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Chapter 1 : Royal commission - Wikipedia

A)A method was found the cabinet system to insure that the king and the Parliament worked together B)Parliament at last succeeded in its goal of deposing the king and establishing a republic C)The king and a small group of ministers succeeded in abolishing Parliament.

Blog Organized Crime Organized crime may be defined as systematically unlawful activity for profit on a city-wide, interstate, and even international scale. The corporate criminal organization is a far cry from the small-scale predations of a Bonnie and Clyde. Criminal organizations keep their illegal operations secret, and members confer by word of mouth. Gangs sometimes become sufficiently systematic to be called organized. The act of engaging in criminal activity as a structured group is referred to in the United States as racketeering. A criminal organization depends in part on support from the society in which it exists. Thus a racket is integrated into lawful society, shielded by corrupted law officers and politicians â€" and legal counsel. Its revenue comes from narcotics trafficking, extortion, gambling and prostitution, among others. Labor Racketeering Labor racketeering is a general term for the misuse of organized labor for criminal purposes. This can consist of exploitation of employers, union members, or both. It comes in various forms. Union members pay into pension funds that are sometimes managed more for the interests of mobsters than for their retirement incomes. The Mafia Criminal organizations sometimes arise in closely knit immigrant groups that do not trust the local police and other authorities. Local citizens believed they could not trust Spanish law enforcement officials, and so organized their own protection societies that eventually evolved into the Mafia. The confederation later engaged in organized crime. A member of the Mafia is a "mafioso," or "man of honor. Numerous established Americans were suspicious of new immigrants, particularly those with little grasp of the English language. Some Italians feared that they could not depend on the frequently crooked and intolerant local police for protection, and resorted to the mafiosi instead. Midway through the 20th century, Mafia influence crested in the United States. Despite this, the Mafia and its ilk have become woven into the fabric of the American popular imagination, especially in movies. The term "mafia" has been generalized to label any sizable group involved in racketeering, such as the Russian Mafia or the Japanese Yakuza. The rise of gangsterism The Prohibition era of the s gave rise to the organized crime syndicate in the United States. Federal efforts to enforce prohibition, including raids on speakeasies, were countered by well-organized bootlegging operations with national and international connections. There were also gangs in Detroit , New York and other cities. Wars among gangs, producing grisly killings, frequently made headlines. When the repeal of prohibition made buying liquor legal once again, gangs that were still intact resorted to different sources of illegal gain, among them gambling, narcotics trafficking and labor racketeering. Crime kingpins of the s knew from experience in the previous decade that solid political connections were an advantage, and inter-gang fighting held severe drawbacks. The Syndicate, a close-knit national organization comprising numerous crime leaders from around the country, was forged by Lucky Luciano and Louis Kepke Buchalter. Its underground polity set geographical boundaries, distributed crime profits, and enforced its edicts with the help of Murder, Inc. Luciano was arrested, tried, convicted, and later deported to Italy. Buchalter was executed and Murder, Inc. With those head blows against organized crime, it was thought by some to be terminated in the United States. Senator Estes Kefauver and his investigative committee disclosed in and that the organized crime hydra was still alive â€" with new heads. A new wrinkle revealed by the committee indicated that the latest crime lords had sealed themselves off from prosecution by hiding behind legitimate business enterprises and avoiding direct involvement with criminal behavior. Attempts to deport top racketeers were among the tactics used by law enforcement following the Kefauver committee revelations. Police in Apalachin, New York, happened upon a major convocation of crime lords in November They were from all over the U. The discovery prompted investigations that laid bare the tenacious power and reach of organized crime in the middle of the 20th century. Organized crime is lucrative. The racketeering activity is the unlawful

activity in which the Mafia is involved. The government can therefore prosecute the kingpin under RICO and send him to prison â€" even if he has never directly participated in criminal behavior. The kingpin can be incarcerated because he operated a criminal enterprise. In , the Knapp Commission revealed connections between organized crime and New York City police, which emphasized the difficulty local police organizations have with steering clear of its intimidating influence. In , a report on La Cosa Nostra indicated that bribing union and public officials was still going on and conferences to resolve disagreements were held from time to time by the 25 member families. The structure of recent organized crime evidently resembles that of multinational corporations; indications are that it has diversified and even cultivated a multinational commodities market. Chinese, Latino and other ethnic groups have broken into organized crime in U. Meanwhile, such blue-collar crimes as rackets and extortion apparently are on the wane. The latest crimes of choice for racketeering are identity theft and online extortion.

Chapter 2 : Organized Crime

On the one hand, the Commission must still establish that each form of conduct found falls under the prohibition laid down in Article 85(1) of the Treaty as an agreement, a concerted practice or a decision by an association of undertakings.

For example, if it existed we ought to be able to find references specifically saying whether the appeals committee is a subcommittee of the Judicial Committee or not. Morwen - Talk It is not only used by journalists but it is also used in parliamentary and academic documents. When the Home Office usese it: House of Lords ruling The House of Lords Judicial Committee ruled that Part 4 powers were incompatible with articles of the European Commission on Human Rights that relate to the right to liberty, and the right to freedom from discrimination. The committee considered Part 4 powers to be discriminatory as they only applied to foreign nationals, not to British citizens, and that they were not proportionate to the threat the UK faced from terrorism. The Home Secretary accepted the ruling that new legislative measures must apply equally to nationals as well as non-nationals. These new measures are included in the the Prevention of Terrorism Act. It has also been reported in Hansard that it is used in the House of Lords eg: Lord Thomas of Gresford The House of Lords Judicial Committee overruled that recently, and we are now back in the position where the subjective mens rea is an essential element of those crimes The judicial power of the House of Lords is vested in the whole House, who delegates that power to ad-hoc Appellate committees and Appeal committees which are not the same thing which consist of Lords of Appeal selected to hear a single particular appeal or application for leave to appeal. The membership of each Appellate committee is rarely more than five, which means it excludes the majority of Law Lords. Contrast that with the Judicial Committee of the Privy council, which is a permanent committee established by Act of Parliament comprising all the members of the Privy Council qualified to hear cases. Precedent and the way things are done around here are very important parts of the British constitution. It became convention that only those members of the House of Lords who were judicially qualified would hear appeals. The fact that the term House of Lords Judicial Committee is used by important agencies as a convention means that de facto that institution exists, and if the term is used long enough de jure that institution will exist. Lords of Appeal under 75? Lords of Appeal in Ordinary? How does it relate to the Appellate and Appeal committees? Pedantic as I am, roll on the supreme court. Supreme Court of England and Wales? The term is used in sources like the Home Office [3] and by organisation like UNCAT [4] so it is quite legitimate to include the term in this article, and may be of help to people who have come across the expression in such places and want to know what the committee is. So I have reinserted the "House of Lords Judicial Committee" into the page and put in citations to show that both names are used. I would direct anyone who thinks that this is a "sloppy" name to read Wikipedia: Verifiability policy document "The threshold for inclusion in Wikipedia is verifiability, not truth. This means that we only publish material that is verifiable with reference to reliable, published sources. A judge might be addressed as "my Lord", even if they are not a Lord or not, even if they are ; similarly one would, if refering to Lady Hale in court, either say "Baroness Hale of Richmond" or "Lady Hale". Hence, Margaret Thatcher, a suo jure life peeress, may be correctly referred to as either "Baroness Thatcher" or "Lady Thatcher". It is usually left up to the peeress herself to decide by what name she wishes to be known. It really makes no difference and certainly does not create confusion - if anything, calling her Ladyship "Baroness" creates confusion as the usual terms for peers are "Lords and Ladies". My preference is for "Lady" and, as it is very likely that I put the original list together, that is why it was "Lady". Incidentally, the bit about forms of address in court has no basis. The matter was reheard by a panel of seven Lords of Appeal in Ordinary. The House decided that the case should be re-heard and set aside its own judgment. Lord Hoffmann is spelt with two Ns. Or should the sentence be rephrased? Does "Law Lords" refer to all lords who hear appelas, or only to Lords of appeal in ordinary? Although all Lords of Appeal can technically hear appeals, they hardly never do. Rarely, an ex-Law Lord may

