ARTICLE

FOUR TIERS OF CITIZENSHIP AND SIXTEEN SHADES OF PROTECTION FOR GROUPS FACING RACIALISED RELIGIOUS BIGOTRY IN THE UK

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LEGAL

Introduction

On paper, the United Kingdom offers a single, universal guarantee of religious liberty. Article 9 of the European Convention on Human Rights, given effect domestically by the Human Rights Act 1998, protects everyone's right to freedom of thought, conscience and religion. Article 14 prohibits discrimination in the enjoyment of that and the other Convention rights. In practice, however, decades of statutory provisions, case law, and now, inconsistent government-sponsored non-statutory definitions have produced something closer to a four-tier system of protection for groups facing racialised religious bigotry in the UK. Buddhists, Christians, Hindus, Jews, Muslims and Sikhs are protected by significantly different legal and policy mechanisms which require markedly different evidential standards.

By 'racialised religious bigotry' we mean hostility directed at people not simply for what they believe, but because they are perceived as belonging, by birth, descent or some other characteristic, to a religious community. Tariq Modood draws the distinction sharply. The Inquisition in Spain took an interest in what people actually believed and persecuted Jews and Muslims for their beliefs and practices. The Holocaust in Germany and the Genocide in Bosnia, by contrast, wasted no time finding out what people believed. Jews in Germany and Muslims in Bosnia were targeted as a group identified by a perceived line of descent, by people who were phenotypically, linguistically and culturally the same as themselves.

Modood points to Jews as the clearest historical example of a religious group that, through a long history of racialisation, came to be seen as a race, with horrific consequences in Europe. He argues that Muslims today, no less than Jews, are racialised as a group and thus targeted as a collective entity rather than simply by religious belief or behaviour – for example, a non-religious Muslim may still be targeted as a Muslim on grounds of their name or appearance. The same can be true of Sikhs, Hindus and other communities whose faith is read onto their names, appearance or ancestry. It is this kind of bigotry, which blurs the legal line between race and religion, that the current patchwork of protection handles so unevenly.

Hostility towards both Jewish and Muslim communities is currently at record levels. In the year to March 2026, Jewish people faced the highest rate of religious hate crime relative to the size of their community, at 117 offences per 10,000 people. Muslims were the victims in the largest number of religious hate crime offences: 45% of all police-recorded religious hate crimes in England and Wales, or 5,132 of 11,419. It is further argued that the Home Office figures on religious hate crimes obscure the full scale of hate crimes faced by British Muslims. This is because Muslims, like Jews, are targeted on grounds of both race and religion; anti-Muslim hostility is racial, religious and racialised religious bigotry. A more accurate rendering of anti-Muslim hate crime should, therefore, take into consideration both racial *and* religious hate crimes against them – for, as the Crime Survey of England and Wales (CSEW) affirms, Muslim adults are statistically more likely to be victims of racially motivated hate crimes than adults from other religion groups. Data capture and analysis needs to improve to enable policymakers to make more accurate assessments of victim groups and the types of victimisations experienced. Without full data disaggregation, we risk undermining the actual experiences of victims and undercounting anti-Muslim hostility.

Both Jewish and Muslim communities need, and deserve, robust protections. The Government's recent work on antisemitism shows what a serious, joined-up response to racialised religious hatred looks like, and it deserves strong support. This paper argues that the same approach should now be extended to every community facing similar bigotry. The principle should be one of levelling up, never levelling down: equality must be achieved by raising protection for those who have less, not by reducing it for those who have more.

The differences in how different communities are protected matter well beyond the law. When a community sees hatred against it treated less seriously than similar hatred against its neighbours, the perception of a hierarchy grows. That breeds resentment and a sense of competition for recognition,

which those who seek to divide communities are quick to exploit. Equal protection, by contrast, gives every community a shared stake in the same standards and a common cause in upholding them. Harmonisation is therefore not only a matter of fairness; it is one of the strongest tools available for good relations and social cohesion.

The paper first examines the four tiers of protection offered to racialised religious communities. It then shows how they produce up to sixteen different shades of protection across the four nations of the UK. Unless stated otherwise, the tiers are described as they apply in England and Wales.

