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# The Impact of Prevent on Muslim Communities

A Briefing to the Labour Party on how British Muslim Communities are Affected by Counter-Extremism Policies

**The Muslim Council of Britain is a national representative Muslim umbrella body with over 500 affiliated national, regional and local organisations, mosques, charities and schools.**

It is an independent association, established to promote consultation, cooperation and coordination on Muslim affairs in the United Kingdom.

The Muslim Council of Britain is cross-sectarian body working for the common good without interfering in, displacing or isolating any existing Muslim work in the community.

It is a broad-based, representative organisation of Muslims in Britain, accommodating and reflecting the variety of social and cultural backgrounds and outlook of the community.

The Muslim Council of Britain is a democratic body, built on consultation, co-operation and co-ordination among Muslim institutions and concerned Muslims throughout Britain.

# Contents

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# Acknowledgements

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# 1. Overall Landscape

*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 I am out of date.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.*
Eliza Manningham-Buller, Former Director of the Security Service (MI5)

*The lack of confidence in aspects of the Prevent programme, particularly but not exclusively among Muslims, is undeniable...the Prevent strategy as a whole should be the subject of review.*
David Anderson QC, Independent Reviewer of Terrorism Legislation

## 1. 1 Introduction[1]

Since the events of 11 September 2001 and 7 July 2005, the global threat of terrorism, in particular in the form of al-Qaeda and Daesh (or so-called ISIL), has become more acute.

According to the Home Secretary, Theresa May, "Over the last 10 years it's estimated that something like 40 plots have been disrupted here in the UK." 2,877 people have been arrested for terror offences since 9/11. These arrests have led to 1,121 criminal charges and 769 criminal convictions, 452 of which were for terrorism-related offences.[2] The threat level from "international terrorism" was increased in August 2014 to "severe", indicating that attacks were highly likely, aligning with the threat level from "Northern-Ireland related terrorism" in Northern Ireland which has been "severe" since the threat level was first published.[3]

The Independent Reviewer of Terrorism Legislation, David Anderson QC, summarised the impact of terrorism in the UK in 2015:

> "It can also be said that only two people have been killed by terrorists in Great Britain in the past decade [Mohammed Saleem and Lee Rigby, in 2014]. The incidence of terrorism in the UK, and in the West generally, is statistically tiny when compared with the huge numbers being killed and injured every year in parts of the Middle East, Asia and Africa....Northern Ireland still experiences dozens of paramilitary-style bombings and shootings annually, and saw 26 deaths attributable to the security situation in the ten years to March 2015."[4]

However, the constant media coverage of those who have gone to Syria (some of whom may come back and commit serious crimes), the horrific activities of Daesh, the attacks in Tunisia on British citizens and the attack on a Russian flight over Egypt make the fear of terrorism appear very tangible to UK citizens. The same level of interest is not afforded to the hundreds of thousands killed in state-sponsored terrorism, whether in Iraq, Syria or elsewhere in the world – perhaps because it does not feel as real to us.

In the past 15 years there has been a range of new legislation passed. The long-term strategy for countering international terrorism, known as CONTEST, is divided into four principal strands: Prevent, Pursue, Protect and Prepare. The focus for this chapter is government legislation concerning the pre-criminal space. The stated objective is to 'prevent' people from being drawn into terrorism to keep our nation safe and secure: a goal that we all share.

1. This chapter was authored by Miqdaad Versi.
2. See Channel 4 http://blogs.channel4.com/factcheck/factcheck-terror-plots-busted-77/21225 for a list of the attacks. The suspects arrested since 11 September are overwhelmingly (92 per cent) male. The biggest percentage – 38 per cent – are Asian, 29.5 per cent were white and 12 per cent were black. In terms of age, the biggest percentage increase of arrests in recent years is in the 18-20 group
3. MI5 - https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/threat-levels.html
4. Independent Reviewer of Terrorism Legislation: https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2015/09/Terrorism-Acts-Report-2015_web-version.pdf

The strategy employed under Prevent has undergone radical change since its inception initially under the Labour government, with the Prevent duty now a statutory requirement for all public bodies as part of the Counter-Terrorism and Security Act 2015. Prevent is an integral part of the Counter Extremism Strategy outlined in 2015, which is expected to result in a Counter Extremism Bill in the coming months.

The purpose of this chapter is to highlight the concerns that have been raised to the Muslim Council of Britain about the Prevent regime and the upcoming Counter-Extremism Bill, whilst offering a several of tangible policy alternatives in order that we can achieve a more effective strategy to keep Britain safe.

The paper will not cover an analysis of the many projects under Prevent, some of which may have been successful, in spite of the concerns surrounding the overall Prevent strategy. Furthermore, this chapter will not specifically detail policy proposals for schools, education settings, campus, charities, civil society, mosques or prisons, which are detailed in later chapters.

The concerns are as follows:

- **The fundamental approach is problematic and lacks an evidentiary base:** Conservative religious and cultural practices (and more recently political beliefs) are classed as "non-violent extremism" and the first step in a "conveyor belt" towards violent terrorism, without any evidence underpinning this theory of radicalisation.

- **A rapidly growing notion of what constitutes extremism which discourages free speech:** A broad definition of extremism creates many potential suspects, narrowing the space for legitimate means of airing legitimate grievances and dissent.

- **"Suspect communities" are created**, fuelling Islamophobia: focus on Islamist extremism leads to Muslim communities specifically being targeted and viewed, almost exclusively, through the lens of security; and the expansion of the Prevent duty and the fear engendered by politicians and the media exacerbates the perception of a suspect community within the wider society, stoking Islamophobia.

- **Lack of transparency and accountability** leads to greater suspicion: Freedom of Information requests are regularly refused and assessment of Prevent projects against success criteria are not publicly available, with "security" offered as the rationale for secrecy.

## Key Points

- The vast majority are united in the ultimate goal of keeping our nation safe and secure.

- Concerns raised about the effectiveness of Prevent to achieve this goal due to: a problematic approach that lacks an evidentiary basis; a broad-definition which discourages free speech; creation of suspect communities, fuelling Islamophobia; greater suspicion due to a lack of transparency and accountability.

- Such consequences risk being counter-productive by increasing alienation and isolation.

- The latest Counter-Extremism strategy builds on the flawed Prevent approach including draconian provisions that challenge Muslims' participation in public life. Furthermore, the government involves itself in theological discussions, setting itself on a concerning trajectory.

- A fundamental review of Prevent is essential.

- The focus of government should move from the current approach to ones which are effective and evidence-based. For example, a more effective approach on foreign fighters, extra resources for conventional law enforcement, encouraging a legal means of expressing political dissent and contributing to society.

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At best, these concerns have led to a widespread loss of confidence and trust in government policies; at worst, they have led to a perception that Muslims are not being treated as equal citizens and are instead apart from the rest of the society. Such consequences risk being counter-productive by increasing alienation and isolation in which radicalisation thrives, potentially undermining the goal of keeping Britain safe and secure.

The latest Counter-Extremism strategy builds on the flawed Prevent approach, entrenching the problems outlined above. It includes draconian and counter-productive provisions that curtail civil liberties, challenge Muslims' participation in public life, continue to discriminate openly against Muslim communities and encourage spying on one another. What is more, the government continues to involve itself in theological discussions, most recently castigating Deobandi Sunni chaplains within prisons, setting itself on a concerning trajectory.

For these reasons, a fundamental review of Prevent is essential as a pre-requisite to obtain the buy-in of the Muslim community. To obtain credibility, such a review would require an independent lead; be evidence-based (learning the lessons from challenges faced by those affected by the legislation in the UK, challenges faced across the world and other policies, such as Stop & Search); and act as part of an ongoing and transparent monitoring of counter-terrorism policies.

There is little doubt that the right approach would gain the support of grassroots communities who are part of our joint goal of keeping our nation safe and secure.

Whilst there is no silver bullet to tackling the scourge of terrorism, the focus of the government should move from unevidenced, counter-productive and discriminatory actions to ones which are effective and evidence-based. Several examples may be:

- **Deal with foreign fighters**: tackle those returning from conflict zones using the Aarhus process which incorporates a range of experts from a different specialties such as counselling, healthcare and employment; deter individuals from going to fight in conflict zones by independent, trusted and respected members of communities highlighting how the realities on the ground, such as the killing of other Muslims, differ from the individuals' aims, such as overthrowing a dictator.

- **Support law enforcement**: provide extra resources to support conventional intelligence-led surveillance operations and investigations; strengthen relationships between communities and security forces to encourage reporting of terrorism.

- **Provide a legal means of expressing frustration**: political dissent and engagement in politics may be seen as potential signs of radicalisation and extremism under the current legislation. Such an approach is dangerous as it removes an important outlet for young people, in particular, to express their frustrations.

- **Strengthen civil society**: building a stronger, more equal and inclusive society for everyone in coalition with communities will undermine those who try and divide society by promoting the "us vs. them" narrative.

This list is by no means exhaustive but provides tangible examples of changes to current government policy that it is believed would prove more effective and less damaging in countering violent terrorism.

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This chapter consists of the following sections:

- Concerns about Prevent (1.2)

- Review of Counter-Extremism Strategy (October 2015) (1.3)

- Policy alternatives and next steps (1.4)

## 1.2. Concerns about Prevent

### 1.2.1 Fundamental approach is problematic and lacks an evidence base

There have been a number of studies as to why individuals are radicalised and choose to commit acts of terror or join groups that are responsible for terrorism.[5] Experts are unanimous that there is no single driver of radicalisation: rather, it is a multi-faceted and complex process. Such a process differs by person and area of conflict, where geopolitics, proxy wars, funding and power interests play an important role.

The MI5's own Behavioural Science Unit's analysis of several hundred terrorists showed they "had taken strikingly different journeys to violent extremist activity". Notably few had followed "a typical pathway to violent extremism".[6] This analysis is supported by research by the former CIA case officer Marc Sageman in his analysis of 500 terrorist biographies, who emphasized that there was no linear progression in the process of radicalisation.[7]

Governmental research also demonstrates the complexity of the process of radicalisation. For example, the Communities & Local Government Committee on Preventing Violent Extremism report (2010) noted that identity, political and socio-economic challenges play an important role in radicalisation.[8] Similarly, the Youth Justice Board in its "Preventing Religious Radicalisation and Violent Extremism: A Systematic Review of the Research Evidence" said: "Much of the research on Islamic extremists has shown the lack of any consistent profile that can help identify the potential terrorist – as is the case with earlier efforts in the broader terrorism literature."[9] And a Whitehall paper classified as "restricted" and entitled "Government strategy towards extremism", states: "It is sometimes argued that violent extremists have progressed to terrorism by way of a passing commitment to non-violent Islamist extremism, for example of a kind associated with al-Muhajiroun or Hizb ut Tahrir... We do not believe that it is accurate to regard radicalisation in this country as a linear 'conveyor belt' moving from grievance, through radicalisation, to violence ... This thesis seems to both misread the radicalisation process and to give undue weight to ideological factors."[10]

As outlined by the Muslim Council of Britain in its presentation to a conference on Counter-Terrorism in Abuja, Nigeria,[11] it is possible, from the studies conducted, to derive three broad criteria which are required to a sufficient degree for radicalisation to potentially take place:

1. **Demand for action**: due to a grievance (whether or not legitimate) such as socio-economic, foreign policy, perception of being treated unjustly (e.g. Islamophobia),[12] political or violent repression, religious ideology (vision of a state, identity, sectarianism).

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5       See a number of studies in "Preventing Religious Radicalisation and Violent Extremism: A Systematic Review of the Research Evidence", The Youth Justice Board (2012) via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf

6       http://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1

7       https://www.brennancenter.org/sites/default/files/legacy/RethinkingRadicalization.pdf

8       CLG Committee: Preventing Violent Extremism, Sixth Report of Session 2009–10 Report via http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/65.pdf

9       https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf

10      "http://www.telegraph.co.uk/journalists/andrew-gilligan/7908262/Hizb-ut-Tahrir-is-not-a-gateway-to-terrorism-claims-Whitehall-report.html

11      Youth Radicalisation, Communication strategy and Government Policy: The United Kingdom experience, August 2015 (not published)

12      E.g. see research from Anisa Mustafa: http://discoversociety.org/2016/02/02/what-is-prevent-really-preventing/

2. **Desire for violence**: due to psychological factors (the idea that going to Syria will be "cool" or comfortable as it is a "5-star" war; mental illness...etc.), identity factors where belonging to a group is more important than the ethics of violence, a warped religious ideology which allows killing of those of other faiths / other sects or geo-politics that justifies violence as an effective means of achieving one's goals.

3. **Ability to commit violence**: due to the ease of travel to conflict zone, access to networks. For example, face-to-face socialisation with individuals[13] after being "enlisted" by a group on the dark web, funding to support.

This categorisation has similarities to the three criteria within the "vulnerability assessment framework" used by Channel panels: engagement with a group, cause or ideology; intent to cause harm; and capability to cause harm, which is referenced by 22 Extremism Risk Guidance (ERG) factors.[14]

From such an analysis, it is clear that primarily focussing on all the "grievances" (category 1), is a simplistic approach that if implemented in a non-discriminatory fashion would encompass most of society and therefore prove ineffective.

Focussing primarily on one of the "grievances" (for example, religious ideology) would require evidence that does not exist. Unfortunately, this is exactly how the government has approached the challenge of radicalisation. Whilst Charles Farr, Director General of the Office for Security and Counter-Terrorism, warned of the dangers of "over-simplification,"[15] the Prime Minister said: "We know that terrorism is really a symptom; ideology is the root cause."[16] This all too simplistic analysis of ideology driving radicalisation is unfortunately borne throughout the government's approach on this topic. For example, consider the signs of radicalisation cited publicly by senior minsters: going to the mosque five-times-a-day (the architect of Prevent and former Communities Secretary, Hazel Blears);[17] converting to Islam, but not converting to other faiths (Secretary of State for Education and Minister for Women and Equalities Nicky Morgan).[18]

It is clear that the very design of the Prevent strategy and its underpinnings are based on a simplistic view of the radicalisation process that bears no semblance to the available evidence, including the research which has been carried out by or for the government. It is therefore fundamentally flawed.

The expansion of Prevent as a duty for all public bodies as required by the Counter Terrorism and Security Act 2015 extends this flawed strategy to teachers, health practitioners and other public servants. As this chapter will later explain, this development has caused significant problems.

**1.2.2 The chilling effect on plurality of opinion in a liberal democracy through an ever-expanding notion of what constitutes extremism**

For many, the definition of extremism is a very narrow notion; one which includes the likes of al-Qaeda, Daesh, Anjem Choudhury and far-right groups such as Britain First and the English Defence League.

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13    Academic studies suggest that face-to-face is required and virtual radicalisation is largely ineffective in recruitment e.g. see Sageman (2004): Understanding Terror Networks. Philadelphia, PA: University of Pennsylvania Press and ICSR (2009): Countering Online Radicalisation: A Strategy for Action; in addition peer-to-peer radicalisation is the most common (90% join terror groups through friendship or kinship)

14    "Prevent and the Children's Rights Convention", Institute of Race Relations, January 2016, via http://www.irr.org.uk/wp-content/uploads/2016/01/IRR_Prevent_Submission.pdf

15    http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11692385/Top-security-chief-warns-against-portraying-Muslims-as-intrinsically-extremist.html

16    Counter-Extremism Strategy: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf

17    Radio 5 Live, 5 June 2014; as cited by the Muslim Council of Britain http://www.mcb.org.uk/we-need-clarity-and-consistency-in-our-education-standards-british-muslims-respond-to-the-ofsted-reports-of-schools-in-birmingham/

18    https://www.facebook.com/Channel4News/videos/10153464670856939/ when referring to the new Educate against Hate website

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In contrast, the government has unfortunately defined extremism very broadly to include "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".[19]

In spite of this definition, Theresa May struggled to articulate what she meant by "extremism" on the Today Programme in July 2015[20] as the current definition of extremism would encompass many who most would consider not to be "extremists". For example, consider those who oppose the following:

- **Democracy**: the Chinese Premier Xi Jinping, the Egyptian dictator General Abdel Fattah el-Sisi who overthrew a democratically elected government and is accused of brutally cracking down on the democratic aspirations of the Arab Spring, the Bahraini King Hamad al-Khalifa whose anti-democratic despotism is being rewarded by a Royal Navy base: all have met our Prime Minister and senior ministers of the government; or those philosophers who support Plato's view of a benevolent dictator or another form of governance.

- **Rule of law**: certain environmental activists and protests that encourage civil disobedience.

- **Individual liberty**: arguably those who oppose same-sex marriage, such as the majority of the Conservative party in the last Parliament who voted against same-sex marriage, including prominent members of parliament such as Nicky Morgan.[21]

- **Mutual respect and tolerance of different faiths and beliefs**: the 37% of the British population who would support policies to reduce the number of Muslims in the UK.[22]

To any reasonable observer such groups do not constitute "extremists"; yet would be caught by the current legislation. The consequences are not trivial according to the former Policing Lead for Prevent, Sir Peter Fahy.[23] Such a broad definition and ambiguity may lead to a "police state", wherein officers are forced to define extremism, he says.

The International Commission of Jurists say that the unfortunate by-product of this is a law which will "all too easily be used in a discriminatory way against minorities."[24] In this case, against British Muslims.

As the Independent Reviewer of Terrorism Legislation, David Anderson QC, has said: "The potential of the new law to affect those who are not its target is particularly important". He said that "while ministers will justify the measures by saying they are only targeted at a handful of individuals and organisations, this does not address the dangers inherent in such an 'overbroad law'."[25]

Law-abiding people will therefore be encompassed by this definition of extremism. If such a reasonable individual was, for example, blacklisted as an extremist, he or she would have no recourse to safeguards or protection, as they would be rightly branded an "extremist" based on the broad definition.

19      Glossary on P.109: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

20      http://blogs.new.spectator.co.uk/2015/07/theresa-may-on-tackling-extremism-were-not-talking-about-curbing-free-speech/

21      http://www.independent.co.uk/news/uk/politics/mps-vote-for-gay-marriage-bill-by-400-to-175-in-face-of-widespread-tory-rebel-lion-8482318.html

22      http://www.theguardian.com/uk/2012/sep/16/voters-support-anti-immigrant-party

23      http://www.independent.co.uk/news/uk/politics/britain-could-drift-towards-a-police-state-says-one-of-britain-s-top-police-offi-cers-9908113.html

24      http://www.un.org/en/sc/ctc/specialmeetings/2011/docs/icj/icj-2009-ejp-report.pdf

25      http://www.theguardian.com/uk-news/2015/sep/17/counter-extremism-bill-could-play-into-terrorist-hands-watchdog

Due to the fear of being classed an 'extremist' (given the broad definition), many are wary of doing anything which might anger those in power – leading to political dissent being stifled.[26] It is worthy of note that the stifling of dissent is often cited as one of the signs of ethnic profiling.[27]

Similarly, many mosques and charities have now been labelled "extremist". This has led to many individuals refraining from speaking publicly about their political views or airing legitimate grievances for fear of being discriminated against or similarly labelled[28]. This is a crying shame in a proud liberal democracy such as Britain, whilst curbing free speech simultaneously runs the risk of breeding the conditions in which radicalisation thrives.

### 1.2.3 "Suspect communities" are created, fuelling Islamophobia:

Whilst the language of the legislation is faith-neutral, there is a serious concern about discrimination in the implementation of terrorism legislation.[29] For example:

- An individual who was involved in sending a threatening letter to Torbay Islamic Centre in September 2013, who daubed graffiti and who admitted conspiracy, had a terror manual on his computer (inspired by Anders Breivik and EDL) but only received a suspended sentence.[30]

- The leader of the UK arm of the Jewish Defence League, Roberta Moore, was found guilty of assaulting two people at a pro-Palestinian event in Haringey after invading the platform whilst being armed[31] and received a sentence of 150 hours of community service and a small fine. No anti-terror officers were involved.

- EDL member Ryan McGee was handed a two-year sentence for building a viable nailbomb as he was "not terrorist but immature teenager".[32] Compare that to a 6 years in prison for Ms Runa Khan who put promoting terrorism on Facebook[33] and 12 years for Yusuf Sarwar and Mohammed Ahmed who came back from Syria after his mother informed the police.[34]

- Sir James Munby reunited a child with his EDL-supporting father saying "we must guard against the risk of social engineering…as the state does not and cannot take away children". Compare this to the treatment of Muslims: "more than 30 children have been subjected to judicial orders because they are at risk of indoctrination or are already deemed extremist".[35]

- Liam Lyburd told police that he intended to "shoot a bunch of people" and blow up Newcastle College – this was not seen as an act of terrorism.[36]

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26        E.g. see research of Anisa Mustafa from Nottingham University summarised here in line with O'Toole, T., & Gale, R. (2013). Political Engagement amongst Ethnic Minority Young People: Making a Difference. Basingstoke: Palgrave Macmillan: http://discoversociety.org/2016/02/02/what-is-prevent-really-preventing/

27        https://www.opensocietyfoundations.org/sites/default/files/justiceinit_200506.pdf

28        Muslim Council of Britain engagement with its affiliates; also see sites such as https://lawrenceserewicz.wordpress.com/2015/12/15/in-the-uk-political-philosophy-is-a-pre-crime/

29        Case studies shared with Independent Reviewer of Terrorism Legislation, David Anderson QC via http://www.mcb.org.uk/wp-content/uploads/2015/10/20150803-Case-studies-about-Prevent.pdf

30        Herald Express, September 2013: http://www.torquayheraldexpress.co.uk/Torquay-Knights-Templar-inspired-Breivik-murders/story-19824726-detail/story.html

31        Jewish News, March 2015: http://www.jewishnews.co.uk/jdls-uk-leader-convicted-palestine-solidarity-event-violence/

32        The Guardian, November 2014: http://www.theguardian.com/uk-news/2014/nov/28/soldier-jailed-nailbomb-ryan-mcgee-manchester-bomb

33        BBC, December 2014: http://www.bbc.co.uk/news/uk-england-30439913

34        The Guardian, December 2014: http://www.theguardian.com/world/2014/dec/06/yusuf-sarwar-mother-british-jihadist-police-betray-syria

35        The Times, July 2015: http://www.thetimes.co.uk/tto/news/uk/article4509122.ece

36        BBC, July 2015: http://www.bbc.co.uk/news/uk-england-33718094

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The Prevent duty is also perceived to target Muslims in a grossly disproportionate manner, with Muslims' political activism being regarded as a particular problem.[37] For example, where religious affiliation data was collected amongst those children referred to Prevent within schools, c. 60% of these were Muslim (as against circa 5% across the British population).[38] The MCB has been led to believe that the proportion of far-right extremists taken through Channel in recent years is c. 10%, in spite of the worrying growth in Islamophobia and far-right extremism becoming more mainstream, with even 31% of young children believing Muslims are 'taking over England' and 26% who believe that 'Islam encourages terrorism.'[39]

Examples of discriminatory application of Prevent include:

- Prior to the 2011 Review of Prevent, the funding for tackling extremism correlated to the number of Muslims living in an area.[40] This was supposedly abolished but Maria Norris, whose doctorate centred on Britain's counter-terrorism strategy, said that the "fact remains that the current list of priority local areas is almost identical to the one before the 2011 review."[41]

- 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.[42]

- A 10 year old boy complained about a lack of a prayer room, and was reported as being a potential extremist.[43]

- Schools in BNP and EDL heartlands such as parts of South Yorkshire are monitoring Muslim only pupils.[44]

- A week after the Charlie Hebdo atrocity, in a school where news items are discussed on a weekly basis, no young Muslim children brought the issue up because they feared they would be "put on a register."[45]

- A two year old child in East London, who has a diagnosed learning disability, sang an Islamic song and said "Allahu Akbar" spontaneously – he was subsequently referred to social services for "concerning behaviour."[46]

- Parents in Stoke-on-Trent were brought in as their children used inappropriate language, such as "Alhamdulillah", which is a religious term used, meaning "Praise be to God".[47]

- Two college students were stopped by a lecturer who noticed that they had made way for two female students and, out of respect, lowered their gaze. They were reported to the senior team for concerning behaviour. [48]

37        http://discoversociety.org/2016/02/02/what-is-prevent-really-preventing/
38        https://yahyabirt1.wordpress.com/2015/06/04/safeguarding-little-abdul-prevent-muslim-schoolchildren-and-the-lack-of-parental-consent/
39        Largest survey of schoolchildren by Show Racism the Red Card: http://www.theguardian.com/education/2015/may/19/most-children-think-immigrants-are-stealing-jobs-schools-study-shows
40        http://www.irr.org.uk/pdf2/spooked.pdf
41        http://www.publicspirit.org.uk/the-secretive-world-of-counter-extremism-funding/
42        http://www.bbc.co.uk/news/uk-england-birmingham-13331161
43        http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11927303/Teachers-extremist-fears-over-boy-10-after-he-complains-about-lack-of-prayer-room.html
44        The Bureau of Investigative Journalism: https://www.thebureauinvestigates.com/2015/03/31/prevent-policy-schools-barnsley-edl-bnp-heartland/
45        The Guardian, July 2015: http://www.theguardian.com/commentisfree/2015/jul/01/muslim-children-enemy-radicalisation
46        Case study shared with the Muslim Council of Britain
47        Case study shared with the Muslim Council of Britain
48        Case study shared with the Muslim Council of Britain

The British government has thus far maintained the position that it is not targeting Muslims. It argues that it is fighting all forms of extremism – whoever it comes from, regardless of faith. When asked about examples such as those listed above, and countless others, governmental spokesmen and proponents of Prevent call them mistakes due to a lack of training. However, statements from ministers on the topic have clearly admitted that Muslims are being targeted – in spite of the ongoing façade of faith neutrality.

