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Counter-extremism policy: an overview

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Summary

Since the terrorist attacks in New York on 11 September 2001, the UK's approach to combating terrorism has evolved from focusing on the threat posed by foreign nationals affiliated with Al-Qaida and related groups, to the threat from "home grown" terrorists. In recent years, government policy has increasingly sought to confront the underlying causes of terrorist behaviour, including extremist ideologies.

The *Prevent* strategy, part of the Government's wider counter-terrorism strategy CONTEST, seeks to deal with those individuals and groups promoting division and hatred, and with the factors that predispose individuals or groups to respond to terrorist ideologies. Inherited from the previous Labour Government, the strategy was recast in 2011 under the Coalition Government in order to separate out the community-based integration work from the more direct counter-terrorism activities. Under *Prevent* public sector organisations are subject to a duty to prevent people from being drawn into terrorism. This duty was recently placed on a statutory footing by the *Counter-terrorism and Security Act 2015*, together with guidance setting out how different sectors should play their part in implementing the strategy.

In May 2015, the newly formed Conservative Government announced proposals to introduce a new Extremism Bill aimed at addressing non-violent forms of extremism. Measures would have included new civil orders to ban extremist groups, restrict the behaviour of extremist individuals, and to close down premises used for extremist purposes. The Bill would also have provided Ofcom with powers to censor extremist content, and enable employers to conduct checks on employees for involvement in extremism.

The proposals proved controversial and the Bill did not materialise as expected. In October 2015 a new Counter-Extremism Strategy was published. This made further mention of the measures announced in the 2015 Queen's Speech, but did not reveal when legislation might be expected. In May 2016 a Counter-Extremism and Safeguarding Bill was announced in the Queen's Speech including a range of similar measures. However, no detailed proposals emerged.

In the wake of the recent terrorist attacks in Westminster, Manchester, London Bridge and Finsbury Park, the Government's counter-terrorism strategy, which includes counter-extremism, has come to the fore of the agenda.

On 21 June 2017, the Queen's Speech announced the establishment of a new Commission for Countering Extremism, as well as a review of counter-terrorism powers and a commitment to tackling online extremist content.

Counter-extremism will undoubtedly be a crucial issue for the new Parliament, which will face difficult questions about how to tackle this complex problem.

1. Background

Before 2001, counter-terrorism policy in the UK was largely focused on responding to the situation in Northern Ireland. After early experiments with internment, a policy widely regarded as disastrous, this took the form of an attenuated criminal justice process, characterised by non-jury courts, extended stop and search powers, and extended pre-charge detention.

1.1 After 9/11

Following the events of 11 September 2001, the focus switched to the threat posed to domestic and British interests abroad by Al-Qaida and affiliate organisations. Emergency laws were passed which sought to deal with the problem of foreign nationals suspected of involvement in terrorism, who could neither be convicted nor deported, by providing for indefinite detention without trial.

A court ruling in 2004 found that indefinite detention was in breach of the [Human Rights Act 1998](#),¹ and the control order regime was introduced as an alternative means of dealing with individuals whom it was not possible to prosecute or deport.

Post 9/11, emergency laws were passed which introduced **indefinite detention** for foreign nationals. This **breached human rights law**.

1.2 After 7/7

After the London Underground bombings of 7 July 2005, a number of new measures were announced which aimed to deal with 'home grown' terrorists, marking a shift in attention from foreign nationals to British extremists. These included:

- Extending the control order regime to British nationals;
- A new offence of condoning or glorifying terrorism;
- Consulting on extending powers to strip citizenship from naturalised citizens engaged in extremism;
- Significant extension of pre-trial detention;
- Proscription of Hizb-ut-Tahrir and other groups, and widening of the grounds for proscription;
- Requiring attendance at a citizenship ceremony in order to acquire British citizenship;
- Consulting on a new power to order closure of a place of worship being used as centre for fomenting extremism.²

¹ [2004] UKHL 56

² PMs Press Conference, 5 August 2005, nationalarchives.gov.uk [accessed 1 July 2015]

Some of these measures were implemented, whereas others were modified or abandoned. The [Terrorism Act 2006](#):

- Provided for 28 day pre-charge detention (although the Government had initially sought a 90 day period);
- Created new offences of encouragement of terrorism, dissemination of terrorist publications, and training for terrorism; and
- Extended the grounds on which the Home Secretary could proscribe extremist groups.³

Legislation introduced after the London Underground bombings in 2005 introduced 28 day pre-charge detention.

1.3 Changes under the Coalition Government

Many of these initiatives were controversial and in 2010 the newly formed coalition Government announced a review of counter-terrorism powers.⁴ The review led to the repeal of a number of post 9/11 measures, including the power to stop and search without suspicion; lengthy pre-charge detention; and control orders, which were replaced with Terrorism Prevention and Investigation Measures.⁵

The Government's CONTEST counter-terrorism strategy, inherited from the previous Labour Government, was also reviewed. This led to the publication of a new strategy in July 2011 reflecting the changing terrorist threat and new Government policies.⁶

The strategy identified four factors which would continue to enable terrorist groups to grow and to survive:

- Conflict and instability;
- Aspects of modern technology;
- A pervasive ideology; and
- Radicalisation.

It emphasised the need to tackle not only the immediate threat of attacks but also the longer term factors which enable terrorist groups to flourish. Following the review, CONTEST continued to be organised into four work streams, namely:

- Pursue – to stop terrorist attacks;
- Prevent – to stop people from becoming terrorists or supporting violent extremism;
- Protect – to strengthen our protection against terrorism attack;
- Prepare – where an attack cannot be stopped, to mitigate its impact.

The Coalition Government launched a new counter-terrorism strategy in July 2011 to address the changing terrorist threat.

³ For an overview of proscribed terrorist organisations, see HC Library Briefing Paper, [Proscribed Terrorist Organisations](#), 22 June 2017

⁴ HM Government, [Review of Counter-Terrorism and Security Powers: Review findings and recommendations](#), Cm 8004, January 2011. See also, [The Counter Terrorism Review](#), SNVHA/5852, 2 March 2011

⁵ [Terrorism Prevention and Investigation Measures Act 2011](#).

⁶ HM Government, [CONTEST: The United Kingdom's Strategy for Countering Terrorism](#), July 2011

2. Prevent

The *Prevent* strategy was initiated by the last Labour Government, following the London bombings of 2005, as part of its wider counter-terrorism strategy, CONTEST. It sought to deal with community cohesion and integration, with those individuals and groups promoting division and hatred, and with the factors that predispose individuals or groups to respond to terrorist ideologies.

The *Prevent* strategy is designed to stop people from responding to terrorist ideologies.

2.1 Review

As part of its counter-terrorism review, the Coalition Government announced a review of *Prevent* in order to separate the community-based integration work from the more direct counter-terrorism activities. This was an effort to overcome the view among some Muslims that the integration strand was being used to collect intelligence.

Theresa May announced the outcome of the review of *Prevent* in June 2011. She criticised the approach under the Labour Government:

[T]he Prevent programme that we inherited from the previous Government was flawed. It confused Government policy to promote integration with Government policy to prevent terrorism. It failed to tackle the extremist ideology that not only undermines the cohesion of our society, but inspires would-be terrorists to seek to bring death and destruction to our towns and cities. In trying to reach out to those at risk of radicalisation, funding sometimes even reached the very extremist organisations that Prevent should have been confronting. We will not make the same mistakes.⁷

For the Labour Party, Yvette Cooper responded:

Today we expected the Home Secretary to update the Prevent strategy, but she has done nothing of the sort. We support updating the Prevent strategy, but there is a massive gap between her rhetoric today and the reality of her policies. Where she should be building consensus around counter-terrorism, instead she has been political point-scoring. She has set out no actual proposals on how she would deliver in such an important area.⁸

The new *Prevent* Strategy was published at the same time, which the Government stated represented a significant departure from the previous strategy.⁹ Within this overall framework the new *Prevent* strategy sets out three objectives. It will:

- Respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and,

⁷ [HC Deb 7 June 2011, c52](#)

⁸ [HC Deb 7 June 2011, c54](#)

⁹ Home Office, [Prevent Strategy](#), Cm 8092, June 2011

- Work with a wide range of sectors and institutions (including education, faith, health and criminal justice) where there are risks of radicalisation which we need to address.¹⁰

2.2 Current Prevent strategy

The current *Prevent* strategy addresses all forms of terrorism and non-violent extremism. It makes clear that preventing people becoming terrorists or supporting terrorism requires challenge to extremist ideas where they are used to legitimise terrorism and are shared by terrorist groups, and intervention to stop people moving from extremist groups into terrorist-related activity.¹¹

The strategy states that the Government remains committed to protecting freedom of speech, but that preventing terrorism will mean challenging extremist (and non-violent) ideas that are also part of a terrorist ideology.

Box 1: Definition of Extremism

The Government has defined extremism as:

[V]ocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.

Resources are allocated according to priority, proportionate to the threat posed to national security. The most significant threat is currently identified as coming from terrorist organisations in Syria and Iraq, and Al-Qaida associated groups.¹²

Prevent Guidance characterises Islamist extremists as those individuals who believe that people cannot be both Muslim and British, and that Muslims living in Britain should not participate in the democratic process. These extremists specifically attack the principles of civic participation and social cohesion, and purport to identify grievances to which terrorist organisations then claim to have a solution.¹³

¹⁰ *Ibid*, pp39-40.

¹¹ HM Government, [Prevent Strategy](#), Cm 8092, June 2011

¹² HM Government, [Prevent Duty Guidance: for England and Wales](#), March 2015, para 9

¹³ *Ibid.*, para 10

2.3 Channel

The *Channel* programme, part of the *Prevent* strategy, is a multi-agency programme coordinated by the police to identify individuals vulnerable to radicalisation and direct them towards appropriate support. It was first piloted in 2007, and was rolled out across England and Wales in 2012. It focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. The latest *Channel* guidance states that the programme consists of three elements:

- Identifying individuals at risk;
- Assessing the nature and extent of that risk; and
- Developing the most appropriate support plan for the individuals involved.¹⁴

In delivering the programme, the police work with agencies including local authorities; the NHS; social workers; educational institutions; youth offending services; immigration officials; housing services; prisons; and probation services.

Following an initial referral, an assessment of vulnerability is made using a framework built around three criteria:

- Engagement with a group, cause or ideology;
- Intent to cause harm; and
- Capability to cause harm.

This assessment informs decisions on whether an individual needs support and what kind of support package might be appropriate.

The Guidance further explains that *Channel* aims to stop people moving from extremist groups, or from extremism, into terrorism. Association with organisations that are not proscribed and that espouse extremist ideology is not, on its own, reason enough to justify a referral to the *Channel* process. If professionals determine that someone attracted to the ideology of such groups also exhibits additional behavioural indicators that suggest they are moving towards terrorism then it would be appropriate to make a referral to *Channel*.

2.4 Home Affairs Select Committee Report: *Roots of Violent Radicalisation*

A 2012 Report by the Home Affairs Select Committee sought to inform implementation of the new strategy.¹⁵

The Report broadly welcomed the new strategy, and acknowledged that the majority of witnesses did also.

Channel is a police-led programme aimed at identifying and supporting individuals at risk of radicalisation.

¹⁴ HM Government, [Channel Duty Guidance: Protecting vulnerable people from being drawn into terrorism](#), March 2015

¹⁵ Home Affairs Committee, [Roots of violent radicalisation](#), 6 February 2012, HC 1446

It concluded that violent radicalisation was declining within the Muslim community, but that non-violent extremism may be increasing.¹⁶ The report made a number of conclusions and recommendations to tackle this.

