

## BHA BRIEFING 2010: Defamation Bill Lords Second Reading 9th July 2010 10am

### Briefing from the British Humanist Association on the Defamation Bill

#### The BHA's position

We work for an open and inclusive society with freedom of belief and speech and believe that free speech is an essential liberty without which societies fail to fully and openly debate ideas: an attribute which is essential for democracy and progress.

The BHA is a member of the Libel Reform Campaign joining calls to change UK libel laws to prevent victimisation of scientists, journalists and human rights campaigners. Current libel laws allow companies to 'protect their reputation' by bringing costly, unfair legal cases against those who criticise them.

The BHA firmly believes that steps must be taken to reform libel laws in order to prevent debate on issues such as human rights and scientific research being stifled.

#### The current situation

In 2009, after a year-long Inquiry, Libel Reform Campaign founders English PEN and Index on Censorship concluded that English libel law has a negative impact on freedom of expression, both in the UK and around the world. Freedom of expression is a fundamental human right, and should only be limited in special circumstances. Yet English libel law imposes unnecessary and disproportionate restrictions on free speech, sending a chilling effect through the publishing and journalism sectors in the UK. This effect now reaches around the world, because of so-called 'libel tourism', where foreign cases are heard in London.

#### The Defamation Bill

Lord Lester of Herne Hill's Private Members Defamation Bill was announced in the Lords on Wednesday 26<sup>th</sup> May. The Bill was published on Thursday 27<sup>th</sup>.

It seeks to systematically challenge many of the issues which have been identified as problems in current libel law. It is the first step in reform of flawed libel laws which damage freedom of speech.

Specifically, the Bill seeks to do the following:

- 1) Introduce a statutory defence of responsible publication on a matter of public interest
- 2) Protect those reporting on proceedings in Parliament and other issues of public concern
- 3) Require claimants to show substantial harm and corporate bodies to show financial loss
- 4) Encourage speedy settlement of disputes
- 5) Clarify the currently complicated defences of justification and fair comment, which would be renamed as "truth" and "honest opinion"

The BHA believes that this will increase freedom of speech and urges support for the Bill.

#### About us

The British Humanist Association (BHA) is the national charity representing and supporting the non-religious and campaigning for an end to religious privilege and discrimination based on religion or belief. Our expertise lies in the 'religion or belief' equality strand, which includes non-religious beliefs such as Humanism, and how that strand relates to and intersects with other protected characteristics.

For more detail and evidence on our position, please contact us:

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