

UNIVERSAL PERIODIC REVIEW

Session 41

United Kingdom

Freedom of religion or belief

Submitted by:



European Baptist Federation

The *European Baptist Federation* (EBF) was founded in 1949 to unite European Baptists as Europe emerged from WWII. Today the EBF is comprised of approximately 825,000 members in 61 member bodies representing nearly every country in Europe and Euro-Asia as well as five Baptist Unions in the Middle East. The EBF is one of the five regions that make up the Baptist World Alliance (BWA) and serves as its European representative. The EBF is diverse in language, culture, and tradition but remains united in Baptist identity, evangelistic zeal, and a concern for human rights and religious freedom.

Baptist Union of Great Britain



The *Baptist Union of Great Britain* (BUGB, or Baptists Together) is a Charitable Incorporated Organisation (CIO), consisting of 1,900 Baptist churches, 13 regional associations, 5 colleges, other Baptist organisations and a small number of personal members who affirm the Baptist Union Declaration of Principle and are in membership with the Union. BUGB is an historic, grassroots movement sharing a common DNA and purpose; covenanted together to discern how we see God at work across our movement. As part of the world-wide Christian church, Baptists form one of the largest families of faith, alongside other trinitarian Christian traditions.

Baptist Union of Wales



The Baptist Union of Wales is an Union of 11 Associations consisting of 315 churches. The Union includes Welsh language and English language wings who affirm the Declaration of Principle. Our vision is to facilitate, support and encourage our Churches and Associations to be effective and contemporary witnesses to our Lord and Saviour Jesus Christ. The BUW would wish to acknowledge the contribution made by the Reverend Gethin Rhys, Policy Officer, Cytûn (Churches Together in Wales) for his input.

Summary

The Baptist Union of Great Britain (BUGB) and the European Baptist Federation (EBF) along with the Baptist Union of Wales and with the input of Irish Baptist Networks¹ are glad to jointly submit this report regarding the human rights situation in the United Kingdom. The Report pays particular attention to the situation of freedom of religion or belief (FORB) in England, Wales, Scotland, and Northern Ireland.

Baptists have a long tradition of defending freedom of religion or belief, beginning more than 400 years ago with Thomas Helyws' 1612 call for freedom of religion for all. Along with our commitment to freedom of religion or belief, Baptists maintain a commitment to human rights in their civil, political, economic, cultural, and environmental forms.² Human rights are necessarily interconnected and, while this report adopts a particular focus on issues and questions of freedom of religion or belief in the United Kingdom, we affirm that this right cannot be separated or isolated from the full range of human rights. Therefore, some issues of freedom of expression, freedom of movement and the right to asylum are necessarily addressed in the report, demonstrating a constructive approach regarding freedom of religion or belief and human rights in the United Kingdom. In identifying problems and potential problems, we aim to play a role in identifying and, where possible, contributing to solutions. Our objective is therefore to work cooperatively and constructively with our national and devolved governments and also our communities to advance the cause of freedom of religion or belief for all people.

It is in this context that the Universal Periodic Review (UPR) presents an opportunity to share information and ideas with the international community regarding the situation of freedom of religion or belief in the United Kingdom through a significant process on the international stage which upholds mutual accountability in relation to human rights. This report contributes to the Review by dividing thematic issues into individual sections. Section 1 addresses the United Kingdom Ministry of Justice-led human rights reforms contained in the "Modern Bill of Rights"; Section 2 addresses potential freedom of religion issues in the proposed "Protect Duty" legislation; Section 3 addresses issues of Antisemitism and Islamophobia in the UK context; Section 4 discusses potential FORB concerns arising from the proposed restrictions on Conversion Therapy; Section 5 deals with broader human rights concerns connected with the Nationalities and Borders Bill currently progressing through Parliament; and, finally, Section 6 sets out wording for a set of potential UPR Recommendations for the United Kingdom in the upcoming 41st Cycle of the Universal Periodic Review.

