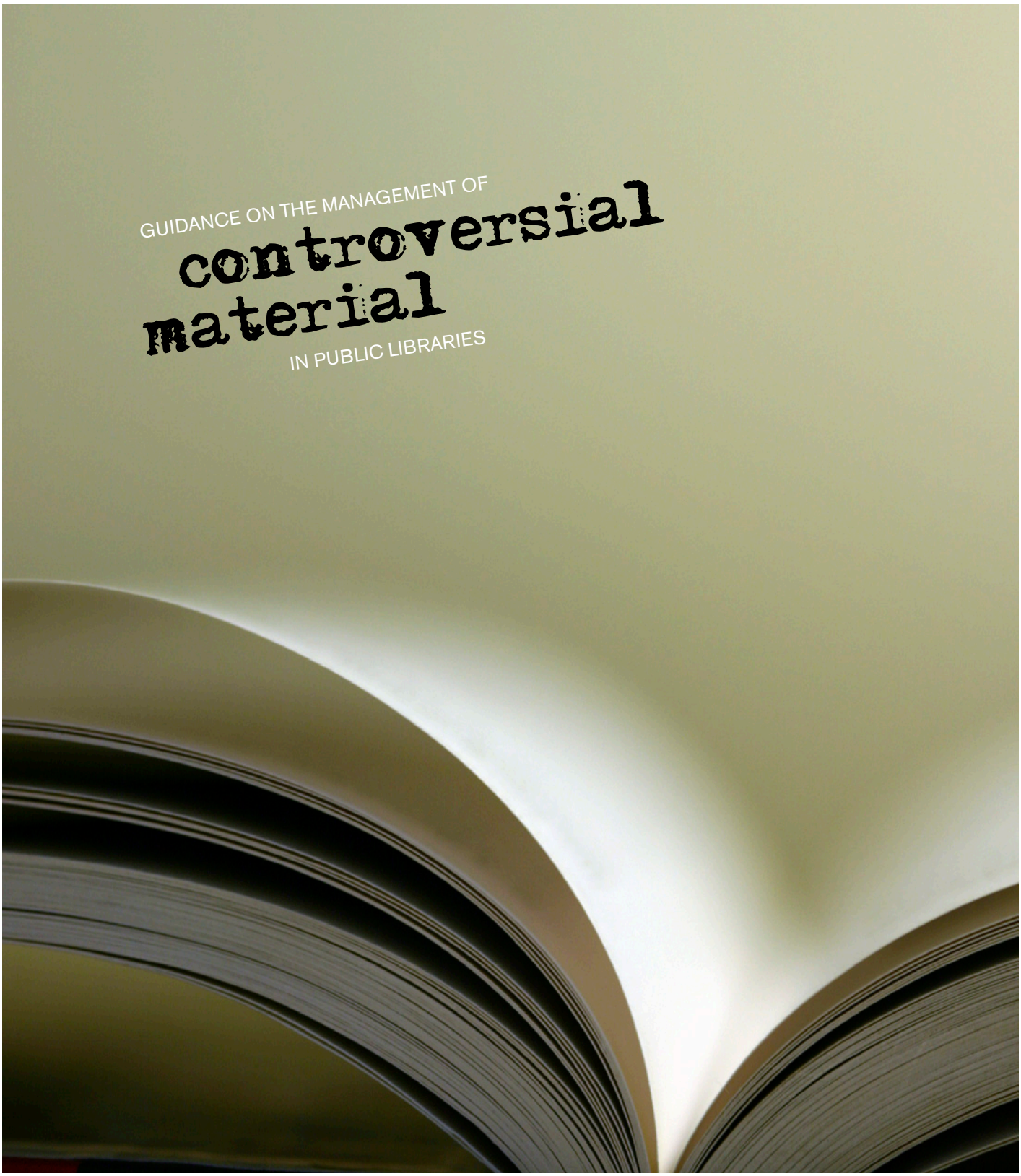
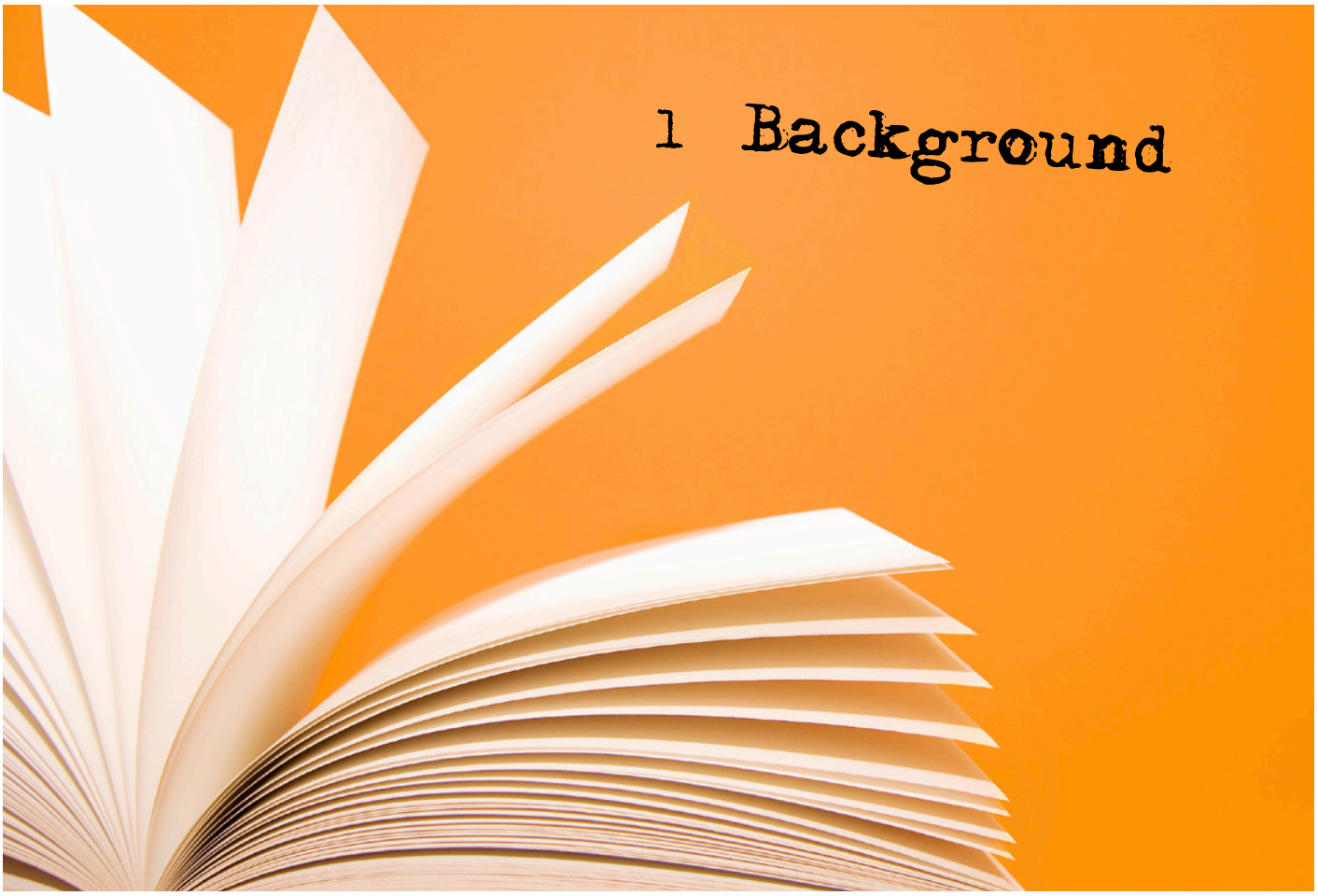
MUSEUMS LIBRARIES ARCHIVES
COUNCIL





1 Background

In November 2007 the Government commissioned the Museums, Libraries and Archives Council (MLA) to produce guidance for public libraries on the management of controversial material.[1]

Until now, the most frequently cited source for guidance on this topic is the Chartered Institute of Information and Library Professionals (CILIP) policy statement on "Intellectual Freedom, Access to Information and Censorship", published in 2005. This states clearly that:

"Access [to information] should not be restricted on any grounds except that of the law. If publicly available material has not incurred legal penalties then it should not be excluded on moral, political, religious, racial or gender grounds, to satisfy the demands of sectional interest."

