

## Digital Governance in the EU: Balancing Data Protection With the Fight Against Disinformation and Hate Speech

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### Abstract

In the contemporary digital age, the European Union (EU) is at the forefront of addressing the many challenges within this dynamic digital landscape. Our study delves into the issues of reflecting the cyber landscape of combating disinformation, countering hate speech, and ensuring strong data protection measures in the EU. The necessity of numerous cases of misinformation and hate speech on social media platforms has become a concern for European society. Still, only searching for projects/strategies does not represent a solution in the fight against misinformation and hate speech through social media. Despite the EU's effort and commitment to strengthening data protection, we find results of poor navigation in data protection. Exposure to the development of data protection regulations in the EU, highlighting the main initiatives and legislative frameworks created to protect personal data and information security, is another dimension we get to explore. Navigating the Digital Landscape highlights the complexity of these issues and the EU's critical addressing of navigation. Our study aims to contribute to the multidimensional display of the EU's facing challenges and opportunities for a society where the digital world is secure.

**Keywords:** Digital Landscape, Disinformation, Hate Speech, Data Protection, EU.

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## 1. Introduction

In a time when the Internet is pervasive, the European Union is leading the charge in addressing a complex challenge: navigating the digital environment to stop hate speech, fight misinformation, and maintain robust data protection. The risks connected to information misuse, the dissemination of narratives that divide people, and the sensitivity of personal data all increase as technology develops. The European Union's foundational principles of democracy, social cohesion, and individual rights must be protected in this complicated environment, which calls for an all-encompassing strategy. The integrity of elections, public discourse, and public confidence in institutions are all seriously threatened by the spread of misinformation. In addition to weakening inclusive societies, the distance of hate speech online runs the risk of "inspiring" violence and harm in the actual world. The European Union is dedicated to paving the way that strikes a careful balance between safeguarding the right to free speech and thwarting malevolent manipulation of online platforms. Encouragingly, solid laws and policies are being developed and implemented to combat misinformation by utilizing technology developments.

Furthermore, people are entrusting digital platforms with increasing personal information, so it is necessary to provide data protection. The General Data Protection Regulation (GDPR), which established a global standard for responsible data management, has provided the groundwork for an all-encompassing and rights-oriented approach to data privacy. Navigating the EU's digital environment occurs in the context of changing and increasing digitalizati.<sup>2</sup> Decoding the Digital Sphere: Unraveling the Definitions of Disinformation, Hate Speech, and Data Protection

Disinformation, a form of intentionally disseminated false information,<sup>1</sup> has a long-standing history amplified by modern technology. This historical account delves into a concealed aspect of the Cold War, one as covert as infiltrating KGB spies into Western intelligence agencies.<sup>2</sup> Examining this history is essential to understanding how communism aimed to undermine various aspects of society.

Disinformation is a well-established phenomenon amplified by modern technology, encompassing deliberately fabricated information disseminated to mislead individuals. It represents an undisclosed aspect of the Cold War's history, one shrouded as profoundly as the KGB's undercover agents within Western intelligence organizations. Exploring this history is essential for understanding

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<sup>1</sup> Cherylyn Ireton and Julie Posetti, *Journalism, 'Fake News' and Disinformation* (Paris: United Nations Educational, Scientific and Cultural Organization, 2018), 15.

<sup>2</sup> Ion Mihai Pacepa and Ronald J. Rychlak, *Disinformation: Former Spy Chief Reveals Secret Strategies for Undermining Freedom, Attacking Religion, and Promoting Terrorism* (Washington, DC: WND Books, 2013), 2.

how communism aimed to undermine various aspects of society. Even yet, significant hazards can be involved in transmitting disinformation via social media.

In dictionaries, the typical definition of disinformation is intentionally deceptive information publicly disclosed or leaked, often by a government or intelligence agency. However, other groups can also disseminate misleading information. This misleading information, commonly from various sources such as news services or individuals, can result from well-organized and technologically advanced deception strategies.<sup>3</sup>

Disinformation encompasses various types of untrue, incorrect, or deceptive content created, displayed, and shared with the deliberate intention of causing harm to the public or gaining financial benefits. This description combines three essential factors: deceit, the potential for harm, and a deliberate intent to cause damage.<sup>4</sup>

To clarify the notion of hate speech, we can elaborate on it in different contexts because as a concept it can be used in many variants. Hatred often describes a strong dislike for a particular person or thing.<sup>5</sup> For example, expressing racially defamatory lies falls outside the scope of protection guaranteed by the concept of freedom of speech as delineated and interpreted in the international legal context.<sup>6</sup>

Hate speech encompasses a range of communication strategies, including propaganda, that convey prejudiced material in an intolerable manner.<sup>7</sup>

Hate speech erodes people's confidence in their equal status within society, causing harm to their sense of self-worth. With the rise of social media, hate speech and stigmatization are becoming more accessible and widespread, posing an increasing threat to the well-being of children and young individuals.

Hate speech erodes people's confidence in their equal place in society, harming their sense of dignity.<sup>8</sup> The rise of social media has made it easier and faster for hate and stigmatization to spread, posing an increasing risk to children and young individuals.<sup>9</sup>

Online hate speech exists within a complex web of tensions. It symbolizes the tensions arising from diverse factions within and among societies, demonstrates how revolutionary technologies like the Internet present

<sup>3</sup> Don Fallis, "A Conceptual Analysis of Disinformation," *iConference Proceedings* (2014).

<sup>4</sup> Deen Freelon and Chris Wells, "Disinformation as Political Communication," *Political Communication* 37, no. 2, 145-156.

