

УДК 342.7

DOI: <https://doi.org/10.32631/vca.2024.2.36>**Elnur Akif HUMBATOV,**

PhD in Law

*(UNESCO Department of «Human Rights and Information Law» of BSU, Baku, Azerbaijan)***PROBLEMS AFFECTING THE INFORMATION ECOSYSTEM: DISINFORMATION, MISINFORMATION AND HATE SPEECH**

*In the article, disinformation, misinformation and hate speech from the problems affecting the information ecosystem were legally analyzed in a related form. There are two main challenges in preventing and legally regulating disinformation and misinformation. First, there are gaps in the mechanism for verifying the authenticity of information disseminated online. Determining the subject who will decide which information is false and which is true is a problematic issue. Although it is possible to regulate such identification at the national level, it is absurd to verify the authenticity of all the information spread by users from different countries on different platforms. Second, tightening the fight against disinformation and misinformation can create serious restrictions on freedom of thought and speech. A very strict regulatory framework would limit what people can do on social platforms and stifle innovation and free expression. Therefore, the struggle should be conducted unilaterally, that is, not only within the framework of state bodies, but at the level of cooperation between all participating parties - public institutions, platforms, people and civil society.*

*As for hate speech, this form of negative expression, which is associated with discrimination in most legal regulations, has a broader content. The article presents a more correct legal approach based on the analysis of the legal framework of various states, and comments on the legal aspects of measures to combat hate speech.*

**Keywords:** *disinformation, misinformation, hate speech, freedom of expression, hate crime, discrimination.*

**Introduction.** Completeness of information includes the accuracy, consistency and reliability of information, and failure to ensure this completeness results in disinformation, misinformation and hate speech. Although there are no generally accepted definitions of these terms, UN agencies have developed working definitions. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression refers to disinformation as false information that is deliberately spread to cause serious social harm<sup>1</sup>. UNESCO

---

<sup>1</sup> Disinformation and freedom of opinion and expression: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, 2021. <https://documents.un.org/doc/undoc/gen/g21/085/64/pdf/g2108564.pdf?token=bx3wmmTbPxZrRrXUod2&fe=true>.

defines disinformation as false or misleading content that can cause specific harm, regardless of motives, awareness or behavior<sup>1</sup>. Unlike disinformation, misinformation is the dissemination of false information, but the purpose is not intentional. In short, disinformation is the intentional spreading of false information, and misinformation is the spreading of false information which is unintentional. Misinformation refers to the intentional dissemination of inaccurate information shared in good faith by those who are unaware that they are lying<sup>2</sup>.

According to the definition given by the Recommendation 97(20) of the Committee of Ministers of the Council of Europe: «Hate speech means all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin»<sup>3</sup>.

**Disinformation and misinformation: similar and different aspects.** The word disinformation did not appear in English dictionaries until the 1980s. However, its origins can be traced back to the 1920s, when Russia started using it in connection with a special disinformation agency whose purpose was to spread "false information with the intent to deceive public opinion". Russia considered disinformation a strategic weapon to be used in its overall Active Measures strategy. Active intelligence operations were conducted to influence world events to achieve their geopolitical goals, so disinformation was considered a critical component of the Active Measures strategy<sup>4</sup>. Operation Neptune in the 1960s, the publication of false information known as the Egyptian affairs in the 1970s<sup>5</sup>, and having a disparaging purpose as well as creating confusion in the society are facts that confirm Soviet disinformation.

The word disinformation, as a modern term, is believed to have been coined by Joseph Stalin after World War II. Thus, during the Cold War, the State Security Committee of the USSR spread a rumor that the AIDS virus was created by the Pentagon, the headquarters of the US Department of Defense<sup>6</sup>. Disinformation has

---

<sup>1</sup> Balancing act: countering digital disinformation while respecting freedom of expression, Geneva, International Telecommunication Union (ITU); Paris, UNESCO, 2020. <https://www.unesco.org/en/articles/balancing-act-countering-digital-disinformation-while-respecting-freedom-expression>.

