



The Abolition of Freedom Act 2009

Brought to you by
The Convention on Modern Liberty
www.modernliberty.net

CONTENTS

Introduction	3
Section 1: European Convention on Human Rights	4
No torture.....	4
Liberty.....	5
Fair Trial.....	6
Surveillance and Interception.....	8
Freedom of Expression.....	11
Freedom of Association.....	12
Section 2: Uncodified Rights and Constitutional Safeguards.....	15
Freedom of movement.....	15
Citizenship.....	15
Jury Trial.....	15
Public Inquiries.....	16

What We've Lost

A report by UCL Student Human Rights Programme **Compiled for the Convention on Modern Liberty**

One of the problems with the erosion of liberty in Britain over the last decade was that the public failed to pay attention to what was happening in Parliament. Laws that fundamentally challenged our traditions of rights and liberty and flew in the face of the Human Rights Act (“HRA”) were passed with relatively little debate. Few grasped the impact they would have on our society and Ministers were able to brush aside protests with assurances that their desire to protect us was equal to their respect for civil liberties.

The difficulty campaigners faced was to press home the argument about the scale of the loss. An account was needed to show that the legislative programme, which swept away centuries old rights and transferred so much power from the individual to the state, actually existed. Now we have that evidence and the Convention on Modern Liberty can demonstrate with confidence what Britain has lost and discuss how this crisis of liberty took root in one of the world’s oldest democracies and what to do about it.

This report by the UCL Student Human Rights Programme (“UCLSHRP”) is a concise and approachable inventory of the loss. It is a profoundly disturbing document, even for those who thought they knew about the subject, for it not only describes the wholesale removal of rights that were apparently protected by the HRA and set down nearly 800 years ago in Magna Carta, it also shows how the unarticulated liberties that we assumed were somehow guaranteed by British culture have been compromised. The same is true of constitutional safeguards that were once considered beyond the reach of a democratically elected legislature.

The attack is as broad as it is deep. Over 25 Acts of Parliament and some 50 individual measures are involved. This document is organised around the articles of the Human Rights Act and also draws on the guarantees of Magna Carta, but it is important to remember that many of the freedoms that are disappearing have never been codified, which makes it all the more difficult to keep track of the attack on liberty. Part of the future work of those associated with the Convention must be to continue to monitor and report on these dangerous trends. Opposition can only begin when we are in full possession of the facts. These are what the UCLSHRP provides in this first exhaustive account of what we have lost.

Section1: European Convention on Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights (“ECHR”) into UK law. As a result these rights can be enforced by individuals in UK courts. Individuals need no longer take their claims to Strasbourg, the home of the European Court of Human Rights. Despite boldly claiming to be “bringing rights home” through the Human Rights Act (HRA), the UK has since then introduced a contradictory legislative scheme that in fact erodes our rights.

Life, Article 2, ECHR

“Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally”

The obligation to investigate violations of the right to life

1. Coroners Inquests

The right to life can only be secured if the executive investigate suspicious deaths to determine whether a violation of the right has taken place. New proposals will end the independence of coroners who until now have been able to investigate the cause of suspicious or uncertain deaths and criticise government departments and agencies, (for example in the death of Iraqi civilians under the control of the British Army). Jack Straw’s Coroners and Justice Bill trespasses on this independence, granting the Executive power to suspend the inquest even when it may involve a homicide. The inquest may be forced into secret session by the minister for reasons of national interest, to protect relations with a foreign country or if the hearing threatens to harm the public interest.

2. There is a further erosion of accountability in the measure that will allow the Executive, acting through the Lord Chancellor, to suspend an inquest when the death is being investigated under the Inquiries Act 2005. **Coroners and Justice Bill 2009**

No Torture, Article 3, ECHR

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Prohibition of degrading treatment and enforced destitution

3. Asylum seekers were denied state support in 2002 unless they make their claims as soon as reasonably practical after their arrival in the United Kingdom. The Home Secretary may withhold support from the applicants, who cannot explain how they came into the country, how they have been living since their arrival, or to anyone who does not cooperate with the authorities. Lord Bingham found that application of the

Nationality Immigration and asylum Act 2002 was “deliberate action of the state” which “denied shelter, food [and] the most basic necessities of life.” **Nationality Immigration and asylum Act 2002**

Liberty, Article 5, ECHR

Article 5(1), Right to Liberty and Security of the Person

“Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: the lawful detention of a person after conviction by a competent court;...the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence.”

