

Free Speech Union briefing

Why Labour's Definition of 'Islamophobia' Will Have a Chilling Effect on Free Speech

The Free Speech Union's response to the Government's consultation on a proposed definition of 'anti-Muslim hatred/Islamophobia'

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1. Introduction and Content

1.1 Why the FSU is publishing this briefing

This briefing was prepared in response to the Government's opaque, exclusionary and procedurally inadequate consultation on whether to adopt a non-statutory definition of "anti-Muslim hatred/Islamophobia".

Thanks to pressure from the Free Speech Union (FSU), ministers eventually agreed to open the consultation to the public.¹ However, the online questionnaire severely constrained respondents' ability to engage meaningfully, with character limits that left little room for explanation or nuance.

Given the inadequacy of the 'Call for Evidence' as a mechanism for lawful consultation, we submitted further representations by email, setting out the issues that the Working Group ('the Group') must consider. To disregard this submission, or others like it, would be both unreasonable and unlawful.

The stakes for free speech could not be higher. The controversial 2018 definition of Islamophobia by the All-Party Parliamentary Group (APPG) on British Muslims – which several Group members have endorsed – was explicitly designed to "set appropriate limits to free speech" and recast lawful criticism of Islamic beliefs and practices as a form of racism.

A similarly expansive definition risks putting pressure on public bodies, employers and regulators to suppress protected expression via HR processes, institutional codes of conduct, and complaints frameworks that treat perception of hostility as proof of harm.

To ensure wider scrutiny of these issues, we are publishing our response. We hope this document will be of use to members and supporters, policymakers, journalists, academics and civil society organisations

¹ "Rayner backs down in Islamophobia free speech row", *The Telegraph*, 9 July 2025. Available at: <https://www.telegraph.co.uk/politics/2025/07/09/rayner-backs-down-in-islamophobia-free-speech-row/> (accessed 20 July 2024).

concerned about the risks posed to freedom of expression by an ill-conceived definition of Islamophobia.

1.2 A secretive and exclusionary process

In March 2025, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government Angela Rayner used a Written Ministerial Statement to announce the creation of the Government's "Working Group on anti-Muslim hatred/Islamophobia Definition".² Every member of the Group, save for its Chair, Dominic Grieve KC, are either Muslim or of Muslim heritage.

Later that month, the Group's Terms of Reference were published, stating that it would operate independently and have six months to produce a definition "reflective of a wide range of perspectives and priorities for British Muslims".³ Members were required to comply with the Code of Conduct for Board Members of Public Bodies, which incorporates the Seven Principles of Public Life, most notably:

- Accountability: "Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this."
- Openness: "Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so."⁴

The Terms also required adherence to the Government's Engagement Standards, which emphasise transparency and accessibility in external consultation.

Although the Terms made no provision for a public consultation, the

² "Islamophobia Definition Working Group", *House of Commons, Written Ministerial Statement by Angela Rayner, Hansard*, 3 March 2025, Vol. 747, Col. WS55. Available at: <https://hansard.parliament.uk/Commons/2025-03-03/debates/25030334000013/IslamophobiaDefinitionWorkingGroup#contribution-F77FAA4C-A760-4F05-AC21-AD4900F45D78> (accessed 25 July 2025).

³ *Anti-Muslim Hatred & Islamophobia Definition Working Group: Terms of Reference*, UK Government, March 2025. Available at: https://assets.publishing.service.gov.uk/media/67e12094d8e313b503358c7c/Anti-Muslim_Hatred_Islamophobia_Definition_Working_Group_Terms_of_Reference_March_2025.pdf (accessed 20 June 2025).

⁴ *Code of Conduct for Board Members of Public Bodies*, Cabinet Office, June 2019. Available at: <https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies/code-of-conduct-for-board-members-of-public-bodies-june-2019#key-principles-of-public-life> (accessed 20 June 2025).

Government appeared to commit to broader engagement when, on 7 May, Lord Khan of Burnley stated: “The group will consult with a wide variety of stakeholders to ensure that the voices of all relevant stakeholders are heard and considered.”⁵

That promise was not kept.

In June, the Working Group launched its consultation in secret. Invitations were sent privately to a small group of pre-selected consultees. No explanation was given as to how invitees were chosen or how the materials were developed. Numerous civil society, academic, public interest and faith-based organisations with relevant expertise were left out of the process.⁶ The public at large was neither informed of the consultation nor invited to participate.

1.3 A public consultation in name only

The FSU became aware of the consultation only after materials were leaked online. On 25 June, we wrote to Ms Rayner and the Group, raising serious concerns about the legality of this highly selective ‘consultation’. It was following this intervention that the consultation was opened to the public.

But even once opened, the exercise remained shallow and tightly constrained. In our view, it failed to meet two of the core legal standards established by the courts for lawful consultation, commonly known as the Gunning principles.⁷

First, a consultation must provide sufficient information to enable intelligent consideration and response. Here, no draft proposals, definition text, policy options, human rights analysis or legal framing were provided. Nor was

⁵ *Written Answer to HL6894, House of Lords*, answered by Lord Khan of Burnley, 7 May 2025. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2025-04-25/HL6894> (accessed 21 July 2025).

⁶ In addition to the Free Speech Union, excluded organisations included: Christian Concern, the Christian Institute, Sex Matters, Big Brother Watch, the Equiano Project, the Adam Smith Institute, Don’t Divide Us, the Equality and Human Rights Commission, UK Lawyers for Israel, Stop the Hate, ADF UK, the Council of Ex-Muslims of Britain, and the Oxford Institute for British Islam.

⁷ Once initiated, consultations must comply with the Gunning principles, as established in *R v North and East Devon Health Authority ex p Coughlan* [2001] QB 213 as confirmed in *R (Moseley) v Haringey LBC* [2014] UKSC 56. The Gunning principles require that: 1. Consultation must take place at a time when proposals are still at a formative stage; 2. Sufficient information must be provided to enable intelligent consideration and response; 3. Adequate time must be allowed for consultees to respond; and 4. The product of the consultation must be conscientiously taken into account in decision-making.

there any explanation of how a non-statutory definition might be applied in practice, or of the areas in which it could affect free speech, including politics at both national and local level, public sector employment, education and wider on- and offline public discourse.

The GOV.UK webpage simply stated that the Group was seeking “diverse insights” to support the development of “practically effective and socially sensitive” advice for Ministers, while “upholding the democratic values that underpin our society”. Such platitudes were plainly inadequate to help consultees understand the policy issues at stake or offer meaningful input.

Second, consultees must be given adequate time to respond. Yet once the consultation was opened to the public, respondents were given less than ten working days to reflect on a question that raises complex legal, ethical and social issues and directly engages core rights to freedom of expression and equality before the law.

Nor is there any indication that the responses will be published, evaluated, or taken seriously. No methodology has been outlined, and no commitment made to issue a formal consultation report.

This lack of transparency raises serious doubts about whether the Group will conscientiously assess the evidence it receives. Large public bodies often struggle to analyse consultation data effectively; yet this group comprises just five members, working on a pro bono basis and expected to devote only five to ten hours per month.

That limited resourcing may help explain the consultation’s rigid format. Response fields for the only substantive questions in the consultation were tightly constrained.⁸ Time and capacity constraints cannot justify a process so ill-equipped to capture the complexity of the issues at stake. By reducing the exercise to a perfunctory ‘Call for Evidence’, with no clear route for deliberation or reply, the Group risks breaching its public law duty to consider relevant representations.

1.4 A preordained outcome?

⁸ Question 6 allowed 70 characters for suggesting a term, and Question 7 capped justification at 600 characters (approximately 100–150 words). Q8 was a Yes/No tick-box, with Q9 again limited to 600 characters. Q10 offered only a tick-box, and Q11 allowed 1,000 characters for explanation (approximately 160-180 words). Q12 provided tick-box selections only. Q13 offered 1,000 characters to describe examples.

