



Equality Impact Assessment – Counter-Terrorism and National Security Measures

1. Name and outline of policy proposal, guidance or operational activity

Terrorism remains a significant threat. These provisions will update the UK’s counter-terrorism (CT) legislation, delivering on key priorities for operational partners and taking forward several recommendations from the Independent Reviewer of Terrorism Legislation (IRTL).

These measures will:

- Introduce a new tool for the police to intervene earlier in counter-terrorism cases involving young people, reducing the risk of young people being prosecuted for terrorism offences.
- Make limited changes to police powers to disrupt terrorism-related activity and improve management of terrorist offenders.
- Extend an existing terrorism offence to reduce the risk of the prison estate being a permissive place for radicalisation.

This assessment considers the impacts across various measures.

Youth Diversion Orders

As of October 2024, children comprised 13% of Security Service CT casework, representing a threefold increase since January 2021, with a similar proportion reflected in the published Home Office statistics for arrests and convictions under terrorism legislation in Great Britain for the year ending September 2024.

Increasing volumes of young people are being brought into the criminal justice system for involvement in terrorism – a trend that the IRTL, Jonathan Hall KC, has highlighted. The majority of the offences committed by young people (those under 21 years of age for the purposes of the YDO) in recent years relate to online activity, which includes the possession and dissemination of terrorist material. Some of these young people are assessed to pose a low terrorism risk, though others may pose a more marked national security threat, such as engaging in preparation of terrorist acts.

In his annual report on the Operation of the Terrorism Acts in 2021, the IRTL recommended consideration of a new “child violence diversion order”, which would provide a diversion tool that respects the vulnerabilities of younger people (for example, their being at an earlier stage of mental development) while providing proportionate risk management¹.

The IRTL’s recommendation forms the basis of the proposed YDO. The YDO would be available for individuals up the age of 21, rather than for children only, given the similarities in offending behaviour in a terrorism context and similar developmental considerations applying between under-18s and those aged 18 to 21.

¹ “The Terrorism Acts in 2021” ([The Terrorism Acts in 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92484/terrorism-acts-2021.pdf)) (see paragraphs 7.52 – 7.89).

Policy summary

The Bill will introduce a power for the police to apply for a Youth Diversion Order (YDO): a civil order to disrupt young people involved in terrorism offending at an earlier stage and divert them from the wider criminal justice system, including prosecution.

The police would be able to apply to a Youth or Magistrates Court to impose a YDO on a young person (aged 21 and under) if, on the balance of probabilities, the court assesses there is evidence that the young person has committed a terrorism-related offence or conducted themselves in a way that was likely to facilitate the commission of a terrorism offence. The court would also need to agree that the order is necessary and proportionate to manage the risk posed by the young person. The order will permit the police to impose restrictive and rehabilitative measures, the former to restrict offending behaviour, such as the collection and/or dissemination of terrorist material online, and the latter to provide targeted interventions for other aggravating factors, such as ideological and practical mentoring.

Prevention of terrorism and state threats: unapproved articles capable of being used as a weapon.

Introduction

The Terrorism Prevention and Investigation Measures (TPIM) Act 2011 supports the management of those involved in terrorism-related activity who cannot be prosecuted to prevent them carrying out further terrorism-related activity. Schedule 1 to the TPIM Act 2011 sets out the measures which may be imposed under a TPIM Notice. These measures include a weapons and explosives measure which prohibits owning e.g. guns, offensive weapons or explosives.

The TPIM Act 2011 does not allow the prohibition of the possession of bladed articles or other articles capable of being used as a weapon, where these have other legitimate uses, unless it can be shown that these are intended to be used as a weapon.

State Threats Prevention and Investigation Measures (STPIMs) were introduced by the National Security (NS) Act 2023 and replicate the TPIM regime for the purpose of preventing an individual's involvement in foreign power threat activity, as defined at section 33 of the NS Act 2023.

The TPIM Act 2011 and the NS Act 2023 will be amended to support the police and Security Service to manage the risk from those involved in terrorism-related activity and foreign power threat activity, by broadening the definition of weapons within the Act. This will better support restricting TPIM and STPIM subjects' access to weapons and other articles capable of being used as a weapon.

This measure will only relate to reserved matters as this relates to national security, and any impact on policing and justice will be incidental to that.

The total number of individuals who have been served a TPIM Notice since the TPIM Act 2011 received Royal Assent (December 2011) up to 31 December 2023 is 31. There have been no STPIMs to date.

Seizure of any article displayed in a public place if it arouses reasonable suspicion that an individual is a supporter or member of a proscribed group.

Introduction

Section 13 of the Terrorism Act (TACT) 2000 makes it an offence to wear any uniform, or wear, carry or display an article (including publishing images online), in a way which would arouse reasonable suspicion that the individual is a supporter or member of a proscribed organisation.

The Counter-Terrorism and Border Security Act 2019 made changes to provide a bespoke power to seize articles covered by section 13. This was required as existing seizure powers were dependent upon arrest, and arrest is not always the most suitable disruptive option for a section 13 arrest, for example in a public order context this may inadvertently escalate the situation.

In his annual report on the Terrorism Acts in 2022², the IRTL highlighted a particular issue with the seizure powers in a Northern Ireland (NI) context, given that they are only available if the police reasonably suspect the article is evidence in relation to a section 13 offence and that it is necessary to seize the article to prevent the evidence being concealed, lost, altered or destroyed. Given that, for example, flags on lampposts in NI often appear with no connection to any individual who displayed them, the Police Service of Northern Ireland (PSNI) are often unable to use the section 13 seizure powers to remove these articles, as there would be no prospect of a section 13 prosecution against any individual and the purpose of the seizure would actually be to prevent the ongoing display.

