

LIBERTY

PROTECTING CIVIL LIBERTIES
PROMOTING HUMAN RIGHTS

LIBERTY MEMBERS' CONFERENCE AND AGM 2017 13 May 2017 at Sheffield Hallam University

Resolutions Passed

1. Constitutional amendment

This AGM resolves to amend the constitution of the National Council for Civil Liberties (Liberty) to allow for up to three members to be co-opted to the Executive Committee to fill a specific governance skills gap or to ensure diversity. The changes to the constitution are shown below in red.

8.3 Members of the Executive Committee must be members of Liberty who agree to be appointed directors of the National Council for Civil Liberties, a company limited by guarantee and registered in England and Wales registration number 3260840. Where a person ceases to be a director of that company they shall cease to be a member of the Executive Committee. The Executive Committee shall consist of:

(a) The Chair and Vice Chair of the Council;

(b) Six members elected by the members of the Council from their number at the first Council meeting following the Annual General Meeting. The election shall be by secret ballot. The members are to serve for two years, one half of them retiring each year or sooner if they cease to be members of the Council. For the year 1998-1999 three members shall be elected for a two year term and three members shall be elected for a one year term;

(c) One trustee of the Civil Liberties Trust, nominated by the other trustees, who is not a trustee as a result of being nominated to the Civil Liberties Trust by the Executive Committee. This sub-clause 8.3(c) will not apply if any such trustee is already serving on the Executive Committee pursuant to clauses 8.3(a),(b) or (d);

(d) The Treasurer; and

(e) Up to three members, co-opted to the Executive Committee, in order to fill a governance skills gap and/or in order to ensure diversity as and when resolved at a meeting of the Executive Committee for terms determined by the Executive Committee.

2. Hostile environment

This AGM is deeply concerned by the Government's hostile environment strategy which seeks to make the UK an unreceptive and intimidating place for migrants and anyone who may be perceived as a migrant, including BAME persons and dual citizens. This strategy encourages prejudice, division and suspicion in our wider communities.

This AGM condemns the use of discrimination and destitution as public policy tools to discourage migration. This AGM resolves to fight to dismantle this deeply unethical strategy including campaigning against –

- The requirement on schools to collect nationality and country of birth data on children;
- Home Office agreements with the Department for Education and the NHS regarding data sharing for immigration purposes;
- The requirement on landlords to check tenants' rights to reside in the UK and associated penalties;
- The requirement on banks and healthcare providers to check residency rights;
- The new criminal offences of 'driving while illegal' and 'working while illegal'; and
- Speculative in-country border control operations and spot checks.

This AGM reaffirms its belief that all people are born equal and free and that no human being is "illegal", such a concept is totally unacceptable.

3. Legal Aid

This AGM believes that the rule of law cannot be said to exist in a country where the cost of legal action is prohibitive for individuals of ordinary means or for small and medium size enterprises and non-profit organisations. It recognises therefore that legal aid was already inadequate even before recent cuts and resolves that Liberty should campaign for affordable legal redress. It should produce detailed proposals. The idea of a National Legal Service funded by taxes on corporate legal expenditure is one option that should be considered.

4. Brexit

This AGM notes the outcome of the referendum on the UK's membership of the European Union on 23rd June 2016 and further notes the Government's proposal to bring forward a 'Great Repeal Bill' to repeal the European Communities Act 1972 and associated legal obligations.

This AGM affirms that the UK's vote to leave the European Union did not constitute a vote to undermine, repeal or remove the rights and freedoms of either those present in the UK or UK nationals resident elsewhere in the EU.

This AGM notes with grave concern the sustained increase in hate crime against protected minority groups since the referendum result, including a marked increase in racist violence and abuse. This AGM is alarmed by the way in which the coarsening political environment has encouraged such criminality and notes with further concern that the conviction rates for hate crimes are woefully low.

This AGM resolves that the Great Repeal Bill must guarantee that the rights and freedoms of EU and UK citizens will continue to be fully protected once the UK has left the Union. This AGM further resolves that EU laws protecting a catalogue of rights including data protection, workers' rights, asylum and refugee protections, equality laws and the rights of victims of crime must be fully guaranteed by the Great Repeal Bill.

5. Open Justice Charter

This AGM urges Liberty to offer campaigning and lobbying support to the Open Justice Charter launched in the second edition of Proof Magazine and at the House of Commons on 31st January 2017. The Charter is seeking to achieve post-trial access to trial transcripts, police documentation, physical and scientific evidence and journalistic access to prisoners. All of which are currently greatly restricted and deny people wrongly convicted of criminal offences a fair and reasonable opportunity to uncover evidence that may support or prove their innocence.

6. EMERGENCY MOTION: Whistleblowing

This AGM recalls that Liberty has a long and proud history of supporting those who bravely come forward to expose Government wrongdoing, most recently GCHQ whistle-blower, Katharine Gun.

This AGM is therefore deeply concerned by the consultation paper, recently published by the Law Commission, which proposes a series of reforms to the Official Secrets Acts. The Commission's provisional recommendations would create new obstacles to public sector whistle-blowing in the public interest, by:

- a) extending the criminal sanction for unauthorised disclosures from 2 to up to 14 years' imprisonment;
- b) expanding the category of those to be captured by the criminal law to include groups, such as journalists, merely for receiving official information, not even disclosing it;
- c) removing the requirement for prosecutors to show that a disclosure has or may cause harm to a specified interest;
- d) rejecting the case for a statutory public interest defence, leaving those who blow the whistle with little or no legal protection.

This AGM believes that whistle-blowers and the journalists who work alongside them are essential to our democracy. Whistle-blowing disclosures in the public interest provide

crucial transparency when things go badly wrong and act to enhance our safety and security by holding the Secret State to account. For example, in recent times, former US intelligence officers have revealed unlawful and unsafe mass surveillance by the US and UK Governments and former undercover officers have disclosed information concerning past abuses by the Metropolitan police.

This AGM therefore resolves that Liberty will campaign against proposals which would serve to chill and dissuade whistle-blowing. This AGM further resolves that Liberty will continue to advocate for the creation of a statutory public interest defence to provide assurance to those who consider exposing State abuses at great personal and professional cost.