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Joint Committee on Human Rights

Oral evidence: [Freedom of Speech in Universities](#), HC 589

Wednesday 29 November 2017

- **Mr Liron Velleman**, [Union of Jewish Students](#)
- **Mr Andrew Copson**, [Humanists UK](#)

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Members present: Ms Harriet Harman (Chair); Fiona Bruce; Joanna Cherry; Baroness Hamwee; Baroness Lawrence of Clarendon; Jeremy Lefroy; Baroness O'Cathain; Lord Trimble; Lord Woolf.

Witnesses

Mr Liron Velleman, Union of Jewish Students; **Mr Ben Ryan**, Theos; **Mr Andrew Copson**, Humanists UK; **Mr Yusuf Hassan**, Federation of Student Islamic Societies; **Ms Charlotte Moore**; **Ms Alyaa Ebbiary**.

Questions 13–25

Examination of witnesses

- Q13 **Chair:** Welcome. Thank you for helping us by coming to give evidence to our inquiry into free speech at universities. We are the Joint Committee on Human Rights, so half of us are from the House of Lords and half from the House of Commons. As you know, there has been a lot of controversy about whether there is too little or too much free speech going on at universities. What is actually happening? Is there a problem or not? If there is, what is it and whose responsibility is it to solve it? That is the breadth of our canvas here. I shall kick off with the first question. I would like to zip down all six of you of the panel. Please answer very succinctly, short and sharp, if you can possibly manage it—think Twitter, but not the Donald Trump type of Twitter—in the following terms. The Higher Education Policy Institute has said that 83% of students feel free to express their political opinions and views openly. Do you believe this to be true? If not, in what ways and to what extent do students in general and specific groups feel restricted in their speech? Can you give us concrete examples of where free speech has been interfered with unjustifiably? Do you think there is insufficient interference in free speech that impinges on other people? You can answer whichever of these questions you want, by the way. If 17% of students feel they cannot express their views freely, should we be happy with that?



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Mr Liron Velleman: Good afternoon, everyone, and thank you for inviting us here today. I am the campaign manager for the Union of Jewish Students. We are the national representative organisation for around 8,500 Jewish students who study on around 65 campuses in their Jewish societies. We support Jewish students with their social, cultural, religious and educational activities on UK campuses. We run innovative campaigns on issues that relate to Jewish student experiences. Freedom of speech is a topic that is very close to Jewish students. While open debate and discussion are paramount in the UK and around the world, we also want to make sure that Jewish students are safe on UK campuses. In the 1970s the UJS was at the forefront of the no-platform policy—I am sure we will discuss this a lot today—when the National Front, a far-right organisation that I am sure is familiar to everyone here, was organising on campus and running in student union elections but also beating up Jewish students on local campuses and at National Union of Students conferences. The UJS was at the forefront of kicking it off campus. In the 1990s and early 2000s the threat came from different groups, such as Hizb ut-Tahrir and al-Muhajiroun. Again, the UJS was at the forefront of saying that these groups should not exist on UK campuses. Only two or three years ago, when another neo-Nazi far-right group, National Action, was on campus and intimidating both Jewish students and others, the UJS at the NUS national conference said no to them as well and no-platformed them. That was followed by the Government proscribing them as a terrorist organisation. We see ourselves as being at the forefront of changing the narrative, not just in the student world but in society in general. I would say, though, that there are times when Jewish students, who for the most part have a very positive time on UK campuses, do not feel they can freely express themselves. That arises particularly when the subject of Israel/Palestine comes up on UK campuses. There have been times when Jewish students have had events that they wanted to put on around the subject of Israel and Palestine and, even if the event has gone ahead, the university has not done enough to protect their freedom of speech, such as not putting in the correct security procedures and allowing for violent protests that mean the police have to be called to the campus. That has happened twice in the past 24 months. We have had instances at events of people throwing chairs or jumping through windows. That, for sure, means that some Jewish students feel that their freedom of speech is impeached by that.

Chair: Thanks very much. Perhaps you can write to us with the details of those important individual cases that you mentioned.

Mr Ben Ryan: I am from Theos, a religion and society think tank that conducts research and comment around religion and society. My particular role is that for the past few months I have been running a project on faith on campus. I have travelled to a lot of universities up and down the country talking to students and particularly faith societies about what their experiences have been, tackling a lot of these issues around safe spaces and free speech but more generally what it is like to be a student of faith in different universities. My specific answer to your questions is that individually that would hold true. I have talked to many individual students and not many have felt that they are not able to express their views about things on campus as individuals. If there is an exception to that on particular courses, it might be people with right-wing views, due to their lack of popularity rather than being told that they cannot share them.



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Where I think the difference comes in, and I echo what Liron was saying, is in societies. It is where clubs and societies within a university are booking speakers or trying to organise events of their own where a tension has come in. Some of the examples are quite prominent, as you have heard. More generally, quite a pervasive culture of fear and self-censorship has built up in lots of societies that feel that the burdens placed upon them to book speakers, comply with the rules or work with student unions exceed what they should be, and that this has caused a chilling effect on their ability to operate as healthy societies within a university.

Mr Andrew Copson: I am from Humanists UK, which was the British Humanist Association until earlier this year. For the last 50 years we have had affiliated student societies on campus in different universities, and we are now organised into a section called Humanist Students. I agree with what Ben just said about the statistics that you gave at the beginning probably reflecting reality, or certainly our members' experience of it. It is mostly not a problem, especially at the individual level. The problems come much more when like-minded people try to associate on campus and share, discuss and perhaps promote their views. Seven of our societies in the past five years have either been banned or had their meetings disrupted or their material censored by student unions. In almost every case the university has then reversed the student union decision—

Chair: On what grounds were they banned and disrupted?

Mr Andrew Copson: The main grounds, where it was not intimidation by other students, were religious offence, the accusation being that some image, text, event or speaker would cause offence to other students on religious grounds. It was therefore not to be permitted because it would cause a hostile environment for people with religious beliefs. The student unions then sought to explain why they thought that, and it was largely what we would see as a misapplication of Equality Act and the public sector equality duty. The stated motivation was to eliminate offence for students. Through that misapplication of equality law by student unions, most cases of which were eventually reversed by the universities, or through intimidation—two of our examples would be when members of Islamic societies or individual Muslims disrupted events in order to stop them from continuing—a number of our societies have had their speech restricted in practice in the last five years. As I said, that is a minority experience, but seven out of 40 or 50 societies is quite a significant proportion.

Mr Yusuf Hassan: I am here on behalf of FOSIS, the Federation of Student Islamic Societies, an organisation operating over the last 55 years to represent over 135 Islamic societies on campuses across the country and in Ireland. If we were to break down that 17% ethnically—I am assuming that that is impossible—I would not be surprised if a large number of them were Muslim students. Many Muslims on campuses with whom we work, from the 135 societies that I mentioned, feel uncomfortable with their free speech being impeded, whether that be while they are in societies or even in lectures. They feel that because they are Muslim students they are seen as different from other students and put under some form of special magnifying glass that prevents them from making their views clear, due to them being intimidated by the



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ramifications of the Prevent duty, which we as an organisation have a stance against.

Ms Charlotte Moore: I am a third-year undergraduate studying theology at Bristol University and a practising Christian. I am also a research assistant for Professor Alison Scott-Baumann, who is running a project on representing Islam on campus. I feel that I can speak freely on campus, but I am also aware of the privilege that I have as a Christian in a predominantly Christian university. It is important for different faiths to build bridges, but it is difficult to do this if one of these faiths is under suspicion, which seems to be the case within my university as regards Islam, as you say, with the Prevent strategy.

Ms Alyaa Ebbiary: I am a doctoral student in anthropology at the School of Oriental and African studies in the University of London. My research is on religious and secular education through case studies of Islamic higher education in the UK. I have worked and studied in a number of universities over a number of years and, although I am not currently involved in student activities—I might have been in the past—for the purpose of coming here I have consulted and inquired and have sought advice from a number of different student representatives and student union officials at my own university and at other universities. The feedback I have had is unanimous, in that it seems that Muslim students and students who are involved with campaigns related to Palestine or BDS—boycott, divestment and sanctions—are disproportionately affected by issues around free speech on campus, particularly pressure from government and the Charity Commission conforming to the Prevent agenda.

