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NOTE

From:	Presidency
To:	Delegations
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Subject:	Code of conduct on countering illegal hate speech online
	- Discussion paper

Illegal hate speech online has significantly increased in the recent years, testifying to an alarming rise of intolerance and hatred in Europe.

EU institutions, national governments, IT companies and other relevant stakeholders have come together at different levels and in various fora to reach a coordinated response to address this worrying phenomenon.

The EU adopted a number of legislative instruments to combat racism and xenophobia as consequences of hate speech.

In many instances, the Council has addressed this topic and recognised risks coming from social media, underlined the importance of a multi-stakeholder approach and the important role of education and youth work in developing critical thinking and media literacy in the learning process.

On several occasions, the Maltese Presidency has underlined the importance of combating hate speech online. In particular, the Conference hosted in Malta on 7 April 2017 on Counter-narratives aimed at exploring how to support civil society in delivering effective positive narratives against hate speech online.

On 31 May 2016, the Commission presented together with Facebook, Microsoft, Google, (YouTube) and Twitter a "Code of conduct on countering illegal hate speech online". The main commitments include that:

-       Upon receipt of a valid removal notification, the IT companies are to review such requests against their rules and Community guidelines and where necessary national laws transposing the Framework Decision 2008/913/JHA, with dedicated teams reviewing requests.

-       The IT companies are to review the majority of valid notifications for removal of illegal hate speech in less than 24 hours and remove or disable access to such content, if necessary.

The IT companies and the Commission agreed to assess the public commitments in the Code of conduct on a regular basis, including their impact, starting with a preliminary assessment reported to the High Level Group on Combating Racism, Xenophobia.

On 31 May-1 June 2017, on the occasion of the third meeting of the EU High Level Group on combating racism, xenophobia and other forms of intolerance, the Commission prepared and presented a factsheet with the results of the second monitoring exercise.

Results show that one year after the adoption of the Code of conduct on countering illegal hate speech online, significant progress has been made by the social media platforms under the Code of conduct, in terms of improving both efficiency and speed in assessing notifications, strengthening reporting systems, training their staff, increasing cooperation with civil society and improving the coherence of treatment of notifications irrespective of the reporting channels. Nevertheless, improvements are still are expected by IT companies in particular on transparency of the criteria for analysing flagged content and feedback to users.

As a follow-up to the positive outcome of the second monitoring exercise on the Code of conduct on countering illegal hate speech online, the Presidency invites delegations to hold a debate on this topic and in particular to reply to the following questions:

1.   Given the progress made under the Code of Conduct, would you support the Commission's continuous monitoring of the Code of Conduct implementation in view of stabilising results and ensuring sustainability over time of its indicators?

2.   Should the scope of the exercise be further broadened, including to also encompass other companies?

3.   In order to improve cooperation between national authorities and IT companies, are Member States willing to introduce and operationalise the establishment of national contact points at Member State level to improve the efficiency in complaints handling with the IT companies?

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