

## Copy of speech prepared for Lord Ahmed Nazir of Rotherham

Adapted slightly and delivered on 7th June 2000

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### Race Relations (Religious Discrimination) Bill [H.L.] – Second Reading

1. My lords, the issue which I raise this evening is one which should have been resolved during the last century and which certainly has to be resolved in this one. It is the issue of religious discrimination. It is unacceptable that whereas the principle of religious *toleration* has been legally established in the British Isles for the last 150 years, religious *discrimination* is nevertheless still legally practised and tolerated today. This is why I place my Private Members Bill – which seeks to extend the ambit of the *Race Relations Act 1976* to include discrimination on grounds of religion – before my noble lords tonight. All that needs to be done to include “religion” as an additional ground for proving discrimination by way of differential treatment, is to insert the words “or religious” after and wherever the word “racial” appears in the wording of the Act, and to insert the words “or religion” after and wherever the word “race” appears in the Act. I appreciate that the wording of my Private Members Bill in its present form is not complete, but it can be perfected and in the meantime the principle and intent is simple and clear.
2. My lords, let me begin by pointing out that it is misleading to assert that the provisions in the *Race Relations Act 1976* regarding indirect discrimination in their present form can be invoked successfully in dealing with cases of religious discrimination. They can not. They can only be invoked in cases where there is also an element of racial discrimination, and even then it is necessary to prove that the discrimination was intentional before compensation can be awarded. If my proposal is accepted, this lacuna in the law will cease to exist and those who are discriminated against on grounds of their religion will then be able to seek the justice which at present, I regret to say, they are denied in the courts of this land.
3. I hasten to emphasise that my Private Members Bill is concerned with religious discrimination, not philosophical discrimination and not ideological discrimination. I am simply concerned with establishing some measure of protection for people who are discriminated against because they worship God, whatever name they know God by, because at present such discrimination is not against the law of this land. The *Human Rights Act 1998* which is due to come into force in October 2000, *inter alia* guarantees the rights to practise one’s religion, whether alone or in a group, and to educate one’s children in accordance with one’s religion. It is nonsense to assert – as some do – that the Act only goes so far as to acknowledge such rights and no further. A right which can be ignored and trampled over with impunity and without liability where loss is caused as a result has not been secured – and until it is secured, it is no right at all. It is a mockery of justice.

4. When I last addressed this House on this issue last autumn, some of my noble lords were quick to point out the possible difficulties in defining “religion”, “worship” and “God”. They raised philosophical issues as regards the status and rights of those who have a belief system but who do not believe in God. They also raised the spectre of obscure and possibly evil cults who might seek to shelter behind the law which I am proposing, for example, those who practice Satanism. My lords, these are issues which have in fact already been considered by learned judges in the courts of this land, especially but not exclusively in the context of the law governing Charities. In the case of *Regina -v- Registrar General, Ex parte Segerdal and Another*, for example, Lord Denning, may he rest in peace, concluded in 1970 that a “place of meeting for religious worship” connotes a place of which the principal use is as a place where people come together as a congregation or assembly to do reverence to God. He said, “It need not be the God which the Christians worship. It may be another God, or an unknown God, but it must be reverence to a deity ... Turning to the creed of the Church of Scientology, I must say that it seems to me to be more of a *philosophy* of the existence of man or life, rather than a *religion*. Religious worship means reverence or veneration of God or of a Supreme Being. I do not find any such reverence or veneration in the creed of this church ...”
5. These basic concepts and principles were then considered in greater detail in 1978 in the case of *In re South Place Ethical Society Barralet and Others -v- Attorney-General and Others*. In his judgement Dillon J stated *inter alia*: “In a free country ... it is natural that the court should desire not to discriminate between beliefs deeply and sincerely held, whether they are beliefs in a god or in the excellence of man or in ethical principles or in Platonism or some other scheme of philosophy. But I do not see that that warrants extending the meaning of the word “religion” so as to embrace all other beliefs and philosophies. Religion, as I see it, is concerned with man’s relations with God, and ethics are concerned with man’s relations with man. The two are not the same, and are not made the same by sincere inquiry into the question: what is God? If reason leads people not to accept Christianity or any known religion, but they do believe in the excellence of qualities such as truth, beauty and love, or believe in the platonic concept of the ideal, their beliefs may be to them the equivalent of a religion, but viewed objectively they are not religion ... It seems to me that two of the essential attributes of religion are faith and worship; faith in a god and worship of that god.”
6. My lords in applying criteria such as these, our learned judges have already broadly established the differences between a religion and a philosophy, and between religion and ethics. I have not quoted from their judgements at great length, but as I understand it they have already established that whereas Bhuddhism and Hinduism are recognised for the purposes of English law as constituting religions, Scientology and Freemasonry are not. The list is by no means exhaustive, but the point I wish to make is that our learned judges have already proved themselves well capable of ascertaining what constitutes “religion”, “worship” and “God” with accuracy, clarity and consistency – and I can see no reason why they should not remain able to do so in the future.