¹ Irish Baptist Networks (IBN) is a registered charity and advocacy group which does not aspire to fulfil the functions of a national Baptist Union. In this sense IBN differs in structure and function from the reporting Baptist Union of Great Britain and the Baptist Union of Wales. IBN is an Associate Member of the European Baptist Federation and an Affiliate Member of the Baptist World Alliance which "aims to encourage the Baptist community in Ireland to engage to mutual Benefit with the wider Baptist Family across Europe and globally." We extend special appreciation to Dr. Paul Fleming and Rev. Stephen Adams for their rich contributions to this report.

² Resolution on Human Rights, Baptist World Alliance, BWA General Council Resolution 1997.1, <https://baptistworld.org/human-rights-2/>

Joint Submission to the Universal Periodic Review, Section 41, United Kingdom, by the European Baptist Federation, the Baptist Union of Great Britain and the Baptist Union of Wales.

1. *Human Rights, Freedom of Religion or Belief and the United Kingdom and the “Modern Bill of Rights”*

The 2022 Universal Periodic Review of the United Kingdom of Great Britain and Northern Ireland takes place concurrently with a proposed reform of the country’s 1998 Human Rights Act. Both the spirit and the letter of this reform raise significant concerns regarding the future of human rights in the United Kingdom. The proposed reforms should be seen in the light of wider debate in the UK relating to the respective roles of the government (the executive), the UK Parliament and the judiciary. The UK’s unwritten constitution proceeds on the basis of the principle of the sovereignty of Parliament: the only existing constraints on such sovereignty are the UK’s international obligations, such as those existing under the European Convention on Human Rights.

These proposed complex judicial reforms explicitly seek to weaken the ability of the UK judiciary to restrict or review actions of the government. A stated goal is to prevent costly human rights litigation from being brought against the government.³ A second stated goal is to “restrain the ability of UK courts to use human rights law to impose positive obligations onto our public authorities without proper democratic oversight.”⁴ We do not consider democratic oversight and human rights laws to be opposed to one another. Pitting democracy against human rights undermines the principles and values of both. Judicial oversight over the actions of the government is intended to protect human rights. The proposed reform also involves downgrading what are sometimes termed “second generation” human rights. From the perspective of the current UK government, economic, social, cultural, environmental, and development rights should not have the same status or precedence as civil and political rights. A further concern is the move to “protect our armed forces from human rights claims for actions taking place overseas.”⁵ The question of the boundary between international human rights laws (which applies in peace time) and international humanitarian law (which applies in conflict situations) remains a controversial issue both domestically and internationally. The United Kingdom is a party to the Geneva Conventions which means that it must denounce and forbid any and all acts of torture, both on the part of civilians and military personnel and both within the UK and abroad. However, recent case law both in the UK and in Strasbourg has sought to apply the principles of the ECHR in conflict situations in addition to the normal humanitarian principles. The proposed government reform seeks to reverse and/or modify some of this case law. Our concern is that a legal framework of accountability for the respect of human rights in military contexts be retained and respected.

In summary, these proposals raise complex legal and constitutional issues which require full debate and consultation: we remain concerned that the proposed reforms could have consequences that undermine human rights in the United Kingdom and that some proposed reforms have the potential to undermine the UK’s international human rights treaty commitments.

³ ¶ 142. Ministry of Justice (2022) *Human Rights Act Reform: A Modern Bill of Rights - Consultation*.

⁴ ¶ 229. Ministry of Justice (2022) *Human Rights Act Reform: A Modern Bill of Rights - Consultation*.

⁵ ¶ 10. Ministry of Justice (2022) *Human Rights Act Reform: A Modern Bill of Rights - Consultation*.

2. *Protect Duty Consultation*

The UK Home Office has recently completed a public consultation on the proposed new “Protect Duty” legislation (referred to here as ‘the Duty’) which seeks a common standard of emergency preparedness for attacks in public spaces across the United Kingdom to protect against potential terrorist attacks. While Baptists affirm clear standards and procedures to ensure public safety, we share concerns with many Consultation respondents regarding possible negative effects that the Duty could have on faith communities, small organisations, nonprofits, and organisations staffed by volunteers. Overly burdensome Duty requirements could threaten the existence of such small organisations and their ability to gather. Such a situation would also constitute a challenge to the religious freedoms of worshipers in smaller and modestly resourced faith communities.

