

# Parliamentarians on FoRB: A Case Study

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## Introduction

Article 18 of the Universal Declaration of Human Rights (UDHR) asserts the right to freedom of thought, conscience and religion (FoRB) and is enshrined in international treaties to which the UK is a party.<sup>1</sup> This paper sets out to examine the way in which Article 18 is discussed in the UK parliament, considering exclusively reference to these rights under Article 18 involving countries other than the UK, together with issues of foreign policy.

The paper considers the period 27 May 2015 to 28 February 2017, the former date marking the formal start of the new parliament elected that year. During this period, the Conservative Party, with 331 seats out of 650, held the majority of seats in the House of Commons. The Labour Party held the second-largest number of seats, 232, therefore constituting the Official Opposition to the Government. The biggest parties in the House of Commons after Labour and Conservatives were the Scottish National Party (56 seats), the Liberal Democrats (8 seats) and the Democratic Unionists (8 Seats).<sup>2</sup>

On 27 Feb 2017, there were 839 members in the (unelected) House of Lords, of whom 805 were eligible to scrutinise bills, investigate government activity through committee work, and question government through oral questions and debates. 689 were life peers, appointed for their lifetime by the Queen on the advice of the Prime Minister. 90 of the hereditary peers remained after the House of Lords Act 1999 ended the right of most hereditary peers to sit and vote in the House. There were also 26 bishops. Of the eligible members, 598 were men and 207 women; and 252 were Conservative, 178 crossbench, 202 Labour, 102 Liberal Democrat, 31 non-affiliated and 14 ‘other’.<sup>3</sup>

Both the Conservative Party and the Labour Party briefly refer to FoRB in some capacity in their 2015 Manifestos. The Conservative 2015 Manifesto undertook: ‘We will stand up for the freedom of people of all religions – and non-religious people – to practise their beliefs in peace and safety, for example by supporting persecuted Christians in the Middle East.’<sup>4</sup> The Labour 2015 Manifesto promised: ‘We will appoint a Global Envoy for Religious Freedom, and establish a multi-faith advisory council on religious freedom within the Foreign and Commonwealth Office.’<sup>5</sup>

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<sup>1</sup> The UK is a signatory to two closely related UN documents: (1) the Universal Declaration of Human Rights (UDHR, <http://www.un.org/en/universal-declaration-human-rights/>), (2) International Covenant on Civil and Political Rights (ICCPR, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>); Article 18 of both documents enshrines the right to freedom of religion or belief in article 18. As a member of the Council of Europe, the UK is also party to the European Convention on Human Rights (ECHR, [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)), whose Article 9 asserts the right to ‘Freedom of thought, conscience and religion’, which is embedded in UK law in the Human Rights Act 1998 (<https://www.legislation.gov.uk/ukpga/1998/42/contents>).

<sup>2</sup> UK Political Info, ‘2015 General election results summary’, available at <http://www.ukpolitical.info/2015.htm>

<sup>3</sup> UK Parliament, ‘Lords by party, type of peerage and gender’: current figures are available at <http://www.parliament.uk/mps-lords-and-offices/lords/composition-of-the-lords/>; figures for 27 Feb 2017 are found at <https://web.archive.org/web/20170227010153/https://www.parliament.uk/mps-lords-and-offices/lords/composition-of-the-lords/>.

<sup>4</sup> The Conservative Party, *The Conservative Party Manifesto 2015* (April 2015), 76; available at <https://www.conservatives.com/manifesto2015>.

<sup>5</sup> The Labour Party, *The Labour Party Manifesto 2015* (April 2015), 76; available at <https://web.archive.org/web/20170819110807/http://www.labour.org.uk/page/-/BritainCanBeBetter-TheLabourPartyManifesto2015.pdf>.

## 1. How Parliamentarians talk about FoRB

Although the wording of the right in Article 18 is relatively broad, encompassing thought, conscience and religion, we see a number of ways that the right is framed in both spoken and written contexts in political, academic and civic discussions. These references may simply be to ‘Article 18’, ‘FoRB’, or ‘Freedom of Religion and/or Belief’. However, there are also references to just ‘Freedom of Religion’, or the use of the phrase ‘Religious Freedom’.

Heiner Bielefeldt, former United Nations Special Rapporteur on Freedom of Religion or Belief, explains that ‘Freedom of Religion or Belief’ (FoRB) is more appropriate than ‘Religious Freedom’ or ‘Freedom of Religion’.<sup>6</sup> This is because FoRB recognises the thought and conscience rights of non-religious, humanist, and secular belief systems. FoRB rights are thus not ‘religious rights’ or ‘rights of the religious’ but include a range of moral, ethical, and philosophical commitments.<sup>7</sup> This is confirmed by General Comment No. 22 (1993) on Article 18 of the International Covenant on Civil and Political Rights, which explains that the terms ‘belief’ and ‘religion’ are to be broadly construed, and that encompass the protection of theistic, non-theistic and atheistic beliefs, in addition to the right not to profess a religion or belief.<sup>8</sup> The Human Rights Committee further states that ‘Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions’.<sup>9</sup> On the other hand, ‘religious freedom’ or ‘religious liberty’ does not fully capture the scope of the human right at issue.<sup>10</sup> Rather, such terms should be considered degenerate forms of FoRB. Bielefeldt states in a later speech that ‘Formulations such as ‘religious freedom’ obfuscate the scope of this human right which covers the identity-shaping, profound convictions and conviction-based practices of human beings broadly.’<sup>11</sup>

The use of language is particularly important because it can have policy implications. In fact, Bielefeldt suggests that is useful to recall the full title of the right, ‘freedom of thought, conscience, religion or belief’, since often, legislation and jurisdiction in many States often restrict the application of this right to predefined or ‘recognised’ types of religions while excluding non-traditional beliefs and practices, which is a violation of the spirit and letter of universal human rights.<sup>12</sup>

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<sup>6</sup> Bielefeldt 2016 (see Bibliography), 6.

