

## Universal Periodic Review (UPR) NGO Alternative Report (41<sup>st</sup> Session)

# United Kingdom

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Islamic Human Rights Commission (IHRC) is a not-for-profit campaign, research and advocacy organisation founded and based in the United Kingdom. It was set up in 1997 and works for redress of human rights violations and a better understanding of rights and norms across confessional, ethnic, national, political and other boundaries.

IHRC has consultative status with the UN – ECOSOC.

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## About IHRC

IHRC is a not-for-profit human rights organisation based in London, UK. It has held consultative status with UN since 2007. It was founded in 1997. Since its founding it has been active in advocating for victims of rights abuses, campaigning on policy and structural issues, and researching the violations of human rights inter alia in the UK. Its key documents prepared in the period of this UPR cycle are added and include the UK reports in the state of the art **Counter Islamophobia Toolkit project** (Merali 2017, 2018a, 2018b added in Appendix B, C and D) prepared by IHRC, and the **IHRC report on the chilling effect of shrinking civil society space** in the UK (Bodi, 2019, added in Appendix A). The IHRC website is [www.ihrc.org.uk](http://www.ihrc.org.uk). To contact IHRC please email [info@ihrc.org](mailto:info@ihrc.org) or call +442089044222.

## Executive Summary

This report refers to the letter from the UN Human Rights Commissioner to the (then) UK Foreign Secretary, Boris Johnson, in 2017 as the basis of its submission.

1. IHRC is deeply concerned that notwithstanding the adoption of certain recommendations and a generally favourable rhetoric from the UK government regarding, that UK is in fact working in retrograde fashion.
2. **The main cross-cutting issue of concern for IHRC is the instrumentalization and reproduction of Islamophobic and racist narratives by the elite members of the government, institutions, media and think tanks which are then implemented in policy and law.**
3. This report specifically highlights a number of areas where we feel the **UK government has undercut previous gains** or entrenched further draconian measures. This includes but is not limited to the introduction of further **legislation both within and outside the counter-terrorism framework that criminalises discrete groups**; undermined the **independence of commissioners and review bodies and processes by appointing figures who have openly questioned human rights and equalities norms and / or made discriminatory and or racist statements**; re-produced **policy and narratives that are discriminatory and exclusionary**. Additionally, we note that these measures are **shrinking civil society space** at an alarming rate and **excluding, demonising and in some cases attempting to criminalize wide-ranging civil society voices**, particularly but not solely from Muslim communities.

## National Human Rights Framework

### *National Human Rights*

4. IHRC concurs with OHCHR's concerns that the **mooted Bill of Rights** set to replace the Human Rights Act 1998 will have a detrimental effect on the quality and accessibility of rights for the generality of the population, with an increased detrimental effect on marginalised groups and their members.
5. The context of this Bill should also be considered in the light of the fact that changes to laws regarding Legal Aid have created a **justice deficit across the UK**. Legal aid provision has been drastically cut across the board (criminal and civil proceedings, including counter-terrorism, immigration and equalities and non-discrimination cases) meaning that **effective representation in straightforward cases, not simply complex cases, is now hard to access**. The number of lawyers providing legal aid services has declined to such an extent that certain geographical areas have no lawyers available to represent clients who require legal aid. The amount of legal aid is so curtailed that lawyers are unable to do an effective job (see Ahmed, Choudhury and anonymous in Merali, 2018a pp15-17)
6. IHRC concurs with OCHR on the need for **national human rights plan(s)** with extensive and wide consultations with civil society. However, as the following outlines, the UK government has proceeded to demonise and come close to criminalising many civil society groups **using the narrative of (non-violent) extremism and the mooted Counter-extremism Bill**.
7. We will discuss these issues, alongside the second recommendation under the

framework and throughout *Cross-cutting Issues* below.