The Churches’ Legislation Advisory Service (CLAS) has produced a helpful set of suggestions to mitigate any unintentional consequences of the Duty and prevent it from infringing on the fundamental human right for persons to gather in public to manifest their religion or belief in worship, observance, practice, and teaching. CLAS encourages a standard for worship communities which includes participation of some long-term staff and volunteers in the “Action Counters Terrorism” e-Learning course, awareness training for greeters, and risk assessments for gatherings of 200 or more people and also recommends Protect Duty standards comparable to commercial events for all events with 500 or more attendees. CLAS discourages the implementation of fines to enforce Protect Duty as it may discourage smaller faith communities from gathering at all. Protect Duty standards which would close worship spaces for public daytime use is also discouraged for the damaging effect it could have on freedom of worship for citizens as well as the counter-productive effect it could have on public security.⁶

Finally, we urge utmost caution regarding any moves to collect the personal data of members of, or visitors to, faith communities. Information regarding individual religious observance is considered sensitive personal data. Collection of such data should, in the interests of freedom of religion or belief, be avoided whenever possible. When it is strictly necessary to collect such data, it should remain private and secure in order to protect the fundamental rights and privacy of persons practising their religion.

3. *Islamophobia and Antisemitism*

Antisemitism and Islamophobia are growing issues across the United Kingdom. The European Commission study on perceptions of discrimination noted that 61 percent of respondents believed discrimination on the basis of religion or belief was widespread in the United Kingdom with, most recently, 8,566 recorded offences of religiously motivated hate crimes in England and Wales, a 3 percent increase from the previous year.⁷ The United Kingdom has more than 3.4 million Muslim residents, making up almost 5 percent of its overall population. However, in 2019, YouGov found that 38 percent of British people believed that Islam was not compatible with

⁶ Many Church insurance companies, such as Methodist Insurance and Anglican Insurance Group require or financially incentivize churches to remain regularly open to the public and this requirement is in part due to the positive influence of regular visitors on the overall security of the space, insofar as visitors are able to recognize and report any suspicious activities on the premises.

⁷ <https://op.europa.eu/en/publication-detail/-/publication/c78679d9-def2-4c40-81b5-bc27f193be50>

Western values.⁸ Islamophobia has only been recognised in policy discourse in a meaningful way for the last 20 years and, despite the efforts of the All-Party Parliamentary Group (APPG) on British Muslims in 2018, there is still not a universally accepted definition of Islamophobia. One of the greatest challenges is the British public's greater confidence to make judgments about Islam, more so than for other non-Christian religions, whilst also being much more likely to make incorrect assumptions about Islam. The British public is almost three times more likely to hold prejudiced views of Islam than they are of other religions.⁹ In 2019, local media reported that the Belfast City Council (the Belfast metropolitan area accounts for approx. 33% of the Northern Ireland population) had estimated that there had been 320 Islamophobic incidents in the previous five years.¹⁰

The United Kingdom has more than 270,000 Jewish residents. The UK Charity Community Security Trust (CST) reported there were 2,255 incidents of anti-Jewish abuse in 2021, up by 34% from 1,684 in 2020; more incidents of anti-Semitism in the United Kingdom than at any point since it began recording such incidents 37 years ago. The number of hate incidents involving schools rose to 182, the most reported in any year and up from 54 in 2020, with 99 involving pupils or staff at non-faith schools, up from 14 in 2020. There seemed to be a correlation between antisemitic incidents and tensions between Israel and Palestine. In 2011, Northern Ireland had a Jewish population of only 335 for the entire province, and therefore antisemitic incidents are, in raw numbers, relatively low. In addition to emails to the Rabbi containing hate speech¹¹, an incident of graffiti daubed on the only synagogue in the province and two instances of desecration of Jewish graves were reported in 2016 and 2021.¹²

4. Conversion Therapy

The Government is currently consulting on a proposed ban of conversion therapy with a view to introducing legislation in the near future. We share a concern to ensure the dignity and rights of all to be free from discrimination and abuse on the basis of sexual identity. At the same time, the wording of the legislation should support individuals, churches, church leaders and ministers as they provide teaching and pastoral support to a wide range of individuals, thereby protecting the freedom to practise their Christian faith. This includes the ability to pray with and for each other and to preach the Gospel of Jesus Christ.

