BHA BRIEFING 2009: Coroners and Justice Bill

Briefing for Commons Report & 3rd Reading, 23rd & 24th March 2009

The British Humanist Association (BHA) supports freedom of speech and freedom of expression as fundamental aspects of an open, democratic and just society. We take seriously any attempt to curtail freedom of speech and hold that people have the right to express their beliefs, even if they may seem peculiar or even abhorrent to others – that right is essential in a free society. However, language which is threatening and intended to stir up hatred against people on the basis of an intrinsic characteristic such as sexual orientation or race should be unacceptable in a society that values and respects freedom, human rights and equality.

In light of those considerations, we welcomed Parliament passing important new legal protections against incitement to hatred on grounds of sexual orientation in the Criminal Justice and Immigration Act 2008.

However, an amendment was inserted in the Lords into last year's Criminal Justice and Immigration Bill which would exempt some from that law. Despite the Commons voting overwhelmingly to reject the amendment (338 to 136), it was accepted in order for the Bill to receive Royal Assent. Clause 58 in the Coroners and Justice Bill would repeal the effects of that amendment.

Why the British Humanist Association supports Clause 58
There is an extremely high threshold for the new offence – preaching that homosexuality is a sin, criticising homosexual practices or calling somebody names are not covered by this offence. The act must be demonstrated to be both threatening and intended to stir up hatred.

Religious organisations or people with religious convictions who intentionally stir up hatred on grounds of sexual orientation on the basis of their beliefs must not be exempt from this new offence. The right to manifest a religious belief is not absolute, and it is acceptable for that right to be restricted in some circumstances.

The amendment was inserted to exempt a minority of people with extreme religious views on homosexuality from the new offence. Clause 58 removes that exemption and we urge you to support it and to resist any amendments during the course of the Coroners and Justice Bill to amend or remove it.

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