



REPORT

# The United Kingdom's Implementation of the International Covenant on Civil and Political Rights (ICCPR)

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 Community Policy  
Forum

**The United Kingdom's Implementation of the International Covenant on Civil and Political Rights (ICCPR)**

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## 1. Abbreviations

CPF	Community Policy Forum
CRC	Convention on the Rights of the Child
DCLG	Department for Communities and Local Government
HRA	Human Rights Act, 1998
ICCPR	International Covenant on Civil and Political Rights
IPSO	The Independent Press Standards Organisation
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act, 2012
OFSI	Office for Financial Sanctions Implementations
P/CVE	Preventing/Countering Violent Extremism
PCSC	The Police, Crime, Sentencing, and Courts Act, 2022
VAWG	Violence against women and girls

## **2. A note on Community Policy Forum's scope and methodologies**

Community Policy Forum (CPF) is an NGO specialising in the structural inequalities facing Muslim communities in the UK. Our work centres around promoting evidence-based and community-centred approaches to policymaking that are inclusive of both lived experiences and robust academic analysis. Much of our work entails analysis and advocacy concerning the UK's policy and legislative landscape while providing a platform for engagement between policymakers, communities, and academics.

This report largely centres on the List of Issues raised by the Human Rights Committee in 2020. However, in light of the passage of time since the publication of the List of Issues, there are additional issues raised throughout this report that we feel are in need of highlighting at this time. As such, this submission will focus on ten broad areas:

1. Migration and undermining of the UK's human rights framework.
2. Islamophobia.
3. Securitisation.
4. Policing and the justice system.
5. Freedom of expression, political participation, and the right to assembly.
6. Hindutva.
7. Violence against women and girls.
8. Charities.
9. Muslim children.
10. Media.

Much of the analysis and conclusions contained within this submission are drawn from listening exercises, open sessions, and general engagement that CPF has undertaken over the last two years with a broad range of grassroots Muslim organisations and policy practitioners across a broad scope of specialisms. This submission also includes expert contributions from academics and policy practitioners on their specific areas of interest.<sup>1</sup>

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<sup>1</sup> Unless otherwise stated, the recommendations and proposed questions in this report are those of the Community Policy Forum and may not necessarily reflect the views of every contributor. Likewise, the views of academic and policy practitioner contributors are their own and may not be endorsed by every other contributor.

### 3. Executive Summary

**Migration and undermining the UK's human rights framework:** The UK's human rights framework rests on the Human Rights Act 1998 (HRA), which does not contain all the rights covered by the ICCPR (particularly with regards to specific protection for the rights of minorities) and the UK Government has still not ratified the Optional Protocol to the ICCPR, which would enable the Human Rights Committee to hear claims not covered by the HRA. Furthermore, in its attempts to weaken human rights protections across the UK, the Government has passed a series of immigration legislation that contradicts the UK's international obligations, exacerbates structural discrimination against Muslim asylum seekers, and creates a two-tier system of those entitled to human rights protections.

**Islamophobia:** The UK Government's refusal to adopt the nationally accepted definition of Islamophobia and its renegeing on promises to formulate a suitable alternative places the UK in conflict with its obligations to tackle discrimination under Article 26 of the ICCPR. At the same time, Islamophobia within both major political parties leaves Muslims without adequate representation of their interests. This raises concerns about Muslims' rights under Article 25 of the ICCPR.

**Securitisation:** By securitising Muslim faith and practice, UK counterterrorism and the PREVENT Strategy, in particular, has mobilised structural Islamophobia and created a hostile environment for political participation and freedom of expression, leading to serious concerns surrounding the UK's compliance with Articles 2, 17, 18, 19, 21, 22, 25, 26, and 27 of the ICCPR. Furthermore, the expansion and increasing use of nationality deprivation powers and closed material procedures are in further conflict with the UK's international human rights obligations. These powers are arbitrary and used without sufficient judicial safeguards protecting against statelessness and ensuring fair proceedings. Moreover, the character and application of these powers is inherently discriminatory against Muslim and migrant communities. Beyond the Articles raised under PREVENT, these powers raise further concerns for the protection of Muslims' rights under Articles 7, 12, 14, 17, and 24, as well as Article 15 of the Universal Declaration of Human Rights 1948 and the UK's international obligations to reduce statelessness.

**Policing and the justice system:** Xenophobia, racism, and Islamophobia found within political and media discourse has a direct impact of hate crime against Muslim communities and raises questions about the UK's compliance with Article 20 of the ICCPR. Moreover, discrimination, harassment, and violence has further impacts on Muslims' rights under Articles 18, 19, 21, 22, 25, 26, and 27 as they serve to coerce Muslims into political silence.

Meanwhile, the disproportionate application of policing powers including stop and search and Schedule 7 not only has implications for Article 26 but can also result in a pressure for Muslim individuals to minimise or suppress visible expressions of their identity to avoid negative police encounters, thereby impacting their Article 18 and 27 rights.

Furthermore, evidence suggests that Muslim inmates not only face difficulties in practising their religion, but experience the weaponisation of their beliefs as a form of active coercion and manipulation to ensure compliance; activities that are a direct violation of their rights under Articles 18 and 27 of the ICCPR.

**Freedom of expression, political participation, and the right to assembly:** The Police, Crime, Sentencing and Courts Act 2022 (PCSC) and the Public Order Act 2023 restrict the right to peaceful protest and exacerbate discrimination against minoritised communities. At the same time, the UK Government is using legislation (such as Economic Activity of Public Bodies (Overseas Matters) Bill) and counter-terror apparatus to stifle legitimate political engagement supportive of Palestinian rights. This raises particular concerns around the UK's compliance with Articles 19, 21, 22, and 26 of the ICCPR.

Meanwhile, while the number of Muslim political representatives is improving, they remain underrepresented in the UK Parliament and Muslim political representatives frequently experience Islamophobic abuse and barriers to their career progression. When Muslims do make it to the senior levels of the UK Government, there is a pattern of representatives that superficially represent a Muslim identity, while actively working against the interests of Muslim communities as a whole. Consequently, there are concerns about the UK's compliance with Articles 25 and 26 of the ICCPR.

Furthermore, evidence suggests that the requirements for photographic ID for voters introduced by the Elections Act 2022 are a form of political discrimination on the basis of age, gender identity, disability status, employment status, and race. This targeted political disenfranchisement of disproportionately minoritised communities jeopardises the UK's compliance with Articles 25 and 26 of the ICCPR.

**Hindutva:** Violent clashes in the city of Leicester during the summer of 2022 revealed the intersection between politically violent Hindutva movements and Islamophobia, and how local and global voices used social media platforms to inflame tensions and spread mis/disinformation. Ultimately, the harassment and vilification that Muslims and their defenders have faced as politicised tactics to coerce them into silence, has highlighted the influence of Hindutva and its partnership with right wing institutions across the UK. This influence has had a noticeable impact on freedom of expression and political participation, and thus the UK's compliance with Articles 19, 20, and 26 of the ICCPR.

**Violence against women and girls:** Considering the reservation made to Article 59 of the Istanbul Convention removing the UK's obligations regarding migrant women and a lack of resources provided for specialist services, the UK Government's strategy to combat VAWG does not protect all women equally. Police sharing data with Immigration Enforcement and structural Islamophobia across society act as further barriers to migrant and Muslim women accessing support. Thus, the insufficient protection granted within the UK Government's strategy to eliminate VAWG for all women equally contravenes its obligations under Articles 2, 3, 6, 7, and 26 of the ICCPR.

**Charities:** The demonisation and unique scrutiny placed on Muslim charities intersects with discriminatory Government policies and banking practices that leads to Muslim charities being forced into self-censorship or disengagement with advocacy work that should be their *raison d'etre*. This shrinking and chilling of public spaces wherein Muslim charities can operate has significant implications for the UK's compliance with Articles 19, 21, 25, and 26 of the ICCPR.

**Muslim Children:** The PREVENT duty sits uncomfortably with multiple rights protections in the ICCPR. However, when it comes to children, it is also in direct contradiction of Articles 2,

3, 5, 8, 13, 14, 15, 16, 18, 19, 29, and 30 of the Convention on the Rights of the Child (CRC). Meanwhile, there have been numerous cases of schools enforcing policies designed to suppress the religious expression of Muslim pupils, especially in terms of prayer and hijab. Such measures are in violation of young Muslims' right to thought, conscience and religion (Articles 14 and 30 of the CRC and Article 18 of the ICCPR) and are frequently applied in a discriminatory manner (contravening Articles 24 and 26 of the ICCPR and Article 2 of the CRC).

**Media:** Recent years have seen increasing concerns surrounding the relationship between the UK Government and the mainstream press that has been central to the erosion of human rights and civil rights protection under the guise of democracy and the will of the people. In reality, it is a symbiotic relationship based on executive protection of the press as an industry, in exchange for a public relations strategy that should be viewed through the lens of propaganda and is frequently premised upon the demonisation of minoritised communities and the supposed 'undesirables' of society who remain unprotected from press abuses due to the failure of any meaningful press regulation. Consequently, the status of the press in the UK must be examined in the context of the UK's compliance with Articles 2, 18, 19, 20, 26, and 27 of the ICCPR.

#### 4. Migration and undermining the UK's human rights framework.

The European Convention on Human Rights (ECHR) is enshrined in domestic law through the Human Rights Act 1998 (HRA). The HRA has played a vital role in promoting a culture of respect for human rights across the UK's political and legal institutions while facilitating access to justice for human rights abuses in domestic courts, thereby removing the expense and time previously required for victims to take a case to the European Court of Human Rights (ECtHR). Despite the fact that **the HRA does not contain all the rights covered by the ICCPR (particularly with regards to specific protection for the rights of minorities)**, it has served as an important mechanism for upholding human rights across the UK. However, it is disappointing that **the UK Government has still not ratified the Optional Protocol to the ICCPR** which would enable individuals to bring claims to the Human Rights Committee and which would provide a route to justice for victims of rights abuses that are not contained within the HRA.

The failure to ratify the Optional Protocol belies a supposed commitment to providing victims of human rights abuses with redress. Beyond the Optional Protocol, we have further serious concerns about the trajectory of **the current UK Government's waning commitment to human rights**; a position that is particularly evident in its treatment of the HRA and the ECHR, as well as its approach to other international treaties, including (but not limited to) the 1951 Refugee Convention; the UN Convention on the Rights of the Child; and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Following concerns raised across civil society in 2022, the Government shelved its plans to overturn the HRA and replace it with a significantly weakened 'Bill of Rights'. While currently shelved, the scope of the bill is demonstrative of the Government's determination to undermine human rights protections and divorce itself from accountability for human rights abuses arising from public institutions and policies. Indeed, had it passed, this legislation would have:

- Made it harder for victims of human rights abuses to access justice.
- Increased Government powers to disregard human rights and avoid accountability in its policy making.
- Undermined the principle of the universality of human rights.
- Disrupted devolved arrangements and the Good Friday Agreement.
- Exacerbated and entrenched existing structural discrimination across society.

Despite the failure of the bill to come to fruition, it is important to note the Government's resolve in its attempts to make these changes; going so far as failing "to follow [its] own Consultation Principles"<sup>2</sup> and resolutely refusing for the bill to undergo proper pre-legislative

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<sup>2</sup> British Institute of Human Rights . "Human Rights Act Reform: Nothing about Us, without Us." <https://www.bih.org.uk/media/5xhpgvu3/process-briefing.pdf>.

scrutiny.<sup>3</sup> Moreover, following the failure of the Bill of Rights, many of its more nefarious and damaging proposed clauses were instead inserted into a series of immigration legislation.

The Illegal Migration Act 2023 disapplies Section 3 of the HRA which requires courts and public authorities to read legislation in a way which is compatible with ECHR rights, so far as it is possible to do so.<sup>4</sup> Ultimately, this allows the provisions of the act to be enforced without consideration for human rights implications, thereby directly contradicting the UK's obligations under the ECHR and the ICCPR.

Furthermore, the Illegal Migration Act **exacerbates structural Islamophobia and discrimination against Muslim asylum seekers** that is already prevalent across the immigration system, and which must be seen within the context of the UK's obligations under Article 26 of the ICCPR. The act gives the Government unrestricted power to dictate who has the right to protection based upon their nationality through a power granted to the Secretary of State to make regulations specifying the maximum number of asylum seekers permitted to enter the UK via "safe and legal routes". Even when considering existing bespoke routes to asylum (such as the Afghan Citizens Resettlement Scheme), in practice it is virtually impossible for asylum seekers from Muslim majority countries to arrive safely and legally in the UK. It is for this reason that they are disproportionately represented within small boats crossings and similar methods of entry - the primary focus of the legislation. According to Home Office data, all but one of the twenty most frequent countries of origin<sup>5</sup> recorded amongst those arriving via this route in 2022 have significant Muslim populations.<sup>6</sup> Consequently, this act has a disproportionate impact on removing human rights protections for Muslim asylum seekers.

In a blow to the UK Government's plans, in November 2023 the UK Supreme Court declared their policy to send asylum seekers to Rwanda unlawful.<sup>7</sup> In response, the Government tabled the Safety of Rwanda Bill,<sup>8</sup> which at the time of writing is making its way through Parliament. The bill conclusively disapplies Sections 2, 3, and 6 of the HRA, thereby allowing the bill to be enforced without taking into account relevant cases from the ECtHR and without consideration for human rights implications and obligations. Simultaneously, it expands the Government's powers to ignore interim measures from the ECtHR regarding cases of removal to Rwanda, thus eliminating an important safeguard for those facing the threat of removal.

Ultimately, the Safety of Rwanda Bill destroys the principle of universality of human rights by removing the protections of the HRA from people threatened with removal to Rwanda and

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<sup>3</sup> For more information about the Bill of Rights, see our briefing: Community Policy Forum, "THE BILL of RIGHTS: UNDOING TWO DECADES of HUMAN RIGHTS PROGRESS," August 2022,

<https://communitypolicyforum.com/wp-content/uploads/2022/08/Rights-Removal-Bill-Briefing.pdf>

<sup>4</sup> Community Policy Forum. "A Submission to the Joint Committee on Human Rights Inquiry 'Legislative Scrutiny: Illegal Migration Bill.'" April 2023.

<https://communitypolicyforum.com/wp-content/uploads/2023/05/Joint-Committee-on-Human-Rights-inquiry-into-Illegal-Migration-Bill.pdf>.

<sup>5</sup> Excluding those recognised as stateless,

<sup>6</sup> Home Office. "Irregular Migration Detailed Datasets and Summary Tables." GOV.UK, February 23, 2023.

<https://www.gov.uk/government/statistical-data-sets/irregular-migration-detailed-dataset-and-summary-tables#detailed-datasets>.

<sup>7</sup> Supreme Court. "Press Summary." November 15, 2023.

<https://www.supremecourt.uk/cases/docs/uksc-2023-0093-press-summary.pdf>.

<sup>8</sup> Parliament. "Safety of Rwanda (Asylum and Immigration) Bill Publications - Parliamentary Bills - UK Parliament." 2023.

<https://bills.parliament.uk/bills/3540/publications>.

prohibiting them from having their rights enforced in domestic courts.<sup>9</sup> Even the opening statement of the bill admits that the Government is unable to say that the bill complies with the UK's obligations under the ECHR. It also likely breaches the principle of non-refoulement, thereby contradicting the UK's obligations under the Refugee Convention and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, the bill will disrupt devolved arrangements, including breaching the Belfast/Good Friday Peace Agreement (B/GFA) and Article 2 of the Windsor Framework, through restricting access to domestic courts and reducing the rights of refugees below the standards set by the ECHR.

*Questions proposed by CPF:*

- *Will the UK Government ratify the Optional Protocol to the ICCPR?*
- *Will the UK Government cease progress on the Safety of Rwanda Bill and instead strengthen its commitment to its obligations under the ECHR and other international treaties across the asylum system?*

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<sup>9</sup> Community Policy Forum. "Joint Civil Society Statement on the Rwanda Bill for Second Reading in the House of Lords – Community Policy Forum." January 30, 2024.  
<https://communitypolicyforum.com/portfolio-item/joint-statement-rwanda-bill-second-reading-house-of-lords/>.

## 5. Islamophobia

In November 2018, the Westminster All-Party Parliamentary Group (APPG) on British Muslim published its seminal report, *Islamophobia Defined: The inquiry into a working definition of Islamophobia*. The report contains the following working definition of Islamophobia: “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”<sup>10</sup> The definition has thus far been adopted by the Labour Party, the Liberal Democrats, the Scottish National Party (SNP), the Scottish Conservatives, and over 50 local authorities across the UK. However, the English Conservatives and by extension, **the UK Government, has rejected the APPG definition and reneged on plans to formulate its own working definition of Islamophobia.**<sup>11</sup> **This would appear to place the UK Government in conflict with its obligations to tackle discrimination under Article 26 of the ICCPR.**

Establishing an official working definition of Islamophobia is the first step in identifying and in turn, combatting this phenomenon. As explained in the APPG’s report: “No amount of documentation of the evidence of discriminatory outcomes faced by Muslims... can satisfy our desire to reverse these results if we cannot begin from the point of an agreed definition.”<sup>12</sup> Indeed, without a definition of Islamophobia, policymakers cannot fully understand how Islamophobia manifests itself and functions. Instead, understandings of Islamophobia remain highly subjective, lacking in the clear and established principles that the APPG definition brings. A formal definition would help bring about a recognition of the genuine scale and functioning of Islamophobia across all areas of society, thereby helping shape meaningful strategies and policies to address it.

Yet, the Government has actively undermined efforts around the adoption of the APPG definition of Islamophobia. In May 2019, then-Secretary of State for Levelling Up, Housing and Communities, the late James Brokenshire, announced that the Government would not adopt the APPG definition. A Government press release claimed that the definition “raises practical and legal challenges”, namely that “conflating race and religion in conflict with legal definitions could cause confusion, undermine free speech and may not adequately address sectarian hatred.”<sup>13</sup> Instead, Brokenshire set out a process for establishing an alternative definition of Islamophobia through the appointment of two expert advisers. The following month, Qari Asim MBE, an Imam from Leeds, was appointed as the first adviser to the Government on drawing up a definition.<sup>14</sup> In June 2022, Qari Asim was dismissed from his

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<sup>10</sup> All Party Parliamentary Group on British Muslims. “All Party Parliamentary Group on British Muslims: The Inquiry into a Working Definition of Islamophobia,” November 2018.

<https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>

<sup>11</sup> Dearden, Lizzie. “Government Drops Work towards Official Islamophobia Definition Promised to Combat Anti-Muslim Hatred in 2019.” October 30, 2022.

<https://www.independent.co.uk/news/uk/home-news/islamophobia-definition-conservative-government-michael-gove-b2213075.html>.

<sup>12</sup> All Party Parliamentary Group on British Muslims. “All Party Parliamentary Group on British Muslims: The Inquiry into a Working Definition of Islamophobia,” November 2018.

<https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>, p. 9.

<sup>13</sup> Ministry of Housing, Communities & Local Government. “New Process Set out to Establish a Working Definition of Islamophobia.” May 16, 2019.

<https://www.gov.uk/government/news/new-process-set-out-to-establish-a-working-definition-of-islamophobia>.

<sup>14</sup> Ministry of Housing, Communities & Local Government. “Independent Expert Appointed to Tackle Islamophobia.” July 23, 2019. <https://www.gov.uk/government/news/independent-expert-appointed-to-tackle-islamophobia>.

role.<sup>15</sup> Before his dismissal, Qari Asim said that he had received no “meaningful engagement” from the Government and that several of his letters to ministers, including to current Secretary of State for Levelling Up, Housing and Communities, Michael Gove, had been ignored, which he argued “**shows a lack of political will to define Islamophobia**”.<sup>16</sup> A second adviser was never appointed and the Government ultimately abandoned its pledge to establish a definition in October 2022.<sup>17</sup> Under Article 26 of the ICCPR, all people are entitled to equal and effective protection against all forms of discrimination, yet the Government’s failure to adopt a formal definition of Islamophobia arguably undermines its compliance with Article 26.

At the same time, this lack of political appetite to define Islamophobia mirrors **an apparent vein of Islamophobic attitudes that is pervasive throughout the UK Government and both major political parties**. A 2020 report by HOPE Not Hate found that more than half of Conservative Party members (57%) hold a negative attitude towards Muslims and that 47% believe that Islam is “a threat to the British way of life”.<sup>18</sup> As discussed above, the Government has failed to take meaningful steps to tackle Islamophobia within its party’s ranks, refusing to adopt the nationally accepted definition of Islamophobia and reneging on promises to formulate a suitable alternative. Thus, a survey by Muslim Census that was conducted in 2022 found that 92% of Muslim respondents believe Islamophobia exists within the Government. Respondents highlighted several factors including Islamophobic remarks by the then-Prime Minister, Boris Johnson, divisive policies like the PREVENT strategy that arguably discriminate against Muslim communities, and the failure to establish an official definition of Islamophobia.<sup>19</sup>

Similarly, the Forde Report was commissioned in 2022 by Labour’s National Executive Committee to investigate allegations of bullying, racism, and sexism within the party. It concluded that “Islamophobia is not treated with the same seriousness within the Labour Party as other forms of racism”.<sup>20</sup> In a statement, the Labour Muslim Network said: “It is difficult to read this report and reach any other conclusion than there being institutional Islamophobia within the Labour Party.”<sup>21</sup> It is unsurprising, therefore, that nearly half the respondents to a 2022 Labour Muslim Network poll felt that Islamophobia has been dealt with “very badly” by the Labour Party (40%) and by party leader, Keir Starmer (46%).<sup>22</sup> As such, discrimination against Muslims is sadly evident in the upper echelons of British politics.

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<sup>15</sup> News, BBC. “Qari Asim: Imam Removed as Government Adviser over Film Protests.” BBC News. BBC News, June 12, 2022. <https://www.bbc.co.uk/news/uk-england-leeds-61771695>.

<sup>16</sup> Dearden, Lizzie. “Nusrat Ghani Row: Imam Appointed to Define Islamophobia Has Had ‘No Meaningful Engagement’ from Ministers.” January 24, 2022. <https://www.independent.co.uk/news/uk/politics/tory-islamophobia-nusrat-ghani-definition-b1999584.html>.

<sup>17</sup> Dearden, Lizzie. “Government Drops Work towards Official Islamophobia Definition Promised to Combat Anti-Muslim Hatred in 2019.” October 30, 2022. <https://www.independent.co.uk/news/uk/home-news/islamophobia-definition-conservative-government-michael-gove-b2213075.html>.

<sup>18</sup> Hope not hate. “CONSERVATIVE PARTY INQUIRY on ALL FORMS of RACISM INCLUDING ISLAMOPHOBIA HOPE NOT HATE SUBMISSION of EVIDENCE.” 2020.

<https://hopenothate.org.uk/wp-content/uploads/2020/09/conservative-party-investigation-islamophobia-2020-09-v5.pdf>.

<sup>19</sup> Muslim Census. “Islamophobia and the Government Report.” 2021.

<https://muslimcensus.co.uk/wp-content/uploads/Islamophobia-and-the-Government.pdf>.

<sup>20</sup> Labour Party. “The Forde Report.” January 2023. <https://labour.org.uk/wp-content/uploads/2023/01/The-Forde-Report.pdf>.

