

Home Affairs Committee

Oral evidence: [Islamophobia](#), HC 1828

Tuesday 21 May 2019

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Members present: Yvette Cooper (Chair); Rehman Chishti; Janet Daby; Chris Green; Kate Green; Tim Loughton; Stuart C. McDonald; Toby Perkins.

Questions 1 – 115

Witnesses

I: Assistant Commissioner Neil Basu, National Lead for Counter-terrorism Policing, Metropolitan Police, Assistant Commissioner Martin Hewitt, Chair, National Police Chiefs' Council, Baroness Kishwer Falkner of Margravine, and Trevor Phillips, Chairman, Index on Censorship and Senior Fellow, Policy Exchange.

II: Dr Omar Khan, Director, Runnymede Trust, the right hon. Anna Soubry MP, Co-chair, All-party Parliamentary Group on British Muslims, and Wes Streeting MP, Co-Chair, All-party Parliamentary Group on British Muslims.

Written evidence from witnesses:

- [Baroness Kishwer Falkner of Margravine \(HCL0022\)](#)
- [Policy Exchange \(HCL0038\)](#)

Examination of witnesses

Witnesses: Assistant Commissioner Neil Basu, Assistant Commissioner Martin Hewitt, Baroness Falkner of Margravine and Trevor Phillips.

Q1 Chair: I welcome everyone to this session of the Home Affairs Select Committee inquiry into Islamophobia. We decided to conduct this inquiry some time ago, as part of our work on hate crime. That was before the awful terrorist attacks in Christchurch, as well as some of the evidence about rising hate crime and Islamophobia here and elsewhere across the world. Since then, we have seen considerable work being done by the APPG on British Muslims on how to respond. We look forward to taking evidence on all these issues, including from political parties, as our predecessor Committee did in their inquiry into antisemitism.

Today's focus is on the definition of Islamophobia. Before I start, in the month of Ramadan, I want to wish Ramadan Kareem to all of those who are observing Ramadan. Can I ask our panel to introduce themselves?

Trevor Phillips: I am Trevor Phillips. I am a senior fellow at Policy Exchange, and I am chairman of Green Park, a recruitment company.

Baroness Falkner of Margravine: I am Kishwer Falkner. I am a Liberal Democrat Member of the House of Lords. I think I am the only Muslim parliamentarian in both Houses who lived and grew up in the Muslim world, in Pakistan and Saudi Arabia. I came here as an adult. I am Chair of a Select Committee.

Assistant Commissioner Hewitt: I am Martin Hewitt. I am the Chair of the National Police Chiefs' Council.

Assistant Commissioner Basu: Neil Basu, Assistant Commissioner, Specialist Operations, and I am the National Lead for Counter-terrorism Policing, Metropolitan Police.

Q2 Chair: Thank you very much. We have a series of questions we want to put to you. Do not feel the need to answer every question of the many questions that we will put to you. I will start by asking all of you what your response is to the APPG's definition of Islamophobia. Could I start with AC Neil Basu?

Assistant Commissioner Basu: You will have seen that it is unfortunate that it has become a matter of public debate around both the NPCC and Counter-Terrorism Policing's view of this. The whole point of that was a private conversation with the Government. It is our professional duty to advise Governments on the implication of a strategic or policy decision on operational policing. That was the point.

The fact is I think it is too broad. There are a couple of things I absolutely agree with. The first is the work of the APPG. I think we are trying to be very clinical and logical about a very emotional issue. Do I think there is



HOUSE OF COMMONS

an issue with Muslims being discriminated against and rising hate crime? Absolutely. Do I think it is exponential? Absolutely, and I have been in front of this Committee talking about some of the reasons why that would be the case. I absolutely see the need for a definition. Do I agree with the term Islamophobia? I think it has become common parlance. Why would I seek a different term? I have no issue whatsoever with the term. Do I think it needs defining because of the emotional resonance it has among some individual Muslims and some Muslim communities? Yes, I think it does.

I think the work was really valuable. I have read the report. I have read every word of the report twice and I understand a lot of the detail in the report, but I think the conclusion in that one very brief sentence is far too wide. It is too wide for a number of reasons. One of the things it does is conflate issues of race and religion. I know the report itself says it is not intended to, but it just does. It is also so broad that anybody who criticises, insults—even in a democracy where it does not reach a criminal threshold—or satirises Islam would be called out under that definition for being Islamophobic and racist.

The worst-case scenario for me has already happened, which is, precisely because I cannot accept that definition, policing has been accused of thinking that particularly the techniques that I use in countering terrorism are somehow Islamophobic or racist. Clearly I do not think that at all. I think the consequence is that the tiny fraction of people I deal with in the Muslim community who are extremists or even terrorists would be able to use that definition to frustrate some of the powers of my officers. That is a complex decision-making process, where they are making very rapid decisions. It is not sitting here with all this finery on; it is a PC at an airport strip at 10 pm, or a PC walking into a community hall in Bradford to deliver a Prevent lecture. It is those kinds of incidents that will be criticised by certain individuals because of the breadth of that report. That is what I was concerned about.

I am absolutely with Lord Carlile here: a slightly tightened definition with a code of practice about how it would be applied makes perfect sense. There is an awful lot of work in the APPG document that could have been used to do that.

Q3 Chair: We will want to pursue those issues further, but first of all, Assistant Constable Hewitt.

Assistant Commissioner Hewitt: I am not going to repeat everything that Neil has said. You will understand that we have spoken at great length prior to me writing the letter. The first point is that I absolutely accept there is a need for a definition of this issue. If I look at it from particularly the hate crime perspective within policing, the majority of hate crime offences that are recorded currently are against the Muslim community, and I absolutely understand the concern, and in some cases the fear, that is felt within Muslim communities. I am entirely supportive



of the work to try to arrive at a definition that we can all collectively work to.

If we seek a definition that is very short, it lacks some of specificity that I would want, in relation to officers on the ground applying this definition and using it in the work that they do, day in and day out, to protect the Muslim community and deal with any offences that are committed against it. We have guidance that sets out how we deal with hate crime. What I want us to try to get to is a definition that is very complementary to the work that we do and to our guidance, and that can be understood and used practically by police officers as they go about their business attempting to protect communities.

One of the issues for me, therefore, is where we have inconsistencies in the existing legal framework with some of the language that is used in the definition. I suspect that we will get into talking a bit about that. Again, I think some additional detail precisely explaining that definition, so that it is understandable to everybody, would be really helpful, but we have to start from a point, and I absolutely accept the work that has been done in the report, and the point there that this must be a definition that is recognised by the Muslim community as reflecting the issues that they feel they are facing. What I want us to try to get to is a definition that equally is applicable in the policing context for officers as they are going around fulfilling their duties and protecting that community.

Baroness Falkner of Margravine: I come from a position where I think it is very difficult to arrive at a definition that is collectively, as Mr Hewitt has said, agreed by everybody. Muslims are such a diverse community. We are diverse not only in our geographical representation but in our understanding of the theology. There are four strands of Sunnis, some three strands of Shi'a, various permutations of how you interpret in the middle, liberalism, fundamentalism and so on. The idea that collectively the Muslims in the United Kingdom will come to a view of a differentiation of one size that fits all is, first of all, flawed.

Secondly, I have profound problems with the APPG's definition. I think it is way too wide. My first objection is that it is very wide, and we can pick that up. My second objection is that it is, unlike what has been said when the report was published, meant to be legally binding. If you read the report, consistently, page after page—I think I read 22 examples where people whose evidence was quoted approvingly said they needed this in law—they needed it codified, or that it would be. Mr Anas Sarwar MSP thought it would be law. All his evidence refers to the kind of law it should be. They say that it would not be legally binding. I find grave problems with the application of this kind of definition in law.

The final thing I would say is that the expressions of Muslimness or perceived Muslimness are extremely challenging. You have Anna Soubry on Friday night on Radio 4—I can give you a direct quote—who said, "We often talk of Englishness. Everything from the way they dress, how they



HOUSE OF COMMONS

worship and how they live their lives”—presumably “they” is Muslims, us—“It covers everything.” If it covers everything, it is impossible to narrow it down. On the one hand, it is too wide; on the other hand, people want it to be rather narrow, if they want it codified.

Professor Tahir Abbas, one of the contributors, identifies 12 types: crime, culture, gender, institutionalism, intellectual, media, political, religious, state, structural, xenophobia. We can expand on that. To give an example, I think most people in the room would be caught by that. In the political, he sees influential right-leaning and left-leaning thinkers as being in denial of Islamophobia. He says: “Political—populism, nationalism and neoliberalism driving mass public sentiment”. Some people think the EU is a neoliberal project, so presumably that is an Islamophobic project. There is a clear lack of focus and clarity in the APPG’s report on which the definition is based. It is very difficult to think of the definition without what the report set out to do.

Q4 **Chair:** We will pursue some of those issues in more detail shortly. To clarify, is your view that we should not attempt to have a definition, or is your view simply that you are not comfortable with this definition?

Baroness Falkner of Margravine: I think there are a couple of things that need to be done in the law and order arena. There are a couple of things we need to do, waiting for the Law Commission report on online hate crime and Islamophobia and what is to be done there. You have to look across the range at what the problem is that attempting to define Islamophobia is intended to solve. Once you arrive at what the problem is, you can decide whether you need a definition, or whether you need some instruments in law to help make the job of law enforcement easier when they are dealing with hate crime. I am not a lawyer, I am not here to speak for law, but I should say that it appears pretty unenforceable to me as I look at it.

Trevor Phillips: If you would indulge me, I would like to start on a personal note. I was born in London, but I was raised in Guyana, which is a multiracial country with a large Muslim population that is in itself multiracial. The Mandinka and Fulani slaves that were brought to British Guyana in the 17th, 18th and 19th centuries would have been Muslims. The earliest non-Arab converts were in north and sub-Saharan Africa. Almost certainly the only reason that my own family is not Muslim today is because we were slaves. In our case, we very likely belonged to the family of the former Prime Minister William Gladstone. To be frank, I imagine we only became Christian because the Gladstones whipped the Islamic faith out of us, so I do have some idea of what a hatred of Islam and the fear of Muslims can do.

Islam has now arrived in British Guyana again. My neighbours and schoolmates were practising Muslims. I celebrated Eid and Youman Nabi, which is what we call the Prophet’s birthday, as public holidays with the same stature as Christmas and Easter. Guyana is now a member of the Organisation for Islamic Co-operation. One of my sisters is a Muslim



convert, so the position of Muslims has always been close to my heart. That is part of the reason why, as Chair of the Runnymede Trust back in 1997, I commissioned a report that introduced the term Islamophobia to the UK.

Why would I object to what is now being put forward? Here are some reasons. First of all, it adds nothing to our legal or practical ability to protect Muslims from violence and distress. Secondly, it makes no attempt to address the principal causes of Muslim disadvantage, which are employment discrimination and educational failure, and, if we are concerned about violence, the principal cause of death among young Muslim men in this city is knife crime. It confuses race and religion, to the detriment of British Muslims, by limiting reasonable adjustments. We can talk a little bit more about that if you would like. It does aim to bring in legal change. One of the earliest things in the report is a criticism of the 1997 Runnymede Trust report for not creating a definition with legal transferability.

The purpose of this is unambiguous. It is only meaningful as a piece of work—a working definition, it is called—if it narrows the scope for freedom of expression. One thing that I think has not been commented on at all so far is that in practice it creates two different standards of speech for Muslims and non-Muslims—who can say what. Finally—again, a point that has not been raised, and I am sure this is unintended—it will introduce consequences for employers and public authorities, who must be required to treat people of other religions and beliefs in the same way as this definition would suggest.

Q5 **Stuart C. McDonald:** My colleagues are going to ask quite a lot about the detail of the definition itself, but as a starting point, could I revisit the question of whether we need a new definition at all? Both Assistant Commissioners have said that you welcome a new definition, just not this particular one. Why do you both feel that we need a new definition of Islamophobia?

Assistant Commissioner Hewitt: I think that over a number of years there has been an emerging sense of the Muslim community in this country feeling under attack in a range of different ways. If you look specifically at hate crime figures, that is a rise, and there is a very clear rise in the hate crime figures. As I said in my opening commentary, the Muslim community features in the majority, in that we have seen particular spikes after events, after the EU referendum, after the terrorist events in 2017—very considerable spikes.

There is an enormous amount of work that is done in policing to engage with the Muslim community in order to understand the fears of that community and to protect those communities. As has already been said by Trevor and Baroness Falkner, there is a whole range of other issues of disadvantage that I think the Muslim community would point to. From a purely policing perspective, I think it is really important that we recognise the fact that this particular group of people in our country faces a range



of disadvantages, particularly, from my perspective, the range of hate crime. It would be important for everyone in society, for Government, all Departments and all agencies, including the police, to have a definition that we can utilise and, as I said at the beginning, equally important for those people who are Muslims in this country to feel that that issue is recognised and is being addressed.

Q6 **Stuart C. McDonald:** There have been other definitions of Islamophobia. The term we have heard originated or was introduced around 1997, and there have been various other attempts since then to come to a definition. Why have police forces not already done this work to find a definition that works for them?

Assistant Commissioner Hewitt: We have definitions and, as you might imagine, use the legal definitions that exist within hate crime. The 2001 amendment of the Crime and Disorder Act, which was the original hate crime legislation, introduced religiously motivated hate crime. In dealing specifically with hate crime, we work to that guidance. In that sense, we do not lack a definition. The broader requirement for a definition seems to me to be that everybody should accept the range of issues and challenges that are faced by the Muslim community in this country. All Departments, all parts of Government and society, and, importantly, the community itself should recognise that we recognise that and can describe it. I think there is a parallel with the antisemitism definition, and the work that was undertaken there, and the impact that that has had in recognising that particular form, in my world, of hate crime.

Q7 **Stuart C. McDonald:** Baroness Falkner, in your answer you have set out your criticisms of this particular definition, but at some point you also seemed to suggest that a collective definition is impossible. What do you think of the earlier definitions of Islamophobia? Are you saying that there is not any use in this term at all?

Baroness Falkner of Margravine: No, I did not want to leave you with that impression. Thank you for giving me an opportunity to clarify that. The report identifies some useful avenues. On page 24, Erik Bleich, an academic who I have worked with in the past, gives a definition, which is "Indiscriminate negative attitudes or emotions directed at Islam or Muslims", but he qualifies that by giving examples of what would be Islamophobic and what would not. For example, if you were living in a country that practises FGM and you directed your criticism at people who were carrying out FGM, that would not be Islamophobia, because some Muslim communities in some circumstances do that kind of thing. But if you condemned all Muslims as a whole for being pro-FGM, then that probably would be.

I think there are avenues that one can explore, certainly in terms of clarifying the law. The OSCE, the Organization for Security and Co-operation in Europe, on which I have quite a lot of experience, because I was the UK's nominee to be the high commissioner on minorities there,



HOUSE OF COMMONS

has quite a good definition. It does not use the term Islamophobia, which I myself am uncomfortable with, and I am on the record in the Lords as having said that more than once. It refers to anti-Muslim bias. I would prefer and have used anti-Muslim hatred, but I accept that hatred is narrower than bias. The threshold is high, and hatred does not encompass as many things as you might wish to capture in a definition. Anti-Muslim bias, in that sense, would open it out to more discretion as to what constitutes that particular hate crime. It is more this particular definition that I feel very reluctant to advocate for as being a good thing.

Can I take you to the point of definitions per se? The antisemitism definition that we debated so much last year was intended to be a definition to help guide; it was not meant to be legal. Two or three days ago, you had the Minister for Education telling universities that they needed to adopt it. That clashes very directly with the public bodies and universities' obligation to protect freedom of speech. Now you have a Government Minister sitting there saying, "We never intended this to apply across the board, but I think universities should adopt it". It is very interesting to see where this debate will go, but that will present real challenges for universities.

My other concern is that if you have a definition that you do not get absolute consensus on, and a definition that is challenging at the boundaries, with mission creep and with the stated intention in the report that it should be legal, you will get something that will come back to present you with far greater problems and create far greater division, and will ultimately become another aspect of the culture wars that we have all around us right now.

Q8 **Stuart C. McDonald:** Trevor Phillips, you have criticisms about this particular definition. Stepping back from that, you have used and continue to use Islamophobia as a term and a word yourself, but it is this step about trying to make it some sort of legally enforceable term that you object to. Is that fair?

Trevor Phillips: I object to many things in this. My point about the legal enforceability is that there is some question about whether the APPG report seeks a legal change or not.

