

Public hearings on the Films & Publications Act Amendment Bill [B37 – 2015]

Google submission to the Parliamentary Portfolio Committee on
Communications, 31 August 2016



60 trillion web pages
Millions added each minute
159 languages
35,000 apps uploaded everyday on Play store
650 hours of YT videos every minute
6 billion hours watched per month
100 billion searches per month



To organize the world's information
and make it universally accessible
and useful

When it comes to child protection...

Empower

To **empower** parents with tools to help them choose what content their children see online

Protect

To **protect** children online through partnerships with law enforcement, industry and civil society

Educate

To **educate** children on how to stay safe online

Resources & Tools

Google



Google Search

I'm Feeling Lucky



news



Jennifer



1



All

News

Images

Videos

Maps

More ▾

Search tools

About 10 430 000 000 results (0,52 seconds)

[News24, South Africa's premier news source, provides ...](#)

www.news24.com/ ▾

24 hour online **news** service. Online arm of the Naspers newspaper group.

[South Africa](#) - [Top Stories](#) - [World](#) - [Zimbabwe](#)

In the news



Iran frees US Navy sailors held in Gulf after incursion - BBC News

BBC News - 37 mins ago

Iran has released 10 US sailors held for entering its territorial waters, in a swift resolution of ...



Search settings

Languages

Turn on SafeSearch

Advanced search

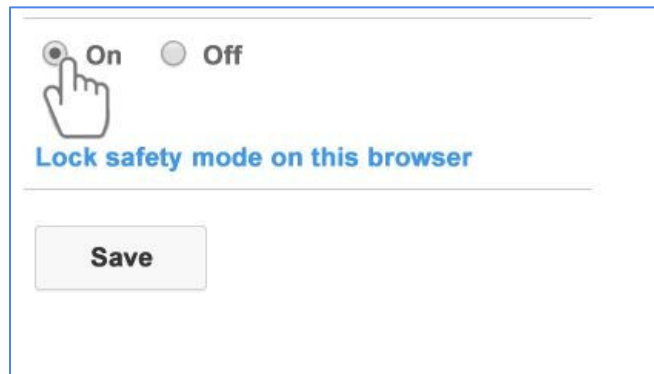
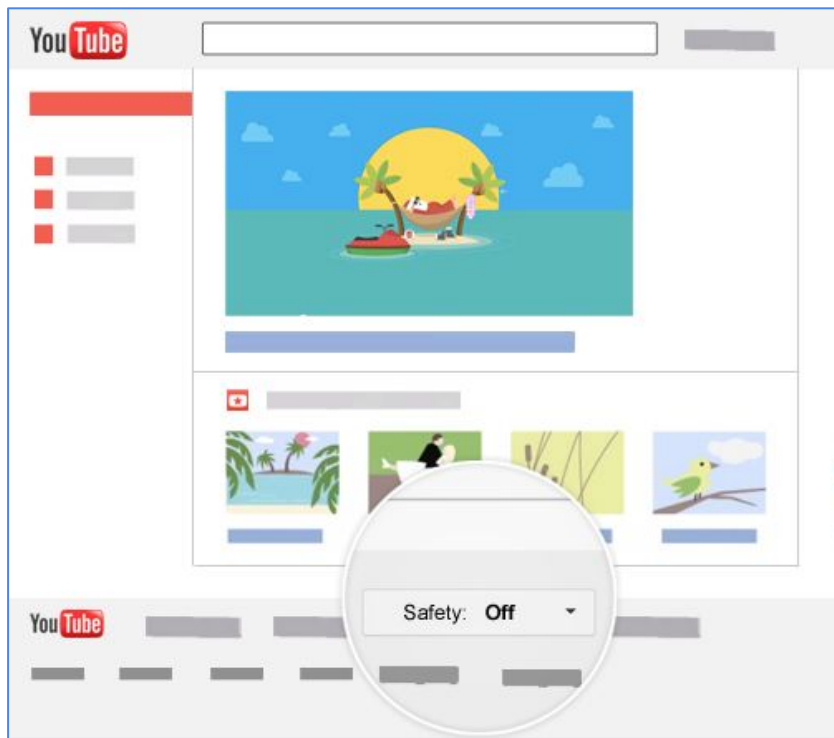
History

Search help

Experiment info

YouTube Safety Mode

filters explicit videos and comments from YouTube search results



Lock YouTube safety mode

- saves the current setting
- also activates SafeSearch
- only for registered users

Warning - **Child** abuse imagery is illegal

www.google.co.uk/protectchildren ▼

Report it or find help here.

