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## **FREEDOM OF SPEECH PROTECTION IN SOCIAL MEDIA**

Freedom of speech is an important element of modern democratic society and constitutes a significant component of newly-development systems of human rights (international system of human rights protection, European system of human rights protection).

Development of classic and social media in Europe and Ukraine shows significant shifts in the provided legal mechanisms, thus a special research of new forms of modern media regulation and self-regulation is needed.

Issues of protection of freedom of speech were not subject of a comprehensive study in Ukraine. These issues need further development in scientific literature and publications. Consequently, the need for scientific development of this direction is due to the need for theoretical justification, improvement of the administrative and legal support for the protection of freedom of speech, the development of scientifically substantiated proposals on this issue and recommendations aimed at further improving law-enforcement practice in this area.

European and Ukrainian approaches to understanding the essence, role and legal regulation of freedom of speech protection represent strongly different traditions of state/public governance, thus being a special point of attention in this article.

Protection of freedom of speech in modern European society is developing in the following aspects: freedom of expression and freedom of the press; positive obligations of the state and protection of journalists; freedom of radio and television broadcasting; developing duties and responsibilities of journalists; protection of journalistic sources; protection of whistle-blowers. Ukrainian state, unfortunately, has only partly introduced the above-mentioned aspects into domestic legislation and practice, that proves especial actuality of the chosen topic.

The main aim of this article is to describe modern approaches to freedom of speech protection in social media in comparative aspect.

The objectives of the article:

- to define the essence and notions of the right of freedom of speech in international, European and domestic systems of human rights, specifics of it's realization in social media;
- to clarify significant features of the right to freedom of speech in European system of human right protection for improvement of domestic legal mechanism;
- to make generalizations and recommendations on improvement of legal mechanism of freedom of speech protection in social media.

Methodological basis of the research constitute general scientific and special methods: the dialectical method, as the universal philosophical method of scientific research and the formation of scientific view, was used in the article. Methods of analysis and synthesis allowed to reveal the main trends. and issues of legal regulation in the field. Application of the logical-semantic method promoted to definition of significant features and notion of freedom of speech. Comparative legal method was used for systematization, analysis and comparison of national and foreign legislation in the filed. Historical method was used to described evolution of human rights and freedom's protection.

Among modern scientists, that have formed modern Ukrainian approach to human rights protection in the field of public administration, it is necessary to mention: V.B. Averianov, O.F. Andriyko, G.V. Atamanhouk, Y.P. Bytiak, K.I. Belyakov, O.M. Bandurka, D.O. Bezzubova, Y.P. Bityak, V.M. Brizhka, Y.P. Burila, Y.V. Dodin, O.I. Dubenko, V.L. Groholsky, N.V. Grydiuk, V.O. Horoshko, I.A. Hrytsak, V.I. Kurko, L.Y. Kysil, G.M. Lynnyk, A.I. Maryshak, A.A. Pukhtetska, A.M. Podolyak, S.V. Shevchuk, R.S. Svystovich, V.S. Tsimbaliuk, D.Y. Shpynova, V.S. Tsymbaliuk, I.B. Tatsyshyna, etc.

European approach to legal regulation and protection of human rights in international and European regional systems of human rights protection is represented by the following scientists: N. Anderson, T. Berns-Lee, W. Berka, J. Bieliauskaitė, D. Ball, M. Castells, A. Daniel, G. Desgens-Pasanau, I. Deviatnikovaitė, M. Macovei, J. Mayer, J. Murdoch, N. Muižnieks, J. Musser, M. Nowak, K. Januszewski, T. O'Reilly, M. Rossi, A. Toffler, and others.

For the last decade many significant legislative amendments and new conceptual approaches have been developed, that led to significant shifts in legal mechanisms and regulations, that need further special legal research

in Ukraine, with respect to modern European practice of public administration and human rights protection system. The above-mentioned proves special actuality of the mentioned theme.

Freedom of speech as a separate element of the modern system of human rights emerged in XVIII century as a result of democratic transformations and revolutions, that changed forever political and legal map of Europe. It's special place in the system of human rights is guaranteed by the list of international and European covenants and treaties, thus granting to any human being inalienable realization and protection of human rights in modern civil democratic society.