Individual liberty is an ancient right recognised by English law as early as 1215 AD in the Magna Carta at Article 39, “**No free man shall be captured, and or imprisoned, or robbed of his freehold, and or of his liberties...but by the lawful judgment of his peers, and or by the law of the land.**”

4. Control orders were introduced to confine terrorism suspects who have not been found guilty of any crime by a conventional court of law. The orders include measures such as house arrest and electronic tagging. They also restrict movement, association and the use of phones and the Internet. The act allows control order proceedings to be held in closed sessions with security cleared “special advocates” representing the accused, who do not even have the right to see or rebut the evidence against them. The evidence may consist of secret intelligence, or even information obtained from torture outside the United Kingdom. **Prevention of Terrorism Act 2005**

5. Immigration officers were given police-like powers, which include increased detention, entry, search and seizure. **UK Borders Act 2007**

ECHR Article 5(1)(c)

“No arrest or detention unless it is for the purpose of bringing them to court because there is reasonable suspicion they have committed a criminal offence”

6. Immigration officers were given the power of arrest without a warrant. **Asylum and Immigration (Treatment of Claimants) Act 2004**

7. Police were given powers in two different acts to stop and search people and cars without suspicion at airports and within designated areas. Currently 180,000 people are being stopped and searched every year. **Terrorism Act 2000** and **Anti-Terrorism, Crime and Security Act 2001**

No Detention without Charge, Article 5(2)

8. Police have the power to hold a terrorist suspect for 28 days without charge. This power was to last one year but the Secretary of State was given the authority to continue 28 days detention by statutory instrument. **Terrorism Act 2006**

Right of detained individuals to legally challenge their detention within a reasonable period of time, Article 5(4)

9. Automatic bail hearings for those detained under immigration legislation was ended. The same piece of legislation also made it possible for an asylum seeker to be detained at any time during their application, in accommodation centres for up to six months. **Nationality, Immigration and Asylum Act 2002**

Fair Trial, Article 6 ECHR

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

Criminal Standard of proof, Article 6(1)

10. To restrict an individual's liberty it must be proven in a court of law that the individual is guilty beyond a reasonable doubt. This is the criminal standard of proof. The lower standard of proof for a civil trial is that of balance of probabilities. The important distinction between criminal and civil law was eroded with the introduction of Anti-Social Behaviour Orders (ASBOs). The orders are granted on civil burden of proof, which requires only the "balance of probabilities". But a person breaching an ASBO is likely to incur criminal penalties. Even though the actions or behaviour for which the ASBO is granted may not be against the law, breaching an ASBO can lead to a sentence of up to five years in prison. **Crime and Disorder Act 1998**

11. Parenting Orders were introduced. Prosecution results if the parent does not meet the conditions of the order. **Crime and Disorder Act 1998**

12. Civil orders that allow courts to impose post-sentence restrictions on those convicted of violent offences were introduced. **Criminal Justice and Immigration Act 2008**

13. The Serious Crime Prevention Order (SCPO) can be used to restrict where an individual can live and limit their work and travel arrangements. SCPOs can last for up to five years and breaching them can result in up to five years imprisonment. The House of Lords Constitutional Committee expressed doubts about using SCPOS to target organised crime. "Whether or not the trend towards greater use of preventative civil orders is constitutionally legitimate (a matter on which we express doubt), we take the view that SCPOs represent an incursion into the liberty of the subject and constitute a form of punishment that cannot be justified in the absence of a criminal conviction." **Serious Crime Act 2007**

The presumption of innocence until guilt is proven, ECHR, Article 6(2),

14. The presumption of innocence was weakened with a new law that allows a jury to make inferences about the guilt of a defendant if he or she fails to give evidence when charged with the new offence of causing or allowing the death of a child, and either or both murder or manslaughter. **Domestic Violence, Crime and Victims Act 2004**

15. The right to silence was further eroded by terror legislation that allows post-charge questioning of terror suspects and the courts to draw an adverse inference from a defendant's silence. **Counter-Terrorism Act 2008**

Right to a lawyer of ones own choosing, ECHR, Article 6(3)(c)

16. Under the Terrorism Act an individual and his lawyers may be barred from court proceedings. The Act also states that material contrary to the public interest may not be disclosed, that state appointed special advocates, with limited ability to communicate with the individual, are to represent his interests in the closed proceedings, and that the written determination of the court may be withheld from the defendant, if in the public interest. **Counter-Terrorism Act 2008**

17. Free speech and freedom of association were both reduced by terrors laws. Any support for a proscribed organisation became illegal. **Terrorism Act 2000**

Article 8, ECHR, Privacy

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

“The Database State”- intercepting, collecting, storing, sharing private information

The right to privacy has been eroded, perhaps permanently, by broad powers to intercept, collect, store, share and our private information.

