

Antiterrorism Censorship

Why the forthcoming European Regulation must be rejected

On 12 September 2018, under the [influence](#) of France and Germany, the European Commission published a proposal for a [Regulation](#) “on preventing the dissemination of terrorist content online”.

It requires **every Web hosting service** (not only the Web giants) to:

1. Remove **within one hour** all content notified as “terrorist” by a national authority (administrative or judicial) [article 4].
2. “Expediently” assess if content, reported by the national authority as “potentially terrorist”, violates **its own terms and conditions** [article 5].
3. Have a point of contact that can be reached **24/7** in order to receive these notifications [article 14 and Recital 33].
4. **Proactively** prevent the dissemination of terrorist content, using means such as **automated filtering**; if a provider is not efficient enough, the national authority may impose specific measures, including **monitoring all content** in order to actively search for content related to terrorism [Article 6 and Recitals 16 and 19].

Each State Member will decide of the penalties applicable to breaches of these obligations. In case of a “systematic” failure to comply, the penalty can go up to **4% of the global turnover**.

This is the End of the Decentralised Web

From a technical, economical and human perspective, only a handful of providers will be able to comply with these rigorous obligations - **mostly the Web giants**.

To escape heavy sanctions, the other actors will have no other choice but to close down their hosting services.

The rich, broad and decentralised Web will disappear. The domination of the giants will be sanctified.

Automated Censorship

Hosting service providers will have to automatically filter the content they receive and serve. Either as a “proactive measure”, or to avoid removal orders with unrealistic deadlines, choosing to preventatively filter anything that closely resembles terrorist content. This will lead to the **over-blocking of licit content** that is useful to the public debate, [something we are already seeing](#).

The automated filtering is not an acceptable solution: human behaviour must only be assessed by **humans**. This is also not a realistic solution: the so-called “automated filtering” rests on relocating content moderation to swarms of poorly paid employees working in stressful environments, in order to compensate the limits of software-based moderation that is inevitably flawed.

Delegation of State powers

Private censorship will be reinforced, weakening **the role of the judges** who alone should determine what content to censor. Delegating the monitoring of our conversations to private actors is a new development and has been, until today, **forbidden** by European law [article 15 of the Directive 2000/31].

Our governments are giving in to the temptation of delegating their police powers to a few giants, making them all-mighty, destroying in the process a huge part of the European economy and encouraging businesses that are already taking advantage of our personal data.

With these delegations, States are also **making themselves blind** regarding illicit activities that should be known and studied. The State will not be able to monitor some terrorist activities, blocked by default by private parties.

Useless Censorship

The European Commission’s [Impact Assessment](#) trying to justify the Regulation does not explain, in 146 pages, the exact consequences of the dissemination of terrorist content on an **alleged radicalisation**. Neither do our governments. This fear, while not evidence-based, is nonetheless the main justification for this Regulation.

The role of the Internet in terrorist radicalisation is nowadays **questioned** by experts reports. The terrorists that recently took action were *not* radicalised on [the Internet](#). According to the The International Centre for the Study of Radicalisation and Political Violence, the role of the Internet is **unrealistic** and greatly exaggerated.

More Effective Solutions Exist

Our governments are giving in to the chimaera of **technological solutionism**, thinking that human issues can be solved by machines. This headlong flight will at best only reduce a few of the symptoms, while preventing the cause from being treated.

Treating the cause would mean fighting against the excesses of the **attention economy** and the Web’s centralisation which, more than anything, favours the dissemination of hate speech.

This is what we [propose](#).