Chair: Can I just put to you, Liron and Yusuf, things that have been put to us in a previous evidence session. Liron, what would you say to the people who come to give evidence to us who say, "Okay, you've got your view; so long as no one is assaulting somebody and doing criminal damage"—obviously, some of the examples you mentioned amounted to that—"rather than no-platforming and short-cutting, why don't you just argue your case and win the argument?". The question to Yusuf is: people who are arguing for the Prevent argument, such as government Ministers—who have obviously promulgated the Prevent policy—will put to us, "Nobody wants our universities to be a breeding ground for people who, ultimately, with these ideas, become animated to go out and kill other people, therefore aren't you on the wrong side?". Those are caricatures of what people have put to us in writing and in previous evidence sessions.

Mr Liron Velleman: As we are a democratic organisation we have a policy on no-platforming, and I will refer to parts of that in my answer. We are not an organisation that says that if people are offended or wish to shut down debate, we will use no-platforming. For us, no-platforming should be used in very limited circumstances, and we have a clear red line on that. If it is a speaker or an organisation which has a history of inciting violence against a particular protected characteristic, it should not have a platform to speak on campus. The groups that I mentioned earlier—the National Front, Hizb ut-Tahrir, al-Muhajiroun, National Action, and so on—have a violent history and wish to cause violence to Jews and to other groups on campus, and they should not have a



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platform. We often call for universities to take into consideration when there are speakers that we may not agree with or who may cause offence on campus. We usually work with those university institutions and student unions to make sure that there may be an independent chair or that they may have consideration for how security measures are in place to protect the right to protest, whether that is inside the room or outside the room, to ensure that different groups can ask questions and that if there is a speaker that a particular group on campus disagrees with, there is an opportunity to present a different speaker in a subsequent meeting. However, we very rarely call for an event to be banned—in my year and a half at the Union of Jewish Students that has happened only once. That was only two or three weeks ago at University College London, where a speaker, Dr Azzam Tamimi, was invited, who has made comments in the past on BBC radio and elsewhere, saying that suicide bombing in Israel is a noble cause and he wishes he could do the same in Israel. For us at UJS that is clear incitement to violence. He has not reneged on that opinion anywhere publicly and he was allowed to speak on a British university campus, and for us, that is unacceptable.

Mr Yusuf Hassan: On tackling the question of radicalisation and extremism on campus, it is clear for us—and for myself—that it is a huge issue, and as a society we are all agreed that it is an issue. However, if we are looking substantively with an evidence-based approach, there is not clear evidence that shows that universities are breeding radicalisation and extremism. There are not clear cases where this has taken place. It is often hearsay propagated by elements of the media. While we recognise the rights of individuals on campuses that may be propagating messages that may be difficult for us to stomach and which we completely disagree with, if individuals are trying to contravene the law and are saying things that are illegal, they should not be allowed to speak on campuses. Our concern is that individuals are saying perfectly legal things, but because of their background—because they are Muslim—we feel that they are treated differently.

This is not coming just from me; this is coming from me as a former Islamic society president on campuses. As an Islamic society president you have to do the amount of bureaucracy required of a part-time job just to sustain the society. As an Islamic society you have to fill in an excessive number of forms—Ben will definitely agree with me on this—and there are often safeguards on the events that do not make sense. I can give an example from a couple of weeks ago at Kings College London, when there was an event on Islamophobia. The event was seen to be one that should be given extra security, and it was securitised in such a manner that there had to be an independent chair to ensure discussion and that the speaker could be challenged. What world are we living in when we are asking that events on Islamophobia be places where speaking can be challenged? This is what happens when policy is not understood and when it is applied in an incorrect manner.

Chair: Thank you. So you are raising a point about discrimination as well as freedom of speech. Thanks very much for both those answers

Q14 **Lord Trimble:** I would like to put a question to Yusuf because it is here in our briefing and he should have the opportunity to respond to it. I



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understand that the government review of Prevent concluded that FOSIS “could and should do more to ensure that extremists will be no part of any platform with which it is associated”. That was six years ago. How have things gone in the years since?

Mr Yusuf Hassan: That claim was something we immediately disputed. FOSIS has always had a transparent relationship with the Government and parts of the government, trying to engage and work as best as we can on tackling radicalisation and working together to ensure that radicalisation on our campuses is rooted out. We have always made it clear from the start that we feel that a community-based approach is always better to deal with these issues. Often these individuals are not within university frameworks and do not understand the context of universities, putting together policy and making statements about things they do not understand. We have always wanted a more transparent and closer relationship with government. Unfortunately, we have not always had that over recent years, but we are starting to redevelop it, and I hope this discussion and giving evidence here will be a method for us to restart those discussions.

Q15 **Fiona Bruce:** I have some questions for Ben. You have told us that your organisation, Theos, is carrying out some research into the place of freedom of speech in universities. We would be interested to know why you have decided to carry that out and what data set you are using. Then, to pick up on some of the points that have just been made, Article 10 of the European Convention on Human Rights guarantees freedom of expression, and it is applicable not only to ideas that might be inoffensive but also to those that might offend, shock or even disturb people. However, it is a qualified right, so it can be interfered with if, for example, the interference is proportionate. An example of that might be if that speech will incite violence. My question is: to what degree would other interference be proportionate and appropriate?

Mr Ben Ryan: We decided to do the project because this is a big issue, which people like you are discussing. That is why we took it on in the first place. It is looking to map every single faith and belief society—we would include humanist societies in that—that are currently present on UK campuses, and we are doing that at the moment. There are also a number of case studies in different universities, finding out what societies are doing and how students are feeling—questions of that sort.

My answer to your second question builds on what you have just said. I will give you an example. I was on a case study last week. I visited a university, although for various ethical reasons I cannot tell you which one it was. The project has an ethics board from Coventry University and we have support from the student union, yet society after society that we went to said, “Ooh, we’re not sure. The rules are really tough. We need at least three weeks’ notice and we need to fill in some forms. We’re not sure you can sit in a room. We don’t know how that works. We are worried about having this. We don’t want to be seen to be breaking the rules”. We were not external speakers; we were researchers with permission from the student union to observe what students were doing, but this kind of pervasive fear that the rules are going to catch people out and the feeling that societies are under pressure was widespread. I am not even talking



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about ISOCs or the ones where there have been potential flashpoints in the past; I am talking about Christian and Sikh groups. Every single group has been caught up in the crossfire of this blunt-instrument approach to fixing the situation. When we are talking about the proportionality of response, I think the balance is currently wrong. An excessive burden is currently placed on faith societies. An example of that would be something like “safe space”. I know you had people from *Spiked* at one of your previous evidence sessions, and *Spiked* will give any university that has a safe-space policy a red mark. The thing is, safe-space policies work differently in different contexts. If you join the Oxford Union, that might be an inappropriate place to have a safe-space policy, but if you are a group of Sikh students meeting privately to have some sort of link back to your community and enjoy familiar food, you are not there to have a discussion about the rights and wrongs of your identity—you are there to meet other students. Safe-space policies are much maligned but their context is absolutely crucial. When you have outside organisations and media groups hammering societies for having those policies and putting those burdens on them, that is not conducive to cohesive campuses and not helpful for the experience of minority groups in particular.

Baroness O’Cathain: I want to know who “they” are who make the final decision. Is there any way, when this kind of decision is made, to go back to it and to bring up other points that perhaps in the heat of the moment had not been brought up?

Mr Ben Ryan: That is the great challenge. If you are running a student society at most universities and you want to book an external speaker, it depends slightly which university you are at but the minimum that I have heard is 10 days’ notice, while the maximum is closer to 30. You try to get students to organise anything 30 days in advance; I promise you that that is a serious challenge in itself. Still, that is the rule. You fill in a set of forms about who the speaker is, and the forms go to the student union. The student union is not the university; it has a different legal status. Who it goes to within the student union also varies from university to university. My best assessment of what happens then is that the person that it goes to googles the speaker and comes to a decision off their own bat as to whether that is appropriate. I query the theological, legal or policy expertise of most of those people to make that decision. What we see from that is a huge variance of the way in which the Prevent guidelines are understood and enacted from student union to student union, so that in the more extreme cases you have student union officers saying that when speaker forms come in from their Islamic society, they are more likely to say no than yes because they do not want the hassle of accidentally picking the wrong person.

Chair: I noticed quite a lot of nodding there. Do the witnesses go along with Ben’s description of how it works, with a long lead time and no expertise?

