

## **Scotland Against Criminalising Communities**

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Professor Sir Timothy O'Shea,  
The Principal,  
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CC Steve Morrison, Rector, Edinburgh University,  
Jonny Ross-Tatam, President, EUSA  
Lynn Hyams, Branch Convenor, Edinburgh University UCU

### **Implementation of the Prevent Strategy at Edinburgh University**

Dear Professor O'Shea,

Students at Edinburgh University held an overnight sit-in on 25<sup>th</sup> April in protest at the University's implementation of the government's Prevent strategy. Prevent has been a concern for SACC for many years and we are alarmed at the current escalation in its implementation in Scottish Universities. We therefore view the students' protest with great interest and we hope that you will be able to respond positively to the points they have raised. I also hope that you will be able to respond to the separate points that I raise later in this letter.

In our view, Prevent is discriminatory, Islamophobic and anti-democratic and should be scrapped. I understand that Edinburgh University, in common with other Scottish universities, is opposed to Prevent. It should therefore be unnecessary for me to set out the many arguments that have been made against Prevent.

However, I would like to draw your attention to the unanimous decision by the STUC Annual Congress, on 20<sup>th</sup> April, to oppose Prevent.

I would also like to draw your attention to the statement issued by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, on 21<sup>st</sup> April, saying:

"The feedback from civil society on the impact of the Prevent strategy was overwhelmingly negative. Students, activists, and members of faith-based organizations related countless anecdotes of the program being implemented in a way that translates simply into crude racial, ideological, cultural and religious profiling, with consequent effects on the right to freedom of association of some groups."

Maina Kiai also said:

"It appears that Prevent is having the opposite of its intended effect: by dividing, stigmatizing and alienating segments of the population, Prevent could end up promoting extremism, rather than countering it."

Maina Kiai's statement supports SACC's view that Prevent is having an immediate, serious and damaging impact on political life and civil society, and that urgent steps are needed to counter it.

One of the points raised by the students is that the University of Edinburgh has implemented a new room booking policy which threatens the autonomy of the Students' Association and has resulted in student events being cancelled.

The students are amply justified in feeling that the autonomy of the Students' Association is under threat. However, the university's room booking policy raises a wider issue that concerns SACC directly.

Because the university's room booking policy reflects a unified government policy, applied across a wide variety of public spaces, it amounts to complicity in a serious restriction on the right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights. Freedom of expression is not an absolute right and Article 10 permits restrictions on it. However, I believe that the restrictions imposed through the Prevent strategy are not proportionate and in any case do not serve the purposes they are claimed to serve.

I hope that the University of Edinburgh will heed the concerns raised by *Students Not Suspects Edinburgh University* and will act upon the modest and measured proposals that they have put forward. However, I believe that further difficulties will inevitably and rapidly arise unless the university takes additional urgent steps to counter the pernicious effects of Prevent.

I urge the University of Edinburgh to take the following steps:

- Cease to give Prevent training to university staff;
- Cease to vet speakers in connection with room bookings, whether by EUSA or by external organisations.

I understand that the university claims to be under a legal obligation to do both of these things under the Counter Terrorism and Security Act (CTSA) 2015 and the associated Prevent Duty Guidance. I believe that this is a narrow and unrealistic view of the legal position, and that it neglects the university's wider responsibilities.

Legal action under the CTSA against perceived non-compliance by a public body with the Prevent Duty Guidance can only be initiated on a recommendation of the Prevent Oversight Board. In dealing with public bodies in Scotland, the Prevent Oversight Board is legally required to include Scottish Ministers.

I am confident that there would be wide support for the view that the Prevent Oversight Board should recommend against any use of the power of direction available under the CTSA if the university were to take the steps outlined above. I would also hope that Scottish Ministers would in these circumstances dissent from any recommendation to use the power of direction that the Prevent Oversight Board might be minded to make.

If the Prevent Oversight Board were nevertheless to recommend in favour of resort to the power of direction, the Secretary of State for the Home Department would then need to apply to the Court of Session for an order of specific implement. At that point, the university would need to consider its legal position in relation to human rights legislation as well as in relation to the CTSA. Until then, the issue is primarily a political rather than a legal one.

The students who took part in the sit-in this week made a serious effort, at a busy time of the academic year, to take action in defence of democracy and human rights. Edinburgh University, collectively and as an institution, has much greater powers to make a similar stand. I hope it will use them.

I look forward to hearing what steps you propose to take on these matters.



Richard Haley

(Chair, Scotland Against Criminalising Communities)