

LADY CHIEF JUSTICE OF NORTHERN IRELAND

EUROPEAN MEDIA LAWYERS CONFERENCE 2025

OPENING REMARKS

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Good morning, distinguished guests, colleagues, and friends.

It is a great honour to welcome you all to Belfast for the European Media Lawyers Conference 2025. I am particularly pleased to offer these opening remarks at the outset of what promises to be a day of rich discussion, critical reflection, and meaningful exchange. To those who have travelled from across Europe and beyond - welcome. Your presence here underscores the importance of international collaboration in the ever-evolving field of media law.

When I studied law in 1989 at Queen's University Belfast there was no media law. Now it is an essential subject. That is driven by the law that is evolving and also our changing world characterised by smart phones and the dissemination of immediate news, and soundbites of information or disinformation which inform our consciousness.

The theme of this year's conference—comparative media law and the defence of free expression—could not be more timely. We meet at a moment when the role

of the media is under intense scrutiny, when the boundaries of speech are being tested by technology, and when the legal profession is called upon to navigate the delicate balance between liberty and responsibility.

As Lady Chief Justice, I am acutely aware of the judiciary's role in safeguarding the principles of open justice and freedom of expression, while also ensuring that the rights of individuals—particularly the right to privacy and reputation—are respected. These are not abstract ideals. They are lived realities, shaped daily in our courtrooms, our newsrooms, and increasingly, our digital spaces.

The programme today reflects the complexity and urgency of these issues. From judicial perspectives on defamation and media law, to the pressures facing investigative journalism, to the ethical dilemmas posed by artificial intelligence and online speech—each session invites us to grapple with the tensions at the heart of democratic discourse.

Let me begin by reflecting on the judicial perspective. In recent years, courts across jurisdictions have been asked to adjudicate on matters that lie at the intersection of law, technology, and public interest. Defamation cases, for example, increasingly involve online platforms, anonymous speech, and viral content. The traditional legal tests—truth, malice, public interest—must now be applied in contexts that are fast-moving and often opaque.

In Northern Ireland, we have seen a growing number of cases that challenge the boundaries of media reporting. The courts have had to consider not only the rights of individuals to protect their reputations, but also the rights of journalists to report on matters of public concern. These cases are rarely straightforward. They

require careful balancing, rigorous analysis, and a deep understanding of both legal principle and societal context.

One recent example is the judicial scrutiny of suspect anonymity provisions under the Justice (Sexual Offences and Trafficking Victims) Act (NI) 2022. In the case brought by Mediahuis Ireland Ltd and The Irish News Ltd, the High Court found that certain provisions were incompatible with Article 10 of the European Convention on Human Rights. The judgment reaffirmed the vital role of public interest journalism and underscored the need for legislation to strike a fair balance between privacy and freedom of expression.

This case is emblematic of the challenges we face. It reminds us that the law must evolve in response to changing societal norms and technological realities. It also highlights the importance of judicial independence and the rule of law in upholding democratic values.

Turning to the role of investigative journalism, I want to acknowledge the courage and tenacity of those who pursue truth in the public interest. I was reminded of this when speaking at a conference last weekend on whistleblowing as it was recognised that a UTV documentary, *When Hospitals Kill*, exposed avoidable deaths and a failure to communicate on the truth. Journalists who uncover corruption, expose abuse, and hold power to account, perform a vital democratic function. Yet, they often do so at great personal and professional risk.

The panel this morning, featuring voices from BBC Spotlight, RTE, The Times, and the Belfast Telegraph, will no doubt illuminate the pressures facing investigative journalists today. From legal threats to online harassment, the environment in

which they operate is increasingly hostile. There is a similar worrying trend against lawyers doing their job which is being addressed by the Law Society of Northern Ireland. As legal professionals, we must ensure that the law protects not only the right to report or represent, but also the safety and dignity of those who do so.

Before we move into the afternoon's discussions on privacy, free speech, and emerging technologies, a recent and deeply troubling case that has captured public attention and legal significance is worthy of note.

I refer to the judgment delivered in December last year in the case of Mr and Mrs Sands v Persons Unknown Operating as "Tattle Life". This case, now publicly reported, stands as a stark reminder of the profound harm that can be inflicted through anonymous online abuse – and the critical role of the courts in responding to such harm.

The plaintiffs, a young couple pursuing their professional lives, were subjected to sustained and malicious defamation and harassment on an online forum designed, in the court's words, to "facilitate the deliberate infliction of hurt and harm on others." Despite court orders, the defamatory content remained accessible, and the perpetrators remained shielded by anonymity.

Each plaintiff was awarded £75,000 in general and aggravated damages, and a further £75,000 in exemplary damages – recognising not only the reputational destruction and emotional distress suffered, but also the cynical, profit-driven nature of the platform that hosted the abuse.

This case is significant for several reasons. First, it underscores the real-world consequences of online speech. The internet is not a lawless space. Words published online can cause deep and lasting harm, and the law must be equipped to respond with clarity and resolve.

Second, it highlights the challenges of enforcement in the digital age. The anonymity afforded by online platforms, and the jurisdictional complexities of internet governance, often frustrate the pursuit of justice. Yet, as this case demonstrates, the courts are prepared to act decisively where harm is clear and egregious.