<sup>2</sup> Our Common Agenda Policy Brief 8 Information Integrity on Digital Platforms, 2023. P. 5. <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-information-integrity-en.pdf>.

<sup>3</sup> Recommendation No. R (97) 20 of the Committee of Ministers to member states on "hate speech". / Adopted on 30 October 1997 by Committee of Ministers of Council of Europe. [https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset\\_publisher/aDXmrol0vvsU/content/recommendation-no-r-97-20-of-the-committee-of-ministers-to-member-states-on-hate-speech-?\\_101\\_INSTANCE\\_aDXmrol0vvsU\\_viewMode=view/](https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-no-r-97-20-of-the-committee-of-ministers-to-member-states-on-hate-speech-?_101_INSTANCE_aDXmrol0vvsU_viewMode=view/)

<sup>4</sup> Aristedes Mahairas and Mikhail Dvilyanski (2018). Disinformation // The Cyber Defense Review, Vol. 3, No. 3: 21.

<sup>5</sup> Aristedes Mahairas and Mikhail Dvilyanski (2018). Disinformation // The Cyber Defense Review, Vol. 3, No. 3: 22.

<sup>6</sup> J.-B. Jeangène Vilmer, A. Escorcía, M. Guillaume, J. Herrera (2018). Information Manipulation: A Challenge for Our Democracies, report by the Policy Planning Staff (CAPS) of the Ministry for Europe and Foreign Affairs and the Institute for Strategic Research (IRSEM) of the Ministry for the Armed Forces, Paris, 207 p.

become more relevant with the development of new technologies. Because the virtual space creates favorable conditions for any information to cover a wide area within seconds. For example, despite the spread of disinformation about the AIDS virus mentioned in 1983, this information reached the Western press in 1987. More specifically, the spread of information around the world covered a period of about four years. But currently, a very short period of time is sufficient for this.

Disinformation has the potential to distort public opinion on a large scale and systematically<sup>1</sup>. Therefore, we can consider this problem as a serious threat to democracy. For a democracy to function properly, it is essential that people can actively participate and vote based on reliable, accurate and complete information. Thus, information is the main component of the functional relationship between people and their representatives (or their competitors). Therefore, disinformation has a direct impact on people's political choices by forming a wrong perception. Disinformation can have an immediate effect during elections by discrediting the candidate and distorting the electoral process. Furthermore, disinformation can have long-term effects by creating misconceptions and illusions that increasingly undermine the reputation of democratic institutions, individuals and businesses<sup>2</sup>. It is for this reason that the Disinformation Action Plan was adopted on 5 December 2018 to ensure that democratic processes in Europe are not distorted by disinformation. The Action Plan offers a holistic approach to combating disinformation and focuses in particular on four key areas:

- improvement of disinformation detection methods;
- coordinated and comprehensive responses to disinformation;
- development of private sector cooperation;
- raising awareness among citizens<sup>3</sup>.

To facilitate a prompt response to disinformation threats, the Commission decided to establish a Rapid Alert System and encouraged Member States to share intelligence through fact-based and effective communication to confront and counter disinformation.

In general, based on the analysis of the Action Plan, this document served to prevent disinformation in the run-up to the European elections in May 2019 and not influence the course of the elections.

In 2018, the European Code of Practice was developed to address the problems caused by the spread of disinformation based on the Communication of the European Commission «Combating Online Disinformation: A European Approach», the Report of the High Level Expert Group, Council Decisions dated June 28, 2018<sup>4</sup>. According to the Code of Practice, the obligations to combat

---

<sup>1</sup> Antonios, Kouroutakis. (2020) EU Action Plan Against Disinformation // - The International Lawyer, Vol. 53, No. 2: 280.

<sup>2</sup> Antonios, Kouroutakis. (2020) EU Action Plan Against Disinformation // - The International Lawyer, Vol. 53, No. 2: 286.

