



Response to the Counter-Terrorism and Security Bill
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About us:

The Muslim Council of Britain is the UK's largest Muslim umbrella body with over 500 affiliated national, regional and local organisations, including mosques, charities and schools. The overriding objective of the Muslim Council of Britain is to work for the common good.

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Introduction

The Counter-Terrorism and Security Bill (the **Bill**), published in November 2014 and currently being progressed through Parliament, will be the seventh major counter-terror law introduced in Britain since the events of 11 September 2001.

The Muslim Council of Britain (**MCB**) strongly supports the government's and law enforcement agencies' objective of ensuring the safety of the public from criminals – regardless of their background. It is due to the hard work and skill of our security services, operating and limited by the rule of law, as well as assistance from the communities that there has not been a successful terrorist plot in the United Kingdom since 7 July 2005.

Nevertheless, the threat of terrorism and extremism continues to blight our communities. Not only does it cause anguish to mothers and fathers, worried about the fate of their children, it also breeds fear within our communities of the backlash from the media and amongst far-right groups. Above all, acts of terror have alienated young Muslims who bear the brunt of often knee-jerk and far-reaching anti-terror policies.

The MCB therefore, through this document and based on consultation with its affiliates and experts, puts forward a response to this Bill with the aim of making it more effective in our collective goal of ensuring a safe and secure Britain, but without isolating vulnerable quarters of the community.

This response will highlight two aspects of the Bill which have caused great disquiet within the Muslim community, namely (i) the statutory duty on public authorities, including nurseries, schools, optometrists, GPs, hospitals and universities, to implement the "Prevent" agenda and (ii) the real potential for a discriminatory application of the law.

This paper will be split into four sections:

1. Merits of existing counter-terrorism policy;
2. Introduction of the "Prevent" strategy as a statutory duty for all public authorities;
3. Safeguards to avoid discriminatory application of the remainder of the law; and
4. A new vision for counter-terrorism.

1. Merits of existing counter-terrorism policy

- 1.1. The MCB welcomes the Home Secretary's resolve to tackle all extremism, including far-right extremism, and commends the government's commitment to curb the racially discriminatory 'stop and search' regime. The MCB was also pleased to learn of the Home Secretary's recognition of Qur'anic values of tolerance and peace in her speech to the Conservative Party in September 2014.¹

¹ Theresa May: Speech to Conservative Party Conference, 'Terrorism and Extremism', 30 September 2014 (link [here](#))

- 1.2. Furthermore, the MCB puts on record its approval of the government's commitment to allocate an additional £130 million per annum to the security services (a budgetary increase of circa 3%)². It is the MCB's conviction that the safety and security of Britain should not be restricted by a lack of resources.
- 1.3. Equally, a society at ease with itself should be one confident in the knowledge that fundamental freedoms are protected. The MCB therefore also welcomes the proposal to establish a Privacy and Civil Liberties Board to support the reviewing of counter-terrorism legislation in order to maintain the crucial balance between national security and civil liberties³.

This Board has the potential to be a significant bulwark against the nefarious forces of terrorism. Given the history of terrorism legislation and its adverse impact on community relations, to be effective, the Board should be established with the following provisions within its Terms of Reference:

- (i) review government legislation to ensure they consider the impact on communities, as well as being "sufficient to meet the threat and adequately take account of privacy and liberty concerns"⁴
- (ii) be independently staffed with individuals with relevant experience and expertise in affairs of national security, human rights and with particular appreciation for the perspectives of ethnic and religious minorities (including, but not limited to, the Muslim perspective);
- (iii) be adequately resourced;
- (iv) have access to all the relevant, including, where necessary, classified, materials; and
- (v) have the power to refer and take action where instances of abuse or misuse of power are identified.⁵

Recommendation 1: Adapt the terms of reference of the Privacy and Civil Liberties Board to include the impact of legislation on communities

2. Introduction of the "Prevent" strategy as a statutory duty for all public authorities

2.1. The concept of preventing terrorism before it transpires (known as "Prevent") is the second "P" in the UK's CONTEST II strategy (Pursue, Prevent, Protect and Prepare). It is the Muslim Council of Britain's belief that prevention must be a key part of any strategy to counter terrorism. However, from the very inception of the Prevent strategy, the Muslim Council of Britain has fundamentally disagreed with the unspoken premise on which the policy is based: that the Muslim community can only be seen through the prism of security. In a submission to the Communities and Local Government Committee the Muslim Council of Britain noted an expectation to 'wave a magic wand and ask young people to remain oblivious to international political developments at the root of the frustration.'⁶

