

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM MUSLIM ENGAGEMENT AND DEVELOPMENT (MEND)

Earlier this month, Muslim Engagement and Development (MEND) delivered oral evidence to the Justice Committee regarding the Hate Crime and Public Order (Scotland) Bill. In line with the request of the committee, this supplementary evidence from MEND outlines potentially fruitful legislation and policy strategies that may assist in alleviating some of the challenges of hate crime. While much of the reasoning and evidence underpinning these recommendations relates to Islamophobia specifically, enacting many of the recommendations themselves would be of benefit in tackling all forms of religiously or racially motivated hate crime across Scotland.

To solve a society-wide problem, a combination of legislative change, Government and industry initiatives, community empowerment, and wider community engagement is required. As such, MEND humbly proposes the following initiatives and policy changes to tackle the causes, driving forces, and impacts of Islamophobia that frequently culminate in a vulnerability of Muslims and minority communities to hate crime.

Legislative changes

Press regulation

Studies have shown that, with 21 negative references to Muslims within the British press for every single neutral or positive reference,¹ the media plays an integral role in spreading prejudice, stereotypes, and xenophobic views of British Muslims. This, in turn, directly contributes to hate crime, discrimination, and marginalisation of Muslim communities. Meanwhile, the failures of the current regulator, IPSO, and the Government's continued failure to fully implement the Royal Charter on Press Regulation leaves little recourse for tackling Islamophobia in the mainstream press.

For an overview of the vast array of fundamental deficiencies of IPSO, please see our 2019 Manifesto [here](#).

As such, MEND calls upon policymakers to commit to the full implementation of the Royal Charter on press regulation, including the triggering of Section 40, and the commencement of the second part of the Leveson Inquiry, including an investigation into the prevalence of Islamophobia within the media.

¹ See Baker, Paul, Costas Gabrielatos, and Tony McEnery. *Discourse analysis and media attitudes: the representation of Islam in the British Press*. Cambridge: University Press, 2013.

Primary legislation to deal with online hate

Currently, due to the sheer scale of social media sites, abusive posts are largely brought to the attention of social media companies only if users themselves report them. However, not all instances of online hate are reported for their racist or Islamophobic content online. Meanwhile, Demos have noted that, between March 2016-March 2017, 143,920 Tweets were sent from the UK that were considered to be derogatory and anti-Islamic – this amounts to almost 400 per day.² In the Online Harms White Paper,³ the Government has proposed regulation by an independent regulator, as opposed to primary legislation enforced by law. However, considering the severity of some of the abuse that can be found on online platforms and the enormity of the challenge for a single regulator, combined with the unprecedented failure of regulators set up in similar circumstances such as IPSO, MEND firmly believes that primary legislation is the only mechanism that would have sufficient weight to tackle the current problems effectively.

MEND therefore urges policymakers to implement primary legislation to deal with social media offences and hate speech online and commit to working with social media companies to protect free speech while developing an efficient strategy to tackle hate speech online in consultation with Muslim grassroots organisations.

Read more about the issues surrounding online harms in MEND's evidence to the Home Affairs committee [here](#).

Recording of hate crimes

As mentioned in our original submission, due to the way in which Islamophobic processes have led to the racialisation of Muslim communities, there is frequent confusion in how to record Islamophobic hate crimes, which impacts not only the protections to which victims are entitled (indeed the difference in protections afforded on the grounds of race and religion will be discussed further below), but also the ways in which data is recorded; data which forms the foundation for exploring patterns of crime and highlighting areas in need of improved strategies and particular focus. Consequently, without recording Islamophobia as a specific category of hate crime within police procedures, the actual levels of Islamophobic abuse will remain hidden.

As such, MEND recommends that the bill in question specifically includes a requirement for the police to record Islamophobic hate crime as a separate category of hate crime, in order to assist in effective policy development and application.

² Carl Miller and Josh Smith, "Anti-Islamic content on Twitter", Demos, April 2017. Accessed: 29th May 2018. <https://demos.co.uk/project/anti-islamic-content-on-twitter/>.

³ "Online Harms White Paper", Department for Digital, Culture, Media & Sport and the Home Office, April 2019. Accessed: March 12th, 2020. <https://www.gov.uk/government/consultations/online-harms-white-paper>.

