

**RESPONSE TO THE HOME
SECRETARY'S STATEMENT IN THE
HOUSE OF COMMONS ON
MONDAY 15 OCTOBER 2001**

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RESPONSE TO THE HOME SECRETARY'S STATEMENT IN THE HOUSE OF COMMONS ON MONDAY 15 OCTOBER 2001 (HOME OFFICE PRESS NOTICE NO. 250/2001 ISSUED ON 15 OCTOBER 2001)

INTRODUCTION

Scope of this Document

1. This response is submitted by the organisations and individuals set out in Appendix A. Some of the issues raised here have been covered in previous submissions from the Muslim community.¹
2. This submission will cover issues raised in the Home Secretary's statement of 15 October, which set out his proposals in response to the attacks in the US on September 11.² It places the discussion of these immediate proposals for legislative change within the context of the pre-existing problems facing Muslims and their communities. Depending on the nature of the continuing response by the US and their allies there is an increased risk that the pre-existing harms arising from the social exclusion of Muslims will be exacerbated. The proposals for legislation by the Home Secretary are a domestic response to 11 September. These underlying problems facing the Muslim community pre-date this event and provide the permanent context within which any debate about the effect of legislation must take place. Solutions to these underlying problems have become more urgent since September 11. The key to overcoming social exclusion and isolation is Government action on reform of civil anti-discrimination and non-legal policy initiatives that are included in this response.
3. This response covers the following issues:

Current and Post September 11 Situation

Immediate Proposals for Legislation

Section 1: Powers to give the police and customs services the authority to demand the removal of facial covering or gloves.

Section 2: The extension of Section 18, Public Order Act 1986 (POA 86) to cover 'religion'. Both incitement offences will have an increased maximum penalty from two years to seven years. Widening of the incitement law to cover incitement within the UK of terrorist acts against groups or individuals overseas and examining additional powers in relation to conspiracy.

Section 3: The possible extension of the scope of the racially aggravated offences in the Crime & Disorder Act 1998 (CDA 98) to cover religious as well as racial motivation.

Priorities for Future Law Reform and Policy

Section 4: The extension of civil anti-discrimination law to Muslims via the implementation of the EC Framework Employment Directive

Section 5: Policy initiatives, supply side measures and institutional changes

Section 6: Participation in public life and the public sphere

4. The response is further supplemented by the following appendices:

Appendix A: List of responding organisations and individuals

Appendix B: Evidence of post September 11 attacks on Muslims and their religious buildings

Appendix C: Case studies and analysis of anti-Muslim incidences post September 11

Appendix D: Evidence and analysis of anti-Muslim stereotypes and prejudice in the media

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Current and Post September 11 Situation

5. The **pre-September 11** situation of Muslims was characterised by extreme social exclusion from mainstream activity. This has contributed towards the social isolation of some Muslims and involvement in marginal social, political and economic activity. There is also evidence of tensions between some sections of the Muslim community and law enforcement agencies. Recent Home Office research confirms increasing levels of dissatisfaction amongst Muslims (Pakistanis and Bangladeshis are used in the research) with the police. The Bradford, Burnley and Oldham public disorder in summer 2001 and the resulting law enforcement measures will exacerbate this tension.
6. **Post September 11** we expect an increase in negative stereotypes about Muslims. This will result in discriminatory attitudes and conduct that specifically target Muslims and translates into: verbal and physical abuse; discrimination in the private and public sphere; and discrimination by law enforcement agencies. It is also likely that there will be heavier policing of Muslims (and especially visible Muslims) and their communities.
7. We welcome any legislation or policy initiative that will safeguard British Muslims against the immediate and long-term risks following September 11. The Home Secretary's proposals announced on 15 October have concentrated on the criminal law. We have grave reservations about the extension of the criminal law powers and discretion of law enforcement agencies **at this time** (see Sections 1-3).
8. The most pressing needs of British Muslims relate to their extreme social exclusion. We urge the Government to recognise the increased risk of discrimination in the post September 11 period and ensure the early introduction of comprehensive legislation against religious discrimination (see Section 4).

Immediate Proposals for Legislation

Section 1: Powers to give the police and customs services the authority to demand the removal of facial covering or gloves.

9. Police and customs services officers have powers that enable them to conduct identification and investigation functions in pursuit of legitimate law enforcement aims. The Home Secretary has not provided any pressing national security or law and order reasons that justify the introduction of these **additional** powers. These powers will disproportionately impact on women who wear facial and head covering as part of their mandatory religious obligations as Muslims. **On the basis of the limited information provided in the Home Secretary's statement of 15 October we object to the introduction of these powers.**
10. These additional powers are being introduced against a background of pre-existing and increasing (post- September 11) tensions between Muslim

communities and law enforcement officers/agencies. The introduction of these wide ranging and intrusive powers may have the same impact that the “stop and search” laws have had on relations between the African/Caribbean community and the police.

Section 2: Proposals to extend existing incitement to racial hatred legislation to cover ‘religion’

11. The extension of incitement legislation at this particular time is unlikely to protect Muslims. **We have grave reservations about the introduction of legislation at this time.**
12. The extension of the legislation to cover incitement and conspiracy outside the UK specifically targets extremist Muslim groups. Investigation and detection will require law enforcement agencies (the police in particular) to cast their net wider which may have two significant consequences:
 - Heavier policing and investigation of the whole of the Muslim community – particularly visible Muslims – to detect/investigate suspected incitement offences.
 - A deterrent and ‘chilling’ effect on the legitimate free speech of all Muslims who react defensively to uncertainty about which speech is legitimate (and unregulated) and which speech falls within the new legislation (and subject to up to a seven year criminal penalty).
13. The present legislation vests a significant amount of discretion in the usual law enforcement agencies (police, CPS) *and also* the Attorney General who is a part of the executive branch of Government. Muslims are likely to see permission by the Attorney General’s office to prosecute them as a ‘political’ decision taken by the State. There is a risk that the Attorney General's office will become more politicised given the current political climate and tone of the media coverage. Public opinion may create pressure to proceed with prosecutions in order to reassure the media and the public that something is being done about the threat of extremist groups. Muslims may perceive senior politicians (members of the executive) as implicated in attempts to uniquely criminalise their speech and conduct.
14. If the Government proceeds with this legislation the Muslim community needs to be re-assured that their free speech is not being uniquely and unfairly criminalised by the State. The Government must introduce safeguards to ensure that the exercise of discretion by the Attorney General and law enforcement agencies does not disproportionately target Muslims. In particular:
 - The legislation should include a Note of Guidance setting out the criteria for the exercise of the AG’s discretion;
 - The exercise of the discretion by the Attorney General must be subject to scrutiny by Parliament via the presentation of an annual report to the Home Affairs Select Committee and the Joint Committee on Human Rights. The

annual report should include: the facts of the cases he has considered; a break down of relevant factors by ethnicity, gender and religion; and his reasons for proceeding/not proceeding with the prosecution;

- The Joint Committee on Human Rights should be asked to give an opinion and publish an annual report on the practical enforcement of incitement legislation and its compliance with the European Convention on Human Rights (especially Art 10 ECHR).
- Law enforcement agencies must be monitored, supervised and held accountable to the Lawrence Steering Group, which should be given jurisdiction over the proposed incitement legislation.
- An independent ‘ombudsman’ should be appointed to monitor the implementation of this legislation. He or she should be asked to publish an annual report that is submitted to the Home Affairs Select Committee and Joint Committee on Human Rights.

