

LIBERTY

PROTECTING CIVIL LIBERTIES · PROMOTING HUMAN RIGHTS

WINTER 2009



A new home for Liberty?

Civil Liberties Trust Chair Christine Jackson introduces an exciting new chapter in the story of Liberty **Page 6** ▶

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Shami Chakrabarti



Merry Christmas! It's hard to believe we're at the end of our 75th year. Throughout 2009 we have been battling on many fronts, and although the challenges to the common values we hold dear keep coming thick and fast, we have seen some important successes this year.

The highlights undoubtedly include the Court of Appeal ruling in March that found that the Government was wrong not to order an independent inquiry into allegations of mistreatment at Harmondsworth immigration detention centre, and the serious blow dealt to the control order scheme in June when the House of Lords ruled unanimously that the scheme undermines the right to fair trial where 'controlees' don't know the charges against them. The compulsory identity card scheme began its slow death as public concerns about the right to privacy continue to grow. The Government has been in serious difficulty over its plans for a centralised communications database, and its sweeping DNA retention. And in October our concerted lobbying with Anti-Slavery International persuaded the Government of the urgent need for a new law against forced labour and servitude.

All this – as well as the awareness-raising work we do in the media, schools and other forums, the public campaigning and debates we start in the national press – is made possible by your support. I hope you are as proud as I am of what we have achieved together this year, and that you will be as excited as I am about a fantastic opportunity on the horizon: a new home for Liberty.

Shami Chakrabarti
Director of Liberty

Hold the date: Liberty's 2010 Annual General Meeting will take place on Saturday 12 June at Methodist Central Hall in Westminster.

Liberty challenges secretive surveillance powers in court

Early November saw the start of a hearing examining the controversial use of covert surveillance by a local authority. This landmark case is the first time these powers – granted to local authorities under the controversial Regulation of

Investigatory Powers Act (RIPA) – will be challenged at an open hearing before the Investigatory Powers Tribunal. Liberty is representing the complainant, Jenny Paton, and hopes to deal a blow to frivolous use of these intrusive powers.

Victory for Article 8 against blanket DNA retention

On 19 October the Home Office announced that clauses on DNA retention will be dropped from the Policing and Crime Bill and reconsidered after the Queen's Speech in November. The clauses would have allowed Ministers to make regulations determining how long innocent people's DNA could be retained. A Government consultation initially suggested this could be up to 12 years. The Government now proposes to introduce provisions in the Crime and Security Bill to allow retention of innocent peoples DNA for six years.

Liberty believes that the correct and proportionate approach to the National DNA Database would be to start with the presumption that only those convicted of serious violent or sexual offences should have their DNA retained long term. Scotland has adopted a more proportionate model which we believe should inform the thinking on the model adopted in the rest of the UK.

Freedom of conscience case to be considered by Court of Appeal

In January 2010 Liberty will represent Nadia Eweida, a Christian British Airways check-in employee banned from wearing a small cross on a chain, in her appeal to the Court of Appeal.

Although the airline changed its uniform policy to allow Ms Eweida to wear her cross openly, it would not admit that the original policy was unlawful and refused to pay Ms Eweida for the three months she was prevented from working. The Employment Appeal Tribunal rejected Ms Eweida's claim of religious discrimination on the ground that Christians generally were not disadvantaged by a ban on wearing crosses, but she has been granted permission to appeal by the Court of Appeal which described the case as one of

"general importance".

Liberty believes that the Employment Appeal Tribunal's judgment sets a dangerous precedent, and will argue that employers should only interfere with personal expressions of religion or belief where it is necessary and proportionate, for example to protect the rights of others.

Ms Eweida has received messages of support from religious leaders, politicians of all parties and the Transport and General Workers Union. Corinna Ferguson, Legal Officer for Liberty, said: "We are all entitled to freedom of thought, conscience and religion and equal treatment under the law. If the wearing of a cross is important to an individual it should be treated with sensitivity and respect."

Protest! Talking about your right to speak out

In October Liberty joined up with Index on Censorship to put on an afternoon of lively debate and discussion about how we can use peaceful protest today to achieve positive change. As well as an interactive session from Liberty's Advice and Information Officer Eduardo Gill-Pedro on the right to protest, a range of experienced campaigners spoke at the event. Shami Chakrabarti, Director of Liberty, emphasised the need for positivity when protesting, pointing out that "Martin Luther King never said 'I have a nightmare'". John Kampfner, CEO of Index

on Censorship, spoke about freedom of expression, and how Index on Censorship campaigns to protect it all over the world.



Liberty partnership with young racing driver

Our logo has appeared on banners, t-shirts, posters and placards, but in a first for Liberty it now graces the car of 16-year-old Alice Powell, a racing driver and the only woman in Formula Renault UK.