come back to hear one-off appeals when the other members of the court are busy for example, when there are an unusual number of appeals before the House , or when an ex-Law Lord is particularly expert in a field of law being discussed; for an example, see Pye v. Graham [], where Lord Browne-Wilkinson sat again after three years of retirement. Also, the sitting Lord Chief Justice has on occasion heard these one-off appeals although it should be noted that the two most recent Lords Chief Justice, Lord Woolf of Barnes and Lord Phillips of Worth Matravers, were ex-Law Lords themselves and were about to retire and about to move back up to the House of Lords respectively. Lord of Appeal in Ordinary deal with the membership of the court.

Chapter 3 : Potential impact of the Human Rights Act on psychiatric practice: the best of British values?

The Great Commission in the Gospels The full text of the most familiar version of Great Commission is recorded in Matthew (cited above). But it is also found in each of the Gospel texts.

August 8, By Walter Fenton In the coming days we will briefly describe and analyze the various plans that are slated to come before the special, called General Conference in St. Louis, Missouri, February , Readers wanting to read the official reports, plans, and enabling legislation can click HERE. The assumptions are as follows. Differences among United Methodists over sexual ethics, the institution of marriage, and ordination standards for clergy are not essential matters for the whole church. Therefore, it is acceptable for annual conferences, local churches, and pastors to hold different opinions about them and still remain in a united church. The changes proponents are asking for essentially boil down to the following. Second, redefine marriage in such a way that allows for church sanctioned weddings between people of the same gender, and remove the prohibition against UM clergy presiding as same sex weddings. This would allow each UM pastor to decide for him or herself whether to preside at same sex weddings. Advocates of the OCP are at pains to assure laity and clergy of the following guarantees. No annual conference would be required to commission or ordain an openly gay, practicing individual as a clergy member. No UM pastor would be required to preside at a same sex wedding if he or she believed such a wedding would violate Christian teaching grounded in Scripture. And finally, no local church would be required to open its sanctuary to a same sex wedding, even if its pastor approved of such a union. The aims of the OCP are laudable â€" to bring peace and unity to a church that has experienced decades of conflict, and has watched its average worship attendance plummet by over 25 percent in less than 20 years. Unfortunately, the plan will bring neither peace nor unity. The plan would have the denomination follow the Episcopal Church, the Evangelical Lutheran Church in America, the Presbyterian Church-USA, and the United Church of Christ down a path that departs from the convictions and beliefs of the majority of Christian denominations here in the U. A number of noted UM scholars and clergy have already written essays critiquing the OCP and found it wanting. Some of the best are as follows, and each is well worth reading. Ritter believes passage of the OCP would bring the hard debates, difficult votes, and disruptive protests of General Conferences into annual conferences and even local churches. This is not a gift. Scott Kisker, professor of the History of Christianity at United Theological Seminary, fears the plan would only exacerbate present divisions in the church. The rites of marriage and the ordination of clergy have required, and still require, the church to teach with one voice on such weighty matters for both its people and its witness to society in general. There are legions of examples in the modern era alone where churches have accommodated to the evils of their times and cultures, deforming the gospel. The Commission on a Way Forward and the Council of Bishops certainly deserve credit for trying to find ways to deliver the church from its present impasse. Unfortunately, the OCP would have the General Conference abdicate its responsibility to speak with one voice on core theological and ethical issues for the sake of church and society. Such an approach would not only perpetuate the discord, it would drive it deeper into the body of the church.

Chapter 4 : The One Church Plan â€“ Wesleyan Covenant Association

In the coming days we will briefly describe and analyze the various plans that are slated to come before the special, called General Conference in St. Louis, Missouri, February , Readers wanting to read the official reports, plans, and enabling legislation can click HERE.

It is above all by virtue of its historical origin that the Christian community discovers its links with the Jewish people. Indeed, the person in whom it puts its faith, Jesus of Nazareth, is himself a son of this people. In the beginning, the apostolic preaching was addressed only to the Jews and proselytes, pagans associated with the Jewish community cf. Christianity, then, came to birth in the bosom of first century Judaism. A perennial manifestation of this link to their beginnings is the acceptance by Christians of the Sacred Scriptures of the Jewish people as the Word of God addressed to themselves as well. Indeed, the Church has accepted as inspired by God all the writings contained in the Hebrew Bible as well as those in the Greek Bible. Its scope has been extended, since the end of the second century, to include other Jewish writings in Hebrew, Aramaic and Greek. The message announced that God intended to establish a new covenant. The Christian faith sees this promise fulfilled in the mystery of Christ Jesus with the institution of the Eucharist cf. The New Testament writings were never presented as something entirely new. On the contrary, they attest their rootedness in the long religious experience of the people of Israel, an experience recorded in diverse forms in the sacred books which comprise the Jewish Scriptures. The New Testament recognises their divine authority. This recognition manifests itself in different ways, with different degrees of explicitness. Implicit recognition of authority Beginning from the less explicit, which nevertheless is revealing, we notice that the same language is used. The Greek of the New Testament is closely dependent on the Greek of the Septuagint, in grammatical turns of phrase which were influenced by the Hebrew, or in the vocabulary, of a religious nature in particular. Without a knowledge of Septuagint Greek, it is impossible to ascertain the exact meaning of many important New Testament terms. These reminiscences are numerous, but their identification often gives rise to discussion. To take an obvious example: The text is so steeped in the Old Testament that it is difficult to distinguish what is an allusion to it and what is not. What is true of the Book of Revelation is true also â€" although to a lesser degree â€" of the Gospels, the Acts of the Apostles and the Letters. Explicit recourse to the authority of the Jewish Scriptures 4. This recognition of authority takes different forms depending on the case. Scripture, the Lord or Christ. This gegraptai carries considerable weight. Jesus successfully counters the tempter in the first temptation by simply saying: Man does not live by bread alone It can also happen that a biblical text is not definitive and must give way to a new dispensation; in that case, the New Testament uses the Greek aorist tense, placing it in the past. Such is the case with the Law of Moses regarding divorce: Sometimes we find the expression: To the arguments from Scripture he attributes an incontestable value. This conviction is frequently evident. Two texts are particularly significant for this subject, since they speak of divine inspiration. Specifically referring to the prophetic oracles contained in the Old Testament, the Second Letter of Peter declares: These two texts not only affirm the authority of the Jewish Scriptures; they reveal the basis for this authority as divine inspiration. The New Testament attests conformity to the Jewish Scriptures 6. A twofold conviction is apparent in other texts: Necessity of fulfilling the Scriptures The clearest expression of this is found in the words addressed by the risen Christ to his disciples, in the Gospel of Luke: Mark has a parallel to the last mentioned passage in a powerfully elliptic phrase: Luke does not use this expression but John has recourse to it almost as often as Matthew does. It is clearly understood that these events would be meaningless if they did not correspond to what the Scriptures say. Conformity to the Scriptures 7. Other texts affirm that the whole mystery of Christ is in conformity with the Jewish Scriptures. The early Christian preaching is summarised in the kerygmatic formula recounted by Paul: The Christian faith, then, is not based solely on events, but on the conformity of these events to the revelation contained in the Jewish Scriptures. On his journey towards the passion, Jesus says: The New Testament shows by these declarations that it is

