

Tomasz Bojanowski, Klaudia Łuniewska, Bartłomiej Oręziak
Report on the International Scientific Conference
“The impact of digital platforms and social
media on freedom of expression and pluralism
– in general terms”. Warsaw, 27 May 2021

*Sprawozdanie z Międzynarodowej Konferencji Naukowej
pt. „Wpływ platform cyfrowych i mediów społecznościowych
na wolność słowa i pluralizm – w ujęciu ogólnym”.*
Warszawa, 27.05.2021 r.

Background to the conference

On 27 May 2021, the International Scientific Conference “The impact of digital platforms and social media on freedom of expression and pluralism - in general terms” took place in Warsaw. The conference was the inaugural event of the Polish part of the research team working on the impact of digital platforms and social media on freedom of speech and pluralism of the Central European Professors Network 2021. The main organizers of the project were the Institute of Justice, the Ferenc Madl Institute of Comparative Law and the European Association for Comparative Law.

The Central European Professors’ Network started its international comparative law research activity on 1 January 2021, under the coordination of the Ferenc Mádl Institute of Comparative Law.

The Professors’ Network, with the active participation of seven countries (Czech Republic, Croatia, Poland, Hungary, Serbia, Slovakia, Slovenia) and 34 main

Tomasz Bojanowski is a student at the Faculty of Law and Administration of the Cardinal Stefan Wyszyński University in Warsaw, Poland, ORCID: 0000-0001-8294-0968, e-mail: tomaszbojanowski@gmail.com.

Klaudia Łuniewska, MA, is a graduate of law studies at the Faculty of Law and Administration of the Cardinal Stefan Wyszyński University in Warsaw, Poland, ORCID: 0000-0002-3546-3414, e-mail: klaudiakarolinaluniewska@gmail.com.

Bartłomiej Oręziak, MA, is a PhD student at the Department of Human Rights Protection and International Humanitarian Law, Faculty of Law and Administration of the Cardinal Stefan Wyszyński University in Warsaw, Poland, ORCID: 0000-0001-8705-6880, e-mail: boreziak@gmail.com. The manuscript was submitted by the authors on 22 November 2021; the manuscript was accepted for publication by the editorial board on 22 December 2021.

researchers, organises comprehensive international scientific activities in four research groups. The key issues covered are: “Interpretation of fundamental rights in Europe”, “Family protection in law”, “Freedom of conscience and religion in Europe” and “The impact of digital platforms and social media on freedom of expression and pluralism”. The primary aim of the initiative is to create and organise a Central European professional network through closer partnership.

The partial and final results of the cooperation, which will run until 31 December 2021, will be made available by each of the research team on various professional platforms, including conferences, and in the form of publications (scientific articles and books summarizing research results).

One of the groups operating within the European Professors’ Network is a working group investigating the impact of digital platforms and social media on freedom of expression and pluralism. In this group Poland is represented by the following researchers: Prof. Marcin Wielec and M. Sc. Bartłomiej Oręziak. The working group deals with extremely momentous aspects of the study of law in the context of the development of civilization and widespread digitization, i.e. the impact of new technologies on the functioning of public life.

This was the first event piloted by Polish academics within the Central European Professors’ Network 2021. It is worth pointing out that the Central European Professors’ Network includes academics from countries such as the Czech Republic, Croatia, Poland, Hungary, Serbia, Slovakia and Slovenia. The aim of this project is to draw the attention of the European citizens to topics that are important and relevant to the future of Europe, in particular Central Europe.

The main theme of the conference “The impact of digital platforms and social media on freedom of expression and pluralism – in general terms” were two issues related to the functioning of social media and their impact on freedom of expression and pluralism, i.e:

- analysis of the impact of fake news on the Internet in relation to freedom of expression and pluralism of opinion;
- analysis of the impact of online censorship on freedom of expression and pluralism of opinion.

The issue of digitalisation and addressing its possible disadvantages from a legal perspective are crucial for Europe in the 21st century.

Inauguration of Conference

Under normal epidemiological conditions, the conference would have been held in Poland, in the conference room of the Institute of Justice. However, due to the COVID-19 coronavirus pandemic, the event was organized remotely using the Zoom platform.

The conference was officially opened by the Director of the Institute of Justice, Vice Dean Cardinal Stefan Wyszyński University in Warsaw and also Head of the Department of Criminal Procedure at Cardinal Stefan Wyszyński University in Warsaw, Prof. Marcin Wielec. He warmly welcomed the invited guests and expressed his great joy at the participation of Polish scientists in the European Professors’ Network 2021.

The Director of the Institute of Justice then gave the floor to Prof. dr habil. János Ede Szilágyi – Director of the Ferenc Madel Institute of Comparative Law. Professor János Ede Szilágyi also welcomed all the guests and said that the cooperation of scientists in Central Europe is extremely important and that initiatives such as the European Professors’ Network 2021 are essential for the integration of academia and scientific cooperation.

First expert panel

The conference was moderated by Prof. Marcin Wielec, who opened the first panel with a speech entitled “Attempt to determine criminal liability for fake news in Poland”. In his speech, the director of the Institute of Justice pointed out the difficulties connected with determining criminal liability for fake news. He underlined that the Polish criminal law is not adequately prepared for such a phenomenon as fake news. According to Prof. Wielec, it is necessary to undertake detailed research on the subject in question in order to develop solutions which will be an appropriate response to the phenomenon of fake news.