<sup>5</sup> I. Boichuk, "The Concept of Hate/Hatred and Its Wording in English, Russian, and French," *The advanced science journal*, no. 3 (2014).

<sup>6</sup> Thomas David Jones, *Human Rights: Group Defamation, Freedom of Expression, and the Law of Nations* (Martinus Nijhoff Publishers, 1998), 5.

<sup>7</sup> Council of Europe, Recommendation No. R (97) 20 of the Committee of Ministers to Member States on "Hate Speech, Rec(97)20 30/10/1997.

<sup>8</sup> Jeremy Waldron, *The Harm in Hate Speech*, London: Harvard University Press, 2012, 35.

<sup>9</sup> European Economic and Social Committee, Opinion of the European Economic and Social Committee on 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Stepping up Europe's 2030 Climate Ambition — Investing in a Climate-neutral Future for the Benefit of Our People', COM/2020/562 final

advantages and hurdles, and necessitates a nuanced equilibrium between core values and principles, including the right to free speech and safeguarding human integrity.<sup>10</sup>

Data protection encompasses a range of concepts related to the handling of personal data. By implementing these concepts, governments aim to balance fundamental yet competing values, such as privacy, the unrestricted flow of information, government surveillance requirements, and taxation.<sup>11</sup>

## **2. Exploring the Boundaries and Limitations of Free Speech**

Each value asserts its boundaries that may constrain the claims of others, and every right, including the right to free speech, is bounded in its extent and content by other rights. This principle applies universally, leading to the imposition of limitations on the right to free speech in all societies.<sup>12</sup> Freedom of speech within the European Union is protected under the Charter of Fundamental Rights, which underscores that every individual has the entitlement to express themselves freely. This encompasses the freedom to form opinions and share information and ideas without government intervention regarding geographical boundaries.<sup>13</sup> Freedom of speech is guaranteed by the highest act in the European Union, which is the Treaty of the European Union, along with the European Convention on Human Rights. Such a regulation is not enough as long as the member states regulate and define the freedom of speech with various acts.

Like any other right that has a limit and cannot even be exercised when the right of another is violated, freedom of expression has limitations. The prohibition of exercise of the right begins to be prohibited when it begins to be used for harmful use. Mill contends that due to human fallibility, it is justified to be more tolerant of freedom of expression because absolute certainty regarding the distinction between truth and falsehood is unattainable.<sup>14</sup> It is challenging to balance the imperative of ensuring individuals' freedom to express their ideas and opinions with the duty to safeguard others from verbal harm and secure their equal status in society.<sup>15</sup> Regarding freedom of expression, the initial premise for reasoning is straightforward. Individuals have the right to partake in activities related to freedom of expression unless a well-argued and compelling justification exists for restricting such conduct.<sup>16</sup> Even in the earliest established communication systems, such as religion, there existed constraints on individuals'

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<sup>10</sup> Iginio Gagliardone et al., *Countering Online Hate Speech* (Paris: UNESCO, 2015), 7.

<sup>11</sup> Serge Gutwirth et al., *Reinventing Data Protection?* (Dordrecht: Springer, 2009), 77.

<sup>12</sup> Lord Bhikhu Parekh, "Limits of Free Speech," *Philosophia* 45, no. 3 (2017). <https://doi.org/10.1007/s11406-016-9752-5>.

<sup>13</sup> Dominika Bychawska-Siniarska, *Protecting the Right to Freedom of Expression Under the Right to Freedom of Expression* (Strasbourg: Council of Europe, 2017), 12.

<sup>14</sup> John Stuart Mill, *Utilitarianism* (London: Parker, Son, and Bourn, 1863), 21-23.

<sup>15</sup> Nina Gorenc, "Hate Speech or Free Speech: an Ethical Dilemma?" *International Review of Sociology* 32, no. 3 (2022). <https://doi.org/10.1080/03906701.2022.2133406>.

<sup>16</sup> Gehan Gunatilleke, "Justifying Limitations on the Freedom of Expression," *Human Rights Review* 22, no. 1 (2021). <https://doi.org/10.1007/s12142-020-00608-8>.

freedom to openly voice their opinions concerning authority figures and the governing elite.<sup>17</sup>

While freedom of speech is an essential right belonging to democracy, its restriction and prohibition will be considered in cases of incitement to hatred and national disunity or even for purposes of abuse. The argument favoring freedom of speech based on liberty principles presented here shifts the focus. It emphasizes that the crucial aspect is not ensuring that every valuable statement is expressed—although that might be an ideal policy objective, albeit highly unlikely. Instead, the primary concern is ensuring that society does not deprive anyone of the right to express themselves.<sup>18</sup>

### **3. Legal perspective and regulations within the European Union against hate speech**

The European Parliament and the Council have the authority to create minimum regulations via directives, employing the standard legislative process, about the definition of criminal acts and penalties in cases of exceptionally severe transnational crimes due to the nature or consequences of these offenses or a specific requirement for collective action to combat them.<sup>19</sup> When addressing hate speech and crimes related to protected characteristics or prohibited grounds not covered by Framework Decision 2008/913/JHA, there is no standardized legislation or penalties at the European Union (EU) level. Consequently, the responsibility falls entirely on individual Member States to criminalize such forms of hate speech and hate crimes.<sup>20</sup>

The resolution from the European Committee of the Regions regarding the fight against Hate Speech and Hate Crime calls upon different tiers of government to take action to prevent and protect citizens from violence, harassment, hate speech, and hate crimes. It also emphasizes the importance of political parties in a well-functioning democracy and urges them to refrain from using hate speech and propaganda for political gains. Additionally, the resolution encourages all European Union Member States and government bodies at various levels to allocate resources for educational initiatives and public awareness campaigns. Educational initiatives should emphasize the

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<sup>17</sup> Slavko Splichal, *Javno Mnenje: Teoretski Razvoj in Spori V 20. Stoletju* (Slovene: Fakulteta za družbene vede, 1997), 35.

