Single issue politics, voluntary organisations and freedom of speech: fundamental rights or fundamentally wrong? Developments from the UK

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In recent years, the UK Government, the European Commission and numerous reports into the UK voluntary sector have lauded the role that voluntary organisations can play in contributing to the delivery of political objectives, and in contributing more generally to civil society and the political process (Deakin 1996, Kemp 1997, European Commission 1997, Strategy Unit 2002). The value of the voluntary sector has been measured in both economic and political terms, and the sector’s ability to partner government is increasingly recognised. That voluntary organisations can make a contribution to the political process is little doubted. Described judicially as playing “a vital role in that vigorous free trade in the competitive market in ideas which is the lifeblood of democracy on which our society has wagered its future” (Munby J [2002] 2 FLR 146), voluntary organisation are proving to be key figures in developing civic engagement. In addition, as organisations at the sharp end of need, they have a wealth of resources from which to build their practical knowledge and expertise regarding the issues facing society and the economic, legal or political change that is required to redress that need.

However, the fêted role that the voluntary sector can play in partnership with government often sits uncomfortably with the campaigning activities that organisations within the voluntary sector also undertake. As activators for change, the lobbying by voluntary organisations is often derided as disruptive, ill conceived, too extreme, and failing to appreciate the wider features of the political process (Deakin 1996; European Commission, 1997). This is due in part to the fact that voluntary organisations often campaign on single issues and, moreover, single issues that highlight uncomfortable questions of economic, social, political, cultural and moral concern. In addition, single issue lobbying is not controlled by governments’ political schedules, so at any time any number of voluntary organisations with multifarious interests can force debate onto issues which governments may prefer not to be high on their agenda.

Taking a legal perspective, this paper will examine single issue politics, the role of dissent and the campaigning activities of voluntary organisations. It will highlight the conflicts that can arise in law, policy and practice where voluntary organisations are drawn into the political process as service delivery partners, but pushed out as campaigners. It will focus in particular upon the tension that is created between the guaranteed right of freedom of expression (under Article 10 of the European Convention on Human Rights, incorporated into UK law by the Human Rights Act 1998) and state interests in censoring debate (achieved via Article 10(2) of the European Convention on Human Rights through restrictions that are deemed “necessary in a democratic society”).

This paper, though focussed on UK and European perspectives, will be of interest to an international audience as a comparative approach to freedom of expression, voluntary organisations and censoring debate.

This paper it will draw upon the recent Strasbourg and UK jurisprudence – a jurisprudence that has wide-ranging significance for any organisation wishing to lobby against contentious and politically sensitive issues - considering in particular, Bowman v. UK (1998) 26 EHRR 1; R (on the Application of Smealton on behalf of the Society for the

This paper will also draw upon current reports on the dynamics of the voluntary and charity sector in England and Wales and the European Union, including:


