

Why The No Naming & Shaming Rule Exists

By Steve Robinson

3rd July 2020

You may notice the rule of no naming & shaming exists on many social media sites & the reason for this is because such an action can get you prosecuted very easily indeed & there are many examples of exactly that kind of prosecution succeeding, large sums of compensation paid & in many cases, lives ruined.

Unproven/accusatory statements in writing and/or online is defamation and/or libel which loosely defined, is the dissemination of a falsehood about a person or group that damages the person's or group's reputation & even true statements made with malicious intent can often fall under the category of hate crime & even encouraging others to make such statements are often in breach of EU & other laws (UK & other links below) & in some cases, such prosecution can sometimes include FB group admins & similar.

So (for your own protection) please pause & think awhile before you consider making such statements whether online or otherwise lest you find yourself in court at a later date.

MALICIOUS COMMUNICATIONS ACT 1988

Section 1 of the Malicious Communications Act 1988 states that it is an offence for any person to send a communication that is "indecent or grossly offensive" for the purpose of causing "distress or anxiety to the recipient". The Act also extends to threats and information which is false and known or believed to be false by the sender of the communication. A person found guilty of this offence is liable to receive a prison sentence of up to 6 months, a fine (currently of up to £5,000) or even both plus further compensation.

http://www.cps.gov.uk/.../communications_sent_via_social.../

<https://www.askthe.police.uk/content/Q770.htm>

<http://www.inbrief.co.uk/offe.../sending-threatening-emails/>

<https://www.citizensadvice.org.uk/.../what-are-hate.../>

The relevant/similar Portuguese legislation on the link below:

<https://dre.pt/web/guest/legislacao-consolidada/-/lc/124532375/202004291448/73759191/diploma/indice?fbclid=IwAR0IIXthT3cWNjzUZI3vcYoTt1c8Tdd8RwvC2i1QLjVpPjf4dcP1tYJHSNA>

Note: Those penalties increase from time to time & in some cases, such prosecution might possibly also affect your future residency rights as well.

Also note that the offender can also be prosecuted for further compensation on top of the aforementioned fines & jail time & in some cases such compensation can be in the millions & also bear in mind that although UK compensation figures have historically been much lower than in some other parts of the world the prosecution can take place in any country the offending statement can be viewed..... So think before you post as if you are prosecuted it'll most certainly not be a laughing matter!

<https://www.fieldfisher.com/en/services/dispute-resolution/defamation-and-privacy/defamation-blog/claimant-awarded-top-bracket-defamation-damages>

<https://abcnews.go.com/Business/jury-awards-13-million-texas-defamation-suit-anonymous/story?id=16194071>

Protection Of Reputation (ECHR)

https://www.echr.coe.int/Documents/FS_Reputation_ENG.pdf?fbclid=IwAR2V780bnCSSN2Xz2G6qY43sPknpyvd3rEZ0DU_CcpjAxrf9Rsily3jAM

Also read this.

<https://ipi.media/ipi-report-highlights-need-for-defamation-reform-in-portugal/?fbclid=IwAR3TbdjF9UxWPLmqrLc7oiwE98ZUJfod2yspYH1wbh8wtzsVAQ1Of74jc-s>

