



A GUIDE FOR THOSE

CANCELLED

OVER SUPPORT
FOR **PALESTINE**

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As pro-Palestine activists have taken to various platforms and spaces to stand in solidarity with the Palestinian people, many have been targeted or “cancelled” in attempts to silence, intimidate, and harass Palestinian sympathisers. Activists have been penalised in different settings including schools, universities, and places of work, signifying a broad and alarming suppression of pro-Palestine activity.¹

Public figures criticising Israeli conduct and expressing support for Palestinians have been subjected to sanctions and even defamation. Online activists have faced censorship and suspended accounts.² Academics and public speakers raising awareness on the plight of the Palestinian people have had their events cancelled.³ In their attempts to criminalise pro-Palestine activism British politicians have fuelled this repressive climate and caused uncertainty over legitimate forms of protest.

Below we set out the legal boundaries and protections under which you can exercise your rights when supporting Palestine in various settings. For those who have been targeted or sanctioned over their support for Palestine, please refer to **Support if you are targeted** on page 11 for a list of organisations and agencies that can assist you.

1. 'Censoring Palestine, From Schools to Workplaces', Cage International, 2023, accessed 17 January 2024: https://assets-global.website-files.com/6364ebb4927fbc4330221d8f/65843ea9255e98469e2db179_Ssvspbm4PmutAFihd6oUt5LKef-SFL3R67ABdHjVtU.pdf

2. 'Meta's Broken Promises: Systemic Censorship of Palestine Content on Instagram and Facebook', Human Rights Watch, 21 December 2023, accessed 24 January 2024: <https://www.hrw.org/report/2023/12/21/metas-broken-promises/systemic-censorship-palestine-content-instagram-and>

3. Owen Jones, 'As Gaza crumbles, those speaking up for innocent Palestinians are being silenced and sacked', The Guardian, 31 October 2023, accessed 26 January 2024: <https://www.theguardian.com/commentisfree/2023/oct/31/gaza-innocent-palestinians-silenced-sacked-free-speech>

YOUR RIGHTS WHEN SUPPORTING PALESTINE

Your right to express support for the Palestinian people is protected under the European Convention on Human Rights (ECHR)⁴ which has been incorporated into domestic British law through the Human Rights Act 1998 (HRA).⁵

Human Rights Act 1998	
Article 10: Freedom of expression	Ensures your right to hold and publicly express your own views, whether through protest, writing or speech.
Article 11: Freedom of assembly and association	Protects your right to protest by holding meetings and demonstrations with other people.
Article 14: Protection from discrimination	Ensures that your human rights are applied without discrimination. This means you cannot receive differential treatment based on your political or humanitarian position, religion, or philosophical beliefs.
Article 9: Freedom of thought, belief and religion	Allows you to put your thoughts and beliefs into action, including the right to talk about your beliefs. This right protects both religious and non-religious beliefs.
Equality Act 2010⁶	
Section 10: Religion or belief	Protects you from discrimination based on your religion or belief. This includes philosophical beliefs such as anti-Zionism.

4. Council of Europe, 'European Convention on Human Rights,' accessed 16 January 2024: https://www.echr.coe.int/documents/d/echr/convention_ENG

5. Human Rights Act 1998, accessed 16 January 2024: <https://www.legislation.gov.uk/ukpga/1998/42/contents>

6. Equality Act 2010, accessed 16 January 2024: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

LEGITIMATE CRITIQUE OF ZIONISM

A philosophical belief such as anti-Zionism is protected under the Equality Act if it is a genuinely held belief and more than an opinion.⁷

In January 2024, an employment tribunal delivered a landmark decision in the case of Professor David Miller ruling that his “anti-Zionist beliefs qualified as a philosophical belief and as a protected characteristic pursuant to section 10 Equality Act 2010”.⁸ The judge found that Miller had been unfairly dismissed by the University of Bristol in 2019 and discriminated against because of his philosophical belief that Zionism “is inherently racist, imperialist, and colonial”.⁹ This judgement establishes for the first time ever that anti-Zionist beliefs are protected in the workplace.

The Jerusalem Declaration on Antisemitism defines antisemitism as the “discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)”.¹⁰ Under this definition, “criticising or opposing Zionism as a form of nationalism” and supporting full equality for all inhabitants “**between the river and the sea**” is not antisemitic. This allows for “evidence-based criticism of Israel as a state” which includes its policies and practice, such as the conduct of Israel in the West Bank and Gaza. It is also considered legitimate “to compare Israel with other historical cases, including settler-colonialism or apartheid”.