Q9 **Stuart C. McDonald:** If there was a tighter definition, would you support a definition that can be legally enforced?

Trevor Phillips: Can I make one point of context? When we published the original report on Islamophobia, one thing was very different from today. There was no law on religious discrimination. That did not come in until 2006 in relation to goods and services, and then in 2010 the law on religious discrimination was harmonised with other protected grounds.

When we wrote the report in 1997, it was really an effort to draw attention to what we saw as discrimination against Muslims. The definition that we had in mind then was something very concrete and



HOUSE OF COMMONS

very simple, and it is not a million miles away from something I saw the Shadow Home Secretary put out yesterday, which is pretty simple. She says, "Acting in a biased or discriminatory way against anyone on the basis that they are, or perceived to be, a Muslim". There is no reference to speech or expressions about Muslims. It is specifically about acts and it is about the act against individuals. That is what we had in mind when this was originally coined. The truth is that if we had had the 2006 Act and the 2010 Act, I do not imagine much of what we said in that report would have been relevant.

- Q10 **Kate Green:** Can I pick up that point, please, Trevor Phillips? I met a number of members of the Muslim community in Greater Manchester last month with Afzal Khan, and I must say they welcomed the concept of having a definition, and the definition that the APPG is putting forward. I was interested in the point you were making about us already having a legislative framework in relation to religious discrimination and, as Martin Hewitt mentioned, in relation to aggravated hate crime. I have been the Member of Parliament for Stretford and Urmston since 2010, by which time we had this legislation. I represent an ethnically mixed community with a high Muslim population in one part of it, and they have never been satisfied with that legislation. They do not feel it affords a strong enough legal framework. Why do you think they might be concerned about that, and what would be your response to that? I am interested in hearing from Trevor or Martin.

Trevor Phillips: I suspect that what they are dissatisfied with is the execution or the enforcement of legislation. I would be very surprised, to be frank, if most people knew much about the actual legislation. There are a number of points made in the APPG report about specific cases. I have been through it rather carefully. If you leave aside the things that I think most British Muslims are most concerned about, which are to do with employment and discrimination and so on, maybe in the hostile climate of the far right, and you focus on the issues raised by the APPG, which really are about religiously, politically and sometimes criminally motivated violence, the truth is that if you look at the law, we have instruments. They are called harassment, they are incitement, they are assault. In almost every single case that I have been able to look at, those are the legal instruments that have been used to protect people. I have no doubt that people say what you say, but I suspect that what they are more talking about is the extent and effectiveness of the enforcement of the existing law.

- Q11 **Kate Green:** The Association of Police and Crime Commissioners has said that a definition would ensure that incidents were taken seriously, and that there was consistency and clarity in the way in which the police, for example, would deal with them. Do you agree with that?

Trevor Phillips: I have no idea how they arrived at that conclusion.

- Q12 **Kate Green:** So you do not agree with it?



HOUSE OF COMMONS

Trevor Phillips: I do not see how one could reach that. The point of a definition—why would that make police officers enforce the existing law more consistently?

Assistant Commissioner Hewitt: I don't agree with that assertion. I think the law is very clear for both racially and religiously motivated offences. It is important to point out that in many cases where a Muslim is a victim of an offence, it may well be racially as well as religiously motivated, if they are a person from a minority ethnic group. I tend to agree with Trevor. I obviously do not understand specifically the concerns of your constituents, but I suspect it is less about the legislative framework and more about their sense that this is an issue that is taken seriously.

I can absolutely say that hate crime is an issue that is taken seriously by the police. You can see that in the level of rises in the recording of hate crime that we have seen over the last number of years. There is very clear guidance for police officers on how to enforce that law. I absolutely accept—particularly, I suspect, in offences that are not physical assaults, that are the lower level, the very insidious and hurtful and harmful offences that people suffer—that it is difficult to get successful prosecutions. It is difficult in those circumstances, and I think we would all understand that.

However, I do not think the definition as currently formed would impact necessarily on the way that the police operate. That is one of my key issues around it. What I want is a definition that absolutely supports and reinforces the work that we are doing. I know definitively the amount of work that goes on in Greater Manchester, in your constituency, to deal with all minority communities. That has been something that the police have put an enormous amount of effort into. In a sense, that is part of my point with the definition—that I do not think it enhances where we are. What I want is something that does provide that greater clarity for the officer who is out there now, dealing with these issues as they are reported.

Q13 **Kate Green:** You mentioned inconsistencies between the framework that your officers are working to now and the APPG definition. Could you tell us what some of those inconsistencies are?

Assistant Commissioner Hewitt: The key one for me is that the current definition twice defines the issue as racist and uses that term. I absolutely understand the common use of the word “racist” and why the community feel that that describes what they are suffering. As I say, in some cases there will no doubt be a racist motivation in the perpetrator, because the person that they are abusing or assaulting is a person from an ethnic minority. But that is not the case for all Muslims, and often the offence will be religiously motivated—in other words, the person perceives or recognises the person to be of the Muslim faith. Of course, to be a Muslim is not a race in our legal system as it currently stands. I think it is unhelpful to have that inconsistency between the law around



HOUSE OF COMMONS

what is currently defined as a race, and then describing any prejudiced action against a Muslim as being racist.

I understand the term. It is a strong term, but I feel that inconsistency is unhelpful. I need to be really clear that it would not stop the police doing what we do and applying the law as we apply the law, but what I would be seeking is a definition that fits more consistently with the legislation.

Baroness Falkner of Margravine: I can give you a real-life example. A very close relative of mine recently had an attack that could have been defined as both Islamophobia and racism. This was in a supermarket in London only a couple of weeks ago. When you get a large majority—I do not know the exact figure; I suspect that the percentage is in the high 90s—of Muslims in the UK being visibly different, as some of us are, then there is confusion. When my relative said to me, “What shall I report to the police?” I suggested that she report it as both an Islamophobic and a racist attack.

Assistant Commissioner Hewitt: It would be recorded as such as well. We will often record the motivation as both.

Q14 **Kate Green:** I have to say that is what I thought it was. I hope that the criminal justice system would identify what it was in law.

Assistant Commissioner Hewitt: It would in law, but the law also states that it is the perception of the victim or any other person. That is a really important point—that the victim, or any other person who is with the victim, is able to assert what they think the motivation was in that particular incident.

Q15 **Kate Green:** That is a very interesting point. Do you think people would be inhibited from making an assertion that it was on both the grounds of their faith and their race as a result of the APPG definition?

Assistant Commissioner Hewitt: No. If I am honest, someone who is a victim is not necessarily thinking in those legal terms. They will describe what has happened to them, and we have the legal framework with which to deal with that, and we will record it accordingly.

Trevor Phillips: May I add a matter of fact that might be helpful? I am sure we will return to the issue of race and religion and the IHRA definition. I do not myself entirely buy this parallel, but if you want to consider that, if you look at the Community Security Trust website, it has a list of prosecutions that took place for antisemitic violence of the kind you are talking about. If you look at the 10 prosecutions that it lists in the second six months of last year, they were all under public order, sending threatening communications, and assault, and a few of them were racially or religiously aggravated. However, the go-to piece of legislation to deal with this kind of thing is usually public order, assault, threatening communications, and very occasionally something that is racially aggravated.



HOUSE OF COMMONS

- Q16 **Rehman Chishti:** Assistant Commissioner Basu, could I ask you a couple of questions? You said at the very outset that the definition would need to command the respect of the communities. I myself come from a Muslim background; my father, grandfather and uncles were imams, so you understand the community a fair bit. I want to be fair. I have not come to a conclusion on this as yet. I want to hear both sides before you make that judgment. On the procedure that is followed with regards to the definition that has come forward from the APPG, and your work on community engagement in tackling extremism and terrorism—a lot of those incidents are thwarted through work with community engagement—you work with the Muslim communities across the board, and all different sects of the Muslim community; is that right?

Assistant Commissioner Basu: Yes.

- Q17 **Rehman Chishti:** Across the United Kingdom?

Assistant Commissioner Basu: Yes.

- Q18 **Rehman Chishti:** In your engagement with all the different sects of the Muslim community so far, what is their view of the definition that we have at the moment?

Assistant Commissioner Basu: That is an interesting point. I have not reached a conclusion either, because I was not consulted on it. It is interesting that about 15 months ago I set up the CT Advisory Network, which is an independent advisory group, not just from the Muslim community. Please do not see the lens of counter-terrorism just through Islamist Jihadist terrorism. I have been here before talking about that being currently the greatest threat, but we have a rising amount of extreme right-wing terrorism threat in this country, and we are dealing with that. All the powers and policies we bring to bear I would describe as ideologically agnostic. It does not make any difference what the terrorism is; we need to use these powers against it. We have not been consulted, and in fact I have asked for the Muslim members of the advisory group to meet me on Thursday so that we can discuss this.

I take some responsibility. A year ago when the APPG first set up its work, I was knee-deep dealing with Salisbury, so I did not recognise that this was going to be potentially a CT issue back in March 2018. Up until that point the APPG, to my knowledge, did not consult with the national leads on either CT, race and faith or hate crime. There were some police officers who gave evidence, but I would not describe that as the national voice of policing.

I therefore think that we have come to this a bit late. I am not saying I have made a conclusive point, but when I look at the breadth of that definition and I listen to Lord Carlile, who spent 10 years as an independent reviewer of terrorism legislation and was a constructive critic of it, and he is telling me that Prevent and Pursue as Government policy could be affected by this, I have to take that seriously. I have a professional responsibility.



HOUSE OF COMMONS

I think this is all about community confidence. We have had a long debate here about the criminal interpretation. I have heard what APPG chairs have said over the last couple of days—that this is not meant to be a legal definition. I am with the Baroness. When you look through the report, everyone who gave evidence thought it was going to be a legal definition. Professionally, I have to think of what the consequences would be of it being a legal definition.

I am really conflicted about this. This is a definition that was designed to protect people like me. I have spent 51 years dealing with racism. The vast amount of racism I have had in my life has been the perception that I might be Muslim, and I am not. I look at that and I feel personally conflicted about saying I cannot accept this definition, but professionally, for me, it is about community confidence. I think a lot of those communities will feel that not accepting this without any question has reduced their confidence in me, and I am horrified by that.

Q19 Rehman Chishti: Let me ask a question for clarification on that. I get that, and I prosecuted and defended cases before I came to this place. Of course there is hatred towards people of different faiths, and the Muslim community face that. Mr Hewitt, I think you mentioned Muslim communities feeling under attack. I take every word as having meaning. It is not the Muslim communities feeling under attack; Muslim communities are under attack, because the reality is, as you said, by far the largest number of incidents affect that community. Words have meaning on that.

Coming back to you, Assistant Commissioner, I want some clarification on that. There is no unanimous support for the definition before us from the different diverse Muslim communities across the United Kingdom. That is the question I am trying to get to. The APPG has come up with a definition, but what I am trying to get from you, as an expert in engaging with Muslim communities, is this: the definition does not have cross-spectrum support from the Muslim community. Am I right in thinking that, or not?

Assistant Commissioner Basu: Yes, and that is what makes this difficult, but you do not need my evidence there. I think 40 Muslim academics wrote back about this definition and said, "We don't accept it". Baroness Falkner is here as a secular Muslim saying she does not accept this definition. It is absolutely evident. I think that is the problem with this APPG report. It was designed to do two things. One was to, quite rightly, protect the Muslim communities and give them some confidence that we all understand that discrimination and hatred is real, and we do. I have not heard anyone say anything other than that. It is also designed to be a broad consultation that reached broad agreement.

I do not think it achieves either of those two things, and that is the problem. Your question is absolutely apposite, which is that it has not achieved broad consensus among the very community that it was trying to protect. But I have certainly had some very strong feedback that



HOUSE OF COMMONS

people are unhappy that we would not unquestioningly accept this. That is because this is about emotion; it is not just about the logic. In terms of what Martin has said, the way we investigate hate crime and anti-Muslim hate crime will change whether this definition exists or not.

Q20 Rehman Chishti: On extremism, terrorism and treating communities fairly, you will know I pushed forward previously to get the terminology changed from “Islamic State” to “Daesh”, because day in, day out, using that phrase would then link people’s peaceful, great faith with a terrorist organisation, which people had tried to do. Therefore, it was right to address the terminology, so that people’s faith was not linked to that organisation, to address the issue of intolerance being created out there and the perception of that. It is absolutely right to get the terminology right at that stage. I have been very clear that we have to do everything we can to deal with hatred, but that procedure has to followed.

That is why I come to you, if I can, Mr Phillips. When you mentioned the definition of antisemitism, I know you have this new definition by the APPG. One has to treat all faith communities fairly. The procedure that was followed before one got to the definition of antisemitism—was the same procedure followed for the definition of Islamophobia? If you are going to make quite clearly a defined wording, you have to follow the same procedure. I will come to you in a minute, Baroness Falkner, but Mr Phillips, if you can have definitions, you have to follow the same procedure. Have the same procedures been applied on this or not?

Trevor Phillips: No. The history of the IHRA definition and its purpose was completely different. Let’s leave aside the question of whether you are talking about equivalence, which I do not think you are, to be absolutely frank. Muslims are a billion-wide, global, multiracial, multi-ethnic community. Jews are something quite different, and in our law they are also a race. The equivalence that is being imposed on this seems odd to me.

To answer your question directly, may I say a word about where the IHRA definition came from? It was drafted in 2003 by a body of the Council of Europe, the European Union Monitoring Centre. The Commission for Racial Equality, of which I became chair in that year, was the UK contact point. It was drafted for none of the reasons we have been discussing today. It was entirely to do with identifying what historical events would be defined as antisemitic and would be essentially marked on International Holocaust Day and in museums and so on. It was entirely to do with that. The European Union Monitoring Centre members and steering group committees, of which I was a member, looked at it and said, in effect, “This does not particularly help us in our work of dealing with discrimination”.

The definition sat on the website of the EUMC for five or six years. The EUMC was replaced in 2007 by a European Union agency called the Fundamental Rights Agency, which then dropped it. It has only come back into public debate since 2015-16, and it came as a result of an



international negotiation and discussion. The background to this is completely different. You ask whether it followed the same process; no, because the purpose was different and the origins were different.

- Q21 **Rehman Chishti:** I totally understand that, but on the procedure that was applied, and the work that it took to get to the definition with antisemitism, in terms of the research that followed, it was an in-depth process; am I right? And that relates to the definition we have come to of Islamophobia and how it has been reached. That is what I am trying to get to.

Trevor Phillips: I do not think so. There is no doubt that effort will have gone into both things, but what I am resisting is the idea that these are two similar processes, because their origins are completely different and their purposes are completely different.

- Q22 **Rehman Chishti:** I totally understand where you are coming from. What I am trying to get to is that we have not even come to a definition of extremism yet. The Counter-Terrorism Commissioner is working on where the threshold is drawn. Of course the origins are different, but if you are to have confidence in a definition, if I must go through a process and rigour to get to a point at which it is respected by all. Has this gone through that, taking into account the different views that have been put forward?

Trevor Phillips: If what you want to do is apply a metric of numbers of people consulted, length of time taken, and stages, then this definition has not gone through a fraction of what the IHRA went through. It has not, for example, been considered at any international forum, as far as I know. The IHRA was considered over a period, I would guess, of about eight years internationally before it was not accepted.

I understand exactly what you are trying to get me to do, but the point here is: would it not be better to start thinking, "Why do we need this definition?". The comparison with the IHRA illuminates that point. The IHRA definition came into being for a very different purpose. It is not used in the same way as the APPG would like this definition to be used. I can go through that in aching detail if you want.

- Q23 **Rehman Chishti:** I am not going through that with you. I am not one of those who say you have to go through eight years because the other process has gone through eight years—not at all. What I am trying to ask is whether there is the procedure, the rigour, to make sure that the definition that you have has support at the end. That is the clarification.

Let me move on. Assistant Commissioner, can I ask you about freedom of speech? I have here a letter from the Commissioner for Countering Extremism. It says: "A definition can help provide clarity and help us challenge better anti-Muslim hatred. The far right exploit the lack of understanding of anti-Muslim prejudice to propagate their hatred which they disguise as 'free speech'." That is on the one hand. On the other hand, others would say, "One of the major objections to the definition is



HOUSE OF COMMONS

that it would impact upon freedom of speech and lead to legitimate discussion, debate and criticism being deemed Islamophobic". With those two different statements that you have, the question is this: how can a balance be struck between enabling legitimate debate and protecting people from attack?