<sup>21</sup> Labour Muslim Network (@LabourMuslims), “The Labour Muslim Network statement regarding the publication of the Forde Report”, X, Jul 19, 2022, 5:11pm, <https://twitter.com/LabourMuslims/status/1549426757706579971>

<sup>22</sup> Labour Muslim Network. “Labour Muslim Network Islamophobia Survey - Results 2022.” Labour Muslims. Labour Muslims, March 14, 2022. <https://www.labourmuslims.org/post/labour-muslim-network-islamophobia-poll-results-2022>.

**The perceived hostility towards Muslims present in both major political parties leaves Muslims largely without a political home and without adequate representation of their interests within either the Government or the Opposition. Consequently, there are serious concerns about Muslim communities' ability to fully realise their rights under Article 25 of the ICCPR.**

*Questions proposed by CPF:*

- *Will the UK Government commit to adopting a definition of Islamophobia that is arrived at through meaningful consultation with Muslim communities?*
- *Will the UK Government commit to proactively addressing the existence of structural, institutional, and public Islamophobia?*
- *Will the UK Government commit to a root and branch review of Islamophobia within its own party and support other major political parties to do the same?*

## 6. Securitisation.

### The Impact of Prevent and Counterterrorism on British Muslim Communities

By Dr Richard McNeil-Willson<sup>23</sup>

The British Government's official counterterror strategy, CONTEST, consists of four central pillars, or 'workstreams': Pursue ('to stop terrorist attacks'), Protect ('to strengthen our protection against a terrorist attack'), Prepare ('to mitigate the impact of a terrorist attack') and PREVENT ('to stop people becoming terrorists or supporting terrorism'). CONTEST was first implemented in 2003 but was made public in 2006, and underwent significant revisions in 2009, 2011 and 2015.

*"It's fair to say that ten years ago, the principal areas of the CONTEST strategy were on Pursue and Protect. Prevent, which is now such a key part of our work, was very much seen as the misunderstood little brother, in the relation between the four 'P's."  
(Counter-terror official, 2016)."<sup>24</sup>*

When CONTEST was launched in 2003, PREVENT – designed to stop radicalisation, reduce support for terrorism and violent extremism, and discourage people from becoming terrorists – grew from a governmental budget of £6 million in 2006 to £140 million in 2008-9.

*"Projects were set up and promoted on the advice of a close-knit, self-referring set of community and government cliques. Eventually members of the right-wing media were set upon parts of these cliques, not because of their representative value or expertise (which some of them actually had), but because of their sometimes imagined links to Islamism."<sup>25</sup>*

Britain was an early adopter of a Preventing/Countering Violent Extremism (P/CVE) policy approach and this, along with the comparatively centralised government and the increasing centralisation of PREVENT, has led to it being studied and cited internationally, seen as having a national coherence.<sup>26</sup> Many European countries have continued to take the lead from Britain from their P/CVE approaches – a role that has still largely applied even after Britain chose to break from the European Community in 2016.

However, longstanding concerns have been raised over the PREVENT programme and the UK's counterterror approaches more broadly, as specifically targeting and problematising Muslim communities as being uniquely linked to terrorism and extremism. This has led to processes of securitisation and Islamophobia being identified, which have impacted negatively on legitimate Muslim-led activism, as well as Muslim political participation and freedom of expression across communities and British society.

**Ultimately, this approach to P/CVE has severe implications for Muslims' rights under Articles 2, 17, 18, 19, 21, 22, 25, 26, and 27 of the ICCPR.**

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<sup>24</sup> Wilson, Richard. "Islamic Activism and the Counterterror State: The Impact of the Securitised Lens on Hizb Ut-Tahrir in Britain and Denmark." 2020.

<sup>25</sup> Hellyer, H. A. "Pursuant to Prevent: British Community Counterterrorism Strategy: Past, Present, and Future." [www.ispu.org](http://www.ispu.org), 2011. Pursuant to Prevent: British Community Counterterrorism Strategy: Past, Present, and Future. p27

<sup>26</sup> Thomas, Paul. "Britain's Prevent Strategy: Always Changing, Always the Same?" In *The Prevent Duty in Education: Impact, Enactment and Implications*, edited by Joel Busher and Lee Jerome, 11–32. Palgrave Macmillan Cham, 2020. p13

There has been significant concern that PREVENT and wider counterterrorism practices in the UK have resulted in securitisation – particularly with regards to Muslim communities in Britain. Early iterations of the PREVENT programme were specifically targeted at Muslim communities, with funding designated dependent on the size of local Muslim demographics and Government guidance stating that a **“key measure of success will be demonstrable changes in attitudes among Muslims”**.<sup>27</sup> However, whilst focus has generally shifted towards a wider conceptualisation of terrorism and extremism, to include a variety of different conceptualisations of extremism (including, for instance, the far right, ‘incel’ terrorism, identitarian and White nationalism, as well as so-called ‘mixed’ or ‘unstable’ ideologies), there are still significant concerns that Muslim communities are disproportionately focussed on, and impacted by, UK counterterrorism measures, with particular implications for their ICCPR rights.

Concerns have been raised by a variety of actors across British society that **PREVENT is hyper-focussed on Muslim communities in the UK, conceptualising them as a specific threat and a ‘suspect community’**. The term suspect community was first developed to refer to the stigmatisation of Irish and Irish-origin communities in Britain in the context of the Troubles in the North of Ireland<sup>28</sup> and similar trends have been seen in the on-going problematisation of Muslim communities after the start of the War on Terror in 2001.<sup>29</sup> Securitisation practices have been applied to (conservative) Islamic identity, belief and practice, as well as Muslim or migrant community backgrounds, being linked with terrorism and counter-terrorism.<sup>30</sup> **This disproportionate focus by British counterterrorism towards Muslims constitutes a worrying form of Islamophobia that has shown to stoke discrimination and alienation against Muslims**, contributing to the erosion of the security of Muslim communities and wider societal cohesion.<sup>31</sup>

**Security legislation has been wielded predominantly against Muslim individuals, groups or communities in the UK**, in response against both terrorism and extremism. With regards to terrorism, an overwhelming majority of organisations proscribed under the Terrorism Act 2000 are, as is termed by the Government, ‘Islamist’ in their ideologies – including most recently the non-violent Islamic activist group Hizb ut-Tahrir Britain. Citizenship deprivation under counterterrorism legislation has also been used almost exclusively against Muslim individuals, and specific concerns were highlighted after Shamima Begum was made stateless, that the UK Government has created a two-tier citizenship in which minorities with a non-Western background have fewer rights enshrined within their British nationality.<sup>32</sup> Section 7 stops at borders, have also been used

<sup>27</sup> Vic Fanthorpe. “Preventing Violent Extremism Pathfinder Fund 2007/08 - Case Studies.” Ted Cante | iCoCo Foundation, April 4, 2007 as in O’Toole, T., Meer, N., Nilsson, D., Jones, S. H., & Modood, T. (2016). Governing through Prevent? Regulation and Contested Practice in State-Muslim Engagement. *Sociology*, 50(1), 160-177. Pp162-163

<sup>28</sup> Hillyard, Paddy. *Suspect Community: People’s Experience of the Prevention of Terrorism Acts in Britain*. Pluto Press (UK), 1993.

<sup>29</sup> Pantazis, Christina, and Simon Pemberton. “From the ‘Old’ to the ‘New’ Suspect Community: Examining the Impacts of Recent UK Counter-Terrorist Legislation.” *British Journal of Criminology* 49, no. 5 (June 22, 2009): Pp646–66.

<sup>30</sup> Cesari, Jocelyne. “The Securitisation of Islam in Europe.” *Die Welt Des Islams*, 52 (January 1, 2009): 430–49 And McNeil-Willson, Richard. “Understanding the Interplay of Counter-Extremism Trends and Muslim Communities in Europe.” In *Islam and Security in the West*. edited by S Bonino and R Ricucci. London: Palgrave Macmillan, 2021.

<sup>31</sup> Hargreaves, Julian. “Prevent Counter-Terrorism Strategy Remains Unfair on British Muslims, despite Home Office Efforts.” *The Conversation*, December 18, 2018.

<https://theconversation.com/prevent-counter-terrorism-strategy-remains-unfair-on-british-muslims-despite-home-office-efforts-108779>. And Hussain, Yasmin, and Paul Bagguley. “Securitized Citizens: Islamophobia, Racism and the 7/7 London Bombings.” *The Sociological Review* 60, no. 4 (November 2012).

<sup>32</sup> Galey, Patrick. “UK’s Racist Two-Tier Citizenship.” *POLITICO*. February 21, 2019. <https://www.politico.eu/article/britains-shamima-begum-double-standard/>.

predominantly against individuals with ties to Muslim-majority countries, whilst Section 28B of the Terrorism Act 2000, which designates geographical areas under which you can be prosecuted by visiting, have only been applied to predominantly Muslim areas.

Concern is also high that the PREVENT programme and Channel reporting mechanisms have disproportionately discriminated against Muslims. The 2015 PREVENT Duty has created the legal obligation for public bodies such as educational institutions, healthcare providers and the judiciary to report instances of extremism, as well as to promote 'British values' as part of a means of preventing extremism.<sup>33</sup> However, research has shown that this has not only enabled huge numbers of 'false positive' reporting against Muslim individuals and communities, but has also contributed towards the normalisation of far-right rhetoric, in which Britishness is linked to 'native' communities.<sup>34</sup> Ultimately, this has created a climate in which Muslim communities are marginalised as less British, thus feeding into far-right language which frames Muslims as outsiders.<sup>35</sup>

Other concerns have been raised around the role of PREVENT in securitising various aspects of healthcare, with research confirming that Muslims face high numbers of false positive reporting when accessing healthcare.<sup>36</sup> The linking of 'vulnerability' to counter-extremism practice has also created significant concerns that more traditional sites of risk have become securitised, with measures designed to support those at risk from mental health concerns, abuse, or grooming, increasingly falling within the scope of counterterrorism policing and practice.<sup>37</sup>

The impact of the disproportionate focus of counterterrorism on Muslims and PREVENT politics has been the creation of barriers to Muslim participation in British politics. PREVENT and other counterterror measures have been shown to damage the sense of security felt by Muslim communities, community groups, and political activists in the UK, with Muslims experiencing significantly greater levels of surveillance and monitoring.<sup>38</sup> (McNeil-Willson, 2021a; Qureshi, 2014). Furthermore, **stoking concerns that Muslims represent a specific risk has created a barrier to political participation that works to marginalise and limit Muslim political agency, ultimately pushing young Muslims into the marginal spaces of society.**<sup>39</sup>

<sup>33</sup> Department for Education. "The Prevent Duty: Safeguarding Learners Vulnerable to Radicalisation." GOV.UK, October 24, 2022. <https://www.gov.uk/government/publications/the-prevent-duty-safeguarding-learners-vulnerable-to-radicalisation>.

<sup>34</sup> James, N. "Countering Far-Right Threat Through Britishness: The Prevent Duty in Further Education." *Critical Studies on Terrorism*, 15, no. 1 (2022): 121–42.

<sup>35</sup> Aked, Hilary. "Islamophobia, Counter-Extremism and the Counterjihad Movement." In Massoumi, Narzanin, Tom Mills, and David Miller, eds. *What Is Islamophobia?: Racism, Social Movements and the State*. Pluto Press, 2017. <https://doi.org/10.2307/j.ctt1rfsndp>.

<sup>36</sup> Aked, Hilary. "False Positives: The Prevent Counter-Extremism Policy in Healthcare." *Medact*, 2020. <https://www.medact.org/wp-content/uploads/2020/07/MEDACT-False-Positives-WEB.pdf>

AND Heath-Kelly, Charlotte, and Erzsébet Strausz. "Counter-Terrorism in the NHS EVALUATING PREVENT DUTY SAFEGUARDING in the NHS." *www.radical.hypotheses.org*, 2017. [https://radical.hypotheses.org/files/2018/07/Warwick\\_project\\_report.pdf](https://radical.hypotheses.org/files/2018/07/Warwick_project_report.pdf).

<sup>37</sup> Aked, Hilary, Tarek Younis, and Charlotte Heath-Kelly. "Racism, Mental Health & Pre-Crime Policing the Ethics of Vulnerability Support Hubs." *Medact*, May 19, 2021. <https://www.medact.org/2021/resources/reports/racism-mental-health-and-pre-crime-policing-the-ethics-of-vulnerability-support-hubs/>.

AND Younis, Tarek, and Sushrut Jadhav. "Islamophobia in the National Health Service: An Ethnography of Institutional Racism in PREVENT's Counter-Radicalisation Policy." *Sociology of Health & Illness* 42, no. 3 (December 17, 2019): 610–26.

<sup>38</sup> McNeil-Willson, Richard. "Counter-Terrorism and the Repression of Islamic Activism: Hizb Ut-Tahrir in Britain and Denmark." *Journal of Contemporary European Studies* 30, no. 2 (October 11, 2021), 220–235.

AND Qureshi, Asim. "PREVENT: Creating 'Radicals' to Strengthen Anti-Muslim Narratives." *Critical Studies on Terrorism* 8, no. 1 (January 2, 2015): 181–91.

<sup>39</sup> Finlay, Robin, and Peter Hopkins. "Resistance and Marginalisation: Islamophobia and the Political Participation of Young Muslims in Scotland." *Social & Cultural Geography* 21, no. 4 (February 5, 2019): 546–68.

Research has found heightened concern by young Muslims throughout the UK over the negative portrayal of Islam within the British national media – a portrayal which specifically emphasises tropes that reinforce a supposed link between (conservative) Islam and violence or terrorism.<sup>40</sup> This has been shown to contribute towards wider patterns of mental health deterioration amongst young British Muslims.<sup>41</sup> Such tropes have been echoed by national politicians, creating a general normalisation of anti-Muslim language.<sup>42</sup>

Muslims have also found themselves targeted within wider counterterrorism debates. **Critics of PREVENT from a Muslim background, for instance, have been specifically singled out by the UK Government and leading politicians**, including Lord David Cameron, who referred to Muslim groups who challenged counterterrorism as “Islamist campaigners and their allies”.<sup>43</sup> Meanwhile, leading PREVENT representatives have publicly attacked legal Muslim campaign groups as “Islamist agitators”.<sup>44</sup> Counter-extremist organisations have also created a climate that targets Muslim activism. Quilliam (formerly, the Quilliam Foundation) publicly platformed far-right activist Tommy Robinson, as well as producing reports which were later debunked, which framed Muslims as a threat to White communities;<sup>45</sup> whilst senior members of the Henry Jackson Society, which has often advised the UK Government on counter-extremism strategies, have been linked to White Supremacist organisations and international far-right leaders.<sup>46</sup> Other high profile organisations, such as the Tony Blair Faith Foundation and Policy Exchange, have also produced reports that attacked legal Muslim activism and enabled the creation of stronger counterterrorism and counter-extremism approaches.<sup>47</sup>

The impact of such practice has been the legitimisation of several aspects of far-right discourse which has looked to link the existence of Muslim and other minority communities in Britain with security concerns – a practice which has created barriers to Muslim participation in mainstream politics.

**PREVENT has thus had a significant impact on freedom of expression and other fundamental human rights.** As dealt with elsewhere in this submission, this has impacted the space of education, creating what has been described as a ‘chilling effect’ in

<sup>40</sup> Hanif, Faisal. “British Media’s Coverage of Muslims and Islam (2018-2020).” *MCB Centre for Media Monitoring*. November 2021. <https://cfmm.org.uk/wp-content/uploads/2021/11/CfMM-Annual-Report-2018-2020-digital.pdf>.

<sup>41</sup> McNeil-Willson, Richard, Tahir Abbas, and L Vostermans. *Routledge Handbook of Violent Extremism and Resilience*. London: Routledge, (pending).

<sup>42</sup> Mondon, Aurelien, and Aaron Winter. *Reactionary Democracy : How Racism and the Populist Far Right Became Mainstream*. London: Verso, 2020.

<sup>43</sup> Syal, Rajeev. “David Cameron Says Government Should Defend Its Counter-Extremism Strategy.” *The Guardian*, April 25, 2022.

<https://www.theguardian.com/politics/2022/apr/26/david-cameron-says-government-should-defend-its-counter-extremism-strategy>.

<sup>44</sup> Baldet, Will. “Why Have We Let Islamist Agitators Dominate the Counter-Terrorism Discourse?” *CapX*, October 28, 2020. <https://capx.co/why-have-we-let-islamist-agitators-dominate-the-counter-terrorism-discourse/>.

<sup>45</sup> Cockbain, Ella. “When Bad Evidence Is Worse than No Evidence: Quilliam’s ‘Grooming Gangs’ Report and Its Legacy.” [www.policinginsight.com](https://www.policinginsight.com), March 20, 2019.

<https://policinginsight.com/feature/analysis/when-bad-evidence-is-worse-than-no-evidence-quilliams-grooming-gangs-report-and-its-legacy/>. AND Rafiq, H., & Adil, M. (2019). “Group Based Child Sexual Exploitation: Dissecting Grooming Gangs”.

Retrieved from

<https://www.quilliaminternational.com/shop/e-publications/group-based-child-sexual-exploitation-dissecting-grooming-gangs/>.

<sup>46</sup> McNeil-Wilson, Richard, Rob Faure Walker, and Isobel Ingham-Barrow. “The Henry Jackson Society: The Threat to British Democracy Caused by Security Think Tanks.” [www.blogs.soas.ac.uk](http://www.blogs.soas.ac.uk), 2021.

[https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The\\_Threat\\_to\\_British-Democracy.pdf](https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The_Threat_to_British-Democracy.pdf).

<sup>47</sup> Tony Blair Institute for Global Change. “Narratives of Division: The Spectrum of Islamist Worldviews in the UK.” [www.institute.global](http://www.institute.global). January 18, 2019.

<https://www.institute.global/insights/geopolitics-and-security/narratives-division-spectrum-islamist-worldviews-uk>.

AND Perry, Damon (2021). “Islamist terrorism remains a threat to Britain 20 years after 9/11”. Retrieved from

<https://policyexchange.org.uk/islamist-terrorism-remains-a-threat-to-britain-20-years-after-9-11/>.

the classroom.<sup>48</sup> According to research by Amnesty International, PREVENT had led to a reduction in freedom of expression amongst those who had engaged in some way with the programme, with 40% of respondents changing their behaviour during a protest or a public event – an effect particularly prevalent amongst those from Muslim and minority backgrounds, in what was termed a “chilling effect” on political participation.<sup>49</sup>

The PREVENT programme has been accused of disciplining Muslim subjects through a variety of mechanisms, including:

- The deployment of a set of reductive distinctions between good and bad, moderate and extremist Muslims.
- Creating a limited repertoire of subject positions for Muslims.
- Branding ‘conservative’ Muslim practices as linked to extremism and terrorism.
- The promotion of a liberal form of Islam.
- And creating a set of red lines for Muslims political debate that are either less restrictive or non-existent for majority British communities.<sup>50</sup>

One notable point of concern, particularly in recent months, has been the securitisation of Palestinian activism, as well as activism which has sought to question the Government’s international policies. **Activists participating in pro-Palestinian and ceasefire activism, including several hundred children, have reported being subject to increased Section 7 border stops, PREVENT referrals and police questioning, under what has been termed a “crackdown on Palestinian support”.**<sup>51</sup> Prior to the on-going invasion of Gaza by the Israeli military, hundreds of instances of pro-Palestinian activism were being mislabelled as ‘extremism’, with students subject to referral for the wearing of Palestinians emblems, such as the Palestinian national flag or the keffiyeh, or the expression of support for Palestine.<sup>52</sup>

Other forms of activism have also been problematised under counterterrorism approaches, with Scottish and Welsh nationalism cited as ‘extremist’ under expanding governmental definitions,<sup>53</sup> whilst environmental activists have faced referral to PREVENT, as well as arrest and imprisonment under counterterror legislation.<sup>54</sup> A series of legal left-wing organisations have also been cited in police documents as linked to extremism, as part of a worrying trend in which activism critical of governmental policy risks being branded extremist and subject to security legislation and prosecution.<sup>55</sup>

<sup>48</sup> Walker, Rob Faure. *The Emergence of “Extremism” Exposing the Violent Discourse and Language of “Radicalisation.”* London: Bloomsbury Publishing Plc, 2021.

<sup>49</sup> Amnesty International. “‘ THIS IS THE THOUGHT POLICE’ The Prevent Duty and Its Chilling Effect on Human Rights.” [www.amnesty.org.uk](https://www.amnesty.org.uk/prevent), 2023. <https://www.amnesty.org.uk/prevent>.

<sup>50</sup> Birt, Yahya. “Governing Muslims after 9/11”. In Sayyid, Salman & AbdoolKarim Vakil, eds. *Thinking through Islamophobia: Symposium Papers*. Leeds: Centre for Ethnicity and Racism Studies, 2011. AND Githens-Mazer, Jonathan. “The rhetoric and reality: radicalisation and political discourse”. *International Political Science Review* 33, no. 5 (November 2012), 556-567. AND O’Toole, T., Nasar Meer, Daniel Nilsson DeHanas, Stephen Jones, & Tariq Modood. “Governing through Prevent? Regulation and Contested Practice in State-Muslim Engagement”. *Sociology* 50, no. 1, 160-177.

<sup>51</sup> Nandini Naira Archer. “Exclusive: Kids Referred to Prevent over Pro-Palestine Views.” [opendemocracy.net](https://www.opendemocracy.net/en/prevent-counter-terrorism-palestine-gaza-students-schools-universities/). January 15, 2024. <https://www.opendemocracy.net/en/prevent-counter-terrorism-palestine-gaza-students-schools-universities/>.

<sup>52</sup> McNeil-Willson, R. (2021b). Pro-Palestine Activism and Prevent. Retrieved from London: <https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/06/Pro-Palestine-Activism-and-Prevent-2.pdf>

<sup>53</sup> Mansfield, Mark. “Sunak’s Extremism Plans Could Criminalise Supporters of Welsh and Scottish Independence.” *Nation.Cymru*, August 3, 2022.

<https://nation.cymru/news/sunaks-extremism-plans-could-criminalise-supporters-of-welsh-and-scottish-independence/>.

<sup>54</sup> Nevett, Joshua. “Prevent: Rise in Climate Activists Referred to Anti-Terror Scheme.” *BBC News*. December 23, 2023. <https://www.bbc.co.uk/news/uk-67665218>.

<sup>55</sup> Amnesty International. “‘ THIS IS THE THOUGHT POLICE’ The Prevent Duty and Its Chilling Effect on Human Rights.” [www.amnesty.org.uk](https://www.amnesty.org.uk/prevent), 2023. <https://www.amnesty.org.uk/prevent>.

Further concerns have been raised by the release of the Shawcross Review – a review conducted following the passing of the 2019 Counterterrorism and Border Security Bill which required the UK Government to conduct an independent review of the PREVENT programme. The legitimacy of the review has been consistently undermined by the Government, following the appointment and removal of Lord Carlile as the independent reviewer in August 2019 following a successful legal challenge,<sup>56</sup> as well as the later appointment of William Shawcross. The appointment of William Shawcross resulted in the withdrawal of and boycott by hundreds of Islamic community and faith groups from the review, as well as its condemnation by a consortium of human rights, Muslim, and other faith groups from across the UK.<sup>57</sup> The findings of the review, released in 2023, recommended that UK counterterrorism focus more on so-called ‘Islamist’ forms of extremism, whilst underplaying the threat of far-right violence in Britain.<sup>58</sup> It also accused legal Islamic activist organisations enabling extremism, as well as recommending the PREVENT Duty to non-public bodies.

