

COPY

Sent to 18 peers; those who tabled amendments, those suggested by Ted Goodman and Dave Bird, plus 2 who appeared in a press report

25, Middleton Close,
Fareham,
Hants. PO14 1QN
28th November, 2001

My Lord,

I write on behalf of the Campaign concerning the Anti-Terrorism, Crime and Security Bill.

The Campaign Against Censorship is very strongly opposed to the provisions on 'incitement to religious hatred' in part 5 of the Bill.

Expressing an opinion, no matter how obnoxious, should not be a criminal offence. The proper and effective way to counter 'hate speech' is with information, education, argument and debate, not censorship. Banning an opinion gives it the glamour of the forbidden.

There is a wide gap between the verbal expression of bigotry and its expression in acts of violence. There are already plenty of laws available to deal with violent disorder, arson and assault, regardless of motive. People who are prevented from expressing themselves verbally are more likely to resort to violence, not less.

The existing law on incitement to racial hatred has rarely been used, not least because it is unlikely to result in convictions. The proposed extension to cover religious groups is even more unworkable.

Like nearly all censorship legislation, the proposals have been hastily and badly drafted. They do not even define 'religious belief'.

It is extremely unlikely that the proposed law would be used to prosecute members of mainstream Christian churches. It is much more likely that those charged under it would be of other sects and other faiths. (In the case of Islam, that may even be the intention.) We cannot be sure that groups of believers will not try to use it to silence their own dissidents or ex-members.

The following points are of particular importance:

* Clause 39, page 19, line 33 - there is no definition of 'hatred'. In spite of the assurance offered by the Home Secretary, we cannot be sure that ridicule and satire will not be prosecuted.

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NB. The clauses, pages and lines have been renumbered.
The text remains the same.

CAMPAIGN AGAINST CENSORSHIP

continued

Clause 39, page 19, line 34 - refers only to 'a group'. It does not proscribe attacks on individuals. (It would not prohibit an attack on Salman Rushdie for his lack of belief in the Koran.)

Clause 39, page 19, lines 34-35 - there is no definition of 'religious belief' and no definition of 'group'. This lack of definition may lead to attempts by members of existing faiths to silence their opponents and/or their own dissident members and splinter groups.

Clause 39, page 19, lines 36-37 and page 20, lines 1-9 - The clauses in the Public Order Act, 1986 (c.64) - part 3, clauses 17-23 - are heavily dependent on proof of intent. That is, people may be convicted not for the material they publish but for what they think of it. It is wrong to prosecute people for what they think.

Clause 38, page 20, line 9 - Simple possession of any material, no matter how offensive, should not be a criminal offence.

Amendment no.100, if accepted, would go some way to address the Campaign's concerns, but we should prefer to see clauses 37-43 removed from the Bill.

We support complete repeal of the law of blasphemy and blasphemous libel.

We hope that you and your fellow Peers will be able to persuade the Government to think again on this matter.

Thank you for your attention,

Yours faithfully,

(Hon. Secretary, CAC)

The following points are of particular importance:
1. Clause 39, page 19, line 34 - refers only to 'a group'. It does not proscribe attacks on individuals. (It would not prohibit an attack on Salman Rushdie for his lack of belief in the Koran.)
2. Clause 39, page 19, lines 34-35 - there is no definition of 'religious belief' and no definition of 'group'. This lack of definition may lead to attempts by members of existing faiths to silence their opponents and/or their own dissident members and splinter groups.
3. Clause 39, page 19, lines 36-37 and page 20, lines 1-9 - The clauses in the Public Order Act, 1986 (c.64) - part 3, clauses 17-23 - are heavily dependent on proof of intent. That is, people may be convicted not for the material they publish but for what they think of it. It is wrong to prosecute people for what they think.
4. Clause 38, page 20, line 9 - Simple possession of any material, no matter how offensive, should not be a criminal offence.

The Campaign for Free Speech and the Campaign for the Repeal of the Blasphemy and Blasphemous Libel Laws
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