7. 'Religion or belief discrimination', Equality and Human Rights Commission, accessed 23 January 2024: <https://www.equalityhumanrights.com/equality/equality-act-2010/your-rights-under-equality-act-2010/religion-or-belief-discrimination>

8. Miller V University of Bristol, Courts and Tribunals Judiciary, 31 January 2024, p. 1, accessed 6 February 2024: <https://www.judiciary.uk/wp-content/uploads/2024/02/Miller-judgment-1400780.2022-JDT.pdf>

9. Ibid., p. 7.

10. The Jerusalem Declaration on Antisemitism, accessed 13 February 2024: <https://jerusalemdeclaration.org>

LEGITIMATE BOUNDARIES FOR PRO-PALESTINE ADVOCACY

The right to freedom of expression is not absolute and is subject to other prescribed laws that protect the rights of others. When exercising this right in your support for Palestine it is crucial that you are conscious of your use of language and conduct to ensure your protection under the law as well as lending strength to the Palestinian cause.¹¹

When discussing and expressing support for Palestine:

- **Do not endorse proscribed terrorist organisations. This is a criminal offence under Section 12 of the Terrorism Act 2000.**
- **When protesting, do not engage in anti-social behaviour, incite hate, disrupt public order, or break any other laws.**
- **When posting online, ensure that you fact-check and use credible sources. Do not like or share posts that incite hate or express support for proscribed groups.**
- **Use fair, balanced and appropriate language.**
- **Do not attack Jewish people or hold them responsible for the actions of the Israeli state as this constitutes antisemitism.**
- **Do not post comments that can be construed as racial or religious hate speech - refer to the Israeli Government or the State of Israel rather than Jewish people.**
- **Remember that many Jewish people and organisations have spoken out against the injustices of the Israeli Government.**

It is not a criminal offence to support the Palestinian people, wave the Palestinian flag, nor to chant "*Free Palestine*" and "*From the river to sea*". It is also legal to criticise the Israeli state, its violation of human rights, apartheid, Zionism and its associated settler violence.

11. See: 'Discussing Palestine-Israel: A Simple Language Guide for Palestine Activists', Muslim Engagement and Development, 2023, accessed 16 January 2024: https://www.mend.org.uk/wp-content/uploads/2023/10/Palestine_Terminology_Sheet.pdf



YOUR RIGHTS IN THE WORKPLACE

As an employee, your right to freedom of expression is protected under the HRA as long as it does not breach any workplace policies, or cause harm or discrimination against any other group.

- Section 94 of the Employment Rights Act prevents an employer from unfairly dismissing an employee.¹²
- The Equality Act 2010 outlaws discrimination on the grounds of a protected characteristic such as race and religion or belief.
- Equality, Diversity and Inclusion policies need to ensure equal treatment of Muslims and Palestinians in the workplace.
- Differential treatment of employees over political affiliations, such as those advocating for Ukraine, can provide a useful basis for comparison.

You cannot lawfully be dismissed because of a personal political opinion but you can be in relation to your conduct. If your employer raises claims of misconduct, they need to investigate the matter thoroughly and act fairly before applying any disciplinary action. If you feel that you have been unfairly dismissed, you have the right to challenge this in an employment tribunal. You can also seek advice from your union or independent organisations in your region such as Unite the Union.

12. Employment Rights Act 1996, accessed: 17 January 2024: <https://www.legislation.gov.uk/ukpga/1996/18/section/94>



YOUR RIGHTS AT SCHOOL

Children are protected under the ECHR and have additional protections under the United Nations Convention on the Rights of the Child (UNCRC).¹³

- Article 13 of the UNCRC gives the child the right to “freedom of expression”, under which children and young persons at schools have the right to hold and express their views.
- Article 14 of the Convention also provides children with the “right to freedom of thought, conscience and religion” by which children have the right to support Palestine and express that support.

Schools also have a legal duty under the Public Sector Equality Duty to eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010. They also have a duty to advance equality of opportunity between people who share a protected characteristic and those who do not.

¹³. UNICEF, 'The United Nations Convention on the Rights of the Child', accessed: 22 January 2024: https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_PRESS200910web.pdf



YOUR RIGHTS AT UNIVERSITIES AND COLLEGES

Most higher education providers are 'public bodies' for the purposes of the Human Rights Act 1998 and are therefore bound by the ECHR.

