

10 MYTHS ABOUT...

FREE SPEECH

Sorting facts
from fiction.

**Can we really say whatever we want,
whenever we want? Is it our absolute right
to do so?**

Explore 10 common myths about the limits of freedom of expression, social media and the free press in an increasingly digital and connected world.

Photo: Andranik Hakobyan/Shutterstock.com



INTRODUCTION

The Universal Declaration of Human Rights (UDHR) was launched in 1948 after the ‘barbarous acts’ of conflict and The Holocaust during the second World War. The introduction (or preamble) presents the core essence why human rights for all matter:



‘...Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings are entitled to freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...’

Article 19 of the UDHR includes the right to ‘seek, receive and impart information and ideas through any media and regardless of frontiers.’ Although people enjoy the same rights online as offline, states also censor and criminalise a wide range of online content through vague laws prohibiting ‘offensive language’, ‘extremism’, ‘defamation’, ‘false news’, ‘blasphemy’ and ‘propaganda’.

While many believe we should have freedom of speech at all costs on all occasions, others believe it represents an opportunity to say potentially harmful things without consequence or accountability.

Freedom of speech during the pandemic

The UK-based NGO, Article 19, champions free speech. They noted that as the Covid-19 pandemic spread globally, many countries across the world responded by presenting a false choice between human rights and public health. This shut down public discussion and scrutiny over key decisions in the name of crisis-management.

Their 2021 Global Expression Report notes:



'Freedom of expression is the fundamental human right that enables us all to demand the highest attainable standard of health. Unlike any other year in recent history, 2020 has driven home just how vital access to accurate, reliable and timely information is, and continues to be during a global health crisis.'

'Expression' was the biggest human rights casualty during the pandemic with two thirds of all countries putting restrictions on the media. The report found that many countries implemented states of emergency that went against human rights standards; the flow of information came under further restriction and surveillance, as many governments took more interest in controlling the narrative around the pandemic than controlling the pandemic itself.

The global state of 'freedom of expression' continues to deteriorate and is now at its lowest score in a decade. 2020 and 2021 saw significant drops in protest and public participation – two key elements of freedom of expression and democracy as a whole.

Given this, issues about the limits of free speech are important to discuss, debate and demystify.

WHY THINKING ABOUT FREEDOM OF SPEECH MATTERS

- 1. It is the cornerstone of free democratic societies.** Freedom of speech is a ‘foundational right’, meaning it is essential for the enjoyment and protection of all human rights. It is part of a group of rights that have been recognised by a high degree of protection from encroachment by governments.
- 2. It is the freedom for us all to express ourselves.** It is the right to speak, to be heard, and to participate in political, artistic, and social life. It also includes the ‘right to know’: the right to seek, receive, and share information through any media.
- 3. It enables active participation of people.** Freedom of expression also enables us to question our governments, which helps to keep them accountable. Questioning and debate are healthy – they lead to better policies and more stable societies.
- 4. It promotes equal treatment of minority voices.** In democratic societies, everyone should be treated fairly. Minority groups, voices or countries can be ignored, forgotten or neglected by opinions from more dominant groups.
- 5. It makes everyone more accountable.** As a watchdog, a free press ensures that people stay informed about the actions of their government, creating a forum for debate and the open exchange of ideas. Free press and independent media are for the benefit of everyone so they can receive reliable and timely information about their society.

Adapted from Article19.org and ‘*The importance of a free press*’ by Alan Rusbridger in The Guardian (October 2011)



**SUSTAINABLE
DEVELOPMENT**

GOALS

The Sustainable Development Goals (SDGs) are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those relating to poverty, inequality, climate, environmental decline, prosperity, and peace and justice. To leave no one behind, it is important that we achieve each Goal and target by 2030.



The Goals interconnect and therefore it is essential to work together on the targets established for each individual goal. Despite the many critiques of the SDGs, mainly for lacking real ambition and for being limited in addressing key issues, they represent a useful platform for debating and extending progress in real terms.

Sustainable Development Goal 16 promotes peaceful and inclusive societies for sustainable development. It provides access to justice for all and to build effective, accountable and inclusive institutions at all levels. Target 10 within Goal 16 seeks to ensure public access to information and to protect fundamental freedoms, in accordance with national legislation and international agreements.

[MYTH 01]

FREE SPEECH IS FOR EVERYONE.

DEFINING 'FREEDOM OF SPEECH'

According to Amnesty International:

'Freedom of speech is the right to seek, receive and impart information and ideas of all kinds, by any means.'

