

**Supplementary written evidence submitted by
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Lack of confidence in Prevent

1. I am grateful to the Committee both for the opportunity to give oral evidence on 19 January, and for the invitation to supplement my written evidence. The purpose of this short document is to make the case for some form of independent review of the Prevent strategy.
2. Though Prevent does not form part of my statutory responsibilities, I was questioned on it by the Committee on 19 January. In particular, I was asked to comment on allegations that it was *“controversial to British Muslims”, “broken”, “the biggest spying programme in Britain in modern times”, and “an affront to civil liberties”*(QQ 941, 943).
3. I agreed only with the first of those suggestions. But the lack of confidence in aspects of the Prevent programme, particularly but not exclusively among Muslims, is undeniable. To give some examples from the past 12 months:
 - a. Former Metropolitan Police Chief Superintendent Dal Babu (whom I meet from time to time and whose views I respect) was quoted in March 2015 as saying: *“Sadly, Prevent has become a toxic brand and most Muslims are suspicious of what Prevent is doing”*.
 - b. 35 Professors and some 240 others, led by Professor Baroness Ruth Lister, wrote in an open letter of July 2015 that Prevent *“reinforces an ‘us’ and ‘them’ view of the world, divides communities, and sows mistrust of Muslims”,* and called on the Government *“to end its ineffective Prevent policy and rather adopt an approach that is based on dialogue and openness”*.
 - c. The Waltham Forest Council of Mosques in December 2015 described Prevent as *“an ill-conceived and flawed policy”* used to *“spy and denigrate the Muslim community and cause mistrust”*.
 - d. The chairman of Birmingham Central Mosque was reported in January 2016 to have called for a boycott of Prevent after claiming it *“unfairly targets Muslims and school children”*.
 - e. Naz Shah MP said in her recent evidence to the Home Affairs Select Committee, on which she serves, that questions about the effectiveness of Prevent have been *“a constant concern with many MPs representing areas with large Muslim populations”*.

- f. Stories alleging the insensitive and discriminatory application of the Prevent duty in schools have since last summer become a media staple (including in mainstream outlets such as the Guardian, Independent and BBC): a sample of such allegations was provided to me by the Muslim Council of Britain and published as an annex to my report of September 2015.
 - g. Some such cases (e.g. the recent “*terrorist house*” story from Lancashire, subsequently said by the police to have been inaccurately reported by the BBC) have been the subject of publicity and criticism around the world. Below-the-line comments often contain further (usually unverifiable) claims of similar incidents, which in turn achieve wide circulation.
4. It is important not to accept all these claims uncritically. Like the Committee and indeed the Government, I am well aware of the potential for mismatch between concerns voiced by “*community leaders*” and the views of ordinary people. It is quite possible that some of those attacking Prevent (not of course all) are motivated by a wish not to promote harmony but to sow grievance and division.
5. In addition, those who propose the abolition of Prevent must surely acknowledge the need for at least some of what it attempts to do. When a father can photograph his young sons holding a sword in front of an ISIS flag, as the Old Bailey heard in this month’s trial of Ibrahim Anderson, it would be perverse to deny that schools have a potentially useful safeguarding role.
6. Nor should babies be thrown out with bathwater. I asked to see the guidance on radicalisation that was issued in 2015 to new teachers in the school where my daughter works: it struck me as helpful and non-discriminatory. And as I told the Committee in oral evidence, I have great respect for organisations such as Inspire, which do what I believe is useful work within the framework of the Prevent programme.
7. All this said, the Prevent programme is clearly suffering from a widespread problem of perception, particularly in relation to the statutory duty on schools and in relation to non-violent extremism. It is also possible – though I am not in a position to judge – that aspects of the programme are ineffective or being applied in an insensitive or discriminatory manner.

Independent Review of Prevent

8. I have described independent review, of the kind that holders of my office have conducted since 1978, as “*peculiarly appropriate for an area in which potential*”

conflicts between state power and civil liberties are acute, but information is tightly rationed”.¹

9. It is my belief that the UK model of independent review has done much over the years to secure public acceptance of what is by the standards of similar countries a strong suite of counter-terrorism laws. Criticisms are made where warranted, and often acted upon. But where approval is voiced, it carries weight because it comes from a source which has been unrestricted in its access to classified material and personnel, and yet operates in a manifestly independent manner.
10. Prevent falls outside the range of the laws whose operation is reported upon by the Independent Reviewer. That seems to me appropriate, both because of other claims on the Independent Reviewer’s time and because the range of skills required for a thorough and sensitive review of the Prevent programme exceeds those available to a QC working alone.
11. Nonetheless, it seems to me that Prevent could benefit from independent review. It is perverse that Prevent has become a more significant source of grievance in affected communities than the police and ministerial powers (extended arrest and detention powers, port powers, passport removal, TPIMs with relocation) that are exercised under the Pursue strand of the CONTEST strategy. The lack of transparency in the operation of Prevent encourages rumour and mistrust to spread and to fester.
12. I strongly welcome Louise Casey’s ongoing inclusion review, and the modest steps that I understand from the Home Office are currently being taken to diversify the membership of the Prevent Advisory Board (which already benefits from the presence of my predecessor, Lord Carlile). Since Ministers and officials sit on that Board, however, it lacks the institutional independence that is in my view necessary if public confidence in the Prevent strategy is to be restored.

General review

13. For these reasons, I have previously recommended, including in evidence to the Joint Committee on Human Rights,² that the Prevent strategy as a whole should be the subject of review by an independent panel with the relevant range of expertise (for example in schools and prisons), and with direct input from the internet generation.

More limited review

¹ “The independent review of UK terrorism law”, New Journal of European Criminal Law (2015), available from my website.

² *Legislative Scrutiny: Counter-Terrorism and Security Bill*, Fifth Report of Session 2014-15, oral evidence of 26 November 2014, Q23 p.17.

14. An alternative and more limited suggestion is for the Government to commission a one-off independent review, which could operate to a reasonably short timescale, into what is currently perhaps the most sensitive and high-profile aspect of the subject: the operation of the Prevent duty in schools.
15. Those conducting such a review would need to command public respect for their independence. They would also need to be sufficiently robust and fearless to follow the evidence wherever it takes them, whether that results in:
 - a. criticism of the Prevent duty as it is being applied by schools, with recommendations for possibly fundamental change; and/or
 - b. a conclusion that the problems have been exaggerated or misrepresented (as may have been the case in the “*terrorist house*” incident), either inadvertently or in pursuance of a political agenda.
16. Whatever the conclusions of such a review – and they could of course not be predicted in advance – it seems to me that it could have an important role to play in devising a future strategy in which all can have confidence.
17. Such a review could be broader in its scope, applying for example to all aspects of the Prevent duty that was passed into law in 2015. Inevitably, however, this would greatly increase the volume of the work, and consideration of the very different issues around the Prevent duty in universities could dilute the focus on schools and the safeguarding of children.

Conclusion

18. I have floated these thoughts informally with a number of contacts, some working within the Prevent strategy and some highly sceptical of it. I feel sufficiently encouraged by their positive reaction to promote the ideas further. I offer them to the Committee in case they are of any help in crafting its recommendations to Government.

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