**Briefing for the Department of Foreign Affairs and Trade Human Rights Unit March 2018.**

I refer to the letter from the Special Rapporteur on the promotion of the right to freedom of opinion and expression dated 23 January 2018 and in particular to information sought under

**“Requests or demands, informal or formal, to these platforms to voluntarily remove, restrict or otherwise regulate content.”**

* Ireland fulfils Article 25 of EU Directive 2011/93(on combating sexual abuse and sexual exploitation of children, and child pornography) by administrative means rather than by legislation.
* The Garda[[1]](#footnote-1) Blocking Initiative and the work of Hotline.ie fulfil this element of the EU Directive.
* The remainder of the EU Directive has been transposed into Irish law.

**The Garda Blocking Initiative**

* As a preventative measure, An Garda Síochána has a Memorandum of Understanding (MOU) in place since 2014 with a large internet provider where the company agrees to block access to illegal child sexual abuse material (CSAM) on its network in accordance with a list that is provided by An Garda Síochána.
* The blocking of such material reduces the possibility of inadvertent viewing of such content which can have a detrimental effect particularly on minors.
* Anyone attempting to access the material is presented with a 'Stop Page' message stating that the material is illegal and providing a point of contact should the viewer feel that there has been any error or where the viewer may wish to claim over-blocking.
* An Garda Síochána is in discussion with other internet providers with a view to putting further MOUs in place.

**Hotline.ie - Notice and Takedown Procedure**

* Hotline.ie is the confidential reporting service for illegal online content in Ireland.
* The Hotline.ie service is operated by the Internet Service Providers Association of Ireland.
* Hotline.ie receives reports of possibly illegal content, analyses them and acting in accordance with agreed procedures, brings probably illegal content to the attention of An Garda Síochána.
* It also draws the illegal content to the notice of the relevant internet service provider (ISP) member company and the ISP takes the content down.
* This is referred to as 'Notice and Takedown'.
* The Notice and Takedown system is a voluntary one covered by the ISPAI (Internet Service Providers Association of Ireland) "Code of Practice and Ethics".
* ISPs in Ireland do not seek out illegal content on their networks.
* In line with the EU ECommerce Directive (2000/31), the ISPs are considered to be 'mere conduits' and they are not required to police the content on their networks.
* Hotline.ie is part funded under the EU Safer Internet programme

**EU Code of Conduct on countering illegal hate speech online.**

In 2016, the European Commission agreed a voluntary Code of Conduct with the leading internet companies to combat the spread of illegal hate speech online in Europe. The code of conduct commits the companies to have in place clear and effective processes to review notifications regarding illegal hate speech on their services so they can remove or disable access to such content.  Member States have also been asked to nominate national points of contact to support the management of the Code.

To ensure an effective measuring of progress, the Commission’s sub-group on countering hate speech online, which comes under the High Level Group on combating racism, xenophobia and other forms of intolerance (HLG), has agreed a common methodology to assess the reactions of IT Companies upon notification of illegal hate speech.   Ireland participates in the meetings of the Commission’s Sub-Group.

In May 2017, the Commission presented the results of the second evaluation of the Code of Conduct. Results showed that, one year after its adoption, significant progress was made by IT Companies on the commitments of the Code, while some challenges remain.  The most recent meeting of sub-group took place this week.

The third evaluation of the Code of Conduct on countering illegal online hate speech was published in January last which showed that IT companies removed on average 70% of illegal hate speech notified to them.

Office for Internet Safety

Department of Justice and Equality

14 March 2018

1. Note – An Garda Síochána is the Irish national police force [↑](#footnote-ref-1)