Section 3: Racially aggravated offences extended to ‘religion’

15. Muslims have previously campaigned for the extension of the Crime & Disorder Act 1998 to non-ethnic religious minorities. We accept that if effectively implemented this type of legislative change has the potential to contribute towards reducing and deterring anti-Muslim violence. This brings the UK in line with the strategy of other European Union member states and many state jurisdictions in the United States. Muslims recognise that sentence enhancement and racially (religious) aggravated offences can make a substantial contribution to dealing with the increasing risks of physical and verbal abuse of Muslims. If they are implemented and enforced effectively they can send a clear and unequivocal message that those who commit acts of violence and harassment of Muslims out of deliberate and conscious hatred of their membership of their religious group deserve special penalty under the criminal law. **Effective enforcement** requires:
 - these offences be used strategically to criminalise the most serious and culpable forms of racist conduct of those who undertake criminal acts motivated by conscious religious hatred.
 - **careful supervision of the exercise of discretion by law enforcement agencies in relation to this type of criminal power.**
16. The increase in anti-Muslim prejudice in the post September 11 period has created a substantial risk that discrimination will taint the exercise of any additional criminal powers that specifically target a religious group (see para 6 and 7 above). Therefore, we have grave reservations about the extension of this criminal power to cover religious groups **at this particular time**.
17. If the Government proceeds with this legislation despite these reservations it must introduce safeguards to ensure that the discretion of law enforcement agencies is not abused to target Muslims. There is evidence suggesting low

levels of satisfaction amongst ethnic minorities with the police in relation to racially motivated crimes.³ It is in the interests of the State, law enforcement agencies and the Muslim community to minimise the risk of conflict. This can be done by ensuring that:

- the exercise of discretion by law enforcement agencies is monitored and accountable.
- there is appropriate training of law enforcement officers about policing issues arising out of ‘religious’ hate crimes.
- law enforcement agencies are monitored, supervised and held accountable to an independent body that includes, *inter alia*, members of the Muslim community and other faith communities.
- the Lawrence Steering Group is given jurisdiction over the relevant issues (CRR training, development of codes of practice and all matters relating to the effective and fair enforcement of the proposed religious aggravated offences).

Sections 1-3: General conclusions

18. An independent monitoring body should be set up to monitor and implement the new ‘religious aggravated’ offences. This body should include, *inter alia*, representatives of all faith communities including Muslims who are a non-ethnic religious minority.
19. The Lawrence Steering Group which arose out of the Lawrence Inquiry Report has instituted a procedure of Ministerial Priority for all police authorities: ‘to increase trust and confidence in policing amongst ethnic minority communities’. The existing scope of the Lawrence Steering group does not specifically cover non-ethnic religious minorities, e.g. Muslims. The scope and jurisdiction of the Lawrence Steering Group should be extended to ensure specific protection for this religious minority.
20. Members of the Muslim community with expertise of criminal law, human rights and civil liberties, as well as ex officio appointees from relevant Muslim organisations with interest in these matters should be appointed to these bodies.

Priorities for Future Law Reform and Policy

Section 4: Civil Anti-Discrimination Law

21. Existing civil anti-discrimination law does not extend to non-ethnic religious minorities, e.g. Muslims. **We ask the Government to recognise the increased risk of discrimination in the post September 11 period and urge the early introduction of comprehensive legislation against all forms of religious discrimination.** In particular, in implementing the EU Employment Directive the Government must go beyond the material scope of that Directive and:

- Ensure protection against religious discrimination in all areas of life covered by the current race discrimination legislation.
 - Extend the Race Relations Amendment Act 2001 and secondary legislation to non-ethnic religious minorities (e.g. Muslims) thereby ensuring that the statutory duty on public authorities that mainstream racial equality within the public sector also extends to religious equality.
 - Implement the EU Employment Directive through primary legislation.
22. In addition, **the Equality Unit** should be given special responsibility for assessing the impact of the implementing on the EU Employment Directive on the social exclusion of Muslims.
23. Whichever part of Government (the Department of Trade and Industry and/or the Home Office) is given responsibility for the new legislation there needs to be special and specific duties to consult Muslims about the effect of the legislation and to consider the impact of religious discrimination legislation on the Muslim community.

Section 5: Policy initiatives, supply side measures and institutional changes

24. Civil anti-discrimination law reform is a necessary but insufficient response to the extreme social exclusion experienced by Muslims. There is a need to develop policy initiatives and supply side measures to ensure the mainstreaming of Muslims throughout public and private institutions. Existing policies and initiatives that target ethnic minorities do not meet the needs of non-ethnic religious minorities such as Muslims.

Mainstreaming

25. These initiatives should be used to allow public institutions and policy makers an opportunity to consider and put into place preventative procedures for assessing the impact of policy on the social exclusion of Muslims.
26. The Government and policy makers should use Policy Impact Assessment (PIA) that specifically targets socially excluded groups such as Muslims.

Institutional changes

27. **The Home Office** should extend its interest in race equality to specifically cover *non-ethnic religious minorities such as Muslims whose specific religious needs cannot be accommodated within the concept of 'race'*. It should extend these criteria to all its projects on race so that Muslims are specifically included in its analysis.
28. **The Equality Unit** should be given additional responsibility for overseeing policy on tackling the social exclusion of Muslims. This should include:

- Considering proposals for the early implementation of the EU Employment Directive to protect non-ethnic religious minorities, especially Muslims who are a high risk group in the post September 11 period.
 - Working with all parts of Government and across departmental boundaries to develop solutions to the social exclusion of Muslims.
 - Co-ordination and consultation with SEU and PIU projects to develop research, analysis and policy initiatives.
29. **The Social Exclusion Unit (SEU)** should be asked to investigate the social exclusion of Muslims (especially the exclusion of Muslims from national and local political processes) and develop effective policy responses to tackle this problem. *Members of the SEU should be asked to visit and consult widely with Muslim organisations, businesses, households and Muslims with direct experience of social exclusion.*
30. **The Performance and Innovation Unit (PIU)** should be invited to consider the specific issues relating to the social exclusion of Muslims in relation to its commissioned research; analysis and production of working papers and policy recommendations. *The PIU should include individual Muslims and relevant Muslim organisations as ‘key stakeholders’ in its plans and ensure that they are consulted at all stages.*
31. **The Civil Service Race Equality Network** should include the representation of non-ethnic religious minorities, such as Muslims, within its work to influence and advise upon policy and practice to advance race equality within the Civil Service.
32. **The Civil Service Reform Programme’s** diversity action plan should specifically include non-ethnic religious minorities in relation to, *inter alia*, targets, progress, mentoring and diversity awareness.
33. All **research and monitoring** should include references and statistics for non-ethnic religious minorities such as Muslims as well as the present indicators of race and gender.

