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Paper for Policy Dialogue: Education for Shared Societies

15 October 2018

# Tackling Extreme Parties and Extremist Violence

## Towards A Road Map For Policy Action

1. Since the fall of the Berlin Wall, we have moved, in international affairs, into an ‘Age of Asymmetry’ where the United States and its allies stand as the overwhelming military hegemon. The ‘age of insurgency’ however, was not far behind. Two sets of tactics have now become familiar to policymakers across the West and Middle East. A new generation of ‘active measures’ developed by Russia. And, more violently a new generation of terrorist tactics perpetrated, first by Al-Qaeda, and then by Daesh.

2. These tactics are exacerbating a problem in many countries where, on the one hand, populist politics has surged driving political discourse to new extremes, and second terrorist violence has multiplied. Both jeopardise any project for creating ‘shared societies’.

3. These trends exploit frustrations created by the economic experience of many groups during the globalisation of the last twenty years; on the one hand, deindustrialisation and the ‘China shock’ suffered by many communities born in the first industrial revolution, and second the new scale of migration experienced across the Western world. But in different ways, both exploit the new possibilities of digital technology, to both (i) recruit, and (ii) spread misinformation

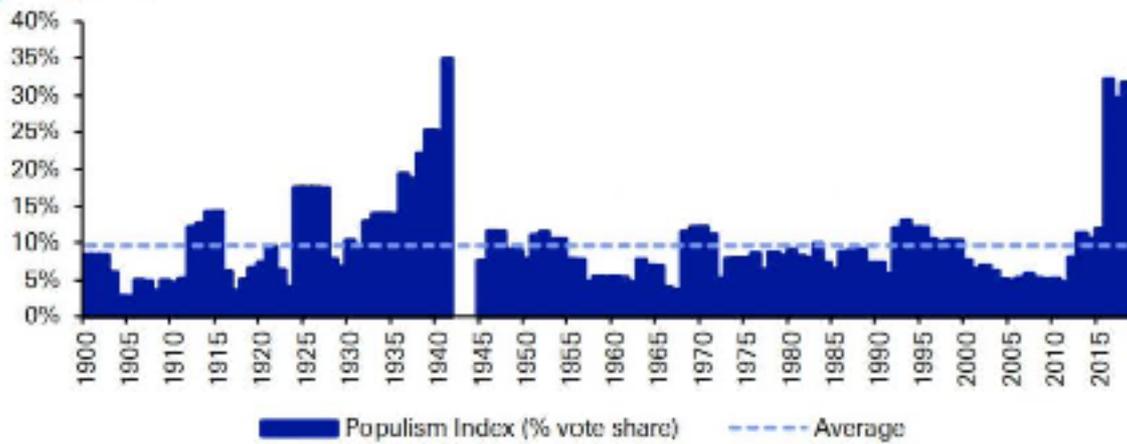
4. The economics of a response is beyond the scope of this paper. Rather this paper proposes three sets of solutions developed in my research in the UK, to boost the resilience of shared societies;

