



INDEPENDENT COMMISSION
UK COUNTER-TERRORISM
LAW, POLICY AND PRACTICE

Report of the Independent Commission on UK Counter-Terrorism Law, Policy and Practice

Chair: The Rt. Hon. Sir Declan Morgan KC PC

**BINGHAM
CENTRE FOR
THE RULE
OF
LAW**



British Institute of
International and
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Report of the Independent Commission on UK Counter-Terrorism Law, Policy and Practice

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Report of the Independent Review of UK Counter-Terrorism Law, Policy and Practice
(Bingham Centre for the Rule of Law, 2025)

The Commission

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Scarlett McGwire provided strategic communications advice and support. **Rachel Beaumont** was administrative assistant to the Commission, with support from **Anjana Ahilan**, **Shagan Bhandari**, **Maia Cohen**, **Will Knatchbull**, **Siddharth Saxena**, and **Sudip Sen**.

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List of Abbreviations

AANES: Autonomous Administration of North and East Syria

AIRT: Al-Qaeda and ISIS-related Terrorism

AML: Anti-Money Laundering

ASD: Autism Spectrum Disorder

CCE: Commission for Countering Extremism

CMP: Closed Material Procedures

CPS: Crown Prosecution Service for England and Wales

CTF: Counter-Terrorism Financing

ECHR: European Convention on Human Rights

EDS: Extended Determinate Sentence

ERG 22+: Extremism Risk Guidance 22+

ERWT: Extreme Right-Wing Terrorism

FATF: Financial Action Task Force

GIFCT: Global Internet Forum to Counter Terrorism

HMPPS: His Majesty's Prison and Probation Service

IRL: Indefinite Leave to Remain

IRTL: Independent Review of Terrorism Legislation

ISC: Intelligence and Security Committee

ISIS: Islamic State in Iraq and Syria

JCHR: Joint Committee on Human Rights

JExU: Joint Extremism Unit

JMLIT: Joint Money Laundering Intelligence Taskforce

JTAC: Joint Terrorism Analysis Centre

LASIT: Left-Wing, Anarchist and Single-Issue Terrorism

LTTE: Liberation Tigers of Tamil Eelam

MASH: Multi-Agency Safeguarding Hub

MPS: Metropolitan Police Service

MUU: Mixed, Unclear and Unstable

NCA: National Crime Agency

NIRT: Northern Ireland-Related Terrorism

NPO: Non-Profit Organisation

NRR: National Risk Register

Ofcom: Office of Communications

Ofsted: Office for Standards in Education, Children's Services and Skills

PAF: Prevent Assessment Framework

PII: Public Interest Immunity

PLP: Police-Led Partnerships

POAC: Proscribed Organisations Appeal Commission

PSNI: Police Service for Northern Ireland

SAR: Suspicious Activity Report

SIAC: Special Immigration Appeals Commission

SOI: Subject of Interest

SOPC: Sentences for Offenders of Particular Concern

StaCU: Prevent Standards and Compliance Unit

STS: Serious Terrorism Sentence

TEO: Temporary Exclusion Order

TPIM: Terrorism Prevention and Investigation Measures

TCAP: Terrorist Content Analytics Platform

VAF: Vulnerability Assessment Framework

VRU: Violence Reduction Unit

XRW: Extreme Right-Wing

YDO: Youth Diversion Order

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Executive Summary and Recommendations

Executive Summary

The Independent Commission on UK Counter-Terrorism Law, Policy and Practice was established to assess whether the UK's counter-terrorism framework remains effective, proportionate consistent with democratic principles and able to meet the changing nature of the terrorist threats the UK faces. Over 200 experts and stakeholders contributed evidence, including senior practitioners, policymakers, academics, parliamentarians, and representatives from civil society and affected communities.

Over three years (2022-2025), the Commission examined how law, policy, and operational practice support the government's counter-terrorism strategy, CONTEST's objective of reducing the risk to the UK from terrorism, so that people can go about their lives freely and with confidence. Counter-terrorism measures inevitably affect the openness and cohesion of society as well as its security. To remain legitimate and effective, they must command public confidence, adhere to the Rule of Law, and comply with the UK's international obligations.

Policies perceived as unfair or disproportionate undermine cooperation and trust, particularly among the communities whose engagement is most essential to prevention. Effective counter-terrorism therefore depends on accountability, transparency, and meaningful participation in policy design. Understanding how these measures are experienced across different groups—including by age, gender, class, race, religion, and immigration status—is critical to sustaining public legitimacy and operational success.

The Commission's report makes 113 recommendations across 18 chapters. Together, they provide a coherent framework to enhance effectiveness, strengthen oversight, and reinforce the principles of fairness and accountability that underpin public trust in the UK's counter-terrorism system.

Strengthening Oversight and Accountability in Counter-Terrorism

Since 2000, the UK's counter-terrorism framework has evolved through continuous adaptation to changing threats and political contexts. Anchored in the CONTEST strategy and supported by an extensive legislative base, it has significantly strengthened the state's capacity to prevent and respond to terrorism.

This expansion, however, has raised enduring questions about proportionality, accountability, and the protection of fundamental rights. Parliamentary oversight has been inconsistent, and important powers remain beyond the scope of independent review.

The Commission recommends establishing a clear set of guiding principles for counter-terrorism law and policy, embedding requirements for public consultation, post-legislative scrutiny, and sunset clauses for emergency legislation (**Recommendation 1**).

To secure comprehensive and transparent oversight, the mandate of the Independent Reviewer of Terrorism Legislation should be expanded to cover all counter-terrorism powers (**Recommendation 2**) supported with additional capacity and powers (**Recommendations 4, 5 and 6**). These reforms would strengthen democratic accountability while sustaining the effectiveness of the UK's counter-terrorism response.

Narrowing the Definition of Terrorism

The statutory definition of terrorism forms the foundation of all UK counter-terrorism law, including terrorism-related offences. Evidence presented to the Commission highlighted that its broad scope extends beyond acts of violence or serious threat, creating uncertainty and overreach in its application. A definition that relies heavily on executive discretion risks inconsistency, perceptions of unfairness, and the treatment of legitimate protest as terrorism.

To ensure clarity and proportionality while maintaining operational effectiveness, the Commission recommends a more focused statutory definition. Terrorism should be defined narrowly as acts intended to coerce, compel, or subvert government or an international governmental organisation, and the threshold for property damage should apply only to conduct causing serious risk to life, national security, or public safety, or involving arson, explosives, or firearms (**Recommendations 8, 9 and 10**).

Responding to Evolving Threats

While terrorist attacks in the UK are rare, the underlying threats remain persistent and adaptive. Since 2000, the profile of terrorism has shifted from large-scale, coordinated operations to smaller, self-initiated acts, often inspired rather than directed by organised groups.

Those involved are increasingly younger and may be driven by complex mixes of ideology, grievance, and personal vulnerability. This evolution poses new challenges for distinguishing terrorism from other forms of serious violence and requires a more nuanced response.

The Commission heard evidence that, without careful calibration, counter-terrorism powers risk being applied too broadly—capturing behaviour that is harmful but not terrorist. This concern is most acute in the Prevent programme, where the boundaries between safeguarding, criminal justice, and counter-terrorism have become increasingly blurred.

It recommends that legislation more clearly differentiate terrorism from other forms of violence (**Recommendation 11**), that counter-terrorism resources remain focused on terrorism while recognising the need to support parallel responses to wider violence (**Recommendation 12**).

Reforming the Prevent Strategy

Prevent remains the most controversial strand of the CONTEST strategy. Evidence to the Commission raised concerns about the conceptual foundations and practical operation of the Prevent strategy and the statutory Prevent duty. The radicalisation model that underpins both rests on the assumption that individuals at risk of committing terrorist acts can be identified through observable indicators—an assumption not consistently supported by empirical evidence. The lack of robust evaluations of interventions after almost two decades is concerning.

In practice, Prevent referrals increasingly involve individuals experiencing complex vulnerabilities, including mental ill health, social isolation, or neurodivergence, rather than clear terrorism-related risks. This shift has blurred Prevent's purpose and stretched its remit beyond its original aim.

The Commission concludes that Prevent would be more effective as one part of a broader, locally led safeguarding framework capable of addressing diverse forms of vulnerability and violence. Multi-agency safeguarding hubs, modelled on existing local authority approaches in violence reduction and public health, could deliver proportionate early intervention while allowing Prevent to focus specifically on terrorism-related concerns (**Recommendation 19**). Reform should align with the government's wider goal of integrating public services and be backed by sustainable

resourcing for education, health, youth, and social services (**Recommendations 21 and 22**). The value of a statutory duty narrowly focused on terrorism-related risk will require reconsideration when developing the new multi-agency safeguarding model that addresses diverse drivers of violence (**Recommendation 18**).

Prevent would remain as an element focused on assessing terrorism-related risks and supporting individuals to address and mitigate these risks. Better delivery of Prevent and protection of rights requires improved data collection to enable evaluation and accountability (**Recommendation 31**); enhanced child protection measures and stronger safeguards for data handling (**Recommendations 32, 33 and 34**); greater independence and statutory powers for the Prevent Commissioner (**Recommendation 36**); and training and development for teachers to create safe spaces for students to discuss controversial and difficult issues (**Recommendation 35**).

Building Cohesion and Resilience

Investment in social cohesion is a cornerstone of long-term prevention. Recent events — from racially motivated rioting in Northern Ireland (2025) and the 2024 riots following the Southport murders to communal tensions in Leicester (2022) and divisions over Israel–Gaza (2022–2025) — though distinct from terrorism, reveal deepening fractures in the UK’s social fabric.

While social cohesion policy lies outside the Commission’s primary remit, the evidence makes clear that failures upstream create vulnerabilities that can be exploited by those seeking to divide communities or justify violence. Groups that promote extremism or political violence frequently use social exclusion, racism, and rights violations to legitimise their narratives and recruit support.

Embedding Prevent within a broader, strengths-based safeguarding system, therefore, requires sustained strategic investment in social cohesion and in core public and support services. Strengthening cohesion not only mitigates social polarisation but also builds resilience against radicalisation and the appeal of violent ideologies, thereby also reducing the impact of terrorism.

The Commission recognises the complex and often fraught relationship between counter-terrorism, counter-extremism, and social cohesion. Evidence highlighted a persistent ‘securitisation paradox’: when cohesion initiatives are tied to counter-terrorism, they risk losing community trust; when separated from it, they struggle to secure funding or political attention.

To overcome this tension, the Commission recommends the establishment of a well-resourced National Social Cohesion Strategy, operating independently of counter-terrorism frameworks (**Recommendations 24 and 25**). This strategy should prioritise equality, inclusion, and well-being, supported by robust local delivery mechanisms and data to monitor progress and outcomes (**Recommendation 26**).

Long-term, ring-fenced investment in social cohesion strengthens community resilience, reduces the conditions in which extremism can take hold, and enhances public confidence by maintaining clear boundaries between cohesion work and security policy. Addressing the social harm of extremist messaging is vital, but is not best achieved through further legislation (**Recommendation 27**).

Ensuring Proportionate Use of Counter-Terrorism Powers

Policing plays a central role in tackling terrorism through the criminal justice system, supported by a distinct legal framework that provides enhanced investigative and arrest powers. These strong powers reflect the unique nature of the terrorist threat—its secrecy, sophistication, and potential scale—but also raise important questions about proportionality and accountability.

The principle of policing by consent remains fundamental to the UK's approach to national security. Evidence to the Commission reaffirmed the critical importance of neighbourhood-based policing in maintaining community trust, understanding local tensions, and supporting effective counter-terrorism work. However, reductions in neighbourhood-based policing since 2010 have weakened these connections. Recent commitments to reinvest in local policing provide a vital opportunity to rebuild trust and strengthen resilience.

The Commission recommends sustained investment and clear national guidance, supported by His Majesty's Inspectorate of Constabulary and the College of Policing, to embed neighbourhood-based policing as a cornerstone of community safety and counter-terrorism strategy (**Recommendations 37 and 38**).

While counter-terrorism powers remain essential for prevention, they must be exercised with transparency, proportionality, and consistent oversight. The Commission calls for improved reporting, data collection and publication of policies to assess both the necessity and impact of these powers, ensuring their fair and accountable use (**Recommendation 39 and 40**).

Powers (under Schedule 7 of the Terrorism Act 2000) to stop, question, search and detain travellers at ports and airports without needing to have grounds for suspecting they are terrorists continue to provide a valuable operational tool, but its intrusive nature requires strong safeguards. The Commission therefore recommends clearer guidance on digital data handling, publication of information on the use of this power and enhanced independent oversight to uphold fairness, maintain public confidence, and reinforce adherence to the Rule of Law (**Recommendations 41-44**).

Prosecution and Precursor Offences

A central principle of criminal law is the protection of the public from harm. While terrorists who cause injury can be prosecuted under ordinary criminal law, terrorism-related offences aim to prevent and disrupt plots at a much earlier stage, often long before the public faces any immediate danger.

Over time, the steady expansion of precursor offences has significantly broadened the preventive reach of UK counter-terrorism law, enabling earlier intervention against potential threats. However, evidence to the Commission raised concerns that some terrorism-related offences, particularly those involving preparation or information gathering, are framed so broadly that they may encompass behaviour far removed from any genuine terrorist intent or threat.

The increasing reliance on 'mindset' evidence, especially in prosecutions involving online material, also presents challenges. Questions arise about proportionality, evidential reliability, and fairness, particularly where defendants are young or neurodivergent and their engagement with extremist content may not reflect intent or capability.

To improve legal certainty and procedural fairness, the Commission recommends clearer evidential thresholds to establish terrorist intent (**Recommendations 46, 48 and 50**), refined guidance on the use and interpretation of digital evidence (**Recommendations 51 and 53**), and systematic screening for neurodivergence where relevant (**Recommendation 54**) and improved training and information for judges (**Recommendations 52 and 55**). It also calls for more comprehensive collection and publication of equality data and data on prosecutorial decisions to strengthen transparency and accountability (**Recommendation 56 and 57**). These reforms would preserve the preventive purpose of terrorism offences while ensuring that prosecutions remain proportionate, evidence-based, and fair, upholding both justice and public confidence.

Managing Terrorist Offenders: Sentencing, Rehabilitation and Risk

Recent terrorist attacks by individuals in custody or shortly after release have shaped current law and policy on managing terrorist risk. The attacks at Fishmongers' Hall (2019), Streatham (2020), and Reading (2020) exposed

weaknesses in information-sharing and risk assessment, while the attack on prison staff at HMP Whitemoor (2020) highlighted the threat of radicalisation within prisons. These events prompted extensive reforms to sentencing and offender management.

As of June 2025, 257 people were in custody for terrorism-related offences, with an additional 250 assessed as posing a terrorism risk. Since 2017, a small number of high-risk terrorist prisoners have been held in separation centres to limit their influence on others. There have been questions about their operation and use.

Legislative changes since 2020 have lengthened sentences and restricted early release, enhancing public protection but reducing flexibility to tailor management to individual risk. Evidence presented to the Commission suggests that these measures have prioritised control over rehabilitation, with limited evidence of the long-term effectiveness of specialist interventions.

Of the 678 people sentenced for terrorism-related offences since 2010, most have already been released or will be before 2035, as three-quarters received custodial terms of under ten years. Effective rehabilitation and reintegration are integral to public safety. This requires a balanced approach that maintains control while supporting structured reintegration pathways, including tailored support for women offenders, and greater use of community engagement (**Recommendations 60-62**). This approach would support desistance and reinforce long-term community safety.

The Digital Future and Emerging Threats

Digital technologies are transforming the landscape of terrorism, with radicalisation and recruitment increasingly occurring online. Addressing these challenges requires more than government action alone—it demands close collaboration with international partners and the technology sector. Terrorist-operated websites remain a persistent resource for proscribed groups, underscoring the need for a coordinated national strategy to reduce their accessibility and influence (**Recommendation 64**).

Emerging technologies, including generative artificial intelligence and 3D-printed weapons, present evolving risks that call for adaptive and forward-looking regulation. The Online Safety Act 2023 marks a major step forward, but its implementation will test the clarity and consistency of terrorism-related content standards. Automated moderation systems must operate with transparency and accountability, supported by mechanisms to detect and mitigate bias.

The Commission recommends that Ofcom’s transparency and reporting requirements facilitate meaningful cross-platform comparison, and that users receive notification and explanation when their content is removed (**Recommendations 67 and 68**). A cross-government review of emerging technologies—spanning artificial intelligence, online harms, and 3D-printed weapons—should ensure that regulation keeps pace with innovation while upholding rights, fairness, and freedom of expression (**Recommendations 65 and 66**).

Safeguarding Fairness in Closed Material Procedures

The use of executive and administrative measures in counter-terrorism has become a global trend. In the UK, their use has steadily expanded over the past two decades to encompass a broad range of civil sanctions and restrictions. These include Foreign Travel Restriction Orders, Temporary Exclusion Orders, deprivation of citizenship, Terrorism Prevention and Investigation Measures (TPIMs), seizure and retention of passports, cancellation of indefinite leave to remain, and the use of stop, search, and detention powers under Schedule 7 of the Terrorism Act 2000. Collectively, these measures have significant and often enduring impacts on affected individuals, their families, and wider communities.

Unlike criminal proceedings, these measures do not afford full procedural safeguards, standards of proof, or the fair trial rights inherent in open justice. Some measures require prior judicial authorisation, while others may be imposed directly

by ministers, though all are subject to potential challenge before courts or specialist tribunals. To facilitate judicial oversight in cases where disclosure of sensitive material might endanger national security, successive legislation since 1997 has introduced Closed Material Procedures (CMPs). CMPs allow judges, and Special Advocates (security cleared lawyers), but not the affected individuals or their legal representatives, to see the classified evidence relied upon by the government. While designed to protect sensitive intelligence, CMPs mark a significant departure from the long-standing principles of open justice and the right to know the case one faces—protections which remain fundamental in criminal proceedings.

CMPs have strengthened oversight of executive action but their use has expanded considerably, raising persistent concerns about procedural fairness. In addition, the cumulative impact of overlapping powers—such as exclusion orders, asset freezes, and control measures—can be severe, creating a web of restrictions that profoundly affect individuals and communities. The exclusion of intercept evidence from criminal proceedings, combined with the high evidential threshold for prosecution, has further encouraged reliance on administrative measures that operate with fewer safeguards and limited transparency.

The Commission recommends reforms to ensure that CMPs are applied fairly, proportionately, and only where strictly necessary. Judges should have greater discretion to balance the risks of disclosure against the potential unfairness caused by secrecy, supported by a strong presumption that an irreducible core of information should be shared with the affected party (**Recommendations 70 and 71**). The remit of the Independent Reviewer of Terrorism Legislation should be expanded to cover all counter-terrorism uses of CMPs, to understand the impact of the expansion of CMPs on access to justice (**Recommendation 72**). Procedural rules should emphasise the shared responsibility of all parties to uphold fairness, while the role and resourcing of Special Advocates should be strengthened (**Recommendations 73-78**). The Special Immigration Appeals Commission (SIAC) should also be empowered to grant interim relief to prevent injustice and preserve procedural integrity (**Recommendation 79**).

These measures would help ensure that the UK's counter-terrorism framework maintains both its operational effectiveness and its fidelity to the Rule of Law.

Proscription: Balancing National Security and Democratic Rights

With 98 organisations currently proscribed in the UK, proscription remains a central element of the counter-terrorism framework, serving both as a visible deterrent and as a means of disrupting terrorist networks. However, evidence presented to the Commission indicates that the breadth of the executive power to order proscription, coupled with limited mechanisms for review, raises significant concerns about proportionality, oversight, and the protection of legitimate political and humanitarian activity.

The effects of proscription extend far beyond the targeted organisations. When a group is proscribed, individuals can face prosecution for membership, inviting or expressing support, or wearing associated symbols or uniforms. Providing funding or handling property linked to a proscribed organisation may constitute a criminal offence, and any act carried out for the benefit of a proscribed group can be treated as an act of terrorism. These far-reaching implications can create confusion, deter lawful civic engagement, and strain relations with communities connected to affected organisations—particularly where banned groups also pursue political objectives.

To ensure proportionality and accountability, the Commission recommends strengthening both the legal and procedural framework for proscription and de-proscription. This should include refining the statutory test and criteria (**Recommendations 80 and 81**) so that proscription is used only when necessary to protect the public from terrorism; strengthening parliamentary scrutiny, through review of classified evidence by the Intelligence and Security Committee and a separate vote on each organisation (**Recommendations 82 and 83**). To ensure proscription remains justified, orders should expire after five years unless renewed and be subject to automatic review by the Proscribed Organisations Appeal Commission (POAC) (**Recommendations 84-87**).

The Commission further recommends clarifying that offences under sections 12 and 13 of the Terrorism Act 2000 should apply only where there is clear intent to commit the offence (**Recommendation 88 and 89**). Taken

together, these reforms would maintain proscription as a legitimate and effective counter-terrorism tool, while reinforcing due process, fairness, and public confidence.

Balancing Security and Humanitarian Access in Counter-Terrorism Financing

Counter-terrorism financing (CTF) measures are designed to disrupt the financial flows that enable terrorist activity in the UK and abroad. Evidence presented to the Commission suggests that their overall effectiveness is mixed. They make operating conditions more difficult for some terrorist actors. CTF measures tend to be most effective against large, organised groups with territorial control, and far less so against individuals or small cells using low-cost methods such as knives or vehicles, where financial activity is virtually indistinguishable from legitimate behaviour.

Assessing the value of CTF interventions must therefore consider not only their benefits but also their direct and indirect costs, including negative effects on legitimate financial activities and the disproportionate burdens placed on certain sectors or communities.

Effective financial regulation remains important to countering terrorism, yet evidence before the Commission indicates that existing arrangements have also created significant barriers for legitimate humanitarian, development, and peacebuilding organisations. The broad scope of financing offences, combined with sanctions regimes and banking compliance requirements, has led to widespread 'de-risking'—including delaying or preventing aid delivery in conflict zones. Muslim charities and NGOs working in high-risk areas have been particularly affected, often facing disproportionate scrutiny based on unverified or opaque intelligence from commercial risk databases.

To promote a more coherent and proportionate approach, the Commission recommends stronger coordination across government through the appointment of a senior ministerial lead for counter-terrorism financing affecting humanitarian activity (**Recommendation 95**). The Tri-Sector Group (TSG) should also widen NGO participation and establish a workstream on bank de-risking and financial access (**Recommendations 96 and 97**). To safeguard operational continuity, a statutory right to a bank account for registered charities (**Recommendation 98**) should be introduced, ensuring fair access to banking services and reducing the risk of exclusion caused by over-cautious compliance.

These measures, alongside statutory humanitarian exemptions (**Recommendation 91**), clearer regulatory guidance (**Recommendation 92**), improved information-sharing (**Recommendation 93**), and stronger oversight of commercial databases (**Recommendation 99**), would enhance the effectiveness and fairness of the CTF regime while enabling essential humanitarian and peacebuilding work to continue.

Citizenship Deprivation and Equal Citizenship

The power to deprive individuals of British citizenship is among the most far-reaching executive powers available to the Home Secretary. There has been marked expansion in the use of this power over the past two decades, accompanied by lowered legal thresholds and reduced procedural safeguards. Since 2002, more than 220 people have been stripped of their citizenship because it is 'not conducive to the public good.' Deprivation can apply to both those born British and those who have naturalised. If imposed while abroad, it can effectively result in exile, preventing return to the UK even after short absences.

Equal citizenship is fundamental to social cohesion. The Commission heard particular concern that deprivation powers disproportionately affect people from minority ethnic groups, as they only affect those with actual or potential claims to another nationality. This effectively creates a two-tier citizenship. While national security remains paramount, other tools, such as Terrorism Prevention and Investigation Measures (TPIMs) and Temporary Exclusion Orders (TEOs), and managed return under surveillance can address security risks without undermining the fundamental equality of citizenship.

The Commission therefore recommends restoring fairness and proportionality to citizenship law: making citizenship non-deprivable for those born British or registered as British as children (**Recommendation 101**) and restricting deprivation of citizenship for naturalised adults to narrowly defined circumstances (**Recommendation 102**). These powers should be subject to clear safeguards (**Recommendation 104**), effective judicial remedies (**Recommendation 103 and 105**), and independent oversight (**Recommendation 106**).

Towards a Coherent Policy on Nationals Detained in Syria

Of around 900 individuals who travelled from the UK to Syria and Iraq since 2011 to join groups involved in the Syrian civil war, such as the so-called Islamic State (ISIS), about half are thought to have returned. The UK has formally repatriated 18 children and three women from the Al Hol and Al Roj camps in Syria, where many ended up following the territorial collapse of ISIS. Estimates of those remaining vary. Between 55 and 72 UK-linked individuals, including roughly 10 men, 15–20 women, and 30–40 children—most under ten years old—are believed to remain in camps or other detention centres.

The Commission finds that the UK's current approach to nationals and former nationals detained in Syrian camps is increasingly untenable. Conditions have been widely documented by the UN as inhuman, dangerous, and degrading, raising serious concerns under international law. Many detainees—especially women and children—are victims of coercion, trafficking, or exploitation, even if some have been involved in terrorism-related activity.

International experience shows that structured repatriation—combined with prosecution where appropriate, surveillance and robust rehabilitation and (re)integration programmes—can effectively manage security risks while upholding human rights. Other European states have taken back over 1200 people, almost half by France. At least 95 have been repatriated by the USA, Canada and Australia.

The UK should adopt a comprehensive repatriation policy for all British nationals, including those deprived of citizenship, overseen by a Special Envoy to ensure coordination and transparency, consistent with international standards, prioritising the best interests of the child (**Recommendations 107-109**). To strengthen the legal and operational framework, the Commission proposes amending the Counter-Terrorism and Security Act 2015 to allow Travel Exclusion Orders to apply to non-UK citizens (**Recommendation 110**), and calls for trauma-informed, gender-sensitive, and multi-agency assessments of risk and radicalisation to guide decision-making (**Recommendation 111**). The Crown Prosecution Service should prosecute those who actively supported terrorism, while allowing for mitigating factors and alternatives to detention in sentencing (**Recommendation 112**). Finally, existing rehabilitation and reintegration programmes should be utilised to support the return and societal reintegration of all repatriated individuals, whether prosecuted or not (**Recommendation 113**).

A coherent, humane, and security-conscious repatriation strategy would strengthen compliance with international obligations and promote long-term public safety and social stability.

Conclusion: Security Through Accountability and Trust

Taken together, the evidence considered by the Commission shows that the UK's counter-terrorism framework is both comprehensive and adaptive, but would benefit from a sharper strategic focus on effectiveness, proportionality, and accountability. The evolving nature of threats demands responses that are flexible and evidence-based, supported by robust legal safeguards and sustained public confidence.

The Commission's recommendations seek to recalibrate the balance between security and liberty, ensuring that exceptional powers remain clearly defined, effectively overseen, and firmly grounded in democratic principles. By strengthening oversight, embedding transparency, and aligning counter-terrorism measures with the Rule of Law, the UK can enhance both national security and public trust—the twin foundations of a resilient and legitimate counter-terrorism system.

Recommendations

2. Counter-Terrorism Strategy and Legislation

- 1 Recommendation 1:** The government should adopt the following guiding principles for review and development of counter-terrorism measures
 - a. Reviews and refreshes of the CONTEST strategy must include broad public consultation, with opportunities for all stakeholders to express their views and experiences.
 - b. Proposals for any new counter-terrorism legislation should be subject to full public consultation and allocated the time required for pre-legislative scrutiny by Parliament.
 - c. When emergency legislation is necessary, it should include a three-year sunset clause.
 - d. New counter-terrorism legislation should be subject to careful post-legislative scrutiny, including a review of its necessity and effectiveness within four years and an equality impact assessment of its operation.
 - e. Anti-terrorism legislation should only include measures specifically related to terrorism.
- 2 Recommendation 2:** The scope of the reviews by the Independent Reviewer of Terrorism Legislation (IRTL) should cover all laws and powers used for counter-terrorism, including citizenship deprivation and immigration powers used for counter-terrorism purposes. There should be annual reviews of the Terrorism Act 2000 and the Terrorism Act 2006, with a plan to review all other legislation and powers within five years.
- 3 Recommendation 3:** To enhance the independence of the Independent Reviewer of Terrorism Legislation, the Reviewer should be appointed for a term of four years, with the possibility of a single renewal.
- 4 Recommendation 4:** The Independent Reviewer of Terrorism Legislation should be supported by the appointment of a security-cleared junior or assistant to the Reviewer.
- 5 Recommendation 5:** The Home Office, after further consultation on the purpose, powers and functions of a Privacy and Civil Liberties Board, should establish the Board.
- 6 Recommendation 6:** There should be a statutory requirement to publish counter-terrorism data, statistics, and Independent Reviewer of Terrorism Legislation reports promptly within 12 months for the year to which they relate.
- 7 Recommendation 7:** There should be an ongoing programme of equality impact assessments for all counter-terrorism laws and policies to ensure that all are subject to review at least once every seven years.

3. Defining Terrorism

- 8 Recommendation 8:** The phrase 'designed to influence the government or an international governmental organisation' in the Terrorism Act 2000 section 1(1)(b) should be replaced by the phrase 'designed to coerce, compel or subvert the government or an international governmental organisation'.
- 9 Recommendation 9:** The Terrorism Act 2000 section 1(2)(b) should be amended so that a terrorist action includes 'serious damage to property that (i) creates a serious risk to life or (ii) creates a serious risk to national security or the health and safety of the public or a section of the public or (iii) uses arson, explosives or firearms'.
- 10 Recommendation 10:** The Terrorism Act 2000 section 1(3) should be repealed.

4. The Changing Nature of the Terrorist Threats to the UK

- 11 Recommendation 11:** Legislation should seek to distinguish more clearly between acts of terrorism and other forms of violence.
- 12 Recommendation 12:** The resources for counter-terrorism should focus on countering terrorism, though not at the expense of other programmes directed at countering anti-social violence.
- 13 Recommendation 13:** The Home Office should consult on the most appropriate language to use to describe terrorist threats.

5. Radicalisation and the Evolution of the Prevent Strategy

- 14 Recommendation 14:** Prevent and Channel should focus on those whose behaviour indicates that they present a significant risk to public safety through potential terrorist activities rather than on those who express ideas judged to be extreme, albeit lawful.
- 15 Recommendation 15:** Radicalisation research should be used to inform our understanding of what drives and what constrains individuals and groups in perpetrating violence, but should not be relied upon to predict who will cross that threshold.
- 16 Recommendation 16:** The government should develop resilience-based interventions that strengthen protective factors in individuals and communities rather than focusing solely on risk identification.
- 17 Recommendation 17:** Further evidence-gathering is needed before expanding terrorism and extremism definitions to include extreme misogyny.

- 18 Recommendation 18:** If Prevent is integrated into a broader safeguarding approach that addresses diverse drivers of violence, the need for a specific Prevent duty, with its narrow focus on terrorism-related risk, should be reconsidered.

6. Reforming Prevent – Towards a Multi-Agency Safeguarding Model

- 19 Recommendation 19:** Prevent should be part of a wider local authority-led multi-agency safeguarding approach, with national government providing support to ensure consistency and standards. The government should explore ways to build on the success of Dovetail to work together with local communities to address concerns about risk management.
- 20 Recommendation 20:** The Independent Prevent Commissioner should report on the operation of Police-led Partnerships as part of their annual reports.
- 21 Recommendation 21:** The government should explore how violence preventive work, currently processed through the Prevent Strategy and Duty, might be mainstreamed into broader violence reduction strategies.
- 22 Recommendation 22:** Moving to a multi-agency safeguarding model will require investment to rebuild capacity in support services in violence reduction, youth programmes and mental health services.
- 23 Recommendation 23:** The Local Government Association should be supported by the central government to deliver a programme of facilitated peer-support between local authorities as they design and implement locally appropriate multi-agency models.

7. Counter-Terrorism, Counter-Extremism and Cohesion Strategies

- 24 Recommendation 24:** The government should publish a new national social cohesion strategy that establishes social cohesion as a strategic priority for national government and local authorities.
- 25 Recommendation 25:** A more targeted Prevent strategy is only possible alongside government recognition of the strategic nature of investment in social cohesion. This means designing long-term cohesion and integration strategies that address discrimination, intolerance and hateful and divisive attitudes and behaviours through a proactive approach, including providing opportunities for meaningful social contact and creating spaces where it is possible to have difficult conversations between different groups and communities.
- 26 Recommendation 26:** The government should commission work to develop a social cohesion measurement tool to capture baseline levels of key criteria that contribute to cohesion at local level. This should allow local authorities to identify strengths and weaknesses in different areas and measure progress towards strengthening social cohesion. This measurement tool should, where possible, draw on existing data (administrative and existing survey data, such as the Community Life and Census surveys).

- 27 Recommendation 27:** Addressing the social harm of extremist messaging is vital, but is not best achieved through proposing new extremism legislation.
- 28 Recommendation 28:** The government and local authorities should engage broadly with all communities. It should challenge views it disagrees with rather than refuse to engage with organisations that express them.
- 29 Recommendation 29:** The government should design robust ways of measuring social cohesion initiatives and policies to ensure local authorities and national government direct resources efficiently.
- 30 Recommendation 30:** Community projects and the promotion of inclusive values that typically fall outside the scope of counter-terrorism efforts should be funded, delivered and evaluated through appropriate channels rather than having to seek funding from Prevent.

8. Better Delivery and Rights Protection in Prevent

- 31 Recommendation 31:** Prevent policy must be grounded in rigorous evidence and research. This requires collecting and sharing clear, consistent and robust data (including equality data) needed to evaluate policies and interventions.
- 32 Recommendation 32:** The Home Office should consult with a broad range of stakeholders in developing clear guidance on conducting conversations and interviews with children and young people relating to Prevent.
- 33 Recommendation 33:** The Information Commissioner's Office should audit the Home Office's Prevent policy and its implementation across the various institutions which process personal data, including its approach to national security exemptions.
- 34 Recommendation 34:** All bodies should develop and publish specific policies on the collection, processing and sharing of data gathered as part of their Prevent duty and include these policies in their training.
- 35 Recommendation 35:** The Department for Education should explore ways to increase support and training for educational staff to create safe spaces for students to discuss controversial and difficult issues. While continuous professional development could play an important role they should consider whether this could be also be addressed through reviewing initial teacher education (ITE), for example by offering bursaries to increase the numbers of citizenship teachers and/or encouraging a new ITE route in 'PSHE & Citizenship'.
- 36 Recommendation 36:** The powers and terms of appointment of the Prevent Commissioner should be established by statute. These should include the power to require the production of information. The Commissioner's terms of reference should include reviewing Prevent policies and practices to ensure adherence to human rights.

9. Counter-Terrorism Policing and Policing Powers

- 37 Recommendation 37:** His Majesty's Inspectorate of Constabulary, in its annual inspections of forces, should ensure that the importance of neighbourhood policing, public confidence and community engagement to countering the threat of terrorism is recognised and is evident in force policies and practices
- 38 Recommendation 38:** The College of Policing should ensure that guidelines and training materials cover the contribution that neighbourhood policing makes to countering terrorism and extremism, including lessons learned from past operations and attacks.
- 39 Recommendation 39:** The Home Office and Independent Reviewer of Terrorism Legislation should be informed of any use of Terrorism Act 2000 section 47A stop and search powers as soon as reasonably practicable.
- 40 Recommendation 40:** The Police Service of Northern Ireland should articulate and publish its policy on using Justice and Security Act 2007 stop and search powers.
- 41 Recommendation 41:** There should be a requirement of reasonable suspicion for detention, searching the content of electronic devices, the taking of biometric samples, and the seizure, and retention of property, including personal information on personal electronic devices.
- 42 Recommendation 42:** Clear policy and guidance should be developed for the copying, retention, and disposal of digital data collected following stops under the Terrorism Act 2000 Schedule 7.
- 43 Recommendation 43:** Data should be collected and published on the number of people:
- asked screening questions under Terrorism Act 2000, Schedule 7.
 - examined or detained under Schedule 7, who have digital data copied, the number of copies retained or deleted.
 - examined, or detained under Schedule 7, who have biometric data taken and retained.
- 44 Recommendation 44:** Data relating to Terrorism Act 2000 Schedule 7 examination and detentions should include information on religion and belief, as this is a protected characteristic.

10. Terrorism-Related Criminal Offences

- 45 Recommendation 45:** Prosecutors should provide guidance on the types of information that have resulted in convictions for the collection of prohibited information.
- 46 Recommendation 46:** The Terrorism Act 2000, section 58, on the collection of information of a kind likely to be useful to a person committing or preparing an act of terrorism, should be amended to require an intention to collect for terrorism-related purposes.

- 47 Recommendation 47:** Prosecutors should publish information indicating the type or nature of documents, the dissemination of which has led to convictions under the Terrorism Act 2006, section 2.
- 48 Recommendation 48:** Terrorism Act 2006 sections 1 and 2 should be amended to limit encouragement and dissemination offences to actions where there is an intention to encourage or disseminate for terrorist purposes.
- 49 Recommendation 49:** Terrorism Act 2006 section 5 should be amended to include examples of the types of conduct that constitute a preparatory act or provide guidance for prosecutors on the types of conduct that could lead to prosecution for preparatory acts.
- 50 Recommendation 50:** Terrorism Act 2006 section 5 should be amended to require evidence of a 'firm determination' to commit terrorist acts.
- 51 Recommendation 51:** The Crown Prosecution Service should develop guidelines for prosecutors on the use of mindset material, with advice on the admission of digital evidence, to ensure its relevance and probative value.
- 52 Recommendation 52:** The Royal Society Primers Steering Group should consider developing primers to assist judicial understanding of social media algorithms and online technologies.
- 53 Recommendation 53:** The Judicial College should consider including example directions for juries on assessing mindset material in the Crown Court Compendium
- 54 Recommendation 54:** In cases involving mind-set material, suspected terrorists should be screened for the number of autistic traits they have using tools like the AQ-10.
- 55 Recommendation 55:** Judges authorised to try terrorism cases should be provided enhanced training on the role of neurodivergence and autism spectrum disorders and the Crown Court Compendium Part II: Sentencing should include information for judges on neurodivergence in the sections on terrorism (compendium sections 4.8, 5.11A and 5.11B)
- 56 Recommendation 56:** The Home Office should collect and publish data disaggregated by ideology on arrests, charges, prosecutions, and convictions for terrorism-related offences.
- 57 Recommendation 57:** The government should publish annual data on the number of applications for the Attorney General's consent to prosecution in terrorism cases, the outcome of the applications. An explanation of decisions not to give consent should be provided to Parliament, where appropriate, via the Intelligence and Security Committee. It should publish any policy that guides the exercise of this discretion.

11. Sentencing and the Management and Rehabilitation of Offenders

- 58 Recommendation 58:** The Government should collect and publish official data on sentencing lengths for terrorism offences.
- 59 Recommendation 59:** The Ministry of Justice should publish data on sentencing for terrorism offences disaggregated by religion, ethnicity and ideological purpose.
- 60 Recommendation 60:** The Joint Extremism Unit should continue to evaluate the benefits and drawbacks of separation centres, and in particular, consider how these prisoners can be safely transitioned into the general population before their release, including the use of 'step down' graduated moves.
- 61 Recommendation 61:** There is a need for terrorist rehabilitation programmes that address the specific barriers experienced by women.
- 62 Recommendation 62:** Interventions should rely more on strength-based approaches that are concerned with building strengths, skills, and protections. Where appropriate, these should include greater community-level support and family-based interventions.
- 63 Recommendation 63:** The government should develop a process for reviewing the necessity and proportionality of notification requirements every five years for each offender. Offenders should be able to contribute to the review and be informed of its outcome.

12. Terrorism, Digital Technologies and the Regulation of Online Platforms

- 64 Recommendation 64:** The UK government should develop a strategy for combatting terrorist-operated websites in collaboration with other states and the tech sector.
- 65 Recommendation 65:** The government should establish a cross-departmental review of emerging digital technologies in terrorism, including AI applications and 3D-printed weapons, to ensure regulatory frameworks keep pace with technological developments.
- 66 Recommendation 66:** The government should consider whether legislation is needed to prohibit the possession of blueprints for the production of 3D firearms.
- 67 Recommendation 67:** All UK users should have the right to be notified and given reasons for content removal.
- 68 Recommendation 68:** Ofcom's transparency reporting requirements should ensure that the metrics used enable cross-platform comparisons.
- 69 Recommendation 69:** Ofcom should consider how transparency reporting can be used to identify possible bias and discrimination in content moderation.

13. Executive and Administrative Measures - Procedural Safeguards

- 70 Recommendation 70:** In all closed material procedures for executive and administrative measures, judges should balance the public interest in disclosure and non-disclosure.
- 71 Recommendation 71:** There should be a strong presumption in favour of disclosure of the 'core irreducible minimum' to allow effective instructions to be given to Special Advocates in all CMPs for executive and administrative measures cases that do not require an AF No 3 disclosure.
- 72 Recommendation 72:** The Independent Reviewer of Terrorism Legislation should have the power to review the use of closed material procedures for counter-terrorism related executive and administrative measures, to include the impact of the expansion of CMPs on access to justice, and the extent to which current practice results in litigation advantages to the government party. They should review cases where the core irreducible minimum has not been disclosed.
- 73 Recommendation 73:** The Attorney General, not the Information Holder of the relevant government department, should conduct tainting checks based on transparent guidance. There should be judicial oversight of the process with the right to challenge the decision.
- 74 Recommendation 74:** The Attorney General should consult with all relevant stakeholders with the aim of making communication between the Special Advocates and Open Representatives more efficient, effective and compatible with fair trial rights.
- 75 Recommendation 75:** Special Advocates should have access to a searchable database of closed decisions, orders and judgments of SIAC and the Higher Courts
- 76 Recommendation 76:** There should be a presumption that two Special Advocates are appointed in every closed material procedure case (one in CLOSED, one remaining in OPEN).
- 77 Recommendation 77:** To help Special Advocates access as much relevant closed material as possible, they should be able to draw upon the support of a pool of security-cleared experts under similar constraints as Special Advocates.
- 78 Recommendation 78:** Procedure Rules and Practice Directions where closed material procedures operate should encode the requirement for the government party to maximise the open disclosure process at the earliest opportunity, with sanctions available to SIAC for failure to comply.
- 79 Recommendation 79:** SIAC's powers should be amended to include a power to grant interim relief.

14. Proscription, De-proscription and Proscription-Related Offences

- 80 Recommendation 80:** The Terrorism Act 2000 section 3 should be amended to add a requirement that the ‘Secretary of State reasonably considers that proscription is necessary, for purposes connected with protecting members of the public from terrorism’.
- 81 Recommendation 81:** The government should amend the factors to consider in deciding whether to proscribe an organisation, to include:
- a. The nature and scale of an organisation’s activities
 - b. The specific and active threat that it poses to the United Kingdom
 - c. The specific and active threat that it poses to British nationals overseas
 - d. The extent of the organisation’s presence, cohesion and capabilities in the United Kingdom
 - e. The likely consequences of proscription on the rights and freedoms of those affected by the proscription
 - f. The need for the United Kingdom jurisdiction to give direct practical support to counter-terrorism in other countries
- 82 Recommendation 82:** If a proscription is based on intelligence material, the Intelligence and Security Committee should be invited to consider any proposed proscription order, and where possible, report to Parliament ahead of any debate and decision on an order.
- 83 Recommendation 83:** The Terrorism Act 2000 should be amended so that only one organisation (including any aliases) can be added to the list of proscribed organisations in each order.
- 84 Recommendation 84:** An initial proscription order by the Secretary of State should be limited to a period of five years, after which it would lapse, unless renewed by the Secretary of State for a further five years.
- 85 Recommendation 85:** The Proscribed Organisations Appeal Commission should determine the necessity and proportionality of the initial order and each renewal of an order by the Secretary of State within 12 months of the initial order or renewal order being made.
- 86 Recommendation 86:** The Proscribed Organisations Appeal Commission should apply the principle of Article 6 of the European Convention on Human Rights and should determine appropriate due process standards. This should include a strong presumption in favour of providing excluded parties with the gist (core irreducible minimum) of the case against them if closed material procedures are used.
- 87 Recommendation 87:** The community impact assessment of proscription, provided by the Home Office to the Proscribed Organisations Appeal Commission for de-proscription hearings, should be available for its review of proscription orders. The government should invite submissions from any affected groups or individuals in preparing the community impact assessment.
- 88 Recommendation 88:** Terrorism Act 2000 section 12(1a) makes it an offence to express an opinion or belief that is supportive of a proscribed organisation; it can be committed if a person is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation. The offence should be amended so that it cannot be committed recklessly, but can be committed if a person believes that a person to whom the expression is directed will be encouraged to support a proscribed organisation or intends to encourage another to support a proscribed organisation.

- 89 Recommendation 89:** Terrorism Act 2000 section 13 makes it an offence to wear clothes or carry or display articles in a public place in a manner that reasonably arouses suspicion of membership of or support for a proscribed organisation. This extends to publishing images of such items under similar circumstances. Section 13 should be amended to require intention. It should be amended so that a person commits an offence if they ‘wear clothing or carry or display articles in a public place in such a way, or in such circumstances, or in a manner intended to show that he is a member or supporter of a proscribed organisation’.

15. Counter-Terrorism Financing

- 90 Recommendation 90:** The threshold for imposing non-UN sanctions under the Sanctions and Money Laundering Act 2018 should be raised from ‘reasonable suspicion’ to ‘reasonable belief’, as recommended by the Joint Committee on Human Rights.
- 91 Recommendation 91:** The government should introduce a comprehensive humanitarian exemption across both sanctions and counter-terrorism frameworks, similar to the Canadian model, covering humanitarian and conflict resolution in alignment with International Humanitarian Law.
- 92 Recommendation 92:** The government should accept the Law Commission’s recommendation to provide statutory guidance covering the operation of Part 7 of the Proceeds of Crime Act 2002 on suspicion thresholds.
- 93 Recommendation 93:** The National Crime Agency should create a formal mechanism for greater information sharing between law enforcement agencies and financial institutions regarding terrorism financing risks, building on the success of the Joint Money Laundering Intelligence Task Force model.
- 94 Recommendation 94:** The government should create a formalised ‘keep open’ procedure through legislation, similar to Australia’s system, enabling banks to maintain accounts for intelligence purposes when requested by law enforcement agencies, with appropriate legal protections for financial institutions.
- 95 Recommendation 95:** The Prime Minister should establish a senior ministerial role with clear responsibility for addressing counter-terrorism financing challenges facing humanitarian organisations, ensuring coordinated policy responses across the Home Office, Treasury, and Foreign, Commonwealth and Development Office.
- 96 Recommendation 96:** The Tri-Sector Group (TSG) should establish opportunities for a wider group of NGOs to inform the work of the TSG. This requires allocating resources to communicate with the broader sector about new guidance and legislative changes, as well as facilitating networking.
- 97 Recommendation 97:** The Tri-Sector Group should establish a workstream specifically to tackle bank de-risking and financial access. This workstream could involve a wider network of NGOs in the sector.
- 98 Recommendation 98:** There should be a statutory ‘right to a bank account’ for registered charities, following international best practices, to establish and protect a baseline of access to the formal banking sector for charitable organisations and make continuity of humanitarian operations possible.

99 Recommendation 99: The government should work through the Financial Action Task Force (FATF) to develop stronger oversight of commercial risk intelligence databases like World-Check, requiring verification of sources and establishing an accessible appeals process for organisations wrongly flagged as high-risk.

100 Recommendation 100: The Charity Commission, in consultation with the Financial Conduct Authority, should commission independent research on whether financial or other requirements are discouraging people, particularly from marginalised groups and non-professional backgrounds, from becoming charity trustees.

16. Citizenship Deprivation and Immigration Powers

101 Recommendation 101: Citizenship should be a secure right that is not deprivable for people born with British citizenship or children registered as British.

102 Recommendation 102: The 'conducive to the public good' test is too vague and leaves the UK open to accusations that deprivation criteria are arbitrary. It should be replaced by

- i. a threshold test relating directly to acts or conduct that is seriously prejudicial to the vital interest of the United Kingdom, any of the Islands or any British Overseas territory, and
- ii. include a statutory proportionality test, reviewable by a court, with a requirement to consider effective alternative means of addressing the identified risk.

103 Recommendation 103: SIAC's appellate jurisdiction in deprivation appeals should be expressly set out in legislation, including:

- i. powers to reach its own conclusions on the proportionality of a decision to deprive;
- ii. express remedial powers in the case of allowed appeals.

104 Recommendation 104: A deprivation order should not be signed while an appeal against notice of a deprivation decision is still pending, unless the Home Secretary can show that the specific risk posed by the individual justifies the measure taking effect before the lawfulness of the decision is determined by a court or SIAC.

105 Recommendation 105: SIAC should be required to conduct hearings relating to deprivation in a manner consistent with procedural fairness, including a strong presumption in favour of providing the person with a gist (the irreducible minimum) of the case against them.

106 Recommendation 106: The use of deprivation of citizenship powers for national security reasons should be within the remit of the statutory review function of the Independent Reviewer of Terrorism Legislation.

17. Return, Rehabilitation and Societal Re-Engagement of Returnees from Conflict Zones of Iraq and Syria

- 107** **Recommendation 107:** The government must uphold international obligations and commitments to the UN Convention on the Rights of the Child and act in accordance with the consideration of 'best interests of the child'. Firstly, by treating the best interests of the child as a primary consideration at all stages. This must include the presumption that it is in the 'best interests of the child' to remain with their primary care-giver. Secondly, by observing the duty in Article 39 of the Convention to facilitate the children's recovery.
- 108** **Recommendation 108:** The government should honour the Crown's protective duty to British children abroad at risk of harm by securing the safe repatriation of detained British children to the United Kingdom, together with their mothers, where this is in the children's best interest.
- 109** **Recommendation 109:** The government should facilitate voluntary repatriation for British nationals deprived of British nationality. It should appoint a Special Envoy to oversee repatriation and inform returnees of the likelihood of prosecution and imprisonment upon return.
- 110** **Recommendation 110:** The government should amend the Counter-Terrorism and Security Act 2015 to allow Temporary Exclusion Orders to be imposed on non-UK citizens
- 111** **Recommendation 111:** The government should conduct case-by-case risk and radicalisation assessments using evidence-based best practices that include trauma-informed, age—and gender-sensitive processes and measures and structured professional judgement processes from multiagency multidisciplinary teams while avoiding actuarial approaches.
- 112** **Recommendation 112:** The Crown Prosecution Service for England Wales should consider prosecution of returnees for terrorism-related offences where they have actively supported and participated in terrorist acts, and allow for consideration of mitigating factors and for alternatives to detention to be available (such as TPIMs and probation conditions) in sentencing.
- 113** **Recommendation 113:** Existing programmes and other procedures should be used to support societal rehabilitation and (re)integration of returnees (whether prosecuted or not).

Introduction

1.

Introduction

The Need for a Review

The Terrorism Act was passed in 2000, and six years later, CONTEST, the counter-terrorism strategy, was published; since then, the world has changed, and legislation, policy, and practice have responded to threats from terrorism and moves in society.

Terrorist attacks have the potential to impact individuals and society profoundly. Attacks remain rare: there have been just over 200 terrorism and security-related deaths in the UK since 2001, compared to over 200 each year in most of the 1970s. Nevertheless, the threat level from terrorism in the UK is at 'substantial', meaning an attack is likely. About 3,000 potential terrorism suspects are on the security services' radar, and 19 late-stage attack plots have been disrupted between 2020–October 2025. The threats have diversified. Al-Qaeda and ISIS, while diminished, have not gone away; alongside a rise in threats from extreme right-wing terrorism, there has been a growing concern about younger people, acting alone while connected through decentralised online networks, with no clear and stable ideology but a fixation with violence.

Over £3bn per year is spent on counter-terrorism.¹ These measures shape our everyday lives. They limit the amount of liquids we can carry on flights in hand luggage, the placement of bollards and barriers at bridges and city centre locations, and have resulted in millions of hours of training for teachers, doctors, nurses, and other frontline professionals in identifying signs of radicalisation. Since the Act was passed, at least 11 additional terrorism-related pieces of legislation have been passed. New terrorism offences have been created and existing ones widened; these include viewing terrorist material online and recklessly expressing support for a proscribed organisation. Yet there has been little evaluation of the legislation's success and consequences, or of its effect on society as a whole.

Counter-terrorism laws, policies and practices impact not only the safety but also the openness and cohesiveness of society. They require public support. If they are experienced or viewed as unfair and disproportionate by particular

1 David Anderson, *Lessons for Prevent* (2025) 2.

groups and communities, trust, confidence and cooperation are undermined. Research shows that public support for and cooperation with government policies (including counter-terrorism) increases when they are developed to meet basic standards of good law and policy-making in a democracy.² Those groups and individuals whose cooperation is most needed or who may be particularly impacted by a law, policy or practice must be able to have their voices and concerns heard, acknowledged, and addressed in policy formulation and development. This entails understanding how impacts and experiences vary across different intersections of society, including age, class, immigration status, gender, race, and religion.

The public must be confident that these laws comply with the Rule of Law and respect international obligations such as those relating to human rights. Peaceful and inclusive societies can only be achieved through protecting human rights and fundamental freedoms, reinforcing the Rule of Law, and ensuring accountability through access to justice. A state's approach to countering terrorism provides a stress test of its commitment to effective and accountable institutions and normative frameworks.

At a time of a deadly ISIS-inspired attack at a synagogue, civil disobedience against the proscription on Palestine Action, increasing referrals to Prevent of young people with a fixation with violence but no clear or stable ideology, and serious questions about the government's right to remove citizenship, it is time to evaluate the effectiveness and fairness of the government's counter-terrorism strategy.

This Commission set out to examine current law, policy and practice in light of CONTEST's aim of reducing the risk to the UK from terrorism, 'so that people can go about their lives freely and with confidence.'³ While a reduction in the risk of terrorism can be the result of a wide range of laws, policies and practices outside of counter-terrorism as well as the consequence of counter-terrorism measures, the Commission's focus is the latter.

The Commission's Terms of Reference and Work

The Independent Commission on UK Counter-Terrorism Law, Policy and Practice was convened in 2022 at the Bingham Centre for the Rule of Law.

Its terms of reference were to:

- review relevant UK counter-terrorism laws, policies and practices;
- consider their impact on different groups and communities;
- examine adherence to human rights standards and the requirements of the Rule of Law;
- make recommendations on changes in law, policy and practice.

In conducting its review and formulating its recommendations, the Commission agreed to take into account:

- current threats posed by terrorism;
- evolving challenges and emerging trends in the nature and scope of terrorism;
- evidence of the experience of civil society organisations, legislators, policymakers, practitioners, victims and survivors of terrorism, and other relevant stakeholders;
- evidence of relevant laws, policies and practices in jurisdictions both within and outside the UK.

2 See, for example, Aziz Z. Huq, Tom R. Tyler, and Stephen J. Schulhofer. 'Mechanisms for eliciting cooperation in counter terrorism policing: Evidence from the United Kingdom' (2011) 8(4) *Journal of Empirical Legal Studies* 728; Tom Tyler, Stephen Schulhofer and Aziz Huq, 'Legitimacy and deterrence effects in counterterrorism policing: A study of Muslim Americans' (2010) 44 *Law and Society Review* 365; Adrian Cherney and Kristina Murphy, 'Policing terrorism with procedural justice: The role of police legitimacy and law legitimacy' (2013) 46 *Australian & New Zealand Journal of Criminology* 403; Natasha Madon, Kristina Murphy and Adrian Cherney, 'Promoting community collaboration in counterterrorism: Do social identities and perceptions of legitimacy mediate reactions to procedural justice policing?' (2017) 57(5) *British Journal of Criminology* 1144; Kristina Murphy, Natasha S. Madon, Adrian Cherney, 'Promoting Muslims' cooperation with police in counter-terrorism: The interaction between procedural justice, police legitimacy and law legitimacy' (2017) 40(3) *Policing: An International Journal* 544.

3 HM Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (Cm 8123, The Stationary Office, 2011) 40.

The Rt. Hon. Sir Declan Morgan KC PC, a former Lord Chief Justice of Northern Ireland, chairs the Commission. The 14 Commissioners bring a broad range of expertise and experience. Members include former ministers and practitioners with experience in national security and counter-terrorism in government, the Security Service, and policing, as well as lawyers specialising in human rights and national security laws, and individuals with experience and understanding of the impact of terrorism and counter-terrorism on particular groups and communities.

The Commission met between spring 2022 and summer 2025. Information was gathered through a call for evidence in July 2022, convening six international roundtables, seven evidence sessions, ten plenary meetings, as well as several small-group and individual meetings.

The Commission met (online or in person) with over 200 people, including representatives from civil society organisations, community groups, government ministers, judges, lawyers, policymakers, politicians, practitioners, survivors of terrorism, and people directly impacted by counter-terrorism. Additionally, the Commission received and analysed more than 120 substantive written submissions and reviewed the latest research evidence.

The Commission, while independent, has engaged with relevant government ministers and officials. In December 2024, following a meeting with the Security Minister, Dan Jarvis MP, the Commission submitted an interim working paper on Prevent, Counter-Extremism and Cohesion, setting out emerging findings and draft preliminary recommendations to inform the reviews of these areas within government (this is largely reproduced in **chapters 5-8** of this report). This was also shared with Lord Anderson KC following his appointment as Interim Independent Prevent Commissioner, advisors to the Prime Minister and with officials at the Ministry of Housing, Communities and Local Government reviewing social cohesion policies.

The Commission's review is wide-ranging, but it does not aim to be comprehensive. The issues covered in this report reflect the areas of focus in the evidence examined by and presented to the Commission. For example, it examines a number of the executive and administrative measures but does not examine Terrorism Prevention and Investigation Measures in detail. We do not examine state actions that may fall within the legal definition of terrorism, as they are addressed through separate systems of laws and policies targeting national security threats posed by hostile state actors.

The Structure of the Commission's Report

The Commission report is in five parts.

Part one, chapters 2-4, outlines the background and context for legislation, policy and practice. **Chapter 2** considers the social and political forces that shape counter-terrorism law, policy and practice. It outlines how the CONTEST strategy and legal framework have evolved in response to shifts in the nature of terrorist threats and political and public pressures. It considers how to measure its impact and effectiveness, as well as the need to ensure any response is proportionate to the threat from terrorism and other threats to public safety. **Chapter 3** examines the challenges and implications of defining terrorism. The definition matters because it is the foundation on which all counter-terrorism laws, policies, and practices are built. The chapter notes concerns about the breadth of the definition and examines changes that could provide greater clarity and certainty while maintaining its effectiveness in addressing terrorist threats. **Chapter 4** outlines the evolution of terrorism since the Terrorism Act 2000 and the 2003 UK strategy for countering terrorism, known as CONTEST. Beginning with the different measures used to evaluate the extent of the threat, it examines the risk related to categories of terrorism threats. It also considers the terminology used to describe terrorist threats.

Part two, chapters 5-8, focuses on Prevent, the highest-profile and most controversial part of CONTEST. **Chapter 5** provides a detailed examination of the Prevent Strategy and the theories, evidence, and understanding of radicalisation, the core concept underpinning Prevent. **Chapter 6** presents the case for Prevent to be retained as

one element of a wider safeguarding approach. These proposals build on multi-agency approaches already working effectively in several local authorities in adjacent policy areas such as violence reduction, public health and children's services. **Chapter 7** reflects on the implications of such reform for the wider relationship between counter-terrorism, counter-extremism and social cohesion. This section of the report concludes in **Chapter 8** which outlines evidence and concerns about Prevent including children's rights, data collection/retention, and oversight, and provides recommendations for addressing these issues in a reconfigured model of Prevent.

Part three, chapters 9-11, examines how terrorism is addressed through the criminal justice system. **Chapter 9** examines counter-terrorism policing and the policing powers, focusing on two key areas: how the police engage with communities and how counter-terrorism policing powers are utilised. **Chapter 10** focuses on the concerns raised by the laws aimed at preventing terrorism by criminalising activities before a terrorist act. The chapter begins by setting out the role of criminal law prosecutions in countering terrorism and data on prosecutions. It focuses on the four most prosecuted terrorism-related offences and highlights their requirements and the concerns they raise. **Chapter 11** looks at the sentencing of people convicted of terrorism offences and the management and rehabilitation of terrorist offenders while in prison and in the community.

Part four, chapters 12-17, examines the regulatory, administrative and executive measures used to counter terrorism. **Chapter 12** explores how digital platforms facilitate terrorist violence—from disseminating extremist ideologies to enabling attacks—and examines responses from technology companies, civil society, and UK regulation through the Online Safety Act 2023. Executive and administrative measures are imposed on individuals via ministerial action, though sometimes with prior judicial approval. An individual can challenge the measures through specialist bodies and the courts. **Chapter 13** examines whether there are adequate safeguards in place for challenging these measures, particularly when Closed Material Procedures (CMPs) and Special Advocates are employed, as these practices conflict with fundamental Rule of Law principles, such as open justice and the right of a person to know the case against them. **Chapter 14** examines proscription: the process and criteria for listing organisations and challenging proscription orders, the resulting criminal offences, and broader implications for affected communities, conflict research, and peacebuilding work. **Chapter 15** covers counter-terrorism financing measures, including international frameworks and UK criminal offences. It focuses on how sanctions and bank due diligence requirements affect charities operating in conflict zones, especially humanitarian organisations and Muslim charities. **Chapter 16** examines how citizenship deprivation has evolved as a counter-terrorism tool, its impact on equality of citizenship, and the fairness of processes for challenging deprivation orders. **Chapter 17** focuses on individuals who travelled to ISIS-controlled territories. It reviews conditions in North-East Syrian camps and compares the UK's policy response with those of comparable states.

Part five, Chapter 18, sets out concluding observations, drawing together the key cross-cutting themes that emerge across the inquiry: effectiveness, proportionality, resilience and social cohesion, accountability, fair process, equal treatment, and evidence-based policy.

Part I:

Background and Context

2.

Counter-Terrorism Strategy and Legislation

The UK's approach to countering terrorism has evolved significantly since the introduction of permanent terrorism legislation in 2000, shaped by changing threats and new challenges. At the heart of the government's counter-terrorism efforts is CONTEST, introduced in 2003. It aims 'to reduce the risk to the UK and its citizens and interests overseas from terrorism, so that people can go about their lives freely and with confidence'.¹ It is built on four pillars:

1. Prevent aims 'to stop people becoming terrorists or supporting terrorism' through countering radicalisation. It includes work in prisons with terrorist offenders and those assessed to be at risk of radicalisation.
2. Pursue uncovers and disrupts terrorist networks and attacks, bringing those involved to justice. This includes police and Security Service investigations, the use of executive and administrative measures and criminal prosecutions.
3. Protect strengthens measures against a terrorist attack, like reducing the vulnerability of critical national infrastructure and crowded public spaces which could be terrorist targets. Investing in security measures and embedding safety features into the design of buildings and urban environments reduces vulnerability to attack.²
4. Prepare mitigates the impact of an attack and supports the equipping, training and coordination across emergency services and hospitals.

Alongside CONTEST, counter-terrorism laws have created new offences, expanded police powers and introduced executive measures to manage terrorist suspects who cannot be prosecuted or deported.

Four key trends emerge:

1. A 'whole of society' approach: spreading responsibility for countering terrorism across public institutions, the private sector and civil society.

1 HM Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (Cm 9608, 2018), 13. Although adopted in 2003, it was not published until 2006, HM Government, *Countering International Terrorism: The United Kingdom's Strategy* (Cm 6888, 2006) 1.

2 See, for example, Jon Coaffee, *Security, Resilience and Planning: Planning's Role in Countering Terrorism* (Lund Humphries 2020).

2. Increased use of executive and administrative measures, such as proscribing organisations or stripping citizenship.
3. Expansion of criminal law to cover a wider range of terrorism-related activities.
4. Longer prison sentences for terrorism offences and extended monitoring after release.

These raise important questions about the balance between security and civil liberties; whether the efforts to keep us safe are proportionate to the threat; and whether they avoid discrimination in their design and application. The difficult tensions that legislators and policymakers must grapple with are examined in detail in later chapters. A 'whole of society' approach, which enables parents, neighbours, schools, and others to understand how they can help prevent or divert the possibility of violent political acts and build strength and resilience, is clearly beneficial. However, there are risks in trying to involve society into the policing of views and suppressing discussion and these are considered in **chapter 5**. Executive and administrative measures provide powerful tools that enable the government to act against individuals where there is intelligence suggesting they pose a threat, but not sufficient evidence to prosecute. The strain on commitments to fair and open justice that these create is considered in **chapter 13**. Terrorism-related offences allow authorities to disrupt terrorist plans and arrest people for actions well before the public is in immediate danger. The concerns they raise about potential overreach and unfairness are considered in **chapter 10**.

This chapter outlines the changes in the UK counter-terrorism strategy and laws. Section 1 examines the social and political context shaping the development of strategy and legislation. Section 2 outlines the development of the CONTEST Strategy. Section 3 focuses on the development of counter-terrorism laws. It considers the extent to which Parliament has scrutinised new laws. It shows how measures, first introduced as exceptional and necessary for the terrorism-related threat at that time, are rarely repealed after the threat has receded and become normalised over time and then used in other areas. Section 4 considers the role of oversight provided by the Independent Reviewer of Terrorism Legislation. Section 5 discusses the challenges in evaluating the proportionality and effectiveness of CONTEST. Section 6 examines the challenges of assessing the impact of counter-terrorism measures on particular groups and communities, particularly concerns about bias, discrimination and Islamophobia in the implementation of law and policy. Section 7 sets out key findings and recommendations.

2.1 The Social and Political Context

Counter-terrorism strategies and laws are influenced by political and societal pressures. Surveys show that public attitudes to terrorism tend to correlate with the recency of a terrorist incident.³ In 2022, the public identified terrorism as the fifth most important problem facing the country, behind poverty, health, the environment and unemployment/job security.⁴ Some 40 per cent were more concerned about terrorism than a few years ago, compared to 35 per cent who were less concerned.⁵ While polls show that most people favour greater counter-terrorism powers, most of them are taken immediately after an attack, just as new measures are proposed.⁶ In 2022, most people said counter-terrorism measures were proportional to the threat; a third wanted more.⁷

Politicians, policy advisors and senior officials recalled the acute public and political pressures which influenced policymaking after terrorist attacks, particularly when they felt compelled to act decisively. After 2001, there were concerns that a 'dirty bomb' using conventional explosives could be deployed to spread radioactive material. The 7 July 2005 attacks marked the first suicide bombings in the UK, yet the domestic threat from Al-Qaeda remained unclear. The failed bombings two weeks later heightened government fears that this signalled the onset of a planned and coordinated wave of attacks. In response, Prime Minister Tony Blair framed the threat as a civilisational struggle

3 Michael Lister, 'Public Opinion and Counter-Terrorism' (2022) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice. See also: Michael Lister, *Public Opinion and Counter-terrorism: Security and Politics in the UK* (Routledge 2023).

4 Evidence submission, Dr Sara Fregonese and Dr Paul Simpson. The data is based on an online survey of 5000 UK respondents conducted in March and May 2022. For further details, see *Atmospheres of (counter)terrorism in European cities*, <www.atmoot.org>.

5 22 per cent answered, 'Don't know' and 3 per cent did not answer the question.

6 Lister, 'Public Opinion and Counter-Terrorism' (n 3).

7 Fregonese and Simpson (n 4).

against barbarity, disconnected from geopolitical conflict or social context. He declared that ‘the rules of the game are changing’ and announced proposals for sweeping counter-terrorism measures, some of which were enacted in subsequent legislation. However, the proposal of 90 days of pre-charge detention with little evidence to justify its need was turned down by Parliament. These proposals reflect the challenge which politicians and officials have in responding to the public mood without implementing problematic laws and policies based solely on public sentiment. Provoking government overreaction is often an objective of terrorists.⁸ One official described it as ‘lawyers versus the rest’, where legal advisors urge restraint and ‘public opinion always wants more’.⁹

After 2001, the relationship between the government and Muslim communities has also shaped policy. A former senior official said some ministers saw terrorism as a problem of ‘the Muslim community’.¹⁰ The initial effort to collaborate with Muslims included establishing seven working groups with leaders from Muslim civil society under the banner Preventing Extremism Together (PET). In November 2005, they delivered a report with 64 recommendations. Fewer than six recommendations were fully realised. The most prominent — the Muslim Women’s Advisory Group, Muslim Youth Group, and the Mosques and Imams National Advisory Board (MINAB) — were short-lived: the first two were dismantled under the coalition government, and the third survived only nominally, with little government involvement.¹¹ The government also faced criticism from journalists, think tanks, and politicians about which Muslim groups they engaged with,¹² resulting in a policy of non-engagement with several organisations. This was reinforced by the emphasis under the Coalition and Conservative governments on ‘Islamist extremism’. Researchers, civil society groups, and Muslims working in counter-terrorism report that these exclusions hampered working effectively within Muslim communities and limited the mechanisms for engaging with democratic processes to address grievances.¹³ (See **chapter 9** on community policing and **chapter 7** on the Prevent and counter-extremism section 3.3.)

Where policies reflect, or are perceived to reflect, broader foreign policy considerations, this creates difficulties in maintaining confidence in sections of some communities. Some UK Sikh organisations believe that the importance of relations with the Indian government, while negotiating a post-Brexit trade agreement, is behind government actions against them.¹⁴ This includes £95,000 for work on pro-Khalistan extremism,¹⁵ reference to ‘Sikh separatist extremism’ in a ministerial speech on terrorism¹⁶ and in two government-commissioned reports¹⁷ plus the attempted extradition to India of three British-Sikh activists.¹⁸ International relations influence decisions on the proscription of organisations involved in political conflicts abroad (see further discussion in **chapter 14**).

8 Richard English, *Terrorism: How to Respond* (Oxford University Press 2009); Tom Parker, ‘It’s a Trap: Provoking and overreaction is terrorism 101’ (2015) 160(3) *The RUSI Journal* 38.

9 Lister, ‘Public Opinion and Counter-Terrorism’ (n 3).

10 Commission plenary meeting, senior policymaker (July 2022).

11 Sayeeda Warsi, *The Enemy Within: A Tale of Muslim Britain* (Allen Lane 2017) 209. See also: HM Government, *Countering International Terrorism* (1) 14.

12 Martin Bright, *When Progressives Treat with Reactionaries* (Policy Exchange 2006).

13 Evidence submissions, Dr Sophie Madaline-Abbas, Dr Fahid Qureshi. Evidence session, counter-terrorism practitioners. (January 2023)

14 Evidence session, Sikh civil society organisations (February 2024).

15 UK Government, ‘UK’s Security Minister Visits India to Address Joint Threat of Extremism and Corruption’ (GOV.UK, 8 February 2024) <<https://www.gov.uk/government/news/uks-security-minister-visits-india-to-address-joint-threat-of-extremism-and-corruption>> accessed 28 March 2025.

16 Priti Patel, ‘Priti Patel’s Speech to Heritage Foundation’ (Washington DC, 19 November 2021) <<https://www.gov.uk/government/speeches/priti-patel-s-speech-to-heritage-foundation>> accessed 26 June 2025 accessed 27 June 2025. See also Naomi Canton, ‘More than 150 Sikh organisations sign letter to UK PM demanding he sacks Priti Patel’ *The Times of India* (08 February 2022) <<https://timesofindia.indiatimes.com/world/uk/more-than-150-sikh-organisations-sign-letter-to-uk-pm-demanding-he-sack-priti-patel/articleshow/89417636.cms>> accessed 28 March 2025.

17 William Shawcross, *Independent Review of Prevent* (HC 1072, 2023) 146. Colin Bloom, *Does Government ‘do God’? Independent Review into how government engages with faith* (Department of Levelling-up, Housing and Communities 2023) 121-132.

18 BBC News, ‘India extradition bid dropped against West Midlands men’ (22 September 2021) <<https://www.bbc.co.uk/news/uk-england-coventry-warwickshire-58652778#:~:text=An%20appeal%20to%20extradite%20three,high%2Dprofile%202009%20murder%20plot>> accessed 26 June 2025.

2.2 The UK Counter-Terrorism Strategy CONTEST

CONTEST has been through several reviews, refreshes and iterations.¹⁹ Few of these have provided opportunities for all stakeholders to express their views and participate through broad public consultations.

The 2011 review of CONTEST initiated two far-reaching and important changes. First, it expanded the focus from 'international terrorism' (focused mainly on Al-Qaeda and ISIS) to cover all types – aligning the strategy with the legal framework, which had, since 2000, covered actions aimed at furthering a political, religious, ideological or (from 2009) racial cause.²⁰ This included extreme right-wing terrorism, which until then had been labelled 'domestic extremism' rather than terrorism. MI5 took over leading investigations into extreme right-wing terrorism from the police in 2020.²¹ Only Northern Ireland-related terrorism in Northern Ireland remains outside its scope.²² Second, going beyond 'counter-violent extremism' adopted by other jurisdictions, the European Union (EU) and the United Nations (UN), CONTEST explicitly included challenging 'non-violent extremism'.

CONTEST deals with stopping terrorism and challenging the ideas which support it. This entails a 'battle of ideas' and 'challenging the ideologies that extremists believe can justify the use of violence'.²³ The 2006 and 2009 strategies referred to 'violent extremist ideologies' and the ideology associated with Al-Qaeda but remained opaque on how this would be interpreted. The 2011 Strategy expanded the scope of CONTEST to include non-violent extremism which was conducive to terrorism. Extremism was defined as 'vocal and active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs' and included calls for the deaths of members of British armed forces.²⁴ It aimed to ensure that there were 'no "ungoverned" spaces in which extremism could flourish'.²⁵

The former Independent Reviewer of Terrorism Legislation, Max Hill, was clear: extremist 'thought with steps towards action can be terrorism. Thought without action or preparation for action may be extremism, but it is not terrorism'.²⁶ Expanding counter-terrorism to the diffuse notion of extremism has made policies more confusing and less clear, with five competing definitions of extremism applied to different policy areas, and the development of parallel strategies for Preventing Extremism and Countering Extremism.²⁷ The need to protect freedom of expression and the right to protest has curtailed attempts to frame legislation on countering extremism. It can create public and media demands on the police to stop people from saying things that may be offensive, with no evidence that the language plays a significant part in encouraging individuals or groups to commit terrorist acts.

¹⁹ These were in 2006, 2009, 2011, 2018 and 2023.

²⁰ As noted in **chapter 3**, before the Terrorism Act 2000, anti-terrorism laws were confined to international terrorism and terrorism related to Northern Ireland. Now, they apply to actions to further any 'political, racial, religious or ideological cause'.

²¹ In 2018, the government decided that MI5 would take over from Counter-Terrorism Policing in investigating extreme right-wing terrorism. This decision was implemented by April 2020, see, Intelligence and Security Committee of Parliament, *Extreme Right-Wing Terrorism* (HC 629, 13 July 2022) 1.

²² HM Government, *CONTEST: the United Kingdom's Strategy for Countering Terrorism 2023* (CP 903, 2023) 20. CONTEST covers Northern Ireland-related terrorism in Great Britain. However, Northern Ireland-related terrorism in Northern Ireland is managed by a separate strategic approach, led by the Northern Ireland Office.

²³ HM Government, *Countering International Terrorism* (n1) 2.

²⁴ HM Government, *Prevent Strategy* (Cm 8092, 2011).

²⁵ *ibid* 9.

²⁶ Max Hill, 'Tom Sargent Memorial Lecture for Justice' (24 October 2017).

²⁷ Clive Walker, *Extremism and the UK Policy Spiral* (ICCT Policy Briefing, 2024).

2.3 Counter-Terrorism Legislation

Counter-terrorism strategy has created an intricate body of terrorism-specific and terrorism-related laws. Yet, often, ordinary criminal laws and police powers are used (see **chapter 10**). Terrorists are often prosecuted using laws of murder, explosive substances, or firearms.

So why are separate and special laws and powers needed for terrorism? While some Commission evidence called for all terrorism legislation to be repealed, most respondents recognised the necessity of specific laws. However, they emphasised the need for the state to justify them. They are called necessary ‘because of the way terrorists operate, which makes them hard to catch and convict, because of the risks that they pose to society, and because it is important to be able to pre-empt, as well as to deter.’²⁸ The alternative may be to broaden and stretch general laws and powers. International legal obligations require specific actions against terrorism. The Commission recognises that special and specific terrorism laws are sometimes needed, but they require clear justification and careful and rigorous scrutiny.

The Terrorism Act 2000 provides the foundation of terrorism legislation; this has been added to and amended by 11 further Acts (see **Box B**).

Other chapters of this report identify areas where existing terrorism legislation requires change, including key parts of the Terrorism Act 2000 on the definition of terrorism, policing powers, terrorism-related criminal offences, and proscription; and terrorism-related offences in the Terrorism Act 2006. Sometimes, terrorism is explicitly included in more generic laws and regulations. The Online Safety Act 2023 provides a regulatory framework for ‘terrorism content’ (discussed further in **chapter 12**).

Some government actions under CONTEST required no new legislation; many were achieved by exercising prerogative powers. Until 2015, Prevent operated without a specific legislative basis. Therefore, oversight and scrutiny must apply to both legislation and policies.

Parliamentary scrutiny of legislation and policies

The urgent need to respond to a terrorist threat can lead to ‘ill-considered “panic” legislation’.²⁹ This risk increases with limited parliamentary scrutiny and insufficient time for input from a broad cross-section of stakeholders. Arguably, the nadir for parliamentary scrutiny of terrorism laws was the Prevention of Terrorism (Temporary Provisions) Bill, introduced four days after the 1974 Birmingham pub bombings and rushed through Parliament in 42 hours. By contrast, the 2000 Act was preceded by the Lloyd report on the need for legislation, a consultation paper and detailed parliamentary scrutiny, all at a time of no major terrorist attack.³⁰ However, organisations concerned about the human rights impact of the bill still found it difficult to get parliamentarians interested in the bill.³¹

The picture since then has been mixed but largely positive. The four weeks given for scrutinising the 114-page bill for the Anti-Terrorism, Crime and Security Act 2001 (ATCSA 2001) were criticised by the House of Commons Home Affairs Committee. A Committee of Privy Counsellors questioned including measures not dealing with terrorism in emergency anti-terrorism legislation, arguing that they should be in mainstream non-terrorism legislation.³²

Full and detailed scrutiny of the Terrorism Bill 2006 allowed Parliament to challenge the government’s claim, made without compelling evidence, that extension of pre-charge detention from 14 to 90 days was necessary.³³ Supported by evidence to the Home Affairs Committee, Parliament agreed to an extension to 28 days.

28 Privy Counsellor Review Committee, *Antiterrorism, Crime and Security Act 2001 Review: Report* (HC 100, 18 December 2003) 4.

29 Clive Walker, *Blackstone’s Guide to the Anti-Terrorism Legislation* (3rd edn, Oxford University Press 2014) 21.

30 Lord Lloyd of Berwick, *Inquiry into legislation against terrorism* (Cm 3420, 1996) and Home Office and Northern Ireland Office, *Legislation Against Terrorism: A Consultation Paper* (Cm 4178, 1998).

31 Evidence session, September 2022, legal expert.

32 Privy Counsellor Review Committee, *Antiterrorism, Crime and Security Act 2001 Review: Report* (HC 100, 18 December 2003) 8.

33 Joint Committee on Human Rights, *Counterterrorism Policy and Human Rights: Terrorism Bill and Related Matters* (Third Report of Session 2005–06, HL Paper 751, HC 5611, 2006) 26–37.

However, three months after the government published a draft bill, the Counter-Terrorism and Security Act 2015 was passed via a fast-track procedure with debate over two months. The Terrorism Offenders (Restriction of Early Release) Act 2020 was also fast-tracked to prevent the further automatic release of terrorist offenders halfway through their sentence.

After primary legislation is passed, Parliament has a further opportunity to scrutinise the policies where its approval is needed for secondary legislation. However, in practice, its ability to scrutinise and challenge is limited, particularly when decisions are based on intelligence not shared with parliament (see, for example, **chapter 14** on proscription), or debate is brief and does not examine rights protections.³⁴

Even given time, the degree of parliamentary scrutiny remains uneven.³⁵ In counter-terrorism legislation, Parliament has agreed to unclear language, wide powers and broadly defined offences, assuming the courts would interpret the legislation wisely. However, Commission evidence shows the judiciary's limited ability to deal with the wide definition of terrorism,³⁶ the breadth of some terrorism-related offences³⁷ and the discretion inherent in broad policing powers.³⁸ On issues of national security, the judiciary pay significant deference to the judgement of the executive. When counter-terrorism powers and offences are widely drawn, they are open to misuse or misapplication (see **Box C**). By leaving it to the courts to protect rights rather than grappling more directly with the issues, Parliament is adding to strains in the relationship between the executive and judiciary.³⁹ Parliament passed the ATCSA 2001 allowing the indefinite detention of foreign nationals, leaving it to the judiciary to find that it was a violation of the European Convention on Human Rights (ECHR).⁴⁰ The government responded to that judgment with the introduction of Control Orders, leaving it to courts to determine which restrictions were consistent with the ECHR.

Parliament can also scrutinise policies as part of its ordinary business through committee work, parliamentary questions, motions and debates. This raises a broader issue, beyond the scope of this Commission, of the general effectiveness of Parliament as a legislative chamber and a check on any executive power.

Box A. UN Security Council Resolution 2686 (2023)

The UK, together with the United Arab Emirates, led the drafting of Security Council resolution 2686 on tolerance and international peace and security.⁴¹ Using the term 'extremism' without the modifier of 'violent' raised widespread human rights concerns.⁴² While adopted unanimously by the Security Council, several states, including the USA and France, later expressed reservations about the absence of 'violent' which allowed a broader interpretation that could be used against individuals and groups exercising their freedom of expression and opinion".⁴³

34 Jessie Blackbourn, Fiona de Londras, and Lydia Morgan, *Accountability and Review in the Counter-Terrorist State* (Bristol University Press 2019) 53-54.

35 See: Mark Shephard, 'Parliamentary Scrutiny and Oversight of the British "War on Terror": From Accretion of Executive Power and Evasion of Scrutiny to Embarrassment and Concessions' (2009) 15(2-3) *The Journal of Legislative Studies* 191; Jonathan Bright, 'In Search of the Politics of Security' (2015) 17 *British Journal of Politics and International Relations* 585; Lee Jarvis and Tim Legrand, *Banning Them, Securing Us? Terrorism, Parliament and the Ritual of Proscription* (Manchester University Press 2020).

36 See discussion in **chapter 3** on *R v Gul* [2013] UKSC 64.

37 See **chapter 10**.

38 See **chapter 9**.

39 Plenary meeting, July 2022, legal expert.

40 *A and others v Secretary of State for the Home Department* [2004] UKHL 56.

41 UN Security Council Res 2686 (27 June 2023) UN Doc S/RES/2686.

42 Saskia Brechenmacher, 'New UN Security Council Resolution on "Human Fraternity" raises human rights concerns,' (Just Security, 23 Jun 2023) <<https://www.justsecurity.org/86993/new-un-security-council-resolution-on-human-fraternity-raises-human-rights-concerns/>> accessed 27 September 2025.

43 UN Web TV, 'Security Council: The Values of Human Fraternity in Promoting and Sustaining Peace - Security Council, 9346th Meeting' (14 Jun 2023).

Box B. UK Counter-Terrorism Legislation

Terrorism Act 2000

This is the foundation of the legal framework on terrorism. It replaced 'temporary' emergency legislation with permanent laws covering proscription of terrorist organisations, terrorist property, terrorist investigations, counter-terrorism powers including powers to stop and search people, premises and vehicles and a range of terrorist offences. Its definition of terrorism is used in all subsequent legislation.

Anti-terrorism, Crime and Security Act 2001

This passed as emergency legislation after the attacks of 11 September, allowing the potentially indefinite detention of foreign nationals suspected of involvement in terrorism, who could neither be prosecuted due to insufficient evidence nor deported as they risked torture or death in their country of nationality. This required a derogation from the ECHR, as the measures violated the right to liberty protected in the Convention. When it was challenged in the House of Lords, judges accepted that the emergency threatened the life of the nation, but found it was incompatible with the ECHR as it 'did not rationally address the threat to security, was not a proportionate response, was not strictly required by the exigencies of the situation and unjustifiably discriminated against foreign nationals on grounds of their nationality.'⁴⁴ Its measures were not restricted to terrorism, allowing public bodies to disclose information to assist criminal investigations and proceedings and gave the government powers to freeze foreign property held by institutions in the UK.

Prevention of Terrorism Act 2005

This substituted detention without trial of foreign nationals for a regime of executive-issued Control Orders. Conditions and restrictions were placed on controlees which came close to house arrest. As they applied to both British and foreign nationals, the measures overcame the objection of discrimination on the grounds of nationality raised in the Belmarsh case.⁴⁵

Terrorism Act 2006

This was passed after the July 2005 London suicide bombings. It allowed earlier intervention by criminalising actions and activities before any evidence of intention to enact a specific plan and created new offences about preparation and training for terrorism.⁴⁶ Responding to radicalisation concerns, it established a new offence of encouragement of terrorism, which included the glorification of terrorism⁴⁷ and the dissemination of terrorist publications.⁴⁸ It extended the period for pre-charge to 28 days.

Counter-Terrorism Act 2008

The Act followed the arrest of nine people accused of planning to kidnap and murder a Muslim member of the British army. It introduced the offence of eliciting or attempting to elicit information on members of the armed forces, security services and police that would be useful to a person committing or preparing an act of terrorism.⁴⁹ It supports increasingly complex investigations with measures on removing and examining documents, taking and retaining fingerprints and DNA samples, allowing post-charge questioning of terrorist suspects and the drawing of adverse inferences from a failure to mention facts when questioned that are later relied on in court.⁵⁰ It enables longer sentences for criminal convictions for non-terrorism offences where there was evidence of a 'terrorism connection'. It includes increased post-sentence monitoring of terrorist offenders through notification requirements.

⁴⁴ Tom Bingham, *The Rule of Law* (Penguin Books 2010).

⁴⁵ *A and others v Secretary of State for the Home Department* [2004] UKHL 56.

⁴⁶ TA 2006, ss 5-6.

⁴⁷ *ibid* s 1.

⁴⁸ *ibid* s 2.

⁴⁹ CTA 2008, s 76.

⁵⁰ *ibid* s 22.

Terrorist Asset Freezing Act 2010

This put counter-terrorism finance measures on a secure legal footing after the Supreme Court found that aspects of Orders issued under the United Nations Act 1946 were unlawful.⁵¹

Terrorism Prevention and Investigation Measures Act 2010.

Control Orders were replaced with Terrorism Prevention and Investigation Measures.⁵² Limited to two years, they allow restrictions on the controlee's place of residence, movement, communication, and association.

Counter-Terrorism and Security Act 2015.

This sought to prevent people travelling to Syria to fight for ISIS, with powers to seize travel documents, then manage their return through a combination of Temporary Exclusion Orders, travel permits and conditions imposed on their return. It introduced more restrictive measures for terrorism prevention and investigation measures (TPIMs), including forced relocation up to 200 miles away from the controlee's home. It provided a statutory framework for part of the Prevent strategy, including placing a duty on designated authorities to 'have due regard to the need to prevent people from being drawn into terrorism'.⁵³ It also created a power, so far unused, for the Secretary of State to establish a Civil Liberties and Privacy Oversight Board to advise the reviewer of terrorism legislation.⁵⁴

Counter-Terrorism and Border Security Act 2019

Dealing with online radicalisation, ISIS-inspired attacks in the UK and the threat from extreme right-wing terrorism, this Act extended the offence of inviting support for a proscribed organisation to cover expressions of support that are reckless as to whether they will encourage others to support the organisation,⁵⁵ and ensured that the offence of displaying images suggesting such support covered online displays.⁵⁶ Obtaining information likely to be useful to a terrorist now includes material viewed or streamed on the internet.⁵⁷ Borrowing from Australia, the Secretary of State can designate forbidden areas outside the UK that pose a terrorism threat and make it an offence to enter or remain in them.⁵⁸ It increased the sentences for some preparatory offences and introduced additional post-sentence monitoring obligations.

Terrorism Offenders (Restriction of Early Release) Act 2020

This responded to the terrorist attacks at Fishmongers' Hall and in Streatham, both committed by convicted terrorists who had been given automatic early release from prison. The Act stopped that without the Parole Board's agreement.

Counter-Terrorism and Sentencing Act 2021

This increased the maximum sentences for some offences and created a new mandatory Serious Terrorism Sentence which applied to 'serious terrorism offences', including non-terrorism offences when there was found to be a 'terrorism connection'. The Act lowered the standard of proof for imposing TPIMs, specified new measures and strengthened some of the existing ones, extending the time that a TPIM can last from two to five years.

Terrorism (Protection of Premises) Act 2025

The Act, known as Martyn's Law, establishes legal requirements for protective security for premises across the UK using a tiered approach based on capacity. Premises expecting 200-799 people must implement simple protection procedures focused on staff preparedness, while those expecting 800+ people must also adopt additional security measures to reduce vulnerability to terrorism. The Security Industry Authority (SIA) will provide guidance and enforce compliance.

51 *HM Treasury v Ahmed* [2010] UKSC 2.

52 Terrorism Prevention and Investigation Measures Act 2010.

53 CTSA 2015, s 26.

54 *ibid* s 46.

55 CTBSA 2019, s 1.

56 *ibid* s 2.

57 *ibid* s 3.

58 *ibid* s 4.

The spread of counter-terrorism measures beyond terrorism

Heightened public fear and anxiety about terrorism can allow the ‘introduction of controversial legislation that would otherwise be obstructed.’⁵⁹ Once the measures are embedded and normalised, they can spread into other areas. Limits on the right to silence were introduced for the interrogation of terrorist suspects in Northern Ireland,⁶⁰ but now apply to all criminal suspects.⁶¹ Serious Disruption Prevention Orders and widened non-suspicion stop-and-search powers under the Public Order Act 2023 mirror counter-terrorism powers. The Border Security, Asylum and Immigration Bill 2025 seeks to introduce ‘counter-terrorism style powers’ to tackle organised immigration crime, including offences of collecting information for use in unlawful immigration, that mirrors the offence of collecting information ‘likely to be useful to a person committing or preparing an act of terrorism’.⁶² A focus on non-violent extremism is part of the UK-sponsored UN Security Council Resolution which departs from the UN norm of only referring to ‘extremism’ which is ‘violent’ (see **Box A**).⁶³

Governments have used the threat of terrorism and national security to support measures and policies that can be widely used. The law stripping British nationals of their citizenship is not part of terrorism legislation but has been driven by terrorism-related cases (see **chapter 16**). Powers previously rejected by parliament have been reintroduced as part of the response to terrorism, like forcing public bodies to share personal information they collect when the police want it for a criminal investigation. It was rejected in the Criminal Justice and Police Bill 2001 but passed as part of the ATCSA 2001. The UK Government’s push for a European Arrest Warrant, dealing with a wide range of criminal offences, had made slow progress since 1999, but was rapidly agreed upon by the European Council within three months of September 2001 and adopted as a Framework Decision by June 2002.⁶⁴

Once introduced, measures in counter-terrorism legislation are rarely repealed. Since 2000 (see **Box B**), laws creating new powers or offences have responded to and been justified by the perceived security needs of a particular moment, then they remain. For example, the offence of entering or remaining in designated areas, enacted under the Counter-Terrorism and Border Security Act 2019, to stop people travelling to join the so-called Islamic State, persists even after its demise.

Public opinion consistently supports greater counter-terrorism powers.⁶⁵ The political advantage to being seen as ‘tough’ on terrorism is not balanced by pressure to roll back or rescind counter-terrorism measures. A rare example of repeal is the Protection of Freedom Act 2012, which reduced the period of pre-charge detention to 14 days and scrapped the powers for no-suspicion stop and search.⁶⁶

1 Recommendation 1: The government should adopt the following guiding principles for review and development of counter-terrorism measures

- a. Reviews and refreshes of the CONTEST strategy must include broad public consultation, with opportunities for all stakeholders to express their views and experiences.
- b. Proposals for any new counter-terrorism legislation should be subject to full public consultation and allocated the time required for pre-legislative scrutiny by Parliament.
- c. When emergency legislation is necessary, it should include a three-year sunset clause.
- d. New counter-terrorism legislation should be subject to careful post-legislative scrutiny, including a review of its necessity and effectiveness within four years and an equality impact assessment of its operation.
- e. Anti-terrorism legislation should only include measures specifically related to terrorism.

⁵⁹ Claire Hamilton, *Contagion, Counter-Terrorism and Criminology; Justice in the Shadow of Terror* (Palgrave Macmillan 2019) 5.

⁶⁰ Criminal Evidence (Northern Ireland) Order 1988, SI 1988/1987 (N.I. 20).

⁶¹ Criminal Justice and Public Order Act 1994.

⁶² Terrorism Act 2000, s 58.

⁶³ UNSC Res 2686 (14 June 2023) UN Doc S/RES/2686.

⁶⁴ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States [2002] OJ L190/1.

⁶⁵ Lister (n 3).

⁶⁶ Home Office, *Review of Counter-Terrorism and Security Powers: Findings and Recommendations* (Cm 8004, January 2011) 14. The review recommended that legislation for a 28-day period of pre-charge detention be drafted and discussed with the Opposition but not introduced.

2.4 Oversight of the Implementation of Counter-Terrorism Laws

Parliamentary oversight and scrutiny are supplemented by government-appointed reviewers with access to classified materials. The Independent Reviewer of Terrorism Legislation (IRTL) reports annually on the operation of terrorism laws across the UK. The Independent Prevent Commissioner oversees the implementation of Prevent in Britain.⁶⁷ Northern Ireland has an Independent Reviewer of Justice and Security (Northern Ireland) Act 2007 and an Independent Reviewer of National Security Arrangements.⁶⁸

The IRTL's recommendations influence laws and policies and inform public discussion. The reviews cover the Terrorism Act 2000 and can include other terrorism laws.⁶⁹ They can also look at counter-terrorism policing operations, give evidence to Parliament on proposals for new laws and advise the government on specific topics. Nevertheless, key powers used for counter-terrorism, including immigration measures, the cancellation or refusal to issue passports, citizenship deprivation, and notification requirements for terrorist offenders - remain outside their remit and without adequate independent reviews.⁷⁰ Recent IRTLs say they should be able to inspect any law or power used for counter-terrorism.⁷¹ In other parts of this report, the Commission examines the case for expanding the remit of the IRTL to include the use of Closed Material Procedures and Special Advocates for counter-terrorism measures (see **chapter 13**) and to the use of citizenship deprivation powers for counter-terrorism purposes (see **chapter 16**). To ensure effective oversight, the IRTL's remit should include all laws and powers used for counter terrorism.

Increasing the measures subject to review extends the time and resources needed to carry it out. David Anderson, as IRTL, recommended that an assistant or junior should be appointed to assist the Reviewer, but this was rejected by the government.⁷² Instead, Parliament gave powers to the Home Secretary to establish a Privacy and Civil Liberties Board (PCLB) to assist the IRTL.⁷³ The IRTL can make recommendations for appointment to the PCLB, which will be subject to their direction and control, and will chair the PCLB.⁷⁴ The legislation provides no further details about the role, function or powers of the Board. The government said that the IRTL would chair the Board and that the Board would 'assist, advise and undertake particular duties in support of the independent reviewer's statutory functions, and expand the capacity and breadth of experience available in oversight arrangements.'⁷⁵ The Labour Party supported the principle of an independent oversight board that assisted the Reviewer's work, but preferred the title Counter-Terrorism Oversight Board. They suggested the Board should have a role in undertaking specific inquiries in certain circumstances, to make recommendations to public authorities, to review intelligence-sharing guidance and to encourage good practice in the prevention and investigation of terrorism and that appointment to the board would be in line with public appointments.⁷⁶ By contrast, the Joint Committee on Human Rights recommended that the Board function independently of the Reviewer, issuing reports that may be of use to the Reviewer's work rather than providing assistance and advice to the Reviewer.⁷⁷ The response to and outcome of a public consultation on the purpose, powers, and functions of the Board, which concluded in January 2015, remain unpublished.⁷⁸ David Anderson, then IRTL, concluded that in its final form, the proposed Board provided 'an effective way of enhancing the Independent Reviewers' work.'⁷⁹ The impetus for a Board was driven by the Liberal Democrats in the 2010-2015 Coalition government. After the election of a Conservative government in May 2015, no further action was taken

67 Terrorism Act 2000, s 36.

68 Their role is to monitor compliance with Annex E of the St. Andrews Agreement 2006, reviewing the relationship between MI5 and the Police Service of Northern Ireland (PSNI) in handling national security matters.

69 Until 2015, the IRTL was required to conduct an annual review of the Terrorism Act 2000, Terrorism Act 2006, and Terrorism Investigation and Prevention Measures Act 2011. Since 2015, the IRTL is only required to conduct an annual review of the Terrorism Act 2000 but has discretion on whether to review other terrorism legislation.

70 The IRTL must report on the use of powers for citizenship deprivation that leave a person stateless, but not in the case of dual nationals (or those with potential dual nationality). Immigration Act 2014, s 66, inserting a new s 40(4A) into the British Nationality Act 1981.

71 David Anderson, *The Terrorism Acts in 2015* (IRTL 2016) 84, and Jonathan Hall, *The Terrorism Acts in 2018* (IRTL 2020) 9-10.

72 David Anderson, *The Terrorism Acts in 2013* (IRTL 2014) 106.

73 Counter-Terrorism and Security Act 2015, s 46.

74 *ibid* 4.

75 Karen Bradley, Parliamentary Under-Secretary of State for the Home Department, HC Deb 7 January 2015, vol 590, col 333.

76 Diana Johnson, Shadow Minister for Crime and Security, HC Deb 7 January 2015, vol 590, col 333.

77 Joint Committee on Human Rights, *Legislative Scrutiny: Counter-Terrorism and Security Bill (2015)* (HL 86, HC 86) para 7.7.

78 Home Office, *Consultation on Establishing a UK Privacy and Civil Liberties Board* (Home Office 2014).

79 David Anderson, *The Terrorism Acts in 2014* (IRTL 2015) 70.

to establish it. The introduction of a security-cleared junior assistant, alongside the Privacy and Civil Liberties Board, would provide valuable support to the IRTL in delivering effective oversight of its expanded remit covering all counter-terrorism laws and powers.

Unrestricted access to classified documents and national security personnel makes the IRTL a powerful role. As a result, government and public confidence in their independence is vital. The Terrorism Act 2006 provides the power for the Home Secretary to appoint the IRTL but sets no further guidance or limit on the duration of their appointment. In practice, they are appointed for terms of three years, which can be renewed. As a public appointment, it is subject to a 10-year limit. There can be a perceived tension between the need for renewal and ensuring independence. Having a longer single term and/ or limiting re-appointments to a single renewal would reinforce the independence of the appointment.

The publication of statistics on the operation of the terrorism legislation, the use of some administrative measures and Prevent assists oversight and scrutiny. However, statutes do not require this, so reports may be published two years after the data is collected, reducing the potential for timely scrutiny.⁸⁰ The Commission recommends a statutory requirement to publish counter-terrorism data and statistics within 12 months.

2 Recommendation 2: The scope of the reviews by the Independent Reviewer of Terrorism Legislation (IRTL) should cover all laws and powers used for counter-terrorism, including citizenship deprivation and immigration powers used for counter-terrorism purposes. There should be annual reviews of the Terrorism Act 2000 and the Terrorism Act 2006, with a plan to review all other legislation and powers within five years.

3 Recommendation 3: To enhance the independence of the Independent Reviewer of Terrorism Legislation, the Reviewer should be appointed for a term of four years, with the possibility of a single renewal.

4 Recommendation 4: The Independent Reviewer of Terrorism Legislation should be supported by the appointment of a security-cleared junior or assistant to the Reviewer.

5 Recommendation 5: The Home Office, after further consultation on the purpose, powers and functions of a Privacy and Civil Liberties Board, should establish the Board.

6 Recommendation 6: There should be a statutory requirement to publish counter-terrorism data, statistics, and IRTL reports promptly within 12 months for the year to which they relate.

⁸⁰ For example, the government began publication of annual Transparency reports on the use of disruptive and investigatory powers in 2015. However, the 2016 report was published only in 2018, and the 2022 report was published in 2024. Similarly, the IRTL report, *Terrorism Acts in 2023*, was published in July 2025.

2.5 Assessing Proportionality and Effectiveness

Public safety is a primary duty for all governments. As noted earlier, terrorist incidents can lead to intense public pressure for action, demands for greater resources to counter terrorism and increased powers to act. That pressure does not free politicians from the need to make measured judgements. There is a need for a sensible public dialogue on the balance between investment in counter-terrorism and other risks to national security and public safety. CONTEST recognises this. Rather than aiming to create a society free of terrorism, it tries to 'reduce the risk' of terrorism so people can 'go about their lives freely and with confidence.' It uses lessons from Northern Ireland, recognising that terrorism seeks to provoke an overreaction and undermine confidence in government and society.⁸¹ The government wants to encourage 'the public to show fortitude when under attack and thus allow the government to exercise strategic patience, avoiding the temptation of extra-legal short-cuts.'⁸² Lord Hoffman rejected the government's claim that Al-Qaeda posed a threat to the life of the nation, justifying extraordinary powers to detain foreign nationals without trial. He cautioned in the Belmarsh case that 'the real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from counter-terrorism laws that suspend human rights'. That, he said, 'is the true measure of what terrorism may achieve'.⁸³

Proportionality requires that we consider the costs and impact of terrorism and counter-terrorism. The direct costs of the five terrorist attacks in 2017 are estimated at £171.8 million, with indirect costs of £3.4 billion in loss of economic output.⁸⁴ Public investment in counter-terrorism is considerable. More than £3 billion per year is spent across all aspects of counter-terrorism.⁸⁵ Counter-terrorism police cost £1 billion in 2024/25, out of a total policing budget of £15 billion. Robust research on the effectiveness of counter-terrorism strategies and measures is limited.⁸⁶ The 2014 annual government report on CONTEST concluded that the strategy was effective without data or evidence to support that conclusion.⁸⁷ While the CONTEST strategy has undergone internal reviews, four revisions and consultation on particular strands or specific laws and policies, there has never been a broad public consultation on the overall picture of counter-terrorism legislation, policy, strategy, implementation and impact.

The resources required for countering terrorism have unintended consequences. Many practitioners cited the significant resources, attention and powers that national security and threats of terrorism attract compared to other risks. The threat can be inflated by people working in counter-terrorism to retain or mobilise resources. One participant noted: 'More counter-terrorism is always needed, more surveillance, more manpower, more laws. And this, even if the results are mixed, absent or difficult to document.'⁸⁸ Government funding for counter-radicalisation projects can encourage organisations to frame their work as counter-radicalisation and the groups they work with as being 'at risk of radicalisation'.⁸⁹ We heard worrying evidence that Prevent referral processes have been used in the belief that this would fast-track access to severely stretched mental health support services.⁹⁰ The resources and capacity available for counter-terrorism are seen as responsible for a surge in referrals of violence-fixated young people, with little or no evidence of terrorist purpose, to programmes for preventing people from being drawn into terrorism.⁹¹

Evidence on whether incels and extreme misogyny are terrorists draws attention to the stark disparity of resources directed towards recognised terrorism, resulting in just over 200 deaths since 2000 and those for domestic violence,

81 Evidence submission, senior security official. See also: Andrew H Kydd and Barbara F Walter, 'The Strategies of Terrorism' (2006) 31(1) *International Security* 49.

82 Evidence submission, senior security official.

83 *A and others v Secretary of State for the Home Department* [2004] UKHL 56, [97].

84 Home Office, 'Annex D: Estimating the Cost of Terrorist Attacks' (Counter-Terrorism Strategy (CONTEST) 2023, 19 July 2023) <<https://www.gov.uk/government/publications/counter-terrorism-strategy-contest-2023/annex-d-estimating-the-cost-of-terrorist-attacks>> accessed 26 March 2025.

85 David Anderson, *Lessons for Prevent* (Independent Prevent Commissioner, 2025) 2.

86 Erika Brady, 'Assessing Counter-Terrorism Strategies through a Mixed Methods Research Design: The Case of CONTEST in the UK' (PhD thesis, University of St Andrews 2021).

87 HM Government, *CONTEST The United Kingdom's Strategy for Countering Terrorism: Annual Report for 2014* (Cm 9048, 2015) 23.

88 International roundtable, September 2022, academic expert, USA/France.

89 Tufyal Choudhury and Helen Fenwick, *The impact of counter-terrorism laws on Muslim communities* (Research Report 72, The Equality and Human Rights Commission 2011) 56-57.

90 See **chapter 5**.

91 See **chapters 4 and 5**.

which is linked to 242 deaths between April 2022 and March 2023 alone.⁹² A participant from Northern Ireland contrasted the lack of public attention to gender-based violence compared to terrorism: ‘Last year there were six women murdered in their own homes in Northern Ireland; if terrorists had killed six public servants, the country would have been in lockdown’. The fear, threat and experience of gender-based violence shape the lives and everyday routines of women and girls more than terrorism. The societal cost of domestic abuse is estimated at £85 billion a year.⁹³ The Home Office budget for tackling violence against women and girls in 2024-25 is £57 million.⁹⁴ Baroness Casey’s review of policing in London found that the Metropolitan police staff and officers thought the Met might over-prioritise terrorism at the expense of other crime categories, particularly sexual offences.⁹⁵

2.6 Assessing Impact: Bias, Discrimination and Islamophobia

Excessive government responses can prove counterproductive, with harsh counter-terrorism measures inadvertently fuelling the very problem they aim to solve. The UK’s experience in Northern Ireland demonstrates how heavy-handed approaches can create lasting resentment and undermine long-term security objectives.⁹⁶ Civil society groups argue that challenges to specific measures overlook the cumulative impact of these measures on individuals and communities. Human rights laws protect against the infringement of individual rights, but do not capture the broader harms to groups and communities, including the impact on cohesion, trust, and the sense of belonging, citizenship and identity.⁹⁷

People’s experiences and evaluations of counter-terrorism measures differ by religion, race, age, and gender.⁹⁸ Black and Asian people are more likely than White people to consider counter-terrorism measures excessive and to feel unfairly under suspicion.⁹⁹ Most Muslims (53.4 per cent) said surveillance measures made them feel unjustly targeted by the state. This echoes research showing that Muslims experienced similar treatment as a ‘suspect community’ after 2001 to what the Irish community had endured in earlier decades.¹⁰⁰

Commission evidence points towards unequal and differential treatment of Muslims and those perceived to be Muslims (this is set out in later chapters on Prevent, proscription, use of police powers, counter-terrorism financing, and sentencing). UN human rights bodies and international human rights organisations have raised concerns about the discriminatory application of some counter-terrorism laws.

Experts on race explain these differences in treatment as the result of the racialisation of Muslims as potential terrorists.¹⁰¹ ‘Racialisation’ happens when certain characteristics are seen as inherent to a group because of their

92 Kristina Hoeger and others, *Domestic Homicides and Suspected Victim Suicides 2022–2023: Year 3 Report* (College of Policing, Home Office, National Police Chiefs’ Council and Vulnerability Knowledge and Practice Programme 2023).

93 Domestic Abuse Commissioner, ‘Domestic Abuse Commissioner Submission to the HM Treasury Autumn Budget and Spending Review 2024’ [7 October 2024] <<https://domesticabusecommissioner.uk/briefings/domestic-abuse-commissioners-submission-to-the-hm-treasury-autumn-budget-and-spending-review-2024/>> accessed 26 March 2025.

94 National Audit Office, *Tackling Violence Against Women and Girls* (HC 547, 2025) 4.

95 Louise Casey, *The Baroness Casey Review: Final Report into the Standards of Behaviour and Internal Culture of the Metropolitan Police Service* (Metropolitan Police Service, March 2023) 43. While 42 per cent of Met officers and staff believed terrorism/ extremism is currently among the top priorities for Met leadership, only 25 per cent thought it should be prioritised at that level. 50 per cent thought that sexual offences should be a top priority.

96 Evidence submission, Professor Julian Richards. See also, Andrew Silke, ‘Fire of Iolous’, in Tore Bjørg (ed), *The Root Causes of Terrorism: myths, reality and ways forward* (Routledge 2005).

97 Lee Jarvis and Michael Lister, ‘Disconnected Citizenship? The Impacts of Anti-terrorism Policy on Citizenship in the UK’ (2013) 61(3) *Political Studies* 656.

98 Fregonese and Simpson (n 4).

99 *ibid.*

100 Paddy Hillyard, *Suspect Community: People’s Experiences of the Prevention of Terrorism Act in Britain* (Pluto Press 1993); Christina Pantazis and Simon Pemberton, ‘From the “Old” to the “New” Suspect Community: Examining the Impacts of Recent UK Counter-Terrorist Legislation’ (2009) 49 *British Journal of Criminology* 646; Steven Greer, ‘Anti-Terrorist Laws and the United Kingdom’s “Suspect Muslim Community”: A Reply to Pantazis and Pemberton’ (2010) 50 *British Journal of Criminology* 1171; Marie Breen-Smyth, ‘Theorising the “Suspect Community”: Counterterrorism, Security Practices and the Public Imagination’ (2014) 7(2) *Critical Studies on Terrorism* 223; Steven Greer, ‘Reply to Marie Breen-Smyth, “Theorising the “Suspect Community”: Counterterrorism, Security Practices and the Public Imagination”’ (2014) 7(3) *Critical Studies on Terrorism* 468.

101 Evidence submissions, Professor Tahir Abbas, Dr Amal Abu-Bakare, the Runnymede Trust.

physical or cultural traits. Importantly, it creates 'race' rather than just identifying it. Not limited to physical features, it can also develop through cultural traits, such as clothing and religious practices.¹⁰² Racism develops when groups are arranged in a hierarchy based on characteristics used to show inherent differences and inferiority compared to Whites. Islamophobia is seen as a form of racism because it lumps all Muslims together, treating certain characteristics (violence, misogyny, disloyalty, incompatibility with Western values) as innate. Claims that Islamophobia cannot be racism – because Muslims are not a race – miss the point that race is socially constructed and religions can be racialised.

Dr Victoria Sentas says counter-terrorism measures can create racial divisions by putting people into different categories and making this seem normal through repeated policing of certain groups. Even when policies try to include and engage Muslim communities, they still single them out based on racialisation. Attempts to distinguish between 'extremists' and 'moderates' reinforce the idea that Muslims need to be policed.¹⁰³

Discrimination linked to counter-terrorism undermines British Muslims' sense of British identity.¹⁰⁴ Dr Fahid Qurashi said that Prevent's explicit focus on Muslims and Islam led to 'disseminating and normalising Islamophobia across society by inscribing its assumptions and prejudices into the structural operation of numerous institutions and shaping the practices of public sector employees'.¹⁰⁵ Dr Abu-Bakare criticises counter-terrorism policymakers for failing to consult anti-racism scholarship and expertise.¹⁰⁶ This failure to understand racism results in policymakers marginalising or dismissing evidence of disparate racial impact.¹⁰⁷

Equality data provides valuable evidence of the disparate discriminatory impact of laws, policies and practices. A consistent theme in the evidence presented to the Commission is the inadequate collection of data across many of the areas examined. Recommendations to address gaps in collecting and publishing equality data are made in later chapters. Recommendation 1 of this chapter includes a requirement for an equality impact assessment to be carried out as part of the post-legislative scrutiny of any new legislation. In addition to this, the Home Office should conduct periodic equality impact assessments of existing counter-terrorism laws, policies, and practices, ensuring that all are subject to review at least once every seven years.

7 Recommendation 7: There should be an ongoing programme of equality impact assessments for all counter-terrorism laws, policies, and practices to ensure that all are subject to review at least once every seven years.

102 Steve Garner and Saher Selod, 'The racialization of Muslims: Empirical studies of Islamophobia' (2015) 41(1) Critical Sociology 9.

103 Victoria Sentas, *Traces of Terror: Counter-Terrorism Law, Policing and Race* (Oxford University Press 2014).

104 Evidence submission, Dr Shamila Ahmad.

105 Evidence Submission, Dr Fahid Qureshi. This point is also made in the evidence submissions by Dr Madaline Sophie-Abbas and Dr Samantha May.

106 Evidence submission Dr Amal Abu-Bakare. See also Amal Abu-Bakare, 'Exploring mechanisms of whiteness: how counterterrorism practitioners disrupt anti-racist expertise' (2022) 98(1) International Affairs 225.

107 Hannah Wright, '“Don't bring race into it”: white ignorance, UK counterterrorism and the impact agenda' (2024) 17(4) Critical Studies on Terrorism 949. Dr Wright outlines 'eight practices that effect the suppression or rejection of testimony that would substantiate critiques of Prevent and wider counterterrorism policies as racist: [1] framing accusations of racism as based on a misunderstanding; [2] focusing on intentions over impacts; [3] self-silencing; [4] limiting what counts as evidence; [5] framing critics as emotionally-oriented; [6] decisions concerning who participates in these policy discussions in the first place; [7] the Compartmentalisation of conversations about racism; and [8] more recent uses of the Civil Service Code to frame analyses of structural racism as too political for civil servants.'

Box C. The Use and Misuse of Terrorism Powers

1 Until its repeal, section 44 of the Terrorism Act 2000 allowed the police to stop and search a person to determine if they were a terrorist without reasonable grounds for suspicion. This broad discretionary power allowed questionable actions.¹⁰⁸ Police used it to remove Walter Wolfgang, a veteran Labour party member, from its conference after he heckled the then Foreign Secretary, Jack Straw. The peace campaigner John Catt was stopped by the police for wearing a T-shirt accusing the then Prime Minister, Tony Blair, of war crimes.¹⁰⁹ A protester and a journalist, who were stopped and searched at an arms fair in London, successfully challenged the power, which was found to violate the ECHR. It had been used over 400,000 times with not one arrest for terrorism-related offences.

2 The ATCSA 2001 allows the government to freeze foreign assets in the UK if the Treasury reasonably believes that consequent action will harm the UK's economy. During the 2008 financial crisis, the government of Iceland took control of the Icelandic bank Landsbanki to prevent its collapse. The UK government used counter-terrorism powers to prevent the bank's assets from moving out of the UK.

3 In April 2023, French publisher Ernest Moret was detained by counter-terrorism officers when he arrived in the UK using powers under Schedule 7 of the Terrorism Act 2000 (see further **chapter 9**). He was questioned for over five hours about his political views and involvement in violent anti-government protests in Paris. Schedule 7 enabled the police to take Mr Moret's phone and laptop and download his SIM card. Counter-terrorism police wanted to look through his photos and digital media. After he refused to provide his PIN to unlock the devices, he was arrested on suspicion of wilfully obstructing a Schedule 7 examination. An IRTL review concluded that Schedule 7 should not have been used as this was an investigation into public order, not terrorism.¹¹⁰

108 Joint Committee on Human Rights, *Demonstrating Respect for Rights? A Human Rights Approach to Policing Protest* (Seventh Report of Session 2008–09, HL Paper 471, HC 3201, 2009) 24–27.

109 Nigel Morris and Jonathan Brown, 'Helen and Sylvia the New Face of Terrorism' *The Independent* (06 April 2006) <<https://www.independent.co.uk/news/uk/crime/helen-and-sylvia-the-new-face-of-terrorism-6104527.html>> accessed 27 June 2025.

