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**“There is justification for Human Rights to be removed from individuals to protect against Terror activities,” Discuss.**

Overall word count: 4998

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**Introduction**

In the UK we are entitled to our Civil Liberties and Human Rights that provide us with a basic form of protection from governing bodies. Civil Liberties are specific to a particular country and were created by the Government. We have long had Civil Liberties in Britain as they were first introduced by the signing of the Magna Carter in 1215 to restrict the Government from becoming too powerful. Human Rights offer the same safe guard as Civil Liberties but these are universal. In 1998, the UK became the first country to sign the European Convention of Human Rights and legally adopted its laws with the introduction of the Human Rights act in 2000. Civil Liberties and Human Rights are fixed into UK law so they must be adhered to and any breaches are dealt with by the Supreme Court and then the European Court of Human Rights if justice is still not believed to have been achieved. They have historically existed in Britain and continue to be held in high regard in society today. Maintaining all Human Rights and Civil Liberties however proves difficult with the growing terrorist threat, as Theresa May, the home secretary believes "The threat we face right now is perhaps greater than it ever has been – we must have the powers we need to defend ourselves."

Having the powers we need to protect ourselves however comes at the cost of restricting Human Rights. Many feel it justified for, terror suspects to have their right to privacy stripped and their freedom limited, however the proposed and current counter terrorism legislation also limits the Human Rights of innocent people. This has caused controversial debate as to whether we should sacrifice our privacy in order to protect the security of society.

This dissertation will discuss the hypothesis "There is justification for Human Rights to be removed from individuals to protect against Terror activities" and evaluate to what extent this is true by taking into account the following:

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**Aim 1 – To find out the importance of Human Rights in society.**

This aim will highlight how important our Human Rights are in society and determine if they are necessary.

**Aim 2 – To find out if Government counter terrorism actions hinders Human Rights.**

This section will analyse if the work the Government is doing to protect us from terrorism is hindering our Human Rights. This section will also determine if the Government think they should be allowed to do more to protect our society against the war on terror.

**Aim 3 – To find out if terrorism legislation has had an impact on levels of Racism and Islamophobia.**

This section will discuss if anti-terrorist legislation has increased Racism and Islamophobia in the UK by looking at the number of hate crimes and the use of stop and search by the police.

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**Aim 1 - To find out the importance of Human Rights in society.**

Human Rights are the basis of the British legal system as they work to uphold the rule of law. The rule of law was founded by AC Dicey on three main principles; no one can be punished without breaking any laws, no one is above the law and everyone is equal in the eyes of the law. These principles guarantee a basic form of protection for all citizens and so it is evident how Human Rights are highlighted in the legal system.

The UK legal system can be easily altered by politicians as Britain has an unwritten constitution, this means laws are documented in many different bills and acts which can be over written and updated to suit a changing society. The Human Rights Act 1998 is in place to restrict the power the government has at implementing new bills and ensures fair treatment for all. With the UK Government signing the European Convention of Human Rights in 1998 the UK became legally obligated to take the rulings of the European Court of Human Rights into consideration in their own Supreme Courts and uphold the values of the convention. This means that Government legislation must abide by the guidelines set by the European Convention of Human Rights and failure to do so can lead to the Government being held accountable by the European Court in Strasburg. Since 1959 the UK has been held accountable for 526 violations of Human Rights<sup>1</sup> and so without Human Rights the Government would have been allowed to carry out these unlawful acts. This emphasises the importance of Human Rights in society as the government is held to account by a higher body so the people are protected.

The higher governing body that is the European Court of Human Rights works to maintain fair treatment for all by upholding Human Right Legislation. In February 2016 they were 67000 pending applications<sup>2</sup> of cases to be heard in the European Court of Human Rights this shows that people value their Rights as so many are making an effort to ensure their Rights are protected. An appeal

<sup>1</sup> [http://www.echr.coe.int/Documents/Stats\\_violation\\_1959\\_2015\\_ENG.pdf](http://www.echr.coe.int/Documents/Stats_violation_1959_2015_ENG.pdf)

<sup>2</sup> [http://www.echr.coe.int/Documents/Stats\\_pending\\_2016\\_BIL.pdf](http://www.echr.coe.int/Documents/Stats_pending_2016_BIL.pdf)