Section 43 of the Education (No 2) Act 1986 requires universities and colleges to "take such steps as are reasonably practicable" to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers.¹⁴

Universities and colleges must also comply with the requirements of equality law set out in the Equality Act 2010.

The Higher Education (freedom of speech) Act 2023 will, by August 2024, provide greater protections and extend the provision for and promotion of free speech in Higher Education institutions and extend the powers of the Office for Students to penalise providers who infringe on these rights.¹⁵

14. Education (No. 2) Act 1986, accessed: 22 January 2024: <https://www.legislation.gov.uk/ukpga/1986/61/section/43>

15. Higher Education (Freedom of Speech) Act 2023, accessed 22 January 2024: <https://www.legislation.gov.uk/ukpga/2023/16/enacted>



YOUR RIGHT TO PROTEST

You are legally allowed to express support for the Palestinian people and criticise the actions of the Israeli state through public protest. Your right to protest is protected by Articles 10 and 11 of the ECHR and the HRA.

- Police have an obligation to facilitate protests and can only lawfully restrict Articles 10 and 11 where it is in accordance with the law, for a legitimate aim and proportionate.
- When you are protesting you have no legal obligation to respond to the police if they approach you unless you are engaging in anti-social behaviour.
- If you are arrested, you have the right to tell someone that you have been arrested, an interpreter if English is not your first language and an appropriate adult if you are under 18 or vulnerable.¹⁶

¹⁶ 'Explainer: Palestine Protests', Liberty, accessed 24 January 2024: https://www.libertyhumanrights.org.uk/advice_information/explainer-palestine-protests/

YOUR RIGHTS ONLINE

International human rights laws safeguard your freedom of expression and social media companies need to ensure that sanctions are applied equally across different sides of the political debate and do not target one group or political position.

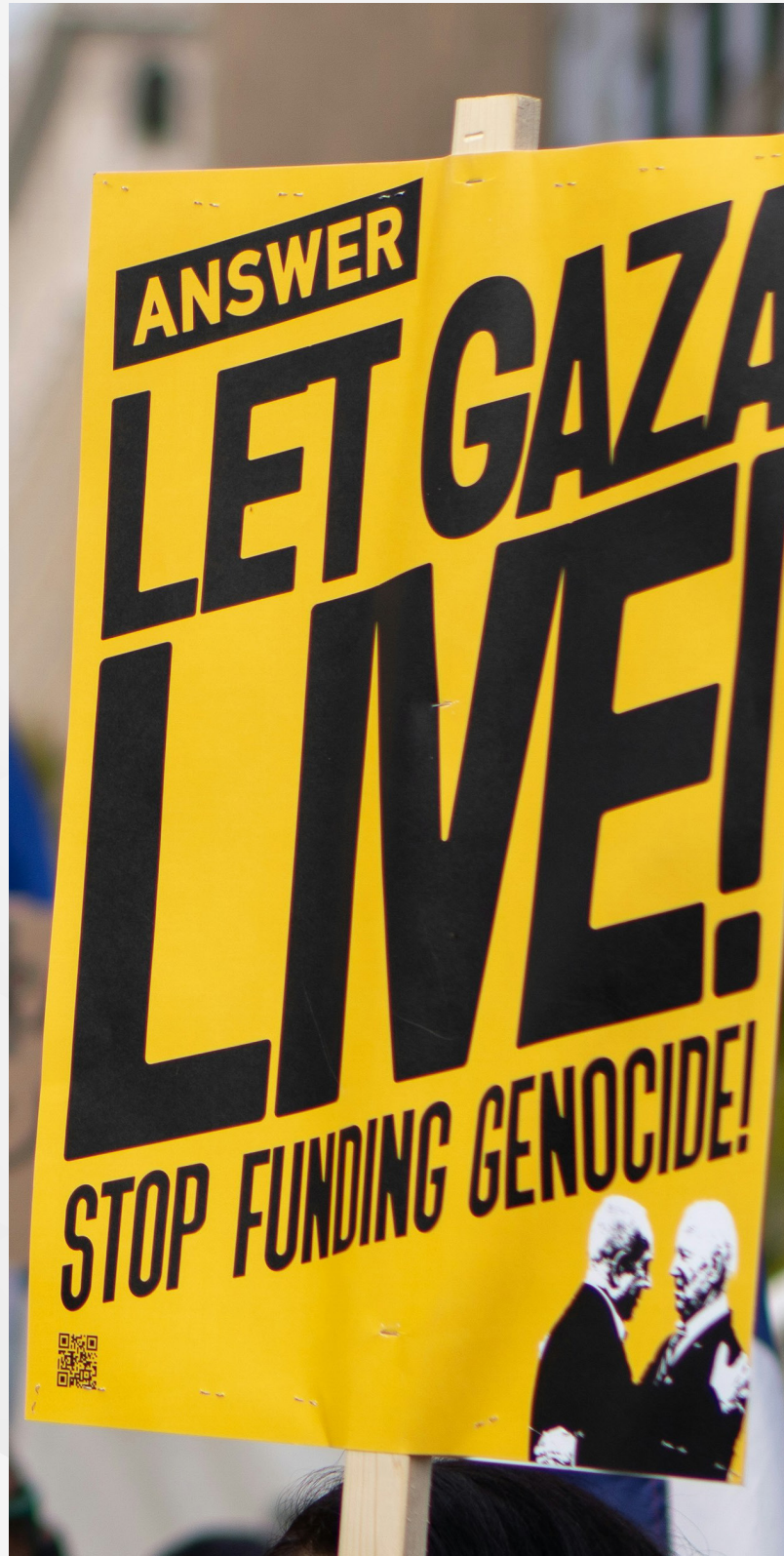
The Online Safety act 2023, requires online platforms to take action against harmful content from their users.¹⁷ While social media companies have a responsibility to self-regulate and have mechanisms for reporting harmful content and misconduct, these are not always fair and effective.