110 Jonathan Hall, *Report on the use of schedule 7 powers against Ernest Moret* (IRTL, 21 July 2023).

4 ATCSA 2001 obliged public authorities to disclose information to each other in criminal investigations. Attempts to restrict this to terrorism were rejected, as the government argued that terrorists commit other crimes. In its first year, it accessed confidential tax information 20,000 times, but only 4 per cent concerned terrorism offences.

5 In 2017, Josh Walker was charged under Terrorism Act 2000 section 58 for suspicion of possession of a document 'likely to be useful to a person committing or preparing an act of terrorism' - the Anarchist Cookbook. In 2016, he had travelled to Syria to join the Kurdish group the YPG (not a proscribed terrorist organisation in the UK) to fight against ISIS. He was arrested on his return, and the book was found during a search of his flat. Evidence showed he had borrowed it from a university library in 2015 as a student for a role-playing game. He had forgotten to return it and left it in his bedroom. He was charged and tried for possessing a prohibited item but acquitted by a jury.¹¹¹

6 Local councils have used surveillance powers justified as necessary to combat terrorism and serious crimes to catch people fly-tipping, committing parking offences,¹¹² lying about their address for school admission¹¹³ and by police to investigate officers¹¹⁴ (Regulation of Investigatory Powers Act 2000).

7 In July 2025, Luara Murton held a protest with a Palestinian flag and signs with 'Free Palestine' and 'Israel is committing Genocide'. Police officers informed her that she could be arrested on the basis that she was expressing an opinion or belief supportive of a proscribed organisation contrary to Terrorism Act 2000, s 12(1A).¹¹⁵

111 Ryan Gallagher, 'How the UK prosecuted a student on terrorism charges for downloading a book' *The Intercept* (28 October 2017), <<https://theintercept.com/2017/10/28/josh-walker-anarchist-cookbook-terrorism-act-uk/>> accessed 27 June 2025.

112 Yohannes Lowe, 'Revealed: anti-terror snooping law used for fly-tippers and parking' *The Guardian* (8 August 2021) <<https://www.theguardian.com/world/2021/aug/08/revealed-anti-terror-snooping-law-used-for-fly-tippers-and-parking>> accessed 27 June 2025.

113 Jessica Shepherd, 'Family win school catchment spy case' *The Guardian* (02 August 2010) <<https://www.theguardian.com/education/2010/aug/02/school-catchment-spying>> accessed 27 June 2025.

114 Paul Peachy, 'Police used anti-terror powers to spy on officer blowing whistle on racism' *The Independent* (03 January 2016) <<https://www.independent.co.uk/news/uk/crime/police-accused-of-using-terror-powers-to-spy-on-officers-blowing-whistle-on-racism-a6795036.html>> accessed 27 June 2025.

115 Haroon Siddique, 'Armed police threatened to arrest Kent protester for holding Palestinian flag' *The Guardian* (17 July 2025) <<https://www.theguardian.com/world/2025/jul/17/armed-police-threatened-to-arrest-kent-protester-for-holding-palestinian-flag>> accessed 26 August 2025.

2.7 Key Findings and Recommendations

The UK's counter-terrorism framework has developed since 2000 through an iterative process often reacting to specific threats and attacks. The CONTEST strategy with its four pillars (Prevent, Pursue, Protect, Prepare) is its core, supported by an expanding body of legislation which has created new offences and enhanced police powers. Several concerning trends have emerged: a lack of robust evidence of effectiveness despite the significant resources spent; the expansion of measures beyond terrorism to other domains; legislation sometimes enacted hastily following attacks without adequate scrutiny; and powers that remain on the statute books long after the threat they addressed has diminished. The framework has broadened its scope beyond violent to non-violent extremism.

The lack of comprehensive public consultation on the framework represents a significant governance gap that should be addressed through more inclusive policy development. Evidence suggests that counter-terrorism measures disproportionately affect Muslim communities, with many experiencing these policies as discriminatory, undermining their sense of belonging. Parliamentary oversight remains uneven, with Parliament sometimes deferring difficult decisions to judicial interpretation rather than providing clear legislative boundaries. Our first recommendation in this chapter is for the adoption of a set of general principles for the development of counter-terrorism laws and policies. This includes the need for broad public consultation when revising and refreshing the CONTEST strategy or passing new laws, and post-legislative scrutiny of new laws. There will be situations where emergency legislation is required, which will curtail debate and consultation and so should be subject to a sunset clause to allow full and careful scrutiny if it is renewed (**Recommendation 1**).

The appointment of independent reviewers has enhanced oversight, but significant powers used for counter-terrorism remain outside their remit. The remit of the IRTL should cover all laws and powers used for counter-terrorism (except for the Prevent, which the Independent Prevent Commissioner covers) (**Recommendation 2**). The introduction of a security-cleared junior assistant and establishment of the Privacy and Civil Liberties Board will strengthen the IRTL's capacity to oversee the full range of counter-terrorism laws and powers (**Recommendations 4 and 5**). Finally, increasing transparency with better equality data and regular impact assessment will reduce concerns about discrimination and build confidence in the fairness of counter-terrorism practices. (**Recommendations 6 and 7**).

- 1 Recommendation 1:** The government should adopt the following guiding principles for review and development of counter-terrorism measures
 - A.** Reviews and refreshes of the CONTEST strategy must include broad public consultation, with opportunities for all stakeholders to express their views and experiences.
 - B.** Proposals for any new counter-terrorism legislation should be subject to full public consultation and allocated the time required for pre-legislative scrutiny by Parliament.
 - C.** When emergency legislation is necessary, it should include a three-year sunset clause.
 - D.** New counter-terrorism legislation should be subject to careful post-legislative scrutiny, including a review of its necessity and effectiveness within four years and an equality impact assessment of its operation.
 - E.** Anti-terrorism legislation should only include measures specifically related to terrorism.
- 2 Recommendation 2:** The scope of the reviews by the Independent Reviewer of Terrorism Legislation (IRTL) should cover all laws and powers used for counter-terrorism, including citizenship deprivation and immigration powers used for counter-terrorism purposes. There should be annual reviews of the Terrorism Act 2000 and the Terrorism Act 2006, with a plan to review all other legislation and powers within five years.
- 3 Recommendation 3:** To enhance the independence of the Independent Reviewer of Terrorism Legislation, the Reviewer should be appointed for a term of four years, with the possibility of a single renewal.
- 4 Recommendation 4:** The Independent Reviewer of Terrorism Legislation should be supported by the appointment of a security-cleared junior or assistant to the Reviewer.
- 5 Recommendation 5:** The Home Office, after further consultation on the purpose, powers and functions of a Privacy and Civil Liberties Board, should establish the Board.
- 6 Recommendation 6:** There should be a statutory requirement to publish counter-terrorism data, statistics, and Independent Reviewer of Terrorism Legislation reports promptly within 12 months for the year to which they relate.
- 7 Recommendation 7:** There should be an ongoing programme of equality impact assessments for all counter-terrorism laws and policies to ensure that all are subject to review at least once every seven years.

3.

Defining Terrorism

This chapter examines the challenges and implications of defining terrorism in the UK. Defining terrorism is complex and controversial as it questions when violence can be justified, who can legitimately use it, and why.¹ It often reveals more about those doing the defining than those being labelled as terrorists.² The very nature of the concept is contentious; reaching an international consensus has proved difficult. The definition matters because it shapes counter-terrorism laws, policies, and practices.

Section 1 examines the challenges of defining terrorism. Section 2 explains why a clear definition is essential. Section 3 outlines the definition in the Terrorism Act 2000, noting concerns about its breadth and the risks this creates of abuse and misuse. Section 4 examines proposals for amending the definition. Section 5 outlines the Commission's proposals for amending the definition of terrorism to narrow its scope, thereby providing greater certainty while maintaining its effectiveness in addressing terrorist threats.

3.1 The Challenges of Defining Terrorism

The modern use of the term 'terrorism' can be traced back to the French Revolution, describing state violence used to consolidate power.³ By the late nineteenth century, terrorism became associated with the actions of anarchists and social revolutionaries.⁴ Throughout the twentieth century, the term evolved as states sought to delegitimise violent challenges to their authority.⁵ Many European states applied the term to anti-colonial revolts and resistance.⁶ Many

¹ Ben Saul, 'Minorities and Counter-Terrorism Law' (2018) 15 *European Yearbook of Minority Issues Online* 1, 5.

² David Anderson, 'Shielding the Compass' (2013) 3 *European Human Rights Law Review* 233, 240.

³ Mikkel Thorup, *An Intellectual History of Terrorism* (Routledge 2012).

⁴ Edwardo Febles, *Explosive Narratives: Terrorism and Anarchy in the works of Emile Zola* (Brill 2010).

⁵ Bruce Hoffman, *Inside Terrorism* (Columbia University Press 2006) **chapter 2**; Alex P Schmid, 'Terrorism – The Definitional Problem' (2004) 36(2) *Case Western Reserve Journal of International Law* 375.

⁶ Evidence submission, Dr Amal Abu-Bakare. See also: Rabee M Khan, 'Terrorism – The Irredeemability of a Concept' (10 March 2025) *Virtual Encyclopaedia - Rewriting Peace and Conflict* <<https://rewritingpeaceandconflict.net/2025/03/10/terrorism-the-irredeemability-of-a-concept/>> accessed 24 June 2025; Conor Gearty, 'Homeland Insecurity: Why Anti-Terrorism Laws Are Here to Stay' (2024) 34(1) *Irish Studies in International Affairs* 147.

of the characteristics we now associate with terrorism—its supposed fanaticism, cowardice, and threat to international peace—were first articulated by rulers in colonial settings.⁷

Today, the label is predominantly applied to the activities of non-state actors or to countries identified as sponsoring terrorism because they support non-state actors, with state violence towards its citizens more often categorised as repression rather than state terrorism.⁸ This shift shows that states play an influential role in (re)defining the characteristics and features of terrorism.

Deep disagreements over who should be labelled a terrorist persist, not just between states but also among academics, civil society organisations, the media, and think tanks. International attempts to agree on a definition of terrorism have achieved limited success. Since 1937, with the League of Nations, states have often sidestepped the issue. International agreements have targeted specific activities associated with terrorism, like hijacking planes, and emphasise the obligations of states to prosecute particular actions through their criminal laws, but have failed to define terrorism itself. Attempts since 1996 to develop a comprehensive convention on international terrorism with a binding international definition have stalled. Disagreements persist over including state violence and the actions of groups seeking self-determination within the definition of terrorism.⁹

The landscape changed dramatically after the 11 September 2001 attacks on the United States. On 28 September, the UN Security Council adopted Resolution 1373, which, for the first time, required states to introduce specific domestic legislation to counter terrorism. Since then, the Security Council has adopted numerous resolutions, dramatically broadening the scope of measures that states are required or urged to take.¹⁰

This international obligation to act against terrorism, without an agreed definition, has given countries the power to define who is a terrorist.¹¹ The UN Special Rapporteur warned that this allows the misuse of counter-terrorism measures to suppress civic space and target political opponents, civil society activists, human rights defenders, journalists, and independent media.¹²

3.2 Why the Definition Matters

The definition matters because identifying actions as terrorism or people and groups as terrorists carries profound implications. Terrorism is perceived as posing an exceptional threat that justifies extraordinary measures not employed against other threats to public safety. It triggers a counter-terrorism response that mobilises significant police and security service resources and investigative powers to stop, search and detain people, take and keep phone and bio-metric data (**chapter 9**), allows prosecutors to charge terrorism-related criminal offences for actions that may not directly cause harm to others and might even be quite remote from a terrorist act that harms others (**chapter 10**); and can lead to longer sentences and monitoring of people for decades after their sentence is served (**chapter 11**). Groups deemed to be concerned in terrorism can be proscribed, and expressions of support for such groups are a criminal offence (**chapter 14**). Powerful executive and administrative measures can be imposed with limited rights to see the evidence on which they are based and opportunities for appeal (**chapters 13 and 16**). Online service providers must take steps to prevent users from encountering terrorism content (**chapter 12**). Staff across a range of institutions, including education, health and social work, must be trained to identify people at risk of being drawn into

⁷ Joseph McQuade, *A Genealogy of Terrorism: Colonial Law and the Origins of an Idea* (Cambridge University Press 2021).

⁸ Tim Wilson, 'State Terrorism' in Erica Chenoweth and others (eds), *The Oxford Handbook of Terrorism* (Oxford University Press 2019).

⁹ UN Ad Hoc Committee established by GA Res 51/210, *Report of the Ad Hoc Committee, Fifteenth Session (11–15 April 2011)* UN Doc A/66/37 (2011) para 18. There were efforts to restart discussions on a convention in 2021: UNGA Res 76/121, 9 December 2021.

¹⁰ UNGA, *Report UN Doc A/73/361 (2018)*; see also Ali Altok and Jordan Street, *A Fourth Pillar for the UN? The Rise of Counter-Terrorism* (Saferworld, New York 2020).

¹¹ UN Security Council Res 1566 (2004) provides a core definition of terrorism; however, as it was adopted under **Chapter 6** of the UN Charter it is not binding on states to adopt.

¹² Fionnuala Ni Aoláin, 'Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders', *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, A/HRC/40/52 (2019).

terrorism (**chapters 5 and 8**). Executive actions and criminal prosecutions are often intelligence-led; the definition informs where police and the security service focus their powers, resources, and attention.

A clear and precise definition is vital. A definition that is too narrow may constrain the ability to identify and investigate suspects, hinder prompt action against emerging threats, or miss changes in terrorist methods. A definition that is too broad casts suspicion over a range of lawful activities, relies too heavily on judicious executive restraint and judicial oversight in the exercise of discretion, and creates a significant risk of misuse or unfair discrimination (for examples of abuse or misuse of terrorism laws (see **chapter 2 Box C**).

Terrorism and terrorist are emotive terms that shape political responses in ways that can hinder efforts at peace-building and conflict resolution: ‘Terrorism, as a framework, offers one “solution” to terrorism as a form of violence: to stamp out the terror and eradicate the terrorist.’¹³ The designation of groups involved in armed conflict as terrorists emboldens the government to resort to a military response over conflict resolution (discussed further in **chapter 14**).¹⁴ The use of the terrorist label to de-legitimise the goals of a group or individual, rather than their violent methods, has led some practitioners to suggest avoiding the term altogether. Instead, they suggest the focus could be on the use of and commitment to violence, as individuals can be committed to a group or cause without being committed to violence.¹⁵ Evidence shows that communities in the UK connected to political conflicts overseas experience how the terrorist label is used to close down spaces for civil and political activism.¹⁶ Researchers have found strong moral condemnation and support for harsher punishment when violence is labelled as terrorism, compared to a neutral description of the same actions.¹⁷

Pressure to expand the definition and application of the term was seen in some of the reactions to the police and prosecutors’ decision that the killing of three girls in Southport by Axel Rudakubana was not an act of terrorism. The Prime Minister spoke of violence ‘clearly intended to terrorise’; however, the Independent Reviewer of Terrorism Legislation (IRTL) opposed widening the definition, concluding that an intention to terrorise was not a useful measure for determining whether something is terrorism.¹⁸

3.3 The Definition in the UK

Section 1 of the Terrorism Act 2000 (TA 2000) (see **Box D**) defines terrorism in the UK. The three key components are the activity, its purpose, and its aim.

Prohibited activity is the ‘use’ or ‘threat’ of ‘action’ with particular characteristics or consequences. It covers the use or threat of action that involves serious violence against a person, serious damage to property, endangers a person’s life (other than that of the person committing the action), creates a serious risk to the health and safety of the public or a section of the public, or is designed seriously to interfere with or seriously disrupt an electronic system. It covers the activities most commonly associated with terrorism – bombing, shooting, stabbing, kidnapping, or hijacking – but also includes non-violent activities like publishing an article, book or blog that endangers a person’s life or creates a serious risk to public health and safety.¹⁹

Under earlier legislation, any act of violence, however minor, could be treated as terrorism.²⁰ The 2000 Act narrows the scope to apply only to ‘serious violence’ and creates a similar minimum threshold for the other actions

13 Evidence submission, Dr Rachel Seoighe.

14 Evidence submission, Dr Sophie Haspelagh.

15 International Roundtable, July 2023, counter-terrorism practitioner, USA.

16 See **chapter 14** of this report.

17 Stephane Baele and others, ‘What Does the “Terrorist” Label Really Do? Measuring and Explaining the Effects of the “Terrorist” and “Islamist” Categories’ (2019) 45(5) *Studies in Conflict and Terrorism* 520.

18 Jonathan Hall, *Independent Review on Classification of Extreme Violence Used in Southport Attack on 29 July 2024* (IRTL 2025).

19 *Miranda v Secretary of State for the Home Department* [2014] EWHC 225.

20 See: Northern Ireland (Emergency Provisions) Act 1973; Prevention of Terrorism (Temporary Provisions) Act 1973, and subsequent re-enactments in 1976, 1984, 1989 and 1996.

it covers. At the same time, the 2000 definition expanded the scope as it applied not only to violent actions but also to ‘threats’ of violence.

The purpose of the use or threat of action must be for ‘advancing a political, religious, racial or ideological cause’. Including purpose has raised concerns that it encourages state surveillance of particular beliefs and ideas, increases the risks of racial or religious profiling and chills free speech.²¹ The need to produce evidence of ideas and beliefs to show that action was for advancing a political, religious, racial or ideological cause may exaggerate its importance. It risks generating a self-reinforcing circular logic, as an ideological or other purpose needed to prove terrorism becomes evidence of its importance to terrorism. This may over-emphasise countering ideology in counter-terrorism policies.²² On the other hand, that need places valuable limits on its scope, so excluding threats and violence involving street gangs or drug cartels from the definition of terrorism.²³

The aim or goal of the use or threat of action must be ‘designed to influence the government or an international governmental organisation’²⁴ or to ‘intimidate the public or a section of the public’. This third component is not required when firearms or explosives are used to advance a relevant cause.²⁵ This requirement points towards the communicative nature of terrorist actions. The direct or immediate victims of terrorism may be specific, symbolic, or random, but they are pawns used to place pressure on the primary audience, which is the government, the public, or a section of the public. So, terrorism is a particular *method* of political violence that a variety of political actors can use.²⁶ Nothing in the legislation prevents its application to state actions. Professor Clive Walker observes that investigations against former British soldiers ‘seem to have involved special powers or special criminal justice processes normally reserved for “terrorists”’.²⁷

Under the 2000 Act, terrorism applies to the use or threat of actions aimed at influencing any government anywhere,²⁸ making no distinction between democracies and dictatorships.²⁹ There is no exception for freedom fighters, nor the right to use or threaten violence for a just cause. Similarly, it may apply to the action of any state aimed at intimidating any public or section of the public anywhere. To constrain the global reach, the permission of the Attorney-General is needed for a prosecution where the offence is committed outside the UK or connected with the affairs of another country.³⁰

This is an extremely wide definition. IRTL, past and present, conclude that the potential misuse of terrorism laws is mitigated by the careful exercise of discretion by prosecutors.³¹ However, the Supreme Court was extremely concerned, arguing that it undermines legal certainty and the Rule of Law.³² While it welcomed the wise exercise of

21 Kent Roach, ‘The Case for Defining Terrorism with Restraint and Without Reference to Political or Religious Motive’ in Andrew Lynch, Edwina MacDonald and George Williams (eds), *Law and Liberty in the War on Terror* (Federation Press 2007).

22 Commission plenary meeting, July 2022, civil society organisation.

23 Broad definitions without a purpose element have allowed anti-terrorism laws to target street gangs in El Salvador: see: Karla Martinez, ‘¿Marero O Terrorista? Examining the Supreme Court of El Salvador’s Designation of Gang Members as Terrorists’ (2019) 47 Georgia Journal of International and Comparative Law 683. In February 2025, the US designated eight drug cartels and transnational organised crime groups as Foreign Terrorist Organisations. Canada followed this and designated seven transnational criminal organisations as terrorist entities.

24 This was added to the definition in 2006 to ensure attacks targeting international institutions like the UN were covered. Terrorism Act 2006 (TA 2006) s 34.

25 Terrorism Act 2000 (TA 2000) s 1(2). This provision was included in the legislation to ensure the definition of terrorism covered targeted assassinations, which may not be aimed at influencing the government or intimidating the public.

26 Evidence submission, Dr Anthony Richards. See also Anthony Richards, ‘Conceptualizations of Terrorism’ in Diego Muro and Tim Wilson (eds), *Contemporary Terrorism Studies* (Oxford University Press 2022) 56–73.

27 See: Clive Walker, ‘Annex C: Note on the Definition of Terrorism under the Terrorism Act 2000, Section 1, in the Light of the Salisbury Incident’ in Max Hill, *The Terrorism Acts in 2017* (IRTL 2018), 142.

28 TA 2000 s 1(4)(d) defines government to mean ‘the government of the United Kingdom, a part of the United Kingdom or of a country other than the United Kingdom’.

29 *R v F* [2007] EWCA Crim 243, [27].

30 TA 2000 s 117 and TA 2006 s 19. The Court of Appeal in *R v Venclovas* [2013] EWCA Crim 2182 said the Attorney General’s consent provides a ‘necessary check on the inappropriately wide use of the extension of jurisdiction’. However, the Supreme Court found the reliance on prosecutorial discretion was ‘intrinsically unattractive’, see *R v Gul* [2013] UKSC 64, [36].

31 David Anderson, *The Terrorism Acts in 2013* (IRTL 2014) 77. See also: Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) para 1.11.

32 *R v Gul* [2013] UKSC 64. See also Alan Greene, ‘The Quest for a Satisfactory Definition of Terrorism: *R v Gul*’ (2014) 77(5) *Modern Law Review* 780.

executive discretion, it said it reflects an abdication of responsibility by Parliament and warned that people may not know in advance whether their actions would be terrorism. The uncertainty permeates everything from substantial intrusive powers granted to police and immigration officers to decisions on prosecution.

The detention of David Miranda in 2013 highlights this. Police used counter-terrorism powers to take and open his encrypted storage devices as he passed through Heathrow. Miranda was the spouse of the Guardian journalist Glenn Greenwald, who, using evidence from stolen classified government documents leaked by Edward Snowden, had revealed the existence of secret US and UK mass digital surveillance programmes weeks earlier. Using powers in Schedule 7 of the Terrorism Act 2000, he was stopped as the British Security Service believed he was carrying that encrypted material.³³ These powers can only be used to determine if a person travelling through a port is an individual who 'is or has been concerned in the commission, preparation or instigation of acts of terrorism'. Miranda claimed his detention was an unlawful use of the Terrorism Act. The court found that the publication or threatened publication of information met the requirement of 'action' in the definition of terrorism. The implication of this judgment was set out by the then IRTL, David Anderson KC: 'It seems that the writing of a book, an article or a blog may, therefore, amount to terrorism if publication is "for the purpose of advancing a political, religious, racial or ideological cause", "designed to influence the government", and liable to endanger life or create a serious risk to health or safety.'³⁴ He noted the wider implications of including publication as a terrorist action:

- a. The possession of any article for a purpose connected with the publication or of any document likely to be useful to persons publishing material of that kind would be punishable by up to 15 years or 10 years in prison (TA 2000 sections 57, 58).
- b. Acts preparatory to publication would be punishable by life imprisonment (TA 2006 section 5).
- c. Anyone who encouraged the writing of similar articles, or circulated such encouragement to others, could be imprisoned for up to seven years (TA 2006, sections 1 and 2).³⁵

The Court of Appeal has suggested a narrower definition of terrorism requiring the person either intend or is reckless about the consequences of their actions.³⁶ While this limits the potential for prosecution, it may not alleviate the chilling impact on free speech.³⁷ Further safeguards for confidential journalistic material are provided by provisions for 'protected material' in the Code of Practice for Schedule 7.³⁸

The breadth of the definition means that a far wider range of actions could be considered as terrorism than those that are currently treated as terrorism.³⁹ This leaves officials with broad discretion about which actions to treat as terrorism and risks unfair and unequal application. Furthermore, caution and restraint may exacerbate that risk as:

an instinctive reluctance on the part of police and others to define terrorism as broadly as the law permits may encourage a tendency – itself potentially discriminatory – to reserve the word for the categories of perpetrators with which it is stereotypically associated.⁴⁰

The CONTEST Strategy indicates that the threshold for terrorism is reached only when people carry out criminal actions for political goals that are 'assessed as posing a national security' threat.⁴¹ Unfortunately, with no statutory definition of national security, there is little clarity about what will be treated as terrorism. Terrorism is already identified as a priority

33 The use of these powers is examined in more detail in **chapter 9** of this report.

34 Anderson (n 31) para 4.16.

35 *ibid* para 4.20.

36 *R (David Miranda) v Secretary of State for the Home Department* [2016] EWCA Civ 6.

37 Alan Greene, 'Definitions of Terrorism' (2022) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

38 Home Office, *Examining Officers and Review Officers under Schedule 7 to the Terrorism Act 2000 – Code of Practice* (August 2020, updated 9 July 2025) para 68-74, <<https://www.gov.uk/government/publications/codes-of-practice-for-officers-using-examination-powers-at-ports/examining-officers-and-review-officers-under-schedule-7-to-the-terrorism-act-2000-accessible-version>> accessed 11 October 2025.

39 Anderson (n 31) para 10.15, 'The full limits of the statutory definition are rarely explored by the police, who generally operate from day to day on the basis of more conventional understandings of what is meant by terrorism.'

40 *ibid* para 10.17.

41 HM Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (Cm 9608, 2018) 21.

for the National Security Strategy.⁴² Earlier legislation cited ‘terrorism concerned with Northern Ireland affairs’ or ‘international terrorism.’⁴³ The current definition has no particular political context, so it can drift into unclear waters.

Under the statutory definition, terrorism is not only against the state but also includes actions or threats aimed at intimidating the public or a section of the public. However, whether intimidation faced by a section of the public counts as a threat to ‘national security’ and where the boundary lies between terrorism and hate crime raises questions of whose security is valued by the state.

Differences between government and community perceptions of security threats can limit cooperation and undermine trust.⁴⁴ Submissions to the Commission raised concerns about the political judgement in applying the definition of terrorism. The Campaign Against the Criminalisation of Communities saw the definition as a ‘deeply politicised term, shaped around the dictates and demands of states and corporate actors and often standing at odds with the popular understanding of “terrorism” as mass violence against civilian populations.’⁴⁵ Dr Amal Abu-Bakare said it ‘is dependent on the delineation of a specific state-favouring account of what counts as political violence, and what does not count as political violence, and what counts as being security-relevant and not security-relevant.’⁴⁶ She finds that acts of racial violence could be seen as terrorism as they intimidate racialised minorities and target a wider audience than the immediate victim, but instead, ‘racial terror is allowed to be cast as ordinary’ hate crime.⁴⁷ The Committee on the Administration of Justice noted that the threat level for Northern Ireland-related terrorism is centred on ‘threats to national security,’ yet any activities of paramilitary groups that do not target agents of the state or ‘are not deemed to threaten democracy’ are excluded.⁴⁸ Para-militaries use violence to maintain sectarian housing segregation, which meets the definition of terrorism as it targets a section of the public to further a political cause, yet is excluded from the official assessment of the threat from Northern Ireland-related terrorism.⁴⁹ Professor Mark McGovern argues for a need to move towards a societal conception of security to prevent future violence and youth involvement in paramilitarism more effectively.⁵⁰ A legal expert characterised the effect of focusing on actions directed at the state symbols and agents compared to those targeting communities as creating a ‘subtle law of treason.’⁵¹

The broad definition of terrorism can cover direct political action aimed at influencing government if it involves serious violence or property damage, even if there is no danger or risk to life.⁵² This could apply to some anti-lockdown,⁵³ anti-Ultra Low Emission Zone (ULEZ),⁵⁴ anti-vaccine,⁵⁵ and environmental⁵⁶ groups and, before its proscription, was used to arrest members of Palestine Action for direct action against arms manufacturers and military facilities.⁵⁷

42 Jonathan Hall, *The Terrorism Acts in 2019* (IRTL 2021) 29, finds that ‘the “national security” threshold creates too many imponderables’.

43 Jessie Blackburn, ‘The Evolving Definition of Terrorism in UK Law’ (2011) 3(2) *Behavioural Sciences of Terrorism and Political Aggression* 131, 136–37.

44 Tufyal Choudhury and Helen Fenwick, *The Impact of Counter-Terrorism Powers in Muslim Communities in Britain* (Research Report 72, Equality and Human Rights Commission, London, 2011).

45 Evidence submission, Campaign Against the Criminalisation of Communities.

46 Evidence submission, Dr Amal Abu-Bakare.

47 *ibid.*

48 Marie Breen-Smyth, *Fourteenth Report of the Independent Reviewer Justice and Security (Northern Ireland) Act 2007* (Northern Ireland Office 2022) para 4.4.

49 Evidence submission, Committee on the Administration of Justice.

50 Evidence submission, Professor Mark McGovern.

51 Commission plenary meeting, July 2022.

52 See Jonathan Hall, *Report on the use of Schedule 7 powers against Ernest Moret* (IRTL 2023) 4, ‘there are no clear dividing lines between terrorism and violent activism or protest’. Until April 2020, Counter-Terrorism Policing was responsible for monitoring protest-related activity at a national level, when it then moved to National Police Coordination Centre’s Strategic Intelligence and Briefing team.

53 Ella Glover, ‘Anti-Lockdown Protest turns violent as police officers sustain “minor” injuries’ *The Independent* (18 December 2021), <<https://www.independent.co.uk/news/uk/home-news/antilockdown-protest-london-police-b1978716.html>> accessed 26 June 2025.

54 Dylan Donnelly, ‘Met Police investigate nearly 1,000 incidents of ULEZ cameras being stolen or vandalised’ *Sky News* (1 November 2023) <<https://news.sky.com/story/met-police-investigate-nearly-1-000-incidents-of-ulez-cameras-being-stolen-or-vandalised-12997982>> accessed 26 June 2025.

55 ‘COVID-19: Five police officers injured after violence breaks out at anti-vaccine protest in London’ *Sky News* (3 September 2021) <<https://news.sky.com/story/covid-19-four-police-officers-injured-after-violence-breaks-out-at-anti-vaccine-protest-in-london-12398467>> accessed 26 June 2025.

56 Ben Quinn, ‘Just Stop Oil protesters smash glass on painting at National Gallery’ *The Guardian* (6 November 2024) <<https://www.theguardian.com/uk-news/2023/nov/06/just-stop-oil-protesters-smash-glass-painting-national-gallery>> accessed 26 June 2025.

57 Bea Swallow, ‘UN Experts Concern over activist charges’ *BBC News* (11 February 2025) <<https://www.bbc.co.uk/news/articles/c9vmjixvj0eo>> accessed 26 June 2025.

3.4 Reforming the Definition

Dr Alan Greene identifies two approaches to defining terrorism.⁵⁸ The first gives definitions tailored for each specific action or activity. For instance, a specific one for freezing the financial assets of those engaged in terrorist behaviour and another for dealing with police surveillance powers of suspected terrorists. These can be carefully calibrated to take account of different circumstances and values.⁵⁹ The second approach is to have a general definition that applies to all contexts; this is the approach of the Terrorism Act 2000. Given the concerns about the breadth of the current definition of terrorism, the potential use of multiple definitions has some attractions. However, this creates an overly complex legal and regulatory regime where decision-makers must navigate a complex web of competing definitions.

The current definition could be amended in several ways to provide more clarity and certainty. Lord Lloyd, whose report prepared the way for the Terrorism Act 2000, proposed a definition to cover action that aimed to 'intimidate or coerce a government'.⁶⁰ However, the legislation only requires action that 'is designed to influence' the government. The IRTL says this sets the threshold too low, as influencing government is central to much political activity. The risk of such activities being deemed terrorism, where they involve serious property damage or create a serious risk to health and safety, would be detrimental to democracy.⁶¹ Lord Carlile recommended a change from 'influence' to 'intimidate',⁶² which raises the question of whether governments can be intimidated by terrorists.⁶³ His successor, David Anderson, recommended changing the test to action 'designed to compel, coerce or undermine the government'. 'Compel'⁶⁴ and 'unduly compel'⁶⁵ reflect the language in several international definitions, 'coerce' is found in Australian legislation, and the addition of 'undermine' would cover assassinations that may otherwise escape the requirement to compel or coerce.⁶⁶ This change would increase the threshold of what would be considered a terrorist publication, thus mitigating the chilling effect by reassuring journalists that they have greater freedom to express themselves.⁶⁷ The Commission broadly concurs with the amendment proposed by Lord Anderson, but proposes using 'subvert' rather than 'undermine'. For example, strike action by health workers may create a serious risk to the health and safety of the public, and if done for the purposes of furthering a political cause, could be action that undermines a government. The term 'subvert' draws a clearer line between such activities and terrorism.

To ensure that political assassination is counted, as the aim might be unclear, the use of firearms or bombs to advance a cause is defined as terrorism, regardless of whether their use is designed to influence the government or intimidate the public.⁶⁸ Professor Walker criticises this as unnecessary as it only applies to killing with firearms and explosives and not other means. He suggests a revised definition which includes action designed to 'undermine' the government to address this gap.⁶⁹ This gap would also be addressed by including action designed to 'subvert' the government in the definition.

The definition of terrorism includes action that 'involves serious damage to property'.⁷⁰ Political protest can involve direct action that involves serious property damage. Such action can be prosecuted as criminal damage to property. However, direct action that aims to advance a political, religious, racial or ideological cause, such as the toppling of

58 Alan Greene, 'Defining Terrorism: One Size Fits All?' (2017) 66(2) *International and Comparative Law Quarterly* 411.

59 Professor Walker also suggests that a wide definition could be applied to police and security officials' anticipatory actions needed to counter terrorism, while a narrow definition is applied to criminal offences and trials. Clive Walker, *Terrorism and the Law* (Oxford University Press 2011) 36.

60 Lord Lloyd of Berwick, *Inquiry into legislation against terrorism* (Cm 3420, 1996) and Home Office and Northern Ireland Office, *Legislation Against Terrorism: A Consultation Paper* (Cm 4178, 1998) 26.

61 Anderson (n 31) 86.

62 Lord Carlile of Berriew, *The Definition of Terrorism* (Cm 7052, 2007).

63 Anderson (n 31). UN Security Council Res 1566 (2004) definition says 'intimidate a population or compel a government or an international organization'.

64 UN Terrorism Financing Convention, 1999, art 2(1)(b); UNSCR 1566/2004; UN draft Comprehensive Convention on International Terrorism, art 2(c).

65 Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism, art 3(2)(b).

66 Anderson (n 31) 88.

67 Greene (n 37).

68 HL Deb 20 June 2000, vol 614, col 160 (Lord Bach).

69 Clive Walker, *Blackstone's Guide to the Anti-Terrorism Legislation* (Oxford University Press 2014) 10.

70 TA 2000, s 1(2)(b).

the statue of Edward Colston during the Black Lives Matter protests in 2020, could be terrorism. The current serious damage threshold is too low; it creates wide discretion and uncertainty over at what point protests that cross over into criminal damage, or riots that target a section of the public for intimidation become terrorism. A narrower definition would ensure greater foreseeability and that the extraordinary powers that are available to tackle terrorism are only used against the most serious threats.

Lord Carlile, when IRTL, said that the inclusion of ‘serious damage to property’ was necessary for situations such as threats to explode bombs in a school at the weekend, or damage to critical infrastructure that causes a risk to life.⁷¹ A narrower threshold that meets these legitimate concerns while drawing a clearer line between political protest and terrorism is achieved if the threshold for property damage is raised to damage that creates a serious risk to life or creates a serious risk to national security, or the health and safety of the public or a section of the public.⁷² The inherent unpredictability and danger of property damage by explosives and arson are already recognised in criminal law, allowing for separate charges from ordinary criminal damage; consistent with this approach, the definition could explicitly include serious damage to property from arson, explosives, or firearms.⁷³ This would also reflect the public understanding of terrorism, which is closely associated with killing and activities that create significant risks to life, public safety or national security.⁷⁴ Ordinary criminal law offences, such as criminal damage, would still be available for property damage that falls below the higher threshold. Furthermore, where there is evidence of a terrorism connection to such a criminal damage offence, this will be an aggravating factor in sentencing.⁷⁵

Greater guidance and transparency in specifying the factors that inform police or prosecutors’ decisions to treat a matter as terrorism could provide further clarity and certainty. This is examined further in **chapter 10** on prosecution for terrorism-related offences.

⁷¹ Lord Carlile (n 62) 31.

⁷² This approach is taken in Canada; see Federal Criminal Code, section 83.01 (Canada).

⁷³ Criminal Damage Act 1971, s 1(3). Arson was kept as a distinct form of property damage because it was seen as uniquely dangerous and unpredictable. It is an offence to cause an explosion likely to cause serious injury to property, whether or not any property is injured, see: Explosive Substances Act 1883, s 2.

⁷⁴ Evidence submission, Dr Sara Fregonese and Dr Paul Simpson.

⁷⁵ Counter-Terrorism Act 2008, s 30. See further **chapter 11** of this report.

Box D. Definition of Terrorism in the Terrorism Act 2000 section 1

- 1** In this Act “terrorism” means the use or threat of action where —
 - a.** the action falls within subsection (2)
 - b.** the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and
 - c.** The use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.
- 2** Action falls within this subsection if it —
 - a.** involves serious violence against a person,
 - b.** involves serious damage to property,
 - c.** endangers a person’s life, other than that of the person committing the action,
 - d.** creates a serious risk to the health or safety of the public or a section of the public, or
 - e.** is designed seriously to interfere with or seriously disrupt an electronic system.
- 3** The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

Box E. The Commission's Definition of Terrorism

- 1** In this Act "terrorism" means the use or threat of action where —
 - a.** the action falls within subsection (2)
 - b.** the use or threat is designed to coerce, compel or subvert the government or an international governmental organisation or to intimidate the public or a section of the public, and
 - c.** The use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.
- 2** Action falls within this subsection if it —
 - a.** involves serious violence against a person,
 - b.** involves serious damage to property, that
 - i.** creates a serious risk to life, or
 - ii.** creates a serious risk to national security or the health and safety of the public or a section of the public, or
 - iii.** uses arson, explosives or firearms
 - c.** endangers a person's life, other than that of the person committing the action,
 - d.** creates a serious risk to the health or safety of the public or a section of the public, or
 - e.** is designed seriously to interfere with or seriously disrupt an electronic system.

3.5 Key Findings and Recommendations

The definition of terrorism matters because identifying action as terrorism, or people and groups as terrorists carries profound implications. It is the foundation of all the UK's counter-terrorism laws, policies and practices. The UK has an incredibly broad definition that relies on the state exercising restraint and discretion to avoid misuse or abuse. The Supreme Court argues that this broadness undermines legal certainty and the Rule of Law, but it is for Parliament, not the courts, to define terrorism more narrowly. The evidence shows concerns that the broad definition and discretion allow discrimination and blur boundaries between terrorism and protest actions that cause serious property damage. The Commission proposes three key changes to achieve a narrower definition that provides greater clarity and foreseeability while ensuring the government can tackle terrorism effectively.

First, the current definition of terrorism risks bringing a wide range of protests and other legitimate actions into the scope of terrorism as it covers the use or threat of actions designed to 'influence' a government or international governmental organisation. Our recommendation to amend s1(1)(b) ensures that it only covers actions and threats that, in seeking to coerce, compel or subvert, clearly go beyond the legitimate activities in a democratic society (**Recommendation 8**).

Second, under section 1(3), the use or threat of action using explosives or firearms does not require evidence that it is designed to influence the government to be terrorism. This provision, while thought necessary to cover political assassinations where the aim may be unclear, is anomalous. The proposed amendment to s1(1)(b) to include action designed to 'subvert' the government would cover assassinations (**Recommendation 10**).

Third, to draw a clearer line between forms of direct actions that involve serious damage to property that should be prosecuted as criminal damage from serious damage to property that reaches the threshold of terrorism, the threshold for terrorism should be raised to serious damage to property that create serious risk to life, national security, or the health and safety of the public, or involves arson, explosives or firearms, methods that are inherently unpredictable (**Recommendation 9**).

8

Recommendation 8: The phrase 'designed to influence the government or an international organisation' in the Terrorism Act 2000 section 1(1)(b) should be replaced by the phrase 'designed to coerce, compel or subvert the government or an international governmental organisation'.

9

Recommendation 9: The Terrorism Act 2000 section 1(2)(b) should be amended so that a terrorist action includes 'serious damage to property that (i) creates a serious risk to life or (ii) creates a serious risk to national security or the health and safety of the public or a section of the public or (iii) uses arson, explosives or firearms'.

10

Recommendation 10: The Terrorism Act 2000 section 1(3) should be repealed.

4.

The Changing Nature of the Terrorist Threats to the UK

The key to evaluating the UK's counter-terrorism measures and ensuring appropriate resources is understanding the nature and extent of the threats. The potential dangers inform assessments of the effectiveness of counter-terrorism policies and laws in keeping the public safe and the necessity and proportionality of state actions. Counter-terrorism measures must adapt to the current threat to direct limited resources efficiently.

This chapter outlines the evolution of terrorism since the Terrorism Act 2000 and the 2003 UK strategy for countering terrorism, known as CONTEST. Beginning with different measures used to evaluate the extent of the threat, it examines the risks related to categories of terrorism threats. The government classes these into four main groups: Northern Ireland-related terrorism (NIRT), Islamist terrorism,¹ extreme right-wing terrorism (ERWT) and left-wing, anarchist and single-issue terrorism (LASIT). The chapter details recent major shifts in the threat landscape that have led some practitioners and policy experts to call for a fundamental rethink of current approaches to counter-terrorism prevention.

The chapter also considers the impact of the terminology used and whether the traditional categories are appropriate for the emerging trend of people fixated or fascinated by violence, in which an ideological or other cause plays a limited role (see **Box D**).

¹ This report uses Al-Qaeda and ISIS-related Terrorism (AIRT) where appropriate. See **Box F** in this chapter.

4.1 Measuring the Threats from Terrorism

Significantly fewer people have died in terrorist attacks since 2000 than in the preceding three decades. Since 1970, over 3,416 people have been killed by terrorism in the UK² - almost 95 per cent before 2000. 1971 to 1976 saw over 200 deaths a year, with more than 500 in 1974. The deadliest terrorist attack in the UK was the downing of Pan Am Flight 103 in December 1988 above Lockerbie, killing 270. The bomb on the flight from Frankfurt to Detroit did not target the UK, but 43 of the dead were British, including 11 residents of Lockerbie killed on the ground.

Most deaths during the 1970s and 1980s were in Northern Ireland. Since 2000, there have been 109 deaths in Northern Ireland³ (population 1.9 million) and 104 in Britain⁴ (population 61 million), 1,497 bombing incidents in Northern Ireland⁵ and 14 in Britain.⁶

Deaths measure the tragic outcomes of completed attacks but fail to capture the attacks thwarted. Between 2020 and October 2025, police and security services disrupted 19 late-stage attack plots.⁷

The number of 'subjects of interest' (SOIs) identified by the Security Service provides a broader view. MI5 has records on over 23,000 SOIs. However, 20,000 are closed cases. The remaining 3,000 are the focus of around 800 ongoing investigations.⁸

The Joint Terrorism Analysis Centre (JTAC) categorises the terrorism threat level: low, moderate, substantial, severe, and critical.⁹ Since August 2006, when the Home Office began publishing the indicator, the needle has mostly been 'severe', meaning an attack is 'highly likely'. It reached 'critical' level four times, staying there for 45 days. However, from 2011 to 2014 and since February 2022, the threat level has been 'substantial', deeming an attack 'likely'. The separate assessment for NIRT in Northern Ireland has fluctuated between severe and substantial but has been at 'substantial' since March 2024.

The government's National Risk Register (NRR) evaluates security and resilience risks based on likelihood and impact.¹⁰ The NRR gave the highest likelihood rating (level 5) to: terrorist attacks in public places, terrorist attacks on vessels in or near UK waters, NIRT, targeted assassinations of public figures and attacks overseas with strategic implications for the UK. However, the likely impact is very different.¹¹ Attacks on public places and vessels are

- 2 Grahame Allen, Matthew Burton and Alison Pratt, *Terrorism in Great Britain: the Statistics* (House of Commons Library 2022) 7. The paper cites data from the Global Terrorism Database of 3,416 deaths from terrorism in the UK in the period 1970-2019.
- 3 See: Police Service of Northern Ireland (PSNI), *Police Recorded Security Statistics in Northern Ireland: Historic information up to and including February 2025, Deaths due to Security Situation* (2025) <<https://www.psni.police.uk/official-statistics/security-situation-statistics>> accessed 24 June 2025.
- 4 2005, 52; 2013, 2; 2016, 1; 2017, 36; 2019, 2; 2020, 3; 2021, 1; 2022, 1; 2025 2.
- 5 PSNI (n 3).
- 6 Eight in 2005 (London), two in 2009 (London and Glasgow), two in 2017 (Manchester and London), one in 2022 (Dover) and one in 2023 (Leeds).
- 7 Ken McCallum, 'Director General Ken McCallum Gives Threat Update' (Speech, 16 October 2025) <<https://www.mi5.gov.uk/director-general-ken-mccallum-gives-threat-update>> accessed 17 October 2025. Between 2017 and October 2024, police and security services disrupted 43 late-stage terrorist plots: HM Government, *National Security Strategy 2025: Security for the British People in a Dangerous World* (CP 1338, 2025) 10.
- 8 David Anderson, *Attacks on London and Manchester March-June 2017 – Independent Assessment of MI5 and Police Internal Reviews* (2017) 8. He explains SOIs in the following way: 'SOIs are persons in respect of whom MI5 has created a Key Information Store record (or in common parlance, a file). There are around 3000 active SOIs, who are either associated with MI5 priority investigations or have come to MI5's attention as part of a lead generated through new intelligence not part of an existing investigation. Each active SOI record is subject to quarterly case review and has an assigned lead investigator responsible for reviewing incoming intelligence and maintaining the record, including by updating it as required.' See also Neil Basu, 'Learning Lessons from Countering Terrorism: The UK Experience 2017-2020' (2021) 5 *Cambridge Journal of Evidence-Based Policing* 134, which gives the figure of 3000 live SOI and 850 investigations.
- 9 Since 2010, they have also published separate threat levels for Northern Ireland-related terrorism in Northern Ireland and in Great Britain.
- 10 Both likelihood and impact are measured on a scale of 1-5 (with 5 being most likely/severe). The likelihood ratings are: 1 (<0.2 per cent), 2 (0.2-1 per cent), 3 (1-5 per cent), 4 (5-25 per cent), 5 (>25 per cent). The impact ratings are: 1 (minor), 2 (limited), 3 (moderate), 4 (significant), and 5 (catastrophic). See: HM Government, *The National Risk Register 2025 Edition* (2025).
- 11 The factors used to measure impact include human welfare (fatalities, casualties), economic damage, behavioural, environmental, and international impact. For example, impacts are assessed as minor where fatalities are fewer than nine, casualties are below 18, and economic damage is less than £10 million; impact is 'limited', where fatalities are between nine and 40, casualties 17-80, and economic costs are in the tens of millions. See HM Government, *The National Risk Register 2025 Edition* (2025), 14.

assessed as having a 'moderate' impact; NIRT a 'limited' impact; and targeted assassinations or overseas attacks only a 'minor' impact.

Some groups and communities are at particular risk. In 2022, 49.6 per cent of Jews said they were increasingly worried about terrorism, the highest of any group based on religion or belief.¹² These fears were realised with the attack in October 2025 that resulted in the deaths of two members of the Heaton synagogue in Manchester. Between 2013 and 2025, there had been one terrorist attack (ERWT) and six terrorist plots targeting Jewish communities in the UK (four ERWT and two AIRT).¹³ ERWT targeting Muslims includes the murder of Mohammed Saleem in 2013, four attacks on mosques, and four plots targeting mosques.¹⁴

The separate indicators for Britain and Northern Ireland show a nuanced understanding of threats. Northern Ireland-related terrorism is identified as a 'serious' threat, particularly in Northern Ireland.¹⁵ Islamist terrorism is identified as the 'primary' domestic terrorist threat to the UK, ERWT is an 'increasing' threat, while LASIT 'is not here in any significant scale'.¹⁶ Three-quarters of MI5's counter-terrorism work in Britain is Islamist extremism, and one-quarter is ERWT.¹⁷

4.2 Northern Ireland-Related Terrorism

Between 1968 and 1998, there were over 3,600 deaths and 30,000 people injured in Northern Ireland related to the conflict there.¹⁸ Attacks in Northern Ireland have decreased dramatically since the 1998 Belfast (Good Friday) Agreement. However, attacks continue to include shootings and bombings; between March 2024 and February 2025, there were five bombings, 18 shootings, seven casualties from paramilitary-style shootings and 23 casualties from paramilitary-style assaults in Northern Ireland.¹⁹ The attempted murder of DCI Caldwell in February 2023 raised the threat level to 'severe' until March 2024, when it was returned to 'substantial'. Two dissident Republican groups, the New IRA and Continuity IRA, are responsible for most attacks on security forces.²⁰ It has been reported that threats from loyalist paramilitary groups led to suspending post-Brexit border checks on goods from Britain into Northern Ireland in 2021.²¹ Republican and Loyalist groups still carry out paramilitary-style attacks and intimidation in the wider community.²² In 2023, 15 per cent of people in Northern Ireland said paramilitary groups had a controlling influence in their area, and 18 per cent said they created fear and intimidation.²³ This can include violence as well as 'financial extortion, sexual exploitation, creating communities where people are afraid to speak out, and stifling alternative voices and leadership'.²⁴ In Northern Ireland, therefore, a significant number of people continue to live under threat.

12 This compares to 47.3 per cent of Christians, 29 per cent of Sikhs and 27.9 per cent of Muslims who said this. Evidence submission, Dr. Sara Fregonese and Dr. Paul Simpson.

13 Community Security Trust, 'Terrorism and Hate Crime Databases' (CST, n.d.) <<https://cst.org.uk/research/terrorism-hate-crime-databases>> accessed 24 June 2025.

14 *ibid.*

15 HM Government, *CONTEST: the United Kingdom's Strategy for Countering Terrorism* 2023 (CP 903, 2023) 20.

16 *ibid.*

17 Ken McCallum, 'Director General Ken McCallum Gives Latest Threat Update' (Speech, 8 October 2024) <<https://www.mi5.gov.uk/director-general-ken-mccallum-gives-latest-threat-update>> accessed 24 June 2025.

18 Evidence submission, Dr. Mark McGovern.

19 PSNI, *Police Recorded Security Situation Statistics 1 March 2024 to 28 February 2025*, (PSNI Statistics Branch, 2025). Paramilitary-style assaults and shootings are carried out by Loyalist or Republican groups on members of their own community as a so-called punishment.

20 Marie Breen-Smyth, *Sixteenth Report of the Independent Review of the Justice and Security Act 2007* (Northern Ireland Office 2024) 18.

21 Rob Merrick, 'Paramilitaries are "real threat" after post-Brexit border checks halted in Northern Ireland, ex-police chief warns' *The Independent* (02 February 2012) <<https://www.independent.co.uk/news/uk/politics/brexit-northern-ireland-paramilitaries-b1796198.html>> accessed 24 June 2025.

22 Breen-Smyth (n 20) 18.

23 ARK, '2023 Northern Ireland Life and Times Survey: Community Safety' <https://www.ark.ac.uk/nilt/2023/Community_safety/> accessed 24 June 2025.

24 Independent Reporting Commission, *Seventh Report* (Northern Ireland Office HC 704, 25 February 2025) 3.

4.3 Al-Qaeda and ISIS-Related Terrorism

The threat from Islamist terrorism has changed counter-terrorism laws, policies, and practices since 2000. Lord Lloyd's 1996 Inquiry into Legislation Against Terrorism cited the threat from international terrorist groups, including Al-Qaeda, as a reason for replacing the continually renewed but technically 'temporary' anti-terrorism laws with permanent ones.²⁵ The Terrorism Act 2000 was tested soon afterwards.

The scale of the Al-Qaeda attacks of 11 September 2001 generated massive uncertainty about the nature and extent of the terrorist threat. Britain joined the US-led invasion of Afghanistan and was part of NATO-led operations there until August 2021.²⁶ However, Al-Qaeda retained its ability to support and direct attacks overseas from the Afghanistan-Pakistan border areas.²⁷ Evidence of US violations of international norms, including extraordinary rendition, military detention in Guantanamo and the torture of detainees, meant international support faltered, then fractured with the 2003 invasion of Iraq.²⁸ At home, the government derogated from the ECHR, saying it faced a 'public emergency threatening the life of the nation' requiring the indefinite detention of foreign nationals considered a threat to national security, who could not be deported as they risked torture in their own country. The mid-2000s saw increasing arrests and convictions of young men involved in planning sophisticated attacks on the public. Suspicions of Al-Qaeda's connection crystallised in 2004 when seven men were arrested for attempting to build a fertiliser-based bomb targeting the Bluewater shopping centre in Essex. The 7 July 2005 London bombings and the failed attempts two weeks later confirmed Security Service fears that Britain's involvement in the Iraq war would accelerate Al-Qaeda-related terrorism. In fact, there were no more successful attacks during this period,²⁹ but several plots, including attempts to bring down transatlantic flights with liquid explosives in 2006, were foiled by the police and security service.³⁰

By 2010, Al-Qaeda's power appeared to be lessening.³¹ Lowering the threat level from 'severe' to 'substantial' in 2011 coincided with the group's diminished capacity in South Asia and the killing of Osama bin Laden. However, concerns remained about Britons travelling to regions where organisations affiliated with Al-Qaeda operated, particularly North Africa, Iraq, Somalia, and Yemen.

The rise of ISIS, an offshoot of an Al-Qaeda affiliate that formed part of the resistance to the US-led invasion of Iraq, changed the threat.³² In March 2011, anti-government protests in Syria morphed into a civil war and young British men and some women travelled there to support opposition groups. In June 2013, ISIS joined the uprisings and a year later declared the foundation of a new state under its rule, with Raqqa in northern Syria as its capital. They encouraged people to join them to fight and build a new society. Families with children and women and men alone or in small groups travelled there. At home, officials were alarmed by the violence of British citizens there and worried about the threat posed by their return.³³ Some 900 people left the UK for Syria, a quarter have been killed and about half have returned to the UK.³⁴

25 Lord Lloyd of Berwick, *Inquiry into Legislation Against Terrorism* (Cm 3420, October 1996) 4-5.

26 From 2003 to 2014, the UK was part of the UN-mandated International Security Assistance Force (ISAF); from 2015, this changed to the NATO-led Resolute Support Mission.

27 For example, in December 2001, Richard Reid attempted to detonate explosives hidden in his shoes whilst on a transatlantic flight.

28 Fawaz Gerges, *Journey of the Jihadist: Inside Muslim Militancy* (Harvest 2007).

29 In 2009, there was an attack on Glasgow airport, but there was no evidence that Al-Qaeda directed this.

30 Operation Overt, see: Raffaello Pantucci, *"We Love Death as You Love Life": Britain's Suburban Terrorists* (Hurst & Co. 2015).

31 Cabinet Office, *The National Security Strategy of the United Kingdom: Update 2009 – Security of the Next Generation* (Cm 7590, 2009) paras 4.19, 6.30; Cabinet Office, *A Strong Britain in an Age of Uncertainty: The National Security Strategy* (Cm 7953, 2010) para 1.3.

32 See, for example, Sir Alex Younger, oral evidence to the Foreign Affairs Select Committee, HC 330, 30 April 2024 <<https://committees.parliament.uk/oralevidence/14793/html/>> accessed 24 June 2025, 'as an inadvertent consequence of Western policy, detention camps in Iraq held both seasoned al-Qaeda in Iraq terrorists and members of the Ba'ath party who were trained security and counterintelligence professionals. Often trained by the Soviet Union, or Russia later, they brought real deep state expertise on security issues. The situations in the camps served to cement those relationships and deepen degrees of radicalisation, and produced ISIS, to which, initially, we did not have a good answer...AQI and then Daesh would not exist had it not been for [the Iraq] war'.

33 See: Julian Richards, 'Down but Not Out? Revisiting the Terror Threat from Foreign Fighters' [2020] 22(2) *International Journal of Intelligence, Security and Public Affairs* 61. The review of 30 ISIS-linked attacks in Western Europe between 2015 to mid-2017 found that while returnees were involved in a small proportion of these attacks, their attacks were more organised and lethal.

34 HM Government [n 15] 18; see also C3 & C4 v *Secretary of State for Foreign, Commonwealth and Development Affairs* [2022] EWHC 2772 (Admin) [14].

When international efforts stemmed the flow of people travelling to Syria, ISIS called on its supporters to carry out attacks at home. They needed no permission from ISIS or even much training or equipment, only the ability to wield a knife or drive a car. The stabbing of East London MP Stephen Timms in 2010 and the murder of Lee Rigby in 2013 were early examples of such rudimentary attacks. ISIS made attacks by lone actors a key feature of their *modus operandi*. As Raffaello Pantucci notes, ‘the result was a wave of incidents across the world in which directed cells, disconnected individuals, inspired followers and more all sought to align themselves with the group through launching an attack in the proposed model’.³⁵ In the UK, nearly 80 per cent of attacks since 2018 have used bladed or blunt force weapons.³⁶ The ISIS threat in Britain peaked in 2017, with three successful attacks between March and June.³⁷ A fourth attack in 2017, at Finsbury Park mosque, reflected the growing threat from ERWT.

The pull of ISIS receded as it lost its territory in Syria and Iraq. While it remains active in the Middle East and affiliated groups have a foothold in the Sahel, Nigeria, the African Great Lakes area and parts of eastern and southern Africa, it is the Afghan affiliate known as the Islamic State in the Khorasan Province (IS-K), which is most concerning for the Security Service. The 2023 CONTEST strategy assessed the ISIS threat as ‘once again rising’.³⁸ It is increasingly publishing propaganda in English, often with a focus on the UK.³⁹ Since 2023, IS-K supporters have carried out deadly attacks in Germany,⁴⁰ Russia⁴¹ and Turkey,⁴² with arrests for planned attacks in Austria,⁴³ Germany,⁴⁴ and Sweden.⁴⁵ A senior counter-terrorism officer warned that the threat will peak again when people can travel to a new, established location.⁴⁶ Since then, two people were killed in an attack targeting a Manchester synagogue by an attacker who pledged allegiance to ISIS, and three people have been convicted of trying to travel to Afghanistan to join IS-K.⁴⁷ In 2025, MI5 cautioned that ISIS and Al-Qaeda were ‘once again becoming more ambitious’ and ‘encouraging and inciting would-be attackers in the West’.⁴⁸

4.4 Extreme Right-Wing Terrorism

Increasingly, terrorism prosecutions are intelligence-led, and early disruption means that convictions are rarely for attempted terrorist attacks and more often involve offences of collecting information, disseminating terrorist publications or preparatory actions (see **chapter 10**). The definition of terrorism determines where police and security services focus their attention.

The line separating terrorism and hate crime can be unclear.⁴⁹ Threats and violence directed at Black and minority ethnic communities to deter people from settling into ‘White’ neighbourhoods, could come under anti-terrorism laws

35 Raffaello Pantucci, ‘How We Went from 9/11 to Lone Actors’ (2023) 18(4) *Journal of Policing, Intelligence and Counter Terrorism* 451, 461.

36 HM Government (n 15) 17.

37 Westminster Bridge (22 March), Manchester (22 May), and London Bridge (03 June).

38 HM Government (n 15) 4.

39 Tech Against Terrorism, ‘Press Release: Tech Against Terrorism Highlights ISKP’s Escalating Online Threat in Response to MI5 Director General’s Warning’ (8 October 2024) <<https://techagainstterrorism.org/news/tech-against-terrorism-highlights-iskps-escalating-online-threat-in-response-to-mi5-director-generals-warning>> accessed 24 June 2025.

40 Guy Chazan and Sam Jones, ‘Man Arrested Over Knife Attack in German Town of Solingen’ *Financial Times* (24 August 2024) <<https://www.ft.com/content/2fb443ad-1c90-46fe-9b83-a2da210b0945>> accessed 24 June 2025.

41 Paul Kirby and Andrew Rhoden-Paul, ‘Gunmen Kill 133 at Crocus City Hall in Moscow Attack’ *BBC News* (24 March 2024) <<https://www.bbc.co.uk/news/world-europe-68642162>> accessed 24 June 2025.

42 Orla Guerin and Lipika Pelham, ‘Istanbul Church Attack: Gunmen kill one person during Sunday morning mass’ *BBC News* (28 January 2024) <<https://www.bbc.co.uk/news/world-europe-68122404>> accessed 24 June 2025.

43 Vicky Wong, ‘Third teen arrested over foiled attack at Swift concert’ *BBC News* (8 August 2024) <<https://www.bbc.co.uk/news/articles/c1k37dm9e0eo>> accessed 24 June 2025.

44 BBC News, ‘Cologne Cathedral: Extra checks at German landmark after attack warning’ (24 December 2023) <<https://www.bbc.co.uk/news/world-europe-67816617>> accessed 24 June 2025.

45 ‘Germany Charges “IS” Supporters with Sweden Attack Plot’ *DW* (21 August 2024) <<https://www.dw.com/en/germany-charges-is-supporters-with-sweden-attack-plot/a-70009697>> accessed 24 June 2025.

46 Commission plenary meeting, January 2023, counter-terrorism practitioner.

47 Oprah Flash & Press Association, ‘Birmingham Brothers Admit planning to join Islamic State’ *BBC News* (11 July 2023) <<https://www.bbc.co.uk/news/uk-england-birmingham-66162611>> accessed 27 September 2025; Will Jefford, ‘Woman guilty of plan to join ISKP in Afghanistan’ *BBC News* (13 February 2025) <<https://www.bbc.co.uk/news/articles/czep4d3kpklo>> accessed 24 June 2025.

48 McCallum (n 7).

49 See for example, Pete Simi, ‘Why Study White Supremacist Terror? A Research Note’ (2010) 31(3) *Deviant Behavior* 251.

as acts furthering a 'racial' cause were added to terrorist aims in 2009. Neil Basu, head of counter-terrorism policing until 2021, suggested terrorism charges could be considered for severe cases of violence targeting asylum hotels, Muslims and visible minorities during the summer 2024 riots.⁵⁰ While prosecutors confirmed this,⁵¹ terrorism charges were not used. Researchers at the Royal United Services Institute say that labelling the violence as 'thuggery' and not extremist violence restricts the response and ability to develop effective preventative measures.⁵²

The blurred line between terrorism and hate crime means the measure of the extent of ERWT since 1999 varies from 60 incidents, including 14 attacks with four fatalities, to 109 incidents with 22 deaths in the UK.⁵³ A study found that 70 individuals associated with right-wing extremism were convicted of 236 terrorism-related offences from 2007 to August 2022, with 70 per cent occurring between 2019 and 2021.⁵⁴

Parliament's Intelligence and Security Committee (ISC) distinguishes actions of the far-right and right-wing extremism from ERWT.⁵⁵ It acknowledges that the 'ERWT threat may have been understated in the past – some incidents previously classified as racially motivated hate crimes might now be labelled as ERWT offences, based on evidence and a greater understanding of the threat and how it has evolved'.⁵⁶ ERWT has caused fewer fatalities than NIRT or AIRT. Sir Alex Younger, head of MI6 until 2020, says the threat to the social fabric from ERWT is as dangerous as Islamist terrorism.⁵⁷

Like Britain, other Western states were 'blind in the right eye' and failed to register the political nature of racial violence directed at Black and minority communities.⁵⁸ One study suggests a 320 per cent increase in right-wing terrorist incidents between 2014 and 2018.⁵⁹ The 2024 Right-Wing Terrorism and Violence Trend report identifies 2,546 incidents between 1990 and 2023 in Western Europe, of which 2,038 were severe but non-fatal, with 253 fatal attacks leading to 385 deaths.⁶⁰ In Germany, the legal system struggles to label severe acts of extreme right-wing violence as terrorism; terrorism charges were brought against only five people between 2001 and 2017 despite over 17,000 violent crimes by right-wing extremists, including over 500 arson attacks and 52 using explosives.⁶¹ The Commission into the 2019 Christchurch attack in New Zealand found that many warnings from local Muslim communities to officials about the rise of ERWT were overlooked or not taken seriously.⁶² The killing of 69 people in Norway (2011), 51 people in New Zealand (2019), and 110 deaths in the US between 2001 and 2010 show the deadly potential of ERWT attacks. The case of British teenager Daniel Harris shows ERWT transnational connections. He was convicted of encouraging terrorism and possession of material for terrorist purposes in January 2023. Videos he had uploaded online were linked to shootings in New York and Colorado.⁶³

50 Vikram Dodd, Emine Sinmaz and Neha Gohil, 'Worst Far-right violence should be treated as terrorism, says ex-police Chief' *The Guardian* (5 August 2024) <<https://www.theguardian.com/politics/article/2024/aug/05/far-right-violence-should-be-treated-as-terrorism-says-former-police-chief>> accessed 18 July 2025.

51 Martin Evans, Conner Stringer and Fiona Parker, 'Rioters to face terror charges, warns top prosecutor' *The Telegraph*, (6 August 2024).

52 Jessica White, Elizabeth Pearson, Claudia Wallner and Emily Winterbotham, 'Simmering Hate: Riots Mark an Escalation of Far-Right Extremism in the UK' (Royal United Services Institute, 15 August 2024) <<https://rusi.org/explore-our-research/publications/commentary/simmering-hate-riots-mark-escalation-far-right-extremism-uk>> accessed 24 June 2025.

53 Benjamin Lee, Deanna Reder and Cameron Grieg, *Extreme Right-Wing Terrorism in the UK* (Centre for Research and Evidence on Security Threats 2022). The authors use the definition of terrorism in section 1 of the TA 2000 and identify 14 attacks but note the higher number from the Right-Wing Violence and Terrorism Dataset maintained by the Centre for Research on Extremism in Oslo.

54 Evidence submission, Dr John Jupp, see also John Jupp, 'From Spiral to Stasis? United Kingdom Counter-Terrorism Legislation and Extreme Right-Wing Terrorism' (2022) *Studies in Conflict & Terrorism* 1.

55 It defines the far-right as supporting a belief that Western civilisation is under threat from non-native people and ideas; right-wing extremism opposes the values of democracy, the rule of law and respect for tolerance. ERWT forms part of the far-right milieu but supports violence.

56 Intelligence and Security Committee of Parliament (ISC), *Extreme Right-Wing Terrorism* (HC 459, 13 July 2022) 17.

57 Sir Alex Younger (n 32).

58 Tore Bjørgo and Jacob Aasland Ravndal, *Extreme-Right Violence and Terrorism: Concepts, Patterns, and Responses* (International Centre for Counter-Terrorism 2019).

59 Vincent A Auger, 'Right-Wing Terror' (2020) 14(3) *Perspectives on Terrorism* 87.

60 Jacob Aasland Ravndal, Charlotte Tandberg, Anders Ravik Jupskås, RTV Trend Report 2024: *Right-Wing Terrorism and Violence in Western Europe, 1990–2023* (Centre for Research on Extremism, University of Oslo 2023) ii.

61 Daniel Koehler, 'Recent Trends in German Right-Wing Violence and Terrorism: What Are the Contextual Factors behind "Hive Terrorism"?' (2018) 12(6) *Perspectives on Terrorism* 72, 80–82.

62 International Roundtable, September 2022, academic expert, New Zealand; *Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Masjidain on 15 March 2019* (Royal Commission of Inquiry into the Attack on Christchurch Masjidain 2020) vol 3, 466–67.

63 Liam Bornes, 'Daniel Harris: UK Teen sentenced over videos linked to US Shootings' *BBC News* (23 January 2023) <<https://www.bbc.co.uk/news/uk-england-derbyshire-64426075>> accessed 27 September 2025.

Accounts of ERWT in the UK often begin with David Copland's nail bombings targeting London's Black, Muslim and LGBT communities in 1999, although terrorism laws did not then apply to right-wing extremism. Since then, there have been regular attacks, with an uptick since 2018.⁶⁴ The murder of MP Jo Cox in 2016, the attack at Finsbury Park Mosque in 2017, the threat to MP Rosie Cooper the same year and attempted murder convictions following knife attacks by Zack Davies in 2015 and Callum Parslow in 2024 showed the growing danger of ERWT. Between 2010 and 2023, the UK had the second-highest level of attacks involving right-wing terrorism and violence in Western Europe.⁶⁵ Between 2017 and 2020, eight of the 25 terrorist plots averted by Counter-Terrorism Police concerned ERWT.⁶⁶ The number of terrorist offenders in prison categorised as ERWT has increased from six in 2013 to 79 in March 2025, accounting for 30 per cent of all terrorist offenders in custody in Britain.⁶⁷

The ISC said the threat of ERWT 'is increasingly driven by the internet and characterised by a technologically aware demographic of predominantly young men, many of them still in their teens'.⁶⁸ Those plotting terrorist attacks are younger than those carrying out attacks.⁶⁹ The ISC calls them 'self-initiated terrorists...persons who mobilise to threaten or use violence without material support or personal direction from a terrorist organisation; but who may still be influenced or encouraged by the rhetoric or ideology of a group'. Furthermore, 'few of these individuals belong to organised groups, or indeed need to – they are radicalised, and can radicalise others, online from the seclusion of their bedrooms'.⁷⁰ About two-thirds of those convicted between 2007 and 2022 were acting alone.⁷¹ The ISC also noted evidence of a correlation between ERWT and mental health issues and drug misuse.⁷²

4.5 Left Wing, Anarchist and Single-Issue terrorism

The government says there is no significant presence of LASIT in the UK.⁷³ The broad definition of terrorism and expansion of CONTEST to cover all forms of terrorism opened the possibility of using terrorism laws and powers against single-issue groups. Since the 1970s, animal rights activists have carried out car, letter bomb and arson attacks targeting pharmaceutical companies, research scientists and farmers. In the debate on the Terrorism Act 2000, the government indicated that terrorism laws could be used against them. However, police and prosecutors used ordinary criminal offences and animal rights organisations were not proscribed.⁷⁴ The Metropolitan Police's Domestic Extremism Unit, rather than counter-terrorism police, led investigations until MI5 took the lead on all forms of terrorism in April 2020.⁷⁵

Since then, there has been a small but increasing number of LASIT convictions. In 2022, Nikolaos Karvounakis was the first person in the UK to be convicted of eco-terrorism after leaving an explosive device that failed to activate in a shelter in Princes Street Gardens, Edinburgh, in 2018. He claimed responsibility on an eco-terrorism website, saying he was a member of the Mexican Eco-Terror group International Terrorist Mafia.⁷⁶ In January 2023, Oliver Lewin, an anti-vaccine conspiracy theorist and member of the Telegram group The Resistance UK, was convicted of preparing acts of terrorism – planning to attack the 5G and transport network.⁷⁷ Jacob Graham, a left-wing anarchist, was

64 Lee, Reder and Grieg (n 53).

65 Ravndal, Tandberg and Jupskås (n 60) 7.

66 ISC, (n 56) 16.

67 Home Office, *Statistics on the Operation of Police Powers under the Terrorism Act 2000 and Subsequent Legislation, Year to 31 March 2025: Quarterly Data Tables* (12 June 2025) Table P.01.

68 ISC (n 56) 2.

69 Lee, Reder and Grieg (n 53).

70 ISC (n 56) 2.

71 Evidence submission, Dr John Jupp.

72 ISC (n 56) 30-32.

73 HM Government (n 15) 11.

74 Rachel Monaghan, 'Not Quite Terrorism: Animal Rights Extremism in the United Kingdom' (2013) 36(11) *Studies in Conflict & Terrorism* 933.

75 Metropolitan Police, *Status of the National Domestic Extremism and Disorder Intelligence Unit* (FOI 01.FOI.24.039241, 25 August 2024) <<https://www.met.police.uk/foi-ai/metropolitan-police/disclosure-2024/august-2024/status-national-domestic-extremism-disorder-intelligence-unit/>> accessed 27 September 2025.

76 Crown Office and Procurator Fiscal Service, *Terrorism Prosecutions in Scotland* (26 April 2024) <<https://www.copfs.gov.uk/crime-info/terrorism-prosecutions-in-scotland/>> accessed 24 June 2025.

77 Jessica Murray, 'UK Conspiracy Theorist Oliver Lewin Jailed for Planning Terrorist Attack' *The Guardian* (20 January 2023) <<https://www.theguardian.com/uk-news/2023/jan/20/uk-conspiracy-theorist-oliver-lewin-jailed-for-planning-terrorist-attack>> accessed 24 June 2025.

convicted of terrorism-related offences in 2024, including sharing information on making bombs in the Telegram group Total Earth Liberation.⁷⁸ Also in 2024, a Covid conspiracy theorist who incited members of chat groups to attack COVID-19 vaccination staff, vaccination centres, and politicians was convicted of encouraging terrorism.⁷⁹

Incel ideology is dubbed extremist by counter-terrorism police. There have been six successful criminal prosecutions in the UK where there is evidence of Incel ideology.⁸⁰ None has been declared by police as a terrorist incident. Jake Davison, who shot and killed five people in 2021 in Plymouth, was one of a small but growing number of incel-related referrals to the counter-terrorism Prevent programme.⁸¹ The Commission for Countering Extremism said that 'adopting a security and counter-terrorism lens is not often going to be the most appropriate response': many cases needed a greater focus on addressing poor mental health and support for social integration for this 'desperate and depressed cohort of men'.⁸²

4.6 A 'New Terrorism'?

The characteristics of ERWT and LASIT apply to a growing number of individuals worrying counter-terrorism police and security services. As Neil Basu, former head of counter-terrorism policing explains:

[...] cells of well-trained terrorists and sophisticated attack planning are still a problem but it's no longer the problem. Now it's vulnerable, young minds and contagious ideas, thrown together in a permissive environment. You don't need to be a traditional terrorist to commit an act of terror. A twisted ideology, a cheap blunt tool and some people to murder is enough.⁸³

This shows the changing nature of terrorist threats in Britain. First, attacks are more likely to be encouraged or 'inspired' rather than planned or directed by terrorist groups. This is true for both AIRT and ERWT. The offending material remains available online even if the group behind it does not.

Second, there is a shift from large, coordinated plots involving several people to attacks by individuals acting largely alone, where the violence is often prompted by interactions online.⁸⁴ Practitioners call these 'self-initiated' rather than lone actors, as some work in pairs and those who act alone may have discussed ideas with others.

Third, while they can download instructions on using explosives, their attacks are likely to use rudimentary methods such as blades and vehicles, requiring little or no training, expertise or funding.

Fourth, the individuals being investigated or prosecuted for terrorism-related offences are getting younger.⁸⁵ People aged 17 or under accounted for 13 per cent of those investigated by MI5 in 2024, a threefold increase in three

78 Duncan Gardham, 'Jacob Graham: Left-wing Anarchist Jailed for 13 Years over Terror Offences after Declaring He Wanted to Kill at Least 50 People' Sky News (19 March 2024) <<https://news.sky.com/story/jacob-graham-left-wing-anarchist-jailed-for-13-years-over-terror-offences-after-declaring-he-wanted-to-kill-at-least-50-people-13097584>> accessed 24 June 2025.

79 Jeremy Britton, 'Conspiracy theorist jailed for terrorism offences' BBC News (11 November 2024). <<https://www.bbc.co.uk/news/articles/cz9x15yyp0po>> accessed 24 June 2025.

80 Evidence submission, Moran and Musgrove-Benford. A deadly attack in 2022 at a massage parlour in Canada was found to be an act of terror.

81 BBC News, 'Inquest: Plymouth gunman was referred to anti-terror scheme' (15 March 2022) <<https://www.bbc.co.uk/news/uk-england-devon-60752049>> accessed 24 June 2025.

82 Joe Whittaker, Andrew Thomas and William Costello, *Predicting Harm Among Incels (Involuntary Celibates): The Roles of Mental Health, Ideological Belief, and Social Networking* (Commission for Countering Extremism, 2024) <<https://assets.publishing.service.gov.uk/media/664e145fae748c43d37940af/140224%2BSISNET%2BIncel%2BReport.pdf>> accessed 24 June 2025.

83 Neil Basu, 'Learning Lessons from Countering Terrorism: The UK Experience 2017–2020' (2021) 5 Cambridge Journal of Evidence-Based Policing 134.

84 Europol makes a similar assessment, concluding that lone actors will perpetrate most terrorist attacks in the EU. See Europol, *European Union Terrorism Situation and Trend Report 2023 (TE-SAT)* (2023) 75.

85 This is a trend reported by EU states and members of the Five Eyes (Australia, Canada, New Zealand, the UK and the USA), see: Europol, *European Union Terrorism Situation and Trend Report 2024 (TE-SAT)* (2024); Publications Office of the European Union and Royal Canadian Mounted Police, *Five-Eyes Insights – Young People and Violent Extremism: A Call for Collective Action* (2024).

years,⁸⁶ and account for almost a fifth of those arrested for terrorism-related offences in the year to March 2025.⁸⁷ Responding to concerns over the increasing number of children being arrested and charged for terrorism offences,⁸⁸ the government is introducing Youth Diversion Orders as an alternative to prosecution.⁸⁹ However, even without the new orders in place, the proportion of children arrested who are then charged for terrorism-related offences has fallen from 40 per cent in 2023 to 13 per cent in 2024.⁹⁰

Fifth, the role of ideology motivating individuals to violence, already contested in traditional terrorist groups,⁹¹ has become less clear among those recently caught up in terrorism investigations and prosecutions. There has been a shift from a fixed and clear ideology towards individuals who use violence with either an incoherent ideology, or an eclectic mixture and unexpected combinations such as neo-Nazi Salafis.⁹² This has been labelled ‘salad-bar’ or ‘idiosyncratic’ terrorism.⁹³ In New Zealand, the emergence of a violent extremism threat is ‘driven by increasingly complex and convoluted ideologies’,⁹⁴ while in the USA, the FBI notes the growth of people using violence who express ‘a mish-mash’ of incoherent ideologies mixed with personal grievance.⁹⁵ Europol expects an acceleration in the blurring of the lines between terrorism and conspiracy theories, ‘increasingly filling the space between left-wing and right-wing ideologies, providing motivations for violent actions to individuals lacking clear ideological belonging’.⁹⁶ For some groups, nihilism underpins possession of child sexual abuse material, sexual violence and individual attacks carried out in preparation for large public acts of mass violence that aim to further the collapse of society.⁹⁷ An expert on violent extremism warned of a global trend in which ‘the combination of new forms of violence, dystopian narratives and AI-supported deepfakes is causing a significant threat to peace and democracy, undermining social trust and trust in our institutions.’⁹⁸

In Britain,⁹⁹ the Prevent programme created a category of ‘Mixed, Unclear and Unstable’ (MUU) ideology.¹⁰⁰ Noting that the rise in far-right extremism referrals to Prevent in 2017 was a precursor to the consequent increase in far-right terrorism convictions, Deardon predicted that the surge in cases where ideology is mixed, unclear or unstable could mean that ‘many plotters of the future will be teenagers and vulnerable people with autism or mental health difficulties, whose motivations and methods look set to become increasingly varied’.¹⁰¹ A review in July 2025 reported algorithms and social media producing an ‘unpredictable mash-up of resentment, rage, rigid certainties and normalised violence’ in which ‘unformed young minds experiment with fragments of ideology packaged as video clips or slogans’.¹⁰²

86 McCallum (n 17).

87 Home Office, *Operation of Police Powers under the Terrorism Act 2000 and Subsequent Legislation, Year to March 2025: Quarterly Data Tables* (12 June 2025) Table A.10.

88 Jonathan Hall, *The Terrorism Acts in 2021* (IRTL 2023) 72–73.

89 Crime and Policing Bill 2025. The Bill will provide the police with the power to apply to the Youth Court and/or a magistrates’ court to impose a youth diversion order on a young person (aged 21 or under) if, on the balance of probabilities, the court assesses there is evidence that the young person has committed a terrorism-related offence or has conducted themselves in a way that was likely to facilitate the commission of a terrorism offence. The order would enable the imposition of measures to reduce their risk of further terrorist offending.

90 Home Office, (n 87) Table A.10.

91 See **chapter 5** of this report.

92 Alexandre Meleagrou-Hitchins and Moustafa Ayad, *The Age of Incoherence: Understanding Mixed and Unclear Ideology Extremism* (2023) The George Washington University Program on Extremism <<https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-06/the-age-of-incoherence-final.pdf>> accessed 27 September 2025.

93 Jesse J Norris, ‘Idiosyncratic Terrorism’ (2020) 14(3) *Perspectives on Terrorism* 2.

94 Department of the Prime Minister and Cabinet (DPMC), *New Zealand’s Countering Terrorism and Violent Extremism Strategy* (June 2021) 6 <<https://www.dPMC.govt.nz/publications/new-zealands-countering-terrorism-and-violent-extremism-strategy>> accessed June 2025.

95 Quoted in Meleagrou-Hitchins and Ayad (n 92).

96 Europol (n 84).

97 Marc-Andre Argentino, Barrett Gay and M.B. Tyler, *764: The Intersection of Terrorism, Violent Extremism and Child Sexual Exploitation* (Global Network of Extremism and Technology, 19 January 2024) <<https://gnet-research.org/2024/01/19/764-the-intersection-of-terrorism-violent-extremism-and-child-sexual-exploitation/>> accessed 23 August 2025; see also: Jordan Reynolds, ‘Teenager allegedly involved in satanic group ‘764’ faces terrorism charges’ *The Independent* (03 April 2024) <<https://www.independent.co.uk/news/uk/crime/cameron-finnigan-satanist-764-court-b2522774.html>> accessed 22 August 2025.

98 International Roundtable, July 2023, academic expert, Canada.

99 The Prevent Strategy and duty do not apply in Northern Ireland, see **chapter 5** of this report.

100 The category MUU was used in Prevent from 2017–2023.

101 Lizzie Deardon, *Plotters: The UK Terrorists Who Failed* (Hurst and Co. 2023) 161.

102 David Anderson, *Lessons for Prevent* (Interim Independent Prevent Commissioner 2025) 93.

Undoubtedly, many young people picked up by the counter-terrorism system pose a danger to themselves and to public safety, even if not to national security.¹⁰³ Without a clear political, religious, racial or ideological cause, should the exceptional powers of a counter-terrorism system developed to tackle threats to national security be used to address this problem? An experienced counter-terrorism officer said that ‘the rise of younger, mixed ideology, fixated and violent, often adolescent terrorists, is challenging our definition of terrorism and is arguably diverting attention from ‘real’ terrorists’.¹⁰⁴ Jonathan Hall’s review of the Southport attack identified a ‘new internet-related threat cohort’, mainly young men obsessed with violence, only some of whom qualify as terrorists.¹⁰⁵ Nonetheless, they have been drawn into the counter-terrorism system. Practitioners have said that violence-fixated young people are referred to counter-terrorism programmes for preventing people from being drawn into terrorism in record numbers, because there are no other systems for support or interventions. Many experts and practitioners grappling with the new challenges believe there is a need for a fundamental rethink of current approaches to violence prevention.¹⁰⁶ Rather than stretching the definition of terrorism and the scope of counter-terrorism programmes to cover an ever-wider range of individuals, it requires maintaining a clear distinction between terrorism and other forms of violence that pose a risk to the public and developing effective and appropriate responses to both ideological and non-ideological threats of violence. Part II of this report details the complex and careful reforms needed to Prevent, to ensure it can meet the evolving needs of the changing threat environment.

11 Recommendation 11: Legislation should distinguish between terrorism and other forms of violence.

12 Recommendation 12: The resources for counter-terrorism should focus on countering terrorism, though not at the expense of other programmes directed at countering anti-social violence.

¹⁰³ Evidence submission, Dr Samantha May. See also, Jonathan Hall, *The Terrorism Acts in 2022* (IRTL, 2024). He says that the impact of self-initiated lone actors is akin to the impact of other terrible non-terrorism crimes, as they are ‘unlikely to alter government policy or bring about widespread change of public sentiment, whatever the grandiosity of their plans’.

¹⁰⁴ Commission plenary meeting, July 2022, counter-terrorism practitioners.

¹⁰⁵ Jonathan Hall, *Independent Review on Classification of Extreme Violence Used in Southport Attack on 29 July 2024 (2025)* 24. The National Crime Agency’s National Strategic Assessment 2025 on Serious and Organised Crime also warned of online networks of ‘young men who are motivated by status, power, control, misogyny, sexual gratification, or an obsession with extreme or violent material [...] causing some individuals, especially younger people, to develop a dangerous propensity for extreme violence’.

¹⁰⁶ Milo Comerford and Sasha Havlicek, *Mainstreamed Extremism and the Future of Prevention* (Institute for Strategic Dialogue 2021).

Box F: Terminology for Describing Terrorist Threats

Politicians and policymakers need appropriate language to describe terrorist threats and types of terrorism without stigmatising groups or communities. The ISC said the government's concern to avoid stigmatising those with mainstream right-wing political views changed 'right-wing terrorism' to 'extreme right-wing terrorism' in 2021.¹⁰⁷ Counter-terrorism police and the Security Service also emphasised the need for careful differentiation between different trends of extreme right-wing ideologies, distinguishing between cultural nationalism, white nationalism, white supremacy and Identitarians.¹⁰⁸ The Christian beliefs, ideas and identities of ERWT are rarely mentioned in public policy or media labelling of attacks or perpetrators, even when religious language and references pepper manifestos and justifications.¹⁰⁹

To distinguish terrorism from the religion of Islam, the terms 'Islamism' and 'Islamist terrorism' are used in counter-terrorism policies. Research by the Home Office Research Information and Communications Unit, on how messages are received by community audiences, cautioned against the use of Islamic, Islamist and Muslim extremism, as Muslim communities heard this to imply extremism was the fault of Muslims or Islam.¹¹⁰ Muslim police and counter-terrorism practitioners also criticised the use of Islamism¹¹¹ saying it connects the religion of 'Islam' to terrorism. They contrast this with the uses of the terms Buddhism, Hinduism or Judaism, which only refer to the religions and are not used as a way to distinguish the religion from political violence.¹¹² Most Muslims in policing oppose using Islamism/Islamist,¹¹³ saying it makes Muslim communities feel demonised. The terminology makes trust and partnerships more difficult. Counter-terrorism practitioners are concerned about the impact of this language; people have walked out of counter-terrorism training because of it.¹¹⁴ The National Association of Muslim Police (NAMP) propose the Arabic word for terror, 'irhab', or 'anti-western terrorism'. However, the Commission finds this unsatisfactory, as it links terrorism to Arab communities and reinforces the idea of terrorism as an external threat. Furthermore, ISIS or al-Qaeda related attacks overwhelmingly target Muslims in Muslim majority countries. The former Independent Reviewer of Terrorism Legislation, Max Hill KC, used 'Daesh-inspired terrorism' rather than 'Islamist terrorism', arguing that 'it is fundamentally wrong to attach the word "terrorism" to any of the world religions [...] those who adhere to any of the great religions or none can be terrorists'.¹¹⁵ The UN refers to attacks in the name of religion or belief. In New Zealand, 'faith-motivated violent extremism' is used for ideologies and groups promoting the use of violence for their spiritual or religious objectives. The Australian Security Intelligence Organisation uses the term 'religiously motivated violent extremists' instead of Islamic or Islamist.¹¹⁶ While they avoid stigmatising one group, these terms are too broad and vague. This may also legitimise a group's or an individual's claim as having a religious cause.

In this report, where appropriate, the Commission uses 'Al-Qaeda and ISIS-related terrorism' (AIRT) rather than Islamist. This covers most attacks and plots in the UK described as Islamist. It includes groups affiliated with Al-Qaeda and ISIS, but may not be applicable in all cases.

¹⁰⁷ ISC (n 56) 7.

¹⁰⁸ *ibid.*

¹⁰⁹ Evidence submission, Megan Rana-Smith, Melody Stephen, Naeha Ganger and Tyler Machala.

¹¹⁰ Research Communications and Information Unit, *Counter-Terrorism Communications Guidance: Communicating Effectively with Community Audiences* (Home Office 2007) 7 <https://assets.publishing.service.gov.uk/media/5a7b2961e5274a34770e9d7c/11384_CT_communication_guidance.pdf> accessed 13 August 2025.

¹¹¹ Evidence session, January 2023, National Association of Muslim Police (NAMP); Evidence session, July 2024, Muslim Prevent Practitioners; evidence submission, Megan Rana-Smith, Melody Stephen, Naeha Ganger and Tyler Machala.

¹¹² Evidence session, January 2023, NAMP; see also NAMP, *Proposal for change of Counter-Terrorism Terminology* (2022).

¹¹³ NAMP (2022) (n 112). In 2020, 85 per cent of NAMP members surveyed said that the use of 'Islamist' and 'Islamism' influences Islamophobia within the police service.

¹¹⁴ Paul Dresser, Mike Rowe and Jamie Harding, 'Unintended Consequences of Public-Facing Counter-Terrorism Training and Vigilance Campaigns on Minority Groups' (2025) *Critical Studies on Terrorism* 1.

¹¹⁵ Joint Committee on Human Rights, *The Work of the Independent Reviewer of Terrorism Legislation* (Oral evidence, 31 January 2018) HC 765, Q2.

¹¹⁶ Australian Security Intelligence Organisation, *ASIO Annual Report 2020-21* (Australian Government 2021).

The difficulties of an appropriate label to describe terrorist threats have become more complex with the increase in people referred to the counter-terrorism Prevent programme who do not fit within existing categories (discussed further in **chapter 5**). While initially labelled as 'mixed, unclear and unstable' ideology, these have been refined into eight categories, including Incel and School massacres, and three that involve no ideology. Counter-terrorism police refer to individuals at risk of committing extreme violence but with no clear ideology as 'violence fixated' or 'violence-fascinated' individuals.¹¹⁷

13 Recommendation 13: The Home Office should consult on the most appropriate language to use to describe terrorist threats.

Box G: Hostile State Actors

In May 2025, the Home Secretary reported that state threats investigations by MI5 had increased by nearly 50 per cent in a year, and police investigations were up fivefold since 2018.¹¹⁸ The increased threat from hostile state actors has intensified the need to target national security resources carefully. While the definition of terrorism can encompass the action of states (see **chapter 3**), the government has developed a parallel, separate system for hostile state actors. The distinction between state actors and non-state terrorism is not always clear-cut. The ISC found evidence suggesting Russian state support for far-right groups in the UK.¹¹⁹ In 2023, the Wagner Group, a private military contractor closely aligned to the Russian state, was designated a terrorist organisation and was linked to an alleged arson attack on the warehouse of a Ukraine-linked business in London in 2024.¹²⁰

While hostile state actors are outside the Commission's scope, some British Sikhs reported a growing fear of hostile action by India in British Sikh communities, targeting campaigners on human rights violations in India or Sikhs supporting an independent Sikh state.¹²¹ These concerns increased after Canada's allegation that the Indian government was involved in the 2023 killing of a Sikh activist, the US indictment of a former Indian intelligence officer for an alleged plot to assassinate a Sikh activist,¹²² and reports of intelligence spying on Sikh communities in Australia¹²³ and Germany.¹²⁴ The National Police Chiefs Council is reported to be concerned about Hindutva extremists aligning with far-right groups to promote anti-Muslim campaigns and increase tensions with Sikh and Hindu communities.¹²⁵

¹¹⁷ Anderson (n 102) 90.

¹¹⁸ HC Deb 19 May 2025, vol 765, col 759.

¹¹⁹ ISC (n 56) 17.

¹²⁰ Daniel Sandford, 'Two British men charged with helping Russian intelligence' BBC News (26 April 2024) <<https://www.bbc.co.uk/news/uk-68899130>> accessed 24 June 2025.

¹²¹ Evidence session, February 2024, civil society organisations.

¹²² Cherylan Mollan and Nadine Yousif, 'US charges Indian agent in Sikh separatist murder plot' BBC News (18 October 2024) <<https://www.bbc.co.uk/news/articles/cm2949p14k4o>> accessed 18 July 2025.

¹²³ Daniel Hurst, Josh Butler and Ben Doherty, 'Australia expelled two Indian intelligence operatives in 2020 as part of "nest of spies", reports claim' *The Guardian* (1 May 2024) <<https://www.theguardian.com/australia-news/2024/may/01/australia-india-nest-of-spies>> accessed 24 June 2025.

¹²⁴ BBC News, 'German court sentences Indian couple for spying on Kashmiri and Sikh groups' (13 December 2019) <<https://www.bbc.co.uk/news/world-europe-50763008>> accessed 24 June 2025.

¹²⁵ Abul Taher, 'British Hindu Extremists are forming alliances with far-right groups over their "common hatred" of Muslims – sparks fear religious brawls could break out again' *Daily Mail* (30 March 2025).

4.7 Key Findings and Recommendations

Terrorist attacks and deaths from terrorism remain rare, but the threat is serious and evolving.

Since 2000, when permanent counter-terror laws were introduced, domestic terrorist threats have shifted from large, coordinated plots to individualised, 'self-initiated' attacks often inspired rather than directed by terrorist groups.¹²⁶ Offenders tend to be younger with complex and mixed ideological motivations, increasingly using rudimentary methods. The increase in people identified as having 'mixed, unclear and unstable' ideologies and 'violence-fixated-individuals' who do not neatly fit traditional categories, raises questions about the effectiveness of the current counter-terrorism system. The evolving threats, particularly from young people or those with mental health issues, show the need for a fundamental rethink of the approach to violence prevention. There is a danger that counter-terrorism laws, institutions and policies, developed to address the serious threat to national security from terrorist groups and individuals inspired by them, are being expanded to deal with other forms of serious anti-social violence that are not terrorism. This may be to the detriment of countering terrorism and of dealing effectively and efficiently with those other threats. This problem is most acute in work under the Prevent strand of CONTEST and explored further in **chapters 5 and 6**. To focus counter-terrorism resources and policy more carefully, legislation should seek to distinguish more clearly between acts of terrorism and other forms of violence including hate crime and violence fixated people (**Recommendation 11**).

The terms used to describe terrorism threats should provide an accurate understanding of the different threats using language that does not stigmatise wider groups and communities. The Intelligence and Security Committee recognised this in relation to ERWT. Police and practitioners working with local communities report that the use of the term Islamism makes it harder to build trust and partnerships with communities, so making us less safe and secure.

¹²⁶ ProtectUK, *Selfinitiated Terrorists (SITs)* (7 January 2025) <<https://www.protectuk.police.uk/threat-risk/threat-analysis/self-initiated-terrorists-s-its>> accessed 24 June 2025. The police define self-initiated terrorists as 'persons who mobilise to threaten or use violence (as defined in the TA 2000) without material support or personal direction from a terrorist organisation; but who may still be influenced or encouraged by the rhetoric or ideology of a group'.

11 **Recommendation 11:** Legislation should seek to distinguish more clearly between acts of terrorism and other forms of violence.

12 **Recommendation 12:** The resources for counter-terrorism should focus on countering terrorism, though not at the expense of other programmes directed at countering anti-social violence.

13 **Recommendation 13:** The Home Office should consult on the most appropriate language to use to describe terrorist threats.

Part II:

Prevent

5.

Radicalisation and the Evolution of the Prevent Strategy

Part II of the report, chapters 5-8, focuses on Prevent, the most controversial and publicly scrutinised strand of the UK's counter-terrorism policy (CONTEST).¹ Concern with this element of counter-terrorism was reflected in the fact that Prevent was the subject of 37 evidence submissions, two days of evidence sessions, and multiple meetings with practitioners and policymakers at national and local levels.

This chapter looks in detail at the emergence and evolution of the Prevent Strategy and Duty as a response to the threat of 'homegrown' terrorism. Drawing on academic research and Prevent and Channel referral data, section 1 questions the capacity of theories of radicalisation, which underpin the Prevent Strategy, to predict susceptibility to radicalisation into violent extremism. Section 2 outlines the evolution of the Prevent Strategy over time and the introduction of the Prevent duty. Section 3 sets out data on Prevent and Channel referrals made since the introduction of the duty. Section 4 considers whether it is time to rethink the Prevent duty. Section 5 sets out the key findings and recommendations.

Chapters 6 and 7 then set out the argument for complex public service reform to ensure Prevent is fit for purpose in meeting a complex and ever-changing threat environment. **Chapter 6** presents the case for Prevent to be retained as one element of a wider safeguarding infrastructure and outlines the reform at central and local government levels necessary to achieve this. These proposals build on multi-agency approaches that are already working effectively in several local authorities in adjacent policy areas, such as violence reduction, public health, and children's services. **Chapter 7** reflects on the implications of such reform for the wider relationship between counter-terrorism, counter-extremism and social cohesion in order to provide a holistic understanding of how this safeguarding space would be reconfigured. This part of the report concludes in **Chapter 8** by detailing evidence on concerns about Prevent, including risk calculation, data collection/retention and oversight, as well as recommendations for how to address these issues in a reconfigured model of Prevent.

¹ See **chapter 2** for the discussion of CONTEST.

5.1 Radicalisation

In the two decades since 2001, the concept of radicalisation has become central to counter-terrorism policy and practice, fundamentally reshaping how governments understand and respond to the threat of terrorism. In the aftermath of 9/11, radicalisation emerged as the dominant explanatory framework for understanding pathways into terrorism, moving the focus from collective political grievances to individual psychological processes. Since then, global research and practice on radicalisation have expanded exponentially. The Commission's international roundtable with leading experts, practitioners and policymakers assessed the current state of research evidence on the strengths and limitations of radicalisation models, including their predictive power and potential to stigmatise communities. It examined evidence pointing towards the need for broader societal approaches and alternative frameworks that emphasise resilience and protective factors rather than risk-based interventions, that may offer more effective and proportionate counter-terrorism prevention strategies.

Radicalisation after 9/11

In the aftermath of the 9/11 terrorist attack, 'radicalisation' emerged as the dominant framework in trying to explain and understand how people become terrorists rather than why terrorism occurs.² Before this, political violence researchers had used the concept to explain collective escalation when analysing how groups and social movements move towards violent action.³ For example, during the Northern Ireland conflict, sympathisers with political violence were seen as part of a broader political problem requiring political solutions. This shifted after 9/11, where 'radicalisation theory' reframed sympathies for Al-Qaeda and aligned groups as an individual psychological vulnerability rather than a political or social phenomenon. This was picked up rapidly by transnational networks of policy actors and thinktanks,⁴ whilst government funding for research into radicalisation to violence accelerated its adoption in academic circles.⁵ Today, radicalisation permeates all discussions on terrorism and has been the foundation for policies (in Britain but not Northern Ireland) which try to prevent or counter violent extremism, including the Prevent arm of CONTEST, the UK's overarching counter-terrorism strategy.

Counter-terrorism policy need not address all forms of radicalisation or their early signs. The idea of being 'radical' and radicalism can be positive or negative. Moving from a moderate to a radical political stance is not necessarily undesirable; there is no automatic link to violence. Far more people hold radical or extreme views than commit terrorism. In some cases, a shift to a radical position can even promote resilience to violence.⁶ Research shows this happens either when individuals confront and reject more extreme positions within groups or when groups themselves actively discourage violence.⁷ This protective effect only holds where groups oppose violence. However, Prevent encourages the view that all radicalism is undesirable. In doing so, it risks stifling debate and impeding democratic participation, which, paradoxically, may foster extremist ideas and social isolation and potentially lead to violent behaviour, including terrorism.

For some policymakers, the initial appeal of the concept of radicalisation lay in the potential space it created to discuss conditions conducive to terrorism without excusing or condoning it⁸ and the promise it held out of a process that can be disrupted by prevention and early intervention. However, in practice, the focus of radicalisation on the individual rather than the group reduced the emphasis on the root causes of political violence. Its focus on 'how' rather than 'why' terrorism occurs allowed politicians to avoid discussion of the role of foreign policy and the Iraq

2 Arun Kundnani, 'Radicalisation: the journey of a concept' (2012) 54 *Race and Class* 3.

3 Donatella Della Porta and Sidney Tarrow, "'Unwanted Children': Political Violence and the Cycle of Protest in Italy, 1966-1973" (1986) 14 *European Journal of Political Research* 607.

4 Francesco Ragazzi, 'Radicalisation networks and expertise' (2024) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice. See also Rik Coolsoet, 'Radicalisation: the origins and limits of a contested concept' in Nadia Fasil, Martijn de Koning and Francesco Ragazzi (eds), *Radicalisation in Belgium and the Netherlands: Critical Perspectives on Violence and Security* (IB Tauris 2019) 30.

5 Derek Silva, 'Radicalisation: the journey of a concept revisited' (2018) 59(4) *Race and Class* 34.

6 Zin Derfoufi, 'Radicalization's core' (2022) 34 *Terrorism and Political Violence* 1185.

7 Hilary Pilkington and Viggo Vestel, 'Situating Trajectories of 'Extreme-Right'(Non) Radicalisation' in Hilary Pilkington (ed), *Resisting Radicalisation?: Understanding Young People's Journeys Through Radicalising Milieus* (Berghahn Books 2023). Bart Schuurman and Sarah L. Carthy, "Understanding (non) involvement in terrorist violence: What sets extremists who use terrorist violence apart from those who do not?" (2024) 23 *Criminology & Public Policy* 119.

8 Peter Neumann, 'The Trouble with Radicalization' (2013) 18 *International Affairs* 873.

war after 7/7, despite an assessment by the security services that the war increased the terrorist threat to the UK.⁹ It allowed policymakers to sidestep the need to consider underlying political grievances despite Britain's experience in Northern Ireland having demonstrated that addressing such factors was crucial to ending terrorist violence. Models of radicalisation have become increasingly sophisticated and nuanced – far from the original, linear understandings of radicalisation as a 'staircase to terrorism'¹⁰ or 'conveyor belt' to involvement in political violence.¹¹ Yet it is important to recognise the implications and limitations of reliance on theories of radicalisation as the basis for preventive counter-terrorism policy and practice.

Radicalisation in UK counter-terrorism strategy

The concept of radicalisation, as a distinctive process that can be disrupted once identified, has been driving policy for over 20 years and underpins Prevent. The 2006 policy on CONTEST states its aim is to 'prevent terrorism by tackling the radicalisation of individuals.'¹² The shift of emphasis from groups to individuals reflects the adoption of a radicalisation model to explain terrorism and is reflected in the 2009 iteration of CONTEST, which defines radicalisation as 'the process by which people come to support violent extremism and, in some cases, join terrorist groups.'¹³ The strategy acknowledges there is no single cause for this behavioural shift. Rather, it identifies several contributing factors. These include grievances related to foreign policy, political or economic grievances contributing to economic and social exclusion alongside 'a range of social and psychological factors,' particularly identity crises linked to 'feelings of not being accepted and not belonging,' as well as 'experiences of discrimination and inequalities, racism and recent migration and more generally a lack of affinity with and disconnect from family, community and state.'¹⁴

These factors were drawn from the burgeoning field of radicalisation models emphasising either social identity ('belonging') and psychological factors,¹⁵ grievance (especially personal or political sense of injustice)¹⁶ or socialisation and networks (family and peer ties) in bringing people into terrorist networks or leading them to perpetrate lone acts of violent extremism.¹⁷ A subsequent shift in academic writing emphasised the 'routes' (pathways) to terrorism rather than 'roots' of violent extremism or profiles of terrorists.¹⁸ Later iterations of CONTEST (2018) recognise the lack of a single demographic profile or pathway to involvement in terrorism, suggesting that factors converge to 'create conditions under which radicalisation can occur'.¹⁹ Indeed, even when these risk factors are in alignment, radicalisation to violence only occurs if other protective factors (family, career, and community involvement) are also missing.²⁰ In the 2023 review of CONTEST, the growing influence of 'lone actor' theories²¹ is also reflected in the recognition of the loosening of links to fixed organisational ideologies and the challenge of understanding an individual's 'radicalisation journey' where there is no clear link to a terrorist group.²²

9 The Report of the Iraq Inquiry: Executive Summary (HC 264, 2016) 50.

10 Fathali M. Moghaddam, 'The Staircase to Terrorism: A Psychological Exploration' (2005) 60 *American Psychologist* 161.

11 Sofia Moskaleiko and Clark McCauley, 'Measuring Political Mobilization: The Distinction between Activism and Radicalism' (2009) 21 *Terrorism and Political Violence* 239, 241.

12 HM Government, *Countering International Terrorism: The United Kingdom's Strategy*, (Cm 6888, 2006) 1.

13 HM Government, *Pursue, Prevent, Protect, Prepare: The United Kingdom's Strategy for Countering International Terrorism* (Cm 7547, 2009) 38.

14 *ibid* 42.

15 See, for example: Dina Al Raffie, 'Social Identity Theory for Investigating Islamic Extremism in the Diaspora' (2013) 6 *Journal of Strategic Security* 67, 69; Oluf Getzsche-Astrup, 'The Time for Causal Designs: Review and Evaluation of Empirical Support for Mechanisms of Political Radicalisation' (2018) 39 *Aggression and Violent Behavior* 90, 99.

16 See, for example, Clark McCauley and Sophia Moskaleiko, *Friction: How Radicalization Happens to Them and Us* (Oxford University Press 2011).

17 See, for example, Marc Sageman, *Understanding Terror Networks* (University of Pennsylvania Press 2004); Florence Passy, 'Social Networks Matter. But How?' in Mario Diani and Doug McAdam (eds), *Social Movements and Networks: Relational Approaches to Collective Action* (Oxford University Press 2003).

18 John Horgan, 'From Profiles to Pathways and Roots to Routes: Perspectives from Psychology and Radicalisation into Terrorism' (2008) 618 *The Annals of the Academy of Political and Social Science* 80.

19 HM Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (Cm 9608, 2018) 33.

20 *ibid*.

21 Lasse Lindekilde, Stefan Malthaner, and Francis O'Connor, 'Peripheral and Embedded: Relational Patterns of Lone-Actor Terrorist Radicalisation' (2019) 12 *Dynamics of Asymmetric Conflict* 20.

22 HM Government, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (CP 903, 2023) 13.

The role of ideology in radicalisation

The relative weight of ideological and non-ideological factors leading to violent extremism is still debated. The legal framework of terrorism requires evidence of action, or threat of action, to advance a political, racial, religious or ideological cause. The effort and time terrorist groups spend developing and disseminating their ideology suggest they, too, see ideology as crucial. Ideology is presented as the key to radicalisation in CONTEST and Prevent strategies so that terrorism is seen as the symptom of which ‘ideology is the root cause’.²³ The Conservative government, in accepting the analysis of the 2023 review of Prevent by William Shawcross, published revised guidance for the Channel programme in England and Wales that defines radicalisation as ‘the process of a person subscribing to extremist ideology’ that ‘can include legitimising support for, or use of, terrorist violence’.²⁴ Scotland’s Prevent duty guidance draws a more direct link to violence by defining radicalisation as ‘the process of a person legitimising support for, or use of, terrorist violence’.²⁵

However, the evidence on the role of ideology is contested.²⁶ While ideas certainly matter to extremists, experts describe their influence as ‘complex and multi-directional’.²⁷ An important distinction is between cognitive radicalisation (adopting radical ideas and views) and behavioural radicalisation (engaging in extremist actions). Most importantly, there is no necessary progression from having radical ideas to engaging in violent extremist behaviour.²⁸ There are multiple outcomes from cognitive radicalisation, with engagement in terrorism the least likely.²⁹ This distinction leads McCauley and Moskaleiko to develop a ‘two pyramids’ model of radicalisation indicating how cognitive (attitudinal) and behavioural radicalisation can run parallel to one another without radicalisation along one vector necessitating any shift towards more extremist attitudes or behaviours on the other.³⁰ Moreover, they suggest that targeting those with extremist ideas but not behaviours through counter-terrorism policy may be counterproductive since, ‘individuals with radical ideas are 100 times more common than individuals involved in radical action; targeting ideas rather than actions multiplies the enemy by a factor of a hundred’.³¹

Recognising this, those giving evidence to the Commission cautioned against an undue focus on ideas and ideology and emphasised the need for care when interpreting and applying findings from research on the role of ideology. An experienced counter-terrorism officer said that young people already drawn into violence can look for an ideology to justify their violence. In these cases, ideology comes at the end.³² In particular, ideology plays a limited role in the progression from radicalisation to violence of lone actors.³³ They are not identifiable by distinct demographic profiles (age, class, education, etc) but show similarities at the broad behavioural level. An increased risk is often preceded by the loss of pro-social protective factors (e.g., loss of job, breakdown in family relationships or other events), which leaves a person searching for direction or meaning, creating space for radicalisation to violence. Interventions that focus only on extremist ideology, one expert argued, are ineffective because they leave the individual to engage in other harmful behaviours, so fail to reduce the risk.³⁴

The growing number of people referred to Prevent with ‘mixed, unclear and unstable ideology’ (MUU, see Table 5.5) indicates fluidity in the role of ideology.³⁵ Conspiracy theories appear important across different ideologies, but

23 Home Office, *Counter-Extremism Strategy* (2015) 5.

24 HM Government, ‘Channel duty guidance: protecting people susceptible to radicalisation’ (2023) 7.

25 HM Government, ‘Prevent Duty Guidance: guidance for specified authorities in Scotland’ (2024) 10.

26 See, for example, James Khalil, John Horgan, and Martine Zeuthen, ‘The Attitudes-Behaviors Corrective (ABC) Model of Violent Extremism’ (2022) 34 *Terrorism and Political Violence* 425.

27 Pete Simi, *Unpacking the Link Between Ideas and Violent Extremism* (George Washington Program on Extremism 2020) 11.

28 Evidence submission, Professor Charlotte Heath-Kelly.

29 Evidence submission, Dr Monica Lloyd. See also: Bart Schuurman, ‘Non-involvement in terrorist violence: understanding the most common outcome of radicalization processes’ (2020) 16(6) *Perspectives on Terrorism* 14.

30 Clark McCauley and Sophia Moskaleiko, ‘Understanding Political Radicalization: The Two-Pyramids Model’ (2017) 72 *American Psychologist* 205.

31 McCauley and Moskaleiko [n 16] 274.

32 Commission plenary meeting, July 2022, counter-terrorism practitioner.

33 Commission plenary meeting, July 2022, academic expert.

34 *ibid.*

35 Maria Criezis, ‘Intersections of Extremisms: White Nationalist/Salafi-Jihadi Propaganda Overlaps and Essentialist Narratives about Muslims’ (2020) 2 *Journal of Education in Muslim Societies* 88.

their connection to violence is complex and contested.³⁶ Some violent people appear to hold weak, contradictory, or tangential ideological commitments, which are counter-balanced by strong 'bonds' (brothers-in-arms mentality) and the existence of closed networks of like-minded individuals that generate commitment and willingness to engage in violence.³⁷ Where individuals are already engaged in violence, an ideology may serve the function of expressing grievance and justifying the violence while not being its primary driver.³⁸ MUU individuals tend to use a range of networks and online spaces, rarely developing strong social bonds. The key issues in these cases were 'social isolation, lack of identity and the role of online radicalisation towards general violence'.³⁹ Similarly, radicalisation theories that focus on 'extreme belief' cannot account for the extreme violence or terrorist actions of those with commonly held beliefs like misogyny or climate change concerns.

14 Recommendation 14: Prevent and Channel should focus on those whose behaviour indicates that they present a significant risk to public safety through potential terrorist activity rather than those who express ideas judged to be extreme, albeit lawful.

The limits of radicalisation models

After over a decade of studying radicalisation, Marc Sageman, a former CIA analyst whose work dominated policy thinking in the 2000s, now takes a critical standpoint, stating that researchers are 'no closer to understanding the answer to our original question about what leads people to turn to political violence'.⁴⁰ The evidence presented to the Commission suggests we need to be cautious when using the concept of radicalisation to inform preventive counter-terrorism policy and practice. The findings of radicalisation studies can usefully inform policy and practice in this area, as long as we recognise what it can and cannot tell us. The vast majority of those who engage with radical or even extremist ideas – and display the precursor attitudes or even behaviours identified in radicalisation models – will not go on to commit acts of violence. The 'extremely low base rate' of terrorism means researchers cannot develop reliable indicators for identifying potential terrorists.⁴¹ This limited data may help identify relevant risk factors, but it does not enable reliable predictions. People who do not turn to violence may have the same risk factors as those who do. Moreover, the same factors, at different points in the radicalisation trajectory, or in combination with different factors, or in different contexts, may act as either a protective or a risk factor.⁴² Radicalisation research can still inform our understanding of what drives, and what constrains, individuals and groups in perpetrating violence in pursuit of a political, religious, racial or ideological cause, but it cannot provide the basis for reliable predictions of who will cross that threshold.

15 Recommendation 15: Radicalisation research should be used to inform our understanding of what drives, and what constrains, individuals and groups in perpetrating violence, but should not be relied upon to predict who will cross that threshold.

- 36 Milo Comerford and Hannah Rose, *Beyond Definitions – The Need for a Comprehensive Human Rights-Based UK Extremism Policy Strategy* (Institute for Strategic Dialogue 2024).
- 37 Mani Crone, 'Radicalization Revisited: Violence, Politics and the Skills of the Body' (2016) 92 *International Affairs* 587.
- 38 Commission plenary meeting, July 2022, expert radicalisation research.
- 39 Commission plenary meeting, April 2025, senior policymaker.
- 40 Marc Sageman, 'The Stagnation of Terrorism Research' (2014) 26 *Terrorism and Political Violence* 565, 569. Similarly, Rik Coolsaet, a key participant in the development of European policy, notes that 'even 12 years after its inception, radicalisation remains ill-defined, complex and controversial. The same questions of a decade ago are still being asked today', Rik Coolsaet, *All Radicalisation is Local: The Genesis and Drawback of an Elusive Concept*, Egmont Paper 84 (Brussels, Royal Institute for International Affairs 2016) 5.
- 41 Marc Sageman, 'The Implication of Terrorism's Extremely Low Base Rate' (2021) 33 *Terrorism and Political Violence* 302.
- 42 Schuurman and Carthy (n7).

From risk to resilience

Many of those who spoke to the Commission advised a holistic approach, which recognises that 'while society sees extremism as a problem, for the extremist it is a solution to the other problems in their lives.'⁴³ The factors motivating individuals to violence are often the same as those leading to other forms of harm – domestic abuse, alcohol abuse or self-harm. The geographic distribution of radicalisation suggests it is a symptom of deep underlying social and economic problems in an area, with the same causes as other issues there, such as mental health or crime.⁴⁴

This suggests that public health models that address other social problems may be relevant in counter-terrorism prevention.⁴⁵ However, it is vital to remember that interventions that target individuals, neighbourhoods, or communities because of a possible 'risk' remain stigmatising. The focus can be shifted from 'risk' and 'vulnerability' to the capacities of (often marginalised) individuals or communities to cope with and respond positively to adversity by drawing on the notion of 'resilience'.⁴⁶ For this to work, resilience must be strengthened both by helping to develop attitudes and behaviours which empower people and by providing resources to mitigate risk rather than merely recognising the problem. Key elements of a societal resilience approach are the promotion of dialogue, inclusion, care, vigilance, social safety and education.⁴⁷ While the measurement of the effectiveness of this approach against specific counter-extremism targets is difficult, it recognises that radicalisation and extremism are societal, not narrowly security-related phenomena. It allows, where appropriate, for formerly separate counter-terrorism or counter-extremism preventive measures to be embedded into adjacent policy areas (such as violence reduction, see below). A broad, strengths-based resilience approach might draw on an emergent body of research on 'non-radicalisation', or 'non-involvement in terrorist violence', which offers insights into protective factors, resilient qualities, and the role of individual agency that shapes individuals' and groups' decisions not to engage in violence even when moving in extremist circles or holding extremist views.⁴⁸ Research suggests that involvement in terrorism, as in other forms of criminal behaviour, stems as much from the erosion of protective factors as the presence of risk factors; that maintaining and strengthening protective factors may be as important as addressing risk factors – supporting a 'strengths-based' approach to prevention.⁴⁹

16 Recommendation 16: The government should develop resilience-based interventions that strengthen protective factors in individuals and communities rather than focusing solely on risk identification.