² The Prime Minister, Hansard, 25 November 2014: Column 749 (link [here](#))

³ Clause 36, Counter Terrorism and Security Bill (CT&S) (link [here](#)), also see the Terms of Reference for the Board (link [here](#)), and associated consultation document (link [here](#)), which provide further information as to the role of the Board

⁴ Terms of Reference for the Privacy and Civil Liberties Board (link [here](#)), based on Clause 36, Counter Terrorism and Security Bill (CT&S) (link [here](#))

⁵ Based on Liberty's Second Reading Briefing on the Counter-terrorism and Security Bill in the House of Commons, Clause 36: Privacy and Civil Liberties Board, December 2014 (link [here](#)) and the proposals outlined in the Home Office's consultation on establishing a UK Privacy and Civil Liberties Board (link [here](#))

⁶ Memorandum from Muslim Council of Britain (PVE 32), to Preventing Violent Extremism - Communities and Local Government Committee, 2009. (link [here](#))

- 2.2. This Government has rightly moved the emphasis of Prevent to the Home Office and has expanded the scope of Prevent to ‘all forms of extremism’. Nevertheless, despite declared intentions, there still remains a strong perception that there is an unfair, unproductive and aggressive assumption of extremism when dealing with Muslim communities.
- 2.3. The new proposals in the Counter-Terrorism and Security Bill would make it a statutory duty on public authorities, including nurseries, schools, optometrists, GPs, hospitals and universities, to implement the “Prevent” agenda. These public authorities would also be obliged to adhere to any guidance issued by the Home Secretary about the exercise of their duty⁷.
- 2.4. In the event a public authority is deemed to have failed in its duty, the Home Secretary would be able to issue directions to the authority and failing that, seek a mandatory order from the courts⁸, which if unheeded may result in a jail sentence⁹.
- 2.5. However, the MCB is concerned again about the widening of the “Prevent” agenda, contrary to the grain of numerous analyses from counter-terrorism practitioners, academics and policy makers, which challenge the effectiveness of the strategy. A selection of these reports are outlined below:
- (i) A Demos report (2010) recommends the government to “dismantle the ‘Preventing Violence Extremism’ programme”¹⁰
 - (ii) The Intelligence and Security Committee’s report following the murder of Fusilier Lee Rigby in 2014 says the “Government’s counter-radicalisation programmes are not working”¹¹;
 - (iii) Remarks by Eliza Manningham-Buller, former Director of the Security Service (MI5) who recently spoke in the House of Lords saying: ““It seems to me that Prevent is clearly not working.” “It also follows, therefore, that I am not convinced of the value of putting Prevent on a statutory footing. I am out of date. The Government may be able to convince me, but I cannot see how legislation can really govern hearts, minds and free speech.”¹²
- 2.6. The concerns espoused in academic papers, the MCB’s response to the Prevent strategy in 2009¹³ and expert opinions gathered by the MCB and its affiliates in 2011,¹⁴ can be summarised as follows:

⁷ Part 5, Chapter 1, Counter Terrorism and Security Bill (CT&S) (link [here](#)) with definition of the authorities to which the Bill applies, outlined in Schedule 3, CT&S (link [here](#))

⁸ Ibid.

⁹ Based on Dame Helena Kennedy QC reporting a conversation she had with a Government Minister at the launch of *A Decade Lost: Rethinking Radicalisation and Extremism*, Professor Arun Kundnani, Claystone, on 6 January 2015 in Committee Room 12, House of Commons.

¹⁰ From *Suspects to Citizens: Preventing Violent Extremism in a Big Society*, Jamie Bartlett and Jonathan Birdwell, Demos, July 2010, page 5 (link [here](#))

¹¹ Intelligence and Security Committee of Parliament (ISC), “*Report on the intelligence relating to the murder of Fusilier Lee Rigby*” (link [here](#), 16, (vii), p. 6)

¹² ‘Tony Blair’s anti-jihadist programme has failed, says ex-MI5 chief’, Matthew Holehouse in *The Daily Telegraph*, 14 January 2015 (link [here](#))

¹³ *Memorandum from Muslim Council of Britain (PVE 32)*, Muslim Council of Britain, September 2009 (link [here](#))

