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7 Prevent and the normalization of Islamophobia

Barbara Cohen and Waqas Tufail

Introduction

In order to understand Islamophobia in the UK, the state's relationship with Muslim communities must also be examined. Following the commencement in 2001 of the 'war on terror', the UK government acted to restrict civil liberties and to enact laws giving the state enhanced powers to combat terrorism and to protect its citizens specifically against the threat posed by 'Islamist extremists', foreign and domestic. The state's counter-terrorism focus upon Muslim communities over the past two decades has had a role in fostering and furthering Islamophobia, a form of racism that is readily identifiable in the UK today.

'Prevent', as a key element within 'CONTEST', the UK government's counter-terrorism strategy, has been criticized as discriminatory and counter-productive from the outset. Through its specific targeting of Muslim communities, Prevent has been regarded with suspicion as a tool to collect intelligence (Dawson 2016: 6). And the criticisms of Prevent have been stronger, more specific and more widespread since the approach made it the responsibility of schools, universities, hospitals, local councils, prisons, etc. to prevent individuals from becoming terrorists. From trade unions whose members are now legally mandated to work with Prevent to international human rights research and policy organizations (Rights Watch UK 2016, Open Society Justice Initiative 2016) and UN institutions,² the same concerns are raised again and again: Prevent is discriminatory in its operation, if not its intent, with the consequence that it alienates the very people it claims it wants to engage with; contrary to the 'British values' it extols, in its implementation Prevent involves denial of basic human rights.

Prevent, the public sector equality duty, the Prevent duty and Channel

Prevent has had two distinct phases. Initially it was concerned with preventing violent extremism, with the principal threat seen to come from 'Islamist terrorists'. Prevent put the onus on Muslim communities, providing funding to support local programmes for young Muslims. Kundhani (2014)

notes that during this period Prevent funding was compulsory for local authorities with Muslim populations of over 2,000, a practice he describes as 'racial and religious profiling' and which may well have been challenged as a potential violation of anti-discrimination legislation, had it been more widely known about at the time. Phase 2, from 2011, extended the focus of Prevent from 'violent extremism' to broadly defined 'extremism', challenging ideas which the government saw as contributing to radicalization. Prevent now relies on frontline public sector institutions, having become a legal duty of these institutions under the Counter-Terrorism and Security Act 2015 (CTSA 2015).

The public sector equality duty

All of the public authorities subject to the Prevent duty are also subject to the public sector equality duty (PSED) in the Equality Act 2010:

a public authority must, in the exercise of its functions, have due regard to the need to ... eliminate discrimination, advance equality of opportunity and foster good relations between different groups defined by race, sex, religion or belief, age, disability, sexual orientation, pregnancy or maternity or gender reassignment (protected characteristics) [our emphasis].

To comply with the PSED a public body is expected to consider the impact or likely impact on persons with one or more protected characteristics of its policies and practices, taking appropriate steps to remove or mitigate adverse impact.

The PSED has been in force since April 2011. There is very little evidence that PSED requirements were taken into account in relation to Prevent, either when the revised strategy was developed, or at any time since, including when it was made a legal duty on all public authorities.³

The Prevent duty

The basic language of the Prevent duty is identical to that of the PSED:

² UN Committees on the Rights of the Child and the Elimination of Racial Discrimination, and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.

³ One exception is HM Government (2015a): paragraph 71 and footnote 14.

a public authority must, in the exercise of its functions, have due regard to the need to prevent people being drawn into terrorism [our emphasis].

The strength of the obligations under the Prevent duty is no different to that of those under the PSED. However, differences in enforcement⁴ and in the politics of the day have resulted in authorities being incentivized to implement the Prevent duty with scant regard to the PSED, even when confronted with hard evidence of differential treatment of Muslims. Despite efforts by the Equality and Human Rights Commission (EHRC), rarely does a public authority seek to meet its equality duties alongside its Prevent duties,⁵ with the inevitable consequence of discrimination becoming entrenched in the implementation of Prevent.

Under the CTSA, public authorities must have regard to the Home Secretary's guidance on how to meet the Prevent duty. The current guidance describes the Government's objectives and provides sector-specific guidance on compliance with the duty.

