



COUNTER-TERRORISM AND  
COUNTERING VIOLENT EXTREMISM  
POSITION STATEMENT

# Contents

---

## Background

History of ICV engagement in CT and CVE	3
Australia’s Counter-Terrorism Laws and Frameworks	4

## The ICV’s Position on Key Issues in CT and CVE

Issues in Counter-Terrorism Legislation	6
1. Definition of ‘religiously motivated’ terrorism	6
2. Overreach of inchoate offences	8
Issues in Counter-Terrorism Operations and Enforcement	9
3. Abuse of controlled operations and other police powers	9
4. Lack of oversight and accountability	12
5. Erosion of Community Trust	13
Issues in Countering Violent Extremism	13
6. Invasive targeting of communities	14
7. Mischaracterisation and demonisation of religion	15
8. False assumptions and thought criminalisation	17
9. Funding incentives and influence	17
10. Inherent flaws in targeted programs	18
11. Definition of ‘religiously motivated’ violent extremism	19

## Commitments for the Future

## Recommendations

To government and legislators	21
To INSLM	23
To law enforcement	23
To Muslim community organisations	24
To media	24
To researchers and academics	25

## Background

---

### History of the ICV's Engagement with Counter-Terrorism (CT) and Countering Violent Extremism (CVE) Programs

As the peak representative body of Muslim organisations in Victoria, the Islamic Council of Victoria (ICV's) mission is to protect and advance the rights of Muslims throughout Victoria, Australia and globally. Historically, the ICV has been closely involved in the delivery of many Countering Violent Extremism (CVE) programs, including as the chief Muslim organisation delivering the Court Integrated Services (CISP) Program from approximately 2010 to 2017. This included working directly with clients, prisoners and at-risk individuals to promote accurate and positive Islamic teachings and deradicalisation.

However, due to an extensive build-up of concerns regarding the program's effectiveness, the intention by police to widen the scope of CISP, lack of effective community consultation, disregard of feedback and concerns, and potential violations of civil and religious rights, the ICV officially withdrew from the program and committed to re-examining funding and partnership agreements connected to potentially harmful CVE programs. This experience, as well as our engagement with a wide range of Muslim organisations and other stakeholders, has informed our current concerns and criticisms, which are summarised in this Position Statement.

Since committing to disengaging from harmful and counterproductive programs, the ICV has maintained consistent efforts to advocate for more just and effective laws that both improve community safety and respect the civil rights of all. We have maintained consistent engagement with Victoria Police and the AFP in order to give feedback, voice our community's concerns, and promote positive engagement between authorities and the community. We regularly liaise with the Independent National Security Legislation Monitor (INSLM), and actively engage with leading academics, legal experts and service providers to properly understand and advocate on issues surrounding CT and CVE in Australia.

To this effect, in 2021, the ICV made submissions to both the Cultural Review of the Adult Custodial Corrections System in Victoria and the Parliamentary Joint Committee on Intelligence and Security's Inquiry into Extremist Movements and Radicalism in Australia. In 2022, we contributed to the Victorian Department of Justice and Community Safety's Systemic Review of Police Oversight, highlighting the

overreach of CT laws and operations. We also made a submission to INSLM’s Review into Division 105A of the Criminal Code Act, and appeared before INSLM’s public hearing to advocate for an end to indefinite detention and invasive CVE initiatives. In 2023, the ICV submitted to the Joint Committee on Intelligence and Security’s Review of the *Counter Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill (2023)*.

It is our sincere hope that this Position Statement makes a meaningful contribution to the development of more just, ethical and effective CT and CVE frameworks in Australia and beyond.

### **Australia’s Counter-Terrorism Law and Frameworks**

The key legislation underpinning Australia’s Counter-Terrorism (CT) regime is the *Criminal Code Act 1995*. Under section 101.1, a ‘terrorist act’ is defined as an action or threat that is undertaken with the intention of advancing a political, religious or ideological cause, and coercing or influencing government or intimidating the public.<sup>1</sup> Sections 101.2 – 101.6 establish a range of ‘preparatory’ offences, outlawing activities intended to facilitate a terrorist act.<sup>2</sup> These broad preparatory or inchoate offences include:

- Receiving training that is connected to preparation for a terrorist act;
- Possessing any thing which is connected to preparation for a terrorist act;
- Collecting or making documents connected to preparation for a terrorist act;
- Any other act done in preparation or planning for a terrorist act.

Similarly, section 119.1 prohibits Australians from entering foreign countries with the intention of engaging in hostilities therein, and section 119.4 criminalises any action carried out in preparation for this offence.<sup>3</sup>

The offence of conspiracy under section 11.5 applies to all offences under the *Criminal Code Act*, including inchoate offences. Therefore, a person who conspires to commit an offence is punishable as though that offence was actually committed.<sup>4</sup>

---

<sup>1</sup> *Criminal Code Act 1995* (Cth) s 100.1.

<sup>2</sup> *Ibid*, s 101.2 – 101.6.

<sup>3</sup> *Ibid*, s 119.1, 119.4.

<sup>4</sup> *Ibid*, s 11.5.

