



December 24, 2015

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and Fundamental Freedoms While Countering Terrorism  
United Nations Commission on Human Rights  
Palais Wilson  
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**Via E-Mail and Certified Mail**

**Re: United Nations Support for Countering Violent Extremism (CVE) Programs**

The undersigned human rights and civil liberties organizations write to express our serious concerns regarding recent United Nations initiatives aimed at Countering Violent Extremism (CVE).

Last year the U.N. Security Council passed Resolution 2178, which exhorted countries to take measures to combat radicalization and violent extremism.<sup>1</sup> The 2015 Human Rights Council resolution on “Human Rights and Preventing and Countering Violent Terrorism” also encouraged these initiatives, including by “developing, promoting and implementing comprehensive and coordinated solutions that respect human rights and are aimed at preventing and countering violent extremism.”<sup>2</sup>

While framed in the language of promoting human rights, the push to encourage CVE initiatives as a response to terrorism ignores the risk of serious adverse human rights consequences of some of these programs. “Extremism” and “radicalization” are poorly defined concepts, which open the door to human rights abuses. Several governments already routinely label political opponents and journalists as terrorists. Identifying “extremism” as the problem only provides more grounds to crush dissent.

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<sup>1</sup> [S.C. Res. 2178](#), ¶16, U.N. Doc. S/RES/2178 (Sept. 24, 2014).

<sup>2</sup> Human Rights Council Res. 30/15, [Human Rights and Preventing and Countering Violent Extremism](#), 30<sup>th</sup> Sess., Sept. 14- Oct. 2, 2015, U.N. GAOR, 70<sup>th</sup> Sess., A/30/15 (Oct. 12, 2015).

In many parts of the world, CVE programs compromise the fundamental rights of targeted minority religious and ethnic communities (such as Muslims in the United States and Europe), who frequently perceive them as stigmatizing and a form of “soft” surveillance. In sum, some CVE programs, while packaged as positive measures, threaten core human rights norms, including the rights to equality and freedom from discrimination, and the freedoms of speech, religion, and expression.

Our organizations have researched and monitored CVE initiatives in the United States and the United Kingdom for years; our concerns with these are summarized below. Similarly overbroad CVE measures may be applied elsewhere in the world as well.

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CVE initiatives in the United States and Europe focus overwhelmingly on Muslim communities, with the discriminatory impact of stigmatizing them as inherently suspicious and in need of special monitoring. They transform the relationship between Muslims and schools and social service providers into security-based engagements, and bring law enforcement scrutiny to bear on the exercise of freedoms of speech, association, expression, and religious observance, and the right to education.

There are two main strands of CVE initiatives in the United States and Europe: 1) the provision of resources to Muslim communities on the theory that economic and social conditions drive individuals to terrorism; and 2) initiatives to identify individuals – especially young people – who have adopted “radical” or “extremist” ideas and are therefore at risk for terrorism.

An example of the first type of initiative is the early version of the United Kingdom’s Prevent strategy (“Prevent I”), launched in 2007, which included a program that allocated resources to local authorities based on the percentage of Muslims in designated target areas. These resources were used for social and neighborhood projects.<sup>3</sup> Recent initiatives launched in the U.S. in 2014 also include this element. For example, the CVE pilot program in Minneapolis includes a mentorship program for Somali youth through the national Big Brothers Big Sisters program and the creation of a hub to provide education and workforce training resources.<sup>4</sup>

While these programs often bring much-needed resources to communities, their location within a counterterrorism framework reinforces the corrosive and misleading notion that Muslim communities are uniquely associated with and prone to terrorism and violence and require special treatment. In part as a result, even programs that would normally be welcomed have been divisive and counter-productive, and rejected by large segments of the targeted communities.<sup>5</sup> A

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<sup>3</sup> See ARUN KUNDNANI, [SPOOKED! HOW NOT TO PREVENT VIOLENT EXTREMISM](#) 12-17 (2009) (describing the correlation between an area’s Muslim population and Prevent funding).

<sup>4</sup> Press Release, [Twin Cities Somali Community Leaders, Government Officials, and Private Partners Present Plan to Build Community Resilience](#) (Sept. 9, 2015).