The second speaker was the Coordinator of Centre for Strategic Analysis Bartłomiej Oręziak from the Cardinal Stefan Wyszyński University in Warsaw. The title of his paper was “Legal aspects of censorship in social networks. Perspective of the Republic of Poland”. He pointed out the nowadays important issues of censorship in social networks, which are not embedded in the laws of individual countries. The speaker stressed that in Poland, there are works on the regulation of censorship on social networks, but they require an in-depth further analysis.

The next speaker was Prof. Davor Derenčinović from the University of Zagreb. The topic of his speech was “Social Media, Freedom of expression and legal regulation of fake news in Croatia”. The professor tried to briefly present the issue of the correlation between freedom of expression in social media and the problems related to possible censorship of their content. He also discussed issues related to the national regulation of fake news from the Croatian perspective.

It is worth adding that Prof. Davor Derenčinović was elected by the Parliamentary Assembly of the Council of Europe (PACE) as a judge of the European Court of Human Rights. Davor Derenčinović is also the Head of the Department of Criminal Law at the University of Zagreb.

The last speaker in the first panel was Prof. Kristina Čufar from the University of Ljubljana. The title of her paper was “Incendiary Speech on Facebook between Private and Public Regulation: Slovenian Perspective”. The Professor pointed out the extremely important issue of hate crime incendiary speech in the social media perspective. The topic was presented from the perspective of both public and private regulation on the example of Slovenia.

Second expert panel

Professor Marcin Wielec was also the moderator of the second panel. After a short break, Professor Wielec gave the floor to the other speakers. The difference from the first panel was that it featured as many as five speakers.

The first speaker of this panel was Prof. Aleš Rozehnal from Charles University in Prague. In his speech, the Professor addressed the issue of censorship and fake news in social media from the perspective of the Czech Republic. Professor Aleš Rozehnal pointed out the need for an in-depth discussion of this issue in the legal space.

The floor was then taken by Prof. Dušan V. Popović from the University of Belgrade. The topic of his speech was: "Social networks between proclaimed neutrality and value-based decisions". In his speech, he pointed to the issue of political neutrality and the issue of value in social media. Using the specific examples, he stressed that the issue of worldview neutrality of social media should be researched. He also pointed out that despite all efforts, we cannot fully dissociate ourselves from the values we adopt when making decisions.

The next speaker was Prof. Sanja Radovanović from the University of Novi Sad. The title of her paper was "Serbia Limitations on freedom of expression in Serbia". The professor pointed out the important issues of limitations on freedom of speech and freedom of expression in the perspective of social media. She noticed that social media platforms, which until recently were the guarantors of the indicated human rights, have recently started to gradually restrict them.

The fourth speaker was Prof. András Koltay from the National University of Public Service. The topic of his presentation was: "Freedom and censorship: the need for strengthening fundamental European values in the age of online platforms - a Hungarian perspective". In his paper, the professor pointed out that in the time of the rapid development of social media and European integration, we cannot forget about values. Here, the professor pointed to the Hungarian perspective, which is based on the foundations of Christian civilisation.

The last speaker at the conference was Prof. Gábor Hulkó from Széchenyi István University. The title of his paper was "General Rules of Freedom of Expression on Social Media Platforms in Slovakia". In his speech he discussed the most important issues of freedom of speech and freedom of expression in the context of social media use from the perspective of the Slovak Republic.

Summary

At the very end of the event, the floor was once again taken by Prof. Marcin Wielec, who thanked everyone for attending the conference and for delivering their papers. According to the professor, this is an introduction to a greater project which will allow to develop comprehensive and interdisciplinary solutions for the regulation of social media and their impact on freedom of speech and expression. He pointed out that the International Scientific Conference "The impact of digital platforms and social media on freedom of expression and pluralism - in general terms" provided an opportunity for Central European researchers to exchange experiences on phenomena such as social media censorship and fake news.

It should be emphasized that the speeches were substantive and dealt with interesting issues in a comparative perspective. Researchers from individual countries were able to learn about relevant legal solutions in the field of new technologies and their

impact on freedom of speech. Knowledge and experience gained at the conference will certainly bear fruit in the future.

The conference was well received in the international legal community. It is worth mentioning that it was the first and certainly not the last event organized within the European Professors Network. In parallel, a working group dealing with legal aspects of religion in public life is conducting their research work. The following researchers are responsible for the substantive aspects in this group: Balazs Schanda (Hungary), Csink Lóránt (Hungary), Dalibor Đukić, Ph.D. (Serbia), Damián Němec (Czech Republic), Vojtech Vladár (Slovakia), Frane Staničić (Croatia), Vanja-Ivan Savić (Croatia), Marek Bielecki (Poland), Michał Poniatowski (Poland), Paweł Sobczyk (Poland).

On this occasion, it is worth pointing out the important role of international research in the development of science. This allows scientists from different countries to discuss the results of their research in comparative terms. This is why institutions such as the Ferenc Mádl Institute of Comparative Law, the Institute of Justice (Warsaw) and the Central European Association for Comparative Law also undertake international cooperation in other projects, such as Polish-Hungarian Research Platform.