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The EHRC, the Labour Party and antisemitism

By Frank Cranmer

Law & Religion UK (28.05.2019) - <https://bit.ly/2IxjGrx> - The Equality and Human Rights Commission has announced a formal investigation to determine whether the Labour Party “has unlawfully discriminated against, harassed or victimised people because they are Jewish”:

“We are pleased that The Labour Party has committed to co-operate fully with this investigation. We contacted Labour after receiving a number of complaints about allegations of antisemitism in the Party. We have carefully considered the response we received from the Party and have now opened a formal investigation under section 20 of the Equality Act 2006 to further examine the concerns.”

The full terms of reference of the investigation are as follows:

“Background

1. The Commission suspects that The Labour Party (‘the Party’) may have itself, and/or through its employees and/or agents, committed unlawful acts in relation to its members and/or applicants for membership and/or associates.

Scope of investigation

2. The investigation will consider whether the Party carried out such unlawful acts.

3. The investigation will need to be effective but proportionate. The investigation will focus on the Party’s response to a sample of complaints of alleged unlawful acts that have taken place since 11 March 2016. However, the investigation may consider the Party’s response to such complaints that have taken place prior to this date, if it is considered necessary and appropriate.

4. In examining the evidence the Commission will look at such issues as it considers appropriate, which may include any or all of the following:

a. Whether unlawful acts have been committed by the Party and/or its employees and/or its agents;

b. The steps taken by the Party to implement the recommendations made in the reports on antisemitism by Baroness Royall, the Home Affairs Select Committee and in the Chakrabarti Report;

c. Whether the Rule Book and the Party's investigatory and disciplinary processes have enabled or could enable it to deal efficiently and effectively with complaints of race and/or religion or belief discrimination and racial harassment and/or victimisation, including whether appropriate sanctions have been and/or could be applied; and

d. Whether the Party has responded to complaints of unlawful acts in a lawful, efficient and effective manner.

5. The Commission will publish a report of its findings and may make recommendations in accordance with Schedule 2 paragraph 16 of the 2006 Act."

Further:

"8. In the course of the investigation, the Commission may have regard to the International Holocaust Remembrance Alliance's working definition of antisemitism and associated examples, while recognising it is a non-legally binding definition."

Home Office asks clergy for asylum help

By Rebecca Paveley

Church Times (17.05.2019) - <https://bit.ly/2JQu3Jb> - Clergy have been drafted in to teach religious literacy to [Home Office](#) case workers tasked with deciding on asylum claims that involve religious conversion and persecution.

The new training for hundreds of case workers began last month. In March, it emerged that an unnamed Iranian Christian convert's asylum application had been rejected on the basis that his or her claim to have converted from Islam to Christianity because it was a "peaceful" faith was "inconsistent" with passages of the Bible ([News, 22 March](#)). The decision was criticised for exhibiting a superficial understanding of biblical texts.

The training has been a year in development, and is in response to an earlier report from the All Party Parliamentary Group for International [Freedom of Religion](#) or Belief, which said that caseworkers were routinely making poor decisions. The training was developed with the support of Church House, Westminster, and the involvement of other faith groups.

The Revd Mark Miller, Vicar of Stockton, has advised the Home Office on the training and attended the first session for case workers in April.

He said: "Home Office case-workers have a really difficult job. But there have been a number of bad decisions over the years, highlighted as far back as 2004 by an Evangelical Alliance report, *All Together for Asylum Justice*."

He said that case-workers were allowed to ask questions testing basic religious knowledge, but in a culture of low religious literacy, determinations of what is "basic"

knowledge were usually wildly inaccurate, and resulted in "Bible trivia"-type questioning that tested "head knowledge" but not the depth of someone's faith.

He said: "I have been involved in training to share some of my experiences of working with Christian conversion, and how to go about assessing whether someone is genuine. In the session, I asked staff what they thought was basic knowledge, but most of what they suggested back to me wasn't basic knowledge, it was 'Name the Ten Commandments', rather than the significance of a faith in Jesus."