<sup>18</sup> C. Edwin Baker, *Human Liberty Freedom of Speech* (New York: Oxford University Press, 1989), 24.

<sup>19</sup> See more on: Peadar O. Broin, comp., *Consolidated Version of the Treaties: Amended by the Treaty of Lisbon* (Dublin: IIEA, 2007).

<sup>20</sup> Nina Peršak, "Criminalizing Hate Crime and Hate Speech at EU Level: Extending the List of Eurocrimes Under Article 83(1) TFEU," *Criminal Law Forum* 33, no. 2 (2022): 85-119. <https://doi.org/10.1007/s10609-022-09440-w>.

consequences of hate speech as these consequences damage the democratic principle.<sup>21</sup>

It is also mentioned that, given the changing landscape of criminal activities, the Council can choose to identify more regions where severe cross-border crimes occur. This identification can be based on the nature or consequences of these offenses or a particular need to address them collectively. This move by the Council would mark the first stage in laying the essential legal groundwork for later adopting a cohesive legal framework to combat hate speech and hate crimes across the European Union. The proposed law aims to improve the EU regulations that require the criminalization of hate speech on the basis of race, religion, nationality, as detailed in section the law requires inclusion of specific criteria.<sup>22</sup>

The European Union has approved the regulation concerning a Digital Services Single Market and modifications to Directive 2000/31/EC. Furthermore, various internal policies aim to regulate the conduct of different actor categories in diverse manners.<sup>23</sup>

The European Monitoring Center on Racism and Xenophobia, in collaboration with IT companies and coordination with the European Commission, has undertaken additional initiatives to extend the legal framework governing hate speech.

#### **4. Disinformation and Hate Speech Online: Examining the Legal Infrastructure in EU Member States**

We are examining the legal guidelines concerning disinformation and hate speech on the Internet in various European Union nations. An illustrative case is the German Network Enforcement Act, the NetzDG, implemented in 2017, which represented a significant milestone in combatting hate speech and online misconduct on social media platforms within Europe. Additionally, a recent revision initially suggested in April 2020 concentrates on simplifying the procedure for reporting complaints and strengthening the information criteria within semi-annual transparency reports for platform operators.

In addition to Germany, Austria has also implemented its legislation, the Communication Platform Act (KoPl-G), which became effective on April 1, 2021. It's worth noting that the provisions of the KoPl-G appear to have been influenced by the German NetzDG.<sup>24</sup>

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<sup>21</sup> See more on: Marta Miglietti, "The First Exercise of Article 83(2) TFEU under Review: An Assessment of the Essential Need of Introducing Criminal Sanctions," *New Journal of European Criminal Law* 5, no. 1 (2014). <https://doi.org/10.1177/203228441400500102>.

<sup>22</sup> European Commission, Communication from the Commission to the European Parliament and the Council: A More Inclusive and Protective Europe: Extending the List of EU Crimes to Hate Speech and Hate Crime, COM/2021/777 final.

<sup>23</sup> Helen Wallace et al., *Policy-making in the European Union* (Oxford: Oxford University Press, 2020), 59.

<sup>24</sup> Andreas Splittgerber and Caroline Walz, "EU: New Hate Speech Rules for Social Networks in the European Union", Reed Smith Law Firm: Technology Law Dispatch, accessed 2023-10-28,

The Austrian government has incorporated safeguards against the potential abuse of freedom of speech into its legal framework. As Article 111 of the Strafgesetzbuch (StGB) outlines, individuals who publicly accuse others of disgraceful qualities, dishonorable behavior, or actions contrary to public morals in a manner perceivable by third parties may face legal consequences. However, these consequences are contingent upon a preliminary court determination of the veracity of the accusation. In other words, if it is established that the accused statement is untrue, the person making the allegation may be subject to punishment. Conversely, if the statement is proven to be true, or if there is substantial evidence indicating that the accuser had a reasonable basis to believe it was true, the perpetrator will not be subject to legal penalties under Article 111(3) of the StGB regarding defamation.<sup>25</sup>

Finland is frequently cited as an exemplary model for combatting disinformation by employing a comprehensive strategy primarily centered on education. It's noteworthy that Finland holds the top position in media literacy among 35 European countries, as reported by the Open Society Foundations.<sup>26</sup>

According to the Maltese Penal Code (Chapter 9), it is illegal for anybody to openly support, deny, or greatly minimise genocide, crimes against humanity, or war crimes against a group or a member of such group based on race, religion, natinality etc.<sup>27</sup>

The most significant influence of EU criminal law on Maltese substantive law pertains to matters concerning financial misconduct.<sup>28</sup>

#### **4.1. Data breach statistics in the European Union**

As a new wave of Internet-connected technologies emerges, a comprehensive understanding of the significant security and privacy issues is crucial.<sup>29</sup> We are currently caught in a tug-of-war for control over personal data<sup>30</sup>. The European Union has created several legal instruments for data protection.

