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**Islamic
Human Rights
Commission**



Islamic Human Rights Commission

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The Islamic Human Rights Commission is an NGO in special consultative
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Executive Summary

In this submission, the Islamic Human Rights Commission provides information under sections B, C and D as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review. Under section B, the Islamic Human rights Commission gives background information about the human rights abuses of the Muslim minority living in the UK. Under section C Islamic Human Rights Commission raises concern in relation to Right to equality of law and Right to the presumption of innocence till proven guilty of the Muslim minority in the UK. In section D, Islamic Human Rights Commission makes a number of recommendations for the government to address.

B. Background

The United Kingdom has a culturally diverse population. Although racism has been common throughout history, Anti-Islam behaviour is on the increase specifically through government apparatus. The criminal justice system in the UK has for centuries been universally regarded as one of the fairest and transparent systems of justice in the world. Mechanisms to extradite those accused of committing crimes in the UK serve to undermine that noble reputation by suggesting the UK criminal justice system is not competent to bring criminals to justice. Actions by the government such as Police raids and citizens being detained without trial have become a norm.

The UK introduced extremely controversial anti terrorism legislation in 2000. The Terrorism Act 2000 was widely criticised by human rights organisations with a particular emphasis on Section 44 of the Act and Schedule 7 of the act. Section 44 powers allowed police officers to stop people on the streets without requiring any suspicion. Schedule 7 powers allow police officers to stop people at airports without requiring any suspicion. Home office figures for security stops under Schedule 7 of the Terrorism Act 2000, released for the first time in 2010, show that the UK has been abusing its stop and search powers at ports. The figures confirmed what human rights groups had been complaining about since the introduction of Schedule 7; the disproportionate targeting of Asian and black communities for security stops. Figures for 2009-2010 showed a disproportionate targeting of people from Asian and black communities. This trend continued unabated, as indicated by the 2010-2011 figures. We expect the 2011-2012 to show the continued rise of targeting people of Asian and black communities at ports for security checks. In January 2010 the UK government ordered the use of full body scanners as part of new measures to tighten security at airports. The body scanners have been introduced in two major international airports in the UK on a trial basis. The scanners take nude images of passengers to determine whether they have explosives on them. Those chosen to go through the scanners cannot refuse or ask for alternative forms of searches and not be allowed to board their plane if they refuse. The body scanner is an invasion of privacy described by the European Commission as ‘virtual strip searches.’

Additionally, the UK security services have demonstrated discriminatory practices in policing, particularly through the profiling of Muslims. An example of this can be found in the policing of the London Gaza demonstrations of 2008-2009, during which the police demonstrated disproportionate handling of pro-Palestine protestors and pro-Israel counter-protestors. More details of this can be found on the full report published by IHRC on the following link (PDF): (http://ihrc.org.uk/attachments/9213_Gaza%20Demo-FV-LR-v2.pdf)

Among key highlighted concerns were: the role and function of Forward Intelligence Teams (FITs), the harassment of press and freelance photographers and the arbitrary handling of laws. More concerns can be found in the above report.

C. Promotion and protection of human rights on the ground

The Right to Equality before the law

The introduction of the Terrorism Act 2000 saw with it the application of Section 44 stop and search powers. The powers allowed police officers to stop and search individuals without needing to suspect the individual of any crime. The powers were broad and used with a particular enthusiasm by the UK authorities leading to a widespread call for the powers to be curbed. The stop and search powers were not only broad but applied in a highly discriminatory way. Figures for stop and searches under Section 44 showed that people of black and Asian backgrounds were up to 7 times more likely to be stopped than a white person. Furthermore the UK police's enthusiasm for the powers had little to show; the use of these powers had increased from 33,177 in 2004, to 117,200 in 2008, without it resulting in the apprehension or conviction of a single terrorist.

In early 2010 the European Court of Human Rights ruled that section 44 was unlawful stating that section 44 violates the right to respect for private life because the power is so broad it fails to provide safeguards against abuse. The government has suspended the use of the powers though the section 44 remains in the statutes at the time of writing. The IHRC has been at the forefront of campaigning against section 44.

Schedule 7 of the Terrorism Act on the other hand remains in force and continues to be applied with a vigour that is alarming. The Home office figures show discrimination in the application of Schedule 7 against ethnic minority groups¹. Figures for 2009-2010 showed that where people were stopped and held for under an hour, the ethnic breakdown was: white people, 45% of stops; Asian people, 25%; black people, 8%; other ethnicities, 22%. The discrimination against ethnic minorities became glaringly obvious when you look for people who were stopped and questioned for over an hour. White people made up 19%, Asian people 41%, black people 10% and others

¹ <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/counter-terrorism-statistics/hosb1511/hosb1511?view=Binary>

(including Middle Eastern and Chinese) 30%. Even though Asians make up 5% of the UK population, black people 3% and others 1% and White people make up 91% of the population.

The figures for 2010/11 are no less depressing and show that the targeting of Asian and black communities under Schedule 7 has in fact increased. The new figures for 2010-2011, released on 13 October 2011, show a 23% fall in the overall number of people stopped under Schedule 7. But when the figures are broken down you see that the trend of targeting Asian/ black communities continues unabated, and has in fact seen a small increase. Of those stopped for under an hour 29% were Asian, 9% black, while white people made up 41%. For those detained for more than 1 hour the figures are white people 14%, Asian people 45% and black people 14%. For detention: white people 8%, Asian people 44% and black people 21%. The discrimination is also present in the collection of DNA material where the figures are white people 7%, Asian people 46% and black people 21%.