Drivers of radicalisation

One of the few clear conclusions about the drivers of radicalisation was that a sense of grievance is key to the process. It therefore recommended that addressing perceptions of Islamophobia and demonstrating that the British state is not antithetical to Islam should constitute a main focus of the part of the *Prevent* Strategy which is designed to counter the ideology feeding violent radicalisation.¹⁷

Frustration at an inability to take part in the political process, and at a lack of representation, was also identified as a risk factor. It was recommended that further emphasis should therefore be placed within *Prevent* on building trust in democratic institutions.¹⁸

Public institutions

The Report expressed concern that too much focus in the *Prevent* strategy was being placed on radicalisation in public institutions, such as universities and prisons, despite a lack of evidence as to the role played by these institutions in the radicalisation process. It concluded that the emphasis on the role played by universities was disproportionate, but recommended that the Government issue clearer guidance to universities about their expected role in challenging individuals or groups expressing hatred against any particular race or nationality.¹⁹

Internet

In relation to the internet, the Report suggested that the Government should work with internet service providers in the UK to develop a Code of Conduct committing them to removing violent extremist material.²⁰

Prisons

Concern was expressed that not enough was being done to ensure that those who may have been vulnerable to violent extremist ideology in prison could make the transition safely into the community. It was recommended that the National Offender Management Service should therefore be an equal participant in the *Prevent* strategy, and measures should be implemented to better enable data sharing between relevant agencies.²¹

Public Perception

The Report acknowledged that a perception persisted within the Muslim community that *Prevent* was a tool for intelligence gathering or spying.

The Home Affairs Select Committee found that non-violent extremism may be on the increase.

¹⁶ Ibid., para 21

¹⁷ Ibid., para 22

¹⁸ Ibid., para 23

¹⁹ Ibid., paras 38 & 51

²⁰ Ibid., para 59

²¹ Ibid., paras 65-66

It therefore recommended that greater effort be made to engage more widely with the Muslim community, and to be more transparent about such engagement. It also suggested that there was a strong case for re-naming the *Prevent* strategy to reflect a positive approach to collaboration with Muslim communities, for example, the “Engage Strategy”.²²

Proscription

The Report endorsed the Government’s decision not to strengthen the law on proscription in a way which would allow for the banning of groups which were operating within the law, as the evidence suggested that proscription would not be effective and could be counter-productive. It also endorsed the recommendation of the Independent Reviewer of Terrorism Legislation that the law should be changed to make proscription orders time limited.²³

2.5 Community integration

Following the inception of the new *Prevent* strategy, the Department for Communities and Local Government (DCLG) was asked to devise a strategy to build resilience to extremism within communities. This strategy did materialise and instead the work of the DCLG has focused on the issue of integration. Policy initiatives between 2010 - 2015 included the following:

- Promoting shared aspirations, values and experiences, including supporting national Inter-Faith Week;
- Promoting responsibility, including funding Together in Service, a programme to link up faith based social action;
- Helping people realise their potential, for example by funding community based English language teaching;
- Helping people take part in local and national life and decision making, by funding *Youth United* to provide places for young people in organisations such as the Scouts Association, Girlguiding UK, Army Cadets, Volunteer Police Cadets and St Johns Ambulance;
- Tackling extremism and hate crime, working with projects such as the Anne Frank Trust; Show Racism the Red Card; and Tell MAMA, to report and record Anti-Muslim hate crime; and
- Promoting faith and the freedom to pray, supporting faith groups in a wide range of activities.²⁴

The Department for Communities and Local Government has focused on integration policy initiatives.

Following the attack on the offices of *Charlie Hebdo* in Paris in January 2015, the then Secretary of State for Communities and Local

²² Ibid., para 80

²³ Ibid., para 87. For an overview of proscribed terrorist organisations, see HC Library Briefing Paper, [Proscribed Terrorist Organisations](#), 22 June 2017

²⁴ Department for Communities and Local Government, [2010 to 2015 government policy: community integration](#), 8 May 2015, Gov.uk

Government, Eric Pickles, wrote to Muslim Faith Leaders asking them to play a part in combating extremism by explaining and demonstrating how faith in Islam can be part of British identity:

British values are Muslim values. Like all faiths, Islam and its message of peace and unity makes our country a better and stronger place, and Britain would be diminished without its strong Muslim communities. Every day, mosques and other faith institutions across the country are providing help for those in need, and acting as a centre for our communities. It is these positive contributions that are the true messages of faith and it is these contributions that need to be promoted.²⁵

²⁵ The Rt Hon Eric Pickles MP, [Letter to Muslim faith leaders](#), Gov.uk [accessed 29 July 2015]

3. Development of counter-extremism policy: 2013-15

3.1 Prime Minister's Extremism Taskforce

Following the murder of Lee Rigby in May 2013 the then Prime Minister David Cameron established a taskforce. The aims of the taskforce were to:

- Look at whether the government was doing all it could to confront extremism and radicalisation;
- Identify areas where the current approach was lacking; and
- Agree practical steps to fight all forms of extremism.

The taskforce published a report in December 2013 [Tackling extremism in the UK](#). The Report drew a connection between non-violent extremism and terrorism, and specifically between Al-Qaida and Islamist extremism. It defined the ideology of Islamist extremism as follows:

This is a distinct ideology which should not be confused with traditional religious practice. It is an ideology which is based on a distorted interpretation of Islam, which betrays Islam's peaceful principles, and draws on the teachings of the likes of Sayyid Qutb. Islamist extremists deem Western intervention in Muslim-majority countries as a 'war on Islam', creating a narrative of 'them' and 'us'. They seek to impose a global Islamic state governed by their interpretation of Shari'ah as state law, rejecting liberal values such as democracy, the rule of law and equality. Their ideology also includes the uncompromising belief that people cannot be Muslim and British, and insists that those who do not agree with them are not true Muslims.²⁶

The taskforce concluded that a reticence about challenging extremist ideologies, due to misplaced concerns about being seen to attack Islam itself, had led to an environment conducive to radicalisation in some institutions. It agreed a number of practical steps to address gaps in the government response, falling under various strategic aims:

- **Disrupting extremists:**
 - Making sure organisations have the support and advice they need to confront and exclude extremists;
 - Considering if there is a case for new types of order to ban groups which seek to undermine democracy or use hate speech;
 - Considering if there is a case for new civil powers, akin to the new anti-social behaviour powers, to target the behaviours extremists use to radicalise others;
 - Consulting on new legislation to strengthen the powers of the Charity Commission;
 - Ensuring that the police properly take account of the extremist dimension of hate crimes;

After the murder of Lee Rigby, the Government set up an Extremism Taskforce to improve efforts to tackle extremism.

The Extremism Taskforce concluded that reticence to challenge extremist ideologies led to environments conducive to radicalisation.

²⁶ Extremism Taskforce, [Tackling extremism in the UK](#), December 2013, para 1.4

- Ensuring that the police share information with other countries to identify individuals with extreme right-wing views coming to the UK.
- **Countering extremist narratives and ideology:**
 - Build the capabilities of communities and civil society organisations so that they can campaign against the large volume of extremist material, including online;
 - Work with internet companies to restrict access to terrorist material online which is hosted overseas but illegal under UK law;
 - Improve the process for public reporting of extremist content online;
 - Work with the internet industry to help them in their continuing efforts to identify extremist content to include in family-friendly filters;
 - Look at using existing powers to exclude from the UK those who post extremist material online who are based overseas.
- **Preventing radicalisation:**
 - Take steps to intervene where local authorities are not taking the problem of extremism seriously;
 - Make delivery of Prevent a legal requirement in those areas of the country where extremism is of particular concern;
 - Make delivery of the 'Chanel' programme a legal requirement in England and Wales.
- **Integration:**
 - Set up a dedicated public communications platform to allow communities to bring to life the success of integration and challenge the extremist worldview;
 - Support projects that demonstrate how communities come together;
 - Give more support to those places which face the biggest integration challenges, especially those communities where extremism is a particular problem.
- **Stopping extremism in institutions:**
 - Introduce tougher standards to ensure that schools support fundamental British values and introduce regulations to bar individuals linked with extremism from working in independent schools.
 - Improve oversight of religious supplementary schools;
 - Work with universities and student bodies to find trained Muslim chaplains who will be able to challenge extremist views on campuses and provide pastoral care for Muslim students.
 - Take further steps to restrict the ability of extremist and terrorist prisoners to radicalise;

- Tighten the rules on legal correspondence to ensure prisoners and their legal representatives do not use them to smuggle extremist material into prison;
- Ensure that prisoners who have demonstrated extremist views in prison receive intervention and support on release.

3.2 Prevent as a statutory duty

Legislation

[The Counter-Terrorism and Security Act 2015 \(CTSA\)](#) placed *Prevent* and *Channel* on a statutory footing. The relevant provisions came into force on 1 July 2015.²⁷

[Section 26](#) of the CTSA places a duty on certain bodies, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”.

A list of bodies that are subject to the duty, known as “specified authorities”, is set out in [Schedule 6](#) to the CTSA.

[Section 29](#) of the CTSA provides that the Secretary of State may issue guidance, to which specified authorities must have regard in carrying out the duty imposed by section 26.

Guidance

The *Prevent Duty Guidance* was initially published in March 2015, following a consultation on draft guidance.²⁸ It contained sector specific guidance as to how the duty should be complied with, covering local authorities, schools, further and higher education, the health sector, prisons and probation, and the police.

One issue of particular controversy has been the imposition of duties on certain educational institutions.

Universities and further education providers have a legal duty to ensure, so far as is reasonably practicable, that freedom of speech is upheld,²⁹ giving rise to potential conflict with the *Prevent* duty. The consultation on the draft Guidance, published in December 2014, suggested that

Universities must take seriously their responsibility to exclude those promoting extremist views that support or are conducive to terrorism. We would expect the policies and procedures on speakers and events to include at least the following:

- Sufficient notice of booking (generally at least 14 days) to allow for checks to be made and cancellation to take place if necessary;
- Advance notice of the content of the event, including an outline of the topics to be discussed and sight of any presentations, footage to be broadcast etc;

Certain public bodies are now under a **statutory duty** to prevent people from being drawn into terrorism.

²⁷ Except insofar as they applied to higher and further education providers.

²⁸ HM Government, [Prevent Duty Guidance: a consultation](#), December 2014

²⁹ *Education (No 2) Act 1986*, section 43.

- A system for assessing and rating risks associated with any planned events, providing evidence to suggest whether an event should proceed, be cancelled or whether mitigating action is required (for example a guarantee of an opposing viewpoint in the discussion, or someone in the audience to monitor the event); and
- A mechanism for managing incidents or instances where off-campus events of concern are promoted on campus.
- Where appropriate and legal to do so, a university should also have protocols in place for the sharing of information about speakers with other institutions and partners.³⁰

The draft guidance was challenged by education providers. Universities UK argued that, by restricting lawful free speech in universities, the draft guidance was contrary to the nature and fundamental purpose of universities as places where controversial and extreme views can be heard, debated and contested. It was also in conflict with their legal duties to secure freedom of speech on campus.³¹

Divisions were also reported within the Cabinet:

Nick Clegg has blocked tough new laws intended to stop [extremist speakers brainwashing university students for terrorism](#), raising fears that Britain will be left more vulnerable to attack.

The Deputy Prime Minister personally vetoed the plan during private talks with David Cameron, after one of the worst Cabinet rows in the Coalition's five-year rule.

Mr Clegg said he could not support moves to require university bosses to vet visiting speakers and prevent impressionable students from falling under the spell of extremists – because Liberal Democrats feared the move would erode “free speech”.

Draft legal guidelines detailing how the ban would work, which were published by the Home Office in December, have now been scrapped. Senior government sources warned that students would remain at risk of radicalisation by preachers visiting campus Islamic societies.

