|  |
| --- |
| **The Human Rights Act’s**  **1998**  **UK**  **Article 10:**  Freedom of expression  Demeanour  Article 10 protects your right to hold your own opinions and to express them freely without government interference.  This includes the right to express your views aloud (for example through public protest and demonstrations) or through:  published articles, books or leaflets  television or radio broadcasting  works of art, and  the internet and social media.  The law also protects your freedom to receive information from other people by, for example, being part of an audience or reading a magazine.  **Are there any restrictions to this right?**  Although you have freedom of expression, you also have a duty to behave responsibly and to respect other people’s rights.  Public authorities may restrict this right if they can show that their action is lawful, necessary and proportionate in order to:   * protect national security, territorial integrity (the borders of the state) or public safety * prevent disorder or crime * protect health or morals * protect the rights and reputations of other people * prevent the disclosure of information received in confidence, and * maintain the authority and impartiality of judges.   An authority may be allowed to restrict your freedom of expression if, for example, you express views that encourage racial or religious hatred.  However, the relevant public authority must show that the restriction is ‘proportionate’, in other words that it is appropriate and no more than necessary to address the issue concerned.  **Using this right – example**  This right is particularly important for journalists and other people working in the media. They must be free to criticise the government and our public institutions without fear of prosecution – this is a vital feature of a democratic society. But that doesn't prevent the state from imposing restrictions on the media in order to protect other human rights, such as a person's right to respect for their private life.  **What the law says.**  Article 10: Freedom of expression.   1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.   **Example case** - Observer and The Guardian v United Kingdom [1991]  The Guardian and The Observer newspapers published excerpts from Peter Wright’s book Spy-catcher, a memoir that included allegations that MI5 had acted unlawfully.  The Government succeeded in obtaining a court order preventing the newspapers from printing further material until proceedings relating to a breach of confidence had finished. But when the book was published in other countries and then in the UK, The Guardian complained that the continuation of the court order infringed the right to freedom of expression in Article 10.  The European Court of Human Rights held that, although the court order was lawful as it was in the interests of national security, there was insufficient reason for continuing the newspaper publication ban once the book had been published. The court order should have ended once the information was no longer confidential.  (Case summary taken from ‘Human rights, human lives: a guide to the Human Rights Act for public authorities. Download the publication for more examples and legal case studies that show how human rights work in practice.)  The Commission has also published a guide that explains the legal framework which protects freedom of expression and where that freedom may be restricted in order to prevent violence, abuse or discrimination. |