

Rights Removal Bill*: Key Concerns



Freedom of Expression

*We think this is a more suitable name for the Government's new "bill of rights" Bill.

We all want to be able to live well, knowing that the authorities will make decisions that support our rights; our Human Rights Act helps make this happen. Freedom of expression is protected under Article 10 in our Human Rights Act and given particular weight under Section 12.

Clause 4 of the Rights Removal Bill says courts do not have to give great weight to protecting "freedom of speech" in relation to criminal proceedings, confidentiality agreements or professional relationships, or immigration cases. The Bill's explanatory notes also specify that Clause 4 does not extend to freedom to receive information.

THE PUBLIC & INDEPENDENT REVIEW SAID...

In the public consultation, 74% said there should be no change to current freedom of speech protections.

The Independent Review was not asked to investigate the use of proportionality, further calling the evidence base for change into question.



Find out more about Article 10, the right to freedom of expression.

In its Impact Assessment, the Government acknowledges that the "provision on freedom of speech will not place a new responsibility on public authorities, given their existing responsibility to ensure that any restrictions placed on Article 10 are appropriate and proportionate." This demonstrates that the Rights Removal Bill will not introduce any new or increased rights for the public.

THE GOVERNMENT SAYS ...

— “

We are attaching greater weight to freedom of speech, defined as the exchange of ideas, opinions, information and facts, as a matter of utmost public interest, and widen the responsibility for attaching this greater weight to all public authorities.

” —

BIHR SAYS ...

Our Human Rights Act already protects our right to freedom of expression and tells courts to ensuring it's consideration in relevant cases (without the caveats introduced by the Rights Removal Bill).

"the right to offend gives others the right to respond. That may involve boycotting their meetings, withdrawing support from their organisation or challenging them at public meetings... Suggesting that wokery, political correctness or cancel culture are good reasons to be concerned only suggests that you don't understand what freedom of expression means."

Professor of Journalism, Chris Frost



The British Institute of Human Rights

bihr.org.uk



[Click here to visit our Rights Removal Bill Hub for more information.](#)



The strength of our existing protections was demonstrated when Chris Mullins wrote about the wrongful conviction of six innocent men known as the “Birmingham Six”.

His book was a crucial part of having their convictions overturned and contained anonymous interviews. The police tried to make Mullins reveal his sources, but he said the interviewees only spoke to him because they were promised confidentiality. If Mullins hadn't promised this, he said “no one would have talked to me” and innocent men “might still be in jail”. The Court recognised that Mullins' journalism and his Article 10 right to protect his sources was “of the highest public interest value, exposing serious failings on the part of the criminal justice system” and so did not order him to reveal his sources.

The Rights Removal Bill provides that a court must give “great weight” to freedom of speech except when the Government's thinks it shouldn't. This includes when dealing with criminal proceedings, breach of confidence and questions relating to immigration and citizenship.

This would mean that if someone was facing criminal proceedings for protest (all the more likely since the passing of the Police, Crime, Sentencing and Courts Act) they wouldn't be able to rely on the ‘great weight’ of freedom of speech. But isn't this when a person would need this most? So, freedom of speech according to the Government is the most important right, except when it's not.

Our Human Rights Act is grounded in universality, this is the very nature of human rights protections. There can be limits of our freedom of expression under our current Human Rights Act, for example where there is a need to keep others safe from harm. But this limit is rightly applied by public bodies and courts on a case-by-case basis and freedom of speech is balanced against our other rights, like our right to private and family life.



Read about [Norwood v UK](#), which limited the freedom of Mark Norwood to put up an Islamophobic poster in the window of his flat that was ruled to be “a public expression of attack on all Muslims in the United Kingdom”.

Clause 4 is being sold by the Government as strengthening freedom of speech, when it strengthens it for no one. Clause 4 gives some of us, in some situations, the same protections we already have under our Human Rights Act whilst removing them from others and from specific situations.

To continue to protect our right to freedom of expression, we must protect our Human Rights Act and reject the Rights Removal Bill that would repeal it.