¹⁴ *Soundings, Policy Matters for Muslims in Britain*, various authors (link [here](#))

- (i) **Viewing Muslims alone as potential terrorists:** Prevent sought to "win the hearts and minds" of Muslims¹⁵ - and Muslims alone - making it seem as though they were a homogeneous (and sole) group posing a threat to national security. In fact, the report by the Institute of Race Relations into Prevent¹⁶ revealed that the level of community funding directly correlated to the number of Muslims living in each council. In other words, Prevent sent a dangerous message that the more Muslims living in a given area, the more funding was appropriated because the terrorism risk was proportionally higher. Yet the vast majority of terrorist attacks in E.U. countries have for years been perpetrated by separatist organizations, with less than 2% being by Muslims.¹⁷ Little attention or emphasis has been given to far-right violence¹⁸ and anti-Muslim hate crimes, particularly in the UK, and in the shadow of the terrorist attack carried out by Anders Behring Breivik in Norway amongst others.¹⁹
- (ii) **Alienation of the Muslim community:** It is the MCB's robust contention founded on consultation with its affiliates, that viewing an entire community through the lens of security and as potential security threats inexorably leads to an increase in distrust, division and alienation.²⁰ Examples include:²¹
- In Birmingham, West Midlands Police installed hundreds of cameras (both overt and covert) in areas with a high proportion of Muslim residents, leading to the police admitting to not being entirely honest in their dealing with the Muslim community.²²
 - Free IT facilities were provided in a youth centre to gather intelligence about its users.²³

The institutionalisation of "Prevent" in some public bodies, although initially not on a statutory basis, has further undermined the trust of the Muslim community, according to our affiliates. For instance, the relationship between a doctor and their patient should be based on trust and the welfare of the patient, holding the best interests of the patient as paramount, but this relationship is fundamentally changed when the doctor's duty expands to identifying signs of terrorism without the requisite expertise. Similarly, individuals may refuse to involve themselves in local government or school governance when they perceive that public expression of their opinions will result in unfair and unjust accusations of extremism by the council and police. Such forms of disenfranchisement are of particular concern, as they will force expressions of grievance underground and outside of safe space where they can be discussed.

¹⁵ *Preventing Violent Extremism: Winning Hearts and Minds*, Communities and Local Government, April 2007, (link [here](#))

¹⁶ *Spooked: How not to prevent violent extremism*, Arun Kundnani, Institute of Race Relations, 2009 (link [here](#))

¹⁷ 2 out of 152 terrorist attacks in 2013, for example, were religiously motivated according to the *European Union Terrorism Situation and Trend Report*, Europol, December 2014 (link [here](#)) and clearly explained in *Less Than 2 Percent Of Terrorist Attacks In The E.U. Are Religiously Motivated*, Think Progress, 8 January 2015 (link [here](#))

¹⁸ *The Police fear far-right attack*, Vikram Dodd, The Guardian, July 2009 (link [here](#))

¹⁹ *Blind Spot? Security Narratives and Far-Right Violence in Europe*, Arun Kundnani, 2012 (link [here](#)).

²⁰ *From Suspects to Citizens: Preventing Violent Extremism in a Big Society*, Jamie Bartlett and Jonathan Birdwell, Demos, July 2010, page 3 (link [here](#))

²¹ *Preventing Violent Extremism, Sixth Report of Session 2009-2010*, Communities of Local Government Committee, 2010, p. 63, (link [here](#))

²² Lewis, Paul 'Birmingham stops camera surveillance in Muslim areas' in The Guardian, 17 June 2010 (link [here](#))

²³ *Spooked: How not to prevent violent extremism*, Arun Kundnani, Institute of Race Relations, 2009, p. 28, (link [here](#))

As Liberty concludes in its response to the Home Office consultation on Prevent, the alienation of the Muslim community has a serious impact on the efficacy of anti-terror measures. To a large extent, it renders them as counterproductive. Such resentment may discourage individuals from playing a role in future intelligence led projects designed to tackle terrorism and in our view are most likely to foster bitterness, resentment and even anger amongst a small number of an increasingly marginalised group.²⁴

- (iii) **Definition of extremism:** The line between free speech and extremism is not sufficiently well defined according to senior officials in the police such as the Chief Constable of Greater Manchester Police, Sir Peter Fahy.²⁵ This poses a fundamental problem, whereby the public are not clear whether their actions would be considered extreme by the legislation. The MCB strongly supports this view and seeks a clear and transparent definition of “extremism”.

