SUBMISSION
REVIEW INTO DIVISION 105A OF THE CRIMINAL CODE

THE INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR (INSLM)

13 June 2022

66-68 Jeffcott Street
West Melbourne Vic 3003

Ph. (03) 9328 2067

E-mail: admin@icv.org.au

www.icv.org.au

The Islamic Council of Victoria (ICV) welcomes the opportunity to make a submission to the Independent National Security Legislation Monitor (INSLM) in the Review into Division 105A of the Criminal Code. As the peak representative body of Muslims in Victoria, the ICV's mission is to protect and advance the rights of its constituents throughout Victoria. It is from this perspective that we write this submission.

Table of Contents

Introduction

We appreciate the INSLM inviting the ICV to make this submission on matters indirectly related to the Review into Division 105A of the *Criminal Code Act* 1995. The ICV's submission is focused on issues relating to Countering Violent Extremism (CVE) programs and the use of risk assessment tools prior to a sentencing order as a means to assess the risk of individuals committing a future terrorist act or engaging in violent extremism. The ICV chooses not to use the term "pre-crime" when referring to this scenario because it is a loaded term which makes the conclusion that a crime will be committed in the future when there is no evidence that this is the case.

The ICV disputes that VERA-2R and other risk assessment tools appropriately assess the risk that an individual may commit a future act of terrorism due to the flawed assumptions that informed the creation and implementation of the tools. This submission challenges the following three key assumptions; that terrorism is religiously motivated; that extreme religious thought leads to terrorism; and that Muslims are more susceptible to terrorism and violent extremism. There is little evidence supporting these premises. As a consequence of these flawed assumptions, two groups of people are not adequately being protected; potential victims of a future terrorist attack and communities who are unfairly being suspected to have a propensity to commit terrorism.

The VERA-2R, other structured professional judgement (SPJ) tools, and CVE programs more generally, inappropriately conflate religion with ideology. These two concepts are distinct. Religion is a way of life where particular beliefs, values, knowledge, faith and practices are followed. Ideology, on the other hand, is a system of ideas that form the basis of one's economic or political outlook. Whilst an individual can use their religion to justify terrorism, they can also use religion to condemn terrorism. This is not unique to religion. An individual can use anything to justify or condemn terrorism such as their ethnicity, nationality, passions, or interests. The connection between religiosity and terrorism presumed in CVE and risk assessment frameworks is flawed. More specifically, the concept of terrorism is not founded, supported, or justified within Islam. We reject the concept of a "religious cause" or "religious ideology" when talking about the factors behind terrorism. Where religious reasons are used by the actors, it is more accurate to describe this as religion used to justify/rationalise a political ideology.

The ICV firmly believes that Australia's security is undermined by the questionable effectiveness of VERA-2R and other SPJ tools, and the flawed nature of CVE programs more generally, both of which unfairly and unreasonably target whole communities. The Australian Government itself highlighted these limitations in its 2015 *Review of Australia's Counter-Terrorism Machinery* when it said that "...efforts in [the CVE] area have not yet been effective. All of the metrics we have on the terrorism threat to Australia are worsening".[1]

This submission outlines the key issues in the application of risk assessment tools, which are present in both post-sentencing and in the application of these tools to individuals suspected to have a propensity to commit acts of terrorism. These tools are largely based on flawed assumptions about the risk factors and indicators of radicalisation, and about the supposed nexus between radicalisation and acts of violent extremism. These assumptions underpin not only the application of risk assessment tools, but also Australia's national approach to CVE in general. As such, we think it is important to start by highlighting the issues and the discriminatory approach that informs CVE policies at a broad community level, how these contribute to unreliable risk assessments, and how they damage government-community relationships, as is outlined in

---

[1] Australian Government, *Review of Australia's counter-Terrorism Machinery*, (Canberra, ACT, 2015), 30, https://www.homeaffairs.gov.au/nat-security/files/review-australia-ct-machinery.pdf.

Part 1. In Part 2 we then address more specifically how these issues manifest in the risk assessment of individuals during the so-called deradicalisation process.

To improve the effectiveness of risk assessment tools to combat terrorism, more empirically evidenced research is required to find and address the root causes of terrorism. To ameliorate the issues with community-based CVE initiatives, authorities should aim to build strong relationships of trust and mutual respect with Muslim communities rather than stigmatising and securitising them. These developments would restore Muslim communities' diminishing confidence in the fairness of our political and legal systems and would prevent injustices from being committed in the name of public safety.

Part 1: Invasive and harmful CVE strategies

The development of CVE programs in Australia has long focused on social cohesion and community engagement as a means to address the risk factors of radicalisation at an early stage. That is, targeting communities considered to be potentially vulnerable to radicalisation, rather than focusing on individuals who have been properly assessed to be at risk. In doing so, it has brought counter-terrorism policy not only into the inchoate space, but into education, community and local government initiatives that are altogether separate from national security or criminal justice. These strategies are greatly ineffective at combatting homegrown terrorism in Australia due to the flawed assumptions that inform them. As in the area of risk assessment, Australia's approach to CVE policy is heavily based upon the premise that individuals or communities, predominantly Muslim communities, are more susceptible to violent extremism because of their religious beliefs and perceived lack of acceptance or connection that may marginalise them from society. This framework underplays the diverse pathways towards violent extremism and factors that contribute to extreme violence. These factors include psychiatric diagnosis, history of violent behaviour, socio-economic conditions, experiences of racism and previous treatment or intervention.

Not only is there evidence to suggest that this approach is ineffective in practice, but it damages the relationship between the Australian government and its Muslim communities by approaching all aspects of this relationship from a security and intelligence angle. This tends to reinforce the idea that Muslims are inherently at risk of violent extremism and are to be viewed as a security threat. Moreover, it further undermines the effectiveness of the CVE agenda by causing individuals and communities to mistrust community-government relationships, initiatives and activities.

1.1 Background: Viewing "social cohesion" through a security lens

Australia's CVE policy has long had a wide agenda that aims to address factors that may make individuals vulnerable to radicalisation at the earliest possible stage. This approach has manifested in CVE programs that run in an ever-growing range of aspects of public life, including education, healthcare, social work, and community engagement. It has also led to a broad understanding of security risks or risk factors that include mere thoughts or characteristics, meaning a person's demographic characteristics or identity may unfairly subject them to surveillance and de-radicalisation programs. In particular, it will be demonstrated herein that CVE policy assumes that Muslims are especially susceptible to violent extremism. It then introduces security objectives to all aspects of the government's relationship with these communities.

