

[IT] AGCOM approves the Regulation for the protection of fundamental human rights

IRIS 2023-4:1/21

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With Resolution no. 37/23/CONS of 22 February 2023, executing Article 30 of the Consolidated Law on Audiovisual Media Services (TUSMA), the Italian Communications Authority (AGCOM) unanimously approved the Regulation on the protection of fundamental human rights, respect for the principle of non-discrimination and the fight against hate speech (see IRIS 2020-4/23, 2019-4/25 and 2017-1/24).

The public consultation launched with Resolution 292/22/CONS resulted in the submission of multiple contributions from media services providers - as the main addressees of the Regulation itself - as well as from universities, and associations for human rights and dignity protection.

A material enhancement of the protection against the most serious violations of fundamental rights, such as incitement to violence, hatred or the commission of terrorist crimes has been introduced by the Regulation. In addition, with the aim of effectively preventing incitement to crimes or conduct condoning such crimes, binding criteria have been introduced to guide the programming of audiovisual media service providers subject to Italian jurisdiction. Therefore, audiovisual and radio media service providers, without prejudice to the freedom of information and the freedom of expression of every individual and the right to report, are required to ensure respect, in the context of information and entertainment programmes, of the fundamental principles established for the protection of fundamental human rights. Private audiovisual and radio media service providers are encouraged to promote initiatives for inclusion and social cohesion, as well as the fight against incitement to violence and hatred. Furthermore, in the case of a breach, the Regulation provides for fines from EUR 30 000 to EUR 600 000.

Finally, this intervention lays the foundations for the extension of the human protection framework covering video-sharing platforms, in order to implement Articles 41 and 42 of the TUSMA.

Delibera n. 37/23/CONS "Regolamento in materia di tutela dei diritti fondamentali della persona ai sensi dell'articolo 30 del Decreto Legislativo 8 novembre 2023, n. 208 (Testo Unico dei servizi di media audiovisivi)"

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Resolution n- 37/23/CONS "Regulation for the protection of fundamental human rights article 30 law decree november 8 2023, n. 208 of the Consolidated Law on Audiovisual Media Services)"

