



Written by [Alex Newman](#) on December 26, 2012

In U.K., Freedom of Speech and Press Hang in the Balance

British subjects have never had the broad protections for freedom of speech or the press that American citizens take for granted as guaranteed by the First Amendment to the U.S. Constitution, but historically, the United Kingdom has been a beacon for free expression when compared to the rest of the world. Today, however, the right to freely express oneself in the U.K. is increasingly under threat, as exemplified by hundreds of bizarre prosecutions in recent years. The debate is heating up, though, as lawmakers consider reforms that would expand or quash liberty.



In recent years, authorities have been fiendishly prosecuting individuals merely for what they say on social media services such as Twitter and Facebook. Using controversial laws purporting to criminalize “insulting” or “offensive” comments, for instance, prosecutors have brought well over 1,000 cases each year since 2009. The numbers are steadily rising, too, according to data obtained by the [Associated Press](#) through freedom of information requests showing that 1,286 people were convicted last year merely for what they said in electronic communications.

Consider the case of 20-year-old Azhar Ahmed. After reports that some British troops had been killed in Afghanistan, he made a post on Facebook saying that soldiers should “should die and go to hell.” He reportedly deleted the offensive comments almost immediately, saying he had written them in anger. Still, he was arrested, convicted, and sentenced to 240 hours of so-called “community service.” Ahmed got off easy though — more than a few victims of the U.K. speech police have actually been jailed for their supposed “crimes.”

In another incident that attracted [international attention](#), a 19-year-old man was arrested and held for a day after posting a picture of a burning paper poppy on [Remembrance Day](#), a day to commemorate those who lost their lives defending freedom that is often associated with the poppy. He was finally released on bail and may still face charges. “What was the point of winning either World War if, in 2012, someone can be casually arrested by Kent Police for burning a poppy?” [wondered](#) lawyer David Allen Green, who has worked on other free speech cases.

Just last week, an atheist who ripped up a Koran in front of some Muslims was defending himself in court against charges of “causing religiously aggravated intentional harassment, alarm or distress, by demonstrating hostility based on membership of a particular religious group,” according to [news reports](#) about the case. After long deliberations, the trial [ended in a hung jury](#), but the Crown Prosecution Service might still decide to go for a re-trial.

Christians in particular have found themselves in the crosshairs of the speech police. Several street preachers, for instance, have been [arrested just for criticizing homosexuality](#). In a 2010 case, Dale Mcalpine was arrested after he told a homosexual police officer that homosexuality was a sin. And as *The New American* reported recently, 81-year-old pro-life activist Edward Atkinson [has been persecuted](#)



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[relentlessly](#) for his activism on behalf of unborn children.

While free speech is supposed to be protected in the U.K., there are countless “[exceptions](#)” that could land somebody in jail merely for what they say. On the list of verboten expression: speech that is abusive, insulting, distressing, indecent, likely to cause a breach of the peace, racist, incites religious hatred, seditious, obscene, defamatory, scandalous to a court by criticizing judges, and more. Also prohibited is possession of information that could be used by a terrorist or even imagining the death of the monarch. Libel laws in the U.K., meanwhile, are among the most restrictive in the world, which critics say seriously stifles freedom of speech and of the press.

Incredibly, despite widespread domestic and international criticism of the growing free speech restrictions, politicians have sparked a firestorm of controversy recently with threats to further regulate the press by creating an “independent” media regulator. Led by Lord Justice Leveson, who chaired an “inquiry” on the media and just released a 2,000-page report, the political class is seeking to clamp down further on journalism and even on individuals using social media services such as Twitter.

While the campaign has been met by [resistance among the press](#) and British subjects — even Prime Minister David Cameron said he had “serious concerns and misgivings” about the plot, despite support for it from some members of his party — free speech groups are sounding the alarm. Last month even the “Index on Censorship,” which receives funding from the European Union, the United Nations, the state-funded BBC, and billionaire George Soros, said the trends on free speech in the U.K. were “worrying” and that this would be a critical moment for freedom of expression in the kingdom.

“Even ‘light’ regulation opens up the possibility of the government curtailing the media’s ability to stand up to power and hold government and politicians to account — a vital component of our democracy,” the group said about the scheme in its “UK Free Expression Scorecard,” released late last month. “This politicization of press control would be a major breach of the principles of freedom of expression and a free press. There are fundamental reasons why politicians and media should be distinct from and independent of each other.”

For free speech advocates in the U.K., however, there has been some good news as well. Among the most important developments is an increasingly popular campaign to stop the criminalization of “insulting words” by removing that clause from the “Public Order Act.” The effort has united homosexual activists, atheists, Christian groups, comedians, and others who say the language has a chilling effect on freedom of speech.

“Increasingly the police and other law-enforcement agencies are misinterpreting the legislation to such an extent that it is impinging on the right to free speech,” [explained](#) Lord Geoffrey Dear, the House of Lords member who drafted the amendment, in an opinion column for the U.K. *Daily Telegraph*. He described the term “insulting” as subjective and vague — and apparently many lawmakers and much of the public agree.

After originally opposing the move, Director of Public Prosecutions Keir Starmer with the Crown Prosecution Service announced earlier this month that he thought it would be OK to remove “insulting” from the statute. However, in a letter he wrote to Lord Dear, he [essentially admitted](#) that individuals could still be prosecuted for “insulting” remarks if they were simply characterized as “abusive” instead.

Still, the House of Lords voted overwhelmingly in favor of the plan to drop the criminalization of “insulting” language, with 150 in favor against 54 opposed. The lower house of parliament, the House of Commons, must still approve the changes, but free speech campaigners expect to succeed — especially



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after such a broad public alliance came out in favor of the changes while the press highlighted some of the [most outrageous arrests](#) and prosecutions justified under the controversial statute.

Meanwhile, lawmakers in the U.K. are also debating changes to the famously stringent libel laws. Among the stated aims of the proposed reforms is to re-balance statutes on defamation in favor of freedom of speech. However, even Parliament's human rights joint-select committee has [blasted](#) at least one of the changes currently being debated that could force website operators to take down material based on somebody's order, regardless of whether there is a valid legal defense. The committee recommended setting a higher threshold before news providers would have to either take down content or fight it out in court.

Of course, the U.K. is still a bastion of liberty when compared to nations ruled by unabashed tyrants such as the communist regime in Beijing, Islamist dictatorships, or the Castro autocracy in Cuba, for example. Much of Europe also has governments that impose strict restrictions on free speech, ranging from the criminalization of "Holocaust denial" in Germany and other nations to criminal sanctions imposed on people who criticize homosexuality or religions. So-called "hate speech" laws have also proliferated, and in 2003, the Swedish Justice Department actually [investigated the Bible](#).

With the debate heating up in the U.K., free speech advocates worldwide hope the British people will lead the way toward greater liberty by standing up for freedom of expression. However, with the political class aiming to impose even more infringements on individuals and the press, the outcome of the battle remains far from certain — and even if liberty wins these fights, there is still a long way to go before the U.K. or most of Europe can truly claim to support freedom of speech.

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