<sup>5</sup> See, e.g., Press Release, Council on American-Islamic Relations- Minnesota et al., [Minnesota Muslims Concerned About New ‘Stigmatizing, Divisive and Ineffective’ CVE Pilot Program](#) (May 1, 2015); Press Release, Muslim Students Association West, [Muslim Students Associations Across CA Against Federal Government’s Countering Violent Extremism Programs](#) (Feb. 21, 2015); [Letter from Muslim Justice League et al.](#), to Lisa O. Monaco, Assistant to the President for Homeland Security and Counterterrorism (Feb. 13, 2015); Press Release, Asian Americans Advancing Justice—Los Angeles et al., [Los Angeles Based Groups Serving American Muslim](#)

2010 review of Prevent I by the Communities and Local Government Committee of the U.K. House of Commons concluded that its “focus on Muslim communities has not . . . been constructive.”<sup>6</sup>

Even more problematic, however, are the second category of programs. These proceed on the assumption that the adoption or expression of extreme or “radical” ideas places individuals on the path toward violence, and that there are observable “indicators” to identify those “vulnerable” to “radicalization,” or “at risk” of being recruited by terrorist groups. This approach is misguided. Researchers have not developed reliable criteria that can be used to predict who will commit a terrorist act.<sup>7</sup>

This lack of pre-terrorism indicators has been acknowledged by both the U.S. and U.K. governments.<sup>8</sup> Programs that proceed on this assumption have nonetheless been implemented and are proliferating rapidly. Because this strand of CVE programs targets “radical” or “extreme” views among Muslims, they threaten fundamental rights, including the rights to equality and freedom from discrimination, and the freedoms of speech, thought, and religion.<sup>9</sup> A few examples demonstrate this point.

The U.K.’s Channel Program, which was part of Prevent I and has been carried out with even greater zeal in a revamped 2011 version (“Prevent II”) works as follows: “Radicalized” individuals are identified by police, local authorities, teachers, doctors, social workers, youth services, and offender management services to the program. Their cases are assessed by professionals, including from law enforcement, who devise a support and mentoring program. Between 2007 and 2013, 2,653 people were referred to Channel; of these, roughly 57- 67% of

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[Communities Question Federal Government’s “Countering Violent Extremism” Programs As Ill-Conceived, Ineffective, And Stigmatizing](#) (Nov. 13, 2014).

<sup>6</sup> COMMUNITIES AND LOCAL GOV’T COMM., HOUSE OF COMMONS, [PREVENTING VIOLENT EXTREMISM](#), 2009-10, H.C. 65 at 11 (2010).

<sup>7</sup> See, e.g., [Declaration of Marc Sageman in Opposition to Defendants’ Cross-Motion for Summary Judgment](#), Latif v. U.S. Dep’t of Justice et al., No. 3:100-cv-00750, 2015 WL 1883890 (D. Or. Aug. 7, 2015); FAIZA PATEL, [RETHINKING RADICALIZATION](#), 8-9 (2011); JAMIE BARTLETT, JONATHAN BIRDWELL & MICHAEL KING, DEMOS, [THE EDGE OF VIOLENCE: A RADICAL APPROACH TO EXTREMISM](#), 19-20 (2010); Clark McCauley & Sophia Moskalenko, [Individual and Group Mechanisms of Radicalization](#) in PROTECTING THE HOMELAND FROM INTERNATIONAL AND DOMESTIC TERRORISM THREATS: CURRENT MULTI-DISCIPLINARY PERSPECTIVES ON ROOT CAUSES, THE ROLE OF IDEOLOGY, AND PROGRAMS FOR COUNTER-RADICALIZATION AND DISENGAGEMENT 88 (Laurie Fenstermacher et al., eds., 2010).

<sup>8</sup> See, e.g., UNITED STATES ATTORNEY’S OFFICE, DISTRICT OF MASSACHUSETTS, [A FRAMEWORK FOR PREVENTION AND INTERVENTION STRATEGIES: INCORPORATING VIOLENT EXTREMISM INTO VIOLENCE PREVENTION EFFORTS 2](#) (2015) (noting that “the path to violent extremism is not linear and there are no valid or reliable indicators to “predict” who is more likely to engage in violent extremism.”); EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, [EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES](#), 3 (2011) (stating “[t]here is no single issue or grievance that pushes individuals toward supporting or committing violence, and the path to violent extremism can vary considerably.”); Alan Travis, [M15 Report Challenges Views on Terrorism in Britain](#), GUARDIAN (Aug. 20, 2008) (describing British intelligence service’s conclusion that “there is no single pathway to violent extremism.”).

