Home Affairs

House of Lords Debate

Freedom of Speech

col 2105 The Archbishop of Canterbury: ...The grey area between, on the one hand, peaceful protest and reasoned criticism and, on the other, incitement to hatred or to violence is one that we are still trying to navigate today. ... President Obama touched on the subject of freedom of speech and of religion in a powerful address on 5 February 2015 to the US national prayer breakfast. Speaking of freedom of speech, he said that, for that and freedom of religion, we need humility. He said that “humility is also recognizing in modern, complicated, diverse societies, the functioning of these rights, the concern for the protection of these rights calls for each of us to exercise civility and restraint and judgment.” ... col 2106 What is it that we are debating today in this House when we talk about freedom of speech and why does it matter? Free speech is not just frank speech but fitting speech. It is a necessary condition to the building of good communities ... which are healthy enough to disagree well and which challenge power misused. ... Misused power is shown by killing, coercion or causing the opponent to flee. The alternative to those three things is politics. Politics takes it for granted that human beings are not merely declarative but communicative; that is to say that there is an absolute link between freedom of speech and a healthy community. ... It is not just a free-standing right, a good in and of itself, but the means—the only means—to the end of a just and generous society. ... col 2107 Our understanding of the importance of freedom of speech and the threats to it needs to keep pace with the threats to its existence. Government regulation alone cannot be the answer. ... Dr Martin Luther King said that we cannot restrain hatred, but we can restrain haters. That is the limit of law. ... Younger generations are more concerned than their older counterparts about the safety and protection of minorities and more willing to call for restrictions on speech to achieve this. ... No-platforming is not a new phenomenon and there is evidence to suggest that it is very limited. The way I can remember minorities being addressed 40 to 50 years ago shows that more concern about safety then would have been a good thing. Freedom of
speech sometimes means freedom for the powerful to bully and abuse. …
If freedom of speech is to flourish in this country despite its enemies, how might we foster those habits of the heart and mind that encourage a society that listens, reflects and responds with generosity and grace? Just as importantly, how might we ensure that in our desire to curb the extremes we do not silence the prophetic or those who challenge injustice and speak uncomfortable truths or that we do not push them to the margins? …
col 2108 … the online world has completely changed the way in which we share and receive ideas. We are increasingly our own curators, editors and publishers. The partial upending of traditional power dynamics is a good thing, but we find ourselves in somewhat uncharted territory, in grey areas where the law is just beginning to catch up, and in a different culture in which the rules of engagement are still being developed and understood. …
col 2109 The struggle in a connected world is to distinguish what is morally reprehensible from that which is criminally punishable. ….The third threat to our freedom of speech is the dehumanisation of those with whom we disagree: the devaluation of others to diminish their arguments. We must be alert to how our habits of communication can stifle our creative imagination—how they might make us see others as somehow less than fully human. …
col 2110 Lord Griffiths of Burry Port (Labour): … Faith communities have not, over the years, proved to be exemplary in these matters—the most reverend Primate hinted at this in his own speech. From the very beginning of Christianity, “heresy” was the word used to describe those to whom freedom of speech was to be denied: those who held divergent views from the “orthodox” mainstream. They were often persecuted or exiled—or worse. … The notions of excommunication, heresy and blasphemy—polar opposites of free speech—are only too evident in the history of the Christian Church. …
col 2112 Baroness Featherstone (Liberal Democrat): My Lords, free speech, established by our laws and by our values, has always had its limits, but now it is under threat as we grapple with a world that seems to be full of hatred of “other” and intolerance of views that differ from our own, all amplified by the internet and social media and condoned and contributed to by those who should be setting an example of good behaviour—from the Prime Minister downward. We now have a proliferation of ways to abuse each other, whether it is because people disagree with us, or are richer than us, poorer than us, a different colour, religion, gender, class or sex, or even those who simply think differently. We have developed a sort of football team binary mentality: you are with us or you are against us. …
col 2113 The deal always was that we behaved well because religions, parents, teachers, the police and our Government said we should, and they set an example of good behaviour and expected us to do the same. If we did, we were rewarded with approbation from our family, friends, teachers, the community or God, depending on our personal proclivity. From our establishments, our institutions and their leaders came a code of social conduct that we all basically understood. There was either a penalty for deviating from the expectation of good behaviour—such as social exclusion, civil or state punishment or excommunication—or there was the simple reward of doing the right thing to fulfil our own expectations of ourselves, stemming from our innate sense of good behaviour. I am glad the rigidity has gone, but we certainly need to behave better on our own cognisance. I guess the trick will be to work out a new framework, for individuals and institutions—a new social contract that preserves this greater freedom while restraining licence—and all without having to resort to increasingly punitive but ultimately ineffective ways of keeping order, with ever more stringent laws, surveillance, rules, regulations, targets, punishments and curtailment of free speech, all of which achieve so very little in actually changing behaviour. …
col 2114 Baroness Falkener of Margravine (Crossbench): … The role of the Opposition
in a democracy’s constitution reflects that public disagreement, and the reason we elevate and provide for the formal role of an Opposition is precisely because we accept that others have the right to hold a different view from ours. …