This measure will make changes to the existing seizure powers in section 13 of TACT 2000 to ensure the police can seize section 13 articles displayed in public places to prevent their continued display even where there is no reasonable prospect of prosecution. The Department has engaged with the Northern Ireland Office, PSNI and CT Policing on this measure, and whilst the Department does not consider that this will result in a significant uplift in seizures by the police, they support making this change to improve the flexibility of the seizure power.

This measure will have the same territorial extent as section 13 TACT 2000 (UK-wide).

Application of certain terrorism offences (wearing of uniform /displaying an article) to conduct in prisons as well as other prescribed places of detention or residence.

Introduction

In 2021, following several terrorist attacks committed by serving prisoners or released terrorist offenders (HMP Whitemoor, Fishmongers' Hall and Streatham), the IRTL undertook a review of terrorism in prisons and this measure forms a part of his recommendations following that report.

The objective of this measure is to ensure that the prison environment is not permissive for radicalisation, recognising that allowing such activity to take place within the prison estate risks undermining confidence in the criminal justice system, negatively impacting on other prisoners and increasing the risk of radicalisation, and rehabilitation efforts.

² [The Terrorism Acts in 2022 - GOV.UK](#)

Section 13(1) TACT 2000 makes it an offence for a person, in a public place, to wear an item of clothing, or wear, carry or display an article, in a way which arouses reasonable suspicion that the individual is a supporter or member of a proscribed organisation.

The Bill will implement and build upon a recommendation made by the IRTL, replicating the existing offence at section 13(1) TACT 2000 so that it can be committed in prisons and other prescribed places of detention or residence, specifically:

- prisons,
- young offender institutions,
- secure training centres,
- approved premises,
- relevant military detention facilities, and,
- immigration removal centres.

Management of historic terrorism-connected offenders

Introduction

These measures will help protect the public by ensuring the police and the probation service have the tools needed to manage the risk posed by a specific cohort of 'historic terrorist-connected offenders' upon release. The measures will permit the police, or the Secretary of State, to apply to the courts to impose existing Registered Terrorist Offender notification requirements (introduced by the Counter Terrorism Act 2008) on members of this cohort. If the court application is approved, the measures also ensure that additional existing risk management tools become available for use by the police. These additional tools are the powers of urgent arrest and personal search for terrorist, and terrorist-connected, offenders on licence (sections 43B and 43C of the Terrorism Act 2000).

This measure sits alongside a similar clause in the Bill which expands polygraph testing to this cohort of offenders.

Policy Summary

The Counter-Terrorism Act (CTA) 2008 introduced a requirement for courts to consider whether a 'terrorist connection' is an aggravating factor when sentencing for a specific set of non-terrorism offences. This requirement was widened through the Counter-Terrorism and Sentencing Act (CTSA) 2021, which expanded the scope to include all non-terrorism offences which carry a maximum penalty of more than two-years' imprisonment. A terrorist connection results in sentence aggravation and the offender being subject to the terrorist notification requirements following their release.

As a result of designating an offence as 'terrorist connected' various risk management powers provided by other legislation become available including:

- Notification requirements - section 42 of the Counter-Terrorism Act 2008 (CTA 2008).
- Power of arrest - section 43B TACT 2000.
- Power to search terrorist offenders released on licence – section 43C TACT 2000.

A limited cohort of offenders has been identified where, if they had been sentenced after the 'terrorism-connection' designation came into force, i.e. after 2009, the courts would likely have designated their offences as terrorism-connected. As a result,

relevant risk management tools cannot currently be applied to individuals in this cohort.

The extension of these risk management tools will apply retrospectively to all sentences already imposed, covering a small cohort of serious terrorist connected offenders, some of whom have already been released on licence, and others who are still in custody.

National security is a reserved matter; therefore, this measure will apply UK-wide.

2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

England and Wales General Population

[Census - Office for National Statistics](#)

For the purpose of comparison, the table below shows the ONS 2021 population estimates for England and Wales, broken down by ethnicity, age, gender, sexual orientation, religion and gender identity.

Table 1: Population of England and Wales by ethnic group, Census 2021

Ethnic Group	Census 2021 (percent)
Asian, Asian British or Asian Welsh	9%
Black, Black British, Black Welsh, Caribbean or African	4%
Mixed or Multiple ethnic groups	3%
Other Ethnic Group	2%
White	82%

Table 2: Population of England and Wales by age group, Census 2021

Age Group	Census 2021 (percent)
<18	21%
18 to 24	8
25 to 29	7%
30 to 39	14%
40 to 49	13%
50+	38%

Table 3: Population of England and Wales by sex, Census 2021

Sex	Census 2021 (percent)
Female	51%
Male	49%

Table 4: Population of England and Wales by sexual orientation, Census 2021.

Sexual Orientation	Census 2021 (percent)
Heterosexual	89.4%
Gay or Lesbian	1.5%
Bisexual	1.3%
Other sexual orientation	0.3%

Table 5: Population of England and Wales by religion, Census 2021.

Religion	Census 2021 (percent)
Christian	46.2%
Muslim	6.5%
Hindu	1.7%
Buddhist	0.5%
Jewish	0.5%
Sikh	0.9%
Other religion	0.6%
No religion	37.2%

Table 6: Population of England and Wales by gender identity, Census 2021.