<sup>3</sup> Action Plan Against Disinformation, Dec. 5, 2018. [https://www.eeas.europa.eu/sites/default/files/action\\_plan\\_against\\_disinformation.pdf](https://www.eeas.europa.eu/sites/default/files/action_plan_against_disinformation.pdf).

<sup>4</sup> EU Code of Practice on Disinformation. <https://www.euractiv.com/wp->

disinformation are grouped into five main areas:

- Scrutiny of advertising placements. The main reason for the separation of this area is due to the fact that the commercial aspect is only one of the many aspects of disinformation. Therefore, signatories to the Code commit to further improve their brand safety tools to prevent the misplacement of advertisements on online disinformation sites.

- Political advertising and issue-based advertising. The Signatories accept the Communication's call to recognize the importance of ensuring transparency regarding political and issue-based advertising, which should also allow users to understand why they are being targeted by a particular advertisement.

- Completeness of services. Considering the negative effects of incomplete services, the signatories undertake a thorough inspection of all services prior to commissioning.

- Consumer empowerment. Such empowerment also serves to ensure transparency. The signatories therefore commit to partnering with civil society, governments, publishing houses and other stakeholders to support efforts to improve critical thinking and digital media literacy, as well as to promote market adoption of tools that help consumers understand why they see particular ads.

- Empowering research communities. This is very important for development and improvement.

The authors believe that the evaluation of the Action Plan should be done in the light of historical facts<sup>1</sup>. First, the voluntary nature of the EU Action Plan reaffirmed its success. Most of the stakeholders have complied with the provisions of the Action Plan<sup>2</sup>. Second, the absence of any mass disinformation incident during the 2019 elections in Europe demonstrated the effective outcome of the Action Plan. In fact, in January 2019, Microsoft thwarted an initial disinformation campaign by a hacker group called Fancy Bear. This group, believed to be linked to Russian intelligence, targeted the e-mail accounts of European centers and NGOs, but was remembered for its very short-term activity<sup>3</sup>.

However, one point should not be forgotten that the disinformation was effective for the elections in the short period of time in the Action Plan. The long-term dimension of disinformation has not been given much attention here. Disinformation can slowly discredit the truth, creating illusions and misconceptions with long-lasting effects. On the other hand, the Action Plan targeted large content providers such as Google, Facebook, Twitter, Mozilla, and left less important platforms out of its scope, and it is an undeniable fact that disinformation is slowly gaining influence on those platforms.

Thus, in order for citizens to actively participate in democracy, it is

[content/uploads/sites/2/2018/10/1CodeofPracticeonDisinformation.pdf](https://content/uploads/sites/2/2018/10/1CodeofPracticeonDisinformation.pdf)

<sup>1</sup> Antonios, Kouroutakis. (2020) EU Action Plan Against Disinformation // - The International Lawyer, Vol. 53, No. 2: 287.

<sup>2</sup> Code of Practice against disinformation: Commission calls on signatories to intensify their efforts. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_746](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_746)

<sup>3</sup> Russia Is Not Interfering in the EU Elections, EU VERSUS DISINFORMATION, Mar. 11, 2019. <https://euvsdisinfo.eu/report/russia-does-not-interfere-into-the-eu-elections/>

necessary for them to know the important issues of the day, as well as the positions of the employees of state bodies on these issues. Without this information, voting decisions can be arbitrary<sup>1</sup>, which can undermine the roots of democracy. Therefore, online platforms should be aware of the dangers of disinformation and develop information assurance strategies to prevent disinformation. In addition, increasing people's level of awareness and information culture will prevent them from following disinformation. Spaulding said that without an informed and engaged citizenry, democracy can collapse<sup>2</sup>.

Disinformation directly affects not only individuals, but also the activities of international and regional organizations. For example, in a 2022 survey, 70 percent of United Nations peacekeepers reported that misinformation and disinformation severely, critically, or moderately affected their work, and 75 percent reported that it affected their security. It is believed that misinformation and disinformation can also be used to target humanitarian law subjects and impede life-saving operations in conflict zones<sup>3</sup>.