But we know that this space is being eroded, and its erosion is most dangerous in institutions which are integral to our values. I speak of education for young people and universities. In both spheres of education, there appears a diminution of the value of opposing thought, and an elevation of that of respect and tolerance, a perspective where individual “safety” is elevated as the principal objective, and where “harm” is alleged by exposure to ideas that might provoke. Let me be clear: I do not for a second believe that respect and tolerance are not important values. Indeed, without them, in this increasingly multi-ethnic and multicultural society, we could not rub along together in coexistence, so they really matter. My point is that they are values that command our loyalty only because they follow from the freedom of speech and thought that is intrinsic to a democracy. The fact that we know we can disagree and express that disagreement publicly allows us to put up with views and actions that offend us. When we do not like what is said, we can say so and be listened to. …

col 2119 Baroness D’Souza (Crossbench): My Lords, we all agree that free speech is one of the most important of our individual rights and, some would argue, the cornerstone of democracy. However, it is increasingly hijacked by social media platforms to spread sensation, hate and disinformation, and by the so-called woke community to prevent views other than its own being expressed. The issue is how to balance much-needed regulation with the protection of free speech. …

Democratic public discourse is threatened by disinformation. It diminishes the quality of democracy by fostering confusion and disbelief. It distorts the electoral process, resulting in electoral instability, and limits the freedom of the individual to make informed choices and exercise their political rights. It encourages dangerous polarisation, making it easy to just tap into one’s preference, and it drowns out opinions that run counter to the prevailing wisdom. … We need dissident voices, unpopular views and robust debate but we absolutely do not need vicious trolling, often contributing to loss of employment and immense personal distress. …

col 2120 Lord Stevenson of Balmacara (Labour): … algorithms decide what we see, hear and experience, like it or not. Keeping users online, regardless of what they are looking at, is the true business aim of the companies involved. This can result in amplifying the false over the true, the extreme over the considered and the harmful over the benign. …

col 2121 … for far too long, online services have argued that they should not be held accountable for the design of their services and that regulation should not be applied to mitigate the risks presented by the content and activity that society has deemed unacceptable. …

col 2125 Lord Harries of Pentregarth (Crossbench): … To give up on truth and to take the view that one opinion is simply as good as another is not so much to sell our human birthright for a mess of pottage as simply to throw it away. When I was growing up as a child, to tell a lie was the worst crime you could commit. You might do something wrong but if you admitted it and did not lie about it, all could come right. … Freedom of speech matters because truth matters … Of course, people have different perspectives and they weigh facts differently. Above all, some speak from a position of power; others from one of extreme vulnerability. … But, that said, the objective of any disagreement or debate must be to get at, or at least closer to, the truth, and we do this by rational debate.