In a 2008 conference on security, the federal Attorney-General Robert McClelland highlighted the need to introduce prevention measures at the forefront of counter-terrorism policy, noting that "we must understand the different stages of radicalisation and the activities likely to be associated with each of these."[2] The Australian Government formalised a national CVE strategy to target homegrown terrorism in the 2010 counter-terrorism White Paper: *Securing Australia, Protecting Our Community.* This paper introduced new vocabulary such as "violent extremism", which refers to when "fear, terror and violence are justified to

---

[2] Robert McClelland, Security in Government Conference 2008 (Speech, Canberra, 16 September 2008) https://webarchive.nla.gov.au/awa/20111214165528/http://pandora.nla.gov.au/pan/21248/20111214-1249/www.attorneygeneral.gov.au/Speeches/Pages/2008/Thirdquarter/16September2008SecurityinGovernmentConference2008.html.

achieve ideological, political or social change".[3] It also explained that the "primary terrorist threat to Australia and Australian interests is from a global violent jihadist movement."[4] The 2017 Foreign Policy White Paper similarly highlights the renewed threat of "Islamist terrorism" and the need to "counter the drivers of violent extremism through early intervention and community engagement."[5] This approach broadened the security agenda so CVE efforts would address factors that make people vulnerable to extremist influences, mainly referring to ideological, social and religious risk factors.[6]

In line with the former Attorney-General's stated objective, Australia's counter-terrorism strategy has expanded beyond the limits of the national security and criminal justice spheres. It has come to have a wide reach into the public and communal life of Australian Muslim communities, with early intervention programs receiving the bulk of funding and resources. In their study of the behavioural science of terrorism, Shandon Harris-Hogan, Kate Barrelle and Andrew Zammit highlight that Australia's CVE policy tends to focus on "primary prevention" initiatives, or those which seek to address the mere possibility of anti-social behaviour among large segments of the population.[7] In studying the objectives and activities of 87 CVE projects run by various departments of the Federal and State Governments between 2010-2014, they concluded that 64 of these constituted primary prevention initiatives.[8] Only one program was directed towards persons actually radicalised to the extent that violent extremism was a risk.[9]

Demonstrating the predominance of such programs, under the umbrella of "enhanc[ing] social cohesion and resilience" and building "social…harmony," in 2010 the Attorney-General's Department introduced the Building Community Resilience Grants Program, which received half of the federal funding for CVE programs that year.[10] The program funds community-based projects including school activities to increase participation in democratic decision making, and conflict resolution, such as projects designed to "encourage young people

---

[3] Parliament of Australia Foreign Affairs, Defence and Security, *Update on Australian Government measures to counter violent extremism: a* quick guide, (Canberra, ACT, August 2017), https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/CounterViolentExtremism.

[4] Commonwealth of Australia, *Securing Australia Protecting Our Community* (Canberra, 2010) 8.

[5] Commonwealth of Australia, *Foreign Policy White Paper* (Canberra, 2017) 6,70.

[6] Anne Aly, "Countering violent extremism: Social harmony, community resilience and the potential of counter-narratives in the Australian context," In Counter-Radicalisation: Critical Perspectives, edited by Christopher Baker-Beall, Charlotte Heath-Kelly, and Lee Jarvis. (London: Routledge, 2014): 71-87 , 71.

[7] Shandon Harris-Hogan, Kate Barrelle and Andrew Zammit, "What is

countering violent extremism? Exploring CVE policy and practice in Australia," *Behavioral Sciences*

of Terrorism and Political Aggression, vol. 8, no.1 (2016): 6-24 DOI https://www.tandfonline.com/action/showCitFormats?doi=10.1080/19434472.2015.1104710, 16.

[8] Ibid, 17.

[9] Ibid.

[10] Cat Barker, *Australian Government measures to counter violent extremism: a quick guide* (Parliament of Australia, Canberra, 2015) https://parlinfo.aph.gov.au/parlInfo/download/library/prspub/3650900/upload_binary/3650900.pdf;fileType=application%2Fpdf#search=%22library/prspub/3650900%22, 2.

to participate in development projects that support them to express their views creatively and positively."[11] Grants have been provided to a range of political, social and community organisations, including city councils, universities, sporting clubs, youth centres and religious organisations.[12] In the first four years of the program, more than half of the funded initiatives were targeted towards Muslim youth and culturally and linguistically diverse (CALD) communities, with the remainder focusing on interfaith and intercultural inclusion.[13] Only one targeted white supremacist ideologies.[14]

In 2013, the Department launched the Living Safe Together program, which similarly provides grants to community and non-governmental organisations to "develop new and innovative services" to divert individuals from violent extremism "either directly, or through their families and friends."[15] Underpinning these CVE policies is the notion that state security will be achieved if all people abide by liberal democratic values of representative government, the rule of law, separation between church and state, and universal human rights. However, the adoption of policies that merely focus on promoting liberal values to perceived at-risk communities fails to address influences beyond divergent ideologies that contribute to homegrown terrorism.

The Living Safe Together program also provides information and training to professionals which misrepresents religion as a key risk factor contributing to violent extremism. Training is offered to healthcare, education, social work and other professionals within the community on how to identify and report signs of radicalisation and violent extremism, which have included several overt or thinly-veiled associations with religious practice, particularly Islam. The specified signs of radicalisation identified include "changing social relationships to align with a particular group," such as "changing behaviour, appearance or relationships."[16] The factors identified as possible triggers of radicalisation include personal social or economic hardship, as well as "overseas events that harm [an individual's] community, family or friends."[17] Moreover, from 2014 until five months after the 2019 Christchurch terrorist attack where a white supremacist Australian terrorist massacred fifty-one Muslims, the homepage of the government's Living Safe Together website had an apparent focus on Muslim communities as subjects of the program.[18] The website featured prominent images of Muslim women in hijabs, and tabs asking "What can you do?" and "What can your community do?"[19] It

---

[11] Australian Government, Living Safe Together, (2012), https://www.livingsafetogether.gov.au/getinvolved/Pages/nsw.aspx.

[12] Barker, *Australian Government measures to counter violent extremism,* 5-7.

[13] Aly, "Countering violent extremism: Social harmony, community resilience and the potential of counter-narratives in the Australian context".

[14] Ibid.

[15] Australian National Audit Office, *The Design of, and Award of Funding Under, the Living Safe Together Grants Programme* (Canberra, 2016) https://www.anao.gov.au/work/performance-audit/design-and-award-funding-under-living-safe-together-grants-programme.

[16] Australian Government, *Doctors: Understanding Radicalisation to Violent Extremism*

[17] Australian Government, *Social Workers: Understanding Radicalisation to Violent Extremism,* https://www.livingsafetogether.gov.au/Documents/fact-sheet-social-worker-understanding-radicalisation-extremism.pdf, 1.

[18] Linda Briskman and Susie Latham, "Spies, Lies and the caring professions: Countering Violent Extremism," *Arena* Vol.2 (2020) 24-31, 26-27.