Assistant Commissioner Basu: Very good question. Those two statements are clearly not mutually exclusive. We live in a country that is a liberal democracy in which free speech is absolutely valued. I have said before that freedom of speech is not an absolute right. It does not mean freedom to harm. But who sets that threshold test? It is not for policing to set that test; it is for society to set that test. Depending on who you are and what you are experiencing at that time, you will think that test is either far too high or far too low. What it certainly has had—and we have seen this—is the effect of post-referendum, post-terrorist attack, of all ideologically driven-type attacks, spikes in crime and uses of those attacks to spread to disinformation, which would not necessarily be a criminal offence, but has certainly resulted in increases in hate and hate crime. The point is you do have to have freedom of speech; you do have to really test the thresholds; and you do have to have a very clear point at which that becomes a criminal test. Having something vague and ambiguous that does not do that is not helpful to either side of that debate, in my view.

Q24 **Rehman Chishti:** A final question to you, Baroness Falkner. I accept there needs to be a definition. As to what that is, that is where the discussion needs to go, and one needs to look at the evidence. Touching on the point you raised earlier, if we were to go from this definition to a definition that you feel comfortable with, where would that be?

Baroness Falkner of Margravine: Before I go there, could I pick up the thread that you were speaking to Trevor Phillips about, please? I think that to draw a moral equivalence between the long history of antisemitism in Europe and the current state of anti-Muslim hatred and bias in Europe is a profound mistake.

Q25 **Rehman Chishti:** Can I stop you there? I was not drawing that. What I was trying to draw on—let me finish before you go on. What I was trying to say was on the procedure that was followed.

Baroness Falkner of Margravine: I will come to the procedure. The Stockholm Declaration, where the origins of that lie, as Trevor Phillips tried to explain, which was an international attempt to arrive at a definition, starts, "With humanity still scarred by antisemitism and xenophobia, the international community shares a solemn responsibility to fight those evils". This was seen in the context of the people who were survivors of the Holocaust dying, and young people growing up and not understanding their history, and this was an attempt on the part of the international community to try to keep that history alive. That is important to say.



HOUSE OF COMMONS

Coming to the process, because I have critiqued the process in the submission I made, I have been dealing with the issue for 20 or 25 years, since “The Satanic Verses”. I have interacted with Muslim academics around the world as well as in the United Kingdom. What struck me about many of the academics who gave evidence to this inquiry—I know a lot of them; I have dealt with them, and sometimes I have endorsed their books, but at other times I have not—there is the particular kind of sociological thinking, critical theory, left-leaning perspective, a structuralist perspective. Forgive me, I am going to go into some political science expressions, but they were perfectly good people. There was Madawi Al-Rasheed, the professor of theology at King’s, who is now at LSE. There was Samina Ahmed, a professor of sociology of King’s, there was Romy Hassan, who I think is in Sussex. There was, above all, somebody who wrote the most significant contemporary book about the crisis of Islamic civilisation, Ali Allawi, the former Justice Minister of Iraq, so there were plenty of people you could have—

Rehman Chishti: I get that, and you have given us that. I am pressed for time; I have to ask a few more questions.

Baroness Falkner of Margravine: You mean the process was not followed.

Q26 **Rehman Chishti:** I am not asking you about the process. I had already dealt with the process with Trevor Phillips, because I said the definition for antisemitism was absolutely spot on and the procedures were absolutely right, and I was just trying to compare it with that. My question to you was, briefly, on the definition. If we look at where we are with the APPG definition and where you would like to be, in a nutshell, where would you say would be the right definition on this?

Baroness Falkner of Margravine: The report itself gives several definitions; it lists them out. I think the one I would prefer most would be the OSCE, which the report does not touch on. The next one was Professor Erik Bleich, and another one was the Open Society Institute. The Crown Prosecution Service has its own definition. I think there were some that one could live with as long as they were not legally enshrined. If you want a legal definition, I suggest that Government task the Law Commission to do a very separate, comprehensive piece of work on that.

Q27 **Chair:** Can I ask a question on that point? If this is not a legal definition, can you live with it? Just to clarify, because there have been a lot of—

Baroness Falkner of Margravine: No, because you have seen with the antisemitism—

Q28 **Chair:** Okay; you have answered, thank you. I want to hear from the rest of the panel, because some of your objections seem to be tilting at it being a legal definition. If it was made very clear that it was not to be a legal definition, could you live with it?



HOUSE OF COMMONS

Assistant Commissioner Hewitt: I think if it added some specifics in support of the one sentence or the two sentences. As I said, the way that we operate, particularly within hate crime, will carry on, and we operate in the law. What I want us to get to is a definition that is really impactful and meaningful. With some more detail, that would be possible from the policing context.

Assistant Commissioner Basu: No, not for me, because it will never get away from the fact that it is too broad, and that it does close down any form of debate or criticism, and if you believe in free speech—I am concerned about what that does, and what that drives underground. It does not matter whether somebody is going to get prosecuted for it. It may well stop people reporting on it; it may well stop people reporting to us on it. I am concerned about that. It is too broad.

Q29 **Chair:** In the conclusion, they have a whole series of examples and make very clear that they wanted to take the same approach as the IHRA definition, with its explanatory notes and contemporary examples, and they list a series. Is your concern with the detail of the examples, or is it with the initial definition? I am not sure whether you are taking into account the examples as part of it when you say that.

Assistant Commissioner Basu: I was not. I do not think we are very far away at all. When I look at a lot of the things that are written and quoted within the APPG report and that conclusion with those examples, that is what I am talking about, about tightening up the definition. I am not going to speak for him, but I read what Lord Carlile said; a code of practice that explained and gave very clear examples of what was meant by Islamophobia and what was not would be really useful. I could absolutely live with that, legal or not.

Q30 **Chair:** If the examples that the APPG uses, and the explanatory notes in the conclusion, were effectively added to the definition, and that became the definition, would that be something that you think would work?

Assistant Commissioner Basu: Yes. Can I be clear about one thing? I do not think it is for policing to be involved in defining this. I think this is about the people that it affects. It is merely the operational effect of what we have here. I have to be really careful. Personally, I would love to give you the definition I would be more comfortable with, but I do not think it is my place to do that. What you have just described is something I would be prepared to sign up to. That is what is closer to the IHRA work than just that simple one-liner, which seems to have been devised to be very bold, clear and quick, and it has generated a lot of debate. I cannot live with that, because it needs to be broadly accepted and it is not, even by the communities that it seeks to protect. I think with the caveats that you have described, that is what I wanted to be consulted on. That is what I wanted to discuss and, yes, that is somewhere to go.

The one thing I think does need to be addressed is it is not just about rooting in racism. I think it is rooting in prejudice and bigotry and that is



HOUSE OF COMMONS

about anti-race and anti-religious feeling. The fact that it is rooted so clearly in racism—others much more qualified than me have said why that is an issue.

Trevor Phillips: The most important thing about this, whether it is legal or not, is we have to remember a definition may be promulgated, but especially if it is not legally enshrined, it does not stay in the hands of the APPG. Other people are free to interpret it as they wish.

My old friend Anna Soubry is sitting behind me. She will remember this. At the beginning of the 1970s, the National Union of Students adopted a policy of no platform for fascists. It was for a very specific purpose. It was to keep the National Front off campuses. Within five years, it had transmogrified into something quite different, including, by the way, no platforming Anna.

Anna Soubry: Not me personally.

Trevor Phillips: You were not in the meetings that I was in. The point is the reason I would object to it is that it will not stay in the confines set out in the minds of the APPG. There is a specific example I want to give about why this is important. What happens with this definition is it gets adopted by an authority or an employer. The employer will then use it—and we have already seen this in the case of one university—as a test for whether an individual says or does things that brings the university into disrepute. If it is thought that that individual has failed this test, legal or not, they will be fired. That has happened.

Q31 **Chair:** It is still unclear to me whether that is an objection to the content of this particular definition, or to having any definition at all.

Trevor Phillips: Yes, it is. It is an objection to the content.

Chair: It is this specific definition—not having any definition at all.

Trevor Phillips: No.

Q32 **Chair:** The way that you frame your answers suggests that it could be equally applicable to the IHRA definition of antisemitism, because any definition on that basis could be used by different organisations and institutions in a way that is different from that intended by those who drafted the original version.

Trevor Phillips: Yes. However, the IHRA definition cannot be used in that way. This one could.

Q33 **Chair:** Yes. That is about the content, rather than the fact of having a definition.

Trevor Phillips: Yes, because of the way it is written.

Q34 **Chair:** If the examples that the APPG has put in its report and its conclusion were made more explicitly and formally, or clarified as being part of the definition that they were proposing, would that cause any



HOUSE OF COMMONS

challenges to you for the policing issues that you have raised?

Assistant Commissioner Basu: I want to be clear and concise. I believe in the definition, I believe there needs to be a definition, and I have no problem with the term Islamophobia at all. I think if it is defined in a way that does not allow people to misuse it in the way that Trevor has described, I would completely accept that. Some of the work in this conclusion is good. In fact, when I read it, I ticked every single one of their definitions.

Q35 **Chair:** If you added all of them in, would that address all of your concerns?

Assistant Commissioner Basu: Fundamentally I do not think that is for policing to do, but I did not disagree with any of these definitions.

Assistant Commissioner Hewitt: There is a debate to be had to take the definitions that are existing there, and there are none there that I could disagree with. However, if you have definitions that both exemplify what the definition is trying to say, and also to a certain extent confine and explain some of the terms in the definition, the points they are attempting to make, you can reach a point. For me, the process is to work that up, to get something that is more comprehensive. I go back again to my original point about it is then explainable and useable in an operational sense, from my perspective.

Assistant Commissioner Basu: It also needs to cover what it is not. I know both chairs of the APPG have said it is not about restricting free speech or legitimate criticism of a faith. It needs to say that.

Q36 **Tim Loughton:** It has become clear that there was no consultation from the APPG with senior police leads. I think there were two West Midlands police officers who were included in one of the events. Can I come back to the counter-terrorism and extremism angle? I think both of you Assistant Commissioners have gone on record saying that you think it would seriously impede the ability of the police to deal with counter-terrorism, and, Mr Phillips, you put that in your Policy Exchange report as well. That was described as "breathtaking" by Dominic Grieve in the debate on Thursday. Why do you think you are right and he is wrong?

Assistant Commissioner Basu: Dominic Grieve is a man I respect greatly, and he is a Queen's Counsel. I also respect Alex Carlile, who is a Queen's Counsel. My point is that I have two eminent QCs who have a great deal of knowledge about counter-terrorism and national security issues who both fundamentally disagree. I have not consulted on this and I have not reached a firm conclusion, and it would be very wrong of me to not listen to the concerns of those two individuals. One is saying, "Breathtaking! No chance this will affect your business, Mr Basu". The other one is saying, "This will affect your business". This is about Prevent and Pursue and the Government policy in those two areas. There is a very tiny fraction of the Muslim community who already see, for instance, Prevent as being a way of securitising the Muslim community and seeing



HOUSE OF COMMONS

the Muslim community through a counter-terrorism lens. I fundamentally disagree with that, but there is a small, very vocal, very well publicised community that would effectively say Prevent is a racist, Islamophobic tool, based on this definition. They will; I predict it now. I think you will have seen there has probably been some commentary on it already, because I will not accept it.

There is a definite link between those people using it for that purpose. That is fine for me; I am an Assistant Commissioner, and I wear all this braid, and I have broad shoulders and a lot of experience. When I speak to police constables and members of staff who are going into large rooms where they are being heckled and called racist and Islamophobic for trying to prevent somebody going down that path, I am thinking about them and their ability and their resilience to deliver that vital work, work that I have described as the most important pillar of this country's counter-terrorism strategy. I am thinking about them. Then when I think about the other hugely emotional tool that we use, which is the schedule 7 stops at ports, that is being attacked as effectively targeted and discriminatory already. This will add to that small fraction of people who will choose to use this definition to say it is Islamophobic and racist.

I will finish with one point. Some people I deeply respect, senior members of the Muslim community, think that by what I have said already in public, I have somehow said that my officers' policies and tactics are Islamophobic and racist. I am finding that it hard to live with, that, first, somebody would think I would lead an organisation that was that, and secondly, that that would be the natural conclusion for wanting this definition to be slightly tighter. I need to say this on the record, because they are all listening to what I am saying right now. Islamophobia exists; discrimination and hate crime is disproportionately increasing in that community. That community and Muslim individuals do need confidence; they need people like me to believe them, and I need them to understand that I do. I just need this definition not to be so broad and ambiguous that it would give ammunition to a tiny fraction of people who would pull down this policy, this contest, this national security policy. I do not want to give them the ammunition.

Q37 Tim Loughton: I am slightly alarmed that you think that a PC in Bradford could be browbeaten by the heckling of people who he may be investigating on issues around counter-terrorism.

Assistant Commissioner Basu: Why are you alarmed by that?

Tim Loughton: No, let me finish. I am alarmed that you think that could happen to one of your PCs abiding by the same laws and under the same duties of care in Bradford, and yet if it was in front of you, you have enough braid for it not to blemish you. It is a problem of process, not of interpretation, is it not?

Assistant Commissioner Basu: You might have missed the point. The point is I do not do that every day, and that PC does. I have to appear in



front of those seniors—Dominic, whoever it is—to explain my point. I do not have to do that every single day. What I am most concerned about is that the door will eventually not be open to that person at all to go and explain their business.

- Q38 **Tim Loughton:** Is that the case even though this is not intended, and you would not want it, to be legally binding? Would it be very different if it were legally binding? It is not clear from the report—it is entirely ambiguous, in fact—as to whether this definition is intended to be legally binding or not legally binding. How does that impact on your ability to enforce the law or enforce a definition that may lead to a criminal prosecution under the law?

Assistant Commissioner Basu: I do not think it does. We have made the point very clearly that we have racial and religiously aggravated offences, we have substantive offences, and that is about enforcing the law. Prevent is about training. It is a voluntary programme to try to dissuade people from going down a path that might lead to terrorism, whether you are a white supremacist or an Islamist Jihadist. It is a voluntary programme. It is a very difficult thing for that police constable in whatever community they are in to get that kind of confidence in order to get into the community, for them to open the doors and open their arms and embrace that. If they are being told by very small numbers, but very vocal members, that effectively they are Islamophobic and racist because they are targeting a community on that basis, that is a concern.

- Q39 **Tim Loughton:** Are you saying that, as it stands at the moment, the law is sufficient, albeit increasingly being put under pressure by an increasing number of hate crimes of those descriptions? Be it through the use of the Public Order Act of 1986 or religiously aggravated assault or racially aggravated assault, the law is sufficient to deal with these instances as it stands, and having a definition that is as broad and ambiguous as this makes your job that much harder under the existing law?

Assistant Commissioner Basu: Yes, legislation is sufficient. I am definitely not sitting here asking for more legislation. I will quote my great mentor John Grieve: you should never ask a police officer whether they need more legislation or not; they will always say yes, which is precisely why you should not ask them in the first place. I will be unambiguous: no, we do not need more legislation. We have very solid and good legislation in this country to deal with this offence.

- Q40 **Tim Loughton:** Why do we need a definition, then? You all agree that we still need a definition, with the exception of Baroness Falkner.

Assistant Commissioner Basu: I was very clear when I opened that I think that definition is required by communities who feel under threat because no one is taking them seriously. This is a community confidence issue. We already deal in policing the criminal end of this. Very clearly, Martin has described it in terms of religious and racially aggravated hatred by the victim's own perception, and that can be anyone's



HOUSE OF COMMONS

perception, so our own officers make that determination. If the victim does not feel confident enough to say it, our own officers will do it. We do that, and we have to record it. It is mandatory now for religiously aggravated offences as well, which is why we are seeing such a rise in them in the Muslim community, because we know it and we are recording it. That is not just about better recording practices; that is an exponential rise. That is why they need confidence.

As I said, I grew up in an area where people did not talk about racism and there was a lot of casual racism around. It is the work of the people who fought things like the National Front that made it easier for people. I understand what it feels like to be abused on a daily basis.

- Q41 **Tim Loughton:** For you, this is not a matter of legal enforcement. It is a matter of assurance for the Muslim community that they should have some confidence in the seriousness with which this is taken, first, by Government and people in positions of political power and secondly by the police and other enforcement agencies. It is not a legal requirement. Do you agree with that, Mr Phillips?

Trevor Phillips: I agree with Mr Basu's general proposition. As I understand it, what he is really saying is that it would be helpful to have some clarity about what the law is. A definition that made it easy for people to understand what the law actually is would be helpful.