<sup>9</sup> In the U.S., human rights, civil liberties and community-based organizations have repeatedly requested the government to provide information about safeguards for these risks, which has not been forthcoming. See, e.g., [Letter from Brennan Center for Justice et al. to Rep. Michael McCaul, Chairman, H. Comm. on Homeland Sec., et al.](#) (July 10, 2015); [Letter from American Civil Liberties Union et al., to Lisa O. Monaco, Assistant to the President for Homeland Sec. & Deputy Nat’l Sec Adviser](#) (Dec. 18, 2014).

referrals each year were recorded as Muslims.<sup>10</sup> According to researchers, there is “a widespread feeling in the Muslim community that regular activities such as political involvement in peace movements or a pious religious practice, when carried out by young Muslims, trigger unnecessary referral to the Channel program[.]”<sup>11</sup> Indeed, in some 80% of Channel referrals, no need for intervention was found.<sup>12</sup> Relatedly, many community members, scholars and human rights organizations have raised concerns that partnerships between community representatives and counterterrorism police are simply a covert means of gathering intelligence.<sup>13</sup>

Prevent II includes a more stringent version of Channel: Under the 2015 Counter-terrorism and Security Act, professionals — including teachers, social workers, and doctors — are legally obliged to report to authorities potential signs of extremism and radicalization in the young people with whom they work.<sup>14</sup> Not surprisingly, these requirements have been strenuously opposed by Muslim communities, who describe the program as a “‘McCarthyite’ witch-hunt against Muslims,”<sup>15</sup> as well as academics who worry these measures will threaten freedom of speech and expression at British universities.<sup>16</sup>

One particularly troubling aspect of the U.K.’s CVE programming is the use of surveys of elementary school children to determine whether they are vulnerable to radicalization. The results of these are reported to local authorities, who likely pass them on to counterterrorism officers under the Channel framework.

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<sup>10</sup> Assoc. of Chief Police Officers, [Response to Freedom of Information Request No.00017/13](#) (2013) [hereinafter 2013 Prevent Statistics] (noting that between Apr.2007 and Dec. 2010, 67% of referrals were recorded as Muslim; between Apr. 2012 and 2013, 57.4% of all referrals were Muslim. Between Jan. 2011 and Mar. 2012, no data on religion was recorded). There has been a sharp rise in the number of individuals referred: in 2007, the program’s first year, 5 individuals were referred, compared to 748 referrals in FY 2013. *Id.* at 3. The criteria used to refer individuals are so open-ended as to give the government enormous discretion to place someone in the program and bear almost no relation to criminality. The British government’s 2012 Vulnerability Assessment Framework is used to assess individuals for entry into the Channel program. It focuses on: “engagement with a group, cause or ideology, intent to cause harm, and capability to cause harm.” Several of the factors that could lead to a referral relate directly to political views (e.g., “Feelings of grievance and injustice,” “A desire for political or moral change,” “Over-identification with a group or ideology”). Most relate to personal thoughts and feelings that could only be determined by intensive monitoring of individuals (e.g., “Being at a transitional time of life,” “A desire for excitement and adventure,” “‘Them and Us’ thinking,” “Feeling under threat,” “A need for identity, meaning and belonging”). HM GOVERNMENT, [CHANNEL: VULNERABILITY ASSESSMENT FRAMEWORK](#) 2-3 (2012). *See also* 2013 Prevent Statistics, at 3-4 (noting a “number of behaviors and other indicators” that lead to referral, including “changing their style of dress” and “having technical expertise [such as] IT skills”).

<sup>11</sup> Tufyal Choudhury & Helen Fenwick, [The Impact of Counter-Terrorism Measures on Muslim Communities](#), [Equality and Human Rights Commission](#), Rept. 72, 61-65 (2011).

<sup>12</sup> 2013 Prevent Statistics, *supra* note 10, at 3-4 (noting that of the 2653 individuals referred to Channel since the program’s inception, 587, or slightly over 20% have progressed through the assessment process to receive support).

<sup>13</sup> Kundnani, *supra* note 3, at 8.

