



House of Lords
House of Commons
Joint Committee on
Human Rights

Counter-Extremism

Second Report of Session 2016–17



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Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Summary

The Government has a duty to protect the public and this is a responsibility that any and every Government take with the utmost seriousness. That is self-evidently uncontroversial. But when it comes to how to combat terrorism, specifically the task of countering ISIL/Daesh-inspired terrorism, there is no consensus; particularly since the Government is also under a duty to uphold the democratic and human rights which terrorists so often aim to extinguish. These include the right to freedom of speech, association and religion.

The Government has indicated its intention to combat political and religious extremism that it believes leads to harmful activity or behaviour - going beyond its Prevent programme that was initially aimed at preventing violent extremism. It originally announced a Counter-Extremism Bill in May 2015. It published a separate Counter-Extremism Strategy in October 2015. While no Bill emerged in the 2015-16 Parliamentary session, a Counter-Extremism and Safeguarding Bill was again included in the Queen's Speech in May 2016. Despite having featured in two Queen's Speeches, and despite publication of a formal strategy, the Government is still not able to say what the timetable or contents of its counter-extremism legislation will be. Progress on this Bill therefore appears to have stalled, or even gone backwards, and the Government has retreated from providing any level of detail.

The Government's proposals rest on the assumption that there is an escalator that starts with religious conservatism and ends with support for violent jihadism, and that violence is therefore best tackled by curtailing or placing restrictions on religious conservatism. However, it is by no means proven or agreed that religious conservatism, in itself, correlates with support for violent jihadism. The aim should be to tackle extremism that leads to violence, not to suppress views with which the Government disagrees.

The Government initially proposed a series of three civil orders: Banning Orders (a power for the Home Secretary to ban extremist groups), Extremism Disruption Orders (a power for law enforcement to stop individuals engaging in extremist behaviour), and Closure Orders (a power for law enforcement and local authorities to close down premises used to support extremism). But now they are only able to talk in general terms of "a new civil order regime" subject to some form of consultation that will fall short of a draft bill. It is not clear whether their original proposal of three separate types of order is still on the table, or whether this has been superseded.

If extremism is to be combated through legal mechanisms, such as civil orders, clarity as to the definition of extremism will be essential. Currently, the Government defines extremism as "the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs." Alternative (and differently focused) advice from the Department for Education to independent schools and academies uses the phrase "mutual respect and tolerance of *those with* different faiths and beliefs" [our italics]. The difference in wording suggests a degree of confusion and, in either event, these definitions are couched in such general terms that they would be likely to prove unworkable as a legislative definition. In particular, the extent to which lack of "mutual respect and tolerance of different faiths and beliefs" could or should be deemed

unlawful is likely to prove deeply contentious. Many people would argue that it is right to be intolerant of certain aspects of religious belief, for instance where religious belief is used to justify homophobia or the subservience of women. The question then arises, what is extremist: the homophobic and misogynist beliefs, or others' intolerance of those beliefs? If someone denounces the judiciary for being Islamophobic, is that undermining the rule of law or is it the exercise of free speech? It is difficult to arrive at a more focused definition of extremism and it does not appear that the Government so far has been successful in arriving at one. It is far from clear that there is an accepted definition of what constitutes extremism, let alone what legal powers there should be, if any, to combat it.

Any new legislation which would impact on those expressing conservative religious views faces a twin challenge: either it will focus on Muslims, in which case it will be seen to discriminate against Muslims (if the same beliefs in evangelical Christianity or Orthodox Judaism would not be seen as prompting the need for any action), or the legislation would operate indiscriminately and could be used against any groups who espouse conservative religious views. If the Government were to apply counter-extremism measures to specifically Islamic religious conservatism in the cause of tackling violence, is that acceptable discrimination, or will it serve merely to give rise to justified grievance? Any undermining of the relationship between the authorities and Muslim communities would make the fight against terrorism even harder. The Government has not so far supplied any explanation of how they will go about this and how the proposals will avoid either unjustifiable discrimination or unjustifiable interference with freedom of religion or expression.

The legal issues that we have examined are so problematic that we consider that it would serve no purpose to have a further general consultation. If the Government wishes to take forward these proposals it must bring forward a draft Bill. It is plain that a consultation which does not provide a clear legal definition of what is meant by extremism would be futile.

If the Government's proposals are to proceed, it is important for there to be extensive consultation with enough time provided so that a consensus can be developed. Otherwise legislation could undermine relations between the authorities and Muslim communities—the most precious asset in the fight against ISIL/Daesh inspired terrorism—and make it harder for the authorities and law enforcement agencies to work with community organisations. There is a real danger that trust in the Government by civic society could be damaged, as well as between the authorities and other faith communities.

The proposed legislation may well leave people and organisations with conflicting obligations. For example, the potentially conflicting duties on universities to promote free speech, whilst preventing the expression of extremist views, is likely to cause uncertainty for university administrators. How is a university to know whether conduct is unlawful extremism which amounts to “vocal or active opposition to our fundamental values” or whether it falls within section 202 of the Education Reform Act 1988 which provides that University Commissioners should have regard to the need to ensure that academic staff have “freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions”?

We are concerned that the Government should not use ill-defined civil orders (breach of which is a criminal offence) as a means to avoid having to make a criminal case to the requisite criminal standard of proof. The Government have sought to pray in aid the precedent of other civil orders (such as those against domestic violence or Female Genital Mutilation (FGM)). But in this instance, the relevant behaviour which is prohibited—‘extremism’—is not a clear-cut criminal offence in its own right like domestic violence or FGM.

The Government’s counter-extremism strategy refers to right-wing extremism. Regrettable incidents involving the expression of racism and xenophobia have escalated since the EU referendum on 23 June and have damaged community relations. If the Government brings forward a Hate Crime Action Plan, and if that plan requires legislative action, any such action should be included in the proposed Counter-Extremism and Safeguarding Bill.

Any new Bill on countering extremism should be evidence-based. The experience of the Prevent Strategy should inform any new legislation. There should be an independent review of the Prevent Strategy to provide evidence as to what works and what simply drives wedges between the authorities and communities. The conclusions of the review should be fed through into the preparations for that legislation.

The Government now proposes to put its counter-extremism proposals in the context of ‘safeguarding’. Everyone can understand the definition of safeguarding when it comes to child neglect, physical abuse and sexual abuse. In relation to extremism, however, there is no shared consensus or definition as to what children would be safeguarded from. The difficulty around these issues should lead the Government to tread with great care, for fear of making the situation worse, not better. The Government should listen with particular attention to those who would be expected to apply for and enforce these orders, such as the police, educational establishments and councils, and Muslim or other faith communities.

While there may be some argument for safeguarding measures aimed at physical and sexual abuse to be introduced in out-of-school settings, we believe that these should not be aimed specifically at religious activities. Even if the Government is able to clarify its definition of safeguarding, any new measures should be proportionate, focused, and most importantly should only apply where identifiable concerns have been raised about a particular institution. We are not persuaded there should be a regime of routine inspections of out-of-school settings. Any intervention should be complaint-based. It is far from clear that Ofsted would be best placed to do this work.

The Government should not legislate, least of all in areas which impinge on human rights, unless there is a clear gap in the existing legal framework. The current counter-terrorism, public order and equality legislation, including the Public Order Act 1986 and the Terrorism Act 2000, form an extensive legal framework for dealing with people who promote violence. So far, the Government has not been able to demonstrate that a significant gap in this framework exists.

1 Introduction

Background to our inquiry

1. The Government announced that it would be introducing a new Bill on extremism in the Queen's Speech of May 2015. It subsequently launched a Counter-Extremism Strategy¹ on 19 October 2015. This sits alongside its longstanding Prevent Strategy (which is part of the CONTEST counter-terrorism strategy and is designed to prevent extremism).²

2. In the light of these developments (and anticipating undertaking a legislative scrutiny inquiry into the Bill when it was published) we wrote to the Home Secretary on 25 October 2015, posing a series of questions about the proposed new legislation.³ We also published our legislative scrutiny priorities on 9 November 2015. We indicated that the proposed Bill would be a priority as it was likely to raise significant human rights issues.

3. We received a holding response to our letter from the Home Secretary on 9 December 2015, with the promise of a more detailed reply once the legislation had been published. When no Bill appeared (and given the contentious nature of the measures proposed in the Queen's Speech) we decided to launch what is, in effect, a pre-legislative scrutiny inquiry into the Government's policy proposals on 4 February 2016. We called for evidence on a number of focused issues. These were:

- the Government's proposals for new civil orders to counter extremism;
- the operation of the Government's Prevent Strategy;
- the Counter-Extremism Strategy;
- the way that the Prevent Duty operates in the education sphere; and
- a Government consultation on countering extremism in out-of-school settings.

4. We held four evidence sessions between March and June 2016, taking evidence from the Independent Reviewer of Terrorism Legislation, David Anderson QC, and the former Independent Reviewer, Lord Carlile QC, on 9 March; from Sir Peter Fahy QPM (former Chief Constable of Greater Manchester Police), Mr Barath Ganesh (Research Officer, Faith Matters), Sara Khan (Co-Director, Inspire) and Professor Julian Rivers (Professor of Jurisprudence, Bristol University) on 16 March; from Professor Louise Richardson (Vice Chancellor, University of Oxford), Dr Jessie Blackbourn (University of Kingston), Karon McCarthy (PREVENT officer and Assistant Principal at Chobham Academy), and Christine Abbott (University Secretary and Director of Operations, Birmingham City University) on 4 May; and from Karen Bradley MP (then Parliamentary Under-Secretary of State, Home Office) on 29 June.

