**APPG: ‘Working Definition of Islamophobia’ - Call for Evidence**

**Call For Evidence: “Working Definition of IslamophobiaCall For Evidence: “Working Definition of IslamophobiaSubmission By Southall Black Sisters**

**1 June 2018**

**About Southall Black Sisters**

1. For almost 40 years, SBS has provided advocacy and support to black and minority (BME) women who make up some of the most marginalised and powerless sections of our society. Women from Muslim backgrounds make up the largest group of our users, and like other women, arrive at SBS having experienced all forms of gender-based violence and related problems of racism, homelessness, mental illness, trauma, poverty and insecure immigration status. The bulk of our work is directed at assisting BME women and children obtain effective protection and to assist them to assert their fundamental human rights and freedoms. Through advice and advocacy, we assist on average 3500 women a year to obtain immediate protection and access to housing, welfare and mental health services and legal advice and representation in family, immigration, criminal, community care and other legal proceedings. Our work by its very nature addresses issues of multiple or intersectional discrimination, involving the simultaneous experience of race, gender and other forms of inequality. Although based in West London, we have a national and international reach.
2. Since our inception in 1979, mobilised by the clashes between anti-racist youth and fascists in Southall, we have been vocal in the fight against racism, intolerance and xenophobia. For almost 40 years, we have addressed both internal (cultural and religious) as well as external (racism and structural inequality) constraints that have prevented women from accessing their right to equality and justice. This has involved challenging racist assumptions, stereotypes, laws policies and institutional practices that have only served to heighten the discrimination and marginalisation of all BME people but women in particular as they have the least political power to make their voices heard. We therefore have considerable experience in tackling institutional and every day forms of racism.
3. We stress however, that the challenge of racism has not deterred us from also robustly criticising internal ‘cultural’, ‘religious’ or ‘traditional’ practices that have been used to undermine the fundamental human rights of minority women and children. This has sometimes brought us into conflict with both the political and ideological Left and Right; ironically both have accused us of playing into the hands of racists. Our view is that is it not possible to prioritise some struggles against injustice and discrimination and not others. We have instead chosen a path that challenges all forms of discrimination, exclusion and marginalisation, simultaneously, irrespective of how complex and difficult that may be. To do otherwise is to be selective about and complicit in certain forms of injustice and discrimination and not others.

**Background to this consultation**

1. This APPG consultation seems to stem from a question asked of the Parliamentary Under-Secretary of State for Communities and Local Government Lord Bourne, by Baroness Warsi (chair of the APPG) on 17 October 2017 in the House of Lords. She asked Her Majesty’s Government "*whether they have a definition of Islamophobia; and, if so, what it is".* Lord Bourne made clear that whilst hatred and intolerance of Muslims had no place in society and that criminal offences motivated by a person’s (actual or perceived) religion may amount to a religious hate crime, there was no definition of Islamophobia which was currently endorsed by the Government. Baroness Warsi then asked the Minister ‘*whether he agrees that it is high time to have a definition of Islamophobia, and that to fundamentally challenge the hate that underpins hate crime, we need to define what that hate is*’. She invited the Minister to meet with the APPG, which he agreed to do.

