



## **UK introduces Human Rights Bill into Parliament**

**Along with the promise of primary legislation to implement the Data Protection Directive, the UK government is committed to more open government and incorporation of the Council of Europe Convention on Human Rights into UK law. The Human Rights Bill, now in the legislative process, gives an explicit right to privacy - something that has not previously been found in UK law.**

Article 8 of the European Convention on Human Rights and Fundamental Freedoms provides for the right of respect for private and family life, home and correspondence. On the other hand, the Convention guarantees the right to freedom of expression in Art. 10. Balancing these two rights is the challenge that Parliament now has to face (PL&B Oct. '97 p.12).

### **No privacy law but strengthened self-regulation**

The Government has announced that it does not intend to introduce a privacy law, but encourages the strengthening of self-regulation within the media. Therefore, the extent to which the incorporation of Article 8 will enhance privacy will depend on court decisions on particular cases which rely on this article.

A self-regulatory body, the Press Complaints Commission has already started revising its Code of Practice for journalists to include a wider definition of privacy. The current Press Code prohibits intrusion into an individuals' private life on private property without their consent. The definition of private property may include those public places where an individual might rightly expect to be free from media attention.

In line with the phrasing of the Human Rights Convention, the Press Code ought to determine what is understood by private life. Lord

Wakeham, the Chair of the Press Complaints Commission, has suggested the inclusion of health, home life and family relationships, and personal correspondence.

While making an effort to strengthen the Press Code, the Press Complaints Commission has claimed that the Human Rights Bill will undermine self-regulation. Lord Wakeham has especially criticised the present proposal's impact on the Commission's position. Although the organisation does not exercise any statutory function, it would be classified as a public authority, and would, therefore, be subject to jurisdiction in the Courts. According to Lord Wakeham, the possibility of subsequent Court action and financial penalties would make impossible conciliation between a newspaper and the harassed party.

### **Human Rights Commission will not be established**

The Bill to incorporate the Convention into UK law was introduced in the House of Commons on the 6th February 1998. Surprisingly, the Bill does not provide for the establishment of a Human Rights Commission, due to the Government's concern over the relationship of such a body with the existing human rights organisations, the Commission for Racial Equality and the Equal Opportunities Commission.

However, the Lord Chancellor has suggested that a Parliamentary Committee on Human Rights might be established in due course. Such an organisation could be established separately in the House of Commons and the House of Lords, or as a joint committee of both Houses.

**The bill (HL Bill 38) is available on the Internet at <http://www.open.gov.uk>, or from the Stationery Office Bookshop  
Fax: 0171 831 1326**