Except for the European Union's oversight of online hate speech, EU member states have addressed the problems of disinformation and online hate

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<https://www.technologylawdispatch.com/2021/06/privacy-data-protection/eu-new-hate-speech-rules-for-social-networks-in-the-european-union>.

<sup>25</sup> Walter Seboeck et al., "Disinformation and Fake News," in *Handbook of Security Science*, ed. Anthony Masys (Cham: Springer, 2022), 54.

<sup>26</sup> Flavia Durach, Alina Bărgăoanu, and Cătălina Nastasiu, "Tackling Disinformation: EU Regulation of the Digital Space," *Romanian Journal of European Affairs* 20, no. 1 (2020).

<sup>27</sup> Emanuela Fronza, "The Crime of Historical Denialism and International Law," in *Memory and Punishment: Historical Denialism, Free Speech and the Limits of Criminal Law* (Hague: TMC Asser Press, 2018), 22.

<sup>28</sup> Ivan Sammut and Jelena Agranovska, eds, *The Implementation and Enforcement of European Union Law in Small Member States* (Cham: Palgrave Macmillan, 2021), 244.

<sup>29</sup> Adam D. Thierer, "The Internet of Things and Wearable Technology: Addressing Privacy and Security Concerns without Derailing Innovation," *Richmond Journal of Law and Technology* 21, no. 2 (2015).

<sup>30</sup> Orla Lynskey, *The Foundations of EU Data Protection Law* (Oxford: Oxford University Press, 2015), 1.

speech by utilizing diverse legal tools focused on managing and safeguarding data. In general, the responsibility for regulating hate speech is primarily assigned to the national laws of EU member states, with the understanding that all member states must adhere to Articles 14 and 17 of the European Convention on Human Rights (ECHR).<sup>31</sup> Article 8, titled "Protection of Personal Data," stipulates that every individual is entitled to safeguard their data related to themselves, affirming the right to uphold one's private and familial aspects of life.<sup>32</sup>

The regulation of the European Parliament And Council issued on April 27, 2016, is the basis for data protection. The importance of EU data protection law in shaping technology,<sup>33</sup> but criticism remains from the regulation to manage the electronic methods as a whole. Personal data processing is allowed when at least one of the six criteria for the lawfulness of processing personal data outlined in Article 6 of the General Data Protection Regulation (GDPR) is satisfied.<sup>34</sup>

Another measure that serves as a step towards enhancing data protection involves the establishment of a hybrid cell. Specifically, an EU Hybrid Fusion Cell operating within the EU Intelligence and Situation Centre (EU INTCEN) under the European External Action Service (EEAS) purview has been dedicated to examining external dimensions of hybrid threats. These threats encompass significant information campaigns, the recruitment of extremists, and the use of proxy entities to carry out specific actions.<sup>35</sup>

The increasing integration of technologies and the interconnectedness of social Communication have led to a rising concern in society: online scams. These scams have become more prevalent, with scammers convincing individuals to engage in actions such as clicking on harmful links, making illegitimate payments, or downloading malicious attachments.<sup>36</sup>

Nonetheless, despite striving for success in data security, European Union nations have yet to achieve a high standard of safeguarding data. This ongoing

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<sup>31</sup> Mike Harris, "Europe's Rules on Freedom of Information and Hate Speech," Index on Censorship, accessed October 28, 2023. <https://www.indexoncensorship.org/2014/01/eus-commitment-freedom-expression-freedom-information-hate-speech>.

<sup>32</sup> R. Alonso García, "The General Provisions of the Charter of Fundamental Rights of the European Union," *European law journal* 8, no. 4 (2002). <https://doi.org/10.1111/1468-0386.00162>.

<sup>33</sup> Christopher Kuner, *European Data Privacy Law and Online Business* (Oxford: Oxford University Press, 2003), 4.

<sup>34</sup> Rok Dacar, "Is the Essential Facilities Doctrine Fit for Access to Data Cases? The Data Protection Aspect," *Croatian yearbook of european law and policy* 18, no. 1 (2022). <https://doi.org/10.3935/cyelp.18.2022.483>.

<sup>35</sup> Carme Colomina, Héctor Sánchez Margalef, and Richard Youngs, *The Impact of Disinformation on Democratic Processes and Human Rights in the World* (Brussels: European Parliament, 2021). [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653635/EXPO\\_STU\(2021\)653635\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653635/EXPO_STU(2021)653635_EN.pdf).

<sup>36</sup> Emma J. Williams, Amy Beardmore, and Adam N. Joinson, "Individual Differences in Susceptibility to Online Influence: a Theoretical Review," *Computers in Human Behavior* 72, no. 1 (2017): 412–421. <https://doi.org/10.1016/j.chb.2017.03.002>.

debate suggests that there is still discontent with data protection outcomes. Since data privacy concerns have far-reaching and often unpredictable impacts on internal and external stakeholders, further efforts in this area must be deemed essential and imperative.<sup>37</sup>

According to a study conducted by DLA Piper's cybersecurity and data protection division, as of January 2021, a cumulative sum of approximately EUR272.5 million (equivalent to about USD332.4 million or GBP245.3 million) in penalties has been levied for various violations since the implementation of GDPR on May 25, 2018.<sup>38</sup>

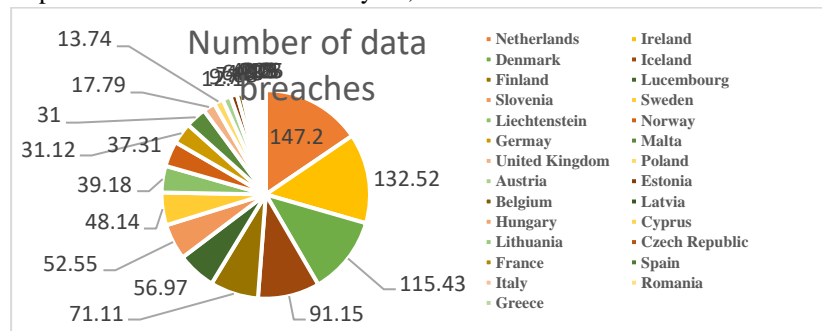


Figure 1. Data breaches per 100,000 individuals during the period from January 28, 2019, to January 27, 2020, inclusively. Data from DLA Piper's Cybersecurity and Data Protection Team, DLA Piper GDPR Data Breach Survey: January 2020 (DLA Piper, 2020).

In May 2019, the European Data Protection Board (EDPB) released additional statistics indicating that Data Protection Supervisory Authorities (DSAs) had recorded more than 144,000 inquiries and grievances, along with over 89,000 incidents of data breaches.<sup>39</sup>

Table 1 highlights the European countries that have experienced many personal information breaches in the past decade. Specifically, Germany, Greece, the Netherlands, Norway, and the United Kingdom have all encountered notably elevated levels of incidents and substantial breaches of records.

**Table 1. Severity of Breach Patterns**

Top 5 Country targets internet users	Compromised Record per 100 People	Compromised Record per 100 People
<b>Germany</b>	68	79
<b>Greece</b>	81	140
<b>Netherlands</b>	23	24
<b>Norway</b>	80	83
<b>United Kingdom</b>	220	245

<sup>37</sup> Kelly D. Martin and Patrick E. Murphy, "The Role of Data Privacy in Marketing," *Journal of the Academy of Marketing Science* 45, no.2 (2017): 135-155.

<sup>38</sup> Aana Sharma, "Data Protection, Privacy and Proposed Law in India: Tracing the Previous Challenges and Transition to the Bill of 2021," *SSRN* 21, no. 2 (2015).

<sup>39</sup> Alan Charles Raul, ed, *The Privacy, Data Protection and Cybersecurity Law Review* (United Kingdom: Law Business Research Ltd, 2019), 5.

#### **4.2. The Waves of Disinformation: Analysis of Disinformation in the European Union**

According to the public survey results on false information and online disinformation, the majority of respondents, constituting 74%, came across such untrustworthy content primarily via social media and messaging applications.<sup>40</sup>

As per findings from the Eurobarometer survey:

- Approximately 71% of Europeans encounter fake news online multiple times monthly.
- About 30% of individuals come across news or information that they perceive as distorting reality daily or nearly daily.
- Younger Europeans, constituting 63%, encounter fake news more frequently than once a week.<sup>41</sup>

The key components for effectively identifying false information involve global cooperation and the use of technology. Furthermore, enhancing the transparency of media financing, coupled with education, technological advancements, and collaborative efforts, plays a significant role in our endeavors to tackle this challenge.

#### **5. Understanding the Landscape of Online Hate Speech in the European Union**

With the ever-increasing number of hate groups running Internet sites.<sup>42</sup> In the European Union (EU), a significant 80% of individuals have come across hate speech on the Internet. In comparison, 40% have experienced feelings of being attacked or threatened through Social Network Sites (SNS). These encounters have troubling repercussions, including the harm inflicted on social groups by fostering an atmosphere of bias and intolerance, promoting discrimination and hostility, and, in severe instances, potentially enabling violent actions.<sup>43</sup>

As per a Eurobarometer survey conducted in 2016, 75% of individuals engaging in online discussions and interactions reported having observed or personally encountered instances of abuse, threats, or hate speech.<sup>44</sup> The research reflects cases of hate speech against different groups and statistical

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<sup>40</sup> Alexandre Alaphilippe et al., *Automated Tackling of Disinformation* (Brussels: European Parliamentary Research Service, 2019).

<sup>41</sup> For more info: Věra Jourová, *Code of Conduct on Countering Illegal Hate Speech Online* (Brussels: European Commission, 2019).

<sup>42</sup> Alexander Tsesis, "Hate in Cyberspace: Regulating Hate Speech on the Internet," *San Diego Law Review* 38, no. 3 (2001): 858.

<sup>43</sup> Gagliardone et al, *Countering Online Hate Speech*, 47.

<sup>44</sup> Jana Papcunova et al., "Hate Speech Operationalization: a Preliminary Examination of Hate Speech Indicators and Their Structure," *Complex and Intelligent Systems* 9, no. 3 (2023): 2827–2842.

evidence shows that 63% of participating girls have experienced some form of online harassment on social media platforms. Furthermore, it indicates that 38% of individuals with disabilities encountered hate speech in the year leading up to the survey, and shockingly, 17% of these individuals became victims of physical violence, in contrast to the 8% rate observed among individuals without disabilities.<sup>45</sup>

According to Facebook, they received 1.1 million appeals regarding content actions related to hate speech from January 2019 to March 2019. Additionally, they reinstated 130,000 pieces of content following a reevaluation.<sup>46</sup>

The percentage of notifications examined by the companies within a 24-hour timeframe has diminished compared to the previous two monitoring assessments: from 90.4% in 2020 to 81% in 2021 and further down to 64.4% in 2022.<sup>47</sup> Tackling the challenge of online hate speech is a multifaceted endeavor, and one proposed method to counter it involves employing a comprehensive strategy.

