

UK Government's response to the concerns raised in relation to the
UK Counter-Terror Bill and as posted on the Platform

(as transmitted by UK Permanent Representation to the Council of Europe)

Everyone has a right to freedom of expression under Article 10 of the European Convention on Human Rights. This is a qualified right however, which means that it can be restricted for certain purposes to the extent necessary in a democratic society. This means that free speech is not absolute.

The Counter-Terrorism and Border Security Bill makes it clear that it is illegal to publish images online which arouse reasonable suspicion that the person who publishes them supports a proscribed organisation, for example the logo of a terrorist organisation. It is already illegal, and has been since 2000, to display in a public place an article (such as a flag) or wear an item of clothing (such as a t-shirt or a uniform) in similar circumstances.

The Bill would deal here with the display of articles such as flags or clothing in circumstances that arouse a reasonable suspicion that the person is a member or supporter of a proscribed terrorist group. The Bill clearly states that an offence is not committed in circumstances where there is not a reasonable suspicion that the person displaying or publishing an image is themselves a member or a supporter of a terrorist organisation. This puts beyond any doubt that the offence will not cover those who publish such images in the course of legitimate journalistic reporting or academic research.

The UK Parliament banned the collection, possession and making of records of information useful to a terrorist 18 years ago. In the modern internet age the capability to view such material, without making a permanent record by downloading it, is just as liable to have harmful consequences. Given this, the change to the offence in section 58 of the Terrorism Act 2000 is both proportionate and justifiable

to reflect modern methods of accessing terrorist material. The Bill would not in any way change or expand the type of material covered by the offence – simply the means by which it is accessed. The existing ‘reasonable excuse’ defence will continue to be available, and the Government has tabled amendments to the Bill to make it clear that this defence is available where terrorist material is accessed online for the purposes of carrying out work as a journalist or academic research.

The government is committed to protecting freedom of the press and recognises that a vibrant and free press plays an invaluable role in our cultural and democratic life and wants to make sure that continues, with high journalistic standards working in the public interest.