

FILE NOTE

FROM : E Goodman

DATE : 27 NOVEMBER 2001

IN NOVEMBER the anti-terrorism, crime and security bill, was rushed through Parliament.

It gives the state draconian powers, including freezing and/or forfeit assets, disclosure of information by Inland Revenue to Police and HM Customs & Excise, detention without trial of foreigners (without recourse to judicial review), creation of the criminal offence "incitement to religious hatred", obligation on communications service providers to reveal information to Police on request, creating the criminal offence of not disclosing information which help prevent another person carrying out an act of terrorism, right of Police, immigration officers and customs officers to stop question, search and detain people on domestic flights within the United Kingdom, obligation on ship and aircraft owners to provide Police, on request, with details of passengers and their belongings.

Section 19 of the Human Rights Act 1998 requires administering charge of a Bill to make a statement about the compatibility of the provisions of the Bill with the European convention on Human Rights. The Home Secretary has made the following statement "In my view the provisions of the anti-terrorism, crime and security Bill are compatible with the conventions rights". This is disputed and both opposition parties (Conservative and Liberal Democrat) as well as a number of Labour members of Parliament have voted against the Bill. It is believed that the new offence of "incitement to religious hatred" contravenes the Article of the convention on Human Right guaranteeing freedom of expression. The comedian, Rowan Atkinson, has publicly stated that he believes that it will criminalise religious jokes. "Religious hatred" is defined as being against "a group of persons defined by reference to religious belief or lack of a religious belief". Criticism of agnostics and atheists is therefore covered!

No other Country in Europe has inacted similar provision. The contention without trial is particularly unique.

The Bill is being rushed through Parliament so that it will come into force by the end of the year 2001. Until it has completed this passage, it is impossible to know the details of any amendments and thus the exact wording of the proposed new law. The Government has stated that it will not accept any substantive amendments, but it is possible that the House of Lords may succeed in making minor ones.