All five members of the Group were appointed directly by ministers, with no selection criteria published. Four of the five members are on public record endorsing the APPG's 2018 definition or its underlying logic. For example:

- In her role as Executive Director of the Muslim Women's Network, Working Group member Baroness Shaista Gohir expressed support for the APPG definition with an endorsement of the statement, "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness".⁹ In 2013, Baroness Gohir authored a report on behalf of MWNUK expressing concern about the "disproportionate media coverage being given to British Pakistani offenders". She claimed that such coverage had enabled "right-wing popular groups" to exploit the issue to "fuel racism and Islamophobia", while ignoring the fact that "sexual exploitation occurs in every community and that the majority of offenders are White".¹⁰
- The APPG's *Islamophobia Defined: The inquiry into a working definition of Islamophobia* (2018) cited Working Group member Akeela Ahmed as calling for a "definition of [Islamophobia] with legal power", making the case that this could then be "implemented by the government and the police".¹¹
- In April 2024, Working Group member Professor Javed Kahn gave evidence to the Women and Equalities Committee stating: "Islamophobia is not simply about a theological position. It is about perceived Muslimness, which is intrinsically tied to racial and ethnic markers, which are exhibited in a whole range of ways, and it would be good for the Committee to look into and delve deeper".¹²
- Dominic Grieve KC was heavily involved in the APPG Report 2018. He drafted the Foreword in which he praised it as "an important contribution to the debate as to how Islamophobia can best be addressed", adding that the report was "well researched and can give us all food both for

⁹ *Muslim Women's Network UK, MWNUK is in favour of the proposed definition of Islamophobia by the APPG on British Muslims.*

¹⁰ *Unheard Voices: The Sexual Exploitation of Asian Girls and Young Women*, Muslim Women's Network UK, 2013. Available at: https://www.mwnuk.co.uk/go_files/resources/UnheardVoices.pdf (accessed 25 July 2025).

¹¹ *All-Party Parliamentary Group on British Muslims, Islamophobia Defined: The Inquiry into a Working Definition of Islamophobia*, 2018, p. 26.

¹² *Oral Evidence: Islamophobia Inquiry*, Women and Equalities Committee, House of Commons, 2025.

thought and positive action.¹³

That level of alignment is inappropriate, not least because the Group is supposed to be considering whether a definition should be adopted at all. It creates a strong perception of institutional bias and undermines confidence in the Group's ability to consider opposing views with an open mind.

Further concern arises from the structure of the consultation itself. Several questions appear to presuppose that a definition will be adopted and focus solely on what it should include. For example: Q6 invites respondents to select a preferred term, assuming a term must be adopted; Q13 asks only for examples of Islamophobia or anti-Muslim hatred, thereby soliciting corroborating evidence rather than balanced or contradictory input; and several questions lack open text fields, limiting opportunities for criticism or alternative perspectives.

The cumulative effect is a reasonable perception of bias, which further undermines confidence in the integrity of the consultation process and the ability of the Group to provide balanced and impartial advice to Government.

What follows is the FSU's response to the substantive questions set out in the Government's consultation on a proposed definition of "anti-Muslim hatred/Islamophobia". This response was submitted by email to the Working Group on 18 July 2025. The consultation questions appear in italics, with our answers directly below. Where helpful, we have added brief section headings to guide the reader through the structure and content of our submission.

¹³ All-Party Parliamentary Group, *Islamophobia Defined*, p. 6.

2. Consultation response

2.1 Preferred terminology

6. When referring to discrimination, prejudice, bigotry, hatred or violence directed at Muslims, which term do you think should be used? For instance, 'Islamophobia', 'anti-Muslim hatred', 'anti-Muslim racism', 'anti-Muslim prejudice', 'Muslimophobia' etc.

Discrimination, prejudice, bigotry, hatred or violence directed at Muslims, if such phenomena are to be labelled collectively, should be termed 'anti-Muslim discrimination'.

7. Please tell us your reason for suggesting this term.

Each of the terms suggested in question 6 are, in our view, unsuitable, some plainly so. As we set out in our answer to question 11, Islam is not a race and the term 'anti-Muslim racism' is therefore unsuitable.

Moreover, if the Working Group is to adopt a definition of the phenomenon set out in question 6 – namely, "discrimination, prejudice, bigotry, hatred or violence directed at Muslims" – then it must at least relate to harm against persons, and exclude criticism of ideas and beliefs which, in a liberal democracy, is not a mischief that ought to be restricted or proscribed. Any label based on 'Islam' should therefore be ruled out.

Prejudice, phobia and hatred towards Muslims because they are Muslims will always be irrational emotions. The background to the Working Group's project is the important aim of ensuring 'equal treatment' for Muslims and non-Muslims alike. The purpose of this exercise is – or, if it is not, it should be – to ensure a basic level of dignity in how Muslims are treated by their fellow citizens (including by other Muslims). That purpose concerns acts and not states of mind or dispositions, such as hatred, phobia or prejudice, which cannot be eliminated by speech codes, language policing, or the adoption of definitions. Such internal mental phenomena should not be the concern of the state. Attempting to apply definitions that pertain to people's inner mental states raise a myriad of moral and practical issues.

Any definition intended to encompass prejudice, bigotry or hatred should therefore be ruled out.

We suggest instead the term ‘anti-Muslim discrimination’. It refers directly to definitions already established in law which, in our view, provide sufficient protection for Muslims, rendering any further legal or definitional intervention redundant. It also limits the scope of the proposed state interference to acts – specifically, “less favourable treatment” of another person, in the words of the Equality Act 2010, because he or she is a Muslim.

It is of course true that prejudice, hatred, etc. will often be the reason why a person treats a Muslim less favourably, but since they are mental phenomena and cannot be proscribed, they should not form part of the Working Group’s definition, which should confine itself to acts of discrimination.

2.2 No case for a new definition

8. Do you think the UK Government should adopt a definition of anti-Muslim hatred/Islamophobia? (Any definition would be non-statutory)

No.

9. Please could you tell us more about why you think that?

We believe Muslims are already adequately protected from discrimination by existing laws and do not require further, non-statutory protections.

To the extent that existing law is inadequate for that purpose, we can discern no failings in the substance of the law. Any failure to enforce existing law will not be remedied by the creation of a new non-statutory code.

To the extent that existing definitions of ‘anti-Muslim discrimination’ could usefully be supplemented with further guidance on their application, it is not the role of the Working Group to provide such guidance.

2.2.1 Existing legal protections

Equality Act 2010

The Equality Act 2010 recognises religion or belief as a protected characteristic (Section 10). It captures both direct and indirect forms of discriminatory conduct (as defined in Sections 13 and 19), including harassment (Section 26) and victimisation (Section 27), and applies across service provision, the exercise of public functions, housing, employment, education and associations. It also encompasses discrimination based on a person's perceived religion, thereby addressing concerns about 'misrecognition', where anti-Muslim sentiment is directed mistakenly at a non-Muslim person.¹⁴

This statutory framework is further underpinned by the Public Sector Equality Duty ("PSED") in Section 149, which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment, and victimisation;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between such groups, including by "tackling prejudice and promoting understanding" (Section 149(5)).

We do not foresee any way in which the Working Group, in following its remit, could improve on the anti-discriminatory tools created by the Equality Act. It does not police emotion (hatred), infer motive (prejudice), or reclassify criticism as pathology (phobia); nor does it blur the line between race and religion. It focuses squarely on actionable misconduct: what was done, how it was done, and whether it constituted unequal treatment.

Criminal law

UK criminal law already prohibits the most serious forms of anti-Muslim conduct.

The Public Order Act 1986 makes it an offence to stir up religious hatred, albeit with robust protections for the critique of religious belief systems.

¹⁴ See Hunter, Alistair, and Fiona McCallum Guiney. "Misrecognised as Muslim: The Racialisation of Christians of Middle Eastern Heritage in the UK." *Journal of Ethnic and Migration Studies*, vol. 49, no. 15, Sep. 2023, pp. 4014–32; Hopkins, Peter, et al. "Encountering Misrecognition: Being Mistaken for Being Muslim." *Annals of the American Association of Geographers*, vol. 107, no. 4, Jul. 2017, pp. 934–48.

The Crime and Disorder Act 1998 allows for a wide range of “religiously aggravated” offences. An offence is considered religiously aggravated if the prosecution can adduce evidence of expression by the defendant of hostility towards a religious group and prove that the offence was motivated (wholly or in part) by hostility towards members of that group based on their membership of that group. Where religious aggravation is established, the defendant, if found guilty, must be punished more severely – for instance, with a longer prison sentence.

Education and other law

Guidance produced by the Department for Education obliges maintained and independent schools to promote the fundamental British values of mutual respect and tolerance of those with different faiths and beliefs. There is also provision for British Muslims to have their children educated in the Islamic faith.

