Freedom of expression and Freedom of the press in the UK

FREEDOM OF SPEECH

Freedom of speech is a principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of government retaliation, censorship, or sanction. The term "freedom of expression" is sometimes used synonymously but includes any act of seeking, receiving, and imparting information or ideas, regardless of the medium used.

FREEDOM OF EXPRESSION

Freedom of expression is recognized as a human right under article 19 of the Universal Declaration of Human Rights (UDHR) and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR).

Article 19 of the United Nations' 1948 Universal Declaration of Human Rights states that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". The version of Article 19 in the ICCPR later amends this by stating that the exercise of these rights carries "special duties and responsibilities" and may "therefore be subject to certain restrictions" when necessary "[f]or respect of the rights or reputation of others" or "[f]or the protection of national security or of public order (order public), or of public health or morals".

Freedom of speech and expression, therefore, may not be recognized as being absolute, and common limitations to freedom of speech relate to libel, slander, obscenity, pornography, classified information, copyright violation, trade secrets, food labelling, non-disclosure agreements, the right to privacy, the right to be forgotten, public security, and perjury. Justifications for such include the harm principle, proposed by John Stuart Mill in On Liberty, which suggests that: "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." The idea of the "offense principle" is also used in the justification of speech limitations, describing the restriction on forms of expression deemed offensive to society, considering factors such as extent, duration, motives of the speaker, and ease with which it could be avoided.

The Bill of Rights 1689 grants the parliamentary privilege for freedom of speech and debates or proceedings in Parliament and is still in effect. United Kingdom citizens have a negative right to freedom of expression under the common law. In 1998, the United Kingdom incorporated the European Convention, and the guarantee of freedom of expression it contains in Article 10, into its domestic law under the Human Rights Act. However, there is a broad sweep of exceptions including threatening, abusive or insulting words or behaviour intending or likely to cause harassment, alarm or distress or cause a breach of the peace (which has been used to prohibit racist speech targeted at individuals or social groups), incitement to racial hatred, incitement to religious hatred, incitement to terrorism, treason, obscenity, indecency including corruption of public
Freedom of expression and Freedom of the press in the UK

morals and outraging public decency, defamation, harassment, privileged communications, trade secrets, classified material, copyright, patents, military conduct, and limitations on commercial speech such as advertising.

FREEDOM OF THE PRESS

Freedom of the press or freedom of the media is the principle that communication and expression through various media, including printed and electronic media, especially published materials, should be considered a right to be exercised freely. Such freedom implies the absence of interference from an overreaching state; its preservation may be sought through constitutional or other legal protections.

With respect to governmental information, any government may distinguish which materials are public or protected from disclosure to the public. State materials are protected due to either of two reasons: the classification of information as sensitive, classified or secret, or the relevance of the information to protecting the national interest. Many governments are also subject to "sunshine laws" or freedom of information legislation that are used to define the ambit of national interest and enable citizens to request access to government-held information.

The United Nations' 1948 Universal Declaration of Human Rights states that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

This philosophy is usually accompanied by legislation ensuring various degrees of freedom of scientific research (known as scientific freedom), publishing, and press. The depth to which these laws are entrenched in a country's legal system can go as far down as its constitution. The concept of freedom of speech is often covered by the same laws as freedom of the press, thereby giving equal treatment to spoken and published expression. Sweden was the first country in the world to adopt freedom of the press into its constitution with the Freedom of the Press Act of 1766.

GLOSSARY:

IDEOLOGY: A system of ideas and ideals (values and beliefs), which forms the basis of an economic or political theory and policy, and which are therefore characteristic of a social group or individual.

BIAS: Inclination or prejudice for or against one person or group, especially in a way considered to be unfair.

CREDIBLE OR RELIABLE SOURCE: A disclosed source of information that abides to the editor’s code of practice and can be made accountable for the information provided.