Government and industry initiatives:

Adoption of a definition of Islamophobia

As mentioned in MEND's original submission to the Justice Committee, greater clarity is required in terms of the definitions contained within the bill, including and understanding of the boundaries between Islamophobia and freedom of speech.

MEND, therefore, urges the Scottish Parliament and local councils across Scotland to adopt the definition of Islamophobia produced by the APPG for British Muslims: "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness" and apply this definition in conjunction with the guidelines that MEND has produced and which can be found [here](#).

Media and broadcasting

Considering the influence of the press and broadcasting industries in shaping public opinions, these industries must play a central role in any attempts to address public prejudices that often form the motivations for hate crime. There are, therefore, three broad strategies that are required in order to overcome the negative images and stereotypes that are perpetuated about minority communities and infiltrate the public consciousness, resulting in prejudices and misunderstandings:

- **Increasing diversity in journalism and broadcasting:** There is a lack of diversity within British journalism, which in turn creates a lack of religious literacy amongst journalists, as well as a lack of understanding of minority communities at a general level. A study conducted by the City University of London in 2016 found that 94% of journalists in Britain are white in comparison to 87% of the general UK labour force. Moreover, there is a significant underrepresentation of British Muslims in journalism, with 0.4% of journalists being Muslim, contrasted with nearly five percent of the population.⁴ Likewise, various studies have shown that there is a considerable lack of minority representation in the British film industry, with high levels of discrimination experienced by BAME individuals attempting to enter the industry and those within the industry. One study concerned with diversity within the British film industry and conducted by the CAMEo Research Institute at the University of Leicester,⁵ found that BAME workers

⁴ Elsa Vulliamy, "British Journalism Is Now '94 per Cent White and Mostly Male'," *The Independent* (Independent Digital News and Media, March 24, 2016), <https://www.independent.co.uk/news/media/press/british-journalism-white-male-study-shows-a6950176.html>

⁵ "Workforce Diversity in the UK Screen Sector: Evidence Review", *Cameo Research Institute: Leicester*, 2018, accessed 20.06.2018, <http://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/bfi-workforce-diversity-in-uk-screen-sector-evidence-review-2018-03.pdf>

comprised 4.4% of the broadcasting workforce, compared to 13% of the UK population.

The consequences of a lack of diversity in these industries is a lack of awareness and nuanced understandings of minority communities that are then reflected in journalistic and broadcast representations in the form of stereotypes and biased assumptions. These portrayals subsequently influence public understandings of these communities and the issues impacting them. Any attempts to increase diversity must be accompanied by educative and industry initiatives to attract BAME and Muslim talent into journalism and broadcasting.

- **Supporting industry initiatives promoting positive and normalized portrayals of Muslims and people of colour within broadcasting:** The lack of diversity both on and off screen within broadcasting is exacerbated by the few BAME actors who do manage to break through the barriers often being cast in limited roles, with the BFI Creative Director, Heather Stewart, noting in 2016 that the “types of films in which they [BAME actors] have had leading roles suggests stereotyping.”⁶ Therefore, the simultaneous absence of both minority representation and normalised images of minority communities means there is a persistent development of a broadcast narrative which either excludes or stereotypes minority communities.
- **Supporting industry initiatives to promote religious and cultural literacy:** While encouraging religious and cultural literacy is a useful tool across all sectors, it is especially important when it comes to media and broadcasting due to the importance of these industries in shaping public understandings and opinions. For a full explanation of the importance of religious and cultural literacy as well as detailed analysis of how to promote it across a variety of channels, see MEND’s submission to the APPG on Religion in the Media [here](#).

Tackling the far-right and ensuring mosque security

One of the most unavoidable reminders of this danger of far-right violence in recent times is the tragic events in Christchurch, New Zealand in March 2019, when an attacker opened fire on worshippers in two mosques during Friday prayers. In his manifesto, he credited his motivation to the "Great Replacement" theory, claiming that he wished "to show the invaders that our lands will never be their lands, our homelands are our own and that, as long as a white man still lives, they will NEVER conquer our lands".⁷ Closer to home, the murder of Jo Cox by Thomas Mair in

⁶ “New BFI research reveals representation of black actors in UK film over last 10 years”. BFI: 06/10/2016. Accessed on: 12/06/2018. <http://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/bfi-press-release-new-bfi-research-reveals-representation-of-black-actors-in-film-2016-10-06.pdf>.