Under the Human Rights Act 1998, all domestic law must be interpreted compatibly with the European Convention on Human Rights (ECHR). Additionally, all public bodies must not act incompatibly with the Convention.

These protections are especially significant in the context of religious belief. Article 9 of the ECHR protects absolutely the right of British Muslims (and all believers) to hold their religious faith and provides carefully qualified protection for expressions of that belief. Article 14 reinforces this framework by requiring that all Convention rights be secured without discrimination. And Article 17 withholds any protection under the Convention for any act aimed at the destruction of any of the rights and freedoms of others. It is through Article 17 that certain forms of hate speech against Muslims may fall outside the scope of Convention protection.

Taken together, these obligations provide robust, reliable and dynamic protections for British Muslims, just as they do for members of other faiths.

2.3 The risks of adopting a proposed new definition

We believe the existing law that applies to public bodies, and to those working within them, is more than adequate to protect British Muslims from anti-Muslim discrimination. We do not believe the Working Group is likely to identify any plausible lacunae.

The project of creating a new definition of anti-Muslim discrimination is therefore misconceived on either one of two grounds. Either the Working Group will waste public money by producing a definition that does no more than declare anew existing protections for British Muslims, thereby achieving nothing; or, more likely, it will furnish itself with a purpose by going beyond existing law and guidance, restricting hard-won liberties and, in doing so, potentially acting unlawfully.

We proceed on the basis that the Working Group will not busy itself with a mere nullity, and that its work will therefore actualise the risks set out below: undue restriction of liberty and/or unlawful arrogation of powers and duties properly exercised by more transparent, democratically accountable, and duly appointed statutory actors.

The risk to liberty

Existing UK law is not as is it by accident. The protections afforded to British Muslims, amongst others, have been framed by Parliament and interpreted by the courts to strike a liberal and tolerable balance between safeguarding individuals from mistreatment and preserving the free speech rights of others. Any attempt by the Working Group to tilt the balance in favour of protection against discrimination (or potentially against subjective forms of offence) will inevitably encroach on the fundamental liberty to freedom of speech.

A previous attempt by the All-Party Parliamentary Group on British Muslims (the APPG) to define Islamophobia foundered for exactly this reason. In its 2018 paper the APPG explicitly stated that its definition was designed to “set appropriate limits to free speech” when discussing Muslims. To that end, it defined Islamophobia as “a type of racism that targets expressions of Muslimness or perceived Muslimness”.

This framing departs significantly from UK norms of liberty codified by Parliament and refined and developed by the common law. By casting criticism of cultural or religious practices as a form of racial hostility, the definition collapses the distinction between protecting individuals and censoring ideas. For the APPG, criticism of religious customs and doctrinal positions is to be reframed as a type of racism.

Contrast this with section 29J of the Public Order Act 1986, which expressly protects the right to “discussion, criticism, or expressions of antipathy,

dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents". We do not think the Working Group could sensibly do anything with that safeguard other than leave it well alone. We strongly urge it not to make the same mistakes as the APPG.

The APPG's definition included *inter alia* the following examples it claimed would constitute "Islamophobia", including:

- "conspiracies about Muslim entryism in politics"
- "the myth of Muslim identity having a unique propensity for terrorism"
- "claims of a demographic 'threat' posed by Muslims"
- "accusing Muslims as a group, or Muslim majority states of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims"
- "applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, e.g., loyalty tests"
- "denying Muslim populations the right to self-determination, e.g., by claiming that the existence of an independent Palestine or Kashmir is a terrorist endeavour"
- "using the symbols and images associated with classic Islamophobia (e.g. Muhammed being a paedophile, claims of Muslims spreading Islam by the sword or subjugating minority groups under their rule)".

By this logic, any critic of the Islamic Republic of Iran's stance on Israel's actions in Gaza – which it describes as a 'genocide' – would be an 'Islamophobe'. So too would the historian who took a certain view of Islam's rapid expansion from the 7th Century. A human rights activist describing the plight of the Yazidis under the genocidal terror ISIS unleashed might also have to self-censor to avoid being branded an 'Islamophobe'. Even a descriptive theologian writing on the hadiths concerning Aisha's relationship with the Prophet Muhammed might have to find a new field of research.

There is a more general point here. In a pluralist liberal democracy, political speech necessarily involves friction. Public figures must be free to engage in contested debates – about culture, integration, religion, extremism – without fear that good-faith argument or robust phrasing will be recast as

a form of racism. Yet under the APPG's definition, the basic give-and-take of political life risks being chilled. This is most clearly illustrated by the fact that various high-profile politicians, including several former Prime Ministers, speaking across different party traditions and rhetorical registers, have made statements that could plausibly fall foul of the definition.

Take David Cameron. In 2016, while launching a £20 million English-language initiative for Muslim women, he spoke of the need to confront a minority of Muslim men whose "backward attitudes" led them to exert "damaging control" over women in their families. He went on to call for an end to the "passive tolerance" of segregated communities, which he said had allowed discriminatory attitudes to persist.¹⁵ More integration, he argued, would help Muslim women play a fuller role in British society and escape social isolation. But the initiative served a second purpose too: by improving integration, Cameron suggested, mothers would be better placed to challenge radicalising influences within the home and reduce the risk of their sons being drawn into extremism. According to *The Telegraph*, he privately suggested that one reason young men were vulnerable to radicalisation was the "traditional submissiveness of Muslim women" which prevented them from speaking out against extremist views.¹⁶

By linking cultural traits – specifically gender roles within Muslim households – to the risk of violent extremism, Cameron's comments could be construed as targeting "expressions of Muslimness". Under the APPG's non-exhaustive list of illustrative examples, his remarks could also be judged as "applying double standards by requiring of Muslims behaviours not expected of others," or as invoking the "myth of Muslim identity having a unique propensity for terrorism".

Nor is this an isolated case. Statements by other former Prime Ministers – including Tony Blair,¹⁷ Boris Johnson¹⁸ and Theresa May¹⁹ – could also

¹⁵ "Muslim women to be taught English in £20m plan to beat 'backward attitudes'", *The Guardian*, 18 January 2016. Available at: <https://www.theguardian.com/uk-news/2016/jan/18/muslim-women-to-be-taught-english-in-20m-plan-to-beat-backward-attitudes> (accessed 21 July 2025).

¹⁶ "David Cameron: More Muslim women should 'learn English' to help tackle extremism", *The Telegraph*, 17 January 2016. Available at: <https://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/12104556/David-Cameron-More-Muslim-women-should-learn-English-to-help-tackle-extremism.html> (accessed 18 July 2025).

¹⁷ "Tony Blair: Force is necessary in struggle against radical Islam", *The Guardian*, 15 January 2015. Available at: <https://www.theguardian.com/politics/2015/jan/15/tony-blair-speaks-republican-strategy-session-pennsylvania-radical-islam> (accessed 18 July 2025).

¹⁸ "Just don't call it war", *The Spectator*, 16 July 2005. Available at: <https://www.spectator.co.uk/article/just-don-t-call-it-war/> (accessed 18 July 2025).

¹⁹ Theresa May, "Speech to Conservative Party Conference 2014", *YouTube*, 28 September 2014. Available at: <https://www.youtube.com/watch?v=3i3V8pd6xOg> (accessed 18 July 2025).

plausibly be caught by the APPG definition, despite being delivered in very different contexts and registers.

Such a definition is incompatible with the values of a liberal democracy. None of these issues would be remedied, either, by rebranding the mischief as anti-Muslim “hatred”, “prejudice”, or “racism”. The only way the Working Group could avoid these pitfalls would be by adhering tightly to existing law, with its built-in safeguards for freedom of expression. But if it does so, its work is unnecessary and a waste of taxpayers’ money.

The risk of the ratchet effect

While the non-statutory definition proposed by the Working Group would not itself create new criminal offences or otherwise directly change the law, this is far from reassuring. It will inevitably influence how the law is interpreted and applied by public bodies, and others who adopt the definition, and potentially guide or induce them to act unlawfully. It is also highly likely to trigger a ratchet effect, driving calls to make the law less liberal so it can keep up with the Working Group definition.

Even in the absence of formal legal sanction, a broad and ambiguous definition that blurs the line between race and religion is likely to lead to workplace investigations, disciplinary action, reputational harm, and a chilling effect on lawful speech, especially in institutions governed by EDI policies that prioritise harm avoidance over open debate.