The securitisation of Islamic activism under counterterror legislation and counter-extremism practices, particularly as part of the PREVENT programme, has raised considerable alarm within Muslim communities, as well as amongst human rights, minority and faith groups throughout the UK. **By securitising Muslim faith and practice, UK counterterrorism has contributed towards Islamophobia and created a hostile environment for political participation and freedom of expression, leading to serious concerns surrounding the UK’s compliance with Articles 2, 17, 18, 19, 21, 22, 25, 26, and 27 of the ICCPR.**

*Question proposed by CPF:*

- *Will the UK Government withdraw its commitments to the recommendations of the Shawcross report and immediately engage with the critical analysis of PREVENT that has been provided by the People’s Review of PREVENT, academics, policy experts, and the UN itself?*

In addition to the muscular application of the PREVENT Strategy, nationality deprivation powers have been a source for great concern. The expansion and increasing use of these powers are in conflict with the UK’s international human rights obligations. **Nationality deprivation powers are arbitrary and used without sufficient judicial safeguards protecting against statelessness and ensuring fair proceedings. Moreover, the character and application of these powers is inherently discriminatory against Muslim and migrant communities, thereby raising concerns about the UK’s compliance with Articles 7, 12, 14, 17, and 24, as well as Article 15 of the Universal Declaration of Human Rights 1948 and its other international obligations to reduce statelessness.**

<sup>56</sup> Bowcott, Owen. “Lord Carlile Removed from Prevent Review after Legal Challenge.” *The Guardian*. December 20, 2019. <https://www.theguardian.com/uk-news/2019/dec/19/lord-carlile-prevent-review-legal-challenge>.

<sup>57</sup> Grierson, Jamie. “Hundreds of Islamic Groups Boycott Prevent Review over Choice of Chair.” *The Guardian*. March 17, 2021. <https://www.theguardian.com/uk-news/2021/mar/17/hundreds-islamic-groups-boycott-prevent-review-william-shawcross-protest>

<sup>58</sup> Home Office. “Independent Review of Prevent.” GOV.UK, September 16, 2019. <https://www.gov.uk/government/collections/independent-review-of-prevent>.

It is difficult to accurately assess the scale of the UK Government's usage of nationality deprivation powers due to its failure to disclose information in a timely manner. Data that is available has largely been achieved through the use of Freedom of Information requests.<sup>59</sup> **This lack of transparency is especially concerning due to its limiting effects on public and parliamentary oversight**, especially in light of the legislative expansion of the powers embodied by the Immigration Act 2014 and the Nationality and Borders Act 2022. However, what is known is that despite not a single usage of the power between 1973 and 2006, an increasingly securitised approach to citizenship has resulted in **at least 464 people being stripped of their citizenship between 2006 and 2020**.<sup>60</sup>

The use of the power is concerning for a number of reasons:

- Individuals have frequently had their citizenship rescinded on the basis of **secret evidence heard in closed material procedures** that they and their legal representatives are prohibited from seeing, and therefore, to which they are unable to respond.
- **Nationality deprivation is often arbitrary and inherently politicised as the power resides in the person of the Home Secretary** - a position that is held by a person who is a senior figure within a political party and subject to the whims of political agendas and public opinion. Meanwhile, the criteria of "conducive to the public good" is so broad as to invite inappropriate use, especially considering the intersection with political agendas.
- The **severe lack of appropriate judicial oversight removes vital safeguards** that are the foundations of a just society. Indeed, the powers require no actual conviction of an offence and no review in a court of law.
- Changes introduced by the Immigration Act 2014 allow the powers to be used if the Home Secretary has reasonable grounds to believe that a person could acquire citizenship elsewhere – they do not have to actually acquire citizenship elsewhere. **This has resulted in people being made stateless** as they are unable to become a national of another country to which the Home Secretary had grounds to believe they could apply. This situation was famously highlighted by the case of Shamima Begum, who was made stateless after she was stripped of her citizenship on the basis that she could apply for citizenship in Bangladesh, the country in which her parents were born but to which she had little connection and which ultimately denied her request. Due to Shamima Begum's age and elements of grooming in this case, there are also **severe implications to the UK's adherence to the Covenant on the Rights of the Child**.
- While those subject to nationality deprivation powers are entitled to appeal, changes to the British Nationality Act that were brought in through an amendment in 2004

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<sup>59</sup> Rights & Security International. "Home Office Releases Number of People Deprived of British Nationality in 2019 and 2020 after Several FOIA Requests Made by RSI Were Refused." [www.rightsandsecurity.org](https://www.rightsandsecurity.org/impact/entry/home-office-releases-number-of-people-deprived-of-british-nationality-in-2019-and-2020-after-several-foia-requests-made-by-rsi-were-refused), March 4, 2019. <https://www.rightsandsecurity.org/impact/entry/home-office-releases-number-of-people-deprived-of-british-nationality-in-2019-and-2020-after-several-foia-requests-made-by-rsi-were-refused>.

<sup>60</sup> McKinney, C.J. "How Many People Have Been Stripped of Their British Citizenship?." [www.freemovement.org.uk](https://freemovement.org.uk/how-many-people-have-been-stripped-of-their-british-citizenship-home-office-deprivation/). January 10 2022. <https://freemovement.org.uk/how-many-people-have-been-stripped-of-their-british-citizenship-home-office-deprivation/>.

**removed an essential safeguard that suspended the order until the appeal had been resolved.** Considering the number of people who have been subject to the power while out of the country, the result is that individuals are in danger of being stateless, denied re-entry into the UK, and having to face the legal challenges of fighting an appeal from abroad.

- Moreover, the Nationality and Borders Act 2022 **expanded the grounds upon which the Home Secretary can deprive someone of their citizenship without notifying them**, thereby adding additional hurdles to any ability to appeal, especially if they are out of the country at the time and, therefore, denied re-entry.
- The lack of available data and the lack of disaggregation of data that is available makes it difficult to conclusively analyse the application of nationality deprivation powers on people with protected characteristics. However, due to the political nature of the powers and the lack of judicial and public oversight, there are significant concerns about the discriminatory application of the powers on Muslim and migrant communities. Indeed, the requirement for the subject of the powers to have the theoretical potential to become a national of another state means that they can only be applied to those with historical links to other countries. Investigations have shown that an estimated 41% of people from a non-White ethnic background in the UK are eligible potential targets of the powers, making them eight times more likely to be eligible than only 5% of people racialised as White.<sup>61</sup> Moreover, the public vilification of Muslim communities as security threats makes them unique targets for these powers, with Muslims constituting 16 of the 18 people subject to such orders between 2003 and 2013.<sup>62</sup> Thus, **the powers create a hierarchy of citizenship and are undeniably discriminatory in nature and application.**

*Questions:*

- *Will the UK Government impose a moratorium on the practice of nationality deprivation until it has revised its legislation ensuring that the powers comply with international standards and its human rights obligations?*
- *Will the UK Government publish data in a timely manner on the use of nationality deprivation powers disaggregated by protected characteristics including religion, race, sex, and age?*

<sup>61</sup> Merwe, Ben van der. "Exclusive: British Citizenship of Six Million People Could Be Jeopardised by Home Office Plans." [www.newstatesman.com](https://www.newstatesman.com). New Statesman, December 1, 2021.

[https://www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans?mc\\_cid=d501f0a75a&mc\\_eid=UNIQID](https://www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans?mc_cid=d501f0a75a&mc_eid=UNIQID).

<sup>62</sup> Rights & Security International | Institute on Statelessness and Inclusion. "Joint Submission to the Human Rights Council: 41st Session of the Universal Periodic Review." [www.rightsandsecurity.org](https://www.rightsandsecurity.org), March 31, 2022.

[https://www.rightsandsecurity.org/assets/downloads/FINAL\\_Joint\\_Submission\\_UPR\\_UK\\_Nationality\\_Deprivation.pdf](https://www.rightsandsecurity.org/assets/downloads/FINAL_Joint_Submission_UPR_UK_Nationality_Deprivation.pdf).

## 7. Policing and the justice system.

In specific sectors of society, Islamophobia is a pervasive issue that in recent years has increasingly visibly manifested itself in the form of hate crime against Muslim communities. The most recent hate crime data published by the Home Office reveals that as of March 2023 in England and Wales, Muslims represent the religious group experiencing the highest levels of hate crime, constituting 44% of the total religious hate crimes recorded by police.<sup>63</sup>

The Home Office data also identifies four distinct spikes in recent years that were seen in religiously aggravated offences which were not seen in non-aggravated offences:<sup>64</sup>

- The EU referendum in 2016,
- Terror attacks in 2017,
- Black Lives Matter protests and far-right counter protests in the summer of 2020,
- And the summer of 2021 which witnessed “an increase of racially or religiously aggravated public fear, alarm or distress offences”.<sup>65</sup>

There is an argument to be made that the public, media, and political discourses surrounding such events must be examined. Indeed, **rhetoric surrounding the run up to the EU referendum, terror attacks in 2017, and Black Lives Matter protests were characterised by xenophobia, racism, and Islamophobia - the confluence of which brings the UK’s obligations under Article 20 of the ICCPR into question.** This is especially concerning in light of the fact that senior political figures have played a role in normalising and legitimising hostility towards Muslim communities, with Islamophobic instances increasing by 375% in the week following the then Prime Minister, Boris Johnson’s, comparison of Muslim women to “letterboxes”.<sup>66</sup>

The currently ongoing invasion of Gaza also has resulted in a rise of Islamophobic hate crimes in England and Wales. In a speech in the House of Commons, Labour MP, Naz Shah, stated that there was a “600% rise in Islamophobic incidents in the UK, including both verbal and physical abuse, as well as vandalism, such as the dumping of a pig’s head at a proposed site of a mosque in Barnoldswick.”<sup>67</sup> Mosques have become particularly vulnerable to hate crime incidents with Acton Mosque vandalised three times in two weeks in October and November of 2023.<sup>68</sup> **This discrimination, harassment, and violence also has a direct impact on Muslim’s rights under Articles 18, 19, 21, 22, 25, 26, and 27 as it**

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<sup>63</sup> Hate Crime, England and Wales, 2022 to 2023 Second Edition, Home Office, October 5, 2023. <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023#police-recorded-hate-crime>.

<sup>64</sup> Ibid.

<sup>65</sup> Hate Crime, England and Wales, 2022 to 2023 Second Edition, Home Office, October 5, 2023. <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023#police-recorded-hate-crime>.

<sup>66</sup> Dearden, Lizzie. “Islamophobic Incidents Rose 375% after Boris Johnson Compared Muslim Women to ‘Letterboxes’, Figures Show.” The Independent. September 2, 2019. <https://www.independent.co.uk/news/uk/home-news/boris-johnson-muslim-women-letterboxes-burqa-islamphobia-rise-a9088476.html>.

<sup>67</sup> Solmaz, Mehmet. “British Lawmakers Slam Government for Not Tackling Rising Islamophobia.” *Anadolu Agency*. December 7, 2023. <https://www.aa.com.tr/en/europe/british-lawmakers-slam-government-for-not-tackling-rising-islamophobia/3076498>.

<sup>68</sup> Uddin, Shaheena. “Vandal Sprays Acton Mosque with Paint in Third Attack.” *Ealing Times*, November 8, 2023. <https://www.ealingtimes.co.uk/news/23909853.vandal-sprays-acton-mosque-paint-third-attack/>.

**serves to coerce and silence Muslims**, thus preventing them from fully participating in political engagement on the topic of Palestine and making their religious institutions targets for violence.

There is also a gendered dynamic to Islamophobia, with visibly Muslim women (such as those wearing hijabs or veils) being uniquely susceptible to being targeted in public. Indeed, the Islamophobia Response Unit has documented numerous cases where Muslim women have been targets of harassment, aggression, and violence.<sup>69</sup>

*Question proposed by CPF:*

- *Will the UK Government initiate an independent review into the role of political and media discourse in patterns of hate crime directed at minoritised communities?*

There have also been notable concerns raised surrounding police interactions with Muslim communities. This is of particular importance due to the securitised lens placed on British Muslims as a suspect community, thereby creating an environment wherein those who are visibly Muslim are placed under particular scrutiny when engaging in public spaces (regardless as to whether this additional scrutiny is conscious or unconscious on the part of the observer).

As but one example, between April 2022 to September 2022, data surrounding stop and search practices of the City of London Police, reveals that per 1,000 resident population 611 stop and searches involved those who identified as Black or Black British whilst 148 stop and searches were of those identifying as Asian or Asian British. In 2019/2020 Black and minority ethnic individuals were four times more likely to be stopped and searched than their White counterparts.<sup>70</sup>

Similarly, Schedule 7 has a reputation for its discriminatory application on those perceived to be Muslims and people of colour. Figures since 2013 show that Asian travellers are consistently disproportionately targeted in Schedule 7 stops in comparison with the overall number of Asians within the population. Figures for the year ending in 30th of June 2022 found that Asian or Asian British remains the highest ethnic group to be stopped at 35%.<sup>71</sup> Comparatively, Asian or Asian British only constitute 7.5% of the UK population as revealed in the last census. Ultimately, research which shows that Asian people are 11 times more likely to be stopped under Schedule 7 powers,<sup>72</sup> with the policy being heavily criticised for

<sup>69</sup> See "Islamophobia on the Road: Fatima's Story." The Islamophobia Response Unit. Accessed February 3, 2024. <https://www.theiru.org.uk/project/islamophobia-on-the-road-fatimas-story/>.

And "A Nightmare Bus Ride: Hajra's Story," The Islamophobia Response Unit, accessed February 3, 2024, <https://www.theiru.org.uk/project/a-nightmare-bus-ride-hajras-story/>.

<sup>70</sup> Dodd, Vikram. "Use of Stop and Search Rises 24% in England and Wales in a Year." The Guardian, November 18, 2021. <https://www.theguardian.com/law/2021/nov/18/stop-and-search-rose-by-24-in-england-and-wales-during-lockdowns>.

<sup>71</sup> Home Office. "Operation of Police Powers under the Terrorism Act 2000 and Subsequent Legislation: Arrests, Outcomes, and Stop and Search, Great Britain, Quarterly Update to June 2022." GOV.UK. GOV.UK, September 8, 2022. <https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-june-2022/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u>.

<sup>72</sup> Travis, Alan. "Asian People 11 Times More Likely to Be Stopped at UK Borders, Analysis Finds." The Guardian, December 5, 2013. <https://www.theguardian.com/law/2013/dec/05/asian-people-stopped-uk-borders-analysis>.

otherising Muslim communities<sup>73</sup> and relying on racial profiling. Indeed, officers who enact Schedule 7 are not required to provide an explanation for the reason for the stop, and thus the dangers that an officer may be influenced by conscious or unconscious prejudices cannot be ignored.<sup>74</sup> Consequently, testimonies of Muslims who have been subjected to Schedule 7 stops reveal the embarrassment, anxiety, and fear caused by being singled out.<sup>75</sup> All this contributes greatly to **an erosion of trust between the Muslim community and the police.**<sup>76</sup>

**Beyond raising questions about the UK's adherence to Article 26 of the ICCPR, disproportionate contact with police can result in a pressure for Muslim individuals to minimise or suppress visible expressions of their identity to avoid negative encounters. This has clear implications for their Article 18 and 27 rights under the ICCPR.**

*Question proposed by CPF:*

- *What progress has the UK Government made in implementing strategies to address discriminatory policing practices and address the deficit of trust between minoritised communities and the police?*

Reflecting their disproportionate interactions with police stops, Muslim and minority communities are further overrepresented across the criminal justice system as a whole. This is supported by statistical evidence which reveals that despite making up only 18% of the population of England and Wales, 28% of the overall prison population are individuals from ethnic minority backgrounds.<sup>77</sup> Similarly, 51.9% of the male youth custodial population consists of those who identify as Black and minority ethnic.<sup>78</sup> Data also reveals that as of 2020, a higher proportion of younger prisoners were from an ethnic minority background with 53% being under 18.<sup>79</sup> Meanwhile, the population of Muslims in prison has had an 8% increase since 2002 and, as of June 2023, Muslims make up 18% of the total prison population despite making up less than 7% of the UK population.<sup>80</sup>

The disproportionate representation of individuals from ethnically minoritised communities can be explained in several ways. The proven link between criminality and poverty is a key explanation. Research and expert opinions highlight that crime is more prevalent in the most deprived areas, with ex-chief constable of Merseyside Police having stated that “cutting

<sup>73</sup> CAGE. “SCHEDULE 7: HARASSMENT at BORDERS the Impact on the Muslim Community.” 2019.

<https://www.cage.ngo/articles/schedule-7-harassment-at-borders-report-executive-summary>.

<sup>74</sup> CAGE. “SCHEDULE 7: HARASSMENT at BORDERS the Impact on the Muslim Community.” 2019.

<https://www.cage.ngo/articles/schedule-7-harassment-at-borders-report-executive-summary>.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Institute of Race Relations. “Criminal Justice System Statistics - Institute of Race Relations.” December 7, 2023.

<https://irr.org.uk/research/statistics/criminal-justice/>.

<sup>78</sup> Ibid.

<sup>79</sup> Parliament. “Children and Young People in Custody (Part 1): Entry into the Youth Justice System - Justice Committee - House of Commons.” 2020. <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30609.htm>.

<sup>80</sup> Sturge, Georgina. “UK Prison Population Statistics.” House of Commons Library, September 8, 2023.

<https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>.

poverty and inequality is the best way to reduce crime.”<sup>81</sup> Certainly, patterns suggest that those from deprived areas are more likely to fall into a life of crime due to the lack of opportunities and viable alternatives.<sup>82</sup> Furthermore, Muslims are particularly vulnerable to facing economic disadvantages as “40% of the Muslim population of England reside in the most deprived fifth of local authority districts”<sup>83</sup> compared to only “just under 6% Muslims liv[ing] in the most affluent fifth of local authority districts.”<sup>84</sup> Additionally, analysis reveals that “Black and minority ethnic people are more than twice as likely as white people to experience “deep poverty”.”<sup>85</sup> Therefore, the overrepresentation of ethnically minoritised communities within the criminal justice system can only be understood when wider structural and economic inequalities are taken into account.

The overrepresentation of Muslims in the criminal justice system can also be partly attributed to the lack of understanding of the diversity of British Muslim communities in the UK. Those working within the criminal justice system have very little understanding of the diversity of the ethnicities, cultures, sects, languages and demographics within British Muslim communities. Consequently, a perceived homogeneity is linked to Muslim communities being framed through a securitised lens. This is further compounded by the lack of diversity within criminal justice system staff and practitioners. In 2019, 92.6% of judges identified as white in comparison with only 7.4% of judges who identified as coming from ethnically minoritised backgrounds.<sup>86</sup>

Furthermore, there exists a ‘trust deficit’ amongst ethnically minoritised communities that is substantially more engrained than is generally found amongst White communities.<sup>87</sup> A direct consequence of this lack of trust is that defendants are less likely to plead guilty,<sup>88</sup> which is incentivised by a reduction in any potential sentence<sup>89</sup> as it removes the requirement for a trial involving emotional strain for victims and financial burdens for the state. However, entering into a guilty plea implies a certain level of trust between the court and defendant - the kind of trust that many minoritised individuals do not have due to the justice system being viewed as a reflection of the state which has been the locus of institutional and structurally discriminatory experiences throughout their lives. The result is a disproportionate application of custodial sentences and longer sentences.

Access to representation is also a central factor in the right to a fair trial. As such, fair access to legal aid upholds the rule of law.<sup>90</sup> Since the enforcement of the Legal Aid, Sentencing and

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<sup>81</sup> Dodd, Vikram. “Tackle Poverty and Inequality to Reduce Crime, Says Police Chief.” *The Guardian*. April 18, 2021. <https://www.theguardian.com/uk-news/2021/apr/18/tackle-poverty-and-inequality-to-reduce-says-police-chief>.

<sup>82</sup> Ibid.

<sup>83</sup> Muslim Council of Britain. “CENSUS 2021 FIRST LOOK.” November 2022. <https://mcb.org.uk/wp-content/uploads/2022/12/MCB-Census-2021-%E2%80%93-First-Look.pdf>.

<sup>84</sup> Ibid.

<sup>85</sup> Butler, Patrick. “Black and Minority Ethnic People in UK Twice as Likely to Be in ‘Deep Poverty.’” *The Guardian*. October 6, 2022. <https://www.theguardian.com/society/2022/oct/06/black-and-minority-ethnic-people-in-uk-twice-as-likely-to-be-in-deep-poverty>.

<sup>86</sup> Institute of Race Relations. “Criminal Justice System Statistics - Institute of Race Relations.” December 7, 2023. <https://irr.org.uk/research/statistics/criminal-justice/>.

<sup>87</sup> Centre for Justice Innovation. “Building Trust How Our Courts Can Improve the Criminal Court Experience for Black, Asian, and Minority Ethnic Defendants.” March 2017. <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/building-trust.pdf>.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Brown, Dylan. “The State of England’s Current Legal Aid Sector.” LexisNexis. November 29, 2022. <https://www.lexisnexis.co.uk/blog/future-of-law/the-state-of-england-s-current-legal-aid-sector>.

Punishment of Offenders Act 2012 (LASPO), legal aid available to those arrested has been heavily reduced.<sup>91</sup> The act:

- Removed the eligibility of prisoners who were unhappy with treatment to receive legal aid.
- Introduced means testing for defendants in criminal cases.
- Reduced practitioners' fees by 8.7%.

LASPO has gone on to create criminal legal aid deserts. As of 2021, 2.12 million people live in such deserts and in the best five served local authorities there are 0.89 providers per 1000 incidences.<sup>92</sup> Shockingly, in the bottom ten percent of local authorities there are zero providers per 1000 incidences, leaving hundreds of thousands of individuals without support.<sup>93</sup>

An independent review of criminal legal aid was set up to “look at ensuring the long-term sustainability of the criminal legal aid system”.<sup>94</sup> However, the key recommendation of a 15% funding uplift to keep the criminal legal aid system running was disregarded by the Ministry of Justice under Dominic Raab.<sup>95</sup> In response, the Law Society conducted a judicial review, which found Raab's ignoring of “the minimum recommendations for a justice system that works for everyone”<sup>96</sup> to be unlawful and irrational, and, ultimately, took the Ministry of Justice to court in December 2023. On January 31st 2024, the High Court ruled in favour of the Law Society's judicial review citing “the evidence from solicitors working at grass-roots level is that the system is slowly coming apart at the seams. Unless there are significant injections of funding in the relatively near future, any prediction along the lines that the system will arrive in due course at a point of collapse is not overly pessimistic.”<sup>97</sup>

Research reveals that ethnically minoritised individuals “make up the majority of legal aid claimants”<sup>98</sup> in civil and criminal cases as many do not have access to the funds needed to hire expensive by-the-hour solicitors, thus cost becomes a significant barrier to justice.<sup>99</sup> As previously mentioned, with British Muslim communities being disproportionately represented in the most deprived areas and the proven link between poverty and criminality, it is fair to assume that cuts to criminal legal aid disproportionately impact Muslim communities.<sup>100</sup> Such a situation is in direct infringement of Article 14, Sections 3(b) and 3(d) of the ICCPR which states that a person should have, as a minimum requirement, “adequate time and facilities

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<sup>91</sup> Darcy, Chloe, and Ella Cornwall. “Legal Aid and Access to Justice Post COVID-19.” Young Legal Aid Lawyers, September 20, 2020. <https://younglegalaidlawyers.org/legal-aid-and-access-to-justice-post-covid-19>

<sup>92</sup> LexisNexis. “The LexisNexis Legal Aid Deserts Report.” www.lexisnexis.co.uk, 2021.