1 HM Government, [Counter-Extremism Strategy](#) Cm 9148, October 2015

2 The CONTEST counter-terrorism strategy is made up of 4 separate strands: Prevent, Pursue, Protect and Prepare.

3 Letter from Rt Hon Harriet Harman MP, Chair of the Joint Committee on Human Rights, to Rt Hon Theresa May MP, Secretary of State for the Home Department, regarding [the proposed new legislation](#), 25 November 2015

5. We also received six written submissions in response to our call for evidence. A list of those who contributed is included at the back of this Report and all written submissions we received can be found on our website.⁴ We are grateful to all of those individuals and organisations who have engaged with this inquiry and provided us with useful evidence.

6. Despite featuring in the Queen’s Speech in 2015, and again—subsequently re-named the Counter-Extremism and Safeguarding Bill—in the Queen’s Speech of May 2016, no Bill has yet been published. In the circumstances, we decided to publish a report to summarise our conclusions in respect of each of the issues we took evidence on. We expect the Government to have regard to this evidence and to our Report before seeking to bring forward any new proposals in this area.

7. The remainder of this Report is in three parts. Chapter Two sets out the legal framework (including the relevant human rights standards). Chapter Three addresses the current Prevent Strategy, including the operation of the Prevent Duty in the education sphere; as well as the Counter Extremism Strategy and a Government consultation on countering extremism in out-of-school settings. Chapter Four sets out our views on the Government’s proposals for new civil orders to counter-extremism which are expected to be included in the Counter-Extremism and Safeguarding Bill.

⁴ <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/legislative-scrutiny/parliament-2015/extremism-bill/?type=Written#pnIPublicationFilter>

2 The Legal Framework

Relevant offences

8. The Government already has access to significant powers where individuals are alleged to be involved in terrorism-related activities. This Report will not provide a comprehensive list of every offence, but will note the most relevant of them, to provide the context for our conclusions.

9. Section 3 of the Terrorism Act 2000, as amended, already allows the Home Secretary to proscribe an organisation if she believes it is concerned in terrorism, and it is proportionate to do so.⁵ This includes circumstances where a group prepares for terrorism, or promotes or encourages terrorism (including the unlawful glorification of terrorism).⁶

10. Other relevant offences include: incitement to commit acts of terrorism overseas (Terrorism Act 2000, section 59); inviting support for a proscribed organisation (Terrorism Act 2000, section 12); the encouragement of terrorism (Terrorism Act 2006, section 1); the dissemination of terrorist publications (Terrorism Act 2006, section 2)⁷; and the encouragement and dissemination via the internet (Terrorism Act 2006, section 3).

11. In addition, the Public Order Act 1986 contains provisions which criminalise, amongst other things, behaviour including: the use of threatening or abusive words or behaviour, or disorderly behaviour (or the display of any writing, sign or other visible representation which is threatening or abusive) where those activities are within the hearing or sight of a person likely to be caused harassment, alarm or distress (section 5).

12. These public order provisions have previously been used to prosecute an individual involved in burning poppies on Armistice Day and a man who displayed posters saying

5 Once a group is proscribed, proscription makes it a criminal offence to belong, or profess to belong, to a proscribed organisation in the UK or overseas; invite support for a proscribed organisation; arrange, manage or assist in arranging or managing a meeting in the knowledge that the meeting is to support or further the activities of a proscribed organisation, or is to be addressed by a person who belongs or professes to belong to a proscribed organisation; wear clothing or carry or display articles in public in such a way or in such circumstances as arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation. Sixty seven international terrorist organisations are proscribed under the Terrorism Act 2000 and 14 organisations in Northern Ireland were proscribed under previous counter-terrorism legislation. See: Home Office, [Proscribed Terrorist Organisations](#), 18 March 2016

6 Under section 5A of the 2000 Act, cases in which an organisation promotes or encourages terrorism include any case in which activities of the organisation include (a) the unlawful glorification of the commission or preparation (whether in the past, in the future or generally) of acts of terrorism; or (b) are carried out in a manner that ensures that the organisation is associated with statements containing any such glorification. Anjem Choudary, who David Anderson QC has noted was sometimes cited as an example of the sort of person who the new law would be needed to catch, was charged in August 2015 with encouraging support for ISIL/Daesh contrary to section 12 of the 2000 Act. A trial was expected to commence in June 2016. See: ["Date set for radical preacher Anjem Choudary's trial"](#), BBC Online News, 24 March 2016

7 For the purposes of this section, a publication is a 'terrorist publication' if "it is likely to be understood, by some or all of the persons to whom it is or may become available [...] as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism".

“Islam out of Britain” after 9/11.⁸ Sections 4 and 4A of the Public Order Act 1986 are also relevant.⁹ The Act was amended by the Racial and Religious Hatred Act 2006 which criminalised stirring up hatred against persons on religious grounds.

Applicable human rights standards

13. The main human rights standards that are relevant to the Committee’s work in this area are Articles 9, 10 and 11 of the European Convention on Human Rights (ECHR)—freedom of religion, expression and association respectively. Whilst these rights can be qualified to some extent, and thus can legitimately be subject to some restrictions, these have to be proportionate and would need to have a legitimate aim and be necessary in a democratic society to justify any interference. Taken together with these other Articles, Article 14 (the right not to be discriminated against in the enjoyment of Convention rights) may also be relevant.

14. In addition, public authorities subject to the Equality Act 2010 are required to abide by the Public Sector Equality Duty which (amongst other things) requires authorities to have regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.¹⁰

15. The press unit of the European Court of Human Rights has recently published a useful guide to the Court’s case law on hate speech.¹¹ It highlights the cases of *Handyside v United Kingdom*¹² and *Erkaban v Turkey* which set out two distinct approaches depending on the nature of the speech in question. In the case of *Handyside*, the Court observed that:

Subject to paragraph 2 of Article 10, it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’. This means, amongst other things, that every ‘formality’, ‘condition’, ‘restriction’ or ‘penalty’ imposed in this sphere must be proportionate to the legitimate aim pursued.

16. But in the case of *Erkaban* that Court took a slightly different approach, stating that:

[T]olerance and respect for the equal dignity of all human beings constitute the foundations of a democratic, pluralistic society. That being so, as a matter

8 See for example, [“Man guilty of burning poppies at Armistice Day protest”](#), BBC Online News, 7 March 2011, and *Norwood v United Kingdom*, European Court of Human Rights 16 November 2004 (decision on the admissibility). The European Court of Human Rights declared an application by the defendant following his conviction inadmissible. It found that such a general, vehement attack against a religious group, linking the group as a whole with a grave act of terrorism, was incompatible with the values proclaimed and guaranteed by the Convention, notably tolerance, social peace and non-discrimination. The Court therefore held that the applicant’s display of the poster in his window had constituted an act within the meaning of Article 17 (prohibition of abuse of rights) of the Convention, and that the applicant could thus not claim the protection of Article 10 (freedom of expression) of the Convention. (For more on Art 17, see below).

9 They provide for offences relating to the “Fear or provocation of violence”, and “Intentional harassment, alarm or distress” respectively.

10 [Equality Act 2010](#), Section 149

11 European Court of Human Rights, [Hate Speech](#), November 2015

12 [1990] ECHR 32 (although judgment was given in the case in December 1976)

of principle it may be considered necessary in certain democratic societies to sanction or even prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance [...], provided that any ‘formalities’, ‘conditions’, ‘restrictions’ or ‘penalties’ imposed are proportionate to the legitimate aim pursued.

17. When dealing with cases concerning incitement to hatred and freedom of expression, the European Court of Human Rights uses two approaches which are provided for by the ECHR:

- The approach of ‘exclusion from the protection of the Convention’, provided for by Article 17 (prohibition of abuse of rights)¹³, where the comments in question amount to hate speech and negate the fundamental values of the Convention; and
- The approach of setting restrictions on protection, provided for by Article 10, paragraph 2, of the Convention¹⁴ (this approach is adopted where the speech in question, although it is hate speech, is not apt to destroy the fundamental values of the Convention).

Additional legal considerations in the education sphere

18. Finally, it is worth noting two additional legal provisions which apply in the educational sphere. Section 43 of the Education (No. 2) Act 1986 contains a duty to ensure freedom of speech in universities and colleges.

19. Furthermore, Section 202 of the Education Reform Act 1988 also contains provisions on academic freedom and provides that University Commissioners should have regard to the need to “ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.”

13 This provision is aimed at preventing persons from inferring from the Convention any right to engage in activities or perform acts aimed at the destruction of any of the rights and freedoms set forth in the Convention.

14 Restrictions deemed necessary in the interests of national security, public safety, the prevention of disorder or crime, the protection of health or morals and the protection of the rights and freedoms of others.