[1] Extract from the Prime Minister's National Security statement, 14/11/07 – "The Secretary of State for Culture, Media and Sport is working with the Museums, Libraries and Archives Council to agree a common approach to deal with the inflammatory and extremist material that some seek to distribute through public libraries, while also of course protecting freedom of speech."

1 Background

While this statement holds true, the cultural, political and social climate is continually evolving, and a need has been expressed for more explicit guidance on the provision of library stock that may be considered controversial in nature, ie. inflammatory and extremist. It recognises that dealing with controversial material is a perennial problem for library staff and has therefore positioned the debate on inflammatory and extremist material within that context.

Notwithstanding the CILIP policy, and considerable good work by librarians[2] in this area, MLA's discussions with library managers and sector bodies have demonstrated a desire for guidance providing good and consistent practice around:

- the selection and management of stock
- the provision of information and learning resources
- best practice within a context of local independence and accountability

This guidance recognises that making confident and appropriate decisions about selection, access and promotion of stock is about exercising informed and professional judgement within the context of a strong collection development policy. It is aimed at supporting policy makers and managers in local authority public library services who are responsible for collection development policy and stock management. It should also assist suppliers and other partners in the selection process. Case studies have been included to highlight best practice in tackling some of these issues (see Appendices B/C).

Operating within the law as they do, library authorities will consider for purchase any publication which has not incurred penalties under current UK legislation. In support of this guidance therefore, Appendix A provides an outline, for reference, of the current legislation that may impact on the public library responsibility for the selection and provision of information. **This Appendix does not constitute legal guidance.**

[2] "Librarians" is used throughout this document to denote all public library staff with a role in the selection and/or management of stock.

2 Introduction

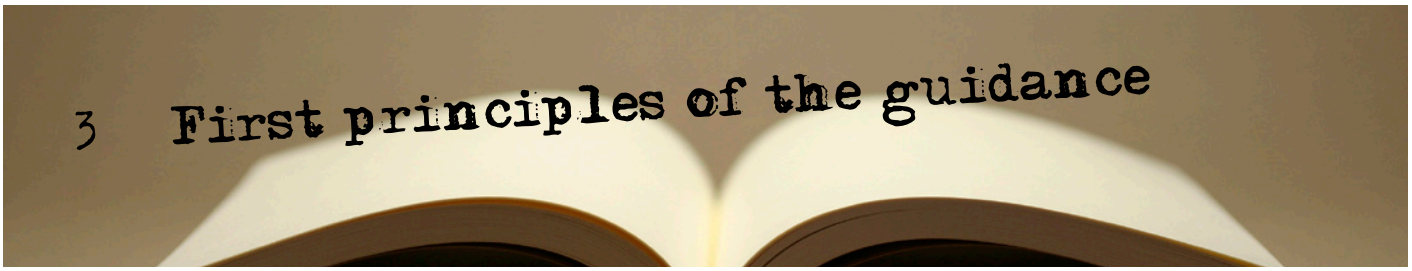
The British public library tradition supports the principles of intellectual freedom; free access to diverse information, ideas and knowledge; free expression; and democratic dialogue. To fulfil the library's democratic traditions of freedom of access and expression within a diverse, multi-faith, and increasingly secular society, libraries must enable access to a wide spectrum of opinions and belief both in on-site resources and globally through information technologies.

Public libraries in England house millions of publications that reflect experienced and expert approaches to the selection of resources, from material published in the UK and overseas, to meet the needs and interest of local communities.

3 First principles of the guidance

Each local library authority selects library material, subject to local consultation and accountability, within its statutory duty to provide library services. The library has a responsibility to the local community to actively and positively promote resources for learning, education, cultural inspiration and community cohesion. It is important that all sectors of the community feel able to play a full part in community life and not feel intimidated, marginalised or ignored.

Libraries operate within the law to provide free access to a diversity of information, opinion and ideas in a neutral and hospitable environment. Paramount is the requirement to respond comprehensively and non-judgementally to the needs of learners and researchers. Occasionally libraries will provide access to material regarded by some as culturally or morally extreme. Each library authority must be able to justify such action to their communities within the democratic principles of free access that are the foundation of the public library purpose.



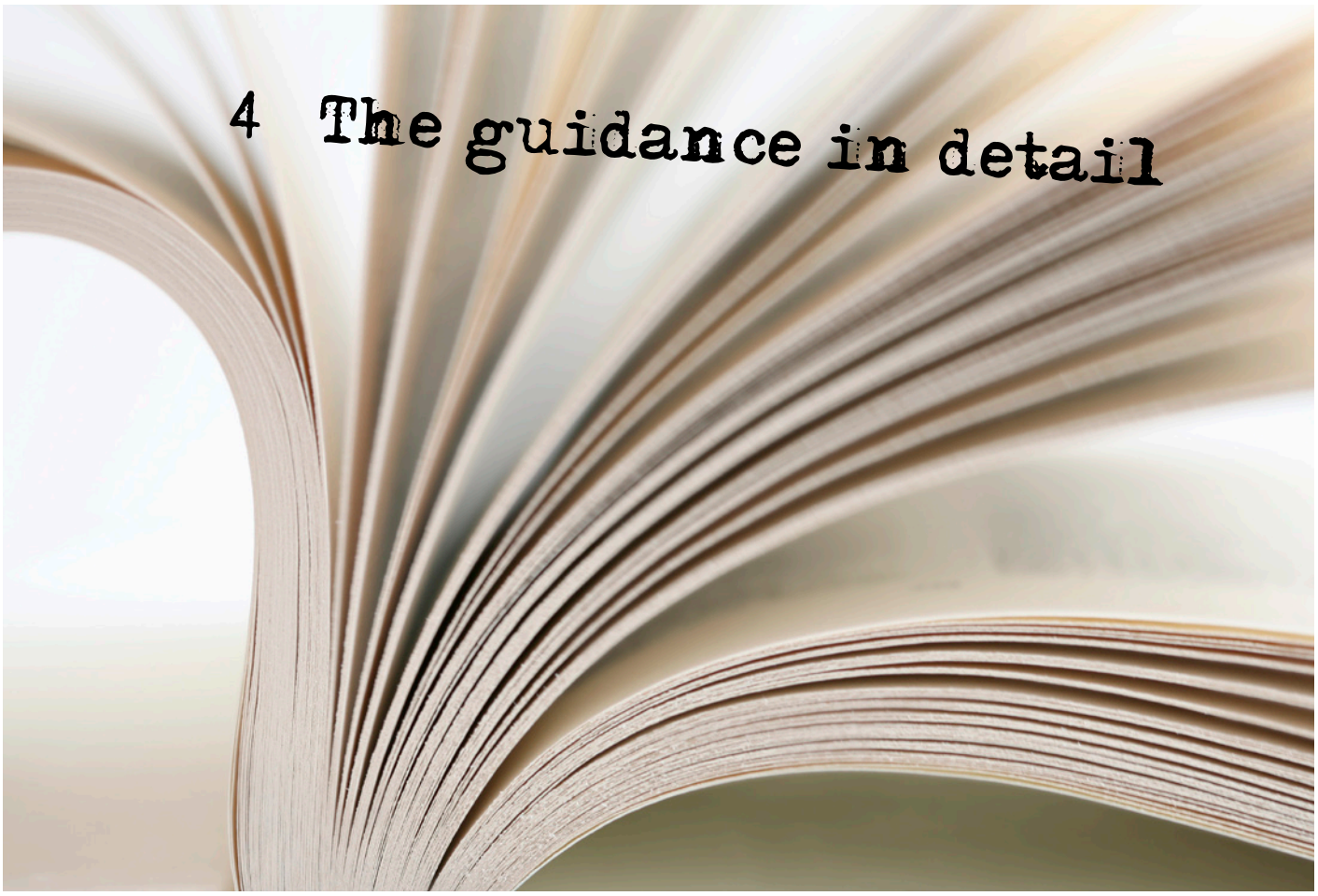
3 First principles of the guidance

IFLA[3] has recently published a statement on the responsibilities of library providers in a multicultural society[4]. At the opening of the section on Principles it states:

"Each individual in our global society has the right to a full range of library and information services. In addressing cultural and linguistic diversity, libraries should:

- serve all members of the community without discrimination based on cultural and linguistic heritage
- provide information in appropriate languages and scripts
- give access to a broad range of materials and services reflecting all communities and needs."

