

Introduction:

In this essay I will be discussing the multiple issues with how we regard the freedom of speech in social media. I will explore what we understand freedom of speech to be. I will research how it's being regulated on social media and where the line is drawn between freedom of speech and responsible usage. I will write about misinformation and the harmful influence it can have. I believe that in this essay I will discover and learn more about the laws regarding freedom of expression. I hope you learn something along the way.

The sources that I will be using throughout this is as follows: <https://www.irishstatutebook.ie/> , <https://www.irishstatutebook.ie/eli/cons.html> , <https://www.bailii.org/> , <https://www.bailii.org/> , <https://www.oireachtas.ie/en/debates/find/> , <https://www.courts.ie/> . I will be using multiple media outlets to gather information. These sources will help me to further my understanding of this topic and help prove my argument.

Development:

“If liberty means anything at all, it means the right to tell people what they do not want to hear.” This is a quote by George Orwell, an English novelist who was known for his criticism of society . It alludes to how true freedom is the ability to express ones thoughts and opinions openly without being reprimanded. Article 10 of The Human Rights Act 1998 protects the “Freedom of Expression”. This law directly states that “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”. Thus, Article 10 safeguards your freedom to have your own beliefs and to express them openly without interference from the government. This includes expressing your opinions through social media, demonstrations, books and so forth. This law also allows you to obtain information from these places. However, you have a duty to use this law responsibly and you cannot abuse it to harm others. If you convey racial or religious prejudice an authority is able to restrict your freedom of expression. They also may restrict this right to prevent disorder or crime, to protect health or morals and to protect the rights and reputations of other people. This restriction was applied in the case “Observer and The Guardian v United Kingdom [1991]” when the newspapers The Guardian and The Observer released passages from Peter Wright's book “Spycatcher” that alleged MI5 had committed illegal acts. The government was successful in getting a court order barring the publication of additional articles before the conclusion of the investigation into a breach of confidence. However The Guardian newspaper argued that the court order violated the right to freedom of expression. Due to the court order being in place to protect national security it was deemed lawful by The European Court of Human Rights. Although there was no justification for the ban after the book had been published as the information was no longer classified. I believe that this was a fair action from the court as at that time the information was sensitive and the publication of additional articles may have resulted in the potential threat of national security.

Misinformation is a prevalent issue among multiple social networks and media outlets. The spread of misinformation can cause serious harm to an individual or group of people. Recently the social networking service Twitter has come under fire as the new owner Elon

Musk has stopped enforcing a policy that prevented the spread of Covid-19 misinformation. Mr Musk's reasoning for reinstating approximately 62,000 accounts on Twitter is that he claims to be a "free speech absolutist". He has even reinstated former president of the USA, Donald Trump, who was previously banned for violating content rules. Mr. Musk argues that all material ought to be published on Twitter by law and on Monday he called his actions a "revolution against online censorship in America." Yet again this raises the question of where do we draw the line between letting people have the liberty to speak their beliefs and what can have a detrimental influence on others? I believe other people should be allowed to express their thoughts and opinions freely however when those thoughts are only expressed to cause harm to someone whether it be to their wellbeing, reputation or actual bodily harm, then there definitely needs to be regulations in place to prevent that..

A debate regarding the Online Safety and Media Regulation Bill 2022 has raised questions over the bill. Deputy Thomas Pringle argued that while he agrees with the general idea of the bill he cannot fully support it as it comes across too vague because there are many wide-ranging issues being acknowledged throughout the bill, therefore it is difficult to analyse. In its research from the previous year, the National Women's Council of Ireland discovered that women are choosing to leave politics as a result of gendered social media abuse. According to a UN special rapporteur on minority problems' report, women who are members of these groups are disproportionately targeted by online hate speech, making up at least 75 percent of the victims. This is why this legislation needs to be reevaluated to prevent these sorts of prejudice attacks from happening. The same study claims that because hate is growing rather than declining, efforts to stem the tide of bigotry and hatred on social media appear to be mainly failing. In the US and the UK, hate speech has increased by an astounding 20% during the pandemic. Deputy Pringle stated that whilst he would like to support this legislation it does not effectively address the issues just highlighted. In its current form, it appears that this legislation would conflict with the EU Digital Services Act, which overrides this legislation.. The Irish Council for Civil Liberties (ICCL) contends in their submission that, despite the bill's stated goal of minimising harm, "this subjective opinion-based approach about feelings that could be had, in regards to already vaguely defined "harmful" content, could lead to a serious chilling effect on the rights to freedom of speech, opinion, and to the right to send and receive information." This could be dangerous for democratic discourse.

Conclusion:

What constitutes freedom of expression and responsible usage? How do we judge the limitations? While there are regulations in place to prevent racial and religious discrimination on social media, because of social networks such as Twitter refusing to implement policies to prevent misinformation we have to protect minorities from receiving abuse. The spread of this type of information will lead to an increase in violent attacks against these groups of people. In two Resolutions (10 October 2019 and 15 January 2020), the European Parliament acknowledged the "weaponisation" of misinformation against minorities. It "condemn[ed] media propaganda and misinformation against minorities; call[ed] for the establishment of the best possible safeguards against hate speech and radicalisation,

disinformation campaigns and hostile propaganda, particularly those originating from authoritarian states and non-state actors such as terrorist groups". The mainstream media has resisted featuring persons with unusual viewpoints in recent years. Even though the bearers of such viewpoints may find them to be extremely offensive, misrepresented, or just incorrect, the fact that they are prohibited from being spoken represents a serious restriction on free expression. With the aid of voices challenging societal norms we will further our mission to having an equitable society. This is where we strike the balance between freedom of expression and responsible usage. We do this by introducing concise legislation that gives and encourages people to express their opinions freely whilst also protecting vulnerable individuals and minorities.

Reflection:

I extremely enjoyed writing this essay. I got to delve into the world of law and take a closer look at how to apply law and previous cases to support my opinion. I learned that while I may disagree sometimes with others' opinions, for the most part I have to respect their right to express their beliefs freely. I am passionate about social justice and therefore I had great delight in researching information on human rights and legislation. Working on this essay has made me realise it's reasonable to have an opposite view however it's when that view is deleterious then it is unacceptable. This has challenged me in many ways as these lines have always been blurred for me and I've had difficulty with understanding this concept. I overcame this challenge by furthering my research and learning to become more educated on this topic. This has helped me with realising I have a voice and I can use it in my day-to-day life. I'm now more open to listening to my classmates' different opinions and to be willing to try and understand their point of view and reasoning. I feel as though I now have a better understanding of the field of law. Although this essay was quite daunting, I have come to the conclusion that a career in law would be suited to me. As John Milton said "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."

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