4.1. A programme of character education that develops childrens’ sense of virtue

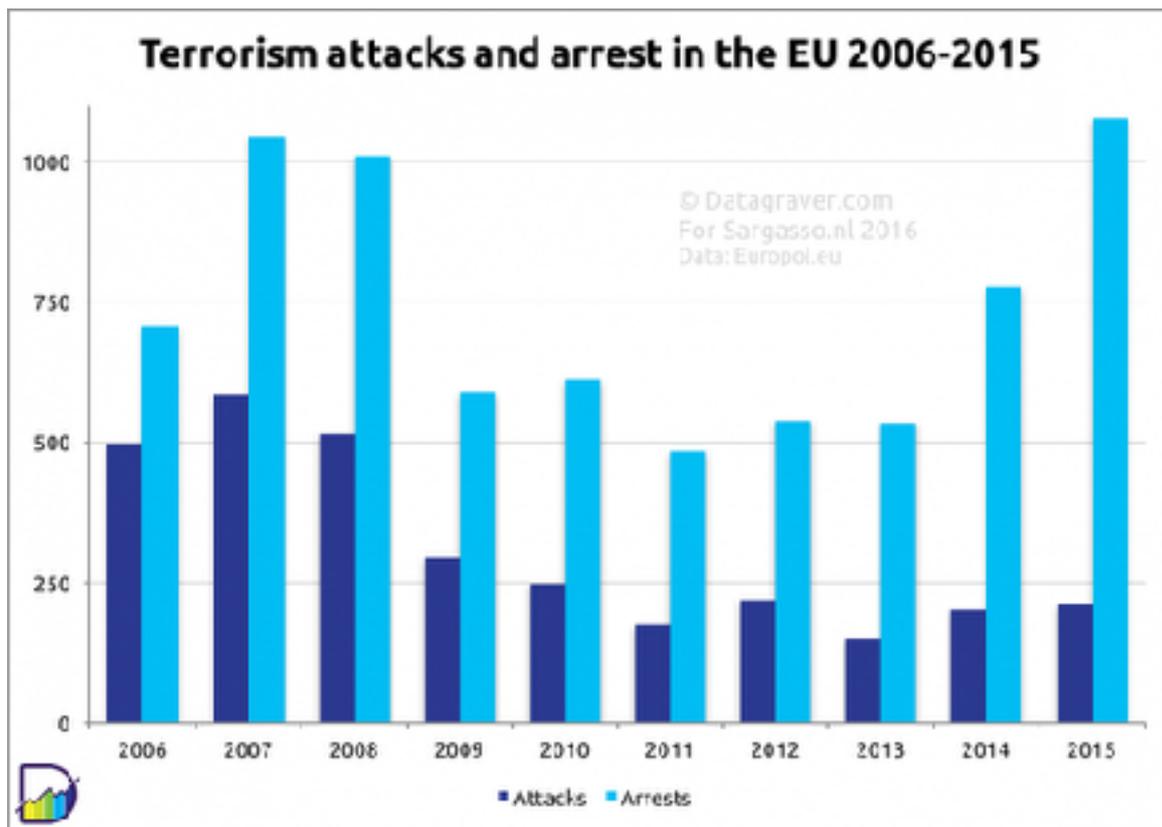
4.2. A narrative project to define the ‘overlapping consensus’ between the European Convention on Human Rights and Islamic values

4.3. A programme of digital regulation, together with a Bill of Digital Rights

Figure 1: Populism index (% of vote across key countries, population weighted)



Source: Deutsche Bank, Author's Calculations



5. **The Russian Background.** Russian policy towards the West has substantially changed since Mr Putin returned to the Presidency in 2012. In his world-view set out the 2013 State of the Nation address, he attacked a 'Post-Christian' West of 'genderless and infertile liberalism' and Europeans who he said embraced "equality of good and evil." Europeans, argued Mr Putin had begun "renouncing their roots, including Christian values, which underlie Western civilization."

6. Abroad, Mr Putin ended the policy direction of a 'common European house' set out by President Gorbachev in the Council of Europe in 1989; "an all-European home as a community rooted in law"<sup>1</sup>. In its place has come a new generation of 'active measures'.

7. 'Active measures' have a long history in Russia warfare techniques. Major General Kalugin, the KGB's highest ranking defector, described the approach as "the heart and soul of Soviet intelligence." The approach has been renewed and reinvigorated since 2012, by General Gerasimov, the Russian army's Chief of Staff. The Gerasimov philosophy, centres on the insight as the General, put it that: 'The very "rules of war" have changed. The role of nonmilitary means of achieving political and strategic goals has grown. In many cases, they have exceeded the power of force of weapons in their effectiveness.

7.1. They are characterised by 'tactical opportunism'; advanced by a 'diffuse, unregulated network of propagandists, working behind the cyber curtain

7.2. The material is distributed online, profiting from the blurring of news, broadcast and online platforms - so it spreads so much faster

7.3. Third, Russia operates in a post-truth environment; it's not trying to win an argument that Russia is on a better course, and so it seeks simply to confuse realities

8. Politically, this strategy has been 'operationalised' through new alliances with the extreme parties. In recent years around 45 new political parties have been created in Europe. The AfD, the FPÖ, Greece's Golden Dawn, Hungary's Jobbik, France's Front National, Italy's Northern League, the United Kingdom Independence Party (UKIP), and Belgium's Vlaams Belang (VB) are amongst those which have all taken pro-Russian

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<sup>1</sup> [https://chnm.gmu.edu/1989/archive/files/gorbachev-speech-7-6-89\\_e3ccb87237.pdf](https://chnm.gmu.edu/1989/archive/files/gorbachev-speech-7-6-89_e3ccb87237.pdf)

positions on matters of international importance. In addition, many countries are now at the sharp end of sustained digitally-driven campaigns of interference and misinformation.

