**Abstract**

The UK Government’s PREVENT strategy to counter radicalisation and extremism has been the subject of criticism. Concerns arise over clarity of purpose, clarity of terminology used and potential human rights impacts. Where the policy engages with schools, one human right potentially engaged is the right of parents to transfer their religious beliefs to their children. This paper looks at how PREVENT risks negatively impacting on this right. It proposes a way that this risk can be reduced by adopting a proactive approach to the Government’s security concerns which is centred on human rights education.

**Keywords**

PREVENT, extremism, education, freedom of religion, parental rights

**COUNTER-EXTREMISM IN BRITISH SCHOOLS: ENSURING RESPECT FOR PARENTS’ RIGHTS OVER THEIR CHILDREN’S RELIGIOUS UPBRINGING**

Countering radicalisation and extremism has become one of the central tenets of the UK’s counter-terrorism policy. This is achieved through a strategy known as PREVENT which aims ‘to stop people becoming terrorists or supporting terrorism’ (HM Government, 2011). The education environment is increasingly seen by states as an area where the risks of radicalisation and extremism exist, as well as an appropriate arena in which to counter radicalisation and extremism (Davies, 2016). Unsurprisingly, therefore, PREVENT engages with school settings and practices. PREVENT is not without its critics. It has been accused of alienating Muslim communities by labelling them as ‘suspect’ (Amran, 2011). In so doing, it fails to recognise multiple perspectives on British Muslim identities and Islam (O’Toole et al, 2016). Others go further, suggesting that PREVENT deploys of a set of reductive distinctions between good/bad, moderate/extremist Muslims with a view to the reforming conservative Muslim practices through the promotion of a mainstream liberal Islam agenda (Birt, 2008). Rebutting these criticisms are claims of ignorance of how the strategy actually works (BBC, 2017).

From a legal perspective, the issue is not simply one of how the strategy works. It is also about how those tasked with applying the strategy are acting lawfully when doing so. That is to say, the strategy needs to be understood in relation to existing obligations the law prescribes. One such obligation is to respect the transgenerational transfer of religious beliefs from parents to their children. This particular action is protected as a human right under Article 2 Protocol 1 of the European Convention on Human Rights (ECHR) and specifically targets children’s education. By virtue of s6 of the Human Rights Act (HRA) 1998, the obligation to respect the parental right applies to the UK state, arms of which include the UK’s education authorities as well as teachers. In determining what this obligation requires, consideration will be given by UK courts to ECHR case law (HRA s2). Any action within schools, including implementing PREVENT, must therefore be balanced against the parameters the parental right prescribes.

To this end, it would be prudent to ensure that those tasked with implementing PREVENT, such as education authorities and educators, have an awareness of the scope and reach of the parental right, how acting on PREVENT obligations might engage that right and how best therefore to balance their PREVENT obligations with those prescribed by the parental right. This would include an understanding of when incursion into the domain of the parental right may be legally justified and when not. Two dimensions of the PREVENT strategy have particular potential to engage the parental right. The first is the obligation on education authorities and teachers to actively promote British values. The second is the extension of the term ‘extremism’ to now encompass what is called ‘non-violent extremism’, with a corresponding monitoring and interventionist role being assigned to teachers where radicalisation or extremism is suspected. A lack of clarity over what these terms mean makes the task of those called on to implement PREVENT more difficult (Parliamentary Joint Committee on Human Rights, 2016, para.108). For example, what exactly are British values and to what degree can they be promoted in a pluralist education environment? At what point, if at all, does a child exhibiting a conservative approach to religion warrant flagging up as a concern or as requiring some form of intervention and on what basis? Answering these questions wrongly could certainly give grounds for a parental rights violation claim at law.

With the above in mind, this paper will look at the UK Government’s current and proposed future counter extremism strategy as it is applied in education. It will show some of the problems the strategy faces when considered against the parental right under Article 2 Protocol 1 ECHR. In so doing, the reader will be introduced to how the parental right may permissibly be balanced with other rights and interests. Security is naturally one of these interests. So too are the rights of the child to freedom of religion and the rights of the child to education. The paper will conclude by outlining an approach to education that can have a direct impact on countering radicalisation and extremism in schools while staying well within the legal boundaries set by the parental right and its purpose.

**2. THE UK GOVERNMENT’S APPROACH TO ADDRESSING THE THREAT OF EXTREMISM THROUGH SCHOOLS**

In order to consider the potential risk to the parental right PREVENT poses, it is relevant to first identify what that strategy requires of educators and why. Bearing in mind that PREVENT relates to countering terrorism as a legitimate state aim, it is from this perspective that the strategy needs to be considered. Topping the list of current terrorist threats to the UK is Islamist terrorism, predominantly related to Daesh, although other significant terrorist threats exist (HM Government, 2015a). Even though Daesh is ostensibly operating outside of the UK, a particular concern of the Government is the ability of Daesh and similar groups to expand their terror network through radicalising and recruiting supporters within the UK and elsewhere willing to support and engage in violent extremism (HM Government, 2017). A significant threat from a ‘home-grown’ dimension of terrorism is borne out by evidence, with a clear majority of the terrorism offences occurring in the UK since 1999 having been carried out by UK nationals (Stuart, 2015).

