Dear Lady Scotland

Charities Bill

When the Charities Bill was debated in the House of Lords on 3 February Lord Bassam agreed to consider further the question whether the head of charity for “the advancement of religion” should not be extended to cover other beliefs in line with the spirit of section 6 of the Human Rights Act.

This is a point we have argued in detail in submissions on the Cabinet Office strategy unit report and at each subsequent stage.

We are clear that the head should be amended to read:

the advancement of religion and belief

and that the difficulties with this apparently open-ended phrase can be fully met by adding in subsection (3) an interpretation on the lines of:

in paragraph (c) "belief" has the same meaning as in Schedule 1 to the Human Rights Act 1998.

Case law under the European Convention has sufficiently established a suitably limited meaning for ‘belief’ in such a context - we have in mind McFeely v UK: (1981), 3 EHRR 161 (belief means “more than just ‘mere opinions or deeply held feelings’; there must be a holding of spiritual or philosophical convictions which have an identifiable formal content”) and Campbell and Cosans v. UK (1982), 4 EHRR 293 (“The term ‘beliefs’ . . . denotes a certain level of cogency seriousness cohesion and importance”). Political beliefs are certainly excluded.

Given the breadth of the term ‘religion’ which remains unqualified in the Bill, we see very little risk of abuse in this use of the term ‘belief’.
If non-religious beliefs continue to be relegated to the also-ran catch-all twelfth head, not only will this be demeaning to the beliefs of large numbers of people but there will be a serious risk of different case law and (more likely) Charity Commission legal interpretations and practices becoming established for each, which would certainly be discriminatory and contrary to the Human Rights Act. If religion and belief are brought together as they should be, consideration of each will cast light on the other, as we have demonstrated in earlier submissions.

Yours sincerely,

Hanne Stinson
Executive Director