

# Application of Code of Conduct Countering Illegal Hate Speech Online Positive



## News

**Thomas Wahl**

On 19 January 2018, the Commission released the results of the [third evaluation](#) of the Code of Conduct on countering illegal online hate speech. The [overall assessment](#) is rather positive since, on average, IT companies removed 70% of all illegal hate speech notified to them by the NGOs and public bodies participating in the evaluation. The removal rate has steadily increased compared to the first and second evaluation rounds, which were carried out in December 2016 and May 2017.

Furthermore, the latest evaluation shows that all participating IT companies fully meet the target of reviewing the majority of notifications within 24 hours, more than 81% on average. This figure has also considerably increased compared to the previous monitoring rounds.

Nevertheless, the Commission notes that the lack of systematic feedback to users remains one of the most important improvement issues for IT companies. A further issue concerns the national police and prosecution services, since criminal investigation into illegal hate speech offenses should be prompter and more effective, according to the Commission.

Several IT companies, i.e., Facebook, Twitter, YouTube, and Microsoft, have committed to speedily combatting the spread of hate speech content in Europe through the Code of Conduct agreed on with the European Commission in May 2016 ([see euclid 2/2016, p. 76](#)). In the meantime, Google+ and Instagram have also declared that they will join the Code of Conduct, thus further expanding the numbers of actors covered by it.

Through the Code of Conduct, IT companies voluntarily enter into a commitment to assess requests against their rules and community guidelines. Where applicable, the companies also address national laws on combating racism and xenophobia transposing the EU [Framework Decision 2008/913/JHA](#) on combatting racism and xenophobia by means of criminal law. They commit to reviewing the majority of these requests in less than 24 hours and to removing the content, if necessary.

In this context, it should be noted that the Code of Conduct is not a binding legal document. It neither gives governments the right to take down Internet content nor does it count as illegal hate speech or any type of speech that is protected by the right to freedom of expression set out in [the CFR](#).

A monitoring exercise set up in collaboration with a network of civil society organisations located in different EU countries is used to do the evaluation. Using a commonly agreed methodology, these organisations test how the IT companies have applied the Code of Conduct in practice. They do this by regularly sending the

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four IT Companies requests to remove content from their online platforms. The organisations participating in the monitoring exercise record how their requests are handled, i.e.:

- How long it takes the IT companies to assess the request;
- How the IT companies respond to the request;
- Whether and what feedback they receive from the IT companies.

The most recent exercise was carried out for a 6-week period between 6 November and 15 December 2017.

The Code of Conduct monitoring is only one element of a wider aspiration of the Commission to make online platforms more proactive in the prevention, detection, and removal of illegal content. The Commission is in an ongoing dialogue with IT platforms, civil society organisations, and national authorities to discuss challenges of and progress in tackling the new phenomenon of defamatory content online. Measures also include workshops and trainings organised with companies and other relevant stakeholders.

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