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FREEDOM  
OF EXPRESSION  
AND FREEDOM  
OF INFORMATION

ESSAYS IN HONOUR OF  
SIR DAVID WILLIAMS

EDITED BY  
JACK BEATSON AND  
YVONNE CRIPPS

**Freedom Of Expression And Freedom Of Information**  
**Essays In Honour Of Sir David Williams**

**Robert G. Vaughn**



## **Freedom Of Expression And Freedom Of Information Essays In Honour Of Sir David Williams:**

*Freedom of Expression and Freedom of Information* J. Beatson, Yvonne M. Cripps, 2000 The volume deals with vital issues on freedom of expression and freedom of information and emphasizes the importance of the free exchange and dissemination of ideas and of open and therefore more accountable government It notes the ways in which these freedoms have received recent legislative attention in the Human Rights Act 1998 the Public Interest Disclosure Act 1998 and the Freedom of Information Bill Articles on subjects such as freedom of speech religion and assembly defamation of the state and of politicians harassment official secrecy public interest disclosure and the protection of privacy focus on issues of political and legal importance to all who take an interest in how their country is governed These matters are addressed here by leading judges practitioners and scholars from the UK the USA Australia and New Zealand They provide timely and authoritative analysis as well as comparisons between British protections of these freedoms and the safeguards offered by other Commonwealth states the USA the EU and under the European Convention on Human Rights This book will be of interest to academic and practising lawyers government officials and academics working in departments of politics and government

**The United Nations and Freedom of Expression and Information** Tarlach McGonagle, Yvonne Donders, 2015-06-11 There are a multitude of UN legal instruments which pertain to the rights of freedom of expression and information and this book is the first to comprehensively map them and their function It details the chequered history of both of these rights within the UN system and evaluates the suitability of the system for overcoming contemporary challenges and threats to the rights Leading scholars address key issues such as how the rights to freedom of expression and information can come into conflict with other human rights and with public policy goals such as counter terrorism The book's institutional focus comprises five international treaties UNESCO and the UN Special Rapporteur on freedom of expression Relevant for academics lawyers policy makers and civil society actors it also examines how new communication technologies have prompted fresh thinking about the substance and scope of the rights to freedom of expression and information [Freedom of Expression](#) Vincenzo Zeno-Zencovich, 2008-06-30 This book takes a multidisciplinary approach to the issues surrounding freedom of expression looking at the current legal position in a number of European countries as well as engaging with the wider debates on the topic amongst sociologists political scientists and economists In the book Vincenzo Zeno Zencovich addresses recent developments which have had a bearing on the debate including the changes in communication brought about by the internet and the growing role of the European Union and the Council of Europe *Freedom of Information* Robert G. Vaughn, 2017-07-05 This volume contains articles examining freedom of information statutes including those protecting government employees who expose official misconduct Using United States laws as examples the articles explore the relationship of these laws to administrative and constitutional theory in the United States In addition they demonstrate how varying conceptions of information illuminate the controversies in the application of these laws to the revolution in the

electronic storage and retrieval of information The articles allow the reader to speculate how the connection of these laws to liberal democratic theory explains their recent adoption in several countries and their international application

*New Media and Freedom of Expression* András Koltay, 2019-07-25 The principles of freedom of expression have been developed over centuries How are they reserved and passed on How can large internet gatekeepers be required to respect freedom of expression and to contribute actively to a diverse and plural marketplace of ideas These are key issues for media regulation and will remain so for the foreseeable decades The book starts with the foundations of freedom of expression and freedom of the press and then goes on to explore the general issues concerning the regulation of the internet as a specific medium It then turns to analysing the legal issues relating to the three most important gatekeepers whose operations directly affect freedom of expression ISPs search engines and social media platforms Finally it summarises the potential future regulatory and media policy directions The book takes a comparative legal approach focusing primarily on English and American regulations case law and jurisprudential debates but it also details the relevant international developments Council of Europe European Union as well as the jurisprudence of the European Court of Human Rights