[3] IFLA (The International Federation of Library Associations and Institutions) is the leading international body representing the interests of library and information services and their users.
[4] See The Multicultural Library – a gateway to a cultural diverse society in dialogue http://www.ifla.org/VII/s32/pub/MulticulturalLibraryManifesto.pdf



4 The guidance in detail

4.1 Collection Development Policies

All library authorities should have a publicly available and up-to-date Collection Development Policy that responds to the demography and needs of the community and the library's role to promote information, ideas and the cultural experience. This should inform all aspects of stock management, from selection through access and promotion to eventual disposal. Good practice will recognise:

- personal and academic freedoms
- the rights of individual citizens to access published material
- the neutrality and responsibilities of the librarian.

4 The guidance in detail

A robust Collection Development Policy provides a solid framework for balanced and informed decision-making. It should reinforce the expert role played by library staff, and support them in dealing with potentially controversial items, responding to challenges in relation to items selected (or not selected), and in deciding whether or not to accept donated items. At the same time, it should make it clear that the ultimate test against which potentially controversial material should be judged is that of its legality. The outline of legislation provided in Appendix A will be helpful in this respect. It should be noted however that this is intended to be used as an outline for guidance purposes only, and not as a substitute for tailored legal advice. The law reflects the tension between the need to safeguard national security (including the attempt to tackle terrorism) on the one hand, and the need to discourage discrimination and protect human rights on the other. As a result, in deciding whether or not to stock a particular publication, competing interests may have to be considered.

Extracts from some typical good local Collection Development Policies are included as Appendix B of these guidelines. For instance, the Bolton policy states:

"The library service may purchase any publication which has not incurred penalties under current UK law. Material that is defined by UK legislation as obscene or blasphemous, or which incites religious or political hatred, cannot be stocked or displayed."

and

"We will not add, or remove, any item from our shelves solely at the request of an individual or group… We acknowledge that on occasion individuals may find items in our collections "offensive". However, we do not label items to warn customers of potentially 'sensitive' content and would only restrict access to material in order to protect it from damage or theft, not as a form of censorship."

A case study in Appendix C (section 1.4) shows why such policies should not be treated as static documents.

4 The guidance in detail

As local authority services, public libraries are obliged to abide by any authority policies relating to the promotion of political or religious views. These may occasionally restrict the presentation of stock, events or the use of community facilities but should not conflict with the selection and provision of legal publications for the library. The library service may wish to consider challenging any such policies which are felt to be overly restricting or damaging to its ability to provide a comprehensive range of materials.

4.2 Stock selection

Library stock is selected from all published material in print plus other media including audio-visual. Material should be chosen for its literary, cultural and recreational relevance or for its information and learning value reflecting the objectives of the Collection Development Policy. Librarians should aim for a library stock that ensures:

- a range of material that reflects the demography of the area and the policy priorities agreed for the library service
- a diversity of information, opinion and inspirational literature on any topic from the material available.

The quantity of any one publication should be managed with reference to a balance between demand and the need to reflect the widest range of interests across the total stock.

Stock should be selected objectively according to the Collection Development Policy, not determined by the personal view of library staff, suppliers or other partners. CILIP's Ethical Principles[5] offer guidance on the responsibilities of librarians. In order to capture the diversity of language, culture and belief in Britain today, library managers and staff should be trained in and alert to professional ethics and established codes of conduct.[6]

[5] http://www.cilip.org.uk/policyadvocacy/ethics
[6] Such codes can be found through FAIFE - the **Committee on Free Access to Information and Freedom of Expression of IFLA** http://www.ifla.org/faife/

4 The guidance in detail

These principles apply regardless of who is doing the selection. Where it is outsourced, eg. to suppliers, other authorities or community groups, those doing the selection should be bound by the same ethical principles and should receive adequate support, guidance and training in applying them.

4.3 Controversial subjects

In the interest of intellectual freedom, material should not be rejected solely because it is considered controversial. A good library should encompass controversial issues and different perspectives in the interests of democracy and discovery. Challenges to selection decisions should always be considered with reference to these principles and to the library's Collection Development Policy. Examples of such challenges are included within the case studies in Appendix C.

Over time publications covering controversial subjects may become matters of historical interest. Catering for future historical significance will require:

- a comprehensive Collection Development Policy
- the inclusion of current accounts of history
- alternative ways of providing equal access to material that some may regard as controversial
- the contribution of national, academic and larger public reference libraries providing on-site, lending and digital access to historic resources.

4.4 Involving others

In the selection of stock, as in all other aspects of library service provision, librarians are encouraged to work in partnership with others, including:

- non-library partner agencies that have an insight into community cultures, needs and interests
- local residents, community groups and representatives
- stock suppliers with a language or cultural expertise responding to an informed brief from the librarian
- regional, national or specialist consortia.

4 The guidance in detail

All partners must be made aware of the legal obligations of the library authority and agree to comply with the library service's Collection Development Policy.

Community engagement in stock selection helps the local authority fulfil its duty to involve (as established by the 2007 Local Government & Public Involvement in Health Act) by encouraging the closer involvement of local people in library choices. It needs to complement the Collection Development Policy, increasing the sensitivity and insight with which stock is chosen and allowing users and the community to understand the rationale behind stock selection and to influence the choices made on their behalf. This can add to the library's standing in the community and support positive community engagement and cohesion.

In all circumstances Collection Development Policy remains the responsibility of the library authority. Librarians should be alert to the potential for material to contravene policy and delegate choice with care in order to fulfil their overall accountability for the collection. As with all forms of engagement, they should also be conscious of the need to ensure that a full range of community views is heard and represented, not just those of a small vocal minority.

4.5 Access to library material

All material should be catalogued, and information about holdings made available through the catalogue both in-library and remotely, accessible to all.

Inter-lending facilities and the library network allow for a book to be requested at any library and supplied from other public, college and university libraries, or the British Library. The British Library's valuable policy on lending and public access to its collections sets out its practice[7] but liaison between library sectors is essential to promote a common understanding of stock policies and systems.

[7] Extract from British Library policy – "The Library exercises no censorship or moral view of what its readers access or borrow from its collections. Very occasionally, works within the Library's collections are found to be illegal (under criminal and/or civil law). In such cases, the Library will retain the work but it is suppressed until such time as legitimate access may be given".

4 The guidance in detail

4.6 Presentation and promotion of stock

Libraries may actively promote holdings on topics of current interest to raise awareness, encourage understanding, improve accessibility and increase library usage. This is not to promote a particular belief or opinion but to enable people to follow an interest in a topic using library resources, to be exposed to new ideas and encouraged to debate and at times challenge them. The Sandwell case study in Appendix C (section 3.1) demonstrates the role author events can play in bringing communities together and encouraging debate.

Librarians should be alert to local and wider sensitivities. While they may highlight a spectrum of views, they must not knowingly incite a person to undertake an illegal activity. All library managers and staff should have access to policy and/or legal advice to resolve uncertainty (see Appendix A). Librarians should, on legal advice, withhold from public access, material which in case law is proven to be instrumentally linked to unlawful activity and declared illegal.