<sup>7</sup> CIfORB Blog, ‘The Many Meanings of FoRB: A Glossary’ (28 Feb 2017), available at <https://www.birmingham.ac.uk/schools/ptr/departments/theologyandreligion/research/ciforb/news/2017/many-meanings-forb.aspx>.

<sup>8</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, available at: <http://www.refworld.org/docid/453883fb22.html> (accessed October 2018).

<sup>9</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, available at: <http://www.refworld.org/docid/453883fb22.html> [accessed 2 October 2018],

<sup>10</sup> Bielefeldt 2016, 6.

<sup>11</sup> Heiner Bielefeldt, cited in Andrew Copson, ‘Words of Caution on freedom of religion or belief, 19 October 2016, available at [https://www.huffingtonpost.co.uk/andrew-copson/freedom-of-religion\\_b\\_12542608.html](https://www.huffingtonpost.co.uk/andrew-copson/freedom-of-religion_b_12542608.html)

<sup>12</sup> Bielefeldt 2016, 6.

To identify the language parliamentarians use when talking about FoRB, a keyword search was undertaken on Hansard. The keywords searched reflect the terminology that wider discussions on FoRB finds significant. These search terms are ‘FoRB’, ‘Freedom of Religion’, ‘Article 18’ or reference to ‘Religion or Belief’. Other keywords such as ‘religious minorities’ and ‘religious violence’ have also been included because they can contextualise the discussion of FoRB and give a sense of the role played by FoRB in parliamentary discourse, which conditions how the relevant minister and department will respond. This search brought up the number of times these keywords were mentioned throughout the elective period. A comparative search was also conducted between the House of Commons and the House of Lords, to ascertain whether the extent of any difference in the language used by the two Houses.

## Findings

It can be seen from the table below that in respect of the general area of FoRB, the number of references to ‘Religion or Belief’, ‘Freedom of Religion’ and ‘Religious Freedom’ is broadly similar. There are, however, fewer references to ‘religion or belief’, which might suggest that parliamentarians consider religion to be something that requires protection more readily than other beliefs and non-beliefs, unless they consider them subsumed, by a kind of shorthand. If so, it may be that apparently exclusive reference to religion constrains the direction followed by discourse and policy.

Keyword	Total	House of Commons	House of Lords
<b>Religion or Belief</b>	104	55	49
<b>Freedom of Religion</b>	169	92	77
<b>Religious Freedom</b>	127	71	56
<b>Religious Minorities</b>	148	106	42
<b>Religious Persecution</b>	54	42	12
<b>FoRB</b>	3	0	3

**Table: number of mentions of keywords  
in Hansard, 27 May 2015 to 28 February 2017**

At first glance, the House of Commons and the House of Lords display a similar frequency of references, for instance to ‘Religious Freedom’ and ‘Freedom of Religion’. However, there is a difference that does suggest that the approaches the Houses take with FoRB are distinct. The House of Lords makes more reference to ‘FoRB’ and ‘Article 18’, language that does not explicitly explain the topic area, and indicates greater familiarity with the terminology used in the UDHR understanding of FoRB. On the other hand, the House of Commons refers more often to the context of ‘religious minorities’ and ‘religious persecution’ that suggests topical events have prompted discussions around violations of FoRB. To confirm this, a search of Hansard from the beginning of its records (2010) shows another reference to ‘FoRB’ in the House of Lords on 10 March 2015, but again none in the House of Commons. There are also 52 references to ‘Article 18’ in the House of Lords compared to only 15 references in the House of Commons.

Confirmation of this tendency is provided by the debate titles in each House. Of the three debates held in the House of Lords that mention the keywords, two have ‘Freedom of Religion’ in the title and one has ‘Article 18’ in the title. On the other hand, the three debates

that our search has pulled up for the House of Commons have ‘religious minorities’ in their title.

Thus it seems that Peers are more likely to have a specific interest in the area of FoRB than MPs, who tend more to respond to events as they occur. While the House of Lords may also make reference to a specific situation, their use of technical terminology could suggest they see a utility in couching their arguments in legal obligations through their reference to ‘Article 18’ or vocabulary that invokes this UDHR right. While the nature of debates and of ministerial responses do not immediately make clear the impact of the raising of these issues in this manner, their reference to legal obligations may be due to the possibility that policy change can be driven by the authority of Article 18. It may also be that in the Lower House, MPs find government more likely to act in response to day to day events.