Theresa May, the Home Secretary, told the Telegraph that academics must now “play their part” in preventing radicalisation, even though there is no government guidance on how they should tackle extremist speakers.³²

Separate guidance was eventually approved for higher and further education institutions in September 2015,³³ and a revised version of the general guidance was published to reflect this. The controversial section

Universities have argued that the Prevent duty **conflicts** with their duty to ensure **free speech**.

³⁰ HM Government, [Prevent duty guidance: a consultation](#), December 2014, para 66

³¹ Universities UK, [Proposed statutory guidance relating to events on university campuses](#), 29 May 2015, universities.ac.uk [accessed 5 August]

³² “[Nick Clegg blocks terror laws banning extremists from universities](#)”, *Telegraph* 14 March 2015

³³ This enabled the commencement of the provisions in relation to higher and further education institutions. [Prevent duty guidance](#), 18 September 2015, gov.uk [accessed 5 February 2016]. There is separate guidance for England and Wales and for Scotland, reflecting devolved responsibilities.

on speakers and events in the consultation document was replaced with the following requirement:

Furthermore, when deciding whether or not to host a particular speaker, institutions should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where institutions are entirely convinced that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where institutions are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed.³⁴

3.3 Extremism analysis unit

The then Home Secretary Theresa May gave a speech on 23 March 2015 entitled [*A Stronger Britain, Built on our Values*](#),³⁵ in which she announced that a new Extremism Analysis Unit was already up and running and helping to inform both counter-extremism strategy and Government decision making on matters such as visa applications. She further explained that, as it developed, the Unit would inform more and more of what Government and the wider public sector does. This would include the development of a new engagement policy which would set out for the first time the individuals and organisations with which the Government and public sector should and should not engage, in order to ensure that nobody unwittingly lends credibility to extremist organisations. It would also make clear that the Government should engage with people directly and through their elected representatives, rather than through self-appointed and unrepresentative community leaders.

The Unit would also inform the development of a counter-entryism strategy. This would seek to ensure that the Government, the public sector and civil society is more resilient against the danger. She pointed to the Trojan Horse affair as an example of the use of entryist tactics by extremists to infiltrate legitimate organisations to promote their own agendas.

The then Home Secretary also announced an investigation, to be undertaken by an independent figure, into the application of Shari'a law in England and Wales. This [review](#) was launched on 26 May 2016.

The Extremist Analysis Unit was set up to help develop strategies to counter extremist infiltration of organisations, such as the Trojan Horse affair.

³⁴ Prevent Duty Guidance for further education institutions in England and Wales, para 8. Equivalent requirements exist for higher education providers and Scottish providers.

³⁵ Theresa May, *A Stronger Britain, Built on our Values*, 23 March 2015, press.conservatives.com [accessed 22 July 2015]

3.4 Speeches and statements

Home Secretary's Party Conference Speech 2014

The then Home Secretary used her speech at the Conservative party conference in September 2014 to set out proposals for new measures to combat extremism:

Soon, we will make Prevent a statutory duty for all public sector organisations. I want to see new banning orders for extremist groups that fall short of the existing laws relating to terrorism. I want to see new civil powers to target extremists who stay just within the law but still spread poisonous hatred. So both policies – Banning Orders and Extremism Disruption Orders – will be in the next Conservative manifesto.

...

As part of the Government's counter-terrorism strategy, Prevent has only ever been focused on the hard end of the extremism spectrum. So the Home Office will soon, for the first time, assume responsibility for a new counter-extremism strategy that goes beyond terrorism.

The strategy will be devised and overseen by the Home Office, but its implementation will be the responsibility of the whole of government, the rest of the public sector, and wider civil society. It will aim to undermine and eliminate extremism in all its forms – neo-Nazism and other forms of extremism as well as Islamist extremism-and it will aim to build up society to identify extremism, confront it, challenge it and defeat it.³⁶

Conservative manifesto

The 2015 Conservative manifesto repeated these commitments, promising to introduce new Banning Orders for extremist organisations which fall short of the existing thresholds for proscription under terrorism legislation. It suggested that the new Extremism Disruption Orders might be used to prevent those who seek to radicalise others online from using the internet or communicating via social media. A new strategy to tackle the infiltration of schools and public services was also proposed, along with the strengthening of Ofcom's powers to take action against channels broadcasting extremist material; extremism employment checks; and restrictions on speakers at universities and colleges.³⁷

National Security Council Meeting

At a meeting of the National Security Council on 13 May 2015, the then Prime Minister said:

For too long, we have been a passively tolerant society, saying to our citizens: as long as you obey the law, we will leave you alone. It's often meant we have stood neutral between different values. And that's helped foster a narrative of extremism and grievance.

The government will conclusively turn the page on this failed approach. As the party of one nation, we will govern as one

³⁶ Theresa May, [Speech to Conservative Party Conference 2014](#), September 2014

³⁷ [Conservative Party Manifesto 2015](#), conservatives.com/manifesto [accessed 5 August 2015]

nation, and bring our country together. That means actively promoting certain values.

Freedom of speech. Freedom of worship. Democracy. The rule of law. Equal rights regardless of race, gender or sexuality.

We must say to our citizens: this is what defines us as a society. To belong here is to believe in these things. And it means confronting head-on the poisonous Islamist extremist ideology. Whether they are violent in their means or not, we must make it impossible for the extremists to succeed.³⁸

Prime Minister's Bratislava speech

On 19 June 2015 the then Prime Minister gave a speech on current security challenges at the Global Security Forum in Bratislava. In this speech he identified the threat from ISIL [ISIS/ Da'esh] as one of the biggest the world has faced. He attributed the cause of this threat to Islamist extremist ideology and went on to consider the question of how young people who have had the advantages of living in Europe become drawn in to this ideology:

I am clear that one of the reasons is that there are people who hold some of these views who don't go as far as advocating violence, but who do buy into some of these prejudices giving the extreme Islamist narrative weight and telling fellow Muslims, "you are part of this".

This paves the way for young people to turn simmering prejudice into murderous intent. To go from listening to firebrand preachers online to boarding a plane to Istanbul and travelling onward to join the jihadis. We've always had angry young men and women buying into supposedly revolutionary causes. This one is evil; it is contradictory; it is futile – but it is particularly potent today.

I think part of the reason it's so potent is that it has been given this credence.

...

[I]f we are to really tackle this threat, we need to confront extremism in all its forms, violent and non-violent, to stop our young people sliding from one to the other.

In Britain we are strengthening the ability of the police and security services to disrupt terrorist plots, giving them all the tools they need. And we are working with the internet industry to tackle terrorist propaganda... . We are also working with other EU member states to set up an EU-Internet Referral Unit, based on the British model – and that will be up and running from next month.³⁹

Response to the 26 June terrorist attack in Tunisia

In a statement to the House of Commons on 29 June 2015, the then Prime Minister said:

We must take on the radical narrative that is poisoning young minds. The people who do these things do it in the name of a twisted and perverted ideology which hijacks the Islamic faith and holds that mass murder and terror are not only acceptable but

³⁸ Prime Minister's Office, [Press Release: Counter-Extremism Bill – National Security Council Meeting](#), 13 May 2015

³⁹ Rt Hon David Cameron MP, [PM at 2015 Global Security Programme](#), Gov.uk [accessed 23 July 2015]

necessary. Mr Speaker, we must confront this evil with everything we have. We must be stronger at standing up for our values.

And we must be more intolerant of intolerance – taking on anyone whose views condone the extremist narrative or create the conditions for it to flourish.

On Wednesday a new statutory duty will come in to force requiring all public bodies – from schools to prisons to local councils – to take steps to identify and tackle radicalisation. In the weeks ahead we will go further.⁴⁰

⁴⁰ [PM Statement on Tunisia and European Council](#), 29 June 2015, www.gov.uk [accessed 1 July 2015]

4. Queen's Speech 2015

4.1 Extremism Bill

A new Extremism Bill was announced in the Queen's Speech in May 2015.

The Cabinet Office briefing that accompanied the Queen's Speech explained that the Bill would contain the following measures:⁴¹

- **Banning Orders** – a new power for the Home Secretary to ban extremist groups.
- **Extremism Disruption Orders** – a new power for law enforcement to stop individuals engaging in extremist behaviour.
- **Closure Orders** – a new power for law enforcement and local authorities to close down premises used to support extremism.
- **Broadcasting** – strengthening Ofcom's roles so that tough measures can be taken against channels that broadcast extremist content.
- **Employment checks** – enabling employers to check whether an individual is an extremist and bar them from working with children.

The Extremism Bill proposed new powers to ban extremist groups, stop individuals engaging in extremist behaviour, and close down premises used for supporting extremism.

4.2 Response of the Independent Reviewer of Terrorism Legislation

In his [Report on the Terrorism Acts in 2014](#),⁴² published in September 2015, David Anderson QC, former Independent Reviewer of Terrorism Legislation, considered the relationship between terrorism and extremism. He suggested that whilst the state is entitled to use all legitimate means at its disposal to counter violent extremism, non-violent extremism requires much greater caution:

[T]he response of a vigorous democracy to bad ideas is to take them on, outsell them and eventually consign them to history. The Government may need to protect the vulnerable from indoctrination and intimidation, whether in schools, prisons or even the family. As well as putting its own views forward, it may facilitate "counterspeech" by others. But the powers of the state to suppress the expression of religious and political views, for reasons other than the prevention of violence or abuse, have traditionally been very limited.⁴³

In relation to the proposed Bill, Mr Anderson noted that previous legislation impinging on free speech has been controversial, and suggested that public consultation on the proposals could have been helpful in engendering cross-community support. He identified 15 issues that Parliament would need to address as it scrutinised the Bill:

- a) How extremist activity is to be defined: in particular, the range of political and religious views whose expression falls within the definition of extremism;

⁴¹ Cabinet Office and Prime Minister's Office, [Queen's Speech 2015: background briefing notes](#), 27 May 2015

⁴² D Anderson, September 2015, [terrorismlegislationreviewer.independent.gov.uk](#)

⁴³ Ibid., para 9.6

whether that definition includes views critical of the Government; and whether the definition of extremist activity is intelligible, clear and predictable.

- b) The objectives (including but not limited to the prevention of terrorism) that the new law is intended to achieve, and consistency of those objectives with the European Convention on Human Rights.
- c) The evidence for a causal link between the expression of extremist views, as defined in the Bill, and terrorism or the other undesirable consequences that the Bill aims to prevent.
- d) The reasons for believing that existing means of control (including the various “precursor” offences under the Terrorism Act, as well as the hate speech offences) are insufficient for the purposes that it is sought to achieve.
- e) The proposed geographical application of the new law: in particular, whether it is to apply to “extremism” in Northern Ireland (and the extent to which that is manifested in parades, marches and sectarian speech).
- f) Why it is deemed necessary to resort to civil orders rather than the creation of additional criminal offences, thereby removing the protections inherent in jury trial from those accused of extremist activity.
- g) The burden of proof that will be required for the making of civil orders, whether they will be made by Ministers or judges and the provision for and likely time scale of appeals.
- h) The requirements that it will be legitimate to impose on the subjects of banning orders and extremist disruption orders, by comparison for example to the defined categories of preventative measures that are permitted under [the Terrorism Prevention and Investigatory Measures Act] 2011 (TPIMs) and [the Counter-Terrorism and Security Act] 2015 (temporary exclusion orders).
- i) The permitted maximum duration of the new civil orders.
- j) Whether banning orders will lapse automatically unless renewed, or whether an application to discharge the order will be required, and if so to whom the application will be made and how speedily the process will operate.
- k) The penalties for breach of the new civil orders that the criminal courts will be able to impose, and whether those penalties are to be considered proportionate in view of the types of conduct being restrained.
- l) The police resources that will be needed to enforce civil orders, and how likely it is that enforcement will be effective, given the vast range of opportunities to communicate that are now available.

