

Typology of regulatory models for social media

Summary

Prof. Dr. Sophie Weerts
Mathieu Fasel, MLaw / MA

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This research report proposes a typology of regulatory models for combating online hate speech, an issue for both human rights and democracy. The typology shows that the regulatory response has evolved over time and in different territories. Initially, social media companies were seen as direct addressees of regulation (a model of American origin based on the idea that social media companies are exempt from liability). Later, they were seen as intermediaries between the State and users (a model of European origin based on the idea that social media companies should contribute to the fight against online hate speech). At a territorial level, the European model for regulating social media companies also has its nuances, with measures that have been progressively strengthened both from the point of view of relations between social media companies and public authorities and between social media companies and users. This typology results from the intersection of two types of analysis on two types of data. A first diachronic analysis is based on a documentary analysis of the work of the United Nations rapporteurs on freedom of expression and information between 1995 and 2019. It shows how hate speech has been progressively defined, and what instruments and approaches have been favoured to combat it. A second analysis, of a synchronic nature, is based on a comparison of five pieces of legislation (Germany, France, Austria, the European Union and the United Kingdom) regulating social media companies. It shows the expansion of tools mobilized to make companies players in the regulation of online discourse, but also to frame this activity. All in all, this report is a useful guide for authorities considering regulating the operations of social media companies.