## 2. Specific topics discussed

Another way of examining how FoRB is spoken about in Parliament is to consider what topics or events are cited in the area of FoRB, and to determine the extent to which parliamentary discussions reflect the wide-ranging violations of FoRB and its nuances. Bielefeldt states that while some types of violations attract widespread public attention, others are hardly known even among human rights experts. The most frequently discussed forms taken by state-induced violations of FoRB are criminal sanctions against dissidents, critics, converts, non-believers or persons belonging to religious minorities, but a whole range of other violations of FoRB is often overlooked. Other violations that may not be highlighted include harassment and burdensome administrative stipulations by an uncooperative bureaucracy imposed on those belonging to certain religious communities, discriminatory structures in family laws, and concealed forms of discrimination. One example is constituted by prima facie ‘neutral’ rules which, for instance, prescribe certain dress codes in public institutions; these tend to affect those who feel obliged by their religion to wear specific religious garments, particularly women.<sup>13</sup>

In order to reveal the types of topic that parliamentarians choose to raise within this area, a search was conducted of the debates and oral questions during the time period. For this purpose, the same keywords were searched on Hansard and debates or oral questions which included these keywords were catalogued. Written questions were not included because they are not available on Hansard. While *Theyworkforyou.com* does list written questions, the search results are not satisfactory for this purpose: some written questions are not listed even if they contain a keyword, or else they are bundled together with other similar questions in a way that defeats this analysis. Accordingly, we have restricted our search to debates and oral questions.

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<sup>13</sup> Bielefeldt 2016, 8.

## Topics of debate/oral questions containing a keyword

1. The case of Aasia Bibi/Christians in Pakistan<sup>14</sup>
2. Baha'is and Christians in Iran<sup>15</sup>
3. Christians in Iran<sup>16</sup>
4. Islam al-Beheiry: Egyptian TV presenter convicted in Egypt over debating the interpretation of Islamic texts<sup>17</sup>
5. Article 18 in India<sup>18</sup>
6. FoRB in Kashmir<sup>19</sup>
7. Bangladesh religious minorities<sup>20</sup>
8. The Ahmadiyya Muslim Community in Pakistan<sup>21</sup>

Of the debates and oral questions that this search has identified, most have focused on individuals or groups experiencing physical harm, such as violence or imprisonment. Oral questions often bring up specific situations, whereas debates are more likely to discuss a country which is experiencing a large degree of physicality in its FoRB violations. For example, questions include specific cases such as Aasia Bibi, a Christian mother imprisoned and sentenced to death,<sup>22</sup> systematic persecution of Baha'is and Christians who are 'routinely harassed, arrested and detained',<sup>23</sup> Christians in Iran being arrested and charged with 'actions against national security' and being sentenced to lashing for drinking,<sup>24</sup> and the outbreak of violence in India-controlled Kashmir.<sup>25</sup>

As discussed above, physical violations of FoRB do not reflect the full spectrum of violations. However, one notable question that does refer to another form of violation beyond the physical is Jim Shannon's on the Ahmadiyya Muslim Community:

The all-party parliamentary group for international freedom of religion or belief, of which I am the chair—I should declare that interest—and Ahmadiyya Muslim Community UK are concerned about the potential use of anti-terror laws by the Pakistani Government, given that in January, under those laws, 81-year-old Abdul Shakoor was sentenced to eight years in prison for possessing copies of the Holy Koran. The police have gate-crashed a publications office and raided the Ziaul Islam Press, seizing printing plates of the Tehrik-e-Jadid magazine. All that reflects the Pakistan authorities' relentless targeting of the Ahmadiyya

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<sup>14</sup> *Hansard*, HC OQ 597 (09 July 2015), 463-465, available at <http://bit.ly/2P4G3qb>

<sup>15</sup> *Hansard*, HC OQ 611 (24 May 2016), 391, available at <http://bit.ly/2RkuSek>

<sup>16</sup> *Hansard*, HC OQ 597 (18 June 2015), 463, available at <http://bit.ly/2QqGL1b>; *Hansard*, HC OQ 617 (24 November 2016), 1019, available at <http://bit.ly/2ybO4SQ>

<sup>17</sup> *Hansard*, HC OQ 605 (11 February 2016), 1754-1755, available at <http://bit.ly/2P7PRjh>

<sup>18</sup> *Hansard*, HL Deb 769 (17 March 2016), available at <http://bit.ly/2N6dcjs>

<sup>19</sup> *Hansard*, HC OQ 601(28 October 2015), 335, available at <http://bit.ly/2OCxSEI>

<sup>20</sup> *Hansard*, HC OQ 613 (21 July 2016), 986, available at <http://bit.ly/2OyuR8f>; *Hansard* HC Deb 614 (8 September 2016), available at <http://bit.ly/2N0OyAE>.