[19] Ibid.

stated that "leaders from diverse backgrounds have a strong interest and responsibility in addressing violent extremism" and featured a statement from Australia's Grand Mufti, Dr Ibrahim Abu Mohamed, in Arabic and English.[20] This agenda therefore encourages professionals to view with suspicion traits that often indicate nothing more than increased religiosity without necessarily having knowledge of an individual's surrounding circumstances or the nuances of that religious belief. This can mean that religious practices or characteristics may be considered to make someone a greater security risk, and throughout the risk assessment process, these factors can contribute to an individual being subject to surveillance, being made to participate unnecessarily in de-radicalisation programs, or receiving harsher sentences for criminal offences if they do eventuate.

The Australian Association of Social Workers in conjunction with the Australian Federal Police and Attorney-General's Department have also run workshops to train social workers in identifying and reporting signs of radicalisation.[21] In one such training session, participants demonstrated an assumed connection between Muslims and terrorism, making comments such as *"faith and radicalisation are intertwined,"* and are further affected by "migration, different cultures" and religious ideas of "martyrdom." [22]

A further example of CVE policy stigmatising Muslims is a professional development webinar held by five professional associations — the Australian College of Mental Health Nurses, the Australian Association of Social Workers, the Royal Australian College of General Practitioners, the Australian Psychological Society, and the Royal Australian and New Zealand College of Psychiatrists — in association with the Department of Home Affairs in 2019.[23] Three days after the Christchurch terrorist attack, the Mental Health Professionals Network hosted a webinar called "Mental illness, terrorism and grievance-fuelled violence: understanding the nexus".[24] The webinar was "funded by the Countering Violent Extremism Sub-Committee under the auspices of the Australia–New Zealand Counter-Terrorism Committee."[25] The case study included in the webinar to exemplify the signs of radicalisation was the story of "Emir", who lives with his sister Ayesha and his parents "Leyla" and "Umit", who are originally from Turkey - a country with a 98% Muslim population.[26] In the story, "Emir" begins associating with "new friends" from a local place of worship, which he tells his doctor while dressed in combat clothes. He plans to visit Turkey and some neighbouring countries to visit people with whom his new friends have connected him online.[27]

It is fair to say that CVE research is an industry that attracts a disproportionate level of interest and funding, such that academics, researchers, and universities, will gear their work, even if not initially in the field of extremism, towards CVE. The significant amount of government funding provided for research and community initiatives under the umbrella of CVE may also contribute to unnecessarily steering various fields of research and community work away from more needed research towards a security agenda. CVE is an

---

[20] Ibid.

[21] Susie Latham, "Countering Violent Extremism training is institutionalising Islamophobia," *The Power to Persuade,* 27 July 2018, http://www.powertopersuade.org.au/blog/countering-violent-extremism-training.

[22] Ibid.

[23] Linda Briskman and Susie Latham, "Spies, Lies and the caring professions: Countering Violent Extremism, 28.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] Ibid.

extremely well-funded field, with $61.7 million in federal funding added to CVE programs in 2022, including $8 million to establish a new international centre for CVE research and risk assessment training.[28] Funding is also provided to universities for research, alongside various private firms such as public relations, training and risk-management firms to develop new CVE initiatives.[29] This has contributed to the development of CVE training and risk assessment models, as well as initiatives such as the Living Safe Together training provided to healthcare and social workers.[30] As such, it is evident that government-funded research is used to legitimise the further expansion of CVE into civil society and the private lives of Muslim communities.[31] The ubiquity of CVE policy considerations and CVE-based funding in all fields of research may incentivise professionals and organisations who work outside the sphere of crime and national security, such as social work or public health professionals, to unnecessarily approach research and professional innovation from the angle of CVE.[32]

Similarly, at the civil society level, in order to receive grants under the Building Community Resilience and Living Safe Together programs, community activities need to specifically address certain issues such as violent extremism, radicalisation, and "factors that may contribute to susceptibility" thereto.[33] This incentivises community leaders and organisations with little or no security and law enforcement expertise to design programs attempting to identify and address characteristics that supposedly predict criminal activity among individuals with no criminal history. The grants were intended to support communities in delivering indispensable services such as leadership training, mentoring, counselling and education and social support.[34] In reality, however, funding is restricted to organisations that explicitly gear their programs towards CVE and de-radicalisation. Funding for genuine altruistic community-building and social outreach initiatives is lacking in comparison to funding for those who put forward an underlying securitised agenda.

The development of "social cohesion" initiatives in Australia under the management and funding of CVE agendas demonstrates how counterterrorism objectives have come to permeate all aspects of social and community life within broad segments of the population. Those broad segments tend to be Muslim communities. The aforementioned counter-terrorism White Papers highlighted the increasing threats of radicalisation related to "Islamic extremism".[35] Grants provided to community organisations under the Building Community Resilience and Living Safe Together schemes have focused on Islamic schools and

---

[28] Karen Andrews, *Significant new investment to counter all forms of violent extremism in Australia* (Canberra, 2022), https://minister.homeaffairs.gov.au/KarenAndrews/Pages/significant-investment-counters-violent-extremism-in-australia.aspx.

[29] Linda Briskman and Susie Latham, "Spies, Lies and the caring professions: Countering Violent Extremism," 24.

[30] Ibid, 30.

[31] Ibid, 27.

[32] Ibid.

[33] Randa Abdel-Fattah, "Countering violent extremism, governmentality and Australian Muslim youth as 'becoming terrorist,"*Journal of Sociology,* vol.56, no. 3 (2020): 372-387 DOI https://doi.org/10.1177/1440783319842666 382.

[34] Australian Government Department of Home Affairs, "Countering Violent Extremism (CVE) Intervention Programs," *Department of Home Affairs,* https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/countering-extremism-and-terrorism/cve-intervention-programs#:~:text=The%20Living%20Safe%20Together%20Grants,education%20and%20employment%20support%20programs..

[35] Commonwealth of Australia, *Securing Australia Protecting Our Community.* Commonwealth of Australia, *Foreign Policy White Paper.*

community groups.[36] Training and information for healthcare professionals and social workers emphasise a supposed relationship between faith, "different cultures" and radicalisation or violent extremism.[37] A 2012 submission by the Attorney-General's Department noted that CVE programs prioritised "a number of communities in certain geographical areas across Australia" that were "generally low in socio-economic status and have populations with culturally and linguistically diverse backgrounds."[38] This approach unnecessarily securitises the relationship between government and the targeted demographics, in aspects of public life that have no bearing on crime or security threats. The presumptions underpinning the CVE agenda now permeate the wide range of functions administered by the Australian government within these demographics, that is, within Muslim communities. Initiatives are present in local government, healthcare, education, social work, community organisations, sporting clubs, and community activities that seek to counter radicalisation, and divert individuals from the path of violent extremism, without those individuals having displayed any inclination towards it.

1.2 Key issues in the implementation of CVE

"Even kicking a football or learning how to use digital and sound technology encloses the young Muslim into a security agenda."

