



‘THIS IS THE THOUGHT POLICE’

The Prevent duty and its chilling
effect on human rights

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‘This is the thought police’: The Prevent duty and its chilling effect on human rights

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Amnesty International UK, Human Rights Action Centre,
17-25 New Inn Yard, London EC2A 3EA

**www.amnesty.org.uk
sct@amnesty.org.uk**

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Executive summary

'On certain topics, I tell my children to keep their opinions to themselves because there's a profile that brown Muslim boys are terrorists: don't say anything and don't give your opinion.'

Jasmine, whose son was referred to Prevent

'There were moments when I thought if my politics are going to get me sacked, are my politics too extreme? Actually, no they're not – I believe in a different society and Prevent wants to stop people from having my politics.'

Aran, who was referred to Prevent by their employer

The UK's Prevent strategy violates some of our most fundamental rights. Its stated purpose is to 'stop people becoming terrorists'. To do so it requires schools, hospitals, local councils, universities, and other institutions to refer to the police people who they think might be drawn to terrorism – even though those individuals have not committed any crimes.

A person referred to Prevent – and their relatives – can experience life-changing impacts: a loss of trust in state institutions; stress, anxiety and other mental health consequences; unmanageable financial costs associated with challenging referrals; and worries over their privacy and data protection. Poor transparency surrounding Prevent and barriers to redress compound these effects.

Efforts by institutions and individuals to comply with Prevent are leading to violations of people's rights to freedom of expression, freedom of thought, conscience and religion, freedom of peaceful assembly, and critically, the right to equality and non-discrimination.

Indeed, the violations documented in this report lead to a stark conclusion: the UK must scrap the Prevent strategy in order to comply with its international human rights obligations.

This report focuses on referrals of individuals to Prevent and interventions in public events by institutions subject to the Prevent duty. Between July 2022 and June 2023 Amnesty International met with 51 people, including people directly affected by Prevent and also activists, representatives of non-governmental organisations, academics, journalists, students, a barrister, former or current police officers and Prevent practitioners. An Amnesty International researcher participated in Prevent training and reviewed publicly available documentation relating to Prevent, as well as documentation provided by individuals relevant to their experiences with Prevent. An online questionnaire, designed for this research, elicited 4,685 responses.

The human rights impact of Prevent

Discrimination

The Prevent strategy defines certain indicators of ‘radicalisation’ – behaviours and circumstances that suggest a person might be at risk of being drawn to terrorism. But interviewees explained to Amnesty International that decisions about who to refer to Prevent ultimately rely on the judgment of individuals – in fact, official guidance sanctions the use of ‘gut feeling’. Given the high prevalence of negative attitudes towards Muslims in the UK (demonstrated in surveys of the British public), the breadth of discretion permitted in Prevent decision-making has resulted in a significant risk of **discrimination**. Islamophobic stereotypes associating Muslims with extremism or terrorism have played a major role in referrals to Prevent. A disproportionate number of neurodiverse people and children also feature in Prevent referrals.

Freedom of expression, thought, conscience and religion

Amnesty International spoke to people who were referred to Prevent largely because they expressed non-violent political beliefs, including one person whose employer referred them to Prevent for their left-wing social media posts. Prevent practitioners said that the expression of such beliefs should not, on its own, be sufficient grounds for a referral. Yet Prevent policies and trainings emphasise ideology and political expression (including anarchism, anti-fascism, and environmentalism), and some supposed indicators of radicalisation are associated with non-violent political beliefs. People who are referred to Prevent may be offered mentoring by a state-approved Intervention Provider, whose job is precisely to challenge their political or religious beliefs. The referral of people on the basis of their expression, with the intention of influencing their views and beliefs, interferes with the **rights to freedom of expression and freedom of thought, conscience, and religion**.

Freedom of peaceful assembly

Under the Prevent duty, local authorities and universities must not provide a platform for so-called extremists. To fulfil this duty, such bodies are intervening in public events – including on topics such as Islamophobia and Palestine – by cancelling room bookings or imposing restrictions. These actions unduly stifle the **right to freedom of peaceful assembly**.

Chilling effect

Prevent also has a **chilling effect** on the rights to freedom of expression and peaceful assembly. We found that people have modified their behaviour, including refraining from participating in protests and from expressing their political and religious views, because they fear being flagged and thus stigmatised by association with Prevent.

Lack of transparency

There is a deeply concerning lack of transparency around Prevent: people often do not know why they have been referred or how they can challenge a referral. Authorities routinely fail to provide information in writing and refuse requests for information. One journalist who had written an article on Prevent was pressured by counter-terrorism police to either reveal their anonymous source or withdraw the article.

Privacy and data

All cases examined for this report demonstrated a lack of safeguards in data usage. Everyone referred to Prevent told Amnesty International about their concern and confusion about how their data was being shared and stored now and what might

happen to it in the future. Their attempts to obtain further information or have their data deleted often met with obfuscation. For example, where information was provided it often came back significantly redacted. People were often not told why they had been referred to Prevent, or what the outcome of their referral was. Such secrecy and lack of clarity is difficult to justify in what purports to be a voluntary pre-crime programme.

Illegitimate and disproportionate

States must combat terrorism-related acts – but any restrictions on human rights for a national security aim must be provided by law and demonstrably necessary and proportionate to serve that aim. Some individuals have been referred to Prevent so that they can more quickly access health and social care amid austerity-led cuts to such services; this does not serve a legitimate national security aim. People interviewed for this research described serious negative impacts of a referral, including loss of trust in state institutions; stress, anxiety and other mental health impacts; financial costs; and concerns about privacy and data protection. Evidence to demonstrate the effectiveness of the strategy in meeting its intended aims is lacking. It is clear, however, that the Prevent strategy disproportionately restricts human rights.

Right to effective remedy

The right to effective remedy is a key element of human rights protection and is written into international law. Where individuals have been wronged as a result of a process such as Prevent, they should be able to obtain redress via an accessible and fair procedure. This research finds that in the UK such procedures are failing many people affected by Prevent-related decisions. According to a barrister interviewed for this research, ‘The threshold for the Prevent duty being engaged is very low, while the threshold for challenging it is very high.’ Barriers to accessible remedy include: the stigma of police involvement and being considered a potential extremist driving individuals to distance themselves from Prevent; people missing unrealistic time limits for appealing Prevent-related decisions; low availability of lawyers willing to take on Prevent cases; and difficulties in funding challenges to Prevent-related decisions, especially in the context of cuts to legal aid.

A note on language

The terms ‘terrorist’, ‘terrorism’, ‘Islamist’, ‘extremism’, ‘extremist’ and ‘radicalisation’ are ill-defined, imprecise and easily misused. Indeed, they are part of the problem documented in this report. However, because they routinely appear in legislation, policies, and academic research, we use them in this report for ease of reference. This does not imply that we endorse their use or share a definition of these terms with government institutions.

Key recommendations

Amnesty International recommends that the UK government:

- Abolish the Prevent duty under the Counter-Terrorism and Security Act 2015, thereby leaving professionals to use ordinary safeguarding processes to refer individuals at risk of harm, including children facing recruitment to non-state armed groups.
- Withdraw the Prevent strategy and refrain from associating non-violent groups and their views ('non-violent extremism') with terrorism.
- Refrain from attempts to delegitimise criticisms of the Prevent strategy by journalists, academics, and civil society, and instead engage meaningfully with issues raised.
- Establish and implement alternatives to the criminal justice system for children accused of terrorism offences.
- Ensure victims of human rights violations under the Prevent strategy have access to an effective remedy, including access to justice, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Should the Prevent strategy remain in operation:
 - Provide an effective independent complaints mechanism for challenging Prevent referrals which includes, among its potential outcomes, removing the referral from any databases.
 - Ensure that any individual referred to Prevent (including individuals referred in the past) is informed of their referral in writing, and provided with information about how to challenge their referral and have their data removed from any databases.
 - Collect and publish data relating to Prevent's operation disaggregated by ethnicity and religion.

In relation to counter-terrorism law and practice more broadly:

- Refrain from adopting or maintaining vague and overly broad definitions of 'terrorism'.
- Ensure that each constituent element of a terrorism-related offence under national law is precisely and sufficiently circumscribed to uphold the principle of legality.
- Refrain from classifying certain crimes as terrorism based solely on the presumed political or ideological motive of the perpetrator, relying instead on the ordinary criminal justice system and, where necessary, on war crimes, crimes against humanity and international criminal law.
- Address broader, long-term determinants of violence and social harm, including by ensuring that social services are adequately funded.
- Take steps to address racist and discriminatory attitudes and behaviour towards others based on race, colour, descent or national origin by politicians, the media and wider society, as required by international law, for example, by implementing public anti-discrimination campaigns, rather than addressing such issues through a national security lens.

Methodology and acknowledgements

The Prevent strategy has many dimensions, and this report focuses on two aspects of it: 1) individuals referred to Prevent; and 2) interventions in events by institutions subject to the Prevent duty.

The research for this report took place between July 2022 and June 2023. Amnesty International met with 51 people, including individuals directly impacted by Prevent and activists, representatives from non-governmental organisations, academics, journalists, students, a barrister, former and current police officers and Prevent practitioners. Some had been directly referred to the Prevent programme, and others were involved in events subjected to Prevent-related interventions.

Prevent Watch is the UK's only organisation focused solely on Prevent. It offers a free helpline and support to people affected by the programme. Prevent Watch contributed select case summaries from its extensive database to this research. It also facilitated interviews with 12 people, including five presented here as case studies.

Amnesty International reviewed in detail publicly available documentation relating to Prevent, including legislation, guidance and training materials. An Amnesty International researcher also undertook two Prevent trainings.¹

A confidential online questionnaire was conducted which elicited 4,685 responses (see the Annex for details about the methodology).

To gain information from the UK government Amnesty International requested meetings with the Home Office², Counter-Terrorism Policing³ and Police Scotland.⁴ The Home Office was offered the opportunity to contribute to the research but did not choose to do so. Counter-Terrorism Policing declined a meeting but offered to answer questions in writing. Police Scotland responded with general written information regarding Prevent.

Amnesty International received no response to seven written questions sent to Counter-Terrorism Policing. Police Scotland referred Amnesty International to the Home Office for comment. We requested meetings with 15 current or former Prevent employees, or people working in institutions subject to the Prevent duty; four people agreed to interviews. These are included in the report's findings.

1 Home Office, Prevent duty training, support-people-vulnerable-to-radicalisation.service.gov.uk and Department of Education, Online Prevent awareness workshop for staff working in the Education sectors, Zoom, 26 April 2023.

2 Amnesty International first contacted the Home Office to request a meeting on 30 March 2023.

3 Amnesty International wrote to Assistant Commissioner Matt Jukes, head of Counter-Terrorism Policing, on 20 April 2023. On 3 May Matt Jukes declined a meeting but agreed to answer written questions. Amnesty International submitted seven written questions on 18 May with a reply deadline of 5 June. At the time of this report's publication, no reply had been received.

4 Amnesty International wrote to Deputy Chief Constable Jane Connors QPM, Police Scotland, on 25 April 2023. A reply providing general information regarding Prevent was received on 21 June 2023. Amnesty International sent seven written questions on 25 May 2023 and on 7 August 2023 received a reply stating that the Home Office would contact us.

On 7 August 2023 the Home Office was provided with a detailed summary of the research findings and was invited to provide comment for inclusion in the report but did not do so. The Home Office did offer to meet with Amnesty International UK to discuss the findings, and we have accepted that offer. Assistant Commissioner Matt Jukes, Head of Counter-Terrorism Policing, and Assistant Chief Constable (Partnership, Prevention and Community Wellbeing) Gary Ritchie, Police Scotland, were provided with detailed summaries of the research findings but did not respond.

Amnesty International encountered significant limitations and obstacles during this research. Many people who have been referred to Prevent were reluctant to share their story publicly – even anonymously – possibly for fear of being labelled a potential ‘terrorist’ and of negative repercussions from criticising the authorities. The names of many interviewees have been changed to protect the individuals concerned.

A further difficulty was the lack of formal documentation about Prevent, even when individuals have explicitly asked the authorities for information in writing (see Section 8). Prevent practitioners have criticised factual inaccuracies in media and NGO reporting, yet these are a predictable consequence of the very limited documentation usually provided to people affected by Prevent.

The terms ‘terrorist’, ‘terrorism’, ‘Islamist’, ‘extremism’, ‘extremist’ and ‘radicalisation’ are ill-defined, imprecise and easily misused. As they routinely appear in legislation, policies, and academic research, however, we use them in this report for ease of reference; this does not imply that we endorse their use or share a definition of these terms with government institutions.

Few women and girls are referred to Prevent (89 per cent of referrals in 2021-22 were men⁵). Despite several attempts, Amnesty International was unable to interview, for this report, any women or girls who have been referred – although we did interview women among family members of individuals referred.

The researchers acknowledge the kind assistance of:

- Prevent Watch, for its support in contacting people affected by Prevent;
- Professor Charlotte Heath-Kelly, who highlighted the existence of ‘police-led partnerships’ (see Section 9.3.3); and
- Dr Christopher Barrie, for reviewing the online questionnaire.

Amnesty International would like to thank everyone who shared their story and participated in interviews for this report. It is also important to acknowledge the significant work of Muslim-led civil society organisations that have long advocated about concerns similar to those raised in this report.

5 Home Office, Official Statistics, Individuals referred to and supported through the Prevent Programme, April 2021 to March 2022, 26 January 2023, gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022/ (Home Office, Individuals referred to Prevent, 2023)

1 Background

The Prevent strategy is one of four elements of the UK government's counter-terrorism strategy, CONTEST. As Prevent's stated aim is 'to stop people becoming terrorists or supporting terrorism'⁶, it operates in what is sometimes referred to as a 'pre-crime' space. This involves intervening in the lives of people whom the authorities deem at risk of committing a crime – but who have not yet done so.

The 2023 CONTEST strategy states that Prevent's objectives are:

- tackling the ideological causes of terrorism;
- intervening early to support people susceptible to radicalisation; and
- enabling people who have already engaged in terrorism to disengage and rehabilitate.⁷

Under the second objective, an individual deemed at risk of being drawn into terrorism can be referred to the police or their local authority. Police will assess their case and decide whether to refer it further to a local Channel panel (England and Wales) or Prevent Multi-Agency Panel (Scotland).

The Channel programme is a 'multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism'.⁸ Local Channel panels are composed of police and other public agencies. They evaluate cases and may offer the individual concerned a support plan to prevent their potential future involvement in terrorism.

1.1 Why was Prevent introduced?

The Prevent strategy reflects a broad trend of European states taking pre-emptive action against what they consider to be acts of terrorism.

Prevent has changed significantly since its inception in 2003. Between 2006 and 2011, it focused exclusively on so-called Islamist extremism, targeting only Muslim communities. This involved funding local projects, including sports clubs, education and arts initiatives, and emphasised community cohesion.

The UK government piloted the Channel programme in 2007 and rolled it out across England and Wales in 2012. Following a 2011 government review overseen by Lord Alex Carlile of Berriew, Prevent was expanded to include all types of activity that might be defined as 'extremism', including 'non-violent extremism'.⁹ In 2014 the government

6 HM Government, Prevent Strategy, 2011 (Prevent strategy, 2011), assets.publishing.service.gov.uk/media/5a78966aed915d07d35b0dcc/prevent-strategy-review.pdf, para 3.8.

7 HM Government, CONTEST: The United Kingdom's strategy for countering terrorism 2023, 2023 (CONTEST Strategy, 2023), assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1171084/CONTEST_2023.pdf, para 74.

8 HM Government, Channel Duty Guidance: Protecting people vulnerable to being drawn into terrorism, 2020, (Channel Duty Guidance), assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964567/6.6271_HO_HMG_Channel_Duty_Guidance_v14_Web.pdf, para 11.

9 Cabinet Office, PM's speech at Munich Security Conference, 5 February 2011, gov.uk/government/speeches/pms-speech-at-munich-security-conference.

introduced a statutory duty on schools to promote British values, as first defined in the 2011 Prevent strategy.¹⁰

In 2015 the Prevent duty was expanded again. This required all specified authorities to have ‘due regard to the need to prevent people from being drawn into terrorism’ in the exercise of their functions.¹¹ ‘Specified authorities’ included local authorities, prison services, schools, certain youth groups, hospitals and other NHS services, universities and police forces.¹²

The UK is the first country in Europe to introduce a duty like this in its counter-terrorism legislation, making Prevent the ‘first ever large-scale soft-power counter-terrorism’ approach.¹³

1.1.1 The human rights cost

Amnesty International has repeatedly raised concerns about the human rights impact of waves of new counter-terror legislation.¹⁴

States across Europe, including the UK, have increasingly created offences that have little or no link to an act of criminality. These offences violate the principle of legality, which requires criminal laws to say precisely what constitutes a criminal offence and what the consequences of committing it would be.

There has also been a global shift towards targeting ill-defined categories of action or attitude referred to as ‘extremism’ or ‘non-violent extremism’. Researchers Arun Kundnani and Ben Hayes call this ‘the most significant development in counterterrorism policy in the last decade’.¹⁵ Strategies such as Prevent seek ‘to act before the subjects of its interventions have even considered the possibility of committing an act of terrorism’.¹⁶

Prevent was introduced as part of this shift towards preventative action. It has become a key reference point for other states seeking to implement similar measures.

The Prevent strategy has been criticised by human rights organisations, civil society groups including Muslim-led organisations, activists, academics, politicians, trade unions and international bodies. Such criticisms include that it:

10 Department of Education, Guidance on promoting British values in schools published (Press Release), 27 November 2014, gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published.

11 Counter-Terrorism and Security Act 2015, Section 26.

12 Ibid, Schedule 6.

13 Alexander Meleagrou-Hitchens, *The UK Prevent Strategy: A Literature Review 2011-2021*, 2022, Counter-Extremism Group.

14 Amnesty International, *Europe: Dangerously disproportionate: The ever-expanding national security state in Europe*, 17 January 2017, amnesty.org/en/documents/eur01/5342/2017/en/, Index: EUR 01/5342/2017.

15 Arun Kundnani and Ben Hayes, *The globalisation of Countering Violent Extremism policies: Undermining human rights, instrumentalising civil society*, 2018, Transnational Institute (TNI) report, page 2.

16 Thomas Martin, *Critical Studies on Terrorism in Governing an Unknowable Future: The Politics of Britain's Prevent Policy*, 2014, page 64.

- discriminates against Muslims and treats Muslims as a ‘suspect community’;¹⁷
- interferes with the right to privacy and family life;¹⁸
- has had a ‘chilling effect’ on the rights to freedom of expression, freedom of association and peaceful assembly (particularly for Muslims and other racialised communities and in education), thereby negatively affecting civil society and hindering non-violent political activism;¹⁹
- and has negatively affected the rights to education and health.²⁰

Following repeated calls for an independent review of Prevent, including from parliamentary committees and the Independent Reviewer of Terrorism Legislation²¹, the government committed to a review in February 2019, during the passage of the Counter-Terrorism and Border Security Act 2019.

Rights Watch UK (now Rights and Security International) is an NGO focusing on human rights violations in the national security context. It sought judicial review of the government’s first appointed reviewer, Alex Carlile, on grounds that he could not be considered truly independent. Alex Carlile oversaw the government’s earlier Prevent review, sat on the Prevent Oversight Board and had expressed support for the strategy.²²

In January 2021 the government appointed Sir William Shawcross as the Independent Reviewer of Prevent. This appointment was deeply controversial (see box on page 12) and resulted in many organisations refusing to participate in the review.

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- 17 OHCHR, End of Mission Statement of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the conclusion of her mission to the United Kingdom of Great Britain and Northern Ireland, 2018, [ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E); MEND, ‘Evidence Submitted to the Independent Review of Prevent’, 2019, mend.org.uk/wp-content/uploads/2019/12/PREVENT-Submission-MEND.pdf; Arun Kundnani and Institute of Race Relations, *Spooked! How Not to Prevent Violent Extremism*, October 2009; Muslim Council of Britain, *The Impact of Prevent on Muslim Communities*, February 2016; Cage, *The Last Stand: Shawcross and the Prevent Review*, February 2021; National Union of Students, ‘Preventing Prevent,’ nusconnect.org.uk/campaigns/preventing-prevent-we-are-students-not-suspects; Christina Pantazis and Simon Pemberton, ‘From the “Old” to the “New” Suspect Community: Examining the Impacts of Recent UK Counter-Terrorist Legislation’, *The British Journal of Criminology* 49 (5), 2009; Tarek Younis, ‘The psychologisation of counter-extremism: unpacking PREVENT’, *Race and Class* 63 (3), 2021.
- 18 CRIN, *Preventing Safeguarding: The Prevent strategy and children’s rights*, 2022; findings summarised at rightsandsecurity.org/impact/entry/uk-government-is-using-illegal-data-handling-practices-new-report-finds.
- 19 Open Society Justice Initiative, *Eroding Trust: The UK’s Counter-Extremism Strategy in Health and Education*, 2016, justiceinitiative.org/uploads/f87bd3ad-50fb-42d0-95a8-54ba85dce818/eroding-trust-20161017_0.pdf; Medact, *False Positives: The Prevent counter-extremism policy in healthcare*, 2020, medact.org/wp-content/uploads/2020/07/MEDACT-False-Positives-WEB.pdf; RightsWatchUK, *Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools*, 2016, rightsandsecurity.org/assets/downloads/Preventing-Education.pdf; Dr Zin Derfoufi (Rights & Security International), *Prevent-ing Dissent: How The UK’s Counter-Terrorism Strategy Is Eroding Democracy*, March 2022, rightsandsecurity.org/assets/downloads/Prevent-ing_dissent_How_the_UK%E2%80%99s_counter-terrorism_strategy_is_eroding_democracy.pdf; OHCHR, Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the United Kingdom, 21 April 2016, [ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19854&LangID=E#sthash.Nyaj5BKA.dpuf](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19854&LangID=E#sthash.Nyaj5BKA.dpuf); University and College Union, ‘UCU and NASUWT statement on the Counter-Terrorism and Security Act 2015’, ucu.org.uk/counterterrorismact.
- 20 Open Society Justice Initiative, *Eroding Trust: The UK’s Counter-Extremism Strategy in Health and Education*, 2016; Medact, *False Positives*, 2020.
- 21 David Anderson QC, Supplementary written evidence to the Home Affairs Committee Countering Extremism Inquiry, February 2016 committees.parliament.uk/work/3054/countering-extremism-inquiry/publications/written-evidence/?page=2.
- 22 RSI, ‘Rights Watch (UK) launches its challenge to the Government’s independent review of Prevent’, October 2019, rightsandsecurity.org/impact/entry/rights-watch-uk-launches-its-challenge-to-governments-independent-review-of-prevent-october-2019

The Shawcross Review

Amnesty International and many other groups opposed William Shawcross's appointment as the Independent Reviewer of Prevent. This was because of his history of making prejudiced remarks about Islam, such as 'Europe and Islam is [sic] one of the greatest, most terrifying problems of our future'.²³

More than 500 human rights organisations, Muslim-led civil society organisations and individuals boycotted the review due to his appointment.²⁴ Amnesty International, alongside 16 other human rights and community organisations, stated that both Alex Carlile's and William Shawcross's appointments

made clear, beyond doubt, that the UK government has no interest in conducting an objective and impartial review of the strategy, nor in engaging meaningfully with communities affected by it. Instead, it is apparent that the government intends to use this review to whitewash the strategy and give it a clean bill of health, without interrogating, in good faith, its impacts on human rights and fundamental freedoms.²⁵

Instead, these organisations supported a parallel review by civil society groups to properly document the harms of the Prevent strategy. The resulting report, *The People's Review of Prevent*, was published in February 2022. It included a foreword by Fionnuala Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

The Shawcross Review was repeatedly delayed and finally released in February 2023. Shawcross's report stated that Prevent should return to focusing on non-violent Islamic extremism. The government accepted all of the report's recommendations. Among the resulting anticipated changes are to 'explore extending the Prevent duty' to new parts of the public sector, moving to a regional model of delivery, developing new training and updating the Prevent duty guidance.²⁶ The Home Secretary also vowed to tackle 'cultural timidity' when it came to challenging Islamism.²⁷

Amnesty International criticised the review's findings, which were released during the research for this report.²⁸

23 Amnesty International, 'UK NGOs condemn appointment of William Shawcross and announce civil society-led review of Prevent', 16 February 2021, [amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/](https://www.amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/)

24 Liberty, 'Rights groups boycott Prevent review', 16 February 2021, libertyhumanrights.org.uk/issue/rights-groups-boycott-prevent-review/

25 Amnesty International, 'UK NGOs condemn appointment of William Shawcross and announce civil society-led review of Prevent', 16 February 2021, [amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/](https://www.amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/)

26 Home Office, The response to the Independent Review of Prevent (accessible), February 2023, updated 22 June 2023, [gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/the-response-to-the-independent-review-of-prevent-accessible](https://www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/the-response-to-the-independent-review-of-prevent-accessible)

27 Ibid.

28 Amnesty International UK, 'UK: Shawcross Review of Prevent is "deeply prejudiced and has no legitimacy"', 8 February 2023, [amnesty.org.uk/press-releases/uk-shawcross-review-prevent-deeply-prejudiced-and-has-no-legitimacy](https://www.amnesty.org.uk/press-releases/uk-shawcross-review-prevent-deeply-prejudiced-and-has-no-legitimacy)

1.2 The current context: Three key counter-terrorism trends

Today under UK counter-terrorism law a wide range of so-called precursor offences exist, which criminalise behaviour before it becomes violent. For example, inviting support for a proscribed group²⁹, sending money to a proscribed group, possessing information useful to a terrorist, sharing terrorist publications and encouraging terrorism, are now all criminal offences.³⁰ Preparation for terrorist acts, which includes any allegedly preparatory conduct, and failing to inform the police of a potential attack, have also become criminal offences.

Because the range of activities that can be classified as precursor offences has been expanded, increasing numbers of people who have no intention of committing a terrorism-related act, nor have taken any step toward doing so, are being prosecuted for terrorism offences.

Another recent trend is a growing focus on the threat of ‘extreme right-wing terrorism’. This involves new far-right groups being proscribed (that is, designated as terrorist groups by the Home Secretary); shifting responsibility for tackling right-wing terrorism from police to MI5; and a rise in extreme right-wing counter-terrorism cases.³¹

A third shift in the UK’s counter-terrorism context is that more children and young people are being arrested for terrorism offences, often following online activity. UK Counter-Terrorism Policing (CTP) has voiced concern about ‘more and more young people hitting the radar of counter-terrorism police, especially those who are displaying extreme right-wing views’.³²

Between March 2021 and March 2022, police arrested more people below age 18 under the Terrorism Act 2000 than in any previous year.³³

1.3 Identifying people ‘at risk’: How the Prevent duty operates

The Prevent duty applies to specified authorities, including local authorities, schools, universities, health providers, social care, prisons and police forces. These must have policies in place to identify individuals considered at risk of being drawn into terrorism.

The duty applies to institutions, not to individuals within them. Without creating any additional duties, it requires institutions to pay ‘due regard’ to the need to ‘safeguard people from being drawn into terrorism’ while exercising their *existing* functions.³⁴

People are identified as at risk of being drawn into terrorism based on certain indicators, which staff of specified authorities are trained to look out for. These indicators are outlined in the Vulnerability Assessment Framework (VAF, see box on page 14) under three headings: 1) engagement; 2) intent; and 3) capacity.