For example, on Channel 4 News, when asked if "recent and rapid conversion to a new religion", one of the warning signs of radicalisation list on the new government sponsored Educate-Against-Hate website,[49] applied to young children converting to Christianity, the Education Secretary Nicky Morgan replied: "No, of course not."[50] Mrs Morgan clearly acknowledged that the language of the site was actually targeted at converts to Islam and, whilst the form of the legislation was faith-neutral, its substance and intended scope was not.

Similarly, the Prime Minister denied[51] the claim by Ofsted chief Sir Michael Wilshaw that the out-of-school education settings proposal will be used to regulate Christian groups and Sunday schools as well as Muslim 'madrasahs'[52]. His reasoning was that the faith-neutral language in the proposal specifically targeted schools providing education for at least "six to eight hours a week", which would exclude Sunday schools.

Further to this, when asking why Northern Ireland (which, like the broader international threat, has an MI5 threat rating of "severe"[53]) was not included in the Counter-Extremism strategy, Gavin Robinson MP claimed he was told by a government official, assumedly on the condition of anonymity: "Don't push the issue too far. It is really a counter-Islamic strategy."[54]

The danger of targeting Muslims in particular and the creation of "suspect communities", where Muslims are seen as potential terrorists, should be self-evident. However, given the growingly Islamophobic climate, anti-Muslim attitudes have become mainstream to the extent that profiling is not considered problematic in and of itself by a significant proportion of the British population.

Therefore, to summarise, the numerous issues with targeting Muslims owing to their faith include:

- **Risk of breaching human rights legislation:** to abide by the Human Rights Act, for example, the government would have to provide the "objective or reasonable reason" why it is discriminating (Article 14), demonstrating why it is "necessary and proportionate" given the impact on freedom of religion (Article 9). Failure to do so leaves the government open to a judicial review, the culmination of which could result in the legislation itself being declared unlawful.[55]

- **Strains relations with Muslim communities**: 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."[56]

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49      http://educateagainsthate.com/
50      https://www.facebook.com/Channel4News/videos/10153464670856939/
51      http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm160120/halltext/160120h0001.htm#16012030000552
52      http://www.telegraph.co.uk/news/religion/12108953/David-Cameron-pledges-to-stop-Ofsted-inspectors-raiding-Sunday-schools-and-Scouts-meetings.html
53      https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/threat-levels.html
54      http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm160120/halltext/160120h0001.htm#16012030000552
55      For further examples of potential breaches of human rights legislation, see the discussion of the Institute of Race Relations on Prevent and the Children's Rights Convention: http://www.irr.org.uk/wp-content/uploads/2016/01/IRR_Prevent_Submission.pdf
56      Impact Assessment for "Counter Terrorism and Security Bill – Support for people vulnerable to being drawn into terrorism", November 2014 via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/379850/Channel_IA_MASTER_COPY.pdf)

- **Creates suspect communities that leads to alienation**: Sir Peter Fahy, the former Policing Lead for Prevent, warned: "There is a danger that the new laws on extremism alienates non-violent Muslims because of the existing level of mistrust and feeling of stigmatisation. A lot of Muslims feel that there is a constant anti-Muslim narrative in the media." Mary O'Rawe, an adviser to the Senior Coroner for Northern Ireland, notes in her contribution on "Ethnic Profiling, Policing, and Suspect Communities: Lessons from Northern Ireland" that "police in Northern Ireland have a long history of ethnic profiling—with disastrous consequences"[57]. As British-Irish Rights Watch have reported in reference to terrorism in Northern Ireland: "The danger of discriminating and/or alienating such people lies in stereotyping those suspected of terrorism. During the IRA bombing campaign in Britain, Irish communities became suspect communities."[58]

Further to this, community cohesion efforts within Muslim communities are being delivered through the Prevent regime, undermining their potential positive impact. For example:

- **Learning English**: the Prime Minister suggested that language classes for Muslim women could help stop radicalisation, called "clumsy and simplistic" by the Shadow Home Secretary, Andy Burnham.[59]

- **Out-of-schools education settings proposal**: the government proposal to scrutinise faith institutions to improve governance in 'madrasahs' was in order to help prevent radicalisation.[60]

- **Mosques who engage with police on community cohesion activities have had calls from counter-terrorism police**: Assistant Chief Commissioner Mark Hamilton at the All-Party Parliamentary Group on Islamophobia found this highly problematic. It has been suggested that this is perhaps due to a decrease in policing budgets, whilst counter-terrorism budgets are maintained, leading to community engagement being sub-contracted to counter-terrorism police[61]. As the International Commission of Jurists notes: "States should recognise the clear distinction between the roles of intelligence and law enforcement."[62]

In today's climate the government seldom announces any initiative pertaining to Muslims, which does not have some bearing or link to the concept of extremism and radicalisation. The Muslim community are growing wary of this trend.

### 1.2.4 Lack of transparency and accountability leads to greater suspicion

Freedom of Information requests for basic statistics about the Prevent initiative or the research driving specific initiatives within Prevent have been routinely denied, with the response often being that releasing such information constitutes "a threat to national security."[63] Such lack of transparency about a key government initiative does not engender trust in its efficacy.

### 1.2.5 Widespread critiques of Prevent, including calls for the repeal of Prevent

Given the significant concerns outlined in the aforementioned sections, it is no surprise to see hundreds of academics slam the approach taken by the government with the Prevent strategy, calling for its repeal. Within the last year alone, there was an open letter from hundreds of academics, practitioners and others

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57          https://www.opensocietyfoundations.org/sites/default/files/justiceinit_200506.pdf
58          British Irish Rights Watch, submission to ICJ, 2006
59          http://www.theguardian.com/politics/2016/jan/18/david-cameron-stigmatising-muslim-women-learn-english-language-policy
60          See the background section in the government consultation: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480133/out_of_school_education_settings_call_for_evidence.pdf
61          http://www.theguardian.com/uk-news/2015/nov/22/muslim-group-warns-police-cuts-will-harm-trust-with-communities
62          http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2012/04/Report-on-Terrorism-Counter-terrorism-and-Human-Rights-Eminent-Jurists-Panel-on-Terrorism-series-2009.pdf
63          E.g. https://www.whatdotheyknow.com/request/information_on_prevent_programme_5 (points 2-5)

in the Guardian stating: "Prevent is not making anyone safer…It is the embodiment of the "radicalisation" of our supposedly liberal democratic governments themselves" and "[we] call on the government to take urgent action to repeal this legislation" (February 2016).[64] Similarly, another open letter from hundreds of academics, practitioners and others stated in the Independent: "The way that Prevent conceptualises 'radicalisation' and 'extremism' is based on the unsubstantiated view that religious ideology is the primary driving factor for terrorism" (July 2015).[65]

Nor is it surprising that the critiques of Prevent are far-reaching amongst experts and practitioners:

- **Academics**: for example, Professor Paul Thomas from the University of Huddersfield said "Prevent is conceptually misguided and inherently flawed"[66]

- **Think-tanks:** for example: 'From suspects to citizens: Preventing violent extremism in a big society', Demos (2010) which recommends the government to "dismantle the 'Preventing Violence Extremism' programme"[67]

- **Security experts:** the former Director of the Security Service (MI5), Eliza Manningham-Buller 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."[68] The Intelligence and Security Committee's report following the murder of Fusilier Lee Rigby in 2014 states that the "Government's counter-radicalisation programmes are not working"[69]

- **Students:** the National Union of Students voted to oppose, not engage and even boycott Prevent: "The Government's anti-terrorism/security policy is fundamentally flawed in its approach, and its operant concepts of 'extremism' and 'radicalism' are ill-defined and open to abuse for political ends…They are attempting to monitor and control Muslim students and attacking freedom of speech, organisation and discussion on campus more generally."[70]

- **Teachers**: the National Union of Teachers have serious concerns with its general secretary, Christine Blower, saying government guidance on radicalisation would be "counter-productive."[71]

- **Unions:** a motion was moved by the teaching union NASUWT arguing that the government's counter-extremist Prevent strategy "could destroy relationships between teachers and learners" was unanimously passed by TUC Congress.[72]

There remain a small number of champions of the Prevent regime, but few exist outside the governmental machinery, other than those whose existence is funded and dependent on Prevent. Their perspectives, whilst potentially insightful, should be viewed in this light.

64      "Prevent isn't making anyone safer. It is demonising Muslims and damaging the fabric of trust in society", Guardian, February 2016 via http://www.theguardian.com/politics/2016/feb/10/prevent-isnt-making-anyone-safer-it-is-demonising-muslims-and-damaging-the-fabric-of-trust-in-society

65      http://www.independent.co.uk/voices/letters/prevent-will-have-a-chilling-effect-on-open-debate-free-speech-and-political-dissent-10381491.html

66      Paul Thomas, Professor of Youth and Policy, University of Huddersfield, Chapter 9 of "Critical Perspectives on Counter-Terrorism"

67      http://www.demos.co.uk/files/From_Suspects_to_Citizens_-_web.pdf?1279732377

68      "Tony Blair's anti-jihadist programme has failed, says ex-MI5 chief", Daily Telegraph (January 2015) http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11344281/MI5-chief-Blairs-anti-jihadist-programme-has-failed.html

69      http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11254337/Lee-Rigby-report-counter-radicalisation-schemes-failing.html

70      http://www.sacc.org.uk/news/2015/nus-votes-oppose-prevent

71      http://www.bbc.co.uk/news/education-33325654

72      http://www.irr.org.uk/news/education-not-surveillance/

## 1.3. Review of Counter-Extremism Strategy (October 2015)

The core of the Counter-Extremism Strategy relies on Prevent, critiques of which are mentioned above. However, there are additional concerns summarised below (although a full critique is outside the scope of this chapter):

- **Curtailing of civil liberties**: given the lack of clarity of what is "extreme" and the focus on Muslims, the following are even more concerning:

    o *Review of rules on citizenship such as revoking of citizenship from those who reject our values*: with regards to a less illiberal case of a man with dual-citizenship being stripped of his UK passport, Isabella Sankey, policy director of Liberty, said: "Stripping your own people of their citizenship is a hallmark of oppressive and desperate regimes. Rendering them stateless is lawless and short-sighted. Where suspicions exist public safety is best served by criminal investigations, not trampling on due process and trashing our reputation on the global stage."[73]

    o *Ban of extremist organisations*: without a clear definition, the choices to ban organisations deemed extremist, will seem arbitrary or due to pressure from foreign governments[74]

- **Challenging Muslim participation in public life:** there is a proposal for a full review to ensure all institutions are safeguarded from the risk posed by "entryism": Muslims who are working within public institutions are likely to be investigated for their personal views and religiosity, and given the lack of understanding, individuals with Muslim values may be considered "entryists", in and of itself problematic and further deterring the political participation of the future generation of British Muslims

- **Continuing unambiguous discrimination**: targeting of Islamic Sharia councils but not Jewish Beth Din courts which work in a strikingly similar way; out of school education settings: the 6-8 hour threshold appears to have been chosen specifically to include 'madrasahs' but exclude Sunday schools.[75]

- **Encouragement to spy on one another**: the Extremism Community Trigger will mean that the police will have a legal duty to fully review any complaints about extremism. According to Jane Winter, the former Director of British Irish Rights Watch, such attempts at intelligence gathering from communities rarely (if ever) worked and has led to people "finding" evidence where none exists[76]. In today's climate where Islamophobia is more prevalent in society, it is easy to see how this may lead to even more investigations against law-abiding British citizens, leading to further alienation of Muslim communities across the UK.

- **Government interventions in theological discussions**: the strategy has a shallow and superficial discussion about Islamism that is not reflective of the complexities in these nuanced religious topics; such an involvement in theology has been once again unfortunately demonstrated in the soon-to-be released Ministry of Justice report, which argues that Deobandi Sunni chaplains are part of the problem of radicalisation at prisons[77]. Whilst it is not entirely new that the government has chosen what it determines to be a "good" or

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73          https://www.thebureauinvestigates.com/2013/12/02/home-secretary-strips-man-of-uk-citizenship-for-the-second-time/

74          E.g. the UAE and Saudi Arabia have been said to have played a role in the commissioning of the report on the Muslim Brotherhood according to http://www.middleeasteye.net/news/muslim-brotherhood-review-tale-uk-uae-relations-378120043

75          See note 44 above

76          Discussion between Jane Winter and the author of this chapter, Miqdaad Versi

77          https://medium.com/@yahyabirt/playing-the-sectarian-card-britain-s-ministry-of-justice-is-unfairly-targeting-muslim-prison-1d9054406e11#.c31ecc4fe

"acceptable" Muslim to talk to[78], considering anyone who happens to be of a Deobandi persuasion to "propagate a fundamentalist interpretation of Islamic scripture which is contrary to British values and human rights", is highly problematic, in particular given their "transformative and positive effect" according to a three-year detailed study by academics at Cardiff University.[79]

It is unfortunate that during this process of putting together the Counter-Extremism Strategy, a broad spectrum of Muslim communities were not engaged by policy makers, in spite of many of the provisions targeting Muslims in particular. A superficial Community Engagement Forum that lacks buy-in or broad representation from Muslim communities does not fill this gap. What is even more unfortunate, is that it seems like the government is working with organisations such as Henry Jackson Society, who have been "accused of pushing an anti-Muslim agenda"[80]. For example, sections of a Downing Street statement on hate preachers at universities are identical to those featured in a report by an arm of the Henry Jackson Society[81].

## 1.4. Policy alternatives and next steps

### 1.4.1 Approach required

The International Commission of Jurists received evidence from 15 countries across the world to understand their experiences with terrorism and government responses. In almost every case, the terrorist threats were portrayed as exceptional and unprecedented, leading to government dismissing lessons from the past as irrelevant to the new environment.[82]

The approach taken by the government in considering an alternative to Prevent needs to learn the lessons from challenges faced with the current approach by those affected here in the UK[83]; similar challenges faced in other countries across the globe e.g. in Northern Ireland[84] or in the rest of the world[85]; and other laws that have been challenged in a similar way e.g. Stop and Search.

In order to do this, there needs to be an independent review of Prevent, as argued for by David Anderson QC, the Independent Reviewer of Terrorism Legislation on multiple occasions, most recently in his supplementary evidence to the Home Affairs Select Committee[86]. Such a review would need to adhere to the following principles:

- **Independence**: be truly independent of the government, as is the case of the current Independent Reviewer of Terrorism Legislation, with appropriate expertise and access to the relevant expertise

- **Evidence based**: the proposals should be based on evidence (research, engagement with communities[87], lessons from other countries and other laws in the UK)

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78    See the disengagement of the government from the largest mainstream elected national Muslim body, the Muslim Council of Britain

79    The three-year AHRC/ESRC 'Religion and Society' research study on Muslim chaplaincy in Britain (2008–2011) carried out by the University of Cardiff: Gilliat-Ray, Ali and Pattison, Understanding Muslim Chaplaincy, p.175

80    http://www.theguardian.com/politics/2014/dec/30/rightwing-thinktank-pulls-funds-commons-groups-disclosure-rules

81    https://www.timeshighereducation.com/news/no-10s-extremism-report-mirrors-text-thinktank-study

82    Assessing Damage, Urging Action: An initiative of the International Commission of Jurists, Geneva, 2009, 27

83    As outlined above, but also see for example LIBE (Committee on Civil Liberties, Justice and Home Affairs) (2014): Preventing and countering youth radicalisation in the EU http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/509977/IPOL-LIBE_ET(2014)509977_EN.pdf

84    War on Terror: Lessons from Northern Ireland, Committee on the Administration of Justice: http://www.caj.org.uk/files/2016/01/29/No._56_War_on_Terror_-_lessons_from_Northern_Ireland,_January_2008_.pdf

85    http://www.un.org/en/sc/ctc/specialmeetings/2011/docs/icj/icj-2009-ejp-report.pdf

86    http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/countering-extremism/written/27920.pdf (accessed 13 February 2016)

87    The Muslim Council of Britain has organised range of conferences across the country in 2015-2016 to understand the causes and methods of tackling extremism within Muslim communities, starting with a national conference in London e.g. see http://www.mcb.org.uk/counterterror-conf2015/

- **Ongoing**: a review should not be a one-off but part of an ongoing process that delivers effective oversight and evaluation of the success of the proposals, as is the case with the "Pursue" part of the CONTEST strategy under David Anderson QC.

- **Transparency**: the review and the evidence should be transparent, as should the key performance indicators that measure the success of the proposals[88]

The review should be fearless and follow the evidence, and there is little doubt that the right approach would gain the support of grassroots communities who support our joint goal of keeping our nation safe and secure.

## 1.4.2 Specific policy alternatives

Our shared objective of improved safety for the public can be better met by holding to our principles of human rights, free speech, tolerance and respect. In this light, the government should focus our resources on effective measures, as outlined below, rather than tried and tested methods that have proven ineffective, such as by picking the "good Muslim", and focussing on ideology, theology and "non-violent extremism.

This does not negate the legitimate concerns about "non-violent extremism" and the importance of appropriately challenging views that are contrary to the nature of an engaged and cohesive society. However, given the lack of evidence linking this to violent terrorism, activities to build stronger communities should be dealt with separately and are out of the scope of this chapter.

There is no silver bullet to tackle the scourge of terrorism - the risk of counter-productive results means that the focus of government action should be on areas where there is specific evidence. For example:

- **Address the real risk from foreign fighters**: A range of academic studies have discussed the "veteran effect", which suggests that a proportion of those who return from fighting abroad become involved in domestic terrorism based on historical examples.[89] Therefore, there is no doubt that there should be work done to ensure that those who have gone abroad to fight are appropriately supported.

  o *Treatment of foreign fighters on their return*: The Home Affairs Select Committee gathered evidence concerning foreign fighters in 2015 and concluded[90]:

    ▪ "We are disappointed that the Home Office has not implemented a programme for individuals returning to Britain where there is evidence that they have fought in Syria. It is vital that the Government works with mental health practitioners and also assesses the Aarhus process to ensure that the UK's programme best integrates those returning from conflict zones such as Syria." and

    ▪ "There are of course people who travel to Syria and have not been involved in terrorist activity. It is clear that such people should not face the prospect of criminal sanctions, and we welcome the fact that Sir Bernard Hogan-Howe accepts this principle."

  The Aarhus process for foreign fighters is a successful holistic programme from Denmark that incorporates a range of experts to help those returning from conflict zones:

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88    E.g. the KPI for Prevent is National Indicator 35—"Building Communities Resilient to Violent Extremism", which emphasises: Understanding of, and engagement with, Muslim communities; Knowledge and understanding of the drivers and causes of violent extremism and the Prevent objectives; Development of a risk-based preventing violent extremism action plan, in support of delivery of the Prevent objectives; Effective oversight, delivery and evaluation of projects and actions – see http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/6504.htm

89    E.g. Science Review 2010; Karlsen 2014, cited by Professor Neumann in a lecture at King's College London: "Foreign Fighters in Syria and Iraq: Motivations and Implications" in January 2015: see http://www.lse.ac.uk/middleEastCentre/Events/Events-2015/PN-27-01-15.aspx

90    http://www.publications.parliament.uk/pa/cm201415/cmselect/cmhaff/933/933.pdf

"counselling, healthcare, assistance getting back into education, with employment, maybe accommodation"

o   *Deter individuals from going to fight in conflict zones e.g. Iraq, Syria, Israel…etc.*: It is possible that the threat of severe jail sentences for those who return, and the threat of being killed by UK forces when in battle zones[91] may act as a deterrent. However, very often the drivers for going to such regions will mean that such threats are unlikely to be as effective as a more nuanced and evidence-based approach, which recognises the complex and varied drivers. For example, some have gone to Syria on humanitarian grounds (perception of a genocide by the dictator President Assad), others due to the idea of being "cool", and others to establish a legitimate caliphate. For each driver, a different response is required – for example, counter-narrative initiatives independent of the government from respected individuals that highlight the realities on the ground in these conflict zones, and how these do not align with their goals.[92]

- **Provide extra resources to support police in conventional law enforcement[93]:** Significant resources have been available to bring about an ideological transformation amongst British Muslims with limited results. Such resources could be better utilised in supporting conventional law enforcement in:

  o   Investigation of 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"

  o   Lengthy intelligence-led (and not based on profiling) surveillance operations involving electronic bugs, undercover agents, informants and intercepted mobile phone and computer messages.

- **Strengthen relationships between communities and the relevant security authorities, encouraging reporting of terrorism[94]**: Whilst intelligence-led policing cannot be seen as a silver bullet to defeat what is often a low-incidence, highly complex and multidimensional problem, policing remains a vital tool in tackling terrorism and requires the support and engagement of communities. Best practice of the many communities who engage well with their local police forces should be shared to further increase support, co-operation and participation in tackling terrorism:

  o   *Provide resources to police to:*

    ▪ Tackle the issues most relevant to communities e.g. hate crimes such as Islamophobia.

    ▪ Engage and understand local communities e.g. reverse cuts to community engagement teams within police forces, support multi-agency co-ordination and engagement with communities.