- Randa Abdel-Fattah, Academic, Department of Sociology, Macquarie University

1.2.1 Lack of evidentiary basis and reliance on assumptions

The pervasive nature of CVE intervention is concerning for several reasons. Firstly, countless researchers have highlighted the lack of empirical evidence to support the effectiveness of intervention when it occurs at a stage in which there is no indication that an individual is heading towards violent extremism. For example, a 2013 report by the Centre on Global Counterterrorism Cooperation in collaboration with the Canadian Federal Government emphasised that it is prohibitively difficult to assess the success of social cohesion programs through the lens of CVE objectives.[39] That is, the causal link between broad social cohesion initiatives and the prevention of violent extremism is essentially immeasurable since "the desired outcome is a nonevent."[40] Similarly, Harris-Hogan Barrelle and Zammit's study affirms that there is "little independent

---

[36] Abdel-Fattah, "Countering violent extremism, governmentality and Australian Muslim youth as 'becoming terrorist," 382, quoting Commonwealth of Australia, "Living Safe Together," *Living Safe Together,* https://www.livingsafetogether.gov.au/getinvolved/Pages/nsw.aspx.

[37] Latham, "Countering Violent Extremism training is institutionalising Islamophobia."

[38] Australian Government Attorney General's Department, *Submission to the Joint Standing Committee on Migration Inquiry into Multiculturalism in Australia* (Canberra, 2 March 2012)*,* www.aphref.aph.gov.au_house_committee_mig_multiculturalism_subs_sub501%20(1).pdf, 4.

[39] Naureen Chowdhury Fink, Peter Romaniuk and Rafia Barakat, "Evaluating Countering Violent Extremism Programming." *Practice and Progress Center on Global Counterterrorism Cooperation* (September 2013). https://www.cve-kenya.org/media/library/Fink_et_al_2013._Evaluating_CVE_Programming.pdf 1-2.

[40] Ibid, 2.

evaluation or evidence-based research" indicating that "social cohesion or prevention initiatives" have contributed to reducing or mitigating cases of violent extremism anywhere in the Western world.[41]

In the absence of an evidentiary basis, it appears that early intervention initiatives which apply without any real signs of criminality, rely heavily on assumptions. Approaching community welfare and social cohesion from the angle of CVE is based on the incorrect assumption that "radicalisation", characterised by factors such as "preoccupation with ideology" or religion, and changes in demeanour, appearance, or social relations leads to criminality or acts of violence. It assumes that actions such as aligning more closely to a faith or adapting to reflect that in one's actions or appearance, place individuals on a trajectory towards violence. CVE programs are ultimately designed to target certain communities based on broad demographic or geographic characteristics.[42] That is, rather than targeting individuals or groups because of actual or apparent indicators of radicalisation or movement towards violent extremism.[43] This also means community groups that actually have specific individuals posing a "higher risk" of radicalisation towards violent extremism are not engaged with because the focus is elsewhere and/or these community organisations are not considered trustworthy partners. Rather, wide-reaching community initiatives focused on promoting liberal democratic values and social integration within Islamic communities are prioritised.

Numerous studies have found this approach to be of limited efficacy in targeting individuals actually at risk of radicalisation, since it does not engage them specifically but instead targets sweeping of people outside of that trajectory.[44] Treating religion as a key risk factor contributing to violent extremism is a misrepresentation of the radicalisation process. It underplays a range of motivations, group influences and contextual factors. Applying early intervention initiatives to sweeping segments of the population because of ideology or demographics is not empirically likely to capture individuals who may actually be at risk of undertaking violent extremism.[45]

Not only do CVE policies misrepresent the significance of religious beliefs at the expense of other risk factors, they further fail to distinguish between extreme beliefs and the legitimisation of violence. Moreover, CVE policies misrepresent religious cause as a factor in extremist violence. Adopting extreme views does not naturally equate to condoning violence. Individuals can hold beliefs inconsistent with liberal democratic values while rejecting the use of violence. Several individuals convicted of terrorism, such as Australia's first convicted terrorist Jack Roche, indicate that an individual's disengagement from violence or violent extremism does not always coincide with a de-radicalisation of radical views.[46] Furthermore, a Muslim expressing a strong affinity with the plight of other Muslims overseas and anger at their plight should not be

---

[41] Harris-Hogan, Barrelle & Zammit, "What is

countering violent extremism? Exploring CVE policy and practice in Australia," 21.

[42] Ibid, 18.

[43] Ibid, 17-18.

[44]Ibid, 18; Roslyn Richardson, *Fighting fire with fire: Target audience responses to online anti-violence campaigns* (Australian Strategic Policy Institute, Canberra, 2014) 3; Mercer 2014; Phil Mercer, "Tackling Australia's home-grown Jihadists," *BBC News,* 6 August 2014, http://www.bbc.com/news/world-asia-28672826.

[45] Ibid.

[46] Jason-Leigh Striegher, "The deradicalisation of terrorists," *Salus Journal* vol. 1, no. 1 (2013): 19-40, https://search.informit.org/doi/abs/10.3316/INFORMIT.696193521725992.

considered a risk factor for violent extremism, despite what CVE training programs appear to suggest.[47] It is normal for Muslims to identify with their co-religionists and to want to do something to relieve their suffering. This does not mean that they want to commit acts of violence, but it could mean a range of responses including a desire to travel overseas to join humanitarian efforts, donate to overseas charity organisations, and speak out against government policies here and overseas. It may also mean a desire to join defensive military efforts aimed at defending Muslims. Therefore, it must be better acknowledged that there is an element of independence between violence and extreme ideas. Extreme views or beliefs cannot be conflated with extremist violence.

The concept of extremist violence in literature tends to be considered a behavioural issue, where there is a greater focus on violence as a means as opposed to the focus on the extreme view itself. In the context of CVE, early intervention programs prioritise de-radicalising extreme ideas rather than targeting and materially addressing specific risk factors and behaviours that indicate the use of violence.[48] The disconnect between the literature and policy highlights the risk of CVE broadening its target pool and essentially criminalising thoughts that are contrary to liberal values, even though there is no evidence that extreme thoughts are likely to ever manifest into violence. In order for radicalisation to be relevant to CVE measures, it requires greater efforts to examine the drivers of radicalisation and more importantly, the relationship between radicalisation as a psychological process with extremist violent behaviour. CVE policies, as they currently stand, are laden with assumptions about the primacy of religious cause as a driver, and thus implement programs that seek to promote liberal democratic liberal values which are ineffective at addressing the root causes of homegrown terrorism.

1.2.2 Creating and reinforcing a suspect community

Designating Muslim communities generally as vulnerable to radicalisation, as opposed to identifying individuals based on empirical risk factors, stigmatises Muslims as a suspect community and a security threat.[49] Social, political and media discourse in Australia in the aftermath of the War on Terror has contributed to Islamophobic attitudes and the conflation of Muslims with violent extremism.[50] Demonstrating this, a 2021 study by Western Sydney University of a national survey of racist attitudes and experiences suggested that over 50% of participants had Islamophobic attitudes or concerns about

---

[47] Australian Government, *Social Workers: Understanding Radicalisation to Violent Extremism*; Australian Government, *Doctors: Understanding Radicalisation to Violent Extremism*.

