

ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Since 1896, our work has been helping people be happier and more fulfilled. By bringing non-religious people together we help them develop their own views and an understanding of the world around them. Together with our partners Humanist Society Scotland, we speak for 130,000 members and supporters and over 120 members of the All-Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

SUMMARY

- The BBC is failing to represent the non-religious throughout its programming despite its legal and charter obligations to do so. We urge the BBC to consider its duties under its Charter, the Communications Act 2003 (as amended by the Media Act 2024), as well as legislation relating to equality and human rights, and include non-religious programming and content in its editorial guidelines, on an equal footing to the inclusion of religious programming and content.
- We welcome the small change to guidance on religious content to not stifle debate but we call on the BBC to take note of the fundamental right to freedom of expression and amend the draft guidelines thoroughly so that content can be created which can scrutinise and legitimately criticise religion without undue barriers.

BACKGROUND

Religion, beliefs, and worldviews

1. Our response to this consultation is underpinned by the recommendation that references to religion in the BBC draft editorial guidelines should be updated to refer to 'religion or belief'. We have set out some introductory text below to explain why this should be the case below.
2. 'Religion or belief' (or sometimes 'religion and belief') is a phrase that appears throughout UK legislation. The Equality Act 2010, for example, refers to 'religion or belief', and says that 'belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief'.¹
3. This is analogous to what is more commonly referred to (for example, in the field of religious education) as 'Religions and non-religious worldviews', which is generally understood to refer to those religions and beliefs that seek to answer ultimate questions, comprehensively relating the nature of life and the world to morality, values, and/or the way people should live. In other words, the phrase refers to religions and to their non-religious equivalent worldviews.²

¹ Equality Act 2010, part 2, chapter 1, section 10: <https://www.legislation.gov.uk/ukpga/2010/15/section/10>

² See, for example, the final report of the Commission on RE, which proposes renaming the subject 'Religion and Worldviews': <https://www.commissiononre.org.uk/final-report-religion-and-worldviews-the-way-forward-a-national-plan-for-re/>



4. Humanism is the only prominent non-religious worldview that is common in the UK today. It is also the most well-articulated and well-resourced³ non-religious worldview in the UK, and therefore the most suitable for inclusion in various initiatives that examine the major religions. We expand on this below.

Legal responsibilities relating to religion or belief placed upon the BBC

5. The BBC has fundamental duties under both the Human Rights Act 1998 and the Equality Act 2010. In the case of the Equality Act these duties require the BBC not just to avoid discrimination on the basis of the Act's protected characteristics,⁴ but to actually promote equality.⁵ And the Human Rights Act does not just require the BBC to avoid any unjustified discrimination in the delivery of the rights guaranteed in the Act, but (in section 6) makes it 'unlawful for a public authority' such as the BBC 'to act in a way which is incompatible with a Convention right'. For the purpose of this submission the relevant protected characteristic under the 2010 Act is religion or belief, while the relevant application of the 1998 Act is to any discrimination in the delivery of the right to freedom of religion and belief (Article 14 in combination with Article 9).
6. We emphasise at the start (and this is amply demonstrated by looking at relevant case law) that the law clearly establishes that for its purposes, religions and non-religious beliefs such as humanism are not to be distinguished. The law requires there to be no discrimination – not only in favour of (say) Christians over Muslims but in favour of those of any religion over (say) humanists. In the terms of a significant 2015 High Court judgment what is required is 'equal respect' and the equal treatment that follows from it.⁶
7. The Communications Act 2003, as amended by the Media Act 2024, sets out Ofcom's reporting of the public service remit for public service broadcasters, stating that there must be 'a sufficient quantity of audiovisual content that reflects the lives and concerns of different communities and cultural interests and traditions within the United Kingdom, and locally in different parts of the United Kingdom.'⁷ As we will set out below, the demographics of the UK show a significant non-religious and humanist community, that are underserved in public broadcasting by the BBC relative to those with religious beliefs.