After all, there are only two alternatives: to go on trying to resolve difference by rational discussion, or to impose one’s view by force. …

… we have to accept that a view might be legal but still hurtful for someone to hear. It is
fundamental to good debate to recognise that some people are very vulnerable and can, understandably, be hurt ...

col 2126 The law is quite right to forbid any kind of stirring-up of hatred because of a person’s race, religion, gender or sexuality. But if an opinion, however disagreeable and however wrong, does not do this, it has to be heard and combated only by rational means. …

The Lord Bishop of Oxford: … Words can be an immense blessing but, when amplified through social media, also weapons of mass destruction to people and societies. Consequently, as a society, we will need wisdom to discriminate and to make judgments about the limits and boundaries of our freedoms in the light of these new technologies …

col 2127 It is largely about the sensible translation and application of existing moral standards to the online world, especially in the protection of children, minorities and the most vulnerable. Freedom of speech is indeed to be preserved, but it, too, must be subject, online as offline, to a yet higher law of civility and mutuality. … Algorithms must be subject to scrutiny, especially when they are shown to amplify hatred and to target those already at risk. …

Anger, hatred and vitriol are all around us because the social media companies have discovered that this is where the greatest profits lie. It would be perfectly possible for social media to bring to the top of our feed stories of faith, hope and love rather than of cruelty and venom. Honest argument and exchange of ideas is one thing, but, at present, opaque microtargeting sold to the highest bidder distorts the societal context of freedom, challenging the very nature of democracy. …

col 2130 Lord Brown of Eaton-under-Heywood (Crossbench): … At school in the early 1950s, it would have been surprising, as a Jewish boy, never to have been referred to as a “Yid”. Occasionally—rarely—one was but, generally, such a term was used entirely carelessly, not with any malice or hostility, and one was inclined to ignore it rather than allow it to interfere with established relationships and friendships.

Later in life, it became impossible simply to ignore an anti-Semitic remark, however obviously unmalicious. Because I do not look obviously Jewish, apparently, when recognising that a particular conversation might be heading in that direction, my habit has been to pre-empt such a remark by at once pointing out that I am Jewish and the speaker therefore better be careful about what he is going to say. I do this to save him the embarrassment of having to apologise and explain rather than to save myself from unintended offence. The plain fact is that most such ostensibly prejudiced remarks are not offensively intended but are the result of thoughtless, careless habit. …

There seems today to be a growing tension, often apparently intergenerational, between those ever ready to identify themselves or others as victims and those who insist, no doubt carelessly, on invoking their general right to freedom of speech and expression. …

My essential point is this: let us try to take thoughtless unintended sensitivity in our stride. Those inclined to take offence should be more resilient and refrain from demonising those whom, we feel, could and should be more sensitive to the sensibilities of others. Where possible, save them embarrassment. Eschew, rather than assert, victim status. Try to pre-empt rather than await unintended insult. Whenever a clash is threatened between freedom of speech and freedom from possibly hurtful speech, start with at least a partial affection for freedom of speech. …

col 2132 Lord Kirkham (Conservative): … Unquestionably, every citizen in this country has the absolute right not to be victimised or abused for their race, religion, gender, appearance or way of life, but no one has the right not to be offended by someone else’s expression of their views or by their sense of humour, unless what they say is specifically prohibited by law. Very often we find that offence is taken vicariously by those anxious to protect the feelings of what they perceive to be sensitive minority groups. I and I am sure
many of you know Muslim, Hindu and Jewish families and those of other faiths who celebrate Christmas with just as much enthusiasm as their Christian neighbours, who cannot begin to understand why some wish to remove references to Christmas out of concern for their imagined feelings, and who most certainly do not regard people of other faiths and traditions joining in the celebrations of their own feasts and holy days as unwelcome cultural appropriation.

We have not merely bent over backwards to avoid giving offence, but contorted ourselves into an almost unbelievable mess by feeling we have to pause and think before we utter even the most commonplace phrase or saying. … Am I committing a microaggression if I mispronounce a name or raise my eyebrows when someone else is speaking? …

It is far too easy to post cruel and hurtful things under the shelter of an anonymous Twitter handle that the poster would surely hesitate to say face to face, or indeed online under their own name. …

Even so, the list of the things we are not allowed to say in public, or indeed in private, should be kept as short as possible. Of course no one should have the right to incite war, stir up racial hatred or persecute minorities, but equally no one should have the right to absolute protection from being offended, particularly by a joke. …