In Eastern European countries the principle and a right to freedom of speech was declaratively defined in Constitutions of former USSR countries, but the legal mechanisms prescribes did not have effective guarantees and due powers, designated to provide necessary powers to executive authorities, that might protect and support citizens in case of violation of their right to freedom of speech and others human rights.

Modern European trends in regulation and self-regulation of social media activities via private persons (clients, consumers) show significant rise in social expectation regarding personal data protection, protection from abuse of freedom of speech, freedom of expression, freedom of thought, as well as urgent protection instruments and time-limits for the biggest social medias in the Internet (up to twenty-four hours for deleting hate speech or offensive speech). Although this trend is only starting to be discussed in the Ukrainian society, we consider it to be necessary to analyze modern legal mechanism of human rights and freedoms protection in European perspective, both in philosophical and legal aspects.

“Human rights are exercised by every human being by virtue of his or her human dignity. Human rights are inherent to all human beings. Human rights define relationships between individuals and public bodies, especially executive authorities. Human rights delimit State power and, at the same time, require States to take positive measures ensuring an environment that enables all people to realize their rights and freedoms. Starting with the French and American revolutions in the late eighteenth century, the idea of human rights introduced new forms of control over the state, governments, media”<sup>1</sup>.

One of the signs of any democratic states – insurance and protection of human rights and freedoms. Their list is defined in the Constitution of Ukraine, namely: the right to freedom of thought, speech, belief, etc., having special importance for every person. Ability to realize these rights allows a person to develop both mentally and spiritually.

In Constitutions of European countries we may also find very close provisions, for instance, in the Constitution of the Republic of Estonia paragraph 40 defines, that “Everyone is entitled to freedom of conscience, freedom of religion and freedom of thought. Everyone is free to belong to any church or any religious society”<sup>2</sup>.

It is also necessary to mention provision of the Article 25 of the Constitution of the Republic of Lithuania, that stated, that: “The human being shall have the right to have his own convictions and freely express them. The human being must not be hindered from seeking, receiving and imparting information and ideas. Freedom to express convictions, to receive and impart information may not be limited otherwise than by law, if this is necessary to protect the health, honor and dignity, private life, and morals of a human being, or to defend the constitutional order”<sup>3</sup>.

Regardless of the fact, that normative fixation of the right to freedom of speech in the constitutions of European countries and in Ukraine are different, but there is a common understanding of the essence, values, features, realization and protection aspects, originating in mutually signed international covenants and treaties.

Application of historical-legal method provides the researches with strict periodization of human rights development and shows exact place of the freedom of speech in general system of human rights.

The first generation of human rights – civil and political rights, that proclaims traditional liberal values: the right to life and dignity of a person; the right to liberty and personal integrity, personal and family secrets, and equality before the law; the right to freedom of conscience, etc. Political rights defined the possibility of citizens' to participate in state governance, the right to freedom of speech and press, elections, the right to participate in referendums, the right to freedom of association and freedom of demonstrations.

The second generation of human rights was formed in the process of struggle of people for improving their economic status: the right to private property, the right to work, health care, education, etc. After the Second World War, the third generation of human rights evolved: for example, collective or solidary rights (the right of peoples to develop, to peace, to self-determination, territorial integrity, etc.).

Along with the category of “law” the term “freedom” is used. In terms of content and essence of these categories, it can be considered as equal, the difference is related to the attitude towards them by the state. Human rights of the first generation are qualified as negative rights, that is, the right to protection from the state's negative interference in the exercise of civil (personal) or political rights, defense of individual freedoms. Therefore, scientists distinguish freedom of conscience, freedom of movement, freedom of assembly, rallies and petitions, freedom of speech. The rights of the second generation are positive rights: the state must not only refrain from their violation, but also establish mechanisms, guaranteeing realization of economic, social and cultural rights.

In international treaties and covenants are also used the notion of “freedom of opinion” Universal Declaration of Human Rights<sup>4</sup>, “the right to freedom of expression” European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>5</sup>, “the right to freely adhere to their opinions” International Covenant on Civil and Political Rights<sup>6</sup>, supplemented, in most cases, by another concept - “freedom to seek, receive and disseminate information, that previews the notion of “freedom of information”. In International Covenant on Civil and Political Rights, the freedom to seek, receive and distribute information includes one additional addition: “orally, in writing or by means of a press”, that provides grounds for “freedom of press” or about “freedom of media”.