Freedom of speech and the right to freedom of expression applies to ideas of all kinds including those that may be deeply offensive. But it comes with responsibilities and we believe it can be legitimately restricted. Free speech is one of our most important rights and one of the most misunderstood.

Source: What is Freedom of Speech? By Amnesty International UK.

Link: <https://www.amnesty.org.uk/free-speech-freedom-expression-human-right>

[FACT...] BUT THERE'S MORE

Does freedom of speech mean you can say anything you want? The short answer is no.

While freedom of speech is a universal human right, different countries interpret it differently based on their own laws. Research carried out by Pew Research Centre in 2015 found that while there has been a global decline in democratic rights in recent years, people around the world still embrace fundamental democratic values, including free speech. The principle of free speech is not a 'one size fits all' concept: it depends on the constitution and culture of the country in question.

Government restrictions on free speech can sometimes be justified, for example to stop hate speech and incitement. These restrictions must be set out in laws with a demonstrable need for them, and backed up with safeguards to stop their abuse and have a proper appeals process. Restrictions that do not comply with the above are a violation of freedom of expression.

In the US, free speech is constitutionally protected except in narrow circumstances, such as direct incitement to 'imminent lawless action'. The European Court of Human Rights (ECHR) holds that governments may 'sanction or even prevent all forms of expression which spread, incite, promote or justify hatred.' Such speech restrictions are considered insurance against a return to the continent's totalitarian past.

Source: Global Support for Principle of Free Expression, but Opposition to Some Forms of Speech by Pew Research Centre (November 18, 2015).

Link: <https://www.pewresearch.org/global/2015/11/18/global-support-for-principle-of-free-expression-but-opposition-to-some-forms-of-speech/>

[MYTH 02]

**I CAN SAY WHAT I LIKE
ON SOCIAL MEDIA – IT'S
MY FACEBOOK / TWITTER
/ INSTAGRAM ACCOUNT!**

[FACT...] **BUT THERE'S MORE**

Social media is a powerful platform for anyone to state their opinion and amplify their voice, which may be otherwise unheard. We regularly see, read, and hear about people sharing controversial posts on social media platforms. However, would censoring these posts be a violation of the right to freedom of speech?

Article 19 in the Universal Declaration of Human Rights states that we all have the right to form our own opinions and express them freely. While this is true, absolute and inalienable (as is each and every article in the UDHR), we must remember the word tolerance.

How tolerant should we be of intolerance?

At the time of writing the Universal Declaration of Human Rights, the creators struggled with this very issue, specifically in relation to the rise of Nazism and fascism. As a result, any advocacy of national, racial or religious hatred that establishes 'incitement' by discriminating, being hostile or violent towards others was explicitly banned. Although the declaration was drafted long before the digital era we find ourselves living in, article 19 continues to be relevant today, perhaps even more so given how social media has given extremists such powerful tools to stoke up and coordinate incitement.

It is not always possible for governments to intervene, regulate or add restrictions on social media without compromising freedom of speech. This is an issue that may increase hate speech by demonising it rather than silencing or challenging it.

In short, yes you can say what you like on your social media account. However, to stop online abuse and misinformation, social media platforms have established content moderation guidelines, which all users are subjected to.

[MYTH 03]

CANCEL CULTURE RESTRICTS OUR FREEDOM OF SPEECH.

DEFINING 'CANCEL CULTURE'

Cancel culture is a phrase that means someone is boycotted or excluded or removed from a social or professional group. The idea of 'cancel culture' has been around for several years now. A concept that, according to Vox News, emerged on Black Twitter thanks to an episode of the US-based TV series 'Love and Hip-Hop: New York'. But what 'cancel culture' means continues to be hotly debated.

A MIX OF... [FACT & FICTION]

The growth of 'hashtag oriented' movements such as #BlackLivesMatter and #MeToo has seen those who wield large amounts of power or platforms being held accountable, such as Bill Cosby and Harvey Weinstein. Celebrities and politicians have complained about 'cancel culture' saying that it fundamentally restricts their freedom of speech, but comedian Jon Stewart sees it as a tool for remedying power imbalances:

'The internet has democratised criticism. And that's not cancel culture, that's relentlessness.'

Or as actor LaVar Burton put it:

'we now have a consequence culture and consequences are finally encompassing everyone.'

Since its origins, cancel culture has become a 'suitcase term', which can mean a whole variety of things to different people and has been weaponised by people on all sides of political groups. People feel afraid that if they potentially say one thing wrong, they will risk being 'cancelled' or maybe losing their livelihood.

In *'The Daily'* podcast, Zeeshan Aleem does a deep dive on culture and notes,

'when something goes viral enough, nothing good can come of it. Intentions and the specific sort of context vanishes when it is presented to different crowds.'