Although the main concern of the Government is the development of an ‘ideology that feeds, supports and sanctions terrorism’ (HM Government, 2014), the Islamist dimension makes a connection to a religion unavoidable. For example, contributory factors to the emergence of home grown Islamist terrorists are said by the Government to include the manipulation of theology, history and politics to justify terrorism by radicalisers and their networks. The target of these radicalisers and networks are seen to be those most susceptible and vulnerable to such manipulation (HM Government, 2008). One area that is considered by the Government as having the potential to see these factors and the target group coming together is the school environment, with certain children thereby potentially falling within a perceived vulnerable group (HM Government, 2015b). Although the Government in its counter extremism publications is careful not to single out Muslim children as most vulnerable, this community is clearly a focal point in the publications (see for example HM Government, 2008). Equally, the school is one area where children who may be experiencing these contributory factors or targeting outside of the school can be accessed, with the exception that is of home schooled children.

To this end, the UK’s approach to tackling terrorism has naturally seen schools as a place in which to engage its counter terrorist policy. In schools, PREVENT aims at tackling or interrupting any radicalisation process that may be taking place (HM Government, 2011). Although a term that is not well-defined in law or elsewhere (Schmid, 2013), the Government sees radicalisation as related to ‘the process by which people come to support, and in some cases to participate in terrorism’ (HM Government, 2011, p.36). Bearing in mind the contributory factors identified above, interrupting this process includes challenging ideologies behind violent extremism, disrupting the promotion of extremism, protecting and supporting those vulnerable to recruitment by violent extremists, increasing the resilience of communities and addressing the grievances that those pursuing an extremist violent agenda exploit (HM Government, 2011).

In recognition of the potential use or misuse of religious ideology by radicalisers, within the school setting, the PREVENT strategy has taken into account and elaborated on existing teaching around religious education and diversity. A number of initiatives have been undertaken. For example, a toolkit on countering extremism was produced for colleges by the Department for Innovation, Universities and Skills (Department for Innovation, Universities and Skills, 2009). Included as a recommendation was the promotion of the core values of a democratic society, including equality, diversity, and due process as a means of resolving disputes. A similar toolkit for all primary, secondary and special schools in England had been produced a year earlier. In this document the extremist narrative was exampled as one which promulgates ‘an extreme interpretation of Islamic teaching that… places an obligation to fight and kill to achieve their aims’ (Department for Innovation, Universities and Skills, 2009, p.17). The toolkit also notes that ‘[V]iolent extremism, and racial or hate-driven discrimination of all forms, also relies on sustaining and exaggerating divisions in society, often by exploiting people’s fears or lack of understanding of others.’ (Department for Innovation, Universities and Skills, 2009, p.22).

Around the same time, the Religious Education Council of England and Wales, supported by the Department for Children, Schools and Families, was establishing how religious education in schools could contribute to the PREVENT strategy through its REsilience project. (Religious Education Council, 2017). The project was concerned with belief-based extremism and sought the enhancement of teachers’ cultural awareness, confidence in challenging extremist views and theological knowledge, including of Islam. Although aimed at teachers’ knowledge enhancement, the target teacher group appears to have been chosen on the assumption that religious education could be a useful contributor in addressing violent extremism because ‘its subject matter gives particular opportunities to promote an ethos of respect for others and understanding of different cultures and beliefs’ (Wintersgill, 2011, p.3). Once again, the narrative of violent extremism and of toleration and pluralism are evident in the various initiatives.

Although violent extremism was at the fore of early counter terrorism initiatives, the progression of PREVENT initiatives over the years reveals an increasing shift from the language of terrorism and violence toward this focus on the toleration and pluralism dimensions of extremism. For example, the Government’s Counter-Extremism Strategy of 2015 (HM Government, 2015a) retains in essence the link between terrorism and extremism but extremism is now given a definition that does not necessarily equate to terrorism. Extremism is defined in the strategy as ‘the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs’ (HM Government, 2015a, p.9). It is the attack on these values that triggers what the Government calls ‘a new and more assertive approach to defeat extremists’ (HM Government, 2015a, p.9). This is partially backed up legislatively in the Counter-Terrorism and Security Act 2015 but will be significantly reinforced if the proposed Counter-Extremism and Safeguarding Bill is put before and approved by the UK Parliament.