³ Numerous substantial books on humanism have been published in the last twenty years and Humanists UK has produced online resources including MOOCs hosted by Sandi Toksvig and Alice Roberts, and a highly praised website for schools: <https://understandinghumanism.org.uk/>

⁴ sn.52: 'It is unlawful for a public authority exercising a function to do any act which constitutes discrimination'.

⁵ sn.149(1).

⁶ The case concerned the state's duties in respect of religious education but the principles are identical to those that govern a public authority: 'the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents' convictions.' – *R (Fox) -v- Secretary of State for Education [2015] EWHC 3404 (Admin)* at paragraph 39: <https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>

⁷ Communications Act 2003, Section 264, (5)(b)(1)
<https://www.legislation.gov.uk/ukpga/2003/21/section/264>



CONSULTATION RESPONSE

8. We are addressing question 3 prior to question 2, as the shifting of the media landscape that reflects the changing religion and belief demographics of the UK population drives the need for the BBC editorial guidelines to set standards for programming and content that reflects and serves the growing population of non-religious people.

Question 3) Do [the draft BBC editorial guidelines] sufficiently reflect the changes in the media landscape since the last review in 2019?

The editorial guidelines since 2010 have failed to match the changing demographics of religion and belief in the UK

9. Neither the draft editorial guidelines nor the updated 2019 editorial guidelines reflect the shift in audience demographics over the last 14 years. The population of the UK is increasingly becoming non-religious, and as this is more the case with younger people this trend will likely continue.
10. The 2021 England and Wales Census saw more people aged 66 and under tick 'No religion' than ticked 'Christian'.⁸ The figures contrast with the 2011 Census, where in every age demographic, more people ticked 'Christian' than 'No religion'. Overall the Census saw 37% ticking 'No religion' and 46% ticking 'Christian'. The result is still likely to underestimate the number of non-religious people. This is because the question is not only optional, but also uses leading wording ('What is your religion?') which has long been shown to inflate the number of people who do not believe in, practice, or consider themselves to belong to a religion choosing a religious box.
11. According to the British Social Attitudes Survey, 52% of the population say they do not belong to any religion.⁹ Separately, a private opinion poll commissioned by Humanists UK in 2019, carried out by YouGov, found that 7% of British adults primarily identify with the term 'humanist' (the other options presented to non-religious respondents being atheist, agnostic, spiritual, naturalist, none of these, and don't know). Some of those who chose other options would likely also subscribe to the label 'humanist', but in any case, the results still reveal that there are more people in Britain who primarily describe themselves as humanists than any non-Christian religion.¹⁰
12. The 2019 Humanists UK-commissioned YouGov poll asked British adults questions about their beliefs about religion, ethics, morality, and reason. The results found that 29% of the population has a non-religious outlook on life that matches the humanist one. Indeed, since the legal recognition of humanist marriages in Scotland, 23% of all wedding ceremonies in Scotland are humanist, more than any other religion or belief group – significantly including

⁸ Office for National Statistics, Census 2021, Religion by age and sex, England and Wales

<https://www.ons.gov.uk/releases/religionbyageandsexenglandandwalescensus2021>

⁹ NatCen Social Research. 'A Britain that is losing its religion, has faith in science and is adopting more liberal ideas about sex and relationships'. 2019:

<https://www.natcen.ac.uk/news-media/press-releases/2019/july/a-britain-that-is-losing-its-religion.-has-faith-in-science-and-is-adopting-more-liberal-ideas-about-sex-and-relationships/>

¹⁰ According to the British Social Attitudes Report on Religion 6% of British adults identify as Muslim, 3% as other non-Christian religious identities: https://www.bsa.natcen.ac.uk/media/39293/1_bsa36_religion.pdf



Christian marriages.¹¹ Furthermore, 17% self-define as humanist when this fact is pointed out to them, reflecting that humanism is the explicit or implicit worldview of a significant plurality of non-religious people in Britain.¹²

13. It therefore appears logical for the BBC to increase its content made for and about the non-religious to not only meet its legal and Charter obligations, but also to attract the younger generation who are increasingly turning to other media services. We will further detail the requirement for specifically including non-religious programming below in the response to question 2.

