

Campaign Against Criminalising Communities (CAMPACC)

c/o 44 Ainger Road, London NW3 3AT

Tel 020 7586 5892 or 0230 7250 1315, Fax 020 7483 2531

www.campacc.org.uk, estella24@tiscali.co.uk

Response to *Prevent Duty Guidance: a consultation*, 30 January 2015

Background: The Campaign Against Criminalising Communities (CAMPACC) was set up in early 2001 to oppose the Terrorism Act 2000 and has opposed extensions or renewals of anti-terror powers.

Our overall response to the consultation: We oppose the government's Prevent programme, its new statutory basis under the Counter-Terrorism and Security Bill Part 5, and the pseudo-consultation relating to both, for reasons explained here.

Definition of terrorism: political use

Along with the Prevent programme, now being made statutory, relevant UK legislation rests on the Terrorism Act 2000. According to its definition, terrorism encompasses simply 'the threat of action designed to influence the government' in ways involving 'serious damage to a property'. With this broad, vague definition, anti-terror powers have been used to persecute those who oppose UK foreign policy and/or support liberation movements.

With particular relevance to our campaign's remit, the above statutory definition was the UK's basis for banning several national liberation organisations as terrorist, for persecuting migrant and Muslim communities, and for criminalising speech acts (which were not prosecutable as hate speech). In such ways, the 'anti-terror' agenda supports oppressive regimes allied with the UK – for example Turkey's oppression of Kurdish separatists, Sri Lanka's oppression of Tamil minorities, Israel's attacks on the democratically elected Hamas government of Gaza, etc. More recently, these powers have been used against UK Kurds suspected of joining the anti-ISIS resistance in Syria.

Prevent Violent Extremism programme

This programme has been widely criticised for violating privacy, undermining professional norms of confidentiality and degrading local democracy. Using Prevent funds, some community groups continued their previous helpful activities, e.g. youth discussions about Islamophobia and political violence of many kinds. But these efforts were made stressful and divisive by the programme's constraints. Regardless of its public statements, the Prevent programme in practice defined the term 'extremist' by the degree to which Muslims support or oppose UK government policy (Kundnani, 2009).

What 'extremism' to prevent?

The Prevent programme offers this definition: 'Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs'. As noted in a critical report, however:-

The theory and operation of the Prevent policy contradicts this statement. Much of it is shrouded in secrecy, operates outside the rule of law (without due process) and violates individual liberty. It gives the state unrestricted intrusive powers into the lives of a minority community and faith; restricting their freedoms of belief, expression and association (Cage UK, 2014: 50)

The programme understands 'extremism' simplistically as a continuum from thoughts, to verbal expression to violent acts. According to the Home Office chief of Counter-Terrorism, Charles Farr (2009), government strategy has targeted a large group of non-violent people who 'create an environment in which terrorists can operate'. This has been a rationale for systematic surveillance of 'non-violent extremism', i.e. of entire Muslim communities, in order to identify a few individuals who may carry out violent acts. This agenda to identify and counter 'non-violent extremists' was reinforced by the Prime Minister's 2011 Munich speech.

Consequently,

Prevent and its extra-judicial procedures, panels and decisions, are becoming policies similar to those implemented during the McCarthy era in the United States in the 1950s, against those accused of having links, associations, beliefs or affiliations to communist ideas (Cage UK, 2014: 8)

Individuals called before such panels have no right of legal representation; in the case of minors, there is no right of parents to be present.

In such ways, the Prevent agenda treats Muslims as a suspect community which must undergo pervasive surveillance and demonstrate its allegiance to 'British values' – which are contradicted by UK foreign policy especially in relation to Iraq, Afghanistan and Palestine. For all these reasons, the Prevent programme is misguided, unjust and counter-productive for protecting the public from violence – if that is its real purpose.

Public institutions' new duties

Under the Counter-Terrorism and Security Bill Part 5, the Prevent programme is given a statutory basis. Cooperation now becomes a legally enforceable duty. All interpretation of key terms (especially terrorism and extremism) will rest with the state, enforced by executive sanctions and court orders. Such duties and state powers undermine trust between public institutions and their users (students, patients, etc.) who will justifiably suspect that their views are being monitored, disciplined, policed, etc. The trade union UCU has warned that the duty 'risks undermining the academic freedom of institutions and the trust relationship between academic staff and their students' (UCU, 2015). More than a risk, the threat is already here. A similar threat applies to trust between all public institutions and their users.

The consultation document ominously implements the concept 'non-violent extremism':

The *Prevent* strategy was explicitly changed in 2011 to deal with all forms of terrorism and target not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit (HM Govt, 2014, p.9). The guidance espouses the aim to create 'safe spaces' where students can 'discuss sensitive topics' (HM Govt, 2014, p.27), but in practice the statutory duty will close down space for debate, especially about whether or how to oppose UK foreign policy. The guidance will lead public institutions to fear how the Home Office might interpret 'non-violent extremism', especially for a duty to discourage specific views and exclude external speakers.

Pseudo-consultation

The Home Office's consultation document is structured by a series of questions, nearly all asking whether the scope of duties or activities should be broader than in the document. As a recurrent formulation, 'Are there other areas of activity, or examples of good practice, [or institutions, etc.] that should be covered in this guidance?' The request for other 'good practice' seems to leave space for alternative views. For example, public institutions (schools, universities, etc.) could helpfully promote open debate on the UK's global role in carrying out, financing and otherwise encouraging violence, including violence against civilians (e.g. in drone attacks) – as well as possible means for citizens to oppose this role. Likewise debate should be encouraged on whether or how 'British values' (in the Prevent definition) are specifically British or even consistent with UK foreign policy. But the Prevent agenda readily stigmatises as 'extremist' any Muslim who raises these issues. We raise them here in order to emphasise that broader parts of the UK public share the views which are being stigmatised.

For all those reasons, it would be pointless for us to answer questions in the consultation document. The Islamic Human Rights Commission has publicly announced that it will no longer participate in government consultations on anti-terror measures: 'To continue to be part of a process that invariably ends in more draconian legislation and restrictions on freedom only bestows legitimacy on the final decision' (IHRC, 2015). Although we share their criticism of Home Office consultations, we take this opportunity to oppose the entire framework of anti-terrorism legislation.

References

- Cage UK (2014) *The Prevent Strategy: A Cradle to Grave Police-State*,
<http://www.cageprisoners.com/our-work/reports/item/7693-the-prevent-strategy-a-cradle-to-grave-police-state>
- HM Government (2014) *Prevent duty guidance: a consultation*,
<https://www.gov.uk/government/consultations/prevent-duty>
- IHRC (2015) *IHRC to end participation in anti-terror laws consultations*, 13 January,
<http://www.ihrc.org.uk/activities/press-releases/11331-press-release-ihrc-to-end-participation-in-anti-terror-laws-consultations>
- Kundnani, A. (2009) *Spooked: How not to prevent violent extremism*, Institute of Race Relations,
<http://www.irr.org.uk/news/spooked-how-not-to-prevent-violent-extremism>
- UCU (2015) *Counter-Terrorism and Security Bill and the 'Prevent agenda' duties on UK institutions*,
www.ucu.org.uk