Home Affairs

House of Lords Debate

Animal Welfare (Sentience) Bill: Report Stage, House of Lords

Lord Marland (Conservative): ... There is no civilised way of killing animals, or anybody, for that matter—whether it is slitting their throat, catching them in nets and leaving them out of air on fishing boats, hooking them and shooting them, stunning them or boiling them. They are all terrible ways to die. We should bear in mind that that is the case. Yet Defra is going to appoint a committee that sits as judge and jury on how these animals and sentient beings should be killed—in the animals’ case, but also it will give the description of sentient beings. ...

Most people I know are welfare inclined towards animals. ... There are, I freely admit, 10% who are not—but this legislation will never protect us from the 10%; it just hurts the 90%. ...

Baroness Deech (Crossbench): My Lords, I am speaking in support of Amendment 2 and Amendment 27, to which I have added my name. In short, these amendments seek to restore so-called Lisbon treaty provisions, or balancing considerations, to our laws on animal welfare, old and new. The arguments in favour are substantial, relating to practices in this country, and legal, relating to the avoidance of judicial review ...

Article 13 of the Lisbon treaty, which was apparently inserted by reason of pressure from this country, says: “In formulating and implementing the Union’s ... policies”, et cetera, “the Union and the Member States shall ... pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.”

Far be it from me to want to continue any European law, but this particular provision did in fact mirror what was already the situation in this country. My concerns if it is not enacted relate to medical research and religious traditions in killing animals.

The Lisbon provision successfully kept issues out of court, and religious minorities were content with it. Not to include this amendment is to open the door to vigorous disagreements over traditional practices and to more judicial review ... Muslim spokespersons are likely to be as worried about halal as are the representatives of the far
smaller religious Jewish community. In the past, they have lived comfortably with the Lisbon balancing factors, and we want this to continue. The committee might decide a particular point on this, but a Minister will have to take into account the wider considerations of cultural and religious organisations and form a view in accordance with them. Without the balancing factors that this amendment would introduce, both sides are wide open to judicial review. … All our talk about inclusivity and diversity demands due respect for what is important to minorities and to others who have for centuries had a special relationship with animals and wildlife. …

On religious rites, particularly at issue in the present context is religious animal slaughter. The importance of expressly preserving in the Bill the right of citizens to adhere to their religious practices is perfectly clear. That right falls within Article 9 of the European convention and is reflected in Article 13 of the Lisbon treaty. The jurisprudence of the European Court of Human Rights in Strasbourg has highlighted in many cases the importance of the rights protected by Article 9 in a pluralist democratic society. Our own Human Rights Act 1998, which enabled disputes on convention rights to be resolved in our own courts, contains a specific provision, in Section 13, that: “If a court’s determination of any question … under this Act might affect the exercise by a religious organisation ... of the Convention right to freedom of thought, conscience and religion, it must have particular regard to the importance of that right.”

col 1683 It is not necessary for present purposes to go into the nature of religious animal slaughter in the form of shechita or its Muslim equivalent. There is scientific evidence on both sides of the debate about the humanity of this. In fact, when one reads about the terrible cruelty, referred to earlier in this debate, that we routinely inflict deliberately or by accident—in the electrocution of chickens, the killing of pigs, the decapitation of rabbits, the suffocation of fish, the boiling alive of lobsters, et cetera, which we will get to—we really have nothing to be proud of in all our practices of killing animals. It is clear that the protection of the right to manifest religious belief is enshrined in the treaty obligations we already have and our own domestic legislation. Therefore, there can be no good reason why, as in the case of Article 13 of the Lisbon treaty, the considerations and recommendations of the sentience committee should not be made expressly subject to respect for religious rites and medical research. On 6 July, the Minister gave an assurance about respect for halal and kosher traditional killing, but in the same breath he reminded the House that anything could be changed. Therefore, it behoves the Government to proactively accept Amendment 27—and indeed Amendment 2—both to safeguard religious rites and medical research and to minimise judicial review challenges. …

