

Dear members of the European Parliament, members of the European Council, and members of the European Commission,

We write as security researchers and practitioners concerned with preserving a more robust transparency requirement in the proposed Regulation on preventing the dissemination of terrorist content online, currently under discussion and pending approval by the EU institutions.

The European Parliament introduced a new provision as Article 8a(b) in the draft adopted in a first reading in April 2019, to increase transparency regarding content being removed. This provision requires competent authorities to publish information regarding the “number of identified terrorist content which led to investigation and prosecution and the number of cases of content wrongly identified as terrorist”. We believe this level of transparency is critical to improved public understanding, and accountability for both platforms and authorities. We are concerned that should this provision be eliminated from the final text adopted as a result of the negotiations and discussions of the so-called trilogue phase, it would seriously hamper the ability to assess the impact of this new legislation on the security of European citizens.

This provision covers two lines of factual inquiry that are essential both to our own research and to accountability and evidence-based policymaking in this area going forward.

First, publicising the number of online content deletions which led to investigation and prosecution is essential in understanding the effectiveness of current approaches in deterring real-world violent extremism. These are the subject of ongoing study, analysis, and debate in both the academic and security communities. Key unresolved questions include the overall efficacy of approaches grounded in Internet content removal and the potential costs in driving potential extremist recruits into more insular online echo chambers and reducing law enforcement ability to track offenders’ behavior.

Second, knowing the number of cases of content wrongly identified as terrorist is very useful for similar reasons. Both researchers and public authorities must have access to data that would allow them to better assess the possible impact that the adoption of certain speech restrictions (like those included in the draft Regulation) may have on some communities, including potentially increasing the risk of radicalisation and violence. This information may also be useful for security agencies in order to improve their effectiveness regarding the detection of actual terrorist content online. This gap is not made up by lesser transparency protections such as those proposed by the Commission, which reflect the instances in which removal orders and decisions imposing specific measures were subject to administrative or judicial proceedings. Such a transparency measure is inadequate because it is reasonable to expect that not all the measures adopted by public authorities in application of the Regulation will be the object of legal proceedings.

We therefore ask that proper transparency requirements are kept in the version of the Regulation finally adopted as a result of the trilogue process.

Regards,

Emma Irving
Assistant Professor of Public International Law
Grotius Centre for International Legal Studies at Leiden University

Hadiya Masieh
Founder and Executive Director
Groundswell Project

Martha Crenshaw
Senior Fellow at the Freeman Spogli Institute for International Studies, Emerita
Center for International Security and Cooperation (CISAC)
Stanford University
Professor of Government, Emerita, Wesleyan University

Sasha Havlicek
Institute for Strategic Dialogue
London/Berlin

Sanjana Hattotuwa
Ashoka, Rotary World Peace and TED Fellow
University of Otago, New Zealand

Veronica Hofinger
Institute for the Sociology of Law and Criminology
Vienna

Stefania Koskova
Resonant Voices Initiative