9. **The Daesh background.** The emergence of Daesh, ‘foreign fighters’ and ‘home grown terrorists’ has changed the security environment in many countries. Terrorist attacks and arrests have multiplied to a recent high. Understanding strategies for de-radicalisation are now extremely important for policymakers.

10. There is no single path that leads people to violent extremism but the radicalisation process tends to involve a number of push-pull factors involving a combination of socio-psychological factors, political grievance, religious motivation and discourse, identity politics and triggering mechanisms that collectively move individuals towards extremism.

10.1. Push factors operate at a personal level. These might include a dysfunctional family setting or abuse such as bullying, personal crises, plus a lack of integration, or an element of criminality. These factors add up to the same psychological effect; removing the inhibitions towards violence.

10.2. “Pull” factors or “radicalising influences” might arise as a result of a family member or friend becoming associated with extremist influences or a radicaliser, who could be found in a university, a prison, a community setting, or online.

10.3. For online influences to work there is typically both an absence of obstacles, and a “switch”, such as some kind of “shock” or an “ideological opening” which might be a single event or exposure to a particular cause, which provides a connection to meaning. Thus, radical ideology then “battens on to the grievance and makes sense of the grievance and that makes sense of the person’s life”.

11. Although there is no single pathway to terrorism, terrorist groups’ use of narratives, to “convey ideology, values, justifications, or core concerns” is critical. These can be summarised as the “5Ps of extremist messaging”:

- **Piety.** Daesh and al Qaeda make a heretical claim to speak as the “true believers” of Islam, and crucially offer a religious justification for violence
- **Pride.** Daesh makes a strong appeal to a conjured sense of honour in service and sacrifice, with iconography which stresses the “nobility” of violent jihad;

- **Potency.** Both Daesh and al Qaeda have absorbed the lesson of Osama Bin Laden, who said in 2001: “When people see a strong horse and a weak horse, by nature they will like the strong horse.” So both promote a “winner’s narrative” of ever-expanding borders;

- **Perfectionism.** Daesh offers recruits a utopian vision of building a new caliphate in which the ideals of Muhammed’s life are revived and brought to life once more. One survey found that about half of ISIS propaganda depicts happy civilian life;

- **Provocation.** Daesh and Al Qaeda seek to create a powerful feeling of victimhood, offering graphic evidence of civilian casualties and framing the struggle with the West as a “defensive jihad”.

**12. The digital battleground.** Extremists of all kinds use digital technology as a force multiplier for their work. Two eco-systems are especially important:

12.1. ***The ‘dark social’ playbook’.*** Digital interference in democracies can be characterised as ‘the Dark Social Playbook’. First, we have groups of hackers, for example, Fancy Bear and Cozy Bear which were possibly amongst the teams leading the attacks on the DNC during the American elections. They leak material to organisations such as WikiLeaks, or 'alternative news' platforms'. These sites are adroit at creating inflammatory news for Twitter, a platform where bots and troll farms - such as those run by the Kremlin’s Internet Research Agency - are able to amplify stories. Research by Swansea University and the University of California, Berkeley found Russian Twitter accounts posted more than 45,000 messages about Brexit in 48 hours during the EU referendum. Russian “Twitter bots,” or “active amplifiers,” went into overdrive to spread anti-Macron and pro-Le Pen messages during the French election and these bots then shifted focus during September 2017 to attack Chancellor Angela Merkel and support far-right German candidates. Once an argument has profile, inflammatory material is then imported into private groups on Facebook, where dark money can be switched on to spread the story with dizzying speed and force.

12.2. ***Terror-net.*** The internet has transformed the way that terrorist organisations influence and radicalise people, with terrorist narratives easily accessible to a large global audience. Nearly every terrorist group has its own website and some even

maintain multiple sites in different languages with different messages tailored to specific audiences.. The emergence of Daesh brought a step-change in the scale and sophistication of digital operations. With a huge and well-organised media operation, (Al Hayat), came a full-spectrum propaganda operation, with everything from videos of children holding decapitated heads, to Daesh militants posing with Nutella jars to demonstrate local comfort levels, to a sophisticated hacking operation. By November 2014, Robert Hannigan, director of GCHQ, was highlighting how Daesh was using the big US communication service providers as the ‘command-and-control networks of choice’.