Australia’s definition of terrorism was largely lifted from the UK’s *Terrorism Act 2000*. In the UK context, anti-terrorism laws before the 2000s generally sought to address the threat posed by nationalist independence and decolonial movements through temporary, emergency measures. These laws often derogated from otherwise universal human rights guarantees, such as by allowing detention without charge and denying protections of due process, on the basis that these laws were emergency provisions seeking to address extraordinary temporary threats.<sup>5</sup> In 1996, a seminal report from the UK Home Office recommended the enactment of permanent anti-terrorism legislation, which proposed a working definition that included “the use of serious violence...to promote political, social or ideological objectives.”<sup>6</sup> The report also highlighted the increasing prevalence of ‘religious terrorism,’ primarily referring to acts committed by “religious fanatics” such as the Aum Shinrikyo doomsday cult, responsible for deadly attacks in Tokyo in the 1990s.<sup>7</sup> The report also emphasised, however, that any permanent anti-terrorism legislation must align “as closely as possible” with ordinary criminal law, including ordinary police powers and procedure, and ordinary guarantees of fair and free trials.<sup>8</sup>

Permanent counter-terrorism legislation eventuated in the *Terrorism Act 2000*, which defined terrorism to include the use or threat of violence “for the purpose of advancing a political, religious or ideological cause.”<sup>9</sup> This was followed by the *Anti-Terrorism Crime and Security Act 2001*, which comprised derogations from the UK’s human rights obligations, based on the existence of “a state of emergency threatening the life of the nation.”<sup>10</sup>

Australia’s counter-terrorism legislation uncritically followed this model, incorporating counter-terrorism laws in March 2002 which allowed for preventative measures such as warrantless searches and preventative detention. These measures were acknowledged by the then Attorney-General to be “extraordinary,” but remain in place to this day.<sup>11</sup> The definition of terrorism under Division 105 of the *Criminal Code Act* was inserted after only a month of Parliamentary deliberation.<sup>12</sup>

---

<sup>5</sup> *Ireland v the United Kingdom* (1978, ECtHR, 5310/71)

<sup>6</sup> Rt Hon Lord Lloyd of Berwick, *Inquiry into Legislation Against Terrorism* (Vol 1) 1996, Cm 3420, 26.

<sup>7</sup> *Ibid*, 44.

<sup>8</sup> *Ibid*, 9.

<sup>9</sup> *Terrorism Act 2000* (UK), s 1(c).

<sup>10</sup> *A. and Others v. the United Kingdom* [GC] - 3455/05.

<sup>11</sup> Rebecca Ananian-Welsh & George Williams, ‘The new terrorists: The normalisation and spread of anti-terror laws in Australia’ (2014) *Melbourne University Law Review* 38:2, 365.

<sup>12</sup> *Ibid*, 366-367.

This has created a system wherein offences related to terrorism operate outside the scope of criminal law, where oversight is minimal, essential guarantees of human rights and procedural fairness are neglected, and individuals merely suspected or accused of a crime are stripped of basic civil rights. The ICV opposes the continuation of extraordinary counter-terrorism measures that undermine fundamental civil liberties and disproportionately impact Muslim communities. These measures, initially introduced as temporary and extraordinary, must be repealed to uphold the rights of all Australians. The ICV recognises that terrorism is a serious threat to public safety, but maintains that counter-terrorism powers must be proportional to the likelihood of threats, and appropriately balanced with fundamental civil rights. Moreover, ordinary criminal law provides law enforcement authorities with adequate powers to investigate, prevent and punish crime, and there is no justifiable reason for permanent extraordinary powers to deal with the crime of terrorism.

## **The ICV's Position on Key Issues in CT & CVE**

---

### **Issues in Counter-Terrorism Legislation**

**1**

**Use of the term “advancing a .... religious ... cause” in the definition of terrorism creates a false perception that religion itself is a cause or justification for terrorism. In the case of Islam, it contributes to Islamophobic framing of terrorism and terrorist acts, and leads to failure to address other ideologies which do, in fact, drive and legitimise violence.**

Terrorism offences under the *Criminal Code Act* are unique from most other serious offences in Australia, even those where the physical act is the same such as murder, manslaughter, causing serious injury or threat offences. Terrorism offences are distinct in that they require “the intention of advancing a political, religious or ideological cause” and coercing or intimidating the government or public, whereas most offences are not defined by the intention or motive of the offender.

In contrast to the UK and Australia, several other Western states define terrorist acts by the intention to coerce or intimidate the government or public, and do not need an identifiable “political, religious or ideological cause.” For example, the United States federal criminal code defines terrorism as violent criminal acts that appear to be intended to “intimidate or coerce a civilian population,” “influence the

policy” or “affect the conduct of a government.”<sup>13</sup> Similarly, the French Penal Code defines terrorism as a specified offence (such as abductions, attacks on life, or hijacking) where it is committed in connection with an “undertaking....to seriously disturb public order through intimidation or terror.”<sup>14</sup>

The ICV opposes the inclusion of ‘religious cause’ in the legal definition of terrorism. The cause requirement, as it is defined in section 101.1 of the *Criminal Code Act*, creates a risk of persecuting individuals for religious beliefs. This language conflates terrorism with religion and unfairly targets faith communities, while neglecting real drivers of political violence. Terrorism can never truly be a religious act, and groups or acts claimed to be religiously motivated, are in reality driven by a political or ideological cause, which may incorporate distorted religious or spiritual claims. Often, this manifests as nationalist movements, opposition to foreign occupation or other political ambitions being tied to a shared religious belief and identity.

Furthermore, the unique specification of a “political, religious or ideological cause” in Australia’s legislation, as opposed to the more general definitions used in the US and France, often leads to over-emphasis on religious motivations, while other ideologies driving violence and threats to public safety are neglected by authorities, the media and the public. Acts of violence and intimidation motivated by political, ideological or other causes are often neglected because they do not fit the commonly understood narrative of terrorism as religious violence. For example, in 2024, a mass murderer targeted women at a shopping centre in Sydney, allegedly motivated by his misogynistic ideology, but the offender’s ideological motivations were diminished, and authorities were quick to rule out the offence of terrorism.<sup>15</sup> As highlighted by Dr. Simon Copeland of the ANU School of Sociology, trends in Australia and globally suggest that “misogynistic mass violence” is on the rise, and gender-based violence can often be a precursor to terrorist acts.<sup>16</sup> Yet, Australia fails to address these increasing ideologically-driven threats to public safety, since they do not fit the dominant narrative of terrorism as ‘religious violence.’

This excessive focus on religion pulls attention and resources away from addressing the political, ideological, social, economic and other factors that drive terrorism, even that which is claimed to be

---

<sup>13</sup> U.S. Code. (2023) *Title 18 - Crimes and Criminal Procedure*, s 2331.