Mr Liron Velleman: For the most part, I definitely agree with the assessment of how the system works, but I guess I would give the opposite analysis. Before Prevent and the current external-speaker guidelines system, there were cases—probably before I was even born—when some universities did not check which



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speakers were coming on to campus and some groups brought people from Hizb ut-Tahrir, al-Muhajiroun, the National Front and others. I am not claiming that the current system is perfect or even good; I merely suggest that there has to be a system. When there are hundreds of societies on each campus and hundreds of campuses in the country, we have to think about the best way to ensure both that there is never a time when students feel they cannot bring a speaker that they wish to and at the same time that no one on campus, if that speaker is brought in, will be in fear of their physical safety. That has happened throughout campus life up until this point. We may have gone too far, but I would not want to completely row back external-speaker guidelines and forms to the extent where hate speakers would be brought to campus on a regular basis that university authorities or student union authorities were not aware of.

Fiona Bruce: I have a quick supplementary question. You say that we may have gone too far. Do you think we have? That is a question to all of you, in the hope of a Twitter response. Have we gone too far? These are universities where minds are being taught to explore.

Mr Andrew Copson: In direct response to that question, the most important thing in what Ben said was that it is not clear, when the decision-maker is making a decision, what framework they are doing that in. It is not a question of things having gone too far, but things are certainly not clear or transparent. The decision-makers in the student union, or later elsewhere on appeal, lack a clear framework for making their decision, and therefore people applying to have a speaker—and our societies have fallen victim to the same bureaucracy in the same way—lack the knowledge of what that should be. If the question is what sort of framework that should be, it should be one where there is a strong presumption under Article 10 in favour of free speech, with some very limited guidance on when it might not be appropriate. That is where it goes wrong: people are flailing around. Often these might be student sabbatical officers who are trying to make very difficult decisions, and they are quite undersupported by the system as well.

Mr Yusuf Hassan: I agree with what Andrew has said. I would add that we need to understand that universities are intrinsically places of debate and discussion. With some of the policies mentioned, the concern is that debate and discussion are starting to lose their ability to take place on campuses because people no longer feel comfortable with holding these discussions, knowing that the amount of bureaucracy required to hold them is not worth it. The sad reality is that I might as well just take my views to social media. More than anything, what we, this inquiry and this Select Committee require to protect free speech is to look at the specific guidelines and ensure that they are done properly.

To add to what Ben said, this Google searching is not something that happens on one or two campuses. I have visited between 90 and 100 campuses over the years, and I can tell you that the vast majority operate a traffic-light policy: they will google a name and look at the first five results. If among those results they see some controversial things, often the event will be cancelled or you will be given a level of scrutiny that will be passed on to the university or a higher body within that student union. Is that a method that we should be encouraging? Not really, because we all know what happens when the media go after an



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individual, at least in some cases. Yes, in some cases it is completely correct that the individual may have said problematic or indeed illegal things that should not be said on campuses. However, if an individual is unfortunate to have been attacked by the media about something trivial, the person at the student union may not even have the energy that day to read the actual articles but may instead just say, "No, this person isn't coming on to our campus". This has happened on countless occasions, and our written evidence that we will be submitting will include examples of it.

Chair: Before I bring Alyaa in again, it sounds to me as though all of you, Yusuf to a lesser degree, have bought into the idea that it is ultimately not your responsibility, but that you make proposals to bring somebody in and there should be guidelines which are administered, there should be people with more training and there should be policies. Let me put the other polarity of the argument to you, which is that you are students, you are grown-ups, you are there to pursue your higher education, so why do you accept the university authorities deciding this for you? Why do you not decide it yourself rather than expecting the hierarchy, as it used to be called in the olden days, to make that decision for you? Are you not ceding to them too much authority over you? Should you not be taking back control, to use a phrase? I will bring Alyaa in to say whatever she wanted to say and to start the response on that point.

Ms Alyaa Ebbiary: Students and student unions are trying to take back control. They are trying to come to their own agreements and their own conclusions about what constitutes free speech on campus, but very often they do not have a choice because of pressures from above, from the Charity Commission and the Government. They are pressuring not only student unions but universities as well. I was speaking to the director of our student union who showed me a letter from the Charity Commission outlining specifically and explicitly who to scrutinise more and which student societies to try to pressurise and curtail. In a university that prides itself on diversity of political opinion and on a lively and vivacious student activist body, I find it quite tragic. I echo what Yusuf said. It has got to a point where students are feeling quite stifled on campus, and they will go elsewhere. That is not what we should be doing. We should be encouraging students to grow, learn, have fruitful discussions and make mistakes. Ten years ago, I was involved in an Islamic society in a small university in the north. I was in charge of organising an Islam awareness week. I invited three speakers, one of whom turned out to be a bit of a firebrand. He did not say anything sexist, homophobic or racist, but I was not comfortable with his approach. I felt it was a bit of clash of civilisations, a bit confrontational. I needed to do that in order to know what kind of ideas were out there. I needed to do that with my peers and my fellow Muslim and non-Muslim students to be able to discuss what he and others were saying openly. I am glad that I was able to do that. That was more than 10 years ago. Now, I do not feel that is even possible. I was told recently by a member of an Islamic society on my campus that a speaker who I am not personally a fan of was invited to speak on Islamic finance. He has a history of saying not pleasant things about women and gender. He did not speak on those matters when he was invited, but the Islamic society was lambasted quite significantly by the media and social media and pressurised by the university for bringing him to speak on something quite



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specific, limited and useful for a particular discussion about ethical finance by a student society. I have a number of much more difficult examples of free speech being curtailed by student unions and university authorities. It makes me very sad, as a student and an educationalist.

Chair: Thank you. Perhaps you could persuade your colleague to send us a copy of that letter because we are interested in the Charity Commission's angle on this.

Q16 **Baroness Hamwee:** I am reversing what you are expecting me to say. To pursue that, Andrew, the humanists have suggested that there should be national guidance, and you talked about a framework for decisions. What should the framework cover? What should it be—this is for everybody—if you agree that there should be one? What is lacking in existing freedom of speech policies?

Mr Andrew Copson: Our suggestion was based on our experience over the past five years when we have had material produced by our societies banned or censored or events disrupted, which has caused problems. In almost every case, there was uncertain or uneven application of whatever rules the student union thought it was applying at the time, never mind whether it was applying them correctly. The idea of guidance was something that we want to promote. In terms of content, we would definitely want it to have a strong presumption in favour of freedom of speech and to lay out quite clearly the university's obligations in that regard because, as I said at the beginning, although student unions have often tried to stop events and ban material, universities—in our case at least—have invariably reversed their original decision because they recognised their obligation to promote free speech. The guidance should then lay out, perhaps in the context of what was heard earlier on, the circumstances in which that right to free speech might in principle be qualified and where in practice the line might be drawn. Clearly, incitement to violence is a crime, so there are clearly areas of criminal activity that people, if they suspected that it might occur, might be asked to deal with. I guess what would be difficult would be dealing with student sabbaticals and student union officers who might not be very well versed in legal technicalities or even in general ideas of compliance, so there might still be problems around how they made their judgment about how likely it is, on what balance of probabilities or on what sort of doubt or risk really existed. If the principles were clear, we would be in a better position than we are in at the moment.

Baroness Hamwee: I will throw in something else. I have been hearing from all of you that the relationship between student unions, student organisations and university authorities is very much a matter of us and them and a sort of top-down imposition of their decision. I have wondered about that relationship and about whether advice is available. It seems as if they go straight to a decision.

Mr Ben Ryan: That is actually what I was going to say. Crucial in this, and partly driven by media narratives around this, is the assumption that the student union and the university are somehow one and the same thing. Of course, legally they are completely separate organisations and bound by completely different rules. Universities have to promote free speech. Student societies are



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charities and their trustees are called to protect the organisation. I can well imagine a situation where, if I were a student union trustee, it would definitely be better for the defence of my organisation not to have a controversial speaker associated with the campus. That would be fully fulfilling my duties as a trustee in that sense. Any guidelines would have to take account of the slightly curious three sets of relationships. There is the relationship between the student union, which is doing one thing, the university which is doing another thing, and the student societies which are usually, but not always, affiliated to the student union. Any guidelines would need to be really careful to spell that out because it is very easy to put higher and higher burdens on universities and to criticise student unions, but actually their hands are tied bureaucratically. They have to follow certain rules, and they have to protect the organisation as the rules stand.