In Germany, Facebook is the most widely used platform.<sup>48</sup> A connection was observed in Germany between the far-right Alternative for Germany party's anti-refugee Facebook posts and acts of violence against refugees.<sup>49</sup> The Amadeu Antonio Foundation and Pro Asyl (an NGO advocating asylum rights) compiled information about refugee incidents in Germany from January 2015 to early 2017. These incidents encompassed a range of activities, such as anti-refugee graffiti, arson attacks on refugee residences, physical assaults, and occurrences during protests.<sup>50</sup> Among the 3,335 documented attacks targeting refugees in our study, a substantial majority of 3,171 took place within municipalities where individuals who follow AfD's Facebook pages were present.<sup>51</sup>

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<sup>45</sup> Piotr Bakowski, *Combating Hate Speech and Hate Crime in the EU* (Brussels: European Parliamentary Research Service, 2022).

<sup>46</sup> Fabienne Baider and Christina Romain, "Humorous Remarks in Covert Hate Speech and Counter-speech," IMSyPP, accessed September 11, 2023, <http://imsypp.ijs.si/wp-content/uploads/HumourBaider.pdf>

<sup>47</sup> Didier Reynders, *7th Evaluation of the Code of Conduct* (Brussels: European Commission, 2022).

<sup>48</sup> Rafael Jiménez Durán, Karsten Müller, and Carlo Schwarz, "The Effect of Content Moderation on Online and Offline Hate: Evidence from Germany's NetzDG," *SSRN* (2024).

<sup>49</sup> Zachary Laub, "Hate Speech on Social Media: Global Comparisons," Council on Foreign Relations, accessed October 28, 2023.

<sup>50</sup> Karsten Müller and Carlo Schwarz, "Fanning the Flames of Hate: Social Media and Hate Crime," *Journal of the European Economic Association* 19, no. 4 (2021).

<sup>51</sup> Carlo Rasmus Schwarz, "Essays in Political Economy" (PhD thesis, University of Warwick, 2020).

**Table 2. Summary of the Legal Prohibition of Hate Speech and Hate Crimes by Category**

<b>Certain Reasons Are Prohibited Under the Domestic Legal System</b>						
No Specific Ground Criminalized in the National Legal Framework	Gender	Age	Disability	Race, Color, Religion, Descent, or Ethnic Origin	Other grounds explicitly criminalised	
	<b>8</b>	<b>17</b>	<b>6</b>	<b>14</b>	<b>26</b>	<b>13</b>
	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>
<b>Criminalization of Hate Speech</b>	CZ, DE, FI, HR, HU, LV, RO, SI.	AT, BE, CY, EE, EL, ES, FR, HR, HU, LT, ES, LT, LU, LV, LU, LV, MT, NL, PT, SE, SI	AT, BE, EL, ES, FI, FR, HR, HU, LT, LU, LV, NL, PT, SI.	AT, BE, EL, ES, FI, FR, HR, HU, LT, LU, LV, NL, PT, SI.	<b>All Member States, except RO.</b>	AT, BE, CZ, EE, ES, FI, IE, LT, LU, MT, PL, SI, SK.
	<b>15</b>	<b>17</b>	<b>10</b>	<b>13</b>	<b>25</b>	<b>17</b>
	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>	<b>Member States</b>
<b>Criminalisation of Hate Crime</b>	AT, BG, CZ, DE, DK, EE, FI, HR, HU, LV, PL, PT, RO, SE, SI.	AT, BE, CY, EL, ES, FI, AT, BE, FR, HR, HU, LT, FR, HR, HU, LU, MT, LT, LU, PT, RO, MT, RO, SE, SI, SK.	AT, BE, EL, ES, ES, FI, FR, HR, HU, LT, LU, MT, NL, RO.	AT, BE, EL, ES, FI, FR, HR, HU, LT, LU, MT, NL, RO.	<b>All Member States, except EE and IE.</b>	AT, BE, BG, CY, CZ, ES, FI, FR, HR, LT, LU, MT, PL, PT, RO, SI, SK.

Source: Patricia Ypma et al., *Study to Support the Preparation of the European Commission's Initiative to Extend the List of Eu Crimes in Article 83 of the Treaty on the Functioning of the Eu to Hate Speech and Hate Crime* (Brussels: Publications Office of the European Union, 2021).

## 6. Conclusion

In conclusion, navigating the digital landscape in the European Union requires a multidimensional approach addressing disinformation, hate speech, and data protection. Disinformation, online hate speech, and data protection: navigating cyberspace and how the European Union navigates these issues.

Disinformation at the level of the European Union is presented to us in a high degree of size and a large number of cases/incidents; through our findings, we manage to emphasize that the navigation of the European Union

alongside disinformation reflects us with an unsafe cyber landscape. Analysis of cases and statistics in one dimension reveals the need for commitment to disinformation.

Hate speech online is another area that happens in cyberspace; the cases prove that the extensive misuse of hate speech on online platforms increases the need for the concentration of the institutions of the European Union as well as the member states to take adequate measures.

Data protection represents a fundamental human right, a right guaranteed by the highest act in the European Union and other actions at the level of the European Union, as well as further defined by the internal acts of the member states. The necessity and importance of this right is another point we emphasize to protect data. Data breaches, that is, personal data breaches, are present in the EU. Even compared to countries outside the EU, EU member states have more personal data breaches.