<sup>14</sup> *Code Pénal 1994* (France), art. 421.1.

<sup>15</sup> Dr. Simon Copeland, ‘Misogynistic mass violence is on the rise. Why are we ignoring it?’, *ANU Reporter*, 26 April 2024, <https://reporter.anu.edu.au/all-stories/misogynistic-mass-violence-is-on-the-rise-why-are-we-ignoring-it>.

<sup>16</sup> *Ibid.*

‘religiously motivated.’ Moreover, it disproportionately affects Muslim Australians, casting suspicion and scrutiny over all Muslims because of their faith. The definition of terrorism under section 101.1 establishes the legal foundation upon which Muslims are subject inordinate police and community surveillance, invasive CVE programs which target Muslims because of their religion, and other forms of systemic Islamophobia.

---

## 2

**The scope of inchoate offences in relation to terrorist acts is far too broad, criminalising the early formative stages or even contemplation of an offence, where there is no clear intent or feasible possibility of a terrorist act being committed. This leads to at-risk individuals being subjected to criminal punishment, as opposed to diversion measures, which is not the case in relation to any other type of criminal offence.**

Terrorism offences under Australian law are also distinct from other serious offences due to the broad scope of preparatory offences, which criminalise individuals without a plan, genuine attempt or even feasible possibility of committing a terrorist act. In relation to other serious offences, inchoate offences such as conspiracy or attempt also criminalise robust planning or action towards committing an offence, ensuring that individuals can be held accountable where they take significant, tangible steps towards committing a serious crime. However, inchoate offences related to terrorism are far broader, criminalising any act done or item possessed in relation to “preparation” for an actual terrorist act, which often relies heavily on proving an offender’s subjective thoughts and intentions, even where no plan or attempt to commit a terrorist act has actually manifested.

The offence of conspiracy under section 11.5 of the Act also applies to the preparatory offences in sections 101.2 – 101.6, creating the potential to render individuals liable not only for conspiring to commit a terrorist act or foreign incursion offence, but for conspiring to prepare or even ideate such an offence, setting a much lower threshold for charges and conviction. As stated by public law scholars George Williams and Edwina MacDonald, preparatory terrorism offences under section 101 of the Criminal Code Act “go further than existing inchoate offences in that they criminalise the formative



stages of an act,” and “render individuals liable to very serious penalties even before there is clear criminal intent.”<sup>17</sup>

Offences involving preparatory actions, such as collecting documents or possessing items that may be related to a future terrorist act, should be scrutinised carefully. Numerous cases on the public record highlight how the current framework results in the unjust targeting of individuals based on speculative future actions rather than concrete intent or steps taken toward committing an offence. The broad scope of preparatory offences in relation to terrorist acts also facilitates police surveillance and intervention against individuals merely because of their beliefs or a perceived intention, rather than actual criminal conduct, as charges are often applied to actions that have not resulted in any harm, in what would otherwise be the ‘pre-crime’ stage. These preparatory offences establish the framework under which police often induce at-risk individuals towards offending, rather than diverting or rehabilitating them. The ICV is deeply concerned that individuals can ultimately be punished for merely contemplating a crime, in other words, punished for committing a ‘thought crime’.

---

### Issues in Counter-Terrorism Enforcement & Operations

**3** It is shamefully common for police at both federal and state levels to abuse controlled operations in order to push at-risk individuals into committing offences they would not have otherwise carried out. It is imperative that checks and balances are introduced to eliminate and redress these abuses of police power, which continue to destroy the lives of vulnerable community members.

The issues in legislative frameworks governing counter-terrorism are only further aggravated by the tactics of authorities in enforcing these laws. Most notably, there are numerous cases of police misusing controlled operations (otherwise known as undercover operations) and related ‘investigative’ tactics to urge suspects into committing offences, rather than merely investigating suspects and punishing actual offenders. This abuse of controlled operations in relation to terrorism offences is facilitated by the broad

---

<sup>17</sup> Edwina MacDonald and George Williams, ‘Combating terrorism,’ *Griffith Law Review* 16:1 (2007) 34.

scope of inchoate offences, which allow charges to be laid against individuals who show signs of merely considering or taking a step towards offending.

Controlled operations in Victoria are governed under the *Controlled Operations Act 2004* (Vic), and under the *Crimes Act 1914* (Cth) at the federal level. These Acts set out procedures by which police departments can be authorised to conduct controlled operations, wherein officers may engage in otherwise illegal acts for investigative purposes.<sup>18</sup> The Acts specify conditions that must be taken into account by senior officers in deciding whether to authorise controlled operations, including the conditions “that the operation will not be conducted in such a way that a person is likely to be induced to commit an offence that they would not otherwise have intended to commit” and “that the unlawful conduct which will constitute part of the controlled operation is limited to the maximum extent necessary for the purpose of the investigation.”<sup>19</sup>

Despite these statutory limits, it appears common for both state and federal police investigating terrorism offences to use controlled operations to incite or induce offences that may not have otherwise been committed, particularly in cases involving young, impressionable offenders. The instigation of criminal offences by police raises serious concerns not only for the rights of targeted individuals but also for public safety. In no other circumstances would it be acceptable for police to incite criminal conduct and inflame threats to public safety, for example, by inciting someone to prepare for a mass murder or assault they would not have otherwise contemplated.

### Key Case Studies

Most recently, in the case of *CDPP v Carrick*, Victoria Police officers incited a 13-year-old boy with autism to commit preparatory terrorism offences.<sup>20</sup> Carrick’s parents had consented for their son to engage in a rehabilitation program conducted by the police. Unbeknownst to the family, an undercover operative was in frequent and constant contact with the teenager online, feeding his fascination with ISIS and encouraging acts of violence, such as killing a police officer or conducting a suicide bombing.<sup>21</sup> After waiting for the boy to turn 14 – the age of adult criminal responsibility – police laid charges for terror-related offences.<sup>22</sup> In a Senate Inquiry, the

---

<sup>18</sup> *Crimes Act 1914* (Cth), *Crimes (Controlled Operations) Act 2004* (Vic).