<sup>14</sup> Counter-Terrorism and Security Act (2015) c. 6, § 26; *Id.* at c.6, sch. 6 (describing the “specified authorities” tasked with reporting obligations).

<sup>15</sup> Alexandra Topping, Nishaat Ismail, & Shiv Malik, [British Muslims Condemn Terror Laws for Creating ‘Witch-Hunt’ Against Islam](#), [GUARDIAN](#) (Mar. 11, 2015).

<sup>16</sup> *See, e.g.*, Press Release, [Joint Statement by Academics and Public Figures on the Government’s Implementation of PREVENT](#) (Aug. 4, 2015); Hannah Richardson, [Terror Plans ‘Threaten Academic Freedom.’](#) [B.B.C NEWS](#) (Jan. 12, 2015); Alan Travis, [Anti-Terror Bill A Threat to Academic Freedom, MPs Tell Theresa May](#), [GUARDIAN](#) (Jan. 11, 2015).

- A questionnaire distributed to Buxton Primary School students ages 9 to 11 by the local authority in East London's Waltham Forest, which has a 22% Muslim population, asked students whether they agreed or disagreed with the following:
  - People from a different religion are probably just as good as people from mine
  - People should be free to say what they like, even if it offends others
  - It is my duty to defend my community from others that threaten it
  - Women are just as good as men at work
  - I would mind if a family of a different race or religion moved next door
  - Religious books are to be understood word for word

The survey was not anonymous and asked for the pupils' name, age, and year group. It was funded via a grant from the European Union.<sup>17</sup>

- At another elementary school in the same neighborhood, authorities asked children to complete a survey as part of a “Social Cohesion” initiative. They were questioned as to whether they agreed or disagreed that:
  - It is better to be a dead hero than live impassively
  - If a student was making fun of my race or religion I would try to make them stop even if it meant hurting them
  - God has a purpose for me.

The survey was described by authorities as part of "a range of tools designed to ensure early intervention for any children who are felt to be vulnerable to radicalisation."<sup>18</sup> Seven primary school children were reported to the government as vulnerable to radicalization (and their names mistakenly released).

The impact of these laws and programs on freedom of speech and religion is self-evident. But government officials have also unveiled plans for so-called Extremism Disruption Orders, which would allow judges to ban people deemed extremists from broadcasting, protesting in certain places or even posting messages on Facebook or Twitter without permission.<sup>19</sup> Given the breadth of the term “extremism,” these orders would allow the U.K. authorities to shut down any form of speech with which they did not agree.<sup>20</sup>

In France, according to a report commissioned by the European Parliament, intelligence services believe that “part of their mission is to capture ‘weak or very weak signals’ indicating that an individual could be radicalized. They therefore try to enlist other social actors, such as schools,

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<sup>17</sup> Ben Ferguson, [Is Your Child a Terrorist? UK Primary School Children Asked to Complete Radicalization Survey](#), VICE NEWS (May 29, 2015).

<sup>18</sup> Alex Bushill, [‘Radicalisation Risk’ Pupils in Waltham Forest Named](#), B.B.C. NEWS (Nov. 30, 2015).

<sup>19</sup> John Bingham, [Sharia Law or Gay Marriage Critics Would Be Branded ‘Extremists’ Under Tory Plans, Atheists and Christians Warn](#), TELEGRAPH (Oct. 31, 2014).

<sup>20</sup> The proposed Extremist Disruption Orders have been criticized by wide segments of UK society, including evangelical organizations and churches and secular groups. See, e.g., [Letter: Counter-Terrorism Bill Risks Branding Christians as Extremists](#), TELEGRAPH (Oct. 7, 2015) (letter from several church leaders voicing concerns that EDOs will be “a disaster for the Church.”); Press Release, National Secular Society, [‘Extremism Disruption Orders’ Will Chill Free Speech](#) (Oct. 6, 2015); John Bingham, [Sharia Law or Gay Marriage Critics Would Be Branded ‘Extremists’ Under Tory Plans, Atheists and Christians Warn](#), TELEGRAPH (Oct. 31, 2014).



local authorities and social workers in the reporting of these individuals.”<sup>21</sup> While these French initiatives have mainly been *ad hoc*, more institutionalized versions of these programs operate at least in the Netherlands and Denmark.<sup>22</sup>

The United States, too, has ramped up its CVE efforts since 2011, when the White House issued a strategy document and implementation plan.<sup>23</sup> A central priority is “enhancing Federal engagement with and support to local communities that may be targeted by violent extremists.”<sup>24</sup> Engagement programs have long been controversial because they have been used as a means to gather intelligence on the very groups and organizations that participate in them.<sup>25</sup> CVE supplements direct government surveillance by tasking community members with monitoring and reporting to law enforcement on the beliefs and expressive or associational activities of law-abiding individuals.

