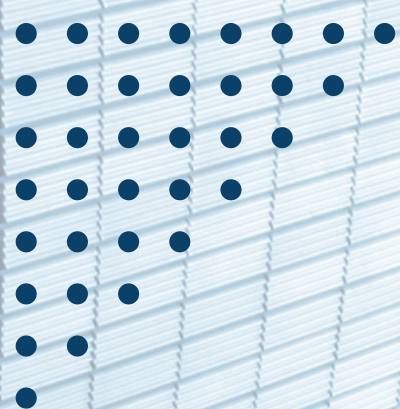




Presented by WBII

# PARLIAMENTARY BRIEFING

On Hate Speech and Incitement



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## Foreword

Britain's public spaces should be noisy, irreverent and free. That is the mark of a confident country. But freedom worthy of the name also has boundaries. In recent months we have seen performers and crowds tip from provocation into exhortation—chants that dehumanise, slogans that urge harm, and the casual sport made of another person's death. This is not dissent. It is a public-order problem that corrodes trust, chills participation and leaves targeted communities looking over their shoulders.

The answer is not a new tranche of sweeping laws or a partisan culture war. It is the adult settlement our system already envisages: defend robust speech; draw a firm line at incitement; apply the same rule to everyone, without fear or favour. The law is clear enough. What has been missing is consistency and a drill that venues, universities, broadcasters and platforms can use at 9pm when the temperature rises.

This briefing provides exactly that. It couples a short Harm & Hatred Clause—so red lines are known in advance—with a simple Pause–Assess–Document–Refer protocol that lets responsible adults stop harm in real time, make proportionate decisions and preserve evidence that stands up the next morning. It adds a single incident form so the public and staff have one doorway for reports, and it sets out plain-English toolkits for operators who want clarity rather than slogans. None of this mutes lawful protest. Quite the opposite: by removing mob-baiting, it keeps the public square open to everyone.

We commend these proposals to ministers, parliamentarians of all parties, licensing chairs and university leaders. They require no new primary legislation. They respect human rights, the rule of law and the duties of public bodies. They also reflect a simple civic truth: communities feel safe—and speak more—when they know the line will be kept.

A free country does not mistake cruelty for courage. It does not reward the goading of crowds. It protects the right to argue fiercely and refuses the right to instruct a mob. If we draw that boundary and keep it, our stages, lecture halls and streets will remain what they ought to be: places where art, politics and faith can contend vigorously, and where no citizen is turned into a target for the entertainment of others.

*Catherine Perez-Shakdam - Executive Director We Believe In Israel*

**Working definitions (plain English)**

**Offence**

**What it is:** Sharp, even harsh criticism of governments, armies, policies or public figures.

**Status:** Protected in a free country, however distasteful.

Why protected: Democracies need space to condemn state action and leaders; Article 10 ECHR protects political expression at the highest level.

Offence alone does not create a legal harm.

**Hate speech (legal sense)**

**What it is:** Words or conduct that stir up hatred against a protected group (e.g., race, nationality/national origins, religion or belief, sexual orientation)

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**Status:** Not protected when legal thresholds are met.

Why not protected: It targets people for who they are, corrodes equal citizenship, and creates a foreseeable risk of discrimination, hostility and violence. Law limits it to protect the rights and safety of others (ECHR Art. 10(2), Art. 14 equality; UK Public Order Act).

Incitement

**What it is:** Exhortation—urging others towards hatred or violence, or making that outcome likely—especially via imperatives (“Death to...”, “Go after...”, “Do X to them”), calls to join proscribed groups, or dehumanising protected groups.

**Status:** Not protected.

Why not protected: It is not opinion but instruction that seeks to produce a criminal act or a grave rights violation. The state may intervene to prevent crime and protect life (ECHR Art. 10(2); UK Terrorism Acts; Public Order Act).

**Key distinction**

Opinion may offend; exhortation instructs. The law cares about that difference because only the latter aims to change behaviour in a way that threatens others’ rights.

## UK legal thresholds (in brief)

### Public Order Act 1986 (Parts III & IIIA)

- Racial hatred: Threatening, abusive or insulting words/behaviour where hatred is intended or likely to be stirred up.
- Religious / sexual-orientation hatred: Threatening words/behaviour with intent to stir up hatred (higher bar).
- Defences/guards: No offence for discussion, criticism or expressions of antipathy to religion or sexual conduct if not threatening/intent to stir up (free-speech safeguards).

### Terrorism Acts 2000/2006

- Inviting support for proscribed organisations; direct/indirect encouragement of terrorism (incl. “glorification”). Intent or recklessness about likely effect is key.

### Communications/online

- Grossly offensive or menacing communications; platforms must remove illegal hate/terror content promptly under their duties.

### Licensing Act 2003 (venues)

- Premises must prevent crime and disorder. Failure to manage incitement or violent disorder can trigger licence conditions or review.

### Rule of thumb

Criticising a country’s government or army—even fiercely—is lawful. Commanding a crowd to hate or harm people (especially as a protected group) is not.

### Practical “why/why not protected” guidance (one-minute test)

Ask all six questions; a single “yes” in 4–6 means you are likely out of the protected zone:

1. Target: Is the speech aimed at a state or policy (protected), or at people as a protected group (risk)?
2. Verbs: Are there imperatives (“kill”, “attack”, “boycott all X nationals”, “drive them out”) or calls to join proscribed groups? (incitement)
3. Dehumanisation: Are people labelled vermin/animals/disease or denied basic humanity? (strong indicator of stirring up hatred)
4. Likelihood: In this context (crowd, temperature, recent incidents), is hatred/violence likely to follow? (POA “likely” limb for racial hatred)
5. Intent: Is there evidence the speaker meant to stir up hatred or encourage terrorism? (required for religion/sexual orientation hatred; Terrorism Acts)
6. Alternatives refused: Were lawful channels (peaceful protest, inspected marches, critical speech about policy) available and rejected in favour of exhortation?



