

## APPG on the Rule of Law

### Non-Violent Extremism and the Rule of Law

#### Programme and Briefing

##### Schedule

**Date:** 14 July 2015  
**Time:** 14:30  
**Location:** Committee  
Room 15, House of  
Commons

14:30 – 14:35:	<b>The Rt Hon Dominic Grieve QC MP</b> — welcome
14:35 – 14:40:	<b>Sir Jeffrey Jowell QC</b> , Director, Bingham Centre
14:40 – 15:05:	4 expert speakers (5 minutes each) <b>Professor Robert Gleave</b> — Professor of Arabic Studies, Institute for Arab and Islamic Studies, University of Exeter <b>Professor Anthony Glee</b> — Professor of Politics and Director, Centre for Security and Intelligence Studies, University of Buckingham <b>Dr Gabrielle Guillemin</b> — Senior Legal Officer, Article 19 <b>Commander Richard Walton</b> — Counter Terrorism Command, Metropolitan Police Service
15:05 – 15:30:	Questions and comment — MPs and Peers
15:30 – 15:45:	Questions and comment — open to the floor

**All comments made at the meeting are to be treated as comments made in public. Attendees may tweet and report as they wish.**

##### Meeting Aim

To provide MPs and Peers with an opportunity to discuss the rule of law issues that arise in relation to the government's proposals to introduce legislation which tackles non-violent extremism, after hearing a range of expert views on the subject.

'Extremism' is defined in the Prevent Strategy to include "non-violent extremism" and to include: 'vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.'

##### Rule Of Law Issues

The key rule of law issues that arise include:

- Certainty, clarity and predictability of the law — especially relevant in considering what 'non-violent extremism' or 'British values' are, and how different values and democratic commitments may be balanced;
- Equality before the law, especially in possible application of the laws to Muslim communities;
- Law rather than discretion, particularly the potential risk of decision making on legal liability based on broad discretion if the laws lack a precise and well-understood definition of non-violent extremism; and
- Protection of fundamental human rights, especially in relation to freedom of speech and non-discrimination.

## Proposed Counter Extremism Measures

The proposed Extremism Bill was outlined in the Queen's speech. The government has announced that Bill will include:<sup>1</sup>

- 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; and
- Closure Orders: a new power for law enforcement and local authorities to close down premises used to support extremism.

Other relevant measures include government proposals relating to:

- Broadcasting: strengthening Ofcom's roles so that tough measures can be taken against channels that broadcast extremist content.

Related matters include:

- Charities: the proposed extension of the Charity Commission's power in the Charity Bill and the actions of the Charity Commission in 2014/15 in relation to funding of CAGE indicate the significance of regulation of charities in measures to combat non-violent extremism; and
- Universities: previously proposed measures to prevent extremist speakers in universities are also likely to be introduced, in guidance under the Counter Terrorism and Security Act 2015.

Following the attack in Tunisia, Prime Minister Cameron told the House of Commons on 29 June 2015 that, 'We must take on the radical narrative that is poisoning young minds. ... We must confront this evil with everything we have. We must be stronger at standing up for our values, and we must be more intolerant of intolerance, taking on anyone whose views condone the extremist narrative or create the conditions for it to flourish.'<sup>2</sup>

In addition, there are media reports that 'Government sources [said] ministers would press ahead with Conservative manifesto plans for restrictions on extremist views on social media, as well as banning extremist but not violent organisations such as Hizb ut-Tahrir.'<sup>3</sup>

## Prevent Strategy

The Prevent Strategy is part of the government's wider Counter Terrorism Strategy (CONTEST). CONTEST has four parts: Pursue, Prevent, Protect and Prepare. Prevent is focused on 'stopping people from becoming terrorists or supporting terrorism'.<sup>4</sup>

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<sup>1</sup> More details in Queen's Speech Background Briefing notes:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/430149/Q\\_S\\_lobby\\_pack\\_FINAL\\_NEW\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430149/Q_S_lobby_pack_FINAL_NEW_2.pdf)

<sup>2</sup> HC Deb, 29 June 2015, c 1175

<sup>3</sup> Patrick Wintour, and Emma Graham-Harrison, 'Tunisia attack: David Cameron pledges 'full spectrum' response to massacre' *The Guardian* (29 June 2015), available at <<http://www.theguardian.com/uk-news/2015/jun/29/tunisia-attack-david-cameron-pledges-full-spectrum-response-to-massacre>>; see also, Jack Doyle and Jason Groves, 'Cameron threatens RAF bombing raids against Islamic State in Syria: PM says response in wake of Tunisian beach massacre must involve 'military solutions'' *Daily Mail* (30 June 2015), available at <<http://www.dailymail.co.uk/news/article-3143840/Cameron-threatens-RAF-bombing-raids-against-Islamic-State-Syria-PM-says-response-involve-military-solutions.html#ixzz3fV1Qoykg>>; Rachel Sylvester 'Cameron prepares to drain the terrorist swamp; Last week's attacks have spurred the prime minister to embark on an ideological struggle reminiscent of the Cold War' *The Times* (30 June 2015), p17.