Gender Identity	Census 2021 (percent)
Gender identity was different to their sex registered at birth	0.5%

Operation of police powers under TACT 2000, to September 2024

[Operation of police powers under TACT 2000, to September 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-september-2024)

This published data includes statistics relating to the Terrorism Act 2000 and subsequent legislation. It also provides a breakdown of specific protected characteristics of those in custody and arrested. The latest available data covers the period up until 30 September 2024.

The data in this publication comes from a range of sources:

- Data for the ‘arrests and outcomes’ section are provided by the Counter Terrorism Policing Headquarters (CTPHQ) Coordination Centre for the jurisdiction of Great Britain.
- Data for the ‘terrorist prisoners’ section are provided by HM Prison and Probation Service (HMPPS) and the Scottish Prison Service (SPS).

Terrorist Offenders – under the age of 21

When evaluating the impact of the Youth Diversion Order, statistics for those under 21 years old have been considered.

Below is a breakdown of statistics between the year to September 2022 and the year to September 2024 for under 21s arrested for terrorism-related activity by age, sex and ethnicity.

- **Age:**

Table 7: Under 21s arrested for terrorism-related activity, Year to September 2022 - Year to September 2024

Age Group	Year to September 2022	Year to September 2023	Year to September 2024
17 and under	31	34	32
18-20	32	23	30
Total	63	57	62

- **Sex:**

Table 8: Under 21s arrested for terrorism-related activity, by sex, Year to September 2022 - Year to September 2024

Sex	Year to September 2022	Year to September 2023	Year to September 2024
Female	3	4	11
Male	60	53	51
Total	63	57	62

- **Ethnicity:**

Table 9: Under 21s arrested for terrorism-related activity, by ethnicity, Year to September 2022 - Year to September 2024

Ethnic categorical group	Year to September 2022	Year to September 2023	Year to September 2024
A1 Indian	1	1	0
A2 Pakistani	17	7	7
A3 Bangladeshi	5	1	3
A9 any other Asian background	4	8	9
B2 African	0	1	0
B9 any other black background	0	1	1
M3 white and Asian	0	0	1
M9 any other mixed	0	2	1
Not stated	0	2	3
O2 Arab	5	2	7
O9 any other	1	4	2
W1 British	24	23	23
W9 any other white background	6	5	5
Total	63	57	62

Terrorist Offenders

As of 30 September 2024, there were 254 persons in custody for terrorism and terrorism-connected offences in Great Britain. Of the latest data available (year

ending 30 June 2024) a total of 58 prisoners held for terrorism and terrorism-connected offences were released from custody in Great Britain.

When evaluating the impact of these measures on individuals with protected characteristics, the following have been considered:

- **Age:**

Table 10: Number by age group of persons convicted after a charge for a terrorism-related offence (to note this includes convictions for both terrorism-related and non-terrorism-related activity, where the initial charge was terrorism-related) as a total since 11 September 2001 to 30 September 2024.

Age Group	Number of offenders convicted after a charge for terrorism-related activity
17 and under	80
18-20	154
21-24	236
25-29	256
30 and over	508

The figures highlight that the proposals may have a differential impact on age, for example those aged 18-24 make up 32% of all offenders convicted of a terrorism-related offence in Great Britain, in comparison to only making up 8% of the general population in England and Wales according to data from the Census 2021.

- **Sex:** The number by sex of persons convicted after a charge for a terrorism-related offence (to note this includes convictions for both terrorism-related and non-terrorism-related activity, where the initial charge was terrorism-related) as a total since 11 September 2001 to 30 September 2024: 1,137 males and 97 females. These figures demonstrate that there is currently an over-representation of men, therefore note that there may be a differential impact on males.

- **Ethnicity:**

Table 11: The number of persons convicted after a charge for a terrorism-related offence, by self-defined ethnicity as a total since 1 July 2021 to 30 September 2024³ -

Self-defined ethnicity	Number of persons
A1 Indian	1
A2 Pakistani	22
A3 Bangladeshi	9
A4 Chinese	-
A9 Any Other Asian Background	13
B1 Caribbean	2
B2 African	3
B9 Any other Black Background	3
M1 White and Black Caribbean	1
M2 White and Black African	-
M3 White and Asian	3
M9 Any Other Mixed	1
NS Not Stated	2
O2 Arab	8
O9 Any Other	4
W1 British	64
W2 Irish	1
W3 Gypsy or Irish Traveller	-
W9 Any Other White Background	9

This data shows that the proposals could have a differential impact on ethnic minorities. For example, those who self-define as Asian⁴ made up 62% of those convicted after a charge for terrorism-related offence in Great Britain from terrorism-related arrests between 1 October 2021 to 30 September 2024. In comparison, only 9% of the general population self-define as Asian in England and Wales according to data from the Census 2021.

- **Religion:** The number of persons in custody for terrorism-related offences, by self-declared religion, as of 30 September 2024 – 47 Christian, 161 Muslim, 8 no religion, 9 other religious groups. This data shows that the proposals could have a differential impact on Muslims.

HM Prison and Probation Service (HMPPS) Offender Equalities Report 2023/24 and Youth custody data.

[HMPPS Offender Equalities Annual Report 2023 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/HMPPS_Offender_Equalities_Annual_Report_2023_to_2024.pdf)

To note that these statistics only cover England and Wales, and only cover prisons not the other locations mentioned above. The Department has therefore used the statistics as a proxy when considering the other locations.

[Youth custody data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/Youth_custody_data.pdf)

³ From the year ending June 2022 publication onwards, self-defined ethnicity data on those arrested for terrorism-related offences will be published using the ONS 18+1 self-defined ethnicity codes.