29 Home Office, Proscribed terrorist groups or organisations, Policy paper, updated 15 September 2023, gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version

30 Terrorism Act 2000 and Terrorism Act 2006.

31 Counter Terrorism Policing, ‘Neil Basu discusses growth of Right Wing Terrorism’, 19 September 2019, counterterrorism.police.uk/neil-basu-discusses-growth-of-right-wing-terrorism/

32 Counter Terrorism Policing, ‘Jailed: Derbyshire teen encouraged terrorism and tried to make a gun’, 27 January 2023, counterterrorism.police.uk/jailed-derbyshire-teen-encouraged-terrorism-and-tried-to-make-a-gun/

33 Counter Terrorism Policing, ‘Statistics show continued rise in youth arrests for terrorism offences’, 8 December 2022, counterterrorism.police.uk/statistics-show-continued-rise-in-youth-arrests-for-terrorism-offences/

34 Home Office, Individuals referred to Prevent, 2023

Anyone can make a referral to Prevent and police have encouraged greater engagement from the private sector, friends and family.³⁵ In practice, most referrals come from public sector institutions subject to the duty, particularly educational institutions and the police.³⁶

Vulnerability Assessment Framework

Engagement with a group, cause or ideology

Engagement factors are sometimes referred to as 'psychological hooks'. They include needs, susceptibilities, motivations and contextual influences and together map the individual pathway into terrorism. They can include:

- feelings of grievance and injustice
- feeling under threat
- a need for identity, meaning and belonging
- a desire for status
- a desire for excitement and adventure
- a need to dominate and control others
- susceptibility to indoctrination
- a desire for political or moral change
- opportunistic involvement
- family or friends' involvement in extremism
- being at a transitional time of life
- being influenced or controlled by a group
- relevant mental health issues

Intent to cause harm

Not all those who become engaged by a group, cause or ideology go on to develop an intention to cause harm, so this dimension is considered separately. Intent factors describe the mindset that is associated with a readiness to use violence and address what the individual would do and to what end. They can include:

- over-identification with a group or ideology
- 'them and us' thinking
- dehumanisation of the enemy
- attitudes that justify offending
- harmful means to an end
- harmful objectives

Capability to cause harm

Not all those who have a wish to cause harm on behalf of a group, cause or ideology are capable of doing so, and plots to cause widespread damage can take a high level of personal capability, resources and networking to be successful. What the individual is capable of is therefore a key consideration when assessing risk of harm to the public. Factors can include:

- individual knowledge, skills and competencies
- access to networks, funding or equipment
- criminal capability

Source: Channel Duty Guidance, Annex C, cited verbatim

35 Counter Terrorism Policing, 'Business to help spot signs of radicalisation', 6 March 2019, counterterrorism.police.uk/businesses-to-help-spot-signs-of-radicalisation/ and ACT, 'Prevent Radicalisation and Extremism by Acting Early', actearly.uk

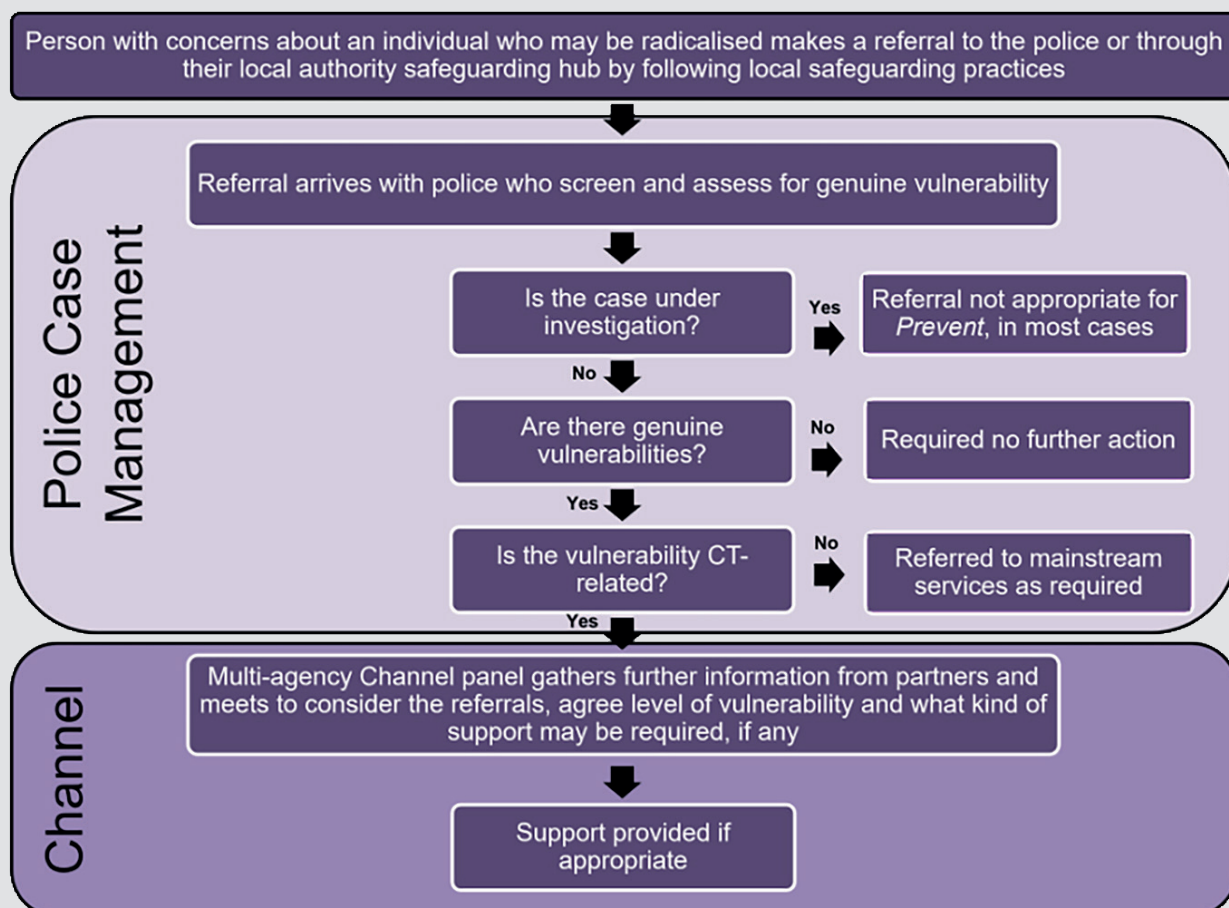
36 Home Office, Individuals referred to Prevent, 2023

Once a person is referred, police record their case on the Prevent Case Management Tracker (PCMT) database. Police then assess the case to ‘determine whether there is reasonable cause to suspect that an individual is vulnerable to being drawn towards any terrorism offences’, drawing on ‘police databases and other resources’.³⁷

Individuals identified as having terrorism-related ‘vulnerabilities’ are then referred to a Channel panel. If police are already investigating someone or believe that they pose ‘a serious or imminent risk of terrorism offending’³⁸, the person is unlikely to be referred to the Channel process.

Police may withdraw an individual from the Channel process and refer them to other services, if they are identified as having vulnerabilities unrelated to terrorism. Police or social workers may approach the individual to gather information to assess their vulnerability. They may inform the person of their Prevent referral at this stage, although there is no obligation to do so.

Prevent process flow diagram



Source: The Home Office, diagram taken from Official Statistics, *Individuals referred to and supported through the Prevent Programme, April 2021 to March 2022*, published 26 January 2023³⁹

³⁷ Channel Duty Guidance, para 56.

³⁸ Channel Duty Guidance, para 72.

³⁹ Home Office, *Individuals referred to Prevent*, 2023.

Local Channel panels meet and review each case that is referred on to Channel. Public sector employees known to the individual – such as their social worker – may be invited to discuss the case. Sharing of information about the individual during the panel does not require the person’s prior consent.⁴⁰

The panel assesses the individual’s level of vulnerability to being drawn into terrorism. It then decides whether intervention is necessary and agrees a support plan. This can include mentoring, mental health services, theological/ideological support from a state-approved Intervention Provider, health, education and courses.

At this stage, police and other agencies must gain the individual’s consent to receive support. If a person refuses, the panel must close the case. Any residual perceived terrorism risk is then passed to police for management.⁴¹

According to official figures 6,406 people were referred to Prevent between April 2021 and March 2022. Because not all cases which are considered for Prevent are formally referred, the number of individuals affected is probably higher. Of those referred, 1,486 people (23 per cent) were later discussed at a Channel panel. Of those, 804 people (13 per cent of referrals) were adopted as a Channel case.⁴² The education sector referred the most (2,305 people; 36 per cent), followed by the police (1,808 people; 28 per cent).

Referrals to the Channel process form only one part of the Prevent duty. The guidance sets out additional obligations for different sectors, including local authorities, schools, health providers and the police.

1.4 Prevent in Scotland

The way Prevent is implemented in Scotland differs from that in England and Wales in several ways.

In sectors where responsibility is devolved to the Scottish parliament, such as health, social work, education and policing, Prevent is implemented via public sector institutions.

There is separate guidance for Scotland’s Prevent duty⁴³: there is no requirement to promote ‘British values’ in Scottish schools; and Prevent is less clearly integrated into ordinary safeguarding practices.⁴⁴

Prevent sits within Scotland’s wider work on community cohesion (the Scottish government’s Connected Communities Division). Scottish universities have no oversight of the Prevent duty equivalent to that of the Office for Students in England and Wales.

40 Channel Duty Guidance, para 72.

41 Channel Duty Guidance, para 121.

42 Home Office, Individuals referred to Prevent, 2023.

43 Home Office, Prevent duty guidance, updated 14 September 2023, gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-scotland

44 Charlotte Heath-Kelly, ‘Devolution and the Prevent Strategy in Scotland: Constitutional Politics and the Path of Scottish P/CVE’, *Parliamentary Affairs*, 2023, doi.org/10.1093/pa/gsad007

In a letter to Amnesty International UK, Police Scotland explained that Prevent ‘sits within [its] Partnerships, Prevention and Community Wellbeing Division’ and takes a ‘preventative, rights-based approach [...] which is balanced, proportionate and aligned to existing safeguarding procedures’.⁴⁵

Proportionately fewer referrals are made in Scotland compared to England and Wales.⁴⁶

45 Letter from Jane Connors QPM, Deputy Chief Constable, Police Scotland, to Amnesty International UK, 21 June 2023.

46 Police Scotland, ‘Prevent Referral Data’, scotland.police.uk/about-us/how-we-do-it/prevent-referral-data/

2 The UK's human rights obligations

This section outlines the UK's obligations under international and regional human rights instruments which are particularly relevant to these research findings.

2.1 Non-discrimination

The principle of equality and non-discrimination is a cornerstone of the international human rights system. Discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status is prohibited under Articles 2(1) and 26 of the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the European Convention on Human Rights (ECHR). The UK is party to these treaties and the ECHR is incorporated into UK domestic law through the Human Rights Act 1998.⁴⁷

Discrimination is commonly seen as an affront to human dignity, a core value that is foundational to all human rights.⁴⁸ The prohibition on racial discrimination is also a peremptory norm of customary international law. This means that all states, everywhere, must protect and promote the right, even if they have not ratified the relevant human rights treaties. The prohibitions on discrimination on the grounds of sex and religion have arguably also reached this status under international law.

International and regional bodies have repeatedly affirmed the need for counter-terrorism measures to comply with the prohibition on discrimination. The UN Office of the High Commissioner for Human Rights (OHCHR) has noted:

The principle of non-discrimination must always be respected and special effort made to safeguard the rights of vulnerable groups. Counterterrorism measures targeting specific ethnic or religious groups are contrary to human rights and would carry the additional risk of an upsurge of discrimination and racism.⁴⁹

OHCHR has called for due care to ensure that programs to prevent or counter violent extremism 'have no direct or incidental effects that would result in discrimination, stigmatization and racial or religious profiling'.⁵⁰

47 Article 2(1) & 26, ICCPR; Article 1(1), 2(1), 5, ICERD; Article 14, ECHR; Equality Act 2010.

48 The European Court of Human Rights recognised that racial discrimination can 'constitute a special form of affront to human dignity' and 'could, in certain circumstances, of itself amount to degrading treatment within the meaning of Article 3 of the Convention'. *East African Asians v the United Kingdom* (4403/70), European Court of Human Rights (1973), para 196.

49 OHCHR, Digest of Jurisprudence of the UN and Regional Organizations on the Protection of Human Rights While Countering Terrorism, ohchr.org/sites/default/files/Documents/Publications/DigestJurisprudenceen.pdf, page 5.

50 OHCHR, Report on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism, 2016, A/HRC/33/29, para 30.

‘Counterterrorism measures targeting specific ethnic or religious groups are contrary to human rights and would carry the additional risk of an upsurge of discrimination and racism’

UN Office of the High Commissioner for Human Rights (OHCHR)

2.2 Freedom of expression

Under Article 19 of the ICCPR and Article 10 of the ECHR everyone has the right to freedom of opinion and expression. The right to freedom of expression includes the right to seek, receive and impart information and ideas of all kinds by any means (for example, writing, speech, music, drawing, online, forms of behaviour and dress). It includes ideas that may be deeply offensive and is key to enabling individuals to exercise their other human rights.⁵¹

Exercising one’s right to freedom of expression may be subject to certain restrictions, but only if they meet this stringent three-part test: the restrictions must be

- **provided by law** (which must be formulated with enough precision to enable an individual to regulate their conduct accordingly);
- **demonstrably necessary and proportionate** (using the least restrictive measure to achieve the specified purpose);
- for the purpose of protecting specified **public interests** (such as national security) or the rights or reputations of others.

Political and academic expression attracts a high degree of protection.⁵²

There must also be procedural safeguards against wrongly imposing restrictions, including providing for appeals to an independent body with some form of judicial or other independent review. Where states justify restrictions because of national security, the national security aim must be precisely defined to guard against application that is overly broad or abusive.⁵³

The right to freedom of expression may be violated where fear of negative state action for exercising this right leads to self-censorship – in other words, where there is a chilling effect on freedom of expression (see Section 7).

2.3 Freedom of thought, conscience and religion

Everyone has the right to freedom of thought, conscience and religion under Article 18 of the ICCPR, Article 9 of the ECHR, and the Human Rights Act 1998. This includes freedom to practise religious beliefs – including participating in rituals like prayer, displaying symbols and observing holidays – as well as the freedom to choose religious teachers and prepare and distribute religious texts.

The ICCPR distinguishes between the freedom of thought, conscience and religion – which includes the freedom to hold non-religious beliefs – and the freedom to manifest religion or belief. The former is absolute: no one can be required to adopt or change

51 Human Rights Committee, General Comment No. 34 on Article 19 ICCPR, UN Doc CCPR/C/GC/34, 21 July 2011.

52 Ibid.

53 American Association for the International Commission of Jurists, *Siracusa Principles on the limitation and derogation provisions in the International Covenant on Civil and Political Rights* (ICJ, Siracusa Principles), [icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf](https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf)

their chosen religious or non-religious beliefs. The manifestation of any such belief may, however, be restricted under Article 18(3) of the ICCPR – but only where those restrictions are **provided by law** and are **necessary** and **proportionate** for the purposes of protecting public safety, order, health or morals, or the fundamental rights and freedoms of others.

The UN Human Rights Committee notes that this article is ‘to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security’.⁵⁴

2.4 Freedom of peaceful assembly

The right to freedom of peaceful assembly is guaranteed in Article 21 of the ICCPR, Article 11 of the ECHR, and the Human Rights Act 1998. It is fundamental to realising a wide range of other rights, and particularly important for amplifying the concerns of marginalised individuals and groups.⁵⁵

This right applies to meetings⁵⁶ and online events⁵⁷ as well as protests and demonstrations. No one should be harassed or face other reprisals as a result of their presence at, or affiliation to, a peaceful assembly.⁵⁸

Peaceful assemblies may not be used for advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁵⁹ Where such advocacy occurs, action should be taken against individual perpetrators rather than the assembly as a whole.

The exercise of the right to freedom of peaceful assembly may be subject to certain restrictions, as outlined in Section 2.2. The possibility that an event might provoke adverse or violent reactions from others is not sufficient grounds to restrict or prohibit it.⁶⁰

2.5 Privacy and family life

Article 17 of the ICCPR provides that ‘no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence’. The right to privacy is also guaranteed by Article 8 of the ECHR and the Human Rights Act 1998.

The right to privacy is critical to exercising the rights to freedom of expression and peaceful assembly. The UN Special Rapporteur on privacy has stated that this right is essential ‘to dignity and the free and unhindered development of one’s personality’.⁶¹

54 Human Rights Committee, General Comment No. 22 on Article 18 ICCPR, UN Doc CCPR/C/GC/22, para 8.

55 Human Rights Committee, General Comment No. 37 on Article 21 ICCPR, UN Doc CCPR/C/GC/37, 217 September 2020, para 2.

56 Ibid, para 6.

57 Ibid, para 13.

58 Ibid, para 33.

59 Article 20, ICCPR.

60 Human Rights Committee, General Comment No. 37 on Article 21 ICCPR, UN Doc CCPR/C/GC/37, 217 September 2020, para 27.

61 Human Rights Council, Statement by Mr Joseph A. Cannataci, Special Rapporteur on the right to privacy, 9 March 2016, [ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21248&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21248&LangID=E)

Privacy allows people space to form their identity without judgement, to explore their opinions and beliefs and choose how to express themselves. If data about an individual – including their beliefs and views – is monitored, held and shared by the police and other public agencies, strong safeguards must protect their right to privacy. Individuals must be made aware of how their lives are being scrutinised and interfered with, how information about them is captured and retained, and how any inferences made can harm them in unexpected ways. Data concerning political opinions and religion is particularly sensitive.

The right to privacy may be restricted if the three-part test outlined in Section 2.2 is met.

2.6 Principle of legality

The principle of legality requires all restrictions on human rights to be provided by law. Article 15 of the ICCPR requires criminal laws to state precisely what constitutes a criminal offence and what the consequences of committing it would be.⁶²

Authorities' use of vague and excessively broad concepts – such as 'radicalisation' and 'extremism' (see Section 3) – to justify counter-terrorism intervention creates uncertainty about what behaviours are potentially suspect. This makes it difficult for people to adjust their behaviour to avoid state intervention. Ill-defined and excessively broad laws and policies are also more likely to be arbitrarily applied and abused.

62 Martin Scheinin, Report of the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism, E/CN.4/2006/98, para 46: 'The first requirement of article 15, paragraph 1, [ICCPR] is that the prohibition of terrorist conduct must be undertaken by national or international prescriptions of law. To be "prescribed by law" the prohibition must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct.'

3 From ‘radicalisation’ to ‘extremism’ and ‘terrorism’: Structural problems with the Prevent strategy

3.1 Key concepts: ‘Radicalisation’ and ‘extremism’

‘Radicalisation’ is a heavily debated term and there is little agreement about why some people who may have been radicalised go on to commit terrorism offences and others do not.

The UK government directly links ‘extremist’ ideas with violence, arguing that ‘terrorism is the symptom; ideology is the root cause’.⁶³ According to the Prevent strategy, radicalisation is ‘the process by which a person comes to support terrorism and forms of extremism leading to terrorism’.⁶⁴

Prevent guidance states that being ‘drawn into terrorism includes not just violent extremism but also non-violent extremism which can create an atmosphere conducive to terrorism and can popularise views which terrorists seek to exploit.’⁶⁵

Mark Rowley, former Head of CTP, has said that extremism ‘creates a fertile environment that allows the acute threat of terrorism to exist and thrive’.⁶⁶ Simon Cole, former National Prevent Lead, has stated that ‘Prevent work needs to recognise the way in which some terrorist ideologies draw on and make use of extremist ideas which are espoused and circulated by apparently non-violent organisations, very often operating within the law’.⁶⁷

In short, the Prevent strategy rests on the idea that there is a causal relationship between undefined ‘extremist’ views and ideas, which may be espoused by lawful non-violent groups, and ‘terrorism’. But the alleged link between the two is not clearly articulated, nor is it clear where legality ends and potential criminality begins.

the Prevent strategy rests on the idea that there is a causal relationship between undefined ‘extremist’ views and ideas and ‘terrorism’. But the alleged link is not clearly articulated

Some academics have criticised an over-emphasis on ideology and extremist ideas in literature on radicalisation.⁶⁸ Others have argued that ideology plays a role, albeit with varying degrees of significance.⁶⁹

63 HM Government, Counter Extremism Strategy, 2015, page 5.

64 Prevent strategy, 2011, page 108.

65 Home Office, Revised Prevent duty guidance: for England and Wales, para 64.

66 Mark Rowley, Colin Cramphorn Memorial Lecture, 26 February 2018, counterterrorism.police.uk/wp-content/uploads/2018/02/Mark_Rowley_-_Extremism_Terrorism_-_A_Whole_Society_Response.pdf

67 Simon Cole, Leicestershire Police, ‘Speech given by Chief Constable Simon Cole QPM, Leicestershire Police, at the Home Affairs Committee Conference on Countering Extremism at Homerton College, Cambridge, 21 April 2016’, committees.parliament.uk/writtenevidence/67015/pdf/ (Simon Cole speech, 2016)

68 Arun Kundnani, *The Muslims Are Coming! Islamophobia, Extremism and the Domestic War on Terror*, 2014, Chapter 4.

69 Including academics who reject the concept outright, and those who agree with the underlying mission of Prevent, but nevertheless question the emphasis on ideology: Derek M. D. Silva, ‘Radicalisation: the journey of a concept revisited’, *Race and Class* 59 (4), 2018; Dr Noémie Bouhana, *The Moral Ecology of Extremism*, Prepared for the UK Commission for Countering Extremism, 2019.

The vast majority of people who hold allegedly extreme beliefs do not engage in violence. The UN Special Rapporteur on counter-terrorism and human rights has noted: ‘there can be too much focus on religious ideology as the driver of terrorism and extremism’.⁷⁰ The UN Special Rapporteur on freedom of religion and belief has similarly cautioned against conflating extremism and radicalisation with violence since ‘there is no empirical evidence to suggest a predictable link’ between extremist views and violent acts.⁷¹

Settling arguments about the causes of radicalisation and the concept itself goes beyond the scope of this research. The point is that academic literature provides insufficient clarity to allow the authorities to adopt and enforce a particular predictive model.

The evidence base for Prevent interventions is further complicated by the UK’s definition of extremism.

3.1.1 Defining extremism

According to the UK government, extremism is:

the vocal or active opposition to our [British] fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist.⁷²

This definition is so broad that it could apply to a significant proportion of any population. It also lacks any clear theoretical or practical link to violence. This lack of clarity is a serious problem for the Prevent strategy. Although it is not a counter-extremism strategy, its operation relies on the definition of ‘extremism’.

The government’s own former Commissioner for Countering Extremism, Sara Khan, has noted that ‘three quarters of the public respondents find the government’s current definition of extremism “very unhelpful” or “unhelpful”’.⁷³ Neil Basu, former Head of Counter-Terrorism Policing (CTP), stated that the definition was too broad and that policing should only be involved when extremism is ‘used to incite violence’.⁷⁴

A lack of clarity is further demonstrated by confusion about the role of conspiracy theories within Prevent. A Prevent police officer noted ‘the increased use of the term “conspiracy theorist”’, and a need ‘to question whether an interest in conspiracy theories is an indicator that someone is an extremist’. The officer added that ‘wider questions about holding controversial opinions and where these sit within the sphere of radicalisation have come to the fore’.⁷⁵

70 OHCHR, UN Special Rapporteur on counter-terrorism and human rights, Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, UN Doc A/HRC/31/65 (2016), 2016, para 15.

71 OHCHR, UN Special Rapporteur on Freedom of Religion and Belief, Interim report: Elimination of all forms of religious intolerance, 2018, A/73/362.

72 Prevent strategy, 2011.

73 Commission for Countering Extremism, Challenging Hateful Extremism assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836540/Challenging_Hateful_Extremism_-_summary_report.pdf

74 Amnesty International interview with Neil Basu, 3 May 2023.

75 College of Policing, ‘Being a Prevent officer’, 8 June 2022, college.police.uk/article/being-prevent-officer

These issues are partly a result of the UK's definition of terrorism. Amnesty International has longstanding concerns about the definition being vague and too broad.⁷⁶ It criminalises not only violent acts broadly understood as terrorism, but also legitimate political gatherings aimed at influencing government policy that may involve damage to property, or health and safety risks, but that do not constitute acts of terrorism.

The UN Human Rights Committee expressed concern in August 2015 that the UK had maintained a broad definition of terrorism 'that can include a politically motivated action which is designed to influence a government or international organization, despite significant concern... that the definition is "unduly restrictive of political expression".'⁷⁷ The UK's Independent Reviewer of Terrorism Legislation reiterated his concerns about the broad definition of terrorism in a December 2016 report.⁷⁸

While radicalisation is an important conceptual foundation for Prevent, the practice of grooming also underpins the strategy. In line with Prevent's emphasis on safeguarding, many individuals who might be involved in terrorism-related offences are understood to have been groomed by so-called radicalisers or recruiters.⁷⁹ Particularly concerning is the linking of grooming and radicalisation and how similar they can be to widely accepted models of political organising and mobilisation. For example, Aran's story (Section 5.1) shows how their employer viewed ordinary trade union organising strategies such as political education, recruiting and politicising workers and distributing political texts as grooming and indoctrinating, and that this contributed to Aran's Prevent referral.

Given the broad definition of 'extremism', an individual becoming politically active and committing to a political ideology could look dangerously similar to them being groomed into terrorism. Indeed, Amnesty International's own strategy of mobilising people to take action for human rights could be seen, through this lens, as indoctrination and grooming.

Given the broad definition of 'extremism', an individual becoming politically active and committing to a political ideology could look dangerously similar to them being groomed into terrorism.

Applying Prevent so broadly could effectively hinder people from organising and mobilising in any way seen as contrary to the interests of people in power.

⁷⁶ Amnesty International, UK: *Briefing on the Terrorism Bill*, 19 February 2014, Index: EUR 45/043/2000 and [amnesty.org.uk/press-releases/uk-high-court-decision-uphold-use-terrorism-legislation-against-david-miranda](https://www.amnesty.org.uk/press-releases/uk-high-court-decision-uphold-use-terrorism-legislation-against-david-miranda)

⁷⁷ UN Human Rights Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 17 August 2015, CCPR/C/GBR/CO/7.

⁷⁸ David Anderson QC, *Report of the Independent Reviewer on the Operation of the Terrorism Act 2000 and Part I of the Terrorism Act 2006*, 1 December 2016, [gov.uk/government/uploads/system/uploads/attachment_data/file/573677/THE_TERRORISM_ACTS_IN_2015_web_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573677/THE_TERRORISM_ACTS_IN_2015_web_.pdf), pp 24-26

⁷⁹ See for example, Home Office, 'Get help for radicalisation concerns', 8 June 2022, updated 19 September 2023, [gov.uk/guidance/get-help-if-youre-worried-about-someone-being-radicalised](https://www.gov.uk/guidance/get-help-if-youre-worried-about-someone-being-radicalised); and CTP, 'Advice for Young People', counterterrorism.police.uk/advice-for-young-people/

3.2 Indicators of ‘radicalisation’

Identifying people who are vulnerable to radicalisation under the Prevent strategy is done using the VAF (Section 1.3). It is based on the ERG22+, a tool developed by psychologists to predict the reoffending risk of prisoners convicted of terrorism offences.

While the government argues that the VAF has a scientific basis, academics and civil society organisations have criticised the ERG22+ study.⁸⁰ The study has not been published, nor has it been independently peer reviewed. Its scientific validity has not, therefore, been assessed.

