



PUBLIC STATEMENT

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UK Security Measures: Hallmarks of rushed and panicky decisions with dramatic implications on fundamental freedoms

Last Friday, Tony Blair outlined a wide-ranging set of proposals to address terrorist threats in the UK, many of which affect the fundamental right to freedom of expression. Among these are several which relate to justifying or condoning terrorism or violence, a species of hate speech law.

Under international law, freedom of expression is a fundamental human right which may legitimately be subjected to restriction, provided these restrictions meet a strict three-part test. First, the interference must be provided for by law. Second, the interference must pursue one of the legitimate aims listed in international law, including public order and national security, as well as the prohibition of hate speech. Third, the restriction must be necessary and proportionate to secure the legitimate aim.

International law therefore permits restrictions on freedom of expression to combat hatred, and most countries, including the UK, have such laws on the books. It is well to keep in mind, however, that *combating hate speech* is never a legitimate and effective alternative to *combating the hatred which underlies it*. More broadly drafted hate speech laws in France and Spain, which are also far more actively applied, have proven to be of little use in the fight against terrorism and there is no reason to think it will be different to here in the UK.

ARTICLE 19 recognises the imperative of taking effective steps to address national security concerns and the need to consider new measures in light of the terrible recent attacks in London. However, full enjoyment of the right to freedom of expression is at the very heart of the tolerance of the British people, which Blair applauded in his speech, no doubt with the full endorsement of the rest of the nation. Unduly restricting cherished rights is precisely the wrong response to terrorism. It is to abdicate rather than defend our values in the face of an attack.

History is replete with examples of government efforts to suppress speech on the grounds that this was necessary for survival. In retrospect, these efforts almost always appear panicky, disingenuous or dangerous. Let us not fall into that trap again.

The proposed measures allow for restrictions on speech on vague grounds which are vastly overbroad (“condoning or justifying terrorism”, “justifying or validating” violence). Some of the proposed restrictions are so vague that ARTICLE 19 is concerned they will not meet the threshold of “prescribed by law”. Furthermore, they hinge on a mere showing of an indirect link between the speech in question and the risk of harm, a key historic problem with national security laws and one which is particularly open to abuse.

As such, they breach international standards on freedom of expression, for example as identified in the *Johannesburg Principles: National Security, Freedom of Expression and Access to Information*, adopted by a group of experts in 1995, and since then widely endorsed and relied upon by judges, lawyers, civil society actors, academics, journalists and others.

Recent history should give the British government strong grounds for being very tentative in restricting freedom of expression and information in the name of national security. The claim that Iraq had weapons of mass destructions was the main legal, political, and ideological justification behind the war. This claim was supported by little evidence and transparent discussion, and it further proved to be entirely wrong.

ARTICLE 19 urges the British government to reconsider the proposed measures in light of their international obligations, as well as the question of whether they will actually yield positive results in combating “terrorism”.

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