# [FR] Proposed legislation on on-line hate to be debated in parliament soon

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*Amélie Blocman*
*Légipresse*

Laetitia Avia (MP for Paris, REM party) has tabled a bill to “combat online hate” which should be examined within the coming weeks. The wording is in line with the desire that Emmanuel Macron has expressed to oblige all the parties concerned (platforms, Internet users, and Internet access providers) to face up to their responsibilities in the fight against hate on the Internet.

As noted in the explanatory statement to the bill, the current legal provisions governing online hatred are mainly those contained in the Law on confidence in the digital economy (Loi pour la confiance dans l’économie numérique - LCEN); this was adopted on 21 June 2004, at a time when platforms and social media were not yet accessible in France. The bill therefore defines the obligations incumbent on the major platforms and the resulting hierarchy of responsibility. The new rules would be applied to all platforms directing services towards France, regardless of their physical location. Article 1 defines a new hierarchy of administrative responsibility that would apply to platforms with heavy traffic, according to a monthly connection threshold that could be laid down by decree. This provision would require such operators to withdraw or render inaccessible, within no more than 24 hours of their being notified, any content manifestly containing incitement to hatred or discriminatory insults based on race, religion, gender, sexual orientation, or handicap. Failure to comply with this obligation could attract a penalty determined and imposed by the French national audiovisual regulatory authority (Conseil Supérieur de l’Audiovisuel - CSA), amounting to up to 4% of the operator’s annual global turnover.

The aim of Article 2 is to simplify the notification of disputed content to operators and to ensure seamless use for users. To achieve this, the text proposes adapting mechanisms for notification and processing. Introducing a single notification button for all major operators of communication platforms ought to help optimise the notification process. Article 3 would require platform operators to provide clear information on the means of redress (including judicial means) available to users. Article 4 lays down the obligations regarding transparency incumbent on platform operators with regard to combating hateful content - including, for example, communicating the number of notifications received, the breakdown of the offences covered, the number of abusive notifications, and the human and financial resources devoted to the task. It would be for the regulator to decide on

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the list of items of information that ought to be made public and the respective timeframe. Article 4 also inserts a new Article 17-3 into the Audiovisual Act of 30 September 1986, which would give the CSA the necessary authority to carry out supervision missions. The Article includes a provision enabling the CSA to issue recommendations aimed at assisting platform operators in identifying unlawful content. Article 5 requires platform operators to have a legal representative in France in order that any judicial proceedings may be carried out more efficiently. It also triples the level of criminal penalties that may be imposed on any platform refusing to cooperate promptly, increasing the corresponding fine from EUR 75 000 to EUR 250 000.

Article 6 is aimed firstly at simplifying the procedure for obtaining an initial decision to block and dereference unlawful websites, and secondly empowering an administrative authority to order the blocking (on the basis of the initial court decision) of any mirror sites that are identified .

For Roch-Olivier Maistre, the new President of the CSA, the text marks a first step towards regulating the Internet.

***Proposition de loi visant à lutter contre la haine sur internet, enregistrée à la Présidence de l'Assemblée nationale le 20 mars 2019***

http://www.assemblee-nationale.fr/15/propositions/pion1785.asp

*Bill to combat hate on the Internet, tabled at the National Assembly on 20 March 2019*

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