

Terror police warn against new rules on Islamophobia

Dominic Kennedy | May 15, 2019



The new definition could make it illegal to criticise Muslim traditions and would clash with existing equality law STEPHEN CHUNG/ALAMY

Anti-terrorist operations would be hampered if Theresa May bows to pressure to create an official definition of Islamophobia, the leader of Britain's police chiefs has warned.

Martin Hewitt, chairman of the National Police Chiefs' Council (NPCC), said that the reform, proposed by backbench MPs and peers, risked exacerbating community tensions and undermining counterterrorist policing powers and tactics. His intervention comes in a letter to the prime minister, seen by The Times.

Ministers will respond in parliament tomorrow to a backbench debate on the definition. It states: “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”

The wording has been accepted by Labour, the Liberal Democrats and Sadiq Khan, the Mayor of London.

The Commons debate was proposed by the Labour MP Wes Streeting and the Change UK MP Anna Soubry who chair the all-party parliamentary group on British Muslims. The group proposed the definition and has been concerned about rising hostility towards Muslims, including violent attacks on mosques.

The adoption of the definition, which could, in effect, make it racist to criticise Islam or “Muslimness”, would clash with existing equality law, which defines racism more narrowly in terms of colour and ethnicity. Critics fear that the reform would amount to a blasphemy law by the back door.

Anti-Islamophobia campaigners believe that, armed with a government-approved definition, they could bring complaints of discrimination to court.

Public authorities could be expected to follow the definition or risk judicial review, under which judges could be asked to rule on whether their actions amount to unlawful discrimination.

Mr Hewitt wrote to the prime minister on Friday detailing police concerns about the damage that could be caused by the definition.

He told Mrs May that he and Neil Basu, the assistant commissioner at Scotland Yard who speaks for police chiefs on terror, were concerned about the potential to “undermine many elements of counterterrorism powers and policies”.

Mr Hewitt said that the definition posed a threat to terror laws, stop-and-search at ports, the outlawing of terrorist groups, and the ban on possessing or distributing extremist material. It could also undermine the Prevent duty, which requires schools, universities, councils and the NHS to protect people vulnerable to extremism.

Mr Hewitt wrote that the term Islamophobic was “perhaps misleading in the context of hate crime . . . hate crime seeks to protect Muslims and not Islam.” A leaked Whitehall memo reveals that the government’s equality advisers believe the proposed new definition is “not in line with the Equality Act”.

Officials from the Equalities Office have advised ministers that the law “defines ‘race’ as comprising colour, nationality and national or ethnic origins, none of which would encompass a Muslim or an Islamic practice.”

On Islamophobia, a report by the Policy Exchange think tank said that criticism of Sharia and Islamic traditions could be forbidden in Britain under the definition. Its lead author is Trevor Phillips, former chairman of the Equality and Human Rights Commission. It says the definition might have prevented the government investigating allegations of an intolerant Islamic ethos in some Birmingham schools.

“Any criticism of standard Sharia rulings which are at odds with our laws and customs . . . will become unexaminable,” it says.

The authors call for the term Islamophobia to be replaced by “Bias against Muslims” as used by the Office for Security and Co-operation in Europe.