The Ministry of Justice sponsored new research on the ERG22+ which, in 2023, reiterated that ‘[t]errorism and extremism, however, are relatively rare compared to other types of crime and there are insufficient numbers of individuals with those convictions from whom predictive risk factors can be statistically identified’.⁸¹ Additionally, the ERG22+ is ‘intended for use with people who have been convicted of any extremist or extremist-related offence and is completed by qualified forensic professionals, who have received training in its administration’.⁸²

The UK government’s counter-terrorism strategy acknowledges that ‘government and academic research has consistently indicated that there is no single socio-demographic profile of a terrorist in the UK, and no single pathway, or “conveyor belt”, leading to involvement in terrorism’.⁸³ Nevertheless, the strategy states:

While no single factor will cause someone to become involved in terrorism, several factors can converge to create the conditions under which radicalisation can occur. These include background factors, aspects of someone’s personal circumstances, which might make them vulnerable to radicalisers, such as being involved in criminal activity; initial influences, peoples, ideas or experiences that influence an individual towards supporting a terrorist movement; and an ideological opening, or receptiveness to extremist ideology.⁸⁴

The Home Affairs Committee has found that ‘[i]dentifying people at risk of being radicalised and then attracted to extremist behaviour is very challenging’.⁸⁵ The Royal College of Psychiatrists stated that ‘[n]o tools have been developed that can reliably identify people who have been radicalised, who are at risk of radicalisation or who are likely to carry out a terrorist act’.⁸⁶

80 See for example Cage, *The Science of Pre-Crime: The secret ‘radicalisation’ study underpinning Prevent*, 2016, cage.ngo/wp-content/uploads/2016/09/CAGE-Science-Pre-Crime-Report.pdf; Academics’ letter to the *Guardian*, ‘Anti-radicalisation strategy lacks evidence base in science’, 29 September 2016, theguardian.com/politics/2016/sep/29/anti-radicalisation-strategy-lacks-evidence-base-in-science; Prevent Watch, ‘The development of the extremist risk guidelines (ERG22+) for offenders’, 24 February 2015, preventwatch.org/development-of-extremist-risk-guidelines-offenders/

81 Ministry of Justice, *The Extremism Risk Guidance 22+ An exploratory psychometric analysis*, 2023, page 6, assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145219/extremism-risk-guidance-22+.pdf

82 Ministry of Justice, *The Structural Properties of the Extremism Risk Guidelines (ERG22+): a structured formulation tool for extremist offenders*, 2019, assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816507/the-structural-properties-of-the-extremism-risk-guidelines-ERG22.pdf, page 5.

83 CONTEST Strategy, 2023, para 74.

84 Ibid.

85 Home Affairs Committee, *Radicalisation: the counter-narrative and identifying the tipping point*, 25 August 2016, committees.parliament.uk/work/3054/countering-extremism-inquiry/publications/

86 Royal College of Psychiatrists, ‘Counter-terrorism and Psychiatry: Position statement PS04/16’, September 2016, 7, rpsych.ac.uk/pdf/PS04_16.pdf

‘No tools have been developed that can reliably identify people who have been radicalised, who are at risk of radicalisation or who are likely to carry out a terrorist act.’

Royal College of Psychiatrists

Given the prevalence of behaviours featured in the VAF, and the limited evidence of their predictive value, there is a high incidence of ‘false positives’ – that is, referrals to Prevent which do not meet the threshold for a Channel panel discussion.

3.3 Lack of thresholds and erring on the side of caution in referrals

Neil Basu acknowledged in 2019 that ‘[t]here is a lack of understanding about the thresholds for [Prevent] intervention’.⁸⁷ He has also said that, although some negative media and NGO reporting of Prevent referrals were ‘nonsense’,

there are also lots of examples where overzealous people who were badly trained or simply worried about doing the wrong thing pushed [the case] up to security professionals. [They] referred too quickly and for the wrong reasons. [...] People facing a high-risk decision will always make the most risk-averse choice, which is passing it on to police.⁸⁸

Channel duty guidance confirms that there is ‘no threshold to make a Prevent referral’.⁸⁹ The cases examined for this report demonstrate the lack of threshold – minimum criteria – that must be manifest before making a Prevent referral, and a tendency to ‘err on the side of caution’.⁹⁰ Most Prevent referrals (87 per cent according to latest figures) are not adopted as Channel cases. This indicates that many individuals who are not at risk of being drawn into terrorism are being referred.

87% of Prevent referrals do not meet the criteria for intervention and are not adopted as Channel cases

In *Mr B Randall v Trent College Limited*, a chaplain was referred to Prevent after delivering sermons on LGBTI+ rights to school students. Unsure if the referral threshold had been met, the school sought local authority advice, which was that ‘it may not be progressed but better to do the referral’.⁹¹ The Prevent police team subsequently dismissed the referral but said ‘we would rather receive the referral than not, as it’s always good to get our professional opinion in these circumstances’.⁹² The tribunal found that the referral ‘was justified because of the need to take a cautious approach from a safeguarding perspective’.⁹³

87 Counter Terrorism Policing, ‘Neil Basu leads Prevent conversation at ICT summit’, 9 September 2019, counterterrorism.police.uk/neil-basu-leads-prevent-conversation-at-ict-summit/

88 Amnesty International interview with Neil Basu, 3 May 2023.

89 Channel Duty Guidance, para 11.

90 See ‘Zain’ and ‘Jasmine’ and Connor case studies, Sections 4.1 and 4.2; and interview with Alexander Gent, Section 4.1.

91 *Mr B Randall v Trent College Limited*, CASE NO: 2600288/2020 assets.publishing.service.gov.uk/media/63fc8d90e90e0740d3cd6eb8/Mr_B_Randall_v_Trent_College_Limited_others_2600288_2020_Judgment.pdf

92 Ibid.

93 Ibid.

Claire, a safeguarding lead at a secondary school, said that '[her school] would always rather make a referral' and 'be on the safe side'.⁹⁴ She noted that Prevent was similar to other external referrals, such as mental health care, in that the school would rather refer a student than risk negative repercussions if they needed support and did not receive it. 'As a teacher, it's not my job to decide if a student is being groomed into extremism – if I've got that hunch, then I need to pass that on and somebody else can decide.'⁹⁵

Prevent trainings and guidance recommend a 'notice, check, share' process for making referrals. At the 'check' stage, any concerns and potential non-Prevent related explanations should be assessed before making a referral. George, a safeguarding expert and former Channel Panel standing member, told Amnesty International that, although anyone can make a referral, any potential referrals should be first assessed by a safeguarding lead using the VAF. They should decide if the referral is proportionate and if the individual concerned is in fact vulnerable to being drawn into terrorism before making the referral.⁹⁶

The cases in this report, and the high proportion of Prevent referrals which are not referred on to Channel, demonstrate that individuals are being referred to Prevent without the kind of pre-referral checks and assessment described by George. An evaluation of police implementation of Prevent by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service also identified inconsistencies in the way police forces and regions assessed an individual's risk of being drawn into terrorism, resulting 'in some cases being incorrectly passed to the Channel referral process.'⁹⁷

3.4 Gender in the Prevent strategy

The Prevent strategy's understandings of radicalisation and extremism risk reinforcing gendered stereotypes and instrumentalising gender equality.

Earlier versions of the Prevent strategy predominately viewed Muslim women as being 'at the heart of homes and communities'⁹⁸ and therefore 'the first line of protection in the prevention of terrorism and extremism'.⁹⁹ They targeted Muslim women's organisations for funding on this basis. The UN Special Rapporteur on counter-terrorism and human rights, Fionnuala Ní Aoláin, stated in 2009 that:

United Kingdom anti-radicalization initiatives seeking to include Muslim women as counter-terrorism agents on the basis of their position 'at the heart not only of their communities but also of their families' may reinforce stereotypical gender norms about roles of women within the family.¹⁰⁰

94 Amnesty International interview with 'Claire', 9 March 2023.

95 Ibid.

96 Amnesty International interview with 'George', 4 May 2023.

97 HMICFRS, *Counter-terrorism policing: An inspection of the police's contribution to the government's Prevent programme*, 16 March 2023, justiceinspectorates.gov.uk/hmicfrs/publication-htm/c/counter-terrorism-policing-an-inspection-of-the-polices-contribution-to-the-governments-prevent-programme/

98 See quote from Shanaz network (a Prevent project) on page 124 of Sam Andrews, *Women and Prevent: Perceptions, Policy and Encounter*. PhD thesis, 2020, University of Lincoln, eprints.lincoln.ac.uk/id/eprint/48451/

99 ENAR, *Instrumentalising Women's Rights in Racist Discourses: We Need an Intersectional Approach*, 2019.

100 OHCHR, Report of Special Rapporteur on Counter-Terrorism and Human Rights, 2009, A/64/211, para 34.

Targeting Muslim women's organisation for Prevent funding has associated these organisations with counter-terrorism and raised concerns of spying and surveillance – hindering their ability to provide services, including around domestic violence.¹⁰¹

Even as the Prevent strategy moved away from funding civil society organisations, it continued to portray Muslim women as in need of empowerment, including through the creation¹⁰² and funding¹⁰³ of social media accounts and organisations targeting Muslim women under Prevent's banner, or as part of the Building a Strong Britain Fund (a strand of the government's counter-extremism strategy). Moreover, the definition of extremism in terms of 'fundamental British values', within which the Prevent strategy references gender equality¹⁰⁴, further risks securitising Muslim women's rights. This can affect decisions about perceived vulnerability to radicalisation, as women who wear the veil may be 'automatically perceived as radical and incongruous with national values'.¹⁰⁵

Thus, the Prevent strategy, in its different iterations, furthers gendered stereotypes about Muslim women, including about their role within families as mothers who are inherently peaceful, disempowered by Islam and lacking agency. Simultaneously, Prevent fails to account for the role of government policies in creating greater insecurity for women, even as young Muslim women in the UK (particularly visibly Muslim women) have faced disproportionate anti-Muslim racism and discrimination as a result of such policies.¹⁰⁶

the Prevent strategy furthers gendered stereotypes about Muslim women, including about their role as mothers who are inherently peaceful, disempowered by Islam and lacking agency.

101 Muslim Women's Network UK, Submission from Muslim Women's Network UK for the Inquiry into the Preventing Violent Extremism Programme, 2009, [mwnuk.co.uk/go_files/resources/629031-MWNUK%20submission%20for%20PVE%20Inquiry.pdf](https://www.mwnuk.co.uk/go_files/resources/629031-MWNUK%20submission%20for%20PVE%20Inquiry.pdf)

102 *Middle East Eye*, "'This is Woke': The media outfit that's actually a counter-terror programme", 15 August 2019, middleeasteye.net/news/revealed-woke-media-outfit-thats-actually-uk-counterterror-programme

103 *The Guardian*, "'We acknowledge we went wrong': Lifestyle website for Muslim teens admits it should have been clearer about Home Office funding", 15 September 2019, theguardian.com/uk-news/2019/sep/15/lifestyle-website-for-muslim-teens-is-covertly-funded-by-the-home-office

104 Prevent strategy, 2011, paras 6.60, 10.32.

105 OHCHR, Report of Special Rapporteur on Counter-Terrorism and Human Rights (2009) A/64/211, para 38.

106 Center for Human Rights and Global Justice (CHRGJ), *Women and Preventing Violent Extremism: The U.S. and U.K. Experiences*, 2016, page 9, chrgj.org/wp-content/uploads/2016/09/Women-and-Violent-Extremism-The-US-and-UK-Experiences.pdf

4 Is Prevent discriminatory?

4.1 Islamophobia: Discrimination against Muslims

The link between state national security measures and discrimination against Muslims has been widely documented.¹⁰⁷ The Council of Europe's European Commission Against Racism and Intolerance has stressed that 'Islam and Muslims continue to be associated with radicalization, violence and terrorism' and that 'a dangerous "normalisation" of Islamophobic prejudice can be observed' across Europe.¹⁰⁸

Discrimination against Muslims can be understood as a form of racial discrimination, since Muslims have become increasingly racialised as a distinct group.¹⁰⁹ The UK's All-Party Parliamentary Group on British Muslims defined Islamophobia as 'rooted in racism and [a]s a type of racism that targets expressions of Muslimness or perceived Muslimness'.¹¹⁰ UN Special Rapporteurs and the Committee on the Elimination of Racial Discrimination have raised concerns regarding discrimination against Muslims within the UK's counter-terrorism context.¹¹¹

Long-standing concerns remain about the discriminatory impact of Prevent. In its early iteration Prevent focused only on 'Islamist terrorism'.¹¹² The Prevent budget was allocated based on a local area's Muslim population size according to the census. After Prevent was expanded to include other ideologies, a broad range of organisations still assessed it as discriminatory. The UN Special Rapporteur on racism voiced concern about

the policy choice embodied in the *Prevent* programme, which mandates civil servants, social workers, care-givers, educators, and others to make life-altering judgments on the basis of vague criteria in a climate of national anxieties that scapegoat entire religious, racial, and ethnic groups as the presumptive enemy.¹¹³

107 See for example: UN Special Rapporteur on freedom of religion or belief, Countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief, A/HRC/46/30; UN Special Rapporteur on human rights and counter-terrorism, Human rights impact of counter-terrorism and countering (violent) extremism policies and practices on the rights of women, girls and the family, A/HRC/46/36; Arun Kundnani, *The Muslims are Coming! Islamophobia, Extremism and the Domestic War on Terror*, Verso, 2014.

108 Council of Europe, ECRI, *Annual Report on ECRI's Activities Covering the Period from 1 January to 31 December 2018*, 2019, page 10.

109 'Racialisation' describes a process through which racial meanings are constructed by powerful institutions and groups, and used to justify discrimination, stereotyping, violence and othering of groups such as Roma, Muslims and Black people. Racialisation occurs through 'the extension of racial meaning to a previously racially unclassified relationship, social practice or group. Racialization is an ideological process, a historically specific one.' M. Omi & H. Winant (eds), *Racial Formation in the United States*, 3rd ed. (New York: Routledge, 2015), page 64.

110 All-Party Parliamentary Group on British Muslims, 'Report on the inquiry into a working definition of Islamophobia/anti-Muslim hatred', 2019.

111 OHCHR, Concluding observations of the Committee on the Elimination of Racial Discrimination, 2011, CERD/C/GBR/CO/18-20, para 21; OHCHR, Concluding observations of the Committee on the Elimination of Racial Discrimination, 2016, CERD/C/GBR/CO/21-23, para 18; HRC, UN Special Rapporteur on freedom of religion or belief, country visit, 2008, A/HRC/7/10/Add.3, para 41.

112 Rights Watch UK, *Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools*, 2016, rightsandsecurity.org/assets/downloads/preventing-education-final-to-print-3.compressed-1_.pdf

113 OHCHR, End of Mission Statement of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the conclusion of her mission to the United Kingdom of Great Britain and Northern Ireland, 2018, ohchr.org/en/statements/2018/05/end-mission-statement-special-rapporteur-contemporary-forms-racism-racial?LangID=E&NewsID=23073, para 46.

The findings in this report highlight the discriminatory application and effect of Prevent. There is a risk that the UK government's implementation of the Shawcross Review recommendations (see Section 1.1) could exacerbate existing discrimination. The government accepted the Review's conclusions that 'the Islamist threat is severely underrepresented' in Prevent referrals and Channel cases, and that there is 'an inconsistent approach' to 'Islamist and extreme right-wing ideologies', committing to rectify this perceived disparity.¹¹⁴

4.1.1 Gut feeling

Prevent relies on non-specialists to judge whether an individual is showing signs of radicalisation. Prevent training and guidance advises participants to 'trust their instincts' and 'gut feeling' when making referrals. Claire, a designated secondary school safeguarding lead, acknowledged that decisions about Prevent essentially come down to 'gut feeling'.¹¹⁵ George, a safeguarding expert and former Channel Panel standing member, also noted that referrals can be made 'out of anxiety and prejudice and a lack of clarity of what terrorism is', where there is inadequate or biased training and a lack of governance.¹¹⁶

referrals can be made 'out of anxiety and prejudice and a lack of clarity of what terrorism is'

'George', safeguarding expert and former Channel Panel standing member

In a society where many people's gut feeling is to view certain groups as inherently more dangerous or threatening than others, this degree of discretion carries a high risk of discrimination.

Surveys of the British public have shown more negative attitudes towards Muslims than towards people of other religions, and a belief that Islam is a threat to Britain.¹¹⁷ A study in UK universities found that 'belief that radicalisation is a problem across UK universities and agreement that Prevent is essential in tackling it are both strongly associated with negative views of Islam and Muslims.'¹¹⁸

These negative attitudes towards Muslims are continually reinforced by certain media outlets and politicians.¹¹⁹ The Muslim Council of Britain's analysis of 48,000 news articles mentioning Muslims or Islam found that 60 per cent associated 'negative aspects and behaviour with Muslims or Islam'.¹²⁰ These representations build on deeply embedded histories and Orientalist stereotypes presenting Muslims, specifically men, as innately violent. They also present Islam as inherently antagonistic to perceived western values and norms, which are themselves grounded in a long history of violence

114 Home Office, Independent report. The response to the independent review of Prevent (accessible), updated 22 June 2023, gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/the-response-to-the-independent-review-of-prevent-accessible

115 Amnesty International interview with 'Claire', 9 March 2023.

116 Amnesty International interview with 'George', 4 May 2023.

117 See for example birmingham.ac.uk/documents/college-artslaw/ptr/90172-univ73-islamophobia-in-the-uk-report-final.pdf and bsa.natcen.ac.uk/media/39293/1_bsa36_religion.pdf

118 Mathew Guest, Alison Scott-Baumann et al, *Islam and Muslims on UK University Campuses: perceptions and challenges*, 2020, para 3.5.

119 University of Leicester, 'Politicians and media fuel hate crime in Britain say experts', 29 June 2016, le.ac.uk/news/2016/june/2018politicians-and-media-fuel-hate-crime-in-britain-2019-say-experts

120 Centre for Media Monitoring, *British Media's Coverage of Muslims and Islam (2018-2020)*, November 2021, cfmm.org.uk/wp-content/uploads/2021/11/CfMM-Annual-Report-2018-2020-digital.pdf

and exclusion towards Jews and Muslims in Europe.¹²¹ The UN Special Rapporteur on Racism has condemned ‘outrageous and deeply offensive portrayals in the media, and even by leading politicians that cast Muslims as inherently dangerous, inherently opposed to Britain’s prosperity, and inherently foreign’.¹²²

Evidence of Islamophobia and racism in the police force is particularly worrying. A National Association of Muslim Police (NAMP) survey found that 22 per cent of NAMP members had personally experienced Islamophobia in the police service.¹²³ There is also substantial evidence of racism in the Metropolitan police.¹²⁴ The police were responsible for 28 per cent of Prevent referrals in 2021-22¹²⁵ and play an important role in conducting initial Prevent case assessments, where referrals deemed discriminatory could potentially be dropped.

4.1.2 Stereotyping

Prevent guidance and training state that religion and ethnicity are not valid grounds for a referral. However, religion or ethnicity do not have to be the *sole* grounds for a referral for that referral to be discriminatory.¹²⁶ For example, if stereotypes about Islam or Muslims play any role in decision-making, that decision would be discriminatory.

This is particularly relevant to counter-extremism programmes. In the absence of concrete wrongdoing, decision-makers may focus on certain religious practices or associations because of a stereotypical assumption that Muslims who engage in such practices are more likely to be extremists or involved in terrorism. The UN Special Rapporteur on counter-terrorism and human rights has said that counter-extremism programs ‘render groups and individuals as “suspect” often primarily on the basis of stereotypes concerning religious or ethnic groups and geographical location.’¹²⁷

121 Lilla Farkas, *The Meaning of Racial or Ethnic Origin in EU Law: Between Stereotypes and Identities*, European Commission: Directorate-General for Justice, 2017, page 36. See also François Soyer, ‘Faith, Culture and Fear: Comparing Islamophobia in Early Modern Spain and Twenty-First-Century Europe’, 2013, 36:3, *Ethnic and Racial Studies*, pages 399-416.

122 OHCHR, End of Mission Statement of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the conclusion of her mission to the United Kingdom of Great Britain and Northern Ireland, 2018, [ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E), para 41.

123 National Association of Muslim Police, ‘Workstreams’, muslim.police.uk/workstreams.

124 *The Guardian*, ‘Met police found to be institutionally racist, misogynistic and homophobic’, 21 March 2023, theguardian.com/uk-news/2023/mar/21/metropolitan-police-institutionally-racist-misogynistic-homophobic-louise-casey-report

125 Home Office, Individuals referred to Prevent, 2023.

126 Amnesty International & OSF, *Europe: A Human Rights Guide for researching racial and religious discrimination in counter-terrorism*, 2021, [amnesty.org/en/documents/eur01/3606/2021/en/](https://www.amnesty.org/en/documents/eur01/3606/2021/en/)

127 OHCHR, UN Special Rapporteur on counter-terrorism and human rights, Human rights impact of policies and practices aimed at preventing and countering violent extremism, 2020, UN Doc A/HRC/43/46, para 24.

CASE STUDY

Irfan's story: 'I feel like everyone is watching me'

(In this report many individual names, including those in this case study, have been changed.)

Irfan is aged 30, Muslim and a teacher in northern England. His former employer, a local school, referred him to Prevent in 2020.¹²⁸ Before the referral Irfan had made a formal complaint about his manager's Islamophobic harassment, which included taunts about Irfan's beard and calling him a terrorist, and reported this to the police. In mid-2020 Irfan was called to a disciplinary meeting, questioned about his recent work absences and told that the school was referring him to Prevent. He was not given any reasons for the referral. Irfan subsequently resigned from his post.

Police visited him twice at home. On the first occasion they questioned him about his political views, which mosque he attended, whether he was Salafi, why he prayed five times a day, why he prayed with others on Fridays at school, his views on less observant Muslims, and his other religious practices. Because Irfan refused police entry to his home without a warrant, this conversation occurred outside, in view of his neighbours. A few weeks later, police returned, asking Irfan about his work and why he had not gone back to teaching.

After making a Subject Access Request (a request for his personal data) Irfan received a copy of the school's referral. It noted as reasons 'derogatory comments towards females', 'extreme Islamic views' and leaving the country during an absence due to illness. During the February half-term holiday, Irfan had travelled to Mecca on pilgrimage (Umrah). He told Amnesty International that he and other Muslim staff and students used to pray in his classroom on Fridays because it could accommodate around 15 people. He added that one student said the school had called after he graduated, asking him if Irfan had tried to recruit him or speak to him about ISIS.

In emails about Irfan's referral, police asked the school for information about what they referred to as a 'debriefing' of students regarding 'the prayer group', which appears to confirm this student's account. Irfan said the police continue to 'harass' him – most recently, during a traffic stop, when an officer mentioned the Prevent referral.¹²⁹ Irfan received no documentation from the police or the school regarding Prevent and was never informed of his referral's outcome. The only documentation he received was heavily redacted and in response to his Subject Access Request. When Irfan asked the police to delete the referral he was told it was not possible.

The school's Islamophobia, the Prevent referral and police visits put a significant strain on Irfan and his family: 'I put on a brave face but [during the police visit] my kids were looking at me and my heart was beating 300 beats per minute. It had a huge impact on my mental health.'¹³⁰ Irfan no longer teaches in a school: 'The idea of teaching no longer appeals to me. Salah (prayer) is such an important part of my day – if I go outside and pray in my car, I feel like everyone is watching me. It gives me so much anxiety.' He said he felt that he was 'treated as a second-class citizen' for praying as a Muslim.

128 Amnesty International interview with 'Irfan', 15 December 2022.

129 Ibid.

130 Ibid.

According to other reports, it is not uncommon for police to ask questions about religious practice in the context of a Prevent referral, as in Irfan's case. In *R (II) v Metropolitan Police*, police gave evidence in court regarding a home visit following a Prevent referral. They asked which mosque the subject attended and how the family 'would describe themselves relating to their religion', noting that the mother 'described herself as a moderate Muslim' and 'appears to have a liberal view of her religion'. The police concluded that there 'was no apparent counter terrorism or violent extremism concerns.'¹³¹

CASE STUDY

Zain and Jasmine's story: 'Simply a case of a child struggling with school'

Zain is 14 and lives in northern England. His school referred him to Prevent in October 2020 when he was 11. During a fire drill Zain had said he hoped that the school 'burned down'. Six weeks later a student reported that Zain had wanted to 'blow up the school' with 'the teachers inside it'. Zain gave a statement to a teacher saying that he made the comment 'as a joke' and because 'I am stressed with the homework/the rules'.

The school was already aware that Zain was struggling with his transition to a particularly strict secondary school environment. His mother, Jasmine, had previously raised concerns about his stress, workload and anxiety, exacerbated during the COVID-19 pandemic. She had also informed the school of Zain's childhood trauma and its continued impact on his mental health.

The school sought police advice and submitted a Prevent referral noting Zain's comment as the sole reason, and including his statement with the referral form. When Zain returned home that day Jasmine said he was upset because he thought he had 'got into trouble'. The school did not inform her of the Prevent referral until the following day, at the end of a brief phone call which she had initiated. Only after Jasmine received a response to her Subject Access Request a month later did she find out about the fire drill incident which had prompted the referral. A Prevent police officer later called saying they would not take the referral further as it appeared to be simply a case of an 11-year-old child struggling with school. Jasmine asked whether the referral would be stored on any databases, and the officer later informed her that it would be recorded on a Home Office database.

Jasmine explained the Prevent referral thus: 'She [the teacher] looked at my son, saw a brown Muslim boy, and she made the Prevent referral not based on evidence but based on her own bias.'¹³² The local Prevent guidance suggests, but does not mandate, eight checks before submitting a referral. The school did not complete these eight checks, including informing the parent, before referring Zain. Jasmine formally complained through the school's internal complaint system, arguing discrimination on the grounds of race and religion. The school denied that the referral was discriminatory, and this aspect of her complaint was not upheld. The school defended its decision, saying that 'we would always err on the side of caution'.¹³³

¹³¹ *R (II) v Metropolitan Police*, EWHC 2528 (Admin), 2020.

¹³² Amnesty International interview with 'Jasmine', 25 February 2023.

¹³³ Ibid.

The referral had a detrimental impact on Zain and his family. Jasmine said Zain was surprised, upset and horrified by what his teachers may have thought about him. Jasmine told Amnesty International that she has since told her son not to make jokes at school and to keep his opinions to himself.

Zain's behaviour could not be regarded as radicalisation under Prevent guidelines. It appears that widespread stereotypes linking Muslim boys with 'extremism', 'terrorism' and Prevent, influenced the decision to refer him. As speaking impulsively is not unusual for children of Zain's age, it seems unlikely that his comment would otherwise have been taken so seriously. In Irfan's case, the reference to his Islamic views and the 'prayer group' in the documentation about his referral, and the police line of questioning, indicate that religion played a role in the decision to refer him.

In another case, Amnesty International spoke to a Muslim academic whose course, entitled Global Jihad, was the only one flagged in a faculty meeting as needing to 'be compatible with the Prevent strategy'. No further action was taken after other university employees confirmed that modules are not subject to the Prevent duty. However, an investigation found that his differential treatment was due to the course title and people associating Prevent with Islam.¹³⁴

Alexander Gent, Chair of NAMP, told Amnesty International of two cases where police officers were flagged for potential radicalisation because of their religious practices.¹³⁵ In one instance an officer had shaved his hair, grown a beard and offered his colleagues gifts after returning from hajj (pilgrimage to Mecca). His superior identified these as signs of radicalisation and referred him to Prevent. In another case involving a female officer who had recently converted to Islam, her sergeant questioned her about radicalisation after she started wearing the hijab, praying and becoming more religiously observant.

Alexander said these were just two of many Prevent-related issues reported by Muslim police officers. Others included police officers making Prevent referrals after being called out to a house or shop with Islamic calligraphy on display, and mistaking this as a terrorism-related symbol.

In a 2021 NAMP survey only 10 per cent of Muslim police officers who responded felt that Prevent successfully tackles radicalisation.¹³⁶ 'One of our biggest challenges is not what Prevent actually does [after the referral] but the image or profile of what *should* be referred to Prevent [...].'¹³⁷ Alexander noted that a lack of cultural competence and the vagueness of referral thresholds, coupled with a better-safe-than-sorry attitude, means that referrals can be based solely on signs of religious practice, such as a child requesting to pray in school.

