Muslim Council of Britain Parliamentary Briefing on introducing "Prevent" as a statutory duty for all public bodies

Counter-Terrorism and Security Bill, 18 January 2015

Background

The Counter-Terrorism and Security Bill (the **Bill**) requires the implementation of the "Prevent" strategy for public authorities, including nurseries, schools, optometrists, GPs, hospitals and universities. The relevant section is in Part 5 where it states that it is required for a "specified authority" (defined in Schedule 3) to "*have due regard to the need to prevent people from being drawn into terrorism.*"[1]

Executive summary

The Muslim Council of Britain (**MCB**) believes prevention must be part of any counter terrorism strategy. However, based on consultation with its affiliates and experts, the MCB has two specific concerns:

1. **Why build on a broken strategy?** Concerns on the effectiveness and negative consequences of the current "Prevent" strategy should be resolved prior to the widening of its scope.
2. **There will be negative ramifications of placing the "Prevent" strategy on a statutory footing.** These include the further alienation of the Muslim community, the loss of trust in the education system and the impact on the freedom of speech at universities.

As a result, the MCB believes there is no need for Part 5 in the legislation but if deemed necessary, at the minimum, Chapter 1 of the Bill should not remain on a compressed timetable. In the event that this is not possible, the Bill should be subject to annual review to check its effectiveness and ensure that the strategy is most appropriately aligned to the constantly changing threats we face as a nation. In addition, there need to be safeguards to limit the power of the Secretary of State to amend which public bodies are in scope of the legislation outlined in Schedule 3.

1. Why build on a broken strategy?

Whilst this Government has rightly moved the emphasis of Prevent to the Home Office and has expanded the scope of Prevent to 'all forms of extremism', there still remains a strong perception that there is an unfair, unproductive and aggressive assumption of extremism when dealing with Muslim communities. Despite these declared intentions, the concerns about the "Prevent" strategy can be summarised below:

- **Viewing of Muslims <u>alone</u> as potential terrorists**: the focus of the "Prevent" agenda is the Muslim community as if they were a homogeneous (and sole) group posing a threat to national security. Yet the vast majority of terrorist attacks in E.U. countries have for years been perpetrated by separatist organizations, with less than 2% being by Muslims.[2] Little attention or emphasis has been given to far-right violence[3] and anti-Muslim hate crimes particularly in the UK, and in the shadow of the terrorist attack by Anders Behring Breivik in Norway amongst others.[4]

- **Alienation of the Muslim community**: viewing an entire community through the lens of security and as a potential security threat inexorably leads to an increase in distrust, division and alienation, which has a serious impact on the efficacy of anti-terror measures. To a large extent, it renders them as counterproductive. Such resentment may discourage individuals from playing a role in intelligence-led projects designed to tackle terrorism and may separately foster bitterness, resentment and even anger amongst a small number of an increasingly marginalised group.

- **Definition of extremism**: The line between free speech and extremism is not sufficiently well defined according to senior officials in the police such as the Chief Constable of Greater Manchester Police, Sir Peter Fahy. This poses a fundamental problem, whereby the public are not clear whether their actions would be considered extreme by the legislation.

- **Linear conveyor belt theory**: There is an underlying assumption that those with a grievance can be radicalised by non-violent extremists to a position where they are willing to use violence but in reality, there are also political and socio-economic challenges that play an important role.[5] Linear models of the journey to terrorism have been roundly criticised by several leading experts including the former CIA case officer Marc Sageman in his analysis of 500 terrorist biographies[6] and the MI5's behavioural science unit's analysis of several hundred terrorists.[7]

- **Self-censorship:** High profile Muslim figures with considerable influence have been labelled "extremist". The MCB understands based on feedback from its affiliates that this has led to many individuals refraining from speaking publicly about their political views or air legitimate grievances for fear of being discriminated against or similarly labelled.