### Cross cutting Issues: *Equality & Non-Discrimination & Human Rights & Counter-terrorism*

8. **Recommendation:** The independence of commissioners and review processes needs to be strengthened, moved from ministerial fiat and the process made transparent. IHRC believes that the government is not only failing in implementing the Commissioner's recommendations but is actively undermining them.
9. The controversy around the selection of commissioners for the Equalities and Human Rights Commission (EHRC) remains unaddressed. 'Baroness Meral Hussein-Ece, then the sole Muslim commissioner, and Lord Simon Woolley, then the only Black commissioner, [said recently](#) that they lost their roles in 2012 because they were 'too loud and vocal' about race issues' (Shabi, 2020). The current chair of EHRC, Baroness Kishwer Falkner has opposed calls to define Islamophobia as a form of racism, and claimed "anti-Muslim public sentiment as "understandable" because of its association with "violent religious extremism, terrorism and... sex grooming gangs" (Hooper, 2020).
10. As a parliamentarian she has hosted events in parliament for the neo-Conservative Henry Jackson Society. HJS is a controversial think tank that has a revolving door with government and media (Ramesh, 2014; Griffin et al., 2015). It has been accused of stoking Islamophobia. A number of current and former ministers, MPs and journalists have worked for, signed the original statement of principles or been patrons of HJS, including the former head of the Charity Commission and current reviewer of the CVE Prevent program, William Shawcross, who was a former HJS board member. He is quoted as having stated: 'Europe and Islam is one of our most terrifying problems of our future.' Three more current EHRC commissioners have come under criticism from equalities and anti-racism campaigners for variously undermining the ideas inter alia of misogyny and homophobia and liking or making comments on social media critical of the Black Lives Matter Movement, subscribing to the ideas of female and Muslim victimhood narratives (Hooper, 30 Nov 2020, Siddique, 30 Nov 2020'). One of those, Adam Goodhart, even praised the UK government's 'hostile environment' policy, which the EHRC itself had found broken equalities laws (EHRC, 25 Nov 2020) and whose report claimed that there was little evidence of institutional racism in the UK.
11. Similar concerns have arisen over the appointment of, or continued work of among others:
12. Tony Sewell, as chair of Commission on Race and Ethnic Disparities, whose previous views that institutional racism did not exist in the UK were reflected in the report of the commission (Martin, 31 Mar 2021); Dame Louise Casey to a number of positions including reviewer / 'czar' of homelessness (1999), 'crime and punishment' (2008), 'anti-social behaviour' (2011) 'troubled families' (2012) and 'social integration (2016) (Merali, 6 Dec 2016); Amanda Spielman as chair of OFSTED (Merali, 5 Feb 2018) who supported a ban on Muslim girls wearing headscarves at a school in London; and Katharine Birbalsingh as social 'mobility tsar', who has criticised 'woke culture' (shipman, 29 Aug 2021), claimed 'The Woke are racist' (Birbalsingh, 2020) and has been accused of ableism in her profession as a school principal because she refuses to recognise dyslexia, ADHD, dyspraxia and ADD (Vessey, 8 Mar 2022).
13. The named figures as well as the general culture in such appointments is increasingly controlled by unaccountable and untransparent ministerial decrees and reflects narrow political thinking that often openly rejects established human rights and equalities norms. Further, the revolving door between parliament, government, public appointment and right leaning think tanks (Griffin et al., 2015, Public Interest Investigations: Powerbase, various) has resulted in a culture which literally and ideologically keeps expert voices whether professional, academic, civil society or a combination out of consultation spaces. Moreover, the animosity of this political culture to equalities, justice for Palestine, tackling institutional racism including but not solely Islamophobia, has led to the setting up of the Commission for Countering Extremism (CCE) (Merali, 26 Jul 2019).
14. The CCE was set up by the government in 2017, and alongside various ideologically similar think tanks, notably the Henry Jackson Society, Policy Exchange and the Tony Blair Institute, has

commissioned work that targets activists, academics and civil society groups accusing them of 'extremism'. The

government has been unable to settle a working definition of extremism for the purposes of its Counter-Extremism Bill which it has been attempting to introduce since 2015 in some form or another. The reports from CCE, PE, HJS and TBI all try to fill this void by targeting key Muslim civil society organisations working on Islamophobia and anti-racism both in the UK and global context and in many cases on the issue of Palestine (Bodi, 2014, 3 Jun 2019, 16 Oct 2019). The CCE has gone beyond this remit to also target non-Muslim or secular human rights groups working on the issue of Palestine, as well as left-wing civil society organisations using the concept of ‘non-violent extremism’. IHRC is concerned that once it has become law the Counter-extremism Bill will be used to criminalise the groups named in these reports and create a criminalised culture around support for Palestinian rights, anti-racism in the UK and other ideas and activities (see below).

15. The chilling effects of the Prevent program continue undiminished and we defer to the findings of the People’s Review of Prevent (2022), with regard to the details of this. We note however here that aside from the human impact of targeting in particular children as young as four in schools, and vulnerable people in medical, educational and other public sector settings, the Prevent program has had a chilling effect on free speech, causing minoritized communities to censor themselves on the individual and collective level. Further the program has been used to target expressions of faith and service delivery for faith communities particularly Muslims, with Muslim clothing and prayer spaces banned in many educational settings (Bodi, 2014, Kundnani and Hayes, 2018).
16. Initially using the narrative of security but increasingly now using the ill-defined term extremism as a catch all, religious practices and political practice (in particular supporting the Palestinian struggle for rights) have been demonised in policy, practice and public discourse.
17. Whilst a number of controversies and demands have eventually resulted in the government setting up a review of the Prevent program, as stated above, they have William Shawcross whose views on Islam and Muslims - the community mainly targeted by Prevent - as the reviewer.
18. An example of this is the so-called Trojan Horse affair. The initial affair itself took place outside this cycle but a new investigation by journalists Brian Reed and Hamza Syed (2022) as well as the study by Professors John Holmwood and Therese O’Toole (2017) have both exposed that the national and local government were involved in promulgating a fabricated narrative against a group of governors and teachers of schools in Birmingham which resulted in loss of livelihoods and bans from professions, as well as the demonisation of children attending those schools and the collapse of educational standards at those schools. A summary of the case is appended (Appendix E: Holmwood, 2 Oct 2018). Part of the process used by the government was the setting up of reviews into the ‘affair’. The reviewer appointed by the national government was the former head of anti-terrorism police, Peter Clarke. This was despite the fact that no accusation of terrorism or incitement to violence was made in the case. The effect was to conflate Muslim aspirations in general and their desire for good school governance and academic standards in particular with political violence, hatred and ‘terrorism’.
19. The reports by Reed and Syed (2022), Holmwood & O’Toole (2017) and Holmwood (2018) attest to the failures of these inquiries to adhere to any form of due process, allowing fabricated evidence to become the basis of investigation and excluding statements and evidence that exonerated or explained the actions of those accused.
20. The affair was used to justify measures in the Counter-Terrorism and Security Act 2015 which made the Prevent duty statutory.
21. Evidence that the secretary of state for education at the time, Michael Gove, had knowledge of the fabricated material further strengthens our concerns about the way that demonised narratives are propelling corrupt and highly discriminatory practices.
22. The post of independent reviewer of the Anti-Terrorism Laws has also been the subject of controversy. For further information please see the addenda (Appendix F: Merali, 24 Feb 2017). IHRC limits its concerns within the body of the UPR to the volte face of the current reviewer of