In Mr Miller's parish, Stockton-on-Tees, is a principal dispersal centre for those seeking asylum, and over the past five years, he has baptised 250 adults, many of whom are Christian converts who have claimed or are claiming asylum. The area has a large Iranian population, and the church translates the Sunday morning service into Farsi through wireless headsets, and, every fortnight, holds a Farsi worship service.

Mr Miller has been involved in 40 court cases appealing an asylum decision on the basis of conversion, almost all involving Iranian Christians, and said that all but one of the decisions refusing asylum had been overturned on appeal.

The national refugee welcome coordinator for the Church of England, Nadine Daniel, said that the training put an emphasis on empathetic listening, allowing people to tell their story.

She said: "The training is a good step forward, but it needs to be repeated frequently, as there is a high attrition rate among Home Office case-workers. It also needs to be properly funded, and the training updated regularly, as the situation in countries can change and deteriorate rapidly."

A Home Office spokesperson said: "The UK has a proud history of granting asylum to those who need our protection. We are committed to improving the quality and accuracy of decision-making to ensure we get decisions right the first time.

"The Home Office is working closely with members of the APPG for International Freedom of Religion or Belief, as well as representatives from a range of faith groups, to provide specialist mandatory training. The aim of this is to ensure decision-makers appropriately consider all the available evidence where religion or belief is raised in an asylum claim."

Pakistani humanist finally granted asylum in UK

Politics.co.uk (16.05.2019) - <https://bit.ly/2VSt81T> - A Pakistani humanist who received death threats from his family after renouncing Islam, and whose original asylum claim was rejected by the Home Office because he didn't identify Plato and Aristotle as humanists, has been granted asylum in the UK.

Humanists UK member Hamza bin Walayat applied for asylum on the grounds that he would face persecution if he was forced to return to Pakistan. Non-religious people, including humanists, face severe persecution there, where blasphemy is punishable by death.

Humanists UK delivered a petition with more than 12,500 signatures to the Home Secretary Amber Rudd last year and co-organised a joint letter signed by more than 150 philosophers in support of Hamza after the Home Office denied his asylum case. The Home Office's decision found Hamza was not 'genuine' because he failed to recognise historic ancient philosophers including Plato and Aristotle as humanists, even though as Humanists UK pointed out, both philosophers were, in fact, religious.

This deeply flawed understanding of humanism in the Home Office's assessment of asylum seekers led to Humanists UK calling for the Home Office to educate officials about humanism. The intervention from Humanists UK prompted the introduction of compulsory training on humanist asylum claims for all relevant Home Office staff which is expected to roll out very soon.

Humanists UK also intervened directly in support of Hamza's case, including providing evidence on the persecution and violence faced by humanists in Pakistan and the philosophical variations on the understanding of humanism.

While waiting on his asylum decision, Hamza completed his non-religious pastoral care training with Humanists UK and hopes to volunteer within the NHS.

Hamza bin Walayat said: 'I am delighted that my application for asylum has finally been granted after years of living with uncertainty and constant stress. I have believed in humanist values since I was a child but as I grew up I realised how dangerous it was to share those views in a place like Pakistan.'

'I am extremely grateful for all the support I received from Humanists UK and their supporters who fought hard for me along with the work of my lawyers. I have also been amazed by the wider changes to asylum assessment that my case has brought about. I'm now looking forward to feeling more settled and getting on with my life.'

Humanists UK Chief Executive Andrew Copson said: 'Humanists and non-religious people are some of the most viciously persecuted people in the world. Not believing in religion in a country like Pakistan is often a death sentence. Hamza's original assessment was fundamentally flawed in its understanding of humanism and we are overjoyed that common sense has prevailed and it has been overturned.'

'We can breathe a sigh of relief for Hamza, but we remain seriously concerned that other genuine non-religious claimants will have their lives jeopardised if their claims are not taken seriously by the Home Office. We will continue working hard to ensure compulsory training on humanist asylum claims is delivered to Home Office staff in the very near future.'

