

In the Name of Allah, the Beneficent, the Merciful

Peace and Blessings Upon Prophet Muhammad, the Messenger of Allah

The Muslim community in Waltham Forest and around the UK expresses deep concern and indignation regarding an incident which occurred in Batley Grammar School, during a Religious Studies lesson, on Monday 22nd March 2021.

During this Religious Studies lesson, students were shown an extremely offensive caricature by their teacher: a Charlie Hebdo cartoon that claims to depict the Prophet Muhammad (peace be upon him) wearing a turban with a bomb in it. He advised the students, the majority of whom are Muslim, that he was entitled to show this caricature, as under "British Values" he had the freedom to express his opinions, thereby using the caricature to do so.

We acknowledge and appreciate the importance, in a free and democratic society, of nurturing critical thinking and open discussion amongst students, however this can be achieved without hurting sentiments and violating the sanctity of revered personalities that are dear to any religious community.

We believe that the action of the teacher goes far beyond an objective intellectual critique of religious ideas and into the realm of offensive rhetoric which serves no particular educational purpose other than to hurt religious sentiments, thereby causing offence to a particular section of society. The actions of this teacher created a hostile atmosphere and contributed to Islamophobic language and discourse. Schools are expected to facilitate a productive learning environment for children therefore this type of Islamophobic discourse is completely unacceptable.

We as Muslims love and honour our beloved Holy Prophet Muhammad (peace be upon him and his progeny) more than our families and even ourselves. To us he is not just a historical figure but rather he is a living part of our daily lives and is in



JAMIA MASJID
GHOUSIA

our thought's day and night. Any supposed caricature of him is extremely offensive to us and any such display causes us considerable alarm and distress.

We vehemently and strenuously condemn this action of the teacher which was completely unjustified and unnecessary in his remit as a Religious Studies teacher. Islam is a religion of peace, harmony and tolerance and all aspects of its theology are open to critique and discussion however there appears to be no objective purpose of displaying such offensive caricatures of our beloved Prophet Muhammad (peace be upon him) in a Religious Studies context. This action of the teacher had no genuine fair comment basis and we can only assume that his action was based on hostility, which any reasonable person can foresee is likely to stir up religious hatred and cause damage community cohesion.

Under European Human Rights jurisprudence there is no blanket right to freedom of expression to the extent where it infringes on others right to have their religious feelings protected. In the case of E.S. v. Austria (application no. 38450/12) the European Court of Human Rights (ECtHR) was asked to consider the judgements of the Austrian Courts that had found the applicant had disparaged religious doctrines by making derogatory statements regarding the Prophet Muhammad (peace be upon him).

The ECtHR, upholding the judgements of the Austrian Courts, held unanimously that there was no blanket right to disparage religious doctrines. The Court found that the right to freedom of expression had to be balanced with the right of others to have their religious feelings protected.

The ECtHR found, in particular, that the domestic courts had carefully balanced the applicant's right to freedom of expression with the right of others to have their religious feelings protected, and their judgments served the legitimate aim of preserving the religious peace. The Court found there had been no violation of Article 10 (freedom of expression) of the European Convention on Human Rights (ECHR).



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The ECtHR further held the impugned statements as going beyond the permissible limits of an objective debate, and that the domestic courts had put forward relevant and sufficient reasons in classifying them as “an abusive attack on the Prophet of Islam” which could “stir up prejudice and threaten religious peace”.

We accept that those who choose to exercise the freedom to manifest their religion under Article 9 (freedom of thought, conscience and religion) of the Convention should not expect to be exempt from criticism and must tolerate and accept the denial by others of their religious beliefs. However, where expressions under Article 10 (freedom of expression) of the Convention go beyond the limits of a critical denial, and certainly where they are likely to incite religious intolerance, the ECtHR ruled that a state should legitimately consider those expressions to be incompatible with the freedom of thought, conscience and religion and take proportionate restrictive measures.

In this instance, the subject matter (offensive caricatures supposedly of Prophet Muhammad) is of a particularly sensitive nature, and the effects of the impugned action are clearly likely to “disturb the religious peace”. The teacher should have been aware of this, based on the outrage and upset these sorts of offensive caricatures have created in the recent past.

There was no value judgement in showing such a caricature to the students, the majority of whom were from a Muslim background, as there was no statement of fact being made. The teacher would clearly have appreciated that by undertaking this action he would be inviting outrage and causing offence to the students, their families and to millions of Muslims in the UK and abroad.

This was a reckless and unnecessary action and it was easily foreseeable, in light of the history of these offensive caricatures, that it was likely to cause distress to the Muslim community however the teacher decided to proceed with it regardless. It appears that the purpose of these caricatures was purely to cause alarm and distress to the Muslim community and the school have rightly suspended the



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teacher whilst they investigate the matter fully. We acknowledge and appreciate the action taken by the school, for which we are grateful.

Under the guidance issued by the ECtHR the government in general and specifically the Department for Education has a wide margin of appreciation in evaluating how this action is likely to disturb the religious peace. As public authorities, the Department for Education and Batley Grammar School are required to comply with certain obligations under the Human Rights Act 1998 (HRA 1998). Article 6 of the HRA 1998 makes it unlawful for public authorities to act in breach of the fundamental rights and freedoms set out in the European Convention on Human Rights (ECHR).

The HRA 1998 places an obligation on the government and public authorities discharging the functions of the State to act compatibly with the ECHR. Therefore, it is alarming to see that the Department for Education has decided to publicly criticise the students and their families for expressing their hurt, by exercising their right to protest the actions of the teacher. As a public authority and government department it should be focusing on its obligations under Section 6 of the HRA 1998 which makes it unlawful for public authorities to act in breach of the fundamental rights and freedoms as set out in the ECHR.

The right of the individual to freedom of expression must be balanced against the duty of the state to act proportionately in the interests of public safety, to prevent disorder and crime and to protect the rights of others. In light of its obligations under Article 9 of the ECHR, Section 6 of the HRA 1998 and other relevant legislation, we urge the Department for Education to review its position and to accept that the students, their families and the wider Muslim community have the right to protest and have their religious feelings protected.

We, as the Muslim community should express our valid concerns, within the parameters of the law, as is our fundamental human right to do so. We should enter into a dialogue with the concerned authorities to impress upon them the



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magnitude and negative impact of these blasphemous attacks on the personage of our beloved Holy Prophet Muhammad (peace be upon him) and the extent to how much personal distress is caused to us by these actions.

Our religion of Islam invites us to critically examine the world around us and to engage in the rational examination of religious discourse and ideas. We acknowledge there should be scope for the genuine critique of religious ideas in a free democratic society, however, in order to maintain community cohesion and mutual respect, we believe that sanctified religious personalities should be protected from gratuitous mockery and ridicule, which is not beneficial to any objective discourse.

Waltham Forest Islamic Association

28th March 2021