- Q42 **Tim Loughton:** Can you define, Assistant Commissioner, what is Muslimness? How do you define Muslimness? If you are faced with somebody who may be subject to a charge of falling foul of the Islamophobic laws, how would you define Muslimness?

Assistant Commissioner Hewitt: I do not think, first of all, it is for me to define Muslimness.

Tim Loughton: You are going to be investigating it.

Assistant Commissioner Hewitt: I am going to be investigating crime based on the law. As I said earlier, either an individual or any other individual can assert that an offence was aggravated due to religious hatred, and they will provide the evidence that supports that. When you read the report, the key point is that this has come from all the consultation with Muslim communities to come up with a description that those people who were consulted agreed was the best way to describe Muslimness. I do accept that if you take that from the point of view of a police officer, it is not a term that most people would be familiar with, or that they will have heard or used before. Again, that takes me back to the point about the additional clarity that could be provided to support whatever definition is agreed, which could start to describe some of those aspects that describe that term. It is a term that I have not heard before.

- Q43 **Tim Loughton:** Do you think it is Muslimness as perceived by the perpetrator or the victim?



Assistant Commissioner Hewitt: In reality, it probably is both. The perpetrator will have a motivation for why he or she is doing what they are doing, and if that offence is either racially or religiously motivated, I assume that is based on them identifying something.

- Q44 **Tim Loughton:** If somebody comes to you to say, "I have been under attack because of my Muslimness", you will say it is not for you to define. You are going to be investigating it, though, are you not? If the perpetrator said, "No, I did not insult or offend you because of your Muslimness", presumably it is the victim who trumps, because it is his or her perception, is it not? They know what Muslimness actually is.

Assistant Commissioner Hewitt: That is a highly unlikely encounter. I would do what you would do in any investigation. If somebody said to me, "It is because of my Muslimness", the first question I would ask is, "In what sense are you saying that?" They will then give an answer that will either support or not support the sense in which they got that. Clearly, the point about what the offender, perpetrator or suspect will say is the essence of most investigations; the suspect will deny that what he was doing was what we are suggesting he did. Again, that would come down to what language that person used and what the circumstances of the offence or the incident were. That is the core of investigating. I do not think the term Muslimness prevents us from investigating. I understand from the report where that term has come from, but again I would say—and I think it is what Neil is saying as well—it is about how you practically apply any definition alongside policing, and why I think some further description would assist.

- Q45 **Tim Loughton:** Let me come to Trevor Phillips. It sounds like this is a recipe for absolute chaos if you do not even know whether it is the perpetrator or the victim's interpretation and definition of Muslimness, and you have not even attempted a definition of Muslimness because it is not your job to do so, but it is your job to investigate whether or not Muslimness has been a factor in the offence. It is complete chaos, isn't it?

Assistant Commissioner Hewitt: No, it is absolutely not chaos. The legislation that we have around hate crime, the hate crime legislation, is quite clear that the victim and any other person can define that they feel that offence was motivated by whichever form of hate crime. That is the law as it stands. How that person chooses to describe their particular characteristic that falls under the legislation will always be different in every case, and in many cases you do not necessarily have a title. I would not sit here and define Jewishness. There will be a whole range of factors that could come to define that.

- Q46 **Tim Loughton:** But neither terms are included in the law, are they? That is the point. We are able to deal with it now without introducing this new term that nobody seems to know the meaning of, Muslimness.

Trevor Phillips: To be fair to the authors of the APPG report, they do have some explanation of what they mean by this. As Baroness Falkner



HOUSE OF COMMONS

mentioned, last week Anna Soubry used an example of the way people dress. The central case is the case of Shabina Begum, a Luton schoolgirl, who wanted to wear the jilbab to her school. The school already had a uniform that was, for 99% of Muslim parents, Sharia-compliant; it was a salwar kameez, and so on. However, she insisted she wanted to wear this particular form of dress. I was involved because we were asked to support the case, and we said we would not, because there were options, there was a uniform and so on. The point here is if you define this particular form of dress as characteristic of being a Muslim, and Shabina Begum's QC, Cherie Booth, said to the House of Lords that not being allowed to wear this was a breach of her human right to religious—

Baroness Falkner: The Supreme Court. The House of Lords acting as a Supreme Court.

Trevor Phillips: Yes, Supreme Court by that time, I beg your pardon. She described it as a breach of her human right to religious expression. My guess is if this definition says targeting of expressions of Muslimness are a problem, then Ken Clarke—"A kind of bag"—Emily Thornberry, who would not want a woman in a burka looking after her children, and even Anna—a "peculiar concept", wished women did not do it—would all be guilty.

Baroness Falkner: The Supreme Court found against Shabina Begum and in favour of the school.

Q47 **Stuart C. McDonald:** That is not really true, though. The definition requires that it is racism. You can make these distinctions and exclude certain forms of school uniform on another basis completely. That does not mean that that is motivated by or is a form of racism, though, does it?

Trevor Phillips: I was not the one saying that an expression of Muslimness related to dress. That is not my definition.

Q48 **Stuart C. McDonald:** You are expressing concern that this definition would have caught that.

Trevor Phillips: No. Mr Loughton asked if expressions of Muslimness had any meaning, and I said that to be fair to the authors of the report, they have been quite clear that it does have meaning to them, and this is one of them.

Q49 **Stuart C. McDonald:** To be clear, are you saying that the schoolchild you just referred to could have said it was Islamophobic under that definition? My reading of that definition is no, because you could not possibly argue that it was motivated by racism or a form of racism.

Baroness Falkner: Could I read aloud to you what they define as Muslimness? "Such an understanding of Muslim difference combines biological attributes (skin colour) with religious and cultural practices including clothing (hijab, niqab, skull caps, kurtas), eating—"



HOUSE OF COMMONS

Q50 **Stuart C. McDonald:** You are missing the point. The whole point that I am getting at is that it is not just about expressions of Muslimness. It has to be rooted in racism or a type of racism. You could not possibly argue that the school decision there was rooted in racism or a type of racism, could you?

Trevor Phillips: It says “or targeting”. This is one of the possibilities.

Q51 **Stuart C. McDonald:** It says “that targets”, so it has to be a type of racism or rooted in racism, a type of racism that targets. You cannot possibly say that the school in that example is being racist. That is just not a fair example.

Trevor Phillips: I did not say the school was being racist at all. I simply made a point, as follows—

Q52 **Stuart C. McDonald:** Are you not saying that this definition would catch that school?

Trevor Phillips: Can I take 30 seconds to repeat what I said? The authors of the report define dress as one expression of Muslimness. The definition refers to targeting expressions of Muslimness. My point was simply that people who, frankly, I think should be under no suspicion of being Islamophobic have said things about that form of dress that could conceivably—let us put it as mildly as that—fall under the rubric of targeting that expression of Muslimness.

Q53 **Stuart C. McDonald:** Yes, but it is wrong to suggest that that definition would ever have caught the school in that example that you have given.

Trevor Phillips: I didn’t suggest that.

Stuart C. McDonald: Okay. Well, that is fine.

Chair: We agree that the school would not be caught by this definition.

Q54 **Toby Perkins:** Baroness Falkner, you said previously that much of the response must come from existing criminal and civil law guidance, rather than the creation of new criminal definitions and categories. You have heard there has been widespread agreement from the panel that a new legal definition is not what is needed, but you have heard representatives of the police say that if we can find an agreeable definition, it will help them to police Islamophobia, and also it will give reassurance to the community. Do you believe that current hate crime legislation is sufficient, and do you believe that it is possible that the kind of definition that AC Basu advocates would be achievable?

Baroness Falkner: I do not think it is for me to arrive at whether it is achievable or not, because they are doing the frontline policing and I am not. What I do know is that there is hate crime. I know that, because I get reverse Islamophobia. It is interesting—I am sorry Mr Loughton has left the room—I am told that I am not sufficiently Muslim, possibly because of the way I dress, or possibly because of my demeanour; I don’t know. I get that, so I absolutely know, and I get it, frankly, too



HOUSE OF COMMONS

regularly for my taste. I think when you have a rise in hate, you get a rise in hate crime. We are living in these times.

Do you need a review of hate crime to ascertain whether it is fit for purpose? I would be entirely content with that. I would have absolutely no trouble with a serious review looking across the range of the stuff we have been putting into place for the last 30 years, and seeing whether we need to do something more about it, absolutely. I think that might be a very useful thing to do. I think the Government have announced something; I am not quite sure what it is at the moment.

Trevor Phillips: Two advisers.

Baroness Falkner: They want a couple of advisers. Perhaps a more comprehensive legal review would be helpful. That is why I mentioned the Law Commission.

Q55 **Toby Perkins:** First, do you believe that current hate crime legislation is sufficient?

Baroness Falkner: I don't know, because I am not at the practising end of the law. I simply could not give you that judgment. What I see is the examples that they mention in their conclusion, and I say this because Madam Chairman raised the conclusions and the examples. What they do not say in those various, really quite deplorable and despicable incidents is that many were successfully prosecuted. That is why we know of them—because they went to court and were successfully prosecuted. It is not as if all of those examples happened and nothing was done about it.

Q56 **Toby Perkins:** You said that a definition that all Muslims would accept is impossible. First, to what extent is the definition of Islamophobia a question for society, and to what extent is it a question purely for people who identify as Muslims? Secondly, do you believe that the increase in anti-Muslim sentiment in the UK can be tackled without introducing new definitions or provisions, whether they are legally enforceable or not?

Baroness Falkner: I think you go to the heart of the matter, Mr Perkins. You have gone straight to the nub of the matter. A question, a profound change in our cultural, legal, social understanding of a problem, which is what this definition entails, should not be a matter for 4.4% of our population. If you are going to embark on a cultural war, you need to have an informed debate across society about it. It is not a problem for Muslims only. It is also a problem for those people who wish to dissent from prevailing views, who wish to disagree with opinion and who wish to disagree with belief. It should reflect all facets of society. I think you have it there completely.

What do we do about anti-Muslim sentiment, hatred and so on? There is clearly a problem. Apart from the state, the Government, doing what it needs to do, and public policy doing what it needs to do, there needs to be more of an attempt within educational institutions, more thought leadership across society, employers and so on, to look at why, and I am



HOUSE OF COMMONS

speaking about Muslim disadvantage. I remember speaking in a debate in 2005 about Muslim women's pension rights, because they were not employed in traditional employment. There is absolutely a case to have a discussion as to why particular sections of our society suffer the level of disadvantage they do—not just are perceived to suffer, although I believe the perceptions are higher than the reality. For example, Bangladeshi boys are doing quite well at school now. When I started talking about it, they would laugh, because they were the bottom of the pile. You have seen change, but it has to be a society-wide discussion.

- Q57 **Janet Daby:** Good morning. Do you view Islamophobia as a form of racism? I know that Mr Basu and Mr Hewitt have already spoken about people who are Islamophobic and racist, so you have already touched on this. I know, Baroness Falkner, you prefer the term anti-Muslim instead of Islamophobic, but could we start with you, Baroness, about whether you view Islamophobia as a form of racism?

Baroness Falkner: I know the subjects of Islamophobia are, on the whole, almost entirely of a different race, are a minority group. Yes, in that sense I think the practical manifestations of it are usually directed towards people of my colour and other colour.

- Q58 **Janet Daby:** How would you respond to somebody who is white and Muslim?

Baroness Falkner: A white convert? Yes, I think white converts suffer it. To some extent we have seen the examples in this report, and I know of other examples. It is something very peculiar; people particularly do not like their own community adopting the beliefs of another community, and of course white converts experience it. Incidentally, I have given evidence to the US Congress on these issues. I have travelled on behalf of the UK Government, under Labour, to France to speak about these issues, so I have a good, global understanding of it. I have a lot of understanding of what happens in Germany. Black converts in US prisons suffer it hugely. We are not talking only of south Asian people of Pakistani origin, as the UK disproportionately seems to have. It is people all across the board.

- Q59 **Janet Daby:** Does that mean you would agree with that bit of the definition—that Islamophobia is rooted in racism and is a type of racism?

Baroness Falkner: It depends on how you define racism. I know there are people who define racism as including social class. I do not. I think, to be honest, if I can say this to you, people who look like me have enough problems living in a white-majority country as it is, without worrying about our accents, our class, our socioeconomic privilege or lack of, and so on. I would like to see a mainstream definition of what we define as race, rather than going into structural constructs of how it arises, what its roots are, and whether economics, class and other manifestations should rightly or wrongly be construed as race.

- Q60 **Janet Daby:** Trevor, could I put that question to you as well?



Trevor Phillips: We said quite a lot in our submission, so I do not want to extend that. First, we should not slip into treating race and religion as interchangeable. In this country, one third of British Muslims are not south Asians. Over half of British Asians are not Muslims. There is a legal definition of race that is not compatible, and the Government Equalities Office, I understand, has put out guidance on this. It is not compatible with the way this definition is framed. That is the first point.

Secondly, when we first couched this report on Islamophobia in 1997, we specifically avoided conflating race and religion. That was almost entirely because Muslim opinion at that time wanted not to be seen as a race. In fact, the point that was made to me again and again as chair of Runnymede Trust is that Islam is a pan-racial, pan-ethnic religion, and confining it to race was wrong. When we brought the Equality and Human Rights Commission into being, the Muslim Council of Britain resisted the idea of religion becoming the responsibility of the Commission for Racial Equality for the same reason. For most of my time involved with this, the opinion has been: do not mix race and religion.

If I may, I will give a couple of facts about something that was raised earlier about the nature of hate crime. The vast majority of hate crimes are race hate crimes. The Home Office data, which I just looked up, says that 71,000 hate crimes in 2017 and 2018 were to do with race and 8,300 were to do with religion. That means 76% were racial and 9% were to do with religion. This goes back to the point that Baroness Falkner raised: what are people thinking of themselves as being? It is really quite important for us to understand what we are dealing with here.

I have one last point, and this may sound an abstruse point, but it is a very practical point. Racial equality turns entirely on treating everybody in the same way. Religious equality is exactly the opposite. We give people, for example, opportunities for holidays. Last year Ramadan fell in the same period as GCSE and university exams. Special arrangements were made so that students who were fasting did not have to do exams in the afternoon. If we start to conflate these two things, there will be practical consequences. This is not just a rhetorical issue.

Q61 **Chair:** Thank you all for your time. I have one final point of clarification. The antisemitism definition, notwithstanding the different origins and different histories of these definitions, is obviously used by a whole range of different organisations, including, as we know, political parties, to challenge prejudice, discrimination and racism. Do you accept that a definition of Islamophobia could be used in the same effective and constructive way that the definition of antisemitism is used by other organisations—not the criminal justice system, but more widely—to challenge prejudice, to challenge Islamophobia and to challenge racism? Yes or no?

Assistant Commissioner Basu: Yes.

Baroness Falkner: Are you talking about this definition?



Chair: I am talking about a definition. We have had a lot of discussions about the nature of this particular definition, but a definition.

Assistant Commissioner Hewitt: Yes. Just to help, Chair, in our hate crime operational guidance, the definition is explicitly printed to guide and go alongside everything else that we say in relation to antisemitism. I think it should be exactly the same if we were able to get to a definition.

Q62 **Chair:** Baroness Falkner, yes or no?

Baroness Falkner: Probably not, because politics is about disagreement.

Q63 **Chair:** That is fine. Trevor Phillips, yes or no?

Trevor Phillips: A definition could be used in the way you suggest, but it is very likely not to be.

Q64 **Chair:** I thank the panel for your evidence. We may, in the light of the second panel's evidence, come back to you with further questions, if that is acceptable. Finally, on the policing thing, can I again have clarification? In your policing, Prevent or counter-terror work, you already have obligations regarding proportionality, non-discrimination, challenging racism and so on, and all of those would apply equally in this area. Therefore, it would be possible to have a definition of Islamophobia that is completely in line with all the obligations that you already have.

Assistant Commissioner Basu: Of course. Yes, absolutely.

Chair: Thank you very much for your evidence. We will move on to the next panel.

Examination of witnesses

Witnesses: Dr Omar Khan, the right hon. Anna Soubry MP and Wes Streeting MP.

Q65 **Chair:** I welcome our second panel. Thank you for listening to the first panel's evidence. Please introduce yourselves and the role that you play. Once you have done the introductions, I will ask you your initial response to the evidence that we have heard from the previous panel.

Dr Khan: My name is Omar Khan. I am the Director of the Runnymede Trust. We published the 1997 report on Islamophobia that provided an account of Islamophobia. Then we published a report in 2017, a 20-year anniversary report, providing a definition of Islamophobia. We also hold the secretariat for the all-party parliamentary group on race and community, which has Members of this House as members.



