

FREEDOM OF THE PRESS

United Kingdom

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With a history of aggressive reporting and an editorially independent public broadcaster, the United Kingdom maintained its open media environment in 2011. The laws provide for freedom of the press, and the government generally respects this right in practice. Antiquated legal provisions that criminalized blasphemy and blasphemous libel were abolished in 2008. However, several laws that weaken press freedom remain in place. Under legislation from the 1980s, journalists deemed to have information vital to a police investigation can be forced to give evidence at trial. In the aftermath of July 2005 terrorist bombings on London's mass transit system, the government passed the 2006 Prevention of Terrorism Act. Certain provisions of the law criminalize speech that is considered to encourage terrorism, even in the absence of a direct, proven link to a specific terrorist act. Another 2006 law, the Racial and Religious Hatred Act, criminalized incitement of religious hatred or violence. In the first conviction under this legislation, blogger Bilal Zaheer Ahmad was sentenced in July 2011 to 12 years in prison for encouraging Muslims to murder members of Parliament who had supported the war in Iraq. His website was also shut down.

The right to information is not constitutionally guaranteed, and while a 2000 Freedom of Information Act came into force in 2005, it contains a number of broad exceptions. "Absolute" exemptions act as unconditional barriers to the disclosure of information. With "qualified" exemptions, a determination is made as to whether the public interest is better served by withholding or disclosing the information; also, a ruling is made on whether to reveal what information has been withheld. Although the law includes 24 such exemptions, the functioning of the Information Commissioner's Office—established in 2000 to address freedom of information complaints—has been praised by civil society groups.

English libel laws heavily favor the plaintiff, placing the burden of proof on the defendant. As a result, the country has become an increasingly popular destination for "libel tourism," in which foreign plaintiffs bring libel actions against foreign defendants in English courts. A campaign led by the free speech organizations Sense About Science, English PEN, and Index on Censorship launched a libel reform petition in Parliament in December 2009, attracting greater attention to the issue and resulting in a promise in 2010 by the new coalition government to reform the libel laws. In March 2011, a draft bill on the matter was unveiled. It featured several significant reforms, including the elimination of trial by jury in libel cases and a new requirement that plaintiffs prove substantial harm. The legislation was still under discussion at year's end.

The courts on rare occasions impose so-called superinjunctions, which forbid the media from reporting certain information and even from reporting on the injunction itself. However, such legal mechanisms have been complicated by the internet. In 2011, one of the country's top soccer players obtained a superinjunction to keep journalists from reporting on an affair he had with a television star. Controversy over the issue erupted in Parliament in May, after the news on the soccer player—Ryan Giggs—was spread via the U.S.-based

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microblogging service Twitter. Member of Parliament John Hemming argued that it was unrealistic to allow Giggs to sue the 75,000 people gossiping about his personal life on a social-media website. However, the High Court upheld the validity of the superinjunction. The media have criticized the increasing use of such “gag orders,” claiming that they allow the rich and powerful to be legally exempt from journalistic investigation.

In early January 2011, the police in Avon and Somerset denied ITV News access to press conferences on the murder of a young woman, Joanna Yates, which had occurred in the jurisdiction the previous month. ITV News had previously criticized the police’s handling of the case. The police filed a complaint against ITV with the broadcast regulator, Ofcom, citing unfair coverage. After it produced reports that were considered more balanced, the broadcaster was allowed to cover the press conferences.