The figures for 2009-2010 and 2010-2011 do not show the whole picture. They mask the numbers of Muslims being stopped under Schedule 7 and flights from specific countries being targeted. The category of “Chinese or any other ethnic background” is also extremely misleading. This heading can cover Muslims who are not categorised as Asian or black e.g. Arabs, Indonesians, Iranians, Kurds etc. This category makes up for 17% of all those stopped. Yet by combining multiple national and ethnic groups under one heading, we are unable to determine the ethnic/national origins of the people under this heading and make clearer assessments regarding racial as well as religious profiling. The figures indicate that the police are targeting people who are perceived to be Muslim. This is despite a recent Europol report stating that the vast majority of terrorist acts in Europe are perpetrated by people of European ethnicity, promoting various secular causes.

The issue of disproportionate targeting of ethnic groups is made worse when you consider the Muslim community’s reports of Schedule 7 stops. Officers routinely refuse to identify themselves or the fact that it is a Schedule 7 stop, being aggressive and rude and on occasions where their behaviour amounts to harassment. They ask deeply personal and irrelevant questions that have no bearing on national security: from intimate details of a person’s private relationships to what are their views on arranged marriages to who did they vote for and what are their views about democracy.

The Right to presumption of innocence till proven guilty

The actual reality of extradition cases involving detention without trial within the UK is alarming. Article 7(1) of the 1957 Convention on Extradition provides that an extradition request can be refused where the UK considers that the alleged offence was committed “in whole or in part in its territory or in a place treated as its territory.” Similar provisions regarding “natural forum”, included in the EU Framework Decision on the European Arrest Warrant and many other extradition treaties, were not incorporated into the Extradition Act 2003. As a result,

many cases are now before the courts whereby individuals are being extradited to the US whereby the bulk of the alleged offence was committed in the UK and is triable in the UK. What is more worrying is that in most of these cases where British Citizens are accused of committing crimes in the UK, government prosecutors have found no evidence to charge them in this country for the alleged crimes and yet these individuals await extradition to the US; this completely undermines the UK criminal justice system. Such individuals should be tried in the UK and not extradited to foreign jurisdictions to face justice.

The Right to Privacy and Dignity – body scanners

The British Government introduced body scanners in Heathrow and Manchester airports on 1st of February 2010. The scanners, which see through clothes to produce an image of the body, violate Article 8 of the European Convention on Human Rights -the right to privacy. They are unethical and immoral as they show a persons private parts and the outline of the whole body and violate the civil rights of individuals.

The IHRC believes that the introduction of body scanners will lead to discrimination against members of the Muslim Community as their religious beliefs forbid them from going through the body scanners and exposing themselves through this electronic equipment. In our research we have noticed that an overwhelming majority of Muslim scholars consider this practice Islamically unlawful and since the government is refusing to consider alternatives to this procedure, this will have a tremendous impact on Muslims, not only by restricting them from taking part in daily activities, such as work that includes travelling but also restricts them in practicing their religion and is therefore discriminatory. Conservative MP, Ben Wallace, who used to work for QinetiQ, a scanning technology firm, warned that full-body scanners can be unreliable in detecting "low-density" materials like plastics, chemicals, and liquids, which are the reason the government, introduced them.

The IHRC believes that people have the right to decide who views their bodies whether in person or via images. The fact that the "screener" is unable to identify the passenger does not change the fact that he or she is viewing a near naked image of the passenger. By forcing the passenger to go through the body scanner he is being stripped of his privacy; his right to decide who takes and views images of him. The images show the person's body in graphic detail where intimate piercings, catheters and all the parts of the person's body (including those that a person would normally wish to keep private) are seen by the "screener". This is a gross invasion of a persons privacy (particularly for people of various religious backgrounds who believe it is a part of their religious beliefs to not reveal their bodies to others) as they are being forced to reveal their private body parts.

The IHRC is concerned by independent reports that the body scanner machines do in fact have the capability to save, store or print images; a potential for further breaches of an individuals privacy. Equally worrying are the cases of abuse reported in the media. For example one headline reads: Heathrow worker 'ogled colleague on scanner' (The Independent). There is a lack of provisions dealing with staff training and supervision so as to stop abuses by those operating body scanner machines. If the objective of the scanners is to ensure that passengers are not concealing explosives or other contraband that would endanger the lives of others, then an

alternative method of screening such as a pat down should be offered as is the case in the US and Canada.

It is entirely implausible to believe that airport security officials will subject every passenger to such screening, considering the tremendous cost (around £100,000 for each machine) and time involved. So they must select certain individuals to be put through the body scanners. The IHRC does not believe the government has put in place sufficient safeguards to stop profiling of passengers, particularly Muslim passengers. Scanning is still likely to be conducted on a selective process and which unfortunately, due to the climate of Islamophobia we live in, will mean the profiling of Muslim passengers.

D. Recommendations

The Islamic human Rights Commission recommends that the government of the United Kingdom:

1. All stops under Schedule 7 lasting more than half an hour must be recorded. Filming or recording audios of interviews will deter officers from abusing the system and will give confidence to those interviewed that should officers' abuse their powers there will be proof which they can use to hold officers accountable. Such a procedure will give the process transparency and accountability.
2. Should not extradite any citizen or resident of the UK, to foreign countries to face trial for crimes allegedly committed in UK and which are recognised as crimes under UK law.
3. The government should offer people the right to pat down searches as an alternative to the body scanners as done in the USA and Canada.
4. With regard to tackling profiling and discrimination in policing, some key recommendations include: clarification into the role and function of forward intelligence teams (FITs), placing more importance on pre-demonstration briefings for officers and a call for transparency and accountability in the investigation of incidents of discriminatory policing.