



LCHR

Labour Campaign for Human Rights

The Dangers of the Prevent Strategy

November 2017

Executive Summary

This briefing covers the areas in which Prevent is threatening human rights, as well as the counterproductive effects of the strategy's approach. Drawing on case studies, it will specifically examine the impacts on sectors that, by statutory duty, are bound to identify and report individuals at risk of being drawn into terrorism. The briefing will argue that this obligation has incited fear and suspicion, threatened human rights, and resulted in misguided referrals. There is no evidence to support this current strategy, while there is a growing number of incidents suggesting its effects are in fact counter-productive.

Introduction

Prevent is one of four programmes under the government's wider counter terrorism strategy (CONTEST) introduced in 2005. It has undergone numerous changes since then, with the most significant being the introduction of the statutory duty in the education and healthcare sector in 2015. The statutory duty obliges early to higher education institutions, prisons, local authorities, and NHS Trusts to report individuals who show signs of being drawn into terrorism. This duty consists of identifying those suspected of having extremist thoughts and referring them to Channel, a police led, intensive one-to-one 'mentoring' programme that seeks to challenge violent extremism.

Since its inception, strong criticisms and countless case studies have revealed the strategy's flaws. Perhaps the most controversial is the way in which Prevent threatens human rights. Specifically, it risks encroaching on freedom of expression, freedom of thought, conscience and religion, right to privacy, and freedom from discrimination.

The strategy's flawed assumptions, as well as the inadequate training it provides, has resulted in misguided referrals and has created an atmosphere of distrust and fear, both of which are counterproductive to its goal of preventing individuals from being drawn into terrorism.

As multiple case studies and examples demonstrate, these effects most strongly impact members of the Muslim community, who feel both directly and indirectly discriminated against by the policies. Though the strategy applies to all, Muslims make up a significantly higher number of those referred to Prevent and Channel, resulting in them feeling unjustly targeted. Prevent presumes ideology is a primary driver of terrorism, when, in practice, there may be a much stronger link to social and economic factors. The fixation on ideology opens itself up to stereotypes and means authorities rely on traits associated with Islam to assess whether an individual is at risk of being radicalised. This presumption is not backed by evidence, and, coupled with a lack of training for those expected to monitor and report, risks causing misguided referrals. Although the divisive effects of a focus on 'Islamic extremism' are significant, the impacts on freedom of speech are also felt widely.

Freedom of Expression

Prevent poses a serious threat to freedom of expression. This is largely due to the problematic definition of 'extremism', which puts individuals at risk of being referred for lawful speech. Although the right is qualified, not absolute, and must therefore be balanced with the best interests of society, the broad definition of 'extremism' significantly inflates the classification of risk.

Most prevalent in education, Prevent has inserted itself into an environment where students should feel safe to develop and debate ideas. In many cases, students are being targeted for things they have not actually said, but which have been distorted or inferred by third parties.¹ The pressure to

¹ Eroding Trust, 70.

perform their statutory duty may lead many teachers to make referrals without fully investigating the extent of what has been said.

A fourteen-year old Muslim school boy was left “scared and nervous” after he was questioned by school officials in north London, for using the word “éco-terrorism” in French class. He was interrogated even after explaining that he was referring to extreme environmental protests he had learned about in debate club. His parents say he was “visibly distressed” and confused by the incident.²

Although it is easy to defend erring on the side of caution, the danger of misguided referrals should not be underestimated. Fear of being misunderstood and classified as extremist leads many to avoid discussing sensitive topics. Freedom of speech is itself a ‘British value’ that the government promotes, and yet the chilling effect may result in self-censorship, which risks deterring people from exercising this right.

In an interview with Rights Watch UK, an East London teacher recalls that “as the awareness of Prevent increased and specifically when it became a duty in school, [political] discussion and debate ceased suddenly with all the Muslim students that I teach. And I believe that this was a direct impact of the fear that they might be reported to the security services as is now the duty of teachers.”³

Counterproductive effects

The ability to express and debate opposing views is fundamental to promoting a diverse, broadminded, democratic society. Yet, the fear of a punitive response is serving to decrease political participation and push dialogue underground.⁴ When students are discouraged from discussing and debating ideas openly, they are much more likely to explore the ideas online, where they are less likely to be challenged in a productive way. Self-censorship can, furthermore, manifest into anger at the inability to effectively participate in a democratic society, a sentiment which terrorists can exploit when recruiting vulnerable individuals.⁵

