

SUBMISSION FROM SCOTLAND AGAINST CRIMINALISING COMMUNITIES **(SACC)**

Scotland Against Criminalising Communities (SACC)

Written submission from SACC to EHRiC for its Inquiry into Bullying and Harassment of Children and Young People in Schools

Introduction

SACC was founded in 2003 to campaign against human rights abuses carried out in the name of the “war on terror”, with a particular focus on unjust anti-terrorism legislation and other related legislation, and on monitoring any discriminatory effect it has on minority communities. Muslims have overwhelmingly been the target of this legislation, so we have a special interest in Islamophobia manifested through, or directly or indirectly triggered by, this legislation.

The passage of time has consolidated the climate of Islamophobia and racism created by the “war on terror”. Other political developments, including Brexit, have tended to reinforce that climate. This has led to our increasing engagement with Islamophobia as a wider social and political issue, whether or not it is straightforwardly related to legislation.

SACC and the Islamic Human Rights Commission (IHRC) have jointly organised successful UK Islamophobia conferences each December since 2014. The 2014 conference was held in London. The 2015 and 2016 conferences were split between London and Edinburgh.

We also have a strong interest in tackling other forms of racism besides Islamophobia.

In October and November 2016 Samena Dean, as a personal initiative, carried out a survey into experiences of Islamophobia at school amongst Muslim children in Edinburgh. SACC subsequently assisted her in taking this work forward. Following a series of in-depth discussions of her findings, this culminated in our publication of an 18-page booklet, *Islamophobia in Edinburgh Schools*, on 2 June 2017. While the work remains the intellectual property of Samena Dean, it is supported and endorsed by SACC. The result is that we now have data to illuminate an issue that we have long been aware of and concerned about.

We believe that *Islamophobia in Edinburgh Schools* provides important new data in an area where data is scarce and bears strongly upon the first two of questions posed in the scoping session of this inquiry, namely:

1. The nature and extent of prejudice and bullying in schools
2. How schools respond to bullying and how are they supported in that role

The third question posed in the scoping session was:

3. What needs to change to ensure schools can deal with cases of bullying and promote inclusivity in schools.

In relation to all of these questions, but particularly to questions 2 and 3, it is important to recognise that the data is derived exclusively from the perceptions of Muslim school students, and not from the perceptions of teachers.

Islamophobia in Edinburgh Schools avoids detailed recommendations (*what needs to change*) as we felt that this would require more and wider discussion than fell within the scope of preparing the booklet. However, in her concluding remarks for the booklet and in her presentation at the booklet's launch Samena Dean has made some suggestions as to the way forward. SACC supports these suggestions and they are outlined in this submission. We are currently initiating a process of discussion and consultation to develop our view on this. Our submission reflects our approach and we hope that it will be of assistance to the Committee.

The report deals with Edinburgh. It cannot be assumed that quantitatively similar results would be obtained in other parts of Scotland, especially in areas with a markedly different demography. But we think it very likely indeed that problems of a broadly similar nature would be found elsewhere. We believe that the report provides a useful basis for addressing this issue across Scotland.

We expect that non-Muslim children perceived as Muslim will also be negatively impacted. However, *Islamophobia in Edinburgh Schools* looked exclusively at the impact of Islamophobia on Muslim children. We do not think that the impact on non-Muslims perceived as Muslim can be reliably inferred from it, and we therefore do not deal with that issue in our submission.

We welcome the inquiry into bullying and harassment of children and young people in schools and we are grateful for the opportunity to submit our evidence to it. We think that the issues raised by *Islamophobia in Edinburgh Schools* need to be reflected in Scotland's anti-bullying strategy but we do not think they can be adequately dealt with entirely within that strategy.

Islamophobia in Edinburgh Schools – Summary of Findings

Islamophobia in Edinburgh Schools describes findings obtained from interviews with 100 students from years p5 to s6 attending primary and secondary schools across Edinburgh. The interviews were conducted at after-school Islamic Studies groups and Muslim youth groups.