⁷ Jane Coaston, “The New Zealand Shooter’s Manifesto Shows How White Nationalist Rhetoric Spreads,” Vox (Vox, March 15, 2019), <https://www.vox.com/identities/2019/3/15/18267163/new-zealand-shooting-christchurch-white-nationalism-racism-language>

2016 and the murder of Makram Ali by Darren Osborne in the Finsbury Park attack in 2017 are reminders of the need to radically recalibrate how far-right violence is understood and tackled within security discourse and strategies. Indeed, far-right violence is not a new nor isolated phenomenon. According to the Global Terrorism Index, the UK suffered 12 far-right attacks in 2017,⁸ and in 2019 the index documented a 320% increase of far-right incidents over the past five years worldwide,⁹ highlighting that these are not isolated events but part of a broader far-right phenomenon of espousing a xenophobic and ethno-nationalist agenda that must be urgently tackled.

Consequently, MEND calls on policymakers to urgently outline robust and coherent strategies to tackle the rise of far-right violence in the UK.

At the same time, one of the most significant obstacles to protecting mosques and Islamic institutions remains the lack of funding provided to ensure their security. While the Government rightfully provides funds of £14 million per year for synagogues and Jewish schools, there remains no regular funding for mosques, with the last 'Places of Worship Security Fund' launched in 2016 providing only £2.4 million to be distributed across mosques, churches, temples, gurdwaras, and other institutions.¹⁰

The Government has recently pledged £1.6 million funding to mosques for security.¹¹ However, this must be accompanied by a comprehensive risk analysis in order to develop effective strategies and devise funding plans that are proportionate to the threats that mosques face. At present, this funding appears disproportionate to the risk that Muslims face. Indeed, according to Home Office data, Muslims are subject to 47% of religious hate crimes and Jewish communities are subject to 18%.¹² However, in April 2020, the Prime Minister commendably increased security funding for Jewish institutions in light of a rise in anti-Semitic attacks, committing £14 million to support the security of over 400 synagogues and 150 Jewish schools (equivalent to almost £25.5k per institution).¹³ Meanwhile, the £1.6million pledged to support 1825 mosques amounts to a mere £877 per institution.¹⁴

⁸ Samuel Osborne, "Number of far-right terror attacks increases as overall deaths from terrorism fall, report finds", *Independent*, December 2018. Accessed on: 19/07/2019. <https://www.independent.co.uk/news/world/politics/global-terrorism-index-farright-attacks-increase-overall-deaths-fall-institute-for-economics-peace-a8667031.html>.

⁹ Institute For Economics & Peace. 2019. "Global Terrorism Index 2019 Measuring The Impact Of Terrorism". <http://visionofhumanity.org/app/uploads/2019/11/GTI-2019web.pdf>.

¹⁰ "Home Office Grants £14 Million Funding For Security At Jewish Institutions". 2020. GOV.UK. <https://www.gov.uk/government/news/home-office-grants-14-million-funding-for-security-at-jewish-institutions>.

¹¹ "Places Of Worship To Get Security Funding Boost". 2019. GOV.UK. <https://www.gov.uk/government/news/places-of-worship-to-get-security-funding-boost>.

¹² "Hate Crime, England And Wales, 2018 To 2019". 2019. GOV.UK. <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2018-to-2019>.

¹³ "Home Office Grants £14 Million Funding For Security At Jewish Institutions". 2020. GOV.UK. <https://www.gov.uk/government/news/home-office-grants-14-million-funding-for-security-at-jewish-institutions>.

¹⁴ Muslims in Britain. 2017. "UK Mosque Statistics / Masjid Statistics". http://www.muslimsinbritain.org/resources/masjid_report.pdf.

As such, policymakers must commit to financing mosque security and allocating security funding in a manner that is proportional to risk, in line with what is already correctly provided to Jewish religious institutions.

For a full understanding of the dangers of the far-right, see MEND's evidence to the Home Office's consultation on protecting places of worship [here](#).

