

Together against Hate Speech
Ways to tackle online hateful content proposed by the
Task Force against illegal online hate speech

The past few months have seen many instances in which public debate degenerated to xenophobic and racist hate speech. The dissemination of hate speech via the internet was cause in September for Federal Minister Maas to agree with Facebook on the formation of a task force, which brought together internet providers and organisations of civil society. The group was tasked with jointly working out suggestions, under the auspices of the Federal Ministry of Justice and Consumer Protection, on how to deal with hate speech on the internet in a sustainable and effective way, while also enhancing and expanding the various areas in which its members were already cooperating. The invitation to join the task force was accepted by the internet companies Facebook, Google (for its video platform YouTube), and Twitter and by the following civil organisations: *eco – Verband der Internetwirtschaft e.V.*, *Freiwillige Selbstkontrolle Multimedia-Diensteanbieter (FSM)*, *jugendschutz.net*, *klicksafe.de*, *Amadeu-Antonio-Stiftung (Netz gegen Nazis)* and the association *Gesicht zeigen!* The present record of results sets forth the shared fundamental outlook of the task force members on this matter and contains specific recommendations as to how the dissemination of hate speech over the internet may be countered while fully safeguarding fundamental rights, especially that of freedom of opinion and freedom of expression.

The agreed measures include best practice mechanisms that have continuously been developed by FSM and its members, inter alia Google, in the past.

The participants of the task force are all guided by the conviction that there is no place for hate speech on social media. This must be countered by a united front between the business sector, civil society, and policymakers.

The participants of the task force are in agreement that all hate speech prohibited under German law shall be reviewed and removed without delay upon notification (“nach Inkennnissetzung”). The companies represented on the task force have agreed on a series of best practices and objectives, outlined below, that should guide internet companies in ensuring expeditious and effective processing of reports concerning illegal content, or content that is in breach of a company’s terms and conditions, while also ensuring close collaboration in this regard with the organisations of civil society.

Freedom of speech is of vital importance to the democratic process. It protects all legitimate expressions of opinion, even if they are objectionable. All social actors are called upon to firmly face down racist propaganda and xenophobic prejudices. For this, counter speech is an

effective instrument and civic engagement is called for. The companies and organisations of civil society represented on the task force stand ready to join forces to this end.

All measures to address hate speech should be considered in light of Human Rights. Stakeholders stress that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society and constitute the foundation stone for every free and democratic society.

I. Companies effectively dealing with illegal hate speech

In light of the large number of users, contributions, and reports, reviewing the complaints filed poses a challenge to companies. The companies represented on the task force are facing the task and continue to make it their goal to expeditiously, yet diligently review individual reports regarding questionable content, duly considering the particular importance of freedom of opinion and freedom of expression.

In order to achieve this objective, the internet companies represented on the task force will aim to incorporate the practices below in their processing of complaints by mid-2016:

- Companies represented on the task force to provide user friendly mechanisms for submission of removal requests.
- Companies represented on the task force to enforce their terms and conditions by reviewing specific reports of hateful content and incitement to violence against their community guidelines and German law, in particular section 130 of the German criminal code (StGB - Volksverhetzung), once notified ("in Kenntnis gesetzt").
- Upon receipt of a removal request, companies represented on the task force to review content removal requests in a timely manner, with dedicated teams reviewing requests.
- Where necessary in order to make a legal determination, companies represented on the task force to have recourse to German-speaking experts to review removal requests.
- Companies represented on the task force to have legal specialists available to provide any required legal analysis.
- Companies represented on the task force to take appropriate action against users and content that violates locally applicable laws, including, where warranted, removing the illegal content for the relevant jurisdiction and suspending user accounts where a violation of a company's terms and conditions has been found. Companies represented on the task force to continuously improve communication with users in response to removal requests.
- Companies represented on the task force to maintain and implement robust and transparent terms and conditions concerning how they address content that promotes hatred or incites violence.
- Illegal content to be removed without delay after notification; the majority of notified content to be reviewed in less than 24 hours and removed, if necessary.