- 55% of high school respondents said that they had encountered verbal Islamophobia, and 35% had experienced it personally. 53% of primary school respondents said that they had encountered verbal Islamophobia and 29% had experienced it themselves. Examples of verbal Islamophobia included being called a "terrorist", "bomber", "ISIS", "suicide squad", "al Qaeda", making fun of God, making fun of Allah, being asked if they had a gun under their scarf.
- 15% of high school respondents said they had encountered physical Islamophobia, and 6% had experienced it personally. 26% of primary school respondents said that they had encountered physical Islamophobia, and 14% had experienced it personally. Examples of physical Islamophobia included being punched, being kicked, being pushed and having their hijabs pulled off.
- 59% of respondents said that they would tell their parents if they experienced Islamophobia at school, but only 33% said that they would tell a teacher. The most frequent explanations given by those who would not tell a teacher included: "don't help at all", "they wouldn't take it seriously", "they may not understand what we are going through" and "they may not know much about Islam".
- 14% of respondents said that they had in fact told a teacher about an experience of Islamophobia. The respondents gave free-form answers about the outcome which Dean categorised as positive or negative. She considered 43% of outcomes to be positive and 57% to be negative. In categorising the outcomes, Deen counted an action undertaken by a teacher as positive, even if the respondent felt the outcome was less than fully satisfactory.

Respondents were asked how they felt when Islam or terrorism were talked about in class. Dean categorised their response as positive or negative.

- 57% of the children felt positive about Islam being discussed in class. They felt proud of their religion, Deen said, and happy that people were talking about it. 30% felt negatively about it, and felt awkward and uncomfortable.
- 17% gave responses categorised as positive to terrorism being discussed. They felt OK, or didn't feel anything about it. 65% felt negatively about the discussion. Dean said that they felt scared and worried, or that "something was going to happen to them" after they left the class.
- 46% of respondents said they were worried about going to school after a terrorist attack. 8% said that they didn't go to school. 15% said that their school had taken special measures in this situation.
- 21% of the children said that, apart from these exceptional situations after a terrorist attack, they were afraid of going to school just because they were Muslim. They said, for example, that they were scared of abuse and getting attacked, or of what people might think of them for wearing a hijab.

We have provided the full report to the inquiry as a separate file.

What is Bullying?

There are a variety of definitions of bullying. We believe the following definition used by the EIS to be a useful one and it underpins our understanding of bullying for the purposes of this submission:

"Persistent, offensive, abusive, intimidating, malicious, or insulting behaviour, abuse of power, or unfair penal sanctions which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress."

For reasons of confidentiality, the research for *Islamophobia in Edinburgh Schools* did not attempt to gather full details of the background to the children's responses. It seems self-evident that a high proportion of the negative experiences recorded would fall within this definition. It should perhaps not be assumed that all would do so. But we think it is clear that all would be harmful both to the child directly affected and to the culture within the school and would impact negatively on inclusivity.

We believe that bullying that arises from Islamophobia and racism has a particularly severe impact and we strongly support the following statement from the submission by CRER (November 2016) to the scoping session of this

inquiry, on the understanding that the term "racism" is taken to include Islamophobia (see the following section of this submission, headed **What is Islamophobia?**):

"It has also been established that the impact of racist incidents and bullying on children and young people is different from the impact of other forms of bullying. Racism is experienced not just as a personal attack on a young person, but as something deeper which undermines and degrades their family, their community and their culture."

The comments from children quoted in *Islamophobia in Edinburgh Schools* give a powerful illustration of this.

Beyond the added impact that an incident has on a child because of the child's identification with their community, there is a further impact on the family and community who must deal with an upset child that they may find themselves unable to help effectively for reasons connected with their own identity. And beyond that lies the impact the incident may have in normalising Islamophobic views and conduct within the majority community. Racist and Islamophobic incidents are always likely to have a strong collective dimension.

For these reasons we think it is very important that the special significance of prejudice-based bullying should be recognised in any anti-bullying strategy, and that Islamophobia-based bullying should be recognised within that framework. We also think that it is important that prejudice-based bullying is clearly defined. We are not persuaded that there is any benefit to extending the concept of prejudice-based bullying beyond the protected characteristics set out in the Equality Act, and are mindful that doing so risks diluting the concept and deflecting attention from the special impact that prejudice-based bullying has, both on the individual immediately affected and on the wider community.

What is Islamophobia?

The significance and implications of the term "Islamophobia" have been the subject of wide discussion since the term was popularised by the Runnymede Trust in 1997. A succinct and useful definition is given by the Council on American-Islamic Relations (CAIR):

"Islamophobia is closed-minded prejudice against or hatred of Islam and Muslims. An Islamophobe is an individual who holds a closed-minded view of Islam and promotes prejudice against or hatred of Muslims."