When it comes to the legal regulation of disinformation and misinformation in our legislation, we should note that false information that threatens the occurrence of socially dangerous consequences is included among the information prohibited to be disseminated in the Law on Information, Informatization and Information Protection (Article 13-2.3.10-1). Article 147 of the Criminal Code applies when disinformation is directed at a specific person. Article 166 of the Code of Administrative Offenses stipulates responsibility for intentionally spreading false information about the candidate during the election. Therefore, in the legislation of Azerbaijan, disinformation causes criminal responsibility only if it causes serious consequences (Articles 216, 270-1 of the Criminal Code, etc.).

**Scope of hate speech in legal regulations.** Hate speech is distinguished as personal and public hate speech. Personal hate speech may be limited to attacks on the personal safety, identity or equality rights of its targets, threats, fighting words, provocation, intentional infliction of emotional distress, violation of privacy or anti-discrimination laws. By refusing to treat its targets as community members, public hate speech violates their civil rights, as well as the fundamental principles that should govern democratic discourse, which depends on mutual respect between free and equal citizens. In these ways, both personal and public hate speech violates everyone's most basic right, the right to be recognized as human<sup>4</sup>. Rights stem from respect for personality. It follows that an individual cannot exercise rights in relation to others unless they recognize him as a person. Recognition is the most fundamental right that individuals have, the right that underlies all other rights. At the same time, mutual recognition is the bond that forms the political community. For these reasons, individuals are obliged to recognize each other as human beings and citizens. Hate speech violates this duty

---

<sup>1</sup> Anya, Schiffrin (2017) . Disinformation and democracy: the internet transformed protest but did not improve democracy // Journal of International Affairs, Vol. 71, No. 1: 123.

<sup>2</sup> Lyle, Moran (2020). Social media // ABA Journal, Vol. 106, No. 5: 22.

<sup>3</sup> Our Common Agenda Policy Brief 8 Information Integrity on Digital Platforms, 2023. P. 13. <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-information-integrity-en.pdf>

<sup>4</sup> Steven J. Heyman (2008). Free Speech and Human Dignity. Yale University Press, P. 183.

in ways that deeply affect both the targets themselves and society as a whole. The concept of recognition has deep roots in the natural rights tradition. An early version can be found in the writings of Hobbes. According to Hobbes, the law of nature dictates that individuals should maintain peaceful relations with each other in order to escape the state of nature, which he presented as a condition of universal enmity, a war of all against all. From this basic principle, it derives various more specific obligations, including the duty to recognize the equality of others, and emphasizes that any person's declaration of hatred or enmity by word or deed constitutes a natural violation of law. Even then, such hatred or enmity is illegal because it provokes war<sup>1</sup>.

What if hate speech is defined more broadly to include expressions that degrade human dignity? There is no reason why discussion of these topics should reasonably be considered hate speech. For example, the argument that gender-related laws violate free speech targets the government, not non-binary people who may or may not benefit from those laws. Well-reasoned arguments for and against policies of affirmative action and multiculturalism can be made without offending ethnic-racial and religious minorities or majorities while avoiding harmful stereotypes. Likewise, criticisms of hostile authoritarian governments are not criticisms of their people, and therefore cannot be said to demean their dignity, except by secret agents or rabid nationalists who are hopelessly attached to these governments, do not care about them, and can only see through them.

