

The role of Prevent in managing 'violence-fixated individuals'

**Sarah St Vincent,
Rights & Security
International**

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About RSI's work on Prevent

Investigative work and legal analyses:

- *Preventing Education*: Harms to children's rights
- *Prevent-ing Dissent*: Chilling effect on activism, higher education, artistic spheres
- *Secret, Confused and Illegal*: Data protection problems
- *Caught in the Web*: Flow of Prevent data and how it impacts children

CAUGHT IN THE WEB:

'Prevent' databases and the policing of children



The (lack of) relationship between autism and violence A literature review

About RSI's work on Prevent

Other research and litigation:

- Prevent and the Public Sector Equality Duty (PSED)
- Impact on autistic people
- Other equality impacts

Questions we will cover

1. What are the strengths and limitations of Prevent as a mechanism for addressing non-ideological, fixation-driven violence?
2. What safeguards are needed to ensure proportionality, particularly for young people or those with complex vulnerabilities?

Caveats

- RSI does not accept that 'ideological' or 'non-ideological' could be objectively defined
- RSI does not currently accept the concept/term 'violence-fixated individuals'
- Under human rights law, the threshold question is 'necessity', not 'proportionality'
- Our position is that the Prevent approach inherently violates human rights and should end. We are unable to discuss 'strengths'

Prevent as violence prevention

Prevent is not an efficient or evidence-based means of violence prevention.

(In human rights terms, we would say it cannot be regarded as necessary to achieving the legitimate aim.)

- Focus is on detecting ideology (or possible future ideology)
- Apparently scant evidence base
- Underpinnings heavily critiqued by academics (e.g. 'conveyor belt' theory)
- Most referrals signposted to other services (48%) or subject to no further action (30%)
- No apparent comparative studies

Other problems with Prevent as violence prevention

- Extensive human rights violations (detailed later)
- Designed to monitor thoughts and expressions, not violent intentions as such
- Prevent duty does not apply in Northern Ireland
- Serious credibility problems among many communities

Other problems with Prevent as violence prevention

- Apparently arbitrary prioritisation of some forms of violence over others (e.g. muddled approach to misogyny, nothing on domestic/family violence)
- Few protections against biases
- Vulnerable to manipulation for political purposes
- Little to no engagement with parents/guardians



Why Prevent's human rights harms matter

- Rule of law
- Politically, they place the UK in a bad light on the international stage
- Practically, they cause widespread mistrust and suspicion

Prevent's human rights harms

- European Convention on Human Rights (ECHR):
 - Article 8 – respect for private and family life
 - Article 10 – freedom of expression
 - Article 11 – freedom of religion and belief
 - Article 14 – prohibition of discrimination
- Data protection concerns:
 - Channel: Not truly consensual

Specific concerns about Channel

- Not truly consensual
- Focus on changing opinions and beliefs (which is a rights violation)
- Additional data protection concerns
- Heavy police involvement in what is ostensibly a 'safeguarding' programme



Population level v. individual level violence prevention

- Population level: Treats violence as a society-wide issue requiring systemic solutions
- Individual level: Individualised treatment, intervention
- Prevent seems to attempt population-level violence prevention through individual intervention. Basic flaw?

Some overarching points on proportionality and safeguards

- The legal question is ‘necessity to achieving a legitimate aim’ (before we get to proportionality):
 - Not correct to focus on what is ‘proportionate’ without first addressing necessity
 - Is this the least restrictive means of achieving the legitimate aim? What alternatives has the state considered? Why has it rejected them?
 - This is not simply a ‘reasonableness’ test. The threshold is higher than that.

Necessity

- Any violence prevention programme that interferes with rights must be necessary to achieving the aim, including in comparison with alternatives:
 - No unfettered discretion
 - Protections against bias, arbitrariness

Safeguards

Current ostensible safeguards within Prevent:

- Independent Prevent Commissioner
 - Not actually independent of the implementing institution(s)
 - Extent of 'watchdog' nature unclear
- Home-Office-led monitoring
 - Inadequate equality monitoring data
- Some data retention limits – on some databases



Safeguards

Safeguards required by the ECHR:

- Clear legal framework with foreseeable consequences
 - Must be in law/binding regulations, not merely policy
- Notification (Article 8)
- Independent authorisation and review (Article 8)
- Effective remedies for harms (Article 13)
- Clear data retention limits
- Discrimination in respect for rights is not permitted (Article 14)
- Sources suggest the freedoms of thought, belief and opinion are absolute

Children's rights

- Convention on the Rights of the Child:
 - Protection from discrimination in the state's respect for rights (Article 2)
 - Respect for roles of parents and guardians (Article 5)
 - Free expression and access to information (Article 13)
 - Freedom of thought, conscience and religion (Article 14)
 - Privacy (Article 16)
 - Education-related rights (Articles 28-29)

Rights of disabled people

- Rights under the Equality Act 2010:
 - Protection from discrimination, harassment and victimisation (Chapter 2)
 - Public sector equality duty (s149)
- Disabled children also have rights under the Convention on the Rights of the Child (Article 23)

Summary

- Prevent is designed to detect ideology (or future ideology), not risks of violence per se
- Prevent is not evidence-based
- Prevent plainly violates human rights, is widely resented and mistrusted, does not apply throughout the UK
- Channel has many of the same shortcomings

Summary

- Safeguards mandated by ECHR for interferences with the relevant rights include:
 - Legality (clear, specific laws/binding regulations)
 - Demonstrable necessity to achieving the aim
 - Non-discrimination
 - Adequate remedies for harms