Islamophobia in political parties

Many public figures are responsible for the mainstreaming of Islamophobic and xenophobic rhetoric across society and must show greater maturity and responsibility when discussing issues involving minority communities. In particular, they must take care not to cause hysteria for the sake of political popularity and agendas. Accusations of Islamophobia have been directed at both the Labour and Conservative parties in recent times, with reports such as MEND's analysis of Islamophobia within the Conservative Party¹⁵ and the recently leaked internal Labour Party reports¹⁶ demonstrating the need to address Islamophobia within political party ranks. If political leaders do not take meaningful steps towards eliminating hate within their own parties, they cannot hope to inspire tolerance and understanding across society.

To read MEND's report into Islamophobia in the Conservative Party, see [here](#).

As such, political parties should outline their strategies to:

- **Tackle Islamophobia, anti-Semitism, racism, homophobia, and other forms of prejudice within their ranks.**
- **Improve diversity within candidate selection ahead of all Scottish elections.**

Reporting of hate crime

A critical problem when it comes to tackling hate crime is the significant level of underreporting, which results in an incomplete and inaccurate picture. As with all types of hate crime and other forms of violent crime, a significant number of cases of Islamophobia are not reported due to factors such as victims facing intimidation from the suspect; anxiety from the incident; a lack of confidence in the police; and a lack of knowledge regarding how to report an incident. The role of the police in overcoming this dilemma is central. In particular, it is critical to enhance trust and engagement between the police and the communities that they serve.

There are serious issues embedded within the Criminal Justice System that impact the ways in which Muslims view and engage with their local police forces. These

¹⁵ "From 'Letterboxes' to 'Ragheads': Over 100 Examples of Islamophobia in the Conservative Party" (London: MEND, 2019) <https://www.mend.org.uk/wp-content/uploads/2019/12/Islamophobia-in-the-Conservative-Party-MEND.pdf>

¹⁶ "Leaked Labour Party Report Reveals Islamophobia and Inaction Within the Party," Muslim Engagement and Development, April 22, 2020, <https://www.mend.org.uk/leaked-labour-party-report-reveals-islamophobia-and-inaction-within-the-party/>

issues necessitate a full and independent investigation into structural Islamophobia within the Criminal Justice system. Beyond this, immediate action must also be taken to increase diversity at every level of seniority throughout police forces and to address the disproportionate applications of police powers, such as stop and search.

For an overview of the problems surrounding Islamophobia in the Criminal Justice System and the application of police powers, please see our 2019 Manifesto [here](#).

MEND calls on policymakers to

- **Commit to investigating structural Islamophobia within the Criminal Justice System.**
- **Commit to increasing diversity at all levels of seniority across police forces and at all levels of the criminal justice system, including through positive intervention and mentorship programs for BAME members.**
- **Undertake a full review to examine recruitment practices and policies, workplace culture, promotion practices, inclusion initiatives, mentorship programs, and existing intervention strategies within Police Scotland with a specific focus on underlying structural and institutional barriers to inclusion and progression for BAME individuals.**
- **Commit to a transparent and continuous program of monitoring of the use of emergency powers by police during the pandemic, as well as to the development of long-term strategies to address disproportionate applications of stop and search powers through both training and increased diversity within police forces themselves.**

Community Empowerment:

Communities themselves also have a responsibility to ensure that they are engaging with processes of democracy to overcome the challenges they face. As such, there are a number of ways in which minority communities may be empowered to play their full role as civic actors. MEND urges policymakers to support strategies to achieve this, including:

- **Supporting educative and industry initiatives designed to attract Muslims and BAME individuals into the spheres of politics, civil service, media, broadcasting, and policing.**
- **Placing emphasis on educational programs aimed at empowering minority communities to know their rights regarding hate crime and how to report it.**
- **Emphasising grassroots and community-led movements to overcome barriers to reporting hate crime, including through support of third-party reporting centres.**

Wider Community Engagement

Overcoming prejudice and the motivating factors that so often drive hate crime involves a wide range of programs designed at raising awareness amongst wider society and providing counter-narratives to the xenophobic, Islamophobic, racist, anti-Semitic and homophobic rhetoric that so often infiltrates political, public, and media discourses. Education is key in this mission.