Jamie Bell of Duncan Lewis Solicitors, who represented Hamza in his claim for asylum, said: 'We are delighted that our client Hamza Bin Walayat has finally been granted refugee status. Hamza is a passionate and committed humanist activist who would be persecuted for his beliefs if he was returned. After having his heartfelt beliefs questioned by an asylum system that couldn't comprehend him, the humanist community rallied around him. We are grateful for all of the support from them that led to this fantastic result.'

Notes:

For further comment or information, please contact Humanists UK press manager Casey-Ann Seaniger at casey@humanism.org.uk or phone 020 7324 3078 or 07393 344293.

Hamza's application for asylum was initially rejected by the Home Office in late 2017, leading to publicity around the reasoning in early 2018. He appealed the decision to the First Tier Immigration Tribunal but the decision was not overturned. He then put in a fresh application for asylum which has now been granted.

Humanists UK campaigns against blasphemy and apostasy laws around the world. It also supports UK-based apostates who have left their high-controlled religions through its Faith to Faithless programme, and has for the past year been working with the Home Office on its new training on freedom of religion or belief for all asylum assessors.

Read more about Hamza's case: <https://humanism.org.uk/2018/01/17/home-office-tells-humanist-hell-be-deported-for-not-identifying-plato-or-aristotle/>

The Home Office, asylum and religious conversion

Home Office cites Bible to deny asylum

By Kaya Burgess

The Times (22.03.2019) - <https://bit.ly/2GnTDBV> - The Home Office refused asylum to an Iranian who converted from Islam to Christianity because, it said, Christianity was not a peaceful religion.

Immigration officials wrote to the man, who had converted to Christianity on the ground that it was a peaceful religion, citing violent passages from the Bible to support their claim. They said that the Book of Revelation was "filled with imagery of revenge, destruction, death and violence".

The Church of England condemned the "lack of religious literacy" after the man said that he now faced persecution in Iran for his faith. Church officials called for a "serious overhaul" of Home Office policies.

The letter cited a passage from Leviticus in the Old Testament, which says: "You will pursue your enemies and they will fall by the sword before you." It also referenced chapter ten of Matthew's gospel, in which Jesus says: "I came not to send peace, but a sword."

It said: "These examples are inconsistent with your claim that you converted to Christianity after discovering it is a 'peaceful' religion, as opposed to Islam which contains violence, rage and revenge."

Nathan Stevens, an immigration caseworker who is also a Christian and is helping the unnamed asylum seeker with his appeal, shared the letter and said he was shocked by "this unbelievably offensive diatribe being used to justify a refusal of asylum".

"Whatever your views on faith," he said, "how can a government official arbitrarily pick bits out of a holy book and then use them to trash someone's heartfelt reason for coming to a personal decision to follow another faith?"

The Bishop of Durham, the Right Rev Paul Butler, said in a statement shared on Twitter by the Archbishop of Canterbury: "I am extremely concerned that a government department could determine the future of another human being based on such a profound misunderstanding of the texts and practices of faith communities. To use extracts from the Book of Revelation to argue that Christianity is a violent religion is like arguing that a government report on the impact of climate change is advocating drought and flooding."

A spokesman for the Home Office, which could not confirm whether the official who sent the letter had been reprimanded, said: "This letter is not in accordance with our policy approach to claims based on religious persecution, including conversions to a particular faith."

"We continue to work closely with key partners . . . to improve our policy guidance and training provided to asylum decision-makers so that we approach claims involving religious conversion in the appropriate way."

The bishop said: "The fact that these comments were made at all suggests the problem goes deeper than a lack of religious literacy among individual civil servants and indicates that the management structures and ethos of the Home Office, when dealing with cases with a religious dimension, need serious overhaul."

Stephen Evans of the National Secular Society said that asylum decisions should be based on facts, adding: "It's not the role of the Home Office to play theologian."

Campaigners have complained of a "culture of disbelief" among officials dealing with asylum claims based on religious conversion.