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91      E.g. the two British citizens killed in Syria, who were fighting for Daesh: http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7332

92      The Muslim Council of Britain has consistently discouraged travel to Syria and Iraq e.g. http://www.mcb.org.uk/muslim-council-of-britain-comments-on-the-situation-in-iraq/

93      The Muslim Council of Britain encouraged extra resources for police forces on pages 21-22 of the election document "Fairness not Favours": http://www.mcb.org.uk/wp-content/uploads/2015/03/fairnessnotfavours-MCB.pdf

94      The Muslim Council of Britain Initiated campaigns to encourage Muslim communities to come forward and report possible terrorist activity e.g. see http://news.bbc.co.uk/1/hi/uk/3592115.stm and issued guidelines to Imams and British Muslim Organisations to be Vigilant of Terrorism e.g. http://www.mcb.org.uk/mcb-community-guidelines-to-imams-and-british-muslim-organisations/

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o *Introduce community-based policing*: the composition of police forces should reflect the diversity of our nation as a means of regaining trust with communities.

o *Ensure strong local police leaders who engage with communities*: e.g. Sir Peter Fahy, former Chief Constable of Greater Manchester Police; and Ian Hopkins, current Chief Constable of Greater Manchester Police

o *Addressing the perception of discrimination*: stop profiling based on faith or ethnicity; bring in communities as part of the monitoring teams of controversial programmes; and introduce a complaints "community trigger" as is the case with Stop & Search[95]. If forces receive a large volume of complaints, they must explain to the public how powers are used.

o *Support institutions and individuals who would like to report the breaking of the law*: signpost the support available to concerned parents and carers without "getting others into trouble"; and provide bespoke training for targeted groups e.g. parents who want to look after their children and understand their usage of social media

- **Provide and encourage a non-violent outlet for political dissent and challenging the government to act against legitimate concerns:** 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[96]. 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. These spaces must be open and allow free debate without fear of being labelled an extremist or attracting the attention of the security services. Similarly, those who do engage in politics may be seen as "entryists"

- **Improve resources and research into tackling online radicalisation**: given the fact that initially, a significant proportion of radicalisation takes place online rather than at places of worship, further research is required to effective measures to tackle radicalisation online and via social media e.g. deterring producers of illegal material, empowering online communities, promotion of positive messages from respected scholars and individuals not tainted due to engagement with the government...etc.[97]

- **Strengthen civil society**: Whilst not a direct cause of radicalisation, a stronger, more equal and inclusive society for all will help undermine the "us vs. them" narrative that is part of the radicalisation process for some. For Muslims in particular, there has been a call 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..." Given more Islam, not less, is recognised as the solution, mosques are an important part of Muslim civil society that need to be supported in the following[98]:

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95    https://www.police.uk/news/changes-being-introduced-police-stop-and-search/
96    http://www.claystone.org.uk/wp-content/uploads/2015/01/Claystone-rethinking-radicalisation.pdf
97    International Centre for the Study of Radicalisation and political violence (ICSR) (2009): Countering Online Radicalisation: A Strategy for Action https://cst.org.uk/docs/countering_online_radicalisation1.pdf
98    For further details, see the separate briefing paper on mosques

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- o **Becoming more united**: remove discrimination (gender/ethnic), sectarianism (intra-faith statement), "takfiri" exclusivism, them vs. us, hate speech through reporting mechanisms / signing up to a joint statement

- o **Improving their capacity**: Imams (e.g. ability to engage with young people in relevant language / manner), education, provide equal space for all (gender, age) through sharing of best practice, reporting mechanisms

- o **Instituting broader and more effective governance**: professionalism, accountability, transparency taking into account best practice through the development of standards and monitoring

- o **Educating Islamic values from a young age**: respect for others, justice, fairness, anti-racism, anti-sectarianism protecting young children from bad influences; mosques as centre of learning

The above list is by no means exhaustive but provides examples of tangible changes to current government policy that we believe would be more effective in countering violent terrorism.

**Endnotes**

1        "Tony Blair's anti-jihadist programme has failed, says ex-MI5 chief", Daily Telegraph (January 2015) http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11344281/MI5-chief-Blairs-anti-jihadist-programme-has-failed.html

2        Lloyd, M., and Dean, C. (2015) The development of structured guidelines for assessing risk in extremist offenders, Journal of Threat Assessment and Management, 2(1):

# 2. Schools and Early Years Settings

*The Prevent programme is clearly suffering from a widespread problem of perception, particularly in relation to the statutory duty on schools.*
David Anderson QC, Independent Reviewer of Terrorism Legislation

*The [Prevent] strategy is undermining professional standards, educational independence, children's rights to freedom of thought, expression and assocation and principles of non-discrimination, and is alienating Muslim young people and communities.*
Institute of Race Relations

## 2.1 Introduction[1]

The Counter-Terrorism and Security Act 2015 places a general duty on schools and early years and childcare providers to have "due regard to the need to prevent people from being drawn into terrorism".

The revised statutory Prevent duty guidance for England and Wales[2] lists the education settings for children and young people that are subject to the Prevent duty: maintained schools; non-maintained special schools; maintained nursery schools; independent schools (including academies and free schools); pupil referral units; registered early years childcare providers; registered later years childcare providers; and providers of holiday schemes for disabled children.

The Department for Education has also provided (non-statutory) advice to school leaders, school staff and governing bodies on the Prevent duty.[3]

This briefing will discuss the implementation of the Prevent duty in schools and early education and childcare settings, and will summarise the key concerns expressed by teachers, teachers' professional associations, academics and others affected by the duty.

This chapter consists of the following sections:

- The flawed understanding of radicalisation (2.2)

- The implementation of the Prevent duty in schools and early years settings as part of safeguarding arrangements (2.3)

- Prevent is restricting children's rights to freedom of thought and expression (2.4)

- The discriminatory impact of Prevent on Muslim pupils (2.5)

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1          The MCB is grateful to Bill Bolloten for authoring this chapter.
2          Revised Prevent duty guidance: for England and Wales (Updated September 2016)
https://www.gov.uk/government/publications/prevent-duty-guidance
3          The Prevent duty: Departmental advice for schools and childcare providers (June 2015)
https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty

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# Key Points

- There is a widespread lack of clarity in schools and early education and childcare settings about key concepts such as radicalisation, extremism and fundamental British values. The theory of "radicalisation" that underpins training for teachers and childcare practitioners is flawed and not supported by research and expert opinion.

- The lack of confidence and unease about the Prevent duty amongst education professionals in all sectors has been noted by David Anderson, the Independent Reviewer of Terrorism Legislation, who, in written evidence to parliament's home affairs committee, stated: "the Prevent programme is clearly suffering from a widespread problem of perception, particularly in relation to the statutory duty on schools and in relation to non-violent extremism."'

- Requiring schools to implement the Prevent duty as part of their safeguarding arrangements is causing disquiet and concern. Interpreting children's views, behaviours and appearance as "warning signs" of extremism represents a new securitised approach to safeguarding that does not keep children safe, and in practice has exposed them to harm and unfair treatment.

- The Prevent duty is being implemented in schools without attention to the rights of children, as set out in the UN convention on the rights of the child, or proper regard for equality legislation, such as the Equality Act 2010. As a result there is increasing evidence that some pupils, particularly those from Muslim faith backgrounds, are experiencing discrimination, unfair treatment and contraventions of their basic rights.

- Although Prevent guidance to schools states that the duty should not prevent discussion of sensitive and controversial issues, there is evidence that Muslim pupils are increasingly reluctant to share their opinions on current affairs in case they are labelled as "extremist" and reported to Channel.

- Enlisting teachers and childcare practitioners to undertake counter-terrorism functions may lead to a breakdown in trust and mutual respect between pupils, parents and education professionals.

- Early education and childcare settings are already required to promote the values of respect and equality as part of the early years foundation stage statutory framework. Instead of implementing the Prevent duty, early education providers should remain focused on providing rich learning experiences that support young children to develop a positive sense of their own identity as well as respect for others.

- Moves by the government to suggest that Muslim supplementary schools and madrasahs are incubators for extremism and intolerance, and subjecting them to special regimes of inspection, are not based on evidence and could be counterproductive.

- Teachers' professional associations, as well as expert opinion, draw on experience and research to argue that widening space in the school curriculum for learning about citizenship, democracy, rights, justice and fairness, and developing children's skills for critical thinking, argument and participation in wider society will better address problems of extremism than specific counter-extremism and radicalisation safeguarding procedures required by the Prevent duty statutory guidance.

- Young people in schools are not being consulted about Prevent by the government or by local safeguarding authorities. Without their voices being heard, young people are likely to mistrust Prevent and feel that schools are not safe spaces to discuss issues connected to extremism and terrorism.

- There is a serious danger that aspects of the Prevent programme exacerbate the very problems they are intended to tackle, and in this way might be not only ineffective, but also counter-productive.

- The recommendation made by David Anderson, the Independent Reviewer of Terrorism Legislation, that the government should commission an independent review of the operation of the Prevent duty in schools, would be one that would be widely welcomed by school leaders, governors and teachers' professional associations.

- Prevent is damaging trust between teachers, pupils and communities (2.6)

- Prevent is undermining the values of early education and childcare (2.7)

- Defining extremism as opposition to "fundamental British values" (2.8)

- Ignoring the positive role of supplementary schools (2.9)

- Alternatives to the Prevent duty (2.10)

## 2.2 The flawed understanding of radicalisation

The Prevent duty statutory guidance states that: "being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists then exploit." Guidance to schools, such as the government's Educate Against Hate website[4], focuses on the role of "terrorist ideology" and non-violent extremist ideas, and the assumption that radicalisation leads to terrorism. David Cameron, the prime minister, in a speech at a Birmingham school in July 2015, stated: "The root cause of the threat we face is the extremist ideology itself."[5]

The Educate Against Hate website emphasises: "...underpinning the radicalisation process is that an individual has been exposed to an idea or ideology or a set of beliefs that appears credible and appeals to the person in question."

Experts on extremism and counter-terrorism have challenged this focus on "ideology", and question whether it is relevant and effective.

Professor Andrew Silke, a counter-terrorism specialist who advises the Cabinet Office and the UN, states: "The evidence isn't there to say ideology is the prime reason why people are becoming terrorists, and yet ideology is the foundation on which the counterterrorism effort is built on. Everything is pitched in terms of counter ideology, even though ideology is not the prime mover in terms of bringing people into terrorism. That is a mistake. It is not going to be effective in terms of preventing people becoming radicalised. And it diverts attention from other causes which play a role in why people become involved in terrorism."[6]

Among counter-terrorism experts, there is no consistent notion of what is meant by radicalisation. John Horgan, director of the International Center for the Study of Terrorism at Pennsylvania State University argues: "First, the overwhelming majority of people who hold radical beliefs do not engage in violence. And second, there is increasing evidence that people who engage in terrorism don't necessarily hold radical beliefs."[7]

Prevent duty training to teachers and childcare practitioners emphasises that children may have vulnerabilities that makes them more likely to engage in terrorism, and that underpinning a process of radicalisation will be exposure to an extremist ideology. The process of radicalisation is suggested as a fairly simple linear path toward an ultimately violent conclusion. Experts suggest however that there is no simple trajectory in the evolution of a terrorist and that it is virtually impossible to predict who will or won't engage in violence based solely on their beliefs, i.e. there is no certainty that radicalisation necessarily ends in violence.

4        Educate Against hate website: http://www.educateagainsthate.com
5        Extremism: PM speech (20 July 2015) https://www.gov.uk/government/speeches/extremism-pm-speech
6        Cameron's anti-terror strategy is 'barking up wrong tree', says expert (20 July 2015), Matthew Weaver, Guardian
http://www.theguardian.com/uk-news/2015/jul/20/david-cameron-anti-terror-strategy-wrong-expert-says
7        Everything You've Been Told About Radicalisation Is Wrong (6 May 2013), John Knefel, Rolling Stone
http://www.rollingstone.com/politics/news/everything-youve-been-told-about-radicalization-is-wrong-20130506

DfE advice to schools states: "In order for schools and childcare providers to fulfill the Prevent duty, it is essential that staff are able to identify children who may be vulnerable to radicalisation."

A consequence of teachers and childcare practitioners adopting the idea that extremist ideology is the root cause of terrorism is that this then leads to a search for expressions of "extremist ideology" as indicators of children's risk and vulnerability. Guidance and training for teachers therefore suggests that there are particular factors and "warning signs" that a child is becoming involved in extremism.

Examples include: out of character changes in dress, behaviour and peer relationships; family tensions; feelings of distance from their cultural or religious heritage and questions about their place in the society around them; a search for answers to questions about identity, faith and belonging; and appearing angry about government policies, especially foreign policies.

There is, however, simply no empirical evidence to support the idea that terrorism can be correlated with factors to do with family, identity and emotional wellbeing.

It is a major concern that current information and guidance provided to schools, such as the Channel assessment of vulnerability[8] and the Educate Against Hate website, promotes a highly unreliable methodology for identifying children at risk. There is therefore a significant risk of mistakes being made and for children to be unfairly profiled through such an approach.

A new "extremism industry" has developed with a wide range of private training providers now offering services and selling products such as internet monitoring software to schools. There are particular concerns that the provision of training for education practitioners on extremism and radicalisation, including online learning opportunities, is neither regulated nor assessed for quality.

Schools are monitoring and scrutinising Muslim children and young people in particular through a securitised lens promoted by Prevent. There is now substantial evidence that these pupils increasingly find themselves unfairly targeted for the views and opinions they hold on religion, or on issues such as Palestine and government foreign policy.

## 2.3 The implementation of the Prevent duty in schools and early years settings as part of safeguarding arrangements

DfE advice to schools states: "Protecting children from the risk of radicalisation should be seen as part of schools' and childcare providers' wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences."

While it is, of course, vital that schools and childcare settings safeguard children from harm, the requirement to implement Prevent as part of their safeguarding arrangements is causing disquiet and concern. Many educationalists and social workers do not believe that monitoring children of a particular religious faith, and looking out for "warning signs" that are common teenage behaviours, is an effective way to safeguard them from harm.

It is clear that many of the designated vulnerabilities and warning signs have been drawn so broadly that they have become almost meaningless.

Liam Collins, the headteacher of Uplands Community College, argues that schools already have adequate safeguarding policies and procedures: "In fact, it's not entirely clear why this new duty on teachers is different to before. If a child didn't turn up, that was a safeguarding concern anyway. If a child was vulnerable and at risk of harm, we already referred it."[9]

8        Channel Duty Guidance: Protecting vulnerable people from being drawn into terrorism – Statutory guidance for Channel panel members and partners of local panels (2015)
https://www.gov.uk/government/publications/channel-guidance
9        'Can I fail Ofsted if a child I teach goes to fight in Syria?' (7 February 2016), Liam Collins, Schools Week

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Stephanie Petrie, of the University of Liverpool, expresses concern about the new securitised approach to safeguarding that Prevent is embedding in schools: "Channel guidance conflates the abuse of children and young people with prevention of terrorism initiatives in gravely misleading ways."[10]

It is a new and dangerous step for schools to include children's radical political views and expressions of dissent as part of their safeguarding provisions. For instance, making "a need for identity, meaning and belonging" and "a desire for political or moral change" as indicators of vulnerability, when striving for meaning and belonging is part of growing up and something that education should foster and facilitate. The concerns are compounded by the government's definition of extremism as "opposition to fundamental British values". This assumes that the definitions of British values are undisputed and uncontested.

It is not surprising that since the Prevent duty was made a legal requirement for schools, referrals have risen to record levels, with a large proportion of those referred being under 18.

The overall number of children being referred under Prevent from all sectors has risen, from 250 in 2012-13 to 856 in 2013-14. Half of those referrals are believed to come from education – up from just 8 per cent to 50 per cent. The education magazine Schools Week has suggested that this means more than two pupils are now referred under Prevent every school day.[11] In January 2016, the BBC reported that a total of 415 children aged 10 and under in England and Wales have been referred under Prevent over the last four years.[12]

## 2.4 Prevent is restricting children's rights to freedom of thought and expression

Article 14 of the UN Convention on the Rights of the Child protects children's freedom of thought, conscience and religion. Article 13 protects the right to freedom of expression including seeking, receiving and imparting information and ideas of all kinds.

A detailed analysis of the Prevent duty in relation to the UN children's rights convention, to which the UK government is a signatory, has been published by the Institute of Race Relations.[13] The report concluded: "…all the indications are that the (Prevent) strategy is undermining professional standards, educational independence, children's rights to freedom of thought, expression and association and principles of non-discrimination, and is alienating Muslim young people and communities."

In 2015, the National Union of Teacher's annual conference heard that the Prevent strategy was "shutting down debate" in schools, with teachers reluctant to discuss controversial topics with their students. Executive member Alex Kenny said: "We are hearing young people telling teachers that they don't want to discuss things, that they don't want to discuss what happened with the Charlie Hebdo shootings; young people who were offended by the Charlie Hebdo cartoons, but saying they don't want to say it in class, they don't want to say it in schools."[14]

A teacher, who did not want to be identified, told the Guardian that: "Muslim pupils had become more careful about what they talk about for fear of being referred through Prevent."[15]

http://schoolsweek.co.uk/can-i-fail-ofsted-if-a-child-i-teach-goes-to-fight-in-syria/

10         How UK anti-terror guidance could violate children's human rights (22 July 2015), Stephanie Petrie
https://theconversation.com/how-uk-anti-terror-guidance-could-violate-childrens-human-rights-45013

11         Half of all radicalisation referrals now come from schools, exclusive figures reveal (November 2015), John Dickens, Schools Week
http://schoolsweek.co.uk/surge-in-knee-jerk-terrorism-referrals/

12         More than 400 children under 10 referred for 'deradicalisation' (21 January 2016), Sima Kotecha, BBC News
http://www.bbc.co.uk/news/uk-35360375

13         Prevent and the Children's Rights Convention (January 2016), Institute of Race Relations
http://www.irr.org.uk/wp-content/uploads/2016/01/IRR_Prevent_Submission.pdf

14         Teachers expected to police extremism as 'frontline stormtroopers', conference told
(6 April 2015), Stephen Exley, TES
https://www.tes.com/news/school-news/breaking-news/teachers-expected-police-extremism-frontline-stormtroopers-conference

15         'You worry they could take your kids': is the Prevent strategy demonising Muslim schoolchildren? (23 September 2015) Homa Khaleeli, Guardian
http://www.theguardian.com/uk-news/2015/sep/23/prevent-counter-terrorism-strategy-schools-demonising-muslim-children

A secondary teacher writing under the pseudonym Sami Piperdi, said: "Certainly, since the heightened introduction of the Prevent strategy in schools, I have noticed a discernible hesitation among Muslim students to contribute fully in classroom discussions. I have lost count of the number of times I have witnessed the most boisterous of Muslim students suddenly shut down when we talk about an issue where their cultural or religious background might inform their opinion, from topics as diverse as religious imagery in Shakespeare, to the representation of women in poetry. Undoubtedly, Muslim students feel that they have to tread carefully in this current clime, fearing that they are being monitored by teachers who may misunderstand or misconstrue their convictions, meaning trouble for them (or worse – their parents) with school authorities...And yet, if schools can no longer be safe-spaces where students can air their views and be challenged – how can we as educators truly broaden our students' minds?"[16]

In February 2016, the Independent newspaper reported that a schoolboy in Luton was questioned by anti-terrorism police because he wore a "Free Palestine" badge to school.[17]

Human Rights Watch has expressed concern for children's rights to freedom of political or religious expression: "Educators are worried... a range of educators, administrators, and community groups spoke about the effects thus far of the policy; students referred to authorities for practicing their faith, parents warning their children not to express political or religious beliefs at school."[18]

Prevent is making discussion of sensitive and controversial issues much more difficult in schools. If the safe space that schools should provide for discussion is restricted, and pupils feel that they can't share their opinions without being reported, there is a risk that they may seek out spaces that are less safe.

Pupils need to be able to speak openly with teachers about the issues they feel strongly about, without the fear that they will be profiled or put under suspicion.

Some academic experts, including Arun Kundnani of New York University, argue that by restricting space for discussion the Prevent duty is counterproductive and dangerous: "The great risk is creating an atmosphere of self-censorship – where young people don't feel free to express themselves in schools, or youth clubs or at the mosque. If they feel angry, or have a sense of injustice but nowhere to engage in a democratic process and in a peaceful way, then that's the worst climate to create for terrorist recruitment."[19]

## 2.5 The discriminatory impact of Prevent on Muslim pupils

Article 2 of the UN children's convention upholds the rights of all children without discrimination on the basis of the child's race, religion or political opinion. Article 30 recognises that children from ethnic and religious minorities should enjoy their own culture and be able to profess and practice their own religion.

Although the Prevent guidance speaks about tackling radicalisation and extremism in all communities, at school level there has been a disproportionately negative focus on Muslim pupils. Prevent casts particular suspicion on Muslim children and young people in schools who have not broken the law and when there is no reasonable suspicion that they will be involved in terrorism. It is also important to note that the Prevent duty is a 'top down' government programme. Young people in schools have not been consulted by government or local authorities as part of its design and delivery, and their voices and concerns about it remain largely unheard.

Many Muslim families now express worries that their children are now viewed through the lens of security and are treated differently because of their faith background.

16      Testing Times – Fear and Fasting in Secondary Schools (11 January 2016), Sami Piperdi
http://blogs.soas.ac.uk/muslimwise/2016/01/11/speakers-corner-testing-times-fear-and-fasting-in-secondary-schools/

17      Anti-terror police question schoolboy for wearing pro-Palestine badge (15.02.16), Matt Broomfield, Independent
http://www.independent.co.uk/news/uk/anti-terror-police-question-schoolboy-for-wearing-pro-palestine-badge-a6873656.html

18      'Counter-Extremism' Efforts May Restrict Speech in the Classroom (23 October 2015), Rebecca Riddell
https://www.hrw.org/news/2015/10/23/dispatches-counter-extremism-efforts-may-restrict-speech-classroom

19      'You worry they could take your kids': is the Prevent strategy demonising Muslim schoolchildren? (23 September 2015) Homa Khaleeli, Guardian
http://www.theguardian.com/uk-news/2015/sep/23/prevent-counter-terrorism-strategy-schools-demonising-muslim-children

A freedom of information request to the Association of Chief Police Officers on referrals under Prevent up to April 2013 revealed that where religious affiliation data was collected, from 2007-10, 67 per cent of those referred were Muslim and in 2012-13, 57 per cent were Muslim.[20] (Muslims make up 5 per cent of the UK population).

There is growing evidence of discriminatory practices towards young Muslims in schools. For example, three Barnsley schools (in an area where the English Defence League and the BNP have attracted support) were reported to be monitoring only minority ethnic pupils as part of Prevent, as "white kids aren't at risk".[21]

Young Muslims recently told politicians at a meeting in Bradford to discuss radicalisation that they feel increasingly stigmatised, demonised and isolated. One young person was reported as saying: "Why is it that Muslims are always singled out. There should be a level of consistency. There are other people who are voicing controversial opinions yet I don't see them getting arrested or investigated."[22]

The Muslim Council of Britain (MCB), in a submission to the Independent Reviewer of Terrorism Legislation, David Anderson QC, gave examples of young children being referred to Prevent for using common religious words, or for referring to Muslim concepts.[23]

Cases highlighted by the organisation Prevent Watch[24] include:

- A 16-year old Portsmouth boy referred to Prevent after taking a book on terrorism out of the school library.

- An 8-year-old Birmingham boy referred to Channel by his Muslim primary school after a homework piece referred to guns and violence, which his father says was inspired by his reading of Marvel comics.

David Anderson, the Independent Reviewer of Terrorism Legislation, said in evidence submitted to parliament's home affairs committee that: "stories alleging the insensitive and discriminatory application of the Prevent duty in schools have since last summer become a media staple."[25]

The government's Educate Against Hate website suggests that "recent conversion to a new religion" is a possible "warning sign" of radicalisation. When asked by Channel 4 News if conversion to a new religion applied to young children converting to Christianity, the education secretary Nicky Morgan replied: "No, of course not." Prevent guidance for schools is clearly not faith-neutral in its scope.[26]

There is evidence that the Prevent duty is also contributing to negative stereotyping, anti-Muslim prejudice and increased Islamophobia.