**3. PROBLEMS IDENTIFIED WITH THE GOVERNMENT’S APPROACH**

Before moving to consider the specific risk PREVENT poses to the parental right, the nature of the problems PREVENT poses in law should be set out. These problems largely turn on issues of evidence to support a causal link between radicalisation, extremism and terrorist activities, clarity in the terms used and the potential impacts some of the features of the approach might have on human rights. Taking the issue of a causal link first, extremism, including in a non-violent form, is targeted by the Government as one risk factor for the creation of terrorists. However, as Mythen and Walklat (2006) point out, not only is risk a difficult term to define, risk is normally assessed by reference to past occurrences in order to arrive at a probability factor. Looking at what research has been carried out on the causal links between risk factors and actual terrorist acts, the connection between extremism, radicalisation and terrorism has not been sufficiently identified (Heath-Kelly, 2013). This is exacerbated by the heterogeneity of those who go on to become violent extremists (Hirschfield, Christmann, Wilcox and Rogerson, 2012). Therefore, proof that violent extremism leads to terrorism is hard to sustain. Proving that non-violent extremism leads to terrorism naturally therefore faces an even bigger hurdle, especially where that non-violent extremism has such a broad definition as that given by the Government. The relevance of causality in law relates to both the legitimacy of the Government’s PREVENT aims and the proportionality of the response to those aims. Where interference with a person’s rights is permitted, the test for proportionality involves considering whether an action proposed is no more than strictly necessary to address the problem it is aimed at. The strength of the grounds for interference, coupled to the risk presented to an individual’s rights, will therefore be relevant as to whether or not the interference is indeed proportionate.

Moving on to clarity of terms, the meaning of non-violent extremism and ‘British values’ is not self-evident. Both terms are open to interpretation (Arthur, 2015). Indeed, when pressed in a radio interview in 2016 on the issue of what constitutes non-violent extremism, the then UK Home Secretary Theresa May was unable to define the point at which a person’s actions, provided they are non-violent, might move from the permissible (assuming there is a permissible form of non-violent extremism) to the legally non-permissible (BBC, 2015). A similar view was arrived at in a report for the Government on the Trojan Horse Affair in some of Birmingham’s schools where it was stated that the boundary between an unacceptable and intolerant and separatist agenda and the lawful social conservatism of certain religious groups is not wholly clear (Clarke, 2014). This lack of clarity led the Parliamentary Joint Committee on Human Rights to conclude that the Government is unable to provide ‘a coherent or sufficiently precise definition of either “non-violent extremism” or “British values”’ from which to determine ‘what behaviour is and is not lawful’ (Parliamentary Joint Committee on Human Rights, 2016, para.108). Looking at proposals from the Government to extend PREVENT through new legislation, the Committee was concerned that the strategy might end up being applied in a way that would indiscriminately attack groups who espouse conservative religious views without any encouragement of violence.

It is with this last point that substantive human rights issues particularly emerge, with the right to freedom of religion being a clearly identified right at risk by the Government’s proposals (Parliamentary Joint Committee on Human Rights, 2016). For example, the Committee was critical over the Government’s failure to adequately separate terrorism (an unlawful act) from religious conservatism (a lawfully held belief), in spite of assertions from the Government that its concerns are not over legitimate religious belief (HM Government, 2011) or traditional religious practice (HM Government, 2013). Notably the Committee accused the Government’s proposals of resting on ‘the assumption that there is an escalator that starts with religious conservatism and ends with support for violent jihadism, and that violence is therefore best tackled by curtailing or placing restrictions on religious conservatism’ (Parliamentary Joint Committee on Human Rights, 2016, Summary). It went on to point out that the Government’s aim should be ‘to tackle extremism that leads to violence, not to suppress views with which the Government disagrees’ (Parliamentary Joint Committee on Human Rights, 2016, para.107).

**4. THE PARENTAL RIGHT ISSUES SET OUT**

Having looked at some general concerns over the PREVENT strategy, both in terms of the legitimacy/proportionality balance and in terms of clarity over non-violent extremism and British values, this section of the paper will show how these concerns have particular salience for the parental right. The parental right in law is actually provided through an adjunct to the right to education as set out in Article 2 of Protocol 1 ECHR, stating that

[I]n the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions (ECHR Article 2 Protocol 1).

