



## **Contribution to the conference “Tackling Hate Speech: Living together online”**

**By Stefan Glaser (jugendschutz.net) and Benjamin Thull (Media Authority of Baden-Württemberg)**

I am here today to substitute for Mr Stefan Glaser from jugendschutz.net who unfortunately is not able to participate in our discussion today. As you can see on the programme I am working for the Media Authority of Baden-Württemberg and not for jugendschutz.net. But given the fact that we closely work together Mr. Glaser recommended me a few days ago as alternative panellist for this discussion and I hope I can be a worthy representative of him.

My statement is divided into 3 parts

First, I will give you just a very brief insight into the admittedly very complex organisational structure and the legal framework of the protection of minors in the media in Germany

After that, I will outline some countermeasures against hate speech being taken by German organisations.

Finally, I will close my statement with some recommendations on how to create a more peaceful Internet environment, taking into consideration the responsibility of different actors involved.

### **1. Youth Protection – Media Authorities, jugendschutz.net and the legal situation in Germany**

Media Authorities in Germany were founded in consequence of the introduction of commercial radio and television in the mid-1980s. So their original remit was (and still is) licensing, controlling as well as structuring and promoting commercial broadcasting in Germany. But in 2003, this area of activity was extended in the sense that Media Authorities now are also responsible for controlling telemedia, in particular the internet, by ensuring that specific requirements are met, for instance in relation to the protection of minors in the media.

Media Authorities have always cooperated in different decision-taking councils and commissions coordinating and aligning matters on a national level. One of these commissions is the Commission for Protection of Youth in the Media (KJM) which was founded in April 2003 as a consequence of the signing of the so-called Interstate Treaty on the Protection of Minors in the Media (JMStV). This interstate Treaty set the legal framework and provides for close cooperation between the KJM, jugendschutz.net and the Federal Department for Media Harmful to Young Persons (BPjM).

jugendschutz.net however was already founded in 1997 by the German Federal Ministries for Family and Youth as a joint institution, in times when the Internet in Germany had just started as mass media. The German states had already realized that there was a need for new means to regulate this media and to guarantee that children and youngsters are not confronted with harmful and endangering content. The vision was a Net built with consideration for the youngest and most vulnerable users of the Internet. Nowadays jugendschutz.net is linked to the KJM in its organisation and provides an essential support concerning internet research and monitoring.

The concrete mission of Media Authorities (with regard to the internet) and jugendschutz.net is to

- analyse problematic developments related to youth protection in the media,
- handle cases sent by Internet users via online complaints mechanisms,
- take measures against illegal and harmful content and
- develop comprehensive strategies on how to protect kids online, including preventive activities

In this context the combination of regulation and self-regulation is a specific and important characteristic of the German system of youth protection in the media. On the one hand, the State has set the legal frame (the already mentioned Interstate Treaty on the Protection of Minors in the Media). The system has strict regulations including a catalogue of offences and provisions regarding liability, countermeasures and sanctions. But on the other hand the system also relies on self-regulation of the industry to "clear out their stable" in the first place. Based on the principle of subsidiary, self-regulation has to make sure that their members stick to the legal rules and establish, for example, notice and takedown procedures, Codes of Conducts and mechanisms to make their services safe for children. However the system also states the importance of checks and balances, so a strong Media Authority with the power of control, legal measures and punishment was set up.

Basis for this are the German Penal Code and youth protection laws which work pretty well for those offences committed in Germany or by Germans. This not only applies for those who disseminate illegal content as content providers or website owners, but also for providers who own the servers. Under German law and the E-Commerce-Directive, they are liable for what others spread throughout their services – at least as soon as they get knowledge of.

Obvious problem: the Internet is not limited to national borders, perpetrators do not only use German hosting providers; kids use Facebook, YouTube and they twitter all around the globe.

## **2. Promising counterstrategies against Cyber Hate**

Coming to the problem of hate speech on the Internet, we see a huge problem from the youth protection point of view. Especially right-wing extremist groups spread their racist and discriminatory ideas, try to lure kids with modern appearances and camouflaged activities on social networking sites and media sharing platforms. And kids are not able to distinguish between “good” and “bad” information, speech that is reliable and speech that is propaganda.

So, how can hate speech in all its forms – openly hateful or subliminal and hypocrite – be tackled? And what are adequate counter measures?

The work of Media Authorities and jugendschutz.net in this field is based on a multidimensional approach, including

- constant Internet monitoring. This is very important as we have to stay aware of what hate mongers are doing on the Net and how they try to influence our kids. jugendschutz.net, for example, has been watching the German right-wing extremist scene since the year 2000 and constantly analyses their activities, patterns of propaganda etc.

- measures to get illegal content removed. When jugendschutz.net started its work facing cyber hate in 1999, everybody in Germany thought effective measures would naturally have to end at national borders. And in fact, content hosted in Germany wasn't too difficult to get removed due to the clear legal situation as already mentioned; but it also works for content hosted in other countries such as the US with a much broader understanding of Freedom of Speech where such material is not illegal. When jugendschutz.net brings it to their attention, providers remove content on basis of their Terms of Service which often don't allow the dissemination of hate speech.
- educational work with teachers, kids and youngsters to foster media literacy and critical thinking; to sensitize them to the structure of hate speech and the rhetoric of hate mongers; and to promote critical thinking as well as tolerance. In workshops they can learn how to assess information obtained from the Internet, and they learn to use the Internet as a tool to tackle hate speech by practicing counterspeech.

These three action lines belong together and are the basis for sustainable work against hate on the Net.

### **3. Recommendations – what is needed?**

All relevant protagonists involved in the up- and downloading process of hate content on the Internet – i.e. people using websites or chat rooms, social networks and communities; legislation, jurisdiction and state authorities combating hate by legal means; and not least providers gaining a financial profit from people using their services – have to take their responsibility and remove hate from the Net and develop a better (which means a more tolerant, peaceful, free and democratic) Internet environment.

Internet Industry, especially platform providers, have to increase their capacities (technically, financially and staff wise) to ban hate from their services in order to protect minorities and youngsters; and they also should act pro-actively. This must include

- effective notice and takedown procedures
- continuous monitoring of hate groups or support of existing initiatives already doing so; "not only react, but act!"
- measures to sensitize and strengthen communities in combating hate and promoting tolerance
- improvements of safety standards that meet the legal requirements, and better consideration for children and youngsters

Last but not least: the online community itself – in the sense of a virtual community of values - has to stand up against hate propaganda and show racist and all kinds of hate mongers the red card.