12.3. Crucially, internet technologies were used to recruit and train terrorists. ‘A Course in the Art of Recruiting,’ recovered by US forces in 2009, set out step by step the methods used to recruit using apps like WhatsApp, Twitter, Snapchat, Instagram, Kik, Viber.[2] Recruiters monitor online communities that might harbour some sympathetic surfers. Once first contact is made with a target, a micro-community is formed around them with high-volume bursts of up to 250 messages a day. At this stage, recruiters encourage their subject to isolate themselves from the people around them, with exhortations, for example, not to befriend non-believers. Once a firm relationship is established, the recruiter switches to private communication, ‘going dark’ and taking the interaction to secure messaging services

12.4. In particular, groomers exploit the addictive aspects of social media known as the ‘power of the ping;’ that adrenaline-fuelled moment for a young person when their social media account glows with a friendship that seems so elusive in the real world around them<sup>3</sup>. Emotionally vulnerable, they become far easier to manipulate.

13. **Towards a response.** The challenge for policy-makers concerned with progress is to ensure that we maintain the lively discourse that is key for democratic progress within societies that mutually respect every citizen. This requires us to recognise that ‘anger’ is a

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<sup>2</sup> See J. M. Berger, ‘Tailored Online Interventions: The Islamic State’s Recruitment Strategy’, CTC Sentinel, October 2015.

<sup>3</sup> Rukmini Callimachi, ‘ISIS and the Lonely Young American’, *New York Times*, 27 June 2015

good thing. Anger is a better source of social progress than apathy. Little argument for change was every made by those content with the status quo.

14. The challenge is that ‘anger’ can take citizens to a ‘fork in the road’. One fork leads to acting on anger through peaceful means: voting, campaigning, standing for political office. Most people take this fork. A tiny minority, however, take the other fork: the path that leads to violence. The problem with extremists is that they tend to use religion or hate speech to persuade people to settle grievances through violence or through voting for extremists

15. If we want people to take good paths to progress and not bad ones, we need a strategic responses that ensures people feel part of our shared past and shared future; where people are equipped with a strong moral compass that helps them tell right from wrong, and crucially, where people can see realistic options – and indeed examples – to effect change, through civil society, through public service, and indeed through democratic action.

16. **Response (1). A new agenda for character education.** If our young people get angry with the state of society, we want them to reach the ‘fork in the road’ and make the right choice. We want them to choose a path that is peaceful, not violent. When they arrive at the fork in the road, we want our children to have the best possible moral compass. And that means we need to change the way we teach them.

17. Most of today’s education is about the world *around* our children. Many education systems do not cultivate children’s understanding of what’s *inside* them: their personalities, their characters, the people they could be. As parents we want our children to develop a good sense of our country’s values; but more important still is a sense of *virtue*; a sense of what is right and what is wrong.

18. To develop this, Birmingham University has created the Jubilee Centre for Character Education. This is rooted in work developed by Professor James Arthur, pro-vice chancellor of Birmingham University and head of the school of education who led

an extraordinary programme of research in Birmingham Hodge Hill schools exploring aspirations, ethics – and character.

19. The point Professor Arthur makes about character education is simple: ‘Character education is about the acquisition and strengthening of virtues: the traits that sustain a well-rounded life and a thriving society. That means virtues like courage, justice, honesty, compassion for others, self-discipline, gratitude, humility and modesty. This isn’t about ‘indoctrination or mindless conditioning. The ultimate goal of all proper character education is to equip students with the intellectual tools to make wise choices.’

20. This is especially important in deprived communities which, like my constituency will lack spaces where children can develop these skills. Very few teachers receive special training, and most believe school assessment frameworks hinder their efforts.<sup>4</sup>

21. **Response (2). A new agenda for counter-narratives to extremism.** Over the past two decades, the international community has tackled violent extremism with security-based counter-terrorism measures. This is insufficient. In particular, this approach has not prevented the phenomenon of “foreign fighters”, radicalisation or the spread of violent extremism. The development of a new generation of preventative measures is required, including positive alternative narratives to extremism, is necessary to combat this evolving threat.

