



Press Release HateAid gGmbH

Systemic failure: HateAid files a complaint against TikTok with the German Federal Network Agency

In it, the human rights organisation accuses TikTok of a massive violation of the Digital Services Act (DSA). The reason: HateAid had reported several illegal comments to the platform. These were created with so-called Algospeak. In more than two-thirds of the cases, there has been no reaction from TikTok for a period of at least three months to date. According to European legislation, the platform is obliged to process all reports of potentially illegal content submitted by users and to inform them of their moderation decisions "without undue delay".

Berlin, 14 February 2025

The reported contents are insults and incitement to hatred ("Volksverhetzung") which are formulated with the help of so-called "algospeak" in such a way that they presumably deliberately evade the platform restrictions. In this communication strategy, sensitive words, which could often be automatically recognised as problematic content by the platforms, are deliberately written differently or replaced by emojis. However, the content is still clearly recognisable to readers – but no longer to the filters of the platforms. This strategy is increasingly being used by anti-Semites, right-wing extremists and anti-feminists to spread anti-democratic content. HateAid's analysis shows that TikTok does not comply with the obligations under the DSA, or only insufficiently, if contents are written in this alternative language form.

Josephine Ballon, CEO of HateAid comments:

"We see evidence of a systemic failure of TikTok in moderating illegal content. Shortly before the German Bundestag elections, this is not only extremely dangerous for our democracy, but also real evidence of incapacity. Because laws are not recommendations. Apparently, it is necessary for us to remind the platforms of this even at such a critical time as now. The supervisory authorities must take urgent action."

HateAid has been observing for about a year how the platforms implement the European Digital Services Act which has been in force since February 2024. Article 16(5) of this provides, inter alia, that they must inform users "without undue delay" of their "decision in respect of the information to which the notice relates". This did not happen in more than two-thirds of the notices filed by HateAid. Overall, it seems questionable whether these have been processed by TikTok at all. In the remaining cases, the platform responded to the submitted report, but did not remove the content even after a complaint. These were comments that contained clear insults or obvious incitement to hatred.

The DSA's complaints process provides for the Federal Network Agency to now examine these and supplement them with its own assessment. It can then forward the complaint to the European Commission, which is responsible for supervising very large online platforms in the European Union. This could also impose a fine of up to 6 % of its global annual sales in the event of a proven systemic failure of TikTok.



About HateAid gGmbH

The nonprofit organisation HateAid was founded in 2018 and has its headquarters in Berlin. It advocates for human rights in the digital space and stands up against digital violence and its consequences at both social and political levels. HateAid provides support to people affected by online violence in the form of counselling and litigation financing. Its CEOs are Anna-Lena von Hodenberg and Josephine Ballon.

HateAid was awarded the Theodor Heuss Medal 2023.

For more information about HateAid gGmbH please visit our website: <https://hateaid.org/>

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