

# REVIEW OF HATE CRIME LEGISLATION IN NORTHERN IRELAND



Response from Northern Ireland Humanists and  
Faith to Faithless, March 2020

## ABOUT NORTHERN IRELAND HUMANISTS

Northern Ireland Humanists is a part of Humanists UK, working with the Humanist Association of Ireland. We want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by over 85,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

## ABOUT FAITH TO FAITHLESS

Faith to Faithless is a community service programme of Humanists UK which works to raise awareness of the issues faced by those who leave high-control religious groups or cults. Deciding to leave a religion can often mean rejection from your family and community, with little understanding of where to turn next. 'Apostates', as these people are sometimes called, may end up homeless, isolated, and at risk of hate crime.

## SUMMARY

The Criminal Justice (Northern Ireland) (No 2) Order 2004 and the Public Order (Northern Ireland) Order 1987 defines 'religious group' as 'a group of persons defined by reference to religious belief or lack of religious belief'. Therefore, it does not include non-religious beliefs such as humanism. We recommend that this is amended, to be in line with human rights and equality legislation.

Additionally, the very name 'religious hatred' in itself excludes the non-religious, which leads to poor understanding of the problems faced by non-religious people, particularly apostates, and miscommunication elsewhere, leading to victims not knowing that their experience is a hate crime. We recommend that both the law and governmental communications around hate crime to use fully inclusive language.

**Name of Respondent (individual/organisation):** Northern Ireland Humanists and Faith to Faithless

## RESPONSE TO CONSULTATION QUESTIONS

### Chapter 1, Part 1: Definition

#### **1. What do you consider to be a hate crime?**

We consider a hate crime to be a criminal act in which the perpetrator is partially or wholly



motivated by hostility towards, or targets the victim because they possess certain indelible characteristics or is perceived to possess those characteristics.

**2. Do you consider that the working definition of a hate crime discussed in this chapter adequately covers what should be regarded as hate crime by law in Northern Ireland?**

No

**Please give reasons for your answer.**

Under current hate crime legislation in Northern Ireland, and under the proposed changes under this review, only certain characteristics will be protected, we find the terms 'identity' to be too vague. Not all aspects of the victim's identity for which they could be targeted would constitute a hate crime (the definition should refer to those characteristics that are protected already or will become protected as a result of this review). We recommend that the definition adopts the term 'characteristics' which makes clearer the links and parity between hate crime legislation and human rights and equality legislation.

Chapter 8: Protected groups – should additional characteristics be added?

**17. Do you consider any other new characteristics should be protected in Northern Ireland hate crime legislation other than those mentioned above?**

**Please give reasons for your answer.**

**Humanists should be protected by hate crime legislation**

The Criminal Justice (Northern Ireland) (No 2) Order 2004 and the Public Order (Northern Ireland) Order 1987 defines 'religious group' as 'a group of persons defined by reference to religious belief or lack of religious belief'. Therefore, although those with 'lack of religious belief' are covered, the definition does not cover hatred motivated by the holding of non-religious worldviews, such as humanism. While apostasy may be protected under hate crime law, humanism wouldn't be. This is at odds with human rights and equality law which positively include humanist beliefs. Therefore, there is no parity between human rights/equality legislation and hate crime legislation for those who positively hold non-religious worldviews. We believe that this is a gap in the current legislation that could be addressed by clarifying the wording in the above Acts to 'religious or belief group' and 'religious or belief-based aggravation.'

Extending the definition to include 'beliefs' will not in any way weaken or dilute protection for religious groups, only enhance protections for those who hold non-religious worldviews. This would bring hate crime legislation more in line with and closer reflect the wording and scope of the Human Rights Act 1998, which enshrines the European Convention on Human Rights into UK law, and which uses the term 'religion or belief'.

There are several examples in UK case law on education and marriage, where it has been determined that either the term 'religion' must be 'read in' to include humanism, or it has



been explicitly suggested that the law must change to include humanism. In each case the definition of 'belief' has been interpreted narrowly to include beliefs that are analogous to religions, e.g. humanism, rather than everything that could be said to be a protected 'belief' under e.g. employment law. We believe that something similar could be adopted in this legislation, which would not only ensure that non-religious worldviews are included on an equal footing, but also would remedy concerns about the legislation becoming too broad or ill-defined.