And that is because the very infrastructure of social media is exclusively designed to encourage people to be adversarial to each other.

[MYTH 04]

**THE FIRST AMENDMENT OF
THE AMERICAN CONSTITUTION,
WHICH INFLUENCES FREE
SPEECH DEBATES BEYOND THE
US, UPHOLDS THE ABSOLUTE
RIGHT TO FREEDOM OF SPEECH..**

[FACT...] **BUT THERE'S MORE**

In many conversations around free speech, references to the US First Amendment are raised both inside and outside of America. **The First Amendment states:**

'Congress makes no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.'

The United Nations International Covenant on Civil and Political Rights holds a 'hate speech' clause in Article 20(2). It states:

'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.'

The European Union and the Council of Europe also hold regional documents dealing with hate speech, as they acknowledge the link between hate speech and hate crimes.

In the US, Europe and beyond, regulated speech and press include obscenity, fraud, images of child abuse, insider trading, perjury, blackmail, speech that incites lawless action, plagiarism, slander, libel, defamation, and regulation of commercial advertising.

In 2019, the UN Secretary General António Guterres stated that:

'hate is moving into the mainstream – in liberal democracies and authoritarian systems alike.'

During the COVID-19 pandemic, anti-Asian hate crimes increased not just in the United States but globally, with reports showing an increase in these crimes in Italy, Russia, Brazil, Canada, the UK and New Zealand. Striking a balance between the protection of free speech, and the protection of people's right to safety is vital.

[MYTH 05]

IN MORE AUTHORITARIAN STATES, COVID-19 RESTRICTIONS WERE A CONVENIENT TOOL FOR GOVERNMENT TO USE TO RESTRICT RIGHTS TO PROTEST AND DISSENT.

[FACT]

The 2021 Global Expression Report found:

'two-thirds of the world's population – 4.9 billion people – are living in countries that are highly restricted in freedom of expression or in crisis: more than at any time in the last decade.'

As the COVID-19 pandemic spread globally, most countries brought in emergency measures and laws. Yet these emergency laws did not always coincide with international guidance. In this global health crisis, there were necessary and limited restrictions on human rights on the grounds of public health. However many states used it as an opportunity to limit free speech and opposition, target minorities groups and run disinformation campaigns. For example, in Sri Lanka, China, El Salvador, India, Turkey, Uganda, Venezuela and even some non-authoritarian countries such as the US and Greece.

Two-thirds of states imposed media restrictions in response to the pandemic. This was the most common democratic violation measured by research institute V-Dem's report Autocratization Turns Viral. In 2020 and 2021, there were blanket bans, targeting of journalists, abuse of those limitations as well as selective enforcement.

In Ireland, bans on public protest left many unsure on how to safely articulate their non-COVID grievances such as responding to the findings of the mother and baby homes report, Black Lives Matter public meetings and labour disputes. The rights to expression and information continue whether there is a global pandemic or not, and it is the government's duty to simultaneously safeguard both peoples' health and human rights.

Source: Autocratization Turns Viral: Democracy Report 2021 by V-Dem.

Link: https://www.v-dem.net/static/website/files/dr/dr_2021.pdf

[MYTH 06]

**FREEDOM OF SPEECH
MEANS FREEDOM FROM
RESTRICTIONS OR
OBJECTION.**

FICTION

From our social media accounts to online forums to website comment sections, the ability to share your opinions and thoughts has never been more accessible or unregulated. And yet, there are many claims of being ‘silenced’, particularly online.

There appears to be a lack of connection between that idea of being free to speak and being held accountable for what you say, or from others objecting to it also.

While we have a right to express our opinion (even if they are potentially unpopular or controversial), that does not mean we can express them in a way which silences the voices or opinions of others, or puts them in danger.

Since 2018, the scale of ‘junk news consumption’ has been included in the ‘Doomsday Clock’ project by the Bulletin of the Atomic Scientists that tracks the potential for human-made global catastrophe. Maintained since 1947, the clock is a metaphor for threats to humanity from unchecked scientific and technological advances. In 2021, the editor-in-chief of the Bulletin noted:

‘disinformation acts as a threat multiplier, exacerbating the dangers of nuclear weapons and climate change and undermining democracy. In the past year, the deleterious effects of internet-based conspiracy theories have become especially and alarmingly evident in regard to the COVID-19 pandemic, leading the World Health Organisation to use the term ‘infodemic’ in describing the tsunami of coronavirus disinformation that has washed over the world.’

As UK journalist Nesrine Malik suggests:

‘Freedom of speech is freedom to speak rather than the right to speak without consequence’.