Lord Sandhurst (Conservative): … In December 2019, the Policy Institute at King’s College London published an important report after a survey of some 2,150 students. It observed that universities increasingly face criticism over freedom of expression and for a perceived increase in safe-space policies and no-platforming. Yet this perception, it found, was often disproportionate to the number of instances where freedom of expression had actually been violated. Students, it said, were generally far more concerned about freedom of expression in wider society than in their own university. None the less, it is important to note that the same report found signs of a “chilling effect” whereby some students were reluctant to express their views for fear of repercussions. The institute produced a follow-up report in August last year. It found, after talking to students again, that as many as 20% felt uncertain about whether they could express their views freely at their university. They did not believe that it is a university’s place to shield people from intolerant or offensive ideas and felt that safe-space policies and the suppression of demonstrations or rallies representing unpopular political views posed a threat to freedom of expression. …

In March last year, Cambridge University issued a policy on freedom of speech, requiring its staff, students and visitors to be “respectful of the differing opinions of others”. But last December, Regent House, the governing body of that university, voted by a huge majority, 87%, to overturn that obligation to respect the opinions of others. The requirement now, thankfully, is to “tolerate” others’ opinions. For, as Dr Arif Ahmed, reader in philosophy, told the Times: “Everyone else just becomes a little bit more worried, a little bit more reluctant to say what they think about the Empire, trans issues, Israel and Palestine, or a whole range of issues from the left or the right. The more long-term danger is that this language will be weaponised so that we will be subject to discipline if we try to invite someone who’s disrespectful, or if we ourselves speak in a disrespectful way.”

Lord Wallace of Tankerness (Non-affiliated): … To follow up on the quote from Dr Martin Luther King cited by the most reverend Primate, Dr King also said: “Morality cannot be legislated for, but behaviour can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless.” Yes, some laws are worth while, where they provide welcome and necessary protection, particularly for vulnerable groups or individuals, including ethnic and religious minorities. In the sphere of social media, some of the big tech giants need some prodding to ensure that customers comply with user agreements, which include rules on standards and codes of conduct. From a Christian perspective, however, I would claim that changing hearts
requires something more than laws: it requires love. Arguably, the message of the parable of the good Samaritan would be far more effective in bringing about a society more at ease with itself than any number of Acts of Parliament. ...

col 2145 Lord Cormack (Conservative): … A sort of intolerance has crept in, accentuated by social media … It creates a situation where recently, for instance, it came to my notice that a group of people from outside the House refused to attend a meeting inside it because they disagreed with the views of the chairman on a wholly different subject. …

col 2147 Lord Sentamu (Crossbench): … For me, justice goes beyond the simple administration of laws. Justice is possible only when law, religion and morals are intermingled. … Lord Denning wrote in The Changing Law in 1953 that the severance of law from morality, and of religion from law, has made many people “think that religion and law have nothing in common. The law, they say, governs our dealings with our fellows, whereas religion concerns our dealings with God. Likewise, they hold that law has nothing to do with morality. Law lays down rigid rules which must be obeyed without questioning whether they are right or wrong. Its function is to keep order, not to do justice … Although religion, law and morals can be separated, they are nevertheless still very much dependent on one another. Without religion, there can be no morality, there can be no law.”

Rabbi Lord Jonathan Sacks, in his book Morality: Restoring the Common Good in Divided Times, published in 2020, argues that “there is no liberty without morality, and no freedom without responsibility … all of us must play our part in rebuilding our common moral foundation” … The book goes on to say that “a nation is strong when it cares for the weak, and rich when it cares for the poor.” …

col 2148 Baroness Jones of Moulsecoomb (Green): … I like the way people in society at the moment are questioning whether schools named after slave owners ought to change their names, or whether country houses need to explain to their visitors the dark side of their history by putting front and centre how their owners made their fortunes. All that is part of robust debate; if some people feel uncomfortable, perhaps they should be. There are things I do not like. I do not like Russian bots on Twitter and the made-up Facebook profiles that distorted the discussion about Brexit and still seek to destabilise our democracy. I do not like the way social media gives the impression of free and equal debate, but has in fact allowed dark money to contaminate that debate and to give those with money the ability to divide and rule. Nor do I like the way some social media platforms created algorithms that promote rage and division. …

The assault on our democracy by this Government is the biggest threat to freedom of speech and even freedom of expression. That is the threat that deserves most of our attention, because each bit of legislation we pass here is making that threat grow. This Government are silencing campaigners and turning dissent into a crime while rewarding the lobbyists and money men. They are removing democratic safeguards on ministerial power while setting up a special unit to filter freedom of information requests that might reveal something damaging to them. …

col 2149 … we in your Lordships’ House actually can and should do more: we should be a watchdog by protecting the right to effective protest and stopping the worst excesses of state power. …

col 2151 Lord Hannan of Kingsclere (Conservative): … The great philosopher Hannah Arendt, the chronicler of the Eichmann trial, once wrote: “Every generation, western civilisation is invaded by barbarians—we call them ‘children’.”