Question 2) Do [the draft BBC editorial guidelines] set out appropriate editorial standards for those making BBC programmes and content?

The exclusion of non-religious programming and content in Section 14: Religious Content

14. We have long protested to the BBC about its failure to provide any programmes that are explicitly about non-religious beliefs or humanism, by contrast with the many hours of programmes that are explicitly religious, a high proportion of which consist of Christians preaching Christianity to their own followers.
15. We have campaigned for years for the BBC to provide programmes that are explicitly about non-religious beliefs or humanism, in the same way that it has many hours of programmes that are explicitly religious or are about religions, a high proportion of which consist of Christians preaching Christianity to their own followers. No programme has ever been broadcast on a national network in which humanists have been allowed directly to address humanists on humanism. The BBC's Religion and Ethics department has a history of focusing on religions in its broadcasting about the beliefs found in the world today, to the exclusion of non-religious worldviews.
16. This is explored by examining three relevant types of programme:
- (a) Current affairs programmes and documentaries related to religion or belief – e.g. *Growing Up Jewish* (BBC One), *Big Zuu Goes To Mecca* (BBC Two), *The Day When God Is Dead* (Radio Four).
 - (b) Magazine and discussion programmes about religion and belief designed to educate, entertain, and inform – e.g. *Sunday* (BBC Radio Four), *The Moral Maze* (BBC Radio Four), *Sunday Morning Live* (BBC One).
 - (c) Programmes by believers about religion and belief and addressed to fellow believers – e.g. the daily service on BBC Radio Four, *Songs of Praise* (BBC One), and programmes to mark specific religious festivals (Easter, Diwali etc). We will consider these in turn.

¹¹ Humanists UK. 'More humanist than Christian marriages in Scotland in 2019, new stats show'. 2020: <https://humanism.org.uk/2020/06/25/more-humanist-than-christian-marriages-in-scotland-in-2019-new-stats-show/>

¹² YouGov poll on Humanism, conducted 6-7 November 2019.



17. In terms of (a), humanism specifically has only had two pieces of BBC radio content in the last five years – *Humanism – What is it Good For* (Radio 4, March 2023) and *The Comb: Finding Humanism* (BBC World Service, February 2023) before which the BBC had not produced documentary content on humanism or humanists either on television or radio since a short interview series on the then Home Service in 1965. The latest content specifically on atheism – *A Believer's Guide to Atheism* (Radio 4, November 2019) – was presented by a former atheist turned Catholic and focused mainly on the role of atheism in strengthening religious belief.
18. With reference to (b), humanists and the non-religious are generally invited to take part in discussion programmes and so this is less of a problem. However, such inclusion is still far from proportionate to the demographics of the population.
19. In regard to (c), there is an unbroken daily sequence of programmes specifically serving the Christian community (e.g. *Thought for the Day* and *Prayer for the Day* (BBC Radio Four), the daily service (BBC Radio Four), and *Songs of Praise* (BBC One) are all predominantly Christian), plus occasional programmes devoted to the observances of other religions such as Passover or Eid. But there has never been a single programme in which humanists have been given a platform to talk to like-minded humanists.
20. When presenting the above concerns, we have heard that the majority of the BBC's programming is 'non-religious' and that it is religious programming that is in the minority. However, this naively or willingly overlooks the distinction between programming that is not concerned with religion or belief, on the one hand, and programming that is specifically about or for the non-religious as such, on the other. For example, *BBC News at Six* is not a programme about religion, and neither is it a programme about non-religious beliefs. Instead it aims to be about the newsworthy activities of everyone, regardless of religion or belief, and these activities typically do not concern religion or belief at all. The same is true for most of the BBC's output. To say that the weather forecast balances *Thought for the Day* (where five times a week a religious person shares reflective thoughts on the events of the day) is clearly false. The same is also true for programmes like *Brian Cox's Adventures in Space and Time*. Yes, it is about science. But it is not about what makes non-religious people distinctive, in their beliefs, behaviours, or identities, or the history of non-religious thought. Religious people can (and do) just as easily identify with the views being put forth on *Brian Cox's Adventures in Space and Time* as non-religious people.
21. With the above in mind, in this and previous consultation responses we question how far the BBC is meeting its Charter obligations and its legal requirements under the Communications Act 2003, the Human Rights Act 1998, and the Equality Act 2010. It also fails to meet the requirements in the BBC's operating licence set out in Public Purpose (4) (4.2 and 4.2.1) which state: 'The BBC must demonstrate how it has... had regard to the range of diverse communities of the whole of the United Kingdom. This should include age, disability, race, religion and belief.'¹³
22. **We strongly recommend that the BBC's draft guidelines are updated to encompass non-religious programming.** We would be keen to meet with the consultation team to discuss our rationale and recommendations further, and work through what this means in practice for the language of Section 14.