- (iv) **Linear conveyor belt theory:** There is an underlying governmental assumption that those with a grievance can be radicalised by non-violent extremists to a position where they are willing to use violence. This was set out by the Prime Minister in his speech in Munich in 2011.²⁶ However, the journey of radicalisation to terrorism is not singularly based on ideological or theological factors alone. There are also political and socio-economic challenges that play an important role as outlined by the Communities of Local Government Committee in its 2010 report.²⁷ The path to radicalisation is far less formulaic and far more nuanced than the Prevent programme assumes.²⁸ Linear models of the journey to terrorism have been roundly criticised by several leading experts²⁹ including the former CIA case officer Marc Sageman in his analysis of 500 terrorist biographies³⁰ and the MI5’s behavioural science unit’s analysis of several hundred terrorists³¹.

²⁴ Liberty’s response to the Home Office consultation on the Prevent strand of the UK counter-terrorism strategy, Liberty, December 2010 (link [here](#))

²⁵ ‘Chief constable warns against ‘drift towards police state’, Vikram Dodd, The Guardian, 5 December 2014 (link [here](#)). Note that this concern is raised in spite of there being a definition of extremism within Prevent 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. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas” (definition within Glossary of Prevent Strategy, 2011, p. 107 – link [here](#))

²⁶ Prime Minister’s speech at the Munich Security Conference, 5 February 2011, wherein the Prime Minister sets out his view on radicalisation and Islamic extremism. Link of transcript [here](#)

²⁷ *Preventing Violent Extremism, Sixth Report of Session 2009-2010*, Communities of Local Government Committee, 2010, p. 64, (link [here](#))

²⁸ For example, see Crenshaw, M, ‘The Causes of Terrorism’ (1981), where a more complex picture of the causes of terrorism is put forward; or a leaked memorandum from Whitehall in 2010, as reported in the Daily Telegraph [here](#), wherein it is stated of the conveyor belt thesis, “[it] seems to both misread the radicalisation process and to give undue weight to ideological factors”.

²⁹ McCauley, C, and Moskalenko, S, ‘Mechanisms of Political Radicalisation’, *Terrorism and Political Violence*, 20, 3 (2008) in footnote 9 of *From Suspects to Citizens: Preventing Violent Extremism in a Big Society*, Jamie Bartlett and Jonathan Birdwell, Demos, July 2010, pages 8-9 (link [here](#)).

³⁰ Sageman, Marc (2008). *Leaderless Jihad: Terror networks in the Twentieth Century* (2008), where based on an analysis of more than 500 terrorist biographies, he argues that “one cannot simply draw a line, put markers on it, and gauge where people are along this path to see whether they are close to committing atrocities”, as cited [here](#)

³¹ Classified internal research document on radicalisation seen by the Guardian (2008) (link [here](#)), several hundred terrorists it analysed “had taken strikingly different journeys to violent extremist activity”; and notably few had followed “a typical pathway to violent extremism”.

- (v) **Self-censorship:** High profile Muslim figures with considerable influence have been labelled “extremist” including Tariq Ramadan³² and Salma Yaqoob³³, amongst others. The MCB understands based on feedback from its affiliates that this has led to many individuals refraining from speaking publicly about their political views or air legitimate grievances for fear of being discriminated against³⁴ or similarly labelled.
- (vi) **Lack of transparency:** Freedom of Information requests for basic statistics about the Prevent initiative are routinely denied with the response that releasing such information constitutes ‘a threat to national security’ and ‘may result in more terrorists’.³⁵ Such lack of transparency about a key government initiative does not engender trust in its efficacy.

2.7. In view of the dearth of evidence demonstrating the effectiveness of Prevent, and the presence of significant and robust evidence highlighting its fundamental deficiencies, the MCB would advocate a full review of the Prevent strategy and its underlying premise, prior to statutory formalisation.

Recommendation 2A: Review of the effectiveness of Prevent and its underlying premise prior to statutory formalisation

2.8. The MCB is keenly aware of the danger of the government stereotyping the Muslim community, causing a sense of alienation, ostracism and subsequent mistrust of authority. As it currently stands, the Bill would be likely to exacerbate this risk and entrench these feelings ever deeper.

