

NSS response:

Consultation on the draft BBC Editorial Guidelines 2024

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Introduction

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

The NSS is a not-for-profit, non-governmental civil society 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 National Secular Society promotes free speech as a positive value, and has defended freedom of expression since our founding. This includes both the freedom to practise any religion or belief that does not impinge on the rights and freedoms of others, and the freedom to robustly discuss, criticise, or mock religion.

We welcome the changes the BBC has made to the guidelines which emphasise the importance of freedom of expression. However, we have concerns regarding other aspects of the guidelines relating to religion. Our recommendations for changes to the guidelines are outlined in this response.

SECTION 2: IMPARTIALITY Due Impartiality, Due Weight and Diversity of Opinion - 2.4.2

We welcome and support the BBC's recognition in the draft guidelines that reflecting a breadth and diversity of opinion requires the inclusion of opinions which some people find unpalatable or offensive. This is an important principle to protect free speech.

SECTION 2: IMPARTIALITY Contentious Views and Possible Offence 2.4.16

We welcome and support the decision to put greater emphasis on freedom of expression, and to guard against 'self-censorship'. We also welcome the stipulation that contributors expressing contentious views must be challenged and alternative perspectives offered; this safeguards against the potential mainstreaming of extremist views.

SECTION 5: HARM AND OFFENCE – Religion; Exorcism, the Occult and the Paranormal

5.4.66 needs to be updated to reflect that Scotland's Hate Crime and Public Order Act (2021) is now in effect¹. This means there is no longer an offence of blasphemy in Scotland, as well as in England and Wales.

We are concerned by the double standards applied to "Religion" and those applied to "Exorcism, the Occult and the Paranormal".

The BBC does not attempt to define "religion", "occult" or "paranormal". The usage of these terms is frequently arbitrary and it is rarely helpful to attempt to distinguish between beliefs and practices deemed "religion" and those deemed "occult". The terms "religion" and "occult" are often loaded with cultural biases, with more widely-held 'mainstream' beliefs in the supernatural being termed "religion", while minority beliefs are termed "occult" or "paranormal".

By attempting to categorise certain beliefs as "religion" and others as "occult", and then applying different standards to those categories, the BBC's guidelines risk further marginalising those who hold minority religious and spiritual beliefs, many of whom are already at risk of discrimination and persecution.

For example, Spiritualism, Paganism (including Wicca and Druidry), Shamanism, Qabalah, Buddhism, Hinduism, Daoism and many other religions and denominations have been deemed 'occult', and subject to denigration by some mainstream religions.

So-called 'occult' beliefs also exist within mainstream religions, but their practitioners may face persecution from more orthodox members of the religion who denounce and repress these practices – sometimes violently. In 2016, imam Jalal Uddin was murdered in Rochdale by an extremist Muslim for practising *taweez*, a form of Islamic faith healing involving good luck amulets². Some Muslims regard this practice as 'occult' and blasphemy against mainstream Islam.

The right to freedom of thought, conscience, and religion, as set out in the United Nations Universal Declaration of Human Rights, does not exclude beliefs considered blasphemous by 'mainstream' religions. Similarly, the Equality Act 2010 protects all people from discrimination on the basis of religion or belief, including those with beliefs and practices considered 'occult' by some. The BBC's guidelines, which distinguish "Religion" from "Occult" and "Paranormal" beliefs, and apply different standards to content featuring these, risk discriminating against people with beliefs deemed 'occult' by treating them less favourably than people belonging to more 'mainstream' religions.

The guidelines themselves for these two sections reveals a clear positive bias for "religion", and a negative bias against "occult" and "paranormal" beliefs:

- Under "Exorcism, the Occult and the Paranormal", 5.4.70 says content "that includes any aspect of exorcism, the occult, the paranormal, divination or any related practices must be done so responsibly and claims should be treated with due scepticism". This wording does not appear under "Religion", suggesting that there is no requirement for content categorised as "religion" to be done "responsibly", or for religious claims to be "treated with due scepticism".
- Under "Exorcism, the Occult and the Paranormal", 5.4.70 says "Demonstrations which purport to be real must not be broadcast before the watershed or on radio when children are particularly likely to be in the audience, or in digital content likely to appeal to children." It also says: "Paranormal practices

¹ <https://www.legislation.gov.uk/asp/2021/14/contents>

² <https://www.bbc.co.uk/news/uk-england-manchester-67652920>

for entertainment purposes (not including drama, film or comedy) must not be broadcast when significant numbers of children are likely to be watching, in the radio audience or using digital content.”