⁴ Those who self-define as A1, A2, A3, A4, A9

- **Age** - As of 31 March 2024, a third (33.4% or 29,339) of prisoners were in the 30 to 39 age group, the second largest age group was the 40 to 49 age group, which covered 20.7% (18,175) of the prison population. The younger prison population has been falling since 2013 whereas the over 30 prison population has been steadily rising. Prisoners that were under 25 made up 13.1% (11,509) of the population.

For October 2024 the population of the Children and Young People's Secure Estate, for under 18-year-olds, was 400. If including those aged 18 years and older, it was 525. This is broken down into 97 in Secure Children's Homes (including the Secure School), 62 in Secure Training Centres and 366 in Young Offender Institutions.

- **Gender Reassignment** - There were 295 transgender prisoners in the 2024 data collection.
- **Race** - In England and Wales, as of 31 March 2024, white prisoners made up 68.3% (10,809) of the remand prison population and 73.7% (52,000) of the sentenced prison population. At this same point in time prisoners who self-declared as being from a black or black British ethnic background made up 12.9% (2,047) of the remand prison population and 12.1% (8,534) of the sentenced population. Prisoners who declared their ethnicity as Asian or Asian British represented 9.5% (1,506) of remand and 7.8% (5,530) of sentenced prisoners.
- **Religion or belief** - As of 31 March 2024, within the England and Wales prison population almost half (44.6% or 39,068) that specified a religion or belief self-identified as being Christian 31.0%; 27,122 prisoners identified as having no religion; and 18.2% (15,909) identified as being Muslim.
- **Sex** - On 31 March 2024, males made up 95.9% (84,234) of the total prison population and females 4.1% (3,635).
- **Sexual orientation** - On 31 March 2024, 97.0% (88,032) of prisoners who declared a sexual orientation reported that they were heterosexual.

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where direct and indirect discrimination is not addressed, that is because at this time the Department has assessed that there is no direct or indirect discrimination to be considered for that measure or in relation to a particular protected characteristic; the Department will keep this under review and update as necessary.

Youth Diversion Orders

There is no available data on the cohort of people who would be impacted by these measures since the cohort has not been formally identified and any application will be an operational decision for the police to take, informed by multi-agency partners, and would be subject to review by the Court. However, the Department considers

that published data on existing terrorist offenders under the age of 21⁵ may be useful to provide an indicative picture of the cohort of individuals who may be captured by this new measure. This data is used as a proxy across all analysis below in the absence of specific data on this cohort.

Consideration has been given to each of the protected characteristics under the Equality Act.

Age

Direct Discrimination

This measure will directly discriminate on the basis of age as it will only be available to those under 21 at the time that the police make the application to the Courts. This means that anyone over 21, who would otherwise be eligible for the measure were it not for their age, would not benefit from the diversionary aims of the measure because the police would be unable to apply to the courts to impose a YDO on them. However, the Department assesses that this discrimination is objectively justifiable and proportionate for the following reasons:

- There is a greater need for diversion from the criminal justice system for young people, particularly those under the age of 18. In the absence of implementing the measure, the risk of young people becoming further involved with the criminal justice system would be higher. The consequence of a terrorism conviction in particular can be severe, with many terrorism offences never becoming spent on an offender's record. The IRTL has also highlighted the negative impact of terrorist convictions on young people and their life prospects⁶.
- The Department assesses that, whilst there will continue to be serious cases involving young people that may progress to prosecution, it is important to recognise how the mental development of young people affects radicalisation pathways that can lead to offending behaviour. For example, thrill-seeking tendencies⁷, a strong desire for belonging⁸, and susceptibility to peers' influence⁹ are all youth-specific radicalisation factors that are understood to increase their likelihood of radicalising their peers, as well as their vulnerability to the appeal of extremist ideologies^{10 11}. Furthermore, in some cases, young people may be committing terrorism offences without understanding the full implications of their activity. As a result of this and recognising the fact that the relevant prosecuting authority will need to take age into consideration as part of considering whether a prosecution, terrorism-related or otherwise, is in the public interest, prosecutors can understandably be cautious about charging young people with terrorism offences. This means that young people are generally less likely to be charged with a terrorism offence, depending on the

⁵ Operation of police powers under TACT 2000, to September 2024 – GOV.UK

⁶ [The Terrorism Acts in 2021 - report of the Independent Reviewer of Terrorism Legislation \(accessible\) - GOV.UK](#)

⁷ Darden, J.T., 2019. *Tackling terrorists' exploitation of youth*. Washington, DC: American Enterprise Institute.

⁸ Rose, H. and Vale, G. 2023. "Childhood innocence?: Mapping trends in teenage terrorism offenders. International Centre for the Study of Radicalisation (ICSR). (<https://icsr.info/2023/11/15/childhood-innocence-mapping-trends-in-teenage-terrorism-offenders/>)

⁹ Kenyon, J. and Simpson, K. 2024. "Developmental milestones and terrorism: age-linked variations in risk assessment". *The Journal of Forensic Practice*, awaiting print.

¹⁰ Rekker, R., Keijsers, L., Branje, S., and Meeus, W. H. J. (2015) "Political attitudes in adolescence and emerging adulthood: Developmental changes in mean level, polarization, rank-order stability, and correlates". *Journal of Adolescence*, Vol. 41 No. 1, pp. 136-147.

¹¹ Schröder, C. P., Bruns, J., Lehmann, L., Goede, L.-R., Bliesener, T., and Tomczyk, S. (2022).

