

Rights and limits of online participation

Freedom of speech vs. Rise of hate speech

Topic 1



The beginnings of freedom of speech

- Freedom of speech as we know it has come a long way today
- The first mentions of it can be found in ancient Greece or in the period of ancient Rome, where just a certain group of people had this form of privilege.
- World developments in this area came to a halt in the Middle Ages when any other opinion that differed from that of the Church and the Sovereign was punished.
- The turning point came again during the Enlightenment, which is associated with the famous statement of Voltaire: *"I Disapprove of What You Say, But I Will Defend to the Death Your Right to Say It."*



Freedom of speech and its validity

Freedom of speech **is not universal law**, as its validity is limited almost exclusively to democratic political establishments, which can be found mostly in Western Europe, North America, Australia etc.

Authoritarian or **totalitarian** state institutions limit and censor information that is inconsistent with their ideology or rhetoric.



Non-democratic world vs. Freedom of speech

- Probably the saddest world example is **North Korea**, where there is no independent civil society and criticism of the government is punished by imprisonment.
- Navi Pillay, The UN High Commissioner for Human Rights, said that North Korea had “*one of the worst -but least understood and reported - human rights situations in the world*”.
- Hundreds of thousands of people are held in **political prison camps**, where they are denied basic human rights, forced to work, starved, tortured or even executed.
- European example of limiting the freedom of speech is **Belarusian authoritarian regime** of Alexander Lukashenko, who has imprisoned the critics of the regime



Arguments for freedom of speech

- 1. The argument of truth** - it is based on the thesis that only open discussion can lead us to the truth, so we should be aware of that. The majority society or the ruling group may not be right, and it can be proved by the minority in the open discussion.
- 2. The argument of self-realization** - each person has his/her own special expression, which makes him a specific individual, who thus develops personally and socially. This helps him/her to achieve happiness, and by denying such manifestations, it is possible to disrupt the mental health and development of individuals.



Arguments for freedom of speech

3. The argument of political participation - the opportunity to express their political preferences publicly gives politicians and voters the opportunity to broaden public debate, discuss important topics, which ultimately leads to a wider political representation of the views of individuals and minorities.

4. Control and insurance against abuse of public power – it is an important tool of control of public power, because without the possibility of expressing your disagreement with the functioning of the state, there would be abuse of power. In this sense, the media play an important role.



Universal Declaration of Human Rights

- Freedom of expression is governed by international and national law, with Article 19 of the **Universal Declaration of Human Rights** adopted by the United Nations in 1948 as the starting point.
- It recognizes in a very broad sense that freedom of expression is a **fundamental human right**:
„Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.“
- However, Article 29 (2) sets out the **limitation of this right**:
„In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society“



Universal Declaration of Human Rights

- Many undemocratic or totalitarian regimes have signed the treaty. Therefore, it is **rather an aspiration** than the real state, which would be recognized by all states involved.
- However, in some cases, we may limit freedom of expression as a universal right because it requires to respect for the rights and freedoms of other people, as well as morality and order, so we can say that **it is not an absolute right.**



European Convention for the Protection of Human Rights

- Article 10 of the **European Convention for the Protection of Human Rights and Fundamental Freedoms**: *“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.”*
- Part of the article is also its **limitation**, which applies to possible restrictions or sanctions that are *“necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”*



Hate-speech

- Freedom of speech is closely linked to the term **hate-speech**, which has spread mainly through the rise of the Internet and its accessibility to the general masses.
- Hate speech is often not defined by national law. From an international perspective, the Council of Europe defined hate speech in 1997 as follows: *„For the purposes of the application of these principles, the term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.“*



Hate-speech on rise

- Intensity of online hate-speech is constantly increasing.
- Hate speech against minorities is happening all over the world and mostly on social media
- There can be found lots of **racism**, **xenophobia**, **misogyny** or **homophobia**.
- Social networks give such people space, almost anonymously or under a false name, to spread hatred, conspiracies, fake news and promote their distorted impressions and information.
- The pandemic has divided world society so fundamentally that in many countries we are witnessing a **threat to the fundamental pillars of democracy**.



Responsibility in the hands of social media

- The most widespread social media platforms in Europe and around the world are mainly **Facebook**, **Instagram**, **YouTube** and **Twitter** - their content moderation principles are very similar.
- These platforms must comply with the internal law of the countries in which they operate and, in the case of the EU – also with European law.
- All of them adopted a **policy of banning posts** that promote violence, have a sexual context, as well as posts that contain hate speech.
- Recently, they have also introduced **rules to limit misinformation**, for example by labeling state-run media accounts, verifying facts, or banning political advertising.
- They use artificial **intelligence-based moderation software**, with Facebook, Twitter and YouTube employing thousands of people to monitor following the rules.
- Despite well-established rules, many critics believe that companies do not enforce them consistently.



What is the EU doing to stop it?

- Several EU officials have long sought to open a debate on tightening European rules on the **regulation of social media operators**.
- The EU is currently preparing rules that will significantly tighten the demands on giants such as Facebook and Google.
- The new rules will require Facebook to conduct **regular independent audits** of how it handles harmful content.
- The new EU law would force Facebook and other social media to **take legal responsibility for the content**.



Digital Services Act

- The EU is preparing a new law called the *Digital Services Act*. Under these rules, social media will be required to delete illegal content immediately, otherwise they will face heavy fines.
- Despite the long-proclaimed commitments of social media **to control and remove illegal content**, Facebook, YouTube, Twitter, Instagram and TikTok eliminated fewer hate speech in 2021 than in 2020.
- Although we do not know now whether the new European law in this form will pass, one thing is certain - the EU is determined to fight against hate speech on social media



What can you do to stop hate-speech?

It is important that society sets up a mirror and tries to fight the online hate-speech from bottom. What can we do about it?

1) *Strengthen education*

The fight against hate-speech begins at the individual level, meaning that each of us realizes that while freedom of speech is a fundamental human right, we cannot act aggressively online and spread hatred and unverified information as many people or unreliable conspiracy media do. The way is to educate the society about minorities -their traditions and problems, human rights, inclusion, and the diversity of our society. It is also important to strengthen cyberbullying education.



What can you do to stop hate-speech?

2) *Don't be quiet!*

When you witness hate speech on the Internet, do not look at it in silence, but you should try to respond to such posts and comments in a kind way and refute the distorted information with logical arguments.

3) *Report disputed content*

If you find illegal content on social media that attacks minorities or encourages hatred and violence, bullying a person or a group of people, please report it. Almost every responsible social media platform can make such a complaint. Indicate in it the specific reasons why you consider the contribution unacceptable.



What can you do to stop hate-speech?

4) *Raise awareness on this topic*

Talk to your loved ones about hate speech and its consequences for society. Try to explain things to them that they may understand less (especially the older generation, who tends to trust everything they read on social media). You can also run a social media campaign on this topic that will have a bigger reach.

5) *Report the worst cases of hate speech* on the Internet to organizations that are actively involved in this topic. They are either international or national ones and you can easily find them because they mostly have names such as "No Hate Speech Movement", "Stop Hate" etc. They will most likely solve the problem with the competent authorities or advise you on what you can do.