



EU initiatives towards tackling illegal hate speech online

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1

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1



Removal of hate speech postings – What is illegal content?

Legal standard - Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

2

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2



Definition of illegal hate speech

Article 1 of the Framework Decision generally defines the notion of racist hate speech as the public incitement to violence or hatred against a group of persons or member of such group based on "race, colour, religion, descent or national or ethnic origin". The dissemination of the hatred may be made publicly or through the distribution of other material, such as tracts or pictures.

3

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3



Free speech/hate speech

- *The Framework Decision fully respects the Charter of Fundamental Rights and Article 1 of the Framework Decision shall be interpreted in accordance with Articles 10 and 11 ECHR and the corresponding case-law of the ECtHR.*
- *Article 10 ECHR is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population (ECtHR, Handyside v the United Kingdom).*

4

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4



Removal of hate speech postings – Who should remove – responsibility of online platforms?

- *The e-Commerce Directive 2000/31/EC has created the basic legal framework for online services, including electronic commerce in the Internal Market. The purpose of the Directive is to remove obstacles to cross-border online services in the European Union and provide legal certainty to business and citizens in cross-border online transactions.*
- *Proposal for an update of the rules in the Digital Service Act*

5

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5



Voluntary agreements on removal of illegal content - Code of Conduct on Countering Illegal Hate Speech

May 2016: Code of Conduct on countering illegal hate speech online with Facebook, Twitter, YouTube, Microsoft (now also Instagram, Google+ Snapchat and Dailymotion). Includes:

- *Notice-and-action procedures (review and take down)*
- *Cooperation and coalition building (CSOs, IT Companies, national authorities, EC)*
- *Counter narratives*

6

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6



Code of Conduct on Countering Illegal Hate Speech – results 5th monitoring June 2020

- *all IT companies fully meet the target of reviewing the majority of the notifications within 24 hours, reaching an average of 90 % compared to 40% when the Code was first launched in 2016*
- *On average, IT companies are removing 72 % of the illegal hate speech notified to them compared to 28% 2016.*

7

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7



The Commission's guidelines for social networks and transparency

- **28 September 2017** - COM(2017) 555 final Communication on tackling illegal content online
- **1 March 2018** – COM/2018/1177 final Recommendation on measures to effectively tackle illegal content online

8

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8



2020 – The Digital Service Act ensuring a safe and accountable online environment

Better protect consumers from illegal content while safeguarding their fundamental rights online

Establish a powerful transparency and a clear accountability framework for online platform

Foster innovation, growth and competitiveness within the single markets

9

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9



Extension of the list of Eurocrimes

Commission work programme 2021 - Initiative to extend the list of euro-crimes in article 83.1 TFEU to include all forms of hate crime and hate speech.

10

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10