

# LIBERTY

PROTECTING CIVIL LIBERTIES  
PROMOTING HUMAN RIGHTS

## **Liberty's response to the Home Office consultation on the *Prevent* strand of the UK counter-terrorism strategy**

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## **About Liberty**

Liberty (The National Council for Civil Liberties) is one of the UK's leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research.

## **Liberty Policy**

Liberty provides policy responses to Government consultations on all issues which have implications for human rights and civil liberties. We also submit evidence to Select Committees, Inquiries and other policy fora, and undertake independent, funded research.

Liberty's policy papers are available at

<http://www.liberty-human-rights.org.uk/publications/1-policy-papers/index.shtml>

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## Introduction

1. Liberty welcomes the opportunity to respond to the Home Office's consultation on the *Prevent* strand of the UK's counter-terrorism strategy (CONTEST). Liberty understands that it is the vital task of Government, security and law enforcement agencies to protect life and we accept that this task falls to be fulfilled not just through the criminal justice system, but through targeted and lawful preventative surveillance, and through wider social policy aimed at addressing the root causes of violent extremism. In all these areas, it is critically important that Government strategy reflects a genuine commitment to fundamental rights and freedoms – values which necessarily underpin the democratic way of life. In recent years, Liberty has written, litigated and campaigned widely on the importance of bringing suspected terrorists to justice within the rule of law.<sup>1</sup> We have also long been concerned with ensuring better safeguards for the use of targeted surveillance under the *Regulation of Investigatory Powers Act 2000*.<sup>2</sup> The human rights values which are so important in both of these contexts (such as equal treatment, respect for personal privacy and religious freedom, free speech, due process, proportionality etc) are the same shared values which must shape and influence social policy aimed at tackling violent extremism. These values are particularly important in sensitive area of policy making that seeks to foster respect different views and allow for the development of common ground between diverse groups.

2. CONTEST was launched by the previous Government in 2003 as a four pronged approach to tackling violent extremism incorporating *Pursue, Prevent, Protect* and *Prepare*. In March 2009 a revamped version of the strategy known as CONTEST II was published; the stated objectives of the revised *Prevent* limb of the programme were to tackle the ideology behind violent extremism and support mainstream voices, disrupt those who promote violent extremism and support individuals who are vulnerable to recruitment, increase the resilience of communities to violent extremism and address the grievances which ideologues are exploiting.<sup>3</sup>

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<sup>1</sup> See most recently: "From War to Law" Liberty's detailed response to the Government's Review of Counter-Terrorism and Security Powers available at: <http://www.liberty-human-rights.org.uk/pdfs/policy10/from-war-to-law-final-pdf-with-bookmarks.pdf>

<sup>2</sup> See Liberty's 2009 response to a Home Office consultation on the reform of RIPA at: <http://www.liberty-human-rights.org.uk/pdfs/policy09/liberty-s-response-to-the-ripa-consultation.pdf>

<sup>3</sup> 'Pursue, Prevent, Protect, Prepare: The United Kingdom's Strategy for Countering International Terrorism', March 2009: <http://www.official-documents.gov.uk/document/cm78/7833/7833.pdf>.

3. Since its inception *Prevent* has met with much resistance, particularly from amongst the Muslim community. Liberty believes that *Prevent* is misconceived in its core remit and has been worryingly clandestine in its operation. As such a strategy aimed at bringing those at the margins of society back into mainstream political discourse has instead created widespread alienation and mistrust. One of the main shortfalls of the *Prevent* strategy is its lack of operational transparency. Indeed it is difficult to provide a comprehensive submission dealing with problematic aspects of the scheme when little is known about crucial aspects of its operation. This notwithstanding, there are core areas of concern which have led us to conclude that only a complete reconceptualisation of *Prevent* will render it fit for purpose and help rebuild trust amongst communities alienated by an intrusive, discriminatory and ultimately counterproductive approach to tackling extremism.

### **Decoupling community cohesion from the prevention of violent extremism**

4. One of the most startling and misconceived aspects of the *Prevent* strategy remains the conflagration of terror prevention operations with community outreach work. This confused approach has seen the reach of *Prevent*, a strategy led by the Office for Security and Counter-Terrorism in the Home Office, extended to Primary Care Trusts, Mental Health Trusts, schools, colleges and other agencies. These unlikely alliances have embroiled community service providers in the work of intelligence gathering and created a significant role for law enforcement agencies in the provision of local, voluntary and public services. The Home Office-led *Channel* Programme exemplifies the worst excesses of this approach. *Channel* was designed to identify those at risk from violent extremism through ‘referrals’ from community sources, including teachers, who were encouraged, through Government issued guidance, to ‘monitor’ pupils and inform the authorities where they suspect them of developing extreme views.<sup>4</sup> Significant resources have been poured into projects to help police forces build stronger partnerships with schools, colleges and universities; as such *Prevent* has seen intelligence gathering outsourced to teachers and other frontline service providers in a way that necessarily conflicts with their primary professional obligations and responsibilities.