indissolubly linked to the Jewish Scriptures. Some disputed points that need to be kept in mind may be mentioned here. This theological affirmation is characteristic of Matthew and his community. It is in tension with other sayings of the Lord which relativises the Sabbath obvervance Mt The Fourth Gospel expresses a similar perspective: Jesus attributes to the writings of Moses an authority comparable to his own words, when he says to opponents: In the Acts of the Apostles, the kerygmatic discourses of the Church leaders â€" Peter, Paul and Barnabas, James â€" place the events of the Passion, Resurrection, Pentecost and the missionary outreach of the Church in perfect continuity with the Jewish Scriptures. Conformity and Difference 8. Although it never explicitly affirms the authority of the Jewish Scriptures, the Letter to the Hebrews clearly shows that it recognises this authority by repeatedly quoting texts to ground its teaching and exhortations. It contains numerous affirmations of conformity to prophetic revelation, but also affirmations of conformity that include aspects of non-conformity as well. This was already the case in the Pauline Letters. He shows that the Law as revelation predicted its own end as an institution necessary for salvation. In a similar way, the Letter to the Hebrews shows that the mystery of Christ fulfils the prophecies and what was prefigured in the Jewish Scriptures, but, at the same time, affirms non-conformity to the ancient institutions: The basic affirmation remains the same. The writings of the New Testament acknowledge that the Jewish Scriptures have a permanent value as divine revelation. They have a positive outlook towards them and regard them as the foundation on which they themselves rest. Consequently, the Church has always held that the Jewish Scriptures form an integral part of the Christian Bible. Scripture and Oral Tradition in Judaism and Christianity 9. In many religions there exists a tension between Scripture and Tradition. This is true of Oriental Religions Hinduism, Buddhism, etc. The written texts can never express the Tradition in an exhaustive manner. They have to be completed by additions and interpretations which are eventually written down but are subject to certain limitations. This phenomenon can be seen in Christianity as well as in Judaism, with developments that are partly similar and partly different. A common trait is that both share a significant part of the same canon of Scripture. The origin of Old Testament texts and the history of the formation of the canon have been the subject of important works in the last few years. A certain consensus has been reached according to which by the end of the first century of our era, the long process of the formation of the Hebrew Bible was practically completed. To determine the origin of the individual books is often a difficult task. In many cases, one must settle for hypotheses. These are, for the most part, based on results furnished by Form, Tradition and Redaction Criticism. It can be deduced from them that ancient precepts were assembled in collections which were gradually inserted in the books of the Pentateuch. The older narratives were likewise committed to writing and arranged together. Collections of narrative texts and rules of conduct were combined. The sapiential texts, Psalms and didactic narratives were likewise collected much later. No written text can adequately express all the riches of a tradition. Notwithstanding its authority, this interpretation by itself was not deemed adequate in later times, with the result that later rabbinic explanations were added. These additions were never granted the same authority as the Talmud, they served only as an aid to interpretation. Unresolved questions were submitted to the decisions of the Grand Rabbinate. In this manner, written texts gave rise to further developments. Between written texts and oral tradition a certain sustained tension is evident. The Limits of Tradition. When it was put into writing to be joined to Scripture, a normative Tradition, for all that, never enjoyed the same authority as Scripture. The Mishna, the Tosepta and the Talmud have their place in the synagogue as texts to be studied, but they are not read in the liturgy. To it are added pericopes chosen from the Prophets. Conversely, Pharisaic and Rabbinic Judaism accept, alongside the written Law, an oral Law given simultaneously to Moses and enjoying the same authority. A tract in the Mishna states: Clearly, a striking diversity is apparent from the manner of conceiving the role of Tradition. Scripture and Tradition in Early Christianity Tradition gives birth to Scripture. In early Christianity, an evolution similar to that of Judaism can be observed with, however, an initial difference: The Gospel catechesis took shape only gradually. To better ensure their faithful transmission, the words of Jesus and the narratives were put in writing. Thus, the way was prepared for the redaction of the Gospels which took place some decades

after the death and resurrection of Jesus. In addition, professions of faith were also composed, together with the liturgical hymns which are found in the New Testament Letters. The Letters of Paul and the other apostles or leaders were first read in the church for which they were written cf.

Chapter 5 : Commission v Anic Partecipazioni SpA - Wikipedia

Lord Lloyd-Jones hold that the law is not incompatible with either article 8 or article it is not possible to follow our usual practice He has been found to.

Islam is the official religion of the State and is a foundation source of legislation: No law may be enacted that contradicts the established provisions of Islam B. No law may be enacted that contradicts the principles of democracy. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution. This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandean Sabeans. Summary Under international standards, a state may declare an official state religion, provided basic rights, including the individual right to freedom of thought, conscience, and religion or belief, are respected for all without discrimination. The framework of Art. Commentary Under the International Covenant on Civil and Political Rights ICCPR , [1] the fact [That] a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant. Article 2 establishes Islam as "a foundation source of legislation. Commission on International Religious Freedom USCIRF , a number of Muslim countries where Islam is the state religion, including Egypt and the Gulf states, establish Islamic law, principles, or jurisprudence as "the basis for," "the principal source of," "a principal source of," or "the source of" legislation. In the case of Iraq, the new permanent constitution makes Islam "a foundation source of legislation," and specifies that the Federal Supreme Court will be tasked with "Interpreting the provisions of the Constitution. Islam is declared "a foundation source" rather than "a source of legislation"; and No law can contradict "the established provisions of Islam" rather than its "universally agreed tenets. Moreover, this approach is favorable to other "repugnancy clause" models, such as in the Afghan constitution, which fails to explicitly require the interpretation of Islam to be in accordance with human rights protections. Despite the apparent effort to constrain any potential interpretation of Islam from going beyond its "established provisions" or running counter to human rights guaranteed in the constitution, USCIRF previously has expressed concern, in the case of the TAL, that a constitutional arrangement establishing a role for Islam as a source of legislation nevertheless "could be used by judges to abridge the internationally recognized human rights of political and social reformers, those voicing criticism of prevailing policies, religious minorities, women, or others. The draft "guarantees" rather than "respects" the Islamic identity of the majority The draft specifically references religious groups "such as" Christians, Yazidis, and Mandaean Sabeans as being protected by the guarantee of the full religious rights of all individuals to freedom of religious belief and practice. Guaranteeing Islamic identity may place the state in the role of protecting Islam, which in turn may permit the criminalization of apostasy, blasphemy, and other "offenses against religion," as well as result in discrimination against non-Muslims in a variety of areas. Recommendations Strengthen protection of human rights by specifying that no law shall contradict "the rights and basic freedoms stipulated in this constitution, including the principles of equality and nondiscrimination, or the human rights guaranteed under international agreements to which Iraq is a state party. This would minimize the possibility that the constitutional obligation to guarantee Islamic identity does not result in violations of the right to freedom of thought, conscience, religion or belief under international law. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law. The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities. Commentary This article has the potential to be a positive provision in that it prohibits racism and the act of labeling individuals as "infidels," [10] problems that could impede democratic development and the exercise of human rights in Iraq. However, the current wording of the article is very broad and, without further refinement, the provision could limit the exercise of the right to freedom of thought, expression, association