22. The sheer scale of terrorism content online can seem daunting. In part, this is why it will be important to develop new forms of digital regulation to curtail the quantum of hate speech. But along side this strategy we need a strategy for a surge in ‘good speech’. And the best authors of this ‘good speech’ are our children.

23. This requires us to give young people a genuine sense that they too are co-authors of the future. It would be far more inspirational if we presented our ideas not as values – but as *ideals*. Ideals we want to live up to. Ideals that inspire our future. Ideals help create a climate where young people feel we live in a country where they can thrive – and contribute.

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<sup>4</sup> J. Arthur et al, ‘Character education in UK Schools’, Birmingham University

23.1. These ‘ideals’ should enshrine what philosopher John Rawls called “overlapping consensus;” the ethical traditions which unite diverse communities that are committed to common values of non-violence, tolerance and democracy.

23.2. This is particularly important in countering Daesh-inspired violence, the argument for which rests on the supposed incompatibility between liberal democracy and Daesh’ interpretation of the Muslim faith to promote the idea of a “war on Islam” to create a “them and us” narrative and stoke division”.

23.3. In Europe, developing a widely understood, well articulated core of ideals and virtues that are common to both the European Convention on Human Rights and Islam is therefore essential in helping dismantle the core of the Daesh narrative that Islam and the West “are at war”.

24. The European Court of Human Rights has held that Sharia law is incompatible with the European Convention on Human Rights. This does not, however, indicate an absolute incompatibility between Islamic values and those enshrined in the Convention. Islam is itself a hugely diverse, pluralistic faith community. Indeed, it is this diversity within Islam that Daesh seeks to eliminate. The Islamic “intellectual outlook supports the existence of shared values” and so the concept of shared ideals should be explored and actively promoted in an exchange and dialogue between cultures in order to develop a common understanding. In my paper for the Council of Europe, I presented the five ideas that should form the core of the over-lapping consensus which we should seek to promote:

24.1.1. The universal scope of rights and equality before the law..

24.1.2. The right to life

24.1.3. The right to liberty and security

24.1.4. The fundamental freedoms of plural societies, including the freedom of thought, conscience and religion, freedom of expression, and freedom of assembly and association

24.1.5. Universal access to justice.

**25. Response (3). A new agenda for Digital Regulation** Second, we have to take steps to stop the damage to democracy and social cohesion that has become a by-product of the digital giants business model.

**26.** It is widely agreed, our laws are hopelessly out of date and leave our democracy wide open to abuse by foreign powers. The UK Information Commissioner describes her role as the “sheriff in the wild west of the internet.” Together these seismic trends in platform capitalism are creating four challenges:

26.1. Some crucial markets - like digital advertising - are simply no longer competitive

26.2. The market power of data giants is being used to 'kill in the crib' startup competitors which threaten the data monopolies the big firms aspire to build

26.3. Enforcement is too slow for the pace of change in an industry determined ‘to move fast and break things’

26.4. The ‘externalities’ created by some business models, like YouTube and Facebook, are harming the cohesion of society and the safety of our democracy, just like pollution from bad firms hurts the environment we all happen to share. And ultimately, broken democracies tend to produce crony capitalism with rampant corruption.

27. This ‘digital pollution’ is a serious threat to any project to create ‘shared societies’. In Europe, social media giants that enjoy a legal privilege invented before they were born,



which lets them operate as platforms, not publishers. The 2000 EU eCommerce Directive exempts Facebook, YouTube or Twitter from liabilities like not becoming message carriers for hate speech, or death threats. Given the scale of what goes online every 60 seconds, we will have to develop better incentives for social media platforms to self-police.

28. At the core of our eCommerce Directive 2.0 has to be the advice of the UK DCMS Select Committee which said: “We recommend that a new category of tech company is formulated, which tightens tech companies’ liabilities, and which is not necessarily either a ‘platform’ or a ‘publisher’.” I argue new firms must now face five key obligations.

28.1.Changes modelled on the US Feinstein Bill, which would require social media companies to report terrorist content to the authorities as soon as it is posted.