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<sup>4</sup> ‘Learning to be Safe Together: A toolkit to help schools contribute to the prevention of violent extremism’: <http://publications.education.gov.uk/eOrderingDownload/00804-2008BKT-EN.pdf>. Similar guidance was provided to University staff: ‘The Role of Further Education Colleges in Preventing Violent Extremism: Next Steps’: [http://www.bis.gov.uk/assets/biscore/corporate/migratedD/publications/1/17193\\_DIUS\\_NextSteps](http://www.bis.gov.uk/assets/biscore/corporate/migratedD/publications/1/17193_DIUS_NextSteps).

5. Liberty's concerns about these developments have been exacerbated by a lack of publically available information about the guidance and training given to frontline workers in what is a particular sensitive and complex area of counter-terror strategy. Liberty believes that community service providers, particularly those working with children and young people, have an important role to play in promoting inclusivity, educating, and challenging extreme views which may lead to acts of violence. For example, with a remit to guide and support children through important stages of their intellectual and personal development, teachers are uniquely well placed to encourage open debate on sensitive political and religious issues and make the case for mutual respect built on a system of common values. Such a vital role can only be performed effectively, however, if students trust their teachers and feel able to speak freely about deeply personal issues of morality. To this end, Government guidance to teachers and others should focus on promoting the human rights values of free speech, equal treatment, and freedom of religion and belief etc rather than pursuing policies which inevitably lead to self-censorship and alienation. Educating people about the hard won values that underpin our democracy would have the effect of ensuring that grievances are not pushed underground while also challenging the undemocratic premise of violent extremism.

6. Running parallel to initiatives designed to give frontline workers a role in crime prevention, *Prevent* has also seen counter-terror police officers embedded in local communities and the provision of Home Office funding for projects aimed at building cohesive communities. As the previous Communities and Local Government Committee concluded in their inquiry into *Prevent* earlier this year, this proliferation of the counter-terror agenda has created a climate in which members of the Muslim community feel labelled as potential terrorists in all aspects of their life in the community.<sup>5</sup> Police continue to have a high profile in *Prevent* partnerships and formerly credible local organisations are being undermined by connections, both real and perceived, to counter-terror policing.

7. The evidence given to the Communities and Local Government Committee indicates that Muslims feel they have been criminalised as a community by *Prevent*

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<sup>5</sup> House of Commons Community and Local Government Committee, 'Preventing Violent Extremism: Sixth Report of Session 2009-2010': <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/65.pdf>. Much of the evidence demonstrated feelings of stigmatisation amongst the Muslim community. See in particular pg 23, 108 and 114.

and as such the very people the last Government sought to engage have been further alienated. This Government should seize the opportunity to reverse this damaging trend by clearly separating the crime and terrorism prevention remit of the Home Office from projects designed to build stronger communities. The Department for Communities and Local Government is the natural home for projects aimed at strengthening feelings of inclusion, respect and belonging amongst marginalised sectors of society, but it can only perform this function effectively if its role is entirely decoupled from the counter-terror agenda.

### **Too broad and too narrow**

8. One of the most disappointing and divisive features of *Prevent* is its blunt and ill-targeted approach to countering the very real terrorist threat facing the UK. *Prevent* has proved both too narrow and too wide, simultaneously stigmatising the Muslim community as a whole and failing to address the threat of violence created by forms of extremism with no link to Islam. The unfocused approach favoured by the last Government saw decisions on the provision of *Prevent* funding to universities taken by reference to the percentage of Muslim students and funding for local areas allocated in direct proportion to the number of Muslim residents.<sup>6</sup> Blanket focus on Muslim communities fosters feelings of stigmatization and fails to target scarce resources effectively. Rather than facilitating social integration *Prevent*, as it has been envisaged, is effectively alienating a whole sector of society and reinforcing negative stereotypes and prejudices.

