

Written evidence submitted by Muslim Engagement and Development (MEND) (CTSB06)

Evidence to the Public Bill Committee for the Counter-Terrorism and Sentencing Bill 2019-21

A Submission from Muslim Engagement and Development (MEND)

MEND's contribution to the committee

This submission from Muslim Engagement and Development (MEND) to the Public Bill Committee for the Counter-Terrorism and Sentencing Bill 2019-21 seeks to examine the implications of the bill with particular reference to the interests and rights of Muslim communities.

MEND is a community-funded organisation that seeks to encourage political, civic, and social engagement within British Muslim communities through empowering British Muslims to interact with political and media institutions effectively. Our approach to achieving this involves a combination of community engagement (through education, community events, local campaigns to encourage voting etc.) and advocacy work (involving victim support, submissions to parliamentary inquiries, media analysis, election resources, briefings etc.).

The bill itself has been met with great concern by equalities and rights groups across the country as it poses a significant challenge to liberties and to the foundations upon which the justice system rests.¹ Considering MEND's expertise in the ways in which counter-terror strategies are experienced by Muslim communities, we feel that we can provide valuable insights into the potential consequences of this bill for British Muslims. As such, MEND hopes that our recommendations may provide guidance to the Public Bill Committee in approaching robust and meaningful amendments to the bill.

Recommendations

Of particular concern within the bill are the sections within Part III surrounding Terrorism prevention and investigation measures (TPIMs) and the PREVENT Strategy. MEND therefore urges the Public Bills Committee to amend the bill ensuring that:

- 1. Sections 37-43 are removed from the bill in their entirety.**
- 2. Section 47 explicitly stipulates a new time limit for the delivery of the Independent Review of PREVENT.**
- 3. Section 47 does not remove the conditions laid out in Section 20 (clause 10) of the Counter-Terrorism and Border Security Act 2019 which require the Secretary of State to respond to each of the recommendations made as part of the aforementioned review.**

Part III (Section 37-43): Terrorism prevention and investigation measures

Sections 37-43 of the bill weakens the burden of proof requirements and removes the safeguards and time limitations on the use of TPIMs that are laid out in the Terrorism Prevention and Investigation Measures Act 2011. This will entail serious damaging consequences to the principles of liberty, fair trial, and presumption of innocence upon which

¹ Jamie Grierson, "Unconvicted Terrorism Suspects Face Indefinite Controls under UK Bill," The Guardian, May 19, 2020, <https://www.theguardian.com/politics/2020/may/20/unconvicted-terrorism-suspects-face-indefinite-controls-under-uk-bill>

our justice system is founded, especially considering the potential for suspects who have not been convicted of any offence to face potentially never-ending measures to restrict and control their lives. Moreover, this creates further opportunity for the abuse of TPIM powers by both the current and future governments through the imposition of indefinite restrictions on liberty that are not subject to any kind of independent review.

The Bill must, therefore, be amended to ensure that Sections 37-43 are removed from the bill in their entirety.

Part III (Section 47): PREVENT strategy

“Prevent” strategy

47 Persons vulnerable to being drawn into terrorism: timing of independent review

(1) In section 20 of the Counter-Terrorism and Border Security Act 2019 (support for persons vulnerable to being drawn into terrorism) –

(a) in subsection (8), omit the words from “, within the period” to “passed,”;

(b) in subsection (9), omit the words from “, within the period” to the end.

(2) The amendments made by subsection (1) are to be treated as having had effect from the time when section 20 of the Counter-Terrorism and Border Security Act 2019 came into force.

The requirement for an Independent Review of the PREVENT strategy to be conducted and a report presented within 18 months was legislated within Section 20 of the Counter-Terrorism and Border Security Act 2019:²

(8) The Secretary of State must, within the period of 6 months beginning with the day on which this Act is passed, make arrangements for an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism.

(9) The report and any recommendations of the review under subsection (8) must be laid before both Houses of Parliament within the period of 18 months beginning with the day on which this Act is passed.

(10) The laying of the report and recommendations under subsection (9) must be accompanied by a statement by the Secretary of State responding to each recommendation made as part of the independent review.

However, Section 47 of the current bill removes the requirement for the review to be delivered within a set period of time, as well as the statutory obligation (outlined in clause 10) that the report and recommendations made by the review “must be accompanied by a statement by the Secretary of State responding to each recommendation made as part of the independent review”.³

The urgent need for an Independent Review of PREVENT makes it essential for clear deadlines to be placed upon the Government to ensure that it comes to fruition. To allow an indefinite delay would undermine the rights and experiences of minority communities who

² “Counter-Terrorism and Border Security Act 2019,” Legislation.gov.uk, accessed June 20, 2020, <http://www.legislation.gov.uk/ukpga/2019/3/section/20/enacted>

³ Ibid.

continue to be detrimentally impacted by the inherently flawed strategy, as well as undermining public confidence in the Government's ability to fulfil its obligations.

The Bill must, therefore, be amended to ensure:

- 1. It stipulates a new time limit for the delivery of the Independent Review of PREVENT.**
- 2. It does not remove the conditions laid out in Section 20 (clause 10) of the Counter-Terrorism and Border Security Act 2019 requiring the Secretary of State to respond to each of the recommendations made as part of the review.**

How MEND can assist parliamentarians, policymakers, and community stakeholders

- Providing briefings, information, analysis, and expertise on issues impacting Muslim communities.
- Arranging opportunities for parliamentarians, policymakers, and community stakeholders to engage with their local Muslim communities.
- Conducting research within Muslim communities.
- Connecting parliamentarians, policymakers, and community stakeholders to other local stakeholders.

If MEND can be of any assistance to your work, please feel free to contact info@mend.org.uk

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