[48] William Stephens, Stijn Sieckelinck, and Hans Boutellier, "Preventing violent extremism: A review of the literature," *Studies in Conflict & Terrorism* vol. 44, no. 4 (2021): 346-361, https://www.tandfonline.com/doi/full/10.1080/1057610X.2018.1543144.

[49] Harris-Hogan, Barrelle and Zammit, "What is

countering violent extremism? Exploring CVE policy and practice in Australia," 18-19; Adrian Cherney and Kristina Murphy, "Being a 'suspect community' in a post 9/11 world – The impact of the war on terror on Muslim communities in Australia," *Australian and New Zealand Journal of Criminology,* vol.49, no.4 (2016): 480-496, DOI: 10.1177/0004865815585392, 482.

[50] Cherney and Murphy, "Being a 'suspect community' in a post 9/11 world – The impact of the war on terror on Muslim communities in Australia," 481; Randa Abdel-Fattah, "Managing belief and speech as incipient violence: 'I'm giving you the opportunity to say that you aren't'" *Journal of Policing, Intelligence and Counter Terrorism*, vol. 1, no.1 (2019): 20-38, DOI: 10.1080/18335330.2019.1566632, 21-22.

Muslims.[51] A 2021 survey by the Australian Human Rights Commission found that almost 80% of Muslim respondents had received some form of negative treatment because of their religious identity.[52]

CVE policies that target Muslim communities broadly tend to be based on the assumption that they are particularly susceptible to radicalisation. This assumption serves to reinforce this othering and suspicion of Muslim Australians.[53] Numerous aspects of the government-community relationship are securitised when it comes to Muslims. Security and law enforcement objectives are injected into every element of public life. As stated by Randa Abdel-Fattah of the Department of Sociology at Macquarie University, "even kicking a football or learning how to use digital and sound technology encloses the young Muslim into a security agenda."[54]

This suspicion and securitisation of identity is largely unique to Muslim communities and becomes the focus of the majority of CVE programs. For example, while right-wing extremist violence has become an increasingly prevalent threat in recent years, accounting for 40% of the Australian Security and Intelligence Organisation's caseload from 2019-2020, government responses to this threat have largely been limited to law enforcement as opposed to early intervention based on demographics and ostensible predictive factors.[55] In no other community are securitised policies so closely tied to identity and demographics.

1.2.3 Undermining the efficacy of early intervention

The conflation of Muslim communities with violence and security threats undermines the effectiveness of early intervention and CVE schemes. Many researchers have noted that community-based CVE programs often focus on intelligence gathering rather than genuine efforts towards community outreach and engagement.[56] The training of community leaders, healthcare professionals and social workers to identify and report indicators of radicalisation is emblematic of this intelligence gathering at a community level. This is particularly problematic when the indicators identified are broadly applicable and appear to conflate religious beliefs with radicalisation towards acts of violence. The suspicion towards Muslims and intelligence-gathering methods which permeate community and social cohesion initiatives can thus lead communities to

---

[51] Ali Sardyga, "New analysis reveals Islamophobia is still alive in Australia," *Western Sydney University News Centre,* 1 April 2021, https://www.westernsydney.edu.au/newscentre/news_centre/more_news_stories/new_analysis_reveals_islamophobia_is_still_alive_in_australia.

[52] Australian Human Rights Commission, *Sharing the Stories of Australian Muslims (2021)* (Sydney, 2021) https://humanrights.gov.au/our-work/race-discrimination/publications/sharing-stories-australian-muslims-2021, 26.

[53] Cherneyand Murphy, "Being a 'suspect community' in a post 9/11 world – The impact of the war on terror on Muslim communities in Australia," 481; Abdel-Fattah, "Managing belief and speech as incipient violence: 'I'm giving you the opportunity to say that you aren't,'" 21-22.

[54] Abdel-Fattah, "Countering violent extremism, governmentality and Australian Muslim youth as 'becoming terrorist,'" 383.

[55] Jacob Davey, Cécile Simmons and Mario Peucker, "The far-left and far-right in Australia - Equivalent threats?" Project Report, Centre for Resilient and Inclusive Societies (CRIS), (2022), https://vuir.vu.edu.au/43053.

[56] Cherney and Murphy, "Being a 'suspect community' in a post 9/11 world – The impact of the war on terror on Muslim communities in Australia," 482.

wholly distrust CVE programs.[57] However, unwillingness to engage in them can also reinforce suspicions of Muslim communities as being inclined towards radicalisation.[58]

This hesitation to engage with community CVE programs is demonstrated by a survey conducted in 2011 by the Western Sydney University and the Islamic Sciences and Research Academy (ISRA) that found that 75.8% of Muslims believe that counter-terrorism laws and policies target them unfairly.[59] Years of suspicion of the Muslim community post 9/11 reflected in the media and policies across the world contributed to this mistrust.[60] In 2020, a Griffith University survey of 1034 Muslim citizens and permanent residents asked respondents about their level of trust in a range of government policies. Among those most commonly considered "not very" or "not at all" trustworthy were counter-terrorism policy (per 50.4 per of respondents) and countering violent extremism policy (per 43.2% of respondents).[61] The study attributed these responses to the "stigma Muslim Australians have experienced" in relation to these policies.[62]

Additionally, researchers have noted that many terrorist groups rely on propagating narratives of oppression to gain support from vulnerable individuals. In this sense, CVE programs that broadly securitise government-community relationships and stigmatise Muslims in fact serve to "validate terrorists' narratives that [Western states are] at war with Islam."[63]

---

[57] Ibid.

[58] Ibid.

[59]Kevin Dunn et al, "The resilience and ordinariness of Australian Muslims," WSU & ISRA, (Sydney, 2015), https://www.westernsydney.edu.au/__data/assets/pdf_file/0008/988793/12441_text_challenging_racism_WEB.pdf.

[60] Zbigniew Brzezinski, "Terrorized by 'war on terror'," *The Washington Post*, no. 25 (2007): 2007, http://www.aldeilis.net/terror/1393.pdf.

[61] Halim Rane et al, "Islam in Australia: A National Survey of Muslim Australian Citizens and Permanent Residents," *Religions* vol. 11, no. 8 (2020): 419-458 https://doi.org/10.3390/rel11080419, 434.

[62] Ibid.

[63] Sarah Aziz, "Losing the war of ideas: A critique of countering violent extremism programs Texas International Law Journal, vol.52, no.2 (2017) 255-279, 257.