2.9. In addition to the consequences of Prevent mentioned above, the ramifications of placing the strategy on a statutory footing, include:

- (i) **Further alienation of the Muslim community:** As highlighted in the Home Office’s own risk assessment, there is a danger of damaging already strained community relations by giving “greater prominence to criticism that the programme is there to spy on individuals receiving support, or that it targets Muslims.”³⁶
- (ii) **Expansion of Prevent into the following public bodies:**
 - **Education:** From nursery to university, children will be monitored, institutionalising counter-terrorism measures within the education sector. We are accustomed to such policies in less free societies as witnessed during the Cold War. Notwithstanding the fact that this may prove to be unworkable and a bureaucratic nightmare in many schools as highlighted to the MCB by some of its affiliates, there is a danger that families lose their trust in teachers, and young children’s futures may be impacted by

³² E.g. see *The problems of being called a ‘Muslim Intellectual’*, Tariq Ramadan, The Guardian, September 2010 (link [here](#))

³³ E.g. see *Salma Yaqoob picks today to support Jihadists*, Harry’s Place, November 2008 (link [here](#))

³⁴ For example in the media, see *The Leveson Inquiry, An inquiry into the culture, practices and ethics of the press*, 8.23 ff. P. 665, (link [here](#))

³⁵ In his speech at the launch of *A Decade Lost: Rethinking Radicalisation and Extremism*, Claystone, on 6 January 2015 in Committee Room 12, House of Commons. Another individual in attendance noted similar experiences.

³⁶ Impact Assessment for “Counter Terrorism and Security Bill – Support for people vulnerable to being drawn into terrorism”, November 2014 (link [here](#))

incidents which previously would have been dealt with as a disciplinary issue.

For example, incidents of racism on the playground by a young Christian child may now be treated differently from anti-semitism by a young Muslim child given the latter may be considered a sign of extremism³⁷.

- **Universities:** Britain has a long and rich tradition of protecting free speech. To that end, it is of concern that the Bill would curb this on university campuses. Universities already have a statutory duty to protect free speech,³⁸ a duty that does not align with the Bill's restriction of the type of speakers allowed on campus. The MCB asserts that whilst decisions on speakers can and should be made at a university level in consultation with student bodies, a top-down, government-led, "centrally-monitored" speaker policy, significantly restricts academic freedom, to the extent that the Human Rights Joint Committee concluded that the new "prevent" duty is not appropriate for application to universities.³⁹ Furthermore, university leaders, lecturers and academics have claimed the Bill's provisions amount to "censorship".⁴⁰

Recommendation 2B: Remove the statutory requirement of the Prevent strategy from the Bill. At the minimum, this part of the Bill should not be fast-tracked given there is no immediate threat that would justify it

- (iii) **Centralisation of powers with the Home Secretary:** there is a risk of the politicisation of public bodies given the potential of the Home Secretary overturning decisions made by other authorities responsible for implementing this Bill. Furthermore, the Home Secretary is able to amend which public bodies are within the scope of Prevent in Schedule 3 without use of a statutory instrument.⁴¹

Recommendation 2C: Provide safeguards to limit the power of the Secretary of State in particular to amend which public bodies are in scope of the legislation as outlined in Schedule 3

3. Safeguards to avoid discriminatory application of the Bill

3.1. The MCB joins a number of civil liberty and community organisations in expressing its deep concern that the Bill involves a perceptible expansion of the government's powers at the expense of significant erosion of individual's civil rights. The following provisions are of particular concern and have been highlighted by MCB's affiliates:

³⁷ 'Anti-terror plan to spy on toddlers 'is heavy-handed', Robert Mendick, Robert Verkaik, Daily Telegraph, 4 January 2015 (link [here](#))

³⁸ Human Rights Joint Committee's scrutiny of Prevent as part of the CT&S Bill, footnote 82 (link [here](#))

³⁹ Ibid.

⁴⁰ "Academics label proposed Counter-Terrorism and Security Bill 'censorship'", Chris Havergal, The Times, 4 December 2014 (link [here](#))

⁴¹ Part 5, Chapter 1, Part 22 (1), Counter Terrorism and Security Bill (CT&S) (link [here](#)) referring to Schedule 3, CT&S (link [here](#))

- (i) Permitting the police to confiscate the passports of British citizens and others suspected of planning to leave the UK to engage in suspected terrorism-related activities abroad for extended periods;⁴²
- (ii) Granting the government the power to ban British citizens and residents from returning to the UK for two years, rendering them effectively stateless during that period;⁴³ and
- (iii) Reintroducing compulsory, internal relocation in the UK for terrorism suspects not convicted of any crime.⁴⁴

3.2. It is acknowledged that the measures outlined in the Bill may be warranted in some cases, though several organisations have persuasively challenged the overall effectiveness and utility of these powers.⁴⁵

3.3. The MCB is therefore most concerned about whether there are adequate safeguards, sufficient provisions for judicial oversight and the appropriate levels of transparency in place to reassure the public that there will be no discrimination in the implementation of these expanded powers.

3.4. Terrorism, contrary to popular belief, manifests itself in various forms – as the examples above demonstrate. It is considered that, unless the Bill goes to great lengths to demonstrate that it is ‘blind’ to cultures or religious beliefs, it will further lose the goodwill and support of the Muslim community, who are wary of being singled out.

3.5. To that end, the MCB urges the Home Office to consider introducing watertight safeguards in order to protect against any unintended discriminatory application of the Bill (if/when it comes into force).

3.6. The concern of there being ‘two standards’ is reinforced by numerous cases of actions by individuals from the far-right, including hate crimes, provocative rhetoric and threats of violence, which were not considered to be “terrorist” or “extremist” in spite of similar cases being deemed so when involving Muslims. This serves only to increase the growing sense of injustice and wanton labelling of the Muslim community.

Recommendation 3: Introduce safeguards in the guidelines to ensure that Muslims are not treated differently to those of others or no faith

4. A new vision for counter terrorism

With an ongoing threat to our security in Britain,⁴⁶ it is key that the right approach is taken in countering terrorism. The MCB believes that our mutual objective of improved safety for the public

⁴² Part 1, “Temporary Restrictions on Travel”, Chapter 1, “Powers to Seize Travel Documents”, Counter Terrorism and Security Bill (CT&S), (link [here](#))

⁴³ Part 1, “Temporary Restrictions on Travel”, Chapter 2, “Temporary Exclusion from the United Kingdom”, CT&S (link [here](#))

⁴⁴ Part 2, “Terrorism Prevention and Investigation Measures”, Clause 15, “TPIMs: Appointments measure”, CT&S (link [here](#))

⁴⁵ *Liberty’s response to the Home Office consultation on the Prevent strand of the UK counter-terrorism strategy*, Liberty, December 2010 (link [here](#))

can be better met by holding to our principles of free speech, tolerance and respect. The government should focus our resources on more effective measures, such as community-based policing rather than tried and tested methods that have proven ineffective, such as the focus on ideology, theology and “non-violent extremism”. This is not to say that nothing should be done to counter hate speech or misogyny, for example – however, such work should not be considered through the lens of counter-terrorism given its consequences, and the lack of evidence for any link between such non-violent extremism and violent terror. For example, the Muslim Council of Britain has actively promoted and will continue to promote intra-faith unity and interfaith partnership, thus marginalising intolerance. But the MCB has reviewed to undertake this work under the rubric of counter-terrorism.

4.1. Stop the restriction to free speech by proactively creating space to allow radical non-violent ideas to be discussed in public without fear:

It has been demonstrated that non-violent extreme ideas are not the precursor to violence in sharp contrast to the underlying assumption in the Prevent legislation. However, it is not improbable that restricting the expression of non-violent ideas, however extreme, may itself lead to violence by causing self-censorship in public - an approach that will increase discussion of such topics in private spaces, a more fertile ground for potential radicalisation.

According to a report by Professor Arun Kundani, the best way to prevent terrorist violence is therefore to widen the range of opinions that can be freely expressed, not restrict it.⁴⁷ Whilst not being so definitive, the MCB believes that providing space for extreme but non-violent ideas to be aired in public is key to allow grievances on ideology, identity and foreign policy to be vigorously and aggressively discussed and challenged in open debate, particularly among young people who feel excluded from mainstream politics.⁴⁸ These spaces must be open and allow free debate without fear of being labelled an extremist or attracting the attention of the security services.

4.2. Return to an inclusive nation of tolerance and respect for all that does not disproportionately target or alienate any particular community

The Muslim community has called for “more equality, not exceptionalism or special treatment; more democracy in our institutions and public life, not less; more critical citizenship, transparency and accountability, not less; more active civic involvement and participation, not disengagement...”⁴⁹ In spite of this, it has been demonstrated that the current legislation disproportionately targets and alienates the Muslim community.