Physical attacks on the media are rare. However, photojournalist Niall Carson was shot in the leg when fighting broke out in Belfast between a Protestant paramilitary group, Catholics, and the police in June 2011. The riots spread across Northern Ireland for several nights. It was not clear whether Carson had been targeted as a journalist, or was fired upon because he was standing near police. The Committee to Protect Journalists alleged that during separate youth riots in London in August, journalists were directly targeted by rioters. Reporters working for the British Broadcasting Corporation (BBC) and Sky News reported that assailants shattered their windows, while a correspondent for U.S.-based CNN had bottles thrown at him. Photojournalists reported having their equipment destroyed and being physically attacked. Some of the violence against journalists was attributed to the fact that the media can be required under the 1984 Police and Criminal Evidence Act to turn over evidence to the police. Prime Minister David Cameron called on the media to submit raw footage of the rioting to Scotland Yard. Despite initially resisting the request, the BBC and others handed over unedited material after being served with court orders in September. Following further riots in Belfast in July, a judge called on journalists to turn over any unpublished footage of the violence. Media organizations criticized the requests, arguing that it put journalists at greater risk for retaliation. In December, a judge ruled in favor of the Police Service of Northern Ireland, which legally requested that the BBC, ITN, and the Northern Irish station UTV hand over unreleased footage of riots in Derry in August. As of the end of 2011, no one had been brought to justice for the 2001 murder of journalist Martin O’Hagan, who is believed to have been killed for his investigations into cooperation among Northern Ireland police, military intelligence officials, illegal armed groups, and drug gangs.

In July 2011, lawyers for the family of Milly Dowler, a 13-year-old girl who had been kidnapped and murdered in 2002, alleged that journalists at the *News of the World*—a British newspaper owned by media mogul Rupert Murdoch’s U.S.-based News Corporation—had paid a private investigator to hack into Dowler’s voicemail and delete messages, giving her family false hope that she was still alive. This led to a widespread scandal, as it was revealed that the telephones of thousands of people had been hacked by the paper, including members of the royal family, celebrities, and politicians. The *Guardian* newspaper had already broken the story about widespread phone hacking at the *News of the World* in July 2009, but Britain’s independent self-regulator for the press, the Press Complaints Commission, failed to follow up on the *Guardian* story. In fact, after a very cursory inquiry with editors and managers at the *News of the World*, it criticized the *Guardian* for publishing the story. The Dowler case also exposed corrupt links between reporters and the police, who had not adequately investigated hacking reports, failed to alert possible victims of hacking, and allegedly received money from *News of the World* journalists. The paper, which had been operating for 168 years, closed after publishing a final issue on July 10. Several days later, Murdoch withdrew his takeover bid for the British satellite broadcaster BSkyB.

Cameron came under significant criticism for having hired Andy Coulson—a former editor of the *News of the World*—as his communications director in May 2010. Coulson had denied any knowledge of phone hacking when more limited accusations related to the royal family first emerged in 2005, but resigned in 2007 after the paper’s royal affairs editor was jailed for illegally accessing

voicemail messages. Coulson was arrested in early July 2011.

In response to the phone-hacking scandal, the prime minister launched an inquiry, led by Lord Justice Leveson, into the ethical lapses at the *News of the World* and the general regulatory framework of the British media. In November, the Leveson inquiry revealed accusations that other newspapers had engaged in phone hacking, and that the number of hacking requests by *News of the World* staff was larger than previously thought. Other papers are also suspected of paying police for confidential information.

The United Kingdom has a strong tradition of public broadcasting, and the BBC, though publicly funded, is editorially independent. Ownership of private media outlets is concentrated in the hands of a few large companies, including News Corporation, and many of the national newspapers remain aligned with political parties. Few commercial news radio stations exist, and the handful in operation are reportedly struggling financially. There are several independent television news channels, including ITV and BSkyB.

About 82 percent of the population accessed the internet in 2011. Authorities may monitor e-mail and other internet communications without judicial permission in the name of national security and “well-being.” However, surveillance must be approved by the home secretary, and there are departments in place to handle public complaints of abuse. In keeping with European Union policy, a 2009 law requires internet service providers to retain usage records for one year.

Several press freedom issues emerged before the wedding of Prince William and Catherine Middleton in April 2011. Equipment to block the use of Twitter was installed in Westminster Abbey for the ceremony, while an Australian Broadcasting Corporation program providing satirical commentary on the wedding was effectively forced off the air by the BBC and Associated Press Television News. After the London riots in August, Cameron also discussed plans for possible restrictions on social media in times of domestic rioting, though this was met with serious criticism and the issue was not pursued. Research In Motion (RIM), the manufacturer of BlackBerry mobile devices, had offered to help the Metropolitan Police with its investigations into the unrest, as rioters communicated through BlackBerry’s messaging service.

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