Although the freedom of speech and media freedom are very similar concepts, but not completely identical. The freedom of speech in Ukraine is enshrined in Article 34 of the Constitution of Ukraine of June 28, 1996. This article establishes: “Everyone is guaranteed the right to freedom of thought and speech, to the free expression of his views and beliefs. Everyone has the right to freely collect, store, use and disseminate information orally, in writing or in any other way, of his or her choice. The exercise of these rights may be restricted by law in the interests of national security, territorial integrity or public order in order to prevent disturbances or crimes, to protect public health, to protect the reputation or rights of others, to prevent the disclosure of information obtained confidentially or to maintain authority and impartiality of justice”<sup>7</sup>.

The basic instrument of the freedom of expression is the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 10 on (Freedom of expression) states: “Everyone has the right to freedom of expression. This right includes the freedom to hold opinions, receive and impart information and ideas without interference by public authorities and regardless of frontiers. This article does not prevent States from requiring the licensing of broadcasting, television or cinema enterprises”<sup>8</sup>.

The freedom of speech protection was proclaimed and protected in the following international human right treaties: Charter of the United Nations (1948); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention Against Torture and Other Cruel Inhuman or Degrading, Treatment or Punishment (1984); Convention on the Right of the Child (1989); International Convention on the Protection on the Rights of All Migrant Workers and Members of their Families (1990); Convention on the Rights of Persons Disabilities (2006); International Convention for the Protection of All Persons from Enforced Disappearance (2006). United Nation Charter – based system of human rights protection applies to all states, the United Nations Treaty – applies only to States Parties.

“Many states in Africa, the Americas and the Arab region and Europe have also assumed binding human rights obligations. A regional human rights treaty and monitoring mechanism has not yet being adopted in the Asian and Pacific region”<sup>9</sup>. A regional human rights treaty and monitoring mechanism is in the process of institutionalization of a regional approach to human rights.

The main European regional human rights treaties are: European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and additional protocols; European Social Charter (1961), additional protocols and Revised European Social Charter (1996); European Convention on the Legal Status of Migrant Workers (1977); European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987); European Charter for Regional or Minority Languages (1992); Framework Convention for the Protection of National Minorities (1995); European Convention on the Exercise of Children’s Rights (1996); Convention on Human Rights and Biomedicine (1997); European Convention on Nationality (1997); Charter of Fundamental Rights of the European Union (2000); European Convention on Action against Trafficking in Human Beings (2005); Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (2007); Council of Europe Convention on Combating Violence against Women and Domestic Violence (2011).

European regional mechanism of human rights protection is considered as the most advanced system, “Under Article 34 of the European Convention, any person, or group of individuals claiming to be a victim of a human rights violation under the Convention and its protocols is entitled, once all domestic remedies have been exhausted, to file a petition to the European Court of Human Rights in Strasbourg (France), the only human rights court with full-time professional judges”<sup>10</sup>. “In 1999, the Council of Europe established the independent institution of a Commissioner for Human Rights with the mandate to promote awareness about and respect for human rights in the Council’s 47 Member States”<sup>11</sup>.

Social media regulation in Europe faces the following scientific problems relating: advertising, competition and media pluralism, content regulation, copyright, new services, public service broadcasting, transmission and distribution of information.

One of the key issues in human rights protection in the spheres regulated by the state and self-regulation issues that define framework for public administration, social media actors and private persons, for example, regarding information turnovers, hate speech deleting from Facebook, Twitter etc.

In European Union member states were established European media services performing: European Union regulatory reports, that contain the main developments from European institutions, as they take place (flash messages) and with in-depth analysis (European Union regulatory reports); convenient and easy ways to track key regulatory initiatives and national decisions (trackers); benchmarking tables allowing easy comparison of regulatory positions (cross-country analysis); regular reports on national regulatory developments in the five most significant European markets (country update); and answers to specific regulatory questions at no extra cost (enquiries)<sup>12</sup>.