Third, it raises important questions about platform accountability. When websites are structured to enable anonymous defamation and profit from the resulting traffic, they cross a line—from hosting discourse to facilitating abuse. The law must continue to evolve to ensure that such platforms are not beyond reach.

Finally, this case is a reminder of the human side, the resilience and courage of those who seek redress. Mr and Mrs Sands, through their persistence and the support of their legal team, have not only secured justice for themselves but have also contributed to the broader legal understanding of online harms.

The courts have also shown a willingness to confront the misuse of defamation law itself. In a landmark 2024 ruling, the High Court in Northern Ireland struck out a claim brought by a public figure as an abuse of process—recognising it as a SLAPP, or Strategic Lawsuit Against Public Participation. This was a significant moment, not only for Northern Ireland but for the UK as a whole, affirming that the law must not be weaponised to chill legitimate journalistic inquiry.

The importance of safeguarding journalistic freedom was further underscored by the Investigatory Powers Tribunal's 2024 ruling that police forces had unlawfully surveilled two Belfast journalists. This unprecedented judgment serves as a sobering reminder that even in democratic societies, the rights of the press can be infringed – and that robust legal oversight is essential to uphold those rights.

As we consider the future of media law, we must ensure that our legal frameworks are robust enough to protect individuals from digital abuse, while preserving the essential freedoms that underpin democratic discourse. The right to speak must never become a shield for cruelty. And the right to privacy must never be sacrificed at the altar of voyeurism or profit.

The afternoon sessions will delve into privacy and free speech, public interest reporting, and the implications of AI models for copyright and online expression. These are areas of rapid development, and they demand our close attention.

Artificial intelligence, in particular, presents profound challenges. AI-generated content, deepfakes, and algorithmic amplification raise questions about authorship, accountability, and truth. Who is responsible when an AI model disseminates false or harmful information? How do we protect intellectual property in a world of synthetic media? And how do we ensure that the digital public square remains a space for genuine dialogue, rather than manipulation?

These are not merely technical questions. They are questions of ethics, governance, and law. They require us to think deeply about the kind of society we wish to build, and the role of legal frameworks in shaping that society.

Recent developments in England have underscored the dangers of overreliance on artificial intelligence within legal practice. In two separate cases, lawyers submitted court documents that cited entirely fictitious legal authorities – fabrications generated by AI tools. The High Court issued a stern warning, noting that while AI may assist in drafting and research, it cannot replace the professional judgment, diligence, and ethical responsibility required of legal practitioners. The incidents, which involved both junior and senior counsel, revealed how easily unverified AI outputs can infiltrate legal submissions, potentially misleading the court and undermining the integrity of proceedings.

These cases serve as a cautionary tale: AI is a tool, not a substitute for legal reasoning. Its use must be governed by rigorous oversight, and legal professionals must remain ultimately accountable for the accuracy and reliability of the materials they present.

As we consider these issues, I want to emphasise the importance of comparative legal analysis. The diversity of legal traditions represented here today is a strength. By learning from each other – by examining how different jurisdictions approach common challenges – we can develop more robust, more nuanced, and more just solutions.

For example, the approach to defamation law varies significantly across Europe and the United States. In some jurisdictions, the emphasis is on protecting reputation; in others, the priority is safeguarding speech. These differences reflect cultural values, historical experiences, and constitutional frameworks. But they also offer opportunities for dialogue and reform.

In Northern Ireland, the Defamation Act (Northern Ireland) 2022 introduced significant reforms, including the abolition of the common law defences of justification and fair comment, the removal of the presumption in favour of jury trials, and the introduction of a statutory defence for publication on matters of public interest. However, the work of reform is ongoing, reflective of the fast moving, dynamic nature of this area of law.

In line with Section 11 of the Act, the Department of Finance launched a formal review of the legislation in late 2023, inviting stakeholder input on how the Act has operated in practice and whether further changes are needed to ensure the law remains fit for purpose particularly in a digital age. This review reflects a commitment not only to legislative reform but to continuous evaluation and responsiveness to the evolving media and technological landscape. In truth most of our cases in Northern Ireland involve the European Convention on Human Rights, articles 8 and 10 and deal with privacy rights and misuse of private information in our Kings Bench Division where we have a cohort of skilled and experienced solicitors and barristers who argue the cases. I want to acknowledge the role of media lawyers in defending freedom of expression. Your work is often behind the scenes, but it is no less vital. You advise journalists, challenge censorship, and litigate on behalf of the public interest.

Let me close by returning to the theme of collaboration. The challenges we face – whether in defamation, privacy, AI, or press freedom – are too complex to be addressed in isolation. They require interdisciplinary thinking, cross-border cooperation, and a shared commitment to justice.

This conference is a testament to that spirit. It brings together judges, lawyers, journalists, academics, and advocates. It creates a space for honest conversation, critical reflection, and mutual learning. And it reminds us that, even in times of uncertainty, the pursuit of truth and the defence of liberty remain our highest callings.

I commend the organisers and sponsors – Media Law Resource Center', Dentons Ireland and A&L Goodbody - for their vision and dedication. I thank each of you for your presence and your contributions and for your attention. And I wish you a stimulating, challenging, and rewarding day of discussion.

Thank you.