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- m) The likely effect of their new investigatory and enforcement functions on public perceptions of the police, in affected communities and generally.
- n) The effect that the chosen definition of extremist activity is liable to have on the freedoms of those who are not under a civil order, which will in turn depend on:
 - (i) The extent to which police, public authorities, informers and other members of the public will be encouraged to scrutinise the political and religious views expressed by other adults and children, in the workplace, the school, the university or the home, when searching for persons who have been engaged in or exposed to "extremist activity".
 - (ii) Whether surveillance and investigatory powers (tailing, bugging, undercover police operations, CHIS, interception warrants, searches of communications data) may be used for the purposes of determining whether a person has engaged in, or been exposed to, extremist activity, in person or over the internet; and
 - (iii) The "chilling effect" that may result from characterising activity as extreme and from the sort of investigations referred to above, irrespective of whether a civil order has been issued.
- o) Whether provision is to be made for robust and independent review of the operation of the new Act (and/ or of the Prevent programme), on the model of the independent review of terrorism legislation or by a more diverse review body.

5. A new Counter-Extremism Strategy

In October 2015 the Government published a new [Counter-Extremism Strategy](#).⁴⁴ The Strategy is divided into the following chapters:

5.1 Chapter 1 – The Threat from Extremism

This section sets out the definition of extremism as:

[T]he vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist.

The greatest threat is identified as emanating from Islamic extremism, in the shape of Al Qa'ida and ISIL. Islamic extremists have been identified as responsible for the majority of over 40 terrorist plots which have been disrupted since 2005. However, the strategy recognises there is also a threat from far-right and neo-Nazi groups.

The Strategy also posits that as well as the loss of life that results from terrorism, extremism has the potential to undermine values and weaken the social fabric, for example by enabling discrimination on the grounds of gender, race, religious belief or sexual orientation, and normalising intolerance.

The Strategy identifies a number of specific harms which are justified or promoted by extremists:

- **Justifying violence:** extremists promote hatred of others and justify violence, even if they do not act violently themselves. Islamic extremists in particular reject democracy and present violence as inevitable in achieving ends required by their ideology.
- **Promoting hatred and division:** extremists motivate others to commit hate crimes, by exploiting the freedom to promote their ideologies while staying within existing legal parameters.
- **Encouraging isolation:** extremist ideologies can encourage individuals and groups to live separate lives and distance themselves from society, institutions and shared values. This can cause alternative values, structures and authorities to gain prominence, which permits a range of harmful behaviour.
- **Alternative systems of law:** there is evidence that some Shari'a councils are misusing Shari'a and applying it in a way that is incompatible with the law in the UK, for example by treating women less favourably in divorce proceedings.
- **Rejecting the democratic system:** extremists have attempted to coerce people not to participate in the democratic system or to subvert the democratic process, on the grounds that democracy has no place in their extremist world view.
- **Harmful and illegal cultural practices:** practices such as Female Genital Mutilation, Forced Marriage and so-called Honour-Based

⁴⁴ Cm9148, October 2015

violence are extreme forms of violence against women and girls, and certain communities continue to propagate these practices.

The Strategy also sets out evidence of extremism in institutions:

- **Schools:** an investigation into the 'Trojan Horse' plot in Birmingham and further work by Ofsted has identified unacceptable practices in certain schools, including a failure to teach about other religions and beliefs and to promote fundamental British values. There are also concerns about a lack of oversight in other educational settings such as supplementary schools and tuition centres, heightening the risk that they may be exploited by extremists.
- **Universities:** there is concern that closed events in universities without challenge to the speaker have enabled extremists to promote their ideology without also hearing the views of the mainstream majority. The Home Office has evidence of events taking place with extremist speakers at more than 30 different universities in 2014.
- **Local authorities:** local authorities have a role to play in addressing extremism in schools, and in preventing isolation and segregation within communities. Examples of shortcomings include Birmingham council's failure to address the Trojan Horse plot and Rotherham councillors' failure to address the ethnicity of child sexual exploitation perpetrators.
- **Charities:** Charity Commission research has identified examples of charities where there were serious concerns about abuse and mismanagement linked to extremism or radicalisation.
- **Prisons:** there is a risk of peer-to-peer radicalisation in prisons as a result of the proximity of convicted terrorist and extremists to other prisoners who may be vulnerable to those promoting extremist ideologies. Groups such as Al-Muhajiroun have specifically targeted prisoners and those on probation.

5.2 Chapter 2 – Our Strategic Response

The Strategy focuses on four areas:

- Countering extremist ideology;
- Building a partnership with all those opposed to extremism;
- Disrupting extremists;
- Building more cohesive communities.

The Strategy also involves engaging internationally to reinforce efforts to defeat extremism domestically. It will therefore be a priority for diplomatic missions, working through international institutions such as the United Nations, the Commonwealth and the European Union, and government and civil society partners. This will include supporting implementation of the UN Secretary General's Action Plan on Preventing Violent Extremism and ensuring that aid programmes address the underlying drivers, enablers and narratives of extremism, particularly through efforts to build stability and security overseas.

Building understanding by working with academics and universities and commissioning and funding research forms another part of the strategy. Cross departmental work between the Home Office's Extremism

Analysis Unit, the Foreign and Commonwealth Office, and the Department for International Development will contribute to a better understanding of the way in which domestic extremism is shaped by and connected to extremism elsewhere in the world. There will also be reviews of Shari'a law, and the threat to institutions from entryism, to better inform the response to these issues.

The remaining chapters provide further detail on the Strategy's four areas of focus.

5.3 Chapter 3 – Countering Extremist Ideology

This chapter provides further detail as to the nature of the extremist ideologies that are the focus of Strategy, and the radicalisation process.

It explains that counter ideology work will:

- Challenge the extremist argument;
- Confront the underlying weakness of the extremist ideology;
- Promote a positive alternative; and
- Support vulnerable young people.
- It will do this by:
 - Contesting the online space. This will be done in two ways:
 - Empowering those who wish to challenge extremists online, by supporting a network of credible commentators who want to challenge the extremists and put forward mainstream views; training civil society groups to maintain an online presence; run a programme to make young people more resilient to online radicalisation; and build awareness to encourage internet users to report extremist content.
- Working with industry and the public to explore ways to limit access to extremist content, and working with industry to further develop the use of filtering.
- Strengthening institutions, including schools, universities, local authorities, charities, the NHS, prisons and faith institutions, through the provision of guidance, better oversight, and intervention where there is cause for concern.
- Working with those most at risk of radicalisation – the Home Office will develop a new de-radicalisation programme to be available in conjunction with criminal sanctions.

5.4 Chapter 4 – Building a partnership with all those opposed to Extremism

The Home Office will develop a new network to link individuals and groups who are doing work to stand up to extremists in their communities, including creating forums in which peer-to-peer support can be provided and best practice shared, and providing support such as social media training.

Care will be taken to avoid giving funding or support to anyone which would inadvertently give extremists a platform or sense of legitimacy. The Home Office will devise a set of principles to guide the Government when deciding whether to engage with individuals and groups.

The Government will also work with broadcasters to encourage them to amplify mainstream voices and to avoid giving extremists a platform to express their views without challenge.

5.5 Chapter 5 – Disrupting Extremists

Measures to disrupt extremists, who stay within the law but nonetheless cause harm, will include:

- Strengthening the use of existing powers in respect of immigration, asylum and citizenship; monitoring and targeting resources at hate crime; and restricting the broadcasting of extremist material;
- New legislation which will provide for orders to ban extremist organisations that promote hatred, restrict the harmful activities of extremist individuals, and restrict access to premises which are repeatedly used to support extremism.
- A new legal duty – the Extremism Community Trigger – to guarantee that police and local authorities fully review any complaints about extremism.
- Expanding the scheme under which parents can cancel a child's passport to stop them travelling overseas.
- Using the Disclosure and Barring Service to enable employers to identify extremists and stop them working with vulnerable people and children.

5.6 Chapter 6 – Building Cohesive Communities

Measures to deal with isolated and segregated communities include:

- Broadening the work of the National Citizen Service (NCS) and encouraging greater participation. The NCS aims to help young people engage with their wider community and become more active and responsible citizens.
- Reviewing how best to provide English language training.
- Strengthening existing measures to deal with illegal cultural practices, such as forced marriage and female genital mutilation.

In July 2015, at the request of the then Prime Minister and Home Secretary, Dame Louise Casey was asked to undertake a review into integration and opportunity in our most isolated and deprived communities. Her findings are reported in [The Casey Review](#).⁴⁵

⁴⁵ Dame Louise Casey DBE CB, [The Casey Review: A review into opportunity and integration](#), December 2016

6. Queen's Speech 2016

The Extremism Bill announced in the 2015 Queen's Speech did not materialise as expected during the course of the 2015-16 session.

A Counter-Extremism and Safeguarding Bill was announced in the Queen's Speech on 18 May 2016. The Cabinet Office briefing explained that it would contain the following measures:

- The introduction of a new civil order regime to restrict extremist activity, following consultation.
- Safeguarding children from extremist adults, by taking powers to intervene in intensive unregulated education settings which teach hate and drive communities apart and through stronger powers for the Disclosure and Barring Service.
- We will also close loopholes so that Ofcom can continue to protect consumers who watch internet-streamed television content from outside the EU on Freeview.
- We will consult on powers to enable government to intervene where councils fail to tackle extremism.
- The Government will consider the need for further legislative measures following Louise Casey's review into integration in those communities most separated from the mainstream.⁴⁶

It therefore appeared that this Bill would have covered much of the same ground as the previously trailed Extremism Bill. It is not clear whether the proposed civil order regime would have included the orders announced in 2015 (Extremism Disruption Orders, Closure Orders and Banning Orders).

In addition to the measures announced in 2015, the new Bill would have included a power to intervene in unregulated education settings. This followed a consultation by the Department for Education on a proposed system for registering and inspecting out-of-school education settings.⁴⁷

Proposals to consult on powers to enable government to intervene where councils fail to tackle extremism were another addition.

The Counter-Extremism and Safeguarding Bill did not materialise during the course of the 2016-17 session.

The Counter-Extremism and Safeguarding Bill announced the introduction of a "new civil order regime".

Neither the Extremism Bill nor the Counter-Extremism and Safeguarding Bill materialised.

⁴⁶ [Queen's Speech 2016: background briefing notes](#), 18 May 2016, Cabinet Office, Gov.uk

⁴⁷ [Out-of-school education settings: call for evidence](#), November 2015, Department for Education, Gov.uk

7. Home Affairs Select Committee inquiry on counter-extremism

On 27 August 2015 the Home Affairs Select Committee announced an [inquiry](#) into the Government's counter-extremism strategy. The inquiry looked at the major drivers of recruitment to terrorist movements linked to extremism as well as the effectiveness of measures to counter extremism.

7.1 Evidence

The Committee held a number of oral evidence sessions and received written submissions from a wide range of stakeholders.

Harun Rashid Khan and Miqdaad Versi of the Muslim Council of Britain (MCB) said in evidence to the Committee that the MCB believed that the Prevent strategy had failed, and that it risks alienating the same people that are needed to confront al-Qaida and Daesh.⁴⁸

Haras Rafiq of the Quilliam Foundation and Farooq Aftab of Ahmadiyya Muslim Youth Association UK gave evidence about the importance of creating and promoting a counter narrative, and engaging with communities, as well as the relationship between different representative groups and government.⁴⁹

Professor Weinberg of Kingston University suggested that the application of the Prevent duty in universities may be counter-productive, restricting the free exchange of ideas with the result that some students may only be exposed to a narrow viewpoint from elsewhere. This was echoed by Megan Dunn of the National Union of Students, who felt that Prevent may contribute to the marginalisation and ostracising of certain communities.⁵⁰

In response to a question about controversies regarding Prevent, David Anderson said although he would not defend every aspect of it, his instinct was that there is enough good in it to be worth working with. However, when asked about the forthcoming Bill he expressed concern that it could be counter-productive:

That does not mean I think the counter-extremism strategy is wrong to be looking at non-violent extremism. ... but I am wary about extending the law, the hard law, any further than it already goes into what people believe and what they say.⁵¹

Mr Anderson subsequently submitted written evidence to the Committee in which he expanded his views on Prevent. He provided a

David Anderson QC expressed concern about extending the law into what people believe or say.