Prevent guidance: opening the door to targeting of Muslims

While the guidance states that Prevent is intended to deal with all kinds of terrorist threats, it is difficult not to read into it a clear targeting of Muslims. Noting that 'terrorists associated with the extreme right also pose a continued threat', the guidance nevertheless places particular emphasis on the dangerous ideology of Islamist extremists (HM Government 2015c).

The guidance implies a progression from non-violent extremism to terrorism – a progression that is implied to be proven, although this is denied as necessarily the case by government officials and strongly rejected by a range of experts (see for example Weaver 2015 and Gearty 2012). However, this link between 'extremism' and 'radicalization' is necessary to support the government's emphasis on challenging ideas and pre-criminal activities as an effective means of preventing people being drawn into terrorism.

The much-criticized wide definitions of the core concepts of Prevent in the guidance permit varied individual interpretations, including those infected by prejudice, leading to implementation based on

Islamophobic stereotypes and discrimination. Basic uncertainty starts from the unclear and problematic definition of 'extremism' as,

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. (HM Government 2015c)

The guidance sets out how the duty should be met within the functions of a particular sector; the primary task for all sectors is to identify and refer people at risk of being drawn into terrorism. The relevance of the duty for safeguarding responsibilities is emphasized in guidance for local authorities, education, childcare and health. A recent report suggests that some teachers feel more confident about their role in Prevent when it is made part of safeguarding, a duty they already understand (Busher et al. 2017). Other observers of Prevent dispute the legitimacy of using safeguarding – intended to protect vulnerable children and adults – for purposes of counter-terrorism.

Impact on free speech

The guidance for universities reflects the Government's belief that extremists are at work on campuses preaching 'hate' and radicalizing students and staff (Martin 2015). Importantly, the CTSA requires universities and the Secretary of State to have particular regard to the statutory duties of universities to ensure freedom of speech and the importance of academic freedom. However, there is a real risk that in meeting the Prevent duty universities will feel obliged to give lesser weight to protecting free speech, since they are advised by the guidance that in addition to identifying individuals vulnerable to radicalization, a university should not permit an event involving an external speaker to take place unless the university is 'entirely convinced' that any extremist views likely to draw people into terrorism can be fully mitigated (HM Government 2015b). Prevent officers are known to have actively worked to persuade venues to cancel legitimate events on the topic of Prevent and Islamophobia, sought to place student Islamic societies on university campuses under surveillance and requested details of event attendees. Prevent is infringing on the rights of citizens, and particularly those campaigning from within Muslim civil society.

⁴ For example, under the CTSA, section 30, but not the PSED, the Secretary of State can issue directions requiring compliance which can be enforced by the courts.

⁵ Recent research has found that none of the processes to give effect to the PSED were being followed in the implementation of Prevent by universities in England (Massoumi 2017).

Channel: dubious criteria for assessing vulnerability to radicalization

An essential element of Prevent is 'Channel', which now operates under the CTSA. Channel is a multi-agency programme to assess the extent of vulnerability to radicalization of a person referred by the police, and, where appropriate, draw up a (de-radicalization) support plan or refer the person to health or social care services. Some uncertainty exists regarding the requirement for consent before intervention or sharing of personal information by Channel. The assessment of vulnerability by Channel is based on a framework comprising 22 factors, grouped under 'engagement', 'intent' and 'capability' (HM Government 2012b), which may or may not apply to a referred person. The lack of reliable evidence to support the validity of this assessment, which is applied to children and adults referred by non-specialists via the police, gives rise to real doubts regarding the integrity of the process. While there has been little academic research conducted on Channel (not least because of a lack of transparency and openness from government in terms of data), a study by Coppock and McGovern (2014) argues that it is 'ill-conceived', relies on 'pseudo science' and, through its reliance on untested cognitive behavioural therapies, may in fact cause harm to its recipients.