**Our concerns in summary**

1. It is always timely to have a discussion on racism and its causes and consequences, particularly in the current climate in which the debate on Brexit and the government’s ‘hostile climate’ on immigration has led to the rise in racial attacks and anti-immigration and xenophobic sentiments. But we question the necessity or utility of defining ‘Islamophobia’ since it raises vital questions as to whether it is a sufficiently distinct social phenomenon from the reality of racism and discrimination faced by many minorities.
2. After careful consideration, we have decided not to address the specific questions raised by the APPG call for evidence since they are based on the presumptions that ‘Islamophobia’ can and should be defined and that to do so would resolve the problems of racism and intolerance towards Muslims. These are presumptions that we cannot agree with for the reasons set out below.
3. In this submission we highlight some of the fundamental difficulties underlying the issue of ‘defining’ ‘Islamophobia’ and offer alternative ways forward.
4. We absolutely acknowledge that Muslims (along with a range of other minority groups) are victims of racism, bigotry and hate crimes. A hate crime which is defined by the Crown Prosecution Service (CPS) as *"any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice*" based on one of five categories: religion, faith or belief; race, ethnicity or nationality; sexual orientation; disability; or gender identity.
5. Anti-Muslim racism is a daily reality for many Muslims in Britain today. This deserves to be robustly addressed as does all hate crimes rooted in racism. However, we are concerned with what appears to be a conflation of racism with the term ‘Islamophobia’ which in our view does not capture the reality of the discrimination that many Muslims face. We accept that the term is widely used to mean a range of things; from the targeting of Muslims on the basis of their religious identity to the stereotyping and open hostility towards Muslims by the media and right wing groups. But that does not, in our view, make the term any the less problematic. As an organisation that works with vulnerable BME women from all minority backgrounds, , we are alert to the ways in which racism plays out in women’s lives in particular, and how it combines with other sources of inequality and powerlessness such as patriarchal norms and structures to create formidable barriers to the enjoyment of fundamental freedoms, rights and equality in British society. However, our research and casework has shown that for most of these women, the solution to the problem of racism, inequality and oppression lies not in adopting a religious framework as a countering mechanism, but through the endorsement and application of universal equality and human rights-based laws and norms. Our concern is that adopting a religious framework has amongst other things, consequences for their right to challenge practices such as domestic violence which necessarily involves challenging religious and cultural injunctions and values.
6. We have a number of specific concerns in relation to defining ‘Islamophobia’ that can be summarised as follows:
7. Islamophobia is conceptually impossible to define as it is highly subjective as an idea;
8. Even the most liberal or careful definition still risks conflating the issues of racism, intolerance, and infringement of the religious freedom of individuals with criticism of religion itself;
9. There are serious concerns that a definition could infringe on free speech.
10. In our view, incidents which amount to racism and discrimination can and must be dealt with under the appropriate existing legislation such as that on hate crimes (coupled with better understanding and more effective use of criminal and civil legislation by the police, prosecutors and courts). We view this as a more helpful approach rather than creating a new and contentious definition which we fear will do little to combat racism and instead will add to the confusion and uncertainty that already exists. More crucially, it has the potential to be used to silence and censor genuine criticism of religion and religious practices.
11. The solution to the problem of racism should be addressed by improving the current legal framework, rather than by creating a specific definition of ‘Islamophobia’ that will raise more problems that it will solve.