Source: The Doomsday Clock by the Bulletin of the Atomic Scientists.

Link: <https://thebulletin.org/doomsday-clock/>

[MYTH 07]

FREE SPEECH IS UNDER SEVERE ATTACK FROM THE 'WOKE' AND 'GENERATION SNOWFLAKE'.

FICTION

College campuses are seen by many as liberal spaces of free speech. The term ‘generation snowflake’ is commonly used by people claiming that young people are quick to take offence, are overly sensitive, self-entitled and lacking resilience.

The 2015 protest movement ‘Rhodes Must Fall’ from South Africa called into question the legacy of Cecil Rhodes. He was an imperialist, businessman, politician and white supremacist. The campaign sought to fight institutional racism in the universities by calling into question statues of Rhodes on college campuses. This influenced student activism to decolonise education in Harvard University (US), Cambridge University, Oxford University, University of Edinburgh (UK) and University College, Berkeley, among others.

In the US, following ‘Rhodes Must Fall’ and as a response to police brutality, student-led campaigns succeeded in removing over 150 statues of Confederate generals Robert E. Lee and Stonewall Jackson along with memorials to those who fought on the losing side of a Civil War that would have maintained the institution of slavery. These monuments were built as symbols of white supremacy and as a threat to Black people to ‘know their place’.

Political correctness has been described simply as changing language to reflect an increasingly diverse society. More often, however, political correctness is undefined and only ever used as a dismissing insult.

Seattle-based writer and performer, Lindy West, takes a closer look at the purpose of student activism and ‘political correctness’:

‘Framing free speech and political correctness as opposing forces is a false dichotomy intended to derail uncomfortable but necessary conversations, a smokescreen for the ethically lazy. The fact is, political correctness doesn’t hinder speech – it expands it. But for marginalised groups, rather than the status quo.’

Responses to this type of activism often describe these actions as re-writing history, ‘controlling’ and ‘Orwellian’ in a free and open society, rather than no longer being willing to accept the glorification of figures, such as Rhodes.

[MYTH 08]

**WE ARE LIVING IN A FREE
SPEECH CRISIS.**

FICTION

How could it be possible that we are living in a free speech crisis when trolling has become a global industry? Overblown fears of censorship have normalised hate speech and silenced minorities.

Repeat claims of a crisis can reinforce a broader ‘free speech panic’, despite little evidence to suggest otherwise. A UK parliamentary Joint Committee on Human Rights sought evidence in 2018 that free speech was under threat at British universities for example, but discovered very little.

The Washington Posts’ fact check unit reports that Donald Trump made more than 30,000 false or misleading statements during his four years as president of the United States. This astounding figure, which gives an average of 21 false statements per day of his time at the White House, comes after a tumultuous post-election period where he spent weeks falsely alleging that the 2020 election was ‘stolen’.

UK columnist with The Guardian, Nesrine Malik, reflects on the long term impact of this myth:

‘The purpose of the myth is not to secure freedom of speech – that is, the right to express one’s opinions without censorship, restraint or legal penalty. The purpose is to secure the licence to speak with impunity; not freedom of expression, but rather freedom from the consequences of that expression.’

‘The purpose of the free-speech-crisis myth is to guilt people into giving up their right of response to attacks, and to destigmatize racism and prejudice. It aims to blackmail good people into ceding space to bad ideas, even though they have a legitimate right to refuse. And it is a myth that demands, in turn, its own silencing and undermining of individual freedom.’

Source:

‘The myth of the free speech crisis’ by Nesrine Malik in The Guardian, September 3, 2019.
Link: <https://www.theguardian.com/world/2019/sep/03/the-myth-of-the-free-speech-crisis>

‘Trump’s false or misleading claims total 30,573 over 4 years’ in The Washington Post, January 24, 2021.
Link: <https://www.washingtonpost.com/politics/2021/01/24/trumps-false-or-misleading-claims-total-30573-over-four-years/>

[MYTH 09]

**MAINSTREAM MEDIA
OUTLETS HAVE DETOXIFIED
INCREASINGLY EXTREMIST
VIEWS IN THE PURSUIT OF
'BALANCE'.**

FACT

There are potentially lethal results of hate speech, including its ability to incite violence and death on a massive scale. This was graphically displayed when Rwanda's Radio Mille Collines laid the groundwork for the 1994 genocide by dehumanizing fellow citizens and branding them enemies. During the genocide in Rwanda, some 800,000 people were killed.