In *(R) Fox v Secretary of State for Education* 2015, a High Court case concerning whether the GCSE syllabuses must include humanism equally alongside religions, it was determined that the law must be interpreted as including non-religious beliefs on an equal basis. Mr Justice Warby said,

'In carrying out its educational functions the state owes parents a positive duty to respect their religious and philosophical convictions... the state has a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner... the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents' convictions.'<sup>1</sup>

In 2018, the Welsh Government, responding to legal challenge to the exclusion of humanists from being members of a local authority's Standing Advisory Council for Religious Education (SACRE), issued a circular instruction to all Local Authority Directors of Education stating,

'to ensure compatibility with the Human Rights Act 1998 the provisions relating to the constitution of SACRES... are to be interpreted as permitting the appointment of persons who represent holders of non-religious beliefs in the same way as they permit the appointment of persons who represent holders of religious beliefs; (section 390(4)(a) of, and paragraph 4(2)(1) of Schedule 31 to, the 1996 Act). However, we consider the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief, such as humanism. To be "analogous" we consider the non-religious beliefs must in accordance with case law under the European Convention on Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.'<sup>2</sup>

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<sup>1</sup> *(R) Fox v Secretary of State for Education* 2015 EWHC 3404

<https://humanism.org.uk/wp-content/uploads/R-Fox-v-SSfE-2015-EWHC-3404-Admin-251115.pdf>

<sup>2</sup> Welsh Government, *Letter to Local Authority Directors of Education*, 3 May 2018

[https://humanism.org.uk/wp-content/uploads/KW\\_0783\\_18-en.pdf](https://humanism.org.uk/wp-content/uploads/KW_0783_18-en.pdf)



Following this case, the Welsh Government announced its intention to include non-religious worldviews on an equal footing to religious beliefs in its new legislative framework for the Welsh schools curriculum. It stated,

'It is our intention also that RE reflects our historical and contemporary relationship in Wales to philosophy and religious views, including non-religious beliefs. Therefore the current legislation will be amended to ensure the agreed syllabus for RE takes account of non-religious worldviews which are analogous to religions (e.g. humanism).'

In Northern Ireland, case law established by the 2017 *Smyth* case led to humanists being permitted to solemnise marriages after the High Court found that,

'the State has chosen to authorise the solemnisation of religious marriage ceremonies in recognition of those bodies' beliefs. Having done so, in my view it should provide equal recognition to individuals who hold humanists [sic] beliefs on the basis of my findings that humanism does meet the test of a belief body and that a wedding ceremony conducted by a humanist constitutes a manifestation of that belief.'<sup>3</sup>

Similarly, the Communications Act 2003, which uses the term 'religion or belief' defines belief narrowly as 'a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrines'.<sup>4</sup>

This recommendation would be in line with the criteria for adding characteristics proposed in the Bracadale review of hate crime in Scotland.<sup>5</sup> Humanists possess a group identity, whose characteristics are (like its religious equivalents) for the most part immutable, and have historically and continue today to experienced discrimination and marginalisation.

## Chapter 11: Stirring up offences

### **35.If gender, gender identity, age or other groups are included in the protected groups, should they also be included under the groups protected by the stirring up provisions in Part III of the Public Order (Northern Ireland) Order 1987?**

Yes

#### **Please give reasons for your answer.**

We support there being parity across protected characteristics across all legislation dealing with hate crime across Northern Ireland. This approach should avoid a hierarchy of

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<sup>3</sup> *Smyth* [2017] NIQB 55:

<https://judiciaryni.uk/sites/judiciary/files/decisions/Smyth%27s%20%28Laura%29%20Application.pdf>

<sup>4</sup> The Communications Act 2003: <http://www.legislation.gov.uk/ukpga/2003/21/section/264>

<sup>5</sup> Scottish Government, Independent review of hate crime legislation in Scotland: final report, <https://www.gov.scot/publications/independent-review-hate-crime-legislation-scotland-final-report/>



characteristics from forming across the legislation where some types of hate crime are seen as more acceptable or less harmful than others.