"Radicalization in Adolescence: The identification of vulnerable groups". *European Journal of Criminal Policy and Research*, Vol. 28, pp. 177-201.

circumstances and severity of the offending in question, in comparison to adults. As a result, where a young person is not charged with a terrorism-related offence, but is assessed to continue to pose a risk, there are currently limited options for managing that risk in a youth-centred way, whilst also reducing the risk the activity escalates to the extent that a charging decision becomes unavoidable.

- Young people, particularly those under 18, are also assessed to be more vulnerable to radicalisation, particularly online, and therefore they may be more susceptible to becoming involved in terrorism-related activity, in comparison to adults over the age of 21^{12, 13}.
- Young people between the ages of 18 and 21 who are radicalised and/or engaging in terrorist offending are understood to exhibit mostly similar characteristics of concern to under-18s that the measure would primarily target, in comparison to the characteristics observed in over-21s, particularly in relation to rates of online radicalisation¹⁴, psychological factors and intent and capability¹⁵.

The Department's assessment is that this provision is not directly discriminatory within the meaning of the Equality Act 2010 on any characteristics other than age (analysis above). Any potential indirect discrimination is considered below:

Disability

Indirect Discrimination

The measure would be available regardless of disability. However, the Department assesses that the measure could indirectly discriminate on this basis. This seems unlikely in relation to physical disabilities as there is no available evidence suggesting that those individuals who may be subject to a YDO would be more likely to have a physical disability.

Indirect discrimination could be more likely in respect of individuals with mental health conditions, such as poor mental health, or neurodivergent conditions, based on the available literature¹⁶. The IRTL has also highlighted that, anecdotally, mental health or neurodiversity, particularly the presence of autism spectrum disorder, is a significant factor in young people involved in terrorism-related activity¹⁷.

However, small sample sizes and conflation of poor mental health and neurodivergent conditions in the literature means that it is difficult to definitively conclude that the prevalence of poor mental health and neurodivergent conditions is greater among those that would be subject to the YDO. Other available literature can also be focused on terrorist prisoners, who tend to be over 18 or older, given that most young people sentenced for terrorism offences receive non-custodial sentences. Furthermore, mental health difficulties may be associated with all types of

¹² Kenyon, J. and Simpson, K. 2024. "Developmental milestones and terrorism: age-linked variations in risk assessment". *The Journal of Forensic Practice*, awaiting print.

¹³ Kenyon, J., Binder, J., and Baker-Beall, C. (2022). "Understanding the role of the Internet in the process of radicalisation: An analysis of convicted extremists in England and Wales. *Studies in Conflict & Terrorism*. 47(12), 1747-1771.

¹⁴ Rose, H. and Vale, G. 2023. "Childhood innocence?: Mapping trends in teenage terrorism offenders. International Centre for the Study of Radicalisation (ICSR). (<https://icsr.info/2023/11/15/childhood-innocence-mapping-trends-in-teenage-terrorism-offenders/>)

¹⁵ Kenyon, J. and Simpson, K. 2024. "Developmental milestones and terrorism: age-linked variations in risk assessment". *The Journal of Forensic Practice*, awaiting print.

¹⁶ E.g. Kenyon, J. and Simpson, K. 2024. "Developmental milestones and terrorism: age-linked variations in risk assessment". *The Journal of Forensic Practice*, awaiting print.

¹⁷ [The Terrorism Acts in 2022](#) (page 91).

offending by young people (three times higher than the general population), rather than being a factor directly related to terrorism¹⁸.

As a result, it is not possible to determine from the available data whether there would be indirect discrimination on the grounds of mental disability.

Where the measure is imposed on a young person who has a disability, including where the disability is assessed to aggravate their terrorism risk, the police would engage with youth justice services to agree an appropriate response taking any additional needs or reasonable adjustments into account. Furthermore, the decision by the court to impose this measure would be based on the evidence provided to the judge about the involvement of the young person in terrorism-related activity, which is not determined by protected characteristics, and the necessity to impose a YDO. Therefore, the Department assesses that any potential indirect discrimination on the basis of disability would be objectively justified as the court would have to consider it necessary to reduce risk. The measures included in the YDO would also have to be assessed to be proportionate by the court, and given the YDO is intended to be a diversionary option with a stronger focus on rehabilitation, the Department assesses any indirect discrimination would be proportionate in achieving a legitimate aim.

Pregnancy and Maternity

Indirect Discrimination

The data on those under the age of 21 who were arrested for terrorism offences between September 2022 – 2024 highlights that the vast majority of individuals arrested were male. This is in line with available data on terrorist offenders generally, regardless of age. There is no available data on pregnancy or maternity for female terrorist offenders. However, the measure will only be available for individuals under the age of 21, and as a result it may be less likely to impact those who are pregnant or have children. In summary, it is assessed that any indirect discrimination on this basis is highly unlikely.