<sup>21</sup> *Hansard*, HC Deb 579 (1 May 2014), 1063-1065, available at <http://bit.ly/2NfTPo7>

<sup>22</sup> *Hansard*, HC OQ 598 (9 July 2015), 463-465, available at <http://bit.ly/2P4G3qb>

<sup>23</sup> *Hansard*, HC OQ 611 (24 May 2016), 391, available at <http://bit.ly/2RkuSek>

<sup>24</sup> *Hansard*, HC OQ 597 (18 June 2015), 463, available at <http://bit.ly/2QqGL1b>; *Hansard*, HC OQ 617 (24 November 2016), 1019, available at <http://bit.ly/2ybO4SQ>

<sup>25</sup> *Hansard*, HC OQ 601(28 October 2015), 335, available at <http://bit.ly/2OCxSEI>

community simply on the grounds of their faith. May I ask the Leader of the House for a debate on the issue?<sup>26</sup>

What is notable here is the description of restrictions on freedom of press and dissemination in the context of FoRB: this provides an example of a violation that intersects with freedom of expression, demonstrating a dimension of parliamentary discussion of FoRB that goes beyond violent violations. Nevertheless, this example is attached to a wider one, escalation to physical harm, in this case imprisonment. One question to ask is whether appeal to physical harm in discussion of FoRB derives from the belief that it is these cases that will attract most attention.

### 3. The motivations of parliamentarians

In reviewing the content of debates and oral questions, it becomes apparent that several parliamentarians mention their motivation for speaking on the issue. To consider this aspect, a search was conducted of all debates since electronic records of Hansard began (2010) that contain a reference to one of the keywords listed above, in order to extract explicit reference by parliamentarians to what prompted their involvement.

There are, broadly, three types of motivation that Parliamentarians mention has driven them to talk about FoRB. These are personal faith, the concerns of their constituents, and human rights.

#### a. Personal Faith

Three parliamentarians make reference to their personal faith and suggest that this is the reason why they are speaking out on a FoRB violation elsewhere. Jim Shannon, in his opening speech in the debate on Persecution of Religious Minorities: Middle East, says he makes this speech ‘very much on behalf of my Christian brothers and sisters who live in the Middle East.’<sup>27</sup>

Naomi Long, in the debate on Freedom of Thought, Conscience and Religion, states, ‘As a Christian, my faith is part and parcel of who I am, and is part of the reason why I am involved in politics... In the same way that my faith is important to me, I recognise the importance to others of their religious freedom, and that freedom, and the related right to freedom from religious belief, are hugely important and must be protected.’<sup>28</sup>

Robert Neill makes a direct link between his personal faith as a Christian and his advocacy of FoRB for Christians: ‘Those of us who are not afraid to regard ourselves and publicly label ourselves as Christians should consider that to be an important and integral part of the faith that binds him and me, and many others in the Chamber, to the Christians who are suffering

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<sup>26</sup> *Hansard*, HC OQ 618 (08 December 2016), available at <http://bit.ly/2P57JLt>

<sup>27</sup> Jim Shannon, *Hansard*, HC Deb 613 (19 July 613), 2067, available at <https://goo.gl/8hryJs>

<sup>28</sup> Naomi Long, *Hansard*, HC Deb 579 (01 May 2014), 1057, available at <http://bit.ly/2NfTPo7>

outside. That strength is the great value that Christianity brings not only to this country, but to the world as a whole.’<sup>29</sup>

## b. Constituents

‘It is important that we express the very strong views that are coming into my constituency office and, as we have heard, into constituency offices right across the country about the importance of freedom of religion, conscience and speech.’<sup>30</sup>

Ian Lucas, debate on Freedom of thought, conscience and religion, 1 May 2014

Another motivating factor that MPs mention in the debate is their constituents who contact them, often with a specific concern about a locality or a people from a religious group that are experiencing a FoRB violation. These concerns are most often to do with Christians. Siobhan McDonagh says she has been ‘contacted by several constituents who are concerned about the oppression of Christians and those of other religions around the world.’<sup>31</sup> In an Oral question to the FCO, Barry Shearman asks ‘What is the Minister doing for my constituents who have complained not only about the treatment of Christians in Algeria but also about the increasing pressure on Christians in Pakistan?’<sup>32</sup>

Mark Lazarowicz states in his speech that ‘Most of the correspondence I have received has come from those concerned about the situation faced by Christians in all too many countries of the world’ including North Korea, Nigeria and Pakistan, and who ‘feel that the plight of Christians in many parts of the world has not, at least until recently, obtained the publicity it ought to obtain’. He also mentions that the Church of Scotland has written to all Scottish MPs highlighting its concerns about the way in which blasphemy laws in Pakistan disproportionately affect Christians and non-Muslim minority faiths in that country.<sup>33</sup>

Lyn Brown, in the debate on Freedom of Thought, Conscience, Religion, specifically mentions two constituents, Ms Odutola and Ms Ofori, who asked her ‘to attend and raise their concerns about the increasing persecution of Christians around the world. ‘They wrote passionately about the lack of religious freedom worldwide, which has been clearly reflected in the news lately. They pointed to the alleged targeting of Christians in areas in Syria, and to the increasing anti-Christian violence in Nigeria.’<sup>34</sup>

While the majority of the concerns regard FoRB violations against Christians, there are also examples of constituents raising with their MPs the violations of other religious groups across the world. It appears that these constituents are often from the same religious background. For example, Paul Scully states, ‘Bulgaria is an important issue (regarding the discrimination

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<sup>29</sup> Robert Neil, *Hansard*, HC Deb 579 (01 May 2014), 1075, available at <http://bit.ly/2NfTPo7>

