

## **Policy Brief**

November 2021

### **The extreme right-wing infrastructure on Facebook, Instagram, YouTube and Twitter in Germany**

#### **About CEP**

*The Counter Extremism Project (CEP) is an international, non-profit policy organization that has been engaged in efforts to effectively regulate social media and video sharing companies since 2015. Our focus lies on extremist ideologies and on illegal and terrorist content online. CEP advisors have been working with EU institutions and EU Member States for the past several years on some of the key issues the DSA aims to regulate.*

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**The full CEP report (in German)** can be found here: <https://bit.ly/3omCEpD>

**All CEP papers on effective online regulation** can be accessed here: <https://bit.ly/2RwWYrM>

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### **Key findings of the report**

- Through an in-depth mapping exercise, a CEP research and analysis project produced an inventory of the most relevant actors of right-wing extremism in Germany. Based on criteria such as the number and relevance of activities (e.g., concerts, festivals, martial arts events, rallies, orientation towards violence, propaganda activities, national and transnational networking), a total of 100 individuals, organizations, music labels, bands, fashion brands and companies were identified as (in many cases violence-oriented) key right-wing extremist actors.
- A large proportion of these key actors in the various German right-wing extremist milieus are still present on Facebook, Instagram, YouTube and Twitter. In general, they no longer carry out illegal activities there. For the most part, they also do not violate the respective companies' general terms and conditions or community standards with regards to hate speech or similar offences in order to avoid being permanently blocked from the platforms.
- These far-right extremists are now pursuing a strategy of "extreme normalization" on major social media. Nonetheless, they remain the same key right-wing extremist actors who form the foundation of Germany's transnational right-wing extremist scenes through festivals, fashion brands and mixed martial arts tournaments.

- Beyond their activities on major social media and video-sharing platforms, these key actors remain architects as well as advocates of dangerous conspiracy myths and narratives of group-based misanthropy that increase the likelihood of (stochastic) violence and terrorism.
- Since many right-wing extremist key actors explicitly pursue economic interests, they use social media to promote their merchandise stores, martial arts associations, music labels, bands and survivalist (or prepper) organizations and to reach new customers and to recruit new followers and members.
- On smaller platforms, messenger services and offline, they show their true colours. Through their actions there, they build the foundation for the (transnational) right-wing extremist milieu in Germany

**Of the total 100 identified key (violence-oriented) far-right key actors:**

**Facebook:** 54 profiles can be assigned to 41 key actors, with a total of 267,743 subscribers/friends. Of these 54 profiles, 39 have explicit economic purposes.

**Instagram:** 37 profiles can be assigned to 34 key actors, with a total of 82,957 followers. Of these 37 profiles, 24 have explicit economic purposes.

**YouTube:** 33 profiles can be assigned to 27 actors, with a total of 82,160 subscribers. Of these 33 profiles, 15 have explicit economic purposes. The total number views for all videos is 9.594.861.

**Twitter:** 17 profiles of 16 actors were identified with a total of 6,818 followers. Of these 17 profiles, 9 have explicit economic purposes.

- While a large part of widely known (violence-oriented) German far-right movement-entrepreneurs are present and active on Facebook, Instagram, YouTube and, to a much lesser extent, Twitter, big tech is to some extent engaged in countering hate speech, extremism and terrorism on their platforms. However, established policy dialogues that focus on the self-regulation of this industry as well as workshops with civil society groups are usually limited to harmful or illegal behaviour on the platforms themselves.

- As this research shows, however, key German (violence-oriented) right-wing extremist actors have adapted their strategies for propaganda, recruitment and funding to avoid being banned from popular social media platforms. Exposing this new strategy and suggesting solutions was the motivation for this report.
- The question of whether users can legally compel social media platforms to enforce their own community standards and delete profiles of, for example (violence-oriented) extremist actors or hate organizations, is discussed in detail in this paper. On the one hand, this would break new legal ground in Germany; on the other, some community standards promise a "safe space" to users which needs to be honoured.
- Concerns regarding an excessive limitation of freedom of expression through content moderation and the enforcement of terms of service by the platforms need to be discussed. This fundamental right was, however, designed to protect against government censorship and oppression and does not apply in a commercial relationship between companies and consumers/users.

## **RECOMMENDATIONS FOR ACTION**

- Civil society and policymakers must make clear to the major platforms that big tech's negligent behaviour of allowing key (violence-oriented) right-wing extremists on social media, even if they don't explicitly violate the rules there, is dangerous and should not be permitted, in particular when these activities generate financial profits for these actors and fuel violent extremism.
- A more systemic perspective on "Dangerous Persons and Organizations" - as set out in the most recent Facebook policy for example, which also includes the behaviour of users outside the platforms - should be added to the mission statements of policy dialogues such as the EU Internet Forum and the Christchurch Call for Action. As the Facebook policy example shows, implementation is as important as policy.
- Since the question if users can legally force platforms to enforce their own community standards is *terra incognita* in Germany, legal steps should be considered by civil society in this regard to test this option. Collective court actions (*Verbandsklagen*) could be explored to protect users.

- The draft EU Digital Services Act (DSA) could open up the possibility that providers must enforce their community standards to protect their users. Art. 12(2) regulates that providers must act "carefully" and, among other things, "objectively" when applying their contractual regulations. It should therefore be made clear that the regulations must also be applied "effectively" to protect users. This opportunity should be clarified and strengthened.
- Due to the limited-liability privilege, the current draft DSA does not provide sufficient incentives for social media companies to put their best experts and the resources necessary into fixing the rampant hate speech, as well as extremist and terrorist content, on their platforms. At the moment, even the biggest companies do not need to take down illegal or harmful content unless a third party gave them notice to act. This even applies when illegal and/or harmful content gets recommended to users by the platform. Hence, the liability regime needs to be updated to represent and manage the challenges users, governments and companies face today. Interestingly, the question of how to update the existing liability exemptions from the 1996 is in the centre of the debate in the US on how to protect citizens, society and democracy from harmful effects of "Social Media". This is based on the insight that in other industries the risk of liability and relevant financial penalties provides the necessary incentives for for-profit companies to optimise for consumer protection.