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from Germany goal keeper Oliver Kahn to the European Court of Human Rights saw his children regain their right to privacy after magazines published images of them.<sup>3</sup> The European Court of Human Rights stopped publication under article 2 of the Convention and ordered the magazines to pay fines. This shows how Human Rights are successfully maintained by the European Court of Human Rights as they have the authority to impose penalties. It is not only the wealthy and famous that get their Human Rights protected as Human Rights ensure everyone is universally protected. Jean Charles de Menezes's family took their case to the European Court in 2015 in attempt to get the justice they thought they deserved after Jean Charles was shot dead in London by the Metropolitan Police in 2005.<sup>4</sup> They appealed under article 8 for the right to life after the decision by the IPCC had been made that no one would be prosecuted for his death. The decision however was not reversed by the European Court of Human Rights but it was still important that it was reviewed so the correct decision was made. The different levels of courts regarding Human Rights proves that they are important to society as many safe guards are in place to keep them maintained for everyone.

Upon interviewing Elaine Murray and Graeme Pearson they shared the opinion that people lack knowledge about their Human Rights. As they exist universally the majority of people do not take a specific interest in Human Rights and instead just accept that they are there. This theory was backed up by my online survey where I found that 64% of people felt they were not confident with what their Human Rights entitled them to.<sup>5</sup> Graeme Pearson also shared that he believes people only make an effort to learn about Human Rights when they believe they have been a miscarriage of

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<sup>3</sup> <http://www.humanrightseurope.org/2016/03/germany-right-to-privacy-of-oliver-kahns-children-was-sufficiently-protected-by-courts/>

<sup>4</sup> <http://www.theguardian.com/uk-news/2016/mar/30/jean-charles-de-menezes-police-officers-should-should-not-be-prosecuted-echr>

<sup>5</sup> [www.surveymonkey.com](http://www.surveymonkey.com)

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justice.<sup>6</sup> This suggests that some members of the public are happy to just accept they exist without scrutinising or placing a great deal of importance on them.

Alternatively if an individual does not understand the legal process behind Human Right cases they can seek representation from a pressure group. Amnesty International is the main pressure group which leads a global movement to maintaining Human Rights. It has over 7 million members in 150 countries which shows the substantial support it has.<sup>7</sup> The great number of members therefore highlights how valued Human Rights are in society as these people have shown an interest.

Amnesty International supported Chelsea Manning's fight to get justice after she was imprisoned for 35 years for leaking US state secrets.<sup>8</sup> These secrets disclosed Human Rights violations by the US Government but failed to be investigated. One of which was a video of an airstrike which killed 12 people including civilians in Bagdad.<sup>9</sup> This example shows Human Rights Pressure Groups are important as they can hold the Government to account. Amnesty International is working towards opening investigations into the US Government over alleged Human Rights violations as well as getting fairer treatment for Chelsea Manning as the conditions she endured in prison were deemed inhumane by the UN Special Rapporteur on Torture. The work pressure groups do highlights the importance of Human Rights as cases gain large publicity showing the large public support for the upholding of Human Rights.

Human Rights play an important part in establishing Britain's place in Society. As the first country to sign the European convention of Human Rights, the UK helped set an example to other developed countries to show how important Human Rights are. Therefore the controversial decision by the

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<sup>6</sup> Interview with Graeme Pearson January 2016

<sup>7</sup> <https://www.amnesty.org/en/who-we-are/>

<sup>8</sup> <http://www.theguardian.com/us-news/2015/dec/24/chelsea-manning-christmas-prison-whistleblower-wikileaks>

<sup>9</sup> <https://www.amnesty.org.uk/chelsea-manning-wikileaks>

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Conservative party to scrap the UK Human Rights Act for a replacement British Bill of Rights has stimulated debate. By discarding the Human Rights Act Britain will have to cut ties with the European Court of Human Rights along with the other countries that signed the convention. This could be detrimental as Human Rights maintain a universal culture among developed countries in Europe that fair treatment should be given to all. If the UK were to leave this convention however other countries may choose to follow. In particular for the Russian Federation, who has been held accountable by the European Court of Human Rights 1720 times since 1959<sup>10</sup>, this could have serious consequences for the people of the country. Without a governing court the Government would not be limited and so they could implement any actions they wanted. This shows the importance of Human Rights as without them everyday life for everyone would drastically change.

