

# FREE SPEECH AND MEDIA LAW

INTERNATIONAL AND COMPARATIVE ASPECTS

WEBQUEST FOR THE STUDENTS–SPRING 2019

## TOPIC

**Legal protection of the freedom of speech in a selected country**

## INTRODUCTION

The freedom of speech (FoS) is one of the essential freedoms for our societies. Apparently, it is a necessary condition and a focal value for democracy. As Ronald Dworkin put it: “it is an essential and ‘constitutive’ feature of a just political society, that government treat all its adult members ... as responsible moral agents”. FoS forms also a substantial instrument for protecting other rights and freedoms – both individual and collective ones.

It goes without saying that the role of the state for the FoS is crucial. States may limit, or even compromise, the freedom of speech, but they are also key players in warranting and protecting it. There is no chance for a really free speech without state’s intervention, but there is also a few actors who may be equally able and tempted to interfere in the FoS. Therefore, it is of highest relevance to observe how contemporary states regulate the FoS.

The FoS is also a culturally-sensitive problem, as it may lead to demeaning, offensive, or unacceptable interference in someone’s rights. For these reasons it is always mitigated against both individual rights, as well as against social and cultural background of the given state. Hence, one may ask how this context of local culture affects the universal freedom of speech in a particular country.

## TASK

Your task is to prepare and deliver a presentation about the problem(s) of legal protection of freedom of speech in one, selected country. It is neither necessary, nor advisable to offer an overall description of the entire legal system of protection of FoS. Rather, you should focus on a limited number (may be even one) of exemplary regulations and/or court cases. Please select such examples which, in your opinion, may be particularly interesting due to their specificity (they are somehow unique for the given country), relevance (e.g., breakthrough or landmark judicial decisions, or regulations of large social impact), controversial nature (the presented case was or is a subject of social and/or political disputes), or wide public coverage (within the country and/or abroad).

The most obvious and recommended cases for selection are: judge-made law (judicial decisions), either of domestic or international courts, or legal enactments (legislation or regulation), either already issued or still in the stage of drafting.

In your presentation, try to include in particular:

- The social and/or political background of the law;
- In case of judicial rulings, a brief description of the facts of the case;
- The core essence of the law;
- Possible arguments pro and contra the given law.
- You can also consider possible consequences of the law, if applicable.

The oral presentation should take from 20 to 30 minutes and it will be followed by a discussion (10 – 15 minutes). If you wish, you can prepare some points/ questions for a discussion, but this is not required. You can also imbued some elements of discussion and interaction with the audience into the presentation, if you prefer.

## PROCESS

You are going to prepare the Webquest individually. Your presentation will be delivered orally in the class, and should be supported by displayed materials in the form of PowerPoint presentation or equivalent (Prezi etc.).

The selection of the country should be consulted with and accepted by the lecturers, dr Paweł Jabłoński and dr Maciej Pichlak. The date of your oral presentation will be decided individually for each of you.

## RESOURCES

You should use various resources, depending on the country you have chosen. It is common for Webquests to rely heavily on internet resources, but please make sure that webpages and information you refer to are reliable. It is usually a good idea to start with a media survey (webpages of the leading newspapers, internet portals etc.).

After the initial research, please try to search for more robust resources: e.g. reports of academic institutions or NGOs. You may also consider including some scientific resources, like articles from academic journals. It is also advisable to make a recourse to original sources: texts of judicial rulings or legal enactments, *travaux préparatoires* (drafting materials). These may be often found on the official webpages of courts of legislative bodies (typically, national parliaments).

If the country of your choice is a member state of the Council of Europe, you can also check the judicial decisions of the European Court of Human Rights. On the Court's webpage, there are many publications and reports available, including case-law overviews for various years. Please check the webpage of the Court for further information: <http://www.echr.coe.int>

You can also use the HUDOC, the Court's data-base, which is searchable according to country, article of the Convention, language, and other criteria: <https://www.echr.coe.int/Pages/home.aspx?p=caselaw/HUDOC&c=>

See also the online resources of the Council of Europe: <https://edoc.coe.int/en/>

In each case, please **give the full reference to the resource** quoted or employed, in order to avoid plagiarism.

## EVALUATION

The presentation will be evaluated according to the following criteria:

1. Clarity of presentation and argumentation: **0-20 pts**
2. Selection of case(s) for presentation (according to the criteria listed above in the task section): **0-10 pts**
3. Comprehensiveness and quality of resources employed: **0-10 pts**
4. Communicational aspects of oral presentation (clarity, understandability, language): **0-5 pts**
5. Aesthetic value and attractiveness of the displayed presentation: **0-5 pts**

**TOTAL: 50 points**

## CONTACT

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