To tackle discrimination in the national security context NAMP advocates for better training and a change in terminology, away from 'Islamism' and 'jihadism'. NAMP provides training to two regional counter-terrorism units. Alexander notes

134 Employment Tribunals, *Dr T Islam v University of Leeds*, assets.publishing.service.gov.uk/media/6374a812d3bf7f7210477607/Dr_T_Islam_v_University_of_Leeds_1800177-2021.pdf

135 Amnesty International interview with Alexander Gent, 31 May 2023.

136 National Association of Muslim Police, *NAMP Membership and Community Survey Report 2021*, 2021, muslim.police.uk/files/ugd/f9ec1e_dbf64914712b459799719fe1e47d18e5.pdf

137 Amnesty International interview with Alexander Gent, 31 May 2023.

that, without such training, officers joining counter-terrorism policing often ‘don’t understand anything about Islam beyond what’s on the news’.¹³⁸

Neil Basu, former Head of CTP, acknowledged that racial stereotypes can play a role in Prevent-related decisions. ‘You have to replace gut instinct as much as you can with professional judgement,’ he said, informed by ‘better training, better evidence [of radicalisation factors] and more skill and experience’.¹³⁹

George, a safeguarding expert and former Channel Panel standing member, also noted that Prevent decision-making can ‘be based on ignorance and a lack of training’. However, when decisions were made with professional judgement informed by better training about the thresholds for intervention, he felt the programme could be implemented in a ‘proportionate, supportive, anti-racist’ way.¹⁴⁰

4.1.3 Lack of equality data

Despite long-standing concerns regarding Prevent’s potentially discriminatory impact, the Home Office keeps only ‘partial data on the ethnicity and religion of Prevent referrals and Channel cases’.¹⁴¹ Prevent officers do not have to record ethnicity or religion when handling a referral.

In February 2023 Rights and Security International (RSI) published Home Office data released in response to a freedom of information request. RSI noted that, because such data is not systematically recorded and is based on the perception of the Prevent officer handling a referral, the data is ‘almost certainly not an accurate representation of the ethnicity breakdown of all individuals discussed’ at a Channel panel.¹⁴² The data provided indicated that, for the year 2018-19, 22 per cent of cases discussed at a Channel panel involved Asians, who make up only 9.3 per cent of the UK population.¹⁴³ Data obtained by Medact from nine NHS trusts showed that Asians were reported to Prevent four times more than other ethnic groups. Data on religion from six NHS trusts found that Muslims were referred to Prevent eight times more often than non-Muslims.¹⁴⁴ Home Office data from 2014-16 – the last time such data was made available before February 2023 – showed that 39 per cent of children referred under Prevent were recorded as Muslim and 38 per cent as of Asian ethnicity.¹⁴⁵

Data on religion from six NHS trusts found that Muslims were referred to Prevent eight times more often than non-Muslims

The lack of comprehensive data does not preclude an analysis of Prevent’s impact on the right to non-discrimination. Statistics are useful, but not necessary, for proving such

138 Ibid.

139 Amnesty International interview with Neil Basu, 3 May 2023.

140 Amnesty International interview with ‘George’, 4 May 2023.

141 Home Office, Response to Written Question 6170, 2 June 2021.

142 Dr Zin Derfoufi and Sarah St Vincent, JD, Rights and Security International, *Analysis of FOI 63470 data on the ethnic composition of Channel cases, and a comparison to the composition of terrorism-related criminal sanctions*, February 2023, rightsandsecurity.org/assets/downloads/RSI_FOI_63470_data_analysis_-_final.pdf

143 UK Government, Population of England and Wales, ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/population-of-england-and-wales/latest

144 Medact, *False Positives*, 2020, page 25.

145 CRIN, *Preventing Safeguarding: The Prevent strategy and children’s rights*, static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/62385835c6d6f61c4977be26/1647859768092/Preventing+Safeguarding+March+2022+CRIN.pdf, 2022, page 17.

violations.¹⁴⁶ Indeed, quantitative analysis would require not only data showing that most people referred to Prevent are Muslims (a simple disproportionality), but also examples of non-Muslims engaged in similar behaviours at a similar time who were *not* referred to Prevent (i.e. a comparator).¹⁴⁷ Without such comprehensive data, this research has examined the degree of discretion and role of stereotypes in Prevent decision-making.

4.2 Neurodiversity: ‘Fallen into the lap of counter-terrorism’

There is a high incidence of neurodiversity among Prevent referrals.¹⁴⁸ Jonathan Hall KC, the Independent Reviewer of Terrorism Legislation, has stated that the incidence of autistic people being referred to the Prevent programme was ‘staggeringly high’ and that ‘it is as if a social problem has been unearthed and fallen into the lap of counter-terrorism professionals’.¹⁴⁹

In evidence submitted to the parliamentary Intelligence and Security Committee, a representative of the Home Office’s Homeland Security Group stated:

If you asked any of my Prevent coordinators across the country, they would say they are seeing a link between autism and some of the right wing casework; any mental health professional would say those people are not really qualified to say that, which is an entirely legitimate observation but it is something I get very regularly from my folks on the ground.¹⁵⁰

The Shawcross Review also found that ‘a significant number of cases referred to Channel involve some element of mental health concern, and/or complex needs [including] young people on the autistic spectrum’.¹⁵¹

Experts in psychiatry believe that ‘there is no empirical evidence to link autism and terrorism’.¹⁵² The UK’s latest counter-terrorism strategy also states that there is ‘limited evidence to support a direct causal link between mental ill-health or neurodivergence and an individual’s terrorist threat or susceptibility to radicalisation’.¹⁵³ The overrepresentation of neurodiverse people in Prevent referrals does not, therefore, reflect any increased risk of neurodiverse people committing terrorism-related acts. Instead, some autism features could be mistaken for signs of radicalisation in the Prevent context, such as ‘intense interests [and] the drive to collect facts and figures about a topic’.¹⁵⁴ Autistic people are also more likely to be ‘misunderstood or misperceived by other people’¹⁵⁵ including public sector staff subject to the Prevent duty.

146 Amnesty International & OSF, *Europe: A Human Rights Guide for researching racial and religious discrimination in counter-terrorism*, 2021, page 78. [amnesty.org/en/documents/eur01/3606/2021/en/](https://www.amnesty.org/en/documents/eur01/3606/2021/en/)

147 Ibid, see also *Catrimán et al v Chile*, Inter-American Court for Human Rights, 29 May 2014, para 219.

148 Medact, *False Positives*, pages 35-36

149 *The Guardian*, ‘“Staggeringly high” number of people with autism on UK Prevent scheme’, 7 July 2021, [theguardian.com/uk-news/2021/jul/07/staggeringly-high-number-of-people-with-autism-on-uk-prevent-scheme](https://www.theguardian.com/uk-news/2021/jul/07/staggeringly-high-number-of-people-with-autism-on-uk-prevent-scheme).

150 Intelligence and Security Committee of Parliament, *Extreme Right-wing Terrorism*, 13 July 2022, para 86.

151 William Shawcross CVO, Independent Review of Prevent, (Shawcross Review, 2023), February 2023, para 4.96.

152 Z Al-Attar, ‘Autism spectrum disorders and terrorism: how different features of autism can contextualise vulnerability and resilience’, *The Journal of Forensic Psychiatry & Psychology*, 31:6, 2020, [tandfonline.com/doi/abs/10.1080/14789949.2020.1812695](https://doi.org/10.1080/14789949.2020.1812695)

153 CONTEST Strategy, 2023, para 27.

154 *The Conversation*, ‘No evidence links autism with terrorism but ill-judged statements and headlines will lead to stigma’, 9 July 2021, theconversation.com/no-evidence-links-autism-with-terrorism-but-ill-judged-statements-and-headlines-will-lead-to-stigma-164133

155 Peter Mitchell, Elizabeth Sheppard and Sarah Cassidy, ‘Autism and the double empathy problem: Implications for development and mental health’, 2021, 39:1-18, *British Journal of Developmental Psychology*, bpspsychub.onlinelibrary.wiley.com/doi/pdf/10.1111/bjdp.12350

Not only does Prevent appear to disproportionately target neurodiverse people, it also affects neurodiverse people in specific ways, as demonstrated by Connor's case.

CASE STUDY

Connor's story: 'You don't know who to trust'

Connor is a 24-year-old autistic man who is also diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), Pathological Demand Avoidance (PDA), an anxiety disorder and learning difficulties. He lives in a supported flat where he receives visits from care workers every few hours. His social worker referred him to Prevent in October 2021, noting a number of concerns in the referral form, including looking at 'offensive and anti-trans' websites, 'interest in anime', putting on 'offensive videos when his care staff are around', and Connor's increased isolation after having to withdraw from college due to ill health.

The social worker had also raised concerns with Connor's father about Connor's interest in the video game Warhammer, and his music tastes, which the social worker interpreted as an interest in militarism. A review of Connor's care arrangements noted 'concerns about him focusing on lots of right-wing darker comedy' and that this 'raised question (sic) of PREVENT referral'.¹⁵⁶

Connor's social worker and the local authority justified his referral as a way to 'explore other means of support and education' following his college withdrawal.¹⁵⁷ Police dropped his referral in December 2021 and requested that the local authority inform Connor and his parents; the local authority informed Connor and his parents of the outcome of the referral in late January 2022.

The referral had a significant impact on Connor and his family. At the time, Connor was worried that he might be arrested. 'Social workers are meant to be people that you can trust,' Connor said.¹⁵⁸ 'After the whole thing with the social workers [that is, the Prevent referral], you don't know who to trust.' For someone who requires daily support from care workers, losing trust in others is particularly problematic. As a result of the referral and loss of trust, Connor requested a change to his designated social worker in November 2021. After making this request, he was without social care provision for several months, which was criticised by the Local Government Ombudsman, to whom Connor's father Edward had submitted a complaint.

Edward explained that Connor's condition leads him to have frequent 'meltdowns' and use 'shock tactics' when he is stressed or frustrated, leading him to say things he might not otherwise say, and to obsessive behaviour, which can be confused with indicators of radicalisation.¹⁵⁹ Connor's psychologist confirmed to Edward that Connor's way of expressing his views is part of his way of understanding the world.

¹⁵⁶ Annual Review of Connor's Care conducted in October 2021.

¹⁵⁷ Local authority's response to Connor's formal complaint to the local authority.

¹⁵⁸ Amnesty International interview with Connor and his parents, 23 February 2023.

¹⁵⁹ Amnesty International interview with 'Edward', 16 February 2023.

4.3 Age: Over-representation of children

Jasmine, whose son Zain was referred to Prevent by his school (see Section 4.1.2), noted that ‘the point of learning [in schools] is to educate them [children], challenge them, expose them to other things, to help mould their minds – not to censor them and report them when they say certain things.’¹⁶⁰

According to the latest official figures, children aged under 15 accounted for 29 per cent of Prevent referrals. Young people aged 15 to 20 accounted for the largest proportion (30 per cent). The over-representation of children in Prevent referrals, and (as noted in section 1.2) increasingly in counter-terrorism prosecutions, is particularly concerning. Simon Cole, former Chief Constable of Leicestershire and later National Prevent Lead, said: ‘[I]t is unsurprising that the prevention required needs to be focussed at an age range that is pretty reflective of other crime types; young people are bulk business for policing.’¹⁶¹

The UN Committee that monitors states’ implementation of the Convention on the Rights of the Child (UNCRC), to which the UK is a party, has commented that adolescents are in a state of transition; saying or doing something as a teenager is not an indication of any long-term commitment to a cause.¹⁶² Safeguarding guidance also acknowledges that children and young people may ‘express strong opinions without understanding those opinions and may also express entirely contradictory views at different times. [This] can be a part of growing up – testing what it is ok to say/testing out ideas/provoking reactions/seeking to create a distinctive identity and rebelling against adults’.¹⁶³ This guidance therefore recommends considering a range of factors when assessing risk in relation to a child. Nevertheless, it states that Prevent-related concerns may arise when, for example, a child expresses ‘strongly held and intolerant views towards people who do not share his/her religious or political views’ or ‘racist, sexist, homophobic or other prejudiced views and links these with a religion or ideology.’

The over-representation of children in Prevent referrals and the cases of children examined for this report raise concerns about Prevent’s compatibility with the UK’s obligation to give primary consideration to ‘the best interests of the child’ under international human rights law:

[I]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.¹⁶⁴

The UN CRC in its June 2023 report on the UK expressed concern about the ‘chilling effect of counter-terrorism measures on the right of children to freedom of expression and that nearly half of the children referred under the Prevent strategy are Muslim or of Asian descent’. The report called on the UK to publish data, disaggregated by age, ethnicity and religion on children referred to Prevent.¹⁶⁵

160 Amnesty International interview with ‘Jasmine’, 25 February 2023.

161 Simon Cole speech, 2016, committees.parliament.uk/writtenevidence/67015/pdf/

162 CRC Committee, General Comment No. 12: On the implementation of the rights of the child during adolescence, CRC/C/GC/20, 2016, paras 9-10.

163 London Safeguarding Children Partnership, ‘London Safeguarding Children Procedures’, londonsafeguardingchildrenprocedures.co.uk/sg_ch_extremist.html

164 Convention on the Rights of the Child, Article 3(1).

165 CRC Committee, Concluding Observations on the UK, 2023, CRC/C/GBR/CO/6-7.

4.4 The prohibition on discrimination

The European Court of Human Rights defines discrimination as ‘treating differently, without an objective and reasonable justification, persons in relevantly similar situations’.¹⁶⁶

Although there must be a causal link between the prohibited characteristic, such as race, religion or disability, and the difference in treatment, the characteristic need not be the *only* reason for the treatment.¹⁶⁷ Nor does any such treatment need to refer explicitly to the prohibited characteristic, or apply exclusively to those possessing it.

Prevent referrals for allegedly extreme right-wing behaviours now exceed referrals made as a result of concerns around Islamism (‘Islamist’ referrals). But this does not preclude Prevent from being discriminatory. As demonstrated above, stereotyping of Muslims remains a factor in Prevent-related decision-making, regardless of the overall ratio of Islamist to extreme right-wing referrals. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has reported that the ‘commitment in policy to targeting a more diverse universe of ideological extremism will not cure the fundamental ills’ of Prevent. It notes that these ills include ‘the deputization of counter-extremism policy enforcement to civil servants and private citizens operating in a racially and politically fraught national environment.’¹⁶⁸

‘Intersectional discrimination’ describes discrimination on several grounds that interact with each other, producing a specific form of discrimination that is distinct from discrimination on any single ground.¹⁶⁹ In the case of Prevent, the grounds examined below often produce outcomes that any single ground may not. For example, a young Muslim boy may be referred partly because of stereotypes that do not apply to non-Muslim young people, or young Muslim women, or older Muslim men. Similarly, young white neurodiverse men may be referred because of factors linked to their neurodiversity, such as obsessing about a topic, and which only become a cause for concern because of stereotypes about young men.

A common defence against accusations of discrimination in the national security context is to argue that it is simply a common-sense response to the threat of terrorism: that if so-called Islamist terrorism poses the greatest threat, counter-radicalisation measures would naturally focus disproportionately on Muslims. But common sense is not a defence for discrimination under law. This point was articulated by the House of Lords in the 2004 *Prague Airport* case:

¹⁶⁶ *Lithgow and others v the United Kingdom* (9006/800) European Court of Human Rights (1996), par. 177; *Fredin v Sweden* (12033/86) European Court of Human Rights (1991), para 60.

¹⁶⁷ Amnesty International & OSF, *Europe: A Human Rights Guide for researching racial and religious discrimination in counter-terrorism*, 2021, [amnesty.org/en/documents/eur01/3606/2021/en/](https://www.amnesty.org/en/documents/eur01/3606/2021/en/), paras 2.2.1.2 and 2.2.3.

¹⁶⁸ OHCHR, End of Mission Statement of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the conclusion of her mission to the United Kingdom of Great Britain and Northern Ireland, 2018, [ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E)

¹⁶⁹ Intersectional discrimination is increasingly recognised by UN treaty bodies, including in individual cases. For example, CERD, General comment No. 32 on special measures needed to advance certain racial or ethnic groups, 2009, UN Doc A/64/18 (Annex VIII), para 7; CEDAW, General Recommendation 28 on the Core Obligations of States Parties under Art. 2, 2010; UN Doc CEDAW/C/GC/28, *Maria de Lourdes da Silva Pimentel v Brazil*, para 18; CEDAW, UN Doc CEDAW/C/49/D/17/2008, 2011; *Kell v Canada*, CEDAW, UN Doc CEDAW/C/51/D/19/2008, 2012; *R.P.B. v The Philippines*, CEDAW, UN Doc CEDAW/C/57/D/34/2011, 2014.

Many will think it contrary to common sense to approach all applicants with an equally open mind, irrespective of the very good reasons there may be to suspect some of them more than others. But that is what is required by a law which tries to ensure that individuals are not disadvantaged by the general characteristics of the group to which they belong.¹⁷⁰

If the disparity in Prevent referrals arises naturally as a result of the threat facing the UK, and if that threat is – as the authorities state – principally originating from ‘Islamist’ groups,¹⁷¹ it would be expected that Muslims referred to Prevent are at greater risk of radicalisation and that they would therefore be moved on to the Channel stage of the process. In fact, the most recent data from 2021-22 shows the opposite: 28 per cent of ‘Islamist’ referrals were progressed to a Channel panel discussion alongside 45 per cent of ‘extreme right-wing’ referrals.¹⁷²

This kind of analysis (sometimes referred to as ‘hit rate’ analysis) has been used to examine racial profiling in police searches, analysing the ‘rate at which police succeed in their stop and search efforts’.¹⁷³ The aim is to understand whether disproportionate targeting of certain groups can be justified by the argument that ‘that’s where the criminals are’.¹⁷⁴ Such analysis in the US has found ‘higher hit rates not for blacks and Latinos, but for whites’¹⁷⁵, meaning that such disproportionate targeting cannot be justified as a ‘common sense’ approach.¹⁷⁶

International human rights standards require states to collect data to understand and address systemic discrimination. The Durban Declaration and Program of Action calls on states to

collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance.¹⁷⁷

When collecting and storing official data, governments should disaggregate it by race in a way that provides for ‘self-identification, transparency, privacy, participation and accountability’.¹⁷⁸ Accurate and complete data on Prevent referrals and Prevent-related interventions would be an important tool for monitoring discriminatory impacts of Prevent.

170 *R v Immigration Officer at Prague Airport and another, ex parte European Roma Rights Centre and others*, [2004] UKHL 55, para 90.

171 CONTEST Strategy, 2023, para 16.

172 Home Office, Individuals referred to Prevent, 2023

173 David A. Harris, ‘The Reality of Racial Disparity in Criminal Justice: The Significance of Data Collection’, 2003, 66:71, *Law and Contemporary Problems*, page 75.

174 *Ibid*, page 79.

175 *Ibid*, page 82.

176 Amnesty International & OSF, *Europe: A Human Rights Guide for researching racial and religious discrimination in counter-terrorism*, 2021.

177 United Nations, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Declaration and Programme of Action (‘Durban Declaration’), 2002, para 92. See also Human Rights Council, Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions, UN Doc A/HRC/42/59, 15 August 2019, para 81.

178 *Ibid*, para 8.

5 Referrals, political views and expression

5.1 Referrals based on political views

In all the cases examined for this report, people's referrals to Prevent were largely triggered by expression: things they had said, watched, written or shared.

CASE STUDY

Michael's story: 'A child with non-social conforming interests'

Michael was 14 when a teacher questioned him about his views on abortion, gun rights, and his social media activity.¹⁷⁹ The school referred him to Prevent in 2018, following allegations from another student's parent, including that Michael had written 'Allah Akbar' (sic) on his arm, had posted 'pictures of guns and soldiers', and shared anti-abortion pictures and websites with another student. The school did not try to corroborate the allegations.

In the referral the school also noted numerous reasons why Michael was considered 'vulnerable to radicalisation', including that he 'believes that our laws on gun and knife control are wrong and that there should be greater rights for individuals'. He was also communicating with a Rabbi about converting to Judaism, and his history teacher had noted his 'fascination with the Middle East'.

A social worker examining Michael's referral found these concerns difficult to substantiate, noting that Michael 'appears to hold clear and firm views into his beliefs' and that his interest in the military and other religions is 'child-like rather than sophisticated or motivated by any ulterior desire'. The same document noted the need to 'consider the balance between Michael being a child with non-social conforming interests versus a child with unhealthy extremist views'. Michael's parents told Amnesty International that their son had always liked talking about politics and sharing his views.¹⁸⁰

CASE STUDY

Aran's story: 'It was trade union busting'

Aran was a workplace trade union representative when their employer referred them to Prevent because of their social media posts and political activity. Aran had posted about issues including anti-capitalism, anti-fascism, anti-racism, police abolition, international solidarity and trade union activism.

Their employer expressed concern that Aran's views were 'extremist' and 'communist' and that advocating for abolishing the police was 'not in line with

¹⁷⁹ Amnesty International interview with 'Michael' and his parents, 24 February 2023.

¹⁸⁰ Ibid.

British values'. The employer also met with local counter-terrorism police officers without informing Aran.

The officers stated that the social media posts alone demonstrated that Aran wanted to abolish the British state, warranting a Prevent referral and subsequent referral to the Channel program.

The employer saw Aran's trade union activities and public trainings on workplace organising as 'grooming' other union members by seeking to influence their political views.¹⁸¹ It is particularly concerning that ordinary trade union activity – which includes mobilising union members to campaign on wider political issues – could be viewed as synonymous with 'grooming' or 'radicalisation' in the Prevent context.

Aran told Amnesty International that their Prevent referral constituted trade union victimisation, as it occurred during a period of heightened union activity and negotiations with management; and that it was racial discrimination, given Aran's racialised background and accusations that their anti-colonial and anti-racist political views were against 'British values'. 'It was trade union busting,' Aran said. 'We were just a few steps away from potential strike action and they had tried [and failed] with other intimidatory tactics.'¹⁸²

Regarding the grooming accusations, Aran said: 'I fundamentally believe that socialists should organise explicitly as socialists in trade unions and that workplace organising should be inherently political – I want to radicalise workers, and that's a good thing.'¹⁸³

Aran noted that having their views seen as 'illegitimate and even dangerous' and challenged 'by the power of the British state' – was 'quite striking'. 'There were moments when I thought if my politics are going to get me sacked, are my politics too extreme? Actually, no they're not – I believe in a different society and Prevent wants to stop people from having my politics.'¹⁸⁴

David Knowles is a former local Prevent police lead and national police Prevent lead for education. He said that Prevent does not get involved in a case simply because of someone's political views: 'It's only when that activity starts looking towards harming others.'¹⁸⁵

George stated: 'All of us will have those engagement factors – but what makes something relevant to Prevent is when they are combined with intent to cause harm.'¹⁸⁶ He explained that expressing, for example, a political view against immigration would not raise Prevent-related concerns, but may be concerning if it was combined with 'dehumanising Muslims or ethnic minorities' and a sense that there is 'some form of war' between groups (an 'us vs them' mentality).

181 Amnesty International interview with 'Aran', 3 April 2023.

182 Ibid.

183 Ibid.

184 Ibid.

185 Amnesty International interview with David Knowles, 11 May 2023.

186 Amnesty International interview with 'George', 4 May 2023.

Similarly, the 2011 CONTEST strategy states that Prevent must not be ‘confused with a strategy to deal with extremist organisations. Where people holding extremist views appear to be moving towards terrorism they clearly become relevant to Channel multiagency boards. Otherwise they do not.’¹⁸⁷

Some guidance also states that individuals should assess a referral’s proportionality, suggesting that the benefits of a referral should be balanced with the potential costs: ‘School staff should use their professional judgement in identifying children who might be at risk of radicalisation and act proportionately.’¹⁸⁸

There is apparent divergence between official guidance and how Prevent operates in practice. Claire told Amnesty International about a school Prevent referral based on a student expressing and defending their extreme right-wing views online and in person.¹⁸⁹ When assessing a referral to Prevent, Claire would consider not only whether the individual ‘espouse[s] extremist views’ and ‘double[s] down on them when challenged’, but also ‘whether they could be a danger to themselves or others’. She acknowledged that there was no ‘hard or fast way of’ distinguishing between someone simply expressing certain views and being a potential harm to others, and said much of it comes down to ‘gut feeling’.¹⁹⁰

Even the Shawcross Review noted that disparities in local Prevent delivery constituted a ‘postcode lottery’. It emphasised that Prevent has become so broad it now includes ‘mildly controversial or provocative forms of mainstream, right-wing leaning commentary that have no meaningful connection to terrorism or radicalisation.’¹⁹¹

This report’s findings show that political commentary across the spectrum, not just ‘right-leaning’, is now falling foul of Prevent. As explained in Section 3.3, practitioners appear confused about whether there is a minimum threshold warranting a Prevent referral, and how significant the expression of extreme political or religious views is in meeting this threshold.

As a result, people are being referred to Prevent largely for expressing political views and opinions, and this is a violation of their right to freedom of expression.

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187 CONTEST Strategy, para 5.45.

188 assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf (accessed at time of writing). See also Prevent strategy, para 9.11.

189 Amnesty International interview with ‘Claire’, 9 March 2023.

190 Ibid.

191 Shawcross Review, 2023, page 107.

5.2 Political speech and activism in Prevent trainings and guidance

The Prevent duty guidance states:

[f]rontline staff who engage with the public should understand what radicalisation means... [t]hey need to be aware of what we mean by the term 'extremism' and the relationship between extremism and terrorism.¹⁹²

As a result, by 2019 more than 1 million people in the UK had received Prevent training. While the Home Office provides some trainings, local authorities and private providers also run trainings and issue their own guidance and Prevent policies, resulting in significant variations between areas.¹⁹³

Amnesty International has examined Prevent policies and participated in trainings. These devote considerable time to questions of ideology and political expression. Some VAF indicators (see Section 1.3), such as 'over-identification with a group, cause or ideology', 'feelings of grievance and injustice' and 'a desire for political or moral change', are linked to political expression.

The Channel Duty Guidance suggests that indicators of such vulnerabilities include 'attempts to recruit others to the group/cause/ideology' and 'clearly identifying another group as threatening what they stand for and blaming that group for all social and political ills'. These behaviours are also common among political activists.¹⁹⁴

Examples of vulnerabilities in Prevent guidance documents include: '[being] aggrieved about domestic government policies and/or international affairs' and 'using extremist narratives and a global ideology to explain personal disadvantage' (in a local authority Prevent guide);¹⁹⁵ 'a misconception and/or rejection of UK foreign policy' and 'a distrust of Western media reporting' in a NHS trust Prevent policy;¹⁹⁶ and an individual 'becoming increasingly angry about issues or events they feel are unfair or unjust' (from Counter-Terrorism Policing's website for families).¹⁹⁷

In *Shakeel Begg v BBC* – one of very few judgements on extremism – the court analysed the claimant's speeches. It found one to contain 'extremist Islamic positions' because the claimant had accused 'the American government of "tyranny", "oppression" and "terror" against the Muslim people' and so demonstrated an 'us versus them worldview'.¹⁹⁸

This reveals a danger that any political narrative which presents issues in structural and systemic terms can be assessed as an 'us vs them worldview' and therefore a VAF indicator.

192 Home Office, Revised Prevent duty guidance for England and Wales, para 18.
[gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales](https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales)

193 HM Government, Prevent Training Catalogue, March 2016, assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503973/Prevent_Training_catalogue_-_March_2016.pdf

194 Channel Duty Guidance, page 52.

195 hillingdonsafeguardingpartnership.org.uk/wp-content/uploads/2016/09/Prevent-duty-guide.pdf (accessed at time of writing).

196 Solent NHS Trust, *Prevent Policy*, solent.nhs.uk/media/3558/go31-prevent-policy-v1.pdf

197 Action Counters Terrorism, 'Prevent Radicalisation and Extremism by Acting Early', actearly.uk/

198 *Shakeel Begg v BBC*, EWHC 2688 (QB), 2016.