⁴⁸ Home Affairs Select Committee, [Oral evidence: Countering extremism](#), HC 428, 27 October 2016

⁴⁹ Home Affairs Select Committee, [Oral evidence: Countering extremism](#), HC 428, 1 December 2016

⁵⁰ Home Affairs Select Committee, [Oral evidence: Countering extremism](#), HC 428, 1 December 2016

⁵¹ Home Affairs Select Committee, [Oral evidence: Countering extremism](#), HC 428, 19 January 2016

number of recent examples to illustrate a lack of confidence in aspects of the Strategy:

- a) Former Metropolitan Police Chief Superintendent Dal Babu (whom I meet from time to time and whose views I respect) was quoted in March 2015 as saying: *"Sadly, Prevent has become a toxic brand and most Muslims are suspicious of what Prevent is doing"*.
- b) 35 Professors and some 240 others, led by Professor Baroness Ruth Lister, wrote in an open letter of July 2015 that Prevent *"reinforces an 'us' and 'them' view of the world, divides communities, and sows mistrust of Muslims"*, and called on the Government *"to end its ineffective Prevent policy and rather adopt an approach that is based on dialogue and openness"*.
- c) The Waltham Forest Council of Mosques in December 2015 described Prevent as *"an ill-conceived and flawed policy"* used to *"spy and denigrate the Muslim community and cause mistrust"*.
- d) The chairman of Birmingham Central Mosque was reported in January 2016 to have called for a boycott of Prevent after claiming it *"unfairly targets Muslims and school children"*.
- e) Naz Shah MP said in her recent evidence to the Home Affairs Select Committee, on which she serves, that questions about the effectiveness of Prevent have been *"a constant concern with many MPs representing areas with large Muslim populations"*.
- f) Stories alleging the insensitive and discriminatory application of the Prevent duty in schools have since last summer become a media staple (including in mainstream outlets such as the Guardian, Independent and BBC): a sample of such allegations was provided to me by the Muslim Council of Britain and published as an annex to my report of September 2015.
- g) Some such cases (e.g. the recent *"terrorist house"* story from Lancashire, subsequently said by the police to have been inaccurately reported by the BBC) have been the subject of publicity and criticism around the world. Below-the-line comments often contain further (usually unverifiable) claims of similar incidents, which in turn achieve wide circulation.

Acknowledging that these claims should not be accepted uncritically, Mr Anderson suggested that Prevent is suffering from a widespread problem of perception, and repeated previous recommendations that it should be the subject of review by an independent panel.⁵²

⁵² D Anderson, [Supplementary written evidence](#), CEX0041, 2 February 2016

7.2 Conclusions and recommendations

On 19 July 2016, the Home Affairs Select Committee published its report, '[Radicalisation: the counter-narrative and identifying the tipping point](#)'.⁵³ The Committee made a number of recommendations, summarised below.

- **Factors contributing to radicalisation**
 - As there is no evidence that shows a single path towards extremism, the Government must take a much more sophisticated approach both to identifying the factors which instigate radicalisation and the measures to tackle this.
 - The Government should work with a cross-section of academic institutions in the UK that work on radicalisation, to marshal existing intelligence and research and develop a more effective understanding of the factors leading to extremism, including speaking to the families of known extremists.⁵⁴
- **Role of technology**
 - The Metropolitan Police's Counter Terrorism Internet Referral Unit (CTIRU) needs to be enhanced, extended and much better resourced to meet the scale of the ongoing threat. The CTIRU should be upgraded into a high-tech, state-of-the-art round-the-clock central Operational Hub which locates the perils early, moves quickly to block them and is able to instantly share the sensitive information with other security agencies. Representatives of all the relevant agencies should be co-located within CTIRU to enable greater cooperation, better information-sharing and more effective monitoring of and action against online extremist propaganda.⁵⁵
- **Europol**
 - It is imperative that the Government negotiates an ongoing effective relationship with EU organisations, such as Europol, including continued access to and contribution to information-sharing. Platforms should be created with Interpol to deal more effectively with cross-border issues, particularly terrorism which is a key cross-border challenge.⁵⁶
- **Social media industry response to radicalisation**
 - Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings. There must be a zero tolerance approach to online extremism, including enticement to join extremist groups or commit attacks of terror and any glorification of such

⁵³ Home Affairs Select Committee, [Radicalisation: the counter-narrative and identifying the tipping point](#), 19 July 2016, HC135, Eighth Report of Session 2016-17

⁵⁴ Ibid., p33

⁵⁵ Ibid., p33

⁵⁶ Ibid., p34

activities. Manuals for terrorists and extremists should be removed from the internet.

- The UK Government should now enforce its own measures to ensure that the large technology companies operating in this country are required to cooperate with CTIRU promptly and fully, by investigating sites and accounts propagating hate speech, and then either shutting them down immediately, or providing an explanation to CTIRU of why this has not been done.
- The Government must also require the companies to be transparent about their actions on online extremism. They should all publish quarterly statistics showing how many sites and accounts they have taken down and for what reason. Facebook and Twitter should implement a trusted flagger system similar to Google's and all social media companies must be more willing to give such trusted status to smaller community organisations, thereby empowering them in the fight against extremism.⁵⁷

- **Role of media**

- The media have a responsibility to avoid contributing to negative views of particular groups in society through unbalanced or unsubstantiated reporting. News editors should refrain from using the term 'so-called Islamic State', and should instead refer to 'Daesh' and should not identify terrorists as Muslims, but as terrorists and followers of Daesh.⁵⁸

- **Concerns about the Prevent Strategy and Duty**

- The focus of the strategy should be around building a real partnership between community groups and the state. The concerns of parents about the lure of radicalisation, and their desire for support and advice, should be heeded.
- The Government must be more transparent about what it is doing on the Prevent strategy. This will help communities to understand what Prevent is seeking to achieve and help to avoid it being seen as threatening to their culture and religion.
- The Government should abandon the now toxic name 'Prevent' for the strategy and rename it with the more inclusive title of 'Engage'.
- The Home Office should appoint an independent panel to reassess the Prevent training being provided to education and other professionals and to report on the advantages and disadvantages of placing the Prevent duty on a statutory basis and the range of institutions which are subject to the duty.⁵⁹

- **Border Security**

⁵⁷ Ibid., pp34-35

⁵⁸ Ibid., p35

⁵⁹ Ibid., p36

- The Government should urgently to report to the House the conclusions of its review into security at smaller airports and ports. Until 100% exit checks are fully in place, UK citizens under suspicion for encouraging extremism and prohibited from leaving the country will continue to be able to do so undetected, and could end up joining terrorist organisations in Syria and Iraq.⁶⁰
- **Seizure of travel documents**
 - The Government should ensure that the new legislation requires automatic notifications about individuals suspected of terrorism offences to be sent to HM Passport Office and the CTIRU, and that the handing in of a passport is made a pre-condition of bail.⁶¹
- **Support to families**
 - There needs to be an easily accessible advice and counselling service, particularly for parents, but also for other family members and friends, who wish to raise concerns and ask for help when worried about their loved ones being radicalised.
 - Organisations like the Muslim Council of Britain could do more to expose and remove those who preach or advocate race hate and intolerance, and particularly those who draw young people into extremism.⁶²
- **Rehabilitation**
 - The Government needs to have a more effective strategy to help those who have genuinely moved away from extremism and wish to reintegrate into society, just as it should also seek to support those families who have reported radicalisation by individuals or community groups.⁶³
- **Building Resilience**
 - The Government must move urgently to develop a programme that helps young people better develop the critical skills required to be conscious of manipulation and grooming and to actively question information they receive—both offline and online.⁶⁴
- **Developing and communicating alternate messages**
 - The UK should be using talent in the creative industries to ensure that every sophisticated piece of extremist propaganda is countered by even more sophisticated anti-radicalism material. The Government must facilitate regular meetings of the leaders of the UK's Muslim communities, including think-tanks with expertise in the field and the private sector, to implement effective counter-narrative programmes. Its scope should include training for

⁶⁰ Ibid., p37

⁶¹ Ibid., p37

⁶² Ibid., p38

⁶³ Ibid., p38

⁶⁴ Ibid., p39

community organisations and working with former extremists to develop and target online counter-narratives.⁶⁵

The Government has yet to respond to the report.

⁶⁵ Ibid., p39

8. Joint Committee on Human Rights inquiry on counter-extremism

On 4 February 2016 the Joint Committee on Human Rights announced that it was launching an [inquiry](#) into the Government's counter-extremism strategy, to inform its scrutiny of the forthcoming Bill. The focus of the inquiry was on compatibility with religious rights and freedom of expression under the European Convention on Human Rights and the operation of the Prevent Strategy in the education section.

8.1 Evidence

In evidence, David Anderson suggested that Prevent is a lightning conductor for an array of grievances among Muslims, which is in part the result of the fact that they feel that it is foisted on them.⁶⁶ He highlighted the narrow membership of the Prime Minister's Extremism Task Force that produced the report *Tackling extremism in the UK*, on which current counter-extremism policies are based. He noted that there has been no White Paper on the Extremism Bill, and suggested that it was understandable that people feel it is being foisted on them.

He identified three particular difficulties with the proposals:

- a) the problem of defining extremism;
- b) the use of a system of civil orders as a substitute for trial by jury; and
- c) the question of whether, in light of the controversy the Bill is likely to cause, it may do more harm than good.

Sir Peter Fahy, formerly the national police lead for Prevent, suggested that when defining extremism, the forthcoming legislation should recognise the importance of protecting freedom of speech when there is no incitement to hatred or violence. However, he was concerned that, regardless of the threshold used, police chiefs will come under pressure from MPs and others to use the new powers in inappropriate situations. He thought that it would be better to focus on challenging problematic ideologies, rather than preventing people from expressing their views, and that there is sufficient existing legislation to deal with preventing actions where necessary.⁶⁷

Professor Julian Rivers of the University of Bristol suggested that the detachment of non-violent extremism from terrorism in the October 2015 strategy gave rise to a number of significant new human rights concerns, to do with freedom of expression, freedom of religion, freedom of association, and privacy rights.

The use of a civil order regime as a substitute for a jury trial is problematic.

⁶⁶ [Oral evidence: Legislative Scrutiny: Counter-extremism Bill, HC 647, 9 March 2016](#)

⁶⁷ [Oral evidence: Legislative Scrutiny: Counter-extremism Bill, HC 647, 16 March 2016](#)

Professor Rivers noted that the European Court of Human Rights has consistently used the concept of “clearly unlawful speech”, characterised as defamation, hate speech and incitement to violence, in determining the permissible limitations that member states may place on freedom of speech.

