



Bundesministerium
der Justiz

Policy framework for combating gender-based cyber-violence

CZ Presidency Conference, 29/11/2022



Effects of hate speech on the internet

Study of the University of Leipzig (Prof. Elisa Hoven)

- Silencing effect among those affected by fear of attacks
 - 18% of the respondents had personally been affected by digital hate
 - 42% of the respondents stated that they had already not posted a contribution or had phrased it differently for fear of digital hate
- Attacks on women on the internet
 - Women are not attacked more often than men
 - Women are often attacked precisely in their capacity as women and, for example, sexually insulted
- Consequences of digital hate go beyond the effects of insults in the analogue world
 - Broad impact and faster spread
 - Threatens the honour of the individual concerned
 - Also poses a danger to the free social exchange of opinions and to society as a whole

Fighting Hate Speech with the Network Enforcement Act

- In October 2017, the German Act to Improve Enforcement of the Law in Social Networks (Network Enforcement Act) entered into force.
- It obliges the major social networks to set up a complaints management system to combat illegal content. They are obliged to receive and review complaints and then remove illegal content.
 - Obviously illegal content: 24 hours
 - Other content/content submitted to a self regulatory body: 7 days in general

Fighting Hate Speech with the Network Enforcement Act

- The scope involves content that is punishable under certain provisions of the German Criminal Code, such as:
 - public incitement to crime
 - forming criminal or terrorist organisations
 - incitement to hatred
 - defamation of religious and ideological associations
 - dissemination of depictions of violence
 - distribution of child pornography
 - insult, defamation
 - threatening to commit a crime

Supervision on social networks

A public authority – the Federal Office of Justice – monitors compliance with the legislation and can impose substantial fines (max. 50 Mio EUR) in the event of systematic failings.

- Has been/is conducting a total of 34 fine proceedings
- Has issued 9 fine notices to date
 - 3 and 4,25 Mio EUR for inadequately designed procedure for the transmission of complaints about illegal content
 - 2 Mio EUR for an inadequate transparency report
 - 30,000 to 875,000 EUR in 6 cases for failing to designate a domestic contact person

Future regulation by the EU Digital Services Act

Regulation (EU) 2022/2065

- Published on 27 October 2022 (OJ L 277, p. 1)
- Applies from 17 February 2024

Fight against illegal content

- (National) definition of illegal content, Art. 3 (h) DSA
- Notice and action mechanism, Art. 16 DSA
- Privileged reporting channels for trusted flaggers, Art. 22 DSA
- Deplatforming in the case of misuse, Art. 23 DSA
- Notification of suspicions of criminal offences, Art. 18 DSA
- Limits for terms and conditions, Art. 14 DSA

Future regulation by the EU Digital Services Act

Additional requirements for Very Large Online Platforms

- Risk assessment, Art. 34 DSA
- Mitigation of risks, Art. 35 DSA
- User's choice for recommender systems, Art. 38 DSA