Interestingly, most authors define hate speech as intentionally insulting and/or threatening and/or humiliating statements aimed at inciting hatred against members of vulnerable minorities<sup>2</sup>. If we look at the legislation of individual states, most of them focus on discrimination. For example, in Canada hate speech is defined as public statements of hatred against any identifiable group where such incitement may lead to a breach of the peace, in Germany as attacks on human dignity by insulting, maliciously or slandering group of the population, and in England is defined more broadly as using words or behavior that is threatening, offensive or demeaning, including inciting hostility toward or contempt for any group of persons on the basis of color, race, or ethnic origin<sup>3</sup>. In the United States, hate speech, no matter how morally repugnant, is protected by the First Amendment to the Constitution. But harassment is a crime and therefore not protected. However, hate speech can be limited if it falls into the categories of "fighting words" or "true threats" that are not protected by the First Amendment. In addition, speech deemed obscene or defamatory may also be restricted. There are no specific laws against hate speech at the federal level. However, there are certain civil rights laws that prohibit discrimination based on race, religion, and other characteristics and indirectly address hate speech<sup>4</sup>.

Apparently, the only speech that prevents a person from exercising their

---

<sup>1</sup> Steven J. Heyman (2008). *Free Speech and Human Dignity*. Yale University Press, P. 171.

<sup>2</sup> Erwin, Chemerinsky and Howard, Gillman (2017). *Free Speech on Campus*. Yale University Press, P. 83.

<sup>3</sup> Erwin, Chemerinsky and Howard, Gillman (2017). *Free Speech on Campus*. Yale University Press, P. 84.

<sup>4</sup> Is hate speech protected by the First Amendment? <https://www.thefire.org/news/hate-speech-protected-first-amendment>.

freedom is hate speech, such as incitement to violence, hatred and genocide, which is prohibited by US, British and Canadian law. A mere humiliating or insulting expression prohibited by German law may not fit the bill because feelings of humiliation and insult can be subjective<sup>1</sup>.

Discussing cases of online vitriol, K. Gabriels and M. Lanzing take a broader approach, suggesting that these cases can be conceptualized as violence in real life. Thus, researchers commenting on the violence that transcends and affects both the offline and online worlds believe that specific instances of hate speech can be understood as violence in real life and considered a type of online vitriol due to its actual effects, such as psychological harm<sup>2</sup>.

Hate speech is also common in higher education institutions. For example, prominent feminist scholars in the UK and US who have challenged mainstream Western transgender ideologies by offering their personal or scholarly views on the female head, or both, have sometimes been deplatformed by students who call their views hate speech. Many scholars argue that not only hate speech, but also racist speeches should be banned in higher education institutions. For example, according to Charles Lawrence, despite the First Amendment of the US Constitution, it actually supports the regulation of racist speech, including permanent injuries to minorities<sup>3</sup>.

In the national legal regulation of the Republic of Azerbaijan, the prohibition of hate speech is reflected both in Article 47 of the Constitution, and the requirements reflected in Article 14 of the Law on Media, although they are not directly called hate speech, but are prohibited in an imperative manner. Because if those requirements are not met, the broadcast is temporarily suspended (Article 41). However, this is not the last measure. During the period of temporary suspension, either administrative offenses or criminal law liability norms are applied.

Despite the condemnation of hate speech around the world, this problem has not yet been solved. The wide spread of such speeches that even violate human rights and freedoms has led to the formation of the concept of "hate crimes". According to the OSCE's position on these crimes, hate crimes are all crimes committed in such a way as to cover crimes against people or property chosen because of real or perceived connection, affiliation, association, support or membership of the victim, property, or purpose of the crime to group possessing<sup>4</sup>.

G. A. Rzayeva, who analyzes hate speech on the level of actions committed on the basis of discrimination, notes that hate crimes are not only related to the realization of freedom of speech and opinion, but has a broader character, and she conditionally classifies the crimes committed solely by the realization of freedom of opinion and speech into two groups:

*1. Crimes that attack various objects - public relations, using the media as a*

---

<sup>1</sup> Amy, Lai (2023). A Study of Three Jurisdictions. University of Michigan Press, P. 102.

<sup>2</sup> Katleen Gabriels and Marjolein Lanzing (2020). Violence and Trolling on Social Media. Amsterdam University Press, P. 198.

<sup>3</sup> Amy, Lai (2023). A Study of Three Jurisdictions. University of Michigan Press, P. 104.

<sup>4</sup> Hate crime Laws: A Practical Guide. Warsaw, 2009, 68 p.