A 2016 report from the all-party parliamentary group for international freedom of religion or belief said that Christian asylum seekers and converts were being asked "Bible trivia" questions. It warned that questions from crib sheets were a "very poor way of assessing a conversion asylum claim" and could result in wrong decisions and expensive appeals.

A report published yesterday by the Commons home affairs committee accused the Home Office of showing a "shockingly cavalier" attitude towards immigration detention, including a lack of sufficient judicial safeguards and failings when dealing with individual cases.

A spokeswoman for the Home Office said: "Detention is an important part of our immigration system — but it must be fair, humane and used only when absolutely necessary." She added that most people detained were held only for "short periods" and that such people could not by law be held indefinitely.

Church of England response to Home Office letter regarding Iranian asylum seeker

21/03/2019

Speaking in response to the publication of an excerpt from a Home Office 'reasons for refusal' letter sent to a Christian convert who had applied for asylum The Bishop of Durham, Paul Butler said:

"I am extremely concerned that a Government department could determine the future of another human being based on such a profound misunderstanding of the texts and practices of faith communities. To use extracts from the Book of Revelation to argue that Christianity is a violent religion is like arguing that a Government report on the impact of Climate Change is advocating drought and flooding.

"It is good that the Home Office has recognised that this decision is inconsistent with its policies and that its staff need better training. But the fact that these comments were made at all suggests that the problem goes deeper than a lack of religious literacy among individual civil servants and indicates that the management structures and ethos of the Home Office, when dealing with cases with a religious dimension, need serious overhaul.

"I look forward to hearing what changes in training and practice follow from this worrying example.

"The Church of England has regularly raised the issue of the religious literacy of staff at all levels within the Home Office. This fresh case shows just how radically the Home Office needs to change in its understanding of all religious beliefs."

The Bishop of Durham leads for the Bishops in the House of Lords on matters relating to immigration, asylum and refugees.

Comment from His Eminence Archbishop Angaelos, Coptic Orthodox Archbishop of London

21 March 2019

It is with great concern that I read reports from various sources yesterday regarding a letter from the Home Office rejecting an Iranian asylum seeker, and convert to Christianity, based on, at best a complete and utter misunderstanding and misrepresentation of Christian Scripture, and at worst an intentional manipulation of the text to justify the rejection of this vulnerable individual.

Home Office process and procedure on asylum issues, especially pertaining to religious converts, has been a source of ongoing conversation with the Home Office for a number of years. Through our Asylum Advocacy Group, which I founded and convene, we are working with the Home Office on a training programme due to be implemented within the coming months for case workers which takes into account incidents such as these, and many more like it.

This particular incident needs thorough investigation because while it has been accepted by a spokesperson from the Home Office as 'not in accordance with our policy', it must be determined whether this is merely out of misunderstanding or a proactive attempt to adversely affect the application of someone whose life may very literally be at risk. It must also be ascertained as to whether religious discrimination is at work, as there is no place for partiality within a Government that seeks to promote equality, and abides by Article 18 of the Declaration of Human Rights among other agreements.

We have been told on numerous occasions that the Home Office is not even in a position to ask whether an employee, case worker or contractor has any religious affiliation at all. Taking this into consideration, it now is astounding that such brash comments about a person's religious belief can be made by an employee or contractor of that same institution.

Since yesterday, other examples have also arisen of similar malpractices when it comes to misrepresenting Scripture and rejecting asylum claims on those grounds, and so I do hope that these are also looked at in their entirety, and not a single case in isolation.

I look forward to our ongoing work with the Home Office as I commend the faithful and professional practice of the vast majority of Home Office staff and contractors.

Finally we must realise the extent of these actions, and that they have a bearing on people of faith who are potentially vulnerable in their state of origin, and vulnerable here in Britain as asylum seekers, and for this we must take great care to ensure that such violations do not go undetected or untreated.

Catholic News Agency (25.03.2019) - The British Home Office has agreed to reconsider the asylum claim of an Iranian Christian, after it was shown on Twitter that the department had denied the application on the grounds that Christianity is not a peaceful religion.