20    Freedom of information request to Association of Chief Police Officers
http://site.npcccms.coraider.com/documents/FoI%20publication/Disclosure%20Logs/Terrorism%20&%20Allied%20Matters%20FOI/2013/117%2013%20ACPO%20Response%20-%20Channel%20Project%20Referrals.pdf

21    Preventing far right extremism? Schools in EDL and BNP heartland only monitoring ethnic minority pupils (31 March 2015), Melanie Newman, Bureau of Investigative Journalism
https://www.thebureauinvestigates.com/2015/03/31/prevent-policy-schools-barnsley-edl-bnp-heartland/

22    Young Muslims tell MPs 'unhealthy focus' on extremism is stigmatising them (28 January 2016), Nazia Parveen, Guardian http://www.theguardian.com/uk-news/2016/jan/28/young-muslims-extremism-stigmatising-bradford

23    The Terrorism Acts in 2014: Report of the independent reviewer on the operation of the terrorism Act 2000 and Part 1 of the terrorism Act 2006, David Anderson Q.C.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/461404/6_1256_EL_The_Terrorism_Act_Report_2015_FINAL_16_0915_WEB.pdf

24    http://www.preventwatch.org/cases/

25    Supplementary written evidence submitted by David Anderson Q.C. (Independent Reviewer of Terrorism Legislation (29 January 2016)
http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/countering-extremism/written/27920.pdf

26    The Tories may as well accept that new education proposals target Muslims alone (25 January 2016), Miqdaad Versi, Independent
http://www.independent.co.uk/voices/the-tories-may-as-well-accept-that-new-education-proposals-target-muslims-alone-a6832436.html

Islamophobic hate crime across London has increased by 60 per cent in the last year[27]. A survey of 6,000 schoolchildren in 2015 by Show Racism the Red Card found that many have negative attitudes about Muslims. Nearly one-third of those surveyed believed Muslims are taking over England and over a quarter believing that Islam encourages terrorism.[28]

In the aftermath of the Charlie Hebdo attacks in Paris, teaching unions and anti-racism groups told the Independent newspaper about an increase in Islamophobic incidents in schools including instances of pupils taunted as "terrorists", "paedophiles" or "immigrants". NASUWT, the teachers' union, said the rise of anti-Muslim sentiment is causing "uncertainty and fear" in schools.[29]

## 2.6 Prevent is damaging trust between teachers, pupils and communities

By requiring teachers and early education practitioners to monitor pupils and report signs of radicalisation or extremist views, Prevent confuses the different professional roles of teachers, childcare practitioners and the police. Prevent training encourages schools to view the expression of non-violent extremism as occupying "the pre-criminal space"[30]. This assertion is contested, but by drawing teachers into becoming the eyes and ears of counter-terrorism system, trust and positive relationships are being undermined.

Russell Hobby, the general secretary of the NAHT head teachers' union commented: "To put it bluntly, teachers are not counter-terrorism experts, have no wish to be ancillary members of the security service and lack the training to do it well even if they did." [31]

This concern was echoed by Mary Bousted, general secretary of the Association of Teachers and Lecturers (ATL): "We believe that it is not the role of education staff to police young people and we are concerned that this strategy may exacerbate Islamophobia and racism... The Prevent Duty also risks inhibiting the relationship of trust between students and teachers or support staff."[32]

## 2.7 Prevent is undermining the values of early education and childcare

Childcare experts have expressed concern about the impact of the Prevent duty on early education and childcare settings.

The Prevent duty also applies to registered early years and later years childcare providers. In practice, this means that nursery school practitioners and registered childminders are required to identify children as young as two-years-old who are "at risk" of being radicalised.

The Early Years Foundation stage already requires early years settings to promote and embed values and personal qualities that provide very young children with the skills and attitudes they require to thrive and develop. Early years settings work to establish strong relationships of trust with families, as they are often the first experience families will have of the education system.

Beatrice Merrick, chief executive of the British Association for Early Childhood Education, said: "There is no evidence as far as I am aware of extremist values being promoted in nurseries."[33]

27       See latest crime figures for London on Metropolitan police website http://www.met.police.uk/crimefigures

28       Racist and anti-immigration views held by children revealed in schools study (19 May 2015, Matthew Taylor, Guardian http://www.theguardian.com/education/2015/may/19/most-children-think-immigrants-are-stealing-jobs-schools-study-shows

29       British Muslim school children suffering a backlash of abuse following Paris attacks (23 January 2015), Cahal Milmo, Independent http://www.independent.co.uk/news/education/education-news/british-muslim-school-children-suffering-a-backlash-of-abuse-following-paris-at-tacks-9999393.html

30       Is the prevent strategy demonising Muslim children? (23 September 2015), Homa Khaleeli, Guardian http://www.theguardian.com/uk-news/2015/sep/23/prevent-counter-terrorism-strategy-schools-demonising-muslim-children

31       Prevent Strategy: 'Teachers aren't counter-terrorism experts and don't want to be members of the security service' (21 October 2015), Russell Hobby, TES https://www.tes.com/news/school-news/breaking-views/prevent-strategy-'teachers-aren't-counter-terrorism-experts-and-don

32       Damned if you report, damned if you don't...Prevent (21 September 2015), Mary Bousted, FE Week http://feweek.co.uk/2015/09/21/damned-if-you-report-damned-if-you-dont-prevent

33       Childcare experts dismayed by plans to cut funding for childcare that does not promote "fundamental British values"(8 August 2014) Richard Adams, The Guardian

David Davis, the Conservative MP and former shadow home secretary criticised the inclusion of early years settings in the Prevent duty as heavy-handed: "It is hard to see how this can be implemented. It is unworkable. I have to say I cannot understand what they (nursery staff) are expected to do. Are they supposed to report some toddler who comes in praising a preacher deemed to be extreme? I don't think so."[34]

Requiring nursery and childcare staff to spot signs of radicalisation is already leading to cases of very young children being referred to Channel.

NAHT general secretary Russell Hobby said: "Any suspicions that they (nursery staff and childminders) are evaluating families for ideology could be quite counterproductive...nursery settings should focus on the foundations of literacy and socialising with other children – those are the real 'protections.'"[35]

## 2.8 Defining extremism as opposition to "fundamental British values"

The government has defined 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".

There is no compelling evidence, however, that requiring schools and early years and childcare settings to promote British values will increase pupils' resilience to extremism and radicalisation.

The government's choice of certain values as being "British" has been widely criticised by faith leaders, teachers and others for being narrowly focused and promoting 'them and us' thinking that may alienate and marginalise pupils and communities.

Nigel Genders, the Church of England's chief education officer, stated that the list of values is too narrow and should include other important aspects of British life, such as loving your neighbor and the importance of dissent.[36]

Other critics state the concept of "British values" is divisive and could be counter-productive. The Cambridge academic and writer Michael Mumisa said: "Since a majority of British Muslims believe that they are as proud of their national identity as other British citizens, they feel that they too should have a stake and voice in defining British values rather than being viewed as undesirable outsiders who pose a threat to such values."[37]

There are concerns that many schools are developing a focus on British values that promotes a narrow understanding of British identity, and which does not foster an inclusive understanding of British society. For example, some schools have equated British values as decorating classrooms with pictures of fish and chips, roast beef and the union jack flag. The NASUWT teachers' union express concern that such interpretations are inaccurate, may reinforce stereotypes and prejudice, and undermine work to advance equality and improve relations between groups and communities.[38]

http://www.theguardian.com/education/2014/aug/08/childcare-funding-british-values-early-years-education

34          Anti-terror plan to spy on toddlers 'is heavy-handed' (4 January 2015), The Telegraph
http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11323558/Anti-terror-plan-to-spy-on-toddlers-is-heavy-handed.html

35          Anti-terror plan to spy on toddlers 'is heavy-handed' (4 January 2015), The Telegraph
http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11323558/Anti-terror-plan-to-spy-on-toddlers-is-heavy-handed.html

36          British values teaching plans are too narrow, says Church (13 November 2014), The Independent
http://www.independent.co.uk/news/education/education-news/british-values-teaching-plans-are-too-narrow-says-church-9859735.html

37          Where do British Muslims stand on 'British values'? (19 June 2014), Michael Mumisa, Huffington Post
http://www.huffingtonpost.co.uk/michael-mumisa/where-do-british-muslims-stand-on-british-values_b_5510605.html

38          The Common Inspection Framework: maintained schools and academies – Guidance for teachers (2015) NASUWT
http://www.nasuwt.org.uk/consum/groups/public/@education/documents/nas_download/nasuwt_014760.pdf

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## 2.9 Ignoring the positive role of supplementary schools

Article 30 of the UN children's convention recognises that children from ethnic and religious minority communities have the right to enjoy their own culture and practice their own religion.

The government's Counter-Extremism Strategy (October 2015) identifies concerns that some supplementary schools are not promoting British values, and are encouraging hatred of other religions. The proposals mean that all religious supplementary schools in England that teach children for more than eight hours a week will be subject to inspection. Those that fail to meet the required standards or are found to be "teaching intolerance" will be shut down.[39]

In a further indicator of the discriminatory application of Prevent, David Cameron made it clear that Ofsted inspections would focus on Muslim education settings, and not on Sunday schools and scouts' meetings.[40] This targeted policy is already producing huge concern in Muslim communities, most notably triggering an unprecedented alliance of seven mosque councils in the North, representing some 400 mosques.[41]

There is no evidence to suggest that supplementary schools, including madrasahs in the Muslim community, are teaching intolerance or promoting the radicalisation of young Muslims in Britain. The leader of the Bradford Council for Mosques, Ishtiaq Ahmed, said: "In our experience of working in Bradford, with 90-plus mosques and supplementary schools, I am not aware of any which in any way, directly or indirectly, promotes and motivates people towards radicalisation."[42]

There is, however, considerable evidence of the benefits of supplementary education. A report from the Institute of Public Policy Research (IPPR) found that madrasahs have "the potential to positively influence Muslim children's development, allow pupils to explore and understand their own identity and strengthen community cohesion."[43]

Internal research by MI5 identified that there was evidence that a well-established religious identity actually protects against violent radicalisation.[44]

Extensive research across a group of local authorities in London on the impact of supplementary and community schooling as a whole, undertaken by ContinYou/John Lyon's Charity, found a strong correlation between attendance of supplementary provision and higher achievement.[45]

## 2.10 Alternatives to the Prevent duty

The core focus of the Prevent duty for schools, reflected in government guidance for teachers, school leaders and governors, such as the Educate Against Hate website, is to "pick up behavioural changes" and spot "warning signs" of radicalisation in children.

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39      Counter-Extremism Strategy (2015), HM Government
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf
40      David Cameron pledges to stop Ofsted inspectors raiding Sunday schools and scouts' meetings (19 January 2016), Christopher Hope, Telegraph
http://www.telegraph.co.uk/news/religion/12108953/David-Cameron-pledges-to-stop-Ofsted-inspectors-raiding-Sunday-schools-and-Scouts-meetings.html
41      Government Sanctioned Religious Education Will Lead to Alienated Faith Communities and Unduly Encroaches on the Legitimate Right of Faith Providers to Teach Their Children Their Faith [undated], Northern Council of Mosques
'http://www.lancashiremosques.co.uk//EditorImages/This%20is%20a%20joint%20statement%20of%20key%20organisations%20and%20individuals%20in%20response%20to%20the%20Government%20v3.pdf
42      Bradford citizens must stand together against extremism, conference told (1 August 2015), Bradford Telegraph and Argus
http://www.thetelegraphandargus.co.uk/news/13524464.Bradford_citizens_must_stand_together_against_extremism__conference_told/
43      Inside Madrasahs: Understanding and engaging with British-Muslim Faith Supplementary Schools (2011), IPPR
http://www.ippr.org/files/images/media/files/publication/2011/11/inside-madrassas_Nov2011_8301.pdf?noredirect=1
44      MI5 report challenges views on terrorism in Britain (20 August 2008), The Guardian
http://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1
45      Report evidencing the impact of supplementary education across the beneficial area of John Lyon's Charity (2012), John Lyon's Charity and ContinYou
http://www.johnlyonscharity.org.uk/initiatives/schools/documents/Supplementary_School_Impact_Report_June2012.pdf

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However, there is notably and significantly a much lower priority given to initial preventative and protective learning, that can develop pupils' skills and habits of questioning, searching for evidence, reasoned argument and multiple perspectivity, as well as resilience to singular violent narratives. Such an approach would build on schools' duties on equalities and the requirement to promote pupils' spiritual, moral, social and cultural (SMSC) development, and would also aim also to enhance the meaningful opportunities for friendships and relationships to develop across different religions, beliefs and cultures.

Current Department for Education advice to schools on the Prevent duty identifies a key role for both personal, social and health education (PSHE) and citizenship education in building pupils' resilience to radicalisation. Yet although all schools are required to make provision for PSHE, it remains a non-statutory subject. Citizenship is a statutory National Curriculum foundation subject in secondary schools only.

The Department for Education's research on teaching approaches that build resilience to extremism emphasises the importance of safe spaces for dialogue and positive interaction, as well as equipping young people with appropriate skills, knowledge, understanding and awareness.[46]

Living with Difference, the report of the Commission on Religion and Belief in British Public Life (CORAB), also identified the need to invest in pupils' religious literacy by making religious education a compulsory subject in schools, as part of the national curriculum. The report recommended that pupils in all state-funded schools should have a statutory entitlement to a curriculum about religion, philosophy and ethics, as part of supporting pupils' preparedness for life in modern Britain.[47]

According to Lynn Davies, emeritus professor of international education at the University of Birmingham and an expert on education and extremism, key teaching approaches for schools will be to: "…give children a secure, but hybrid sense of identity, so that they are less likely to be drawn to 'membership' of single-identity, single-issue, ends-justify-the-means groups; …to demonstrate and act out fair and non-violent ways of achieving justice; and … to give skills in critical appraisal, critical values and critical action."[48]

NASUWT argue that approaches to protect pupils from radicalisation and extremism would be within wider work to promote equality and rights, including human rights: "This should form part of a strategic approach to equalities, justice and human rights and should be incorporated, for example, into the school's work to engage with local communities, curriculum design and planning, and school improvement planning processes."[49]

In conclusion, it is crucial to state that while the government pays lip service to the need to discuss sensitive and controversial issues in schools, in practice the Prevent duty will undermine this because of the fears, of both pupils and teachers, that discussion about terrorism or extremism will put them under suspicion. The Prevent duty is eroding the trust and confidence that education settings need to create genuine spaces where positive approaches, based on rights, equality and citizenship, can develop.

**Endnotes**

1. Supplementary written evidence submitted by David Anderson Q.C. (Independent Reviewer of Terrorism Legislation (29 January 2016)
http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/countering-extremism/written/27920.pdf
2. Prevent and the Children's Rights Convention (January 2016), Institute of Race Relations
http://www.irr.org.uk/wp-content/uploads/2016/01/IRR_Prevent_Submission.pdf

46          Teaching approaches that help to build resilience to extremism among young people (2011), Department for Education
https://www.gov.uk/government/publications/teaching-approaches-that-help-to-build-resilience-to-extremism-among-young-people
47          Living with Difference (2015) Commission on Religion and Belief in British Public Life
http://corablivingwithdifference.com
48          Education against extremism (2006), Lynn Davies https://www.oise.utoronto.ca/cld/UserFiles/File/DAVIESeducationagainstextremism.pdf
49          The Common Inspection Framework: maintained schools and academies – Guidance for teachers (2015) NASUWT
http://www.nasuwt.org.uk/consum/groups/public/@education/documents/nas_download/nasuwt_014760.pdf

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# 3. Campus Life

*As lecturers, we are deeply concerned that our role as teachers is fundamentally compromised by the expectation that we also assume the role of the security authorities...In sum, there are a number of significant issues that the Prevent agenda poses to the academic freedoms and culture of inclusivity that the University of Manchester aspires to deliver.*
A statement from University of Manchester staff and academics

*It is very, very important that universities can have challenging debates and critical inquiry within the boundaries of what is legal. One of the problems with the debate round Prevent is that, although the legislation applies to any kind of extreme behaviour, the whole way it is discussed is in relation to Muslims and Islam.*
Baroness Amos, Director of SOAS, University of London

## 3.1 Introduction[1]

Any counter-terrorism policy should have one overarching goal - to create safety and security for citizens by addressing and tackling the causes of terrorism in order to reduce the risk of it happening. If we misunderstand the causes of terrorism, we risk having ill-informed and counterproductive policies that will ultimately disallow us from achieving this goal. Whilst all will agree with this idea, there is significant disagreement on what 'causes' terrorism committed by political Islamic groups such as al-Qaida and Daesh, and this impacts the responses we employ.

The CONTEST strategy claims that terrorism committed by al-Qaida and likeminded groups is different from terrorism that has existed in the past.[2] Instead of using violence for the furthering of a political objective like groups such as the Irish Republican Army (IRA) did, al-Qaida is deemed to be an ideologically motivated, leaderless actor that uses non-warning terrorist attacks that aim for mass casualties.[3] Political Islamic violence, in other words, is claimed to be driven fundamentally by 'extremist ideology'; not politics. Whilst the claim that al-Qaida and likeminded groups are involved in a 'new' form of terrorism has been comprehensively critiqued[4], viewing political Islamic actors as being non-political or ideologically motivated is highly problematic for at least three reasons, which are worth stating.

1        The MCB is grateful to Dr Rizwaan Sabir for authoring this chapter.
2        HM Government (2009) 'Pursue, Prevent, Protect, Prepare: The United Kingdom's Strategy for Countering International Terrorism' (CONTEST), CM 7547, London: Stationery Office, p.11
3        Ibid, p.11
4        See Mockaitis, R, Thomas (2007) The "New" Terrorism: Myths and Reality, Westport, CT: Praeger Security International; Field, Anthony (2009) 'The "New Terrorism": Revolution or Evolution?' Political Studies Review, Vol. 7, No.2, 195-207; Zimmermann, Doron (2004) 'Terrorism Transformed: The "New Terrorism:" Impact Scalability and the Dynamic of Reciprocal Threat Perception', Connections, Vol. 3, No. 1, 19–20.; Spencer, Alexander (2006) 'Questioning the Concept of "New Terrorism"', Peace, Conflict and Development, Vol. 8, 1-33; Tucker, D (2001)., Terrorism and Political Violence, 1–14; Whyte, David and Poynting, Scott (eds) (2012) Counter-Terrorism and State Political Violence: The 'War on Terror' as Terror, London: Routledge

## Key Points

- The threat of political violence perpetrated by groups such as al-Qaida and Daesh is viewed by the UK government to be an ideologically and non-politically motivated threat.

- Viewing political Islamic groups in such a way has led to the creation and implementation of counter-terrorism policies such as Prevent at UK universities, which, because of their misdiagnosis of the cause of terrorism, criminalise student scholarship, delegitimise lawful and democratic activity, and undermine free speech and free expression.

- Muslim students are becoming increasingly alienated and disengaged from political life, fearful and anxious, and negatively shaped by Prevent.

- Such effects, create an environment which increases the likelihood that individuals will justify and use terrorism.

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Firstly, by perceiving and representing political Islamic violence to be ideologically rather than politically motivated increases conflict, insecurity, and war. This is because rather than dealing with its perpetrators as rational actors who employ violence for the furthering of a particular objective, their violence is presented as pathological, irrational or simply 'evil'. Such a perception places political Islamic groups and individuals beyond the pale of reason, debate and negotiation, and makes confrontation the only solution. Conflict and insecurity, in other words, becomes never-ending and negotiation becomes impossible when violence committed by political Islamic groups is viewed as an end within itself rather than a means to end.

Secondly, viewing political Islamic violence to be ideologically motivated and unprecedented and indiscriminate is an exercise in revisionism. Terrorist groups dating back to the 1800's, such as the Anarchists, are well known to have used intense levels of violence that was just as indiscriminate as present-day terrorism.[5] The violence used by the likes of al-Qaida and Daesh, in other words, is not as 'new' as claimed by the government, and neither is it without precedent.

Thirdly, and most importantly, by claiming that political Islamic groups are involved in a 'new' form of terrorism de-historicizes and de-politicizes their actions, and, more importantly, leads to misinformed and counterproductive policies. Whilst the attacks of September 11 2001 (9/11) and the 2005 London bombings (7/7) are an exception because of the number of civilian casualties killed, the method of attack and so forth, in their objective, they are very much a continuation of pre-9/11 terrorism that was aimed at challenging Western - and ergo US – power, and support for dictatorial regimes of the Arab and Islamic world.

Even if we start from the 1983 US embassy bombing in Beirut, we find a series of attacks that have targeted Western nations and interests, especially the US, for a series of political reasons. Attacks such as the 1992 Yemen Hotel bombings in which US troops were residing on route to Somalia is one example. The World Trade Centre bombing of 1992, the 1995 Paris metro bombing, the Khobar Towers bombing in Saudi Arabia in 1996, which were housing US Air Force personnel, the 1998 US embassy bombings in East Africa, and the US warship bombing in the Gulf of Aden, in which 17 US sailors were killed are all examples of violence that is fundamentally political, hence the targeting of military, governmental, and transportational facilities and personnel.

History, in other words, did not start on 9/11 or 7/7. Political Islamic violence has a historic and, more importantly, political context to it, though current counter-terrorism policy strips it of such contexts. This is highly problematic since it whitewashes the role that Western policy has played in contributing to the conditions which have given rise to political Islamic violence.[6] Recognising the role that UK policy has and is still playing in the formation of such groups is a sensible and appropriate step in understanding – and ergo addressing – terrorism, political violence and insecurity. However, if the UK government continues to claim that political Islamic violence simply happens because terrorists are irrational, ideological zealots who 'hate our freedoms' and 'our way of life', it will fail to see how UK policy may be contributing to the problem of terrorism, and disallow it from bringing about the safety and security it claims to want so desperately.

In the following sections, I will explain how misunderstanding and misdiagnosing the cause and nature of political Islamic violence in reference to the UK's Prevent strategy at UK universities is contributing to insecurity, the criminalisation of legitimate, lawful and democratic activity, and precipitating alienation and political disengagement. Current counter-terrorism policy and practice, I will show, does not therefore reduce the risk or likelihood of individuals using and/or justifying terrorism. Instead, it increases insecurity and likelihood of terrorism.

5        Awan, Akil (2015) 'Europe already defeated radical terrorists-120 years ago', The National Interest, 21 November, [http://nationalinterest.org/feature/europe-already-defeated-radical-terrorists%E2%80%94120-years-ago-14407] – accessed 19 February 2016

6        Sayyid, Salman (2015) A Fundamental Fear: Eurocentrism and the Emergence of Islamism, London: Zed Books, p.XXV

This chapter consists of the following sections:

- Countering Ideology through Prevent (3.2)

- Prevent on Campus: Case Studies (3.3)

- Prevent: Creating Fear & Disengagement (3.4)

- Prevent: Creating Conditions Conducive to Terrorism (3.5)

## 3.2 Countering Ideology through Prevent

The government's Prevent strategy claims that the terrorist threat from political Islamic groups is ideologically motivated. On the first page of the Prevent strategy, for example, it is claimed that "extremist ideology [is] at the heart of the threat we face".[7] A number of speeches and statements made by politicians, including the current Prime Minister have echoed similar claims.[8] In some of these statements and speeches, universities have been singled out as institutions that have been used by political Islamic groups and ideologues to disseminate 'extremist ideology'. For one moment, if we ignore the multiple problems with the 'ideology leads to terrorism' claim, which I will critique shortly, and we simply accept that ideology is indeed the primary cause of political Islamic violence, we can understand the reason behind universities becoming a key battle-ground for counter-terrorism and counter-extremism agendas.

Universities in democratic states are institutions dedicated to a free exchange of speech, ideas and opinions, whether it is through routine seminars and lectures, student society events or outside speakers being invited to give talks and lectures. Due to this historic tolerance for difference and dissent, it is claimed that universities can serve as spaces in which 'extreme' and 'radical' ideas are disseminated, and since political Islamic violence is claimed to be driven by ideas and ideology, this converts them into institutions which can be used to 'radicalise' students.