Social media regulation in Europe is performed by a number of key institutions having specific components: the European Commission; the European Council; the European Parliament; the Body of European Regulators; the Radio Spectrum Committee; the Radio Spectrum Policy Group; the Court of Justice of European Union; the Court of First Instance. Among the key issues, initiatives covered by their competence should be mentioned: television; audiovisual media services directive; net neutrality; digital agenda; state aid; levies; collective rights management; media pluralism; convergence issues etc.

National level of social media regulation in Europe is represented by a wide range of issues: connected television; digital media; spectrum fees; quotas and investment obligations; license fee; media ownership; obligations; advertising restrictions; advertising and copyright levies etc.

It is important to note, that social media has not yet become an independent element, by contrary, it also belonged to strict traditional control mechanisms and supervision. These control and supervision activities were established for print media, radio, and television, that preview strict regulations and standards of freedom of speech, accountability and respect to human rights.

Nowadays among most important aspects of social media activities must be mentioned: “progress made in tackling the spread of illegal context on-line, including online terrorist propaganda and xenophobic, racist or hate speech as well as breach of intellectual property rights. Terrorist propaganda online is a serious threat to security, safety and fundamental rights. It demands a collective response - from all actors, including the internet industry”<sup>13</sup>.

The right to freedom of speech theoretically described in the previously paragraph is closely related to other important issues to human rights respect and protection in social media. There are a lot examples of human’s rights violation using hate speech or racism evaluations. For example, we should consider two recent cases tweeted by Beatrix von Storch, deputy parliamentary leader of the Alternative for Germany, tweeted in response to a New Year’s greeting by the Cologne police in Arabic: “Is this your way of mollifying the barbarian, Muslim, gang raping hordes of men. Then there was another tweet by another Alternative for Germany parliamentarian Jens Maier, who referred to the son of former German tennis star Boris Becker as a “half-nigger.” The reaction by the print media was swift: social media is not a free and open space for circumventing Germany’s stringent anti-hate laws. So, bringing social media into the regulatory framework is an immense challenge”<sup>14</sup>.

From another point of view, we should underline, that modern governments try to use social media instruments for strengthening their power, interference into economy, public attitudes. It often leads to manipulation of social media resources to provide interests of state, to change real and spoken truth, that often has significant impact on international relation. Modern European countries have to counter-act to not friendly interference, fake news and attitudes of Eastern and Islamic countries.

In the United States the First Amendment prohibits Congress to pass laws which would reduce freedom of speech, press or face, and the Second Amendment guarantees inviolability of natural human rights.

Fundamental issues facing modern democracies discuss developments of modern industries, problems of digital platforms security, that may be solved much better by self-regulating instruments, as regulatory bureaucracies are not that willing to reform their mechanisms and procedures.

Another modern attitude towards revision of social media in Europe was published on 8 March, 2018 in Reuters Agency. It was emphasized, that modern German law requires from social media companies, such as Facebook and Twitter, to saden remove of hate speech from their publications: “The law, which came into force on January 1, is the most ambitious effort by a Western democracy to control what appears in social media. It aims to ensure Germany’s tough prohibitions against hate speech, including pro-Nazi ideology, are enforced online by requiring sites to remove banned content within 24 hours or face fines of up to 50 million euros (\$62 million)”<sup>15</sup>.

German politicians want to add an amendment to help web users get incorrectly deleted material restored online.

“The lawmakers are also pushing for social media firms to set up an independent body to review and respond to reports of offensive content from the public, rather than the individual companies doing that themselves.”<sup>16</sup>

Another important issue is video games policy supervision in Germany, that could allow a more considered way to complex decisions about whether to block content.

The proposed changes follow widespread criticism from opponents of the law, including free speech campaigners and the Association of German Journalists, who say the threat of hefty fines is prompting internet firms to err on the side of caution and block more content than is necessary.

It is worth to note, that Facebook informed the official statistics, according to it “1,200 persons in Germany were working on reviewing posts out of 14,000 globally responsible for moderating content and account security”, in order to pursue the strategy not to delete more, than necessary. People think deleting illegal content is easy but it’s not,” said Richard Allan, Facebook’s vice president for EMEA public policy. “Facebook reviews every report carefully and with legal expertise, where appropriate. When our legal experts advise us, we follow their assessment so we can meet our obligations under the law”<sup>17</sup>.