3 The Prevent Strategy and Duty

Background

20. The Prevent Strategy has a long history. Relevant initiatives can be traced back as far as 2002, when it was recognised that a long-term effort would be needed to prevent another generation falling prey to violent extremism of the (then Al-Qa’ida) ideology.¹⁵

21. The question became more pressing after the terrorist attacks in London in July 2005, and this resulted in “a more explicit acknowledgment of ‘neighbour terrorism’—that the terrorist threat was internal rather than external and required engagement with, and the energising of, affected communities at levels other than security and policing.”¹⁶ A formal Prevent Strategy was initiated by the Labour Government, following the London bombings of 2005. It forms part of the CONTEST counter-terrorism strategy and has seen several iterations since.¹⁷

22. Following a review by the Coalition Government in 2011 and a separate independent review by the former Independent Reviewer of Terrorism Legislation, Lord Carlile QC, a new Prevent Strategy was published in June 2011. The Counter-Terrorism and Security Act 2015 then effectively put the Prevent Strategy (and in particular a ‘Prevent Duty’) on a statutory footing. The Prevent Duty requires that certain bodies (including schools, local authorities, prisons, police and health bodies) have “due regard to the need to prevent people from being drawn into terrorism.”

23. The Duty commenced on 1 July 2015 for authorities specified in schedule 6 to the Act (save in respect of specified authorities in the further and higher education sectors). The duty commenced for the latter authorities on 18 September 2015.¹⁸

24. In addition to these initiatives to counter extremism, the Government’s new Counter-Extremism Strategy was launched by the Prime Minister and Home Secretary on 19 October 2015.¹⁹ The Counter-Extremism agenda emerged out of the establishment of the ‘Tackling Radicalisation and Extremism Taskforce’ in 2013 in response to the murder of Drummer Lee Rigby in Woolwich.

25. The Task Force, which reported in 2013, said that “[w]e will not tolerate extremist activity of any sort, which creates an environment for radicalising individuals and could lead them on a pathway towards terrorism”.²⁰ The report suggested:

- considering if there is a case for new types of order to ban groups which seek to undermine democracy or use hate speech, when necessary to protect the public or prevent crime and disorder;

15 J Blackburn and C Walker, *Interdiction and indoctrination: The Counter-Extremism and Security Act*, *Modern Law Review* (forthcoming).

16 J Blackburn and C Walker, *Interdiction and indoctrination: The Counter-Extremism and Security Act*, *Modern Law Review* (forthcoming).

17 For further details, see for example, *Counter-Extremism policy: an overview*, Commons Briefing Paper [7238](#), House of Commons Library, May 2016

18 Home Office, [Guidance: Prevent duty guidance](#), 12 March 2015

19 HM Government, [Counter-Extremism Strategy](#), Cm 9148, October 2015

20 HM Government, [Tackling extremism in the UK](#), December 2013

- considering if there is a case for new civil powers, akin to the new anti-social behaviour powers, to target the behaviours extremists use to radicalise others.

26. As David Anderson QC has noted, “ideas were further developed by a speech given by the Home Secretary in September 2014, and found a place in the Conservative Party’s manifesto for the 2015 general election.”²¹

27. The Counter-Extremism Strategy states that the greatest current challenge comes from the global rise of Islamist extremism (e.g. Al Qa’ida and the Islamic State of Iraq and the Levant (ISIL)). However, it is also designed to tackle “all forms of extremism: violent and non-violent, Islamist and neo-Nazi.”²²

Right-wing extremism and xenophobia

28. While the bulk of the evidence we have taken focused on religiously inspired extremism, the Government’s Counter-Extremism Strategy stated that Islamist extremism is not the only threat, noting “the vicious actions of a number of extreme right-wing and neo-Nazi groups.”

29. Following the EU referendum on 23 June 2016, a series of racist and xenophobic attacks were reported. The National Police Chiefs Council has said that complaints filed to the police online hate-crime reporting site ‘True Vision’ increased fivefold in the week immediately after the referendum, with 331 hate crime incidents reported to the site compared with a weekly average of 63.²³

30. These attacks led the Polish Embassy to say that it was “shocked and deeply concerned by the recent incidents of xenophobic abuse directed against the Polish community and other UK residents of migrant heritage.”²⁴ The Chair of the Equality and Human Rights Commission, David Isaac, said:

Reports that some individuals are hijacking the referendum result to promote racism, hate and division are extremely worrying and should be widely condemned.²⁵

31. These incidents included a graffiti attack on the Polish Social and Cultural Association in Hammersmith and reports of hate crimes in Cambridgeshire where leaflets were posted which read “Leave the EU. No more Polish vermin.”

32. In an oral statement to the House of Commons on 29 June 2016, the Minister, Karen Bradley MP, said that the Government would:

Take steps to boost reporting of hate crime and to support victims, issue new Crown Prosecution Service guidance to prosecutors on racially aggravated

21 See, Theresa May: [Speech to Conservative Party Conference 2014](https://www.conservative.com/speeches/2014/09/2014-09-23-speech-to-conservative-party-conference), [Conservative.com](https://www.conservative.com)

22 HM Government, [Counter-Extremism Strategy](#), Cm 9148, October 2015, p10

23 [“Police log fivefold rise in race-hate complaints since Brexit result”](#), The Guardian online, 30 June 2016

24 [“Cameron condemns xenophobic and racist abuse after Brexit vote”](#), The Guardian online, 27 June 2016

25 Equality and Human Rights Commission, [Commission comments on racist incidents following EU referendum](#), 27 June 2016

crime, provide a new fund for protective security measures at potentially vulnerable institutions, and offer additional funding to community organisations so that they can tackle hate crime.²⁶

33. She also noted “despicable hate speech posted online following the shocking death of our colleague Jo Cox” and announced that the Government would be publishing a new Hate Crime Action Plan covering all forms of hate crime, including xenophobic attacks.²⁷

34. Following the EU referendum there appears to have been a deeply worrying rise in the expression of xenophobia and racism. We note that the Government is drawing up a Hate Crime Action Plan. Given that the Counter-Extremism Strategy refers to right-wing, as well as religious, extremism these issues should be seen as part of that strategy and will have to be considered if any legislation is forthcoming.

35. Unfortunate and deplorable incidents involving racism and xenophobia persist. The criminal law already contains offences which make such expressions of hatred unlawful. The Government and police should monitor the situation carefully and ensure that these incidents are dealt with vigorously and swiftly under the existing law so that no further harm is done to community relations. It must also seek to repair the harm that has undoubtedly already been sustained.

An independent review of the Prevent Strategy?

36. Despite the one-off independent review of the Prevent Strategy by Lord Carlile QC in 2011, the Prevent Strategy, unlike many aspects of counter-terrorism law, is not subject to continued review or oversight by the Independent Reviewer of Terrorism Legislation. On 2 February 2016, David Anderson QC sent a supplementary submission to the Home Affairs Select Committee in respect of its inquiry into countering extremism.²⁸ In his submission he argued that there was a case for independent review of the Prevent Strategy (in particular on the operation of the Prevent Duty in schools). He concluded that the Prevent programme was “clearly suffering from a widespread problem of perception, particularly in relation to the statutory duty on schools and in relation to non-violent extremism.” Accordingly, he observed that:

[I]t seems to me that Prevent could benefit from independent review. It is perverse that Prevent has become a more significant source of grievance in affected communities than the police and ministerial powers [...] that are exercised under the Pursue strand of the CONTEST strategy. The lack of transparency in the operation of Prevent encourages rumour and mistrust to spread and fester.²⁹

37. David Anderson had previously made a similar recommendation to our predecessor Committee when it considered the Bill that became the Counter-Terrorism and Security Act 2015.³⁰ We picked this subject up in oral evidence. Lord Carlile QC argued that “reviewers

26 HC Deb, [29 June 2016](#) [Hate Crime]

27 HC Deb, [29 June 2016](#) [Hate Crime]

28 Supplementary written evidence submitted by David Anderson QC, Independent Reviewer of Terrorism Legislation, to the Home Affairs Select Committee inquiry into Countering Extremism, [29 January 2016](#)

29 Supplementary written evidence submitted by David Anderson QC, Independent Reviewer of Terrorism Legislation, to the Home Affairs Select Committee inquiry into Countering Extremism, [29 January 2016](#)

30 Oral evidence taken on 26 November 2014, HC (2014-15) 836, [Q23](#) [David Anderson QC]

can help the Government by challenging them and by giving reasons for changes in the law being required. I cannot see anything being lost by reviewing the Prevent policy.”³¹ Bharath Ganesh (Tell MAMA and Faith Matters) went further, contending that:

It is of paramount importance that the Home Office moves to having some type of independent review and evaluation of the Prevent strategy. Another Bill is being proposed before we even know how well the Prevent Duty has worked in the last year. Such policymaking is a bit too fast. We need to take a step back and evaluate how the Prevent duty is operating.³²

38. The current position is that the Prevent Strategy is kept under review by a Government appointed oversight board, which is supposed to monitor the effectiveness of the programme. However, little information about the board or its work is placed in the public domain. In answer to a Parliamentary Question in May 2016, the Security Minister, John Hayes MP, said that there were “no plans to publish the terms of reference or the membership of the board.”³³ Lord Carlile QC (who is a member of the board) was critical of its historic performance, although he acknowledged that there had recently been a renewed interest by ministers.³⁴

