

## 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 100,000 members and supporters and over 100 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.
- Ofcom ensuring the BBC creates programming for and about the non-religious would strengthen public service broadcasting and uphold human rights, equality, and communications law.

## BACKGROUND

### Religion, beliefs, and worldviews

2. 'Religion or belief' (or sometimes 'religion and belief') is a phrase that appears throughout UK legislation. The Communications Act 2003, for example, refers to 'religion and other beliefs', and says that "'belief" means a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrine'.<sup>1</sup>
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.<sup>2</sup>
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-resourced<sup>3</sup> 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. As mentioned above, the Communications Act 2003 defines public service broadcasting as including programmes on 'religion and other beliefs' and specifies that 'belief' means 'a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrines'.

<sup>1</sup> Communications Act 2003, section 264: <http://www.legislation.gov.uk/ukpga/2003/21/section/264>

<sup>2</sup> 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/>

<sup>3</sup> 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/>



6. The BBC has even more 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,<sup>4</sup> but to actually promote equality.<sup>5</sup> 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).
7. 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.<sup>6</sup>
8. Ofcom is, like the BBC, a public authority, and the same legal duties therefore bind Ofcom, which in addition has its own specific obligation under the Communications Act 2003 where section 264 requires it to carry out a periodic review of the extent to which public service broadcasters as a group have met the purposes of public service television broadcasting and to report what it finds. These are wide-ranging but they include providing 'a suitable quantity and range of programmes dealing with' various subjects including 'religion and other beliefs', where "belief" means a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrines' – a wide definition that is similar to that we give for 'worldviews' above, and certainly includes humanism. The Act lays down types of programmes on 'religion and other beliefs' that would meet this requirement. It is generally acknowledged that the principal burden in respect of television broadcasting about religion or belief falls on the BBC.

## Demographics

9. When considering our response to the consultation it is also useful to have the following demographic information in mind.
10. According to the British Social Attitudes Survey, 52% of the population say they do not belong to any religion.<sup>7</sup> 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

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

<sup>5</sup> sn.149(1).

<sup>6</sup> 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-ssf.pdf>

<sup>7</sup> 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/>



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, for example, Muslims.<sup>8</sup>

11. With that said, humanism is different from the major religions in being a descriptive label for a set of beliefs that have existed throughout history and across the world. Often when people come to self-identify as a humanist they say they have 'discovered' a term that has long applied to them. This doesn't happen with religions, but that does not mean humanists, whether self-identifying or not, hold a worldview that is any less cogent or substantive than that of religious people. Non-religious people are not compelled by their beliefs to engage in any sort of formal practice or observance, join any organisation, or even identify with any particular creed at all. The difference between religions and non-religious worldviews on this score should not mask the fact that the humanist outlook on life is as widespread in Britain today and as worthy of respect as any minority religion.
12. To get closer to understanding this phenomenon, a 2019 Humanists UK-commissioned YouGov poll asked British adults a series of 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 Christian marriages.<sup>9</sup> 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.<sup>10</sup>

## CONSULTATION RESPONSE

13. We are responding broadly to the consultation rather than addressing each question in turn.
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. Ofcom in its operating licence for the BBC's UK Public Services safeguards the following hours of religious content across BBC outputs:
  - On BBC One and BBC Two that in each financial year 115 hours are allocated to religious programmes, some of which must be in Peak Viewing Time. For the purpose of this requirement, 'religious programmes' includes repeats and acquisitions, and does not include output broadcast overnight in the Sign Zone.
  - That Radio 2 must ensure that in each financial year at least 170 hours are allocated to religious output, and that the output covers a broad range of faiths. For the purpose of this requirement, 'religious output' includes repeats.
  - That Radio 4 must ensure that in each financial year 'at least 200 hours are allocated to original religious programming (excluding repeats), and that the output covers a broad range of faiths.'

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<sup>8</sup> According to the British Social Attitudes Report on Religion 6% of British adults identify as Muslim:

[https://www.bsa.natcen.ac.uk/media/39293/1\\_bsa36\\_religion.pdf](https://www.bsa.natcen.ac.uk/media/39293/1_bsa36_religion.pdf)

<sup>9</sup> 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/>

<sup>10</sup> YouGov poll on Humanism, conducted 6-7 November 2019.



- Ofcom's 2019 second annual report of the BBC noted that there was an increase in total hours of religion and ethics content from 176 hours to 210 in 2018.<sup>11</sup>
16. It is unclear if programming for and about the non-religious should be included within the existing 'religion' category. This is because, as previously set out, the law clearly establishes that religions and non-religious beliefs such as humanism are not to be distinguished. With this in mind, it is not clear if the non-religious should be catered for within the above 'religious' quota, or whether there should be additional programming for and about the non-religious added to ensure compliance with the law. Either way, however, such programming is not being produced.
  17. 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.
  18. This is explored by examining three relevant types of programme in more detail:
    - (a) Current affairs programmes and documentaries related to religion or belief – e.g. *Young, Sikh and Proud* (BBC One), *My Mate's A Muslim* (BBC Three), *Britain's Easter Story* (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), *The Big Questions* (BBC One), *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.
  19. In terms of (a), the BBC has not broadcast a single documentary programme about humanism or humanists either on television or radio since a short interview series on the then Home Service in 1965.
  20. 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.
  21. 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.
  22. When presenting the above concerns, we often hear 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

<sup>11</sup> Ofcom's annual report on the BBC. 2019. [https://www.ofcom.org.uk/data/assets/pdf\\_file/0026/173735/second-bbc-annual-report.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0026/173735/second-bbc-annual-report.pdf)



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 *Infinite Monkey Cage*. 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 *Infinite Monkey Cage* as non-religious people.

23. 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 paragraph 1.36 which state: 'In relation to diversity, the BBC should... reflect the diversity of the United Kingdom's nations and regions appropriately in its output, services and genres. This should include age, disability, gender reassignment, race, religion and belief, sex, sexual orientation and socioeconomic background.'<sup>12</sup>
24. We therefore call on Ofcom to strengthen requirements to create programming for and about the non-religious and hold the BBC accountable. This can be done when reviewing the BBC's performance over the Charter period to determine how the BBC has delivered its Mission and Public Purposes. As indicated above, we take an interest in the BBC's Public Purpose No. 4 which is to:

*'To reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom.'*<sup>13</sup>

25. Ofcom should also highlight the urgent need to remedy the clear imbalance in programming for and about the non-religious in its Periodic Review of the effectiveness of the regulatory framework for the BBC, and address this matter in its proposals to update the BBC's Operating Licence in spring 2022.
26. Further, language used throughout the BBC's outputs makes references exclusive of the non-religious. For example, the BBC's Editorial Guidelines contain references to 'Religious Content' in Section 12. It contains only one reference that acknowledges that non-religious people exist, which is in Section 8.3.3., on Hate Speech. More generally, the BBC categorises programmes under the title 'Religion & Ethics'. We also recommend Ofcom makes sure all the language is corrected to fully include the non-religious throughout.

<sup>12</sup> Ofcom. Operating licence for the BBC's UK Public Services. 2017.

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0015/112416/bbc-operating-licence-original.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0015/112416/bbc-operating-licence-original.pdf)

<sup>13</sup> BBC. Mission, values and public purposes <https://www.bbc.com/aboutthebbc/governance/mission>