<sup>30</sup> Ian Lucas, *Hansard*, HC Deb 579 (1 May 2014), 1086, available at <http://bit.ly/2NfTPo7>

<sup>31</sup> Siobhan McDonagh, *Hansard*, HC Deb 579 (1 May 2014), 1063, available at <http://bit.ly/2NfTPo7>

<sup>32</sup> Barry Shearman, *Hansard*, HC OQ 587 (28 October 2014), 155, available at <https://goo.gl/U7SpmM>

<sup>33</sup> Mark Lazarowicz, *Hansard*, HC Deb 579 (1 May 2014), 1077, available at <http://bit.ly/2NfTPo7>

<sup>34</sup> Lyn Brown, *Hansard*, HC Deb 579 (1 May 2014), 1068, available at <https://goo.gl/ZkVXds>



of Ahmadis in Bulgaria), which has also been raised with me and, I am sure, with the hon. Member for Mitcham and Morden when we have visited the mosque in Morden.<sup>35</sup>

Mark Lazarowicz also mentions in his speech other groups within his constituency who have raised concern of FoRB violations occurring across the world,

Members of the Shi'a community in Edinburgh have highlighted the killings and attacks on Shi'a, not just in Pakistan, where many members of that community have links, but elsewhere. I have also been contacted by the Edinburgh Baha'i community about the situation that members of their faith face in Iran. I pick out those examples simply because they have been raised with me by constituents, but of course I could have given many other examples and spoken about many other faiths.<sup>36</sup>

### c. Human Rights

Two parliamentarians make reference to human rights in describing their motivation for taking part in the debates. Lord Collins, states that 'Countries that do not respect religious freedom invariably do not respect other basic human rights. That is why, as a humanist and a gay man, I share all of the concerns expressed today.'<sup>37</sup>

Fiona Mactaggart states,

I do not have a faith, but I represent the constituency of Slough which, according to a recent survey, is the most religiously observant place in the country. I respect faith because when I am campaigning for human rights and justice, I am often standing beside people who are there because they are motivated by their religious belief. Because I am motivated by human rights, I am glad that this debate uses the language of international human rights instruments that connects freedom of religion with freedom of conscience.<sup>38</sup>

Personal faith is a clear motivator for a number of parliamentarians. It is notable that a number of parliamentarians who indicate that their Christian faith motivates them explicitly say that they feel a kinship to other Christians around the world who are suffering FoRB violations because of this. A further point of discussion is therefore whether parliamentarians who appear to acknowledge talking about FoRB through the lens of their own faith represent a wider inclination towards focusing predominantly or excessively on Christians affected by FoRB violations, and whether this marginalises discussions of other faiths or beliefs as a result. Furthermore, if the constituents parliamentarians refer to in these debates are most likely to bring up a FoRB issue affecting Christians, this may present some risk of lack of balance in the conversation around FoRB as a whole.

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<sup>35</sup> Paul Scully, *Hansard*, HC Deb 605 (11 February 2016), 690, available at <https://goo.gl/dWuvtD>

<sup>36</sup> Mark Lazarowicz, HC Deb 579 (1 May 2014), 1077, available at <https://goo.gl/ZkVXds>.

<sup>37</sup> Lord Collins, *Hansard*, HL Deb 765 (22 October 2015), 52, available at <https://goo.gl/9VBvA6>

<sup>38</sup> Fiona MacTaggart, *Hansard*, HL Deb 579 (01 May 2014), 1072, available at <https://goo.gl/oKEoWC>

## 4. Ministerial Responses to Parliamentarians

Ministerial responses in these debates and to the questions posed by parliamentarians were then considered, to identify the approaches taken by ministers, and to understand the extent to which they were prepared to give concrete policy commitments as a result of the issues raised.

### a. Responses that outline government policy

Rather than commit to new obligations, ministerial answers are typically used to outline the current approach the government is taking with the general topic of that debate or question. Ministers do not commit themselves further in their responses than to ‘look into’ a specific issue.

This can be seen in Baroness Anelay’s response in the debate on Freedom of Religion and Belief in July 2015.<sup>39</sup> After explaining the importance of FoRB, condemning ongoing violations, and thanking the Lords for their work in FoRB, she goes on to introduce her speech outline:

I would like to touch on some of the major challenges to freedom of religion or belief, *explain why this government have indeed made it a priority and inform the House of the work that we are doing* to protect and promote freedom of religion or belief, and the right to hold no belief, around the world. (italics added)<sup>40</sup>

She continues, ‘So what are we doing? We have been working on this issue through a comprehensive multilateral, bilateral and projects-based approach.’<sup>41</sup>

Often ministerial responses highlight particular strands that the government is looking to focus on within FoRB. The language often suggests that these strands are ones that have already been planned rather than being prompted by something a parliamentarian has said. Thus the minister may focus on, for example, extremism: in the same debate, Baroness Anelay tells her fellow Lords, ‘I also want us as a government to focus even more strongly on making freedom of religion or belief part of the answer to extremism. Where freedom of religion is protected, extremist ideologies are much less likely to take root.’<sup>42</sup>