Surveillance and Interception

18. In 2004 it became possible for the Secretary of State to authorise electronic monitoring of individuals. **Asylum and Immigration (Treatment of Claimants) Act 2004**

19. RIPA laws came into force in 2000 and specified the circumstances in which the various authorities and agencies could mount surveillance operations. RIPA defines five broad categories of covert surveillance: directed surveillance (includes photographing people); intrusive surveillance (includes bugging); the use of covert human intelligence sources (informants and undercover officers, including watching and following people); accessing communications data (record of emails sent, telephone calls made) and intercepting communications (i.e. reading content of emails, listening to calls). The Act also allows the Home Secretary to issue an interception warrant to examine the contents of letters or communications on the grounds of national security, and for the purposes of preventing or detecting crime, preventing disorder, public safety, protecting public health, or in the interests of the economic well-being of the United Kingdom. **Regulation of Investigatory Powers Act 2000**

20. An end to rules banning government departments from sharing personal information is proposed in the Coroners and Justice Bill. An amendment to the Data Protection Act of 1998 contained in the new bill will allow personal data to be shared by ministers through executive order to achieve what are vaguely termed the government's "policy purposes." **Coroners and Justice Bill 2009**

Collection and Acquisition

21. Over 50 pieces of personal information will be transferred from the private control of the individual to the authority's National Identity Register (NIR) under the Identity Cards Act. Information placed on the NIR will include date and place of birth, principal place of residence, every other place of UK or overseas residence, head and shoulder photograph, signature, fingerprints, and other biometric information (which may include iris scans, and a facial measurement template). Individuals may be forced to register their details in order to receive certain public services and may be fined for not keeping their NIR information up-to-date. A record of all the important transactions in a person's life will be created by the electronic verification of their card **Identity Cards Act 2006**

22. Freedom to communicate in private has been effectively extinguished by RIPA laws. The state may demand that telephone, and internet providers hand over detailed communications records of individual users, including: name and addresses; phone calls made and received; source and destination of emails; internet browsing information and mobile phone positioning data that records the user's location may be demanded. This power may be exercised by many public bodies, ranging from the Revenue and Customs

to the Royal Mail Group. **Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (Communications Data) (Additional Functions and Amendment) Order 2006/1878**

23. The loss of the right to communicate privately by post also ended with RIPA. Postal service providers may now be forced to intercept and retain postal items; maintaining a system of opening, copying and resealing of any postal item carried for less than £1. Secrecy is written into the law. Postal services are under strict obligations to intercept with as little impact as possible to ensure the individual remains unaware of the intrusion. **Regulation of Investigatory Powers (Maintenance of Interception Capability) Order 2002/1931**

24. A further serious loss of privacy will occur when a person crosses UK borders. Anyone entering or leaving, or even expecting to leave, the UK must under the Eborder Scheme supply the government with their name, gender, nationality, type of travel document held, and vehicle registration number if travelling in a vehicle. In all, 53 pieces of information may be taken from British citizens before they are permitted to leave the country, even though the new Draft (Partial) Immigration and Citizenship Bill asserts the freedom of a person to leave the UK unimpeded. Those coming into the UK will be expected to provide information and biometrics. Yachtsmen leaving British waters for the day and returning to shore will be expected to provide information about all those on board. **Immigration, Asylum and Nationality Act (2006) and the Immigration and Police (Passenger, Crew and Service Information) Order 2008 /5**

25. The right to check into a hotel in the United Kingdom anonymously and without the state being informed may end with compulsory registration measures proposed in clause 30 of the draft of the new Draft (Partial) Immigration and Citizenship Bill. This will allow the Home Secretary to keep records of people, “whether or not they are a British Citizens”, and require them – on pain of a £5,000 fine or year in prison – to provide the information to an unspecified list of people whom the Secretary of State considers “expedient”. **Draft (Partial) Immigration and Citizenship Bill 2008**

