

The Need to Protect Faith Communities from 'Incitement to Hatred', speech by MCB Secretary General Iqbal Sacranie

The Need to Protect Faith Communities from Incitement to Hatred

Speech delivered by MCB Secretary General Iqbal Sacranie on 13th January 2005 at Portcullis House, Westminster, at a meeting jointly convened with the Commission for Racial Equality, the British Humanist Association and Justice.

Respective parliamentarians, I wish to begin by thanking you all for the opportunity to clarify the position of the Muslim Council of Britain on the proposed legislation to extend the coverage of the incitement to hatred law to all faith and belief communities.

It is our view that the public debate on this issue to date has caused more confusion about what the purpose of the legislation is, than shed light on what it is trying to achieve. Primary among the fears and concerns expressed is the belief that our right to freedom of speech is threatened by the proposal being put forward by the Government. Further to this there are people who have been ringing alarms bells about alleged curtailment of the right to criticise religious beliefs.

Let me begin by making clear that we recognise the need for freedom of expression and the right to debate, criticise and challenge authority. These are not the property of the few but the essential ingredient for a free and democratic society of the many. But a mature society recognises the dangers of absolutism in any value system. Wisdom teaches us the need for balance. This is eloquently expressed in a statement made several years ago in a report published by the Liberal Democrats in connection with electioneering in Tower Hamlets. It reads:

The right to freedom of political speech and public debate is essential ... [but] is not an absolute right which has no limits. There are other fundamental democratic values. Because of the vital importance of promoting equality of opportunity and respect for everyone, of respecting the human dignity of everyone, and of discouraging group prejudice and the scapegoating of minorities, political activity must not be allowed to be abused in the competition for the popular vote. The right to political expression cannot be abused by exploiting or encouraging racial, religious or cultural prejudices. Political activities must not only be honest and truthful and lawful; they must seek to avoid, whether blatantly or covertly, stirring up prejudice, or encouraging racial or religious discrimination.

We are determined that the right to engage in free and vigorous debate about religion, including the right to criticise religious beliefs and practices be preserved. We believe that this can be reconciled with protecting people against incited hatred. In a statement made to Parliament by the Home Secretary on 7 December 2004, in terms agreed with the Attorney General, it was made clear that the proposed amendment is not intended to limit the freedom to criticise religious beliefs and practices or to engage in robust argument about these or to tell jokes. The European Convention on Human Rights explicitly recognises the need to balance the right to freedom of speech with respect for the rights and freedoms of others. The protection of free speech provided by the European Convention is a sufficient safeguard over and beyond the tests that any action under the proposed amendment would have to meet.

The unique aspect of the proposed amendment is that any hypotheses can be adequately tested against existing legislation. The present legislation covers the Sikh community. Yet at no time during the protests against the controversial play, *Bezite*, was the Sikh community able to invoke the incitement law as a means of legal remedy. They were simply not covered by the legislation. And so nor would any other faith community be covered by the extension of the existing legislation.

It has also been argued that certain people, for example in Muslim community, believe that the proposed amendment to the Public Order Act will protect them against having their faith criticised. There is no doubt that there are people in our community who want the amendments to protect them from having their beliefs criticised. There may also be people who would like to have free chocolates on the NHS. The question, with regards to this proposal, is not what people want but what the government has agreed to offer. We are under no illusions that the proposed Bill offers protection to beliefs any more than free chocolates on the NHS. (Though I doubt many would oppose free chocolates. with exception of the Government of course!).

Britain is made up of diverse and colourful communities. To preserve this beauty we must work towards an inclusive and cohesive society. The proposed provision is needed to combat the incited hatred that threatens the cohesion of our communities. In evidence to the House of Lords Select Committee on Religious Offences, many organisations, including the Association of Chief Police Officers, gave examples of problems where they faced difficulties responding under existing legislation alone and where the extension of the incitement provision to religious hatred would help them combat extremism. You will also recall the undercover investigation a BBC

documentary on the activities of the BNP. The particular point to note is the use of Islam as an identity marker to get round the race laws.

It is our view that urgent action needs to be taken to stop the deionisation of faith and belief communities. We are pleased by the efforts made by the Government with this proposal. We are hopeful that the Liberal Democrat party, who have yet to take an official party position on this, will be persuaded to support the amendment that seeks to extend protection for all faith and belief groups. We shall also continue our debate with Conservative party who have said they intend to oppose the proposal.

There has not been a widespread sense that the existing offence has interfered with free speech and we are confident that an offence of incitement to religious hatred can be similarly be framed in an acceptable way.

We need to protect both the rights of free speech, which have been long respected in this country, and the right to lead a life in which one can peacefully practise one's own religion without fear. There is a clear difference between criticism of a religion and the criminal act of inciting hatred against members of a religious group. The

The proposed incitement offence has a high criminal threshold and prosecutions will require the consent of the Attorney General.

Speakers at the event included Trevor Phillips, Chair, CRE ; Hanne Stinson, Director, BHA; Robert Beckley, Asst. Chief Constable, ACPO; Gay Moon, Head of Equality Project, Justice