



UNITED KINGDOM

<p>Does the country or institution have their own list of designated, banned, or proscribed groups?</p>	<p>Yes</p>
<p>What type of system does the country or institution use?</p>	<p>The UK uses proscription. Groups can be added to the proscribed terrorist groups or organisations list by the Secretary of State if they believe that the group is “concerned in terrorism” and that proscription is a proportionate action to take. This decision is then debated and voted on in the UK Parliament.⁴⁰ The proscription comes into force if Parliament approves the proscription order.</p>
<p>What is the definition of “terrorism” the country or institution employs?</p>	<p>“Terrorism”, as defined in section 1 of the Terrorism Act (TACT) 2000, means the use or threat of action which:</p> <ul style="list-style-type: none"> ● involves serious violence against a person; ● involves serious damage to property; ● endangers a person’s life (other than that of the person committing the act); ● creates a serious risk to the health or safety of the public or section of the public; or ● is designed seriously to interfere with or seriously to disrupt an electronic system. <p>The use or threat of such action must be designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public and be made for the purpose of advancing a political, religious, racial, or ideological cause.⁴¹</p>
<p>How does the designation process relate to the relevant authority’s definition of terrorism?</p>	<p>Groups may only be designated if the Secretary of State believes the group:</p> <ul style="list-style-type: none"> ● commits or participates in acts of terrorism; ● is preparing to commit or participate in terrorism; ● promotes or encourages terrorism (including the unlawful glorification of terrorism); or ● is otherwise concerned in terrorism. <p>This is based on the definition of terrorism provided within TACT 2000.⁴²</p>
<p>Does the country follow UN or EU (if relevant) designation lists and sanctions?</p>	<p>Terrorist groups and individuals are designated under financial sanctions in the UK under UN and UK sanction regimes.⁴³</p>

⁴⁰ Proscribed terrorist groups or organisations, United Kingdom Government Home Office.

⁴¹ Terrorism Act, United Kingdom Government, 2000.

⁴² Terrorism Act, United Kingdom Government, 2000.

⁴³ Financial sanctions targets: list of all asset freeze targets, HM Treasury.





<p>Does designation have an effect on the online realm? Is content created by terrorist groups illegal?</p>	<p>The current Interim Code of Practice on Terrorist Content and Activity Online states that any material created by a proscribed terrorist group, any dissemination of terrorist materials, or any material which meets the definition of an “act of terrorism” or “encouragement of terrorism”, should be removed.⁴⁴ However, this Code is voluntary and not legally binding.</p> <p>Unlawful terrorism-related content is determined by whether the content of the material could potentially give rise to any criminal liability if it were ever hosted, published or distributed by a person who could be apprehended and prosecuted in the UK, subject to the context in which it appears.</p> <p>The draft Online Safety Bill will consider both terrorist content from proscribed entities and content which meets the threshold of encouraging or glorifying terrorism.⁴⁵</p>
<p>Is online content that incites acts of terrorism illegal?</p>	<p>The UK has a number of criminal offences that may be made out, depending on the specific circumstances of the case, including (but not limited to):</p> <ul style="list-style-type: none"> • Sections 1 and 2 of TACT 2006 criminalise public statements that encourage terrorism and the dissemination of terrorist publications, respectively. • Sections 59 to 61 of TACT 2000 make it an offence to incite another person to commit an act of terrorism wholly or partly outside the United Kingdom where that act would, if committed in the UK, constitute one of a number of specified offences. • Section 58 of TACT 2000 makes it an offence to collect, possess or view online, a record of information likely to be useful to a person committing or preparing an act of terrorism. • It is also possible that encouraging someone to carry out a terrorism offence could constitute an offence under the Serious Crime Act 2007.
<p>Is online content that supports designated terrorist groups illegal?</p>	<p>The UK has a number of criminal offences that may be made out, depending on the specific circumstances of the case, including (but not limited to):</p> <ul style="list-style-type: none"> • Section 12 of TACT 2000 makes inviting support for a proscribed organisation illegal. • Section 13 of TACT 2000 makes it illegal to publish an image of an item of clothing or other article (such as a flag) of a proscribed group online in circumstances arousing reasonable suspicion that a person is a supporter of the proscribed group.
<p>Is there a sufficient balance between far-right and violent Islamist groups and individuals?</p>	<p>While the UK has proscribed a number of far-right terrorist groups in recent years, its list of proscribed terrorist organisations is currently outweighed by a far greater number of Islamist terrorist groups.</p>
<p>Are there human rights-compliant mechanisms in place for delisting a group?</p>	<p>Proscribed organisations can apply to the UK government to be deproscribed. Deproscription applications are considered by the Secretary of State. If the application is refused, the applicant may appeal to the Proscribed Organisations Appeal Commission (POAC). The Commission will allow an appeal if it considers that the decision to refuse deproscription was flawed, applying judicial review principles. Either party can seek leave to appeal the POAC’s decision at the Court of Appeal.⁴⁶</p>

⁴⁴ Interim code of practice on terrorist content and activity online (accessible version), United Kingdom Government Department for Digital, Culture, Media & Sport, 2020.

⁴⁵ [Draft Online Safety Bill](#), United Kingdom Government Department for Digital, Culture, Media & Sport, 2021.

⁴⁶ The Proscribed Organisations Appeal Commission (Human Rights Act 1998 Proceedings) Rules, United Kingdom Government, 2006.





<p>What are the weaknesses in the designation process?</p>	<ul style="list-style-type: none"> • The current delisting process does not have a regular, transparent review procedure undertaken by an independent reviewer. While other deproscription processes in the UK meet a thorough human rights standard, this absence highlights a defect in the UK's overall process. • Very few violent far-right extremist groups have been proscribed relative to Islamist terrorist groups. Content from far-right violent extremist groups is, in practice, in a grey area that tech companies themselves must decide whether to regulate.
<p>What do we recommend?</p>	<ul style="list-style-type: none"> • We advise the UK to proscribe more far-right violent extremist groups and their affiliates, in line with ongoing and emerging threats. • The UK could consider expanding their current proscription regime to similarly proscribe individual actors, in line with other nations such as Canada and New Zealand. This would assist in online content moderation of proscribed terrorist material. • We recommend that the UK better synthesise the financial sanctions list and the proscription list to ensure that all proscribed organisations are subject to the same sanctions. • We advise the UK to establish a transparent, regular review process of the proscription list by an independent reviewer to ensure that the process upholds human rights and sufficient safeguards. • We recommend the UK ensures the Online Safety Bill places the responsibility of creating and disseminating terrorist content on the content producers rather than on tech platforms.
<p>Further information and comments</p>	<p>The UK plays a leading role in the proscription of terrorist entities, and its proscription activity within recent years has resulted in the proscription of several extreme right-wing terrorist groups. The UK proscription process has been shown to be a particularly influential model to other democratic nations.</p>