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[1] Part 5, Chapter 1, 21 (1) in Counter Terrorism and Security Bill (CT&S) (link here)
[2] 2 out of 152 terrorist attacks in 2013, for example, were religiously motivated according to the *European Union Terrorism Situation and Trend Report*, Europol, December 2014 (link here) and clearly explained in *Less Than 2 Percent Of Terrorist Attacks In The E.U. Are Religiously Motivated*, Think Progress, 8 January 2015 (link here)
[3] *The Police fear far-right attack*, Vikram Dodd, The Guardian, July 2009 (link here)
[4] *Blind Spot? Security Narratives and Far-Right Violence in Europe*, Arun Kundnani, 2012 (link here).
[5] *Preventing Violent Extremism, Sixth Report of Session 2009-2010*, Communities of Local Government Committee, 2010, p. 64, (link here)
[6] Sageman, Marc (2008). Leaderless Jihad: Terror networks in the Twentieth Century (2008), where based on an analysis of more than 500 terrorist biographies, he argues that "one cannot simply draw a line, put markers on it, and gauge where people are along this path to see whether they are close to committing atrocities", as cited here
[7] Classified internal research document on radicalisation seen by the Guardian (2008) (link here), several hundred terrorists it analysed "had taken strikingly different journeys to violent extremist activity"; and notably few had followed "a typical pathway to violent extremism".

- **Lack of transparency**: Freedom of Information requests for basic statistics about the Prevent initiative are routinely denied with the response that releasing such information constitutes 'a threat to national security' and 'may result in more terrorists'.[8] Such lack of transparency about a key government initiative does not engender trust in its efficacy.

2. Ramifications of placing the "Prevent" strategy on a statutory footing

The negative consequences can be summarised as follows:

- **Further alienation of the Muslim community:** As highlighted in the Home Office's own risk assessment, there is a danger of damaging already strained community relations by giving "greater prominence to criticism that the programme…targets Muslims."[9]

- **Expansion of Prevent into the following public bodies:**

  o *Education*: From nursery to university, children will be monitored, institutionalising counter-terrorism measures within the education sector. Notwithstanding the fact that this may prove to be unworkable and a bureaucratic nightmare in many schools as highlighted to the MCB by some of its affiliates, there is a danger that families lose their trust in teachers, and young children's futures may be impacted by incidents which previously would have been dealt with as a disciplinary issue.

  o *Universities*: Britain has a long and rich tradition of protecting free speech. To that end, it is of concern that the Bill would curb this on university campuses. Universities already have a statutory duty to protect free speech[10], a duty that does not align with the Bill's restriction of the type of speakers allowed on campus. The MCB asserts that whilst decisions on speakers can and should be made at a university level in consultation with student bodies, a top-down, government-led, "centrally-monitored" speaker policy, significantly restricts academic freedom, to the extent that the Human Rights Joint Committee concluded that the new "prevent" duty is not appropriate for application to universities.[11] Furthermore, university leaders, lecturers and academics have claimed the Bill's provisions amount to "censorship".[12]

  o **Centralisation of powers with the Home Secretary**: there is a risk of the politicisation of public bodies given the potential of the Home Secretary overturning decisions made by other authorities responsible for implementing this Bill. Furthermore, the Home Secretary is able to amend which public bodies are within the scope of Prevent in Schedule 3 without use of a statutory instrument.[13]

Recommendations

1. **Review of effectiveness of Prevent and its underlying premise prior to statutory formalisation** in view of the dearth of evidence demonstrating its effectiveness, and the presence of robust evidence highlighting its fundamental deficiencies.

2. **Remove Part 5, Chapter 1 from the Bill entirely** in particular those referring to schools and universities but if deemed necessary, at the minimum, Chapter 1 should not remain on a compressed timetable given there is no immediate threat that would justify a fast-tracking of this part of the legislation. However, if not possible the Bill should be subject to annual review to check its effectiveness and ensure that the strategy is most appropriately aligned to the constantly changing threats we face as a nation.

3. **Provide safeguards to limit the power of the Secretary of State** in particular to amend which public bodies are in scope of the legislation as outlined in Schedule 3.

This briefing forms part of a wider response by the Muslim Council of Britain to the government's proposed Counter-Terrorism Bill.

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[8] In his speech at the launch of *A Decade Lost: Rethinking Radicalisation and Extremism, Claystone*, on 6 January 2015 in Committee Room 12, House of Commons. Another individual in attendance noted similar experiences.
[9] Impact Assessment for "Counter Terrorism and Security Bill – Support for people vulnerable to being drawn into terrorism", November 2014 (link here)
[10] Human Rights Joint Committee's scrutiny of Prevent as part of the CT&S Bill, footnote 82 (link here)
[11] Ibid.
[12] "Academics label proposed Counter-Terrorism and Security Bill 'censorship'", Chris Havergal, The Times, 4 December 2014 (link here)
[13] Part 5, Chapter 1, Part 22 (1), Counter Terrorism and Security Bill (CT&S) (link here) referring to Schedule 3, CT&S (link here)