Controversial anti-terror measures

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The UK government tried to rush through a "Snoopers' Charter" after Paris and is playing the security card in the run-up to the May elections. Yet parochialism and complacency obstruct real progress in digital rights, writes Vicky Baker of Index on Censorship.

The NSA affair was, of course, particularly relevant to the UK, since the story was broken by a British newspaper and led to similar revelations about our own intelligence agency, GCHQ. But while the US was quick to put bills before Congress to address the fallout from Edward Snowden’s revelations, the debate took a different turn in the UK. British politicians and media spun the story in another direction – suggesting that reporting the issue was a danger to national security and unpatriotic, a tactic that seemed digressive and parochial. The media’s division weakened the pressure on politicians and the response from the public.

After it was confirmed that GCHQ had been acting illegally in its surveillance, around 6000 people immediately signed up for a campaign to find out they were among those spied upon, but this is a minuscule fraction of a population of 60 million. A fear of terrorism – no doubt heightened with the rise of IS, and after the attacks in Paris – has also made the public less likely to object.

Nevertheless, certain sectors of the British public continue to be extremely concerned about mass surveillance. Particularly contentious is the Draft Communications Bill, which if passed would give new powers to UK security services. These include allowing for the interception of journalists’ private communication and requiring universities to take steps to counter radicalisation. There have been repeated attempts to rush it through as "emergency" legislation – with the general public mostly in the dark about possible repercussions. The nickname for Draft Communications Bill, the “snoopers’ charter”, is used widely by the press and has done much to undermine in public opinion.

In immediate aftermath of the Paris attacks, a cross-party group attempt to pass the snoopers’ charter before the general election in May. It was a classic knee-jerk crackdown against fears of rising terrorism. The group failed. But David Cameron has vowed to re-introduce the charter, or a version of it, if re-elected. The bill would give the
police access to everyone’s web browsing history and the content of all social-media communications, even encrypted services. Opposition and civil liberties groups believed this made everyone a suspect. Liberal Democratic leader – and deputy PM – Nick Clegg declared this to be “un-British”. Others – such as the Conservative Mayor of London Boris Johnson, said he didn’t care about “civil liberties stuff” when terrorists were at large.

Enhancing fear and trivializing objections was a stance much repeated by those in favour of a radically stepped-up approach. It provided a contrast to Obama’s more measured reaction to increased surveillance concerns after the Paris attacks – where he said it was good for politicians to have civil libertarians “tapping on their shoulders” with reminders about possible oversights. Conservative home secretary Teresa May has proposed a specific counter-terror plan that would see universities being legally bound to prevent students becoming involved in extremism and would require the speeches of visiting speakers to be vetted in advance. This caused outcry from academics. *Index* sees it as a highly worrying infringement of free speech and of universities’ role as places to tackle difficult issues.

Debate about developments in European privacy legislation and policy is niche. However, there is backlash against sweeping EU policies in general, which is fuelling one of the fastest growing Eurosceptic parties – UKIP. The only European development to make big headlines was the right-to-be-forgotten, which then was promptly... forgotten. *Index* has done a lot of work on this issue – producing easy-to-read online articles that busted myths about the regulation, and attending high-level meetings with the EU and Google to discuss the future of the right-to-be-forgotten. *Index* recognises the need for some action to protect privacy but feels it was a clumsy, broad-brush, rushed action that handed all control to private search engines and showed little understanding of how the internet actually works.

Nevertheless, the general public – and even the big media consumers – are not generally very involved in these debates, despite using new technologies and the internet in all aspects of their lives. There has been a lot of acceptance with little questioning. The government has done little to raise awareness. The question of digital rights is not discussed on a wide public scale and there is limited resistance to the growing powers of tech companies and government over our communications. Debates on this subject quickly get bogged down in terminology that alienates the average user. Encryption is not being used or discussed by the average (or even fairly advanced) tech user. *Index* has been trying to buck this trend and recently ran a workshop with young people and trainee journalists to help them understand their digital rights and take more care of their online communications.

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