



10-Point Plan for an Open Government

Jonathan Heawood, Director, English PEN
Jo Glanville, Editor, Index on Censorship
Agnes Callamard, Director, ARTICLE 19

Anyone who believes in the rights to freedom of expression and information must welcome Gordon Brown's promise of a more open government. An open government is one which hears the voices of its citizens – *all* its citizens – even when their demands are clamorous, their tone strident and their rhetoric vigorous. It does not shy away from debate, protest or dissent. The deliberations of an open government are open to scrutiny, and held to account by a strong and self-regulated media. Open government is a noble aspiration, from which few modern democracies would demur. In practice, it involves a strong and steady commitment to the principles of freedom of expression and freedom of information – rights which have been eroded over recent years.

Promises of 'a new kind of politics' in 1997 led to groundbreaking measures on Human Rights and Freedom of Information. Yet the standards set out in these landmark acts have slipped through the fingers of successive Parliaments. Peaceful protest has been criminalised in a range of situations. Anyone who calls for the overthrow of a dictatorial regime now risks committing the offence of 'encouraging terrorism'. Antiquated laws against defamation, sedition and blasphemy remain on the statute books, making it impossible for the government or British NGOs to defend freedom of expression worldwide with any credibility. The fourth estate, meanwhile, has had its freedom curtailed by a series of expensive rulings on privacy, contempt and libel, which threaten the survival of all but the wealthiest media operations. And the right to freedom of information is at serious risk of disappearing entirely, if proposals to limit the use of the Act by journalists and campaigners are not blocked.

Below, we set out the ten measures which the new Prime Minister must introduce if his promises of open government are to become more than hollow words. These actions should replace fear with trust, and see candour take the place of secrecy. We hope to see real movement under these ten headings during Gordon Brown's first 100 days in office. We will be watching, and on Friday October 5th we will publish a progress report.

1. **Safeguard Freedom of Information:** Proposals to limit the use of the Freedom of Information Act would severely weaken the ability of the media to hold the government to account. These measures would result in less transparency in government and should be scrapped.
2. **Defend Freedom of Expression:** The UN Human Rights Council is wavering in its defence of free speech. Britain should stand up for this key democratic right internationally, and support the work of British NGOs in protecting freedom of expression.
3. **Protect Whistleblowers:** The Official Secrets Act should not be used as a catch-all mechanism for the government to protect itself. It should be reformed by introducing a public interest defence for whistleblowers.
4. **Respect the Right to Protest:** Public order legislation such as the Protection from Harassment Act 1997, the Anti-Social Behaviour Act 2003, and the Serious Organised Crime and Police Act 2005, has redefined the meaning of 'assembly', awarded new powers to the police, and banned all unauthorised demonstrations within 1 km of the Houses of Parliament. These measures should be amended to restore the age-old democratic right to protest.
5. **Distinguish Words from Actions:** The offence of glorifying terrorism is drawn so broadly that it fails to distinguish speech acts which constitute incitement from those which merely describe terrorist actions. This offence should be abolished.
6. **Decriminalise Defamation:** The antiquated offence of criminal defamation violates international standards of free expression. The United Kingdom must come into line with global efforts to remove this offence from the statute books.
7. **Bury Dead Laws:** Old offences such as sedition and blasphemy may have fallen into disuse but their presence on the statute books still casts a long shadow in the UK and abroad. They are incompatible with basic democratic ideals and should be repealed.
8. **Protect the Fourth Estate:** The media is facing growing restraints through the use of privacy law, reporting restrictions, libel law, court injunctions and contempt of court. The government should commission an independent inquiry into media freedom.
9. **Guarantee Digital Democracy:** The impending digital switchover will result in the freeing up of considerable broadcast spectrum, which should not all be sold off to the highest bidder. The government must

ensure that Ofcom reserves sufficient spectrum for citizen and community uses.

10. **Cherish Charities:** The voluntary sector represents the public's desire for real social change. The government should support the sector's efforts to relax the restrictions on so-called 'political' campaigning. Charities should remain banned from supporting individual political parties, but they should be free to lobby governments for change.