As ministers give the extremism strand within FoRB a prominent place in other debates too, a sense is gained that this forms part of a wider strategy that the government has already adopted, particularly since they discuss such a strategy in the past tense. For example, ‘First, we *have been* working actively with our international partners to ensure that discussions about extremism take account of the role of religious repression as a motivator.’<sup>43</sup> This is also highlighted in the debate on Bangladesh: Religious Minorities, where the minister states that ‘The UK government *has prioritised* counter-extremism support for Bangladesh and will

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<sup>39</sup> *Hansard*, HL Deb 764, (6 July 2015), available at <http://bit.ly/2QfwWDp>

<sup>40</sup> Baroness Anelay (Minister of State, Foreign and Commonwealth Office), *Hansard*, HL Deb 764 (16 July 2015), 798, available at <http://bit.ly/2QfwWDp>

<sup>41</sup> *ibid.*, 799.

<sup>42</sup> *ibid.*, 800.

<sup>43</sup> *ibid.*, 799.

identify areas where we can work with the Government of Bangladesh better to understand the problems of extremist views and to help counter them.’<sup>44</sup>

## **b. Responses that go beyond existing policy**

It is also useful to look at how ministers respond to specific requests made by parliamentarians. Rejection is one possibility. On a request for the UK government to appoint a global ambassador on FoRB, Baroness Anelay responded, ‘The noble Lord, Lord Bach, asked whether we would reconsider having a global ambassador. We have our global ambassadors. They have their reach in every country on the globe and know how important it is that they promote freedom of religion or belief.’<sup>45</sup>

Similarly, when responding to Parliamentarians on the issue of international aid being distributed to countries in which FoRB violations occur, Minister Tobias Ellwood promises the ‘hon.Members that I will meet the relevant Minister in the department for international development to make sure that we can see that aid is being properly distributed in Pakistan.’<sup>46</sup> But he stands firm on the principle that aid should not be conditional: ‘Hon.Members will be aware that we have a proud legacy of making sure that aid goes to vulnerable people and is not somehow tied up in conditionality. The problem with placing conditions on the aid that we give is that we can end up denying it to the very vulnerable people whom we want to support.’<sup>47</sup>

However, there did appear to be movement on one particular issue, the push by parliamentarians for the government to label the persecutions of Christians in the Middle East ‘genocide’. This was raised by both Lords and MPs in several debates. Ministers, whilst not committing to calling it genocide there and then, did offer to look into it several times, as for instance in this contribution of Baroness Anelay, the Minister of State at the Foreign and Commonwealth Office:

My Lords, *I will certainly continue to reflect on that*. There have been other occasions when people have asked us to refer to something as genocide where one can see brutality. We have been very firm in ensuring that we follow the path of saying that we accept as genocide what the international judicial system determines as genocide, but I would never refuse to reflect on the views of the noble Lord, Lord Alton, as I have far too great respect for him.<sup>48</sup>

In response to Fiona Bruce MP asking if ‘the Minister will kindly undertake to discuss with the new Foreign Secretary the motion unanimously passed by the House of Commons on 14 April, asking the UK Government to honour Parliament’s request to refer Daesh’s actions to the UN Security Council as genocide?’, the Minister, Robert Goodwill, replied:

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<sup>44</sup> Alok Sharma (Under-Secretary of State for Foreign and Commonwealth Affairs), *Hansard*, HC Deb 614 (8 September 2016), 576, available at <http://bit.ly/2N0OyAE>.

<sup>45</sup> Baroness Anelay, *Hansard*, HL Deb 764 (16 July 2015), 799, available at <http://bit.ly/2QfwWDp>

<sup>46</sup> Tobias Ellwood (Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs), *Hansard*, HD Deb 605, (11 February 2016), 712WH, available at <http://bit.ly/2QcvMbm>

<sup>47</sup> *ibid.*

<sup>48</sup> Baroness Anelay, *Hansard*, HL Deb 765 (22 October 2015), 54, available at <http://bit.ly/2N4BgDt>

There are a number of issues that I should like to discuss with the new Foreign Secretary, and that is one of them.<sup>49</sup>

Another example in which the Government appeared responsive to parliamentarians occurred when considering the APPG report on FoRB ('Fleeing Persecution: Asylum Claims in the UK on Religious Freedom Grounds').<sup>50</sup> One issue the Report brings up is a lack of sensitivity and professionalism shown by some interpreters hired by the Home Office from private companies.<sup>51</sup> In the debate on Persecution of Religious Minorities: Middle East (19 July 2016), the Minister Robert Goodwill acknowledged that 'we also need to look at some types of interpreters who may be antagonistic to the religion of the person, where that person has converted, and ensure that if the interpreter is not appropriate, we find an appropriate person to provide that service.'<sup>52</sup> He continues, 'I can assure hon. Members that I and my officials take the findings in the all-party group's report extremely seriously. I will continue to improve training provided to caseworkers to ensure that policy guidance is followed in practice. Indeed I undertake to create an early opportunity to see the processes being carried out, and to learn more about the challenges that we face in that regard' and promises a formal reply to the report.

### c. Competing considerations

FoRB policy is not executed in a vacuum: the setting of government policy inevitably must make compromises between different policy objectives, take account of variations in the political environment in the countries concerned, and attempt to find a rational path that makes the progress that is possible bearing in mind all the different objectives that need to be fulfilled.