*means of committing a crime.* For example, open calls to start an aggressive war (Article 101 of the Criminal Code) is included in crimes against peace and humanity and national, racial, social or religious hatred and enmity (Article 283 of the Criminal Code) is included in the crimes against the constitutional foundations and security of the state. However, if mass media is used in the commission of both crimes, a heavier punishment is applied.

2. *Crimes against honor and dignity committed using the media in each case.* These crimes can be committed during the exercise of freedom of thought and speech, both verbally and in writing. For example, crimes of insult (Article 148 of the Criminal Code of the Republic of Azerbaijan), slander (Article 147 of the Criminal Code of the Republic of Azerbaijan) and defaming or humiliating the honor and dignity of the head of the state of Azerbaijan - the President of the Republic of Azerbaijan (Article 323 of the Criminal Code of the Republic of Azerbaijan)<sup>1</sup>.

**Conclusion.** Thus, disinformation, misinformation, and hate speech are related but distinct phenomena, all three polluting the information ecosystem and threatening human progress. In the digital age, communication tools can now instantly distribute content worldwide, creating a problem so pervasive that online platforms themselves sometimes fail to grasp its full extent. The lack of government-agreed definitions of these terms should not result in inertia. We must do everything we can to prevent the damage they cause.

In our opinion, the rules and conditions established in our national legislation on the prohibition of hate speech are quite comprehensive. Although there is no direct legal approach to the concept of hate speech, various field norms define various imperative rules against hate-based actions based on Article 47 of the Constitution of the Republic of Azerbaijan.

## REFERENCES

1. Action Plan Against Disinformation, Dec. 5, 2018. [https://www.eeas.europa.eu/sites/default/files/action\\_plan\\_against\\_disinformati\\_on.pdf](https://www.eeas.europa.eu/sites/default/files/action_plan_against_disinformati_on.pdf).
2. Aliyev A.I., Rzayeva G.A., Ibrahimova A.N., Maharramov B.A., Mammadzali Sh.S. (2019). The right to information: a textbook. Baku: Nurlar publishing house, 448 p. (In Azerbaijani).
3. Amy, Lai (2023). A Study of Three Jurisdictions. University of Michigan Press, 305 p.
4. Antonios, Kouroutakis. (2020) EU Action Plan Against Disinformation // - The International Lawyer, Vol. 53, No. 2: 277-290.
5. Anya, Schiffrin (2017) . Disinformation and democracy: the internet transformed protest but did not improve democracy // Journal of International Affairs, Vol. 71, No. 1: 117-126.

---

<sup>1</sup> Aliyev A.I., Rzayeva G.A., Ibrahimova A.N., Maharramov B.A., Mammadzali Sh.S. (2019). The right to information: a textbook. Baku: Nurlar publishing house, P. 313 (In Azerbaijani).