In the consultation there are some areas of ambiguity and therefore it is important for the Government to provide clarity which will both safeguard vulnerable individuals and protect freedom of religion and belief for all. This will inform our support for all measures which protect children, young people and adults at risk from harm including risks of abuse in instances of so-called "talking conversion therapy", We are also in absolute agreement with the banning of

⁸Yougov, Dr. Joel Rogers de Waal (2019) Western/MENA attitudes to religion portray a lack of faith in common values. <https://yougov.co.uk/topics/international/articles-reports/2019/02/03/westernmena-attitudes-religion-portray-lack-faith->

⁹The All-Party Parliamentary Group on British Muslims (2019) *Islamophobia defined: The inquiry into a working definition of Islamophobia*. Available from : <https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>

¹⁰ BBC Robbie Meredith. Hate crimes top 320 in Belfast [Internet]. 2019. Available from: <https://www.bbc.co.uk/news/uk-northern-ireland-47697618>

¹¹ BBC. Rabbi says anti-Semitism is "on the rise" in Northern Ireland. 2016; Available from: <https://www.bbc.co.uk/news/uk-northern-ireland-37533746>

¹² Radford K. Written evidence submitted by the Belfast Jewish Community (MEM0003) [Internet]. Belfast; 2021. Available from: <https://efaidnbmnnnibpcjpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fcommittees.parliament.uk%2Fwrittenevidence%2F35313%2Fpdf%2F&chunk=true>

physical acts of conversion therapy. However, there currently remains a significant lack of clarity on a range of issues which could impinge on private prayer in a pastoral context, preaching and other acts of public worship.

5. *Nationalities and Borders Bill*

The UK Government's "Nationality and Borders Bill" was presented to the House of Commons as legislation that will create a new determination of who may enter the UK. It is intended to increase the fairness of the UK immigration system, deterring "illegal entry into the UK", address smuggling gangs, and "[protect] the lives of those they endanger,"¹³. The legislation has come under widespread criticism since its publication and we share in many of the strong concerns that have been raised. We echo the words of the UNHCR, which has said, "The Bill undermines the 1951 Refugee Convention, the agreement which has protected refugees for decades and of which the UK is a signatory. At the same time, if implemented, the policies would risk the lives and well-being of vulnerable people. UNHCR believes this Bill would undermine, not promote, the Government's stated goal of improving protection for those at risk of persecution."¹⁴

Clause 11 of the Nationality and Borders Bill sets out differential treatment for several categories of refugees. This separation of refugees into 'Group 1' or 'Group 2' undermines the longstanding and widely understood expectation that a person's asylum application is decided on the individual merits of their case and whether they would face serious threats to their life or freedom if they were not to be granted refugee status. The artificial manufacture of a two-tier system creates two different classes of refugees. This would not be based on needs or merits but would depend on the ability of a person to arrive in the UK via a 'regular' route of travel. This is a clear breach of the principles of the Refugee Convention, and we have seen no credible evidence that it will stop irregular migration across the English Channel; it is therefore, policy made without a basis in evidence or in morality. Those who are fleeing persecution for reasons of faith or belief will certainly not be immune from this inhumane approach to asylum assessment. Indeed one Government MP has acknowledged a recent, but now expired, "safe route" saw those fleeing their country for religious reasons disproportionately under-represented in refugee referrals to the UK—indeed, a substantial under-representation.¹⁵ Criminalising and punishing vulnerable asylum seekers, many of whom have little choice but to arrive in the UK through 'irregular routes', and for whom there is strong evidence the majority of would have their applications granted,¹⁶ cannot be considered fair, moral, or in line with our international obligations.

