



## Report to Policy Committee

**Author/Lead Officer of Report:** James Henderson, Director of Policy and Democratic Engagement

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**Report of:** *Director of Policy and Democratic Engagement*

**Report to:** *Strategy and Resources Policy Committee*

**Date of Decision:** *24 January 2024*

**Subject:** *Adopting the All Party Parliamentary Group on British Muslims' definition of Islamophobia*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA:		
Has appropriate consultation/engagement taken place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

### Purpose of Report:

Full Council passed a resolution at its meeting on 14 December 2022 asking Strategy and Resources Committee to consider adopting the definition of Islamophobia developed by the All Party Parliamentary Group (APPG) for British Muslims. This resolution was adopted in light of information considered by Full Council that Muslims were targeted in 45% of religious hate crime cases recorded by Police in England and Wales in 2021/22 and that in South Yorkshire, the number of Islamophobic hate crimes had increased by 43% in 2021 compared to the previous year.

This report proposes that the APPG's definition of Islamophobia and the associated guidance statements be adopted by Sheffield City Council, and requests Strategy and Resources Committee to consider particular actions to target Islamophobia as part of its forthcoming consideration of the Equality Framework and action plans.

## **Recommendations:**

That Strategy and Resources Committee

- Formally adopt the APPG on British Muslims' definition of Islamophobia as described in the report, but in doing so agrees that the definition does not and will not be interpreted in such a way as to impinge on free-speech rights of any person, and that the term "anti-Muslim hatred" is used in any context where there is the potential for any uncertainty in the intended impact.
- Formally adopt the associated guidance statements as developed by the Coalition Against Islamophobia
- Request that as part of the action planning process being undertaken to support the Council's Equality Framework, that specific actions be identified that focus on eliminating Islamophobia

## **Background Papers:**

Equality Framework – Equality is Everyone's Business: [report to Strategy and Resources Committee on 21 December 2023](#)

Race Equality in Our Council: [report to Strategy and Resources Committee on 21 December 2023](#)

Adopting the APPG on British Muslims' definition of Islamophobia: [motion passed by Full Council on 14 December 2022](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Matt Ardern
		Legal: Andrea Simpson
		Equalities & Consultation: Adele Robinson/Richard Bartlett
		Climate: <i>n/a</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	<i>James Henderson</i>
3	<b>Committee Chair consulted:</b>	<i>Cllr Tom Hunt</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>James Henderson</i>	<b>Job Title:</b> <i>Director of Policy and Democratic Engagement</i>
	<b>Date:</b> <i>9 January 2024</i>	

## **1. BACKGROUND**

- 1.1 Full Council passed a resolution at its meeting on 14 December 2022 asking Strategy and Resources Committee to consider adopting the definition of Islamophobia developed by the All-Party Parliamentary Group (APPG) for British Muslims. This resolution was adopted in light of information considered by Full Council that Muslims were targeted in 45% of religious hate crime cases recorded by Police in England and Wales in 2021/22 and that in South Yorkshire, the number of Islamophobic hate crimes had increased by 43% in 2021 compared to the previous year.
- 1.2 The APPG definition is that “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness”.
- 1.3 Alongside adopting the definition, the resolution passed by Full Council, also asked Strategy and Resources Committee to consider adopting the explanatory guidelines developed by the Coalition Against Islamophobia, and to add to its work programme the following additional considerations:
- (1) working with schools, transport companies, the police force, and other public and private bodies, to tackle Islamophobia at a local level;
  - (2) collaborating with the local Muslim community to challenge Islamophobia and to meet their needs such that they are encouraged and safe to participate in public life;
  - (3) taking further steps to tackle and raise awareness of Islamophobia, such as organising Islamophobia training, holding local events on the issue of Islamophobia, etc.; and
  - (4) working with other local stakeholders such as local MPs to raise awareness of Islamophobia in Parliament and urge the UK Government to adopt the APPG definition of Islamophobia.
- 1.4 At its meeting on 21 December 2023 the Strategy and Resources Committee considered and agreed two linked reports approving a new draft Equality Framework for the council and updating on work undertaken in response to the recommendations made by the independent Race Equality Commission. Both reports acknowledged the work done to date on becoming an anti-racist city and anti-racist organisation, and also set out the further work that will be required in the council’s three roles as employer, service provider, and city and community leader.

## **2 PROPOSAL**

- 2.1 Both ethnicity and religion are protected characteristics under the Equality Act, and this means, amongst other things, that the council must have due regard when carrying out its work to the need to eliminate discrimination

and to promote good relations between people who share protected characteristics and those who do not. This means that Muslims are legally protected within the Equality Act, as are others who share different protected characteristics.