7. Accordingly it is my view that theoretical difficulties in dealing with obscure sects or philosophies should not be used by the government of the day as a blocking device to justify denying large numbers of the members of the mainstream religious groups in this country the protection under the law to which they are in fact entitled. The courts can deal with such imagined difficulties if and when they actually arise. British citizens should be free to worship God, whatever name they call God by, without being penalised or discriminated against because of this.
8. Nor should it be a pre-condition to legislation that it will not be promulgated until the intensity or quantity of incidents involving religious discrimination have reached a certain degree or level. If such criteria were to be applied across the board, it might then be argued that murder should not be regarded as a criminal offence because it occurs relatively infrequently as compared with the incidence of armed robbery. In both the Torah and in the Qur'an it is stated that if even one person is killed unjustly, then it is as if all mankind had been killed.
9. As far as Muslims are concerned, there is no doubt that they follow a major religion whose primary purpose is worship of the Supreme Being. There is no doubt that some Muslims have been and are being discriminated against because of their religion. And there is no doubt that at present there is no law in the UK – with the exception of Northern Ireland – which protects against religious discrimination. The same applies to the followers of the other major religions.
10. If a person is protected from being discriminated against because of the colour of his or her skin, why should that person not also be protected from being discriminated against because of the colour of his or her religious belief and practice? Those who implausibly argue that the law should only be skin deep should ask themselves what kind of justice there would be if our judges only considered the *actus reus* and not the *mens rea*.
11. Furthermore, my lords, as far as Muslims are concerned the practices which tend to trigger the discrimination to which they are subjected in, for example, the employment sector are already well known and well documented. Apart from blind prejudice which requires no prior reason or justification for it to be expressed, Muslim women are sometimes discriminated against if they dress modestly and cover their hair. Muslim men are sometimes discriminated against if they wear a beard. Both Muslim men and women are sometimes discriminated against if they do the prayer during their lunch or tea-breaks, or if they fast during the holy month of Ramadan. These are not phenomena which are disputed. They are referred to almost daily in the media. They have been and are being researched in the groves of academe. The Runnymede Trust has done significant work in this area. The Research Project being conducted at Derby University is a step in the right direction. While the experts debate, however, and while the academics ponder, ordinary people suffer, unnecessarily.