These restrictions are not applied to content categorised as “Religion”, suggesting beliefs considered ‘mainstream’ religion are inherently suitable for children, but beliefs considered “occult” or “paranormal” are not. This is arbitrary, biased and stigmatising; for example, the belief in Hell is common to many mainstream religions but is known to be distressing to children, while beliefs in astrology, tarot cards and crystal magic are often deemed “occult” but are unlikely to distress children any more than other, more ‘mainstream’ spiritual beliefs.

- Under “Exorcism, the Occult and the Paranormal”, 5.4.71 says: “At any time, demonstrations of, or claims about, exorcism, the occult, the paranormal, divination or any related practices in factual programmes must be treated with objectivity appropriate to the output. In entertainment programmes they must be clearly signposted. In all output, such demonstrations must not contain advice about health, finance, employment or relationships which encourages people to make life-changing decisions.” This wording does not appear under “Religion”, suggesting that ‘mainstream’ religious beliefs may give advice that could lead to “life-changing decisions”, while beliefs classified as “occult” or “paranormal” may not. As with 5.4.70, it also suggests that minority religious belief deemed “occult” or “paranormal” must be treated with “objectivity”, but not ‘mainstream’ religious beliefs.
- Under “Religion”, 5.4.66 says: “religious beliefs are central to many people’s lives and can arouse strong views and emotions. Care should be taken to avoid unjustified offence.” This wording does not appear under “Exorcism, the Occult and the Paranormal”, despite beliefs deemed ‘occult’ or ‘paranormal’ being just as central and emotive to many people who hold them as to those who hold ‘mainstream’ religious beliefs. The guidelines imply that care must be taken not to offend the feelings of people with ‘mainstream’ religious beliefs, but no such care is needed for people with minority religious and spiritual beliefs deemed ‘occult’ and ‘paranormal’. They are, essentially, ‘fair game’.

We recognise that some beliefs and practices, such as exorcisms (which are practiced in many ‘mainstream’ religions including the Church of England³), can cause harm to physical or mental health. However, most beliefs and practices deemed ‘occult’ or ‘paranormal’ are no more harmful than most beliefs or practices in ‘mainstream’ religions; meanwhile, some ‘mainstream’ religious practices, such as infant male circumcision, can cause serious physical and emotional harm⁴. Applying different standards to beliefs considered “religion” and beliefs considered “occult” or “paranormal” is not the correct way to protect people from harm – it merely marginalises and denigrates harmless minority religious beliefs and practices while uncritically permitting those in “mainstream” religions which do cause harm.

To ensure people of all religions and beliefs, including holding minority beliefs deemed “occult” or “paranormal”, are treated equally by the BBC’s editorial guidelines, we therefore recommend:

- “Religion” and “Exorcism, the Occult and the Paranormal” is merged into a single section, ideally entitled “Religion or belief” to be inclusive of philosophical worldviews which are not religious (see our comments for Section 14 for further discussion on inclusivity of nonreligious worldviews).
- The wording “must be done so responsibly and claims should be treated with due scepticism” in 5.4.70 is applied to all beliefs based on personal faith or subjective experience, rather than empirical

³ <https://www.churchofengland.org/safeguarding/safeguarding-e-manual/safeguarding-children-young-people-and-vulnerable-adults/4-1>

⁴ <https://www.secularism.org.uk/religious-surgery/>

evidence. Similarly, the wording in 5.4.71 should apply to all supernatural beliefs and practices based on those beliefs, not just those outside 'mainstream' religion.

- Guidelines regarding children are adapted so they no longer imply that 'mainstream' religious content is inherently suitable for children, while content relating to minority religions or beliefs is inherently unsuitable. Instead, these guidelines should relate to specific beliefs or practices recognised as likely to upset children (e.g. belief in Hell, beliefs in harmful spirits etc.) or those which promote potentially harmful beliefs (e.g. intolerance of others, undermining of scientific validity etc.).
- 5.4.66 is applied to all religions and beliefs, including minority religious beliefs deemed "occult" or "paranormal", and nonreligious worldviews (e.g. atheism).
- 5.4.66 is updated to reflect that there is no longer an offence of blasphemy in Scotland, as well as in England and Wales.