Other countries like France, Great Britain considering similar measures, such as rules to block “fake news”, stop online harassment of politicians. For example, “Private companies are deciding what is right and what is wrong and therefore limiting free expression,” said Free Democrats digital expert Jimmy Schulz<sup>18</sup>.

In our opinion, it is to prior importance to provide freedom of speech protection not only by means of granting general conditions, but also by means of protection from abuse by violating actions of third parties, for example by social media actors as described above.

Important legislative changes should be made for protection of freedom of speech for more than a quarter of a billion of consumers in European Union that use social media. For example, European consumers will not be forced to waive mandatory consumer rights, the right to withdraw from an on-line purchase; the right to lodge a complaint in Europe, to be protected from illegal actions of any state body service providers.

European Commissioner for Justice, Consumers and Gender Equality reported, that “As social media networks are used as advertising and commercial platforms, they must fully respect consumer rules. I am pleased that the

enforcement of EU rules to protect consumers by national authorities is bearing fruit, as some companies are now making their platforms safer for consumers; however, it is unacceptable that this is still not complete and it is taking so much time. This confirms that we need a 'New Deal for Consumers': EU consumer rules should be respected and if companies don't comply, they should face sanctions"<sup>19</sup>.

1. In the conclusion it is necessary to underline, that conceptual approaches to understanding of the essence of the right to freedom of speech, modern place and role in the domestic and European mechanism of human rights protection, and practice of human rights protection in comparative aspect, have constituted the necessary theoretical, methodological and legislative basis for solving urgent problematic issues, of raising freedom of speech protection mechanisms of legal regulation and self-regulation of social media actors.

2. Freedom of speech in modern civil society has become an independent and inalienable human right of the first wave, that has developed the scope of its essence and spheres of application in many modern social relations, such as: administrative relations, informative and consultative relations and counter-actions, economic and political, cultural relations etc.

Specifics of freedom of speech realization and protection in a newly developed sphere of social media has particular importance as in comparison with classical printed media, radio, communication technologies has gained a special place and role in human rights protection and counter-action to their violation in an non-censored sphere of mass communication, for example, Facebook, Twitter etc.

3. From citizens point of view providing effective legal guarantees of human rights protection and freedom of speech realization in social media gets urgent actuality and is of prior social demands of civil society, people demand from social media actors to apply modern effective mechanisms, procedures and control instruments to provide necessary legal support and protection to any actions performed in Internet, intra-net, global communication networks.

4. Modern states and public administration bodies may only partly influence on relations between social media actors and citizens, that is why they chosen topic on scientific research has important theoretical and practical assignment for improvement of domestic approaches to freedom of speech protection in social media.

5. Correlation of legal regulation and self-regulation role in practice of public administration bodies and social media bodies have been described according to modern conditions of communication, legal approaches and methodology applied, developed philosophical concepts, that showed a very limited sphere of direct state impact on activities of citizens, legal and entities, public administration bodies in social media instruments (data bases in Internet, informative resources with on-line communication, social networks, electronic versions of printed media with on-line questionnaires, conferences, discussions and clubs), that store a huge massive of information about attitudes, positions, evaluations, protests, claims, that may contain hate speech and offensive speech, impolite expressions.

Public administration authorities possess competence in the field of modern media registration, licensing, taxation, applying administrative sanctions for violation of the effective legislation. But, unfortunately, they cannot have immediate impact on violation of the right to freedom of speech in the sphere of social media, as its participants in democratic, civil society are protected from any censorship, may freely express and disseminate their views, attitudes, orally, in written and electronic form.

<sup>1</sup> Human Rights. Handbook for Parliamentarians № 26, Inter-Parliamentarians Unions, 2016, 234 p. / Data base "United Nations Office of the High-Commissioner for Human Rights". URL: <http://www.ohchr.org/Documents/Publications/HandbookParliamentarians.pdf> (Date of review: April 9, 2018).

<sup>2</sup> The Constitution of the Republic of Estonia Passed 28.06.1992 RT 1992, 26, 349 Entry into force 03.07.1992 Amended by the following acts Passed Published Entry into force 25.02.2003 RT I 2003, 29, 174 17.10.2005 05.10.2003 RT I 2003, 64, 429 06.01.2004 12.04.2007 RT I 2007, 33, 210 21.07.2007 13.04.2011 RT I, 27.04.2011, 1 22.07.2011 06.05.2015 RT I, 15.05.2015, 1 13.08.2015. URL: <http://www.wipo.int/edocs/lexdocs/laws/en/ee/ee149en.pdf> (Date of review: April 9, 2018).