Tier one: the common baseline

Every religious community sits, at minimum, on the same formal footing, although even this floor varies across the UK and for most, it is also the ceiling in law and in practice. Articles 9 and 14 of the European Convention on Human Rights, given effect by the Human Rights Act 1998, apply UK-wide. In Great Britain, the Equality Act 2010 lists 'religion or belief' as one of nine protected characteristics, prohibiting direct and indirect discrimination, harassment and victimisation on that ground. The Equality Act 2010 does not apply in Northern Ireland, which has its own provisions, as we will see below.

Harassment, assault, criminal damage and public order offences can be prosecuted as 'religiously aggravated' under ss28-32 of the Crime and Disorder Act 1998. The Anti-terrorism, Crime and Security Act 2001 extended the original racial-aggravation provisions to religion. Aggravation can be proved either by showing that the offender demonstrated hostility or that they were motivated by it. Other offences motivated by or demonstrating such hostility attract a sentence uplift under s66 of the Sentencing Act 2020. The Racial and Religious Hatred Act 2006 then inserted Part 3A into the Public Order Act 1986, creating offences of intentionally stirring up hatred against a group defined by religious belief or lack of religious belief. All the criminal law provisions mentioned here apply only in England and Wales – the separate provisions that apply in Scotland and Northern Ireland will be discussed below.

Tier two: Sikhs and Jews as ethno-religious groups

Some faith communities, notably Sikhs and Jews, sit above that floor because of case law rather than legislative design. In *Mandla v Dowell Lee* [1983] 2 AC 548, the House of Lords held that Sikhs are not only a religious group but also an 'ethnic group' under the Race Relations Act 1976. Lord Fraser's test identified two essential characteristics for this categorisation: a long-shared history and a distinct cultural tradition.

The Jewish community had already been identified as an ethnic group by the Employment Appeal Tribunal in *Seide v Gillette Industries Ltd* [1980] IRLR 427. The Supreme Court confirmed that the Jewish community is an ethnic group in *R (E) v Governing Body of JFS* [2009] UKSC 15. Rastafarians, by contrast, failed the test in *Dawkins v Department of the Environment (Crown Suppliers PSA)* [1993] ICR 517, where the Court of Appeal held that some 60 years of history was too short to set them apart from the wider Afro-Caribbean community. Similarly, Muslims, who come from many ethnic and national origins, have been held not to be an ethnic group (*Nyazi v Rymans Ltd*, EAT, 1988) – though this has not been tested since s9(4) of the Equality Act 2010, which states *'The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group'*. Buddhists, Hindus and Christians also have no ethnic-group status.

The consequences of recognition as both a religious and an ethnic group are significant in both civil and criminal law. As racial groups, Sikhs and Jews enjoy the full protection of the harassment provisions in the Equality Act 2010. Harassment related to religion or belief, by contrast, is expressly excluded in services and public functions (s29(8)), the disposal and management of premises (ss33(6), 34(4) and 35(4)), schools' treatment of pupils (s85(10)) and private clubs and associations (s103(2)). In these settings, a Muslim, Buddhist, Hindu or Christian complainant must reframe harassment as direct

discrimination, which is a harder claim to make. The same pattern may soon extend to pay. The Government's proposed Equality (Race and Disability) Bill, promised in the July 2024 King's Speech but not yet introduced, would extend equal pay rights to race and require large employers to report ethnicity pay gaps. As ethnic groups, Sikhs and Jews would rightly be able to bring equal pay claims on grounds of race. Unless the Bill is drafted with this in mind, other faith communities facing similar discrimination would not. Pay gap reports would also capture Sikh and Jewish employees only - though only if the ethnicity categories used include them, which the current standard census categories do not.

