

Germany's Network Enforcement Act: Legal framework for censorship of the Internet

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On October 1, the Network Enforcement Act took effect in Germany. Under the cover of a fight against “fake news” and “hate speech,” it creates a legal framework for censorship of the Internet.

The law requires operators of Internet platforms with over two million users to “remove or block obviously unlawful content within 24 hours of receipt of a complaint.” In what are called less obvious cases, a seven-day period applies. A platform must regularly report on its handling of complaints. If it does not comply, it faces fines of up to 50 million euros.

The assumption behind the law is the expectation that companies will opt to delete a controversial post rather than risk severe financial penalties. There are no sanctions against platforms that erase legitimate posts. In this way, the basic rights of users are undermined.

When the bill was passed in the Bundestag (the federal parliament) at the end of June, the *World Socialist Web site* warned of a “major attack on freedom of expression,” adding that the law “turns giant corporations such as Facebook, Twitter and YouTube into prosecutors, judges and juries, determining what is and is not permitted on the Internet.”

There is a transitional period ending in January 2018, during which time social networks must take measures to implement the new legal requirements. Facebook already announced in August that it was setting up a new data centre with 500 employees in Essen to handle take-downs; one already exists in Berlin. This is where Facebook systematically carries out censorship of the Internet. A spokesman proudly told business daily *Handelsblatt*, “We have already made considerable progress in the removal of illegal content.”

It is still unclear which Internet platforms will be affected by the new law. The text of the law, which was published on September 7, defines social networks as “telemedia service providers operating for-profit platforms on the Internet for the purpose of enabling users to share any content with other users or make it available to the public.”

All online platforms which, in the eyes of the Federal

Office of Justice, meet this definition must undergo scrutiny in the coming months. According to the news weekly *Der Spiegel*, this includes not only well known social media platforms such as Facebook, YouTube and Twitter, but also other networks such as the photo sharing site Flickr, the video portal Vimeo, the social news aggregator Reddit, the blogging platform Tumblr and the Russian equivalent of Facebook, VKontakte.

The Federal Office of Justice has set up a new department with two units, one to deal with questions of principle and one for individual cases. Half of the 50 new employees will begin work next week, according to *Der Spiegel*, to determine the number of registered members of each platform. Networks with more than two million registered users will then have to comply with the new law from January of 2018.

Networks are obligated to appoint a contact person in Germany who will be responsible for user complaints and will answer queries by the investigators within 48 hours. This is to ensure that deleted posts, which the provider must retain, can be effectively used in prosecutions.

Facebook, which cooperates closely with the US government in the field of Internet censorship, is implementing these regulations swiftly and obediently. Questioned by broadcaster Bayerischer Rundfunk, a Facebook spokeswoman stated: “We have our own team for cooperation with law enforcement agencies, which consists largely of former employees of law enforcement agencies. The task of this team is to answer queries from the law enforcement agencies.”

At the same time, Internet platforms are now “permitted,” for civil law purposes, to provide information on the authors of posts that evoke complaints. The only requirement is an order from a regional court. Up to now, such personal data could already be provided to police and secret services. This tightening of the telemedia law is another attack on anonymity and privacy on the Internet and prepares the ground for the targeted intimidation of political opponents.

Although numerous associations and experts, including

eight out of ten experts at a hearing in the Bundestag, declared the bill unconstitutional, Social Democratic Party (SPD) Justice Minister Heiko Maas whipped it through parliament in a few months. It is no coincidence that the SPD is playing a pioneering role in the implementation of censorship measures. It conducted itself as a law-and-order party in the recent general election campaign and has tried to overtake the Christian Democrats and the far-right Alternative for Germany (AfD) from the right.

The new law is part of a political offensive against the working class, which is entering a new phase following the election. The incoming German government will speed up the arming of the state at home and abroad. The myth of the fight against “right-wing hate speech” and “fake news” serves as a pretext to silence left-wing and critical voices on the Internet.

A look at recent months and years is sufficient to demonstrate that the day-to-day producers of “fake news” and lies can be found in the executive offices of the political establishment and the mainstream media. Who invented the story of weapons of mass destruction in Iraq in 2003 to reduce a whole region to rubble? Who propagated and supported the Maidan movement in Ukraine in 2014 as a supposed “revolution” in order to strengthen right-wing extremism and nationalist forces and foment conflict with Russia? Who used the lie about mass rape in Cologne on New Year’s Eve 2015/2016 to ignite a wave of anti-refugee sentiment? And who spread images of alleged “left-wing extremist” violence at the G20 summit in Hamburg to criminalize left-wing opponents and ban left-wing websites such as linksunten.indymedia.org?

All of these state propaganda campaigns—genuine examples of fake news—have served to legitimize wars, repression and witch-hunts, with catastrophic consequences for millions of people.

Even the justification for the new law is fake news, to use its own terminology. The law is not, as claimed, predominantly directed against hate crimes, right-wing extremism or racism, but rather against left-wing opposition. It is especially those posts and articles that uncover the crimes of capitalism and the return of German militarism that are thorns in the side of the ruling elite.

This is particularly clear in light of the censorship being carried out by Google. In April, Google modified its search algorithms allegedly to promote “authoritative content” and downgrade “fake news” and “conspiracy theories” in Google searches. In fact, this has been used to censor left-wing, progressive and anti-militarist websites, which have since recorded a massive decline in traffic from Google searches. The *World Socialist Web Site* has been hit particularly hard.

As Google’s censorship and the collaboration of Facebook CEO Mark Zuckerberg with the US government show, Germany’s Network Enforcement law is part of an international phenomenon. Similar mechanisms have been and are being created worldwide to control and censor the exchange of opinions on the Internet.

According to Reporters Without Borders, the new German law has already served as a model for Russia. In mid-July, deputies of the pro-Putin party “United Russia” introduced a very similar bill to control social networks and explicitly cited the German law. When the Russian counterpart is adopted, it will also come into effect on January 1, 2018.

The European Union is also working to reduce freedom of expression on the Internet. A week ago, the EU Commission published guidelines for online platforms to “proactively” identify and remove illegal content. The press release states that the EU Commission will “closely monitor and evaluate the progress of online platforms in the coming months,” in order to decide whether “legislative measures to complement the existing legal framework” may be necessary.

The bourgeoisie is aware of the danger it confronts from social media. The global networking and mobilization of the working class using the Internet is causing concern for governments and think-tanks worldwide. The Science and Politics Foundation recently published a study on “Urban Protests in the Digital Age.” It states that decision-makers and experts increasingly regard the “occupation and blockade of public squares, streets or buildings as a global political challenge.” The study continues: “This ‘politicization of the streets’ is being amplified by the accelerated digital and often (audio) visual distribution of protest activities via social media. It allows events to be visible all over the world.”



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