This definition underpins our understanding of Islamophobia for the purposes of this submission.

Islamophobia is a highly racialised phenomenon that engages both the "race" and "religion and belief" protected characteristics under the Equality Act. Views differ on whether it should be regarded as a form of racism, or as a somewhat distinct but closely inter-related phenomenon. Debate about which of these views should be adopted is not necessarily fruitful. The Domination Hate Model of Intercultural Relations developed by the Islamic Human Rights Commission (IHRC) provides a useful framework for understanding the interplay of these aspects of Islamophobia.

The Human Rights Framework

Islamophobic bullying potentially engages the Equality Act. Unaddressed and systematic Islamophobic bullying also potentially engages rights under the European Convention on Human Rights to freedom of expression (article 10); to freedom of thought, conscience and religion (article 9) and to education (article 2 of the 1st protocol). These rights are enforceable under domestic and European law and provide a potential pathway for redress for individuals affected by Islamophobic bullying.

Unaddressed and systematic Islamophobic bullying also potentially engages the UK's obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights and the United Nations Convention on the Rights of the Child.

Some observations on how schools respond to Islamophobic bullying

A high proportion of the Muslim children interviewed clearly lacked confidence in their schools' response. Where an appeal to a teacher resulted in a somewhat positive response, it often still fell short of what might reasonably be thought necessary to mitigate the stress and reduced self-confidence referred to in the EIS definition of bullying.

The data doesn't tell us what teachers thought about these incidents or allow us to track schools' responses through case studies. But we are left with a very strong impression that teachers are reluctant to recognise an incident as Islamophobic or to act on it in ways that would be suggested by recognition of its Islamophobic nature.

In conversations with members of the majority community we often encounter the view that highlighting a racist/Islamophobic incident as such could risk further stigmatising the individual affected and could "make matters worse." We virtually never encounter that view from the people supposedly at risk of being stigmatised.

Recognising a racist/Islamophobic comment or incident for what it is is an essential step towards tackling the problem. We believe that systematic failure to recognise racist/Islamophobic incidents, whatever the reason for it, is a form of institutional racism/Islamophobia.

The testimonies of the children recorded in *Islamophobia in Edinburgh Schools* cover incidents potentially involving criminal offences. We are extremely cautious about the value of involving police or the criminal justice system in incidents involving young people. We think it risks eroding trust between school students and teachers. But there is currently a problem of trust for the opposite reason – failure to take Islamophobic incidents sufficiently seriously. Police involvement also risks replicating within the school system problems that we see in the approach police take to community relations. But the fact that *Islamophobia in Edinburgh Schools* appears to indicate unaddressed criminal conduct highlights both the likely severity of the impact on individuals and the seriousness of schools' frequent apparent failure to respond.

Some of the testimonies of the children indicate a marked sense of injustice. As discussed under the heading **What is Bullying?**, justice in the handling of racist/Islamophobic incidents inevitably engages wider issues of racial justice. We are very sympathetic to the view that a restorative approach to children who engage in bullying is generally preferable to a punitive one. But it is crucial that the outcome of a complaint about Islamophobic bullying should be felt by the child affected and their family to be just. Anything less risks normalising Islamophobia in the majority community and normalising helplessness in the Muslim community.

Islamophobic attitudes are very widespread in society and are likely to be picked up even by young children. Because of this, we think that in most cases it would be inappropriate and counter-productive to react to a child who engages in Islamophobic bullying with a search for influencers amongst their family and friends. An Islamophobic incident may be an indicator of more widely-held attitudes amongst children at the school. In these circumstances, a holistic and positive approach aiming to educate everyone about Islam and equalities may be the best approach.

Scotland's Muslim population is small but growing and is skewed towards the young in comparison with the population as a whole. BME people are under-represented in the Scottish teaching workforce. BME recruitment into teaching needs to be encouraged. At the same time, it should be recognised that unfamiliarity with Muslims amongst non-Muslim teachers is to some degree a natural consequence of Scotland's demography. It is neither surprising nor in itself shameful, but it does need to be addressed.

Limitations of the bullying paradigm

Separately from the evidence reported in *Islamophobia in Edinburgh Schools*, we think it should be recognised that Islamophobic conduct may occur in other situations besides bullying, or in situations that can only be described as bullying if the term is extended in ways that risk weakening it.