More recently in Myanmar, messages of incitement to hatred and violence spread with alarming speed on Facebook, and may have contributed to genocide and crimes against humanity. The Independent Fact-Finding Mission on Myanmar pointed to the use of Facebook by the Myanmar military to incite hatred and spread false information to justify their actions against the public. In reaction, Facebook closed several of those accounts.

You are entitled to hold any opinion, no matter how foul it may be, but the expression of that opinion if it amounts to incitement, must be outlawed. There are clear historical examples of what can happen when it is not outlawed.

A British tabloid newspaper revived Mille-Collines-style language in 2015, by referring to migrants and refugees as 'cockroaches'. The UN Human Rights Chief, Zeid Ra'ad Al Hussein, urged European country authorities, media and regulatory bodies to take a firmer line on racism and xenophobia saying:

'under the guise of freedom of expression, are being allowed to feed a vicious cycle of vilification, intolerance and politicization of migrants, as well as of marginalized European minorities such as the Roma.'

Source: Article 19: Freedom of Opinion and Expression by UN Humans Rights Office of the High Commissioner, 2018.

Link: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and>

[MYTH 10]

**HATE SPEECH IS A PROBLEM
FOR SOCIAL MEDIA COMPANIES.
THEY SHOULD SORT IT OUT.**

FICTION

Navigating and shutting down potentially inappropriate content on social media platforms is a notoriously difficult task. From artificial intelligence, to reporting by users themselves, to staff tasked with moderating content, social media companies employ a wide range of tools to monitor content on their platforms.

These companies often face critical human rights dilemmas, where they try to stop what is viewed as harmful content while balancing the risks of silencing ‘protected speech’: speech that, under international law, should be permitted. Intervening with or removing content affects the rights to freedom of expression and privacy, and can easily lead to censorship.

Leaving companies to self-police how best to regulate this space in a voluntary manner has impacted on the individual and collective well-being of 4.2 billion social media users worldwide in 2021 (and growing). The mainstreaming of social media has seen an explosion of cyberbullying, targeting of minorities, the spread of misinformation on critical issues from vaccine safety to election integrity, as well as the rise of right-wing extremism.

UN Secretary-General, Antonio Guterres, shared his views at the UN General Assembly in 2022:

‘Social media platforms based on a business model that monetizes outrage, anger and negativity are causing untold damage to communities and societies.’

Faced with the need to do more to ensure accountability, many governments have started to regulate online content following hundreds of civil society campaigns, media investigative reports, individual legal cases and people standing up to platforms that have been channels for promoting and inciting hate speech.

By 2021, some 40 new social media laws were adopted worldwide, with another 30 are under consideration.

GLOSSARY

Cancel culture is a phrase that means someone is boycotted or excluded or removed from a social or professional group. The idea of ‘cancel culture’ has been around for several years now. A concept that, according to Vox News, emerged on Black Twitter thanks to an episode of the US-based TV series ‘Love and Hip-Hop: New York’. But what ‘cancel culture’ means continues to be hotly debated.

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Totalitarianism is a form of government and a political system that bans all opposition parties and holds high level of control over people’s lives.

Political correctness has been described simply as changing language to reflect an increasingly diverse society. The Cambridge Dictionary defines it as the belief ‘that language and actions that could be offensive to others, especially those relating to sex, gender, and race, should be avoided.’ More often, however, its definition gets lost in its use as a dismissing insult.

‘Woke’ is defined as ‘aware of and actively attentive to important facts and issues (especially issues of racial and social justice)’. It originated in African American English and gained more widespread use beginning in 2014 as part of the Black Lives Matter movement. By the end of that same decade it was also being applied by some as a dismissing insult for anyone who is or appears to be politically left-leaning. Source: Merriam Webster dictionary.

10 MYTHS ABOUT... SERIES

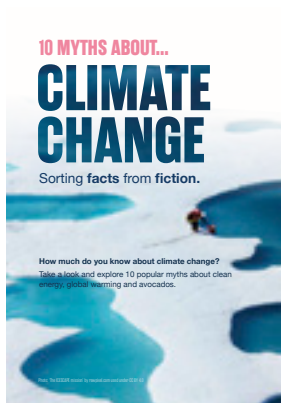
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This booklet was produced using Plain English literacy principles. With special thanks to our reviewers Helen Ryan of the National Adult Literacy Agency (NALA) and Tony Daly of developmenteducation.ie.

Design: Dylan Creane

Cover photo: © Andranik Hakobyan/Shutterstock.com

ISBN: 978-1-8381509-9-0

Published by: developmenteducation.ie 2022

c/o 80:20 Educating and Acting for a Better World, St Cronan's BNS, Bray, Co. Wicklow

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