Section 6: Encouraging participation in public life and fair representations in the public sphere (including the media)

34. The changes to anti-discrimination law (Section 4) and mainstreaming to overcome social exclusion will make a contribution towards encouraging identification with the State by Muslims. Increasing Muslim involvement in local and national political processes is a long-term aim. Key actors such as Trade Unions and employer organisations can also facilitate the mainstreaming of Muslims in public life.

Public representations of Muslims, the media and education

35. Muslims are committed to freedom of expression and recognise the constitutional importance of a free press in a liberal democracy. We object to State involvement in regulating the media. However, it is an important and legitimate function of Government to challenge prejudice and negative stereotypes which undermine the key State interests: protecting its citizen's from harms such as crime and discrimination; and building a cohesive multi-ethnic and multi-faith political community.
36. **The Department of Media, Culture & Sports** has an important role in developing and influencing the national public culture.
37. It can legitimately prioritise projects that redress anti-Muslim bias in the media (see Appendix D) by presenting a positive image of Muslims and their civilisation to non-Muslims and British Muslims.
38. They could also facilitate the involvement of Muslims in the forthcoming codification of voluntary codes of practice within broadcasting and the appointment of a nominee or representative of Muslims/a Muslim organisation to the Broadcasting Standards Commission which monitors, supervises and implements these voluntary codes. This would reassure the Muslim community that the Government recognises their value as a legitimate and valuable faith community.
39. **The Department for Education & Skills** supervises a range of policies to raise overall education standards that will benefit the ethnic minority population. It could be asked to specifically consider the specific needs of Muslim children. Work is underway to address the issue of diversity via the National Curriculum. Citizenship became part of the non-statutory framework for Personal, Social and Health Education in primary schools from September 2000. These project could specifically address issues relating to anti-Muslim attitudes.

CURRENT AND POST SEPTEMBER 11 SITUATION

Pre-September 11

Social exclusion

40. The defining experience of large numbers of Muslims in Great Britain has been social exclusion, which is the *involuntary* exclusion of Muslims from mainstream social, political and economic institutions. More specifically, the social exclusion of Muslims is a term which captures their experience as a group who overwhelmingly suffer from a combination of linked problems (as evidenced from indicators for Pakistanis and Bangladeshis):
- High risks of being victims of crime⁴
 - Fear of crime⁵
 - Low levels of satisfaction with the police⁶
 - Low incomes⁷
 - Lower rates of employment⁸
 - Poor housing⁹
 - Low skills and education¹⁰
 - Bad health¹¹
41. The risk of being victims of crime and fear of crime is a particularly acute cause of social exclusion. Recent evidence from the 2000 British Crime Survey confirms:¹²
- Ethnic minorities run greater risks of crime than white people, though this largely reflects the fact that minority populations are concentrated in large cities and in particular in conurbations where the crime risks are high for everyone, regardless of ethnicity. This trend confirms previous BCS research by Percy 1998 who concluded that ethnic minorities generally, and *Pakistanis and Bangladeshis in particular, were at greater risk of victimisation than white people.*
 - People from ethnic minorities worry more about crime than white respondents – a finding that held up even when account was taken of the sorts of area in which respondents lived, and their direct and indirect experience of crime.
 - Significantly, *“Asian respondents, and Pakistanis and Bangladeshis in particular, are more likely than others to say that they felt “very unsafe” at night, both in their homes and walking alone in their neighbourhood.”*
 - ‘Ethnicity can be a strong predictor of fear of crime even when other socio-economic and demographic variables have been taken into account; *worry about crime was particularly salient among Bangladeshis and Pakistanis.*’

42. In relation to social and economic conditions The Performance and Innovation Unit (PIU) Report on Ethnic Minorities in 2001 concluded that:
- More than half of Pakistani and Bangladeshi households live in the 10% of the most deprived wards in England.¹³
 - Around one third of Pakistani and Bangladeshi households live in unfit properties in the private sector.¹⁴
 - Around 30% of Pakistani and Bangladeshi households live in ‘poor neighbourhoods’¹⁵
43. The PIU Report 2001 concluded that the position of ethnic minorities in employment relative to Whites can be broadly summarised into a typology of three clusters:
- Disadvantage confined to top jobs in large establishments: the Chinese and African-Asians
 - Relative disadvantage: the Indians and the Caribbeans
 - **Severe disadvantage: the Pakistanis and the Bangladeshis**¹⁶

Conclusion

44. Social exclusion is involuntary. However, extreme social exclusion can be a major contributory factor to the voluntary social isolation of certain Muslims who prefer to separate from mainstream social, political and economic activity. Social exclusion and social isolation are factors that have contributed to a breakdown in community cohesion that has resulted in the public disorder in Bradford, Burnley and Oldham in 2001. The combination of social exclusion and isolation erodes Muslim identification with national legal, public and political institutions. This can provide as a catalyst towards involvement in ‘fringe’ and ‘extremist’ political activity.

Policing and the Criminal Justice System

45. Recent research supports the conclusion that there is discrimination towards minorities within the Criminal Justice system. This is defined as ‘institutional racism’ which captures two features:
- First, the fact that individuals within these institutions have discriminatory attitudes which influence their decision making and conduct;
 - Second, these institutions have structures that result in discrimination towards certain ethnic minority groups.
46. Although statistical evidence is not kept for Muslims as a group it is possible to extract some relevant conclusions from the treatment of these institutions towards other ethnic minorities:

- The Stephen Lawrence Inquiry (Macpherson Report) confirmed institutional racism in the police force
 - The Denham Report confirmed institutional racism in the Crown Prosecution Service
47. Relationship and Satisfaction with the Police Results of the 2000 British Crime Survey (BCS) do not include specific data for Muslims but using ethnic minorities (and the categories of Pakistani and Bangladeshi where available) as an indicator it is significant that the most recent analysis of the 2000 BCS confirms:¹⁷
- In an assessment of police performance by ethnic group, *for all age groups Pakistani and Bangladeshi respondents rated the police lower than other groups.*
 - ‘Satisfaction with police response to sought contact was highest amongst white respondents, *and Pakistanis and Bangladeshis were the least satisfied. This trend was found across several different aspects of police performance.*’
 - ‘Barely half of respondents were satisfied with police efforts to keep them informed following their enquiry; *dissatisfaction was greatest amongst Pakistanis and Bangladeshis.*’
 - In relation to stop and search powers ‘[...] after taking other demographic factors into account, being black remained a predictor of this form of stop, *as did being Pakistani and Bangladeshi.*’¹⁸

Conclusion

48. The Macpherson and Denham Reports confirmed that law enforcement agencies exercise their discretion in a way that discriminates against ethnic minorities. The most recent Home Office evidence suggests existing dissatisfaction and tension between sections of the Muslim community and the State’s law enforcement agencies. The experience of Muslims is that they are disproportionately victims of crime. They have a fear that they are not safe in their homes and in the streets. There is increasing dissatisfaction with the police. The public disorder in Bradford, Oldham and Burnley will have increased these pre-existing tensions.