**Our concerns in detail**

1. **Islamophobia is conceptually impossible to define.**
2. The meaning of the term ‘Islamophobia’ is not settled and means different things to different constituencies even within Muslim populations.
3. The ambiguity of the very term is not surprising since there is considerable confusion as to how the term first arose. Commentators have noted that even the origin of the term “Islamophobia” is disputed. UK sources attribute its popularisation to a 1997 publication by the Runnymede Trust *(Islamophobia: A Challenge for Us All)*, which itself referred to the first usage being in a February 1991 in article in the US periodical *Insight*. The Runnymede report accepted the word was not “ideal” but considered it a “… *useful shorthand way of referring to* *dread or hatred of Islam – and, therefore, to fear or dislike all or most Muslims....Within Britain it means that Muslims are excluded from the economic, social and public life of the nation….”* .
4. However, French sources trace the origin of the term to the Ayatollah Khomeini and Iranian fundamentalists, who declared Islam inviolate and who said Iranian women who rejected the veil were “Islamophobic” (Meredith Tax, *Unpacking the Idea of ‘Islamophobia’,* Open Democracy 20 May 2013). In other words, this was a means by which to assert a totalitarian agenda and was deliberately unspecific as to whether this refers to a religion, a belief system or its faithful adherents around the world.
5. Tax further notes that the ambiguities in usage reflect these contradictory sources, one anti-racist, the other Islamist. She goes onto say that we are currently in a linguistic minefield.
6. Even a literal definition of ‘Islamophobia’ is problematic. A ‘phobia’ is in fact an ‘irrational fear’ or mental disorder. Clearly, the levels of racism towards Muslims in the UK and indeed in Europe and the US (referred to further below) cannot be reduced to mental illness. As Tax notes, to do so is to de-politicise the issue. She considers such campaigns to be part of a calculated demagogy. We agree. The nature and levels of discrimination and crimes of hate perpetrated against Muslims by racists and far right groups are deliberate and calculated acts of racism and racial violence – not acts borne out of irrational fear.
7. The term also pre-supposes that there is a homogeneous group of Muslims who are defined only by their religion and who all consent to a singular version of Islam that must be protected from any criticism. The reality is that there is no such thing as a ‘Muslim community’ or ‘Muslim voice’ but many different groups of Muslims whose backgrounds, views and identities range from being secular and feminist to conservative and fundamentalist. Even a widely accepted definition will not suffice since there is ambiguity in the very practice and in the range of meanings that depend very much on the political positioning of the person making the claim. The term does not lend itself to a consistent and coherent approach and its very use stems from varying ideological histories and positions. It is as much likely to support those engaged in censorship as it is those seeking to combat racism, as we explain below.
8. **Islamophobia conflates too many issues**
9. We would emphasise that even a widely accepted or highly liberal definition of ‘Islamophobia’ would not work; the term is riddled with ambiguities and conflates too many issues since it implies not just hatred of Muslims but of the religion itself. To liberals, it can mean discrimination and hate crimes but to fundamentalists it means an attack on religious Islamic texts and precepts or the ‘offense of religious sensibilities’ for which the only punishment is censorship, violence and even death.
10. To this end, the term has been conveniently used by Muslim fundamentalists and ultra-conservatives to clamp down on any kind of internal questioning or dissent from religious and community norms as defined by the most powerful and dominant illiberal forces in minority communities. The most dramatic example of this was the endorsement of the Ayatollah Khomeini’s’ call for the death of Salman Rushdie in 1989 by various Muslim leaderships in the UK who monopolised the so called ‘Muslim’ voice through the use of intimidation and fear. They left no space for liberal, secular, feminist and atheist Muslims who questioned the fatwa and religious censorship. Indeed the term ‘Islamophobia’ was used by the academic Moddod to mount an attack on Rushdie’s The Satanic Verses, arguing that it was ‘a deliberate, mercenary act of Islamophobia’ (Moddod, T – *British Asian Muslims and the Rushdie Affair*, The Political Quarterly, Volume 61(2), April 1990). Another more recent example is the killing of Asad Shah, an Ahmadi Muslim living in Scotland, who was deemed by his killer to have ‘blasphemed’ against Islam and ‘disrespected’ the Prophet Muhammed. (<https://www.theguardian.com/uk-news/2016/aug/09/tanveer-ahmed-jailed-for-murder-glasgow-shopkeeper-in-sectarian-attack>).