In criminal law, because Sikhs and Jews qualify as a racial group, hostility towards them can be prosecuted under Part 3 of the Public Order Act 1986, the original offence of stirring up racial hatred. Part 3 covers words or behaviour that are threatening, abusive or insulting, and requires either intent or that hatred is 'likely' to be stirred up. Muslims, Buddhists, Hindus and Christians, on the other hand, are confined to Part 3A, unless the hostility is expressed specifically by reference to their race, colour or ethnic or national origin. Part 3A covers only threatening conduct, requires proof of intent to stir up religious hatred, and carries an explicit free-speech saving clause in s29J, which has no equivalent in Part 3. Prosecutions under both Parts require the Attorney General's consent (ss 27 and 29L), but in Part 3A cases that decision must take account of the free-speech clause. The scope of the offence in Part 3A, is therefore, much narrower and the evidential bar is, quite deliberately, much higher.

Tier three: Jews and the IHRA definition

Since the Government adopted the International Holocaust Remembrance Alliance's working definition of antisemitism in December 2016, Jews have benefited from a further tier of protection, developed by successive governments in response to a real and rising threat. The definition is non-statutory, and therefore, not legally binding. What gives it force is a sustained programme of implementation, making it a great model for how the UK can tackle other forms of racialised religious bigotry like Islamophobia.

This programme of implementation has included the appointment of an Independent Adviser on Antisemitism, Lord Mann, since 2019. More recently, in September 2026, a Cabinet Committee on Antisemitism was created to coordinate cross-government departments' responses on antisemitism. Ministers have encouraged local authorities and universities to adopt the definition. NHS England adopted it in October 2025 at the Health Secretary's request, and the Government has also encouraged major technology platforms to use it. Independent sector reviews have followed, and their recommendations have been accepted. Lord Mann's review of antisemitism and other forms of racism in the NHS was published on 4 June 2026. The Government accepted all its recommendations for the Department of Health and NHS England, and committed to report progress to Parliament. Sir David Bell's review of antisemitism in schools and colleges in England was published on 21 October 2026, and all 27 of its recommendations were accepted. Further, an independent audit of how Arts Council England handles allegations of antisemitism was announced in May 2026. These are welcome and necessary steps.

The work on antisemitism has also helped shape *Protecting What Matters*, the Government's social cohesion strategy published in March 2026. It includes stronger Charity Commission powers against organisations promoting violence and hatred, record protective-security funding for synagogues, schools and community centres (£58 million in 2026), and funding to tackle antisemitism in education. Separately, Lord Macdonald's independent review of public order and hate crime legislation in England and Wales was commissioned after the October 2025 Heaton Park synagogue attack. It was due in spring 2026 but had not been published at the time of writing.

Some of this effort already reaches other communities. The Mann review covers racism generally, and *Protecting What Matters* also introduced the anti-Muslim hostility definition and funds security at mosques. That shows the approach can be widened. Local authorities, universities, NHS bodies, police forces and professional regulators have built the IHRA definition into disciplinary codes, complaints procedures and funding conditions. The aim of this paper is not to diminish any of that. It is to make

the case for the same commitment, with a dedicated adviser, sector reviews and the same depth of institutional embedding, to be made available to every community facing racialised religious bigotry.

Tier four: Muslims and the intent threshold

Many Muslim organisations have sought, since at least the Rushdie affair, protection comparable to that which Sikh and Jewish communities have secured in Tiers 2 and 3. It was hoped that this would be provided by a government-adopted definition of Islamophobia, based on the shared experiences of antisemitism and Islamophobia, as detailed in the works of Modood (referenced above) and others, and modelled on the success of the antisemitism definition already adopted by the UK Government. In 2018, the All-Party Parliamentary Group on British Muslims proposed just such a definition: that 'Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness'. That definition could have delivered at least some of the Muslim aspiration. The then Conservative Government, however, rejected this definition, and although the Labour Party adopted it in opposition in 2019, it did not carry it through into Government in 2024.

In February 2025, ministers instead convened a working group chaired by the former Attorney General, Dominic Grieve KC. Its advice on a definition of Islamophobia was reportedly submitted to Government in October 2025. In March 2026, as part of *Protecting What Matters*, the Government adopted a non-statutory definition that drops the word 'Islamophobia' in favour of 'anti-Muslim hostility'. The Government said the definition drew inspiration from the IHRA definition of antisemitism: 'a certain perception of Jews, which may be expressed as hatred toward Jews'. Yet, unlike this definition of antisemitism, the definition of anti-Muslim hostility builds intention into every limb: *intentionally* engaging in, assisting or encouraging criminal acts targeting Muslims or those perceived to be Muslim; prejudicial stereotyping of Muslims carried out with the *intention* of encouraging hatred; and unlawful discrimination, including through institutional practices and biases, *intended* to disadvantage Muslims in public and economic life.