By that, she meant that you and I came into the world with pretty much the same mental and operational apparatus that we would have done 5,000 years ago. The reason that we do not live in the way that our ancestors lived then is because we are able to build culture—civilisation—on accumulated knowledge. We are able to do that because we accept empiricism, reason, the scientific method and the ability to test ideas, refine and improve them over time. And what worries me is that we are ceasing to do that. Not only our
universities but our secondary schools are reverting to a much older heuristic of holding up identity, accident of birth and physiognomy above reason. …

Lord Singh of Wimbledon (Crossbench): … The law of the land rightly states that this right is not absolute and makes it an offence to promote hatred or fear of any individual or group. History reminds us that it is all too easy to gain popularity by appealing to human bigotry, with devastating consequences for vulnerable minorities. It is therefore important to be able to discuss religious and cultural differences openly and honestly. This is increasingly overlooked on some university campuses, where some with perfectly valid views and concerns are not only denied a voice but publicly vilified.

Political correctness bordering on censorship is seen in the media use of camouflage words such as “Asian”, used by the BBC and the print media to obscure the fact that most members of grooming gangs in the north of England were from the Pakistani Muslim community. This led some members of the public to believe that Hindus, Sikhs and Buddhists were also responsible. The standard reply to complaints was that the description “Asian” was factually correct. It was only after I pointed out that it would also be factually correct to say that “Europeans” were responsible for the Holocaust that notice was taken and the issue taken seriously. IPSO guidance now cautions against the use of that blanket term.

Another example of near paranoia about giving offence to powerful minorities at the expense of smaller ones was seen in the BBC “Thought for the Day” attempt to censor my talk on Guru Tegh Bahadur, who gave his life standing up for the right for freedom of belief for Hindus being forcibly converted by the Mughals. The previous Archbishop of Canterbury, Rowan Williams, publicly applauded this stance. The forced conversions were being carried out by a man who had imprisoned his own father and murdered his brother to become emperor some three centuries ago. It was said that this might offend Muslims today.

Unthinking political correctness rooted in ignorance and irrational fear of giving offence to more vocal communities has led to some groups claiming special protection. Concern over anti-Semitism, rooted in the Holocaust and sometimes in the culture of this country, is understandable. Unfortunately, however, “anti-Semitic” is now used by some to smear those with genuine concerns over Israeli policies towards Palestinians. Also concerning is the use of the emotive term “Islamophobia” to curb debate and cultural or political criticism. No doubt some will see my remarks as anti-Semitic or Islamophobic. However, the Sikh daily prayer reminds us to look beyond ourselves or our group to the well-being of all.

In the past, interreligious differences, as the history of this place reminds us, frequently resulted in horrendous persecution and conflict, and a tacit consensus emerged in the West that religion should be seen as a private matter and not a subject for public discussion. We could, of course, say nasty things about other people far away in distant lands. We could talk of “heathens”. The dictionary definition of “heathen” is someone who is not of the Abrahamic faiths, such as a Sikh or a Hindu. …

Religions are essentially guidebooks, telling us what to do and what to avoid in our journey through life, but ethical and cultural guidance embedded in holy books to meet social, political and cultural norms of the distant past can be at variance with the needs of today. …

There is now a clear need for religions to do a little spring cleaning and move us from the simple recitation of past guidance to societies that no longer exist and place underlying imperatives in the context of today’s very different world. …