<sup>19</sup> *Crimes Act 1914*, s15G(2)(b),(f); *Crimes (Controlled Operations) Act 2004*, s14.

<sup>20</sup> *CDPP v Carrick (a pseudonym)* [2023] VChC 2.

<sup>21</sup> *Ibid*, [31].

<sup>22</sup> *Ibid*, [50].

AFP's Deputy Commissioner defended the operation, saying "if I had the same set of circumstances, I would sign that [authorisation] again."<sup>23</sup>

In *R v Taleb* [2019], the defendant was found guilty of preparing to engage in a foreign incursion offence under section 119.4 of the Criminal Code, intending to travel to Syria in 2017 to join the Islamic State, after being engaged by an undercover operative who encouraged this.<sup>24</sup> The sentencing judge emphasised the defendant's "psychological vulnerability" due to schizophrenia, which made him susceptible to extremist influence and suggestions from the undercover operatives.<sup>25</sup> The judge noted that the defendant hesitated at times, expressing reluctance to leave his sick mother for whom he was the primary carer.<sup>26</sup> The operative reassured him, claiming he had sought the advice of religious authorities and it was permissible to leave his mother for the sake of joining ISIS.<sup>27</sup> Justice Hamill observed that seven preparatory acts underpinned the charge, including the defendant's interactions with the operative, purchasing thermal clothing and a sleeping bag, and attempting to borrow money with the intent to use them in Syria.<sup>28</sup> The judge stated there was "certainly no realistic prospect that he would have boarded a flight... let alone joined the insurgency in Syria," and highlighted that "most or all of the acts alleged in the indictment were encouraged or suggested by the UCO" (undercover operative), potentially amounting to "entrapment," but there was no finding of improper conduct by police.<sup>29</sup>

In *The Queen v Halis & Ors* [2021] three defendants pleaded guilty to conspiracy under section 11.5(1) of the Criminal Code Act for planning to commit terrorist acts by negotiating the purchase of a firearm from an undercover Victoria Police operative.<sup>30</sup> Police began monitoring the defendants in 2017, initially suspecting they would try to travel to Syria. A controlled operation allowed an undercover operative to befriend the defendants, and in January 2018, their passports were cancelled to prevent overseas travel.<sup>31</sup> By mid-2018, authorities considered scaling down the investigation, as the defendants "had not taken any practical steps towards

---

<sup>23</sup> Nino Bucci, 'AFP officer tells Senate he would repeat undercover operation on autistic teenager,' *The Guardian*, 14 February 2024, <https://www.theguardian.com/australia-news/2024/feb/13/afp-officer-tells-senate-he-would-repeat-undercover-operation-on-autistic-teenager>.

<sup>24</sup> *R v Taleb (No 5) (Sentence)* [2019], [22].

<sup>25</sup> *Ibid*, [46], [58].

<sup>26</sup> *Ibid*, [36].

<sup>27</sup> *Ibid*.

<sup>28</sup> *Ibid*, [20].

<sup>29</sup> *Ibid*, [4], [92]-[93].

<sup>30</sup> *The Queen v Halis & Ors* [2021] VCC 1277 [2]-[5].

<sup>31</sup> *Ibid*, [16].

committing an act of terrorism.”<sup>32</sup> However, in November 2018, the operative brought up a contact who could acquire a firearm, suggesting an urgent need to secure it.<sup>33</sup> The defendants agreed to purchase the gun and made a deposit, but quickly requested a refund, saying they no longer wished to proceed. They were arrested the next morning.<sup>34</sup>

Sentenced to 10 years in prison, the judge noted that “there was a real likelihood that, but for the inducement, the offenders would not have committed this offence” and that they had shown “no initiative to move towards a terrorist act” until the operative’s intervention.<sup>35</sup> Again, there was no finding of improper conduct on the part of police.<sup>36</sup>

## 4

**More robust and independent oversight of police operations is needed, particularly of controlled operations, in order to address the rampant abuse of controlled operations and the common police practice of inciting terrorism offences that would not have otherwise been committed.**

The prevalent abuse of controlled operations and other police tactics is partly due to a lack of effective oversight. The *Crimes Act* and *Controlled Operations Act* allow for immunity for illegal activity conducted by police within controlled operations, even where that activity transgresses the principles governing controlled operations within those very acts. The ICV is gravely concerned that these acts establish broad discretionary powers for police, with very limited mechanisms for effective oversight of police conduct. This, combined with the low threshold for the charge and prosecution of certain preparatory terrorist offences under Division 101, lead to significant overcriminalisation, foremostly targeting Muslim communities.

Under the *Controlled Operations Act* or the *Crimes Act*, the actions of undercover operatives once an operation begins are held to little scrutiny. For example, under the *Controlled Operations Act*, despite the principal law enforcement officer being required to make a report to the Chief Officer of Victoria Police they are only required to report on the procedural facts of the operation rather than to justify the

---

<sup>32</sup> Ibid, [17].

<sup>33</sup> Ibid, [89].

<sup>34</sup> Ibid, [93]-[94].

<sup>35</sup> Ibid, [328], [177].

<sup>36</sup> Ibid, [178].

proportionality of their actions.<sup>37</sup> Under the *Crimes Act*, police must apply to a Tribunal for authorisation to extend a controlled operation beyond three months.<sup>38</sup> However, it is the ICV's view that these applications face inadequate scrutiny and key evidence is often kept classified. This view is based on anecdotal evidence and the ICV's own experience engaging with individuals and professionals who have been involved in CT and CVE programs, as there is little transparency surrounding police procedure and cases. Ultimately, undercover operatives retain significant discretion during controlled operations with limited accountability. In the two seminal cases of *Halis* and *Taleb*, both judges outline that the offence would not have been carried out "if it were not for the encouragement of the UCO"<sup>39</sup> and yet there was no further scrutiny of, or repercussions for, the conduct of the police.