43 Commission plenary meeting, July 2022, expert radicalisation research.

44 *ibid.*

45 See: Kamaldeep S. Bhui, Madelyn H. Hicks, Myrna Lashley, and Edgar Jones, 'A public health approach to understanding and preventing violent radicalization' (2012) 10 BMC Medicine 1; Stevan Weine, David P. Eisenman, Janni Kinsler, Deborah C. Glik, and Chloe Polutnik, 'Addressing violent extremism as public health policy and practice' (2017) 9 Behavioral Sciences of Terrorism and Political Aggression 208.

46 Again, it is important to be cognisant of the risk of shifting responsibility for managing structurally generated, and unequally distributed, risk and harm from the government to those communities or individuals in adopting 'resilience' rhetoric. See, e.g., Keiran Hardy, 'Resilience in UK Counterterrorism' (2015) 19 Theoretical Criminology 77; William Stephens and Stijn Sieckelinck, 'Resiliencies to Radicalisation: Four Key Perspectives' (2021) 66 International Journal of Law, Crime and Justice 1; Michelle Grossman, 'Resilience to Violent Extremism and Terrorism: A Multisystemic Analysis' in Michael Ungar (ed), *Multisystemic Resilience: Adaptation and Transformation in Contexts of Change* (Oxford University Press 2021) 293.

47 Stijn Sieckelinck and Amy-Jane Gielen, 'RAN Issue Paper: Protective and Promotive Factors Building Resilience against Violent Radicalisation' (RAN Centre of Excellence 2017), 4-6.

48 Hilary Pilkington (ed.), *Resisting Radicalisation? Understanding Young People's Journeys Through Radicalising Milieus* (Berghahn 2023); Ken Reidy, 'Benevolent Radicalization: An Antidote to Terrorism' (2019) 13(4) Perspectives on Terrorism 1; Bart Schuurman, 'Non-Involvement in Terrorist Violence' (2020) 14(6) Perspectives on Terrorism 14; Joel Busher, Donald Holbrook and Graham Macklin, 'How the "Internal Brakes" on Violent Escalation Work and Fail: Toward a Conceptual Framework for Understanding Intra-Group Processes of Restraint in Militant Groups' (2023) 46 Studies in Conflict and Terrorism 1960; Schuurman and Carthy (n7); R Kim Cragin, 'Resisting Violent Extremism: A Conceptual Model for Non-Radicalization' (2014) 26 Terrorism and Political Violence 337.

49 Schuurman and Carthy (n7).

5.2 The Evolution of Prevent: From Strategy to Legal Duty

The objectives of Prevent are to tackle the ideological causes of terrorism, intervene early to support people susceptible to being drawn into terrorism, and enable people who are already engaged in terrorism to disengage and rehabilitate.⁵⁰ It remains heavily reliant on radicalisation theory. The 2023 revised guidance for the Prevent duty, which states a core objective to be to 'intervene early to support people susceptible to radicalisation', mentions 'radicalisation', 'radicalisers' or 'radicalised' almost 200 times.⁵¹

The reach and focus of Prevent has changed significantly since its inception in 2007. Until 2010, led by the Department for Communities and Local Government (DCLG), it countered Al-Qaeda-related terrorism and terrorist ideologies and addressed deeper causes rooted in inequality and discrimination.⁵² The £200 million budget for community projects supported initiatives for leadership development among women and young people, homework clubs, sports programmes, and English language learning.⁵³ The 2001-2010 Labour governments initially defended the focus of Prevent in this phase being only on Muslims, seeing Al-Qaeda as the primary threat. By 2009, it acknowledged that the sole focus on Muslims was securitising relationships with Muslim communities and undermining cohesion by targeting funding at one group.⁵⁴ This led to the separation of cohesion and integration policies from Prevent, even though they were considered important to countering terrorism.⁵⁵

A 2011 review by the coalition government expanded Prevent's scope to cover all terrorism in Britain,⁵⁶ including extreme right-wing terrorism (ERWT). However, it reduced work on the social and economic factors which create conditions conducive to terrorism. It emphasised the need to challenge ideologies believed to underpin radicalisation and focused its attention beyond 'violent extremism' to 'extremism' defined as 'vocal and active opposition to fundamental British values'.⁵⁷ By including non-violent ideas, Prevent cast a wide net. For example, Home Office Prevent training material in 2023 included 'left-wing' (without the qualifier 'extreme' that is attached to 'right-wing') as an example of the motivations for action that 'could meet the threshold of terrorist intent or action'.⁵⁸

The revised strategy included: tackling online extremist content and developing counter-narratives; controlling and disrupting activities of groups and organisations seen as extremist through greater use of regulatory bodies such as the Charity Commission;⁵⁹ and the increased use of immigration laws to remove or exclude people from travelling to the UK. Notably, the revised strategy also included the roll-out of the Channel programme, which offers personalised mentoring and other forms of support to individuals considered to be at risk of radicalisation.⁶⁰ This was later expanded to include those already convicted of terrorism offences.⁶¹

A new and controversial Prevent duty was introduced in 2015 to address the perceived lack of engagement from frontline professionals at a time when hundreds of people, including families and young people, were travelling to areas controlled by ISIS in Iraq and Syria.⁶² The duty made it a statutory requirement for specified professionals, from teachers and nurses to social workers and university lecturers, to identify people at risk of being drawn

50 HM Government, (n22) 30.

51 HM Government, *Prevent duty guidance: Guidance for specified authorities in England and Wales* (HMSO, 2023) 8.

52 Department for Communities and Local Government *Preventing Violent Extremism: Winning Hearts and Minds* (2007).

53 Paul Thomas, 'Prevent and Community Cohesion in Britain' in Christopher Baker-Beall, Charlotte Heath-Kelly and Lee Jarvis (eds.) *Counter-Radicalisation: Critical Perspectives* (Routledge 2015) 36-53, 36.

54 House of Commons Communities and Local Government Committee, *Preventing Violent Extremism* (2009-10, HC 65) 65-67.

55 Department for Communities and Local Government, *Government Response to the Communities and Local Government Committee Report*, (HC 1951, 2010-12) 4.

56 The Prevent duty does not apply to Northern Ireland, Counter-Terrorism and Security Act 2015, s 51(1) (CTSA 2015).

57 HM Government, *Prevent Strategy* (Cm 8092, 2011) 52. Fundamental British Values were listed as including democracy, the Rule of Law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

58 This was found in Home Office online Prevent training viewed in December 2023. The same training in October 2024 referred to left-wing extremism.

59 Other regulatory bodies with an increased counter-terrorism role are the Office of Communications (Ofcom) and the Office for Standards in Education, Children's Services and Skills (Ofsted).

60 Channel had been piloted in 2007.

61 A Desistance and Disengagement Programme for individuals convicted for terrorism or terrorism-connected offences began in 2018.

62 CTSA 2015, s 26.

into terrorism, including 'non-violent extremism which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit'.⁶³ It is widely considered that this led to a wide range of organisations and individuals becoming responsible for monitoring legal, non-violent, dissenting political views outside the mainstream and expressions of religious beliefs or identities considered extremist.⁶⁴ No other liberal democracy has legally required such a large swathe of public officials and professionals to participate in their counter-terrorism programmes, massively expanding the national security state. Reinforcing concerns that Prevent is a mechanism for surveillance,⁶⁵ it became a 'toxic brand' in Muslim communities, according to a former senior police officer.⁶⁶ An experienced counter-terrorism officer told the Commission that more effort could have been made to engage professionals without introducing the duty.⁶⁷ Indeed, the capacity to address radicalisation risk through existing safeguarding measures was evident when an Ofsted inspection in 2014 (i.e. prior to the introduction of the Prevent duty) led a London school to be placed in 'special measures'⁶⁸ for failing to safeguard against the risks of radicalisation.⁶⁹

The many examples of controversial referrals to Prevent, often relating to innocuous actions and activities, have led to concerns being raised by international human rights organisations,⁷⁰ UN human rights bodies,⁷¹ and rapporteurs.⁷² In 2024, this led to the UN Committee on the Elimination of Racial Discrimination to call on the UK to suspend the Prevent duty.⁷³

In 2019, parliament called for an independent review of Prevent to address these concerns.⁷⁴ William Shawcross was appointed as the Independent Reviewer on 26 January 2021 and published his final report in February 2023. The Review's findings were controversial, and evidence to the Commission suggests that it did not address the significant concerns about Prevent. A number of human rights organisations,⁷⁵ Muslim civil society and community groups boycotted it, citing Shawcross' past comments about Muslims and Islam.⁷⁶ Senior Prevent practitioners and policymakers said that the Review did not command the trust and respect of many people as it was seen as a 'highly political review'.⁷⁷ Some civil society groups criticised the findings as 'riddled with anti-Muslim prejudice'.⁷⁸

63 Home Office, *Revised Prevent Duty Guidance* (2015). This guidance was in force from 2015 to 31 December 2023. From 31 December 2023, revised 2023 guidance applies; this provides that it only applies to non-violent extremism where it can reasonably be linked to terrorism or could draw people into terrorism.

64 Evidence submission, Child Rights International Network.

65 Arun Kundnani, *The Muslims Are Coming! Islamophobia, Extremism, and the Domestic War on Terror* (Verso 2014). 23 per cent of Muslims reported feeling spied on, making Britain a poor place to be a Muslim, Crest Advisory, *British Muslim Attitudes to Policing and Extremism—February 2020*, Savanta ComRes, 266.

66 Fiona Halliday and Vikram Dodd, 'UK anti-radicalisation Prevent strategy a "toxic brand"' *The Guardian* (9 March 2015) <<https://www.theguardian.com/uk-news/2015/mar/09/anti-radicalisation-prevent-strategy-a-toxic-brand>> accessed 10 October 2024. See also Chris Young, 'Prevent strategy described as 'toxic brand' during Bradford Council meeting' *The Telegraph and Argus* (24 September 2022) <<https://www.thetelegraphandargus.co.uk/news/22575395.prevent-strategy-described-toxic-brand-bradford-council-meeting/>> accessed 14 November 2024.

67 Commission plenary meeting, June 2022, senior counter-terrorism officer.

68 This means the school is failing to provide its pupils with an acceptable standard of education and not showing the capacity to make the improvements needed. A maintained school or pupil referral unit placed in a category must become a new sponsored academy. Other schools face more regular inspections until they can be removed from this category.

69 Richard Adams and Sally Weale, 'Church of England School taken aback by Ofsted rating and extremism row' *The Guardian* (20 November 2014) <<https://www.theguardian.com/education/2014/nov/20/church-england-school-john-cass-ofsted-downgraded-extremism>> accessed 10 October 2024.

70 See, for example, Amnesty International, 'This is the Thought Police: The Prevent Strategy and its Chilling Effect on Human Rights' (2023) <[https://www.amnesty.org.uk/files/2023-11/Amnesty%20UK%20Prevent%20report%20\(1\).pdf](https://www.amnesty.org.uk/files/2023-11/Amnesty%20UK%20Prevent%20report%20(1).pdf)> accessed 10 October 2024.

71 UN Committee on the Rights of the Child, 'Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland' (2016) CRC/C/GBR/CO/5.

72 Human Rights Council, 'Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association on His Follow-up Mission to the United Kingdom of Great Britain and Northern Ireland' (2017); Human Rights Council, 'End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland' (2018).

73 Committee on the Elimination of Racial Discrimination 'Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland' (2024) CERD/C/GBR/CO/24-26, [34].

74 Counter-Terrorism and Border Security Act 2019, s 20.

75 Jessica Grierson, 'Human rights groups boycott government Prevent review' *The Guardian* (16 February 2021) <<https://www.theguardian.com/uk-news/2021/feb/16/human-rights-groups-to-boycott-government-prevent-review>> accessed 10 October 2024.

76 Jessica Grierson 'Hundreds of Islamic groups boycott Prevent Review over choice of chair,' *The Guardian* (17 March 2021) <<https://www.theguardian.com/uk-news/2021/mar/17/hundreds-islamic-groups-boycott-prevent-review-william-shawcross-protest>> accessed 10 October 2024.

77 Evidence session, senior policymakers in regional and local government, June 2023 and February 2024.

78 Amnesty International, 'UK: Shawcross review of Prevent is 'deeply Prejudiced and has no legitimacy' Press Release, 08 February 2023.

and 'ideologically led'.⁷⁹ Academic and policy experts said the Review misused⁸⁰ or ignored the extensive research evidence, particularly on the role of ideology in radicalisation.⁸¹

The Shawcross Review suggested that Prevent practitioners had focused too little on Islamist extremism and overstated the threat of extreme right-wing ideology.⁸² It argued that 'present boundaries around what is termed by Prevent as extremist Islamist ideology are drawn too narrowly while the boundaries around the ideology of the Extreme Right-Wing are too broad'.⁸³ However, a subsequent Home Office examination of referrals found no evidence to support the Review's suggestion of a disparity between the thresholds applied to Islamist and extreme right-wing Channel cases.⁸⁴ Neil Basu, head of counter-terrorism policing until 2021, called the conclusions in the Shawcross Review 'insulting' to anti-terrorism professionals and argued they stemmed from a right-wing political bias that downplayed or denied the threat of right-wing extremism.⁸⁵

Suella Braverman, then Home Secretary, welcomed the Review's analysis and accepted all its recommendations.⁸⁶ However, in light of the criticisms and the fact that the report had not addressed significant concerns about Prevent, over 200 civil society organisations, community groups and academics called for the Review to be withdrawn.⁸⁷ Evidence to the Commission suggests that implementation of the Review's recommendations has led to an excessive focus on ideological concerns that distort the system, undermine effective practice, and hamper crucial work required to ensure public safety (this is discussed further in **chapter 8**).

- 79 Diane Taylor (2023) 'Withdraw review of Prevent anti-radicalisation strategy, ministers urged' *The Guardian*, (23 March 2023) <<https://www.theguardian.com/uk-news/2023/mar/21/withdraw-review-of-prevent-anti-radicalisation-strategy-ministers-urged>> accessed 10 October 2024.
- 80 Stuart Macdonald, Andrew Whiting, and Lee Jarvis, 'Evidence and Ideology in the Independent Review of Prevent' (2024) 39 *Journal for Deradicalization* 1, the authors note for example that the Review stresses the importance of ideology in radicalisation but supports this by references to research by Dr Simon Cottey which criticises the emphasis on ideology; or, in discussing mental health and terrorism, the Review cites outdated research (e.g., a 2013 study on far-right extremism in the US) while ignoring more recent, relevant studies.
- 81 Joshua Skoczylis and Clive Walker 'The Shawcross Independent Review of Prevent: another spin of the policy spiral' (2023) *Public Law* 609.
- 82 As Prevent aims to identify individuals before they become involved in terrorism and covers both violent and non-violent ideologies that could draw people towards terrorism, it targets what it identifies as extremist ideologies rather than terrorism.
- 83 William Shawcross, *Independent Review of Prevent* (HC 1072, 2023) 3.
- 84 HM Government, *Independent Review of Prevent: one year on progress report* (2024) 26. See also David Anderson, *Lessons for Prevent* (Interim Independent Prevent Commissioner, 2025) 73.
- 85 Jessica Elgot, 'Prevent Scheme Failing to Tackle Non-Violent Islamist Extremism, Review Says' *The Guardian* (8 February 2023) <<https://www.theguardian.com/uk-news/2023/feb/08/prevent-scheme-failing-to-tackle-non-violent-islamist-extremism-review-says>> accessed 10 October 2024.
- 86 HM Government, *Response to the Independent Review of Prevent* (HC 1073, 2023).
- 87 Diane Taylor, 'Withdraw Review of anti-radicalisation Strategy, ministers urged' *The Guardian* (21 March 2023) <<https://www.theguardian.com/uk-news/2023/mar/21/withdraw-review-of-prevent-anti-radicalisation-strategy-ministers-urged>> accessed 10 October 2024.

5.3 Prevent Referral and Channel Support

The referral process

In England and Wales, local authorities must maintain 'Channel Panels' that assess Prevent referrals and support individuals vulnerable to being drawn into terrorism.⁸⁸ There are five stages in the Prevent process: pre-referral, police management of a referral, Channel Panel consideration of a referral, adoption for support through Channel and exiting Channel support (see Table 5.1). In this chapter, the intended referral process is outlined, while potential discrepancies between its design and actual implementation are detailed in **chapter 8**.

Table 5.1: The Prevent Referral Processes

1. Pre-referral

Anyone can refer a person to Prevent. There is a national referral form that can be used. However, the process towards a formal referral usually begins with frontline practitioners identifying people they believe are showing possible signs of radicalisation. Often, the concern will be escalated to the individual responsible for safeguarding within the organisation or the Prevent lead. The safeguarding or Prevent lead may seek informal advice from counter-terrorism police before deciding whether to formally refer to Prevent.

2. Police management of a referral

Specialist police officers conduct an initial triage of potential Prevent referrals through a 'gateway assessment'. First, they check referrals against police records, whether the individual is vulnerable to being drawn towards any serious terrorist offence. If there is evidence of possible terrorism-related criminal activity, this typically rules out a Prevent intervention and the case is referred to counter-terrorism police working under the Pursue strand of CONTEST. Second, they evaluate whether there are reasonable grounds to believe the person is vulnerable to being drawn into terrorism.⁸⁹ Cases meeting this threshold are forwarded to a local Channel Panel for multi-agency review. Assessments showing no radicalisation risk are redirected to appropriate alternative services.

3. Consideration by Channel Panel

The Channel Panel gathers further information from partners and assesses the extent to which identified individuals are vulnerable to being drawn into terrorism. It is responsible for creating and reviewing support plans to reduce the risk of a person being drawn into terrorism. The Panel decides whether or not a case is appropriate for Channel support.

4. Adoption as a case for Channel support

Participation in activities for a case adopted for Channel support is voluntary. It can include such interventions as mentoring, cognitive behavioural therapies, 'theological/ideological support', anger management, or signposting to mainstream services, such as health, education, or housing. The Channel case officer liaises with support providers to review and assess progress. Where the support relates to addressing extremist views, the support is through Home Office-approved and funded 'intervention providers.' These include specialists in ideology or theology.

5. Exiting Channel

Cases adopted for Channel support remain open until one of two outcomes: the panel determines the individual's vulnerability to terrorism has reduced enough to end intervention, or the terrorism risk escalates, requiring police involvement and review. Cases also end when an individual withdraws consent to participation in Channel. Cases are reviewed at six and 12 months after leaving Channel.

⁸⁸ The discussion in this section focuses mainly on data and Prevent processes for England and Wales.

⁸⁹ CTSA 2015, s 36.

The number of referrals

The Prevent duty has dramatically increased referrals reaching case management, from a few hundred annually before 2015 to an average of 6,458 referrals per year since 2015.⁹⁰ Between 2015 and 2024, 58,126 referrals reached case management after initial screening, excluding those addressed within institutions without formal referrals and those rejected during initial screening. Interviews involving counter-terrorism police or social workers may occur before any formal referral. Thus, the reach and impact of Prevent are far greater than these statistics indicate. Higher Education sector data suggest that for every formal Prevent referral, seven cases are picked up and investigated but not formally referred.⁹¹

Of the 58,126 referrals, only 11,123 (19 per cent) were sent for discussion at Channel Panels, and only 4,969 were adopted as Channel cases. Therefore, only nine per cent of those referred to Prevent went on to be adopted by the Channel programme for support (see Table 5.2), suggesting that over 90 per cent of referrals may have been unnecessary or misplaced, which raises concerns about the effectiveness and accuracy of the process. Even the nine per cent of referrals that proceed to a Channel intervention involve no terrorism-related criminal activity.⁹² The non-Channel cases appear to pick up other issues that require support or attention, with the largest number signposted to existing services in education (10,479), local authorities (8,033) and health (6,564).⁹³ In some cases, these are people already known to education, youth, family support or other social services and are referred back for further support. Others are picked up for the first time and may require support for issues ranging from, for example, homelessness and substance misuse to physical or mental health issues.⁹⁴

90 Evidence submission, Professor Charlotte Heath-Kelly.

91 Office for Students, *Prevent monitoring Summary of accountability and data return: 2023-2024*, (2025) and Office for Students, *Prevent monitoring Summary of accountability and data return: 2022-2023*, (2024). Table W2 shows that between 2018-2024, 1,995 Prevent cases escalated either to the Prevent lead in the institution or where informal advice was sought from Prevent partners, while a formal referral was made in 290 cases.

92 Since 2025, individuals subject to overt police investigation, or who are charged with a terrorism offence, can be offered Channel support

93 Figures combine Home Office Prevent Data from 2015/16 to 2023/24 for the table 'Journey of individuals referred to Prevent'. For each sector, the figure combines the data for 'Prevent referrals referred to other services', 'Case closed referred to other services', and 'Case not adopted as a Channel case, referred to other services'.

94 Evidence from a senior Prevent practitioner, October 2024.

Table 5.2: Prevent referrals and adoption of Channel cases 2015/16-2022/23 (England and Wales)⁹⁵

Year	Total Prevent Referrals	Discussed at Channel Panel	Adopted as Channel cases	% of referrals adopted as Channel cases
2023/24	6922	893	512	7%
2022/23	6817	1,113	645	10%
2021/22	6406	1,486	804	13%
2020/21	4915	1,325	659	13%
2019/20	6287	1,432	692	11%
2018/19	5737	1,330	558	10%
2017/18	7318	1,310	383	5%
2016/17	6093	1,163	338	6%
2015/16	7631	1,071	378	5%
Total	51204	11,123	4457	9%

Similar processes apply in Scotland; however, compared to England and Wales, the number of referrals and their outcomes differ significantly. In Scotland, between 2016 and 2024, there were 736 Prevent referrals. The referral rate of 17 per million people in Scotland is significantly lower than the rate of 107 per million people in England and Wales.⁹⁶ However, the proportion of cases leading to Prevent case management (an approximate Scottish equivalent of Channel support) is much higher.

Table 5.3: Prevent referrals and adoption of cases for Prevent Case Management 2016/17-2023/24 (Scotland)⁹⁷

Year	Referrals	Suitable for Prevent Case Management	% of referrals adopted for Prevent Case Management
2016-17 ⁹⁸	59	No data	No data
2017-18 ⁹⁹	104	3	3%
2018-19	126	61	48%
2019-20	100	49	49%
2020-21	55	25	45%
2021-22	91	38	42%
2022-23	87	44	51%
2023-24	114	56	49%
Total	736	276	38%

⁹⁵ Home Office, *Individuals Referred to and Supported Through the Prevent Programme, England and Wales, April 2023-March 2024: Data tables*, (2024). Table 1 Sector of referral of those referred, discussed at a Channel Panel and adopted as a Channel case, 2015/16 to 2022/23, available at <https://www.gov.uk/government/statistics/individuals-referred-to-prevent-to-march-2024> accessed 04 July 2025.

⁹⁶ Scottish Government, *Understanding Extremism in Scotland: evidence review* (Scottish Government 2023) 18.

⁹⁷ Data from Police Scotland Prevent data, except for 2016/17 and 2017/18.

⁹⁸ BBC News, 'Three-fold increase in children referred to anti-terrorism scheme' (14 December 2018) <<https://www.bbc.co.uk/news/uk-scotland-46557145>> accessed 15 October 2024.

⁹⁹ Police Scotland – media release of 2017/18 Prevent referral data.

Referral of children and young people

Figure 5.1: Prevent referrals by age 2016-2024¹⁰⁰

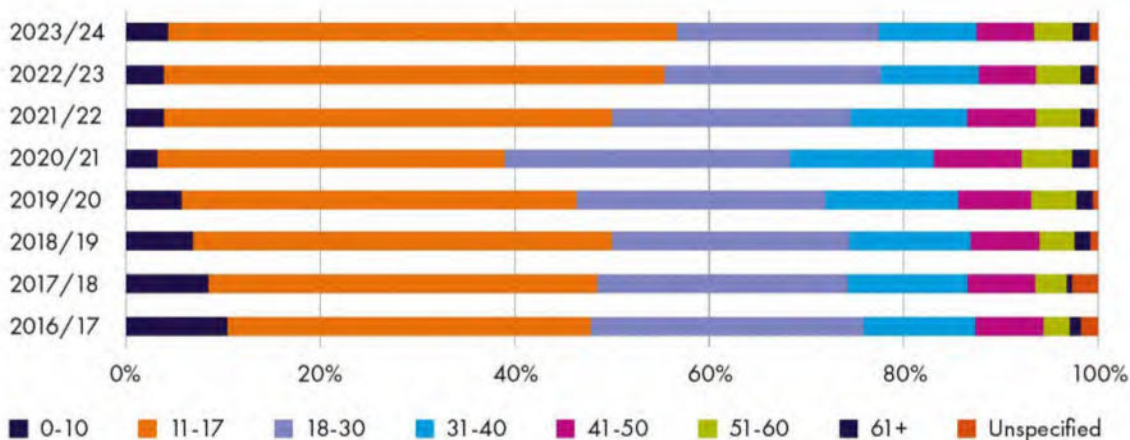
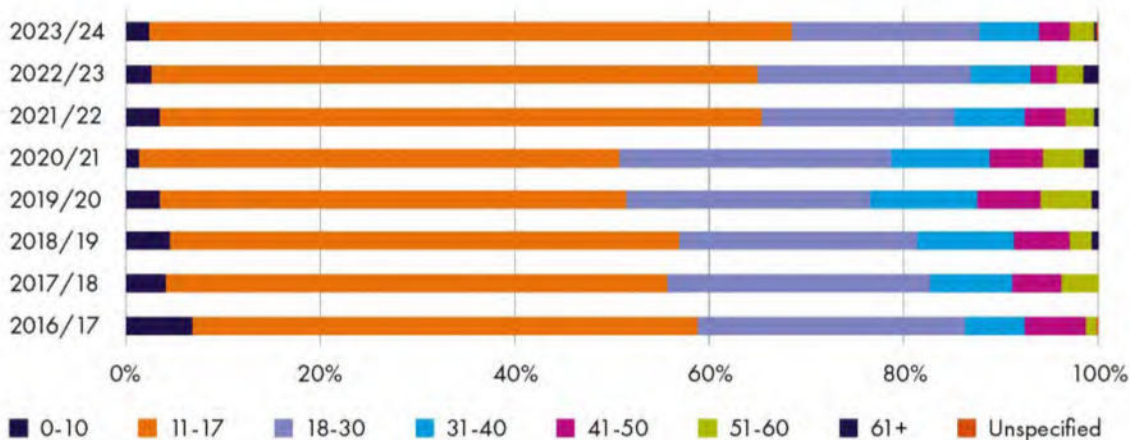


Figure 5.2: Adoption as a Channel case by age 2016-2024



Prevent has a disproportionate impact on children and young people. Between 2015/16 and 2023/24, in England and Wales, 25,096 children were referred to Prevent, including 2,989 children aged 10 or younger. People under 18, who constitute 21 per cent of the general population, accounted for 57 per cent of Prevent referrals, 59 per cent of cases discussed at Channel Panels, and 69 per cent of cases adopted for support through the Channel programmes (see figures 5.1 and 5.2).¹⁰¹ This trend is likely to intensify, as the number of young people referred to Prevent has doubled since summer 2024.¹⁰²

¹⁰⁰ Home Office (n95) Table 4.

¹⁰¹ Home Office, *Individuals referred to and supported through the Prevent Programme, England and Wales, April 2022-March 2023* (2023) section 3.3 Minors.

¹⁰² Home Affairs Committee, *Oral Evidence: The work of the Home Office* (HC 505, 2022-23, 3 June 2025) (Home Secretary) <<https://committees.parliament.uk/oralevidence/15986/html/>> accessed 3 July 2025.

Referral and Gender

Men and boys comprised 87 per cent of referrals and 91 per cent of adopted cases from 2015-2024. The proportion of referrals and adopted Channel cases has increased from 78 per cent and 85 per cent, respectively, in 2015/16 to 88 per cent and 91 per cent in 2023/24.¹⁰³ The proportion of referrals adopted as Channel cases is consistently higher for men and boys than for women and girls (see Table 5.4).

Table 5.4: Prevent referrals and adoption of Channel cases by gender 2015/16-2022/23

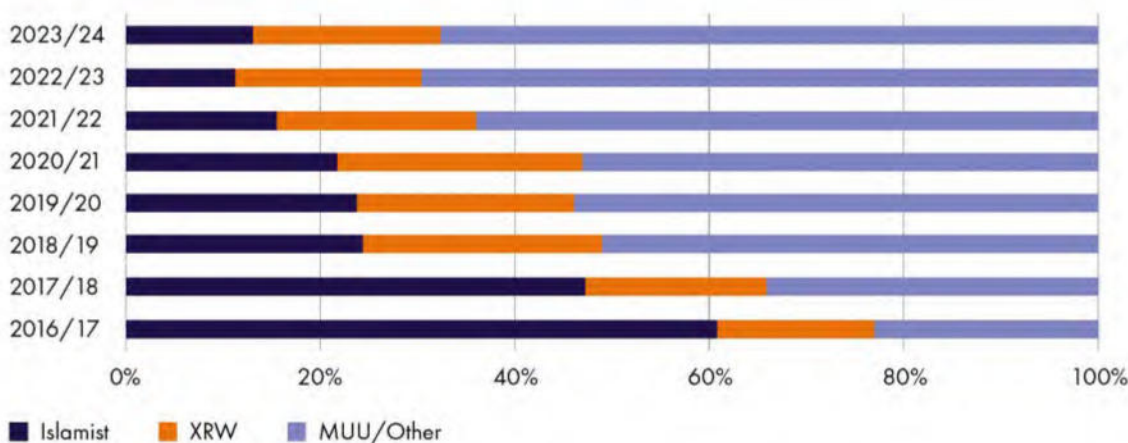
Year	Men and boys			Women and girls			Other/Unspecified	
	Prevent referral	Adoption of Channel case	Adoption rate	Prevent referrals	Adoption of Channel cases	Adoption rate	Prevent referrals	Adoption of Channel cases
2023/24	6114	893	15%	764	44	6%	44	3
2022/23	6125	595	10%	635	44	7%	57	6
2021/22	5725	746	13%	656	55	8%	25	3
2020/21	4316	609	14%	580	46	8%	19	4
2019/20	5514	620	11%	754	70	9%	19	2
2018/19	4990	492	10%	737	65	9%	10	1
2017/18	6356	346	5%	947	37	4%	15	0
2016/17	4971	295	6%	1102	43	4%	20	0
2015/16	5925	321	5%	1597	57	4%	109	0
Total	50,036	4917	10%	7008	461	7%	318	19

103 Home Office (n95) Table 8.

Referral and Ideology

In England and Wales, Islamist referrals have declined sharply, from 61 per cent of all referrals in 2016/17 to 13 per cent in 2023/24. Referrals for extreme right-wing ideology have remained relatively stable since 2017/18 at around 21 per cent (see Figure 3). Nevertheless, each category accounts for a disproportionately high percentage of adopted cases relative to their referrals. From 2016-2023, Islamist cases were 32 per cent of referrals and 30 per cent of Channel cases, while extreme right-wing cases were 20 per cent of referrals and 45 per cent of all Channel cases (see Table 5.6). In Scotland, extreme right-wing ideology accounted for 32 per cent of referrals and Islamist extremism 17 per cent.¹⁰⁴

Figure 5.3: Prevent Referrals by Type of Concern, 2016-2024¹⁰⁵



The most striking trend regarding referrals to Prevent is the substantial rise of referrals falling into neither Islamist nor extreme right-wing categories, which by 2022/23 accounted for nearly seven out of ten referrals. Until 2021, they were categorised as 'other' or MUU.¹⁰⁶ Such referrals increased more than threefold and in Channel cases eightfold between 2016-2023.¹⁰⁷ In 2023, the Home Office provided more detail about the types of concerns previously listed as MUU or other, placing them in one of nine categories (see Table 5.5).

¹⁰⁴ Police Scotland, 'Prevent Referral Data, Scotland, April 2022-March 2023' (2023) 14.

¹⁰⁵ Home Office (n95) Table 6.

¹⁰⁶ The term covered individuals who combined elements from different ideologies (mixed), shifted between different ideologies (unstable) or presented no clear or coherent ideology (unclear).

¹⁰⁷ The categories have changed over time. Islamist and extreme right-wing have been used since the data was first published. The remaining cases were initially labelled as 'other forms of extremism' and 'unspecified' and then 'Mixed, Unclear and Unstable ideology' (MUU).

Table 5.5: Categories used for ‘type of concern in Prevent data’ previously listed as ‘Mixed, Unclear or Unstable Ideology’ (MUU)¹⁰⁸

Conflicted: This category reflects instances where the type of concern presented involves a combination of elements from multiple ideologies (mixed), shifts between different ideologies (unstable), or where the individual does not present a coherent ideology yet may still be vulnerable to being drawn into terrorism (unclear)

High Counter-Terrorism risk but no ideology present: This category is used when there is no clear ideological link to the concerns raised on referral, but a counter-terrorism risk is still identified as being present. It is used retrospectively by case officers once further information gathering has been completed.

Incel: Those who are vulnerable due to engagement with Incel culture. Incel is an abbreviation of the term Involuntary Celibate and is a culture that encompasses misogynistic and violent views towards women as a result of feeling rejected by women.

No specific extremism issue: This category was an option on the Prevent Case Management system from 2016/17 to 2019/20. It describes cases that do not have a clear, specific ideological concern. This category is no longer in use.

No risk, vulnerability or ideology: This category is used when there is no clear ideological link to the concerns raised on referral. It is used retrospectively by case officers once further information gathering has been completed.

Other: This category includes concerns not covered by the types of radicalisation concerns defined in other categories and includes left-wing extremism. Northern Ireland-related extremism, animal rights, environmental extremism and other separatist/nationalist extremism.

School massacre: This category reflects those who are vulnerable due to being fixated with school massacres or extreme mass violence without targeting a particular group.

Vulnerability present but no ideology or counter-terrorism risk: This category is used when there is no clear ideological link to the concerns raised on referral. It is used retrospectively by case officers once further information gathering has been completed.

Unspecified: This is used where data is not available. This can be where database fields have not been completed, data is missing, or a field has been completed as ‘not applicable’.

This has expanded to 16 categories since April 2024, with more specific categories for referrals previously labelled as other.¹⁰⁹ There are two categories for Northern Ireland-related extremism: Dissident Republican Extremism and Northern Ireland-related Unionist/Loyalist Extremism. There are also specific categories for Hindutva-Extremism, pro-Khalistan extremism, and one of ‘Multiple Ideologies (with no dominant ideology)’. There is also a category ‘No Ideology – other susceptibility to radicalisation identified.’

¹⁰⁸ Home Office, ‘User guide to: Individuals referred to and supported through the Prevent Programme, England and Wales’ (2023).

¹⁰⁹ Islamist Extremism; Extreme Right Wing; Northern-Ireland related Dissident Republican Extremism; Northern Ireland-related Unionist/Loyalist Extremism (NI); Left Wing Extremism; Anarchist Extremism; Environmental Extremism; InCel Extremism; Pro-Khalistan Extremism; Hindutva Extremism; Other Religious Extremism; Other Ideology; Multiple Ideologies (with no dominant ideology); Fascination with Extreme Violence or Mass Casualty Attacks (where no other ideology); No Ideology – other susceptibility to radicalisation identified; and No Ideology Identified. See, David Anderson, *Lesson for Prevent* (Interim Independent Prevent Commissioner, 2025) 14.

Although action to further a political, racial, religious or ideological cause is a key element of the legal definition of terrorism, by 2022/23, almost half of the referrals were of cases with no ideology present.¹¹⁰ School massacres and incels account for a small proportion of referrals and adopted cases, but where referrals are made, a higher proportion are adopted as Channel cases. ‘School massacre’ accounts for only one per cent of Prevent referrals, yet 14 per cent of such referrals are adopted as Channel cases (see Table 5.6). There is no longer a category of ‘School Massacre’, instead there is ‘Fascination with Extreme Violence’ and ‘Mass Casualty Attacks (where no other ideology)’.

Table 5.6: Progress from Prevent referral to adoption as Channel case by type of concern 2016-2023

Type of concern	Referrals	Adopted as Channel case	% of referrals adopted at Channel cases
Extreme right-wing	8699 (20%)	1808 (45%)	21%
Islamist	13983 (32%)	1213 (30%)	9%
Other	3326 (8%)	265 (7%)	8%
Conflicted	2790 (6%)	264 (7%)	10%
Vulnerability present, but no ideology or counter-terrorism risk	7826 (18%)	307 (8%)	4%
No risk, vulnerability or ideology present	2304 (5%)	22 (1%)	1%
School massacre	578 (1%)	82 (2%)	14%
Incel	149 (>1%)	37 (1%)	25%
High counter-terrorism risk but no ideology present	116 (>1%)	16 (>1%)	14%
No specific Extremism issue	2409 (6%)	0 (0%)	0%
Unspecified	1617 (4%)	19 (1%)	1%
Total	43797	4033	9%

The incel category, though small, has grown. There have been six successful criminal prosecutions in the UK where incel ideology is noted as a feature.¹¹¹ Of the 149 incel referrals identified since the first recorded referral in 2019, almost half (46 per cent) were made in 2022/23. With 25 per cent of referrals adopted as Channel cases, incels, though still relatively few, have the highest referral-to-adoption rate. The Shawcross Review concluded that incels and

¹¹⁰ In 2022/23, ‘vulnerability present, but no ideology or CT risk’ accounted for 37 per cent of referrals, and ‘no risk, vulnerability, or ideology’ accounted for 10 per cent of referrals.

¹¹¹ Evidence submission, Eda Moran and Amber Musgrove-Benford.

gender-related hate were not an issue for counter-terrorism but should instead be treated as hate crimes. Others have argued that the definition of terrorism should cover actions to advance an extreme misogynistic cause.¹¹² There is a statistically significant relationship between support for violence against women and support for violent extremism.¹¹³ This suggests that an increase in misogynist anti-women ideologies, violence against women, and intimate partner violence may be an early warning indicator for violent extremism and terrorism at the community or societal level. In 2024, the UK National Police Chiefs' Council described the radicalisation of boys into misogyny as a 'national emergency'.¹¹⁴ The National Crime Agency, concerned about the rise of online communities of boys and young men (referred to as 'com networks') targeting women and with a fixation on violence, are reported to be working with counter-terrorism police.¹¹⁵ However, given the levels of intimate partner violence, misogyny, and violence against women generally across the UK, there is a risk that labelling such behaviours and beliefs as terrorism would broaden the category of terrorism and reduce focus on the specific needs of violence against women and intimate partner violence survivors.

The rise in these categories has been attributed to increased focus and attention on identifying different forms of extremism and seeing them as potential forms of terrorism, as well as to easier access to violent material online.¹¹⁶

17 Recommendation 17: Further evidence-gathering is needed before expanding terrorism and extremism definitions to include extreme misogyny.

Referral of people with complex and multiple needs

The data on referrals showing the rise in MUU is consistent with practitioner reports that Prevent is increasingly picking up young people with complex and multiple needs: mental health issues, neurodivergence, and adverse childhood experiences, including abuse and neglect.¹¹⁷ A Home Office review found that a quarter of those receiving support through Channel in 2019 and 2020 had, or were suspected to have, autism spectrum disorder.¹¹⁸ As research does not suggest these are strongly correlated with engagement in terrorism,¹¹⁹ their prevalence in Channel referrals may reflect availability bias (referrers more easily notice people with these traits who may already be in contact with public services), vague and broad indicators, and the emphasis on rigid beliefs as an indicator of risk.¹²⁰ For example, Ofsted training materials state that children and young people with autism are at 'increased risk of being susceptible to extremism' as they are more likely to develop special interests and use the internet to find friends.¹²¹

112 *ibid.*

113 Melissa Johnston and Jacqui True, 'Misogyny & Violent Extremism: Implications for Preventing Violent Extremism' (Monash Gender, Peace and Security Centre 2019).

114 National Police Chiefs Council, 'Call to action as VAWG epidemic deepens' (23 July 2024) <<https://news.nppc.police.uk/releases/call-to-action-as-violence-against-women-and-girls-epidemic-deepens-1>> accessed 10 October 2024.

115 Vikram Dodd, 'Misogynistic content driving UK boys to hunt vulnerable girls on suicide forums' *The Guardian* (12 April 2025) <<https://www.theguardian.com/uk-news/2025/apr/12/uk-counter-terror-police-nca-misogyny-com-networks>> accessed 05 July 2025.

116 Matt Dryden, 'An Ideological Pick 'n' Mix: The Rise of Mixed Ideologies and their implications for terrorist violence' (Briefing Paper, Henry Jackson Society 2023).

117 Elisa Orfino, '"Groups Are Still a Problem... but a Different One!": Reflecting on the Role Played by Non-Violent Extremist Groups in the Radicalisation Pathways of Individuals in the UK' (2024) 13 *Social Sciences* 424. See also: Alistair Morris and J. Reid Meloy, 'A preliminary report of psychiatric diagnoses in a Scottish county sample of persons of national security concern' (2020) 65 *Journal of Forensic Sciences* 1638. Samantha K Brooks and Neil Greenberg, *Mental health, complex needs and vulnerability to radicalisation* (2021) Report for the Department of Health and Social Care, National Institute for Health and Care Research.

118 Helen Worrell, 'Weaponised autism and the extremist threat facing children' *Financial Times* (19 October 2024).

119 Fiona Druitt, Debra Smith, Ramón Spaaij, David Kernot, and Adrienne Laver, 'Do autism spectrum disorders (ASD) increase the risk of terrorism engagement? A literature review of the research evidence, theory and interpretation, and a discussion reframing the research-practice debate' (2023) 18(3) *Journal of Policing, Intelligence and Counter-terrorism* 307; Kiran Sarma, Sarah Carthy, and Katie Cox, 'Mental disorder, psychological problems and terrorist behaviour: A systematic review and meta-analysis' (2022) 18(3) *Campbell Systematic Reviews* e1268.

120 Florian Walter, Sarah Leonard, Suhel Miah, and Jenny Shaw, 'Characteristics of autism spectrum disorder and susceptibility to radicalisation among young people: A qualitative study' in Caroline Logan (ed.) *Violent extremism: a primer for mental health professionals*, (Routledge 2024).

121 Rajeev Syal and Richard Adams, 'Ofsted criticised over training manual linking autistic children to extremism' (10 June 2025) *The Guardian* <<https://www.theguardian.com/education/2025/jun/10/ofsted-training-manual-criticised-autistic-children-extremism-prevent>> accessed 09 September 2025.

Prevent cases include a high proportion of hard-to-reach groups for mental health services, often involving undetected issues, including trauma.¹²² A senior practitioner said that 80 per cent of cases discussed at their Channel Panels involved people with mental health vulnerabilities.¹²³ Practitioners and researchers reported that Prevent referrals are sometimes used in an attempt to fast-track access to child and adolescent mental health services.¹²⁴

The case of Axel Rudakubana, who carried out the 2024 attack in Southport, brings into focus the challenge posed by young people with complex and multiple needs. He was referred to Prevent three times, but was not considered at risk of radicalisation to terrorism. A Home Office internal review of the Prevent referrals found that there were vulnerabilities identified that made Rudakubana highly susceptible to violence. However, with no clear evidence of ideology, this was not seen as a suitable case for adoption to Channel.¹²⁵ It recommends that 'referrals involving children and/or complex needs should be routinely referred to Channel unless immediate closure of the case is the chosen option'.¹²⁶ It also recommends that serious consideration of referral to Channel be given in cases where there is limited engagement and there are complex needs involving 'static vulnerabilities' such as autism, as this would 'enable a professional perspective on the impact of the static vulnerabilities and a multi-agency approach to managing the susceptibility to being drawn into terrorism'.¹²⁷ However, the review recognises the risk that this could widen Prevent so much that 'everyone with a complex need is referred to Prevent and Channel'.¹²⁸

There is uncertainty and disagreement around how to deal with the cases of individuals fascinated or fixated on violence. Interim guidance on repeat Prevent referrals and 'violence-fixated-individuals', issued after the Southport attack, has led to a 'surge in referrals' to Channel and a doubling of the number of people supported with interventions.¹²⁹ Practitioners have seen a large increase in cases of increasingly young people with multiple complex needs with no ideology present, where referrals are made because there is no other system in place to help.¹³⁰ The limited budgets for community safeguarding and mental health mean that Channel is the only programme with the resources and capacity for interventions.¹³¹ The lack of funding for other violence prevention interventions means these cases are sent to Channel, raising concern that Channel Panels, overwhelmed by cases where there are significant risks of violence, will miss instances of individuals being drawn to terrorist violence.

The Prevent referral process is picking up many people who may be a risk to themselves or others and need support, but few are terrorism-related; providing support through a counter-terrorism programme is problematic given the serious concerns about Prevent, its effectiveness and its impact on those targeted (see **chapter 8**). The importance of assessing and most effectively managing this increasingly diverse range of issues, where individual cases also have complex needs, is at the core of the proposal for complex public service reform set out in the next chapter. It explores how violence prevention work, currently processed through the Prevent Strategy and Duty, might be mainstreamed into broader safeguarding and violence prevention systems.

¹²² Evidence session, July 2023, Prevent practitioner.

¹²³ Evidence session, June 2023, Prevent practitioner.

¹²⁴ The use of Prevent referrals by families and sometimes Prevent practitioners to access support services was also noted by the Independent Review of Prevent, see Showcross (n83) para 4.103.

¹²⁵ Home Office, *Prevent Learning Review: Axel Muganwa Rudakubana (AMR) (2025)* 23.

¹²⁶ *ibid* 16.

¹²⁷ *ibid* 21.

¹²⁸ *ibid* 23.

¹²⁹ Evidence from Prevent practitioners, April and July 2025.

¹³⁰ Evidence from local authority officials, July 2025.

¹³¹ Evidence from Prevent practitioners, April and July 2025.

5.4 Rethinking the Prevent Duty

The benefits of a statutory duty must be carefully balanced against the negative impacts of inappropriate or misplaced referrals. As noted above, the duty was introduced amidst grave concern about young people and families travelling to ISIS-controlled territories in Iraq and Syria and a perceived lack of engagement with Prevent by bodies in education or health. A senior counter-terrorism officer said that greater government engagement with frontline workers, rather than a statutory duty, could have overcome concerns about Prevent.¹³² Almost a decade after the introduction of the Prevent duty, safeguarding against risks around extremism has been firmly embedded into institutional practices and training. Over a million people have undergone Prevent training at work to recognise 'indicators of extremism' and report those perceived to exhibit them.

The introduction of the duty led to a significant step change in the training of school and college staff.¹³³ The duty has become embedded and normalised into existing processes and practices for safeguarding.¹³⁴ Research evidence suggests that while training has improved confidence in using the referral process, it has also led to an increase in the over-reporting of less concerning cases.¹³⁵ This has resulted in a massive increase in formal referrals, with many individuals who are referred being signposted to other services, suggesting that institutions are identifying people who require some form of support. However, fewer than 10 per cent of referrals result in adoption as Channel cases, and even among these, some are not considered a real risk of radicalisation. While some practitioners report positive impacts, mainly through the Channel programme, the high rate of unnecessary referrals raises questions about the accuracy of risk assessment processes. It has significant negative consequences for those involved. Prevent has a disproportionate impact on children and young people. This is partly the consequence of the application of the duty to education and youth services. **Chapter 8** details the evidence presented to the Commission, particularly in the area of education, on the negative impacts of the duty. As Prevent-related training is now securely embedded into the safeguarding practices of educational institutions, the duty is no longer as necessary as it was in 2015. The current narrow legal Prevent duty may no longer be appropriate if the broader safeguarding approach set out in **Chapter 6** is adopted. Such an approach would identify at-risk individuals through wider referral mechanisms, enabling more flexible and comprehensive responses to diverse forms of vulnerability and risk, rather than focusing on one specific type of risk.

18 Recommendation 18: If Prevent is integrated into a broader safeguarding approach that addresses diverse drivers of violence, the need for a specific Prevent duty, with its narrow focus on terrorism related risk, should be reconsidered

¹³² Commission Plenary meeting, July 2022, senior counter-terrorism officer.

¹³³ Evidence submission, Professor Paul Thomas.

¹³⁴ Joel Busher and Lee Jerome (eds), *The Prevent Duty in Education: Impact, Enactment and Implications* (Palgrave Macmillan 2020)

¹³⁵ David Parker, Lasse Lindekilde, and Oluf Gøtzsche-Astrup, 'Recognising and Responding to Radicalisation at the "Frontline": Assessing the Capability of Schoolteachers to Recognise and Respond to Radicalisation' (2021) 47 *British Educational Research Journal* 634.

5.5 Key Findings and Recommendations

Prevent is the most controversial strand of the CONTEST strategy. Evidence presented to the Commission highlights limitations in the model of radicalisation underpinning the strategy and duty, and its practical implementation.

Prevent is based on the belief that it is possible to identify risks of involvement in terrorist activity and that these behaviours can be used effectively by a wide range of people in many different settings. The Commission has seen little evidence that these risk indicators are reliable or that individuals can be identified consistently and proportionately. What evidence we have seen suggests that the role of ideology, while important, does not carry the weight given to it in current policies and training. Excessive focus on ideological concerns can distort the system and undermine effective practices in addressing the diverse drivers of violence beyond ideology. Radicalisation models, while potentially valuable for understanding retrospective pathways into terrorism, do not offer the predictive capacity required for reliable identification of individuals at risk. The extremely low base rate of terrorism means that the development of reliable indicators for identifying potential terrorists remains elusive.

The Prevent strategy and duty, developed for stopping people from being drawn into terrorism, is increasingly used to address the threat from people showing alarming and nihilistic fascination with violence and gore, but no clear or stable ideology. Seventy per cent of referrals now fall outside traditional ideological categories, including substantial numbers with no identifiable ideology. Many cases appear to involve individuals with complex social needs—mental health vulnerabilities, neurodivergence, and adverse social circumstances—rather than clear terrorism-related concerns. Some will be individuals who may cause harm to wider society as well as to themselves. A focus on those at specific risk of being drawn into terrorism will inevitably miss those who may commit extreme violence but do not meet the criteria for referral to Prevent or adoption for Channel support. While the Prevent strategy as a whole has public safety benefits, within the changing threat context, the need for the specific and far-reaching Prevent duty requires substantial reconsideration. Its shortcomings not only leave the UK more vulnerable to terrorism than necessary but also adversely affect the individuals and communities it targets.

The recommendations in this chapter call for recognition of the inherent limitations of any strategy aimed at preventing individual radicalisation. This reflects both the constraints of radicalisation models in identifying risks at the individual level and the need for strength-based approaches that enhance individual and societal resilience (**Recommendations 15 and 16**). Our recommendations also caution against expanding Prevent to address the genuine dangers and threats of violence that fall outside the scope of counter-terrorism (**Recommendations 14 and 17**). Rather than extending Prevent to cover new and emerging risks, the strategy should be integrated into a broader, holistic safeguarding system for violence prevention. If a broader approach for identifying people who may be at risk through a wider safeguarding referral mechanism that allows for more flexible and comprehensive responses to diverse forms of vulnerability and risk, is adopted, then the current narrow legal Prevent duty—which inevitably focuses on one specific type of risk—may no longer be appropriate (**Recommendation 18**).

14 **Recommendation 14:** Prevent and Channel should focus on those whose behaviour indicates that they present a significant risk to public safety through potential terrorist activities rather than on those who express ideas judged to be extreme, albeit lawful.

15 **Recommendation 15:** Radicalisation research should be used to inform our understanding of what drives and what constrains individuals and groups in perpetrating violence but should not be relied upon to predict who will cross that threshold.

16 **Recommendation 16:** The government should develop resilience-based interventions that strengthen protective factors in individuals and communities rather than focusing solely on risk identification.

17 **Recommendation 17:** Further evidence-gathering is needed before expanding terrorism and extremism definitions to include extreme misogyny.

18 **Recommendation 18:** If Prevent is integrated into a broader safeguarding approach that addresses diverse drivers of violence, the need for a specific Prevent duty, with its narrow focus on terrorism related risk, should be reconsidered.

6.

Reforming Prevent – Towards a Multi-Agency Safeguarding Model

This chapter sets out the argument for public service reform to ensure Prevent is fit for purpose in meeting a complex and ever-changing threat environment. While Prevent should be kept as an element of a wider safeguarding infrastructure, reform is necessary at central and local government levels. These proposals build on evidence to the Commission on multi-agency approaches already working effectively in many local authorities in adjacent policy areas such as violence reduction, public health and children's services. A first version of these arguments was given to the Security Minister in September 2024. In December 2024, a working paper was shared with relevant government officials and Lord Anderson KC following his appointment as Interim Independent Prevent Commissioner. Key findings of Lord Anderson's report, *Lessons for Prevent*¹ – which addresses developing an effective response to significant changes in the cases referred to Prevent – largely aligns with that earlier paper. They are part of the evidence suggesting broad support for our proposed reforms.

Section 1 outlines the case for a multi-agency partnership-based model of safeguarding, of which safeguarding against susceptibility to being drawn into terrorism is one element. It notes the challenge arising from the lack of trust and support for Prevent in some communities and the evidence on overcoming this through localised engagement and coproduction. Section 2 identifies examples of Multi-Agency Safeguarding Hub (MASH) models operating in many policy areas in local authorities and reviews the learning gained from them. It examines the challenges of the models involving counter-terrorism police based on earlier pilots such as Dovetail. Section 3 considers the feasibility of these models in the context of wider public service reform. While recognising the challenges of such reform, there is now a wealth of learning from Prevent case reviews that can be drawn upon.

Support for this reform is predicated on important changes for different stakeholders, including reconfiguring the wider counter-terrorism, counter-extremism and social cohesion landscape (see **chapter 7**) and addressing ongoing concerns, such as discrimination and bias in the Prevent system (see **chapter 8**). The proposals set out here should be read in this context.

1 David Anderson, *Lessons for Prevent* (Interim Independent Prevent Commissioner, 2025).

6.1 Multi-Agency Safeguarding Partnerships

As detailed in **chapter 5**, by 2022/23, nearly 70 per cent of referrals to Prevent were not related to either extremist Islamist or extreme right-wing ideologies, instead categorised as ‘other’ or MUU. Almost half (47 per cent) had no ideology. Following the Southport attack, Channel has seen a ‘surge in referrals’ and the number of people supported with interventions has doubled.² These are mainly young people, often with complex needs but, like Axel Rudakubana, no obvious or consistent ideological driver.

Our findings concur with Lord Anderson KC that, until the development of a wider system to deal with such violence-fascinated individuals, they should be considered through Prevent. However, this risks both diverting attention from ideologically-related terrorist risk, for which Prevent was originally designed, and failing to identify appropriate support for the root issues these people face. In this chapter, we outline the case for longer-term reform.

Support for Prevent

David Omand, the first UK Security and Intelligence Coordinator and architect of Prevent, underscored the vital need for community trust and support for it to be effective, stating that ‘The key issue is, do most people in the community accept [Prevent] as protective of their rights? If the community sees it as a problem, then you have a problem.’³ As discussed in **chapter 5**, frontline professionals, as well as human rights and civil society organisations, have expressed concerns about the Prevent duty.

Issues of trust and support for Prevent are particularly acute in Muslim communities. Evidence reveals a complex picture: British Muslims want to stop people from becoming involved in terrorism but worry about discrimination, with support falling sharply for measures targeting particular areas or communities.⁴ The Prevent strategy’s initial focus on Muslims, allegations that it was being used to gather intelligence⁵ and the disproportionate number of Muslims referred to Channel led David Anderson, then Independent Reviewer of Terrorism Legislation (IRTL), to conclude that ‘the lack of confidence in aspects of the Prevent programme, particularly but not exclusively among Muslims, is undeniable’.⁶ Evidence to the Commission from senior policymakers, practitioners, civil society organisations and researchers indicates that many communities are still concerned.

Despite these challenges, evidence to the Commission suggests significant potential to increase cooperation and partnership with local communities on counter-terrorism, including Prevent.⁷ Some of the many local community organisations that refused Prevent funding, instead funded their own training on violent extremism or attended training and workshops not funded by the Home Office.⁸ Despite concerns about Prevent, most British Muslims say they are likely to refer someone to Prevent if they are worried about them being drawn into terrorism.⁹ Youth workers report that when young people urgently need support, organisations and individuals often set aside their disagreements about Prevent. The need to secure practical help takes priority over ideological differences, leading to unexpected collaborations.¹⁰

² Evidence from Prevent practitioners, April and July 2025.

³ Quoted in Open Society Justice Initiative, *Eroding Trust – The UK’s Prevent Counter-Extremism Strategy in Health and Education* (2016) 109.

⁴ Jon Clements, Manon Roberts and Dan Forman, *Listening to British Muslims: policing, extremism and Prevent* (Crest Advisory 2020) 82-83.

⁵ Arun Kundnani, *Spooked: How not to Prevent Violent Extremism* (Institute of Race Relations 2009).

⁶ Home Affairs Select Committee, *Counter-Extremism Inquiry*. Supplementary written evidence submitted by David Anderson Q.C. (Independent Reviewer of Terrorism Legislation) (02 February 2016) <<https://committees.parliament.uk/writtenevidence/63737/pdf/>> accessed 18 November 2024.

⁷ See: Sadi Shanaah, ‘What Motivates Muslims to Engage in Counterextremism? The Role of Identity, Efficacy, Emotions, and Morality’ (2021) 44 *Studies in Conflict & Terrorism* 755; Sadi Shanaah, ‘Alienation or Cooperation? British Muslims’ Attitudes to and Engagement in Counter-Terrorism and Counter-Extremism’ (2022) 34 *Terrorism and Political Violence* 71.

⁸ Evidence session, Director of a civil society organisation that provides Prevent interventions and training, June 2023.

⁹ Clements, Roberts and Forman (n4) 85.

¹⁰ Evidence submission, Dr Fernan Orsona.

Overcoming distrust through localised engagement and co-production

All our evidence from international experts, practitioners, policymakers, and community organisations showed that when counter-terrorism work is locally led and developed in genuine partnership with communities, it can overcome historic distrust and suspicion of Prevent.

International experts spoke of a complex interplay between centralised and decentralised approaches. A centralised strategy offers uniformity, transparency and standardised training, but tends to prioritise security-driven logic, potentially overlooking local nuances and creating tensions with social welfare professionals. Conversely, a decentralised approach allows greater local interpretation and a focus on individual vulnerability, with less consistent training and reduced information sharing. Canada has a local approach to counter-radicalisation, with most interventions led by local healthcare and social service professionals. Evidence from Stronger Cities, a global network of over 230 cities and sub-national governments which share expertise and experience in addressing hate, extremism and polarisation, showed the value of allowing cities to identify problems in their local context.¹¹

Our evidence revealed tensions and blockages between Whitehall, local authorities and practitioners. While risk reduction work occurs locally, counter-terrorism operations are often centralised, which creates a problematic disconnect. Vital information about emerging issues, such as the growing number of people with multiple complex needs picked up by counter-terrorism policing, is kept from local organisations, despite their importance in implementing effective counter-terrorism strategies. At the same time, intervention providers working on hyperlocal projects said they have no mechanism to feed emerging trends into central government.¹²

An experimental co-production approach in Manchester illustrates the potential for improving collaboration with Prevent, even with strong civil society opposition and high levels of distrust and suspicion. Extensive community outreach was conducted through a programme of ‘Rethinking Radicalisation’ events, community roundtables including diverse, sometimes challenging, speakers and public discussions on key issues, open to dissent.¹³ The resulting locally co-produced RadEqual strategy included input from critics and addressed contentious topics, despite challenges posed by increasing national policy centralisation. It became a campaign focused on challenging hateful extremism, tackling radicalisation and building community resilience to radicalisation and extremism. While not eliminating concerns about Prevent, it fostered trust and opened dialogue within and across communities. The impact extended beyond Prevent, creating a resilient community network, which was evident in the coordinated and measured response to the Manchester Arena attack, when established networks facilitated swift multi-agency cooperation and community solidarity.

Dovetail – Local authority-led Prevent

Whether the police should lead a local approach in the Prevent strategy has been much debated. Some senior counter-terrorism officers support a shift away from that model.¹⁴ In 2017, Dovetail, a local authority-led approach to Prevent, was piloted in five test sites. The positive results led to a rollout across several regions, with Home Office support for local authority Channel coordinators and supervisors.¹⁵

Dovetail fundamentally altered the leadership of Prevent referrals, transferring primary responsibility to local authorities and aligning the process with other safeguarding practices. While Channel coordinators and police retained the ability to make referrals, the assessment process was led by the local authority, with counter-terrorism units ensuring no conflict with ongoing terrorism investigations involving the police or security services. Council chairs were retained as leads on the panel, and local authorities led in gathering information about individuals, assessing risk and commissioning the relevant intervention providers while monitoring risk throughout a given case.

11 International roundtable, researcher, UK. See also: <<https://strongcitiesnetwork.org/>>

12 Evidence session, June 2023, director of a civil society organisation that delivers Prevent-related training.

13 Kelly Simcock and Duncan Morrow, *Rethinking Radicalisation* (Manchester City Council, 2015) <<https://pure.ulster.ac.uk/ws/portalfiles/portal/11532359/Radicalisation.pdf>> accessed 10 October 2024.

14 Commission plenary meeting, June 2022.

15 Home Office, ‘Channel: Dovetail pilot evaluation findings’ (2017). The nine pilot areas were Brighton, Croydon, Haringey, Kent, Kirklees, Lancashire, Luton, Oldham and Swansea; see also Local Government Association, ‘Operation Dovetail Update’ (2018).

The shift to ‘the most appropriate person’ – a social worker, teacher, probation officer, rather than police officers – taking the lead in making the initial visit and securing consent for Channel participation reduced the perception that referral was part of a criminal process and enhanced engagement.

The Commission heard strong local support for Dovetail where it had been trialled. It builds on existing local authority experience and expertise in multi-agency approaches to managing a wide range of risks of serious violence which require careful coordination and information sharing. Senior practitioners and policymakers reported improvements in multi-agency cooperation, information sharing and risk assessment. Importantly, the Commission heard that Dovetail delivered lower false positive rates—30-40 per cent compared to the national rate of nearly 80 per cent.¹⁶ It enhanced trust in the Prevent and Channel process as it involved greater representation from all sectors in Channel cases. This included senior staff members, which was considered to improve the quality of discussion. The pilot also delivered better data collection and improved the skills of Channel Panel chairs.

A Home Office process evaluation of the Dovetail (North West) model found: it had improved Channel processes, including case and panel management; had led to better multi-agency working; greater use of Intervention Providers; and greater consistency across the panels.¹⁷ Practitioners with experience of Dovetail in the North West said Channel co-ordinators could (unlike Counter-terrorism Case Officers) focus on Channel, excluding other activities, and often used their contacts and resources to improve the speed and efficiency with which information could be gathered from agencies.¹⁸

The government’s decision to end the Dovetail programme seems to run counter to evidence of its success. The rationale appears to be reports of tensions between police and local authorities due to a lack of clarity over roles and responsibilities, associated concerns regarding risk management and frustration at the lack of financial savings.¹⁹ Lord Anderson KC noted that the latter is unsurprising as the extra money given to local authorities in pilot areas was not offset by any reduction in the counter-terrorism police budget.²⁰

The recent move towards the ‘regionalisation’ of Prevent constitutes a step back from local control towards increased direction and control from central government. Local authorities are concerned about reduced resources and a loss of roles, experience and expertise.²¹ Given the clear benefits of Dovetail, including improved Home Office oversight and management of Channel, ways should be found to clarify roles and responsibilities and minimise competing interests that are part of managing any collaborative engagement, rather than revert to a more centralised model.²²

19 Recommendation 19: Prevent should be part of a wider local authority-led multi-agency safeguarding approach with national government providing support to ensure consistency and standards. The government should explore ways to build on the success of Dovetail to work with local communities to address concerns about risk management.

¹⁶ Evidence session, July 2023, local Prevent practitioners.

¹⁷ William Showcross, *Independent Review of Prevent* (HC 1072, 2023) 106.

¹⁸ Anderson (n1) 11.

¹⁹ *ibid.*

²⁰ *ibid.*

²¹ Dan Sabbagh, ‘Prevent Counter-Extremism Programme Budget to be Slashed in London’ *The Guardian* (10 March 2024) <<https://www.theguardian.com/uk-news/2024/mar/10/prevent-counter-extremism-programme-budget-to-be-slashed-in-london>> accessed 10 October 2024.

²² Anderson (n1) 11.

Police-Led Partnerships

Alternative models, with clear police leadership of radicalisation risk, can be seen in Police-Led Partnerships (PLP). When Prevent identifies individuals at risk of radicalisation, the support offered through the Channel programme is voluntary. However, for those who refuse that support or are deemed unsuitable, PLPs can be used.²³ These multi-agency operations, managed by Counter-terrorism Case Officers, operate without a statutory basis and can be without the subject's consent or knowledge. PLPs engage a broader range of agencies than Channel and can involve both supportive and disruptive interventions.²⁴

The lack of oversight and accountability for PLPs significantly concerns local practitioners.²⁵ Unlike Channel, they have no clear legal framework governing their operation. They conduct non-consensual monitoring of individuals who are not criminal suspects and engage in extensive data sharing, including sensitive medical information. Their covert nature, combined with limited external scrutiny and a lack of transparency, raises serious questions about civil liberties and due process. With no independent review or appeal of PLP decisions, subjects have little recourse if they are unfairly targeted or experience negative consequences. The absence of robust safeguards and accountability measures for PLPs starkly contrasts with the formalised Channel process and can undermine public confidence in the broader Prevent strategy.

PLPs are used when individuals refuse Channel support, or ongoing police investigations make a referral inappropriate.²⁶ However, the lack of transparency highlights the risks of moving to a more police-led model and their use should be more carefully monitored.

20 Recommendation 20: The Independent Prevent Commissioner should report on the operation of Police-led Partnerships as part of their annual reports.

23 Other reasons cases may be unsuitable for Channel are if the person to be referred is part of ongoing investigations or has family members who are subjects of interest.

24 Open Rights Group, *Prevent and the Pre-crime State: how unaccountable data sharing is harming a generation* (Open Rights Group 2024) 23.

25 Evidence from Prevent practitioner, July 2023: Evidence submission, Professor Charlotte Heath-Kelly. See also Charlotte Heath-Kelly, 'Multi-agency counter-terrorism in Britain and Norway: Intelligence agencies and the administration of welfare' (2024) 55(4) *Security Dialogue* 386.

26 Open Rights Group (n 24).

6.2 Prevent as Part of a Wider Safeguarding Mechanism

Prevent should be connected to a wider safeguarding mechanism due to the changing nature of the risk to individuals, especially young people, of being drawn into extreme violence. The need for reform is highlighted by the rapid increase in referrals and interventions following interim guidance on repeat Prevent referrals and ‘violence-fixated-individuals’ issued after the Southport attack. The case of the perpetrator, Axel Rudakubana, illustrates the challenge posed to the current system by young people with complex and multiple needs (see **chapter 5**). The internal Home Office case review found he was not adopted into Channel because the vulnerabilities that made him highly susceptible to violence did not fit the emphasis on ideology in Prevent at the time.²⁷ Lord Anderson’s case review determined that the available evidence to the Prevent Gateway Assessment after the first referral of a combination of some ideology and the violent assault committed should have been sufficient to send the case to the local authority Channel Co-ordinator for referral on to the information-gathering stage and then possible adoption into Channel.²⁸ He also noted that although Rudakubana ‘did not show signs of subscribing to any single established terrorist ideology [...] his anger, his aggressive behaviour, his strong interest in violent killings and his stated approval of the Manchester Arena attack [...] plainly made the case a suitable one to be considered by Prevent’ and that the 2019 guidance in operation at the time provided for this.²⁹

Two more factors in the failures of this case are particularly relevant. First, Rudakubana’s case was referred to PLP rather than to the Channel Co-ordinator, possibly due to reluctance to proceed to information-gathering since this was under local authority control (under the Dovetail procedure).³⁰ While this shows the concerns about Dovetail noted above, it is not an inherent fault of the model, but a result of its implementation. By diverting the case to PLP after the initial assessment stage, despite it appearing to pass the Gateway Assessment threshold, the local authority was denied the opportunity to exercise its proper function under the Dovetail pilot.³¹ Secondly, the lack of funding for other violence prevention interventions means complex cases may be sent to Channel as a ‘place of referral of last resort’ for cases that mainstream services lack the capacity and funds to support. This creates inefficiencies and risks overwhelming a system designed specifically to stop people from being drawn into terrorism. Referrals with significant vulnerabilities and needs which fall below the Channel threshold may miss the support they need, or receive support through Channel even though they do not present a terrorism-related risk. This reduces the capacity of Channel to address terrorism related risks in other cases.

Multi-Agency Safeguarding Hub approaches

Since Prevent was introduced in 2007, the landscape of safeguarding, including local authority work on violence prevention and reduction, has changed significantly. Evidence presented to this Commission suggests that we can learn from wider multi-agency approaches to violence reduction and prevention, as well as from recently established Youth Futures and Families First partnership programmes and panels. This work invariably adopts a MASH approach, which offers a holistic view of risk and design of interventions that can include mental health support and Prevent.

Prevention partnerships already underpin the work of many local authority Violence Reduction Units. In Greater Manchester, the Violence Reduction Unit (VRU) is a multi-agency team³² with a public health approach focusing on reducing and preventing the likelihood of an individual becoming a victim and/or a perpetrator of violence.³³ In West Yorkshire, the Violence Reduction Partnership adopt a similar public health approach, working with specialists from health, police, local authorities, education, youth justice, prisons, probation and community groups.³⁴ While violence reduction is at the heart of the approach, violence prevention is seen as one outcome of interventions that also reduce risks of other harms. Importantly, in both authorities, work is locally led and delivered, through a community-led

²⁷ Home Office, *Prevent Learning Review: Axel Muganwa Rudakubana (AMR)* (Home Office 2025) 23.

²⁸ Anderson (n1) 65.

²⁹ *ibid.*

³⁰ *ibid* 64-65.

³¹ *ibid* 66.

³² The partnership includes Greater Manchester Police, Greater Manchester Combined Authority, Greater Manchester National Probation Service, Public Health, NHS, Education, Community Voluntary Sector, Victim’s Voice, Youth Justice and Local Authorities.

³³ Evidence from local and regional authority practitioners, June 2025.

³⁴ Evidence from local authority practitioners, June 2025.

approach and ensures early intervention work on reducing knife crime, gender-based violence and wider violence reduction is brought together with work on Prevent and counter-terrorism.

Public health models take a non-securitised and ideology-neutral approach to violence prevention, placing a strong emphasis on strengthening protective factors.³⁵ The importance of a strengths-based approach to preventive counter-radicalisation work is outlined in **chapter 5**, with a focus on promoting social ties, critical and communication skills and generating resilience to extremism or misinformation, regardless of its source or ideological orientation. A good example of this approach in practice is the Mayor of London's response to the 2017 terrorist attacks. The Shared Endeavour Fund, which supported projects addressing intolerance, hate, extremism and terrorism, aimed to increase 'protective factors' associated with enhanced resilience to radicalisation and extremist recruitment, encompassing a person's capacity to manage stress, their sense of purpose, feelings of belonging, self-esteem and tolerance for difference and diversity. It emphasises gauging increases in 'prosocial behaviour', which includes evaluating the ability and intention to report hate speech, challenge extremist views, intervene as a bystander and develop a stronger sense of community, civic engagement and responsibility.³⁶

In a resource-stretched environment, many practitioners and researchers who gave evidence to the Commission favoured rolling preventive counter-terrorism and counter-extremism efforts into local violence reduction strategies, especially in relation to risks to young people around drugs, knife crime and sexual exploitation. This works when delivering primary prevention interventions upstream, for example, into schools where many risk factors for violent extremism are the same as those for other harmful behaviours. Adopting a Violence Reduction Unit (VRU)-style approach to local delivery of prevention that brings together various agencies for end-to-end prevention services was viewed as a potential model for integrating prevention policies, including those related to extremism.³⁷

Such an approach would avoid the top-down approach of Prevent, which requires central control of data and limits the involvement of civil society organisations or other stakeholders in governance through local boards due to the 'official sensitive' nature of its operations.³⁸ At the same time, it would build on what Prevent already shares with the VRU approach: prioritising areas, allocating resources based on need, establishing local provider networks and collaborating with police and health services. It would also draw on the existing approaches in the Violence Reduction Strategy and Violence Reduction Duty, requiring councils and local services to work together to share information and target interventions to prevent and reduce serious violence.³⁹ This would enable local, collaborative delivery of prevention services, offering an alternative to the current centralised model. Alternatively, VRUs could take on some Prevent work, leveraging existing infrastructure for mentoring and interventions and involving extremism and counter-terrorism aspects if necessary. Having one unit could streamline interventions in young people's lives, reducing the number of agencies and professionals involved.

However, policymakers for the Mayor of London wanted to keep work on preventing violent extremism separate from other violence reduction work, like gangs or violence against women and girls, to ensure funding was maintained across different issues.⁴⁰ This indicates the crucial role local authority cuts play and how the idiosyncrasies of funding stop a holistic approach to problems. Areas receiving priority Prevent or counter-extremism funding have an incentive to maintain distinct provisions, while for areas without such funding, combining violence reduction efforts makes sense.

We also looked at the good practice of the multi-agency 'Engage panels' established by Manchester City Council.⁴¹ They identify children and young people at risk of becoming involved in serious violence or other crimes and offer

35 Institute for Strategic Dialogue, *Emerging Extremism-Related Threats in the UK: Implications for Policy Responses* (Institute for Strategic Dialogue, 2025) 4.

36 Tim Hulse and Michael Williams, *Shared Endeavour Fund: Call 3 Evaluation Report* (Mayor of London Office for Policing and Crime and Strong Cities Network 2024).

37 Kelly Fowler, 'Prevent – Evolving Threats and Future Prevention' (2024) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

38 *ibid.*

39 Police, Crime, Sentencing and Courts Act 2022, s 8.

40 Evidence from local and regional authority practitioners, February 2024.

41 Manchester Community Safety Partnership, *Serious Violence Strategy 2022-2025* (MCSP, 2022).

support without the stigma or toxicity of Prevent or Channel. Many agencies can now refer children who are not open to statutory social services to the Engage panel, which identifies the partner agency best placed to offer support and work to prevent harm from serious youth violence. Community services are involved in the panel, allowing a range of interventions and projects to be considered that meet children's needs at an early stage.⁴²

The resources, partners and provision for greater data sharing attached to the Prevent duty have led practitioners to use Prevent for urgent cases that require support and intervention, without an obvious terrorism-related risk. (see **chapter 5**). This route is currently being used extensively to deal with concerns about violence fascination, especially among young people. Commission evidence concurs with Lord Anderson KC's recommendation that, for now, to ensure cases are followed up, violence-fascinated individuals should be referred into the Prevent system. However, in the longer term, a more holistic safeguarding system is needed - a "big front door", focused on the individual rather than the crime type, behind which triage could be performed and the appropriate disposal decided upon'.⁴³ Indeed, practitioners, policymakers, and communities supported building a wider, local-authority-led, multi-agency safeguarding 'front door' that can provide appropriate support and intervention for the diverse range of issues currently referred to Prevent. There was nervousness around the risks of moving from a 'flawed system that is in place' to building a new, untested structure. However, given the significant local experience of multi-agency working in relation to adjacent social problems, with proper piloting and investment in building capacity across local services, there is clear potential to develop a more effective and holistic model that is integrated with strategies for safer streets, violence reduction, safeguarding and social cohesion.

21 Recommendation 21: The government should explore how violence preventive work, currently processed through the Prevent Strategy and Duty, might be mainstreamed into broader violence reduction strategies.

⁴² His Majesty's Inspectorate of Probation, 'Multi-agency responses to serious youth violence: working together to support and protect children' (20 November 2020 <<https://www.gov.uk/government/publications/multi-agency-responses-to-serious-youth-violence-working-together-to-support-and-protect-children/multi-agency-responses-to-serious-youth-violence-working-together-to-support-and-protect-children>> accessed 11 November 2025).

⁴³ Anderson (n1) 99.

6.3 Delivering Safeguarding Holistically: A 'Big Front Door'

Our inquiry, the work of Lord Anderson KC and, most recently, proposals put forward by the Institute for Strategic Dialogue,⁴⁴ all suggest the need to create a 'big front door', to which all those susceptible of being drawn into violence can be referred.

The Commission sees this 'big front door' being a single access point to a multi-agency safeguarding hub or forum to which referrals are made for a range of concerns around susceptibility to being drawn into violence, including cases that show complex needs or unclear relationships to extremist ideologies or groups. Those at risk of becoming involved in terrorist violence would be passed to Prevent (and, if necessary, Channel) while the needs of those where susceptibility to terrorism is not identified would be addressed by other appropriate agencies. To ensure appropriate referral, these forums would include a wide range of expertise including those skilled at dealing with minors, severe trauma, violence fascination and extreme fringes of internet culture. Counter-terrorism Police would be involved in this triaging system and, where appropriate, referrals would be forwarded to Prevent.

This would not involve the creation of extensive new structures, but streamlines existing provision, avoiding replicating existing multi-agency panels. Further, it relieves pressure on Prevent as a 'last resort' for those seeking referrals for individuals about whom they are concerned by allowing appropriate direction to the most appropriate mainstream services without diversion via Prevent. Indeed, extensive programmes of work are already in existence in relation to Serious Violence, Violence against Women and Girls, knife crime and Safer Streets. We need, as the Institute for Strategic Dialogue put it, 'a sophisticated plan for knitting them together, with a policy oversight board unifying all stakeholders and strong Ministerial direction and interest'⁴⁵.

The successful creation of this multi-agency approach will be a complex process of public service reform at both local and national levels. The desire to see 'joined up' services has been a mantra of public service reform for many years, but has often stumbled against siloed delivery systems, professional and organisational boundaries and the separate accountability of individual services to different government departments. While there is no overarching strategy for more coherent and integrated public service reform, the government has indicated its desire to refresh the approach including the 'convening power' over local agencies to be given to elected mayors, along with more flexible budgets ('integrated settlements'), the endorsement of 'Total Place' (pooled local budgets) by senior government ministers and the Cabinet Office's Test, Learn and Grow initiative for reform. Our proposals are made with that wider context in mind.

The evolution of Prevent shows the tension between central government's desire to deliver a tightly defined programme of action with the desire locally to ensure complementarity between Prevent and a wider range of other crime prevention, counter-extremism and community cohesion work. This has led to strained relationships between Prevent and local government and local communities. Evidence to our Commission and the reports of Lord Anderson and the Institute for Strategic Dialogue have highlighted the danger of vulnerable young people and adults falling into the gaps between Prevent and other services. That danger has been increased by both austerity and the desire to keep Prevent as a discrete initiative.

A multi-agency system to which vulnerable people can be referred should not reinvent the wheel but build on existing successful local-level MASH models where the relevant professionals already work together (or are encouraged to work together) as part of VRU, Prevent Oversight Boards, Serious Violence Boards and Community Safety Partnerships. It must account for the inevitable variability in funding, quality of collaboration and outcomes achieved from area to area. Not all new initiatives, such as Youth Futures or Family First, are equally available. The extent to which existing provision can meet the needs of adults – both the non-terrorist murders of Grace O'Malley-Kumar, Barnaby Webber, and Ian Coates by Valdo Calocane and the terrorist murder of Sir David Amess by Ali Harbi Ali was committed by adults known to local agencies – will also vary considerably.

⁴⁴ Institute for Strategic Dialogue (n35) 4.

⁴⁵ *ibid* 12.

Imposing a uniform new template for multi-agency local areas would disrupt current good practice without necessarily ensuring improved provision. A new approach needs active support from all relevant government departments and should not be developed by the Home Office working alone. Local work should come under a coherent single accountability system to ensure that individual services, including, for example, the police, play a full role in developing the new approach. Reform must be developed and implemented as an iterative process between cross-departmental national structures and local authorities, drawing on the extensive operational expertise and understanding at the local level. Evidence from experts to the Commission is clear that where there is ambiguity around ideology, in particular, Local Authorities are best placed to respond.⁴⁶

The Special Interest Group on Countering Emerging Threats (SIGCE), currently funded by the Local Government Association (LGA), could play an important role in providing a productive space for local authority actors to identify and share experiences, principles and practices that have worked well in their contexts. The SIGCE is a local authority network that supports the efforts of councils and partner agencies to tackle extremism, prevent people from being drawn into radicalisation, and develop cohesive and resilient communities. It does this by facilitating knowledge sharing, promoting peer-to-peer learning and support and working collectively to develop, identify and share good practice. Its well-attended meetings – of both relevant local authority officers and elected members – make it a repository of extensive operational and political expertise, which would be a valuable resource in developing thinking on multi-agency safeguarding approaches, consulting on and stress-testing potential good practice models and ensuring that adaptability to local context remains at the forefront of this work.

We suggest the following five key steps to implementing a ‘big front door’ approach.

1. Agreement by ministerial level board on a single and unified system of outcome measures, accountability and, if necessary, intervention powers. These should take precedence over departmental or service accountability structures.
2. Central government develops guidelines for multi-agency work at local level focusing on functions and measurement of outcomes rather than required structures. For example, local areas might be required to show they can respond to adults as well as to young people, but be allowed to decide how best to handle referrals.
3. Local implementation to be led by local authorities while government ensures they have sufficient powers to require the participation of all relevant local agencies.
4. As local authorities are, or will become, members of Strategic Authorities, they decide the extent to which it is appropriate for Mayors to assist in the coordination of local strategies.
5. Support should be provided to local areas undertaking reform. This should be made available through peer-to-peer support from local authorities with more extensive experience in the field, through the Cabinet Office Public Service Reform programme, and from suitably qualified civil society organisations

22 Recommendation 22. Moving to a multi-agency safeguarding model will require investment to rebuild capacity in support services in violence reduction, youth programmes and mental health services.

23 Recommendation 23: The Local Government Association should be supported by central government to deliver a programme of facilitated peer-support between local authorities as they design and implement locally appropriate multi-agency models.

⁴⁶ Evidence from Prevent practitioner, August 2025.

6.4 Key Findings and Recommendations

Prevent should be done *with* communities, but it has too often felt like it is done *to* them. Groups and communities which want to work with public bodies to address national security and public safety risks have concerns about Prevent. There is strong evidence that an approach involving local authority leadership can build trust and confidence, particularly when it involves greater community engagement and local co-production, and works in conjunction with existing trusted and proven approaches to safeguarding and violence reduction.

This chapter has set out the argument for reforms to allow Prevent to sit within a wider safeguarding infrastructure. This is necessary due to the increasingly complex and non-ideologically related cases coming through the Prevent referral system (see **chapter 5**), exacerbated by the recent surge in referrals for violence-fascinated individuals. While the latter may be dealt with, temporarily, by Prevent, the long-term need for the reconfiguration of Prevent into a holistic safeguarding system, focused on the individual rather than the crime type, is widely recognised.

This tallies with the government's commitment to 'joining up' public services. While requiring cross-ministerial strategic engagement and direction, it needs no extensive investment in new structures. Our proposals demonstrate how this reform can build on multi-agency approaches already working effectively in many local authorities in adjacent policy areas such as violence reduction, public health and children's services. Indeed, such reform could streamline existing provision, avoid replicating existing multi-agency panels and free up Prevent to focus on terrorism-related risk.

This chapter outlines the system, involving initial triaging through a multi-agency 'big front door'. Multi-Agency Safeguarding Hubs (MASH) are widely used already in local authorities and restructuring to integrate safeguarding against radicalisation into terrorism would provide a unified structure for the combined expertise of those on the panels to decide the most appropriate intervention for individuals. Previous pilots (e.g. Dovetail) demonstrated the challenges inherent in such partnership models, where they include the sharing of sensitive data between MASH and counter-terrorism police. However, the experience of Dovetail means these are known challenges which can be addressed at the design stage. Moreover, our evidence shows that alternatives, such as Police-Led Partnerships, raise significant concern among local practitioners due to their covert nature, limited external scrutiny and lack of transparency. In contrast, localised, partnership-based approaches can transform counter-terrorism from a source of community tension into an effective collaborative effort.

Our evidence shows that local authorities which embed prevention partnerships in their work, especially in relation to violence reduction, adopting a public health and community-led approach, ensure early intervention work on reducing knife crime, gender-based violence and wider violence reduction is brought together with work on Prevent and counter-terrorism. These public health models place a strong emphasis on strengthening protective factors, which, as set out in **chapter 5**, offer an approach to preventative counter-terrorism work that encourages the trust among communities that is essential to success.

While the proposed reform (**Recommendations 19-21 and 23**) will both streamline current structures and make them more efficient, it is essential that these proposals are not an argument for reducing funding for preventive work (**Recommendation 22**). Our evidence shows that budget cuts to education, mental health, youth and other support services after 2010 led Prevent to become a default pathway for accessing help and resources unavailable through other channels. Using a counter-terrorism programme to address broader social needs is inappropriate and potentially stigmatising, and runs the risk of real terrorism concerns being overlooked due to the burden of cases. The proposals set out must be accompanied by a properly resourced strategy for ensuring that the most appropriate intervention is identified for each individual and that health and other services can respond to these needs where they are not terrorism-related.

- 19** **Recommendation 19:** Prevent should be part of a wider local authority-led multi-agency safeguarding approach, with national government providing support to ensure consistency and standards. The government should explore ways to build on the success of Dovetail to work together with local communities to address concerns about risk management.
- 20** **Recommendation 20:** The Independent Prevent Commissioner should report on the operation of Police-led Partnerships as part of their annual reports.
- 21** **Recommendation 21:** The government should explore how violence preventive work, currently processed through the Prevent Strategy and Duty, might be mainstreamed into broader violence reduction strategies.
- 22** **Recommendation 22:** Moving to a multi-agency safeguarding model will require investment to rebuild capacity in support services in violence reduction, youth programmes and mental health services.
- 23** **Recommendation 23:** The Local Government Association should be supported by the central government to deliver a programme of facilitated peer-support between local authorities as they design and implement locally appropriate multi-agency models.

7.

Counter-Terrorism, Counter-Extremism and Cohesion Strategies

Investing in social cohesion plays a vital role in preventing individuals and communities from being drawn into political violence. Recent events - from racially motivated rioting in Northern Ireland in 2025 and the 2024 Southport riots to communal tensions in Leicester and divisions over Israel-Gaza - while distinct from terrorism, reveal concerning fractures in our social fabric.

While social cohesion policies are not the Commission's primary focus, the evidence made clear that inadequate attention to social cohesion upstream creates vulnerabilities that groups can exploit. They use social exclusion, racism and rights violations to divide society and justify violence. Recognising this, Prevent has, at times, attempted to address both cohesion and extremism. However, research also indicates that counter-terrorism measures themselves can undermine social cohesion by targeting or stigmatising particular groups or communities, contributing to their sense of being a suspect community, eroding trust in institutions and weakening people's sense of shared identity or belonging to wider society.¹

The embedding of Prevent in a more holistic, strengths-focused safeguarding approach advocated in **chapter 6** requires a sustained strategic investment in social cohesion and in shoring up support services. Investment in social cohesion is essential to counter the evident risks of social polarisation and to increase the resilience of individuals or groups to being drawn towards violent extremism.

The chapter examines the connections between counter-terrorism, counter-extremism and cohesion strategies. Section 1 outlines how the central government's priority, support and funding for cohesion and integration policies have been driven by their potential role in preventing terrorism. Section 2 details the emergence, out of the Prevent strand of CONTEST on preventing extremism, of counter-extremism as an adjacent, at times overlapping but separate policy and strategy. Section 3 examines the impact of counter-extremism on civic space, with a particular focus on the experiences and impacts on Muslim civil society's engagement with government and state institutions. Section 4 presents evidence to the Commission from practitioners on navigating the separation between preventing extremism under Prevent and non-Prevent countering extremism. Section 5 sets out the key findings and recommendations from this chapter.

¹ For example, Lasse Lindekilde, 'Neo-Liberal Governing of "Radicals": Danish Radicalisation Prevention Policies and Potential Iatrogenic Effects' (2012) 6 *International Journal of Conflict and Violence* 109.

7.1 Counter-Terrorism and Cohesion

Public discussions on the causes of terrorism since 2001 were inevitably informed by the background of pre-existing debates in the UK on integration and multiculturalism that increasingly focused on British Muslims. This followed a steady, decades-long shift in the public perception of first-generation immigrants of Muslim communities in the 1970s and 1980s as quiet, law-abiding South Asians following the emergence of a more assertive second generation who emphasised their religious identity. Protests against the publication of *The Satanic Verses* in 1988 first brought this to public attention, but these debates gained traction again in the spring of 2001 after violent disturbances in towns in the north of England, triggered, in part, by far-right demonstrations led by the British National Party. Reports into the causes of the unrest identified a lack of ‘community cohesion’ as a major factor.² While these reports identified a complex interplay of factors, such as housing policies, economic disparities, and cultural differences across various communities, in the subsequent public discussion, this was reduced to a simplistic narrative of Muslim self-segregation.³

After the 2005 London bombings, failed ‘integration’, the perceived ‘self-segregation’ of Muslim communities, and policies of multiculturalism were identified as contributors to the emergence of ‘home-grown’ terrorism. Reflecting this analysis, the 2006 Prevent Strategy aimed to bolster cohesion and integration by tackling discrimination, deprivation and inequalities.

Initially, the national strategies for Community Cohesion and Preventing Violent Extremism largely overlooked specific measures to counter far-right extremism. However, the Labour government’s 2009 Connecting Communities programme began to address this with a £12 million initiative targeting 160 predominantly white working-class areas across the UK where community cohesion had weakened due to the 2008 economic downturn and perceived far-right extremist threats.⁴ The programme, which aimed to strengthen these communities by enhancing local leadership, providing forums for residents to express concerns, and increasing awareness of funding opportunities, was discontinued after the change of government in 2010.

To ensure policies were evidence-based and resources targeted where they were most needed, the previous Labour government commissioned the Citizenship Survey (formerly the Home Office Citizenship Survey). From 2001, this provided detailed evidence on issues including cohesion, integration and discrimination from 10,000 adults in England and Wales (as well as a booster sample of 5000 adults from ethnic minority groups). The survey was cancelled by the Coalition government in 2011. For over a decade, robust data on the state of social cohesion, necessary for targeting and evaluating policies and initiatives, have been absent.

Rejecting the previous government’s interventions as overly bureaucratic, the Coalition’s new policy, aligned with the Localism Act and the Big Society initiative, moved toward local, community-driven efforts.⁵ The subsequent review by Louise (now Baroness) Casey into opportunity and integration pointed to strong international evidence that ‘tackling extremism requires promoting inclusion and opportunity’, criticised the Coalition government’s lack of ambition and strategy, and called for a renewed programme to improve community cohesion.⁶ The Review also found that the Prevent strategy had been forced to fill the void left by the lack of a comprehensive integration strategy and that Prevent funding was being used for community projects that would typically fall outside the scope of counter-terrorism efforts.⁷

2 See: Ted Cante, ‘Community Cohesion: A Report of the Independent Review Team’ (Home Office 2001); Tony Clarke, ‘Burnley Speaks, Who Listens?’ (Burnley Borough Council 2001); John Denham, ‘Building Cohesive Communities: A Report of the Ministerial Group on Public Order and Community Cohesion’ (Home Office 2002); David Ritchie, ‘Oldham Independent Review: One Oldham, One Future’ (Home Office 2001).

3 David McGhee, ‘Moving to “Our” Common Ground - A Critical Examination of Community Cohesion Discourse in Twenty-First Century Britain’ (2003) 51 *The Sociological Review* 376.

4 Department of Communities and Local Government, *Creating the Conditions for Integration* (2012).

5 *ibid.*

6 Louise Casey, *The Casey Review: A Review into Opportunity and Integration* (Department for Communities and Local Government 2016) 156.

7 *ibid.* 155.

Eight years later, these criticisms were echoed in the government-commissioned review by Dame Sara Khan, which argued that focusing on ‘downstream’ manifestations of extremism came at the expense of more preventive ‘upstream’ cohesion work.⁸ The Khan Review found that the absence of a national strategic approach to identifying and managing evolving social cohesion issues had left local authorities with insufficient capability, expertise, or resources to identify, prevent or respond to cohesion problems.⁹ Moreover, as a ‘soft’ policy, cohesion is often the first to face cuts, despite senior operational partners in counter-terrorism viewing upstream cohesion efforts as vital to reducing extremism and terrorism threats.

Just months after the publication of the Khan Review, repeated and sustained disorder targeting asylum seekers and visible minority communities following the Southport attack by Axel Rudakubana revealed the ‘fragility of social cohesion in the UK’.¹⁰ Ongoing protests around hotels housing asylum seekers and the ‘Unite the Kingdom’ rally in London (13 September 2025), organised by Tommy Robinson and attended by over 100,000 people, have shown the potential for further entrenchment of polarised views and violent protest around issues such as irregular migration unless long-term social pressures and political grievances are tackled. The costs of further inaction are high. The 2024 summer riots alone were estimated to have generated additional policing costs of £28.3 million,¹¹ while the scale of the September 2025 rally alongside the mainstreaming of much of the rhetoric deployed there makes it difficult to dismiss as fringe extremism.

It is beyond the remit of this Commission to address the complex and interwoven challenges faced. There is widespread recognition that the significant rise in the cost of living and the associated increase in social inequality (since cost-of-living increases disproportionately affect those on low incomes) put social cohesion under pressure. However, it is also evident that grievances expressed by those who support extreme-right or populist radical right agendas are as much about recognition as redistribution, that is, they relate not only to material inequality but to perceived loss of symbolic visibility, recognition or status vis-à-vis other groups (especially ethnic and sexual minorities) who are perceived as having gained in recognition.¹² This sense of loss is evident in accompanying narratives of being denied a political voice, ‘two-tier justice’ and ‘second-class citizenship’. The view of the ‘political class’ as the problem rather than the solution to perceived problems, moreover, must be seen in the context of record lows in levels of trust and confidence in government¹³; in 2024, more than three-quarters of people responding to the British Election Study said they had low to no trust in MPs.¹⁴

However, to view society as ‘broken’ is wrong. Levels of interpersonal trust remain high; 70 per cent of people in the UK report trusting most people.¹⁵ Levels of trust between different social groups (e.g. people of a different religion, nationality or those you meet for the first time) are also high in the UK in comparison to other countries.¹⁶ Research on social cohesion by British Futures and the Belong Network, carried out in the aftermath of the summer 2024 riots, found that seven in ten people feel their local area is a place where people from different backgrounds get on well

8 Sara Khan, ‘Threats to Social Cohesion and Democratic Resilience: A New Strategic Approach’ (2024).

9 *ibid* 11. There are no cross-department strategies in England and Scotland while in Wales and Northern Ireland, existing community cohesion plans require review and updating, see: Jake Puddle, Jill Rutter and Heather Rolfe, *The State of Us: Community strength and cohesion in the UK* (British Future/Belong Network 2025), 7.

10 Sajid Javid and John Cruddas in the foreword to Puddle, Rutter and Rolfe (n9) 4.

11 Home Affairs Committee, *Police response to the 2024 summer disorder: Government Response* (House of Commons 2025) 6 <<https://committees.parliament.uk/publications/48566/documents/254640/default/>>

12 See, for example, Koen Damhuis and Ekaterina Rashkova, ‘The politics of resentment: what is it and how is it mobilized by populist radical right-wing parties in different contexts?’ (2024) *Frontiers in Political Science* 6 1390228.

13 John Curtice, Ian Montagu and Chujan Sivathasan, *Damaged Politics? The impact of the 2019-24 Parliament on political trust and confidence* (National Centre for Social Research, 2024).

14 Lily Gibbs and Natasha Mutebi, *Trust, Public Engagement and UK Parliament* (Parliamentary Office of Science and Technology, 2025) <<https://doi.org/10.58248/P866>> accessed 11 October 2025.

15 Office for National Statistics, ‘Trust in government, UK: 2023’ (Statistical Bulletin, 1 March 2024) <<https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/trustinggovernmentuk/2023>> accessed 11 October 2025.

16 This is based on World Values Survey data, see: Bobby Duffy, *The state of social trust: how the UK compares internationally* (Policy Institute, King’s College London, 2023).

together.¹⁷ This positive perception is strongly linked to the opportunity to meet people from other backgrounds.¹⁸ The focus groups revealed that several of the areas impacted by the riots in 2024 also had stronger concerns about segregation between ethnic and nationality groups.

Contrary to assumptions in the Prevent strategy (see **chapter 5**), cohesion is not an automatic by-product of wider social policy and service delivery, or even of reduced inequality; it requires a positive, proactive fostering of cross-community contact and dialogue. Moreover, in the face of low levels of institutional trust, trust must be envisaged as a quality integral to social life and generative, rather than simply reflective, of a democratic social order. This requires a commitment to encouraging meaningful social interaction and civic participation, including dialogic engagement with communities with low levels of trust and high levels of 'grievance'. Having spaces and mechanisms in place to facilitate dialogue through which residents know and better understand each other helps to minimise the space for extremism and develops resilience to forms of extremism that divide communities.

Evidence to this Commission from policymakers and practitioners, particularly in local government, indicates broad support for long-term, strategic investment in cohesion and integration.¹⁹ Such a reset is needed after the years of cuts to local authority funding through the 2010s, resulting in councils' overall core funding per person falling by 26 per cent in real terms.²⁰ The Institute for Fiscal Studies figures show that cuts fell disproportionately on spending that is integral to promoting cohesion; for example, per-person spending on culture and leisure, housing, planning and development and transport fell by over 40 per cent.²¹ Evidence to the Commission from council leaders in areas that maintained spending on cohesion, despite pressures from austerity cuts, suggests that this investment improved community resilience and proved vital to their response to both the Covid-19 pandemic and protests related to the Israel-Gaza war.²²

An important practical step towards achieving this is devising appropriate measures of community strength²³ and cohesion that can be used at national and local levels to identify weaknesses or evolving problems and measure the success of targeted programmes to promote cohesion. Developing such a measure is complex, given that factors affecting community strength and cohesion range from structural conditions (such as housing, employment opportunities and democratic institutions) through demographic change to unanticipated global or local events, including the impact of overseas conflicts on communities in the UK, which may divide or unite communities. However, the Australian Cohesion Index – which uses survey and interview data to measure five broad domains (sense of belonging, sense of worth, social inclusion and justice, political participation and acceptance and rejection) – offers a useful model.²⁴ Provisional work to develop a model and appropriate measures for the UK has identified eight core characteristics – interpersonal trust, safety and security, mutual support, local and national belonging, voice, shared values and norms, community resilience, democratic resilience – of strong and cohesive communities.²⁵

- 17 Puddle, Rutter and Rolfe (n9) 9. The Community Life Survey 2023-4 showed the proportion reporting this was 81 per cent See: <<https://www.gov.uk/government/statistics/community-life-survey-202324-annual-publication/community-life-survey-202324-neighbourhood-and-community#local-area-cohesion>> accessed 11 October 2025.
- 18 *ibid* 28. Of those who report 'often' having opportunities to meet people from other backgrounds, 80 per cent agree that people from different backgrounds get along in their local area – 26 percentage points higher than respondents who 'rarely' have opportunities for mixing (54 per cent).
- 19 It is important that integration is viewed as distinct from social cohesion. The former is limited to immediate policies and programmes that facilitate newcomers' understanding of the norms and laws, rights and responsibilities of living in the UK and enable them to access structures and programmes that enhance their capacity to connect with and contribute to society.
- 20 In fact, funding from central government has fallen by 46 per cent, with some of this being offset through higher council tax revenues. See: Kate Ogden and David Phillips, *How have English councils' funding and spending changed? 2010 to 2024* (Institute for Fiscal Studies 2024) 3.
- 21 *ibid*.
- 22 Evidence session, January 2024, local authority chief executive; see also: Fanny Lalot, Dominic Abrams, Jessica Broadwood, Keren Davies Hayon, and Isabelle Platts-Dunn, 'The Social Cohesion Investment: Communities that Invested in Integration Programmes are Showing Greater Social Cohesion in the Midst of the COVID-19 Pandemic' (2022) 32 *Journal of Community & Applied Social Psychology* 536.
- 23 Community strength is the social and economic assets of communities that allow them to thrive, support their members, address disparities and increase quality of life while community cohesion is more amorously described as 'the glue that holds society together', Puddle, Rutter and Rolfe (n9) 112.
- 24 See: James O'Donnell and Qing Guan with Trish Prentice, *Mapping Social Cohesion* (Scanlon Institute, 2024).
- 25 See: Dominic Abrams, Ben Davies, Zoe Horsham and Belong Network, *Rapid Review: Measuring social cohesion* (University of Kent/Belong Network, 2023) <https://assets.publishing.service.gov.uk/media/65fd7230f1d3a0001132adc4/Rapid_Review_Measuring_Social_Cohesion.pdf> accessed 12 October 2025; Puddle, Rutter and Rolfe (n9) 113.

It is essential that any such index is effective in identifying emerging issues at the local as well as national level and is indexed to measure change over time rather than to compare localities with very different constellations of challenges. It is also important that commitment to a national strategy is accompanied by the enabling and resourcing of local authorities to determine local priorities and action plans. The facilitation of effective channels for peer sharing by local authorities of emerging issues and effective responses is also vital.

24 Recommendation 24: The government should publish a new national social cohesion strategy that establishes social cohesion as a strategic priority for national government and local authorities.

25 Recommendation 25: A more targeted Prevent strategy is only possible alongside government recognition of the strategic nature of investment in social cohesion. This means designing long-term cohesion and integration strategies that address discrimination, intolerance and hateful and divisive attitudes and behaviours through a proactive approach, including providing opportunities for meaningful social contact and creating spaces where it is possible to have difficult conversations between different groups and communities.

26 Recommendation 26: The government should commission work to develop a social cohesion measurement tool to capture baseline levels of key criteria that contribute to cohesion at local level. This should allow local authorities to identify strengths and weaknesses in different areas and measure progress towards strengthening social cohesion. This measurement tool should, where possible, draw on existing data (administrative and existing survey data, such as the Community Life and Census surveys).

7.2 From Preventing Extremism to Countering Extremism

Preventing extremism

Tackling extremism was initially part of the Prevent Strategy. Since 2005, governments have linked homegrown terrorism, at least in part, to failed integration and a lack of commitment to British values.²⁶ Prime Minister Cameron argued that state multiculturalism had weakened the British identity needed to resist extremism, which his government defined as 'vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.'²⁷ Opposition to 'fundamental British values' came to be regarded as an indicator of radicalisation, while promoting these values was seen as a way of countering terrorism.

Policy development to counter non-violent extremism gathered pace after allegations in an anonymous letter, widely believed to be a hoax, reporting an alleged conspiracy by Islamist teachers, governors and parents to take over schools in Birmingham. The so-called 'Trojan Horse' plot²⁸ triggered two official inquiries which found no evidence of terrorism, radicalisation or violent extremism in the schools. One found actions to 'introduce an intolerant and aggressive Islamic ethos' and individuals involved in some schools who espoused, endorsed or failed to challenge extremist views.²⁹ In response, the Department for Education required schools to promote "fundamental British values"

²⁶ Department of Communities and Local Government, *Preventing Violent Extremism: Winning Hearts and Minds* (2007).

²⁷ HM Government, *Prevent Strategy* (Cm 8092, 2011), 109. The definition of extremism also included calls for the death of members of British armed forces, whether in the UK or overseas.

²⁸ John Holmwood and Therese O'Toole, *Countering Extremism in British Schools?: The Truth about the Birmingham Trojan Horse Affair* (Policy Press 2018); See also: David Hughes, 'A Participant Voice on the Trojan Horse Affair', in Karamat Iqbal and Tahir Abbas (eds), *Ethnicity, Religion, and Muslim Education in a Changing World* (Routledge 2024).

²⁹ Disciplinary cases against teachers were dropped in 2017 after a tribunal found there had been an abuse of process. See: Richard Adams, 'Five Teachers Accused in Trojan Horse Affair Free to Return to Classroom' *The Guardian* (30 May 2017) <https://www.theguardian.com/education/2017/may/30/trojan-horse-tribunal-five-birmingham-teachers-islam?CMP=share_btn_url> accessed 10 October 2024.

(FBV) as part of their existing duty to teach spiritual, moral, social and cultural development.³⁰ The Prevent Duty reinforced the teaching of these values.

The report from the Task Force on Tackling Radicalisation and Extremism, set up after the murder of Lee Rigby in 2013, went further.³¹ Offering little evidence or analysis, it concluded that hesitancy in challenging non-violent extremist ideologies had fostered environments conducive to radicalisation and extremism. Its proposed five-pronged approach to tackling extremism included disrupting extremists using banning orders, enhanced powers for the Charity Commission, and combating extremism in institutions.³²

Within the Coalition government, tensions emerged between ministers who wanted to focus on targeting those supporting violence and others who preferred a broader approach to tackling extremism. Education Secretary Michael Gove called for policies to target those identified by the government as non-violent extremists to 'drain the swamp' rather than wait 'for the crocodiles to reach the boat'.³³ His approach led to a significant expansion of the subsequent Conservative government's approach to countering extremism. In July 2015, then Prime Minister David Cameron connected countering extremism to challenging female genital mutilation and forced marriages, addressing issues like grooming gangs and including a review of the work of Sharia courts. Muslim groups criticised him for conflating issues of extremism, integration and criminality.³⁴

Countering extremism

In 2015, the Conservative government published a distinct Counter-Extremism Strategy, separate from Prevent, for England and Wales (the strategy does not apply to Scotland or Northern Ireland).³⁵ This had four areas of action: confronting extremist ideology, tackling violent and non-violent extremism, empowering moderate Muslim voices, and building cohesive communities.³⁶ The strategy included the creation of Counter-Extremism Community Coordinators and the 'Building a Stronger Britain Together' (BSBT) programme, which provided £8 million in grants for over 230 local projects. Proposals for a system of counter-extremism civil court orders and increased powers for intervention were abandoned due to difficulties in legally defining extremism.³⁷

In 2018, the Conservative government established the Commission for Countering Extremism (CCE), a new body at arm's length to the Home Office, tasked with carrying out extensive engagement and research and making recommendations on challenging all forms of extremism. The CCE concluded that the government's 2015 strategy was part of the problem, describing it as 'unfocused, unnecessarily broad, and at times confusing'.³⁸ In its place, the CCE proposed a rights-based approach to tackling 'hateful extremism',³⁹ to address what it claimed was a gap in protection that fell between terrorism and incitement to hatred laws.⁴⁰ Johnathan Hall KC, the Independent

30 Department for Education, 'Promoting fundamental British Values as part of SMSC in schools, Departmental Advice for Maintained Schools' (2014).

31 HM Government, 'Tackling Extremism in the UK: report of the Prime Minister's Taskforce on Tackling Radicalisation and Extremism' (Cabinet Office, 2013).

32 The five areas for action were: (1) disrupting extremists through new legal measures, including banning orders and enhanced Charity Commission powers; (2) countering extremist narratives and ideology; (3) preventing radicalisation by legally mandating Prevent and Channel programs; (4) promoting integration through improved communication and community projects; and (5) combating extremism in institutions, including oversight of religious schools, support for universities in countering extremism, and measures to address radicalisation in prisons.

33 BBC News, 'May and Gove in Row over Extremism in Schools' (04 June 2014) <<https://www.bbc.co.uk/news/education-27691901>> accessed 10 October 2024.

34 Matt Dathan, 'David Cameron's Counter-Terrorism Strategy is "Confusing, Contradictory and Over-Simplified" - Muslim Groups React to PM's Big Speech' *The Independent* (20 July 2015) <<https://www.independent.co.uk/news/uk/politics/david-cameron-s-counterterrorism-strategy-is-confusing-contradictory-and-oversimplified-muslim-groups-react-to-pm-s-big-speech-10402992.html>> accessed 10 October 2024.

35 Scottish Government, *Understanding extremism in Scotland: evidence review* (Scottish Government 2023) 1. The Scottish government has not adopted the UK government's strategy and definition of extremism nor developed its own.

36 HM Government, *Counter-Extremism Strategy* (Cm 9148, 2015), available at <https://assets.publishing.service.gov.uk/media/5a80cddfed915d74e623089e/51859_Cm9148_Accessible.pdf> accessed 10 October 2024.

37 *ibid* 3.

38 Commission for Countering Extremism, *Challenging Hateful Extremism* (2019) 79.

39 This term was initially proposed in *A Shared Future: A report of the Greater Manchester Preventing Hateful Extremism and Promoting Social Cohesion Commission* (2017) <<https://www.greatermanchester-ca.gov.uk/media/1170/preventing-hateful-extremism-and-promoting-social-cohesion-report.pdf>> accessed 10 October 2024.

40 In the CCE elaboration of 'hateful extremism', this includes [1] behaviours which incite and amplify hate, or engage in persistent hatred, or equivocate about and make the moral case for violence; [2] which draw on hateful, hostile or supremacist beliefs directed at an out-group who are perceived as a threat to the well-being, survival or success of an in-group; and [3] cause, or are likely to cause, harm to individuals, communities or wider society: Commission for Countering Extremism, *Challenging Hateful Extremism* (2019), 125.

Review of Terrorism Legislation, finds the concept of 'hateful extremism' to lack the precision and certainty required by legislation.⁴¹ Importantly, the CCE argues that 'hateful extremism' should not be tackled by expanding counter-terrorism legislation or policy.⁴² A further government-commissioned review concluded that while extremist harassment significantly impacts victims and promotes self-censorship, the solution lies in better police training on applying existing harassment legislation and balancing free speech concerns, not new legislation.⁴³

The evidence reviewed by the Commission suggests that new extremism legislation, though intended to address harmful messaging, risks being counterproductive and is likely to divert time and resources away from addressing the root causes of such behaviour. Previous attempts have found it difficult to frame legislation on extremism while protecting free expression and the right to protest. More fundamentally, reliance on an expansive notion of extremism will widen the counter-terrorism net, close spaces for expressing genuine grievances, divert the focus away from violent action, and undermine the ability of local and national government to engage broadly with civil society—making the inclusive, broad-based single front door approach recommended below (recommendation 28) significantly more difficult to achieve. The 2015 Counter-Extremism Strategy failed to clearly separate countering extremism from building community cohesion. This created problems in two ways. First, in some instances, providing support for community-based projects through counter-extremism funding raised suspicion and opposition.⁴⁴ Second, programmes that were effective in promoting cohesion were discontinued because they were assessed on whether they directly countered extremism. For example, the 'Building a Stronger Britain Together' programme was evaluated to have effectively promoted shared values and community belonging and, through this, was 'largely successful' at building resilience against extremism.⁴⁵ However, when evaluated through a narrow counter-extremism lens, these positive outcomes were not recognised as directly countering extremism. The programme's subsequent discontinuation demonstrated a failure to understand strengths-based resilience work.

In March 2024, the Conservative government issued a new non-statutory definition of extremism.⁴⁶ It is:

the promotion or advancement of an ideology based on violence, hatred or intolerance that aims to: i) negate or destroy the fundamental rights and freedoms of others; or ii) undermine, overturn or replace the UK's system of liberal parliamentary democracy and democratic rights; or iii) intentionally create a permissive environment for others to achieve the results in (i) or (ii).

Issued by the then Department for Levelling Up, Housing and Communities, it aims to guide central government's external engagements. Rather than replace the definition in the Prevent guidance, it sits alongside this and other definitions of extremism developed by the courts, and the CCE.⁴⁷ The new definition was released ahead of a general election, with no public consultation in its development, leading three former Home Secretaries to warn against the politicisation of extremism.⁴⁸

Submissions to the Commission were received before the new definition. They criticised the previous definitions of extremism in the Prevent and Counter-Extremism strategies, arguing that it blurs the line between addressing extremism and tackling violence and that it risks policing lawful ideas rather than focusing on violent actions. They argued that the definition widened the net of

41 Jonathan Hall, Written evidence submitted by Jonathan Hall KC (IRTL 2024); Charles Hymas, 'Met Chief's proposal to ban hateful extremism "unlikely to work"', *Daily Telegraph* (24 October 2023) <<https://www.telegraph.co.uk/news/2023/10/24/metropolitan-police-mark-rowley-terrorism-law-adviser/>> accessed 12 October 2025.

42 Commission for Countering Extremism, *Operating with impunity. Hateful Extremism: the need for a legal framework* (2021).

43 Khan (n8).

44 'Bradford literature festival boycott over anti-extremism cash' BBC News (20 June 2019) <<https://www.bbc.co.uk/news/uk-england-leeds-48707061>> accessed 25 November 2024. Noseen Iqbal ' "We acknowledge we went wrong": Lifestyle website for Muslim teens admits it should have clearer about Home Office funding' *The Guardian* (15 September 2019) <<https://www.theguardian.com/uk-news/2019/sep/15/lifestyle-website-for-muslim-teens-is-covertly-funded-by-the-home-office>> accessed 25 November 2024.

45 Home Office, *Evaluation of the Building a Stronger Britain Together (BSBT) Programme: Understanding what works in countering extremism* (Home Office 2021) 79.

46 HM Government, *Guidance New Definition of Extremism* (2024) <<https://www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024#:~:text=Extremism%20is%20the%20promotion%20or,footnote%205%5D%20of%20others%3B%20or>> accessed 10 October 2024.

47 Clive Walker, 'Extremism and the UK Policy Spiral', (ICCT Policy Briefings 2024). Professor Walker identifies five definitions of extremism currently in operation as [1] terrorism in the Terrorism Act 2000, [2] the Prevent definition of extremism, [3] CCE extremism, [4] judicial elaborations of extremism, and [5] Gove extremism.

48 BBC News, 'Ex-Home Secretaries warn against politicising extremism' (1 March 2024).

suspected extremists while narrowing the space for legitimate expression of grievances, potentially stifling necessary dialogue and alienating communities.⁴⁹ These criticisms apply even more strongly to parts of the new 2024 definition, which extends the definition further to include 'intolerant' ideologies that create a 'permissive' environment for undermining democracy.

27 Recommendation 27: Addressing the social harm of extremist messaging is vital, but is not best achieved through proposing new extremism legislation

7.3 Counter-Extremism and Community Engagement

Suspicion of Muslim communities has underpinned varying approaches and levels of engagement across local and central government for over two decades.⁵⁰ The question of which Muslim groups or organisations the government engages with has been a continuing issue for governments since the introduction of Prevent.⁵¹ The extremism label can stigmatise Muslim individuals and organisations. It underpins policies of non-engagement with certain organisations and has led to criticism of government ministers who meet with groups like the Muslim Council of Britain.⁵² The Extremism Analysis Unit was established in 2015 to inform government decision-making and develop an engagement policy or, according to some, compile blacklists of extremist individuals and organisations who had not broken the law but were deemed unacceptable for engagement. The Unit has been criticised for a lack of transparency.⁵³

A 2017 report by the Citizen's Commission on Islam and Participation in Public Life called on the government and Muslim communities to work together to repair their fractured relationship.⁵⁴ It recommended that the government engage more broadly, challenging views it disagrees with rather than boycotting certain organisations. This approach would allow input from a wider cross-section of Muslims.⁵⁵

Muslim community groups and others argue that the label of extremism is used to single out and discredit Muslim critics of counter-terrorism policies, even when their criticism echoes the views of UN bodies and mainstream human rights organisations.⁵⁶ The former Prime Minister, David Cameron, claimed that critics of Prevent were 'enabling terrorism'.⁵⁷ The Shawcross Review recommended 'taking on extremism-linked activists who seek to demonise' Prevent, and the Conservative government said it was working with civil society organisations to 'counter those who demonise Prevent'.⁵⁸ When the new extremism definition was published, the then government said that, among others, it was investigating the

49 Evidence submissions: Dr Fatimah Ahdash, Campaign Against the Criminalisation of Communities, Dr Phil Edwards, Dr Shaun McDaid, and Dr Catherine McGlynn.