Thus a comparison between debates which focus on specific countries where issues of FoRB arise in some urgent form suggests that the government will operate with different degrees of 'touch' according to what is perceived to be possible. As a result, those parliamentarians that raise FoRB issues may find different degrees of preparedness on the part of government to meet their intervention with an overtly positive response.

Here the paper considers three debates that focused on a specific country: the debate on Bangladesh (Religious Minorities)<sup>53</sup> in the Commons, on 'India: Freedom of Religion'<sup>54</sup> in the Lords, and on the 'Persecution of Religious Minorities: Pakistan'<sup>55</sup> in the Commons. The

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<sup>49</sup> Robert Goodwill (Minister of Immigration), *Hansard*, HC Deb 613 (19 July 2016), 288WH, available at <http://bit.ly/2N2OrVf>

<sup>50</sup> APPG for International Freedom of Religion or Belief, June 2016, available at <https://appgfreedomofreligionorbelief.org/media/Fleeing-Persecution-Asylum-Claims-in-the-UK-on-Religious-Freedom-Grounds.pdf>

<sup>51</sup> APPG for International Freedom of Religion or Belief, June 2016, p.5

<sup>52</sup> Robert Goodwill (Minister of Immigration), *Hansard*, HC Deb 613 (19 July 2016), 288WH, available at <http://bit.ly/2N2OrVf>

<sup>53</sup> *Hansard*, HC Deb 614, (8 September 2016), available at <http://bit.ly/2N0OyAE>

<sup>54</sup> *Hansard*, HC Deb 769, (17 March 2016), available at <http://bit.ly/2N6dcjs>

<sup>55</sup> *Hansard*, HD Deb 605, (11 February 2016), available at <http://bit.ly/2QcvMbm>

ministerial responses show varying calibrated approaches by government, even though it might be thought that, in the abstract, similar concerns were being raised in each case.

In the **Bangladesh** debate, the minister spoke in strong terms: ‘On behalf of the UK Government, I utterly condemn all these attacks (in Dhaka)’.<sup>56</sup> He continued by listing existing actions, including when Ministers have met their counterparts and raised concerns: the then Prime Minister, David Cameron, had met PM Sheikh Hasina in May at the G7 meeting, and expressed concern that ‘extremist attacks risked undermining stability and investor confidence in Bangladesh’, and supporting organisations that protect minorities and civil society organisations.<sup>57</sup> What is clear is the recognition of the problem as well as direct engagement with the Bangladeshi government on this issue:

We have consistently called on the Bangladesh Government to protect religious minorities in the country. We continue to support advocacy to ensure that the rights of minorities are protected in Bangladeshi law and in Government policy.<sup>58</sup>

In this case too, it should be noted, the minister had been careful to acknowledge the relationship of the UK to Bangladesh in terms of its people and its economy:

The UK and Bangladesh are long-standing and close friends. We were the first European country to recognise Bangladesh’s independence in 1971 and we continue to support its economic development. We have the largest Bangladeshi diaspora in Europe. The half a million British people with Bangladeshi heritage have made an immensely positive contribution to every aspect of British life. The UK cares deeply about what happens in Bangladesh. We want it to be economically successful and to maintain its rich tradition of accepting people of all religions and beliefs, and all backgrounds and cultures.<sup>59</sup>

There is, however, a readiness to offer friendly advice in public that contrasts with the cases that follow.

Turning to the debate on ‘**India: Freedom of Religion**’, the Government appears to perceive a different environment: ‘Last November, when they discussed the importance of fostering tolerance, Prime Minister Modi reassured my right honourable friend the Prime Minister that he governed for all Indians. At their joint press conference, Mr Modi made a point of saying that he upheld India’s traditions of tolerance and freedom. He repeated this message in his address to Parliament, which some noble Lords were able to attend.’<sup>60</sup> This is reinforced by a positive appreciation of the country’s character and governance:

Let us also remember that India provides great examples of tolerance and a celebration of diversity. The Indian Government are acutely aware of the challenges they face, as was noted by my noble friend Lord Popat. We should acknowledge their efforts to address violence against women and girls and their reaffirmation of religious freedoms, while encouraging

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<sup>56</sup> Alok Sharma (Under-Secretary of State for Foreign and Commonwealth Affairs), *Hansard*, HC Deb 614 (8 September 2016), 576, available at <http://bit.ly/2N0OyAE>

<sup>57</sup> *ibid.*, 575-578.

<sup>58</sup> *ibid.*, 576.

<sup>59</sup> *ibid.*, 574-5.