8.2 Conclusions and recommendations

The Joint Committee on Human Rights published its [report](#) on 22 July 2016. It included the following conclusions and recommendations:

- **Racism and xenophobia:** The rise in expressions of xenophobia and racism ought to be addressed as part of the Government’s Counter-Extremism Strategy, ensuring that such incidents are dealt with under the existing criminal law and repairing the harm done to community relations.⁶⁸
- **Prevent:** An independent review of the Prevent Strategy and Duty should be published as part of consultation on counter extremism legislation. The current oversight arrangements of Prevent are too opaque. There needs to be rigorous and transparent reporting on the operation of the Prevent Duty.⁶⁹
- **Universities:** Free speech in universities should not be undermined. Promotion of free speech whilst precluding the expression of extremist views has caused confusion. Any further action in the area of the Prevent Duty in the university context must have legal certainty.⁷⁰
- **Out-of-school settings:** While there may be some argument for safeguarding measures to be introduced in out-of-school settings, these should not be specifically aimed at religious activities. Any new measures should be proportionate, focused, and should only apply where identifiable concerns about the safety or wellbeing of children and young persons have been raised within a particular institution.⁷¹
- **Civil orders:** The Government should not use civil orders (breach of which is a criminal offence) as a means to avoid having to make a criminal case to the requisite criminal standard of proof. This is particularly important in circumstances where the relevant behaviour which is prohibited is not a clear-cut criminal offence in its own right.⁷²
- **Law:** The Government should not legislate, least of all in areas which impinge on human rights, unless there is a clear gap in the existing legal framework. The Government has not been able to demonstrate that such a gap exists.⁷³
- **Approach to countering extremism:** The Government’s approach appears to be based on the assumption that there is an escalator that starts with religious conservatism and ends with support for jihadism. However, it is by no means proven or agreed

⁶⁸ Joint Committee on Human Rights, [Counter-Extremism](#), 22 July 2016, HL39, HC105, Second Report of Session 2016-17, p30

⁶⁹ *Ibid.*, p30

⁷⁰ *Ibid.*, p30

⁷¹ *Ibid.*, p30

⁷² *Ibid.*, p31

⁷³ *Ibid.*, p31

that conservative religious views are, in and of themselves, an indicator of, or even correlated with, support for jihadism.⁷⁴

- **Definition:** The Government gave no impression of having a coherent or sufficiently precise definition of either 'non-violent extremism' or 'British values'. There needs to be certainty in the law so that those who are asked to comply with and enforce the law know what behaviour is and is not lawful.⁷⁵
- **Bill and consultation:** If the Government wishes to take forward their proposals a draft Bill is required. A consultation which does not provide a clear legal definition of what is meant by extremism would be futile.⁷⁶

8.3 Government Response

On 19 October 2016, the Government published a [response](#) to the Committee's report.⁷⁷ The response highlighted a number of ways it is dealing with the Committee's concerns:

- **Hate Crime:** The Government published its Hate Crime Action Plan on 26 July 2016, which was a key part of the Counter-Extremism Strategy.⁷⁸
- **Prevent Strategy:** the Prevent Duty is supported by guidance and training for frontline staff. Oversight is provided by the Prevent Oversight Board.⁷⁹
- **Schools:** The Home Office and Department for Education have made a wide range of advice and materials on radicalisation available to schools, as well as launching the Educate Against Hate website. Protection from radicalisation should be seen as part of schools' wider safeguarding duties.⁸⁰
- **Universities:** They have to balance their duty to promote free speech with their other legal responsibilities including the Prevent Duty, requiring them to have policies to prevent uncontested opportunities for extremist speakers to promote extremist views that could draw students into terrorism.⁸¹
- **Out-of-school settings:** The Government proposes to regulate out-of-school settings as they currently fall outside existing legal frameworks for oversight.⁸²
- **Civil orders:** The proposed civil order powers are concerned with a small number of the most serious cases where extremists' behaviour threatens and causes real harm. The Government will consult on any proposed measures before they are introduced.⁸³
- **Approach to counter-extremism:** The Government does not accept that their approach is based on an assumption that there is

⁷⁴ Ibid., p31

⁷⁵ Ibid., p32

⁷⁶ Ibid., p32

⁷⁷ Joint Committee on Human Rights, [Counter-Extremism, Government Response to the Committee's Second Report of 2016-17](#), 19 October 2016, HC756, First Special Report of 2016-17

⁷⁸ Ibid., pp2-3

⁷⁹ Ibid., p4

⁸⁰ Ibid., p4

⁸¹ Ibid., p5

⁸² Ibid., p7

⁸³ Ibid., p7

- a course of behaviour that starts with religious conservatism and ends with jihadism, acknowledging it is more complex.⁸⁴
- **Law:** The Government accepts there needs to be certainty in the law and that it must be targeted at harmful activities rather than holding of views. The Government is committed to a full and detailed consultation.⁸⁵

8.4 Response of the Joint Committee on Human Rights

In reply to the Government's response the Chair of the Joint Committee on Human Rights, Harriet Harman, expressed disappointment in a [letter](#) dated 19 October 2016:

I am disappointed to note that that the Government does not seem minded to accept our recommendation for an independent review of the Prevent Strategy. Nor has the Government committed to the publication of a draft Bill (or draft clauses) relating to its proposal to combat extremism by way of civil orders, despite the fact that my Committee has been very clear that any consultation exercise which does not provide a clear legal definition of what is meant by extremism (and in particular non-violent extremism) would be futile.

Given that the Government response reiterates the fact that United Kingdom "has in place one of the strongest legislative frameworks in the world to protect communities from hostility, violence and bigotry" it is also concerning that the Government has still not been able to identify any clear gaps in the legislative framework that any new legislation introducing civil orders is designed to fill.

While I accept the Department's view that any proposals in this area "will need careful consideration and cannot be rushed", it is perhaps unfortunate to announce a Bill in two successive Queen's Speeches which has not been fully thought through in advance.

On 8 February 2017, the Harriet Harman [wrote](#) to the Home Secretary, Amber Rudd, requesting an update.⁸⁶ The Home Secretary [responded](#) to say that the Government was continuing to consider the complex issues and was committed to a full consultation before legislation is introduced.⁸⁷

⁸⁴ Ibid., p8

⁸⁵ Ibid., p8

⁸⁶ H Harman, [Letter from the Chair to the Home Secretary](#), 8 February 2017

⁸⁷ A Rudd, [Letter from the Home Secretary to the Chair](#), 1 March 2017

9. General reaction and commentary

9.1 Political

The various proposals put forward, both prior to and since the general election in 2015, have attracted considerable attention. The following represents a small sample of that reaction.

The measures have proved controversial with some members of the Conservative party, particularly on freedom of expression grounds. In October 2014, Dominic Raab wrote an article responding to the Home Secretary's conference speech, in which he suggested that:

[T]he broad powers of proposed Extremism Disruption Orders (EDO) could be abused. Those engaged in passionate debates – such as Christians objecting to gay marriage – could find themselves slapped down. Monarchists or communists (like the late militant union leader, Bob Crow) could be swept up for peacefully expressing their political views.⁸⁸

David Davis was quoted describing the orders as “quite incredible powers to limit democratic rights”,⁸⁹ and former Attorney General Dominic Grieve said:

Any restriction on freedom of expression of individuals outside the criminal law is something that has to be approached with very great caution.⁹⁰

Following the Prime Minister's speech at the National Security Council in May 2015,⁹¹ Baroness Warsi published an article on the *Conservative Home* website:

[T]he plans felt like an attack on the very values we were professing to promote.

And this has been the pattern of policy making since the Blair years. More and more, authoritarian counter-terrorism strategies have undermined our values, yet not made us feel any safer.

We're told that our protection and our freedoms can only be secured by the curtailment of freedoms. And the battle of ideas is not fought and won by bigger and better ideas but by banning, silencing through legislation and securitising communities.⁹²

It has also been reported that the proposal to give greater powers to Ofcom caused controversy within the Cabinet. According to *The Guardian*, the Business Secretary Sajid Javid wrote to the Prime Minister in March (in his then position as Culture Secretary) to say that he was unable to support proposals to give Ofcom new powers to take pre-emptive action against programmes that include “extremist content”,

⁸⁸ [‘Banning online ‘extremists’ isn’t the answer’](#), 2 October 2014, The Telegraph

⁸⁹ N Morris, [‘Tory Party Conference: ‘Snoopers’ charter’ – critics round on Theresa May’s ‘draconian’ proposals’](#), 30 September 2014, *Independent*

⁹⁰ Ibid.

⁹¹ See above at 2.4

⁹² Baroness Warsi, [‘The Way to build British values is to bring people together – not isolate, ban, and silence them’](#), *ConservativeHome*, 14 May 2015

describing the move as a “fundamental shift in the way UK broadcasting is regulated”. He went on

It should also be noted that other countries with a pre-transmission regulatory regime are not known for their compliance with rights relating to freedom of expression and Government may not wish to be associated with such regimes.⁹³

The Labour Party’s response to the (current and previous) Government’s counter-extremism strategy has tended to focus on criticising cuts in resources and the weakening of existing powers, rather than fundamental opposition to the approach taken. In the debate on the 2015 Queen’s Speech, Yvette Cooper as Shadow Home Secretary said:

Nowhere are those cuts more serious than when it comes to the terror threat. As Assistant Commissioner Mark Rowley, the most senior counter-terrorism officer in the country, has warned, the loss of neighbourhood policing, mainstream policing teams, undermines the work on counter-terrorism, too. More needs to be done to tackle the threat of extremism, especially Islamist extremism linked to the rise of ISIL, to tackle hate crime, anti-Semitism, Islamophobia, and to tackle those who want to divide us. Therefore, we have called for new legislation. New powers will be needed, including proper checks and balances to make sure that powers are properly used and not abused. We will scrutinise the Home Secretary’s new plans carefully, as well as her new investigative powers laws. I hope she will confirm that there will be an opportunity for detailed pre-legislative scrutiny of those proposals.⁹⁴

In response to reports of the Home Office’s counter-extremism strategy in March 2015, shadow Home Affairs Minister Diana Johnson issued the following statement:

Theresa May abolished control orders, weakened counter terror powers, downgraded Prevent work and has failed to properly support the police, or communities, parents and local organisations who are trying to counteract radicalisation.

We will look at the detail of any policy that could help stop young people being drawn towards extremism, but with this government the rhetoric rarely matches the reality.

...

I still urge the right hon. Lady to do much, much more on prevention of extremism in the first place, involving communities, local organisations and faith groups—something that, sadly, in the previous Parliament, the Government cut back repeatedly and that needs to be restored.⁹⁵

Speaking on behalf of the Liberal Democrats, Tim Farron described the proposals announced by the Prime Minister in May 2015 as “authoritarian and Orwellian”.⁹⁶

⁹³ [‘Theresa May’s plan to censor TV shows condemned by Tory cabinet colleague’, *The Guardian*, 21 May 2015](#)

⁹⁴ [HC Deb 28 May 2015, c215](#)

⁹⁵ Diana Johnson, [Response to reports on the Home Office’s anti-extremism strategy](#), 8 March 2015, Labour.org.uk [accessed 5 August 2015]

⁹⁶ [The World at One](#), 13th May 2015, bbc.co.uk [accessed 5 August 2015]

Alastair Carmichael, as Lib Dem home affairs spokesperson, said in advance of the Queen's Speech 2016:

Rumours about what the upcoming extremism bill will include paint a dark picture. The government seems to think that the answer to every problem is to ban it. The last thing we should be doing is driving extremists into the shadows and underground.

The government is not only threatening our safety with this bill but the very fabric of our multicultural society by alienating certain communities.⁹⁷

9.2 Press

Following the Home Secretary's conference speech in September 2014, a *Guardian* article concluded that the proposed new orders were dangerous. The problem with these measures, it was argued,

"is that their net could potentially catch many more political activists than those about whom Mrs May complains. ... They are not just illiberal but counterproductive."⁹⁸

The *Telegraph* has expressed concern about the impact of the proposed Extremism Disruption Orders and their potential to 'criminalise' previously orthodox views such as opposition to gay marriage. Whilst acknowledging that the measures are intended to be applied to "preachers and teachers extolling the virtues of jihad and fomenting anti-Western attitudes among young Muslims", their application to "all extremist views" risks overreach.⁹⁹

On the Government's wider counter-extremism strategy, an article in the *New Statesman* by broadcaster and academic Myriam Francois-Carreh acknowledged some positives in the Prime Minister's Birmingham speech, including initiatives for countering the appeal of Da'esh [ISIS/ ISIL] and the recognition that extremism is a threat first and foremost to Muslims. However, she ultimately concluded that the Government had failed to identify extremism and its causes correctly:

Cameron has once again laid out ... a definition of the threat being faced that perpetuates the same tired misplaced and critically, unsubstantiated notion that "what we are fighting, in Islamist extremism, is an ideology".