Part 2: Appropriateness of the VERA-2R to assess individuals suspected to have a propensity to commit terrorism

The key issues that undermine the efficacy of Australia's CVE policy are also present in the application of risk assessment tools. Fundamentally, there is a lack of evidence to support that the VERA-2R has predictive validity in its application to assess risks posed by individuals suspected to have a propensity to commit acts of terrorism, as well as future risks after an offender's sentence is served. As Judge Adams states, "there are currently no statistical studies regarding future engagement in acts of violent extremism or terrorism-related offences…assessment using VERA-2R is largely based on a clinical evaluation…"[64]

It is not enough to suggest that the proliferated use of VERA-2R in Australia illustrates the utility and value of the tool. As the Court and court-appointed expert in *State of New South Wales v. Naaman* stated, the

> *"actuarial tools for assessing risks of religion-based and ideology-based terrorist violence are 'unlikely to be effective' and that such protocols have been developed for assessing the risk of a particular person committing a terrorist offence are in the nature of 'investigative template(s)', which have not reached the standard of reliable professional judgement tools"*[65]

The application of the VERA-2R is particularly concerning when used to assess risks posed by individuals suspected to have a propensity to commit acts of terrorism. The original intent and design of the tool, which was to guide Corrections on placement, classification, and programming needs, has now been taken out of context. The tool was never designed to be used outside of prisons and jails, and certainly not as a predictive tool of radicalisation to violence in the community. Increased use of the VERA-2R to predict violent radicalisation runs the risk of not appropriately addressing the risk of terrorism as well as subjecting individuals and communities to disproportionate surveillance and inappropriate interventions.

2.1 Problems with ideological indicators in the VERA-2R

Despite the diversity of the 34 risk factors in the VERA-2R, Muslims are still uniquely considered more at-risk of violent extremism due to the flawed assumption that religion is a key motivating factor for a terrorist act and misunderstandings about Islamic theology.

2.1.1 Flawed assumption that religion is a key motivation for terrorism

---

[64] *State of New South Wales v White* [2018] NSWSC 1943, 81.

[65] *State of New South Wales v Naaman (No 2) [2018]* NSWCA 328, 96.

Interviews with risk assessors who use the VERA-2R tool highlight that assessors tend to misrepresent ideological indicators, including religious ideas (e.g. BA. Beliefs and attitudes, CI.7 Susceptible to influence, authority, indoctrination, HC.5 Extremist ideological training, CM.3 Commitment to group, group ideology etc.). Such emphasis on the role of religious motivations for terrorism, is also reflected in Division 100.1 *Criminal Code Act* 1995 which defines a terrorist act to include an act or the threat is made with the intention of advancing a political, religious or ideological cause.[66] However, as mentioned in the Introduction, legislation and risk assessment tools inappropriately conflate ideology with religion when they should be separated. Where religious reasons are used to construct an ideology calling for extremist violence, the ideology is a political ideology not a religious ideology. It is possible that a religious Muslim individual may be assessed as "high" in the categories Beliefs and attitudes (BA), Commitment to group, group ideology (CM.3) and Extremist ideological training (ie. holding beliefs that are not in line with liberal democratic views) (HC.5) and still present no real risk of pursuing violent behaviour.

Treating religion as a key risk factor contributing to violent extremism is a misrepresentation of the radicalisation process. The consequences of this assumption dangerously open the flood gates where increased religiosity itself is seen as a risk indicator. As frequently seen in the United Kingdom under the PREVENT program, some individuals were identified as risk-prone for using the terms "Alhamdulillah" and "Allahu akbar", starting to wear the hijab or wearing a Palestinian badge.[67] Consequently, increased commitment to the Muslim identity is perceived as a security threat. This stigma is unique to Muslim communities. Social, political and media discourse in Australia in the aftermath of the War on Terror has contributed to Islamophobic attitudes and the conflation of Muslims and Islam itself with violent extremism as discussed in 1.2.2.[68] However, there is no empirical evidence to suggest that increased religiosity leads to extremist violence. In many cases, increased engagement with religious texts and various Islamic interpretations leads to a rejection of terrorism and moderation of beliefs. Religion itself has even been recognised by psychologists as a protective factor against falling prey to the influence of individuals and groups using religion to call to violence.[69] Therefore, the primary focus on religious motivations in the risk assessment phase is unsubstantiated and underplays a range of motivations, group influences, and contextual factors such as socioeconomic, family, education, medical or psychological related influences.[70]

---

[66] *Criminal Code Act* 1995 (Cth) Div 100.1.

[67] Susie Latham, "Countering Violent Extremism training is institutionalising Islamophobia," *The Power to Persuade,* 27 July 2018, http://www.powertopersuade.org.au/blog/countering-violent-extremism-training.

[68] Adrian Cherney and Kristina Murphy, "Being a 'suspect community'in a post 9/11 world–The impact of the war on terror on Muslim communities in Australia," *Australian and New Zealand Journal of Criminology* 49, no. 4 (2016): 480-496, https://journals.sagepub.com/doi/abs/10.1177/0004865815585392.

[69] David R. Hodge, Tarek Zidan, and Altaf Husain, "Depression among Muslims in the United States: Examining the role of discrimination and spirituality as risk and protective factors," *Social Work* vol. 61, no. 1 (2015): 45-52, *https://doi.org/10.1093/sw/swv055*; Sarah Huxtable Mohr, "Protective factors in Muslim women's mental health in the San Francisco bay area," The Journal of Muslim Mental Health, vol. 13, no. 2 (2019) https://doi.org/10.3998/jmmh.10381607.0013.204

[70] Terence P Thornberry et al, "Gangs and delinquency in developmental perspective," *Cambridge University Press,* (2003) https://books.google.com.au/books?hl=en&lr=&id=d7YJl0ygziIC&oi=fnd&pg=PR10&dq=thornberry+et+al+2003&ots=cMDCbf-wnY&sig=GzhYVmXndgxrc9l0RBh9YCeTuT4#v=onepage&q=thornberry%20et%20al%202003&f=false; Kieron O'Hara, and David Stevens, "Echo chambers and online radicalism: Assessing the Internet's complicity in violent extremism," *Policy & Internet* 7, no. 4 (2015): 401-422, https://onlinelibrary.wiley.com/doi/abs/10.1002/poi3.88

2.1.2 Misunderstanding Islamic theology

With the VERA-2R assessment tool's heavy emphasis on ideology, theological experts are required to assess risk indicators relating to alleged religious ideas and motivations. Since 80% of Australians have a less than "reasonable" knowledge of Islam and less than half know any Muslims,[71] there is a real risk of misidentifying certain beliefs as concerns. Without a deep understanding of Islamic theology, assessments are prone to simplify the nuances of Islamic terminology and interpretations.