Alice, who learned to drive when she was six and has been racing from the age of eight said: "I'm proud to have Liberty's logo on my car this season. Motorsport is one of the few sports where men and women compete on an equal

footing. So any organisation that supports equality gets my support."

While politicians and press all too often fall back on the lazy stereotype of Britain's 'feral' youth, Liberty is proud to count someone as inspiring, ambitious and socially aware as Alice among our supporters.

Find out more about Alice's aim is to be the first successful British woman to compete for the F1 title at www.alice-powell.com

Legal aid cuts threatened

Liberty recently responded to a Ministry of Justice and Legal Services Commission consultation on changes to Legal Aid. These include proposals that would seriously threaten the ability of an individual to hold the state to account, by reducing legal aid funding in judicial review and other cases against public bodies.

Individuals who are often unable to advocate for themselves (such as prisoners and migrants) appear to have been particularly targeted by the proposals; it is hard to avoid the conclusion that the changes are motivated primarily by a desire to reduce awkward and embarrassing claims.

Legal aid is vital in a democratic society, and the consultation proposals are discriminatory and deeply damaging for vulnerable individuals seeking redress for the abuse of state power. The consultation is now closed, and we await the Government's response.

Director of Public Prosecutions defends Human Rights Act

Liberty welcomed the Director of Public Prosecutions Keir Starmer's pledge of support for the Human Rights Act in October. In a public lecture, the DPP said he wished to "lay bare the lie that suggests the Human Rights Act is a criminals' charter" and show that it does protect the rights of victims. Starmer used the speech to explain that the rights enshrined in the Act are "basic, fundamental, and so much part of our way of life that we take them for granted."

Modern slavery outlawed

Earlier this year Liberty took on the case of a woman who was brought to the UK under false pretences and effectively held for years in domestic servitude. She was intimidated and assaulted and forced to work up to 18 hours a day, 7 days a week.

Although the slave trade was outlawed centuries ago, the UK does not have a criminal law dedicated to the particular circumstances of forced labour, and victims are falling through the gap. In June, Liberty teamed up with Anti-Slavery International to campaign for the criminalisation of forced labour and servitude. Crossbench peer Baroness Lola Young of Hornsey took up the parliamentary battle, tabling our suggested amendments to the Coroners and Justice Bill as it made its passage through the House of Lords, and passionately articulating

the need to protect the victims of modern slavery.

Over the summer our campaign gained momentum, winning support from many quarters, and from Liberty members. On 28 October the Government announced that it had been persuaded and would move its own amendments to criminalise forced labour. We will scrutinise the suggested Government amendments to ensure that the offence can be effectively prosecuted, but the agreement in principle is still a significant success.

Thank you everyone who contacted their MP about this issue – you have helped to make sure that some of the most vulnerable people in society finally have the protection they need.



Campaign news

Sign our petition against control orders

“Control orders are a hopeless device in a modern democracy. They are a small gasp of defeat.”

- Former Director of Public Prosecutions, Ken Macdonald QC, September 2009

In September the Home Secretary Alan Johnson reiterated his support for the control order regime, and Liberty renewed our campaign against this unsafe and unfair policy.

Control order legislation has been renewed by Parliament every year since 2005, and has failed as a longer term solution to security concerns: one in five people under an order have absconded. The system is also vastly unfair, imposing a raft of restrictions, including house arrest lasting up to 16 hours a day, on people who have been charged with no crime. Instead of charging these suspects, releasing the innocent and locking up the guilty, the Government has kept liberty and security in a compromised state which satisfies neither.

Thank you to everyone who has written to the Home Secretary or their MP about this issue. Now we need to build the pressure on parliament and show the Government just how unpopular this policy is. The legislation is up for renewal in February, so we must act now to stop the use of control orders once and for all.

Please visit www.unsafeunfair.org.uk and:

- Sign our petition to end the unsafe and unfair control orders system
- Send the link to five of your friends and ask them to sign
- Write to your MP and ask them to vote against the renewal in February
- Write to the Home Secretary asking him not to renew control orders

If you don't have access to the internet but would like to sign our petition, please write to us at Liberty Campaigns, 21 Tabard St, London SE1 4LA and we will add your name.

Common Values at political party conferences

Liberty enjoyed a bumper party conference season this year with good attendance for our event at the Green Party conference in early September and record numbers supporting our fringe events at the Trade Union Congress and Liberal Democrat, Labour and Conservative party conferences.

In Liverpool on 15 September Liberty held a joint fringe event at the TUC with Unite – the largest public workers' union in the UK. Unite's Joint General Secretary, Tony Woodley, pledged support for Liberty's Common Values campaign to defend and promote the Human Rights Act, and gave passionate testament to the rights and values contained within it, and its importance to the Union movement. Mr Woodley warned against the political tone of the 'Bill of Rights' debate to date and reminded the audience that the attempt to link rights with responsibilities was nothing new.