Child Porn Help

www.stopitnow.org.uk/ ▼

Prevent **Child** Sexual Abuse & Get Confidential Help



Protecting children from sexual abuse

Child sexual abuse imagery is illegal.

At Google [we work with child protection experts](#) to find, remove and report this material because we never want it to appear anywhere on our products, including our search results.

To report child sexual abuse content, or to find help for you or someone you know, contact these organizations:

- to file a police report in the UK, contact the [Child Exploitation and Online Protection \(CEOP\) Centre](#).
- to report child abuse content, contact the [Internet Watch Foundation](#).
- for confidential help and counselling, contact [Stop it Now](#).

20% Drop-Off Rate

Remove information from Google

You can ask Google to remove your sensitive personal information, like your bank account number, or an image of your handwritten signature, or a nude or sexually explicit image or video of you that's been shared without your consent, from Google search results.

What Google will remove

See our [Removals Policies](#)  to learn what information Google will remove.

If you want to remove a photo, profile link, or webpage from Google Search results, you usually need to ask the website owner (webmaster) to remove the information.

Why contact the webmaster?

Even if Google deletes the site or image from our search results, the webpage still exists and can be found through the URL to the site, social media sharing, or other search engines. This is why your best option is to contact the webmaster, who can remove the page entirely.

If a photo or information shows up in Google search results, it just means that the information exists on the Internet and it doesn't mean that Google endorses it.

What do you want to do?

- ☒ Remove information you see in Google Search
- ☐ Prevent information from showing in Google Search

Legal removals

Removing Content From Google

This page will help you get to the right place to report content that you would like removed from Google's services under applicable laws. Providing us with complete information will help us investigate your inquiry.

If you have non-legal issues that concern Google's [Terms of Service](#) or Product Policies, please visit <http://support.google.com>

We ask that you submit a separate notice for each Google service where the content appears.

What Google product does your request relate to?

- ☐  Blogger/Blogspot
- ☐  Google+
- ☐  Web Search
- ☐  A Google Ad
- ☐  Drive and Docs
- ☐  Google Play - Music
- ☐  Google Play - Apps
- ☐  Google Shopping
- ☐  Image Search
- ☐  Google Photos and Picasa Web Albums
- ☐  YouTube
- ☐ See more products



Chrome Supervised User

Manage permissions

Allow

Only specified sites

Allowed sites

www.google.com

www.youtube.com

Enter a website

Behavior

Allow only this address

Allow only this address

Allow entire domain

[Need help?](#)

OK

Supervised user



My daughter

Permissions

Manage

Only approved sites

2 approved sites

SafeSearch is locked [Unlock SafeSearch](#)

Requests

If you've chosen to block any sites, the supervised user may request access to them.
You can approve or deny any access requests here.

[Dismiss](#)