Section 8: Crime and Anti-Social Behaviour – 8.2.1

We welcome and support the decision to add the principles of the importance of freedom of expression and the concept that there may be a public interest in including views which may be considered uncomfortable or extreme in 8.2.1. We also welcome the stipulation that when there is "extreme" content, there must be "sufficient context and/or challenge to those views", as this will guard against the mainstreaming of extremist views.

Section 14: Religious Content

Although the introduction at 14.1 explains that the "right to exercise freedom of thought, conscience and religion is set out in human rights legislation", this section refers only to religious people, beliefs and practices. It does not consider nonreligious people and their views. This potentially fails to adhere to the Equality Act 2010, in which "religion or belief" is a protected characteristic, not just "religion". By only considering the views of religious people, and not those of the nonreligious, the guidelines give religious people more favourable treatment than nonreligious people.

We are especially concerned that 14.2.1, which says producers "must ensure that religious views and beliefs of those belonging to a particular religion or religious denomination are not subject to abusive treatment", is exclusive to religion, and omits those with no religion. This suggests it is acceptable to subject the beliefs of those who don't have a religion to abusive treatment. This also applies to 14.3.4, which says measures must be in place to ensure "religious views and beliefs are not subject to abuse", but does not consider those with nonreligious beliefs and views.

Persecution and discrimination against people without a religion, or against people who diverge from enforced religious standards, is a growing problem in certain communities – especially in orthodox religious communities which shun those who decide to leave the community. Some UK-based religious institutions and leaders have suggested 'apostates' should be killed⁵. In some cases, those who have left a religion have faced serious threats to their lives⁶.

⁵ For examples, see: <https://www.secularism.org.uk/news/2019/06/islamic-charities-push-death-for-apostates-and-female-subjugation>; <https://www.secularism.org.uk/news/2023/09/nss-refers-religious-charity-to-regulator-over-extremism-concerns>; <https://www.secularism.org.uk/news/2015/07/website-of-islamic-charity-hosted-articles-advocating-death-for-gay-people-and-apostates>

⁶ For UK examples, see: <https://www.secularism.org.uk/opinion/2024/08/british-ex-muslims-already-unfree-face-perils-of-worsening-censorship>

By suggesting the beliefs of religious people should not be subject to “abusive treatment”, but not extending this protection to people with nonreligious views, the BBC may fuel sentiments that religious beliefs are superior to nonreligious beliefs, and that people who leave religion must be ‘punished’.

There is also the question of whether saying “religious views and beliefs” should not be “subject to abuse” may stifle debate, in the same way that not allowing contributors to “denigrate the beliefs of others” did (and was removed for this reason in the draft guidance; see below). We suggest changing this to “...must ensure that people are not subject to abusive treatment based on their religious or nonreligious beliefs”. This makes it clear that while people should be protected from abusive treatment, ideas (including religious ideas) should be open to robust criticism and debate.

We are also concerned that people with minority religious beliefs deemed ‘occult’ or ‘paranormal’ may not be included in the BBC’s conception of the right to exercise freedom of thought, conscience and religion, due to the different standards applied to “Religion” and “Exorcism, the Occult and the Paranormal” in Section 5; see above.

We therefore recommend:

- Section 14 is renamed “Content relating to religion or belief”, or otherwise renamed to reflect nonreligious worldviews.
- The text regarding “abusive treatment” is changed to “...must ensure that people are not subject to abusive treatment based on their religious or nonreligious beliefs”.

We welcome the decision to remove the wording “contributors should not be allowed to denigrate the beliefs of others” in 14.3.1 and we agree it had the potential to stifle debate.

We also agree with the guidelines in 14.3.2: “Any claims made in religious output for the particular powers or abilities of a living person or group should be treated with due objectivity. Such claims should not be made in online content likely to be accessed by children, when significant numbers of children may be expected to be watching television or when children are particularly likely to be listening to the radio.”

It is clear here that the BBC recognises certain religious content should be treated with “due objectivity” and may not be suitable for children, similar to its treatment of *all* “occult” and “paranormal” content in Section 5. We think this strengthens the case for merging “Religion” with “Exorcism, the Occult and the Paranormal” in Section 5, as described above. There is no explanation as to why the “Religion” part of Section 5 does not include considerations for “due objectivity” or suitability for children, but Section 14 on religion does. The solution is not to attempt to separate supernatural beliefs into “Religion” and “Occult”/“Paranormal” categories with different guidelines, but to apply consistent guidelines to all content relating to beliefs in the supernatural, including mainstream religions.