



Home Office

Preventing Extremism Together

Places of Worship

6 October 2005

INTRODUCTION

1. Addressing the problem of extremist activity within communities in the UK has never been more important. Whether it is people planning terrorist attacks or attempting to subvert British values of democracy, tolerance and free speech, the Government is committed to tackling extremism head on.
2. As the Prime Minister said in his statement of 5th August 2005, the Government have been asked “to deal firmly with those prepared to engage in... extremism; and most particularly those who incite or proselytize it.” In particular, the Prime Minister stressed that it was not simply a matter for the Government; it was an issue on which communities themselves had asked for support.
3. The Government is keen to explore ways in which communities can be supported to address the problems of radicalisation and extremism in their midst. The Muslim community in the UK is a responsible and respected part of our multi-cultural and multi-faith society and, in particular, has insisted on taking action against extremism, lest the activities of extremists in recent months taint the good reputation of the mainstream Muslim community.
4. This consultation is linked to initiatives with the Muslim and other faith communities on radicalisation and the role of places of worship as a resource for the whole community and seeks views on how the Government and communities can work together to prevent extremism.
5. The proposed powers outlined in this consultation would form part of the Government’s wider counter-terrorism strategy. The forthcoming Terrorism Bill builds on existing counter-terrorism legislation, and will create new offences, such as encouragement of terrorism and dissemination of terrorist publications, which are designed to tackle radicalisation, and assist communities in tackling it head on.

EXTREMISM AT PLACES OF WORSHIP

6. The Government recognises that places of worship in all faiths are dedicated to devotion and reflection. Extremism usually has no hold on them and the vast majority of worshippers regard any association between worship and extremist ideologies as deeply abhorrent. For these reasons most attempts to infiltrate places of worship would be dealt with robustly by the members of faith communities themselves.
7. However, there have been a number of high profile cases where extremist preachers, clerics or teachers have taken over, or have encouraged supporters to take over, places of worship and use them to disseminate extremist views and practices. This has included fomenting extremism in others, inciting others to terrorist acts, and, even occasionally, aiding or inspiring the planning of such acts.
8. Taking action against extremism in places of worship in this small minority of cases is essential. There is a potential problem of extremism for all communities in the UK, including faith communities, and the proposals to tackle it apply to all places of worship of whatever faith.
9. Use of a power to tackle extremism at a place of worship would be a last resort. Only if the community of worshippers cannot deal with the problem themselves and if other measures fail would it be called upon. Clearly it has to be addressed with much sensitivity and most importantly in partnership with the community. The key aim is to support the vast law abiding majority to tackle extremism and to enable them to worship freely and safely.
10. Taking action against extremism at places of worship, whether through temporary closure or other means, is unlikely by itself to stop radicalisation taking place. There are many other influencing factors which can contribute to the radicalisation of individuals, in particular of young men. Specifically in relation to the closure of places of worship, we are aware that other places to which extremists may move could be harder to monitor than a place of worship, and extremist followers may also be less exposed to the mainstream moderating influences available in places of worship.
11. We must also bear in mind that restricting the use of certain services or parts of a place of worship can disenfranchise ordinary worshippers as well as extremist followers. However, it is unacceptable to allow the actions of a few extremists to interrupt individuals' rights to worship and also for those individuals or groups to tarnish the reputation of faith groups in the UK.

EXISTING POWERS

Places of worship as registered charities

12. Some places of worship in England and Wales are owned by registered charities which are regulated under charity law by the Charity Commission.
13. The Charity Commission policy on terrorist links to charities is clear and unequivocal

“Any links between charities and terrorist activity are totally unacceptable... The Charity Commission will deal with any allegation of links between a charity and terrorist activity as an immediate priority.”

14. At present, the Commission, if it suspects a charity is involved in terrorism, can use existing powers to take action, and these powers are being extended in the Charities Bill currently before Parliament. However, the powers held by the Charity Commission in this area are limited as not all places of worship are owned by charities and charity law is a devolved responsibility in Scotland and Northern Ireland. More importantly, active collaboration between charities and terrorist organisations is a police matter.