The following week in Bournemouth we welcomed Lib Dem leader Nick Clegg



to a Liberty stage; he discussed his views on fundamental rights and freedoms, and explained where his party stands on the key issues of the day. During his interview with Liberty's Director, Mr Clegg sketched out his party's priorities, and used the opportunity to put on record the Liberal Democrat commitment to universal human rights: human rights for all and not just those who have a British passport. He said that the Lib Dems were fully signed up to all the rights and values contained in the Human Rights Act and that any attempt to undermine or dilute those



rights would be wholly resisted.

At the Labour party conference in Brighton on 28 September, Liberty hosted an all-star cast of panellists to discuss how best to defend the Human Rights Act from media misrepresentation and political attacks. Home Secretary Alan Johnson kicked off proceedings with a hearty defence of the Act and Labour's role in 'bringing rights home'. Diane Abbott MP highlighted the importance of the Act for those who at any time find themselves on the wrong side of popular opinion, or in a marginalised and victimised minority. Kevin Maguire, political editor of *The Mirror*, explained the media misrepresentation of the HRA, and Chuka Umanna, Labour's prospective parliamentary candidate for Streatham, explored the impact that the Act has had on many areas of rights adjudication.

Liberty's final fringe event took place in Manchester at the Conservative party conference on 6 October. Columnist Peter Osborne and Conservative prospective parliamentary candidate for Hereford, Jesse Norman, launched their new book: *Churchill's Legacy: The Conservative Case for the Human Rights Act*. They were joined on the panel by David Davis MP and Jan Berry, former head of the Police Federation, as well as Shadow Home Secretary Chris Grayling, who discussed the erosion of rights and freedoms in the UK over the past decade.

With close to 1000 attendees in total across all our fringe events this year, Common Values reached a wide and influential political audience.

Visit www.liberty-human-rights.org.uk/take-action for more ways to get involved and support our campaigns.

Parliament watch

Policy Assistant Rachel Yates looks at the last few months in Westminster

A raft of legislation has been making its passage through Parliament over the last year, and as the 2008-09 parliamentary session draws to a close there is no sign of the pace slowing. At the time of writing the Policing and Crime Act and the Coroners & Justice Act (both of this year) had just received Royal Assent. These Acts have been particularly important for the Liberty policy team - as we explain below.

Secret inquests

The Government has for a long time been attempting to legislate to allow inquests into controversial deaths where the state might be implicated to be held in secret. Despite the Lord Chancellor's announcement earlier this year that the Government was dropping its controversial proposals for 'secret inquests', it soon became clear that other clauses slipped into a schedule of the Coroners and Justice Bill were intended to have the same effect. Under the Government's sweeping proposals for 'secret inquiries', investigations into the circumstances around certain deaths could be shrouded in secrecy: the Minister or chair of an inquiry could restrict attendance, including that of bereaved relatives, legal representatives and journalists and the final report setting out facts and conclusions would be shown to the Minister before being published and could be heavily redacted.

The Government claimed that these proposals were required to prevent inquests that necessarily involved intercept evidence - currently inadmissible in coronial proceedings - from being delayed. Speculation is however mounting that the Government intends to use these provisions to effectively replace public inquests into the deaths of victims of the 7/7 terrorist attack on London.

Working with Inquest and Justice, Liberty suggested amendments to the Bill which would have removed the 'secret inquiries' clauses and made intercept evidence admissible in coronial proceedings to allow open, public inquests to continue. Despite our suggested amendments on intercept being added to the Bill at Report Stage in the House of Lords, and despite a significant Labour rebellion against the 'secret inquiries' clauses when the Bill returned to the Commons on 9 November, the Government's dangerous proposals for 'secret inquiries' remained - by eight votes - intact. The campaign to prevent the Government from putting secrecy and political impunity above the interests of victims and their loved ones continues but, for the time being, in the courts and not in Parliament.

Forced labour

The House of Lords struck a blow for justice on 28 October when mounting pressure from Crossbench, Liberal Democrat and Conservative peers led the Government to concede that there was a pressing need to outlaw forced labour in the UK. Earlier this year we identified this as a real gap in the law and, along with Anti-Slavery International, suggested the creation of an offence to outlaw modern day slavery. We have been working hard, lobbying parliamentarians on the issue since June. The pressure mounted as our campaign for criminalisation drew support from the former DPP, Sir Ken MacDonald, the union Unite, the Gangmasters



Licensing Authority and others. Crossbench peer, Baroness Young of Hornsey tabled our suggested amendments at Report Stage of the Coroners and Justice Bill and despite initially objecting to the creation of a new offence - arguing that existing law was sufficient - on 28 October the Government announced that it had been persuaded by the arguments. In a victory for human rights and common sense the Government tabled amendments to criminalise forced labour and servitude at 3rd Reading of the Bill in the House of Lords.