and other fundamental rights and freedoms. Recommendations Clarify intent and scope of the prohibition on related to "accusations of being an infidel. The holy shrines and religious sites in Iraq are religious and civilizational entities. The State is committed to assuring and maintaining their sanctity, and to guaranteeing the free practice of rituals in them. Summary This article is intimately linked to the right to freedom of religion or belief, since safeguarding places of worship and guaranteeing the right to practice rituals are key components of the broader right. Commentary This article is positive insofar as it identifies holy shrines and religious places generally as "religious and civilizational entities. Recommendation Revise text to explicitly provide equal protection and safeguard of right to practice rituals to "all holy shrines and religious places in Iraq. Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status. Summary International human rights standards require a state to extend equal status to "all individuals within its territory and subject to its jurisdiction," not only to its citizens. Such action could potentially undermine the very object and purpose of international treaties such as the ICCPR. Recommendation Modify language to apply to "all individuals" rather than "Iraqis" only. The family is the foundation of society; the State shall preserve it and its religious, moral, and national values. Summary This article may be used to justify or impose government-sanctioned religious values or principles on Iraqis. Commentary According to the ICCPR, if a set of beliefs is treated as official ideology in a constitution, this shall not result in any impairment of the freedom of thought, conscience or religion, or in any discrimination against persons who do not accept the official ideology, or who oppose it. Whatever form [or concept the family] takes, and whatever the legal system, religion, custom or tradition within the country, the treatment of women in the family both at law and in private must accord with the principles of equality and justice for all people, as article 2 of the Convention requires. Furthermore, under international standards, children should not be compelled to receive teaching on religion or belief that is against the wishes of the parents or guardians. International standards dictate that the freedom of parents to ensure a religious and moral education cannot be restricted. Specify that any limitations premised on "moral values" be based "on principles not deriving exclusively from a single tradition. The state shall promote cultural activities and institutions in a manner that befits the civilizational and cultural history of Iraq, and it shall seek to support indigenous Iraqi cultural orientations. Summary This article, introduced in the final round of constitutional negotiations, commits the Iraqi government to support "indigenous Iraqi cultural orientations. Recommendations Implementation of Art. The Iraqi government should take positive steps to ensure, in accordance with the ICCPR, the protection of minority identity, including the rights of all individual members of ethnic, religious or linguistic minorities to enjoy and develop their culture and language and to practice their religion. The State shall guarantee protection of the individual from intellectual, political and religious coercion. Summary The ICCPR bars coercion that would impair the right to have or adopt a religion or belief, and this article improves on previous drafts that omitted altogether any provision prohibiting coercion in matters of religion. This provision is also promising insofar as it protects individuals rather than groups only. Commentary Under international law, no limitations are allowed on the freedom to have or to adopt a religion or belief, or on the freedom from coercion that would impair those rights. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment" or other rights guaranteed under the ICCPR are similarly inconsistent with the treaty. The State shall guarantee in a way that does not violate public order and morality: Freedom of expression using all means. Freedom of press, printing, advertisement, media and publication. Freedom of assembly and peaceful demonstration, and this shall be regulated by law. Summary The qualifications on the fundamental rights to freedom of expression, press, and assembly may have implications for the protection of human rights. Commentary Under international law, any restrictions placed on the exercise of rights must be both prescribed by law and necessary in pursuit of specific public interests, including protection of public order and morality. Recommendations Remove qualification "regulated by law" concerning the right to freedom of assembly and peaceable demonstration. Any limitations must be interpreted in accordance with international standards.

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law. Summary This article apparently seeks to address personal status issues, and under what circumstances religious or civil law will govern such matters. Given the ambiguous language, it is unclear what legal system-religious or civil-will apply and what steps will be required by the parties involved to opt out of either system. Certain religious systems may be omitted or excluded from this arrangement, resulting in unrecognized minority groups potentially having to submit to the religious law of the dominant group or another religious community. Commentary As currently formulated, this article leaves open to the legislature how Iraqis will access civil courts for matters relating to personal status. Ultimately, this decision may result in individuals being compelled to submit to religious courts on matters of personal status. Such a variegated system also may raise concerns with respect to equality and nondiscrimination between men and women, as well as between members of the various religious communities in Iraq. There are additional complications that may arise by not expressly guaranteeing that civil law will be the default option for personal status matters: Requiring individuals who are non-believers to submit to religious rulings. Finally, international human rights organizations, such as Amnesty International, have previously observed that criteria for appointing religious court judges may fall short of international standards with regard to training for judicial personnel. To ensure equality and nondiscrimination within the religious court system and to further guarantee the human rights enshrined in the Iraqi constitution, art. Appointment of judges to courts adjudicating personal status matters, including any religious courts, should meet international standards with respect to judicial training. Each individual shall have the freedom of thought, conscience, and belief. Summary This is a positive article reflecting international human rights guarantees that was missing from earlier drafts. Recommendation This article can be strengthened by adding "religion" to the list of freedoms. The followers of all religions and sects are free in the: Practice of religious rites, including the Husseini rituals. Management of religious endowments waqf , their affairs, and their religious institutions, and this shall be regulated by law. The State shall guarantee freedom of worship and the protection of places of worship. Summary Some language remains a possible basis for narrow interpretation of the right to freedom of religion or belief. In particular, the second part of article 43 reflects an improvement on previous draft language. Commentary Freedom of thought, conscience, and religion or belief encompasses more than the "practice of religious rites. The same is true of "freedom of worship," which is why Art. The full scope of the right to manifest religion or belief includes the rights of worship, observance, practice, and teaching, broadly construed. Under international law, these rights, including the management of religious institutions, may be subject to only such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. Limitations are not allowed on grounds not specified under Art. Finally, limitations on the freedom to manifest a religion or belief that rely on morality must be based on principles not deriving from a single tradition. All individuals are free to manifest religion or belief, including: Worship, observance, practice, and teaching, including the Husseini rituals. Management of religious endowments waqf , their affairs, and their religious institutions. The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law. The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights. Summary This article has the potential to be a positive provision in that it promotes the role of civil society organizations, one tool that can facilitate democratic development and protections for human rights. This article also takes the positive step of explicitly prohibiting tribal practices that are deemed inconsistent with human rights. The current wording however, is very broad, particularly with regard to terms such as "peaceful means" and "legitimate goals. The current wording of Part Two makes a reference to "manner that is consistent with religion Restricting or limiting the practice of any of the rights or liberties stipulated in this

Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom. Summary This article is problematic as it opens the door to overly broad limitations on human rights guarantees, inconsistent with international standards. This article also appears to contradict or at least narrow application of the supremacy of the constitution established at Art. Commentary Although international treaties such as the ICCPR permit certain limitations on human rights guarantees under specific, narrowly constructed conditions, this article open the door to limitations on rights that may go far beyond these conditions, and result in the possible undermining of the right while preserving its "essence. Recommendations Provide that any limitation shall comply with the standards set forth under the ICCPR and other international human rights treaties, and will not limit these rights in any other manner.

Chapter 6 : Guide: British Parliamentary Papers | Indiana University Libraries

The Supreme Court of the United Kingdom (sometimes colloquially referred to by the acronym UKSC) is the supreme court in all matters under English and Welsh law, Northern Irish law and Scottish civil law.

The government intends to guarantee basic human rights in a broad range of circumstances, and this is relevant to the management of psychiatric patients. The proposition of the act is that it will be unlawful for public authorities including hospitals, social services, and prisons to act in a manner incompatible with the convention. Lawyers have speculated at length as to possible challenges to the Mental Health Act, but clinicians seem less aware of the possible impact of this new legislation. The government has tried to reassure us. The court also held that the detention must be effected in accordance with a procedure prescribed by law. The case of R v Smith clarified that it was necessary only to show that the nature of the disorder was appropriate to allow continued detention, 3 thus allowing for patients who relapse rapidly in the community to remain detained until they are more adequately treated. This interpretation might be challenged by the Human Rights Act, as the Winterwerp criteria state that continued detention in hospital depends on the persistence of the mental disorderâ€"which may require the demonstration of symptoms of relapse. In Stanley Johnson v United Kingdom, a patient detained under a restriction order at Rampton Hospital suffered a four year delay between his initial conditional discharge and his absolute discharge. This has implications for the provision of aftercare for detained mentally ill patients, as lengthy delays could allow challenges under the new Human Rights Act. The case of Aerts v Belgium also has implications for service provision. He succeeded in pressing charges of false imprisonment. It seems likely that patients waiting for a bed in a unit of a different level of security could bring similar cases. In Scotland in Noel Ruddle was released from psychiatric detention, having successfully argued that his condition was not treatable. Subsequent new legislation allowed continued detention on the basis of treatment being likely to prevent deterioration. This allows for the detention of potentially dangerous untreatable patients within the scope of the Human Rights Act. Informal patients The Mental Health Act distinguishes between informal and detained patients. Detained patients are those detained under a section of the Mental Health Act, while informal patients are those who consent to admission and treatment. However, this distinction does not apply to two groups of patientsâ€"those coerced into admission informally and incapacitated patients unable to consent. The well known case of R v Bournewood concerned a man with profound learning disability who did not dissent from hospital admission but who did not have the capacity to consent. Subsequently, the House of Lords overruled this decision. Provision of information to detained patients Article 5 2 of the Act concerns the information that should be given to detained patients, including details of their rights under the Mental Health Act and the new Human Rights Act. This information should include their reasons for detention and the methods by which their detention may be challenged. Nursing and medical staff probably urgently need further training about this in order to prevent challenges to detention under this article. From October, however, it has been a statutory obligation subject to article 8 2. The Mental Health Act has a strict definition of a nearest relative under section In JT v United Kingdom a patient detained under section 3 appealed against her inability to change her designated nearest relative, her mother. She alleged this violated her right to respect for her private life under article 8. The Human Rights Commission agreed that there had been a violation of article 8. Article 8 will also lead to challenges of section 26 of the Mental Health Act. Conjugal rights Article 8 protects family and personal relationships. In particular, the issue of conjugal rights for detained inpatients may be brought to the courts, especially for those in longer stay units. This is likely to become an area of debate. In the case of A v the United Kingdom a patient detained at Broadmoor Hospital complained that his five weeks in seclusion amounted to inhuman and degrading treatment because of the length of seclusion and the insanitary conditions. This case nicely demonstrates the role of challenges under the Human Rights Act in shaping hospital policies, as well as potential future legislation. It is certainly possible that other aspects of treatment may be challenged as degrading. In the case

of Grare v France a patient challenged the use of injectable old-style antipsychotic drugs, claiming he received inhuman and degrading side effects as a result of this treatment. Shortly after being placed in segregation, Mr Keenan hanged himself. She also appealed under article 3, stating that his treatment was inhuman and degrading. The application was found admissible, but the ultimate decision was that there had been no breach of these articles. In summing up, however, the judges said: Mental health review tribunals Two articles of the Human Rights Act are particularly relevant to the issue of tribunals. Currently the target for a tribunal to review a detention under section 2 is within two weeks of a request for a review, but for a detention under section 3 it is within eight weeks of a request. The UK tribunal system frequently fails to achieve such rapid review of detention, and future challenge seems likely. In addition, the patient would have the right to call witnesses and have them cross examined on his or her behalf. Future challenges may change the nature of mental health review tribunals in Britain and the workload of those professionals involved. Conclusions It seems likely that the Human Rights Act will result in a flood of legal cases concerning the management of people with mental disorder, particularly those detained under the Mental Health Act and those who are incapacitated. Just how this will affect the care of psychiatric patients, however, remains to be seen. In Scottish and other European cases challenges have largely been unsuccessful. Currently the Department of Health is asking for comments on these issues in the form of a European consultation document, 16 anticipating that legislation due in the next few years will need to be compatible with the Human Rights Act. This will include a new Mental Health Act and potential legislation for the detention of dangerous people with severe personality disorder, including, controversially, paedophiles. It is increasingly clear that a balance will need to be struck between the rights of individual patients and those of the community at large.

Chapter 7 : eBay Buying Guides

Church does not condone the practice of homosexuality and considers this practice incompatible with Christian teaching," the definition of marriage as between a woman and man, and the prohibition of self-avowed practicing homosexuals being certified as.