¹³ Ofcom. Operating licence for the BBC's UK Public Services. 2023.
<https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/239137-modernising-the-bbcs-operating-licence/associated-documents/bbc-operating-licence-march-2023.pdf>



Offence and freedom of expression and debate in Sections 5 and 14

23. **We welcome the amended wording in Section 14** – The guideline on religious debate has been amended with the wording ‘contributors should not be allowed to denigrate the beliefs of others’ removed as this had the potential to stifle debate. (14.3.1)
24. However, we are concerned that sections 5.4.66 to 5.4.68 on harm and offence may limit criticism of religion and stifle debate. As noted in the draft guidelines, freedom of expression is a fundamental right for individuals. It is protected by all major international human rights instruments, including Article 19 of both the Universal Declaration of Human Rights (UDHR), whereas there is no right reserved for individuals not to be offended.
25. Shielding religion from criticism in the manner that the draft editorial guidelines lay out – in that any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified – cannot be regarded as a social good. In some cases, criticism helps religious thinkers improve theology. In more substantive cases, criticism is essential to shedding light on immoral or unlawful practices carried out in the name of religion.
26. While we of course are not advocating for any relaxing in the guidance related to hate speech or stirring up religious hatred as covered in UK legislation, **we recommend that the BBC should revise its guidelines and remove relevant sections 5.4.66 – 5.4.68 relating to causing offence to those with religious views.**

Consistency in hate speech protections for the non-religious

27. Section 8.4.3 reflects that non-religious people can also be the victims of hate crimes: ‘Broadcasting hate speech can constitute a criminal offence if it is intended or likely to stir up hatred relating to race, or intended to stir up hatred relating to religious belief or lack of religious belief, disability, sexual orientation or transgender identity.’
28. However, this is not reflected in other relevant sections. Lack of religious belief is omitted in section 8.2.2, and only religion is referred to in section 5.4.43.
29. **We recommend section 8.2.2 of the draft guidelines should be updated to read ‘Hate speech, abusive or derogatory language or treatment of individuals, groups or communities on the grounds of, for example, race, religious belief [new text: religion or belief] or sexual orientation...’**
30. **We recommend section 5.4.43 of the draft guidelines should be updated to read ‘It includes all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, sex, gender reassignment, nationality, race, religion [additional text: or belief,] or sexual orientation.’**

Legal status of blasphemy offences in Section 5

31. **We recommend updating section 5.4.66 to reflect the change in Scottish law.** The guidelines currently read ‘There is no longer an offence of blasphemy in England and Wales and it is no longer prosecuted in Scotland or Northern Ireland.’ The Hate Crime and Public Order (Scotland) Act 2021 abolished the common law offence of blasphemy from 1 April



2024.¹⁴ Section 5.4.66 should be amended to read 'There is no longer an offence of blasphemy in England and Wales or Scotland, and it is no longer prosecuted in Northern Ireland'.

For more details, information, and evidence, contact Humanists UK:

Richy Thompson

Director of Public Affairs and Policy

0781 5589 636 / 020 7324 3072

richy@humanists.uk

humanists.uk

¹⁴ Hate Crime and Public Order (Scotland) Act 2021, Part 5 Section 16 Abolition of the offence of blasphemy,
<https://www.legislation.gov.uk/asp/2021/14/section/16>