The Conservative Government however favours a British Bill of Rights as they wish to distance from the European Court of Human Rights. David Mundell describes that the new legislation would "have a better balance of rights and obligations" and would alter from the current framework that is mainly focused on rights. However public opinion from a focus group carried out showed that the majority of people believed everyone should have Human Rights, and one person stated "they should not be a luxury"<sup>11</sup>. This shows people value their Human Rights as the public believe everyone should be entitled to them.

To conclude, Human Rights play a significant part in the society in which we live as our whole legal system is based around maintaining them. As there are many people using different channels to seek justice like the European Court of Human Rights and pressure groups it is clear that the public value Human Rights in society as without them they would be no basic protection from the governing bodies.

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<sup>10</sup> [http://www.echr.coe.int/Documents/State\\_violation\\_1959\\_2015\\_ENG.pdf](http://www.echr.coe.int/Documents/State_violation_1959_2015_ENG.pdf)

<sup>11</sup> Focus Group



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**Aim 2- To find out if Government counter terrorism actions hinders Human Rights**

The Government is lawfully bounded to maintain our Human Rights in society yet at the same time they have the duty to ensure security for the general public. In certain circumstances compromise is required to find the correct balance between security and Human Rights as it is not always possible to maintain both. Over recent years as the terror threat has increased the Government has had to introduce harsher counter terrorism actions that have hindered Human Rights. This has inspired debate as to what is considered more important to each individual, to have their Human Rights intact or sacrifice Human Rights for security and safety. It also needs to be determined to what extent Government action actually hinders Human Rights and if the work they are doing is justified.

As the terrorist threat develops and expands it is becoming more frequent for terrorism to exist internally in the UK. In attempt to try and control internal terrorism the current Conservative Government has proposed the Investigatory Power Bill<sup>12</sup>. This bill will give the Government more power to retrieve information in our private lives through digital surveillance. Previously our right to privacy would have kept this information private but now as the Government are calling for more transparency to ensure security, this information could be disclosed. Philip Hammond the Foreign Secretary supports this bill as he thinks it is "necessary to tackle the serious threats we face"<sup>13</sup>. From a focus group conducted it was clear that the majority recognised that some of their Human Rights needed to be hindered to keep society safe yet there was controversy over Government access to text messages and emails.<sup>14</sup> This shows the public do not fully trust the Government with their private information and do value their right to privacy although accept in some cases hindering

<sup>12</sup> <http://www.theguardian.com/law/2016/feb/01/investigatory-powers-bill-snoopers-charter-lacks-clarity-mps-war>

<sup>13</sup> <http://www.telegraph.co.uk/news/politics/12194441/Snoopers-Charter-Parliamentary-vote-on-the-investigatory-powers-bill-live-updates.html>

<sup>14</sup> Focus Group:

November 2015

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Human Rights is necessary. Theresa May has promised MPs that "Privacy is hard-wired into the Bill"<sup>15</sup> but it is clear it will not fully protect Human Rights.

It can be questioned if it is morally ethical to hinder the Human Rights of an innocent party. Terrorist suspects can have many of their Human Rights removed such as their right to travel, right to privacy and right to freedom. However these terrorist suspects have not been found guilty yet their Human Rights are hindered showing that sometimes innocent people can have their rights unjustifiably removed. In an attempt to counter act terrorist plans Human Rights can be removed by the Government but the public do not necessarily agree with this. People who oppose the proposed Investigatory Power Bill believe the Government should not hinder Human Rights further than they already do and should protect innocent people's rights as it is unjustified.

The Government implement counter terrorism actions with the public's safety in mind but sometimes the cost is too great and people feel their Human Rights have been breached. Supporters of the Big Brother Watch pressure group firmly believe the Government has too much interference in the lives of the public in the UK. Big Brother Watch focuses on limiting the surveillance the Government has throughout the country. One particular campaign against CCTV<sup>16</sup> has huge public support as they believe the UK people's right to privacy is being hindered with no justification.