As the Bill stands, the committee is not required to respect medical research and rites and traditions, yet the Minister will be bound to consider them when receiving the committee’s recommendations. …

col 1684 Lord Moylan (Conservative): The Bill seems to be about animals and their welfare, and it seems to be based on science, but really it is a Bill about humans and our moral standing. It is not about our moral obligations—all animal welfare legislation for the last 200 years either articulates or creates moral and legal obligations on us; that is what law does—but rather it is about our moral standing. It is the ambition of the people who are promoting the concept of animal sentience that it should be a common moral measure, putting humans and animals on the same moral plane, differenced only by the degree of sentience that they evince.

I find this a really false anthropology. So it is absolutely right that the Bill, which actually makes no reference to humans, should say something about them, if only to try to achieve a better balance in the moral architecture that the Bill seeks to create. Amendment 27 does that. It says that there are some things about human beings that should not be trampled on by this Bill, by the principle behind it, or by the animal sentience committee it creates.
Those are quite basic things: they are to do with religion and religious practice, culture and your local region or locality—the place where you belong. All Amendment 27 does is ask that those things should be carved out and specially protected—not in an innovative way, because in fact they are already protected in the European Union treaty, in the language that we adopted before. It is simply about incorporating that language back, not in a copy-and-paste way but because we genuinely believe that those things about human life are important and should be protected. ...

**col 1685 Baroness Fookes (Conservative):** ... unless I am much mistaken ... the Act that deals with the slaughter of animals specifically exempts ritual slaughter from what would otherwise be illegal. ... I cannot see, therefore, that the amendment being advocated can have any real substance to it ...

**col 1686 Lord Etherton (Crossbench):** ... Article 13 of Title II of the Lisbon treaty was not only binding on the UK before Brexit but—as the noble Lord, Lord Goldsmith, himself stated in a letter to Members on 13 May—the UK was one of the key EU members that lobbied for it, and it has not been suggested at any stage of the Bill that prior to Brexit the UK had any objection to the balancing factors in Article 13. ...

Most perplexing of all, however, is the Government’s failure to exclude religious rights from the purview of the sentence committee. This ground has been substantially covered by what my noble friend Lady Deech said. She referred to Article 9 of the convention, which expressly provides for freedom of thought, conscience or religion; that article expressly states that the right to manifest one’s religious belief is a right protected in practice and in religious observance.

The European Court of Human Rights, as the noble Baroness, Lady Deech, has said, has highlighted the importance of rights protected by Article 9 in a pluralist democratic society. ...

**col 1687 Why, then, is the provision in this amendment, which simply seeks to incorporate the balancing factors in Article 13 of the Lisbon treaty in the Bill, not accepted? ...**

In fact, certainly in relation to religious slaughter of animals, the Government’s policy is to permit such slaughter. Jews and Muslims are exempt from the scope of domestic regulations concerning the stunning of animals, though I should add—so that there is no doubt about the matter—that the organisation with oversight of Jewish religious slaughter, Shechita UK, maintains that shechita conforms with the EU definition of stunning, as supported by scientific evidence.

Moreover, in answer to the noble Baroness, Lady Deech, in Committee, the Minister is recorded in *Hansard* as saying: “this Bill is about the government policy-making process. It is not about some method of changing the slaughter of animals for religious belief. I want to make that absolutely clear.”—[Official Report, 20/7/21; col. GC 5.]

That is a statement about policy and the balancing factor of preserving religious rites. I respectfully suggest that all this shows that there is no reason whatsoever why the Government should not exclude from the remit of the committee, as policy matters, customs relating to religious rites. Indeed, as proposed by Amendment 27, the same balancing factors that were accepted by the UK under the Lisbon treaty should be inserted in Clause 2. ...

