



Addressing  
**hate speech**  
**in the media:**  
the role of regulatory  
authorities and  
the judiciary

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**National regulatory authorities: dilemmas,  
challenges and opportunities in relation to  
hate speech in the digital environment**

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# Changes in the new media environment

Overall radical changes

- Changes in the media subjects
- Changes in regulation
- Changes in the regulatory bodies

Three important questions with regard to:

- **what or who should be regulated;**
- **who should regulate;**
- **how regulation will be implemented.**

# Measures against information disorder

Information disorder and its manifestations:

- Illegal and harmful content;  
Discrimination and hate speech;
- Mis-, dis-, malinformation  
False content and fake news

**Regulatory approaches and initiatives**

# Measures against hate speech online

- Policies against hate speech pursued by big social media companies - FB, Twitter, Instagram, YouTube;
- Policies at an European level - agreements;
- International organizations initiatives;
- National models – laws and codes of self-and co-regulation.

**Basic principles** – freedom of expression v. freedom from discrimination, ECtHR caselaw, CM recommendations developing fundamental human rights standards.

# Self-regulation – pros and cons

- Codes created and implemented by the professional community;
- Flexibility;
- Developing of professional standards

## **But**

- Instability of commissions on media ethics;
- Difficult to gain public trust;
- Lack of consistent practice.

# The role of NRAs in the new digital environment

These bodies should not only be perceived as buffer bodies between the government and the media but as **genuinely independent** and **strong bodies** having real competences to act under the new complex conditions. They should pursue consistent practices, be transparent and generate trust.

- **Recommendation Rec(2000)23 of the Committee of Ministers to member states** on the independence and functions of regulatory authorities for the broadcasting sector (*Adopted by the Committee of Ministers on 20 December 2000 at the 735<sup>th</sup> meeting of the Ministers' Deputies*)
- **Declaration of the Committee of Ministers** on the independence and functions of regulatory authorities for the broadcasting sector (*Adopted by the Committee of Ministers on 26 March 2008 at the 1022<sup>nd</sup> meeting of the Ministers' Deputies*)

# What kind of regulation and body is needed in the current converging environment?

A Horizon 2020 EC project COMPACT envisages as one of its deliverables to create a report on the regulators related to social media in the age of convergence.



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COMPACT: FROM RESEARCH TO POLICY THROUGH  
RAISING AWARENESS OF THE STATE OF THE ART ON  
SOCIAL MEDIA AND CONVERGENCE

**Project Number 762128**

**CALL: H2020-ICT-2016-2017**

**TOPIC: ICT-19-2017**

# Compact 2017 – 2020 project





# Preliminary results (1)

- **Regulation in general** is acceptable to most of the responding organizations and bodies.
- Isolated replies opt for a **special law** on social media (Ro).
- Self-regulation and co-regulation **prevail as instruments.**
- **How to apply self- and co-regulation?**  
Self-regulation backed by common codes or guidance at the EU level. Co-regulation, possibly harmonized at the EU level.

# Preliminary results (2)

- **National and supra-national bodies.**
- Social media by their specific nature require to be overseen by new regulatory bodies. This can be **a newly set regulator** following the example of the NRAs (Ro). **Extending the powers of current audiovisual media regulators** can be another solution (Ir).
- AVMSD as a factor.

# Preliminary results (3)

- **Principles of operation of the regulatory bodies in the convergent media environment**  
Respondents stress the need of **greater transparency**, a **direct dialogue** with the platforms, **crossborder cooperation** especially at an European level, **civil society involvement**, **multistakeholderism**.

# Thank you for your attention!

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