50 Therese O'Toole, 'The political inclusion of British Muslims: From multiculturalism to muscular liberalism' (2022) 22 *Ethnicities* 589.

51 Martin Bright, *When progressives treat with reactionaries: the British State's Flirtation with radical Islamism* (Policy Exchange 2006).

52 'Penny Mordaunt flouted No 10 Ban to meet boycotted group' *The Daily Mail* (17 July 2022) <<https://www.dailymail.co.uk/news/article-11022757/Penny-Mordaunt-condemned-dodgy-judgment-flouting-No-10-ban-meet-boycotted-group.html>> accessed 09 September 2025. Sayeeda Warsi, *The Enemy Within: A Tale of Muslim Britain* (Allen Lane 2017). Lucy Fisher, 'Minister under fire for meeting with head of Muslim Council of Britain' *The Telegraph* (21 February 2021) <<https://www.telegraph.co.uk/news/2021/02/21/minister-fire-meeting-head-muslim-council-britain/>> accessed 08 September 2025.

53 Evidence submission, Muslim Council of Britain. See also, Miqdaad Versi, 'The McCarthyite Blacklist of Muslim Groups Gove Wants Published Should Never See the Light of Day' *The Guardian* (29 December 2022) <<https://www.theguardian.com/commentisfree/2022/dec/29/mccarthyite-blacklist-muslim-groups-gove-prevent-review>> accessed 10 October 2024; Vikram Dodd, 'List Sent to Terror Chief Aligns Peaceful Muslim Groups with Terrorist Ideology' *The Guardian* (4 August 2010) <<https://www.theguardian.com/uk/2010/aug/04/quilliam-foundation-list-alleged-extremism>> accessed 10 October 2024.

54 The Commission was established by the community organising group, Citizens UK in 2015. Chaired by the Rt. Hon. Dominic Grieve KC PC, it brought together 20 Commissioners drawn from a cross-section of British society between 2015-2017. It examined how Muslim communities could better engage and participate in public life.

55 *The Missing Muslims: Unlocking British Muslim Potential for the Benefit of All*, Report by the Citizens Commission on Islam, Participation and Public Life (Citizens UK 2017) 13.

56 See, for example: John Jenkins, Damon Perry and Paul Stott, 'Delegitimising Counter-Terrorism: The Activist Campaign to Demonise Prevent' (Policy Exchange 2022) <https://policyexchange.org.uk/wp-content/uploads/2022/10/Delegitimising-Counter-Terrorism.pdf> accessed 10 October 2024.

57 Foreword by former Prime Minister David Cameron in Jenkins, Perry and Stott (n56).

58 HM Government, 'Independent Review of Prevent: One year on progress report' (2024).

Muslim groups, CAGE, the Muslim Association of Britain, and Muslim Engagement and Development (MEND).⁵⁹ All three have been vocal critics of Prevent; the last provided a written submission to the Independent Review of Prevent.

Along with the implementation of the Shawcross Review recommendations on strengthening scrutiny of Prevent-related funding, the new definition of extremism adds to the negative impact on third-sector organisations delivering community activities in this already difficult space.⁶⁰ Staff in organisations with a track record of working on Prevent reported that Home Office due diligence checks reviewing their organisation and staff social media posts reinforced the perception that counter-extremism was aimed at curtailing criticism of government policies in communities they worked with.

28 Recommendation 28: The government and local authorities should engage broadly with all communities. It should challenge views it disagrees with rather than refuse to engage with organisations that express them.

7.4 Implementing Counter-Extremism and Prevent

Prevent and counter-extremism activities often overlap in practice. One practitioner explained: 'Extremism often occupies a complex "grey area" that does not fit neatly into existing Prevent or community cohesion strategies.'⁶¹ They highlighted the varied issues facing local authorities, including protests against asylum seeker housing, opposition to drag queen story time, and large demonstrations, such as the 2023 Oxford Low Traffic Neighbourhood (LTN) protest. These often combine public concerns with extremist elements, which makes it difficult to address them through current frameworks. While the underlying issues may be valid, non-violent extremist groups can exploit fear and grievance to further their agendas.⁶²

Practitioners said they found it challenging to distinguish between general counter-extremism work and Prevent's focus on terrorism-related extremism. As the Counter-Extremism Strategy lacked both support and funding, Prevent was often the only policy backed by resources, and it sometimes expanded to fill gaps identified by local frontline services. Prevent became 'a box where people put things that can't be dealt with in another way'.⁶³ Including non-violent extremism within counter-terrorism efforts has led to Prevent funding being used to tackle a broader range of complex social issues not directly related to terrorism, such as homophobia, misogyny and racism.⁶⁴ Practitioners view early intervention work holistically, seeing themselves not solely focused on extremism but as addressing multiple vulnerabilities and developing critical thinking skills that protect young people against various harms.⁶⁵ This supports the holistic safeguarding approach proposed in **chapter 6**.

The evidence to the Commission also suggests that the development of more agile local responses is hindered by a lack of dialogue between central government and local practitioners, particularly civil society intervention providers. Policymakers in London said the Greater London Authority responded effectively to religious hatred after October 7 2023, because they had maintained an integrated approach to extremism prevention. The existing hate and extremism projects allowed quick redeployment of interventions in schools. By contrast, the government's approach to separating preventing from countering extremism hindered its response.

59 Zoe Grunewald and Kate Devlin, 'Michael Gove Names Groups under Consideration for 'Extremism' Ban' *The Independent* (14 March 2024) <<https://www.independent.co.uk/news/uk/politics/michael-gove-extremism-definition-groups-b2512477.html>> accessed 10 October 2024.

60 Evidence sessions June 2023 and July 2023, civil society organisations working on Prevent-related training and projects.

61 Commission plenary meeting, July 2023, counter-extremism practitioner.

62 Elisa Orofino, "'Groups Are Still a Problem... but a Different One!': Reflecting on the Role Played by Non-Violent Extremist Groups in the Radicalisation Pathways of Individuals in the UK' (2024) 13 Social Sciences 424.

63 Evidence session, June 2023, local Prevent practitioner.

64 Evidence session, July 2023, local Prevent practitioner.

65 Evidence submission, Dr Bethan Davies.

Many local intervention providers reported difficulties engaging with the central government, citing a mismatch between on-the-ground experience and the narrow scope of work the Home Office funds.⁶⁶ With no mechanisms to feed their insights into local risk assessments or project development, service providers often designed programmes to secure government funding rather than to work better. Local experts emphasised the need for a holistic, ‘upstream’ approach, potentially including work on democratic participation and restorative justice. Yet, they had to narrowly frame their projects, focusing on countering ideology, to meet funding criteria. The emphasis on the centrality of ‘ideology’ in the Shawcross Review has exacerbated this pressure.⁶⁷

29 Recommendation 29: The government should design robust ways of measuring social cohesion initiatives and policies to ensure local authorities and national government direct resources efficiently.

30 Recommendation 30: Community projects and the promotion of inclusive values that typically fall outside the scope of counter-terrorism efforts should be funded, delivered and evaluated through appropriate channels rather than having to seek funding from Prevent.

⁶⁶ Evidence sessions, June and July 2023, directors of civil society groups working on Prevent funded projects.

⁶⁷ This is discussed further in **chapter 7**.

7.5 Key Findings and Recommendations

The relationship between counter-terrorism, counter-extremism and social cohesion is complex. Evidence to the Commission revealed a 'securitisation paradox'. While poor social cohesion creates opportunities for extremists to exploit grievances and justify violence, attempts to address this through counter-terrorism initiatives like Prevent have often proved counterproductive and divisive. When cohesion work has been funded through counter-terrorism, it has sparked community suspicion. Yet when separated from counter-terrorism, especially during austerity, cohesion programmes lost priority and therefore funding, leaving Prevent to fill the gap. The evidence suggests that the government needs to develop a distinct social cohesion strategy with funding that operates independently of counter-terrorism, even while addressing issues that may lead to acts of violent extremism.

A focus on social cohesion as part of a broad-based social policy approach does not dilute governmental commitment to public safety. Instead of a sole focus on the relatively rare occurrences of terrorism, it would help address the many more common ways in which individuals react to social problems (such as addiction, depression and anxiety, anger, and domestic and interpersonal violence). The absence of properly funded and supported social cohesion policies since 2010 has contributed to the rise in extremist views and the lack of community resilience. This has been exacerbated by cuts to child and adolescent mental health services (CAMHS) and youth services, as well as the rise of new technologies. A focus on countering extremism may have led to targeting symptoms rather than causes.

Evidence to this Commission indicated that where investment in cohesion programmes was maintained, despite austerity pressures, there was improved community resilience and more effective responses to challenges such as the COVID-19 pandemic and protests related to international conflicts. This underscores the value of long-term, strategic investment in social cohesion independent of security considerations.

While the details of cohesion policies are beyond the scope of this Commission, the seven recommendations in this chapter provide the foundations for addressing issues of cohesion and extremism that would enable a Prevent strategy focused on terrorism-related risks, situated within a broader strengths-focused, safeguarding-led approach for individuals at risk of engaging in violence.

The first two recommendations highlight the urgent need to develop a robust, national-level social cohesion strategy, accompanied by contextually appropriate cohesion and integration policies at the local level, distinct from counter-terrorism efforts. **Recommendation 26** recognises the need for a national strategy to be supported by robust data on the state of social cohesion and the impact of cohesion policies and initiatives. Such data is needed to escape the circle by which the lack of evidence of its effectiveness leads to national and local government de-prioritisation.

Recommendations 27 and 28 concern the difficulties that arise from attempts to define extremism. Previous proposals for legislation struggled to target extremism while protecting free expression and protest rights. Recommendation 27 recognises that attempts to address harmful extremist messaging risk being counterproductive and are likely to divert time away from addressing the root causes of such behaviour. Moreover, reliance on an expansive notion of extremism will widen the counter-terrorism net, close spaces for expressing genuine grievances and divert the focus away from violent action. Broad and unclear definitions of extremism risk closing the space for democratic debate, discussion and challenge.

The final two recommendations emphasise the need to ensure funding for effective social cohesion projects and initiatives, which are delinked from counter-terrorism or counter-extremism strategies (**Recommendations 29 and 30**). By failing to clearly separate countering extremism from building community cohesion, programmes that were effective in promoting cohesion faced suspicion and opposition as the funding was linked to Prevent or was discontinued because they were assessed on whether they directly countered extremism.

- 24 Recommendation 24:** The government should publish a new national social cohesion strategy that establishes social cohesion as a strategic priority for national government and local authorities.
- 25 Recommendation 25:** A more targeted Prevent strategy is only possible alongside government recognition of the strategic nature of investment in social cohesion. This means designing long-term cohesion and integration strategies that address discrimination, intolerance and hateful and divisive attitudes and behaviours through a proactive approach, including providing opportunities for meaningful social contact and creating spaces where it is possible to have difficult conversations between different groups and communities.
- 26 Recommendation 26:** The government should commission work to develop a social cohesion measurement tool to capture baseline levels of key criteria that contribute to cohesion at local level. This should allow local authorities to identify strengths and weaknesses in different areas and measure progress towards strengthening social cohesion. This measurement tool should, where possible, draw on existing data (administrative and existing survey data, such as the Community Life and Census surveys).
- 27 Recommendation 27:** Addressing the social harm of extremist messaging is vital, but is not best achieved through proposing new extremism legislation.
- 28 Recommendation 28:** The government and local authorities should engage broadly with all communities. It should challenge views it disagrees with rather than refuse to engage with organisations that express them.
- 29 Recommendation 29:** The government should design robust ways of measuring social cohesion initiatives and policies to ensure local authorities and national government direct resources efficiently.
- 30 Recommendation 30:** Community projects and the promotion of inclusive values that typically fall outside the scope of counter-terrorism efforts should be funded, delivered and evaluated through appropriate channels rather than having to seek funding from Prevent.

8.

Better Delivery and Rights Protection in Prevent

Building on the argument for complex Public Service reform set out in **Chapter 6**, this chapter outlines evidence on concerns about Prevent that should be addressed alongside any reform of the wider system for referral. These include risk calculation, data collection/retention and oversight mechanisms. We make several targeted recommendations for addressing these issues in a reconfigured model of Prevent that is integrated within a more comprehensive safeguarding framework.

The Commission gathered extensive evidence revealing significant concerns in two key areas. First, questions were raised about the programme's core methodology, training, safeguarding framework, and evaluation processes; these are examined in section 1. Second, evidence suggested potential adverse impacts resulting from Prevent, including allegations of discriminatory practices, inappropriate questioning of children, concerns about interference with rights to privacy and personal data, and reports that some legitimate discussions of controversial topics had been constrained. This is examined in Section 2. Section 3 looks at the mechanisms for oversight and redress. Section 4 sets out the chapter's key findings and recommendations.

8.1 The Delivery of Prevent

Vulnerability Assessment Framework

The Vulnerability Assessment Framework (VAF) is the primary tool used to evaluate an individual's risk of radicalisation. It has 22 risk indicators, organised into three categories, which mirror those in the Extremism Risk Guidance (ERG 22+) used to assess terrorist offenders (see Table 8.1: VAF indicators). The VAF informs how a case should be progressed through the Prevent referral system and underpins training for staff identifying people at risk of radicalisation. Judges use the VAF to determine if a child is at risk of radicalisation.¹

Table 8.1: Vulnerability Assessment Framework Indicators²

Engagement with a group, cause or ideology	Intent to cause harm
1. Feelings of grievance and injustice. 2. Feeling under threat. 3. A need for identity, meaning and belonging. 4. A desire for status. 5. A desire for excitement and adventure. 6. A need to dominate and control others. 7. Susceptibility to indoctrination. 8. A desire for political or moral change. 9. Opportunistic involvement. 10. Family or friends' involvement in extremism. 11. Being at a transitional time of life. 12. Being influenced or controlled by a group. 13. Relevant mental health issues.	14. Over-identification with a group or ideology. 15. 'Them and Us' thinking. 16. Dehumanisation of the enemy. 17. Attitudes that justify offending. 18. Harmful means to an end. 19. Harmful objectives.
	Capability to cause harm
	20. Individual knowledge, skills and competencies. 21. Access to networks, funding or equipment. 22. Criminal capability.

The VAF is based on the ERG 22+ and so concerns about the ERG 22+ are also experienced in VAF. In evidence to the Commission, Professor Seena Fazel, a forensic psychiatrist and an international expert on violence risk assessment tool development, evaluated the ERG 22+ as not meeting the standard required for an evidence-based tool.³ Specifically, he found it was inadequate because: too few cases were used to develop it; it included vague criteria such as 'mental health issues'; it omitted key violence predictors like age and gender; and it focussed on individual needs rather than risk assessment. Moreover, the validity data related to the ERG 22+ show internal consistency rather than predictive accuracy,⁴ leaving it very limited in its effectiveness for the purposes of risk assessment. The developers acknowledge many of these shortcomings and recognise that it is 'essentially a qualitative tool that requires a level of professional judgment and experience to be used effectively.'⁵ Opportunities for developing the necessary expertise and experience are, however, constrained by the relatively small number of extremist offenders.

Several Prevent practitioners were concerned that the VAF indicators may be unsuitable for assessing children and young people.⁶ The tool was developed using data from adult male terrorism offenders, whereas children's unique developmental stages require a different approach. Using VAF, the ordinary thoughts, emotions, and actions of

¹ Evidence submission, Dr Fatima Ahdash.

² HM Government, *Channel Vulnerability Assessment Framework* (2012).

³ Evidence session, June 2023.

⁴ Ian A Elliott, Kanika Randhawa-Horne, and Oliver Hambly, *The Extremism Risk Guidance 22+: An Exploratory Psychometric Analysis* (Ministry of Justice 2023).

⁵ Monica Lloyd and Christopher Dean, 'The Development of Structured Guidelines for Assessing Risk in Extremist Offenders' (2015) 2(1) *Journal of Threat Assessment and Management* 40, 50.

⁶ Evidence session, July 2023, Prevent practitioners.

children and adolescents may be mischaracterised as signs of dangerous extremism. Without this framing, these would be seen as typical aspects of growing up.⁷ Moreover, the VAF's tick-**box** method oversimplifies complex issues, failing to account for how various factors interact. Practitioners stressed the need for tools with a more nuanced understanding of radicalisation across different subgroups, including those with mental illness, offending histories, family ties to terrorism and neurodivergence.⁸ Some practitioners believed the VAF tool was effective when used by highly trained professionals but reported that problems arose when widely disseminated through Prevent training.

Following criticism in the Shawcross Review that the language of 'vulnerability' had led practitioners to view referred individuals as victims, Prevent and Channel guidance now refers to 'susceptibility' rather than 'vulnerability' to radicalisation.⁹ There should be caution in adopting the term susceptibility as it might imply that some ideologies are inherently more likely to draw individuals into violence and perpetuate perceptions of some groups, such as Muslims, as particularly dangerous.

A new Prevent Assessment Framework, introduced to replace the VAF, aims to reduce referrals with an earlier and more careful assessment of radicalisation based on susceptibility rather than vulnerability.¹⁰ However, in the revised Channel guidance, the factors identified as making a person 'susceptible' are the same as those previously identified as making a person 'vulnerable'.¹¹

Some practitioners believe that the change in language, from vulnerability to susceptibility, has undone years of work to accustom professionals to working with Prevent, noting that they understood the concept of vulnerability and used it in other contexts, including anti-social and criminal behaviour.¹² Others reported that the change helped practitioners narrow their focus, prioritise those at most significant risk, and reduce the use of Prevent referrals to access support services.¹³ We do not yet know what, if any, impact this change will have on Prevent referrals. Weaknesses in predicting the progression from holding extreme views to violent action in models of radicalisation (see **chapter 5**), apply to both vulnerability and susceptibility.

To move beyond the limitations of vulnerability or susceptibility frameworks, the Commission advocates developing a strengths-based approach (see **chapter 5**). This considers both risk factors and protective elements, the strengths and the resources people have to manage the risks they face. This aligns with strengths-based models in other areas, including education, criminal justice and health and social work.¹⁴ Such an approach would be supported by the recognition in any assessment framework of protective factors such as pro-social ties (i.e., parenting children, being in a relationship, and participation in work or education).¹⁵

Prevent training and resources

Over a million people have undergone Prevent training at work to recognise 'indicators of extremism' and report those perceived to exhibit them. Evidence to the Commission highlighted concerns about inconsistent training and resources that often left frontline workers to rely on their 'gut instinct', which could reinforce stereotypes and discrimination.

- 7 Vicki Coppock and Mark McGovern, "'Dangerous Minds'?: Deconstructing Counter-Terrorism Discourse, Radicalisation and the "Psychological Vulnerability" of Muslim Children and Young People in Britain' (2014) 28 *Children and Society* 242.
- 8 Evidence session, July 2022, Prevent practitioner. See also: Josephine Broyd, Lauren Boniface, Damon Parsons, David Murphy, and Jonathan D. Hafferty, 'Incels, violence and mental disorder: A narrative review with recommendations for best practice in risk assessment and clinical intervention' (2023) 29 *BJ Psych Advances* 254.
- 9 HM Government, 'Prevent duty guidance: guidance for specified authorities in England and Wales' (2023).
- 10 HM Government, 'Independent Review of Prevent: One year on progress report' (2024) 10.
- 11 HM Government, 'Channel Duty Guidance' (2023) 24. These are peer or family pressure, ideological influence from others online, bullying, being involved in crime as a victim or perpetrator, anti-social behaviour, family tensions, hate crime, lack of self-esteem or identity, and personal or political grievances.
- 12 Kelly Fowler, 'Prevent – Evolving Threats and Future Prevention' (2024) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.
- 13 Evidence session, February 2024, Association of Directors of Children's Services.
- 14 Department for Health and Social Care, *Strengths-based approach: practice framework and practice handbook* (2019)
- 15 Bart Schuurman and Sarah Carthy, 'Understanding (Non)involvement in Terrorist Violence: What Sets Extremists Who Use Terrorist Violence Apart from Those Who Do Not?' (2024) 23 *Criminology & Public Policy* 119.

Experienced practitioners called the training ‘simplistic’, ‘dire’, and ‘unnuanced’.¹⁶ A former counter-terrorism officer said many Prevent workshops and training sessions ‘have been ill-equipped to support practitioners with their statutory Prevent duty’.¹⁷ These accounts are mirrored in some of the research findings on the implementation of Prevent.¹⁸ The Workshops to Raise Awareness of Prevent (WRAP) programme, developed by the Home Office to improve understanding of Prevent, gives no clear definition of radicalisation, leaving practitioners to rely on possibly biased media narratives or preconceptions, which can reinforce gendered and racialised conceptions of the terrorist and who the real threat is.¹⁹ The resultant reliance on ‘gut instinct’ combined with ‘refer-when-in-doubt’ advice encourages overreporting and risks escalating manageable issues unnecessarily. The Commission heard examples, such as a Muslim student being referred to Prevent despite their teacher accepting there were no genuine grounds for concern, after the student had asked about small electrical switches following a design technology lesson on remote-controlled boats.²⁰ One Muslim parent’s concern about mixed-gender changing rooms in a primary school only narrowly escaped being treated as a Prevent referral.²¹ Extensive evidence demonstrates that inappropriate or misguided referrals have a detrimental and negative impact on individuals and their families.²²

Training materials do not include any critical perspective and fail to consider concerns or criticisms about the evidence for radicalisation indicators.²³ A review of the ‘Educate Against Hate’ website resources suggests the absence of a human rights-based approach.²⁴ This deficiency manifested itself in several ways. The resources often failed to connect countering violent extremism with democratic principles and human rights. For example, there needed to be more balance between protecting children from harm and their rights to participation and access to knowledge. Moreover, many resources neglected young people’s developing opinions and agency, frequently adopting a patronising tone.²⁵

Teaching union officials also raised issues about the quality and provenance of the training and teaching materials and the need for more accountability, clear standards and opportunities to inform resource development.²⁶ They said some materials presented simplified, distorted narratives of ‘suspect’ groups. This risked increasing prejudice rather than reducing it, potentially exacerbating the issues the Prevent strategy aims to address. In other cases, the poor quality of available resources led some schools to avoid discussing difficult issues or rely on third parties to facilitate discussions. The lack of adequate resources can lead schools to seek information from alternative sources and community organisations, which generates concern from some parents. This suggests the need for clear guidance on where schools can legitimately seek teaching resources.

16 Evidence session, June 2023, Prevent practitioners.

17 Evidence submission, former counter-terrorism police officer.

18 Evidence submission, Dr Adam Lang. See also: Thomas Chisholm and Alice Coulter, *Safeguarding and Radicalisation* (Department for Education, 2017); Erzsebet Strausz and Charlotte Heath-Kelly, ‘Seeing Radicalisation?: The Pedagogy of the Prevent Strategy’ in Jenny Edkins (ed), *Routledge Handbook of Critical International Relations* (Routledge 2019); Leda Blackwood, Nick Hopkins, and Stephen Reicher, ‘From Theorizing Radicalization to Surveillance Practices: Muslims in the Crosshairs of Scrutiny’ (2016) 37(5) *Political Psychology* 597; Leona Vaughn, ‘Doing Risk: Practitioner Interpretations of Risk of Childhood Radicalisation and the Implementation of the HM Government PREVENT Duty’ (PhD thesis, University of Liverpool 2019).

19 Evidence submissions: Dr Lee Jerome, Dr Alex Elwick and Hans Svennevig; Dr Charlotte Heath-Kelly; Dr Leona Vaughn; Dr Lisa Vickerage-Goddard; See also Charlotte Heath-Kelly and Erzsebet Strausz, ‘The Banality of Counterterrorism “After, After 9/11”? Perspectives on the Prevent Duty from the UK Health Care Sector’ (2019) 12 *Critical Studies on Terrorism* 89; Tarek Younis and Shuhrit Jadhav, ‘Keeping Our Mouths Shut: The Fear and Racialized Self-Censorship of British Healthcare Professionals in PREVENT Training’ (2019) 43 *Culture, Medicine, and Psychiatry* 404; Paul Dresser, ‘“Trust Your Instincts—Act!” PREVENT Police Officers’ Perspectives of Counter-Radicalisation Reporting Thresholds’ (2019) 12 *Critical Studies on Terrorism* 605.

20 Evidence submission, Dr Lee Jerome, Dr Alex Elwick and Hans Svennevig.

21 Evidence session, July 2023, academic expert. The researcher, who was part of the school community, was able to de-escalate the case.

22 Open Society Justice Initiative, *Eroding Trust: The UK’s Prevent Counter Extremism Strategy in Education and Health* (2016); Rights Watch UK, *Preventing Education: Human Rights and UK Counter-Terrorism Policy in Schools* (2016); John Holmwood John and Laila Aitladi, *The People’s Review of Prevent* (2022).

23 Evidence session, February 2024, official from a teaching union.

24 Jerome, Elwick and Svennevig (n19). See also: Hans Svennevig, Lee Jerome, and Alex Elwick, ‘Countering violent extremism in education: a human rights analysis.’ (2021) 4(1) *Human Rights Education Review* 91.

25 Svennevig, Jerome, and Elwick (n24).

26 Evidence session, February 2024, teaching union.

Safeguarding

Compared to other European states, there has been a greater emphasis on the Prevent duty in Britain as an extension of safeguarding practices.²⁷ This framing has helped overcome resistance and reluctance in relation to the Prevent duty among frontline staff in education,²⁸ health,²⁹ social³⁰ and youth work.³¹ The Prevent and Channel guidance revisions after the Shawcross Review continue to place Prevent as part of safeguarding.

Research on the implementation of Prevent identifies a key tension among professionals who grapple with how the Prevent duty fits with safeguarding, and how to understand and implement it in their professional practice. On the one hand, there is evidence that professionals increasingly see their role under the Prevent duty as consistent with existing safeguarding responses to vulnerabilities such as poor mental health, undiagnosed autism spectrum disorder, social isolation, or bullying, which can make a child susceptible to grooming and exploitation.³² On the other hand, concerns persist among professionals that safeguarding under Prevent is neither consistent nor compatible with traditional safeguarding principles.³³ The threshold is lower than other safeguarding interventions: the Children Act 1989 requires a likelihood of significant harm, but Prevent only requires a child to be at 'risk' of radicalisation, which, without further guidance, provides no indication of the level of risk above zero.³⁴ The early role and involvement of the police are reported to erode trust in professionals working under Prevent³⁵ and are contrary to international expert consensus that children's interests are best served by avoiding contact with the policing and criminal justice system if possible.³⁶ In the UK, this child-centred multi-disciplinary approach outside the criminal justice system has resulted in a reduction in the number of children in prison from over 2,500 in 2001 to below 500 in 2022.³⁷ Studies from Northern Ireland³⁸ and by UN experts³⁹ caution that securitising social and care services undermines access to support services.

Some social workers are concerned about the role they are asked to play in Prevent, from initial assessments to Channel Panels and interventions.⁴⁰ While traditional safeguarding is a child-centred, multi-stage process that includes families in managing risks, Prevent safeguarding may exclude families, share information without consent, and by broadening the definition from 'significant harm' to 'at risk', it allows referrals based on suspicion rather than evidence.⁴¹ Social workers also expressed concern that their role could be used as a way for the police to

- 27 Robert McNeil-Wilson, 'Understanding the Interplay of Counter-Extremism Trends and Muslim Communities in Europe' in Bonino Stefano and Riccucci Roberta (eds), *Islam and Security in the West* (Palgrave Macmillan 2021).
- 28 Shamim Miah, *Muslims, Schooling and Security* (Springer International Publishing 2017); Andrew Whiting, Keith Spiller and Imran Awan, 'A Disproportionate Response: Five Years of the Prevent Duty in UKHE' (Birmingham City University, 2021).
- 29 For example, the British Medical Association (BMA) passed a motion at its 2018 AGM stating that it believes the Prevent programme leads to racial profiling and called for the BMA to support doctors who refuse to take part.
- 30 Claire Chivers, 'What is the Headspace they are in when they are making those referrals? Exploring the lifeworlds and experiences of health and social care practitioners undertaking risk work within the Prevent Strategy' (2018) 20 *Health, Risk & Society* 81.
- 31 Evidence submission, Dr. Fernán Osorno.
- 32 Chisholm and Coulter (n18); Suzzie Langdon-Shreeve, Hannah Nickson, and Cordis Bright, *Safeguarding and Radicalisation: Learning from Children's Social Care* (Department for Education 2021); Joel Busher, Tufyal Choudhury, and Paul Thomas, 'The Enactment of the Counter-Terrorism "Prevent Duty" in British Schools and Colleges: Beyond Reluctant Accommodation or Straightforward Policy Acceptance' (2019) 12 *Critical Studies on Terrorism* 440.
- 33 Evidence submissions: Child Rights International Network, Sophie Shall and Dr Leona Vaughn. See also David McKendrick and Jo Finch, 'Downpressor Man: Securitisation, Safeguarding and Social Work' (2017) 5 *Critical and Radical Social Work* 287; Tony Stanley, Surinder Guru, and Anna Gupta, 'Working with PREVENT: Social Work Options for Cases of "Radicalisation Risk"' (2018) 30 *Practice* 131.
- 34 Evidence submission, Child Rights International Network. They note that section 17 of the Children Act 1989 sets out the duty (s 17(1)) but then defines the circumstances in which it applies in terms of the likelihood of specific outcomes (s 17(10)). The section is detailed in its description of the scope of safeguarding powers and the situations in which they apply. By contrast, in the Prevent duty, there is no similar detail, delineation or limitation, just the simple threshold of 'risk'.
- 35 Evidence submission, MedAct: see also Hilary Aked, *False Positive: The Prevent Counter-Extremism Policy in Healthcare* (MedAct 2020); Chisholm and Coulter (n18) 23.
- 36 Evidence submission, Child Rights International Network. See also the Convention on the Rights of the Child article 3(1) and Committee on the Rights of the Child, 'General Comment No 24 (2019) on Children's Rights in the Child Justice System' (CRC/C/GC/24, 2019).
- 37 Youth Justice Board England and Wales, *Youth Justice Statistics England and Wales 2021/22* (2023) 36.
- 38 Evidence submission Professor Mark McGovern; See also, Duncan Morrow and Jonny Byrne, *Countering Paramilitary and Organised Criminal Influence on Youth: A Review: Full Report* (Corrymeela Press 2020) accessible at <<https://www.corrymeela.org/cmsfiles/Countering-Paramilitary-and-Organised-Criminal-Influence-on-Youth---FULL-REPORT.pdf>> accessed 17 November 2024.
- 39 Fionnuala Ni Aoláin, 'Human Rights Impact of Policies and Practices Aimed at Preventing and Countering Violent Extremism' (Human Rights Council 43rd Session, 24 February-20 March 2020, Agenda Item 3) <<https://digitallibrary.un.org/record/3872336?ln=en>> accessed 17 November 2024.
- 40 See: McKendrick and Finch (n33).
- 41 Evidence submission, Dr Leona Vaughn.

gain access to families for Prevent purposes or that the police might threaten social services intervention to coerce engagement with Prevent.⁴² Accessing support through Prevent (even if the result of being identified as a misplaced or inappropriate referral) can undermine engagement with support services.

In Wales, practitioners worried about the stigma arising from early intervention programmes for preventing extremism, since labelling young people as ‘at risk’ could draw them into systems of social control with potentially harmful effects. To avoid this, some teachers referred cases to youth organisations rather than through official Prevent channels, creating an informal parallel system. Youth workers found themselves handling cases that could potentially meet criminal thresholds for concerning online behaviour but chose to address these through youth work approaches rather than formal intervention channels, believing this better served the young people’s interests.⁴³

Evaluation and effectiveness

Prevent aims to stop people from becoming terrorists. Evaluating the effectiveness of a preventive programme, particularly for actions like terrorism that are already relatively rare, is difficult. According to the Home Office, Prevent disrupted over 150 attempted journeys to the Syria/Iraq conflict area in 2015.⁴⁴ One senior practitioner contended that ‘Prevent’s radar’ effectively identified people of concern, noting that several convicted terrorists had been referred to Prevent.⁴⁵ Of 43 young people convicted of terrorism offences between 2016-2023, 13 had been referred to Prevent.⁴⁶ Others said that terrorism suspects known to Prevent are mischaracterised as Prevent failures and that claims that attacks could have been stopped if signs of radicalisation had been identified increase pressure to make referrals.⁴⁷ Most practitioners agreed that a violence prevention programme targeted at those susceptible to taking extremist ideologies into violent action is necessary and that Channel support changes lives positively.⁴⁸ Mentoring and support may help those experiencing difficulties but evidence that it is preventing terrorism is more difficult to establish.

The number of referrals and cases adopted by Channel may not provide an appropriate measure of effectiveness in stopping terrorism. Home Office analysts have cautioned against seeing these cases as reliable indicators of terrorism risk.⁴⁹ Channel practitioners describe many of the people referred to them as lonely, in need of guidance and friendship rather than showing terrorist tendencies.⁵⁰ Those in frequent contact with services are more likely to be identified under the Prevent duty, which may replicate preexisting racial and class biases in the demographic profile of people in contact with state institutions. The implementation of the duty in educational settings inevitably means that young people are at greater risk of being picked up even though most attacks have involved older men, who tend not to use the services likely to make Prevent referrals, so they are not referred.⁵¹

Some practitioners suggest that there is a gap between Prevent’s strategic goal and its operational delivery, in particular that it identifies people with multiple complex needs who need support but pose little serious terrorist risk.⁵²

Given the resources invested in Prevent training, handling referrals and carrying out Channel interventions, the limited published research on the effectiveness of Prevent after almost two decades is concerning. This is compounded by

42 Evidence submissions, Sophie Shall; Child Rights International Network; and Prevent Watch.

43 Evidence submission, Dr Bethan Davies. See also: Bethan Davies, *Early interventions with young people to prevent the onset of extremism and radicalisation: An ethnographic study* (PhD Thesis, Cardiff University 2023) <https://orca.cardiff.ac.uk/id/eprint/163360> accessed 15 November 2024.

44 Louise Casey, *The Casey Review: A Review into Opportunity and Integration* (Department for Communities and Local Government 2016) 153.

45 Evidence session, June 2023, counter-terrorism practitioner.

46 Hannah Rose and Gina Vale, ‘Childhood Innocence: mapping trends in teenage terrorism offender’ (International Centre for the Study of Radicalisation 2023) 49.

47 Evidence submission, Prevent Watch.

48 Evidence session, July 2023, Prevent practitioners.

49 William Shawcross, *Independent Review of Prevent* (HC 1072, 2023) 48.

50 Evidence submission, Dr Tom Pettinger.

51 Plenary meeting, July 2023, counter-extremism practitioners.

52 Evidence session, July 2023, Prevent practitioner.

reports of unpublished government research suggesting negative evaluations of Prevent-related projects.⁵³ The lack of comprehensive evaluation is attributed to challenges in data management as the implementation of the Prevent duty is dispersed across various agencies and subject to different security classifications, complicating collection and access. Legal and practical obstacles hinder follow-up once cases are closed. Moreover, agencies often lack the resources to maintain stable datasets and perform useful analyses, further impeding effective evaluation.⁵⁴ Senior Channel programme staff reported that they lacked access to data on rejected referrals, stopping them from analysing or explaining the high false positive rates.⁵⁵

The lack of robust evaluations is problematic and allows critics to question the effectiveness of interventions targeted at those deemed at risk of radicalisation. Systematic reviews of the research evidence on the evaluation of the Prevent programmes in the UK⁵⁶ and similar programmes elsewhere note the lack of rigorous data and studies from which firm conclusions can be drawn.⁵⁷ In Germany, 90 per cent of interventions are never evaluated, and when carried out, they often lack scientific rigour with no control groups.⁵⁸ One experienced international practitioner suggested that we may be no worse off doing nothing in Prevent.⁵⁹ However, defenders of Prevent counter that reducing factors known to cause radicalisation must protect against violence.⁶⁰

53 Fiona Hamilton, 'Most programmes to stop radicalisation are failing' *The Times* (06 June 2018).

54 Evidence session, July 2023, senior Prevent practitioner.

55 *ibid.*

56 James Lewis, Sarah Marsden, and Simon Copeland, 'Evaluating Programmes to Prevent and Counter Extremism' (Centre for Research and Evidence on Security Threats 2020)

57 Peter Neyroud, Ajmal Aziz, and Brett Kubicek, 'Update on Campbell's Countering Violent Extremism Programme' (2024) 20 *Campbell Systematic Reviews* e1387. Isabella Pistone, Erik Eriksson, Ulrika Beckman, Christer Mattson, and Morten Sager, 'A scoping review of interventions for preventing and countering violent extremism: Current status and implications for future research' (2019) 19 *Journal for Deradicalization* 1.

58 International roundtable, July 2023, CVE expert, Germany.

59 International roundtable, July 2023, academic expert and practitioner, USA.

60 International roundtable, July 2023, academic experts and practitioners, Germany and Canada.

8.2 The Impact of Prevent

Discrimination and bias

The Commission heard evidence that Prevent stigmatises Muslims, alienating individuals and communities where support is needed.

From 2007-2011, the explicit focus of the Prevent strategy was on Muslims, leading to accusations of institutional racism. Initially, funding was based on the size of local Muslim communities, with local authority performance measured by the depth and detail of their knowledge of local Muslim communities, including the location and denomination of mosques.⁶¹ Initiatives such as improving mosque governance, organising national roadshows of Islamic scholars, and developing citizenship curricula in madrasas reinforced the perception that Islam was viewed as the cause and solution to radicalisation.⁶² Paternalistic assumptions about Muslim women and the role they could play as mothers, wives and daughters in countering violent radicalisation underpinned government engagement, while support for projects to increase their access to mosques reinforced the notion that a liberal/moderate Islam was the solution to radical/extremist Islam.⁶³ Attempts to draw a distinction between 'moderate' and 'extremist' Muslims reinforced the perception that the problem of terrorist violence lies with Islam. This was said to lead to the assumption that, '[i]n the war on terror, every Muslim is infected with a dormant virus and must offer an immunisation record; a reassurance that the strain of Muslimness they contain is safe.'⁶⁴ This view is reinforced by the statements⁶⁵ and actions of some politicians, such as the letter sent by the Secretary of State for Communities to mosques in Britain after the Charlie Hebdo attacks in France, focusing on the important role of mosques in challenging extremism.⁶⁶ Critics say that this placed collective responsibility on Muslims for terrorist acts, while far-right attacks were seen as individual rather than communal acts.⁶⁷

The government recognised the need for the police and the Home Office to monitor Prevent's impact on different racial and religious groups closely.⁶⁸ However, it chose not to record such data systematically and resisted publication of any partial data on race and ethnicity, arguing that publication could deter individuals from engaging with Prevent.⁶⁹ The collection and publication of data on race and religion, while sensitive, is important for transparency and identifying discrimination. The introduction of the single Prevent national referral form in 2024 will provide more robust and consistent equality data and it should allow for a better understanding of Prevent's impact on groups by religion and ethnicity. This is still not a complete picture, however, as it does not cover cases that do not reach the point of a formal referral.

Under the Prevent duty, workers in specified authorities are required to monitor individuals for signs of extremism. This duty has been criticised for institutionalising racialised surveillance of Muslims,⁷⁰ as it encourages suspicion of views and actions that differ from the mainstream or are unfamiliar to frontline professionals.⁷¹ Disagreements over the racialised impact of Prevent can be seen in the interpretation of referral data, with discussions often using 'Islamist' as

61 National Indicator 35, Building Resilience on Violent Extremism. See Anna Turley, 'Stronger Together: A New Approach to Preventing Violent Extremism' (New Local Government Network 2009).

62 Katherine E Brown, 'Introduction: Radicalisation and Securitisation of Muslims in Europe' (2018) 7 *Journal of Muslims in Europe* 139.

63 Katerine Brown, 'Gender and Counter-radicalisation: women and the emerging Counter-terror measure' in Margaret Satterthwaite and Jayne Huckerby (eds.), *Gender, Counter-Terrorism and National Security: Human Rights Perspectives* (Routledge 2013).

64 Randa Abdel-Fattah, 'Managing Belief and Speech as Incipient Violence: "I'm Giving you the Opportunity to Say that you Aren't!"' (2019) 14 *Journal of Policing, Intelligence and Counter Terrorism* 20, 21.

65 See, for example, BBC News, 'Muslims "Must Root Out Extremism"' (4 July 2006) <<http://news.bbc.co.uk/2/hi/5144438.stm>> accessed 10 October 2024.

66 Department for Communities and Local Government, 'Letter to Muslim faith leaders' (18 January 2015) <<https://www.gov.uk/government/publications/terrorist-attacks-in-paris>> accessed 10 October 2024.

67 Evidence submissions: Dr Madeline-Sophie Abbas, and Dr Tara Lai Quinlan. See also Nadiya Ali, *The Violence of Britishness: Racism, Borders and the Condition of Citizenship* (Pluto Press 2023).

68 HM Government, 'The Prevent Strategy: Equality Impact Assessment' (2011) 12.

69 Evidence submission, Rights and Security International.

70 Barbara Cohen and Waqas Tufail, 'Prevent and the Normalization of Islamophobia' in *Islamophobia: Still a Challenge for Us All* (Runnymede Trust 2017); Shareen Fernandez, 'When Counter-Extremism "Sticks": The Circulation of the Prevent Duty in the School Space' (2024) *Identities* 1.

71 Joel Busher, Tufyal Choudhury, and Paul Thomas, 'Surveillance and Preventing Violent Extremism: The Evidence from Schools and Further Education Colleges in England' in M Kwert (ed.), *The Cambridge Handbook of Race and Surveillance* (Cambridge University Press 2023).

a proxy for referral of Muslims. Those who dispute claims that Prevent targets Muslims highlight the decrease between 2016 and 2024 in Islamist referrals (from 61 per cent to 13 per cent of the total) and the rise in XRW and MUU referrals (see **chapter 5, figure 5.3**).⁷²

Those saying that Prevent is discriminatory argue that the decline in the number of Islamist referrals does not disprove claims of discrimination and note that the rate of referral still represents disproportionate targeting. While Muslims are 6.5 per cent of the population in England and Wales, they made up 27 per cent of all the Prevent referrals between 2016-2024.⁷³ Furthermore, analysis of Channel case adoption rates reveals stark disparities between the outcomes of Islamist and XRW referrals. Between 2016 and 2024, there were 13,897 Islamist referrals, resulting in 1,331 people receiving Channel support; in the same period, there were 10,323 XRW referrals, leading to 2,038 individuals receiving Channel support. Thus, for every Islamist extremist case receiving Channel support, there were 10 referrals. By contrast, for every XRW case adopted for Channel support, there were only 5 referrals. This either indicates a systemic bias favouring the adoption of XRW cases or discriminatory over-referral of Muslims by frontline practitioners.

Qualitative research provides evidence of discrimination, suggesting a system designed to over-report,⁷⁴ in which signs of Muslim religious observance are often flagged as suspicious,⁷⁵ and questions on religious beliefs and practices are asked in Prevent interviews.⁷⁶ Practitioners say the threshold for concern appears to be lower for Muslim children than for those expressing significant XRW views.⁷⁷ The Commission heard troubling examples of this. A refugee, volunteering with a charity as a mentor and advocate for other refugees, was told by a local Prevent team to report conservative religious behaviour, such as not shaking hands with the opposite sex, despite their attempts to explain that such behaviour was not concerning.⁷⁸ Another submission referenced an Ofsted report that included a case study as an example of effective staff training, which identified the discovery of a Qur'an hidden in a recent convert's bedroom as a potential sign of radicalisation.⁷⁹ Such examples show that even though 'Islamist' referrals have declined, many still rest on Islamophobic assumptions about religious beliefs and practices. Weaknesses in the VAF, which underpins the assessment of Channel referrals and Prevent training and places reliance on intuition, are argued to be 'foundational in explaining how racial prejudice enters the picture'.⁸⁰

31 Recommendation 31: Prevent policy must be grounded in rigorous evidence and research. This requires collecting and sharing clear, consistent and robust data (including equality data) needed to evaluate policies and interventions.

Protection of children's rights, personal data and safety

People considered for Prevent referral have not committed nor are suspected of committing any terrorist offence, which should guarantee them strong legal protection. However, evidence to the Commission suggested that normal rights protections may be overlooked or weakened as a result of Prevent operating in both pre-criminal and national

72 See, for example, foreword by former Prime Minister David Cameron in John Jenkins, Damon Perry and Paul Stott, 'Delegitimising Counter-Terrorism: The Activist Campaign to Demonise Prevent' (Policy Exchange, 2022) <<https://policyexchange.org.uk/wp-content/uploads/2022/10/Delegitimising-Counter-Terrorism.pdf>> accessed 10 October 2024.

73 Based on data from Home Office, *Individuals referred to and supported through the Prevent Programme, England and Wales, April 2023-March 2024: data tables* (2025) Table 6

74 Evidence session, February 2024, teaching union.

75 Evidence submissions: MedAct and Runnymede Trust; see also Busher, Choudhury and Thomas (n71).

76 See, for example, evidence of the notes from a police officer interview when investigating a Prevent referral: *R (II) v Commissioner of Police of the Metropolis* [2020] EWHC 2528 (Admin) [24]

77 Evidence session, July 2023, social work researcher and lawyer. Also, evidence submissions: Sophie Shall, Dr Leona Vaughn, and Prevent Watch.

78 Evidence submission, Dr Aram Ghaemmaghami and Dr Naheem Jabbar.

79 Ofsted, 'How Well Are Further Education and Skills Providers Implementing the 'Prevent' Duty?' (2012) 16, cited in evidence submission by the Muslim Council of Britain.

80 Tarek Younis, 'Counter-Radicalisation, Public Health and Racism – A Case Analysis of Prevent' in Kamaldeep Bhui and Dinesh Bhugra (eds), *Terrorism, Violent Radicalisation and Mental Health* (Oxford University Press 2021) 8.

security areas. Two areas of concern were highlighted in the evidence: the safeguarding of children and young people, and the collection, retention and sharing of data during the Prevent process.

Counter-terrorism police officers can interview children and young people after a referral, even when they are not suspected of an offence. These interviews therefore lack the PACE protections⁸¹ and children can face questioning without a parent or a responsible adult present. In effect, they have fewer rights under questioning than youths suspected of committing a crime.⁸² As noted in **chapter 5**, children account for 57 per cent of Prevent referral, the education sector provided 40 per cent of all Prevent referrals in year to March 2024.⁸³ Yet, the Commission found no specific national guidelines for schools relating to interviewing children about Prevent-related concerns

32 **Recommendation 32:** The Home Office should consult with a broad range of stakeholders in developing clear guidance on conducting conversations and interviews with children and young people relating to Prevent.

When someone is referred, detailed sensitive personal information is gathered and recorded without their consent. The High Court has highlighted the severe consequences for individuals resulting from mishandling of Prevent data, including the risk of wrongly labelling someone a supporter of terrorism.⁸⁴ In this case, details of Prevent-related concerns raised by an online tutor for an 11-year-old child were recorded by the police in 2016. The case was closed after the police inquiries concluded the concerns were unfounded. However, the data on the case was retained. In 2020, the child, then aged 16, applied to delete the record, fearing it could impact their future employment or educational prospects. The High Court said that retention of the data meant that it could be accessed by ‘MPS officers, counter-terrorism officers nationally, local authority and home office colleagues, across 10 databases’ and that there ‘is no guarantee’ that ‘personal data will not be disclosed to third parties’.⁸⁵ Human and data rights organisations say the lack of specific national guidelines for handling Prevent data has led to inappropriate, ad hoc and inconsistent approaches across different bodies involved in Prevent.⁸⁶ They argue that the current approaches violate Article 8 European Convention on Human Rights (ECHR) right to respect for private life,⁸⁷ as well as the principles of data protection, which require processing to be lawful, transparent and fair, and personal data to be adequate, relevant, not excessive, and kept for no longer than is necessary.⁸⁸ A counter-terrorism official said that these concerns were often based on myths and misunderstandings around data-sharing; that only police have access to Prevent and Channel databases, and that there is no security service or DBS access to them.⁸⁹

Counter-terrorism policing manages Prevent referral data in the Prevent Case Management Database and Tracker using College of Policing rules designed for criminal suspects,⁹⁰ even though Prevent referrals involve cases where there may be no evidence of any criminal activity. The application of the Management of Police Information (MOPI) Guidance means referrals can be kept for up to six years, even for cases closed after an initial investigation.⁹¹ Noting

81 Police and Criminal Evidence Act 1984.

82 Commission plenary meeting, July 2023, civil society organisation.

83 Home Office, ‘Individuals referred to and supported through the Prevent Programme, April 2023 to March 2024’ (4 December 2024) <<https://www.gov.uk/government/statistics/individuals-referred-to-prevent-to-march-2024/individuals-referred-to-and-supported-through-the-prevent-programme-april-2023-to-march-2024>> accessed 15 September 2025.

84 *R (II) v Commissioner for Police for the Metropolis* [2020] EWHC 2528 (Admin), [78].

85 *ibid* [77]–[78].

86 Evidence submissions: Child Rights International Network, Open Rights Group, and Rights and Security International; see also, Open Rights Group, *Prevent and the Pre-crime State: how unaccountable data sharing is harming a generation* (2024).

87 Rights and Security International, ‘Secret, Confused and Illegal – How the UK Handles Personal Data Under Prevent’ (2022).

88 Child Rights International Network, *Preventing Safeguarding: The Prevent Strategy and Children’s Rights* (2022).

89 Evidence from a senior counter-terrorism official, April 2025. DBS refers to the check carried out by the Disclosure and Barring Service that provides background checks needed for particular jobs or volunteering positions.

90 This is, however, only one of several databases where data on Prevent referrals are stored. In *R (II) v Commissioner of Police of the Metropolis* [2020] EWHC 2528 (Admin), [46] the information of a Prevent referral was found to be held on 10 databases.

91 The Showcross Review recommended reviewing and reducing this to three years. Following a subsequent review, the government decided to keep the initial retention period as six years. See Showcross (n49).

that there are cases where terrorist suspects had an earlier Prevent footprint, Lord Anderson says that the retention period is justified for cases that reach the threshold of a Channel referral.⁹² Personal data can be retained for longer after a review and shared with security services and third parties.⁹³ Thus, data collected can affect people years after the case is closed. Given the disproportionate number of Muslim referrals, retaining 'No Further Action' cases may embed systemic bias.

Practitioners who implement the Prevent duty were unhappy that their training failed to clarify the scope of data retention and sharing practices.⁹⁴ Training materials appeared to give little emphasis to the right to privacy and requirements of data protection laws; they encouraged the disclosure of confidential information, and some NHS materials even implied that staff should avoid seeking consent before a Prevent referral since it is not required.⁹⁵

Many people, especially the young, are unaware of what data is held. Legal challenges to retention citing a disproportionate interference with the right to private life under ECHR Article 8 are possible but remain costly and rare.⁹⁶ Thus, data are often 'collected, retained and shared yet seldom removed'.⁹⁷

33 Recommendation 33: The Information Commissioner's Office should audit the Home Office's Prevent policy and its implementation across the various institutions which process personal data, including its approach to national security exemptions.

34 Recommendation 34: All bodies should develop and publish specific policies on the collection, processing and sharing of data gathered as part of their Prevent duty and include these policies in their training.

Closing spaces for expression of grievances and extremist ideas

Evidence to the Commission showed that the focus on non-violent extremist ideas casts suspicion on lawful thoughts and activities, reducing opportunities for open dialogue and pushing discussions online.

Research, including with people involved in extremist groups, emphasises the critical need for safe spaces where grievances and anger can be expressed without fear of surveillance or censorship.⁹⁸ Identifying the perception of injustice and emotions of insecurity, helplessness and anger as potential signs of radicalisation closes the space where these feelings can be expressed and worked through, inadvertently creating conditions conducive to violent extremism.⁹⁹ Space to discuss the 'why' of terrorism is not only vital for democracy but is also associated with lower rates of terrorism.¹⁰⁰ Yet, research shows self-censorship in discussing extremism, particularly, but not

92 Home Office, *Prevent Learning Review*; Ali Harbi Ali (2025) 5.

93 *R (II) v Commissioner of Police of the Metropolis* [2020] EWHC 2528 (Admin). Mark Townsend, 'Revealed: data from UK anti-radicalisation scheme Prevent being shared with ports and airports' *The Guardian* (17 December 2023) <<https://www.theguardian.com/uk-news/2023/dec/17/prevent-programme-anti-radicalisation-data-shared-secretly>> accessed 31 October 2024.

94 Evidence submission, Sophie Shall: See also Langdon-Shreeve, Nickson, and Bright (n32).

95 Evidence submission, MedAct. See also, Rights and Security International (n87).

96 *R (II) v Commissioner of Police of the Metropolis* [2020] EWHC 2528 (Admin).

97 Open Rights Group (n86) 7.

98 Evidence submissions, Dr Danielle Genovese. Research supporting this see: Hilary Pilkington and Necla Acik. (2020) 'Not entitled to talk: (Mis)recognition, inequality and social activism of young Muslims', 54(1) *Sociology* 181; Hilary Pilkington and Ajmal Hussain (2022) 'Why Wouldn't You Consult Us? Reflections on Preventing Radicalisation Among Actors in Radical(ising) Milieus', 30 *Journal for Deradicalization* 1; Ajmal Hussain, Hilary Pilkington, Kelly Simcock, Jon Nicholas, Harriet Vickers, and Lee Rogerson, 'Talking Our Way Out of Conflict: Critical reflections on 'mediated dialogue' as a tool for secondary level CVE' (Commission for Countering Extremism, 2019) <<https://www.gov.uk/government/publications/talking-our-way-out-of-conflict>> accessed 10 November 2024.

99 Evidence submission, Dr Shamila Ahmed.

100 Lasse Skjoldager Eskildsen and Christian Bjørnskov, 'Does Freedom of Expression Cause Less Terrorism?' (2022) 70 *Political Studies* 131.

exclusively¹⁰¹ among Muslims.¹⁰² Fear of Prevent has led to mosques and other community spaces closing down discussions and conversations about the grievances that can be exploited by terrorist groups, driving it solely online.¹⁰³ Manchester's Commission on Preventing Hateful Extremism and Promoting Social Cohesion heard evidence that some people feel silenced and lack safe spaces and confidence to hold difficult conversations.¹⁰⁴

The Prevent duty has led to school and college staff listening out for 'extremist' ideas or beliefs in classroom debates and referring students to safeguarding teams.¹⁰⁵ Research has found that students are reluctant to debate difficult views,¹⁰⁶ which risks suppressing legitimate discussion and undermining the development of critical thinking skills—a key aim of counter-extremism efforts. Teachers have reported that Prevent has an adverse impact 'on the ability of children to express opinions, be listened to, feel safe to speak and share their opinions.'¹⁰⁷ Parents, particularly in Muslim families, caution children against expressing ideas or views that could be misconstrued as a sign of extremism.¹⁰⁸ The Commission heard from a counter-terrorism police officer who connected this caution to the rise in the young being prosecuted for online terrorism offences: 'People look for answers online when they feel they can't ask questions or express unpalatable views in schools.'¹⁰⁹ For young people exploring issues online, there is a risk that algorithms and disinformation can lead to more extreme worldviews.¹¹⁰ In contrast, there is a very well-established link between an open classroom climate – where ideas can be freely discussed – and a wide range of positive civic outcomes.¹¹¹ The face-to-face discussion of controversial issues views has also been linked to an increased tolerance of difference.¹¹² Creating spaces for these discussions is vital and schools have the potential to play an important role.

While some teachers have used the opportunity to discuss contentious topics, others reported they are 'walking on eggshells' and are apprehensive about opening up discussion on controversial topics.¹¹³ Officials from a teaching union said Prevent had created an environment in which school teachers were afraid to talk about Israel and Palestine.¹¹⁴ Research shows that many school leaders and teachers, fearing the repercussions of non-compliance, take a cautious, risk-averse approach to Prevent and widen the range of ideas and practices that may be considered extremist, creating suspicion of lawful activities and deterring discussion of legitimate topics.¹¹⁵ This suggests that Prevent may be limiting schools' ability to support students' engagement with difficult topics at a time when such discussions are particularly important.

101 For an example of research into feelings of being silenced among right-wing activists, see Hilary Pilkington, *Loud and Proud: Passion and Politics in the English Defence League* (Manchester University Press 2016) 203–221.

102 In a survey, 44 per cent of British Muslims said that Prevent made Muslims afraid to express their opinions. See Jon Clements, Manon Roberts and Dan Forman, 'Listening to British Muslims: policing, extremism and Prevent' (Crest Advisory 2020) 84.

103 Evidence submissions: Muslim Council of Britain and Runnymede Trust.

104 A Shared Future A report of the Greater Manchester Preventing Hateful Extremism and Promoting Social Cohesion Commission (2018).

105 Evidence submission, Professor Charlotte Heath-Kelly. See also: Busher, Choudhury and Thomas (n71).

106 Shajed Rahman, Karl Kitching, Reza Gholami, Asli Kandemir, and Mahfuzur Rahman Khakan 'Youth Engagement with Race and Faith at School: National Pupil Survey Headline Findings Report' (University of Birmingham 2023) <<https://more.bham.ac.uk/youth-engagement/wp-content/uploads/sites/70/2023/11/National-Pupil-Survey-Report-Final.pdf>> accessed 10 October 2024

107 Evidence session, February 2024, representative, teaching union.

108 In 2016, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association found that the policy had 'Created unease and uncertainty regarding what can legitimately be discussed in public...some families are reportedly afraid of even discussing the negative effects of terrorism in their own homes, fearing that their children would talk about it at school and have their intentions misconstrued'. Statement by the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association at the Conclusion of His Visit to the United Kingdom (2016) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19854&LangID=E>, accessed 10 October 2024; See also: Madeline-Sophie Abbas, 'I Grew a Beard and My Dad Flipped Out! Co-option of British Muslim Parents in Countering 'Extremism' within Their Families in Bradford and Leeds' (2019) 45 *Journal of Ethnic and Migration Studies* 1458.

109 Evidence session, June 2023, counter-terrorism police officer.

110 Kaitlyn Regehr and others, *SAFER SCROLLING: How algorithms popularise and gamify online hate and misogyny for young people* (UCL and University of Kent 2024) <<https://www.ascl.org.uk/ASCL/media/ASCL/Help%20and%20advice/Inclusion/Safer-scrolling.pdf>> accessed 28 August 2025.

111 Wolfram Schulz and others, *Education for citizenship in times of global challenge. IEA International civic and citizenship education study 2022* (International Association for the Advancement of Educational Achievement 2023) 201.

112 Diana Hess and Laure Gatti, 'Putting Politics Where It Belongs: In the Classroom' (2010) 152 *New Directions for Higher Education* 19.

113 Evidence submission, Dr Francis Farrell.

114 Evidence session, February 2024, representative, teaching union. See also: Robert McNeil-Wilson, 'Pro-Palestine Activism and Prevent' (SOAS ICOP Policy Briefing, 2021) <<https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/06/Pro-Palestine-Activism-and-Prevent-2.pdf>> accessed 11 October 2024

115 Evidence submission, Dr Lynn Revell.

Citizenship education may be a good means to explore the political dimensions of terrorism, extremism, and the Rule of Law in the context of democratic norms. There is growing evidence of the positive impact of citizenship education on democratic engagement.¹¹⁶ However, limited opportunities for teachers specialising in citizenship have curtailed opportunities for specific citizenship training. Instead, most citizenship education happens through Personal, Social, Health and Economic (PSHE) classes. These cover a wide range of topics, and navigating the discussion of sensitive and controversial political issues can be a challenge for non-specialist teachers. Between 2004 and 2010, the then Labour government aimed to raise standards and specialist capacity in PSHE teaching by funding a nationally certified CPD programme for primary and secondary school teachers and school nurses. However, funding for this was ended in 2010.¹¹⁷ Leadership in this area could be addressed through a new qualification for initial teacher education in 'PSHE & Citizenship', which would fit in with current models of how it is taught, or a conversion course to support people to develop citizenship expertise as they take on the role of PSHE coordinator.¹¹⁸

35 Recommendation 35: The Department for Education should explore ways to increase support and training for educational staff to create safe spaces for students to discuss controversial and difficult issues. While continuous professional development could play an important role they should consider whether this could also be addressed through reviewing initial teacher education (ITE), for example by offering bursaries to increase the numbers of citizenship teachers and/or encouraging a new ITE route in 'PSHE & Citizenship'.

116 Lee Jerome, Faiza Hyder, Yaqub Hilal, and Ben Kisby. "A systematic literature review of research examining the impact of citizenship education on active citizenship outcomes." (2024)12 Review of Education e3472.

117 Education Select Committee, *Life lessons: PSHE and SRE in schools* (5th Report, HC 2014-15, 11 February 2015) paras 96-99 <<https://publications.parliament.uk/pa/cm201415/cmselect/cmeduc/145/14502.htm>> accessed 29 August 2025.

118 Evidence Submission, Professor Lee Jerome. There are several initial teacher education (ITE) routes available to gain qualified teacher status (QTS), and in secondary education, candidates qualify in relation to one major subject area (with the possibility of one additional subject, e.g. Physics with Chemistry). There are currently no ITE routes to specialise as a PSHE teacher and only two university-based ITE courses for Citizenship. This means none of the 34,000 PSHE teachers in England have been able to qualify as specialist PSHE teachers.

8.3 Oversight and Accountability

The Prevent duty has sparked criticism based on reports of cases being inappropriately referred. While practitioners and officials contest the accuracy of some of these criticisms, the confidentiality of individual cases and the lack of data and analysis in relation to those not reaching the threshold for a formal Prevent referral hinder a comprehensive assessment.

Individuals facing inappropriate or unfair treatment under Prevent may raise concerns through internal complaints mechanisms, appeal to relevant regulatory bodies or ombudsmen, or pursue judicial review. However, the limitations of knowledge, time and costs, and the retrospective nature of these options mean they are unlikely to provide effective remedies to somebody wrongly placed in Channel.¹¹⁹

Following the Shawcross Review recommendation, the previous Conservative government established the Prevent Standards and Compliance Unit (StaCU) within the Commission for Countering Extremism (CCE) to review complaints and analyse Prevent data. However, the CCE is also key in developing Prevent training, reviewing advisory board membership, supporting due diligence checks, and approving research on groups seen as undermining Prevent. Being an active participant within the Prevent policy and strategy process conflicted with CCE's ability to provide independent oversight of complaints. While it remained part of the CCE, StaCU lacked the organisational independence to be an impartial complaints unit. Its annual report noted that complaints could be about failures to uphold the Prevent duty, the quality of Prevent Delivery, failures to adhere to the recommendations of the Shawcross review of Prevent and also 'concerns about organised and concerned anti-Prevent activity impacting delivery of the programme'.¹²⁰ In its first year, it received 55 complaints but concluded that the majority were 'malicious, misguided and misinformed'.¹²¹ It cites avoidance of the term Islamism and links to websites of external organisations highlighted in the Shawcross report as examples of potential breaches of the Prevent Duty.¹²² StaCU used X (formerly Twitter) to identify 77 complaints but was unable to verify the concerns raised in these posts. Since 2025, StaCu has been separated from the CCE; it's work is now overseen by the Independent Prevent Commissioner.

The Independent Prevent Commissioner is a new position to which Lord Anderson of Ipswich was appointed on an interim basis in January 2025. As well as leading StaCU, the Commissioner's role is to review the programme's effectiveness, identify gaps, and report on the implementation of recommendations from previous reviews.¹²³ To bolster the independence of the Prevent Commissioner, the position and its terms of reference should be set out in statute. Given the concerns raised by UN human rights bodies and others about the impact of Prevent on rights, adherence to human rights should be explicitly included in the scope of the Commissioner's terms of reference. Furthermore, to effectively investigate concerns about Prevent, the Commissioner should have statutory powers. This should include, for example, the power to require the production of information.

36 Recommendation 36: The powers and terms of appointment of the Prevent Commissioner should be established by statute. These should include the power to require the production of information. The Commissioner's terms of reference should include reviewing Prevent policies and practices to ensure adherence to human rights.

¹¹⁹ Jessie Blackburn, 'Administrative Justice and Decision Making under the Prevent and Channel Duties', (2025) Public Law 524.

¹²⁰ Commission for Countering Extremism, *StaCU Annual Report 2024/25* (2025) 5.

¹²¹ *ibid* 10.

¹²² *ibid* 12.

¹²³ Home Office, Interim Independent Prevent Commissioner: terms of reference (June 2025) <<https://www.gov.uk/government/publications/independent-prevent-commissioner-terms-of-reference/interim-independent-prevent-commissioner-terms-of-reference>> accessed 11 September 2025.

8.4 Key Findings and Recommendations

Gaining an objective picture of the effectiveness of the Prevent duty is challenging due to data limitations and the difficulty in attributing outcomes to specific interventions. It is concerning that policies have developed over almost two decades without the collection of data needed to address persistent concerns about discrimination or to provide robust, independent, evidence-based evaluations of their effectiveness. Negative experiences of public services and institutions can have a damaging long-term impact. As the majority of Prevent referrals involve children, all guidelines and training must take account of the need to minimise any adverse impact on young people involved in Prevent. Each referral involves collecting, sharing and retaining sensitive personal data. However, policies for handling data lack transparency, with people unaware of what data is held and their right to challenge its retention. Prevent is stifling discussions that should be taking place in schools, and may be leading young people to seek out information and engage in unmoderated online discussions, which could be more dangerous. The appointment of the Independent Prevent Commissioner is a significant step towards enhanced oversight and scrutiny, which could be further developed.

The evidence in this chapter raises doubts about whether the benefits of the Prevent duty on specified authorities, particularly education institutions, outweigh the negative impacts of inappropriate or misplaced referrals. Vague and ambiguous indicators lead to many unnecessary or misplaced referrals, with little understanding of the impact of 'false positives' on those individuals. Inconsistent training often leaves frontline workers to rely on their 'gut instincts' and they can reinforce stereotypes and discrimination. The duty securitises the relationship between individuals and key public services, especially in education, health and social care. This erodes relationships with professionals and deters individuals from accessing help and support. As noted in **chapter 5 and 6**, the value of a statutory duty narrowly focused on terrorism-related risk will require reconsideration when developing the new multi-agency safeguarding model that addresses diverse drivers of violence. However, Prevent would remain as an element focused on assessing terrorism-related risks and supporting individuals to address and mitigate these risks.

The six recommendations in this chapter focus on reforms that would help address concerns about Prevent and ensure better delivery. They aim to ensure better data collection to allow evaluation, and identify evidence of discrimination and bias (**Recommendation 31**); the protection of children's rights (**Recommendation 32**) and rights relating to the collection, retention, and sharing of data (**Recommendation 34**), the development of spaces for expressing grievances and extremist ideas in schools (**Recommendation 35**), and enhance the independence of the Prevent Commissioner (**Recommendation 36**).

- 31 Recommendation 31:** Prevent policy must be grounded in rigorous evidence and research. This requires collecting and sharing clear, consistent and robust data (including equality data) needed to evaluate policies and interventions.
- 32 Recommendation 32:** The Home Office should consult with a broad range of stakeholders in developing clear guidance on conducting conversations and interviews with children and young people relating to Prevent.
- 33 Recommendation 33:** The Information Commissioner's Office should audit the Home Office's Prevent policy and its implementation across the various institutions which process personal data, including its approach to national security exemptions.
- 34 Recommendation 34:** All bodies should develop and publish specific policies on the collection, processing and sharing of data gathered as part of their Prevent duty and include these policies in their training.
- 35 Recommendation 35:** The Department for Education should explore ways to increase support and training for educational staff to create safe spaces for students to discuss controversial and difficult issues. While continuous professional development could play an important role they should consider whether this could also be addressed through reviewing initial teacher education (ITE), for example by offering bursaries to increase the numbers of citizenship teachers and/or encouraging a new ITE route in 'PSHE & Citizenship'.
- 36 Recommendation 36:** The powers and terms of appointment of the Prevent Commissioner should be established by statute. These should include the power to require the production of information. The Commissioner's terms of reference should include reviewing Prevent policies and practices to ensure adherence to human rights.

Part III:

Pursue

9.

Counter-Terrorism Policing and Policing Powers

Policing tackles terrorism through the criminal justice system. This chapter examines different approaches to counter-terrorism policing and the extensive powers available to the police in this area. The Police and Criminal Evidence Act 1984 (PACE) provides general policing powers for England and Wales.¹ This Act tries to balance society's interests and individuals' rights. While providing police officers with the powers required to gather evidence to bring prosecutions against suspected criminals, it protects the rights of suspects, guarding them from miscarriages of justice. PACE regulates the powers of arrest, detention, interrogation, entry and search of premises, personal search and the taking of samples. Terrorism laws provide a parallel set of rules regulating investigations and arrests. These give far more extensive powers to the police and limit the rights of suspects. The need for a different balance between the power of the state and individual rights is due to the threat posed by terrorism, the clandestine nature of terrorist groups and the complexity of terrorism investigations.

The Commission heard from senior police officers, both serving and retired, as well as researchers, lawyers, civil society groups and individuals who have directly engaged with the police or been subject to counter-terrorism policing powers. This evidence has led us to focus on two key areas: how the police engage with communities and how counter-terrorism policing powers are used.

Section 1 examines the challenges of building relationships of trust and confidence between police and communities in the context of counter-terrorism policing. It explores the experience of Muslim communities and the changing role of neighbourhood policing. Section 2-4 focuses on stop and search powers. Section 2 examines police powers to stop and search without requiring any suspicion, and Section 3 considers the use of stop and search powers that do need reasonable suspicion. Section 4 examines the stop and search powers used in Northern Ireland under the Justice and Security (Northern Ireland) Act 2007. Section 5 turns to the powers to arrest and detain that can be used for some terrorism offences. Section 6 considers the extensive powers available to stop, question, search, and detain people without requiring suspicion at ports under the Terrorism Act 2000, Schedule 7. Section 7 sets out the chapter's key findings and recommendations.

¹ Similar powers are found in the Criminal Justice (Scotland) Act 2016 and the Police and Criminal (Northern Ireland) Order 1989.

9.1 Counter-Terrorism Policing and Communities

Counter-terrorism policing is carried out through eleven regional counter-terrorism units (CTUs) and intelligence units, with support and coordination provided by counter-terrorism policing headquarters. They collaborate with but are not part of the 43 local police forces of England and Wales or the police services of Scotland and Northern Ireland.

Counter-terrorism gathers intelligence on possible threats to intervene early and disrupt terrorist plans. A core relationship is the partnership between the intelligence service and the police, employing covert surveillance, often making the activities of counter-terrorism policing clandestine and shielded from public scrutiny. Many investigations begin with MI5 collecting and assessing intelligence, which provides 'pinpricks of light against a dark and shifting canvas'.² When this is shared with the police, the process of gathering admissible evidence in criminal proceedings begins. Investigations may also begin when the police share evidence or information which has been received as a result of a criminal investigation or from a member of the community with MI5.

Covert actions often sit alongside overt forms of counter-terrorism policing, like the visible presence of armed police at prominent locations, the use of stop and search powers or raids on homes. Community-based approaches to counter-terrorism combine covert and overt approaches.³ In Britain, this includes connecting neighbourhood policing to countering terrorism and the development of police-led multi-agency partnerships as part of the Prevent Strategy.⁴

'Policing by consent' is the mainstay of the British policing model, based on public support for law enforcement authorities. It is both preferable to and more effective than maintaining law and order through the use or threat of force alone. This is equally true of counter-terrorism policing.⁵ A retired senior police officer explained that 'community legitimacy is vital to long-term success'. This, he said, was as true for dealing with gun crime as counter-terrorism: 'strong relationships and trust with the community were needed to deal with the small minority that are intent on harm. Without earning the legitimacy of the tactics and approaches, it's very easy to undermine communities' confidence in what is being done.'⁶

Evidence to the Commission showed broad agreement that public trust and confidence in counter-terrorism policing are central to its effectiveness, including garnering cooperation, particularly with marginalised groups and communities that feel over-policed and under-protected.⁷ Building that trust and confidence is challenging but essential.

The fundamental importance of community trust and confidence in policing was recognised in and central to policing reform in Northern Ireland. The reform programme included recommendations related to culture, ethos and symbols. It was recommended that to build confidence, there had to be a 'new start', which required, among other things, a new name, badge and uniform. A new oath referring to human rights protection and equality accompanied this. Together with the reform of policing, new oversight mechanisms were created to promote transparency, accountability and adherence to international human rights standards. The intent of the oversight framework was to ensure that practices that caused a deficit of trust would be identified and prevented. Northern Ireland had become linked in the public consciousness to problematic practices, particularly in covert and counter-terror policing. Several court judgments reported on tactics used that were found to be unlawful. The public needed to believe that such practices would no longer be possible, but if they did occur, they would be uncovered and remedied.⁸ There are lessons to be learned from the reform of policing in Northern Ireland.

Civil society organisations recognised that 'community policing is a potential transformational tool' but warned that it can go wrong. For example, when paramilitary networks are still engaged in communities, they can end up being co-

² Commission plenary meeting, September 2022, senior police officer.

³ Martin Innes and Darren Thiel. 'Policing terror' in Tim Newburn (ed) *Handbook of policing* (Willan Publishing 2008).

⁴ Prevent does not extend to Northern Ireland.

⁵ Frank Foley, *Countering terrorism in Britain and France: Institutions, norms and the shadow of the past* (Cambridge University Press 2013); Rachel Briggs, 'Community engagement for counterterrorism: Lessons from the United Kingdom' (2010) 86(4) *International Affairs* 971.

⁶ Commission plenary meeting, September 2022, retired senior police officer.

⁷ Robert Reiner, *The Politics of the Police* (Oxford University Press 2010).

⁸ Evidence submission, Professor Mark McGovern.

opted into community policing, or worse, the police may facilitate paramilitary demands through that process, even when these demands interfere with the rights of others.⁹

Surveys of British Muslims find a readiness to cooperate with the police against terrorism and violent extremism.¹⁰ Researchers found that Muslim communities' trust in law enforcement was higher in the UK than in Australia, Canada and the US.¹¹ The Muslim Council of Britain emphasised that 'policing remains a vital tool in tackling terrorism and requires the support and engagement of communities.'¹² They recommend sharing the best practices of the many communities that engage well with their local police forces to increase further support, cooperation, and participation in tackling terrorism.¹³ The National Association of Muslim Police advocates having Faith Engagement Officers who engage with different faith establishments and support communities rather than gathering intelligence for counter-terrorism.¹⁴

Evidence from 'procedural justice' research stresses that fair treatment by the police helps with public engagement and cooperation. This includes being treated with respect, having an opportunity to express their views, and being listened to.¹⁵ Perceptions and experiences of unfair treatment, such as racial or religious profiling, erode legitimacy and undermine cooperation. There are even indications that unfair treatment from the police correlates with an increase in the perceived risk of recruitment to terrorism.¹⁶ Such evidence has led to the adoption of a procedural justice approach for counter-terrorism powers at ports and airports.¹⁷

However, wider views affect community trust in counter-terrorism policing and their willingness to cooperate. Perceptions and experiences of policing and the legitimacy of the laws themselves matter. Levels of trust and confidence vary by age, ethnicity, gender, previous contact with the police and socio-economic background.¹⁸ For many Muslims, their religion and perceived Muslimness have informed their encounters with police since 2001. One respondent told the Commission: 'Muslims were targeted in a specific way. Earlier mistrust of the state was situated around class and race, and not explicitly on Muslims for being Muslims.'¹⁹ The MacPherson Inquiry into the death of Stephen Lawrence found institutional racism in the Metropolitan Police, with consistent evidence of the 'over-policing' and 'under-protection' of Black, Asian and minority ethnic communities.²⁰ Over two decades later, the review into the Metropolitan Police after the murder of Sarah Everard found institutional homophobia, misogyny, racism, and other forms of discrimination.²¹

Police and community organisations that have worked to build trust and cooperation between the police and Muslim communities identify several key factors that influence it. Most important is the intention of the police when seeking cooperation and dialogue. 'Muslims wanted to know if policing efforts were about their well-being or somebody else's perceived safety.'²² Building that relationship requires patience, time, and effort, entailing a willingness to reciprocate trust by developing mechanisms for sharing risk and information that address communities' concerns and priorities. Trust is easily destroyed. 'You can do 100 things right, but you do one thing wrong, and it becomes very powerful.'²³

9 Evidence session, September 2022, Civil society organisation.

10 Evidence submission, Dr Sadi Shanaah.

11 International roundtable, September 2022, academic expert, Australia.

12 Evidence submission, Muslim Council of Britain.

13 *ibid.*

14 Evidence submission, Dr Madeline Sophie-Abbas.

15 See: Mohammed Ali, Kristina Murphy, and Adrian Cherney, 'Counter-terrorism measures and perceptions of police legitimacy: the importance Muslims place on procedural justice, representative bureaucracy, and bounded-authority concerns' (2022) 55(1) *Journal of Criminology* 3; Kristina Murphy, Adrian Cherney and Markus Teston, 'Promoting Muslims' willingness to report terror threats to police: testing competing theories of procedural justice' (2019) 36(4) *Justice Quarterly* 594; Kristina Murphy, Natasha Madon and Adrian Cherney, 'Promoting Muslims' cooperation with police in counter-terrorism: The interaction between procedural justice, police legitimacy and law legitimacy' (2017) 40(3) *Policing: An International Journal* 544; Tom Tyler, Stephen Schulhofer and Aziz Huq, 'Legitimacy and deterrence effects in counterterrorism policing: A study of Muslim Americans' (2010) 44(2) *Law & Society Review* 365; Aziz Huq, Tom Tyler and Stephen Schulhofer, 'Mechanisms for Eliciting Cooperation in Counterterrorism Policing: Evidence from the United Kingdom' (2011) 8(4) *Journal of Empirical Legal Studies* 728.

16 Justice Tankebe, 'Unintended negative outcomes of counter-terrorism policing: Procedural (in) justice and perceived risk of recruitment into terrorism' in David Weisburd and others (eds) *Understanding recruitment to organized crime and terrorism* (Springer 2020).

17 Jonathan Hall, *The Terrorism Act in 2019* (IRTL 2021) 99.

18 Jonathan Jackson and others, *Just authority? Trust in the police in England and Wales* (Routledge 2013).

19 Commission plenary meeting, July 2022, Muslim civil society organisation.

20 William MacPherson, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny* (Cm 4262-I, 1999).

21 See Louise Casey, *An Independent Review into the Standards of Behaviour and Internal Culture of the Metropolitan Police Service* (2023).

22 International roundtable, September 2022, former police officer, Australia.

23 *ibid.*

In the 2000s, the many arrests and raids by armed police soured relations between Muslim communities and the police. Muslims felt their neighbourhoods were stigmatised by the widespread reporting of the arrests, particularly when few led to charges. Incidents like the accidental shooting of Abdul Kahar during the raid by 250 officers in London's Forest Gate, based on faulty intelligence about chemical weapons in the property, generated fear, anger and protest in Muslim communities. However, the Commission also heard about places where trust was rebuilt after policing actions strained relations.

In Britain, the Neighbourhood Policing Programme was a key driver for building trust and developing partnerships between police and communities in the mid-2000s. It made neighbourhood teams a core part of operational policing and worked with communities to identify and address local priorities. That approach was adopted in some counter-terrorism contexts and created opportunities for innovative local responses to national security threats. In Northern Ireland, despite the ongoing threat from Northern Ireland-Related Terrorism, good neighbourhood policing was considered to be the most important form of defence.²⁴

After the 2005 bombings in London, policing focused on engaging with Muslim communities. Integrating neighbourhood policing into counter-terrorism enabled community intelligence collection and offered greater local democratic accountability than covert policing.²⁵ The Muslim Contact Unit was one of the first counter-terrorism units to adopt a community policing approach.²⁶ In Birmingham, community engagement through uniformed Community and Partnerships Officers played a key role in repairing trust and rebuilding relationships following the local community backlash against Operation Champion.²⁷ They also worked to develop and support community-led responses to disrupt the actions of individuals seen as violent extremists.²⁸

However, activities which build trust and cooperation between police and local Muslim communities can generate tensions with central government departments, officials, and advisors, particularly if the central government disapproves of the Muslim organisations that local officials engage with.

Since 2010, in Britain, funding cuts and police reforms, including the creation of Police and Crime Commissioners, have hollowed out neighbourhood policing, while direct funding for counter-terrorism policing has been protected.²⁹ After the 2019 London Bridge attack, the former head of Counter-Terrorism Policing said the decline in investment in neighbourhood policing contributed to gaps in understanding local communities and gathering local intelligence vital to counter-terrorism policing.³⁰ Local policing can be key to encouraging reporting by close family members or friends worried about a loved one at risk of radicalisation or engaging in terrorism, as they are more likely to speak to a local officer than to a counter-terrorism specialist or reporting hotline.³¹ Opportunities for reporting to local police by 'intimate bystanders' are increasingly important given the growth of self-initiated and lone-actor terrorism

24 See e.g. Northern Ireland Policing Board annual reports. Former Chief Constables of the PSNI have attested to the central importance of good relations and neighbourhood policing.

25 Marine Innes, 'Policing uncertainty: Countering terror through community intelligence and democratic policing' (2006) 605(1) *The ANNALS of the American Academy of Political and Social Science* 222.

26 See: Robert Lambert, *Countering Al-Qaeda in London: Police and Muslims in Partnership* (Hurst & Company 2012); Basia Spalek, 'Community engagement for counterterrorism in Britain: An exploration of the role of "connectors" in countering Takfiri jihadist terrorism' (2014) 37(10) *Studies in Conflict & Terrorism* 825.

27 Project Champion involved the installation of over 200 cameras, some covert, in an area of Birmingham with a large Muslim population in 2009-2010. The policing authority, local councillors and the community were told that the cameras were to reduce crime and anti-social behaviour rather than for counter-terrorism. A police review of the project found 'little evidence of thought being given to compliance with the legal or regulatory framework', that consultation over the project was 'too little too late and lack of transparency about the purpose of the project' led to community anger and loss of trust in the police. See: Sara Thornton, *Project Champion Review* (Thames Valley Police, 2010) 8-9. See also Arshad Isakjee, 'Project Champion and the Securitisation of Muslim Space in Birmingham' (Paper presented at the International RC21 conference, Session 12 – Belonging, Exclusion, Public and Quasi-Public Space, 2011).

28 Meeting, February 2024, academic expert.

29 In Northern Ireland, the oversight framework remains the Northern Ireland Policing Board and the Police Ombudsman. There is no known intention to introduce Police and Crime Commissioners.

30 Vikram Dodd and Jamie Grierson, 'Police cuts pose greatest risk to countering terrorism, say ex-chief' *The Guardian* (3 December 2019) <<https://www.theguardian.com/uk-news/2019/dec/03/police-cuts-pose-greatest-risk-to-countering-terrorism-says-ex-chief>> accessed 02 July 2025.

31 Paul Thomas, Michele Grossman, Shomim Miah and Kris Christmann, *Community Reporting Thresholds: Sharing Information with Authorities Concerning Violent Extremist Activity and Involvement in Foreign Conflict: A UK Replication Study* (Research Report, CREST 2017) <<https://crestresearch.ac.uk/resources/community-reporting-thresholds-full-report>> accessed 02 July 2025.

noted in **chapter 4**. Most 'lone-actors' revealed their intention in the preparation and planning to those known to them.³² Neighbourhood policing can also provide early warning of community tensions. By increasing police visibility and community engagement, neighbourhood policing also fosters social ties and people's willingness to intervene in addressing antisocial behaviour and other local problems.³³ As noted in **chapter 7**, 'prosocial behaviour', such as reporting hate speech and challenging extremist views, supports 'protective factors' associated with enhanced resilience to radicalisation and extremist recruitment.

This renewed interest may lead to greater investment; however, wider reform is needed. The benefits of community policing in counter-terrorism are devalued and downplayed within the 'warrior policing' culture, which dominates much UK policing and is particularly prevalent in prestigious specialist units like counter-terrorism.³⁴ Officers engaged in community policing in relation to counter-terrorism reported feeling unsupported and sometimes viewed with suspicion by colleagues because of their close connection and contact with communities.³⁵ Experts emphasised the need to change the ascribed values and the dynamics within policing organisations to assign more value to so-called soft policing.³⁶ The Police Foundation agrees that neighbourhood policing should be seen as a specialism in general policing so that expertise can be 'developed, nurtured and valued'.³⁷ The Labour Government has made strengthening neighbourhood policing a central priority in its policing programme, backed by specialist neighbourhood police training and the College of Policing's Neighbourhood Policing Programme Career Pathway. Neighbourhood policing is included in the police effectiveness, efficiency, and legitimacy (PEEL) assessment framework, alongside many other factors, but a stronger focus on this area could be addressed through a dedicated thematic inspection.³⁸

37 Recommendation 37: His Majesty's Inspectorate of Constabulary, in its annual inspections of forces, should ensure that the importance of neighbourhood policing, public confidence and community engagement in countering the threat of terrorism is recognised and is evident in force policies and practices.

38 Recommendation 38: The College of Policing should ensure that guidelines and training materials cover the contribution that neighbourhood policing makes to countering terrorism and extremism, including lessons learned from past operations and attacks.

32 Paul Gill, John Horgan, and Paige Deckert, 'Bombing Alone: Tracing the Motivations and Antecedent Behaviors of Lone Actor Terrorists' (2014) 59(2) *Journal of Forensic Sciences* 425.

33 Julia Yesberg and Ben Bradford, 'Policing and collective efficacy: A rapid evidence assessment' (2021) 23(4) *International Journal of Police Science & Management* 417.

34 Evidence submission, Dr Tara Quinlan; see also: Karen Bullock and Paul Johnson, 'Faith in policing: the co-production of crime control in Britain' (2018) 58(1) *The British Journal of Criminology* 75.

35 Quinlan (n 34); see also: Robert Lambert, *Countering Al-Qaeda in London: Police and Muslims in Partnership* (Hurst & Company 2012).

36 International roundtable, January 2023, academic expert on community policing.

37 Andy Higgins, *The Future of Neighbourhood Policing*, (The Police Foundation 2018) 71.

38 His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, *Summary of consultation responses: policing and inspection programme and framework 2025-29*, (HMICFRS March 2025) <<https://s3-eu-west-2.amazonaws.com/assets-hmicfrs.justiceinspectorates.gov.uk/uploads/response-to-consultation-on-policing-inspection-programme-framework-march-2025.pdf>> accessed 30 September 2025.

9.2 Police Power to Stop and Search Without Needing Suspicion

Stop and search is an important tool in policing. However, if groups feel police are using this power to target or harass them unfairly, it can become a flashpoint for tensions.

Box H: Stop and Search Powers, Terrorism Act 2000 sections 44 and 47A

The original no-suspicion stop and search power under the Terrorism Act 2000, section 44, allowed a senior police officer to specify an area in which uniformed officers could stop and search vehicles and pedestrians if the authorising officer considered it 'expedient for the prevention of acts of terrorism'. This could only be used to search for articles which could be used for terrorism but did not require reasonable suspicion of the person being stopped.³⁹ Authorisations were valid for 28 days and required confirmation by the Secretary of State. However, from 2001 until 2009, there was a rolling authorisation for all of London. The 600,000 stops conducted between 2001 and 2011 did not result in a single terrorism-related conviction.⁴⁰ There were concerns about racial and religious profiling in the stops, as well as the suggestion of unnecessary stops of 'white' people to 'balance' data on ethnicity.⁴¹

Section 44 was replaced in 2012 by new powers under Terrorism Act 2000 section 47A which, while allowing no-suspicion stop and search, set a much higher threshold.⁴² A senior officer must 'reasonably suspect that an act of terrorism will take place' and 'reasonably considers that the authorisation is necessary to prevent such an act', and the authorisation extends no further in area or duration than necessary.⁴³ Unlike its predecessor, this cannot be used to offer public reassurance, deterrence or gather intelligence.⁴⁴ Authorisation is for up to 14 days, and the senior officer must inform the Secretary of State as soon as practicable. The Secretary of State must confirm the authorisation within 48 hours.⁴⁵ The Code of Practice emphasises that it should only be used 'as a last resort, when other powers are considered inadequate'⁴⁶ and warns against the risks of racial and religious profiling.

The government and police defended s44 as necessary, but its demise, and the limited use of its successor provision without any adverse impact on public safety, point to the need for careful assessment of the necessity of such powers.

39 TA 2000, s 45.

40 David Anderson, *Report on the operation in 2010 of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006* (IRTL 2011) 69.

41 Lord Carlile of Berriew, *Report on the Operation in 2008 of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2006* (IRTL 2009) 29.

42 Section 47A was added to the Terrorism Act 2000 by the Protection of Freedoms Act 2012, s 59.

43 TA 2000, s 47A(1).

44 Home Office, *Revised Code of Practice (England, Wales, and Scotland) for the exercise of stop and search powers under sections 43, 43A and 43C of the Terrorism Act 2000, and the authorisation and exercise of stop and search powers relating to section 47A of, and Schedule 6B to, the Terrorism Act 2000 Issued under section 47AB of the Terrorism Act 2000* (Home Office 2022) para 4.1.6.

45 TA 2000, Sch 6B, para 7.

46 Home Office (n 44) para 3.1.6.

Counter-terrorism stop and search powers allow police to stop a person or vehicle to determine whether they are a terrorist or their vehicle is being used for terrorism. This can be done without any reasonable suspicion.

Several decisions by the European Court of Human Rights have led to significant changes in the law and practice of no-suspicion stop-and-search.⁴⁷ After the Court found that the broad discretionary nature of the powers and the lack of adequate legal safeguards against abuse violated Article 8 of the Convention, s44 was replaced in 2012 by a more constrained power set out in section 47A of the Terrorism Act 2000 (see **Box H**). This has only been used once in Northern Ireland in 2013 and by four police forces in England, immediately after the attempted attack at Parsons' Green in 2017.⁴⁸ The limited use of s47A and the fact that, on occasions, when it has been authorised, it has not been used for the full period for which the authorisation was available, suggest responsible and careful use of the power. However, the limited use of s47A does not negate the need for transparency and effective oversight of its use. The requirement that the Secretary of State should confirm any authorisation beyond 48 hours is an important check but leaves a significant period during which it can be used solely on police authorisation.

39 Recommendation 39: The Home Office and Independent Reviewer of Terrorism Legislation should be informed of any use of Terrorism Act 2000 section 47A stops and search powers as soon as reasonably practicable.

⁴⁷ *Gillan v United Kingdom* [2010] 50 EHRR 45 (App.No.22978/05) and *Beghal v United Kingdom* [2019] ECHR 181 (App. No. 4557/16).

⁴⁸ It was used by the British Transport Police (BTP); City of London Police; North Yorkshire Police and West Yorkshire Police.

9.3 Police Powers to Stop and Search Requiring Reasonable Suspicion

Since 2012, counter-terrorism related stops and searches have been under the Terrorism Act 2000 sections 43 and 43A. Section 43 allows a person reasonably suspected to be a terrorist to be stopped and searched to look for evidence that they are a terrorist. Similarly, Section 43A allows police to stop and search a vehicle for the same reason. In both cases, a search is only permitted if there is reasonable suspicion. The Code of Practice requires this suspicion to be based on 'intelligence or information about, or behaviour by, the person or vehicle concerned'. Unless there is a description of the suspect, physical appearance or characteristics such as age, religion or race 'cannot be used alone or in combination with each other or with any other factor, as the reason for searching that person' nor can suspicion be 'based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in terrorist activity'.⁴⁹

It is not yet possible to know how extensively s43 is used, as the only data currently provided is by the Metropolitan Police Service (MPS) for London and the PSNI for Northern Ireland. In 2024, the government agreed to publish data from other police forces and areas, but has yet to do so. The MPS data (table 9.1) shows the use of s43 has fallen from 1,280 searches in the year to June 2011 to 74 in the year to June 2025. Around 16 per cent of stops now lead to an arrest, but whether these are for terrorism-related offences is unclear.

Table 9.1 Number of stops and searches of persons by the Metropolitan Police Service under section 43 of the Terrorism Act 2000, and resultant arrests⁵⁰

Year to June	2011	2012	2013	2014	2015	2016	2017	2018
Searches	1280	681	568	369	439	552	654	678
Resultant arrests	34	31	36	23	33	64	53	53
Proportion of persons searched who were arrested (%)	3	5	6	6	8	12	8	8

Year to June	2019	2020	2021	2022	2023	2024	2025
Searches	699	534	518	405	282	115	74
Resultant arrests	72	51	55	32	34	11	12
Proportion of persons searched who were arrested (%)	10	10	11	8	12	10	16

⁴⁹ Home Office (n 44) 13.

⁵⁰ Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to June 2025: Annual Data Tables* (September 2025) Table S.01.

9.4 Police stop and search powers in Northern Ireland

In Northern Ireland, police have additional stop and search powers under the Justice and Security (Northern Ireland) Act 2007 (JSA(NI)A 2007). Section 21 allows a constable or member of the armed forces ('officer'⁵¹) to stop a person or vehicle where it is necessary to ascertain the person's identity and movements, without requiring reasonable suspicion.⁵² Further, following a stop, an officer may (a) arrest a person without warrant and (b) detain them for a period not exceeding four hours, if that officer reasonably suspects that a person is committing, has committed, or is about to commit any offence, and for this purpose may enter and search any premises in which they know or reasonably suspect the person to be.⁵³ The law also allows an officer to enter and search any premises for the purpose of ascertaining whether there are any wireless apparatuses⁵⁴ or munitions⁵⁵ unlawfully on the premises.⁵⁶ This power must be authorised by a senior officer who has a reasonable suspicion that the safety of any person might be endangered by the use of munitions or wireless apparatus.⁵⁷

Practitioners see these as exceptional powers of last resort needed because of the continued activity of paramilitary organisations, particularly dissident republicans.⁵⁸ Professor Marie Breen-Smyth, the former Independent Reviewer of the Justice and Security Act, describes it as a 'legislative bridge' between the emergency provisions laws of the Troubles years (1969-1998) and the more limited peacetime powers available to the authorities in England and Wales.⁵⁹ The powers should only be used in a 'narrow' set of circumstances where enforcement agencies have only vague intelligence that there are munitions moving around unspecified dissident republican groups. Where the PSNI or security services know that 'the real IRA are moving munitions around Derry', then the 'less intrusive' powers under PACE / Terrorism Act 2000 should be used.⁶⁰

Practitioners expressed concern that police and security services use these powers as a default rather than a last resort.⁶¹ They noted that since the Justice and Security Act came into force, its use has been continuously authorised every two weeks in every area of Northern Ireland, with the exception of one occasion. The Policing Board's Human Rights Advisor, who examined the processes and justifications from a sample of 15 authorisations, said that 'there were no examples where the JSA power had helped to deal with the threat described (or the threat described in a previous authorisation)'.⁶² He found that the authorisations did not always meet the legal requirements, so 'it would be difficult to argue that all of those authorisations were lawful'.⁶³ The Human Rights Advisor also found many examples in the intelligence where it appeared that the test of reasonable suspicion had been met and therefore normal PACE stop and search powers or a warrant to search particular premises would have been available.⁶⁴

Since 2017, the use of JSA 2007 powers has declined. In 2023-2024, there were 4,932 stops compared to 10,135 in 2016-2017.⁶⁵ However, the downward trend of JSA stops since 2016/17 was reversed in 2022/23, with a

51 Justice and Security (Northern Ireland) Act 2007 (JSA), s 30(2) and Sch 3 para 1(1).

52 *ibid* s 21. Section 21 also allows a person to be stopped by a member of His Majesty's forces on duty where it is necessary to ascertain (ii) what he knows about a recent explosion or another recent incident endangering life (s.21(2)(a)), or (iii) what he knows about a person killed or injured in a recent explosion or incident (s.21(2)(b)). In relation to this, an officer may arrest a person (a) without warrant and (b) detain him for a period not exceeding four hours, if that member reasonably suspects that a person is committing, has committed, or is about to commit any offence (s.22(1)), and for this purpose may enter and search any premises in which they know or reasonably suspect the person to be (s.22(3)).

53 *ibid* s 22.

54 *ibid* sch 3, para 1(3)(f).

55 *ibid* sch 3, para 1(3)(a).

56 *ibid* s 24, which gives effect to sch 3.

57 *ibid* sch 3, para 4.

58 Evidence session, December 2023, counter-terrorism practitioner.

59 Marie Breen-Smyth, 16th Report of the Independent Reviewer of the Justice and Security Act (Northern Ireland) 2007, 1st August -2022 – 31st July 2023 (EO3213039 October 2024) 6.

60 Evidence session, December 2023, counter-terrorism practitioner. This is supported by the Northern Ireland Policing Board, who argued that 'if a PACE stop and search power exists in the particular circumstances set out in the intelligence, the PSNI are under a duty to use PACE instead of the less 'human rights compliant' JSA 2007 power, see Northern Ireland Policing Board, 'Human Rights 5 Year Review (April 2019 – April 2024) 87.

61 Evidence session, Practitioner, December 2023.

62 Northern Ireland Policing Board, Human Rights 5 Year Review (July 2024) 87 <<https://www.nipolicingboard.org.uk/files/nipolicingboard/2024-07/Human%20Rights%205%20Year%20Review%20-%20Final.pdf>> accessed 2 July 2025.

63 *ibid* 89.

64 *ibid* 87.

65 PSNI, Use of Stop and Search Powers by the Police in Northern Ireland, July 2023 – June 2024 (PSNI Statistics, 2024), 4 Table 3 <https://www.psnipolice.uk/sites/default/files/2024-08/PSNI%20Stop%20and%20Search%20Report%20Q1%202024_2025.pdf> accessed 3 July 2025.

significant increase compared to the previous year. The Independent Reviewer of the JSA concluded that this could not be attributed to a change in the security situation.⁶⁶ Only one per cent of JSA stops in 2023-24 led to an arrest.⁶⁷

Civil society organisations,⁶⁸ the Independent Reviewer and the NI Policing Board have expressed concerns about the impact of suspicionless stop and search on individuals and community relations.⁶⁹ Research suggesting that a small number of people faced repeated stops raised concerns by the JSA Reviewer about harassment and improper use of the powers: seven people were stopped once every two weeks, and four people almost weekly.⁷⁰ Concerns about the use of JSA powers very rarely result in complaints to the Office of the Police Ombudsman for Northern Ireland.⁷¹ This may be because there was no reason to complain. However, a civil society organisation attributed the low level of complaints to people's lack of belief that any action would result from a complaint, as the powers were so broad in their scope that complaints were unlikely to be upheld.⁷² A senior practitioner said that the lack of complaints should not be taken as evidence of a lack of discontent but as evidence of people feeling powerless.⁷³ Clearer guidance on how discretion should be exercised would help address challenges to improper use. There is no specific standalone policy on using JSA stop and search. The JSA Reviewer has called for the immediate articulation and publication by the PSNI of its policy on JSA stops.⁷⁴

PSNI say they 'fully understand and accept that scrutiny and accountability support the development of a better and more effective police service, and as such the use of the JSA 2007 is subject to an extensive internal and external governance and scrutiny process.'⁷⁵ The Policing Board observed that the 'challenge' for the PSNI was why such powers had not been subject to 'more fundamental reform' in light of the consistently low outcomes, the potentially damaging impact on community relations and the lack of evidence to suggest that stop and search reduces crime, alongside the fundamental human rights issues.⁷⁶ An experienced policing practitioner said that implementing community policing with a good understanding of human rights was vital to monitoring the community impact of counter-terrorism measures but described current methods as 'lamentable'.⁷⁷ The JSA Reviewer highlights the benefits of increased community engagement by the PSNI regarding JSA 2007 powers, noting that Derry City & Strabane officers report positive responses from local residents who appreciate being consulted about exercising these powers.⁷⁸ She recommends that all districts where regular direct engagement with residents is not already occurring should adopt similar feedback methods and incorporate this community input into the s.24/Schedule 3 authorisation process.⁷⁹ Although the Policing Board recommended community background reporting from 2013 and the Northern Ireland Court of Appeal confirmed the need for it in 2020, the PSNI's implementation of a work plan for this only began in April 2024.⁸⁰

40 Recommendation 40: The Police Service of Northern Ireland should articulate and publish its policy on using Justice and Security Act 2007 stop and search powers.

66 Marie Breen-Smyth 16th Report 2024 (n 59) 39.

67 PSNI (n 65) 6, Table 8.

68 Evidence submission, Committee on the Administration of Justice, see also: Committee on the Administration of Justice, *Still Part of Life here? A report on the use and misuse of stop and search/question powers in Northern Ireland* (CAJ 2021) <<https://caj.org.uk/wp-content/uploads/2017/03/No.-63-Still-Part-Of-Life-Here-November-2012.pdf>> accessed 03 July 2025.

69 Marie Breen-Smyth, 14th Report of the Independent Reviewer of the Justice and Security Act (Northern Ireland) 2007, 1st August -2020 – 30th July 2021 (June 2022) para 5.2.

70 Marie Breen-Smyth 16th Report 2024 (n 59) para 5.26.

71 *ibid* para 6.13. They accounted for less than 0.5 per cent of complaints in 2021 / 2022 and 2022 / 2023.

72 Evidence session, September 2022, Director, civil society organisation.

73 Evidence session, December 2023, Practitioner.

74 Marie Breen-Smyth 16th Report 2024 (n 59) para 6.20.

75 PSNI (n 65).

76 Northern Ireland Policing Board, *Human Rights 5Year Review* (July 2024) 53.

77 Evidence session, December 2023, Practitioner.

78 Marie Breen-Smyth, 15th Report of the Independent Reviewer of the Justice and Security Act (Northern Ireland) 2007, 1st August -2021 – 30th July 2022, (June 2023) para 2.26.

79 *ibid*.

80 Marie Breen-Smyth 16th Report 2024 (n 59) 87.

9.5 Police Powers to Arrest and Detain

Under PACE, police officers can only arrest someone if they know or have reasonable suspicion that the person has committed, is committing, or is about to commit a crime and the arrest is necessary.⁸¹ The suspect has the right to have someone informed of their arrest, to consult a lawyer in private, and to know why they have been arrested. Normally, a suspect must be charged or released within 24 hours, but this can be extended to four days for serious offences.

By contrast, the Terrorism Act 2000 section 41 (s41) allows 'a constable to arrest without a warrant a person whom he reasonably suspects to be a terrorist,' but this does not have to be connected to a particular offence.⁸² Thus, an arrest may help to disrupt a terrorist plot or gather intelligence and admissible evidence of an offence. Once arrested, a suspect can be held for up to 14 days.

The academic Dr Rizwaan Sabir powerfully described to the Commission how he was detained under terrorism legislation.⁸³ He was arrested in 2008 as a postgraduate student at the University of Nottingham, researching political violence for his master's thesis, after university staff found a document he had shared with a fellow student entitled the 'Al-Qaida Training Manual' on a university computer. The heavily redacted document had been an exhibit in a US terrorism trial and made available for public download by the US Department of Justice. Dr Sabir recalled his profound fear and anxiety while detained in a police cell for six days. He was released without charge, but it took several years of legal challenge to have his records on police counter-terrorism systems deleted, during which time he was often stopped while driving or travelling through ports and airports. That experience undermined his trust in the state and its institutions and has had a severe impact on his mental and physical health.

Between September 2001 and March 2025, 5,735 people were arrested for terrorism-related activities in Britain.⁸⁴ The use of s41 for arrests has sharply dropped. While between 2002 and 2012, about 71 per cent of those arrests used s41, in 2012-2024, it was only around 20 per cent.⁸⁵ Almost half of the people arrested are released without charge. Almost a third of those charged (30 per cent) were charged with a non-terrorism related offence. The trend has, however, been towards a smaller proportion of terrorism arrests leading to non-terrorism charges. Between 2002 and 2012, approximately 30-40 per cent of terrorism arrests resulted in a charge for non-terrorism-related offences. By contrast, from 2020 to 2025, the proportion of terrorism arrests leading to a non-terrorism-related charge had fallen to between six and 14 per cent.⁸⁶

Section 41 allows suspects to be held for 14 days before being charged, compared to four days for arrests under PACE. Between 2006 and 2011, the maximum period of detention without charge was 28 days. In 2011, the Coalition government reduced this to 14 days.⁸⁷ Since 2001, most suspects have either been charged or released within four days of arrest. However, there have been a few cases in which a suspect was held for the maximum 14 days before being charged.⁸⁸

The evidence from police officers differed on the need for additional powers. They emphasised data access and collection capabilities. One senior officer said the current powers were adequate, but the police needed more resources. While there was enough data, the challenge was in processing existing data.⁸⁹ Another senior officer

81 PACE 1984, s 24.

82 Under the definition of terrorism set out in TA 2000, s 40, a 'terrorist' is a person who has either committed a specified terrorism offence, or who is or has been concerned at any time in the commission, preparation, or instigation of acts of terrorism.

83 See Rizwaan Sabir, *The Suspect: Counterterrorism, Islam and the Security State* (Pluto Press 2022).

84 Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to March 2025 Quarterly Data Table* (June 2025), Table A0.01.

85 Data for 2001-2022 from Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to December 2023* (March 2024) Table A0.01; data from 2024 from Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to December 2024* (March 2025) Table A0.01.

86 Home Office (March 2024) (n 85) Table A0.03.

87 Protection of Freedoms Act 2011, s 57.

88 Home Office (March 2024) (n 85) Table A0.02.

89 Commission plenary meeting, September 2022, senior police officer.

advocated greater sharing of data and better exploitation of AI in data analysis.⁹⁰ He argued that the ability of the security community to spot and predict emerging threats is poor, and an early radar system is the most important requirement for a successful counter-terrorism machine. This involves using the most intrusive covert power and penetrating organisations and communities.

In Northern Ireland, 3,966 people were arrested for terrorism-related activities between 2001 and 2023.⁹¹ The number of s41 arrests has fallen from over 200 each year between 2002 and 2006 to around 100 each year since 2020. The PSNI tends to use s41 rather than PACE for terrorism-related arrests. The Northern Ireland Policing Board noted that the PSNI's approach appeared out of step with the approach taken in Great Britain and meant that suspects have fewer rights and could face longer periods in custody.⁹² With reduced use of s41 in Britain, Northern Ireland accounts for most s41 arrests. In 2021, Northern Ireland accounted for 80 per cent of all s41 arrests in the UK.⁹³ The IRTL suggested that this was in part to secure the confidence and support of the community and cautioned the PSNI against making decisions on arrests based on public perception.⁹⁴ He was not persuaded by the PSNI's arguments that using s41 was the most appropriate legislation, or that it made no practical difference in most cases whether PACE or s41 was used, as release or charge was usually within 48 hours. He recommended that there should not be a presumption in favour of using s41 in terrorism arrests.⁹⁵

The number of s41 arrests leading to a charge is also significantly lower in Northern Ireland than in Britain. Only 24 per cent of s41 arrests between 2001 and 2023 led to a charge in Northern Ireland, compared to 38 per cent in Britain. The proportion of s41 arrests that have led to a charge was close to its highest in 2013, when 32 per cent of those arrested were charged. However, since then, the rate in Northern Ireland has not risen above 20 per cent of those arrested. This PSNI is looking at whether ordinary arrest powers under PACE can be used more widely for terrorism related offences.⁹⁶

90 Commission plenary meeting, July 2022, senior police officer.

91 For data for 2001-2018 see Northern Ireland Office, *Northern Ireland Terrorism Related Annual Statistics 2018/19* (November 2019), 7; for data for 2019-2023 see Northern Ireland Office, *Northern Ireland: Terrorism Legislation, Annual Statistics 2023* (September 2024) 8.

92 Northern Ireland Policing Board, *Human Rights 5 Year Review* (July 2024) 107.

93 Jonathan Hall, *The Terrorism Acts in 2021* (IRTL 2023) 143.

94 *ibid* 144.

95 Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 128.

96 Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 155.

9.6 Policing Powers at Ports and Airports

The Terrorism Act 2000, Schedule 7 allows an examining officer⁹⁷ to stop, question, search and detain a person entering Britain⁹⁸ to see if they are ‘a terrorist’ without needing to have grounds for suspecting they are.⁹⁹ Although suspicion is not required to stop someone, the power must not be used arbitrarily. Anyone in the border area between Ireland and Northern Ireland can be questioned to determine if they are there to enter or leave Northern Ireland.¹⁰⁰ Unlike s47A (and its predecessor s44), Schedule 7 does not have a system for authorisation or time limits on its use. The lack of such safeguards led Lord Kerr (dissenting) to find that Schedule 7 failed to meet the principle of legality.¹⁰¹

Campaigns by civil society groups, criticism by the IRTL, and the European Court of Human Rights decision that the UK’s use of Schedule 7 violated the European Convention on Human Rights¹⁰² led to reform of the scope of the Schedule 7 power¹⁰³ and amendment of the guidance on its use. However, Schedule 7 remains a wide and potentially intrusive power, which can be used without grounds for suspicion. Someone might be stopped simply due to where they are going or where they have come from, and can then be questioned and detained for up to six hours.¹⁰⁴ They can be searched, including a strip search.¹⁰⁵ Their possessions, including phones and computers, can be searched, seized, and retained.¹⁰⁶ Examining officers can request ‘passwords to electronic devices’.¹⁰⁷ Once accessed, information can be copied, and the copies kept for as long as needed to determine if the person is a terrorist.¹⁰⁸ Suspects may also have their fingerprints and other biometric data taken and stored.¹⁰⁹

Failure to comply with any of these requirements is a crime, punishable by up to three months’ imprisonment.¹¹⁰ In Britain, at least 126 people have been arrested and 65 convicted under Schedule 7, accounting for over ten per cent of terrorism-related arrests and eight per cent of terrorism-related convictions between September 2001 and March 2025.¹¹¹ Schedule 7 is not a significant source of charges or convictions in Northern Ireland.¹¹²

The use of Schedule 7 has three stages. The first is asking screening questions. The second stage is an examination, during which a person may be asked questions, and their property may be searched. The examination can last up to one hour, after which there must be a formal detention, the third stage. This triggers additional safeguards and rights for the detainee, including the right to inform a person of their detention and to consult a solicitor in private.

There are no systematic data on the number of Schedule 7 examinations that lead to a terrorism-related arrest, charge, or conviction.¹¹³ However, it played an important role in preventing children and families attempting to join

⁹⁷ An examining officer may be a police constable, or designated immigration or customs officer.

⁹⁸ Nationality and Borders Act 2022, s 78, amends Terrorism Act 2000, sch 7, to enable the power to be used in relation to a person who arrived “any floating vessel or structure” (i.e. small boats or lorries) and is apprehended within 24 hours of arrival on land and no more than 5 days have lapsed since their apprehension.

⁹⁹ TA 2000, Sch 7 para 2(1) allows the power to be used in relation to a person to ‘determine whether he appears to be a person falling within section 40(1)(b)’; Sch 7 para 2(4) provide that ‘an examining officer may exercise his powers under this paragraph whether or not he has grounds for suspecting that a person falls within section 40(1)(b).

¹⁰⁰ TA 2000, Sch 7 para 3.

¹⁰¹ *Beghal v Director of Public Prosecutions* [2015] UKSC 49 (Lord Kerr).

¹⁰² *Beghal v United Kingdom* [2019] ECHR 181 (App. No. 4557/16).

¹⁰³ Anti-Social Behaviour Crime and Policing Act 2014, s 148 and Sch 9.

¹⁰⁴ TA 2000, Sch 7, para 6A. The maximum period of detention was originally 9 hours but reduced to 6 hours by the Anti-Social Behaviour Crime and Policing Act 2014.

¹⁰⁵ A strip search is only possible after authorisation by a senior officer, once a person has been detained and the examining officer has reasonable suspicion that the person is concealing evidence, TA 2000, Sch 7 para 8(5).

¹⁰⁶ TA 2000, Sch 7 para 8.

¹⁰⁷ Home Office, *Examining Officers and Review Officers under Schedule 7 to the Terrorism Act 2000 Code of Practice* (July 2022) para 53.

¹⁰⁸ TA 2000, Sch 7 para 11A.

¹⁰⁹ TA 2000, Sch 8 paras 10–13 and 15.

¹¹⁰ TA 2000, Sch 7 para 18.

¹¹¹ Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to March 2025* (June 2025), Table A0.05 and A0.06.

¹¹² The Northern Ireland Office reports show no changes or convictions related to Schedule 7 from 2013 to 2023.

¹¹³ The IRTL reported data from the Association of Chief Police Officers that Schedule 7 examinations led to 31 terrorism-related arrests at ports in 2010/11 (0.04% of those examined) and 24 terrorism-related arrests at ports in 2011/12 (0.03% of those examined under Schedule 7. See: David Anderson, *Terrorism Acts in 2012* (IRTL 2013) 100.

ISIS in Syria, with action taken through the family law courts.¹¹⁴ The government and IRTL also emphasise its use in collecting intelligence and information. Police and the security service value the opportunity Schedule 7 provides to access, copy, and retain data held on phones and other electronic devices and collect fingerprints and other biometric data. We were told that ‘one of the key parts is the material on devices’, as this is ‘far more powerful’ in determining whether someone is involved in terrorism-related activities than the answers they give to the questions of the officers at airports.¹¹⁵ While a device must be returned within seven days, any copied data can be retained for as long as deemed necessary. The Code of Practice requires this to be proportionate to the legitimate aim and in accordance with Management of Police Information (MoPI) guidance.¹¹⁶ The IRTL argues that MoPI is inadequate as it relates to those convicted, charged, arrested, or questioned about an offence, while Schedule 7 stops have no such constraint. He reports there is little evidence of actual review and calls for urgent policy clarification in this area¹¹⁷ and that since July 2024, police have had a policy of retaining data obtained in an examination for at least 6 years, and where data results in intelligence being collected for further assessment, for 10 years.¹¹⁸

Dr Paul Scott noted the ‘striking’ weakness of the safeguards on the exercise of this power,

normally, to require the disclosure of a password, as is possible under the Regulation of Investigatory Powers Act 2000, would require the authorisation of a judge, which can be given only where certain criteria are met. Here, the combination of the location (effectively, the border) and the context (counterterrorism) is taken to justify an almost complete absence of safeguards. This, to reaffirm, is not a power exercised only against terrorists or even suspected terrorists: it is exercised without a need for reasonable suspicion, in order to determine whether a person is a terrorist.¹¹⁹

The Joint Committee on Human Rights and David Anderson KC, when IRTL, recommended requiring reasonable suspicion for detention, searching the content of electronic devices, taking biometric samples, and seizure and retention of property, including personal information, on personal electronic devices.¹²⁰ The government rejected this, opposing any reasonable suspicion requirement for Schedule 7 powers (with the exception of a strip search). Considering this, Max Hill QC proposed a threshold test, taking into account the revised Code: ‘reasonable grounds to support’ the exercise of Schedule 7 powers by the application of the criteria in the Code of Practice.¹²¹

The number of Schedule 7 examinations has fallen from 87,218 in 2009 to 2,401 in 2024, a 97 per cent reduction, due to better targeting, more intelligence-led stops, and better collection and access to passenger information. However, the full extent of Schedule 7’s use is unknown as there is no data on the number of people asked screening questions, the number who had digital data copied, or the number of copies retained or deleted.