<https://www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html#group-section-Crime-NNrELgRHMe>.

<sup>93</sup> Ibid.

<sup>94</sup> Government. “Independent Review of Criminal Legal Aid.” December 21, 2020.

<https://www.gov.uk/government/groups/independent-review-of-criminal-legal-aid>.

<sup>95</sup> The Law Society. “Criminal Legal Aid Review.” www.lawsociety.org.uk. 2024.

<https://www.lawsociety.org.uk/topics/criminal-justice/criminal-legal-aid>.

<sup>96</sup> Ibid.

<sup>97</sup> The Law Society. “Our High Court Victory: Government Must Rethink Criminal Legal Aid Funding.” 2024.

<https://www.lawsociety.org.uk/topics/legal-aid/law-society-high-court-victory-on-criminal-legal-aid>

<sup>98</sup> Bolt Burdon Kemp. “Inequality Within Britain's Legal Aid Funding System.” Bolt Burdon Kemp, August 9, 2021.

<https://www.boltburdonkemp.co.uk/our-insights/campaigns/inequality-in-britains-legal-aid-funding-system/>.

<sup>99</sup> Yu, Toby. “Millions in the UK in Legal Aid ‘Deserts’, a New Report Finds – the Justice Gap.” November 2022.

<https://www.thejusticegap.com/millions-in-the-uk-in-legal-aid-deserts-a-new-report-finds/>.

<sup>100</sup> Bolt Burdon Kemp. “Inequality Within Britain's Legal Aid Funding System.” August 9, 2021.

<https://www.boltburdonkemp.co.uk/our-insights/campaigns/inequality-in-britains-legal-aid-funding-system>.

for the preparation of his defence and to communicate with counsel of his own choosing”<sup>101</sup> as well as being entitled to having “legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”.<sup>102</sup> The current criminal legal aid system is consequently failing to uphold this right for those who need it the most. In light of this, it is crucial that the Government work towards reforming criminal legal aid so that it falls within its duties to the ICCPR.

These factors all contribute to **a need to examine how infringements on Article 26 of the ICCPR intersect with the Article 9 and 14 rights of minoritised communities.**

*Questions proposed by CPF:*

- *What progress has the UK Government made in implementing strategies to address the overrepresentation of Muslim and ethnically minoritised communities within the criminal justice system?*
- *In light of the recent High Court ruling, what steps will the UK Government be taking to urgently address the lack of funding that has brought the UK justice system to the point of collapse? In what ways will it specifically address the lack of access to legal aid that impinges on people’s rights to representation and fair trial?*

Meanwhile, according to recent statistics, as of June 2023, 27% of the prison population in England and Wales identifies as ethnically minoritised, and Muslims account for 18% of the population despite constituting less than 7% of the population.<sup>103</sup> This marks a significant increase from 2002 when Muslims constituted only 8% of the prison population.<sup>104</sup> As the second-largest religious group in prisons, it is crucial to explore the facilities and provisions available to Muslim inmates to ensure they can practise their faith without constraints.

A Maslaha report, entitled *Time to End the Silence: the Experience of Muslims in the Prison system*,<sup>105</sup> sheds light on **the challenges that Muslim inmates face in practising their religion and ultimately maintaining their rights under Articles 18 and 27 of the ICCPR.** The Prison Service Instructions 05/2016, Faith and Pastoral Care for Prisoners states that “the Prison Service recognises and respects the right of prisoners to register and practise their faith whilst in custody”.<sup>106</sup> However, Maslaha’s research shows that Muslims prisoners are not fully able to exercise this right and in many instances it is not recognised nor respected by prison systems and staff.

<sup>101</sup> The Office of the High Commissioner for Human Rights. “International Covenant on Civil and Political Rights.”2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>102</sup> Ibid.

<sup>103</sup> Sturge, Georgina. “UK Prison Population Statistics.” www.parliament.uk. House of Commons Library, September 8, 2023. <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>.

<sup>104</sup> Ibid.

<sup>105</sup> Mohammed, Raheel, and Lauren Nickolls. “Time to End the Silence: The Experience of Muslims in the Prison System.” Maslaha, April 2020. www.barrowcadbury.org.uk. Accessed February 1, 2024. <https://barrowcadbury.org.uk/wp-content/uploads/2020/04/Maslaha-on-vol-sector-report-April-2020.pdf>.

<sup>106</sup> Prison Reform Trust. “Faith in Prison | Prison Reform Trust.” July 22, 2022. <https://prisonreformtrust.org.uk/adviceguide/faith-in-prison/#:~:text=PSI%2005%2F2016%20Faith%20and.their%20faith%20whilst%20in%20custody>.

It is crucial to mention here the important role that religion plays in the lives of Muslim inmates and the positive impact it has on their wellbeing. Studies suggest that incarcerated Muslims who practise Islam seek "piety, emotional resilience, and companionship"<sup>107</sup> as part of their religious experience. Additionally, there is also evidence of individuals performing actions "geared towards the creation of an ethical, noncriminal self and "doing good"<sup>108</sup> such as "reading, and external acts of identification with Islam, such as growing a beard, relational acts of sharing gifts and food with others, and efforts towards developing an ethical community in which good acts are encouraged".<sup>109</sup> However, Muslim prisoners also live with the fear of how these changes will be viewed and have to judge how much religiosity to show and whether being too open about their religion will be deemed as a sign of extremism and radicalism.<sup>110</sup>

Moreover, **Maslaha's report reveals how weaponising a prisoner's commitment to religion has been used as a form of coercion and punishment** in the UK prison system, with prisoners reporting examples including the limitation of prisoners' access to Friday prayers as a form of punishment to coerce compliance.<sup>111</sup> One prisoner recounted being warned to "shut [their] mouth or [they're] never coming to Friday prayers again."<sup>112</sup> This violates Article 18 of the ICCPR, as it puts the incarcerated individuals' right to practise their faith at the mercy of prison staff.

*Question proposed by CPF:*

- *Will the UK Government initiate an independent review into the protection of ICCPR rights in the context of prisons?*

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<sup>107</sup> Wilkinson, Matthew, Lamia Irfan, Muzammil Quraishi, and Mallory Schneuwly Purdie. "Prison as a Site of Intense Religious Change: The Example of Conversion to Islam." *Religions* 12, no. 3 (March 3, 2021): 162.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> Mohammed, Raheel, and Lauren Nickolls. "Time to End the Silence: The Experience of Muslims in the Prison System." *Maslaha*, April 2020. Accessed February 1, 2024.

<https://barrowcadbury.org.uk/wp-content/uploads/2020/04/Maslaha-on-vol-sector-report-April-2020.pdf>.

<sup>111</sup> Mohammed, Raheel, and Lauren Nickolls. "Time to End the Silence: The Experience of Muslims in the Prison System." *Maslaha*, April 2020. Accessed February 1, 2024.

<https://barrowcadbury.org.uk/wp-content/uploads/2020/04/Maslaha-on-vol-sector-report-April-2020.pdf>.

<sup>112</sup> *Ibid.*

## 8. Freedom of expression, political participation, and the right to assembly.

Whilst the attempt to replace the HRA with a new ‘Bill of Rights’ seems to have been abandoned, it is part of a **broader pattern of recent legislation representing the erosion of individual rights and civil liberties across the UK**. The Police, Crime, Sentencing and Courts Act 2022 (PCSC) and the Public Order Act 2023 restrict the right to peaceful protest and exacerbate discrimination against minoritised communities through the expansion of police powers such as Stop and Search. This raises **particular concerns around the UK’s compliance with Articles 19, 21, 22, and 26 of the ICCPR**.

The PCSC equips the police with expansive powers to clamp down on non-violent protest. The threshold for “serious disruption” has been significantly lowered; examples include any protest that may, “by way of physical obstruction”, “prevent or hinder in a way that is more than minor, day-to-day activities (including journeys)”; “prevent or delay in a way that is more than minor, delivery of a time-sensitive product”, or “prevent or disrupt in a way that is more than minor, access to essential goods/services”.<sup>113</sup> The wording in the legislation allows police to determine what constitutes “serious disruption”, meaning protestors are more likely to be caught up and subjected to restrictions. Among other measures under the PCSC are a new noise trigger, through which police can restrict protest activity that they deem too noisy, and the imposition of conditions on one-person protests and static demos that are now treated in the same way as protest marches.<sup>114</sup> **This raises considerable concerns with regard to Article 21 of the ICCPR, in particular, due to sweeping limitations on the right to peaceful assembly.** Although the Government suffered 14 defeats in the House of Lords, the legislation became law in April 2022.

The Public Order Act<sup>115</sup> came into force the following year and further expanded the powers of police to curb peaceful protest. The act provides additional ‘stop and search’ powers to the police in relation to protest offences such as locking-on, wilful obstruction of the highway, and obstructing major transport works.<sup>116</sup> This means that if police have reasonable suspicion to believe one is carrying an object that could be used to commit any of these offences, they may conduct a stop and search. More concerning, however, is that the Public Order Act introduces an additional suspicion-less stop and search power. This allows police to conduct stop and searches even where they lack reasonable grounds to believe one is carrying something that could be used for a protest offence.<sup>117</sup> **Stop and search has been shown to disproportionately impact people from ethnic minority backgrounds, meaning it stands in contention with Article 26 of the ICCPR.**<sup>118</sup>

Moreover, the Public Order Act introduces a range of new protest offences: locking-on/being equipped for locking-on; causing serious disruption by tunnelling/being present in a tunnel and being equipped for tunnelling; obstructing major transport works; and interfering with national infrastructure. For example, in November 2023, a group of pro-Palestinian

<sup>113</sup> Liberty. “How Does the New Policing Act Affect My Protest Rights? - Liberty.” October 24, 2023. [https://www.libertyhumanrights.org.uk/advice\\_information/pcsc-policing-act-protest-rights/](https://www.libertyhumanrights.org.uk/advice_information/pcsc-policing-act-protest-rights/).

<sup>114</sup> Ibid.

<sup>115</sup> For more information on the Public Order Act, see Community Policy Forum. “Joint Briefing on the Public Order Bill for Report Stage in the House of Lords – Community Policy Forum.” www.communitypolicyforum.com, 2023. <https://communitypolicyforum.com/portfolio-item/joint-briefing-public-order-bill/>.

<sup>116</sup> Liberty. “Public Order Act: New Protest Stop & Search Powers - Liberty.” July 27, 2023. [https://www.libertyhumanrights.org.uk/advice\\_information/public-order-act-new-stop-search-powers/](https://www.libertyhumanrights.org.uk/advice_information/public-order-act-new-stop-search-powers/).

<sup>117</sup> Ibid.

<sup>118</sup> Please refer to the “Policing and Justice System” chapter of this submission for a more detailed explanation of the discriminatory nature of stop and search.

protestors were arrested for “locking-on” after they chained themselves together and blocked the entrance to the Bristol headquarters of Israeli arms company, Elbit.<sup>119</sup> As such, through the criminalisation of certain protest tactics, **the Public Order Act limits the ways in which people can peacefully protest** and arguably violates the right to freedom of assembly under Article 21 of the ICCPR.

As but one other example, a coalition of human rights organisations, including Amnesty International UK, Freedom from Torture, and Liberty, planned to mark World Refugee Day 2023 by dropping two banners from Westminster Bridge, reading: “Compassion not cruelty: refugees welcome.” Yet, police ordered campaigners to not drop the banners, saying it presented a danger to the public (this is despite Amnesty carrying out similar banner-drops in recent years, without the police objecting). As stated by Amnesty International UK’s Chief Executive, Sacha Deshmukh: “If today’s debacle is anything to go by – alongside the increasing clampdown on peaceful protest we are seeing across the country – then **we have entered a very, very dark era for protest policing in the UK.**”<sup>120</sup>

Additionally, the Government has attempted to stifle legitimate forms of political engagement through the Economic Activity of Public Bodies (Overseas Matters) Bill (also known as the “Anti-BDS Bill”<sup>121</sup>). The bill will “make provision to prevent public bodies from being influenced by political or moral disapproval of foreign states when taking certain economic decisions”.<sup>122</sup> Clause 4 of the bill specifically prevents local decision-makers (such as mayors & local councillors) from saying they would theoretically have taken a decision to divest had it not been for the bill. This is a **stark limitation on the right to freedom of expression** for those individuals.<sup>123</sup> The right to boycott is also protected under Article 19 of the ICCPR as it constitutes a legitimate expression of political opinion.<sup>124</sup> However, **the Anti-BDS Bill will hinder public advocacy for international human rights causes**, including campaigns concerning ongoing genocide, such as genocide of China’s Uyghur Muslims.<sup>125</sup> By including a unique prohibition against democratic scrutiny of Israel – the sole state mentioned explicitly in the legislation – it restricts freedom of expression with regard to pro-Palestinian advocacy, potentially overriding Article 19 of the ICCPR.

In the wake of recent events in Gaza and Israel, the UK has witnessed a wider crackdown on pro-Palestinian activism. As but one example, a student was arrested on 31 January 2024 after delivering a speech at a pro-Palestine protest at SOAS University.<sup>126</sup> The advocacy group, CAGE, said at least 130 people had contacted them between October 2023

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<sup>119</sup> Netpol (@netpol), “Late last night, three Bristol [@Pal\\_action](https://twitter.com/Pal_action) campaigners became the first arrested in England & Wales for the new offence of “locking on”, under section 1 of the Public Order Act 2023, after they chained themselves together and obstructed the entrance to Israeli arms company Elbit”, X, Nov 1, 2023, 5:03 PM, <https://twitter.com/netpol/status/1719762068562165870?s=20>

<sup>120</sup> Amnesty. “UK: Shutting down of Peaceful Protest Represents ‘Everything That Is Wrong with Protest Policing.’” 2023. <https://www.amnesty.org.uk/press-releases/uk-shutting-down-peaceful-protest-represents-everything-wrong-protest-policing>.

<sup>121</sup> Human Rights Watch . “UK Anti-Boycott Bill on the Wrong Side of History.” June 30, 2023. <https://www.hrw.org/news/2023/06/30/uk-anti-boycott-bill-wrong-side-history>.

<sup>122</sup> Ukka, Kazim. “Explainer: Economic Activity of Public Bodies (Overseas Matters) Bill (I.e. The ‘Anti-BDS Bill’) – Community Policy Forum.” October 2023. <https://communitypolicyforum.com/portfolio-item/anti-bds-bill-explainer/>.

<sup>123</sup> Ibid.

<sup>124</sup> Kaye, David . “Mandate of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.” 2019. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24338>.

<sup>125</sup> Amnesty International. “‘Like we were enemies in a war’: China’s mass internment, torture and persecution of Muslims in Xinjiang.” June 10, 2021. [https://xinjiang.amnesty.org/wp-content/uploads/2021/06/ASA\\_17\\_4137-2021\\_Full\\_report\\_ENG.pdf](https://xinjiang.amnesty.org/wp-content/uploads/2021/06/ASA_17_4137-2021_Full_report_ENG.pdf).

<sup>126</sup> How Women Work! (@how\_women\_work), “I’m sorry to announce that our event today will not be moving forward, as our chair, a SOAS student, was raided and arrested at 7 am for giving a speech at the SOAS Palestine protest. I strongly ask everyone to show solidarity & help spread the word.”, X, Jan 31, 2024, 10:25 AM, [https://twitter.com/how\\_women\\_work/status/1752639225982230986?s=20](https://twitter.com/how_women_work/status/1752639225982230986?s=20).

and January 2024 regarding the censorship of Palestine solidarity in schools and universities; cases included students being reprimanded for wearing “Free Palestine” badges or for expressing support for Palestine on social media, and pro-Palestine university events being cancelled.<sup>127</sup> CAGE also received numerous cases of people being suspended or fired by their employers for expressing pro-Palestine views in the workplace and/or on social media. Another organisation, Prevent Watch, reported an uptick in calls that were “specific to PREVENT off the back of legitimate solidarity with Palestine”.<sup>128</sup> This has created **a chilling effect by which students and employees self-censor on issues such as Israel-Palestine, which undermines the right to freedom of expression under Article 19 of the ICCPR.**<sup>129</sup>

The war in Gaza has also exposed the **prevalence of Islamophobia against Muslim politicians, including from their fellow parliamentarians.** For instance, in a session in the House of Commons in January 2024, Labour MP, Zarah Sultana, questioned the Government’s decision to launch a military intervention in Yemen and urged it to call for an immediate ceasefire. Prime Minister Rishi Sunak responded: “Perhaps the honourable lady would do well to call on Hamas and the Houthis to de-escalate the situation.” Conservative MP, Andrew Percy, followed this by asserting: “Too many people give a free pass to the terrorists who perpetrated the worst murder of Jews and we’ve just seen an example of that”, which Ms Sultana said was “grossly untrue”.<sup>130</sup> Ms Sultana’s Muslim colleague, Naz Shah MP, accused Mr Sunak of using an “Islamophobic trope” and labelled the incident “a new low, and a new painful blow today for the Prime Minister to have said [that] to a British Muslim in this House”.<sup>131</sup> Similarly, Apsana Begum, Britain’s first and only hijab-wearing Muslim MP, has spoken of “facing death threats and a torrent of Islamophobic and misogynistic abuse” since being elected to parliament.<sup>132</sup> Such cases underscore the normalisation of anti-Muslim attitudes within British politics and society, the brunt of which is often beared by Muslim public figures. As such, **British Muslims are arguably unable to participate in public life on an equal footing to their non-Muslim counterparts due to the unique barriers they face,** which calls into question the UK’s compliance with Article 25 of the ICCPR.

Furthermore, **Muslims are under-represented in Parliament;** those that reach the upper echelons in politics often have their careers cut short, whilst those that have longer tenures in government may actively use their identity in the service of policies that harm Muslim communities. 19 Muslims MPs were elected to the House of Commons in the December 2019 General Election, four more than in the previous election in June 2017, indicating

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<sup>127</sup> CAGE International. “New Report Exposes Scale of Palestine Repression at UK Schools and Workplaces.” December 21, 2023. <https://www.cage.ngo/articles/new-report-exposes-scale-of-palestine-repression-at-uk-schools-and-workplaces>.

<sup>128</sup> Open Democracy. “Exclusive: Kids Referred to Prevent over Pro-Palestine Views.” January 15, 2024. <https://www.opendemocracy.net/en/prevent-counter-terrorism-palestine-gaza-students-schools-universities/>.

<sup>129</sup> Prevent Watch. “The Pressure-Cooker Effect: The Harm of Self-Censorship on Palestine - Prevent Watch.” October 30, 2023. <https://www.preventwatch.org/pressure-cooker-effect-harm-self-censorship-palestine-could-backfire/>.

<sup>130</sup> James, Rhiannon. “Rishi Sunak Accused of Using ‘Islamophobic Trope’ against Labour MP.” *The Independent*, January 15, 2024. <https://www.independent.co.uk/news/uk/politics/sunak-islamophobic-trope-zarah-sultana-b2479103.html>.

<sup>131</sup> Ibid.

<sup>132</sup> Wheeler, Richard. “MP: I’m Facing Serious Death Threats and Torrent of Islamophobic Abuse.” *The Independent*, November 7, 2023. <https://www.independent.co.uk/news/uk/government-islamophobic-david-amess-labour-muslim-b2443429.html>.

progress.<sup>133</sup> However, 6.5% of the population of England and Wales identify as Muslim<sup>134</sup>, meaning that proportionally speaking, there should be 42 Muslim MPs. As discussed above, Muslims that successfully forge a career in parliamentary politics often experience Islamophobic abuse, including those that achieve Cabinet positions. One notable case is that of Conservative MP, Nusrat Ghani, who says she was removed as a transport minister as her “Muslimness [was] making colleagues uncomfortable”. After writing to the then-Prime Minister, Boris Johnson, she was told “he could not get involved”, which demonstrates an unwillingness to tackle racism even at the highest levels of politics.<sup>135</sup>

Conversely, many Muslim and minority ethnic politicians that have assumed senior cabinet roles “performatively represent a group identity but not its genuine interests, frequently leading them to support or implement policies that adversely impact marginalised communities from which they hail”.<sup>136</sup> One such example is Conservative MP Sajid Javid, who has held positions as Chancellor of the Exchequer, Home Secretary, and Health Secretary. Although during the 2019 Conservative Party leadership contest he called for an independent investigation into Islamophobia in the party<sup>137</sup>, he has simultaneously undermined calls to tackle the issue. That same year, he defended Boris Johnson’s remarks comparing Muslim women that wear the burqa to “bank robbers” and “letterboxes”, claiming Johnson provided a “perfectly valid explanation” for his language. Yet, the racist remarks were roundly condemned, including by the Muslim Council of Britain (MCB).<sup>138</sup> Javid also maintained: “No-one has ever credibly suggested that [Islamophobia] is an issue with the leadership of the party”<sup>139</sup>, which, as illustrated in the “Islamophobia” section of this submission, is dubious. This raises further questions about the UK’s compliance with Articles 25 and 26 of the ICCPR given the barriers by which Muslim politicians are evidently faced.

Although progress has been made in the numerical representation of Muslims in Parliament, there is clearly still work to be done to ensure they can carry out their roles free of racial and religious discrimination and to ensure that Muslim communities have elected representatives that represent their genuine interests beyond a shared ethnic/religious identity.

*Questions proposed by CPF:*

- *Will the UK Government overturn provisions of the PCSC and Public Order Act that contravene ICCP rights?*

<sup>133</sup> Durmaz, Mucahid. “Record Number of Muslims Enter British Parliament.” Trtworld.com. December 17, 2019.

<https://www.trtworld.com/europe/record-number-of-muslims-enter-british-parliament-32276>.

<sup>134</sup> Office for National Statistics. “Religion, England and Wales.” Ons.gov.uk, November 29, 2022.

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021>.

<sup>135</sup> Stewart, Heather, and Peter Walker. “Nusrat Ghani: PM Said He ‘Could Not Get Involved’ over ‘Muslimness’ Sacking Claim.” *The Guardian*, January 23, 2022.

<https://www.theguardian.com/politics/2022/jan/23/nusrat-ghani-needs-to-make-formal-islamophobia-complaint-says-raab>

<sup>136</sup> Ukka, Kazim. “British Politics and Rishi Sunak’s New Government Offers Little Hope for Minority Communities.” Community Policy Forum, October 26, 2022.

<https://communitypolicyforum.com/british-politics-and-rishi-sunaks-new-government-offers-little-hope-for-minority-communities/>.

<sup>137</sup> Rawlinson, Kevin. “Sajid Javid Puts Rivals on the Spot over Tory Party ‘Islamophobia.’” *The Guardian*, June 18, 2019.

<https://www.theguardian.com/politics/2019/jun/18/sajid-javid-puts-rivals-on-the-spot-over-tory-party-islamophobia>.

<sup>138</sup> Buchan, Lizzy. “Tories Accused of ‘Denial’ and ‘Deceit’ by Muslim Council of Britain as Sajid Javid Defends Boris Johnson over Islamophobic Comments,” *The Independent*, November 26, 2019,

<https://www.independent.co.uk/news/uk/politics/tory-party-islamophobia-boris-johnson-comments-sajid-javid-niqab-letterbox-a9218996.html>.