DNA retention

The Government has also made the welcome move of dropping controversial proposals in the Policing and Crime Bill which enabled secondary legislation to be made to regulate the retention of DNA. Liberty has been adamant that an issue of such importance - the retention of DNA profiles - should be properly debated and considered by Parliament and not left to secondary legislation. At the time of writing, the Government had indicated that its approach to DNA retention will be reconsidered and provisions will be reintroduced after the Queen's Speech. We hope that all provisions relating to the retention of DNA and the DNA database will now be dealt with in primary legislation. Indications are however that the Government is still going to attempt to retain the DNA of innocent people for as long as it thinks it can get away with. In the next parliamentary session we will be pushing the Government to listen to public concern and frame a proportionate human rights compliant retention regime.

Coming up

The Queen's Speech on 18 November contained a number of bills that raise human rights concerns, in particular the Crime and Security Bill. Proposals in this Bill include: 'toughening up' the Anti-Social Behaviour Order regime by making a Parenting Order automatic on breach by their child of an ASBO; vehicle immobilisation; provisions reducing the reporting requirements on stop and search forms and more on DNA retention. Looks like another busy year ahead!

You can read all of Liberty's policy papers, reports and briefings by visiting www.liberty-human-rights.org.uk/publications



A new home for Liberty?

Chair of the Civil Liberties Trust Christine Jackson introduces a new project for 2010, and an exciting new chapter in the story of Liberty.

In the last few weeks of our 75th year, Liberty has been thinking about the future. We have a plan that could help us dramatically increase our influence and campaigning impact, but we'll need your help to pull it off. But first, I'd like to go back to 1934.



Regular readers will know that the National Council for Civil Liberties was formed after Ronald Kidd witnessed brutal police attacks on peaceful protestors, and rapidly became a powerful voice on the many civil liberties issues of the day, including censorship, fascism and judicial bias. But did you know all of it was conducted from a bedsit on Shaftesbury Avenue? Liberty's very first office was a single, bare-boarded room, half of which was screened off as living quarters for Kidd. Co-founder Sylvia Scaffardi (then Sylvia Crowther-Smith) describes the bedsit in her autobiography:

"The fire in the main room burned flush on stone in its large old-fashioned open hearth... There was a trestle table, a wooden bench, kitchen chairs and a creaking nursery basket-chair with heavy flocky cushions. Claud Cockburn in an amiable article in Punch called it a 'hovel'. Ronald, however, was pleased with it..."

Following the meeting which marked the birth of the Council, our founders' common sense of purpose transformed their home into a working office for the Council, a change which in turn affected them:

"The place had changed its character. No more the Bohemian haven, hidden in a neglected dead mews. Now it was a workplace, striving to conform, to be public, visited, accepted as an office... The place didn't belong to us, we belonged to it... For Ronald, it was a bond of love."

Kidd welcomed visitors to their new office with the pride and professionalism which still characterises Liberty today:

"With his unconscious air of authority, Ronald was as composed and assured as if our ramshackle room was a well-appointed office suite, and the prospect outside was St James's Park."

In the years that followed, the NCCL rented offices all over London, moving from Charing Cross Rd to Regent St, from Bayswater to Camden High Street and then Kings Cross. In 1979 with the help of our members we bought 21 Tabard St in Borough where we are still based today.

Finally having a permanent home of our own made a huge difference to our work, and Tabard St has been the backdrop for many of our successes, such as the introduction of the Human Rights Act in 1998, and our victory over Government



proposals to extend pre-charge detention a decade later, a victory that we owe to the support of our members.

But we're ready for the next chapter in Liberty's story. We have outgrown our current building, and we need your help to secure a new home that will help us reach our full potential as a campaigning force to be reckoned with. Given that we have spent 75 years speaking out about injustice to those who don't want to listen,

holding decision-makers to account and standing up to those in power, it'll come as no surprise that we have our sights set on Westminster.

Liberty is the conscience of the nation – it is time for us to take up our rightful place at the very heart of the United Kingdom's legislative and judicial power, and make sure the government can't forget that we are there to challenge them. Our intended new offices will be just minutes away from the Houses of Parliament, the Ministry of Justice, the studios of all national news broadcasters, Scotland Yard police headquarters and the new Supreme Court building.