In the UK there are a fifth of the world's CCTV cameras yet only 1% of the population<sup>17</sup>. This shows proportionately to the rest of the world the UK's Human Rights are hindered more. In retrospect it should be that the UK has less crime but this is not the case. In comparison to France the UK has 8 cities with more CCTV than Paris yet the crime rate in the UK is higher. In 2011 the UK had 4.5 million

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<sup>15</sup> <http://www.telegraph.co.uk/news/politics/12194441/Snoopers-Charter-Parliamentary-vote-on-the-investigatory-powers-bill-live-updates.html>

<sup>16</sup> <https://www.bigbrotherwatch.org.uk/campaigns/cctv/>

<sup>17</sup> <http://www.dailymail.co.uk/news/article-444819/UK-1-worlds-population-20-CCTV-cameras.html>

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recorded crimes but France had almost a third less with 3.3 million recorded crimes<sup>18</sup> this shows surveillance is ineffective at preventing crime. CCTV as a counter terrorism method can also be seen as ineffective as it captured the London bombing attackers in 2005 gathering their materials and planning, yet the attack was not prevented as footage was only viewed after the attack<sup>19</sup>. Therefore hindering Human Rights when attacks are not even prevented is unjustified as it is not ensuring security.

However when terror attacks are prevented the public are more willing to give up their Human Rights. The successful investigation Operation Pitsford, which started in 2011, saw 11 men imprisoned for intending to carry out suicide bomb attacks in Birmingham in the UK and trying to recruit others for the cause<sup>20</sup>. This was the biggest counter terrorism operation in Britain and used recording devices and CCTV to unveil the terrorist plot. As the use of CCTV and recording devices prevented serious damage and possible deaths it can be concluded that in this instance limiting the privacy of the general public through the use of CCTV and spying on suspects was wholly justified as surely safety and security is more important than privacy in these instances.

Although hindering Human Rights can have positive outcomes in some circumstances this is not always guaranteed. When interviewing Graeme Pearson, Labour MSP, he explained, "Ignoring all Human Rights would in fact increase terrorism. Dealing with terrorism in an inhumane way has the opposite of the desired impact."<sup>21</sup> In the 1960's France used any means possible to try and remove an Algerian Terrorist group but what resulted was regular public displays of violence. This showed that without Human Rights as a guideline society was left unable to function and international crimes like terrorism became more frequent. This can be linked to more recent action from the

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<sup>18</sup> <http://blog.sextantproperties.com/2013/08/01/how-safe-is-france-compared-to-the-uk/>

<sup>19</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224542/7-7\\_attacks\\_intelligence.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224542/7-7_attacks_intelligence.pdf)

<sup>20</sup> <http://www.itv.com/news/2013-02-21/trio-hoped-to-cause-worst-atrocity-on-british-soil/>

<sup>21</sup> Interview Graeme Pearson January 2015

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Conservative Government of removing passports of those who they suspect might join an ISIS group. By removing the right to travel from individuals it has increased the number of radicalised Islamic supporters in the UK which is dangerous as some innocent people are having their Human Rights hindered by mistake and so this can motivate them to join terrorist groups. Dominic Grieve said in an article that, "Believing in and practising the principles of the rule of law is, with our liberty and democracy, among the most powerful weapons we have"<sup>22</sup>. This displays the belief that limiting the Human Rights of terrorist suspects is not stopping terrorism and therefore it would be more effective to maintain everyone's Human Rights as much as possible to see the best results.

Border controls can also be seen to hinder on Human Rights. After an alleged plane was shot down over the United State on Christmas day in 2009 tighter restrictions were imposed in UK airports.<sup>23</sup> This seen the introduction of the first full body scanners to Heathrow and Manchester airports. In attempt to reduce terrorism the full body scanners can be used to detect liquid bombs which are usually undetectable with other equipment. These full body scanners raised Human Rights issues as some religious groups including Muslims and Sikhs view them as hindering their right to religion<sup>24</sup>. However from my online survey the majority of people agreed that airport security was important to ensuring the public's right to security.<sup>25</sup> It can be seen that it will be impossible to protect all Human Rights while still ensuring security and so it is important a balance is reached.

It is clear that most Government counter terrorism actions hinders on Human Rights to an extent but maintaining a good balance between rights and security can prove effective at reducing terrorism. The Investigatory Power Bill is leaning towards diminishing Human Rights too much as it is opening

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<sup>22</sup> <http://www.theguardian.com/commentisfree/2014/sep/03/terrorism-passports-rule-of-law>

<sup>23</sup> <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/7012699/Airport-body-scanners-could-breach-human-rights.html>

<sup>24</sup> <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/22/AR2010122202919.html>

<sup>25</sup> <https://www.surveymonkey.com/>

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the whole public's private life up. This would show the Government having too much interference in the public life. From a focus group, the general consensus was that the Government already interfered too much in the public's lives and maintaining the right to privacy would be better.<sup>26</sup> This shows the public support having their Human Rights maintained as far as possible.