39. In oral evidence, the Minister, Karen Bradley MP, sought to draw a clear distinction between the Prevent Strategy, which she argued related solely to counter-terrorism, and the Counter-Extremism Strategy. She said:

The Prevent strategy is part of our counter-terrorism strategy. That is not the same as the counter-extremism strategy, because extremism is wider than terrorism. It is hate crime and the other harms that can be caused to society by the promotion of ideology that leads to harm.³⁵

40. She added:

Clearly, we need to look at the evidence for all sorts of strategies and work that go on across government, but I want to be clear that they are separate matters. [...] We are looking at a different form of activity; there is cross-over, but it is a different form of activity. It is the promotion of an ideology that could lead to hateful activity.³⁶

41. Yet the Prevent Strategy (and the related Duty) are explicitly designed to counter extremism, not just terrorism, and are used in schools and universities as well as other institutions. Moreover, the use of these policies can be subject to evidence-based review. The Minister conceded that this might happen as part of a wider review of the CONTEST strategy, such a review was announced in the National Security Strategy and Strategic Defence and Security Review (SDSR) published in November 2015.³⁷ It is worth noting that the SDSR clearly linked the counter-extremism and counter-terrorism agendas.³⁸

31 Oral evidence taken on 9 March 2016, HC (2015-16) 647, [Q6](#) [Lord Carlile of Berriew QC CBE]

32 Oral evidence taken on 16 March 2016, HC (2015-16) 647, [Q20](#) [Mr Barath Ganesh, Research Officer, Faith Matters]

33 PQ 3887, [6 June 2016](#)

34 Oral evidence taken on 9 March 2016, HC (2015-16) 647, [Q6](#) [Lord Carlile of Berriew QC CBE]

35 [Q13](#)

36 [Q13](#)

37 [Q13](#)

38 HM Government, [National Security Strategy and Strategic Defence and Security Review 2015](#), Cm 9161, November 2015. Paragraph 4.85 specifically includes reference to the Counter-Extremism Strategy under a section entitled Preventing people from being radicalised (which also details the statutory Prevent Duty).

42. **Any new Bill on countering extremism should draw on all the available evidence. Those preparing the Bill should consider the experience of the Prevent Strategy and the operation of the Prevent Duty. An independent review of the Prevent Strategy and Duty should be published as part of the consultation on the Bill. The current oversight arrangements for Prevent are too opaque and do not engender confidence. It is not clear to us why the Government does not currently regard the Prevent Strategy as being part of the background to its proposed Bill.**

The operation of the Prevent Duty in Schools

43. The Prevent Strategy identifies education as a “priority area” with regards to tackling radicalism. During the last Parliament, the alleged ‘Trojan Horse’ affair in Birmingham schools raised concerns that extremist ideology could be spread through the school system, which prompted a series of inquiries and subsequently action by the then Coalition Government, including the move to promote ‘British values’ in schools.

44. The Government published an overview of the duties on schools in its policy paper ‘Preventing extremism in the education and children’s services sectors’ on 1 September 2015.³⁹

45. As noted above, Part 5 of the Counter Terrorism and Security Act 2015 contains provisions to prevent people being drawn into terrorism and in effect puts the Prevent strategy on a statutory footing via the Prevent Duty. The Act provides that the Secretary of State may publish guidance on how specified authorities should fulfil this duty. Statutory guidance on the Prevent duties in the Act, across all policy areas, has been published for England and Wales, and Scotland. The relevant provisions came into force in Scotland on 25 March 2015.⁴⁰ In England and Wales, the provisions relevant to schools came into force on 1 July 2015.

46. On 21 June 2016, *The Times* reported that “in schools 1,041 children were referred last year to Channel, the deradicalisation programme; in 2012, the year it was extended nationally, only nine children were referred.”⁴¹ Evidence on the proportionality of such referrals is almost entirely anecdotal at this stage. Yet it is far from clear that it was envisaged that so many children would be referred. Tell MAMA has stated that it has “received a number of cases involving schools and where Muslim young people have been interviewed on the back of alleged comments that they have made within the school environment.” They argue that some of these individuals “believe that they have been targeted because of their faith.”⁴²

47. In oral evidence, David Anderson QC talked of what he perceived as an “acute crisis of confidence”⁴³ in the Prevent Duty in schools. He stated that, as a result of informal conversations, he believed that discussions about extremism in the educational context had

39 Department for Education, [Preventing extremism in the education and children’s services sectors](#), 23 December 2015. For more information on Government policy in this area, see for example, *Counter-extremism policy in English schools*, Commons Briefing Paper [CBP07345](#), House of Commons Library, June 2016 and see also: Home Office, [The Prevent duty in further education and skills providers](#), 12 July 2016

40 See HM Government, [Revised Prevent Duty Guidance: for England and Wales](#), originally issued on 12 March 2015 and revised on 16 July 2015, and HM Government, [Revised Prevent Duty Guidance: for Scotland](#), originally issued on 12 March 2015 and revised on 16 July 2015

41 [“Schools refer five children a day to steer them from terror”](#), *The Times* online, June 2016

42 [“Over-Reactions on Prevent Are Causing Fears Within Muslim Students”](#), TELLMAMA, 29 January 2016

43 Oral evidence taken on 9 March 2016, HC (2015-16) 647, [Q6](#) [David Anderson QC]

to some extent been choked off,⁴⁴ and that teachers could feel inhibited about discussing these matters. Another complaint Anderson cited was from Muslim parents who were effectively discouraged from talking about these issues in the home due to worries that if the subject came up and the child went into school the next day and perhaps gave an inaccurate or colourful account of what was said then some “half-trained teacher” might misrepresent that and, thinking that “they had better be safe”, make a Prevent referral.⁴⁵

48. Karon McCarthy (Prevent Officer and Assistant Principal at Chobham Academy) addressed the question of the referral rate. She said that people might be “being a bit too enthusiastic and feeling very scared that if they do not report something, which is now a duty, they will somehow fall foul of the law.” She suggested that “for a lot of staff, that is very concerning.”⁴⁶

49. During the course of our inquiry, there were several stories of what appeared to be heavy-handed referrals under the Prevent Duty. Perhaps the most widely reported was the story of the four-year old nursery pupil who was referred to Luton Council after he had drawn a picture of what was initially described by the nursery as a “cooker bomb” but which turned out to be a cucumber.⁴⁷ However, we also recognise that some of these stories are down to inaccurate reporting and these can create dangerous myths. David Anderson QC told us about a “number of rumours” which are “swirling around about Prevent.” He said:

I am sure that most of them are not true and some are the consequences of sloppy journalism. For example, every Muslim group I have seen over the last month has talked to me about the “terrorist house” incident, where the eight year-old boy wrote in his homework “I live in a terrorist house” and the police went round to his house. They searched the house and looked into his parents’ laptop, so everywhere you get: “Aren’t the police stupid? Don’t we live in a police state?” What no one tells you, because they probably do not know, is that two days after that story went right around the world the police woke up and went to the *Lancashire Telegraph*. They gave it a copy of the boy’s homework and he had indeed written “I live in a terrorist house”, but in the paragraph above he had written “I don’t like it when my uncle beats me”. This had been a safeguarding intervention that, through sloppy journalism or otherwise, had been made into something it was not.⁴⁸

50. It is too early to reach any definitive conclusions on the success of the Prevent Duty in schools. Anecdotal evidence suggests that there may be some cause for concern about the impact of the Duty and the Government would be well-advised to ensure that referrals are made in a sensible and proportionate fashion. However, we also accept that it is very easy for dangerous myths to be spread about Prevent. The only way for these to be dispelled is for there to be rigorous and transparent reporting about the operation of the Prevent Duty.

44 Oral evidence taken on 9 March 2016, HC (2015-16) 647, [Q2](#) [David Anderson QC]

45 Oral evidence taken on 9 March 2016, HC (2015-16) 647, [Q6](#) [David Anderson QC]

46 Oral evidence taken on 4 May 2016, HC (2015-16) 647, [Q33](#) [Karon McCarthy (Prevent Officer and Assistant Principal at Chobham Academy)]

47 [“Nursery ‘raised fears of radicalisation over boy’s cucumber drawing’”](#) The Guardian online, 11 March 2016. See also Right Watch UK, [Preventing Education? Human Rights and UK counter-terrorism policy in schools](#), July 2016

48 Oral evidence taken on 9 March 2016, HC (2015-16) 647, [Q3](#) [David Anderson QC]

The operation of the Prevent Duty in universities

51. In the university sphere, the issues that is often raised is whether individuals who espouse what are deemed to be extremist views should be excluded from speaking to students, or whether they should be challenged by opposing ‘mainstream’ points of view. The Quilliam Foundation has described this latter approach as the paradigm of “legal tolerance – civil intolerance.”⁴⁹ Some university vice-chancellors have expressed the view that excluding speakers is a potential interference with free speech⁵⁰ (potentially raising issues under Article 10 of the ECHR).