The Government's definition of anti-Muslim hostility has some strengths. It calls out, in the Government's own language, the bigotry experienced by UK Muslims, which previous governments had refused to do. It can be used to seek to address that bigotry in public institutions and society at large, and to educate future generations about it in schools – in the same way as the efforts described above on antisemitism. The definition purports to protect people perceived to be Muslim, and its accompanying text alludes to racialisation as a process in society and that, for some this is a form of racism. However, the definition itself explicitly stops short of recognising anti-Muslim hostility as racism. The Government also promised a special representative on anti-Muslim hostility, but as of mid-November 2026, that post had still not been filled. Appointing one promptly, with the same standing, brief and resources as the Independent Adviser on Antisemitism, would be one of the simplest ways to extend a model that has worked.

The point about the definition of most concern to Muslims is the effect of the intention requirement. Majid Iqbal, Director of the Islamophobia Response Unit, has argued that intentional hostility implies active aggression and misses discrimination arising from systemic barriers. Much of what his organisation encounters, from everyday microaggressions to bias in recruitment and institutional barriers, is real but unintentional, and so falls outside the definition. The Muslim Council of Britain's Secretary-General, Wajid Akhter, called the outcome a 'diminished version' of the definition the working group had recommended. This intention point is significant. Of the protections described above, only the stirring-up offences on grounds of religion or belief require proof of what was in someone's mind. The aggravated offences can be proved by a demonstration of hostility, and the IHRA definition, rightly, requires no intent at all. Unlawful discrimination under the Equality Act 2010 does not depend on intention either: direct discrimination needs no motive, and indirect discrimination needs no awareness. In multiple ways, therefore, the definition recognises less than the law already prohibits.

The concern for many Muslims engaged in tackling Islamophobia is therefore that the definition, as it is rolled out to other institutions, may reduce their existing Tier 1 protections in practice, even if not in law. If so, rather than closing the gap between Tier 1 on the one hand, and Tiers 2 and 3 on the other, it would leave Muslims at the bottom of the hierarchy of the four tiers. The better course is to bring the 'working' definition of anti-Muslim hostility in line with the approach that has served the Jewish community well, so that Muslims and other communities receive comparable recognition and protection.

Devolution complicates the picture further

The four-tier structure described above does not apply uniformly across the UK – as in the UK, criminal law runs under three jurisdictions (England & Wales, Scotland and Northern Ireland), discrimination law runs under separate statutory provisions in Great Britain and Northern Ireland, and administrative law and public policy differs in all four nations.

In criminal law, stirring up religious hatred under Part 3A of the Public Order Act 1986 applies only in England and Wales. Scotland has consolidated its stirring-up offences under the Hate Crime and Public Order (Scotland) Act 2021, in force since 1 April 2024. For religion, the Act covers threatening or abusive conduct, but only where there is intent to stir up hatred. For race, it covers threatening, abusive or insulting conduct, where hatred is intended or likely to be stirred up. Scotland has therefore narrowed the Part III/Part 3A gap that persists in England and Wales, by including 'abusive' conduct for religion – but it has kept the most important difference: for race likelihood is enough, while for religion intent must be proved. Additionally, in Scotland, prosecutions are brought by the Crown Office and Procurator Fiscal Service, with no separate requirement for an AG or Law Officer's consent. Northern Ireland is the outlier here in the other direction. The Public Order (Northern Ireland) Order 1987 has applied the same scope and threshold to stirring up religious hatred as to racial hatred since these offences began: threatening, abusive or insulting conduct, with intent or likelihood. On aggravation, however, Northern Ireland relies on sentence enhancement alone, with no equivalent of the aggravated offences in England and Wales.