Under British law, you have protections against threatening behaviour, defamation and harassment directed towards you online. If such postings are extensive or threatening you could take the matter to the police and pursue legal action.

The Protection from Harassment Act 1997 criminalises conduct that amounts to harassment and provides civil remedies for victims.¹⁸ If someone makes comments or publishes content about you that is untrue and harmful to your reputation, they could be held liable for defamation.

17. Online Safety Act 2023, accessed 19 February 2024: <https://www.legislation.gov.uk/ukpga/2023/50/enacted>

18. Protection from Harassment Act 1997, accessed 24 January 2024: <https://www.legislation.gov.uk/ukpga/1997/40/contents>



SUPPORT IF YOU ARE TARGETED

European Legal Support Centre (ELSC)

For free legal support or to report an incident contact ELSC <https://elsc.support>

ELSC is an independent organisation monitoring and providing support on incidents of repression against Palestine advocacy in the EU & the UK including those who have been intimidated, slandered, repressed, censored or banned from speaking out or participating in Palestine advocacy, as well as cases involving the International Holocaust Remembrance Alliance definition of antisemitism.

Islamophobia Response Unit

If you have been the victim of Islamophobic hate or discrimination, contact the Islamophobia Response Unit <https://www.theiru.org.uk> **Helpline:** 0203 904 6555

Cage International

If you have been accused of committing terrorism offences contact Cage International <https://www.cage.ngo> **Helpline:** 0300 030 2243

IF YOU ARE TARGETED AT SCHOOL

If you or your child are penalised over your support for Palestine in school, you can file a complaint with the school. If the school fails to resolve the matter, you can either complain to the Department for Education (<https://www.gov.uk/complain-to-dfe>) or report serious teacher misconduct (<https://www.gov.uk/report-teacher-misconduct>). Make sure to reference your rights and keep a copy of all communication.

Palestine in School a voluntary initiative set up to support students, their parents and teachers that have faced sanction in school for expressing support for Palestinians <https://palestineinschool.wordpress.com>

If you or your child have been threatened with a referral or have been referred to Prevent, contact **Prevent Watch** <https://www.preventwatch.org>
Helpline: 03333443396

IF YOU ARE TARGETED AT UNIVERSITY/ COLLEGE

If you have been subject to sanctions or have a complaint about free speech at a university or college, you should first raise the matter with your institution. If you are not satisfied with their response, you can take the matter to the **Office of the Independent Adjudicator** an independent organisation that considers student complaints <https://www.oiahe.org.uk/>

FOR FURTHER HELP ON NAVIGATING DISCUSSIONS AROUND
THE CONFLICT IN GAZA AND ISRAEL-PALESTINE MORE
BROADLY, YOU CAN CONTACT MEND

info@mend.org.uk | www.mend.org.uk

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