



INDEPENDENT

# Proposed Islamophobia definition ‘would undermine counterterror operations and threaten free speech’, police tell prime minister

Government expected to reject definition as supporters hit out at ‘untrue and irresponsible scaremongering’

Lizzie Dearden | May 16, 2019

Police leaders have raised concerns that a proposed definition of Islamophobia will undermine counterterror operations and threaten freedom of speech.

In a letter to the prime minister, the head of the National Police Chiefs’ Council (NPCC) said the change could “undermine many elements of counterterrorism powers and policies”, including port stops, bans on terrorist groups and propaganda, and the legal duty requiring schools, councils and the NHS to report suspected extremism.

NPCC chair Martin Hewitt said: “We take all reports of hate crime very seriously and will investigate them thoroughly; however, we have some concerns about the proposed definition of ‘Islamophobia’ made by the All-Party Parliamentary Group [APPG] on British Muslims.

“We are concerned that the definition is too broad as currently drafted, could cause confusion for officers enforcing it and could be used to challenge legitimate free speech on the historical or theological actions of Islamic states.

“There is also a risk it could also undermine counterterrorism powers, which seek to tackle extremism or prevent terrorism.

“It is important that any definition of anti-Muslim hostility is widely consulted on and has support across the Muslim community.”

After a six-month inquiry taking evidence from Muslim organisations, legal experts, academics, MPs and other groups, the APPG called on the government to adopt the definition:

“Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”

The definition was proposed in November and has since been adopted by the Labour Party, Liberal Democrats, Plaid Cymru and the London mayor's office.

A government spokesperson said it would consider the change last year, but Theresa May is now expected to reject the definition. A minister is to attend a debate on the issue in the House of Commons on Thursday.

Assistant commissioner Neil Basu, the head of UK counterterror policing, said police chiefs were not consulted by the APPG and want to see a definition that "satisfies all", while protecting hate crime victims.

"The definition of Islamophobia proposed by the APPG on British Muslims is simply too broad to be effective and it risks creating confusion, representing what some might see as legitimate criticism of the tenets of Islam – a religion – as a racist hate crime, which cannot be right for a liberal democracy in which free speech is also a core value," he said.

"As it stands, this definition risks shutting down debate about any interpretation of the tenets of Islam which are at odds with our laws and customs, which in turn would place our police officers and members of the judicial system in an untenable position.

"Despite the fact it would be non-legally binding, it would potentially allow those investigated by police and the security services for promoting extremism, hate and terrorism to legally challenge any investigation and potentially undermine many elements of counterterrorism powers and policies on the basis that they are 'Islamophobic'. That cannot be allowed to happen."

*The Independent* understands that police chiefs had hoped to discuss concerns over the definition behind closed doors, and intended the letter to the prime minister to be private before it was leaked to *The Times*.

The APPG's report said the lack of an official definition was hampering efforts to counter Islamophobia, harming Muslims and wider British society.

"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 added.

"No open society can place religion above criticism and we do not subscribe to the view that a working definition of Islamophobia can or should be formulated with the purpose of protecting Islam from free and fair criticism or debate."

But a report by the former head of the Metropolitan Police counterterror command, Richard Walton, said the definition would "seriously undermine the effectiveness of the UK's counterterrorism strategy, putting the country at greater risk from Islamist terrorism".

The Policy Exchange paper, which was released in April, predicted that campaign groups would seek to use it in legal challenges to terror laws and operations.

Lord Carlile, the former independent reviewer of terrorism legislation, said the definition had "left a demonstrably open field for damaging and even absurd conclusions".

“Successful and accepted counter-terrorism measures would run the risk of being declared unlawful,” he added. “The APPG definition would lead to judicial review litigation that would hold back the evolution of better counterterrorism law and practice hand in hand with strengthened religious tolerance.”

Baroness Warsi, a Conservative peer and member of the APPG on British Muslims, called the claims “extraordinary and disturbing”.

“The report makes clear that the definition does not seek to protect or stop criticism of Islam – to suggest it would is disingenuous and divisive,” she wrote on Twitter on Wednesday.

“The inability of senior police officers to understand how Islamophobia – the plethora of everyday microaggressions impacting British Muslims – is not the same as hate crime shows a worrying lack of understanding of the communities they seek to police.”

Baroness Warsi called claims that authorities would risk being taken to judicial review using the definition “completely untrue and irresponsible scaremongering”.

Naz Shah, Labour’s shadow equalities minister, accused the Conservative Party of being “in denial about Islamophobia and other forms of racism in its ranks”.

“If Ms May refuses to adopt the definition of Islamophobia, the message she sends to the Muslim community will be heard loud and clear,” she added.

“[The NPCC letter] shows a worrying trend of seeing British Muslims through the lens of terror and security, and the prime minister must distance herself from this immediately.”

A government spokesperson said: “Any hatred directed against British Muslims and others because of their faith or heritage is utterly unacceptable.

“We are conscious that the APPG’s proposed definition has not been broadly accepted – unlike the IHRA [International Holocaust Remembrance Alliance] definition of antisemitism before it was adopted by the UK government and other international organisations and governments. This is a matter that needs further careful consideration.”

<https://www.independent.co.uk/news/uk/home-news/islamophobia-meaning-definition-terror-operations-theresa-may-appg-british-muslims-a8914686.html>