<sup>139</sup> Ibid.

- *Will the UK Government cease progress on the Economic Activity of Public Bodies (Overseas Matters) Bill and other legislation designed to stifle legitimate activism in support of Uyghurs, Palestinians, Kashmiris, and other oppressed peoples?*
- *Will the UK Government implement strategies in conjunction with all major political parties to encourage and support racially and religiously minoritised individuals to participate in politics, including positive action to achieve demographic parity in representation in Parliament?*

## Voter ID

*By Matt Gallagher<sup>140</sup>*

The Elections Act 2022 – the UK’s first significant constitutional policy package in decades – made several key changes to voting and electoral registration. Most notably, the Act created a new requirement for compulsory photographic identification to vote in Parliamentary elections, local elections in England, and Police and Crime Commissioner elections. Abruptly implemented at the May 2023 local elections, **this new requirement jeopardises UK compliance with Articles 25 and 26 of the ICCPR by creating systematic barriers to voting for certain marginalised groups.**

In the initial legislation, the government published a list of acceptable forms of identification. The list includes travel passes for older people (60+ Oyster Cards, Older Person’s Bus Pass, etc), but inexplicably omits similar travel passes for the young (18+ Oyster Cards, National Railcards, 16-25 Railcards) as well as student identification cards. When the House of Lords voted in favour of adding more forms of identification for young people, the bill returned to the Commons and the amendment was removed by the Government. In a legal briefing, public-interest group **Good Law Project questioned whether voter ID laws were deployed as “generational gerrymandering”**.<sup>141</sup>

Particular concerns have also been raised around the impact on LGBTQ+ people, especially those transgender and non-binary people who may not look the same as their ID card picture.

Research from Stonewall highlighted that **LGBTQ+ people are three times more likely than the general population to lack voter ID.** In addition, more than half of the transgender and non-binary respondents indicated that voter ID would make them less

<sup>140</sup> Matt Gallagher is Campaign Manager at Fair Vote UK, advocating for democratic reform, campaign transparency, and digital regulation. See <https://www.fairvote.uk/about>

<sup>141</sup> Good Law Project. 2022. “Generational Gerrymandering? New Voter ID requirements will disenfranchise young people.” *Good Law Project*, November 21, 2022. [https://goodlawproject.org/generational-gerrymandering-new-voter-id-requirements-will-disenfranchise-young-people/?utm\\_source=Twitter&utm\\_campaign=VoterIDBylineTimes211122&utm\\_medium=Media](https://goodlawproject.org/generational-gerrymandering-new-voter-id-requirements-will-disenfranchise-young-people/?utm_source=Twitter&utm_campaign=VoterIDBylineTimes211122&utm_medium=Media).

likely to vote, and 96% indicated they had faced barriers to obtaining photographic identification – largely due to privacy and safety concerns.<sup>142</sup>

As the first official test of the new voter identification regime, the UK's May 2023 local elections provided evidence of voter exclusion and targeted discrimination. The UK's Electoral Commission, in its routine analysis of those elections, found that **at least 14,000 voters were turned away in May as a result of voter ID**, and that “some people, in relation to socio-demographic factors, were more likely to have problems in meeting the ID requirement.” It's worth noting that the number turned away could realistically be far higher than 14,000; those rejected at polling places with greeters or who left when they saw “photo ID required” signs were not counted. The Electoral Commission data highlighted that **disabled people, unemployed people, people from minority ethnic communities, and younger age groups were disproportionately impacted**. Evidence submitted to the Electoral Commission by TransActual and the LGBT Foundation also confirmed that their LGBTQ+ users reported being dissuaded from voting by the ID requirements.<sup>143</sup>

At a conference just after those same 2023 May local elections, a former government minister let slip that **voter ID was an attempt to “gerrymander” elections for the Conservatives**.<sup>144</sup> While the evidence is more limited than would be ideal – given large gaps in the monitoring requirements of local elections<sup>145</sup> and the fact that local elections generally have a lower, more politically engaged, and whiter turn-out – **there is already sufficient evidence to imply political discrimination has occurred on the basis of age, gender identity, disability status, employment status, and race**. In addition to a likely infringement of Article 26 of the ICCPR through this targeted political exclusion, voter ID in the UK also jeopardises compliance with Article 25, particularly in relation to the “equal suffrage” mentioned in point (b). Most concerning of all is that these voter ID requirements have so far only been active for low-turnout local elections. The May 2024 London Mayoral Race and the 2024 General Election will help to determine the full scale of discrimination and exclusion as a result of voter ID, but it's already clear that the UK as a party to the ICCPR is jeopardising its compliance.

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<sup>142</sup> Stonewall. 2021. “LGBTQ+ Voter ID Report.” Stonewall, November 21, 2021.

<https://www.stonewall.org.uk/about-us/news/needng-id-could-stop-lgbtq-people-voting/>.

<sup>143</sup> The Electoral Commission. 2023. “Report on the May 2023 local elections in England.” *The Electoral Commission*. July 13, 2023.

<https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/report-may-2023-local-elections-england>.

<sup>144</sup> Bienkov, Adam. 2023. “Jacob Rees-Mogg Says Voter ID was Attempt to ‘Gerrymander’ Elections for the Conservatives.” *Byline Times*, May 15, 2023.

<https://bylinetimes.com/2023/05/15/jacob-rees-mogg-says-voter-id-was-attempt-to-gerrymander-elections-for-the-conservatives/>.

<sup>145</sup> Mortimer, Josiah. 2023. “Fears of Discrimination as Scale of Voters Denied a Vote by Lack of Photo ID in By-Elections to Remain ‘Unknown’.” *Byline Times*, July 5, 2023.

<https://bylinetimes.com/2023/07/05/fears-of-discrimination-as-scale-of-voters-denied-a-vote-by-lack-of-photo-id-in-by-elections-to-remain-unknown/>

*Questions proposed by CPF:*

- *Will the UK Government overturn the photographic ID requirements for voters introduced by the Elections Act 2022?*

## 9. Hindutva<sup>146</sup>

In August and September 2022, the English city of Leicester provided the backdrop for the convergence of international and local dynamics as unrest erupted between the city's Hindu and Muslim communities. The events that unfolded highlighted the existence of politically violent Hindutva movements and Islamophobia in the UK, and how voices (both locally and globally) **used social media platforms to inflame tensions and spread mis/disinformation. Implications with respect to the UK's adherence to Articles 19, 20, and 26 were clearly apparent.**

On the 17<sup>th</sup> September 2022 a cohort of approximately 200 male Hindu individuals marched through a Muslim majority area in Leicester. They were masked or wore balaclavas and were shouting the phrase "Jai Shree Ram".<sup>147</sup> This phrase, whilst benign and peaceful in relation to the Hindu faith, has been co-opted by politically violent Hindu extremist groups in India<sup>148</sup> otherwise known as *Hindutva*. The converging of Hindu nationalist views with right wing Islamophobia provided for an atmosphere where Muslims were problematised. The events pointed to the presence of Hindu inspired political violence targeting Muslim communities.<sup>149</sup> And yet, the narrative pushed by some was one of 'extremism' in the Muslim communities. Those that attempted to counter the narratives problematising Muslim communities often faced intense and aggressive harassment as well as threats that drew upon Islamophobic tropes.

One of the key proponents of skewing the narrative to marginalise Muslims was Bob Blackman, MP. In September 2022, Blackman wrote to the UK Home Secretary alleging that "Islamist extremists" were to blame for the recent violence between Muslims and Hindus in Leicester.<sup>150</sup> This allegation was unrepresentative of the facts, as embodied in mainstream media reporting and interviews from individuals on the ground.<sup>151</sup> The riots in Leicester escalated from internal conflicts amongst different groups to full blown violence between the city's Hindu and Muslim populations. Blackman's letter controverted the facts on the ground and pushed an Islamophobic narrative that painted Muslims as the primary instigators and perpetrators of violence, despite evidence showing the presence of Hindutva ideology in Leicester.

Whilst the presence of Hindutva influence was being reported quite widely in Leicester, Blackman pushed a narrative of Hindus being victimised and Muslims as the aggressors. Blackman was helped in spreading this narrative by the Henry Jackson Society (HJS) and Charlotte Littlewood.

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<sup>146</sup> For greater insight into the challenges of Hindutva in the UK, see Community Policy Forum. "Report: Hindutva in Britain – Community Policy Forum." 2023. <https://communitypolicyforum.com/portfolio-item/report-hindutva-in-britain/>

<sup>147</sup> Al Jazeera. "Leicester: Call for calm after Hindu-Muslim unrest in UK city,". September 20 2022, <https://www.aljazeera.com/news/2022/9/20/>.

<sup>148</sup> Pandey, Geeta. 2019. *BBC News*. July 10. <https://www.bbc.co.uk/news/world-asia-india-48882053>.

<sup>149</sup> Al Jazeera. "Leicester: Call for calm after Hindu-Muslim unrest in UK city,". September 20 2022, <https://www.aljazeera.com/news/2022/9/20/>.

<sup>150</sup> Ahmed, Nafeez. 2022. *Byline Times*. September 27.

<https://bylinetimes.com/2022/09/27/conservative-mp-blaming-islamist-extremists-for-leicester-violence-funded-by-organisations-tied-to-hindutva-militants/>.

<sup>151</sup> Ellis-Peterson, Hannah. 2022. *TheGuardian.com*. September 20.

<https://www.theguardian.com/world/2022/sep/20/what-is-hindu-nationalism-and-who-are-the-rss>.

The Henry Jackson Society has been described as a “threat to democracy” due to its questionable influence over prominent politicians and its highly politicised demonisation of Muslim communities in its pursuit of a neo-conservative worldview.<sup>152</sup>

In November 2022, HJS published a report written by Charlotte Littlewood claiming that there was no evidence of “Hindutva extremist organisations operating in Leicester”, but that it was social media influencers predominantly Muslims who peddled fake narratives to instigate violence.<sup>153</sup> Littlewood and Blackman were aided in their efforts with social media accounts that were geo-located in India.<sup>154</sup> Of 200,000 tweets analysed by BBC, over half were located in India.

The spread of disinformation was also coupled with the ominous attempted suppression of those that sought to present the facts on the ground. Guardian journalist Aina J. Khan was a visibly Muslim journalist and was falsely tainted as an “Islamist” and biased. The online onslaught led to The Guardian issuing an email to OpIndia (an Indian online news outlet) to stop its attacks on their journalist which was placing her at further risk.<sup>155</sup>

The co-ordinated response was also consistent in the response to Dr Chris Allen being announced as the lead for the independent review of the Leicester tensions. Dr. Allen’s prior work on Islamophobia rendered him unsuitable for the job according to some local Hindu temples, the usual social media accounts and backed by right wing news outlets.<sup>156</sup> Dr. Allen was eventually forced to stand down as the lead in the enquiry and did make reference to “unprecedented levels of hate that has been directed towards” him and “the spurious allegations circulating on social media”.<sup>157</sup> Just as the narrative was being skewed by the coordination of right wing Hindu groups and far right Conservative groups; so too were voices that were trying to report the situation being silenced.

Consequently, the Government stepped in to appoint a lead for the review. The decisions around the selection of the review panel were the remit of Michael Gove. Gove has “extensive links”<sup>158</sup> to the Henry Jackson Society and has previously served as its director. He has also received donations from the organisation. This is notable given the Henry Jackson Society’s role in manipulating the narrative of the events in Leicester to present Muslims as the problem. The impartiality of a review that should dispassionately scrutinise the role of Henry Jackson Society in shaping the narrative of the Leicester riots is contentious given Michael Gove’s relationship directly to them.

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<sup>152</sup> SOAS. “The Henry Jackson Society: The Threat to British Democracy Caused by Security Think Tanks.” [Www.blogs.soas.ac.uk](https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The_Threat_to_British-Democracy.pdf), 2021. [https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The\\_Threat\\_to\\_British-Democracy.pdf](https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The_Threat_to_British-Democracy.pdf).

<sup>153</sup> Littlewood, Charlotte. 2022. *Henry Jackson Society*. November 3rd. <https://henryjacksonsociety.org/publications/hindu-muslim-civil-unrest-in-leicester-hindutva-and-the-creation-of-a-false-narrative>

<sup>154</sup> Kansara, Reha, and Abdirahim Saeed. “Did Misinformation Fan the Flames in Leicester?” *BBC News*, September 25, 2022, sec. BBC Trending. <https://www.bbc.co.uk/news/blogs-trending-63009009>.

<sup>155</sup> Sharma, Nupur. “The Guardian Accuses OpIndia of ‘Attacking’ Their Journalist, Here Is Our Response Decoding Their Discomfort.” *OpIndia.com*, October 15, 2022. <https://www.opindia.com/2022/10/the-guardian-accuses-opindia-attack-aina-khan-leicester-violence-our-response/>.

<sup>156</sup> Singh, Hardeep. “Leicester and the Whitewashing of Islamism.” *www.spiked-online.com*, November 1, 2022. <https://www.spiked-online.com/2022/11/01/leicester-and-the-whitewashing-of-islamism/>.

<sup>157</sup> Jefford, Will. “Leicester Disorder: Expert Dr Chris Allen Steps down from Review.” *BBC News*, November 1, 2022, sec. Leicester. <https://www.bbc.co.uk/news/uk-england-leicestershire-63477841>.

<sup>158</sup> Curtis, Mark, and Matt Kennard. “Revealed: UK Home Office Paid £80,000 to a Lobby Group Which Has Funded Conservative MPs.” *openDemocracy*, July 14, 2020. <https://www.opendemocracy.net/en/opendemocracyuk/revealed-uk-home-office-paid-80000-to-a-lobby-group-which-has-funded-conservative-mps/>.

There are also a litany of examples that represent Michael Gove's concerning views of Muslims. In his book, *Celsius 7/7*, he asserts that "there are many Muslims across the globe, within Europe and in Britain, who share the same basic ideological assumptions behind the jihadist worldview"<sup>159</sup> and goes as far to compare them to Nazis.

Gove appointed Lord Ian Austin as Chair and the panel were named as Dr. Samir Shah, Professor Hilary Pilkington and Dr. Shaaz Mahboob. Despite concerns being voiced by Muslim communities about Lord Austin's suitability as Chair of the review due to his questionable record on Islamophobia,<sup>160</sup> he remains in charge of this inquiry.

There are also concerns about the record of some of the panellists. Dr Samir Shah was the Chair of Runnymede Trust but some of his viewpoints on race have been controversial. He has claimed that there were "too many" Black and Asian faces on TV<sup>161</sup> and his TV company Juniper TV produced the highly controversial Channel 4 documentary *What Muslims Really Think*. This documentary drew more than 200 complaints into Channel 4 as Muslim viewers expressed it "reinforced the us vs them narrative"<sup>162</sup>.

Dr. Shaaz Mahboob has also expressed controversial views about British Muslims. He wrote in an online article in 2009 of his dismay that Muslim organisations had not "bothered to publicly mourn" 8 British soldiers in Afghanistan. His generalising views continue:

*"Although many British Muslims objected and criticised the manner in which a small group of Islamic extremists in Luton hurled abuses towards the returning soldiers from Iraq, they apparently did so fearing a backlash from the rest of the British public, not for their love and respect for the British soldiers."*<sup>163</sup>

Purporting to know what every Muslim was thinking and generalising their alleged views in this way portrays Muslims as problematic. This is pertinent given that the review will have to assess the impact to/role of Muslim communities. The involvement of Dr. Mahboob, Dr. Shah, Michael Gove and Lord Austin and their apparent views of Muslims seriously brings into question the credibility of this review.

**Ultimately, considering the harassment and vilification that Muslims and their defenders have faced as politicised tactics to coerce them into silence, the influence of Hindutva and its partnership with right wing institutions in the UK has had a noticeable impact on freedom of expression, freedom of religion, and political participation. Therefore, there must be consideration for the consequent impact on the UK's compliance with Articles 19, 20, and 26 of the ICCPR.**

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<sup>159</sup> Travis, Alan, and home affairs editor. "Michael Gove Book Offers Clue to Trojan Horse Row and His Views on Islamism." *The Guardian*, June 6, 2014, sec. Politics. <https://www.theguardian.com/politics/2014/jun/06/michael-gove-trojan-horse-islam>.

<sup>160</sup> "Muslim Council of Britain Expresses Deep Concern at Appointment of Lord Ian Austin to Lead Independent Review into Leicester Riots | Muslim Council of Britain," Muslim Council of Britain, May 31, 2023, <https://mcb.org.uk/muslim-council-of-britain-expresses-deep-concern-at-appointment-of-lord-ian-austin-to-lead-independent-review-into-leicester-riots/>.

<sup>161</sup> Holmwood, Leigh. "Too Many Black and Asian Faces on TV, Says BBC Director Samir Shah." *The Guardian*, June 26, 2008, sec. Media. <https://www.theguardian.com/media/2008/jun/26/bbc-television>.

<sup>162</sup> Plunkett, John. "Channel 4's What British Muslims Really Think Draws More than 200 Complaints." *The Guardian*, April 21, 2016, sec. Media. <https://www.theguardian.com/media/2016/apr/21/channel-4-what-british-muslims-really-think-complaints>.

<sup>163</sup> Mahmud, Juwel. "Shaaz Mahboob Says British Muslims 'Lack Compassion' for UK Soldiers." Muslim Engagement and Development, July 16, 2009. <https://www.mend.org.uk/shaaz-mahboob-says-british-muslims-lack-compassion-for-uk-soldiers/>.

*Questions proposed by CPF:*

- *Will the UK Government address the concerns raised by Muslim communities in Leicester regarding the independent review into civil unrest in Leicester and its lead, Lord Ian Austin?*
- *Will the UK Government carry out an independent investigation into the role of global actors and funders in the demonisation of Muslim communities in domestic discourse?*

## 10. Violence against women and girls.

In 2022 the UK Government ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). While this is laudable progress, the UK Government's strategy to combat violence against women and girls (VAWG) is continuing to fail to adequately protect all women equally. Indeed, despite ratifying the Istanbul Convention, the UK has made a reservation on Article 59,<sup>164</sup> which obliges states to provide protection to migrant women. This reservation is in contradiction to Article 4(3) of the Istanbul Convention that dictates measures implemented "to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status."<sup>165</sup>

Moreover, a recent report from the Domestic Abuse Commissioner has revealed that migrant victims and survivors of violence in the UK are often prevented from reporting their abuse to the police and other statutory services as all police forces in England and Wales have been shown to share victims' data with Immigration Enforcement.<sup>166</sup> Consequently, perpetrators remain unperturbed with victims unable to come forward for fear of criminalisation, detention, and other enforcement action taken against them, including their potential removal from the UK.<sup>167</sup>

At the same time, funding for sexual violence and domestic violence services continues to be severely neglected, especially in terms of specialist services for those with intersecting protected characteristics. Concerns have been raised about the lack of specialist service provision for disabled, LGBTQI+, ethnically minoritised women, and women with insecure immigration statuses and no recourse to public funds.<sup>168</sup> As will be discussed further below, this lack of specialist services has a particular impact on Muslim victims of violence, for whom public, institutional, and structural Islamophobia act as barriers to accessing support - barriers that are further compounded if those victims are from migrant backgrounds.

Thus, the **insufficient protection granted within the UK Government's strategy to eliminate VAWG for women from migrant and minoritised communities contravenes its obligations under Articles 2, 3, 6, 7, and 26 of the ICCPR.**

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<sup>164</sup> Council of Europe . "Full List - Treaty Office - www.coe.int." www.coe.int, 2014.

<https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=210&codeNature=2&codePays=UK>.

<sup>165</sup> Ibid.

<sup>166</sup> EVAW. "Calls for a Firewall as New Data Finds All Police Forces Share Migrant Victims' Data with Immigration Enforcement | End Violence against Women." End Violence Against Women, November 9, 2023.

<https://www.endviolenceagainstwomen.org.uk/calls-for-a-firewall-as-new-data-finds-all-police-forces-share-migrant-victims-data-with-immigration-enforcement/>

<sup>167</sup> Domestic Abuse Commissioner. "Safety before Status." 2023.

[https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/FINAL-DOC\\_Firewall-Report\\_2023\\_V2.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2023/11/FINAL-DOC_Firewall-Report_2023_V2.pdf).

<sup>168</sup> Amnesty. "UK: Istanbul Convention Finally Comes into Force - but the Government Stops Short of Protecting All Women." 2022.

<https://www.amnesty.org.uk/press-releases/uk-istanbul-convention-finally-comes-force-government-stops-short-protecting-all>.

## Islamophobia and victims of violence

By Dr Rahmanara Chowdhury<sup>169</sup> and Maariyah Adam<sup>170</sup>

In August 2018, 22 year-old Raneem Oudeh and her 49 year-old mother Khaola Saleem, were brutally murdered outside Khaola's home in Solihull Birmingham by Raneem's husband in an ongoing domestic abuse and stalking case. Raneem had called the police several times on that day and was on the phone to the police when she was fatally stabbed. The police had been advising them to go indoors and lock the doors, despite the number of calls placed, and advised that they would visit them the next day. Tragically there was no next day for Raneem and Khaola. Community-based services reported how there was a distinct lack of understanding of the specific cultural-based needs of Raneem. The police were found to have failed Raneem and her mother. This disconnect and resulting failure is what we aim to address here. The following discussion utilises quotes given during focus groups, interviews, and surveys undertaken with male and female participants between 2022-2023 as part of research conducted by Sacred (body:mind:space).

Ultimately, this research reveals that **institutional and structural Islamophobia act as barriers to victims of violence accessing support and contribute to poor experience outcomes** amongst Muslim victims. Without adequate recognition and addressing of Islamophobia within the UK Government's strategy to combat VAWG, the UK is in danger of failing in its obligations under Articles 2, 3, 6, 7, and 26 of the ICCPR.

Firstly, the pervasiveness of structural Islamophobia and Islamophobic attitudes across society is acutely felt by Muslim communities in the UK. So much so, that it is often perceived as an inevitable part of daily life, especially for those who are visibly Muslim. This results in **expectations that police and service providers will not provide safe spaces for Muslims victims** to report abuse.

*"I was really scared. I mean, I didn't trust the authority for some reason I didn't feel safe enough to go and give a statement...Because I just feel like I'm accustomed to it [experiencing Islamophobia] because I.. I feel like with hijab I'm very accustomed to it."*<sup>171</sup>

Obviously, as mentioned further above, for Muslim women from migrant backgrounds, mistrust of services on the basis of Islamophobia is further compounded by police practices and policies, including data sharing with Immigration Enforcement and the potential threat of criminalisation of the victim. This directly impedes the ability and willingness of victims and survivors to seek help, with further questions surrounding the ability of frontline services, such as the police, to adequately respond to such disclosures. As a result, **victims lack confidence that they can make disclosures**, thus contributing

<sup>169</sup> Dr Rahmanara Chowdhury is a Senior Lecturer in Forensic Psychology at Nottingham Trent University.

<sup>170</sup> Maariyah Adam is a doctoral researcher and founder of Sacred (body:mind:space). See <https://www.sacredbms.org.uk/>

<sup>171</sup> (Female, Focus Group Participant) Adam, Maariyah, Rahmanara Chowdhury, Mahrukh Adnan-Shaukat, and Farooq Mulla. Sacred Spaces, Silent Wounds: An Exploration of the Experiences and Understanding of Abuse in Scottish Muslim Communities. Sacred (body:mind:space). Forthcoming

to the sustaining of abuse and subsequent ripple effects throughout Muslim communities.<sup>172</sup>

Secondly, there is often a **lack of cultural and religious competence and attunement amongst service providers and support staff**. This can leave victims feeling that there is a real disconnect between the staff and their ability to understand their basic identity and experiences as a Muslim.

