/religion-in-scots-law/>

⁷ <https://www.humanism.scot/wp-content/uploads/2016/06/LettertoSueLanglands100316.pdf>

⁸ https://www.humanism.scot/wp-content/uploads/2016/06/CRC_C_GBR_CO_5_24195_E.docx

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<https://www.humanism.scot/wp-content/uploads/2016/06/SG-letter-to-Humanist-Society-of-Scotland-13-June-2016.pdf>

¹⁰ S. 8 Education (Scotland) Act 1980



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