Chair: You mentioned guidance, Andrew. Why are you not advocating a situation in which you are free to do what is lawful, and therefore the guidance is simply information about what is inside the law and what is outside the law? Why do you want to go beyond that to have some sort of guidance?

Mr Andrew Copson: The most useful guidance can often contain illustrative examples and case studies that are a useful steer to people who are making decisions. You will pick up in the course of your inquiry—even today, you have picked this up—that certain scenarios arise. For example, I would say that a case study in guidance on something that would always be wrong would be for a student union to prevent a student society holding a meeting or publishing materials in which beliefs were ridiculed or where offence might be caused purely on the grounds of belief. Personally, although obviously others may disagree, I say that it should always be permissible for people to have events or to print materials that say that humanists are pie-eyed optimists or that atheists are deluded or that Christians are members of a death cult or that Muslims want to take over the world or whatever other, even very questionable and dubious—none of those sentiments do I agree with, by the way—points of view might be out there.

To say that that sort of thing was always acceptable because it was just about offence and ridicule and that would never be unacceptable would solve a lot of problems—certainly, none of our societies would have had their events banned or their materials withdrawn or censored if that simple case study had existed in guidance. To some extent you are right: if it is the law, it is the law, so why do people making the decisions not already know the law? Actually, they do not in practice so guidance would be useful there. The main impact of good guidance, whoever issues it—whether it is the EHRC or NUS or EC or whoever—would be to contain case studies that lay out the law for people so that they could apply it. That is often what is missing—among people who are inexperienced in applying principles in this way.

Baroness Hamwee: A survey of about 50 major students' unions found that none of them had banned speakers in the previous year. Should we be worried about unsuccessful attempts to ban free speech? We have had comments on this already about self-censorship and being under the magnifying glass. Does anyone want to say anything about that?



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Mr Liron Velleman: I would like to tackle a few of the points that have been raised. On the national framework, I would make sure that it did not come from a governmental authority that made it look like a legalistic framework because, as alluded to earlier by Chair, it should be students leading this battle. When it was legal to be a member of National Action and come to campus and be aggressive and violent towards Jews, black people, LGBT people, women, et cetera—at the time it was not a proscribed terrorist organisation—students stood up and said, “No, this is not okay”. Now the Government have proscribed it and the law is in place. There are times when students feel that the law has not caught up and students should be leading that fight. I would not want to see it simply as what is and what is not the law, because there are times when students say the law is not fit for purpose on campus and want to change that, not just for campuses but for society.

On the point about student unions and universities, this is a constant struggle that we have at the Union of Jewish Students. When we hear about local incidents of anti-Semitism on campus, those will be taken to any number of bodies on that campus: the university, the student union, the student advice centre—which could be in either the university or the student union—the local Jewish society, the local campus police officer, campus security and so many other bodies that I could mention. There is usually a lack of joined-up thinking when those groups work together. Sometimes that comes from a mistrust between the student union and the university on higher education funding or lots of other reasons. But for our students, when there is no joined-up approach to the different services available for students, whether that is the welfare support they need to receive because they have been the victim of a hate crime or the support they need to receive in dealing with whatever the incident is, that lack of joined-up thinking is putting students at risk.

I mentioned the example from UCL of an event that the UJS felt should not have been allowed to happen. It was an odd moment for us, because both the university and the student union were trying to absolve themselves of responsibility for the event. Each was passing it to the other institution. I do know that there have been events cancelled by a body, whether it is the university or the student union, on a number of campuses, so I would not take that survey as the holy gospel—if I can use that term.

Q17 **Lord Woolf:** You have made it clear that you feel you need greater guidance. To amplify that, I want to know two things. First, who do you think the guidance should be given by? If it is governed by a body that has extensive jurisdiction in relation to universities, should it be university-specific or should it be general? Secondly, does the fact that you are looking for guidance indicate that we have got ourselves into a real mess here because there is too much legislation already? Is there a danger that unless we are very careful the guidance will make it even more complicated?

Mr Andrew Copson: On your first question, the EHRC produced excellence guidance on gender segregation at events and meetings in universities in response to a string of similar incidents, which provides a good model. It is not quite government but it is the body that has to do with human rights in this country and therefore it can speak with legitimacy about Article 10 rights and



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how they should meaningfully be applied in public bodies. Your second question was about whether there has been too much legislation. In addition to guidance, one of the things we would recommend—however unlikely it is to actually happen—is that the sections of the Equality Act that prohibit harassment on grounds of religion or belief should be looked at again if they are being misapplied to create a chilling effect on free speech on campus. Obviously, their intent is to bring religion and belief into the group of protected characteristics when it comes to harassment, but if the effect is to chill free speech in particular contexts, that might be an example of the law having gone in an unhelpful direction. We said this at the time, actually, in 2006, when religion and belief were included in harassment.

Mr Ben Ryan: Very briefly, there is already quite good guidance on Prevent. The problem is, most student unions do not understand the difference between guidance and legislation. The guidance document on Prevent, which includes the dangerous line—

Chair: Whose guidance are you reading here, Ben?

Mr Ben Ryan: This is the official *Prevent Duty Guidance for Higher Education Institutions in England and Wales*, which includes the line, “when deciding whether or not to host a particular speaker, RHEBs should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups”.

Chair: That is definitely a very odd line.

Mr Ben Ryan: It is a very odd line and what we found, talking to student unions, is that a lot of them think that that is law.

Chair: They might share a love of vegetarian food.

Mr Ben Ryan: A lot of them think it is law and there are several student unions that are worried when they are looking at external speakers that that is precisely what the law says. There is guidance. I do not think the guidance is that bad but clearly, it is not being taken in the same way by every student union—you almost need a guidance document for the guidance document.

Mr Andrew Copson: That is just guidance on Prevent, by the way. I think we need to separate Prevent issues from other free speech issues.

Q18 **Baroness O’Cathain:** Do religious groups or those of other world views feel a duty to say things despite the fact that others might find them offensive? Is this sometimes conflated with politics? Mr Ryan.

Mr Ben Ryan: That is very difficult to say, because the quantity of religion- and faith-based societies in UK universities is enormous and what they do varies drastically. The university that I was at last week on one of the case studies, a 1992 group ex-polytechnic university, had at least 15 religion- and belief-related societies. Six or seven of those were various forms of Christianity. What they do varies drastically from group to group. Of course, even within one that is consistent, students have a horrible tendency to graduate and the next group



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that comes through might hold very different views, so some societies change character drastically from year to year, depending on who is on the committee and what they are doing. It is a very difficult question. It is very difficult to pin down exactly what a society is and what it is doing.

Chair: This slightly doubles back, but this business about the timescale—do you have any desire for spontaneity and catching the moment and being up to date with what is happening and wanting to hear from somebody straightaway if they are in the news? Are you happy to wait 10 days or two weeks while the machinery grinds?

Mr Liron Velleman: There are incidences in some student unions—I am not saying in all—that allow for emergency speaker forms based on a specific incident, for example, when a party-political society is told at the last minute that the leader of their party is going to come to speak on their campus. They are usually given a day or two's notice and there are provisions in place to deal with that. I have also seen forms where, if there is a particular national, international or local event that would inform the fact that someone wanted an external speaker, there are provisions in place. I am not sure how widespread those documents are and obviously those incidences will make it harder for student unions, universities or whichever body is going to monitor who is speaking on campus to make the decision in that timeframe. If we are saying the day after, then rather than a day or two to make that decision, whether it is made in the correct way or not, they probably have 10 to 20 minutes, and I am not sure how that will lead to a better system of ensuring that there are not speakers who are propagating violence on campus on specific issues. It might happen only once or twice on one campus in one year, but I assume that we would not want that to happen.

Jeremy Lefroy: On a slightly different area, the public sector equality duty, how much weight do you think universities should give to it when making decisions about who can speak at universities? Clearly there will sometimes be a bit of conflict between the various equalities. Would anyone like to speak on that?

Mr Andrew Copson: Our societies have had precisely this duty used against them in terms of it being given as the reason why their activities, either materials or events, are being curbed.

Jeremy Lefroy: Will you give us an example?