11. Those who challenge and criticise community norms, including SBS itself, have been labelled ‘Islamophobic’. This then creates a climate conducive to ridicule and even violence against those who dissent; many have been subject to hatred and threats for criticising religious norms and that are deemed to be ‘offensive’. For example, the extremist and fundamentalist linked organisation Cage, described the intervention of SBS and the organisation Inspire in a gender segregation case involving a co-ed faith based school (*HM Chief Inspector of Education, Children’s Services and Skills v The Interim Executive Board of Al-Hijrah School* [2017] EWCA Civ 1426 as ‘Islamophobic’ and essentially accused us of following the ‘Prevent’ agenda. <https://cage.ngo/article/outlawing-gender-segregation-how-prevent-and-ofsted-are-about-conditioning-our-children-neo-con-style/> The point of such accusations is to create a climate that legitimates hostility, aggression and abuse against those who dare to question religious precepts.
12. Do our challenges and criticisms of fundamentalist and ultra-conservative interpretations and practices of Islam that undermine the rights of vulnerable Muslim women and girls in particular make us Islamophobic? Are those who are secular Muslims or gay Muslims or those who are not deemed to be Muslims (Ahmadis) or those who no longer wish to practice Islam, also Islamophobic? The reality is that those who call themselves secular, atheist or “Ex-Muslims” already face considerable death threats and abuse from fundamentalists for being ‘apostates’ and ‘heretics’ for which the penalty in Islam is death. (See the case of Asad Shah cited above) As it is, we are concerned that hate crimes perpetrated towards such groups by fundamentalists and extremists are even now conveniently ignored by the police and prosecutorial services precisely because the dominant understanding of ‘Islamophobia’ as defined by fundamentalists and conservatives precludes this. Yet the irony is that these are the very groups that are likely to be highly vulnerable to the charge of ‘Islamophobia’ and therefore to calls for their prosecution. It is important to note that powerful conservative and fundamentalist Muslim leaderships and organisations are more likely to lead an unchallenged charge of ‘Islamophobia’ since they are the dominant voice and have power to define the term within the various Muslim populations in the UK
13. Even a more liberal definition such as the original definition of Islamophobia proposed by the Runnymede Trust (the *“…dread or hatred of Islam – and, therefore, to fear or dislike all or most Muslims....” Within Britain it means that Muslims are excluded from the economic, social and public life of the nation….”*)is significantly problematic, since it collapses any criticism of Islam with discrimination and hate crimes against Muslims. We would strongly argue that there is no causal relationship between dread of Islam and fear or dislike of all Muslims or their exclusion from public life. Our concern is that artists, writers and groups like SBS or ‘The Council of Ex-Muslims of Britain’, who criticise religion or experiences of oppression attributable to the values of that religion are as likely to be caught by this definition than those who propagate anti-Muslim racism.
14. The more recent short-form definition put forward by the Runnymede Trust (*Islamophobia: Still a Challenge for Us All – a 20th anniversary report, November 2017)* which simply states that ‘Islamophobia is anti-Muslim racism’ begs the question: why not address the problem as anti-Muslim racism then? What does the term ‘Islamophobia’ add?
15. Clearly the term ‘Islamophobia’ conflates racism with the legitimate and democratic right to question and challenge religious values that undermine other fundamental rights and freedoms, especially of minorities within minorities. This is not simply a question of semantics since how the problem of anti-Muslim racism is conceptualised will have real consequences for how it is addressed. Even those who have promoted the concept of ‘Islamophobia’ acknowledge that the term is deeply problematic in respect of how it is addressed
16. A careful analysis of mainstream press reports of “Islamophobic incidents”, reveals that they are in reality, racially or religiously motivated hate crimes for which legislation already exists. The following are some examples:
17. Darren Osborne, who was convicted of the Finsbury Park mosque attack on 19 June 2017, was said to be motivated (variously) by the idea that all Muslims were rapists; that there were too many terrorists on the street and that ‘raping inbred bastards’ needed to ‘get back to the desert’ (Independent 23 January 2018);
18. Paul Moore was convicted of attempted murder, grievously bodily harm and dangerous driving for running over a Muslim women and driving his car at a 12 year old girl as ‘revenge’ for terror attacks and said he was “doing his country a favour.” (Independent 2 March 2018)
19. On 7 March 2018, a couple associated with the far right group Britain First were convicted for carrying out anti-Muslim attacks on those they wrongly believed to be defendants in an ongoing rape trial. The presiding judge stated that "*It was a campaign to draw attention to the race, religion and immigrant background of the defendants*." (<https://www.independent.co.uk/news/uk/crime/paul-golding-jayda-fransen-britain-first-leaders-guilty-religious-muslim-hate-crime-a8244161.html>)
20. A Sikh man waiting in the security queue to enter Parliament had his turban ripped off by an assailant shouting *“Muslim go back”* (<https://www.independent.co.uk/news/uk/crime/sikh-man-turban-ripped-off-parliament-hate-crime-police-london-portcullis-house-a8222376.html>)

