



**Response to Call for Written Evidence to the Public Bill Committee on the
Investigatory Powers 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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1. Introduction to the Muslim Council of Britain

- 1.1. The Muslim Council of Britain (MCB) founded in 1997 is an inclusive umbrella body that seeks to represent the common interest of Muslims in Britain. It is pledged to work for the common good of society as a whole.
- 1.2. Reflecting the diversity of Muslims in the UK, the Muslim Council of Britain is the largest umbrella body in the UK and is made up of mosques, educational and charitable bodies, cultural and relief agencies and women and youth groups and associations. At present it has over five hundred affiliates.
- 1.3. Whilst the Muslim Council of Britain will invariably highlight and campaign on issues affecting Muslims, it will do so with a view to seeking parity with other comparable communities, not special privileges. In other words, fairness, not favours.
- 1.4. The Muslim Council of Britain welcomes the opportunity to input into the Public Bill Committee's Scrutiny Unit. This document reflects a consensus view of our affiliates, and, we believe, across a broad spectrum of Muslim communities in the UK.

2. Background

- 2.1. The Draft Investigatory Powers Bill (the **Bill**) first presented to the two Houses in November 2015 and most recently in March 2016, is aimed at providing the police and intelligence services with a broader and more modernised set of tools to keep our nation safe.
- 2.2. The Muslim Council of Britain (**MCB**) strongly supports the government's and law enforcement agencies' objective of ensuring the safety of the public and preventing terrorism.
- 2.3. In today's society where terrorists, paedophiles and other serious criminals have the ability to use more sophisticated technology, there is no doubt that a modernisation of the capabilities of our police and intelligence services is important to consider.
- 2.4. Any changes to the legal scope of powers must be necessary and proportionate, with an appropriate balance between security, civil liberties and the impact on communities.

3. Civil Liberties

- 3.1. Many of our affiliates have raised concerns about the Bill's impact on civil liberties and whether there are sufficient safeguards enshrined in the proposal to protect our civil liberties.
- 3.2. There is a particular concern about whether the judicial authorisation for interception warrants within the Bill is sufficiently robust to provide reassurance to the public that such serious action was necessary and proportionate.

3.3. An in-depth analysis of this and the broader concerns surrounding civil liberties will remain outside the scope of this submission and are being addressed separately in submissions from civil liberty groups and experts.

4. Impact on Communities

4.1. There are many examples of legislation enacted in the past whose implementation have been discriminatory or at least perceived to have been discriminatory, with a subsequent impact on communities:

4.1.1. **Stop-and-Search:** It has been acknowledged by the Home Secretary that rather than being intelligence-led, stop-and-search powers have been misapplied, leading to them being seen as sharply divisive in Britain's black and minority ethnic communities. She argued that their implementation needed to evolve to ensure their fair and effective use.¹

4.1.2. **Counter-Terrorism and Security Act (CTS Act):** During the passage of the CTS Act, the MCB highlighted the perception of Muslim communities that previous legislation has been used in a discriminatory fashion against Muslims in particular.²

The MCB requested that there be adequate safeguards, sufficient provisions for judicial oversight and the appropriate levels of transparency in place to reassure the public that there would be no discrimination in the implementation of these expanded powers.

The concern was that unless the Bill goes to great lengths to demonstrate that it is 'blind' to cultures or religious beliefs, it risked further losing the goodwill and support of the Muslim community, who are wary of being singled out.

Case studies collated by the MCB and included by David Anderson QC as part of his annual report demonstrate the foreseeable discriminatory application of the CTS Act.³

¹ Hansard for Wednesday 30 April 2014:

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140430/debtext/140430-0001.htm#14043038000267>

² <http://www.mcb.org.uk/wp-content/uploads/2015/01/MCB-Briefing-on-safeguardsrequired-to-prevent-discriminatory-application-of-the-Bill.pdf>

³ <http://www.mcb.org.uk/wp-content/uploads/2015/10/20150803-Case-studies-about-Prevent.pdf>; also available in Annex 2 of <https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2015/09/Terrorism-Acts-Report-2015-Print-version.pdf>

4.2. To learn the lessons from previous legislation, the MCB has two recommendations to reduce the risk of discrimination in the implementation of this Bill (if/when it comes into force) and the subsequent impact on communities:

4.2.1. **Recommendation 1:** The mandate of the Investigatory Powers Commissioner (IPC) should explicitly include a specific duty to monitor, track and report on discrimination in the implementation of the law. Any identified pattern of discrimination should be appropriately explained, with steps articulated as to how this can be resolved.

4.2.2. **Recommendation 2:** There should be safeguards included within the guidelines provided to practitioners of the law that explicitly explain that Muslims and those of any faith or ethnic group, should not be treated differently to those of others or no faith.