Through this provision, parents are assigned the right to determine, to some degree, the education that their child is to receive so that it is in accord with their (the parents’) religious or philosophical convictions. The right therefore links to the parents’ right to freedom of religion under Article 9 ECHR but specifically within the domain of the child’s education. As such, a situation is created whereby the public function of the state in providing education to the child becomes subject, at least partially, to what one might call the private interests of the parent. This is evident, for example, in the how UK law under the School Standards and Framework Act 1998, s71 allows a parent to withdraw their child from compulsory religious education or make arrangements for an alternative religious education. Seeing this as solely a parental interest, however, is not strictly accurate. Although the right does not allow the parent to abuse the rights the child has or the educational obligation the state has, the assumption made by courts in liberal states, unless rebutted, is that the child’s religious beliefs align with those of the parents (Ahdar and Leigh, 2005, p.203). Respecting the parental right can therefore be thought of as a means by which the child’s own right to freedom of religion is protected from state interference. However, at the same time, education is a positive right owed the child and thus requires that the state is involved in determining or regulating its content (European Court of Human Rights, (ECtHR), 1983, para 14). A balance between the child’s right to education and the parents’ and child’s rights to freedom of religion therefore needs to be achieved. Equally, the rights of others, such as the rights of individuals to security and liberty (ECtHR, 1997), and even the rights of the child to, for example, equal opportunities (United Nations Committee on The Rights of the Child, 2001) are relevant to bring into the balance.

In seeking a balance between providing the child’s education, respecting the parental right and the satisfying the other interests referred to above, it should be noted that neither Article 9 ECHR nor Article 2 Protocol 1 are absolute rights. Each can be subject to limitation. Limitation of, or interference with, these two rights may only be applied to the manifestation of a belief and not the belief itself however (Taylor 2005). The margin granted to states in determining a limitation to or allowing an interference with the parental right is wide if a national security dimension can be shown to be sufficiently robust (ECtHR*,* 1987). At the same time, the European Court of Human Rights (hereafter the Court) in its judgments has been cautious in allowing states an unbridled margin. Besides needing to be in pursuit of a legitimate aim, a condition of limitation or permissible interference has been repeatedly tied to the notion of it being necessary in a democratic society. The Court has made it clear that ‘necessary’ is not synonymous with indispensable, nor is it be interpreted to simply mean ‘admissible’, ‘ordinary’ or ‘useful (ECtHR, 1976a). If brought before the Court (and this would include a UK court due to the HRA 1998), the extent to which the limitation is necessary will therefore be subject to review. This review would consider not only of the weight the right affected but also the necessity of the particular action being taken in pursuit of its identified aim. Once again, proportionality would also be a consideration.

The ‘necessary in a democratic society’ requirement presents particular difficulties for PREVENT if countering non-violent extremism and promoting British values are pursued in the way the Parliamentary Joint Committee on Human Rights suggests they could be. Preventing actions that harm others is necessary in a democratic society and would be recognised by the courts as such. Interfering with people’s legitimately held religious beliefs, on the other hand, is not. In fact, the parental right, along with the right to freedom of religion, is a reflection of human rights commitment to value pluralism and respect for diversity as an essential feature of a democratic society and of human rights (ECtHR, 1993). It is for this reason that clarity of purpose and clarity over obligations educators are under is so important

Looking more deeply at the scope of the parental right, the Court has noted that the word ‘respect’ in the right means more than mere acknowledgement or ‘having regard to’ (ECtHR, 1983). The Court has also stated that the right covers both state and private teaching (ECtHR, 2007). Moreover, the right ‘applies not only to the content of education and the manner of its provision but also to the performance of all the “functions” assumed by the State’ (ECtHR,2011). It is not limited to education on religion but covers any subjects taught (ECtHR, 1976b). Most importantly, the Court has made clear that, even where a state is pursuing a legitimate aim with regard to a child’s education, any form of indoctrination of beliefs at odds with those of the parents is impermissible (ECtHR,1976b). This includes education that would lead a child to experience a conflict of allegiance between the school and their own values (ECtHR, 2007).

 This is not to say, however, that the state is not allowed to impart certain views alongside beliefs being imparted by the parent. This issue has been dealt with by the Court in a number of cases and a series of conditions have been established to safeguard the parental right while allowing for the proper functioning of education. These conditions include that education that might risk incursion into the domain of a parent’s convictions be conveyed in an objective, critical and pluralistic manner (ECtHR, 1976b). This recognises that the parental right runs alongside the general aims of education, which include ‘enabling pupils to develop a critical mind with regard to religion’ (ECtHR, 2007, para.52). Examples of where this can be achieved is through teaching about the history of religions and teaching in ethics, provided neither are religious or ideological in nature (ECtHR, 2009). Teaching citizenship and politics would equally be subject to such a requirement. States are also permitted to ensure that education is not leading to the ‘formation of ideologically or religiously motivated “parallel societies”’ (ECtHR, 2011). However, this must respect pluralism and not seek to neutralise it (United Nations, 2015a).