In the Bill, the Government has not outlined any details of how it intends to expand or implement any new safe routes to the UK for asylum seekers despite relying heavily on safe routes to justify the Bill. Many of our church communities have witnessed first-hand the positive impact safe routes have on those in need of sanctuary and on communities who are privileged to be able to offer it, yet the Nationality & Borders Bill will drastically limit these life-giving acts of solidarity and compassion. In recent years, the Government has closed safe routes for unaccompanied child

¹³ UK Home Office (2021) Rt. Hon Priti Patel MP *Home Secretary opening speech for Nationality and Borders Bill*. Available from : <https://www.gov.uk/government/speeches/home-secretary-opening-speech-for-nationality-borders-bill>

¹⁴ UNHCR (2022) *The Nationality and Borders Bill*. Available from: <https://www.unhcr.org/uk/uk-immigration-and-asylum-plans-some-questions-answered-by-unhcr.html>

¹⁵ The All-Party Parliamentary Group for international religious freedom (2021) Fiona Bruce MP in the Afghanistan debate. Available from : <https://appgfreedomofreligionorbelief.org/fiona-bruce-mp-in-the-afghanistan-debate/>

¹⁶ British Refugee Council (2021) Briefing: An analysis of Channel crossings & asylum outcomes November 2021. Available from : <https://media.refugeecouncil.org.uk/wp-content/uploads/2021/12/24155629/Channel-crossings-and-asylum-outcomes-November-2021.pdf>

refugees from Europe and it has cut opportunities for family reunion following the UK's departure from the European Union. Closing such safe routes, that primarily benefit women and children, will only cause more vulnerable refugees to seek dangerous alternative routes.

The Government has also introduced Clause 9 to the Bill that would allow the Secretary of State to revoke citizenship without notice from anyone who is eligible for citizenship of another state. This clause has also drawn widespread criticism. We share concerns that such a clause will exacerbate a compelling sense, from some, particularly the United Kingdom Minority Ethnic and Global Majority Heritage population, that they are being treated as second class citizens. The tragic experiences of the "Windrush Scandal" victims warn us that where citizenship for some can be precarious and left to political interpretation there is a real risk of human rights violations.

On the 28th of February 2022, over 1000 faith leaders, including over 150 Baptist leaders, wrote to the Prime Minister outlining the concerns above and, in consequence, asking for:

- the "two-tier" (Clause 11) system to be abandoned:
- an expansion of family reunion rules to ensure safe passage of children and vulnerable adult refugees trying to reach family members in the UK:
- new safe routes for unaccompanied asylum-seeking children in Europe:
- the creation and implementation of new resettlement schemes – always based on the setting of compassionate and ambitious targets; and
- a meeting with faith leaders to explore what both we, and the Government, can do to help address some of the concerns we have raised.

6. UPR Cycle 41 Suggested Recommendations

6.1 Ensure all human rights legislation is fully in keeping with the United Kingdom's international human rights treaty commitments, including the Convention against Torture (CAT, CAT-OP)), the International Covenant on Civil and Political Rights (CCPR, CCPR-OP2-DP), the International Covenant on Economic, Social and Cultural Rights (CESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child (CRC, CRC-OP-AC, CRC-OP-SC), and the Convention on the Rights of Persons with Disabilities (CRPD).

6.2 Ensure that requirements and regulations to protect public security and safety are proportional to both threat and capacity of civil, religious and community organisations and that no public safety regulations prove so onerous as to effectively deny the rights of freedom of association or of freedom of religion or belief for small and modestly resourced associations.

6.3 Ensure that any restrictions on "conversion therapy" provide both protection for persons of all sexual identities from abuse, discrimination, and coercion while simultaneously providing clear-guidelines with respect to freedom of religion or belief for all

6.4 Ensure that all legislation regarding refugees, asylum-seekers, and immigration is in keeping with the UN 1951 Refugee Convention of which the UK is a signatory.

6.5 Develop a formal and actionable definition of Islamophobia and address issues of religious discrimination and bias, particularly Islamophobia and Antisemitism, through education and awareness-raising.