Table 1: Reported numbers by selected platforms, January – June 2018

Platform	Total items reported	Reports resulted in action (removal rate)	Removal rate within 24h
Facebook	1,704	367 (21.2 percent)	76.4 percent (of reports)
YouTube	241,827	58,297 (27.1 percent)	95.0 percent (54,197)
Google+	1,769	1,277 (46.1 percent)	93.8 percent (1,198)
Twitter	264,818	28,641 (10.8 percent)	97.9 percent (28,044)

28.2. Changes modelled on the German Network Enforcement Act (known as NetzDG) which deliver fines of up to €50 million against social networks that fail to review complaints of hate speech and delete “manifestly unlawful” content within 24 hours and “all unlawful content” within a 7-day period. The UK Digital Culture Media & Sport Select Committee recently argued; ‘It is our recommendation that this process should establish clear legal liability for the tech companies to act against harmful and illegal content on their platforms. This should include both content that has been referred to them for takedown by their users, and other content that should have been easy for the tech companies to identify for themselves.’ The effect of this

would be similar to proposals set out by Senator Mark Warner<sup>5</sup> to allow platforms to be liable to tort claims if they fail to take down manipulated content<sup>6</sup>. Since the law in Germany took full effect in January, Facebook, Twitter and Google have blocked tens of thousands of pieces of content. This has required investment. In fact, one in six Facebook moderators work in Germany. So, it can obviously be made to work.

28.3. A duty on platforms to clearly and conspicuously label bots. As Senator Warner argues, ‘New technologies, such as Google Assistant’s AI-enabled Duplex, will increasingly make bots indistinguishable from humans (even in voice interfaces)’. To protect consumers, and to stop bots amplifying disinformation, they should be clearly labelled

28.4. A duty to determine origin of posts and/or accounts – a crucial step in ensuring that bad actors are not allowed to abuse free speech in the arena of our democracy

28.5. A duty of care: duties of care are commonplace in sectors like medicine and employment. So why don’t we insist platforms and service providers are obliged to prevent users from harm - and demonstrate the steps they are taking to do so.

29. Many countries will need a change in the power of regulators to regulate. In the UK, we are looking hard at changes modelled on Irish proposals to create an independent watchdog authority responsible for monitoring social media firms like Facebook and Twitter in their efforts to remove abusive content, bullying and harassment – and to warn advertisers of where their adverts are inadvertently funding extremist material.

30. Finally, there will be no substitute for critical, digitally literate citizens. The creation of universal ‘digital literacy’ will therefore become a core human right this century - and should, we argue, sit at the heart of a 21st century bill of digital rights.

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<sup>5</sup> <https://www.scribd.com/document/385137394/MRW-Social-Media-Regulation-Proposals-Developed>

<sup>6</sup> Specifically, revisions to intermediary immunity created by Section 230 of the Communications Decency Act, sometimes called the “Magna Carta” of the internet

## **Ends**

### **Appendix One: Bill of Digital Rights - Proposed, and Defeated in House of Commons**

The UK recognises the following Data Rights:

Article 1 — Equality of Treatment Every data subject has the right to fair and equal treatment in the processing of his or her personal data.

Article 2 — Security Every data subject has the right to security and protection of their personal data and information systems. Access requests by government must be for the purpose of combating serious crime and subject to independent authorisation. Article 3 — Free Expression Every data subject has the right to deploy his or her personal data in pursuit of their fundamental rights to freedom of expression, thought and conscience.

Article 4 — Equality of Access Every data subject has the right to access and participate in the digital environment on equal terms. Internet access should be open. Article 5 — Privacy Every data subject has right to respect for their personal data and information systems and as part of his or her fundamental right to private and family life, home and communications.

Article 6 — Ownership and Control Every data subject is entitled to know the purpose for which personal data is being processed to exercise his or her right to ownership. Government, corporations and data controllers must obtain meaningful consent for use of people's personal data. Every data subject has the right to own and control his or her personal data. Every data subject is entitled to proportionate share of income or other benefit derived from his or her personal data as part of the right to own.

Article 7 — Algorithms Every data subject has the right to transparent and equal treatment in the processing of his or her personal data by an algorithm or automated system. Every data subject is entitled to meaningful human control in making significant decisions – algorithms and automated systems must not be deployed to make significant decisions.

Article 8 — Participation Every data subject has the right to deploy his or her personal data and information systems to communicate in pursuit of the fundamental right to freedom of association.

Article 9 — Protection Every data subject has the right to safety and protection from harassment and other targeting through use of personal data whether sexual, social or commercial.

Article 10 — Removal Every data subject is entitled to revise and remove their personal data. Compensation Breach of any right in this Bill will entitle the data subject to fair and equitable compensation under existing enforcement provisions. If none apply, the Centre for Data Ethics will establish and administer a compensation scheme to ensure just remedy for any breaches.

