



The Right Honourable Dominic Grieve, KC
Chair,
Working Group on 'Islamophobia/Anti-Muslim Hatred'
Ministry for Housing, Communities and Local Government

Via Email to dgrieve@tgchambers.com

14th July 2025

Dear Mr Grieve,

We write as a group of peers from different parties, a number of whom attended the briefing you kindly held in Committee Room 1 at the House of Lords on Thursday 10th July, to express our concerns about your efforts to come up with a working definition of 'Islamophobia/Anti-Muslim Hatred'. Those of us who attended – and indeed those that were not able to – are grateful that you arranged the meeting. We hope to keep a channel of communication open.

Our principal concern is that if your Working Group comes up with a definition and it is taken up by the government it will have a chilling effect on free speech and exacerbate community tensions. We respectfully urge you to advise the government that it would be unwise for the state to adopt an official definition of 'Islamophobia/Anti-Muslim Hatred', an option you said your group was considering.

Here we summarise some of the points that were made at the meeting, as well as some additional points that colleagues who weren't there have passed on to us.

Working Group or Commission?

It was concerning that some of the Working Group members do not know whether it's a Working Group or a Commission, with one member describing herself as a member of the 'Working Group' and another a member of the 'Commission'. The phrase 'Working Group' suggests an informal group of experts, convened by a Secretary of State to advise her about a particular area of policy, whereas a 'Commission' sounds like an official group which has been tasked by the government with devising a particular policy. You seem to prefer the former, at one point saying your group was not an official government group, although you acknowledged it has a budget paid for by the Ministry of Housing, Communities and Local Government, including a secretariat. This uncertainty about the nature of your group reflects a broader confusion about the authority of the definition, assuming it is taken up. Will it be advisory, with the Civil Service, public bodies, taxpayer-funded organisations, etc having the option to take up or ignore? Or will it be an official definition, bearing the imprimatur of government approval, which various organs of the state will feel obliged to take up? You implied at the meeting it would be the former – something Lord Moynihan picked up on – but we suspect it will be the latter. For that reason, we would urge you to follow public law

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principles when consulting about the definition, make the conclusions of your group public, as per the Nolan Principles, and then put the definition to parliament where it can be properly scrutinised and debated before the government makes a decision about whether to formally adopt it.

A 'Non-Statutory' Definition

You have made it clear the definition will be 'non-statutory' – the cornerstone of your argument that it will not interfere with any legal protections of free speech. But the non-statutory nature of the definition does not mean it won't have a chilling effect, as several people at the meeting pointed out. You expressed the hope that the definition would be embedded in university speech codes and curb 'micro-aggressions' (a word which, as attendees pointed out, is largely discredited). This presumably would mean any member of a university that says or does something that falls foul of the definition would face potential penalties. The same would be true if your definition were to be embedded in speech codes by, say, different government departments, local authorities, HM Courts and Tribunals Service, police forces, NHS trusts, museums, galleries, universities, schools, etc, not to mention Ofcom, IPSO and other regulators. As Lord Young of Acton pointed out, the APPG on British Muslims' 2018 definition of 'Islamophobia' – which was also non-statutory – was taken up by the Labour Party, resulting in the suspension of Sir Trevor Phillips for 'Islamophobia' in 2020, and also by several local authorities, resulting in at least one councillor being put through a disciplinary process for 'Islamophobia'.

Consequently, the fact that your definition will be 'non-statutory' does not mean it will not have a chilling effect on free speech, particularly if it enjoys the stamp of government approval and various bodies and organisations feel obliged to embed it in their equity, diversity and inclusion policies, as well as workplace training courses.

If your group does intend to come up with a definition and urges the government to adopt it, we would urge you to think carefully about this potentially chilling effect and include in your advice the various ways in which it can be avoided – or, at least, kept to a minimum.

Advice should be made public

The impression you gave at the meeting is that because the Working Group is not an official government commission and because its job is simply to advise ministers, it is perfectly proper for that advice not to be made public. A similar argument was made a few weeks ago to justify not carrying out a full public consultation about the definition, but, instead, for your group to invite a hand-picked group of organisations to respond to the 'call for evidence'. You have now accepted that was a mistake and made the consultation public and extended the response deadline, for which we are grateful. But, surely, the same argument must be applied to making the advice public? The definition, if it is taken up, will have wide-ranging implications for what people in public life, and those who work for public bodies, or attend schools or universities, are able to say about Muslims and the religion of Islam, with –



inevitably – serious repercussions for those who fall foul of the definition, even if those repercussions fall short of criminal prosecution. Indeed, the Home Secretary has said she would like to see more ‘Non-Crime Hate Incidents’ (NCHIs) recorded against people guilty of ‘Islamophobia’ and, presumably, she will urge the police to operationalise your definition, once it’s been taken up by the government, as part of the NCHI regime.

