

Extracts from the Hate Crime Report with a possible relevance.

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Philosophical belief: This term has a specific meaning in equality and human rights law. Case law has established several criteria that must be satisfied for a philosophical belief to be protected under the Equality Act 2010. These require that a belief is; genuinely held, not an opinion or viewpoint based on the present state of information available, relates to a weighty and substantial aspect of human life and behavior, has a certain level of cogency, seriousness, coherence and importance, is worthy of respect in a democratic society and is not incompatible with human dignity or in conflict with the fundamental rights of others.

Pages 339-340 Philosophical belief

14.166 While there is currently no civil case law to determine whether “naturism”¹⁸⁷ falls within the definition of a philosophical belief under the Equality Act 2010, British Naturism have strongly argued that naturism is so protected.¹⁸⁸ In the absence of case law, we consider

that if the *Grainger* test were to be applied to naturism it may fall within the definition of a “philosophical belief” under the Equality Act 2010, though the position remains uncertain.¹⁸⁹

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Philosophical beliefs that are not religious

11.46 An issue that arises in this context is whether – consistent with equality and human rights law – hate crime law should extend to groups who share common beliefs which are not religious. British Naturism, for example, told us that they have recently begun to experience abuse and hostility online and at events they run. As a secular belief, British Naturism were concerned that the law did not currently treat hostility directed at naturists as a hate crime.

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Crimes against philosophical believers

14.171 There is some evidence of crimes targeted towards individuals on the basis of non-religious philosophical beliefs, however, the frequency of criminal targeting is likely to vary considerably between different philosophical groups.

14.172 When we met with British Naturism, they informed us that they had experienced criminal targeting in the past year including social media harassment and threats. They said the abuse received has grown in the last year because of an increase in the number and visibility of their Naturist events, which led to an increase in online abuse and the hijacking of several events. Dr Mark Bass of British Naturism highlighted that

there is at least one case a month of naturists being abused, including a case where a member had been purposely set on by a dog.²⁰⁰

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14.183 Dr Bass, President of British Naturism, has highlighted that naturists are abused because of their philosophical belief, evidenced by the abuse they receive when they are seen naked or where people know they are naturist.²¹⁸

14.184 British Naturism also told us that this targeting often stems from misunderstanding of their practices. They explained that naturists are often socially stigmatised as being child sex offenders because of the inclusion of children in their practices. Therefore, some of the abuse they experienced was motivated by a misguided assumption that their activities harmed and were not in the best interests of children involved.

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14.191 There are similar difficulties with assessing prevalence for other philosophical beliefs. British Naturism have highlighted the extent of the various forms of discrimination they have faced,²²⁶ and provided us with some examples of targeting.

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14.197 Soifer has stated that ethical veganism is “a belief, a moral code, a guiding principle, and to some, a religion”.²²⁸ Morris has argued that Naturism is a “spiritual” practice, derived from the belief that exposure of a person’s body improves “character, spiritually and morally”.²²⁹ British Naturism similarly have argued that naturism is part of their “faith” or “belief system and philosophy of life”.²³⁰ They told us that their beliefs are as “legitimate” as religious beliefs, because people become committed to naturism – it is not a choice as such and is not easy to give up.

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14.204 The same could be argued for philosophical beliefs. At paragraph 14.163, we note that British Naturism have strongly argued that naturism falls within the definition of a philosophical belief under the Equality Act 2010.²³⁸ If this position is correct, then the threat of online abuse and hijacking, highlighted to us by British Naturism, could have the secondary impact of preventing naturists from holding public events. A similar argument could be made in the context of veganism.

[The word ‘Nudity’ is only used in the report when quoting the CPS guidelines on page 340.]

¹⁸⁹ Naturism is recognised and protected as a group in other contexts. CPS prosecution guidance states that where naturists are involved: “In the absence of any sexual context and in relation to nudity where the person

has no intention to cause alarm or distress it will normally be appropriate to take no action unless members of the public were actually caused harassment, alarm or distress (as opposed to considering the likelihood of this)."

See Crown Prosecution Service, *Nudity in Public – Guidance on handling cases of Naturism* (September 2019), available at <https://www.cps.gov.uk/legal-guidance/nudity-public-guidance-handling-cases-naturism>.

[Regarding the eggs being thrown at the WNBR, the only comparable entry relates to 'missiles' being thrown at football matches.]

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19.54 A separate section of the 1991 Act also prohibits throwing "missiles" onto the pitch or adjacent area. However, we are aware of several incidents in which black players have had bananas thrown at them during matches,³⁸ and it may be more appropriate for such behaviour to be captured by a provision reflecting the racist nature of this activity.

19.58 We invite consultees' views on whether the offence under section 3 of the Football (Offences) Act 1991 should be extended to cover gestures and missile throwing.

38 BBC, "Arsenal v Tottenham: Man charged after banana skin thrown during derby" (3 December 2018), available at <https://www.bbc.co.uk/sport/football/46422171>. The defendant was convicted of throwing a missile under section 2 of the 1991 Act.