Further, the application or misapplication of a definition of “Islamophobia” by public authorities is likely to severely prejudice members of the public who express lawful views or beliefs that fall afoul of the definition. For example, a non-statutory definition may be instructive to police officers in deciding whether to record an incident as a “Non-Crime Hate Incident”, which may cause very serious prejudice to the subjects of such reports.

In many cases, the APPG wording has already been written into EDI frameworks, HR policies and staff codes of conduct, and in some instances incorporated directly into disciplinary mechanisms and complaints processes. In doing so, institutions have embedded a concept with no statutory basis, and no clear free speech safeguards, into operational policy. Some institutions are likely to be acting unlawfully in relying on the APPG definition for the reasons set out in our response to question 11.

A July 2025 report from Policy Exchange investigating the Centre for Media Monitoring (CfMM), part of the Muslim Council of Britain (MCB), concluded that:

The implementation of an Islamophobia definition will surely provide a major boost to the work of CfMM and the MCB. One of the journalists to whom we spoke anticipated that one of the effects of such a definition, whether legally binding or otherwise, would be de facto to create a new regulatory environment – one in which the kind of pressure wielded by activists like [Miqdaad] Versi would be multiplied several times over.

Following closely behind will be the ratchet effect, whereby the scale of “Islamophobic” incidents (according to the new definition), and inflammatory or even outright false media narratives, will increase pressure on governments to ‘do more’ – ‘more’ meaning, usually, introduce legislation.

There is good reason to fear such a ratchet effect. Although the APPG definition was never formally adopted by government, it has achieved widespread institutional uptake. It has been adopted by:

- All major UK political parties except the Conservatives (excluding the Scottish Conservatives, who have adopted it), including Labour, the Liberal Democrats, the SNP, Plaid Cymru, and the Greens;
- At least 52 local councils in England (around 16%), with higher rates in Wales (22–27%);
- More than 20 universities, including Edinburgh, Imperial College and Nottingham;
- Major trade unions, including the GMB;
- Numerous NHS trusts, police bodies and public-sector employers;
- Student unions and advocacy groups.

If the Government thinks the law should do more to protect the rights and freedoms of British Muslims, then we suggest it confront the matter head on and summon the political courage to ask Parliament to change the law. The alternative – of hoping non-statutory manoeuvring will eventually result in a change to the law as a *fait accompli* – is a dishonest approach to the problem.

The risk of unlawfulness

As we have explained, any definition of anti-Muslim discrimination with widespread institutional application is likely to place the Working Group on a collision course with existing law.

Any definition eventually adopted by government may breach the Equality Act, either by inducing public bodies to adopt an excessively pro-Muslim stance that discriminates against non-Muslims, or by breaching the Public Sector Equality Duty's requirement to foster good relations between people with different protected characteristics. Any public body that sought to apply the Working Group's definition – or any guidance stemming from it – would be similarly at risk of acting unlawfully.

Most seriously, in formulating a definition intended for use by the Government and other public bodies, the Working Group would be 'occupying the field' already allotted to other statutory bodies under existing legislation. This would be, in our view, *ultra vires* and hence unlawful.

This raises a serious question about whether there is any way in which the Working Group could plausibly add value. The most obvious practical and non-authoritarian contribution it could make would be to provide guidance on how existing law can be invoked to prevent anti-Muslim discrimination. This would be consistent with the Working Group's terms of reference:

The purpose of the anti-Muslim hatred/Islamophobia Definition Working Group is to provide advice to the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government on appropriate and sensitive language to describe, understand and define unacceptable treatment, prejudice, discrimination and hate targeting Muslims or anyone who is perceived to be Muslim.

The Working Group could, for example, offer analysis of how anti-Muslim discrimination manifests, or how it compares to other forms of unlawful treatment. But this work falls squarely within the statutory powers and duties conferred on the Equality and Human Rights Commission (EHRC) under the Equality Act 2006. That remit is reserved by law to the EHRC, and cannot form part of the Working Group's lawful functions.

This not a matter of mere legalism. The EHRC derives its power to advise

on matters of the highest public interest from Parliament, the most authoritative source of law in the UK. Its structures, accountability to Parliament and its committees and recognised expertise make it more suited to the task at hand than an *ad hoc* Working Group assembled by a single government department operating under vague, non-statutory powers.

Nor do we see any lawful – or, for that matter, worthwhile – way in which the Working Group could supplant the role of:

- the Crown Prosecution Service, in issuing codes to prosecutors on charging religiously motivated crimes;
- the College of Policing in guiding officers on the investigation of ‘hate crime’ under the common law powers of the constable;
- the Department for Education in issuing advice on promoting the fundamental British value of tolerance;
- the Office for Students in advising and regulating higher education providers.

There is simply no field of public law that the Working Group – or a government department adopting its definition – could validly or usefully occupy. The Secretary of State for Housing, Communities and Local Government would be acting beyond her powers in adopting and promulgating the proposed definition.

The illegality is further aggravated by the murky non-statutory, non-prerogative powers under which the Working Group is acting. The ‘Ram doctrine’, or ‘third source’, powers underpinning the Working Group’s activities do not, in our view, carry the institutional legitimacy to formulate a definition that intrudes on the finely balanced fields of equality and human rights law – still less in the face of statutory schemes that have been designed to take into account the views of persons with knowledge and experience as to its functions.

ECHR compliance

Were the definition to be used by any public body to restrain Article 10 rights, it would not – given its lack of legal basis and its claimed non-statutory status – be compliant with Article 10(2). To be “prescribed by

law” for the purposes of Article 10(2), or other qualified ECHR rights,²⁰ actions of a public authority must be taken under a law that is accessible, foreseeable and constrained by safeguards. This means *inter alia* that:

- a. there must be “clear and publicly accessible rules of law”,²¹ not rules which are “obscure and open to differing interpretations”;²²
- b. action must not be taken under laws that “confer a discretion so broad that its scope is in practice dependent on the will of those who apply it, rather than on the law itself” or which are “couched in terms so vague or so general as to produce substantially the same effect in practice”;²³
- c. There must be “safeguards” against arbitrary interference with ECHR rights and abuse of power.²⁴

A proposed definition of Islamophobia cannot be “prescribed by law” as required by Article 10(2), because there is no “law”, even within the extended meaning of that term under the ECHR, which prescribes the power of the state (still less, the Working Group) to determine what the definition is, in what circumstances it might be infringed, and to enforce or take action that is underpinned by the definition; there can be no clear rules which limit the exercise of such power, and there can be no effective safeguards for against the potential unlawful reliance by public authorities on a definition that is intended to be a legal nullity. The requirement that interferences with ECHR rights are prescribed by law is centrally concerned with protecting people from “arbitrary” action by entities performing public functions. It has long been established that neither past practice nor a claim to public necessity or utility will justify the exercise of power that is not based on law: *Entick v Carrington*.²⁵ This might give rise to further illegality, either inherent in the definition itself or in its application.

A better approach

In summary, the Government should not adopt any definition. Either it will

²⁰ The European Court of Human Rights has consistently stated that the “*according to law*” and “*prescribed by law*” conditions in the various Convention articles bear the same meaning.

²¹ *R (Gillan) v Commissioner of Police of the Metropolis* (2006) 2 AC 207 at §34, cited in *In re Gallagher* (2020) AC 185 at §33.

²² *Silver v United Kingdom* (1983) 5 EHRR 347, at §79, cited in *Gallagher* at §21.

²³ *Ibid.*, at §17.

²⁴ *Ibid.*, at §39; see also *Beghall v DPP* [2016] AC 88, at §31 and §88-89.

²⁵ *Entick v Carrington* (1765) 19 Howell’s State Trials 1029; 2 Wils KB 275; 95 ER 807

add nothing to existing legal protections, or it will create a risk of unlawful overreach in its application. If ministers are determined to adopt a non-statutory definition for use by public bodies, they should rely on the term ‘anti-Muslim discrimination’ and ensure that any guidance is grounded in the principles and legal thresholds already established under the Equality Act 2010 and other applicable legislation. Even then, such an exercise would be otiose and an irresponsible misuse of taxpayers’ money.

2.4 Racialising religion is a dangerous mistake

10. Do you think anti-Muslim hatred/Islamophobia is also a form of racism? Single choice.

No.