*The Rule of Law, Freedom of Expression and Islamic Law* Hossein Esmaeili, Irmgard Marboe, Javaid Rehman, 2017-12-14 The importance of the rule of law is universally recognised and of fundamental value for most societies Establishing and promoting the rule of law in the Muslim world particularly in the Middle East North Africa and Central Asia has become a pressing but complicated issue These states have Muslim majority populations and the religion of Islam has an important role in the traditional structures of their societies While the Muslim world is taking gradual steps towards the establishment of rule of law systems most Muslim majority countries may not yet have effective legal systems with independent judiciaries which would allow the state and institutions to be controlled by an effective rule of law system One important aspect of the rule of law is freedom of expression Given the sensitivity of Muslim societies in relation to their sacred beliefs freedom of expression as an international human rights issue has raised some controversial cases This book drawing on both International and Islamic Law explores the rule of law and freedom of expression and its practical application in the Muslim world

**Information Rights** Philip Coppel KC, 2020-06-11 Retaining the position it has held since first publication the fifth edition of this leading practitioner text on information law has been thoroughly re worked to provide comprehensive coverage of the Data Protection Act 2018 and the GDPR Information Rights has been cited by the Supreme Court Court of Appeal and others and is used by practitioners judges and all those who practise in the field The new edition maintains its style of succinct statements of principle supported by case law legislative provisions and statutory guidance Reflecting its enlarged scope and to maintain easy referencing the work has been arranged into two volumes The first volume is a 1 250 page commentary divided into six parts The first part is an overview and introduction to overarching principles The second part provides an authoritative treatment of the data protection regime This covers all four forms of processing general applied law

enforcement and security services under the GDPR and DPA 2018 Each obligation and each right is comprehensively treated with reference to all known case law both domestic and EU including those dealing with analogous provisions in the previous data protection regime The third part provides a detailed treatment of the environmental information regime This recognises the treaty provenance of the regime and its distinct requirements The fourth part continues to provide the most thorough analysis available of the Freedom of Information Act and its Scottish counterpart As with earlier editions every tribunal and court decision has been reviewed and where required referenced The fifth part considers other sources of information rights including common law rights local government rights and subject specific statutory information access regimes eg health records court records audit information etc The final part deals with practice and procedure examining appeal and regulatory processes criminal sanctions and so forth The second volume comprises extensive annotated statutory material including the DPA 2018 the GDPR FOIA subordinate legislation international conventions and statutory guidance The law is stated as at 1st February 2020

**Freedom of Information** Richard A. Chapman, Michael Hunt, 2010 Now a vital part of the British system of government the 2005 Freedom of Information Act also plays an important role in developing local democracy This detailed review explores the need for freedom of information in modern liberal democracies and addresses how the accountability of local authorities may best be ensured

**Contested Words** Ian Cram, 2016-05-13 In modern liberal democracies rights based judicial intervention in the policy choices of elected bodies has always been controversial For some such judicial intervention has trivialized and impoverished democratic politics For others judges have contributed to a dynamic and healthy dialogue between the different spheres of the constitution removed from pressures imposed on elected representatives to respond to popular sentiment This book provides a critical evaluation of ongoing debates surrounding the judicial role in protecting fundamental human rights focusing in particular on legislative executive abridgment of a core freedom in western society namely liberty of expression A range of types of expression are considered including expression related to electoral processes political expression in general and sexually explicit forms of expression

Media Law in Botswana Charles Manga Fombad, Tachilisa Badala Balule, 2018-06-13 Derived from the renowned multi volume International Encyclopaedia of Laws this analysis of media law in Botswana surveys the massively altered and enlarged legal landscape traditionally encompassed in laws pertaining to freedom of expression and regulation of communications Everywhere a shift from mass media to mass self communication has put enormous pressure on traditional law models An introduction describing the main actors and salient aspects of media markets is followed by in depth analyses of print media radio and television broadcasting the Internet commercial communications political advertising concentration in media markets and media regulation Among the topics that arise for discussion are privacy cultural policy protection of minors competition policy access to digital gateways protection of journalists sources standardization and interoperability and liability of intermediaries Relevant case law is considered throughout as are various ethical codes A clear comprehensive overview of