Between and they had a system of target prices, and aimed to limit output to share the market according to quotas. Anic had a market share between 2. The Commission found that Anic was in the cartel and fined it , ecu. It was not necessary to distinguish agreements, decisions and concerted practices, as a long course of conduct could cover any of them. A concerted practice meant knowingly substituting competition with practical cooperation, and an agreement meant an expression of joint intention. But the two were not mutually incompatible. Following the expiry of the controlling patents held by Monte, new producers appeared on the market in , bringing about a substantial increase in real production capacity which was not, however, matched by a corresponding increase in demand. Each of the EEC producers operating at that time supplied the product in most, if not all, Member States. There is continuity between the cases listed. The only essential thing is the distinction between independent conduct, which is allowed, and collusion, which is not, regardless of any distinction between types of collusion. The Court of First Instance rightly rejected that argument at paragraph of the judgment when it referred to the mental element without requiring an observable physical element. The Court observes first of all that, at paragraphs and of the contested judgment, the Court of First Instance held that the Commission was entitled to categorise as agreements certain types of conduct on the part of the undertakings concerned, and, in the alternative, as concerted practices certain other forms of conduct on the part of the same undertakings. At paragraph , the Court of First Instance held that Anic had taken part in an integrated set of schemes constituting a single infringement which progressively manifested itself in both unlawful agreements and unlawful concerted practices. The Court of First Instance was therefore entitled to consider that patterns of conduct by several undertakings were a manifestation of a single and complex infringement, corresponding partly to an agreement and partly to a concerted practice. It does not, however, follow that the cross-appeal should be upheld. For one thing, subject to proof to the contrary, which it is for the economic operators concerned to adduce, there must be a presumption that the undertakings participating in concerting arrangements and remaining active on the market take account of the information exchanged with their competitors when determining their conduct on that market, particularly when they concert together on a regular basis over a long period, as was the case here, according to the findings of the Court of First Instance. For another, a concerted practice, as defined above, falls under Article 85 1 of the Treaty even in the absence of anti-competitive effects on the market. First, it follows from the actual text of Article 85 1 that, as in the case of agreements between undertakings and decisions by associations of undertakings, concerted practices are prohibited, regardless of their effect, when they have an anti-competitive object. Next, although the concept of a concerted practice presupposes conduct of the participating undertakings on the market, it does not necessarily imply that that conduct should produce the concrete effect of restricting, preventing or distorting competition. The Court of First Instance therefore rightly held, despite faulty legal reasoning, that, since the Commission had established to the requisite legal standard that Anic had participated in collusion for the purpose of restricting competition, it did not have to adduce evidence that the collusion had manifested itself in conduct on the market. The question whether Anic has refuted the presumption set out in paragraph of this judgment must therefore be examined. Fourthly, it is clear from the settled case-law of the Court of Justice see, in particular, ACF Chemiefarma v Commission , cited above, paragraph , which was quoted by the Court of First Instance at paragraph of the contested judgment, that an agreement within the meaning of Article 85 1 [2] of the Treaty arises from an expression, by the participating undertakings, of their joint intention to conduct themselves on the market in a specific way. A comparison between that definition of agreement and the definition of a concerted practice dealt with in paragraphs to of this judgment shows that, from the

subjective point of view, they are intended to catch forms of collusion having the same nature and are only distinguishable from each other by their intensity and the forms in which they manifest themselves. It follows that, whilst the concepts of an agreement and of a concerted practice have partially different elements, they are not mutually incompatible. Fifthly, it must be pointed out that this interpretation is not incompatible with the restrictive nature of the prohibition laid down in Article 85 1 of the Treaty see Parke Davis v Centrafarm , cited above, p. Far from creating a new form of infringement, the arrival at that interpretation merely entails acceptance of the fact that, in the case of an infringement involving different forms of conduct, these may meet different definitions whilst being caught by the same provision and being all equally prohibited. On the one hand, the Commission must still establish that each form of conduct found falls under the prohibition laid down in Article 85 1 of the Treaty as an agreement, a concerted practice or a decision by an association of undertakings. On the other hand, the undertakings charged with having participated in the infringement have the opportunity of disputing, for each form of conduct, the characterisation or the characterisations applied by the Commission by contending that the Commission has not adduced proof of the constituent elements of the various forms of infringement alleged.

Chapter 8 : Home | Common Core State Standards Initiative

A royal commission is a major ad-hoc formal public inquiry into a defined issue in some calendrierdelascience.com have been held in the United Kingdom, Australia, Canada, New Zealand, and Saudi Arabia.

The Commission emphasized the urgent need to take immediate and long-term corrective measures. The events of October shook the earth. The riots in the Arab sector inside the State of Israel in early October were unprecedented. The events were extremely unusual from several perspectives. Thousands participated, at many locations, at the same time. The intensity of the violence and aggression expressed in the events was extremely powerful. Against security forces, and even against civilians, use was made of a variety of means of attack, including a small number of live fire incidents, Molotov cocktails, ball bearings in slingshots, various methods of stone throwing and the rolling of burning tires. Jews were attacked on the roads for being Jewish and their property was destroyed. In a number of incidences, they were just inches from death at the hands of an unrestrained mob. In a number of instances, attempts were made to enter Jewish towns in order to attack them. Major traffic arteries were blocked for long periods of time and traffic to various Jewish towns was seriously disrupted, sometimes even severed, for long periods of time. In a large number of instances, the aggression and violence was characterized by great determination and continued for long periods. The police acted to restore order and used a variety of means to disperse the crowd. As a result of the use of some of these means, which included firing rubber bullets and a few instances of live fire, Arab citizens were killed and many more injured. In the second wave of events, some places saw retaliatory Jewish riots against Arabs. During the events, 12 Arab and one Jewish citizen were killed. One resident of the Gaza Strip was also killed. Such riots could have developed - heaven forbid - into a serious conflict between sectors of the population, such as the interracial conflicts with their attendant results that we have seen in distant locales. The fact is that, in a number of locations in Israel, these developments did lead to retaliatory Jewish riots. The riots inside the state coincided with serious riots in Judea, Samaria and the Gaza Strip. Prominent personages from the Arab sector indicated this was not coincidental, and reflected interaction between Palestinians inside the Green Line and Palestinians on the other side of the demarcation. Even this combination of events is unprecedented. Against the background of these aspects, the events were considered an "intifada" that exceeded the definition of local uprisings. The events, their unusual character and serious results were the consequence of deep-seated factors that created an explosive situation in the Israeli Arab population. The state and generations of its government failed in a lack of comprehensive and deep handling of the serious problems created by the existence of a large Arab minority inside the Jewish state. Government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action in order to allocate state resources in an equal manner. The state did not do enough or try hard enough to create equality for its Arab citizens or to uproot discriminatory or unjust phenomenon. Meanwhile, not enough was done to enforce the law in the Arab sector, and the illegal and undesirable phenomena that took root there. As a result of this and other processes, serious distress prevailed in the Arab sector in various areas. Evidence of the distress included poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure. These all contributed to ongoing ferment that increased leading up to October and constituted a fundamental contribution to the outbreak of the events. Another cause was the ideological-political radicalization of the Arab sector. These processes were expressed in various expressions of identification with and even support of the Palestinian struggle against the state. This radicalization process was related to the increasing strength of Islamic politics in Israel in the period preceding the events. The behavior of the Arab sector leadership contributed to the depth of the events and their force. The leadership did not succeed in directing the demands of an Arab minority into solely legitimate democratic channels. This created the mold for the threat of serious violence and the use of violence to achieve various goals, as evident in house

