



**Equality and  
Human Rights  
Commission**

Mick Davis, Vivian Wineman,  
Gerald M Ronson, Sir Trevor Chinn CVO  
The Jewish Leadership Council  
*via email*

Our Ref: TP/NB/063Newmark  
Date: 27 May 2011

Dear All

Thank you for your letter of 26<sup>th</sup> May. Given your expressed need for a quick reply I hope that you will understand that I cannot answer all your questions in detail, but I hope that I can help to clarify matters for you.

First, I should say that I am a little surprised that this matter should have been raised without consulting the EHRC. We are the successor to the CRE, which until the EUMC was absorbed into a new agency, held the office of the Chair of the Management Board of the EUMC. I was myself responsible for nominating the EUMC Chair; so we have some experience in this area. The EHRC now works as a close partner of the EUMC's successor, the Fundamental Rights Agency.

Second, I understand from your letter that the motion is proposed by the UCU National Executive Committee. Whatever the outcome of the debate, I imagine, and hope, that they may want to discuss this with us in our role as a National Human Rights Institution.

Third, neither we nor the EUMC has ever considered the EUMC's working definition to be wholly definitive; therefore its retention or abandonment should not be seen as an indication of what should be regarded as anti-racist or anti-semitic conduct.

As I understand it the question that is being addressed here is whether treatment of one individual by another based on a stated political stance - whether in relation to Israel/Palestine or some other contentious issue - can ever be regarded as anti-semitic. I also understand that this is relevant to matters such as disciplinary proceedings; the funding of student societies; and to judgements on freedom of speech on campus. I gather that you are particularly concerned that "political tests" may be applied to complaints of harassment or unfair treatment made by Jewish students or their societies.

These issues are not simple but our international and domestic law principles are a useful starting point. In these circumstances I believe we need to adhere to three fundamental doctrines:

- Freedom of expression is crucial for a civilised society but such expression must be in the context of tolerance, good relations and respect for the rights and dignity of others;
- Respect for the freedom of individuals to join together to celebrate and practice their religion; and
- Equality, freedom from discrimination and harassment on grounds of religion, race or national origin for individuals and groups.

We always have to start with the individual in applying these principles. Specifically in relation to anti-racism, the Macpherson Report into the death of Stephen Lawrence requires us to start with the perception of the person concerned and, for instance, to record an incident as racist if that is how it was perceived by the victim (even if that not the case once the facts are verified). We would consider an anti-semitic incident to be analogous. Thus, if the object of harassment or attack regards her treatment as being anti-semitic, even if the perpetrator maintains that their action is politically motivated, the presumption is that the victim's perception is what defines the incident.

Finally, in practice, the international human rights treaties like the UN's Convention for the Elimination of All Forms of Racial Discrimination, the Human Rights Act and the UK's new exemplar Equality Act 2010 give us the guidance we need on this matter, in particular the equality duties imposed on the latter. Nothing should prevent Jewish students (or any other group, for that matter) being able to complain of harassment, racism, or anti-semitism. Such complaints should be taken extremely seriously by every institution; and it would hard to imagine any institution which did not provide appropriate remedies for students' complaints being able to comply with its legal duties under the 2010 Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trevor Phillips', with a large, sweeping flourish above the name.

**Trevor Phillips**

Chair, Equality and Human Rights Commission