Whilst organisations such as Hizb ut-Tahrir (and the now defunct and proscribed) Al-Muhajiroun are individually named by the government as examples of groups that have exploited the free space within universities to 'radicalise' students and create terrorists[9] (even though Hizb ut-Tahrir, it is argued, has done no such thing[10]) Prevent claims that these groups have now been superseded by 'splinter groups' who are presently radicalising students and moving them down the conveyor belt of terrorism.[11] In order to support this assertion, the Prevent strategy cites statics published by the neo-conservative think-tank, the Henry Jackson Society. These statistics claim that 'more than 30% of people convicted for al Qa'ida-associated terrorist offences in the UK between 1999 and 2009 are known to have attended university or a higher education institution'.[12] 'These statistics', the Prevent strategy notes, 'roughly correspond to classified data about the educational backgrounds of those who have engaged recently in terrorist-related activity in this country'.[13]

Such statistics and arguments, as persuasive as they may seem, are not without serious problems. Firstly, the use of such statistics should not be taken too seriously since the link between committing terrorism and being a student at university is 'correlation' and not a serious measure of 'causation'. Indeed, a common

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7        HM Government (2011) 'Prevent Strategy', CM 8092, June, London: Stationary Office, p.1

8        See Cameron, David (2011) 'PM's speech at Munich Security Conference', Gov.UK, [https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference], accessed 19 February 2016; Cameron, David (2015) 'Extremism: PM speech', Gov.UK, [https://www.gov.uk/government/speeches/extremism-pm-speech], accessed 19 February 2016

9        HM Government (2011) p.72

10       See Karagiannis, Emmanuel, and Clark McCauley (2006). "Hizb ut-Tahrir al-Islami: Evaluating the Threat Posed by a Radical Islamic Group that Remains Nonviolent." Terrorism and Political Violence, Vol. 18, No. 2 pp. 315-334.

11       HM Government (2011) p.73

12       Ibid, p.72

13       Ibid, p.72

error in statics is to confuse causation with correlation as these statics do. Secondly, there is a general consensus amongst academics and counterterrorism practitioners that terrorism is not caused by religion and/or ideology, but rather by socio-economic and political factors. 'Whilst religion can justify and intensify terrorist violence', writes Richard English, 'the point is that this does not occur in isolation form other social and political forces and factors'.[14] In other words, religion and ideology have an ability to justify and legitimise terrorism but ultimately they operate in conjunction with socio-economic and political factors. This is similar to what the sociologist Sinisa Malesevic notes in his seminal work on war and violence: 'Ideological power is not the only, and not necessarily the primary, generator of social action but its social significance lies in its legitimizing capacity'.[15] Ideology, in other words, is not the cause of terrorism, as claimed by the government, but it is rather a legitimator or justifier of it.

This idea is also noted in a classified document that was prepared by civil servants for coalition ministers in 2010 that was later leaked to the press. In no ambiguous terms, the memo notes that the role of religious ideology has been overplayed - 'We do not believe that it is accurate to regard radicalisation in this country as a linear 'conveyor belt' moving from grievance, through radicalisation, to violence. This thesis seems to both misread the radicalisation process and to give undue weight to ideological factors.'[16] Similarly, MI5's own internal research, which was seen by the Guardian in 2008, is said to note that 'a large number of those involved in terrorism do not practice their faith regularly... lack religious literacy and could actually be regarded as religious novices'.[17] The claim that ideology is the primary motivator of political Islamic violence does not therefore stand up to academic or expert scrutiny. Despite this, however, it continues to occupy a central position within the Prevent strategy, and, as the next section shows, not without serious consequences.

## 3.3 Prevent on Campus: Case Studies

The objective of Prevent is to tackle the ideology that is claimed to cause terrorism by countering those individuals who promote it, those that have internalized it or those who susceptible to internalizing it. There are, however, multiple problems with such an approach, especially within a university context. UK universities are spaces that should serve as intellectually stimulating environments in which students and staff can gather and engage with different ideas, views and opinions for the purpose of generating critical thinking and a detailed understanding of given subject-areas. However, with the introduction of Prevent, legitimate, lawful, and democratic actions, including studying and reading open-source documents and books, is being used to determine who a potential terrorist may be.

The Independent Reviewer of Terrorism Legislation, David Anderson QC, has displayed strong concerns with the use of lawful and democratic actions to spot potential terrorism. Writing prior to the implementation of the Counter-Terrorism and Security Act (CTSA), Anderson wrote: 'If it becomes a function of the state to identify which individuals are engaged in, or exposed to, a broad range of "extremist activity", it will become legitimate for the state to scrutinize (and the citizen to inform upon) the exercise of core democratic freedoms by large numbers of law-abiding people'.[18] Now that the CTSA has officially become law, it is fair to say that civilians within universities are not only under a legal obligation to inform on their fellow citizens but are to use lawful, legitimate and democratic activities to decide who potential terrorists are and who should therefore be investigated and/or scrutinized. I now turn to some examples that reveal how legitimate and lawful activities are being used to report and refer students to internal and external agencies, such as the police, for investigation and/or questioning.

14          English, Richard (2009)Terrorism: How to Respond, Oxford: Oxford University Press, p.39

15          Malesevic, Sinisa (2010) The Sociology of War and Violence, Cambridge: Cambridge University Press, p.83

16          Gilligan, Andrew (2010) 'Hizb ut Tahrir is not a gateway to terrorism, claims Whitehall report', Sunday Telegraph, 25 July, [http://www.tele-graph.co.uk/journalists/andrew-gilligan/7908262/Hizb-ut-Tahrir-is-not-a-gateway-to-terrorism-claims-Whitehall-report.html] – accessed 19 February 2016

17          Travis, Alan (2008) 'MI5 report challenges views on terrorism in Britain', The Guardian, 20 August, [http://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1] – accessed 19 February 2016

18          Anderson, David (2015) 'The Terrorism Acts in 2014: Rport of the Independent Reviewer on the Operation of the Terrorism Act 2000 and part 1 of the Terrorism Act 2006', September, London: Williams Lea Group, p.65

## Case Study 1: The University of Nottingham

In May 2008, the author was falsely arrested by the West Midlands Counter-Terrorism Unit and detained in solitary confinement for 7 days under the Terrorism Act 2000 for being in possession of the al-Qaida training manual that he had downloaded from the US Department of Justice website for his postgraduate studies on al-Qaida and Hamas.[19] The same document is also available from the University of Nottingham library and can be purchased from highstreets bookshops such as Blackstone's and WH Smiths. Prior to the author's arrest and detention, it was declared by the Court of Appeal that the al-Qaida training manual is of no practical use to terrorists and is therefore lawful and legitimate to possess.[20]

The document was discovered on the computer of Hicham Yezza, a member of staff in the Department of Modern Languages and the Editor of the political magazine Ceasefire, when he was on sick leave. After his line-manager requested his login details, which he provided, she saw a copy of the al-Qaida training manual (as well as two academic journal articles) on his computer desktop. She immediately referred the find to university management, who immediately referred the matter to the police via the university security department. The police then went on to launch an anti-terror operation (codenamed 'Minerva'). When the author arrived on campus and asked why Yezza's office was being searched by university security personnel, the Deputy Head of University Security would tip-off the police and inform them that the author was known to the University for his political activism.

After arresting Yezza as part of their initial inquiry, the police would then arrest the author for suspected terrorism. Once in custody, the author would inform the police that he had downloaded the document and sent it to Yezza because he was advising the author on his postgraduate research on terrorism and political violence, and his application for a scholarship for an upcoming doctorate on political Islam. After seven days of being detained in solitary confinement, daily interrogations, having their homes raided by police, and family and friends being evicted from their homes and questioned, both the author and Yezza would be released without any charges for terrorism offences.

In 2011 the author would go on to secure an out of court settlement and receive £20,000 in compensation,[21] and in 2012, the Professional Standards Department of West Midlands Police would discover that police officers had manufactured key pieces of evidence, such as the witness statement of Dr. Rod Thornton, the sole terrorism expert within the university, to justify the author's detention.[22] In 2015, the Independent Police Complaints Commission, however, would not uphold the author's complaint and find that officers had done nothing wrong, though they continue to investigate Dr Rod Thornton's complaint at the time of writing.

## Case Study 2: University of East Anglia

An unnamed final year undergraduate student at the University of East Anglia was questioned by Special Branch officers at his home for reading extracts from the Daesh magazine, Dabiq.[23] This reading formed a part of his module 'Clash of Fundamentalisms'. He and his cohort had been instructed to consult the extracts by their lecturer.[24] The website the student accessed the extracts from, according to a university spokesperson, was involved in "analys[ing] and challeng[ing] the publication of extremist ideologies".[25] In other words, what seems like an entirely acceptable and appropriate source for a student to consult as

19      Sabir, Rizwaan (2008) 'This is no way to fight terror', The Guardian, 16 September, [http://www.theguardian.com/commentisfree/2008/sep/16/uksecurity.terrorism] – accessed 21 February 2016

20      Crown Prosecution Service (2008) 'CPS response to Samina Malik appeal', 17 August, [http://www.cps.gov.uk/news/latest_news/143_08/] – accessed 19 February 2016

21      Sabir, Rizwaan (2011) 'I won terror compensation, but my struggle for justice continues', The Guardian, 19 September, [http://www.theguardian.com/commentisfree/2011/sep/19/terror-compensation-police-university] – accessed 21 February 2016

22      Townshend, Mark (2012) 'Police 'made up' evidence against Muslim student, The Guardian, 14 July, [http://www.theguardian.com/uk/2012/jul/14/police-evidence-muslim-student-rizwaan-sabir] – accessed 21 February 2016

23      Falvey, Dan (2015) UEA student questioned by Special Branch over Daesh course reading, 05 December, [http://www.concrete-online.co.uk/uea-student-questioned-by-special-branch-over-isis-course-reading/] – accessed 18 February 2016

24      Ibid

25      Ibid

part of their studies prompted questioning and inquiries by Special Branch. (It should be noted that it is currently unknown whether police were alerted of the student's reading by the University or through other sources/avenues).

**Case Study 3: University of Staffordshire**

Postgraduate student Mohammad Umar Farooq, who was undertaking a Master's degree on 'Terrorism, Crime and Global Security' at Staffordshire University was questioned by a Complaints Officer, who he thought was a fellow student, after being spotted reading a textbook on terrorism written by Professor John Horgan and Dr. Kurt Braddock in his university library.[26] He was asked by the Complaints Officer for his views on British values, foreign fighters, his attitude to homosexuality, Daesh, and al-Qaida. Not fully satisfied with Farooq's replies - which the media reported "raised too many red flags" for the Complaints Officer - she reported her conversation to the university security department, who logged it onto their system and initiated an internal investigation.[27] Farooq only become aware of this internal referral and investigation after a security guard informed him in passing that a staff member had raised some concerns about an exchange in the library and some of the opinions he held. Farooq eventually raised an internal complaint regarding his treatment and eventually went on to receive an apology from the university.[28]

With the rolling out and mainstreaming of Prevent, it was envisaged that cases such as Nottingham would not resurface since Prevent was in motion. With the exception of the author's arrest, it is factually correct that no anti-terror operations or arrests have taken place on a university campus as a result of a report directly made by a university since 2008.

However, whilst arrests may not have taken place, two notable instances of students being subjected to questioning under Prevent have occurred. In both of these cases, what were entirely appropriate and acceptable sources of information to consult as part of legitimate academic study have prompted both to be scrutinized and questioned. Of course, this course of action is not an accident or a simple mistake but is symptomatic of a wider government policy which uses - and ergo criminalises - legitimate, lawful and democratic activity to detect who a potential terrorist is. Whilst one could make the argument that due to the implementation of Prevent, individuals are not being arrested or detained under terrorism laws, which therefore makes Prevent an acceptable policy, such an argument, as I shall now explain, ignores the fear-inducing effects of Prevent and how it is producing similar outcomes - disengagement, alienation, and self-censorship – as being arrested and detained for suspected terrorism does.

## 3.4 Prevent: Creating Fear & Disengagement

Being subjected to arrest, detention, interrogation or even a stop and search for questioning, as harrowing as it is, leaves no doubt in the mind of a person that they are on the receiving end of a direct exercise of power. Prevent, on the other hand, may not be based on arresting and detaining a person but because it is based on the threat that some form of 'action' - such as questioning or investigation by the authorities - can take place, it indirectly exercises power over individual and creates the same effect as being arrested and detained – fear, stress and anxiety amongst innocent students. It will be useful to explain this in a little more detail.

Since Prevent has placed a duty on universities to communicate information (or what the police call "community/neighbourhood intelligence") on people deemed to be potential terrorists by using lawful, legitimate and democratic behaviors as 'indicators', students are aware that if they profess a particular opinion or engage in a particular course of action such as protesting, they may be viewed as being potential terrorists and may be subjected to some form intervention by the state, be it questioning by a Special

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26      Ramesh, Randeep and Halliday, Josh (2015) 'Student accused of being a terrorist for reading book on terrorism', The Guardian, 24 September, [http://www.theguardian.com/education/2015/sep/24/student-accused-being-terrorist-reading-book-terrorism] – accessed 21 February 2016

27      Ibid

28      Ibid

Branch or Prevent officer or investigated and scrutinized by their own university. In such an instance, students will self-discipline and self-censor their behavior, thoughts and actions because they are afraid and fearful of the consequences. Prevent may not therefore involve a direct exercise of power, say arrest and detention, but through the possibility that some 'action' may be taken against them, it indirectly exercises power over students and therefore produces similar effects that being arrested and detained does - fear, disengagement, and alienation. Academic research supports this idea.

In their study on Muslim identity and university campuses, Katherine Brown and Tania Saeed, for example, found that due to the securitization of university campuses throughout the UK, (female) Muslim students had been driven underground and forced to resort to "quiet activism" in which they worked "outside of formal forums and public spaces to initiate low-key dialogue on an everyday basis".[29]

In other words, Prevent is driving Muslims students away from public spaces and into private spaces where they are involved in "quiet activism" instead of public activism and outward engagement. Anisa Mustafa, who conducted 34 in-depth interviews with Muslim students across the East Midlands, came to a similar finding in her research.[30] She found that Muslim students changed their behavior because they wanted to reduce the likelihood of being profiled and singled out for monitoring under counter-terrorism policies such as Prevent. "Students fear being spied upon and ending up on a national database of risky citizens or being labelled a terrorist for attending demonstrations or public meetings", observes Mustafa. "The space in which young people can demonstrate and express political agency is becoming very narrow".[31]

A similar fear was also noted by the Staffordshire University postgraduate student Mohammed Umar Farooq, who informed the author that whilst he was aware of counter-terrorism overreach, prior to his ordeal, he felt a sense of safety when conducting his academic research which had now been reversed. 'I was aware of some of the government's counter-terrorism strategies and powers, and whilst I was somewhat afraid that I could potentially fall foul of them ... I used to think nobody would say anything to me if I just kept my head down and studied'.[32] Since the interrogation, explains Farooq, 'the whole experience has made me fearful that they can come for you whenever they want'.[33] Rather than involving themselves in overt academic inquiry and political activism, such as demonstrations and protest, in other words, Muslim students are becoming disengaged, reserved, and quieter in how they express themselves and exercise their political agency. As research on this issue shows, policies such as Prevent are therefore dominating their lives, negatively shaping their identities,[34] and constructing them as 'risky' and 'suspect'.[35]

Whether this is by design or default is difficult to tell but the evidence strongly suggests that Prevent is creating and spreading fear within Muslim student communities and restricting their ability to engage in legitimate scholarship and democratic dissent and debate. Even though Prevent may not therefore be premised on arresting and detaining students, because it is creating and spreading fear, which inevitably leads to self-censorship, alienation and political disengagement, it is producing similar effects as being subject to arrest and detention. Such effects, as I shall now explain, are shown to create the conditions that 'radicalise' people, that is to say, they create an environment that is conducive to terrorism.

29      Brown, E. Katherine and Saeed, Tania (2014) 'Radicalization and counter-radicalization at British universities: Muslim encounters and alternatives', Ethnic and Racial Studies, Vol. 28, No. 11, pp.1952-1968, p.1963

30      Mustafa, Anisa (2015)

31      Ibid, p.162-163

32      Farooq, U. Mohammad (2016)

33      Farooq, U. Mohammad (2016)

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35      Mythen, Gabe, Walklate, Sandra and Fatima, Khan (2009) ''I'm a Muslim, but I'm not a terrorist': Victimization, risky identities and the performance of safety', British Journal of Criminology , Vol. 49, pp. 736-754.; Brown, E. Katherine (2010) 'Contesting the Securitization of British Muslims: Citizenship and Resistance', Interventions Vol, 12, No. 2, pp.171-182; Kundnani, Arun (2009) 'Spooked: How Not to Prevent Violent Extremism', Institute of Race Relations, <http://www.irr.org.uk/pdf2/spooked.pdf>, accessed, 13 October 2015; Kundnani, Arun (2014) The Muslims are Coming: Islamophobia, Extremism, and the Domestic War on Terror, New York: Verso; Hickman, Mary, Silvestri, Sara and Nickels, Henri (2011) 'Suspect Communities? Counterterrorism policy, the press, and the impact on Irish and Muslim communities in Britain', July 2011, London: London Metropolitan University.

## 3.5 Prevent: Creating Conditions Conducive to Terrorism

Terrorism is generally understood and agreed upon as a tactic used by non-state actors to bring about a particular change or goal. When people are engaged in a political process or are able to bring about a desired goal through an existing system of power, the likelihood of them engaging in terrorism is significantly reduced.[36] It therefore goes without saying that when individuals or groups are denied the ability to bring about a particular goal through an existing system of power, they are more likely to support and/or employ terrorism.[37] Research cited in the preceding section reveals how Muslims students are increasingly facing disempowerment, alienation and exclusion from mainstream and democratic political engagement. At the same time, they are being denied basic human rights such as free speech, free expression and free assembly at the behest of counter-terrorism policies such as Prevent. Such restrictions are not only indicative of the rising levels of authoritarianism within UK counter-terrorism policy but signaling how current policy is creating an environment that is conducive to terrorism.

Whilst history in the case of the Northern Ireland, for example, strongly shows how the abuse of a civilian population through programs such as internment can lead to a significant rise in the use, and support for, terrorism[38] academic research also supports the idea that repression and authoritarianism increase the likelihood of terrorism being supported and/or used. One such study was conducted by Alan Krueger and Jitka Maleckova and found that terrorists were less likely to emerge from countries that safeguarded civil and political rights.[39] In a later study, Alan Krueger similarly found that 'the suppression of civil liberties and political rights, including … the freedom to assemble, and democratic rights' all contribute to 'rais[ing] the likelihood that people … will be ensnared in terrorism'.[40] In other words, the suppression of dissent, the restricting of democratic freedoms and the use of authoritarian policies such as Prevent increase the likelihood that terrorism will be supported and/or employed.

Claiming that ideology and ideas are responsible for legitimising and causing 'radicalisation' and terrorism therefore not only misdiagnoses the cause of political Islamic violence but leads to the creation of policies that perpetuate insecurity and conflict. Policies such as Prevent should work to safeguard democratic rights and political freedoms; not undermine them. Creating open spaces and enabling individuals to speak openly, freely and critically will create political engagement, will empower individuals to bring about social and political change through legitimate and democratic means, and serve as means of airing grievances and frustrations openly and without fear of negative consequences. Having such a policy can serve as an effective and appropriate way of ensuring people are less likely to support or use terrorism.

**Endnotes**

1. Prevent: A statement from UoM Staff and Academics: http://manchesterstudentsunion.com/articles/prevent-a-statement-from-uom-staff-and-academics

2. Wilby. P (2016), 'Valerie Amos: the coolest of cool to handle Soas's hot potato', The Guardian, [http://www.theguardian.com/education/2016/feb/09/valerie-amos-soas-london-university-director] - accessed 21 February 2016

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40          Kureger, B. Alan (2007) What makes a terrorist: Economics and the Roots of Terrorism, Princeton: Princeton University Press, p.7

# 4. Charities and Civil Society

*Muslims are among Britain's most generous givers, topping a poll of religious groups that donate to charity, according to new research. Muslims who donated to charity last year gave an average of almost £371 each...Among Muslim givers, most donated between £300 and £500.*
Ruth Gledhill, The Times

*. . key opinion-formers such as the chairman of the UK Charity Commission, William Shawcross, [has drawn] attention to "the risks of donors' money leaking out to support terrorism". As a result of statements like this and the nature of destination countries currently focussed on by the NGO sector, the affected charities are very often from the Muslim community. This report did not find any overt evidence of this charge*
Tom Keatinge, Demos Report, 2014[1]

## 4.1 Introduction[1]

Inspired by religious and humanitarian principles, Muslim communities have mobilised to help those in need irrespective of location or creed, as witnessed by the responses to conflict and natural disasters. Muslim charities are able to draw on networks and contacts in 'hard to reach' locations facing natural disaster or a humanitarian crisis. A number of these charities helped during the recent floods in Northern England.[2]

British Muslims have an expectation that the Charity Commission as a regulatory body would provide a fair and level playing field, offering help and support for better governance and compliance with regulations.

Unfortunately the Commission has created much ill-will by allowing itself to become a partner agency in the government's Prevent strategy:[3]

> "We are uniquely placed to contribute to protecting charities from abuse from terrorism, and strengthening safeguards to minimise the risk they face from terrorist abuse. We have a clear role to play in taking regulatory action independently ..."[4]

The result is that Muslim registered charities are under the spotlight, subject to suspicion and further impaired by the opinions and value judgements of its chairman, William Shawcross.

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1        The MCB is grateful to Mohammed Akunjee for contributing to chapter4.1-4.5; and Omayma el-Ella for authoring chapter 4.6
2        http://www.mcb.org.uk/storm-desmond-floods/
3        https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf
4        https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

## Key Points

- The charity sector is an important part of British Muslim community life, with its institutions able to provide aid and assistance in difficult regions not accessible to other charities.

- The Charity Commission's work has become politically motivated, in part through the appointment of William Shawcross as Chairman.

- There is lack of clarity in the criteria used by the Charity Commission in considering what is radical or extremist. The broad definitions will also affect the Charities (Protection and Social Investment) Bill* when it becomes law.

- A disproportionate number of Muslim charities are subject to Charity Commission inquiries.

- Access to financial services and ambiguity in legislation are the greatest challenges facing Muslim charities, in some cases having a direct impact on aid operations.

* http://services.parliament.uk/bills/2015-16/charitiesprotectionandsocialinvestment/documents.html

The damage has been two-fold: inhibiting the individual Muslim donor from continuing with a worthy and beneficial act, and secondly causing reputational damage to institutions.

This chapter consists of the following sections:

- Concern with political partnership (4.2)

- Processes used to monitor charities for radicalisation and extremism (4.3)

- Disproportionate focus on Muslim Charities (4.4)

- Draft Charities (Protection and Social Investment) Bill (4.5)

- Specific impact on Muslim charities (4.6)

## 4.2 Concern with political partisanship

William Shawcross's appointment as Chairman of the Charity Commission in 2012 was a matter of concern and raised at the Public Administration Select Committee:

- Greg Mulholland MP: "Having looked at some of your ... previous articles I [would] just like to mention a few...On 17 January 2012 you wrote, "The case for Guantanamo". Back on 5 March 2010 you wrote, "Why Bush and Blair were right about Iraq".... Because you are such an outspoken journalist with such strong views that many people would find uncomfortable... do you really think that makes you able to lead an organisation that needs sensitivity and impartiality? Do you think it is possible for you to command respect in that position?"[5]

- Paul Flynn MP: "The Henry Jackson Society is a promoter of a particular view in this House, which is representing right-wing American opinion." William Shawcross: "Obviously I would wish to resign all my memberships of the Henry Jackson Society and other charities with which I am involved.  I think the Henry Jackson Society is a great society...."[6]

Shawcross also came to the job after being director of the Henry Jackson Society, a neoconservative think tank. Among his statements are:

- "Islamic extremism is the "most deadly" threat to charities in England and Wales."[7]

- "The Muslim world and the Western Left are in an unholy alliance; they do not want to improve the Jewish state, they want to remove it."[8]

- "Islam is one of the greatest, most terrifying problems of our future. I think all European countries have vastly, very quickly, growing Islamic populations..."[9]

- Using the "terrorist" label against an internationally recognised Turkish NGO, the IHH[10]

There are understandably fears that the Charity Commission's reputation has been adversely affected by such a political appointment, and this has negatively shaped the work that it does.