9. The disastrous impact of indiscriminately targeting Muslim communities in the implementation of anti-terror measures is nowhere more apparent than in the West Midlands Police's controversial CCTV and automatic number plate recognition (ANPR) scheme, Project Champion. The scheme involved the installation of hundreds of cameras (overt and covert) in two areas of Birmingham targeted because of a high proportion of Muslims residents. Following Liberty's intervention, a review of the scheme was established and the report which resulted, authored by the Chief Constable of Thames Valley, Sarah Thornton, acknowledged that the scheme

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<sup>6</sup> In evidence to the Communities and Local Government Committee, both the Institute of Race Relations and the Quilliam Foundation pointed to the divisive impact of blanket policies targeting Muslim communities: see in particular p. 50.

had dramatically undermined confidence in police legitimacy.<sup>7</sup> The report flagged up the particularly damaging impact of these measures in the context of a counter-terror project where the need to maintain public support is especially strong. As well as causing dangerous alienation, blanket surveillance initiatives targeted at a minority religious community are likely to fall foul of both equality and human rights laws.<sup>8</sup> By contrast, sophisticated intelligence gathering by the police and the Secret Services which is targeted against individuals on the grounds of suspicion and not stereotype is rightly a key component of national security strategy and much more likely to comply with equal treatment and human rights laws.

10. As well as being too narrow in focus (looking only at Al-Qaeda inspired extremism) *Prevent* was simultaneously too broad in its scope. It failed to differentiate adequately between the expression of dissenting views or views that might be offensive and distasteful to some, and views which indicate a real criminal intent. Projects such as *Channel* which require teachers, amongst others, to report signs of radicalisation in vague and ill-described circumstances risk blurring the boundaries between crime prevention and free expression. Stifling debate and driving those with grievances underground will do nothing to engage communities and serves to undermine freedom of expression in a manner liable to increase feelings of disenfranchisement. It is the job of Government to encourage wide-ranging debate on issues of public policy, rather than to close down speech and put people in fear of being dubbed extremists for holding dissenting views.

### **Increasing transparency**

11. As the impact of *Prevent* on trust and confidence in local communities has emerged, one of the most frequently reiterated concerns focuses on a lack of operational transparency. In evidence to the Committee on Communities and Local Government inquiry, the Institute for Race Relations referenced the provision of *Prevent* funding for a youth centre aimed at Muslims in a town in the North of England and with the appearance of a straightforward recreational facility. On examination of proposals, however, it became apparent that the inclusion of free IT

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<sup>7</sup> Thames Valley Police's Project Champion Review: [http://www.west-midlands.police.uk/latest-news/docs/Champion\\_Review\\_FINAL\\_30\\_09\\_10.pdf](http://www.west-midlands.police.uk/latest-news/docs/Champion_Review_FINAL_30_09_10.pdf). See in particular the foreword to the report.

<sup>8</sup> In particular the Equality Act 2010 (which includes prohibitions on direct discrimination and contains a unified public sector equality duty for all protected strands) and the *Human Right Act 1998*.

facilities provided an opportunity for monitoring the web use of young people and one of the stated rationales for the centre was 'intelligence gathering'.<sup>9</sup> Project Champion provides another example of duplicitous state intervention. In the external report commissioned by West Midlands Police, the Chief Constable of Thames Valley confirmed that the project was falsely sold to the local Muslim community as a general crime prevention scheme when it was purely a counter-terror measure.<sup>10</sup> She concluded that community trust and confidence had been undermined as a result. Liberty believes that the secrecy surrounding the purpose of the project was inappropriate and bound to result in a breakdown in relations between the community and the police.

12. The authorities will find it increasingly difficult to generate trust and engage local communities if there is a suspicion that policing interventions and local services have a hidden agenda. Project Champion was a product of a failure to consult with local communities and the lack of any proper privacy and equality impact assessments. It is difficult to resist the conclusion that the shortfalls in the project would have been recognised before significant cost had been incurred if a proper process of consultation had been carried out or if the human rights and equalities implications of the proposal had been assessed. In addition to advances in transparency, there is a real and immediate need for increased accountability to affected communities.

13. The evidence given to the Committee on Communities and Local Government<sup>11</sup> confirms that *Prevent's* heavy reliance on surveillance and intelligence gathering has led many in the Muslim community to feel spied upon. There are further many unanswered questions surrounding the data collected through the process of intelligence gathering taking place in schools and other areas of community service provision. In this context we can have little confidence that the confidentiality of innocent individuals, including children, is being effectively protected against misuse. Liberty believes that interventions under *Prevent* must be and must be seen to be in compliance with obligations under equality law and the *Human Rights Act 1998*. In schemes such as Project Champion the impact of measures on the privacy of innocent residents was apparently completely overlooked. After the previous

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<sup>9</sup> Arun Kundnani, *Spooked: How not to Prevent Violent Extremism*, Institute of Race Relations, October 2009, p 28.