### **Bibliography**

- Alaphilippe, Alexandre, Alexis Gizikis, Clara Hanot, and Kalina Bontcheva. *Automated Tackling of Disinformation*. Brussels: European Parliamentary Research Service, 2019.
- Assimakopoulos, Stavros, Fabienne H. Baider, and Sharon Millar. *Online Hate Speech in the European Union: a Discourse-analytic Perspective*. Cham: Springer, 2017.
- Baider, Fabienne, and Christina Romain. “Humorous Remarks in Covert Hate Speech and Counter-speech.” IMSyPP, accessed September 11, 2023, <http://imsypp.ijs.si/wp-content/uploads/HumourBaider.pdf>.
- Baker, C. Edwin. *Human Liberty Freedom of Speech*. New York: Oxford University Press, 1989.
- Bakowski, Piotr. *Combating Hate Speech and Hate Crime in the EU*. Brussels: European Parliamentary Research Service, 2022.
- Berez, Tamás, and Charlotte Devinat. *Relevance of Cyber Hate in Europe and Current Topics That Shape Online Hate Speech*. Brussels: European Commission, 2017.
- Boichuk, I. “The Concept of Hate/Hatred and Its Wording in English, Russian and French.” *The Advanced Science Journal*, no. 3 (2014): 81-87  
10.15550/ASJ.2014.03.081
- Broin, Peadar O., comp. *Consolidated Version of the Treaties: Amended by the Treaty of Lisbon*. Dublin: IIEA, 2007.
- Brown, Alexander. “What Is Hate Speech? Part 2: Family Resemblances.” *Law and Philosophy* 36. no. 5 (2017): 561–613. <https://doi.org/10.1007/s10982-017-9300-x>.
- Bychawska-Siniarska, Dominika. *Protecting the Right to Freedom of Expression Under the Right to Freedom of Expression*. Strasbourg: Parker, Council of Europe, 2017.
- Colomina, Carme, Héctor Sánchez Margalef, and Richard Youngs. *The Impact of Disinformation on Democratic Processes and Human Rights in the World*. Brussels: European Parliament, 2021.
- Council of Europe. Recommendation No. R (97) 20 of the Committee of Ministers to Member States on “Hate Speech”. Rec(97)20 30/10/1997.
- Dacar, Rok. “Is the Essential Facilities Doctrine Fit for Access to Data Cases? The Data Protection Aspect.” *Croatian Yearbook of European Law and Policy* 18, no. 1 (2022): 61–81. <https://doi.org/10.3935/cyelp.18.2022.483>
- DLA Piper’s Cybersecurity and Data Protection Team. *DLA Piper GDPR Data Breach Survey: January 2020*. DLA Piper, 2020.
- Durach, Flavia, Alina Bârgăoanu, and Cătălina Nastasiu. “Tackling Disinformation: EU Regulation of the Digital Space.” *Romanian Journal of European Affairs* 20, no. 1 (2020): 5-20.

- Durán, Rafael Jiménez, Karsten Müller, and Carlo Schwarz. "The Effect of Content Moderation on Online and Offline Hate: Evidence from Germany's NetzDG." *SSRN* (2024).
- European Economic and Social Committee. Opinion of the European Economic and Social Committee on 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Stepping up Europe's 2030 Climate Ambition — Investing in a Climate-neutral Future for the Benefit of Our People'. COM/2020/562 final.
- European Commission. Communication from the Commission to the European Parliament and the Council: A More Inclusive and Protective Europe: Extending the List of EU Crimes to Hate Speech and Hate Crime. COM/2021/777 final.
- Fallis, Don. "A Conceptual Analysis of Disinformation." *iConference Proceedings* (2014).
- Freelon, Deen, and Chris Wells. "Disinformation as Political Communication." *Political Communication* 37, no. 2, 145-156.
- Fronza, Emanuela. "The Crime of Historical Denialism and International Law." In *Memory and Punishment: Historical Denialism, Free Speech and the Limits of Criminal Law*. Hague: TMC Asser Press, 2018.
- Gagliardone, Iginio, Danit Gal, Thiago Alves, and Gabriela Martinez. *Countering Online Hate Speech*. Paris: UNESCO, 2015.
- García, R. Alonso. "The General Provisions of the Charter of Fundamental Rights of the European Union." *European Law Journal* 8, no. 4, (2002): 492-514.
- Gorenc, Nina. "Hate Speech or Free Speech: an Ethical Dilemma?" *International Review of Sociology*. 32, no. 3 (2022).
- Gunatilleke, Gehan. "Justifying Limitations on the Freedom of Expression." *Human Rights Review* 22, no. 1 (2021).
- Gutwirth, Serge, Yves Poullet, Paul de Hert, Cécile de Terwangne, and Sjaak Nouwt. *Reinventing Data Protection?* Dordrecht: Springer, 2009.
- Harris, Mike. "Europe's Rules on Freedom of Information and Hate Speech." Index on Censorship, accessed October 28, 2023. <https://www.indexoncensorship.org/2014/01/eus-commitment-freedom-expression-freedom-information-hate-speech>.
- Howard, Philip N. and Orsolya Gulyas. "Data Breaches in Europe: Reported Breaches of Compromised Personal Records in Europe, 2005-2014." *SSRN* (2014): 1-22.
- Ireston, Cherilyn, and Julie Posetti. *Journalism, 'Fake News' and Disinformation*. Paris: United Nations Educational, Scientific and Cultural Organization, 2018.