Post September 11

49. Since 11 September international events have ensured that the British Muslim community has become the focus of public attention. The coverage given to the ‘war against terrorism’ and the Al-Qaeda movement has generated an ongoing debate about Islam and the status of British Muslims. Although some sections of the media and the State have acted responsibly in attempting to distinguish the war against terrorism/Al Qaeda/bin Laden and Afghanistan from Islam and British Muslims, there is a clear risk that this ongoing public discourse will have

a negative impact. It may contribute towards reinforcing pre-existing negative prejudice and stereotypes of Muslims, and lead to discriminatory treatment in all areas of life.

50. The Home Secretary's proposals announced on 15 October have concentrated on the criminal law. We welcome any legislation or policy initiative that will safeguard British Muslims against the immediate and long-term risks following September 11. However, we have grave reservations about the extension of the criminal law powers and discretion of law enforcement agencies **at this time (see Sections 1-3)**. The most pressing needs of British Muslims relate to their extreme social exclusion. **We urge the Government to recognise the increased risk of discrimination in the post September 11 period and ensure the early introduction of comprehensive legislation against religious discrimination (see Section 4).**

Immediate risks to Muslims

51. Negative stereotypes are likely to manifest themselves in individual attitudes and conduct in the following ways:
- Greater violence and harassment that specifically targets Muslims. There is evidence that there has been an increase in this type of conduct since September 11 **(see Appendix B and C)**.
 - An increase in discriminatory attitudes and conducts by all individual actors and all institutions in the public and the private sector, especially as anti-Muslim prejudice is a growing strand of racism.¹⁹ This will exacerbate social exclusion and isolation **(see paras 40-44 above)**.
 - In particular, increased discriminatory treatment (and perception of discriminatory treatment) of Muslims by law enforcement agencies such as the police, Customs and Excise, Immigration officials, CPS. This will exacerbate relationships between these agents of the State and Muslims/Muslim communities **(see paras 45-48 above)**.
 - Negative images of Muslims in the media **(see Appendix D)**.

Gaps in the Government Agenda – Future reform and policy proposals

52. The Government's response to September 11 has not addressed the increased risk of discrimination in private/public life and the resulting likelihood of an increase in the pre-existing social exclusion of Muslims. The Government must also make a commitment to addressing the underlying causes of the social exclusion of Muslims that includes:
- A commitment to comprehensive civil anti-discrimination law reform to extend protection to non-ethnic religious minorities, e.g. Muslims **(Section 4)**.

- Mainstreaming through non-legal policy initiatives, which ensure Muslims are included within key social, political and economic activities (**Section 5**).
- Facilitating Muslim representation in public and political institutions (**Section 6**).
- Counteracting prejudice through investment in initiatives in the areas of culture and education, which promote a more positive image of Muslims; encourage people to recognise the effects of stereotyping and prejudice; and develop the skills to challenge them (**Section 6**).

IMMEDIATE PROPOSALS FOR LEGISLATION

Section 1: Powers to give the police and customs services the authority to demand the removal of facial covering or gloves

Comments on the Legislation

53. Powers to remove facial covering and gloves will operate against visible Muslims and overwhelmingly against Muslim women. For certain Muslim women, and the Muslim community generally, the use of scarves (*hijab*) and facial veils (*niqab*):
- is a mandatory religious obligation;
 - sometimes operates as a key marker for the religious identity of Muslim women.
54. Not only some Muslim women, but also, some Muslim men, see veiling as a distinguishing characteristic of an authentic Muslim community.
55. Police and law enforcement agencies have existing powers that enable them to conduct identification and investigation functions in pursuit of legitimate law enforcement aims. The Home Secretary has not provided any pressing national security or law and order reasons that justify the introduction of **additional** powers at this time.
56. This proposal has the potential to cause major conflict between the Muslim community on the one hand, and the State, its law enforcement agencies and the police/customs officers on the other. These powers will mainly impact on women who wear facial veils and covering as part of their mandatory religious obligations. In many Muslim communities, especially in the context of South Asian Muslim communities, the concept of honour (*izzat*) is disproportionately connected with the treatment of women of their family. This is a particularly prevalent cultural practice and concept in the Pakistani communities in the north of England (Bradford, Oldham, Burnley, Manchester), Birmingham and Scotland. The introduction of these wide ranging and intrusive powers may have the same impact on the Muslim community that the stop and search laws have had on relations between the African/Caribbean community and the police.

Conclusion

57. On the basis of the limited information provided in the Home Secretary's statement of 15 October we object to the introduction of these powers.

Section 2: Proposals to extend existing incitement to racial hatred legislation to cover 'religion'

Comments on the Legislation

58. The extension of incitement legislation to cover 'religious' as well as 'racial' hatred will remove an anomaly which arbitrarily protected some religious groups (e.g. Jews and Sikhs) whilst leaving unprotected others (e.g. Muslims, Hindus and Rastafarians). Muslims have previously argued that these provisions should be extended to all non-ethnic religious minorities. However, we have grave reservations about the introduction of this legislation **at this time**.
59. The proposals constitute a substantial increase in the powers to criminal justice agencies. As discussed (paras. 10-11 above) in the post September 11 period there is a risk of the discriminatory use of these criminal powers against Muslims. The extension of the legislation to cover incitement and conspiracy outside the UK specifically targets extremist Muslim groups. Investigation and detection will require law enforcement agencies (the police in particular) to cast their net wider which may have two significant consequences:
- Heavier policing and investigation of the whole of the Muslim community – particularly visible Muslims – to detect/investigate suspected incitement offences.
 - A deterrent and 'chilling' effect on the legitimate free speech of all Muslims who react defensively to uncertainty about which speech is legitimate (and unregulated) and which speech falls within the new legislation (and is therefore criminalised).
60. The present legislation vests a significant amount of discretion in the usual law enforcement agencies (police, CPS) *and also* the Attorney General who is a part of the executive branch of Government. Muslims are likely to see permission by the Attorney General's office to prosecute them as a 'political' decision taken by the State. There is also a risk that the Attorney General's office will become more politicised given the current political climate and tone of the media coverage. There will be a temptation to proceed with prosecutions irrespective of the merits of the case in order reassure the media and public opinion that something is being done about the threat of extremist groups. Muslims may perceive senior politicians (members of the executive) as implicated in attempts to uniquely criminalise their speech and conduct.
61. There is a risk that Muslims will perceive themselves as disproportionately criminalised for their human rights to free speech (Art 10 ECHR) and association (Art 11 ECHR), whilst perceiving analogous speech and conduct by other groups better informed of the law, especially speech and conduct which targets Muslims, as unregulated by the criminal justice system. This will exacerbate pre-existing tensions between Muslims and law enforcement agencies, especially the police (see paras. 10-11 above). It may increase the social isolation of some Muslims and their communities who may withdraw

from participation in mainstream public debate and political processes. This may act as a further barrier to some Muslims developing a closer identification with national interests and the nation state. One possible consequence of this social isolation may be a move towards fringe and extremist political activity by some sections of the Muslim community.

Conclusion

62. For all these reasons we have grave concerns about the Home Secretary's proposal. The extension of incitement legislation at this particular time is unlikely to protect Muslims. If the Government is committed to introducing the legislation then it is essential to introduce certain key safeguards in order to reassure Muslims.

