

**Islamic Human Rights
Commission Briefing:**

**THE SHRINKING
POLITICAL SPACE FOR
CSOs IN THE UK**

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FOREWORD

For there to be effective political debate and actual functioning democracy, there needs to be effective and protected spaces to challenge political ideas and functions, and to hold the political class to account. An independent media is one facet of this, and civil society, its institutions, members, leaders and constituencies another. Both are under extreme stress in across England, Wales, Scotland and Northern Ireland. This briefing will discuss the impact on Muslim civil society of this stress, not just for Muslims but as an example of the serious deterioration of the current political culture, which must be urgently addressed. Whilst there are still sections of civil society attempting to fulfil their functions and potential, they are increasingly under attack and this bodes extremely ill for the future.

We are living in a moment described as an environment of hate against Muslims. This environment is the product of the cross fertilising and mutually reinforcing of anti-Muslim racism political, media and policy discourse. Attacks on Muslim civil society must be understood as part of this climate which is part of the deeper crisis of the political and social culture we live in.

This briefing outlines summarised concerns and is not exhaustive in its analysis or recommendations. We urge relevant political actors to engage with its contents in a serious fashion and work towards better outcomes as well as a long term transformation and opening up of political culture.

**Massoud Shadjareh,
Chair, IHRC**

The shrinking space for civil society organisations in Europe has been well documented and analysed.

In January 2018 the European Union's Fundamental Rights Agency published a report on "**Challenges facing civil society organisations working on human rights in the EU**".¹

Recognising that civil society organisations (CSOs) in the European Union (EU) play a crucial role in promoting fundamental rights, and so contribute to the functioning of democracies, the EU Fundamental Rights Agency cooperates and regularly consults with such organisations. They increasingly report that it has become harder for them to support the protection, promotion and fulfilment of human rights within the Union – due to both legal and practical restrictions.

The FRA report found CSOs facing difficulties in the following four areas:

Regulatory environment: (changes in) legislation that affect CSOs' work;

Finance and funding: hurdles to accessing, and ensuring the sustainability of, financial resources including long-term support and immaterial resources;

Right to participation: difficulties in accessing decision-makers and providing input into law- and policymaking;

Ensuring a safe space: attacks on, and harassment of, human rights defenders, including negative discourse aimed at delegitimising and stigmatising CSOs.

The report concluded: "These challenges make it difficult for CSOs to promote and support human rights and their implementation. Beyond the impact that this has on the organisations themselves and on human rights, it can also have wide-ranging negative consequences for the democratic functioning of our societies. It is therefore vital that policymakers understand the role of civil society and its importance, and publicly support and adequately finance civil society organisations – both those engaged in service provision and those engaged in watchdog activities and advocacy."

In the UK, nowhere has the impact of this shrinking space for effective CSO participation been more keenly felt than in the Muslim CSO sector.

For the best part of two decades, successive governments and those opposed to Muslim participation have forced to the margins authentic CSOs from the Muslim community that do not conform to preconceived official strategies or desired policy outcomes.

The effect of this has been to produce policies that are often counterproductive, discriminatory and which do not address the fundamental concerns, needs and aspirations of Britain's approximately three million Muslims, and which often ultimately impact other minoritised groups and on occasion the majority too.

¹ <https://fra.europa.eu/en/publication/2018/challenges-facing-civil-society-orgs-human-rights-eu>

CONSULTATION

One of the FRA's findings is particularly apposite for Muslim CSOs.

“Lack of clarity and transparency regarding who is consulted before decisions are made. CSOs also report that often there is no systematic consultation of all key players.”

It has become standard practice for recent governments to ignore genuine Muslim voices in consultations that directly relate to their communities. Instead officials have sought out deferential and conformist CSOs and CSO figures that serve as an echo chamber for government intentions.

The recent review of 'Shariah councils' is a case in point highlighting an instance where the government appointed panel failed to include any CSOs or individuals that could be said to be representative of the Muslim community.

Another example is the government's appointment in January 2018 of a deeply divisive counter-extremism campaigner, Sara Khan, to lead the Commission for Countering Extremism. Even the erstwhile Conservative chairwoman Sayeeda Warsi condemned it as “a deeply disturbing appointment”.

“For the commissioner to be effective the person had to be an independent thinker, both connected to and respected by a cross-section of British Muslims. Sara is sadly seen by many as simply a creation of and mouthpiece for the Home Office,” said Mrs Warsi.

Even where Muslim CSOs face no barriers to participation such as in public consultations they often find their expertise and views ignored. In January 2015 IHRC formally discontinued its long-standing policy of engaging in government anti-terrorism consultations after it became obvious that the government of the day had no intention of rolling back the draconian/ disproportionate legislation the state had imposed over the last two decades.

Although on occasion our submissions have helped to mitigate the severity of the curbs (our briefings on Section 7 of the Terrorism Act are a case in point) on balance the effect of groups like ourselves on the eventual outcome is too minimal to be worth the effort and our contributions lend themselves to be used by governments to claim legitimacy for their policies.