Race

Indirect Discrimination

This measure will apply irrespective of race. 45% of under-21s arrested for terrorism-related activity in Great Britain in the year ending September 2024 were recorded as being white (compared to other ethnic categories as recorded by Counter Terrorism Policing). This compares to 82% of the general population (all ages) in England and Wales recorded through the Census 2021. 31% of under-21s arrested for terrorism-related activity in Great Britain in the same period were recorded as being of Asian background. This compares to 9% of the general population in England and Wales recorded through the Census 2021. As a result, the measure could indirectly discriminate on the basis of race, given that certain ethnic groups are overrepresented in the data on individuals who were under 21 and have been arrested for terrorism-related activity. The breakdown of certain ethnic groups over others reflects the nature of the terrorist threat in the UK at present, rather than any intention to target specific ethnic groups. The Department assesses that any indirect

¹⁸ Galvin, C., Martin, A., Milburn, P and Kennedy, P. J. (2023) "Young people and terrorism: A systematic review of risk and vulnerability factors, and implications for intervention". *Safer Communities* (awaiting print).

discrimination would therefore be justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Religion or Belief

Indirect Discrimination

The UK's definition of terrorism, which terrorism offences are based on, includes the use or threat of action where this is made for the purpose of advancing a cause, including a religious cause. As a result, the statistics on terrorist offenders may over-represent certain religions in comparison to the make-up of religious beliefs across the UK. Publicly available data on children convicted of terrorism-related offences between 2016-2023 indicates that 58% of cases related to an extreme right-wing ideology, while 37% relate to Islamist terrorism¹⁹. The remainder were assessed to have a mixed, unstable or unclear ideology. However, the predominant representation of certain religious beliefs likely to be captured by this policy reflects the nature of the terrorist threat in the UK. The Department assesses that any indirect discrimination would therefore be objectively justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Sex

Indirect Discrimination

The measure will apply irrespective of sex. However, 82% (51 out of 62 individuals) of those under 21 who were arrested for terrorism-related activity in the year ending September 2024 were male, suggesting that the measure could indirectly discriminate on the basis of sex. However, the current statistics on sex reflect the nature of the terrorist threat in the UK. The Department assesses that any indirect discrimination would therefore be justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Prevention of terrorism and state threats: unapproved articles capable of being used as a weapon.

There is no publicly available data on the cohort of people who are currently or have been subject to a TPIM, due to the anonymity granted to those individuals by the courts (and there have not to date been any STPIMs imposed). However, published data on existing terrorist offenders (Operation of police powers under TACT 2000, to September 2024), may be useful to provide an indicative picture of the cohort of individuals who may be captured through these measures. This data is used as a proxy in the absence of specific data on this cohort.

Consideration has been given to each of the protected characteristics under the Equality Act. The Department's assessment is that this provision is not directly discriminatory within the meaning of the Equality Act 2010.

It should be noted that the proposed measures will only be applied to an individual subject to TPIM or STPIM measures if it is considered necessary on the facts of the individual case, regardless of any protected characteristic, and this assessment must be approved by the court. Any individual subject to the proposed measure will be legally entitled to request a variation. The TPIM Act also provides a right of appeal for

¹⁹ Rose, H. and Vale, G. 2023. "Childhood innocence?: Mapping trends in teenage terrorism offenders. International Centre for the Study of Radicalisation (ICSR). (<https://icsr.info/2023/11/15/childhood-innocence-mapping-trends-in-teenage-terrorism-offenders/>)

any individual subject to a TPIM order. This right of appeal may be against the order as a whole or against specific measures.

Below consideration is given to any indirect discrimination impacts of the provision:

Disability

Indirect Discrimination

It is possible that the proposed measure could disproportionately impact individuals who require certain equipment as a result of a medical condition or physical impairment (such as a walking stick or crutches). It is highly unlikely that in such a case that a variation request would need to be made: such items would be included as permitted items in any TPIM measures. The Department assesses that any indirect discrimination would therefore be justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Race

Indirect Discrimination

Historically, all TPIMs (with one exception) have been imposed on individuals from a minority ethnic background. While there has been no direct discrimination against BAME individuals, TPIMs have indirectly discriminated against them. This is necessary to protect the public from the real risk of terrorism. It is therefore proportionate: this has been endorsed several times by the Courts. The Department assesses that any indirect discrimination would therefore be justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Religion or Belief

Indirect Discrimination

The latest available figures show that there are 254 persons in custody for terrorism and terrorism-connected offences in Great Britain. Of those who self-declared their religion, 63% were Muslim, 19% were Christian and 3% declared they had no religion.

Historically, all TPIMs (with one exception) have been imposed upon individuals assessed to have an extremist Islamist mindset. These orders have therefore discriminated against Muslims. This discrimination is indirect and necessary to protect the public from the real risk of terrorism. It is therefore proportionate: this has been endorsed several times by the Courts. The Department assesses that any indirect discrimination would therefore be justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Sex

Indirect Discrimination

The latest figures available show that of the 254 individuals currently in custody for terrorism and terrorism-connected offences the vast majority are male. This means that potentially, the measure would disproportionately impact men. However, It should be noted that the measure would apply equally to anyone on a TPIM, regardless of sex. Therefore, the Department assesses that any indirect

discrimination would therefore be justified as the measure would only be imposed where a court considered it necessary to reduce risk.

Seizure of any article displayed in a public place if it arouses reasonable suspicion that an individual is a supporter or member of a proscribed group.

This measure provides the police with an expanded seizure power which would be used in cases where articles caught by the Section 13 offence are found in public places but where there is no clear connection to any individual. The seizure of these articles is not considered to affect any particular cohort of individuals.

The Department does not assess that this measure risks directly or indirectly discriminating on the grounds of any protected characteristic.

Application of certain terrorism offences (wearing of uniform /displaying an article) to conduct in prisons as well as other prescribed places of detention or residence.

There is no available data on the precise cohort of people likely to be impacted by these measures as data on protected characteristics is not published across all of the locations the offence would be expanded to.