Navigating the balance between the various interests of parents, of children, of the obligation to provide education and the security concerns of the state naturally falls largely on educators themselves. Alongside statutory guidance on implementing PREVENT (HM Government, 215b), non-statutory mechanisms can be helpful in this regard. An example would be guidance on how to approach religious education in schools, including the important dimension of local community engagement (Department for Children, Schools and Families, 2010). Although both the statutory guidance and non-statutory guidance does not provide a complete legal interpretation of the various obligations educators are under, courts would only be engaged where dissent arose between the actions of an educator and the parent. If a case was brought before a court, any actions taken by education authorities or schools towards achieving religious community endorsement of its approaches to religion could satisfy the court that a correct balance of rights and obligations has been met. For example, where an individual was claiming a breach of their Article 9 freedom of religion right over their school’s uniform policy that had been arrived at in consultation with the local Muslim community, the UK highest court determined that the school had fulfilled its obligation to the child through the community endorsement (House of Lords, 2006. See also Phillips et al, 2011).

**5. HOW TO AVOID ANY CLASH BETWEEN THE GOVERNMENT’S COUNTER EXTREMISM STRATEGY AND THE PARENTAL RIGHT UNDER THE ECHR**

From the discussion so far, one can deduce that it is when seeking to impart values to the child or engaging with issues around their religious beliefs that the greatest risk of incursion into the domain of the parental right can occur. It is here, therefore, that educators need to be most careful so as to be sure of what it is they are addressing in their teaching and practice, why and whether or not they are on safe grounds legally. This is particularly pronounced in schools selected by parents on the basis of a religious ethos or on account of their adopting a religious instruction approach to education. However, it would still apply to state schools adopting a more secular approach to teaching.

One way of seeking to remain on firm ground legally would be to ensure that the approach taken to addressing the PREVENT obligations is clearly matched to human rights obligations educators are under. Lynn Davies suggests one method by which this may be achieved. Central to her idea is that schools include in their teaching and practice an adequate ‘knowledge and use of international human rights’ (Davies, 2016, p.11). This is because learning about what she refers to as ‘common human rights’ can help break down insularity and artificial divides. The implication is that such divides are contributors to security risks. Davies goes on to identify a problem in imparting beliefs to children where there is inadequate critique of those beliefs, suggesting that this can lead to the establishment of absolutist or essentialist views in the child that are poorly suited to toleration and respect for difference (Davies, 2009). As a consequence, she advocates allowing the Ministry of Education to remove certain religious texts from the curricula, including in schools with a religious ethos, and allowing teachers to critique religious texts; albeit admitting the difficulty in pursuing the latter (Davies, 2016).

There is a problem however with what Davies is proposing in that she risks moving from a security derived approach to one where it is the nature of the child’s religious beliefs that is a concern. A consequence of this is that an educator pursuing Davies’ approach could find themselves accused of not only interfering in the domain of the parental right but also interfering with the child’s right to adopt a religion (Laura and Leahy, 1989). Contrary to what Davies maintains, religious beliefs are not simply ‘one value among many equal and competing values in a market place’ (Davies, 2016, p.10), at least not in law as has been shown. Rather, religious beliefs occupy a position that, if the parent so wishes, can set limits on how political, economic and social views might be purveyed to their child.

It is fair to say that the questions over what role religion should play in the education of a child are ‘formidably complex and highly charged’ (Ahdar, 2002, p.104). Moreover, they engage beyond the issue of security and engage the relationship between parents’ rights and children’s rights; a question which is far from settled in either UK or international law (Cumper and Mawhinney, 2015; Schweitzer, 2016). Two things can be said here. Firstly, challenging a child’s religious views may be appropriate in some instances, such as to highlight how ‘issues of religious belief and faith … impact on personal, institutional and social ethics’, including potentially through anti-democratic and extremist narratives (Department for Children Schools and Families, 2010, p.8). However, as has been shown, the challenge must be presented in an objective and pluralistic manner that is not seeking to influence the child’s central religious beliefs. Secondly, if the state is relying on security concerns as the legitimate aim underpinning PREVENT, that aim must clearly be the one being pursued and not something other. That is not to say that the right to education will not itself justify critical engagement with religious questions. However, the aims of education set out in the United Nations Convention on the Rights of the Child and largely mirrored by the Council of Europe and UK embody respect for the parents and the child’s own cultural identity and values as well as respect for the values of the country in which the child lives (UN, 1989, Article 29(1)). Certain tensions may be evident in these aims. Nonetheless, the aims are seen as being of a reconciliatory nature rather than a confrontational one; children having the potential to bridge the divide between various differences (United Nations, 2001, para.4).

Davies’ ideas nonetheless have merit, most notably in terms of their focus on the importance of toleration and respect for difference. It is here that a human rights based approach to education can engage but in a way that avoids the risk of generating a perception that religious beliefs or religious adherents rather than security concerns are being targeted. Such an approach would draw on both respect for and the promotion of human rights through specific human rights education. Promoting human rights through education is nothing new and has been seen as a distinct way to deal with the kind of security PREVENT is directed towards. For example, in the 1985 Council of Europe, Recommendation on the Teaching and Learning about Human Rights in Schools in Europe (Council of Europe, 1985), human rights education was seen as a way to reaffirm democratic values and counteract intolerance, acts of violence, terrorism, racism, xenophobia, disillusionment of young people with politics, society and global inequality.