Freedom of Thought, Conscience, and Religion

The vague and unsupported “indicators” of vulnerability to being drawn into terrorism casts the net of potential referrals extremely wide. Overly broad qualities such as “a desire for political or moral change” are among those listed in Channel’s Vulnerability Assessment Framework (VAF).⁶ These indicators, coupled with a heightened apprehension toward Islam following the spate of attacks connected to the Islamic militant group ISIL, means individuals who demonstrate increased religiosity or strong political views are at risk of being targeted by Prevent.⁷

Taufiq, a seventeen year old college student in Birmingham, was alerted to Prevent officers after his teacher noticed him becoming more religious and wearing an Arab gown. The boy responded that “he wanted to emulate the prophet and it was his choice to wear the gown.” Taufiq had no prior history of trouble and was confused that no one from the faculty had spoken to him before putting forth the allegations.

²<https://www.theguardian.com/education/2015/sep/22/school-questioned-muslim-pupil-about-isis-after-discussion-on-eco-activism>

³ (RWUK, 37)

⁴(<https://www.theguardian.com/uk-news/2017/jan/20/university-warns-students-emails-may-be-monitored-kings-college-london-prevent>)

⁵ Eroding Trust, 55.

⁶ http://course.ncalt.com/Channel_General_Awareness/01/resources/docs/vul-assessment.pdf

⁷ Eroding Trust, 54.

In another instance, a 15 year old's father was called in for a meeting at school with regards to a picture of guns and swastikas the boy had drawn in class. The officer asked the father a number of personal questions including whether they were Salafi or Sufi. When he responded Sufi, the officer said, "Good, because Salafism is more conservative". A teacher translating the interaction, observed that "the Prevent officer was very interested in the fact that they were white Muslim converts. This raised eyebrows because converts are thought to be more orthodox". He noted that the questions asked "were dangerous because they conflated religious belief with possibility of terrorist violence."⁸

Counterproductive effects

The policy's predilection for targeting individuals based on changes to their religious belief is in direct conflict with Prevent guidelines, which classifies extremism as "Vocal or active opposition to fundamental British values, including [...] mutual respect and tolerance of different faiths and beliefs."⁹

Right to Privacy

Intelligence gathering is undoubtedly one of Prevent's most integral activities, spanning the numerous and diverse sectors under its remit. Introducing a statutory referral duty for teachers and health care providers risks unfounded prying in areas such as religion or political views.

A year 10 boy in north London was referred to Channel without his knowledge after showing solidarity for Palestine by wearing a Palestinian scarf and handing out leaflets at school. Months later, two police officers showed up at his house unannounced and questioned him about his religious practice and political views. They brought with them a substantial folder relating to him, which he was told "is not active" but if he did "anything similar then it will be brought up again". The lack of clarity surrounding how this information about referred persons is gathered, used, and how long it is stored raises serious concerns about the right to privacy.¹⁰

In May 2014, Abdul, who was 17 at the time, went to see his GP with regards to a pain in his leg. As the doctor was taking his blood pressure, he began to ask him questions about his political views. A year later, two Prevent Officers showed up at his door to ask him questions about his father, who had travelled to Syria in conjunction with a humanitarian relief charity he ran. Before the officers left, they suggested Abdul join the Channel programme. "They seemed to know a lot about me. This kind of thing can easily make someone go crazy," he said. Over the next couple of years, Abdul continued to be harassed by phone calls from police officers asking him to share his views with Channel.

Another concern, which resonates throughout the healthcare sector, is the breach in confidentiality professionals feel they are being asked to commit by conforming to the monitoring and reporting duties.¹¹ The obligation expects healthcare professionals to break confidentiality on a much lower standard than that outlined in the NHS Confidentiality Code, thus risking infringing on patients' right to private life¹².

⁸ Eroding Trust, 79

⁹ (Prevent Duty Guidance: for England and Wales, 2015)

¹⁰ <http://rwuk.org/wp-content/uploads/2016/07/pr>

¹¹ Eroding Trust, 47. (Check footnote 225, otherwise, Eroding Trust, 47)

In addition to the education and health sectors, information is collected less transparently through community projects that are funded by the Home Office. Prevent provides funding for partner organisations to implement initiatives that are aimed at building community cohesion. To qualify for the funds, organisations must submit reports so the Home Office. The data expected from these reports includes information about attendees such as name, age, address, religion, language spoken, and level of education.¹³ Although leaders claim the data is strictly used for evaluating the projects, when responding to criticism earlier this year about the effects of Police cuts on terrorism, Amber Rudd admitted, “we get the intelligence much more from the Prevent strategy, which engages with local community groups.”¹⁴ The glaring issue with the strategy is that the authorities are gathering information about individuals, often without their knowledge, who are not suspected of being involved in terrorism. Furthermore, the lack of clarity as to how this data is being stored and used raises concerns.¹⁵

Counterproductive effects

Monitoring, invasive questioning, and data collection not only threaten privacy, they also make the recipients feel they are being classified as a suspect. Due to the emphasis of questions placed on religion and association with Islamic countries, many members of the Muslim community feel they are being disproportionately monitored, further feeding the sentiment that they are not welcome in the UK.