- The many users who show civil courage and stand up against hate speech online are particularly important. In order to support these users, companies represented on the task force are to provide user-friendly mechanisms and procedures for reporting policy violations and to responsibly implement their terms and conditions by reviewing reported content, including content that incites hatred or promotes violence against a person or group on the basis of race, ethnicity, national origin, religion, sexual orientation, gender, gender identity, age, or disability.
- Companies represented on the task force will continue to remove reported content that violates their policies, notify the content poster or uploader, and, where appropriate, suspend accounts.
- Companies represented on the task force will continue to provide easy-to-use tools that allow users to control their relationships with other users, including blocking functionality.
- Companies represented on the task force have terms and conditions that explain the circumstances under which user data may be provided to law enforcement authorities.
- Companies represented on the task force to encourage reporting and flagging at scale, particularly via partnerships with NGOs, making clear individual company guidelines, the reporting process, and what constitutes actionable content; such partnerships may include the internet companies' support to enable civil society partners to fulfil the role of a "trusted reporter" or similar status.
- Companies represented on the task force to ensure transparency in reporting to the public on how they have implemented their terms and conditions with regards to removal of reported content.
- Companies represented on the task force to ensure that their employees receive adequate training, particularly by way of regular exchanges with existing German complaint bodies / NGOs. This includes sensitisation regarding, and awareness of, current societal developments and situations.

II. Support by civil society organisations

A number of the organisations represented on the task force have many years of experience and considerable expertise in dealing with content that is liable to punishment under criminal law or harmful to young persons; already today, the existing complaint hotlines ("Beschwerdestellen") in Germany process a large number of complaints and are in close contact with the companies represented on the task force. The complaint hotlines and the other organisations of civil society have offered to lend support to the internet companies, by working together with them even more closely, in recognising illegal content more quickly and addressing it more effectively.

The companies and organisations represented on the task force will intensify their collaboration in particular by taking the following measures:

- Enhanced information sharing and regular training of staff on current societal developments, in particular risk areas and their legal ramifications / assessment in Germany.
- In addition, Facebook will include in the measures it will take in the course of the first quarter of 2016 particularly those agreed with the *Freiwillige Selbstkontrolle Multimedia-Diensteanbieter* (FSM), in order to better, and more promptly, recognise content inciting to hatred, respectively content liable to punishment under criminal law in Germany.
- Exchange of views on potential further improvement of means available to the complaint hotlines to file reports, and of the represented companies' processing such reports filed by the complaint hotlines and by recognised organisations of civil society.
- The companies represented on the task force want to continue to foster the activities of the NGOs, in particular by making advertisement volumes available to them on their platforms. In addition, internet companies support the NGOs in raising awareness.
- Joint creation of information material of the NGOs, e.g. a guideline setting out instructions on how to file a report with internet companies, legal fundamentals and guidance, and further recommendations on how to deal with hate speech; this guideline could also address smaller enterprises, start-ups, and website operators.
- Facebook, FSM, and jugendschutz.net will prepare a joint guideline on the topic of hate speech in social networks within the first half year of 2016 and will involve other task force members as required.

III. Fostering a culture of communication; strengthening counter speech

Combating racist and xenophobic ideologies disseminated on the internet as hate speech, and fostering an open culture of communication that is characterised by respect is a task for society as a whole. All stakeholders must face this task and accept responsibility – policymakers, members of business and industry, civil society organisations, the general public, and every individual user.

- All stakeholders recognise the value of counter speech against hateful rhetoric and therefore identify and promote effective counter-narratives, and support educational programs that encourage critical thinking.
- Social media platforms can be a powerful force for raising social awareness and promoting positive change. New ideas and initiatives to promote a safe and civil online environment are to be welcomed.

IV. Further actions by the Federal Ministry of Justice and Consumer Protection

Policymakers are also aware of their responsibility. The Federal Ministry of Justice and Consumer Protection will organise an event in the summer of 2016 on the topic of "Hate Speech and Freedom of Opinion" and will involve further stakeholders from politics and civil society. In this context, the work done by the task force and the results achieved by it will be evaluated.

Criminal prosecution falls within the competence of the Länder. The Federal Ministry of Justice and Consumer Protection will discuss with the Länder within the framework of the Justice Ministers' conference possible measures as to how the prosecution of online hate crimes can be improved or whether criminal proceedings and convictions could be better recorded and communicated to the public.