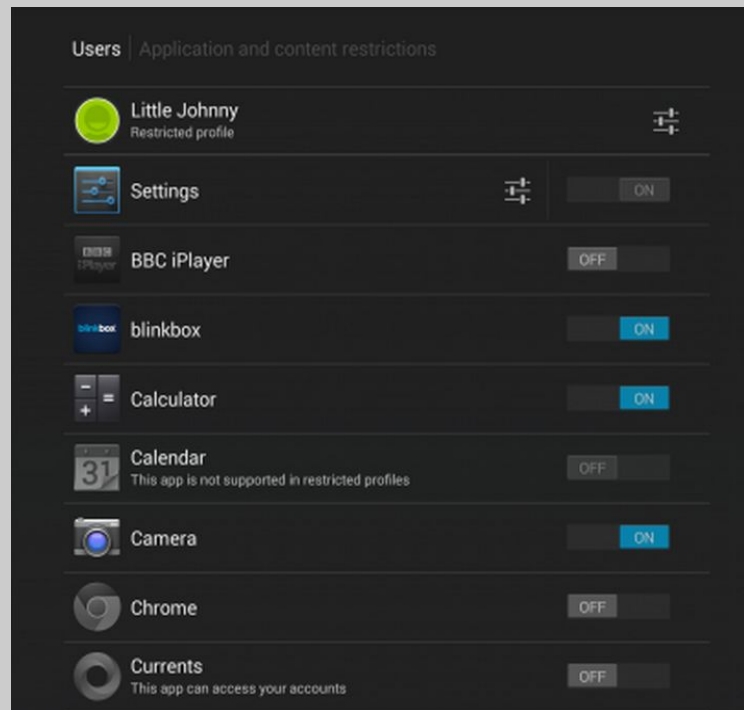
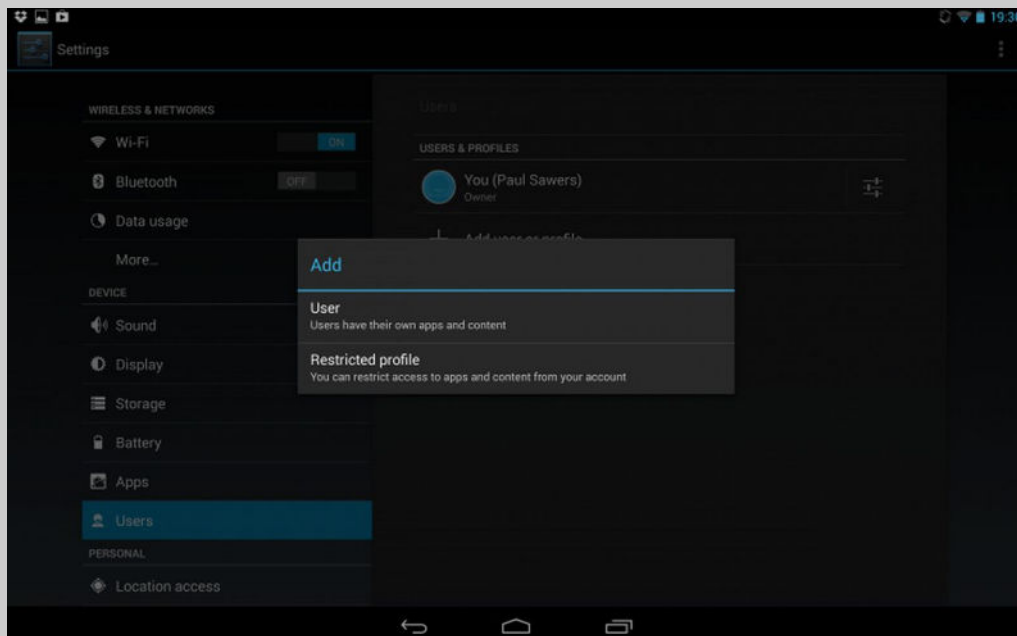
Activity

This supervised user hasn't visited any sites yet.
This supervised user's browsing activity will appear here.

[Dismiss](#)



Android Restricted Profile



1. USER FLAGS



2. FLAGS FROM NGOS



3. HASHING TECHNOLOGY

a789bb901783xla	ksvdu8939823919	id83nvw7ckkgwgi
ldl1001289781722	89vsdnk39809988	98cjk13n0cwkd83n
vn2948901922	10283na008fjolsl	809fjmr4bfy2nepal
bb891284mm0sd	mvoew098000012	bb891284mm0sd
a789bb901783xla	fasd79vc900s9ak	a789bb901783xla
smv014450mn	lvmn00sa8y912	8nj3u8gi0skn4hyf
kk0937nff90189j	nlcaksj812788998	7shg89j3m9dgym
kk0937nff90189j	rko0f8822144892	nc7jm30fgkjjw38t

Flagging a video



0:22 / 1:07

Oakland Policeman Throws Flash Grenade Into Crowd Trying To Help Injured Protester

Matt Kresling
Subscribe 1,327

1,527,601

8,103 742

Report
Transcript
Statistics

Uploaded on Oct 26, 2011
Footage from the Occupy movement deliberately lobbed a flash grenade into the crowd. After protesters ran to the aid of a badly-injured person, Oakland Police Officer ... Whatever you think of the Occupy movement, police behavior of this kind is criminal and

Flagging specific violations

Report this video



What is the issue?*

- ☐ Sexual content ?
- ☒ Violent or repulsive content ?
 - Promotes terrorism
- ☐ Hateful or abusive content ?
- ☐ Harmful dangerous acts ?
- ☐ Child abuse ?
- ☐ Spam or misleading ?
- ☐ Infringes my rights ?
- ☐ Captions report (CVAA)



Timestamp selected:

0 : 22

Please provide additional details about:

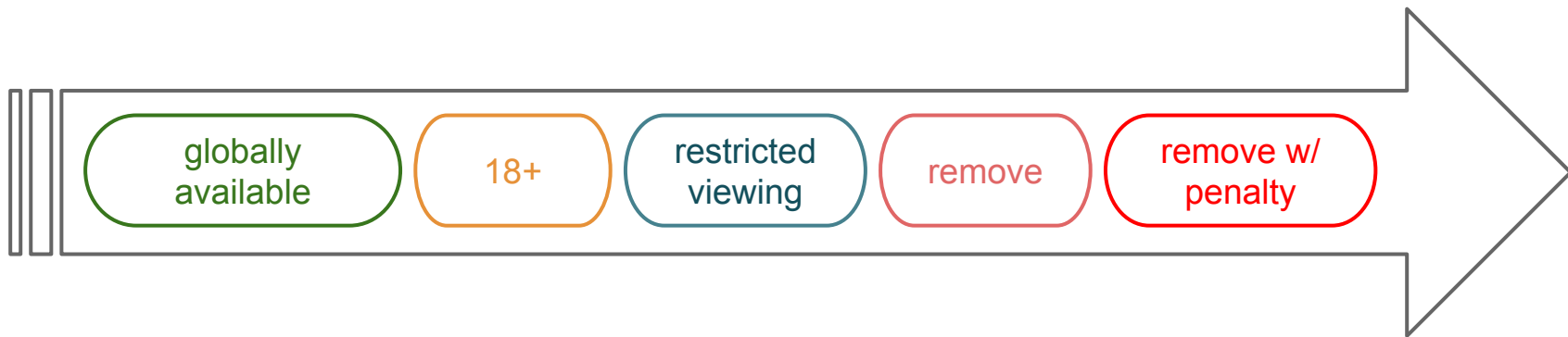
Violent or repulsive content > Promotes terrorism

500 characters remaining

Flagged videos and users are reviewed by YouTube staff 24 hours a day, seven days a week to determine whether they violate Community Guidelines. Accounts are penalized for Community Guidelines violations, and serious or repeated violations can lead to account termination. [Report a channel](#).

Life of a flag

1. **Video flagged** by logged-in user
2. **Video reviewed** by the Enforcement Team
3. **Decision applied** based on policy



Age-gating (warnings) and country-gating

Content Warning

This video may be inappropriate for some users.

[Sign in to confirm your age](#)



Neda Soltan's death (English subtitles)

 **rabindranathtagore57**

 **Subscribe** 272

32,579

+ Add to < Share ... More

 56  15

Dealing with terrorism



Upload

Sign in



ISIS: ON THE FRONTLINE

by Ahlulbayt TV

4 months ago • 813,107 views

ISIS have taken control of large regions in northern Iraq and have committed atrocities beyond our imagination. To safeguard the ...

HD



The Beast : Obama supported ISIS Army indoctrinating children to behead the infidels (Jul 20, 2015)

by SignsofThyComing

13 hours ago • 3,685 views

SOURCE: <http://www.foxnews.com> News Articles: Isis forces Yazidi children to behead dolls as part of their 're-education' training ...

NEW

HD



Killing ISIS (Uncensored full mini-documentary)

by The Alex Jones Channel

3 months ago • 588,325 views

This is the new face of evil. This is what nightmares are made of. Ruthless cold blooded killers on a mission to wage war.

HD

Trusted flagger

Upload date:

☒



فيلم إن ربك لبالمرصاد - يسرا محمود يس

___ K ___ | 1 year ago | 60,113 views

☒



الدولة الإسلامية - كلمة أبو محمد العدناني (إن ربك لبالمرصاد-HD)

اللهم أرنا الحق حقًا وارزقنا اتباعه وأرنا الباطل باطلاً وارزقنا اجتنابه

3 | 1,207 views

☒



إن ربك لبالمرصاد

أخبار عالم الجهاد

تقدم

3 | 1,997 views

☒



إن ربك لبالمرصاد

https://twitter.com/Sbilna_aljihad

لهيب الحرب

fj r | 2 weeks ago | 315 views

User Policies

Our user policies (YouTube)

- In order to continue to inform and entertain the world in this amazing and creative space, we work hard to maintain a safe and vibrant community for all our users. It is a **business imperative** for us, as well as a **responsibility** to our community, to keep bad content off the platform.
- How do we do this? **We do not proactively pre-screen content.** It's impossible to do so with **650 hrs of video uploaded every minute!** It would be like asking a telephone company to screen each and every call before it's made. It would mean lawyers **interfering** with all of those videos before they were uploaded and would stop YouTube being the organic, rapidly evolving platform that so many people love.
- Instead, we leverage our 1B strong community to help us police the content on the site. We have a set of **Community Guidelines** that you can read about -- basically, it's what we allow to stay up on YouTube, and what we take down.