Baroness Fox of Buckley (Non-affiliated): … Although everyone says they believe in free speech, it is often caveated. How often do I hear, “I believe in free speech, but …”? Often, after the “but” people will say “not for hate speech”, or “not for bigotry”. … when you hear the “but” after “free speech”, watch out for censorship. I also appeal that we do not take the demonising labels of hate and bigot at face value. Hate is a nebulous
concept that even in hate-crime legislation is based on perception rather than objective criteria. …
We should note that religious freedom, the bedrock of a secular society, is very much at risk under the auspices of hate speech. Nottingham University recently initially blocked the appointment of a Catholic chaplain for explaining his—well—Catholic views on social media, which were depicted as hate-fuelled. Hate speech, I would say, is often the free speech of those views that we hate. …
In 2019, the Guardian updated its style guide, instructing that climate sceptics should be referred to as “climate change deniers”. The same rhetorical strategy was applied to those sceptical of some lockdown restrictions or who asked questions about the science, who have been labelled “Covid deniers”. This gross exploitation of the legacy of the Holocaust as a way of demeaning individuals and views as so morally reprehensible that they can be banned without qualm is dangerous.

Of course, some people do have repellent and bigoted ideas, and some, even if only a few, are indeed Holocaust deniers. … One of the most tricky issues if, like me, you adhere to the principle of free speech is having to defend the indefensible. …

Baroness Merron (Labour): … as the noble Lord, Lord Walney, observed, a democracy is not something that should be rigid; it should be able to flex and it also needs resilience. That means the accommodation of a breadth of opinion and thought. As my noble friend Lord Cashman said, hate speech destroys our democracy, and it is this that we must seek to protect. Yet we find ourselves challenged by a broad societal shift, whereby so much discourse seems to be conducted as confrontation. … So, how do we shift ourselves away from the attitude of “How can I win?” to an attitude of how do we, as a collective, win? How do we balance freedoms with a sense of personal responsibility? How do we ensure effective statutory protection from offensive behaviour?
The United Nations 1948 Universal Declaration of Human Rights, the anniversary of which we celebrate today, recognises freedom of expression is a fundamental human right to be universally protected. …
Yet this freedom is not an unrestricted right. The European Convention on Human Rights, adopted in 1950, was explicit that the right may be limited by law and added the caveat that restrictions may be imposed for a variety of reasons, including to protect the rights of others …

Lord Brown, spoke of what it is like to experience anti-Semitism as someone who is Jewish. I feel moved to add that hatred towards Jews does not require a Jewish person to even be in the room. It is the world’s oldest hatred and, like so many hatreds, can express itself behind the cloak of free speech. It gives free speech a bad name; it is hatred, pure and simple. As I am the former chief executive of the Board of Deputies of British Jews—the organisation that represented the Jewish community in this country—I know only too well the importance of calling out wrongs wherever they come from and whoever peddles them. I know the value of bringing clarity to guide where there may be ignorance and to bring transgressors to book where hatred raises its ugly head.
As we consider today the role of public, private and civil society in the upholding of freedom of speech, I want to refer to the working definition of anti-Semitism, as laid out by the International Holocaust Remembrance Alliance, and adopted by Governments, universities, sports clubs, councils, organisations and many others across the UK and indeed across the world. It helps us to guide and confirm for us what is and is not anti-Semitism—something raised by the noble Lord, Lord Singh. For example, when talking about criticism of Israel, the definition says that: “Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.”
So, what is anti-Semitic? It is, as the definition states—I find the examples extremely illuminating—“Applying double standards by requiring of” Israel “a behavior not expected or demanded of any other democratic nation … Drawing comparisons of contemporary
Israeli policy to that of the Nazis … Holding Jews collectively responsible for actions of the state of Israel.” I mention this definition as an illustration to assist us. … I am aware that ongoing attempts by some to promote culture wars are doing little to help move society in the right direction. Rather than bringing people together, it puts communities at odds. … when the rights of one minority are infringed, it is not long before the rights of other minorities and groups are infringed. So we are indeed all in this together, even though some may seek to pitch us against each other. …

The most reverend Primate has spoken previously of the need for people to disagree well; we need to challenge each other, lest we end up so firmly in our own bubbles that we are unable to relate to each other. However, it feels as though societal division has increased rather than improved. … We have a responsibility to support the true worth of freedom of speech, while having the courage, insight and determination to put all that we need to in place to protect those who need protections and to allow our democracy to thrive. …