Mr Andrew Copson: Yes, sure. We will send in our evidence with specific examples from the past five or seven years. In 2012, at UCL, a society that used images from a web comic where Jesus and Mohammed are friends who live together, Morecambe and Wise-style, on one of its Facebook pages, it was ordered to be removed or the society would be suspended. The reason given was that the student union had an obligation to create an atmosphere on campus that did not lead to anyone feeling, in the words of the public sector equality duty, discriminated against, harassed or victimised. That same wording and justification was used to prevent T-shirts with the same web comment being worn at LSE, to have posters that pastiched the creation of Adam removed at Southbank University in 2014, to prevent the humanist society having its stand



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at Reading freshers' fair when it named a pineapple Mohammed as a way of illustrating the line between satire and free speech, and so on and so forth. There were numerous occasions. The justification, when justification beyond simply the desire not to cause offence was given, was obligations under the duty to avoid an atmosphere of intimidation or hostility.

Jeremy Lefroy: Can anyone else give examples of where the public sector equality duty has been a factor?

Mr Ben Ryan: I would hand over to the Muslim students, but there is something interesting to discuss about I-Socs and the gender question. For example, if you hold a worship thing as a society, it is allowed to be gender-segregated because it is an act of worship. If you have an event that starts off as one thing and then morphs into something else—it starts off as worship and then it becomes lunch and then it is a public event—do you tell people who have already sat by gender to mix up? How does that work in practice? When you move from worship to other events, I have heard from several societies that this is quite difficult and weird. Suddenly the rules change half way through an event because the event has changed character slightly.

Mr Yusuf Hassan: That is interesting. As an organisation, we do not endorse gender segregation. We ensure that I-Socs do not either, but the sad reality is that often assumptions are made as soon as an individual enters a Muslim event. If it is an I-Soc event following prayers, as you mention—praying five times a day means that I-events often clash with prayers—people will return, and they may sit in a segregated manner. That is nothing to do with the society, but immediately an assumption can be made. There have been occasions where individuals from universities have entered rooms and said that the event would be cancelled if the gender segregation was continued. There are no signs, there are no individuals telling anyone to sit anywhere, but people might find it culturally more comfortable to do that. People should be allowed to if they want to. I do not think it is the responsibility of the university or anyone to tell someone where to sit. The unfortunate reality is that on occasion I-Socs or Muslim students—this may be something that someone else will echo—have been forced to appease assumptions made about them to a certain extent. That was a little concerning for us after the EHRC guidance on gender segregation. People assumed that we cannot segregate at all and that if people are segregating, we cannot hold an event.

Mr Liron Velleman: Just on the point about ridicule and posters and other things that are used, I would definitely guard against saying that just because it is humour and ridicule no action can be taken. I have seen people who make light of the Holocaust or who put the blood libel or other such age-old anti-Semitic tropes on, let us say, humorous material. Those things were not said against Jews for the sake of it. They caused the deaths of thousands of Jews in this country and millions of Jews across Europe, and continue today. When we look at anti-Semitism across Europe and the world, we are not just talking about people who are feeling offended by things but about the deaths of Jews in Paris, Belgium, Copenhagen and other places. Some of those come from misunderstandings, a lack of knowledge or a desire to propagate hate against



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Jews, so just saying something is humorous should not be allowed in every instance. I do not want to speak for Yusuf or Alyaa on that.

Mr Yusuf Hassan: I echo those comments. There is an important reality in that. One thing that has not been mentioned so far is student protests when individuals are being forthcoming with jokes and humour around ridiculing religion. One of the reasons universities cancel events—Andrew can respond to this to a certain extent—is because they feel that the environment will be made unsafe by individuals who are unhappy about that happening. Is it the university's responsibility to ensure that students remain safe? If protests are going to get out of control, it will create unsafe spaces. That is another reason why universities act in the way they do when they cancel events ridiculing religion. However, I firmly believe that critique is fine. Critique is necessary on our campuses. That is what our universities are for. I just want to make that point alongside what Liron is saying.

Jeremy Lefroy: Did you want to say something, Alyaa?

Ms Alyaa Ebbiary: I would like to see fewer guidelines please, not more. Students are able to make these decisions for themselves as student societies and student unions. Students are not lemmings; they are not stupid. They have all come to grow intellectually and to build the view and positions that hopefully they will continue to discuss and debate for the rest of their adult lives. Sometimes these things are talked about as if students are very vulnerable and easy to brainwash, particularly certain types of students, such as Muslims. With regard to gender segregation, I have come across Islamic societies where it has been a common practice and sometimes an expected practice. I do not think it is so common any more. There is a lot more awareness about it. Just to give you an example, there was one event on campus that I was involved in in London, but not at my university. It was in a lecture hall. The female Muslims who attended all decided to sit at the back voluntarily. They even asked some of the event organisers to make sure that no men were loitering at the back. This was supposed to be an event where everybody was sitting freely. There was no expectation of segregation. It needs to be understood that there is often suspicion about the male gaze among a lot of practising and conservative Muslim women that results in these kinds of seating and segregated practices. It does not necessarily mean that it is being enforced by men, by Islamic societies or the like. That is it on that matter.

Jeremy Lefroy: Charlotte, did you want to add anything on this?

Ms Charlotte Moore: On the comment about students not being lemmings, last year I was in a unit that looked at Christianity and Islam. We were allowed to role play a Christian exclusivist, Karl Barth, but we were not allowed to role play Sayyid Qtub, who is a Muslim exclusivist because we might be radicalised. The view taken is that we cannot even look into the texts of these people as we are all treated as having the potential to be radicalised, and therefore let us not have the conversation at all.

Jeremy Lefroy: So you are really saying, "Treat us as adults. We might sometimes take the view of a very small minority but, because of that, we do not need to treat everybody as though they need a huge amount



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of protection”.

Ms Charlotte Moore: Yes, absolutely.

Jeremy Lefroy: Did someone else want to come in?

Mr Andrew Copson: I want to say something in response to what Liron said earlier. It is clearly possible to distinguish between ridicule of religious beliefs on the one hand and, on the other hand, the promotion of hatred on ethnic grounds. Those are obviously decisions that have to be made in context. I just wanted to put that on the record, given what he said.

Chair: Shall we move on to the Prevent duty?

Q19 **Baroness Lawrence of Clarendon:** Prevent has been touched on already but I would like to start off by asking whether the Prevent duty in particular has restricted free speech in universities and how that is done.

Mr Yusuf Hassan: Thank you for that question. I think that an immediate response would be yes, but not only in the context of the societies that we have been mentioning. This is often seen among Muslim students within lectures. You can ask many educationalists, academics and lecturers about specific topics around international relations, politics and things that are a little more controversial and individuals get a bit more heated, but Muslim students are often less likely to contribute to discussions because their university lecturers are required to report them if they feel that an individual has been radicalised. That is the reality on campuses. People may be scared to refer to Palestine or Israel as a political topic. They may be scared to critique the Government on certain policies because they fear that, if the university lecturer feels that they have said something out of line, they will be reported to their local Prevent officer on the campus. The concern is that Muslim students and others—I am sure that there are Jewish students and students of different understandings and different faiths—are not willing to say as much as they would have done because of a concern that they might be reported and seen as extreme.

It comes back to an understanding of the definition of extremism: one man’s extremist is another man’s freedom fighter. That is a common phrase that a lot of people agree with and understand. The concern is that, because it has not been defined, individuals, instead of trying to put themselves in the firing line, will just stay back. That is the sad reality. We want our universities to be places where knowledge is produced, discussed and debated. That is not the case currently because, following the statutory implementation of the Counter-Terrorism and Security Bill in 2015, the Prevent duty stops people doing that, because people do not feel comfortable speaking out.

Mr Ben Ryan: I agree with that completely and have one thing to add. I said that different student unions are interpreting the guidelines quite differently—some much more stridently than others. The interesting thing is that, even if you are at a university that interprets them in the least aggressive way possible, you still get a bleed through. I recently asked a student, “Do you feel that the Prevent duty is having an impact on the ISOC and on you here?” She said, “No, I don’t think it is having an impact here, but I know this university and this university and this university where it is having an impact, and I’m worried that



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we're going to be next". I think that this particularly applies to minority faiths if people tend to come from similar areas. This student came from north-west London but she had friends who had gone to several different universities and they talked to each other. If one university says, "We have a maximal approach to these guidelines. We're going to interpret extremism in the broadest and most cautious way possible", then, even if the other person's university is not doing that, the psychology travels across so that other groups also feel that that process is coming to them.

Chair: So are you saying that students feel that they cannot take the risk, that they err on the side of caution because there is a price to pay if they get on the wrong side of some arbitrary—

Mr Ben Ryan: No one wants to be reported in the *Daily Mail* as having an allegedly extremist speaker.

