

Inciting hatred

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The Public Order Act 1986 includes specific offences of inciting hatred on the grounds of race, religion and sexual orientation.

- Incitement to hatred – race; the Public Order Act 1986, Part III.
- Incitement to hatred – religion or sexual orientation; the Public Order Act 1986, section 29B.

All allegations of incitement must be referred to the Central Special Crime and Counter-Terrorism Division of the Crown Prosecution Service (CPS), and require the consent of the attorney general to proceed to court.

The nature of these offences can lead to conflict between individuals and groups about the balance between human rights and an individual's protection from hatred. A religious or any other personal belief is not a defence to these offences, but the free expression or debate of a personal view is a protected human right.

Whether a particular action comes within the behaviour covered by the offences is ultimately for the court to decide. The CPS has to judge in each case whether the evidence supports a reasonable prospect of a successful prosecution.

It is important that policing decisions take into account the ECHR and Human Rights Act 1998, and officers and staff should seek advice if they are unsure.

Demonstrating incitement

The three incitement to hatred offences are not identical, and should be considered separately.

All the offences cover threatening words, behaviour or material, and are committed where the offender intended to stir up hatred. The race offence also covers abusive or insulting words and

circumstances where hatred is likely to be stirred up.

Evidence submitted to the CPS for a charging decision must demonstrate that the points to prove in each variant have been clearly demonstrated.

For further information see CPS [Hate crime guidance](#).

Tags

Hate crime