---

## 5

**Existing patterns and acceptance of unethical, and even unlawful, conduct by police purporting to investigate offences erode community trust and cooperation with authorities, undermining the fundamental goals of CT and CVE.**

Police misconduct and misuse of investigative tactics undermines the fundamental goals of CT and CVE laws and programs. It erodes the community's trust and willingness to engage with authorities, or to report potential threats with confidence that they will be addressed properly and justly. When our community sees young people being manipulated into criminal behaviour by law enforcement, it creates fear and resentment, deterring families from seeking help through official channels. Entrapment during these early intervention stages not only damages individual lives but also jeopardises the long-term effectiveness of CT and CVE.

---

## Issues in Countering Violent Extremism (CVE) Programs

Countering violent extremism (CVE) involves various activities and programs designed to identify and address drivers of violent extremism and disengage individuals from radicalisation. It is distinct from counter-terrorism in that it does not involve targeted criminal investigation and prosecution, but has a wide agenda aiming to address factors that *may* make individuals vulnerable to radicalisation at the

<sup>37</sup> Victorian Inspectorate, *Inspection Report: Crimes (Controlled Operations) Act 2004, Wildlife Act 1975 Fisheries Act 1995* (Victoria, Victorian Inspectorate, 2020) 9.

<sup>38</sup> *Crimes Act 1914* (Cth), s 15GU.

<sup>39</sup> *R v Taleb (No 5) (Sentence)* [2019], [94]; *The Queen v Halis & Ors* [2021], [217].

earliest possible stage. In Australia, CVE programs operate in an ever-growing range of aspects of public life, including education, healthcare, social work and community engagement. This has led to a broad identification of risk factors that include mere thoughts or demographic characteristics, meaning that a person's identity may unfairly subject them to surveillance and deradicalisation programs where they pose no risk or threat to the community. Australia's CVE policy assumes that Muslims are especially susceptible to violent extremism.

Similar issues have been documented in the UK and the US, where programs like PREVENT have disproportionately targeted Muslim communities, framing religiosity and cultural practices as indicators of extremism. CAGE, an independent advocacy organisation, has documented how PREVENT has normalised and encouraged Islamophobia through its securitised framework, which positions Muslims as a suspect community, and encourages surveillance and reporting by untrained members of the public.<sup>40</sup> In the UK, PREVENT's reliance on vague definitions of "extremism" and on supposed "pre-crime" risk indicators has led to harmful outcomes, such as a four-year-old being questioned by counter-terrorism police, after being reported by his nursery for mispronouncing a word.<sup>41</sup> This securitised approach has global implications, as the UK has exported its CVE model internationally, including through lobbying the UN to adopt Resolution 2178, mandating member states to implement similar policies.<sup>42</sup>

---

**6**

**CVE initiatives must not be designed to target individuals and communities at the earliest possible stage, based on the false assumptions that they are vulnerable to radicalisation and violence on the basis of broad demographic factors. Such programs invasively target people who have shown no inclination towards violence or even extreme beliefs, and securitise all aspects of public life for Muslim and other diverse communities.**

Australia's counter-terrorism strategy has expanded far beyond the limits of national security and criminal justice. 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. One study

---

<sup>40</sup> CAGE International, *Commission for Countering Extremism (CCE) Exposed: The Islamophobia Industry Policing Thought and Belief* (2019) 25-26.

<sup>41</sup> Ben Quinn, 'Nursery 'raised fears of radicalisation over boy's cucumber drawing,' *The Guardian*, 12 March 2016, <https://www.theguardian.com/uk-news/2016/mar/11/nursery-radicalisation-fears-boys-cucumber-drawing-cooker-bomb>.

<sup>42</sup> United Nations Security Council, *Resolution 2178*, S/RES/2178 (2014).

of 87 CVE projects run by Australia's Federal and State Governments found that 64 constituted "primary prevention initiatives," or those which seek to address the mere possibility of anti-social behaviour among large segments of the population.<sup>43</sup> Only one program was directed towards persons actually radicalised to the extent that violent extremism was a risk.<sup>44</sup> The ICV opposes the expansive reach of CVE programs into public life, including healthcare, education, and social work, where individuals are subjected to scrutiny without any evidence of risk. Similar trends have been observed with PREVENT in the UK, where less than 5% of referrals result in tangible interventions, leaving 95% as "false positives," further alienating communities and fostering mistrust.<sup>45</sup> CVE initiatives must focus on genuine threats rather than profiling entire communities.

These primary prevention programs tend to inordinately target Muslim and culturally and linguistically diverse (CALD) communities, based on broad demographic characteristics deemed to be risk factors, such as religion, nationality and economic standing. For example, in one CVE grant provided to community organisations under the umbrella of "enhanc[ing] social cohesion and resilience" and building "social...harmony," more than half of the initiatives funded across four years targeted Muslim youth and CALD communities, with the remainder focusing on interfaith and intercultural inclusion.<sup>46</sup> Only one program addressed actual anti-social ideologies, namely white supremacy.

This irreparably damages the relationship between the Australian government and Muslim communities by approaching all aspects of this relationship from a security and intelligence-gathering angle, and entrenching suspicion of Muslims as the default state of government and public engagement. The prevalence of CVE subjects Muslims to structural Islamophobia, and securitises identity rather than addressing actual threats. Indeed, the early identification of individuals as potential risks, before they have committed any concerning acts, can drive them further toward radicalisation by alienating them from their communities and creating a distrust of government and authorities.

---

<sup>43</sup> 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), 16.

<sup>44</sup> Ibid.

<sup>45</sup> CAGE International, *Commission for Countering Extremism (CCE) Exposed: The Islamophobia Industry Policing Thought and Belief*, 32.

