

## New report from Justitia: Digital freedom of expression and social media

Every year, over 500,000 comments are deleted from five Danish Facebook pages – do you know who is deleting yours?

A new report on the deletion of comments on the Facebook pages of Danish news media shows that, for every deleted comment **subject to criminal liability, 36 ordinary expressions of opinion** are deleted. A total of 6.2% of the comments are deleted from these five pages, which a new analysis from the think tank *Justitia* in collaboration with *Common Consultancy* and *Analyse & Tal* has investigated.

The report is **the first of its kind in Denmark**, and it focuses on both the amount and content of the many deleted comments on the Facebook pages of five Danish news media. This The report hopes to remedy our lack of knowledge about how Facebook and Danish news media moderate public discussion.

Selected results from the report "Digital freedom of expression and social media":

1) **Extensive deletion** is taking place, since 6.2% of the comments on the Facebook pages of five Danish news media are being deleted. However, it may be they are deleted by Facebook, the news outlet, or the poster him- or herself.

2) Only **1.1%** of the deleted comments have been assessed to be **genuinely criminally liable** (for example, threats or racism). 6.0% may be viewed as threatening or racist but without being **criminally sanctionable**, and 24.9% are disdainful or extremely disdainful. 39.7% are general expressions of opinion. The last 28% are unintelligible.

3) For each criminally sanctionable comment that is deleted from the Facebook pages of Danish news media, **36 ordinary expressions of opinion are deleted**. The report estimates that, while 5,400 sanctionable comments a year are deleted, a total of **349,363 legal comments** are removed, including 213,191 general expressions of opinion about, for example, politics and social conditions.

4) Despite the deletions, **a large number of sanctionable comments remain** on the Facebook pages of the five Danish news media. For each sanctionable comment deleted, three-four illegal comments remain unchallenged.

**Jacob Mchangama**, director of Justitia, remarks: "The report shows that the majority of deleted content is not illegal or criminally sanctionable – or even detrimental to the debate. For each sanctionable comment, 36 general expressions of opinion are deleted, which corresponds to an estimated 214,000 a year. When we go after punishable content such as threats and defamation, many entirely lawful expressions of opinion also wind up in the dustbin. This means that, even though we must counter punishable, threatening, and harassing comments, we must also keep an eye on the proportionality and consequences of moderation."

**Eske Vinther-Jensen**, director of Common Consultancy, states: "We do not know who is really exercising power over our public conversation. We can only see that incredibly many expressions of opinion are being

deleted, but we cannot see who is actually deleting them. This lack of transparency is a democratic problem. At the same time, we can see that over 18,000 illegal utterances are allowed to remain – presumably, without consequence. Is it the job of the police, Facebook or the editor-in-chief of the media in question to keep tabs? We need an important democratic debate about the consequences of moderating our public digital conversation.”

### From death threats to ordinary comments

The report “Digital freedom of expression and social media” investigates which comments are being deleted from the Facebook pages of five Danish media. The relevant Facebook pages are for the two public service broadcasters, *DR News* and *TV2 News*, the daily *Politiken*, the tabloid *Ekstra-Bladet* and the fringe web media *Den Korte Avis*. From August 2019 to September 2019 a total of 724,206 comments on 3,987 posts were collected.

The study analyzes the deleted comments from a quantitative and a qualitative perspective and is the first of its kind in the world that is not done by Facebook itself. Thus, it is a very welcome contribution to the public debate on digital freedom of expression on social media, which is rich in rumor and poor in facts.

With the help of Facebook Graph API, the investigation has identified a total of 44,696 deleted comments for the period. This corresponds to 6.2% of the comments being deleted – by Facebook, by news media moderators, or by the commenters themselves. Unfortunately, it is not possible to say precisely who is doing the deleting and why, but the results of the investigation indicate that the moderation practice of the various media has great importance for how much is being deleted.

A randomly selected group of deleted comments has been divided into five groups in accordance with a legal assessment of their content in a Danish legal framework. The five groups are 1) criminally sanctionable expressions, 2) expressions that may be viewed as racist or threatening but are not assessed to be criminally punishable, 3) disdainful or extremely disdainful expressions, 4) general expressions of opinion, and 5) unintelligible expressions (for example, misspellings or tagging). While 1.1% of the deleted comments are assessed as being sanctionable, almost four out of ten are general expressions of opinion. Moreover, 28% of the deleted comments are unintelligible in their content or are unable to be assessed.

Category	Example
1.1% of the deleted comments were criminally sanctionable	Instead of 5 years in prison, burn him to death 🗑️🗑️
6.0% of the deleted comments were expressions that may be viewed as racist or threatening but are not assessed to be criminally sanctionable.	Remember to write clearly and distinctly before you click on the link that THE SELLER WAS A FUCKING JEW
24.9% were either disdainful or extremely disdainful.	Is she CRAZY ... and NOW THAT EGO BITCH SHOULDN'T GO AROUND THINKING she is much of anything..... "- I'm not exposing myself to a dangerous disease because you may have

	a bad habit, she says...SO GO TO HELL
39.7% of the deleted comments were general expressions of opinion.	Maybe, we should just adapt to a leftist government 4 extra years. All this nonsense in the Liberal Party leadership and now out in the ranks, it definitely makes the leftists stronger. And Chairman Jacob Ellegaard. It'll be no thanks from here on out.

Jacob Mchangama remarks: "Right now, one of the most important subjects in the public debate is the regulation of content on social media, especially Facebook, which has become an important part of our public sphere. Some believe that Facebook is an abyss of sludge and fake news, while others believe that the platform is a hothouse of political correctness that discourages critical thinking. Some believe that Facebook should delete much more content, while others believe that it deletes the wrong content. Therefore, we decided to investigate the actual relationship between deletions and content moderation on five Danish news pages."

"I think that these results call for a certain temperance when it comes to demanding more aggressive moderation on Facebook. We can see that the present approach leads to many legal statements being deleted and that legal comments on politics and social conditions, for example, are disproportionately hit. At the same time, the low overall numbers of problematic expressions indicate that Danes, by and large, can figure out how to behave properly on Facebook. At any rate, the problems are not necessarily solved by moderating them even more stringently."

Even though the investigation is extensive, it has only examined a small corner of the Danish Facebook landscape, which itself constitutes only a small portion of the many millions of posts and comments on Facebook globally. Nevertheless, it is crucial to illuminate the deletion practice on Danish Facebook pages, since Facebook has gradually become a central part of the Danish public sphere in which around 2/3 of Danes are on Facebook every single day.

"Therefore, we encourage Facebook and Danish news media to make more data available about their moderation practice, and we hope academics and experts will embrace the report's methodology, so we can have a better, fact-based foundation for discussing freedom of expression on social media," says Eske Vinther-Jensen.

The report may be found [here](#). (Sorry, in Danish only)

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