52. Universities became subject to the new Prevent duty on 18 September 2015, with the Higher Education Funding Council for England (HEFCE) given responsibility for assessing how they meet the requirements under the new duty. In November 2015, the HEFCE published guidance which included a Monitoring Framework for the Higher Education Sector. All “relevant higher education bodies” are required to submit to the HEFCE detailed information to show that they have established appropriate arrangements to implement the Prevent duty in line with the statutory guidance by 1 August 2016. HEFCE indicate that they will also ask (on a voluntary basis) for data on Channel referrals, events and speakers, and staff training.

53. The detailed information required by the HEFCE includes:

Policies and procedures for managing and mitigating the risks around external speakers and events on campus and institution-branded events taking place off campus. Such policies should reflect the institution’s duty to ensure freedom of speech on campus and its arrangements to protect the importance of academic freedom.⁵¹

54. In the previous Parliament, the then Joint Committee on Human Rights expressed concerns about the implications for both freedom of expression and academic freedom at universities of the new Prevent Duty contained in the Bill which became the Counter-Terrorism and Security Act 2015. It noted the lack of legal certainty over the definitions of terms such as “extremism” (then referred to in the draft guidance on the use of the power) stating that universities would not know with sufficient certainty whether they risked being found to be in breach of the new duty.

55. In response to concerns expressed during the Bill’s progress through the House of Lords, at report stage, the Government moved an amendment which required that any guidance issued to specified authorities on the Prevent duty had to be laid before Parliament to be approved under the affirmative procedure. Section 31 of the 2015 Act also made clear that when issuing such guidance to universities, the Secretary of State should have particular regard to their duty to ensure freedom of speech.

49 Quilliam argue that heavy handed legal reactions “could serve to perpetuate a rise in extremisms and extremist narratives” and suggest that “a counter extremism strategy which is underpinned by British notions of civil liberties and is able to uphold the British values of freedom of speech, human rights and democracy will be far more powerful.” See: Quilliam Policy Document, [The Need for a Clear and Consistent Counter-Extremism Strategy Headed by an Expert to Steer the Prime Minister’s Task Force](#), June 2013

50 See for example, [“Extremist groups must be allowed to preach on British campuses, new Oxford head says”](#), Daily Telegraph online, 16 January 2016, and [“I won’t stop offering a platform to so-called ‘hate speakers’”](#), The Guardian online, 23 February 2016

51 Higher Education Funding Council for England, [The Prevent duty, Monitoring framework for the higher education sector](#), November 2015

56. Higher education institutions have a duty of care for the welfare of their staff and students, which the Government argues includes the responsibility to protect vulnerable members of their institution from radicalisation.⁵² The role of the higher education sector in preventing extremism on its campuses and its other premises has come under scrutiny following the involvement of a number of ex-students of UK universities in incidents of terrorist activity.

57. As noted in Chapter 2, there are additional legal considerations in play when considering the university sector: section 43 of the Education (No. 2) Act 1986 contains a duty to ensure freedom of speech. Furthermore, Section 202 of the Education Reform Act 1988 also contains provisions on academic freedom and provides that University Commissioners should have regard to the need to “ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.”

58. The bulk of the evidence we received supported the proposition that, unlike school children, university students were adults and that extremist views were best combated via debate, rather than prohibitions on speakers. Christine Abbot observed that “there is a fundamental difference in that university students are adults and you have to treat them as adults and to discuss the issues in a more sophisticated way than one, rightly, does at school.”⁵³

59. Professor Louise Richardson said:

My position on this is that any effort to infringe freedom of expression should be opposed, whether it comes from what I take to be the well-intentioned but misguided Prevent counter-terrorism policy or from student unions that do not want to hear views that they find objectionable. A university has to be a place where the right to express objectionable views is protected.⁵⁴

60. The evidence we received suggested that, unless an individual or group is advocating violence, they should not be excluded from speaking in a university context. It was argued that extremist views are best countered by vigorous debate. However, it was also important for universities to ensure that such a debate is possible and that students are not too intimidated to challenge visiting speakers on their views.

61. Reports suggest that freedom of speech issues do arise in the university setting. Often, these appear to be associated with actions of students’ unions or affiliated organisations (rather than directly with the universities themselves). These incidents have included

52 HM Government, [Prevent Strategy](#), Cm 8092, June 2011, p71. For further background see:

53 Oral evidence taken on 4 May 2016, HC (2015–16) 647, [Q40](#) [Christine Abbott, University Secretary and Director of Operations, Birmingham City University], for further background see: *Freedom of Speech in Higher Education Institutions*, House of Lords Library Note, [LLN-2015-0045](#), November 2015

54 Oral evidence taken on 4 May 2016, HC (2015–16) 647, [Q32](#) [Professor Louise Richardson, Vice Chancellor of the University of Oxford]

the “no-platforming” of speakers,⁵⁵ alleged intimidation,⁵⁶ and attempts to segregate audiences by gender.⁵⁷ This final concern around gender segregation in secular spaces appears to persist despite criticism of the practice from the Prime Minister in 2013.⁵⁸

62. Any proposed legislation will have to tread carefully in an area where there is already considerable uncertainty. For example, in the university context, it is arguable whether the expression of certain views constitutes putting forward new ideas in the form of controversial and unpopular opinions, or whether it amounts to vocal and active opposition to the UK’s fundamental values. The potentially conflicting duties on universities to promote free speech, whilst precluding the expression of extremist views, is likely to continue to cause confusion.

63. We believe that free speech is precious, particularly in universities, and should not be undermined.

64. If the Government wish to take further action in this area, it will have to ensure that there is legal certainty in what is proposed.

Out of school settings

65. The Committee also took evidence on the suggested extension of regulation to all ‘intensive education settings’. This was proposed by a Department for Education (DfE) Consultation document, ‘Out-of-school education settings (November 2015)’.⁵⁹ The consultation document indicated that intensive education “could be considered anything which entails an individual child attending a setting for more than between 6 to 8 hours a week” and noted that “any setting meeting the threshold would be required to register with their local authority and would be eligible for investigation, and if appropriate, intervention where concerns were reported.”

66. The consultation provided a number of examples of potential issues that might need to be addressed, for example “safeguarding and health and safety concerns, such as overcrowded, cramped and dirty conditions; exposed gas pipes; no fire escape; no access to drinking water.” However, the principal focus appeared to be on extremism and the consultation document noted that the Prevent Strategy had made clear that “over the lifetime of the strategy, the government would work to reduce the risk that children and young people are exposed to harm and extremist views in out-of-school education settings.”

67. These concerns, raised in the DfE consultation, were reinforced by the Government’s Counter-Extremism Strategy which suggested that “some supplementary schools may be teaching children views which run contrary to our shared values, encouraging hatred of other religions.”

55 [“NUS ‘no platform’ policy goes ‘too far’ and threatens free speech, Peter Tatchell warns”](#), Independent online, April 2016

56 See for example, [“Muslim students from Goldsmiths University’s Islamic Society ‘heckle and aggressively interrupt’ Maryam Namazie talk”](#), Independent online, December 2015

57 See for example: Equality and Human Rights Commission, [Gender Segregation at Events and Meetings: guidance for Universities and Students’ Unions](#), 17 July 2014, and [Gender segregation: The truth about Muslim women ‘forced’ to sit away from men”](#), The Telegraph, 19 January 2016

58 [“Universities UK withdraws advice on gender segregation in lectures”](#), The Guardian online, December 2013

59 Department for Education, [Out-of-school education settings: call for evidence, Government consultation](#), 26 November 2015

68. The Department for Education consultation document set out the basic elements of the proposed new system. It featured, amongst other things, proposals for compulsory registration, inspection by Ofsted to ensure compliance with certain standards, and sanctions to prevent individuals who have failed to register or who have breached the standards from working with children, and to prevent the use of inadequate premises.

69. The Government briefing on the proposed new Counter-Extremism and Safeguarding Bill, at the time of the 2016 Queen’s Speech, noted that the Bill was expected to introduce new “powers to intervene in intensive unregulated education settings which teach hate and drive communities apart.”

70. The evidence we received on this issue was mixed. Professor Julian Rivers noted that any new laws would have to avoid having the appearance of requiring religions to register, or risk being in breach of Article 9 of the ECHR. In a separate briefing note that he sent to the Committee, he said:

The consultation document suggests that sanctions could cover any work with children in out-of-school settings (not just ‘intensive’ out-of-school settings), so a group which failed to register as required could find itself barred from any work with children or using its property for any ‘educational’ purpose.

The scope of activities intended to be covered by the new obligation to register is not entirely clear, but seems extremely broad. The paper refers to ‘tuition, training or instruction’, and also ‘activities and education for children in many subjects including arts, language, music, sport and religion.’⁶⁰

71. David Anderson QC expressed some doubts about any proposal for universal compulsory inspection, particularly if this were done by secular inspectors from, for example, Ofsted, visiting religious schools or institutions. He stated that this could cause “considerable ill feeling.”⁶¹ It is far from clear that Ofsted would be best placed to do this work and in oral evidence the Minister did not make clear whether Ofsted had been consulted on its suitability for this task.⁶²

72. Karon McCarthy also expressed some doubts and took issue with the suggestion that those who run out-of-school activities should have to register with the State if they teach children for more than, say, six hours in any one week. She said:

Six hours is a very arbitrary figure, and it is very hard to know why five hours would not cause harm whereas six hours would. That is the first issue. How will it be overseen and policed? How is that going to happen? We are already struggling for volunteers because of the scrutiny already put on you and the suggestion that, if you are working with children, you have to jump through a lot of hoops.⁶³

60 Private briefing note from Professor Julian Rivers on the constitutional and international human rights implications of ‘Out-of-School Education Settings: call for evidence’ as it affects religious groups and individuals, 7 January 2016.

