

Fines on the Horizon for Social Media Companies Complicit in Hate Speech

By David Behrend, J.D. Candidate 2019 | April 5, 2017

German officials have [threatened](#) to propose a law that would allow the country to place fines on social network platforms for failing to remove hate speech. Interior Minister Heiko Maas' draft of the law would permit fines of up to 50 million Euros (\$53 million) if social media platforms fail to remove “obviously criminal” content within 24 hours of a complaint.

The German government under Prime Minister Angela Merkel has been increasingly willing to apply provisions of the strict [German Criminal Code](#) in response to a rise in anti-refugee attitudes throughout Europe. The law criminalizes behavior that “incites hatred against a national, racial, religious group or a group defined by their ethnic origins.”

Since 2015, tech and social media giants like Facebook, Twitter and YouTube have voluntarily attempted to remove criminal content in a [joint effort](#) with the EU commission. The voluntary code of conduct, announced in May, included a commitment to review and remove a “majority” of flagged illegal content. But Maas says that in many cases these efforts have not yet been sufficient. A recent report [showed](#) that Facebook only removed 39 percent of flagged criminal content within the agreed timeframe and Twitter a meager 1 percent. YouTube, however, met the commitment by removing 90 percent.

A Facebook spokesman said that they were disappointed by the results of the report, admitting that their processes were a work in progress. Both Facebook and YouTube claimed that their procedures regarding content removal were robust.

In addition to combatting anti-refugee sentiment, the German Criminal Code has found renewed application against Holocaust deniers, an explicit offense in the Code. The Internet and social media have become forums for those attempting to spread this ideology. As a result, the Central Council for Jews in Germany and the World Jewish Congress have [welcomed](#) Maas' proposed law.

German communications officials have likewise come out in support of the law, claiming that it does not abridge free speech. In his announcement, Maas asserted “Freedom of expression ends where criminal law begins.”

Maas also hoped that this law could help combat the spread of “fake news” on the Internet. He claimed that this secondary goal could be achieved by use of defamation and slander offenses under the Criminal Code.