<sup>10</sup> Project Champion Review: p. 46.

<sup>11</sup> See in particular a quote from the Institute of Community Cohesion at p.8 of the Report and p. 13, 119, 140, 142 and 227 of the evidence.

Government embarked on a number of authoritarian adventures both at home and abroad, surely we have now learnt that 'winning hearts and minds' is best done by protecting rather than compromising fundamental rights. The Government must show that it treats equally people of all faiths, and none, in the protection of their human rights; only by doing so can it hope to unite communities against the threat of terror.

### **Engaging communities**

14. Finding appropriate ways to engage with local communities is fundamental to preventing radicalisation. One of the most worrying and misconceived aspects of *Prevent* has seen Government attempts to interfere directly in theological matters by commissioning members of the Muslim faith community to deliver a form of Government sanctioned Islamic teaching.<sup>12</sup> The provision of Government funding to promote a pre-approved form of Islam, Government sponsored religious institutions and Government endorsed Imams are likely to be seen by many Muslims as deeply offensive and intrusive and are unlikely to command necessary credibility.

15. Whilst Liberty is firmly of the view that Government interference in matters of theology must stop, a dialogue between local and central Government, community organisations and individuals on ways to prevent radicalisation can and should still take place outside of the *Prevent* strategy. There are many factors, falling firmly within the remit of legitimate executive activity, which may increase the radicalisation of individuals including social exclusion and perceptions of prejudice, socio-economics and domestic and foreign policy. The last Government envisaged *Prevent* as a means of promoting shared values across diverse sectors of society. This discussion is much needed and human rights represent a key area in which commonality between diverse groups can be found. Raising awareness of the importance of human rights protections is a matter firmly within the Government's mandate and an aspect of state responsibility which has, to date, been almost wholly neglected. A recent poll commissioned by Liberty found that 96% of the public think that it is important that there is a law that protects rights and freedoms in Britain; this figure has remained consistently high in repeated polls over the past two years. Poling has also revealed consistent and overwhelming support for the individual rights protected by the Human Rights Act, such as the right to privacy, the right to freedom of thought conscience and religion and the right to freedom of expression.

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<sup>12</sup> Report of the Committee on Communities and Local Government. See, in particular the evidence of the International Centre for the Study of Radicalisation, p. 35.

Notwithstanding this support, our most recent poll found that only 11% of those polled remembered ever receiving or seeing any information from the Government explaining the Human Rights Act.<sup>13</sup> This figure has remained consistently low. It is important to remember, however, that whilst information raising campaigns and democratic debate are inherently valuable, they are unlikely to have significant impact if the Government itself fails to honour the UK's human rights commitments in law, word and deed.

## **Conclusion**

16. The way in which *Prevent* has been devised and implemented has led to feelings of isolation and disillusionment amongst many UK-based Muslims. The evidence indicates that Muslims as a faith community feel that they are under siege. The creation of such negative sentiments has a serious impact upon the efficacy of anti-terror measures, rendering them, to a large extent, counterproductive and leaving the relationship between British Muslims and the authorities at an all time low. Such a mood of resentment may discourage individuals from playing a role in future intelligence led projects designed to tackle terrorism and may foster and encourage resentment amongst a small number of an increasingly marginalised group.

17. By targeting Muslim communities indiscriminately and bringing policy on community cohesion within a wider remit of countering violent extremism, the last Government significantly undermined trust and confidence in the objectives of State actors and the very idea of social integration strategies. This Government must recognise that projects to strengthen community relations need to be decoupled from counter-terror measures. We understand that feelings of alienation and exclusion can render people vulnerable to radicalisation, but this fact cannot excuse the disastrous decision to place responsibility for social inclusion in the hands of officials with a remit to prevent and prosecute terrorism. In its scope and its operation, *Prevent* requires urgent review. Above all the revised *Prevent* strategy must demonstrate a commitment to fundamental rights such as the right to privacy, freedom of religion

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<sup>13</sup> Liberty commissioned ComRes to conduct a *Common Values* Poll in September 2010. ComRes interviewed 1000 GB adults by telephone between 24 and 26 September 2010. Data was weighted to be demographically representative of all GB adults. ComRes is a member of the British polling council and abides by its rules. For a copy of the full findings, please contact Liberty's press office on 020 7378 3656.

and belief, freedom of expression and importantly, non-discrimination in the protection of all these freedoms.

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