Furthermore, as described in detail in the answer to question 17, we believe that there is a gap in the protected characteristics under current legislation regarding non-religious worldviews. This could be addressed by clarifying the wording in the above order to 'religious or belief group' and 'religious or belief-based aggravation.'

**36. Should the defences of freedom of expression present in the Public Order Act 1986 for religion and sexual orientation be specifically added as defences to Part III of the Public Order (Northern Ireland) Order 1987?**

Yes

**Please give reasons for your answer.**

Firstly, we believe that there should, as far as possible, be parity between hate crime legislation in Northern Ireland and the rest of the UK. Secondly, and most importantly, the current formation of this defence under the Public Order Act 1986 strikes the right balance between protecting racial or religious groups from threats or incitements to violence whilst protecting the right to dissent and express ideas contrary to the beliefs of those groups. It draws a clear distinction between criticism of religions and incitement to violence against its adherents. This should be replicated in Northern Ireland law.

The right to express dissent from religion, including criticising, ridiculing, or parodying religious beliefs, is a central tenet of both the right to freedom of religion or belief and the right to freedom of expression. This is laid out in Articles 18 and 19 of the Universal Declaration of Human Rights, Articles 9 and 10 of the European Convention on Human Rights, and the International Covenant on Civil and Political Rights.

Each of the rights contained under these articles contains limitations when there is a genuine societal need to restrict expression. However, offence against religious sentiment does not feature in any of these restrictions. In fact, in 2011, the UN Human Rights Council issued General Comment 34 on the International Covenant on Civil and Political Rights stating that 'prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant.'<sup>6</sup> This principle applies to all forms of expression, including statements which are critical or disrespectful of religion.

Furthermore, contrary to the belief stated in this consultation document that such a defence could sanction 'anti-religious discourses', it is generally accepted that forbidding dissenting speech against religion promotes religious intolerance rather than protecting adherents. The UN's Special Rapporteur on Freedom of Religion or Belief, Dr Ahmed Shaheed, made this case strongly in his report to the UN General Assembly in 2017 on the elimination of all forms of religious intolerance.

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<sup>6</sup> UN International Covenant on Civil and Political Rights, General Comment 34, July 2011.  
<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>



'Anti-blasphemy, anti-apostasy and anti-conversion laws, some of which are falsely presented as "anti-incitement" legislation, often serve as platforms for enabling incitement to discrimination, hostility or violence against persons based on religion or belief. Such laws also frequently afford varying levels of protection to different religions and are often applied in a discriminatory manner. Those who support criminalizing blasphemy argue that criticism of religion or defamation of religious figures is a variant of hate speech. In reality, however, anti-blasphemy laws are generally focused on the degree to which speech causes offence or outrage to religious sentiments, and not the extent to which that speech undermines the safety and equality of individuals holding those religious views.

'Anti-blasphemy laws often give States licence to determine which conversations on religion are admissible and which ones are too controversial to be voiced. The Special Rapporteur notes that when governments restrict freedom of expression on the grounds of "insult to religion", any peaceful expression of political or religious views is subject to potential prohibition. In practice, those laws can be used for the suppression of any dissenting view in violation of international human rights standards protecting freedom of opinion and expression and freedom of religion or belief. Consequently, the international community, in several recent action plans, have called upon States that still have blasphemy laws on the books to repeal them because such laws have a stifling impact on the enjoyment of the right to freedom of religion or belief, not to mention the ability to engage in healthy dialogue and debate about religion. Legislation on religious offences is thus often used to facilitate the persecution of members of religious minority groups, dissenters, atheists and non-theists.<sup>7</sup>

In 2009, Humanists UK (then known as the British Humanist Association) was successful in its campaign for the repeal of the blasphemy laws in England and Wales. This was an important recognition in the UK that insult and offence against religious sentiment should not be prohibited by law or interfered with by the state, and thus we believe that removing or failing to replicate this defence in hate crime legislation could lead to these laws being used as *de facto* blasphemy restrictions.