On the civil side, the Equality Act 2010 applies in England, Wales and Scotland but not Northern Ireland. Northern Ireland retains an older architecture: the Race Relations (Northern Ireland) Order 1997 and the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO), overseen by a separate Equality Commission. On grounds of both race and religion, its provisions are weaker in some respects and stronger in others. For example, Northern Ireland is weaker on positive action than ss158 and 159 of the 2010 Act, but stronger on compulsory workforce monitoring and affirmative action under FETO, which defines affirmative action in Article 4; s75 of the Northern Ireland Act 1998 has no equivalent to the first limb of s149 of the 2010 Act, on eliminating discrimination, harassment and victimisation – but it is stronger on promoting equality of opportunity and good relations; and Northern Ireland has no equivalent of s77 of the 2010 Act, which makes pay-secrecy terms unenforceable where employees discuss whether pay is linked to a protected characteristic such as race or religion. Additionally, while teachers in Great Britain are protected, with targeted exceptions for schools with a religious character, Article 71 of FETO excludes school teachers altogether from its religious discrimination provisions on employment. Furthermore, even where the Equality Act 2010 applies to the whole of Great Britain, commencement of provisions may differ. The socio-economic duty in s1 of the 2010 Act, for example, which requires public bodies to have due regard to reducing inequalities of outcome resulting from socio-economic disadvantage, has been in force in Scotland since 2018 and in Wales since 2021, but has so far not been commenced in England, although the Government has committed to doing so. The newest policy instruments are also currently restricted in their applications: the anti-Muslim hostility definition expressly applies only to England for now, and the Mann and Bell reviews concern the NHS and schools in England only.

When the four tiers of protection described above are mapped onto the four nations of the UK, it is thus possible to count sixteen different shades of protection for groups facing racialised religious bigotry.

These shades will only become more distinct as the non-statutory definitions underlying Tiers 3 and 4 are adopted by public and regulatory bodies in each nation, according to their own legal system, history and public discourse. The table below sets out the sixteen shades. Tier 1 in England is the base. The rest of the England row shows how each tier differs from Tier 1. The rest of the Tier 1 column shows how each nation's baseline differs from England's. The remaining cells show how each tier works in that nation compared with the same tier in England. Each additional shade reinforces the sense that protection depends on who you are, what you believe (or not), and where you live. That makes it harder for communities to see their struggles against hatred as a shared one, and easier for them to be set against each other.

	Tier 1: common baseline (all faith groups)	**Tier 2: ethnic-group status (Sikhs and Jews)**	**Tier 3: IHRA definition (Jews)**	**Tier 4: anti-Muslim hostility definition (Muslims)**
England	- Art 9 and 14 ECHR rights via the Human Rights Act 1998 - Religiously aggravated offences in ss28–32 of the Crime and Disorder Act 1998 - Stirring up religious hatred under Part 3A of the Public Order Act 1986 (threatening conduct only and requirement of intent) - Equality Act 2010 protection for religion or belief, but no religion-related harassment protection in services, premises, schools or associations - Socio-economic duty not commenced	- Adds Part III protection for racial hatred (threatening, abusive or insulting; intent or likelihood) - Full Equality Act harassment protection in services, premises, schools and associations - Would add race equal pay rights under the proposed Equality (Race and Disability) Bill.	- Adds a government-adopted definition requiring no proof of intent - An Independent Adviser on Antisemitism and a Cabinet Committee on Antisemitism - Govt accepts all the recommendations of the Mann review of health services and Bell review of schools and colleges; NHS England adopts the definition - Awaiting the Macdonald report on public order and hate crimes and the audit of Arts Council England's handling of antisemitism allegations - *Protecting What Matters* – new powers for Charity Commission and security funding for community assets	- Adds a government definition that requires intent in every limb – Muslims fear this risks narrowing protections and provisions under Tier 1 in practice - Special representative promised but not yet appointed - *Protecting What Matters* – new powers for Charity Commission and security funding for mosques
Wales	- Same criminal and civil law as England. - Differs in public policy: equality policy in Wales is set by the Welsh Government and the s1 socio-economic duty has been in force since 2021	- Same as England. - Examples of benefitting as an ethnic group include recognition of Jews as experiencing racism in the Anti-Racist Wales Action Plan, and the addition of Jewish ethnicity to a Welsh Government minority	- The UK Government's adoption of the definition and appointment of an Adviser have UK-wide reach, but the England-specific reviews and audit do not apply - Health and education are devolved policy areas, so	- The UK Government's definition has a UK-wide reach, but its implementation will depend on the Welsh Government and Welsh public bodies. The Welsh Government may adopt its own