41 Recommendation 41: There should be a requirement of reasonable suspicion for detention, searching the content of electronic devices, the taking of biometric samples, and the seizure, and retention of property, including personal information on personal electronic devices.

42 Recommendation 42: Clear policy and guidance should be developed for the copying, retention, and disposal of digital data collected following stops under Terrorism Act 2000 Schedule 7.

¹¹⁴ Commission plenary meeting, September 2022, senior counter-terrorism police officer.

¹¹⁵ *ibid.*

¹¹⁶ Home Office, *Examining Officers and Review Officers under Schedule 7 to the Terrorism Act 2000 Code of Practice* (2022) 17.

¹¹⁷ Jonathan Hall, *The Terrorism Acts in 2020* (IRTL 2022) 78–79.

¹¹⁸ Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 56.

¹¹⁹ Paul Scott, ‘Executive and Administrative Measures in Counter-Terrorism’ (2022) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

¹²⁰ Joint Committee on Human Rights, *Legislative Scrutiny: Anti-social Behaviour, Crime and Security Bill*, Fourth Report of Session 2013–14, (HL Paper 56 / HC 713, 2014) 36.

¹²¹ Max Hill, *The Terrorism Acts in 2017* (IRTL 2018) 76.

Table 9.2 Examinations under Schedule 7 of the Terrorism Act 2000¹²²

	2009	2010	2011	2012	2013	2014	2015	2016
Examinations	87,218	73,834	68,945	60,127	46,184	35,004	27,530	19,355
Under 1 hour				57,822	44,330	33,013	25,690	17,857
Over 1 hour	2,695	2,290	2,253	2,305	1,854	1,991	1,840	1,498
Detained¹²³	486	915	680	614	549	1,043	1,828	1,539

	2017	2018	2019	2020	2021	2022	2023	2024
Examinations	16,349	11,876	9,543	3,315	2,495	2,415	2,588	2401
Under 1 hour	14,703	10,131	7,548	2,144	1,404	1,072	986	894
Over 1 hour	1,646	1,745	1,995	1,171	1,091	1,343	1,602	1,507
Detained¹²⁴	1,700	1,836	2,082	1,191	1,117	1,366	1,630	1,516

The people examined under Schedule 7 are a fraction of those travelling through UK airports each year. Nevertheless, as no suspicion is needed to stop someone, proper scrutiny is necessary to avoid unlawful discrimination. The data is disaggregated by ethnicity. The proportion examined under Schedule 7 from 'Asian' or 'Asian British' ethnic groups has varied between 21 per cent and 31 per cent, while those identified as 'Chinese or other' have increased from 18 per cent in 2012 to 36 per cent in 2024. Those identified as White have fallen significantly, from 39 per cent in 2012 to 22 per cent in 2024. The current IRTL noted that the proportion from different ethnic groups who are examined under Schedule 7 does not reflect changes in the ethnicity data of those arrested for terrorism offences, particularly the rising number of extreme right-wing terrorism. He highlighted the risk that 'untasked' no-suspicion stops can lead to examining officers 'defaulting to colour as a proxy for risk'.¹²⁵ Although no data is given, he reports that a subsequent comparison of the self-defined ethnicity of people found a similar distribution of ethnicities between the people subject to tasked and untasked stops.¹²⁶ The higher use of Schedule 7 against non-white people, at a time when half of terrorism-related arrests are of white people, could be evidence of racial or religious discrimination. However, the IRTL suggests this could also reflect the fact that ERWT have fewer reasons to travel for terrorist purposes as their association takes place online.¹²⁷ The counter-terrorism police say that it reflects the decline in the examinations for Northern Ireland-related terrorism.¹²⁸

¹²² Data for 2009-2011 from David Anderson, *The Terrorism Acts in 2015* (IRTL 2016) 40; Data for 2012-2023 from Home Office (March 2024) (n 85) (March 2024) Table A.S.03a; Data for 2024 from Home Office (March 2025) (n85) Table A.S.04b.

¹²³ The jump in the number of detentions from 2014 reflected a legislative change requiring a formal detention for any examination of over one hour.

¹²⁴ The jump in the number of detentions from 2014 reflected a legislative change requiring a formal detention for any examination of over one hour.

¹²⁵ Jonathan Hall (2021) (n 17) 96.

¹²⁶ Jonathan Hall (2025) (n 96) para 6.14-6.16.

¹²⁷ Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 67.

¹²⁸ Jonathan Hall (2025) (n 96) para 6.18.

Table 9.3 Examination under Schedule 7 of the Terrorism Act 2000 by ethnicity

	2012	2013	2014	2015	2016	2017	2018
White	23,526 (39%)	19,091 (41%)	13,001 (37%)	7,487 (27%)	5,337 (28%)	4,739 (29%)	2,854 (24%)
Mixed	1,905 (3%)	2,294 (5%)	1,994 (6%)	1,475 (5%)	672 (3%)	650 (4%)	686 (6%)
Black or Black British	5,443 (9%)	3,707 (8%)	2,785 (8%)	2,113 (8%)	1,425 (7%)	1,192 (7%)	879 (7%)
Asian or Asian British	14,416 (23%)	9,844 (21%)	8,069 (23%)	8,185 (30%)	5,508 (28%)	4,383 (27%)	2,922 (25%)
Chinese or Other ¹²⁹	10,918 (18%)	7,760 (17%)	6,478 (19%)	6,277 (23%)	4,313 (22%)	3,162 (19%)	2,714 (23%)
Not stated	3,919 (7%)	3,488 (8%)	2,677 (8%)	1,993 (7%)	2,100 (11%)	2,223 (14%)	1,821 (15%)
Total	60,127	46,184	35,004	27,530	19,355	16,349	11,876

	2019	2020	2021	2022	2023	2024
White	2,176 (23%)	584 (18%)	406 (16%)	444 (18%)	524 (20%)	523 (22%)
Mixed	498 (5%)	151 (5%)	113 (5%)	109 (5%)	124 (5%)	91 (4%)
Black or Black British	672 (7%)	273 (8%)	170 (7%)	169 (7%)	172 (7%)	165 (7%)
Asian or Asian British	2,452 (26%)	855 (26%)	643 (26%)	740 (31%)	807 (31%)	618 (26%)
Chinese or Other ¹³⁰	2,610 (27%)	861 (26%)	588 (24%)	716 (30%)	827 (32%)	870 (36%)
Not stated	1,135 (12%)	591 (18%)	575 (23%)	237 (10%)	134 (5%)	134 (6%)
Total	9,543	3,315	2,495	2,415	2,588	2,401

¹²⁹ From 2023, collection of more detailed data on ethnicity using 18 possible categories shows that the 827 people, the 'Chinese or other' group for 2023, included 380 who gave their ethnicity as Arab, eight were Chinese and 430 were 'any other ethnic group'. Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to December 2023: Annual Data Tables* (March 2024) Table A.S.03b.

¹³⁰ From 2023, collection of more detailed data on ethnicity using 18 possible categories shows that the 827 people, the 'Chinese or other' group for 2023, included 380 who gave their ethnicity as Arab, eight were Chinese and 430 were 'any other ethnic group'. Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to December 2023: Annual Data Tables* (March 2024) Table A.S.03b.

Table 9.4 Detentions under Schedule 7 of the Terrorism Act 2000 by ethnicity

	2012	2013	2014	2015	2016	2017	2018
White	60 (10%)	60 (10%)	103 (10%)	217 (12%)	179 (12%)	196 (12%)	203 (11%)
Mixed	15 (2.4%)	35 (6%)	67 (6%)	106 (6%)	101 (7%)	126 (7%)	129 (7%)
Black or Black British	150 (24%)	83 (15%)	137 (13%)	166 (9%)	144 (9%)	189 (11%)	204 (11%)
Asian or Asian British	199 (32%)	178 (32%)	364 (35%)	674 (37%)	505 (32%)	478 (28%)	507 (28%)
Chinese or Other	111 (18%)	142 (26%)	279 (27%)	482 (26%)	341 (22%)	422 (25%)	530 (29%)
Not stated	79 (12%)	51 (9%)	93 (9%)	183 (10%)	269 (17%)	289 (17%)	263 (14%)
Total	614	549	1,043	1,828	1,539	1,700	1,836

	2019	2020	2021	2022	2023	2024
White	277 (13%)	147 (14%)	156 (14%)	270 (20%)	349 (21%)	346 (23%)
Mixed	128 (6%)	61 (6%)	62 (6%)	65 (5%)	96 (6%)	68 (4%)
Black or Black British	141 (7%)	104 (10%)	64 (6%)	107 (8%)	118 (7.2%)	106 (7%)
Asian or Asian British	620 (30%)	308 (30%)	292 (26%)	417 (31%)	467 (28%)	404 (27%)
Chinese or Other	609 (29%)	328 (32%)	276 (25%)	406 (30%)	545 (33%)	552 (36%)
Not stated	307 (15%)	243 (20%)	267 (24%)	101 (7%)	55 (3%)	40 (3%)
Total	2,082	1,191	1,117	1,366	1,630	1,516

The lack of data on religion is a significant gap in assessing the use of Schedule 7 powers. Muslim communities have raised serious concerns about these stops, the disruption to travel they cause and the powers to search and copy information on phones and other digital devices.¹³¹ The questions asked during screening and examinations regarding religious practices and beliefs add to concerns about racial and religious profiling. Questions about their views on international conflicts can create a Catch-22: opposition to the UK's intervention in Afghanistan may be taken as evidence of extremism; support for UK intervention may be seen as concealing beliefs. Qualitative research shows that Muslims experience these stops as a racialised encounter in which their sense of Britishness and belonging is questioned; many feel they are required to act and adjust their appearance or behaviour.¹³²

43 **Recommendation 43:** Data should be collected and published on the number of people

- asked Terrorism Act 2000 Schedule 7 screening questions.
- examined or detained under Schedule 7, who have digital data copied, the number of copies retained or deleted.
- examined, or detained under Schedule 7, who have biometric data taken and retained.

44 **Recommendation 44:** Data relating to Terrorism Act 2000 Schedule 7 examination and detentions should include information on religion and belief as a protected characteristic.

¹³¹ Max Hill KC, *The Terrorism Acts in 2016* (IRTL 2018), 40-41. See also: Tufyal Choudhury and Helen Fenwick, *The impact of counter-terrorism laws on Muslim communities* (Research Report 72, The Equality and Human Rights Commission 2011).

¹³² Leda Blackwood, Nick Hopkins, Steve Reicher, 'I know who I am, but who do they think I am? Muslim perspectives on encounters with airport authorities' (2013) 36(6) *Ethnic and racial studies* 1090; Leda Blackwood, Nick Hopkins, Steve Reicher '“Flying while Muslim”: citizenship and misrecognition in the airport' (2015) 3(2) *Journal of Social and Political Psychology* 148; see also: James Lewis and Sarah Marsden, *Public Experiences of the UK Counter-Terrorism System* (Centre for Research and Evidence on Security Threats 2020).

9.7 Key Findings and Recommendations

Evidence to the Commission highlighted the importance of the fundamental principle of ‘policing by consent’ in counter-terrorism work. Neighbourhood policing played a vital role in building and sometimes restoring trust between police and local communities in the 2000s. However, budget cuts after 2010, which significantly reduced investment, undermined much of this progress. The government’s renewed emphasis on neighbourhood policing is a positive policy development that can aid in monitoring community tensions, help improve social cohesion, and support counter-terrorism efforts. Our first two recommendations in this chapter aim to ensure that the vital contribution of neighbourhood policing to counter-terrorism is supported through His Majesty’s Inspectorate of Constabulary and the College of Policing (**Recommendations 37 and 38**).

Counter-terrorism powers aim to reduce the risk of terrorism and allow people to ‘go about their daily lives freely and with confidence.’ However, they can also limit personal freedoms if not carefully managed.

Recommendations 39-41 aim to ensure more effective safeguards and oversight.

A common theme in our analysis is the need for more consistent and detailed data on how counter-terrorism powers are used. Collecting and publishing this data is essential for the public to assess whether each power is necessary and proportionate. Schedule 7 provides a powerful counter-terrorism tool. This should be balanced by effective scrutiny and oversight. **Recommendation 42** calls for a clear policy and guidance on the use of Schedule 7 to collect digital data, **recommendations 43 and 44** aim to ensure greater transparency and oversight of its use.

37 Recommendation 37: His Majesty's Inspectorate of Constabulary, in its annual inspections of forces, should ensure that the importance of neighbourhood policing, public confidence and community engagement to countering the threat of terrorism is recognised and is evident in force policies and practices

38 Recommendation 38: The College of Policing should ensure that guidelines and training materials cover the contribution that neighbourhood policing makes to countering terrorism and extremism, including lessons learned from past operations and attacks.

39 Recommendation 39: The Home Office and Independent Reviewer of Terrorism Legislation should be informed of any use of Terrorism Act 2000 section 47A stop and search power as soon as reasonably practicable.

40 Recommendation 40: The Police Service of Northern Ireland should articulate and publish its policy on using JSA 2007 stop and search powers.

41 Recommendation 41: There should be a requirement of reasonable suspicion for detention, searching the content of electronic devices, the taking of biometric samples, and the seizure, and retention of property, including personal information on personal electronic devices.

42 Recommendation 42: Clear policy and guidance should be developed for the copying, retention, and disposal of digital data collected following stops under Terrorism Act 2000 Schedule 7.

43 Recommendation 43: Data should be collected and published on the number of people

- asked Terrorism Act 2000 Schedule 7 screening questions.
- examined or detained under Schedule 7, who have digital data copied, the number of copies retained or deleted.
- examined, or detained under Schedule 7, who have biometric data taken and retained.

44 Recommendation 44: Data relating to Terrorism Act 2000 Schedule 7 examination and detentions should include information on religion and belief, as this is a protected characteristic.

10.

Terrorism-Related Criminal Offences

A primary principle shaping criminal law is the need to protect people from the harmful actions of others. When terrorists use weapons or vehicles to inflict or cause harm, they can be charged with standard criminal offences.¹ The killers of Lee Rigby and Jo Cox were found guilty of murder. Criminal law covers related activities such as attempting, assisting, conspiring, or encouraging illegal acts. The terrorism-related aspect of the crime is taken into account during sentencing rather than in the initial charge.²

The legal definition of terrorism does not create a criminal offence (see **chapter 3**) but underpins offences related to terrorism. The terrorism-related offences discussed in this chapter aim to prevent or disrupt terrorist plans at an early stage by allowing the authorities to investigate, arrest, charge and convict individuals for actions well before the public is in immediate danger. Criminal justice now reaches areas that may not directly cause harm to others and might even be quite remote from a terrorist act that harms others. For example, being present where terrorism training occurs or indirectly encouraging terrorism is a crime.³ Casting a wider net catches individuals on the fringe of terrorist activities.

This chapter focuses on the concerns raised in relation to the laws aimed at preventing terrorism by criminalising activities before a terrorist act. Section 1 outlines the role of criminal law prosecutions in countering terrorism and presents data on trends in prosecutions over time. Sections 2 to 4 then examine four of the top eight most prosecuted terrorism-related offences, outline their requirements and concerns about these offences.⁴ Concerns raised at the Commission included the broad scope of offences, such as the collection of information useful for committing or

¹ Terrorism-related convictions from non-terrorism legislation in Britain between September 2001 and March 2025 include conviction under the Explosive Substances Act 1883 (35), Fraud Act 2006 (30), Proceeds of Crime Act 2002 (26), Firearms Act 1968 (25), conspiracy to murder (17) and conspiracy to defraud (15) under Criminal Law Act 1967 and 1977. See: Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation, Year to June 2025: Annual Data Tables* (2025), Table A.08.B.

² See **chapter 11**.

³ TA 2006, ss 1 and 6.

⁴ Of the other four offences, three are considered in other chapters while the fourth, TA 2000, section 57 offence has not been widely used since 2008 (see Figure 10.1).

preparing terrorist acts and preparation of terrorist acts, and evidence of recent trends towards prosecuting and convicting children and young people. Section 5 examines the use of so-called 'mindset evidence' in prosecutions. Section 6 considers the impact of these laws on people with autism and other neurodivergent conditions. Section 7 looks at the perceptions of discriminatory application of terrorism laws. Section 8 considers the information and transparency where the Attorney General exercises consents for prosecution, especially in cases involving foreign fighters. Section 9 sets out the key findings and recommendations.

10.1 The Role of Criminal Law in Countering Terrorism

Of the terrorism-related charges in Britain since 2001, 1,267 have been specialised terrorism offences.⁵ According to Home Office data, about three-quarters of individuals charged with offences considered to be terrorism-related were charged under terrorism legislation, while the remaining quarter were charged under other laws.⁶ However, in Northern Ireland, the authorities tend to use ordinary criminal offences when charging terrorism-related cases. Most charges (78 per cent) in Northern Ireland were under ordinary criminal law for those detained under the Terrorism Act 2000.⁷

There is no clear picture on the extent to which all offences are being prosecuted in Britain because the Crown Prosecution Service (CPS) only reports the main offence that a defendant is charged with, rather than listing all the charges. The government says it is too expensive for the CPS to provide data on all charges. However, since 2019, the use of any new offence has been reported on by the CPS for the first five years after its introduction.⁸

Given the limitations of publicly-reported official data, this section focuses on five of the eight most charged terrorist offences in Britain (see Table 10.1):⁹ collection of information useful for an act of terrorism;¹⁰ preparation of a terrorist act;¹¹ dissemination of terrorist publications;¹² possession of an article for terrorist purposes,¹³ and encouragement of terrorism.¹⁴ Offences related to proscribed organisations are considered in **chapter 14**, fundraising offences in **chapter 15** and those relating to Schedule 7 stops in **chapter 9**.

From 2001 to June 2025, Britain saw 1,679 people charged with terrorism-related activities, resulting in 1,273 convictions.¹⁵ Convictions peaked in the year to June 2017 at 106, dropping to 55 in 2024 and only 7 in the year to June 2025.¹⁶ Murder, conspiracy to murder, offences against the person and involving firearms or explosives make up less than 10 per cent of all terrorism-related charges and convictions.¹⁷

5 Home Office, *Year to June 2025* (n 1) Table A.05.A.

6 Of the 1,679 people charged in relation to terrorism, 1,267 were charged under terrorism legislation, while 412 were charged using other legislation. This data does not provide a full picture for all terrorism-related charges and convictions as it only relates to the principal offence (the most serious offence, usually the one that carries the highest penalty) of which a person is charged or convicted. See: Home Office, *Year to June 2025* (n 1) Tables A.04, A.05A and A.05.B.

7 The data between Northern Ireland and Britain is not directly comparable. The Northern Ireland Office sets out data on all charges (rather than just the principal charge) for individuals detained under the TA 2000, s 41. The Northern Ireland Office data shows that in the period 19 Feb 2001 - December 2021, there were 2087 charges against individuals detained under section 41. Of these, 1,629 (78 per cent) of the charges were under the ordinary criminal law and 458 (22 per cent) were for offences under the TA 2000 during this period. See Northern Ireland Office, *Northern Ireland Terrorism Legislation: Annual Statistics April- December 2021* (September 2022), 12-13; see also **chapter 9** for discussion of concerns about the extensive use of TA 2000 arrest powers in Northern Ireland compared to Britain.

8 HM Government, 'The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2019 by the Independent Reviewer of Terrorism Legislation' (2022), 6-7; see also Home Office, 'Post-legislative scrutiny of the Counter-Terrorism and Border Security Act 2019' (22 January 2025) <<https://www.gov.uk/government/publications/counter-terrorism-and-border-security-act-2019-post-legislative-scrutiny/post-legislative-scrutiny-of-the-counter-terrorism-and-border-security-act-2019-accessible>> accessed 3 October 2025.

9 Only two of the four offences are widely used by prosecutors in Northern Ireland (see Table 2).

10 TA 2000, s 58.

11 TA 2006, s 5.

12 TA 2006, s 2.

13 TA 2000, s 57.

14 TA 2006, s 1.

15 Home Office, *Year to June 2025* (n 1) Table A.06.C.

16 *ibid.*

17 Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation, Year to December 2024: Quarterly Data Tables* (2025), Table A.05.B and Table A08.B.

Table 10.1 – Offences most frequently charged or convicted under terrorism legislation in Britain 2001-2025¹⁸

	Charged	Convicted
Preparation for a terrorist act (TA 2006, s 5)	223	163
Collection of information useful for an act of terrorism (TA 2000, s 58)	218	165
Dissemination of terrorist publications (TA 2006, s 2)	159	132
Membership of a proscribed organisation (TA 2000, s 11-13)	136	73
Port and Board control (TA 2000 schedule 7)	128	65
Possession of an article for terrorist purposes (TA 2000, s 57)	86	28
Fundraising (TA 2000, ss 15-19)	85	48
Encouragement of Terrorism (TA 2006, s 1)	56	49
Contravening a control order (PTA 2005 s 9 and TPIMA 2011 s 23)	40	16
Provision of information relating to a terrorist investigation (TA 2000, ss 38b and 39)	39	20
Offences relating to notification (CTA 2008, s 54)	45	40
Using or threatening to use a noxious substance to cause harm (ATCSA 2001, ss 113 and 114)	17	13
Inciting Terrorism Acts overseas (TA 2000, ss 59-61)	13	10
Training for terrorism (TA 2006, ss 6 and 8)	12	8
Weapons Training (TA 2000, s 54)	3	1
Directing a terrorist organisation (TA 2000, s 56)	2	1
Committing fundraising offences overseas (TA 2000 s 63)	2	0
Obstruction of a constable (TA 2000, s 47)	1	1
Temporary Exclusion order (CTBSA 2019, s 2)	1	1
Total	1266	834

18 Home Office, *Year to June 2025* (n 1) Tables A.05A and A.08.A.

Table 10.2: Charges under terrorism legislation in Northern Ireland 2001-2021¹⁹

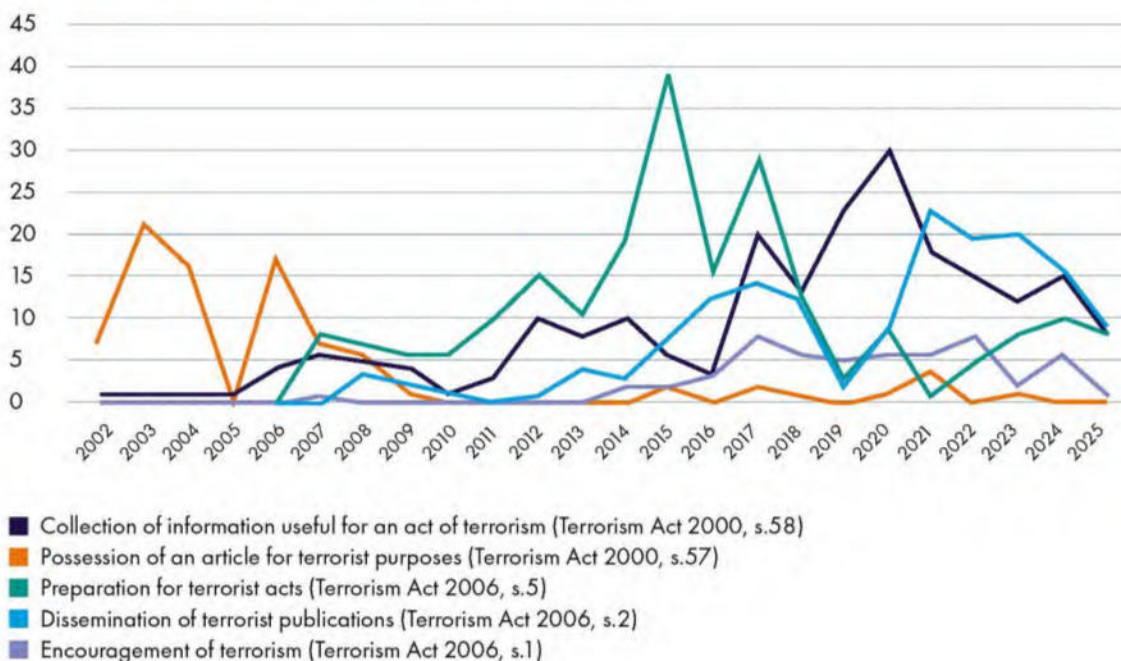
Offence	Charges
Proscribed organisations (2000 Act, ss 11-13)	167
Possession for terrorist purposes (2000 Act, s 57)	158
Collection of information (2000 Act, s 58)	84
Financing (2000 Act, ss 15-19)	55
Preparation (2000 Act, s 5)	54
Directing terrorist organisation (2000 Act, s 56)	21
Terrorist information (2000 Act, s 103)	15
Training (2006 Act, ss 6 and 8)	4
Weapons training (2000 Act, s 54)	4
Encouragement (2006 Act, s 1)	1
Dissemination (2006 Act, s 2)	0

19 Evidence submission, Dr Andrew Cornford.

Five key precursor offences account for 59 per cent of principal terrorism charges in Britain, dominating convictions under terrorism legislation (see Table 10.1). From 2001 to 2006, the most common charge was possession of articles for terrorist purposes. Since then, its use has significantly declined, and so it is not considered in further detail in this chapter. The 2006 Act included section 5 - preparation of a terrorist act - which became the dominant charge in terrorism prosecutions between 2013 and 2018 when ISIS controlled territory in North-East Syria and Iraq (see Figure 10.1). It was used to prosecute people trying to travel to Syria, as well as those preparing for terrorist acts in Britain related to ISIS and extreme right-wing terrorism. Prosecutions for section 5 have risen slowly again since 2022 but remain far below the levels seen in 2013-2018.

There has been a shift since 2018. Disseminating terrorist publications (section 2 TA 2006) and collecting information useful for terrorism (section 58 TA 2000) are the most frequent terrorism charges and convictions. According to the Independent Reviewer of Terrorism Legislation (IRTL), these offences are 'frighteningly easy' to commit and prosecute due to the growth of online information and the widespread use of digital devices.²⁰ They have been used particularly in prosecutions of extreme right-wing terrorism. Between 2007 and 2022, section 58 was used more for extreme right-wing terrorism-related charges than all other terrorism offences combined.²¹ This move reflects changes in terrorist activities, technological advancements and shifts in law enforcement strategies. It also highlights the broad reach of terrorism legislation in addressing activities that precede directly harmful terrorist acts.

Figure 10.1: Charges for Terrorism Offences 2002-2025



²⁰ Jonathan Hall, *The Terrorism Acts in 2021* (IRTL 2023) 92.

²¹ Evidence submission, Dr John Jupp.

10.2 Collection of Information

Section 58 of the Terrorism Act 2000 makes it an offence for a UK national or resident anywhere in the world²² to collect, record, possess, or view²³ via the internet 'information of a kind likely to be useful to a person committing or preparing an act of terrorism'.²⁴ In Britain, this accounts for the highest number of principal convictions in terrorism cases.²⁵ In Northern Ireland, it is the third highest.²⁶

The scope of section 58 is broad, as terrorists could potentially find a wide range of information useful. However, to avoid criminalising possession of information that is useful to both terrorists and the public (like a road map), the courts have narrowed the interpretation of the law so that the offence only applies to 'information which would typically be of use to terrorists'.²⁷ Furthermore, the information must have practical use for terrorism, so merely possessing terrorist propaganda material is not covered.²⁸ The offence is typically used where, for example, a person is found in possession of 'targeting information' such as the names, addresses, or car registration details of police or other state officials, or instructions for the manufacture of munitions or documents used for the swearing in of the members of proscribed organisations.²⁹

Despite efforts to narrow its scope, section 58 remains broad. Many prosecutions involve the possession of specific publications, such as the 'Anarchist Cookbook' or the Al-Qaeda magazine 'Inspire'. A senior lawyer reported to the Commission that extracts from an ISIS magazine, which claimed to show how to make a bomb in your kitchen (described as 'appalling and useless information') have featured prominently in many cases.³⁰ The Crown Prosecution Service (CPS) has built a database of publications that meet the criteria for section 58 offences.³¹ There is a need for greater transparency and explanation about what material is included, and this information should be more accessible to stop people inadvertently breaking the law.³² Publishing a list of documents, the collection of which has led to convictions, may encourage some people to seek out these documents. It could also lead others to believe that the collection of documents not listed would not result in prosecution. However, details on the type and nature of information that has led to convictions would provide more transparency and legal certainty.

The internet makes this offence easy to commit. In the past, obtaining a printed copy of, say, the Anarchist Cookbook might have required significant effort. Today, not only can it be ordered, accessed, or downloaded easily, but even viewing the material once online satisfies the offence of 'collection'.³³ Counter-terrorism police say that the expansion of section 58 to viewing over the internet assists police 'when the evidence of more serious offending is not available'.³⁴ The CPS used it to convict a person who viewed a bomb-making video online; the PSNI said that the inclusion of viewing online terrorist-related material has been beneficial for investigations of extreme right-wing terrorism.³⁵

Section 58 has attracted criticism for its broad scope and low threshold for conviction, as a person can be found guilty without any terrorist intent. They only need to view once or have the information and know what it contains,

²² TA 2000, s 63A.

²³ TA 2000, s 58(1)(c) added by the Counter-Terrorism Border Security Act 2019, s 3. While s 58(1)(a) already covered downloading material, this covered viewing material online, by for example, streaming a video on the internet.

²⁴ TA 2000, s 58(1).

²⁵ As data for Britain relates only to the principal charge, the use of this offence is likely to be far more extensive than preparation for terrorist acts (TA 2000 s 5). Defence lawyers provided examples of prosecutions for the preparation of terrorist acts in which section 58 is also charged.

²⁶ The most frequently charged offences are firearms and explosives offences. See Northern Ireland Office, (September 2022) (n 7) 12-13.

²⁷ *R v G* [2009] UKHL 13, [2010] 1 AC 43 at [43].

²⁸ *R v K* [2008] EWCA Crim 185.

²⁹ Evidence session, September 2022, lawyer; see also: Andrew Cornford 'Terrorist precursor offences: Evaluating the law in practice' (2020) 8 Criminal Law Review 663.

³⁰ Evidence session, September 2022, lawyer.

³¹ Jonathan Hall, *The Terrorism Acts in 2019* (IRTL 2021) 130.

³² John Jupp, 'From spiral to stasis? United Kingdom counter-terrorism legislation and extreme right-wing terrorism' (2022) *Studies in Conflict & Terrorism* 1.

³³ TA 2000, s 58(1)(c) as inserted by the Counter-Terrorism Border Security Act 2019.

³⁴ Home Office, 'Postlegislative Scrutiny of the Counterterrorism and Border Security Act 2019' (n 8) para 29.

³⁵ *ibid* para 29-32.

leading the IRTL to say the offence is at the 'outer reaches of legitimacy'.³⁶ Amnesty International argues that criminalising possession of information without proof of intent to use it for terrorism violates the principle of legal certainty and is inconsistent with the UK's international human rights obligations.³⁷ The low bar for conviction under section 58 means many defendants plead guilty, which reduces opportunities for courts to review and potentially refine the scope of the offence.³⁸

The broad scope of section 58 raises significant concerns about the risk of convicting individuals of terrorism who have no intent to commit terrorist acts. Without the need to prove the material was viewed or collected for a terrorist purpose, the law relies on the defendant's ability to argue they had a 'reasonable excuse' for possessing the prohibited information. Dr Rizwaan Sabir, recalling his own arrest, said the opportunity to present this excuse often only comes after being arrested and held by counter-terrorism police.³⁹ If charged, a defendant must wait until trial to raise this defence.

Academic research, journalism or lack of knowledge of the information contained in the document or record can provide a reasonable excuse.⁴⁰ However, what else constitutes a 'reasonable excuse' is unclear, as the Act only lists academic research and journalism as examples of persons that may have a reasonable excuse, so the decision is left first to prosecutorial discretion and then to a jury. While this safeguards professional researchers or journalists, those seeking material out of personal interest, self-education, or curiosity may not be protected.⁴¹

The case of 22-year-old Rukhsana Begum illustrates this. Ms Begum was convicted of having copies of Inspire magazine on her phone. Her brothers had been convicted of planning a terrorist attack, and she accessed the material to understand the charges against them. At sentencing, the judge acknowledged there was no evidence she was motivated by extremist ideology or preparing to follow her brothers' path. Despite recognising her as a person of 'good behaviour and a good Muslim', she was sentenced to 12 months in prison.⁴²

With no requirement to show a terrorist purpose or intent, section 58 gives prosecutors wide discretion, making the public interest test crucial in their decision. While the number of prosecutions under section 58 is high compared to other terrorism offences, it is small relative to the thousands who may view or possess prohibited materials.

Evidence to the Commission highlights different pathways leading to prosecution. The decision is influenced by broader intelligence about an individual. For online 'keyboard warriors', investigators may seek early intervention opportunities to disrupt potential planning or action.⁴³ The challenge for police is determining which 'keyboard warrior' might take real-world action and whether to wait for more evidence or seek a warrant to find material allowing for a section 58 prosecution. In these cases, a section 58 charge was described as 'a way in', helping the police to stop threats at an early stage.⁴⁴ Practitioner evidence suggests the offence is used to bring suspects under more effective state control or supervision.

The availability of intelligence on terrorist attack planning, but insufficient evidence to support more serious charges, can influence the public interest judgment on prosecuting lower-level disruptive offences. One experienced lawyer said prosecutors used section 58 to secure 12-month sentences, enabling closer supervision through probation and post-sentence monitoring.⁴⁵ If true, this is a concern, given the lifelong impact of a terrorism conviction, beyond the sentence period.

36 Jonathan Hall, *The Terrorism Acts in 2020* (IRTL 2022) 95.

37 Evidence submission, Amnesty International UK. They argue that this offence is inconsistent with ECHR art 7 and ICCPR Art. 15; see also *Jobe v United Kingdom*, 14 June 2011, (2011) 53 EHRR SE17, a claim that section 58 violated ECHR Articles 7 and 10 was declared inadmissible.

38 David Anderson, *The Terrorism Acts in 2012* (2013) 125.

39 Commission plenary meeting, September 2022.

40 TA 2000, s 58(3A).

41 Evidence submission Andrew Cornford and Kasja Dineson; see also Lucia Zedner, 'Countering Terrorism or Criminalizing Curiosity? The Troubled History of UK Responses to Right-Wing and Other Extremism' (2021) 50 Common Law World Review 57.

42 'Woman Jailed After Al-Qaida Terrorist material found on her phone' *The Guardian* (6 December 2012), <<https://www.theguardian.com/world/2012/dec/06/woman-jailed-al-qaida-material-on-phone>> accessed 03 July 2025.

43 Evidence session, January 2024, Counter-terrorism police officer.

44 Commission plenary meeting, September 2022, counter-terrorism police officer.

45 Commission plenary meeting, September 2022; see also: Asim Qureshi, 'PREVENT: creating "radicals" to strengthen anti-Muslim narratives' (2015) 8(1) Critical Studies on Terrorism 181.

The Commission received evidence suggesting that linking a suspect to a terrorist ideology could influence the decision in favour of prosecution under section 58.⁴⁶ The IRTLs have consistently concluded that discretion has been exercised carefully in cases where evidence of terrorist intent or sympathy for terrorist causes existed. However, in his evidence to the Commission, Dr Andrew Cornford raised important points that complicate this view. He emphasised that sympathy for a cause does not imply intent to commit terrorist acts. This distinction is crucial when considering the fairness and appropriateness of prosecutions. Dr Cornford cited cases where defendants with terrorist sympathies were convicted under section 58 when the court accepted that they lacked terrorist intent.⁴⁷

Evidence to the Commission echoes concerns raised by many, including lawyers and the IRTL, about section 58. This law may disproportionately affect neurodivergent individuals, particularly those on the autism spectrum. The tendency to develop intense, focused interests in specific topics is often associated with autism. This could lead to individuals collecting information prohibited by section 58. The defence of 'reasonable excuse' may be problematic for individuals with Autism Spectrum Disorder (ASD) who may have intense interests in topics like weapons or military matters due to their condition. Their perception of what is 'interesting' may differ significantly from a jury's perception of 'reasonable' behaviour.⁴⁸

Section 58 requires knowledge of the general nature of the information collected, retained, or viewed, but does not require evidence of a terrorism-related intention. Requiring evidence of an intention to collect information for a terrorism related purpose would ensure the offence is more focused on individuals who may pose a terrorist threat.

45 Recommendation 45: Prosecutors should provide guidance on the types of information that have resulted in convictions for the collection of prohibited information.

46 Recommendation 46: The Terrorism Act 2000, section 58, on the collection of information of a kind likely to be useful to a person committing or preparing an act of terrorism, should be amended to require an intention to collect for terrorism-related purposes.

46 Evidence session, January 2024, lawyer; see also: Jonathan Hall, (2022) (n 36) 91, 'public interest factors include - whether there is a link (including any link established by sensitive intelligence) to terrorist activity or a terrorist mindset.'

47 See eg *R v Dunleavy* [2021] EWCA Crim 39; *Bel* [2021] EWCA Crim 1461; *R v John* [2022] EWCA Crim 54, [2022] 1 WLR 2625.

48 Kajsa Dinsson, '(Un) reasonable excuses—On *R v Dunleavy*, *R v Copeland*, and section 58' (2022) 85(6) *Modern Law Review* 1550, 1558.

10.3 Encouragement of Terrorism and Dissemination of Terrorist Publications

Sections 1 and 2 of the Terrorism Act 2006 are two closely related offences. Section 1 criminalises the publication of statements that a reasonable person⁴⁹ would interpret as direct or indirect encouragement or inducement to commit, prepare or instigate acts of terrorism.⁵⁰ Section 2 prohibits the dissemination of terrorist publications, which are defined as materials likely to directly or indirectly encourage terrorism or be useful in committing or preparing terrorist acts.

'Indirect encouragement' includes, but is not limited to, statements that glorify terrorist acts in ways suggesting 'emulation', where glorification 'includes any form of praise or celebration'.⁵¹ The Joint Committee on Human Rights (JCHR) criticised the vagueness of 'glorification'.⁵² The requirement that the statement suggests emulation applies to indirect encouragement by glorification; Beyond this, the indirect encouragement must come 'by necessary implication' from published words.⁵³ Case law has not clarified whether material can constitute indirect encouragement simply because it might have an encouraging effect.⁵⁴ Instead, the Court of Appeal advises judges against elaborating on the concept. Evidence suggests an expansive interpretation, as numerous prosecutions target depictions of terrorists or terrorist acts accompanied by positive but not explicitly encouraging comments or slogans.⁵⁵ Dr Cornford suggests that a clearer definition of 'indirect encouragement' is needed – ideally, one that limits the offences to material that has a clearly encouraging meaning or message.

The person does not need to intend to encourage terrorism or disseminate publications that encourage or assist terrorism. It is enough for them to be reckless about the potential effects of their actions. No evidence is needed to show that anyone was actually encouraged to commit terrorist acts. There have been convictions where it was clear that no one was in fact encouraged. This means that the conduct is unconnected to any consequent harm. The law criminalises conduct that has the potential for encouragement rather than requiring a causal link to terrorist activities or intentions. The Court of Appeal has held that the offence does not violate the freedom of expression, as it is 'clearly a lawful, proportionate and necessary' interference with Article 10.⁵⁶ Dr Cornford questions this conclusion, pointing to the need for intentional incitement and actual danger of violence to justify restriction on political and religious speech as necessary and proportionate.⁵⁷

A section 1 offence (encouragement) can be committed simply by posting or reposting material online, while a section 2 offence (dissemination) can be someone sharing terrorist publications within a WhatsApp or Telegram group. In Britain, there have been 49 convictions for encouragement of terrorism (section 1) and 132 for dissemination of terrorist publications (section 2).⁵⁸

Encouragement and dissemination offences are rarely prosecuted in Northern Ireland. There has been only one charge for encouragement and none for dissemination. The case involved Damien Fennel, who was charged for a

49 The reasonable person test was introduced to sections 1 and 2 by the Counter-Terrorism Border Security Act 2019, s 5, before this, TA 2006, s 1 required that a statement (and for section 2 material contained in a publication) must be 'likely to be understood' by some or all of the members of the public to whom it is directed as an encouragement or inducement to them to commit, prepare or instigate an act of terrorism. The government said the amendment was needed as previously the offence would not have covered statements made or publications disseminated to children or vulnerable adults who do not understand that the statements or publications amount to an encouragement to acts of terrorism.

50 TA 2006, s 1(1).

51 TA 2006, s 20(2).

52 Joint Committee on Human Rights, *Counter-Terrorism Policy and Human Rights: Terrorism Bill and Related Matters* (HL 75/ HC 561, 2005–06) paras 27–28.

53 *R v Faraz* [2012] EWCA Crim 2830.

54 Andrew Cornford, 'Criminal Offences Related to Terrorism' (2022) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

55 *ibid.*

56 *R v Ali* [2018] EWCA Crim 547, [17].

57 He refers to analyses in Adrian Hunt, 'Criminal Prohibitions on Direct and Indirect Encouragement of Terrorism' [2007] *Criminal Law Review* 441, 450–452, 456–457; SA Marchand, 'An Ambiguous Response to a Real Threat: Criminalizing the Glorification of Terrorism in Britain' [2010] 42 *George Washington International Law Review* 123, 152–155; Anna Petzsche, 'The Penalization of Public Provocation to Commit a Terrorist Offence' [2017] 7 *European Criminal Law Review* 241, 254–256.

58 Home Office, *Year to June 2025* (n 1) Table A.08a.

2015 speech commemorating the 1916 Easter Rising. Fennel praised the actions of those involved and called on his audience to consider what more they could do to support republicanism. He was acquitted after the court ruled that his speech did not constitute ‘publication’ of a statement as defined under the law.⁵⁹ However, the PSNI say that changes in sections 1 and 2 in 2019, to whether a ‘reasonable person’ would be encouraged, has broadened the offence so that conduct previously deemed lawful by the Public Prosecution Service, such as encouraging protesters to raise umbrellas while others changed and burned clothing, is now considered an offence and has led one person to be charged under section 1.⁶⁰

A concerning trend is the prosecution of minors for these offences. Between 2016 and 2019, 19 children and young people⁶¹ were convicted of disseminating terrorist publications and 11 for encouraging terrorism.⁶² The use of section 2 has risen since 2015, becoming the most frequently charged principal terrorism offence every year from 2021-2025 (Figure 10.1). This can be largely attributed to the proliferation of social media, online platforms, and smartphones, which have made it significantly easier to commit these offences. Most children and young people convicted between 2016 and 2023 committed their offences online.⁶³ This trend underscores the growing intersection between youth, digital technology, and counter-terrorism law.

The IRTL has expressed concerns about the number of young people prosecuted for dissemination (TA 2006, section 2) and collection (TA 2000 section 58) offences. He emphasises the need for care in assessing the risk that children pose when found collecting or disseminating prohibited material, as they ‘may be attracted by the aesthetics, driven by curiosity, or fixated by violence and gore, or just going through a phase’.⁶⁴

The government is introducing Youth Diversion Orders as an alternative to prosecution in the Crime and Policing Bill. Under the proposed new law, the police can apply to court to impose a youth diversion order on a young person (aged 21 or under) if, on the balance of probabilities, the court assesses there is evidence that the young person has committed a terrorism-related offence or has conducted themselves in a way that was likely to facilitate the commission of a terrorism offence. The purpose of the orders is to impose measures on the young person that will reduce their terrorism risk and provide support, keeping them away from the criminal justice system.

Lawyers experienced in defending terrorism cases argue that defendants, especially younger ones, are often unaware that the material they are collecting or sharing is an illegal terrorist publication, particularly with ideological content or material not in English. The Commission heard of cases where cultural and linguistic nuances led to serious misinterpretations. A line in an Arabic nasheed (Islamic vocal music) referring to martyrs might be translated and interpreted as a reference to suicide bombers. The common assumption that Muslim defendants fully understand the Arabic content may not be true. Similarly, documents may be downloaded automatically without knowledge of the action by the defendant, and even when a document is downloaded intentionally, it may not be immediately apparent that it contains propaganda material. The part that is clearly terrorist-related might not be viewed or read by the defendant. If a person realises that the material they have downloaded or shared might be illegal under terrorism laws and then deletes it, prosecutors often interpret this as the defendant trying to conceal their tracks or destroy evidence rather than an attempt to comply with the law.

Some lawyers have suggested that prosecutors could provide an indicative list of prohibited publications. This approach aims to provide greater clarity and certainty about what material is illegal under these laws.⁶⁵ However, it is insufficient to satisfy the requirement of legal certainty and may mislead people into thinking that publications not on the list are not criminal. It may also encourage some people to seek out these documents. However, information on the nature and type of documents that have led to convictions under section 2 would provide more transparency and certainty.

59 *R v Damien Fennell* [2017] NICC 13.

60 Home Office, ‘Post-legislative scrutiny of the Counter-Terrorism and Border Security Act 2019’ (n 8) para 50.

61 Below the age of 18 at the time they committed that offence.

62 Hannah Rose and Gina Vale, *Childhood innocence? Mapping trends in teenage terrorism offenders*, (International Centre for the Study of Radicalisation 2023).

63 Evidence to the Commission, April 2025, counter-terrorism practitioner.

64 Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 88.

65 Commission plenary meeting, September 2022.

47 Recommendation 47: Prosecutors should publish information indicating the type or nature of documents, the dissemination of which has led to convictions under the Terrorism Act 2006, section 2.

48 Recommendation 48: Terrorism Act 2006 sections 1 and 2 should be amended to limit encouragement and dissemination offences to actions where there is an intention to encourage or disseminate for terrorist purposes.

10.4 Preparation for Terrorism

Section 5 of the Terrorism Act 2006 is the offence that targets individuals who intend to commit or assist in acts of terrorism and engage in any preparatory conduct to carry them out. It carries a maximum life sentence, making it one of the most severe terrorism-related charges.

Traditionally, criminal law only allows charges for attempted crimes when preparations are well-advanced and ‘more than merely preparatory’.⁶⁶ The New Zealand Royal Commission investigating the 2017 Christchurch shooting concluded that even if authorities had known about the attacker’s plans, they could only have arrested him when he was getting into his car on the morning of the attack to be confident of a successful prosecution for attempted murder or attempting a terrorist act.⁶⁷ So, the Royal Commission recommended introducing an offence of preparation for terrorism. This reflects a growing international trend towards adopting laws that allow earlier intervention in potential terrorist activities.

Counter-terrorism practitioners told the Commission that section 5 plays a crucial role in their work, enabling early intervention in potential terrorist plots so the authorities can act before an attack reaches the imminent stage.⁶⁸ Its broad scope allows for prosecution where there is general planning or discussions of terrorist activities without amounting to a specific plan or conspiracy. This is particularly important as plots now are often less structured or formalised than in the past. It has proven particularly valuable in disrupting plans by lone actors.⁶⁹

Between 2013 and 2017, section 5 was the most frequently used principal offence for terrorism-related charges, with 115 individuals facing prosecution. Most cases related to the Syrian conflict and the rise and fall of ISIS, which saw foreign fighters travel to the region. People were prosecuted for preparing to travel to Syria and returning when they may have been involved in terrorist activities. Between 2018 and 2023, there was a dramatic decline in these charges, and only 23 charges of preparation. However, in the year to June 2025, eight people were charged with Section 5, making it the joint second most charged terrorism offence during that period.⁷⁰

Evidence to the Commission raised two concerns. First, the indeterminate breadth of conduct that can constitute preparatory acts. Second, establishing intent to commit or assist future acts of terrorism.

Section 5 covers ‘any conduct’ that can be considered preparatory to terrorism. These include the obvious, like acquiring bomb-making materials or visiting potential targets, but also the mundane, like booking flights or even, as has been suggested, making breakfast before a planned attack.⁷¹ The Commission heard significant concerns about its broad scope. As it encompasses many lawful acts that do not cause harm and are far removed from violent activities, there is a problem of legal certainty. Dr Edwards argued that a law prohibiting any act that could later be presented as preparatory to potential political violence is too vague without clear guidance on how to avoid breaking it.⁷² Amnesty

⁶⁶ Criminal Attempts Act 1981; see for example, *R v Campbell* [1991] 93 Cr App R 350 (CA).

⁶⁷ International roundtable, September 2022, academic expert; see also: John Ip, ‘New Zealand’s Adoption of Precursor Terrorism Offences in the Post-March 15 Era’ (2023) 4 New Zealand Law Review 449.

⁶⁸ Commission plenary meeting, July 2022 and September 2022, counter-terrorism police officers.

⁶⁹ Evidence session, September 2022, counter-terrorism practitioner.

⁷⁰ Home Office, *Year to June 2025* (n 1) Table A0.5A.

⁷¹ Commission plenary meeting, September 2022, lawyer.

⁷² Evidence submission, Dr Phil Edwards.

International argued that criminalising behaviour like making travel arrangements impacts freedom of movement. Moreover, it criminalises conduct which is far removed from any directly harmful terrorist act.⁷³ The vagueness of ‘any conduct’ breaches the criminal law principles of legal certainty and fair labelling because it makes it impossible for people to know when their conduct will be criminalised and so comes close to the criminalisation of bad intentions.⁷⁴

Legal experts have proposed several potential solutions. First, inherently innocent actions should be excluded from being considered preparatory acts to narrow the focus to clearly terrorism-related activities.⁷⁵ Germany provides greater legal certainty by explicitly listing all the preparatory acts covered by the law. This approach offers clearer boundaries for what constitutes a preparatory act.⁷⁶ A more flexible solution involves identifying types of conduct which would constitute preparatory acts rather than providing an exhaustive list. Formal policy guidance for prosecutors could outline how they should approach precursor terrorism offences.⁷⁷ These proposals reflect a desire to balance the tension between maintaining the law’s effectiveness in preventing terrorism and providing clearer legal boundaries. The German model offers precision but might be less adaptable to new forms of terrorist preparation. The flexible guidance approach allows more responsiveness to evolving threats while still offering improved clarity. These two different approaches to crafting laws are effective in countering terrorism and respectful of legal principles like certainty and fair notice.

Lawyers defending cases under section 5 raised concerns about the operation of the law and risk assessment. As this offence is considered to be complete once a preparatory action is combined with the necessary intention, even if a defendant only holds the intention briefly or later changes their mind, they can still be prosecuted. The Commission heard of a case involving a defendant who had a short message exchange with an IS recruiter. The recruiter suggested a ‘lone wolf’ attack on a UK-based member of the armed forces as ‘revenge’ for a friend killed in a drone strike. The preparatory acts included the discussion, receiving a file with information on making homemade IEDs and looking online for the type of knife used in the Lee Rigby killing. Importantly, subsequent surveillance showed no further actions to carry out an attack, and the defendant did not purchase a knife. However, the jury was instructed that even if the defendant changed their mind immediately after these actions, it would not affect the completion of the offence. This case highlights the potential for prosecution based on ‘any preparatory conduct’ and a momentary intention, even with no follow-through. In Germany, a ‘firm determination’ to commit a terrorist act must be shown, so one cannot infer intent from a person having terrorist publications or talking to a terrorist online.⁷⁸ Introducing a more stringent requirement for intention, requiring evidence of a firm determination to commit terrorist acts, would still cover preparatory conduct where there was no evidence of a particular plan or plot, provided there was evidence of firm determination to carry out terrorist acts.

49 Recommendation 49: Terrorism Act 2006 section 5 should be amended to include examples of the types of conduct that constitute a preparatory act or provide guidance for prosecutors on the types of conduct that could lead to prosecution for preparatory acts.

50 Recommendation 50: Terrorism Act 2006 section 5 should be amended to require evidence of a ‘firm determination’ to commit terrorist acts.

⁷³ Evidence submission, Amnesty International.

⁷⁴ Joanna Simon and Lucia Zedner, ‘Countering terrorism at the limits of criminal liability’ in Matthew Dyson and Benjamin Vogel (eds) *The Limits of Criminal Law* (Intersentia 2018) 407-434.

⁷⁵ Andrew Simister (2012) ‘Prophylactic crimes’ G.R. Sullivan and I. Dennis I (eds) *Seeking Security: Pre-Empting the Commission of Criminal Harms* (Hart Publishing 2012).

⁷⁶ Commission international roundtable, September 2022; see also: Andrew Cornford and Anne Petzsche ‘Terrorism Offences’ in Kai Ambos and others (eds) *Core Concepts in Criminal Law and Criminal Justice: Anglo-German Dialogues* (Vol. 1) (Cambridge University Press 2020).

⁷⁷ Commission plenary meeting, September 2022; see also Alex Carile and Stuart Macdonald, ‘The criminalisation of terrorists’ online preparatory acts’ in T Chen, L Jarvis and S Macdonald (eds.) *Cyberterrorism: understanding, assessment, and response* (Springer 2014).

⁷⁸ International roundtable, September 2022, legal academic.

10.5 Mindset Evidence

As section 5 comprises ‘any conduct in preparation of giving effect to’ an intention to commit or assist in committing acts of terrorism, in most prosecutions, the key factor determining guilt is the defendant’s intent. Without explicit evidence of intent, prosecutors often rely on ‘mindset material’ to infer intent. This refers to evidence of a suspect’s state of mind or ideological leanings. Legal professionals experienced in terrorism cases are concerned about the use of ‘mindset material’ in prosecutions in a range of precursor offences. While its most direct relevance is in prosecutions for preparations for terrorism, it plays important roles throughout the criminal process. It has been used to help prove intention as well as a commitment to terrorist organisations or values, to cast doubt on defences, and to inform assessments (importantly of risk, as opposed to harm) at sentencing.⁷⁹

Mindset material has included extremist propaganda, images, and videos; social media activity and avatars; poems, lyrics of nasheeds (Islamic vocal music), and memes.⁸⁰ It may also include a defendant’s associations with known terrorists, communication records showing websites visited, chat rooms frequented, chat records, animated GIFs (saved deliberately by the accused or automatically to their laptop as part of online messaging app caches), Google search history, participation in Telegram groups or participation in demonstrations.⁸¹ Prosecutors aim to create a holistic picture of the defendant’s mindset and activities from this plethora of evidence. The jury is then asked to infer terrorist intent based on this composite evidence. This allows an examination of a suspect’s potential motivations and intentions. The IRTL says that caution is needed in inferring mindset from online activities, particularly of children.⁸²

Mindset material often comprises up to 95 per cent of the evidence presented in section 5 cases, and several significant concerns have been raised. First, there is a lack of technical understanding among legal professionals and jurors about digital content, particularly automatically downloaded and cached images. During ISIS’s prominence, young people joining news channels on apps like Telegram could unknowingly have violent videos automatically downloaded to their devices. Content suggestion algorithms on platforms such as YouTube or X (formerly Twitter) can lead to inappropriate material on a device without active user engagement.⁸³

Second, defence lawyers reported problematic use of digital evidence. They said that prosecutors frequently present cached images as evidence of a terrorist ‘mindset’, even in cases where the defendant may be unaware of or may not have viewed the material, or where it is unclear whether the material was accessed by the defendant. Defence lawyers report insufficient scrutiny by prosecutors of the relevance or value of such material, noting duplicate images being counted multiple times and ISIS-related content from mainstream news sources being cited as evidence of extremist views.

Third, challenging the inclusion of mindset evidence falls on the defendant, who often has significantly fewer resources than the prosecution. This imbalance of power is compounded by instances of late disclosure, in which a large volume of material is provided to the defence just weeks before trial, making it difficult to mount a defence. This can compromise the fairness of trials, as the effectiveness of challenges heavily depends on defence lawyers’ knowledge, experience, and resources.

Lawyers with experience in representing defendants in cases where mindset material is central to the case, along with academic experts, told the Commission that prosecutors should have clearer guidelines on mindset evidence.⁸⁴ Guidelines could serve a dual purpose: narrowing their application to ensure fairness in prosecutions, and clarifying the scope of offences by making a central but often invisible aspect of how these laws are implemented public. These guidelines should set clearer boundaries for the use of mindset material as evidence, addressing concerns about potential bias and emphasising the prosecutor’s role in preventing undue prejudice at trial.

⁷⁹ Evidence submission, Dr Kajsa Dinesson.

⁸⁰ Commission plenary meeting, September 2022, lawyer, and evidence submission, Dr Kajsa Dinesson.

⁸¹ Evidence session January 2024.

⁸² Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 67.

⁸³ Commission plenary meeting, September 2022, lawyer.

⁸⁴ Commission plenary meeting, September 2022, lawyer, and evidence submission, Dr Kajsa Dinesson.

Fourth, challenges to exclude mindset material rarely succeed.⁸⁵ If it is unclear whether the defendant has viewed the material, judges often allow its inclusion and leave it to the jury to determine its weight. Concerns have been raised about the potential prejudicial impact on juries when they are required to view explicit, uncensored violent images, which may outweigh the probative value of such evidence.⁸⁶ Enhanced training on mindset evidence, neurodivergence, and social media algorithms would assist judges authorised to try terrorism cases in making their assessment. Judicial understanding of these complex issues may also be assisted by the development of primers by the Royal Society.⁸⁷

Crown Court judges receive training on drafting written directions in plain language and have access to sample directions in the Crown Court Benchbook Compendium. The Compendium could further assist judges by providing example directions for guiding juries on assessing mindset evidence in terrorism cases.

51 Recommendation 51: The Crown Prosecution Service should develop guidelines for prosecutors on the use of mindset material, with advice on the admission of digital evidence, to ensure its relevance and probative value

52 Recommendation 52: The Royal Society Primers Steering Group should consider developing primers to assist judicial understanding of social media algorithms and online technologies.

53 Recommendation 53: The Judicial College should consider including example directions for juries on assessing mindset material in the Crown Court Compendium

⁸⁵ Police and Criminal Evidence Act 1984, s 78.

⁸⁶ J Goodman-Delahunty, 'Assessing Unfair Prejudice from Extremist Images in Terrorism Trials' in D Tait and J Goodman-Delahunty (eds), *Juries, Science and Popular Culture in the Age of Terror* (Palgrave Macmillan 2017).

⁸⁷ The judicial primers project is a collaboration between members of the judiciary, the Royal Society and the Royal Society of Edinburgh, designed to assist the judiciary when handling scientific evidence in the courtroom. See: <<https://royalsociety.org/about-us/what-we-do/science-and-law/#primers>> accessed 5 October 2025.

10.6 Autism and Neurodivergence

The IRTL has noted increasing concern about the seemingly high number of terrorism suspects with autism and other neurodivergent conditions.⁸⁸ Evidence on extreme right-wing terrorism presented to the Intelligence and Security Committee indicates that counter-terrorism policing and Prevent programs are increasingly encountering younger individuals, particularly those with what used to be called Asperger syndrome and is now simply called autism.⁸⁹ Academic research on the relationship between neurodivergence and vulnerability to and engagement in terrorism is contested.⁹⁰

Professor Sir Simon Baron-Cohen, Director of the Autism Research Centre at Cambridge University, told us that from his experience as an expert witness in many criminal cases where the defendant has or warrants a diagnosis of autism,⁹¹ some autistic individuals are arrested as terrorism suspects despite having no intention to harm others.

Some research suggests a potential association between autism and extremist-related offending.⁹² Reports that autistic people may be at elevated risk of extremist-related offending should be subject to four major caveats, because these reports risk stigmatising all autistic people:⁹³

1. most autistic people do not get radicalised into hate activities or commit terror-related crimes;
2. elevated autistic traits may lead a person into situations that could be risky but where the individual has no intention to cause harm to others and does not appreciate the risks they are taking;
3. other risk factors unrelated to autism need to be considered, such as social disengagement/ alienation and sense of social exclusion;
4. other psychiatric conditions that are secondary to lack of support may be more relevant than the autism itself.

In addition, autistic people who are arrested for suspected terror-related behaviour may have had no intention to cause harm to others but come to the attention of the police or counter-terrorism agencies because of at least 12 specific autistic traits.⁹⁴ Over and above these autistic traits, five life experiences may moderate the relationship between autism, autistic traits, and risk of extremist offending. These include:

88 Jonathan Hall (2023) (n 20) 73-77.

89 Intelligence and Security Committee of Parliament, *Extreme Right-Wing Terrorism* (HC 459 2022), 30-31.

90 Fiona Druitt and others, 'Do autism spectrum disorders (ASD) increase the risk of terrorism engagement? A literature review of the research evidence, theory and interpretation, and a discussion reframing the research-practice debate' (2023) 18(3) *Journal of Policing, Intelligence and Counter Terrorism* 307.

91 Rachel Slavny-Cross and others, 'Are autistic people disadvantaged by the criminal justice system? A case comparison' (2022) 27(5) *Autism* 1438, and Rachel Slavny-Cross and others, 'Autism and the criminal justice system: An analysis of 93 cases' (2023) 15 *Autism Research* 904.

92 Lino Faccini and Clare Allely, 'Rare instances of individuals with autism supporting or engaging in terrorism' (2017) 8(2) *Journal of Intellectual Disabilities and Offending Behaviour* 70 and Anton Weenink, 'Behavioral Problems and Disorders among Radicals in Police Files' (2015) 9(2) *Perspectives on Terrorism* 17.

93 Andrew Solomon, 'The Myth of the autistic shooter' *New York Times* (12 October 2015) <<https://www.nytimes.com/2015/10/12/opinion/the-myth-of-the-autistic-shooter.html>> accessed 03 July 2025.

94 These include the following:

1. Pursuing narrow interests and collecting extensive information on these (especially if these focus on topics such as weapons, explosives, or extremist ideologies). See: Lino Faccini and Clare Allely, 'Rare instances of individuals with autism supporting or engaging in terrorism' (2017) 8(2) *Journal of Intellectual Disabilities and Offending Behaviour* 70;
2. Challenges in judging if a person is trustworthy or dangerous, leaving the individual open to being manipulated or groomed by others who are dangerous;
3. Challenges in imagining how one's own actions might appear to another person (also called social awareness, theory of mind, or cognitive empathy), leading to difficulties in imagining if someone else might view one's actions as suspicious. See Simon Baron-Cohen, *Mindblindness* (MIT Press 1995);
4. Cognitive rigidity and black-and-white thinking, which might attract an individual to amass information about whether an ideology that is right or wrong. See Clare Allely, and others, 'Autism spectrum disorder, extremism and risk assessment' (2024) 34(2) *Criminal Behaviour and Mental Health* 182;
5. A strong preference for order, rules, routine and predictability, which might lead a person to be attracted to a well-specified ideology. See Mary Cohen and Reginald Candio, 'Autism, Online Offending, and Victimization' *Autism Spectrum News* (5 July 2025) <<https://autismspectrumnews.org/autism-online-offending-and-victimization/>> accessed 03 July 2025;
6. Communicating with individuals who are member of a terrorist or extremist group without realising the risks of doing so;
7. Posting statements that could reflect hate speech in online extremist forums without realising the risks of doing so;
8. Seeking social approval from others when they have never had any friends, even if those others are potentially dangerous and where the autistic person may not realise they are dangerous;
9. Expressing their views with honesty without realising the risks of doing so;
10. Having a disability in cognitive empathy or theory of mind, the ability to imagine other people's thoughts and feelings, so that they can only see their own point of view;
11. Being socially isolated so do not check what others think about their behaviour;
12. Being socially naive so that they are easily manipulated by others who are dangerous or leading them to make poor social judgements.

1. experience of past victimisation leading to a perception of injustice;⁹⁵
2. social isolation⁹⁶ and marginalisation;⁹⁷
3. experience of social exclusion or bullying attracting them to extremist narratives that offer a sense of belonging;
4. experience of lack of support in educational environments leading to frustration and disengagement and increasing the risk of seeking out acceptance in extremist communities;⁹⁸
5. being groomed by others who do have an intention to harm others.

The Commission heard about a defendant with autism given a long prison sentence after online interactions with members of terrorist groups. Seeking friendship, he was manipulated into using specific language supporting and encouraging terrorism to maintain the relationship.⁹⁹ A review of 24 terrorism cases of defendants with diagnosed or declared autism found that half cited their interest in weapons, guns or explosives for drawing them into terrorist offending.¹⁰⁰

Professor Baron-Cohen and his team in Cambridge are co-designing new research with Mr Dion Brown, Detective Superintendent and Manager in Specialist Crime at the London Metropolitan Police, together with the autism community, focusing on screening suspected terrorists for autistic traits using the short form of the Autism Spectrum Quotient (AQ-10) to identify vulnerable individuals who need support, not prosecution.

Professor Baron-Cohen argued that there is a need for more research to understand why some autistic people might engage in activities that bring them to the attention of the counter-terrorism agencies. He stressed that even in cases where the individual intended to cause harm to others, the root cause may not be autism itself but the mental health issues resulting from a lack of support. Addressing the underlying issues is crucial for prevention of danger to others and providing appropriate support for the individual.

54 Recommendation 54: In cases involving mind-set material, suspected terrorists should be screened for the number of autistic traits they have using tools like the AQ-10.

55 Recommendation 55: Judges authorised to try terrorism cases should be provided enhanced training on the role of neurodivergence and autism spectrum disorders and the Crown Court Compendium Part II: Sentencing should include information for judges on neurodivergence in the sections on terrorism (compendium sections 4.8, 5.11A and 5.11B)

95 Sarah Griffiths and others, 'The Vulnerability Experiences Quotient (VEQ): A Study of Vulnerability, Mental Health and Life Satisfaction in Autistic Adults' (2023) 12(10) *Autism Research* 1516.

96 Nadine Salman and Zainab Al-Attar, *Autism and extremism: The questions that operational practitioners should be asking* (Centre for Research and Evidence on Security Threats, 2023).

97 Sachindri Wijekoon and others, 'Neurodivergence and the Rabbit Hole of Extremism: Uncovering Lived Experience' (2024) *Autism in Adulthood*, 0(0), null. doi: 10.1089/aut.2023.0192.

98 *ibid.*

99 Evidence session, June 2023.

100 Jonathan Hall, (2025) (n 82) 75.

10.7 Discrimination and the Impact of Precursor Offences on Muslim Communities

The broad scope of commonly charged precursor offences creates a vast area of discretionary decision-making that lacks transparency. This is compounded by the role of confidential intelligence in determining whether prosecution serves the public interest. Some lawyers and civil society groups told the Commission of discrimination in the charging and sentencing of terrorism offences. They felt that concerns about the impact of precursor offences followed an increase in young white males being prosecuted for extreme right-wing terrorism.

The cases of Liam Seabrook and Ryan McGee appear to illustrate this. Seabrook, a Nazi-sympathiser who told probation officers he was going to petrol bomb a mosque days after the 2017 Manchester Arena bombings, had weapons in his home adapted to increase injury. He was prosecuted and convicted on non-terrorism charges.¹⁰¹ McGee, an English Defence League (EDL) supporter and serving soldier, had an improvised explosive device (IED) and had written about murdering immigrants. Despite his actions being more advanced than some other terrorism cases, the Crown Prosecution Service prosecuted him under the Explosive Substances Act rather than for terrorist preparation. Prosecutors have said the case might reflect an unconscious bias within the legal system, resulting in more lenient treatment for extreme right-wing terrorism than al-Qaeda or ISIS-related terrorism.¹⁰²

Research analysing prosecutions across the UK between 2001 and 2022 found differences in the types of convictions defendants were convicted of for extreme right-wing terrorism, Al-Qaeda and ISIS-related terrorism, and Northern Ireland-related terrorism.¹⁰³ Muslims are more likely than right-wing offenders to be convicted of preparation or collection offences, while right-wing offenders are more likely than Muslims to be convicted of encouragement or dissemination offences.

Leaders of civil society organisations with knowledge and understanding of Muslim communities say prosecutions for precursor offences have had a ‘chilling effect’ on discussion within Muslim communities. Muslim parents have become increasingly vigilant, often restricting their children’s curiosity about events in Syria and other conflict zones, which may limit young people’s access to information and hinder their ability to engage with complex global issues. In the community, the fear of prosecution has substantially reduced the space for open dialogue. Civil society activists working with young people say Muslims feel constrained in expressing their views on sensitive topics. As a result, some are seeking out like-minded people in less open forums. This shift potentially increases the risk of exposure to more extreme viewpoints.

A senior police officer acknowledged the detrimental effects of suppressing conversation while emphasising the importance of maintaining open dialogue.¹⁰⁴ He said that people being afraid to speak openly caused ‘immense’ damage. He wanted more spaces for open conversation and suggested that young people should engage in public debates to allow their views to evolve through discourse. However, such discussions are often shut down because of worries about Prevent and counter-terrorism laws. The ease with which the section 58 offence of the collection of information useful for terrorism can be committed, combined with uncertainty surrounding a jury’s judgement of a reasonable excuse, led one expert to suggest that ‘curiosity’ was not a privilege afforded to young Muslims.¹⁰⁵

¹⁰¹ Tom Wilkinson, ‘Nazi obsessive who threatened to bomb mosques after Manchester attack jailed’ *The Independent* (10 February 2018). He was convicted of making a threat to kill, sending malicious communications, threatening to destroy property and having articles with intent to destroy property.

¹⁰² John Jupp, ‘From spiral to stasis? United Kingdom counter-terrorism legislation and extreme right-wing terrorism’ (2022) *Studies in Conflict & Terrorism* 1.

¹⁰³ Rachel Monaghan and others, *Prosecuting Extremists in the UK: An Exploration of Charging, Prosecution, and Sentencing Outcomes* (Centre for Research and Evidence on Security Threats, 2023).

¹⁰⁴ Evidence session, July 2023

¹⁰⁵ Commission plenary meeting, September 2024. See: Lucia Zedner, ‘Countering terrorism or criminalizing curiosity? The troubled history of UK responses to right-wing and other extremism’ (2021) 50(1) *Common Law World Review* 57.

The Home Office data on the exercise of police powers under terrorism laws provides transparency about many aspects of the use of terrorism powers. However, one important gap is the lack of data on arrests, charges and convictions disaggregated by ideology. Such information would enable the identification of differences in the treatment of different types of terrorist causes. There is evidence suggesting that differences in sentencing across different terrorist causes may be the result of differences in patterns of charging (discussed further in **chapter 11**).¹⁰⁶ The government has agreed to ensure the collection of data on arrests by ideology and make this available to the Home Office and IRTL, but may not publish it more widely.¹⁰⁷ The publication of this data will show whether concerns about bias are due to a mistaken perception. If there is evidence of discrimination, action will be needed to prevent this; if the data shows that there is a mistaken perception of bias, publication will provide reassurance to groups and communities concerned about unequal application of the law.

56 Recommendation 56: The Home Office should collect and publish data disaggregated by ideology on arrests, charges, prosecutions, and convictions for terrorism-related offences.

¹⁰⁶ Rachel Monaghan and others, *Prosecuting extremists in the UK: an exploration of charging prosecution and sentencing outcomes* (Centre for Research and Evidence on Security Threats 2023).

¹⁰⁷ Jonathan Hall, (2025) (n 82) 45.

10.8 The Attorney General's Consent for Prosecution

A further area where greater transparency could address perceptions of bias is in the decision on whether to proceed with prosecutions for terrorist offences committed overseas. When the Syrian civil war began in 2011, the CPS issued guidelines on prosecuting terrorist acts committed overseas in relation to ISIS.¹⁰⁸ It is likely to consider prosecution to be in the public interest to prosecute if individuals travelled to Syria or Iraq to participate in fighting, unless they were part of an officially authorised UK government humanitarian or other operation. The guidance outlines two scenarios where prosecution is less likely. First, if the suspect was only involved in providing direct medical assistance. Second, if there is no credible evidence that the individual violated international humanitarian law or other applicable international laws.¹⁰⁹ These guidelines are silent on individuals who travelled to fight against ISIS.

Legal experts told the Commission of the lack of transparency in prosecution decisions for individuals returning to the UK after travelling to Syria to join Kurdish groups opposing ISIS. Prosecutions for activities outside the UK require the Attorney General's (AG) permission to proceed. We were told of the inconsistent handling of these cases. In one instance, an individual was reportedly assured by police that they would not face prosecution, only to be charged on their return. Yet, many cases brought against defendants who fought or supported individuals who went to fight with the YPG (a Kurdish militia group) resulted in no convictions, with most being discontinued after the AG failed to consent to prosecution.

The AG's consent can also determine the manner of prosecution. Aiden James was prosecuted only for activities with groups aligned to the PKK (Kurdistan Workers' Party), rather than for fighting against ISIS. This decision created the perception that political considerations, possibly including pressure from the Turkish government, shaped the prosecution strategy. The lack of transparency has led to a perception that terrorism laws are applied inconsistently or arbitrarily. One expert suggested that it contributes to a 'strong suspicion that terrorism is a completely moveable feast'.¹¹⁰ Greater certainty could be achieved by legislation to prohibit British citizens from joining foreign armies or militias.

The IRTL argues that this lack of transparency creates a perception of prosecutions being initiated and discontinued according to hidden policies or standards. He suggests that if there is no public interest in prosecuting individuals who fought against ISIS, this should be clearly explained.¹¹¹

The Commission heard that there should be a transparent process for explaining why the Attorney-General chose to discontinue proceedings where prosecutors found sufficient evidence to support prosecutions. Opportunities to challenge or review a decision to discontinue proceedings should be provided.¹¹²

A first step towards greater transparency would be to publish information on the exercise of the Attorney General's consent for terrorism prosecutions. Data regarding applications for AG consent between 2011 and 2018 is limited (see Table 10.3). The lack of clarity in these cases undermines public confidence in the fair and consistent application of terrorism laws.

108 Crown Prosecution Service, *Guidance in relation to the prosecution of offences relating to Daesh and the conflict in Syria, Iraq and Libya* (December 2016) <https://www.cps.gov.uk/sites/default/files/documents/publications/public_guidance_december_2016.pdf> accessed 3 July 2025.

109 *ibid* para 17.

110 Evidence session, September 2022, lawyer.

111 Jonathan Hall, (2021) (n 31) 128.

112 Evidence session, September 2022, lawyer.

Table 10.3: Attorney General's consent for terrorism prosecutions

Year	Application for consent	Consent granted	Consent denied
2010 ¹¹³	14 cases	No data	No data
2011 ¹¹⁴	22 cases	No data	No data
2012	No data	No data	No data
2013 ¹¹⁵	10 prosecutions	No data	No data
2014 ¹¹⁶	36 suspects	No data	No data
2015	40 suspects	No data	No data
2016 ¹¹⁷	60 suspects (45 applications)	All granted	0
2017 ¹¹⁸	48 suspects (37 applications)	35 granted	2
2018 ¹¹⁹	17 suspects (16 applications)	All granted	0

57 Recommendation 57: The government should publish annual data on the number of applications for the Attorney General's consent to prosecution in terrorism cases, the outcome of the applications. An explanation of decisions not to give consent should be provided to Parliament, where appropriate, via the Intelligence and Security Committee. It should publish any policy that guides the exercise of this discretion.

113 David Anderson, *The Terrorism Acts in 2010* (IRTL 2011) 91.

114 David Anderson, *The Terrorism Acts in 2011* (IRTL 2012) 127.

115 David Anderson, *The Terrorism Acts in 2013* (IRTL 2014) 68.

116 David Anderson, *The Terrorism Acts in 2015* (IRTL 2016) 73.

117 Jonathan Hall, *The Terrorism Acts in 2018* (IRTL 2020) 131.

118 *ibid.*

119 *ibid.*

10.9 Key Findings and Recommendations

This chapter has examined the extensive use of precursor terrorism offences that criminalise activities well before any terrorist act occurs. While these laws serve an important preventative function, their broad scope and low conviction thresholds raise significant concerns about legal certainty, proportionality, and unintended consequences.

Evidence to the Commission reveals four key areas of concern. First, offences like section 58 (collection of information) and section 5 (preparation) cast an exceptionally wide net, criminalising conduct that may be entirely innocent or far removed from any terrorist harm. Second, the reliance on ‘mindset evidence’ to prove intent, particularly digital material that defendants may not have consciously accessed, creates risks of unfair prosecution. Third, these laws appear to disproportionately affect vulnerable groups, including neurodivergent individuals and young people who may lack understanding of the legal implications of their online activities. Fourth, the lack of transparency in prosecutorial decision-making, particularly regarding Attorney General consent, has created perceptions of discriminatory application that undermine public confidence in the fair administration of justice.

The recommendations proposed aim to narrow the scope of certain offences, require clearer evidence of terrorist intent, improve guidance on digital evidence, enhance screening for neurodivergence, and increase transparency in prosecutorial discretion. They seek to preserve the preventative value of precursor offences while better protecting civil liberties and vulnerable individuals. **Recommendations 45 to 48** concern what the IRLT calls documentary offences. **Recommendations 45 and 47** provide more transparency on the nature of the information or materials that have been prosecuted. **Recommendations 46 and 48** limit the offence to people who have a terrorism-related intention. **Recommendation 49** increases the certainty in understanding the types of actions that constitute preparation. Requiring a terrorism-related intention may create some overlap with the Terrorism Act 2000 section 5 preparation offence. However, **recommendation 50** calls for a more stringent test for intention for this offence, requiring evidence of a ‘firm determination’. **Recommendations 51-53** consider the provision of guidance to assist in the understanding of mindset materials, social media and online technologies. **Recommendations 54 and 55** consider requirements for screening for ASD and supporting judges on neurodivergence. **Recommendations 56 and 57** require the publication of data on terrorism cases.

45 Recommendation 45: Prosecutors should provide guidance on the types of information that have resulted in convictions for the collection of prohibited information.

46 Recommendation 46: The Terrorism Act 2000, section 58, on the collection of information of a kind likely to be useful to a person committing or preparing an act of terrorism, should be amended to require an intention to collect for terrorism-related purposes.

47 Recommendation 47: Prosecutors should publish information indicating the type or nature of documents, the dissemination of which has led to convictions under the Terrorism Act 2006, section 2.

48 Recommendation 48: Terrorism Act 2006 sections 1 and 2 should be amended to limit encouragement and dissemination offences to actions where there is an intention to encourage or disseminate for terrorist purposes.

49 **Recommendation 49:** Terrorism Act 2006 section 5 should be amended to include examples of the types of conduct that constitute a preparatory act or provide guidance for prosecutors on the types of conduct that could lead to prosecution for preparatory acts.

50 **Recommendation 50:** Terrorism Act 2006 section 5 should be amended to require evidence of a 'firm determination' to commit terrorist acts.

51 **Recommendation 51:** The Crown Prosecution Service should develop guidelines for prosecutors on the use of mindset material, with advice on the admission of digital evidence, to ensure its relevance and probative value

52 **Recommendation 52:** The Royal Society Primers Steering Group should consider developing primers to assist judicial understanding of social media algorithms and online technologies.

53 **Recommendation 53:** The Judicial College should consider including example directions for juries on assessing mindset material in the Crown Court Compendium

54 **Recommendation 54:** In cases involving mind-set material, suspected terrorists should be screened for the number of autistic traits they have using tools like the AQ-10.

55 **Recommendation 55:** Judges authorised to try terrorism cases should be provided enhanced training on the role of neurodivergence and autism spectrum disorders and the Crown Court Compendium Part II: Sentencing should include information for judges on neurodivergence in the sections on terrorism (compendium sections 4.8, 5.11 A and 5.11 B)

56 **Recommendation 56:** The Home Office should collect and publish data disaggregated by ideology on arrests, charges, prosecutions, and convictions for terrorism-related offences.

57 **Recommendation 57:** The government should publish annual data on the number of applications for the Attorney General's consent to prosecution in terrorism cases, the outcome of the applications. An explanation of decisions not to give consent should be provided to Parliament, where appropriate, via the Intelligence and Security Committee. It should publish any policy that guides the exercise of this discretion.

11.

Sentencing and the Management and Rehabilitation of Offenders

This chapter focuses on the sentencing and management of person convicted of an offence under the Terrorism Acts or an offence found to be terrorism-connected under the Counter-Terrorism Act 2008 (the term ‘terrorist offenders’ will be used here to refer to both groups) and to offenders who, while serving their sentence for non-terrorism-related crimes, are identified as presenting a ‘terrorist risk’.

The Commission received evidence from practitioners, including prison and probation managers and staff, criminal justice inspectors, senior policymakers, researchers and civil society organisations.

Law, policy and practice in this area have been shaped by four attacks by individuals while in prison or shortly after release from custody in 2019 and 2020, which intensified government and public concerns about the effectiveness of processes for assessing and managing risk both in prison and in the community. In the attacks at Fishmongers Hall (November 2019), Streatham (February 2020), and Reading (June 2020), the attackers had all been recently released from prison. In the cases of Usman Khan, who carried out the Fishmongers Hall attack, and Khairi Saadallah, who carried out the attacks in Forbury Gardens, Reading, failures to share information across different agencies contributed to mistaken assessments of the attackers’ risk. By contrast, the significant risk posed by Sudesh Amman, who carried out the Streatham attacks, was understood, but his release could not be halted as he was entitled to automatic release, having served half his sentence in custody. On release, he was placed under surveillance, enabling police to intervene when he began stabbing two people within 10 days of his release. In January 2020, there was also an attack by two prisoners on a prison officer in Whitemoor prison. While one was already serving a sentence for a terrorist offence, the other had been radicalised while in prison. These attacks led to an overhaul of terrorism sentencing and the system and processes for managing terrorist offenders and those who pose a terrorist risk.

Since 2017, a small number of terrorist offenders in prison who are considered to be disruptive and at risk of subverting others have been held in separation centres. In April 2025, Hashem Abedi (one of the men responsible for the Manchester Arena bombing) attacked three prison officers while in a separation centre. Jonathan Hall KC, the Independent Reviewer of Terrorism Legislation (IRTL), is reviewing the operation and use of these centres.¹

¹ Ministry of Justice, ‘Appointment of Jonathan Hall KC as independent reviewer’ (22 May 2025) <<https://www.gov.uk/government/news/appointment-of-jonathan-hall-kc-as-independent-reviewer>> accessed 08 July 2025.

Section 1 looks at terrorism sentencing. Section 2 considers the evidence of discrimination in sentencing. Section 3 outlines the process for managing prisoners in prison. Section 4 focuses specifically on the different options of segregation, dispersal and separation. Section 5 considers the approaches to identifying and managing terrorist risk in relation to convicted terrorist prisoners and non-terrorist offenders who may become engaged in terrorism while in prison. Section 6 looks at approaches to reintegrating and rehabilitating offenders and managing risk after the end of the sentence. Section 7 sets out key findings and recommendations.

11.1 Sentencing for Terrorism-Related and Connected Offences

There were 1,185 terrorism-related convictions in Britain between 2001 and June 2025.² This includes ten convictions for murder and 17 for conspiracy to murder.³ There were 163 convictions for the preparation of a terrorist act, which carries a maximum life sentence. Almost 30 per cent of convictions are for what the IRTL calls ‘documentary offences’: 165 for the collection of information useful for an act of terrorism; 132 for the dissemination of a terrorist publication, and 49 for encouragement of terrorism. A further 65 convictions relate to refusal to answer questions or give passwords for electronic devices during a stop under Schedule 7 of the Terrorism Act 2000.⁴

Judges sentence individuals within the legislative framework set by Parliament, using Sentencing Council guidelines where applicable. The rules on releasing prisoners from custody, the conditions that apply while on licence and any notification requirements that continue to apply after the sentence is completed vary across different types of sentence (see **Box I**).

Increases in the length of sentences for terrorism offences need to be placed in the context of longer sentences for all offences. As noted in the 2025 Independent Sentencing Review, the average custodial sentence increased from 16 months in 1993 to 22.5 months in 2024⁵ and the average ‘tariff’ (minimum term) for murder increased from 13 years in 2000⁶ to 22 years in 2023.⁷ In the four years between 2019 and 2022, the minimum terms for and guidelines on the sentencing and release of terrorist offences changed as Parliament legislated four times and the Sentencing Council conducted three consultations.⁸ This was also a period of a more general review and reform of parole processes. This resulted in several significant changes affecting terrorism sentencing.

1. The maximum sentences available for several terrorism offences have increased significantly; in some cases, they have doubled. The changes were said to be justified by the increased pace of radicalisation, particularly online, and to provide greater consistency in the sentences for different terrorism offences.
2. An increasing number of people convicted of non-terrorism offences now also face terrorism sentencing, as courts must enhance sentences if a non-terrorism offence has a ‘terrorist connection’.⁹ Introduced in 2008, this requirement was initially limited to specific offences but expanded in 2021 to include any non-terrorism offence carrying a maximum sentence of two or more years. A finding of a terrorist connection also affects when a

2 Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation. Year to June 2025: Annual Data Tables (2025)*, Table A.06a and Table A.06b.

3 *ibid* Table A.08b.

4 *ibid* Table A.08a.

5 Ministry of Justice, *Independent Sentencing Review: History and Trends in Sentencing* (Part 1 report, 18 February 2025) <<https://assets.publishing.service.gov.uk/media/67c583a868a61757838d2196/independent-sentencing-review-part-1-report.pdf>> accessed 25 September 2025.

6 HL Written Question HL 7261, 23 March 2022, <<https://questions-statements.parliament.uk/written-questions/detail/2022-03-23/HL7261>> accessed 25 September 2025.

7 HL Written Question HL 3987, 13 January 2025 <<https://questions-statements.parliament.uk/written-questions/detail/2025-01-13/HL3987>> accessed 25 September 2025.

8 Counter-Terrorism and Border Security Act 2019 (CTBSA 2019); Terrorist Offenders (Restriction on Early Release) Act 2020 (TO(RER)A 2020); Counter-Terrorism and Sentencing Act 2021 (CTSA 2021); Police, Crime, Sentencing and Courts Act 2022 (PCSCA 2022).

9 Counter-Terrorism Act 2008, s 93.

prisoner is eligible for release from prison to serve their sentence on licence in the community and imposes long-term terrorism notification requirements.¹⁰

3. A serious terrorism sentence (STS) was introduced for 'serious terrorism offences', mandating a minimum of 14-year terms, unless there are exceptional circumstances, and a minimum of seven years on licence after release.¹¹
4. If a person is convicted of a terrorism offence listed in the Sentencing Act 2020 Schedule 17A, and is assessed by a court at sentencing to pose a significant risk of serious harm to the public, they are categorised as a 'dangerous terrorist offender'. Dangerous offenders receiving a serious terrorism sentence or an extended determinate sentence (see **Box 1**) are no longer eligible for early release. They must now serve the full term of their sentence in prison.¹²
5. Since September 2024, prisoners with standard determinate sentences are automatically released from custody after serving 40 per cent of their sentence, except for those convicted of certain serious and violent offences. Terrorist offenders other than those referred to above as 'dangerous' now receive 'sentences for offenders of particular concern' (SOPC). They are only eligible for release after serving two-thirds of their sentence in prison, and only if the Parole Board approves.¹³ They also serve an additional year on licence beyond the term of their sentence.¹⁴
6. Changes in the parole system affecting terrorist prisoners include replacing the opportunity for multiple and potentially differing professional recommendations on release by a single 'Secretary of State view' presented to the Parole Board, as well as tightening the criteria for transfer to an open prison (which is often a precondition for release on parole).

Several concerns have been raised about these changes. While some concerns relate to a wider range of offenders, others focus on terrorist offenders in particular. For example, the IRTL warned that longer sentences could increase risks of radicalisation with 'the new generation of less ideological, more opportunistic terrorist offenders, finding themselves in prolonged contact with more committed extremists'.¹⁵ For offenders with an SOPC, the delay in the point of eligibility for release effectively increases the severity of the sentence without requiring a finding of dangerousness by courts.¹⁶

In general, maximum sentences for terrorist offences have increased, as has the amount of time spent in custody, with some not eligible for release until the end of sentence. In the period 2010-2024, 40 per cent of those sentenced for terrorism-related offences in England and Wales received a sentence of less than four years, and 29 per cent received a sentence of 4-10 years; eight per cent were sentenced to 10-20 years, and eight per cent received life sentences.¹⁷

Twelve per cent of those convicted were given non-custodial sentences, the majority of these (60 per cent) in the three years to March 2024.¹⁸ This appears to reflect the increasing number of young people who are prosecuted for viewing or collecting information that may be useful for terrorism, but are not seen as posing a significant national security risk.

10 The Sentencing Code s 69 (as amended by the CTSA 2021, s 1) requires that a 'terrorist connection' must be treated as aggravating and specified in open court. And see forfeiture powers in TA 2000, s 23A.

11 CTSA 2021, s 2. Schedule 2 provides the list of serious terrorism offences.

12 CTSA 2021, s 27.

13 CTSA 2021, s 21 and sch. 6.

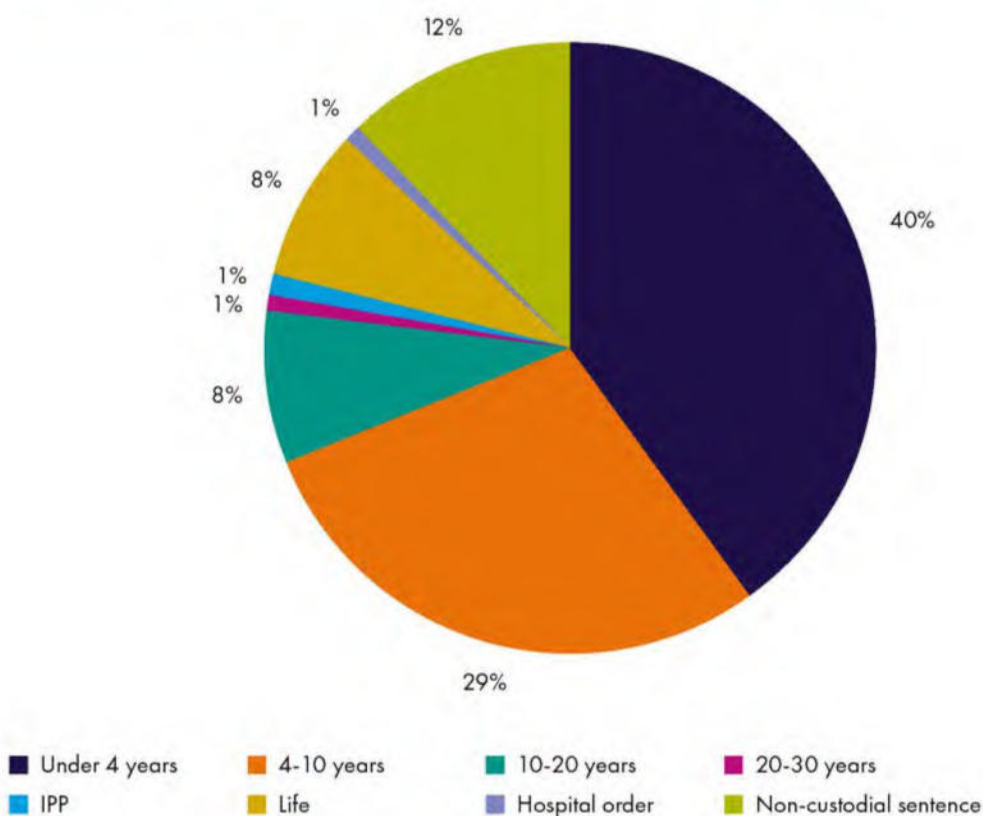
14 Sentencing Code, s 278(B).

15 Jonathan Hall, *The Terrorism Acts in 2018* (IRTL 2020) 146.

16 Commission plenary meeting, December 2023, Dr Rory Kelly. See: Rory Kelly, 'Reforming the sentencing and release of terrorist offenders' (2023) 10 Criminal Law Review 639, 647.

17 This includes life sentences and, for the period 2010-2012, Imprisonment for Public Protection (IPPs), and Extended Sentences for Public Protection (EPPs). IPP and EPP sentences were introduced in 2005 and abolished in 2012.

18 Home Office (n2) Table C.04.

Figure 11.1: Sentencing outcomes for terrorism-related offences 2010 - 2024¹⁹

In June 2024, the government decided to stop collecting official statistics on sentence lengths for terrorism offences. The IRTL recommends that this decision be reversed without delay.²⁰ The Commission recognises the importance of sentencing data for understanding and assessing counter-terrorism measures and supports this recommendation.

58 Recommendation 58: The Government should collect and publish official data on sentencing lengths for terrorism offences.

¹⁹ *ibid.*

²⁰ Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 71.

I: Types of Sentences

Determinate prison sentences are for a fixed length of time, whereas an indeterminate prison sentence does not have a fixed term: this includes life sentences and the sentence of imprisonment for public protection (IPP)

Indeterminate sentences

Indeterminate-sentenced prisoners must spend a minimum period (the 'tariff') in prison. In some cases, because of the seriousness of the offence, a whole life tariff can be imposed, so that they may never be released. In most cases, at the expiry of the tariff, prisoners can be considered for release by the Parole Board, which will assess whether their risk has been reduced.

Life sentences are required (mandatory) for murder, and may be imposed for other serious offences, including offences under the Explosive Substances Act 1883 or for preparing terrorist acts. The Sentencing Council provides guidance on when a life sentence is appropriate.²¹ Even after release from prison, individuals, offenders spend the rest of their life on licence, liable to be returned to prison if they are considered a risk or commit a further offence.

The *IPP* sentence was introduced in 2005 for serious offenders who were thought to pose an ongoing risk to public safety but did not merit a life sentence. They were also given a tariff after which they could only be released on licence if the Parole Board was satisfied that it was safe to do so. Like lifers, they can be recalled during their licence period. IPP sentences were abolished in 2012, but not retrospectively, so there are still IPP prisoners in custody, some of whom have never been released and others who have been recalled to prison after being released on licence.

Determinate Sentences

Standard Determinate Sentences (SDS) are the most common custodial sentence. They have a fixed end date, with part of the sentence served in prison and part on licence in the community. The point of release from prison varies depending on the length of the sentence, the type of offence, and when it was imposed. Since September 2024, offenders sentenced to under four years are usually automatically released (without involvement of the Parole Board) after serving 40 per cent of their sentence in prison, with the remainder on licence in the community. However, there are exceptions for certain serious violent and sexual offences, including terrorism offences, so that automatic release is only available at the two-thirds point.

Extended Determinate Sentences (EDS) can be imposed for some offences (including some terrorism offences) if the court assesses that there is a significant risk to the public of the person committing further specified offences, and this sentence is needed to protect the public from the risk of serious harm. It includes a fixed custodial period and an extended period on licence. There is no automatic release date; the prisoner will be considered for release by the Parole Board at the two-thirds point of their sentence. If not released earlier, they are automatically released at the end of their custodial term and serve an extended period on licence.

²¹ PCSCA 2022, s 126.

Sentences for Offenders of Particular Concern (SOPC) were introduced for those who have committed specified terrorist or serious child sexual offences, but do not meet the requirement for an EDS or life sentence. Unlike most offenders on an SDS, those with an SOPC are not eligible for automatic release at the 40 per cent point of sentence; instead, they are considered for release by the Parole Board at the two-thirds point. If not released earlier, they are automatically released at the end of their custodial term and serve an additional 12-month period on licence.

Serious Terrorism Sentences (STS) can be imposed when a crime meets the criteria for being a 'serious terrorism offence', and there is a significant risk to members of the public of the commission of a further serious terrorism offence that is likely to contribute to the deaths of at least two people.²² An STS normally carries a minimum custodial sentence of 14 years. Offenders are not eligible for early release. There is also a minimum post-release 7-year licence period that may be extended to 25 years.

²² CTSA 2021, s 2.

11.2 Discrimination in Sentencing

Evidence of racial discrimination in sentencing in the criminal justice system in general has also raised concerns about racial and religious discrimination in sentencing in terrorism cases. In 2012, the IRTL noted these concerns but found no evidence of religious discrimination.²³ Home Office analysis (2001-2012) found no significant differences in charging or sentencing outcomes based on religion in Britain.²⁴

Analysis of sentencing between 2001-2022 across different terrorist motivations reveals a more nuanced picture. Whilst there are no direct sentencing differences between Islamist, extreme right-wing and Northern Ireland-related terrorism, indirect patterns emerge because of charging practices. Right-wing extremists more frequently faced 'violent extremist' charges carrying shorter sentences, whilst Islamist and Northern Ireland-related extremists more often faced terrorism-related charges carrying longer sentences.²⁵ Furthermore, though no general sentencing disparity exists between Northern Ireland and Great Britain, different charging approaches produce divergent outcomes. Section 5 of the Terrorism Act (preparing acts of terrorism) is commonly used in Great Britain for acts that in Northern Ireland would attract firearms and explosives charges, which carry lower sentences.²⁶

The equality statement accompanying the Counter-Terrorism and Sentencing Act 2020 acknowledges the disproportionate effect of the legislation on Asian/British Asian and Muslim individuals. It puts this down to trends that 'reflect the terrorist ideologies prevalent in the UK, most notably Islamist Extremist and extreme Far Right terrorism'.²⁷ It concludes that the provisions of the legislation are 'unlikely to result in indirect discrimination' as they do not put people with protected characteristics at a particular disadvantage when compared to others who do not share those characteristics. Therefore, the overrepresentation of some groups within the scope of this policy reflects the nature of terrorism in the UK.

The Prison Reform Trust raised concerns that this explanation assumes no bias exists in the justice system, despite evidence from the Lammy Review suggesting otherwise.²⁸ Given the limited data available and the experiences of ethnic and religious minorities in the justice system, they argue the government should closely monitor whether these provisions result in indirect discrimination and take remedial action if needed.²⁹ Despite government commitments to increase the transparency and accuracy of ethnicity data in the criminal justice system, there is very limited data on ethnicity in sentencing for terrorism offences. For example, the Sentencing Council provided data for several terrorist offences for the period 2001 to 2020. However, ethnicity was only provided for 2018 to 2020, and in two-thirds of cases, this was stated as 'not recorded' or 'not known'.³⁰ As noted in **chapter 2**, increasing transparency with better equality data will reduce concerns about discrimination and build confidence in the fairness of counter-terrorism measures.

59 Recommendation 59: The Ministry of Justice should publish data on sentencing for terrorism offences disaggregated by religion, ethnicity and ideological purpose.

²³ David Anderson, *The Terrorism Act in 2011* (2012) 26.

²⁴ Home Office, 'Terrorism arrests - analysis of charging and sentencing outcomes by religion' (12 September 2013) <<https://www.gov.uk/government/statistics/terrorism-arrests-analysis-of-charging-and-sentencing-outcomes-by-religion>> accessed 08 July 2025. The analysis did not include data for Northern Ireland.

²⁵ Rachel Monaghan, Bianca Slocombe, John Cuddihy, and Neale Gregg, *Prosecuting extremists in the UK: an exploration of charging prosecution and sentencing outcomes* (Centre for Research and Evidence on Security Threats 2023).

²⁶ *ibid* 45. This difference was statistically significant ($p=0.023$), meaning it's unlikely to be due to random chance. However, there was considerable variation in the sentencing data, making it difficult to pinpoint the exact size of the difference with high precision.

²⁷ Home Office 'New power to prevent automatic early release for offenders serving standard determinate sentences who become of significant public protection concern: Equality Impact Assessment' (GOV.UK, updated 2 August 2023) <<https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-equality-statements/new-power-to-prevent-automatic-early-release-for-offenders-serving-standard-determinate-sentences-who-become-of-significant-public-protection-concern>> accessed 19 October 2025.

²⁸ David Lammy, *The Lammy Review: An independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the Criminal Justice System* (UK Government 2017).

²⁹ Evidence submission, Prison Reform Trust.

³⁰ Sentencing Council, 'Terrorism Offences: data tables' (26 July 2022) <<https://www.sentencingcouncil.org.uk/publications/item/terrorism-offences-data-tables-2/>>

11.3 Managing Prisoners Convicted of Terrorism Offences

In June 2025, there were 257 people in custody for terrorism-related and terrorism-connected offences in England and Wales.³¹ A further 250 prisoners who were not convicted of a terrorism-related or terrorism-connected offence were identified as carrying a 'terrorism risk' (discussed below). In total, there were therefore around 500 prisoners with either a terrorist conviction or assessed as a terrorism risk.³²

His Majesty's Prison and Probation Service (HMPPS) is responsible for managing offenders during their sentence, whether in prison or on licence in the community. One in five terrorist prisoners is held in a Category A prison, under the highest level of security; the majority are reported to be in Category B or C prisons.³³ For those on licence in the community, the risk is monitored and managed through multi-agency public protection arrangements (MAPPA), a collaborative process across different agencies to monitor and supervise individuals who pose a risk to public safety. In March 2024, 287 terrorist offenders were supervised through MAPPA.³⁴ Once a sentence is completed, monitoring by counter-terrorism police and the security services can still take place.

Rehabilitating and reintegrating terrorist offenders is critical for public safety, as most will eventually be released. In England and Wales, most of the 678 people sentenced for terrorism-related offences between 2010 and June 2024 have already been released or will be by 2035 (see **Figure 11.1**). Three-quarters received custodial sentences of less than 10 years.

The changes to sentencing and parole process outlined in section 1 of this chapter have reduced the ability of judges, the Parole Board, and HMPPS specialist staff to tailor sentences to the circumstances of the specific offence and offender.³⁵ Expert assessment remains vital, especially because of the youth of many offenders and the number of convictions for pre-emptive offences, such as acts preparatory to terrorism, that cover a wide range of conduct.³⁶ Removing the possibility of early release is particularly concerning for younger offenders, as their 'risk may be considered most susceptible to change as they mature into adults'.³⁷ It may also undermine, rather than support, both public protection and safety in prisons, removing a key incentive for individuals to comply with their sentence plan, engage in rehabilitation and maintain good behaviour.³⁸

The Parole Board warned, for example, that tightening the conditions for transfer to an open prison would result in 'some of the most complex individuals being released directly from closed conditions into the community, with less certainty on how they might behave, which could increase the risk to the public'.³⁹ Time spent in open prisons is a tested route for managing the safe release of prisoners into the community, with a testing of risk while still subject to prison conditions. Practitioners recognised that some prisoners, such as active radicalisers, would need to be held in highly controlled closed custodial environments, but for others, the lack of a managed return to the community could in fact increase risk.⁴⁰

31 Home Office (n2), Table P.01.

32 Evidence from counter-terrorism practitioners, August 2025.

33 Charles Hymas, 'Most convicted and suspected terrorists are not held in the highest security prisons' *The Telegraph* (12 September 2023) <<https://www.telegraph.co.uk/news/2023/09/12/terrorists-suspects-held-lower-security-prisons-jail-escape/>> accessed 09 July 2025.

34 Ministry of Justice, 'Multi-Agency Public Protection Arrangements (MAPPA) Annual Report 2023/24' (2024) 5.

35 The Parole Board has trained specialist members to deal with terrorist offenders. This includes judicial members with particular experience and expertise in managing complex terrorist trials.

36 Commission plenary meeting, December 2023, Dr Rory Kelly; see also Rory Kelly, 'Reforming the sentencing and release of terrorist offenders' (2023) 10 *Criminal Law Review* 639, 647.

37 Jonathan Hall KC, 'Note on counter-terrorism sentencing Bill: Sentencing Reform' (IRTL 2020)

38 Prison Reform Trust (n29). See also: Umar Azmeh, 'Exemplary Sentencing for Terrorist Offenders: The Counter-Terrorism and Sentencing Bill' [2021] 5 *Criminal Law Review* 5, 17–18 and Rory Kelly, 'Reforming the sentencing and release of terrorist offenders' [2023] 10 *Criminal Law Review* 639, 648–649.

39 Evidence submission, Prison Reform Trust, citing letter from the Parole Board of England and Wales to the Ministry of Justice (10 May 2022) released following a freedom of information request.

40 Commission plenary meeting, December 2023, senior policy official.

11.4 Segregation, Dispersal and Separation While in Prison

A key question in managing terrorist prisoners is whether to segregate some or all of them from other prisoners or to keep them in normal location at the relevant security level alongside other prisoners.

In Northern Ireland, before the Good Friday Agreement, paramilitary prisoners were held in separated wings in the H-blocks at The Maze prison; this was in response to demands by the prisoners themselves. Following the Agreement, separation was reintroduced at Maghaberry prison, to hold some of those connected to paramilitary organisations, who reported feeling threatened on normal location. Prison staff opposed this move, and research suggests that separation has hindered reintegration by reinforcing the identities and ideas that informed offending.⁴¹

While replicated in some European countries,⁴² this approach to prisoners convicted of terrorism offences has not, in general, been followed in Britain. All terrorist prisoners were initially dispersed throughout the prison estate, though they were highly concentrated in high security prisons. This aimed to ensure they were treated the same as other prisoners, with appropriate levels of security and control, to reduce the risk that they would acquire an elevated status or face heightened stigma.⁴³ It also sought to dilute their influence across the prison estate and limit interaction with other terrorist offenders.⁴⁴ There was, however, a separate unit at HMP Long Lartin, opened in 2005, with a small number of detainees believed to be involved in terrorist activity and facing deportation on national security grounds. This unit was criticised in inspection reports in 2007 and 2011, because of the isolated and restricted environment and was closed by 2015.⁴⁵

As the number of prisoners serving time for terrorism or terrorism-related offences increased, there were growing concerns that prisons could be an environment for radicalisation, particularly as the number of Muslims in the general prison population was increasing. Researchers disagree over the extent of radicalisation of Muslim prisoners in prisons,⁴⁶ but a 2016 review by Ian Acheson, commissioned by the then Secretary of State, Michael Gove, concluded that Islamist extremism and radicalisation 'was a growing problem within prisons'.⁴⁷ The dispersal of 'subversive' terrorist offenders in the long-term high security estate⁴⁸ was characterised as the 'equivalent to metastasising cancer' and 'seeding the problem all around the system'.⁴⁹ In response to this review, the government created specialist separation centres in 2017 in three high security prisons to keep the most disruptive terrorist prisoners away from the general prison population. They hold a small number of prisoners who are assessed as actively subversive, threatening national security, and the 'most determined to radicalise others'. This is not the same as the elective separation of paramilitaries in Northern Ireland. The separation centres can hold 28 prisoners, though currently there are only 11.⁵⁰ There are also four terrorist offenders held in one of the close supervision centres (CRCs), which hold the most disruptive prisoners.

41 Michelle Butler, 'Using specialised prison units to manage violent extremists: lessons from Northern Ireland' (2020) 32(3) *Terrorism and Political Violence* 539.

42 For example, the Netherlands built separate facilities for terrorist offenders; in Spain, Islamist-related offenders are kept in separate units, but ETA-affiliated offenders are dispersed into the general prison population. See Simon Copeland and Sarah Marsden, *Managing Terrorism-Related Offenders in Prison* (Centre for Research and Evidence on Security Threats 2020) 7.

43 Ministry of Justice and HM Prison and Probation Service, 'Separation Centre Policy Framework' (1 November 2022).

44 Ministry of Justice, *Tackling Terrorism in Prisons: A Response to the Independent Review of Terrorism Legislation's Review of Terrorism in Prisons* (CP 652, 2022) 6.

45 HM Inspectorate of Prisons, *Report on an announced inspection of the Category A Detainee Unit at HMP Long Lartin, 17–19 July 2007* (HM Inspectorate of Prisons 2008) <<https://hmiprisoninspectorates.gov.uk/2008/02/27/category-a-detainee-unit-at-long-lartin/>> accessed 29 September 2025 and HM Chief Inspector of Prisons, *Report on an unannounced follow-up inspection of the detainee unit at HMP Long Lartin, 4–6 April 2011* (HM Inspectorate of Prisons 2011).

46 Clarke R Jones, 'Are prisons really schools for terrorism? Challenging the rhetoric on prison radicalization' (2014) 16(1) *Punishment & Society* 74; Ryan Williams and Alison Liebling, 'Do prisons cause radicalization? Order, leadership, political charge, and violence in two maximum security prisons' (2023) 63(1) *The British Journal of Criminology* 23; Salim Yaacoub, 'British and Lebanese Prisons: Are They Fertile Breeding Ground for Terrorism?' (2018) 11(3) *Journal of Strategic Security* 79.

47 Ministry of Justice and National Offender Management Service, 'Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice' (22 August 2016) <<https://www.gov.uk/government/publications/islamist-extremism-in-prisons-probation-and-youth-justice/summary-of-the-main-findings-of-the-review-of-islamist-extremism-in-prisons-probation-and-youth-justice>> accessed 08 July 2025.

48 Category A prisons and Category B prisons, other than reception prisons.

49 Evidence Session, December 2023, former HMPPS practitioner.

50 HM Chief Inspector of Prisons, *Report on an inspection of Separation Centre* (HM Inspectorate of Prisons 2022).

There is limited research evidence and evaluation of the effectiveness of separation centres.⁵¹ The Ministry of Justice, the IRTL, and HM Inspectorate of Prisons have examined them and concluded that removing highly disruptive offenders from the general population has, in general, improved the rehabilitation opportunities for other prisoners.⁵² The IRTL reports that HMPPS, counter-terrorism police, and the security services assess them as an 'effective means of reducing the risk of terrorism'.⁵³ However, it becomes harder to engage prisoners in rehabilitation initiatives once they are in the centres, and it can reinforce a negative mindset and attitudes.⁵⁴

The evidence from practitioners and researchers to the Commission echoes this mixed picture. Most practitioners agreed that the centres reduced harm and risk to other prisoners and that their introduction could moderate behaviour in other areas of the prison.⁵⁵ To the extent that the centres aimed to incapacitate highly subversive prisoners who were radicalising others and driving instability, they appear to be successful.

However, HMPPS practitioners remained concerned about the outcome for the prisoners placed in the separation centres. Some prisoners do not want to leave, as 'it provides a haven for them' away from the wider prison conditions.⁵⁶ Prisoners are unlikely to engage in rehabilitation programmes. Some staff in one separation centre reported to researchers that the centres 'had created martyrs or hero status' for those sent to them, making it more difficult to challenge a person's view.⁵⁷ The lack of engagement becomes more acute as prisoners in the centres come to the end of their sentences and will be released. Staff observations of interactions with other prisoners can contribute to an assessment of the risk prisoners may pose on release. However, the environment in the separation centres inhibits this.⁵⁸

In general, prisoners move through the prison system in a managed way, through different levels of security and control, as their risk reduces. However, at least one prisoner remained in a separation centre until the end of their sentence, limiting the opportunities for assessing and reducing risk before release. Senior policymakers acknowledged this outcome was a concern. Practitioners working in HMPPS echoed this, concluding that the initial approach to separation centres made prisoners worse and rehabilitation harder.⁵⁹ They reported initial nervousness about letting people leave the separation centres and return to mainstream prison. This was attributed to the limited opportunities in those centres to engage, reduce risk, and provide routes to move on and out. On one occasion, work towards reintegrating prisoners from a separation centre to the rest of the prison was set back after the arrival of a new prisoner who galvanised the group and set back progress on risk reduction. Some prisoners have been moved out of separation centres, but there is no graduated progression route. Unlike in the close supervision centre system, there is no 'step-down' approach, so that separated prisoners can move into and through different levels of control before they move into normal location. This would, however, require additional resources.

60 Recommendation 60: The Joint Extremism Unit should continue to evaluate the benefits and drawbacks of separation centres, and in particular, consider how these prisoners can be safely transitioned into the general population before their release, including the use of 'step-down' graduated moves.

51 Copeland and Marsden (n42).

52 Beverly Powis and others, *Separating Extremist Prisoners: A process study of separation centres in England and Wales from a staff perspective* (Ministry of Justice 2019) 26-27.

53 Jonathan Hall, *Terrorism in Prisons* (IRTL 2022) 63.

54 Michelle Butler, 'Using Specialised Prison Units to Manage Violent Extremists: Lessons from Northern Ireland' (2020) 32(3) *Terrorism and Political Violence* 539.

55 Evidence session, December 2023, HM Prison and Probation Service practitioner.

56 *ibid.*

57 Evidence session, December 2023, academic expert.

58 Powis and others (n52), HM Chief Inspector of Prisons (n47) 5.

59 Evidence session, December 2023, HMPPS practitioners.

11.5 Assessing and Managing Risk

Pathfinder is the counter-terrorism specialist, multi-agency process for managing offenders in prison and on probation who exhibit concerning terrorist behaviours or have terrorist-related convictions. It identifies, assesses and ranks offenders according to their terrorist risk using standardised tools. It then deploys controls and rehabilitative interventions that aim to reduce that risk. In August 2025, there were around 750 offenders managed through Pathfinder; 40-45 per cent were terrorist offenders, the remainder were those who had not been convicted of a TACT-related or connected offence but were identified as presenting a 'terrorist risk', that is, a risk of committing a terrorist offence. Five hundred and fifty were in prison, and 200 were on probation.⁶⁰

Prison and probation counter-terrorism teams manage Pathfinder through the Joint Extremism Unit (JExU), working with police and other partners. Every prison with a Pathfinder caseload in England and Wales operates structured arrangements. Multi-agency meetings determine risk management actions, including prisoner location and interventions to support desistance from terrorism. Low-risk cases remain under generic offender management, with Pathfinder operating alongside this to make decisions about managing terrorist risk. Highest-risk cases are allocated to the National Security Division, or triaged accordingly based on overall risk and need.

The Pathfinder process focuses on the sharing of information throughout the whole of an individual's sentence, including in the community. The failure to share information across the different organisations involved in managing or assessing a terrorist offender emerged as a significant contributor to the mistaken assessment that the attackers in Fishmongers Hall and Reading were 'low risk'. This led to the creation of a Joint Counter-Terrorism Prison and Probation Intelligence Hub in August 2020 to facilitate and support information and intelligence exchange between HMPPS and other agencies. HMPPS has invested in systems to record, keep and share intelligence.

Despite these improvements in the capacity to share intelligence, practitioners reported continued gaps in the infrastructure for storing and communicating sensitive information. This makes it difficult to share and record information. It means, for example, that it is not always possible to record the basis on which decisions were made if based on sensitive information.⁶¹ A review of the Pathfinder programme is nearing completion, with a key focus on making the case management process genuinely multi-agency, increasing the intelligence handling infrastructure outside London and improving intelligence handling culture and training for staff.

The evidence to the Commission pointed towards some of the challenges in identifying terrorist risk, particularly for non-terrorist offenders. Population and staffing pressures in prisons mean prisoners spend more time in their cells, so there is less contact with and oversight of prisoners. This means fewer opportunities for identifying terrorist risk in the general prison population. Identifying terrorist risk becomes even more difficult once a non-terrorist offender is released on licence in the community, as contact with probation is minimal for offenders who are not assessed as high risk.⁶² Individuals not assessed as high-risk while in prison may fall below the radar for identifying terrorist risk behaviour and accessing support once in the community.

One of the ways to mitigate this risk has been through a focus on training staff in identifying 'terrorist risk behaviours'. In his report, *Terrorism in Prison*, published in the wake of the 2019/2020 attacks, the IRTL recommended recording and reporting 'terrorism risk behaviour' in prisons. He pointed to evidence that Usman Khan had engaged in behaviour that was not illegal nor sufficient to meet the threshold of terrorism-related activity, but could have been flagged as 'terrorist risk behaviour'. He defined this as behaviour that 'fosters or legitimises terrorist violence in prison or on release'; it includes behaviour that involves exercising control and influence that could then lead to violence in the future.⁶³ The IRTL warned against treating this as an example of gang-like activity because of the terrorism risk it presents.⁶⁴ The counter-terrorism policy framework and counter-terrorism training were updated to include guidance and training on terrorist behaviours.

⁶⁰ Evidence session, December 2023, HMPPS practitioners.

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ Hall (n53) 24-25.

