



# BRISMES

British Society for Middle Eastern Studies

British Society for Middle Eastern Studies, 71-75 Shelton Street, Covent Garden, London WC2H 9JQ

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## **BRISMES Contribution to UN Special Rapporteur Report on Academic Freedom and Freedom of Expression in Educational Institutions**

The British Society for Middle Eastern Studies (BRISMES) responded to a call for contributions issued by the United Nations Special Rapporteur on the right to education, Ms. Farid Shaheed, who is investigating the protection of academic freedom and freedom of expression in educational institutions. Her report will be presented to the Human Rights Council in June 2024. The contribution submitted by BRISMES focused on the current situation in UK higher education institutions with regards to academic freedom and freedom of expression on speech related to the situation in Israel-Palestine.

Founded in 1973, BRISMES is the largest national academic association in Europe focused on the study of the Middle East and North Africa. It is committed to supporting academic freedom and freedom of expression, both within the region and in connection with the study of the region, in the UK and globally.

### **The Capillary Nature of Attacks on Speech Related to Israel/Palestine and the Chill Effect**

BRISMES found that the main challenges to academic freedom related to Israel/Palestine are primarily a result of ongoing efforts by politicians, government bodies, universities, media outlets, corporate bodies, civil society organisations and individuals to silence lawful speech pertaining to the situation in Israel-Palestine; the actions of the Israeli government and military; the history of the state of Israel and support for Palestinian rights. The different types of complaints involving breaches to academic freedom that have been received by BRISMES since October 7, 2023, suggest that the silencing has multiple layers and operates in numerous ways, but primarily through creating a chilling effect, most notably upon speech related to events in Israel/Palestine.

The efforts to chill speech on Israel/Palestine manifest themselves through numerous capillary interactions within higher education institutions that are often ‘under the radar’ and might appear innocuous. The following offers an illustration of the kinds of complaints BRISMES has been receiving and can be further evidenced by correspondence and testimonies:

- when the head of a department calls in a staff member for a conversation and recommends – “for the staff member’s own good” – that they be careful voicing their views on Palestine;
- when the university’s social media and press offices stop sharing news articles that are either written by or cite staff members who voice opinions that are considered “controversial”, such as support for the right of Palestinians to self-determination;
- when staff members or students are asked to remove a Palestinian flag from an office door or a dorm room window.

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Other forms of silencing involve the deplatforming of events organised on campuses. Deplatforming can be carried out by:

- demanding that organisers pay security costs for an event, which can readily reach thousands of pounds and exceed the organisers' budget;
- insisting that an event on Palestine needs to be “balanced” despite the same universities placing no such stipulations on other topics, such as the Ukraine-Russia war or when critical gender scholars are invited to panels;
- preventing the taking place of protests or sit-ins calling, for example, for the implementation of a ceasefire in Gaza, often citing unspecified “safety” concerns for the student body for doing so;
- cancelling events discussing the situation in Israel-Palestine due to:
  - a) the organisers' inclusion of the watermelon emoji (symbolising the Palestinian flag) on the event announcement poster;
  - b) procedural issues, such as a failure to submit all necessary paperwork by a certain date;
  - c) a topic being deemed too ‘sensitive’ at a given moment, as when [Liverpool Hope University cancelled](#) a talk on Israel/Palestine by Avi Shlaim, an emeritus fellow of St Antony's College, Oxford on October 25, 2023, undoubtedly because of Professor Shlaim's criticism of the Israeli government.

BRISMES has also received complaints of corporate actors participating in deplatforming, such as when [Eventbrite removed](#) from its platform an event on November 7, 2023, in which Omar Barghouti of the Boycott, Divestment, Sanctions (BDS) movement was scheduled to deliver a talk at Queen Mary University of London.