4.7 Donations

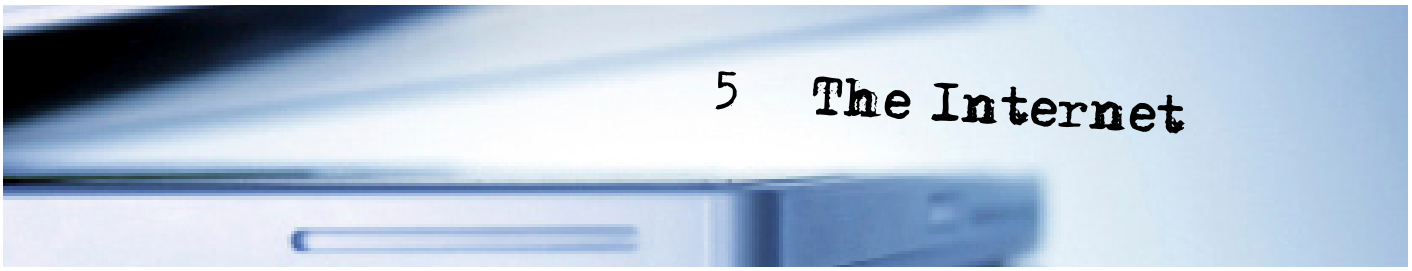
Donated material should be subject to the same Collection Development Policy, with donors advised of the criteria. Any decision on the acceptance, display and promotion of specific publications should remain with the responsible staff. All staff should be made aware that occasionally people may want to use the library as a route to the distribution of material that supports their own views and beliefs, or that is disrespectful of those of others. Such material may contravene the Collection Development Policy, which should be the benchmark for all decision-making. Staff should also be alert to the possibility that material may be distributed by simply leaving it in the library without reference to them.

5 The Internet

The prime focus of these guidelines is on the selection and management of printed materials in public libraries, rather than on Internet provision. Nevertheless, the Internet is now both integral and essential to the purpose of libraries in providing access to e-government, information, learning and community cohesion, and the particular challenges it presents cannot be totally ignored here.

Many of the same principles will apply in considering policies for the Internet; however it is global and, essentially, self-regulating. The library provider's responsibility is to enable access. The responsibility for the interpretation and use of the information accessed through the Internet rests with the user.

[8] See the IFLA/UNESCO Internet Manifesto Guidelines http://www.ifla.org/III/misc/im-e.htm and http://www.ifla.org/faife/policy/iflastat/Internet-ManifestoGuidelines.pdf



5 The Internet

IFLA and UNESCO recognise the status of public libraries in the information society and in relation to democracy and human rights:

The concept of freedom of access to information and freedom of expression is clearly outlined in Article 19 of the Declaration of Human Rights (UN, 1948):

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

In providing Internet access libraries should:

- provide Internet access in accordance with the principles of freedom of thought and expression to all regardless of their background
- respect the privacy of users
- enable users to make the most of the Internet for information, learning and communications for citizenship, e-governance and innovation through assistance and training
- provide an Acceptable Internet Use Policy advising users of their responsibility to act within the law when using the Internet (see example from Suffolk Libraries in Appendix B, section 9.2)
- provide a published policy on use by children and young people which also advises parents of their responsibility for children's use of and safety on the Internet
- be pro-active in drawing users' attention to these policies and educating them about acceptable internet use.

Library authorities may also adopt filtering technologies to restrict access to certain kinds of information. In doing so they should:

- make this known to users and provide the opportunity for them to challenge particular instances of blocking or request the adjustment of blocking criteria
- recognise that such techniques are imprecise and aim to minimize restrictions and avoid inadvertent blocking of legitimate resources.

Library staff may be instructed to intervene if they are aware of apparent illegal activity, and managers should provide clear and accountable procedures for staff to deal with such occurrences.

6 Legislation

Selection, provision and access to library material is informed by legislation on terrorism, race relations, equality, local government, freedom of expression and human rights. Appendix A outlines current relevant legislation for reference only. Local Authorities should seek legal advice as necessary to address specific incidents.

7 Monitoring and reviewing this guidance

MLA will review this guidance in consultation with other key partners as necessary.

Notwithstanding the CILIP policy, and considerable good work by librarians in this area, MLA's discussions with library managers and sector bodies have demonstrated a desire for guidance providing good and consistent practice around:

- the selection and management of stock
- the provision of information and learning resources
- best practice within a context of local independence and accountability.

This guidance recognises that making confident and appropriate decisions about selection, access and promotion of stock is about exercising informed and professional judgement within the context of a strong collection development policy. It is aimed at supporting policy makers and managers in local authority public library services who are responsible for collection development policy and stock management. It should also assist suppliers and other partners in the selection process. Case studies have been included to highlight best practice in tackling some of these issues.

Appendix A: Relevant legislation

(Appendix A has been prepared by Farrer & Co LLP)

1. Introduction

This note summarises the key legislation affecting the provision of extremist publications in public libraries. It is hoped that it will help libraries identify the key areas of risk and decide whether further legal advice is needed. Please note, however, that this document will not cover legislation relevant to every issue, and it is intended to be used as an outline for guidance purposes only, and not as a substitute for tailored legal advice.

The law reflects the tension between the need to safeguard national security (including the attempt to tackle terrorism) on the one hand, and the need to discourage discrimination and protect human rights on the other. As a result, in deciding whether or not to stock a particular publication, competing interests may have to be considered. To be weighed up are:

- the general obligation to "a comprehensive and efficient library service" (section 2.1 below)
- the risk, perhaps small, of commission of an offence under the Terrorism Acts 2000 and 2006 (section 2.2 below)
- the requirements of race relations legislation (section 2.3 below)
- the impact of the Human Rights Act 1998 (section 3 below)
- the involvement of local persons under the Local Government and Public Involvement in Health Act 2007 (section 4 below)

Appendix A: Relevant legislation

2. General Legislative Framework

2.1 Duty of Library Authorities

Public Libraries and Museums Act 1964

Section 7(1): General duty of Library Authorities to provide a 'comprehensive' library service for those living, working and being educated within the area.

Section 7(2)(c): Specific duty to provide a sufficient number, range and quality of books (and other library materials) "to meet the general requirements and any special requirements of adults and children".

- If local residents want their library to stock particular literature, the library may be bound to do so to ensure a 'comprehensive' service.
- Obligation can be interpreted stringently: In R v London Borough of Ealing and others ex parte Times Newspapers Ltd and others (1987) the decision of several libraries to ban The Times on political grounds (specifically, in support of print workers in an industrial dispute) was held to be an unlawful abuse of the libraries' powers granted under the 1964 Act.
- However, key legislation has been implemented since this case and the 1964 Act (including in particular the Human Rights Act 1998 and the Terrorism Act 2006). Library authorities and librarians now have to bear in mind other competing considerations.

2.2 Terrorism

Terrorism Act 2006

2.2.1 Who can commit an offence

Section 18: Offences under the Act can be committed by the library authority as a "body corporate" if the offence is committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate. Both this individual and the body corporate would be guilty of the offence.

- Individuals involved in the decision making process relating to publications (such as librarians themselves), could also be found guilty of an offence, whether or not the corporate body is liable.
- In this document, "Librarians" shall refer to any individual who might be liable for the offence, whether in their own capacity or as part of a body corporate.

Appendix A: Relevant legislation

2.2.2 The Section 2 offence: 'Dissemination of Terrorist Publications'

Librarians run a greater risk of committing the section 2 offence than the section 1 offence (encouragement of terrorism, which is consequently dealt with below).

(i) Definition of "Terrorist Publication"

Section 2(13): A "publication" includes matter to be read, listened to, looked at or watched. In other words, it is not confined to books.

Section 2(3): Defines a "terrorist publication". Broadly speaking, this will include matter that is likely (a) to be understood as a direct or indirect encouragement or inducement to commit, prepare or instigate terrorist acts; OR (b) to be useful to those ends and to be understood as such.

Section 2(4): Describes matter that is likely to "indirectly" encourage terrorism. This includes the glorification of terrorism (whether in the past, future or generally) from which a person could reasonably be expected to infer that such conduct should be emulated in existing circumstances.

Section 2(5): Explains that the question of whether a publication is a terrorist publication must be determined at the time and in the circumstances it is disseminated, and with regard to the contents of the publication as a whole.

Section 2(7): Explains that it is irrelevant whether a person is in fact encouraged or induced to commit, prepare, or instigate acts of terrorism by the publication, or actually uses the publication to do so. The focus is therefore on the content of the publication, not its actual effect.

