

European Court of Human Rights: One Recent Judgement on the Freedom of Expression and Information

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Ahmed and others v. United Kingdom, 2 September 1998: Restrictions on the Political Activities by Local Government Officials This case concerns the application of the Local Government and Housing Act 1989 and the Local Government Officers (Political Restrictions) Regulations 1990 according to which certain categories of (senior) local government officials are prohibited from taking part in certain kinds of political activities. Four local government officials and a trade union representing public sector workers applied to the European <http://services.obs.coe.int/en/index.htm> Commission alleging that the application of this legislation infringed, inter alia, their right to freedom of expression as guaranteed by Article 10 of the Convention. The European Court recognises that the guarantees contained in Article 10 of the Convention extend also to civil servants and that the effects of the legislation under dispute in various ways restricted the right of freedom of expression and the right to impart information and ideas to third parties in the political context. However, according to the Court this interference does not give rise to a breach of Article 10 of the Convention, because these restrictions are to be regarded as necessary in a democratic society (six votes to three). Referring also to the margin of appreciation, the Court notes that the measures were directed at the need to preserve the impartiality of carefully defined categories of officers whose duties involve the provision of advice to a local authority council or to its operational committees or who represent the council in dealings with the media. Hence the restrictions imposed can reasonably constitute a justifiable response to the maintenance of the impartiality of the local government officers and are likely to avoid a situation where in the eyes of the public the local government officers are linked with a particular party political line. The Court also came to the conclusion that there was no breach of Article 11 of the Convention (freedom of assembly), nor of Article 3 of Protocol No. 1 to the Convention (the right to fully participate in the electoral process).

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<https://hudoc.echr.coe.int/eng?i=001-58222>