## **The Impact of the IHRA Working Definition of Antisemitism in UK Universities**

Other instances of silencing manifest themselves through the lack of institutional support for lecturers who teach on Israel/Palestine. About 120 UK universities have adopted the IHRA working definition of antisemitism, which conflates anti-zionism and criticisms of Israel with antisemitism. Even though this definition is not legally binding it has been repeatedly [used by UK universities](#) to silence lawful speech supportive of Palestinian human rights and self-determination. Lecturers who, for example, use the Amnesty International or Human Rights Watch reports charging Israel of carrying out the crime of apartheid in their modules may, according to the IHRA definition, be accused of being antisemitic. BRISMES has received information of modules being cancelled since lecturers did not receive institutional guarantees that they can use such materials in class and be protected if complaints are filed.

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In addition, UK universities have suspended staff members and students in response to complaints made against their social media postings. Here we have come across numerous cases where the social media accounts of individuals are mined either by students or actors external to the university. These actors examine posts, ‘likes’ and ‘shares’ of students and staff over long periods of time, in some cases exceeding a decade. Complaints, in some instances, are submitted against a post or like dating to when the accused may still have been a minor. Using the IHRA definition as a point of reference, they then proceed to file complaints against students or staff for utterances or likes of utterances that are within the law but might be in breach of the illustrative examples accompanying the IHRA definition.

BRISMES has also witnessed how part of the clampdown on academic freedom and freedom of speech is facilitated by ideologically motivated media outlets, such as the *Jewish Chronicle* and the *Telegraph*, who appear to receive information directly from those mining the social media accounts of students and staff. These media outlets publish the accusations against staff and students for their alleged violation of the IHRA definition of antisemitism, tainting their reputations and damaging their careers while asking university leaders to outline how they are addressing the complaints. Instead of protecting speech within the law, university leaders then feel compelled to show that they are being proactive and launch investigations and disciplinary hearings.

Our analysis of 40 cases that were reported to the European Legal Support Centre in which UK university staff, students and/or student societies were accused of antisemitism on the basis of the IHRA definition between 2017 and 2022 reveals that in all instances, except for two ongoing cases, the accusations of antisemitism were rejected. Nonetheless, those who were accused were often subjected to months of investigations, which, despite the charge not being upheld, led to considerable stress and, at times, their reputations being tarnished. The full report is available to read [here](#).

Since the 7th of October, BRISMES has been monitoring responses of higher education institutions across the UK and has received numerous complaints from students and staff, some of whom have been detained for posting content on social media and suspended from their universities. The overwhelming majority of these cases are women of colour. In light of obligations under the 2010 Equality Act, it is essential that universities are careful to not inadvertently discriminate against staff and students with protected characteristics when dealing with complaints.

Ultimately, our analysis suggests that university staff and students are being subjected to unreasonable investigations and disciplinary proceedings based on the IHRA definition. These proceedings have harmed the wellbeing of the staff and students subjected to false allegations of antisemitism. Those falsely accused have felt that their reputations have been sullied, and that they

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are anxious about possible damage caused to their education and careers. The complaints have had an adverse effect on academic freedom and freedom of speech on campuses, leading, in some cases, to the cancellation of events or the imposition of spurious conditions on the format of events. From testimonies received, it is clear that these cases are creating a chilling effect among staff and students, deterring individuals from speaking about or organising events that discuss Palestinian human rights and Palestinian self-determination out of fear that they will be subject to complaints, or else will face considerable bureaucratic hurdles and even costly legal action in order for events to take place.

Academics employed on temporary contracts (who constitute a significant proportion of university teaching staff), as well as students, are particularly susceptible to self-censorship out of fear that any sort of accusations, even if not upheld, could jeopardise their future ability to obtain permanent employment. These fears increase for migrant staff and students, after the UK Immigration Minister announced that anyone could have their visa revoked for spreading “hate and division”.

Hence, overall, we conclude that the adoption and deployment of the IHRA definition in UK universities has already dealt a blow to academic freedom and freedom of speech. This not only threatens the ability of higher education institutions to meet their legal obligations in this regard, but is also preventing students from engaging in nuanced discussions about the Middle East, global politics, and the question of Palestine, which are also necessary as part of efforts to combat antisemitism.