There have also been high-profile instances of campaigning organisations and movements being flagged in Prevent trainings. In January 2020, the *Guardian* newspaper revealed a local authority's Prevent training slides that included symbols from groups including Greenpeace, Extinction Rebellion and the Palestine Solidarity Campaign.¹⁹⁹ Police retracted the slides and stated publicly that Extinction Rebellion membership is not a reason to enter Prevent.²⁰⁰

Some respondents to an Amnesty International online questionnaire (see Appendix) said they decided against getting involved with Extinction Rebellion or teaching about climate change after seeing Prevent trainings. This demonstrates the chilling effect that Prevent trainings can have on the rights to freedom of expression and assembly.

Prevent training slides have highlighted anti-fracking and anti-capitalism as forms of 'extremism'.²⁰¹ Some Prevent online guidance appears to single out certain political ideologies. A guide from a local statutory agency that produces safeguarding policies and guidance states that 'any information' relating to 'Antifa' and anarchist activists should be reported to the police, and that identifying extreme left-wing symbols and concepts is particularly difficult because 'most far and extreme left wing ideology is based on a moderate foundation... [and yet] gay rights, feminism, anti-fracking, environmental rights, anti-hunt etc all have far[-left] and extremist elements'.²⁰²

The same guidance notes, in relation to the English Defence League (EDL), that '[m]embership or support of the EDL should NOT be viewed as a matter of extremism' and that the EDL were 'vilified by far left wing activists as "Nazis" despite not having anything to do with Nazi ideology'.²⁰³ This is at odds with other Prevent trainings and guidance which include the EDL as an example of a 'non-proscribed extremist group'.²⁰⁴

Box 5: Prevent guidance from Wirral Safeguarding Website²⁰⁵



Anti-Fascist Network (Antifa)

Antifa Network are a far left street protest group. Small extremist elements of Antifa engage in violent acts, particularly against right wing protests. These elements however will encourage and agitate acts of violence within the moderate majority.

Information relating to Antifa should be reported to the Police.



The Anarchist movement is a coverall name for hundreds (down to single people) cells who co-operate to commit acts of violence against the state and the right wing. They are considered as extreme left wing activists.

Any information relating to Anarchist activists should be reported to the Police



199 *The Guardian*, 'Terrorism police list Extinction Rebellion as extremist ideology', 10 January 2020, [theguardian.com/uk-news/2020/jan/10/xr-extinction-rebellion-listed-extremist-ideology-police-prevent-scheme-guidance](https://www.theguardian.com/uk-news/2020/jan/10/xr-extinction-rebellion-listed-extremist-ideology-police-prevent-scheme-guidance)

200 Counter Terrorism Policing, 'Wanting to save the Planet does not make you a terrorist', 6 February 2020, counterterrorism.police.uk/wanting-to-save-the-planet-does-not-make-you-a-terrorist/

201 NetPol, 'Surrey County Council says police advised anti-fracking campaigns pose a risk of "extremism"', 9 October 2019, netpol.org/2019/10/09/surrey-county-council-says-police-advised-anti-fracking-campaigns-pose-a-risk-of-extremism/ and NetPol, 'Home Office forced by Netpol to release "counter-radicalisation" training materials', 1 May 2018, netpol.org/2018/05/01/home-office-wrap-training-prevent/

202 Wirral Safeguarding Children Partnership, *Extreme and far-leaning political symbols and badges*, wirralsafeguarding.co.uk/wp-content/uploads/2019/03/Extreme-and-far-leaning-political-symbols-and-badges.pdf

203 Ibid.

204 See for example Bath & North East Somerset Local Safeguarding Children Board, *Radicalisation Protocol*, May 2019, bcssp.bathnes.gov.uk/sites/default/files/2020-09/radicalisation_protocol.pdf and Safer Cornwall, *Preventing violent extremism*, safercornwall.co.uk/preventing-violent-extremism/

205 Wirral Safeguarding Children Partnership, *Extreme and far-leaning political symbols and badges*, wirralsafeguarding.co.uk/wp-content/uploads/2019/03/Extreme-and-far-leaning-political-symbols-and-badges.pdf

The classification of anarchism, anti-fascism and environmentalism as potential forms of an ill-defined extremism that can lead to a referral is replicated across other Prevent resources. The Educate Against Hate website contains government advice and resources for teachers and students to support discussion of radicalisation and extremism. The website defines anarchist extremism as '[e]xtremists who believe in using violence to replace current systems of government and law enforcement with a system that prioritises complete liberty and individual freedom'; and the 'extreme left-wing' as '[e]xtremists who believe in using violence and serious criminality to abolish existing systems of government and replacing them with anarchist, socialist or communist systems.'²⁰⁶ The guidance advises teachers to ask students how they would counter such ideologies and to consider the difference between democratic protest and extremism.²⁰⁷

The latest figures show 100 Prevent referrals having been made due to 'other types of radicalisation' including left-wing, environmental and animal rights extremism. Amnesty International has previously urged the government to ensure that people demanding climate action are heard without fear of being labelled extremists.²⁰⁸

Prevent trainings and guidance present a particular view of acceptable and unacceptable political ideologies and activism. International human rights law protects freedom of expression, including political speech and activism. It is not the state's role to define the parameters of acceptable lawful speech and activism, outside the limited circumstances in which freedom of expression can be restricted under international human rights law.

There is, then, a risk of certain political views and activism being associated with 'signs of radicalisation'. This is unsurprising given UK policing's long-running association of activism with terrorism. The term 'Domestic Extremism' was used in the context of:

individuals, groups and events (including protests) linked to Extreme Right Wing, Extreme Left Wing, Animal Rights and Environmental causes, where there is a likelihood of significantly affecting community tension, or causing economic or reputational impact to the UK.²⁰⁹

Although such terminology is no longer used, police still view activism and terrorism as two sides of a scale.²¹⁰ In *Cifci v CPS*, the court acknowledged that

in practical terms it may be impossible to maintain a strict line of demarcation between legitimate political beliefs and terrorism as there is an obvious overlap between these matters [...] strongly held views in support of the right to self determination of a political group, nation or people [...] may be legitimate; they may cross the line into terrorism.²¹¹

206 HM Government, Educate against hate, educateagainsthate.com/resources/lets-discuss-lasi-extremism/

207 Ibid.

208 Amnesty International UK, 'UK: "Deeply concerning" that peaceful climate activists were referred to "dubious" anti-terrorism programme', 13 April 2020, amnesty.org.uk/press-releases/uk-deeply-concerning-peaceful-climate-activists-were-referred-dubious-anti-terrorism

209 MI5 and Counter Terrorism Policing, *Domestic Extremism, Operational Improvement Review*, October 2017, Chapter 9.

210 Intelligence and Security Committee of Parliament, *Extreme Right-Wing Terrorism*, 2022, page 82, [isc.independent.gov.uk/wp-content/uploads/2022/07/E02710035-HCP-Extreme-Right-Wing-Terrorism_Accessible.pdf](https://www.isc.independent.gov.uk/wp-content/uploads/2022/07/E02710035-HCP-Extreme-Right-Wing-Terrorism_Accessible.pdf).

211 *Cifci v CPS*, EWHC 1676 (Admin), 2022.

This boundary between legitimate political beliefs and terrorism is blurred partly because the concept of terrorism is so broad and politically charged. Violent actions by the powerful are generally seen as legitimate, while political violence by the less powerful has been classed as terrorism.²¹²

The boundary between legitimate political beliefs and terrorism is blurred partly because the concept of terrorism is so broad and politically charged

Neil Basu said it was difficult ‘to make people [in government] understand that the far right were a rising threat in this country – it became a political issue’.²¹³ E.S., a writer on criminalisation of communities, said that she has observed an inconsistency in enforcement of counter-terrorism measures against the Kurdish community over time and that this demonstrates that these are political decisions made by governments acting in their diplomatic interests rather than proportionate responses to any violent threats.²¹⁴

5.3 Channel interventions: Challenging people’s views and opinions

Channel guidance states that the use of Intervention Providers should be considered for all Channel cases. Intervention Providers are ‘ideological and theological specialists’ experienced in ‘assessing ideological drivers’, with a ‘high level of understanding around extremist narratives and the ability to counter them’.²¹⁵ Their aim is to ‘increase theological understanding and challenge extremist ideas or fixated thinking where they are used to legitimise terrorism.’ Intervention Providers must be approved by the Home Office.

David Knowles said that Channel intervention activities included ‘presenting individuals with religious education or materials that oppose the ideology that they’ve encountered on YouTube’, or introducing potential far right-wing extremists to people of different ethnic groups to help them realise that their ‘racist mindset is wrong’.²¹⁶

The stated aim of these interventions is to challenge, rather than change, an individual’s views and beliefs. However, success often appears to be measured by the individual changing their political or religious views. Regarding a young man who ‘had threatened to target a university campus if Brexit wasn’t implemented to reduce immigration’, a Prevent police officer noted:

After engaging with Prevent, which included me and an intervention provider carefully challenging his beliefs, he moderated his views and accepted that his perspective on immigrants was misplaced.²¹⁷

212 Amnesty International & OSF, *Europe: A Human Rights Guide for researching racial and religious discrimination in counter-terrorism*, 2021, page 100, [amnesty.org/en/documents/eur01/3606/2021/en/](https://www.amnesty.org/en/documents/eur01/3606/2021/en/)

213 Amnesty International interview with Neil Basu, 3 May 2023.

214 Amnesty International interview with E.S., 12 April 2023.

215 Channel Duty Guidance, para 135.

216 Amnesty International interview with David Knowles, 11 May 2023.

217 College of Policing, ‘Being a Prevent Officer’, 8 June 2022, college.police.uk/article/being-prevent-officer

The case study about Jack, below, appears in Department of Education Prevent guidance as an example of a successful Prevent intervention. It also demonstrates that the measure of success is whether an individual's views has changed.

'Jack, extreme right-wing': Department of Education Prevent guidance²¹⁸

Jack was radicalised at school, where he had been struggling with his work. He was also dealing with family problems and could not see a future for himself. He often spent time with extreme right-wing activists, going to demonstrations, making notes of police patrols, and writing and sharing hundreds of racist posts online. He was referred to Prevent after his extreme views became obvious during a discussion at school, where he had also been harassing a Pakistani teacher.

Jack's specialist Channel mentor worked with him to help him understand his narrow point of view, and how Jack's beliefs could hurt himself and those around him. The mentor encouraged Jack to think about what was important to him.

Over time Jack began to question his extreme right-wing views and think differently. He decided he wanted to help other people, and began to speak in other schools about how he had changed his thinking, to stop others from making the same mistakes. He also managed to get a place at college and found part-time work. He spends a lot of his time working to prevent radicalisation and hate through telling his own story.

Jack believes he would have carried on with his extreme views and actions if he had not been mentored through Channel. He said, 'without going through the Channel process and having one-to-one mentoring I would not be in college and employment today'.

Amnesty International agrees that such interventions may be valuable, particularly when efforts to challenge an individual's views include material support that they might not otherwise receive. Intervention Providers routinely challenge racist, homophobic, sexist and otherwise exclusionary views, just as Amnesty International's own human rights educators do. However, our concern about the Channel programme is not the content of its interventions but the role of state authorities, particularly police officers, in a process whose success is measured by whether an individual's political or religious views change.

This is reflected in some people's experiences with Prevent: police officers visiting Michael's home (see Section 5.1) after his referral told his parents that Channel was about 'helping Michael with how he should be looking at things'. Michael's father told Amnesty International that his response was 'this is the thought police' and that 'police don't do politics here'.²¹⁹

²¹⁸ assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079728/Case_studies.odt

²¹⁹ Amnesty International interview with 'Michael' and his parents, 24 February 2023.

5.4 The rights to freedom of expression and freedom of thought, conscience and religion

Some Prevent referrals are made because a person expresses and manifests certain political or religious beliefs, and the referral is intended to influence their views. Amnesty International cannot assess how many referrals are made on this basis. However, the emphasis on expression in public sector trainings and guidance, coupled with the low rate of cases referred further to the Channel programme, points to it being widespread.

In *Miller v College of Police* the court considered the impact on the right to freedom of expression of recording ‘non-crime hate incidents’ (below the threshold of a criminal offence). The claimant’s tweets had been reported to police for being transphobic and recorded on a local police database as a ‘non-crime hate incident’. The court found that ‘comparatively little official action is needed to constitute an interference’²²⁰ with the right to freedom of expression; ‘the recording of non-crime hate incidents is plainly an interference with freedom of expression and knowledge that such matters are being recorded and stored in a police database is likely to have a serious “chilling effect” on public debate.’

The judge noted that there was ‘not a shred of evidence that the Claimant was at risk of committing a criminal offence. The effect of the police turning up at his place of work because of his political opinions must not be underestimated.’²²¹

The Prevent process similarly often results in the recording of political opinions in police and Home Office databases and visits by police to individuals to discuss their political views, in the absence of any evidence of a criminal offence.

Prevent therefore clearly restricts the rights to freedom of expression and freedom of thought, conscience and opinion. Below, we examine whether these restrictions are permissible under international human rights law by applying the three-part test outlined in Section 2.2.

As outlined in Section 2.3, only the *manifestation* of beliefs may be restricted under international human rights law; the right to *hold* or *adopt* beliefs is absolute: ‘[s]tates legally cannot ever interfere with freedom of thought’.²²²

The UN Special Rapporteur on freedom of religion and belief, Ahmed Shaheed, stated:

some States reportedly violate freedom of thought and other rights where they attempt to coercively alter – or even punish – thought deemed harmful to national security, such as so-called ‘deradicalization’ and ‘re-education’ programmes [...] States must ensure that these programmes do not amount to coercion under article 18 (2) of the Covenant.²²³

In analysing whether certain practices impermissibly manipulate one’s thoughts, the Special Rapporteur suggests considering the following four factors: whether there was free and informed consent to the practice; whether the intended influence was

²²⁰ *Miller v College of Policing*, EWCA Civ 1926, 2021, para 70.

²²¹ *Miller v College of Policing*, EWHC 225 (Admin), 2020, para 258.

²²² OHCHR, Interim report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed (A/76/380), para 4.

²²³ Ibid, para 61.

concealed or obfuscated; any imbalance of power between influencer and the rights holder; and harm.

The Special Rapporteur also considers children to be particularly vulnerable to ‘coercive alteration of their thoughts’.²²⁴ In Michael’s case the threshold for coercion was met: his family agreed to participate in Channel only after being threatened with the involvement of children’s services by the local authority. Combined with the lack of process transparency, counter-terrorism police involvement and Michael’s young age, this clearly demonstrates an asymmetry of power and a lack of genuinely free and informed consent to the Channel intervention.

In such cases, influencing an individual’s thoughts through Channel intervention violates their right to freedom of thought, conscience and religion, regardless of the intervention’s aim and whether it meets the three-part test outlined in Section 2.2.

²²⁴ Ibid, paras 37 & 38.

6 Events and protest

6.1 Restrictions on events

Prevent Duty guidance requires local authorities to ‘ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views’.²²⁵ For private venues, it is considered good local authority practice to have a ‘speaker policy which alerts venues [...] to the risks associated with designated speakers who are known to be radicalising influences.’ For non-local authority venues, the guidance notes that a ‘discussion should be had to look at whether an event conforms to the relevant regulations’, such as licensing, environmental health, and noise pollution.

To comply with the Prevent duty, police ‘should engage and where appropriate disrupt extremist activity’.²²⁶ Officers should also ‘consider the full range of investigative and prosecution options when it comes to disrupting extremist behaviour, including the use of public order powers where appropriate’. Such disruptive activity can include ‘working with local authorities to consider municipal powers’, advising local authorities and universities on ‘venue booking processes and good practice’, ‘lawfully disrupting or attending events involving extremist speakers in both private and municipal establishments’ and providing ‘high visibility police presence’ at events.

CASE STUDY

Muslim civil society organisation: Cancelled ‘through the back door’

A Muslim civil society organisation representative told Amnesty International about three events that were cancelled or materially altered because of concerns around Prevent and alleged extremism.

In one incident an English local authority cancelled their venue reservation 10 days before a scheduled event, stating concerns about links to extremism. A local authority representative told the organisers that a Prevent officer had contacted them and advised them to cancel the booking. The event was planned by a local group as an inter-faith community gathering featuring councillors and MPs, with the Muslim civil society organisation invited to speak. Amnesty International has reviewed email exchanges regarding the cancellation.

The same Muslim organisation also had an online event planned on structural discrimination and Islamophobia in healthcare. This included concerns about Prevent, and speakers from a Royal College which the organisation had worked with previously. A government-appointed expert on countering extremism wrote to the Royal College about the planned event, accusing the organisation of being extremists. The Royal College representatives then withdrew from speaking at the event, which was subsequently cancelled. A representative from the Muslim

225 Home Office, Prevent Duty Toolkit for Local Authorities & Partner Agencies, page 23.

226 Home Office, Revised Prevent Duty Guidance: for England and Wales, para 141.

organisation told Amnesty International that as a result of such interventions, they often do not publicise events far in advance and pre-record online events to avoid similar incidents.

Neither Prevent officers nor counter-extremism officials approached the organisation directly during these incidents. The organisers thus had no opportunity to answer allegations or challenge the intervention. A representative from the Muslim organisation said that ‘when Prevent pressure is applied, it’s often done surreptitiously through the back door – we’re not involved in the process’.²²⁷ The organisation has experienced similar issues with other events, and suspects that Prevent officers have been involved, but have not been told why events were cancelled or disrupted.

CASE STUDY

Palestine Solidarity Campaign: Too ‘controversial’

A local Palestine Solidarity Campaign (PSC) branch organised an event in Portsmouth in 2017 called ‘State of Terror: How Terrorism Created Modern Israel’, featuring historian Tom Suarez. On the morning of the event the venue (Quaker Friends Meeting House, which had hosted PSC events before) told organisers that the meeting would be cancelled. The Prevent officer for Portsmouth City Council had called to enquire about ‘special security measures’ due to the ‘nature of the speaker’.²²⁸ When the PSC branch announced a new venue, this was also cancelled, with the ‘nature of the speaker’ cited as the reason.

In email exchanges reviewed by Amnesty International the local authority stated that it had advised the original venue that the event might be controversial because, at the time, it had not been told who the speaker would be. It advised the second venue that it was best not to go ahead with the event given lack of time to complete a risk assessment. The event eventually took place in a pub outside Portsmouth with a much smaller audience than anticipated. A newspaper subsequently published a story that Tom Suarez had been banned from speaking in Portsmouth.²²⁹ While the council denied this, news of the alleged ban has negatively affected Tom’s ability to participate in events elsewhere.

²²⁷ Amnesty International interview with representative of Muslim civil society organisation, 16 May 2023.

²²⁸ Amnesty International interview with Ben Jamal and Rvyka Barnard, 7 March 2023.

²²⁹ *Daily Mail*, ‘Corbyn is urged to cut links with Palestine charity after it hosts anti-Semitic speaker who accuses Jews of exploiting the Holocaust’, 29 April 2017, [dailymail.co.uk/news/article-4457354/Jeremy-Corbyn-charity-hosts-anti-Semitic-speaker.html](https://www.dailymail.co.uk/news/article-4457354/Jeremy-Corbyn-charity-hosts-anti-Semitic-speaker.html)

6.2 Universities

The Prevent duty guidance for universities states:

when deciding whether or not to host a particular speaker, RHEBs [relevant higher education bodies] should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where RHEBs are entirely convinced that such risk can be fully mitigated without cancellation of the event... Where RHEBs are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed.²³⁰

Universities have a duty to ‘take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers’ under Section 43 of the Education (No. 2) Act 1986.²³¹ This duty applies to speech ‘within the law’, and so does not protect speech violating laws such as the prohibition on incitement to violence or hatred, and laws prohibiting incitement and encouraging of terrorism.

The Counter-Terrorism and Security Act 2015 states that universities must have ‘particular regard’ to this duty when carrying out the Prevent duty.²³² Universities must also comply with the public sector equality duty to have due regard to the need to eliminate discrimination, harassment and victimisation based on protected characteristics and to advance equality of opportunity and foster good relations between people of different backgrounds.²³³ The Higher Education (Freedom of Speech) Act 2023, which entered into force in May 2023, imposes additional duties and reporting requirements on universities in relation to freedom of speech.

The governance framework for universities in England and Wales is complex, and this contributes to the human rights impacts of Prevent. In practice, each university has its own system and processes for approving events with external speakers and assessing risk, with a large degree of variation. Although Student Unions are not subject to the Prevent duty, they are often involved in this process. If risks are identified universities may approve an event subject to certain conditions. These can include ‘putting in place experienced chairs to manage and moderate events where needed, ticketing events, or having senior staff present to monitor an event and intervene where necessary’.²³⁴ Other mitigations include additional security, requiring external speakers to provide speaking notes in advance and requiring student safety officers to be present.

There is considerable debate regarding the impact of the Prevent duty on campus events. The Prevent strategy states that ‘a significant proportion’ of terrorism offenders had attended UK further or higher education. It also says some ‘extremist organisations’ target universities and colleges to recruit students, justifying the imposition of the

230 Home Office, Prevent Duty Guidance: England and Wales (2023), gov.uk/government/publications/prevent-duty-guidance-england-scotland-and-wales-2015/prevent-duty-guidance-for-higher-education-institutions-in-england-and-wales-2015, section 1.2 para 5.

231 Education (No.2) Act 1986, Section 43, legislation.gov.uk/ukpga/1986/61

232 Counter-Terrorism and Security Act 2015, Section 31(2).

233 Equality Act 2010, Section 149(1).

234 Office for Students, *Prevent monitoring accountability and data returns 2017-18*, 21 June 2019, officeforstudents.org.uk/media/860e26c2-63e7-47eb-84e0-49100788009c/ofs2019_22.pdf

duty on universities. During the passage of the Counter-Terrorism and Security Bill in parliament, the Joint Committee on Human Rights (JCHR) recommended that the duty not apply to universities; noting that '[b]road terms such as "extremist" or "radical" are not capable of being defined with sufficient precision' and this uncertainty could have a 'serious inhibiting effect' on academic debate. In a later report the JCHR found that 'fear and confusion over what the Prevent duty entails' was a factor limiting free speech on campus. It noted evidence suggesting that the lack of clarity around what constitutes extremism and non-violent extremism, and the bureaucracy related to events where Prevent was involved, had resulted in students and staff self-censoring.²³⁵

In *Salman Butt v Secretary of State for the Home Department* the court considered the legality of Prevent guidance for universities regarding external speakers. It recommended rewriting the guidance to clarify that it does not apply to any 'nonviolent extremism, however intrinsically undesirable, which does not create a risk that others will be drawn into terrorism'.²³⁶ The court also said that despite the guidance referring to the need to be 'entirely convinced' that risks are fully mitigated, universities have to balance their duties under the Prevent guidance with their duty to secure freedom of speech and so must mitigate, rather than eliminate, risk.²³⁷

According to the Office for Students (OfS), which monitors Prevent duty compliance, fewer than five external speaker events were rejected in 2018-19 and 2019-20 because of Prevent. OfS finds 'no cause for concern that free speech was being undermined by Prevent in external speakers' policies and in their implementation'.²³⁸ While the number of cancelled events is low, the number of events where there has been some kind of Prevent intervention is higher: Prevent-related conditions were imposed on 1,093 events in 2018-19 and 854 events in 2019-20.²³⁹ The case below demonstrates the impact of such mitigations.

CASE STUDY

Islamic Society event: 'There is no two-way process'

Students from the Islamic Society at a university in the Midlands held an event in late 2019 featuring Moazzam Begg. He is a former detainee of Guantánamo Bay detention camp and Outreach Director for the organisation Cage. About a week before the scheduled event, the university requested a meeting with the undergraduate student organisers and the Students' Union. One student told Amnesty International that a uniformed police officer and the regional Prevent coordinator attended the meeting:

235 House of Commons House of Lords Joint Committee on Human Rights, Freedom of Speech in Universities, 27 March 2018, HC 589, page 1 and para 65-67.

236 *R (Salman Butt) v Secretary of State for the Home Department* [2019] EWCA Civ 256

237 Ibid.

238 Office for Students, *Prevent review meetings*, 6 February 2020, officeforstudents.org.uk/media/dab85cfd-3648-4ca7-a21d-61ac4bb2699a/prevent-review-meetings_findings-from-2019-programme.pdf

239 There was a significant reduction in the total number of events approved during the period 2020-2021 because of the COVID-19 pandemic. Only five events required Prevent-related conditions during this period – see Office for Students, *Prevent monitoring Summary of 2020-21 annual accountability and data return*, 14 July 2022, officeforstudents.org.uk/media/d21d972a-491a-4c69-a802-83fa3a6aa772/prevent-monitoring-summary-of-adrs_2020-21.pdf

I was a bit alarmed because we weren't briefed [that police and Prevent would be present]. I was a lot more reluctant to voice certain disagreements or opposition to the points that they made because of the fear of being reported or monitored in some way.²⁴⁰

The student noted that Moazzam Begg had spoken at the university many times before without incident.

During the meeting, the Prevent coordinator questioned the event's purpose, which was to focus on structural and institutional Islamophobia; why the students had invited Moazzam Begg specifically; and how the organisers would ensure student safety. Shezana Hafiz from CAGE recalled that the students were 'quite afraid and unsure how to navigate this'.²⁴¹ She also noted that after the event was flagged to Prevent, CAGE sought to challenge the concerns raised, but to no avail: 'We're trying to engage and have a conversation, but there's no two-way process'.²⁴²

The university allowed the event to go ahead, specifying that Moazzam Begg could only speak about his Guantánamo Bay experiences and not his current work; that additional security be put in place; and requiring that the event description be approved by the Students' Union. The event had previously been co-hosted by CAGE; however the university and Prevent coordinator stated that it must be held solely as an Islamic Society event. CAGE could not be visibly present and no CAGE materials could be promoted at the event. As a result of this intervention just a week before the scheduled date, the event was delayed.

The student involved noted that after this incident the Islamic Society became more anxious about inviting external speakers, often checking with the Students' Union first. Incidents like this are not uncommon according to CAGE, and demonstrate how these 'processes stifle healthy debate and discussion'.²⁴³

Regarding campus events, the UK government has acknowledged that 'just as important is what is hard to measure: the large number of events which do not happen at all, either because organisers are worried about obstruction or because the overzealous enforcement of rules makes them seem more trouble than they are worth'.²⁴⁴ Indeed, the JCHR received evidence that students are 'dissuaded from setting up events both because of the increased levels of bureaucracy and out of fear of being referred under Prevent for mistakenly inviting "extremist" speakers'.²⁴⁵

The OfS has expressed concern that some external speaker policies tend 'to be overly complex and created unnecessary administrative burden'.²⁴⁶ The review process can

240 Amnesty International interview with anonymous source, 28 April 2023.

241 Amnesty International interview with Shezana Hafiz, 2 March 2023.

242 Ibid.

243 Ibid.

244 Mr Sam Gyimah MP, Minister of State for Universities, Science, Research and Innovation, Oral Evidence: Freedom of Speech in Universities, 2018, data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/freedom-of-speech-in-universities/oral/78267.pdf

245 UK Parliament, Factors inhibiting free speech, 27 March 2018, publications.parliament.uk/pa/jt201719/jtselect/jtrights/589/58907.htm

246 Office for Students, *Prevent review meetings. Findings from the 2019 programme*, 6 February 2020, officeforstudents.org.uk/media/dab85cfd-3648-4ca7-a21d-61ac4bb2699a/prevent-review-meetings_findings-from-2019-programme.pdf, para 71.

last until the day before the event, creating uncertainty and difficulty in planning and advertising events.²⁴⁷ In a King's College London 2022 survey 48 per cent of respondents said students avoided inviting controversial speakers because of the difficulties involved in getting those events agreed.²⁴⁸

A National Union of Students (NUS) survey found that one third of Muslim students who said they had been affected by Prevent reported experiencing barriers to organising campus speakers and events.²⁴⁹

Ben Jamal from the Palestine Solidarity Campaign said: 'There's a recognition that, when it comes to university spaces, we're going to have to jump through hoops [because of Prevent] to get a meeting booked.'²⁵⁰ The student quoted in the Islamic Society case study above, who has also been involved in Palestine and anti-racist campus activism, said that the Prevent duty affects how many events students can hold since they often did not have the capacity to submit forms to meet the university's requirements and deadlines.²⁵¹

Hala, a student union officer, described this additional bureaucracy as 'a calculated way to drain energy from student organisers'.²⁵²

CASE STUDY

Palestine events: 'Scary or just too onerous'

The Cambridge University Palestine Society organised an event on BDS (Boycott, Divestment and Sanctions) and the Globalised Struggle for Human Rights, due to be chaired by academic Dr Ruba Salih on 8 November 2017. However, 24 hours before the event the University's Prevent Referral Group held a meeting about it, in part because 'a similar event at a London university had been disrupted' the previous day.²⁵³ The 'similar event' was a panel discussion on Palestinian Rights, the BDS Movement, and Transnational Solidarity at the London School of Economics (LSE). LSE subsequently removed Dr Ayca Cubukcu, the planned chair, replacing her with a chair the university considered to be neutral.