**37. Should the express defence of freedom of expression for same-sex marriage in Article 8(2) of the Public Order (Northern Ireland) Order 1987 be retained in law or repealed?**

Yes (retained in law)

**Please give reasons for your answer.**

Similarly, as outlined above with regard to religion, fundamental to the exercise of freedom of expression in a democratic society is the right to express dissent from ideas and concepts, regardless of if the majority views favour those criticisms or not. Therefore, it is important that hate crime legislation in Northern Ireland does not blur the distinction between expressing dissent at the moral acceptability of homosexuality or same-sex marriage and stirring up hatred against homosexual people or people entering into a

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<sup>7</sup> Dr Ahmed Shaheed, UN General Assembly, Seventy-second session. *Interim report of the Special Rapporteur on freedom of religion or belief*: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/72/365](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/72/365)





same-sex marriage. As noted in the consultation document, the Secretary of State for Northern Ireland has already confirmed that the introduction of same-sex marriage in Northern Ireland has not and will not affect freedom of thought, conscience, religion, or belief or freedom of expression in Northern Ireland. Therefore, the recent amendment to insert this defence into the 1987 Act should be retained.

**38. Under Article 9(1) of the Public Order (Northern Ireland) Order 1987, should the test remain referring to a person using “threatening, abusive or insulting words or behaviour or displaying any similar written material which is threatening, abusive or insulting” or should the words “abusive” or “insulting” be removed from the test for the commission of the offence?**

We believe that the word ‘insulting’ should be removed from the test for committing an offence. This would be inline with its equivalent legislation in England – the Public Order Act 1986 – where the word ‘insulting’ was repealed from the legislation in 2012. There is a duty upon the legislature of Northern Ireland to protect freedom of expression and freedom of religion and belief. Thus, the hate crime regime must strike a balance between protecting the population from the harm caused by the encouragement of prejudiced and hateful acts against members of society. However, we believe that the inclusion of ‘insulting’ or offensive content on the grounds of religion risks hate crime laws being applied too censoriously, and that this could undermine freedom of religion or belief.

In *Handyside v. the United Kingdom* in 1976, the European Court of Human Rights determined that:

‘Freedom of expression constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10, it is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock, or disturb. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no “democratic society.”’

Moreover, the right to hold, not hold, and change religion or belief, as well as the public manifestation of those beliefs must be considered. It is certainly the case that many religion or belief groups consider proselytising, attempting to convert, and publicly proclaiming their own beliefs to be the only true beliefs, to be part of their right to manifest their beliefs, which is rightly protected by this law and should not be curtailed by the interference of the state. By their very nature, such manifestations of religion or belief are critical of or deny the legitimacy of other religions or beliefs and therefore can, and often are, deemed offensive or insulting by those who do not share those beliefs. But this does not mean that there is a legal duty to limit such manifestations.

The European Court of Human Rights has made this clear in the case of *Ibragim Ibragimov and Others v. Russia* where it stated:

‘the Court further reiterates that religious groups cannot reasonably expect to be exempt from all criticism; they must tolerate and accept the denial by others of their



religious beliefs and even the propagation by others of doctrines hostile to their faith. The same principle applies to non-religious ideologies, including atheism and agnosticism.<sup>8</sup>

All religion and belief groups should be able to promote their beliefs and criticise others as long as they do not incite violence or stir up religious hatred, which is significantly different from causing offence or being insulting even if such insult is widespread or serious. The European Court of Human Rights has consistently dismissed complaints brought under Article 9 from persons who believe that their religious beliefs have been offended (see *Church of Scientology and Others v. Sweden*, and *Choudhury v. the United Kingdom*). The right to freedom of thought, conscience, religion, and belief guaranteed by Article 9 does not bring with it any right to bring proceedings against those who, by authorship or publication, merely insult one's sensitivities. The two cases cited above, one regarded negative comments published by a professor of theology in a Swedish newspaper about the Church of Scientology and the other was the refusal to bring criminal proceedings against Salman Rushdie in relation to the publication of *The Satanic Verses*. In both cases it is clear that unless the insult caused by publishing or advertising these materials in some way prevented the offended from being able to worship, interference by a public authority or law enforcement is not lawfully required. This principle can be applied to the hate crime regime in Northern Ireland: unless the offending expression interferes or prevents a religious adherent from being able to continue to hold or practise their beliefs, there is a duty not to interfere with the individual's right to freedom of belief.