For example, the word "jihad" carries multiple meanings. This term can be interpreted as the justification of violence and militarised struggle that can be pursued by non-state actors (as exemplified by ISIS). On a more nuanced level, it can involve the justification of violence only in very specific circumstances which are not present in today's time. Therefore, despite a clear conviction of violence as a legitimate method, there is no real threat of violence eventuating. On the other hand, jihad can be interpreted as a Muslim's internal personal struggle toward serving God in one's pursuit of piety and knowledge.[72] Therefore, it is essential for risk assessors to work with theological experts to understand how individuals frame their views.

Furthermore, the extent to which perceived religious obligations are even relevant to the risk of violence eventuating must be examined in the case of the specific individual. As mentioned in 2.1.1, a strong conviction in a religious belief is distinct from the threat of violence. Increased religiosity does not equate to an increased threat of violence. Given how nuanced and contextual religious beliefs can be, a theological expert needs to assess whether a theological belief has a relationship (or lack thereof) with a real threat of violence.

2.1.3 Beliefs can change

Even though a person's grievances and beliefs can change over time, the VERA-2R places a heavy emphasis on previously held views. Whilst assessing previous behaviour is essential for any preventative framework, assessing previously held *beliefs* is unique to the context of CVE. For example, in cases of sex or violence offenders, assessors can objectively look at an offender's past violent behaviour and make an assessment for risks of future offending.[73] However, individuals suspected to have a propensity to commit terrorism are largely assessed on their thoughts. Even if an individual changes their extreme views, courts and assessors will still factor his past views into his assessment because there may be a possibility that "if certain risk factors were present, he could easily re-associate himself with those persons and adhere to those beliefs once

---

[71] Kevin M Dunn, "Australian public knowledge of Islam," *Studia Islamika,* vol. 12, no. 1 (2005).

[72] K Abou El Fadl, "The Great Theft: Wrestling Islam from the Extremists," Francisco, *American Journal of Islamic Social Sciences*, vol. 22, no. 4 (2005): 96,

https://books.google.com.au/books?hl=en&lr=&id=VpI4DwAAQBAJ&oi=fnd&pg=PA96&dq=El+Fadl,+K.+A.+(2005).+Th e+Great+Theft:+Wrestling+Islam+from+the+Extremists.+New+York:+Harper+San+Francisco.+&ots=rOodQ9lWjb&sig=x fvGgh0Itgmo3-6J0zIV-711CmE#v=onepage&q&f=false

[73] Bernhard Ripperger, "The use of terrorism risk assessment tools in Australia to manage residual risk," in *Terrorism Risk assessment instruments*, ed. Raymond Corrado, Gunda Wossner and Ariel Merari (Amsterdam: IOS Press, 2021), 165-192.

again".[74] Due to the primacy of ideas under VERA-2R, it uniquely identifies *thoughts and beliefs* as risk factors, regardless of whether the individual presently has conviction in the extreme belief or not. As such, once a person is *speculated* to have extremist beliefs, the CVE system views this person as always posing some level of threat to security. This has direct implications for the issuing of Extended Supervision Orders and extended sentences for those on terrorism offences or even for Muslim offenders who may be or become "radicalised" but are in the criminal justice system for other offences. This is even more problematic due to the highly discretionary nature of VERA-2R in speculating risks of terrorism.

2.2 Risks involved in VERA-2R discretionary approach

There ICV holds deep concerns about inappropriately speculating on the risks of future crime under the VERA-2R due to its discretionary nature.

The VERA-2R tool does not have predictive validity due to the inconsistent applications of the VERA-2R both in the assessment phase and the court determinations phase. In the assessment phase, if multiple assessors were given the same case to analyse, the outcome of the assessment would likely differ due to a general lack of expertise in theology, different experiences and biases of the assessors and different interpretations of how to score the prevalence of a low, medium, or high risk. The relevance of VERA-2R is also inconsistently applied in court determinations of risk. Some court cases require empirical evidence to display a clear definitive commitment to extremist beliefs to satisfy the threshold of unacceptable risk.[75] In other cases where it was difficult to ascertain a specific ideological motivation, judges were willing to draw on inferences from a history of violence to estimate the risk of adopting similar violent behaviour in the pursuit of a general grievance contrary to liberal values.[76] Asymmetric applications of risk indicators are not unique to cases of violent extremism. Similar problems exist with determining the risk of reoffending sex or violence offenders. However, arguably the key difference with violent extremism offences is that there is more of a concern with the validity of risk factors under the VERA-2R tool as well as the ability for these assessments to meet legislated evidentiary and sentencing criteria. Increased opportunities for inconsistent application of the VERA-2R tool can be attributed to the lowered evidentiary threshold to satisfy the presence of a risk factor, the diversity of extreme violent conduct and the fact that non-experts are assessing risks of extreme violence in the context of prevailing Islamophobia and ignorance about Islam.

2.2.1 Lower threshold to satisfy a risk indicator

The VERA-2R tool is often directed toward an assessment of a risk of "extreme violence" which is not the same as "serious terrorism offence", therefore lowering the threshold to satisfying the risk indicators. In doing so, a person does not need to "particularise" the threat of a specific terrorism offence outlined in Div 101.1 of the *Criminal Code Act* 1995, but rather only needs to satisfy that there is a general threat of violence used to justify an extreme idea contrary to democratic values. This is particularly problematic as there is little information needed to support an allegation at an early stage. Information required to satisfy risk indicators is likely to not be in official medical or custodial records. It typically would be derived from online activities,

---

[74] *State of New South Wales v White* [2018] NSWSC 1943, 163.

[75] Ripperger, "The use of terrorism risk assessment tools in Australia to manage residual risk."

[76] See *State of New South Wales v BP (Preliminary)* [2019] NSWSC 699.

exposure to others with extreme beliefs or other exacerbating influences. Even if the information is derived from intelligence, or from other law enforcement or intelligence agencies, this evidence at best is hearsay and is often speculation concerning the significance of a person's statements or associates.[77] For intelligence to be considered evidence, it must be verified and analysed. Evidence also has a specific legal standard, i.e., "probable cause," for example, or "beyond a reasonable doubt". However, such a level of evidence is not required to apply VERA-2R on alleged individuals suspected to have a propensity to commit acts of terrorism. Therefore, subjecting many individuals and communities to excessive surveillance and inappropriate interventions.

2.2.2 Diversity of extreme violent conduct

Adding further discretion to the assessment is the broad nature and diverse conduct that can lead to violent extremism ranging from planning and training to conspiring to commit violence. It is difficult to create a risk profile of a violent extremist, as it is very context-dependent. The ICV questions the relevance of VERA-2R for specific types of offences (e.g., whether it is appropriate for financing terrorism offences). Since the risk of a violent extremism offence requires a holistic assessment, there is little guidance on how much weight ideology, distinctive individual offender characteristics and broader social context risk factors should have in the assessment, hence increasing the level of the assessor's discretion.