Community Guidelines

A few ground rules to keep YouTube safe and fun for everyone

Contents

- [Respect the YouTube community](#)
- [Don't cross the line](#)
- [We review your reports carefully](#)
- [Join in and have fun](#)



Community guidelines

Nudity or sexual content: *"YouTube is not a place for pornography or sexually explicit content. If this describes your video, even if it's a video of yourself, don't post it on YouTube. Also, be advised that we work closely with law enforcement and we report child exploitation."*

Harmful and dangerous acts: *"Don't post videos which encourage others to do things that may cause them to get badly hurt, especially kids."*

Violent or graphic content: *"Graphic or gratuitous violence is not allowed. If your video shows someone getting hurt, attacked, or humiliated, don't post it."*

Hateful content: *"Our products are platforms for free expression. But we don't support content that promotes or condones violence against individuals or groups based on race or ethnic origin, religion, disability, gender, age, nationality, veteran status, or sexual orientation/gender identity, or whose primary purpose is inciting hatred on the basis of these core characteristics."*

Harassment: *"Things like predatory behavior, stalking, threats, harassment, intimidation, invading privacy, revealing other people's personal information, and inciting others to commit violent acts are taken very seriously. Anyone caught doing these things may be permanently banned from YouTube."*

YouTube may make exceptions for educational, artistic, documentary or scientific content.

Community Guidelines: hate speech

Hate speech

We encourage free speech and try to defend your right to express unpopular points of view, but we don't permit hate speech.

Hate speech refers to content that promotes violence or hatred against individuals or groups based on certain attributes, such as:

- race or ethnic origin
- religion
- disability
- gender
- age
- veteran status
- sexual orientation/gender identity

There is a fine line between what is and what is not considered to be hate speech. For instance, it is generally okay to criticize a nation-state, but not okay to post malicious hateful comments about a group of people solely based on their race.

Reporting hateful content

Keep in mind that not everything that's mean or insulting is hate speech. If you're upset by content that a specific person is posting, you may wish to consider [blocking the user](#).

However, if you feel that content violates our hate speech policy, report it to YouTube for review in one of the following ways:

- **Flag the video** : You may report hateful content by [flagging the video](#).
- **File an abuse report** : If you have found multiple videos, comments, or a user's entire account that you wish to report, please visit our [reporting tool](#), where you will be able to submit a more detailed report.



Harmful or dangerous content

Don't post videos that encourage others to do things that might cause them to get badly hurt, especially kids. Videos showing such harmful or dangerous acts may get age-restricted or removed depending on their severity. [Learn more](#)

Staying Safe on YouTube



Teen Safety

Protect your privacy and learn more about online safety.



Restricted Mode

Filter out potentially objectionable content.



Suicide and Self-Injury

Resources for dealing with suicide, self-injury, or depression.



Harassment and Cyber-bullying

Learn how to deal with harassment and cyberbullying on YouTube.



Privacy

Report privacy violations and learn about protecting your privacy.



Parent Resources

Understand YouTube and keep your children safe online.



Educator Resources

Use YouTube in the classroom and check out student and teacher resources.



Additional Resources

Additional information on how to stay safe on YouTube.



Privacy and Safety Settings

Manage and control your experience on YouTube.

Harassment and cyberbullying

We want you to use YouTube without fear of being subjected to malicious harassment. In cases where harassment crosses the line into a malicious attack it can be reported and will be removed. In other cases, users may be mildly annoying or petty and should simply be ignored.

Harassment may include :

- Abusive videos, comments, messages
- Revealing someone's personal information
- Maliciously recording someone without their consent
- Deliberately posting content in order to humiliate someone
- Making hurtful and negative comments/videos about another person
- Unwanted sexualization, which encompasses sexual harassment or sexual bullying in any form

Tips and advice :

- Pause before you post: Think seriously about how you may be perceived online and do not post anything that may compromise your reputation or safety.
- Speak up: Tell friends to stop cyberbullying and voice your opinion against cyberbullying when you see it on the site.
- Tell an adult if you remain concerned about another's actions towards you online.
- Try [deleting comments](#) and [blocking the user](#) if another user is bothering you, so they can't view your videos or leave more comments. You can also turn comments off for any video or manage comments by requiring pre-approval before they get posted.
- Respect people's opinions online but know when it crosses the line. We want YouTube to be a dynamic and expressive platform but we do not want users to feel intimidated or threatened.
- Report harassing users and content via YouTube's [reporting tool](#).