12. May I add, my lords, that I find distasteful and obnoxious the argument that asserts that British Muslims who are discriminated against because of their religion should count themselves lucky if they only face ridicule and unfair dismissal in this country, when further east in the Balkans and the Caucasus the penalty is often rape, torture, imprisonment and even death. Whatever form such acts of discrimination on the grounds of religion take, whether extreme or not, there is no lawful justification to legally permit such acts to take place.
13. I also hasten to add that the proposed amendment in *the Race Relations Act 1976* which I am seeking to introduce by means of the *Race Relations (Religious Discrimination) Bill 2000* will afford protection not only to Muslims but also to the members of all the other major religions. In that sense it is a generous proposal, not a narrow one.
14. It is also a proposal which seeks to assist the government of the day to fulfill its obligations and duties under international law. The United Kingdom is a signatory to the *European Convention on Human Rights* and has passed the *Human Rights Act 1998* in order to incorporate the Convention rights into its domestic law. Once the *Human Rights Act 1998* is in force, the government of the day will be under a duty – by virtue of *Article 1* of the *Convention* – to secure (by passing secondary legislation where necessary) the rights guaranteed by the *Convention* by providing an “effective remedy” in the English courts “without discrimination on any ground”. If it fails to do so, the government will then itself be in breach of *Articles 1, 13 and 14* of the *Convention* and unless any such breach is remedied, will eventually and inevitably find itself before the Court of Human Rights in Strasbourg. As regards race discrimination, the government has fulfilled its duty and indeed is at present in the process of extending the ambit of the *Race Relations Act 1976* further. As regards religious discrimination, however, the government has up to now not yet fulfilled its duty. My proposal will help the government do so.
15. For example, the *Human Rights Act 1998* will not protect a white Muslim who is refused employment or denied promotion or dismissed from employment because he or she does the midday prayer during the lunchbreak or wears a beard or hijab. What kind of justice is this? Is such a state of affairs really acceptable?
16. Is it right that the media are prevented from ridiculing and attacking people because of the pigmentation of their skin, but are free to promote inaccurate stereotypes of those who follow a particular religion and even present them as “the enemy” with impunity? My lords, freedom of speech should not be demeaned by using it as a pretext for freedom of abuse, especially when such abuse can so easily incite others to indulge in more physical and frightening forms of attack.
17. Perhaps we can learn a lesson from those more enlightened European countries who have not only already incorporated the ECHR rights into their domestic law years ago, but who have also secured those rights by passing secondary legislation.

In Austria, for example, it is not legally permitted to discriminate against someone because of their religion. Politicians there can be removed from office for doing so. The same is true in Germany where there is already in place a mechanism whereby each of the major religions have recognised representatives who can present the concerns of their respective communities to the government.

18. The example and experience of countries such as these demonstrate that such laws are not difficult to formulate precisely or to implement equitably. That is why my Private Members Bill is not and does not need to be a lengthy one!

19. In conclusion my lords, I would like to quote the words of the noble lord, Lord Lester, who in this House last autumn stated:

“The fundamental question raised, with great power, cogency and eloquence by the noble Lord, Lord Ahmed, and the noble Baroness, Lady Uddin, is the problem of Islamophobia. It is the problem of how to give British Muslims the right to effective remedies for arbitrary discrimination and unequal treatment of the kind that people like myself have if we are discriminated against as Jews on racial grounds. I personally find it strange that I should have a remedy if I am discriminated against on racial grounds but, for example, the noble Lord, Lord Haskel, should not have a remedy if he is discriminated against on religious grounds. When, as an officer in the Army, I experienced discrimination, I could never tell whether the anti-Semitism was on racial or religious grounds. Other noble Lords have referred to the complications, as did the right reverend Prelate the Bishop of Oxford in his important speech.

There surely has to be an effective legal remedy for the wrong of religious discrimination as well as the wrong of racial discrimination. I suggest that those who raise technical objections to the framing of legislation should concentrate on the need for a legal remedy for British Muslims that is as effective as that which exists for other minorities in this country. That is the pressing social need that must be addressed.”

20. My noble lords, I endorse these penetrating words of the noble lord, Lord Lester. I venture to say that the Private Member’s Bill which I have proposed will go some way towards addressing this pressing social need by providing an effective legal remedy for discrimination whether it be racial or religious or a combination of both. I am sure the courts will apply it judiciously. I commend the *Race Relations (Religious Discrimination) Bill 2000* to this House and I seek my noble Lords’ support in carrying it through to the next stage. Thank you.