2.2.3 Rolled out to non-experts in the context of Islamophobia and ignorance about Islam

Whilst assessors require accredited training in the VERA-2R tool, assessors are not experts in all five domains outlined in the tool (e.g., theological, psychological, political experts etc.). This is particularly problematic in the context of Islamophobia today. Competent professionals in their respective fields, such as law enforcement personnel, are just as susceptible to bias, bigotry, and ignorance as others. Western Sydney University researchers last year published an analysis of survey data which showed only 13% of Australians did not have concerns about Muslims.[78] Furthermore, other human-related factors that are relevant to the assessments can also include a fear of being blamed if one does not report a factor as a risk and a violent incident occurs.

2.2.4 Poor Accuracy

Douglas and colleagues argue that risk assessment tools routinely used in criminal justice and forensic psychiatry have "poor to moderate accuracy in most applications. Typically, more than half of individuals judged by tools as high risk are incorrectly classified—they will not go on to offend. These persons may be

---

[77] Ripperger, "The use of terrorism risk assessment tools in Australia to manage residual risk."

[78] "New analysis reveals Islamophobia is still alive in Australia," Western Sydney University, 2021, https://www.westernsydney.edu.au/newscentre/news_centre/more_news_stories/new_analysis_reveals_islamopho bia_is_still_alive_in_australia

detained unnecessarily. False positives may be especially common in minority ethnic groups."[79] The ICV is concerned that no published research currently exists that empirically validates the VERA-2R theoretically informed variables with data on terrorist offenders in Australia. As recently as 2019, a judge raised concerns about the utility of these tools:

> *"Before giving these tools any real weight I would need to be persuaded of the predictive efficacy of any of the tools after they have been subjected to empirical validation which addresses and takes into account*

> *(a) Different demographic characteristics include age, gender, socioeconomic status, ethnicity;*
>
> *(b) Level and type of past violence;*
>
> *(c) Psychiatric diagnosis;*
>
> *(d) Intervention received (e.g. treated vs untreated)*
>
> *(e) The specific criterion being predicted (e.g. violent vs. nonviolent behaviour or different types of violent behaviour);*
>
> *(f) Environmental setting (e.g. clients residing in institutions vs. the community)..."* [80]

---

[79] T Douglas et al, "Risk assessment tools in criminal justice and forensic psychiatry: The need for better data," *European psychiatry: the journal of the Association of European Psychiatrists* vol. 42 (2017): 134-137. doi:10.1016/j.eurpsy.2016.12.009

[80] Scruse, (2019), para. 53, quoted in Ripperger, "The use of terrorism risk assessment tools in Australia to manage residual risk."

Part 3: Proposed Guiding Principles for Risk Assessment and CVE Early Intervention

In summary, currently both risk assessment and early intervention procedures target individuals and communities, based on broad assumptions about demographics, ideology and religion as opposed to real, evidence-based risk indicators. This approach not only undermines the effectiveness of CVE schemes but has significant adverse repercussions for Muslim communities in their relationship with government, and in public and community life. As opposed to the existing system and the assumptions that underpin it, we submit the following considerations that should guide counter-terrorism and CVE schemes.

3.1 Considerations for CVE and Risk Assessment Tools

1) There is no empirical evidence that radicalisation, which the Federal Government assesses by considering "preoccupation with ideology" or religion, and changes in demeanour, appearance or social relations, leads to extremist violence.[81]

2) There is no empirical evidence that increased religiosity leads to extremist violence. In fact, this has been recognised as a protective factor against falling prey to the influence of individuals and groups using religion to call to violence.[82]

3) Muslims who express strong affinity with the plight of other Muslims overseas and anger at their plight are not radical, as CVE training programs appear to suggest. It is normal for Muslims to identify with their co-religionists and to want to do something to relieve their suffering. This does not mean that they want to commit acts of violence, but it could mean a range of responses including a desire to travel overseas to join humanitarian efforts, donating to overseas charity organisations, and speaking out against government policies here and overseas. It may also mean a desire to join defensive military efforts aimed at defending Muslims.

4) There is no compelling evidence that risk assessment tools such as VERA2-R, TRAP18, ERG 22+ or RADAR-iTe can accurately predict that an individual will become a violent extremist.[83]

5) There is no empirical evidence that CVE programs that target large groups based on broad demographic characteristics are effective in deterring violent extremism.

6) CVE programs rebadged as social cohesion and community resilience programs do not receive community buy-in because they are viewed negatively no matter what the stated aims of the program may be.

---

[81] Australian Government, *Social Workers: Understanding Radicalisation to Violent Extremism*; Australian Government, *Doctors: Understanding Radicalisation to Violent Extremism*.

[82] Ibid.

[83] *State of New South Wales v White*, 81; *State of New South Wales v Naaman (No 2), 96.*

7) Extensive and extended surveillance by security agencies of Muslim communities, and Muslim youth, create distrust, stigmatise, and marginalise, and are counterproductive.

3.2 Principles that should be contemplated in early intervention programs

1) General behaviour that is considered out of the ordinary, such as increased religiosity or commitment to an ideology and resulting changes in social relations, appearance and demeanour do not need to be assessed through a security lens.

2) The underlying causes of concerning or potentially criminal behaviour ought to be addressed with targeted support by qualified professionals as opposed to law enforcement or security experts. Whether concerning behaviour or characteristics are related to mental health issues, drug and alcohol abuse, socio-economic deprivation and frustration, discrimination and Islamophobia, or lack of belonging and alienation, government programs should refer individuals to appropriate professionals rather than channelling them into them securitised CVE programs because of certain demographic characteristics.

3) To ensure effective deterrence and assistance in such cases where de-radicalisation programs are needed for individuals using religious cause to underpin their political ideological view, they must be delivered by qualified and credible religious leaders that are also qualified in counselling.

De-radicalisation programs must be voluntary, sign-posted, and time-limited. That is, there should not be an overriding coercive element or legal consequences if an individual opts out. Programs should not be unnecessarily extended where they are no longer required or where an individual has demonstrably changed. This must be rigorously assessed and involve appropriate, well-trained religious leaders.

Conclusion

The ICV submits that in order to more effectively address threats to national security, be more consistent with Australia's international obligations to combat terrorism, and provide adequate procedural fairness for individuals suspected to have a propensity to commit terrorism, Australia requires an evidence-based risk assessment system and needs to reform its national CVE framework. This includes avoiding "early-stage" CVE programs that unnecessarily securitise community relationships and stigmatise communities.

Rather, violent extremism should be combatted through targeted programs that address psychological, behavioural, and other issues through relevant professional expertise. Moreover, we encourage authorities to address community outreach and engagement from a genuine altruistic standpoint to build strong relationships between the government and its communities, rather than approaching social cohesion with securitised objectives.

Further, the ICV is gravely concerned about the inappropriate implementation of risk assessment tools such as VERA-2R in relation to identifying individuals at risk of becoming violent extremists. We have identified fundamental weaknesses in the assumptions that inform these risk assessment tools which make their continued use ineffective and potentially damaging.