5      http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpubadm/c315-ii/c31501.htm
6      http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpubadm/c315-ii/c31501.htm
7      http://www.bbc.co.uk/news/uk-27092885
8      http://www.jpost.com/Opinion/Op-Ed-Contributors/An-irrational-obscene-hatred
9      https://www.youtube.com/watch?v=S86IQzj6a8I
10      http://www.jpost.com/Opinion/Op-Ed-Contributors/An-irrational-obscene-hatred

## 4.3 Processes used to monitor charities for radicalisation and extremism

For the period 5 December 2012 to 8 May 2014, the Commission labelled 55 charities with the issue code "radicalisation and extremism." [11] A recent Freedom of Information request to the Commission asked for the criteria for the application and removal of an issue code against a charity. The response disclosed that such criteria did not exist in any written form capable of scrutiny.[12] The Charity Commission has noted that "an issue code is applied solely on the basis of the subject and type of allegations or concerns that have come to the attention of the Commission." [13] No further clarification on the subject has been forthcoming.

The Commission's definition of "extremism" seems[14] to be identical to the very broad definition within the Prevent Strategy, namely: "a 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."[15]

The further detail provided about the definition's applicability to charities is difficult to understand:

> "Charities will be in breach of charity law where they promote extremist views and use radicalising materials. This may be the case even where those extremist views are not violent or not likely to incite violence, or even if they do not breach terrorism laws relating to the glorification of terrorism, or constitute incitement to racial or religious hatred...Some views may not be the norm or traditional. They may be controversial. That does not necessarily mean they cannot be promoted or supported by a charity." [16]

David Walker from the Investigations and Enforcement division within the Charity Commission confused matters further, when responding to a Freedom of Information request: *"The Charity Commission does not make determinations about whether an individual is deemed to hold extremist views."* [17]

Given the subjective nature of the Prevent definition of extremism, together with the statement that the Charity Commission does not make a determination about whether an individual is deemed to hold extremist views, it remains a mystery as to how it determines whether a charity is involved in promoting extremist views and indeed what activity would cause a charity to be issued with the radicalisation and extremism code causing them to be flagged for monitoring. It is of no wonder that David Anderson QC, the Independent Reviewer of Terrorism Legislation, has warned of the "creep" in anti-terrorism legislation to cast a wider net than intended.[18]

## 4.4 Disproportionate focus on Muslim Charities

The Demos report notes,

> [The Independent Reviewer of Terrorism legislation], David Anderson has raised the important issue of 'proportionality'. NGOs...often operate in areas of the world that lead to the assumption that terror-finance risks are heightened. Restricting the activities of NGOs on terror-finance grounds may not be proportionate when they are working on notable and life-or-death campaigns . . .[19]

11          https://www.whatdotheyknow.com/request/212875/response/529918/attach/html/3/2014%2006%2009%20Response%20to%20FOIA%20request%20from%20A%20Claystone.docx.html

12          https://www.whatdotheyknow.com/request/212875/response/529918/attach/html/3/2014%2006%2009%20Response%20to%20FOIA%20request%20from%20A%20Claystone.docx.html

13          Ibid.

14          Chapter 5 of the Charity Commission's document "Protecting charities from harm: compliance toolkit", entitled "Protecting charities from abuse for extremist purposes" (January 2013): https://www.gov.uk/government/publications/protecting-charities-from-abuse-for-extremist-purposes

15          Chapter 5 of the Charity Commission's document "Protecting charities from harm: compliance toolkit", entitled "Protecting charities from abuse for extremist purposes" (January 2013): https://www.gov.uk/government/publications/protecting-charities-from-abuse-for-extremist-purposes

16          Ibid.

17          http://www.claystone.org.uk/wp-content/uploads/2014/11/MuslimCharities_SuspectSector_Claystone.pdf

18          https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2014/07/22-July-2014-PRESS-RELEASE.pdf

19          http://www.demos.co.uk/files/DEMOSuncharitablebehaviourREPORT.pdf?1419986873

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**4.4.1 Lack of monitoring of bias from the Charities Commission**

In January 2015, Paula Sussex, the Chief Executive of the Charity Commission claimed not to have seen any bias against Muslim charities. The Chair of the Public Accounts Committee, Margaret Hodge, responded that such a claim was not possible without adequate monitoring of the potential institutional bias against Muslim charities:

> "Hodge: another thing I saw in the press was that 20 investigations were focused on 'Muslim' charities is that true?
>
> Sussex: that is not true because we don't tag against religion we are deliberately blind because we assess each instance blind against our risk framework ...
>
> Hodge: I am not sure its right not to tag ... in a way you need to monitor that don't you to ensure there isn't any bias entering into your judgment
>
> Sussex: in the seven months I have been at the commission I haven't seen that [bias]
>
> Hodge: yes but you don't know if you don't monitor I am afraid ... you have got to monitor to know ... these stories in the press suggest there may be bias... you need to satisfy us that there isn't
>
> Sussex: you may well be right chair we may need to code against particular segments of the register"[20]

In September 2015, the Charity Commission seems to have recognised this and begun a mechanism of analysing bias:

> "We have analysed our compliance casework for bias and, for the first time, in December 2014.... The report included analysis of the relevant charities, using information the charities themselves submitted in their annual returns and as recorded on the register of charities. The analysis included breakdown by 'purpose classification' (including advancement of religion) and 'beneficiary group' (including racial origin). The analysis of cases showed that charities with purposes of advancing religion are not over-represented amongst the cases we opened." [21]

However, rather than tagging or coding charities as is required to properly monitor and investigate the claim of institutional bias, the Commission's approach grouped all charities whose stated purpose is advancement of religion together, then tested that wider amalgamated pool of charities against statistical tools testing for bias. Clearly this was not a proper analysis. The exercise conducted by the Commission seems to mix all religious groups into one category in an attempt to dilute the statistics to misleadingly produce the result of non-bias.

A proper review is required to respond to the allegations of institutional bias, in particular given the statistics on the topic, as outlined in the section below.

**4.4.2 Data gathered demonstrating bias against Muslim charities**

A disproportionate number of Muslim charities are subject to Charity Commission inquiries carried out under section 46 of the Charities Act 2011 (general power to investigate), with 38% investigated between December 2012 and May 2014 being Muslim charities.[22]

Furthermore, disclosures related to terrorist and extremist-related allegations, primarily against Muslim charities, have risen markedly in the last year. Data relating to the period 2014-2015 shows the number of formal investigations by the Charity Commission relating to terrorist abuse of charities rose fourfold (to 20) while legal disclosures between the Commission, police and other agencies on the issue more than

20          http://www.bbc.co.uk/democracylive/house-of-commons-31040290 at 1h.28m

21          http://www.parliament.uk/documents/commons-committees/public-accounts/Correspondence/2015-20-Parliament/Letter-from-Paula-Sussex-Chief-Executive-Charity-Commission-to-Chair-dated-11-September-2015.pdf

22          http://www.claystone.org.uk/wp-content/uploads/2014/11/MuslimCharities_SuspectSector_Claystone.pdf

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doubled to over 500. Terrorist and extremist-related allegations, primarily of Muslim charities, now account for 22% of all disclosures, compared to 14% last year, which is a disproportionate increase in allegations when the number of Muslim charities has remained nearly the same.[23]

Despite the increase in focus on terrorism and extremism, a review of all published statutory inquiries (2014-16) into such charities shows that out of 13 concluded inquiries only one relates to extremism in any form[24] . This view aligns with that of many leading experts in the charity sector, which is that extremist abuse of the charity sector has and remains negligible. Tom Keatinge, director of the Royal United Services Institute's Centre for Financial Crime and Security Studies, states: "the abuse of UK charities in support of terrorist efforts is negligible. The standards are very high and awareness among the big charities of this issue is intense." [25]

The data thus indicates an increasingly disproportionate focus on Muslim charities and supports claims that this focus is a "distraction from real issues facing the sector."[26]

## 4.5 Draft Charities (Protection and Social Investment) Bill

The Government published its draft of the Charities (Protection and Social Investment) Bill[27] in late 2014. In general, the Bill sets out to afford the Charity Commission more powers and to further sensitise the Commission to counter terrorism related issues. Such proposals include the power to disqualify people it deems 'unfit' from being a trustee of a charity, and to force closure of a charity in which 'mismanagement threatens public trust' in the charity sector.

It is important to note that the Charity Commission investigates a multitude of allegations against the entirety of the charity sector, and the vast majority of the allegations it investigates are the misappropriation or mismanagement of charitable funds. To this end, it is accepted that the Charity Commission does require additional and forceful powers to supplement its existing armoury.

However, given the criticisms cited above, particularly with the lack of criterion with the application of the "radicalisation and extremism" issue code, the subjectivity surrounding the definition of extremism within the Prevent strategy, a lack of monitoring for institutional bias and indeed with the Commission's current controversial leadership, it can only be concluded that the proposed additional powers couched in subjective authority may give rise to further unwarranted interventions by the Commission and is open to the possibility of abuse of these powers.

## 4.6 Specific impact on Muslim charities[28]

The most tangible impact of counter-terrorism measures on British international NGOs is related to their access to financial services. The delayed transfers, bank closures or other restrictions placed by banks and other entities on the financial services they offer international NGOs are, in some cases, having a direct impact on aid operations, including curtailing or closure of projects and delayed salary and supplier payments. More generally, banks' demand for more and more documentation from their international NGO clients is cumbersome and taking up staff time and resources. The focus in this section, is on the UK counter-terrorism legislation, as laid out in the Terrorism Act and its impact on humanitarian assistance. David Andersen QC, the Independent Reviewer of the Terrorism Legislation noted the following with regards to charities as part of his 2014 annual report:

23          http://www.theguardian.com/voluntary-sector-network/2016/feb/09/charities-terrorism-deadly-threat-distraction-sector?CMP=Share_iO-SApp_Other

24          https://www.gov.uk/government/collections/inquiry-reports-charity-commission

25          http://www.theguardian.com/voluntary-sector-network/2016/feb/09/charities-terrorism-deadly-threat-distraction-sector

26          http://www.theguardian.com/voluntary-sector-network/2016/feb/09/charities-terrorism-deadly-threat-distraction-sector

27          http://services.parliament.uk/bills/2015-16/charitiesprotectionandsocialinvestment/documents.html

28          The MCB is grateful to Omayma el-Ella for authoring 4,6

"It has been suggested to me … that there are criminal offences under UK anti-terrorism legislation which are also capable of impeding the legitimate activities of international NGOs in conflict areas. Among those which may need particular consideration in this respect are:

TA [Terrorism Act] 2000 section 12: see in particular sections 12(2)(b) and 12(3), which criminalise the arranging and addressing of meetings to 'further the activities' of proscribed organisations;

TA 2000 sections 14–18, which create general offences relating to the provision of funds or other property to individuals who use them for the purposes of terrorism (Anderson, 2014: 9.30)."[29]

The impact surrounding the ambiguity of the legislation is manifold, and laid out in the following from the Muslim Charities Forum report commissioned to the Overseas Development Institute:

- Access to funding had become more limited in some contexts as private and governmental donors became more reluctant to provide funding without concrete guarantees that it, or supplies purchased with it, would not inadvertently fall into the hands of proscribed armed groups.

- The administrative burden on humanitarian organisations had increased, reducing the efficiency and timeliness of aid.

- The beneficiary and partner vetting requirements imposed by some donors were undermining relations with local communities and local partner organisations.

- The lack of clarity on the implications of counter-terrorism measures has led to less transparency and accountability, with many humanitarian organisations admitting that they did not acknowledge their engagement with proscribed armed groups in some contexts, while private individuals turned to less regulated routes to donate cash.

- The fear of exposure to possible sanctions under counter-terrorism measures had influenced the programming priorities of many humanitarian organisations and made them reluctant to share information on their activities.[30]

In roundtables and meetings with banks, it has been expressed that they are extremely wary of being fined and/or sanctioned by inadvertently financially supporting proscribed and listed groups and individuals. They have said this is due to counter-terrorism legislation both in the UK and the US, with more of an emphasis on abiding by US counter-terror laws. There is a very clear sense that the banks are being used as an instrument for implementation of governmental and regulatory policy. There is overwhelming anecdotal evidence for this.

The following are case studies of the impact of the legalisation manifested in a lack of access to financial services, and increased administrative and compliance difficulties when working in conflict areas.

### 4.6.1 Case studies related to banking

*Charity A*

The refusal of services of PayPal, Western Union and INTL Global Currencies affects charity A directly in being able to transfer funds to field operations across the globe thereby having an impact on the delivery to beneficiaries. The responses are decisions being driven by undisclosed reasons which relate to risk profiling and CT legislation impact.

29      Anderson, D. (2014) *The Terrorism Acts in 2013: Report of the Independent Reviewer on the Operation of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2006*, July.

30      Metcalfe, Pantuliano, Keatinge. *UK Humanitarian Aid in the age of Counter-Terrorism: Perceptions and Reality.* Overseas Development Institute, March 2015, page 5

**PayPal and eBay**

Prior to the spinoff of PayPal into a separate company, services were withdrawn. PayPal wrote to charity A in August 2014 stating: "After reviewing your PayPal account, we've determined there is excessive risk involved and would like to begin parting ways in a manner that is least disruptive to your business."

**Western Union**

Charity A submitted an application for Payment Services to Western Union on 26th October 2015 after a meeting with Nick Schaffer on 21st October 2015 who reviewed the information in person and acknowledged he was impressed with a thorough application. Western Union on the 27th October 2015 requested a further copy of a driving licence for another trustee, which was provided. On 24th November 2015, Western Union responded saying "after careful consideration we are not able to progress your application at this time." When asked for the reason, the response was: "For security reasons I am not permitted to discuss the specifics of the process we undertake when reviewing a request for an account with Western Union Business Solutions. I can however confirm that unfortunately charity A has not met our on boarding criteria at this time."

**INTL Global Currencies**

On 28th October 2015 after an initial query, Joanna Suleaiman emailed terms of business with a request to set-up a meeting in London, followed by a request on 17th November to meet at charity A's offices. When charity A replied to arrange the meeting, the response on 24th November 2015 was: "Many thanks for your reply, but unfortunately we will not be able to assist you with your international payments. I really am very sorry about this situation and apologise for the confusion. When I emailed you last week I had not been made aware of this decision, which I am assured is final. I am very sorry, as I would have really liked the opportunity to have worked with you but it is out of my hands."

*Charity B*

In Dec 2014, charity B was informed that their HSBC account was to be closed and three months' notice was provided. The closure would also apply to field offices overseas where HSBC was utilised locally. The only reason provided was that, in light of the bank's review of its activities worldwide, the Charity's sphere of activities breached HSBC's "risk appetite". The bank acknowledged that Charity B's sphere of activities was required, necessary, commendable, legal, and compliant with all statutory and regulatory encumbrances.

A meeting was offered with the HSBC UK CEO where Charity B were informed that, whilst HSBC had great admiration for the humanitarian work being done by the Charity, a strategic decision following an internal review of HSBC required the risk exposure of HSBC to be considerably reduced. As a result, HSBC would be curtailing services to affected individuals, sectors and also geographical areas. This was an irrevocable decision and the extension to the closure date, although requested by charity B was not offered by HSBC. As a result the charity's UK accounts and its affected field office accounts were closed in March 2015.

Clearly this had an impact on the charity. As required by the Charity Commission, a Serious Incident Report was submitted to them (given that operational disruption was inevitable) and the Charity sought urgent workarounds to mitigate the effects of the closure. Disruption was minimised but the following serious consequences followed for the charity:

- The possibility of opening new bank account(s) in the UK was negligible;

- The tacit suspicions of untoward activities tainted the Charity as a direct result of the closure;

- Humanitarian work especially in the Middle East was temporarily curtailed; and

- The pace of implementing new programmes was reduced.

Those banks which continue to service charity B are wary that not only their banks, but also their banking channels (where other banks utilise these channels) are not used for transfers to sanctioned countries. This is challenging and can give rise to unsafe practices (such as the deployment of cash in bags, something which charity B has avoided, or the overt use of money transfer agencies). All recognise the dire need for humanitarian assistance in these areas.

**4.6.2 Case studies related to ambiguity of legislation**

*Charity C*

Charity C seeks to provide assistance to refugees and Internally Displaced Persons (IDPs) in Syria. Traditionally, they have carried out this work by working with partner NGOs based in affected countries – an approach which they have taken in Bosnia, Libya and Afghanistan. However, the lack of clarity from the Charity Commission regarding the levels of due diligence and safeguards that a charity should undertake when working in this environment, has led the NGO to stop working with partner NGOs on the ground in affected countries and preventing volunteers from travelling into the Middle East, including Turkey. Procedures are not being based on concerns about the risk to staff or probabilities that aid will be lost, but because there are concerns around how such an approach would be perceived by the Charity Commission and banks that potentially resulting in investigations or the loss of financial services. The lack of guidance and the need to take an overly cautious approach to working in the region has had a number of direct impacts including:

- Reduction in the support that charity C could offer due to the lack of skilled volunteers;

- A dependence on a single partner for work making delivery of support very fragile; and

- Appeals and fundraising have been drastically reduced given concerns around whether funds raised could be effectively distributed.

*Charity D*

Charity D has been raising funds to provide assistance to refugees and IDPs who have been affected as a result of the on-going crisis in Syria. Due to a lack of clarity from the Charity Commission as to what precautions and due-diligence they must undertake when working inside Syrian borders – particularly about the high probability that the charity will encounter militant/resistance fighters during their aid missions – charity D's Board has decided that;

- All aid work inside Syria must be done via UK registered charities; and

- Volunteers must not be allowed to travel into the region including Turkey.

These decisions are inconsistent with charity D's working history, as they have been exposed to similar risks in Bosnia, Libya, Afghanistan to name but a few. The Board has acted over-cautiously not because they feel their work or staff are at risk in Syria, but because they do not know how such missions will be perceived by the Charity Commission and the Banking Sector. There has also been a huge increase in victimising charity D staff members at the airports and international train stations just because they have been travelling to regions in conflict.

The impact on charity D includes the following:

- The array of aid work normally undertaken by charity D has been drastically reduced. For example, charity D would normally focus on temporary primary schools able to provide psychosocial support for children in war zones. This has not been done in Syria as partners of charity D do not have skilled staff that can offer psychosocial support to young children;

- Charity D is dependent on one single partner for all work inside Syria;

- Charity D staff returning from countries bordering Syria have faced delays at airports and train stations and as a result the charity has scaled back its monitoring visits;

- Further appeals for donations to Syria have been drastically downscaled. In June 2014, a scheduled TV appeal for Syria was cancelled because monitoring visits to Syria could not be carried out in time; and

- There is a loss of motivation to their registered volunteers who have not received the style of feedback they are accustomed to e.g. photographs, videos and case studies from the field collected by charity D's UK staff during their aid-missions. As a result, charity D remains concerned that young and enthusiastic volunteers will instead be engaged by less organised, higher-risk organisations, many of which have been formed in recent years.

### Endnotes

1 Tom Keatinge, Counter-terrorist regulation restricts charity banking worldwide, Demos, 2014 http://www.demos.co.uk/files/DEMOSuncharitablebehaviourREPORT.pdf?1419986873

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# 5. Mosques

*...We have always condemned the actions of these extremists and will continue to do so...The suggestion that the mosque has radicalised young men and shows how ignorant people are of Islam and how mosques work.*

Saleha Islam, Director Al Manaar Centre, Westbourne Grove

## 5.1 Introduction[1]

Saleha Islam's frustration stemmed from media coverage implying her Centre was in some way responsible for the action of a Daesh recruit from West London. The fact that she had to make such a defensive statement on ITN News is a sorry reflection of the burdens and pressures on mosque leaders because of the trail of suspicion and innuendo which leads directly back to the Government's securitisation policies.

Mosques are the venues where religious values, including those of good citizenship and civic responsibility, are conveyed to congregations. The instances of mosques contributing to fanaticism are perhaps only one or two, and these cases are known and have been rectified (among these was the Finsbury Park mosque episode in 2003-2005 involving the notorious Abu Hamza Al-Misri).[2]

The reasons why counter-terrorism (CT) policies continue to regard mosques as suspect are two-fold: first, out of 'ignorance', as referred to above by Director Saleha Islam; second, the Prevent-favoured 'escalator' theory that links religious practice and commitment - like praying in mosques - as the first wrung of the ladder to violent extremism (the 'escalator' theory). [3] This chapter urges steps to be taken to ensure there is a better appreciation of what goes on in a mosque, and that mosques are not singled out amongst places of worship for discriminatory CT policies.

This chapter consists of the following sections:

- The Mosque Network (5.2)

- Voices from the Ground (5.3)

- Mosques' good practice (5.4)

- Concluding points (5.5)

## Key Points

- The mosque network is a testimony to British Muslims' efforts to establish their own pastoral care and community welfare infrastructure.

- Current counter-terrorism legislation is marginalising and isolating mainstream mosques in the UK. This chapter provides examples of mosque responses to the securitisation agenda and the perspectives of the congregation and other stakeholders.

- Steps should be taken to recognise the work of the Mosques & Imams Advisory Board (MINAB) in developing mosque standards and other good practice guidelines; examples are presented of mosques as agents for positive change, community harmony and promotion of civic responsibility, and also noting the awareness of short-falls.

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## 5.2 The Mosque Network

Mosques are very much part of the British social fabric and landscape. Their basic service is to provide a venue for the five daily prayers, the Friday congregational prayer and other Islamic religious observances.

The diversity of Britain's Muslim population in terms of countries of origin and schools of thought are reflected in mosque affiliations. While many are stand-alone bodies, others may be part of a regional network (e.g., a council of mosques) or a national federation.

Mosques may be in converted premises, for example former churches, synagogues and cinema halls, while many are now also purpose built.[4] Multi-faith rooms in a variety of settings – airports, universities, hospitals – also hold congregational prayers.[5]

Some typical aspects include:

- The role of a Mosque can be broadly classified into two parts: firstly to meet the spiritual needs of the community signified by its role as a place of worship; and secondly to meet the practical educational and social needs of the community

- Mosques do not have a roll-call or membership cards for the congregation

- The title of 'Imam' has historically been attributed to men who led the prayer on a voluntary basis, to scholars of jurisprudence, and to appointed prayer leaders in Mosques. The use of the word in Britain usually refers to the appointed person in charge of leading the prayer in a Mosque. There are no fixed qualifications that an *Imam* must possess apart from knowing the obligatory legal rules of performing prayer and the correct recitation of the Quran.

- [In the MCB sample] 78% of mosques were registered charities.[6]

## 5.3 Voices from the Ground

With respect to mosques, a widely held community perspective is that Prevent officers' engagement with mosques is for two primary purposes: to dissuade extremist activity, including where 'non-violent extremists' are deemed to be given a platform; and to encourage information sharing if suspicious activity or direct recruitment was suspected.

Notwithstanding its objection to this type of ill-defined and divisive engagement, the MCB's stand is that it calls its affiliates to observe the law and work for the repeal of discriminatory aspects through the democratic processes of the land that are available.

Moreover, rather than seen as a security problem, the mosque network in reality is a superb example of how British Muslims, largely within fifty years and notwithstanding their limited resources and capacity, through self-funding and volunteering, developed a community infrastructure providing religious, social and education services.