SAFEGUARDS required if incitement legislation is extended

63. If the Government proceeds with this legislation despite the reservations of the Muslim community it must introduce safeguards to ensure that the discretion of the Attorney General and law enforcement agencies is not perceived as being exercised disproportionately against Muslims: the Attorney General's discretion must be scrutinised by Parliament; and law enforcement agencies must be accountable for the way in which they enforce the incitement legislation. This will reassure Muslims that their free speech is not being uniquely and unfairly criminalised by the State.

Attorney General's discretion

64. The proposed legislation should include clear, public and transparent criteria (via an Appendix or Notes of Guidance) that are used by the Attorney General in reaching his decision.
65. The Attorney General should submit an annual report to Parliament that includes the following information for each case considered:
 - Brief summary of the facts of the case that includes the following: ethnic origin, religion, nationality, age and sex of the parties.
 - Reasons for proceeding/not proceeding with the prosecution: why the case did/did not meet the criteria in the Notes of Guidance
66. The Attorney General's report on the incitement legislation should be presented bi-annually for scrutiny by:
 - The House of Commons Home Affairs Committee;
 - The Joint Committee on Human Rights, whose terms of reference include, *inter alia*, matters relating to human rights in the United Kingdom.
67. The Joint Committee on Human Rights should be asked to give an opinion and publish an annual report on the practical enforcement of incitement legislation

and its compliance with the European Convention on Human Rights (especially Art 10).

Discretion of law enforcement agencies

68. Codes of Practice should be established by the Home Office, in consultation with the AG, police services, the CPS and other agencies, to create a comprehensive system of reporting and recording all incidents, investigations and crimes under the new incitement legislation.
69. The Lawrence Steering Group which arose out of the Lawrence Inquiry Report has instituted a procedure of Ministerial Priority for all police authorities: 'to increase trust and confidence in policing amongst ethnic minority communities'. It has also instituted a process of implementing, monitoring and assessing this Ministerial Priority with detailed Performance Indicators. This Steering Group should be given jurisdiction to monitor the implementation of the Code of Practice and assess the use of the incitement legislation. They should also have access to the Attorney General's bi-annual report.
70. The Lawrence Steering Group and relevant law enforcement agencies should include the needs of religious minorities, such as Muslims, within its Community and Race Relations (CRR) priorities and training. The terms ethnic, race, culture, multiethnic and multicultural is not sufficient to address the specific needs of Muslims.
71. A nominee or member of the Muslim community organisations should be appointed to the Lawrence Steering Committee. The Lawrence Steering Committee's terms of reference should include producing and publishing an annual report, which includes factual information, progress on training of law enforcement agencies and monitoring of the exercise of discretion.
72. An independent ombudsman should be appointed who scrutinises, monitors and comments on the use of these new powers. He or she should have access to information in the Attorney General's report and the work of the Lawrence Steering Group. His or her annual report should be presented to the Home Affairs Select Committee and the Joint Committee on Human Rights.

Section 3: Racially aggravated offences extended to ‘religion’

Comments on the Legislation

73. Muslims have previously campaigned for the extension of the Crime & Disorder Act 1998 to non-ethnic religious minorities. We accept that if effectively implemented this type of legislative change has the potential to contribute towards reducing and deterring anti-Muslim violence. The extension of the Crime & Disorder Act 1998 to cover non-ethnic religious minorities removes a significant anomaly which has left some religious groups protected from hate crimes (Sikhs and Jews) whilst others were not specifically protected (Muslims, Hindus and Rastafarians). Muslims have previously campaigned for these measures because:
- Their religious buildings and their communities face a high risk of crime (see Appendix B and C)
 - This is a distinct form of harm as it specifically targets Muslims because of their membership of a religious group. This is supported by the 2000 British Crime Survey conclusions that ‘emotional reactions to racially motivated incidents were generally more severe than for non-racially motivated incidents.’²⁰
 - In addition to the individual harms of crimes such as harassment or assault, this type of conduct includes additional and distinct harms whereby the Muslim community experiences the harm of the crime in a vicarious way because the crime is also seen as an attack on the religious group;
 - These types of crimes have the potential to undermine the State interest in dealing with the social exclusion and isolation of Muslims (see below) and their interest in good community relations.
74. Muslims recognise that sentence enhancement and racially (religious) aggravated offences can make a substantial contribution to dealing with the increasing risks of physical and verbal abuse of Muslims. If they are **implemented and enforced effectively** they can send a clear and unequivocal message that those who commit acts of violence and harassment of Muslims out of deliberate and conscious hatred of their membership of their religious group deserve special penalty under the criminal law.
75. Effective enforcement requires:
- these offences be used strategically to criminalise the most serious and culpable forms of racist conduct of those who undertake criminal acts motivated by conscious religious hatred.
 - **careful supervision of the exercise of discretion by law enforcement agencies.**

Conclusion

76. Muslims accept that this type of legislative change has the potential to make an important contribution to fighting anti-Muslim violence. However, they have reservations about the extension of these offences to ‘religion’ at this time. Given prevailing attitudes towards Muslims, especially in the post September 11 period, there is a substantial risk that they will disproportionately be the victims rather than beneficiaries of this extension in the criminal law.

SAFEGUARDS required if legislation is introduced

77. If the Government proceeds with this legislation despite the objections of the Muslim community it must ensure certain safeguards to ensure that the discretion of law enforcement agencies is not abused to target Muslims.
78. Institutional discrimination within law enforcement agencies as evidenced in the Macpherson and Denham Reports is even more likely to take an anti-Muslim form after September 11 (see para. 12 above). This may exacerbate existing tensions between law enforcement agencies and the Muslim community who are likely to be policed heavily in the next six to twelve months and perhaps beyond.
79. There is evidence suggesting low levels of satisfaction amongst ethnic minorities with the police in relation to racially motivated crimes.²¹ It is in the interests of the State, as well as the Muslim community, to minimise the risk of conflict. This can be done by ensuring that: (a) the exercise of discretion by law enforcement agencies is monitored and accountable; (b) there is appropriate training of law enforcement officers about policing issues arising out of ‘religious’ hate crimes.
80. Law enforcement agencies must be monitored, supervised and held accountable to an independent body, which includes, *inter alia*, Muslims with knowledge of criminal law, the criminal justice system and civil liberties issues; members of the Muslim community and other faith communities.
81. The Lawrence Steering Committee has jurisdiction over key issues relating to the monitoring and implementation of existing racially aggravated offences. The present scope does not cover non-ethnic religious minorities such as Muslims. The scope should be extended to ‘religious’ aggravated offences including, *inter alia*:
- A Code of Practice on reporting and recording religious incidents.
 - Recording of stop and searches of specific non-ethnic religious minorities, e.g. Muslims
 - Inclusion of religion issues within Community Race Relations issues
 - Regular HMIC inspections to examine CRR issues

- Research and training by the Lord Chancellor's Department and the CPS, which should include issues relating to non ethnic religious minorities (e.g. Muslims)
 - Section 95 data on race, which should also include specific information about non-ethnic religious minorities who do not fall under categories of race, ethnicity or multi-cultural
 - Recruitment of ethnic minority police officers, which should include targets for Muslims
82. Nominees of the Muslim community should be represented on this Committee. This should include Muslim professionals with knowledge and experience of the criminal justice system and civil liberties/human rights issues. Muslim organisations with a specific interest in anti-Muslim violence and policing issues should have an ex officio presence on the committee. They should also be invited for consultation on issues discussed above.