61 Oral evidence taken on 9 March 2016, HC (2015–16) 647, [Q5](#) [David Anderson QC]

62 [Q14](#)

63 Oral evidence taken on 4 May 2016, HC (2015–16) 647, [Q35](#) [Karon McCarthy (Prevent Officer and Assistant Principal at Chobham Academy)]

73. By contrast, Lord Carlile took the view that this should be seen as a safeguarding issue (rather than being labelled as part of a broader counter-extremism programme). In this way, he suggested that the focus should be on large group activity which occurred frequently, to avoid accusations of discrimination. He observed that: “I believe there are child protection issues that need to be addressed [...]. In my view some type of light-touch regulation or inspection would be justified.”⁶⁴

74. The need to safeguard children from neglect, physical harm and sexual abuse is well understood. But it is rather less clear how one can draw a line between religious freedom and requirements for safeguarding that genuinely protect children. While there may be some argument for safeguarding measures to be introduced in out-of-school settings, these should not be specifically aimed at religious activities, nor are we convinced that existing safeguarding measures are inadequate in this regard. Any new measures should be proportionate, focused, and should only apply where identifiable concerns about the safety or wellbeing of children and young persons have been raised within a particular institution. We do not support a regime of routine inspections of out-of-school settings. We are aware of the very grave concerns around Government proposals for a regime of compulsory registration. We reserve the right to return to this issue if and when we see detailed proposals from the Government.

75. Moreover, the Government should listen with particular attention to those who would be expected to apply for and enforce these orders, such as the police, educational establishments and councils, and Muslim or other faith communities.

64 Oral evidence taken on 9 March 2016, HC (2015–16) 647, [Q6](#) [Lord Carlile of Berriew QC CBE]

4 The proposed Counter-Extremism and Safeguarding Bill

Background

76. The Government first announced a Counter-Extremism Bill in the Queen’s Speech of 2015. On 27 May 2015, the Government published a briefing note on the measures contained in the Queen’s Speech. The note indicated that as part of a comprehensive new strategy to defeat all forms of extremism, the Government would legislate to strengthen powers in a number of areas, including:

- Banning Orders: a new power for the Home Secretary to ban extremist groups;
- Extremism Disruption Orders: a new power for law enforcement to stop individuals engaging in extremist behaviour;
- Closure Orders: a new power for law enforcement and local authorities to close down premises used to support extremism.⁶⁵

77. The Government did not publish any consultation (or Green or White Paper) on either the definition of the extremist activity that it proposed to suppress, or the details of the proposed new orders.

78. In his Review of the Terrorism Acts in 2014,⁶⁶ David Anderson QC posed a series of detailed questions on the proposed legislation. Amongst other things, he asked for “the reasons for believing that existing means of control (including the various “precursor” offences under the Terrorism Act, as well as the hate speech offences) are insufficient for the purposes that it is sought to achieve.” He also queried the standard of proof that would be required to impose a civil order and the police resources that would be required to enforce any new orders. At the same time, he observed that:

Of particular importance is the potential of the new law to affect those who are not its targets. No doubt it will be said, with perfect sincerity, that it is intended to make only a handful of individuals and organisations subject to the new orders, and that those who peddle hatred and prejudice in order to sow division deserve nobody’s sympathy. But to speak only of the intended targets does not address the dangers that are inherent in all over-broad laws and discretions: dangers which are present even in the relatively confined area of anti-terrorism law, and which become still more marked as the range of suspect behaviour is extended. 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 scrutinise (and the citizen to inform upon) the exercise of core democratic freedoms by large numbers of law-abiding people. The benefits claimed for the new law—assuming that they

⁶⁵ Prime Minister’s Office, [The Queen’s Speech](#), May 2015

⁶⁶ Independent Reviewer of Terrorism Legislation, [Review of the Terrorism Acts in 2014](#), September 2015

can be clearly identified—will have to be weighed with the utmost care against the potential consequences, in terms of both inhibiting those freedoms and alienating those people.⁶⁷

79. We wrote to the Home Secretary on 25 October 2015, posing a series of questions about the proposed legislation.⁶⁸ We took the view that the following issues were of particular concern:

- How are ‘non-violent extremism’ and ‘British values’ to be defined by the Bill?
- Will individuals come within the definition of ‘extremism’ (or be considered to be against British values) as a result of their beliefs, or as a result of materials in their possession; or will they have to be involved in a specifically defined activity (e.g. publishing material or making speeches)?
- Does the Bill ensure equality before the law, or is there a risk of a disproportionate and/or undue focus on Muslim communities?
- Will decision-making on legal rights and liability under these measures be based on well-defined law, or be the subject of wide and arguably arbitrary discretion?
- Will the Bill lead to a diminution in the law’s protection of fundamental rights and freedoms such as freedom of speech, freedom of religion and freedom to protest?
- In particular, will the legal uncertainty inherent in the foundational concepts of the counter-extremism strategy have a “chilling effect” on the exercise of those freedoms?
- To what extent are the restrictions imposed by the Bill justified by the benefit of greater security?
- Will the restrictions in the Bill create legitimate grievances which increase support for extremist ideologies?
- How will the success of the new legislation be measured?

80. Other than a holding response, which we received on 9 December, neither we (nor David Anderson QC) have received a substantive or satisfactory response to our enquiries. No Bill emerged in the 2015–16 session.

81. On 18 May a re-titled Counter-Extremism and Safeguarding Bill was included in the Queen’s Speech. The detailed list of civil orders was replaced with the promise of a “new civil order regime to restrict extremist activity, following consultation.” The Government also indicated that it would “consider the need for further legislative measures following Louise Casey’s review into integration in those communities most separated from the

67 Independent Reviewer of Terrorism Legislation, [Review of the Terrorism Acts in 2014](#), September 2015, para 9.31

68 Letter from Rt Hon Harriet Harman MP, Chair of the Joint Committee on Human Rights, to Rt Hon Theresa May MP, Secretary of State for the Home Department, regarding [the proposed new legislation](#), 25 November 2015

mainstream.”⁶⁹ While we welcome the promise of ‘consultation’, the continuing absence of any detail or definitions led us to invite the Minister who was then responsible for counter-extremism policy, Karen Bradley MP, to attend the Committee on 29 June 2016.

A problem of definition?

82. Other than the Minister, all of the witnesses who gave oral evidence to the Committee expressed, at the very least, disquiet about proposals for new legislation in this area. Many witnesses expressed outright opposition. The principal focus of the concerns was on the fact that it would be difficult to define ‘non-violent extremism’ and British values and that as a result of this any legislation could be unworkable and/or counterproductive.

83. The Counter-Extremism Strategy states that:

[E]xtremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist.⁷⁰

84. Alternative (and differently focused) advice from the Department for Education to independent schools and academies uses the phrase “mutual respect and tolerance of *those with* different faiths and beliefs [our italics].”⁷¹

85. There is no legal definition of these terms. The Minister was clear that “[o]ne should not take the strategy definition and assume that that is the definition that would be in the legislation”.⁷² But the nearest the Minister came to defining the term in oral evidence was to say that the target was the promotion of ideology which leads to harmful activity. She said: “What we are looking at is the preaching of ideology that leads to harmful behaviour.”⁷³

86. A dictionary definition does not take one much further. The Oxford English Dictionary defines an extremist as “a person who holds extreme political or religious views” and in that context defines extreme as “not moderate”.

87. This is particularly problematic because the Government’s definition does not involve any legal certainty. Professor Clive Walker has argued that:

[T]he attempts to date to define ‘extremism’ with legal precision have so far failed, going well beyond existing misgivings about the indistinction of

69 In answer to a Parliamentary Question in February 2016, asking for the terms of reference of this review, the Government responded: “The Prime Minister commissioned Louise Casey CB to carry out a review of how to boost opportunity and integration in isolated and vulnerable communities in July 2015. She is considering issues including: how we can ensure people learn English; how we can improve academic and employment outcomes, especially for women; and how state agencies can work more effectively with these communities to promote integration and community cohesion” PQ HL5838 [Community Relations], [3 February 2016](#). See also: [The Queen’s Speech 2016](#)

70 The same definition is also used in the Prevent Duty guidance.

71 Department for Education, [Improving the spiritual, moral, social and cultural \(SMSC\) development of pupils: supplementary information - Departmental advice for independent schools, academies and free schools](#), November 2014, para 2

72 [Q7](#)

73 [Q7](#)

'terrorism'. This progression from suppressing violent extremism to suppressing political extremism increases the dangers of repressive state action based on an unproven causal connection.⁷⁴

88. Sara Khan told us that she had interviewed lots of Muslims about what they defined as "extremism". She said:

I do not think I have met two Muslims who hold the same definition. Again, that just shows how problematic the whole definition and understanding of extremism is.⁷⁵