**col 1688 Lord Trees (Crossbench):** ... My noble friend Lady Deech knows that I differ with her in that I wish all animals to be stunned and rendered unconscious before slaughter. There is a huge weight of scientific evidence to support that. That is why it is illegal for most people, except those of particular religious persuasions—it is illegal for me as a veterinary surgeon—to cut the throat of a conscious animal without rendering it unconscious first. However, I am a realist. I recognise all the points that my noble and learned friend Lord Etherton and my noble friend Lady Deech have made; religious freedoms are enshrined in our laws and internationally. That reflects current government policy to respect religious freedoms. I accept that point ...
Baroness Bakewell of Hardington Mandeville (Liberal Democrat): … There is obviously a need to ensure that those for whom religious rites are an important part of their lifestyle are respected, as set out in Article 13 of the Lisbon treaty. Despite the fact that this was before Brexit, I believe the Government should and do respect this right, upholding the values of those for whom the method of slaughter of those animals which form part of their staple diet is protected. …

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon): … We are sure that the Bill already makes it clear that the committee will not be authorised to stray into making value judgments … on how well a given policy decision balanced the welfare of animals with other matters of public interest. There is no need to specify explicitly in the Bill that it is for Ministers to take other public considerations into account when formulating and implementing policy, because this requirement applies as a matter of course. …

I turn to Amendment 27 … This amendment would require the animal sentience committee to have regard to certain other matters of public interest, such as cultural traditions. It bears repeating that the purpose of the committee is not to make value judgments on the weight that animal welfare should be given in relation to other matters of public interest. That is for Ministers, who are rightly held to account in Parliament. … the balancing factor that existed in European legislation now lies with Ministers. They have the right to say, “We hear what the committee says, but we are going to take other factors into account”, and they could be exactly the concerns voiced by the noble Baroness, Lady Deech. …

I state clearly for the record that the Bill is about the government policy-making process. It does not change existing law or impose any new restrictions on individuals or businesses. The Government would prefer all animals to be stunned before slaughter, but we respect the rights of members of the Muslim and Jewish communities to eat meat prepared in accordance with their religious beliefs. That is the Government’s policy and it will remain so. …

Lord Hamilton of Epsom (Conservative): Would the attempt at judicial review not be more likely to be successful if there had been a report from the animal sentience committee saying that there was something illegal about ritual slaughter?

Lord Benyon: With respect to my noble friend, no. As long as the Minister has set out that, “We have received this report and here is our response; we hear what you say but there are wider cultural and religious factors that I have to consider in taking my decision”, that will be absolutely within the terms of this legislation and will not be able to be successfully judicially reviewed. …

To read the full transcript see https://hansard.parliament.uk/lords/2021-12-06/debates/E2F13E41-93BC-4096-801F-83E4B19D4D23/AnimalWelfare(Sentience)Bill(HL)

Amendment 27 Moved by Baroness Deech:
27: Clause 2, page 1, line 20, at end insert—
“(4A) Recommendations made by the Committee must respect legislative or administrative provisions and customs relating in particular to religious rites, cultural traditions and regional heritage.”Member’s explanatory statement
This amendment seeks to place a duty on the Committee to have regard to the balancing factors included in the Lisbon Treaty, Article 13 of Title II, to which the UK was a party before Brexit.

Baroness Deech: My Lords, I am very sorry that the Government have not appreciated the centrality of this amendment … I beg to move.

Division on Amendment 27
Content: 25
Not Content: 74
Amendment 27 disagreed …
To read the full transcript see
https://hansard.parliament.uk/lords/2021-12-06/debates/E5A0F1AB-2327-4080-BEB2-C94811305BCD/AnimalWelfare(Sentience)Bill(HL)

See also the opening of the debate at
https://hansard.parliament.uk/lords/2021-12-06/debates/97D946EC-88E7-4D9A-9B10-15F6835F1946/AnimalWelfare(Sentience)Bill(HL)

The amendments referred to above can be read at
https://bills.parliament.uk/publications/44145/documents/1095

House of Commons Written Answers

Judaism: Festivals and Special Occasions
Ruth Jones (Labour) [83473] To ask the Prime Minister, how he plans to mark Chanukah 2021.