Ideology – or ideas – do not exist in a vacuum. They are the product of material factors, which, when ignored, reduce the battle against extremism to a cosmic battle of ideas. This is exactly the terrain upon which the terrorists would like it to be played out, rather than in the real world circumstances producing anger and disaffection.

...

It is a sad indictment of the government's attempts to tackle extremism properly that it continues to peddle the same, unsubstantiated, widely-debunked and frankly self-serving "conveyor belt" theory of extremism. This theory somehow holds

⁹⁷ Quoted in "[New anti-extremism laws planned in bid to revitalise Cameron's premiership](#)", *The Guardian*, 15 May 2016

⁹⁸ '[The Guardian view on Theresa May's proposals to counter extremism](#)', *The Guardian*, 30 September 2014

⁹⁹ '[New laws on extremism are a crackdown too far](#)', 5 August 2015, *The Telegraph*

that anyone with socially conservative views is merely a few steps away from blowing us all up.¹⁰⁰

On the other hand, political commentator Douglas Murray in a blog post for the *Spectator* described it as the Prime Minister's best speech yet on tackling Islamic extremism,

The Prime Minister is right to present the threat of radical Islam as an ideological threat which needs countering. And he is particularly right in stressing the non-governmental, civil-societal responses that are needed if the problem is going to be brought under control. The whole speech seems to me to benefit from a deeper and broader understanding of the problem than any other speech recently given by a Western leader.¹⁰¹

The article praised what is described as "a number of important shifts in tone", including:

- Presenting the unvarnished reality of what joining ISIS is likely to entail;
- A change in emphasis from supporting Muslim groups because they claim to be representative of the majority of Muslims to supporting Muslim progressives who are supportive of Britain;
- Directly confronting the relationship between Islam and Islamist violence.

A *Guardian* editorial gave the speech a cautious welcome, suggesting that "The policies that Mr Cameron suggested, and those few concrete ones he announced, are for the most part sensible and politically shrewd".¹⁰² However it went on to caution that any rhetoric on this subject has to tread carefully to avoid further alienating the Muslim communities whose support is vital in stemming the flow of potential violent jihadis. It also criticised the inherent contradiction in claiming free speech as a core British value, whilst announcing banning orders for those expounding extremist, but legal, opinions, and strengthening Ofcom's censorship powers.

The *Financial Times* suggested that the speech offered a more nuanced analysis of Muslim extremism, but that "notable gaps and uncertainties remain in UK policy". It also expressed concern that the measures contained in the proposed Extremism Bill would constitute a crackdown on "thought crime", and thus endanger free speech.¹⁰³

More recently, a number of newspapers have reported that the delay in introducing the Bill after the 2015 Queen's Speech was caused by the difficulty in coming up with an acceptable legal definition of "extremism".¹⁰⁴

¹⁰⁰ Myriam Francois-Cerrah, [State-sanctioned prejudice is at the heart of David Cameron's approach to countering extremism](#), *New Statesman*, 21 July 2015

¹⁰¹ D Murray, [David Cameron has given his best speech yet on tackling Islamic extremism](#), 20 July 2015, *Spectator*

¹⁰² [The Guardian view on combating extremism: beginning to get it right](#), 20 July 2015, *The Guardian*

¹⁰³ ['Cameron Confronts the challenge of extremism'](#), July 20 2015, *Financial Times*

¹⁰⁴ For example ["Cameron terror strategy runs aground on definition of extremism"](#), *The Guardian*, 3 May 2016

9.3 Legal and academic

Academic commentators have for some time questioned the assumption apparent in the *Prevent* strategy and more recent pronouncements on extremism, of a link between the adoption of extremist views and involvement in terrorism.

Conor Gearty, professor of law at the LSE, published an article in 2012 analysing the approach of the new *Prevent* strategy.¹⁰⁵ He noted the significant change in the new strategy, from a focus on violent extremism to extremism more generally. Questioning the premise of this shift, he quoted a strategy paper written by an official in the Department for Communities and Local Government which was leaked to the press. The paper apparently made a “clear assessment” that individuals “do not progress” to violence through extremist groups, and asserted that this “thesis seems to both misread the radicalisation process and to give undue weight to ideological factors”.¹⁰⁶ He also cited an article by Rachel Briggs, senior research fellow in counter-terrorism and security at RUSI,¹⁰⁷ which concluded that there was “no empirical evidence of a causal link between extremism and violent extremism”.¹⁰⁸ Gearty therefore concluded that “the key empirical foundation for the shift of government policy away from violent extremism and towards extremism as such is unproven”.¹⁰⁹

A 2010 article in the journal *International Affairs* examined case studies in order to question the ‘conventional wisdom’ on radicalisation. It concluded that

Approaches that emphasise specific forms of Islamic ideology or theology as causal ‘mood music’ for terrorism are, at best, existentializing red herrings that are prone to miss the point, no matter how politically faddish.¹¹⁰

In relation to the 2015 proposals, Robert Gleave (Professor of Arabic Studies at the University of Exeter) and Lawrence McNamara (Deputy Director of the Bingham Centre for the Rule of Law) identified some key questions that would need to be addressed in the drafting of the proposed Extremism Bill:

What is extremism? The prevent strategy defines extremism as ‘vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.’ Non-violent extremism is defined as extremism which is not accompanied by violence.

¹⁰⁵ Gearty, C., *Is attacking multiculturalism a way of tackling racism – or feeding it? Reflections on the Government’s Prevent Strategy* (2012) *European Human Rights Law Review*, 2, 121-129

¹⁰⁶ Page 4

¹⁰⁷ Royal United Services Institute, an independent think tank engaged in defence and security analysis.

¹⁰⁸ *Ibid*, page 4.

¹⁰⁹ *Ibid*, page 5

¹¹⁰ Githens-Mazer, J. & Lambert, R., *Why conventional wisdom on radicalization fails: the persistence of a failed discourse* (2010) *International Affairs* Vol 86, Issue 4, 889-901

Is it justified to limit speech and actions which are not at present illegal, and which, even after the enactment of the proposals, would still not be punishable by the criminal law nor give rise to any civil liability?

Is the premise of the proposals contradictory? The Prime Minister talks of the importance of actively promoting certain values, including free speech, in order to justify measures which would place limits on free speech, breach of which would constitute a criminal offence.

Is there sufficient certainty and clarity in the ways that 'British values' and 'extremism' are defined to satisfy the rule of law requirement that we must be able to know what is it we can and cannot do without falling foul of the law?

Given the unknowns involved in the radicalisation process, how is the risk to public security to be weighed up against the suppression of personal freedoms?

What issues do these measures raise for law enforcement and community relations?

Do the measures seek to regulate thought, requiring delineation of what are 'acceptable' and 'unacceptable' beliefs?¹¹¹

Writing in the Law Society Gazette, Roger Smith, visiting professor at London South Bank University, suggested that the Government's aim of challenging non-violent extremism is "fine as a goal of policy to be achieved by argument but misguided as an intimation of law." Accepting David Cameron's premise that the root cause of the terrorist threat is extremist ideology, Mr Smith argued that the root response must be a more powerful counter-ideology.¹¹²

9.4 Campaigns

Organisations such as the Christian Institute and Coalition for Marriage have expressed concerns about the broad reach of the orders announced in 2015.

A campaign briefing from the Coalition for Marriage stated:

We strongly support the Government's intention to combat terrorism both at home and abroad. But sweeping new powers set to be included in the Extremism Bill go way beyond combating radical Islamists – they could even cover those who obey the law but who speak against equality laws. The new powers are so broadly defined that even traditional marriage supporters could be branded as 'extremists'.¹¹³

The proposals have also attracted criticism from civil liberties and free speech campaigners.

A group of NGOs formed a coalition following the publication of the October strategy to launch a '[Defend Free Speech](#)' campaign. They include Big Brother Watch, the Christian Institute, the National Secular Society, the Peter Tatchell Foundation, English Pen and the Manifesto

¹¹¹ R Gleave & L McNamara, [Non-violent extremism: some questions about laws and limits](#), *UK Human Rights Blog*, 22 May 2015

¹¹² R Smith, [Changing the culture](#), *Law Society Gazette*, 12 October 2015

¹¹³ Coalition for Marriage, [Extremism Bill: EDOs Briefing](#), c4m.org.uk [accessed 30 July 2015]

Club. The campaign was created to oppose Extremism Disruption Orders, on the basis that without a precise definition of extremism, political activists, religious groups, trade unionists, and others with minority views may be caught by the legislation.¹¹⁴

In response to the 2016 Queen's Speech, counter-extremism think-tank Quilliam suggested that the proposed Bill risked making matters worse by driving extremists underground, making it more difficult to challenge their arguments.¹¹⁵

Liberty issued a press release suggesting that the proposals would enable the Government to ban people and views with which they disagree, and had "no place in a liberal democracy".¹¹⁶

¹¹⁴ [Defend Free Speech](#), accessed 9 June 2017

¹¹⁵ Hara Rafiq, [Criminalising people for thinking bad thoughts spreads extremism – we should shudder at this Orwellian dictum](#), independent.co.uk

¹¹⁶ [Liberty responds to planned counter-extremism legislation](#), 18 May 2016, liberty-human-rights.org.uk

10. Home Affairs Select Committee Inquiry on hate crime

Following the murder of Jo Cox in June 2016 and the increase in hate crime following the EU referendum, the Home Affairs Select Committee launched an [inquiry](#) into hate crime and its consequences. The scope of the inquiry included hate crime motivated by extremism and actions carried out by fixated individuals ("lone wolves"). Due to the announcement by the Prime Minister on 18 April 2017 that there would be an election on 8 June 2017, the Committee was unable to publish a full report. Instead, their short report focuses on the role of social media companies in addressing hate crime and illegal content online. This [report](#) was published on 25 April 2017.¹¹⁷

Evidence was taken from Google, Facebook and Twitter on hate speech and extremism. The Committee's report set out the following conclusions and recommendations:

- **Advertising revenue derived from extremist videos:** Google failed to perform basic due diligence regarding advertising on YouTube, reflecting the laissez-faire approach that many social media companies have taken to moderating extremist content on their platforms. One of the world's largest companies has profited from hatred and has allowed itself to be a platform from which extremists have generated revenue.¹¹⁸
- **Responsibility to take action:** The biggest and richest social media companies are shamefully far from taking sufficient action to tackle illegal and dangerous content, to implement proper community standards or to keep their users safe. Given their immense size, resources and global reach, it is completely irresponsible of them to fail to abide by the law, and to keep their users and others safe.¹¹⁹
- **Removal of illegal content:**
 - Social media companies must be held accountable for removing extremist and terrorist propaganda hosted on their networks. The Government should now assess whether the continued publication of illegal material and the failure to take reasonable steps to identify or remove it is in breach of the law, and how the law and enforcement mechanisms should be strengthened in this area.
 - Social media companies rely on their users to report extremist and hateful content for review by moderators, outsourcing the vast bulk of their safeguarding responsibilities at zero expense. All social media companies

¹¹⁷ Home Affairs Select Committee, [Hate crime: abuse, hate and extremism online](#), 25 April 2017, HC 609, Fourteenth Report of Session 2016-17

¹¹⁸ *Ibid.*, p21

¹¹⁹ *Ibid.*, p21

should introduce clear and well-funded arrangements for proactively identifying and removing illegal content.¹²⁰

- The Government should consult on a system of escalating sanctions to include meaningful fines for social media companies which fail to remove illegal content within a strict timeframe.¹²¹
- **Community standards:** Social media companies should review with the utmost urgency their community standards and the way in which they are being interpreted and implemented, including the training and seniority of those who are making decisions on content moderation, and the way in which the context of the material is examined.¹²²
- **Social media companies' response to complaints:** Social media companies should urgently improve the quality and speed of their responses to reports of dangerous and illegal content, wherever those reports come from. Social media companies should publish quarterly reports on their safeguarding efforts. If they refuse to do so, the Government should consult on requiring them to do so.¹²³
- **Technological responses:** The Committee was disappointed at the pace of development of technological solutions—and in particular that Google is currently only using its technology to identify illegal or extreme content in order to help advertisers, rather than to help it remove illegal content proactively. They should use their existing technology to help them abide by the law and meet their community standards.¹²⁴
- **Legislative framework:** The Government should review the entire legislative framework governing online hate speech, harassment and extremism and ensure that the law is up to date.¹²⁵

A Government response may be published in the next Parliament.