media legislation case law and doctrine presented from the practitioner's point of view this book is a valuable time saving resource for all concerned with media and communication freedom Lawyers representing parties with interests in Botswana will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative media law *Defamation, Libel Tourism and the SPEECH Act of 2010*, **Human Rights and Tobacco Control** Marie E. Gispén, Brigit Toebes, 2020-08-28 Large scale adverse health and developmental outcomes related to tobacco affect millions of people across the world raising serious questions from a human rights perspective In response to this crisis this timely book provides a comprehensive analysis of the promotion and enforcement of human rights protection in tobacco control law and policy at international regional and domestic levels Positive Free Speech Andrew T Kenyon, Andrew Scott, 2020-05-28 Freedom of expression is generally analysed as a bare liberty against restraint by state action Underpinning rationales for freedom of speech very often imply however that the concept also has important positive aspects and that to be truly democratic the modern polity requires more than negative freedom In contemporary conditions this understanding of free speech raises matters such as media diversity or pluralism the concept of voice and access to the public sphere access to information and the need to rethink the audience in relation to public speech Whether securing positive free speech is a matter of politics or of law a task for legislatures or for courts is an open question On one level any programme of inculcating positive dimensions of free speech might be understood as inherently polycentric and hence political in character Yet a number of jurisdictions evince enhanced legal recognition for the principle The aim of this collection of papers is to interrogate the rationales of positive free speech to consider the political and juridical methods by which it has or may be more fully reflected in the modern state and to consider the range of practical contexts in which its valorisation has or would have significant implications The contributors are drawn from an array of European and international jurisdictions They include academic lawyers and communications researchers Extreme Speech and Democracy Ivan Hare, James Weinstein, 2010-11-18 A commitment to free speech is a fundamental precept of all liberal democracies However democracies can differ significantly when addressing the constitutionality of laws regulating certain kinds of speech In the United States for instance the commitment to free speech under the First Amendment has been held by the Supreme Court to protect the public expression of the most noxious racist ideology and hence to render unconstitutional even narrow restrictions on hate speech In contrast governments have been accorded considerable leeway to restrict racist and other extreme expression in almost every other democracy including Canada the United Kingdom and other European countries This book considers the legal responses of various liberal democracies towards hate speech and other forms of extreme expression and examines the following questions What accounts for the marked differences in attitude towards the constitutionality of hate speech regulation Does hate speech regulation violate the core free speech principle constitutive of democracy Has the traditional US position on extreme expression justifiably not found favour elsewhere Do values such as the commitment to equality or

dignity legitimately override the right to free speech in some circumstances With contributions from experts in a range of disciplines this book offers an in depth examination of the tensions that arise between democracy s promises **Freedom of Speech** Uladzislau Belavusau,2013-10-08 This book considers the issue of free speech in transitional democracies focusing on the socio legal developments in the Czech Republic Hungary and Poland In showing how these Central and Eastern European countries have engaged with free speech models imported from the Council of Europe EU and the USA the book offers valuable insights into the ways States have responded to challenges associated with transformation from communism to Western democracy The book first explores freedom of expression in European and American law looking particularly at hate speech historical revisionism and pornography It subsequently enquires into the role and perspectives of those European mandatory and US American persuasive models for the constitutional debate in Central and Eastern Europe The study offers an original interpretation of the European model of freedom of expression beyond the mechanisms of the Council of Europe It encompasses the relevant aspects of EU law judgments of the Court of Justice and the harmonised EU instruments as mandatory standards for courts and legislators including those in transitional countries of Central and Eastern Europe The book argues for de criminalisation of historical revisionism and pornography and illuminates topics such as genocide denial the rise of Prague and Budapest as Europe s porno capitals anti Semitism and anti Gypsyism religious obscurantism and homophobia virulent Islamophobia and the glorification of terrorism The research methodology in this study combines a descriptive case law assessment comparative constitutional public international and EU law with a normative critique stemming from post structuralist scrutiny rhetoric postmodern legal movements legal history history of ideas and art criticism This book will be of interest to students and scholars of comparative constitutional law law and society human rights and European law as well as political philosophers **Information Rights** Philip Coppel,2014-12-01 This is the fourth edition of what is the leading practitioner s text on freedom of information law Providing in depth legal analysis and practical guidance it offers complete authoritative coverage for anyone either making handling or adjudicating upon requests for official information The three years since the previous edition have seen numerous important decisions from the courts and tribunals in the area These and earlier authorities supply the basis for clear statements of principle which the work supports by reference to all relevant cases The book is logically organised so that the practitioner can quickly locate the relevant text It commences with an historical analysis that sets out the object of the legislation and its relationship with other aspects of public law Full references to Hansard and other Parliamentary materials are provided This is followed by a summary of the regime in five other jurisdictions providing comparative jurisprudence which can assist in resolving undecided points The potential of the Human Rights Act 1998 to support rights of access is dealt with in some detail with reference to all ECHR cases Next follows a series of chapters dealing with rights of access under other legislative regimes covering information held by EU bodies requests under the Data Protection Act and the Environmental Information