## 1) Purpose

To set out the public-order and community-safety risks arising from on-stage incitement and celebratory rhetoric around political violence, and to propose a proportionate, practical model the Government and Parliament can back now—without new primary legislation—so venues, broadcasters and platforms act consistently and lawfully.

## 2) Immediate context

- Recent performances have featured imperative chants and call-and-response targeting Israelis and the IDF; in the wake of Charlie Kirk’s assassination in the United States (as described by prosecutors), we have also seen on-stage mockery of a political killing shared across social media.
- These are not isolated lapses of taste. They are incitement vectors: they normalise dehumanisation, prime crowds for disorder, and migrate instantly online, where clips amplify harm and encourage copycat behaviour.
- Community impact is measurable: heightened fear around Jewish venues and campuses; spikes in threats following viral clips; pressure on neighbourhood policing and licensing regimes.

## 3) Risk summary (Home Office lens)

- Speech-to-action pathway: Imperatives (“Death to...”, “Go after...”) + repetition + crowd temperature (alcohol/density) raises the likelihood of harassment, assault, and disorder.
- Digital amplification: Livestreams and uploads convert a venue incident into national exposure; unlawful content persists without swift removal.
- Institutional exposure:
  - Venues risk licence review for failing the prevention of crime and disorder objective.
  - Broadcasters risk breaches of the Broadcasting Code (harm/offence; crime/disorder).
  - Platforms carry duties to remove illegal content (hate/terror) promptly.
- Community harm: “Rhetorical surges” correlate with spikes in hate incidents and self-exclusion from public space—chilling lawful expression for everyone else.

#### **4) Legal framework (plain English)**

- Public Order Act 1986 (Part III/IIIA): Offences of stirring up racial/religious hatred—threatening/abusive words intended (and, for race, likely) to stir up hatred.
- Terrorism Acts 2000/2006: Inviting support for proscribed organisations; direct/indirect encouragement of terrorism.
- Communications/Online Safety regime: Grossly offensive or menacing communications; prompt removal of illegal hate/terror content online.
- Licensing Act 2003: Licensing objective—prevention of crime and disorder; venues must show due diligence or face review/conditions.

Key distinction: Offence is protected; exhortation is not. Criticising governments and armies is lawful; urging a crowd towards hatred or violence crosses the line.

#### **5) The proposed operating model (adoptable without new legislation)**

A. Contractual prevention (before shows): Harm & Hatred Clause

A one-page term in artist/speaker contracts and campus speaker agreements: no exhortations to violence; no stirring up hatred against protected groups; no promotion of proscribed organisations. Breach ⇒ pause/termination/non-payment. Artists and duty managers are briefed in advance.

#### **B. Real-time response (during shows): PADR drill**

Pause – Assess – Document – Refer.

- Pause: cut mic; bring house lights; neutral holding message; apply broadcast delay/cut-away.
- Assess (120–180s): senior staff decide: warn → restrict → terminate.
- Document: exact words; time-stamps; multi-angle video; witness notes; chain of custody.
- Refer: police if thresholds plausibly met; also licensing/insurers/regulator as appropriate.

#### **C. Accountability (after): Single Incident Report Form**

One public/staff portal that auto-routes to police, licensing and regulators; produces a standardised evidence pack; includes privacy safeguards and penalties for malicious reports.

#### **D. Digital perimeter**

Broadcasters and platforms adopt short live-delays, a producer kill-switch, priority illegal-content takedown, and hash-matching to prevent re-uploads; police/venues have a fast-lane flag.

#### **E. Community protection during “rhetorical surges”**

Visible reassurance patrols; named liaison officers; campus briefings; access to counselling; clear public messaging: we defend protest; we draw the line at incitement.

## **6) Government & regulator asks (concrete, near-term)**

Home Office & CPS

- Issue a short charging-threshold note (plain English) with on-stage examples (imperatives; call-and-response; targeting protected groups).
- Encourage forces to include PADR in event policing plans and recognise “rhetorical surge” indicators (viral clips; localised spikes).

DCMS & Ofcom

- Endorse live-delay/cut-away norms for high-risk broadcasts; require post-transmission logs under the Broadcasting Code (harm/offence; crime/disorder).
- Convene major platforms to publish time-to-action metrics for removals of illegal incitement and to enable fast-lane referrals from police/venues.

DLUHC & Licensing Authorities

- Recommend adoption of the Harm & Hatred Clause and PADR SOP as licence conditions or best-practice guidance; recognise them as evidence of due diligence.

DfE & Universities

- Align campus free-speech duties with PADR and the clause: protect robust dissent; intervene on exhortation; standardise incident reporting across SUs and estates.

NPCC

- Publish a Red/Amber/Green triage grid for event incidents with recommended responses; commit to quarterly anonymised case reviews.

## **7) Human rights & equality compliance (for decision makers)**

These measures pursue legitimate aims under Article 10(2) ECHR (public safety; protection of the rights of others) and are necessary and proportionate via graduated responses (warn → restrict → terminate → refer). Public bodies adopting PADR/Clause should record Public Sector Equality Duty (s.149) considerations—impacts on protected groups and on lawful protest—when adopting policies or imposing conditions.



**For further information, or to receive the full report, please contact:**

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