<sup>46</sup> Anne Aly, 'Countering violent extremism: Social harmony, community resilience and the potential of counternarratives in the Australian context,' in *Counter-Radicalisation: Critical Perspectives*, edited by Christopher Baker Beall, Charlotte Heath-Kelly, and Lee Jarvis. (London: Routledge, 2014), 75-76.

7

**CVE programs in Australia lead to demonisation and unfair scrutiny of Muslims, by falsely conflating religiosity with an inclination towards violence, while neglecting various other factors that contribute to criminal activity.**

Prominent CVE programs in Australia have tended to scrutinise and stigmatise Muslims by framing religious practices, especially those associated with Islam, as indicators of potential extremism. The ICV has identified countless examples of this within programs funded under CVE initiatives.<sup>47</sup> For example, programs offering professional training in sectors like healthcare, education, and social work to identify “signs of radicalisation” often associate increased religiosity, Islamic practices, changes in clothing and social circles, or expressing sympathy with Muslims overseas suffering under oppressive regimes as risk factors<sup>48</sup>—standard characteristics of a Muslim becoming more connected to their faith.

The ICV also strongly condemns the inordinate use of Muslim figures and symbols in CVE materials, which perpetuate harmful stereotypes linking Islam to terrorism. Such practices, for example, as seen in the government’s former ‘Living Safe Together’ program stigmatise Muslim communities, contribute to Islamophobia and undermine trust between communities and authorities.<sup>49</sup> The ICV, along with numerous academic experts, have highlighted for many years that CVE inherently frames Muslims in Australia as a suspect community, a sub-group of the population singled out for state intervention and scrutiny and viewed as inherently dangerous.<sup>50</sup> This framing is sustained and encouraged by social and political discourses and CVE practices that are structurally Islamophobic, and is evidenced by persistently high rates of Islamophobic attitudes in Australia.<sup>51</sup> The ICV notes that such practices have created a “climate of high emotionality, resentment, and distrust that can be highly counterintuitive to generating and sustaining relationships of trust.”<sup>52</sup> Furthermore, Muslim communities have reported feeling “under siege” or “unfairly singled out by the discourse and practice of counter-terrorism.”<sup>53</sup>

The ICV rejects the blanket designation of Muslim communities as vulnerable to radicalisation. Policies must shift away from securitising identity and instead rely on empirical risk factors to ensure fair and

<sup>47</sup> Islamic Council of Victoria (ICV), *Submission to the Review into Division 105A of the Criminal Code Act*, (2022) 7-9.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Islamic Council of Victoria (ICV), *Islamophobia Position Statement* (2020) 10; 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*, 49:4 (2016), 482; Christina Pantazis, and Simon Pemberton, ‘From the ‘Old’ to the ‘New’ Suspect Community,’ *British Journal of Criminology* 49:5 (2009), 649;

<sup>51</sup> Islamic Council of Victoria (ICV), *Submission to the Review into Division 105A of the Criminal Code Act*, 12-13; Ali Sardyga, ‘New analysis reveals Islamophobia is still alive in Australia,’ *Western Sydney University News Centre*, 1 April 2021.

<sup>52</sup> Jason Hartley and Adrian Cherney, ‘Forming Partnerships to Tackle Terrorism and Violent Extremism: Insights and Experiences from Australia,’ *Counter Terrorist Trends and Analyses* 8:4 (2016) 5.

<sup>53</sup> Ibid.



equitable treatment of all communities, as only then can such clear examples of securitisation and structural Islamophobia be eradicated. This approach 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 almost 50 per cent of the Australian Security and Intelligence Organisation's domestic threat caseload from 2019-2020, government responses to this threat have largely been limited to law enforcement measures, rather than adopting early intervention strategies based on demographics and predictive factors.<sup>54</sup> In no other community are security policies so closely tied to identity and demographics, which perpetuates Islamophobic attitudes and practices.



---

**Existing CVE frameworks and programs are not supported by empirical evidence of their success, and instead rely on the false assumption that 'radicalisation' or 'extreme beliefs' invariably make a person violent and criminal, and the conjecture that stamping out controversial beliefs reduces actual criminal activity.**

Countless researchers have highlighted the lack of empirical evidence to support the effectiveness of intervention when there is no actual indication that an individual is heading towards violent extremism. For example, a 2013 report co-published by the Canadian Federal Government emphasised that the causal link between broad social cohesion initiatives and the prevention of violent extremism essentially cannot be measured, since "the desired outcome is a non-event."<sup>55</sup> Another Australian study affirmed that there is "little independent 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.<sup>56</sup> 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."<sup>57</sup> 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. Australia's CVE programs are based on the incorrect assumption that 'radicalisation', characterised by factors such as

---

<sup>54</sup> 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 (2022), 9.

<sup>55</sup> Naureen Chowdhury Fink, Peter Romaniuk and Rafia Barakat, 'Evaluating Countering Violent Extremism Programming', *Practice and Progress Center on Global Counterterrorism Cooperation* (September 2013), 1-2.

<sup>56</sup> Shandon Harris-Hogan, Kate Barrelle and Andrew Zammit, 'What is countering violent extremism? Exploring CVE policy and practice in Australia,' 21.

<sup>57</sup> Australian Government, *Review of Australia's counter-Terrorism Machinery*, (Report, 2015) 30.

religiosity, changes in demeanour, appearance or social relations, invariably leads to acts of criminal violence.<sup>58</sup> It assumes that actions such as aligning more closely to a faith, or holding any radical beliefs that challenge the Western neo-liberal capitalist norm, place individuals on a trajectory towards violence. It criminalises thought and equates ‘extreme’ beliefs, or those inconsistent with liberal democratic values, with the legitimisation of violence.