11. Please could you say more about why you think that?

The phrasing of question 10 – “a form of racism” – echoes the APPG definition of Islamophobia, which asserts: “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.” This formulation rests on a flawed conceptual foundation, runs counter to mainstream Islamic teaching, flies in the face of existing statute, contradicts a long line of binding case law, and threatens free speech. It must not be permitted to guide public policy.

Around 85% of British Muslims are Sunni and 15% are Shia. Within these broad categories lie sub-categories: Deobandi, Barelwi, Salafi, Tablighi Jama’at, various Sufi orders, Jama’at-i Islami, Muslim Brotherhood-inspired groups, and others. These differ not only in doctrinal emphasis, but in their positions on gender roles, the authority of the state, the scope of religious law, political participation, and even the boundaries of legitimate belief. As a recent report notes: “One thing all Islamic sects or movements have in common... is their claim to be authentic and to represent correct Islamic practice and interpretation.”²⁶

British Islam is also ethnically plural, encompassing people of Pakistani, Bangladeshi, Indian, Somali, Arab, Turkish, Iranian, Bosnian, Albanian and white British heritage. The cultural, social and theological profiles of

²⁶ *British Muslims: Sectarian Movements*, CREST (Centre for Research and Evidence on Security Threats). Available at: <https://www.crestresearch.ac.uk/resources/british-muslims-sectarian-movements/> (accessed 7 July 2025), p. 2.

these groups often diverge significantly from those of the South Asian majority. Many white British converts, for instance, have little connection to the institutional structures of South Asian Islam. Bosnian and Albanian Muslims may express religious identity more through family or culture than doctrinal orthodoxy. These distinctions can generate tensions, especially when dominant groups are positioned, implicitly or explicitly, as spokespeople for Muslims in general.

The Ministry of Housing, Communities and Local Government has itself recognised the importance of the distinction between ‘ethnicity’ or ‘race’ and ‘religion’ or ‘belief’ and has already (for sound public policy reasons) ruled out precisely this conflation. In a written response to the Network of Sikh Organisations (September 2024), Communities Minister Lord Khan stated, correctly, that the Equality Act draws a clear legal distinction between race (defined as colour, nationality, or national or ethnic origin) and religion or belief (a separate protected characteristic).²⁷ Hostility toward Muslims, he explained, should be addressed under the “religion or belief” strand, not as a form of racial discrimination.

The distinction drawn by Lord Khan follows a long line of court and tribunal judgments which have upheld precisely this distinction. While some religions have been recognised by the courts as also constituting an ethnic group, Islam is different.

In *Mandla v Dowell-Lee*, the House of Lords set out the criteria for identifying an ethnic group: a long, shared history and a distinct cultural tradition, along with other attributes such as a common ancestral and geographical origin.²⁸ The Employment Appeal Tribunal had previously found in *Seide v Gillette Industries* [1980] IRLR 427 that Jewish people were part of an ethnic group and not simply adherents of a particular religion. However, applying the *Mandla* test, the Employment Tribunal in *CRE v Precision Manufacturing Services Ltd* found that Muslims in general *do not* constitute an ethnic group.²⁹ While Islam has both a long history and a geographic origin, these attributes apply to a system of belief, not to a people. According to the Employment Tribunal, Islam is a proselytising faith, which has spread

²⁷ Lord Khan’s Response to Our Concerns About the APPG Islamophobia Definition, NSO UK. Available at: <https://nsouk.co.uk/lord-khans-response-to-our-concerns-about-the-appg-islamophobia-definition/> (accessed 22 July 2025).

²⁸ *Mandla (Sewa Singh) v Dowell Lee* [1982] UKHL 7, 24 March 1982. Available at: <https://www.bailii.org/uk/cases/UKHL/1982/7.html> (accessed 21 July 2025).

²⁹ Hood, Roger, *Race and Sentencing: A Study in the Crown Court; A Report for the Commission for Racial Equality*, Clarendon Press, 1994, citing *Commission for Racial Equality v Precision Manufacturing Services Ltd*, ET Case No. 4106/9.

through conversion more than through the expansion of a single ethnic group.

Creating confusion as to the proper categorisation of Islam would, in our view, not be compatible with the Department's obligations under the PSED, and certainly falls outside the remit of the Working Group.

Protecting Muslim minorities

One particularly detrimental consequence of classifying Muslims as a race is the erasure of differences between those communities within British Islam and, crucially, of the need to identify specific threats to the rights and liberties of members of some of those communities.

A principled approach to anti-Muslim discrimination begins with the need to protect the right of British Muslims – equal to that of all citizens – to hold and observe their faith. That right must be protected *for all* Muslims, of whatever denomination, and *against all* threats to it, whether the threat comes from other Muslims of different denominations, or from non-Muslims. Sunni suppression of the Shia, or vice versa, is as pressing a form of anti-Muslim discrimination as any other. Both are equally destructive of individual rights and religious liberty.

To equate anti-Muslim discrimination with racism overlooks the fact that some of the most serious attacks directed at British Muslims on the basis of their faith have carried out by other British Muslims.

Of the four British Muslims murdered since 2010 on account of their faith, two were killed by other Muslims who objected to their faith or to how they were expressing it.³⁰ These murders were plainly acts of anti-Muslim hostility.

Other commonplace examples include attacks on Ahmadi mosques, incitement against Shia communities, publication and distribution of leaflets calling for the murder of Ahmadis, broadcast of anti-Ahmadi rhetoric, coordinated boycotts of Ahmadi businesses, and protests within both Shia and Ahmadi communities designed to intimidate. Each of these attacks

³⁰ Since 2010, four British Muslims have been murdered in circumstances where the courts found that the victim's religion was a motivating factor: Asad Shah, murdered by Tanveer Ahmed in 2016; Mohammed Saleem, murdered by Pavlo Lapshyn in 2013; Makram Ali, murdered by Darren Osborne in 2017; and Jalal Uddin, murdered by Mohammed Kadir in 2016.

originate from within the Muslim community.

In such cases, the hostility stems not from racial prejudice but from theological disagreement. These are arguments over orthodoxy: who counts as ‘truly Muslim’ and who is seen as heretical. These are not racial conflicts. Yet a definition of anti-Muslim sentiment that treats such hostility as a form of racism must either (a) disregard these incidents entirely, or (b) reclassify them as racially motivated hate crimes – an outcome that stretches the concept of racism beyond recognition.

A homogenous ‘racial’ definition of anti-Muslim discrimination would therefore fail to practically address the most serious harms faced by British Muslims in the UK today.

We set out further examples of these harms in Annex 1. We note that many involve conduct – such as murder, assault, coercive control, threats, harassment and forced marriage – that already constitutes a criminal offence. Where such acts are motivated by hostility based on religion or belief, they also fall within the scope of enhanced sentencing provisions under hate crime legislation.

Protecting the apostate

In many Islamic communities around the world, apostasy is not merely discouraged but punished, often severely. This makes plain that Islam is understood as a belief system – something a person can enter or leave. Race, by contrast, is immutable.

To conflate the two undermines a liberal society’s ability to protect freedom of religion, which must include the freedom to exit. It restricts free speech, condemning lawful criticism of Islamic doctrine or practice as racist. Just as importantly, it will lead us to overlook Muslim apostates as a dissenting minority in their own right whose basic liberties, often cruelly endangered, warrant special scrutiny in a liberal democracy.

Protecting the dissenter

If criticism of Islamic culture – its gender norms, legal traditions, or historical record – is redefined as “cultural racism”, then the space for legitimate inquiry contracts sharply. Objecting to the treatment of women in some Muslim-majority societies, criticising veiling mandates, defending the rights

of gay or apostate Muslims, or comparing UK law favourably with sharia, could, under such a model, risk being labelled racist.

This framing also conflates the teachings of Islam with established cultural practices in Muslim-majority countries. This has especially serious implications for dissidents and refugees, many of whom flee to the UK to avail themselves of free speech rights and/or the right to determine or abandon their own faith.

Worse still, it would lead to categorisations of the plainest absurdity. Under the APPG's framing, the murdered dissident, Jamal Khashoggi, would have to be portrayed as an anti-Muslim racist who, despite being a Saudi Muslim, was engaged in a years' long racist campaign.

These concerns are not limited to international affairs. If the practices associated with Muslim-majority communities are to be immune from criticism, on pain of official categorisation as 'racist', then British Muslims themselves will be left without adequate support.