- 2.2 However, the Equality Act provides no detail about how to define specific types of racism or anti-religious hate where it pertains to a particular group. It can therefore be helpful to adopt a more detailed definition of specific types of racism, such as Islamophobia.
- 2.3 The Muslim Engagement and Development (MEND) group has said that: “Muslims are racialised through Islamophobic tropes stereotyping them as a homogenous group that is fundamentally different from the rest of society. At the same time, Islamophobia manifests itself in the same way as other forms of racism and functions as a form of racism.” They note that Islamophobia can be both overt and less visible and that adopting a broad definition of what constitutes Islamophobia is helpful in ensuring that any and all Islamophobic activity is recognised and eliminated.
- 2.4 The APPG definition of Islamophobia has broad-based support. It has been endorsed by most of the major political parties, and by a number of other large councils (including Manchester City Council and Bradford City Council).
- 2.5 However, the APPG definition has attracted criticism from some groups. The National Secular Society has opposed the APPG definition from the outset on the grounds that, in their view, it conflates legitimate criticism of Islamic doctrine with racism, in a way which could impinge on people’s free speech rights. Their concern with the APPG definition, and the term Islamophobia itself, is that they argue that it could be interpreted to conflate criticism of Islam or Islamic practices with hatred of Muslims.
- 2.6 They argue that “In a liberal secular society, individuals should be afforded respect and protection, but ideas should not. The widespread adoption of this definition has the potential to chill freedom of expression, including academic and journalistic freedom.”
- 2.7 The Government has argued that instead of using the term “Islamophobia”, the term “anti-Muslim hatred” is more accurate and helpful in describing the harm which we are seeking to avoid.
- 2.8 Noting these concerns, which are reflected in the EIA, it is suggested that, in adopting the APPG definition, Sheffield City Council is clear that it does not and will not be interpreted in such a way as to impinge on free-speech rights of any person, and in particular legitimate criticism of Islamic doctrine, and that the term “anti-Muslim hatred” will be used in preference

to “Islamophobia” in any context where there is the potential for any uncertainty in the intended impact.

2.9 Strategy and Resources Committee is also asked to consider adopting the explanatory guidance produced by the Coalition Against Islamophobia which provides more detail about how the definition can be used in practice. This guidance is as follows:

*“Islamophobia is demonstrated in, and articulated through, speech, writing, behaviours, structures, policies, legislation or activities that work to control, regulate or exclude Muslim participation within social, civic, economic and political life, or which embody hatred, vilification, stereotyping, abuse, or violence directed at Muslims. Taking into account the overall context, examples of Islamophobia in public life, the media, schools, the workplace, and in the religious sphere may include (but are in no way limited to):*

- *Any distinction, exclusion, restriction, or preference against Muslims that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. (e.g. employment discrimination against Muslims).*
- *Causing, calling for, aiding, or justifying the killing or harming of Muslims or those perceived to be Muslim due to their religious identity. (e.g. anti-Muslim hate crime, including against non-Muslims misidentified as Muslim, such as Sikhs)*
- *Charging Muslims with conspiring to harm humanity and/or the Western way of life or blaming Muslims for the economic and social ills of society. (e.g. accusing Muslims of being responsible for the spread of COVID-19)*
- *Making mendacious, dehumanising, vilifying, demonising, or stereotypical allegations about Muslims. (e.g. media bias against Muslims).*
- *Objectifying and generalising Muslims as different, exotic or underdeveloped, or implying that they are outside of, distinct from, or incompatible with British society and identity. (e.g. racialising Muslims through certain ethnic/cultural markers such as having a beard or speaking a foreign language like Arabic)*
- *Espousing the belief that Muslims are inferior to other social or religious groups.*
- *Accusing Muslims as a collective of being responsible for real or imagined wrongdoing committed by a single Muslim person, group or nation, or even for acts committed by non-Muslims.*
- *Applying double standards by requiring of Muslims a behaviour not expected or demanded of any other social, religious or ethnic group.*

- *Acts of aggression within which the targets, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Muslim(s) or linked to Muslims.*
- *While criticism of Islam within legitimate realms of debate and free speech is not in itself Islamophobic, it may become Islamophobic if the arguments presented are used to justify or encourage vilification, stereotyping, dehumanization, demonization or exclusion of Muslims. For example, by using criticism of religion to argue that Muslims are collectively evil or violent.”*

- 2.10 It is proposed that in adopting the APPG definition of Islamophobia and associated guidance, the Equality Framework action plan (to be considered at the March meeting of the committee) would identify key actions in support of recognising and eliminating Islamophobia within the city. This would include (but not be limited to) consideration of the specific issues referenced in the original Full Council motion, such as:
1. working with schools, transport companies, the police force, and other public and private bodies, to tackle Islamophobia at a local level;
  2. collaborating with the local Muslim community to challenge Islamophobia and to meet their needs such that they are encouraged and safe to participate in public life;
  3. taking further steps to tackle and raise awareness of Islamophobia, such as organising Islamophobia training, holding local events on the issue of Islamophobia, etc.

It would also be included as part of the council’s routine considerations through its Equality Impact Assessment process.

