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**Your Ref:**  
**Our Ref:** 5016946/322212

**Date:** 15 April 2011

Dear Ms Namazie

**Council of Ex-Muslims of Britain (CEMB)**

Further to my email of 05 April we have now completed our review of the application and supporting material provided.

As you may know, when we receive an application for registration as a charity we check that the objects (ie the purposes as set out at clause 3 of the Constitution) fall within the descriptions of purposes at s.2 of the Charities Act 2006 and that they are accurately reflected by the activities. The organisation must be set up to benefit the public and any private benefit arising from its activities may only be incidental to the achievement of the purposes. Our guidance 'Charities and Public Benefit', available from the Public Benefit pages of our website, provides further information about this.

In this case the objects as drafted are not exclusively charitable. That is because they may be capable of extending to non charitable purposes and purposes for which the public benefit cannot be established. In considering the aim or purpose of an organisation, both to clarify the meaning of the objects and to establish if the aim is for the public benefit, we may consider the factual background to how that organisation is established and how it is proposed to operate. Our published guidance explains this at section D4 of 'Charities and Public Benefit' referenced above.

The Council would appear to be concerned with public debate, discussion and campaigning. The information from the website at [www.ex-muslim.org.uk](http://www.ex-muslim.org.uk) includes a Manifesto which seeks particular demands. To a large extent the demands are of a political nature, that is seeking a change in the law either in this country or abroad. An organisation which has a political purpose (or aim) cannot be a charity.

The Manifesto includes, for example:

- freedom to criticise religion, prohibition of restrictions on unconditional freedom of criticism;
- prohibition of religious customs, rules, ceremonies or activities that are incompatible with or infringe people's right or freedoms;

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- abolition of all repressive cultural and religious customs which hinder and contradict women's independence, free will and equality, prohibition of segregation of sexes;
- prohibition of interference by any authority, family members or relatives or official authorities in the private lives of women and men in their personal, emotion and sexual relationships and sexuality;
- prohibition of any kind of financial material or moral support by the state or state institutions to religion and religious activities.

Aside from these examples the other demands listed in the Manifesto may raise similar issues.

The UN Declaration of Human Rights and the European Convention on Human Rights are codes of rights which may involve balancing some rights against other. This is essentially a matter for determination by the state.

It should be noted that the Freedom of Religion (in Article 9) extends 'to the right in private or public to manifest his religion or belief, in worship, teaching, practice and observance'. The demands of the Council would appear to involve some restrictions to such rights.

Similarly Article 8 provides for the right to respect for private and family life. Again the demands in the Manifesto would appear to call for interference with such rights, for example by prohibiting (potentially by legislation) the ability of a family to conduct its family life in private without interference.

Under English law the advancement of religion is a recognised charitable purpose and charities are afforded certain fiscal privileges by the state. The prohibition of any such financial privilege as called for in the demand made in the Manifesto would require a change in law.

Similarly a separation of religion from the state and legal and education system would appear to require both constitutional reform and change to the law.

On the basis of the limited information available it is unclear how the Council will restrict its activities to those which further only charitable aims for the public benefit. If the trustees would find it helpful to discuss the application and these issues we would be happy to have a telephone discussion. If you would like to pursue this option please get in touch with me to make arrangements.

Yours sincerely

Caroline Jones