89. She went on to say that the extremists themselves like to "promote this view that they are being oppressed by British society as a whole" and suggested that in one sense new legislation "will fuel their cause."⁷⁶

90. The definitional concerns were also shared by Professor Rivers, who stated:

One of the problems that we have with the term "extremism" is that unlike terrorism it is not at all understood. [...] If you ask anyone what extremism is, they come up with a whole range of suggestions. That is a problem for the rule of law. If people do not have an instinctive understanding of what we are getting at in our law, it is very difficult to get the law to work. People know instinctively what terrorism is and what it looks like, but that is not at all the case for extremism.⁷⁷

91. Sir Peter Fahy was worried that the police would be pressurised into acting against those who expressed unpopular opinions. He said:

The danger comes when you are talking about how you are going to define this legally without contravening human rights, and without leading to individual police officers being put into a difficult position in trying to define what is or is not extreme and potentially getting caught in the middle. I saw one version of draft legislation that tried to define extremism around the protected characteristics that are often in diversity legislation, which I thought was problematic.⁷⁸

92. He went on to say that:

What was also problematic was extending the definition of "personal safety" to include alarm, harassment or distress, because again that is a very wide term for covering people being upset by particular types of activity. For me, it is about that distinction. When you are trying to put these things into law,

74 Professor Clive Walker ([EXB0002](#))

75 Oral evidence taken on 16 March 2016, HC (2015-16) 647, [Q28](#) [Sara Khan, Co-Director, Inspire]

76 Oral evidence taken on 16 March 2016, HC (2015-16) 647, [Q28](#) [Sara Khan, Co-Director, Inspire]

77 Oral evidence taken on 16 March 2016, HC (2015-16) 647, [Q24](#) [Professor Julian Rivers, Professor of Jurisprudence, Bristol University]

78 Oral evidence taken on 16 March 2016, HC (2015-16) 647, [Q24](#) [Sir Peter Fahy QPM, Former Chief Constable of Greater Manchester Police]

the danger is that you are drawing the police in particular into the policing of thought, which is a very dangerous area for the police in this country to be drawn into.⁷⁹

93. Following the Minister's oral evidence, the News Media Association (a trade body representing national, regional and local news media organisations in the UK) wrote to the Committee to argue that it was "essential that any consultation on a Bill contains the intended definition of extremism and granular detail about the content, scope and operation of any new criminal or civil powers. If not, stakeholders responding to the consultation simply will not know what they are being asked to agree to." The News Media Association said "[i]f ever there was legislation that merited the enhanced scrutiny afforded to a draft bill this is it."⁸⁰

94. Attempting to define 'British values' may prove equally challenging. If the values are those on which all reasonable people could agree, it is not clear why they would be particularly 'British' (as opposed to universal) values. Efforts to root 'British values' in concepts like democracy may initially sound appealing, but may also prove problematic. The nature, and even the notion, of democracy may itself be subject to legitimate political and philosophical debate by students and others. As Professor Louise Richardson told us "if our university were to refer everyone, we would have to burn all our books by Plato and refer half our philosophy department who question these matters."⁸¹

95. The alternative to having a precise legal definition of these terms is to allow the authorities a wide discretion to prohibit loosely defined speech which they find unacceptable. The risks inherent in such an approach are obvious.

How necessary are new laws on extremism?

96. Throughout the inquiry, given the extensive legislation in place to both combat terrorism and maintain public order, taken together with equality laws (described in detail at Chapter 2), it was never entirely clear to us what problem the new legislation was designed to combat. The promotion of extremist views is already the subject of a comprehensive list of criminal offences.

97. In a statement on hate crime on 29 June 2016, the Minister, Karen Bradley MP, said that: "in this country, we have some of the strongest legislation in the world to protect communities from hostility, violence, and bigotry. This includes specific offences for racially and religiously aggravated activity and offences of stirring up hatred on the grounds of race, religion, and sexual orientation."⁸²

98. The only example provided by the Minister of a potential loophole or gap in the law was the circumstances where someone sought to actively promote harmful behaviour. She gave as an example the issue of female genital mutilation (FGM), saying:

79 Oral evidence taken on 16 March 2016, HC (2015–16) 647, [Q24](#) [Sir Peter Fahy QPM, Former Chief Constable of Greater Manchester Police]

80 News Media Association ([EXB0005](#))

81 Oral evidence taken on 4 May 2016, HC (2015–16) 647, [Q34](#) [Professor Louise Richardson, Vice Chancellor of the University of Oxford]

82 HC Deb, [29 June 2016](#) [Hate Crime]

I use FGM as an example because it is quite tangible and we can understand it. We are not talking about the person committing the FGM—that is already a criminal activity; we are talking about somebody who might promote FGM but is not committing a criminal activity themselves. The counter-extremism strategy has been seen through the prism of Islamic extremism leading to terrorism, but I want to be clear that it is much wider than that. It is about the promotion of ideology that leads to criminal behaviour, which might be hate crime, violence against women or girls or terrorist activity—the crime itself. That is the difference between the strategy and the crimes it may lead to.⁸³

99. It is far from clear that the explicit promotion of FGM would not already be caught by the current criminal law—either as the incitement of criminal behaviour or as a public order offence. And in any event such an offence does not cause the definitional difficulties that can occur when seeking to determine what amounts to extremism. Moreover, it was clear that the Minister wished to go further than simply banning incitement, as she acknowledged that:

It is already criminal to incite. What we are looking at is a civil order that would allow an intervention on a civil basis, prior to reaching that criminal level of activity. That is the important distinction.⁸⁴

Combating extremism by way of civil orders

100. By contrast to the incitement of clear-cut criminal offences, it would be deeply concerning to allow any Government the power to effectively ban speech which merely has the potential to lead to harmful activity, by way of a civil order. Such orders could be used in a profoundly illiberal way. The obvious concern is that such orders could be used as a means to avoid having to make a criminal case to the requisite standard of proof. In evidence, Professor Rivers argued that:

There again, there are quite considerable human rights concerns about using civil standards of proof in contexts that are quasi-criminal. You might have quite a serious impact on a person's life by subjecting them to a disruption order or a banning order against civil standards, which is very similar to a criminal conviction. All that would need very careful investigation and thought to ensure that that was appropriate, so a draft Bill would be helpful, because some of these issues are incredibly complex and need very careful thought.⁸⁵

101. This is particularly relevant in circumstances where the relevant behaviour which could be prohibited is not a clear-cut criminal offence in its own right. As Professor Clive Walker observed to us in written evidence:

It is a sign of a liberal society that it must tolerate minority views, some of which may be patently mistaken and even offensive, shocking or disturbing. The touchstone for state repression should be a palpable link to harm (which,

83 [Q10](#)

84 [Q11](#)

85 Oral evidence taken on 16 March 2016, HC (2015–16) 647, [Q24](#) [Professor Julian Rivers, Professor of Jurisprudence, Bristol University]

in the context of terrorism, means politically motivated violence), rather than arguments based on the strength of distaste engendered by the speech or even the proficiency or authority of the speaker.⁸⁶

102. In terms of the proposed civil orders to be contained in the Bill, initially in 2015, the Government proposed Banning Orders, Extremism Disruption Orders and Closure Orders. From the briefing provided after the 2016 Queen’s Speech and the oral evidence from the Minister, it appeared that the Government may have rowed back from the orders it had initially proposed.

103. Unfortunately, the Minister was unwilling to provide any detail or specificity as to the nature of the orders, the timetable for delivery, the definitions that would be used, the criminal penalties that might be imposed for breach of a civil order or the standard of proof that would be required for the imposition of a civil order. Yet it is plain that *any* such measures are likely to prove controversial and will potentially interfere with a number of human rights including freedom of religion, expression and association. Taken with these other rights, they may also be seen as discriminatory (contrary to Article 14 of the ECHR).

104. Other issues that were raised before us included fears that any new legislation would either focus predominantly on Muslims (thus undermining community relations)⁸⁷ or have unintended consequences—for example placing restrictions on other religious groups (e.g. evangelical Christians or Orthodox Jews) or others who had no intention of inciting violence, which, it was argued, could take us into the dangerous area of “thought-policing.”⁸⁸

105. It appears that the Government has retreated from its original proposals for Banning Orders, Closure Orders and Extremism Disruption Orders. It is now making reference to what is described as a new “civil order regime”. The Government should not use civil orders (breach of which is a criminal offence) as a means to avoid having to make a criminal case to the requisite criminal standard of proof. This is particularly important in circumstances where the relevant behaviour which is prohibited is not a clear-cut criminal offence in its own right.

106. The Government should not legislate, least of all in areas which impinge on human rights, unless there is a clear gap in the existing legal framework. The Government has not been able to demonstrate that such a gap exists. We therefore take the view that the Government has not demonstrated a need for new legislation. The current counter-terrorism, public order and equality legislation form a comprehensive framework which deals appropriately with those who promote violence. There is a danger that any new legislation may prove counter-productive.

107. The Government’s approach, set out in its Counter-Extremism Strategy, appears to be based on the assumption that there is an escalator that starts with religious conservatism and ends with support for jihadism; and that combating religious conservatism is therefore the starting point in the quest to tackle violence. However, it is by no means proven or agreed that conservative religious views are, in and of themselves, an indicator of, or even correlated with, support for jihadism.