Regulations public records as well as type specific rights of access These introduce the practitioner to useful rights of access that might otherwise be overlooked They are arranged thematically to ensure ready identification of potentially relevant ones The book then considers practical aspects of information requests the persons who may make them the bodies to whom they may be made the time allowed for responding the modes of response fees and vexatious requests the duty to advise and assist the codes of practice government guidance and its status transferring of requests third party consultation The next 13 chapters comprising over half the book are devoted to exemptions These start with two important chapters dealing with general exemption principles including the notions of prejudice and the public interest The arrangement of these chapters reflects the arrangement of the FOI Act but the text is careful to include analogous references to the Environmental Information Regulations and the Data Protection Act 1998 With each chapter the exemption is carefully analysed starting with its Parliamentary history giving full references to Hansard and other Parliamentary material and the treatment given in the comparative jurisdictions The analysis then turns to consider all court judgments and tribunal decisions dealing with the exemption The principles are stated in the text with footnotes giving all available references Whether to prepare a case or to prepare a response to a request these chapters allow the practitioner to get on top of the exemption rapidly and authoritatively The book concludes with three chapters setting out the role of the Information Commissioner and the Tribunal appeals and enforcement The chapter on appeals allows the practitioner to be familiar with the processes followed in the tribunal picking up on the jurisprudence as it has emerged in the last eight or so years Appendices include precedent requests for information a step by step guide to responding to a request comparative tables and a table of the FOI Act s Parliamentary history Finally the book includes an annotated copy of the FOIA Act the Data Protection Act 1998 the Environmental Information Regulations 2004 all subordinate legislation made under them EU legislation Tribunal rules and practice directions and the Codes of Practice Contributors Prof John Angel former President of the Information Tribunal Richard Clayton QC 4 5 Gray s Inn Square Joanne Clement 11 KBW Gerry Facena Monkton Chambers Eleanor Gray QC *Russian Law Journal* Maleshin Dmitry, The Russian Law Journal RLJ magazine is one of the first English language legal academic editions regularly published in Russia It is an All Russian interuniversity platform designed to promote Russian legal researches abroad The magazine is meant for both Russian and foreign readers including major world legal libraries academics and practicing lawyers International editorial board and editorial team are represented by professors from leading world centers of legal education and legal science like Harvard Yale Cambridge and La Sorbonne as well as by scientists from Russian law schools Moscow State University Kutafin Moscow State Law University Saint Petersburg State University Higher School of Economics *Constitutional Justice* Trevor R. S. Allan, 2003 Scope of Judicial Review *Journalists and Confidential Sources* Joseph M Fernandez, 2020-11-23 *Journalists and Confidential Sources* explores the fraught and widespread reliance by journalists on anonymous sources whistleblowers and others to whom they owe an

obligation of confidentiality It examines the difficulties afflicting such relationships analyses the deteriorating right to know and freedom of expression frameworks and explores solutions and reforms The book discusses key Australian and international source protection ethics rules statutes court cases law enforcement actions and case studies It highlights weakness in journalists professional practice codes governing confidentiality obligations discusses inadequate journalistic appreciation of the importance of establishing clear terms and conditions underpinning confidentiality obligations and identifies shortcomings in the law governing source protection The book argues that despite source protection being widely recognised as an important ideal source protection is under sustained assault thereby undermining public access to information and democracy itself The work focusses on Australia but takes into account source protection in the United Kingdom the United States Canada and New Zealand This timely contribution to the global discussion on the subject will greatly interest journalists scholars educators and students especially in the areas of media law and policy journalism media and communication studies and public relations the legal fraternity and anyone who communicates with journalists

**Personal Freedom Through Human Rights Law?** Jill Marshall, 2009 By analysing the European Court of Human Rightsa TM jurisprudence and philosophical debates on personal autonomy identity and integrity the book offers a critical analysis of the possibility of different versions of personal freedom emerging in the case law which may restrict rather than enhance personal freedom

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