*“and that’s inter...interlaced with my experiences of racism and being Muslim, and the whole experience you know, say, what the heck do you even know about anything? And when I went into (names a support organisation) I was like yup, I knew I was right, because you’re actually idiots when it comes to brown people and like religion, they don’t, like you cannot, how I can talk to somebody that’s from a similar background, who will understand nuances, a white person will never get it”*<sup>173</sup>

This disconnect creates further barriers to accessing support, with victims feeling misunderstood, judged, and alienated, resulting in experiences of frustration and dejection when interacting with support services. The premise of mainstream services is to provide accessible support for all, yet through processes of otherisation, whether intended or not, vulnerable Muslim victims are left discriminated against in a space that is meant to be safe.<sup>174</sup> It is for this reason and others that **specialist services are vital to ensure meaningful support is provided to victims that is reflective, respectful, and understanding of the nuance of their lived experiences and needs**.

Finally, wider processes of Islamophobia, including those found within media and political discourses as well as within the PREVENT policy, create a **securitised environment wherein victims must also consider the impact of bringing further scrutiny to their own communities**.

*“It doesn’t help that racism and Islamophobia keeps some people from speaking out and seeking resources for fear of imagined or real, exaggerated consequences on community members/the community as a whole, whether a matter of social perception or legal discrimination”*<sup>175</sup>

*“The culture of PREVENT vilifies Muslim/Brown and Black men as inherently dangerous and violent. In the context of abuse within the community, it can complicate getting external help for some”*<sup>176</sup>

<sup>172</sup> Chowdhury, Rahmanara. "The Role of Religion in Domestic Violence and Abuse in UK Muslim Communities." *Oxford Journal of Law and Religion* (2023).

<sup>173</sup> (Female, Interview Participant) Adam, Maariyah, Rahmanara Chowdhury, Mahrukh Adnan-Shaukat, and Farooq Mulla. *Sacred Spaces, Silent Wounds: An Exploration of the Experiences and Understanding of Abuse in Scottish Muslim Communities*. Sacred (body:mind:space). Forthcoming

<sup>174</sup> Chowdhury, Rahmanara. "The Role of Religion in Domestic Violence and Abuse in UK Muslim Communities." *Oxford Journal of Law and Religion* (2023).

<sup>175</sup> (Female, Survey Participant) Adam, Maariyah, Rahmanara Chowdhury, Mahrukh Adnan-Shaukat, and Farooq Mulla. *Sacred Spaces, Silent Wounds: An Exploration of the Experiences and Understanding of Abuse in Scottish Muslim Communities*. Sacred (body:mind:space). Forthcoming

<sup>176</sup> (Female, Survey Participant) Adam, Maariyah, Rahmanara Chowdhury, Mahrukh Adnan-Shaukat, and Farooq Mulla. *Sacred Spaces, Silent Wounds: An Exploration of the Experiences and Understanding of Abuse in Scottish Muslim Communities*. Sacred (body:mind:space). Forthcoming

In making disclosures and reaching out for support, victims are often sharply aware that they must balance their need for assistance with the risk that their disclosures are weaponised and used to further the malignment of their communities as a whole. There is a clear lack of safe mainstream spaces for Muslim victims, exacerbated by securitised legislation and public discourses which disproportionately penalise them as Muslims.<sup>177</sup> This is a double layer of trauma for Muslim victims, with added burden placed onto their shoulders despite their need to access support.

Consequently, beyond prioritising specialist services for Muslim communities, it is essential that Islamophobia is tackled across society if victims of violence are to feel confident in disclosing their experiences and fully capitalising on assistance that is available.

*Questions proposed by CPF:*

- *Will the UK Government remove its reservation of Article 59 of the Istanbul Convention?*
- *Will the UK Government update its policies on data sharing between police and Immigration Enforcement to ensure that migrant victims of domestic abuse are not prevented from accessing support from police and statutory services?*
- *Will the UK Government outline a strategy for adequately funding and resourcing specialist services designed to support victims of violence that are disabled, LGBTQI+, ethnically and/or religiously minoritised, and those with insecure immigration statuses and no recourse to public funds?*

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<sup>177</sup> Younis, Tarek. "The Muslim, State and Mind: Psychology in Times of Islamophobia." *The Muslim, State and Mind* (2022): 1-100.

## 11. Charities.

### Islamophobia and Charities in the UK

*Abdulsami Arjumand*<sup>178</sup>

The UK's compliance with the ICCPR can further be examined through the third sector perspective when engaging in civic spaces. The challenges experienced by Muslim-led charities, in particular, demonstrates **a pattern of the UK receding from its stated commitment to democracy, human rights, and freedoms.**<sup>179</sup> Increased use of divisive rhetoric within politics,<sup>180</sup> along with low levels of public trust in media institutions, has heightened the role of NGOs in providing reliable information based on first-hand accounts in highly politicised crisis zones.<sup>181</sup> Muslim-led charities who specialise in delivering aid in disaster areas, particularly in regions afflicted by war, can provide unique insights into the humanitarian crisis, which has the potential to undermine the Government's foreign policy agendas. Muslim NGOs have the potential to have an influence within civic spaces and have a vested interest to campaign in line with their charitable purposes. However, we have seen a trend in recent years where Muslim charities are being criticised and maligned by politicians and media outlets, leading to many charities feeling squeezed in an ever-shrinking civic space where charities can engage. This section addresses how **Muslim charities have been uniquely targeted for scrutiny, thus severely hindering their freedoms of expression and assembly, thus infringing upon their rights under Articles 19, 21, 25, and 26 of the ICCPR.**

In line with charity law, a common misunderstanding is that charities cannot exist for political purposes. This could hardly be less true. Though charities cannot exist to advance any cause of a political party, charities are free to campaign in political activities.<sup>182</sup> In a speech at the Charity Commission's Annual Public Meeting, the Chair Orlando Fraser mentioned "Charities are free to campaign and engage in political activity – indeed, this can be a vital way to advance their cause".<sup>183</sup> Indeed, advocacy and campaigning can serve to be at the heart of many charities' causes as a preventative measure to their mandates. This is particularly true regarding humanitarian aid organisations, many of whom have an interest in ending conflict to provide relief to civilians who are caught up in the crossfires of conflict.

**The shrinking of civic spaces is an ever-growing phenomenon within the UK context.** The UK has increasingly attempted to clamp down on dissent as can be

<sup>178</sup> Abdulsami Arjumand is Policy and Advocacy Lead at the Muslim Charities Forum, a network for British Muslim charities working for social good in the UK and abroad.

<sup>179</sup> "Hostile, Authoritarian' UK Downgraded in Civic Freedoms Index." 2023. The Guardian. Guardian News and Media. March 16. <https://www.theguardian.com/uk-news/2023/mar/16/hostile-authoritarian-uk-downgraded-in-civic-freedoms-index>.

<sup>180</sup> Achen, Christopher H., and Larry M. Bartels. Democracy for Realists: Why Elections Do Not Produce Responsive Government. Princeton Studies in Political Behavior. Princeton, NJ: Princeton University Press, 2016; Ladd, Jonathan M. Why Americans Hate the Media and How It Matters. Princeton, NJ: Princeton University Press, 2012.

<sup>181</sup> Keck, Margaret, and Katherine Sikkink. Activists Beyond Borders. Ithaca: Cornell University Press, 1998.

<sup>182</sup> "Campaigning and Political Activity Guidance for Charities." 2024. GOV.UK. Accessed February 3. <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities>.

<sup>183</sup> "Orlando Fraser's Speech to the Annual Public Meeting." 2024. GOV.UK. Accessed February 3. <https://www.gov.uk/government/speeches/orlando-frasers-speech-to-the-annual-public-meeting>.

observed by Rishi Sunak's government's proposal to extend the definition of extremism to include individuals or groups deemed to undermine British institutions.<sup>184</sup> Such plans were perceived as a **clear targeting of civil society organisations critical of government policies**, and those who wish to hold those in power to account. As a result, **many organisations are facing increased difficulty in engaging with lawmakers; a phenomenon that is felt especially acutely within the Muslim charity sector**. Indeed, Muslim charities often experience the full brunt of this harsh reality. In recent years, Muslim charities have been attacked by non-state actors through information fabrication, such as false links to proscribed groups, and financing terrorism abroad.<sup>185</sup> This information is disseminated within the mainstream domain, and then legitimised by sympathetic political actors.

Once these fabrications enter mainstream politics, they have severe implications for Muslim charities in the context of freedom of expression. **The demonisation of Muslim organisations leads to a pattern of disengagement and lack of participation of Muslim charities in political spaces**. This often results as a consequence of the reputational damage caused by misinformation surrounding Muslim charities; misinformation that purposefully delegitimises and discredits them in an attempt to render them voiceless. In some cases, this leads to Government policies of disengagement. An incident which exemplifies this phenomenon is when the Department for Communities and Local Government (DCLG) withheld funding in 2014 from the Muslim Charities Forum citing concerns about extremism, allegations that were completely unfounded. Though the Muslim Charities Forum was cleared by the Charity Commission, the DCLG did not reinstate the funds and continued to disengage with the charity. The nature in which this information was communicated to MCF could be further treated as sceptical. The DCLG did not communicate any concerns directly to the charity, furthermore, the charity discovered the discontinuation of the funds through a written statement by then Secretary of State for the department, Eric Pickles.<sup>186</sup>

Moreover, **the demonisation and threats of Government disengagement lead to a coercion of Muslim charities to self-censor or else fully withdraw their engagement in advocacy and campaigning**. Muslim charities, despite having a vested interest in campaigning, consequently tend to avoid it as they believe it may impede on their ability to deliver crucial aid.<sup>187</sup> **Many Muslim charities further refrain from commenting on current affairs directly related to their humanitarian work for fear of repercussions, including unnecessary investigations, routine controls, or worse, closures**. One charity for example, when approached by the media to comment on the humanitarian

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<sup>184</sup> "Revealed: Plan to Brand Anyone 'undermining' UK as Extremist." 2023. The Guardian. Guardian News and Media. November 4.

<https://www.theguardian.com/uk-news/2023/nov/04/plans-to-redefine-extremism-would-include-undermining-uk-values>.

<sup>185</sup> FitzGerald, Gerald. "Mapping Anti-Muslim Discrimination and Information Manipulation, and Its Impact on Humanitarian Aid and Development." Fairfax, VA: The Schar School of Policy & Government, George Mason University, February 2024.

<sup>186</sup> "Muslim Charities Lose Government Help over 'Extremism.'" 2014. *BBC News*. BBC. December 18.

<https://www.bbc.co.uk/news/uk-england-30537237>.

<sup>187</sup> "Islamic Relief Is a Charity, Not a Terrorist Group. We're Going to Court to Prove It | Naser Haghamed." 2020. The Guardian. Guardian News and Media. September 27.

<https://www.theguardian.com/commentisfree/2020/sep/27/islamic-relief-charity-terrorist-court-israel-palestinians>.

crisis in Gaza during Israel's current invasion, refused the invitation due to the fear of being portrayed negatively.

The impact of disinformation can also permeate into Muslim charities' relationships with financial institutions. **Financial access challenges have been well-documented with Muslim charities for over two decades, manifesting through account closures or refusals, delays to wire transfers, and excessive compliance measures.**<sup>188</sup> We will explore the discriminatory nature of these challenges further below, however, in the context of freedom of expression, financial access challenges, especially with publicly owned banks, can have knock-on effects as resources have to be redirected, preventing charities from exerting efforts in ways originally intended. This can have severe impacts in a charity's ability to deliver life-saving programmes, but also immobilise charities from conducting work deemed non-essential.

The restrictions from financial institutions also impedes a charity's freedom to assemble. In particular, the delays or rejections of wire transfers can have long-term implications on a charity, its ability to deliver vital services, and its relationships with donors and partners. Some charities have experienced payment delays of up to 6 months, often citing sanctions, or other due diligence measures. Whilst acknowledging the high-risk nature some charities operate in, humanitarian assistance is a basic right, with the UNSCR2664 being a moment of celebration for charities as an opportunity to widen humanitarian corridors in complex situations.<sup>189</sup> Furthermore, charities have strict internal policies safeguarding them from financial crimes, however, banks have been found not to maintain relationships with charities, leading to needless hurdles in accessing financial services. The effects of wire transfers delays and account closures has a direct impact on a charity's ability to assemble. Projects will often be delayed, which can have irreparable impacts on their relationship with donors and partners. If payments are consistently delayed, a charity's implementation partner could decide to seek funds elsewhere.

On previous occasions, the Muslim Charities Forum has expressed their concerns on the UK's sanctions on regimes and charities' ability to deliver humanitarian aid whilst staying within legal frameworks. Whilst any charity may apply for a specific licence to operate in order to deliver humanitarian assistance, general licences offered by the Office for Financial Sanctions Implementations (OFSI) are incredibly restrictive, therefore, such licences could be seen as more performative than meaningful. The criteria for assessing relevant persons or organisations to whom the licence applies remains restrictive, as can be observed by OFSI's recent licence issued for Israel/Occupied Palestinian Territories under the Counterterrorism Regime.<sup>190</sup> The list of relevant persons largely consist of

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<sup>188</sup> FitzGerald, Gerald. "Mapping Anti-Muslim Discrimination and Information Manipulation, and Its Impact on Humanitarian Aid and Development." Fairfax, VA: The Schar School of Policy & Government, George Mason University, February 2024.

<sup>189</sup> Crystal, Caroline. "Landmark UN Humanitarian Sanctions Exemption Is a Massive Win but Needs More Support." Carnegie Endowment for International Peace. Carnegie Endowment for International Peace, March 20, 2023.

<https://carnegieendowment.org/2023/03/20/landmark-un-humanitarian-sanctions-exemption-is-massive-win-but-needs-more-support-pub-89311>. Accessed February 3 2024

<sup>190</sup> HM Treasury. "GENERAL LICENCE: ISRAEL and the OCCUPIED PALESTINIAN TERRITORIES HUMANITARIAN ACTIVITY," 2023.

[https://assets.publishing.service.gov.uk/media/65831b07fc07f3000d8d45e9/Gaza\\_Humanitarian\\_General\\_Licence\\_INT-2023-3749168\\_GL.pdf](https://assets.publishing.service.gov.uk/media/65831b07fc07f3000d8d45e9/Gaza_Humanitarian_General_Licence_INT-2023-3749168_GL.pdf). 2024. Accessed February 3.

publicly funded organisations, excluding Muslim charities taking advantage of such licences, creating a dichotomy of aid provision in such areas.

Moreover, for decades, **charitable organisations, mosques, and Muslim individuals have long experienced financial discrimination with the sudden closure of their bank accounts and freezing of funds with little to no communication as to the reasons why.** Often manifesting through account closures and wire transfer delays or rejections, the disproportionate way in which Muslim organisations have experienced this phenomenon leads to many charities feeling as if they have been targeted for their “Muslimness”.<sup>191</sup> To clarify between the terminologies, when we refer to debanking, we refer to the action of a bank closing an account. When we refer to derisking, we refer to when financial institutions react to appease their “risk appetites”, protecting their commercial interest. Under the guise of derisking, the Muslim Charities Forum has found that the issue is widespread and harmful, with Muslim-led groups placed under disproportionate, intense scrutiny, despite total adherence to banking measures.

In response to this issue, we are working on a report due to be released later this year, with initial findings leading to genuine concerns surrounding institutional Islamophobia emanating from banking practices. More than 50% of our respondents have experienced account closures. When the reasons are examined, many have mentioned either risk appetite or that simply no explanation has been given by the banks. Many respondents also alluded to **perceived Islamophobia on part of the banks and double standards placed upon Muslim-led charities** when making overseas payments to deliver vital aid.

When Muslim-led charities face account closures, in most cases no reason is given at all, but our research leads us towards how banks consult inaccurate databases to inform their decision-making processes. Banks consult third party compliance databases to ensure they are not offering financial services to individuals or clients who may be operating outside of the law. However, our survey has shown how such databases are riddled with inaccuracies, and charities who have been targeted and smeared by hostile actors have been listed on some of these databases as potential terror threats. Banks would then perceive their client's activities as falling outside of their "risk appetite" and are then motivated to ceasing their relationship with charities.

Due to the sensitive nature, most data will be anonymised. In one case, a charity had found that the bank had consulted such a database when their accounts were closed, while some other charities have faced extreme scrutiny. In light of the war on Gaza, one charity was questioned by their bank regarding financial activity on a project delivered in the UK. In another case, a charity had mentioned a 6-month delay in delivering projects and described the ordeal as "very mentally straining", and they had to call and email over 15 times just to find out what had happened. In one of the few public cases available, in 2014, Finsbury Park Mosque was debanked by HSBC with no notice nor reason. An investigation by journalist Peter Osborne discovered that the compliance database World-Check, had incorrectly labelled the mosque on a terror list, prompting the bank to

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<sup>191</sup> Bari, Muhammad Abdul. 2016. "British Muslim Charities Pay Islamic Penalty." Al Jazeera. Al Jazeera. <https://www.aljazeera.com/opinions/2016/1/10/british-muslim-charities-are-paying-islamic-penalty>.

debank the mosque. The mosque took libel action against owners of the database, Thomson Reuters, where they won damages and an apology<sup>192</sup>.

When speaking to a financial crimes specialist who used to work for one of the UK's largest banks, they mentioned how banks refrain from building a relationship with charities. They do not understand how their clients operate in high-risk areas, nor see it as their responsibility. They would much rather leave the client without a bank account, which leaves charities more vulnerable to financial crimes. Charities by law must have a bank account, these closures severely impact a charity's operations, and could even lead to charities closing down. Critically, it can hamper a charity's ability to deliver critical aid, potentially costing lives.

Muslim-led charities are subjected to higher standards, despite adhering to all financial measures in protecting themselves from any wrongdoing and protecting donor money. But the double standard in practice found in our initial research suggests to us that discriminatory practices by banks and the Government have a role to play in hampering Muslim charities' abilities to achieve their aims.

**Ultimately, the demonisation and unique scrutiny placed on Muslim charities intersects with discriminatory Government policies and banking practices that leads to Muslim charities being forced into self-censorship or disengagement with advocacy work that should be their raison d'etre. This shrinking and chilling of public spaces wherein Muslim charities can operate has significant implications for the UK's compliance with Articles 19, 21, 25, and 26 of the ICCPR.**

*Questions proposed by CPF:*

- *Will the UK Government urgently implement a strategy to revive its relationship with Muslim organisations working across the third sector?*
- *Will the UK Government initiate an independent investigation into the policies of financial institutions that may be having a discriminatory impact on Muslim organisations?*

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<sup>192</sup> "Finsbury Park Mosque Wins Apology and Damages from Thomson Reuters." 2017. The Guardian. Guardian News and Media. February 1.  
<https://www.theguardian.com/uk-news/2017/feb/01/finsbury-park-mosque-wins-apology-and-damages-from-reuters>.



## 12. Muslim Children.

Beyond the ICCPR, the UK's commitments to the rights of children can largely be found in the UN Convention on the Rights of the Child (CRC). However, there are concerns with how the nature and application of counter-terror policies intersect with those rights. PREVENT is one such policy that has significant implications for the UK's obligations under both the ICCPR and the CRC.

Within the educational context, PREVENT comes into direct contradiction of Articles 2, 3, 5, 8, 13, 14, 15, 16, 18, 19, 29, 30 of the CRC in the following ways:

- **Discrimination and freedom of religion (Articles 2, 8, and 30 of the CRC):** As will be discussed further below, since its inception PREVENT has had a preoccupation with and disproportionate impact on Muslim communities. Ultimately, it is inherently structurally Islamophobic and paints Muslims as a suspect community, thus encouraging Muslims to abandon elements of their identity and religious practice in order to avoid being caught up within the policy's apparatus.
- **Freedom of thought, expression, and assembly (Articles 13, 14, and 15 of the CRC):** PREVENT referrals have often been found to be based upon accusations of opposition to Government and foreign policy. Thus, Muslim students frequently feel the need to self-censor and withdraw from classroom discussions due to an environment wherein individuals are placed in a pre-criminal space for critical engagement.
- **Right to privacy (Article 16 of the CRC):** As will be discussed further below, questionable practices surrounding the retention of data mean that individuals who have not committed a crime have very little control over how their data is used - something that can continue to impact them for the rest of their lives.
- **Right to education (Article 29 of the CRC):** With Muslim students feeling policed and becoming distrustful and guarded around their teachers and their school environment, it is inevitable that their education will suffer and they will be prohibited from developing their "personality, talents, mental and physical abilities to the fullest potential".<sup>193</sup>
- **Best interest of the child (Article 3 of the CRC):** While PREVENT is currently undergoing an evolution following the Shawcross Review, it has to present been largely framed as safeguarding. However, this presents an inversion of traditional safeguarding which rests on the protection of the best interests of the individual - not protecting others from that individual. Moreover, PREVENT requirements damage the relationship between children and those in positions of pastoral care, especially in terms of trust. Consequently, it is difficult to see how the welfare of the child can be fully protected.
- **Parental rights (Articles 5 and 18 of the CRC):** There are serious concerns about the manner in which parents are often excluded or not informed of proceedings

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<sup>193</sup> Office of the High Commissioner of Human Rights . "Convention on the Rights of the Child." www.ohchr.org, November 20, 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

surrounding PREVENT directed at their child. Moreover, despite the voluntary nature of aspects of the policy (including Channel referrals), parents often feel overwhelming pressure to comply, lest refusal is interpreted as further indication of risk to the child, resulting in intervention from social services and the threat of their children being removed.

- **Mental violence (Article 19 of the CRC):** There are countless case studies highlighting the trauma and psychological impact on children who are caught under the auspices of PREVENT. The long lasting damage to their confidence, relationships, and education must be seen within the context of their right to be protected from mental violence and abuse.

## PREVENT in Schools

*By Professor John Holmwood<sup>194</sup>*

Governments are rightly concerned with security and public safety. Historically, this has been about external threats from foreign powers, but, increasingly, it is directed at actors within the state using violence to secure political ends. Such actors are routinely described as hostile to ‘our’ values, and we are enjoined not to let them win by abandoning our democratic way of life.

The UK now has the most extensive legislation in Europe proscribing and providing legal sanction against violent and non-violent terrorism in support of its counter-terrorism strategy, CONTEST. This strategy was first put in place in 2003 and has four strands. Protect, which is concerned with strengthening protection against a terrorist attack; Prepare, which is about the mitigation of the impact of a terrorist attack; Pursue, which is directed at stopping terrorist attacks; and PREVENT, which has the purpose of stopping people becoming terrorists, or from supporting terrorism.<sup>195</sup>

PREVENT involves an extensive programme of counter extremism measures to tackle ideas and activities which, while lawful in themselves, are claimed to be possible precursors to terrorist actions. Interventions under PREVENT potentially represent a major challenge to civil liberties (especially, the rights of children and young people, as we shall see) in the name of public safety.