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<sup>26</sup> Focus Group

November 2015

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**Aim 3 – To find out if terrorism legislation has had an impact on levels of Racism and Islamophobia.**

Terrorism Legislation is a topic of controversy when it regards racism and Islamophobia. As restrictions get tighter the public become more wary of what they are being protected from and so stereotypes and ignorance towards people of the same faith as terrorist organisations has grown. Government action has shown new levels of racism and islamophobia in methods such as passport seizures, airport security and stop and search. This can manipulate the public's perception of terrorism and increase fear in society. This increase in fear lead the public to believe that more security against people they see as "terrorists" is needed. Has current Government action lead Britain into an age of racism?

Stop and Search is a power the police have to search anyone they have reasonable suspicion to be carrying illegal drugs, harmful weapons or stolen property. They have this power in order to keep the general public safe from crime and terrorism. However the way in which the police use this power can be used as an argument in favour of counter terrorism increasing racism and islamophobia. The statistical evidence provided from these stop and searches shows inequalities in the quotas of people being searched. Theresa May the Justice Secretary believed this to be true as she said, "It is very clear that in a large number of cases the reasonable grounds for suspicion were not there and one can only therefore assume, given that black people are six times more likely to be stopped and searched than a white person, that it is precisely the fact that they are a black person that has led to that stop and search taking place."<sup>27</sup> This concludes that the Justice Secretary herself believes racism exists in the police force and so she supported the adaptation of the Section 60 of the Criminal Justice Act to increase the requirements needed to stop and search someone.

In an attempt to reduce racism and maintain Human Rights in society, section 60 replaced section 44 of the Terrorism Act. Previously under section 44 police officers had the ability to randomly stop and

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<sup>27</sup> <http://www.bbc.co.uk/news/uk-27224887>

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search people even without suspicion.<sup>28</sup> This meant that the police were given the opportunity to be more racist and Islamophobic in their selection of people even if it were unintentional as they could base random stops on terrorist stereotypes. However section 60 requires the need to have reasonable suspicion so the public cannot be singled out because of their religion or appearance. As the majority of offenders in the UK are white males it is evident that the attention of the Police is misdirected at minority groups as ethnic minorities do not commit the most crime. On average only 10% of a million searches lead to evidence being found to arrest a suspect<sup>29</sup> so this shows that the police are stopping the wrong people. This shows discrimination in the Police is caused by racism and provides evidence to the claim by the Metropolitan Black Police Association "that the police service is institutionally racist."<sup>30</sup> This racism can be put down to individuals in the force being racist or the whole force being over cautious of the terrorist stereotype.

Schedule 7 of the 2000 Terrorism Act is another piece of counter terrorism legislation which has impacted on levels of racism and islamophobia. This legislation was brought in to make airport security tighter as the war on terror in the UK has grown greater. The 2000 Terrorism Act enables airport security to stop individuals randomly without reasonable suspicion. This means anyone can be stopped at any time at the discretion of airport staff. People can be detained up to 9 hours although this is rare with 97% of those selected are held for less than one hour. The high profile case of David Miranda highlighted how schedule 7 can be deemed unfair as it can hinder the Human Rights of innocent people. Under this legislation suspects do not have the right to remain silent or have a lawyer present meaning Human Rights are completely compromised. David Miranda is a journalist whom despite being innocent and suspected of no crime was held for 9 hours at airport security and had the data on his electronic equipment saved. Schedule 7 allows for innocent parties

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<sup>28</sup> <https://www.liberty-human-rights.org.uk/human-rights/justice-and-fair-trials/stop-and-search/section-44-terrorism-act>

<sup>29</sup> <http://www.bbc.co.uk/news/uk-27224887>

<sup>30</sup> <http://www.theguardian.com/uk/2013/apr/21/metropolitan-police-institutionally-racist-black>

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to have their Human Rights breached as no substantial evidence is required to stop people. This means airport staff are able to stop anyone they think maybe a terrorist. This legislation has allowed for discrimination to take place as it is estimated that ethnic minorities are 42 time more likely to be stopped than their white counter parts.<sup>31</sup> This shows racism and islamophobia as it is clear they are singled out because of their ethnicity. As a result this has increased racism and Islamophobia as the public become more wary of the people stopped at security and since a significant number are of an ethnic minority the public are manipulated by this.

