

PROMOTION OF RELIGIOUS HARMONY FOR THE BENEFIT OF THE PUBLIC

1. Decision

The Commissioners have concluded that the promotion of religious harmony for the benefit of the public is a charitable purpose. The Commission will accordingly consider applications from organisations established for such purposes for registration as a charity.

2. Background

The Commissioners have received applications from organisations with objects which can generally be described as promoting religious harmony ¹. The Commissioners, therefore, considered whether or not they should recognise that to promote religious harmony for the benefit of the public is a charitable purpose.

3. Recognition of a new charitable purpose

The Commissioners' policy on how it recognises new charitable purposes is set out in the Review of the Register booklet RR1A ². Broadly the Commissioners first determine whether the new purpose is analogous to a purpose recognised by the Courts or the Commission. The second step is to decide whether the purpose results in a real and substantial benefit to the public at large or a sufficient section of the community.

4. Analogies

The Commissioners considered that to promote religious harmony is analogous to existing charitable purposes namely:

- i) the promotion of equality of women with men³
- ii) the promotion of racial harmony⁴
- iii) the mental and spiritual welfare and improvement of the community⁵

5. Public benefit

Whether or not to promote religious harmony is a purpose for the benefit of the public is a question of law to be answered by forming a view on the evidence in light of current standards and social and cultural considerations ⁶. If tangible and objective benefits cannot be shown, public benefit can be demonstrated by evidence of the "approval by the common understanding of enlightened opinion for the time being"⁷.

¹ Although how this was expressed varied and this object was not always directly stated but was inferred by the Commission from an examination of the activities of the organisation.

² Available on the Commission's website www.charitycommission.gsi.gov.uk

³ Halpin v Seer Ch Comm AR 1977 para 34 (Women's Service Trust)

⁴ Ch Comm AR 1985 para 24

⁵ The most recent discussion of this purpose is in the Commissioners' decision of 17.11.1999 on the application for charitable status by The Church of Scientology which is available on the Commission's website under "Decisions of the Commissioners"

⁶ A detailed explanation of the law is set out in the Commission's Review of the Register paper RR8 "The Public Character of a Charity" available on the Commission's website

⁷ National Anti-Vivisection Society v IRC [1947] AC 31 @ 49

6. Evidence of public benefit

The Commissioners considered that the public benefit in eliminating both racial and sex discrimination is manifestly beneficial to the public without the need to consider evidential proof and that the public benefit of eliminating discrimination on the grounds of religion and promoting religious harmony is of the same order⁸. Nevertheless, they noted that their view is supported by evidence that

- i) the promotion of religious harmony and tolerance could result in tangible benefits of reduction in conflict and crime. In addition, understanding other's religious beliefs leads to more appropriate provision of services both in the public and the private sphere.
- ii) there is a common understanding of enlightened opinion that promoting religious harmony and tolerance is for the benefit of the public in view of the following:
 - ◆ The Human Rights Act 1998 which incorporates Articles 9⁹ and 14¹⁰ of the European Convention on Human Rights into domestic law
 - ◆ European Directive 2000/78/EC of 27 November 2000 prohibits discrimination on the grounds of religion or belief, disability, age or sexual orientation in employment, occupation and vocational training. The religious strand must be implemented by 2 December 2003.
 - ◆ Towards Equality and Diversity – The consultation paper issued by the Department of Trade & Industry setting out the Government's plans for implementing this European Directive¹¹

7. Religion and Other Belief Systems

This new purpose is about promoting harmony or reducing conflict; it is not restricted to promoting harmony between religions that are recognised by charity law. Since "religion" in this context is not confined to the charity law definition we believe this would also embrace "beliefs" as defined in human rights case law¹². It also includes the promotion of harmony between believers and non-believers.

8. European Convention on Human Rights

By accepting that the promotion of religious harmony includes belief systems as defined in human rights case law (as well as religions defined by charity law), we are of the opinion that the decision to recognise the promotion of religious harmony is compatible with the European Convention on Human Rights.

⁸ See *McGovern v Attorney General* [1982] Ch 321, Slade J @ p 333 on the requirement of public benefit

⁹ Right to freedom of thought, conscience and religion

¹⁰ Right not to be discriminated against in the exercise of a substantive right on the grounds of religion (amongst other factors)

¹¹ & another European Directive on Race

¹² ie beliefs which are "more than just mere opinions or deeply held feelings", which involve "a holding of spiritual or philosophical convictions which have an identifiable formal content" and which have "a certain level of cogency seriousness cohesion and importance".

9. *Demonstrating Public Benefit*
All charities must be able to demonstrate benefit to the public resulting from their purposes and activities. Organisations promoting religious harmony are charitable not because they are promoting individual religious belief or advancing education in those beliefs, but because they are actively promoting harmony and the lessening of conflict between people from differing religions or belief systems (or between believers and non-believers). For an organisation concerned with the promotion of harmony between people with different religions or beliefs to be charitable, it must be able to show that disharmony between people from those particular groups is either apparent or that it has the potential to arise or is indeed present such that the promotion of harmony or the lessening or prevention of conflict between them would clearly benefit the public.
10. *Considering future applications for registration*
In order for the Commission to be satisfied that any particular organisation is established for the purpose of promoting religious harmony, it will need to be satisfied that the particular activities it carries out are capable of furthering the purpose. The Commissioners recommend that an organisation sets out the means by which it will pursue this purpose in its objects to assist this consideration.
11. *Charities recognised as furthering this purpose*
On 14th June 2002, the Commissioners registered The Friends of Three Faiths¹³ as a charity furthering the purpose of promoting religious harmony. The charity was also accepted on the basis of the advancement of education. This charity was established by leading members of the Christian, Islamic & Jewish faiths and promotes its purpose principally by establishing communication channels to enable people of one faith to understand the religious beliefs of others, by public advocacy, by education, & by establishing multi-religious discussion groups both locally and amongst people from particular professions such as doctors.

¹³ Registered number 1092465