In particular, MEND calls on policymakers to:

- **Commit to prioritising PSE within schools and enlisting grassroots Muslim organisations to assist in developing teaching materials to educate young people on the dangers of Islamophobia.**
- **Commit to supporting academic freedoms and initiatives to decolonise education, whilst including emphasis on colonialism, shared histories, and the contributions of minority communities in building our society as a compulsory component within the curriculum for excellence.**
- **Commit to tackling the production and reinforcement of unconscious bias through educational syllabi by investigating the presentation of minority groups in teaching materials across all subjects and implementing awareness training for all teachers in conjunction with representative grassroots organisations.**
- **Commit to developing training programmes for teachers focussed on tackling and addressing bullying based on race, religion, disability, or sexuality. Such training must include increasing the confidence and willingness of teachers to enforce policies and procedures and to**

report incidences to the appropriate authorities when dealing with such cases.

- **Commit to increasing the diversity within teaching, particularly at senior leadership levels, and through mentorship programs for junior BAME staff.**
- **Supporting community and school-led programmes that encourage cultural exchange between pupils of different racial, religious, ethnic and other backgrounds.**

Recommendations

MEND calls upon policymakers to:

- Commit to adopting the definition of Islamophobia produced by the APPG for British Muslims: “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness”, and apply this definition in conjunction with the guidelines that MEND has produced.
- Implement primary legislation to deal with social media offences and hate speech online and commit to working with social media companies to protect free speech while developing an efficient strategy to tackle hate speech online in consultation with Muslim grassroots organisations.
- Commit to financing mosque security and allocating security funding in a manner that is proportional to risk, in line with what is already correctly provided to Jewish religious institutions.
- Urgently outline robust and coherent strategies to tackle the rise of far-right violence in the UK.
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- Commit to developing training programmes for teachers focussed on tackling and addressing bullying based on race, religion, disability, or sexuality. Such training must include increasing the confidence and willingness of teachers to enforce policies and procedures and to report incidences to the appropriate authorities when dealing with such cases.
- Commit to increasing the diversity within teaching, particularly at senior leadership levels, and through mentorship programs for junior BAME staff.
- Supporting community and school-led programmes that encourage cultural exchange between pupils of different racial, religious, ethnic and other backgrounds.

- Commit to the full implementation of the Royal Charter on press regulation, including the implementation of Section 40 as laid out within the Crime and Courts Act 2013.
- Commit to the commencement of the second part of the Leveson Inquiry, including an investigation into the prevalence of Islamophobia within the media.
- Support initiatives by the broadcasting industry to promote religious and cultural literacy and the positive portrayals of Muslims in the media.
- Commit to investigating structural Islamophobia within the Criminal Justice System.
- Commit to ensuring that Police Scotland record Islamophobic hate crimes as a separate category of hate crime.
- Commit to increasing diversity at all levels of seniority within Police Scotland and at all levels of the criminal justice system, including through positive intervention and mentorship programs for BAME members.
- Undertake a full review to examine recruitment practices and policies, workplace culture, promotion practices, inclusion initiatives, mentorship programs, and existing intervention strategies within Police Scotland with a specific focus on underlying structural and institutional barriers to inclusion and progression for BAME individuals.
- Commit to a transparent and continuous program of monitoring of the use of emergency powers by police during the pandemic, as well as to the development of long-term strategies to address disproportionate applications of stop and search powers through both training and increased diversity within police forces themselves.
- Commit to ensuring that all political parties outline their strategies to improve diversity within candidate selection ahead of all Scottish elections.
- Commit to ensuring that all political parties outline their strategies to tackle Islamophobia, anti-Semitism, racism, homophobia, and other forms of prejudice within their ranks.
- Support educative and industry initiatives designed to attract Muslims and BAME individuals into the spheres of politics, civil service, media, broadcasting, and policing.
- Place emphasis on educational programs aimed at empowering minority communities to know their rights regarding hate crime and how to report it.
- Emphasise grassroots and community-led movements to overcome barriers to reporting hate crime, including through support of third-party reporting centres.

How MEND can assist parliamentarians, policymakers, and community stakeholders

- Providing briefings, information, analysis, and expertise on issues impacting Muslim communities.
- Arranging opportunities for parliamentarians, policymakers, and community stakeholders to engage with their local Muslim communities.
- Conducting research within Muslim communities.
- Connecting parliamentarians, policymakers, and community stakeholders to other local stakeholders.