### 5.3.1 Historical Background

Among the knee-jerk reactions to the 7/7 atrocities was a proposal in October 2005 from the Home Secretary for a 'restriction of use order' to enable the temporary closure of parts or all of the premises' of a place of worship. It was clear that the reference was to mosques, but a vigorous challenge from the Muslim

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4       A survey of mosque in Britain has been commissioned by English Heritage, See http://theartnewspaper.com/news/news/heritage-grants-and-listed-status-beckon-for-uk-mosques/

5       Ibid.

6       From the MCB report *Voices from the Minaret*. See http://archive.mcb.org.uk/wp-content/uploads/2016/02/Voices-From-the-Minaret_Full.pdf

community and interfaith partners led to its shelving. Speaking on behalf of its mosque affiliates, the MCB noted at the time:

> We therefore feel that mosques are being mis-identified and stereotyped as incubators of violent extremism, while the social reality is that they serve as centres of moderation; the bombers were indoctrinated by a sub-culture outside the mosque; the notion of influential 'back-door' mosques is a figment of the imagination. [7]

Unfortunately, these views were not taken on board and the policy of finger pointing at mosques prevailed.

### 5.3.2 The Pickles Letter Episode

In January 2015, the Secretary of State for Communities and Local Government, Eric Pickles, dispatched a letter to over 1000 mosques, calling on them to do more to fight terrorism, with the implied premise that they were dragging their feet and not being responsible enough. The Pickles letter urged:

> We must show our young people, who may be targeted, that extremists have nothing to offer them...show them these men of hate have no place in our mosques or any place of worship... Strong community-based leadership at a local level is needed...You have a precious opportunity, and an important responsibility...[8]

The mosques' own responses to this letter ought to have been a clear signal to the government that such calls are counter-productive and alienating:

> We have reflected on the contents of your letter and not rushed with our response because the issues raised are of huge consequence to our communities. Whilst we do not take any issue with the good intention behind your letter, we are of the firm view that the letter was badly timed and certain parts of it implied that for the horrific murders in Paris, the Muslims living in the UK bore some kind of responsibility. We find such insinuations offensive and unacceptable as we do when such acts are linked to Islam and not to policies that our governments have and are still pursuing in different parts of the world that have majority Muslim populations. *Southampton Medina Mosque Trust.[9]*

> We ask why the letter has only been sent to the Muslim leaders and not more widely to the leadership of other faiths and non-faith communities. This clearly suggests that in Mr. Pickle's views Muslims are solely to be blamed for terrorists' activities. This is typical of the thinking amongst the Government ministers and the security agencies. *Bradford Council of Mosques[10]*

> Perhaps you could give us some specific examples of Mosques where you believe such hate preachers reside...if we are indeed to work together to deal with the challenges we face as you suggest then dialogue has to be more than a single letter to Mosques. We believe as do others a broader and more balanced engagement with the Muslim community would be more productive. The government's current engagement is far too narrow and selective. *Federation of Redbridge Muslim Organisations.[11]*

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7          The discriminatory nature of the proposal was evident from statements such as, "this consultation is linked to initiatives with the Muslim and other faith communities on radicalisation and the role of places of worship as a resource for the whole community and seeks views on how the Government and communities can work together to prevent extremism'. For the MCB's challenge see http://archive.mcb.org.uk/wp-content/uploads/2016/02/response-Places-of-Worship-FINAL1.pdf

8          For the Pickles letter, see http://www.salaam.co.uk/muslimsinbritain/wp-content/uploads/2015/01/LetterfromEricPicklestoMosques_Jan2015.pdf

9          http://www.salaam.co.uk/muslimsinbritain/wp-content/uploads/2015/01/From-Southampton-Medina-Mosque-Trust.pdf

10        http://www.salaam.co.uk/muslimsinbritain/wp-content/uploads/2015/01/From-Bradford-Council-of-Mosques.pdf

11        http://www.salaam.co.uk/muslimsinbritain/wp-content/uploads/2015/01/From-Federation-of-Redbrige-Muslim-Organisations.pdf

The Secretary General of the MCB, Dr Shuja Shafi, also wrote to the Secretary of State, expressing disappointment "with the implication that extremism takes place at mosques, and that Muslims have not done enough to challenge the terrorism that took place in our name. This is why we responded to the media, and an assertion in some quarters, that you were somehow endorsing the idea that Muslims and Islam are inherently apart from British society. We reject such notions."[12]

While CTSA 2015 was in the Bill stage it was mooted that it would contain new powers to close premises including mosques 'where extremists seek to influence others'.[13] However the Act itself has no direct reference to mosques in the letter of the Act, but there is no reason to believe that the spirit does not live on.[14]

### 5.3.3 More recent responses

The London Borough of Waltham Forest Council of Mosques (WFCOM) serving a 70,000 congregation, in December 2015 has stated of Prevent

> The project itself and Prevent in general is an ill-conceived and flawed policy. It is racist, and overtly targets members of the Muslim faith. This has been demonstrated by organisations who are collecting data on referrals to the [anti-radicalisation] Channel programme … We see the Brit project [a counter-radicalisation project run in local primary schools] as another tool being used (like the Prevent strategy) to spy and denigrate the Muslim community and cause distrust. We have no confidence in the Brit project and the Prevent strategy overall. [15]

In January 2016, the chairman of Birmingham Central Mosque, Muhammed Afzal, also called for a boycott of the Prevent programme (Ali, 2016). Among other responses is the Keep Mosques Independent campaign, which has over 500 supporting signatories on its website http://keepmosquesindependent.org in support of a statement which includes objection to any registration of mosques and madrasahs.

### 5.3.4 Survey Around the Country

A survey was conducted within mosques through interviews with mosque leaders, trustees and users.[16] This work, though of limited scope (e.g. in terms of sample size and gender representation) is nevertheless important for giving voice to those directly affected at the grass roots. The survey covered perceptions, views and experiences relating to the roots of radicalisation, the impact of the Prevent strategy (positive and negative), the responsibilities of mosques, and their limitations because of a lack of capacity. However two extracts convey important points:

When asked where radicalisation does happen, if not in mosques, Ilyhas (a mosque leader) commented:

> It is through groups that operate outside the mosque, not within the mainstream Muslim community. It is social media that is used now. Prior to this, it was fringe groups outside the mosque. It is outside mainstream Islam and now in private spaces – they didn't have platforms or spaces through the mosques to be vocal. Now that the internet and social media are used, they can access young people who see and hear through the social media and are influenced.

Another respondent, Musa (a mosque trustee) had this to say about Prevent:

> Prevent is irrelevant at our mosque. It is small and there are no concerns of radicalisation, of going to Syria or acts of violence. The risk of active violence in relation to Prevent doesn't apply.

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12      http://www.mcb.org.uk/lettertossclg/

13      The Guardian, 13 May 2015 http://www.theguardian.com/uk-news/2015/may/13/counter-terrorism-bill-extremism-disruption-orders-david-cameron

14      An example of clumsy interventions is the placement of CCTV to observe prayer halls in one university in October 2015; see http://www.theqh.co.uk/university-of-westminster-cctv-in-prayer-rooms-spying-privacy-concerns-westminster-students-union-uwsu/

15      Taylor, D. (2015) Society of mosques to boycott 'racist' anti-terror Prevent programme. [Online] Available at: http://www.theguardian.com/world/2015/dec/17/society-of-mosques-to-boycott-anti-terror-prevent-programme [Accessed 03 February 2016]

16      The MCB is grateful to Umer Siddique for providing material for Chapter

However, we had a situation, an interfaith activity. We told our local community police officers and were inviting them. Instead, Prevent counter-terror police called back. I think there is a lack of resources, so money has been taken out of community policing and put into Prevent and, due to lack of resources, the police force has been cut heavily and replaced by the Prevent team and counter terror.

## 5.4 Mosques' good practice

**5.4.1 Visit My Mosque Day**

This is an annual initiative promoted by the MCB to increase the familiarisation of society at large with mosques and Islamic centre, thus dispelling misunderstandings and helping in good neighbourhood. The most recent Visit My Mosque Day held on 7 February 2016 led to over a thousand visitors receiving a welcome in about a hundred mosques from all regions of the United Kingdom. [17] The MCB received many messages of goodwill after the event, typically

> By opening up your mosques and inviting people in to meet members of the Muslim community I think you are doing something wonderful. You are creating the opportunity for people to engage, to learn about each others' beliefs and cultures. This is so important for encouraging tolerance and ultimately unity within the British community. Keep up the fantastic work! Many thanks.

**5.4.2 Mosques and Imams National Advisory Board (MINAB)**

The Muslim Council of Britain is a founding member of the Mosques & Imams Advisory Board (MINAB) and has contributed to the preparation of good practice standards. The MCB supports such initiatives based on self-regulation and self-empowerment, rather than external imposition and agenda-setting. The aims of MINAB include

- Increasing the skills and competencies of imams.

- Developing mosques as centres of community cohesion, citizenship and dialogue.

- Strengthening accountability and governance practices/procedures.

- Improving access of women and young people to mosques.

MINAB has developed standards for its members to ensure, for example, good corporate governance, services are provided by suitably qualified and/or experienced personnel, systems and processes in place to ensure that there are no impediments to the participation in the activities, including governance, for young people and women, there are programmes that promote civic responsibility of Muslims in the wider society.[18]

**5.4.3 Awareness of short-falls**

These examples of positive work should not suggest that Muslim civil society has a complacent attitude; there is an awareness that more needs to be done to face the challenges and social realities so making mosques fit for purpose. Some of the expectations emerge in the above survey, for example the need for gender balance and 'greater proficiency and competence'.

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17          http://www.mcb.org.uk/visitmymosque/
18          See www.minab.org.uk

The MCB's report *British Muslims in Numbers* (2015) analysed the demographic data from the 2011 Census and highlighted the implications for mosques:

> Just as the ethnic diversity of the Muslim population needs to be reflected within the decision-making forums of Muslim institutions, such as mosque management committees, so does their young age profile.[19]

Dr. Muhammad Bari, a former Secretary General of the MCB, has offered a hard-hitting internal critique in his recent essay *British Muslims, Citizens – Introspection and Renewal*, noting for example,

> Mosques and community organizations must move faster to engage with the younger generation of Muslims, male and female, so they feel confident in taking their rightful place in community affairs and extend this to wider society. Although there is now general acknowledgement of this necessity, there needs to be practical steps so that young people are really seen at the helm of community projects and initiatives, in the upper layers of mosque management and community leadership.[20]

The impetus for change and improvement needs to come through such internal, bottom-up critiques and initiatives, rather than top-down patronising advice from a Secretary of State or Prime Minister.

## 5.5 Concluding Points

Mosques are multi-faceted institutions, serving as a sacred space for acts of prayer, but also providing counselling, education and other services associated with the life of a community.

An interest in mosques because of counter-terrorism or preventing extremism reasons is not only ill-judged but also serves to alienate Muslims, because it is disturbing and upsetting that their places of worship are being associated with the evil of violence.

Muslim civil society resents any external diktats on what mosques should or should not do, just as there is no role for Government to participate in theological debates on whether the Qur'an is being rightly interpreted or not.

Mosques are on the path of self-improvement and better outreach, and initiatives in this areas should be supported and celebrated in the national discourse, so as to overcome a decade of negative portrayal as a result of securitisation policies since 7/7.

Rather than being incubators of extremism, mosques are centres of moderation, which should be a space within which there can be frank conversations without fear of punitive security measures.

19          British Muslims in Numbers, http://www.mcb.org.uk/muslimstatistics/
20          Published by Consilium Head2Heart, 2015

# 6. Prison System

*Muslim chaplains working across most sectors learn new attitudes from their experiences....working with all kinds of people in a multi-faith environment seem to inculcate within them attitudes of empathy, person-centredness, equality, broad-mindedness, openness, approachability, supportiveness, tolerance, non-judgementalism...*

Sophie Gilliat-Ray, Mansur Ali and Stephen Pattison, Cardiff University[1]


*It is vital that prisons understand the prisoners they hold, and can assess the relationships between and within different groups of prisoners, in order to be able to manage them safely...We did not believe this was the case for staff in relation to Muslim prisoners at Belmarsh...*

Dame Anne Owers, the former Chief Inspector of Prisons[2]

## 6.1 Introduction[1]

According to Home Office official data collection on the powers of the operation of police powers and arrests, in the year ending the 31 March 2015, there were approximately 299 arrests for terrorism-related offences, an increase of 31% in comparison with the year 2014. Furthermore, the number of 18 to 20-year-olds arrested have more than doubled since 2014, from 20 to 43[2]. The focus on tackling extremism has been driven by the government's counter-terrorism strategy, known as CONTEST.

One component of this is Prevent, which has three key strands: this includes challenging extremist ideology, disrupting those who promote extremism and supporting the institutions where they are active such as prisons[3]. However questions remained unanswered in respect to whether Prevent may actually succeed in rehabilitating Muslim prisoners or whether prison has the potential to become a breeding ground for nurturing extremist ideology as the growth of gangs in prison and the risk of radicalisation become more prevalent. There is currently a broad range of literature which examines the role of prisons in dealing with terrorist prisoners and a number of studies have been conducted that examine radicalisation in prison and the perception of Muslim terrorist prisoners[4].

The Prevent strategy was founded upon the principle of 'winning hearts and minds', which is where local groups and communities all play a part in the fight against extremism. However it does appear that controversial policing tactics and hard line counter-terrorism policing raids appear to be causing further

1    The MCB is grateful to Dr Imran Awan for authoring this chapter; and to Dr. Muzammil Quraishi, Senior Lecturer of Criminology, University of Salford for providing feedback

2    Home Office (2015) Statistical Bulletin - Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, financial year ending 31 March 2015. [Online]. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458710/police-powers-terrorism-1415.pdf [Accessed on 28 January 2016].

3    HM Government. (2011) 'Prevent Strategy' Presented to Parliament by the Prime Minister and the Secretary of State for the Home Department by Command of Her Majesty. [Online] Available at: http://www.homeoffice.gov.uk/publications/counter-terrorism/prevent/prevent-strategy/prevent-strategy-review?view=Binary [Accessed on 14 June 2011].

4    Awan, I. (2013) Muslim Prisoners, Radicalisation and Rehabilitation in British Prisons, Journal of Muslim Minority Affairs, 33(3): 371-384; Guessous, F., Hooper, N. and Moorthy, U. (2001) Religion in Prisons 1999 and 2000 England and Wales, London: Home Office, 15/01. [Online]. Available at: http://www.homeoffice.gov.uk/rds/pdfs/hosb1501.pdf [Accessed on 28 January 2016].; Kose, A. (1996) Conversion to Islam: A Study of Native British Converts, London: Kegan Paul International'; Neumann, P. (2010) Prisons and Terrorism Radicalisation and De-radicalisation in 15 Countries, A policy report published by the International Centre for the Study of Radicalisation and Political Violence (ICSR) In partnership with the National Consortium for the Study of Terrorism and Responses to Terrorism (START) [Online]. Available at: http://icsr.info/wp-content/uploads/2012/10/1277699166PrisonsandTerrorismRadicalisationandDeradicalisationin15Countries.pdf [Accessed on 28 January 2016]. Quraishi, M. (2005) Muslims and Crime, Ashgate: Aldershot; Taylor, M. And Horgan, J, (2006) A Conceptual Framework for Addressing Psychological Process in the Development of the Terrorist, Terrorism and Political Violence , Volume 18 Issue 4, 585-601; Wardak, A. (2000) Social Control and Deviance: A South Asian Community in Scotland, Ashgate: Aldershot.

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damage with many sections of the Muslim community having a deep mistrust of the police and counter-terrorism legislation.[5] As a result, the opportunity for disaffected Muslim prisoners to feel a sense of social isolation, alienation, and grievances leaves them open to being influenced and radicalised within such an environment where there may be a real threat from Muslim gangs[6].

This chapter consists of the following sections:

- Muslim Prisoners (6.2)

- Radicalisation in Prisons (6.3)

- Gangs in Prison (6.4)

- The way forward - Rehabilitation of Terrorist Prisoners (6.5)

- Conclusion (6.6)

5      Spalek, B. (2010) 'Community Policing, Trust, and Muslim Communities in Relation to New Terrorism'. Politics & Policy. 38 (4): 789–815.
6      Mythen, G. (2009) Counter-terrorism and Community Relations. In: Sanders, A, Seddon, T, Smith, G and Quick, H. (eds). Regulation and Criminal Justice: Developing a New Framework for Research and Policy Development, Cambridge: Cambridge University Press).

## Key Points

- Only a small proportion of Muslim offenders sentenced to prison involve terrorism-related offences although, owing to the securitisation agenda and impact of counter-terrorism policies, this is likely to rise.

- Over-crowding and under-staffing leads to a potential risk of prison staff being under-resourced in tackling radicalisation, and unfairly targeting Muslim prisoners as dangerous jihadists and terrorists which could ignite further grievances once these prisoners are released back into society.

- There exists a contrast between Government and media rhetoric, and UK academic studies about the process and risks of Islamic radicalisation in prison. The academic studies tend to be more cautious and muted about prison acting as a conveyor-belt or incubator for extremism although some have highlighted the potential forced-conversion or duress from gang-related activity.

- Conversion to Islam, or any other faith, in prison should not be equated with radicalisation or extremism. Some qualitative studies have pointed to the positive and stabilising impact of religion in the lives of prisoners.

- A number of academics have examined the role of the Chaplaincy and institutionalisation of Islam in UK prisons. When Imams were independent of the prison estate they served useful counselling, pastoral and advocacy functions. Increased institutionalisation has been represented by the employment of full-time Muslim Chaplains. This development has brought some positive changes such as an attempt to standardise rules for the treatment of Muslim prisoners across the entire estate and increased managerial influence within prison chaplaincy teams. However, evidence of marginalisation and discriminatory treatment of Muslim Chaplains persists and Muslim prisoners are more likely to disengage with Imams considered part of the formal estate.

- Given austerity measures and stretched resources, the capacity for Muslim Chaplains and Chaplaincy teams generally to operate and attend to statutory and pastoral duties is likely to be impaired.

- There are gaps in qualitative research about the current experiences of conversion to Islam in prison, discrimination and the day-to-day prison regime. An up to date cross-EU analysis is also warranted.

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## 6.2 Muslim Prisoners

According to the 2011 Census 13% of the prison population in England and Wales is Muslim (this also includes British and non-British nationals). In England and Wales there are both public and private sector prisons and Probation Trusts (who work with prisons and are responsible to the National Offender Management Services) which are organisations that have a crucial role to play in working with offenders through rehabilitation programmes and supporting local communities. As Nuemann states[7]: "Prison services should be more ambitious in promoting positive influences inside prison, and develop more innovative approaches to facilitate prisoners' transition back into mainstream society."

Moreover, statistics reveal that in February 2011, there were 36 terrorist prisoners under the Multi-Agency Public Protection Arrangements (MAPPA) (a body that works with various organisations such as the police, local authorities, probation services, and uses rehabilitation and resettlement programmes to integrate Muslim prisoners back into society)[8]. The evidence suggests that a number of those prisoners are about to reach the end of their sentences and therefore will be released and allowed back into wider society which raises important issues as to what impact prisons have had upon the rehabilitation of these prisoners? And also whether prisons have been able to fundamentally change the psyche and ideologies which may have been rooted in extremism and violence? The Prevent Strategy[9] states that: "It is therefore vital that the transition of these individuals into the community, and their supervision and management, ensures the risks they may post are effectively managed and minimised."

In England and Wales, the Extremist Risk Guidance (ERG22+) is part of the offender and intelligent management system[10]. Its primary purpose has been to identify, manage and tackle extremism. Crucially, the ERG attempts not just to focus on individuals but also provide assistance for the wider role of a family in supporting offenders. In doing so, it focuses on the process of engagement, intent and capability. As Lloyd and Dean state that: "The first dimension therefore concerns the process of *engagement* and includes the factors that motivate an individual to engage with a group, cause or ideology. The second concerns the degree of *intent* or readiness to offend associated with the individual mind-set, including what they would do and to what end. The third concerns the individual's *capability* of carrying out an act of terrorism."[11]

The broader areas of investigation used in this analysis include getting a better contextual understanding of why someone has offended? What specific conditions have made them offend? And what could be done to ensure they do not offend in the future. Lloyd and Dean note that: "The ERG is not as yet informed by an equivalent evidence base primarily because of the paucity of equivalent research into factors underlying extremist offending. Assumptions are avoided about the genesis of extremist violence and the methodology is intended to capture the learning from casework as it develops." [12]

Following the July 7/7 attacks in Britain, the UK has seen a wide range of counter-terrorism legislation (which includes the Terrorism Act 2000, the Anti-Terrorism, Crime and Security Act 2001, the Prevention of Terrorism Act 2005, the Terrorism Act 2006, the Counter-Terrorism Act 2008 and the Counter-Terrorism and Security Act 2015) that has led to a heightened atmosphere. As a result this has involved more counter-terrorism arrests, the detention and incarceration of a number of terrorist prisoners, or those detained under extradition purposes, whilst a number of these prisoners are currently being held in high security units such as Belmarsh and Long Lartin prisons in the UK. In England and Wales UK prisoner security is put through a grading system from (A-D) and the use of classifications is made with a view to examining the risk that each prisoner poses to national security. Therefore a number of high profile terrorist prisoners are currently held in Category A which is where prisoners are likely to be 'highly dangerous to the public, police or the security of the state'.

7       Neumann, P. (2010) as cited above in note 2
8       HM Government (2011), as cited above in note 2
9       Ibid., 86
10      See http://www.irr.org.uk/wp-content/uploads/2016/01/IRR_Prevent_Submission.pdf (Accessed on 18 February 2016) for the full list of the 22 indicators
11      See note 6, 40-52
12      Ibid.

As a result these prisoners are confined to a limited space and are monitored and supervised. However it does also appear that although prisoners are monitored and supervised, UK prisons remain over-stretched and have little resources when it comes to adequately tackling the radicalisation process within prisons. Indeed, Dame Anne Owers, the former Chief Inspector of Prisons, raised serious concerns about how radicalisation and extremism can be prevented in prisons where they are at full stretch and have little resources such as Belmarsh prison in London. She states that: "The prison's high security and special security units were at full stretch, holding among others those suspected of the failed suicide bomb attempts of July."[13]

Nuemann argues that: "Over-crowding and under-staffing amplify the conditions that lend themselves to radicalisation. Badly run prisons make the detection of radicalisation difficult, and they also create the physical and ideological space in which extremist recruiters can operate at free will and monopolise the discourse about religion and politics."[14]

Furthermore, Owers adds that this leaves a potential risk of prison staff unfairly targeting Muslim prisoners and labelling them all as dangerous jihadists and terrorists which could ignite further grievances once these prisoners are released back into society. She states that: "It is vital that prisons understand the prisoners they hold, and can assess the relationships between and within different groups of prisoners, in order to be able to manage them safely...We did not believe this was the case for staff in relation to Muslim prisoners at Belmarsh..."[15]

In a report conducted by the HM Prison Service in 2010 and involved interviews with over 164 Muslim prisoners across eight prisons and young offender institutions, they found that Muslims prisoners overall had a negative perception of UK prisons citing poor safety, diversity and equality issues which seemed to undermine the relationships between prisoners and prison staff. Indeed, this problem was particularly high in relation to high security prisons where a number of Muslims interviewed felt that their security was at risk from other inmates and prison staff[16]. Furthermore, in a report published by the UK Home Affairs Select Committee in 2012 they conducted a number of interviews and meetings both with prison staff and prisoners at Belmarsh Prison. They found that many of the prisoners involved in the study did not feel they were being coerced or radicalised by other inmates. However prison staff also felt that radicalisation was not as serious a threat but that gangs linked towards terrorism and violence were the main problems they had encountered in prison[17].