Without effective Prevent training the risks of discrimination are greater

Strictly, every person in a public-facing role within all of the authorities subject to the Prevent duty should be trained; this new responsibility is too serious, and the consequences too grave, for it to be carried out by people working in different disciplines who may be unclear as to what they are expected to do. This training should also include an anti-discrimination component and cover authorities' responsibilities under the PSED. More than two years since the duty came into force there remain serious concerns in every sector regarding the quality, content and coverage of the training, which comes in a variety of packages put together by different agencies, without any validation or regulation. For example, a BMJ survey was told by an NHS Trust in London '94% of staff have had basic level one Prevent training'. However, that training consists of 'information leaflets supported by a quiz' (Gulland 2017).

Prevent and the normalization of Islamophobia

There are numerous accounts of Muslim students in schools and colleges and at universities being referred under Prevent for what emerge as the most mundane of reasons, including simply reading a particular library book or engaging in campus-based pro-Palestine or anti-racist activism. An inevitable outcome of the CTSA is that counter-terrorism is now within the country's classrooms, lecture halls, hospitals and public libraries. No longer solely the preserve of the police, now teachers, lecturers, doctors, social workers and public sector staff more broadly form the core of the state counter-terrorism apparatus. With key Prevent operators often only informed by a one-hour Prevent presentation of dubious quality (carried out by private companies), it is unsurprising that acts of discrimination and prejudice occur in the over-zealous reporting of supposedly 'suspicious' individuals (Ward 2017). Within a national climate of anti-Muslim racism, where the necessity of Prevent is routinely associated by the government and media with Muslims and/or Islam, there is evidence of frontline professionals relying on existing biases and stereotypes. There is a public debate that is yet to take place about the fact that the majority of these so-called 'suspicious' individuals, behaving perfectly lawfully but deemed vulnerable to radicalization, are Muslim schoolchildren, left traumatized after being wrongly regarded as potential terrorists.

Muslims consistently grossly over-represented among referrals to Channel

Whether as a result of a particular interpretation of the Home Secretary's Prevent guidance, wholly inadequate training or anxieties regarding sanctions for non-compliance, the reality is that staff working within public sector institutions are disproportionately identifying Muslims of all ages as 'extremists' or 'vulnerable to radicalization' and referring them, via the police, to Channel, the government's so-called 'de-radicalization' scheme.

The 2011 Census recorded Muslims as constituting 4.8% of the UK population; with different age demographics to the population as a whole, it is estimated that Muslims comprise approximately 8% of the population under 18. Percentages of Muslims referred under Prevent are significantly out of line with these proportions.

Statistics published by the National Police Chiefs' Council⁶ show a significant increase in referrals between 2014/15 and 2015/16 (the latter including nine months when the Prevent duty was in force); there was an increase of nearly 90% in the total number of Channel referrals, including an increase of 250% in referrals of children under 10 and an increase of 114% in referrals of young people under 18, between these two years. This data also discloses consistently high proportions of Muslims being referred (or referrals based on a risk of 'Islamist extremism', which we submit is a reliable proxy for 'Muslim'), in both years (see Table 7.1).

For the two-year period March 2014 to March 2016, when the religion of persons under 18 referred to Channel was recorded, the total recorded as Muslim was nearly six times greater than the total recorded as belonging to any other religion. If we take population size into account, Muslim children were 44 times more likely to be referred compared to those belonging to any other religion.⁷

The explanation put forward to justify this wide disparity⁸ which was apparent before the Prevent duty came into force, was that 'terrorists who claim to act in the name of Islam', who pose the 'greatest threat to the UK, 'specifically target Muslims' and therefore the 'support offered through Channel' is predominately provided to Muslim communities. However, as 80% of Channel referrals are not taken as far as the 'de-radicalization' or 'support' stage,⁹ the consistent gross over-referral of Muslims, especially Muslim children and young people, strongly reflects Islamophobic prejudice and stereotyping going well beyond an accurate assessment of the risks of extremism. With pressure on teachers, social workers, doctors and the police to refer individuals and no sanctions for over-referral, it is likely that the present pattern will continue. This will mean a state-sponsored programme which results in the wholly unnecessary intimidation

and stigmatization of thousands of mainly Muslim children and adults who have done nothing wrong and who, as a result, may feel further alienated from British society.