Methods of counter terrorism like Stop and Search and airport security can be criticised due to the racism shown in the statistics. The reasons ethnic groups are stopped more frequently may not only be based on racism but the travel patterns of the passenger. The Home Office justified the use of the schedule 7 of the 2000 Terrorist Act stating staff can base decisions on "emerging local trends or patterns of travel"<sup>32</sup>. This can account for why ethnic minorities are stopped more frequently and not because of racism. It is also argued by the Home Office that although it is unfair, in certain circumstances "it is appropriate for officers to take account of a person's ethnic origin in selecting persons to be stopped in response to a specific terrorist threat".<sup>33</sup> This statement shows counter terrorism action uses methods which appear to be racist but continue to practise these methods as they are the most effective at ensuring safety.

As it is evident that counter terrorism action targets specific religious groups this has impacted on the level of Racism and Islamophobia in the rest of society. In Scotland in 2013-14, 69% of all hate crime recorded was racial abuse which is significantly high.<sup>34</sup> While the UK government are concentrating on decreasing terrorism other crimes like racial abuse continue to happen with no

<sup>31</sup> <http://www.theguardian.com/politics/blog/2011/may/24/airport-security-checks-terrorism-act>

<sup>32</sup> <https://www.gov.uk/government/publications/circular-0022015-guidance-to-examining-officers-on-the-examination-of-goods-under-schedule-7-to-the-terrorism-act-2000/guidance-to-examining-officers-on-the-examination-of-goods-under-schedule-7-to-the-terrorism-act-2000>

<sup>33</sup> <http://www.irr.org.uk/news/racial-profiling-and-anti-terror-stop-and-search/>

<sup>34</sup> Statistics provided by Joanne McAlpine



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Government intervention. As terrorism is a more serious crime the point can be made it is more important to focus on reducing it than racism. In an email from Joan McAlpine she said "I think it's too early to judge the effects of the recent anti-terrorism legislation although several organisations have expressed concerns" when asked if legislation had increased Racism and Islamophobia.<sup>35</sup> This shows the effect of terrorism Legislation cannot be determined as of yet as it is too soon to see the outcomes.

To conclude, it is clear discrimination is evident in the counter terrorism methods the Government has introduced as statistics show unequal searches of ethnic groups. This raises ethical issues within the authorities of the UK as it is withholding the principles of the Human Rights that everyone should be treated equally. By singling people out based on their race it is promoting racism in society. Graeme Pearson suggested the Muslim Community should work to improve their image in society as it is not the responsibility of the Government<sup>36</sup> and so counter terrorism legislation cannot be blamed entirely for the increase in racism.

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<sup>35</sup> Email Joan McAlpine, November 2015

<sup>36</sup> Interview Graeme Pearson, January 2016

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### Conclusion

As the terror threat is increasing with the recent attacks in Paris and Brussels it is becoming more challenging for the government to maintain all Human Rights as the demand for security is greater than ever. Finding the correct balance between security and other Human Rights is controversial as opinions are divided.

Security is generally regarded as the most important Human Right as the issue can be raised that without being safe, privacy brings us no pleasure. This suggests that the Government should therefore hold this with the most importance when introducing tight security and surveillance. However it can also be argued that all rights are the basis of the society and so only upholding one undermines democracy and makes the Government too powerful.

To conclude, an accurate balance needs to be created between security and other Human Rights for society to function effectively. In a focus group I found that the majority of the sample valued their right to privacy<sup>37</sup> and so it is clear the general public would not be willing to give full control to the Government as even with transparent digital communications it cannot be guaranteed that all terrorist attacks will even be prevented.

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<sup>37</sup> Focus Group November 2015

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### Research Methods Evaluation

In order to research my dissertation topic I have used various methods to gather information.

Dominantly I used interviews with people who knew about the topic. I carried out both structured and unstructured interviews. I used a structured interview to gather information from David Mundell the Scottish Secretary. He had received the questions I was going to ask previously so he had answers prepared with examples; this was an advantage as the responses he gave were detailed.