<sup>60</sup> The Earl of Courtown (Lord in Waiting (HM Household) (Whip), *Hansard*, HL Deb 769 (17 March 2016), 311, available at <http://bit.ly/2N6dcjs>.

further steps. India is not short of robust independent institutions. Many have rightly praised the freedoms and safeguards set out in India's constitution.<sup>61</sup>

As well as an emphasis on the relationship between the UK and India, which is 'deep and wide-ranging'<sup>62</sup>, it is also stated that 'It is right that we seek to strengthen that relationship further.'<sup>63</sup>

He goes on to acknowledge that,

Our defence ties are mutually beneficial and growing. There is no denying that trade and investment are important too. The United Kingdom is the largest G20 investor in India, helping to create jobs for the estimated 1 million young Indians entering India's job market every month. Indian companies invest more in the United Kingdom than in the rest of the European Union put together; the largest private sector employer in this country is an Indian company.<sup>64</sup>

These remarks vividly paint a sense of the complexity of international and intergovernmental relations, which effectively mean that problems of FoRB are calibrated alongside many other factors. How progress is best made may be differently viewed: for instance, Lord Collin asks,

The UK Government have placed a considerable importance on Prime Minister Modi's promise of economic reform within India, but will the Minister say what representations have been made on the reportedly increasing levels of censorship in India?<sup>65</sup>

and

Once again, as we have heard, the Foreign and Commonwealth Office seems focused on what it called prosperity interventions in India, but what is being done on human rights since Prime Minister Modi came to power? The prosperity agenda and the lives and fundamental freedoms of people must never be part of a cynical trade-off. You cannot trade human rights with economic trade.<sup>66</sup>

In reply, the minister denied that the government had prioritised trade and investment at the expense of upholding human rights and instead suggested that quiet diplomacy was being used to uphold human rights. He quotes the Foreign Secretary who states, 'Quiet and continued engagement behind the scenes, nurturing a relationship and not being afraid to raise testing issues in private can sometimes achieve surprising results',<sup>67</sup> and concludes that 'Lecturing people in public does not always work and can sometimes prove counterproductive.'<sup>68</sup> However, for the parliamentarian quiet diplomacy is perhaps less verifiable.

Finally, in the **Pakistan** debate the minister Tobias Ellwood again starts from an appreciation for the country and its government, based on a variety of factors:

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<sup>61</sup> *ibid.* 312.

<sup>62</sup> *ibid.*

<sup>63</sup> *ibid.*

<sup>64</sup> *ibid.*

<sup>65</sup> Lord Collins of Highbury, *ibid.*, 310.

<sup>66</sup> *ibid.* 311.

<sup>67</sup> The Earl of Courtown, *ibid.*, 313.

<sup>68</sup> *ibid.*

We have a strong, powerful and important relationship with Pakistan. We have a historical relationship—Pakistan is a close ally in the Commonwealth—and we have a commercial relationship, too. Bilateral trade with Pakistan is moving towards \$3billion. We have shared security interests in the region and, as I have mentioned, we have a massive diaspora relationship, with thousands of people moving backwards and forwards between Pakistan and this country every single month... This is where we are with our relationship. I address some of the challenges that we face knowing that Pakistan is a friend, and friends should be able to say such things on the record as matters of concern.<sup>69</sup>

But he also states,

We regularly urge the Government of Pakistan to honour their international commitments and guarantee fully the human rights of all Pakistani citizens<sup>70</sup>

and that the Minister and the Foreign Secretary and others

have taken many opportunities to raise these issues and the plight of other minorities in Pakistan.<sup>71</sup>

Thus, government asserts that it strives to find a place for FoRB beside other considerations. Sometimes it can be done more publicly (though that runs the risk of appearing to ‘lecture in public’). At other times government falls back on ‘quiet diplomacy’. Those who raise FoRB issues in the hope of an unqualified response are likely to be disappointed, but they do raise consciousness of the issue above all amongst policymakers and increase the motivation of those policymakers to make meaningful progress with FoRB issues. Quiet diplomacy, not easily researched, may be expected to become more persistent, given that questions have been asked, or debates held, in parliament.

## Opportunities for further research

In order to explore the themes in this initial research, interviews with parliamentarians would be a useful means to tease out their intentions in the language they use; whether they see terms such as ‘freedom of religion’, ‘Article 18’ (and all that it encompasses) and ‘religious freedom’. It would also be important to question whether they view other beliefs that may not fall under traditional religions, or non-belief as included in their advocacy, and, if so, why their language, in many cases, does not explicitly reflect this. Interviews would also be useful in further exploring the motivations of parliamentarians who speak on FoRB and the depth of those motivations, as well as to test how ready they are more to intervene for those of a different faith or none. Another strand for further exploration lies in the topical issues that parliamentarians choose to highlight: perhaps they have been raised by constituents, or has there been a place for personal recommendations, lobbying, or attention by the media, that has prompted parliamentarians to speak on FoRB?

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<sup>69</sup> Tobias Ellwood (Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs), *Hansard*, HC Deb 605, (11 February 2016), 709WH, available at <http://bit.ly/2QcvMbM>

<sup>70</sup> *ibid.*, 710WH.

<sup>71</sup> *ibid.*, 711WH.

Interviews may also be useful to understand the difference in the way FoRB is framed in the House of Commons and the House of Lords that this report has outlined. Parliamentarians will best understand the ways in which the different roles and characters of the two Houses impact on how issues are, and can be, addressed.

There is much to understand also about how to ensure government maintains a strong and visible commitment to FoRB, and human rights in general, amidst so many other competing considerations, including notably trade and, currently, Brexit. For this, further research needs to have a longer time period of electronic records at its disposal and to see the work of parliamentarians wherever such records are available.



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