### **Application to Children**

The application of these rights to a person less than 18 years of age must be read in conjunction with the rights set out in the United Nations Convention on the Rights of the Child.

Where an information society service processes data of persons less than 18 years of age it must do so under the age appropriate design code.

## **Appendix Two: The ‘overlapping consensus’ between ECHR and Islamic Values**

44. A symposium hosted by the University of Birmingham (United Kingdom) on 14 February 2018 brought together a range of scholars and experts to examine the “overlapping consensus” between the European Convention on Human Rights and Islam. This discussion helpfully emphasised the shared ideals and virtues which the Convention and Islamic teaching have in common, including (but not limited to):

- **Universal scope of rights and equality before the law.** Article 1 of the European Convention on Human Rights, underlines the universal scope of the application of human rights; the parties “shall secure to *everyone* (emphasis added) within their jurisdiction the rights and freedoms defined”. In addition, Article 14 provides for the “prohibition of discrimination”. This reflects the United Nations Declaration of Human Rights (Articles 1, 2, 4, 5, 7, 12 and 17) and finds echo in the universality of humanity emphasised in Islamic teaching set out clearly in 49:13 of the Qu’ran; “O People! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that *you may know each other (not that you may despise each other)*” (my italics). Muhammed’s “Last Sermon” underlines: “An Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over a white except by piety and good action”.

- **Life.** The right to life is an absolute core ideal of the Convention. Article 2 of the Convention sets out the right to life: “Everyone’s right to life shall be protected by law.” This is reflected in Islamic teaching, and underlined in a series of Islamic “divine names” which in Islam, “designate characteristics of the divine nature”,<sup>58</sup> namely: “the Living” (al-Hayy) and “the Protector” (al-Hafiz). This is underlined in many points in the Qu’ran, most famously in Sura 5:32, which reads “whoever kills a soul unless for a soul or for corruption [done] in the land – it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely”. Muhammed, in his Last Sermon, emphasised the right of individuals and sanctity for their blood: “O people, you have to respect each other's life until the Resurrection

Day.”

- **Liberty and Security.** The right to liberty and security is set out in the Convention’s Article 5, which states that “[e]veryone has the right to liberty and security of person”, and Article 4, which provides for the prohibition of slavery and forced labour. This finds an echo in Islam in the Qu’ranic concept of non- compulsion (la ikraha) set out in Sura 2.256, which states: “There shall be no compulsion in [acceptance of] the religion.”

- **Fundamental freedoms of plural societies.** The Convention sets out a range of basic, vital freedoms which are integral to plural society, including the freedom of thought, conscience and religion (Article 9), freedom of expression (Article 10) and freedom of assembly and association (Article 11). These ideals resonate with a key text in Islam, which is the Madinah Charter, written by Muhammed to bring peace to a hitherto fractious city. Imam Asim Hafiz, Islamic religious advisor to the Chief of the British Defence Staff points out that at the time, Madinah was a “pluralistic, multiethnic, multiracial, multilingual, and multireligious” place and the Charter created a “Union of Free People” conveyed in Covenants with people of many faiths (including Judaism, Christianity, and Zoroastrianism) guaranteeing “freedom of movement, freedom of work, freedom of study, freedom of religion, and freedom of choice. These are the very freedoms that the Prophet granted in his Covenants”. This tolerance for diversity is of course an important characteristic of life in Council of Europe member States and its importance in Islam is underlined in the importance attached to the concept of “the Tolerant” (al-Halim). Shaykh Arif Hussain, Director of the Al Mahdi Institute at Birmingham University, added: “Islamic identity is about devotion not contracts, and this is shown in the Qur’an, which says that Muslims and Christians have been given different Sharias; it accepts religious difference.”

- **Justice.** This concept of justice – al-Adl – is a core principle of Islamic thought and is set out very clearly in the Qu’ran in Sura 4:135, “O YOU who have attained to faith! Be ever steadfast in upholding equity and justice, bearing witness to the truth for the sake of God, even though it be against your own selves or your parents and

kinsfolk”. Equally, justice is the central concept of the Convention; thus, Article 6 provides for the right to a fair trial and Article 13 (Right to an effective remedy) states that “[e]veryone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.