**39. If there are to be offences dealing with the stirring up of hatred against protected groups, do you consider that there needs to be any specific provision protecting freedom of expression?**

Yes

**Please give reasons for your answer.**

Freedom of expression is a fundamental right for every individual and is vital for all societies to enable a plurality of opinions. It is protected by all major international human rights instruments, including Article 19 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The vast majority of countries, including the UK, are signed up to these conventions, and there is a strong claim even on the countries that are not signed up, namely that the right to speak freely is a basic moral right which states should uphold and protect.

Free expression is necessary for the preservation of democracy and in a society that values freedom of religion or belief for three reasons. Firstly, we can only make effective and informed choices between different moral actions and competing beliefs if all points of view are given a hearing without the interference of a public body. Free expression, then, is a common good. Secondly, free expression is essential to a community's sense of its identity. We each of us want to be able to express our own political, religious, or non-religious beliefs, we want to be able to express our deepest feelings and emotions, because these are essential to our sense of who we are. If we have to repress our most personal beliefs and

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<sup>8</sup> *Ibragim Ibragimov and Others v. Russia* paragraph 117.  
<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-185293%22%7D>





feelings, our very identity is threatened. Implicit in this is the idea of reciprocity. Each of us wants the right to free expression as something vital to our own life, and we respect the corresponding rights of others who may disagree as a condition of their respecting our rights. Finally, freedom of expression is necessary for equality. Human rights are possessed by all human beings equally, and respect for people's right to express their ideas and beliefs is an essential aspect of respect for all persons as equals.

We believe that these principles should be enshrined in the law regarding hate crime in Northern Ireland to ensure that the balance between these competing rights is clarified, and the remit and scope of stirring up offences defined.

#### Chapter 12: Online hate speech

#### **45. Should gender, gender identity, age and other characteristics be included as protected characteristics under the Public Order (Northern Ireland) Order 1987?**

Yes

##### **Please give reasons for your answer.**

We support there being parity across protected characteristics across all legislation dealing with hate crime across Northern Ireland. This approach should avoid a hierarchy of characteristics from forming across the legislation where some types of hate crime are seen as more acceptable or less harmful than others.

Furthermore, as described in detail in the answer to question 17, we believe that there is a gap in the protected characteristics under current legislation regarding non-religious worldviews. This could be addressed by clarifying the wording in the above order to 'religious or belief group' and 'religious or belief-based aggravation.'

#### **47. Should the wording of the Malicious Communications Act 1988, the Malicious Communications (Northern Ireland) Order 1988, the Malicious Communications (Northern Ireland) Order 1988 and the Communications Act 2003 use terms such as "grossly offensive", "indecent" and "obscene"?**

No

##### **Please give reasons for your answer.**

As described in detail in our answer to question 38, we believe that the European Convention on Human Rights has tended to be interpreted in favour of protecting freedom of expression deemed to be offensive with regards to criticism of religious beliefs as a legitimate manifestation of the belief. This can be seen in *Handyside v. the United Kingdom* where the judgment explicitly states that expressions that 'offend, shock or disturb' are protected and adds no additional qualification with regard to the strength or widespread nature of that offense. Therefore, to include such a provision within these acts would be to go beyond what the convention deems necessary in order to protect individuals from hate crimes.



Chapter 13: Sectarianism and hate crime legislation in Northern Ireland

**51. Would you support a specific reference to the term 'sectarian' within any new hate crime legislation?**

Yes

**Please give reasons for your answer.**

Faith to Faithless is a support network for apostates which works closely with people who have left high-control and coercive religious backgrounds, often having to cut off all contact with their families and communities and being at risk of social isolation and honour-based violence. We believe that apostates are a uniquely vulnerable group who are likely to be the victims of hate crimes from within their former religious communities.