Sections 1-3: General conclusions

83. The Lawrence Steering Group which arose out of the Lawrence Inquiry Report has instituted a procedure of Ministerial Priority for all police authorities: 'to increase trust and confidence in policing amongst ethnic minority communities'. The existing scope of the Lawrence Steering Group does not specifically cover non-ethnic religious minorities, e.g. Muslims. The scope and jurisdiction of the Lawrence Steering Group should be extended to this minority group.
84. The Lawrence Steering Group could be given jurisdiction to supplement the work of an independent monitoring body (as suggested in Sections 2 and 3 above) to supervise the proposed legislation on incitement and religious aggravated offences.
85. Members of the Muslim community with expertise in the criminal law, human rights and civil liberties, as well as ex officio appointees of relevant Muslim organisations with interest in these matters should be appointed to the Lawrence Steering Group.

PRIORITIES FOR FUTURE LAW REFORM AND POLICY

Section 4: Civil Anti-Discrimination Law

86. The Government's existing commitments to equality and non-discrimination in relation to ethnic minorities **are not sufficient to ensure coverage and protection for non-ethnic religious minorities such as Muslims.**
87. The **PIU Report 2001 confirmed the severe disadvantage and discrimination** which Muslims face in their daily lives (see paras. 40-44 above). The Report summarised the position of ethnic minorities in employment relative to Whites into a typology of three clusters:
- Disadvantage confined to top jobs in large establishments: the Chinese and African-Asians
 - Relative disadvantage: the Indians and the Caribbeans
 - **Severe disadvantage: the Pakistanis and the Bangladeshis**²²
88. Existing anti-discrimination legislation and policy has consistently failed to address the specific problems faced by Muslims seeking to enter mainstream public and private institutions.
89. The Courts have ruled that Muslims are not an ethnic group, and therefore are not protected by the Race Relations Act 1976 (RRA 76). However, the Courts have recognised that Sikhs and Jews are protected by the Race Relations Act. There is at present no law in the UK prohibiting religious discrimination against Muslims. The RRA 76 outlaws discrimination on grounds of colour, race, nationality and national or ethnic origin, **but not on the grounds of religion or belief. The Government has consistently resisted calls to introduce primary legislation to prohibit religious discrimination.**
90. The Human Rights Act 1998, in giving further effect to the rights in the European Convention of Human Rights (ECHR), in particular its protection of religious liberty and its provisions prohibiting discrimination on the grounds of religion in relations to convention rights, provides further protection of the rights of all religious communities.
91. The EU Framework Employment Directive (Council Directive 2000/78/EC of 27 November 2000) establishes a general framework for equal treatment. This requires the UK to introduce legislation no later than 2 December 2003 to outlaw discrimination on grounds of religion and belief. **However, this is in relation to employment and occupation only.**
92. Even after the employment directive is implemented discrimination against Muslims in the provision of goods, services, facilities and housing will continue to be legal. As shown by the recent PIU Report (see paras 40-44 above) Muslims continue to experience discrimination and severe disadvantage in these areas.

Such discrimination is likely to intensify in the post September 11 period. Prohibiting religious discrimination in these areas will be important in ensuring a successful *multi-faith* as well as multi-cultural Britain.

93. **The government must go beyond the requirements of the EU Employment Directive to ensure protection against religious discrimination in all areas of life covered by the current race discrimination legislation.**
94. Such an extension of legislation is also needed to ensure equality of treatment between religious communities. Limiting religious discrimination legislation to employment threatens to create a hierarchy of protection, with greater protection for some religious groups than others. This is because some religious groups (for example, the Sikh and Jewish communities) have been held to constitute an ethnic group and as such gain the greater protection offered by the Race Relations Act.
95. The RRA prohibits discrimination in the provision of goods, services and facilities. Furthermore the RRA, as amended, places a duty on public authorities in respect of promoting racial equality. Again given the definition of race this would extend to cover some religious groups but not others. Such unequal treatment of different religious communities cannot be justified.
96. For civil anti-discrimination legislation to contribute to reducing the extreme social exclusion of Muslims the Government must:
 - Take a maximalist approach, i.e. ensure that the scope of prohibition of religious discrimination extends beyond employment as required by the EU Employment Directive to all the areas at present covered by the Race Relations Act 1976.
 - Extend the Race Relations Amendment Act 2001 and all secondary legislation to non-ethnic religious minorities (e.g. Muslims), thereby ensuring that the existing statutory duty on public authorities which mainstreams racial equality within the public sector also extends to religious equality.
 - Implement the EU Employment Directive through primary legislation. This has the additional advantage of allowing Muslims to participate in the public and media debate on this issue, and to follow Parliamentary Debate. Muslims will be able to see that the main political institutions in this respect are taking their main political demands seriously. As such, they are more likely to identify with these institutions.
 - Ensure that the Race/Religious Relations Unit at the Home Office be given significant input into the drafting and implementation of the legislation.
 - In addition, ensure that the Equality Unit be given special responsibility for assessing the impact of the implementing of the EU Employment Directive on the social exclusion of Muslims.

97. Whichever part of Government is given responsibility for the new legislation, there needs to be special and specific duties to consult Muslims about the effect of the legislation and to consider the impact of religious discrimination legislation on the Muslim community.

Section 5: Policy Initiatives, Supply Side Measures And Institutional Changes

98. Civil anti-discrimination law reform is a necessary but insufficient response to the extreme social exclusion experienced by Muslims. There is a need to develop policy initiatives and supply side measures to ensure the mainstreaming of Muslims throughout public and private institutions. Existing mainstreaming and policy initiatives are not sufficient to meet this goal because they do not specifically extend to non-ethnic religious minorities such as Muslims.

Mainstreaming

99. Mainstreaming allows public institutions and policy makers to have the chance to consider and put into place preventative procedures for assessing the impact of policy on the social exclusion of Muslims.
100. More specifically, the Government should use Policy Impact Assessment (PIA), which specifically targets socially excluded groups such as Muslims. This device allows those responsible for policy throughout Government to think about the impact of their policies on groups such as women and minorities. PIA allows comparison and assessment of the current situations and trends with expected results of the proposed future policy. PIA also allows policy makers to picture the effects of a given policy more closely. It can be applied to legislation, policy plans, budgets, reports and existing policies.
101. **Policy Impact Assessment** should be used as a policy tool by Central and Local Governments.
102. Mainstreaming also has the strategic advantage in that it is preventative and it makes public authorities and employers less vulnerable to costly anti-discrimination litigation.

