

Call for Evidence Response – Rita Blomme

The Human Rights Act 1998 is a wonderful piece of legislation that aims at ensuring the rights of citizens. Not only does it cover most life situations, but each 'Freedom' article is safeguarded by its second paragraph that can invalidate the freedom in the first paragraph on the grounds of 'public safety, the protection of public order, health or morals, or for the protection of the rights and freedoms of others.'

The problem suffered by the HRA is that its efficacy is undermined by other Acts that grant exceptions to the HRA and therefore nullify its effects.

As just one example of many, Section 70 of the Schools Standard and Framework Act 1998 requires that pupils shall on each school day take part in an act of collective worship. This is forced religious education and is in direct violation of Art. 9 of the HRA. Yes, Section 71 of the Schools Standard and Framework Act 1998 does allow parents to withdraw their children from religious education, but this is an opt-out facility. Insofar as Art. 9 of the HRA automatically grants religious freedom, there should be no compulsory religious instruction in schools, but rather schools could offer religious instruction as a voluntary opt-in facility.

In far too many instances, Art. 9 of the HRA is used (and abused) to favour religious attitudes and to pamper to religious sensitivities (the fear of offending has become paramount) over and above the laws of this land, thus superimposing religious doctrine over secular laws, and undermining our democratic principles.

It cannot be forgotten that historically our society gradually freed itself from religious dictatorship in order to give a voice to the people and to enable them to make the laws they want. Granting exceptions to the law on religious grounds undermines all that our predecessors have worked so hard for to develop democracy instead of autocracy, religious dictatorship, and unaccountability.

The solution :

An immediate amendment to the HRA could be the introduction of an additional preamble stating that the articles of the HRA are paramount and that in all cases of conflict, the HRA shall prevail.

Then the Law Commission should be given a time schedule to repeal all the laws that contravene the HRA (yes, a mammoth task).

The HRA is the only way to ensure that citizens are treated equally and according to the laws of this land, without exception or allowances for religious doctrines that are in violation of the law (eg. gender inequality, etc)