26. The privacy of non-UK nationals has also been compromised. Asylum seekers must supply a personal record containing physical characteristics, photos and fingerprints; an inventory of a detainee’s possessions must be made. Photographs and fingerprints may be retained until they become British citizens, even if they have a right of residency in the UK **Nationality, Immigration and Asylum Act 2002, Immigration and Asylum Act 1999, Immigration (Provision of Physical Data) Regulations 2006/1743, Detention Centre Rules 2001/ 238**

27. The line between guilt and innocence has been blurred with preventative orders, under anti-terrorism and social disorder legislation (see below). One result is that personal information of those merely suspected of involvement in terrorist

related activities which are held by public bodies, may be demanded by police and security services carrying out criminal and terrorist investigations. Individuals placed under control orders may now be forced to provide police with fingerprints and DNA samples. **Anti-Terrorism, Crime and Security Act 2001 and Counter-Terrorism Act 2008**

Storage and Retention of personal information

28. Children are being groomed for a life in the database state. Alongside the gradual introduction of biometrics and CCTV in schools, is the children's database –or ContactPoint - which went live in January 2008. It contains 20 pieces of information on all children resident in England. Over 400,000 people will have access to the database but parents will have no right to check the data held on their children. **Children Act 2004**

29. The concept of innocence unless proven guilty by a normal court of law was eroded when it became possible for police in England, Wales and Northern Ireland to retain indefinitely DNA samples and fingerprints from anyone arrested for a recordable offence, even if they were released without charge, or found not guilty. This also included the DNA of people who were witnesses to a crime. The European Court of Human Rights ruled in December 2008 that the retention of DNA from two innocent men in Yorkshire breached their human rights, which has implications for the samples of one million innocent people on the Police National DNA Database. **Criminal, Justice and Police Act 2001**

30. The imposition of compulsory biometric identity documents for non-EU immigrants came in 2007 in a law which grants the secretary of state wide-ranging powers to retain and share biometric information. This law requires people subject to immigration control to apply for a biometric immigration document which can contain over 15 pieces of information, including details held on a radio frequency electronic microchip (RFID) embedded in the document. The information can be retained by the Secretary of State as long as is deemed necessary. **UK Borders Act 2007 & Immigration (Biometric Registration) Regulations 2008/3048**

Data Sharing

31. The sharing of information on the National Identity Register (NIR) is the first step in a government wide project to make all information on private citizens available to government and its agencies. The Security Service, Secret Intelligence Service, GCHQ, Serious Organised Crime Agency and HM Revenue and Customs will all have access to the NIR. Information on the NIR may be passed on to any public authority where it is deemed necessary for security, law enforcement, prevention of crime or government efficiency. No member of the public will be allowed access to his or her file. **Identity Cards Act 2006**

32. Information about parents and children is required to be shared between public authorities before an application for a parenting order is made. **Anti-Social**

Behaviour Act 2003 & Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007/1869

33. The enhanced CRB check system infringes the right to privacy and the presumption of innocence. Charges for which one has been acquitted and even conduct unrelated to crime may be disclosed. The Chief of Police is empowered to disclose to potential employers anything that in his or her opinion “might be relevant” to an individual’s job application. This is despite the disproportionate effect disclosure might have on the individual’s employability. This promotes a “no smoke without fire” approach. **Police Act 1997**

The privatisation of the database

34. The government’s drive to use private companies to hold information on private citizens began in 2001 with anti-terrorism legislation. It requires airlines to provide information about passengers and enables communication service providers to retain data, so that it can be accessed by law agencies investigating terrorism or criminal activities. The law also obliges financial institutions such as banks to contact law agencies when they believe there are "reasonable grounds" to suspect terrorist financing. The Act allows for the retention of communications data by service providers, who must retain information on who called who for extended periods of time. **Anti-Terrorism, Crime and Security Act 2001**

35. In 2000 the government took powers to force Internet service providers (ISPs) to fit equipment to facilitate surveillance and allows the government to demand that the ISP give secret access to a customer's communication. **Regulation of Investigatory Powers Act 2000**

Freedom of Expression, ECHR, Article 10

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”

36. New laws affecting the freedom of expression will be introduced by Jack Straw’s Coroners’ and Justice Bill: the discussion, criticism or discouragement of sexual conduct or practices will become an offence of stirring up hatred on grounds of sexual orientation. **Coroners and Justice Bill 2009**

37. Terror laws make it a criminal offence to encourage terrorism by directly or indirectly inciting or encouraging others to commit acts of terrorism. This includes an offence of "glorification" of terror – people who "praise or celebrate" terrorism in a way that may encourage others to commit a terrorist act. **Terrorism Act 2006**

38. The freedom to take photographs of police who are engaged in anti-terrorist operations was removed by laws that make it a criminal offence to elicit or attempt to elicit information about a member of the armed forces, the intelligence services or a constable which is likely to be useful to a person committing or preparing an act of terrorism. **Counter-Terrorism Act 2008**

39. To glorify terrorism in a way that may encourage others to commit a terrorist act was made a criminal offence in the **Terrorism Act 2006**

Freedom of Assembly, ECHR, Article 11,

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.”