Wes Streeting: I am Wes Streeting. I am the Labour MP for Ilford North, co-chair of the all-party parliamentary group on British Muslims and—this is probably pertinent to the issues under consideration—co-chair of the all-party parliamentary group on British Jews, and the former head of education at Stonewall.

Anna Soubry: My name is Anna Soubry. I am the Change UK MP for Broxtowe. I was born in Lincoln and I was raised in Worksop. My father was a Roman Catholic and my mother was Church of England. When they married in the mid-1950s, there was some prejudice against Roman Catholics in our part of this country, as a result of which I was brought up in a home where religious tolerance was part of the Soubry DNA. I was brought up Church of England. I lost my faith at the age of 14, when I went through confirmation. I take the view, accordingly, that I am a blank canvass in this matter, having no views whatsoever before I embarked on what I take to be the great honour of being the co-chair of the APPG on Muslims. I am a former barrister, so I am rather inclined towards evidence.

Q66 **Chair:** Thank you. Dr Khan, could you give us your response to the first panel's evidence?

Dr Khan: Sure. There is a lot there I did agree with. I think it is fair to challenge definitions—any definition that is provided—and there are good reasons that everyone will disagree on issues that are obviously of great dispute. There were two issues that I will briefly mention at the outset. Partly in virtue of who you had invited, and the police commissioners in particular, the lens and the context was obviously hate crime and violence. From a Runnymede perspective but also the APPG's report, one of the main functions of the definition was to expand the understanding of the experiences that Muslims face beyond violence on the streets to highlight the ways in which Muslims are disadvantaged in the labour market, and the ways in which they face discrimination from the middle-class dinner table that Sayeeda Warsi has talked about.

I would not advise that a definition of any social phenomenon should be determined by what the police think it should be. I would say that of sexism, I would say that of homophobia, and I would say that of racism. Of course, the police need an operational interpretation of said definition to do their work, but I would strongly disagree with the view that we should define any form of discrimination on the basis of a police operational definition. Of course, they need such a definition, but what both Runnymede's report and the APPG were doing was saying, "There is a lot more going on here, and policymakers are too narrowly focused". In fact, one of our strong views is that the current policy framing for Muslims is too much in the context of securitisation, and it does not look at things like poverty and the labour market, things that Trevor Phillips rightly highlighted. Insofar as we continue to have a debate in that space, it blinds policymakers from the wide ways and range of ways in which Muslims are disadvantaged in Britain today and does not focus on those



HOUSE OF COMMONS

solutions, the things that we need to see. That would be the first concern I have.

I have views about legally binding, and I think that has been overstated. The case of the IHRA also has to make you a little bit—how to put this? It is not the case that the adoption of the IHRA has ruled out the practice of antisemitism. Adopting it, even by the Labour Party, has not sorted the problem. I find it a little peculiar to say that the adoption of a definition would have that effect when in my view the adoption of the definition is merely the first step. In that sense I agree with Trevor Phillips again; the real question is implementation. I find it quite odd, in fact, to declare that a definition would have those effects when I look at the effects. In fact, Britain has been a signatory to the UN Declaration on the Elimination of All Forms of Racial Discrimination, which provides a definition of racism. Zero people have ever been taken to court under that definition. I find it highly unlikely, given that we have been a signatory to that document for 51 years, that this would have those effects. I will stop there; I have further views.

The second main point I wanted to make was that I do not agree with Trevor Phillips's account of how the definition and understanding of Islamophobia has developed over the past 20 years. I do not agree that that is Runnymede's account. I can cite documents that we wrote in the early 2000s about this. It is quite conventional. I think it is really important for the Committee to understand this, whether or not it makes sense to the Committee or to the wider public. I admit those are separate issues. It is extremely conventional within anti-racist, race equality and academic discourse to define Islamophobia as a form of racism, and it has been for 20 years. There is absolutely nothing new about that. I accept that there is a question of how you then translate that for policymaking and for public understanding. It may be that more could be done in that sense, and I think politicians have a role.

But it is really crucial that the Committee understands that this is not internationally in any way being driven by some sort of Islamist plot, that it has come from nowhere and that it is unconventional. You can ask about the process of how the APPG went about its business, but its distillation of the academic and race equality view on this is absolutely correct, which is that Islamophobia is a form of racism.

Wes Streeting: There are three major criticisms that I have of some of the things we heard in the previous panel. We have been engaging since we published the report in both good faith and bad faith arguments against the report, and there are both. I do not understand how anyone in good faith could possibly read our report and draw the conclusion that this is an attempt to introduce some sort of backdoor blasphemy law. We could not have been clearer in the introduction in saying, "Let us be clear, the aim of establishing a working definition of Islamophobia has neither been motivated by, nor is intended to curtail, free speech or criticism of Islam as a religion". It also says criticism of religion is a



HOUSE OF COMMONS

fundamental right of an open society, and is enshrined in our commitment to free speech.

In fact, through the examples that we set out it is clear that the whole purpose of the definition is to try to help people to work through and recognise what Islamophobia is, not only recognise it but then know how to tackle it. For example, if I say, "I do not believe the Koran is the literal word of God received by Mohammed, who I do not recognise as the seal of the prophets because I am an Anglican, oh, and by the way, I have some pretty big problems with people who are standing on school gates in this country using Islam to justify bigotry and hateful language towards LGBT people", I can say all of that and believe all of that and be consistent with our definition.

The second thing is about legal enforceability. I am not sure where this has popped up. I do not see it contained anywhere in our report. There may be people who have given evidence who do aspire to legal changes and maybe they will identify some gaps in the law as the new criminal justice legislation comes forward. What we are putting forward is a working definition that can be used in a practical sense to help people to understand what Islamophobia is and how to eradicate it. If we understand anything from social change in this country over the last few decades it is that changing laws is one challenge, but changing hearts and minds and practice is quite another. If anything, this is about guiding practice and deliberation of examples that arise to help people work through what Islamophobia is and where to draw the line.

The final thing that I found really striking was the almost complete absence of British Muslims from any consideration offered by the last panel. They gave their own individual views, their own professional views, but at no point did they discuss what British Muslims are saying and how they feel until Kate Green's question, which brought in her experience of her own constituents. The fact is that hate crime against Muslims is on the rise. There are laws in place to tackle it, but clearly they are not going far enough to help to educate out the prejudice. We went in with an open mind about whether to use the term anti-Muslim hatred or Islamophobia, and we found overwhelmingly—whatever the etymological roots of the word Islamophobia—that Islamophobia is the word that is used most commonly and frequently by British Muslims, the term they found most helpful. Defining Islamophobia just as anti-Muslim hatred eliminates a whole range of other things that could come into play.

I also found it quite extraordinary to hear Trevor Phillips say the definition was too broad and did not address issues like discrimination in education, for example. Not only do we follow the IHRA root of giving some examples in general terms to highlight that we mean Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness, we go on in pages 57 to 59 of our report to give specific, real-life case studies of discrimination against Muslims, which is more than hatred. It also includes the car insurance



HOUSE OF COMMONS

company that charges motorists £1,000 more to insure their car if their name is Mohammed. It also talks about the Social Mobility Commission's research that showed that Muslims are, overall, far less likely to succeed in the labour market than any other group due to rampant Islamophobia, discrimination, and racism, the structural roots of Islamophobia as racism.

I am very happy to engage with good faith arguments and consideration about the workability of this and how we tackle what is a genuine problem, but I do find it hard to believe that people have read the report once, let alone twice, if they continue to make assertions about blasphemy, about a legally-binding definition and, worst of all, if they couch their concerns about this definition with absolutely no reference to the Muslim communities up and down the country. That includes those 650 national organisations, from the Muslim Council of Britain to British Muslims for Secular Democracy, who have all endorsed this definition as something they sign up to, not least because of the process we went through in deliberation and consultation with a wide range of actors, including, I must say, senior police officers up and down the country.

Anna Soubry: I will just add the following, because I endorse everything that has been said by both Wes and Omar. I am assuming that the Committee will accept that we have now a huge rise in Islamophobia and this is a very real, serious problem that affects the everyday lives of almost all 3 million members of our British Muslim community.

On Friday we heard reference to the fact that I did a radio programme at a school in Buckinghamshire, and afterwards, as is the norm, we all had refreshments. I stood with a Muslim father and his daughter. He had experienced skinheads in the 1960s and the attacks, insults and abuse that was quite prevalent for people of colour and of his particular faith at that time. He was very clear that things had improved in our country until more recent times, when they have returned. Not only had he experienced it, his son was beaten up in a burger bar for no other reason than his faith. One of his daughters had stones thrown at her—she was stoned—because she chose to wear a hijab. I look at it and I see a silk chiffon scarf that is wrapped around her head, which I find quite attractive, but she was stoned as a result of the belief that she was a Muslim, which she is. His other daughter, who I met, had also been abused and subjected to assault because of her faith. That is what is happening in our country today, and I am sure everybody on this Committee would accept it is unacceptable.

But you cannot begin to do the real work until you define what Islamophobia is. As we heard from the witnesses, including my old friend and adversary Trevor Phillips, for 20 years, frankly, everybody has ducked it. That is why the APPG embrace this. I cannot speak for Wes—he is more than capable of speaking for himself—but I have no doubt we really did enter this with completely open minds.



That brings me on to my second point. On that basis we absolutely listened. We listened to not just the academics, who are important community leaders, people who frankly understand far more about these things, I admit, than I do, but we listened to the experiences of ordinary Muslim people going about their everyday lives. This entire report is based on evidence and, having listened to and gathered the evidence in an extraordinary manner and heard stories that genuinely shocked me, we then looked at how we got this definition together.

I am reminded, because I am old enough to be able to remember these days, when sexism was a particular problem. I am not saying it is not still a problem, but I am old enough to remember and to have experienced in my working life when it was not seen as something unusual for a man in a working environment to make a derogatory comment to a woman about the size of her breasts. I would like to think that would not happen nowadays because of the advancements that have happened in our society as we understood what sexism was and began to define it. Equally, I am old enough to remember when homophobic comments were seen as pub-room banter and acceptable. Then as we began to explain and to define it we found, I hope and I want to believe, a profound change in our attitudes towards gay people. As Wes said, it is not just about hate crime—I really do not want us to get trapped in that—and legal definitions. This is about building a more tolerant society.

The final thing I would like to say, Chair, is about this issue of race. For me, this is one of the most interesting and rather exciting pieces of work I have ever been involved with in the nine years that I have been here. Like many people, I started with the belief that race obviously has something to do with your racial roots, the colour of your skin, or whether you were born in France and were therefore French, and somehow to do with DNA and all the rest of it. I will put up my hand and admit that I was absolutely educated about the modern definition of racism that has developed in recent decades. It is not simply about biology. It is now far more than that, and it can, therefore, encompass people who are in a religion, because they form a definable sect, caste, or class—call it what you want. The extension of the definition of racism now embraces people who are Muslims and who are part of that faith of Islam. It was, therefore, on that basis that we came to this definition after one of the most fascinating and challenging debates that I have ever been involved in. I had no doubt about it.

We have heard reference to Dominic Grieve, who of course put the foreword to this piece of work. I would urge, if I may, the Committee to hear from him, especially in his role as Chair of the ISC, because I think his views may assist this Committee.

Q67 Janet Daby: You have sort of answered my first two questions in your opening remarks around the reasons you have arrived at the definition and also defined Islamophobia as a form of racism. I want to ask you the third question, which is about the consultation that you undertook and



HOUSE OF COMMONS

how you sought to achieve a balance in your investigation. Could you say a bit more about the consultation as well? That would be really helpful.

Wes Streeting: We consulted widely. We had, first, an open call for written evidence, which we published and tried to circulate as widely as we could. Anyone could submit evidence to our inquiry, and indeed they did. We list on page 61 of our report contributors to written evidence, and they include Muslim organisations, parliamentarians and a whole number of academics and organisations that you would consider might have a view on this. We also went around the country to ask grassroots communities what they thought, in Manchester, Sheffield, Birmingham, and London. On page 63 of our report we list some of the key people who attended, and it is by no means an extensive list of every member of the public; people came because they had a particular professional interest, which, as I said, includes the Crown Prosecution Service and also senior police officers, I think up to assistant chief constable rank.

We also held a whole range of oral evidence sessions here in Parliament, and the contributors to those are listed on page 62. We engaged with people of other faith communities, and also had an open questionnaire particularly aimed at victims of Islamophobia and anti-Muslim hatred. At the time when we put out a call for evidence, we were not settling on one word or term or another, so we kept that open. Therefore, we had submissions from people describing their own experience, which are then found in the report. We also drew extensively on a very hefty body of academic work, which is listed in our bibliography over the course of about two and a half pages in the report. It was a very thorough process.

One of the things I have emphasised to the Government after the announcement last week, following the debate, that they are going to do their own piece of work, is I make no bones about the fact that I am concerned by the Government's starting position. I am concerned that the Government have already predetermined a number of things that I think are essential to understanding Islamophobia. They have precluded, for example, defining Islamophobia as a form of racism. It seems to me that the Government have accepted that the definition curtails free speech, which we do not believe it does. The Government should be more open-minded. But crucially, as I said to the Secretary of State last Thursday, it is absolutely critical that if the Government are going to propose their own definition, they have to do at least as good, if not a better, job of grassroots engagement, engagement with the widest range of voices on this, as we have done.

As I said—with some humility as a Labour MP, I have to say, given our painful experience on antisemitism—I cannot overstate the extent to which a Conservative Government currently lacks credibility in the eyes of many Muslims to come up with its own definition, given how spectacularly badly the Conservative Party failed to tackle Islamophobia within its own ranks. It is not felt that they understand Islamophobia, let alone are able to define it for others.



HOUSE OF COMMONS

Dr Khan: I want to say something about that, because I do not think it is a party-political point. The proportion of Muslims who vote for the Conservative Party is now below 10%. The Conservative Party in the UK does as well with British Muslims as Donald Trump does with African Americans. It is very dangerous for them to go into that community and say—it is the equivalent politically of Donald Trump telling black people what they should think about racism. You have to be very cautious in doing that.

I did want to say one thing on the racism point—sorry, I know you said you have had an answer. One thing I did not highlight enough is that this is not unique to Islamophobia, as Anna has hinted at. The conceptualisation of racism has shifted, but I think it has always been the case that racism was not just about skin colour. The origin of racism as an ideology is about justifying the economic domination of other groups, and to do so there had to be cultural justifications for why it was acceptable to treat people in those ways. There were always pathologies attributed to different groups, whether it was a gypsy, Jew, Muslim or black.

The reality is that those tropes have been the same for centuries. People do not just randomly pick up a trope. They have not creatively come up with a monkey; there have been centuries of tropes about those things. The point around hate crime is that it does not derive merely from the rising testosterone or the criminal aptitude of a particular individual. They are picking up within our society tropes that have existed for centuries, and those tropes are not about skin colour exclusively; they are about what the racist thinks the ethnic minority does or thinks or believes. There is nothing exemplary in that sense about defining Islamophobia as a form of racism.

Q68 **Janet Daby:** From the first panel I did not necessarily pick up that there was a huge disagreement around the racism. It was separating the religious discrimination and the race one. Do you want to say something about that?

Anna Soubry: Racism is the belief that one group or race is superior to another, and that that other is inferior. It manifests itself in different ways, but that is at its core, that one group, one race, is superior and another is inferior. Then the prejudice, the intolerance, often hatred or just plain ignorance, flows from that belief of superiority and inferiority.

Dr Khan: I think that it would be very hard to argue that the racist is motivated by theological considerations. It is not what is going on.

Anna Soubry: No, exactly right.

Q69 **Kate Green:** You have described very fully the consultation process and the engagement process, but how would you respond to a suggestion that the report might have been influenced by groups that were perhaps pushing hostile or surreptitious agendas? I am thinking of that question



HOUSE OF COMMONS

in the context of I think it was Neil Basu saying to us that some people would use the definition, for example, to say that Prevent is an Islamophobic tool.

Wes Streeting: As with any definition on anything or any legal framework, what we cannot do with the APPG is prevent people from using Islamophobia in bad faith, as a bad faith accusation, to try to silence others in the same way that our common understanding of homophobia or biphobia or transphobia does not stop people from, in bad faith, accusing people of being homophobic who are not homophobic. We cannot stop that, but I would argue that that is all the more reason to have a clear definition with clear examples that is well understood and understandable to others.