However, the Department assesses that published data on the prison population is a suitable proxy for understanding the potential for discrimination on protected characteristics. This includes data from HM Prison and Probation Service (HMPPS) Offender Equalities Report 2023/24^{20, 21}, as well as Youth custody data²². The HMPPS Offender Equalities 2023/24 report contains the latest information on progress and achievements pertaining to equalities objectives, as stated in the Equality Act 2010.

The Department's assessment is that this provision is not directly discriminatory within the meaning of the Equality Act 2010. The provision does not treat people less favourably because of a protected characteristic and applies in the same way to all individuals at the relevant premises.

Groups overrepresented in the prison population in England and Wales compared to the general population are as follows:

- those who are male;
- those aged between 30 and 39;
- those with a Black or Black British ethnicity, or from a mixed ethnic group;
- those who are Muslim.

The overrepresentation of certain groups within the prison population within the available data suggests that they may be more likely to be affected by the application of this offence to prison settings. Any indirect discrimination on a particular group is objectively justified as a proportionate means of achieving the Government's legitimate aim of protecting the public from the threat of terrorism.

To mitigate risks of inconsistent application between groups, provision will be made for staff training, and prison officers' continuous professional development. Operational guidance will be updated to incorporate this offence, which will be

²⁰ To note that these statistics only cover England and Wales, and only cover prisons not the other locations mentioned above. We have therefore used the statistics as a proxy when considering the other locations.

²¹ [HMPPS Offender Equalities Annual Report 2023 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118112/hmpps-offender-equalities-annual-report-2023-to-2024.pdf)

²² [Youth custody data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118112/youth-custody-data-2023-to-2024.pdf)

completed in time for it coming into force to help ensure the application of the offence is always necessary and proportionate and in accordance with the law.

Age

Indirect Discrimination

Available data would suggest that certain age groups (detailed above) are more likely to be in a position to commit the offence, i.e. in a prison setting. The predominant representation of certain groups likely to be captured by this policy however reflects the prison population in the UK. Any indirect discrimination would therefore be objectively justified and correspond directly to this cohort.

Race

Indirect Discrimination

The available data shows that the proposals could have a small differential impact on ethnic minorities due to the overrepresentation of certain ethnic groups in the prison population in England and Wales. However, any indirect discrimination would reflect the nature of the prison population. Any indirect discrimination would therefore be objectively justified and correspond directly to this cohort.

Religion or Belief

Indirect Discrimination

This data shows that in comparison to the England and Wales population the proposals could have a differential impact on the Muslim population. The predominant representation of certain groups likely to be captured by this policy however reflects the prison population in the UK. Any indirect discrimination would therefore be objectively justified and correspond directly to this cohort.

Sex

Indirect Discrimination

It is likely that these measures will affect males more than females. As with age, this is a reflection of the make-up of the England and Wales prison population. Any indirect discrimination would therefore be objectively justified and correspond directly to this cohort.

Sexual Orientation

Indirect Discrimination

This data shows that in comparison to the England and Wales population the proposals could have a small differential impact on heterosexuals. The predominant representation of certain groups likely to be captured by this policy however reflects the prison population in the UK. Any indirect discrimination would therefore be objectively justified and correspond directly to this cohort

Management of historic terrorism-connected offenders

There is no available data on the cohort of people who would be impacted by these measures since the cohort has not been formally identified and any application will be subject to review by the Court. However, published data on existing terrorist-

connected offenders may be useful to provide an indicative picture of the cohort of individuals who may be captured through these new measures. This data is used as a proxy in the absence of specific data on this cohort.

The Department's assessment is that these measures do not directly discriminate against specific protected characteristics, within the meaning of the Equality Act 2010. They do not treat people less favourably because of their protected characteristics and they apply in the same way to all individuals who are in scope, regardless of their protected characteristics.

Eligibility for these risk management tools is determined by criteria relating to the individual's offence (e.g. type of offence and length of sentence, and when the individual was sentenced), as well as relevant policy criteria (an assessment of the public safety risk posed by the offender, for example). These measures would make changes to how the offender can be managed if they are released from prison – but not in a way that is determined by personal characteristics – and only following an order made by the court. For this reason, it is not anticipated that the measure will directly discriminate on any offender with protected characteristics. The overrepresentation of some groups within scope of this policy reflects the nature of the terrorist threat in the UK.

There is no available data on the cohort of people who would be impacted by these measures since the cohort has not been formally identified and will be subject to review by the Court. However, the Department considers the existing data based on offenders with a terrorist-connection useful to provide an indicative picture of the cohort of individuals who may be captured.

Indirect impacts are considered across the protected characteristics below:

Race

Indirect Discrimination

As of 30 September 2024, quantitative data²³ suggests that Asian/British Asian individuals within the Criminal Justice System (CJS) have been disproportionately affected by terrorism legislation relative to the percentage of Asian/British Asian in the total population. This may suggest that these measures will affect this cohort more than others. The predominant representation of certain groups likely to be captured by this policy however reflects the nature of the terrorist threat in the UK. Any indirect discrimination would therefore be objectively justified and correspond directly to this threat.

Religion or Belief

Indirect Discrimination

Terrorism offences and by extension 'terrorist-connected' offences can often have an ideological motivation and as a result this cohort of offenders may over represent certain religions or beliefs. As of 30 September 2024, the majority of terrorist-connected offenders in custody were Muslim²⁴. The predominant representation of certain groups likely to be captured by this policy however reflects the nature of the terrorist threat in the UK. Any indirect discrimination would therefore be objectively justified and correspond directly to this threat.