Freedom from Discrimination

While the laws and processes of Prevent apply to all, and thus do not directly discriminate against a single group, its disproportionate effect on Muslims creates the perception of indirect discrimination. The most recent statistics on referrals provided by the Association of Chief Police Officers show that between 2012-2013, 57.4% were Muslim, which is a striking figure when Muslims make up only 4.8% of the UK population (2016 Consensus).¹⁶ The European Court of Human Rights “has observed that indirect discrimination does not necessarily require a discriminatory intent”, and occurs where “a difference in treatment ... take[s] the form of disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, discriminates against a group”.¹⁷

The strategy’s focus on ‘Islamic extremism’, as well as the insufficient training provided to the authorities, further encourages assumptions on a religious or cultural basis. This is a direct result of asking individuals with no background in counterterrorism to identify those at risk of being drawn into terrorism. A psychiatry consultant working for the NHS in Manchester raised concerns to the Justice Institute about the lack of knowledge and detail in his training in February 2015. He said it was delivered by “people who don’t have expertise... They deliver the training so that the hospital trust can check the box saying the job is done”.¹⁸ Commenting on the trainings, a number of frontline workers in education and healthcare also told the Institute that they felt they were promoting an anti-Muslim bias.¹⁹

Two boys in Bedfordshire, aged 5 and 7 were held by police for two hours without parental consent because they brought a toy gun to school. Despite being British

¹³ Evaluating Local PREVENT Projects and Programmes, 29
<http://webarchive.nationalarchives.gov.uk/20120920020246/http://www.communities.gov.uk/documents/communities/pdf/13060431.pdf>

¹⁴<https://www.theguardian.com/uk-news/2017/may/25/amber-rudd-denies-cuts-to-police-were-factor-in-manchester-atrocity>

¹⁵<https://www.theguardian.com/uk-news/2015/sep/23/prevent-counter-terrorism-strategy-schools-demonising-muslim-children>

¹⁶ Preventing Education, 38.

¹⁷ Eroding Trust, 54.

¹⁸ (Eroding trust 44)

¹⁹ Eroding Trust, 44.

born and of no religious faith, the parents feel the colour of their sons' skin played a role in them being suspected for extremist activities, implying the referral system's underlying risk for racism and prejudice.²⁰ A follow-up investigation by School governors found the teachers ill equipped to deal with Prevent related issues and admitted that, in this case, "a degree of racial stereotyping" had been demonstrated.²¹

Counterproductive effects

Perceived discrimination results in both inward and outward facing impacts on community cohesion. The alienating effect makes the community feel unwelcome, leading even those born in the country to question their place in the UK, whilst the indirect targeting indicates to non-Muslims that this group is associated with terrorism. Marginalising the population by classifying them as suspect further breeds feelings of isolation, which can develop into extremist thoughts. A recent Whitehall internal review found the approach has a strong capacity to backfire—rather than accepting and supporting vulnerable individuals, it is marginalising them.²²

Recommendations

The Labour Campaign for Human Rights recommends abolishing Prevent's statutory duties and working with the communities to find more effective, human rights friendly alternatives. Instead of expanding intelligence gathering through specific community groups, these programmes should be based on mutual trust and a strong understanding of the social, economic and political reasons that could leave an individual vulnerable to being drawn into terrorism. Lastly, to avoid the potential for biased assessments and discrimination, the strategy should focus less on ideology and more on threats of violence.

²⁰<https://www.theguardian.com/commentisfree/2017/feb/01/children-detained-toy-gun-prevent-strategy>

²¹<https://www.theguardian.com/uk-news/2017/jan/27/bedfordshire-local-education-authority-admits-racial-discrimination-brothers-toy-gun-school-police>

²²<https://www.theguardian.com/uk-news/2017/jul/03/prevent-strategy-anti-radicalisation-stigmatising-muslim-pupils-teachers>