⁶⁴ *ibid.*

11.6 Rehabilitation and Reintegration of Terrorist Offenders

Once terrorist risk is identified, and information is recorded and shared, this should be managed in prison and during probation through interventions, close supervision and support.⁶⁵

Three main interventions aim to support the rehabilitation of offenders. The Healthy Identity Intervention (HII), piloted in 2010, offers voluntary one-to-one sessions, building on the established Good Lives Model, and addresses radicalisation through mindfulness training and conflict resolution.⁶⁶ The Desistance and Disengagement Programme (DDP) is a compulsory programme for terrorist prisoners, involving intensive mentoring and theological/ideological support which was completed by 900 prisoners between 2016 and 2024.⁶⁷ There are also 'constructive conversations' focusing on relationship-building to develop protective capabilities, rather than ideological change, for offenders who present a terrorist risk.⁶⁸

In relation to offending in general, it has been argued that the dominance of risk-oriented approaches reinforces a risk-based approach that looks at deficits, rather than trying to build up strengths through protective factors, such as personal agency and social capital, to aid reintegration. The Healthy Identity Intervention is a move towards a strengths-based approach, as it emphasises skills development, agency, reducing stigma, and fostering therapeutic relationships.⁶⁹ However, preliminary evaluations are inconclusive, with no evidence of direct causation between participation in the programme and behavioural change.⁷⁰

Terrorist offenders are often treated as posing either a 'high' or 'very high' risk. Some practitioners proposed a more nuanced risk assessment that reflects the range of risks presented by terrorist offenders, in light of the wide range of offences that are prosecuted. This requires recognising that terrorist offenders are a broad population with very different levels of ideological commitment.

Experienced practitioners recognise the difficulties of changing an offender's commitment to ideologies, 'those who are entrenched cannot change their view but can think about why they are here [in prison] and demonstrate prosocial models, engage with imams and psychologists, the HII and DDP'.⁷¹ There was disagreement about how much programmes should focus on changing commitment to ideology. One practitioner warned that if you address personal factors only but not ideology, 'there was still a risk'.⁷² Research finds that where people are highly ideologically motivated, they are less open to factors that pull them away from violence.⁷³ However, an experienced senior practitioner argued that the significance of ideology among terrorist offenders has reduced: 'It used to be the case that offenders were very ideologically driven, but increasingly they are less likely to be driven by ideology; rather, they are suffering from mental health, development and other social problems, including isolation'.⁷⁴ This is consistent with the conclusion of systematic research reviews that focusing on social integration is

65 *Criminal Justice Joint Inspection National security division and multi-agency arrangements for the management of terrorist offenders in the wake of terrorist attacks* (HM Inspectorate of Probation 2023).

66 Christopher Dean, 'The Healthy Identity Intervention: The UK's development of a psychologically informed intervention to address extremist offending' in Andrew Silke (ed), *Prisons, terrorism and extremism* (Routledge 2014) 98.

67 Home Office, 'Factsheet: Distance and Disengagement Programme' (2024) <<https://homeofficemedia.blog.gov.uk/2019/11/05/factsheet-desistance-and-disengagement-programme/>> Participation in these programmes can also be a requirement placed on individuals subject to a Terrorism Prevention and Investigation Measure (see Terrorism Prevention and Investigation Measures Act 2011, schedule 1, para 10A) or a Terrorism Exclusion Order (see Counter-Terrorism and Security Act 2015, s 9(2)(a)(ii)).

68 Lianne Murphy and Rachel Frankham, 'The current approach of HMPPS to the risk assessment and risk management of those at risk of being drawn into terrorism, including key considerations and challenges of working with this cohort' (2024) *Forensic Update* 146.

69 Sarah Marsden, 'Prisons, Rehabilitation and Reintegration' (2023) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

70 Carys Keane, Victoria Parkinson, Chloe Dower, and Ian Elliott, *The Health Identities Interventions – findings from an interim outcome evaluation* (Ministry of Justice 2023).

71 Evidence session, December 2023, HMPPS practitioners.

72 *ibid.* See also Mary Altier, and others, 'Returning to the fight: An empirical analysis of terrorist reengagement and recidivism' (2021) 33(4) *Terrorism and Political Violence* 836.

73 Mary Altier and others, 'Why they leave: An analysis of terrorist disengagement events from eighty-seven autobiographical accounts' (2017) 26(2) *Security Studies* 305.

74 Plenary session, December 2023, HM Prison and Probation Service, senior practitioner. See also **chapters 4 and 5** of this report.

more effective than deradicalisation.⁷⁵ Social integration rather than ideology or deradicalisation was the focus of rehabilitation programmes in Northern Ireland.⁷⁶

Evidence on the management and rehabilitation of terrorist offenders is based mainly on programmes for male Islamist offenders. Gender is rarely considered when designing interventions. Few programmes are tailored specifically for women.⁷⁷ The limited research in this area shows that women face distinctive reintegration challenges, experiencing dual stigmatisation whilst often remaining economically dependent within extremist groups.⁷⁸ The lack of gender-informed interventions and expertise compounds these difficulties.

61 Recommendation 61: There is a need for terrorist rehabilitation programmes that address the specific barriers experienced by women

The Commission was told that HMPPS was ‘underpowered’ in relation to rehabilitation in prisons. Engagement in rehabilitation programmes is not compulsory for prisoners, as this could result in false compliance. The evidence on the effectiveness and impact of intervention programmes is not robust, as evaluations are rare, and few programmes make publicly available the details needed for peer review of their interventions.⁷⁹ An HMPPS expert on evaluations said, ‘we do not know what’s effective or what effective looks like.’⁸⁰ Long sentences for the most serious offenders and low re-offending rates (see **Box J**) also make it difficult to assess what, if any, difference the intervention programmes make. One review of terrorist prisoners who served their sentence before the introduction of any specific desistance or disengagement programmes for terrorist offenders found that only one of the 100 offenders had reoffended.⁸¹

Programmes are also not the only aspect of achieving change and rehabilitation in prisons. There is a small group of specially trained prison chaplains who are able to work with individual prisoners, but the Commission was told that demand for their work outstrips supply, as most chaplains are not suited to this specialist work. Practitioners also said that there is insufficient support for people with mental health concerns, which limits what can be done under the Pathfinder case management programme.⁸²

The dedicated resources for counter-terrorism were described as ‘gold-plated’ compared to other parts of HMPPS, commensurate with the priority given to counter-terrorism in other parts of the criminal justice system, including policing. This investment was seen as good value compared to the costs of surveillance or a terrorist attack.⁸³ While ring-fenced counter-terrorism funding through the Joint Extremism Unit prevents resources from being diverted to tackle other urgent issues like violence, drug use and contraband, specialist work must still be delivered within the highly challenging prison environment. There are severe systemic and capacity pressures across the prison estate, including workforce shortages, overcrowding and limited regimes. While these are less acute in long-term high security prisons, where most terrorist prisoners are held, prisons are inherently challenging environments in which to deliver counter-

75 Ghayda Hassan and others, *A Systematic Review on the Outcomes of Tertiary Prevention Programs in the Field of Violent Radicalization* (Canadian Practitioners Network for the Prevention of Radicalization and Extremist Violence 2022) <<https://cpnprev.ca/systematic-review-3/>> accessed 08 July 2025.

76 Orla Lynch, ‘Counter Extremism in Ireland: An Overview of the Landscape’ (2023) 39(1) *Journal of Contemporary Criminal Justice* 58.

77 Marsden (n69).

78 Elizabeth Pearson, Emily Winterbotham, and Katherine Brown, *Countering Violent Extremism: Making Gender Matter* (Springer 2020).

79 Marsden (n69). See also: James Lewis, Simon Copeland and Sarah Marsden, *Evaluating Programmes to Prevent and Counter Extremism* (Centre for Research and Evidence on Security Threats 2020).

80 Evidence session, December 2023, HMPPS practitioners.

81 Andrew Silke, ‘Risk assessment of terrorist and extremist prisoners’ in Andrew Silke (ed), *Prisons, Terrorism and Extremism* (Routledge 2014).

82 Similar issues arise in the Prevent programme, discussed in **Chapter 8**, where most referrals are of people with complex and multiple needs. The Commission heard evidence that some individuals are being referred into Prevent in the mistaken belief that this will prioritise their access to mental health support, rather than because of counter-terrorism concerns.

83 Commission plenary meeting, December 2023, HMPPS practitioner.

terrorism work. One practitioner described the provision for counter-terrorism in HMPPS as akin to 'driving a Rolls-Royce on a road full of potholes'.⁸⁴

As noted above, approximately 200 terrorist and terrorist-risk offenders were being managed through Pathfinder in the community on probation in August 2025. Engagement in a rehabilitation programme is compulsory for those on licence in the community after release from prison, and people will be recalled if they fail to attend. The level of resources directed towards these offenders and the wrap-around support provided is much greater than for other types of offenders. Following the creation, in 2020, of a specialist National Security Division within the Probation Service, terrorist offenders are allocated to specialist probation officers and multi-disciplinary teams within one of five national security hubs. This marked a significant shift from previous practice, where they had been allocated to prison offender managers with caseloads of up to fifty individuals. Under the new model, specialist officers handle small caseloads of no more than fifteen cases each, enabling more intensive work and enhanced monitoring and supervision. Compared to other parts of probation, the National Security Division does not have problems recruiting or retaining staff; this is assisted by higher pay and a smaller caseload. Terrorist offenders typically have 30-40 conditions attached to their licence. They have more frequent and intensive meetings with specialist probation officers, designed to develop strong, supportive relationships. They have access to deradicalisation and desistance programmes that can mobilise a range of resources, including mentoring, funding for training, and support from local services.⁸⁵

The Police, Courts, Sentencing and Crime Act 2022 extended the scope and powers of supervision in the community. It requires all terrorism-connected offenders (that is, offenders who are convicted of a non-terrorism offence with a terrorism connection), as well as those convicted of a terrorism offence, to be automatically referred to MAPPA. It also allows the referral of any convicted person who is considered by the responsible authority to pose a risk of involvement in terrorism-related activity.⁸⁶ A terrorist offender may also be arrested by the police if there are reasonable grounds for suspecting that they have breached their licence conditions and that it is necessary to detain them in order to protect the public from a terrorism risk, pending a decision on whether to recall them to prison.⁸⁷

Most practitioners emphasised that many of the factors supporting the (re)integration of terrorist offenders are the same as those required for other offenders: housing, employment and support from families and communities. While people convicted of terrorist offences have greater access to support than other offenders, the added stigma of their offence makes access to employment challenging. They may be able to secure unskilled or low-skilled work, but some, particularly those involved in groups, are well-educated. They can find it difficult to find meaningful employment that provides a sense of purpose and replaces the status of being part of a group.⁸⁸

Practitioners and other experts suggested that there was scope for developing a role for families and communities in reintegrating terrorist offenders. Currently, there is no funding for work with families, although they do have a role in rehabilitation programmes in other countries.⁸⁹ There is limited research on the role and impact of families.⁹⁰

A review of research on counter-radicalisation interventions recommended involving family members in interventions where appropriate and possible.⁹¹ However, it was recognised that this would be expensive, and the role of families can be complex. Whilst family support may be a protective factor that can facilitate reintegration, familial connections can alternatively be the source and reinforcement of radicalisation. However, in either event, they can be an important influence. Working with families can help either to understand and manage the risk if they are a radicalising influence, or alternatively, to build on their positive influence. This would require growing the supplier line, as happened, for

84 *ibid.*

85 Evidence Session, December 2023, HMPPS practitioners.

86 PCSA 2022, s 189.

87 TA 2000, s 43B.

88 Commission plenary meeting, December 2023, academic expert.

89 Marsden (n69).

90 Isabella Pistone and others, 'A scoping review of interventions for preventing and countering violent extremism: Current status and implications for future research' (2019) 19 *Journal for Deradicalisation* 1.

91 Hassan (n75).

example, when mentoring for terrorist offenders was introduced. There are some organisations that work with families and some that work with terrorist offenders, but at present, none that work across both.⁹²

62 Recommendation 62: Interventions should rely more on strength-based approaches to build on strengths, skills, and protections. This should include greater community-level support and the development of family-based work.

Once released from prison, many terrorist offenders must comply with requirements to provide certain information to the police.⁹³ This includes details of where they live, phone numbers, vehicle registration, and bank accounts.⁹⁴ Research on the impact of post-release measures suggests that in some cases, this can be counter-productive to reintegration.⁹⁵ Breach of a notification requirement is an offence punishable by up to five years' imprisonment. The minimum period of such requirements is ten years, and is thirty years for offences with a sentence of 10 years or more.

Furthermore, it is possible to secure a warrant 'for the purposes of assessing the risk posed by the person to whom the warrant relates' if a person is subject to a notification period, a police officer has sought entry to the premises on two previous occasions, and the person has refused.⁹⁶ The IRTL identifies this as a 'remarkable power' given that a person may be subject to a notification period for thirty years after completing their sentence. He notes that there is no process to appeal either the length or the details required to be provided during the notification period. Given the lengthy duration of notification requirements and the powers to search premises, the IRTL has recommended a review of the requirements every five years.⁹⁷

63 Recommendation 63: The government should develop a process for reviewing the necessity and proportionality of notification requirements every five years. Individuals concerned should be able to contribute to the review and be informed of its outcome.

92 Rajan Basra, 'Review of Evidence: Prison-based interventions targeting violent extremist detainees (2022) XCEPT Policy Brief. John Morrison and others, *A Systematic Review of Post-2017 Research on Disengagement and Deradicalisation* (Centre for Research and Evidence on Security Threats 2021).

93 CTA 2008, ss 40-43.

94 CTA 2008, s 47.

95 Adrian Chemey, 'The Release and Community Supervision of Radicalised Offenders: Issues and Challenges that Can Influence Reintegration' (2021) 33(1) *Terrorism and Political Violence* 119.

96 CTA 2008, 56A (inserted by CTBSA 2019)

97 Jonathan Hall, *Terrorism Acts in 2018* (IRTL 2021) 150-151.

Box J: Recidivism Rates

Between 2010 and 2020, seven of the 65 offenders with a terrorism-related conviction who were recalled to prison for breaching their licence conditions were engaged in ‘terrorism-related activity’ that breached their licence conditions.⁹⁸ Research points towards a very low recidivism rate of around three per cent among terrorist offenders.⁹⁹ Between 2013 and 2020, seven terrorist offenders were convicted of terrorist offences in Britain after release from prison; during this period, over 387 terrorist offenders were released from prison, suggesting a recidivism rate of 1.9 per cent. This rises to 2.3 per cent with the inclusion of the attackers in London Bridge and Streatham, who were killed by police, and do not therefore feature in the recall figures.¹⁰⁰ This is consistent with research on the recidivism rates for terrorism in other European countries¹⁰¹ and the US.¹⁰² It is much lower than the recorded reoffending rates for people convicted of offences of violence against the person.¹⁰³ However, care is needed in interpreting this data, as reconviction is an imperfect measure of recidivism.

98 HL Written Question HL 782 (27 January 2020).

99 Copeland and Marsden (n42).

100 Andrew Silke, *How dangerous are released terrorist prisoners and what is being done to manage this risk?* Pool Reinsurance (PoolRe 2022). See HL Written Questions HL782 (27 January 2020).

101 Erik Hacker and Daniela Psoiu, ‘Doing it again. Assessing the features and implications of terrorism recidivism in the context of jihadi attacks in Europe’ (2024) 40 *Journal for Deradicalization* 242. Radicalisation Awareness Network *Radicalised and Terrorist Reoffenders: Conclusions Paper* (2024). It provides a recidivism rate of four per cent in Spain and Austria. Research in Belgium found a recidivism rate of one per cent for terrorism offences; see: Benjamine Mine and others ‘Recidivism Among People Convicted of Terrorism: A Survival Analysis Based on the Belgian Central Criminal Record’ (2025) *Terrorism and Political Violence* 1.

102 Omi Hodwitz, ‘The terrorism recidivism study (TRS): An update on data collection and results’ (2021) 15(4) *Perspectives on Terrorism* 27. The study examined the recidivism of terrorist offenders released since 2001. It found that of 354 released, 11 reoffended after release, giving a recidivism rate of three per cent. However, only one engaged in offending that was characterised as political activity.

103 For example, in the period January to March 2023, the reoffending rate for adults whose index offence is violence against the person was 21.7 per cent, see Ministry of Justice, *Proven reoffending statistics: January to March 2023* (30 January 2025) <<https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2023/proven-reoffending-statistics-january-to-march-2023#reoffending-by-employment-status-at-six-weeks-post-release-from-custody>> accessed 08 July 2025.

11.7 Key Findings and Recommendations

This chapter has examined the significant evolution in the sentencing and management of terrorist offenders following the 2019-2020 attacks by recently released prisoners. Legislative reforms have substantially increased sentences and tightened release conditions, which have constrained judicial and professional ability to tailor responses to individual cases.

The evidence reveals a complex picture regarding rehabilitation and risk management. Separation centres appear effective in reducing harm to other prisoners but create challenges for engagement in meaningful rehabilitation. Despite substantial investment in specialist counter-terrorism resources—described as ‘gold-plated’ compared to other prison services—robust evaluation of the effectiveness of interventions is limited, and there has been under-investment in other important aspects of rehabilitation.

Understanding of terrorism sentencing and transparency require the collection and publication of data on sentencing lengths for terrorism offence and disaggregation of data by religion, ethnicity and ideological purpose (**Recommendation 58 and 59**). There are gaps in addressing the needs of women offenders, incorporating family-based interventions, and providing clear pathways out of separation centres (**Recommendations 60 and 61**). The lengthy notification requirements imposed after sentence completion raise questions about proportionality and their impact on reintegration, these should be subject to periodic review (**Recommendation 63**). Moving forward, there should be a more nuanced approach to risk assessment and greater emphasis on strength-based rehabilitation programmes in order to maintain public safety while supporting successful reintegration (**Recommendation 62**).

- 58 Recommendation 58:** The Government should collect and publish official data on sentencing lengths for terrorism offences.
- 59 Recommendation 59:** The Ministry of Justice should publish data on sentencing for terrorism offences disaggregated by religion, ethnicity and ideological purpose.
- 60 Recommendation 60:** The Joint Extremism Unit should continue to evaluate the benefits and drawbacks of separation centres, and in particular, consider how these prisoners can be safely transitioned into the general population before their release, including 'step-down' graduated moves.
- 61 Recommendation 61:** There is a need for terrorist rehabilitation programmes that address the specific barriers experienced by women
- 62 Recommendation 62:** Interventions should rely more on strength-based approaches that are concerned with building strengths, skills, and protections. Where appropriate, these should include greater community-level support and family-based interventions.
- 63 Recommendation 63:** The government should develop a process for reviewing the necessity and proportionality of notification requirements every five years for each offender. Offenders should be able to contribute to the review and be informed of its outcome.

Part IV:

Regulatory, Executive and Administrative Measures

12.

Terrorism, Digital Technologies and the Regulation of Online Platforms

Digital technologies are rapidly transforming terrorism. Understanding how terrorists exploit them is essential for developing effective responses. The development of online technologies is a key contributor to the rise of people with no clear or stable ideology but are fixated by violence and view violent material online (see **chapter 4**). Social media platforms facilitate the rapid dissemination of disinformation and misinformation, which undermines trust in government, erodes social cohesion, and exacerbates tensions, ultimately leading to violence targeting specific groups or communities (see **chapter 7**). **Chapter 15** examines the use of digital technologies for terrorism financing, and **chapter 10** shows how they have made it much easier to commit some terrorism-related offences.

This chapter sets out how online platforms and emerging technologies are used to support or engage in terrorist violence. The development of digital technologies is a fast-moving area, and the chapter reflects the Commission's findings from experts and literature on matters about what is technically possible at present. Sections 1 and 2 outline how they can be used to disseminate ideas and ideologies, or to encourage, inspire, and facilitate people to carry out violent attacks. Section 3 examines initiatives developed by technology companies and civil society. Section 4 discusses the government's efforts to prevent access to terrorist content on online platforms under the Online Safety Act 2023 (OSA 2023). While the Commission's focus is on terrorism, the OSA's legal and policy framework has been developed to address a broad range of societal challenges posed by emerging technologies. The OSA 2023 is not fully implemented, so its impact and effectiveness remain unclear. Issues raised in evidence to the Commission include identifying terrorism content, the role of content moderation, the risk of bias and discrimination, and oversight and accountability. Section 5 sets out the key findings and recommendations of this chapter.

12.1 The Digital Revolution in Terrorism

The internet has fundamentally shifted how terrorist groups operate and spread their messages. It allows individuals and groups to connect, share messages and propaganda and seek information to plan attacks.¹ While terrorists operate on both the surface web and the dark web,² their activities in the latter are more difficult to identify, but include sharing illegal content.³ Digital platforms have become the primary vehicle for terrorist groups and their supporters to disseminate ideas, recruit members and encourage violent attacks. In 2024, the Terrorgram Collective became the first online-only group to be proscribed as a terrorist organisation in the UK (see **chapter 14**).

Three per cent of UK adults and five per cent of children aged 12-15 report encountering material online promoting terrorism or radicalisation.⁴ Online communications played a critical role in recruiting people to move to ISIS-controlled territory in Syria and Iraq, and to encourage and inspire supporters to carry out attacks. Radicalisation to violence now happens mostly online. Before 2005, 83 per cent of extremist prisoners were radicalised face-to-face, with only 17 per cent using a mixture of online and face-to-face methods.⁵ By 2019-2021, only 8 per cent of radicalisation was offline, 59 per cent was entirely online, and 33 per cent was a mix.⁶ Such dramatic changes led the Director of MI5 to conclude in October 2024 that 'it's hard to overstate the centrality of the online world in enabling today's threats.'⁷ The Independent Reviewer of Terrorism Legislation (IRTL) predicted that all 42 cases involving children arrested for terrorism in 2023 would be connected with what the child encountered online.⁸ The scale of the risks online content poses to children led him to call for a total ban on social media use for children under 16.⁹

Terrorists exploit online services such as websites, video sharing, follower tracking, URL shortening, social media marketing/posting/sharing, online petitioning, internet archiving, and video streaming.¹⁰ Online communications by terrorist groups and supporters span multiple digital environments, including social media, chat rooms and instant messaging services with end-to-end encryption. The latter are used for sharing news, links to cloud-sharing applications, and terrorist databases containing collections of publications.¹¹

Gaming services represent an emerging frontier of concern for counter-terrorism practitioners. Ofcom reports that they have been used for terrorist recruitment and training.¹² 30 per cent of gamers report exposure to images, video and symbols which promote extremism; and 20 per cent had seen content encouraging them to join an extremist group.¹³

- 1 Paul Gill and others, 'Terrorist Use of the Internet by the Numbers: Quantifying Behaviors, Patterns, and Processes' (2017) 16(1) *Criminology & Public Policy* 99.
- 2 Gabriel Weimann, 'Terrorist Migration on the Dark Web' (2016) 10 *Perspectives on Terrorism* 40.
- 3 Miron Lakomy, 'Dark Web Jihad: Exploring the Militant Islamist Information Ecosystem on The Onion Router' (2024) 16(4) *Behavioral Sciences of Terrorism and Political Aggression* 581.
- 4 Department for Science, Innovation and Technology, *Online Safety Act: Enactment Impact Assessment* (23 October 2024) 8 <https://assets.publishing.service.gov.uk/media/6716222b9242eccc6c849b09/Online_Safety_act_enactment_impact_assessment.pdf> accessed 27 June 2025.
- 5 Jonathan Kenyon, Jens Binder and Christopher Baker-Beall, *Exploring the Role of the Internet in Radicalisation and Offending of Convicted Extremists* (HM Prison and Probation Service, Ministry of Justice Analytical Series, 2021) <<https://assets.publishing.service.gov.uk/media/614088c2e90e070442fbdde2/exploring-role-internet-radicalisation.pdf>> accessed 27 June 2025.
- 6 Jonathan Kenyon, Jens Binder and Christopher Baker-Beall, *The Internet and Radicalisation Pathways: Technological Advances, Relevance of Mental Health, and Role of Attackers* (HM Prison and Probation Service, Ministry of Justice Analytical Series, 2022) 17 <<https://assets.publishing.service.gov.uk/media/638f089bd3bf7f327e1ea969/internet-radicalisation-report.pdf>> accessed 27 June 2025.
- 7 Ken McCallum, 'Director General Ken McCallum Gives Latest Threat Update' (Speech, 8 October 2024) <<https://www.mi5.gov.uk/director-general-ken-mccallum-gives-latest-threat-update>> accessed 24 June 2025.
- 8 Jonathan Hall, 'Generative AI, Drones and Terrorism' (Speech, 24 October 2024) para 20 <<https://terrorismlegislationreviewer.independent.gov.uk/generative-ai-drones-and-terrorism-speech-london-22-10-24/>> accessed 29 June 2025.
- 9 Choy Quinn, 'Top Government advisor tells LBC children should "stop using social media full stop" as he slams Online Safety Act' (LBC, 29 July 2025) <https://www.lbc.co.uk/article/jonathan-hall-online-safety-act-social-media-ban-5Hjd84P_2/> accessed 8 September 2025.
- 10 Stuart Macdonald, 'Online propaganda and content moderation' (2022) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.
- 11 Arianna Vedeschi and Chiara Graziani, *Artificial Intelligence, Counter-Terrorism and the Rule of Law*, (Edward Elgar 2025) 11.
- 12 Ellen Jacobs and others, *Online Safety and the Regulation of Gaming Platforms and Services* (Institute for Strategic Dialogue, Digital Policy Lab, 14 October 2024) <<https://www.isdglobal.org/wp-content/uploads/2024/10/Online-Safety-and-the-Regulation-of-Gaming-Platforms-and-Services.pdf>> accessed 27 June 2025.
- 13 Jessica White and others, *Radicalisation through Gaming: The Role of Gendered Social Identity* (Whitehall Report, Royal United Services Institute, 17 December 2024) 22 <<https://static.rusi.org/radicalisation-through-gaming-role-of-gendered-social-identity-whr-december-2024.pdf>> accessed 28 June 2025.

Games can desensitise people to violence and provide training for combat or attack planning. In 2018, Hezbollah released an online game in Lebanon where players could assume the role of Hezbollah soldiers fighting ISIS.¹⁴ Far-right groups infiltrate gaming communities and platforms to disseminate propaganda that normalises their ideas and language and target young men¹⁵ with the encrypted or largely unmoderated chat functions these platforms offer. In violent games, moderating for violent language is near impossible. Suggestions for increasing safety include the government working with civil society and gaming communities to co-create interventions in the gaming environment, and integrating processes for reporting illegal or harmful content into tutorials during the initial onboarding process of a new game.¹⁶

Members of proscribed terrorist groups and their supporters show a sophisticated understanding of platform capabilities and limitations. When major platforms implement robust counter-measures, groups migrate to smaller, less regulated platforms while using larger ones to direct users to these alternative spaces.¹⁷ Far-right groups maintain an extensive presence on major social media and spread their ideas while circumventing the platforms' moderation. They employ codes, signs, and ambiguous memes to avoid detection and remain within legal boundaries. They also funnel people to fringe platforms which are less likely to remove extreme or violent content.¹⁸ ISIS operated a decentralised system for disseminating its propaganda, posting new items to private Telegram channels for further circulation by pro-ISIS users.¹⁹ The Community Security Trust has documented posts calling for violence against Jewish communities in Telegram, Bitchute, and 4chan.²⁰ The live-streaming of the attack in Christchurch, New Zealand, in March 2019 exemplifies how terrorists exploit platforms for propaganda. The initial attack was viewed 4,000 times before it was removed. However, saved recordings have been circulated since the initial takedown, shared among supporters across various websites and forums.²¹ Telegram has hosted at least 120 groups sharing and glorifying the Christchurch shooter's manifesto.²²

Experts have warned that as social media platforms and related online services introduce stricter rules to prevent exploitation by terrorists, these groups may turn to their own websites instead. Such sites could be used to store and share material that might still be detected and listed by search engines, allowing it to remain publicly accessible even when removed from mainstream platforms.²³ According to the Vox-Pol Institute, 99 per cent of links to terrorist-operated websites remained active among the online channels disseminating terrorist content that were tracked in 2024.²⁴ The issue of terrorist-operated websites does not appear to be the focus of UN counter-terrorism bodies

14 Jacobs and others (n12).

15 Ashton Kingdon, *The World White Web: Uncovering the Hidden Meaning of online Far-Right Propaganda* (Palgrave Macmillan 2024) 19. See also Linda Schlegel and Rachel Kowert, *Gaming and Extremism: The Radicalization of Digital Playgrounds* (Routledge 2024) and Ashley A Mattheis and Ashton Kingdon, 'Moderating Manipulation: Demystifying Extremist Tactics for Gaming the (Regulatory) System' (2023) 15(4) Policy and Internet 478.

16 Claudia Wallner, Jessica White and Petra Regeni, *Extremism in Gaming Spaces: Policy for Prevention and Moderation* (Royal United Services Institute, 2025) <<https://www.rusi.org/explore-our-research/publications/policy-briefs/extremism-gaming-spaces-policy-prevention-and-moderation>> accessed 28 June 2025.

17 Department for Science, Innovation and Technology, *Online Safety Act: Impact Assessment* (23 October 2024) para 357 <https://assets.publishing.service.gov.uk/media/6716222b9242eccc6c849b09/Online_Safety_act_enactment_impact_assessment.pdf> accessed 27 June 2025.

18 Evidence submission, Anti-Semitism Policy Trust. Maura Conway, Ryan Scrivens and Logan Macnair, *Right-Wing Extremists' Persistent Online Presence: History and Contemporary Trends* (Policy Brief, International Centre for Counter-Terrorism, 25 November 2019) <<https://icct.nl/sites/default/files/import/publication/Right-Wing-Extremists-Persistent-Online-Presence.pdf>> accessed 28 June 2025.

19 Asaad Almoammad and Charlie Winter, *From Battlefield to Cyberspace: Demystifying the Islamic State's Propaganda Machine* (Combating Terrorism Center, West Point, 2019) <<https://ctc.usma.edu/wp-content/uploads/2019/05/Battlefront-to-Cyberspace.pdf>> accessed 27 June 2025.

20 Community Security Trust, 'Hate Fuel: The Hidden Online World Fuelling FarRight Terror' (CST Blog, 11 June 2020) <<https://cst.org.uk/news/blog/2020/06/11/hate-fuel-the-hidden-online-world-fuelling-far-right-terror>> accessed 28 June 2025.

21 Department for Digital, Culture, Media and Sport and Home Office, *Online Safety Bill: Impact Assessment* (GOV.UK, 31 January 2022) 76 <https://assets.publishing.service.gov.uk/media/6231dc9be90e070ed8233a60/Online_Safety_Bill_impact_assessment.pdf> accessed 28 June 2025.

22 Joe Mulhall, *Antisemitism in the Digital Age: Online Antisemitic Hate, Holocaust Denial, Conspiracy Ideologies and Terrorism in Europe* (Amadeu Antonio Foundation, Expo Foundation and HOPE not hate, October 2021) 12 <<https://hopenothate.org.uk/wp-content/uploads/2021/10/google-report-2021-10-v3.pdf>> accessed 28 June 2025.

23 Macdonald (n10). See also Maura Conway and Seán Looney, *Back to the Future? Twenty First Century Extremist and Terrorist Websites*, (European Union, 2021) <<https://home-affairs.ec.europa.eu/system/files/2022-03/Terrorist%20Operated%20Websites%20Workshop-paper.pdf>> accessed 27 June 2025.

24 Evidence submission, Vox-Pol Institute.

or programmes.²⁵ With national governments also largely ignoring this issue in their counter-terrorism policies, 'there is no common global mitigation strategy' to disrupt terrorist-operated websites.²⁶ Tech Against Terrorism²⁷ urge governments and the tech sector to collaborate in developing a strategy to disrupt terrorist-operated websites that addresses key elements of the web infrastructure: search engines, web hosting providers, domain name system registrars and DNS registries.²⁸

64 Recommendation 64: The UK government should develop a strategy for combatting terrorist-operated websites in collaboration with other states and the tech sector.

12.2 Use of Generative AI and Emerging Technologies

Since powerful generative AI browser-based platforms were made available to the public in 2022, terrorist groups and their supporters have been drawn to their use. The ability to use AI alongside image generation models to create deepfakes and spread misinformation is part of the technology's wider challenge for democratic societies. The Commission agrees with the IRTL that a significant impact of generative AI will be through the spread of disinformation and misinformation that creates social tension and leads to terrorist violence.²⁹ Experts are concerned about its potential for developing and distributing propaganda, evading moderation and securing technical knowledge to support attack planning and recruitment.³⁰

AI makes it easier and faster for groups to produce material, target it and tailor it to different audiences.³¹ It can be used to generate storylines for video games and content for social media platforms.³² It has been used to produce material that evades automated moderation systems, for example, by overlaying live stream attack footage with cartoon characters.³³ However, attempts to use AI platforms to generate images using symbols or images related to widely proscribed organisations, or images of death or dying, are blocked.³⁴ In 2023, Tech Against Terrorism reported that it has archived 5,000 pieces of AI-generated content from terrorist or violent extremist actors.³⁵ AI platforms are currently ineffective at locating URLs for terrorist materials due to a lack of real-time internet access and built-in warnings about dangerous content.³⁶

25 Evidence from terrorism and digital technology expert, September 2025.

26 Tech Against Terrorism, *Responding to Terrorist Operated Websites: Strategy Paper* (Tech Against Terrorism, July 2022) <https://www.techagainstterrorism.org/wp-content/uploads/2022/07/Strategy-Paper-Responding-To-Terrorist-Operated-Websites-July-2022_v4.pdf> accessed 28 June 2025.

27 Tech Against Terrorism is an independent, non-profit organisation established with the support of the UN Counter-Terrorism Executive Directorate in 2017 which works to disrupt the use of the internet by terrorists and violent extremists.

28 *ibid.*

29 Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 94.

30 Hall (n8) para 7.

31 Maggie Engler, *Considerations of the Impacts of Generative AI on Online Terrorism and Extremism* (Global Internet Forum to Counter Terrorism, 2023) <<https://gifct.org/wp-content/uploads/2023/09/GIFCT-23WG-0823-GenerativeAI-1.1.pdf>> accessed 29 June 2025; Louis Dean, *AI or Aryan Ideals? A Thematic Content Analysis of White Supremacist Engagement with Generative AI*, (GNET Insights, 13 January 2025) <<https://gnet-research.org/2025/01/13/ai-or-aryan-ideals-a-thematic-content-analysis-of-white-supremacist-engagement-with-generative-ai/>> accessed 29 June 2025.

32 Daniel Siegel and Mary Bennett, 'Weapons of Mass Disruption: Artificial Intelligence and the Production of Extremist Propaganda' (GNET Insight, 17 February 2023) <<https://gnet-research.org/2023/02/17/weapons-of-mass-disruption-artificial-intelligence-and-the-production-of-extremist-propaganda/>> accessed 29 June 2025.

33 Erin Saltman and Skip Gilmour, *Artificial Intelligence: Threats, Opportunities, and Policy Frameworks for Countering VNSAs* (Global Internet Forum to Counter Terrorism, 2025) 5.

34 Miron Lakomy, 'Artificial Intelligence as a Terrorism Enabler? Understanding the Potential Impact of Chatbots and Image Generators on Online Terrorist Activities' (2023) *Studies in Conflict & Terrorism* 1.

35 Milan Gandhi, *Terrorism, Extremism, Disinformation and AI - a primer for policy practitioners* (ISD, January 2024) 12 <https://www.isdglobal.org/wp-content/uploads/2024/01/Terrorism-extremism-disinformation-and-artificial-intelligence_A-primer-for-policy-practitioners.pdf> accessed 29 June 2025.

36 Lakomy (n34).

The potential for AI tools to provide practical advice and information for planning terrorist attacks is unclear. A test of chatbots found they provide advice on increasing digital security, insights on evading law enforcement monitoring and information on steps to avoid content takedown, but no answers when asked for instructions on making bombs.³⁷ However, they provided answers to mixing chemicals for explosives.

Terrorists' track record of adopting new technologies has prompted speculation on the potential uses of AI, including the use of drones or driverless cars for attacks or the creation of 'morphed passports' that bypass border security by combining the biometric data of several people into a passport that any one of them can use.³⁸ The development of extended reality technologies may also become a source of increased concern if individuals, through their avatars, recruit, plan, coordinate and conduct terrorist attacks in the metaverse.³⁹

How much terrorists use generative AI remains unclear. In 2023, ISIS published a guide using generative AI to translate its materials.⁴⁰ Most experts assess terrorists' use of generative AI to be at an early stage.⁴¹ Dr Simon Copeland describes current terrorist AI use as 'experimental rather than systematic or widespread'.⁴² He notes that while AI lowers costs and allows scaled production, it lacks the contextual understanding needed for effective propaganda material and requires human oversight.⁴³

The risks of AI technologies independently encouraging or supporting violence were highlighted by the case of Jaswant Singh Chahal, who broke into Windsor Castle with a crossbow, aiming to kill the Queen. Evidence at his trial showed he had developed an intense relationship with a chatbot that praised and encouraged his planned attack.⁴⁴

Counter-terrorism practitioners are alarmed by technologies enabling the creation of 3D-printed firearms.⁴⁵ These are untraceable weapons which bypass gun control laws and can be made at home. The rapid evolution of technology since the first one was printed in the US in 2013 means they can now include metal components and fire 50 rounds.⁴⁶ The US-based 3D2A movement supports the online dissemination of instructions for printing these weapons. It defends and promotes them as part of the US constitutional Second Amendment right to bear arms.⁴⁷

A review of 165 reported incidents involving 3D printed guns worldwide between 2013 and 2024 found that 15 per cent were terrorism-related, with the majority connected to extreme right-wing terrorism.⁴⁸ The 2019 attack on a synagogue in Germany by right-wing extremist Stephen Balliet was the first completed terrorist attack using a printed firearm.⁴⁹ Between 2017 and 2024, there were 35 cases involving printed guns linked to extreme right-wing terrorism across 18 countries. The UK recorded the highest number, nine, probably due to strict gun control laws making conventional firearms less accessible.⁵⁰ While most UK convictions related to the manufacture of guns, three used terrorism-related offences to prosecute for the possession or distribution of instructions for making them.⁵¹ In May

37 *ibid.*

38 Vidaschi and Graziani (n11) 17-26.

39 Gabriel Weimann and Roy Dimant, 'The Metaverse and Terrorism: Threats and Challenges' (2023) 17(2) *Perspectives on Terrorism* 93.

40 Clarisa Nelu, 'The exploitation of generative AI by terrorist groups' (ICCT Analysis, 10 June 2024) <<https://icct.nl/publication/exploitation-generative-ai-terrorist-groups>> accessed 29 June 2025.

41 William Allchorn, 'Global FarRight Extremist Exploitation of Artificial Intelligence and AI Tech: The Cases of the UK, US, Australia and New Zealand' (2024) 16(3) *Counter Terrorist Trends & Analysis* 13.

42 Simon Copeland, *Terrorist Exploitation of Artificial Intelligence: Current Risks and Future Applications* (Pool Re Service Limited, May 2024) 8 <<https://assets.poolre.co.uk/sitefiles/2024/05/PR-Terrorist-Exploit-AI-Report-C6.pdf>> accessed 29 June 2025.

43 *ibid.*

44 BBC News, 'How a Chatbot Encouraged a Man Who Wanted to Kill the Queen' (6 October 2023) <<https://www.bbc.co.uk/news/technology-67012224>> accessed 29 June 2025.

45 Commission plenary meeting, December 2023, senior counter-terrorism police officer.

46 Rueben Dass, '3D-Printed Firearms and Terrorism' (2024) 16(3) *Counter Terrorist Trends and Analyses* 19, 27.

47 Anonymous Author, '3D2A: The Second Amendment, 3D Printed Guns and Meme Accelerationism' (GNET Insights, 06 February 2025) <<https://gnet-research.org/2025/02/06/3d2a-the-second-amendment-3d-printed-guns-and-meme-accelerationism/>> accessed 29 June 2025.

48 Dass (n46) 20-21. Only 3 per cent of the cases involved individuals connected to ISIS or Al-Qaeda.

49 BBC News, 'Halle synagogue attack: Germany far-right gunman jailed for life' (21 December 2020) <<https://www.bbc.co.uk/news/world-europe-55395682>> accessed 29 June 2025.

50 Yannick Veilleux-Lepage, 'Printing Terror: An Empirical Overview of the Use of 3D Printed Firearms by Right Wing Extremists' (2024) 17(6) *CTC Sentinel* 31.

51 Terrorism Act 2000, s. 58.

2025, three far-right extremists were convicted for a planned attack on a Leeds mosque with weapons that included a 3D-printed semi-automatic firearm which they had begun to build.⁵² Senior counter-terrorism police warned that the proliferation of 3D-printed firearms could be a potential ‘game-changer’.⁵³

In December 2024, the government said that no viable fully 3D-printed firearm had been found by law enforcement in the United Kingdom. In 2023, police seized 3D-printed component parts or other items associated with the 3D printing of firearms 25 times.⁵⁴ Offences in the Firearm Act 1967 cover the manufacture and distribution of a printed gun but not the possession of blueprints for making them. The National Crime Agency has called for possession of blueprints for 3D printed guns to be made an offence.⁵⁵ Ofcom guidance to online service providers says that the provision of blueprints that allow another person to print a 3D firearm should be treated as illegal content where they are posted on a location that can be accessed by another user.⁵⁶ In October 2024, Preet Kaur Gill MP introduced a private member’s Bill to create an offence of possessing a blueprint for the production of a firearm by 3D printing. Counter-terrorism police are trying to remove blueprint materials from online platforms.⁵⁷ Possession of these can lead to prosecution for possession of material likely to be useful for committing or preparing acts of terrorism.⁵⁸ However, given concerns about the breadth and use of this offence, discussed further in **chapter 10**, a direct prohibition of possessing blueprints for manufacturing 3D guns should be considered.

65 Recommendation 65: The government should establish a cross-departmental review of emerging digital technologies in terrorism, including AI applications and 3D-printed weapons, to ensure regulatory frameworks keep pace with technological developments.

66 Recommendation 66: The government should consider whether legislation is needed to prohibit the possession of blueprints for the production of 3D firearms.

52 BBC News, ‘Far-right extremists guilty of planning attacks’ (14 May 2025) <<https://www.bbc.co.uk/news/articles/c9dq18q397yo>> accessed 29 June 2025.

53 Commission plenary meeting, December 2023, senior counter-terrorism police officer.

54 HL Deb 10 December 2024, vol 839, col 152GC (Lord Hanson of Flint).

55 Rajeev Sayal, ‘NCA calls for possession of 3D-printed gun blueprints to be made illegal’ *The Guardian* (31 October 2023) <<https://www.theguardian.com/world/2023/oct/31/nca-calls-for-possession-of-3d-printed-gun-blueprints-to-be-made>> accessed 29 June 2025.

56 Ofcom, *Protecting People from Illegal Online Harms: Illegal Content Judgements Guidance* (Ofcom, 2024) 23.

57 Josh Haliday, ‘UK police removing ‘large amount’ of online gun-making guides’ *The Guardian* (1 February 2023) <<https://www.theguardian.com/uk-news/2023/feb/01/uk-police-removing-large-amount-of-online-gun-making-guides>> accessed 29 June 2025.

58 Terrorism Act 2000, s 58. For example, Counter Terrorism Policing, ‘Man Found with 3D Printing Firearms Manuals Sentenced for Terrorism Offences’ (22 January 2025) <<https://www.counterterrorism.police.uk/man-found-with-3d-printing-firearms-manuals-sentenced-for-terrorism-offences/>> accessed 29 June 2025.

12.3 The Response from Tech Companies

Technology companies responded in several ways to concerns about harmful content related to terrorism on their platforms. Some made it harder to host, share, and disseminate content through de-amplification measures such as removing content from algorithms, downranking, restricting sharing, redirecting searches, and de-monetisation. Removing legal content could infringe freedom of expression, so that lesser measures may be more appropriate.⁵⁹ However, major platforms doing this may not necessarily increase security in the long term, as deplatforming can push groups to move to more marginal platforms that may reinforce their members' sense of isolation or lead them to the dark net, where they are harder to monitor.⁶⁰

Many platforms have reporting mechanisms that allow users to flag content that violates their terms of service. YouTube operates both standard reporting and a trusted flagger programme for government agencies and NGOs, which prioritises trained participants with accurate flagging rates.⁶¹ Law enforcement agencies have used this to flag material to companies for removal. By 2018, the Counter Terrorism Internet Referral Unit (CTIRU), established in 2010, had flagged 310,000 pieces of content for removal by tech companies.⁶² However, the slow response to some requests and lack of transparency led to a proposal for a 'Takedown-Shutdown Counter Terrorism Policing Protocol' to provide enhanced transparency, defined parameters, and independent oversight.⁶³

Although reporting mechanisms are valuable, these referrals account for a tiny proportion of the takedowns on major platforms. Over 90 per cent of the material removed on Facebook and YouTube is proactively detected using automated programmes.⁶⁴ These include image and video hashing technologies (PhotoDNA, VideoDNA, PDQ) that create numerical fingerprints to identify matching visual content across platforms; Strategic Network Disruptions that use Social Network Analysis to map and remove entire terrorist networks simultaneously; logo detection systems that can identify terrorist organisation symbols and iconography; tools using Natural Language Processing to analyse text for extremist discourse patterns; and algorithms that identify banned users creating new accounts.⁶⁵ Smaller platforms may lack their own automated removal capacity and may draw on emerging collaborative tools.⁶⁶

Three notable civil society collaborative initiatives are the Global Internet Forum to Counter Terrorism (GIFCT),⁶⁷ Tech Against Terrorism and ROOST (Robust Open Online Safety Tools).⁶⁸ GIFCT assists in the removal of content through its hash-sharing database.⁶⁹ Originally developed to support the identification of indecent images of children, hashes are digital fingerprints attached to images, URLs, and PDFs. Members who identify content for removal from their platform add hashes to the shared database, automatically flagging identical uploads across other platforms without sharing user data. A company can mark on a hash that they disagree with the decision to hash it, which can prompt further review. GIFCT's hash-sharing database includes over 2.1 million digital fingerprints for 370,000 distinct items

59 Stuart Macdonald and Katy Vaughan, 'Moderating borderline content while respecting fundamental values' [2024] 16(2) Policy & Internet 347.

60 Commission plenary meeting, March 2023, academic expert.

61 'About the YouTube Trusted Flagger programme' <<https://support.google.com/youtube/answer/7554338?hl=en-GB>> accessed 11 February 2023.

62 Counter Terrorism Policing, 'Together, We're Tackling Online Terrorism' (19 December 2018) <<https://www.counterterrorism.police.uk/together-were-tackling-online-terrorism/>> accessed 29 June 2025.

63 Macdonald (n10); see also Stuart Macdonald and Andrew Staniforth, *Tackling Online Terrorist Content Together: Cooperation between Counterterrorism Law Enforcement and Technology Companies* (GNET Insights, 24 January 2023) <https://gnet-research.org/wp-content/uploads/2023/01/31-Tackling-Online-Terrorist-Content-Together_web.pdf> accessed 29 June 2025.

64 Cited in Stuart Macdonald, Ashley Mattheis and David Wells, *Using Artificial Intelligence and Machine Learning to Identify Terrorist Content Online* (Tech Against Terrorism Europe 2024) 15.

65 Tom Thorley and Erin Saltman, 'GIFCT tech trials: Combining behavioural signals to surface terrorist and violent extremist content online' [2023] *Studies in Conflict & Terrorism* 1.

66 Isabelle van der Vegt et al., *Shedding Light on Terrorist and Extremist Content Removal* (Royal United Services Institute, 2019) <<https://gnet-research.org/wp-content/uploads/2019/12/3.pdf>> accessed 29 June 2025.

67 GIFCT was founded in 2017 by Facebook, Twitter, YouTube and Microsoft. It became a charity after the Christchurch attack and now comprises 22 members who work on developing cross-platform technical solutions.

68 Tech Against Terrorism is a private-public partnership backed by the UN Counter Terrorism Executive Directorate that supports companies through knowledge-sharing and capacity-building.

69 Hash-sharing for terrorist content was introduced by Facebook, Microsoft, Twitter and YouTube in 2016.

of terrorist content.⁷⁰ Hashes allow for the rapid identification and removal of content and are particularly useful for smaller and medium-sized platforms.⁷¹

Tech Against Terrorism's Terrorist Content Analytics Platform (TCAP) is the world's largest database of verified terrorist content from groups designated by the UN, EU, UK, US, Australia, New Zealand and Canada. TCAP covers material from designated groups plus supportive content, glorification of terrorism and instructional material, identifying content in real-time and automatically notifying registered companies when it appears on their platforms. By January 2023, TCAP had identified 38,032 terrorist URLs and sent 21,235 alerts to 73 companies while developing prioritisation tools.⁷²

ROOST, a non-profit consortium created by Google, OpenAI, Roblox, and Discord to improve child safety online, is partnering with the collaboration initiative, The Christchurch Call⁷³ to develop free, open-source AI tools for identifying, reviewing, and reporting terrorist and violent extremist content online.⁷⁴

While actions taken by platforms have had an impact, terrorist groups still move to alternative platforms, which are unable or unwilling to moderate content. This has led the UK government to opt for the statutory regulation of online platforms to ensure greater protection from illegal content.

⁷⁰ Commission evidence session, March 2023, counter-terrorism practitioner.

⁷¹ Commission plenary meeting, March 2023, terrorism and digital technologies expert.

⁷² Tech Against Terrorism, 'Tech Against Terrorism to Build Content Moderation Tool with Google Jigsaw' (Tech Against Terrorism, 9 January 2023) <<https://techagainstterrorism.org/news/2023/01/09/tech-against-terrorism-to-build-content-moderation-tool-with-google-jigsaw>> accessed 7 September 2025.

⁷³ The Christchurch Call was launched following the 2019 attacks in Christchurch, New Zealand, as an initiative bringing together government, tech sector and civil society to eliminate terrorist and violent extremist content online. See <<https://www.christchurchcall.org/>> accessed 7 September 2025.

⁷⁴ ROOST, 'Christchurch Call Partners with ROOST for Open Source AI Tools to Tackle TVEC' (ROOST, 10 February 2025) <<https://roost.tools/blog/christchurch-call-partners-with-roost-for-open-source-ai-tools-to-tackle-tvec/>> accessed 7 September 2025.

12.4 Regulating Online Platforms: The Online Safety Act 2023

The OSA 2023 is the UK's primary legislative response to the risks and social harms created by online platforms. It applies to search services like Google and user-to-user services like Facebook, Instagram, TikTok, X, and gaming services. The OSA 2023 imposes duties concerning activities or content which are illegal or harmful to children.⁷⁵ Terrorism content is classified as 'priority illegal' and attracts particularly stringent obligations.

The OSA 2023 adopts a 'safety by design' approach, requiring service providers to assess the risk to users posed by illegal content.⁷⁶ Service providers must prevent users from encountering priority illegal content, which includes terrorism content, through the service.⁷⁷ They must also mitigate and manage the risk of the service being used for the commission or facilitation of a priority offence (which includes terrorism offences)⁷⁸ by taking proportionate steps to prevent or minimise the risk of users accessing or sharing illegal content.⁷⁹ This requires assessing and mitigating risks. User-to-user services must take proportionate steps to minimise illegal content on their services and quickly remove it once known.⁸⁰ Their terms of service must explain how users are being protected from terrorism content.⁸¹ Organisations must identify individuals who are responsible for compliance. Ofcom, the regulator, has strong enforcement powers against companies which breach their duties. It can demand real-time access to a platform's systems, processes and features, including its algorithm.⁸² It can require changes to recommendation systems to prevent the spread of illegal content.⁸³ Failure to comply can result in financial penalties and orders restricting or suspending access to platforms.⁸⁴ Evidence to the Commission raised four issues: the definition of terrorism content; automated content moderation; transparency reports; and the role of amplification algorithms.

Identifying terrorism content

As many of the duties on service providers and enforcement powers relate to terrorism content, a clear definition of terrorism content is vital for users, platforms and regulators. Terrorism content is content that constitutes terrorism offences.⁸⁵ It covers a broad range of terrorism offences and includes, for example, expressing an opinion or belief supportive of a proscribed organisation.⁸⁶ However, experts have identified several significant problems with the definition. The IRTL notes that under terrorism legislation, content alone cannot amount to an offence: terrorism offences usually require conduct by a person or people accompanied by the relevant intention and acting without a reasonable defence.⁸⁷ The IRTL has criticised tying the definition of terrorism content to conduct alone and relying on assumptions about the mental element and lack of defence.⁸⁸

The OSA 2023 attempts to address this issue, stating that judging whether content is illegal should be based on 'whether a provider has reasonable grounds to infer that content is content of the kind in question.'⁸⁹ These grounds exist only when a provider: (a) has reasonable grounds to infer that all elements necessary for the commission of the offence, including mental elements, are present or satisfied, and (b) does not have reasonable grounds to infer that a defence to the offence may be successfully relied upon. Although Ofcom has provided guidance for illegal terrorism content, the fundamental challenge remains that providers must make sophisticated judgements about conduct, state

⁷⁵ OSA 2023, s 1(2)(a) and ss 60-63. Harm means both physical and psychological harm, s 234(2).

⁷⁶ *ibid* s 9.

⁷⁷ *ibid* s 10(2)(a). Priority illegal content includes terrorism content, s 59(10)(a).

⁷⁸ *ibid* s 10(2)(b), s 59(7)(a).

⁷⁹ *ibid* s 10(2).

⁸⁰ *ibid* s 10(3).

⁸¹ *ibid* s 10(5).

⁸² *ibid* ss 100-102.

⁸³ *ibid* s 133. See Will Mbaho, 'Beyond Echo Chambers and Rabbit Holes: Algorithmic Drifts and the Limits of the Online Safety Act, Digital Services Act, and AI Act' (March 2025) 33(3) Griffith Law Review 1.

⁸⁴ OSA 2023, ss 143-144.

⁸⁵ *ibid* s 59. Illegal content is content that amounts to a relevant offence and may be 'words, images, speech or sound'. It is a relevant offence if the use of such content, possessing, viewing or accessing such content, or publishing or disseminating such content amounts to an offence.

⁸⁶ Terrorism Act 2000, s 12(1A).

⁸⁷ Jonathan Hall, 'Missing Pieces: A note on terrorism legislation in the Online Safety Bill' (IRTL 2022) 4. The IRTL identifies 19 offences covered by the OSA 2023, of which three do not require either proof of some mental element, or are subject to a defence, or both.

⁸⁸ *ibid*.

⁸⁹ OSA 2023, s 192.

of mind, and legal defences – determinations that are inherently complex and difficult to operationalise – particularly at scale using automated tools. Determining whether content constitutes an offence depends heavily on the author’s context and circumstances which are nuanced factors that algorithms struggle to assess accurately.⁹⁰ Further complexity arises where generative AI bots have created the terrorism content.⁹¹ Ofcom guidance acknowledges the difficulty in judging illegality and appears to encourage organisations to bypass this by relying on breaches of a service provider’s terms and conditions in the first instance.⁹²

The broad definitions of terrorism mean terrorism-related offences can apply to a wide range of conduct (see **chapter 10**). This considerable discretion is justified by the assumption that the definition is exercised with care by the police and prosecutors (see **chapter 3**). The OSA provides no scope for service providers to exercise the equivalent of prosecutorial discretion; a service provider making an illegality judgement has to apply the terrorism offence as it appears on the face of the statute.⁹³ The broad definition of terrorism and the vagueness of many terrorism offences are likely to lead to arbitrary decision-making on the part of service providers. Legal experts are right to warn that the legislation, even with Ofcom guidance, lacks the precision needed to allow people to know with reasonable certainty whether material is unlawful and would be removed.⁹⁴

The IRTL suggests that greater clarity would be achieved by using the definition set out in the Terrorism Act 2006 of ‘terrorist publication’ and statements or articles that are ‘unlawfully terrorism-related’.⁹⁵ The IRTL says this would cover ‘content that is objectively likely to be understood as a direct or indirect encouragement or inducement to the commission, preparation or instigation of acts of terrorism: content that is likely to be useful in the commission or preparation of acts of terrorism and is objectively likely to be understood as useful wholly or mainly for that purpose’.⁹⁶

Content moderation

Content moderation is key for service providers to meet their statutory duties and mitigate risk. The OSA 2023 incentivises automated content removal by focusing on failures to prevent people from encountering or engaging with illegal content and having limited consequences for false positives. Scalable automated systems easily detect behavioural cues like account age and posting patterns. However, decisions based on content require human involvement as machines cannot attribute meaning. An industry expert explained that an item flagged as ISIS-related could be a desert selfie.⁹⁷ Civil society organisations are concerned about the fine line between terrorist content and public interest reporting. A photo of an ISIS flag, incidental to a picture from a conflict zone, can lead to the item being taken down. Notable examples include the removal of material collected by the Syrian Observatory for Human Rights documenting human rights violations and a BBC journalist’s article about Shamima Begum.⁹⁸ Contextual nuances like coded language require human judgement, as do identifying adversarial shifts where terrorists adapt to circumvent detection.

Content moderation effectiveness varies significantly. Moderation systems perform better against known or high-profile organisations but struggle with smaller or newer groups. Research in 2017 found that Twitter suspended 25 per cent of pro-ISIS accounts within 5 days but less than one per cent of accounts identified as other ‘jihadist

90 Katy Vaughan, ‘The UK’s Online Safety Act and “Terrorist Content”’ (23 April 2025) VOXPol <<https://voxpath.eu/the-uks-online-safety-act-and-terrorist-content/>> accessed 29 June 2025.

91 Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 114.

92 Dia Kayaali and Bernard Keenan, *How to Fix the Online Safety Act: A Rights-First Approach* (Open Rights Group, 2025) 18.

93 See Graham Smith, ‘Online Safety Bill – Submission to Public Bill Committee’ (26 May 2023) 4 <<https://bills.parliament.uk/publications/46665/documents/1879>> accessed 29 June 2025.

94 Erin Stoner, ‘Hate, Harms and Hashing: An Overview of Ofcom Guidance for P/CVE’ (GNET, 5 March 2025) <<https://gnet-research.org/2025/03/05/hate-harms-and-hashing-an-overview-of-ofcom-guidance-for-p-cve/>> accessed 29 June 2025; Dia Kayaali and Bernard Keenan, *How to Fix the Online Safety Act: A Rights-First Approach*, (Open Rights Group, 2025) 18.

95 Terrorism Act 2006, ss 2 and 3

96 Hall (n87) 7.

97 Commission plenary meeting, March 2023, terrorism and digital technologies expert.

98 Evidence submission Open Rights Group. Examples of material they cite include an op-ed in *The Guardian*, ‘Shamima Begum is a victim of trafficking – and the UK should treat her as such,’ (26 February 2021), that was re-shared by journalist Jon Danzig to his personal Facebook page. The tech platform took it down, claiming it promoted or supported dangerous individuals and organisations (but it was left on his journalism Facebook page).

accounts.⁹⁹ In 2022-2023, researchers successfully obtained AI translations of material from Hayat Tahrir al-Sham, which was relatively unknown at the time.¹⁰⁰

Bias and Discrimination

There is limited transparency around how moderation systems operate and the training data used. As with other forms of AI, it is likely to replicate existing biases in collected data. In developing moderation tools and identifying terrorism content, platforms rely on terrorist designations by the UN, EU and a few other Western states.¹⁰¹ This leads to a focus on those identified as Muslim groups and individuals, with criticism that content moderation operates as a form of 'digital colonialism', reinforcing Western biases in counter-terrorism.¹⁰² An independent review commissioned by Meta on the application of 'Dangerous Organisations and Individuals' (DOI) and Violence and Incitement policies in Israel-Palestine during May 2021, found evidence of unintentional bias against Palestinian and Arabic-speaking users. Arabic content was censored more often than Hebrew. This was attributed partly to reliance on US lists of terrorist organisations, which disproportionately focus on those identified as Muslim.¹⁰³

Algorithm amplification

The extent to which algorithms amplify content differs across platforms, reflecting variations in their design features and user functions ('platform affordances') as well as in the sophistication of their recommendation systems. Studies have found evidence of algorithmic amplification of extreme content on some platforms.¹⁰⁴ Stakeholders are also beginning to think more about algorithmic amplification of counter speech (as opposed to the de-amplification of terrorist content). The OSA 2023 could lead to greater transparency on how recommendation systems function, particularly when they amplify illegal material.

Attempts to counter online radicalisation by banning illegal content and stop the amplification of bad content via algorithms misunderstand how algorithms function and the relationship between the user and the algorithm. As Will Mbioh notes, the interaction between the two creates 'collective signals', they are 'co-constitutive, constantly reshaping and being reshaped by each other in a recursive, relational process'.¹⁰⁵ Radicalisation towards violence is unlikely to be the result of viewing illegal material. Rather it is the result of engaging with lawful content that gradually shifts toward more extreme material over time. This 'algorithmic drift' involves the system operating 'like a needle, persistently probing, testing, and making countless micro-movements to find openings'.¹⁰⁶ Engagement gradually shifts into radicalisation without crossing clear boundaries that regulators can identify.¹⁰⁷ The role of algorithms in developing personalised and curated sets of ideas may also account for the increasing prevalence of mixed and fragmented ideologies.¹⁰⁸

Oversight and accountability

Systems of oversight and accountability can redress errors and bias. Regulated providers must have a complaints procedure that allows 'appropriate action' to be taken in relation to 'relevant kinds of complaint'.¹⁰⁹ Users who post content can complain about proactive technology which results in content being restricted.¹¹⁰ However, except for

99 Maura Conway and others, 'Disrupting Daesh: Measuring Takedown of Online Terrorist Material and Its Impacts' (2019) 42(1) *Studies in Conflict & Terrorism* 141, 146.

100 Lakomy (n34) 10.

101 For example, the Tech Against Terrorism, Terrorist Content Analytics Platform, draws on terrorist designations lists from the United Nations, European Union, UK, US, Australia, Canada and New Zealand.

102 Farhana Shahid and Aditiya Vashista, 'Decolonizing Content Moderation: Does Uniform Global Community Standard Resemble Utopian Equality or Western Power Hegemony?' in *Proceedings of the 2023 CHI Conference on Human Factors in Computing Systems* (ACM 2023) <<https://doi.org/10.1145/3544548.3581538>> accessed 29 June 2025.

103 Business for Social Responsibility, *Human Rights Due Diligence of Meta's Impacts in Israel and Palestine* (BSR, September 2022) <https://www.bsr.org/reports/BSR_Meta_Human_Rights_Israel_Palestine_English.pdf> accessed 29 June 2025. See also Human Rights Watch, *Meta's Broken Promises: Systemic Censorship of Palestine Content on Instagram and Facebook* (20 December 2023) <<https://www.hrw.org/report/2023/12/21/metas-broken-promises/systemic-censorship-palestine-content-instagram-and>> accessed 29 June 2025.

104 Joe Whittaker and others, 'Recommender systems and the amplification of extremist content' (2021) 10(2) *Internet Policy Review*.

105 Mbioh (n83) 201.

106 Ibid.

107 Ibid.

108 Evidence submission, Emily Winterbotham and Karl Roberts.

109 OSA 2023, s 21(2).

110 Ibid, s 21(4)(e).

recognised news publishers, users do not have a right to be notified that their content has been blocked or taken down or given reasons that would allow them to challenge the blockage or removal of illegal content outside a service provider's general terms and conditions.¹¹¹

The OSA 2023 requires some service providers to produce annual transparency reports about their services, moderation policies and practices, and data on their implementation. This may include detailed information on the incidence and dissemination of illegal content, the number of users assumed to have encountered it, the systems and processes for reporting and dealing with illegal content, and the design and operation of algorithms which affect the display, promotion, restriction or recommendation of unlawful content.¹¹² Ofcom will set out the precise reporting requirements. It is too early to determine the impact of these requirements on creating greater transparency and oversight. At one of the Commission's international roundtables, participants criticised similar transparency reporting requirements in the European Union's Digital Services Act. Researchers said the main challenge to transparency was the quality of the published data. Experts suggested that companies deliberately published 'junk data', provided without independent auditing and presented in ways that made it difficult to cross-reference the reports of different providers in a meaningful way.¹¹³ Greater transparency will require meaningful standardisation in reporting and effective independent auditing by experts.

67 Recommendation 67: All UK users should have the right to be notified and given reasons for content removal.

68 Recommendation 68: Ofcom's transparency reporting requirements should ensure that the metrics used enable cross-platform comparisons.

69 Recommendation 69: Ofcom should consider how transparency reporting can be used to identify possible bias and discrimination in content moderation.

¹¹¹ *ibid* ss 18-19.

¹¹² *ibid* sch 8.

¹¹³ International roundtable, March 2023, academic expert.

12.5 Key Findings and Recommendations

Digital technologies have fundamentally transformed terrorism as radicalisation shifts from predominantly face-to-face interactions to predominantly online processes. The impact that government action alone can have is limited. Collaboration with other states and with industry is vital to effective strategic responses. This is particularly the case for combatting terrorist-operated websites. Those websites remain a primary resource for terrorist groups. While it is difficult to take down websites operated from outside the UK, the government can build on Tech Against Terrorism's approach and develop a strategy to mitigate the accessibility, reach and impact of terrorist-operated websites.

Emerging technologies present new challenges: Generative AI enables the scalable production of propaganda, while 3D-printed firearms represent a growing threat. The regulatory framework requires adaptation to address evolving technological realities while preserving fundamental rights and avoiding discriminatory enforcement.

The Online Safety Act 2023 represents significant legislative progress, yet it remains constrained by fundamental limitations. The Act's approach to defining terrorism content – requiring complex judgments about intent and defences – creates operational difficulties for platforms implementing automated moderation at scale. The broad definition of terrorism and the vagueness of some terrorism offences risk arbitrary decisions on terrorism content. Content moderation systems exhibit significant biases, performing better against well-known organisations whilst struggling with emerging groups. Research demonstrates disproportionate censorship of Arabic content, reflecting broader structural biases in counter-terrorism frameworks. Transparency and oversight are, therefore, critical.

As digital technologies evolve, new risks are emerging that require a coordinated and adaptive response. The recommendations in this chapter focus on strengthening the UK's ability to address terrorist use of online spaces and emerging technologies, including 3D printing and artificial intelligence (**Recommendations 64-66**). They also highlight the importance of transparency, accountability, and user rights in maintaining the integrity of the online environment (**Recommendations 67-69**).

- 64 Recommendation 64:** The UK government should develop a strategy for combatting terrorist-operated websites in collaboration with other states and the tech sector.
- 65 Recommendation 65:** The government should establish a cross-departmental review of emerging digital technologies in terrorism, including AI applications and 3D-printed weapons, to ensure regulatory frameworks keep pace with technological developments.
- 66 Recommendation 66:** The government should consider whether legislation is needed to prohibit the possession of blueprints for the production of 3D firearms.
- 67 Recommendation 67:** All UK users should have the right to be notified and given reasons for content removal.
- 68 Recommendation 68:** Ofcom's transparency reporting requirements should ensure that the metrics used enable cross-platform comparisons.
- 69 Recommendation 69:** Ofcom should consider how transparency reporting can be used to identify possible bias and discrimination in content moderation.

13.

Executive and Administrative Measures - Procedural Safeguards

The use of executive and administrative measures in counter-terrorism is a global trend.¹ In the UK, their use has built up over the last 20 years and now comprises civil sanctions, including Foreign Travel Restriction Orders,² Temporary Exclusion Orders,³ deprivation of citizenship,⁴ Terrorism Prevention and Investigation Measures (TPIMs), seizure and retention of passports,⁵ cancellation of indefinite leave to remain, stops, search and detention powers under the Terrorism Act 2000 schedule 7, and other less obvious measures, such as care proceedings triggered by counter-terror investigations and denial of consular services and repatriation support, including for British children.⁶ These powers are extensive and have a significant impact on the people they are imposed on, their families and communities.

Such measures do not afford the procedural safeguards, standards of proof, and fair-trial rights inherent in criminal proceedings. Some measures require prior judicial approval, while others can be imposed by ministers without it; all can be challenged in courts or specialist tribunals. To make these effective while protecting national security, 'closed material procedures' (CMPs) were introduced in successive legislation since 1997. CMPs permit a judge, but not the individual or his lawyer, to see the national security case against them. CMPs mark a significant departure from centuries-old fundamental English common law principles of open justice and the right to know the case against you. CMPs are not allowed in criminal trials as withholding material relied on in a prosecution would breach fair trial rights.

1 'Recent years have seen a significant increase in the use of administrative measures to counter terrorism. Many States have adopted practices such as administrative detention, house arrest, travel restrictions, and control orders independent of the pursuit of criminal charges, while others have resorted to far-reaching measures such as deprivation of nationality in the context of countering terrorism, in addition to placing individuals or entities on so-called watchlists, outside the criminal justice system.' UN Human Rights Council, *Terrorism and Human Rights: Report of the United Nations High Commissioner for Human Rights* (2 August 2024) UN Doc A/HRC/57/29, para 3.

2 Counter-Terrorism Act 2008, Sch 5.

3 Counter-Terrorism and Security Act 2015, s 2 (CTSA 2015).

4 British Nationality Act 1980, s 40.

5 CTSA 2015, s 1.

6 E.g. *T7 v Secretary of State for the Home Department* Appeal No: SC/182/2024 judgment of 22 November 2024.

This chapter examines whether procedural safeguards for challenging executive and administrative counter-terrorism powers work fairly and effectively. Specifically, do they enable fair hearings where individuals can effectively challenge the case against them? A key safeguard is ‘Special Advocates’—security-cleared barristers appointed by the Attorney General to act in the interests of a person who challenged the measure against them in proceedings that exclude them and their lawyers. The fairness of CMPs is relevant to several measures covered in this report, including the use of powers to stop people at ports (**Chapter 9**), challenges to proscription (**Chapter 14**), sanctions and asset freezing powers (**Chapter 15**), citizenship deprivation and immigration measures, and Temporary Exclusion Orders (**Chapter 16**).

The Commission heard evidence from judges, Special Advocates, lawyers, legal and academic experts, civil society organisations, and people affected by measures requiring the use of CMPs. We particularly benefited from the submissions of the Special Advocates to both the Parliament’s Joint Committee on Human Rights and to Sir Duncan Ouseley’s independent review on the use of CMPs, which reported in 2022.⁷ Many of our conclusions reflect the recommendations of the Special Advocates and Sir Duncan Ouseley.

A central challenge is balancing national security considerations, including the public interest in maintaining confidentiality and keeping the operational practices of the security services and the identity of their informants out of the public domain, with the right to a fair hearing and effective oversight of these powers. Section 1 outlines how CMPs provide a framework that enables courts to review the use of intrusive powers in cases where the justification and evidence cannot be made public. It also describes the earlier Public Interest Immunity (PII) system, the difficulties associated with it, and the reasons CMPs were developed as an alternative. Section 2 outlines the background to the creation in 1997 of the Special Immigration Appeals Commission, the first body to use CMPs, and the expansion of their use under the Justice and Security Act 2013. Section 3 sets out the role of Special Advocates. Section 4 presents evidence on the impact of CMPs on the excluded party. Sections 5 and 6 examine concerns about the operation of CMPs. The issues raised in evidence to the Commission include concerns about fairness and due process, the process of excluding Special Advocates who may know sensitive material from their involvement in other cases, access to closed judgments, disclosure of information, and restrictions on communication between Special Advocates and excluded parties. Section 7 sets out key findings and recommendations.

⁷ Duncan Ouseley, *Independent report on the operation of closed material procedure under the Justice and Security Act 2013* (Ministry of Justice 2022) <<https://assets.publishing.service.gov.uk/media/6385f9bc8fa8f54d5c446fe7/closed-material-procedure-operation-report-webpdf.pdf?utm=>> accessed 13 October 2025.

13.1 Public Interest Immunity and the development of Closed Material Procedures

Before CMPs were developed, if a Minister wanted to withhold evidence in legal proceedings that would normally have to be disclosed as part of a fair process, they could issue a Public Interest Immunity (PII) certificate, asserting the public interest in withholding the information. The court would then decide whether to uphold the certificate or order disclosure of some or all of the material.⁸ It was not enough for the Minister simply to show that there is a public interest in secrecy; the court had to balance the competing interests of disclosure and non-disclosure. If the court agreed to withhold the material from the other party, the government had to present its case against the other party without relying on that evidence.

In recent years, Parliament has provided for CMPs to be used in various civil legal proceedings. They differ from PII in two critical ways. First, if a public interest in non-disclosure (normally national security) is established, the government can still rely on that material in the underlying legal proceedings, and so the affected individual will not know some or all of the evidence substantiating the allegations against them. Second, if a public interest in non-disclosure is established, the judge has no power to balance the impact on the individual of withholding the particular information against the public interest claimed by the government. Once the public interest in non-disclosure is established, it does not matter that this substantially reduces the individual's ability to rebut the allegation. This significantly impedes their ability to defend themselves or contest the allegations, and it departs from fundamental common law principles of fairness: the right to know the case against you and to respond effectively.

At the heart of the issue is a difficult balance. CMPs limit a person's fundamental right to know and challenge the evidence used against them, yet they also allow courts to examine sensitive information that could not otherwise be reviewed under the older PII system. Under a CMP, the court can consider sensitive information relied on by the state in legal proceedings—such as intelligence from an informant whose identity must be protected—without revealing it to the individual concerned or the public.⁹ This differs from the PII process, where once a judge agrees that sensitive material should remain secret, it is excluded entirely from the case, meaning the court cannot consider whether it supports the government's decision. That creates a dilemma: without considering the evidence, the court cannot rule on the issue, and the government cannot justify its position. The state could continue making decisions based on flawed intelligence that cannot be disclosed in court, as those decisions cannot effectively be challenged.¹⁰ Without a way to address this problem, two undesirable outcomes can result: arbitrary justice based on undisclosed evidence, or cases that cannot be resolved because key information cannot be disclosed. CMPs were introduced to mitigate this problem by allowing courts to scrutinise government decisions more fully while protecting sensitive information.

In Canada, changes introduced in 2024 require judges in certain federal cases to balance the risk of harming national security against the public interest in disclosure. If a judge decides that disclosure serves the public interest, they may authorise—under suitable safeguards—the release of all or part of the information, a summary of it, or an agreed statement of facts relating to it.¹¹

In some cases involving fundamental human rights, courts have ruled that the information disclosed is insufficient. When someone's liberty is at stake, the government faces a stricter duty to disclose information. In *Secretary of State for the Home Department v AF (No 3)*, the House of Lords held that in Control Order cases, the person subject to the order must be told the 'core irreducible minimum' of the case against them to ensure a fair trial.¹² This right to know the gist of the case (sometimes referred to as the 'gisting requirement') arose because Control Orders infringed on

8 This was the process undertaken by the court in the Rwanda hearings: *R (AAA & others) v Secretary of State for the Home Department* [2022] EWHC 2191 (Admin).

9 Special Immigration Appeals [Procedure] Rules 2003 (SIAC(P)R 2003), rule 37, defines closed material as material which the Secretary of State would otherwise be required to disclose to the appellant or their representative, but which the Secretary of State objects to disclosing to them.

10 Commission plenary meeting, January 2023, legal practitioner.

11 *Canada Evidence Act*, RSC 1985, c C-5, s 38.26(2).

12 [2009] UKHL 28

the European Convention on Human Rights Article 5 (the right to liberty) and so required compliance with Article 6 (the right to a fair trial).¹³ Court of Appeal judge Sir Rabiner Singh has written that CMPs allow national security decisions—previously unchallengeable—to face judicial scrutiny through a ‘more nuanced approach.’ Normal fair hearing procedures may be modified in the interests of national security, ‘but there is a core irreducible minimum of fairness that cannot be extinguished’.¹⁴ However, as CMPs become more commonplace, it becomes harder to assess whether this minimum standard of fairness is still being met. While the gisting requirement has been extended to other areas (for example, asset freezing and financial controls), it does not apply to measures such as citizenship deprivation, deportation, or exclusion, as these involve public law rights, not civil rights: it does, however, apply in bail applications against immigration detention.¹⁵

Judges have only a limited ability to question the government’s national security assessments or to consider alternative ways of managing perceived risks. This is partly because the legislation does not clearly and comprehensively set out the scope of the Special Immigration Appeal Commission’s (SIAC) powers on appeal and review.¹⁶ The level of risk sufficient to justify withholding relevant material on grounds of ‘public interest’ or ‘national security’ is also unclear. In a CMP, once a public interest in non-disclosure is established, the judge cannot carry out any balancing exercise. Allowing judges to weigh the risks of disclosure against the impact of non-disclosure on the fairness of proceedings would give them greater flexibility and make CMPs more consistent with the approach used under Public Interest Immunity (PII). However, this would not mean a return to PII: if a judge decided that certain information cannot be disclosed, the government could still rely on it, and Special Advocates could address it in closed hearings. Crucially, this would enable judges to decide that where evidence is so central that a fair hearing would be impossible without disclosure, there will be a strong presumption that it must be disclosed. There may be cases where, exceptionally, the presumption is rebutted, but in all other cases, if the Minister refused, they would need to withdraw the decision or rely on other evidence. This approach aligns more closely with the *AF (No 3)* requirement that individuals be told the ‘core irreducible minimum’ of the case against them which is already established, applied and understood, and, in the Commission’s view, extending this approach on a common law basis is necessary to maintain the legality of the CMP process consistently with long-established fundamental common law principles underpinning the Rule of Law.

13 Even for TPIMs, the requirement to disclose a ‘core irreducible minimum’ only applies in cases where the measures in the TPIM are a restriction on article 5 rights.

14 Rabiner Singh, ‘Fairness and National Security’ (Miriam Rothschild and John Foster Lecture, 12 November 2020) <<https://www.judiciary.uk/wp-content/uploads/2020/11/Lecture-12-Nov-2020-Fairness-and-National-Security-Singh-LJ.pdf>> accessed 09 October 2025.

15 See: Hayley J Hooper, ‘A Core Irreducible Minimum? The Operation of the *AF (No. 3)*: Duty in the Closed Material Procedure’ in Andrew Higgins (ed), *The Civil Procedure Rules at 20* (Oxford University Press 2020). Also, in cases where CMPs are ordered under the Justice and Security Act 2013, when claimants bring proceedings against the state, the requirements of *AF (No. 3)* have commonly been held not to apply. See Ouseley (n7) para 54.

16 *U3 v Secretary of State for Home Department* [2025] UKSC 19.

13.2 The Special Immigration Appeals Commission (SIAC) and Closed Material Procedures

Before 1997, an independent Advisory Panel, called the ‘Three Wise Men,’ reviewed exclusion from the UK on grounds of national security, whose recommendations, while often accepted, were non-binding. In the *Chahal* case concerning the deportation of a political activist, the European Court of Human Rights ruled this arrangement inadequate because it lacked judicial independence and procedural fairness.

The Court highlighted the approach in Canada, where a Federal Court judge holds a private hearing to review all the evidence. The applicant receives a summary outlining, as far as possible, the key aspects of the case against them and may have legal representation and present evidence. However, when security-sensitive material must be examined, the applicant and their representative are excluded from this part of the hearing. Instead, a security-cleared counsel is appointed to act on their behalf. This counsel can question witnesses and test the strength of the government’s case. After the hearing, the applicant is given a summary of the security evidence, with any sensitive details removed.¹⁷

Following the *Chahal* judgment, the UK Parliament created a specialist tribunal (SIAC) and CMPs to enable effective challenges to decisions made on national security grounds.¹⁸ CMPs enable courts to consider sensitive material while maintaining secrecy in the public interest, thereby allowing national security cases to be adjudicated. The procedure is divided into ‘OPEN’ and ‘CLOSED’ sessions. As the appellant or claimant, their legal team and the public are excluded from the closed sessions, the Attorney General instructs a security-cleared ‘Special Advocate’ to scrutinise the government’s reasons and evidence on their behalf.¹⁹ However, the legislation omitted key safeguards from the Canadian system that inspired it—including a procedure allowing Special Advocates to apply to the court, *ex parte* (unilaterally) for permission to communicate with the excluded party or their lawyers.²⁰

SIAC’s jurisdiction, established by the Special Immigration Appeals Commission Act 1997, expanded in 2013 to include reviews of Home Secretary decisions to refuse naturalisation, exclude individuals from the UK, and make certain deportation decisions. The statute provides that SIAC’s review powers mirror those of the High Court in judicial review, meaning the applicable principles and available remedies are broadly similar.

However, SIAC lacks the power to grant interim relief in either its appellate or review jurisdiction. This omission often requires parties to bring parallel judicial review proceedings where urgent relief is needed to preserve their position. Practitioners emphasised that, particularly where there is no prior judicial scrutiny or notice of a measure, access to interim relief is essential to ensure fairness.

Further issues were raised, including that affected family members—such as children—cannot be named as claimants in SIAC proceedings, though they could be in judicial review. In addition, recent authority confirms that SIAC has no costs jurisdiction, preventing successful privately funded appellants from recovering legal costs, which are often substantial.

Although SIAC has statutory powers to require witness statements relevant to an appeal or review, there appears to be an institutional reluctance to use these powers against the government. The Commission considers that the default position should be an expectation that a government witness will be provided for cross-examination and that evidence will be produced early enough to allow an effective response.

¹⁷ *Chahal v the United Kingdom* App. No. 22414/93, judgment 15 November 1996, para 144; (1997) 23 EHRR 413.

¹⁸ Special Immigration Appeals Commission Act 1997 (SIACA 1997).

¹⁹ SIACA 1997, s 6.

²⁰ John Jackson, ‘Special Advocates in the Adversarial System: Key Findings and Recommendations’ (2023) Paper of the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

While CMPs were initially developed for SIAC, they have since expanded into many types of civil proceedings. Family courts may also use informal CMP processes in cases involving a child's welfare if it is in the child's interest.²¹ They are not used in criminal cases.²²

The Justice and Security Act 2013 introduced CMP powers into the Civil Procedure Rules governing High Court proceedings and transferred certain matters to SIAC, including naturalisation, exclusion, and deportation decisions where the Home Secretary certifies they were based wholly or partly on information not in the public interest to disclose. Parliament recognised that expanding this procedure—which runs counter to fundamental principles of fairness and open justice—required oversight. The JSA provides for an independent reviewer to examine and report on its operation.²³ CMPs under the JSA largely mirror SIAC procedures: Special Advocates are appointed, and decisions on non-disclosure can be challenged. As in SIAC, once the state establishes the threshold for non-disclosure, the court cannot balance this against the impact on procedural fairness or open justice. However, the JSA contains more stringent gateway criteria before a CMP can be ordered.

Because the CMP process departs so significantly from the fundamental principle that a person should know and be able to challenge the evidence against them, it must include safeguards to reduce unfairness as much as possible. All parties, including government lawyers, are expected to ensure that these safeguards are applied effectively.²⁴ This heightened duty of disclosure has resulted in key information that would otherwise have been withheld being made available to appellants, improving procedural fairness. It involves a judge carefully framing a gist to incorporate key information with minimal security risk—a task with which many judges in complex national security cases are familiar.

Baroness Hale, in a House of Lords case challenging the CMP scheme, stressed that its effectiveness depends on the state's genuine commitment not to exploit the process. She said that 'with strenuous efforts from all, difficult and time-consuming though it will be, it should usually be possible to accord the controlled person a substantial measure of procedural justice.'²⁵ She outlined key requirements: the Secretary of State must fully explain why the grounds for a measure are made out—the fuller the explanation, the better instructions the excluded party can give Special Advocates, and the more effective they can be. Both judges and Special Advocates must carefully and sceptically probe claims that material should remain closed.²⁶ Noting that evidence from other countries shows secrecy is often over-claimed,²⁷ she said they should always consider whether material could be redacted or gisted to enable the Special Advocate to seek instructions, or whether specific, carefully tailored questions could be put to the excluded party or witnesses called to rebut the closed material.²⁸

Unlike the PII process, under the statutory frameworks governing SIAC and the Justice and Security Act (JSA), once the government establishes a public interest or national security basis for withholding material, the judge cannot balance this against the potential effect on the fairness of the proceedings. Consequently, in some cases, individuals subject to significant measures may face practical difficulties in effectively challenging the allegations against them. This represents a key problem within the current system, with further issues outlined below.

21 Jessie Blackburn, 'Closed material procedures in the radicalisation cases' (2020) 32(4) *Child and Family Law Quarterly* 355.

22 *Guardian News and Media Ltd & Ors v R & Incedal* [2016] EWCA Crim 11, the Court of Appeal ruled against holding a trial entirely in Camera (closed session) and keeping the identity of defendants anonymous.

23 Justice and Security Act 2013, s 13.

24 Para. 20, 'at all stages the Commission must have fairness in mind. It is recognised that this can be a difficult balance to achieve, for the parties as well as the Commission. For all purposes, the presumption must be that evidence, whether written or oral, will be given in OPEN, save where Rule 4(1) considerations require CLOSED material procedures'. Judiciary of England and Wales, *Practice Note for Proceedings before SIAC from 5 October 2016* (5 October 2016) <<https://www.judiciary.uk/wp-content/uploads/2022/10/practice-note-for-proceedings-before-siac-from-5-oct-2016.pdf>> accessed 09 July 2025.

25 *Secretary of State for the Home Department v MB (FC)* (Appellant) [2007] UKHL 46, [66]. This was a Control Order case.

26 *ibid.*

27 Serrin Turner and Stephen J Schulhofer, *The Secrecy Problem in Terrorism Trials* (Brennan Centre for Justice at NYU School of Law, 2005).

28 Although this is not expressly provided for in CPR r 76.24.

13.3 The Role of Special Advocates

Special Advocates (also known as ‘Closed Representatives’) are not the excluded party’s lawyer. They have two key functions: protecting the excluded party’s interests and maximising disclosure to the excluded party and their legal team (the ‘Open Representatives’). The Special Advocates scrutinise withheld material to determine whether it can be disclosed in full, redacted, or summarised. In SIAC, the ‘public interest’ justifying secrecy can include national security, foreign relations, or other states’ security interests. Special Advocates and the government negotiate disclosure, with the court resolving disagreements. However, courts rarely order disclosure due to judicial deference to national security concerns. Most outcomes are reached through negotiation and compromise between the government and Special Advocates.

Special Advocates can only communicate freely with the excluded party before seeing the sensitive material.²⁹ This means the excluded party must provide instructions on challenging evidence they have not seen, recalling potentially years of details without knowing what is relevant or having records to consult. This can involve multi-day interviews before the Closed session begins, attempting to gather information that might later prove useful. The process is time-consuming and largely speculative. Although Special Advocates require extensive information to challenge closed material, lawyers report this is sometimes viewed as a means of gathering intelligence against the excluded party.³⁰

Once Special Advocates see the closed material, they cannot communicate without permission with the Open Representatives or seek instructions on factual allegations. The initial disclosure may omit an incident for which the individual has an alibi or innocent explanation. If the Special Advocate cannot ask about it, and the individual does not know that the security services interpreted it as significant, they may be unable to address it effectively. There are also instances where the government addresses issues in CLOSED proceedings that could be examined in OPEN.

Assessing the effectiveness of Special Advocates is difficult given the secrecy of CLOSED proceedings. Although Special Advocates are cautious about claiming success, some senior judges have commended their role.³¹ Analysis of SIAC open judgments from 2003 to 2017 showed a 19.6 per cent success rate (21 out of 107 cases), with 47 per cent of those successful cases relying wholly or partly on closed evidence.³² However, the confidential nature of these proceedings makes meaningful evaluation challenging.

13.4 Impact of Closed Material Procedures

Lawyers report that people subject to CMPs face a frustrating, Kafkaesque experience: they may face lengthy detention in Category A prisons without knowing the evidence or reason for their detention. One person who had lived in the UK since childhood with no prior convictions was detained without explanation.³³ Lawyers describe the impact as profound—hopelessness, isolation, and trauma that can exacerbate mental illness, also affecting families.³⁴

The opacity of these processes can undermine trust in the legal system, particularly when measures are more regularly used against certain communities and minority groups, compounding existing mistrust of law enforcement and security services. While appeals are available, perceptions of unfairness undermine confidence in the judicial process.

Courts have acknowledged that some cases could have been decided differently but for issues the subject could not effectively address due to CMP restrictions.³⁵ As Baroness Hale observed in *MB*, the presence of Special Advocates will not necessarily ensure an adequate measure of fairness.

²⁹ SIAC(P)R 2003, rule 36.

³⁰ Evidence session, January 2023, lawyer.

³¹ Martin Chamberlain, ‘Special Advocates and Amici Curiae in National Security Proceedings in the United Kingdom’ (2018) 68(3) *University of Toronto Law Journal* 496, 505-7.

³² Jackson (n20).

³³ Evidence session, January 2023, lawyer.

³⁴ *ibid.*

³⁵ See e.g. SIAC’s judgment in *AMA v Secretary of State for the Home Department*, SN/75/2018 (19 January 2021)

13.5 Concerns about fairness and due process

Lawyers and civil society organisations have raised concerns about fairness, due process, and the right to effective challenge in cases involving measures such as exclusion orders, citizenship deprivation, TPIMs, deportation, and prolonged detention.³⁶ CMP litigation often takes years to conclude, with limited interim safeguards available while national security allegations and legal issues remain unresolved. This reflects the tension between national security imperatives and fundamental principles of justice—transparency, accountability, and the right to fair and open proceedings.

While intercept evidence is excluded from criminal proceedings, it can be used in CMPs, creating a two-stage process that has the practical effect of avoiding this restriction.³⁷ First, authorities impose measures like Terrorism Prevention and Investigation Measures (TPIMs) or Temporary Exclusion Orders, potentially based on sensitive intelligence inadmissible in court. Individuals who breach these orders can then face criminal prosecution for the breach itself. For example, in March 2022, a 30-month prison sentence was given for violating TPIM monitoring requirements.³⁸ This process enables prosecution for breaching orders that may be based on intelligence not admissible in criminal proceedings, raising questions about due process and fair trial rights.³⁹

Initial disclosure decisions frequently contain minimal or no reasons. Only once the CMP process begins is any information—still limited—provided. The initial disclosure ('first tranche') often contains little or nothing about the key material that led to the measure being imposed. This severely limits the time for Open Representatives to take meaningful instructions and for Special Advocates to consult with them before seeing the closed material, after which communication is tightly restricted.

Amnesty International has raised concerns that CMPs may undermine fair trial rights, affecting fundamental guarantees such as equality of arms, adversarial process, public hearings, and transparent judgments.⁴⁰ Equality of arms requires the state to disclose all evidence against an individual and any potentially exculpatory information. Withholding evidence for national security reasons should only occur when strictly necessary, proportionate, and where disclosure would demonstrably harm a specific national security interest, subject to judicial scrutiny. Such restrictions must not impair the essence of a fair hearing and should be subject to judicial scrutiny. In SIAC proceedings, the government can withhold information deemed 'contrary to the public interest'.⁴¹ This formulation is broader than the narrower concept of 'national security' in international human rights law.

Practitioners told the Commission that CMPs may occasionally lead to unjust outcomes where, if the excluded party knew the closed material, they could have demonstrated it was wrong or misunderstood.⁴² Some SIAC judges have recognised this results from the rigid framework that gives no scope to balance fairness considerations. In *AMA*, a challenge to a refused naturalisation application, SIAC found nothing in the open case that justified the decision—the explanation lay in the closed material. The communication restrictions prevented the Special Advocate from presenting evidence in response to the closed case, limiting them to probing and testing the closed case. SIAC acknowledged the Special Advocate's presence did not overcome the procedural unfairness:

In a case such as the present, it would be quite wrong to say that the presence of the special advocate fully or even substantially addresses the procedural unfairness to which the absence of OPEN reasons gives rise, though it is capable of attenuating that unfairness to some extent.

³⁶ Commission Plenary meeting, January 2023, Special Advocate, and evidence session, January 2023, lawyers.

³⁷ Paul Scott, 'Executive and Administrative Measures' [2023] Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

³⁸ HC Deb, 28 November 2022, cWS. See also: Doughty Street Chambers, 'First far-right offender sentenced for breach of TPIM' (16 July 2024) <<https://www.doughtystreet.co.uk/news/first-far-right-offender-sentenced-breach-tpim>> accessed 09 July 2025.

³⁹ Scott (n37).

⁴⁰ Evidence submission, Amnesty International.

⁴¹ SIAC Act 1997, s 5(6)(b).

⁴² Commission plenary meeting, January 2023, Special Advocate.

Parliament has decided, however, that any remaining procedural unfairness (which may be significant) is outweighed by the public interests.⁴³

This conflict with due process occurs alongside other procedural issues: subjects are not given advance warning of what may trigger measures like Temporary Exclusion Orders; material that should be disclosed at the outset often emerges only after months; exculpatory reviews are delayed; urgent Legal Professional Privilege communications with Special Advocates may be held up for months; and decisions are delayed while the subject's departure from the UK is encouraged, facilitated or even procured.⁴⁴

13.6 Transparency in the operation of CMPs

The Tainting Process

Although CMPs were intended to reduce the unfairness of withholding relevant material, both lawyers and Special Advocates report that this goal is often undermined. While parties may choose a Special Advocate with suitable expertise, they can be excluded if considered 'tainted' by prior involvement in related cases or issues—experience that would generally be regarded as valuable.⁴⁵

In the *MK* case, cited in Justice's 2009 *Secret Evidence* report, a grave injustice was avoided only because the same advocate had worked on two appeals where identical intelligence was used to support opposing national security claims. The Special Advocate was only able to draw this to SIAC's attention because he had been instructed in both cases. Drawing this to the court's attention posed no risk to national security—only to the government's litigation strategy.

Since the *MK* case, the 'tainting' process has been introduced to address the concern that an advocate might inadvertently disclose confidential information to the excluded party or their representative. To prevent this, before an advocate is nominated to the Attorney General, the Special Advocate Support Office asks the government, as the Information Owner, to confirm whether the advocate is considered tainted. Because the pool of qualified advocates is small, exclusions are common, and experts on particular countries or issues may be ruled out. The vetting process can take several weeks, and its operation lacks transparency.⁴⁶

There is no independent oversight of this process. The decision effectively rests with the Information Owner (the government), and although the Special Advocate Support Office manual states that reasons should be provided, in practice, they are rarely given unless the Attorney General challenges the decision at the request of Open Representatives.⁴⁷

Lawyers for excluded parties view this as unfair, as it allows the government—a party to the case—to decide whether an advocate is 'tainted'. They see this as enabling the exclusion of experienced advocates with relevant expertise

43 See SIAC's judgment in *AMA v Secretary of State for the Home Department*, SN/75/2018 (19 January 2021) para 35.

44 SIAC held that this is a lawful approach: see judgment of Mitting J in *L1 v Secretary of State for Home Department*, Appeal No: SC/100/2010 (4 August 2014). In relation to L1, the Home Secretary took the decision in principle to remove citizenship and exclude from the UK in 21 June 2010 but only put the decision into effect after L1 had left the UK.

45 See e.g. Justice, *Secret Evidence* (2009) 69-73 <https://cdn.prod.website-files.com/67becde70dae19a9e5ea2bc3/68af1c87afc834201f94b9f4_Secret-Evidence-10-June-2009.pdf> accessed 13 October 2025; Joint Committee on Human Rights, *Counter-Terrorism Policy and Human Rights, Sixteenth Report – Bringing Human Rights Back In* (HC 86/HL 111, 9 March 2010) 21-25.

46 Attorney General's Office, *A Guide to the Role of the Special Advocates and the Special Advocates Support Office: Open Manual* (2nd edition, 2022) 19-21. It is for the Information Owner to assert whether the Special Advocate is tainted, if they disagree the Special Advocate Support Office can ask for a review, with the Attorney General making any final determination in a dispute.

47 *ibid* 14. The Law Officers exercise their discretion in relation to appointment of Special Advocates in the public interest. The relevant Law Officer must take into account the preferences of the Open Representatives prior to appointing a Special Advocate but there is no absolute right on the part of the excluded party to a Special Advocate of their choice. Factors that the Law Officers may take into account include the nature and complexity of the proceedings, the level of expertise required and the level of counsel instructed by the opposing side.

(for example, on Libya, Afghanistan, or Syria) who might otherwise challenge arguments or factual claims previously rejected by the court. The supposed risk that an advocate might inadvertently disclose closed information does not appear to apply to government lawyers, who can communicate directly with Open Representatives. The effect on the fairness and effectiveness of the process is significant, as excluding advocates with contextual knowledge and experience of earlier closed rulings may deprive the court of important insight into the issues at stake.

The Ouseley Review recommended that the process for conducting tainting checks be clearly set out in guidance approved by the Attorney General and the Advocates General, and, ideally, agreed with the Special Advocates Support Office. This guidance should explain the circumstances in which checks are undertaken, the expected timeframe for completion, and the need for a brief, reasoned response with a prompt review mechanism.⁴⁸ The benefits to fairness of having Special Advocates with experience in dealing with similar cases should also be considered, and greater transparency and independence in decision-making would help to enhance confidence in the process.

Although tainting checks were not part of the original statutory framework, they have been developed into an important feature of the system and would benefit from clearer structure and oversight. The current arrangement, in which the government department that is a party to the proceedings determines whether a Special Advocate is 'tainted', raises concerns about impartiality, as the decision-maker is not responsible for ensuring access to justice for the appellant. The protection of the integrity of the court process more properly falls within the Attorney General's constitutional role.

It would therefore be appropriate for the court to have the final say on disputed tainting decisions through a streamlined procedure. At present, such determinations can be protracted, contributing to existing delays in CMP proceedings.

Access to Closed Judgements

Both the Special Advocates and the Ouseley Review⁴⁹ have argued that the absence of a searchable database of closed outcomes undermines judicial consistency and restricts advocates' ability to provide effective representation by limiting their awareness of relevant precedent in both law and fact.

Special Advocates play an important role in testing the reliability of intelligence material used to establish primary facts. Restricting their access to earlier closed decisions diminishes this function. The Ministry of Justice has indicated that it will implement the Ouseley Review's recommendation to improve access.⁵⁰ This would be limited to a database summarising points of law in closed judgements for the purpose of identifying points of law of wider potential application, but would not include any factual information or closed material. The Commission considers that such access should not depend on a government review of which cases are deemed to be of 'wider application'.⁵¹ Access should be provided on an unrestricted basis.

In submissions to the Ouseley Review, based on multiple proceedings, Special Advocates reported that, contrary to the government's position that closed material procedures are used only when essential, disclosure practices often fall short of that standard. Government lawyers do not always ensure early and full disclosure, instead releasing material in stages, and sometimes using later disclosure to test consistency. Special Advocates should have access to previous closed judgments and orders in the same way that Open Representatives can research and rely on open judgments.

Disclosure of sensitive material

Although the SIAC Practice Note requires openness at the earliest stage, initial decisions on disclosure of sensitive material commonly contain little substantive information beyond a general reference to national security risk. Special Advocates have expressed concern about what they describe as significant departures from good practice,

48 Ouseley (n7) 118.

49 *ibid*, 96-101.

50 Ministry of Justice, *Review of Closed Material Procedure: Government Response* (CP 1103, 29 May 2024) 16.

51 *ibid*.

particularly the protracted and ‘iterative’ disclosure process, in which limited information is released initially and further material, which could have been disclosed earlier, is instead produced only in the closed phase.

In submissions to the Ouseley Review, Special Advocates reported that the Government Legal Department frequently sought to withhold entire documents, leaving it to them to argue for disclosure.⁵² This approach contributes to delay and undermines fairness, as meaningful communication with the excluded party can only take place before the advocate has seen the closed material. The Ouseley Review recommended a Practice Direction emphasising early open disclosure under the Justice and Security Act 2013. The Commission supports this recommendation, and considers that the government should be under a clear duty to maximise openness at the earliest opportunity. The same applies in SIAC, where government lawyers should not exploit their procedural advantage. Practitioners note a culture has developed that departs from the principles set out by Baroness Hale in *MB* and Lord Dyson in *Al Rawi*, namely that CMPs are only fair if the state acts to minimise—rather than reinforce—inequality of arms.

Communication between Special Advocates and Open Representatives

The Commission heard proposals to improve communication with Open Representatives by appointing more than one Special Advocate, allowing one to remain in OPEN while the other participates in CLOSED. In cases where only one advocate is appointed, difficulties can arise. For example, if the advocate in CLOSED secures additional disclosure, they cannot discuss its significance with the excluded party, having seen all the closed material. A second advocate remaining in OPEN could bridge this gap by helping interpret and act on the new disclosure.

Most respondents agreed that the exculpatory review—through which government lawyers must identify and disclose to the Special Advocate any closed material that may assist the excluded party—is generally carried out conscientiously. However, some suggested that the process is limited by the government’s incomplete understanding of the excluded party’s case on key issues. By contrast, in Canada, the entire government file is provided to the advocate, which ensures a more comprehensive review than one filtered by government counsel.⁵³ A more thorough approach could have prevented the outcome in *MK* (above), where inconsistent intelligence was not identified. The Ouseley Review also noted judicial support for a broader interpretation of what should be disclosed to Special Advocates.⁵⁴

To enhance fairness, Special Advocates should be able to draw on a pool of security-cleared experts where necessary. Advocates have highlighted their limited access to independent expertise and evidence to test the closed material. Although they have the power to call witnesses, this is rare, partly because of the cost and delay involved in acquiring security clearance. Given the consistent evidence that measures intended to mitigate the inherent unfairness of CMPs are not fully effective, practical steps—such as improving access to expertise—should be prioritised, even if administratively inconvenient for government.

Although courts may permit Special Advocates to communicate with excluded parties through security-cleared notes after entering closed proceedings, Special Advocates often hesitate to seek permission, concerned it could reveal their strategy to the Secretary of State. To mitigate this, a ‘Chinese wall’ (the Legal Professional Privilege or *LPP* route) separates government counsel from those responsible for clearing communications. In SIAC, the Secretary of State and Special Advocates now also consider what can be shared with Open Representatives following closed hearings or rulings.

However, the clearance process for *LPP* communications often takes weeks or months, reducing their practical value. Both Open Representatives and Special Advocates expressed frustration that delays—attributed by government lawyers to resource constraints—grant the state a procedural advantage. In submissions to the Ouseley Review, Special Advocates reported that state bodies frequently fail to act in accordance with their duty to keep Open

52 Special Advocates’ Submission to the Ouseley Review (July, 2022) para 54 <<https://ukhumanrightsblog.com/wp-content/uploads/2021/06/THE-OUSELEY-REVIEW-SAs-Submission-FINAL.pdf>> accessed 01 October 2025.

53 International Roundtable, January 2023, legal expert, Canada. See also: Graham Hudson and Daniel Alati, ‘Behind closed doors: Secret law and the special advocate system in Canada’ (2018) 44 *Queen’s Law Journal* 1.

54 Ouseley (n7) 85.

Representatives informed, to ensure early and maximum open disclosure, and to progress closed cases within a reasonable timeframe.⁵⁵

Oversight

Finally, there remains limited independent oversight of the expanding use of CMPs. A thematic review by a body with access to the relevant classified material is needed to assess whether non-disclosure is being used as a last resort. Strict adherence to this principle is vital to maintain public confidence in the fairness of the legal system. Effective oversight should also examine whether all parties have taken genuine steps to minimise the inherent unfairness of closed proceedings, particularly where open judgments suggest that outcomes turned on issues the excluded party could not challenge.

While the Ouseley Review under the Justice and Security Act made valuable recommendations, the Commission considers it essential that a security-cleared Independent Reviewer—such as the Independent Reviewer of Terrorism Legislation—have the power to review the use of CMPs for the use of counter-terrorism related executive and administrative measures. This should include consideration of their impact access to justice and cases where the core irreducible minimum has not been disclosed.⁵⁶

⁵⁵ Special Advocates' Submission (n53)

⁵⁶ This is consistent with Recommendation 106 in **chapter 16**, for the remit of the Independent Reviewer of Terrorism Legislation to include deprivation of citizenship for counter-terrorism purposes.

13.7 Key findings and recommendations

The protection of intercept and intelligence material has been a central factor in the development of CMPs and related executive and administrative measures. While the need to safeguard covert sources is accepted, comparable evidence is routinely admitted in other common law and European jurisdictions without apparent harm to national security.⁵⁷ Reviews by the Privy Council and the Independent Reviewer of Terrorism Legislation have nonetheless endorsed maintaining the UK's restrictive position.⁵⁸

The Commission recognises that CMPs were introduced, in particular, to make the deportation of foreign nationals fairer in security-sensitive cases and to create a mechanism for challenging executive action taken for counter-terrorism purposes. However, their use has expanded considerably, and the Commission received extensive evidence of systemic issues affecting their operation and the adequacy of oversight mechanisms to ensure overall fairness.

The continued exclusion of intercept material from criminal proceedings, coupled with the high evidential threshold required for conviction, has made the prosecution of terrorism offences particularly difficult. This has, in turn, encouraged greater reliance on executive measures that are more readily imposed and subject to fewer procedural safeguards. While such measures may fill a perceived operational gap, their expanding use raises important questions about proportionality, accountability, and the long-term balance between national security and the Rule of Law.

Lawyers and researchers emphasised that all elements of the CMP process that adversely impact fairness must be assessed together rather than in isolation. The Commission heard from multiple perspectives that the most significant shortcomings often arise from the interaction between measures rather than from any one measure alone. Executive and administrative measures introduced for specific purposes have been adapted to new uses, producing cumulative and often unpredictable impacts on civil liberties and particular communities. Effective monitoring and oversight are therefore essential.

As CMP procedures have evolved, various infelicities have emerged which undermine the effectiveness they were intended to achieve. Government lawyers have a duty to uphold fairness by maximising openness and ensuring reasonable timescales, yet lawyers for excluded parties reported that the government often resists procedural adjustments that could enhance fairness.⁵⁹

The evidence before the Commission demonstrated the value of CMPs in enabling judicial scrutiny of executive and administrative counter-terrorism measures that lack prior judicial sanction. However, it also showed that CMPs frequently fail to overcome the fundamental unfairness of a person not knowing the case against them. Over time, practices have developed that cumulatively give a significant procedural advantage to the state party, which the legislation did not intend. The Commission's recommendations aim to restore balance and protect the integrity of these processes, which often engage fundamental rights and matters of the utmost gravity for those affected and their families. Recommendation 70 allows judges to balance the risks of disclosure against the impact of secrecy on fairness, giving them more flexibility and aligning CMPs more closely with PII. Unlike PII, where the balance is in favour of non-disclosure, the government could still rely on undisclosed material. **Recommendation 71** requires a strong presumption for the disclosure of the 'core irreducible minimum' needed to allow the excluded party to give instructions to the Special Advocate, in cases where *AF (No3)* does not apply. As CMPs are a significant departure from fundamental common law principles of open justice and the right to know the case against you, they require robust oversight and, in Baroness Hale's words, 'strenuous efforts from all' to ensure a sufficient measure of procedural fairness. **Recommendations 72-79** outline measures that can help achieve this.

⁵⁷ Scott (n37).

⁵⁸ David Anderson, *A Question of Trust: Report of the Investigatory Powers Review* (IRTL 2016) 168-169 and 280.

⁵⁹ Plenary meeting, January 2023, lawyer.

- 70 Recommendation 70:** In all closed material procedures for executive and administrative measures, judges should balance the public interest in disclosure and non-disclosure.
- 71 Recommendation 71:** There should be a strong presumption in favour of disclosure of the 'core irreducible minimum' to allow effective instructions to be given to Special Advocates in all CMPs for executive and administrative measures cases that do not require an AF No 3 disclosure.
- 72 Recommendation 72:** The Independent Reviewer of Terrorism Legislation should have the power to review the use of closed material procedures for counter-terrorism related executive and administrative measures, to include the impact of the expansion of CMPs on access to justice, and the extent to which current practice results in litigation advantages to the government party. They should review cases where the core irreducible minimum has not been disclosed.
- 73 Recommendation 73:** The Attorney General, not the Information Holder of the relevant government department, should conduct tainting checks based on transparent guidance. There should be judicial oversight of the process with the right to challenge the decision.
- 74 Recommendation 74:** The Attorney General should consult with all relevant stakeholders with the aim of making communication between the Special Advocates and Open Representatives more efficient, effective and compatible with fair trial rights.
- 75 Recommendation 75:** Special Advocates should have access to a searchable database of closed decisions, orders and judgments of SIAC and the Higher Courts
- 76 Recommendation 76:** There should be a presumption that two Special Advocates are appointed in every closed material procedure case (one in CLOSED, one remaining in OPEN).
- 77 Recommendation 77:** To help Special Advocates access as much relevant closed material as possible, they should be able to draw upon the support of a pool of security-cleared experts under similar constraints as Special Advocates.
- 78 Recommendation 78:** Procedure Rules and Practice Directions where closed material procedures operate should encode the requirement for the government party to maximise the open disclosure process at the earliest opportunity, with sanctions available to SIAC for failure to comply.
- 79 Recommendation 79:** SIAC's powers should be amended to include a power to grant interim relief.

14.

Proscription, De-proscription and Proscription-Related Offences

This chapter focuses on proscription, a legal mechanism that allows the government to outlaw terrorist organisations. The Independent Reviewer of Terrorism Legislation (IRTL) describes it as ‘a measure with a tempting degree of executive fiat’ as there are ‘few powers with such immediate impact on the counter-terrorism landscape’.¹ The proscription of Palestinian Action in June 2025, which is at the time of publication of this report subject to legal challenge, highlights the continuing importance of safeguards and accountability to ensure that this executive power is applied proportionately and in accordance with its stated purpose of addressing the activities of terrorist organisations and their supporters (see further **Box M** below).

Section 1 examines how proscription powers are used in practice. It identifies the types of organisations that are proscribed and the purpose, patterns and scale of prosecutions for proscription-related offences. It notes the differences between their use in Britain compared to Northern Ireland. Section 2 explores the broader impacts of proscription. This includes effects on groups and communities linked to conflicts involving proscribed organisations, on academic research into international conflicts, and on the work of peacebuilding organisations. The specific challenges humanitarian organisations face when delivering aid in areas controlled by proscribed groups are addressed separately in **chapter 15**. Sections 3-6 examine the proscription and de-proscription processes. Section 3 outlines the threshold criteria that must be met before proscription is permitted. When these criteria are satisfied, the Secretary of State has discretion over whether to actually proscribe an organisation. Section 4 analyses the factors considered when exercising this discretion. Section 5 focuses on Parliament’s role in the process. Evidence submitted to the Commission raises concerns about the broad criteria and wide discretion for proscription, as well as questions about the effectiveness of parliamentary oversight. Section 6 evaluates the de-proscription process, examining how effective and fair the review mechanisms are. Section 7 focuses on criminal law offences related to proscription. It highlights concerns about the broad scope of some proscription offences and their potential impact on freedom of association and expression. Section 8 presents the chapter’s key findings and recommendations.

1 Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 25.

14.1 The use of Proscription Powers

The power of proscription was exclusively used for groups in Northern Ireland before the Terrorism Act 2000 (TA 2000) expanded the scope to all terrorist groups and to the whole of the UK. The initial ban on 21 organisations outside Northern Ireland has grown to 84 in 2025, with 14 more banned in Northern Ireland under earlier laws. The first UK-based organisations to face proscription were al-Ghurabaa and the Saved Sect in 2006.² In 2016, National Action became the first extreme right-wing group to be banned.³ As terrorist threats increasingly come from self-initiated individuals who engage with other like-minded people online without being part of an organisation, proscription has become a less prominent tool for countering terrorism. Nevertheless, the Terrorgram Collective, a loosely connected network of Telegram Channel accounts with a white supremacist accelerationist ideology⁴ that produced material to mobilise their audience to carry out terrorist acts, became the first online-only group to be proscribed in 2024.

The impact of proscription can be profound and far-reaching. When an organisation is proscribed, individuals can be prosecuted for being members, inviting or expressing support for the group, or wearing their uniforms. A person providing funding to or handling the property of a proscribed organisation may be committing financing and property offences.⁵ However, the potential reach of proscription goes further, as any action taken for the benefit of a proscribed organisation is deemed to be an act for the purposes of terrorism.⁶ This applies to the preparatory, training and indirect encouragement offences in the Terrorism Act 2006.⁷ Thus, booking a taxi, if done for the benefit of a proscribed group, could lead to a conviction for preparation for a terrorist act, an offence that carries a maximum life sentence.⁸ Proscription can serve as the basis for executive and administrative measures, such as immigration measures or Terrorism Prevention and Investigation Measures (TPIMs). The proscription of Palestine Action in July 2025 and the ensuing arrests of over 2,000 people for proscription-related offences have led to calls for a review of law, policy and practice on proscription.

Neil Basu, a former head of counter-terrorism policing, said proscription-related offences are preventative as the membership offence allows the police to take action before engagement in terrorist activities. He said it was particularly effective in dealing with National Action.⁹ David Anderson asserted that these offences are valuable because 'it is easier to present a case to a jury when there is a link to a named, proscribed organisation than it is to prove a link to terrorism from first principles.'¹⁰

Between 2001 and June 2025, in Britain, there were 136 charges and 73 convictions in which proscription-related offences were the principal charge.¹¹ They account for nine per cent of all terrorism convictions in this period.

2 Al-Gurabba and the Saved Sect were groups led by Anjum Choudary. In explaining the decision to proscribe both groups, the government said that 'they spread a message that is aimed at the young and the vulnerable and which indirectly encourages them to emulate terrorist acts', that they refused to condemn the July 7 bombings and described suicide bombings as praiseworthy. HL Deb 24 July 2006, vol 684.

3 The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2016, SI 2016/1238.

4 Accelerationism is an extreme far-right theory which centres on the idea that rebuilding a racially pure world order requires stoking chaos through mass attacks and taking up arms to ignite a race war.

5 See **chapter 15**.

6 TA 2000, s 1(5).

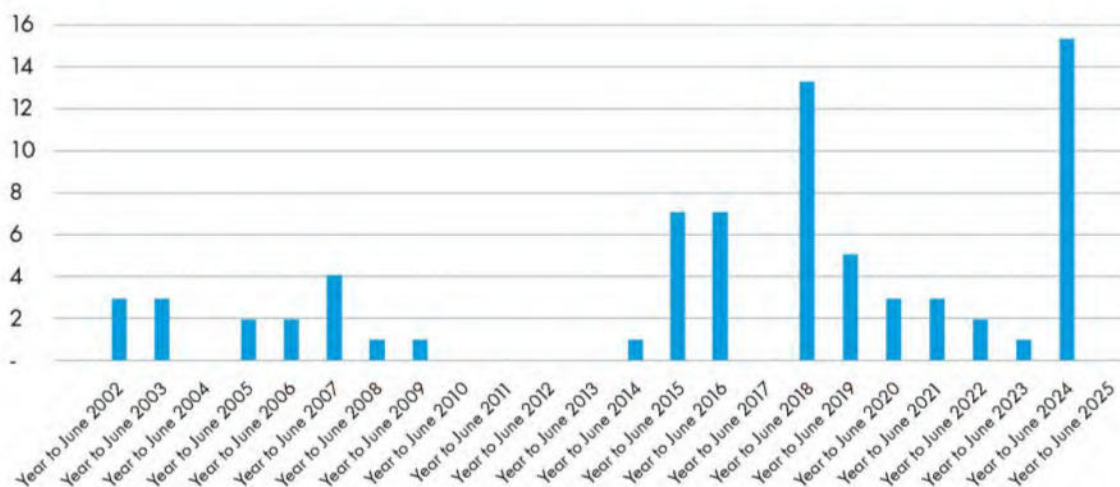
7 TA 2006, s 20(2).

