



LIBERTY

PROTECTING CIVIL LIBERTIES
PROMOTING HUMAN RIGHTS

12th May 2010

Liberty's analysis of the summarised Conservative - Liberal Democrat Coalition Agreement

The coalition agreement is divided into topical sections – the sections on Civil Liberties and Immigration hold implications for the protection of rights and freedoms in the UK. The document is apparently silent on the Human Rights Act. We urge the new Deputy Prime Minister to honour his previously passionate commitment to the Act in Government. We are also hopeful that the new Lord Chancellor will remember his earlier public skepticism about proposals to scrap the Act – our modern day Bill of Rights. There is silence, also, on the urgent need for a judge-led public inquiry into allegations of British complicity in torture. Both parties have supported this in the recent past.

Below we examine those human rights issues that are addressed in the Agreement and other areas where we urge action.

Civil Liberties

Freedom or Great Repeal Bill

This is a hugely welcome proposal. In addition to the more detailed commitments already outlined in the coalition agreement (see below) a Freedom Bill must include

- scrapping the unsafe and unfair control order regime
- restrictions on the use of intrusive surveillance techniques
- amendments to section 44 of the Terrorism Act 2000 (stop and search without suspicion) which has been found unlawful by the Court of Human Rights
- inserting greater safeguards into our extradition arrangements
- amendments and scaling back the use of civil orders in the criminal justice context
- scaling back the 'vetting and barring' scheme
- dumping the recently enacted proposals for 'secret inquests'

Identity Cards

We welcome the scrapping of the ID card scheme, the National Identity Register, the next generation of biometric passports and the Contact Point database.

We will be urging the new Government to ensure that these commitments are applied equally to all those in the UK regardless of age, race, nationality etc. In particular, the legislation which provides for compulsory ID cards for foreign nationals must be scrapped alongside the repeal of scheme for British citizens.

Outlawing the fingerprinting of children in school without parental permission

We welcome this development. For the past few years, Liberty has been campaigning against inappropriate use of biometric information. Nowhere is the compulsory use of biometrics more disturbing than in our classrooms. This new commitment from the coalition Government is an important first step in ensuring that the younger generation is taught important lessons about trust and personal privacy.

Extension of scope of Freedom of Information Act

As recent events have shown freedom of information is crucial for transparency and accountability – fundamental to democracy itself. The previous Government demonstrated political leadership when it introduced the Freedom of Information 2000. We welcome moves to strengthen this existing legislation.

Adopting the protections of Scottish model for DNA database

Liberty has long campaigned and litigated for a smarter, fairer DNA retention regime - one that does not discriminate on the basis of race or age and does not sweep the innocent up with the guilty. Although not perfect we welcome the commitment to adopt the protections in the Scottish model. We will be pushing to ensure that under the new model for DNA retention, innocents' DNA will not be able to be stored indefinitely via the backdoor.

Defence of trial by Jury

Jury trial has been an age-old method of boosting confidence and legitimacy in the criminal justice system. Without it, the professional classes appear to sit in permanent judgment over ordinary people. Legislation passed in 2003 attacked fundamentally this historic right. We welcome the coalition Government's commitment to protect and defend trial by jury and we will be watching to see that the offending legislation is repealed forthwith.

Restoration of right to non violent protest

The "War on Terror" saw repeated attacks on the right to peaceful protest. We hope that the new Government's commitment to restore this right will include –

- repealing provisions that restrict the right to protest around Parliament
- restricting the scope of section 44 of the Terrorism Act 2000 (stop and search without suspicion) which has been used disproportionately against peaceful protesters

- review of counter terror powers related to photography in public places which has had a chilling effect on free speech
- review of the powers contained in the Public Order Act 1986 which restrict speech rights

Review of libel laws to protect freedom of speech

Britain's outdated libel laws have had a dangerous chilling effect on free speech. We welcome the commitment to review our libel laws. In particular any review should look at strengthening the public interest defence and ensuring proper access to justice.

Safeguards against the misuse of anti-terrorism legislation

While the misuse of any legislation is of huge concern, the real problem with the application of our anti-terror laws lies in the scope and drafting of the laws themselves. Many of the myriad counter terror laws passed in the last decade are rotten to their core. Most pressingly, the unsafe and unfair control order regime which allows for indefinite house arrest without charge or trial. The silence of the coalition agreement on this issue is worrying. Liberty believes that the abolition of the control order regime must be a first priority for any Government committed to civil liberties.

To truly provide for safeguards against the misuse of anti-terror legislation we urge the new Government to consider and review the following:

- a raft of 'lower order' terror offences that are vague and broad and open to misuse
- extended pre-charge detention
- the ban on the use of intercept evidence in criminal proceedings
- recently legislation rushed through Parliament in relation to Terror Asset Freezing orders
- Schedule 7 & 8 of the Terrorism Act 2000 which allows for detention of foreign nationals without suspicion

Further regulation of CCTV

Liberty has long been calling for the proper regulation of CCTV which has not kept pace with the explosion in the number of cameras and advances of technology. We look forward to primary legislation to better regulate the use and retention of images from CCTV cameras and Automatic Number Plate Recognition technology.

Ending of storage of internet and email records without good reason

This undoubtedly signals an end to any plans for further storing and processing of records of emails, phone calls and text messages and websites visited. We also look forward to the rowing back of sweeping and disproportionate retention schemes at British and EU level. As well as reassessing current data retention powers, we hope to see a review of the legislation that governs this and other surveillance capabilities (the Regulation of Investigatory Powers Act 2000) which both parties have previously committed to.

A new mechanism to prevent the proliferation of unnecessary new criminal offences

We have seen an unprecedented raft of new criminal offences created in recent times. Many of these offences are unnecessary and over-broad leading to unintended consequences and an erosion of freedom. We hope that any new mechanism will allow for more thoughtful lawmaking and less knee-jerk populism.

Immigration

We welcome the commitment to end detention of children for immigration purposes.

However, extended immigration detention for adults is also unjustified. We will be pushing the new coalition Government to go further in placing humanity at the heart of the system for all.

The fast-track system for decisions on asylum applications leaves those seeking our protection dangerously vulnerable. In order to properly fulfill our obligations to those fleeing persecution the new coalition Government should urgently review the current framework.