In contrast to the situation in England and Wales, there are no explicit references in the Public Prosecution Service for Northern Ireland's hate crime policy document to hate crimes committed against apostates. The Crown Prosecution Service's prosecution guidance states that the definition of sectarian hostility under 'religious group' covers hostility towards converts and apostates.<sup>9</sup> We would like to see apostates be explicitly named in the guidance and also for data on apostasy hate crime to be collected and reported alongside other types of hate crimes.

Crimes against apostates may stem from the victim being perceived as sinful or openly questioning religious beliefs or practices. This can include the victim's dress or makeup which is not approved by the family and/or community, resisting an arranged marriage, seeking divorce, or reporting domestic violence. Faith to Faithless has amassed a considerable number of primary testimonies and case studies of crimes against apostates based upon religious doctrines, and the strong links between leaving a religion and domestic abuse, forced marriage, and honour-based violence which have been included in annex two. It is clear in the case of hate crimes experienced by apostates that the motivation is not the person's lack of religion, but the act of leaving or renouncing their former religion.

Chapter 16: Victims

**59. Do you have any views as to how levels of under-reporting might be improved?**

The very name 'religious hatred' in itself excludes the non-religious, which leads to poor understanding of the problems faced by non-religious people, particularly apostates, and miscommunication elsewhere. We have seen this recently with the hate crime awareness campaign on public transport in England which did not mention the non-religious (merely saying 'religion' is the hate crime category) and around the publication of the disaggregated religion or belief data on hate crime. BBC News Online ran an article on the data, and in the analysis by Home Affairs Correspondent Dominic Casciani stated:

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<sup>9</sup> Crown Prosecution Service, Racist and Religious Hate Crime – Prosecution Guidance, <https://www.cps.gov.uk/legal-guidance/racist-and-religious-hate-crime-prosecution-guidance>



'Curiously, police recorded 237 incidents where the perceived target religion was "no religion" at all. We've asked the Home Office to explain how that can be a religious hate crime – they don't know why the police recorded the figures that way. They stress that this is the first set of statistics and – as such – is experimental, adding that it will be improved in the future.'<sup>10</sup>

The article was symptomatic of the types of exclusion and misconception that occur when exclusive language is used: it gives the impression that the non-religious are not considered or conceived of as being affected by hate crime. This is why we would be in favour of the term being amended to 'religion or belief.' We contacted the BBC to correct the article to show that non-religious people could be the victims of religiously motivated hate crimes. We also contacted John Flatley, Programme Director for Crime and Policing Statistics at the Home Office in October 2018 to ask why the Home Office was unable to clarify that non-religious people might be the victims of hate crimes. He replied to say that 'having reviewed our bulletin, your email has highlighted that we need to be clearer on this point and we will seek to make this so in future releases. With any new collection, there is a period of bedding-in both in terms of those supplying the data being clear about the recording rules and internally in communicating some of the nuances.'

Independent research into anti-apostate hate crimes suggests that there are serious barriers to victims coming forward to report these crimes to police. A recent study suggested that only 12% of such incidents were reported to police, with only 50% of physical assaults on apostates being reported.<sup>11</sup> The research concluded,

'This study shows that reporting of apostasy hate crimes is extremely low in comparison to other groups. Awareness of hate crime is also very low, nearly half of participants were not aware that their experience was hate crime, and a further two thirds did not think they would be taken seriously or that any action would be taken by the police. A lack of awareness within public services was also a strong theme of the qualitative data. Therefore, this study concludes that current hate crime policy is ineffective in addressing apostasy hate crime, and further, that a lack of recognition of apostasy hate crime is a barrier to accessing justice.'<sup>12</sup>

Changing the law to include 'religion or belief' and ensuring that all public communication uses inclusive language will improve reporting levels from humanists and other non-religious people who experience hate crimes.