Although a disadvantage I found was there was no opportunity to ask follow up questions as we ran out of time. If given the opportunity to carry out my research again I would allocate more time to the interview. Compared to structured interviews, the non-structured interview I carried out with Graeme Pearson was more informative. I had the opportunity to ask additional questions as the setting was informal. Mr Pearson was the former Cabinet Secretary of Justice and so he was well informed on the questions I asked. I felt this interview was very valuable to my research as he knew statistics and examples to back up his opinions. I planned to have more interviews with Joan McAlpine and the Justice Secretary Michael Matheson however due to their busy schedules a date could not be agreed upon. Instead, I received written responses to the questions I asked which were useful as both had statistics in their answers. Like the structured interview a disadvantage I found with emails was there was no opportunity to ask for expansion on certain points that were unclear.

Interviews were the most appropriate method for seeking the opinions of politicians but in order to research the public's opinions I used an online survey and a focus group. These methods were better suited as I gathered a broader range of opinions which meant my research was more a more accurate representation of the general population. The sample of my focus group was nine senior pupils of mixed gender, however if I were to repeat my research I would increase my sample size. My online survey had a larger sample of 56 people so it gave a better indication of the public's opinion. My online survey only gathered quantitative information as my questions were multiple choice. This meant that the public's opinions were not noted however it was easier to collate

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information. The focus group was more beneficial as I was able to gather qualitative information in the form of opinions.

My research was fairly successful but if given another opportunity I would carry out more unstructured interviews as I believe this method provided me with the best quality information.

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- <https://www.liberty-human-rights.org.uk/human-rights/justice-and-fair-trials/stop-and-search/section-44-terrorism-act>
- <https://www.bigbrotherwatch.org.uk/campaigns/cctv/>
- <http://www.bbc.co.uk/news/uk-27224887>
- <http://www.itv.com/news/2013-02-21/trio-hoped-to-cause-worst-atrocity-on-british-soil/>
- <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/7012699/Airport-body-scanners-could-breach-human-rights.html>
- <http://www.telegraph.co.uk/news/politics/12194441/Snoopers-Charter-Parliamentary-vote-on-the-investigatory-powers-bill-live-updates.html>
- <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/22/AR2010122202919.html>
- <http://blog.sextantproperties.com/2013/08/01/how-safe-is-france-compared-to-the-uk/>
- <http://www.dailymail.co.uk/news/article-444819/UK-1-worlds-population-20-CCTV-cameras.html>
- [http://www.echr.coe.int/Documents/Stats\\_violation\\_1959\\_2015\\_ENG.pdf](http://www.echr.coe.int/Documents/Stats_violation_1959_2015_ENG.pdf)
- [http://www.echr.coe.int/Documents/Stats\\_pending\\_2016\\_BIL.pdf](http://www.echr.coe.int/Documents/Stats_pending_2016_BIL.pdf)
- <http://www.humanrightseurope.org/2016/03/germany-right-to-privacy-of-oliver-kahns-children-was-sufficiently-protected-by-courts/>
- <https://www.amnesty.org/en/who-we-are/>
- <https://www.amnesty.org.uk/chelsea-manning-wikileaks>

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## Appendices

Emails to and from:

- Graeme Pearson
- Michael Matheson
- Theresa May

Online Survey Questions

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## Dissertation Research

13/11/2015

To: mayt@parliament.uk

Dear Theresa May,

My name is [redacted] I am a senior pupil currently studying Advanced Higher Modern Studies at [redacted] y. As part of the course I am required to write a dissertation and the topic I have chosen is Human Rights and Counter Terrorism.

My hypothesis is "There is justification for Human Rights to be removed from individuals to protect against Terror activities".

I am writing to ask you if you would kindly take the opportunity to comment your opinion on the issue I am researching. I am particularly interested in finding out any future government plans to counter act terrorism and so I would be grateful if you could include this in your response.

Your comments will be highly valued and I hope to hear back from you soon.

Regards

[redacted]



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**From:** <[CabinetSecretaryforJustice@gov.scot](mailto:CabinetSecretaryforJustice@gov.scot)>

**Date:** 19 January 2016 at 11:33:07 GMT

**To:** [redacted]

**Subject:** Private Office for Justice - PS letter to [redacted] y - Advanced  
Higher Modern Studies Questions - 19 January 2016

Please find attached a reply on behalf of the Cabinet Secretary for Justice to the questions you and your fellow students submitted

Kind regards,  
Maureen

Maureen MacIver | Assistant Private Secretary  
Private Office of Michael Matheson MSP, Cabinet Secretary for Justice  
St. Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 244 5143

## RE: Modern Studies

From: **Gemma.Cheek@scottish.parliament.uk** on behalf of  
**Graeme.Pearson.msp@scottish.parliament.uk**

Sent: 23 September 2015 15:28:15

To:

Dear

Graeme could visit on 15<sup>th</sup> January, weather permitting.