Following a Prevent Referral Group meeting, Cambridge University removed Dr Salih as event chair and replaced her with the university's Communications Director.²⁵⁴ The university later apologised to Dr Salih for its decision, noting that it 'evoked strong and understandable concerns within our own community and beyond relating to academic freedom' and recognising that 'there was no evidence to support the view that she would not ensure a democratic debate, allowing all views to be expressed'.²⁵⁵

247 Amnesty International interview with Shezana Hafiz, 2 March 2023, and case study on Palestine events (below).

248 The Policy Institute, King's College London, *The state of free speech in UK universities: what students and the public think*, September 2022, kcl.ac.uk/policy-institute/assets/the-state-of-free-speech-in-uk-universities.pdf

249 National Union of Students, *The experience of Muslim students in 2017-18*, page 12.

250 Amnesty International interview with Ben Jamal and Rvyka Barnard, 7 March 2023.

251 Amnesty International interview with anonymous source, 28 April 2023.

252 Amnesty International interview with 'Hala', 25 April 2023.

253 University of Cambridge, 'University statement on PalSoc event of 8 November 2017', prevent.admin.cam.ac.uk/system/files/20180220_palsocstatement_evf_ruba_salih.pdf

254 Open Letter protesting Cambridge University crackdown on Palestine event and threat to academic freedom, docs.google.com/document/d/1U3L_KU6I4QbfSVPOXXm6y6Z3DCw9UvYWYmCRQB6tcSY/edit

255 University of Cambridge, 'University statement on PalSoc event of 8 November 2017', prevent.admin.cam.ac.uk/system/files/20180220_palsocstatement_evf_ruba_salih.pdf

Ryvka Barnard and Ben Jamal of the Palestine Solidarity Campaign (PSC) told Amnesty International of events supported by PSC or featuring PSC speakers where similar conditions were imposed, such as student safety officers, neutral chairs, ticketing and additional security. In one instance, Ryvka Barnard told Amnesty International, students were asked to respond to negative articles about the speakers in Breitbart News, a far-right US news website, as part of the risk assessment process.

Ben Jamal said that the role of PSC events is partly to encourage people to become better informed about the situation in the Occupied Palestinian Territories. He noted that the above type of interventions ‘create an atmosphere suggesting that this issue is something dangerous and confined to the margins.’²⁵⁶ This can make it seem ‘scary for students to get involved in organising around it, or just too onerous’ in terms of the processes around external speakers. While people who are already actively campaigning on Palestine may be familiar with obstacles such as Prevent ‘there is a bigger question, that is more difficult to measure, about who doesn’t get involved [in Palestine activism]’ because of the association with extremism and Prevent.²⁵⁷

6.3 Protests and Prevent referrals

CASE STUDY

Paddy’s story: ‘It is very intimidating’

Paddy lives in north-east England. He frequently comments on political issues and describes himself as an anti-imperialist. He held silent, one-man protests in 2014 by holding a sign outside his town’s British Army recruitment office to raise awareness of human rights violations committed by the army in Iraq and Afghanistan.²⁵⁸ Paddy had previously visited the recruitment office and written to the British Army reporting racist and Islamophobic social media posts by soldiers.

Paddy stated that a police sergeant and police colleague visited his home in November 2014. They said they were from Prevent and that he should stop protesting outside the office. Paddy continued his protests, including one joined by others. He said the same police sergeant visited him again, informing Paddy that his protests were intimidating, his intentions were unclear to passers-by and that his actions could incite others to more violent and confrontational actions. ‘It is very intimidating to have police acting in that way,’ Paddy said.²⁵⁹ ‘I felt that it was very unfair and over the top.’ Paddy added that he had chosen to protest silently partly because he had heard at a political meeting that police ‘tend to focus on disruptive or loud protests’.

In November 2018 a police officer left Paddy a voicemail saying they were from Prevent and wanted to discuss something he had written online. When they later met at a police station, the officer said they wanted to speak to Paddy because his email signature contained a quote from Bobby Sands, Irish republican and member of the Provisional Irish Republican Army (IRA). The Prevent officer and their

256 Amnesty International interview with Ben Jamal and Ryvka Barnard, 7 March 2023.

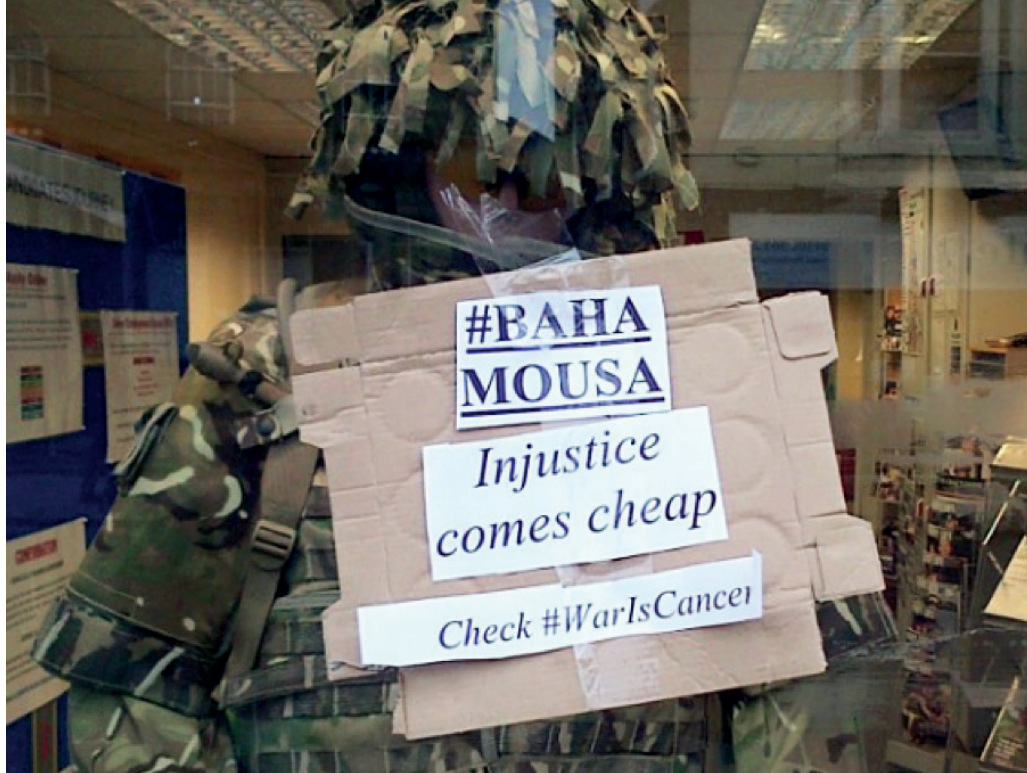
257 Ibid.

258 Amnesty International interview with Paddy, 3 April 2023.

259 Ibid.

colleague also spoke about Paddy's opinions on issues including Brexit, Donald Trump, Irish politics, and his family in Ireland. The police later informed Paddy that no further action would be taken.

Paddy said: '[It] concerns me that they're saying that I'm an extremist. I'm just the guy shouting fire [regarding British Army abuses] – it's the arsonist that needs attention.'²⁶⁰



Paddy's sign, stuck to the front of a British Army recruitment office. Baha Mousa was an Iraqi man who was tortured and died in British army custody in 2003. Source: Paddy

Paddy's experience is similar to other people's whose protest activity triggers an intervention from Prevent. Netpol, an organisation which monitors policing, has documented cases of universities or further education colleges referring anti-fracking activists to Prevent because of their political opposition to onshore oil and gas extraction.²⁶¹

Dr Lyn Jenkins was referred to Prevent by his health provider.²⁶² After joining Extinction Rebellion in 2019 he had sought medical help for claustrophobia, which he believed could be triggered if he was arrested for civil disobedience. The health provider justified the referral by stating that '[i]f someone seeks treatment with us with the declared intention of enabling themselves to be arrested, that would prompt us to consider whether they were vulnerable or were being exploited'.²⁶³

²⁶⁰ Ibid.

²⁶¹ Kevin Blowe *v* ICO, para 15; see also Netpol, *Protecting the Protectors: Monitoring the Policing of Anti-Fracking Protests since 2014*, pages 11-12.

²⁶² Medact, *False Positives*, 2020, medact.org/wp-content/uploads/2020/07/MEDACT-False-Positives-WEB.pdf, page 44.

²⁶³ *The Guardian*, 'NHS reports protester to Prevent for joining Extinction Rebellion', 1 September 2019, theguardian.com/uk-news/2019/sep/01/nhs-reports-protester-to-prevent-extinction-rebellion

The Home Office has stated that peaceful participation in any lawful movement or campaign would not, by itself, be considered an indicator of vulnerability to being drawn into terrorism and so should not, on its own, result in a case being discussed at a Channel panel.²⁶⁴ But, as with referrals based on political expression outlined above, there appears to be divergence between official guidance or training, and implementation.

6.4 The right to freedom of peaceful assembly

Exercising one's right to freedom of peaceful assembly may be subject to certain restrictions, but only if they meet all elements of the stringent three-part test outlined in Section 2.2. The possibility that an event might provoke adverse or violent reactions is not sufficient grounds to restrict or prohibit it.

Disruption of events by local authorities and universities under the Prevent duty risks endangering the right to freedom of peaceful assembly.

Disruption of events by local authorities and universities under the Prevent duty risks endangering the right to freedom of peaceful assembly. Given Prevent's remit, events caught in this net often carry a political message and therefore attract 'a heightened level of accommodation and protection'.²⁶⁵ The idea of a speaker policy prompting action in relation to designated speakers, and the inherently subjective and political concept of extremism, means that the authorities' approach cannot be content neutral, but in fact is based on the identity of the participants. This goes against international human rights law guidance on the management of peaceful assemblies, which requires that the authorities' approach 'to peaceful assemblies and any restrictions imposed must thus in principle be content neutral, and must not be based on the identity of the participants or their relationship with the authorities'.²⁶⁶

²⁶⁴ See for example, *Kevin Blowe v ICO*, para 111.

²⁶⁵ Human Rights Committee, General Comment No. 37 on Article 21 ICCPR, UN Doc CCPR/C/GC/37, 217 September 2020, para 32.

²⁶⁶ *Ibid*, para 22.

7 Does Prevent cause a chilling effect?

7.1 Defining ‘chilling effect’

In a report on the chilling effect in international law, Laurent Pech, Professor of European Law, offered this definition:

From a legal point of view, chilling effect may be defined as the negative effect any state action has on natural and/or legal persons, and which results in pre-emptively dissuading them from exercising their rights or fulfilling their professional obligations, for fear of being subject to formal state proceedings which could lead to sanctions or informal consequences such as threats, attacks or smear campaigns. State action is understood in this context as any measure, practice or omission by public authorities which may deter natural and/or legal persons from exercising any of the rights provided to them under national, European and/or international law, or may discourage the potential fulfilment of one’s professional obligations (as in the case of judges, prosecutors and lawyers, for instance).²⁶⁷

While Pech’s definition refers to deterring people from exercising their rights, a chilling effect can also occur when a person significantly *changes* how they exercise their rights; for example, when individuals refrain from expressing certain views or change how they dress or protest as a result of state action. The state action need not be the only, or even main, reason for this behaviour change. The UN Human Rights Committee recognises the concept of a chilling effect, noting the use of data collection in the context of assemblies.²⁶⁸ The European Court of Human Rights has also recognised a chilling effect in relation to the rights to freedom of expression and peaceful assembly.²⁶⁹

7.2 The current debate: Self-censorship and fear

There is considerable debate about Prevent’s potential chilling effect, particularly in education. An academic study of UK higher education employees and students found that ‘[s]tudents and staff tend to self-censor their discussions to avoid becoming the object of suspicion and are sometimes discouraged from exploring, researching or teaching about Islam, especially when linked to terrorism, fundamentalism or military conflict’.²⁷⁰

It is concerning that some students were hesitant to participate in the study because of anxiety about being flagged under Prevent.²⁷¹ The study’s results echo those of a 2018 NUS survey of Muslim students: a third of respondents felt negatively affected by Prevent, including ‘participating less in political activity or debate; having events

²⁶⁷ Laurent Pech, *The concept of chilling effect: Its untapped potential to better protect democracy, the rule of law, and fundamental rights in the EU*, Open Society European Policy Institute, March 2021, page 4.

²⁶⁸ Human Rights Committee, General Comment 34 on Freedom of Opinion and Expression, para 10, and General Comment 37 on the Right of Peaceful Assembly, paras. 10, 61 and 94.

²⁶⁹ *Yaşar Kaplan v Turkey*, para 35; *Aslı Güneş v Turkey*; *Christian Democratic People’s Party v Moldova*, para 77.

²⁷⁰ Guest, M., Scott-Baumann, A., Cheruvallil-Contractor, S., Naguib, S., Phoenix, A., Lee, Y. and Al Baghal, T., Durham University, SOAS University of London, Coventry University and Lancaster University, *Islam and Muslims on UK University Campuses: Perceptions and Challenges*, 2020, eprints.soas.ac.uk/33345/1/file148310.pdf

²⁷¹ *Ibid*, page 13.

they have organised being restricted or cancelled; or being reported.’²⁷² One in 10 students who said they would not be comfortable participating in certain discussions (for example, on Palestine or terrorism) cited fear of being reported to Prevent. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association found that Prevent had ‘created unease and uncertainty regarding what can legitimately be discussed in public’.²⁷³

Prevent has ‘created unease and uncertainty regarding what can legitimately be discussed in public’

UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

The government has rejected claims that Prevent causes a chilling effect in higher education, arguing that such fears result from inaccurate reporting.²⁷⁴ Only 12 per cent of respondents in a 2016 school employee study thought the Prevent duty had resulted in less open discussions on topics such as extremism, intolerance and inequality, compared with 41 per cent who said it had led to more open discussions around these topics – although the figures for Black and Minority Ethnic (BME) respondents were 29 and 25 per cent respectively.²⁷⁵ It is important to note that most people have not heard of Prevent and are not aware of how the Prevent duty may apply to them.²⁷⁶ As the sections below demonstrate, there is evidence that Prevent causes a chilling effect, although its scale and prevalence are difficult to determine.

7.3 Interview evidence: Changes in behaviour

People who have had interactions with Prevent have recounted changing their behaviour as a result. Paddy (see Section 6.3) said: ‘It made me more cautious and nervous about any outward display of anti-racism or opposition to Islamophobia or anti-Irish sentiment.’ Although he is not ‘someone who has backed down,’ he ‘boxes more cleverly now’, avoiding outwardly controversial or confrontational actions.²⁷⁷

Aran (see Section 5.1) deleted social media posts after their Prevent referral and said it made them ‘more mindful about posting [online] material that is more explicitly about abolishing the state or abolishing police and more careful around sharing revolutionary language.’ They described an ‘internal censorship, now that I know employers can use this [Prevent] as a union busting tactic’.²⁷⁸

272 National Union of Students, *The experience of Muslim students in 2017-18*, page 12.

273 OHCHR, Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the United Kingdom, 2016, ohchr.org/en/statements/2016/04/statement-united-nations-special-rapporteur-rights-freedom-peaceful-assembly-and

274 Houses of Parliament Joint Committee on Human Rights, Oral evidence: Freedom of speech in universities, HC 589, 7 February 2018, data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/freedom-of-speech-in-universities/oral/78267.html, Q76 and Q74.

275 Joel Busher, Tufyal Choudhury, and Paul Thomas, *The Introduction of the Prevent Duty into Schools and Colleges: Stories of Continuity and Change*, 25 July 2020.

276 CREST survey showing that 56 per cent of British Muslims and 68 per cent of the general population were not aware of Prevent: CREST, *Listening to British Muslims: policing, extremism and Prevent*, March 2020, b9cf6cd4-6aad-4419-a368-724e7d1352b9.usrfiles.com/ugd/b9cf6c_d12a4911772d4e04a683b69561c86501.pdf, page 80.

277 Amnesty International interview with Paddy, 3 April 2023.

278 Amnesty International interview with ‘Aran’, 3 April 2023.

After Zain's school referred him to Prevent, his mother Jasmine said: 'On certain topics, I tell my children to keep their opinions to themselves because there's a profile that brown Muslim boys are terrorists: don't say anything and don't give your opinion.'²⁷⁹

Following his Prevent referral, Irfan said: 'I stay quiet – if someone brings up religion, I don't talk. I've become more of a closed book.'²⁸⁰

While individuals impacted by the Prevent duty reported such effects, Claire reported no evidence of self-censorship among students. She said the vast majority do not know what Prevent is, echoing the findings of the above school employee study.²⁸¹

Representatives of organisations and students interviewed for this research also reported changing how they organise events because of Prevent-related restrictions, as outlined above. One Muslim civil society organisation representative (see Section 6.1) said their shift towards pre-recorded online events because of Prevent 'shuts down the ability to have an open free-flowing dialogue with interested stakeholders'.²⁸²

The student involved in a university Islamic Society event (Section 6.2) said 'a lot of the student societies who are concerned about Prevent are mainly from communities from marginalised backgrounds; there's definitely been a disproportional chilling effect on those groups.'²⁸³ He added that students who approached him for advice on essays about Prevent and political resistance asked about the risk that writing about those topics might be flagged by the university and campus security. He said: 'If we want a society in which we're able to freely express ourselves, then I don't see a future for Prevent.'²⁸⁴ He noted that students have taken general measures to protect themselves from surveillance and being referred to Prevent, for example, by submitting motions to the Student Council without declaring their name or ID number.

Jakir Ahmed, former Vice President for Student Affairs at the Federation of Student Islamic Societies, told Amnesty International about the difficulties that university Islamic Societies had faced because of Prevent, and the resulting impact:

A lot of ISOCs [student Islamic Societies] are depoliticised – they don't want to be involved in activism or speak out on issues like racism, oppression or Palestine because they get a lot more scrutiny for doing so than others.... [People involved in ISOCs] think 'my one voice isn't going to make much difference so I would rather preserve my ability to study or get a career, it isn't worth the risk [of facing sanctions]'.²⁸⁵

7.4 Online questionnaire about the chilling effect

To further understand Prevent's potential chilling effect, Amnesty International developed an online questionnaire to survey members of the public (see the Annex for the questions and methodology).

279 Amnesty International interview with 'Jasmine', 25 February 2023.

280 Amnesty International interview with 'Irfan', 15 December 2022.

281 Amnesty International interview with 'Claire', 9 March 2023.

282 Amnesty International interview with representative from Muslim civil society organisation, 16 May 2023.

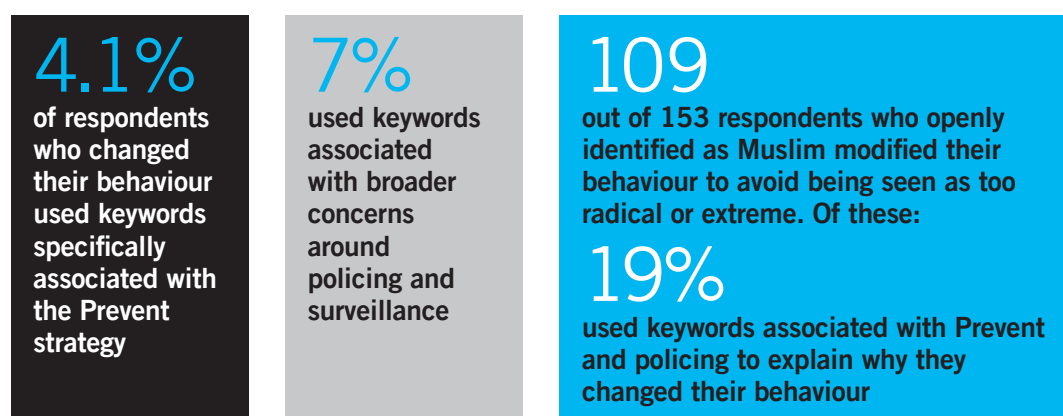
283 Amnesty International interview with anonymous source, 28 April 2023.

284 Ibid.

285 Amnesty International interview with Jakir Ahmed, 29 March 2023.

7.4.1 Findings

The questionnaire included eight questions about whether and how people may have changed their behaviour to avoid being seen as too radical or extreme – including refraining from expressing opinions in person or on social media, changing their appearance, refraining from going to a protest or event or from openly supporting an organisation (see questions 1 to 8 in the Annex). Fifty-eight per cent of respondents answered ‘yes’ to at least one of these questions. Of these, 76 per cent explained why they had changed their behaviour. This allowed for analysis of their reasons using a keyword mining method to assess any role that Prevent may have played.



We found that 4.1 per cent of respondents who changed their behaviour used keywords specifically associated with the Prevent strategy²⁸⁶ and 7 per cent used keywords associated with broader concerns around policing and surveillance²⁸⁷ (including being reported under Prevent) to explain their reasons for changing their behaviour. Some (7.9 per cent) explained this by referring to protests and activism.²⁸⁸ Of 153 respondents who openly identified as Muslim, 109 said they had modified their behaviour to avoid being seen as too radical or extreme. Of these, 19 per cent used keywords associated with Prevent and policing to explain why they had changed their behaviour, a higher proportion than respondents who did not identify as Muslim.

Other common reasons given included a perceived ‘cancel culture’ or ‘political correctness’, a reticence to express their views at work, among family, etc. and concerns about falling foul of online and social media regulations.

Examples of Prevent-related reasons for respondents changing their behaviour included:

- refraining from climate activism because a protest movement’s logo appeared in Prevent training or a perception that the government views certain climate groups as extremist;
- refraining from sharing socialist, communist or anti-capitalist views because of references to such views in Prevent trainings and educational resources;
- hiding their political identity at work and in public and, particularly among Muslim respondents, being cautious in discussions about foreign policy and religion;

²⁸⁶ Keywords: *extremis** (includes extremism, extremist), *terroris** (includes terrorism, terrorist), *radicalis** (includes radicalisation, radicalised), *counter-terror* (includes counter-terrorism, counter-terror). The word ‘prevent’ itself was excluded from the keyword analysis because respondents used the word in its ordinary meaning in their responses, as well as in reference to the Prevent strategy. 57 respondents mentioned the word ‘prevent’ in their response to question 9 regarding why they had changed their behaviour.

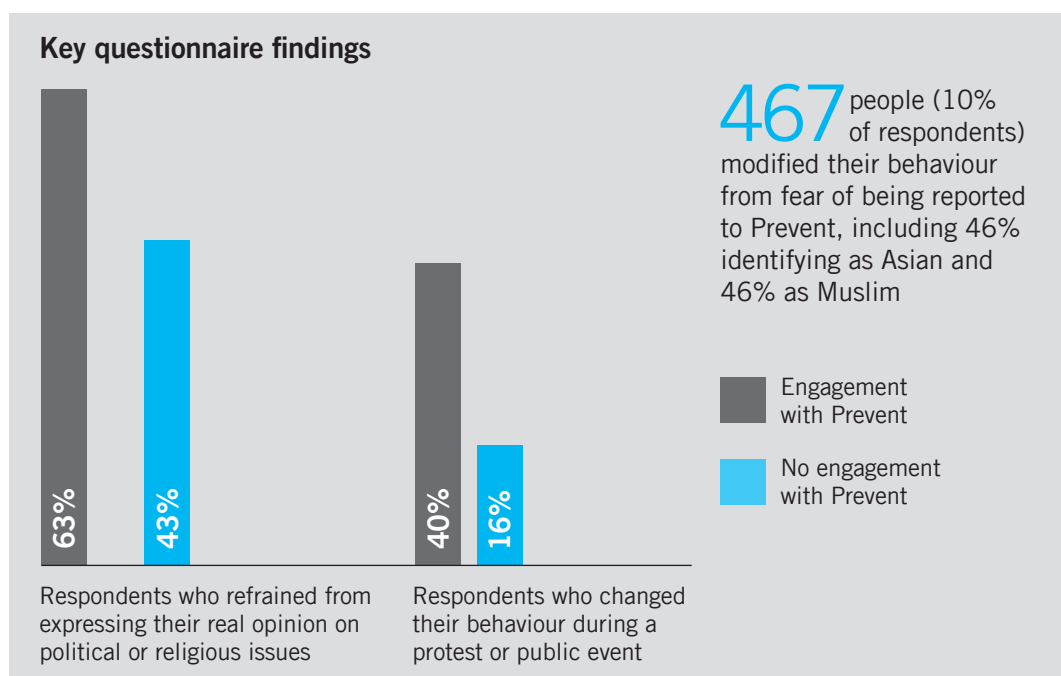
²⁸⁷ Keywords: police, surveillance, surveil, policing, cops, undercover, reported, report, flag, flagged, watchlist.

²⁸⁸ Keywords: demonstration, protest, blockade, assembly, strike, activism.

- changing their appearance (for example length of beard, Islamic dress, not wearing hijab) or refraining from religious practice outside the home or mosque to avoid being accused of being an extremist;
- modifying their answers to university essay questions and self-censoring in conversations with university employees to avoid being flagged as an extremist;
- being cautious in sharing their opinions online or researching certain topics for fear of their accounts being flagged;
- avoiding sharing views supporting the unification of Ireland, or against Israeli apartheid in Palestine, for fear of being seen as an extremist or terrorist sympathiser.

Other key questionnaire findings included:

- After being shown an explanation of how the Prevent programme works²⁸⁹, 467 people (10 per cent of respondents) said they had modified their behaviour from fear of being reported to Prevent, including 46 per cent identifying as Asian and 46 per cent as Muslim.²⁹⁰
- People who had experienced some engagement with Prevent²⁹¹ or who were concerned about being reported, were more likely to have answered ‘yes’ to questions about modifying their behaviour to avoid being seen as too ‘radical’ or ‘extreme’.
- 63 per cent of respondents who had had engagement with Prevent said they had refrained from expressing their real opinion on political or religious issues, compared to 43 per cent of respondents who had no engagement with Prevent.
- 40 per cent of respondents who had had engagement with Prevent said they refrained from going to, or changed their behaviour during, a protest or public event, compared to 16 per cent of respondents who had no engagement with Prevent. This correlates with our findings that people who have been personally affected by Prevent reported some chilling effect afterwards.



289 ‘The Prevent programme is part of the UK government’s strategy for countering terrorism. It places a duty – the “Prevent duty” – on public bodies, like schools, universities and hospitals, to report people who they think might be drawn into terrorism.’

290 The question specified: ‘Modifying your behaviour might include changing the way you dress or your hairstyle, refraining from expressing your opinions in person or social media, not going to a protest or event, no longer attending a particular place of worship, refraining from supporting an organisation or campaign, etc.’

291 Engagement with the Prevent programme means people who answered ‘yes’ to questions 11, 12, 13, 15, 16 (see Annex).

8 Oversight and remedy

The right to an effective remedy is a key element of human rights protection. It is enshrined in all major human rights treaties, and serves as a procedural means to ensure that individuals can enforce their rights and obtain redress.²⁹² International law requires remedies to be available in law, and accessible and effective in practice. It includes the right to equal and effective access to justice and fair, meaningful and impartial procedures for fairly adjudicating a person's claim and, if the claim is substantiated, granting them an effective remedy.