Free speech seems to be more complicated than ever. Many more people are involved in the conversation, and debates seem to happen with the fast-forward button on. Previously, they were curated in fora such as this, with parliamentary privilege and the mandate of election or a Writ of Summons, in academia with challenge from examiners or peer review, and in books and newspapers with selection by publishers or editors and rights of reply. Social media has changed that; as the most reverend Primate said, we are increasingly our own curators, editors and publishers. Anyone with an opinion, however crass or simplistic, can express it, and anyone can engage with it. Those with fringe opinions can find like-minded people and caucus to amplify their voices. The powerful and mighty can be challenged and mocked in full public view. … they have changed the way we engage in public discourse—as have the algorithms which funnel us into silos and echo chambers and the fiat of online platforms over the content they do and do not allow …

The Online Safety Bill will usher in a new era of accountability for tech companies, upholding free expression and pluralism online. All platforms in the scope of the Bill will need to consider and implement safeguards for freedom of expression when fulfilling their duties. Although companies must take robust action to tackle criminal activity, in order to protect free speech regulation will not require the removal of legal content, nor prevent adults accessing or posting legal content. Platforms will therefore not be able arbitrarily to remove harmful content. They will need to be clear what content is acceptable on their services and to enforce the rules consistently. Services that are high risk and high reach will have additional duties to protect democratic and journalistic content, and must consider whether the public interest in such content outweighs the potential harm it can cause. …

There is no right not to be offended. Increasingly, we hear people asking for views not to be aired because they make them feel unsafe or uncomfortable. … a duty lies on the speaker to be fitting in what they say, but that is, in the most part, a moral duty rather than a legal one. There is a duty on the listener too to understand that the offence they take may not be shared by everybody and to allow a range of views to be heard. History is littered with examples of what happens when we do not air dangerous views in the open and confront them head on. I agree with the noble Baroness, Lady Merron, the noble and learned Lord, Lord Brown of Eaton-under-Heywood, and others in their comments about the evils of anti-Semitism. Dangerous views fester in the darkness and grow more dangerous still. …

We should tolerate the views of others, but while we should always endeavour to engage respectfully, we should not be forced to respect views with which we disagree. …
The UK has a long and proud history of promoting freedom of expression globally, underpinned by our commitment to the Universal Declaration of Human Rights, which was signed, as noble Lords have rightly noted, 73 years ago today. …

col 2163 … there is a role for individuals too—for each and every one of us. Free speech … should be fitting speech: we must choose carefully the words we use. We cannot legislate ourselves … to good behaviour. …

col 2166 The Archbishop of Canterbury: … There are plenty of safe spaces that are designed as such. Think of what the noble Baroness, Lady Merron, said in her summing up: a Jewish society at a university is not obliged to invite people who deny the Holocaust. It is a safe space from that point of view. Debating societies remain safe spaces because they have rules about the quality of debate. This place is a safe space because it has rules about what you can and cannot say. … Safe spaces can exist without restricting freedom of speech. However, we need to equip and train people for freedom of speech. …

col 2167 … the Church of England has also signed up to the IHRA …

At the heart of freedom of speech is the interlinking between freedom of speech, just and generous communities and healthy relationships across our society. …

To read the full transcript see
https://hansard.parliament.uk/lords/2021-12-10/debates/E1700B22-1B3B-431C-BD6A-ACB5EA258188/FreedomOfSpeech

Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government

COVID-19: updated guidance for the safe use of places of worship

Northern Ireland Assembly Written Answer

Social Media: Hate Speech

Justin McNulty (SDLP) [AQW 26469/17-22] To ask the Minister of Justice to detail what specific actions her Department has undertaken to ensure social media companies are held accountable for the facilitation of hate speech and bullying on their platforms.

Minister of Justice: My replies in response to AQW 24430 and more recently AQW 25994 continue to reflect the current position.