I think that it is an important question because that does bring us on to Prevent. That charge against Prevent is one that I would commonly hear in mosques in my constituency. It is a shame that we constantly see the issue of Islamophobia through the prism of counter-terrorism. All I would say to the Government on that front is that instead of ignoring those charges about Prevent, I think that there is a long overdue necessity now to listen to what communities are saying and to work with communities. Especially when I talk to some of my Muslim community leaders locally, what is often not written up in the story of counter-terrorism and the work that is done to tackle violent extremism are the stories of the mosque leaders who do not just have to deal with these guys who turn up. In Ilford, we have had some very high-profile examples of the sort of people I am describing. These are the people who are physically wrestled out of mosques by imams and mosque leaders. They are a big problem for Muslim community leaders, and I do not want us to see the entire debate through the prism of counter-terrorism.

I would also argue that if there is going to be something that strengthens the arm of those who incite people to violent extremism, it will be reinforcing the narrative that Muslims have no place in our society, that Muslims will never be accepted, that we are not interested in Islamophobia, that we are not interested in tackling the very real acts of not just hatred but systemic discrimination that Muslims deal with. I would argue that a good understanding of Islamophobia and tackling this in genuine terms is not just important in and of itself, it is also an important tool in tackling those violent extremists and the hate preachers who use those siren calls to bring vulnerable people to their cause.

Anna Soubry: We have been accused of being white, which we are, and liberal with a small "l"—

Wes Streeting: Which we are.

Anna Soubry: Which we are, and the criticism is that that completely destroys the validity of this report, which of course is a complete nonsense. The fact is that we have come to it with open minds and open hearts, but if you look at the background of both Wes and I, you can take



the view that we do not get pushed around by anybody. We are pretty brave and, most importantly, the voice that comes out of this is the British Muslim community. This is their definition, based on their experiences and their thought on the situation in our country as it is now.

Dr Khan: I think that it was unfortunate that Neil Basu said that, especially as the terms of reference for the independent review of Prevent have not yet been determined. I don't know what kinds of organisations he was referring to, but we are one of 70 organisations that signed a report that went to the UN High Commissioner on Racism. Seventy of us called for a review of Prevent, including investigating whether it was racially discriminatory. I guess he must think that all 70 of those groups, which include mostly human rights groups, are however he described us, which I think is quite sad. Then, of course, the UN itself agreed with us, so he is also so describing the United Nations.

Wes Streeting: I wish that people would put these criticisms in specific terms as well, because when they do, they are often found to be bogus. For example, one of the criticisms that has been made is that this definition has been influenced by CAGE, which is an organisation that I will not share a platform with. CAGE did send in written evidence, but they have not adopted our definition. They do not support our definition and we are no more pro-CAGE than the Home Affairs Select Committee would be if CAGE sent written evidence to you.

That brings me back to the bad faith arguments against this report. If people want to criticise the substance, I am well up for that, and well up for engaging with it, but it is the bad faith arguments that force me to use unparliamentary language.

Dr Khan: I have said this, too. Some of these organisations are actually opposed to the definition. Some of the organisations cited publicly as being behind it have come up with their own definitions and are opposed to what the APPG is saying and doing, which is particularly amusing. You cannot rule out from the outset by definitional fiat that this is a form of racism. It has to be considered.

Q70 **Tim Loughton:** I do not think that anybody is going to criticise the aim and the intention of what you are trying to do in this report, or to deny that there is a problem with hate crime generally and anti-Muslim hatred in particular. The concern to this Committee and others will be the definition that is the conclusion and the centre point of this report, so let's start on that basis. I am still not clear whether your recommendation is that your definition should be legally binding or not.

Wes Streeting: No, it is not a statutory definition. We accept that the definition as it is set out does not lend itself to being transposed into an Act of Parliament. What it is meant to be is a framework for deliberating, considering, understanding and challenging very real discrimination experienced by Muslim people.



HOUSE OF COMMONS

Q71 **Tim Loughton:** Okay, so why on 17 May, after the debate, did the all-party parliamentary group tweet that the time had come for a proper legal definition of Islamophobia?

Wes Streeting: I have just said that the definition that we have proposed does not lend itself to being transposed into an Act of Parliament. That does not mean to say that—

Q72 **Tim Loughton:** You said it should be a legal definition, so what is the difference?

Wes Streeting: I must say, to be perfectly honest with you, Tim, I have not seen that tweet, and it is not the way I would have posited what we are trying to achieve.

Q73 **Tim Loughton:** Is that tweet wrong?

Wes Streeting: I would say so.

Q74 **Tim Loughton:** Who was responsible for it?

Wes Streeting: I don't know, is the honest answer, because there is more than one—

Q75 **Tim Loughton:** You are the co-chair of the all-party parliamentary group.

Wes Streeting: More than one person has access.

Tim Loughton: If the all-party parliamentary group has put out a tweet and you are not aware of that tweet, who is responsible for it, because it completely contradicts the evidence you have just given?

Wes Streeting: The honest answer is, Tim, I don't know. As I have said very clearly—and nowhere does it say in the report that we anticipate this definition becoming a legal definition—I do think that in the overall context of the law and how it is applied, there are questions to be asked about whether the existing legal framework is up to scratch and whether it is being properly enforced. That is quite different and a separate issue to saying this should be transposed into law, which is not my view.

Q76 **Tim Loughton:** You agree, though, that whether this should be legally enforceable or not is a pretty big point?

Wes Streeting: Yes, I do.

Q77 **Tim Loughton:** That tweet from the Twitter account of your all-party parliamentary group is, therefore, misleading, so perhaps you would like to identify why and by whom and how that tweet—

Anna Soubry: We will go and sort all this out. We will find out.

Wes Streeting: We will find out.

Tim Loughton: That would be helpful.



Wes Streeting: It won't exist in a couple of hours.

- Q78 **Tim Loughton:** If it is not legally binding, why do you think the current law is not working in terms of the various Acts of Parliament and references that the earlier panel came up with—the Public Order Act, religiously or racially aggravated assault—that are applied and enforceable? Many of us might say it needs to be applied to more people, given the instances that are coming up. Why is that not capable of dealing with the problem as you now see it?

Anna Soubry: Can I ask, first of all, which facet of law? Is it the criminal law or is it the civil law?

Tim Loughton: This is the criminal law primarily.

Anna Soubry: This is the mistake that we fall into in society. We see things that we do not like as having to be institutionalised in some way. In criminal law, in fact, this definition could be used to help guide our police officers, but equally it relates to the discrimination, to the prejudices, to the attitudes that people see in the workplace, which, of course, is often then in our civil law. Equally, Wes gave the very good example of an insurance computer that does not hate. The computer does not hate Muslims—it is a computer—but when you put in a name and then you add “Mohammed”, it gives you a higher insurance rate. I really dislike the words “hate crime”, and this definition is to encompass all the problems, wherever they may exist, of Islamophobia. If we want to debate specifically crime, let's make that clear, but let's not misunderstand that the law is just about criminal law. Of course it isn't.

- Q79 **Tim Loughton:** I did make it clear that I was primarily concerned with, and all the earlier discussions have been about, the imposition of the criminal law by the law enforcement agencies. If you are going to say that this definition lends itself particularly to civil law—

Anna Soubry: No, I didn't say that. I said it encompasses and it can be used—

Tim Loughton: You specifically—

Anna Soubry: No, do forgive me, the whole point of this—

- Q80 **Tim Loughton:** I cannot forgive you if you are going to deny what you have just said. You actually said that this could be used in the civil law.

Anna Soubry: No, I didn't say that. I did not say that, Tim. What I said is that this is a definition that can extend into all areas, some of which technically fall into civil liability and civil law. The problem is with the attack that has been made on our definition, not just through the prism of counter-terrorism and all of that, but also through the prism—and forgive me, Chair, because it may be that you will invite people who come from employment law, housing law and so on, but it is all being seen through the prism of criminal law and I think that is a big mistake, I am just saying, for this Committee to fall into.



HOUSE OF COMMONS

Q81 **Tim Loughton:** You were just saying about people who are attacking it. I have not attacked it yet.

Anna Soubry: No, I did not say you had. I said that others have but they are seeing it through this prism.

Q82 **Tim Loughton:** You are conflating me with all. I am not interested in what others are saying; I am interested in what I am saying and what you are saying in response to my questions. The point I was trying to make is that if you are saying that it does lend itself to the civil law, as well as all other things, not just the criminal law, then you will have even more problems with a lower threshold of proof there as well.

Anna Soubry: No.

Q83 **Tim Loughton:** However, let's move on from that. What I also do not understand is what your definitions are of the difference between Islamophobia and anti-Muslim hatred, as to why anti-Muslim hatred or variations of that term that have been put forward by other people are not sufficient, why you have to have an Islamophobic definition in order to encompass everything you want to encompass.

Wes Streeting: Yes, for two reasons. One is, in very simple terms in terms of the word "Islamophobia", it is the word that is most commonly used by British Muslim communities and they felt that word was important and helped to shape their understanding. I took real exception to what Baroness Falkner said in the previous hearing because we have come to a view since the Stephen Lawrence inquiry that it is voices of victims of discrimination that ought to be forefront in defining it and identifying how we tackle it.

The second reason is that this goes way beyond anti-Muslim hatred. If it were just the case that we were dealing with hatred, then that would be one thing, but what our report highlights in general terms but also very well-evidenced terms in specific case studies is a discrimination against Muslims that is systemic and is both conscious and unconscious bias.

This goes back to what I was saying in my opening remarks, Tim, and why the law as it is currently shaped is insufficient. You can change the laws but unless you change people's everyday practices you don't change the lived experience of people. We see this with LGBT discrimination. Yes, we have the right framework in place. I think that we have pretty much, with the exception of marriage equality in Northern Ireland, full legal equality for lesbian, gay and bisexual people in this country. Has that solved the problem? Of course it hasn't. How are we tackling the problem? Whether it is Stonewall's Workplace Equality Index, which puts in place a framework for employers to understand conscious and unconscious bias, the importance of role models and all the other areas that they grade employers on, or whether it is local community groups working with people who have been victims of hate crime to deal with their confidence and help them with careers progression or accessing



health services, for example, there is a whole range of social attitudes that need to change, a whole range of practices that need to change.

This framework is designed not just for legislators but for all of those organisations that come into contact with Muslims, which is everyone, to help them understand what the problem is we are trying to tackle and how we deal with it.

- Q84 **Tim Loughton:** Sure, if you did not have a social problem you would not change the law because there would not be any crime to prosecute, so I do not think we would disagree with that. That is a statement of the obvious. You do not agree with Neil Basu's claim that primarily we do need a definition but for him it was not in order to change the law, it was in order to send out a reassurance—I think was the term he used—signal to the Muslim community that it is taken seriously by people in Government and by the law enforcement agencies such as the police. Do you disagree with his assertion that that is why it would be necessary, not to change the law?

Wes Streeting: You can certainly, and we should, look at hate crime legislation, how it is being applied across the board and what that is doing in terms of the lived experience of people. Where I would go slightly further than Neil Basu did is that it is not just about virtue signalling and reassurance. It is not just about saying, "Look, we have taken it seriously, here is a definition". It is about providing a framework and a toolkit for people up and down the country to look at. If I am an HR director in a firm, I might look at this in terms of my employment practices and ask a whole range of searching questions about the culture of my organisation and the experiences of my Muslim employees, and I might put in place a whole series of changes to look at redressing any issues that I identify as a result. If I am a coach of an 11-a-side football team for under-18s at the weekend, I might find this framework very helpful in addressing the difference between friendly banter on and off the pitch and language that is inappropriate.

- Q85 **Tim Loughton:** Let's come back to that because the definition of Muslimness or perceived Muslimness is a hugely grey area, isn't it? Who defines Muslimness or perceived Muslimness? Can you answer the question that I asked them earlier where we appeared to get some conflicting answers? Is it the perpetrator or the victim's perception that it is aimed at?

Wes Streeting: The victim's perception of what has happened is obviously paramount, and I think that we have established a clear understanding of that in the evolution of our approach to tackling hate crime. We give a series of general principles in the style of IHRA definition and then we also give some specific case studies to highlight what we are talking about.

The reason why we landed on Muslimness or perceived Muslimness is that every other variation we looked at was deficient in one of two ways.



Either it did not cover the full scope of an Islamophobic attack or it failed to recognise that people who are not Muslim are also on the receiving end of Islamophobia: the guy in the Sikh turban, for example, who is attacked for being a Muslim because the racist attacking him is too ignorant to recognise the difference between a Sikh guy wearing a turban and a Muslim man. But also, for example, as happened in my constituency, if a brick is thrown through the window of a Muslim community centre and bacon is pinned to the door, that is not an attack on a Muslim, that is not an attack on a person, it is an attack on an expression of Muslimness, the community centre, which is designed, I think, to intimidate the people who attend. The definition is designed to capture that.

- Q86 Tim Loughton:** We would not disagree, but this is where it strays into free speech territory, which is something that we are all concerned about. If somebody says, "I fundamentally disagree and I am critical"—in however inflammatory terms—"of Muslims because of my belief in animal welfare standards and my disagreement with halal" or critical of Muslim laws around the treatment of women and gay people as well because that falls below the threshold of what equality means to them, if they are critical of Muslims because of those particular things and others, would that fall foul of Islamophobia under your definition because those are Muslimness?

Wes Streeting: No, and I would challenge you to point to where you would use the definition to shut down criticism on those grounds. I get loads of correspondence as a constituency MP telling me to vote against religious slaughter. I do not think a single one of those people is Islamophobic or antisemitic but I don't agree with them.

Tim Loughton: I think some of them are.

Wes Streeting: Yes, but they are not silly enough to tell me in the e-mail they send me, "I am a Jew hater. By the way, can you ban their kosher produce?".

- Q87 Tim Loughton:** Of course not, but this is the nub of the problem, isn't it? If you have somebody who regularly kicks their pet dog and cares not a fig about animal welfare, but because they hate Muslims for whatever reason, and they hitch on that cause as a way of attacking Muslims, they will be Islamophobic. But somebody who loves their dog and does not eat meat or whatever and is genuinely concerned about slaughter methods, that would not be Islamophobic. How on earth do you then define in those grey areas? That is my concern.

Wes Streeting: First, context is everything. Secondly, I would challenge you again to point to the definition that would preclude criticism on the grounds that you have described. Thirdly, one of the things that we did look at in our report on pages 35 to 36 was an interesting series of tests put forward by Professor Tariq Modood, who asks a series of questions. I do not think that is perfect, by the way, I think that it needs some further



HOUSE OF COMMONS

tweaks, but this is exactly the kind of discussion and consideration that we ought to apply when looking at what is going on. Context is really important.

Q88 Tim Loughton: We all agree that none of this is a science, which is part of the problem. Where there are concerns about whether this then impedes upon free speech, and you have been at pains in the report to say, "It is absolutely not our intention to restrict free speech", in the report it also states, "The recourse to the notion of free speech and a supposed right to criticise Islam results in nothing more than another subtle form of anti-Muslim racism". So, free speech is fine but if you are using it to criticise Muslims, then you are being Islamophobic and racist. It is entirely contradictory and subjective.

Wes Streeting: No, it is not. When considering whether a certain type of speech is a hate crime, for example, we look at context. For example, what is considered appropriate to shout at someone down the street would be entirely different to what is said on the stage of a comedy club. Context is everything. Going back to the definition, it is all about looking at context, the framework and working out someone's motives.

By the way, I do think that it is legitimate to question someone's motives if, for example, they have the most appalling track record of misogyny, think it is totally appropriate to use the kind of obscene sexist language that Anna was describing earlier on their social media, but then reinvent themselves as a women's rights champion to criticise the niqab or the hijab or any other form of dress worn by Muslim women. Yes, I am going to question their motives and question their sincerity.

Anna Soubry: Intent is what is important.

Dr Khan: I also do not think this is a new problem. You have it for existing law on race discrimination, too. Trevor probably has evidence of this when he was at the CRE or the EHRC. Lots of neo-Nazis put in claims of racial discrimination to the EHRC all the time, and the EHRC takes them as the frivolous claims that they are. There is always going to be the exercise of judgment in these cases.

Anna Soubry: It is context but it is also intent. If we are looking at criminal law, mens rea is a critical ingredient of all crime, so obviously you look at the intent. For somebody like me, I can make criticisms of the wearing of the burqa and that is not Islamophobia because what is my intention—

Tim Loughton: I understand that.

Anna Soubry: I am so sorry, it is rather important. Then you look at somebody, as Wes said—

Tim Loughton: I am sure it is very important, but there are other people who want to bring in some questions. I want two last things, if I may, Chair.



