

## **THE RELIGIOUS HATRED BILL**

### **Carlisle Diocesan Evangelical Fellowship**

The **Religious Hatred Bill** seeks to create a new offence of 'stirring up hatred against people on religious grounds.' It does this by adding new parts of an older law, the Public Order Act 1986.

If the proposals become law, section 18 of the Public Order Act would read:

*A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if -*

- a) He intends thereby to stir up racial or religious hatred, or -*
- b) Having regard to all the circumstances the words, behaviour or material are (or is) likely to be heard or seen by any person in which they are (or is) likely to stir up religious hatred.*

Whilst no Christian would intend to use threatening, abusive or insulting behaviour, the proposed law could also be used to prosecute someone whose intentions were noble but who did not realise that his actions were 'likely' to stir up religious hatred.

### **The Government have given a number of reasons why a new offence is needed:**

- There should be equality with other faiths.
- The Muslim Community needs special protection from terrorist attacks, (especially after September 11<sup>th</sup>).
- The law would send a necessary signal that it is unacceptable to incite people to hate those of other religions.

The idea behind the Bill is something all Christians would support, in that all Christians would want a peaceful society in which people can freely express their views, but the way in which the Bill is worded means that it could well be used in a way far beyond that ever intended by the Government.

### **PROBLEMS WITH THE BILL**

- Existing case law shows that the current law is adequate to deal with the perceived threat of religious hatred. Successful prosecutions have already been made for low-level hostility towards other religions under section 5 of the Public Order Acts 1986.
- *Freedom of Speech* could be hindered, which might possibly contravene articles 9 and 10 of the European Convention on Human Rights. Already some churches have been asked to take down posters and not hand out leaflets because they could be considered offensive.
- *Extremist groups* may use this law to their advantage. Amir Butler, executive director of the Australian Muslim Public Affairs Committee, (who originally thought the law in Australia would protect the Muslim

community from victimisation), said "All these anti-vilification laws have achieved is to provide a legalistic weapon by which religious groups can silence their ideological opponents."

- *The terms of the Bill are loosely defined.* The basic requirement for *mens rea* (mental culpability) is absent from the definition of the offence. This means that a judge will have to make a decision as to whether any group might have been stirred to religious hatred, even if the intention of the act was otherwise. Likewise, the statute does not define 'religion'. Therefore, in arguing for their 'religion' Satanists, druids, humanists and various cults could avail themselves of the protection enshrined in the Bill.
- *The Bill could result in division.* Rather than listening to the views of others and accepting or rejecting them, the Bill allows for the possibility of some groups seeking to silence those with whom they disagree.

## **REACTIONS TO THE BILL**

[When first introduced]

"The extension of incitement legislation at this particular time is unlikely to protect Muslims. We have grave reservations about the introduction of legislation at this particular time . . . . Investigation and detection will require law enforcement agencies (the police in particular) to cast their net wider which may have two significant consequences: heavier policing and investigation of the whole Muslim community [and] a deterrent and chilling effect on the legitimate free speech of all Muslims."

*Dr Zaki Badawi, The Muslim College*

*Dr Syed Azis Pasha, Union of Muslim Organisations*

*Six other leading Muslims*

(Memorandum to Home Affairs Select Committee, November 2001)

"Our concern is that these measures, apart from being a sop that the Government wants to throw at the Muslim Community, will be divisive, impractical and breach fundamental issues relating to freedom of expression .. It seems to me that there is a difference between incitement to hatred to relation to race and incitement in relation to religion . . . In religious hatred the mischief is actually inciting people to hate the ideas of a religion. That is something we must allow."

*John Wadham, Director of Liberty*

(Evidence before Home Affairs Select Committee, 8<sup>th</sup> November 2001)

"Do we seriously intend to go back two centuries because some religious zealot committed an act of gross and inhuman terrorism? If we are free to adopt a religion we must also be free to discuss the dangers of other religious beliefs."

*John Mortimer QC*

(Daily Mail, 18<sup>th</sup> October 2001)

"The new law will criminalise not deeds that threaten life and liberty, but thought itself . . . If we are properly to defend our liberal values, it's essential to realise what freedom of speech entails. It is freedom to say things that cause offence; it is freedom to say things that may cause people to dislike others. Once you try to prevent that by legislating against hatred, where would you stop?"

*Melanie Phillips*

(The Sunday Times, 21<sup>st</sup> October 2001)

### **FROM THE COAL FACE**

- *A similar law in Australia has led to the prosecution of a mainstream Christian Pastor who taught a seminar on Islam. The judge decided that the seminar incited 'intense dislike' of Muslims, which was enough to count as 'hatred'.*
- *Already in certain parts of England with large Islamic populations, Churches have already been asked to take down posters with Bible verses because they could be considered insulting to people of other religions.*
- *It is possible that extremist and activist groups will take advantage of this law. The Mysticism and Occult Federation monitored Premier Radio (a Christian station) in order to find grounds for complaint. The authority upheld some of their complaints, saying that it was offensive for Premier Radio to warn of the dangers of the occult on air.*
- *In August 2005 a witch sought to prosecute the Salvation Army for using the Alpha course in an Australian prison in which the witch was serving time. The prosecution was unsuccessful and the judge criticised the law which allowed the prosecution to be brought to court.*

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