In this context, Article 24 of the ICCPR states that, “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.” Our contention is that **PREVENT involves direct harms to children as a consequence of state policy.**

Significantly, the three other strands of CONTEST come under the remit of the Independent Reviewer of Terrorism Legislation who has a statutory obligation to provide

<sup>194</sup> John Holmwood is emeritus professor of sociology at the University of Nottingham and co-director (with Dr Layla Aitlhadj) of The People’s Review of Prevent.

<sup>195</sup> CONTEST was updated in 2023, but retains the same structure. See, Home Office. “Counter-Terrorism Strategy (CONTEST) 2023.” GOV.UK, July 18, 2023. <https://www.gov.uk/government/publications/counter-terrorism-strategy-contest-2023>.

an annual report and also has the power to initiate investigation of different aspects of the strategy.<sup>196</sup> PREVENT is exempted from this oversight. The Government instituted an 'Independent Review of Prevent' (the Shawcross Report), which reported in February 2023, but this did not engage with any critical reports on PREVENT, including those provided by UN rapporteurs.<sup>197</sup><sup>198</sup>

PREVENT has undergone multiple iterations since 2003, but one feature remains constant. Unlike the other strands of CONTEST, it operates 'upstream' of any intention to commit a terrorist offence. **It is part of what criminologists call the 'pre-criminal space'.**

In one strand, PREVENT involved programmes to secure community integration and mitigate what was perceived as 'self-segregation' and distance from the influence of 'British values'. In 2015, all such programmes have been gathered within the Home Office under the umbrella of 'Delivering a Stronger Britain Together'. This involved local coordinators in each PREVENT Priority Area and involved spending on local communities, including young people and schools. There have been no new funding calls since 2021 and the system of local coordinators has been disbanded.

At around the same time, in 2014, schools in England were required to actively promote 'fundamental British values'.<sup>199</sup> These are the values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. We do not have any criticism of the requirement on schools to teach 'values'. However, their designation as 'British' necessarily **creates the impression that there is a possible problem for children of immigrant or ethnic minority families.** Moreover, this focus on values also occurs in the context of the PREVENT strategy which frames a concern with Islamist extremism alongside right-wing extremism. The difference is that the former is termed in the context of Muslim communities, while the latter is perceived as an issue of individuals.

A new PREVENT Duty was set out in the Counter Terrorism and Security Act of 2015. Paragraph 26 set out a general duty that: "(1) A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism."

The duty applies to education settings from nurseries, primary and secondary schools, and on to colleges and universities, to health settings, and across youth services. According to the Home Office, over a million individuals responsible for the provision of public services had by 2019 been trained to spot the signs of possible extremism (data on those trained since then are not available, but are likely to have increased considerably).

<sup>196</sup> Terrorism Legislation Reviewer . "Independent Reviewer of Terrorism Legislation." May 29, 2019.

<https://terrorismlegislationreviewer.independent.gov.uk/>.

<sup>197</sup> Shawcross, William. "Independent Review of Prevent's Report and Government Response." GOV.UK, February 8, 2023.

<https://www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response>.

<sup>198</sup> Holmwood, John, Layla Aitlhadj, Charlotte Heath-Kelly "A Response to the Shawcross Report." www.peoplesreviewofprevent.org, March 2023.

<https://peoplesreviewofprevent.org/wp-content/uploads/2023/03/A-Response-to-the-Shawcross-Report.pdf>

<sup>199</sup> Department for Education. "Guidance on Promoting British Values in Schools Published." GOV.UK, November 27, 2014.

<https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>.

The duty is incorporated in schools as part of their other responsibilities toward safeguarding. However, **it inverts the normal focus of safeguarding** on the best interests of the child and preventing harms to the child, to focus on the child as a possible risk to others.<sup>200</sup> **This is securitisation, not safeguarding.**

Nowhere in the 2015 Act is extremism defined. Instead, a series of indicators or ‘flags’ have been developed – the so-called ERG22 indicators. These are derived from research conducted in prison on non-violent terrorist offenders designed to identify a possible shift toward a willingness to use violence. It is applied to the evaluation of children who have committed no offence, nor given any indication of doing so.

There is a deceptively simple set of procedures associated with PREVENT.<sup>201</sup> First an individual is flagged within a setting where the PREVENT duty applies. There will be an initial assessment by responsible members of staff, usually also involving a counter-terrorism police officer. The matter will be either dismissed or referred to a local PREVENT panel. The latter includes counter-terrorism police officers, as well as representatives of other agencies.

**Both the initial stage and any referral are potentially traumatic for the child** since they involve counter-terrorism officers and will likely be conducted without the presence of a parent or other responsible adult (in the case of parents, they are potentially under suspicion as a ‘radicalising influence’).

We only have data on cases when they reach a referral to a PREVENT Panel. The panel makes a decision whether the case merits adoption onto a Channel programme of tailored support to challenge radicalisation, dismissal or some other intervention (for example, by mental health services). Participation is voluntary – as it has to be since no laws have been broken – but the context is coercive. The parents and guardians of children and young people caught up in PREVENT will also be at risk of social services being brought to bear on them.

**The process disrupts the child or young person’s relationship to school, which depends upon trust and confidence.** In addition, information about the child and the PREVENT concerns that have been raised will be stored on a school file, where it is available for sharing with multiple agencies. In cases that have been referred to a PREVENT Panel, the data will also be held on police computers.

Notwithstanding, the terms of the Data Protection Act 2018, which requires the individual to give consent to the retention of information, **the very fact that involvement in PREVENT is understood to be voluntary is interpreted as meaning that consent has been given for retention and sharing of data.**

The retention of data is subject to review after 5 years, but can be renewed (and usually is) without consent. Moreover, because PREVENT is associated with national security

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<sup>200</sup> Holmwood, John, Layla Aitlhadj, Charlotte Heath-Kelly “A Response to the Shawcross Report.” [www.peoplesreviewofprevent.org](http://www.peoplesreviewofprevent.org), March 2023.

<https://peoplesreviewofprevent.org/wp-content/uploads/2023/03/A-Response-to-the-Shawcross-Report.pdf>.

<sup>201</sup> The following paragraphs are derived from *The People’s Review of Prevent*, *ibid*.

and, by implication, the most serious categories of offence (even though no offence has been committed) it can be retained until the subject is 100 years old.

PREVENT has a particularly significant role in the lives of children and young people. All children are subject to scrutiny under the PREVENT duty from the moment they start nursery school until they leave secondary school (and it continues in higher education). In 2021/22, the education sector provided over a third of all referrals (36%). At the same time, referrals are younger than from other sectors – the median age being 14, means that **half of all referrals (1152 children) are under 14**, representing around five children for each school day in England. There can be no serious claim that these children represent any kind of serious terrorism risk. We do not have precise information on how many PREVENT referrals of schoolchildren proceed to a Channel intervention (the data gathered by the Home Office is not correlated with the school leaving age of 18, but in bands under 14 and 14 to 21).

In fact, there is also an increasing number of young people charged with terrorism offences (usually non-violent offences associated with downloading proscribed material). This is largely an artefact of the introduction of new non-violent terrorism offences associated with the Counter Terrorism and Border Security Act in 2019. They do not indicate heightened risks that would justify a reinforcement of PREVENT. Indeed, in his annual report for 2021 published in March 2023 shortly after the Shawcross Report, the Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, recommended that such individuals were better treated outside the criminal justice system and without the stigma of their offences being regarded as ‘terrorism-related’.<sup>202</sup>

Instead, the Government has proposed to develop PREVENT in the opposite direction, away from safeguarding and towards understanding individuals as ‘responsible agents’ rather than as ‘vulnerable’. The recent Shawcross Report (which the Government has accepted in full) set out concerns that a lot of PREVENT referrals end up being redirected toward other social services, including mental health services. Logically, **this is an argument for removing PREVENT from schools** (and, indeed, also from the health sector), where safeguarding should be focused on the interests of the child and not an ill-defined future risk of radicalisation.

However, the Government is not interested in reducing the pervasive scrutiny of PREVENT except where right-wing views might be caught up in the net! In the Foreword to the Shawcross Report, it notes that, “my research shows that the present boundaries around what is termed by PREVENT as extremist Islamist ideology are drawn too narrowly while the boundaries around the ideology of the Extreme Right-Wing are too broad.”<sup>203</sup> The data – even in the Shawcross Report – suggests otherwise. In 2021/22 just 13% of all referrals were adopted onto Channel. Of these, 42% were for far-right extremism, while 19% were for Islamist extremism. Yet, the proportion of all referrals was similar for both categories (20% for right wing extremism, 16% for Islamist extremism). In other words, the implication already is the opposite of what is claimed; the definition is drawn broadly for

<sup>202</sup> Independent Reviewer of Terrorism Legislation. “The Terrorism Acts in 2021.” GOV.UK, March 7, 2023. <https://www.gov.uk/government/publications/the-terrorism-acts-in-2021>.

<sup>203</sup> Shawcross, William. “Independent Review of Prevent’s Report and Government Response.” GOV.UK, February 8, 2023. <https://www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response>.

'Islamist' extremism and narrowly for right-wing extremism.<sup>204</sup> A greater focus on 'Islamist extremism' would give rise to a greater number of PREVENT referrals of Muslims, but a decline in the proportion of them going onto Channel. For right-wing extremism, the opposite would occur; that is, that there would be fewer referrals, but a higher proportion of adoptions onto Channel.

**It is our view that PREVENT is:**

- 1. Actively discriminatory in its disproportionate focus on Muslim children and young people.**
- 2. Neglectful of the rights of children and the duty to protect them from harm.**
- 3. In breach of children's rights to data protection.**

In all these respects it fails to uphold the principles of the ICCPR and the CRC as they apply to children and young people. Sadly, the Government opposes any statutory measures to provide independent oversight of PREVENT. It is commonplace to refer to terrorism as a form of political communication. We should also see counter-terrorism policy as a form of political communication, too. What is being communicated are not liberal values – notwithstanding that these are described as 'fundamental British values' – but those of an authoritarian national conservatism.

*Question proposed by CPF:*

- *Will the UK Government commit to the immediate removal of PREVENT duties from school and nursery settings?*

Beyond the PREVENT Strategy (but often intersecting with the strategy), there have been numerous cases of schools enforcing policies designed to suppress the religious expression of Muslim pupils, especially in terms of prayer, fasting and hijab. Such measures are in violation of young Muslims' right to thought, conscience and religion (Articles 14 and 30 of the CRC and Article 18 of the ICCPR).

One case involved a sixth form college (catering to students roughly from the ages of 16-18), the London Academy of Excellence (LAE), which banned Muslim students from praying on-site, forcing many to pray in corridors, under staircases, and outside, for which some were punished with detentions.<sup>205</sup> Muslim students also commonly experienced opposition to fasting during Ramadan, which (like prayer) is compulsory for Muslim children that have reached the age of puberty and are physically and mentally able to do so.

<sup>204</sup> Holmwood, John, Layla Aitlhadj, Charlotte Heath-Kelly "A Response to the Shawcross Report." [www.peoplesreviewofprevent.org](http://www.peoplesreviewofprevent.org), March 2023.

<sup>205</sup> Islam Channel. "London Academy of Excellence: Former Students Speak Publicly about Islamophobia." [www.islamchannel.tv](http://www.islamchannel.tv), 2022.

<https://www.islamchannel.tv/blog-posts/london-academy-of-excellence-former-students-speak-publicly-about-islamophobia>.

Prevent Watch reports another case of a ten year old female student who chose to wear the hijab to school after going on Hajj with her family, but faced immense backlash from the headteacher on the basis of a uniform violation. The headteacher requested that the student's parents encourage her to take her hijab off until she was in high school and also pointed to an incident during an RE class, which was deemed as being 'negative activities', where the student asked to be exempt from drawing Jesus as he is a prophet in Islam and Muslim are not allowed to draw prophets - a ruling that is widely appreciated and followed by the majority of Muslims. The student was subsequently referred to PREVENT under suspicion of 'radicalisation' on the basis of her wearing the hijab; for what transpired during the RE lesson; and in relation to her Hajj trip.<sup>206</sup> This case study demonstrates the ways in which normative practices such as going on Hajj, wearing the hijab, and refusing to draw illustrations of prophets are held within the public imagination as dangerous and linked to 'radicalisation'. Thus, the public association of normative religious practices with counter-terror places coercive pressure on Muslims to modify and suppress their religious expression to avoid undue scrutiny.

Creating barriers to Muslim students' ability to practise their faith, especially when reasonings for such restrictions intersect with counter-terror apparatus, can adversely affect their personal development and overall confidence in their religious and cultural identities. Research by the Social Mobility Commission underscores that "the failure to accommodate religious norms, develop understanding of Muslims' needs, or provide information about the lives of ordinary Muslims directly impacts young Muslims' sense of belonging which compounds feelings of isolation and can limit their aspirations."<sup>207</sup> In this regard, restricting normative practices such as prayer, fasting, or religious dress for Muslim pupils can potentially have longer-term consequences.

Moreover, many of the restrictions on religious expression are uniquely targeted at Muslim practice, with the nature of the scrutiny differing significantly from the treatment given to Christian and even Humanist perspectives. This contravenes Articles 24 and 26 of the ICCPR and Article 2 of the CRC.

## Prayer in Schools

*By Professor John Holmwood<sup>208</sup>*

Article 18 of the ICCPR states: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."<sup>209</sup> These principles are also embodied in Article 9 of the HRA concerning freedom of thought, conscience, and religion; "Everyone has the right to freedom of

<sup>206</sup> Prevent Watch. "The Hijab Case - Prevent Watch." December 15, 2017. <https://www.preventwatch.org/the-hijab-case/>.

<sup>207</sup> Stevenson, Jacqueline, Sean Demack, Bernie Stiell, Muna Abdi, Lisa Clarkson, Sheffield, Farhana Ghaffar, Shaima Hassan, and Liverpool. "The Social Mobility Challenges Faced by Young Muslims." 2017. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642220/Young\\_Muslims\\_SM\\_C.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642220/Young_Muslims_SM_C.pdf).

<sup>208</sup> John Holmwood is emeritus professor of sociology at the University of Nottingham and co-director (with Dr Layla Aitlhadj) of The People's Review of Prevent.

<sup>209</sup> The Office of the High Commissioner for Human Rights. "International Covenant on Civil and Political Rights." 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.”<sup>210</sup>

Regarding the rights of children specifically, the freedom of belief is further encapsulated in Articles 14 (“States Parties shall respect the right of the child to freedom of thought, conscience and religion”) and 30 of the CRC; “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”<sup>211</sup>

It is not straightforward how this relates to schools in the UK. The status of religion is different in Scotland, for example, compared with England and Wales, where, constitutionally, the Anglican church is the state church.<sup>212</sup> In Scotland it is not. In addition, there are differences in the administration of public education deriving from how powers are devolved to the separate jurisdictions of England, Wales, Scotland, and Northern Ireland. Although all jurisdictions must abide by the HRA, they do not need to have common practices.

The issue of prayer in schools has become particularly acute in England where it has become associated with the provision of prayer for Muslim students. Some schools have banned it on grounds that it is not consistent with good order and cohesion in the school. One recent high profile case involves the Michaela Community School in London and its ban on Muslim prayer.<sup>213</sup>

There are demographic reasons why the issue is acute for English schools and why religious observance by Muslim pupils has become the focus of a ‘moral panic’. There are also reasons specific to changes in the administration of schooling in England following devolution. Education is a devolved power of the Scottish and Welsh assemblies, working together with local authorities, whereas in England the Academies Act 2010 proposed that schools could become independent of local authorities as Academy or Free Schools where they are responsible to the Department for Education.<sup>214</sup>

By 2023, 39% of primary schools and 80% of secondary schools in England have become academies, typically gathered into a multi-academy trust (MAT).<sup>215</sup> Whereas, local authority schools are/ were all gathered in a particular geographical area, there is no similar requirement for MATs and no formal arrangements for schools in the same geographical area to liaise with each other or to have formal arrangements of consultation with their local community. This is a highly unusual system in which local responsibilities

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<sup>210</sup> Equality and Human Rights Commission. “The Human Rights Act | EHRC.” [www.equalityhumanrights.com](http://www.equalityhumanrights.com), November 15, 2018. <https://www.equalityhumanrights.com/human-rights/human-rights-act#:~:text=The%20Human%20Rights%20Act%201998,the%20UK%20in%20October%202000>.

<sup>211</sup> Office of the High Commissioner of Human Rights . “Convention on the Rights of the Child.” [www.ohchr.org](http://www.ohchr.org), November 20, 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>212</sup> Torrance, David. “The Relationship between Church and State in the United Kingdom,” September 14, 2023. <https://researchbriefings.files.parliament.uk/documents/CBP-8886/CBP-8886.pdf>.

<sup>213</sup> Weale, Sally. “Top London School Taken to High Court over Prayer Ban.” *The Guardian*, January 16, 2024. <https://www.theguardian.com/uk-news/2024/jan/16/london-school-high-court-prayer-ban>.

<sup>214</sup> Under devolution, what was a devolved responsibility of the Scottish and Welsh Assemblies in Edinburgh and Scotland remained a responsibility of the Westminster government and its central departments of state, such as the Department for Education or the Home Office with the convention that MPs representing Scottish or Welsh constituencies do not vote on devolved matters.

<sup>215</sup> School Census Statistics Team. “Schools, Pupils and Their Characteristics, Academic Year 2022/23,” June 8, 2023. <https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics>.

for schools are attenuated and formal responsibilities are highly centralised. All regulatory bodies – the Ofsted inspectorate, the Education Funding Agency, and the Teacher Regulation Agency – are all part of the Department for Education.

England also has a higher proportion of ethnic minorities (and minority religious commitments) than Wales, Scotland, or Northern Ireland, including high concentrations in some large urban centres (London, Birmingham, Manchester, and Leeds/Bradford, for example).

The 2021 Census for England and Wales reported that, for the first time, fewer than 50% of the population declared themselves to be Christian, with 37% declaring themselves to have no religious belief.<sup>216</sup> In this context, the population of England is both multicultural and multi-religious. The effects of de facto segregation by residence are compounded by the effects of parental choice of schools, which means that school populations are more concentrated by ethnicity and religious background than is the case residentially.

However, since 2010 central government policy has been critical of multiculturalism, arguing instead for ‘assimilation’, with particular emphasis given to the idea that Muslims, in particular, live ‘segregated lives’ at odds with ‘mainstream values’. There is little evidence that this is so, outside the very public difference in religious beliefs and practices, while the Government’s counter-extremism strategy, PREVENT identifies a potential problem of religious extremism and establishes upon schools a ‘duty to promote fundamental British values’.<sup>217</sup>

This is the context in which prayer in schools has become a particularly sensitive issue as both a ‘national’ concern and a focus of great media attention, where **Muslim parents and pupils seeking to exercise their religious rights are viewed with suspicion and as potentially extremist.**

However, religious education and daily acts of collective worship (prayer) have been required in all publicly-funded schools in England since 1944. The nature of the religious education curriculum and guidance on collective worship have been the responsibility of Standing Advisory Committees on Religious Education (SACREs).<sup>218</sup> These were established in all local authorities in England and Wales and were commensurate with the latter’s responsibilities for schools. The SACREs operate under the authority of the Anglican Church and are made up of several committees, one representative of different religious groups, one representing teachers and another representing local politicians (with responsibilities for education). A ‘conference’ is convened on a regular basis to develop, renew and review the religious education curriculum and to ensure it meets local needs.

Broadly speaking, there are two types of publicly-funded schools which are the focus of concerns – religiously-designated schools (so-called ‘faith schools’) and schools without a religious designation. The former have some specific features – for example, they are not under the jurisdiction of the SACREs, though their co-religionists are involved and they may adopt the locally-agreed SACRE curriculum for religious education.

Schools which are not faith designated, however, are not ‘secular’, at least not in law. They are required to provide compulsory religious education and daily acts of collective

<sup>216</sup> Zayed, Yago. “Constituency Data: Religion, 2021 Census.” House of Commons Library, April 11, 2023. <https://commonslibrary.parliament.uk/constituency-data-religion/>.

<sup>217</sup> Department for Education. “Guidance on Promoting British Values in Schools Published.” GOV.UK, November 27, 2014. <https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>.

<sup>218</sup> NASACRE. “Welcome to NASACRE - NASACRE.” www.nasacre.org.uk, January 13, 2024. <https://nasacre.org.uk/>.

worship. These cannot proselytise, but worship is required to be of a mainly Christian kind (albeit, non-denominational). Parents can opt their children out of collective worship (when some alternative provisions must be made, even if only for supervision) while pupils can opt out after the age of 16. This was introduced in 2008, involving recognition of the maturity of a child of that age and their capacity to make their own decisions. Humanists UK also argue that younger children should be able to opt out in the name of their self-determination.<sup>219</sup> Interestingly, they do not accept that a child might also have the right to *opt for* collective worship.

Schools can also seek what is called a ‘determination’ to alter the character of collective worship, if that can be justified in the light of their pupil intake. This can include collective worship of a different faith. The evaluation and authorisation of a ‘determination’ is one of the functions of a SACRE.

Although the requirements for religious education and collective worship continue to apply to academies, they do not fall under the jurisdiction of a local SACRE. While they may adopt the locally agreed religious education curriculum, they do not need to do so, nor need they take account of local circumstances in how they approach religion. Determinations are the responsibility of the Department of Education which has no equivalent representative mechanisms to those of the SACREs. Instead, such matters are the responsibility of an internal unit, the Department for Due Diligence and Countering Extremism.

Unsurprisingly, the changing patterns of religious belief (including no belief) has given rise to much lobbying around the current arrangements. Humanists UK, for example, presents itself as the representative of the 37% who declare themselves as being of no belief. They oppose faith schools, in principle, on the grounds that they allegedly involve religious indoctrination and are a denial of a child’s right to choose their own beliefs. They also regard some religions – evangelical Christianity and Islam, for example – as extremist, on the basis of their conservative views on gender or sexuality. In this context, particular scrutiny of faith schools representing minority religions is argued to be consistent with the Equalities Act 2010, even where religion is identified as a protected characteristic.<sup>220</sup>

Humanists UK is also strongly opposed to the requirement for daily acts of collective worship. The Headteacher of Michaela school, in opposing provision for Muslim collective prayer, has described her school as ‘secular’. As the National Secular Society (NSS) has observed, if the school does not provide collective worship of a Christian (or other kind set out in their memorandum with the Department for Education) it is acting unlawfully.<sup>221</sup>

The NSS is in favour of secular schools and thinks that the law should be changed, as does Humanists UK. As it stands, **the school makes provision for secular pupils (and parents), but not for those who are religious**, notwithstanding that it is acting unlawfully. Were it to provide collective worship, as required by the law, it would need to provide for those of different beliefs. In the past, Humanists UK has supported such provision – including in the High Court – in the case of humanist parents seeking alternative provision

<sup>219</sup> Humanists UK. “Children Should Be Able to Withdraw Themselves from School Prayers’, Says Children’s Rights Coalition.” [www.humanists.uk](https://www.humanists.uk), February 28, 2023.

<https://humanists.uk/2023/02/28/uk-civil-society-calls-on-government-to-give-children-the-right-to-withdraw-from-worship-in-schools/>.

<sup>220</sup> Equality and Human Rights Commission. “Equality Act 2010 | EHRC.” [www.equalityhumanrights.com](https://www.equalityhumanrights.com/equality/equality-act-2010), August 6, 2018.