---

**9 The abundant funding available for research and community programs addressing CVE objectives incentivises researchers and community leaders to create CVE programs, diverting resources away from much-needed community support programs and research in other fields.**

CVE is an 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.<sup>59</sup> This attracts an inordinate level of interest such that academics, researchers and service providers across all fields are incentivised to gear their work towards CVE and security-focussed agendas. This diverts vital resources from genuine altruistic community initiatives, and programs which seek to authentically promote social cohesion and address the material needs of everyday Australians, go unrecognised.<sup>60</sup>

---

**10 Targeted CVE programs designed to deradicalise individuals deemed at risk of violent extremism, such as CISP, are also inherently flawed in their design and execution. Such programs tend to over-rely on, or misapply risk assessment tools, which once again results in falsely conflating religion with the use or legitimisation of violence.**

Beyond broad community cohesion programs, many CVE programs that directly target individuals deemed at risk of violent extremism remain inherently flawed in their execution. These programs often utilise risk-assessment tools to attempt to classify the risk posed by individuals who are in the criminal

---

<sup>58</sup> Islamic Council of Victoria (ICV), *Submission to the Review into Division 105A of the Criminal Code Act*, 11.

<sup>59</sup> Karen Andrews MP, Significant new investment to counter all forms of violent extremism in Australia (Media Statement, 2022) <https://minister.homeaffairs.gov.au/KarenAndrews/Pages/significant-investment-counters-violent-extremism-in-australia>.

<sup>60</sup> Linda Briskman and Susie Latham, ‘Spies, Lies and the caring professions: Countering Violent Extremism,’ *Arena Vol.2* (2020) 24.

justice system or suspected to be at risk of radicalisation. The most used tools in Australia have historically been Radar and VERA-2R. Fundamentally, there is a lack of evidence to support that these tools have predictive validity in their assessment of the risks posed by individuals. As stated by Judge Adams in the 2018 case of *State of New South Wales v White*, “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...”<sup>61</sup> The proliferated use of these tools is not enough to demonstrate their utility and value. In the case of *New South Wales v Naaman*, a court-appointed expert explained actuarial tools for assessing risks of religion-based and ideology-based terrorist violence are “unlikely to be effective.”<sup>62</sup>

The application of the VERA-2R is particularly concerning when used to assess risks posed by individuals suspected to be at risk of violent extremism. The original intent and design of the tool, which was to guide corrections authorities on placement, classification, and programming needs, has now been taken out of context. The tool was never designed to be used outside of correctional facilities, 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. These tools have also been criticised for being overly discretionary, and conflating religious practices with extremism, often identifying individuals based on their religious observance rather than tangible evidence of violent tendencies.<sup>63</sup>

Furthermore, the ICV has noted that community leaders, such as Imams, and community organisations who participate in CVE programs like CISP, are sometimes financially incentivised, potentially creating a conflict of interest. This can erode trust within the community, as religious leaders are perceived to be pursuing government objectives, rather than genuinely working to support their communities.

---

<sup>61</sup> *State of New South Wales v White* [2018] NSWSC 1943, 81

<sup>62</sup> *State of New South Wales v Naaman (No 2)* [2018] NSWCA 328, 96

<sup>63</sup> Islamic Council of Victoria (ICV), *Submission to the Review into Division 105A of the Criminal Code Act*, 15.

# 11

Akin to the legal definition of ‘religiously-motivated terrorism,’ the ICV opposes the understanding of ‘religiously-motivated violent extremism’ adopted by police, courts, legislators and other authorities. This definition leads to neglect of underlying political, social, ideological and other factors that drive violent extremism, and leads to the mischaracterisation of religious tendencies as risk factors.

Like the over-emphasis of the ‘religious cause’ element in counter-terrorism law, understandings of ‘religiously motivated violent extremism’ within the CVE sector are inherently problematic. The reliance on this definition by CVE service providers assumes that Islam predisposes people to violent extremism. This approach oversimplifies complex pathways to radicalisation, such as mental health issues, socio-economic hardships, and experiences of racism, and fails to address the wide range of factors contributing to violence, where motivations are more appropriately classified as social, ideological or political, with religious elements. The emphasis by public officials and media on ‘religiously motivated violent extremism’ reinforces harmful stereotypes, exacerbating Islamophobia and raising the risk of horrific incidents like the Christchurch massacre.

## **Commitments for the Future**

---

The ICV makes the following commitments for our future engagement with government CT and CVE initiatives.

- 1** We maintain our commitment to refusing funding for community initiatives and social cohesion that overtly comes from a securitised source, and is based on the flawed assumption that Muslims are inordinately at risk of radicalisation and violent extremism.
- 2** We are committed to not engaging with CVE programs that unfairly target individuals for their identity, beliefs or broad demographic factors and subject them to scrutiny and surveillance, or those which inaccurately demonise religious beliefs.
- 3** We support CVE programs and initiatives that directly and appropriately target individuals with a proven criminal history, demonstrated risk of violent extremism or those posing threats to public safety. We acknowledge the need for targeted, individualised intervention that appropriately addresses the needs of these individuals, whether Muslim or non-Muslim.

- 4 We are committed to advocating for effective and just CVE and CT programs in Australia, that properly address legitimate threats to community safety while respecting the civil rights and freedoms of all Australians. This includes sustained efforts to ensure that the Victorian Muslim voice is heard on issues of CT, CVE and police procedural policy, and to improve CT laws that unjustly impact on the civil rights of Muslims.
- 5 We are committed to pushing for independent oversight and public inquiries into police procedure and misconduct.
- 6 We are committed to driving community education and advocacy surrounding CVE, ensuring that the Muslim community is well-informed of their rights, how they can ensure potential threats are addressed, and the risks associated with CT and CVE programs.

## **Recommendations**

---

### **Recommendations to government and legislators**

**1. Amend the definition of terrorism under the *Criminal Code Act*.**

The ICV strongly opposes the inclusion of ‘religiously motivated’ causes in the legal definition of terrorism, recognising that ostensibly religious terrorism is more appropriately categorised as ideological or political, and that the inclusion of ‘religious causes’ leads to over-emphasis on this motive, and the ignoring of more salient factors.

