

C.O.N.T.A.C.T.

Desktop research results

United Kingdom

Annex 2. Legal provisions, definitions and interpretations

2. a) Relevant International Legal Provisions in UK context

Country	Law	Ratified	Exceptions, declarations
UK	International Covenant on Civil and Political Rights (ICCPR): articles 19 and 20	Ratified	Declaration that UK interprets article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order reserve the right not to introduce any further legislation
UK	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): article 4	Ratified	<p>Although the UK ratified the Convention, it has not been incorporated into UK law. UK courts therefore do not give effect to the provisions of the convention. The UK has not accepted the right to individual petition under Art.14.</p> <p>UK declaration on article 4: "UK interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4."</p>
UK	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation	Not signed	

	of acts of a racist and xenophobic nature committed through computer systems (Council of Europe): articles 2-6		
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2.b) Relevant Legal Provisions in UK legislation

Country	Paragraph	
UK	Crime and Disorder Act 1998 (amended by Anti-terrorism, Crime and Security Act 2001 and Part 11 of Schedule 9 Protection of Freedoms Act 2012)	Racially or religiously aggravated offences. Act created a number of specific offences of racially aggravated crime, based on offences of wounding, assault, damage, harassment and threatening/abusive behaviour. The Act was amended by the Anti-terrorism Crime and Security Act 2001, which came into effect on 14 December 2001. It extended the scope of the Crime and Disorder Act by creating new specific religiously aggravated offences and applying the same sentencing duty to all other offences where there is evidence of religious aggravation. The Act was amended further by the Protection of Freedoms Act 2012, which came into effect on 25 November 2012. It created new specific offences of stalking and it also created racially and religiously aggravated versions of these offences.
UK	Public Order Act 1986, sections 17-29	Incitement to racial hatred. section 18 - using threatening/abusive/insulting words or behaviour or displaying written material with intent/likely to stir up racial hatred, s 19 - publishing/distributing written material which is threatening/abusive/insulting with intent/likely to stir up racial hatred, s 20 - public performance of a play involving threatening/abusive/insulting words/behaviour with intent/likely to stir up racial hatred, s 21 - distributing/showing/playing a recording of visual images or sounds that are threatening/abusive/insulting with intent/likely to stir up racial hatred, s 22 - broadcasting or including programme in cable programme service involving threatening/abusive/insulting visual images or sounds with intent/likely to stir up racial hatred, s 23 - possessing racially inflammatory material/material for display/publication distribution with intent/likely to stir up racial hatred.

UK	Public Order Act 1986, sections 29B-29G	Incitement to religious hatred. s.29B - use of words or behaviour / display of written material intended to stir up religious hatred, s.29C - publishing or distributing written material intended to stir up religious hatred, s.29D - public performance of a play intended to stir up religious hatred, s.29E - distributing/ showing/playing a recording intended to stir up religious hatred, s.29F - broadcasting/including a programme in a programme service intended to stir up religious hatred, s.29G - possession of inflammatory material intended to stir up religious hatred.
UK	Racial and Religious Hatred Act, 2006	Act created new offences of stirring up religious hatred, which are significantly different from the race hate offences contained within Part III of the Public Order Act 1986.
UK	Football Offences Act 1991 (amended by section 9 Football (Offences and Disorder) Act 1999), section 3	Engaging in or taking part in indecent/racist chanting at a designated football match

2.c) Most recent recommendations from CERD, NGOs and responses and reports to CERD and other bodies in relation to the UK's position re international legislation

Country	CERD Recommendation (re article 4)	Other
UK State Report to CERD 2015 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/159/15/PDF/G1515915.pdf?OpenElement	UK law prohibits incitement to racial hatred – online and offline media and individuals. Law strikes balance between distasteful/offensive freedom of speech (not an offence) and violence and hatred (an offence). Hate crime is covered under Article 5 section of state report. Government hate crime strategy updated in 2014, admission that tackling internet hate crime was challenging, and an acknowledgement that there was under-reporting of hate crime. NGO Shadow Reports are in the process of being drafted (UK before CERD in September 2016).	
CERD concluding observations on UK,	The Committee requested the State party to	

<p>2011</p> <p>http://www.equalityhumanrights.com/sites/default/files/uploads/documents/humanrights/UN/G1145489%20(Cerd%20pdf%201).pdf</p>	<p>reconsider its position so that the Convention can more readily be invoked in the domestic courts of the State party. The Committee is concerned at reports of an increase in virulent attacks on, and negative portrayal of, ethnic minorities, immigrants, asylum seekers and refugees by the media in the State party. The Committee accordingly regrets that the State party continues to maintain its restrictive interpretation of the provisions of article 4 of the Convention which the Committee has determined as being of a mandatory character in its general recommendation No. 15 (1993) on article 4 of the Convention, which, inter alia, deals with organized violence based on ethnic origin (arts. 2, 4 and 6).</p> <p>The Committee noted the State party's own recognition that the rights to freedom of expression and opinion are not absolute rights, and recommends that the State party withdraw its interpretative declaration on article 4 in the light of the continuing virulent statements in the media that may adversely affect racial harmony and increase racial discrimination in the State party. The Committee recommends that the State party closely monitor the media with a view to combating prejudices and negative stereotypes, the unchecked expression of which may result in racial discrimination or incitement to racial hatred. The State party should adopt all necessary measures to combat racist media coverage and ensure that such cases are thoroughly investigated and, where appropriate sanctions are imposed.</p>	
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