Right to Peaceful Protest

40. The right to freedom of assembly was eroded by the Anti-Social Behaviour Act 2003, which allows police and community officers to issue dispersal orders to groups of people in a designated area. A group was defined as over two people. Refusal to leave or returning to an area once dispersed is a criminal offence. **Anti-Social Behaviour Act 2003**

41. Demonstrations within 1km of Parliament Square without police permission are forbidden. The police can decide the time and place of the demonstration and limit numbers of people as well as the size and number of banners. **Serious Organised Crime and Police Act 2005**

42. A new definition of a “rave” means that a gathering of 20 people, not 100, maybe dispersed by police. **Anti-Social Behaviour Act 2003** amending the **Criminal Justice and Public Order Act 1994**

43. The freedom to attend gatherings such as football matches and pop concerts was affected by the issue of section 27 forms. These allows police to tell an individual or a group to leave a locality for up to 48 hours to minimise the risk of alcohol related disorder or crime. There is evidence that this law is already being abused to deprive innocent members of their right to attend events. **Violent Crime Reduction Act 2006.**

Freedom of Association, ECHR, Article 11,

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.”

Right to join and form organisations

44. The right to strike was removed from prison officers. **Criminal Justice and Immigration Act 2008**

45. Free speech and freedom of association were both reduced by terrors laws. Any support for a proscribed organisation became illegal. **Terrorism Act 2000**

46. Certain clothing and the display of articles such as banners were outlawed if they aroused reasonable suspicion that they indicated support for a prescribed organisation. A person commits an offence if he belongs, professes to belong to, or supports a proscribed organisation **Terrorism Act 2000**

Marriage, ECHR, Article 12,

“Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.”

Right to Marry

47. The right to marry and found a family is affected by a new law that requires immigrants to obtain permission to marry from the Secretary of State. **Asylum and Immigration (Treatment of Claimants) Act 2004**

Property, ECHR, Protocol 1, Article 1

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

Protection of Property

48. The Englishman’s home is no longer his castle. For the first time since 1604 bailiffs may enter a home to seize goods in the recovery of a fine owed as result of magistrates court conviction and use reasonable force to restrain or pin down those present. Bailiffs may also enter on a High Court or County Court warrant for unpaid taxes and social security contributions. **Tribunals Courts and Enforcement Act 2007**

49. New laws allow police or local authorities to apply to magistrates to close privately owned or rented property or local authority premises believed to be the centre of serious and persistent disorder, or nuisance. The order for three to six months may be granted at short notice on extremely low standards of proof – hearsay and evidence from anonymous witnesses is accepted. **Criminal Justice and Immigration Act 2008 /Anti-Social Behaviour Act 2003**

50. Terror laws can be used to freeze assets as in the case of the stricken National Bank of Iceland

Anti-Terrorism, Crime and Security Act 2001 & the Landsbanki Freezing Order 2008/2668

51. Asylum seekers have no property rights while in detention. A detainee is not entitled to hold cash; the manager or Secretary of State can object to the holding of possessions if they are likely to be objectionable to others, are contrary to health and safety or are incompatible with storage in the facility. Any individual may on entering, or at sporadic times throughout his detention, be searched. **Nationality, Immigration and Asylum Act 2002 & the Detention Centre Rules 2001/238**

Emergency Powers- Derogating from ECHR Rights

ECHR, Article 15

*“In time of war or other **public emergency threatening the life of the nation** any High Contracting Party may take measures derogating from its obligations under this Convention **to the extent strictly required by the exigencies of the situation**”*

52. The Civil Contingencies Act 2004 allows that in an emergency a senior minister will issue emergency regulations by means of an Order in Council to protect human life, communications, property, supplies of money food water or fuel. The powers include the confiscation of property without compensation, the destruction of property, animal life or plant life without compensation, enforced movement from a specified place, the prohibition of travel, the deployment of the armed forces, the creation of new offences, conferring jurisdiction on new courts and tribunals and forced labour. “The Civil Contingencies Act is the most powerful and extensive peacetime legislation ever enacted,” wrote Clive Walker and James Broderick in their study of this little noticed Act. “Indeed, it contains within it the tools for dismantling civil society.”

