

# TERRORISM, TOLERANCE AND HUMAN RIGHTS

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1. For the last six years I have reviewed and reported on the operation of anti-terrorism laws in the United Kingdom, independently of Government but on a fully security-cleared basis. This, in six minutes, is what I have learned.
2. Those laws need, firstly to be **strong**. They have to identify and punish the extremists who espouse violence – the *thousands*, in my country, who are motivated by either residual grievances in Northern Ireland, by the extreme right wing or by militant Islam.
3. The threat of terrorism curtails normal activities, heightens suspicion and promotes prejudice. That is precisely what the terrorist intends. If the authorities are powerless to act against it, some will be tempted to vigilantism. By prevention and by punishment, strong laws can help reduce the fear and hatred that the terrorist seeks to generate.
4. But at the same time, those laws must not **alienate** or render cynical the rest of the population, in particular the innocent and peace-loving *millions* in the communities from which terrorists seek their support. This matters particularly for Muslims, because as a minority group in most of our societies, they are especially liable to feel targeted by measures, however well-intended, that may seem to be designed more for them than for others.
5. It is not easy to reconcile those two imperatives – though I believe it is possible.

6. But we would be fooling ourselves if we thought that laws against terrorism, however strong and however sensitive, can do any more than treat the symptoms. Islamist terrorism is a global phenomenon, responsible for the great majority of the 28,300 deaths from terrorism last year, three quarters of them in five countries: Iraq, Pakistan, Afghanistan, India and Nigeria.<sup>i</sup> And in the words of King Mohammed of Morocco, a direct descendant of the Prophet:

"Terrorists are taking advantage of some young Muslims – particularly in Europe – and of their ignorance of the Arabic language and of true Islam, to spread their distorted messages and misleading promises."<sup>ii</sup>

7. As Europeans, we have a responsibility not just to enforce laws against terrorism but to protect our own people – Muslims and Muslim converts – from the grievances and crises of identity that can render them vulnerable to the murderous ideology of Salafi jihadism.
8. The starting point, as it seems to me, must be **tolerance**: not perhaps the most inspiring of virtues, since it means putting up with things or with people whom we may not like. But if properly applied, a staging post to the higher objectives of trust and integration. An answer not just to terrorism but to the broader problem of how to live together.
9. ***But what should we tolerate, and what should we not?*** People resent newcomers who do not conform to their customs, but are unsure which of their own values they are allowed to defend, and which must give way to the perceived demands of multiculturalism or human rights. Too often, the wrong answers are found. Perhaps the newcomer will be told that he must fully assimilate to be accepted. Or, conversely, a blind eye may be turned to practices that ought never to be accepted.

10. I will suggest three principles – each of them founded on the universal democratic values that have been given shape, by collective inspiration over many years, in this city of human rights.

11. First, ***confidence in setting limits***. The European Court reminds us that democracy is founded on tolerance – but also on *pluralism* and *broad-mindedness*.<sup>iii</sup> So everyone has an absolute right to believe what they like, to change their beliefs, and to share them with like-minded people. But tolerance does not extend to expressions of religious belief that unjustifiably restrict the rights of others. That is so whether you are a Christian who wants his child to be beaten,<sup>iv</sup> or a political party which seeks to elevate the law of God over the law of man.<sup>v</sup> After all, as has often been said: “*Democracy is not a suicide pact*”.<sup>vi</sup>

12. This means that as Matthew Wilkinson of the Cambridge Muslim College has written, Islam must adapt to being “*one legitimate faith among many legally equivalent faiths*”, with the Shari’a existing as “*a code of personal religious conduct rather than constituting the legal framework for the whole or even part of society*”.<sup>vii</sup>

13. Secondly, ***confidence in applying the laws we have***. Radicalisers cannot be allowed, as they were in 1990s Britain, to incite murder, radicalise the young, finance violent jihad and train people for it. Failure to investigate or to prosecute corruption, forced marriage, female genital mutilation, sexual abuse and so-called honour crimes should never be excused, or tolerated, by misplaced respect for cultural difference. Certainly, we need to be alert to the risk of discrimination. But police or social workers should not have to fear accusations of racism when they investigate practices that are not tolerated by the law.<sup>viii</sup>

14. Police and others rightly value their links with the communities that they serve. But the vulnerable people in any community may be precisely those

for whom so-called “*community leaders*” do not speak. Examples are the feminist Muslims, gay Muslims and ex-Muslims, described by Maajid Nawaz as “*minorities within minorities*”, who may be stigmatised and subjected to physical threats even in the West.<sup>ix</sup> Individual rights trump communal rights: these are people whom the law must protect.

15. My third principle is **humility**: an acceptance that the battle for hearts and minds is an impossible one to direct. If the state seeks to control or monitor “*extremist activity*” that poses no direct threat to the life, wellbeing or property of others, it will attract resentment and suspicion. And if things get to that point, it may actually be worsening the problem it is seeking to cure.<sup>x</sup>

16. In short, “*the power of reason as applied through public discussion*” is preferable to “*silence coerced by law*”.<sup>xi</sup> The state may facilitate that discussion. It may even participate in it (though other voices may be more influential). But it may not close it down.

17. So human rights do not hamper the fight against terrorism and extremism: they underline its legitimacy. And by practising tolerance but knowing its limits, we may still hope to emulate what King Mohammed described as:

“the countless examples, in human civilisation, of success stories which show that religious interaction and coexistence produce open societies in which Love, harmony and prosperity prevail.”<sup>xii</sup>

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<sup>i</sup> START country reports on terrorism in 2015, June 2016, Annex of statistical information.

<sup>ii</sup> Speech on King and Revolution Day, 20 August 2016.

<sup>iii</sup> E.g. *Handyside v UK* (1976), para 49; *Animal Defenders v UK* (2013), para 100.

<sup>iv</sup> *R (Williamson) v SoS for Education and Employment* [2005] UKHL 15; [2005] 2 AC 246.

<sup>v</sup> *Refah Partisi v Turkey* (2003), paras 99, 123-4.

<sup>vi</sup> See *Terminiello v City of Chicago* 337 US 1, 37 (1949), opinion of Justice Jackson.

<sup>vii</sup> Matthew Wilkinson, *A Fresh Look at Islam in a Multi-faith World* (Routledge, 2015), p. 28.

<sup>viii</sup> Alexis Jay, *Independent Inquiry into Child Sexual Exploitation in Rotherham*, 2014, 11.12; Sara Yasmin

Anwar, “Grooming Gangs: Tackle the Crime, not the Community”, Huffington Post UK, 16 November 2014.

<sup>ix</sup> Maajid Nawaz, *Islam and the future of tolerance: a dialogue* (Harvard, 2015).

<sup>x</sup> D. Anderson, *The Terrorism Acts in 2014*, September 2015, chapter 9.

<sup>xi</sup> Justice Brandeis in *Whitney v California* 274 US 357 (1927), pp 375-377.

<sup>xii</sup> Speech on King and Revolution Day, 20 August 2016.