"The Home Office have agreed to withdraw their refusal and to reconsider our client's asylum application, offering us a chance to submit further representations. A good start, but more change is needed", the Iranian's caseworker, Nathan Stevens, tweeted March 22.

Stevens added that he hopes "there will be real change though as it isn't all about this one case; there's a much wider problem to be addressed here."

The immigration caseworker had tweeted photos March 19 of the Home Office's letter explaining its reason for refusing the convert's asylum claim, commenting: "I've seen a lot over the years, but even I was genuinely shocked to read this unbelievably offensive diatribe being used to justify a refusal of asylum."

The asylum seeker had noted in his 2016 application that among his reasons for converting was that Christianity talks of "peace, forgiveness and kindness" while "in Islam there is violence rage and revenge."

The refusal letter cited biblical passages, from Leviticus, Matthew, Exodus, and Revelation, which it said contradicted the asylum seeker's claims: "These examples are inconsistent with your claim that you converted to Christianity after discovering it is a 'peaceful' religion," the denial letter stated.

Stevens said: "Whatever your views on faith, how can a government official arbitrarily pick bits out of a holy book and then use them to trash someone's heartfelt reason for coming to a personal decision to follow another faith?"

The Home Office, the British government department responsible for immigration, drugs policy, crime, fire, counter-terrorism, and policing, has said that the refusal letter is "not in accordance with our policy approach to claims based on religious persecution," the Catholic Herald reported. It added that "we continue to work closely with key partners ... to improve our policy guidance and training provided to asylum decision-makers."

Sarah Teather, director of Jesuit Refugee Service UK, said March 21 that the refusal letter "is a particularly outrageous example of the reckless and facetious approach of the Home Office to determining life and death asylum cases – they appear willing to distort any aspect of reality in order to turn down a claim."

"This case demonstrates the shocking illiteracy of Christianity within the Home Office ... Here at JRS, we routinely encounter cases where asylum has been refused on spurious grounds."

She added that "as this instance gains public attention, we need to remember it reflects a systematic problem and a deeper mindset of disbelief within the Home Office, and is not just an anomaly that can be explained away."

Stephen Evans, CEO of the National Secular Society, commented on Twitter that it was "totally inappropriate" for the Home Office "to play theologian." He added that "Decisions on the merits of an asylum appeal should be based on an assessment of the facts at hand – and not on the state's interpretation of any given religion."

Paul Butler, the Anglican Bishop of Durham, expressed "extreme concern" that the Home Office "could determine the future of another human being based on such a profound misunderstanding of the texts and practices of faith communities ... that these comments were made at all suggests that the problem goes deeper than a lack of religious literacy among individual civil servants and indicates that the management structures and ethos

of the Home Office, when dealing with cases with a religious dimension, need serious overhaul.”

Stevens has also noted that the refusal letter was part of a larger problem. He quoted in a March 20 tweet from another refusal that stated: “You affirmed in your AIR that Jesus is your saviour, but then claimed that He would not be able to save you from the Iranian regime. It is therefore considered that you have no conviction in your faith and your belief in Jesus is half-hearted.”

Shia Islam is the state religion of Iran, though several religious minorities are recognized and granted freedom of worship. However, conversion from Islam is strictly prohibited.

Open Doors UK said that 114 Christians were arrested in Iran in December 2018. Many of them were reportedly converts from Islam.

The US Commission on International Religious Freedom wrote in its 2018 report that “in the past year, religious freedom in Iran continued to deteriorate ... with the government targeting Baha’is and Christian converts in particular.” It said that “Christian converts and house church leaders faced increasingly harsh sentencing: many were sentenced to at least 10 years in prison for their religious activities.”

Is Holocaust denial a crime in England and Wales? No – but see R v Chabloz

By Frank Cranmer

Law and Religion (15.02.2019) - <https://bit.ly/2T5OKFQ> - Alison Chabloz is a self-confessed Holocaust denier. She was convicted in 2018 at Westminster Magistrates’ Court of three offences contrary to section 127(1) of the Communications Act 2003, which provides that:

“A person is guilty of an offence if he—

(a) sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or

(b) causes any such message or matter to be so sent.”