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97994/contest-summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97994/contest-summary.pdf)

The Prevent Strategy was changed in 2011 so that it included non-violent extremism.<sup>5</sup>

Section 26 of the *Counter-Terrorism and Security Act 2015* came into effect on 1 July 2015,<sup>6</sup> and requires that certain bodies have 'due regard to the need to prevent people from being drawn into terrorism.'<sup>7</sup> This is known as the 'Prevent duty', and the government issued guidance on the duty in March 2015.<sup>8</sup> The duty applies to specified authorities in the sectors of local government, criminal justice, education and child care, health and social care, and police. The government's guidance on the Prevent duty sets out 'best practices' for each sector, and identifies general aspects of the duty as including expectations for those in leadership positions in authorities, working in partnership including with the police, staff capabilities such as understanding of extremism, and information sharing.

## Speakers' Biographies

**Professor Robert Gleave** is Professor of Arabic Studies at the Institute for Arab and Islamic Studies, University of Exeter. His research and teaching specialisms are classical and contemporary Islamic ideas, with a particular focus on the justifications for violence within Islam-inspired movements. As an Economic and Social Research Council leadership fellow, directing the project "Islamic Reformulations: Belief, Governance and Violence", Professor Gleave has been convening a series of seminars examining the legal and social controls on religious and ideological commitment. These seminars have been examining the issues ethical, legal, social and political issues raised by the legislation regulating extremist views, particularly their potential effect on Muslim communities, with contributions from practitioners and academics sharing their experience and research conclusions.

**Professor Anthony Glees** MA MPhil DPhil (Oxford) is professor of Politics at the University of Buckingham and directs its Centre for Security and Intelligence Studies (BUCSIS). He has a specialist concern with intelligence-led security activity and with how democracies can lawfully protect themselves from violent extremism, subversion and terrorism. He has written and lectured at home and abroad on many aspects of these concerns, including security policy in respect of Islamism, on the threat from the extreme right and left, and from hostile states. He is the author of six books (four of which are single authored), numerous chapters in books and scholarly articles. He studied at St Catherine's College, Oxford where he was also a senior associate member of St Antony's College. His previous full-time appointments were at the Universities of Warwick and Brunel (where he was latterly professor of politics). He has been invited to give evidence to various Parliamentary inquiries, most recently on 'privacy and security' to Parliament's Intelligence and Security Committee in 2014.

**Dr Gabrielle Guillemin** is Senior Legal Officer at ARTICLE 19, an international free speech organisation based in London. Dr Guillemin covers all areas of ARTICLE 19's work, including the freedom of expression rights of marginalized groups, hate speech and incitement, the right to freedom of peaceful assembly, and access to information. She has been leading the organisation's work on internet policy issues since 2011. She is an independent expert attached to the Council of Europe committee on Cross-border flow of Internet traffic and Internet Freedoms. Prior to ARTICLE 19, Dr Guillemin worked as a registry lawyer at the European Court of Human Rights for four years. She was called to the Bar of England and Wales in

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<sup>5</sup> HM Government, *Prevent Duty Guidance: for England and Wales* (2015), available at <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417943/Prevent\\_Duty\\_Guidance\\_England\\_Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417943/Prevent_Duty_Guidance_England_Wales.pdf)>.

<sup>6</sup> The Counter-Terrorism and Security Act 2015 (Commencement No. 1) Regulations 2015, available at <[http://www.legislation.gov.uk/ukxi/2015/956/pdfs/ukxi\\_20150956\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/956/pdfs/ukxi_20150956_en.pdf)>.

<sup>7</sup> Section 29 of the *Counter-Terrorism and Security Act 2015*, available at <[http://www.legislation.gov.uk/ukpga/2015/6/pdfs/ukpga\\_20150006\\_en.pdf](http://www.legislation.gov.uk/ukpga/2015/6/pdfs/ukpga_20150006_en.pdf)>.

<sup>8</sup> 'Guidance: Prevent duty guidance', GOV.UK, <<https://www.gov.uk/government/publications/prevent-duty-guidance>> last visited 10 July 2015.

2006. She holds an LLB – Maitrise de droit français (1st Class) from Paris I Pantheon Sorbonne – King’s College London and an MSc Human Rights (Distinction) from the London School of Economics.

**Commander Richard Walton** joined the Metropolitan Police Service in 1986 and has spent the majority of the past 28 years in the field of counter terrorism interspersed with periods in territorial policing and serious crime, where he held a number of senior positions. He began his career at Paddington Green before joining Special Branch in 1989. He then served for five years in a variety of specialist roles including domestic extremism, Irish and International terrorism, close protection and the Anti-Terrorist Branch during the Provisional IRA bombings of the early 1990s. Over this period he was commended twice for preventing terrorist acts in the UK. During the London underground bombings of 2005, he co-ordinated the police counter terrorism response in COBR, the government’s crisis centre. He subsequently undertook a review that recommended the merging of Special Branch with the Anti-Terrorist Branch leading to the creation of the Counter Terrorism Command (SO15) in 2006. He was promoted to Commander of the Counter Terrorist Command in June 2011.