		ethnic incentive scheme for trainee teachers	implementation of the definition and recommendations depends on the Welsh Government and Welsh public bodies	definition. So, for now, Muslims in Wales are more likely to fall under Tier 1 alone
Scotland	- No Part 3A or Crime and Disorder Act aggravated offences - Stirring up religious hatred under the Hate Crime and Public Order (Scotland) Act 2021 covers threatening *or abusive* conduct, with intent required – thus, very slightly broader than England & Wales; prosecutions brought by the Crown Office without a separate AG/Law Officer consent requirement - Statutory aggravation applies to all listed characteristics - Equality Act 2010 applies and the socio-economic duty has been in force since 2018	- The gap in the criminal law for stirring up religious hatred is very slightly narrower as religion already covers 'abusive' conduct – however, race still needs only likelihood, while religion needs intent - Ethnic-group status brings the same Equality Act advantages as in England	- As for Wales, the England-specific reviews do not apply, and implementation depends on the Scottish Government and Scottish public bodies - Recommendations with UK-wide implications are taken forward with the devolved administrations	- As for Wales, the implementation of the definition will depend on the Scottish Government and Scottish public bodies. The Scottish Government may adopt its own definition. So, for now, Muslims in Scotland are more likely to fall under Tier 1 alone, including Scotland's very slightly broader stirring-up offence
Northern Ireland	- Stronger in criminal law than GB: stirring up religious hatred uses the same test as racial hatred (threatening, abusive or insulting; intent or likelihood) - Weaker than GB on aggravation: sentence enhancement only - No Equality Act 2010: FETO 1998 governs religion, with weaker positive action but compulsory monitoring and affirmative action, no pay-secrecy protection, and an exception for school teachers - Section 75 good relations duty	- Ethnic-group status brings no criminal law advantage, as race and religion share the same stirring-up test - Civil advantages depend on differences between the Race Relations (NI) Order 1997 and FETO - The proposed Equality (Race and Disability) Bill would cover Great Britain only	- As for Wales and Scotland, with implementation depending on the Northern Ireland Executive and public bodies operating under the s75 framework	- As for Wales and Scotland, the implementation of the definition will depend on the Northern Ireland Executive and public bodies operating under the s75 framework. The Norther Ireland Executive may adopt its own definition. So, for now, Muslims in N Ireland are more likely to fall under Tier 1 alone, which in criminal law gives them the same stirring-up protection as racial groups – the strongest position in the UK

An urgent case and call for harmonisation

The consequences of this patchwork of protections are not abstract. In the summer of 2024, after the killing of three young girls in Southport and false claims online that the attacker was a Muslim asylum seeker, rioters targeted mosques and Muslims in the town and across England. The disorder also spread to Belfast. In June 2025, loyalist mobs in Ballymena burned the homes of migrant families, in violence some commentators described as pogroms. Similar violence returned to Belfast and surrounding areas in June 2026, when Amnesty International said anti-Islam sentiment was a more prominent feature of these disturbances than in the past. June 2026 also saw some of the worst violence against Muslims in recent Scottish history. On 19 June, five men were injured in a series of attacks in Edinburgh, beginning with two men stabbed outside Broomhouse Mosque after prayers. The then Prime Minister, Keir Starmer, said the attacker appeared to be motivated by anti-Muslim hatred, and the accused was charged with terrorism-linked attempted murder. Worshippers were also reported to have been trapped inside Glasgow Central Mosque, Scotland's largest. Throughout 2025 and 2026, asylum accommodation across England, Scotland and Northern Ireland repeatedly faced violent protests. The last three years have also seen major antisemitic attacks on Jewish assets and people – particularly in Manchester and London.