¹²⁰ Ibid., p22

¹²¹ Ibid., p22

¹²² Ibid., p23

¹²³ Ibid., p23

¹²⁴ Ibid., p23

¹²⁵ Ibid., p24

11. Election manifesto policies 2017

On 18 April 2017, Prime Minister Theresa May called a general election to be held on 8 June 2017. Each of the following parties addressed the issue of counter-extremism in their manifesto. None of the other parties made specific reference to extremism in their manifestos.

11.1 Conservative manifesto

The [Conservative manifesto](#) identified some of the problems caused by extremism in our society:

Our enjoyment of Britain's diversity must not prevent us from confronting the menace of extremism. Extremism, especially Islamist extremism, strips some British people, especially women, of the freedoms they should enjoy, undermines the cohesion of our society and can fuel violence.¹²⁶

In order to defeat extremism, the Conservative party pledged to:

- Consider what new criminal offences might need to be created, and what new aggravated offences might need to be established, to defeat the extremists
- Support the public sector and civil society in identifying extremists, countering their messages and promoting pluralistic, British values
- Establish a Commission for Countering Extremism to identify examples of extremism and expose them, to support the public sector and civil society, and help the government to identify policies to defeat extremism and promote pluralistic values.¹²⁷

11.2 Labour manifesto

The [Labour manifesto](#) included a promise to review the controversial Prevent strategy:

Labour will review the Prevent programme with a view to assessing both its effectiveness and its potential to alienate minority communities. In doing so, we will address the government's failure to take any effective new measures against a growing problem of extreme or violent radicalisation.¹²⁸

Labour also [committed](#) to taking all "lawful action necessary to counter and confront" Daesh, advocating a "long-term multinational political strategy, led by regional actors, to tackle the spread of extremism."¹²⁹

11.3 Liberal Democrats manifesto

The [Liberal Democrats manifesto](#) proposed to "[s]crap the flawed Prevent strategy and replace it with a scheme that prioritises community

¹²⁶ [Conservative Party Manifesto](#), 2017, p55

¹²⁷ *Ibid.*, p55

¹²⁸ [Labour Party Manifesto](#), 2017, p77

¹²⁹ [Labour Party Manifesto](#), 2017, p118

engagement and supports communities in developing their own approach to tackling the dangers of violent extremism.”¹³⁰

11.4 UKIP manifesto

The [UK Independence Party \(UKIP\) manifesto](#) specifically addressed Islamist extremism in [schools](#) and [prisons](#). In relation to schools, UKIP proposed:

- Immediately putting into Special Measures schools found to be exposing children to Islamism
- Giving schools the right to dismiss forthwith any teachers, members of staff or governors found to be actively supporting radical mosques or imams
- Requiring Ofsted to conduct snap inspections of schools when parents or pupils have raised concerns that:
 - Girls are being offered unequal access to music, dance, PE or drama lessons, or are otherwise discriminated against
 - Anti-Western, anti-Semitic, or anti-equality [sic] views are being expressed by staff or governors
 - Muslim or non-Muslim pupils who challenge or do not share hardline views are being bullied or ridiculed.¹³¹

UKIP also recognised that criminals are at risk of becoming radicalised behind bars and pledged to:

- Ensure no prisoner has better ‘perks’ than any other, whatever their faith
- Refuse admission to prisons to any imam, preacher or individual known to promote views contrary to British values
- Give prison governors new powers to impose measures to combat Islamic extremism and gang violence in prisons.¹³²

11.5 Green manifesto

The [Green manifesto](#) promised to “[r]eject the xenophobic Prevent strategy and pursue community-led collaborative approaches to tackling all forms of extremism instead.”¹³³

¹³⁰ [Liberal Democrats Party Manifesto](#), 2017, p76

¹³¹ [UKIP Manifesto](#), 2017, p37

¹³² [UKIP Manifesto](#), 2017, p41

¹³³ [Green Party Manifesto](#), 2017, p15

12. Queen's Speech 2017

Following a general election on 8 June 2017, the Conservative Party formed a new Government. On 21 June 2017, the Queen's Speech announced the establishment of a Commission for Countering Extremism. The Commission "will be established to support the Government in stamping out extremist ideology in all its forms, both across society and on the internet, so it is denied a safe space to spread."¹³⁴ The Speech reiterated the Government's commitment to:

- Identifying and stamping out extremism across society;
- Promoting pluralistic British values; and
- Reducing tolerance of extremism.

The intended aims of the new Commission are to:

- Identify examples of extremism and expose them;
- Help the Government to identify new policies to tackle extremism; and
- Support the public sector and civil society in promoting and defending pluralistic values across all our communities.¹³⁵

The Speech also announced proposals for a new digital charter to ensure that the UK is "the safest place to be online." The Government has committed to tackling harmful content online, including extremist content. By way of example, the background briefing to the Speech notes that the Police Counter-Terrorism Internet Referral Unit has secured the removal of over 270,000 pieces of terrorist-related content since its creation.¹³⁶

The Queen's Speech announced a new Commission for Countering Extremism and a commitment to tackling online extremist content.

¹³⁴ [The Queen's Speech and Associated Background Briefing on the Opening of State Parliament](#), 21 June 2016, p52-3

¹³⁵ *Ibid.*, p52-53

¹³⁶ [The Queen's Speech and Associated Background Briefing on the Opening of State Parliament](#), 21 June 2016, p60

13. Reaction and commentary

13.1 Statements in support

The Local Government Authority (LGA) [responded](#) in support of the proposed Commission for Countering Extremism and encouraged the Government to work with local councils:

The Government should draw on councils' experience to inform the development of the new Counter-Extremism Commission. Councils have built up considerable expertise in countering extremism in their communities and in building community cohesion, including in how to bring communities together in the aftermath of attacks.

As a result they are already undertaking a range of activities to promote cohesion and counter extremism and as accountable local bodies, are best placed to do this on the ground.

Once established the Commission will need to work closely with councils and the LGA if it is to have a positive impact.¹³⁷

The Mayor of London, Sadiq Khan, also [spoke](#) out in support of the proposed Commission:

After the terrible attacks in London over recent months, I'm pleased that today's Queen's Speech includes a commitment to create a new commission for countering extremism - and I will work with the Government to design a new strategy to root out once and for all extremism in all its forms from our city.¹³⁸

13.2 Statements of concern

However, a number of non-governmental organisations have expressed concerns regarding the proposals.

Liberty [pointed](#) to the dangerous and vague nature of the agenda:

We were also promised a "Commission for Countering Extremism" which side-steps the huge issues governments have had with even defining extremism.

The dangerously vague counter-extremism agenda also includes proposals to regulate online spaces with a 'Digital Charter'.

Terror and violent criminality are dealt with by the criminal law together with a range of powers to stop, detain, question and surveil suspects. Those who encourage, promote and prepare for terrorism commit criminal offences. So what's left for the Counter-Extremism Commission to review or for the Digital Charter to restrict?

Ideas that are offensive or unpleasant? Ideas the Government disagrees with?

Worryingly, the Commission's work will also include defending "pluralistic values across our communities" – dangerously

¹³⁷ Local Government Authority, [Queen's Speech: LGA responds to review of counter-terrorism strategy and formation of Counter-Extremism Commission](#), 21 June 2017

¹³⁸ Mayor of London, Sadiq Khan, [Reaction to Queen's Speech](#), 21 June 2017

entangling extremism with community cohesion in a way that seems bound to spawn distrust and alienation.¹³⁹

The coalition 'Defend Free Speech', which includes The Christian Institute, the National Secular Society and Index on Censorship, [cautioned](#) that the new Commission will simply be a scapegoat for "when things go wrong". They further stated:

We are disappointed that the Government has yet again said it will bring forward unnecessary and intrusive legislation to counter so-called non-violent extremism.

Not only will civil liberties be damaged, but we will all be less safe....

Government lawyers have been bogged down for years trying to come up with a water-tight legal definition of who is and is not an extremist.

The chances of coming up with a definition that does not criminalise those with traditional, or challenging views such as people of faith, outspoken academics or anti-fracking campaigners seems highly remote....

Not only will civil liberties be damaged, but we will all be less safe.¹⁴⁰

The Head of Public Policy at the Evangelical Alliance, Simon McCrossan, [noted](#) with concern the repeated failures to clearly define extremism:

Last year, the Home Office minister Karen Bradley MP provided 10 different definitions of extremism to the Joint Committee of Human Rights. It is a matter for parliament to define with legal certainty what extremism is and, importantly, what it is not. The proposed commission must not become a means of bypassing democratic scrutiny and debate about an elusive term which potentially affects the human rights and civil liberties of all.

Our existing laws include wide ranging powers to tackle terrorism and to prevent inciting violence: these need to be used to their full extent. The government has failed to show the gap in its legislative armour and are at risk of appearing to remedy the current situation with more powers that may do more harm than good.

We hope that the powers of the extremism commission will be clearly defined, and that any definitions of extremism will be clearly the responsibility of parliament.¹⁴¹

The [Charity Finance Group](#) also issued a [warning](#) that new efforts to counter extremism could place heavier burdens on the charity sector. Andrew O'Brien, head of policy and engagement at the Charity Finance Group, said:

There is a risk that efforts to combat extremism will increase regulation for charities, so charities need to be watch developments carefully.

¹³⁹ Liberty, '[Queen's Speech: If we are complacent, this Government will come for our rights and freedoms](#)', 22 June 2017

¹⁴⁰ The Christian Institute, '[Queen's Speech confirms Govt pushing ahead on 'all forms of extremism](#)', 22 June 2017

¹⁴¹ Evangelical Alliance, '[Concern over extremism commission plans](#)', Press Release, 21 June 2017

Given the latest Charities Act has already increased the Charity Commission's power substantially, including on terrorism, we would caution against any further powers or regulations on the sector while these reforms bed in.¹⁴²

¹⁴² Third Sector, '[Charity Finance Group warning over counter-extremism measures in Queen's Speech](#)', 21 June 2017

14. Challenges ahead

In the wake of the recent terrorist attacks in Westminster, Manchester, London Bridge and Finsbury Park, the Government's counter-terrorism strategy, which includes counter-extremism, has come to the fore of the agenda. Counter-extremism will undoubtedly be a crucial issue for the next Parliament.

If new legislation is to be introduced in the future, some of the key questions Parliament will have to address include:

- Can extremism be defined in a way that offers legal certainty?
- Is it necessary to resort to new civil orders instead of existing criminal offences?
- How will proposals avoid unjustified interference with freedom of religion and expression?
- Is it justified to limit speech which is not in itself illegal?
- How can online extremism be dealt with both by government and social media companies?

Unless a consensus can be reached as to what constitutes extremism in the first place, the development of effective measures will continue to prove problematic for the proposed Commission.

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