Human rights education is not ideologically conditioned. It does not, for example, require a ‘dynamic secular’ approach to education which ‘does not elevate religion above other forms of influence’ as Davies suggests (Davies, 2016, p.10). Rather it requires that one is taught about, and comes to understand, the implications of the rights that one has and that others have (Alfredson, 2001). Integral to such an approach is respecting diversity, something at the heart of Davies’ inclusivity approach and also captured both under the right parental right and the child’s right to education, as has been shown. Such respect sees diversity not as a problem of modern societies, nor as a contributor in and of itself to violent extremism (United Nations, 2015b). Thus a human rights focused education should provide more than mere knowledge of diversity and aim at achieving both acceptance of and respect for that diversity (United Nations, 2007, para.6). This should lead to the encouragement of, among other things, openness to otherness and other beliefs as well as empathy to try to see the world through other people’s perspectives (Council of Europe, 2016).

Such an approach would accord with the provisions of the UNESCO Declaration of Principles on Tolerance 1995. For example, Article 4 on education allows states to adopt ‘teaching methods that will address the cultural, social, economic, political and religious sources of intolerance’ (UNESCO, 1995). Although these terms would fit within Davies’ ‘market place’, the focus is very clearly on intolerance and thus avoids the risk of passing judgment on the relative weights of religious views or interpretations, even if those adopted by some children are quite conservative in nature. An example might be teaching about the need to tolerate homosexuality without needing to displace a child’s or parent’s view that homosexuality is a sin within their understanding of their religion.

At the same time, however, a debate on such a topic will inevitably engage the child in critical thinking about their beliefs and, through that, satisfy the objective of educating for diversity and toleration (Kennedy, 1987). The proposed approach need not therefore shut down dialogue. Dialogue is key to understanding and respecting rights, as Davies points out (Davies, 2010, p.470). Yet dialogue can be managed so that children can confront, challenge and be challenged on controversial areas of disagreement without having to discard their central religious beliefs (Knauth, 2009). This would broadly fit with directions on teaching set out in the Religious Education Council of England and Wales REsilience project looked at earlier. However, the focus would not be one of securitising or otherwise constraining diversity through forced integration into ‘Britishness’ (Abbas, 2012) or through attempting to change children’s legitimately held religious beliefs or values through theological debate. The approach does not need to rely on poorly defined notions such as non-violent extremism or ‘British values’. Nor does it need to target either at risk or risky individuals; something inherent in the current PREVENT strategy (Heath-Kelly, 2013). A human rights approach will instead address all school children and, in so doing, will capture wider contributing factors relating to radicalisation and extremism such things as discrimination, stereotyping and alienation. Where an extractive structured approach to diversity would exacerbate such factors, a human rights inclusive approach will alleviate such factors (Blackbourn and Walker, 2016). Thus, the proposed approach would go a long way toward addressing some of the concerns raised by critics of PREVENT regarding the negative labelling of Muslim communities.

Most importantly for educators, the proposed approach complies with human right law. Thus, if applied correctly, it will fit comfortably within the parameters set out by the parental right while ensuring that state interests for reducing the risks of terrorism are met. Naturally, educators themselves would need to be appropriately educated on what human rights are and what they require. This paper goes some way towards indicating what that education would need to include.

**6. CONCLUSION**

Responding to the risk of terrorism, including through targeted initiatives in schools, is an appropriate state activity. How this is done, however, needs clarity and knowledge so as to ensure that those tasked with implementing those initiatives stay within the boundaries set by law. One area of law particularly susceptible to an impact from the initiatives has been shown to be the parental right set out in Protocol 1 Article 2 of the ECHR. In reorienting the focus of such initiatives away from securitisation of education and towards providing human rights education, there is less likelihood of incursion into the domain of the parental right. At the same time, it is likely to achieve many, if not all, of the objectives underlying the Government’s PREVENT objectives. It also avoids educators having to try to determine the scope and meaning of poorly defined terms such as non-violent extremism and British values. It does, however, require that those tasked with implementing the PREVENT strategy are aware of its human rights implications and of what a human rights based education embodies.

**7. REFERENCES**

Abbas, T. (2012) The Symbiotic Relationship between Islamophobia and Radicalisation, *Critical Studies on Terrorism,* 5 (3), 345-358.

Ahdar, R. (2002) The Child’s Right to a Godly Future, *The International Journal of Children’s Rights*, 10(1), 89-107.