Policy Center

[Protecting your privacy](#)

[Harassment and cyberbullying](#)

[Hate speech](#)

[Impersonation](#)

[Threats](#)

[Child endangerment](#)

[Nudity and sexual content](#)

[Violent or graphic content](#)

[Harmful or dangerous content](#)

[Spam, deceptive practices, and scams](#)

[Legal Policies](#)

[Additional policies](#)

[Working with third party view service providers](#)

[Missing YouTube Views](#)

[Get legitimate subscribers](#)

Teen safety

Teens are an important part of the YouTube community. Here are some useful tools and friendly tips for staying safe on YouTube.

- **Know what type of content to film:** When filming videos of your friends, classmates, or other minors, remember that they should never be sexually suggestive, violent, or dangerous.
- **Remember "The Grandma Rule":** Is what you're filming or posting something you'd want your grandmother, boss, future employer, parents, or future in-laws to see? If not, it's probably not a great idea to post it.
- Once a video has been posted online, you never know who might see it. If it's copied or reposted, you might not be able to remove every copy.
- **Prevent dangerous or uncomfortable situations:** Don't post something just because someone else asked you to. Also, please don't try to meet anyone you have "met" online without consulting with a trusted adult first.
- **Use YouTube's privacy features:** YouTube has features to help you limit who can see the videos you post. Protect your privacy by setting personal videos to 'private' or 'unlisted.'
- Visit our [Privacy and safety settings](#) page to explore some of the tools available to help you manage your experience on the site.

If you're a teacher or parent, please see our [parent resources](#) and [educator resources](#). For more information on Internet safety, see these [Google Tips for Online Safety](#).

Please note, children under 13 years are not permitted to set up a YouTube account.

To report harassment, threats, impersonation and bullying, please visit our [reporting tool](#) If you see a video that contains inappropriate content, please [flag it](#).

Safety Center

[Protecting your privacy](#)

[Harassment and cyberbullying](#)

[Suicide and self injury](#)

[Parent resources](#)

[Educator resources](#)

[Teen safety](#)

[Disable or enable Restricted Mode](#)

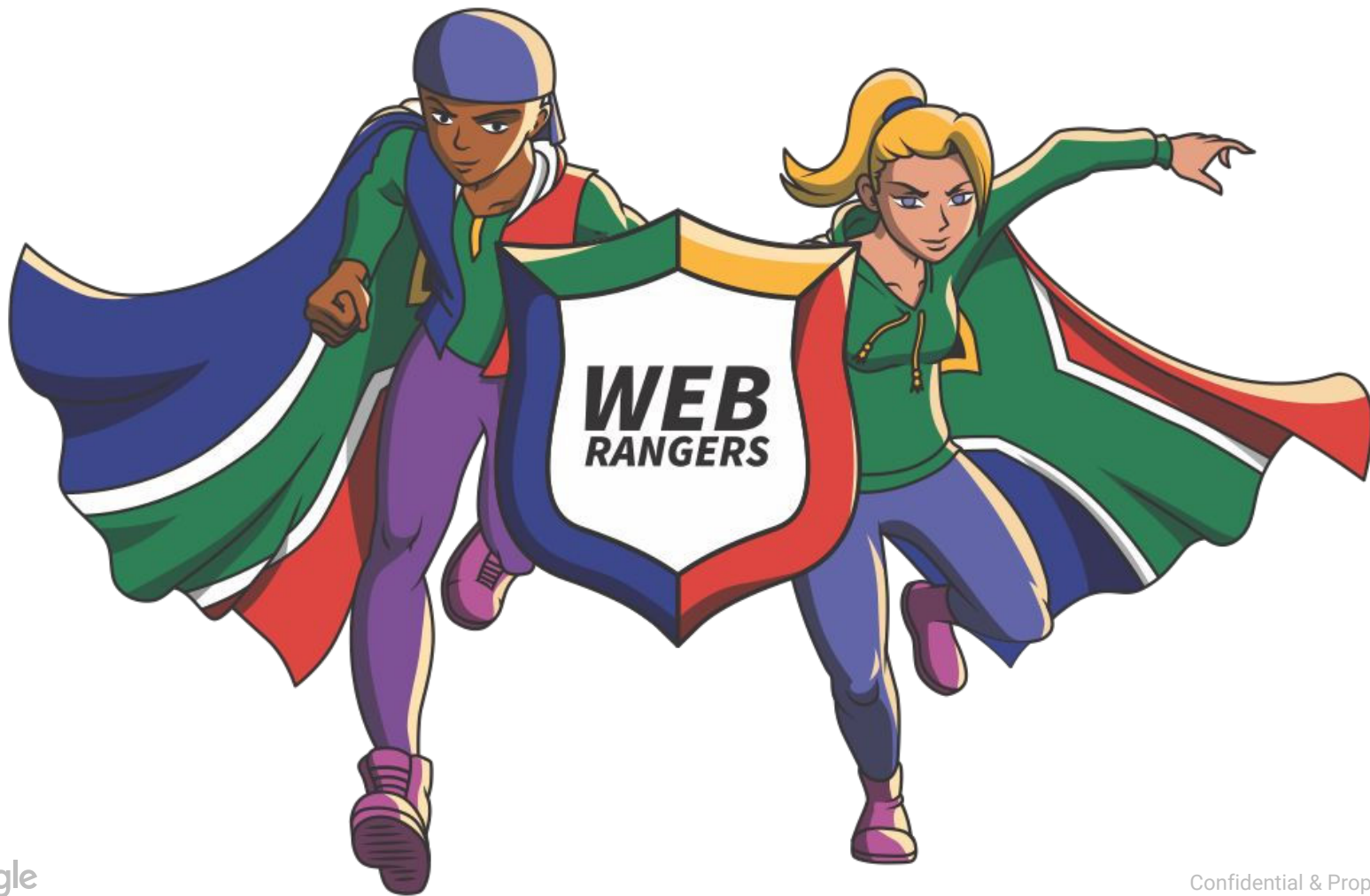
[Additional resources](#)