Cumulative impact of Prevent

In contemporary Britain, Muslims are regarded as a policing and social policy problem, in requirement of state intervention. In terms of counter-terrorism, this manifests itself in Prevent, with the state demanding cooperation and partnership from the 'Muslim community' (no matter how much this totalizing term is rejected by Muslims themselves). However, this is also expressed through the longer-standing demand (predating the 'war on terror' period which saw the introduction of Prevent) for Muslim 'integration'. Recent government reports pertaining to Muslim 'integration' have argued that better integration would protect against the likelihood of extremism and radicalization (see Casey 2016). While such rhetoric is politically expedient, it is completely devoid of a supportive evidence base. It is within such a climate that British Muslims feel as though they are not accepted as British by their fellow citizens (Tufail and Poynting 2013).

Understanding Prevent as a racist, Islamophobic policy allows for an analysis not only of its misguided aims, but of the real harms and deleterious consequences experienced by Muslim communities in the UK.

Concluding remarks

Ensuring safety from terrorism is in the interests of all citizens, including Muslims. However, it is contrary to both equality and human rights law that Muslims, far more than any other group, are expected to pay for such safety at the cost of being subject to suspicion, demonization, racial stereotyping and unwarranted interference with their private lives. Of particular concern is the impact of Prevent on young Muslims,

Table 7.1: Channel referrals for risk of Islamist extremism, 2014–2016

| Year | Total referrals | % referred | Referrals, under-18s | % referred | Referrals, under-10s | % referred |
|---------|-----------------|------------|----------------------|------------|----------------------|------------|
| 2014/15 | 2,183 | 70% | 967 | 73% | 87 | 80% |
| 2015/16 | 4,117 | 68% | 2,074 | 68% | 311 | 77% |

6 NPCC, 'Freedom of Information request to National Police Chiefs' Council', Ref. 000043/16. Available at: www.npcc.police.uk/Publication/NPCC%20FOI/CT/043%2016%20NPCC%20response%20att%20of%201%2014042016.pdf.

7 NPCC, 'Freedom of Information request to National Police Chiefs' Council'.

8 NPCC, 'National Channel referral figures'. Available at: www.npcc.police.uk/FreedomofInformation/NationalChannelReferralFigures.aspx.

9 NPCC, 'National Channel referral figures'.

who have grown up not only with a nearly constant stream of negative, Islamophobic headlines but also with a policy that necessitates their surveillance in schools, colleges and universities. Missing from the discussion of extremism, radicalization and terrorism is the burden Muslim minorities have had to endure through collectively being considered a terrorist threat. That such damaging treatment of Muslims under Prevent cannot be shown to reduce the risk of terrorism makes it all the more egregious, and it should be brought to an end.

The Government, the police and other bodies involved in promoting Prevent (including some Muslim civil society organizations) should acknowledge that any benefit to the state which Prevent may provide is significantly outweighed by the harm it inflicts on Muslim communities, and hence on British society as a whole, making Prevent counter-productive in terms of its purported aims. The idea of 'fundamental British values' serves only as a rhetorical device when it is considered that Prevent is dividing, stigmatizing and alienating one sector of the population.

One of the most striking elements of public discourse concerning Prevent is how little official recognition there is of the harm it inflicts on British Muslim minorities in schools, universities and other societal settings. On the few occasions such harm is acknowledged, it is often downplayed as the result of a misunderstanding, an aberration or a one-off experience due to poor training. There remains an institutional reluctance to scrutinize the full impact of Prevent.

As has been repeatedly recommended by academics and by human rights and civil liberties advocates, there needs to be a truly independent inquiry into all aspects of Prevent and its impact on Muslim communities, based on full disclosure by all of the agencies and institutions involved, ensuring an opportunity to hear evidence from all affected communities.

Given that the current government is committed to persisting with Prevent (and has even committed to 'strengthening' it after an internal review), it should at the very least recognize its equality obligations and immediately revise its statutory guidance to require compliance with the PSED in meeting the Prevent duty. Any government attempt to challenge extremism should not be directed towards a particular racial or faith group and must address societal inequalities, exacerbated over the past decade by the political choice of austerity.

In a climate of normalized anti-Muslim racism, Prevent is only one example of the ways in which the state has been able to build on public insecurities to give false legitimacy to Islamophobia. To genuinely address the issues at hand, a change of direction is urgently needed.