All states therefore have an obligation to ensure remedies that are 'accessible, affordable, timely and effective'.²⁹³ For the Prevent strategy to comply with international human rights law it must be possible for an individual to access an effective remedy where a referral was erroneous, malicious or misinformed and caused harm.

8.1 Difficulties with seeking remedy

Thomas is a barrister who has worked on Prevent referrals. He told Amnesty International that the stigma of police involvement and being considered a potential extremist means that individuals often want to distance themselves from Prevent as simply and confidentially as possible, rather than pursue often lengthy and costly legal remedies.²⁹⁴ Time limits apply to many claims arising from Prevent interventions: three months for judicial review, six months for discrimination claims under the Equality Act; and one year for claims under the Human Rights Act. Many people miss these time limits because they are focused on the Prevent process itself which can, especially when social services are involved, take many months.

Thomas also noted the difficulty of achieving successful outcomes from judicial reviews into Prevent-related decisions, of finding lawyers who are willing to take on Prevent cases and of funding such actions. Amnesty International has documented the impact of severe cuts to legal aid funding on access to justice.²⁹⁵ Thomas said 'the threshold for the Prevent duty being engaged is very low, while the threshold for challenging it – demonstrating that it [a referral] was made irrationally – is very high', meaning that most legal challenges focus on how Prevent decisions are made rather than the substance of the decisions themselves.²⁹⁶ His comments are borne out in the case studies below.

'the threshold for the Prevent duty being engaged is very low, while the threshold for challenging it is very high'

Thomas, a barrister who has worked on Prevent referrals

²⁹² Universal Declaration of Human Rights, Article 8.

²⁹³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 9: The domestic application of the Covenant, para 9.

²⁹⁴ Amnesty International interview with 'Thomas', 26 April 2023.

²⁹⁵ Amnesty International UK, *Cuts that hurt. The impact of legal Aid cuts in England on access to justice*, October 2016, [amnesty.org.uk/files/aiuk_legal_aid_report.pdf](https://www.amnesty.org.uk/files/aiuk_legal_aid_report.pdf)

²⁹⁶ Amnesty International interview with 'Thomas', 26 April 2023.

CASE STUDY

Connor's story (continued from Section 4.2)

Connor's father, Edward, pursued multiple avenues of redress on his son's behalf, to no avail. He made formal complaints to the local authority, which he escalated to the Local Government Ombudsman. The Ombudsman upheld his complaint in relation to some aspects of the Prevent referral process and the lack of social care provision, but not on the substantive decision to refer Connor to Prevent. Edward also made Subject Access Requests to the local authority and police. Initially these were not granted, forcing him to make further formal complaints, including to the Information Commissioner's Office (ICO). The ICO found that the local authority had not complied with data protection legislation. Only then, in April 2022 (six months after the Subject Access Request), did Connor's family receive a redacted version of his Prevent referral form. Edward made a formal complaint to Social Work England, the body regulating social workers, in May 2022. He received notice in February 2023 that his complaint was not upheld. Edward approached multiple law firms, but none would take the case, despite him stating that the case would be privately funded.

Edward made a request to the local authority in November 2021 for data on Prevent referrals disaggregated by disability and by the category of ideology known in the Prevent referral process as 'mixed, unclear and unstable'. This request was refused on national security grounds in February 2022. Edward complained to the ICO, which ruled in favour of the council. Edward said:

There is no mechanism for saying 'we're sorry, we made a mistake' because there cannot be a mistake when there is no threshold for a referral to Prevent... This whole process is outrageous. I'm lucky to be in a position to fight it; I know how to navigate these processes. I speak good English, I know how to put in complaints... but it's been stressful and I've reached my limit in dealing with it.²⁹⁷

Zain and Jasmine's story (continued from Section 4.1)

Zain's mother, Jasmine, tried to challenge her son's Prevent referral in multiple ways. Via the school's complaint process she requested that they remove the reference to Prevent from Zain's school safeguarding record and any other databases. The school acknowledged that its communication regarding the referral had been inadequate, but denied Jasmine's claim that the referral was based on racial and religious profiling.

The panel adjudicating stage 3 of Jasmine's complaint to the school recommended that Zain's record in a safeguarding-related schools database be updated to say no further action was taken after the Prevent referral; however they were powerless to remove the record elsewhere.

Jasmine made Subject Access Requests and/or freedom of information requests to the school, police and the Home Office in 2020. She appealed the extensive

²⁹⁷ Amnesty International interview with 'Edward', 16 February 2023.

redaction of data in response to her Subject Access Request by the police to the ICO, but the ICO upheld the police decision in 2022. Her further complaint to the Ombudsman regarding the ICO's decision was also not upheld in 2023.

Jasmine's efforts have come at significant financial and personal cost. A full-time working single parent whose children have complex needs, she has already spent £8,000 on legal advice. Jasmine has been offered no guidance or information on how to challenge Zain's Prevent referral and the potential retention of his data on police and Home Office databases. 'It's like a maze,' she said. 'There is no one organisation that will give me an answer. I'm fighting legal battle after legal battle. I have spent three years of my life emailing, researching, writing and speaking to people [about the referral]'.²⁹⁸

Eventually, in December 2021, police agreed to delete Zain's record from their database. It took them a further six months to implement the deletion. The Prevent police officer who closed the case confirmed that her son's details remain on a Home Office database, and this is still a cause for concern for Jasmine. She feels that her only choice is to pursue legal action to have the data removed.

8.2 Lack of transparency: 'Left in the dark'

In some cases, including Aran's (see Section 5.1), the authorities provide no information following a person's Prevent referral. Aran said: 'I was left in the dark – I didn't know whether to expect a knock on the door from police for months on end.'²⁹⁹ Similarly, after police visited Irfan (see Section 4.1.2) twice at home he did not receive any written information about the outcome of his Prevent referral.

'I was left in the dark – I didn't know whether to expect a knock on the door from police for months on end.'

Aran, who was referred to Prevent

In *R (II) v Metropolitan Police* the court examined data retention about an 11-year-old boy's Prevent referral. Police officers visited the boy's mother at home but did not provide her with any documentation. She later said she was unaware that the visit related to the Prevent duty.³⁰⁰ When she requested communication in writing to gain 'greater clarity and transparency', police recorded this in notes as 'unwillingness' to engage with Prevent/Channel. Yet the judge noted no evidence of unwillingness; in fact the mother's email stated that she wanted to 'engage with this process in an informed manner'.³⁰¹ Similarly, in Michael's case (see Section 5.1), authorities interpreted his parents' repeated requests for information as a rejection of the Channel process.

Dr Layla Aitlhadj, Director of Prevent Watch, told Amnesty International that often 'there is no paper trail' for Prevent referrals. Even after an individual submits questions in writing, they were likely to receive a call or a visit instead.³⁰² The only documentation they were likely to receive was an explanation of the Channel process, if their case

²⁹⁸ Amnesty International interview with 'Jasmine', 25 February 2023.

²⁹⁹ Amnesty International interview with 'Aran', 3 April 2023.

³⁰⁰ *R (II) v Metropolitan Police*, EWHC 2528 (Admin), 2020.

³⁰¹ Ibid.

³⁰² Amnesty International interview with Layla Aitlhadj, 29 December 2022.

had progressed to that stage; and even this happens only if they have specifically requested information in writing. Families wishing to challenge their child's referral may complain to the school (where relevant) and/or via the standard local authority complaints procedure (usually a three-stage procedure).³⁰³ This process is lengthy and time-consuming, and local authorities may decline to address all the issues raised, especially where they concern police actions.

Lack of transparency is also a feature of Prevent's interventions in events. As noted in Section 6, organisers are often left unsure about Prevent's possible role in their event's cancellation, postponement, or alteration (such as a different chair being appointed).

Although the Home Office does provide data on Prevent referrals, it has frequently refused campaigners' freedom of information requests for more details, often citing national security.³⁰⁴ In one challenge to such a refusal, the First Tier tribunal upheld the challenge, noting the public interest in Prevent strategy transparency and that it 'can only work if it has widespread public understanding and support'.³⁰⁵

Neil Basu stated that the lack of transparency surrounding Prevent is partly due to the government's lack of willingness to speak openly and positively about the strategy, and partly because it is 'not engaging well with the people that the policy affects [Muslim communities]'. Both factors had contributed to Prevent being seen as a 'toxic brand', he said.³⁰⁶ The Joint Committee on Human Rights found that the 'only way for these [myths about Prevent] to be dispelled is for there to be rigorous and transparent reporting about the operation of the Prevent duty'.³⁰⁷

Rather than addressing these wider transparency issues, the government has said it will take 'a more muscular approach to rebutting misinformation and disinformation about Prevent'.³⁰⁸ It is unclear what this will mean in practice. Andrew, a journalist, said that CTP pressured him to withdraw an article about a Prevent referral published in a national newspaper: a few days after its publication, a CTP press officer told Andrew to either take the story down or reveal his source's name; when Andrew refused, the press officer said CTP would consider 'taking other measures', which Andrew understood to mean legal action.

CTP later provided Andrew's colleague with a list of named individuals who had been referred to Prevent to check if they were his source, violating their right to privacy. Andrew described his resulting shock and fear of potential repercussions from CTP.

303 For a summary of this three-stage process, see citizensadvice.org.uk/family/children-and-young-people/local-council-support-for-children-and-families/complain-about-a-local-councils-involvement-with-your-family/

304 *Kevin Blowe v Information Commissioner (Allowed)*, UKFTT 2016_0297 (GRC), 13 June 2018.

305 *Ibid*, para 32.

306 Amnesty International interview with Neil Basu, 3 May 2023.

307 Joint Committee on Human Rights, Second Report of Session 2016–17, Counter-Extremism, HL Paper 39/HC 105, para 50.

308 Home Office, The response to the independent review of Prevent (accessible), February 2023, gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/the-response-to-the-independent-review-of-prevent-accessible

Referring to the Shawcross Review's (see Section 1) recommendation that a dedicated unit be created to handle misinformation, Andrew said that such a step would mean potential sources

will be even less likely to want to talk to journalists – the last thing you want is a government unit to come after you with the resources of CTP and the Home Office. It'll mean even less chance of these stories coming out and being written, which means less chance of any change happening.³⁰⁹

8.3 Lack of independent oversight

Prevent is subject to little oversight overall. It is excluded from the scope of the Independent Reviewer of Counter-Terrorism Legislation. A Prevent Oversight Board with representatives from government departments is mentioned in the Prevent strategy; however, it has not met since 2018³¹⁰ and the Home Office has refused to share any record of its meetings or names of its current members.³¹¹ As noted in Section 1, the Shawcross Review cannot be considered as independent or an effective oversight mechanism.

309 Amnesty International interview with 'Andrew', 8 March 2023.

310 UK Parliament, Prevent Oversight Board, Question for Home Office, UIN HL1473 tabled on 10 February 2020, questions-statements.parliament.uk/written-questions/detail/2020-02-10/hl1473

311 University of Birmingham, 'Home Office Refuses FOI Request on the Prevent Oversight Board', 16 July 2018, blog.bham.ac.uk/counterterrorismreview/2018/07/16/home-office-refuses-foi-request-on-the-prevent-oversight-board/

9 Is Prevent lawful under international human rights law?

Amnesty International recognises states' need to combat terrorism-related acts. However, in doing so, authorities must respect international human rights law. This research has demonstrated that Prevent, in the context of UK counter-terrorism, interferes with the rights to freedom of expression, freedom of thought, conscience and religion, freedom of peaceful assembly and to non-discrimination.

For these interferences to be lawful, they must meet all elements of a stringent three-part test: they must be **provided by law**, be demonstrably **necessary and proportionate** (the least restrictive measure to achieve the specified purpose), and pursue a **legitimate aim**.

Regarding discrimination, differential treatment based on a prohibited ground – whether race, religion or neurodiversity – is only legally permissible where there is an **objective and reasonable justification**. This requires that the difference in treatment pursues a **legitimate aim** and that there is reasonable **proportionality** between the means employed and the aim (in other words, that the means are appropriate, necessary and proportionate).

9.1 Is Prevent provided by law?

Any interference with the rights to freedom of expression, freedom of thought, conscience and religion, freedom of peaceful assembly and non-discrimination must be *provided by law*. In other words, it must be set out in law clearly and predictably enough to allow people to regulate their actions to avoid the interference.

This report has set out problems regarding the broad and vague definitions of extremism and terrorism (see Section 3), the lack of clarity over the Prevent intervention thresholds (see Section 3.3) and the significance of gut feeling in decision-making (see Section 4.1.1). This analysis raises serious concerns about the extent to which Prevent complies with the principle of legality (see Section 2.6) and is adequately provided by law.

9.2 Is Prevent necessary?

Prevent is based on the idea that extremism and extremist views are causally connected to potential acts of terrorism. The strategy serves a legitimate national security aim only if 'extremism' and 'extremist views' are reliable indicators of future terrorism-related offences. While the government argues this to be the case, it is debated in academic literature and by human rights experts (see Section 2).

9.2.1 Is Prevent necessary to divert offenders from the criminal justice system?

David Knowles (a former local Prevent police lead and national police Prevent lead for education) described cases of individuals being referred to Prevent after their arrest as an alternative to potential prosecution. He noted that 'sometimes there is a Prevent

case running in parallel with a Pursue [criminal counter-terrorism] investigation’.³¹² This echoes other police accounts describing Prevent as ‘a common sense diversionary activity preventing the unnecessary criminalisation of vulnerable people’.³¹³ Nik Adams, then National Coordinator for Prevent, said: ‘[O]ur ambition is to intervene at the earliest opportunity and not be in a situation where we are debating between an arrest and Prevent.’³¹⁴

Recent cases demonstrate the use of Prevent to try to divert people from the criminal justice system. For example, CTP noted that one suspect had been engaged by Prevent and then ‘deemed not to have been groomed’. But because he had continued ‘to post and create online content of an extreme nature’, he was prosecuted for encouraging terrorism and possessing terrorist material.³¹⁵ In another case, a defendant was arrested and released on bail before being approached three times by Prevent officers. The defendant refused their interventions and was eventually arrested again and convicted.³¹⁶ CTP has also stated:

we spent three years [...] changing the culture of focused Pursue-led operations into understanding the safeguarding risks [...] we have got a much better culture amongst senior investigating officers [...] that they have to have a Prevent strategy when they are investigating their case.³¹⁷

The boundaries are blurred between Pursue (which investigates individuals with a view to criminal prosecution) and Prevent (which is intended to be pre-crime).

This is particularly important in the current context, where children are increasingly being prosecuted under counter-terrorism laws for online behaviour. As Jonathan Hall KC, the Independent Reviewer of Terrorism Legislation stated: ‘Something appears to be going profoundly wrong when children are being arrested for terrorism.’³¹⁸

Prevent appears to be used as a plaster for the problems created by introducing a wide range of precursor offences that can easily be committed online. Amnesty International has raised concerns about the wide net that these offences cast:

Offences such as ‘encouraging support’ or simple possession of information (or anything else) ‘of a kind likely to be useful to a person committing or preparing an act of terrorism’, without any requirement that the person actually intends to use it, are so broad and vague that they infringe the principle of legal certainty.³¹⁹

Despite opposition from human rights groups and UN mechanisms, these criminal offences have been introduced across Europe, partly as a result of the European Union

312 Amnesty International interview with David Knowles, 11 May 2023.

313 Simon Cole speech, 2016.

314 *Independent*, “‘My whole world was falling apart’: Father of teenager prosecuted for neo-Nazi terror offences speaks of shock”, 18 September 2021, [independent.co.uk/news/uk/crime/neo-nazi-prosecutions-children-uk-b1922277.html](https://www.independent.co.uk/news/uk/crime/neo-nazi-prosecutions-children-uk-b1922277.html)

315 Counter Terrorism Policing, ‘JAILED: Derbyshire teen encouraged terrorism and tried to make a gun’, 27 January 2023, counterterrorism.police.uk/jailed-derbyshire-teen-encouraged-terrorism-and-tried-to-make-a-gun/

316 *R v Kahar & Ors*, EWCA Crim 568, 2020, para 74-83.

317 Intelligence and Security Committee of Parliament, *The 2017 Attacks: What needs to change?*, para 248.

318 Independent Reviewer of Terrorism Legislation, *The Terrorism Acts in 2021*, para 5.14.

319 Amnesty International, *Europe: Dangerously disproportionate: The ever-expanding national security state in Europe* (Index: EUR 01/5342/2017), 2017, [amnesty.org/en/documents/eur01/5342/2017/en/](https://www.amnesty.org/en/documents/eur01/5342/2017/en/) page 20.

(EU) Directive on Counter-Terrorism.³²⁰ As a result, growing numbers of people – increasingly children – are being caught in the net of counter-terrorism prosecutions, with far-ranging personal consequences.

For many individuals facing prosecution, the Channel program is preferable to the potentially life-changing impact of being charged with a terrorism offence. Diverting individuals, particularly children, away from the criminal process is also an important policy aim that is supported by international human rights law.³²¹ David Knowles said:

Prisons are universities for criminals. It's even worse for terrorists because they're grouped together [...] We've seen time and time again people becoming more radicalised in prison. Prison doesn't work. Even if someone has committed a low-level crime, I would rather see them in some form of process where they are educated and can make a positive outcome in their own lives than prison.³²²

Prevent, however, was never intended to be a diversion for people who had already committed terrorism-related offences.³²³ It is in many ways unsuited to this purpose. Numerous individuals in the Channel programme continue to offend. Should they then be prosecuted, the Channel support they receive should, according to procedure, end (although it does not always do so in practice). Moreover, individuals within the Channel programme are not afforded sufficient procedural safeguards and transparency, including knowing the evidence giving rise to their being considered at risk, and having the opportunity to challenge this evidence.

The Independent Reviewer of Terrorism Legislation, in his 2021 report, suggested alternative features for an ideal non-criminal diversion system for potential terrorism offenders.³²⁴ He noted that a police working group is looking into options for child terror suspects, demonstrating that the current system is not fit for purpose.

9.2.2 Could less intrusive measures achieve the desired national security aim?

To tackle the threat of serious violence and terrorism-related acts, authorities can take a range of actions that do not contravene international human rights law. Drawing on past examples, the International Commission of Jurists Eminent Jurists Panel noted that a wide range of policy measures are needed to prevent terrorism-related acts, including:

in the matter of education, community relations, policing, the economy, foreign policy, respect for the rights of minority communities, and in the mainstreaming of human rights and equality considerations into all government policy.³²⁵

320 European Union, Directive (Eu) 2017/541 Of The European Parliament And Of The Council, March 2017, eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017L0541

321 Convention on the Rights of the Child, General Comment No. 10 (2007) on Children's rights in juvenile justice.

322 Amnesty International interview with David Knowles, 11 May 2023.

323 Note that there is a smaller strand of work that falls under the Prevent strategy called Desistance and Disengagement, which focuses on rehabilitating those who have been convicted of a terrorism-related offence or are subject to a terrorism-related administrative measure.

324 Independent Reviewer of Terrorism Legislation, The Terrorism Acts in 2021.

325 International Commission of Jurists, *Assessing Damage, Urging Action: Report of the Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights*, 2009, page 118.

Similarly, in relation to programmes to counter violent extremism, OHCHR has noted a requirement for ‘careful consideration of a combination of individual, situational, economic, social and cultural factors and their interplay, beyond simple security measures.’³²⁶ The Special Rapporteur on counter-terrorism and human rights encourages states

to engage with the broader conditions conducive to violent extremism and terrorism, including weak governance, human rights violations, poor rule of law and corruption; only sustained engagement with the complexity of those conditions will fruitfully address violent extremism.³²⁷

Others have echoed the importance of addressing the underlying causes of violence through ‘drastically reducing inequality through employment, welfare, housing, education and health policies’,³²⁸ pursuing an ‘ethical foreign policy’³²⁹ agenda, and prioritising the ‘actual security needs of ordinary people’ informed by a ‘broader conception of social well-being’ over the agenda set by the national security infrastructure.³³⁰

Neil Basu noted the significance of a ‘lack of social, protective factors’ in fuelling both ‘ordinary’ crime and terrorism: ‘Those protective factors in society need to be tackled, and should be properly funded elsewhere [that is, not from the Prevent budget]. We [Prevent] get involved because there’s no one else to do it.’ He said Prevent would be improved by having access to well-resourced social services including ‘mental health services, youth provision and job opportunities’.³³¹

Claire echoed this, saying that ‘if there was better mental health provision, youth clubs, and things like that then kids wouldn’t be vulnerable to these things in the first place’.³³² Even MI5, the UK’s security service, stated that the ‘number of young people who fall victim to ERWT [Extreme Right-Wing Terrorism] radicalisation is likely to increase’ if the ‘wider sense of disillusionment amongst many young people’ does not change. MI5 attributed some of this ‘radicalisation’ to ‘an increasingly pessimistic narrative regarding the prospects of the UK’s young generation’.³³³

9.2.3 Alternatives for tackling racism and protecting children

Actions taken under the Prevent duty often target racism and discrimination, viewed as forms of ‘extremism’. Indicators of ‘radicalisation’ include expressing hateful and exclusionary views, and events have been disrupted because of intolerant views being expressed.³³⁴ International human rights law offers an existing framework for tackling racism and discrimination. States are obliged to condemn and eliminate racial

326 OHCHR, Report on Best Practices and Lessons Learned on How Protecting and Promoting Human Rights Contribute to Preventing and Countering Violent Extremism, 2016, A/HRC/33/29, para 13.

327 OHCHR, UN Special Rapporteur on counter-terrorism and human rights, *Human rights impact of policies and practices aimed at preventing and countering violent extremism*, UN Doc A/HRC/43/46, 2020.

328 Medact, *False Positives*, page 64.

329 Cage, *Beyond Prevent: A Real Alternative to Securitized Policies*, 2020, pages 38-40.

330 The Transnational Institute, *Leaving the War on Terror: A Progressive Alternative to Counter-Terrorism Policy*, 2019, page 51.

331 Amnesty International interview with Neil Basu, 3 May 2023.

332 Amnesty International interview with ‘Claire’, 9 March 2023.

333 Intelligence and Security Committee of Parliament, *Extreme Right-Wing Terrorism*.

334 See, for example, case study in Waltham Forest where an event was disrupted because a speaker had ‘expressed intolerant views towards Jewish communities’, in Home Office, Prevent Duty Toolkit for Local Authorities & Partner Agencies, page 26.

discrimination, under the International Convention on the Elimination of Racial Discrimination, and undertake broader social interventions to tackle the root causes of intolerance.

Under the Rabat Plan of Action '[p]olitical and religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination' and '[p]olitical parties should adopt and enforce ethical guidelines in relation to the conduct of their representatives, particularly with respect to public speech'.³³⁵ Media should be 'alert to the danger of furthering discrimination or negative stereotypes of individuals and groups'.³³⁶

The link between politicians' actions and media rhetoric, and racism and intolerance in broader society, has been raised in the context of discourse about extremism. Mark Rowley criticised the 'disproportionate attention by the media' given to Anjem Choudary and Tommy Robinson, allowing them a platform to fuel 'extremism' (in other words, racism and intolerance).³³⁷ The co-founder of a proscribed neo-Nazi group likened its political goals to the government's plan to send people seeking asylum to Rwanda.³³⁸ As Aran (see Section 5.1) put it: 'If the government were serious about tackling far-right extremism, they would not be using the same rhetoric as the BNP [British National Party] and shipping people to Rwanda.'³³⁹

International human rights law obliges the UK to 'take all feasible measures to prevent' non-state armed groups recruiting and using children.³⁴⁰ Even United Nations Office on Drugs and Crime (UNODC) guidance addressing the issue of 'terrorist' groups recruiting and exploiting children notes:

'push factors' do not represent a direct causal link and careful analysis should precede their identification with risk factors for recruitment [...] to strengthen prevention measures tackling 'push factors' directly, it is essential to invest in effective child protection and welfare systems, education and measures to promote development and reduce social exclusion.³⁴¹

Facilitated by greater investment in child protection and education, teachers and other professionals should use educational and social work methods and safeguarding processes to engage with children whose behaviour would otherwise lead them to make a Prevent referral. A teacher- or social worker-led response, which prioritises the welfare and development of the child and in which the child's best interests are a primary consideration, is preferable to the current system, which prioritises national

335 OHCHR, Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, paras. 36 and 57, [ohchr.org/sites/default/files/Rabat_draft_outcome.pdf](https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf). The Rabat Plan of Action, adopted in 2012, is the outcome of a series of expert workshops organised by the OHCHR.

336 Ibid, para 58.

337 Counter Terrorism Policing, 'Mark Rowley's Colin Cramphorn Memorial Lecture Delivered at Policy Exchange on Monday 26 February 2018', counterterrorism.police.uk/wp-content/uploads/2018/02/Mark_Rowley_-_Extremism_Terrorism_-_A_Whole_Society_Response.pdf

338 *Independent*, 'Co-founder of neo-Nazi terrorist group compares non-white repatriation plan to government's Rwanda deal', 9 May 2022, [independent.co.uk/news/uk/crime/national-action-alex-davies-rwanda-b2074799.html](https://www.independent.co.uk/news/uk/crime/national-action-alex-davies-rwanda-b2074799.html)

339 Amnesty International interview with 'Aran', 3 April 2023.

340 OHCHR, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Article 4, [ohchr.org/en/professionalinterest/pages/opaccrc.aspx](https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx)

341 United Nations Office on Drugs and Crime, Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System, 2017, [unodc.org/documents/justice-and-prison-reform/Child-Victims/Handbook_on_Children_Recruited_and_Exploited_by_Terrorist_and_Violent_Extremist_Groups_the_Role_of_the_Justice_System.E.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Child-Victims/Handbook_on_Children_Recruited_and_Exploited_by_Terrorist_and_Violent_Extremist_Groups_the_Role_of_the_Justice_System.E.pdf), page 30.

security and involves counter-terrorism police in the lives of children who are not accused of any crime.

9.3 Is Prevent proportionate?

Prevent is currently disproportionate: its interference with human rights and harms involved in its operation, as described below, outweigh its effectiveness in achieving its national security aims.

In terms of effectiveness, David Knowles told Amnesty International about individuals who had benefited from Channel interventions. He also acknowledged the difficulty of measuring Prevent's effectiveness, noting that 'you can't measure what didn't happen'.³⁴² Similarly, Neil Basu noted the difficulty of proving 'that Prevent has saved lives when nothing has happened' – and that few people who have had 'a positive interaction with Prevent want to speak publicly'.³⁴³

The wide net drawn by Prevent – involving people who have no demonstrable link to any terrorism-related offences – and the inadequacy of the evidence base linking 'extremism' and 'extremist views' to future offending (see Section 3) means that the strategy cannot be considered sufficiently effective to be proportionate. The authorities have not provided evaluations of the effectiveness of the overall Prevent strategy, but some evaluations of Prevent-funded programmes found them to be ineffective.³⁴⁴ Researchers Ben Collier and Lydia Wilson noted the potential counter-productiveness of one aspect of the Prevent strategy – strategic communications work undertaken by the Research, Information and Communications Unit (RICU) that attempts to challenge 'extremist' narratives – with some evidence that such work can in fact amplify such narratives.³⁴⁵

9.3.1 The personal impact of Prevent referrals

The personal impact of a Prevent referral varies considerably among individuals. People interviewed for this research reported a loss of trust in state institutions; stress, anxiety and other mental health impacts; unmanageable financial costs associated with challenging the referral; and concerns about privacy and data protection. These impacts are compounded by the lack of transparency surrounding Prevent and difficulty in finding redress.