Prosecuting individuals

15. There is already scope to prosecute those who foment extremism at or near places of worship with the current offences of incitement and the proposed offences of encouragement to terrorism and dissemination of terrorist publications. In partnership with the police, the new offences should further aid those in positions of responsibility in communities to tackle extremism, particularly in cases in which congregations are targeted by organisations supporting or encouraging terrorism. The law enforcement preference would always be to prosecute individuals responsible for breaking the law.
16. However, prosecution can prove difficult where it is unclear which individual is causing the problem. We need to consider whether there is a need for additional powers to address the problem of places of worship acting as focus points for extremist activity.

PROPOSED NEW POWER

17. We are therefore currently considering creating a legal process whereby those controlling¹ a place of worship can be required by an order of the court to take steps to stop certain extremist behaviour occurring in a place of worship (“a requirement order”). Extremist behaviour will be defined as that which the police reasonable believe amounts to support for a proscribed organisation under section 12 of the Terrorism Act 2000, or encouragement of terrorism as proposed in the Terrorism Bill.
18. It is important to remember that making an application to a court for a requirement order would generally take place only after the possibility of prosecution of individuals for terrorism offences, and any use of powers by the Charity Commission, has been ruled out or are exhausted. Any application for a requirement order would be made by the police, and would require authorisation at a very senior level. The court to which the application is made will determine whether the grounds for making a requirement order are met. This would require them to believe that certain terrorism offences were taking place on the premises.
19. A number of actions could thus arise. For example, to meet the requirement that reasonable steps are taken to ensure that certain specified behaviour ceases, those controlling the premises may choose to restrict access to parts or all of the premises to certain groups or individuals, they may invest in or update their protective security, they may re-arrange their procedures for booking space at the premises and so on.
20. If those controlling the place of worship fail to take reasonable steps to give effect to this order, they will be guilty of an offence. We want to exclude from prosecution those who have satisfied a court that they have taken reasonable steps but that the behaviour has continued.
21. Regardless of whether a person is successfully prosecuted for failure to comply with an requirement order, if the activity is still taking place, a further order could be applied for by the police and made by a court restricting the use of the place of worship (“a restriction of use order”). A restriction of use order could include temporary closure of parts or all of the premises.
22. The purpose of this system would be twofold (i) to enable those in charge of places of worship to take action if previously they have felt unable to (ii) to lay down a specific legal challenge to persons who have gained control over places of worship and are actively promoting extremist views and practices at those places.

1. The controller may be a trustee or the registered owner on the property concerned.

COMPLEMENTING OTHER EXISTING POWERS

23. It is clear that to address the problem of extremism in places of worship there are options which may not involve the use of the law. The proposed power outlined above would be one approach among a number of approaches that might be used to address extremist behaviour at a place of worship and the prosecution of individuals where they had transgressed the law would always be first priority.
24. This proposed power is designed to complement existing powers. It would be used where it is operationally appropriate. We very much expect decisions to use this legal power to be taken in consultation with local communities where that is appropriate.
25. Legislative proposals would be complemented by guidance issued to support the targeted and effective use of a full range of existing mechanisms and would emphasise the importance of working with communities: we will only succeed in tackling extremism by working together closely and by recognising that the Government, law enforcement agencies, communities and faith groups all have a duty to address the problem of extremism.

CONSULTATION QUESTIONS

26. We ask the following questions:
 - A. How great a problem is the issue of places of worship being used to foment violent extremism, and how effective are existing measures and powers to counteract the problem?
 - B. What more could be done to support faith communities in preventing places of worship being used to foment extremism, short of taking additional powers?
 - C. What are your views on the legislative proposal contained in paragraphs 17-22?
 - D. How is your place of worship defined in practice? Does it mean just the space used for preaching and prayer or does it include temporary meeting rooms or faith schools? Would similar powers be useful in respect of these places or other places which are not places of worship?
 - E. It is important that any power has appropriate safeguards. Application for a requirement order would require very senior authorisation in the Police, and would need to be confirmed by a court. Is this sufficient, or would further safeguards be appropriate?

SENDING US COMMENTS

If you have comments that you would like to make as part of the consultation, please send them to:

Places of Worship consultation
Room 5.45
Home Office
2 Marsham Street
London
SW1P 4DF

Or email them to: PlacesofWorship@homeoffice.gsi.gov.uk

The consultation period will end on Friday 11th November 2005.