But in all circumstances, Islamophobic conduct strengthens Islamophobia in the school environment and in society more widely. In all circumstance, action is needed to address the issue, whether direct or indirect, immediate or deferred.

Institutional Islamophobia/racism

On the basis set out in the section **What is Islamophobia?** we will take Islamophobia to be included within the term "racism" as used in discussions of institutional racism.

The report on the Macpherson Inquiry into the Stephen Lawrence case noted that short summaries of work on institutional racism are not necessarily helpful and emphasised that it aimed to set out its own "standpoint" rather than "a definition cast in stone". It then said:

"For the purposes of our Inquiry the concept of institutional racism which we apply consists of:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

The report added:

"It persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease."

While noting that the Macpherson inquiry made no claim for the broader applicability of its standpoint, we believe that the passages quoted above provide a helpful basis for understanding how institutional Islamophobia may operate in schools. This standpoint recognises the effect of prejudice that is “unwitting”. Intentionality is not required in order for the corrosive mechanisms of institutional racism to operate.

We believe that the strong evidence from children’s testimonies of widespread shortcomings in schools’ responses to Islamophobic incidents points inescapably to the operation of institutional racism in Edinburgh schools. We think it likely that a similar pattern operates throughout Scotland.

We note and endorse the concerns about the Prevent agenda raised in the EIS submission to this inquiry (November 2016). Prevent is likely to reinforce or even drive institutional Islamophobia in schools.

Comments relating to terrorism are a striking feature of the testimonies of Muslim children. The treatment of terrorism as an outcome of “ideology” by Prevent and in other official discourse provides an institutional reinforcement and driver for the public and media perception of a link between Islam and terrorism.

There is a risk that lessons covering terrorism may tend to reflect and reinforce institutional Islamophobia. The influence of Prevent on the curriculum is a particular concern.

Islamophobia is institutionalised in ways that are beyond the control of schools but impact the school environment. A series of anti-terrorism laws has been passed since 2000, all with a clear understanding on the part of the MPs voting for them and the police officers implementing them that they are directed overwhelmingly towards Muslims. An expanding body of anti-immigration legislation has also been enacted, all with the claim that immigration is a separate issue from race, and all in the context of media, public and political discourse (the latter fortunately mostly absent in Scotland) that problematises the presence of ethnic minorities in the UK. This discourse often focusses particularly on Muslims and Muslim immigration.

This makes up a formidable apparatus of institutional Islamophobia that has no parallel in connection with other forms of prejudice-based bullying. In this climate, any strategy to tackle Islamophobic bullying is bound to fail unless it is given a high priority and is configured to stimulate a pro-active approach.

What needs to Change

The children’s testimonies in *Islamophobia in Edinburgh Schools* cry out for much greater alertness in recognising Islamophobic incidents and for this to be a high priority in any anti-bullying policy. This is the overriding matter that needs to change.

We believe that strong leadership from head teachers could accomplish this fairly quickly and easily. Once done, we would hope that many teachers would begin engaging with Muslim children and parents in a richer and more constructive way, and that this would organically address some of the problems we have noted about education and awareness amongst teaching staff.

The existence of institutional Islamophobia within the school system needs to be recognised. Teaching staff need to be alert to its effects and alert to the impact that institutional Islamophobia originating in other bodies such as the police could have on schools. Teaching staff need need to be pro-active in seeking ways to remove the barriers to inclusivity that institutional Islamophobia creates.

The following points are provisional and are subject to ongoing discussion within SACC.

Attention needs to be paid to the provision of educational material about Islam both for use in the classroom and in the training of teachers. We would like to draw attention to the material developed by MEND (Muslim Engagement and Development). Some of it makes specific references to the English curriculum, but it appears to be more generally applicable.

It needs to be recognised that some Islamophobic incidents occurring in schools may amount to hate crime, that in these cases the individuals affected have a right to press for justice through the criminal justice system, and that this unavoidably remains the case even where is a general policy – as we would recommend – of avoiding police involvement in educating against Islamophobia and racism and in the handling of non-criminal incidents.

Separately from the previous point, there needs to be respect for the demands of justice (and recognition of the wider issues of racial justice that are engaged) in responding to Islamophobic incidents.