Take the issue of consanguineous marriage. The *Born in Bradford* study found that 37% of Pakistani-origin babies born in that city had parents who were first cousins – a practice that doubled the risk of birth defects.³¹ Cousin marriage is common throughout Muslim majority countries, and the Quran includes no prohibition of it. Such a cultural practice is very clearly the “culture, broadly defined” of at least one Muslim community, as per the APPG's definition.

Under that definition, a doctor who points out to prospective parents that cousin marriage is “inferior” on account of its propensity to lead to lifelong debilitating illnesses for its offspring, would, according to the APPG definition, be a racist. An MP introducing a Bill to Parliament to ban the practice – as has happened this session – could be branded racist. So too could the Leader of the Opposition for expressing concern about its consequences.³²

Likewise, journalists investigating Islamic extremism or grooming gang scandals, MPs raising alarms about sexual exploitation, and feminists

³¹ “Bradford study finds higher birth defect risk in married cousins”, *BBC News*, 4 July 2013. Available at: <https://www.bbc.co.uk/news/uk-england-leeds-23183102> (accessed 21 July 2025).

³² “Badenoch: Let bosses ban burkas in the workplace”, *The Telegraph*, 7 June 2025. Available at: <https://www.telegraph.co.uk/politics/2025/06/07/kemi-badenoch-let-bosses-ban-burkas-in-workplace/> (accessed 21 July 2025).

challenging gender segregation have all been accused of Islamophobia. We document several such cases in Annex 2 below.

For all these reasons, we would strongly caution the Working Group against adopting a definition that blurs religion, race, culture, and criticism in ways that chill public debate and threaten the rights of Muslims and non-Muslims alike.

2.5 Mission creep: where will this be used – and against whom?

12. Should any of the aspects below feature in a definition of anti-Muslim hatred/Islamophobia? Please tick all that apply. Multiple choice.

- **What [the definition] includes – e.g., behaviours, words, beliefs**
 - **What [the definition] does not include**
 - **Who the definition should apply to**
 - **When the definition should be used – i.e., situations and settings when the definition should be used, including online and in-person settings**
 - **Other content or components that should be included.**
- Please give an example of up to two things which the definition should cover that are not already included above (please detail below)**

If a definition is adopted, it should reflect existing law and limit itself to identifying those forms of anti-Muslim discrimination that are already unlawful under current civil and criminal law.

Accordingly, it should apply only to circumstances governed by, *inter alia*:

- The Equality Act 2010 – the definition should apply to persons owing duties under that Act to British Muslims when providing services (including public services), managing premises, employing workers, educating people, or convening an association, subject to all statutory exemptions.
- The Public Order Act 1986 – anti-Muslim discrimination that takes place within a private dwelling should not be the concern of the Working Group, unless some other relevant law applies (e.g. the Protection from Harassment Act 1997).

Furthermore, the definition should not include advice that falls within the

statutory powers or duties of other bodies. Excluded territories include but are not limited to:

- Advice on the Equality Act or human rights, which falls within the powers of the EHRC under the Equality Act 2006;
- Advice to prosecutors on charging religiously motivated offences;
- Advice to police officers on investigating reports of religiously motivated 'hate crimes';
- Advice to schools on promoting the fundamental British value of tolerance and respect of different faiths and beliefs;
- Advice to higher education providers, which falls within the remit of the Office for Students under the Higher Education and Research Act 2017;
- Advice to broadcasters and online service providers, which falls within the remit of Ofcom under the Online Safety Act 2023 and the Communications Act 2003.

The residuum of matters on which the Working Group could lawfully and usefully advise is so small as to be negligible. That scope narrows further given its obligation, as a public authority, to ensure that any definition it proposes will not be incompatible with competing rights under the ECHR. Any lawful definition would therefore need to make very broad allowances for:

- academic free expression concerning Islam and Muslims;
- journalistic content;
- artistic expression, including satire and comedy;
- the manifestation of religious beliefs that reject or criticise Islam;
- the right to protest.

In short, we believe the lawful room for manoeuvre open to the Working Group is either non-existent or trivially narrow. In any event, we can only conclude that its work is likely to be superfluous.

ANNEX 1: What ‘Islamophobia’ Hides – Blasphemy, Sectarianism, and the Silencing of Muslims

The following case studies illustrate how intra-Muslim abuse can be obscured by frameworks that treat Muslims as a single ‘race’.

The persecution of Ahmadi Muslims for heterodox beliefs

Persecution of Ahmadi Muslims is not confined to Pakistan; it has long since spread to the UK. Documented incidents include bullying of Ahmadi children in schools, social exclusion within university Islamic societies, discrimination in employment, and incitement to violence in Urdu-language newspapers and mosques. In 2016, the Charity Commission investigated Stockwell Green Mosque in London after it was found to have distributed literature calling for the killing of Ahmadis who refused to convert to mainstream Sunni Islam.³³

In March 2016, Asad Shah, an Ahmadi shopkeeper in Glasgow, was stabbed to death outside his store by Tanveer Ahmed, a Sunni Muslim from Bradford. Ahmed later said he killed Shah for “disrespecting Islam”, referring to Shah’s celebration of the Prophet Muhammad’s birthday and his claims to prophethood – both rejected by mainstream Sunni doctrine. During his trial, Ahmed praised Islamist clerics in Pakistan and showed no remorse, stating in a handwritten note that “this all happened for one reason and no other issues and no other intentions” than to punish Shah for “disrespecting” the Prophet. He was sentenced to life imprisonment with a minimum term of 27 years.³⁴

Tell MAMA has recorded Sunni hostility toward Ahmadi Muslims, including

³³ Charity Commission: *Statement of the Results of the Inquiry*, 2019. Available at: <https://www.gov.uk/government/publications/charity-inquiry-khatme-nubuwwat-centre/khatme-nubuwwat-centre> (accessed 21 July 2025).

³⁴ “Murder accused says he killed Asad Shah for disrespecting Islam”, *The Guardian*, 6 April 2016. Available at: <https://www.theguardian.com/uk-news/2016/apr/06/asad-shah-murder-accused-says-killed-disrespected-islam> (accessed 21 July 2025).

a brick thrown through an Ahmadi mosque window while anti-Ahmadi abuse was shouted, and piles of leaflets left in a south London Mosque stating that Ahmadis should face death if they refused to convert to mainstream Islam.

Sectarian conflict between Sunni and Shia Muslims.

In 2013, supporters of Anjem Choudary and the extremist Al Muhajiroun/ Shariah Project network staged a march through a London area with a significant Shia population, ostensibly in solidarity with Syrian Sunni rebels. Marchers carried placards declaring “Shias are the enemies of Allah” and chanted anti-Shia slogans. The event turned violent when participants assaulted two men – one Shia, one Sunni – whom they accused of being Shia.³⁵

In June 2022, *The Lady of Heaven* – a Shia-oriented historical drama depicting the life of the Prophet Muhammad’s daughter – was withdrawn from Cineworld cinemas across the UK following protests by Sunni groups who denounced it as blasphemous. Demonstrations took place in Bolton, Bradford, Birmingham, Sheffield, and elsewhere, with protesters arguing that the film misrepresented revered Sunni figures in early Islamic history, such as Abu Bakr and Umar ibn al-Khattab, and risked inflaming sectarian tensions.³⁶

Tell MAMA has also recorded Sunni hostility toward Shia Muslims, including pamphlets circulated in Bradford claiming Shias “do not believe in the Qur’an” and regard the Prophet’s companions as “the worst people of all time”.³⁷

Male guardians enforcing patriarchal codes on Muslim women

Coercive control in some religiously conservative communities includes

³⁵ “Radical Sunni doctor convicted of violent assault in demonstration is struck off medical register”, *BMJ*, vol. 349, October 2014.

³⁶ “UK cinema chain cancels screenings of ‘blasphemous’ film after protests”, *The Guardian*, 7 June 2022. Available at: <https://www.theguardian.com/film/2022/jun/07/uk-cinema-chain-cancels-screenings-of-film-the-lady-of-heaven-after-protests> (accessed 21 July 2025).