Ahdar, R., Leigh, I., (2005) *Religious Freedom in the Liberal State* (Oxford, Oxford University Press)

Alfredson, G. (2001) ‘The Right to Human Rights Education’. In A. Eide, C. Krause and A. Rosas (Eds.)(2001) *Economic, Social and Cultural Rights - A textbook* (2nd edn) (Leiden, Martinus Nijhoff).

Amran, I. (2012) “I Am a Muslim Not an Extremist”: How the Prevent Strategy Has Constructed a “Suspect”, *Community Politics and Policy*, 40(6), 1158–1185.

Arthur, J. (2015) Extremism and Neo-Liberal Education Policy: A Contextual Critique of the Trojan Horse Affair in Birmingham Schools, *British Journal of Educational Studies,* 3(3), 311-328.

BBC Today Programme (2015, 13 May) ‘May asked to define extremism in new counter-extremism bill’, *BBC.* Available at: <http://www.bbc.co.uk/programmes/p02r8z20> (accessed 09 August 2017).

BBC News (2017, 7 August) ‘Prevent criticism 'stems from ignorance'’, BBC. Available at: <http://www.bbc.co.uk/news/uk-40845911> (accessed 09 August 2017).

Birt,Y. (2008) Governing Muslims after 9/11. In: S. Sayyid, A. Vakil, (Eds.)(2008) *Thinking through Islamophobia: Symposium Papers* (Leeds, Centre for Ethnicity and Racism Studies, 26–29).

Blackbourn, J. and Walker, C. (2016) Interdiction and Indoctrination: The Counter-Terrorism and Security Act 2015, Modern Law Review, 79(5), 840–870.

Clarke, P. (2104) Report into allegations concerning Birmingham schools arising from the ‘Trojan Horse’ letter’ (HC 576). House of Commons Report (Hose of Commons).

Council of Europe (1985) *Recommendation R(85) 7 (Appendix) on the Teaching and Learning about Human Rights in Schools in Europe*. Recommendation of the Council of Europe (Council of Europe).

Council of Europe Parliamentary Assembly (2005) *Recommendation 1720 Education and Religion.* Recommendation of the Council of Europe (Council of Europe).

Cumper, P., Mawhinney, A. (2015) Collective Worship and Religious Observance in Schools: An Evaluation of Law and Policy in the UK (AHRC). An AHRC Network Report. (AHRC)

Davies, L. (2009) Educating against extremism: Towards a critical politicisation of young people, *International Review of Education,* 55(2-3), 183-203.

Davies, L. (2010) The potential of human rights education for conflict prevention and security, *Intercultural Education* 21(5) 463-471.

Davies, L. (2016) Security, Extremism and Education: Safeguarding or Surveillance? *British Journal of Educational Studies*, 64(1), 1-19.

Department for Children, Schools and Families (2010) *Religious education in English schools: Non‑statutory guidance*. Policy document for schools (Department for Children, Schools and Families).

Department of Education (2015) *The PREVENT duty: Departmental advice for schools and childcare providers.* Policy Document for the Department of Education (Department of Education).

Department for Innovation, Universities and Skills (2009) *Learning Together to be Safe: A toolkit to help colleges contribute to the prevention of violent extremism*. Report for the Department for Innovation, Universities and Skills. (Department for Innovation, Universities and Skills).

European Court of Human Rights (1976a) *Handyside v. United Kingdom*. Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (1976b) *Kjeldsen, Busk Madsen and Pedersen v. Denmark*. Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (1983) *Campbell and Cosans v. UK*. Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (1987) *Leander v. Sweden*. Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (1993) *Kokkinakis v. Greece.* Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (1997) *Zana v. Turkey.* Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (2007) *Hasan and Eylem Zengin v. Turkey.* Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (2009) *Appel-Irrgang and others v. Germany.* Case law. (Strasbourg, European Court of Human Rights).

European Court of Human Rights (2011) *Dojan and Others v. Germany.* Case law. (Strasbourg, European Court of Human Rights).

Heath-Kelly, C. (2013) Counter-Terrorism and the Counterfactual: Producing the ‘Radicalisation’ Discourse and the UK PREVENT Strategy, *British Journal of Politics and International Relations,* 15, 394–415.

Hirschfield, A. Christmann, K. Wilcox, A. and Rogerson, M. (2102) *Process Evaluation of Preventing Violent Extremism Programmes for Young People*. Report for the Youth Justice Board (Youth Justice Board).

HM Government (2008) *The Prevent Strategy: A Guide for Local Partners in England. Stopping people becoming or supporting terrorists and violent extremists.* Policy Document for HM Government (HM Government).

HM Government (2011) *CONTEST: The United Kingdom’s Strategy for Countering Terrorism.* Policy Document for HM Government (HM Government).