²³ [Operation of police powers under TACT 2000, to September 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-september-2024)

²⁴ [Operation of police powers under TACT 2000, to September 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-september-2024)

Sex

Indirect Discrimination

The existing cohort of terrorist-connected offenders is predominantly male. It is likely that these measures will affect males more than females. The predominant representation of certain groups likely to be captured by this policy however reflects the nature of the terrorist threat in the UK. Any indirect discrimination would therefore be justified and correspond directly to this threat., but it is assessed that any indirect discrimination on the basis of sex is objectively justified due to the need to manage the public safety risks posed by specific offenders.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where advancing equality of opportunity is not addressed, that is because at this time the Department has assessed that the measures will not have a positive or negative effect on advancing equality of opportunity between people who share a protected characteristic and people who do not share; the Department will keep this under review and update as necessary.

Youth Diversion Orders

This measure does not put people with protected characteristics at a particular disadvantage when compared to others who do not share those characteristics. While those above the age of 21 will not benefit from the tool compared to those under 21, the Department assesses that this is proportionate because it reflects the nature of youth terrorism offending, for example the greater need for early diversion and the need for youth justice services to provide expertise on wider factors which may be contributing to a young person's involvement in terrorism-related activity.

Terrorism offences often require evidence of motivation, including racial or religious motivations. As a result, people with certain protected characteristics (e.g. religion, ethnicity) may be overrepresented relative to their representation in the total population. Similarly, the current cohort of young people engaging in terrorism related activity is understood to be predominantly male.

Regarding age, the Department assesses that the YDO will minimise the disadvantages faced by young people, especially children, who come into contact with the criminal justice system for terrorism related activity. This is because it will provide a more youth-centred approach to divert those individuals away from more serious criminal outcomes either imposed through conviction for a terrorism offence and/or through the use of existing CT risk management tools where they are available for under 18s, such as Terrorism Prevention and Investigation Measures, which are less well-suited to the needs of young people.

Prevention of terrorism and state threats: unapproved articles capable of being used as a weapon.

This measure does not put people with protected characteristics at a particular disadvantage when compared to others who do not share those characteristics.

The Department has not identified ways in which this measure could advance equality of opportunity between people who share protected characteristics and people who do not share them.

Seizure of any article displayed in a public place if it arouses reasonable suspicion that an individual is a supporter or member of a proscribed group.

The Department believes these measures do not put people with protected characteristics at a particular disadvantage when compared to others who do not share those characteristics.

The Department has not identified ways in which this measure could advance equality of opportunity between people who share protected characteristics and people who do not share them.

Application of certain terrorism offences (wearing of uniform /displaying an article) to conduct in prisons as well as other prescribed places of detention or residence.

The creation of this criminal offence is not considered likely to have an impact on equality of opportunity between persons who share a relevant protected characteristic – such as race - and those who do not.

The Department has not identified ways in which this measure could advance equality of opportunity between people who share protected characteristics and people who do not share them.

Management of historic terrorism-connected offenders

These measures do not put people with protected characteristics at a particular disadvantage when compared to others who do not share those characteristics.

Terrorism offences and by extension ‘terrorist-connected’ offences can often have an ideological motivation and as a result people with certain protected characteristics (e.g. religion, ethnicity) may be overrepresented relative to their representation in the total population. Similarly, the current cohort of ‘terrorist-connected’ offenders is predominantly male.

The Department has not identified ways in which this measure could advance equality of opportunity between people who share protected characteristics and people who do not share them.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Department has not identified any impact on relations between groups sharing relevant protected characteristics and others as a result of these measures.

The Department has not completed a Community Impact Assessment.

4. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

The Department has considered any mitigations from any negative impacts that this assessment has identified. Where a measure is not addressed, the Department has not identified any negative impacts; this will be kept under review.

Youth Diversion Orders

Where a YDO is imposed on a young person who has a disability, including where the disability is assessed to aggravate their terrorism risk, the police would engage with youth justice services to agree an appropriate response taking any additional needs or reasonable adjustments into account. Furthermore, the decision by the court to impose this measure would be based on the evidence provided to the judge about the involvement of the young person in terrorism-related activity, which is not determined by protected characteristics, and the necessity to impose a YDO.

Prevention of terrorism and state threats: unapproved articles capable of being used as a weapon.

The proposed measures will only be applied to an individual subject to TPIM or STPIM measures if it is considered necessary on the facts of the individual case, regardless of any protected characteristic and this assessment must be approved by the court. Any individual subject to the proposed measure will be legally entitled to request a variation. The TPIM Act also provides a right of appeal for any individual subject to a TPIM order. This right of appeal may be against the order as a whole or against specific measures.

Application of certain terrorism offences (wearing of uniform /displaying an article) to conduct in prisons as well as other prescribed places of detention or residence.

To mitigate risks of inconsistent application between groups, provision will be made for staff training, and prison officers' continuous professional development. Operational guidance will be updated to incorporate this offence, which will be completed in time for it coming into force to help ensure the application of the offence is always necessary and proportionate and in accordance with the law.

5. Review Date

The proposals considered in this document will be reviewed throughout the legislative process and will be subject to the normal post-legislative review three to five years after Royal Assent.

6. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SRO Sign Off: Matt Willis, Deputy Director, Counter Terrorism Pursue Unit

Lead Contact: CrimeandPolicingBillTeam@homeoffice.gov.uk

Date: 6 February 2025

For monitoring purposes all completed EIA documents must be sent to psed@homeoffice.gov.uk

EIA enquiries must also be sent to psed@homeoffice.gov.uk

Date sent to PSED Team: 6 February 2025