But it's not just about the message that would send. We have literally outgrown Tabard St. All of the offices are cramped, most are without natural daylight, and – even with a relatively small staff – we are forced to turn away hundreds of skilled volunteers every year because we just don't have room. With more space we could take up their support. Our current building only has one meeting room, but we're an organisation that likes to talk – and argue – with politicians, journalists, academics, lawyers, students and activists. More office space would mean we can hold meetings in our own building, and even small events and press conferences, allowing us to save money on renting venues.

We want a home that will allow us to continue our award-winning campaigning work, but also do much, much more. We think we may have found the perfect building. But we're going to need your help to make it a new home for Liberty.

Help us tell the story of Liberty

In the next issue we will be asking you to contribute to our fundraising campaign to help Liberty move offices. In the meantime, we'd like to hear from you. We want to record some of Liberty's successes, large and small, in the words of our members – the people that made them all possible. So please tell us:

What has been your proudest moment as a Liberty member?

Email feedback@liberty-human-rights.org.uk or write to The Editor, 21 Tabard St, London, SE1 4LA

The Human Rights Act: defending the freedoms of people with mental health problems

Amy Whitelock, Policy and Campaigns Officer at mental health charity Mind, stands up for the Human Rights Act.

Often the truth about the Human Rights Act (HRA) is buried beneath the false accusations that it only benefits terrorists and lawbreakers. In reality, the HRA defends the fundamental freedoms of everyone in society, including people with mental health problems.

One in four of us will experience mental distress at some point in our lives, and those who do are regularly denied their human rights, such as the right not be discriminated against (Article 14), the right to a private and family life (Article 8), or, in extreme cases, the right to liberty (Article 5). Mind sees the HRA as a vital tool to safeguard these basic rights, particularly in the fields of adult safeguarding, access to justice, and healthcare.

A rights-based approach to preventing abuse

A disproportionate number of people with mental distress experience abuse. Over half of respondents to a recent Mind survey disclosed shocking levels of abuse perpetrated by family, friends, neighbours, carers, health professionals, care home staff – and many reported a failure by the authorities to deal with these incidents effectively. Mind believes that this abuse constitutes a violation of the right not to be subjected to inhuman or degrading treatment (Article 3).

Equally though, people with mental health problems should have the same right to self-determination as everyone else. Sadly, the desire to keep someone safe is too often translated into the further erosion of their rights and freedoms. Adult safeguarding policy sets up a power imbalance between the system and the individual, labelling the individual 'vulnerable' and establishing invasive powers over their life to manage risk – the power to enter their home, for example, or to share information or remove them from their home if it is deemed unsafe.

An understanding of the HRA can help to strike a better balance between people's right to autonomy and the right to safety. Mind is using this principle to call for policy



For better
mental health

rooted in involvement, with professionals encouraging individuals to assess their own level of risk and participate in decisions about their safety.

Protecting the rights of victims and witnesses

Victims of crime who experience mental health problems face considerable barriers to justice. For example, a history of mental distress is regularly perceived by justice professionals to indicate that the witness is not reliable or will not be credible in court. As a result, cases are dropped before they reach court, or witnesses face intrusive

(and often irrelevant) questioning about their mental health history which may affect the outcome of the trial. Mind's Another Assault campaign is fighting for a justice system that treats victims with mental health problems as equal citizens with equal rights to justice.

The HRA has been instrumental in initiating better practice within the Crown Prosecution Service (CPS), which will improve the lives of many thousands of victims and witnesses with mental health problems. Earlier this year, the High Court ruled in the case of *FB v the DPP* – a tragic case in which a victim of assault with schizophrenia saw the case against his assailants dropped because prosecutors assumed him to be an unreliable witness. The Judge found the CPS in breach of Article 3 of the HRA, because no legal remedy was available for the inhuman treatment suffered by the victim because of his mental health problem.

The HRA was pivotal in this case and ensured that the victim received compensation for his poor treatment and denial of justice by the CPS. Following the ruling, the CPS is bringing forward guidance and training for prosecutors on supporting victims and witnesses with mental distress and using psychiatric evidence appropriately.

Human rights and healthcare

The state reserves the right to deprive people of their liberty under the Mental Health Act, where they are at serious risk of harm to themselves or to other people. Article 5 (the right to liberty) can be key to ensuring that use of detention powers is proportional and appropriate, while Article 6 (the right to a fair trial) is important to ensure a timely appeals process. Mind also uses the HRA to call for better access to healthcare for refused asylum seekers, who are currently denied any NHS care.

The Human Rights Act is of huge relevance to a far wider group of people than the some commentators would have us believe. Mind will continue to campaign alongside Liberty to protect the freedoms we all take for granted and to oppose any future attempts to repeal an Act which has already helped so many people to access their basic rights.