terrorism legislation Jonathan Hall QC, on the issue of UK citizens travelling to fight in a war. Muslims travelling

to Syria and other conflicts have faced prosecution under anti-terrorism laws, stripping of citizenship and other punitive measures under various CT laws. However after the current foreign secretary Liz Truss stated that she would support and encourage British citizens to travel to Ukraine to fight on the side of the government, the current independent reviewer of anti-terrorism laws published advice on Twitter (Hamilton, 15 Mar 2022) that this was indeed acceptable and did not violate anti-terrorism laws, despite the fact that many observers pointed out that many of those travelling were doing so to fight with neo-Nazi militia and other far-right groups within and outside the Ukrainian army structures. This was advice that was refuted by a former UK Attorney General (Sparrow, 28 Feb 2022). The hitherto discrepancy between prosecutions of Muslims going to fight in wars where human rights abuses may take place and of Jewish British citizens who join the IDF has already been flagged up (Worral, 2014). This further development has cemented concerns that the CT laws are simply politicised pieces of legislation which are particularly targeted against Muslims including the amended Terrorism Act 2000 (amended in 2018).

23. Citizenship stripping has been entrenched further with the Nationality and Borders Act 2021. This law now allows the Home Secretary not only the power to revoke citizenship which s/he has historically always had and the rules for which were relaxed circa 2005 (since which time it is estimated that almost 500 people have been deprived) but now gives her / him the power to do so and not inform the person concerned. The threshold of evidence upon which citizenship stripping is based does not pass international standards (see Ansari, 2022). Further, it has been used in cases where people have been rendered stateless, notably in the case of Shabina Begum, who despite being born in the UK and only ever holding British citizenship, has had her citizenship revoked on the alleged basis that her Bangladeshi heritage opened up the possibility for her to attain citizenship in Bangladesh (a matter the Bangladeshi authorities refuted) (Johnson & Fernandez, 2019).
24. Despite the recommendation of the UNCHR for the strengthening of measures and implementation of legislation that criminalises hate speech under the provisions of the UK's CERD commitments, the UK has continued to prevaricate. Further prominent and ministerial political figures as well as aligned public intellectuals and journalists have fostered a narrative of 'cancel culture' creating a political impetus to prevent such laws being enacted on the basis that they violate free speech principles. Conversely, via the mechanism of narratives of extremism, there is a clampdown on expressions of support for Palestinian rights, advocacy against structural racism particularly but not solely Islamophobia, political Islamic theory, different facets of 'woke culture' and critical race theory. This again has had a chilling effect, with policies in education imposed requiring teachers not to use CRT, and to teach issues like the British Empire in a 'balanced' fashion (Martin, 20 Mar 2022). IHRC is concerned that given the upcoming Counter-extremism Bill, various expressions of these ideas will go from being demonised to criminalised.
25. Current Home Secretary Priti Patel introduced proposed legislation set to become law this year which will give police powers to curtail and even stop protests. The Police, Crime, Sentencing and Courts Bill has been widely decried as curtailing ICCPR and other rights to peaceful protest. The Home Secretary has introduced these measures in the wake of Black Lives Matter protests in 2020 and environmental protests since 2018 (Global Citizens, 2021) again raising concerns that the new laws will target discrete and often racialised groups: 'The Bill would give the police the right to set limits on protests, even of a single person, that cause "serious annoyance" or "serious inconvenience". This could be used to shut down and prevent protest...' and 'is also designed to give police greater powers against Gypsy, Roma and Traveller communities for the new 'crime' of 'trespass with the intent to reside', enabling police to seize property and move traveller communities on when they are simply going about their lives' (GMLC, undated).
26. A briefing on the demonisation of pro-Palestinian protests is added (Appendix G: IHRC, 26 May 2019). It is a fair assumption that having failed to stop such protests with political pressure, the government and authorities will use the new laws to prevent and or criminalise such events in future.