## ANNEX ONE: EVIDENCE OF HATE CRIMES EXPERIENCED BY APOSTATES

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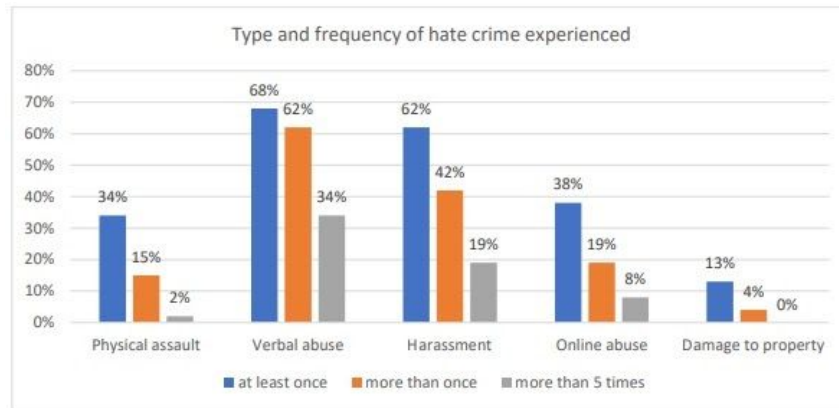
<sup>10</sup> BBC News, 'Religious hate crimes: Rise in offences recorded by police', 16 October 2018: <https://www.bbc.co.uk/news/uk-45874265>

<sup>11</sup> Ellen Johnson, *Apostasy, Human Rights and Hate Crime in England and Wales: A Mixed Methods Study*, 2019, p 46. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3475161](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3475161)

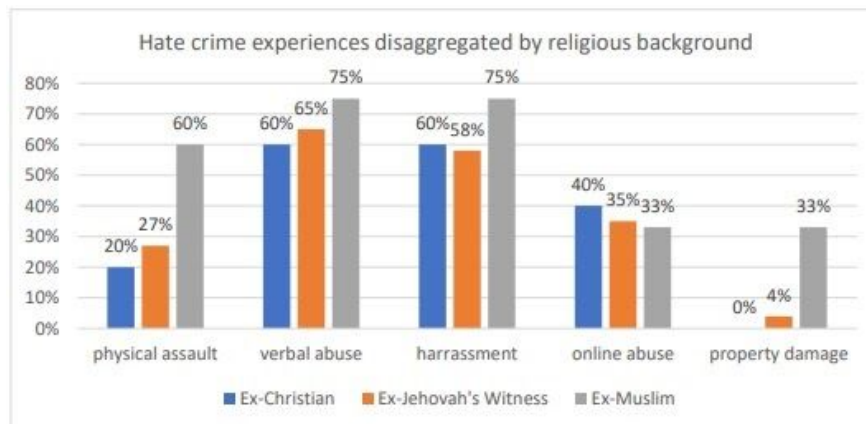
<sup>12</sup> *Ibid* p 50.



A recent study under review conducted by Ellen Johnson at Sheffield Hallam University looked at the experience of hate crime by apostates in England and Wales, using a survey of 77 respondents, which found that 81% of respondents indicated experiencing at least one type of hate crime, with over 50% experiencing more than two types.<sup>13</sup>



The data also revealed a correlation between the religious background of the victim and the type of hate crime that they were subjected to, with ex-Muslims reporting more overt forms of abuse and threats of violence, including kidnap to countries where apostasy is illegal.<sup>14</sup>

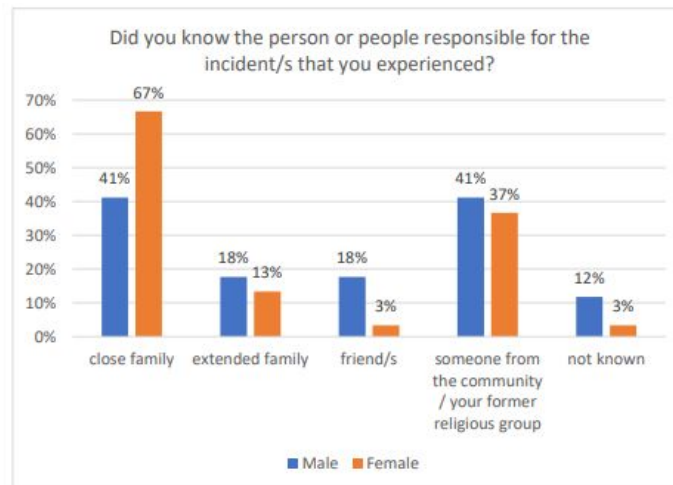


The majority of hate crimes committed against apostates are perpetrated either by close family members or by members of their former religious communities, with all respondents to the survey reporting that the motivation for the hate crime was both an individual emotional response to the person's act of apostasy and mandated by the religious organisation involved.

