To the Joint Committee on Human Rights

I would be grateful if you could forward this email to Committee members ahead of your next meeting.

I am contacting you in relation to Schedule 6 of the Anti-Social Behaviour, Crime and Police Bill whose second reading has been announced for Monday 10th June. These paragraphs amend Schedule 7 of the Terrorism Act 2000 which is the widest ranging stop power in the UK and, like the former Section 44, requires no threshold of suspicion. Despite the extremely low detection rate, as can be seen from the convictions data (attached), the Bill does very little to address the widespread human rights concerns arising from its use and impact on law-abiding citizens who have previously and/or regularly been stopped under it. It confers upon police officers a high degree of powers and discretion to use those provisions and I hope that the committee can investigate this part of the legislation.

What is Schedule 7?
Schedule 7 is the widest ranging stop power in the UK which enables immigration, customs and Special Branch police officers to 'examine' or 'detain' people at ports and airports without requiring reasonable suspicion to believe that they are engaged in acts of terrorism. Under Schedule 7, people can be questioned about a number of personal, social, religious and political views; undergo a thorough search of their body, luggage, and any associated vehicles in the port; undergo a strip-search; and have their property confiscated for up to seven days or have money that they carry seized. People may have their DNA and fingerprint samples taken regardless of the outcome of the encounter and they must, upon request, hand over any identification documents or information in their possession including their mobile phones or other electronic equipment from which data is usually taken without their informed consent. The whole process can lead to people missing their flight, ferry, train or any other transport without the right to compensation or assistance in rearranging missed journeys. People detained are obliged to cooperate with the full extent of the powers applied against them or face an arrest and a fine.

The Bill and its implications for human rights
There are a number of concerns arising from the current use of Schedule 7 which remain unanswered by the proposals under Schedule 6 of the Anti-Social Behaviour, Crime and Police Bill, including:

- The proposed maximum length of time a person can be detained by officers is still very high at six hours (although it is currently nine hours).
- Biometric information (DNA and fingerprint samples) are taken from people detained under the power regardless of the outcome of the encounter; this data is then stored on the same DNA database as convicted terrorists.
- People from minority ethnic backgrounds are far more likely to be examined and detained for longer periods of time as the statistics, attached, show.
- The lack of reasonable suspicion required to use this power has meant that a huge number of people have been examined and detained with very little success yielded in the form of successful arrests and convictions for terrorism-related offenses, as can be seen from the statistics attached. This is despite David Anderson QC, the Independent Reviewer of Counter-Terrorism powers, concluding that successful convictions arose from prior intelligence on specific individuals before their presence at the port rather than based on outward profiling techniques or 'random' checks.
- The questioning of individuals concerning their religious practice has created a climate where people from certain religious backgrounds, notably Muslims, feel that they are being profiled based upon their beliefs.
I hope that this is something that the Joint Committee can look into and I am happy to provide more information to assist in this regard. I can also organise a private meeting between members and people who have been detained under the power in the past.

Thank you and I look forward to hearing from you.

Zin.

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NOTES


[4] Including: ‘They asked me where Bin Laden was, then they took my DNA’. The Independent Newspaper (21 Sept 2010) http://www.independent.co.uk/news/uk/home-news/they-asked-me-where-bin-laden-was-then-they-took-my-dna-2084743.html; ‘Asian people 42 times more likely to be held under terror law’ The Guardian (23 May 2011) http://www.guardian.co.uk/uk/2011/may/23/counter-terror-stop-search-minorities