Twitter Thread by Francis Hoar



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This is a quite disgraceful and shameful update from the @barcouncil. Not *one word* on the government's decision - pushed through Parliament days after it was announced - to strip - without reservation - cardinal democratic and fundamental

Not so much as a whisper about the fact that the government has, by secondary legislation imposed under an Act that was before never envisaged to give such widespread powers:

- Removed wholesale the right to protest - something that even this government has said, in representations to *Zimbabwe* should not be done in response to this very virus;

- Banned all communal worship, despite its chief advisers admitting in evidence that there was no empirical evidence about the risk of infection;

- Continued to restrict the rights to family life, including by preventing the right to access to the 'home' for those considered to live in a different household, one give specific protection by the ECHR: Buckley v United Kingdom (1996) 23 EHRR 101 at [63];

- Accelerated the devastating attack on private property caused by preventing the principle means of trade of the entire retail and entertainment centre, an act that is likely to lead to thousands of business failures and job losses;

See: https://t.co/UExsRACiXZ ‘Coronavirus drives shop closures to new record’ (BBC, 20 October 2020)

https://t.co/oTT7ktuDBT ‘List of shops that have collapsed into administration in 2020 as UK lockdown hits high street’ (Business Live, 30 October 2020)...

And:
https://t.co/pogcODb4Ah ‘Record number of shops close with worse yet to come, warn analysts’(Guardian, 18 October 2020).

There is no attempt to challenge the paper thin evidential basis for this interference with fundamental rights; nor even the suggestion that, whatever evidence there may be, the Regulations are disproportionate.

This is the Bar Council, the body for a profession that plays a key role in ensuring the lawfulness of actions by public bodies and the government in particular; and which has - rightly - a policy objective of promoting respect for human rights. -

This is not simply a matter of politics. The Bar Council is quite happy to enter into the political arena in respect of government behaviour that threatens the rule of law: and it does so again in respect to the Trade Bill.

It quotes Lord Judge as saying that the provision in the Bill is 'pernicious'. Yet how much more important is the wholesale assault on rights and freedoms made by the latest lockdown regulations? How much more pernicious?

Moreover, the Bar Council fails - as it has consistently - to challenge the evidential basis behind the closures of vast numbers of courts and the exceptional reduction in court sittings through extraordinarily rigorous 'social distancing' policies.

It blindly accepts the rationale - one never used in previous pandemics and with little if any empirical evidence in support of its efficacy - without challenge. Funny for a profession whose job is to scrutinise evidence and expose its absence or misuse.

It does likewise for masks. An unquestioning acceptance of the government's assertion that masks in the community are an effective means of reducing materially the spread of infection. This is contradicted not only by numerous meta-analyses, but by SAGE's admission that:

"There is a lack of good evidence relating to the wearing of face coverings, with very little data relating to duration of wearing. In particular we suggest that the following aspects would benefit from further research:

"• Effectiveness of face coverings as a source control after longer duration wearing, including analysis of the influence of moisture on the performance of different types of face coverings.

"• Analysis of the potential risk of transmission due to contaminated face coverings (during and after removal).
"• Assessment of the prevalence of skin complaints associated with face coverings,including an understanding of the factors that contribute and potential mitigation.

"• Analysis of user acceptability of face coverings for long duration use in different settings."
https://t.co/GcNuR7nn4O

In summary, my professional body is happy to become a stooge for the government as it stands mute in the face of the most repressive attacks on democratic and fundamental rights, imposed with minimal debate and on the basis of misleadingly presented and withheld evidence.