- Although the whole publication need not be dedicated to the encouragement of terrorism etc. in order to be a "terrorist publication", it is clear that the relevant 'matter' will be examined in context.
- Similarly, it seems that historical accounts that could be interpreted as glorifying terrorism may be stocked if there is little or no possibility that a current reader would try and emulate the acts described.

(ii) Definition of "dissemination"
Section 2(2): Lists the 'conduct' which will count as dissemination. This includes lending or offering a terrorist publication for loan, providing a service to others that enables them to read, listen to or look at such a publication, transmitting its contents electronically, and even possession of such a publication with a view to making it available in the ways listed.

(iii) State of mind of Librarian: Intention and recklessness
Section 2(1): Broadly speaking, the offence will only be committed if a Librarian intends the dissemination to encourage, induce or assist in acts of terrorism or is reckless as to whether it has such an effect.

- Recklessness in this context is not the same as carelessness or negligence. It means taking an unreasonable risk of which the risk-taker is aware.

(iv) Possible sanctions
Section 2(11): The offence carries a maximum prison sentence of 7 years and/or a fine.

2.2.3 The Section 1 offence: Encouragement of Terrorism
Section 1(1) and 1(2)(a): It is a criminal offence to publish, or cause another to publish a statement that is likely to be understood as a direct or indirect encouragement or inducement to commit, prepare or instigate acts of terrorism.

Section 20(4): "Publishing a statement" includes providing access to the statement, or making available any electronic service by which the public can access it, (for example, internet access or a search engine).

Section 1(2)(b): As for the section 2 offence, the Librarian must also intend or be reckless as to the effects of publishing the statement.

Section 1(3) – 1(5) and 1(7): These set out the definition of "indirect" encouragement etc., the context in which the statement must be read, the focus on content rather than effect, and the possible penalties. They mirror similar provisions in the Section 2 offence (see 2.2.2 above).

- In providing library users with computers that have internet access, for example, Librarians may well be "publishing" statements. In particular, allowing library users access to "terrorist" sites could be construed as "reckless".
- Although there may be scope for commission of the section 1 offence in this way, the prosecuting authorities are in practice likely to focus on the actual source of publication, rather than intermediaries (such as Librarians), who are unlikely to have intended to encourage terrorism.

2.2.4 Defence to Section 1 and Section 2 Offence

Sections 2(9) and 2(10), and Section 1(6): A Librarian who did not intend to encourage terrorism may have a defence to both the Section 1 and Section 2 offences, if the terrorist publication or statement did not express their views or have their endorsement, and it was clear in all the circumstances that it did not.

Section 2(10)(a): In the case of the Section 2 Offence, the defence can only be used where the publication is of the type that encourages or induces terrorist acts. It is not available if the publication in question is of the type that might be useful in the commission or preparation of terrorist acts.

- So, for example, a book which glorifies a historical act of terrorism might be covered by the defence, but a practical manual on how to make a device would not.

Section 3: If the dissemination or publication has been done electronically, the defence will not be available if the individual has not complied with 'Section 3 notice'.

- A Section 3 notice is a declaration by a police constable that the statement, article, or record is unlawfully terrorism-related.
- When the notice is issued, the person to whom it is addressed must, within 2 working days, stop making the matter available to the public (for example, block an offending website), or modify it so it complies with the Act
- If this is not done, that person will be deemed to have endorsed the matter in question, and the defence will be unavailable.
- Therefore, as a provider of Internet access within a library, the Librarian and/or library authority will have to be vigilant to ensure that if a notice is issued, it is complied with.

Appendix A: Relevant legislation

2.2.5 Collection of Information

Section 58(1): It is a criminal offence to collect or make a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism; or even to possess such a document or record. A "record" includes a photographic or electronic record.

Section 58(3) An individual who does so will have a defence if they can show that there was a reasonable excuse for the action or possession.

- The offence carries a maximum of 10 years imprisonment and/or a fine. A court may also order forfeiture of any document or record caught by the act.
- "Reasonable excuse" is not defined in the Act, and has not been tested by the courts in the context of librarians. Recent case law suggests however that a person will have a 'reasonable excuse' provided that the information is possessed for a purpose other than to assist in the commission or preparation of an act of terrorism (R v K, 2008).
- [It seems likely therefore that librarians could rely on the defence if the information had been collected/stocked inadvertently. It is less clear whether the fulfilment of the general duty of library authorities (see section 2.1 above) would of itself amount to a "reasonable excuse"].

2.3 Racial Discrimination

Race Relations Act 1976
(added to and amended by the Race Relations (Amendment) Act 2000)

2.3.1 Who can commit an offence

Section 32(1): An offence committed by an employee in the course of his employment (except for specific offences) is done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.

2.3.2 General prohibitions on racial discrimination which are relevant to Library Authorities and Librarians

Section 19B: A 'public authority' (or persons carrying out functions of a public nature) must not racially discriminate.

Appendix A: Relevant legislation

Section 20(1): A person who provides (for payment or otherwise) goods, facilities or services to the public must not discriminate against anyone who seeks to obtain them by (a) refusing or deliberately omitting to provide the services; or (b) by refusing or deliberately omitting to provide the same goods, facilities or services as are normal in relation to other member of the public.

Section 28: Details further discriminatory practices.

- By "banning" certain extremist publications from libraries, Librarians and library authorities could be behaving in a racially discriminatory manner and/or operating a racially discriminatory practice (but see the Section 42 disclaimer below).

Section 42: Nothing in the sections described above will be unlawful if it was done to 'safeguard national security', provided the act was justified by that purpose.

- If therefore, Librarians are acting (for example) in order to avoid commission of the offences created by the Terrorism Act 2006, this will override the prohibitions on discrimination outlined above.

2.3.3 Further statutory duty of "specified authorities" to have due regard to racial discrimination

Schedule 1A: "Specified authorities" includes local authorities and hence public libraries operated by them, entities which fall under the heading of "Libraries, Museums and Arts" (including The British Library), educational institutions, and The Museums, Libraries and Archives Council itself.

Section 71: "Specified authorities" must have "due regard" to the need (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations between persons of different racial groups

- This duty is NOT subject to the Section 42 disclaimer.
- However, "giving due regard" to these factors does not mean that a decision must be made subject to them. It is valid to take account of competing considerations (including for example the Terrorism Act 2006) even if these might not promote good relations between persons of different racial groups.

Appendix A: Relevant legislation

2.4 Racial and Religious Hatred

Public Order Act 1986 (as amended by the Racial and Religious Hatred Act 2006 and the Anti-Terrorism, Crime and Security Act 2001)

2.4.1 Who can commit an offence

Section 28 and 29M: both the Library Authority (as a "body corporate") and any officer of the body who consented to the decision can be liable for the offence.

2.4.2 Meaning of "racial and religious hatred"

Section 17: Racial hatred means hatred of a group defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

Section 29A: Religious hatred means hatred against a group of persons defined by reference to religious belief or lack of religious belief.

2.4.3 Relevant Offences (Racial Hatred)

(i) Section 18: Display of written material

Section 18(1) Displaying written material which is threatening, abusive or insulting will be an offence if (a) the person displaying the material intends to stir up racial hatred; or (b) having regard to all the circumstances, racial hatred would be likely to be stirred up.

Section 18(5) An individual who did not intend to stir up racial hatred will not be guilty of an offence if they did not intend the written material to be threatening, abusive or insulting, and was not aware that it might be.

(ii) Section 19: Publication or distribution of written material

Section 19(1): Publication or distribution of written material which is threatening, abusive or insulting will be an offence if racial hatred is intended or likely to be stirred up (as per (a) and (b) in the Section 18 offence).

Section 19(2): An individual who did not intend to stir up racial hatred will have a defence if they can prove that they were not aware of the content of the material and did not suspect (and had no reason to suspect) that it was threatening, abusive or insulting.

Appendix A: Relevant legislation

(iii) Section 23: Possession of racially inflammatory material

Section 23(1): Possession of written material, or a recording of visual images or sounds, which is threatening, abusive or insulting with a view to its being displayed, published, shown or played (as relevant) will be an offence if racial hatred is intended or likely to be stirred up (as per (a) and (b) in the Section 18 offence).