HM Government (2013) *Tackling extremism in the UK: Report from the Prime Minister’s Task Force on Tackling Radicalisation and Extremism.* Policy Document for HM Government (HM Government).

HM Government (2014) *Collection: Counter-Terrorism and Security Act*. HM Government information website. Available at: <https://www.gov.uk/government/collections/counter-terrorism-and-security-bill> (accessed 09 August 2017).

HM Government (2015a) *Counter-Extremism Strategy*. Policy Document for HM Government (HM Government).

HM Government (2015b) *Revised Prevent Duty Guidance: for England and Wales*. Policy Document for HM Government (HM Government).

HM Government (2016) *CONTEST: The United Kingdom’s Strategy for Countering Terrorism: Annual Report for 2015*. Report for HM Government (HM Government 2016).

HM Government (2017) *Daesh: UK government response*. HM Government information website. Available at: <https://www.gov.uk/government/topical-events/daesh> (accessed 09 August 2017).

House of Lords (2006) *R (Begum) v Governors of Denbigh High School,* UKHL 15. (Case Law, UK House of Lords).

Kennedy, J., (1987) *Mozert v. Hawkins City Board of Education 827 F.2d (1987*) 1070-72. Case law (US District Court).

Knauth, T. (2009) Dialogue on a grassroots-level: Analysing dialogue-oriented classroom interaction. In RE Hamburg, I. ter Avest, D.P. Jozsa, T. Knauth, J. Rozon, and G. Skeie (Eds) (2009) *Dialogue and Conflict on Religion: Studies of Classroom Interaction in European Countries* (Münster, Waxmann), 110–134.

Laura, RS., Leahy, (1989), M. Religious Upbringing and Rational Autonomy, *Journal of Philosophy of Education,* 23(2) 253-265.

Mythen, G and Walklat, S. (2006) Criminology and Terrorism: Which Thesis? Risk Society or Governmentality? *British Journal of Criminology,* 46, 379–398.

O’Toole, T., Meer,N., Nilsson, D., Jones, SH., Modood, T. (2016) ‘Governing through Prevent? Regulation and Contested Practice in State–Muslim Engagement’, *Sociology* 50(1), 160-177.

Parliamentary Education Committee (2015) *Extremism in schools: the Trojan Horse affair.* Report for the Parliamentary Education Committee. (Parliamentary Education Committee).

Parliamentary Joint Committee on Human Rights (2016) *Joint Committee on Human Rights Report Counter-extremism.* Report of the Parliamentary Joint Committee on Human Rights (Parliamentary Joint Committee on Human Rights).

Phillips, C., Tse, D., Johnson, F., Ipsos Mori (2011) Community cohesion and PREVENT: how have schools responded? (Department of Education).

Religious Education Council of England and Wales (2017) *REsilience (England): REC Project*, Available at: <http://resilience-england.recouncil.org.uk/> (accessed 09 August 2017).

Schmid, AP. (2013) *Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review*. Research Paper for the International Centre for Counter Terrorism. (International Centre for Counter Terrorism).

Schweitzer, F., (2016) The Child’s Right to Religion. Religious Education as a Human Right? In Ma.L. Pirner, J. Lähnemann, H. Bielefeldt (Eds)(2016), Human rights and religion in educational contexts (Switzerland, Springer 2016) 161-170.

Stuart, H. (2015) *Islamist Terrorism Analysis of Offences and Attacks in the UK (1998-2015)*. Report for the Henry Jackson Society (Henry Jackson Society).

Taylor, P. (2005) *Freedom of Religion: UN and European Human Rights Law and Practice,* (Cambridge, Cambridge University Press 2005).

United Nations (1989) Convention on the Rights of the Child. United Nations Convention (United Nations General Assembly).

United Nations (1995) United Nations Educational, Scientific and Cultural Organization (UNESCO), Declaration of Principles on Tolerance. United Nations Declaration. (United Nations General Assembly).

United Nations (2001), Committee on the Rights of the Child, General comment No. 1 (2001), Article 29 (1), The aims of education, CRC/GC/2001/1.

United Nations (2007), Human Rights Council Resolution 6/37, Elimination of all forms of intolerance and of discrimination based on religion or belief 2007.

United Nations (2015a) ‘Elimination of all forms of religious intolerance, Interim Report of the Special Rapporteur on freedom of religion or belief’, UN Doc A/70/286. UN Report (United Nations General Assembly).

United Nations (2015b) ‘Culture of peace, The United Nations Global Counter-Terrorism Strategy: Plan of Action to Prevent Violent Extremism, Report of the Secretary-General 24 December 2015’ UN Doc. A/70/674. UN Report (United Nations General Assembly).

Wintersgill, B. (2011) *An Evaluation of REsilience / AtGyfnerthu 2009-2011.* Report for the Religious Education Council (Religious Education Council).