These are clear examples of crimes motivated by anti-Muslim racism, which is increasingly also linked to anti-immigration hostility and hatred towards people of a different colour, ethnicity or culture. As the final example above shows, even people of Hindu, Sikh and other South Asian backgrounds and their institutions have also been targeted and attacked in the name of anti-Muslim hatred, but which is in fact aimed at anyone that is foreign and looks the wrong colour (see for example, *Peter Hopkins, Katherine Botterill, Gurchathen Sanghera & Rowena Arshad (2017) Encountering Misrecognition: Being Mistaken for Being Muslim, Annals of the American Association of Geographers, 107:4, 934-948* which looked at the experiences of young Scottish people subjected to abuse for ‘appearing’ Muslim). The misrecognition issue also raises another problem: are attacks against minorities for supposedly being Muslim to be prosecuted as crimes motivated by Islamophobia or are such experiences better categorised as racially motivated crimes? The phenomenon of ‘Islamophobia’ is therefore better captured by the traditional lens of racism.

1. It is notable that hate crimes against Muslims soared at the same time as the 2016 EU referendum due to the widespread anti-immigration sentiments that were stoked by a toxic and hostile rhetoric calling for the need to ‘take our country back’ (Evening standard 2018, <https://www.standard.co.uk/news/crime/revealed-antimuslim-hate-crimes-in-london-soared-by-40-in-a-year-a3775751.html>). Figures released after the 23 June 2016 EU referendum reveal that 3,192 hate crimes were reported to police in England and Wales in the two weeks either side of the referendum – a 42 per cent increase from the same period in the previous year. A further 3,001 hate crimes were reported between 1 and 14 July, mainly by members of minority ethnic and faith communities, new migrants, asylum seekers and refugees (‘*Tackling Hate Crime in the UK’ -* Amnesty International <https://www.amnesty.org.uk/files/Against-Hate-Briefing-AIUK.pdf>)

1. Clearly the anti-immigration sentiments were pervasive; giving a licence to the display of all forms of racism: *“The issue of immigration was at the fore and scaremongering seemed to fuel and legitimise hostility towards minority ethnic and faith communities”* (Amnesty International cited above).
2. Looking at the wider picture, according to the Home Office, the number of hate crimes in England and Wales increased by 29% from 62,518 in 2015/2016 to 80,393 offences in 2016-17 - the largest increase since the Home Office began recording figures in 2011-12. 78% of the offences related to race hate and 7% to religious hate. Although some of this may be due to better crime recording and increased reporting, the figures showed rises after the Westminster Bridge, Manchester Arena and London Bridge attacks in 2017. The data also showed that racially or religiously aggravated offences were more likely to be dealt with by a charge/summons than their non-aggravated counterpart offences (Home Office - Hate Crime, England and Wales 2016/2017 - Statistical Bulletin 17/17, 17 October 2017).
3. In our view, the above demonstrates that it would be a grave mistake to institutionalise the term ‘Islamophobia’ to reflect what is in essence racism (consisting of prejudice, discrimination and even violent attacks on immigrants, Muslims, and other minority groups ) These can all be effectively addressed through existing criminal and equality laws that are themselves the products of anti-racist struggles.
4. We believe that the correct term to use is anti-Muslim racism. Much in the same way that recently we have seen a rise in anti-immigration racism, anti- Muslim racism is part of the continuum of racism that must be fought together. But because the term ‘Islamophobia’ echoes the worldview of the Muslim Right, it does more to confuse the issues than clarify them. More importantly, it does more to harm the cause of anti-racism precisely because the fundamentalist agenda is antithetical to equality and human rights principles including the right to freedom of expression.