86 Professor Emeritus Clive Walker, School of Law, University of Leeds ([EXB0002](#))

87 See Oral evidence taken on 4 May 2016, HC (2015–16) 647, [Q35](#) [Dr Jessie Blackburn, Kingston University]

88 See Oral evidence taken on 16 March 2016, HC (2015–16) 647 [Q24](#) [Sir Peter Fahy QPM, Former Chief Constable of Greater Manchester Police] and [Q28](#) [Bharath Ganesh, Research Officer for Tell MAMA and Faith Matters]

108. The Government gave us no impression of having a coherent or sufficiently precise definition of either 'non-violent extremism' or 'British values'. There needs to be certainty in the law so that those who are asked to comply with and enforce the law know what behaviour is and is not lawful. We are concerned that any legislation is likely either: (a) to focus on Muslim communities in a discriminatory fashion (which could actually increase suspicion and even opposition to the Prevent agenda); or (b) could be used indiscriminately against groups who espouse conservative religious views (including evangelical Christians, Orthodox Jews and others), who do not encourage any form of violence.

109. The legal problems that we have considered are so fundamental that it will serve no purpose to have a further general consultation. If the Government wishes to take forward these proposals a draft Bill is required. A consultation which does not provide a clear legal definition of what is meant by extremism would be futile. Moreover, the different implications for different communities make this a particularly sensitive issue which requires a longer consultation than the standard 12 week period.

Conclusions and recommendations

Right-wing extremism and xenophobia

1. Following the EU referendum there appears to have been a deeply worrying rise in the expression of xenophobia and racism. We note that the Government is drawing up a Hate Crime Action Plan. Given that the Counter-Extremism Strategy refers to right-wing, as well as religious, extremism these issues should be seen as part of that strategy and will have to be considered if any legislation is forthcoming. (Paragraph 34)
2. Unfortunate and deplorable incidents involving racism and xenophobia persist. The criminal law already contains offences which make such expressions of hatred unlawful. The Government and police should monitor the situation carefully and ensure that these incidents are dealt with vigorously and swiftly under the existing law so that no further harm is done to community relations. It must also seek to repair the harm that has undoubtedly already been sustained. (Paragraph 35)

An independent review of the Prevent Strategy?

3. Any new Bill on countering extremism should draw on all the available evidence. Those preparing the Bill should consider the experience of the Prevent Strategy and the operation of the Prevent Duty. An independent review of the Prevent Strategy and Duty should be published as part of the consultation on the Bill. The current oversight arrangements for Prevent are too opaque and do not engender confidence. It is not clear to us why the Government does not currently regard the Prevent Strategy as being part of the background to its proposed Bill. (Paragraph 42)

The operation of the Prevent Duty in Schools

4. It is too early to reach any definitive conclusions on the success of the Prevent Duty in schools. Anecdotal evidence suggests that there may be some cause for concern about the impact of the Duty and the Government would be well-advised to ensure that referrals are made in a sensible and proportionate fashion. However, we also accept that it is very easy for dangerous myths to be spread about Prevent. The only way for these to be dispelled is for there to be rigorous and transparent reporting about the operation of the Prevent Duty. (Paragraph 50)

The operation of the Prevent Duty in universities

5. Any proposed legislation will have to tread carefully in an area where there is already considerable uncertainty. For example, in the university context, it is arguable whether the expression of certain views constitutes putting forward new ideas in the form of controversial and unpopular opinions, or whether it amounts to vocal and active opposition to the UK's fundamental values. The potentially conflicting duties on universities to promote free speech, whilst precluding the expression of extremist views, is likely to continue to cause confusion. (Paragraph 62)

6. We believe that free speech is precious, particularly in universities, and should not be undermined. (Paragraph 63)
7. If the Government wish to take further action in this area, it will have to ensure that there is legal certainty in what is proposed. (Paragraph 64)

Out of school settings

8. The need to safeguard children from neglect, physical harm and sexual abuse is well understood. But it is rather less clear how one can draw a line between religious freedom and requirements for safeguarding that genuinely protect children. While there may be some argument for safeguarding measures to be introduced in out-of-school settings, these should not be specifically aimed at religious activities, nor are we convinced that existing safeguarding measures are inadequate in this regard. Any new measures should be proportionate, focused, and should only apply where identifiable concerns about the safety or wellbeing of children and young persons have been raised within a particular institution. We do not support a regime of routine inspections of out-of-school settings. We are aware of the very grave concerns around Government proposals for a regime of compulsory registration. We reserve the right to return to this issue if and when we see detailed proposals from the Government. (Paragraph 74)
9. Moreover, the Government should listen with particular attention to those who would be expected to apply for and enforce these orders, such as the police, educational establishments and councils, and Muslim or other faith communities. (Paragraph 75)

Combating extremism by the way of civil orders

10. It appears that the Government has retreated from its original proposals for Banning Orders, Closure Orders and Extremism Disruption Orders. It is now making reference to what is described as a new “civil order regime”. The Government should not use civil orders (breach of which is a criminal offence) as a means to avoid having to make a criminal case to the requisite criminal standard of proof. This is particularly important in circumstances where the relevant behaviour which is prohibited is not a clear-cut criminal offence in its own right. (Paragraph 105)
11. The Government should not legislate, least of all in areas which impinge on human rights, unless there is a clear gap in the existing legal framework. The Government has not been able to demonstrate that such a gap exists. We therefore take the view that the Government has not demonstrated a need for new legislation. The current counter-terrorism, public order and equality legislation form a comprehensive framework which deals appropriately with those who promote violence. There is a danger that any new legislation may prove counter-productive. (Paragraph 106)
12. The Government’s approach, set out in its Counter-Extremism Strategy, appears to be based on the assumption that there is an escalator that starts with religious conservatism and ends with support for jihadism; and that combating religious conservatism is therefore the starting point in the quest to tackle violence. However,

it is by no means proven or agreed that conservative religious views are, in and of themselves, an indicator of, or even correlated with, support for jihadism. (Paragraph 107)

13. The Government gave us no impression of having a coherent or sufficiently precise definition of either 'non-violent extremism' or 'British values'. There needs to be certainty in the law so that those who are asked to comply with and enforce the law know what behaviour is and is not lawful. We are concerned that any legislation is likely either: (a) to focus on Muslim communities in a discriminatory fashion (which could actually increase suspicion and even opposition to the Prevent agenda); or (b) could be used indiscriminately against groups who espouse conservative religious views (including evangelical Christians, Orthodox Jews and others), who do not encourage any form of violence. (Paragraph 108)
14. The legal problems that we have considered are so fundamental that it will serve no purpose to have a further general consultation. If the Government wishes to take forward these proposals a draft Bill is required. A consultation which does not provide a clear legal definition of what is meant by extremism would be futile. Moreover, the different implications for different communities make this a particularly sensitive issue which requires a longer consultation than the standard 12 week period. (Paragraph 109)

Declaration of Lords Interests

Baroness Hamwee

Board member for Safer London

A full list of members' interests can be found in the [Register of Lords' Interests](#).

Formal Minutes

Wednesday 20 July 2016

Members present:

Ms Harriet Harman MP, in the Chair

Fiona Bruce MP	Baroness Hamwee
Ms Karen Buck MP	Lord Henley
Jeremy Lefroy MP	Baroness Lawrence of Clarendon
Amanda Solloway MP	Lord Trimble
	Lord Woolf

Draft Report (*Counter-Extremism*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 109 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Second Report of the Committee to the Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 9 March 2016

Question number

David Anderson QC, UK Independent Reviewer of Terrorism Legislation, and **Lord Carlile of Berriew QC CBE**

[Q1–14](#)

Wednesday 16 March 2016

Sir Peter Fahy QPM, former Chief Constable of Greater Manchester Police, **Barath Ganesh**, Research Officer, Faith Matters, **Sara Khan**, Co-Director, Inspire, and **Professor Julian Rivers**, Professor of Jurisprudence, Bristol University

[Q15–28](#)

Wednesday 4 May 2016

Professor Louise Richardson, Vice Chancellor, University of Oxford, **Christine Abbott**, University Secretary and Director of Operations, Birmingham City University, **Karon McCarthy**, Prevent Officer and Assistant Principal at Chobham Academy, and **Dr Jessie Blackburn**, Kingston University

[Q29–44](#)

Wednesday 29 June 2016

Karen Bradley MP, Parliamentary Under Secretary of State, Home Office

[Q1–15](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

- 1 Birmingham City University ([EXB0004](#))
- 2 Professor Clive Walker ([EXB0002](#))
- 3 Conservatives for Liberty ([EXB0003](#))
- 4 Institute of Race Relations ([EXB0001](#))
- 5 National Secular Society ([EXB0006](#))
- 6 News Media Association ([EXB0005](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2015–16

First Report	Legislative Scrutiny: Trade Union Bill	HL Paper 92/HC 630
Second Report	The Government's policy on the use of drones for targeted killing	HL Paper 141/HC 574
Third Report	Appointment of the Chair of the Equality and Human Rights Commission	HL Paper 145/HC 648

Session 2016–17

First Report	Legislative Scrutiny: Investigatory Powers Bill	HL Paper 6/HC 104
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