

LIBERTY

PROTECTING CIVIL LIBERTIES
PROMOTING HUMAN RIGHTS

LIBERTY CALLS FOR SENSITIVITY OVER CENSORSHIP

Like all peaceful democrats around the world, Liberty is deeply saddened by the way in which the debate over the Danish cartoons has polarised and escalated into mistrust, threats and violence. We passionately believe in human rights values, both of freedom of expression and equal treatment and respect. We make this statement in our attempt to apply them to the present situation. Ultimately this is a time for reason over passion.

We draw a real distinction between people's rights under the law and vital personal choices about the right course of action at a particular moment in time.

Though it can never be absolute, free expression is the life-blood of democracy. All open societies rightly place some necessary and proportionate legal limits on speech. An obvious example is the criminal offence of incitement to murder. However, the criminal law is a blunt and harsh instrument which is not appropriate for protecting people from hurt feelings or insult. Common courtesy, sensitivity and sense are better suited to this end. When people feel that these have failed, they must have the right of peaceful protest in reply.

Overbroad and repressive speech laws are anathema to democracy but particularly dangerous for vulnerable minorities whose rights and freedoms are most easily traded away. The proposed new offence of encouraging or glorifying terrorism is a particular case in point. It is so broad that it would place large numbers of decent and normally law-abiding people into a criminal class simply for calling for the overthrow of brutal tyrants around the world. We lack the moral authority to criticise such measures unless we uphold our democratic values in an even-handed manner.

The offending cartoons should not in our view be unlawful, but that leaves questions about whether individuals should publish them and in what context. We do not presume to determine good taste or sense. However, whatever the wisdom of original publication many months ago, we seriously question whether the cause of free speech is truly served by gratuitous gestures of re-publication at such a delicate moment in world affairs.

We ask those whose rights we defend to consider their responsible exercise as a positive individual moral choice. We also urge all Europeans who have been so quick to assert free expression to reflect on the even-handed application of this principle to racial and religious minorities in their own countries. Where is the moral high ground of free expression for those who ban religious dress and symbols?

It is when people assert the rights of others, not just themselves, that the cause of fundamental rights and freedoms is best advanced.

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Director of Liberty

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