Is there anything that he needs to know in advance of his visit?

Kind regards

Gemma

Gemma Cheek

Parliamentary Researcher

Office of Graeme Pearson

MSP for South Scotland (Scottish Labour)

(Wed – Fri)

Tel: 0131 348 6887

Twitter: @PearsonMsp

[www.graemepearsonmsp.com](http://www.graemepearsonmsp.com)

**From:** [redacted]  
**Sent:** Monday, September 21, 2015 9:12 PM  
**To:** Pearson G (Graeme), MSP  
**Subject:** Re: Modern Studies [redacted]

Dear Gemma Cheek,

Thank you for the reply. Would Graeme be available for a visit to [redacted] on either the 15th of January or the 22nd of January from 9am to 11am.

Regards

[redacted] se

----- Original message-----

**From:**  
**Date:** Thu, 17 Sep 2015 16:46  
**To:** [redacted]  
**Subject:** RE: Modern Studies [redacted]

Dear [redacted]

Apologies for the delay in responding. I have only just seen your email.

Graeme will be unable to come to [redacted] on the morning of 4<sup>th</sup> December as he has a prior commitment that morning in the Borders.

Do you have any other Mondays or Fridays during which the class would be available? Graeme already has commitments on Friday 11<sup>th</sup> December but, if he is able, there may be another date which would be mutually convenient.

Kind regards

Gemma Cheek

Gemma Cheek

Parliamentary Researcher

Office of Graeme Pearson

MSP for South Scotland (Scottish Labour)

(Wed – Fri)

Tel: 0131 348 6887

Twitter: @PearsonMSP

[www.graemepearsonmsp.com](http://www.graemepearsonmsp.com)

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**From:** [redacted] [redacted] rail.co.uk]  
**Sent:** Sunday, September 13, 2015 9:05 PM  
**To:** Pearson G (Graeme), MSP  
**Subject:** Re: Modern Studies Academy

Dear Mr Pearson,

Thank you for your reply. Would you be able to make the morning of Friday the 4th of December. The ideal time would be from 9.10 to 10.50 if possible as we are restricted by timetabled classes.

Regards

----- Original message-----

**From:**

**Date:** Fri, 4 Sep 2015 10:16

**To:** [redacted]

**Subject:** RE: Modern Studies [redacted]

Dear [redacted]

Thank you for your email.

On principle I would be happy to come to [redacted] to meet you and your classmates, indeed I have in previous years. However, the Scottish Parliament sits on Tuesdays, Wednesdays and Thursdays. I therefore have to be in Edinburgh on those days.

Would it be possible to visit on a Monday or a Friday? If so, I can suggest some dates for November and December.

Kind regards

Graeme Pearson

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**From:** [mailto:[redacted]]  
**Sent:** Wednesday, September 02, 2015 9:55 PM  
**To:** Pearson G (Graeme), MSP  
**Subject:** Modern Studies [redacted]

Dear Mr Pearson,

I am a pupil studying Advanced Modern Studies at [redacted] / and I understand in recent years you have given up your time to come to the school and answer some questions for dissertations. I have been informed of your vast knowledge on the subjects we are covering and

I know you have been a great help to past pupils with their work. Therefore, I would be very grateful if you could come into the school again and allow us to speak to you. If you are willing to do this are you available any Wednesday from 13.30 to 15.30 in November or any Wednesday from 13.30 to 15.30 in December up until the 16th.

Regards

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### Online Survey Questions

How important do you think Human Rights are in our society?

Are you aware of any counter terrorism legislation in place which restricts your Human Rights?

In your opinion has the terrorism threat grown over recent years?

Do you think the government is doing enough to protect the people of the UK from the terrorist threat?

Do you think it is justified for the government to remove Human Rights from the general population if it protects us from terrorist activities?

In the UK it is estimated there is one CCTV camera for every eleven people. Do you think the UK has too much surveillance?

The government has proposed new terrorism legislation which will give the government the power to record text messages, emails and the internet history of the general public in the UK. Do you support this legislation?

To what extent do you agree with the following statement?  
"Anti-terrorism legislation has increased islamophobia and racism in the UK".

Do you have any other comments regarding Human Rights Legislation?