³⁷ See: “Sectarianism is on the rise in Britain – as any Ahmadiyya Muslim can tell you”, *The Spectator*, 18 April 2016. Available at: <https://www.spectator.co.uk/article/sectarianism-is-on-the-rise-in-britain-as-any-ahmadiyya-muslim-can-tell-you> (accessed 21 July 2025); “‘Kill Ahmadis’ leaflets found in UK mosque”, *BBC News*, 10 April 2016. Available at: <https://www.bbc.com/news/uk-35928848> (accessed 21 July 2025); Matthew Feldman and William Allchorn, *Written Evidence Submitted to the Home Affairs Committee: Islamophobia – HCL0010*, UK Parliament, 2018. Available at: <https://committees.parliament.uk/writtenevidence/98829/pdf> (accessed 21 July 2025).

pressure around hijab or niqab observance and coercion into arranged or forced marriages. At its most extreme, it manifests as so-called “honour-based” abuse, encompassing assault, rape, kidnap, death threats, even murder. According to the Home Office, police in England and Wales recorded 2,755 honour-based abuse offences in the year ending March 2024. Of these, 201 involved forced marriage, and 111 involved female genital mutilation, many within communities shaped by strict codes of sexual and religious conduct.³⁸

Although the figures are not disaggregated by religion, many of the most high-profile and lethal cases have involved Muslim women, killed by male relatives for violating perceived norms of modesty, obedience, or sexual propriety. Such women are not merely viewed as disobedient daughters or sisters, but as having defied a dominant conception of what it means to be a ‘real’ Muslim woman.

One of the most tragic and widely documented examples is the 2006 murder of Banaz Mahmod, a 20-year-old Kurdish Muslim from south London. After escaping an abusive forced marriage and beginning a relationship of her own choosing, Banaz was raped, strangled and buried in a suitcase by her father and uncle. She had repeatedly warned police, providing detailed written statements, but officers failed to act. Her death was not the result of uncertainty over what constituted abuse, but a profound institutional failure to respond to clear evidence of coercion and violence.³⁹

Intra-Sunni Prejudice and Conflict

In February 2016, Jalal Uddin, a 71 year-old retired imam, was murdered in Rochdale by Mohammed Syeedy and Mohammed Kadir, both radicalised Salafi jihadists. Uddin practised *ruqyah*, a form of Qu’ran-based spiritual healing involving written amulets known as *taweez* – a tradition common in parts of South Asian Islam, especially Sufi-influenced circles. His killers, adherents of Islamic State’s brand of Salafism, viewed these practices as shirk (idolatry) and considered him an apostate.⁴⁰

³⁸ *Statistics on So-Called Honour-Based Abuse Offences, England and Wales, Year Ending March 2024*, UK Home Office, 11 July 2024. Available at: <https://www.gov.uk/government/statistics/so-called-honour-based-abuse-offences-year-ending-march-2024/statistics-on-so-called-honour-based-abuse-offences-england-and-wales-year-ending-march-2024> (accessed 21 July 2025).

³⁹ “Banaz Mahmod: Life sentence for Kurdish ‘honour killing’ cousins”, *BBC News*, 24 November 2010. Available at: <https://www.bbc.co.uk/news/uk-england-london-11716272> (accessed 21 July 2025).

⁴⁰ “Police ‘missed opportunities to stop imam murder’”, *BBC News*, 10 July 2025. Available at: <https://www.bbc.co.uk/news/articles/czxe7g0qgd4o> (accessed 21 July 2025).

The July 2025 public inquiry into Uddin's death concluded that the murder was an act of terrorism, motivated by theological hatred, and intended to intimidate others into abandoning unapproved religious practices.⁴¹ It also found that counter-terrorism police made serious operational errors, including the failure to appoint a lead investigator, and that these missed opportunities may have allowed the killing to occur. This was not a case of anti-Muslim racism in any conventional sense. It was a religiously motivated execution, carried out by Muslims, against a Muslim, for being the 'wrong' kind of Muslim.

⁴¹ *Inquiry Report into the Death of Jalal Uddin*, Home Office, July 2025. Available at: <https://www.gov.uk/government/publications/inquiry-report-into-the-death-of-jalal-uddin> (accessed 21 July 2025).

ANNEX 2: How Islamophobia allegations are used to silence legitimate dissent

The APPG definition – and comparable definitions of ‘Islamophobia’ – have already chilled speech and curtailed dissent across multiple sectors. Time and again, individuals have faced investigation, reputational damage, or professional setbacks for expressing lawful but contested views about Islam, Muslim-majority cultures, or Islamist political ideologies. Conflating legitimate criticism of Islamism with illegitimate criticism of Islam by labelling them both ‘Islamophobic’ is a common tactic of Islamists.

Professor Steven Greer (University of Bristol)

Professor Greer was accused of Islamophobia by the university’s Islamic Society over some content in his human rights law lectures. The university, which had publicly supported the APPG definition, treated the complaint as credible and initiated a formal investigation. Greer was prohibited from commenting publicly and became the target of a student-led campaign that attracted more than 4,000 petition signatures. He also received anonymous threats and was advised by police to leave his home for his own safety. An independent review later found his teaching lawful, protected under the Equality Act 2010, and well within the bounds of academic freedom. Nonetheless, the university effectively sided with the complainants by quietly revising his course materials on Islam, removing the contentious content.⁴²

Councillor Virginia Moran (South Kesteven District Council)

Councillor Moran was formally investigated for alleged code-of-conduct breaches following social media posts criticising school trips to mosques. Complainants alleged her comments failed to promote equality and were

⁴² “Professor driven out over false Islamophobia claims criticises university”, *The Times*, 23 June 2025. Available at: <https://www.thetimes.com/uk/education/article/professor-driven-out-over-false-islamophobia-claims-criticises-university-gl0x8kvrw> (accessed 21 July 2025).

potentially Islamophobic. Although no breach was found, the APPG definition was central to the decision to investigate.⁴³

Councillor Mike Gilbert (Boston Borough Council)

The longest-serving member of the borough council, Councillor Gilbert was blocked from becoming Mayor following Facebook posts during the Qatar World Cup in which he criticised Islam's record on women's and LGBT rights, describing Islam as an "ideology of war, submission, and conquest". Opponents accused him of "hate speech against Islam", explicitly citing the APPG definition as justification. Although Gilbert defended his statements as legitimate ideological criticism and denied any racial intent, he was nonetheless denied the mayoralty.⁴⁴

Gary Mond (Charity Commission)

In 2023, the Charity Commission issued a disqualification order against Gary Mond, a Jewish accountant and long-serving trustee of JNF UK, following media reports about historical social media posts perceived as "anti-Muslim". The posts, which included remarks such as "civilisation" was "at war with Islam" (later clarified to refer to "Islamic fundamentalism"), were deemed by the Commission to risk bringing the charity sector into disrepute. The order lasted two-and-a-half years. Mond spent over £60,000 defending himself, arguing that the Commission's actions amounted to overreach – penalising lawful speech expressed in a personal capacity rather than misconduct in his charity work. He appealed and won. In a landmark ruling, the charity tribunal quashed the disqualification, finding it neither necessary nor proportionate.⁴⁵

Trevor Phillips (Labour Party)

The former Chair of the Equality and Human Rights Commission was suspended from the Labour Party after making public comments describing British Muslims as "a nation within a nation", raising concerns about some

⁴³ "Councillor under fire for tweets about trans and religious issues", *Lincolnshire Live*, 8 June 2023. Available at: <https://www.lincolnshirelive.co.uk/news/local-news/south-kesteven-councillor-under-fire-8504311> (accessed 21 July 2025).

⁴⁴ "Boston councillor denied mayoral role after Islamophobic accusations", *The Lincolnite*, 23 May 2023. Available at: <https://web.archive.org/web/20250219141950/https://thelincolnite.co.uk/2023/05/boston-councillor-denied-mayoral-role-after-islamophobic-accusations/> (accessed 21 July 2025).

⁴⁵ "Charity boss cancelled for 'Islamophobia' wins legal battle in victory for free speech", *The Telegraph*, 8 February 2025. Available at: <https://www.telegraph.co.uk/news/2025/02/08/charity-commission-disqualifies-islamophobia-free-speech> (accessed 21 July 2025).