George acknowledged that 'bad referrals' can lead to stress, stigma and damage to the relationship between individuals and social workers:

If they are vulnerable to radicalisation, the last thing we should do is undermine the relationship between social work and that young person. Relationships built on trust and making people feel heard and listened to is the way to safeguard people from exploitation in general. [Visits by police] can undermine that trust – they feel almost criminalised for having a view or having a grievance against something.³⁴⁶

342 Amnesty International interview with David Knowles, 11 May 2023.

343 Amnesty International interview with Neil Basu, 3 May 2023.

344 Shawcross Review, 2023, paras 3.68-3.70. See also HM Government, Evaluation of the Building a Stronger Britain Together Programme, 29 July 2021, gov.uk/government/publications/evaluation-of-the-building-a-safer-britain-together-bsbt-programme

345 Amnesty International interview with Ben Collier and Lydia Wilson, 13 December 2022. See also *New Lines Magazine*, 'Gone to Waste: The "CVE" Industry After 9/11', 10 September 2021, newlinesmag.com/argument/understanding-the-lure-of-islamism-is-more-complex-than-the-experts-would-have-you-believe/

346 Amnesty International interview with 'George', 4 May 2023.

‘Relationships built on trust and making people feel heard and listened to is the way to safeguard people from exploitation’

George, safeguarding expert and former Channel member

9.3.2 Data and privacy

Data collection and sharing under Prevent interferes with the individual right to privacy.

A full assessment of this aspect of Prevent falls beyond the scope of this research (but see Rights and Security International’s research³⁴⁷). However, all cases examined for this report demonstrated a lack of safeguards in data usage. Everyone referred to Prevent told Amnesty International about their concern and confusion about how their data was being shared and stored now and what might happen to it in the future. Attempts to clarify this, seek further information or data deletion were often met with obfuscation.

Subject Access Requests to local authorities and police – where an individual requests the data that an institution holds about them – often came back significantly redacted. In Michael’s case (see Section 5.1) all the reasons for his referral, and his sibling’s name, had been redacted. People were often not told why they had been referred to Prevent, or what the outcome of their referral was. While some information (for example, the identity of the person who made the referral) may need to remain confidential, this degree of secrecy and lack of clarity is difficult to justify in what purports to be a ‘voluntary’ pre-crime programme.

In *R (II) v Metropolitan Police* the court examined the data retention concerning an 11-year-old boy’s Prevent referral. After some grounds for the referral proved to be untrue, the case did not progress past an initial Channel panel. The Metropolitan Police acknowledged in their evidence that the child’s personal data was held on 10 databases and was, as a result, accessible to Metropolitan police officers, local authorities, counter-terrorism officers and some Home Office staff. Police stated there was little prospect of them disclosing that data to third parties but retained the right to do so within the ‘confines of what is permitted’ by the law.³⁴⁸

As in other cases documented in this report, the boy’s mother was not informed of the decision to drop the case. The court agreed with the police’s assessment that ‘radicalisation is a process, not an event’ and that this could justify the data retention to ‘build up a picture over time’.³⁴⁹ Nevertheless, in this case the court found the retention of the child’s data to be disproportionate and unjustified because there was ‘no policing purpose’ for continuing to hold it. The court stated that police ‘underestimated the impact of the interference’ with the child’s privacy rights ‘entailed in retaining data about his alleged views and statements when he was 11 years old.’³⁵⁰

Prevent duty guidance states that it must not involve ‘any covert activity against people or communities’ and recommends information-sharing agreements to be in place at

347 Rights and Security International, ‘Secret, confused and illegal – UK government is using illegal data handling practices, new report finds’, 26 October 2022, rightsandsecurity.org/impact/entry/uk-government-is-using-illegal-data-handling-practices-new-report-finds

348 *R (II) v Metropolitan Police*, EWHC 2528 (Admin), 2020.

349 Ibid.

350 Ibid.

the local level: ‘Wherever possible the consent of the person concerned should be obtained before sharing any information about them.’³⁵¹ The guidance also states that referrals are recorded in the Prevent Case Management Tracker, held by police, the Channel Management Intelligence System, held by the Home Office, and possibly other databases, as demonstrated in *R (II) v Metropolitan Police*.

After a minimum of six years, the data held is reviewed and may be held for longer. Police often hold data regarding safeguarding referrals and non-crime incidents. However, Prevent is different from those: it carries the stigma of being labelled potential terrorist, and involves murky boundaries between ‘victim’ – or person vulnerable to ‘radicalisation’ by others (Prevent) – and perpetrator (Pursue). Revelations about colleges sharing information with universities about former students referred to Prevent are particularly concerning.³⁵² Parents whose children have been referred to Prevent on spurious, erroneous or discriminatory grounds are understandably greatly concerned about the potential long-term impact on their child’s future.

There is a clear and urgent need for transparency about data and privacy under Prevent. Although the Shawcross Review highlighted this concern, particularly around children’s data, it made only the narrow recommendation that No Further Action cases are held for three years.³⁵³ The government’s response, that they will review data retention options and consider the benefits and risks, was wholly inadequate.

In Connor’s case (Section 4.2), his parents did not consent to his information being shared with police. The family was not informed of the reasons for Connor’s referral until his father had challenged several Subject Access Request refusals, and was not told when the police decided not to take the referral further.

Jasmine (Section 4.1) has repeatedly sought the removal of her son Zain’s Prevent data. When she made a freedom of information request to police, about data sharing and retention in cases of Prevent referral, she merely received a link to a general privacy notice stating that the police ‘keeps your personal information as long as is necessary for the particular purpose or purposes for which it is held.’³⁵⁴

9.3.3 Is Prevent truly voluntary?

Consent for Prevent participation appears not to have been given freely in some cases. Lack of consent for Channel support can be seen as grounds for involving social services. Section 47 of the Children Act 1989 places a duty on local authorities – where it has ‘reasonable cause to suspect’ a child is ‘suffering, or is likely to suffer, significant harm’ – to make ‘enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare’, *without* requiring the family’s consent.

Where radicalisation is identified as a risk, children’s services will carry out an assessment under section 17 of the Children Act 1989 to identify the child’s risk level.

351 Home Office, Revised Prevent duty guidance for England and Wales, para 21, gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales

352 *The Guardian*, ‘Manchester colleges agreed to share data of students referred to counter-terror scheme’, 19 July 2020, theguardian.com/uk-news/2020/jul/19/manchester-colleges-agreed-to-share-data-of-students-referred-to-counter-terror-scheme

353 Shawcross Review, 2023.

354 Amnesty International interview with ‘Jasmine’, 25 February 2023.

Where this assessment identifies risk of serious harm, a child protection enquiry under section 47 may be initiated.³⁵⁵

CASE STUDY

Michael's story (continued from Section 5.1):

'Join Prevent or we'll take your child'

Police referred Michael to Prevent a second time following his initial referral. Two counter-terrorism police officers visited his family home in 2019, told his parents that they had found his phone number in a far-right WhatsApp group, and said they had arrested some group members. They returned a few weeks later with a social worker who – without informing Michael's parents – undertook a child protection assessment.

Michael's parents challenged this assessment and the assumption that he was 'at risk of radicalisation'. He had been removed from the WhatsApp group immediately after answering some vetting questions. Michael's case was later adopted at a Channel panel. Child protection services assessed him as a 'Child in Need', stating that he was 'vulnerable to grooming, radicalisation and extremist views' and because his parents 'refuse to engage' with Channel, an allegation which his parents deny.

Social workers also interviewed Michael at school without his parents' knowledge. Fearing further action from children's services, they eventually accepted Channel support, which constituted a few sessions on internet safety. William, Michael's father, told Amnesty International that their impression was 'join the Prevent program, or we'll take your kids off you'.³⁵⁶

Dr Layla Aitlhadj from Prevent Watch told Amnesty International about parents' consent being sought for admitting their child to the Channel programme, without an adequate explanation of what Prevent or Channel involve. As separate consent is not required from children aged under 18: adolescents may be forced to join Channel against their will because their parents consented.

Only one element of Prevent is based on consent: accepting Channel support. However, potential harms to the individuals referred can occur both before and after this point. Before even being considered at a Channel panel, an individual's data is recorded on a police database and shared with other agencies – often without the individual's consent. If a person is offered Channel support and refuses it, their case is exited from Channel but may be retained within Prevent. If a person whom the police perceive as high risk refuses Channel intervention, police can transfer the case from Channel to a 'police-led partnership'.³⁵⁷

³⁵⁵ London Safeguarding Children Partnership, 'London Safeguarding Children Procedures. 3. Roles and Responsibilities for all Professionals and Volunteers', london safeguarding children procedures.co.uk/sg_ch_extremist.html#3.-roles-and-responsibilities-for-all-professionals-and-volunteers

³⁵⁶ Amnesty International interview with Michael and his parents, 24 February 2023.

³⁵⁷ Charlotte Heath-Kelly, Submission to Independent Commission on Counterterrorism: 'Police Led Partnerships' in the non-statutory Prevent Space, 2023, and Charlotte Heath-Kelly, 'Multiagency Counterterrorism in the UK and Norway: Care, Intelligence Agencies and the transformation of Liberalism' (forthcoming article).

According to the Channel guidance:

96. Police-led partnerships cover the management of individuals, groups or institutions that are not suitable for Channel, but which have identified Prevent-relevant issues requiring support or mitigation.

97. Channel brings together a wider network of support available to reduce an individual's vulnerabilities to being drawn into terrorism or any terrorism-connected offending. The terrorism vulnerability and risk for the case is kept under review by police and the case may be removed from Channel if the risk escalates to a level that police believe cannot be safely managed by the Channel panel.³⁵⁸

Guidance for Scotland states that '[w]here the individual does not consent to engage with Prevent, alternative measures are considered by the multi-agency panel, including whether the individual should leave the programme or enter police-led PCM' (Scotland's equivalent of police-led partnerships).³⁵⁹

There is little information available about police-led partnerships. Official Home Office Prevent statistics do not state how many cases are transferred to these partnerships. Police Scotland 2021-22 figures show that two out of 36 cases identified as suitable for Prevent were managed through a police-led panel. Local authority documentation suggests that police-led panels were rolled out across the UK from late 2020, and were aimed at 'those Prevent relevant referrals not deemed suitable for Channel or where consent for Channel is not secured'.³⁶⁰ Information obtained by Professor Charlotte Heath-Kelly documents police-led panels being in operation since 2015, and that they were known as Prevent Case Management until 2018.³⁶¹ The conclusion is that even when an individual refuses to participate in a voluntary programme, their information continues to be shared and monitored by police without the person's knowledge or consent.

even when an individual refuses to participate in a voluntary programme, their information continues to be shared and monitored by police without the person's knowledge or consent

David Knowles explained how cases were managed under the Prevent Case Management system: where an individual was considered likely to commit a serious terrorism-related offence, but did not consent to Channel, then 'we would do everything we legally can to disrupt them'.³⁶² This includes prosecuting them for any ordinary criminal offences they may commit (for example, a driving offence). Police can then offer Channel support as an alternative to imprisonment, or disrupt any potential

358 Channel Duty Guidance.

359 HM Government, Prevent Multi-Agency Panel Duty Guidance: Protecting people vulnerable to being drawn into terrorism, 2021, assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964230/6.6467_HO_PMAP-Duty-Guidance-Scotland.pdf

360 Hampshire County Council, 'Prevent report', 24 November 2020, democracy.hants.gov.uk/documents/s60685/2020-11-24%20PREVENT%20Cabinet%20Report.pdf; see also: East Sussex Safer Communities Partnership, 'Over 2021/2022 we are Working in partnership with police to establish police-led panels', democracy.eastsussex.gov.uk/documents/s38553/SaferApp1160921.html?CT=2#_Preventing_Violent_Extremism; and Berkshire Healthcare NHS Foundation Trust, 'Police Led Panels were launched in March 2021 [in Berkshire]', democracy.reading.gov.uk/documents/s20644/Appendix%20F%20-BHFT%20Safeguarding%20Annual%20Report%202020%20-%202021%20V.1.0.pdf

361 Charlotte Heath-Kelly, Submission to Independent Commission on Counterterrorism: 'Police Led Partnerships' in the non-statutory Prevent Space, para. 241; Evidence provided in May 2018, isc.independent.gov.uk/wp-content/uploads/2021/01/20181122_HC1694_The2017Attacks_WhatNeedsToChange_Accessible.pdf

362 Amnesty International interview with David Knowles, 11 May 2023.

terrorism threat by imprisoning the individual for ordinary (non-terrorism related) criminal offences. Counter-terrorism police have acknowledged using such ‘disruptive powers’, defined as any attempts to ‘dissuade or prevent individuals from engaging in terrorism-related activities’, including prosecution for other criminal offences.³⁶³

The murky boundaries between Prevent and Pursue (see Section 9.3.2 above) have implications for the voluntary nature of the system. If an individual believes that the consequence of not participating in Channel will be prosecution for counter-terrorism offences, their consent for Channel will not be free. Neil Basu stated that ‘you could argue that it’s coercive or that it’s a path out of prison – it’s a “carrot and stick” approach that is determined on the basis that [the individual] has a case to answer in a court’.³⁶⁴ In Michael’s case (see Section 5.1), police told his parents that their home visit could ‘have just as easily been a counter-terrorism armed squad’, implying that Prevent was the preferable alternative.³⁶⁵

9.4 Does Prevent serve a legitimate aim?

Prevent is part of the UK’s counter-terrorism strategy, which serves a legitimate aim of protecting national security.³⁶⁶ Nevertheless, any national security objective must be sufficiently narrowly defined. Principle 29 of the Siracusa Principles states that national security can be invoked to justify measures only ‘when they are taken to protect the existence of the nation or its territorial integrity or political independence against force or the threat of force’.³⁶⁷

There is evidence that Prevent is being used for aims unconnected to national security. The Shawcross Review found that Prevent was ‘carrying the weight for mental health services’, noting that people ‘who do not necessarily pose a terrorism risk are being processed through Prevent to Channel to expedite access to social and mental health resources’.³⁶⁸ Austerity-led cuts to health and social care services have made Prevent a potentially attractive pathway for social workers, teachers and other public sector workers to access scarce resources for their clients or students.³⁶⁹ The latest statistics show that 59 per cent of people referred to Prevent were immediately signposted to other services; of those, 26 per cent were directed to the education sector, 21 per cent to health and 19 per cent to a local authority. Of referrals advanced to a Channel panel, 33 per cent were not adopted and were instead signposted to other services.³⁷⁰ The social worker who referred Connor (see Section 4.2) to Prevent stated that she was trying to find him support. Connor’s father said he believed this to be the real reason for the referral. Individuals should have access to adequate social welfare and mental health services without having to be referred to a counter-terrorism programme: any interference with human rights – in Connor’s case, his right to freedom of expression and non-discrimination – for this purpose fails to meet a legitimate aim.

363 See for example the arrest of an individual for fraud by counter-terrorism police described in Intelligence and Security Committee of Parliament, *The 2017 Attacks: What needs to change?*, para 226.

364 Amnesty International interview with Neil Basu, 3 May 2023.

365 Amnesty International interview with ‘Michael’ and his parents, 24 February 2023.

366 Note that ‘national security’ is not a legitimate purpose for restricting the right to freedom of thought, conscience and religion, as explained in Section 2.3.

367 ICJ, *Siracusa Principles*. These principles set out the restrictions that states may put on rights during emergencies.

368 Shawcross Review, 2023, para 4.103.

369 documents-dds-ny.un.org/doc/UNDOC/GEN/G19/112/13/PDF/G1911213.pdf?OpenElement

370 Home Office, *Individuals referred to Prevent*, 2023.

10 Recommendations

On the basis of the evidence presented in this report, Amnesty International concludes that the UK government's Prevent strategy does not comply with international human rights law. We therefore urge the relevant authorities to take the following steps:

To the UK government, in relation to the Prevent strategy:

- Abolish the Prevent duty under the Counter-Terrorism and Security Act 2015, thereby leaving professionals to use ordinary safeguarding processes to refer individuals at risk of harm, including children facing recruitment to non-state armed groups.
- Refrain from attempts to delegitimise criticisms of the Prevent strategy by journalists, academics and civil society, and instead engage meaningfully with issues raised.
- Withdraw the Prevent strategy and refrain from associating non-violent groups and their views ('non-violent extremism') with terrorism.
- Establish and implement alternatives to the criminal justice system for children accused of terrorism offences.
- Ensure victims of human rights violations under the Prevent strategy have access to an effective remedy, including access to justice, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Should the Prevent strategy remain in operation:
 - Provide an effective independent complaints mechanism for challenging Prevent referrals which includes, among its potential outcomes, removing the referral from any databases.
 - Ensure that any individual referred to Prevent (including individuals referred in the past) is informed of their referral in writing, and provided with information about how to challenge their referral and have their data removed from any databases.
 - Collect and publish data relating to Prevent's operation disaggregated by ethnicity and religion.

In relation to counter-terrorism law and practice:

- Refrain from adopting or maintaining vague and overly broad definitions of 'terrorism'.
- Ensure that each constituent element of a terrorism-related offence under national law is precisely and sufficiently circumscribed to uphold the principle of legality.
- Refrain from classifying certain crimes as 'terrorism' based solely on the presumed political or ideological motive of the perpetrator, relying instead on the ordinary criminal justice system and, where necessary, on war crimes, crimes against humanity and international criminal law.
- Address broader, long-term determinants of violence and social harm, including by ensuring that social services are adequately funded.
- Take steps to address racist and discriminatory attitudes and behaviour towards others based on race, colour, descent or national origin by politicians, the media and wider society, as required by international law, for example, by avoiding the expression of such attitudes in government and senior politicians' rhetoric or by implementing public anti-discrimination campaigns, rather than addressing such issues through a national security lens.

Annex: Online questionnaire

Methodology

Questionnaire design

To help understand the potential chilling effect of the Prevent program, Amnesty International UK developed and disseminated an online questionnaire to collect as much information as possible from the general public.

The questionnaire asked whether an individual had changed certain behaviours to avoid being seen as too ‘radical’ or ‘extreme’. We used this broad language, rather than asking about changes to behaviour because of Prevent, for two reasons: many people have not heard of Prevent; and to avoid eliciting responses based on people’s preconceived views on Prevent rather than their actual behaviours.

Respondents were asked first about any past behavioural changes they made to avoid being seen as too ‘radical’ or ‘extreme’. Then, if they said they had changed their behaviour, they were invited to share their reasons for doing so. Respondents were asked about Prevent only after completing this first section of the questionnaire. The questionnaire featured both closed and open-text response options. Before the questions, a privacy notice explained the purposes of gathering information via the questionnaire and how this information would be used. The instrument was reviewed by Dr Christopher Barrie, Lecturer in Computational Sociology at the University of Edinburgh, and tested with 17 respondents.

Data collection

We disseminated the online questionnaire by:

- contacting organisations with links to groups affected by Prevent and asking them to share it among their members and constituents;
- sharing it on social media and using paid advertising to target relevant demographics; and
- sharing it through Amnesty International UK’s email list.

Interested respondents were directed to the questionnaire on Amnesty International UK’s website. At the end of the questionnaire, respondents were redirected to an Amnesty International UK web page where they could provide their contact details if they had been affected by Prevent and wanted to discuss their experiences. These responses were stored separately from the questionnaire to maintain the anonymity of each respondent’s answers.

Respondent sample and empirical analysis

We collected a total of 4,685 responses to our online questionnaire. Our sample is not statistically representative of the UK population as it reflects responses only from individuals who became aware of the online questionnaire through our communication channels, and who were willing and able to respond.

Our aim was to collect information and understand people’s experiences, if any, of Prevent’s chilling effect rather than measure its prevalence, which would have required identifying a randomised sample of the population to undertake a statistically

representative survey. In comparison to the general population in the UK, the age of people in our sample is considerably older (76 per cent of respondents were over 45 years old vs 51 per cent of people in England and Wales aged over 40³⁷¹), and somewhat less male (45 per cent vs 49 per cent³⁷²). The sample contains respondents who identified as non-binary (2 per cent) or preferred not to self-identify their gender (3 per cent); comparable information is currently not available in national UK statistics. It was slightly more white (85 per cent vs 82 per cent) and less religious (60 per cent answering either ‘no religion or belief’ or ‘NA’ vs 37 per cent in England and Wales generally³⁷³).

There were no significant differences between the distribution of our sample across England, Wales, Northern Ireland and Scotland and the distribution of the general UK population across the four nations. Our sample was more than twice as likely as the general population to be aware of Prevent (73 per cent vs 32 per cent³⁷⁴). The characteristics of our sample are unsurprising given that Amnesty International’s audience is typically very interested in politics and government policy. While our sample does not skew towards the groups we expected to be most affected by the Prevent duty, such as young people, Muslims and Asians, the questionnaire responses indicate that people with experience of Prevent, including through trainings or referral, were among our respondents.

Questionnaire responses were analysed using a combination of Microsoft Excel spreadsheet software and the R statistical programming language to mine open-text responses for specific keywords and analyse responses. Responses to demographic questions were analysed to understand the distribution of our sample, and responses to the open-text responses were reviewed to understand the reasoning for any reported behavioural changes.

371 HM Government, Age groups, 31 March 2023, ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/age-groups/latest

372 Office for National Statistics, Population and household estimates, England and Wales: Census 2021, unrounded data, 2 November 2022, ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationandhouseholdestimatesenglandandwales/census2021unroundeddata

373 Office for National Statistics, Religion, England and Wales: Census 2021, 29 November 2022, ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021

374 CREST, *Listening to British Muslims: policing, extremism and Prevent*, March 2022, b9cf6cd4-6aad-4419-a368-724e7d1352b9.usrfiles.com/ugd/b9cf6c_d12a4911772d4e04a683b69561c86501.pdf, page 80.

Questionnaire

Web page 1

For the following questions, please think about your experiences in the past 5 years and select the answer which applies best to you.

1. Please think about discussions that you've had with people at school, university, work, hospital and other places outside your home.

Have you refrained from expressing your real opinion on political or religious issues to avoid being seen as too “radical” or “extreme” by those around you?

- ☐ Yes
- ☐ No

2. Have you adapted your public appearance, including the way you dress or style yourself, to avoid being seen as too “radical” or “extreme”?

- ☐ Yes
- ☐ No

3. Have you adapted the way that you practise your religion to avoid being seen as too “radical” or “extreme”?

- ☐ Yes
- ☐ No
- ☐ Not applicable – I'm not religious

4. Have you stopped yourself from posting or sharing something on social media or online for fear of being flagged as too “radical” or “extreme”?

- ☐ Yes
- ☐ No
- ☐ Not applicable – I don't use social media or post online

5. Have you refrained from searching certain topics online for fear of being flagged as too “radical” or “extreme”?

- ☐ Yes
- ☐ No

6. Have you refrained from going to a protest or public event, or changed your behaviour during a protest or public event, to avoid being seen as too “radical” or “extreme”?

- ☐ Yes
- ☐ No

7. Have you refrained from supporting or becoming involved in an organisation (including political groups and campaigns, charities, religious organisations, etc.) to avoid being seen as too “radical” or “extreme”?

- ☐ Yes
- ☐ No

8. Have you modified your behaviour in any other ways, in addition to your answers provided above, to avoid being seen as too “radical” or “extreme” by those around you?

- ☐ Yes
- ☐ No

9. You answered “yes” to at least one of the questions above. Please explain why you answered “yes”. [This question only appeared if the respondent answered yes to any of questions 1 to 8.]

☐ Free text box

Web page 2

10. Are you aware of the UK government’s Prevent programme?

☐ Yes, definitely

☐ Yes, I think so

☐ No, I don’t think so

☐ No, definitely not

Web page 3

The Prevent programme is part of the UK government’s strategy for countering terrorism. It places a duty – the ‘Prevent duty’ – on public bodies, like schools, universities and hospitals, to report people who they think might be drawn into terrorism.

11. Have you ever been reported under the Prevent duty?

☐ Yes

☐ No

☐ Don’t know

12. Have you ever suspected that you might have been reported to Prevent?

[This question only appeared if the respondent answered ‘No’ or ‘Don’t know’ to question 11.]

☐ Yes

☐ No

[Where the respondent answered ‘yes’ to question 12, they were asked:] Why did you suspect that you might have been reported to Prevent?

☐ Free text box

Web page 4

13. Have you ever been questioned by social services, police, teachers, NHS staff, or any other government employees in relation to “radicalisation”, “extremism”, “suspicious behaviour”, or “Prevent”?

☐ Yes

☐ No

14. Have you ever been concerned about being reported to Prevent?

☐ Yes

☐ No

15. Do you know anyone who has been reported under the Prevent duty?

☐ Yes

☐ No

16. Have you ever reported anyone to the Prevent programme?

☐ Yes

☐ No

17. Have you ever modified your behaviour from fear of being reported to Prevent?

Modifying your behaviour might include changing the way you dress or your hairstyle, refraining from expressing your opinions in person or social media, not going to a protest or event, no longer attending a particular place of worship, refraining from supporting an organisation or campaign, etc.

- ☐ Yes, often
- ☐ Yes, a few times
- ☐ Yes, once
- ☐ No

18. On a scale of 1-5, where 1 represents “not concerned at all” and 5 represents “very concerned”, how concerned are you about the existence of the Prevent programme?

- ☐ 1-5

Web page 5

19. What is your age?

- ☐ Under 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55 or over
- ☐ Prefer not to say

20. Which of the following best describes your gender?

- ☐ Man
- ☐ Woman
- ☐ Non-Binary
- ☐ Other
- ☐ Prefer not to say

21. What is your ethnic background?

- ☐ Asian: Indian
- ☐ Asian: Pakistani
- ☐ Asian: Chinese
- ☐ Asian: Bangladeshi
- ☐ Asian: Any Other Asian Background
- ☐ Black: African
- ☐ Black: Caribbean
- ☐ Black: Any Other Black Background
- ☐ Mixed: White and Black Caribbean
- ☐ Mixed: White and Black African
- ☐ Mixed: White and Asian
- ☐ Mixed: Any Other Mixed Background
- ☐ Other: Arab
- ☐ Other: Any Other Ethnic Group
- ☐ White: British
- ☐ White: Irish
- ☐ White: Gypsy or Irish Traveller
- ☐ White: Any Other White Background

- ☐ Prefer not to say
- ☐ Other

22. What is your religion?

- ☐ Muslim
- ☐ Christian
- ☐ Jewish
- ☐ Buddhist
- ☐ Hindu
- ☐ Sikh
- ☐ No religion or belief
- ☐ Any other religion
- ☐ Prefer not to say

23. Where do you live?

- ☐ England
- ☐ Scotland
- ☐ Wales
- ☐ Northern Ireland
- ☐ Prefer not to say

Acronyms and abbreviations

CT	Counter-Terrorism
CTP	Counter-Terrorism Policing
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICO	Information Commissioner's Office
EU	European Union
ECHR	European Convention on Human Rights
NAMP	National Association of Muslim Police
SAR	Subject Access Request
OHCHR	United Nations Office of the High Commissioner for Human Rights
UNCRC	United Nations Convention on the Rights of the Child
VAF	Vulnerability Assessment Framework

‘THIS IS THE THOUGHT POLICE’

The Prevent duty and its chilling effect on human rights

Thousands of people are referred to Prevent each year. What is their experience – and what does it mean for human rights in the UK?

This report investigates how Prevent, part of the UK government’s anti-terrorism strategy, is working, and the impact it is having on people’s lives and rights.

Since its launch in 2003 thousands of people have found themselves referred to Prevent, not for committing a crime but because they fit the profile of someone at risk of being ‘drawn into terrorism’. Among them are children and disproportionate numbers of vulnerable adults and Muslims.

Meanwhile, numerous public events are being disrupted as concerns about ill-defined ‘extremism’ have a chilling effect on institutions and civil society organisations alike.

Through 51 interviews, extensive desk-based research and an online survey of more than 4,500 people, this report lays bare Prevent’s impacts on the lives of individuals – from job insecurity to unmanageable financial costs and the compounding impact on mental health. And it examines the implications for our rights to freedom of expression, thought, conscience and religion, peaceful assembly, equality and non-discrimination.

The human stories and violations documented in this report lead to a stark conclusion: the UK must scrap the Prevent strategy in order to comply with its international human rights obligations.

Amnesty International United Kingdom Section
The Human Rights Action Centre
17-25 New Inn Yard
London EC2A 3EA

www.amnesty.org.uk

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