For more information about Mind's campaigns, and to find out how you can help, visit www.mind.org.uk

50,000 Outside the Law

In the 1950s, the National Council for Civil Liberties (NCCL) campaigned for recognition of the rights of people in mental health institutions, calling for reform of the 1913 Mental Deficiency Act, which allowed people to be classed as mentally ill on dubious grounds. For example, women who became pregnant while unmarried could be classified as 'morally defective'.

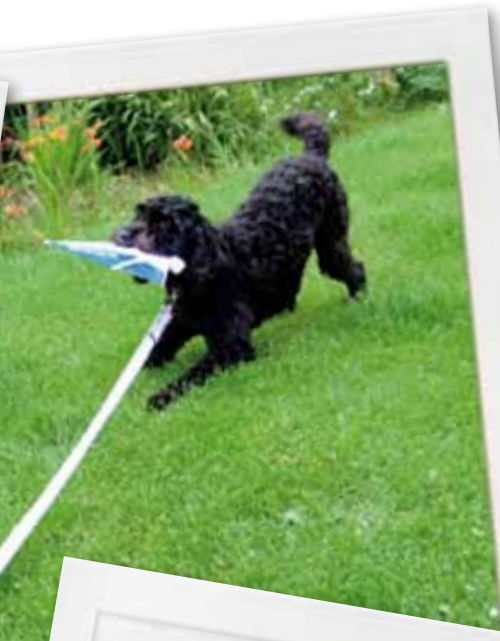
The NCCL published '50,000 Outside the Law', a pamphlet which helped to raise awareness of the fact that large numbers of men, women and children were locked up when they did not need to be, and that people in mental health institutions were virtually without rights, often detained from childhood and exploited as cheap labour.

A Royal Commission on Mental Health was announced, which condemned the existing mental health system. The resulting 1959 Mental Health Act introduced Mental Health Review Tribunals and freed thousands of former inmates.

Flight Warning

We asked you to send us your pictures of our Extradition Watch / Don't let Gary go paper plane to help show support for our Extradition Watch campaign and Gary McKinnon's case. You sent us hundreds of photos, thank you! Here are some of our favourites, but you can see them all at www.flickr.com/photos/libertyhumanrights





Fast track extradition is justice denied.
Find out more at www.extraditionwatch.co.uk

Your rights

“I think my manager is reading my emails.”



circumstances of the case. For example, if an employee signed an acknowledgement of the IT policy accepting its terms when they started work this may satisfy the Telecommunications Regulation requirements that the employer has made all reasonable efforts to inform the employee of the monitoring section of its policy.

Guidance for employers

The Information Commissioner's Office has published an Employment Practices Code relating to the use of employees' personal data. It's not law, but it's something that employers should be aware of (available as a PDF at <http://bit.ly/ICOcode>). In line with the Telecommunications Regulations, the Code requires employers to establish a specific business purpose for monitoring emails, and make all affected staff aware of its operation. The Code also goes a step further, and requires the employer to assess the impact on the privacy of staff. Any adverse impact must be in proportion to the benefit to the business, and must not interfere unnecessarily with an employees' privacy. If monitoring is to take place, the Code also states that the employer should outline the circumstances in which such monitoring is to be used and whether it is placing constraints on email use and access.

The right to privacy

The case of *Copland v UK* in 2007 established that email usage in the workplace is covered by Article 8 of the European Convention on Human Rights (the Convention), “the right to respect for private and family life, home and correspondence”. Liberty represented Lynette Copland, a secretary at Carmarthenshire College in Wales, after a senior member of staff at her college secretly monitored her personal communications for up to 18 months without her consent. The UK Government accepted that the College was a public body for whose actions the State was directly responsible under the Convention. Liberty won the legal battle when the European Court of Human Rights ruled that Ms Copland's employer had violated her right to respect for privacy and correspondence when they logged details of her personal phone calls, analysed websites she visited, and tracked her email correspondence.

This workplace surveillance took place in 1998 and 1999, when there was no general right to privacy in domestic law. The implementation of the Human Rights Act 1998 in 2000, which brings the rights agreed upon in the Convention into UK law and makes it unlawful for public authorities to violate these rights, means that all individuals in the UK now have direct access to a legally protected right to privacy.

Employees don't leave their right to personal privacy at the front door when they come to work each day. But nor would anyone expect to enjoy the same level of privacy at work as they do at home. A certain level of monitoring – such as to check the quality of work – is an inevitable part of the employment relationship. The question is what legal limits there are on employers to monitor their employees, when advances in technology make it ever cheaper and easier to do so.

There is UK legislation that provides for the monitoring of employee's emails as long as specific requirements are met. Under the Regulation of Investigatory Powers Act 2000 (RIPA), monitoring can take place where the sender and recipient of the email have agreed to it or the employer has reasonable grounds for believing they have consented, or the monitoring takes place in the course of carrying out the employer's business under the Telecommunications Regulations 2000.

