

2010

**REPORT to the French Prime Minister
(Summary)**

Combating racism online

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I – Summary

The events taking place in Gaza in early 2009 triggered a certain number of demonstrations on national territory, several of which were tarnished by racist or anti-Semitic outbursts.

This situation fuelled the debates of the Interministerial Committee for Combating Racism and Anti-Semitism which met on 2009 January 17th and led the French Prime Minister to task the French High Audiovisual Council and Isabelle Falque-Pierrotin, President of the Internet Rights Forum, with two missions: assess the situation of the Internet and audiovisual media with regard to the risk of racist tensions generated by the Israeli-Palestinian conflict spreading and, more generally, assess the means for preventing racist expression in the media.

Ms Falque-Pierrotin's report was submitted to the French Prime Minister on 2010 January 21th.

The method selected in this report is empirical:

It does not seek to speculate about the phenomenon or defend a particular cause, except that of tolerance and human dignity. It wanted to get the measure of the phenomenon by meeting with many of the public and private stakeholders involved in combating these contents, as well as by behaving like any other Web user who takes note of contents or services available online. It also wanted to put forward realistic solutions tailored to the specific features of the Internet.

Observation of the extent of the racist phenomenon online is as follows:

First of all, the Internet is well and truly a way in which a racist expression or thought can be conveyed easily and to the masses. Accordingly, such messages, comments and contents can easily be found on the Web. That said, it isn't possible to conclude that these contents are on the rise, rather that there are "peaks" in activity, since racist expression on the Internet is based on current events.

The second important point is that there is no uniformity in the racist commentary expressed online. A very clear distinction should be made between the uploading of constructed, political content corresponding to outright propaganda written by small groups with a varying degree of hierarchical organization and which are sometimes based abroad, on the one hand, and more "ordinary" racist comments made by Internet users who feel reinforced in their speech through the relative anonymity of the Internet, on the other hand.

It is therefore essential to concentrate on understanding each of racism components so as to provide an appropriate response for the diversity of situations.

Concerning prevention tools, France is particularly well equipped – even if it must be particularly vigilant in a certain number of areas:

Indeed, its regulatory and legislative arsenal for combating racism has steadily expanded over recent years and it is probably the most complete in Europe. However, it is not sufficiently put to use and needs adjusting to the specific features of the Internet.

In particular, the statistical tools that governmental departments have to assess the phenomenon are ineffective and do not enable to forge the correct links between the various departments' resources.

Likewise, as much as the implementation of the French Ministry of the Interior's reporting platform, Pharos, is an undeniable step forward, extra financial and human investment is also necessary to promote this platform among Internet users and for it to facilitate the work of police departments.

The work that competent associations do in this regard is paramount, but their limited funds mean that they focus on the most serious cases of racism to the detriment of “ordinary” racism – and the Internet isn’t always a priority.

Lastly, companies are fairly flexible in the way they apply their submission and reporting obligations towards public authority under the French law of 2004 June 21th on confidence in the digital economy. Such practices play down the extent of the phenomenon.

II - The action plan put forward by the report

The report recommends a full-on action plan calling on everyone in the chain and organizing their tools for action.

Some might say that each of these measures in itself is modest – that more spectacular action would be needed to take up such a challenge.

Put into practice, this plan nevertheless shows that Internet governance is possible, that it requires collective input from public and private stakeholders and that international cooperation must be developed.

The plan is based on three key objectives:

First of all, improve assessment of the phenomenon by promoting adoption of a common standard within governmental departments, making improved coordination possible between departments and between these and associations, strengthening the role of the OCCLCTIC (the police department specialized on cybercrime) as the linchpin of the system and by equipping it with the means to carry out its tasks.

Secondly, prevent racist expression from becoming commonplace by steering criminal policy not just towards the most serious cases but also towards the punishment of “ordinary” racism by publishing these judgments, improving reporting and, above all, elaborating an effective education policy in the media for young people.

Thirdly, take international action to prevent evasion to Internet havens. In this regard, action aimed at the US, which hosts a large proportion of racist content, is a priority so that it ratifies the Additional Protocol to the Convention on Cybercrime and that a common good behaviour code for combating online racism can be drawn up with the US and French technical intermediaries.

III - Follow up of the report

The French Prime Minister expressed particular interest in the report’s conclusions. After reasserting his concern with regard to the risk of racist and anti-Semitic expression becoming commonplace on the Web, he highlighted the pertinence of Ms Falque-Pierrotin’s proposals which take account of the realities of the Internet and how it works.

He has tasked the competent ministers with carrying out the proposals concerning them and will oversee coordination of their actions. The first meeting between the governmental departments involved was held at the beginning of April 2010.