For example, it was recently reported that the Federal Bureau of Investigation intended to roll out a game-like program in which teachers and students would identify individuals identified as “radicalized” in schools.<sup>26</sup> Presumably, the identities of these persons would be reported to the Bureau. Also planned is the establishment of Shared Responsibility Committees to review cases of “radicalized” individuals and recommend intervention strategies, including mental health or religious counseling. In the face of strong opposition from civil society, these programs are currently on hold.<sup>27</sup> Similar initiatives are, however, being developed in the three cities – Boston, Minneapolis and Los Angeles – where CVE programs are being piloted.

There is simply no scientific basis for teachers, social workers, mental health professionals, and other similarly situated persons to make these kinds of judgments. Schools in particular should be environments in which curiosity, inquiry, and expression thrive. Instead, targeting children for suspicion without any reliable, factual basis risks transforming schools from places of learning to environments in which children are viewed as potential threats, jeopardizing their right to education and free expression.<sup>28</sup> More broadly, generalized monitoring, whether conducted by

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<sup>21</sup> DIDIER BIGO, LAURENT BONELLI, EMMANUEL-PIERRE GUITTET & FRANCESCO RAGAZZI, [PREVENTING AND COUNTERING YOUTH RADICALISATION IN THE EU](#), 27 (2014).

<sup>22</sup> *Id.* at 27.

<sup>23</sup> The White House’s Strategic Implementation Plan states that CVE programs aim to “prevent[] violent extremists and their supporters from inspiring, radicalizing, financing or recruiting individuals or groups in the United States to commit acts of violence[.]” EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, [STRATEGIC IMPLEMENTATION PLAN FOR EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES](#), 1 (2011).

<sup>24</sup> The other “areas of priority action” are: increasing federal support and engagement with communities targeted by violent extremists, building government and law enforcement expertise for preventing violent extremism; and countering violent extremist propaganda. *Id.* at 7.

<sup>25</sup> See, e.g., Murtaza Hussein, [Spies Among Us: How Community Outreach Programs to Muslims Blur Lines Between Outreach and Intelligence](#), INTERCEPT (Jan. 21, 2015); MICHAEL PRICE, [COMMUNITY OUTREACH OR INTELLIGENCE GATHERING? A CLOSER LOOK AT ‘COUNTERING VIOLENT EXTREMISM’ PROGRAMS](#) (2014); American Civil Liberties Union, [Eye on the FBI: San Francisco](#) (2012).

<sup>26</sup> Michelle Boorstein, [Muslim Activists Alarmed by the FBI’s New Game-Like Counterterrorism Program for Kids](#), WASH. POST (Nov. 2, 2015); Laurie Goodstein, [F.B.I. Tool to Identify Extremists is Criticized](#), N.Y. TIMES (Nov. 1, 2015).

<sup>27</sup> Jack Jenkins, [Why the FBI Is Suspending Its Anti-Extremism Program](#), THINK PROGRESS (Nov. 2, 2015).

<sup>28</sup> See Diane Taylor, [Schools Monitoring Pupils’ Web Use With ‘Anti-Radicalisation’ Software](#), GUARDIAN (June 10, 2015).

the government or by community “partners,” inevitably results in a climate of fear and self-censorship. Religious exercise and political expression are stymied when individuals abandon discussions about religion or politics—or abandon mosques and community spaces altogether—to avoid being tracked into CVE programs that brand them “potential terrorists” or as individuals “at risk” of “radicalization.”

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We urge you to consider carefully the foregoing concerns when examining these issues, and we welcome a meeting or teleconference to discuss them further. Please do not hesitate to reach out either by e-mail at [faiza.patel@nyu.edu](mailto:faiza.patel@nyu.edu), or by phone at +1 (646) 292-8325.

Signed,

American Civil Liberties Union (ACLU)  
Article 19  
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cc: Mr. David Kaye, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression