COUNTER EXTREMISM PROJECT

PREVENTING THE DISSEMINATION OF TERRORIST CONTENT ONLINE – CEP POSITION

The Counter Extremism Project (CEP) supports the introduction of this regulatory proposal. We believe that such is the urgency and gravity of the proliferation of online terrorist content, that it merits a directly applicable regulation rather than a directive. The legislation, if implemented, will tackle the serious and ongoing problem of online extremism and recruitment by terrorist organisations. The viewing of terror content online has serious consequences for society as it plays a critical role in enabling the radicalisation of individuals, with devastating consequences.

CEP believes that the protection of public security, while also protecting fundamental rights, is a paramount feature of this legislation. While we acknowledge the potential benefits of hosting service providers, which can undoubtedly boost the digital economy of the European Union, their services are being used to carry out illegal activities online. In the past number of years, the correlation between lone-wolf attacks across Europe and online radicalisation cannot go unnoticed.

CEP acknowledges the inclusion in the regulation of efforts to adhere to the Charter of Fundamental Rights of the European Union (Art. 3.1).

The CEP believes that this legislation does not go far enough in ensuring that the takedown of terror content online is speedy and permanent. In the CEP study The e-GLYPH Web Crawler: ISIS content on YouTube, it was found that if a video is online for more than one hour there is an exponential increase in the number of views of that content. CEP would therefore seek the removal of terror content within one hour of it being uploaded,

rather than within one hour from receipt of a removal order (Art. 4.2). Of the 1348 ISIS videos identified for the study, 78% remained on YouTube for less than two hours, receiving 14,801 views. However, 24% remained on YouTube for more than two years, receiving 148,590 views. The increase in views is ten-fold.

Moreover, while timely removal of ISIS videos is indeed important, lawmakers should not lose sight of the importance of views. ISIS material, similar to other types of propaganda, is posted in order to be viewed and influence opinions and actions.

A larger audience raises the possibility that an additional viewer may commit an act of terrorism in the name of ISIS. For instance, a video calling for terrorist attacks during holiday celebrations that has been on YouTube for one hour with 100 views has the potential to be more damaging than if that same video was online for two hours but only had a dozen views.

All 1348 ISIS videos in this study were uploaded by 278 different YouTube accounts – 60% of these accounts remained live after the content was removed. CEP believes that these accounts, and all accounts uploading terror content online, should be deleted permanently.

CEP agrees with the proactive measures referenced in Art 6.2 of the regulation 'preventing the re-upload of content which has previously been removed'. The use of automated tools in identifying re-uploaded terror content is an essential measure in achieving the overall aim of this regulation - to prevent the dissemination of terror content online.

Using hashing technologies - such as eGLYPH - will ensure that re-uploaded videos would be identified swiftly and deleted through a human verification process.

CEP support the European Commission in its view that that safeguards through both technology and human verification processes are essential, as technology has simply not advanced far enough to guarantee 100% accuracy (Art 9.2). Article 10 in the regulation ensures that should an individual or organisation disagree with the removal of their online content, a process is in place to appeal the decision, therefore safeguarding freedom of expression and information. Dr. Hany Farid (University of California Berkeley and Senior Advisor to the CEP) believes that it will be between 10 and 15 years before Artificial Intelligence will be ready to work without human verification. In the meantime, advanced hashing technology will provide the best solution.

CEP calls on the European Parliament to consider the creation of a Europe-wide standard for terms and conditions for hosting service providers in the area of terror content online (Art. 5.5). If this legislation can define what 'terror content' is, then a database can be created where this terror content could be 'hashed' and shared with service providers so as to ensure it is permanently removed.

CEP acknowledges the difficulty in achieving consensus on the definition of 'terrorist content' and supports the definitions provided for in the regulation (Art 2.5). The definitions:

(a) inciting or advocating, including by glorifying, the commission of terrorist offences, thereby causing a danger that such acts be committed;

(b) encouraging the contribution to terrorist offences;

(c) promoting the activities of a terrorist group, in particular by encouraging the participation in or support to a terrorist group within the meaning of Article 2(3) of Directive (EU) 2017/541; and

(d) instructing on methods or techniques for the purpose of committing terrorist offences.

These are sufficient in their scope (enough to allow for technological advancements in the future) and we believe they could contribute significantly to the removal of terror content online, if agreed on.

CEP further acknowledges that, while a database of 'hashes' has already been created by the EU Internet

Forum in December of 2016, it does not go far enough in ensuring the sharing of these 'hashes' amongst and across hosting service providers due to its voluntary nature. In the case that an agreement on the aforementioned definition of 'terrorist content' can be reached and the subsequent creation of a Europe-wide standard for terms and conditions agreed, CEP would advocate for the mandatory sharing of 'hashes' in an online database, accessible to hosting service providers.

CEP believes that the creation of such a database would contribute significantly to reducing administrative burden for hosting service providers by ensuring that the removal of terror content online need only be done once. Referrals and removal orders would only be used with new terrorist content.

In the 2018, TE-SAT report it was found that more than 150 social media platforms were being abused by terrorists for propaganda dissemination and, according to ASI Data Science, it was found that ISIS uses some 400 smaller platforms for the dissemination of terror content. Therefore, CEP welcomes the results of the Impact Assessment and agrees that "given the nature of the problem and the need to avoid the abuse of smaller platforms, no exemptions are foreseen for SMEs under any of the options" (EM 3.2).

CEP welcomes the inclusion in the regulation (Act 13. 2) that "Member States shall make sure that the competent authority referred to in Article 17(1)(c) and (d) is in possession of all the relevant information. For that purpose, Member States shall provide for the appropriate communication channels or mechanisms to ensure that the relevant information is shared in a timely manner". CEP believes that the involvement of relevant Union bodies, such as Europol and its Internet Referral Unit (IRU), is essential to increase the effectiveness of the regulation across borders.

CEP urges the European Parliament to maintain a strong position on financial penalties of up to 4% of the hosting service provider's global turnover of last business year (Art 18.4) in the case that hosting service providers do not remove terrorist content or disable access to it within one hour from receipt of the removal order (Art 4.2). However, CEP would go further, and would push for penalties to be introduced within one hour of upload as well as penalties for failure to remove content with a high number of views.