We recommend a broader definition more closely aligned to that of other nations, such as the United States or France, in which terrorism is defined by its intention to cause violence, death or injury in order to coerce government or intimidate the public, regardless of alignment to an identifiable or recognised cause.

**2. Narrow the scope of preparatory offences under Division 101.**

The ICV recommends that Parliament re-evaluate the efficacy, necessity and impact on civil rights of preparatory terrorism and foreign incursion offences under Division 101 of the *Criminal Code Act*, with the aim of avoiding the unnecessary criminalisation of individuals who can instead be diverted and rehabilitated.

**3. Legislate protection for individuals, especially minors, subject to police coercion, inducement or entrapment.**

The ICV strongly recommends that lawmakers legislate robust protections for individuals who have been subjected to police entrapment during controlled operations. Such measures must ensure that law enforcement actions are subject to rigorous scrutiny, particularly in cases involving minors or individuals who are cognitively or psychologically vulnerable. This includes safeguarding civil and human rights that are afforded to suspects in other serious criminal matters, such as the right to habeas corpus and protections related to the minimum age of criminal responsibility.

Additionally, the welfare of vulnerable children must be emphasised, with specific provisions ensuring the presence of guardians or legal representatives during any police contact. The absence of such protections significantly undermines the rights and welfare of vulnerable individuals, leaving them at greater risk of coercion or unfair treatment.

**4. Legislate reforms to enhance police accountability, particularly within controlled operations.**

The ICV also calls for legislation to ensure robust independent oversight of police procedure and full accountability for misconduct. This should include requiring more oversight for operations involving undercover operatives, particularly where young or vulnerable individuals are targeted. Clearer legislation would ensure that operations do not cross into entrapment or coercion, thus protecting civil liberties while maintaining public safety.

**5. Focus on targeted CVE programs that appropriately address risk factors in individuals properly identified to be at risk of violent extremism.**

We recommend that governments aim to combat violent extremism through targeted programs that address psychological, behavioural, addiction, and other issues through relevant professional expertise, rather than subjecting broad swathes of the community to surveillance and scrutiny in all aspects of public life.

These target programs must rely on empirical evidence of risk, rather than on assessment tools which are undermined by misapplication, overuse and personal discretion.

**6. De-securitize government engagement with Muslim and CALD communities.**

We call on all levels of government to approach community outreach and engagement from a genuine altruistic standpoint to build strong relationships between the government and its constituents, rather than approaching social cohesion from an angle of suspicion and surveillance.

## **Recommendations to the Independent National Security Legislation Monitor (INSLM)**

**1. Conduct an in-depth review of the scope of existing counter-terrorism laws, including the need for, and proportionality of, exceptional counter-terrorism laws.**

The ICV invites INSLM to review, as far as possible, the scope of counter-terrorism legislation and related investigative procedures at both the federal and state levels. This should include assessing whether there is an ongoing need for exceptional counter-terrorism legislation outside the scope of standard criminal law and procedure, and to what extent existing laws comply with human rights and the fundamental principles of justice and procedural fairness.

## **Recommendations to law enforcement**

**1. Introduce clear limitations and procedures to prevent entrapment or inducement of offences that would not have otherwise been committed in controlled operations.**

The ICV calls on all levels of Australian law enforcement to take measures to limit the extent to which undercover operatives can encourage or induce specific actions, and to ensure that individuals cannot be incited to commit criminal activities that they would not have otherwise committed. This is especially necessary where surveillance and controlled operations target minors, or individuals who are cognitively or psychologically vulnerable. These guidelines should also be made available to the public and integrated into police training to ensure that all officers understand the boundaries of lawful operations.

## Recommendations to the Muslim community and other Australian Muslim organisations

**1. Give due consideration to the risks and harms associated with CVE programs before choosing to participate.**

The ICV encourages other Muslim organisations to properly consider the needs, risks and concerns of their respective communities. We encourage other Muslim organisations to carefully consider the risks associated with participating in CVE programs and the broader message they send by accepting securitised funding.

**2. Advocate for increased transparency and oversight in CVE programs, ensuring fairness, justice and efficacy.**

The ICV recommends that community and faith-based organisations, particularly those who deliver CVE programs, advocate for increased oversight and transparency in how these initiatives are implemented. Community representatives must play a role in ensuring these programs are independently evaluated, and feedback from service providers and affected community members is heard and respected.

**3. Advocate for increased community ownership of CVE programs, as opposed to external enforcement and surveillance.**

The ICV encourages community organisations to actively advocate and engage with the government regarding the design, implementation and assessment of CVE programs. By contributing to the reform of CVE strategies, community organisations can ensure these measures are not unjust or discriminative, and help mitigate the risk of further marginalisation and alienation of vulnerable groups.

## Recommendations to Media

**1. Refrain from stereotyping and inaccurately conflating violence with Islam and religion.**

Refrain from sensationalising terrorism and violent extremism in ways that disproportionately associate these issues with Muslims or Islam. Instead, adopt balanced reporting that recognises the diversity of offenders and the complexity of factors contributing to violent extremism.



**2. Conduct appropriate research to verify and contextualise information.**

Prioritise accuracy and nuance when reporting on counter-terrorism and CVE. Highlight context, evidence-based outcomes, and the lived experiences of affected communities rather than relying on unverified claims or conjecture. Actively seek input from credible organisations, community leaders, and subject-matter experts to ensure accurate reporting.

**Recommendations to researchers and academics**

**1. Consult and collaborate with affected communities.**

Consult Muslim community leaders and organisations in the design, execution, and dissemination of research related to or affecting the community, ensuring accuracy and avoiding harm to vulnerable groups.

**2. Holistically analyse the causes and risk factors of radicalisation and violent extremism, avoiding assumptions based on broad demographic characteristics.**

Explore systemic and socio-economic factors that contribute to radicalisation, rather than disproportionately attributing violent extremism to ideological or religious motivations.