Institutional Changes

103. **The Home Office** should extend its interest in race equality to specifically cover **non-ethnic religious minorities such as Muslims, whose specific religious needs cannot be accommodated within the concept of 'race'**. It should extend these criteria to all its projects on race so that Muslims are specifically included in its analysis.
104. Much of the work being done in the Home Office centres on the mainstreaming agenda: making race equality a core issue in the development of policies and the delivery of public services. The HO is promoting a performance management framework to put in place systems to identify any differential impact of a public service on different groups. The **basket of race equality indicators** is an example of this approach. These include high-level attitudinal data illustrating the comparative perceptions of public services among the population; specific performance data for key public services and promoting race equality within the Civil Service. *This should be extended to cover non-ethnic religious minorities, such as Muslims.*

105. Race equality is also a core issue for business planning. HO has been working with Treasury to discuss how best to monitor race equality issues based upon the PSA/SDA mechanism, and there is a range of race equality employment targets across the public sector. *This monitoring should be extended to cover non-ethnic religious minorities, such as Muslims*
106. The **Race Relations (Amendment) Act** came into force in 2001. It extends the Race Relations Act 1976 to public functions, which were not previously covered, such as law enforcement. It will put all public authorities under a general statutory duty to promote race equality. In addition, some key public authorities, like central and local Governments, will have specific duties to fulfil. The Home Office is currently consulting on detailed proposals for implementation of the legislation. It is proposing to draft relevant secondary legislation. This consultation should be extended to cover *non-ethnic religious minorities, such as Muslims*. **The Government should also consider early extension of the Race Relations Amendment Act 2001 (and all resulting secondary legislation) to cover non-ethnic religious minorities, e.g. Muslims).**
107. The HO co-ordinates an **Inter-Departmental Group on Race Equality (IDG)**, which meets around four times a year. All departments are represented. The group is intended to provide a forum where issues relating to race equality can be discussed, and information exchanged. Departments can share experience and obtain information on race equality initiatives across Whitehall. Two IDG subgroups have recently been established. One group is looking at statistical issues including issues of cultural identity, and the other is considering communications and a race equality website. *The work of the IDG should be extended to cover non-ethnic religious minorities, such as Muslims.*

The Home Office

108. The Home Office should be given additional responsibility (in addition to existing responsibilities of various Departments, including, *inter alia*: the Home Office for race and religion; the Department of Trade and Industry for implementing the EU Employment Directive) for overseeing policy on tackling the social exclusion of Muslims. This should include:
- Considering proposals for the implementation of the EU Employment Directive and assessing its impact on the social exclusion of Muslims. This will require co-ordination with whichever Government Department (Department of Trade and Industry or Home Office) is given lead responsibility for implementation.
 - Working with all parts of Government and across departmental boundaries on solutions to tackle the social exclusion of Muslims. In particular to consider the use of Policy Impact Assessment to address the problems of the social exclusion of Muslims.

- Co-ordination and consultation with the SEU and the PIU projects (see below) to develop research, analysis and policy initiatives.

The Social Exclusion Unit (SEU)

109. The Social Exclusion Unit (SEU) was set up by the Prime Minister in December 1997 with a specific mandate to overcome social exclusion. It works mainly on projects specifically chosen by the PM, following consultation with other Ministers and interested groups.²³ The SEU should be asked to investigate the social exclusion of Muslims (especially the exclusion of Muslims from national and local political processes) and to develop effective policy responses to tackle this problem. *Members of the SEU should be asked to visit and consult widely with Muslim organisations, businesses, households and Muslims with direct experience of social exclusion.*

The Performance and Innovation Unit (PIU)

110. The Performance and Innovation Unit (PIU) has undertaken a new project to draw together a clearer shared understanding across Government of the current position and prospects of ethnic minority groups and to make recommendations about future policies. The project has a particular focus on labour market issues. The PIU should be invited to consider the specific issues relating to the social exclusion of Muslims in relation to commissioned research; analysis and production of working papers and policy recommendations. *The PIU should include individual Muslims and relevant Muslim organisations as 'key stakeholders' in its plans and ensure that they are consulted at all stages.*

The Civil Service Race Equality Network

111. The Civil Service Race Equality Network launched by Sir Richard Wilson (the Cabinet Secretary) on 19 September 2001 should include the representation of non-ethnic religious minorities, such as Muslims, within its work to influence and advise upon policy and practice to advance race equality within the Civil Service.

The Civil Service Reform Programme

112. The Civil Service Reform Programme that includes a diversity action plan should specifically include non-ethnic religious minorities, including, *inter alia*, targets, progress, mentoring and diversity awareness.

Research and monitoring

113. All research and monitoring should include references and statistics for non-ethnic religious minorities, such as Muslims, as well as the present indicators of race and gender. This reflects the inclusion of statistics for religion in the national census. The following government surveys are of particular importance:

- Home Office statistics
- British Crime Survey

- Statutory obligations to present race indicators under section 91 of the Criminal Justice Act 1991

Section 6: Encouraging Participation in public life and representations in the public sphere (including the media)

114. Extreme *involuntary* social exclusion can result in voluntary social isolation. This problem is likely to become acute after September 11 as the debate surrounding Islam and Muslims dominates international and domestic politics. The risk of social isolation creates the risk of Muslims, but especially young people, joining fringe and extremist political activity. This form of group identity prevents identification with mainstream legal and political institutions. Traditional sources of national identification such as a common history, race, ethnicity, language, colour and religion no longer provide a viable and egalitarian basis for forming national identity and ensuring a cohesive and unified political community. Identification with these key national and state institutions is especially important for ethnic minority communities because it is the only form of inclusive national identification in multi-ethnic, multi-cultural and multi-faith communities. Identification with national legal and political institutions by minorities has a number of features:
- Equality of opportunity so that minorities do not experience discrimination in major aspects of their public and private life.
 - Seeing key issues which concern minorities discussed and taken seriously in the common legal and political institutions of the State.
 - Seeing members of their community represented in the key legal, public and political institutions of the state.
115. The changes to anti-discrimination law (Section 4) and mainstreaming to overcome social exclusion will make a contribution towards encouraging identification with the State by Muslims. Increasing Muslim involvement in local and national political processes is a long-term aim. Key actors such as Trade Unions and employer organisations can also facilitate the mainstreaming of Muslims in public life.

Public representations of Muslims, the media and education

116. Muslims are committed to freedom of expression. They recognise the constitutional function and importance of a free media in a liberal democracy. They support the exclusion of State involvement in regulating the media. However, it is an important and legitimate function of Government to challenge prejudice and negative stereotypes that undermine critically important State interests: to protect all its citizens against violence, harassment and discrimination; and to create a cohesive political community.

The Department of Media, Culture and Sport

117. The Department of Media, Culture and Sports has a role in developing and influencing the national public culture.

- It can prioritise public projects that act as an antidote to anti-Muslim bias in the media by presenting a positive image of Muslims and their civilisation to Muslims and non-Muslims throughout Great Britain.
- A further initiative would be: (a) the involvement of Muslims in the forthcoming codification of voluntary codes of practice within broadcasting; (b) the appointment of a nominee or representative of Muslims/a Muslim organisation to the Broadcasting Standards Commission which monitors, supervises and implements these voluntary codes.