VIOLENCE AND SMEAR CAMPAIGNS

The FRA report identified acts of intimidation and violence by non-state actors and smear campaigns as one of the main challenges to ensuring a safe space for civil society. Human rights CSOs have been subjected to verbal attacks, such as online hate speech, threats, damage to their property, and even violent attacks.

CSOs like IHRC, MEND and Cage have been subjected to targeted vilification campaigns by sections of the media designed to discredit them and frustrate their work. As recently as 22 December 2018 the Daily Telegraph published an article criticising the EU's decision to fund IHRC for the research it carries out into Islamophobia and racism on the spurious grounds that it was anti-Semitic. In recent years the annual Al-Quds Day demonstration in London in support of Palestinians, which is jointly organised by IHRC, has also been subjected to a concerted demonisation effort by pro-Israel groups who have tried to get it banned, and failing that, joined forces with far-right individuals and organisations to intimidate and harass those taking part. This demonisation has been accompanied by increasingly aggressive pro-Israel and fascist groups confronting participants at the march each year. In 2017 Darren Osborne sought to attack the march by driving into it. Unable to get past a police cordon he instead killed and maimed worshippers in Finsbury Park returning from prayers at a local mosque.

What makes matters worse is that rather than supporting Muslim CSOs like IHRC who are the victims of racist intimidation and harassment, officials such as the Mayor of London have sided with the hatemongers in trying to have peaceful, lawful activity shut down on the basis that they do not share some of the political sentiments being expressed. This type of mutual reinforcement between media and political discourse exacerbates and directly contributes to vilification, delegitimisation and violence.

Accusations of entryism against Muslim CSOs or indeed any grouping of Muslims are becoming increasingly common. Despite the almost complete vindication of all involved in the so-called 'Trojan Horse' affair, the damage from this state sponsored witch-hunt against Muslim parents, governors and teachers continues. Unsupported and defamatory accusations against parents or parent groups concerned about school policies of being akin to 'Trojan Horse' continue to be reported. Those schools involved in the affair have seen complete changes of leadership teams accompanied almost always with a catastrophic decline in standards (it is worth noting that the leadership of the schools, now displaced had in large part transformed those schools academically). The accusations of entryism and extremism levied against those involved were for doing no more than other parent groups of other faiths and none had done and still do and are applauded for doing. Sir Tim Brighouse, former chief education officer of Birmingham and schools commissioner for London, described these actions as 'a very British tradition' (2014). Professor John Holmwood and Therese O'Toole describe the magnitude of the injustice of the Trojan Horse affair as on the same scale as that of the Hillsborough disaster (2018).

THE COUNTER-TERRORISM REGIME

With the rapid expansion of anti-terrorism legislation and policy, state actors have also found it expedient to hitch Muslim CSO participation to the degree to which they buy into the various initiatives.

Dr Fahid Qurashi notes in “The Prevent strategy and the UK ‘war on terror’: embedding infrastructures of surveillance in Muslim communities” (2018) that “Institutionalised relations between Muslim civil society organisations and various local authority organisations (whether it is the local police, counter-terrorism unit (CTU) or Prevent officers) have been cultivated in various ways. For Muslim organisations, access to new sources of funding was a major factor that informed their decision to engage with local authorities on the Prevent agenda. The funding from the Prevent stream provided a much needed income, and engaging with the Prevent agenda also raised the profile of an organisation.”

Making support for often struggling CSOs conditional on their support for government objectives undermines one of the fundamental purposes of CSOs which is to hold officials’ feet to the fire and convey the concerns of the communities/interests they represent. It also risks rendering any government output redundant by making consultations an echo chamber of the state.

Muslim and Muslim-led CSOs have also found their room to operate squeezed by the obsession with framing policy towards Muslims inside an anti-terror/extremism rubric.

If it wasn’t already wide enough, an expanded definition of extremism adopted by the government in the Counter Terrorism and Security Act 2015 pulled in opposition to so-called Fundamental British Values as a signifier of extremism. The Prevent strategy criminalised “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.” The definition homed in on the pre-crime space, and the non-violent sphere of vocal opposition to FBV, and non-violent views the government defines as extremist. These views are not defined by the police, government, or other state institutions, but it has been widely reported that Prevent training has included citing pro-Palestinian views, anti-fracking, anti-capitalist protestors and other civil rights movements as indicators. People who support justice for the Palestinians, people who opposed the Iraq war, those protesting refugee deportations, even people who protested against domestic policies on austerity have been arrested and often sentenced using these laws. Others have stopped expressing their legitimate views out of fear. Universities for example have banned speakers on the basis of their (non-violent) views, prohibiting discussion of political and social issues. The impact of the legislation has been to inhibit the expression of views that are perfectly legitimate but which may be perceived by the authorities as skirting too close to or falling foul of the new definition.

