[FR] National Assembly adopts online hate speech bill

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On 9 July 2019, French MPs adopted a bill to combat online hate speech by 434 votes to 33, with 69 abstentions. The bill, called for by the President of the Republic and tabled by majority party MP Laetitia Avia, requires Internet platforms and search engines – if they meet various thresholds that will be set by decree – to remove or block content that is "obviously"illegal within 24 hours of it being reported, or risk a fine of up to EUR 1.25 million.

The content concerned is that which “obviously infringes the provisions of Article 6(I)(7)(3) of the Law ontrust in the digital economy (LCEN) and Article 33(3) and (4) of the Law of 29 July 1881 on the freedom of the press”. This includes content that infringes human dignity, condones crimes, or constitutes the provocation of and incitement to hatred, violence or insults on grounds of origin, race, religion, sexual orientation or gender identity. It also includes sexual harassment, child pornography and content related to the procuring or trafficking of human beings. However, racial, religious, homophobic or sexist discrimination, and the denial of crimes against humanity are not covered by the text at this stage. Anti-discrimination organisations, as mentioned in the 1881 press law, are entitled to exercise the rights granted to the plaintiff in cases involving the new offence of refusal to take down obviously hateful content.

The new law also increases platforms’ cooperation obligations(especially in terms of legal cooperation), requiring them to appoint a legal representative in France. It also makes provision for a standard mechanism by which to flagabuse, which should be directly accessible for Internet users. Platforms will be obliged to take all possible steps to prevent the redistribution of content defined as "online hate speech"and replace removed content with a message indicating that it has been taken down. Removed data will be kept for one year for the purposes of a criminal investigationaimed atestablishingwhether it is illegal or not.

In line with the Law against the manipulation of information of December 2018, the powers of the CSA (the French audiovisual regulator) have also been strengthened. The CSA is now responsible for regulating platforms in relation to the fight against hateful content and can fine them up to 4% of their global revenue if they breach their obligations. The law also steps up measures to combat the "mirroring"of hateful content that has been the subject of a final court decision.

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The law also provides for the creation of a public prosecution authority and court specialising in the fight against online hatred, along with the development of the online complaint platform mentioned in the Law on 2018-2022 programming and judicial reforms that was adopted in March this year (new Article 15-3-1 of the Code of Criminal Procedure). MPs also voted for the creation of an "online hate observatory"which, in partnership with the operators, associations and researchers concerned, will monitor and analyse the development of the kind of hateful content targeted by the law.

The Secretary of State for the Digital Economy, Cédric O, welcomed the vote, saying that it struck the right balance between freedom of expression and "effectiveness". Away from the Parliament, the text has been heavily criticised. In an open letter, the *Ligue des Droits de l'Homme*(Human Rights League), the *Conseil national du numérique (*National Digital Council) and the president of the *Conseil national des barreaux*(National Council of Bars) insisted that "the courts should be at the heart of the process for classifying content and deciding what should be taken down or blocked". Meanwhile, the *Commission nationale consultative des droits de l'homme*(National Consultative Commission on Human Rights – CNCDH) expressed concern about the new law's impact on fundamental freedoms. Although it supported the law's objective, it called for a full review of the bill, which it considered "inadequate'and "unsuitable".

Because the government has applied the expedited procedure to the bill, there will only be one reading in each chamber, with the Senate set to examine it after the summer break.

Proposition de loi visant à lutter contre les contenus haineux sur internet, adoptée par l'Assemblée nationale en première lecture.

http://www.assemblee-nationale.fr/15/ta/ta0310.asp

Proposal for a law to combat hate content on the Internet, adopted by the National Assembly at first reading

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