HOUSE OF COMMONS

Anna Soubry: Then you look at the evidence of that person to start to see what their intent is.

Q89 **Tim Loughton:** When a well-known author says, "All Muslim-majority countries are either dictatorships, despotisms or countries where the army remains on standby at any moment to wrestle back control from religious zealots", would he fall foul of your Islamophobia definition?

Anna Soubry: It would depend what their intention was, and I would also want to know—

Tim Loughton: It is a fact, though.

Anna Soubry: Hang on, Tim. In trying to establish something, you would, therefore, look at that person's history to find out what their intent is, what the evidence is, other things that they say, which may amount to saying, "When you put this in context", as Wes quite properly says, "I think that this person is expressing Islamophobia". Equally, in looking at their context and that individual's history, you can say that this is not in that context Islamophobia, like any statement from anybody.

Q90 **Tim Loughton:** It has to be a pattern of behaviour or a characteristic of a person in order to fall foul of Islamophobia?

Wes Streeting: On the surface, it is a factually justifiable statement, isn't it? It is a statement of fact.

Anna Soubry: Absolutely.

Q91 **Tim Loughton:** But Douglas has been criticised for Islamophobia.

Wes Streeting: Yes, but as I have said before, the mere accusation of Islamophobia does not necessarily make it true in the same way that I see all sorts of bad faith claims of discrimination thrown about by all sorts of different communities. I understand the sensitivity of the issue and I understand why people are anxious about free speech, but I don't think that in good faith you could misuse the definition. You can try to abuse it in bad faith but that is quite different. Again, I have seen some of the good faith concerns expressed on exactly this specific issue.

Q92 **Tim Loughton:** You can see the problems. This is not a science. This is a grey area. Can I have one last context?

Anna Soubry: No, sorry, it is really important. Where is the—

Tim Loughton: Is it possible to have Islamophobia by one Muslim group against another?

Wes Streeting: No, I think that is sectarianism. That is a really serious and important issue in this country and internationally. It is worthy of deeper consideration. It is worthy potentially of Government action. I also think that there are some very serious claims and experiences made by people who describe themselves as ex-Muslims in terms of how they are



treated by others. I think that that is a serious issue, too, but I do not think it falls under this definition per se.

- Q93 **Tim Loughton:** Muslims who boycott the Ahmadiyya businesses and restaurants, for example, who bully Ahmadiyya children at school and who distribute leaflets calling for their death, that is not Islamophobia because it is by Muslims, but if that activity was by non-Muslims, absolutely, I think that we would all agree that it should fall foul of Muslim hatred and Islamophobia, shouldn't it? Is it possible or not between different Muslim groups for exercising the same activity?

Wes Streeting: That is a really interesting question.

Tim Loughton: I thought it was, too, so can you answer it?

Wes Streeting: Again, it comes down to context, doesn't it? I recognise the Ahmadiyya community as Muslims, so does the APPG, and we were proud to engage. I recognise that a lot of Muslims do not recognise them. As the APPG, we do and we have engaged with them on that basis. If Ahmadiyya children, as you say, are being bullied on the grounds of their faith, it may well come under the definition of Islamophobia. If it is by other Muslims, then I think that would definitely come under sectarianism. We have experience in this country of both. It is an issue for Christians in Northern Ireland, Scotland and even other parts of the UK, isn't it?

Anna Soubry: Definition is important, but obviously there is something to put on to that, which is whether it is right or whether it is wrong in any event, whatever definition one would put to it.

Dr Khan: Yes, but I think that the point is not all wrongs are racism. Not all wrongs are Islamophobia. Sectarianism is bad, wrong, terrible and evil but is it racism? Is it Islamophobia?

- Q94 **Tim Loughton:** You cannot charge somebody for the same crime with a different definition.

Anna Soubry: You are always going into crime again, you see.

Dr Khan: I think you can, yes.

Chair: We need to move on.

Anna Soubry: Can I just say something that I really think is important? Somebody can make a comment and a woman may say, "I think that is sexist", and then another woman, or indeed a man, might say, "I don't think it is sexist because I know this person, I know other things that they have said" and so on. It is strange, you cannot have a lively debate, you cannot then look at the intent, you cannot look at the other evidence to come to some conclusion, but in any event it may be wrong.

- Q95 **Chris Green:** Mr Streeting, do you agree with your Labour colleague Naz Shah, who said in debate recently, "If it is down to the experiences of



women to define feminism, the experiences of people of colour to define racism, the experiences of Jews to define antisemitism, and the experiences of LGBTQ+ communities to define homophobia”, in that sense is it equally relevant or reasonable to say Muslims ought to define Islamophobia?

Wes Streeting: I very strongly agree with that. One of the tests for us when producing a definition was to make sure not only that we consulted properly, but for us the proof of the pudding was in the eating and how it would be responded to by Muslim communities. The response that we had from over 650 organisations locally and nationally supporting the definition reassured us that the process that we went through and the sincerity with which we approached this was borne out in the response to it.

Q96 **Chris Green:** I would not disagree with this. I think that everyone in society, whether you are Christian or atheist in this context, or in terms of LGBT rights whether you are straight or whatever you might be, we all equally—well, not perhaps equally; people with a personal experience bring an additional contribution, but we all ought to be similarly concerned about discrimination of all sorts. Therefore, surely, it is not a positive thing in this instance of defining Islamophobia to exclude 95% of the population from making a meaningful contribution.

Wes Streeting: I do not think it is about excluding people, and I can say with full confidence, having spoken to her in depth about this issue and other forms of equalities, I do not think that would be Naz’s view either—that the views of everyone else do not count, and it is only LGBT people’s views that count, and there is no wider discourse. In fact, I can say from experience, having worked at Stonewall, that an important part of the job that we were doing was winning hearts and minds and winning people around and making the case and persuading legislators, who were sometimes frustratingly behind the curve, to get to the right point from our perspective.

It is not about excluding people; as you might have put it in your question, it is absolutely about elevating the views and considerations of the people who are on the receiving end of a particular form of discrimination about how we define it and how we tackle it. I think that that is well understood, not just in this context but in the evolution of our entire legal framework around equalities.

Q97 **Chris Green:** In terms of the Muslim community itself, you rightfully say such a large number, such a breadth of organisations, came together to contribute to this broad or vague definition. One of the points that Trevor Phillips made in his evidence is very interesting in the sense of the no-platforming. When it was first introduced in the 1970s it was to stop fascists. In five years’ time it morphed, it changed into being a very different tool of exclusion. At the moment there is a very inclusive body of Muslims supporting this broad or vague definition. As over a period of time this definition or the interpretation and the understanding of the



definition changes, which it inevitably will, how do you ensure that you keep those 650 organisations on board?

Wes Streeting: First of all, I would not accept the premise of your question that this is broad or vague. I think that is the whole purpose of providing a framework and examples that underpin it. I am actually very well placed to—

Q98 **Chris Green:** Just on that point, once a definition is there, a very brief definition, I would suspect that in broader society that definition will be accepted and most people, whether it is at a football club or other organisation, will not be reflecting on that report.

Wes Streeting: First, let me just be self-critical for a minute and then respond to your no-platform example. Where we have potentially fallen short as an APPG is failing to recognise and highlight that the definition is made workable precisely because of the examples that underpin it, in the way that the IHRA definition of antisemitism is. You will remember the absurd position that the Labour party got itself into by saying that the definition was just the first bit and were ignoring all of the examples or, worse still, trying to rewrite the examples. I think that the same is also true here. I will take it away as a piece of homework to reproduce our definition and examples so there can be no question that the examples and the definition are one and the same and are absolutely necessarily together.

The reason why I am well placed to take on the no-platform equivalence that Trevor put forward as a former president of NUS is that I am also a former president of NUS; I won't be too unkind to Trevor, but I am some generations removed from Trevor.

Anna Soubry: Barely born when Trevor was president of the NUS. I know that, because I was there at the same time.

Wes Streeting: You said that, Anna, I didn't, and the record shows that. I don't want to be off Trevor's Christmas card list. The point is that the no-platform policy that Trevor would recognise and the no-platform policy that I presided over and put into the NUS constitution were basically the same. There are a couple of minor changes. One is that for legal reasons—and this was a legal reason to stop the BNP from standing candidates in NUS elections—we tweaked the definition to include racists and fascists, but the bar was set very high. Under the umbrella of fascism, alongside the National Front and the BNP, we also included Al-Muhajiroun and Hizb ut-Tahrir. In short, there are lots of other organisations that have introduced their own forms of no-platform policy. They do not bear any resemblance to the NUS no-platform policy.

Q99 **Chris Green:** This goes to my point about the definition. I believe it is quite broad. The definition, once it is out there, the interpretation, women who might be pro-life will be no-platformed from a university because of their position as they will be deemed to be an extremist and it



should not have those views on campus.

Wes Streeting: People have put forward a different policy. They would not be doing it under the NUS no-platform policy. If people want to go away and produce their own definitions of Islamophobia—as they are perfectly entitled to do in a free society and, in fact, some people have—and they hold people to different standards, that is up to them. They might even do a better job, who knows? We will be humble for a moment and assume they might.

Anna Soubry: Absolutely.

Wes Streeting: But they will probably do a half-hearted job and will end up in all sorts of muddy territory, but that will be their problem not ours. This is the definition. This is the one that we have put forward. It is the one that has been adopted by the Mayor of London, the Mayor of Greater Manchester and local authorities up and down the country. The Scottish Government are looking at it. Every political party in the Scottish Parliament and most of the political parties down here have adopted it or are adopting it.

I really think that the important part of this process is in three stages. One is getting the consultation right. The second thing is getting the support for it among Muslim communities right. The third is making sure this is the standard that is understood and accepted so that we do not end up with the mess that you describe, where people come up with their own definitions of Islamophobia that do cross the line in shutting down legitimate criticism of Islam as a religion.

Anna Soubry: Can I say something, please? It is also absolutely the case, and I speak as a lawyer, that if you look at the definition of all sorts of ideas, concepts, principles or whatever, definitions change and interpretations of definitions change. There are mountains of books that record case law, which redefine. Indeed, a very good example of that is the definition of race, which over the centuries and decades again has been changed.

Of course, the worst thing that can ever happen, in my opinion, is the danger that we are in now as a society, when we become over prescriptive. Some of the worst laws that have been passed in modern times in Parliament, many lawyers and judges would agree, is when they are too prescriptive, not allowing for the nuances and the changes and developments as society changes.

Q100 **Chris Green:** In terms of in particular public understanding, and perhaps at some point our policymaking, and the understanding within the Muslim community itself, a very diverse community, many people have strong connections with Pakistan. Pakistan as a country does not recognise the Ahmadiyya community. Saudi Arabia has the Sunnah and Koran as its constitution and will not allow Ahmadiyya to go on the Hajj to Saudi Arabia. Is it not reasonable to suspect or fear that over time this



definition, which I would contend is quite broad and open to refinement in the years ahead in different communities, is open to being quite divisive within the Muslim community, or how we would see the Muslim community, though some Muslims would not see everyone being included in that?

Wes Streeting: I think that we have guarded against that through the process of consultation, and by engaging with the Ahmadiyya community. Not just in this work but certainly in my own constituency I have an Ahmadiyya community—not a huge one, a very small one, in fact—and I engage with them as Muslims. I recognise them as such and I definitely have more fruitful things to do with my time than to try to wade into a battle of Islamic theology, getting into the different sects of Islam and who is right and who is wrong. As an Anglican, I happen to take the view that they are all pretty wrong, but there we are.

What you have described there and returned to—and I definitely do not make light of this—is a very serious issue of sectarianism. Just as we have understood sectarianism in a Christian context in this country, it is long overdue for the Home Office and MHCLG to look at sectarianism in other faith communities. It is not just confined to Christianity or Islam; there are other issues, too. I recognise the anxiety here about the treatment of particular Muslim communities by other Muslim communities. I recognise that as sectarianism in the same way that I recognise some of the abuse that is levelled at our Home Secretary—for example, him being described among other things as a coconut, because he does not conform to a particular expression of Muslimness from other people's point of view. I find that deeply offensive and wrong and sectarianism, and it should be tackled as such. I do make a distinction between a definition of Islamophobia and what we have set out and a separate but I think important and long overdue piece of work on sectarianism.

Q101 **Toby Perkins:** Wes, you were at pains to read out the narrative about some of the behaviours you are not wanting to preclude and wanting to ensure that this definition does not in any way impinge upon legitimate freedom of speech and legitimate scrutiny. None the less, there are those who believe the vagueness of the terms "Muslimness", "expressions of Muslimness" and "perceived Muslimness" inevitably mean that people who are using and adopting the definition that you have here will be accused of Islamophobia. The list that you have provided here of contemporary examples of Islamophobia I am assuming is not meant to be exhaustive. There could be things that are Islamophobic that are not on this list. You said in your analysis that a clear definition of Islamophobia is needed, and we have heard from others who say, "Yes, it is, but this definition is not it." How would you respond to the criticism that this does not provide a clear definition of Islamophobia, and that the term "Muslimness" is too vague to be helpful?

Wes Streeting: I would have two responses. One is where people think that the definition precludes language, behaviours and activities that



HOUSE OF COMMONS

ought to be permissible I would like them to point to the part of the definition and examples that precludes that, because often they do not. It is a general criticism but not specific.

Secondly, in terms of things that are missing, gaps, we would be really open to that and open to listening. We recognise that we went through an extensive period of consultation. We published a thorough piece of work. If people want the definition to be strengthened or clarified in some way, we would welcome examples of that. What I did not hear from any of the critics in the first panel were any specific examples that fall into one of those two categories.

I thought it was astonishing that people would come before the Home Affairs Select Committee and criticise in such general terms but not offer either specific examples or, indeed, specific solutions. That is the responsibility. We know we have a problem. We heard from the first panel that there is recognition that there is a problem, so what do they propose? Each of the individuals you heard from in the first panel have some degree of professional responsibility for tackling this problem, and I could not believe that not a single one of them had a practical suggestion to offer about what they will do to improve the lives of British Muslims.

Q102 Toby Perkins: What is your response to the specific charge that the term Muslimness, targeting expressions of Muslimness or perceived Muslimness is too vague? Are you saying that your response to that is if it is not listed it is not Islamophobic?

Wes Streeting: As with the IHRA definition, the examples that go alongside it are absolutely critical for informing our understanding. Every example that arises you have to consider in context. For example, I will just pick one at random: holding Muslims collectively responsible for the actions of any Muslim-majority state, whether secular or constitutionally Islamic. Tim Loughton has already given an example of someone who is a credible academic who has made criticisms of those Muslim-majority states, which are grounded in fact and evidence and I think are actually indisputable as fact. The difference would be if I then pick on my Muslim mate walking down the street and say, "What are you up to in Iran now? What are you going to do about this? I suppose you are supporting your mates in Saudi Arabia, are you? You have just beheaded a load of people, the biggest mass execution in Saudi Arabia's history". That would be the distinction.

I have been here a very short length of time relatively; I have a pretty long record of criticising Muslim-majority countries and of criticising individuals in this country who use Islam and Islamic theology and teaching to persecute others. All of that is done in good faith. None of it breaches this definition. As I said, as an Anglican I can also get into a broader theological debate about my differences with Islam, none of which would make me an Islamophobe and all of which would be perfectly permissible under this definition.



Q103 Toby Perkins: I take that. You were saying previously that there can be an attack on Muslims that is not on individuals and you gave the example of attacking a place of worship. One of the expressions of Muslimness that many people might recognise is the way in which they worship. There might be many others who would say that in our society we see the way in which they worship as sexist.

I went to speak to those who worshipped at a mosque in Chesterfield shortly after the Christchurch attack as a mark of solidarity and support, and to engage. Every person I met there was a man. There was no sense that the people I was engaging with felt the fact I was only meeting men was in some way restrictive or limiting. In terms of the way many people would recognise expressions of Muslimness, the way Muslims worship would be an example of something that might be criticised, and people would be anxious that they were in a difficult place, where they would say recognising the ways Muslims worship might see them as being classed as sexist under our gender equality. I wonder if you could expand on that and how you see all of that in this context?

Wes Streeting: The first thing is that I cannot find anywhere in this definition something that would preclude me saying, as I have done in the past, that I find being in gender-segregated spaces uncomfortable.

Anna Soubry: Absolutely right.