Multi-agency research involving IHRC and carried out on behalf of the EU (Counter Islamophobia Toolkit 2018) has cited state institutions such as the Charity Commission as being accused of promoting an Islamophobic agenda, in particular after a former Henry Jackson Society member became its chair in 2012. In particular the focus on Muslim charities under the new regime as possible incubators or supporters of ‘extremism’ (Belaon, 2014 for Claystone) has added to pre-existing charges from Muslim civil society that their charities were always under more intense scrutiny than similar charities from different faith and non-faith backgrounds (Kroessin, 2007).

In 2014 an investigation by the think-tank Claystone revealed that 38% of all disclosed investigations initiated between 1st January 2013 and 23rd April 2014 by the Charity Commission were against Muslim charities. The sheer scale of the revelations surprised even those who have suspected Charity Commission bias. Muslims comprise less than 5% of the total UK population so to be over-represented over seven-fold in investigation statistics revealed much about the operations of the statutory regulatory body governing UK charities. In recent years scores of Muslim charities have been subjected to a disproportionate number of inquiries by the Commission, some of them on more than one occasion, often after complaints from politically motivated groups such as the pro-Israeli Zionist lobby.

The injustice of this is compounded by the lack of action or limited action taken against avowedly Zionist organisations when found in breach of Charity Commission guidelines. A case in point involves the various complaints against the charity UK Toremnet (White, 2014 and IHRC, 2014). The charity was found to be sending funds to organisations in Israel operating in illegal settlements as well as some which fund avowedly racist personnel and or send military equipment to IDF soldiers.

GATEKEEPING

The operation of pro-Zionist groups and individuals as gatekeepers to Muslim CSO participation is a prominent feature of the UK's political architecture at the current time. CSOs that toe an Israel-friendly line routinely find themselves selected for participation while those who are avowedly anti-Zionist find themselves treated as outcasts. It cannot be right that the pro-Israel lobby determines which Muslims are or are not consulted by the government.

The furore in 2018 surrounding the Labour Party's adoption of a controversial definition of anti-Semitism highlighted a further shrinking of the political space available to CSOs. The International Holocaust Remembrance Alliance's definition with its eleven non-exhaustive examples has been foisted upon countries and institutions in what amounts to a cynical political campaign to render off-limits any criticism of Israel and its founding philosophy.

The aim of those who wish to equate anti-Zionism with anti-Semitism is simply to curtail opposition of any kind to Israel and its policies. Although the distinction between the two is self-evident and well documented some supporters of Israel would like CSOs and other critics to sign up to a collective act of intellectual self-censorship so that the uncomfortable facts remain unspoken and, by extension, unchallenged.

Bizarrely this targets many Jews and Jewish groups, who often work with Muslim CSOs in their pro-Palestinian activism and solidarity work and delegitimises equality and social justice movements everywhere.

CONCLUDING THOUGHT: DELEGITIMISATION

All of the above have contributed to the delegitimisation of some Muslim or Muslim led CSOs in particular but also Muslim civil society and wider aspects of civil society in general. Political actors and groups need to urgently consider the direction of travel and the precedents set by the above as they determine what type of society we have already become, but also indicate a future where political space and the possibilities for social transformation have shrunk enormously. At the same time, we are already looking at upsurges in street level violence as well as far-right mobilisation, and the shift in all respects of political discourse to nationalist and populist policies.

The direction of travel is more than worrying. Urgent action needs to be taken by political actors and parties.

In view of the above we make the following recommendations:

1. The government must protect the right to question the legitimacy of the State of Israel and not allow it to be subsumed under anti-Semitism definitions.
2. The government must abandon its current policy of favouring and accepting the views of only those CSOs which sing from its hymn sheet. Such an approach is counter-productive. Consultations should be broad based and policies/appointments made should carry the backing of the communities they impact.
3. Muslim charities must not be arbitrarily investigated or subjected to stricter surveillance than other charities. If charities' activities are restricted only to be later cleared, a full public apology must be issued to help restore their credibility alongside the offer of compensation.
4. Political parties need to robustly challenge the culture of cynical opportunism that has seen political figures, often in senior positions, cynically exploit anti-Muslim narratives to curry favour in an increasingly racist, Islamophobic and xenophobic environment. Legitimate and uncontroversial political opinions must not be allowed to become the subjects of vilification and even criminalisation simply because they are not supported by political parties or figures in power.
5. Effective mechanism both within political parties and governmental institutions that challenge defamatory and hate speech by political actors, institutions and the state need to be created and implemented.
6. As with (5) with regard to the media. There also needs to be a re-evaluation regarding the relationships between political parties, actors and certain media groups and journalists.
7. CSOs and civil society space needs to be removed from the securitised gaze.
8. Civil Society space must be widened and political parties and actors need to take a moral stance when CSOs – particularly those they may not agree with – are egregiously attacked and vilified.