destructions and land expropriation, and concerning negotiations regarding Jerusalem and the status of the Temple Mount. In various mosques, messages were transmitted delegitimizing the state and its security forces, and serious hostility and antagonism toward its symbols were expressed. Various circles raised demands to grant autonomy in some areas to the Arab minority, and to abolish the definition of the state as a Jewish state and make it "a state for all its citizens. Prior to and during , there was a recognizable increase in the frequency of conflicts with the police and their force. The violent conflicts were a regular norm. In the first stage, organizations representing the Arab sector declared strikes and demonstrations, protesting processes and policies of various authorities. At the second stage, assemblies and processions were held in certain locations. At the third stage, youth left the masses to throw stones at vehicles, burn tires and damage facilities they felt symbolized the government. At this stage violent clashes with the police developed, after police arrived to restore order. Despite the fact that the slide from orderly demonstrations to unrestrained riots consistently reoccurred, the Arab leadership took no precautions to prevent the deterioration into violence, and did not warn against violating the law at demonstrations and processions it had initiated. Various events that took place in the course of stridently signaled that the latent potential in these processes was getting out of control in practice. Although the police understood this and took certain steps to address this possibility, its commanders and the politicians failed in not making suitable preparations for the outbreak of widespread rioting that did take place, and in not addressing the tactical and strategic aspects involved in this possibility. The failure was evident in a lack of clear policy in handling the events during their first two, critical days. It was evident in a lack of sufficient operational or psychological training of police forces for any disturbances, and for events of the sort that occurred in particular. It was evident in a lack of appropriate police riot gear. It was evident in the police center of gravity relying on a very problematic means - rubber-coated cylinders that generally contain three separate bullets - whose various dangers were not sufficiently elucidated to those using them and those deciding to use them as a central and sometimes sole tool for handling riots. Not enough was done in order to assimilate as much as possible the need to avoid bodily injury to citizens, even rioting citizens. A series of deeds and omissions close to the events and during them combined to actualize the explosive potential that grew with time. One day later, there was serious unrest at the site, and during its dispersion by the police, some were killed and many injured. Against this backdrop, serious riots began in Judea and Samaria, in which residents were killed and many were injured. The Higher Arab Monitoring Committee chose, in this sensitive situation, to send the masses into the streets and call for processions and demonstrations. With this backdrop, and in light of what was already known on the continuing processes and serious events that occurred in , the police and those responsible for it, commanders and politicians, failed in not ordering appropriate preparation prior to Oct. Police forces were not prepared at the locations known in advance to be possible sources of unrest. As a result, the riots began with no response at all, and in other places, police forces were unable to handle the riots properly. By the time the police came to its senses, the events had built up momentum and begun to cause bodily injury, which added to the flames. Even at this stage, the Monitoring Committee and the government could have prevented further escalation by preventing a general strike on the one hand, and resolute action to restrain security force response in order to prevent further injury, on the other. Only after the bloody Oct. Even after this point, the serious events did not cease immediately, and five citizens were killed in riots that took place after October 2. Nonetheless, the exceptional nature of the events did moderate and order returned gradually. The committee sent cautions according to Clause 15 of the Investigative Commissions Law to 14 persons and officeholders. These personages and officeholders were given the opportunity to bring evidence and make arguments in order to rebut the content of these warnings. Some of the details in the caution sent to Mr. The commission found it was proven that Mr. This omission was evident in the fact that he did not respond to requests and recommendations to hold a discussion involving all branches of government on the matter, and such a discussion was not held in practice. It was proven that Mr. Barak did not give enough thought to the need for appropriate preparation by the police force prior to the riots as stated, thus not devoting sufficient energy and thought to a subject of strategic

importance to the State of Israel, and its citizens well-being. It was further proven that in the first two days of the events, Mr. Barak took insufficient action to prevent the use of deadly force by the police or to limit it. It was also proven that Mr. In contrast, it was not proven as charged that Mr. Barak gave instruction prior to October 2 to open traffic arteries, with the emphasis on the Wadi Ara road, using any means, in other words at any price. Regarding this matter, it was determined that Mr. Barak instructed the security forces to open Wadi Ara road that day, despite the fact that funerals with massive participation were expected in the region. He even instructed the security forces to be resolute in keeping the axis, and other axes, open to traffic. It was determined that this instruction was not unreasonable, under the circumstances, to the extent that justifies criticism of Mr. It was determined that the use of snipers on October 2 at the Umm al-Fahm junction exceeded the instruction, and that Mr. Barak did not foresee it. The additional charge against Mr. Barak - that he did not invest sufficient thought on October to events occurring in Israel, even after he knew of the severity of the October 1 events, of a casualty that day, and of the expected escalation the following day - was not proven. The commission decided not to make operative recommendations regarding Mr. As far as his function as prime minister, the commission gave its opinion that Mr. Barak has not filled the position since the February elections and that it is an elected position. The commission reached the conclusion that there is no reason to deal with or discuss the possible ramifications of its conclusions on Mr. Regarding other positions, although it did not take the findings lightly, the commission believed after considering the overall proven facts that there is no place for any operative recommendation regarding Mr. Ben-Ami and Salah 9. Professor Shlomo Ben Ami. The commission determined that it was proven that, while minister of public security, in the period before the October events, Mr. Ben Ami did not take sufficient action to ensure that the police be ready for widespread riots in the Arab sector, despite being aware of the processes increasing the risk of such events. The commission further determined that, as minister of public security, both prior to the October events and in the first days of the October events, Mr. Ben Ami did not show sufficient awareness of the inherent risks in the use of rubber-coated bullets for riot dispersion, and did not take the necessary steps to prevent the use of this ammunition or limit its use in this sort of event. This, despite the fact that he knew or should have known, the intense latent risk in the use of such ammunition. It was further determined that, as minister of public security, Mr.

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English judicial history is littered with cases, such as R v Halliday, ex parte Zadig, 78Liversidge v Anderson79 and Chandler v DPP, 80 which demonstrate that in matters regarding national security the courts did not intervene to protect the civil liberties of individuals from state action. 81 However, the tide appears to have turned.