For all of these reasons, we think you should make your advice public and both houses of Parliament should have an opportunity to debate it before the government makes a decision about whether to adopt it. (That’s assuming you do not advise the government that defining ‘Islamophobia/Anti-Muslim Hatred’ is unwise.) We do not think it would be right for the definition to avoid parliamentary scrutiny, given how consequential it will be.

Why define ‘Islamophobia/Anti-Muslim Hatred’?

What is the point of defining ‘Islamophobia/Anti-Muslim Hatred’? When that question was posed during the briefing, you and several other people in the room cited the increasing number of incidents of Islamophobia/Anti-Muslim Hatred, although if you have not yet defined it that begs the question of what metric you’re basing that claim on. But, as Baroness Fox pointed out, the rollout of the International Holocaust Remembrance Alliance’s (IHRA) definition of ‘Anti-Semitism’ has not done anything to stop the steep rise in anti-Semitic hate incidents since 7th October 2023, so it isn’t clear why rolling out a definition of ‘Islamophobia/Anti-Muslim Hatred’ would reduce the number of comparable incidents involving Muslims. The lesson from the rise in anti-Semitism over the last 20 months is that embedding an official, government-approved definition of a particular form of racial or religious hatred in civic speech codes – and threatening people with penalties if they breach those codes – is a wholly inadequate way of tackling hatred and discrimination. Indeed, there is a risk that if the government takes up your group’s definition it will feel it has done something to address the problem when in fact it has not, and neglect other, more effective ways of tackling it.

There was a further claim, made by you and others, that Muslims are particularly vulnerable to hatred, discrimination and harassment, but as Baroness Falkner and Baroness Cash pointed out, if this is so there are already laws on the statute books that protect Muslims and other racial and religious groups from hatred and discrimination, such as the sections of the Public Order Act 1986 that criminalise stirring up racial and religious hatred, the Crime and Disorder Act 1998, and the Equality Act 2010. Given this extensive framework of legal protections, it is not clear to us what lacuna an official definition of ‘Islamophobia/Anti-Muslim Hatred’ would fill.

The IHRA definition of ‘Anti-Semitism’

Another argument made by Baroness Warsi and Naz Shah MP is that it is unfair that the last government should have embraced the IHRA definition of ‘Anti-Semitism’ but for there to be no definition of ‘Islamophobia/Anti-Muslim Hatred’ with the equivalent authority. However,



the same argument could equally be made about the absence of a definition of Anti-Christian, Anti-Hindu, Anti-Sikh or Anti-Buddhist hatred. If it is indeed unfair for Jews to enjoy special protection, that is not an argument for extending similar protections to just one religious or racial group, but to all of them. Alternatively, it could be an argument for removing the stamp of official approval from the IHRA definition of 'Anti-Semitism'. But it is not an argument for just defining 'Islamophobia/Anti-Muslim Hatred'.

Social Cohesion

Another argument you made was that promulgating a definition through official channels would promote social cohesion. But as several peers pointed out, seeking special protections just for Muslims (alongside Jews) and neglecting hatred directed at other racial and religious minorities would exacerbate community tensions in cities like Leicester, which has already seen outbreaks of civil disorder between Hindus and Muslims.

The composition of the Working Group

Several peers expressed concern about the fact that, with the exception of yourself, every member of the Working Group is a Muslim or of Muslim heritage. If you are genuinely concerned about the potential of the definition to have a chilling effect on free speech, why not include members of free speech advocacy organisations in your group, as well as representatives of the world's other major religions? The monocultural character of your group suggests that whatever definition it comes up with will likely include legitimate criticisms – as well as accurate observations – of the religion of Islam, such as the historical fact that it has, on occasion, been imposed on subjugated populations by force. (Alluding to that historical fact was deemed to be 'Islamophobic' by the APPG on British Muslims.) Lord Strathcarron pointed out that defining 'Islamophobia/Anti-Muslim Hatred' and urging universities to prohibit it will inevitably inhibit legitimate academic research about Islam.

We understand that you did not select the Working Group yourself, but we strongly recommend that as Chair you suggest to the government that it broaden its composition to make it more credible.

Grooming Gangs

As Baroness Nicholson and Lord Young pointed out, one of the conclusions of Baroness Casey's National Audit on Group-based Child Sexual Exploitation and Abuse is that the reason MPs, councillors, council employees, police officers and journalists, among others, failed to raise the alarm about the grooming gangs was their fear of being branded 'Islamophobic'. Indeed, those MPs, peers and journalists who did raise the alarm often found themselves being smeared by groups purporting to represent British Muslims as 'Islamophobes'. Sarah Champion, the Labour MP who exposed the grooming gangs in Rotherham, was shortlisted by the Islamic Human Rights Commission for 'Islamophobe of the Year', as was Baroness Casey. The website *Islamophobia Watch* targeted the Labour MP



Anne Cryer, as well as the feminist journalist and campaigner Julie Bindel, for their work exposing the grooming gangs.