**C) Consequences for free speech**

1. Attempts to tackle racism and hate crime must be robust but should not fall into the error of suppressing freedom of expression. The European Convention on Human Rights (ECHR) enshrines the right to freedom of expression under article 10, and protects not only ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also those that offend, shock or disturb the State or any sector of the population. Article 10(2) permits restrictions so long as they are prescribed by law, necessary in a democratic society, in pursuit of a legitimate aim, and proportionate to that legitimate aim. The European Court of Human Rights has held in *Kokkinakis v. Greece* of 25 May 1993 (Series A no. 260-A) and a number of subsequent cases that the State has a responsibility to ensure the peaceful enjoyment of the right guaranteed under Article 9 ECHR to the holders of those beliefs and doctrines. In extreme cases the effect of particular methods of opposing or denying religious beliefs can be such as to inhibit people from exercising their freedom to hold and express them. However, the Court has also clearly stated that those who choose to exercise the freedom to manifest their religion cannot reasonably expect to be exempt from all criticism. They must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith.
2. It should also be noted that article 17 ECHR amounts to a prohibition on the abuse of Convention rights. It has been relied on by the Court to exclude hate speech (encouraging for example racial or religious hatred which negates the fundamental values of the ECHR), from the protection of the ECHR, e.g. *Norwood v UK* (admissibility decision of 16 November 2004, 23131/03).
3. We are concerned that the existing interpretation of ‘Islamophobia’ would fall foul of article 10(2). How does one identify and describe legitimate criticisms or anxieties on the one hand and hate-filled or irrational criticisms and anxieties on the other? Would the following be considered Islamophobic: a condemnation of political Islam; criticism of patriarchal and heterosexual structures inherent in Islam; criticism of ‘sharia laws’ and gender segregation; criticism of prominent Muslim leaders; the promotion of atheism and secularism? We would argue that these are all legitimate expressions of free speech that should be protected by article 10(1) but may be caught by a definition of ‘Islamophobia’. The point is that in a climate of fundamentalism and religious intolerance in all religions, it would be easy for state agencies such as the police to cave into demands for the arrest and prosecution of those deemed to have ‘offended religious sensibilities’ for fear of being labelled ‘Islamophobic’ or ‘offensive’. We know this only too well from our own work in challenging cultural and religious practices such as FGM, polygamy, forced marriage, honour based violence and sexual abuse; these issues were once subject to a ‘hands off’ approach by state services that were more preoccupied with the fear of being labelled racist and causing offence than with protecting vulnerable women and children.
4. We are concerned that entrenching and leigitimating the term ‘Islamophobia’ will lead to confusion and censorship of legitimate criticisms and thus infringe on the right to freedom of expression.