The Department for Education and Skills

118. The Department for Education and Skills supervises a range of policies to raise overall education standards that will benefit the ethnic minority population. It could be asked to specifically consider the needs of Muslim children.
119. Work is underway to address the issue of diversity via the National Curriculum. Citizenship became part of the non-statutory framework for Personal, Social and Health Education in primary schools from September 2000. It will become a statutory subject in secondary schools from September 2002. Within the new framework pupils will be taught from an early age to respect the differences between people, to appreciate other's feelings and points of view, to recognise the effects of stereotyping, prejudice, discrimination and racism and to develop the skills to challenge them assertively. These projects could specifically address issues relating to anti-Muslim attitudes.
120. It is also important to accommodate the needs of Muslims within mainstream educational institutions so that Muslim parents who prefer to send their children to these schools are provided with a viable alternative to faith based schools.

¹ See, for example, *Need for Reform* by the UK Action Committee on Islamic Affairs and *Electing to Listen* by the Muslim Council of Britain (both documents are available on request from the Muslim Council of Britain. Tel: 020 8903 9024).

² This response does not cover the *anti-terrorism measures*. There are specific concerns about the terrorism provisions, but we will not be discussing them on this occasion. We are working with Amnesty, Liberty and other human rights NGOs on the issue. These concerns will be expressed separately in partnership with those organisations.

³ Clancy, A., Hough, M., Aust, R., and Kershaw, C. (2001) *Crime, Policing and Justice: The Experience of Ethnic Minorities – Findings from the 2000 British Crime Survey* (BCS), London: Home Office, 2001). Pakistanis and Bangladeshis are at a high risk of being victims of racially aggravated crimes (see p. 41). Satisfaction with police ratings by victims of crime suggested that nearly half of those subject to racial victimisation thought that the police did a very poor job (see p. 88).

⁴ Clancy et al concluded that the British Crime Survey 2000 confirms previous research, which found that ethnic minorities run greater risks of crime than white people, though this largely reflects the fact that minority populations are concentrated in large cities and in particular in conurbations where the crime risks are high for everyone, regardless of ethnicity (at p. 100). This confirms previous BCS research by Percy 1998 who concluded that ethnic minorities generally, and Pakistanis and Bangladeshis in particular, were at greater risk of victimisation than white people (see Clancy at p. 9).

⁵ Clancy et al confirmed that people from ethnic minorities worry more about crime than white respondents – a finding which held up even when account was taken of the sorts of areas in which respondents lived, and their direct and indirect experience of crime (n. 3 above at p. 100). Significantly, “Asian respondents, and Pakistanis and Bangladeshis in particular, are more likely than others to say that they felt “very unsafe” at night, both in their homes and walking alone in their neighbourhood.” (see n. 3 above at p. 90, Figure 7.1). They confirm that ‘ethnicity can be a strong predictor of fear of crime even when other socio-economic and demographic variables have been taken into account; worry about crime was particularly salient among Bangladeshis and Pakistanis.’ (n. 3 above at p. xii).

⁶ Clancy et al (n. 3 above at p. 53) confirm:

In an assessment of police performance by ethnic group, for all age groups, Pakistani and Bangladeshi respondents rated the police lower than other groups:

- ‘Satisfaction with police response to sought contact was highest amongst white respondents, **and Pakistanis and Bangladeshis were the least satisfied**. This trend was found across several different aspects of police performance.’
- ‘Barely half of respondents were satisfied with police efforts to keep them informed following their enquiry; **dissatisfaction was greatest amongst Pakistanis and Bangladeshis**.’

⁷ Performance Innovation Unit Report (PIU Report): *Improving labour market achievements for ethnic minorities in British society*, (at para. 2, p. 3). This report is referred to in references below. The report is available at: www.cabinet-office.gov.uk/innovation/2001/ethnicity/scope.shtml – as accessed on 3 November 2001.

⁸ Caribbean, Pakistani and Bangladeshi men face a significantly higher unemployment rate (PIU Report at para. 18, p. 9).

⁹ The PIU report at paras. 32-36, pp. 12-13, confirms:

- **Around one third of Pakistani and Bangladeshi households live in unfit properties in the private sector**, compared to around 13% Black Caribbean and 6% White and Indian households.
- **Over a quarter of Bangladeshi and 20% of Pakistani households are overcrowded** (as measured by the bedroom standard), compared with 8% of Indian, 7% of Black Caribbean and 2% of White households.

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- **Around 30% of Pakistani and Bangladeshi households live in ‘poor neighbourhoods’**, as do 18% of Black Caribbean and 12% of Indian households (compared to only 6% of White households).
 - where ethnic minority households are housed in predominantly private sector poor neighbourhoods (particularly affecting Pakistani communities) problems are more likely to be around concentrations of run down homes (unfitness, disrepair and the need for modernisation).

¹⁰ Bangladeshi, Black and Pakistani pupils achieve less well than other pupils at all stages of compulsory education. (PIU Report at para. 7, p. 6).

¹¹ Pakistani, Bangladeshi and Black-Caribbean people are more likely to report suffering ill health than White people. (PIU Report at para. 2, p. 3).

¹² For references see endnotes 3-5 above.

¹³ PIU Report at para 36, p. 13.

¹⁴ PIU Report at para 32, p. 12.

¹⁵ PIU Report at para 35, p. 12.

¹⁶ PIU Report at p. 32.

¹⁷ For references see endnotes 3-6 above.

¹⁸ See Clancy et al at n. 3 above at p. 71. Clancy et al state at p. xiii: ‘The BCS suggests that black, Pakistani and Bangladeshi people are more at risk of being stopped in cars, even after many other relevant factors have been taken into account. This leaves open the possibility of bias in police decision-making. However, the BCS does not actually demonstrate bias, because it does not measure all the factors that the police take into account when stopping vehicles.’

¹⁹ The PSI study in 1997 suggested that anti-Asian (which is used as the category from which to extract anti-Muslim attitudes) attitudes are a significant aspect of discriminatory attitudes towards ethnic minorities. See Tariq Modood, Richard Berthoud, Jane Lakey, Patten Smith, SatnamVirdee and Sharon Beishon, *Ethnic Minorities in Britain: Diversity and Disadvantage*, London: Policy Studies Institute, 1997 (see esp. at pp. 129-135). See table 4.34 at p.134 for details of ‘Views on which racial, ethnic or religious group faces most prejudice today’, which includes th category of Muslim. See also T. Modood, *Not Easy Being British: Colour, Culture and Citizenship*, Runnymede Trust and Trentham Books (1992).

²⁰ See Clancy et al at n. 3 above at p. 41.

²¹ See Clancy et al at n. 3 above at p. 53.

²² PIU Report at p. 32.

²³ The SEU is located within the office of the Deputy Prime Minister in the Cabinet Office and reports to the PM through the Deputy Prime Minister. Ministerial Oversight for the Government Programme on Social Exclusion is with the Domestic Affairs (Social Exclusion and Regeneration) Sub-Committee, which assists the work of the Domestic Affairs Committee (former Home and Social Affairs Committee).