



The Odysseus Trust
Report on Activities
2013

The Odysseus Trust ('the Trust') is a non-profit company limited by guarantee, which seeks to promote good governance and the effective protection of human rights. This report covers the Trust's main activities from December 2012 to November 2013.

The Trust is directed by Lord Lester of Herne Hill QC. The Parliamentary Legal Officers were Sophia Harris from December 2012 to June 2013 and Joanna Dawson from December 2012 to July 2013 and since September 2013 Zoe McCallum and Emma Fenelon. Caroline Baker is Senior Researcher and Administrator.

Independent Press Council Bill

In the light of the Leveson Report on media abuses, on 11 December 2012, Lord Lester introduced an Independent Press Council Private Member's Bill to provide a framework for the appointment and functions of a Press Council. This framework would have ensured the Council acted independently and in the public interest to promote and protect freedom of expression, including freedom of the press, in communicating information and opinions to the public, to encourage and maintain professional standards and practices, and to provide redress for victims of professional misconduct. The Bill did not proceed further because it was eclipsed by other initiatives.

Parliamentary Privilege Bill

On 10 October 2013, Lord Lester introduced a Bill to reform the law of liability in defamation proceedings for reports of Parliamentary proceedings and to repeal Section 13 of the Defamation Act 1996. The Bill gives greater protection to media reporting of parliamentary activities and repeals existing provisions allowing parliamentarians to waive parliamentary privilege in libel proceedings. It is

unlikely to proceed further in this session but will be reintroduced in the next session.

Defamation Act 2013

Lord Lester and the team took an active part in the remaining stages of the Defamation Bill which was passed on 25 April 2013 and will be brought into force on 1 January 2014. The Act is the culmination of three years' work by the Trust and has been welcomed by free speech advocates across the UK and beyond.

Northern Ireland: Lord Lester also took part in a debate about the refusal by the Northern Irish Government to consent to the application of the Defamation Act 2013 in that part of the UK or to introduce matching legislation. This is an issue that will need to be addressed if the Northern Irish Government remains unwilling to take action.

Rape in Armed Conflict

In January Lord Lester initiated a short debate on abortions for girls and women who are raped in armed conflict. The Government committed itself to working to improve access to abortions for war rape victims and to working with international partners to remove the barriers to such access. We also met with the International Committee of the Red Cross to discuss the issue in March 2013 and have helped the government in standard-setting.

The debate in January galvanized UN Women to advocate for this position taken by the UK within the UN system, including in the Security Council. On October 18, 2013, the Security Council unanimously passed Resolution 2122, which was authored by the UK and calls for abortion access for war rape victims. Resolution 2122 makes clear that Member States and the UN must ensure that all options are

provided to girls and women raped in war, noting the need for “access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination”. The UK has yet to alter its domestic policy and Lord Lester continues to bring this up in parliamentary questions.

Crime and Courts Act 2013

Lord Lester persuaded Parliament to abolish the archaic Common Law offence of scandalising the judiciary that threatened freedom of speech.

Enterprise and Regulatory Reform Act 2013

We unsuccessfully opposed the Government's proposal to repeal the questionnaire procedure in equality cases and to abolish third party harassment. We supported an amendment to make caste discrimination unlawful and continue to press for this to be brought into force.

Bill of Rights Commission Report:

On 8 May Lord Lester initiated a debate on the Report of the Bill of Rights Commission of which he was a member.

Marriage (Same-Sex Couples) Act 2013

Lord Lester spoke in support of this Bill to make provision for the marriage of same sex couples in England and Wales. The Bill was passed on 17 July.

Anti-Social Behaviour, Crime and Policing Bill

Lord Lester spoke in the debates on the criminalisation of forced marriage. He has tabled several amendments to the Bill concerning stop and search powers at UK ports and borders. These amendments seek to re-calibrate the balance to be

struck between the need to combat terrorism and the right of the individual to go about his/her business without undue interference from the state. They are among the recommendations made by the JCHR and are due to be debated in the House of Lords in December.

Care Bill

In October Lord Lester spoke in a debate in support of Lord Low's amendment to the Care Bill to bring individuals who provide regulated social care within the remit of the Human Rights Act. The amendment was passed in the House of Lords and the Bill is awaiting its second reading in the House of Commons.

Oral evidence

Evidence to Constitution Committee on the Ram Doctrine

Lord Lester gave evidence to the House of Lords Constitution Committee on the Ram doctrine on 27 February 2013 as part of their inquiry into the pre-emption of Parliament. The doctrine was based on the Ram memorandum, which advised that Ministers of the Crown could exercise any power that the Crown could exercise, as long as they were not precluded from doing so by statute. The Committee later concluded in its report that the Ram Doctrine "does not reflect important restrictions on ministerial powers under the common law, and creates an impression that ministers possess greater legal authority than is the case".

Evidence to the Constitution Committee on Constitutional Codification

Lord Lester was invited to give evidence to the Committee on the implications on the judiciary should the UK move toward codifying its constitution on 28 November 2013.

Joint Committee on Draft Voting Eligibility (Prisoners) Bill

Lord Lester gave oral evidence in support of prisoners' voting rights to this Committee on 3 July.

Cohabitation:

Lord Lester took part in panel discussion on Radio 4's "Unreliable Evidence" on law and cohabitation, broadcast on 22 May 2013.

Lectures:

Lord Lester gave a public lecture on freedom of expression at an international media conference in Hong Kong in October 2013; and the Marek Nowicki lecture on race discrimination in Hungary in November 2013. The team supported him in preparing these lectures. Lord Lester's lectures in Hong Kong generated media coverage of the need to reform colonial-era libel laws still in place in Hong Kong.

Consultation Responses

Judicial Review Consultation

In January 2013 we submitted a response to the Government's consultation on the reform of judicial review. We opposed the Government's proposals to reduce judicial review as they were not based on an evidential analysis of judicial review, would constitute a denial of justice, would disproportionately affect poorer and more vulnerable members of society. We argued that the Government had not taken into account the crucial role of judicial review in holding the Executive to account and the tangible application of the rule of law. We worked closely with the Bingham Centre for the Rule of Law and the Law Society in drafting our response.

UNCAT UK Submission

In February 2013 the Trust gave written comments to the List of Issues stage of the United Nation's Committee Against Torture's fifth periodic review of the United Kingdom under the Convention Against Torture. We flagged up the UK's lack of engagement with the Committee, the potential misuse of Section 7 Intelligence Services Act, the lack of investigation of allegations against the UK of complicity in torture and extraordinary rendition and the Justice & Security Bill as issues that the Committee should examine further with the United Kingdom.

Joint Committee on Human Rights

The Trust supported Lord Lester's work on the JCHR.

Constitution Committee

Lord Lester joined the Constitution Committee in June 2013. The Trust supports his work on the Committee, which at present is conducting an Inquiry into the constitutional implications of coalition government.

Parliamentary Written Questions:

Lord Lester tabled various Questions for Written Answer on many issues, such as the cost and delay in completing the Chilcot Inquiry, access to safe abortion for rape victims, forced marriage, female genital mutilation, violence against women, legal aid, the Equality Act 2010, a Bill of Rights, caste discrimination, the Ministerial Code, judicial review, immigration, asylum seekers, and Syria.