<sup>3</sup> The Constitution of the Republic of Lithuania, 1992 (as Amended to 2006) Approved by the citizens of the Republic of Lithuania in the Referendum on 25 October 1992, as amended to May 25, 2006. Official government translation Parliament (Seimas) of the Republic of Lithuania. URL: <http://www.constitutionnet.org/sites/default/files/Lithuania%20Constitution.pdf> (Date of review: April 9, 2018).

<sup>4</sup> Рабінович С. Загальна декларація прав людини: до характеристики цінносно-нормативних витоків. Вісник Академії правових наук України : збірник наукових праць / Президія Академії правових наук України. № 1 (56). – Х.: 2009. – С. 86–95.

<sup>5</sup> Конвенція про захист прав людини та основоположних свобод 1950 р. // База даних «Законодавство України»/ВР України. URL: [http://zakon2.rada.gov.ua/laws/show/995\\_004](http://zakon2.rada.gov.ua/laws/show/995_004) (дата звернення: 10.04.2018).

<sup>6</sup> Міжнародний пакт про громадянські і політичні права 1966 р. // База даних «Законодавство України»/ВР України. URL: [http://zakon3.rada.gov.ua/laws/show/995\\_043](http://zakon3.rada.gov.ua/laws/show/995_043) (дата звернення: 10.04.2018).

<sup>7</sup> Грицак І.А. Європейське управління: теоретико методологічні засади: монографія. – К.: К.І.С., 2006. – 398 с.

<sup>8</sup> Конвенція про захист прав людини та основоположних свобод 1950 р. // База даних «Законодавство України»/ВР України. URL: [http://zakon2.rada.gov.ua/laws/show/995\\_004](http://zakon2.rada.gov.ua/laws/show/995_004) (дата звернення: 10.04.2018).

<sup>9</sup> Human Rights. Handbook for Parliamentarians № 26, Inter-Parliamentarians Unions, 2016, 234 p. / Data base "United Nations Office of the High-Commissioner for Human Rights". URL: <http://www.ohchr.org/Documents/Publications/HandbookParliamentarians.pdf> (Date of review: April 9, 2018).

<sup>10</sup> Human Rights. Handbook for Parliamentarians № 26, Inter-Parliamentarians Unions, 2016, 234 p. / Data base "United Nations Office of the High-Commissioner for Human Rights". URL: <http://www.ohchr.org/Documents/Publications/HandbookParliamentarians.pdf> (Date of review: April 9, 2018).

<sup>11</sup> Human Rights. Handbook for Parliamentarians № 26, Inter-Parliamentarians Unions, 2016, 234 p. / Data base “United Nations Office of the High-Commissioner for Human Rights”. URL: <http://www.ohchr.org/Documents/Publications/HandbookParliamentarians.pdf> (Date of review: April 9, 2018).

<sup>12</sup> “Media regulation – Europe”. – P. 20. Data base “Cullen International’s European Media service”. URL: <http://www.cullen-international.com/menu/regulatory-intelligence/sectors/media/media-regulation-europe/media-regulation-europe/> (Data of review April 14, 2018).

<sup>13</sup> Dempsey Judy. “Attempts to rein in the internet industry in democratic countries will show who really is in charge.” 2018. – P. 23. Data base “Carnegie Europe”. URL: <http://carnegieeurope.eu/strategieurope/75194> (Data of review April 14, 2018).

<sup>14</sup> Dempsey Judy. “Attempts to rein in the internet industry in democratic countries will show who really is in charge.” 2018. – P. 23. Data base “Carnegie Europe”. URL: <http://carnegieeurope.eu/strategieurope/75194> (Data of review April 14, 2018).

<sup>15</sup> Thomasson, Emma. “Germany looks to revise social media law as Europe watches.” 2018. – P. 15. Data base “Reuters”. URL: <https://www.reuters.com/article/us-germany-hatespeech/germany-looks-to-revise-social-media-law-as-europe-watches-idUSKCN1GK1BN> (Data of review April 14, 2018).