<sup>221</sup> Cumiskey, Lucas. “Michaela Insists It Does Meet Daily Worship Laws.” [Schools Week](https://schoolsweek.co.uk/michaela-insists-it-does-meet-daily-worship-laws/), January 27, 2024.

while exercising their opt out rights from religiously-based collective worship.<sup>222</sup> This alternative provision would also require making space available and providing supervision. It is hard to understand why, in the light of the provisions of the HRA, it does not also argue for the rights of Muslim pupils and parents (except that, ultimately, it is arguing for the abolition of the requirement of collective worship).

One response has been to uphold the right of a headteacher to determine the ethos of a school and that parents knew the terms on which their child was admitted.<sup>223</sup> But this ignores the fact that parents have a proper interest in the education of their child and that cannot include that they abrogate their rights, or that they should be denied an opportunity to express their views and influence policies.

The headteacher at Michaela has claimed that **making provision for Muslim collective worship would be 'divisive' and that children are required to sacrifice their self-expression for a greater good. This is directly discriminatory, since the sacrifice is borne by one group of children and not others. It would also seem to involve a denial of the right to freedom of religious expression** on the grounds of its inconvenience and it being contrary to the headteacher's wishes.

Article 18 of the ICCPR states: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

We have seen that the law in England prescribes collective worship. By that token, it recognises prayer as a collective manifestation and not simply as an individual expression. There are no issues that impinge on the rights and freedoms of others, except that a ban on Muslim prayer would deny their rights. The solution is a 'rights respecting school', as argued by UNESCO, where the visibility of differences, including the expression of religious practices, would enrich the experience of all pupils and not entail the denial of some.

*Question proposed by CPF:*

- *Will the UK Government implement a strategy to ensure that schools nurture and respect the religious expression and practice of both students of faith and those with no faith?*

<sup>222</sup> Humanists UK. "School Concedes in Collective Worship Legal Case." www.humanists.uk, November 20, 2019.

<https://humanists.uk/2019/11/20/school-concedes-in-collective-worship-legal-case-will-provide-alternative-assemblies/>.

<sup>223</sup> Mansfield, Iain. "Iain Mansfield: The High Court Case against Michaela Is a Battle for the Soul of the Free School Programme | Conservative Home." Conservative Home, January 26, 2024.

<https://conservativehome.com/2024/01/26/iain-mansfield-the-high-court-case-against-michaela-is-a-battle-for-the-soul-of-the-free-school-programme/>.

### 13. Media.

Recent years have seen increasing concerns surrounding the relationship between the UK Government and the mainstream press. With the decline of local, regional, and smaller print news publications, research demonstrates that only three companies (News UK, Daily Mail Group, and Reach PLC) control 90% of the national newspaper market. As a consequence, the relationship between powerful newspaper owners and the Government should thus be of vital concern. This relationship has been central in the UK Government's approach to the erosion of human rights and civil rights protection under the guise of democracy and the will of the people. In reality, **it is a symbiotic relationship based on executive protection of the press as an industry, in exchange for a public relations strategy that should be viewed through the lens of propaganda and is frequently premised upon the demonisation of minoritised communities and the supposed 'undesirables' of society.**

As but three examples of the UK Government's legislative and policy attempts to shelter newspapers from accountability:

- The Online Safety Act 2023<sup>224</sup> carries explicit exemptions for the press, supposedly with the aim of protecting journalistic freedoms. However, while much Government rhetoric has been centred around protecting and advancing the freedom of speech, there are noticeable inconsistencies in how the Government approaches this freedom. Indeed, outlined within their justification for dismantling the HRA is the Government's desire to expand protections for the free speech of the press through amending Section 12 to limit injunctions and other forms of relief being levied against the press. However, elsewhere in the proposals are numerous changes specifically aimed at restricting the protections for the free speech of protestors<sup>225</sup> (a pattern of legislative hostility to dissenting free speech and democratic engagement that has echoes in the PCSC and Public Order Act).
- The Government has consistently refused to enact Section 40 of the Crime and Courts Act 2013 and now seeks to repeal it through the Media Bill that, at the time of writing, is awaiting its second reading in the House of Lords.<sup>226</sup> The failure to enact Section 40 removes an essential underpinning of the Royal Charter framework, thereby withdrawing a vital safeguard by denying the public access to justice through low-cost legal redress for press abuses and eliminating vital incentives for publishers to join a recognised regulator.
- The Government has scrapped Part II of the Leveson Inquiry.

Simultaneously, research has consistently demonstrated that the current primary regulator of the UK press, the Independent Press Standards Organisation (IPSO) is ineffective and unfit

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<sup>224</sup> For more information on the Online Safety Act, see Community Policy Forum. "Briefing – the Online Safety Bill: Press Regulation, Human Rights, and Democracy – Community Policy Forum." [www.communitypolicyforum.com](https://communitypolicyforum.com), 2022. <https://communitypolicyforum.com/portfolio-item/the-online-safety-bill-press-regulation-human-rights-and-democracy/>.

<sup>225</sup> For more information on the UK Government's approach to the Human Rights Act, see Community Policy Forum. "Briefing – the Bill of Rights: Undoing Two Decades of Human Rights Progress – Community Policy Forum." [www.communitypolicyforum.com](https://communitypolicyforum.com), 2022. <https://communitypolicyforum.com/portfolio-item/the-rights-removal-bill-briefing/>.

<sup>226</sup> For more information on Section 40 and the Media Bill, see Uppal, Susie. "A WHITEWASH in ACTION – Press Recognition Panel." [www.pressrecognitionpanel.org.uk](https://pressrecognitionpanel.org.uk), December 19, 2023. <https://pressrecognitionpanel.org.uk/2023/12/19/a-whitewash-in-action/>.

for purpose. In fact, the Press Recognition Panel recently published a report highlighting the misleading claims made in UK Parliament about the efficacy and independence of IPSO. The report concludes that “the Government has stated on a number of occasions that the existence of [IPSO] as the regulator of large sections of the UK newsprint press has removed the need for the measures to ensure independent press regulation that Parliament voted for following the Leveson enquiry and report. And yet, a comprehensive review of available data demonstrates that IPSO is not a fully operating regulator of the UK press.” As a result, the UK public have been left “as unprotected as ever from potential press harms.”<sup>227</sup> **This lack of protection is particularly felt by Muslims and other minoritised communities, who are frequently the target of discriminatory and incendiary press attacks** that often conveniently provide a prop for Government policy agendas.

**Consequently, the status of the press in the UK must be examined in the context of the UK’s compliance with Articles 2, 18, 19, 20, 26, and 27 of the ICCPR.**

### The media and undermining of ICCPR rights

*By Brian Cathcart*<sup>228</sup>

The conduct of the news media in the UK and their relations with the Government and political parties raises serious concerns about the country’s compliance with the ICCPR. The challenges, however, do not match patterns familiar in dictatorships and autocracies, where news media are likely to be owned or controlled by government and their output censored. **In the UK an appearance of compliance with the ICCPR is usually maintained while news media themselves play an important role in its subversion.** Though deeply rooted, this problem has become much more acute in the past decade.

The dominant news media in the UK, in the sense that they usually determine what issues and information come before the public for debate, are national newspapers with their online and social media manifestations. Although broadcast news publishers such as the BBC, Sky, and ITV reach more viewers and readers, in practice they usually accept and follow the news agenda set by the national press.

The national press does not, however, reflect the diversity of opinion of the UK population at large but is overwhelmingly right-wing in its political loyalties. This dominant right-wing press, moreover, is exceptionally close to the ruling Conservative Party and in particular to its most right-wing elements. The relationship is a two-way one: **press publications support the Government, while the Government provides newspapers and their owners with favours and adopts policies that suit their particular interests.**<sup>229</sup>

<sup>227</sup> Sampson, Louisa. “Misleading Claims Made in UK Parliament about the Efficacy and Independence of the Independent Press Standards Organisation – Press Recognition Panel.” [www.pressrecognitionpanel.org.uk](http://www.pressrecognitionpanel.org.uk), January 22, 2024. <https://pressrecognitionpanel.org.uk/2024/01/22/misleading-claims-made-in-uk-parliament-about-the-efficacy-and-independence-of-ipsa/>.

<sup>228</sup> Brian Cathcart is a retired academic, journalist, author, and campaigner.

<sup>229</sup> For an example of such favours, see: PUBLIC INTEREST NEWS FOUNDATION. “SUBMISSION to the UK COVID-19 INQUIRY: ‘ALL IN, ALL TOGETHER’”, [https://www.publicinterestnews.org.uk/files/uqdcde0e9\\_c674d36b752c4265a0d4c88397d998dd.pdf](https://www.publicinterestnews.org.uk/files/uqdcde0e9_c674d36b752c4265a0d4c88397d998dd.pdf)

**This relationship has allowed successive Conservative governments to erode and attack ICCPR rights behind a shield of propaganda provided by the national press. Such propaganda, it must be stressed, is not simply the legitimate expression of political opinion or the legitimate practice of journalism; it has involved distortion, dishonesty, omission, racism, bullying, unjustified ad hominem aggression and law-breaking.**<sup>230</sup>

The role of news media in the UK is, therefore, not as it might normally be in a democratic society because it does not routinely seek to hold the Government and other powerful interests to account for their actions. It further follows that in practice the term 'press freedom' carries a distinct meaning in the UK context, as it is employed in defence of an industry that is not, on the whole, dedicated to serving the interests of the public, but rather, in furthering its own.

While the news media bear their share of responsibility for the various erosions of ICCPR rights that have occurred at the initiative of recent governments, they are also themselves responsible for the undermining of those rights. The following are but two instances, and they are followed by a short account of the implications of government treatment of the BBC for ICCPR compliance:

### ***Muslims***

Articles 2, 18, 19, 20, 26, and 27 protect freedom of conscience and the right to practise religion freely. The UK press, however, has a shocking record of persecuting Muslims and inciting prejudice against them. Notably, but by no means exclusively:

- A series of detailed and academically-verified reports from the Centre for Media Monitoring, analysing many thousands of articles, has found that British Muslims are misrepresented in UK news media not just frequently but habitually. The latest report found that almost 60 per cent of articles referring to Muslims presented them in a negative light and more than 20 per cent associated them with extremism.<sup>231</sup>
- UK newspapers have propagated intensively the idea that Muslim men, and in particular men of Pakistani heritage, are disproportionately inclined to sexually abuse young white women. Although a Home Office study published in 2020 found that the evidence did not support this assertion, most leading newspapers continue to present it as fact and to report unchallenged such racist assertions when made by others.<sup>232</sup>
- A senior journalist for the London Times, Andrew Norfolk, who played a key role in generating stereotypes of 'Muslim grooming gangs', pursued unchecked for

<sup>230</sup> Evidence of all of this was found in the 2011-12 Leveson Inquiry. The report: Department for Culture, Media and Sport. "Leveson Inquiry - Report into the Culture, Practices and Ethics of the Press." [www.gov.uk](http://www.gov.uk), November 29, 2012.

<https://www.gov.uk/government/publications/leveson-inquiry-report-into-the-culture-practices-and-ethics-of-the-press>.

<sup>231</sup> Media Monitoring. "CfMM Report 'British Media's Coverage of Muslims and Islam (2018-2020)' Launched - Centre for Media Monitoring." Centre For Media Monitoring, November 30, 2021.

<https://cfmm.org.uk/resources/publication/cfmm-report-british-medias-coverage-of-muslims-and-islam-2018-2020-launched/>.

<sup>232</sup> UCL. "Analysis: A New Home Office Report Admits Grooming Gangs Are Not a 'Muslim Problem.'" UCL News, December 20, 2020.

<https://www.ucl.ac.uk/news/2020/dec/analysis-new-home-office-report-admits-grooming-gangs-are-not-muslim-problem>.

several years a campaign against Muslims which relied heavily on omission and distortion.<sup>233</sup>

- The UK press played a vital role in the promotion of the so-called ‘Trojan Horse’ scandal, a scare story in 2013-17 about extremist Muslims allegedly conspiring to take control of state schools in Birmingham. This scare was founded on a hoax and those accused of the central ‘plot’ were eventually cleared by courts and tribunals.<sup>234</sup>
- The ‘self-regulator’ or complaints body established by the main national newspapers, called IPSO, is by design unable to tackle racism and discrimination among member newspapers. Remarkably, its rules do not permit consideration of complaints relating to discrimination against groups. Although since its foundation in 2014 IPSO has received many thousands of complaints from members of the public relating to discrimination, it has upheld only three, none of which related to religion or race.<sup>235</sup>

Coinciding with the persistently hostile press coverage of Muslims have been high levels of hate crimes against Muslims.

### ***Trans people***

Recent years have seen a cruel and intensive press campaign against the rights of trans people in the UK.

The community database Dysphorum has reported that in the first nine months of 2023 4,629 articles about trans people appeared in the UK news media, most of which presented trans people in a negative light. Over the same period in 2018 there had been 823.<sup>236</sup>

This coincides with very high and rising levels of hate crime against trans people. Home Office data show that in the year ending March 2023 transgender hate crimes increased by 11 per cent, an increase running counter to a more general decline in sexual orientation hate crimes.<sup>237</sup> A 2020 report from the NGO Galop found that in a single year a quarter of trans people had experienced or been threatened with physical assault, while nearly one in five had experienced or been threatened with sexual assault.<sup>238</sup>

<sup>233</sup> Media Reform Coalition. “Media Reform Coalition.” 2019.

<https://www.mediareform.org.uk/blog/unmasked-andrew-norfolk-the-times-and-anti-muslim-reporting-a-case-to-answer>.

<sup>234</sup> J. Holmwood, Countering extremism in British Schools? The Truth about the Birmingham Trojan Horse Affair (London: Policy Press, 2017

See also this New York Times podcast: The New York Times. “The Trojan Horse Affair.” 2024.

<https://www.nytimes.com/interactive/2022/podcasts/trojan-horse-affair.html>.

<sup>235</sup> The Traveller Movement. “August 2020 Blog – How the Press ....” 2020.

<https://travellermovement.org.uk/news/how-the-press-gets-away-with-discrimination>.

<sup>236</sup> Davies, Marty. “Is Adspend Funding an Increase in LGBTQIA+ Hate Crime?” CampaignUK, March 2, 2023. <https://www.campaignlive.co.uk/article/adspend-funding-increase-lgbtqia+-hate-crime/1815115>.

<sup>237</sup> Home Office. “Hate Crime, England and Wales, 2022 to 2023 Second Edition.” October 5, 2023.

<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>.

<sup>238</sup> Galop. “Transphobic Hate Crime Report 2020 - Galop.” June 10, 2020.

<https://galop.org.uk/resource/transphobic-hate-crime-report-2020/>.

As with Muslims, trans people are effectively unable to secure remedies against the publishers of discriminatory articles because IPSO's rules are designed to obstruct complaints on the issue. In 10 years the organisation has only upheld one complaint by a trans person, and in that instance the ruling did not relate directly to her sexuality.

The former CEO of a leading pro-trans NGO, Mermaids, Susie Green, last year condemned reporting in some newspapers: "It's abusive, it's horrible and it's upsetting and distressing. And I've made it really clear that it hurts people. They're just not taking any notice, they don't really care as long as they can sell newspapers based on a few clickbait stuff, they don't care."<sup>239</sup>

### ***BBC journalism***

The position of the British Broadcasting Corporation (BBC) in relation to Article 19 is a matter of particular concern. A public service broadcaster funded largely by a statutory fee for licences to receive television signals, its founding charter declares it to be independent of government. The BBC has long been, and remains, the most followed and the most trusted news provider in the UK. It also has a global reputation. In recent years, however, Conservative governments have applied various forms of pressure on the corporation, bringing into doubt its editorial independence.

- Government ministers choose the BBC's chair, members of its governing trust, and the chair of the body that regulates its journalism, Ofcom. A chair of the BBC, Richard Sharp, who was also a substantial donor to the Conservative party, was last year obliged to step down for failing to disclose his role in arranging a personal loan to Boris Johnson, the prime minister whose government appointed him.<sup>240</sup>
- A trust member with special responsibility for journalistic standards, Sir Robbie Gibb, who is a former senior Conservative official, is accused of persistent interference in editorial matters.<sup>241</sup> Meanwhile the chair of Ofcom, Lord Grade, was a Conservative legislator at the time of his appointment.
- The Government has ultimate control of the BBC's revenues and has carried out a programme of real-terms cuts over several years which have the effect of significantly curtailing the scope of BBC journalism, thus reducing the ability of the country's chief news provider to inform the public and to hold those in power to account.<sup>242</sup> This is a case of a government acting in a way that reduces the public scrutiny it should be facing.

<sup>239</sup> Hansford, Amelia. "Former Mermaids CEO Susie Green Blasts UK Media for Transphobic Rhetoric: 'They Don't Care.'" PinkNews | Latest lesbian, gay, bi and trans news | LGBTQ+ news. PinkNews | Latest lesbian, gay, bi and trans news | LGBTQ+ news, August 2, 2023. <https://www.thepinknews.com/2023/08/02/susie-green-mermaids-ipso-complaint/>.

<sup>240</sup> Waterson, Jim. "Richard Sharp Resigns as BBC Chair after Failing to Declare Link to Boris Johnson Loan." The Guardian, April 28, 2023.

<https://www.theguardian.com/media/2023/apr/28/richard-sharp-resigns-as-bbc-chair-after-months-of-mounting-pressure#:~:text=Richard%20Sharp%20has%20resigned%20as%20from%20the%20corporation%27s%20good%20work%E2%80%9D.>

<sup>241</sup> Rusbridger, Alan. "How the Government Captured the BBC." Prospectmagazine.co.uk, 2024.

<https://www.prospectmagazine.co.uk/ideas/media/64534/how-the-government-captured-the-bbc>.

<sup>242</sup> Maher, Bron. "BBC Warns 6.7% Licence Fee Rise Will Lead to £90m Further Cuts." Press Gazette, December 7, 2023. <https://pressgazette.co.uk/publishers/broadcast/bbc-licence-fee-rise-lower-commercial-funding-review-2023/#:~:text=The%20BBC%20itself%20reported%20on.400m%20funding%20gap%20by%202027.>

- For the longer term, the Government has announced that it will establish an expert panel to review the future funding of the BBC, stating that the members will ‘incorporate a broad range of views from experts in the broadcasting sector’.<sup>243</sup> No independent, transparent process of appointment to this panel is envisaged to ensure a genuine range of views; its members will be chosen by the Government, further subjecting the BBC to party political influence.

*Questions proposed by CPF:*

- *Will the UK Government cease the progress of the Media Bill and commit to enacting Section 40 of the Crime and Courts Act 2013?*
- *What steps will the UK Government take to protect BBC journalism from political interference, or potential interference? Will it reform the appointments procedures for trust members and the chair, and the chair of Ofcom, to ensure they can never be abused for party political ends?*
- *Will the UK Government institute an independent public inquiry into the press industry in light of the abundant evidence of exceptionally low levels of public trust in the UK print news media?*
- *How will the UK Government ensure a sustainable future for a genuinely plural and independent local news ecology in light of the demise of local newspapers?*

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<sup>243</sup> Department for Culture, Media and Sport. “BBC Licence Fee Review Launched as Action Taken to Ease Rises.” www.gov.uk, December 7, 2023.  
<https://www.gov.uk/government/news/bbc-licence-fee-review-launched-as-action-taken-to-ease-rises>.

## 14. Questions.

- **Migration and undermining the UK's human rights framework:**

- Will the UK Government ratify the Optional Protocol to the ICCPR?
- Will the UK Government cease progress on the Safety of Rwanda Bill and instead strengthen its commitment to its obligations under the ECHR and other international treaties across the asylum system?

- **Islamophobia:**

- Will the UK Government commit to adopting a definition of Islamophobia that is arrived at through meaningful consultation with Muslim communities?
- Will the UK Government commit to proactively addressing the existence of structural, institutional, and public Islamophobia?
- Will the UK Government commit to a root and branch review of Islamophobia within its own party and support other major political parties to do the same?

- **Securitisation:**

- Will the UK Government withdraw its commitments to the recommendations of the Shawcross report and immediately engage with the critical analysis of PREVENT that has been provided by the People's Review of PREVENT, academics, policy experts, and the UN itself?
- Will the UK Government impose a moratorium on the practice of nationality deprivation until it has revised its legislation ensuring that the powers comply with international standards and its human rights obligations?
- Will the UK Government publish data in a timely manner on the use of nationality deprivation powers disaggregated by protected characteristics including religion, race, sex, and age?

- **Policing and the justice system:**

- Will the UK Government initiate an independent review into the role of political and media discourse in patterns of hate crime directed at minoritised communities?
- What progress has the UK Government made in implementing strategies to address discriminatory policing practices and address the deficit of trust between minoritised communities and the police?
- What progress has the UK Government made in implementing strategies to address the overrepresentation of Muslim and ethnically minoritised communities within the criminal justice system?

- In light of the recent High Court ruling, what steps will the UK Government be taking to urgently address the lack of funding that has brought the UK justice system to the point of collapse? In what ways will it specifically address the lack of access to legal aid that impinges on people's rights to representation and fair trial?
- Will the UK Government initiate an independent review into the protection of ICCPR rights in the context of prisons?
- **Freedom of expression and political participation:**
  - Will the UK Government overturn provisions of the PCSC and Public Order Act that contravene ICCP rights?
  - Will the UK Government cease progress on the Economic Activity of Public Bodies (Overseas Matters) Bill and other legislation designed to stifle legitimate activism in support of Uyghurs, Palestinians, Kashmiris, and other oppressed peoples?
  - Will the UK Government implement strategies in conjunction with all major political parties to encourage and support racially and religiously minoritised individuals to participate in politics, including positive action to achieve demographic parity in representation in Parliament?
  - Will the UK Government overturn the photographic ID requirements for voters introduced by the Elections Act 2022?
- **Hindutva**
  - Will the UK Government address the concerns raised by Muslim communities in Leicester regarding the independent review into civil unrest in Leicester and its lead, Lord Ian Austin?
  - Will the UK Government carry out an independent investigation into the role of global actors and funders in the demonisation of Muslim communities in domestic discourse?
- **Violence against women and girls:**
  - Will the UK Government remove its reservation of Article 59 of the Istanbul Convention?
  - Will the UK Government update its policies on data sharing between police and Immigration Enforcement to ensure that migrant victims of domestic abuse are not prevented from accessing support from police and statutory services?
  - Will the UK Government outline a strategy for adequately funding and resourcing specialist services designed to support victims of violence that are

disabled, LGBTQI+, ethnically and/or religiously minoritised, and those with insecure immigration statuses and no recourse to public funds?

- **Charities:**

- Will the UK Government urgently implement a strategy to revive its relationship with Muslim organisations working across the third sector?
- Will the UK Government initiate an independent investigation into the policies of financial institutions that may be having a discriminatory impact on Muslim organisations?

- **Muslim children:**

- Will the UK Government commit to the immediate removal of PREVENT duties from school and nursery settings?
- Will the UK Government implement a strategy to ensure that schools nurture and respect the religious expression and practice of both students of faith and those with no faith?

- **Media:**

- Will the UK Government cease the progress of the Media Bill and commit to enacting Section 40 of the Crime and Courts Act 2013?
- What steps will the UK Government take to protect BBC journalism from political interference, or potential interference? Will it reform the appointments procedures for trust members and the chair, and the chair of Ofcom, to ensure they can never be abused for party political ends?
- Will the UK Government institute an independent public inquiry into the press industry in light of the abundant evidence of exceptionally low levels of public trust in the UK print news media?
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