Boris Johnson: I hosted a reception at 10 Downing Street to mark Chanukah. I also released a video message wishing a very happy Chanukah to Jewish people in the UK and around the world.

https://questions-statements.parliament.uk/written-questions/detail/2021-11-29/83473

The video message referred to above can be read at
https://twitter.com/BorisJohnson/status/1465435187886632960

Hate Crime
Feryal Clark (Labour) [84500] To ask the Secretary of State for Levelling Up, Housing and Communities, what recent discussions he has had with the Home Secretary on tackling the recent rise in hate crimes, particularly racially motivated crimes.

Kemi Badenoch: All forms of hate crime are completely unacceptable. This government has made it clear that victims should be supported and that the cowards who commit these hateful attacks should feel the full force of the law. The biggest driver for the increase in recorded crime is general improvements in police recording, along with increased victim willingness to come forward. The police are also improving how they identify hate crimes. However, we cannot be complacent and we recognise there is still much we can do to continue to drive hate crime down, support victims and bring perpetrators to justice.

To achieve this my Department is working closely with the Home Office to prepare a new Hate Crime Strategy which will address all forms of hate crime, including racial hate crime.

https://questions-statements.parliament.uk/written-questions/detail/2021-11-30/84500

Religious Hatred: Islam
Ruth Jones (Labour) [83478] To ask the Secretary of State for Levelling Up, Housing and Communities, how much the Government spent on supporting Islamophobia Awareness Week 2021.

Kemi Badenoch: We continue to combat islamophobia in all its forms and throughout the year. Islamophobia Awareness Week is an event lead across departments and partners rather than centrally and the data is not available. However, in combatting Islamophobia, we have funded Tell MAMA for over £4 million between 2017 and 2022 to monitor and combat anti-Muslim hate crimes, as well as providing approximately £5 million to the Places of Worship Security Grant over the last five years, which has been used to protect Mosques and other places of worship.
Israel

House of Commons Written Answer

Gaza: International Assistance
Caroline Lucas (Green) [81918] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, with reference to the Statutory Instrument The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021; whether she has made an impact assessment of that Instrument on the delivery of humanitarian or development aid to civilians in Gaza by (a) British charities and (b) FCDO staff; and if she will make a statement.

James Cleverly: The Government assesses Hamas in its entirety to be concerned in terrorism and therefore, as of 26 November, have proscribed the organisation in full. An information note on operating within counter-terrorism legislation, sanctions, and export control has been produced at the request of a range of international non-governmental organisations (NGOs). The note directs users to the guidance available to support the delivery of humanitarian aid overseas and address their concerns about the risk of prosecution associated with working in areas where terrorist groups operate. This note is openly available on GOV.UK. The FCDO does not provide any assistance to Hamas.

https://questions-statements.parliament.uk/written-questions/detail/2021-11-25/81918
The Order referred to above can be read at https://www.legislation.gov.uk/uksi/2021/1318/made/data.pdf

House of Lords Written Answers

Jerusalem: Palestinians
Baroness Sheehan (Liberal Democrat) [HL4299] To ask Her Majesty's Government what representations they plan to make to the government of Israel about the use of skunk water to disperse gatherings of Palestinians at the Damascus Gate in East Jerusalem.

Lord Ahmad of Wimbledon: We repeatedly call on Israel to abide by its obligations under international law and have a regular dialogue with Israel on legal issues relating to the occupation. We also urge the Israeli Government to respect the fundamental rights and freedoms of peaceful, legal protestors.

https://questions-statements.parliament.uk/written-questions/detail/2021-11-22/hl4299

Israel: Palestinians
Baroness Sheehan (Liberal Democrat) [HL4300] To ask Her Majesty's Government what assessment they have made of the concern expressed by the United Nations Relief and Works Agency for Palestine Refugees in the Near East on 19 November about the killing of 15 year old Mohammad Daadas; and what assessment they have made of the number of Palestinians (1) killed, and (2) injured, by live fire since the beginning of the year.