6. Aristedes Mahairas and Mikhail Dvilyanski (2018). Disinformation // *The Cyber Defense Review*, Vol. 3, No. 3: 21-28.
7. *Balancing act: countering digital disinformation while respecting freedom of expression*, Geneva, International Telecommunication Union (ITU); Paris, UNESCO, 2020. <https://www.unesco.org/en/articles/balancing-act-countering-digital-disinformation-while-respecting-freedom-expression>
8. Code of Practice against disinformation: Commission calls on signatories to intensify their efforts. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_746](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_746).
9. Disinformation and freedom of opinion and expression: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, 2021. <https://documents.un.org/doc/undoc/gen/g21/085/64/pdf/g2108564.pdf?token=bxb3wmTbPxZRRXUod2&fe=true>.
10. Erwin, Chemerinsky and Howard, Gillman (2017). *Free Speech on Campus*. Yale University Press, 216 p.
11. EU Code of Practice on Disinformation. <https://www.euractiv.com/wp-content/uploads/sites/2/2018/10/1CodeofPracticeonDisinformation.pdf>
12. *Hate crime Laws: A Practical Guide*. Warsaw, 2009, 68 p.
13. Is hate speech protected by the First Amendment? <https://www.thefire.org/news/hate-speech-protected-first-amendment>
14. J.-B. Jeangène Vilmer, A. Escorcía, M. Guillaume, J. Herrera (2018). *Information Manipulation: A Challenge for Our Democracies*, report by the Policy Planning Staff (CAPS) of the Ministry for Europe and Foreign Affairs and the Institute for Strategic Research (IRSEM) of the Ministry for the Armed Forces, Paris, 207 p.
15. Katleen Gabriels and Marjolein Lanzing (2020). *Violence and Trolling on Social Media*. Amsterdam University Press, 227 p.
16. Lyle, Moran (2020). *Social media* // *ABA Journal*, Vol. 106, No. 5: 20-22.
17. *Our Common Agenda Policy Brief 8 Information Integrity on Digital Platforms*, 2023. <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-information-integrity-en.pdf>.
18. Recommendation No. R (97) 20 of the Committee of Ministers to member states on "hate speech". / Adopted on 30 October 1997 by Committee of Ministers of Council of Europe. [https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset\\_publisher/aDXmrol0vvsU/content/recommendation-no-r-97-20-of-the-committee-of-ministers-to-member-states-on-hate-speech-?\\_101\\_INSTANCE\\_aDXmrol0vvsU\\_viewMode=view/](https://www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-no-r-97-20-of-the-committee-of-ministers-to-member-states-on-hate-speech-?_101_INSTANCE_aDXmrol0vvsU_viewMode=view/)
19. *Russia Is Not Interfering in the EU Elections, EU VERSUS DISINFORMATION*, Mar. 11, 2019. <https://euvsdisinfo.eu/report/russia-does-not-interfere-into-the-eu-elections/>
20. Steven J. Heyman (2008). *Free Speech and Human Dignity*. Yale

University Press, 320 p.

Стаття надійшла до редакції 25.07.2024

**Ельнур Акіф ХУМБАТОВ,**

Доктор філософії у галузі права

*(Бакинський державний університет, м. Баку, Азербайджан)*

**ПРОБЛЕМИ, ЩО ВПЛИВАЮТЬ НА ІНФОРМАЦІЙНИЙ ПРОСТІР:  
ДЕЗІНФОРМАЦІЯ, НЕДОСТОВІРНА ІНФОРМАЦІЯ ТА МОВА ВОРОЖНЕЧІ**

У статті досліджуються проблеми дезінформації, недостовірної інформації та мови ворожнечі, що впливають на інформаційний простір. Встановлено, що існує дві основні проблеми у запобіганні та правовому регулюванні дезінформації та недостовірної інформації. По-перше, є прогалини в механізмі перевірки достовірності інформації, що поширюється в мережі. Проблемним питанням є визначення суб'єкта, який вирішуватиме, яка інформація є неправдивою, а яка – правдивою. Хоча регулювати таку ідентифікацію на національному рівні можна, перевіряти достовірність усієї інформації, яку поширюють користувачі з різних країн на різних платформах, недоцільно. По-друге, посилення боротьби з дезінформацією та недостовірною інформацією може створити серйозні обмеження свободи слова. Дуже сувора нормативна база обмежувала б те, що люди можуть робити на соціальних платформах, придушувала б інновації. Тому боротьба має вестися не лише в межах повноважень державних органів, а й на рівні співпраці між усіма учасниками – громадськими інституціями, платформами, представниками громадянського суспільства. Щодо мови ворожнечі, то ця форма негативного вираження в більшості правових норм асоціюється з дискримінацією, має ширший зміст. У статті представлено альтернативний нормативному підхід, на основі аналізу законодавчої бази різних держав, щодо протидії поширенню мови ворожнечі

**Ключові слова:** *дезінформація, недостовірна інформація, мова ворожнечі, свобода вираження поглядів, злочин на ґрунті ненависті, дискримінація.*