[Privacy and safety settings](#)

Digital Literacy

Focus on Digital Citizenship

- No pre-classification, filtering software or tools can, by themselves help protect children online. These efforts need to be supplemented by **digital literacy** programmes.
- There is a greater need to proactively equip children with the necessary skills required to navigate the Internet (digital literacy). Both the OECD and the International Telecommunications Union (ITU) recommend child protection strategies based on awareness raising and digital literacy programmes focusing on online safety, appropriate online behaviour, aimed at encouraging **digital citizenship** among children.
- It is submitted that this will have a **greater long-term impact** on the **effective** protection of children from abuse online.



Specific Comments on the Bill

Our submission

Is based on international best practices in which we believe that **legislative clarity**, **user education**, **empowerment** and **protection** the following should be the cornerstone of any national strategy that seeks to protect children online.

- Google is deeply committed to protecting children on the Internet and providing all of our users with a safe experience
 - our business depends on people being online -- and we need it to be a safe space
 - however, protecting kids is a responsibility we all share
- The submission deliberately focuses a lot on our tools and resources; and our policies / community guidelines - specifically to show that platform providers care about the same issues as policymakers: keeping children (and other users) safe online.

General observations on the Bill

- The Bill is potentially **unconstitutional** as some of the provisions seems to seek to limit constitutionally guaranteed freedoms and rights (pre-classification)
- The Bill focuses too much on '**protection**' at the expense of '**empowerment.**' Due to the dispersed nature of the Internet, and the sheer volume of content uploaded online, such approaches are not only unrealistic, but are also technically infeasible and unsustainable.
- The Bill still falls far short of **global standards and approaches**: government must work together with stakeholders to formulate a holistic approach to child protection, which includes legislative responsiveness, internationally standardised approaches to content classification, and programmes aimed educating all users on how to be safe online.
- There there seems to be a **disconnect** between the Bill and many other pieces of already existing legislation and we request that these be aligned.

Definitions / Terminology

- Although the terminology "**child pornography**" is used throughout this Bill, we note (and agree) with the latest approaches locally and internationally (for example, see the SALRC proposal (Issue Paper 30) that the term to use would be "**child [sexual] abuse material**" instead.
- We believe this will align the Bill with international approaches and terminology.

Public Participation Processes

- The Act currently does not provide for **public participation** in the development of regulations and directives undertaken by the Board, in terms of the Act.
 - Sections 4A and 31 provide wide ranging powers to the FPB Council and the Minister to issue directives of general application, including classification guidelines, fees payable, etc., but no provisions are made for the public to participate in the formulation and finalisation of such regulations.
- We submit that it would be **good practice** and in line with the requirements of the **Promotion of Administrative Justice Act (“PAJA”)** for provisions to be made in the Bill to allow for public participation in the drafting of policies, directives, regulations and other regulatory instruments to be promulgated under the Act. The Bill (and the Act) have wide-ranging implications and successful implementation will require the participation of all stakeholders, from policy formulation right up to implementation.