Over the past months, BRISMES has also come across UK universities that, prior to any internal investigation, have passed on complaints of alleged support for terrorism to the police, while simultaneously suspending students and staff without a proper investigation and without due process. Indeed, we know of at least one student from Gaza who has been charged under the 2000 Terrorism Act for expressing support for Palestinian rights, and currently risks being removed from the UK due to their visa being revoked.

## **The Government Response and Prevent**

On a national level, Secretary of State for Science, Innovation and Technology Michelle Donelan took the unprecedented step of sharing a letter on social media addressed to the CEO of UKRI, the UK’s largest governmental funding agency for research. The letter expresses “disgust and outrage” at UKRI’s appointment of two named academics to an equality, diversity, and inclusion expert advisory group on the basis of their social media posts, which express lawful criticisms of the UK and Israeli governments, but which the Secretary of State characterised as “extremist”. The letter from Ms Donelan was the latest in a number of statements by UK government ministers since 7

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October that misrepresent support for the Palestinian people as support for Hamas and, thus, as support for a proscribed terrorist organisation.

Such statements contribute to a climate of fear and suspicion within UK higher education, which threaten academic freedom and freedom of speech concerning the situation in Israel/Palestine. Ms Donelan, for example, criticised a social media post by one advisory group member for making reference "to Israel's 'genocide and apartheid'". The Secretary of State for Science, Innovation and Technology might personally disagree with such comments, but the most prominent human rights organisations have accused Israel of carrying out the crime of apartheid, while close to 900 scholars and practitioners of international law, conflict studies and genocide warned as early as October that Israel's attacks on Gaza may amount to genocide, something recently confirmed by the ICJ's interim ruling and orders for Israel to take all necessary measures to prevent acts of genocide.

In effect, Ms Donelan disregarded the research carried out by experts in the field and imposed her personal political beliefs on UKRI in an effort to stifle academic freedom. This, we believe, is an extremely dangerous development for the future of academic research in the UK. In response to Ms Donelan's complaint, the head of UKRI suspended the ED&I advisory panel and launched an investigation into the two named academics, for potential breach of the 'Nolan Principles' which govern standards in public life.

An [investigation last year](#) by the newspaper the *Observer* found that 15 UK government departments have been monitoring the social media activity of academic experts critical of government policies and compiling "secret files" in order to block them from speaking at public events.

BRISMES has also seen evidence that the 2015 Prevent Duty has been used to suppress freedom of speech in UK universities and throughout society more broadly, particularly in relation to expressions of solidarity with the Palestinian people since 7 October. Under the Prevent Duty, universities have a responsibility to "have due regard to the need to prevent people being drawn into terrorism".

Soon after the 7<sup>th</sup> of October 2023, the UK Secretary for Education, Gillian Keegan, [wrote](#) to all university Vice Chancellors reminding them of their obligations in this regard, as well as emphasising that Hamas is a proscribed organisation, clearly pressuring universities to make use of the Prevent Duty in relation to events on campus regarding the situation in Israel-Palestine.

In at least one case of which we are aware, university managers called the police on one of their employees (an academic) following an article in the *Telegraph* newspaper which named the employee and published screenshots of some of their posts on Twitter, which did not mention

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Hamas, but rather referred to the Palestinians' right to resist Israeli occupation under international law. As a result, the police raided the academic's home, seizing their laptop and phone, and launched an investigation under Section 12 of the 2000 Terrorism Act. This case is not unique in the wider [UK context](#), particularly since 7 October 2023. At the time of writing, the police investigation into the academic is still ongoing and the academic has been suspended from work since October, which may be considered a disproportionate response.

In November, Amnesty International released a [report](#) highlighting the excessively high number of referrals made by the education sector (which includes primary, secondary and tertiary levels) to Prevent, stating that Prevent is incompatible with the UK's human rights obligations and should be abolished.

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