Email monitoring without employee consent

Under the Telecommunications Regulations there are a number of situations in which employers can legally monitor and record staff communication without their consent. One example is to detect an unauthorised use of the email usage system. However, a number of requirements must be satisfied before such monitoring without consent becomes lawful. The employer must have made ‘all reasonable efforts to inform’ every person who uses the telecommunications system that their email may be monitored, and it can only be done where it is relevant to the employer's business and where the email network is provided wholly or partly for use in connection with that employer. One consequence of this is that personal emails on the same telecommunications system as business communications may be intercepted by an employer in order to legitimately monitor those emails which are relevant to the business.

The issue of whether an employee has consented to monitoring or whether they can be taken to have done so on the basis of the employer's IT policy (if they have one) will depend on the particular

Email feedback@liberty-human-rights.org.uk with your questions.

You can find out more about human rights law and how to protect your rights on our dedicated information website www.yourrights.org.uk

Membership news

Cycling for Liberty

This summer Liberty member Joanna O'Sullivan has put herself through three gruelling cycling challenges to raise money for Liberty.



Joanna in her prize-winning costume

Starting in June, Joanna took part in the fancy dress Smithfield Nocturnal Folding Bike Race on her Brompton bike. Dressed in the regulation 'business attire', Joanna finished sixth out of 40 in the heats and was the first woman across the line in the final, in 23rd place. She was also awarded the Best Dressed Cyclist prize by designer Paul Smith.

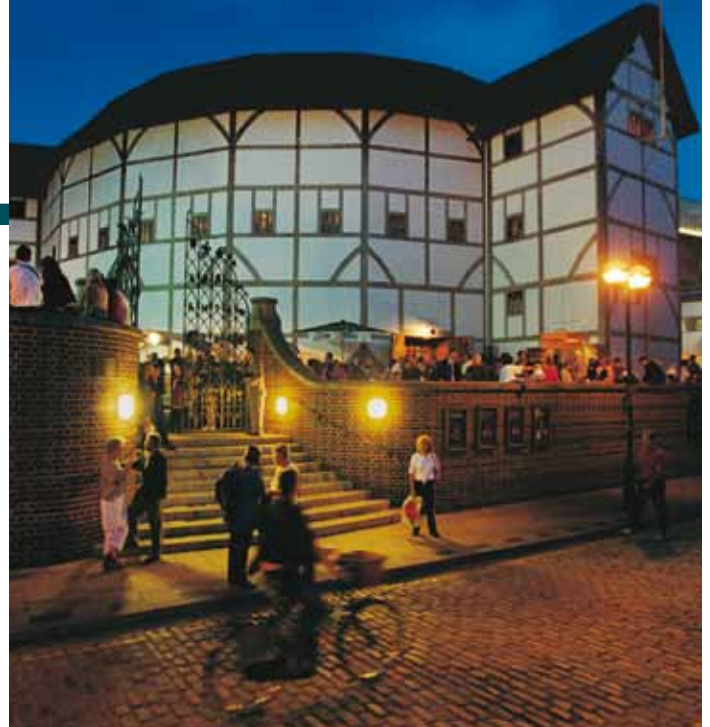
However, the real cycling began in Sweden the following weekend, where Joanna joined 18,000 other cyclists in the world's largest recreational bike ride, completing the 180 mile course by racing through the midsummer night.

Hard part over? No chance. For her last challenge, Joanna joined the newly formed Sky team and took on the Tour de France Mont Ventoux course, described by Lance Armstrong as "the hardest climb in the Tour, bar none". This stage of the Tour is 107 miles and the gradient reaches 12% in some places. Joanna put in a tremendous effort for Liberty and completed the étape, where many others have dropped out.

Joanna has a personal link to Liberty, having worked with us while training to be a solicitor. But it's her commitment to protecting our fundamental rights and freedoms that helps to give her such drive (as well as a great passion for cycling!) Joanna said: "Liberty is vigilant and effective at ensuring that we do not lose liberties by default."

Joanna's three races have raised a fantastic £1,714 for Liberty. We'd just like to say a massive 'thank you' to Joanna, and express our sincere admiration for her achievement.

If you would like to undertake a fundraising event for Liberty you can contact our Membership Office on 020 7378 3663.



Review: A New World – A Life of Thomas Paine

Communications Officer Sarah Jackson watched A New World at the Globe Theatre in London

There is no denying that writer Trevor Griffith and director Dominic Dromgoole have produced a vivid staging of the life and times of English radical Thomas Paine, author of *The Rights of Man* and parts of the American Constitution. Using the unique space of the Globe effectively, the play is exciting, entertaining, and sometimes leaves the audience breathless: events tear along at a breakneck speed right from the opening scene, with Paine on the deck of a ship bound for America. It is a loud, proud, busy production which reaches out to a modern audience and brings humour and music into a story which has often been told in the driest academic terms.