In this regard it is most unfortunate that mosques are being singled out as supposed incubators of extremism when, in fact, countless studies point to radicalisation taking place through other conduits including the internet.

By returning to the humanitarian values of inclusion, tolerance and respect for all, it is the MCB’s contention that this will undermine the “us vs. them” narrative and those best placed

⁴⁶ *Theresa May claims 40 terror plots have been foiled since 7/7 attacks*, Alexandra Topping, The Guardian, 24 November 2015 (link [here](#))

⁴⁷ *A Decade Lost: Rethinking Radicalisation and Extremism*, Professor Arun Kundhani, Claystone, January 2015, p. 7 (link [here](#))

⁴⁸ *From Suspects to Citizens: Preventing Violent Extremism in a Big Society*, Jamie Bartlett and Jonathan Birdwell, Demos, July 2010, page 17 (link [here](#))

⁴⁹ *The British Muslim Narrative*, speech given by AbdoolKarim Vakil at the MCB AGM, June 2014 (text of speech available [here](#))

to support the fight against terrorism will be more inclined to help keep our nation safe and secure.

4.3. Introduce more community-based policing

Communities in Britain are partners in ensuring the safety and security of our nation, and not merely passive objects of law enforcement activities. Once communities feel a part of a more inclusive nation as outlined above, the key is for the police and security services to regain the trust of the community. This takes time to build and is best achieved by engaging communities on broader security and safety issues that are of concern to them and treating all as equals.

The police force and security services should be adequately resourced and their composition should reflect the diversity of our nation.

With an engaged and trusting public, the MCB believes that community-oriented approaches to policing have the potential of being more effective in countering terrorism due to greater public support, co-operation and participation.

The MCB, however, acknowledges that community policing cannot be seen as a silver bullet to defeat what is often a low-incidence, highly complex and multidimensional problem⁵⁰.

4.4. Focus the limited resources available to investigating individuals who can reasonably be suspected of intent to commit acts of terrorism, incite it or finance it, rather than on arbitrarily defined “non-violent extremists”

Significant resources have been available to bring about an ideological transformation amongst British Muslims⁵¹ with limited results.

Such resources could be better utilised in supporting conventional law enforcement, in particular given the majority of cases the convictions for terrorism came after lengthy surveillance operations involving electronic bugs, undercover agents, informants and intercepted mobile phone and computer messages.⁵² Furthermore, many of the terrorists who committed the brutal atrocities in London in 2005, the barbaric murder of Fusilier Lee Rigby in 2013, or the vicious murder of journalists at the French newspaper Charlie Hebdo in January 2015, were already under surveillance or could have been prevented using conventional methods.⁵³

Therefore, ensuring adequate resource is provided to countering terrorism using existing powers available to the security services, is considered far more effective by the MCB than on ineffective and futile attempts to bring about an ideological transformation within Islam.

⁵⁰ *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach*, Organisation for Security and Co-operation in Europe, 2014, p.178-9 (link [here](#)). Also see *Bringing it Home: Community-based approaches to counter-terrorism*, Rachel Briggs, Catherine Fieschi, Hannah Lownsbrough, Demos, 2006, p.58 ff. (link [here](#))

⁵¹ *A Decade Lost: Rethinking Radicalisation and Extremism*, Professor Arun Kundnani, Claystone, January 2015, p. 39 (link [here](#))

⁵² *The terror plots that failed*, Channel 4, 2013 (link [here](#))

⁵³ E.g. see *Why MI5 does not need more surveillance powers after the Paris attacks*, Henry Porter, the Guardian, 12 January 2015 (link [here](#))

Summary of recommendations

The Muslim Council of Britain believes that the Bill, as it currently stands, runs the risk of at best being ineffective in its aim of keeping our nation safe, and at worst counter-productive.

The recommendations can be summarised as:

1. Consider the impact on communities when developing legislation, as part of the Terms of Reference for the Privacy and Civil Liberties Board
2. Remove the statutory requirement of the Prevent strategy from the Bill. If this is not possible, then at the minimum, we recommend:
 - This part of the Bill should not be fast-tracked given there is no immediate threat that would justify a fast-track;
 - There should be a review of the effectiveness of Prevent and its underlying premise prior to statutory formalisation; and
 - Safeguards should be provided to limit the power of the Secretary of State in particular to amend which public bodies are in scope of the legislation as outlined in Schedule 3
3. Introduce safeguards in the guidelines to ensure that Muslims are not treated differently to those of others or no faith.