

Blair government outlines draconian measures against civil liberties

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Draconian inroads into civil liberties were at the centre of the Queen's speech, setting out the Blair government's legislative programme for the coming year. Amongst the measures announced Wednesday were plans to:

- Introduce new anti-terrorist laws
- Axe the right of a defendant to opt for trial by jury
- Withdraw social security benefits from those failing to complete community service orders
- Imprison fathers for non-payment of child maintenance orders
- Introduce mandatory drug testing of all those under arrest
- Extend state and security agencies' powers to intercept private electronic communications

The new anti-terrorist laws will make the existing emergency measures permanent. This includes the Prevention of Terrorism Act, the Emergency Provisions Act and other temporary legislation that had to be regularly renewed by parliament. First introduced in the early 1970s, these were ostensibly directed against terrorism in Northern Ireland. The new Bill will set out a broader definition of terrorism, covering foreign-based as well as domestic groups. Current legislation defines terrorism as the "use of violence for political ends". It is expected that the new legislation will redefine this as "the use of serious violence against persons or property, or the threat to use such violence to intimidate or coerce the government, the public, or any section of the public for political, religious, or ideological ends".

Such a definition would immediately extend the charge of terrorism to virtually all protest organisations, including environmental groups. By making the "threat" to use violence an offence, all those advocating the overthrow of governments could face charges of "incitement". Civil liberty campaigners have pointed out that such a measure could have been used to imprison anti-apartheid campaigners in the 1980s.

The new anti-terror laws are also likely to create an additional criminal offence of being "connected with" terrorism. This goes far beyond current legislation, which requires there to be "reasonable suspicion" that an offence has been committed. The courts will be empowered to seize the assets of people suspected of having links with terrorist groups by pursuing them in the civil courts, where the onus of proof is much lower than in criminal trials.

Despite the so-called "peace process", it is reported that the new legislation is expected to contain a range of temporary powers that will apply to Northern Ireland alone. The police and army are to retain emergency powers and the no-jury Diplock courts will remain in place.

During the next year, Labour also intends to introduce two new law-and-order bills. The proposed Crime and Probation Bill will restructure the probation service and give staff greater powers of enforcement. It will introduce compulsory drug-testing, not only of existing offenders but also of those unconvicted of any crime. Those testing positive could be refused bail if they are later charged with an offence.

Also under this legislation, those failing to fulfil non-custodial community sentence orders could lose their welfare benefit entitlements. The numbers involved are relatively small. Just 20 percent of those covered by such sentences were absent on three occasions and most

of these were not in receipt of benefits. Like other initiatives, however, it is setting a precedent and is tied in with Prime Minister Blair's insistence that "rights" are dependent upon citizens fulfilling specified "responsibilities" to the state.

The Criminal Justice (Mode of Trial) Bill will scrap the right of defendants to elect for trial by jury, which dates back to the Magna Carta. Instead, magistrates in England and Wales will be able to decide where "middle ranking offences", which can currently be dealt with in the Magistrates Court or at Crown Court before a jury, can be heard. Such offences include theft, assault and some drug charges, and the change is expected to affect up to 18,000 defendants a year. The government has argued that this change will save millions of pounds a year.

A Bill to reform the Child Support Agency, which collects maintenance from absent parents, is also likely to propose fines and possible prison sentences for those who fail to pay up. The legislation is also expected to include provisions for under-age fathers (below 16 years of age) to be forced to pay child maintenance.

Another Bill aimed at reforming existing legislation on electronic communication is also expected to overturn the presumption of innocence until proven guilty. Under government plans to intercept encoded communications, security and intelligence agencies will be empowered to demand the encryption keys from any individual suspected of links with terrorists, money-launderers, and drug traffickers. The authorities will be able to serve warrants or "decryption notices" on anyone they think "appears" to hold the key to coded data. The Home Secretary's power to intercept communications is currently limited to public networks. New bugging warrants will also cover private communication systems and specify individuals rather than telephone numbers and addresses, enabling the blanket interception of private communications.

Legislation was also outlined establishing one executive body — the Learning and Skills Council — that will be responsible for all post-16 education in England. The existing right of government advisers to brand certain schools as "failures" and subject them to management take-overs will be extended to colleges of further education.

Labour also used the speech to underline its commitment to "enterprise". In his pre-budget speech

last week, Chancellor Gordon Brown had announced immediate multi-million pound handouts and tax breaks to "entrepreneurs". This included slashing capital gains tax on buying and selling business assets and shares from 40 to 10 percent.

The Queen's speech outlined a further bonanza for big business and the City of London. Labour is to press ahead with its partial privatisation of the National Air Traffic Control services, despite outrage at the impact of such privatisation's on public safety, highlighted by October's Paddington rail crash.

See also:

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