However these efforts mean that at times the play suffers from a touch of 'Tom Paine: Action Hero', and occasionally recalls the worst Hollywood clichés. This is due largely to the amount of action packed into the play – the focus is firmly on events rather than ideas. Although Paine was a lifelong supporter of women's emancipation and campaigned tirelessly for an end to slavery, the way that these points are made, through passing mentions and exchanges with minor characters, make them seem tokenistic. The fallback on cliché to make us care about the situations and characters is particularly disappointing given that the story is a truly inspiring one.

It is no small achievement to stage an exciting play about political history, and one which is by turns moving, shocking, and funny (the bold move to use Benjamin Franklin as a narrator pays off). The attention paid to making an accessible and engaging piece of theatre is only undermined by the lengthy sections entirely in French. But *A New World* is not a study of the man or his ideas. There is little insight provided into his motivation or what shaped and influenced his thinking, and the extracts from his works read by the actors only serve to highlight what I felt was missing from the whole production: Paine's voice.

THANK YOU! We'd also like to thank our brilliant summer festival volunteers, who raised £1,137 for Liberty at Glastonbury, Latitude and Leeds festivals this year by pulling pints for the Workers Beer Co. Thank you Vanessa Wilson, Richard Whitmill, Peter Sheppard, Tom Cleaver, Emma Dring and Andrew Lee.



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**Please return this form and payment to:
Liberty, 21 Tabard Street, London SE1 4LA
or you can join, update or amend your
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All members of Liberty (the National Council for Civil Liberties) are members of our unincorporated association. Fees and donations are passed to our non-profit making company which undertakes campaigning work. (Reg. No. 3260840)



30 second interview

What do you do at Liberty? (L-R above)

I'm Rachel Yates and I'm the Policy Assistant. Hi, I'm Bridget Beale, Liberty's Press Officer. I'm Ellen Berry, Liberty's Campaigns Assistant

So what does your typical day involve?

Bridget: I help to manage Liberty's profile in the media, so everything from placing stories in the press to co-ordinating Liberty's response to relevant stories as they break and keeping a close eye on the news.

Ellen: I don't think I have ever had a typical day at Liberty! I work on our public-facing campaigns from start to finish, from coming up with names and ideas, to encouraging our members to support us and then bringing the campaign to a wider audience.

Rachel: I help the rest of the policy team to lobby parliamentarians on a number of human rights issues. This includes producing briefings, responding to government consultations, meeting with politicians and helping to organise party conference fringe events.

That sounds exciting – what's the best thing about your job?

Ellen: Being able to campaign for really important issues, and learning about human rights.

Rachel: The best thing about my job is the variety. I've been able to work on lots of different issues, from the introduction of a new criminal offence of forced labour to the police use of mobile fingerprinting devices.

Bridget: It's great to be part of such a professional and effective team, and have a chance to cut through government spin! The press office is also a magnet for colleagues to drop by and check out the news of the day.

And the worst thing?

Rachel: Trying very hard not to fall down the scarily steep and narrow staircases in Liberty's building while carrying trays of tea!

Bridget: We have 24-hour rolling news on TV in the office at all times, which can be tiresome. If only we could shift the news onto something more important when it's all about the latest celebrity scandal!

Ellen: Some of the issues that we campaign about can be pretty upsetting, for example thinking about the way people suffer under control orders, or in the asylum system. Knowing that I am campaigning to change it makes me feel a little better.

Why did you want to come and work at Liberty?

Bridget: I used to walk past one of the Charge or Release billboards on my way to work each day last year, and the graph showing the UK's pre-charge detention period compared with other countries made me so angry that I decided to apply to be a volunteer. A few months later I applied to be press officer and I was delighted to get the job.

Ellen: Who wouldn't want to spend their day campaigning against human rights abuses?

Rachel: During my university studies, Liberty always stood out as a really effective campaigning group. I wanted to work for an organisation that was committed to protecting human rights and not afraid to speak out over challenging issues.

What can Liberty members do to help you in your job?

Rachel: It really helps us when Liberty members write to their MP or straight to members of the Government, because we can show our campaigns have public support.

Bridget: Support Liberty's campaigns team whenever they put out a call for action, as a good turnout at demonstrations or an avalanche of online support helps us to get the media interested too.

Ellen: Get active! Your support makes our work possible, but there's plenty you can do to get involved in our campaigns. Visit www.liberty-human-rights.org.uk/take-action