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Michelle Donelan MP
Minister of State for Universities

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/contactus/dfe

Professor the Baroness Afshar,
President of the British Society for Middle Eastern Studies

Email: administrator@brismes.org

18 June 2021

Dear Baroness Afshar,

Thank you for your letter of 26 May regarding the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism and its adoption by higher education (HE) providers.

This Government abhors antisemitism and have always been very clear that there is no place in our society - including within HE – for hatred or any form of harassment, discrimination or racism. We expect HE providers to be at the forefront of tackling the challenge of it, making sure that HE is a genuinely fulfilling and welcoming experience for everyone.

The recent conflict in the Middle East caused grave concern around the world and its impact was also seen in our universities and colleges. The Community Security Trust (CST) has recorded a growing number of antisemitic incidents in the UK connected to the conflict in Israel and Gaza. Early reports also indicated increasing antisemitic incidents against European Jewish communities. It is of the utmost importance that we tackle this head-on and ensure any antisemitic incidents are handled appropriately.

The IHRA definition is an important tool in tackling antisemitism. Adopting this widely recognised definition sends a strong signal that higher education providers take these issues seriously. The IHRA definition allows providers to better understand and recognise incidences of antisemitism, which helps them to address hate or discrimination in HE settings. Furthermore, in light of their 2020 report 'Campus Antisemitism in Britain 2018-20', the Community Security Trust recommended that universities should adapt their procedures for addressing antisemitism and handling complaints in a number of ways, including using the IHRA definition of antisemitism.

However, it is clear that further work to tackle antisemitism on campus remains to be done. The same report shows that, despite all our work, unfortunately antisemitism continues to exist within our HE system. The CST noted a record high number in 2019-20 of reported antisemitic incidents on campus for an academic year. This underlines how vital it is that we step up our attempts to drive antisemitism out of society.

The Government does not see a conflict between protecting freedom of speech and adopting the IHRA definition as the definition helps to identify instances of antisemitism – it is not about restricting freedom of speech.

The Higher Education (Freedom of Speech) Bill was introduced to Parliament on 12 May, following the Queen’s Speech. It will strengthen freedom of speech and academic freedom protections – broadening existing duties and providing direct routes of redress for staff, students, members and visiting speakers who feel their lawful speech has been limited.

The Government believes that an existing caveat within the definition, that “criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic”, is sufficient to ensure freedom of speech. Conversely, where 'no platforming' protests against particular individuals or groups are considered to be antisemitic, the freedom of speech of those speaking should be protected. The right to protest is a freedom which must be protected but it is not acceptable if the effect is to shut down debate in an unlawful manner or if it unlawfully infringes other peoples’ rights. The IHRA definition, and our call for HE providers to adopt it, is not in any way designed to deprive any group of a voice or to suggest that tackling other forms of racism is not of vital importance.

The Higher Education (Freedom of Speech) Bill requires “reasonably practicable” steps to be taken to ensure lawful freedom of speech – this does not override universities’ existing duties under the Equality Act 2010 regarding harassment and unlawful discrimination, as well as under the Prevent duty. Higher education providers have clear responsibilities regarding harassment and unlawful discrimination and must balance these with their legal duties to protect lawful freedom of speech.

Ultimately providers are independent and autonomous organisations which are responsible for the management of their own affairs and for meeting their duties under the law, including those relating to freedom of expression and equalities. All higher education providers should discharge their responsibilities fully and have robust policies and procedures in place to comply with the law, to investigate and swiftly address hate crime, including any antisemitic incidents that are reported.

Thank you for writing on this important matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Donelan', written in a cursive style.

Michelle Donelan MP
Minister of State for Universities