Section 23(3): An individual who did not intend to stir up racial hatred will have a defence if they were not aware of the content of the material and did not suspect (and had no reason to suspect) that it was threatening, abusive or insulting.

- Even if stirring up racial hatred was not intended, it is possible that extremist literature might be found to be likely 'in all the circumstances' to have this effect.
- However, Sections 19(2) and 23(3) effectively provide an 'innocent dissemination' defence, if (for example) a Librarian who had inadvertently stocked "threatening, abusive or insulting" material was not aware of its content, and had no reason to suspect its nature.

2.4.4 Relevant Offences (Religious Hatred)

Sections 29B, 29C and 29G: These contain offences which mirror the relevant racial hatred offences, except that they require actual intention to stir up religious hatred.

- There is no 'secondary form' of intention for the religious hatred offences that takes account of the surrounding circumstances.
- As actual intention is required, these offences are unlikely to be applicable to Librarians and library authorities.

2.4.5 Sentencing

Section 27(3) and 29L(3): All the offences described carry a maximum penalty of 7 years' imprisonment, or a fine, or both.

Section 27(1) and 29L(1)): Proceedings for all the offences can only be brought by, or with the consent of, the Attorney General.

Appendix A: Relevant legislation

3. Freedom of Expression and Other Human Rights

3.1 Human Rights Act 1998

Section 6: Public authorities (and public librarians themselves when carrying out functions of a "public nature") must act in accordance with the rights set out in the European Convention on Human Rights ("ECHR").

Section 3: All newly enacted legislation must be interpreted as far as possible in accordance with the Act.

- Library authorities (and most academic libraries) are "public authorities" for the purposes of the Act and will have to consider human rights when making decisions.
- However, Section 3 means that subsequent legislation (such as the Terrorism Act 2006) which prohibits the dissemination of certain publications can be assumed to be compatible with the ECHR and must be adhered to.

3.2 Freedom of Expression: Article 10 ECHR

Article 10(1) (and the common law): Describes the right of freedom of expression.

Article 10(2): qualifies the right by making it subject to a number of competing interests, such as national security

- Everyone has the right, without interference by a public authority, both to receive information (e.g. individual reader or learner in the community) and to impart information and ideas (e.g. authors).
- However, the right is not absolute. It may be validly be restricted (e.g. in the case of obscene or pornographic material, or material which is excluded as a result of the legislation described above), provided that any restriction is proportionate.
- Applying the right is therefore a balancing act. For example, in Otto E R A Remer v Germany (1995) the applicant's right to 'freedom of expression' (which he wished to exercise by denying the gassing of Jews in Nazi Germany) was outweighed by the need to protect the rights and reputation of people of the Jewish faith.
- Article 10 does not guarantee a right to access information (R (Persy) v Secretary of State for the Environment (2002)). Neither does it impose an obligation to supply information (Leander v Sweden (1987)).

Appendix A: Relevant legislation

3.3 Freedom of Thought, Conscience and Religion: Article 9 ECHR

Article 9(1): Details the right to freedom of thought, conscience and religion, including freedom to 'manifest' a religion or belief.

Article 9(2): States that this right is subject to limitations prescribed by law and necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

- 'Banning' extremist publications may arguably restrict freedom to 'manifest' a religious view or belief.
- However, as with Article 10, this right can be validly restricted, for example in accordance with the anti-terrorism legislation.

Appendix A: Relevant legislation

4. Relationship with Local Government Legislation

Local Government Act 1999 (as amended by the Local Government and Public Involvement in Health Act 2007)

Section 3: 'Best value authorities' (which includes Local Authorities) have a duty to make arrangements to secure continuous improvement in the exercise of their functions, having regard to a combination of economy, efficiency and effectiveness.

Section 3A(1): From April 2009, if a 'best value authority' considers it appropriate, it must take steps to involve representatives of local persons in the exercise of its functions (e.g. by providing them with information or consulting them)..

Section 3A(2)(b): There will be no obligation to take any step which conflicts with the authority's other legal duties (for example, their duty to comply with the terrorism legislation described above).

- May lead to Library Authorities involving members of the local community in stock selection (though only if the Authority 'considers it appropriate').
- If a decision is made to involve members of the local community in this way, care should be taken to ensure that stock selected by such individuals does not expose the library (or the individuals themselves) to liability under any of the legislation described above.

Farrer & Co LLP (Ref: JPW/RXC)
28 July 2008

Appendix B: Case studies

Extracts from local authority stock policies (quoted with permission):

BOLTON

Key principles

Public libraries are an integral part of any community and their collections should reflect the ideas and views of that community. In doing this the service will hold items which some individuals find challenging and controversial.

Bolton Libraries follows the Chartered Institute of Library and Information Professionals' guidelines for stock management which states:

"The function of a library service is to provide, so far as resources allow, all books, periodicals, etc. other than the trivial, in which its readers claim legitimate interest. In determining what is legitimate interest the librarian can safely rely upon one guide only – the law of the land. If the publication of such matter has not incurred penalties under the law it should not be excluded from libraries on any moral, political, religious or racial ground alone, to satisfy any sectional interest.

The public are entitled to rely upon libraries for access to information and enlightenment upon every field of human experience and activity. Those who provide library services should not restrict this access except by standards which are endorsed by law."

In line with this statement the library service may purchase any publication which has not incurred penalties under current UK law. Material that is defined by UK legislation as obscene or blasphemous, or which incites religious or political hatred, cannot be stocked or displayed.

The library service does not knowingly purchase such material and if any item becomes subject to legal proceedings it will be removed. We will not add, or remove, any item from our shelves solely at the request of an individual or group.

A representative range of political and religious materials is held across all libraries in the Borough and made available through the normal reservation system.

Sacred texts purchased by the library service are managed in the same way as other stock items and they may be withdrawn or replaced as part of the routine stock management processes.

Appendix B: Case studies

We acknowledge that on occasion individuals may find items in our collections "offensive". However, we do not label items to warn customers of potentially "sensitive" content and would only restrict access to material in order to protect it from damage or theft, not as a form of censorship.

LONDON BOROUGH OF CAMDEN

5.1 Criteria for selection

5.1.1 General aims

Library stock is chosen by professional librarians in accordance with the aims and objectives set down at the start of the stock policy document and within budgetary limits:

- in accordance with any stock plans or profiles
- to reflect community needs
- without personal bias
- considering the following criteria.

5.3 Censorship

The public library, free at the point of use, is a guarantee that alternative and minority views are accessible to all.

The Library Association's Policy Statement on Censorship (1989) says, "The function of a library service is to provide as far as resources allow, all books, periodicals and other materials, except the trivial, in which its readers claim legitimate interest. In determining what is a legitimate interest the librarian can safely rely upon one guide only - the law of the land. If the publication of an item has not incurred penalties under the law it should not be excluded from libraries under any moral, political, religious or racial ground alone, to satisfy any sectional interest. The public is entitled to rely upon public libraries for access to information and enlightenment upon every field of human experience and activity."

Camden Libraries supports the above and will therefore stock material which, within the law, challenges established views and may be of a controversial nature, although it will not be held or displayed in a way that unreasonably offends a section of the community. Material thought likely to offend a substantial section of the community will be held in Reserve Stock.

Appendix B: Case studies

BLACKBURN WITH DARWEN

3.1 The public are entitled to rely upon libraries for access to information and enlightenment in every field of human experience and activity. Resources purchased will reflect the range of formats, topics and viewpoints which are of interest to this community.

3.2 Those providing library services should not restrict this access except by standards which are endorsed by law. In fulfilling our legal obligations we adhere to the CILIP guidelines on Intellectual Freedom and Censorship.

3.3 Items which have not incurred any penalty under the law will not be excluded merely because they are controversial, but will be evaluated and judged by the standards and criteria listed here.

3.4 The obligation to facilitate the flow of information and ideas within the limits of the law is summarised in CILIP's Code of Professional Practice for Library and Information Professionals which states that librarians will "defend the legitimate needs and interests of information users, while upholding the moral and legal rights of the creators and distributors of intellectual property". CILIP members are advised to "avoid inappropriate bias or value judgements in the provision of services".