As I set out in response to your earlier questions, telecommunications legislation, including the regulation of social media platforms is a reserved matter. This is led by the UK Government’s Department for Digital, Culture, Media and Sport (DCMS), which is taking forward the draft Online Safety Bill. That Bill creates a new legal framework for identifying and removing illegal and harmful content from the internet. I await the report of the UK Parliament Joint Committee scrutinising the draft Bill which is due on the 10 December 2021 and the DCMS response. I will, as I have already done, reflect any matters of concern to DCMS and would encourage all those with an interest in the Bill to do the same. In the interim, I am clear that social media companies should not wait for legislative changes to take effect but should ensure that they are doing everything possible to keep those who use their platforms safe online.

In his report on the review of hate crime legislation, Judge Marrinan made several recommendations in support of the UK Government’s ongoing work. I have written to DCMS and also to Home Office Ministers to encourage them to consider Judge Marrinan’s recommendations in the development of the Bill, suggesting it
should be more robust in relation to the issues of online anonymity and user verification.


The answers referred to above can be read at
and

The Marrinan report, referred to above, can be read at

The Online Harms report, referred to above, has not yet been published online.

Israel

House of Commons Written Answers

Israel: Palestinians
Sarah Champion (Labour) [86104] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, how many written parliamentary questions her Department has answered on Israel/Palestine since 1 January 2021; and in how many cases the same pro forma response was applied to two or more questions from the same or different hon. Members.

James Cleverly: Since 1 January 2021 to date, the FCDO has responded to 635 written Parliamentary Questions (PQs) related to Israel and the Occupied Palestinian Territories (OPTs). Information on which PQs received similar answers is not readily available and can only be obtained at disproportionate cost. All PQs are answered accurately and truthfully in accordance with Ministers' obligations to Parliament, as set out in the Ministerial Code.

https://questions-statements.parliament.uk/written-questions/detail/2021-12-02/86104

Gaza: Israel
Alistair Carmichael (Liberal Democrat) [87622] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, how many investigations have been opened by Israeli authorities into potential serious violations of international law by its forces during its May 2021 offensive on Gaza.

James Cleverly: The UK welcomed the announcement of a ceasefire in Israel and Gaza on 20 May. Following the ceasefire announcement, the former Foreign Secretary visited Israel and the Occupied Palestinian Territories, and made clear that the UK would continue to work with the parties, and other actors, to encourage a durable ceasefire and to urge them to address the drivers of conflict. Israel has a legitimate right to self-defence. In exercising this right, it is vital that all actions are proportionate and in line with International Humanitarian Law.

https://questions-statements.parliament.uk/written-questions/detail/2021-12-06/87622
Other Relevant Information

Equality and Human Rights Commission

Our impact in Scotland 2020–21

Wales impact report 2020–21

Relevant Legislation  ** new or updated today

UK Parliament

** Animal Welfare (Sentence) Bill
https://bills.parliament.uk/bills/2867
Bill as amended on Report
https://bills.parliament.uk/publications/44199/documents/1104

** Assisted Dying Bill
https://bills.parliament.uk/bills/2875
Notice of amendments
https://bills.parliament.uk/publications/43507/documents/1109

Charities Bill
https://bills.parliament.uk/bills/2877

** Education (Assemblies) Bill
https://bills.parliament.uk/bills/2878
Bill as brought from the Lords

Higher Education (Freedom of Speech) Bill
https://bills.parliament.uk/bills/2862

Israel Arms Trade (Prohibition) Bill
https://bills.parliament.uk/bills/3025

Marriage Act 1949 (Amendment) Bill
https://bills.parliament.uk/bills/3017

Marriage and Civil Partnership (Minimum Age) Bill
https://bills.parliament.uk/bills/2900
** Nationality and Borders Bill
https://bills.parliament.uk/bills/3023
Bill as brought from the Commons
https://bills.parliament.uk/publications/44307/documents/1132

Online Safety Bill (Draft)
https://www.gov.uk/government/publications/draft-online-safety-bill

Palestine Statehood (Recognition) Bill
https://bills.parliament.uk/bills/2942

Northern Ireland Assembly

Organ and Tissue Donation (Deemed Consent) Bill

Consultations ** new or updated today

** closes in 10 days
Proposed Assisted Dying for Terminally ill Adults (Scotland) Bill (closing date 22 December 2021)

Animal Welfare – revision of EU legislation (Food Safety) (closing date 21 January 2022)

Marriage Law (Northern Ireland) (closing date 18 February 2022)

The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438