Classification Decisions (s18)

- Section 18 makes it clear that no digital film or digital game may be distributed in the Republic unless it has been classified in terms of section 18, and a clearly visible logo must be **“conspicuously” displayed** on the landing page of the website; the website catalogue; at the point of sale of the online distributor’s services
 - These requirements appear to have been formulated with a Video on Demand (VoD) service in mind and it is not clear if they will apply to **user generated content** (UGC) such as that found YouTube as well?
 - This requires a lot of technical infrastructure, re-engineering and is **costly**. It may not be feasible to implement such a measure on global platforms such as YouTube. We request that an exemption process be included in the Bill in respect of those online distributors who can show that it is **reasonably impracticable** to include the logo on their landing pages’ platforms.

Prohibition of content depicting violence against children (s18)

- We agree with the objects of this section. Google has a **zero tolerance** towards child sexual abuse material. We remove “child pornography” and any child sex abuse material (CSAM) immediately when we become aware of its presence on our search engine or and all content services and report all such instances to law enforcement officials.
- However, there are potential issues with the wording on this section - in order to commit an offence under this section, Google would have to have actual knowledge of the prohibited content, something which is not possible as we **do not monitor content** that users send and receive. This section needs to be aligned with Chapter XI of the Electronic Communications and Transactions Act (ECTA), which provides **limited liability for intermediaries** for unlawful content in their networks (provided they are unaware of it / have knowledge of it).

Approval of foreign classification systems by Board (s18D)

- This section of the Bill will allow the Board to approve, on application and against payment of a **prescribed fee**, the use by an “online distributor” of classification ratings used by a foreign classification authority or body. The Board would be able to attach such conditions to its approval as it considers necessary.
- We welcome this move by the Board, as global players such as Google already belong to internationally recognised classification systems such as the **International Age Ratings Coalition (IARC)**. We would, however, like to request that the Bill makes specific provision for international ratings systems, as well as acknowledge the use of internal community guidelines / ratings, in so far as they **meet the standards or requirements** of the Board.
- In addition, we would welcome clarity on the impact of the use of international age ratings systems on the fees payable locally to the FPB in order to avoid cases of **double taxation** on distributors

Complaints against digital content services (s18E)

- This section provides for complaints against online distributors in respect of “unclassified, prohibited content, or potentially prohibited content, in relation to services being offered online”.
 - The terms “hosting service”, “live content service” and “link service” are not defined in the Bill and the application of these provisions is accordingly unclear. For example, could this possibly apply to search engines such? Practically this seems unlikely (in our view), but reference to “link service” and “link deletion notice” add to the confusion. Therefore, we would like clarity on the definitions?
- Under the language of the Bill, it's not clear if this covers **user generated content** (UGC) as well? If so, this would be **technically infeasible**. The **Online Regulation Policy** makes it clear that the Board will not seek to regulate UGC proactively, specifically citing YouTube as an example. We would like to see an **alignment of approaches** between the Bill and the Policy.

Complaints against digital content services (s18E)

[cont'd]

- In addition, we would like to emphasise that the “offending content” should be **clarified and limited within the scope of the Act**. The types of content referred to in sections 16(2), 16(4) and 18(3) of the FPB Act are either forms of hate speech, incitement of violence, propaganda for war, etc. which are prohibited in the Constitution of the Republic of South Africa or are types of content which it is an offence to distribute anyway. Therefore, the FPB would be entitled to lay a complaint with the Police if such content is distributed online.
- This section seeks to empower the FPB to to institute criminal charges - we would require some sort of process to be put in place e.g. **court process** before such content is removed, in line with Section 77 of the ECTA. There is a strong argument that these provisions will be **unconstitutional** unless some form of right of reply is built in, given that the FPB wants to exercise administrative powers (**should the FPB be having such powers anyway?**).

Conclusion

While the objectives of the Bill are indeed **commendable**, we hope that our inputs on the need to align the clauses of the Bill with those of the Online Regulation Policy and other pieces of already existing legislation, international standards; as well as our calls for a more holistic approach to protecting children online will be incorporated by the Department.

Thank you!

fortunesibanda@google.com