



**Briefing for the
House of Commons consideration
of the House of Lords amendments to the
Racial and Religious Hatred Bill**

January 2006

1. JUSTICE is an independent all-party human rights and law reform organisation. It is the British section of the International Commission of Jurists.
2. JUSTICE is sympathetic to the Government's purpose in seeking to place incitement to religious hatred on the same footing as incitement to racial hatred. We accept there may be a protection gap in our penal law in that people subjected to hatred, abuse and vilification because of their religion do not have similar protection under the criminal law compared to those targeted because of their race. Protection for all those with religious or other beliefs is an important aim in a pluralistic society that values diversity, and there is a case for strengthening such protection. This situation has been criticised by the House of Lords Religious Affairs Select Committee, in June 2003, as well as the UN Committee for the Elimination of all forms of Race Discrimination in August 2003 and more recently the European Commission against Racism and Intolerance and the Council of Europe Human Rights Commissioner Mr Gil-Robles.
3. JUSTICE welcomes the clarification that in respect of the offence of hatred against persons on religious grounds the offence is only committed when a person can be shown to have intended to stir up religious hatred or to have been reckless as to whether such religious hatred would be stirred up.
4. JUSTICE had become concerned that the bill required further consideration and re-drafting in order to ensure that freedom of expression is not jeopardised. We therefore welcome the new clause 29K(1) clarifying that discussion or debate of issues relating to any religion, religious belief or religious practice, or criticism, insulting or ridiculing any religion, religious belief or religious practice or views expressed with a view to persuading a person to convert, adopt or abandon any religion or religious belief will not amount to an offence under this bill.
5. We also welcome the clarification in clause 29K(2) tightening the offence to make it clear that it applies to incitement of hatred to people and not religion or belief as abstracts, as there is an important distinction between belief and believer. Whilst the believer should be protected from hatred for holding religious beliefs, the beliefs themselves are not entitled to receive such protection.
6. JUSTICE continues to consider that the offence of blasphemy should be abolished as it is outdated and discriminatory in protecting only the Christian religion and such inequality cannot be justified.