Two of the offences related to a video of her singing two songs, (((Survivors))) and Nemo’s Anti-Semitic Universe, to an audience in a central London hotel in September 2016. A video of her performance was subsequently uploaded to YouTube and, though she had not uploaded it herself, she embedded a hyperlink to the YouTube video in her blog. The third related to a video of her singing a song entitled I like the story as it is – SATIRE which she uploaded herself to YouTube in September 2017. The argument on appeal was whether or not the three songs were “grossly offensive” [2].

On appeal, in R v Alison Chabloz [2019] Southwark Crown Court 13 February, the prosecution argued that the lyrics of each song were no more than a collection of anti-Semitic tropes or motifs, with a particular emphasis on Holocaust denial. Furthermore, two of the songs were in whole or part set to the tunes of well-known Hebrew songs – which, the prosecution alleged, was a deliberate attempt to make them even more insulting. In those circumstances, each song was “grossly offensive” [8]. Ms Chabloz accepted that all three songs were offensive but denied that any of them was “grossly

offensive”, describing them as “silly songs”, “parody” and “satire”. She also asserted that the proceedings were an affront to her freedom of speech. On her own admission, she was an adherent of what she described as a revisionist view of history in relation to the Holocaust [9].

The Court (HHJ Hehir and Ms M Rego) said that, whether or not material was “grossly offensive” for the purposes of section 127(1) was an objective question of fact: DPP v Collins [2006] UKHL 40. In short, would reasonable persons find the material grossly offensive? [10]. There was also a mental element: “the appellant is not guilty unless we are also sure either that she intended it to be grossly offensive to Jews, or at the very least was aware that it might be perceived as being grossly offensive to them” [11]. On the matter of free speech, the right under Article 10 ECHR was not unqualified: preventing the use of a public electronic communications network for attacking the reputation and rights of others was legitimate objective [12] and the ECtHR was clear that Article 17 ECHR removed from the protection of Article 10 “speech or other expression which is contrary to the fundamental Convention values of tolerance, social peace and non-discrimination: see M’Bala M’Bala v France [No.25239/13] and Norwood v UK(2004) 40 EHRR SE 11” [13].

Though there was “no crime of Holocaust denial in this jurisdiction” [14],

“no tribunal of fact is required to proceed on the basis of absurdity or fiction. The Holocaust ... happened. World War II is surely the best documented and most extensively studied period of modern history, and the Holocaust is one of the best-documented aspects of that conflict, if not the best. A mass of evidence, of various kinds, attests to it. Moreover the Holocaust has been the subject of extensive judicial enquiry, from the Nuremberg Trials onwards, in a number of jurisdictions” [15].

The judgment at first instance of Gray J in David Irving’s libel action against Penguin Books Ltd – quoted by the Court of Appeal in Irving v Penguin Books Ltd & Anor [2001] EWCA Civ 1197 at [33] – was particularly pertinent: Gray J had concluded that “no objective, fair-minded historian would have serious cause to doubt that there were gas chambers at Auschwitz and that they were operated on a substantial scale to kill hundreds of thousands of Jews” [16]. That conclusion, together with the enactment by the Westminster Parliament of the War Crimes Act 1997, was sufficient to allow the Court to take judicial notice of the fact that the Holocaust had indeed occurred [17 & 18].

As to the findings of fact, the Court held that all three songs were “grossly offensive” [24, 25 & 26]. As to the issue of mens rea, the Court was sure that Ms Chabloz positively intended each of the songs to be grossly offensive to Jews [27]. Furthermore:

“... although part of her intended audience on YouTube was persons sharing her own warped outlook, she embedded the hyperlink [Charges 1 and 2] and uploaded the video [Charge 3] in the hope that those who saw and heard the songs would include Jewish people who would be grossly offended by them” [27].

Appeal dismissed [28].

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