8 Jonathan Hall, *The Terrorism Acts in 2018* (IRTL 2020) 41.

9 Home Affairs Committee, *Counter-Extremism and Counter-Terrorism* (HC 784 oral evidence, 23 September 2020) (Assistant Commissioner Basu).

10 David Anderson, *Terrorism Acts in 2015* (IRTL 2016) 29.

11 Home Office, *Statistics on the Operation of Police Powers under the Terrorism Act 2000 and Subsequent Legislation: Year to June 2025: Annual Data Tables* (2025) Tables A.05a and A.08a. The data covers offences under TA 2000 ss 11-13.

Figure 14.1: Convictions for proscription-related offences in Britain, 2002-2025

These prosecutions tend to cluster in the period immediately following a proscription order (see Figure 14.1). After National Action was proscribed in December 2016, 22 people faced prosecution for membership, with 13 cases occurring in 2018. There was a similar surge after the proscription of ISIS in June 2014, resulting in 11 people being prosecuted for membership or support in 2015 and 2016.¹² In the year to June 2024, there were 15 proscription-related convictions which are likely to be related to signs or slogans inviting or displaying support for Hamas at demonstrations relating to the Israel-Gaza conflict.¹³

Northern Ireland is different. Between 2001 and 2021, a total of 167 charges were brought in connection with proscribed organisations.¹⁴ More recently, offences related to uniforms and membership have emerged as the most frequently charged terrorism offences. From 2012 to 2022, 76 defendants faced charges under section 13 (wearing clothing or displaying articles indicating membership or support for a proscribed organisation), with most of these cases stemming from parades where paramilitary uniforms were worn. During the same period, 47 prosecutions were made for membership of proscribed organisations.¹⁵

In Northern Ireland, the display of flags and other symbols associated with proscribed organisations is commonplace in certain areas, but it rarely leads to prosecutions. While police may know who is responsible for putting up the flags, practitioners from Northern Ireland say they often lack the concrete evidence required for prosecution.¹⁶ The Committee on the Administration of Justice (CAJ) suggests that the police have a policy of tolerance of these symbols due to concerns about public order that would arise from attempts to prosecute individuals or remove items.¹⁷ The CAJ argues that flags of proscribed organisations contribute to an atmosphere of racist and sectarian intimidation, potentially deterring individuals from targeted groups from living in or moving to certain areas.¹⁸ Furthermore, they contend that the apparent policy of the Police Service of Northern Ireland (PSNI) to tolerate these symbols fails to consider the harmful effects of hate expression adequately.¹⁹

¹² Evidence submission, Naomi Parsons.

¹³ Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 23.

¹⁴ See **chapter 10** for discussion on the difference between GB and NI data.

¹⁵ Evidence session, September 2022, senior practitioner.

¹⁶ Evidence session, September 2022, senior practitioner.

¹⁷ Evidence submission, Committee on the Administration of Justice.

¹⁸ See also the Northern Ireland Life and Times Survey 2023, in which 27 per cent of respondents said they felt intimidated by republican murals, curb paintings or flags, and 36 per cent said they felt intimidated by loyalist murals, curb paintings or flags. 44 per cent either agreed or strongly agreed and 39 per cent disagreed or strongly disagreed with the statement, 'If flags appear on lampposts, I would like them all taken down straightaway, even if this causes trouble'. See ARK, *2023 Northern Ireland Life and Times Survey: Community/Good Relations* (2023) <https://www.ark.ac.uk/nilt/2023/Community_Relations/> accessed 30 June 2025.

¹⁹ Evidence submission, Committee on the Administration of Justice.

Police have the power to seize articles associated with proscribed organisations, such as flags, where necessary to preserve evidence for a prosecution. The IRTL noted that the PSNI cannot use this power in relation to articles that appear without any connection to a person who can be charged.²⁰ The Crime and Policing Bill 2025 proposes to amend section 13 of the Terrorism Act 2000 to enable the police to seize any article displayed in a public place if it arouses reasonable suspicion that an individual is a supporter or member of a proscribed organisation, without the need for the article to be used in criminal proceedings.

14.2 Impact of Proscription on Affected Groups and Communities

Communities associated with proscribed groups can be harmed by proscription. The Campaign Against the Criminalisation of Communities reported that it ‘severely impacts’ communities like Tamils, Kurds, and Palestinians in Britain. These groups face police harassment and restricted political engagement due to fear and vague definitions of ‘support’ for proscribed organisations.²¹ Proscription-related offences have ‘stifled political and civic engagement for affected communities, leaving them unable to advocate against state oppression in their homelands.’²² Affected communities say proscription prioritises the interests of the British state over human rights, limiting self-determination for certain groups.²³ The IRTL met with Baloch,²⁴ Tamil and Kurdish communities and found that proscription has a chilling effect on lawful political discussion and organisation.²⁵ He cites examples of venues unwilling to hire their facilities to organisations and a reluctance to display flags that would be misconstrued at demonstrations and protests.

Members of the Tamil communities are affected by the proscription of the Liberation Tigers of Tamil Eelam (LTTE).²⁶ Displays of the LTTE flag have led to arrests.²⁷ The 28 terrorism convictions related to the LTTE are mainly public order offences.²⁸ Evidence submitted to the Proscribed Organisations Appeal Commission (POAC) in the appeal against the proscription of the LTTE showed that the similarity between the Tamil Eelam (the putative separate Tamil state) flag and the proscribed LTTE flag created a reluctance to use the Tamil Eelam flag and made it likely that social media companies would remove it.²⁹ Evidence from Dr Rachel Seoighe showed how proscription affected the ability of the Tamil in the UK to engage in political discourse, maintain cultural identity and participate fully in civic life. She said the pervasive fear of being associated with terrorism led to widespread self-censorship and intergenerational gaps in historical knowledge. This hinders community development and integration and poses significant challenges to the preservation of Tamil cultural heritage and the pursuit of justice for past grievances.³⁰

Kurdish communities also feel the impact of proscription.³¹ Lawyers working with them said that Kurdish refugees in the mid-1980s were granted asylum because of their persecution by the Turkish state due to their ethnic or religious makeup and, in many cases, their declared support for the Kurdistan Workers Party (PKK). Since 2001, when the PKK and the Revolutionary Peoples’ Liberation Party—Front (DHK-P) were proscribed,³² and with the subsequent expansion of counter-terrorism measures, many Kurdish groups feel counter-terrorism measures are being used

20 Hall (n1) 122-123.

21 Evidence submission, Campaign Against the Criminalisation of Communities.

22 *ibid.*

23 *ibid.*

24 Baloch people live in a region of East Pakistan, Iran and Afghanistan. The Baluchistan Liberation Army was proscribed in 2006.

25 David Anderson, *The Terrorism Acts in 2011* (IRTL 2012) 50-52.

26 Meena Kandiah ‘Disrupting the “Tamil diaspora-terrorism” paradigm: the political mobilisation of younger generation Tamils in the London diaspora’ (2024) 17(2) *Critical Studies on Terrorism* 329; Catherine Ruth Craven ‘Constraining Tamil transnational political action: Security governance practices beyond the sending State’ 7(4) *Journal of Global Security Studies* 1; Suthakaran Nadarajah ‘Disciplining the diaspora: Tamil self-determination and the politics of proscription’ in Alan Ingram and Kaus Dodds (eds), *Spaces of Security and Insecurity* (Routledge 2016).

27 Jonathan Hall, *Report on Terrorism Legislation and Protest* (IRTL 2023) para 65.

28 *Arumagam and others v Secretary of State for the Home Department* PC/04/2019 [35]

29 Jonathan Hall, *The Terrorism Acts in 2020* (IRTL 2022) para 3.40.

30 Evidence submission, Dr Rachel Seoighe.

31 Victoria Sentas, ‘Policing the diaspora: Kurdish Londoners, MI5 and the proscription of terrorist organizations in the United Kingdom’ (2016) 56(5) *British Journal of Criminology* 898.

32 The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001, SI 2001/126.

to intimidate and punish Kurdish activists and criminalise political organising. Many young Kurds have terrorism convictions relating to attending protests.³³ Even when found not guilty or if they are not charged after an arrest, there is a chilling effect on the ability of communities to advocate for self-determination. Combined with the impact of other counter-terrorism powers, such as stops at the airport under Terrorism Act 2000 Schedule 7 (see **chapter 9**) and investigation of community organisations by the Charity Commission (see **chapter 15**), the effect is ‘a deadening impact on political and civic life for the Kurdish community, who are left with no avenue in Britain to advocate against acts of state violence and oppression at home.’³⁴

Conflict resolution

Proscription creates a broad, all-encompassing category of ‘terrorist’, which raises two concerns. First, it establishes a moral equivalence between groups that employ or advocate violence for vastly different purposes, failing to distinguish between the motivations of different organisations and the contexts in which they operate. Second, the stigma attached to proscribed groups persists into the future, potentially reducing the motivation of their members to abandon political violence. This may hinder efforts towards peaceful resolution or political engagement. These issues were pinpointed in the recent Belgian decision to delist the PKK. It was reclassified from a terrorist organisation to a belligerent in a non-international armed conflict.³⁵

Organisations working in conflict resolution say that UN counter-terrorism proscription has increased rather than reduced conflict dynamics and made peace harder to achieve.³⁶ Proscription regimes, central to the post-9/11 multilateral agenda, have profoundly altered conflict dynamics and resolution efforts.³⁷ The global ‘terrorist’ label carries both symbolic and material consequences, often failing to impact groups’ funding or travel while emboldening military responses by governments and limiting non-violent options. Dr Haspesslagh noted research showing that conflicts involving proscribed actors are significantly less likely to receive mediation.³⁸ She argues that negotiations with proscribed groups frequently require a ‘linguistic ceasefire’, acknowledging the complexity of conflicts. Norway opted out of the EU proscription regime to maintain neutrality in peace diplomacy. Meanwhile, proscription makes it difficult to research proscribed groups, hindering an understanding of the groups and the underlying dynamics of the conflicts they are involved in.³⁹

33 Commission plenary meeting, March 2023, lawyer.

34 *ibid.*

35 Commission plenary meeting, March 2023, academic expert.

36 Larry Attree and Jordan Street, *The Rise of CounterTerrorism at the United Nations: Two Decades Later* (FriedrichEbertStiftung, September 2021) <https://ny.fes.de/fileadmin/user_upload/The_rise_of_counter-terrorism_at_the_UN-pages_HQ.pdf> accessed 30 June 2025.

37 Sophie Haspesslagh, *Proscribing peace: How listing armed groups as terrorists hurts negotiations* (Manchester University Press 2021).

38 Evidence submission, Dr Sophie Haspesslagh.

39 *ibid.*

14.3 The Threshold for Proscription

The Home Secretary (or the Secretary for Northern Ireland for groups in Northern Ireland) may proscribe an organisation if they believe it is 'concerned in terrorism'.⁴⁰ This is a broad and vague test. Terrorism-related activity does not have to be the organisation's sole or primary purpose. This intentionally broad phrase encompasses organisations that prepare, plan, promote or encourage terrorism, but extends to those 'otherwise concerned in terrorism'.⁴¹ The Court of Appeal distinguished between organisations which have temporarily paused terrorist activities and those genuinely pursuing non-violent means. It ruled that an organisation would be 'otherwise concerned in terrorism' if it retained 'military capacity for terrorist purposes'.⁴² Organisations lacking this capacity and not seeking to acquire it are not 'concerned in terrorism', even if their leaders contemplate future violence.⁴³ This interpretation clarifies the scope of proscription powers for groups that have renounced violence but leaves the wider definition for groups 'concerned in terrorism' unclear.⁴⁴

An organisation can be proscribed for promoting or encouraging terrorism through glorification, including by praise or celebration, if people who become aware of the glorification might reasonably be expected to emulate the glorified acts.⁴⁵ Professor Clive Walker argued for a higher threshold, suggesting a 'substantial risk' of emulation rather than a reasonable expectation.⁴⁶ Proscription for glorification allowed the banning of Al-Ghurabaa and the Saved Sect in 2006, offshoots of the disbanded Al-Muhajirun.⁴⁷

David Anderson KC, when the IRTL, suggested that proscription should adopt an approach similar to TPIMs. This would entail an additional requirement that the 'Secretary of State reasonably considers that proscription is necessary, for purposes connected with protecting members of the public from terrorism'.⁴⁸ However, determining whether proscription is necessary may be more difficult compared to TPIMs, as proscription is principally a labelling exercise that then underpins criminal charges.

A further proposal moves from the current 'belief' standard for the Home Secretary to a judgment that, on the balance of probabilities, the organisation is concerned with terrorism. This would align proscription more closely to the approach taken to the imposition of TPIMs. This change would likely have no impact on the initial decision to proscribe as the Home Secretary 'would not believe something unless she thinks it is probably so', but it would allow more scrutiny by the Proscribed Organisations Appeal Commission (POAC), requiring it to consider whether the organisation, on the balance of probability, was or remains 'concerned in terrorism'.⁴⁹

80 Recommendation 80: The Terrorism Act 2000 section 3 should be amended to add a requirement that the 'Secretary of State reasonably considers that proscription is necessary, for purposes connected with protecting members of the public from terrorism'.

40 TA 2000, s 3(4).

41 *ibid* s 3(5).

42 *SSHD v Lord Alton of Liverpool* [2008] EWCA Civ 443, [36]-[37].

43 *ibid*.

44 *ibid*.

45 TA 2000, ss 3(5A)-(5C).

46 Clive Walker, *Written evidence submitted to the Home Affairs Committee, Roots of Violent Radicalisation: Volume II Additional Written Evidence* (HC 1446-II, Session 2010-12) Ev w14, para 14.

47 SI 2006/2016, *Hansard* HC vol 449, col 490 (20 July 2006).

48 Anderson (n25) 55.

49 *ibid* 55-56.

14.4 Factors to Consider in Deciding Whether to Proscribe

Once the threshold criteria of being ‘concerned in terrorism’ are met, the Home Secretary decides whether to proscribe an organisation. This discretionary power means some are not proscribed. The government considers several key factors:

- a. the nature and scale of an organisation’s activities;
- b. the specific threat that it poses to the United Kingdom;
- c. the specific threat that it poses to British nationals overseas;
- d. the organisation’s presence in the United Kingdom; and
- e. the need to support other members of the international community in their fight against terrorism.⁵⁰

Proscribing organisations to ‘support international counterterrorism efforts’ allows the UK to ban groups that pose no domestic threat and can lead to diplomatic pressure.⁵¹ States may urge the UK to act against organisations involved in internal conflicts elsewhere, so broader diplomatic interests may influence some decisions.⁵² The proscription of the Peoples’ Mujaheddin Organisation of Iran (PMOI/MEK) supposedly appeased Iran during nuclear negotiations.⁵³ Proscription could be misused to target non-violent opponents of a government who are active in the UK.⁵⁴ However, the UK has demonstrated independence. It de-proscribed the International Sikh Youth Federation (ISYF), which remained banned in India, Canada, and the US.⁵⁵ It has also refused Sri Lankan government requests to proscribe certain Tamil organisations.⁵⁶

The factors for consideration on whether to proscribe were criticised by the then IRTL, David Anderson, as overly broad and liable to be swayed by international political considerations beyond those that relate to genuine security issues. To address such concerns, Professor Clive Walker proposed the following revisions of the criteria (noted in *italics*):⁵⁷

- a. The nature and scale of an organisation’s activities
- b. The specific *and active threat* that it poses to the United Kingdom
- c. The specific *and active threat* that it poses to British nationals overseas
- d. The extent of the organisation’s presence, *cohesion and capabilities* in the United Kingdom
- e. The need for the United Kingdom jurisdiction to give *direct practical support* to counter-terrorism in other countries

These amended criteria (b) and (c) require consideration not only of whether there is a specific threat but also an active threat to the UK or British nationals overseas. Criterion (d) requires consideration of the organisation’s cohesion and capabilities, not just its presence in the UK. Criterion (e) would consider whether proscription by the UK would provide ‘direct practical’ support to another country. These reforms aim to ensure that proscription decisions are based on active threats and practical counter-terrorism needs rather than symbolic or political motivations. Anderson also proposes considering the likely consequences of proscription for members of affected communities in deciding whether to exercise discretion in favour of proscription.⁵⁸

50 Home Office, *Proscribed Terrorist Groups or Organisations – Accessible Version* (GOV.UK, last updated 27 February 2025) <<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>> accessed 29 June 2025.

51 Anderson (n25) 49. Anderson warns of the risk that consideration of the need to support other members of the international community in their fight against terrorism may lead to the proscription of an organisation ‘justified chiefly as a useful and inexpensive tool of foreign policy [...] aimed at securing influence with the government of a country in which the organisation is active, or at demonstrating UK solidarity with an important ally’.

52 House of Commons Home Affairs Committee, *Roots of Violent Radicalisation* (Nineteenth Report of Session 2010–12, HC 1446, 2012) Ev 74 Q383 (David Anderson QC).

53 Evidence submission, Professor Lee Jarvis and Professor Tim Legrand.

54 *ibid.*

55 Clive Walker, ‘Annex 2: Executive Legal Measures and Terrorism: Proscription and Financial Sanctions’ Max Hill, *The Terrorism Acts in 2016* (IRTL 2018) 83.

56 Suthaharan Nadarajah, ‘The Tamil Proscriptions: Identities, Legitimacies, and Situated Practices,’ (2018) 38(2) *Terrorism and Political Violence* 278, 278–279.

57 Clive Walker, *Blackstone’s Guide to Anti-Terrorism Legislation* (Oxford University Press 2014) 62. See also Anderson (n25) 41 and 56–57.

58 Anderson (n25) 48.

Limited engagement with affected communities and groups in the proscription process is an issue.⁵⁹ Despite being significantly affected by proscription, communities are seldom consulted or allowed to participate in the proscription process,⁶⁰ although a community impact assessment may be produced before a decision on proscription⁶¹ or when an application for de-proscription is made.⁶² The ad hoc cross-government Proscription Review Group provides these assessments.

Professor Walker proposed that affected groups and individuals be invited to participate in an inquiry process when a proscription order is issued.⁶³ This could improve the fairness and transparency of the process but may be impractical.⁶⁴ Individuals would be reluctant to participate for fear of facing charges of supporting a terrorist organisation, and in case the information they provided was used to impose other administrative measures. David Anderson suggested that after the discretionary factors are considered, there should be an additional requirement for the Secretary of State to consider 'the likely consequences of proscription for members of affected communities both inside and outside the UK' in deciding whether to proscribe.⁶⁵ He explains that this would ensure consideration of the 'likely effect on the rights and freedoms of those who may be affected by a decision to proscribe (or to maintain proscription in force)'.⁶⁶ In relation to Palestine Action, the High Court found that the proportionality of the interference with freedoms of expression and association from the group's proscription raised a serious issue that merited further review by the court.⁶⁷ Proscription orders, as secondary legislation, must be consistent with ECHR rights.

81 Recommendation 81: The government should amend the factors to consider in deciding whether to proscribe an organisation, to include:

- a. The nature and scale of an organisation's activities
- b. The specific and active threat that it poses to the United Kingdom
- c. The specific and active threat that it poses to British nationals overseas
- d. The extent of the organisation's presence, cohesion and capabilities in the United Kingdom
- e. The likely consequences of proscription on the rights and freedoms of individuals affected by the proscription
- f. The need for the United Kingdom jurisdiction to give direct practical support to counter-terrorism in other countries

14.5 Parliamentary Oversight of Proscription

When the Home Secretary decides to proscribe an organisation, she must add it to Schedule 2 of the Terrorism Act 2000, which requires a parliamentary debate and vote to approve the order.⁶⁸ However, parliamentary scrutiny is limited, and debate is often perfunctory.⁶⁹ MPs lack access to secret intelligence informing the decision, and Parliament can only accept or reject the entire list of organisations proposed for proscription rather than vote on individual organisations.⁷⁰ Researchers describe Parliament's decision to approve as almost automatic, noting that no

59 One of the grounds for judicial review of the proscription of Palestine Action is a breach of natural justice arising from the duty to consult, see *R (on the application of Huda Ammori) v Secretary of State for the Home Department* [2025] EWHC Admin Civ [95].

60 Evidence session, March 2023, lawyer.

61 *R (on the application of Huda Ammori) v Secretary of State for the Home Department* [2025] EWHC 1013 Civ. [82].

62 *Arumagam and others v Secretary of State for the Home Department* PC/04/2019, para 34.

63 Clive Walker, 'Annex 2: Executive Legal Measures and Terrorism: Proscription and Financial Sanctions' in Max Hill, *The Terrorism Acts in 2016* (IRTL 2018) 86.

64 David Anderson, *Report on the Operation in 2010 of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006* (IRTL 2011) 38.

65 Anderson (n25) 48.

66 *ibid.*

67 *R (on the application of Ammori) v Secretary of State for the Home Department* [2025] EWHC 1708 (Admin) [91].

68 However, name-change orders are subject to the negative resolution procedure and therefore have immediate effect unless Parliament disagrees, TA 2000, ss 123(2) and (4).

69 Commission plenary meeting, April 2023, academic expert.

70 For instance, the first proscription order included 21 organisations, which Parliament could only approve or deny as a group.

proscription order has been rejected.⁷¹ Consequently, proscription can be seen as primarily an executive action with parliamentary approval, without prior judicial involvement.

Proposed reforms to increase parliamentary oversight include establishing a joint parliamentary committee on proscription,⁷² or involving the Intelligence and Security Committee (ISC).⁷³ A focus on proscription is too narrow for a joint parliamentary committee. Where there is intelligence supporting the decision to proscribe, the ISC would be better suited to examine the intelligence.

A further suggestion is to introduce votes on the proscription of individual organisations (including any aliases). The current process, following parliamentary convention for statutory instruments, allows the government to present a list

of organisations for Parliament to approve, but does not allow amendments to remove individual organisations from that list.⁷⁴ To allow Parliament to vote on individual organisations, the Terrorism Act 2000 would need to be amended to require a separate statutory instrument for each organisation being proscribed.

82 Recommendation 82: If a proscription is based on intelligence material, the Intelligence and Security Committee should be invited to consider any proposed proscription order, and where possible, report to Parliament ahead of any debate and decision on an order.

83 Recommendation 83: The Terrorism Act 2000 should be amended so that only one organisation (including any aliases) can be added to the list of proscribed organisations in each order.

Box K: Who gets proscribed?

National Action were the first white supremacist group to be proscribed in the UK. Since then, five more white supremacist groups have been proscribed. Researchers suggest that the reluctance of Western governments to apply the terrorist label to white supremacist groups, compared to the readiness to use it for non-Western and non-white groups, reflects the negative racialisation of particular groups as violent fanatics and is rooted in the colonial context from which the concept of terrorism has evolved.⁷⁵ Research also showed that neither the choice of target nor the severity of violence explains the difference: a group's ideology is a stronger predictor of whether it is proscribed.⁷⁶ Further, even after some extreme right-wing terrorist groups (ERWT) have been proscribed and the threat recognised, they are treated differently from Islamist groups. For example, in the debate on the proscription of National Action, parliamentarians were concerned about the potential impact on free speech, which, until then, was not a concern when agreeing to the proscription of other groups.⁷⁷

71 Commission plenary meeting, March 2023, academic expert. Evidence submission, Professor Lee Jarvis and Professor Tim Legrand. See also Lee Jarvis and Tim Legrand, '“I am somewhat puzzled”: Questions, audiences and securitization in the proscription of terrorist organizations' (2017) 88(2) Security Dialogue 149.

72 Evidence submission, Professor Lee Jarvis and Professor Tim Legrand.

73 HC Deb 08 September 2025, vol 772 col 598 (Sir Julian Lewis).

74 House of Commons Information Office, Statutory Instruments (2008) <<https://www.parliament.uk/globalassets/documents/commons-information-office/107.pdf>> accessed 10 October 2025.

75 Rabea Khan, 'Terrorism – The Irredeemability of a Concept' (10 March 2025) Rewriting Peace and Conflict <<https://rewritingpeaceandconflict.net/2025/03/10/terrorism-the-irredeemability-of-a-concept/>> accessed 24 June 2025.

76 Zoltán Búzás and Anna A. Meier, 'Racism by designation: making sense of Western states' non-designation of white supremacists as terrorists' (2023) 32 Security Studies 680.

77 *ibid* 708.

14.6 De-Proscription

Internal review

The Terrorism Act 2000 does not require the government to review its proscription decisions. However, until 2014, a Home Office group conducted annual reviews to assess the necessity of continued proscription.⁷⁸ These were internal, based on information from the Joint Terrorism Analysis Centre, with no engagement or representation from anyone affected by the proscription. The outcomes of these internal reviews were not public and never resulted in any de-proscription. This reflected a lack of incentives to remove banned groups and concerns about the potential political risks in doing so, particularly for organisations outside the UK. This reluctance to de-proscribe is notable in the context of Northern Ireland's changing political landscape following the Belfast (Good Friday) Agreement. Even groups that have disbanded or decommissioned their arms remain proscribed.

David Anderson, observing a Home Office annual proscription review meeting in 2011, noted that, even without supporting information for at least five years, organisations were labelled 'difficult cases' but remained banned.⁷⁹ He argued that legal requirements of being 'concerned in terrorism' must be met:

The issue of legality is, however, basic and non-negotiable. It is not a factor to be weighed against others, but an overriding requirement. If an organisation is found, after careful review, not to satisfy the current threshold, then it is not enough to label it a 'difficult case' and leave the proscription in force. Either the organisation must be de-proscribed, or the threshold must be changed in such a way as to render its continued proscription lawful.⁸⁰

In 2012, the Home Secretary identified 14 groups for de-proscription, which potentially no longer met the statutory criteria.⁸¹ However, by February 2014, the government abandoned this process; no groups were de-proscribed, and annual reviews were stopped altogether.⁸² This decision appeared to overlook POAC's support for annual reviews as 'a proper reflection of the Secretary of State's statutory duty',⁸³ a stance reiterated in 2020.⁸⁴ Without meaningful internal review, proscription effectively becomes permanent unless an organisation or individual applies for de-proscription.

Application to the Secretary of State for de-proscription

Proscribed organisations and individuals affected by proscription can apply to the Secretary of State for the de-proscription of the organisation.⁸⁵ To date, only four organisations have been de-proscribed.⁸⁶ Regulations outline the procedures for such applications, with decisions expected within 90 days.⁸⁷

Despite the theoretical availability of the de-proscription process, significant barriers hinder its efficacy and use. First, organisations may be unaware of their proscribed status, as there is no requirement for notification beyond inclusion on the scheduled list. Second, applicants, whether organisations or individuals, may hesitate to use the procedure due to concerns about being seen as a terrorist supporter and the need to explain their role in the organisation or how the proscription affects them. Although no one can be prosecuted for proscription offences based on evidence provided in an application for review of a proscription order or a subsequent appeal, this evidence may still be used for other purposes, such as TPIMs, citizenship deprivation, or deportation.⁸⁸

⁷⁸ There was no equivalent process for review in the Northern Ireland Office. See David Anderson, *The Terrorism Acts in 2012* (IRTL, 2013) 64.

⁷⁹ Anderson (n25) 47.

⁸⁰ David Anderson, *The Terrorism Acts in 2012* (IRTL, 2013) 67.

⁸¹ *ibid* 69.

⁸² David Anderson, *The Terrorism Acts in 2013* (IRTL, 2014) 34-35.

⁸³ *Alton of Liverpool & others (In the Matter of The People's Mojahadeen Organization of Iran) v Secretary of State for the Home Department* PC/02/2006, 30 November 2007 [73].

⁸⁴ *Arumugam and others v Secretary of State for the Home Department* PC/04/2019, [19] and [103].

⁸⁵ TA 2000, s 4.

⁸⁶ Mujaheddin e Khalq (MeK) also known as the Peoples' Mujaheddin of Iran (PMOI); International Sikh Youth Federation (ISYF); Hezb-e Islami Gulbuddin; and Libyan Islamic Fighting Group.

⁸⁷ The Proscribed Organisations (Applications for Deproscription etc.) Regulations 2006, SI 2006/2299.

⁸⁸ TA 2000, s 10.

The government's reasons for rejecting a de-proscription application may not include all factors influencing the decision, as the decision may be based on intelligence that cannot be revealed. Applicants cannot respond to these reasons. In the People's Mujaheddin of Iran (PMOI) case, the Court of Appeal criticised the government's decision-making process for falling short of the expected standards of administrative law.⁸⁹ David Anderson, a former IRTL, emphasised the need for high standards of procedural fairness, particularly in the absence of annual reviews. This includes prompt handling of applications and providing comprehensive reasons for refusal, enabling informed decisions on whether to appeal.⁹⁰

Appeal to the Proscribed Organisations Appeal Commission

After an unsuccessful application to the Secretary of State, the organisation may appeal to the POAC. To provide necessary specialist competence, appeal hearings are chaired by a current or retired senior judge who is joined by two lay members, usually 'a lawyer and a member with expertise in security and intelligence matters'.⁹¹ POAC may fall short of the requirements of Article 6 ECHR on judicial independence as a Commission member appointed by the Lord Chancellor 'shall hold and vacate office in accordance with the terms of his appointment'.⁹²

POAC uses Closed Material Procedures (CMPs). Secrecy in CMPs, the admissibility of intercept evidence and the use of special advocates are problems found across many bodies reviewing national security-related administrative and executive measures (discussed in **chapter 13**). POAC can, but is not required to, provide a 'gist' or 'core irreducible minimum' of the closed material to the party excluded from the CMP.⁹³

The cost of appealing to POAC can be prohibitive. The Peoples Mujaheddin of Iran (PMOI), the only organisation successfully de-proscribed following a POAC appeal, incurred costs in the hundreds of thousands.⁹⁴ At least one organisation abandoned its appeal due to the expense.⁹⁵

POAC must allow an appeal if the decision is flawed when assessed against the principles of judicial review.⁹⁶ While POAC is expected to conduct an 'intense and detailed scrutiny' of the decision, it can only review its legality rather than its merits.⁹⁷ Any further appeal to the Court of Appeal (or in Scotland, the Court of Session) is possible only on a point of law.

Past and present IRTLs and legal experts have proposed measures to ensure greater oversight. In 2012, the IRTL's recommendation that proscription orders be limited to two years⁹⁸ was supported by the Home Affairs Select Committee.⁹⁹ The current IRTL recommends that proscription orders expire after three years.¹⁰⁰ Professor Walker proposes that POAC should proactively review new orders within 12 months and also review any renewal of orders, if that were to be introduced. POAC should have the power to rehear cases and not limit itself to a judicial review. He contends that this additional judicial oversight is necessary to protect freedom of association better, given that the proscription list has expanded and endured beyond its original expectations.¹⁰¹ David Anderson, then IRTL, did not oppose judicial oversight but identified some challenges. A court would need to be satisfied that the statutory thresholds had been met, even if no one came forward to argue the contrary.¹⁰²

89 *Secretary of State for the Home Department v Lord Alton of Liverpool and others* [2008] EWCA Civ 443, [57].

90 David Anderson, *The Terrorism Acts in 2016* (IRTL 2017), 31-32.

91 *R (on the application of Huda Ammoni) v Secretary of State for the Home Department* [2025] EWHC 2013 Civ. [57]. For example, the 2020 appeal by the Liberation Tigers of Tamil Eelam was before the then POAC Chair Lady Justice Elizabeth Laing, Mr Richard Whittam QC (a Deputy High Court judge at the time) and Mr Philip Nelson CMG (who was also a non-judicial member in Special Immigration Appeals Commission cases).

92 TA 2000, sch 3, para 1(3).

93 Proscribed Organisations Appeal Commission (Procedure) Rules 2007, SI 2007/1286, rule 14 and 15. The exception would be if proscription met the requirements of the case of *AF No 3*, discussed in **chapter 13**.

94 David Anderson, *The Terrorism Acts in 2014* (IRTL 2015) 21.

95 David Anderson, *The Terrorism Acts in 2010* (IRTL 2011) 39.

96 TA 2000, s 5(3).

97 *SSHD v Lord Alton of Liverpool* [2008] EWCA Civ 443 [43].

98 Anderson (n25) 57.

99 House of Commons Home Affairs Committee, *Roots of Violent Radicalisation* (Nineteenth Report of Session 2010-12, HC 1446, 2012) 34.

100 Hall (n8) 53.

101 Clive Walker, 'Written evidence' in House of Commons Home Affairs Committee, *Roots of Violent Radicalisation* (HC 1446-II, 2010-12) vol 2, Ev w14.

102 Anderson (n25) 54.

84 Recommendation 84: An initial proscription order by the Secretary of State should be limited to a period of five years, after which it would lapse, unless renewed by the Secretary of State. A renewal would be for five years.

85 Recommendation 85: The Proscribed Organisations Appeal Commission should determine the necessity and proportionality of the initial order and each renewal of an order by the Secretary of State within 12 months of the initial order or renewal order being made.

86 Recommendation 86: The Proscribed Organisations Appeal Commission should apply the principle of Article 6 of the European Convention on Human Rights and should determine appropriate due process standards. This should include a strong presumption in favour of providing excluded parties with the gist (core irreducible minimum) of the case against them if closed material procedures are used.

87 Recommendation 87: The community impact assessment of proscription, provided by the Home Office to the Proscribed Organisations Appeal Commission for de-proscription hearings, should be available for its review of proscription orders. The government should invite submissions for any affected groups 'or individuals before preparing the community impact assessment.

14.7 Proscription-Related Offences

This section examines proscription-related offences under sections 11-13 of the Terrorism Act 2000.

Box L: Proscription-related offences

Proscription makes it a criminal offence to:

- belong, or profess to belong, to a proscribed organisation in the UK or overseas (section 11)
- invite support for a proscribed organisation (the support invited need not be material support, such as the provision of money or other property, it can include moral support or approval) (section 12(1))
- express an opinion or belief that supports a proscribed organisation, and in doing so being reckless whether the person to whom the expression is directed will be encouraged to support the organisation (section 12(1A))
- arrange, manage or assist in arranging or managing a meeting in the knowledge that it supports or furthers the activities of a proscribed organisation, or will be addressed by a person who belongs or professes to belong to a proscribed organisation (section 12(2)); or to address a meeting if the purpose of the address is to encourage support for, or further the activities of, a proscribed organisation (section 12(3))
- wear clothing or carry or display articles in public in such a way or in such circumstances as to arouse reasonable suspicion that the individual is a member or supporter of a proscribed organisation (section 13)
- publish an image of an item of clothing or other article, such as a flag or logo, in the same circumstances (section 13(1A))

Membership of a proscribed organisation

The offence of membership of a proscribed organisation carries a maximum 14-year prison sentence. The accused does not need to actively participate in the organisation or to be involved in or know of the group's terrorist activities.¹⁰³ This extends to 'professed membership', so individuals can be prosecuted for claiming to be members of a proscribed organisation even if their assertion is false or if they are engaging in fantasy.¹⁰⁴

Inviting and expressing support for a proscribed organisation

Section 12 of the Terrorism Act 2000 criminalises many forms of encouragement for proscribed organisations. As well as financial or practical assistance, it includes approval, endorsement and other forms of intellectual support.¹⁰⁵ The offence carries a maximum 14-year prison sentence.¹⁰⁶ Initially, the law only targeted those who intentionally invited others to support proscribed organisations, not personal expressions of support that did not intend to encourage others. The Court of Appeal, in rejecting Anjem Choudary's appeal against his conviction in 2016, held that the law, as it was initially, did not disproportionately interfere with freedom of expression, as the crime allowed the expression of opinions, regardless of how offensive, but only prohibited knowingly inviting support from others for the proscribed organisation.¹⁰⁷

However, the scope was significantly broadened in 2019 to include expressing support for a proscribed organisation without intending to encourage others to support it, if the person is reckless as to whether the person to whom the expression is directed will be encouraged to support a proscribed organisation.¹⁰⁸ David Anderson KC explained that this would mean a statement that a proscribed group's 'heart is in the right place, or that the government should listen to it' could lead to prosecution for terrorism.¹⁰⁹ The PSNI and the Crown Prosecution Service for England and Wales have said that this change makes it easier to bring charges in cases involving public statements.¹¹⁰ For example, it has been used to convict a person who used social media and communication platforms to receive and disseminate material, or enable others to access material, supportive of the Islamic State, which was capable of encouraging terrorism.¹¹¹ Others have raised concerns. Parliament's Joint Committee on Human Rights warn of a potential chilling effect on academic debate, particularly discussions about de-proscribing organisations.¹¹² They say this violates Article 10 of the ECHR because it fails to provide sufficient guidance on the conduct that would fall under the offence, creating a risk of criminalising speech in a manner that is 'neither necessary nor proportionate.'¹¹³ In 2024, the Court of Appeal found the new broader offence did not violate Article 10 as Parliament had struck a balance between freedom of expression and the legitimate aim of preventing terrorism.¹¹⁴ However, the arrest of people holding up a placard with the words 'I oppose genocide. I support Palestine Action', has led some parliamentarians to call for a review of the offence.¹¹⁵

Wearing, carrying or displaying clothing or articles of a proscribed organisation

Section 13 of the Terrorism Act 2000 criminalises wearing clothes or carrying or displaying articles in a public place in a manner that reasonably arouses suspicion of membership of or support for a proscribed organisation. This extends to publishing images of such items under similar circumstances. Membership is not necessary for conviction. It is considered less serious than membership or support and carries a maximum sentence of six months.

103 *R v Hundal* [2004] EWCA Crim 389.

104 *Attorney-General's Reference (No 4 of 2002)* [2004] UKHL 43.

105 *Choudary and Rahman v R* [2016] EWCA Crim 61 at [45] and [52]-[60].

106 TA 2000, s 12(6)(a).

107 *Choudary and Rahman v R* [2016] EWCA Crim 61 at [70].

108 TA 2000, s 12(1A).

109 HL Deb 3 July 2025, vol 847, col 954 (Lord Anderson of Ipswich).

110 Home Office, *Post-legislative scrutiny of the Counter-Terrorism and Border Security Act 2019* (CP 1249, 2025) 12.

111 *ibid*.

112 Joint Committee on Human Rights, *Legislative Scrutiny: Counterterrorism and Border Security Bill* (Ninth Report of Session 2017–19, HL 120/HC 1209, 10 October 2018) para 12 <<https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1208/1208.pdf>> accessed 30 June 2025.

113 *ibid* para 17.

114 *ABJ v R; BDN v R* [2024] EWCA Crim 1597 [61].

115 HC Deb 08 September 2025, vol 772 col 593 (Stella Creasy).

No proof of intent is required: it is based solely on whether the defendant's conduct, when viewed objectively, gives reason for such suspicion.¹¹⁶ In *Pwr v the DPP* [2022], the Supreme Court held that a person is guilty if they know they are displaying, carrying or wearing the item, whether or not they knew that it related to a proscribed group. While the Supreme Court recognised that this could punish 'luckless victims', they held this to be a proportionate interference with freedom of expression due to the comparatively minor criminal sanctions, the exercise of prosecutorial discretion, and the availability of processes for de-proscription.¹¹⁷ The decision has been criticised for placing too much weight on these factors and underplaying the impact of a terrorism conviction.¹¹⁸

The Supreme Court said that this strict liability offence serves to deny these groups publicity and legitimacy and prevents potential public disorder arising from reactions to such displays. The community impact assessment for the de-proscription of the Liberation Tigers of Tamil Eelam (LTTE) noted that it would allow the display of LTTE flags and symbols that could create tensions with other communities.¹¹⁹

The police can seize any items (e.g. clothes, flags, banners) they reasonably suspect to be evidence of a section 13 offence if it is necessary to prevent the evidence being concealed, lost, altered or destroyed.¹²⁰ This supports the safe policing of demonstrations by allowing an officer to seize an item that is evidence of a section 13 offence and take a person's contact details for a court summons or postal charge, rather than arresting them during the demonstration.¹²¹

88 Recommendation 88: Terrorism Act 2000 section 12(1a) makes it an offence to express an opinion or belief that is supportive of a proscribed organisation; it can be committed if a person is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation. The offence should be amended so that it cannot be committed recklessly, but can be committed if a person believes that a person to whom the expression is directed will be encouraged to support a proscribed organisation and intends to encourage another to support a proscribed organisation.

89 Recommendation 89: Terrorism Act 2000 section 13 makes it an offence to wear clothes or carry or display articles in a public place in a manner that reasonably arouses suspicion of membership of or support for a proscribed organisation. This extends to publishing images of such items under similar circumstances. Section 13 should be amended to require intention. It should be amended so that a person commits an offence if they 'wear clothing or carry or display articles in a public place in such a way, or in such circumstances, or in a manner intended to show that he is a member or supporter of a proscribed organisation'.

¹¹⁶ *Pwr v Director of Public Prosecutions* [2022] UKSC 2.

¹¹⁷ *ibid* [57] and [68].

¹¹⁸ Florence Lee, 'Terrorism Act 2000: strict liability: *Pwr v DPP* Supreme Court' (2024) 4 Crim LR 277.

¹¹⁹ *Arumugam and others v Secretary of State for the Home Department* (2020) PC/04/2019 [34]-[35].

¹²⁰ TA 2000, s 13(4).

¹²¹ Home Office, 'Post-legislative scrutiny of the Counter-Terrorism and Border Security Act 2019' (22 January 2025) paras 13-14.

Box M: The proscription of Palestine Action

The proscription of Palestine Action highlights several of the features of and concerns about the power to proscribe examined in this chapter.

Proscription is a powerful executive measure that can be enacted quickly. On 20 June 2025, two Palestine Action activists entered RAF Brize Norton and spray-painted two RAF aircraft. Three days later, the Home Secretary announced she would proscribe them. An order was laid before Parliament on 30 June, and after two days of parliamentary debate, the proscription took effect from 5 July 2025.

The criteria for proscription are broad and leave significant discretion to the Home Secretary. The threshold requirement for proscription is that the organisation is 'concerned in terrorism'. Actions must meet the requirements of the definition of terrorism (see **chapter 3**). The Home Secretary said 'Palestine Action has committed acts of serious damage to property with the aim of progressing its political cause and influencing the Government'.¹²² Alongside the incident in Brize Norton, she cited other attacks on military bases and arms companies, that Palestine Action's members demonstrated 'a willingness to use violence' and said proscription was a response to the scale and nature of the attacks, the extent and nature of the damage caused, and its impact on UK national security.

Palestine Action is the first organisation to be proscribed mainly for serious damage to property and the first proscribed direction action group. UN human rights experts say that the proscription of Palestine Action sets a dangerous precedent, as designating a terrorist organisation should generally be limited to groups involved in serious, large-scale atrocities or intense armed conflicts against state authorities, rather than protest movements that cause property damage.¹²³

There are limits to parliamentary oversight of proscription. The order proscribing Palestine Action included two other groups, the Maniacs Murder Cult and the Russian Imperial Movement. Parliamentarians could not oppose the proscription of Palestine Action while supporting the proscription of the other groups. The proscription was, in part, based on information the government could not disclose to the public or Parliament.¹²⁴ The Home Office would not inform Parliament whether the cross-government Proscription Review Group had raised any concerns about the proscription of Palestine Action.¹²⁵ The explanatory memorandum for the proscription order setting out potential criminal offences arising from proscription, failed to mention that expressing support for a proscribed organisation without intending to encourage others to support it is an offence if the person is reckless as to whether the person to whom the expression is directed will be encouraged to support a proscribed organisation (see discussion of section 12(1A) Terrorism Act 2000 above).¹²⁶

¹²² HC Deb 23 June 2025, vol 769, col 42WS (Secretary of State for the Home Department).

¹²³ UN Office for the High Commissioner for Human Rights, 'UN Experts Urge United Kingdom Not to Misuse Terrorism Laws Against Protest' (7 July 2025) <<https://www.ohchr.org/en/press-releases/2025/07/un-experts-urge-united-kingdom-not-misuse-terrorism-laws-against-protest>> accessed 13 October 2025.

¹²⁴ Yvette Cooper, 'Yvette Cooper: Palestine Action is not "lawful protest"' *The Observer* 17 August 2025 <<https://observer.co.uk/news/opinion-and-ideas/article/palestine-actions-violent-criminality-is-not-lawful-protest>> accessed 21 September 2025.

¹²⁵ HL Select Committee on Secondary Legislation, *Thirtieth Report: Instruments drawn to the special attention of the House* (30th Report, HL 149) para 10 <<https://publications.parliament.uk/pa/ld5901/ldselect/ldsecleg/149/14903.htm>> accessed 21 September 2025.

¹²⁶ HL Deb 3 July 2025, vol 847, col 954 (Lord Anderson of Ipswich).

Following the proscription, a campaign of civil disobedience has led to the arrest of over 2,000 people for proscription-related offences by October 2025. There have also been examples of people protesting with placards about the war in Gaza being told by police that they risked being arrested because their sign gave reasonable grounds of suspicion that they were a supporter of a proscribed organisation (see **chapter 2 Box C**).

Proscription has a far-reaching impact on the rights of individuals and groups. The High Court, when granting Huda Ammari, a co-founder of Palestine Action, the right to a judicial review to challenge the proscription, concluded that it was reasonably arguable that the proscription order constitutes a disproportionate interference with the rights of freedom of expression and freedom of assembly.

14.8 Key Findings and Recommendations

Proscription can effectively disrupt and delegitimise terrorist organisations. It deters supportive activities and limits the publicity that proscribed groups receive. For politicians and policymakers faced with calls for action against terrorism, proscription is an executive measure which may be taken swiftly.¹²⁷

Evidence to the Commission reveals several concerns. There are unintended consequences on communities associated with groups pursuing legitimate political goals, including self-determination. The impact has been pronounced amongst Arab, Balochi, Kashmiri, Kurdish, Palestinian, Sikh, and Tamil communities. Proscription can inadvertently criminalise legitimate activities, including NGO work in conflict zones, and hinder conflict resolution. The UK's decisions to proscribe organisations often influence similar actions by other states and international bodies. Proscription decisions are the foundation for criminal offences carrying substantial sentences. The gravity of these consequences demands transparent and meticulous scrutiny of both the proscription and de-proscription processes. The IRTLs have closely scrutinised these processes, identifying grave weaknesses. They have found that the legal threshold and criteria for proscription are insufficiently robust, and discretion is too wide; there is insufficient oversight and scrutiny.

The 10 recommendations aim to ensure robust safeguards, scrutiny, and oversight of the proscription and de-proscription process, whilst targeting proscription-related offences against individuals who intend to commit them.

Recommendations 80 and 81 ensure more careful and considered use of the power through changes to the threshold test and factors to be considered when proscribing an organisation. **Recommendations 82 and 83** support increased parliamentary oversight. POAC has emphasised the importance of periodic review, and the IRTL reported that the Home Office had identified proscribed groups that may no longer meet the threshold requirement. Given this, the current reliance on those affected by proscription to apply for review is unsatisfactory, and internal review has proven ineffective. **Recommendations 84 and 85** address this by proposing a time limit on proscription orders and automatic review by POAC of the necessity and proportionality of each order. These changes would prevent organisations from remaining proscribed indefinitely without review, ensuring that proscription remains relevant and justified. They would also align proscription more closely with the approach taken for other executive and administrative counter-terrorism measures.¹²⁸ **Recommendation 86** reinforces due process rights at POAC. **Recommendation 87** ensures that POAC is able to take into account the views and experiences of groups and communities affected by proscription when reviewing the necessity and proportionality of a proscription order. **Recommendations 88 and 89** ensure that Terrorism Act 2000 section 12 or 13 offences only apply where a person intends to commit the offence.

¹²⁷ Plenary meeting, April 2023, academic expert.

¹²⁸ For example, Terrorism Prevention and Investigation Measures are limited to 5 years, Terrorism Prevention and Investigation Measures Act 2011, s 5. See also, Counter-Terrorism and Border Security Act 2019, s 58C(5). See discussion in **chapter 13**.

80 Recommendation 80: The Terrorism Act 2000 section 3 should be amended to add a requirement that the 'Secretary of State reasonably considers that proscription is necessary, for purposes connected with protecting members of the public from terrorism'.

81 Recommendation 81: The government should amend the factors to consider in deciding whether to proscribe an organisation, to include:

- a. The nature and scale of an organisation's activities
- b. The specific and active threat that it poses to the United Kingdom
- c. The specific and active threat that it poses to British nationals overseas
- d. The extent of the organisation's presence, cohesion and capabilities in the United Kingdom

- e. The likely consequences of proscription on the rights and freedoms of individuals affected by the proscription
- f. The need for the United Kingdom jurisdiction to give direct practical support to counter-terrorism in other countries

82 Recommendation 82: If a proscription is based on intelligence material, the Intelligence and Security Committee should be invited to consider any proposed proscription order, and where possible, report to Parliament ahead of any debate and decision on an order.

83 Recommendation 83: The Terrorism Act 2000 should be amended so that only one organisation (including any aliases) can be added to the list of proscribed organisations in each order.

84 Recommendation 84: An initial proscription order by the Secretary of State should be limited to a period of five years, after which it would lapse, unless renewed by the Secretary of State for a further five years.

85 Recommendation 85: The Proscribed Organisations Appeal Commission should determine the necessity and proportionality of the initial order and each renewal of an order by the Secretary of State within 12 months of the initial order or renewal order being made.

86 Recommendation 86: The Proscribed Organisations Appeal Commission should apply the principle of Article 6 of the European Convention on Human Rights and should determine appropriate due process standards. This should include a strong presumption in favour of providing excluded parties with the gist (core irreducible minimum) of the case against them if closed material procedures are used.

87 Recommendation 87: The community impact assessment of proscription, provided by the Home Office to the Proscribed Organisations Appeal Commission for de-proscription hearings, should be available for its review of proscription orders. The government should invite submissions from any affected groups or individuals in preparing the community impact assessment.

88 Recommendation 88: Terrorism Act 2000 section 12(1a) makes it an offence to express an opinion or belief that is supportive of a proscribed organisation; it can be committed if a person is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation. The offence should be amended so that it cannot be committed recklessly, but can be committed if a person believes that a person to whom the expression is directed will be encouraged to support a proscribed organisation or intends to encourage another to support a proscribed organisation.

89 Recommendation 89: Terrorism Act 2000 section 13 makes it an offence to wear clothes or carry or display articles in a public place in a manner that reasonably arouses suspicion of membership of or support for a proscribed organisation. This extends to publishing images of such items under similar circumstances. Section 13 should be amended to require intention. It should be amended so that a person commits an offence if they 'wear clothing or carry or display articles in a public place in such a way, or in such circumstances, or in a manner intended to show that he is a member or supporter of a proscribed organisation'.

15.

Counter-Terrorism Financing

This chapter focuses on counter-terrorism financing (CTF) measures. While some are specifically targeted at terrorism, others are part of measures aimed at combatting the financing of serious criminal activity and the laundering of its proceeds.¹ These aim to 'deter, detect, disrupt, and prevent the flow of terrorist finances into, out of, and around the UK.'² The scale of terrorist financing in the UK is difficult to determine. In 2015, it was estimated that millions of pounds per year were raised, with most leaving the UK.³ More recently, terrorist financing was characterised as 'low level in scale', consisting of small amounts sent to associates abroad or for funding low-cost attacks.⁴

CTF measures aim to disrupt financial flows, constraining or preventing terrorist activities in the UK and overseas. Evidence shows their effectiveness is mixed. In Northern Ireland, where they have been extensively and systematically deployed, the Lloyd Inquiry, which led to the Terrorism Act 2000, found they had minimal impact on terrorist funding.⁵ Despite wide-ranging national and international measures, there is little evidence of success in meaningfully disrupting terrorist operations.⁶ Experts told the Commission that while CTF measures have contributed to thwarting specific plots and provided valuable intelligence, their impact appears to be primarily tactical rather than strategic.⁷ They make the operating environment for some terrorists more difficult, but do not eliminate terrorist threats nor address (nor are intended to address) the causes or conditions that give rise to terrorism.⁸ They may be most effective against larger organised groups, particularly those controlling territories.⁹

1 See discussion on section 4 of this chapter.

2 HM Government, *HMG Terrorism Disruptive Powers Report 2023* (CP 1212, 2023) 17.

3 HM Treasury, *UK National risk assessment of money laundering and terrorist financing 2015* (2015) 96.

4 HM Treasury, *National risk assessment of money laundering and terrorist financing 2020* (2020) 44.

5 Lord Lloyd of Berwick, *Inquiry into Legislation Against Terrorism* (Cm 3420, October 1996) 81.

6 Jessica Davis, 'Understanding the Effects and Impacts of Counter-Terrorist Financing Policy and Practice' (2024) 36(1) *Terrorism and Political Violence* 1.

7 Law Commission, *Anti-Money Laundering: the SARs Regime Consultation Paper* (Law Commission, 2018) 57-58. For examples of recent prosecutions, see: BBC News, 'Bargain Hunt expert jailed for selling art to suspected Hezbollah financier' (06 June 2025) <<https://www.bbc.co.uk/news/articles/c7539vd0wepo>> accessed 01 July 2025 and Counter-Terrorism Policing, 'Man jailed for terrorism offences after joint HMRC and Met Police investigation' (16 October 2024) <<https://www.counterterrorism.police.uk/man-jailed-for-terrorism-offences-after-joint-hmrc-and-met-police-investigation/>> accessed 01 July 2025.

8 International roundtable, March 2023, counter-terrorism finance expert, USA.

9 Michael Tierney, 'Well Funded and Dangerous: Assessing the Islamic State's Financing Operations' (2017) 20(2) *Journal of Money Laundering Control* 159.

Preventing attacks by stopping the flow of funds or detecting plans through financial monitoring is more difficult against individuals or small groups using low-cost methods such as knives and cars, as their 'financial patterns are indistinguishable from legitimate financial behaviours'.¹⁰ Evaluating CTF measures must consider the direct and indirect costs, negative effects on legitimate financial activities, and adverse impact on particular sectors or groups. Given the modest impact and considerable costs, some experts question whether the limited impact is proportionate to the threats faced at home by Western states.¹¹

The growth of digital technology has enabled virtual assets such as cryptocurrencies to present a new challenge for counter-terrorism.¹² The anonymity, decentralisation, virtual, and borderless nature of cryptocurrencies makes them attractive to those seeking to evade anti-money laundering (AML) and CTF controls.¹³ In response to increased attention and investigation by law enforcement, currencies such as Monero, which offer greater privacy, have gained in popularity. In a survey of Financial Intelligence Units, 29 per cent reported identifying cases in which virtual assets were linked to terrorism financing in the period 2018-2023.¹⁴ Hamas and ISIS have been prominent in using virtual assets.¹⁵ In most instances, individuals were sending funds to groups in conflict zones. There have been prosecutions for using cryptocurrencies to fund terrorism for over a decade,¹⁶ including in the UK.¹⁷ Assessments of the use of virtual currencies by terrorists say it is currently limited to purchasing illicit items on the dark web, fundraising through social media and encrypted messaging platforms, and transferring funds to network members. However, experts warn that this may change as virtual currencies become more widely used with greater anonymity and security.¹⁸

The evidence to the Commission from senior executives specialising in CTF in financial institutions, representatives of charities, research experts, policymakers and senior policymakers in international institutions highlighted concerns about the impact of CTF measures on financial institutions and non-profit organisations.

Section 1 of this chapter outlines the international rules that have influenced the UK laws, policies and practices. Section 2 summarises the main criminal offences. Section 3 covers administrative measures and the effect of sanctions on aid organisations operating in conflict zones. Section 4 considers police powers to obtain financial information and the obligations of banks to report suspicious activities and share information. Section 5 considers the regulatory requirement of banks to carry out due diligence checks on their clients and the impact of these on charities and international aid agencies. Section 6 sets out evidence on the exploitation of charities by terrorists, section 7 looks at the experience of Muslim charities and section 8 sets out key findings and recommendations.

- 10 Tom Keatinge and Florence Keen, *Lone Actor and Small Cell Terrorist Attacks: a new front in counter-terrorist finance?* (RUSI 2017) 18. See also Samantha May, Evidence submission, and Samantha May, *Islamic Charity: How Charitable Giving Became Seen as a Threat to National Security* (Bloomsbury Publishing 2021).
- 11 Peter Neumann, 'Don't Follow the Money: The Problem with the War on Terrorist Financing' (2017) 96(4) *Foreign Affairs*, 93. See also Richard Barrett, 'Time to reexamine regulation designed to counter the financing of terrorism' (2009) 41 *Case Western Reserve Journal of International Law* 7.
- 12 The FATF defines virtual assets as a digital representation of value that can be digitally traded or transferred and can be used for payment or investment purposes. Virtual assets do not include digital representations of fiat currencies, securities and other financial assets, Financial Action Task Force, *Virtual Assets and Virtual Asset Service Providers*, (FATF 2021) 109. Also see Henry Hillman, 'Pass or play: Should regulators address the money laundering risks posed by cryptocurrencies themselves or await legislative reform?' (2024) 4 *Journal of Business Law* 301; Nicholas Ryder, 'Crypto assets, social media platforms and defence against terrorism financing suspicious activity reports: a step into the regulatory unknown' (2020) 8 *Journal of Business Law* 668.
- 13 Financial Action Task Force, *Virtual Currencies – Key Definitions and Potential AML/CFT Risks* (FATF 2014) <<http://www.fatf-gafi.org/media/fatf/documents/reports/Virtual-currency-key-definitions-and-potential-aml-cft-risks.pdf>> accessed 02 July 2025.
- 14 Egmont Group of Financial Intelligence Units, *Report on Abuse of Virtual Assets for Terrorism Financing Purposes* (Egmont Group, 2023) 12.
- 15 The Soufan Center, *IntelBrief: Terrorist Designations as a Foreign Policy Tool* (16 October 2024) <<https://thesoufancenter.org/intelbrief-2024-october-16/>> accessed 29 June 2025.
- 16 'Virginia teenager pleads guilty over facilitating bitcoin funds to aid Isis' *The Guardian* (11 June 2015). Also see the convictions of Zoobia Shahnaz (2020), Victoria Jacobs (2024), Mohammed Azharuddin Chhipa (2024).
- 17 BBC News, 'Hisham Chaudhary: Oadby terrorist who funded IS with Bitcoin jailed' (3 September 2021) <<https://www.bbc.co.uk/news/uk-england-leicestershire-58439085>> accessed April 13 2025; BBC News, 'Cryptocurrency sent to Islamic State Group by Luton man' (20 December 20 2024) <<https://www.bbc.co.uk/news/articles/cjdn0elvpy2o>> accessed April 14 2025.
- 18 Tom Keatinge, David Carlisle and Florence Keen, *Virtual currencies and terrorist financing: assessing the risks and evaluating responses* (European Parliament 2018) 9.

15.1 The International CTF Framework

Terrorist organisations require substantial funding to operate, covering the costs of recruitment, training, weapons and equipment, and supporting members' families.¹⁹ This money can come from supporters, and legal and illegal activities. Aimen Deen, a former Al-Qaeda member, explained how the organisation generated funds and laundered money in the 1990s through a network of global companies that included farms, shops, cafés and restaurants.²⁰

The United Nations has played a central role in developing an international framework for counter-terrorism finance through the use of sanctions. The 1998 bombings of US embassies in Kenya and Tanzania led to UN global sanctions against members of al-Qaeda and the Taliban.²¹ There are six UN sanctions regimes related to counter-terrorism, under which 446 individuals and 92 entities are designated.²² Like all UN member states, the UK is required to implement UN sanctions through domestic legislation.

The UN has been pivotal in requiring states to act against terrorism financing. The 1999 UN Convention on the Suppression of Terrorism Financing was originally controversial—the UK was one of only four states that ratified it before 2001—but today, it is the most widely ratified UN counter-terrorism convention. Within weeks of 9/11, the UN Security Council passed Resolution 1373, compelling all states to prevent and suppress terrorism financing.²³ In 2019, the Security Council passed Resolution 2462 which required states to criminalise the provision or collection of funds and resources, whether directly or indirectly, intended for terrorist organisations or individuals.²⁴ This resolution applies to any terrorist-related purpose, even unconnected to a specific terrorist act.²⁵

The Financial Action Task Force (FATF), established by the G8 in 1989, developed international standards for combating money laundering and expanded the standards to monitor and combat terrorist financing in 2001. While FATF recommendations are non-binding, non-compliant states face 'black' or 'grey-listing', which has consequences for a country's economy and financial system. FATF has nine special recommendations; Recommendation 8 relates to the regulation of the non-profit sector. This initially identified non-profit organisations (NPOs) as 'particularly vulnerable' to terrorist financing abuse, without adequate supporting evidence, until the wording was removed in 2016. Its categorisation has created persistent suspicion among financial institutions toward NPOs, and has fuelled bank de-risking of the sector and overregulation of NPOs by governments intent on restricting civic space.²⁶ In 2015, FATF expanded the risk-based approach to include operations involving virtual assets in its guidance. In 2018, it amended Recommendation 15, extending AML standards to crypto businesses, including exchanges and wallet providers. The most recent 2018 FATF evaluation of the UK's compliance with its standards praised its anti-money laundering and counter-terrorist financing regime for exceeding international standards.²⁷ For example, UK regulations on virtual assets apply to all cryptocurrency exchanges and go beyond other countries, such as the US and Australia, as they refer explicitly to custodian wallet providers.²⁸

19 Lord Lloyd of Berwick (n5) 81.

20 Foreign Affairs Committee, *The UK's international counter-terrorism policy*, Oral Evidence, 7 May 2024, HC 330 Q230.

21 UNSC Res 1267 (15 October 1999) UN Doc S/RES/1267.

22 Fionnuala Ni Aoláin, *The Impact of Counter-Terrorism Targeted Sanctions on Human Rights: Position Paper of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* (UN Special Rapporteur 2021) 5.

23 UNSC Res 1373 (28 September 2001) UN Doc S/RES/1373, para 1(b) defined terrorist financing as the 'wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts'.

24 UNSC Res 2462 (28 March 2019) UN Doc S/RES/2462, para 5. See Nicolas Ryder, *The Financial War on Terror: A review of counter-terrorist financing strategies since 2001* (Routledge 2015).

25 *ibid* para 3.

26 Peter Romaniuk and Tom Keatinge, 'Protecting charities from terrorists... and counter-terrorists: FATF and the global effort to prevent terrorist financing through the non-profit sector' (2018) 69 *Crime, Law and Social Change* 265.

27 Financial Action Task Force, *Anti-money laundering and counter-terrorist financing measures United Kingdom Mutual Evaluation Report* (2018), 85-108.

28 The Money Laundering and Terrorist Financing (Amendment) Regulations 2019, SI 2019/1511, reg 14A(2) defines a custodian wallet provider as: 'a firm, or sole practitioner who by way of business provides services to safeguard, or to safeguard and administer (a) crypto assets on behalf of its customers, or (b) private cryptographic keys on behalf of its customers in order to hold, store and transfer crypto assets, when providing such assets'.

15.2 Counter-Terrorism Finance-Related Criminal Offences

The Terrorism Act 2000 criminalises terrorist financing through four main offences: fundraising for the purposes of terrorism,²⁹ the use and possession of property for the purposes of terrorism,³⁰ taking part in funding arrangements for the purposes of terrorism,³¹ and laundering terrorist property.³² The reach of terrorism finance offences is widened by the broad definition of what counts as an action for the ‘purposes of terrorism’, as this includes any ‘action taken for the benefit of a proscribed organisation’.³³ The reach of terrorism finance offences is further extended by the broad definition of terrorist property as ‘money or other property which is likely to be used for the purposes of terrorism (including any resources of a *proscribed organisation*), proceeds of the commission of acts of terrorism and proceeds of acts carried out for the purposes of terrorism’.³⁴ Thus, any action for the benefit of a proscribed organisation, such as transferring funds, property or resources to a proscribed organisation, constitutes a criminal offence. These offences require either knowledge/intention, or reasonable cause to suspect that the funds may be used for terrorism, so an offence can be committed when a defendant has no intention or suspicion of this.³⁵

Although the terrorism financing offences draw a potentially wide net, the number of prosecutions remains low. In Britain, between 2001 and 2025, out of 85 cases where the principle charge was terrorist financing offences (ss15-19), 48 were convicted.³⁶ Most offences took place between 2001-2006 and 2014-2016 (coinciding with travel to Iraq and Syria). The low number of prosecutions may reflect the difficulties of establishing that money was for a terrorist purpose.³⁷ The low number may also reflect the careful exercise of prosecutorial discretion.

Nevertheless, the wide reach of these offences creates potentially significant risks for UK citizens, as well as individuals and organisations that provide financial services to or conduct humanitarian or development activities in conflict zones, particularly in areas under the control of proscribed organisations. Routine transactions could violate these offences. This can include payments for essential utilities like water, gas and electricity and access fees required at checkpoints or entry points to internally displaced persons (IDP) camps. Given the wide reach of these offences and in the absence of legal exceptions, organisations often avoid working in these areas, despite the civilian need. A further challenge is that an area controlled by proscribed organisations can shift rapidly, and loyalties among communities and individuals may vary. A humanitarian organisation (local or international) may not be aware of these shifts, as capacities are often concentrated on beneficiary access and logistics in these circumstances. Given extended family networks, and socio-cultural norms and perceptions, as well as economic needs and vulnerabilities, communities may have particular fears of certain groups or individual or collective ties that they may not wish to expose to aid actors (local or international) for fear of social disruption and/or reprisals.³⁸

Charities also face risks arising from duties to disclose information. When someone, through their work, comes across information leading to a belief or suspicion of potential terrorist financing offences, they must inform law enforcement agencies. Failure to do so is a criminal offence.³⁹ This duty applies to charity volunteers and trustees. However, reporting can also put aid staff and beneficiaries at risk, and cut off access to communities, which could in turn generate higher recruitment to the proscribed group (e.g. based on increased vulnerabilities in the community).⁴⁰

29 TA 2000, s 15.

30 *ibid* s 16.

31 *ibid* s 17.

32 *ibid* s 18.

33 *ibid* s 1(5).

34 *ibid* s 14 (emphasis added).

35 *R v Lane and Letts* [2018] UKSC 36.

36 Home Office, *Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation: Year to June 2025 Annual Data Tables, Table A.05A and A.08A* (Home Office, 2025) <<https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-june-2025>> accessed 12 September 2025.

37 Nicholas Ryder, Rachel Thomas and Georgina Webb, ‘The financial war on terrorism: a critical review of the UK’s counter-terrorist financing strategies’ in Colin King, Clive Walker and Jimmy Gurulé (eds), *Handbook of Criminal and Terrorism Financing Law* (Palgrave Macmillan 2018).

38 Evidence to the Commission, July 2025, policy analyst civil society organisation.

39 TA 2000, s 19. This does not apply to information covered by legal professional privilege.

40 Evidence to the Commission, June 2025, policy officer, humanitarian aid organisation.

Section 21ZA of the Terrorism Act 2000 established a process for the National Crime Agency (NCA) to give consent to an arrangement relating to terrorist property or money (in this case, payments that may benefit a proscribed organisation). The Trisector Group⁴¹ has explored whether aid agencies could use this provision to protect themselves from the consequences of delivering assistance. Recent NCA guidance acknowledged this possibility. However, the current system requires permission for each transaction, making delivering ongoing aid impractical. The Independent Reviewer of Terrorism Legislation (IRTL) has proposed introducing block or general exemptions for UK-funded aid programmes.⁴²

The legal duties are stronger for individuals working in for-profit sectors, such as banking. AML and CTF regulations require financial institutions (and charities) to conduct thorough client due diligence and assess terrorism-related risks. Effective due diligence is vital as the duty to disclose does not require knowledge or suspicion; an offence is committed by failing to disclose information where there are reasonable grounds for knowledge or suspicion of a terrorism finance offence.⁴³

To date, no international NGO has been prosecuted by the Crown Prosecution Service (CPS) for terrorism offences relating to humanitarian, development or peacebuilding work. The lack of prosecutions is not necessarily an indication of the lack of impact of terrorism laws on humanitarian development and peace-building work. The CPS has provided guidance indicating the threshold for prosecution and how it would decide on whether prosecution was in the public interest, but it is not a legal protection or exception.⁴⁴ The discretionary powers of prosecutors offer inadequate protection against criminal liability. David Anderson KC, a former IRTL, concluded that prudent trustees will likely take a conservative approach to legal risk, leading charities to withdraw from essential humanitarian work even where prosecution is unlikely.⁴⁵ Evidence to the Commission confirmed that the possibility of criminal sanctions can prevent vital aid delivery, and contributes to risk-aversion in the humanitarian, development and peacebuilding aid sectors, regardless of enforcement probability.⁴⁶

41 This is a multi-stakeholder dialogue convened by the UK government that brings together financial institutions and aid agencies to find solutions to issues related to counter-terrorism legislation and sanctions as they affect humanitarian and peacebuilding activity.

42 Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 39. The IRTL reports that officials are willing to consider a 'more far-reaching approach' to addressing this issue, Jonathan Hall, *The Terrorism Acts in 2023* (IRTL 2025) 26.

43 TA 2000, ss 21A and 21B.

44 Crown Prosecution Service, *Humanitarian, Development and Peacebuilding Work Overseas* [Legal Guidance, 03 October 2022] <<https://www.cps.gov.uk/legal-guidance/humanitarian-development-and-peacebuilding-work-overseas>> accessed 10 September 2025

45 David Anderson, *The Terrorism Acts in 2013* (IRTL 2014) 72.

46 Evidence session, March 2023, international aid expert and Muslim charity director.

15.3 Administrative Measures: Asset Freezes and Sanctions

The government's ability to freeze assets and impose sanctions on individuals or organisations not convicted of any criminal offence is a powerful administrative measure justified by the need to counter terrorism financing. The resulting restrictions on a person's movement and the impact on them and their families have led the courts to describe sanctioned individuals as 'effectively prisoners of the state'.⁴⁷ Lord Brown even suggested that they could be more paralysing than Control Orders.⁴⁸

The *Sanctions and Money Laundering Act 2018* legally implements both the UN and the UK government's sanctions against individuals or organisations involved in serious human rights violations or abuses.⁴⁹ It lowered the threshold for sanctions contained in the previous *Terrorism Asset Freezing Act 2010*, weakening the Rule of Law and human rights protections. The previous legislation required 'reasonable grounds for believing' that a person is or has been involved in terrorist activity, and that it is necessary for the purposes connected to protecting members of the public that financial restrictions should be applied.⁵⁰ The lower reasonable suspicion standard was only used for interim orders.⁵¹ Now, there only has to be reasonable suspicion.⁵² The Joint Committee on Human Rights (JCHR) and Professor Clive Walker criticised this.⁵³ Professor Walker also argued that courts should issue orders rather than review them, and where the order is based on confidential information that cannot be disclosed, cases should include a requirement to provide a 'gist' of the reasons for the order (see further **chapter 13**).⁵⁴

90 Recommendation 90: The threshold for imposing non-UN sanctions under the *Sanctions and Money Laundering Act 2018* should be raised from 'reasonable suspicion' to 'reasonable belief', as recommended by the Joint Committee on Human Rights.

Evidence to the Commission highlights the complex and shifting array of laws and policies that charities must navigate to comply with UN and UK sanctions. Afghanistan illustrates this: while the Taliban is not a proscribed organisation, individual members are designated, and the Haqqani network has been proscribed in the UK since 2015. After the 2021 return of the Taliban, banks would only transfer funds to charities operating in Afghanistan if they committed to avoiding tax payments to any ministries, departments or utility companies controlled by sanctioned individuals or Haqqani network members. This led many organisations to suspend their programmes.⁵⁵ Similar challenges confront organisations working in areas of Syria governed by Hayat Tahrir Al-Sham (HTS). It remains a proscribed organisation, even though the UK government has diplomatic contact with the new Syrian government and has eased sectoral sanctions on Syria.⁵⁶

47 *HM Treasury v Ahmed* [2010] UKSC 2 [60].

48 *ibid* [192]. Control Orders were replaced in 2011 by the *Terrorism Prevention and Investigation Measures Act 2011* (see **chapter 2**).

49 *Sanctions and Anti-Money Laundering Act 2018*.

50 *Terrorism Asset Freezing Act 2010*, s 2.

51 *ibid* s 6.

52 *Sanctions and Money Laundering Act 2018*, s 11.

53 House of Lords and House of Commons Joint Committee on Human Rights, 'Legislative Scrutiny: The Sanctions and Anti-Money Laundering Bill' (2017–19, HL Paper 87, HC Paper 568, Third Report of Session 2017–19) 14. The JCHR said that the standard of 'reasonable suspicion' was 'at odds with the threshold for comparable restrictive measures such as Terrorism Prevention and Investigation Measures, which can only be imposed where the Minister is "satisfied on the balance of probabilities".'

54 Clive Walker, 'Annex 2: Executive Legal Measures and Terrorism: Proscription and Financial Sanctions' in Max Hill, *The Terrorism Acts in 2016* (IRTL 2018) 100–101.

55 Commission plenary meeting, March 2023, international humanitarian aid expert.

56 Sara Nordin, Ed Pearson and Emma Possetto, 'Status update: EU and UK easing of sanctions on Syria' (Insight-Alert, White and Case, 30 June 2025) <<https://www.whitecase.com/insight-alert/status-update-eu-and-uk-easing-sanctions-syria>> accessed 02 July 2025.

UN Security Council Resolution 2664, adopted in 2022, introduced a standing humanitarian exemption to the asset freeze measures imposed by UN sanctions regimes.⁵⁷ Welcoming this exemption, aid agencies reported that it has not led to diversion of aid to sanctioned entities nor a reduction in due diligence and risk mitigation practices.⁵⁸ Experts argue that it should be made explicit that its remit applies to a broad range of humanitarian needs, including food, water, healthcare, and shelter, as well as longer-term requirements such as education.⁵⁹ The US, in applying the resolution to UN-related and autonomous sanctions regimes, took this approach by including activities such as democracy building, conflict resolution, education and environmental protection.⁶⁰ Some criticise the UN humanitarian exemptions as limited in scope, as they apply only to UN organisations, entities with UN General Assembly observer status, or humanitarian cluster partners. This leaves many small organisations, which are often first responders in emergencies such as earthquakes, or those not part of UN response plans, unclear as to whether they can use the exemption.⁶¹ They also argue that allowing only humanitarian assistance while leaving out development and peacebuilding can lead to aid dependency, slowing down human development and inadvertently contributing to conditions conducive to terrorism.⁶²

The UN humanitarian exemptions only apply to UN sanctions. The Sanctions and Anti-Money Laundering Act 2018 permits humanitarian licences and exceptions for non-UN sanctions. After consultation with NGOs in the tri-sector group, the UK introduced a Humanitarian Activity General Licence for sanctions on Russia to facilitate aid to Ukraine, as well Syria, the Occupied Palestinian Territories and countries affected by the conflict.⁶³ Experts argue that the UK should align its sanctions framework with UN Resolution 2664 by implementing a general humanitarian carve-out in all non-UN sanctions regimes rather than case-by-case exemptions.⁶⁴

While this is significant progress, the effectiveness of these carve-outs is limited, as organisations must still comply with other UK counter-terrorism laws that may still apply in these contexts. There is an exemption for 'provision of aid of a humanitarian nature' in relation to offences of entering or remaining in a designated area,⁶⁵ and a defence to offences in the Terrorism Act 2000 for 'genuinely benign' meetings with proscribed organisations.⁶⁶ Terrorism Act 2000 section 21ZA makes a potential consent to a transaction with a proscribed group possible, although, as stated above, this is not a workable mechanism for protecting humanitarian action.⁶⁷ UK aid agencies must rely on CPS guidance stating that 'counter-terrorism legislation is not intended to prevent or hinder humanitarian, development or peacebuilding organisations from operating overseas'.⁶⁸ There is, therefore, no explicit exemption from counter-terrorism proscription or terrorist finance offences for humanitarian or conflict resolution activities. Where a group controls territory with no alternative aid delivery routes, this absence may influence government decisions against proscription.⁶⁹ Exemptions spanning both sanctions and counter-terrorism frameworks are needed.

57 The Sanctions (Humanitarian Exception) (Amendment) Regulations 2023. The regulations implement the humanitarian exception established for UN sanctions regimes by United Nations Security Council Resolution 2664 (2022) by inserting a humanitarian exception to the provisions implementing the asset-freeze in the listed sanctions regulations.

58 Charity and Security Network, 'A Study on the Impact of UN Security Council Resolution 2664 on Financial Institutions and Donors' (2024) <<https://charityandsecurity.org/wp-content/uploads/2024/12/A-Study-on-the-Impacts-of-UN-Security-Council-Res.-2664-on-Financial-Institutions-Donors-Report-Formatted-1-compressed.pdf>> accessed on 2 July 2025.

59 Commission plenary meeting, March 2023, international humanitarian aid expert.

60 31 C.F.R. § 594.520 [US Office of Foreign Assets Control, 'Authorizing Certain Transactions in Support of Nongovernmental Organizations' Activities']. <<https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-594/subpart-E/section-594.520>> accessed 20 July 2025.

61 Evidence session, March 2023, international aid expert.

62 Evidence to Commission, June 2025, policy specialist, international aid organisation.

63 Office of Financial Sanctions Implementation and HM Treasury, OFSI General Licences – GOV.UK <<https://www.gov.uk/government/collections/ofsi-general-licences>> accessed 10 September 2025.

64 See, for example, Jonathan Hall, *Report of the Independent Reviewer of Terrorism Legislation on the Operation of the Counter-Terrorism (International Sanctions)(EU Exit) Regulations 2019* (IRTL 2023) para 2.45; Emanuela-Chiara Gillard, 'Sanctions must not prevent humanitarian work in Ukraine' (Chatham House, May 2022) <<https://www.chathamhouse.org/2022/05/sanctions-must-not-prevent-humanitarian-work-ukraine>> accessed 20 July 2025.

65 Counter-Terrorism and Border Security Act 2019, s 58B.

66 TA 2000, s 12(4).

67 Jonathan Hall, *The Terrorism Acts in 2022* (IRTL 2024) 38.

68 Crown Prosecution Service, *Humanitarian, Development and Peacebuilding Work Overseas* (3 October 2022) <<https://www.cps.gov.uk/legal-guidance/humanitarian-development-and-peacebuilding-work-overseas>> accessed 2 July 2025.

69 Jonathan Hall, *Terrorism Acts in 2021* (IRTL 2023) 41.

A general exemption to sections 15-18 offences could be similar to the Canadian model, which covers actions for the 'sole purpose of carrying out humanitarian assistance activities conducted under the auspices of impartial humanitarian organisations in accordance with international law while using reasonable efforts to minimise any benefit to terrorist groups.'⁷⁰

91 Recommendation 91: The government should introduce a comprehensive humanitarian exemption across both sanctions and counter-terrorism frameworks, similar to the Canadian model, covering humanitarian and conflict resolution in alignment with International Humanitarian Law.

Box N: UN Security Council Resolution 2664 (2022)

Adopted by the Security Council at its 9214th meeting, on 9 December 2022

[...]

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that without prejudice to the obligations imposed on Member States to freeze the funds and other financial assets or economic resources of individuals, groups, undertakings, and entities designated by this Council or its Sanctions Committees, the provision, processing or payment of funds, other financial assets, or economic resources, or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by the United Nations, including its Programmes, Funds and Other Entities and Bodies, as well as its Specialized Agencies and Related Organizations, international organizations, humanitarian organizations having observer status with the United Nations General Assembly and members of those humanitarian organizations, or bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or OCHA-coordinated humanitarian "clusters," or their employees, grantees, subsidiaries, or implementing partners while and to the extent that they are acting in those capacities, or by appropriate others as added by any individual Committees established by this Council within and with respect to their respective mandates, are permitted and are not a violation of the asset freezes imposed by this Council or its Sanctions Committees;

Criminal Code, RSC 1985, s83.03 (Canada)

Financing of Terrorism - Exception — humanitarian assistance activities

(4) Subsections (1) and (2) do not apply to a person who carries out any of the acts referred to in those subsections for the sole purpose of carrying out humanitarian assistance activities conducted under the auspices of impartial humanitarian organizations in accordance with international law while using reasonable efforts to minimize any benefit to terrorist groups.

70 Criminal Code, RSC 1985, C-46, s 83.03(4) (Canada).

15.4 Accessing, Reporting and Sharing Financial Information

The Terrorism Act 2000 requires banks to provide customer information and monitor accounts to give financial intelligence to law enforcement agencies.⁷¹ This is supplemented by legislation allowing the voluntary sharing of information within the regulated sector, overruling confidentiality and privacy provisions.⁷² Terrorist financing is often harder to detect than money laundering because it does not always follow the same financial patterns. For example, unlike money laundering, which can involve large sums, terrorist financing can involve small, seemingly insignificant transactions that do not raise concerns by the reporting entity.⁷³ Terrorist financiers can use legitimate sources such as charities,⁷⁴ businesses,⁷⁵ or personal donations,⁷⁶ thus making them harder to distinguish from regular financial activity. Furthermore, terrorist financiers move money quickly across borders using informal networks,⁷⁷ cryptocurrencies,⁷⁸ or cash-based transactions,⁷⁹ avoiding the financial systems that are subject to the CTF reporting obligations. Finally, terrorist funding is about funding activities and not about disguising the proceeds of crime,⁸⁰ this difference makes it more difficult to track financial transactions or patterns.

Banks and other regulated bodies must submit Suspicious Activity Reports (SARs) to the National Crime Agency on concerns about terrorism financing or money laundering.⁸¹ SARs can provide a defence against terrorist financing charges.⁸² However, while a SAR has to meet a threshold of suspicion, the risk of significant penalties means banks err on the side of over-reporting, leading to the number of SARs increasing significantly from 381,882 in 2014 to 901,255 in 2022. The NCA identifies less than one per cent as related to terrorism finance (see Table 10.1). Around 400 requests a year about a SAR seek a 'consent' letter from the NCA to provide a defence against terrorism financing charges. The low conversion rate from suspicious activity reports to enforcement actions indicates that reporting thresholds require refinement to enhance system effectiveness and reduce routine compliance reporting and the negative consequences for legitimate financial flows to vulnerable communities. The 2019 Law Commission review of SARs recommended having statutory guidance on suspicion thresholds, which was supported by the majority of responses to their consultation.⁸³ The Conservative government rejected this recommendation.⁸⁴ The rejection of statutory guidance on suspicion thresholds is a missed opportunity, given the ongoing uncertainty in the application of the Proceeds of Crime Act 2002 and should be reconsidered.

92 Recommendation 92: The government should accept the Law Commission's recommendation to provide statutory guidance covering the operation of Part 7 of the Proceeds of Crime Act 2002 on suspicion thresholds.

71 TA 2000, Sch 6.

72 Criminal Finances Act 2017, s 11.

73 Nicholas Ryder, 'Cryptoassets, social media platforms and defence against terrorism financing suspicious activity reports: a step into the regulatory unknown' (2020) 8 *Journal of Business Law* 668.

74 Financial Action Task Force, *Combating the terrorist financing abuse of non-profit organisations* (Financial Action Task Force 2023).

75 Frederic Lemieux and Fernanda Prates, 'Entrepreneurial terrorism: financial strategies, business opportunities, and ethical issues' (2011) 12 (5) *Police Practice and Research* 368.

76 Martin Rudner, 'Hizbullah terrorism finance: Fund-raising and money-laundering' (2010) 33(8) *Studies in Conflict & Terrorism* 700.

77 Mark Basile, 'Going to the source: Why Al Qaeda's financial network is likely to withstand the current war on terrorist financing' (2004) 27(3) *Studies in Conflict & Terrorism* 169.

78 Shlomit Wagman, 'Cryptocurrencies and national security: the case of money laundering and terrorism financing' (2022) 14(1) *Harvard National Security Journal* 87.

79 Peter Neumann, 'Don't follow the money: the problem with the war on terrorist financing' (2017) 96(4) *Foreign Affairs* 93.

80 Nicholas Ryder, 'Out with the old and ... in with the old? A critical review of the Financial War on Terrorism on the Islamic State of Iraq and Levant' (2018) 41(2) *Studies in Conflict and Terrorism* 79. Conversely, see JA Rosenthal, 'For-Profit Terrorism: The Rise of Armed Entrepreneurs' (2008) 31(6) *Studies in Conflict & Terrorism* 481 and Tomas Baumert, 'Do Terrorists Play the Market? Or Can Their Attacks Serve as a Source of Financing for Terrorism?' (2008) 2(4) *Policing: A Journal of Policy and Practice* 434.

81 TA 2000, s 19 and Proceeds of Crime Act 2002 ss 330-332.

82 TA 2000, s 21A. Submitting a SAR may provide a reporter with a statutory defence to a charge of terrorist financing regarding a future transaction they have reported as suspicious.

83 Law Commission, *Anti-Money Laundering: The SARs Regime* (HC 2098/Law Com No 384, 2019) 58-59 and 68-69.

84 Home Office, *Response of Law Commission Review of SARs Regime*, (Policy Paper, 12 February 2024).

Table 15.1 Data on Suspicious Activity Reports (SARs)⁸⁵

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Total SARs	463,938	478,437	573,085	742,317	901,255	859,905	872,048
SARs identified and disseminated to counter-terrorism police network for review (percentage of all SARs)	2688 (0.6%)	1909 (0.4%)	1897 (0.3%)	1651 (0.2%)	1644 (0.2%)	914 (0.1%)	1,132 (0.1%)
Defence Against Terrorism Financing SARs received	423	392	430	425	358	342	406

Counter-terrorism experts from the finance sector suggested that banks should share more information. The Crime and Courts Act 2013 section 7 allows information sharing with the NCA, helping banks in the Joint Money Laundering Intelligence Taskforce (JMLIT) share intelligence that falls below the SARs thresholds.⁸⁶ This proved helpful after terrorist attacks like those at Parsons Green and Manchester Arena. To provide clarity, experts suggested amending section 7 of the Crime and Courts Act 2013 to reference terrorism explicitly.⁸⁷

Practitioners also suggested that information-sharing would be more effective if law enforcement agencies could share the identities of persons of interest with financial institutions. Information flows from banks to law enforcement agencies, but little flows the other way. SARs submitted under Terrorism Act 2000 or POCA 2002, which are identified as having a terrorist-financing link, are only available for the National Terrorist Financial Investigation Unit (NTFIU) and Counter Terrorism Units (CTUs) not other law enforcement agencies, due to potential national security risks.⁸⁸ Changing this requires developing greater trust between banks and law enforcement agencies, such as those targeting organised crime, which was fostered through the JMLIT.⁸⁹ One bank said 30-40 per cent of information shared through JMLIT is monitored, compared to one to two per cent of SARs.

93 Recommendation 93: The National Crime Agency should create a formal mechanism for greater information sharing between law enforcement agencies and financial institutions regarding terrorism financing risks, building on the success of the Joint Money Laundering Intelligence Task Force model.

⁸⁵ Data from UK Financial Intelligence Unit, Suspicious Activity Reports 2018-2024.

⁸⁶ JMLIT was established in 2015 as a mechanism for improved exchange and analysis between the financial sector and law enforcement agencies regarding money laundering. Its membership includes 40 financial institutions and 5 law enforcement agencies.

⁸⁷ Evidence session, March 2023, CTF experts, banking and finance.

⁸⁸ National Crime Agency, *Suspicious Activity Reports (SARs) Annual Report 2015* (UKFIU 2015) 30.

⁸⁹ Evidence session, March 2023, CTF experts, banking and finance.

The evidence to the Commission also identified the tension between different CTF measures. Prosecution of organised crime relies on tracing bank account transactions, but the 'know your customer' approach to CTF encourages institutions to deny, freeze or close services where there are concerns. Apart from other unintended consequences and the risk of restrictions on access to banking services for certain communities, this freezes intelligence, losing sight of their transaction path and the opportunity to build intelligence.⁹⁰ CTF practitioners need to find ways to increase financial intelligence flows. With no formal mechanism in the UK to keep accounts open, the informal agreements between banks and law enforcement to do so rely on banks' agreement. This needs to be formalised through legislation. Other jurisdictions have a 'keep open' procedure providing banks with cover against prosecution while allowing accounts to continue operating. For example, in Australia under section 39B of the Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2024, a 'keep open notice' may be issued to a reporting entity where a senior member of a specified agency reasonably believes that the provision of a designated service by the reporting entity to a customer would assist in the investigation by the agency of a serious offence.

94 Recommendation 94: The government should create a formalised 'keep open' procedure through legislation, similar to Australia's system, enabling banks to maintain accounts for intelligence purposes when requested by law enforcement agencies, with appropriate legal protections for financial institutions.

90 Evidence submission, Dr Samatha May.

15.5 Derisking, Delaying and Debanking

CTF laws, policies, and practices lead banks to de-risk, which contributes to delays in transferring funds, withdrawing financial services from specific areas and debanking individuals and organisations.

The UK's CTF and AML requirements, alongside potential criminal and civil liability in the US, significantly decrease banks' appetite for risk. Several high-profile cases, where substantial fines were imposed on banks for regulatory breaches related to money laundering, have underlined the risks banks face. Compliance measures cost UK banks billions of pounds a year; one study estimated the total CTF/AML compliance costs at £34 billion.⁹¹ This financial burden makes serving high-risk/low-value clients, particularly those operating in high-risk areas, or small and/or Muslim charities, commercially challenging.⁹² Some banks withdraw services from clients whose accounts cannot justify the extensive due diligence costs required by the regulations.⁹³

Access to banking services is essential for charitable and aid operations, but many financial institutions increasingly delay or deny services to those deemed high-risk.⁹⁴ In 2017, 79 per cent of charities reported difficulties accessing or using banking services.⁹⁵

The impact particularly hits certain geographical areas where a complex array of counter-terrorism and sanctions restrictions applies. In Syria, during the Assad regime, de-risking measures dramatically restricted financial transfers to support humanitarian activity. Lacking a local presence, many international banks rely solely on correspondent banks,⁹⁶ resulting in a 35 per cent reduction in available non-profit organisation funding and extending transfer delays by 3-5 months.⁹⁷

Banks' due diligence processes can involve extensive scrutiny of charities' operations, staff, and trustees. This is particularly challenging when operating in conflict zones, where fund transfers involve multiple financial institutions without direct relationships to the charity. In Afghanistan, Iraq, Somalia, Syria and Yemen, conducting due diligence is extremely complex and time-consuming,⁹⁸ which often leads to project cancellations or reductions in scope.⁹⁹ In Somalia, £300,000 intended for water infrastructure was held by a correspondent bank for six months, depriving 70,000 people of clean water.¹⁰⁰ Despite humanitarian needs being greatest in areas where sanctions or terrorism financing regulations apply, many organisations have reduced or avoided working on or developing new projects in such places, in part due to compliance risks.

Counter-terrorism financing measures, alongside other counter-terrorism regulations, have fostered a risk-averse culture among stakeholders that impedes aid delivery.¹⁰¹ This applies to donors who include grant conditions that place full counter-terrorism risk responsibility on the charity. International NGOs have become cautious in their local partnerships.

91 LexisNexis Risk Solutions and Oxford Economics, *The True Cost of Compliance: UK Financial Services Sector Spending £34.2 billion on Financial Crime Compliance* (press release, 1 March 2023) <<https://risk.lexisnexis.co.uk/about-us/press-room/press-release/20230301-uk-financial-services-sector-spending>> accessed 3 July 2025.

92 Muslim Charities Forum, *The Landscape of Debanking within Muslim Charities and its impact on charitable activities* (Muslim Charities Forum 2025).

93 Evidence session, March 2023, CTF policy expert.

94 *ibid.*

95 Charity Finance Group, 'Impact of Money Laundering and Counter-Terrorism Regulations on Charities', (March 2018) cited in Sue Eckert, 'Counterterrorism sanctions and financial access challenges: course correction to safeguard humanitarian action' (2021) 103 *International Review of the Red Cross* 415, 433.

96 In general, correspondent banks all run the risk of facilitating terrorism financing through transfers but with less ability to carry out transfers and due diligence. As a result, funds get stuck for weeks/months, and/or get returned.

97 Financial Conduct Authority, *Research Note: International perspectives on de-risking* (Financial Conduct Authority 2023) 6.

98 Sherine El Taraboulsi-McCarthy and Camilla Cimatti, *Counterterrorism, Derisking and the Humanitarian Response in Yemen: A Call for Action* (HPG Working Paper, Overseas Development Institute, February 2018) <<https://www.odi.org/publications/11020-counter-terrorism-de-risking-and-humanitarian-response-yemen-call-action>> accessed 4 July 2025.

99 Victoria Metcalfe-Hough, Tom Keatinge and Sarah Pantuliano, *UK Humanitarian Aid in the Age of CounterTerrorism: Perceptions and Reality* (HPG Working Paper, Overseas Development Institute, 2015).

100 Evidence session, March 2023, UK-based international charity.

101 Emma O'Leary, 'Politics and Principles: The Impact of Counterterrorism Measures and Sanctions on Principled Humanitarian Action' (2022) *International Review of the Red Cross* 459; Louis De Koker and Casanovas Pompeu, "'De-Risking', De-Banking and Denials of Bank Services: An Over-Compliance Dilemma?' in Doron Goldbarsht and Louis de Koker (eds), *Financial Crime, Law and Governance – Navigating Challenges in Different Contexts* (Springer 2024).

Rather than engage with small, local grass-roots organisations, they favour larger national organisations or direct service delivery—a trend that contradicts the broader movement towards localisation in international aid. These pressures have led some NGOs to curtail local partnerships and innovative interventions.¹⁰² Humanitarian actors express particular concern about the effects on local women's rights organisations and rights-based service providers.¹⁰³

In 2017, the government established a Tri-Sector Group of government representatives, financial institutions, and NGOs to address these challenges.¹⁰⁴ This multi-stakeholder dialogue, co-chaired by the Foreign Commonwealth and Development Office and the Home Office, provides a forum for information exchange and consultation on solutions to issues related to counter-terrorism legislation and sanctions as they affect humanitarian and peace building activity. The Tri-Sector Group helped secure and shape humanitarian exemptions to sanctions for Afghanistan, the Occupied Palestinian Territories, Syria and Ukraine, and informed the Crown Prosecution Service clarification of the circumstances under which terrorism-related prosecutions would be pursued.¹⁰⁵

However, the group's effectiveness is constrained. Government participation typically is at the working level, with technical staff rather than senior policy leads, so influencing meaningful policy change is limited.¹⁰⁶ One expert noted that fragmented policy responsibility across government departments means that coherent policy positions are lacking. The Home Office is responsible for the Terrorism Act and focuses on terrorism risks, the Treasury is responsible for sanctions enforcement, and the Foreign, Commonwealth and Development Office leads on humanitarian aid policy and delivery, as well as sanctions policy. No department or minister has overall responsibility.¹⁰⁷ The dominance of large aid organisations within the Tri-Sector Group, with the time and expertise to engage in highly technical consultations, has meant that the challenges and more specific solutions for smaller charities receive insufficient attention. One bank developed a specialist service involving a dedicated team to facilitate fund transfers through intermediary banks. The costs of this specialist service made this viable for large international NGOs only.¹⁰⁸ Muslim charities described the Tri-Sector dialogue as opaque and inaccessible to organisations outside its immediate membership, for example there is no public-facing webpage about the Group and its work.. For them, the process remains a 'black box', offering little transparency or engagement with their specific concerns.¹⁰⁹

95 Recommendation 95: The Prime Minister should establish a senior ministerial role with clear responsibility for addressing counter-terrorism financing challenges facing humanitarian organisations, ensuring coordinated policy responses across the Home Office, Treasury, and Foreign, Commonwealth and Development Office.

96 Recommendation 96: The Tri-Sector Group should establish opportunities for a wider group of NGOs to inform the work of the TSG. This requires allocating resources to communicate with the broader sector about new guidance and legislative changes, as well as facilitating networking.

97 Recommendation 97: The Tri-Sector Group should establish a workstream specifically to tackle bank de-risking and financial access. This workstream could involve a wider network of NGOs in the sector.

102 Stuart Gordon, 'Regulating Humanitarian Governance: Humanitarianism and the "Risk Society"' (2020) 8(4) Politics and Governance 306.

103 Duke Law International Human Rights Clinic and Women Peacemakers Program, *Tightening the Purse Strings: What Countering Terrorism Financing Costs Gender Equality and Security* (March 2017).

104 The Tri-Sector Group was established following a recommendation by the then IRTL, David Anderson KC. See David Anderson, *The Terrorism Acts in 2014* (IRTL 2015) 109.

105 Jonathan Hall, *The Terrorism Acts in 2020* (IRTL 2022) 42: the Tri-Sector group secured an amendment to the Department for International Trade's published guidance on the humanitarian exceptions to Syrian fuel purchases, <<https://www.gov.uk/guidance/sanctions-on-syria#crude-oil-and-petroleum-products>> accessed 10 September 2025.

106 Sam Nadel and Oliver Walton, 'Counter-terrorism and humanitarian action: UK INGO responses since 2015' (2024) 48(2) Disasters e12603.

107 Evidence session, March 2023, Muslim charity director.

108 Evidence session, March 2023, international humanitarian aid expert.

109 Evidence session, March 2023, Muslim charity director.

15.6 The Exploitation of Charities by Terrorists

The Charity Commission identifies several ways that terrorists can exploit charities. This includes: the diversion of funds and assets, misuse of charitable status, and using a charity's name for legitimacy; the establishment of sham organisations as fronts; and trustees' expressions of support for proscribed groups or persons.¹¹⁰ Terrorists have collected money for themselves under the guise of claiming to fundraise for legitimate charities.¹¹¹ The Sanabel Relief Agency was placed on the UN al-Qaeda sanctions list. The Commission responded to these risks by acting against individuals involved in terrorism, including removing trustees on international terrorism sanctions lists or after convictions for terrorism-related offences.¹¹²

The documented instances of terrorist abuse of charitable status implicate a tiny proportion of Britain's 170,000 registered charities.¹¹³ From 2008 to 2018, terrorism-related issues accounted for 0.7 per cent of Serious Incident Reports to the Charity Commission.¹¹⁴ Similarly, between 2017 and 2020, only one per cent of Commission compliance cases involved allegations related to terrorism.¹¹⁵ Government risk assessments agree. While the 2015 National Risk Assessment for Money Laundering and Terrorism Finance rated the risk of terrorist abuse of charities as 'medium-high', assessments in 2017 and 2020 downgraded this to 'low'.¹¹⁶ However, charities operating in or near conflict zones where a terrorist group is present face significantly higher risks,¹¹⁷ as do newer and smaller organisations lacking experience or access to professional expertise.¹¹⁸

These risk factors converged during the Syrian crisis in the early to mid-2010s. By 2014, half of the UK charities working there had been newly established after the outbreak of the civil war.¹¹⁹ The Charity Commission identified specific vulnerabilities around aid convoys, which faced risks of looting, theft, and kidnapping on the route to Syria. While the abuse of aid convoys by people trying to join or support groups involved in the conflict is seen as a risk, there are only three reported convictions for terrorist financing offences involving aid convoys.¹²⁰

110 Charity Commission for England and Wales, *Charities and Terrorism: Compliance Toolkit* (GOV.UK, November 2022) <<https://www.gov.uk/government/publications/charities-and-terrorism>> accessed 4 July 2025.

111 R v Irfan Naseer and others, *The Times* (27 April 2013), 6; Press Association, 'Terror Plot accused 'posed as charity collectors to raise funds'' *The Guardian* (23 October 2012) <<https://www.theguardian.com/uk/2012/oct/23/terror-plot-accused-charity-collectors>> accessed 4 July 2025.

112 A trustee of the United Kingdom Tamil Students Union was removed as a trustee after they were designated on a UN terrorism list. See Charity Commission for England and Wales, *Charities Back on Track: Themes and Lessons from the Charity Commission's Compliance Work 2007-08* (Charity Commission 2008) 16.

113 Charity Commission for England and Wales, *Policy Paper: Counter-Terrorism Strategy* (Charity Commission, 2015) <https://assets.publishing.service.gov.uk/media/5a7f843ce5274a2e8ab4ca62/counter-terrorism_strategy.pdf> accessed 02 July 2025.

114 This is based on data from the Charity Commission's reports on compliance, abuse, and mismanagement, published between 2007 and 2018. The titles of these reports differed. Between 2008 and 2012, the reports were entitled 'Charities Back on Track'. From 2013 to 2018, they were called 'Tackling Abuse and Mismanagement'. There have been no further reports with this data published since 2018.

115 HM Treasury and Home Office, *National Risk Assessment of Money Laundering and Terrorist Financing 2020* (December 2020) 128. During the same period, the Office for the Scottish Charity Regulator conducted no investigations into terrorist financing.

116 *ibid* 124-5.

117 *ibid*.

118 HM Treasury and Home Office, *National risk assessment of money laundering and terrorist financing 2017* (October 2017) 73.

119 William Shawcross, 'Speech at Voluntary Action Leeds AGM' (25 September 2014) <<https://www.gov.uk/government/speeches/william-shawcross-speech-voluntary-action-leeds-agm>> accessed 2 July 2025.

120 In 2016-2017, two individuals were convicted for terrorist finance offences who used aid convoys to transfer funds to an individual fighting in Syria, see Charity Commission for England and Wales, *Tackling Abuse and Mismanagement 2015 to 16: Full Report* (Charity Commission, December 2016) <<https://www.gov.uk/government/publications/tackling-abuse-and-mismanagement-2015-16/tackling-abuse-and-mismanagement-2015-16-full-report>> accessed 2 July 2025. In R v Haque and Mich, the defendants were convicted of funding terrorism as they used an aid convoy to send money and equipment to their nephew who was fighting in Syria with a proscribed group, Jabhat al Nusra. See: Max Hill, *The Terrorism Acts in 2016* (IRTL 2018) 63 and BBC News, 'Syria aid convoys: Two jailed for funding terror' (13 January 2017) <<https://www.bbc.co.uk/news/uk-england-38613786>> accessed 02 July 2025. The third reported conviction is of Adeel Ul-Haq, Crown Prosecution Service, *Adeel Ul-Haq* (Case Summary, 2016) <https://assets.publishing.service.gov.uk/media/5a80aaa3e5274a2e87dbb226/adeel_ul-haq.pdf> accessed 13 September 2025.

15.7 The Experience of Muslim Charities

Commission evidence and research findings show that bank de-risking and ‘know your customer’ policies have had a disproportionate impact on Muslim charities.¹²¹ In the UK, they face heightened scrutiny from financial institutions and the Charity Commission of England and Wales due to perceived vulnerability to misuse by terrorists.

Like other small charities, many small Muslim-led charities find handling complex regulatory requirements difficult. Operating in conflict zones increases their risk profile. This combination makes them a particular focus of oversight and scrutiny and with the operational burden of navigating the complex array of – sometimes unclear – regulations. They also have to contend with the consequences of errors in commercial background-checking databases, such as World-Check, which banks rely upon as part of the due diligence compliance check for clients.¹²² These private-sector compliance tools often flag terrorism risks based on unverified media reports and blogs.¹²³ This is particularly troubling, given documented evidence of coordinated misinformation campaigns targeting Muslim-led NGOs.¹²⁴ In 2015, HSBC closed the accounts of several Muslim organisations in the UK based on inaccurate information on the World-Check database.¹²⁵ Once, a charity managing a multi-million pound budget received just two months’ notice of account closure, stopping it from transferring funds to teams operating in regions with limited financial infrastructure.¹²⁶

A bank’s decision to withdraw an account is difficult to challenge as it is a business decision requiring no evidence of wrongdoing.¹²⁷ A bank determines the level of risk it can take on by balancing protecting its reputation and shareholder interests against maintaining customer relationships. The Financial Ombudsman’s Service has documented increased de-banking complaints, highlighting patterns in different organisations.¹²⁸ Coutts Bank’s closure of Nigel Farage’s account in 2023 prompted public outrage. Yet, parliamentary investigations revealed that UK banks closed 170,000 accounts in 2021–2022 for AML/CTF compliance concerns.¹²⁹ Similar challenges faced by Muslims and Islamic charities received less public scrutiny.¹³⁰

The Financial Conduct Authority’s (FCA) 2023 report on access to and closure of bank accounts found that Muslims were among the groups most likely to have no access to a bank account.¹³¹ It found that generalised worries about risks from certain customer groups and concerns over the costs of enhanced due diligence and risk management led to denial of account access. Evidence to the FCA reported higher rejection rates for account applicants with ‘Muslim-sounding’ names.¹³² While individuals who meet the eligibility requirements have the right to a basic bank account from some

121 Evidence session, March 2023, Muslim charity director.

122 World-Check, established in 1999, is a risk intelligence database used by most major banks and law firms globally. Only 35 per cent of its data comes from official sanctions and law enforcement lists, with the remainder drawn from media sources about politically exposed persons and entities linked to financial crimes. In the post-9/11 era, banks rely heavily on this database for customer screening, though they are not required to explain account closures to affected clients. World-Check users are bound by confidentiality, creating a system where private sector intelligence significantly impacts financial access, despite primarily relying on media reports rather than official sources. For further information see Refinitiv, *World-Check Risk Intelligence: Helping to prevent financial crime* (Refinitiv, 2020) <<https://pdf4pro.com/view/refinitiv-world-check-risk-intelligence-651855.html>> accessed 2 July 2025.

123 Namir Shabbi and Ben Bryant, ‘Exclusive: UK Government and Police Are Getting Information From ‘Shadowy’ Terrorism Database’ Vice (10 May 2016) <https://www.vice.com/en/article/exclusive-uk-government-and-police-are-getting-information-from-shadowy-terrorism-database/%utm_source=chatgpt.com> accessed 02 July 2025. See also Charity and Security Network, ‘World-Check: The Dangers of privatizing terrorist lists’ (11 February 2016). <https://charityandsecurity.org/financial-access/worldcheck_private_databases_raise_concerns/> accessed 2 July 2025.

124 Gerald FitzGerald, *Mapping Anti-Muslim Discrimination and Information Manipulation, and Its Impact on Humanitarian Aid and Development* (Schar School of Policy & Government, George Mason University, February 2024) <<https://infomanipulation.schar.gmu.edu/>> accessed 2 July 2025.

125 Peter Osborne, ‘Why did BBC shutdown Bank Accounts’ BBC News (28 July 2015) <Why did HSBC shut down bank accounts? - BBC News> accessed 02 July 2025.

126 Evidence session, March 2023, International charity.

127 *N v The Royal Bank of Scotland plc*. [2019] EWHC 1770 (Comm).

128 Treasury Committee, *Debanking complaints surge in new figures published by Treasury Committee* (21 April 2024) <<https://committees.parliament.uk/committee/158/treasury-committee/news/200988/debanking-complaints-surge-in-new-figures-published-by-treasury-committee/>> accessed 4 July 2025.

129 Jamie Whyte, *Debanked: The economic and social costs of anti-money laundering regulations* (Institute for Economic Affairs, 2024) 27.

130 Miqdad Versi, ‘Where were Nigel Farage and his Defenders when Muslim Bank Accounts were shut down?’ *The Guardian* (28 July 2023) <<https://www.theguardian.com/commentisfree/2023/jul/28/nigel-farage-muslim-bank-accounts-coutts-charities-terrorism>> accessed 02 July 2025.

131 Financial Conduct Authority, *UK Payment Accounts Access and Closure* (2023) 12. The Financial Lives Survey 2022 found that 10 per cent of Muslims were ‘unbanked’.

132 Financial Conduct Authority, *UK Payment Accounts Access and Closure: Update* (2024) 14.

financial institutions, this right does not extend to businesses, charities, or other non-profit organisations. The 'consumer duty' on FCA-regulated institutions, introduced in July 2023, should encourage firms to adopt a proportionate approach to risks identified and not apply a generic approach.¹³³ Furthermore, as of April 2026, the notice period for closing an account or terminating a payment service will be extended to 90 days, and this will include a requirement to provide a clear written explanation for the decision.¹³⁴ However, there is no general legal right to a bank account in the UK. By contrast, citizens, residents, and legal entities in France have a legal right to open a bank account with the Bank of France, provided they can supply proper identity documents. Decisions on applications must be made within a day, and applicants can assert their rights before any account closure.¹³⁵ The Muslim Charities Forum recommend that the UK follow the practice of jurisdictions such as France and establish a 'right to a bank account' for registered charities.¹³⁶ There is also a security advantage in transactions going through banks.

98 Recommendation 98: There should be a statutory 'right to a bank account' for registered charities, following international best practices, to establish and protect a baseline of access to the formal banking sector for charitable organisations, and make continuity of humanitarian operations possible.

Muslim charities are vulnerable to unsubstantiated allegations. The Muslim Charities Forum lost government funding after newspaper claims of extremist links because the then Communities Secretary Eric Pickles MP acted upon the claims without investigation. However, the Charity Commission later cleared all implicated organisations.¹³⁷ A Muslim charity director noted that, contrary to FATF guidance to take a risk-based and proportionate approach to terrorism financing risk in the NPO sector, a risk-averse approach – where services are terminated rather than risks managed – is becoming systemic, expanding beyond banks to credit card companies and fundraising platforms. This is leading to the financial exclusion of Muslim charities.¹³⁸

Even well-established Muslim charities see themselves as particularly vulnerable to reputational damage because of the association of Islam and Muslims with terrorism. They invest heavily in compliance measures to withstand additional scrutiny not faced by non-Muslim charities¹³⁹ and satisfy extra due diligence requirements due to increased suspicion.

99 Recommendation 99: The government should work through Financial Action Task Force (FATF) to develop stronger oversight of commercial risk intelligence databases like World-Check, requiring verification of sources and establishing an accessible appeals process for organisations wrongly flagged as high-risk.

100 Recommendation 100: The Charity Commission, in consultation with the Financial Conduct Authority, should commission independent research on whether financial or other requirements are discouraging people, particularly from marginalised groups and non-professional backgrounds, from becoming charity trustees.

¹³³ *ibid* 7.

¹³⁴ HM Treasury, 'Millions of people and businesses protected against debanking' (Press release, 28 April 2025) <<https://www.gov.uk/government/news/millions-of-people-and-businesses-protected-against-debanking>> accessed 10 September 2025.

¹³⁵ Financial Conduct Authority, *Research Note: international perspectives on de-risking* (September 2023) 13 <<https://www.fca.org.uk/publication/research/research-note-international-perspectives-on-de-risking.pdf>> accessed 12 September 2025.

¹³⁶ Muslim Charities Forum, *The landscape of debanking within Muslim charities and its impact on charitable activities* (MCF 2025) 45.

¹³⁷ Samatha May, 'Muslim charity in the United Kingdom: between counterterrorism and social integration' (2024) 26(1) *The British Journal of Politics and International Relations* 96.

¹³⁸ Evidence session, March 2023, Muslim charity director.

¹³⁹ *ibid* charity sector organisation. See also Conciliation Resources, 'How banks' aversion to risk is hindering peacebuilding and humanitarian work' (Conciliation Resources, June 2022) <<https://www.c-r.org/news-and-insight/how-banks-aversion-risk-hindering-peacebuilding-and-humanitarian-work>> accessed 2 July 2025.

15.8 Key Findings and Recommendations

Counter-terrorism financing regulations have created a complex regulatory landscape with significant unintended consequences that may undermine their intended objectives. While these measures aim to disrupt terrorist funding, evidence suggests they have had a modest impact on terrorist threats in the UK but considerable costs for legitimate actors.

The analysis reveals three critical concerns. First, the broad scope of terrorism financing offences creates substantial risks for humanitarian organisations operating in conflict zones, where routine transactions may inadvertently violate counter-terrorism laws. Second, the combination of criminal liability risks, sanctions regimes, and banking compliance requirements has led to widespread de-risking, delaying vital humanitarian assistance and forcing organisations to withdraw from areas where aid and conflict resolution is most needed. Third, Muslim charities face disproportionate scrutiny and operational challenges, often based on unverified intelligence from commercial databases. The fragmented responsibility across government departments –with no clear ministerial leadership –has hampered coordinated responses to these challenges. While the Tri-Sector Group is a positive development, the significant progress since its inception could go further if there was more coherent policy and an ability to reach out to and involve smaller organisations in some format.

The eleven recommendations propose a more balanced approach: clear and broad humanitarian exemptions across sanctions and counter-terrorism frameworks with the accompanying guidance on the regulation (**Recommendations 90-92**); improved information-sharing mechanisms (**Recommendation 93**); statutory keep open procedures to enable banks to maintain accounts for intelligence purposes (**Recommendation 94**); clearer ministerial leadership to address issues faced by humanitarian and development organisations working in conflict zones (**Recommendation 95**); supporting continuity of humanitarian operations by establishing a statutory right to a bank account for charities (**Recommendation 98**); improved engagement by the Tri-Sector Group with the wider NGO sector, and the challenges of debanking and financial access (**Recommendations 96 and 97**); stronger oversight of commercial risk databases (**Recommendation 99**). These reforms aim to preserve and support counter-terrorism objectives while enabling legitimate humanitarian, development and peacebuilding work to continue effectively.

90 Recommendation 90: The threshold for imposing non-UN sanctions under the Sanctions and Money Laundering Act 2018 should be raised from 'reasonable suspicion' to 'reasonable belief', as recommended by the Joint Committee on Human Rights.

91 Recommendation 91: The government should introduce a comprehensive humanitarian exemption across both sanctions and counter-terrorism frameworks, similar to the Canadian model, covering humanitarian and conflict resolution in alignment with International Humanitarian Law.

92 Recommendation 92: The government should accept the Law Commission's recommendation to provide statutory guidance covering the operation of Part 7 of Proceeds of Crime Act 2002 on suspicion thresholds.

93 Recommendation 93: The National Crime Agency should create a formal mechanism for greater information sharing between law enforcement agencies and financial institutions regarding terrorism financing risks, building on the success of the Joint Money Laundering Intelligence Task Force model.

94 Recommendation 94: The government should create a formalised 'keep open' procedure through legislation, similar to Australia's system, enabling banks to maintain accounts for intelligence purposes when requested by law enforcement agencies, with appropriate legal protections for financial institutions.

95 Recommendation 95: The Prime Minister should establish a senior ministerial role with clear responsibility for addressing counter-terrorism financing challenges facing humanitarian organisations, ensuring coordinated policy responses across the Home Office, Treasury, and Foreign, Commonwealth and Development Office.

96 Recommendation 96: The Tri-Sector Group (TSG) should establish opportunities for a wider group of NGOs to inform the work of the TSG. This requires allocating resources to communicate with the broader sector about new guidance and legislative changes, as well as facilitating networking.

97 Recommendation 97: The Tri-Sector Group should establish a workstream specifically to tackle bank de-risking and financial access. This workstream could involve a wider network of NGOs in the sector.

98 Recommendation 98: There should be a statutory 'right to a bank account' for registered charities, following international best practices, to establish and protect a baseline of access to the formal banking sector for charitable organisations and make continuity of humanitarian operations possible.

99 Recommendation 99: The government should work through Financial Action Task Force (FATF) to develop stronger oversight of commercial risk intelligence databases like World-Check, requiring verification of sources and establishing an accessible appeals process for organisations wrongly flagged as high-risk.

100 Recommendation 100: The Charity Commission, in consultation with the Financial Conduct Authority, should commission independent research on whether financial or other requirements are discouraging people, particularly from marginalised groups and non-professional backgrounds, from becoming charity trustees.

16.

