

Baroness Deech DBE  
House of Lords  
London  
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Date: 12 April 2018

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Dear Lady Deech,

**Subject: response to Parliamentary Question and written question on the Commission's work on anti-Semitism and hate crime**

I am writing in response to your Parliamentary Question on Monday 19<sup>th</sup> March asking the Government "what assessment they have made of the strategy of the Equality and Human Rights Commission in combating rising levels of antisemitism and hate crime" [HL6443]. As Lord Bourne set out in his written Answer on 26<sup>th</sup> March, the Commission operates independently of Government and it is therefore for me to provide the information you have requested about the Commission's work.

**Our work on hate crime**

Hate crime, anti-Semitism and other forms of racism have no place in our society. Yet, as you are aware, there has been a recent rise in the number of reported incidents. Home Office statistics for England and Wales showed increases in all forms of hate crime in 2016-17, including 27 per cent and 35 per cent increases in racially and religiously motivated incidents respectively.

In 2017, the Community Security Trust recorded its highest ever annual total of 1,382 anti-Semitic incidents, and recent reporting has demonstrated that there remain serious concerns about anti-Semitism at the heart of mainstream British politics.

The Commission takes these trends extremely seriously, and has worked extensively on hate crime and hate speech. We have welcomed progress in some areas to tackle this issue – including measures to encourage reporting and improve police recording, and the publication of the UK Government's hate crime action plan in 2016 – while also taking our own action to respond to these issues. For example:

1. We have engaged with Jewish and Muslim organisations, employers, and with the Polish and other embassies to help [encourage greater reporting](#), following the spike in hate crimes around the EU referendum in June 2016.
2. Prior to the 2017 General Election [we wrote to all political parties](#) to remind them of their obligation to avoid using racist, anti-Semitic or Islamophobic language or

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materials likely to generate prejudice or division, and to deal effectively with complaints of such behaviour made against their representatives.

3. We have also worked closely with the All Party Parliamentary Group on Anti-Semitism on its inquiry into electoral conduct, and issued revised guidance on [Equality and Human Rights Law during an Election Period](#) for the 2015 general and local elections. This was designed to help political parties, candidates, and local authorities understand the legal framework governing freedom of expression and reporting hate crime. We reissued this guidance shortly before the 2017 general and local elections.
4. In late 2017 the Commission contributed to the Committee on Standards in Public Life's report into abuse and intimidation of parliamentary candidates, which in many cases was anti-Semitic in nature. We plan to closely monitor the implementation of the report's recommendations.

In addition to the above, I have spoken out about anti-Semitism, both recently in public with regard to concerns about the Labour party, and in 2016 in Westminster Hall when I spoke at the symposium 'Protecting and Offending Jews', jointly organised by the APPG Against Antisemitism and the Pears Institute.

We have continued to build the evidence base on causes of and responses to anti-Semitism and hate crime. Our most recent recommendations are contained in our [updated 2017 submission](#) to the UN Committee on the Elimination of Racial Discrimination (CERD), which built on [our response](#) to the Home Affairs Select Committee inquiry and our 2016 report on the [causes and motivations of hate crime](#). Recommendations included that the UK Government should:

- Undertake a full-scale review of hate crime legislation in England and Wales, building on the findings of the 2014 Law Commission review of hate crime legislation and including detailed consideration of legislation governing online hate speech.
- Carry out a full-scale review of aggravated offences and sentencing provision for hate crime in England and Wales.
- Improve the way in which data is collected and shared so that robust analysis can be undertaken to understand the effectiveness of responses – including full disaggregation on the basis of religion and other protected characteristics.

We recognise that systemic barriers exist in the criminal justice process at every stage for victims of anti-Semitism and hate crime, from reporting through to sentencing, and we are committed to help ensure better justice outcomes.

In 2018-19 we will work to strengthen the legal and policy frameworks that protect people from anti-Semitism and other identity-based violence by continuing to push for changes to the law and non-legislative measures to tackle hate crime. We will continue working with stakeholders representing those groups affected by hate crime, such as the Antisemitism Policy Trust, and with Government by participating in the Home Office hate crime action plan review, the Scottish Government's hate crime delivery group, and Lord Bracadale's review of hate crime in Scots law.

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## Anti-Semitism and censorship in universities

Concerns have recently been raised about anti-Semitism in British universities, as well as the implications for freedom of expression of 'no-platforming' policies operated by the National Union of Students (NUS) and some further and higher education institutions.

The Commission's aim is to help clarify the complex, often contextualised boundary between the lawful expression of controversial, shocking or offensive viewpoints, and unlawful discrimination, harassment or incitement to violence. For instance, one university's policy uses the example that criticism of the state of Israel is in itself legitimate, as long as it is not made in a way that could reasonably be interpreted as anti-Semitic.

This example was part of the recent Joint Committee on Human Rights (JCHR) inquiry into freedom of expression into universities, to which we contributed written evidence. We will follow-up on, and complement where appropriate, its recommendations and findings. In clarifying the law, we wish to protect and enhance the free exchange of ideas while ensuring all of those participating are protected from harm. You and I have discussed these issues and I was grateful for your advice.

In 2017-18 the Commission will be working closely with governments, new and existing regulators such as the Office for Students, and a range of education stakeholders and student representatives, including the NUS and the Union of Jewish Students, to identify and help mitigate specific concerns around anti-Semitism, Islamophobia and transphobia on campus. We will be publishing guidance to clarify the legal and practical relationship between protecting freedom of expression and preventing discrimination and hate speech, and plan to join a proposed roundtable hosted by the new Universities Minister.

I trust this has been a helpful summary of the Commission's track-record, positions and plans on the important issues of hate crime and anti-Semitism. I would of course be pleased to meet with you to discuss any part of this further. Please let me know if a meeting would be helpful.

I am sending a copy of this letter to Lord Bourne and to the Minister for Women and Equalities, so that a copy can be placed in the libraries of both Houses.

Yours sincerely



**Rebecca Hilsenrath**

Chief Executive

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