**The way forward – tackle anti-Muslim racism as racism**

1. Islam is not a race or ethnicity. In literal terms it is a set of religious ideas, criticism of which cannot be conflated with racism towards a group of people. To hold otherwise is absurd and illogical since the attacks against individuals and groups which is labelled ‘Islamophobia’ is in fact no different to the racism faced by many other minorities.
2. Sadly the term has become a way of privileging discrimination faced by Muslims when in reality, the same forms of discrimination and racism are faced by other BME groups, who also experience similar or even greater levels of inequality, exclusion and discrimination; For example African- Caribbean groups are disproportionately represented in prisons, care homes and in school exclusions. Immigrants and asylum seekers are particularly subject to vilification and racial attacks. To therefore recognise ‘Islamophobia’ as a specific discrimination strand is to contribute to the creation of a hierarchy of oppression and victimhood which can become a barrier to solidarity and integration as different groups compete for the right to be seen as the most oppressed and the ultimate type of victims. Our concern is that the adoption of the term not only encourages such a regressive politics of victimhood but prevents solidarity from forming for the purposes of challenging all forms of racisms.
3. We are also concerned that if the term is institutionalised, other BME populations, namely Hindus and Sikhs, who also face exclusion, marginalisation and inequality, will also seek to have their experiences recognised in accordance with their religious identity. In other words to be defined solely in relation to religion which needs protecting from any polluting or questioning force. The potential for suppression of dissent is the same as in relation to ‘Islamophobia’. We have come across Hindus for instance stating that those who dissent or question religious norms are displaying ‘Hinduphobic’ views. But this label is often used to target those who legitimately question so called Hindu norms that for example justify caste discrimination or the oppression of women and girls. For example, we point to the ways in which Hindu fundamentalists clamped down on art exhibitions by the Indian artist, MF Hussain in 2006 for ‘offending Hindu sensibilities’. (<https://www.theguardian.com/theguardian/2006/may/30/1>) See too, the ways in which Sikh fundamentalists have sought to ban plays and disrupt inter-faith marriage ceremonies in Sikh temples using violence and intimidation (<http://www.bbc.co.uk/news/uk-21721519>), all in the name of ‘protecting’ their faith as they have come to define it.
4. Racism must be seen as a structural phenomenon rooted in political, economic and cultural structures of power. It is an experience that is shared by many minority groups and needs to be challenged in solidarity with rather than in competition with others. The ECHR already provides protection for those facing Anti-Muslim racism, through provisions of article 9 (when looked at with article 10 and article 17), as set out above.
5. The existing criminal law of England and Wales also provides redress. We have referred above to the CPS definition of hate crime. The CPS and police also have a joint definition of cases involving ‘hostility on the basis of race or religion’:

*“Any incident/crime which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person’s race or religion or perceived race or religion.”*

1. The threshold needed to demonstrate ‘hostility’ is not high, and the perception of the victim is key.
2. Offences of wounding, assault, criminal damage, harassment, stalking and threatening/abusive behaviour that are racially or religiously aggravated can already be prosecuted under the Crime and Disorder Act 1998. The Criminal Justice Act 2003 also gives the court power to increase the sentence of any offence (other than those already provided for in the Crime and Disorder Act 1998) which is racially or religiously aggravated. In addition, s17 of the Public Order Act 1986 created offences of stirring up racial hatred through the use of threatening, abusive or insulting words, behaviour or written material. In 2006 and in 2008, this provision was extended to cover incitement on the grounds of religious identity and sexual orientation. This can be used to prosecute serious cases of race or religious hate speech.
3. The above shows that there is already considerable protection available for victims of racial and religiously motivated hate crime. Certainly, there is evidence that enforcement of that protection is not as effective as it should be. Amnesty International (in their report cited above) recommended a review of the legislation including extending the list of protected characteristics and to provide equal protection for all characteristics. They also recommended that public figures speak out vigorously against racism and hate. Amnesty International’s case studies found significant difficulties with the response of the police, prosecutors and the courts who do not take racism seriously. This would chime with our own experiences.
4. . We would support the suggestion made by Amnesty International that public officials who behave in a discriminatory way or use or condone racist or discriminatory language should be held accountable and face clear disciplinary sanctions.

**Conclusion**

1. We strongly urge the committee to recognise the principle that rights and protections must be afforded to individuals and not to religions or other belief systems. The term ‘Islamophobia’ conflates the protection of individuals from racism with the protection of religion from criticism and dissent. Further, by basing the protection on religion affiliation rather than race or migration status, we risk the ‘silo-fication’ of the struggle against racism and discrimination on racial or religious grounds. Instead we should have one (unifying and unified) approach – based on principles of anti-discrimination, equality and human rights (including freedom of expression). This framework already exists but needs improving and robust implementation at all levels of the criminal justice system. We would also encourage better guidance for police, prosecutors and judges in investigating, charging, trying and sentencing hate crime cases, and for there to be clear accountability mechanisms for victims when the criminal justice system fails them..
2. As we have set out at length above, anti-Muslim racism is not the product of an individual phobia or irrational fear of the ‘other’. It is a form of racism that has to be tackled politically and legally through inclusive and progressive laws. To do otherwise is to fall into the fundamentalist trap of using religion to promote a regressive agenda of censorship and control.

**Southall Black Sisters**