



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

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NEW POLICE POWERS THREATEN PRESS FREEDOM

On the occasion of World Press Freedom Day, taking place tomorrow (3 May), the National Union of Journalists in Ireland and the Northern Ireland Human Rights Commission have joined together to condemn new powers which threaten press freedom and the confidentiality of journalists' sources.

Under Article 13 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007, police officers now have extended powers to search and seize documents and computer files kept by journalists.

According to Monica McWilliams, Chief Commissioner of the Human Rights Commission:

"The Commission has serious concerns about these new powers to allow police to remove documents and electronic records from journalists for a period of up to 96 hours. The exercise of these powers could potentially breach the right to privacy as it could frustrate and cause considerable inconvenience to journalists. The power to seize documents must not be abused, and we will be monitoring its use to ensure that the right to search is exercised only where there are grounds for suspicion."

In evidence to the consultation process on this legislation, submitted by the Human Rights Commission in January 2007, it was argued that there were inadequate safeguards to allow police to remove documents and electronic records for examination for a period up to 48 hours (extendable to 96 hours), in order to establish whether or not

they contain evidence that someone has committed, or is preparing to, commit serious crime.

The Commission stated that confidential data is deserving of protection including medical records and information held by non-legal professionals (for example, social workers; welfare rights advisors; trade union representatives; and journalists). This, it was argued, would have possible adverse implications for working relationships that require mutual trust and confidentiality between professionals and practitioners and their clients. The Commission drew particular attention to Article 8 (right to privacy) of the European Convention on Human Rights.

National Union of Journalists Irish Secretary, Seamus Dooley, warned:

"These controversial powers, far in excess of current anti-terror measures in England or Wales, cannot be justified at this time and represent a serious assault on civil liberties. It is ironic that such a move comes after the 30-year period of conflict in Northern Ireland and at a time when the terrorist threat is extremely low. Journalists will certainly have to take greater care in handling sensitive information. It could have an impact on the ability to secure confidential information and on legitimate investigative journalism.

A particular area of concern is the work of journalists in Northern Ireland relating to police collusion with paramilitaries. The right to privacy in Article 8 cannot be viewed in isolation from the right to freedom of expression in Article 10. The balance struck in the Convention has been ignored in the drafting of this Order."

Further information

For further information, please contact Peter O'Neill, Head of Information, Education and Development on 028 9024 3987 (office), 07786 338290 (mobile) or Seamus Dooley, National Union of Journalists Irish Secretary, on 003531 4735134 (office), mobile (087) 2236365.

Notes to Editors

1. The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 came into force on 21 March 2007.

2. Police powers to examine documents or records are contained in Article 13 of the Order, as follows:

(1) A constable who performs a lawful search of any premises or person -

(a) may examine any document or record found in order to ascertain whether it contains information relating to the commission or proposed commission of serious crime; and

(b) if necessary or expedient for the purpose of sub-paragraph (a), may remove the document or record to another place and retain it there until the examination is completed.