International Federation of
Library Associations and Institutions

Recommendations on the Digital Service Act by the European Commission – June 2020 Roadmap: "Deepening the Internal Market and clarifying responsibilities for digital service".

1.IFLA defends and promotes freedom of speech and freedom of access to information, as set out in Article 19 of the Universal Declaration of Human Rights, as the basis of intellectual freedom.

The last three decades have seen the rise of digital tools (including major platforms) which have made it possible to amplify the dissemination of knowledge and information, facilitate the discoverability of contents. These tools have also made it possible for users to share their own contents, rather than having to pass through a gatekeeper. Library professionals build on the ability of platforms to function effectively, not just to facilitate access, but also given the possibilities they offer to promote users' creativity or help them network more effectively.

This represents an important step forwards that must not be jeopardised by hasty or clumsy regulation. In particular, as a signatory to the Manila Principles, IFLA defends that intermediary platforms should not a priori be held liable for content posted by third parties.

IFLA continues to believe that creating incentives for intermediary platforms to take down content without independent judicial authority and other reasons to protect legitimate activities risks harming freedom of expression and freedom of access to information for all citizens.

In the case of removal of illegal content from platforms, it seems necessary to establish

- clarity on the procedures to follow. As we have seen in the case of the Directive on Copyright in the Digital Single Market, it is vital that any regulation does not oblige or incentivise platforms to restrict free speech or other fundamental freedoms.

- Ensure that under any new rules brought in under the DSA, users should in any normal situation be given the benefit of the doubt, and unless there is clear and irrefutable evidence of harm, their content left up until it is possible to carry out a human review.

2. The emergence of a wide variety of illegal, hateful, violent content online has been identified as a threat. This content is extremely diverse, focusing on different groups of individuals and coming in different forms. The term hate speech itself has also been co-opted by some in order to justify suppression of legitimate criticism. As such, any legislative response needs to focus on effective but proportionate solutions.

New regulation, such as DSA, should:

- ensure a fair balance between protections of individuals and fundamental rights such as freedom of expression and freedom to access information. For example, as was the case in the DSM Directive, it needs to be honest about the weaknesses of algorithmic tools in correctly identifying legitimate and illegitimate uses, not least in cases where

organisations protecting stigmatised groups needing to denounce harmful contents, for example through the use of certain wording or imagery.

- develop human review as best practice to verify relevance and necessity of censorship (especially related to filters), in particular that it is not content coming from an organization for the protection and defense of stigmatized individuals.

- frame the delegation of power over the rights of expression and access to information to private platforms by a judicial and independent entity counterbalancing the power given to the platforms, and ensuring that the incentives for platforms are not tipped in favour of taking content down regardless.

- take into account the reality of smaller platforms which are asked to adapt to the capacity of large stakeholders, without being able to have the same capacities.

- define an extremely precise scope concerning the types of content to be removed and identify cases of legal content which could be considered as similar by algorithms and therefore blocked.