Chair: Or to be on a secret list.

Mr Yusuf Hassan: That is an interesting point. There have been occasions when Prevent officers have asked for a list of the members of an Islamic society, or in some cases the members of a Palestine society. That is concerning for a student, who might ask themselves, "Why am I on this list? What are they going to do with this list? Does it mean that I won't get a job? Does it mean this; does it mean that?" It is concerning for students.

Chair: Sorry, which student union did you say that was?

Mr Yusuf Hassan: I will provide the name in written evidence.

Chair: If you would follow that up, that would be great.

Fiona Bruce: I have two questions. Yusuf, when you talk about the definition of extremism, are you talking about the definition of non-violent extremism?

Mr Yusuf Hassan: Yes, in the context of anti-British values.

Fiona Bruce: Thank you. That is very important. Bearing in mind that the governance of every university has a duty to take practical steps to ensure that freedom of speech is secured, and bearing in mind, as Ben said, that students move from three years to three years, are university governors—vice-chancellors and so forth—really letting the whole student body down if there is so much confusion and concern about this whole issue?

Mr Yusuf Hassan: The sad reality is that that is the case. There are some amazing vice-chancellors, governors and pro-vice-chancellors who make an active effort to ensure that this is mitigated, but there are others who seem to go with the status quo. The fact is that there are people who do not address it as an issue. We have always advocated that vice-chancellors should try to have these discussions with members of the political societies and faith societies on campuses to see how they can facilitate them having the best possible university experience. That is what I assume this Committee is all about—ensuring that students in our universities are able to have the best possible experience, to



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learn as much as possible in debate and to become valued members of our society.

Fiona Bruce: What should good practice on the part of university governance look like to help clear up this very challenging situation that you are all describing?

Mr Yusuf Hassan: Going back to your question about the body that should take care of that, I think that the introduction of the Office for Students is great and that it should take the lead in ensuring that vice-chancellors, alongside Universities UK, which acts as the body that supports them, are trained effectively so that they understand the context that they are operating in. They should be briefed to ensure that their universities fulfil their duties towards their students—not necessarily their duties surrounding Prevent and so on but the duty to ensure the right of students to come to their campuses to learn and experience university life.

Baroness Lawrence of Clarendon: Is the Government's policy on free speech in universities coherent, and if not, how should the balance be struck between free speech and a restriction on hate speech?

Mr Andrew Copson: I do not think there is a coherent government policy on this—I think it is piecemeal. I feel that the wind is turning against guidance, on this panel at least. One function of the guidance might be to consolidate, clarify and have in one place the different bits and pieces that are affecting the issue right now. If you are dealing with two things as different from each other as the public sector equality duty and the Prevent agenda but they are both interfering with free speech on campuses, you need that sort of evidence. No one knows how they join together, and that, I think, is evidence of a lack of any clear, coherent single policy on free speech on campuses. It is not even clear what is meant by the obligation on universities to promote free speech. It is not broadly known how it applies and how a university satisfies this obligation, but we all know how, historically, the obligation came into law. But what does it really mean today? That has not been addressed by government policy at all.

Baroness Lawrence of Clarendon: Listening to the debate here about free speech and what is happening within universities, student unions and the different societies, between all of you here there is a clear issue around the guidance—I am thinking outside the box here. Would there be somewhere where students who have the experience of working within the university and seeing all the restrictions that are there, can come together and put something forward that would help within the university and with Prevent? That would take things forward and allow student free speech in universities, which is what we all want to see as a part of their development.

Mr Ben Ryan: That would be helpful, and I am glad to see students here. This connects to your earlier question and to what Andrew was saying. One of the problems I have is that so much of this is driven by slightly dishonest media reporting. I will give you a classic example. In 2009, the *Telegraph* and several other newspapers ran a story about how Douglas Murray had been banned from speaking at the LSE on a debate around Islam and liberalism. He was disinvited,



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but he had been down to chair that debate, not to speak in it. Anyone who knows Douglas Murray's stance on Islam and liberalism will be able to see exactly why he would be a problematic person to chair that debate, not least in a context when it was at the height of an issue between Israel and Palestine and he was entering a fraught campus. So was Douglas Murray's free speech blocked? He was disinvited, but as a chair, not as a speaker, and he has spoken at that university subsequently. This is part of the problem. That feeds a narrative. Similarly, we were talking just before we came in about the Balliol College Oxford Christian Union Group which was or was not banned from their freshers' fair—they were not. But this is the thing. Someone somewhere had made a mistake and had been overzealous—there had been some kind of a problem; I think we all accept that. Does that mean that Christian groups generally are massively marginalised and oppressed at British universities? No, I do not believe it does. But it feeds a narrative that is helpful for lots of people to constantly put out these examples which feed that. That is not to say that there are not very serious problems, which we have discussed, but you need to hear from the students, not the Douglas Murrays and the people who are in these high-profile things—who, if I was being really critical, sometimes almost want to be banned.

Ms Charlotte Moore: Professor Alison Scott's research is evidence based. Free speech is often talked about but we never define it, and it is never described. It should be a process and not necessarily a position.

Ms Alyaa Ebbiary: I agree with Charlotte that it is not necessarily something that we need to have one universal position on, which can be rolled out to everybody. Student unions and universities vary demographically quite a lot. The university I go to is very different from the university Charlotte goes to, and the students have different events, demands and preferences.

Q20 **Baroness O'Cathain:** I want to ask a simple question. Is there a regular way of communicating between you people, who are in the business of getting speakers, and the people who run the university—like a board of governors? Would it help if there was a spot every three months in their agenda to have words from you as to how this is progressing? Sometimes I find that problems arise because there is an empty space between those who do and those who think the process through.

Mr Yusuf Hassan: Technically, those places already exist with student union representation on those very councils. So student unions are technically the representatives of these societies and take on the formal representation.

Baroness O'Cathain: Okay, then go one step forward. Could the people who are not just representatives of each of the societies but the societies as a group meet before this convocation, or whatever it is, and say to the people who will be there that this problem may come up, or is one that has been dealt with? I feel that better communication would probably ease this.

Mr Andrew Copson: I suppose that quite often the gap—in our experience; to some extent it is different from the Prevent experience—is not so much between the student society and the university's council or governing body, but between



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the student society and the student union. That is the gap that will need to be filled. One of the things that might emerge from this discussion is about the solutions being student-led. The Baliol junior common room is a good example, because the students sorted it out among themselves in the end. The media briefly intruded and dropped a depth charge, but ultimately, the students sorted it out between themselves. Perhaps some body like the NUS, making use of its own reach into campuses, might be the right body to produce guidance, if that is thought to be necessary.

Baroness O'Cathain: A format.

Mr Andrew Copson: Yes, some sort of format that could mediate between student societies and student unions or possibly give student unions ideas about how to connect with their student societies.

Q21 **Lord Trimble:** There is a question here about how charity laws restrict in some circumstances the ability to speak openly about political issues. Could you elaborate on that, as I am a bit puzzled?

Mr Andrew Copson: Charity law, in England and Wales at least, means that charities can engage in political activity only if it is in pursuit of their charitable objects. That is a decision by Parliament to deliberately limit the breadth that charities might engage in. For example, when I was an undergraduate, there were always attempts to try to stop student unions talking about anything that was not about student finance or university policy. It was said that student unions were there for the serving of students, so anything like the situation in Israel/Palestine or any political issue outside the concerns of students per se was off the agenda. In fact, this is a general problem about charity law. How it is used in practice to silence free speech about issues that other people here will be able to speak about is that shading line that exists between social and political concerns. Every religion or non-religious world view has things to say about not just people's lives but about how society might want to be ordered or about how politics should be pursued. It is therefore a particular problem for us to have some clear dividing line between politics and the rest of our subject matter, and because we are charities therefore be cut off from this other half. The problems often occur in this shading of the social into the political.

Lord Trimble: I am still a bit puzzled by this. Surely no one is suggesting that students are to be inhibited in any way about expressing their views on politics?

Mr Andrew Copson: Not individually, but corporately yes.

Mr Ben Ryan: They can campaign on issues which affect students as students—that is what the guidance says.

Lord Trimble: What about campaigning?