### **3. HOW DOES THIS DECISION CONTRIBUTE ?**

- 3.1 Strategy and Resources Committee has endorsed the draft Council Plan. The Council Plan includes a specific commitment to “championing equality and diversity, including developing a new anti-poverty action plan, supporting the Sheffield Poverty Truth Commission and leading the response to the Race Equality Commission and the delivery of the new Race Equality Partnership for Sheffield.”
- 3.2 Aligned to the Council Plan is the draft Equality Framework, which was endorsed for public consultation at the meeting of the Strategy and Resources Committee on 21 December 2023. The Equality Framework builds upon the commitments set out in the Council Plan, and proposes a series of outcomes and goals for our work to promote equality, diversity and inclusion in the council across our three roles of employer, service deliverer, and city and community leader. This makes explicit our commitment to becoming an anti-racist city and organisation, as well as setting out what we will do to meet and exceed our statutory obligations under the Equality Act 2010. The adoption of the APPG definition of

Islamophobia will support us in achieving the broad ambition of the Council Plan and the specific goals set out in the Equality Framework.

#### **4. HAS THERE BEEN ANY CONSULTATION?**

- 4.1 There has been no consultation specifically on adopting the APPG definition of Islamophobia, but extensive public consultation is taking place on the council's Equality Framework and the associated action planning that will support its delivery.
- 4.2 As part of this work, actions specifically focused on tackling Islamophobia will be developed and reported back to this committee at its meeting in March 2024.

#### **5. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### 5.1 Equality Implications

- 5.1.1 An equalities impact assessment has been undertaken and has identified that the equalities impacts of the proposal are likely to be positive for people who are (or who are perceived to be) Muslim. There is a risk that this may be considered an additional level of protection compared to some other groups, although there is nothing in the definition that overrides existing equality obligations or weakens protection for other groups. The council has previously adopted the IHRA definition of antisemitism.
- 5.1.2 As noted in the report, and detailed in the EIA, there are a number of concerns regarding the wording of the APPG definition, and, in particular, concerns that it may restrict free speech. This could have a negative impact on some groups of people who share protected characteristics, were this not to be mitigated. As set out at paragraph 2.8, the council intends to interpret the APPG definition at all times in a way that is consistent with the right to freedom of expression (Article 10 of the Human Rights Act 1998 – see Human Rights implications below)

##### 5.2 Financial and Commercial Implications

- 5.2.1 There are no immediate financial implications of this proposal. Any financial implications associated with specific actions to tackle Islamophobia will be reported to the committee as part of the planned report on the Equality Framework and action plans in March 2024.

##### 5.3 Legal Implications

- 5.3.1 The Council has a duty (the Public Sector Equality Duty) under the Equality Act 2010 to, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation.
  - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.

- Foster good relations between people who share a relevant protected characteristic and those who do not.

5.3.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion and or belief, sex, and sexual orientation. Everyone has protected characteristics.

5.3.3 The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

5.3.4 In adopting the APPG definition, the Council is seeking to strengthen further its legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation against Muslims (or those perceived as being Muslim), and to advance equality of opportunity between people who share protected characteristics and those who do not.

5.3.5 The Public Sector Equality Duty does not apply in isolation. The Council must also consider its duties under the Human Rights Act 1998, set out in more detail below.

#### 5.4 Human Rights Implications

5.4.1 The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. It is unlawful for a public authority to act in a way that is incompatible with a Convention right.

5.4.2 The Human Rights Act specifies a number of rights that are engaged in consideration of the adoption of the APPG definition of Islamophobia. In particular:

- Article 9 – freedom of thought, belief and religion
  1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.
  2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public

safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

In adopting the APPG definition, the council is ensuring that the rights of Muslim people to practise their religions and beliefs is not put at risk. However, in so doing, the council is not taking any steps that might circumscribe the rights of others who hold different religious beliefs (or who do not hold any religious belief) to observe and practice those beliefs.

- Article 10 – freedom of expression
  1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
  2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The adoption of the APPG definition of Islamophobia by the council is not intended to, and will not be interpreted, in such a way as to conflict with the Article 10 rights of any person, beyond the existing legal restrictions (e.g. on hate speech) that are in place. In particular, it will not be interpreted in such a way as to have any impact on protected political free speech.

## 5.5 Climate Implications

5.5.1 There are no climate implications arising from this proposal

## **6. ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 Two alternative options were considered.
- 6.2 The first is for Sheffield City Council not to adopt the APPG definition of Islamophobia. This was dismissed as it would not support our commitment to become an anti-racist organisation and city, and would not be in line with our Council Plan and Equality Framework commitments.
- 6.3 The second option considered was for SCC to adopt a bespoke definition of Islamophobia or anti-Muslim hatred. This was dismissed because such

a definition would be widely known or understood and would mean that Sheffield was using a different definition than other places that have adopted the APPG definition.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1.1 In adopting the APPG definition, the council will be taking a first step in allowing it to identify how anti-Muslim hatred manifests itself and functions and therefore, devise meaningful strategies to tackle it. Furthermore, adopting the APPG definition of Islamophobia would signal to British Muslim communities that Sheffield City Council recognises the specific issues that they face, and reassure them that combatting Islamophobia and anti-Muslim hatred is a priority, in line with our recently adopted race equality commitments and draft equality goals.

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