In light of these concerns, it was suggested by several peers that your group should wait until the national public inquiry into the grooming gangs has published its findings before advising ministers on a definition of 'Islamophobia/Anti-Muslim Hatred' since you would then have a better understanding of how your definition could have a chilling effect on free speech, just as the APPG's definition has. You dismissed this suggestion at the briefing, but we urge you to take it seriously.

Conflating 'Islamophobia' and 'Anti-Muslim Hatred'

A point made by Lord Moylan at the briefing was that the name of your group treats 'Islamophobia' and 'Anti-Muslim Hatred' as interchangeable, when in fact they are distinct. The general feeling in the room was that the harassment and discrimination faced by British Muslims is a cause of genuine concern – although the term 'Anti-Muslim Hatred' may not be the best way of describing this – but the term 'Islamophobia' is unhelpful because it implies that all criticism of the religion of Islam is motivated by fear and prejudice – for example, criticising the presence of Sharia Law courts in the UK.

If you are determined to press ahead with a definition and advise the government to take it up, we would urge you to discard the term 'Islamophobia'. That would be particularly sensible, given that you said at the briefing you did not want the definition you land on to inhibit criticism of the religion of Islam.

Conflating 'Anti-Muslim Hatred' with Racism

Another unhelpful muddying of the waters, as pointed out by Baroness Nicholson and others, is to suggest that Islamophobia/Anti-Muslim Hatred is a form of racism, as was claimed by the APPG on British Muslims in the preamble to its definition of 'Islamophobia'. The House of Lords concluded in *Mandla v Dowell-Lee* (1982) that it makes sense to regard Jews and Sikhs as races, but that Muslims cannot be called a race, not least because, unlike most Jews and Sikhs, they do not share a common biological ancestry. Therefore, Islamophobia/Anti-Muslim Hatred is not a form of racism.

In addition, a core part of the doctrine of Islam – the principle of *fitra* – is that every human being is born a Muslim – hence the BBC's description of white Britons who convert to Islam as 'reverts'. This forms part of the British legal rationale for not prosecuting people suspected of stirring up *Anti-Muslim Hatred* with stirring up *racial* hatred, whereas people suspected of stirring up *Anti-Semitic Hatred* or *Anti-Sikh Hatred* can be.

Muslim Victims of 'Anti-Muslim Hatred'



A related point is that some of the groups most vulnerable to Anti-Muslim Hatred are Muslim sects, like the Ahmadiyya, with the hatred directed at them mainly coming from Sunni Muslims. Some, such as adherents of Critical Race Theory, assert that it is not possible for non-white people to be guilty of racism. If you are determined to press ahead with defining 'Islamophobia/Anti-Muslim Hatred' we would urge you to avoid this double-standard and ensure it encompasses hatred directed at Muslims by other Muslims.

Is raising concerns about a definition of 'Islamophobia/Anti-Muslim Hatred' itself an example of 'Islamophobia' or 'Anti-Muslim Hatred'?

Towards the end of the briefing, several Muslim peers, as well as Naz Shah MP, said how uncomfortable they were with some of the points that had been raised at the meeting and, in particular, the 'tone' in which they were made. The peers these remarks were directed at felt it was an example of how any definition of 'Islamophobia/Anti-Muslim Hatred' is vulnerable to being weaponised by Muslims seeking to protect their communities and their religion from legitimate criticism. It also illustrates how a public conversation about defining 'Islamophobia/Anti-Muslim Hatred' can be divisive, pitting people against each other, and should serve as a warning about the likely effect on society at large of arriving at a definition and then rolling it out.

Conclusion

We believe any attempt to define 'Islamophobia/Anti-Muslim Hatred' and then give it the imprimatur of official approval is misguided because it will have a chilling effect on free speech and exacerbate community tensions. However, if you are determined to press ahead we would urge you to:

- Broaden the Working Group and make it more credible
- Postpone reaching a conclusion until after the public inquiry into the grooming gangs has concluded
- Drop the word 'Islamophobia' from your definition
- Make the definition public so it can be debated in Parliament before the government makes a decision about whether to take it up.

Yours sincerely,

Lord Moynihan of Chelsea

Baroness Fox of Buckley

Lord Young of Acton

Lord Mackinlay of Richborough

Lord Moylan



Baroness Fleet
Baroness Meyer
Lord Frost
Baroness Foster of Oxton
Baroness Cash
Baroness Finn
Baroness Buscombe
Baroness Deech
Baroness Noakes
Baroness Lea
Lord Jackson of Peterborough
Lord Brady
The Earl of Leicester
Lord Trevethin and Oaksey
Lord Biggar
Baroness Bray
Baroness Jenkin
Baroness Stedman Scott
Lord Elliott of Mickle Fell
Lord Lister
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Lord Roberts of Belgravia
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