Mr Ben Ryan: They can put resources behind something. If you provide a minibus to send people to a protest, if it is about students as students, you are okay. If you are protesting about street lighting, which affects students outside the hall of residence, that is allowed. If they are protesting about a political prisoner in India—this is a real example, which affects some Sikh societies—the



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student union is not allowed for example, to provide them with minibus or any resources to do that.

Lord Trimble: So we are talking about activities of student unions about political issues that do not directly relate to education.

Mr Ben Ryan: Which do not directly relate to students as students.

Lord Trimble: And this is a result of the 2006 Act.

Mr Andrew Copson: It is a long-standing provision in charity law, in the Charities Act.

Lord Trimble: I have my doubts about that, but it is 20 years since I taught the subject.

Q22 **Joanna Cherry:** Thank you, Chair, and my apologies, ladies and gentlemen, for arriving late. I would like to explore further this issue about the charitable status of student unions. It is some 35 years since I was a student, but I remember it being an issue then. I was at Edinburgh University, but of course there it is the Office of the Scottish Charity Regulator, although there are similar provisions in Scots law. Some of you, particularly Alyaa, have already touched on examples. Could each of you give an example of a time when you encountered the charitable status of student unions acting as some kind of hold or barrier to free speech, if you have encountered that?

Mr Liron Velleman: I do not have a specific example of where Jewish societies have had that kind of status. We, the Union of Jewish Students, are a charity as well, and we act in our political interest to support the interests of Jewish students on UK and Irish campuses. Over the past couple of years, there have been a few times when we have seen what I would argue is misreporting on the way that the Charity Commission has acted on UK campuses on a couple of topics, mainly related to Israel and Palestine. For example, through pressure from the Charity Commission, Jo Johnson last year released a letter before a week called Israel Apartheid Week on UK campuses, in which he reminded universities of their responsibilities on anti-Semitism.

I would hope that we have broad consensus in the room that anti-Semitism is bad and should not happen on UK campuses. That guidance was not a legalistic framework to say that Israel Apartheid Week should not happen or that events related to Palestine activism should not happen, and we would oppose any regulation to do so. Some universities took that guidance—I would say, wrongly—to shut down events due to happen on their campuses, and we would oppose those decisions, but the original guidance did not say that or stress that, it was misinterpreted by a couple of university institutions.

Separately to that, we have had instances where student societies have claimed that their political activism has been stifled by the Charity Commission or charity law. The Union of Jewish Students and Jewish societies have not seen that happen. There are questions about charities or public sector bodies when people have asked universities to boycott a country, whether that should be allowed to



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take place under either public sector law or charity law. I feel that that is where the question is turning to.

There have been student unions who have passed BDS resolutions, and we oppose that; we have policy against boycotts of Israel. They have a legal right to be passed, but there is a difference between that and student unions putting specific resources to it, as Ben alluded to earlier, as students.

Mr Ben Ryan: My observation is that you must have been very observant, because my experience is that very few students recognise that the student union is anything other than part of the university. When they elect a societies officer to their student union, that they are electing them to some sort of legal status which will impact on the societies I think goes completely over the head of the entire student population. Other than people on student unions and one or two who belong to societies, I cannot name a single student who I have spoken to in my research who I think would have jumped to that conclusion.

Secondly, where it comes into conflict is exactly where, as a trustee of a charity or a student union, you are tasked with protecting the reputation of the organisation. If you have a very controversial speaker, whatever the controversy is, is it worth your organisational risk to have them on your campus? That is interpreted differently by different student unions, but I quite sympathise with those who say, "No, that is an organisational risk". Student unions are not held to uphold freedom of speech; universities are upheld to do that. Student unions do not have to do that, and I understand their desire not to on occasion.

Mr Andrew Copson: When I was a student union sabbatical, we almost completely ignored the law—it was quite some years ago, so I think it is all right to say that now—about whether or not we were allowed to be pursuing political activity. I think that student unions' appetite for risk has reduced in recent years. That is unsurprising, given the more daunting national agendas that confront student unions now.

To answer your question directly, humanist societies are very unlikely to fall foul of this, because they will not typically be seeking to engage the student union in the application of funds for their political causes, but considering whether or not student unions should be held to the same non-political rules as other charities would be a worthy question for the committee.

Mr Yusuf Hassan: Similarly to those who have made their points clear, Islamic societies often fall foul of the charitable status of student unions. I am aware that the National Union of Students has produced guidance on the place of student unions as charities in the methods that they operate. I am sure that that guidance will be useful in this case.

Ms Charlotte Moore: I do not have any specific examples of where the charity laws have affected freedom of speech.

Ms Alyaa Ebbiary: One student told me that the Charity Commission asked every student union in the UK whether it had a boycott, divestment and sanctions campaign against the State of Israel. Many societies and bodies on campuses are campaigning for that and often debating it. There are lots of



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approaches to it and I have had lots of different discussions with various student activists in societies about what shape that takes. Apparently, the Charity Commission asked student unions across the UK whether they had a campaign or whether they had BDS as part of their policy, and BDS and pro-Palestine campaigners have been singled out consistently by the Charity Commission on the matter of free speech.

I can understand why for UJS and many Jewish students there is concern that some anti-Israel or anti-Zionist campaigning can bleed out into anti-Semitic rhetoric. There have been examples of that, and I understand that concern, but sometimes that concern can overflow into excessive scrutiny of student activism on Palestine. This very much concerns me, because universities should be hubs for political activism on matters close to home and abroad.

I, for one, really benefited from that freedom before all this stuff became stifling. I used to be a really quite vocal pro-Palestine campaigner. At one point, I was holding a placard about something—I think it may have been during one of the campaigns against Gaza. A male student who I assume was Jewish—he was vociferously pro-Israel and, I think, a member of the Jewish society—had quite a passionate argument with me, and he intimidated me from standing with this placard.

It made me think for a long time about what I was achieving and how I could achieve what I wanted. One of my motivations was that my grandfather is Palestinian and he was displaced in 1948. When I saw the anger from this young man and the reaction that I got from some of my Jewish peers, it motivated me to set up a Muslim-Jewish dialogue society, which I spent a number of years being active in, and spent a number of years subsequently volunteering and organising interfaith initiatives between Muslims and Jews.

If I had not had that opportunity earlier, I would never have gone through that thought process or those kind of conversations. It really bothers me that there is this excessive scrutiny and curtailment of activism and free speech about Palestine campaigning.

Mr Liron Velleman: I would like to add to those remarks. There are definitely times when people feel stifled in their activism. I will submit this in the written evidence. At one event that I mentioned earlier, the UCL incident—not this year's but last year's—an Israeli army officer was brought over to speak on a UK campus, and the Palestinian society decided to protest against it. Because the university did not ensure both the freedom of speech and the safety and welfare of anyone at the event, it was completely overtaken, people jumped through the windows and that is when police were called to the campus. A report was produced by a professor at the university which, again, I will submit as written evidence, which found that no one's freedom of speech was protected. Had there been a space and a system for a protest, whether inside or outside the room, or a way in which the university could ensure that people were safe and free to protest the event, while also allowing people to have the freedom of speech to hear from the speaker, then, actually, more people's freedom of speech would be protected, whereas, when people did not have any responsibility for the event, neither the Jewish students, the students who wanted to hear the debate, nor the students who wanted to protest had their freedom of speech protected.



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Some of this guidance and the systems in place can do more to protect freedom of speech and ensure the welfare and safety of students, rather than taking it away.

Q23 Fiona Bruce: I want to go back to something that Ben said. You said that student unions do not have a legal obligation to ensure freedom of speech on campus, but university governing bodies do. I get the impression that they are being insufficiently proactive in that role. If you agree, why do you think that is, when they have the welfare of these students as one of their responsibilities?

Mr Ben Ryan: I would not want to suggest a situation in which the university starts to dictate to societies without it being mediated through the student union. That would not be healthy either. Although I hear that comment on the need for universities to step up and do more, I would not want that to be interpreted as students unions needing to be cracked down on by the universities.

Fiona Bruce: I am not suggesting that at all—I am suggesting that university governors do have an obligation to ensure free speech. I am getting the impression that they are not exercising that duty. Why is that?

Mr Ben Ryan: An interesting example is the case which Liron just made. If a society books a controversial speaker on a particular issue and it is deemed that it can go ahead but only if there is security, or means are put in place, who pays for that? It is an issue of fairness. If you say that the student union has to pay for it, then okay—but is it fair that an enormous portion of the union's budget goes towards protecting one society which keeps booking controversial speakers? The university's precise role might be to make rulings on that; reserving money to support those events and working through those issues. That is a concrete thing which would be quite easy for most universities to do. It would help alleviate the exact situation that Liron has just described.