Each of the above episodes, however, drew a legal and institutional response calibrated by which nation it happened in, which minority was attacked, and therefore, which tier and laws applied to the victims. Similar calibration takes place every day in how discrimination and malicious stereotypes faced by different racialised communities are identified and addressed. These differences affect not only how victims from different religious groups are protected but also relations between communities. When one community sees another's experience of racialised religious hatred met with a dedicated adviser, reviews and recommendations accepted by Government, while its own similar experience is not similarly addressed, the result can be resentment rather than solidarity. Debates about one community's protections become proxies for grievances about another's, and communities with a common interest in confronting bigotry are drawn into competing with one another. Those dynamics harm everyone, including the communities with the strongest protections, whose hard-won gains can be wrongly portrayed as privileges.

A state genuinely committed to equal citizenship cannot go on relying on outdated statutory provisions, the accidents of twentieth-century case law, and non-statutory definitions that differ from community to community to decide how seriously an act of racial, religious or racialised religious hatred is treated. Harmonising protection for racialised religious groups is no longer a 'should' but a 'must'. That means harmonising scope and substance, evidential thresholds, and criminal, civil and administrative law as well as public policy, across all four nations of the UK. The Government only this week rightly recognised that its support for Jewish communities cannot stop at a national border. Responding to a question in the House of Lords on 16 November 2026, the Home Office Minister, Lord Hanson of Flint, said that 'it is important that every Jewish citizen in every part of this United Kingdom has the support of the Government and is protected against potential attacks' (HL Deb, 16 November 2026, c457). That is the right approach – but it should apply equally to Muslim citizens, and to all other communities facing racialised religious bigotry, in England, Scotland, Wales and Northern Ireland.

Harmonisation is also one of the most effective routes to social cohesion. A single, shared standard removes the grounds for comparison and competition. It lets Jewish, Muslim, Buddhist, Sikh, Hindu, Christian and other religion or belief communities stand together against every form of racialised religion or belief hatred, confident that an attack on one is treated as seriously as an attack on any other. It would also give practical effect to duties public bodies already have: the duty in s149 of the Equality Act 2010 to foster good relations between people who share a protected characteristic and those who do not, and the duty in s75 of the Northern Ireland Act 1998 to promote good relations between people of different religious belief and racial group. Equal protection is not a zero-sum contest. Extending the gains made against antisemitism to other communities strengthens, rather than weakens, the case for those gains.

Single statutory standards, applied equally regardless of a community's accidental ethnic or religious status, its ability to secure a bespoke non-statutory definition, or the jurisdiction in which it lives, would replace four unequal tiers and sixteen shades of protection with one genuinely equal standard for all. That standard should be set at the highest level of protection any community currently enjoys, not the lowest. This direction of travel has official support. In December 2021, the Law Commission's final report on hate crime laws recommended that, in England and Wales, the protected characteristics be treated equally across hate crime law, including the stirring-up offences. Parliament has now acted on part of that recommendation: the Crime and Policing Act 2026 extends the aggravated offences beyond race and religion to disability, sexual orientation, transgender identity and sex. If Parliament can level up those protections, it can level up the thresholds that separate racial from religious hatred. Many other reviews have made similar recommendations on civil and administrative law and policy, and Lord Macdonald's pending review offers an immediate opportunity. Because criminal law and much of equality law are devolved in Scotland and Northern Ireland, harmonisation will also require agreement with the devolved governments.

The progress made in tackling antisemitism is real, hard-won and should be protected and built upon. It shows what a dedicated adviser, sector reviews, security funding and sustained institutional commitment can achieve. We strongly support it. The Government delivered a harmonised approach to discrimination and equality in the Equality Acts of 2006 and 2010. It should now do the same for racialised religious bigotry, by extending the seriousness, and the provisions, it has rightly brought to antisemitism to every community facing similar racialised hatred in the UK. MLegal's Policy Paper on Equality Law Reform, published in May 2026, provides recommendations on how this can be achieved.

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