The safeguards against misuse of the act are thought to be weak because there is no requirement of objectivity in the tests for invoking emergency powers. The minister must merely satisfy him or herself that an emergency has taken place, or is about to. The Act specifies that emergency regulations may be issued by the Prime Minister, the principal Secretaries of State, or the Commissioners of Her Majesty’s Treasury, one of which is the Government’s chief Whip. During its passage through Parliament, the bill was attacked by Lord Lucas who said, “The Government have so many powers and sources of information that they are capable of creating the illusion of a serious threat to the country. Indeed one does not have to look back man months to see them do exactly that. We have just been to war (in Iraq) as a result of an illusion created by this government.” **The Civil Contingencies Act 2004.**

Section 2: Uncodified Rights and Constitutional Safeguards

Our human rights are not limited to those listed in the ECHR and the Human Rights Act. There are in fact a wider category of civil liberties and fundamental freedoms which are protected by the UK constitution, including rights to citizenship, freedom of movement and jury trial. Further, constitutional safeguards, such as public inquiries, provide essential accountability channels and therefore act as a check and balance on abusive executives. Equally, however, the attack on liberty has not been limited to ECHR, but has encroached upon the UK's cherished constitutional foundations.

Freedom of Movement

53. Freedom of movement without surveillance came to an end in the United Kingdom in 2007 when the Automatic Number Recognition Camera Network went live to track and record all journeys on major roads and through town centres. The system stores data for five years and allows real time surveillance of target vehicles.

See "E borders" data collection above. **Immigration, Asylum and Nationality Act (2006)**

Citizenship

54. The Home Secretary may remove British citizenship from dual nationals if "conducive to the public good". **Immigration, Asylum and Nationality Act 2006**

55. The Home Secretary may deny a person of British citizenship if satisfied that the person has done something seriously prejudicial to the vital interests of the UK. **Nationality, Immigration and Asylum Act 2002**

Jury Trial

56. The Domestic Violence, Crime and Victims Act extends the slow erosion of the principle that every defendant has the right to be tried by a jury of his peers. The prosecution can now apply for a trial on indictment when some, but not all, of the counts included on the indictment may be conducted without a jury. Trial without jury is permissible if the number of indictable accounts makes it impracticable; and it is in the interests of justice to disallow jury trial. **Domestic Violence, Crime and Victims Act 2004**

57. Jury Trial is set to be further undermined by a new bill which gives the secretary of state the power to demand that an inquest be held (including one where a person has died in state custody or at the hands of the state) without a jury. **Coroners and Justice Bill 2009**

Public Inquiries

58. A grave reduction in scrutiny and public accountability was brought about by the Inquiries Act 2005, which also allowed a transfer of power from Parliament to the Executive with little public debate. Public inquiries are essential for maintaining transparent and accountable government. They provide necessary information for voters and the opportunity to exercise civil liberties such as expression and protest. However, the Executive now has the power to choose and appoint the chairman and panel members of any public inquiry, set the inquiry's terms of reference and alter them at any point without Parliamentary consent. The inquiry can be suspended at any point subject to the Ministers discretion. The Minister may also restrict public access to the inquiry and any inquiry documents on reasons of cost, delay or inefficiency and has the power to censor the content of the report, removing any information they consider would harm the economic and security interests of state. The Act was barely noticed at the time of its passage through the House of Commons. **Inquiries Act 2005**

February 19, 2009

What We've Lost: A report by UCL Student Human Rights Programme



www.uclshrp.com



Authors

Umar Azmeh
Jonathan Butterworth
Tony Daly
Michael Mohallem
Naureen Shameen
Emily Rayner
Richard Walker
Kai Zhang

Editor: Henry Porter

For the Convention on Modern Liberty
in London and across the country
on Saturday February 28, 2009

www.modernliberty.net

For press enquiries, please contact:

Amy MacLaren or Libby Appelbee at Colman Getty on 020 7631 2666

Out of Hours 07980 843 088

amy@colmangetty.co.uk / libby@colmangetty.co.uk