Fiona Bruce: You talked earlier about fear of publicity. How does that enter into the thinking of governing bodies?

Mr Ben Ryan: That is harder to fix, not least because the narrative is now set. There are myriad possible reasons why an event might not go ahead or a guest is disinvited. Some of them might be totally legitimate or dreadfully practical, like not being able to find a room big enough or book enough security guards on the day in question, which might lead to it being banned. It is very difficult for organisations to mediate that kind of media campaign once it is set.

Mr Andrew Copson: It is almost impossible, really. The media have chosen two tropes in these instances. One is "Muslims are angry and dangerous" and the other is "Christians are being persecuted". Those are the two hooks that the media attaches to every incident that takes place, whether it is Balliol JCR or anywhere else. That obscures what is also going on, such as what has happened to humanist societies or might happen to Jewish societies and so on. It also creates great fear of their reputation in universities. Maybe you could say: "Pull yourselves together—you are universities. Many of you have been there for a



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long time and will be there long into the future. It should be a positive extension of your social responsibility to be beacons of enlightenment, free speech and critical thinking. Pay for the security and make sure you feel ashamed if an event on your campus ever has to be cancelled for lack of security because of threats. Brazen it out, and make free speech a positive". You might have a hard job persuading them they should be doing that, especially in a marketised sector.

Mr Liron Velleman: I have concerns that universities would be bound by media storms. Often we will not make a huge public fuss, to avoid creating division on whether universities do something or not. We will attempt a cordial private meeting. I would worry that groups in different parts of our communities that like to be loud and make a fuss, just to have their name in the media, would be able to say: "If we create a media storm about this, we will get the desired effect", rather than looking at processes, guidelines, or the law, on how the event should take place. I would be wary of getting to a situation where the more media attention you get from either allowing a speaker or banning them would change the likelihood of the result.

Q24 **Jeremy Lefroy:** Just a quick one, and rule me out of order, Chair, if I am. We are talking about freedom of speech and although we concentrated mainly on religion, I am interested in the political side as well. One university not too far from me does not allow any party political activity, but another welcomes it. Is that normal? The formal reason is, presumably, that they feel it might cause problems. I am sure of all the reasons and it might possibly have changed recently, but we have not been permitted to organise party-political events when we have tried to introduce ourselves. This has been permitted in other local universities. Is this dichotomy widespread across universities in the UK?

Mr Yusuf Hassan: To clarify, were you were trying to organise an event with the university or the student union?

Jeremy Lefroy: That is a very good point. I do not know but I wondered if there were universities/student unions which did not permit party-political activity—as in Conservative, Labour, Lib Dem or whatever—not politics in general.

Mr Yusuf Hassan: I think that it is often done on a case-by-case basis, based on the willingness of trustees and how they look at their campus risk register. There are strong Labour societies on certain campuses across London which are able to bring in multiple speakers. The Conservative society might not be as strong and it might be difficult for it to lobby student union officers to agree to have a certain speaker on campus. It is often all based on representation; who represents whom and how they feel.

Jeremy Lefroy: I am just thinking about blanket bans. Have you come across that? Never. That is very interesting.

Mr Ben Ryan: It has not come up in any ones that we have spoken to.

Q25 **Chair:** Thanks. I will ask the final question. We have the Government here, the Ministers; we have the Office for Students, the university



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governors, the administrators busy googling, the students unions, the student societies and the students. In terms of all the different layers, do you want the responsibility to go higher up, so that you would be told by the Office for Students? Where do you think the responsibility for these individual decisions and the policy should lie? At the moment, individual universities make their own free speech policy. How far up or down the scale are you? Do you want more freedom and autonomy at the bottom or do you want to be told by the higher-ups? If so, why are you trusting the higher-ups to get it right?

Mr Yusuf Hassan: I think that it is important, if I can speak for the panel, for the autonomy of the students to be protected and for them to be consulted in the process. It has been mentioned that guidance has been woeful in the sector and it is important that effective guidance is produced alongside and implementing the views of the students on the ground and of organisations that represent the students, such as the NUS, among others. As long as we have a process that facilitates that discussion and shows that this policy is effective and representative, we will see change within the sector.

Mr Andrew Copson: I would like to see some reversal of the presumption that speakers need to be approved in this way. I do not think that it is entirely healthy. I recognise the point that has been made about avoiding incitement of violence and disruption to life on campus, but I think it has gone too far and the presumption that this needs constant permission slips which are very complicated to fill out should simply be reversed. As for where guidance should come from, if guidance is needed on the wider question of free speech, we at Humanists UK think that it should come from completely outside the silo that you just mentioned. The Equality and Human Rights Commission is well placed to produce positive guidance that affirms the human right to free speech, which public bodies should be protecting and promoting and making sure that people have. Its guidance on gender segregation provides a good past example of guidance it has provided that has worked.

Lord Woolf: Do you not think that the culture of different universities means that for any outside body to try to dictate what should be happening across the university horizon is unwise? Against the background of the law, which I think is regrettably complex and made more confusing by Prevent, it is much better for universities to deal with the problem as a whole, together with the various tiers, and come up with a sensible result for their particular institution.

Ms Alyaa Ebbiary: Absolutely. I want less guidance, less legislation, less protectionism. Universities should be places for free thought. The most appalling thing that I have heard today is the example Charlotte gave of these matters curtailing learning in a theology class. If that, on its own, is not making you despair, then what is? I think universities should have more autonomy, students and student unions should be trusted more, and we do not need extra guidance.

Mr Ben Ryan: Very quickly, on Chair's question, the problem is that free speech is one topic, but there are lots of different aspects, whether it is Prevent or the Charity Commission—you did not mention the Charity Commission in your list of agents involved in this, but it is one too. These are multifaceted issues: what



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goes on in a classroom, what goes on in societies, what goes on with student unions. It is difficult to give a one-size-fits-all answer to who should be providing guidance that meets all those quite different issues. Why trust higher-ups? The mistake is to think that this was something that was asked for by students in the first place: the reason higher-ups are involved at all is because this was imposed in the first place upon them by the Charity Commission, by the Prevent agenda and by other agents. The idea that students were calling out for higher-up organisations to take these roles is incorrect.

Chair: So would you go along with Andrew's point that there should be less, and Alyaa's point that there should be less and that there should be a stripping away?

Mr Ben Ryan: There needs to be a definite clarification of what there is now. In particular, looking at the Prevent stuff, I do not think the current guidelines are inherently bad, but the way they are enforced and enacted in different universities is dreadful. The range between them and how they are interpreted is a serious problem. A proper clarification of those existing guidelines would be a helpful start in itself, but that does not touch the stuff in the classroom or the difficulties that student unions have in their charitable status. In some areas I would support Andrew in wanting to see less, but I am not sure that I would necessarily want to see less across the board: I do not think that all of these things are necessarily bad, but they are adding up to a bad situation.

Mr Liron Velleman: I want to touch on accountability. I think there is a right for students to lead the discussions and there should be trust in students to be able to make these decisions, but there has to be a way for those decisions to be held to account or to be challenged. So, for the example I gave earlier of Dr Azzam Tamimi, if we go to the student union, or the Jewish students at UCL go to a student union and are unsatisfied by its response, there has to be a body they can turn to, it cannot just be left to the person who has made the decision to look at the appeal. We can ask how high that goes up and who it goes to, but currently if we are unsatisfied by a decision made by a university, if the university had made the original decision and circumvented the student union, there is not really another body at the moment that you could turn to and say, "This is not proper". We can turn to Universities UK which gives guidance on good practice but it will not speak to an individual institution to challenge that decision. I hope that the Office for Students will have some power to potentially do that, but this is in individual cases. On the general question of how student life should function, I think we should be giving more autonomy to students, but there also has to be a system in place to hold those decisions to account, and a right for people to appeal those decisions.

Chair: Thank you very much indeed. Certainly, Ministers and the Office for Students will be doing very well if they match the sophistication and clarity with which you have presented it to us. I rather feel that if you were in charge of all this, we would have a lot fewer problems. I am genuinely grateful for your exposition and thank you very much for coming at this early stage of our inquiry. We might well be getting back to you, but you have been incredibly helpful. Thank you very much indeed.