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ARTICLE 19

For immediate release – 15 August 2008

United Kingdom: Excessive Constraints on Freedom of Expression UN Human Rights Committee Concludes

The United Nations Human Rights Committee recently published its concluding observations on the United Kingdom's sixth periodic report. The report highlights several freedom of expression issues in the United Kingdom, which reflect the concerns raised by ARTICLE 19 in its Submission to Human Rights Committee in preparation of the report. ARTICLE 19 strongly endorses the observations of the Human Rights Committee with regard to freedom of expression and supports the Committee's recommendations.

The Committee welcomed the government's abolition earlier this year of the common-law offence of blasphemy and blasphemous libel in England and Wales, through adoption of the Criminal Justice and Immigration Act 2008. ARTICLE 19 had advocated such an amendment in its submissions to the Committee. Abolition of the offence was considered a priority given its disuse and the fact that it was a strict liability offence, which only protected the Anglican faith. Introduction of the 2008 Act has brought the United Kingdom in line with the view of the Council of Europe Parliamentary Assembly that blasphemy is not a justifiable restriction on freedom of expression.

The Committee, reflecting the position of ARTICLE 19, reiterated its concern that powers under the Official Secrets Act 1989 have been exercised to prohibit former employees of the Crown from expressing in the public domain issues of public interest, and prevent the media from publishing such matters. Further it noted that disclosure of information is penalised even where there is no potential harm to national security. ARTICLE 19 supports the Committee's recommendation that the government should ensure that its powers to protect information related to national security are narrowly implemented and limited to instances of where there is a genuine risk of harm to national security.

The Committee noted its concern that the practical application of the law of libel, including 'libel tourism', has operated to discourage critical media reporting on issues of public interest, harming the ability of scholars and journalists to publish their work. It commented that the advent of the internet and the international distribution of foreign media, may result in unduly restrictive libel laws impacting upon freedom of expression worldwide on matters of public interest. The Committee recommended that the government re-examine its technical doctrines of libel law, and consider utilising a 'public-figure' exception. Furthermore the Committee recommended

limiting the requirement that defendants reimburse plaintiff's lawyers fees regardless of scale, including Conditional Fee Arrangements and 'success fees'. The utilisation of enhanced pleading requirements to resolve cases was also proposed.

The Committee stated its concern regarding the offence of "encouragement of terrorism" contained in section 1 of the Terrorism Act 2006. The Committee noted the 'broad and vague' terms of the provision and the lack of a requirement of intent for the offence to be committed. ARTICLE 19 has presented several submissions to international human rights bodies concerning the glorification clause and welcomes the Committee's recommendation that the provision be amended so that it does not disproportionately infringe upon the right to freedom of expression.

The Committee has requested that the United Kingdom provide in its next report, due to be submitted by 31 July 2012, information concerning the recommendations contained in the concluding observations and on the ICCPR as a whole.

NOTES TO EDITORS:

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- Country Reports for the 93rd Session of the Human Rights Committee (7- 25 July 2008), Geneva: <http://www2.ohchr.org/english/bodies/hrc/hrcs93.htm>
- ARTICLE 19 submissions to the 91st session of the United Nations Human Rights Committee of October 2007 available at: http://www2.ohchr.org/english/bodies/hrc/docs/ngos/Article19_UK93.doc
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.