Lord Ahmad of Wimbledon: On 6 November the Minister for the Middle East and North Africa James Cleverly publicly expressed condolences to the family of 13 year old Mohammed Da'adas, who was killed near Nablus following clashes between
Palestinians and Israeli Defence Forces. We have urged the Israeli authorities to carry out a swift and thorough investigation. Our Embassy in Tel Aviv raised the case with Israel Defence Forces directly. We regularly raise the issue of the high numbers of Palestinians killed and injured by Israel Defence Forces in the West Bank and Gaza with the Israeli authorities, encouraging them to carry out transparent investigations into whether the use of live fire had been appropriate. We also regularly raise the importance of the Israeli security forces' adherence to the principles of necessity and proportionality when defending its legitimate security interest. We continue to stress the importance of the Israeli security forces providing appropriate protection to the Palestinian civilian population, in particular the need to protect children, and urge restraint in the use of live fire.

https://questions-statements.parliament.uk/written-questions/detail/2021-11-22/hl4300

The UNRWA statement referred to above can be read at https://www.unrwa.org/newsroom/press-releases/unrwa-gravely-concerned-killing-palestine-refugee-child-israeli-live-fire

The condolences referred to above can be read at https://twitter.com/jamescleverly/status/1456976599010746375

Israel: Palestinians

Baroness Sheehan (Liberal Democrat) [HL4301] To ask Her Majesty's Government what representations, if any, they plan to make to the government of Israel concerning the Israeli Defence Force lining up children at night to photograph them after reported stone throwing incidents.

Lord Ahmad of Wimbledon: We continue to stress the importance of the Israeli security forces providing appropriate protection to the Palestinian civilian population, in particular the need to protect children. We encourage Israel to deploy security measures in a way which minimises tensions. We repeatedly call on Israel to abide by its obligations under international law and have a regular dialogue with Israel on legal issues relating to the occupation, including the treatment of Palestinian children.

https://questions-statements.parliament.uk/written-questions/detail/2021-11-22/hl4301

TOP

Relevant Legislation  ** new or updated today

UK Parliament

** Animal Welfare (Sentience) Bill
https://bills.parliament.uk/bills/2867

Report Stage, House of Lords
https://hansard.parliament.uk/lords/2021-12-06/debates/97D946EC-88E7-4D9A-9B10-15F6835F1946/AnimalWelfare(Sentience)Bill(HL)
and
https://hansard.parliament.uk/lords/2021-12-06/debates/E2F13E41-93BC-4096-801F-83E4B19D4D23/AnimalWelfare(Sentience)Bill(HL)
and
https://hansard.parliament.uk/lords/2021-12-06/debates/E5A0F1AB-2327-4080-BEB2-C94811305BCD/AnimalWelfare(Sentience)Bill(HL)
Assisted Dying Bill  
https://bills.parliament.uk/bills/2875

Charities Bill  
https://bills.parliament.uk/bills/2877

Education (Assemblies) Bill  
https://bills.parliament.uk/bills/2878

Higher Education (Freedom of Speech) Bill  
https://bills.parliament.uk/bills/2862

Israel Arms Trade (Prohibition) Bill  
https://bills.parliament.uk/bills/3025

Marriage Act 1949 (Amendment) Bill  
https://bills.parliament.uk/bills/3017

Marriage and Civil Partnership (Minimum Age) Bill  
https://bills.parliament.uk/bills/2900

Nationality and Borders Bill  
https://bills.parliament.uk/bills/3023

Online Safety Bill (Draft)  
https://www.gov.uk/government/publications/draft-online-safety-bill

Palestine Statehood (Recognition) Bill  
https://bills.parliament.uk/bills/2942

** Northern Ireland Assembly **

Organ and Tissue Donation (Deemed Consent) Bill  

Consultations  ** new or updated today **

Proposed Assisted Dying for Terminally ill Adults (Scotland) Bill (closing date 22 December 2021)  

Animal Welfare – revision of EU legislation (Food Safety) (closing date 21 January 2022)  
Marriage Law (Northern Ireland) (closing date 18 February 2022)

The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438