Citizenship Deprivation and Immigration Powers

The idea of a uniquely British citizenship is surprisingly recent, created in the 1981 British Nationality Act. Before 1981, there was a single ‘citizenship of the UK and Colonies’ which was held by all those in British colonies, unless and until they gained independence. Initially, this gave equal rights to those in the UK and the colonies, including the right of abode in the UK. However, from 1968 onwards, this right was restricted to those with a parent or grandparent born in the UK: initially to prevent the entry of British Asians in newly independent countries in East Africa. This was codified in the 1981 Act, so that those without the right of abode in the UK were given five separate and different citizenships, none of which carried a right to live in the UK, and some of which carried no right to live anywhere. All these changes neatly avoided breaching international obligations on statelessness, without providing the fundamental benefit of citizenship.

The history of the sub-division of British nationality for immigration purposes, so that some citizens are more equal than others, is a backdrop to the way that anti-terrorism and immigration law have intersected with citizenship over the last 20 years or so.¹ The 2008 Goldsmith Review affirmed citizenship as central to democratic legitimacy and social cohesion, defining it as both a legal status and a social bond between individuals and the state.² Lord Goldsmith emphasised that citizenship should represent shared participation in society rather than a privilege conferred from above, and called for an inclusive, common narrative of belonging that ‘threads through very many different aspects of our lives and our lives together.’³ The Supreme Court has recognised citizenship as both a legal and a social bond, providing not only the right of abode and political participation but also fundamentally contributing to a person’s sense of belonging and connection to the wider community.⁴

Professor Fionnuala Ní Aoláin, former UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, has described citizenship as a ‘gateway right’—a foundation that

1 Tufyal Choudhury ‘The radicalisation of citizenship deprivation’ (2017) 37(1) Critical Social Policy 225.

2 The Labour Government commissioned former Attorney General, Lord Goldsmith, to examine how citizenship could strengthen civic participation, integration, and social cohesion. It recommended measures to modernise and clarify its role in British society.

3 Peter Goldsmith, *Citizenship: Our Common Bond* (Ministry of Justice 2008) 89 <https://image.guardian.co.uk/sys-files/Politics/documents/2008/03/11/citizenship-report-full.pdf?utm_source=chatgpt.com> accessed 02 October 2025.

4 *O [a minor] v Secretary of State for the Home Department* [2022] UKSC 3.

secures access to all other rights.⁵ She criticises the increasing use of citizenship deprivation as a counter-terrorism tool for destabilising this foundation, undermining equality of membership and eroding established principles of nationality and due process. Former Conservative minister Jacob Rees-Mogg has emphasised that the constitutional principle of equality before the law should underpin British citizenship.⁶

Earlier chapters of this report present evidence that perceptions and experiences of unequal treatment among different groups of British citizens contribute to social division and polarisation (**chapter 7**) and that adverse encounters with counter-terrorism policing powers can weaken people's connection to their British citizenship and sense of national belonging (**chapter 9**). This chapter examines evidence on the use and impact of citizenship deprivation and immigration powers as counter-terrorism measures. These powers have been shown to fall disproportionately on Black and minority ethnic communities. Viewed in light of the broader evolution of citizenship policy, they mark a gradual departure from the inclusive and equal conception of citizenship that the Goldsmith Review and subsequent judicial recognition have identified as essential to democratic legitimacy, social cohesion, and the Rule of Law.

Section 1 outlines the extent and manner in which citizenship deprivation has been used over time. Section 2 details the incremental expansion of citizenship deprivation powers. Section 3 considers the impact of these changes on the equality and value of British citizenship as well as on children and families. Section 4 examines the judicial oversight of deprivation decisions and the avenues available to individuals to obtain redress. Section 5 sets out the key findings and recommendations of this chapter.

16.1 Use of Citizenship Deprivation

Before 2002, the power to deprive people of their British citizenship had last been used in 1973.⁷ It was never used for Northern Ireland-related terrorism. Since 2002, over 220 individuals have been stripped of their British citizenship on the grounds that it is not 'conducive to the public good'.⁸ It applies whether people were born British or acquired citizenship later. If a person is deprived while still in the UK, there would have to be another country that would agree to take them. However, if deprivation occurs when the person is outside the UK, they can be prevented from returning: in effect, exiled from the UK. This applies whether they left for an extended or a very short period, including on holiday.

The UK is not unique in using citizenship deprivation as a counter-terrorism measure.⁹ However, it stands out among liberal democracies in the breadth of discretionary power granted to the government to strip people of citizenship and the frequency with which this is exercised. Since 2010, only Bahrain has revoked more citizenships on national security grounds than the UK.¹⁰ Almost three-quarters of all UK deprivations occurred between 2016 and 2019, with 104 deprivation orders issued in 2017 alone; most involved British nationals who had travelled to Iraq and Syria and lived in ISIS-controlled territories. Following the collapse of the so-called Islamic State, these

5 United Nations Human Rights Special Procedures, *Position of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights consequences of citizenship stripping in the context of counter-terrorism with a particular application to North East Syria* (February 2022) <<https://www.ohchr.org/en/special-procedures/sr-terrorism/return-and-repatriation-foreign-fighters-and-their-families>> accessed 12 July 2025.

6 HC Deb 30 January 2014, vol 574, col 1086.

7 Home Office, *Secure Borders, Safe Haven – Integration with Diversity in Modern Britain* (Cm 5387, 2002) 35.

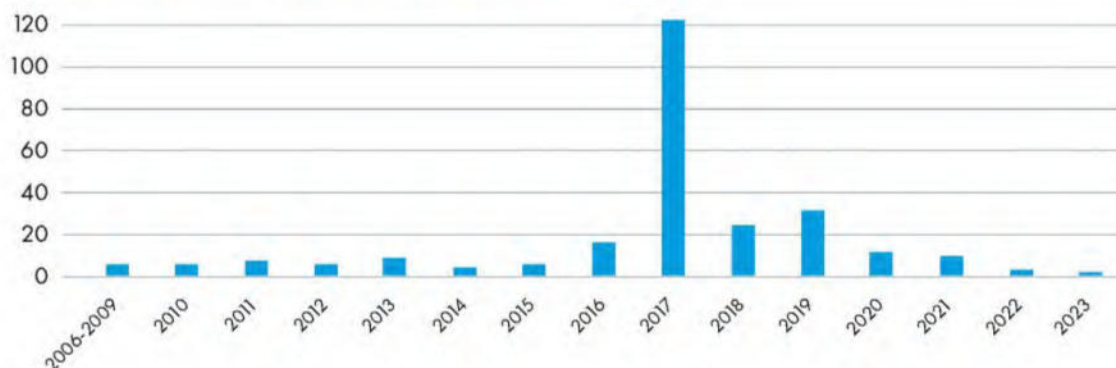
8 CJ McKinney, Melanie Gower and Terry McGuinness, *Deprivation of British citizenship and withdrawal of passports* (House of Commons Library 2023). No specific data is available for citizenship deprivations on national security grounds. However, the government's Counter-Terrorism Disruptive Powers reports (published since 2015) confirm their use as counter-terror measures, with 222 deprivations recorded between 2010 and 2023 on grounds of 'conducive to the public good'.

9 A survey by the Institute on Statelessness and Inclusion in 2022 found that 134 countries had laws allowing citizenship deprivation on national security grounds. Europe accounts for 18 of the 37 countries that have added new grounds of nationality deprivation based on national security or terrorism since 2000. See: Institute on Statelessness and Inclusion, *Instrumentalising Citizenship in the Fight Against Terrorism* (2022) 4 <<https://www.institutesi.org/resources/instrumentalising-citizenship-report>> accessed 09 July 2025.

10 Evidence submission, Institute on Statelessness and Inclusion.

individuals were held by Kurdish authorities in north-east Syria. Citizenship revocation had the effect of preventing them from returning to the UK. It has created an ongoing challenge regarding the long-term status of those who have been deprived and their children (see **chapter 17**).

Figure 16.1: Citizenship Deprivation 2006-2023¹¹



Given the consequences of citizenship deprivation, consideration of alternative measures is relevant to assessing the necessity of its use as a counter-terror tool. Other measures exist to address security concerns, including terrorism prevention and investigation measures (TPIMs) for managing security risks within the UK and temporary exclusion orders (TEOs) for British nationals outside the UK. TEOs were introduced to enable the managed return of British nationals, with all those subject to TEOs eligible to apply for such return.¹² The Channel programme works with convicted terrorist offenders to support desistance and deradicalisation.¹³ Although there was a sharp increase in citizenship revocations between 2016 and 2019, when 166 individuals had citizenship revoked for travelling to ISIS-controlled areas in Syria and Iraq, the number of deprivations in most other years since 2006 has been five or fewer. This pattern raises questions about the necessity and proportionality of deprivation as a counter-terrorism tool, given the availability of alternative measures to address security concerns.

¹¹ Data for 2006-2021 CJ McKinney, Melanie Gower and Terry McGuinness, *Deprivation of British Citizenship and Withdrawal of Passports*, (House of Commons Library 25 January 2023). Data for 2022 from HM Government, *HMG Counter-Terrorism Disruptive Powers Reports 2022* (CP 954, 2023) 27; Data for 2023 from HM Government, *HMG Counter-Terrorism Disruptive Powers Reports 2023* (CP 1212, 2024) 27.

¹² Counter-Terrorism and Security Act 2015, Part 1, **Chapter 2**.

¹³ See **chapters 5 and 11**.

16.2 Successive Changes to the Power to Remove British Citizenship

The British government's power to remove citizenship has a long-standing history, dating back to 1914. Initially, the scope of this power was very limited. Firstly, it applied exclusively to people who naturalised or registered as British subjects or later as citizens of the United Kingdom and Colonies (the two forms of British nationality before 1981).¹⁴ Secondly, the circumstances under which citizenship could be revoked were narrowly defined and required specific conduct. These grounds included acts of disloyalty to the Crown, assisting an enemy during wartime, or receiving a prison sentence of at least 12 months within five years of acquiring British nationality. In fact, until the British Nationality Act 1981, the disloyalty and crime tests did not apply to people who acquired British citizenship by registration; they could only be deprived if they had acquired it through fraud. That applied to people from Commonwealth countries.

Since 2002, the power to deprive a person of British citizenship has been significantly expanded. This occurred through four key legislative changes. The first arose from the case of Abu Hamza, an Egyptian-born cleric who had naturalised as a British citizen. The government sought to remove his citizenship so he could be deported, but could not do so because his conduct did not fall within the grounds for citizenship deprivation under the law as it then stood. In response, Parliament introduced the so-called 'Hamza amendment' to broaden the grounds for deprivation, allowing the Home Secretary to remove citizenship for actions 'prejudicial to the vital interests' of the UK or its territories.¹⁵ For the first time, this permitted the deprivation of citizenship for those born British.¹⁶ A second change in 2004 meant that people could only appeal against deprivation after it had been revoked, rather than before a deprivation order had taken effect.¹⁷

The third change was in 2006, when the criterion for deprivation was further lowered. The threshold for deprivation was reduced to whether it was 'conducive to the public good', the same test as for the deportation of a foreign national.¹⁸ This change was influenced by the government's desire to revoke David Hicks' recently acquired British citizenship.¹⁹

Finally, the Immigration Act 2014 significantly reduced protection for naturalised citizens by introducing a power to deprive a person of British citizenship even if this might make them stateless. This directly responded to the Supreme Court's decision in the *Al-Jedda* case, which held that it was unlawful to deprive Mr Al-Jedda, a naturalised British citizen, on national security grounds, because it rendered him stateless.²⁰ The 2014 Act allowed the Home Secretary to deprive naturalised individuals of their British nationality if there were 'reasonable grounds for believing' they could obtain citizenship of another country. This power was limited to cases where a person's actions were 'seriously prejudicial to the vital interests of the United Kingdom'.²¹ The Independent Reviewer of Terrorism Legislation must review any use of this power. However, the power has yet to be used.

14 The legal status of British citizen was established by the British Nationality Act 1981, which came into force in 1983. Prior to this, a unitary status of 'British subject' existed under the British Nationality and Status of Aliens Act 1914, until the British Nationality Act 1948 replaced it with Citizenship of the United Kingdom and Colonies (CUKC) alongside other Commonwealth citizenships. Under both the 1914 and 1948 regimes, nationality could be acquired by naturalisation, or by registration in cases where individuals had a statutory entitlement or a recognised connection to Britain or its colonies. See further, Home Office, *Historical background information on nationality* [UK Visas and Immigration, 20 July 2017] <<https://www.gov.uk/government/publications/historical-background-information-on-nationality/historical-background-information-on-nationality-accessible>> accessed 4 October 2025.

15 Within three days of the amended law coming into force in April 2003, the government sought to revoke Hamza's citizenship. The attempt was unsuccessful because Egypt had by then stripped him of his Egyptian citizenship, meaning that removing his British citizenship would have rendered him stateless.

16 Nationality, Immigration and Asylum Act 2002, s 4 amending British Nationality Act 1981, s 40.

17 Asylum and Immigration (Treatment of Claimants, etc) Act 2004, s 4, amending British Nationality Act 1981, s 40A.

18 Immigration, Asylum and Nationality Act 2006, s 56 amending British Nationality Act 1981 s 40(2). Under the Immigration Act 1971, section 3(5)(a), a foreign national may be deported if the Secretary of State deems their deportation 'conducive to the public good.'

19 David Hicks was an Australian national with British parents, who was rendered to Guantanamo Bay after being captured in Afghanistan in 2001. In 2005 Hick appealed against the Home Secretary's rejection of his application for registration of his British citizenship. As the 'seriously prejudicial' test introduced in 2003 was not retroactive, the court applied the original 1981 legislation to Hicks' actions in Afghanistan. However, the Court of Appeal ruled that Hicks could not have shown disloyalty or disaffection to Britain under the 1981 law, as he was not British when the alleged acts occurred.

20 *Secretary of State for the Home Department v Al-Jedda* [2013] UKSC 62.

21 British Nationality Act 1981, s 40(4A) inserted by Immigration Act 2014, s 66.

Thresholds and oversight

Evidence provided to the Commission has raised fundamental issues about the deprivation power: the lack of foreseeability, the vague terms of the legislation and the low thresholds for deprivation. The ‘conducive to the public good’ test originates in legislation on the deportation of foreign nationals. It is a broad term, originally developed for individuals whose permission to remain in the UK was subject to government discretion, rather than for citizens with an automatic right to live here. In practice, the test includes a broad range of factors, ranging from criminal conduct and serious threats to somewhat less quantifiable ‘assessments of operational benefit’ and ‘unacceptable behaviours’.²² The latter term is particularly criticised for its breadth and lack of clear guidance, which may lead to arbitrary application.²³ This criterion is seen as overly subjective, granting the Home Secretary wide powers.²⁴ While ‘conducive to the public good’ has been part of the decision-making on revoking naturalisation certificates granted to foreign nationals since 1914, it previously operated as a secondary test and, effectively, a limitation on, not a reason for revocation. The Home Secretary could not revoke naturalisation on one of the statutory grounds unless they were also satisfied that retention of citizenship was not conducive to the public good.²⁵

When, in 2006, the threshold for deprivation was lowered to the ‘conducive to the public good’ test, the Joint Committee on Human Rights (JCHR) expressed concern that this increased the risk of arbitrary decisions. They noted that even British-born citizens could lose their citizenship for making or communicating statements deemed by the Home Secretary to ‘justify’ terrorism.²⁶ This concern was exacerbated by the lack of a requirement for objectively reasonable grounds for the Secretary of State’s belief.²⁷ Critics argue forcefully that such broad, vague language may not meet the UN’s recommendations for precise, publicly available laws that define impermissible conduct related to terrorism.²⁸

The threshold for deprivation is also low, which appears to be at odds with the UK’s obligations under the 1961 Statelessness Convention. Unlike other states, such as France, facing an internal issue of involvement in terrorism by their own citizens, deprivation in the UK does not require a criminal conviction. The Tunis Conclusions on Article 8(4) of the Statelessness Convention recommend a two-step process for nationality deprivation: a criminal court finding of guilt followed by a decision on citizenship revocation. The UK’s current practice falls well short of these international standards and recommendations.²⁹

In its submission to the Commission, the Institute on Statelessness and Inclusion highlighted the 2007 Australian Citizenship Act as an example of a more carefully structured and nuanced approach to citizenship deprivation. The Minister must make applications for orders to revoke citizenship for national security reasons to a court.³⁰ The Act permits revocation when an Australian’s actions ‘demonstrate repudiation of allegiance’ and precisely defines such conduct. It references behaviour at odds with shared Australian values and opposition to national interests. A court must be satisfied that citizenship deprivation is in the public interest, with mandatory proportionality-related considerations, such as the severity of the conduct, the threat level, the individual’s age, and Australia’s international standing, to be taken into account and weighed by the court. This detailed framework stands in contrast to the UK’s broader and more subjective ‘conducive to the public good’ criterion, providing clear procedural and substantive

22 Home Office, ‘Deprivation of British citizenship’ (v4.0, 12 June 2025) <<https://www.gov.uk/government/publications/deprivation-of-british-citizenship-caseworker-guidance/deprivation-of-british-citizenship-accessible-version>> accessed 30 August 2025.

23 Institute on Statelessness and Inclusion (n10).

24 Evidence submission, Amnesty International.

25 British Nationality and Status of Aliens Act 1914, s 7(2).

26 Joint Committee on Human Rights, *Counter-Terrorism Policy and Human Rights: Third Report* (HC 75/HL 7, 2005) para 158.

27 *ibid* para 161.

28 United Nations High Commissioner for Refugees (UNHCR), *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5–9 of the 1961 Convention on the Reduction of Statelessness* (2020) <<https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123216>> accessed 6 July 2025.

29 Institute on Statelessness and Inclusion (n10).

30 In *Alexander v Minister for Home Affairs* [2022] HCA 19, the High Court of Australia held that for a Minister unilaterally to have the power to deprive an Australian of citizenship without the order of a court was unconstitutional. The provision was ‘...invalid in its entirety because it is contrary to Ch III of the Constitution. It confers on the Minister the power to impose a sanction upon a person (involuntary cessation of citizenship) – a punishment – for that person engaging in past conduct of a kind identified as warranting the condemnation of the Australian community.’

limits on the power to revoke citizenship.³¹ While reducing the risk of arbitrary or unfair deprivation, the 2007 Act has nevertheless permitted the Australian government to revoke the citizenship of 58 of its nationals.³²

By contrast, the justification for deprivation in the UK is determined almost entirely by whether deprivation is 'assessed' to produce any operational national security benefit. On appeal the court does not focus scrutiny on the actual conduct of the individual and the proportionality of deprivation in light of that conduct, but on the rationality of the claimed utility of the measure for the broader purposes of prevention of terrorism. That is a consequence of the breadth of the legislative threshold, focusing on the term 'conducive to the public good'. In setting the test, Parliament did not address many of the political and legal problems the legislation created. Nor have its consequences for British communities been subject to meaningful post-legislative scrutiny.

This framework raises concerns about effective safeguards against statelessness. It does not account for the potential divergence between theoretical eligibility for another nationality and the practical likelihood of obtaining it. Administrative, legal, political, or practical barriers may prevent the acquisition of citizenship that appears theoretically available.³³ Under the UK framework, the period between the making of an order (when British citizenship is immediately lost) and a successful appeal may span months or years. Yet, no statutory remedy exists for the denial of fundamental citizenship rights during this potentially significant interim period when an individual is at risk of deportation or (more likely) excluded from the UK.

31 Institute on Statelessness and Inclusion (n10).

32 Department of Home Affairs, 'Freedom of Information Request: FA 22/02/00122' (2022) <<https://www.homeaffairs.gov.au/foi/files/2022/fa-220200122-document-released.PDF>> accessed 06 July 2025.

33 Institute on Statelessness and Inclusion (n10).

16.3 The Impacts of Citizenship Deprivation

Unequal citizenship

The cumulative effect of the incremental changes described above has undermined the equality of British citizenship. Following the 2002 change, citizenship deprivation applied to all British nationals, whether naturalised or born British. In theory, this appeared to provide equal treatment for all British citizens. However, international law prohibits rendering a person stateless, so that British citizens with no other nationality, or the potential to acquire one, are insulated from any risk of deprivation, regardless of their conduct and behaviour, even if ‘unacceptable’.³⁴

Consequently, the policy disproportionately affects dual nationals or those potentially eligible for another nationality because of ancestral connections to another country. There is no official data on the number of people who could be deprived. Census data shows that in 2021, there were 1.2 million people with British and another citizenship, of whom 587,600 were born in England and Wales.³⁵ However, this data only relates to the passports people hold, as a proxy for nationality, and therefore does not include individuals who, in practice or in theory, have another nationality but do not hold a passport of that nationality. Other analysts estimate that 40% of individuals from Black and minority ethnic groups hold dual nationality or are potentially eligible for another nationality, compared to merely five per cent of White British citizens.³⁶ That is because they have a parent born outside the UK. The possibility of another nationality creates a risk of deprivation, even if that other nationality has not been invoked and is not available in practice.

Evidence to the Commission shows that this disparity has become a source of considerable concern in civil society, particularly in light of the increased use of citizenship deprivation powers over the past decade, including its extension beyond counter-terrorism measures to cases involving criminal convictions.³⁷ The threat of deprivation has also been reported to be used by security services to pressure people to act as informants.³⁸

The high-profile case of Shamima Begum has further crystallised awareness of this inequality. Former MP Jacob Rees-Mogg articulated a forceful critique, asserting that the legislation and policy are ‘fundamentally racist [...] as [they deny] the absolute Britishness of all those who are either recent immigrants themselves or their children.’³⁹ Evidence gathered during the Commission’s inquiry revealed deep apprehensions within minority communities that the power to take away British citizenship could potentially be wielded against young people from minority backgrounds involved in gang activities or civil disturbances.⁴⁰ As things stand, the legislation permits that possibility. Testimony presented to the Commission highlighted a pervasive sentiment within minority ethnic communities that this policy effectively devalues their British citizenship, relegating it to a precarious, second-class status.⁴¹

The 2014 change created a division between naturalised British citizens and British citizens by birth, as it made it possible for naturalised citizens to be made stateless, whereas this is not possible for people born with British citizenship. The effect of these changes is to create three classes of British citizenship.

34 Convention on the Reduction of Statelessness, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975)

35 Ben Fitch and Sophi Noble, ‘Dual Citizens Living in England and Wales: Census 2021’ (Office of National Statistics, 31 August 2023) <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/dualcitizenslivinginenglandandwales/census2021?utm_source=chatgpt.com> accessed 11 July 2025.

36 Ben van de Merwe, ‘British citizenship of six million people could be jeopardised by Home Office plans’ *New Statesman* (1 December 2021) <<https://www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans>> accessed 12 July 2025.

37 *Secretary of State for the Home Department v Kolikaj* [2025] EWCA 10.

38 Evidence session, January 2023, academic expert. See also Mohamed Aden Hasan, *Transnational Active Citizens: Theorizing the Experiences of Young Somali Males in London* (PhD thesis, University of London 2013) 205–11 and Robert Vervkaik, ‘How MI5 Blackmails British Muslims’, *The Independent*, [21 May 2009] <https://www.independent.co.uk/news/uk/home-news/exclusive-how-mi5-blackmails-british-muslims-1688618.html> accessed 15 June 2025.

39 Jacob Rees-Mogg, ‘Shamima Begum shouldn’t have lost her British citizenship’ 24 February, *The Spectator* (24 February 2024) <<https://www.spectator.co.uk/article/shamima-begum-shouldnt-have-lost-her-british-citizenship/>> accessed 12 July 2025.

40 Evidence session, January 2023, lawyer.

41 Evidence submission, Dr Nisha Kapoor.

- i. People born with sole British citizenship, who cannot be subject to deprivation
- ii. People born with British citizenship but with an actual or potential claim to another nationality, who can have their citizenship revoked even if the possibility of accessing another nationality is theoretical rather than actual⁴² as it may never have been exercised and may relate to a country the person has never visited.
- iii. People who are naturalised British citizens whose citizenship can be revoked if the minister has a 'reasonable belief' that they may be able to claim another nationality, even if in practice this renders them stateless.

The unequal impact of these distinctions may become more pronounced with the increase in threats from extreme right-wing terrorism. Deprivation is less likely to be available in cases such as white supremacists and neo-Nazis supporting violent extremism, as they are more likely to fall into the category of British citizens born with access only to British nationality.

As many of those who may be subject to deprivation in practice only hold British citizenship, this outcome, introduced without extensive parliamentary consideration of its broader implications, may weaken social cohesion by signalling that belonging for certain groups of citizens is more conditional than for others. Applying the same 'conducive to the public good' standard for citizenship deprivation as for deportation of non-citizens undermines the value of British citizenship. In fact, foreign nationals facing revocation of their indefinite leave to remain benefit from more detailed procedural protections than British citizens at risk of losing their citizenship, as these are more fully set out in legislation (discussed further in section 4 of this chapter).

The limited protections afforded to British citizens also contrast with those in other countries, such as Australia (discussed above), Canada, France and the USA. Canada and the USA do not allow citizenship revocation other than for fraud or misrepresentation in acquiring citizenship. Individuals born French are permanently protected from citizenship revocation. For naturalised French citizens, the power to revoke citizenship is subject to limitations and becomes unavailable after a specified period.⁴³

Impact on children and families

The legislation does not prohibit the deprivation of a child's citizenship, although the Home Secretary must consider the child's best interests when making decisions on nationality.⁴⁴ Home Office guidance notes that 'consideration of a child's best interest is a primary, but not the only, consideration in nationality decisions affecting them', and that 'the fact that children are affected by the decision to deprive does not mean you should never deprive, as their best interests may be outweighed by countervailing factors'.⁴⁵ The Children's Commissioner for England has said, however, that it is never appropriate to remove British citizenship from a child.⁴⁶

The current legislative and policy framework gives limited consideration to the full range of consequences arising from citizenship deprivation. Evidence from affected families demonstrates that these decisions impact entire family units, not only the individual subject of the order.

Evidence to the Commission illustrated how citizenship deprivation can affect family unity, requiring parents to choose between remaining in the UK or relocating to maintain the family unit. In most cases, the individual is outside the UK when the deprivation decision is made, resulting in separation from home and family. This situation often creates disruption for children, who may be removed from their schools, social networks, and familiar environments. The consequences extend beyond immediate practical concerns, affecting the emotional well-being, educational continuity, and social integration of family members, including younger siblings.⁴⁷

42 That is because the prohibition is against 'de jure' not 'de facto' statelessness, i.e. if a UK court determines that you are entitled to another citizenship as a matter of law, it does not matter that the state concerned disagrees.

43 Evidence submission, Dr Rachel Pougnet.

44 Borders, Immigration and Citizenship Act 2009, s 55.

45 Home Office, *Deprivation of British citizenship: accessible version* (22 October 2022) <<https://www.gov.uk/government/publications/deprivation-of-british-citizenship-caseworker-guidance/deprivation-of-british-citizenship-accessible-version>> accessed 24 April 2025.

46 Children's Commissioner, 'Response to the Home and Foreign Secretaries regarding British Children in Syria' (5 November 2019) <<https://www.childrenscommissioner.gov.uk/statement/response-to-the-home-and-foreign-secretaries-regarding-british-children-in-syria/>> accessed 24 April 2025.

47 Evidence session, January 2023, family member of person deprived of UK citizenship.

Legal experts also highlighted cases involving families in camps in Syria, where children born before a parent's citizenship deprivation retain British citizenship, while those born afterwards are not eligible.⁴⁸ The Supreme Court has clarified that if a parent was deprived of British citizenship, but later succeeded on appeal by proving that the deprivation unlawfully rendered them stateless, any child born during that period is recognised as having been a British citizen from birth.⁴⁹ This illustrates how legislative gaps necessitate complex litigation over many years to determine how provisions can be operated fairly and lawfully.

International relations

Legal and security experts from other states caution that the UK's use of citizenship revocation as a counter-terrorism measure must be weighed against its diplomatic costs.⁵⁰ They note that stripping citizenship often shifts security burdens to other nations, potentially damaging international relationships. The high-profile cases of two young Britons, Jack Letts and Shamima Begum, illustrate these concerns, highlighting the tensions created when the UK attempts to manage security risks by revoking citizenship and leaving the responsibility for these individuals to other states.⁵¹ However, others have alleged that deprivation has at times facilitated smoother diplomatic relations, particularly in cases where those deprived were later targeted in US drone strikes or subject to extradition or rendition, with the removal of citizenship mitigating potential diplomatic difficulties by relieving the UK of responsibility to make representations on behalf of nationals affected by such actions.⁵²

16.4 Procedural Safeguards

People deprived of their British citizenship do not have an opportunity to address alleged security concerns before the decision takes effect, nor do decisions receive any prior independent or judicial scrutiny. There is a statutory right of appeal against the notice of an intention to make a deprivation order. Deprivations on national security grounds will usually be certified by the Home Secretary as being taken on the basis of material which cannot be disclosed in the public interest. In such cases, the right of appeal is to the Special Immigration Appeals Commission (SIAC).

Appeals in SIAC are subject to a 'closed material procedure' or CMP. The operation of CMPs is discussed in **chapter 13**. Evidence received by the Commission identified concerns regarding how limitations and delays in the appeal process interact with the legislative framework governing this power. These concerns relate to the absence of advance notice, the immediate effect of a deprivation order, the limited scope of the appeal right, and the lack of express statutory provision regarding SIAC's task on appeal or the meaning and effect of a successful appeal and consequential remedy. The gaps and ambiguities in the legislation, and the categorisation of citizenship deprivation as an immigration rather than a security measure, have resulted in fewer procedural protections and oversight mechanisms than in other counter-terror powers such as TPIMs or surveillance authorisations. This framework provides more limited remedies when deprivation decisions are found to have been made in error, which contributes to the perception that this power is an attractive counter-terror measure for the executive.⁵³

Notice Requirements

Until 2022, the British Nationality Act 1981 required the Home Secretary to provide written notice before revoking an individual's citizenship.⁵⁴

48 Commission plenary meeting, January 2023.

49 *N3 (ZA) v Secretary of State for the Home Department* [2025] UKSC 6.

50 International roundtable, January 2023, academic expert, Canada.

51 International roundtable and evidence session, January 2023.

52 Chris Woods and Alice Ross, 'Former British citizens killed by drone strikes after passports revoked' *The Bureau of Investigative Journalism* (27 February 2013) <<https://www.thebureauinvestigates.com/stories/2013-02-27/former-british-citizens-killed-by-drone-strikes-after-passports-revoked>> accessed 04 October 2025.

53 Evidence session, January 2023, lawyer.

54 British Nationality Act 1981, s 40(5).

In the D4 case, the Court of Appeal ruled that regulations permitting citizenship revocation without notice were unlawful, emphasising the need to balance state authority with individual rights, including the right to be informed of such decisions, their rationale, and available appeal mechanisms.⁵⁵ The government responded by legislating to remove the notice requirement altogether, giving the Home Secretary power to revoke citizenship without informing the person concerned. This change applied retrospectively to 63 cases where notice had not been lawfully served, raising questions about compatibility with Rule of Law and the use of retrospective legislation.⁵⁶ In practice, deprivation without notice — often imposed on individuals abroad and without detailed reasons — makes it extremely difficult to challenge such decisions.⁵⁷ In the case of Shamima Begum, the Supreme Court held that she had no right to seek leave to enter the UK to pursue an appeal against deprivation even where it was accepted that the proceedings were unfair.⁵⁸

Immediate effect of a deprivation order

Under the British Nationality Act 1981, individuals facing citizenship revocation retained their citizenship status pending the outcome of any appeal. This crucial safeguard enabled affected individuals to contest decisions without immediately losing their rights and status. However, in 2004, legislation enabled revocation orders to take immediate effect, notwithstanding any pending appeal.⁵⁹ The Home Office explained that this change would allow deportation and deprivation proceedings to be pursued concurrently.⁶⁰

Evidence to the Commission from legal practitioners indicates that, in national security cases, citizenship deprivation rarely, if ever, occurs while a person concerned is in the UK. Instead, deprivation orders are generally issued after the person has left the country, effectively preventing their return. This differs from deprivation cases involving fraud or serious crime, where the individual is often in the UK when the order is made. The Court of Appeal has held that it is not an unlawful abuse of process for the Home Secretary to wait until an individual has left the UK before giving notice — whether by serving it to the last known address or ‘to file’ — and making a deprivation order at this stage. The Court reasoned that the Home Secretary could legitimately consider national security implications when determining the timing of such legal action.⁶¹

The Court also held that it was not unlawful for the government to encourage an individual to leave the country with the intention of subsequently depriving them of their citizenship or indefinite leave to remain (ILR). Legal practitioners have observed that this approach enables British nationals or permanent residents from the UK to be deprived of the procedural protections applicable to decisions made while individuals are in the country.⁶²

Legal experts cited cases illustrating the strategic use of this power in practice. In one case, an individual could not have been deprived of citizenship while in the UK because human rights considerations would have prevented their removal to Algeria. The government then issued a deprivation order after the person had travelled abroad to visit family, where these human rights protections did not apply.⁶³

Because deprivation takes immediate effect during the appeal process, British citizens have fewer procedural protections than foreign nationals with indefinite leave to remain facing deportation, where deportation orders cannot take effect until appeal rights are exhausted. Lord Justice Rix in the Court of Appeal observed that the greater procedural rights afforded to non-citizens compared to a British citizen were ‘surprising and counter-intuitive... and may not have been intended’.⁶⁴ Practitioners report to the Commission that where an individual is outside the UK, cases may take years to resolve, during which the individual is in a precarious position, separated from home, established private life and family members.⁶⁵

55 *R (D4) (Notice of Deprivation of Citizenship) v Secretary of State* [2022] EWCA Civ 33, [53].

56 Ronan Cormacain, ‘Nationality and Borders Bill (Commons Consideration of Lords Amendments): A Rule of Law Analysis’ (Bingham Centre for the Rule of Law, 22 April 2022).

57 Evidence submission, Amnesty International.

58 *Begum v Secretary of State for the Home Department* [2021] UKSC 7.

59 Asylum and Immigration Act 2004.

60 HL Deb 15 June 2004, vol 662, col 720 (Lord Rooker) and HL Deb 6 July 2004, vol 663, col 783 (Lord Rooker).

61 *L1 v Secretary of State for the Home Department* (‘L1’) [2015] EWCA Civ 1410.

62 Commission plenary meeting, January 2023, lawyer.

63 *W2 v Secretary of State for the Home Department* (2023) SC/131/2016.

64 *G1 v Secretary of State for the Home Department* [2012] EWCA Civ 867, [59].

65 Commission plenary meeting, January 2023, legal expert.

The Supreme Court in the *N3* case held that when a person succeeds on appeal against deprivation, the order automatically lapses and they are treated as never having lost their citizenship.⁶⁶ In response, the government introduced the *Deprivation of Citizenship Orders (Effect during Appeal Act)*. The Act allows deprivation orders to continue to have effect throughout the appeal process, so that citizenship would only be restored once the government exhausted all appeal options. It applies retrospectively to all existing orders, meaning individuals found to have been unlawfully deprived would remain without citizenship until final resolution, delaying the restoration of rights, including the ability to return. Although the Home Secretary already has powers to prevent a British person from re-entering the UK, through temporary exclusion and passport orders, the Bill would avoid the procedural safeguards required by those measures, such as Article 6(1) compliant disclosure of evidence to enable effective challenge.⁶⁷

Fair hearing

The European Convention on Human Rights does not expressly protect the right to nationality. Moreover, Article 6 fair trial rights do not apply to citizenship deprivation proceedings, as these are not considered to involve ‘civil rights or obligations.’ Consequently, deprivation cases are subject to less stringent disclosure standards than those governing temporary exclusion orders (TEOs) or detention. In TEO and deprivation of liberty cases, the government must provide a summary (‘gist’) of the closed evidence to enable an effective challenge (see **chapter 13**). No such procedural safeguard exists in citizenship deprivation cases.

Paradoxically, Article 6 protections do apply in some European states where citizenship may be revoked as part of a criminal conviction. This creates a perverse incentive: states that use administrative deprivation—without criminal proceedings—face less judicial scrutiny under the Convention. The result is an uneven human rights framework that risks rewarding states with weaker procedural safeguards and undermining the Convention’s broader commitment to fairness and due process.⁶⁸

English common law provides important protections against interference with fundamental rights. However, citizenship, despite being a crucial ‘platform right’ on which other democratic rights like voting and residence depend, is not recognised as a ‘fundamental’ right in common law. Instead, it is classified by courts as a ‘statutory’ right, making it more vulnerable to interference since courts have fewer powers under the common law to intervene.⁶⁹

Limits of judicial oversight

Parliament has provided for ex post facto judicial oversight of deprivation decisions through a right of appeal to the Special Immigration Appeals Commission (SIAC). However, the legislation does not specify the standard or intensity of judicial scrutiny to be applied. In the *Shamima Begum* case, the Supreme Court held that SIAC’s role on appeal is confined to reviewing the reasonableness of the Home Secretary’s decision, rather than assessing for itself whether deprivation was ‘conducive to the public good.’⁷⁰

This reversed the Court of Appeal’s view that SIAC could independently evaluate national security risks, reaffirming that such judgments fall within the executive’s exclusive domain. The decision also appeared to depart from the broader judicial consensus that the common law requires courts to assess the proportionality of a decision depriving a British citizen of that status.⁷¹

The Supreme Court in *Begum* further held that it was not for the Court of Appeal to determine whether a less restrictive measure—such as a Terrorism Prevention and Investigation Measure (TPIM)—could have mitigated the security risk, reasoning that the Home Secretary’s decisions attract deference because of her democratic

66 *N3 & ZA v Secretary of State for the Home Department* [2025] UKSC 6.

67 *QX v SSHD* [2024] UKSC 26.

68 Elke Cloots, ‘The legal limits of citizenship deprivation as a counterterrorism strategy’ (2017) 23(1) *European Public Law* 57. Ahmed Almutawa and Clive Walker, ‘Citizenship as a Privilege and the Weakness of International Law: The Consequences for Citizenship Deprivation in Bahrain and the UK’ (2022) 14(3) *Journal of Human Rights Practice* 1038.

69 Hayley Hooper, ‘Justice for One Side Alone? R. (On the Application of Begum) (Respondent) v Secretary of State for the Home Department (Appellant) [2021] UKSC 7’ (2022) *Public Law* 1.

70 *R (Begum) v Secretary of State for the Home Department* [2021] UKSC 7.

71 See, in particular, Lord Sumption in *Pham v Secretary of State for the Home Department* [2015] UKSC 19.

accountability. Some legal experts argue, however, that judges, with access to closed material, are well placed to scrutinise executive decisions affecting individual rights. SIAC panels, comprising a High Court judge, an immigration judge, and a national security expert, reflect a high degree of institutional competence.⁷² They maintain that SIAC is an appropriate forum to assess not merely the reasonableness, but also the substantive justification and proportionality, of deprivation decisions.

Following the Supreme Court's decision in *Begum*, challenges to citizenship deprivation on national security grounds are now confined to whether the Home Secretary's decision was rational at the time it was made. In *U3*, the Court introduced important procedural safeguards—allowing consideration of new evidence, fact-finding on the balance of probabilities, and a 'rolling review' of national security assessments—but reaffirmed that courts cannot substitute their own judgment for the executive's, and may only assess whether the evidence, 'viewed as a whole', provides a rational basis for deprivation.⁷³ The 'rolling review' duty, developed by SIAC and endorsed by the Supreme Court, fills some gaps left by the absence of clear legislation setting out appeal standards and the limitation to rationality review confirmed in *Begum*.

Despite two decades of litigation exposing legislative gaps, the deprivation framework has not been amended to provide greater clarity or certainty. Unlike immigration law—where the *Immigration Act 1971* replaced prerogative powers with a detailed framework—citizenship deprivation lacks comparable procedural safeguards. The legislation on deprivation provides little guidance on process or appeal rights, leaving broad executive discretion and limited protections for those affected.

Independent Oversight

While deprivation on conducive to the public good grounds is primarily used as a counter-terror measure, unlike other such measures, it falls outside the remit of the Independent Reviewer of Terrorism Legislation, except where it would render someone stateless—a more limited use of the power, never yet used.⁷⁴ The IRTL has no powers to review any other exercise of the power to revoke British citizenship, a gap in oversight which successive IRTLs have recommended should be corrected.⁷⁵

⁷² Ayesha Riaz, 'Increasing the Powers of the Secretary of State for the Home Department to Strip Citizenship' (2023) 86(6) *Modern Law Review* 1517.

⁷³ *U3 v Secretary of State for the Home Department* [2023] UKSC 26.

⁷⁴ *British Nationality Act 1981*, s 40B.

⁷⁵ Jonathan Hall, *The Terrorism Acts in 2018* (IRTL 2020) 10.

16.5 Key Findings and Recommendations

Citizenship deprivation is a powerful executive measure exercised by the Home Secretary without prior judicial scrutiny. Because appeals often take years, the power can have profound effects on individuals and families with limited oversight. The legal framework provides few procedural safeguards and no independent monitoring. Over the past two decades, two trends have emerged: the threshold for deprivation has been steadily lowered, and procedural protections have weakened. These changes have expanded executive authority while restricting opportunities for judicial oversight and redress.

Removing the suspensive effect of appeals has left those deprived while abroad unable to rely on ECHR protections, limiting access to human rights arguments otherwise available in domestic proceedings. The combined effect has been to concentrate power in the executive and diminish the effective protection of citizenship rights.

Evidence from practitioners and researchers indicates that race, belonging, and identity shape the application of deprivation powers. Although the law prohibits statelessness, in practice deprivation may proceed where another nationality is merely presumed. This results in unequal protection among British citizens, as only those with actual or potential claims to another nationality are vulnerable to deprivation—disproportionately affecting minority ethnic communities. This is corrosive to equal citizenship and social cohesion.

National security concerns are an important consideration. However, they must be balanced against the principle of equal citizenship and the feasibility of managing potential threats through existing legal measures, such as Terrorism Prevention and Investigation Measures (TPIMs) and Temporary Exclusion Orders (TEOs). These mechanisms already provide a means to address security risks without undermining the fundamental equality of citizenship.

The Commission's recommendations seek to address these structural deficiencies by restoring security and equality in citizenship while maintaining necessary national security powers. **Recommendation 101** proposes making citizenship non-deprivable for those born British or registered as British children. Adults who naturalise as British citizens, aware that citizenship may be subject to deprivation, may be distinguished from those born British or registered as British as children. For naturalised citizens, deprivation should be possible only within clear statutory limits, with robust procedural safeguards, independent oversight, and effective remedies (**Recommendations 102–106**).

101 Recommendation 101: Citizenship should be a secure right that is not deprivable for people born with British citizenship or children registered as British.

102 Recommendation 102: The ‘conducive to the public good’ test is too vague and leaves the UK open to accusations that deprivation criteria are arbitrary. It should be replaced by

- i. a threshold test relating directly to acts or conduct that is seriously prejudicial to the vital interest of the United Kingdom, any of the Islands or any British Overseas territory, and
- ii. include a statutory proportionality test, reviewable by a court, with a requirement to consider effective alternative means of addressing the identified risk.

103 Recommendation 103: SIAC’s appellate jurisdiction in deprivation appeals should be expressly set out in legislation, including:

- i. powers to reach its own conclusions on the proportionality of a decision to deprive;
- ii. express remedial powers in the case of allowed appeals.

104 Recommendation 104: A deprivation order should not be signed while an appeal against notice of a deprivation decision is still pending, unless the Home Secretary can show that the specific risk posed by the individual justifies the measure taking effect before the lawfulness of the decision is determined by a court or SIAC.

105 Recommendation 105: SIAC should be required to conduct hearings relating to deprivation in a manner consistent with procedural fairness, including a strong presumption in favour of providing the person with a gist (the irreducible minimum) of the case against them.

106 Recommendation 106: The use of deprivation of citizenship powers for national security reasons should be within the remit of the statutory review function of the Independent Reviewer of Terrorism Legislation.

17.

Return, Rehabilitation and Societal Re-Engagement of Returnees from Conflict Zones of Iraq and Syria

This chapter focuses on the complex challenge posed by the return, rehabilitation and reintegration of individuals who travelled to ISIS-controlled territories in Iraq and Syria. The commission heard evidence from people with direct experience of visiting the camps, as well as from officials, policymakers and practitioners with expertise and insights into the approaches in different European states.

Section 1 outlines the context of travel by British citizens to Iraq and Syria in the 2010s. Section 2 sets out details of the conditions in the camps in Northeast Syria. Section 3 details the responses of other states whose citizens travelled to Syria, and Section 4 examines the UK policy response to British citizens who travelled to Syria. Section 5 sets out the key findings and recommendations.

17.1 The Context of Travel to Iraq and Syria

The Syrian conflict, which began in 2011 against the backdrop of the Arab Spring, initially drew many individuals to fight against the repressive Assad regime. However, the international perspective shifted dramatically when travel to Syria became associated with joining the Islamic State of Iraq and Syria (ISIS). While many went to join a range of different anti-government groups as fighters, or travelled to support and build a new society in civilian roles. Others were groomed, coerced and trafficked there.

There were two distinct waves of returnees from ISIS. The first, in 2015, primarily consisted of disillusioned men who left after becoming disenchanted with the group's brutality. They were generally viewed as less problematic as a security matter due to their voluntary departure. The second wave, beginning in 2019 following the collapse of ISIS, proved more challenging. Some in this group appear to have chosen to remain with ISIS until its downfall, others could not leave and were subject to violence and even death if they tried, and many women simply could not travel safely either accompanied or not, in the territory with most being captured and subsequently held in camps.

There are an estimated 42,500 people (mainly women and children), including 8,600 third-country nationals,¹ in detention and displacement camps under the control of the Autonomous Administration of North and East Syria (AANES).² The camps hold 22,500 children, 80 per cent under 12, 30 per cent under five years of age.³ A significant number were born in the region to parents from Europe—most currently under the age of ten—and some children were born in the camps, never having experienced the Islamic State.⁴ In addition, there are some 9,000 third-country males held in prisons under AANES control. Most are believed to be former ISIS fighters, though since 2019, boys have been moved into prisons from camps as they have grown older, often as young as 13 or 14 years old.

17.2 Conditions in Camps in North-East Syria and Obligations to Repatriate Nationals

Conditions in the camps remain unsustainable, with high levels of violence, kidnappings, disappearances, poor sanitary conditions and multiple threats to the well-being and best interests of children, as well as gender-based violence targeting women. In 2020, the European Council concluded that all children in camps were in ‘acute humanitarian distress’.⁵ The UN Committee on the Rights of the Child⁶ and UK judicial decisions say the conditions amount to inhuman or degrading treatment.⁷ Conditions are aggravated for third-country nationals⁸, who are subject to *ad hoc* and arbitrary detention, limited access to legal representation, uncertainty over citizenship, and continued violence by ISIS supporters and opponents who see them as potential or actual traitors. Some foreign women have sought to escape by entering into ‘marriages of convenience’ with Iraqi, Kurdish or Syrian men, or remarried with the aim of leaving the conflict zone altogether.⁹ In April 2019, the UN reminded member states that the situation in Iraq and Syria for many women and children was untenable, stating, ‘[i]t should not be assumed, without due process and adequate protections, that these women and children have been actively participating in or supporting the activities of such groups.’¹⁰ It continued: ‘There must be individual assessment and screening to appropriately assess each case and determine each person’s affiliation and/or victimhood, while taking into account age and gender considerations.’¹¹

The United Nations Committee on the Rights of the Child has found that the failure of states like France to protect child victims violates Articles 3¹² and 37(a)¹³ of the Convention on the Rights of the Child.¹⁴ The Committee has established that states have jurisdiction over their nationals in these camps and should repatriate them, ensuring children’s rights

1 The term is used here to refer to people who are not Syrian or Iraqi nationals.

2 UN Security Council, ‘Twentieth report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat’ (31 January 2025) UN Doc S/2025/72, para 13.

3 Evidence session, January 2023, director, international NGO.

4 Commission plenary meeting, January 2023.

5 Stefan Schennach, *International obligations concerning the repatriation of children from war and conflict zones*, Doc 15055 (Council of Europe, 29 January 2020) <<https://pace.coe.int/en/files/28498>> accessed 09 July 2025.

6 *F.B. and others and D.A. and others v France* (9 March 2022) UN CRC/C/89/D/77/2019 CRC/C/89/D/79/2019 and CRC/C/89/D/109/2019.

7 *Begum v Secretary of State for the Home Department* (SC/163/2019, 7 February 2020) para 130 (SIAC).

8 United Nations Special Rapporteur, *Submission to the Foreign Affairs Committee: UK Citizens Detained in North-East Syria (Call for Evidence, CTE0011, June 2023)* <<https://committees.parliament.uk/writtenevidence/121939/pdf/>> accessed 4 October 2025.

9 Interview with EU official. See also: John Saleh, ‘The women of ISIS and the al-hol camp’ (Washington Institute for Near East Policy, 2 August 2021) <<https://www.washingtoninstitute.org/policy-analysis/women-isis-and-al-hol-camp>> accessed 13 October 2025.

10 United Nations Office for Counter-Terrorism, ‘Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women And Children With Links to United Nations Listed Terrorist Groups’ (March 2019), 7 <https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/key_principles-april_2019.pdf> accessed 3 July 2025.

11 *ibid* 5. The European Court of Human Rights has also found the need establish a clear process to make individual determinations. *HF and Others v France* (Grand Chamber, App no 24384/19, 14 September 2022) ECHR 2022 para 276.

12 Article 3 requires the best interests of the child to be a primary consideration in all state actions concerning children.

13 Article 37(a) provides that States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

14 *F.B. and others and D.A. and others v France* (9 March 2022) UN CRC/C/89/D/77/2019 CRC/C/89/D/79/2019 and CRC/C/89/D/109/2019.

are respected.¹⁵ The Council of Europe Commissioner for Human Rights agrees that the repatriation of children is ‘an absolute and mandatory priority’ from a children’s rights perspective.¹⁶

The European Court of Human Rights (ECtHR) has taken a narrower view but still found jurisdiction in a limited sense, particularly regarding the right to enter one’s own country. However, the Court has stated that there is no international duty to repatriate. There is no ECHR principle establishing that a state has a duty to repatriate a person from another territory.¹⁷

17.3 Experience of Other States in Return, Reintegration and Rehabilitation of Returnees

12,500 Iraqis have been returned to Iraq from the detention camps in Syria.¹⁸ At least 37 other states have taken back over 3,000 people. Many states have taken more proactive steps in repatriating their nationals. Denmark, Russia, and Kazakhstan have repatriated all their nationals. Other countries with similar security and terrorism threats and counterterrorism resources to the UK, and with comparable legal systems and processes, have successfully repatriated more of their nationals, both adults and children, in absolute and relative terms.¹⁹ Evidence to the Commission from senior officials and practitioners from other European states with direct experience of the policies and practices of repatriation showed that returning and reintegrating women and children was challenging but practically feasible.²⁰

Officials and practitioners acknowledge that in many states, concerns about political risks were a key factor in resistance to repatriation. In 2020, the coalition government in Norway collapsed following the decision to repatriate a Norwegian woman and her two children.²¹ Court judgments requiring governments to bring children to the country of their citizenship have forced governments to act and allowed mothers to be returned as necessary for the child’s best interests.²² Finland assigned responsibility for decisions on returns to an official at the Ministry of Foreign Affairs, who was appointed as a Special Envoy to oversee the repatriation of Finnish nationals. Once the government made the policy decision to return, this helped ensure that decisions on individual cases were free from political pressures.

France, initially reluctant due to safety concerns and a lack of control, has shifted its approach since 2021. Following international court rulings, France has increased repatriations, including those of mothers with children. Before 2022, it had repatriated around 35 children.²³ By October 2025, France had returned 600 people including 541 children; Germany has repatriated 108 people, Albania 27, Belgium 32, Canada 23, Denmark 22, Finland 36, the Netherlands 66, and Sweden 37 (see figure 17.1).²⁴ The United States has repatriated almost all its nationals, stating that, beyond being the best option from a security standpoint, repatriation is simply the right thing to do.

15 *P.N., K.K. and O.M. v Finland* (20 October 2022) UN CRC/C/91/D/100/2019

16 Council of Europe Commissioner for Human Rights, ‘Third party intervention by the Council of Europe Commissioner for Human Rights before the European Court of Human Rights under Article 36, paragraph 3 of the European Convention on Human Rights Applications Nos. 24384/19 and 44234/20 H.F. and M.F. v. France and J.D. and A.D. v. France’ (25 June 2021) para 28, <<https://rm.coe.int/third-party-intervention-by-the-council-of-europe-commissioner-for-hum/1680a31834-e/1680a2f4ff>> accessed 14 July 2025.

17 *HF and others v France* ECHR Application No 24384/19 and 44234/20 (14 September 2022), paras 201–203.

18 Rudaw, ‘Over 12,500 Iraqis returned from Syria’s al-Hol camp: Migration Ministry’ (Rudaw, 17 February 2025) <<https://www.rudaw.net/english/middleeast/iraq/170220252>> accessed 20 July 2025.

19 Rights and Security International, *Global Repatriations Tracker* <<https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker>> accessed 20 October 2025.

20 Commission plenary meeting, January 2023, senior official EU state. See also, Tania Mehra and others (eds.) *Female Jihadist Facing Justice: Comparing Approaches in Europe* (ICCT 2024).

21 BBC News, ‘Norway party quits government in ‘jihadist wife’ row’ (20 January 2020) <<https://www.bbc.co.uk/news/world-europe-51174550>> accessed 14 July 2025.

22 Commission plenary meeting, January 2023, senior official. Courts in Belgium and Germany have required mothers to be returned with their children, as this is in the best interest of the child. Carlota Rigotti and Julia Zomignani Barboza, ‘Unfolding the case of returnees: How the European Union and its member States are addressing the return of foreign fighters and their families’ (2021) 103 (916–917) *International Review of the Red Cross* (2021) 681, 693.

23 Frank Andrews, ‘France has 300 women and children in IS camps. When will they go home?’ *Middle East Eye* (1 February 2022) <<https://www.middleeasteye.net/big-story/france-syria-islamic-state-women-children-camps-return-when>> accessed 14 July 2025.

24 Data from Rights and Security International Repatriation Tracker <<https://www.rightsandsecurity.org/resources/global-repatriations-tracker/>> accessed 28 October 2025.

Most countries adopt multidisciplinary rehabilitation and government support programmes, similar to measures for child refugees. Privacy protections are common to aid reintegration. Germany uses return coordinators, the Netherlands employs observation and care facilities, and Sweden places returnees in observation homes. Belgium evaluates children in hospitals before long-term settlement. Finland's repatriation strategy demonstrates a nuanced approach, balancing security assessments with children's welfare. This approach has yielded largely positive outcomes, with repatriated children integrating well and no significant security issues arising.

Countries that systematically facilitate the repatriation of nationals from these conflict zones do so based on several provisions, risk assessments and purposes. Repatriation of children is typically framed in terms of articles 3 and 6 of the UN Convention on the Rights of the Child (UNCRC),²⁵ repatriation of women is often linked directly to welfare and best interests of children, noting that separation often causes additional trauma for children. This informs Kurdish refusal to authorise repatriation of children without their mothers, and also Finland's decision not to prosecute women returning voluntarily from conflict zones. Women are also repatriated for humanitarian and health reasons. Additionally, voluntary repatriation is considered a step towards rehabilitation and (re)engagement with society.²⁶

Three further less-discussed rationales for repatriation exist: first, the recovery and rebuilding of Iraq and Syria is more challenging if foreign nationals remain in large-scale detention camps; second, concerns about the ability of local legal systems to guarantee a fair trial and uphold Rule of Law processes obtain;²⁷ third, criminal justice processes in home countries, including prosecution and administrative measures, are effective and proportionate options²⁸.

Women's 'victim' status has been considered by repatriating countries when assessing evidence and testimonies, and as mitigation in sentencing rather than a barrier to prosecution, and is also considered when structuring rehabilitation and reintegration activities in prison, on remand or during probation.²⁹ Prosecution is possible, although challenging: closed evidence gathered through intelligence agencies and/or third country agencies, evidence chains and reliability of evidence from the battlefield are complex, as are matters of jurisdiction.

Prosecution approaches vary among countries. France had used the wide offence of 'association of wrong-doing in relation to a terrorist enterprise' to prosecute 195 returnees, including 39 women, by March 2023.³⁰ Germany has prosecuted 25 female returnees for the offences covering membership in or support for a terrorist organisation.³¹ It had also used war crimes legislation, convicting five women of war crimes and crimes against humanity mostly linked to the enslavement, torture, and killings of Yazidis, by 2022.³²

Recidivism seems low. Hegghammer and Nesser found evidence of eleven returnees plotting attacks from an outgoing contingent of around 4,000.³³ Thomas Renard similarly concluded that 'the number of returnees directly involved in

25 The UK ratified the UNCRC in 1991.

26 Tanya Mehra, Thomas Renard and Merlina Herbach, *Female Jihadis Facing Justice: Comparing Approaches in Europe* (ICCT Press 2024); OSCE Office for Democratic Institutions and Human Rights (ODIHR), *Guidelines for Addressing the Threats and Challenges of "Foreign Terrorist Fighters" within a Human Rights Framework* (2021) <https://www.osce.org/files/t/documents/b/3/492934_0.pdf> accessed 15 July 2025. Also inferred from comparison with previous phenomena of 'foreign terrorist fighters', see for example: Meltem Ineli Ciger, 'Assisted Voluntary Return: Lessons from 1990s Bosnia for Developing Effective Voluntary Return and Reintegration Programmes' (RLI Blog on Refugee Law and Forced Migration, 21 February 2025) <<https://rli.blogs.sas.ac.uk/2025/02/21/assisted-voluntary-return-lessons-from-1990s-bosnia-for-developing-effective-voluntary-return-and-reintegration-programmes/>> accessed 15 July 2025.

27 Katherine E. Brown and G. Rhyddian Morgan, 'Refusing to Repatriate "ISIS Brides" Is a Terrible Idea From Any Perspective' *The New Republic* (28 February 2019) <<https://www.newrepublic.com/article/153184/refusing-repatriate-isis-brides-terrible-idea-perspective>> accessed 7 July 2025.

28 Erika Brady, 'Future security threats arising from the UK's deprivation of citizenship: a model to understand the human rights-security risk landscape' (2024) 17(3) *Critical Studies on Terrorism* 757.

29 Sarah Marsden, 'Prison, Rehabilitation and Reintegration' (2023) Paper for the Independent Commission on UK Counter-Terrorism Law, Policy and Practice.

30 Sofia Koller, *Prosecution of Returnees from Syria and Iraq in France* (Counter-Extremism Project, 2023). Germany prosecutes individuals for terrorism offences and also for core international crimes, through the use of cumulative prosecution, see United Nations Human Rights Council, *Joint thematic visit to Germany and North Macedonia: Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* (14 February 2024) UN Doc A/HRC/55/48/Add.2.

31 Sofia Koller, *Prosecution of German Women Returning from Syria and Iraq* (Counter-Extremism Project, 2022) 3.

32 Sofia Koller and Alexander Schiele, 'Holding women accountable: Prosecuting Female Returnees in Germany' (2021) 14(10) *CTC Sentinel* 38, 42.

33 Thomas Hegghammer and Petter Nesser, 'Assessing the Islamic State's commitment to attacking the West' (2015) 9(4) *Perspectives on Terrorism* 14.

attacks is relatively low, compared to the overall number of returnees and foreign fighters.³⁴ The Independent Review of Terrorism Legislation (IRTL) noted that it was those stopped from travelling to Syria and not the 400 UK returnees from Syria who had been involved in successful attacks.³⁵ Evidence presented to the Commission also notes that there is little to no evidence of recidivism among mothers and children who have been repatriated by other countries.³⁶ Success in counterterrorism and prevention is not only measured by non-recidivism rates or reductions in terrorist threats, incidents, and impact; it can also be assessed through prosocial behaviours, renunciation of violent extremist ideology, disengagement from terrorist networks, increased societal coherence, and other societal goals. There is still a need, however, for a gender- and age-informed model of re-engagement that accounts for additional challenges women face in reintegration, due to a perception of having betrayed their country, community and their gender by being associated with a terrorist organisation.

Voluntary participation in rehabilitation and reintegration programmes is the strongest predictor of successful outcomes. Whether in prisons or open settings, these programmes are often multidisciplinary, with individualised components and some group activities. Programmes address extreme violent radical beliefs, behaviours and modes of belonging, and provide skills needed to facilitate re-engagement and successful independent living. In some countries, women and children are offered anonymity and new identities to create distance from ISIS supporters, while in others, a community-oriented and community-supported approach is preferred. In all cases of repatriation to Europe and North America, there have been risk and needs assessments—both in the conflict zone and upon return—and medical treatment provided upon arrival. Countries have typically followed the Madrid Guiding Principles and its Addendum, which provide practical and policy guidance to facilitate this.³⁷ Significantly, young children, especially those born within Iraq and Syria, are considered victims of terrorism, and not actively radicalised,³⁸ meaning trauma- and conflict-informed and age-adapted approaches have been presented as best practices for repatriation and subsequent support.³⁹

The necessity for individualised assessments is made clear when attention is given to the varied and complex experiences of women and children in the conflict zone. Girls under ISIS, before the age of nine, lived sheltered lives with limited exposure to the outside world. Attendance at ISIS schools was intermittent and variable. All children experienced insecure and temporary living accommodation, frequently moving to avoid bombing, and when moving as refugees to and within detention camps in Syria.⁴⁰ Girls were particularly vulnerable to child marriage, rape and sexual assault.⁴¹ Teenage boys were both victims of rape and sexual torture, and forced to participate in the rape and sexual torture of minority Yazidi women and girls. ISIS used a variety of techniques to normalise violence, and in rare cases, forced children to participate.⁴² There are numerous reports of boys running away and rebelling against ISIS,

34 Thomas Renard, 'How to handle returning foreign fighters: policies and challenges' (Public Hearing, Testimony, Special Committee on Terrorism (TERR), European Parliament, 24 April 2018) http://www.egmontinstitute.be/content/uploads/2018/04/Testimony_EP_RENARD_042018.pdf?type=pdf

35 Jonathan Hall, 'Returning from Islamic State: Risk and Response' (Speech, King's College London, 27 February 2023) <<https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2023/02/KCL-Speech-final1.pdf>> accessed 14 July 2025.

36 Evidence Session, January 2023, advisor European Parliament. See also: Human Rights Watch, 'My son is just another kid': Experiences of Children Repatriated from Camps for ISIS suspects and their families in North East Syria' (Human Rights Watch, 2022) <https://www.hrw.org/sites/default/files/media_2022/11/syria_crd1122web_0.pdf> accessed 14 July 2025.

37 United Nations Security Council Counterterrorism Committee, *Security Council Guiding Principles on Foreign Terrorist Fighters* ("Madrid Guiding Principles") (28 July 2015) UN Doc S/2015/939, Annex II <https://www.un.org/securitycouncil/ctc/sites/www.un.org/securitycouncil/ctc/files/documents/2021/Jan/madrid-guiding-principles_en.pdf> accessed 7 July 2025. see also UNSC Res 2396 (21 December 2017) UN Doc S/RES/2396, para 31.

38 Expressing radical views and behaviours, or associating with radical identities is not necessarily reflective of their conscious agency. Rather—as with other children who have faced violent trauma—they will speak and behave in a way that they believe is approved by adults.

39 Katherine E Brown, *Gendersensitive responses to returnees from foreign terrorist organisations: insights for practitioners* (Directorate General for Migration and Home Affairs, European Commission, 20 December 2021) <https://home-affairs.ec.europa.eu/whats-new/publications/gender-sensitive-responses-returnees-foreign-terrorist-organisations-december-2021_en> accessed 17 July 2025. Council of Europe, *Guidelines for the Disengagement and Reintegration of Women with links to Terrorism* (forthcoming).

40 Project-Based Collaboration and Radicalisation Awareness Network, *Management of Relationships between Child Returnees and Their Mothers* (EU and RAN Policy Support 2021); Radicalisation Awareness Network, *Repatriated Foreign Terrorist Fighters and Their Families: European Experiences and Lessons for P/CVE* (June 2021) <https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/ran_ad-hoc_repatriated_ftfs_june_2021_en.pdf> accessed 15 July 2025.

41 United Nations Counterterrorism Committee Executive Directorate (CTED), *Analytical Brief: The Prosecution of ISIL-associated Women* (January 2020) <https://www.un.org/securitycouncil/ctc/sites/www.un.org/securitycouncil/ctc/files/documents/2021/Jan/cted_analytical_brief_the_prosecution_of_isil-associated_women.pdf> accessed 16 July 2025.

42 Gina Vale, 'You are no longer cubs, you are now lions': examining the constructed masculinities of Islamic State child executioners and their victims' (2022) 15(4) *Critical Studies on Terrorism* 823.

and taking on adult responsibilities and employment to protect their mothers and younger siblings. Adult women also had diverse experiences under ISIS rule; an overwhelming majority of women identified 'mother and wife' as their 'role' in ISIS. While there is a possibility of intergenerational transmission of ISIS ideology, some see this role as a duty to family integrity and unity regardless of any ideology; others were victims of coercive control and intimate partner violence. A minority are known to have been radicalisers, recruiters, and active supporters of ISIS—data suggests that of foreign women currently in the camps, able to be interviewed, only two to five per cent of the cohort.⁴³ Regardless of their position, the environment was hostile to women, with men controlling most aspects of their lives.⁴⁴ Independent travel was not possible; women required explicit permission, and their activities outside the home were closely monitored and controlled. Germany has prosecuted two returnee women for war crimes and crimes against humanity, but information from most countries that have repatriated women notes that the overwhelming majority did not engage in violent crimes or support ISIS, revealing the complex agency of women returnees, who may be both victims and perpetrators of violence and terrorism.

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- 43 Anne Speckhard and Molly Ellenberg, 'ISIS in Their Own Words: Recruitment History, Motivations for Joining, Travel, Experiences in ISIS, and Disillusionment over Time – Analysis of 220 In-depth Interviews of ISIS Returnees, Defectors and Prisoners' (2020) 13(1) *Journal of Strategic Security* 82.
- 44 Hamoon Khelghat-Doost, 'Women of the Caliphate: The Mechanism for Women's Incorporation into the Islamic State (IS)' (2017) 11(1) *Perspectives on Terrorism* 17.

17.4 The UK Policy Responses to Nationals who Travelled to Syria

Of approximately 900 individuals who travelled from the UK, about half are thought to have returned.⁴⁵ The UK has formally managed the repatriation of 18 children and three women from the camps of Al Hol and Al Roj.⁴⁶ Estimates of the number of UK citizens or linked individuals remaining in the camps vary: the UN Special Rapporteur estimates 72 UK citizens (60 women and children and 12 men),⁴⁷ the IRTL cited reports of 60 UK-linked children and 20 women.⁴⁸ Reprieve reports that there are 55 UK-linked people, approximately 10 men, 15 women and 30 children, half of whom are under 10 years old.⁴⁹ The JCHR has called for updated government data on the number of British individuals currently detained in the camps and prisons in North East Syria.⁵⁰ According to Reprieve, most detained British women experienced sexual exploitation, were under 18 when they travelled, and were coerced into the journey and movement within Syria, with 44 per cent coerced by male partners or relatives.⁵¹

UK policy has been described as one of 'strategic distance'; that is, a combination of citizenship deprivation, limited consular assistance to British citizens and funding the Kurdish authorities to keep women and children, including British children, detained indefinitely.⁵² The UK has repatriated orphaned or unaccompanied children⁵³ and has indicated it may agree to repatriate children without their mothers if the mother consents to this.⁵⁴ Thus, the current UK policy leaves women and children *de facto* denationalised and indefinitely stranded in these camps.⁵⁵ There are no indications of a willingness to repatriate men and an apparent degree of reluctance to repatriate teenage boys to the UK, a decision criticised by the UN Special Rapporteur for Human Rights, noting that such decisions are based on harmful gender stereotypes.⁵⁶ However, this policy fails to recognise the traumatic impact and consequential harm of separation on children who are already traumatised by their experiences and the secure detention environment in conditions which are widely acknowledged, including by UN Treaty bodies and UK courts,⁵⁷ to meet the article 3 threshold of serious harm.

Expert psychological research has established a professional consensus that separation from a primary caregiver constitutes a major trauma for children, disrupting crucial attachment bonds and leading to potentially severe and long-term impacts on their mental, emotional, and physical health.⁵⁸ Expert research further emphasises that any separation from parents should occur only as a measure of last resort, following rigorous, culturally appropriate assessments by qualified professionals, and for the shortest possible duration. Maintaining the integrity of the parent-child relationship, where the caregiver poses no proven threat, is essential to the child's recovery, well-being and reintegration. In the case of children who have already been exposed to traumatic experiences, this principle is of particular importance. The principle finds its expression in UK legislation in the presumption that parents should be involved in the care of a child in the absence of evidence of

45 Hall (n35).

46 Rights and Security International (n19).

47 Foreign Affairs Committee, *The UK's international counter-terrorism policy*, Written Evidence, (CTE0011 14 September 2023) United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, para 4 <https://committees.parliament.uk/writtenevidence/121939/html/> accessed 14 July 2025.

48 Hall (n35) para 4

49 Evidence from Reprieve, October 2025.

50 Joint Committee on Human Rights, *Accountability for Daesh Crimes* (HC 612/HL Paper 121, 2025) 30.

51 Reprieve, *Trafficked to Syria: British families detained in Syria after being trafficked to Islamic State* (Reprieve, 30 April 2021) <https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-ReprieveReportTraffickedtoSyriaBritishfamiliesdetainedinSyriaafterbeingtraffickedtoIslamicState1.pdf> accessed 14 July 2025.

52 Hall (n35) para 4.

53 BBC News, 'Islamic State: British child rescued from Syria, foreign secretary says' (16 September 2020) <https://www.bbc.co.uk/news/uk-54174367> accessed 14 July 2025.

54 *C3 and C4 v Secretary of State for Foreign, Commonwealth & Development Affairs* [2022] EWHC 2772, [24].

55 Milena Tripkovic, 'No country for 'bad' men: Volatile citizenship and the emerging features of global neocolonial penalty' (2023) 83(6) *The British Journal of Criminology: An International Review of Crime and Society* 1351, 1355.

56 UN News, 'UN Expert Urges Repatriation of Children Held in Syria Camps' (UN News, 31 July 2023) <https://news.un.org/en/story/2023/07/1138972> accessed 14 July 2025.

57 2024-03-18-punishing-innocent.pdf; *C3 & C4* [2022] EWHC 2772 (Admin) §12, F3 v SSHD <https://siac.decisions.tribunals.gov.uk/Documents/F3%20Open%20Judgment%2031.1.25.pdf>

58 Margaret Briggs-Gowan and others, 'Adverse impact of multiple separations or loss of primary caregivers on young children' (2019) 10(1) *European Journal of Psychotraumatology* 1646965.

that parent posing a risk of harm to the child.⁵⁹ The UN Convention on the Rights of the Child (UNCRC), article 9(1) requires the UK to:

ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

Furthermore, Article 39 includes an obligation to help children who have been hurt, neglected, abused, tortured, or affected by war to recover and rebuild their lives.

In many respects, the UK's genuine commitment to honouring its duties to children has been evident through policy and legislation. In 2008, the UK withdrew its reservation concerning UNCRC article 3, which had limited the application of the best interest principle in, immigration and nationality matters, with the result that public authorities - including the Home Secretary - are under an obligation to treat the best interests of all children as a primary consideration in all decisions affecting them. The UK government has set out to Parliament how the articles of the UNCRC have been implemented through policy and legislation.⁶⁰

The obligation to protect children from harm is also expressed in established principles of the common law. The Crown is under a duty - known as *parens patriae* - to protect children from harm. This duty has been repeatedly held by the court to extend to the protection of British children abroad at risk of harm.⁶¹ The mechanics by which the Crown's protective duty is traditionally met are through the inherent jurisdiction of the High Court.⁶² Indeed, the High Court has on occasion determined that repatriation is in the best interests of certain British children detained abroad while travelling to Syria or detained in Syria. Although such judgments remain confidential, they have been followed by the facilitation of returns by the Foreign, Commonwealth and Development Office. The Crown's protective duty extends to protection from all forms of harm to children - including separation from parents. Thus, the High Court, in pursuance of that duty, has made orders for British children born abroad to be returned to the UK⁶³ and has ruled that a non-British mother deliberately stranded abroad should be permitted to enter the UK in the best interests of her child.⁶⁴

The suggestion that British children could be summarily removed from their mothers and repatriated without an assessment of the risks of serious trauma and consequential psychological harm that may be caused to these already traumatised children would appear to be ill-considered. Moreover, the policy of 'strategic distance' authorising and funding the long-term detention of British children and their mothers in unsanitary and harmful conditions, overseen by armed guards appears to be seriously at odds with the UK's obligations to protect children from harm whether seen through the prism of the UNCRC or the Crown's obligations to British children, in addition to leaving unresolved an issue which, in the longer term, may pose a greater risk to the security of the UK than a managed return, as explained by the IRTL.

Citizenship revocation for women and men with dual nationality was the previous government's primary response for people who travelled to Syria to join ISIS and had not returned. Between 2010 and 2023, the UK removed citizenship from over 200 British nationals on the grounds that the deprivation is 'conducive to the public good'

59 Children Act 1989, ss 1(2A) and (6) The government has announced plans to amend these provisions to increase protection from abusive parents. Ministry of Justice, Government action to protect children from abusive parents (Press release, 22 October 2025) <<https://www.gov.uk/government/news/government-action-to-protect-children-from-abusive-parents>> accessed 22 October 2025.

60 Department for Children, Schools and Families, *The United Nations Convention on the Rights of the Child: How legislation underpins implementation in England: Further Information for the Joint Committee on Human Rights* (March 2010) <https://assets.publishing.service.gov.uk/media/5a7c0ffb40f0b645ba3c6788/uncrc_how_legislation_underpins_implementation_in_england_march_2010.pdf> accessed 21 October 2025.

61 *Re M (Children)* (Wardship: Jurisdiction and Powers) [2015] EWHC 1433.

62 *Abbasi and another v Newcastle upon Tyne Hospitals NHS Foundation Trust* [2025] UKSC15, [39], [56]-[66].

63 *JK (Return Order Under Inherent Jurisdiction)* [2025] EWCA Civ 1309 (17 October 2025)

64 *AM, R (On the Application Of) v Secretary of State for the Home Department* [2022] EWHC 2591 (Admin) (14 October 2022)

and justified as a matter of national security and public interest (see **chapter 16**).⁶⁵ By travelling to the conflict zone, people are deemed to have demonstrated affiliation with ISIS and their own 'radicalisation' to violent extremist positions. Circumstance or age at time of departure, experiences while living under ISIS rule, and current circumstances or endeavours to demonstrate their disassociation, disavowal or non-membership of ISIS seem ignored. Additionally, open evidence provided by the Home Secretary in cases before the Special Immigration Appeals Commission relating to citizenship revocation suggests arguments are often generic, suppositional, dependent on unverified media newsprint, drawn from group analysis and statistics, with no specificity or applicability to the individual concerned.⁶⁶ With limited avenues for challenging the decision (see **chapter 16**), it is difficult to determine whether thresholds have been met to justify revocation of citizenship, whether it is proportionate, or whether assessments are conducted fairly or assessed individually.⁶⁷

Removing citizenship repudiates the state's responsibility to police, prosecute, and punish for wrongdoing.⁶⁸ By 2024, eleven people who returned from Syria by themselves had been convicted for their conduct while in Syria.⁶⁹ Prosecutions are more difficult in the UK, compared to comparable jurisdictions in Europe or the US: the primary focus of the counter-terrorism system is managing risk rather than ensuring accountability; the UK does not have offences equivalent to the US 'material support' offence that could be used against women who travelled to join ISIS as civilians; rules on admissibility of evidence (and the bar on intercept evidence in criminal trials) make proof of criminal conduct harder, and defendants have to be in the UK and cannot be tried in absentia.⁷⁰ Several women were also children when they departed the UK with their families, and therefore could be considered victims of human trafficking, given support and protections, despite section 63 of the Nationality and Borders Act 2022.⁷¹

While acknowledging that a large scale return in 2017 would have posed challenges for security services, the IRTL concludes that by 2023 the balance of risk favoured repatriation: the number is lower and manageable, and as escapes from camps are likely to lead to some returns to the UK, an organised programme of return, rehabilitation and integration is the best long term option for managing risk.⁷² Stripping citizenship from some has also made the return of those who retain their British citizenship more difficult. In defending its deprivation policy against claims that it exposed people stripped of their citizenship to serious harm or death, the government claimed it made no difference, as the treatment of people in the camps is the same irrespective of their nationality. A policy of returning British citizens could undermine this claim.⁷³

Practitioners and policymakers described the UK as an 'outlier' compared to other Five Eyes and European states, in its resistance to taking back people who travelled from the UK.⁷⁴ Pressure from the US government, which has called for all states to take back their nationals, the change in the Syrian regime, and as other states repatriate, the prospect of what was referred to as 'Europe's Guantanamo' becoming 'Britain's Guantanamo', may force the government to begin returns.⁷⁵

There are tools for managing returns, including prosecution, Travel Exclusion Orders (TEOs), Terrorism Prevention of Investigation Measures (TPIMs), and enrolment in deradicalisation programmes, which are available for convicted

65 CJ McKinney, Melanie Gower and Terry McGuinness, *Deprivation of British citizenship and withdrawal of passports* (House of Commons Library, 2023). There is no official data on the exact number of people who have had their citizenship removed on the grounds of national security.

66 Commission plenary meeting, January 2023, lawyer.

67 Katherine Brown, Fiona de Londras and Jessica White, *Embedding Human Rights in Countering Extremism* (University of Birmingham, 2019).

68 See, for example, Joint Committee on Human Rights (n50) 24.

69 Jonathan Hall, *Terrorism Acts in 2022* (IRTL 2024), 78.

70 *ibid* 77-78.

71 Section 63 of the *Nationality and Borders Act 2022* allows the government to deny support usually given to victims of trafficking if a person is considered a threat to national security or linked to terrorism. However, this does not change the fact that some of the women were minors who were groomed or coerced into travelling to Syria, and who therefore meet the international definition of victims of human trafficking.

72 Hall (n35).

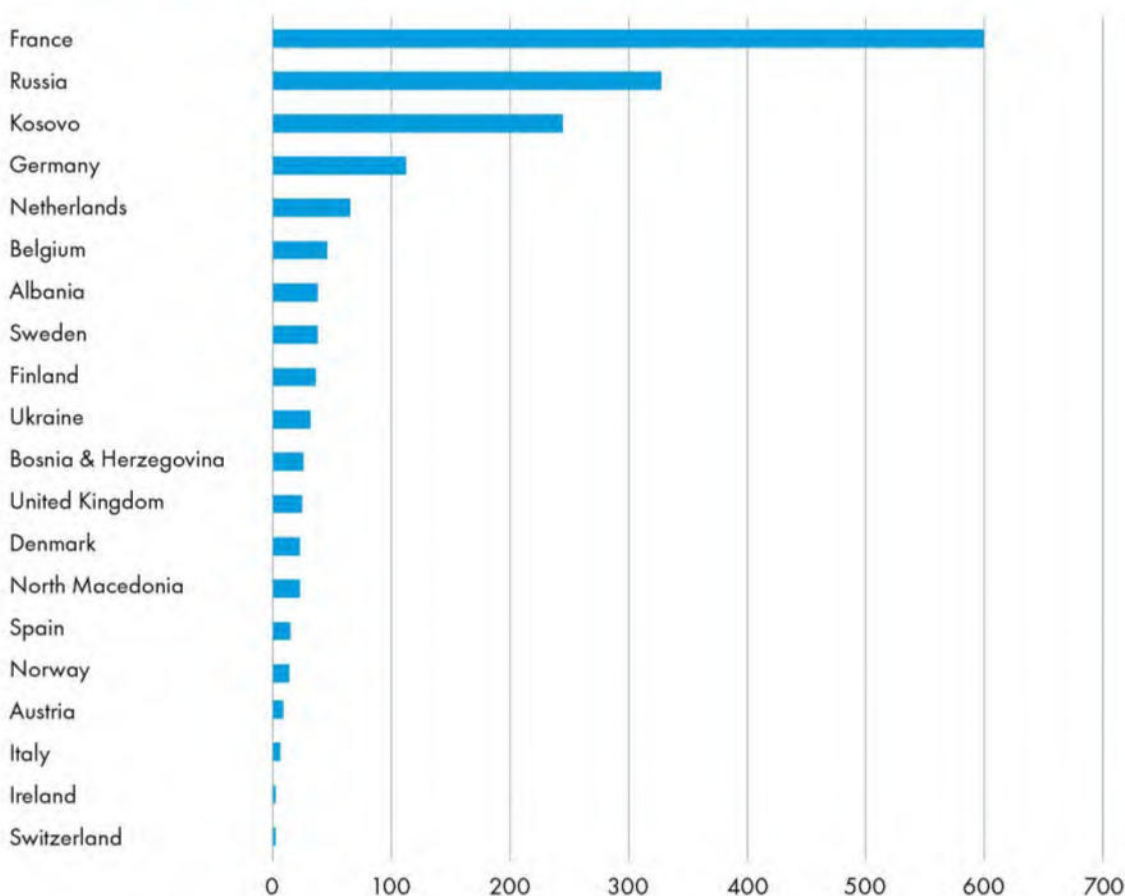
73 *ibid* para 43.

74 Evidence session, January 2023, analyst.

75 Rights and Security International, *Europe's Guantanamo: The indefinite detention of European women and children in North-East Syria* (Rights and Security International 2020).

terrorist offenders. TEOs were established in 2015 to manage the return of individuals who had travelled to Syria.⁷⁶ They specify the route a person must take to return and can impose reporting and monitoring requirements for up to two years; breaches of which are a criminal offence. Between 2017 and 2022, 37 people have had TEOs imposed on them, and eighteen have returned to the UK.⁷⁷ The IRTL says that TEOs are an effective framework for managing the return of people from the camps in Syria. However, he recommends amending the law to impose additional obligations and extend its application to non-British citizens, so that it applies to people who have been stripped of their UK citizenship.⁷⁸ As measures designed for adults, their application to children, while possible, would require scrutiny and adequate safeguards.

Figure 17.1: Repatriation by European State of nationals from detention camps and prisons in North-East Syria



Data from Rights and Security International, Global Repatriations Tracker.

⁷⁶ Counter Terrorism and Security Act 2015, ss 2-15.

⁷⁷ Hall (n69) 110.

⁷⁸ *ibid* 111.

17.5 Key Findings and Recommendations

The evidence to the Commission demonstrates that the UK's current policy of strategic distance toward nationals in Syrian detention camps is unsustainable and inconsistent with international human rights obligations. Conditions in the camps constitute inhuman and degrading treatment. The experiences of women and children under ISIS were complex and varied, with many being victims of coercion, trafficking and sexual exploitation, while others may have actively supported the organisation.

International evidence shows that repatriation is practically possible, with largely positive outcomes and manageable security concerns. Countries implementing systematic repatriation demonstrate that return, prosecution where appropriate, and rehabilitation programs can effectively manage risks while upholding human rights. The UK's reluctance to repatriate has made it an outlier among comparable jurisdictions and may ultimately prove counterproductive to long-term security interests.

The UK must repatriate its citizens (and former citizens) from Iraq and Syria and do so in a manner compliant with international human rights, including women's human rights, and upholding the rights of the child (**Recommendations 107-109**). This does not prevent prosecuting men and women and acknowledging their complex agency and participation in violent extremism and terrorism.

The Commission's recommendations emphasise that the best interests of the child must be a primary consideration, that existing legal frameworks such as Travel Exclusion Orders should be strengthened and extended (**Recommendation 110**), and that trauma-informed, gender-sensitive approaches must guide both prosecution decisions and rehabilitation efforts. Crucially, prosecution should occur where individuals actively supported terrorism, while allowing for mitigating factors and alternatives to detention that recognise the complex circumstances many faced under ISIS rule (**Recommendations 112-113**).

107 Recommendation 107: The government must uphold its international obligations and commitment to the UN Convention on the Rights of the Child. Firstly, by treating the 'best interests of the child' as a primary consideration at all stages. This must include the presumption that it is in the 'best interests of the child' to remain with their primary caregiver. Secondly, by observing the duty in Article 39 of the Convention to facilitate the children's recovery.

108 Recommendation 108: The government should honour the Crown's protective duty to British children abroad at risk of harm by securing the safe repatriation of detained British children to the United Kingdom, together with their mothers, where this is in the children's best interests.

109 Recommendation 109: The government should facilitate voluntary repatriation for British nationals, including those deprived of British nationality. It should appoint a Special Envoy to oversee repatriation and inform returnees of the likelihood of prosecution and imprisonment upon return.

110 Recommendation 110: The government should amend the Counter-Terrorism and Security Act 2015 to allow Temporary Exclusion Orders to be imposed on non-UK citizens.

111 Recommendation 111: The government should conduct case-by-case risk and radicalisation assessments using evidence-based best practices that include trauma-informed, age—and gender-sensitive processes and measures and structured professional judgement processes from multiagency multidisciplinary teams while avoiding actuarial approaches.

112 Recommendation 112: The Crown Prosecution Service for England and Wales should consider prosecution of returnees for terrorism-related offences where they have actively supported and participated in acts of terrorism, and allow for consideration of mitigating factors and for alternatives to detention to be available (such as TPIMs and probation conditions) in sentencing.

113 Recommendation 113: Existing programmes and other procedures should be used to support societal rehabilitation and (re)integration of returnees (whether prosecuted or not).

Part V:

Concluding Observations

18.

Concluding Observations

The government's first and overriding objective is to keep people safe. Since 2000, the United Kingdom's counter-terrorism framework CONTEST has evolved to meet that objective —learning lessons, adapting to changing threats, and preventing many attacks. The system remains among the most capable and professional in the world. Yet over time, it has grown in scope, complexity, and reach—often expanding in response to crises rather than through comprehensive review.

This report has examined the legal foundations, operational practices, and the lived experiences of those affected by this framework. The Commission's Terms of Reference were to assess whether the system, as it stands, is effective in protecting the public, through laws, policies and practices that are proportionate, accountable, and consistent with the Rule of Law.

Drawing on evidence from civil society, practitioners working in counter-terrorism, legislators, policymakers, survivors of terrorism, people with direct experience of counter-terrorism measures, and comparative international practice, the Commission reviewed how the system has adapted to evolving terrorist threats. The evidence shows that while operationally strong, the framework has become fragmented and, at times, incoherent. The cumulative impact of powers introduced rapidly to address emerging threats has not been systematically reviewed. The legal structure—designed primarily for the mass-casualty threats of the early 2000s—has not kept pace with contemporary risks and technologies.

The nature of the terrorist threat has changed profoundly. The threat from large, international organised plots persists, but has been managed through strong intelligence and security capabilities, and has given way to smaller, self-initiated acts inspired rather than directed by terrorist groups —often involving young people radicalised online and driven by grievance, fascination with violence, or individual susceptibilities rather than coherent ideology. This evolution, blurring the boundary between terrorism, extremism, and other forms of serious violence, has proven harder to address within the existing framework.

The rapid development of digital technologies—from the 3D printing of firearms to the use of generative artificial intelligence—will continue to transform the threat environment. The legal framework should therefore be updated to reflect modern methods, motivations, and means.

This final chapter provides the report's concluding observations, drawing together the key cross-cutting themes that have emerged across the inquiry: **effectiveness, proportionality, social cohesion and resilience, accountability, fair process, equal treatment, and evidence-based policy.**

Effectiveness

Effectiveness was a central question for the Commission: do current laws and policies measurably reduce the risk of terrorism? The evidence suggests that, although the UK remains relatively secure, effectiveness is uneven. Powers and programmes have multiplied, but coordination and focus have weakened.

Prevent provides the clearest example. Originally designed to stop people from being drawn into terrorism, Prevent now addresses a far broader spectrum of social, psychological, and behavioural vulnerabilities. Around 90 per cent of referrals are not adopted into Channel, and many involve individuals with no identifiable or clear ideology. This drift has blurred Prevent's purpose, absorbed resources better directed toward terrorism-related risk, and generated distrust within some communities.

As detailed in **Chapters 5 and 6**, the Commission recommends a fundamental reset (**Recommendation 19**); Prevent should remain focused on terrorism-related threats but operate within a wider, multi-agency safeguarding model that is equipped to address a range of complex forms of violence and vulnerabilities.

Prevent is the part of the counter-terrorism system that reaches the greatest number of people—through its statutory duties on public bodies, its engagement with schools, healthcare, local authorities, and community organisations, and its direct interaction with individuals identified as vulnerable. Its visibility means that Prevent shapes public perceptions of counter-terrorism as a whole. For this reason, the Commission considers reform of Prevent critical to public confidence and long-term security. A multi-agency safeguarding model would ensure early, proportionate interventions that prevent harm, strengthen community resilience, and build trust in public institutions.

More broadly, effectiveness depends on clarity of purpose and proportionate scope. As set out in **chapter 4**, legislation and policy must more clearly distinguish terrorism from other forms of violence, ensuring that counter-terrorism resources are directed to terrorism specifically (**Recommendations 11 and 12**). A sharper focus would make Prevent more credible, policing more consistent, and the national strategy more coherent. It would also promote better public understanding of what is properly regarded as terrorism and what falls into other areas of criminal law. At a time when national security resources are increasingly engaged by hostile-state activity, such recalibration would strengthen both security and public trust.

Across multiple areas, evidence indicated the need to assess not only the direct results of counter-terrorism laws and policies but also their unintended consequences—from the impact of proscription and counter-terrorism finance measures on the delivery of humanitarian aid to the impact of Prevent on inhibiting classroom discussions of controversial and difficult topics.

Proportionality

A proportionate counter-terrorism system focuses its attention on those threats that pose the most significant risk. The Commission found that the broad statutory definition of terrorism casts too wide a net, enabling the use of counter-

terrorism powers against conduct that may be harmful or unlawful but does not threaten national security. This undermines both legitimacy and public confidence.

The Commission's proposed narrower definition of terrorism, set out in **Chapter 3**, is central to restoring proportionality across the system. By limiting the definition to actions intended to coerce, compel, or subvert government—and by raising the threshold for property damage so that only acts creating a serious risk to life, national security, or public safety qualify—the law would more clearly distinguish terrorism from other serious crimes, and protest or civil disobedience. This sharper boundary would enhance legal certainty, prevent overreach, and ensure that the exceptional powers of counter-terrorism are reserved for genuinely very serious threats.

Proportionality also requires measured judgement in responding to risk. Terrorist attacks, while devastating, must not lead to a permanent expansion of extraordinary powers or the diversion of resources from other pressing public safety threats. As the Commission heard, effective counter-terrorism depends on strategic patience—resisting the impulse to overreact and ensuring that national security measures are balanced against broader risks. The scale of investment in counter-terrorism, exceeding £3 billion annually, must be matched by evidence that resources are used effectively and without displacing attention from equally lethal but less politicised harms.

The same principle applies to terrorism-related offences. Low thresholds for intent and broad definitions risk criminalising exploratory or unintentional behaviour—particularly online. Young people who view or share extremist content may fall within their scope without any intention to cause harm. The introduction of Youth Diversion Orders, while a pragmatic response, treats the symptom rather than addressing the legislative overreach at its root. The Commission therefore recommends higher intent thresholds and narrower definitions to ensure prosecutions focus on criminal conduct with a demonstrable terrorist purpose or determination (**Recommendations 46, 48, 50, 88, 89**).

Proportionality also governs the use of executive and administrative powers, where the absence of judicial authorisation or regular review heightens the need for clear legal limits and accountability. Proportionate use requires stricter statutory thresholds, more precise decision-making criteria, and effective review of measures such as proscription, sanctions, citizenship deprivation, and Schedule 7 powers to search electronic devices, detain individuals, or take biometric samples (**Recommendations 41, 42, 80, 81, 90, 102**).

In Prevent, proportionality requires focusing on individuals whose actions raise credible concerns about public safety, not those expressing lawful—albeit extreme—views (**Recommendation 14**). A proportionate system ensures that counter-terrorism resources target genuine risk, while other public service systems address the wider social and psychological issues that counter-terrorism programmes were never designed to resolve.

Social Cohesion and Resilience

Reducing the long-term risk of terrorism depends not only on laws and enforcement but also on building the conditions for social cohesion and resilience. The Commission heard compelling evidence that communities with high levels of trust, inclusion, and opportunity are less susceptible to violent extremist narratives. Preventing terrorism must therefore go hand in hand with strengthening cohesion—supporting initiatives that foster shared belonging, civic participation, and open dialogue about difficult issues. As discussed in **chapter 7** Much of this must be outside the CONTEST security framework, through a clear long-term strategy on social cohesion (**Recommendation 24**).

In counter-terrorism, it requires moving from a deficit-based model, focused on identifying risk, to a strength-based model that supports individuals and empowers communities, working with them as partners in safeguarding (**Recommendation 16**).

Accountability

Effective oversight is essential to democratic legitimacy and public confidence. As discussed in **Chapter 2**, parliamentary scrutiny of counter-terrorism measures remains inconsistent, and some powers—such as proscription and deprivation orders—are subject to limited, if any, external review.

The Independent Reviewer of Terrorism Legislation (IRTL) is internationally respected but lacks jurisdiction over significant areas of counter-terrorism practice, including citizenship deprivation, immigration powers, and Closed Material Procedures. The Commission recommends extending the IRTL's remit to cover all counter-terrorism measures, not only those within terrorism legislation. The newly established Independent Prevent Commissioner (2025) adds necessary oversight to this strand of the strategy. Both offices must be adequately resourced, empowered, and supported (**Recommendations 2–5, 20, 36, 39, 72, 106**).

In some areas, broad executive discretion and opaque decision-making have created accountability asymmetry; extensive powers but inadequate scrutiny. This imbalance indicates a drift from the Rule of Law toward rule by administrative discretion. Accountability should therefore be strengthened through post-legislative scrutiny, sunset clauses for emergency measures, and transparent publication of data, policies, and decision criteria (**Recommendations 1, 6, 40**). Effective oversight does not impede security—it is the mechanism that sustains it.

Fair Process

Fair process underpins the legitimacy of counter-terrorism. At the preventive end of the system, **Chapters 5 and 8** highlighted that individuals referred under Prevent or Channel often have limited awareness of their rights and little clarity about how their personal data is collected or shared. Taken together, these examples show that procedural fairness, while embedded in law, is applied inconsistently—it is strongest where effective judicial oversight exists, weakest where executive discretion is greatest.

Criminal prosecution remains the cornerstone of the UK's counter-terrorism response and the most legitimate means of holding individuals to account for terrorism-related conduct. Ensuring fairness in this process is essential to maintaining public confidence and the integrity of the justice system. The Commission heard that prosecutors, judges, and investigators increasingly face cases shaped by online content, social media algorithms, complex personal vulnerabilities and neurodivergence, including autism. Enhancing fair process, therefore, requires targeted training across the criminal justice system—to improve understanding of mindset material, digital environments, and behavioural cues that may influence offending but do not, in themselves, indicate terrorist intent. Building this capability would help ensure that decisions are informed, proportionate, and sensitive to individual context.

Evidence in **Chapter 12** showed that Closed Material Procedures (CMPs), although intended to improve fairness in national security cases, can in practice disadvantage excluded parties through limited disclosure and restricted communication with Special Advocates. Lengthy proceedings and procedural imbalance risk undermining public confidence in justice.

Similar concerns arise in the proscription and deprivation regimes, where decisions with lasting consequences are made by ministers exercising broad discretion and offering limited avenues of appeal. Individuals deprived of their British citizenship while abroad often have no effective means to challenge the decision or assert their rights.

Fair process also extends to those returning from conflict zones. Prolonged detention of women and children in camps overseas, such as al-Hol and Roj in North East Syria, increases, rather than reduces, long-term security risks by fostering an unstable and unsustainable situation which has been rejected by our allies. Indeed, the approach taken by other countries demonstrates that managed returns can be done safely. Further, the UK has the necessary

tools—prosecution, Temporary Exclusion Orders (TEOs), Terrorism Prevention and Investigation Measures (TPIMs), and enrolment in deradicalisation or rehabilitation programmes—to manage risk and enable reintegration. The numbers are relatively small. A transparent, legally grounded framework for returns would better protect the public than indefinite exclusion, while upholding justice, safeguarding children, and reaffirming the UK's commitment to the Rule of Law.

Equal Treatment

Evidence to the Commission demonstrated enduring concerns about the unequal impact of counter-terrorism powers on particular groups and communities. Citizenship deprivation powers have created a hierarchy of citizenship in which only those with actual or presumed dual nationality are exposed to loss of citizenship—disproportionately affecting minority ethnic groups (**Chapter 16**). Muslim communities were most frequently identified as experiencing heightened scrutiny, particularly under Prevent and Schedule 7 of the Terrorism Act 2000. Community organisations and practitioners reported that referrals and border examinations can reinforce perceptions of bias and suspicion, and feelings of alienation, undermining essential public cooperation.

Muslim charities also described disproportionate scrutiny under counter-terrorism financing measures. The Commission heard evidence of bank account closures, frozen funds, and excessive due diligence requirements, often driven by inaccurate risk profiling or unverified commercial data. These practices have restricted legitimate charitable activity, undermined the delivery of humanitarian assistance, and deepened a perception that Muslim-led organisations are treated with disproportionate caution within the financial system.

Such patterns of unequal impact risk weakening trust in public institutions and the principle of policing by consent. Addressing these issues—through transparency, proportionate risk management, and consistent application of equality standards—is essential to ensuring that counter-terrorism measures are both effective and fair.

Evidence-Based Policy

Persistent gaps in data and evaluation continue to limit both accountability and the understanding of how counter-terrorism powers are applied in practice. Equality-related data is not systematically collected or published, making it impossible to assess fully disparities in the operation of counter-terrorism laws and policies. Without consistent, disaggregated data on ethnicity, religion, gender, age, disability, and nationality, it is not possible to determine whether powers are exercised proportionately or in compliance with equality and human rights obligations (**Recommendations 44, 56, 58, 59**). Counter-terrorism statistics, including the IRTL's annual reports, should be published within 12 months of the year to which they relate (**Recommendation 7**).

These evidential gaps extend to the evaluation of effectiveness across the counter-terrorism system. Prevent has operated for nearly two decades without robust outcome data. Policy in this area must be grounded in evidence while recognising the limitations of what radicalisation theories can reliably explain. There is also no comprehensive data on the scale or use of Schedule 7 powers to collect and retain information from electronic devices, nor any systematic assessment of the fairness or utility of administrative measures such as Closed Material Procedures or proscription orders.

The absence of structured, transparent evaluation has allowed policies and practices to evolve reactively rather than being based on evidence of what works. The Commission therefore calls for a cross-government evaluation strategy, led by the Home Office and the Independent Reviewer of Terrorism Legislation, to ensure regular, publicly available assessments of necessity, effectiveness, and fairness (**Recommendations 7, 31, 59, 69**).

The Way Forward

Effectiveness, proportionality, accountability, fair process, equal treatment, and evidence-based policy should guide counter-terrorism reform. This would strengthen public confidence and accountability and ensure that national security measures remain firmly rooted in the Rule of Law.

The Commission's findings and recommendations set out a practical and achievable roadmap for reform. The core elements of this are:

- Focusing counter-terrorism measures on genuine terrorism-related risk;
- Narrowing the definition of terrorism, precursor offences and thresholds for administrative measures to ensure precision and proportionality;
- Investment in social cohesion as a cornerstone of long-term prevention, separate from counter-terrorism;
- Introducing systematic data collection and independent evaluation across all areas of counter-terrorism;
- Strengthening and coordinating oversight through empowered Independent Reviewers and enhanced parliamentary scrutiny;
- Ensuring all executive powers operate within proportionate, fair, and reviewable processes; and
- Maintaining public trust through transparent, evidence-based practice and sustained engagement with a broad range of stakeholders, groups and communities.

The UK has a crucial opportunity to modernise its counter-terrorism framework—to make it more focused, proportionate, and resilient in the face of evolving threats. Adoption of the Commission's recommendations will help ensure counter-terrorism remains both effective in keeping the public safe and true to the democratic values that underpin national security.

Appendices

Appendix A: Terms of Reference

The Commission's formal Terms of Reference set out its aims as follows.

The Commission will:

- review relevant UK counter-terrorism laws, policies and practices;
- consider their impact on different groups and communities;
- examine adherence to human rights standards and the requirements of the Rule of Law;
- make recommendations on changes in law, policy and practice.

In conducting its review and formulating its recommendations, the Commission will take into account:

- current threats posed by terrorism;
- evolving challenges and emerging trends in the nature and scope of terrorism;
- evidence of the experience of civil society organisations, legislators, policymakers, practitioners, victims and survivors of terrorism, and other relevant stakeholders;
- evidence of relevant laws, policies and practices in jurisdictions both within and outside the UK.

Appendix B:

The Commission's Evidence-Gathering Process and Working Method

The Commission's approach to gathering evidence was designed to ensure that its conclusions were informed by a wide range of expertise, experience, and perspectives. Over the course of its inquiry, the Commission engaged with more than 200 experts and stakeholders, including counter-terrorism practitioners, law enforcement officers, policymakers, parliamentarians, researchers, civil society representatives, and community organisations. The Commission also heard from individuals directly affected by terrorism and by counter-terrorism measures.

Establishing the Commission's Work Programme

The Commission first met in February 2022 to agree its terms of reference and programme of work (see **Appendix A**). From the outset, it adopted a methodology combining written submissions, oral evidence sessions, and targeted research reviews. The aim was to build a comprehensive, balanced, and evidence-based understanding of how the UK's counter-terrorism framework operates in practice.

A key task for the Commission was to gather insights from both operational practitioners and those with lived or professional experience of the impacts of counter-terrorism policy. This included engagement across central and local government, policing, intelligence, academia, the voluntary sector, and affected communities.

From the outset, the Commission sought to engage not only with established stakeholders but also with individuals, groups, and organisations that do not routinely engage with government, recognising the value of perspectives that may be underrepresented in formal policy processes. The Commission also made particular efforts to draw on the work of early-career researchers conducting primary, on-the-ground research, whose empirical insights helped illuminate the lived realities of policy implementation.

Public Call for Evidence

In July 2022, the Commission issued a public call for evidence, inviting submissions from individuals and organisations across the UK and internationally. Accompanying guidance set out ten overarching questions, together with specific questions on eight thematic areas:

1. The definition of terrorism
2. Criminal offences related to terrorism
3. Policing powers
4. Administrative and executive measures
5. Counter-terrorism financing
6. Counter-terrorism and digital technologies
7. Prisons, rehabilitation, and reintegration
8. Oversight and accountability

Following publication of the Independent Review of Prevent by William Shawcross in February 2023, contributors who had addressed Prevent in their original submissions were invited to provide follow-up evidence responding to its findings and recommendations.

In total, the Commission received 75 substantive written submissions in response to its call for evidence. These submissions included detailed legal, policy, and operational analyses from practitioners, as well as testimony from community and civil society groups on the practical and social impacts of counter-terrorism measures.

Evidence Sessions and Expert Engagement

Between June 2022 and March 2024, the Commission conducted an extensive programme of oral evidence-gathering and consultation. This included:

- Six formal evidence sessions with practitioners, academics, and civil society representatives;
- Five international roundtables with counterparts and experts from Australia, Canada, France, Germany, the Netherlands, New Zealand, Sweden, Spain, and the United States, as well as from the European Parliament, the Organisation for Security and Co-operation in Europe, and the United Nations;
- Ten plenary meetings of the Commission to deliberate on findings, assess evidence, and identify gaps; and
- Numerous small-group discussions and one-to-one meetings to explore specific issues in depth.

The international roundtables provided comparative insights into how other democratic states approach the balance between national security, human rights, and social cohesion. These exchanges informed the Commission's analysis of good practice and potential reform within the UK context.

Treatment of Evidence and Anonymity

Given the sensitivity of the issues discussed and the need to encourage open and candid dialogue, the Commission generally does not attribute comments to individual speakers. Instead, the report identifies contributions by professional role or institutional affiliation, the date of the meeting, and the format of engagement (e.g., "international roundtable," "evidence session," or "plenary meeting").

Where explicit permission was obtained, individual contributors are named. Otherwise, evidence is referenced generically (for example, as "evidence from a senior police officer" or "submission from a community organisation"). This approach balances transparency with the need to protect confidentiality and trust among participants.

Supplementary Research and Analysis

To ensure its deliberations were grounded in the most up-to-date information, the Commission undertook a comprehensive review of existing research, official data, and academic literature. This included:

- Analysis of publicly available government statistics and datasets;
- Review of recent reports and evaluations by oversight bodies, inspectorates, and independent reviewers;
- Consideration of relevant peer-reviewed research and working papers; and
- Examination of unpublished doctoral dissertations containing empirical research with practitioners and communities affected by counter-terrorism policies.

Where gaps in evidence or understanding were identified, the Commission commissioned or requested briefing notes, memoranda, and research papers from leading experts to supplement the available material. It received 40 written submissions, in addition to 75 submissions in response to the call for evidence.

The analysis and recommendations for each chapter of this report were developed by smaller working groups of Commissioners, each focusing on a specific thematic area. These working groups reviewed relevant evidence, identified key issues, and formulated draft conclusions and recommendations. Their findings were then brought to full Commission plenary meetings for collective discussion, refinement, and formal agreement. This process ensured both depth of analysis and collective ownership of the Commission's conclusions.

Ongoing Engagement with Government and Policy Stakeholders

Throughout the course of its work, the Commission engaged constructively with government departments and officials.

In March 2023, members of the Commission met with the then Security Minister, the Rt Hon Tom Tugendhat MP, to discuss emerging findings and policy priorities within the counter-terrorism portfolio. This meeting provided valuable context on the government's ongoing review of Prevent and wider counter-extremism strategy, and informed the Commission's subsequent evidence-gathering activity.

In September 2024, following a meeting with the Security Minister, the Rt Hon Dan Jarvis MP, the Commission submitted a detailed working paper on Prevent, counter-extremism, and social cohesion. This document drew on the Commission's extensive evidence base to inform the government's review of Prevent and counter-extremism policy following the Southport murders and subsequent civil disturbances. The working paper was also shared with Lord Anderson of Ipswich KBE KC, the Interim Independent Prevent Commissioner, to inform his ongoing review of Prevent.

These exchanges provided valuable insight into the operational and political challenges facing policymakers and helped ensure that the Commission's recommendations are both practical and evidence-based.

To address specific concerns raised by officials regarding the feasibility of proposed reforms, the Commission initiated a further round of evidence-gathering in mid-2025. This phase focused on local practitioners and community partners involved in Prevent delivery.

The Commission's evidence-gathering process was wide-ranging, rigorous, and inclusive, combining open consultation with targeted expert engagement. Over nearly two years, it drew on written submissions, oral evidence, comparative research, and direct dialogue with government, practitioners, and civil society.

Appendix C:

Organisations and Individuals who Contributed to the Commission

The commission received evidence, assistance and advice on behalf of, or from individuals based at, the following organisations and institutions:

Acton Youth Association	Kurdish Society, King's College London
Amnesty International	Liberty
Association of Directors of Children's Service	Manchester City Council
Anti-Semitism Policy Trust	MedAct
Ayaan Institute	Mayor's Office for Policing and Crime
Biometrics and Surveillance Camera Commissioner	Metropolitan Police of London
Cage	Ministry of Justice
Campaign on the Administration of Justice	Muslim Council of Britain
Calderdale Council	Muslim Engagement and Development
Campaign Against the Criminalisation of Communities	Muslim Charities Forum
Child Rights Network International	National Education Union
Conciliation Resources	National Institute for Teaching
Connect Futures	National Association of Muslim Police
Council of Somali Organisations	Oddarts
Counter-Terrorism Police North-West	Office for Democratic Institutions and Human Rights
College of Policing	Open Rights Group
Community Security Trust	Overseas Development Institute
Community Policy Forum	Oxfam
Crown Prosecution Service of England and Wales	The Police Ombudsmans Office for Northern Ireland
Europol	Portsmouth City Council
Global Internet Forum to Counter-Terrorism	Prevent Watch
Greater Manchester Combined Authority	Prison Reform Trust
Greenbirds	Public Prosecution Service
Home Office	Reprieve
HM Inspectorate of Probation	Refugee Action
HM Prison and Probation Service	Rights and Security International
Ilyas	Royal United Services Institute
Independent National Security Legislation Monitor	RSI Supplementary Submission
Institute on Statelessness and Inclusion	Runnymede Trust
Institute for Strategic Dialogue	Survivors Against Terrorism
International Centre for Counter Terrorism	Supreme Sikh Council UK
International Committee of the Red Cross	Sikh Press Association
International Commission of Jurists	United Nations Counter-Terrorism Executive Directorate
Joint Extremism Unit	Vox Pol Institute
Kent County Council	

The following provided evidence to the commission by submitting written documents in response to our consultation, or by taking part in roundtables, evidence sessions and meetings or in both these ways:

Tahir Abbas	Leslie Carroll	Michelle Grossman
Madeline-Sophie Abbas	Sarah Carthy	Rumyana Grozdanova van Ark
Naila Abdel-Khalek	Quassim Cassam	Andrew Hall KC
Amal Abu-Bakare	David Cawthorne	Jonathan Hall KC
Ian Acherson	Anna Chernova	Julian Hargreaves
Necla Acik	Claudia Joyce Choo	Gareth Harris
Fatima Ahdash	Milo Comerford	Stephanie Harrison KC
Fahad Ahmad	Alice Copeland	Jason Hartley
Shamila Ahmed	Andrew Cornford	Ali Has
Yasmin Ahmed	Brendan Cox	Sophie Haspeslagh
Layla Aitlhadj	Emily Danvers	Ghayda Hassan
Hilary Aked	Bethan Davies	Hussein Hassan
Sophia Akram	Fiona De Londras	Jeremy Hayward
Azad Ali	Daniel Diamond	Charlotte Heath-Kelly
Carolina Albuerne	Kajsa Dinesson	Johannes Heiler
Les Allamby	Simon Drew	Daniel Holder
Amarnath Amarasingam	Teresa Dumasy	John Holmswood
Shazad Amin	Phil Edwards	Monica Horten
Rebecca Ananian-Welsh	Alex Elwick	Mohammed Hullethuth
Lord Anderson of Ipswich	Cathryn Ellsmore	Isobel Ingham-Barrow
Marie Anderson	Richard English	Martin Innes
Sam Andrews	Seena Fazel	John Ip
Tasniem Anwar	Francis Farrel	Fadi Itani OBE
Fahad Ansari	Rob Faure-Walker	John Jackson
Mario Arulthas	Mathew Feldman	Russ Jackson QPM
Racheal Atley	Jo Finch	Hiba Jahangir
Kate Aubry Johnson KC	Darren Finley	Dan Jarvis MP
Johan Axelsson	Maya Foa	Lee Jarvis
Nadia Baksh	Frank Foley	Sajed Javed MP
Helen Barley	Kelly Fowler	Julie Jenkins
Simon Baron-Cohen	Nicky Fowler	Lee Jerome
Peter Barnes	Rebecca Friel MBE	Harriet Johnson
Neil Basu QMP	Sara Fregonese	Edgar Jones
Marcus Beale	Daniel Furner	Ken Jones
Ibrahim Bechrouri	Peter Fussey	Paul Jordan
Paul Betts	Naeha Ganger	Matt Jukes
Kamaldeep Bhui	Joshua Garside	John Jupp
Jessie Blackburn	Alexander Gent	Jussie Tanner
Ruth Blakeley	Aram Ghaemmaghani	Anil Kapoor
Katy Block	Coner Gearty	Nisha Kapoor
Noémie Bouhana	Kate Geen	Iida Kayhko
Samantha Bourton	Danila Genovese	Tom Keatinge
Amy Braier	John Gieve	Rory Kelly
Jeniffer Bramlette	Paul Gill	Sarah Kendall
Marie Breen-Smyth	Lucia Giavitto	Ayeisha Khandia
Mark Brinkley	Christina Goni	Alyson Kilpatrick
Sally Burtonshaw	Patrick Goodrich	Ashton Kingdon
Samiya Butt	Alan Greene	Daniel Koehler
Manuel Cancio Meliá	Steven Greer	Bridget Kohner
James Carrick	Christine Graebisch	Judy Korn

Douwe Korff
 Rashid Ali Laher
 Adam Lang
 Tim Legrand
 Julian Leaser
 Genevieve Lennon
 Oliver Levinson
 Mathew Levitt
 Nick Lewis OBE
 Michael Lister
 Alison Lowe OBE
 Monica Lloyd
 Lord Macdonald of
 River Glaven Kt KC
 Stuart Macdonald
 Catriona MacIvor
 David MacKeever
 David MacPhail
 Lawrence McNamara
 Audrey Macklin
 Attiq Malik
 Moazzam Malik CMG
 Robin Anderson Malmros
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 Svetlana Martynova
 Philippe Marquardt
 Samantha May
 Will Mbioh
 Angus McCullough KC
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 Kevin McDonald
 Catherine McGlynn
 Mark McGovern
 Noel McGuirk
 David McKeever
 Dobir Miah
 Sajjad Miah
 Mark Mooney
 Edna Moran
 John Morrison
 Paul Mott
 Amber Musgrove-Benford
 Rizwaan Mustafa
 Thusiyan Nadakumar
 Ilyas Nagdee
 Abubakr Nanabawa
 Jonny Newton
 Fionnuala Ni Aolain
 Stefano Nouvoloni KC
 Baroness Nuala O'Loan
 David Omand
 Kaan Orhon
 Ferman Osorno-Hernandez

Duncan Ouseley
 Sara Pantuliano
 Naomi Parsons
 Sarah Pantilano
 Sanda Peake
 Charlie Pericleous
 Tom Pettinger
 Anneke Petzsche
 Gareth Pierce
 Roisin Pillay
 Emily Pignon
 Marcus Pleyer
 Rachel Pougnet
 Sophie Priestley
 Muzammil Quraishi
 Fahid Qurashi
 Asim Qureshi
 Tara Lai Quinlan
 Francesco Ragazzi
 Megan Rana-Smith
 Leo Ratledge
 Harvey Redgrave
 James Renwick
 Thomas Renard
 Melanie Renowden
 Lynn Revell
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 Kent Roach
 Karl Roberts
 Nicolas Ryder
 Rizwaan Sabir
 Marc Sageman
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 Antonis Samouris
 Fraser Sampson
 Elif Sarican
 Estella Schmid
 Lise Schwimmer
 Paul Scott
 Alison Scott-Baumann
 Dominic Scally
 Lord Sedwill GCMG
 Arjun Sethi
 Eda Seyhan
 Rachel Seoighe
 Sophie Shall
 Sadi Shanaah
 Andrew Silke
 Kelly Simcock
 Limor Simhony

Paul Simpson
 Gurmeh Singh
 Jasjit Singh
 Jasveer Singh
 Graham Smith
 Jacob Smith
 Barry Snelgrove
 Dan Squires KC
 Tim Stevens
 Melody Stephen
 Sarah St Vincent
 Hans Svennevig
 Vicky Sugars
 Yusuf Tai
 Sultana Tafadar KC
 Jussie Tanner
 Cheryl Thomas KC
 Paul Thomas
 Julia Thibeault
 Christopher Thirkell
 Hannah Tompson
 Eric Topfer
 Henry Tuck
 Tom Tugendhat MP
 Robin Tuddenham
 Leona Vaughn
 Lisa Vickerage-Goddard
 John Wadham
 Marianne Wade
 Ben Wagner
 Sharon Weill
 Marina Wheeler KC
 Andrew Whiting
 Nick Wilkinson
 George Williams
 Matthew Williams
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