3.5 Some older works, which we may wish to retain for a variety of reasons (see Reserve Collections Policy) may, by current standards, seem controversial, but yet reflect the morals and social attitudes of their day. Adults who use this stock can make a reasonable and critical evaluation of the opinions expressed and the librarian is not at liberty to censor this material.

Appendix B: Case studies

WARWICKSHIRE

6. Censorship

Censorship will only be exercised when required by the law. This is embodied in a policy statement by the Library Association, now endorsed by the Chartered Institute of Library and Information Professionals.

"The function of a library service is to provide, so far as resources allow, all books, periodicals, etc. other than the trivial, in which its readers claim legitimate interest. In determining what is a legitimate interest the librarian can only safely rely upon one guide only – the law of the land. If the publication of such matter has not incurred penalties under the law it should not be excluded from libraries on any moral, political, religious or racial ground alone, to satisfy any sectional interest. The public are entitled to rely upon libraries for access to information and enlightenment upon every field of human experience and activity. Those who provide library services should not restrict this access except by standards which are endorsed by law."

Controversial material will be evaluated according to WLIS selection guidelines – see 9.2. and criteria – see 9.4. Decisions are based on the assumption that the adult reader is capable of making his/her own critical and reasoned evaluation of views and opinions expressed in the item. Where appropriate the selection process will enlist the help of community representatives. In cases where the Buying Team has concerns, WLIS will seek further advice via relevant external specialists and advisory groups, for example, the Warwickshire County Council Equality Officer and Race Equality Officer, and the National Literacy Trust.

9.2 Stock Selection Guidelines

Buying Teams, county-wide specialists and Divisional staff use the following guidelines and criteria in the selection of stock:

- Only books and other media that are legally available will be considered for purchase. Material that promotes racism or prejudice against any social group must be avoided. However, stock selection decisions will be made on the assumption that adults are able to make a reasonable and critical evaluation of the views and opinions expressed in an item of stock.
- Qualitative judgements are made to assess how well items meet identified customer priorities and community needs set out in service objectives, as WLIS cannot buy everything that is published, apart from local studies material where we do aim to buy everything for our catchment area (ie. Warwickshire).

Appendix B: Case studies

SUFFOLK

Extracts from:

Policy on internet access in libraries and record offices

Internet access is filtered and monitored to block inappropriate and illegal web sites or pages. Children and teenagers have different and stricter levels of filtering to adults. We expect parents to take responsibility for their children's internet browsing in the library, and can block this at a parent's request.

Filtering can never be 100 per cent foolproof so library and record office staff are also watchful and will remind people who look at offensive content that this is not appropriate and that, if they do not stop, they may have their sessions closed down, and in some cases have their internet access taken away for a time.

Before an internet session begins, customers will have to read and agree to our acceptable use policy. This informs them what we expect from them, what the county council's responsibilities are, and what the consequences may be if they do not follow these conditions. It also requires of them that they do not access web pages or web sites, which involve

- illegal material or activities
- pornography
- racism, hatred and intolerance
- violence
- security risks and computer misuse.

What happens when someone breaks these conditions of use

Anyone who breaks the conditions will first be asked to stop by a member of staff. If they stop, the incident will be over. If they persist, they will receive another warning, and if they still do not stop, the staff may end their session and in extreme circumstances may remove their right to use the internet in any Suffolk library or record office for 24 hours.

Sometimes customers report to staff on suspected web misuse by other customers. We expect library and record office staff to investigate these incidents and then follow them up if there are concerns about computer misuse or unacceptable content. If any of these were serious cases and there were extreme concerns we would consider removing that customer's right to use the internet for a longer period of time up to a year.

Appendix C: Sample stock policies

This appendix uses case studies from several authorities to illustrate good practice in how library services deal with particular challenges in this field, including the selection of materials in languages not spoken or understood by staff, the handling of complaints, policies on donated materials and the presentation of religious texts.

1. Selection and management of materials:

1.1 Example of how inter-library cooperation can enable more informed provision of community language materials

The Chinese Library Subscription Service, set up by Westminster Libraries in 1992, was the first of its kind for Chinese language materials in the UK. It provides a Chinese book loan and support service for other local authorities on payment of a subscription (currently £500 per annum). Books published in mainland China and Hong Kong are selected by Westminster Libraries' Chinese team, who manage Westminster's own Chinese collection at Charing Cross Library, five minutes from London's Chinatown.

The majority of the stock is selected through contracted suppliers (currently, one based in China, the other in the UK. for Hong Kong publications). Through the subscription service, other library authorities, who may not have Chinese speakers on their staff, are able to buy in the expertise of the Chinese team at Charing Cross.

Subscribers receive 100 items (adult fiction, non-fiction and children's materials) per subscription, which is exchanged once a year.

Professional advice covering sources of supply, classification, and audio-visual materials is provided and there is also a Chinese translation and desktop publishing service. Subscribers can use this service to publicise their Chinese collections.

1.2 Supply of Asian stock in Leicester City

Up to five years ago the main providers of Asian stock to Leicester City were suppliers associated with CILLA (Co-operative of Indic Language Library Authorities), a national organisation established in 1980. Suppliers have to pass a quality assessment to be part of this organisation and transliterations, annotations and MARC records are assessed for public library use by language specialists.

Appendix C: Sample stock policies

In Leicester's experience, no material bought from this source has ever been identified as controversial or inflammatory. However five years ago the authority decided to buy more material from outside the CILLA process for the following reasons:

- stock appeared to be cheaper
- it would be possible to widen the type of material provided to customers
- the authority would be supporting local businesses
- it was felt that staff had the appropriate language skills to select the "right stock".

However, it was discovered that any savings made were a false economy when the service took into account the entire administrative costs associated with book supply. They found that it took longer to catalogue non-CILLA material as it didn't have records. It was also necessary to process material locally, and the service was unable to guarantee that no inflammatory material was being bought. Local suppliers did not always know, or understand, the controversial nature of the material they were supplying. Staff may have had the language skills but they didn't have the time to read every item bought to ensure that it was suitable for stock.

Several months after this new system of purchasing material was implemented, it emerged that the authority had put into stock Islamic books that were condoning violent action against non-Muslims. These books were quickly removed from stock.

The policy of buying from local suppliers has now been reversed. Nearly all Asian stock, and now also Polish stock, is purchased via CILLA. Other foreign language material tends to be purchased from a specialist established supplier such as Grant & Cutler. Leicester does not now use small local suppliers. In many ways this is unfortunate but they now get very few complaints about "unsuitable" stock.

1.3 Rethinking stock provision for young people in Birmingham Libraries

In Birmingham Libraries, the graphic novel and manga collections, whilst popular, were concerning staff. This concern was about age-appropriate material, as some of the collections were in adult sections, whilst others were in children's or young adult sections. In particular, there was a focus on purchases of material for Children's Services which, on arrival, appeared to be aimed at older readers.

The solution was to invite a comic specialist in to run training about understandings of these materials. The training explored the perception of the comic strip as a medium predominantly addressing children as an audience, although it can and has been used to create texts aimed at adults.

Appendix C: Sample stock policies

As staff from both Adult and Children's Services attended, the trainer was able to facilitate discussion about what should become of the more "adult" material that had been bought for Children's Services. This led, in turn, to a more extensive discussion during the training about creating a working group from both sides of the service to reorganise the stock and, most significantly, to create a fund for graphic novels and manga which would buy for the whole authority, thus allowing decisions about the location of materials to be taken at a later stage. This was actioned with the support of senior staff, thus ensuring more effective use and circulation of funds and stock, whilst also developing staff understanding of the medium.

1.4 The importance of ensuring that stock policies are not static documents

In the mid-1990s the emergence of the Black Lace series, and other similar erotic fiction aimed specifically at women, provided a new selection dilemma for public libraries. In one large English county, some areas bought these titles, viewing them simply as a racier version of the long established Mills & Boon romances, and reflecting a general, wider tolerance of sexual matters. Other areas saw the series as little more than pornography and did not feel that public money should be spent on items of little intrinsic literary merit. In those areas that bought the series the books issued well, but there were some public complaints about the sexual content of the books.