Crossbench My Lords, I am very pleased to have the opportunity to open this debate. Before I address the substance of the report, I would like to thank all those who contributed to it. We obtained a substantial quantity of written and oral evidence, benefited greatly from our visits to Northern Ireland , Scotland, India, Australia and New Zealand , and from vast amounts of specific and general research on the nature and structure of national human rights institutions. We were greatly assisted by our special advisers and Clerks from both Houses. Our deliberations, which were often heated but always illuminating, lasted nearly two years. In March , the Joint Committee on Human Rights , which is ably and admirably chaired by Mrs Jean Corston in the other place and on which I serve, published the report on the case for a human rights commission. In the White Paper , Rights Brought Home , the Government suggested that any parliamentary committee on human rights that was established after the Human Rights Act was passed might examine whether a human rights commission was needed and how it should operate. The Government undertook to give full weight to the findings of such a committee. This report is our response. We concluded that the case for establishing an independent body to promote a culture of respect for human rights and protect human rights in England and Wales is compelling. The right to equality of treatment and enjoyment of other rights without discrimination is a fundamental human right. There is a considerable degree of congruence between the work required for the promotion of equality and that required for the promotion and protection of human rights. There are divergences, but, on balance, we concluded that our preferred option is an integrated human rights and equality commission. In December , the Joint Committee also took oral evidence from the noble and learned Lord the Lord Chancellor when we were able to explore with him some of the issues raised in our report. Before stating the specific questions which need consideration, I would like to spell out why the committee felt that the need for a human rights commission was compelling. After examining all the evidence before us, we concluded that the development of a culture of respect for human rights is in danger of stalling. Human rights have the potential to be agents of positive change. There is, however, a danger that this potential will be dissipated if human rights are perceived as solely of interest to lawyers. There is an urgent need for the momentum to be revived and the project driven forward. Since the Government are committed to developing a culture of respect for human rights, they have a duty of leadership. If they will the end, they must also will the means. Precious time has already been wasted. It is still some two years before we will actually have a single body to promote equality and human rights. It is important to keep up the momentum. We recognise that building a human rights culture is an ambitious vision. There are many barriers to achieving it. The greatest of these is ignorance, and some may well ask, "What is a culture of respect for human rights? The most vulnerable will be better protected from violations of human rights. Government and public authorities would protect and promote human rights standards and treat all people with dignity, fairness and respect. Those standards will be generally accepted as those by which we should all strive to treat each other and people will recognise and value their own rights and those of others. We took evidence from the wide range of bodies concerned with monitoring and regulating public authorities. It was clear that, by and large, public authorities and those who inspect, advise and audit them do not give a high priority to human rights. We found that public authorities such as local councils and hospitals do not by and large put respect for human rights at the heart of their policies and practices. They do enough to avoid litigation, but no more. However, that is not always the result of deliberate neglect; for the most part, it is the result of lack of awareness, lack of leadership and lack of help. There is no vision, no administrative framework and scant guidance reaching public authorities to tell them how a culture of respect for human rights might look and how it can be delivered. There is a need for the

active promotion of understanding that convention rights can cause positive duties in public authority. Too often, human rights are looked upon as something from which the state needs to defend itself, rather than to promote as its core ethical value. There is a failure to recognise the important part that the state can play in promoting social justice and inclusion in the drive to improve public services. Our inquiry persuaded us that the best way of encouraging a culture of human rights was by demonstrating that human rights, as the British Institute for Human Rights said, "have something for everyone", in areas such as treatment of the elderly, healthcare provisions, adequate housing, and so on. Against that background, our conclusion was that human rights need a home and an independent champion. That would give human rights focus and resources and a degree of institutional stability, which we have not had to date. The role of this champion would be to encourage respect for human rights among public authorities as a matter of best practice rather than risk avoidance; to promote an understanding that human rights principles provide a framework within which vulnerable and disadvantaged people can negotiate with public authorities for better conditions and treatment; to conduct inquires into systematic problems and encourage mediations in situations of conflict; to participate in public debate and be a beacon and rallying point for the defence of human rights values when commitment to them was weak or under attack, whether from within government or without; and to be a critical friend to government. To be an effective body, it is crucial that the commission has appropriate functions and relevant powers. We listed a number of powers that we believe that the commission should have, particularly in relation to human rights. It should have the power to promote an understanding and awareness of human rights, including not only convention rights but also rights embodied in international human rights instruments which bind the UK ; to conduct and commission research and provide financial and other assistance for educational activities; to conduct inquiries into matters of public policy and practice; to give guidance to and promote best practice in public authorities; to offer guidance and advice to Ministers and Parliament; to publish reports on any of the above matters; to assist in the provision of advice and assistance to members of the public on ways in which to find help to protect, assert or vindicate their rights; to support and promote access to alternatives to litigation in disputes; to apply to the courts for permission to appear as amicus curiae in proceedings; or to intervene as a third party in legal proceedings. Alongside those powers, we published a consultation document and sought views on three issues: Apart from functions and powers, accountability and independence of any new body is crucial, if it is to have the desired effect. We were strongly of the view that the commission should be accountable to Parliament rather than the Government and outlined a number of options on how the accountability would work. We have sought views on the details on how the commission would be held accountable. However, we do not consider that the standard model of accountability that applies to non-departmental public bodies is a sufficiently outward and visible guarantee for independence from government. To ensure complete independence for the body, we suggested that there should be some form of statutory requirement to consult Parliament on the appointment of the commissioners of the new body, and that they should be appointed according to Nolan rules. Now that the Government have agreed to establish a single equality and human rights commission, it is important that the new body should not be seen as a merger between the existing equality commissions with human rights attached to it and as a poor relation. It should be a new integrated body with a new approach and ethos. Its approach should be inclusive and designed to strengthen its ability to promote a culture that respects the dignity, work and human rights of everyone. When the Government announced the establishment of the Commission for Equality and Human Rights in October , they said that no conclusions on key issues, such as the governance of the body and its internal structures, had been reached and that a task force had been established to advise government on these and other relevant issues. They said the role of the new commission would be to promote a culture of respect for human rights, especially in the delivery of public services. Will the Minister clarify what this task force will be looking at and what are the limits on its discretion to make recommendations? In respect of human rights, what, if anything, has been ruled in or ruled out? It would also be helpful to know how our recommendations will be considered by the task force and, where our recommendations are rejected, whether we will be given reasons.

Will the new body have an enforcement roleâ€”that is, the adjudication powers that the current Equal Opportunities Commission , the Commission for Racial Equality and the Disability Rights Commission have to enforce gender, race and disability equality legislation by issuing non-discrimination notices to named persons and applying to the court for injunctions? Furthermore, is it envisaged that the power to conduct thematic inquiries into the handling of human rights issues will be along the lines we recommended in our reportâ€”that is, the power to initiate public inquiries and, with the appropriate safeguards, the power to call persons and papers? We suggested that the commission should apply to the court for orders to compel witnesses to give evidence and produce documents. We were concerned that a procedure requiring authorisation by a Secretary of State would not sufficiently meet Article 6 requirements. Does the Minister agree that it is essential that the commission is seen to be independent of government and should be able to exercise its public inquiry power on its own account? Finally, in paving the way legislatively for the establishment of the new commission, would not a unified framework of equality legislation make the whole process of integration much simpler? There is now a positive duty on public bodies to promote racial equality and good community relations. Positive duties for gender and disability have also been promised. If legislation is to be introduced for some equality strands, do the Government agree that there is a rationale for extending that positive duty not only to all six equality strands but also to equality as a whole? In relation to human rights, and particularly in view of the recent court decisions on the nature of positive obligations on public authorities to secure convention rights, are the Government concerned to ensure that legislation underpinning promotional work for human rights is at least equal to that provided for equality? To sum up, we all believe that the Human Rights Act is a force for good and that we have a duty to ensure that the aspirations of the Act are made a reality, not by encouraging a culture of negative compliance, but by positively promoting a culture of respect for human rights. Positive promotion requires a championâ€”a commission that has effective powers, adequate resources and is truly independent of government. I very much hope that we will get such a commission. I look forward to hearing the views of other speakers and to the response of the Lord Chancellor. I beg to move.