<sup>16</sup> Thomasson, Emma. “Germany looks to revise social media law as Europe watches.” 2018. – P. 15. Data base “Reuters”. URL: <https://www.reuters.com/article/us-germany-hatespeech/germany-looks-to-revise-social-media-law-as-europe-watches-idUSKCN1GK1BN> (Data of review April 14, 2018).

<sup>17</sup> Thomasson, Emma. “Germany looks to revise social media law as Europe watches.” 2018. – P. 15. Data base “Reuters”. URL: <https://www.reuters.com/article/us-germany-hatespeech/germany-looks-to-revise-social-media-law-as-europe-watches-idUSKCN1GK1BN> (Data of review April 14, 2018).

<sup>18</sup> Thomasson, Emma. “Germany looks to revise social media law as Europe watches.” 2018. – P. 15. Data base “Reuters”. URL: <https://www.reuters.com/article/us-germany-hatespeech/germany-looks-to-revise-social-media-law-as-europe-watches-idUSKCN1GK1BN> (Data of review April 14, 2018).

<sup>19</sup> Vandystadt, Nathalie, Melanie, Voin. “Social media companies need to do more to fully comply with EU consumer rules”. European Commission. 2018. – P. 23. Data base “Europa.eu”. URL: [http://europa.eu/rapid/press-release\\_IP-18-761\\_en.htm](http://europa.eu/rapid/press-release_IP-18-761_en.htm) (Data of review April 14, 2018).

#### Резюме

##### **Струкова К.А. Захист свободи слова в соціальних медіа.**

У статті автором проведено комплексний підхід до розуміння ключових ознак та особливостей захисту свободи слова в сучасному демократичному суспільстві в порівняльному аспекті.

Європейські та українські підходи до розуміння сутності, ролі та правового регулювання свободи слова значно різняться за усталеними традиціями державного управління, що привертає особливу увагу. Захист свободи слова в сучасному європейському суспільстві розвивається за такими аспектами: свобода слова та свобода преси; позитивні зобов’язання держави та захист журналістів; свобода радіо та телевізійного мовлення; розвиток обов’язків та відповідальності журналістів; захист журналістських джерел; захист прав споживачів соціальних мереж. На жаль, в Україні лише частково внесено вищезгадані аспекти у внутрішнє законодавство та практику, що доводить особливу актуальність обраної теми.

**Ключові слова:** права людини, свобода слова, публічна адміністрація, соціальні медіа, Європейська Комісія.

#### Резюме

##### **Струкова К.А. Защита свободы слова в социальных медиа.**

В статье автором комплексно исследованы подходы к пониманию ключевых признаков и особенностей защиты свободы слова в современном демократическом обществе в сравнительном аспекте.

Европейские и украинские подходы к пониманию сущности, роли и правового регулирования свободы слова значительно различаются по устоявшимся традициям государственного управления, привлекая особое внимание. Защита свободы слова в современном европейском обществе развивается в таких аспектах: свобода слова и свобода прессы; позитивные обязательства государства и защита журналистов; свобода радио и телевизионного вещания; развитие обязанностей и ответственности журналистов; защита журналистских источников; защита прав потребителей социальных сетей. К сожалению, в Украине только частично внесены вышеупомянутые аспекты во внутреннее законодательство и практику, что доказывает особую актуальность выбранной темы.

**Ключевые слова:** права человека, свобода слова, публичная администрация, социальные медиа, Европейская Комиссия.

#### Summary

##### **Strukova K. Freedom of speech protection in social media.**

In the article author has revealed complex approach to understanding the key features and peculiarity of freedom of speech protection in modern democratic society in comparative aspect.

European and Ukrainian approaches to understanding the essence, role and legal regulation of freedom of speech protection represent strongly different traditions of state/public governance, thus being a special point of attention. Protection of freedom of speech in modern European society is developing in the following aspects: freedom of expression and freedom of the press; positive obligations of the state and protection of journalists; freedom of radio and television broadcasting; developing duties and responsibilities of journalists; protection of journalistic sources; protection of consumers rights in social media. Ukrainian state, unfortunately, has only partly introduced the above-mentioned aspects into domestic legislation and practice, that proves especial actuality of the chosen topic.

**Key words:** human rights, freedom of speech, public administration, social media, European Commission.