There was a clearly a dilemma here: was this series part of a wider change in public mores and tolerance, legally published that people wanted to read or were they of too little worth for public money to be spent on? The authority's stock policy might have provided those making purchasing decisions with clear guidelines on these matters, although it had been written in 1981 and had not been significantly revised over the ensuing 15 years. It spoke clearly of the duty of libraries to provide any item that was lawfully published and for which there was a public demand. However, there was no specific guidance on erotic fiction as this had not been part of mainstream publishing at the time of writing. Equally, however, there was no specific guidance on which might constitute literary quality, since that is beyond the scope of such a document.

Appendix C: Sample stock policies

Staff who had decided to purchase Black Lace titles felt the stock policy justified their decision, as the material clearly met the criterion of being lawfully published, and the fact that they issued well suggested that there was public demand. The management team however felt that the perceived poor literary quality of the books made it very difficult not to uphold the complaints received, and so decided that no more titles in the series should be bought at that time. It may be argued that sexual content was the actual reason for this decision being reached, particularly as Mills and Boon titles (less explicit, but possibly of similar literary merit) were widely bought. However, the decision to purchase other more controversial titles - such as Madonna's "Sex" - taken by the same management around the same time suggests this may not have been the case.

An updated and more comprehensive stock policy might have helped prevent different decisions being taken across the authority, and to have made it easier to come to a more open and defensible decision about Black Lace. Equally, however, it is not possible to anticipate every change in circumstances. Stock policy has to be able to provide broad sustainable guidelines while being sufficiently dynamic to reflect changing fashion and opinion. This is a difficult balance, and this case demonstrates that detailed policies require continuous adaptation and input, informed by individual decisions about specific titles, to work successfully.

2. Handling complaints

2.1 A complaint received by Westminster City Council

The complaint related to:

- holdings in the City Council's Libraries of books by Sayyid Qutb, an Islamic writer no longer living
- a perceived prominence being given to the Bengali collection at a particular library

The customer complained that the library service should not be stocking titles by Sayyid Qutb because in his view his writings promoted jihad or holy war.
In its reply the council referred the customer to Westminster Libraries Stock policy which states that:

"for all library stock, material held and supplied is only restricted by the law of the land. Within this constraint, library stock should offer the greatest possible freedom of choice and reflect all points of view, and be accessible to all sections of the community. No library materials should be excluded because of the race, nationality, social, political or religious views of the author".

Appendix C: Sample stock policies

The reply pointed out that the works of Sayyid Qutb are available, not only in libraries, but from bookshops and online from Amazon, and that they will be of interest to people for many reasons. Historians, journalists, researchers, for example, will require access to his books to help them understand the current, very complex, world situation.

The council also argued that the works reflect one view of Islam and that it was important that the city's libraries provided balanced collections to ensure that different viewpoints are available for library users. This was the aim of the library service, and managers would be reviewing stock in this area to ensure that enough books were stocked to reflect the views of moderate Muslims, and would purchase more titles if necessary.

The customer also expressed concern that the Bengali language stock was displayed separately. The council's response explained that there is a significant Bengali community in Westminster. After a survey of the Bengali community, a Bengali Outreach Worker had been appointed to promote social inclusion and encourage Bengali residents to use the library. By shelving the collection separately, the council was not giving prominent public display to any particular view, but was rather encouraging people who may not be in the habit of using libraries to become library members by showing them that libraries have books in their own language, and in English, which reflect their culture and interests. Westminster Libraries do the same for other communities, eg. through the provision of a Chinese collection at Charing Cross Library. The council also tries to ensure that the Bengali language stock includes sufficient books on subjects such as health, cookery, language courses etc, as well as books on Islam itself.

The customer was also concerned about the balance of books between Islam and other faiths. Library managers checked the acquisitions for that year and were able to tell the customer the number of titles in English ordered on Christianity, Islam, Judaism, Hinduism, Buddhism, etc.

On receipt of the council's letter, the customer did not take the complaint any further.

Appendix C: Sample stock policies

2.2 A complaint about graphic novels received by Northumberland Libraries

Northumberland Libraries, on launching a series of graphic novels collections across the county, received a complaint from one user about both the collection and the readers of the material in a particular service point. The argument was that both readers and graphic novels were inherently problematic. As the reader articulated it, these were neither the people nor the stock one would want in a library.

The staff understood that graphic novels, comics and manga are materials that are often seen as controversial within a library setting but they were clear that they should form part of any collection. After some discussion, a meeting was arranged with the complainant to discuss the issue and to explore sensitively what troubled them about graphic novels and their readers.

This reader identified seeing groups of young men reading graphic novels in the library as the key. As discussion progressed, authority policy was explained with regard to attracting young adults into libraries and with regard to developing young adult related collections that covered, amongst other materials, graphic novels. A key point was that services should address all the community and that, further, the young people, in engaging in reading, were using those services appropriately.

The complaint was not pursued. In addition, staff consequently held a book event in the library about the medium. This event talked about understandings of the form and publicised the collection.

3. Stock promotion

3.1 An event in Sandwell Libraries to promote understanding of culturally diverse material

Promoting reading and discussion of controversial ideas can be a key role for the library as Sandwell Library found. A consortium called Reading Partners, involving nine major UK publishers, from Penguin to Random House and run by The Reading Agency has been developed. It's aim is to encourage readers to widen their reading horizons and to help publishers and libraries understand how to reach and serve BME communities better. A Rageh Omaar event in Sandwell is a good example of what can be achieved through this library/publisher partnership.

Appendix C: Sample stock policies

Penguin would never normally tour Rageh to library venues, but because of the Reading Partners were happy to send him to West Bromwich to talk about his new book. The library service organized an event attracting 246 local people around half of whom were from local BME communities (mainly Muslim), and Rageh was thrilled not to be talking to just a literary – in-crowd. The audience and council officers were particularly pleased by the debate that ensued, led by Rageh, about what it means to be a Muslim in today's Britain. Approaching the topic from a cultural/ literature angle made for a very balanced debate, with a genuinely mixed audience.

4. Donated materials

4.1 Handling donations in Leicester City

Leicester City Libraries report that in their view this is the area where problems are most likely to be encountered. One particular library in the city serves a very mixed community including many Muslims. On a number of occasions, customers have brought in newspapers and magazines, (mainly Islamic in Arabic), which have been purchased by them or produced locally. If counter staff do not know what these newspapers/magazines contain, the items are forwarded to be looked at by a member of Leicester City Council staff who has applicable language skills. If items are just left in libraries without being checked first, they are discarded.

From time to time donations have also been sent by organisations in this country and outside the UK. These are usually accompanied by a letter or email asking the library service to say that the items have been received, and to state which libraries items have been added to. These letters usually have a very dictatorial tone. Experience has taught Leicester not to accept this material and in common with most other local authorities, these items are discarded.

In one particular incident, a copy of "Ghetto Kingz – life as we know it" by Don C. Anozie was donated to the service. The author of this book had killed a young person in the locality and the family of the person killed mounted a campaign to have the book banned. This campaign was not directed at the library service but the authority considered that this book should not be in stock and the donation was refused.

The service is frequently asked to take donated books but now has a policy of not accepting donations unless the item meets the authority's selection criteria, is considered essential to stock and has been looked at first by someone with the appropriate language skills.

Appendix C: Sample stock policies

5. Stocking of religious texts

5.1 Leicester City policy on the shelving of the Koran and other religious texts

Some libraries in Leicester have received complaints about the Koran not being placed on the top shelves in libraries. Some customers go along the shelves and place the Koran so it is shelved higher than other books. This action arises from the practice in many Muslim homes of the Koran being placed on a high shelf above commonplace things, as it is the word of God.

The authority consulted the Federation of Muslim Organisations in Leicester about this matter, and they advised that all religious texts should be kept on a top shelf together. This meant that no offence is caused, as the scriptures of all the major faiths are given respect in this way, but none is higher than any other.

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