<sup>13</sup> Ellen Johnson, *Apostasy, Human Rights and Hate Crime in England and Wales: A Mixed Methods Study*, 2019, p34. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3475161](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3475161)

<sup>14</sup> Ibid, p35.





## ANNEX TWO: CASE STUDIES OF HATE CRIMES AGAINST APOSTATES

Below are some case studies that have been collected either by Faith to Faithless or as part of Ellen Johnson's study into apostasy and hate crime. In addition to these case studies, many ex-Muslim apostates specifically report experiencing fear of violence incited by Imams who call for or refer to Koranic passages calling for death to apostates.

1. 'My experience when it comes to ex-Muslim witnesses, they are often threatened violently, I know this guy he had his dad on the phone, calling his uncle saying that our son has decided to become a Christian and you need to come round and help me to kill him. He escaped, he had to change his last name.'

(female, Ex-Jehovah's Witness)<sup>15</sup>

2. 'My parents have been consistently harassed for keeping contact with me. JWs claim shunning is a personal decision – it isn't.'

(female, ex-Jehovah's Witness)<sup>16</sup>

3. 'When I left Islam arguments regularly broke out with my family about my non-religious life style choices and beliefs. Once I had left Islam they became very suspicious of me that I was doing things that were non-religious. I was terrified of being caught doing things non-Islamic, such as drinking because I thought I would be beaten up for it so I hid my lifestyle as much as I could but I was not able to hide everything including that I removed the Islamic attire that was expected of me and I was caught with a boyfriend – both of which escalated in violence. I also faced emotional blackmail, threats of violence if I didn't comply, emotional abuse, and sex shaming. There were a few incidents over the first year of my apostasy where arguments about me leaving Islam escalated into violence and I ended up with bruises around my body.'

*Ex-Muslim Faith to Faithless service user*

<sup>15</sup> Ibid p36.

<sup>16</sup> Ibid p40.



4. “Ahmed” began to have doubts about his faith at the young age of 12, but kept them to himself until he was in his late teens. Around this time his family began to suspect something was different about him as he reduced the number of prayers he attended at the mosque. The final straw was when they found he was visiting websites where Islam was being debated. Although he had already left the faith, he claimed he was doubting in order to not be removed from his home. His family could not answer his questions and told him to speak to their local Imam. The Imam came to the house and sat down with him for a friendly discussion. They had a debate that left the Imam more and more frustrated with the questioning, and he eventually realised that Ahmed had already left the faith. The Imam then had a private discussion with the family, where they asked him what they should do. He said that his child needed to be taught Islam properly, and if he had indeed left Islam he should be cut off from the family. The family did not know what to do and began to significantly curtail Ahmed’s ability to see friends, who the family accused of misleading him. His father also began to physically assault Ahmed when he did not go to mosque for prayers.

*Ex-Muslim Faith to Faithless service user*

5. “N” left Islam quite young (15 years old), from a [S]omali background where she had to leave home due to taking off her hijab. Her family physically abused her for taking the hijab off, and she is certain she would be at risk of honour abuse or death if she told them she was an Ex-Muslim.

*Ex-Muslim Faith to Faithless service user*

6. “W” was born into a Jehovah’s Witness family and embraced the belief that he was one of God’s chosen people. He became an active preacher. He witnessed members of his congregation suffer severe punishments, including public humiliation, social expulsion, and enforced alienation from family and friends. “W” then suffered punishments and disownment that led to a mental health crisis and suicide attempt.’

*Ex-Jehovah's Witness Faith to Faithless service user*

7. ‘A leader of Faith to Faithless is a public figure on Twitter and other social media platforms where he is regularly and repeatedly harrassed for being an Ex-Muslim. These include... extreme comments (such as ‘people like you are apostates and apostates should be executed for their crime’).’

*Faith to Faithless leadership team member*

**For more details, information and evidence, contact Humanists UK:**

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