Furthermore, the role of Muslim women in prison is also complex and important when confronting the role prisons can play in assisting Muslim female prisoners. The charity Muslim Hands commissioned the Huddersfield Pakistani Community Alliance to carry out a pilot study which would help better understand the experiences of Muslim women at New Hall and Askham Grange prisons. There findings would appear to suggest that Muslim women suffer from a range of issues both during and post-prison release. The study found that Muslim women are more likely to suffer from community rejection, cultural and family isolation. Buncy and Ahmed state that: "It appears that the Muslim community is more accepting of male prisoners but females are marginalised and labelled as bringing 'shame and dishonour' to the family and community."[18]

Their study is interesting as it also reveals how Muslim women post-release from prison also require additional support in areas where this sense of isolation is magnified. For example in matters dealing with access to children, Islamic divorce and also immigration status. Buncy and Ahmed argue that: "These are

13      HMP Belmarsh, Chief Inspector of Prisons-Dame Anne Owers, (2005). Report on Unannounced Full Follow-Up Inspection of 3-7 October 2005, 5

14      See note 6, 2

15      See note 12, 6

16      Guardian (2010) Muslim prisoners 'treated as potential terrorists' 8 June 2010 [Online] Available at: http://www.guardian.co.uk/society/2010/jun/08/muslim-prisoners-potential-terrorists [accessed 10 December 2014].

17      Home Affairs Select Committee (2012). Tackling the Root Causes of Violent Extremism. Nineteenth report on Session 2010-12. Vol. 1. HC 1446 [Online]. Available at: http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhaff/1446/1446.pdf [Accessed on 28 January 2016].

18      Buncy, S., and Ahmed, I. (2014) Muslim Women in Prison, 10 [Online]. Available at: https://muslimhands.org.uk/_ui/uploads/kqe5a9/MWIP_Report.pdf [Accessed on 11 February 2016].

complex, sensitive and time consuming issues that require specialist intervention. There is a need for a pro-bono legal system to help give these women awareness of their rights and the support to move on with their lives."[19]

For Muslim women therefore the position is often difficult because of the tensions between families and local communities that can often leave them living in fear, because relationships have broken down. This sense of rejection can than play a part in the isolation they suffer and the multitude of additional problems that emerge. Thus reintegration and issues of rehabilitation again pose important questions about the support and assistance Muslim women within the criminal justice system require. Buncy and Ahmed found that for Muslim women they also felt a sense of fear that they would be rejected within prison because of a lack of understanding of towards their religious needs. In one specific incident they cite how some Muslim women were too afraid to wear the hijab (headscarf) because they felt they would be targeted because of their visibility as a practicing Muslim. Buncy and Ahmed suggest that for a sense of equality and parity that specific support with religious and cultural needs should be rooted in a system of empowerment of Muslim female voices. This also means helping establish a form of mediation and communication between families and Muslim female prisoners. They also make specific recommendations of providing legal support for issues pertaining to Islamic divorce and suggest much more must be done to remove the stereotypes and dehumanisation of Muslim prisoners.

## 6.3 Radicalisation in Prisons

There is no universal definition of the term radicalisation instead we have a number of interpretations from policy makers, politicians and academics. Radicalisation has been defined by the UK government as "the process by which a person comes to support terrorism and forms of extremism leading to terrorism"[20]. The author proposes a definition of radicalisation that involves individuals who have been influenced by a culture of violent activities and hope to re-enact those feelings and perceptions of hate and violence which can often be linked to terrorist acts. The term radicalisation covers processes by which individual's behaviours, beliefs, attitudes and activities change over time. This change in behaviour requires an analysis and construction of the theoretical models that examine the causes and reasons why and how someone becomes radicalised[21].

In prison this model could involve the use of powerful and charismatic individuals who are able to meet vulnerable prisoners and continue to preach an ideology of violence. Another pathway to radicalisation is where individuals are searching for an identity. This forms the social identity theory which is based upon an assertion that radicalisation develops as a result of first people being confused about their identities and secondly individuals searching for a meaning of their role within society or in a community[22]. Tajfel and Billig[23] argue that this sense of social isolation leads to a perception of discrimination and prejudice which in turn leads to individual's reactions being shaped from a belief that violence is a legitimate justification for what is deemed as 'oppressive' foreign policies, counter-terrorism laws and Islamophobia[24].

For Choudhury however this is based more on societal characteristics that view radicalisation through individual's intimate interactions with extremists who often influence these individuals into committing acts of terror[25]. He argues that the radicalisation process starts with a perception of inequality within

19        Ibid.

20        See note 7, 108

21        Wall, D. (2007) 'Cybercrime: The Transformation of Crime in the Information Age' Polity Press, Cambridge.

22        Dalgaard-Nielsen, A. (2010) Violent Radicalisation in Europe: What We Know and What We Do Not Know, Studies in Conflict and Terrorism, 33 (9): 797-814.

23        Tajfel, H., and Billig, M. (1974) Familiarity and categorization in intergroup behaviour. Journal of Experimental Social Psychology, (10): 159-170.

24        Allen, C. (2010) Islamophobia. London: Ashgate; Hillyard, P. (1993) Suspect Community: People's Experiences of the Prevention of Terrorism Acts in Britain, London: Pluto Press.

25        Choudhury, T. (2007) The Role of Muslim Identity Politics in Radicalisation (a study in progress) (April), Department for Communities and Local Government: London Communities and Local Government [online] Available at: http://www.communities.gov.uk/documents/communities/pdf/452628.pdf [Accessed on 10 June 2010]

society which is often based on a lack of trust with UK politics, security and law enforcement agencies[26]. He states that; "The intensity of such feelings is reinforced by experiences of discrimination and racism, a sense of blocked social mobility; and a lack of confidence in the British political system."[27]

Other theoretical studies of the process of radicalisation include the 'social network theory' which views radicalisation as a social movement and social progression[28]. This model uses societal causal factors to describe how people are influenced by actors that use different modes of recruitment tactics such as personal meetings, social activism, and indoctrination[29]. This form of radicalisation may occur in prisons through gang membership which can provide moral status, acquiescence, and privilege. It is clear that socio-economic and cultural factors do play a role in determining who becomes radicalised[30].

Therefore, one of the important points of radicalisation in prisons is the process from naive and vulnerable individuals to would-be terrorists. For example, Nicky Reilly (also known as Abdul Aziz Rashid Saeed-Alim) in May 2008, failed in an attempt to set off an explosive device in a busy shopping centre[31]. Nicky Reilly came from a broken family home and had regularly used drugs as well as attempting to take his own life on several occasions. However many questions remained unanswered as to how Reilly had become radicalised? If we put Choudhury's theory of radicalisation[32] to the test in the case of Reilly than it is clear that Reilly would fulfil all parts; from isolation in wider society; to resentment, anger and eventually wanting to re-enact violent acts of terrorism. Although he was not radicalised in prison in his trial it was revealed that he had spent endless hours communicating through chat rooms and online forums with violent actors over the Internet.

Moreover, Sageman in his book 'Leaderless Jihad'[33] argues that such online chat rooms and forums are ideal places for people to join terrorist groups and become radicalised in a virtual world of social movements. Although this may be difficult in a prison environment Wiktorowicz[34] argues that radicalisation could involve face-to-face meetings where radical groups work in succinct partnerships by gathering intelligence on people they deem potential recruit for extremist groups as opposed to the use of online technologies. The broader research indicates that causal factors of radicalisation such as deprivation, foreign policy, self-identity issues, and a lack of integration and feelings of grievances do impact upon the way people turn to terrorism both within and outside of a prison setting[35]. Furthermore, in a comprehensive report conducted by the International Centre for the Study of Radicalisation and Political Violence entitled 'Prisons and Terrorism' the study examined policies concerning prisoner radicalisation across 15 countries and found that prisons in the UK needed to do much more in tackling gang culture within prisons.

## 6.4 Gangs in Prison

A number of empirical case studies also reveal that Muslim prisoners have been radicalised within prison such as Muktar Ibrahim, Sajid Badaat, Richard Reid, Abbas Boutrab and Tariq al-Daour through gang affiliation as opposed to hardline ideology[36]. Moreover, a report in 2006 conducted by HM Service they found that prisons had become a breeding ground for gang memberships and cite the case of the group

26          Ibid.

27          Ibid., 6

28          Campbell, C. and Connolly, I. (2008) A Model for the "War Against Terrorism"? Military Intervention in Northern Ireland and the 1970 Falls Curfew, Journal of Law and Society, 33(3): 341.

29          Wiktorowicz, Q. (2005) Radical Islam Rising: Muslim Extremism in the West, Rowman and Littlefield Maryland.

30          Silke, A. (2005) Fire of Iolaus, in Bjorg, T. (ed.) The Root Causes of Terrorism: Myths, reality and ways forward, New York: Routledge: 242-248; Glees, A. and Pope, C. (2005) When Students Turn to Terror: Terrorist and Extremist Activity on British Campuses. London: Social Affairs Unit.

31          BBC News (2009) Nail Bomber given Life Sentence, [Online], Available at: http://www.news.bbc.co.uk/1/hi/uk/7859887.stm [Accessed on 3 March 2010].

32          See note 24

33          Sageman, M. (2008) Leaderless jihad: Terror networks in the twenty first century, University of Pennsylvania Press.

34          See note 28

35          Hoffman, B (1985) The Prevention of Terrorism and Rehabilitation of Terrorists some Preliminary thoughts, The RAND Paper Series: 1-5.

36          Warnes, R. and Hannah, G. (2008). Meeting the Challenge of Extremist and Radicalized Prisoners: The Experiences of the United Kingdom and Spain, Policing: 402-411.

called 'Muslim Boys' who were a gang that had promoted acts of violence within Belmarsh prison and had been successful at indoctrinating young impressionable people towards acts of terrorism and a rhetoric of violence and hate[37].

Mark Hamm in his article 'Prisons in the age of sacred terror' argues that prisoner radicalisation is a real concern and has manifested itself from the case of Abu Musab al-Zarqawi in Iraq who had been able to systematically recruit and radicalise prisoners in Iraq towards committing acts of violence[38]. Hamm's study into radicalisation in prisons involved examining trends in prisoner radicalisation. Although his study focused on American prisons he did find that many prisoners had formed gangs and had used that power as a panacea for wider violence in prison. He states that inmates were: "willing to die for the cause of their beliefs and indeed praised inmates spoke candidly of their outrage against the US Government for killing innocent civilians in Iraq, and mistreating Muslims at Guantanamo Bay"[39].

Hamm refers to one of the most potent examples of prisoner radicalisation in the US by a prisoner called Kevin Lamar James. James had founded the extremist prisoner group Jam'iyyat Ul-Islam Is-Saheeh (An Authentic Version of Islam). James's had been involved in terrorist movements across the world and was able infiltrate the prison system by recruiting inmates through tactics of fear and what Hamm calls a 'charismatic' persona. In reference to the JIS gang which James had established Hamm states that: "Once JIS conceived its terrorist plot, it was taken to the community by a newly converted parolee who turned to a street gang for firearms to be used in a series of precursor crimes intended to fund the attack. Operatives were recruited from the international jihad movement inspired by the war in Iraq"[40].

For Hamm, therefore the key to tackling radicalisation in prisons is the need to work with Muslim prisoners through dialogue and education which should be given by moderate religious and spiritual leaders. Indeed, Hamm also argues that once gangs are formed in prison then the leaders pose the most dangerous threat of prisoner radicalisation. He states that: "The lesson of the JIS case is that it is not the sheer number of prisoners following extremist interpretations of religious doctrines that poses a threat; rather, it is the potential for charismatic leaders to radicalize small groups of prisoners into support networks for terrorist goals upon release"[41].

## 6.5 The Way Forward - Rehabilitation of Terrorist Prisoners

Disengagement and de-radicalisation are important factors when considering what can be done to prevent radicalisation within prisons. Disengagement simply means for an individual to change their behaviour and de-radicalisation requires a person change their specific ideology and beliefs. Therefore, part of this process is a voluntary removal and therefore a behavioural shift. One of the other key factors towards radicalisation within prisons is to provide consultation between practitioners and those who can make risk assessments through a consultative approach. At the same time this also means providing adequate training for staff and other professionals within the criminal justice system and prisons who are having to confront these issues on a daily basis.

Another key strategy to tackling these issues is with the use of mentors. The involvement of mentors could play a key role in the process of engagement and rehabilitation. Moreover, using religion to expand and advocate for a stronger conceptual link can also help create a knowledge base. Staff within prison also need to have a better awareness of cultural and religious issues to the extent that they can advise and mitigate against risk and at the same time ensure Muslim prisoners are treated equitably and fairly and not with prejudice.

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37          Allen, C. (2006) Muslim Boys-N-the-Hood. ISIM Review, Autumn: 40-1.
38          Hamm, M. (2009) Prison Islam in the Age of Sacred Terror, British Journal of Criminology, 49, 667-685.
39          Ibid., 674
40          Ibid., 675
41          Ibid., 682

Another key recommendation is that prison staff work in a more proactive manner to promote integration within the prison setting. This can help the transition period and also act as a catalyst for innovative approaches towards helping Muslim prisoners feel they are being treated fairly. Clearly issues of not enough prison staff and over-crowding can act as an incubator for extremist ideas to be formulated. This can also lead to an oversimplification of any sort of religious conversion within prison being used to describe radicalisation. The Prevent Strategy aims to tackle the 'pre-criminal space' which sometimes can be used to prevent people from expressing their opinions in an open and safe space.

Imams also have a key role to play in helping the transition from inside a prison to outside within the wider Muslim community. Imams can be used for both a spiritual and welfare purpose who can provide religious legitimacy to people. Imams can provide impetus for collective disengagement and therefore are voices that are needed in this debate. They also will play that key role in helping prisoners on release integrate back into the community and society and provide both religious and pastoral needs of the Muslim population. Nuemann states that: "Prison imams' independence and credibility needs to be protected. This requires a difficult balancing act: while wanting to professionalise and 'control' the institution, prison services have to make sure that prison imams reflect the diversity of the Islamic faith and are not seen as corrupted by the authorities."[42]

In a study conducted by academics at Cardiff University which was based on Muslim chaplaincy in Britain found that Muslim chaplains suffered a great amount within prisons. Their study involved a qualitative methodology whereby they took part in focus groups and interviews with Muslim chaplains. In total, they interviewed 65 Muslim chaplains and found real issues in relation to the reintegration of Muslim communities. They also found that in many instances Muslim chaplains had felt uncomfortable with the Prevent Strategy which had been incorporated in their job description but other faiths had been exempt.

Gilliat-Ray states that: "During the course of our research, it was clear that Muslim chaplains have to negotiate a number of political realms. For example, they have been profoundly affected by the 'Preventing Violent Extremism' agenda (especially in the prison service), but they also have to navigate the internal politics of their own institutions and the broader professional chaplaincy community."[43]

There has also been a heated debate about the role of Muslim chaplains and the way in which they can help counter violent extremism. This chapter argues that Muslim chaplains are part of the solution and not the problem. With an increasing Muslim population in prison, religion can play a key role in both reintegration and rehabilitation of Muslim prisoners. However, there appears to be an over-emphasis on Deoband Muslim prison chaplains as not doing enough to promote British values[44].

Interestingly, Gilliat-Ray found that Muslim chaplains of a Deoband persuasion actually provided much needed pastoral care. Focusing on religious persuasion as a predictor for radicalisation is dangerous as it fails to understand the complex nature of the pathways towards radicalisation. As this chapter has noted, providing pastoral care and using Imams to help bridge that connection between prisoners and communities is important when confronting issues around safeguarding and vulnerabilities within prison. The fear is that an over-emphasis that Muslim chaplains of a Deoband persuasion are the problem will lead to a form of silencing that ultimately will mean Muslim prison chaplains are too afraid to work within prison for fear that they will be unfairly targeted as violent extremists.

One of the biggest challenges when tackling prisoner radicalisation is also the prejudice and anti-Muslim hatred Muslim prisoners might receive. In the studies noted above a number of examples have been used whereby this level of abuse and prejudice Muslim prisoners have faced has become frequent. Jones states that: "Being sentenced under one of the Terrorist Acts (TACTs) inevitably carries with it an assumption

42      See note 6, 36

43      Gilliat-Ray, S. (2013) Muslim chaplains in British public life. [Online]. Available at: http://www.publicspirit.org.uk/muslim-chaplains-in-british-public-life/ [Accessed on 12 February 2016].

44      See a full analysis of the soon-to-be-released Ministry of Justice report which argues that Deobandi chaplains are part of the problem of radicalisation in UK prisons: https://yahyabirt1.wordpress.com/tag/muslim-chaplains/

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that an offender holds political views or religious beliefs that are harmful to others, as opposed to, say, an offender who has exhibited behaviour that is harmful, but whose political/religious beliefs are largely left a private matter."[45]

Prison staff should also monitor areas of discrimination and disadvantage and examine the implications for this and tensions between racial identities within a prison context. There should be a level of assessment based on a person's background and experience, which requires dialogue and a better awareness of Islam in some contexts. A stronger way of providing care and expertise is for a discussion of education and religion through prisons as opposed to silencing under Prevent. This can provide opportunity and assistance.

"In Rochester, the chaplaincy team had set up an innovative work placement in the local mosque specifically for Muslim prisoners. It offered a frank account of life in prison to those in the community to promote understanding of prison life and to deter offending. Rochester ran an inter-faith group to deal with moral issues and examine differences in perceptions between Christians and Muslims."[46]

The prison service currently in the UK works with a number of partners with the aim of tackling prisoner radicalisation. Much of this focus is through the government's Prevent strategy and involves training programmes for staff in prisons which identify the signs of radicalisation. The Prevent Strategy notes that: "A network has been established to coordinate, analyse and disseminate information and intelligence. Coordination (including information handling) with probation and policing has substantially improved."[47] These programmes also promote the use of disengagement and de-radicalisation initiatives that use education and faith as a means to tackling the radicalisation process in prisons. These interfaith based programmes work with Muslim prisoners whilst inside prison and when they are released through the use of Imams (chaplains) who lead prayer meetings and help shed light on the theological debates within Islam and thus provide a moral framework which can help offenders change perceptions and misunderstandings.

As a result Islam play a crucial role in the rehabilitation of terrorist prisoners. Nuemann reinforces this view. He states that: "...Good counter-radicalisation policies – whether in or outside prison – never fail to distinguish between legitimate expression of faith and extremist ideologies. Prison services should invest in staff training, and consider sharing specialised resources (for example, translators)."[48]

Moreover, the Spalek and El-Hassan study[49] into Muslim converts in prison found that the majority of converts to Islam in prisons had used their faith as a means to resettling back into wider society and found that Imams have had a positive influence upon these offender's lives. Spalek and El-Hassan also acknowledge that Islam had allowed for a normalisation in these prisoners lives and experiences at a time where they felt isolated and alienated. They state that: "...the study presented in this article indicates that for those individuals who convert to Islam in English jails Islam provides them with a moral framework from which to rebuild their lives..."[50]

Although these softer forms of prisoner engagement are helping offenders understand the nature of their actions, these are in in contrast to controversial forms of counter-radicalisation programmes in prisons that aim to predict behaviour which have been less successful[51]. The Prevent strategy acknowledges this method has its flaws.

The Strategy states that: "In the key area of interventions – working through bespoke programmes to stop prisoners supporting terrorism – progress has been slower. This is partly because such interventions, in and out of prisons, are still being developed and there is no proven methodology which can be scaled up to

45          Jones, C. (2015) Managing Extremist offenders: The TACT-ics of policing thought?, Probation Journal, Practice Note: 1-9, 2

46          HM Inspectorate (2010) Muslim prisoners' experiences – a thematic review, (June), 44 [Online]. Available at: http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/Muslim_prisoners_2010_rps.pdf [Accessed on 22 February 2012].

47          See note 7, 88

48          See note 6, 2

49          Spalek, B and El-Hassan (2007). Muslim Converts in Prison, The Howard Journal of Criminal Justice, 46 (2): 99-114.

50          Ibid., 111

51          Banks, J. (2011) Foreign National Prisoners in the UK: Explanations and Implications, The Howard Journal of Criminal Justice, 50 (2): 184-198

manage the risks."[52]

Indeed, this form of interventionist programmes aim to help prison staff identify and respond to signs of radicalisation. However whilst such tactics have little evidence of actual prevention of terrorism or rehabilitation they may actually risk further unnecessary surveillance of some Muslim prisoners and risk maligning and stereotyping all Muslim prisoners as potential extremists irrespective of the offence or crimes they may have committed. Owers adds that; "There is a danger that by failing to place more focus on promoting equality and thereby preventing alienation among the Muslim prisoner population, such developments could further undermine staff-prisoner relationships and affect the dynamic security that helps to keep prisons safe and secure."[53]

Mythen advocates the need for much more research on the impact of increased 'securitisation' on young British Pakistani prisoners[54]. His study involved interviews with over 32 young Pakistani Muslim men in the North West of England, and found that prisoners felt they were being ostracised by prison staff through counter-radicalisation programmes. The major concern for Mythen was that this may allow for forms of 'institutional victimisation' which will lead to 'alienation' and 'disenchantment'. Indeed according to Owers: "Muslim prisoners described both frustration and resignation at being labelled in this way, and perceived nervousness and some hostility towards them from other prisoners and staff..."[55]

Similarly, Robbins et al. argue that such effects can have a detrimental effect upon the mental state of prisoners and refers to the treatment of a number of men detained in Belmarsh without trial or charge[56]. They argue that all the men they had treated were suffering from forms of 'psychiatric morbidity.' This analysis of treating prisoners for psychological disorders has been used in prisons in Northern Ireland with prisoners convicted of a terrorist related offence through the use of a number of projects and has been successful[57]. They include programmes that include direct forms of counselling; training for ex-prisoners and their families; working with local communities and self-help guides[58]. As such these programmes are based on forms of disarmament, demobilisation and reintegration and have shown to work in prisons across Northern Ireland[59].

## 6. Conclusion

One of the major purposes of counter-terrorism legislation in the UK is to arrest, prosecute, detain and deport where appropriate terrorist suspects and prisoners. However the need also to focus on radicalisation in prisons is also important in the fight against terrorism. Indeed, prisons need to become an environment for change, education and tolerance. The problem at the moment with prisons is that they risk becoming institutions where prisoners are treated with prejudice and in the case of Muslims with discrimination. Using religion and Islam in prisons seems to be the way forward as it offers a real opportunity for disengagement from terrorism and can help prisoners. Prisons should continue to respect Muslim prisoners' human rights and also work with them to promote religious tolerance and respect. If prisons are used with this in mind than they may achieve what they are aiming for, which is the prevention, rehabilitation and disruption of future violent attacks.

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52        See note 7, 89

53        See note 44, 11

54        Mythen, G. (2009) Counter-terrorism and Community Relations. In: Sanders, A, Seddon, T, Smith, G and Quick, H. (eds). Regulation and Criminal Justice: Developing a New Framework for Research and Policy Development, Cambridge: Cambridge University Press).

55        See note 44, 7

56        Robbins et al. (2005). Psychiatric Bulletin, November 2005, 29, 407-409

57        McEvoy, K., Mahoney, D., Horner, C., Lyner, O. (1999) The Home front: The families of Politically motivated prisoners in Northern Ireland, British Journal of Criminology, Spring, 29 (2): 175-197

58        Ibid.; Shirlow, P. and K. McEvoy (2008) Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland. London: Pluto Press

59        Gormally, B., S. Maruna and K. McEvoy (2007) Thematic Evaluation of Funded Projects: Politically-motivated Former Prisoners and their Families. Monaghan: Border Action

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1 Gilliat-Ray, Ali and Pattison (2013), 'Understanding Muslim Chaplaincy', 175

2 Lloyd, M., and Dean, C. (2015) The development of structured guidelines for assessing risk in extremist offenders, Journal of Threat Assessment and Management, 2(1): 6

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