Wes Streeting: In fact, when I was president of the National Union of Students, I addressed the Federation of Student Islamic Societies conference. I do not know what the practice is now, but certainly then, it was gender-segregated. We were talking about exactly this issue, freedom to criticise religion. One of the things I said is, "I do not mind saying that I find being in a room where people are separated by gender deeply uncomfortable. I respect this is your space, this is your conference and it is for you to decide the rules of the house, but I do not like it, and it does not sit comfortably with me and my views on gender equality". That does not make me an Islamophobe.

Where I think there would be a challenge is if you are applying double standards by requiring of Muslims behaviours that are not expected or demanded of other groups. For example, there is gender segregation at shul. It goes back to what Dr Khan was describing about complaints that are made into EHRC. There are loads of people, I am sure, on the far right who regularly bombard EHRC with complaints about mosques and gender segregation, I wonder how many have done it about synagogues? Being from the far right—now I have said this, if they are watching, they will probably get some complaints in there—they do not like Jews very much either.

The point is that I do not think there is anything in the definition that precludes that kind of criticism, saying, "I respect this is the teaching of your religion and this is how you practise your faith but I find it uncomfortable for these reasons". I think it is all about context. If I



choose to then insult a whole load of people or abuse them in some way I think that is a different kettle of fish. Merely critiquing, offering a different perspective or a different point of view is part and parcel of living in a liberal democratic society.

Dr Khan: I wrote a piece in *The Times* two years ago saying that criticising ideas is the hallmark of a free society but discriminating against people for their background is a sign of an unjust one. I feel I have made this point around free speech for 20 years, that of course we can criticise ideas. I have gone into mosques, I have talked to people and I have said this is what needs to be required and I have had almost no pushback on that. Therefore I do think this issue is understood.

I fully understand why there is an issue but I do feel there is more effort to talk about how far we can criticise Muslims than there is to attend to the question of how to respond to their discrimination. If the Government continue to resist a definition around racism the view will be they are continuing to have that dispute, which is genuine but I think very few Muslims would disagree at this point that you can have the debate. I agree there will be different views, of course there are different views, and we need to challenge sexism and homophobia and Runnymede has a long track record of doing that. It is one of the advantages of seeing it as a form of racism.

One of the things I feel quite strongly about is that non-Muslims have not come on board enough to challenge Islamophobia and that part of it is because they have not understood it. They have seen it as a free speech faith issue rather than as a discrimination issue, which is one of the reasons I think pushing the definition that way is advantageous. How you analyse a problem then reflects how you respond to it. I think so far it is not just public policy, frankly, but even anti-racists sometimes who have misidentified the nature of what Islamophobia is and misidentified the extent to which the discrimination they experience is similar to other groups. One of the advantages is that it places it within a wider human rights and equality framework that can bring on board a wider platform of allies. It can also make demands then, not just in terms of what you on this Committee, what Government or what the private sector is doing—or the police for that matter—but all of us. I would like to see more work across society to challenge Islamophobia, uniting Muslims and non-Muslims.

To the extent that a definition is there I think it has to have that function to help public understanding, to understand the nature of this problem so we have a better solution to it. The solution should not be on blasphemy or free speech because that is not what the definition is about. The solution should be on attending to discrimination and disadvantage. That is what all definitions should be doing. I think the APPG definition succeeds in that.

Q104 **Stuart C. McDonald:** Your evidence has been very helpful so far, thank



you very much. There are just a couple of final points. Essentially it seems to me there is a two-limbed test here, first of all there is racism and that it is targeted at Muslims. Is that basically it? If so, why has the definition introduced this concept of Muslimness and why does it seem to be equivocal about the relationship with racism? It is for Dr Khan in particular. It says racism targeted against Muslims or people who are perceived to be Muslim.

Dr Khan: I think it is mainly about people but it is also about representations of Muslimness. It is not my definition so I feel they should defend that on those grounds. I do not want you to take that as me saying it does not make sense; it is not my definition, it is theirs. However, I understand where it is coming from and, again, it is in the literature and the understanding of it. It did not come from absolutely nowhere, I don't think.

Wes Streeting: Yes, I think that is right. We say it is a type of racism and it is rooted in racism because we understand that it is not classically what people think of as racism. We also do not want to distract from what is that common understanding of racism because that is important too and we certainly have not solved that problem. We wanted people to understand, and we knew we were advancing the dial here a bit, by simply saying it is a type of racism and rooted in racism we were opening a debate and we were going to have to explain and justify it because it does not fall into what people would naturally consider. That is really important for development of an understanding of the sociological context of racism and race as a social construct.

Q105 **Chair:** I am going to interrupt you for a second, Stuart. I am conscious that Tim needed to go, and, Anna, I think you wanted to come back on the issue about the tweet.

Anna Soubry: I just wanted to say in relation to the tweet that it is always helpful when people read the tweet, as opposed to read a briefing that they may have been given.

A tweet was put out by the APPG on Muslims on 17 May. It was a clip of myself asking Victoria Atkins, Home Office Minister, in March 2018, before we embarked upon the definition of Islamophobia, if a legal definition was not required, to which the Minister replied it was not. It was not a tweet in the way that has been described to this Committee. It was not the APPG saying we need a legal definition; it was me asking a Minister if we needed it before this work was embarked upon. I hope that clears it up.

Q106 **Stuart C. McDonald:** I get the importance of the fact of introducing this as a form of racism or being rooted in racism. What about the need for introducing this concept of Muslimness?

Wes Streeting: It is broader than people, isn't it?

Q107 **Stuart C. McDonald:** Anna Soubry talked about an attack on a building,



for example. Is that still not a racist attack on people? The building has not been attacked as an end in itself; it is to get at people.

Anna Soubry: It is the expression of the activity. We did have, as I say, a really good long debate about this idea of Muslimness. One of the things that it does is it captures that incident of when somebody puts bacon on a doorhandle in a mosque or a Muslim community centre. While I accept the intention obviously is to offend and upset people who use that centre, who may or may not be Muslims, we really thought this idea of Muslimness captures an attack on a building, which would otherwise not fall within the definition if it was simply looking at attacks on people. We like that it encompassed all this other activity as well, to see it for what it is.

Wes Streeting: Let's imagine I bought a truckload of copies of the Holy Quran and I decided, apropos of nothing, to set fire to them in the middle of a public place, or even in my own back garden, and to put the video on social media, showing what I am burning. I guess that could fall—I am not a lawyer, so I will tread carefully—under incitement. It would certainly be gratuitously offensive. There are no individual victims of crime here. I have not stolen someone else's copy.

Anna Soubry: It is not a crime.

Wes Streeting: I have just done something and decided to be provocative. The point is that if we are serious about tackling prejudice and discrimination against Muslims, it is about establishing an understanding that extends beyond the confines of the law, or things that would always be prosecuted. It is about creating a society in which we live alongside each other, not just with tolerance, but with respect. Even with this definition as it is, there may be things that people can still do—

Q108 **Stuart C. McDonald:** Absolutely. I am nit-picking slightly, because there was a sense in which I thought you have made it slightly more complicated than it needed to be, but I get, from what you are saying, what you were driving at, absolutely. I welcome the introduction of the concept of racism to this because then it gives a powerful understanding of exactly the nature of the issue we are having.

On that point, Dr Khan, you spoke about how this had really been in the mainstream of academic—

Dr Khan: Yes, with Tariq Modood in the 1990s, and also we have a report from 2000 that is quite well known, called the Parekh report, which Jack Straw launched as Home Secretary, and which has a section on anti-Muslim racism. There was a follow-up to the Islamophobia report that—

Q109 **Stuart C. McDonald:** That is interesting. We have been provided with a list of previous definitions of Islamophobia and none of them actually mentioned or explicitly used the word "racism". I was wondering why that was. However, you are saying there are examples—



HOUSE OF COMMONS

Dr Khan: We have our report in 2017 as well. Our definition is simpler in that sense. It just says Islamophobia is “anti-Muslim racism”. That is our definition.

Q110 **Stuart C. McDonald:** It seems to have a slight equivocation about it because it says “rooted in racism” or a type of racism. It is almost akin to racism.

Dr Khan: Runnymede Trust published a report in 2017 that has a slightly different definition. Obviously the APPG came later and had its definition. I understand what it is trying to do with “rooted in racism” because it is a little counterintuitive to a lot of people. People say things to me all the time, “Islam is not a race. There is no such thing as a race of Muslims”. Everybody knows that. Nobody thinks that Islam is a race. These are very bad faith arguments in my view, but I can understand that the public understanding of what racism is does not necessarily track how sociologists and race equality think-tanks write about this. I understand why there is a slight “rooted in racism” to try to bring people along. I think, from my point of view, it is simpler to say Islamophobia is a form of racism, and that is what I would say. However, I understand what a public policy document is trying to do.

The key thing to me—it gets back to Tim Loughton’s point—is that you do need to go beyond hatred. It minimises not just the public policy response but the wider public. They need to understand it is not just a few bad egg Tommy Robinsons or a few neo-Nazis. Islamophobia is extended much more pervasively across society and we may be picking up Islamophobic tropes, all of us individually, without even knowing about it because it is so entrenched. It misses out on the strong evidence in CV studies that show that Muslims have an additional penalty to other ethnic minorities as well. I think it speaks to that.

I accept there is some way to go to get the public but I would say there is a wider problem in understanding what racism is. I think the public—it is 20 years on from the Stephen Lawrence inquiry report—still do not understand what the concept of institutional racism is, there is still controversy around that and you had the police here earlier. There are some bigger challenges of understanding racism and I think the report was trying to signal to that a bit as well.

Anna Soubry: I thought Wes’s example was really important, about how the burning of a whole pile of Qurans in your back garden is Islamophobic but is not a criminal offence. Therefore, we do not seek, because we say it falls within the definition, to make it illegal unless it goes against some of the existing laws about clean air. It is really important to understand that.

Q111 **Chair:** Thank you very much for your time. I am going to look at final clarifying questions. First of all, in terms of the APPG position, do you see the definition as including the examples?



Wes Streeting: Yes.

- Q112 **Chair:** You have given some very clear and strong examples in the course of this evidence of what Islamophobia is and what Islamophobia is not, and also Stuart McDonald did in the questioning of Trevor Phillips. You have other references throughout the report of what it is not and you referred to Professor Tariq Modood's examples of what counts as reasonable criticism and so on. Did you consider including, as part of your definition and as part of your examples, an example that shows what Islamophobia is not or did you decide that would be counterproductive?

Wes Streeting: It is an interesting question and also one that has arisen in the context of the IHRA definition. The point is that you have to measure every example up against the positive test that is set. The definition, with the example, should help people provide a framework for helping to recognise what is genuine Islamophobia and what are false flag allegations, or frankly what may be uncomfortable or even impolite but does not meet the test of Islamophobia. As a society we aspire to politeness but I am not sure we can create a code of practice for politeness. I think that is why you have a clear definition that sets a slightly higher bar and a framework against which any individual example can be judged.

- Q113 **Chair:** Did you consider whether, so as to avoid some of the misinterpretations that get thrown at you, there was anything that would be an example that would defuse the misinterpretations? You have given quite a lot in the evidence.

Wes Streeting: To be fair, in the report we do address these issues.

Anna Soubry: Yes.

Wes Streeting: That brings me back to the point that there are lots of questions or points of view that have been raised in good faith about this definition and we are really keen to engage on those. However, I have to say there have been a huge number of bad faith criticisms made, often by people with their own disreputable track record when it comes to tackling not just Islamophobia but other forms of prejudice too. I do not understand, as I said at the outset, how anyone in good faith can claim to have read the report and concluded that it is either a backdoor blasphemy law or that it is meant to be legally enforceable. Certainly they do not seem to have spoken to many British Muslims about their understanding of Islamophobia.

Anna Soubry: Forgive me, I may have not heard it, but I have not heard any evidence as to how this definition prevents the police from doing the job they do to keep us safe. If you are stopping somebody on the basis that they are Muslim or they look like a Muslim that cannot be right.

Dr Khan: Yes, do not blame the definition for your discriminatory policy. We know the police can be discriminatory. Whether or not Neil Basu is personally racist is irrelevant. The question is whether the police's policies



HOUSE OF COMMONS

result in discriminatory outcomes for different ethnic groups and we know they have. I find it quite troubling that a senior police officer would seemingly deny that the police services, even today, are operating in such a way that lead to discriminatory outcomes. He cited schedule 7 and even David Anderson has raised concerns about the application of schedule 7 and he was the reviewer of this piece of legislation.

I think it is really important that that was the sole aim of us giving a definition. It was not the intent when we wrote our report either to get a definition down. It has become where the debate is. What really needs to happen is that we do need a definition but we need to move from the semantic debates to taking action. The policies need to be developed. We cannot avoid hate crime, it is hugely important and I do not want to minimise the terrible consequences for people's lives. However, if we make a definition that narrows us to hate crime, if it narrows to policing operations, we are not doing what British Muslims expect about the experience of discrimination they have in their daily lives. It will be a total missed opportunity if we are still having semantic debates a year from now rather than seeing action on the ground.

Anna Soubry: Hear, hear.

Q114 **Chair:** We have devoted this evidence session to the definition, and we will have a series of further evidence sessions. You made a very strong argument about discrimination needing to be at the heart of Islamophobia and not simply seeing this as around hatred or hate crime.

That leads me to two final questions. Given what the Government have said they now want to do around the definition or appointing the advisers, and given what I think Neil Basu recognised, which is that there is now a problem about further anxiety and concern at the rejection of the definition among Muslim communities across the country, what should the Government do next specifically on the definition in order to rebuild that confidence and to get to a positive outcome? Secondly, what is the best way for us to put discrimination at the heart of this rather than it simply being seen around a hate crime model?

Dr Khan: That is a good question. I definitely think they should start by engaging with the APPG. They have done all the good work they have done. They should not be ruling out, by fear, from the outset the idea of racism. I disagree and I think the evidence goes against them but, as I said, there are also good policy and public understanding reasons to use racism as a concept. Ruling out, from the outset, certain kinds of considerations from those deliberations about the definition strikes me as not leading to where we need to get to and does not send the signal to the community either.

I have spoken to the authors of the 1965 Race Relations Act. They knew it was a weak piece of legislation. However, the main purpose of that piece of legislation was to signal to ethnic minority communities that they had heard that racism was happening and the state was going to



HOUSE OF COMMONS

respond, and to signal to the majority community that this was no longer acceptable. Right now the state is also signalling—by saying Islamophobia is not a form of racism—to Muslims that it does not think that what Muslims think is Islamophobia is racism, and it is signalling to the majority that this is not really a significant problem for all of us. I think they have to think a little more carefully about that. The appointment of those independent advisers will be very crucial as well.

If the process excludes people who think it is a form of racism—like myself or like the members of the APPG—I think it is hard to see that it will have much credibility, not just with Muslims but more generally.

Q115 Chair: In the wider context, how do we embed this as an approach to discrimination?

Dr Khan: We have 10 recommendations in our report and they focus on things like poverty and the labour market. I think one of the disadvantages of Prevent is that Muslims are being engaged purely through Prevent policy. Even where there are things the Government say are going right in engaging Muslims, they are being done through the lens of a counter-terrorism policy.

I would advocate for a wider community engagement policy around anti-racism and race equality that could also bring groups together. One of the things the Government are getting refracted back at them is, because of the entire framing of the community around terrorism and hate crime, the community itself mobilising as a mirror image against that.

There are all sorts of sets of issues including child poverty, with 59% of Bangladeshi children growing up in poverty. When I asked the DWP, when it redefined the definition of child poverty, to get rid of income and to use alcohol abuse and divorce and what the consequence would be for the groups with the highest level of child poverty, they did not know what I was talking about. I highlighted to them the fact that most Bangladeshis do not drink and do not get divorced and they have the highest rate of child poverty. Overnight is the DWP going to say these children are not poor because their parents do not drink and divorce? It is not a very plausible outcome. I think this is what happens if you come to policymaking without knowing the extent and the evidence of what is happening to people on the ground.

Anna Soubry: Well said.

Chair: That is a good point for us to finish on.

Wes Streeting: Can I add one final thing that I think the Home Affairs Committee should investigate? It seems to me that Neil Basu was expressing some concern that the leak of Martin Hewitt's letter to the Prime Minister has undermined confidence in policing and the view of the police among Muslim communities. I think there are serious questions to ask about how that letter came to be leaked in the way that it did, and



HOUSE OF COMMONS

how a letter from a senior police officer to the Prime Minister ends up in the public domain.

Anna Soubry: Hear, hear.

Wes Streeting: It was what looked like a co-ordinated campaign to undermine the APPG's definition the day before our debate. I hope that is something the Home Affairs Committee will ask some probing questions about.

Chair: Thank you very much. Thank you, panel, for your time today.