- Jones, Thomas David. *Human Rights: Group Defamation, Freedom of Expression, and the Law of Nations*. Martinus Nijhoff Publishers, 1998.
- Jourová, Věra. *Code of Conduct on Countering Illegal Hate Speech Online*. Brussels: European Commission, 2019. [http://www.marinacastellana.net.it/blog/wp-content/uploads/2019/02/code\\_of\\_conduct.pdf](http://www.marinacastellana.net.it/blog/wp-content/uploads/2019/02/code_of_conduct.pdf).
- Kuner, Christopher. *European Data Privacy Law and Online Business*. Oxford: Oxford University Press, 2003.
- Laub, Zachary. “Hate Speech on Social Media: Global Comparisons.” Council on Foreign Relations, accessed October 28, 2023, <https://www.cfr.org/backgrounder/hate-speech-social-media-global-comparisons>.
- Lynskey, Orla. *The Foundations of EU Data Protection Law*. Oxford: Oxford University Press, 2015.
- Martin, Kelly D., and Patrick E. Murphy. “The Role of Data Privacy in Marketing.” *Journal of the Academy of Marketing Science* 45, no. 2 (2017): 135-155.
- Miglietti, Marta . “The First Exercise of Article 83(2) TFEU under Review: An Assessment of the Essential Need of Introducing Criminal Sanctions.” *New Journal of European Criminal Law* 5, no. 1 (2014). <https://doi.org/10.1177/203228441400500102>.
- Mill, John Stuart. *Utilitarianism*. London: Parker, Son, and Bourn, 1863.
- Müller, Karsten, and Carlo Schwarz. “Fanning the Flames of Hate: Social Media and Hate Crime.” *Journal of the European Economic Association* 19, no. 4 (2021).
- Pacepa, Ion Mihai, and Ronald J. Rychlak. *Disinformation: Former Spy Chief Reveals Secret Strategies for Undermining Freedom, Attacking Religion, and Promoting Terrorism*. Washington, DC: WND Books, 2013.
- Papcunova, Jana, Marcel Martončík, Denisa Fedakova, Michal Kentos, Miroslava Bozogánová, Ivan Srba, Robert Moro, Matúš Pikuliak, Marian Simko, and Matúš Adamkovič. “Hate Speech Operationalization: a Preliminary Examination of Hate Speech Indicators and Their Structure.” *Complex and Intelligent Systems*. 9, no. 3 (2023): 2827–2842.
- Parekh, Lord Bhikhu. “Limits of Free Speech.” *Philosophia* 45, no. 3 (2017). <https://doi.org/10.1007/s11406-016-9752-5>.
- Peršak, Nina. “Criminalizing Hate Crime and Hate Speech at EU Level: Extending the List of Eurocrimes Under Article 83(1) TFEU.” *Criminal Law Forum* 33, no. 2 (2022): 85-119. <https://doi.org/10.1007/s10609-022-09440-w>.
- Raul, Alan Charles, ed. *The Privacy, Data Protection and Cybersecurity Law Review*. United Kingdom: Law Business Research Ltd, 2019.

- Reynders, Didier. *7th Evaluation of the Code of Conduct*. Brussels: European Commission, 2022.
- Sammut, Ivan, and Jelena Agranovska, eds. *The Implementation and Enforcement of European Union Law in Small Member States*. Cham: Palgrave Macmillan, 2021.
- Schwarz, Carlo Rasmus. "Essays in Political Economy." PhD thesis, University of Warwick, 2020.
- Seboeck, Walter, Bettina Biron, Thomas J. Lampoltshammer, Heidi Scheichenbauer, Christof Tschohl, and Lisa Seidl. "Disinformation and Fake News." In *Handbook of Security Science*. Edited by Anthony Masys, 41-62. Cham: Springer, 2022.
- Splichal, Slavko. *Javno Mnenje: Teoretski Razvoj in Spori V 20. Stoletju*. Ljubljana: Fakulteta za družbene vede, 1997.
- Spittgerber, Andreas, and Caroline Walz. "EU: New Hate Speech Rules for Social Networks in the European Union." Reed Smith Law Firm: Technology Law Dispatch, accessed October 28, 2023, <https://www.technologylawdispatch.com/2021/06/privacy-data-protection/eu-new-hate-speech-rules-for-social-networks-in-the-european-union>.
- Sharma, Aana. "Data Protection, Privacy and Proposed Law in India: Tracing the Previous Challenges and Transition to the Bill of 2021." *SSRN* 21. no. 2 (2015).
- Thierer, Adam D. "The Internet of Things and Wearable Technology: Addressing Privacy and Security Concerns without Derailing Innovation." *Richmond Journal of Law and Technology* 21, no. 2 (2015).
- Tsesis, Alexander. "Hate in Cyberspace: Regulating Hate Speech on the Internet." *San Diego Law Review* 38, no. 3 (2001): 817-874.
- Waldron, Jeremy. *The Harm in Hate Speech*. London: Harvard University Press, 2012.
- Wallace, Helen, Mark A. Pollack, Christilla Roederer-Rynning, and Alasdair R. Young. *Policy-making in the European Union*. Oxford: Oxford University Press, 2020.
- Williams, Emma J., Amy Beardmore, and Adam N. Joinson. "Individual Differences in Susceptibility to Online Influence: a Theoretical Review." *Computers in Human Behavior* 72, no. 1 (2017): 412-421.
- Ypma, Patricia, Célia Drevon, Chloe Fulcher, Oriana Gascon, Kevin Brown, Aleksandar Marsavelski, and Sylvie Giraudon. *Study to Support the Preparation of the European Commission's Initiative to Extend the List of Eu Crimes in Article 83 of the Treaty on the Functioning of the Eu to Hate Speech and Hate Crime*. Brussels: Publications Office of the European Union, 2021.