Pakistani Muslim men involved in grooming gangs, and noting that many Muslims do not wear poppies on Remembrance Day. Although Phillips strongly denied any racial animus, the APPG framework meant that his views were treated as *prima facie* evidence of wrongdoing. The suspension was imposed without clear evidence of misconduct and reflected a process governed more by perception than by legal standards. He was later quietly readmitted to the party in July 2021.⁴⁶

Julie Burchill (Little, Brown Book Group)

Burchill had her book contract cancelled by her publisher following a Twitter exchange with *Novara Media*'s Ash Sarkar. Responding to a thread about Rod Liddle, Burchill remarked that Sarkar "worship[ped] a paedophile", referring to Islamic texts concerning the Prophet Muhammad's marriage to Aisha. Sarkar accused Burchill of Islamophobia and the publisher later issued a statement condemning the comments as "not defensible from a moral or intellectual standpoint" and as having "crossed a line with regard to race and religion".⁴⁷

Maryam Namazie (Warwick and Goldsmiths)

An ex-Muslim secularist, human rights campaigner and long-time critic of political Islam, Namazie was twice blocked from speaking on UK campuses due to allegations of Islamophobia. In 2015, Warwick University's Student Union initially banned her from delivering a talk, citing fears that it could "incite hatred" against Muslim students.⁴⁸ Later that year, during a lecture at Goldsmiths, members of the Islamic Society disrupted her presentation by heckling, turning off her slides (which included a *Jesus and Mo* cartoon), and creating what she described as a "climate of intimidation". One attendee made a gesture resembling a death threat. After the event, Goldsmiths' Feminist and LGBTQ+ Societies issued statements in solidarity with the

⁴⁶ "Labour lifts Trevor Phillips' suspension for alleged Islamophobia", *The Guardian*, 6 July 2021. Available at: <https://www.theguardian.com/uk-news/2021/jul/06/labour-lifts-trevor-phillips-suspension-for-alleged-islamophobia> (accessed 21 July 2025).

⁴⁷ "Julie Burchill's publisher cancels book contract over Islam tweets", *The Guardian*, 15 December 2020. Available at: <https://www.theguardian.com/media/2020/dec/15/julie-burchill-publisher-cancels-book-contract-islam-tweet-little-brown> (accessed 21 July 2025).

⁴⁸ "Maryam Namazie secular activist barred from speaking at Warwick University over fears of inciting hatred against Muslim students", *The Independent*, 28 September 2015. Available at: <https://www.independent.co.uk/news/uk/home-news/maryam-namazie-secular-activist-barrd-from-speaking-at-warwick-university-over-fears-of-inciting-hatred-against-muslim-students-10517296.html> (accessed 21 July 2025).

protestors, describing Namazie as a “known Islamophobe”.⁴⁹

Kate Smurthwaite (Goldsmiths College)

Feminist comedian Kate Smurthwaite saw her charity performance sabotaged by an organised boycott. Opponents booked all available tickets in advance, then failed to attend. The protest was justified online as a response to her “transphobic, whorephobic and Islamophobic” views. As Smurthwaite noted, “Every time this comes up I say, ‘Send me an example.’ Their example of Islamophobia is when I have quoted the Council of Ex-Muslims of Britain.” She described the experience as “infuriating and horrifying”, adding: “I talk about freedom of speech in the show, and if they had a problem with it they could have come and engaged with it.”⁵⁰

Andrew Norfolk (The Times, 2011)

Norfolk broke the grooming gang story in *The Times*, shedding light on a deeply disturbing pattern of systematic sexual abuse involving white teenage girls and predominantly Pakistani Muslim men in Rotherham and other northern towns. His reporting revealed the extent to which social workers, police and councillors had failed to act – not for lack of evidence, but out of fear of being accused of racism. While Norfolk received awards including the Orwell Prize and the Paul Foot Award, he also faced backlash from groups that sought to frame his journalism as ‘Islamophobic’.⁵¹

Louise Casey (Rotherham Council report, 2015)

Baroness Casey’s report into Rotherham Council detailed a culture of institutional denial surrounding grooming gang offences committed primarily by men of Pakistani heritage. She described “a council in denial”, where “so-called political correctness” had “cast its shadow” over decision-making. One witness said the council was “terrified of [the impact on] community

⁴⁹ “Goldsmiths Islamic Society students disrupt human rights activist’s speech”, *Evening Standard*, 2 December 2015. Available at: <https://www.standard.co.uk/news/education/goldsmiths-islamic-society-students-disrupt-human-rights-activists-speech-a3129066.html> (accessed 21 July 2025).

⁵⁰ “Feminist comedian’s charity gig sabotaged by opponents”, *Mail Online*, 31 March 2016. Available at: <https://www.dailymail.co.uk/news/article-3517874/Feminist-comedian-s-charity-gig-sabotaged-opponents-booked-tickets-en-masse-didn-t-turn-leaving-just-eight-people-audience-transphobic-whorephobic-Islamophobic-views.html> (accessed 21 July 2025).

⁵¹ “Islamophobia claims ‘used to suppress grooming gang reporting’”, *The Times*, 25 February 2025. Available at: <https://www.thetimes.com/uk/society/article/islamophobia-claims-used-to-suppress-grooming-gang-reporting-k95d2w6zl> (accessed 21 July 2025).

cohesion”. Another was more direct: “Asian men [were] very powerful, and the white British are very mindful of racism and frightened of racism allegations so there is no robust challenge.” Across the town, staff were pressured to “suppress, keep quiet or cover up” concerns.⁵²

Jay Inquiry (Rotherham, 2014)

The Jay Inquiry into child sexual exploitation in Rotherham, covering 1997 to 2013, confirmed the depth of institutional failure. It found that girls as young as eleven had been “raped by multiple perpetrators, trafficked to other towns and cities in the north of England, abducted, beaten, and intimidated”. The report also recorded examples of children “who had been doused in petrol and threatened with being set alight, threatened with guns, made to witness brutally violent rapes and threatened they would be next if they told anyone”. In the same town, a senior police officer is reported to have remarked: “With it being Asians, we can’t afford for this to be coming out.”⁵³

Sarah Champion MP (Rotherham, 2018)

After speaking publicly about gangs of British Pakistani men raping and trafficking children as young as eleven, Labour MP Sarah Champion was shortlisted for the ‘Islamophobe of the Year’ award by the Islamic Human Rights Commission – a registered charity whose chair had recently praised Hezbollah. Reflecting on the experience, she said: “To be accused of racism is probably the worst thing you can call me. That fear will motivate me to step away from a lot of topics I’d maybe tackle head on if I didn’t have that phobia.”⁵⁴

Telford Independent Inquiry (2022)

⁵² *Report of an Inspection of Rotherham Metropolitan Borough Council*, Louise Casey, HM Government, 2015. Available at: <https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council> (accessed 21 July 2025); see also *National Audit on Group-Based Child Sexual Exploitation and Abuse: Independent Report*, Louise Casey, HM Government, July 2025. Available at: <https://www.gov.uk/government/publications/national-audit-on-group-based-child-sexual-exploitation-and-abuse> (accessed 21 July 2025).

⁵³ *Independent Inquiry into Child Sexual Exploitation in Rotherham 1997–2013*, Alexis Jay OBE, Rotherham Metropolitan Borough Council, 2014. Available at: <https://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham> (accessed 21 July 2025).

⁵⁴ “Sarah Champion: Labour’s ‘floppy Left’ falls silent when issues touch on race”, *The Guardian*, 2 September 2017. Available at: <https://www.theguardian.com/politics/2017/sep/02/sarah-champion-labours-floppy-left-falls-silent-when-issues-touch-on-race> (accessed 21 July 2025).

Commissioned after years of allegations, the Telford Inquiry reached similar conclusions. It found “a nervousness about race... bordering on a reluctance to investigate crimes committed by what was described as the ‘Asian’ community”. The report noted “a feeling that certain individuals in the Asian community were not targeted for investigation into child exploitation because it would have been too ‘politically incorrect’”. Between 2006 and 2008, senior managers expressed concern that pursuing such allegations “had the potential to start a ‘race riot’”.⁵⁵

Baroness Louise Casey (National Audit, 2025)

Casey’s audit reinforced the pattern of institutional failure. Her review found that public bodies repeatedly failed to confront evidence that, in several parts of the country, the perpetrators of sexual exploitation were disproportionately men of Pakistani heritage. “Blindness, ignorance, prejudice, defensiveness and even good but misdirected intentions,” she wrote, “all play a part in a collective failure to properly deter and prosecute offenders or to protect children from harm”.

⁵⁵ *Independent Inquiry into Telford Child Sexual Exploitation (IITCSE)*, Telford & Wrekin Council, 2022. Available at: <https://www.telford.gov.uk/children-and-young-people/safeguarding-children/child-sexual-exploitation-cse/independent-inquiry-into-telford-child-sexual-exploitation-iitcse/> (accessed 21 July 2025).

