



Submission to the Third UNESCO Consultation on Draft 2.0 of the Guidelines for regulating digital platforms: a multi-stakeholder approach to safeguarding freedom of expression and access information

Overall draft 2.0 Guidelines

This section provides you with an opportunity to comment on each paragraph of the Guidelines, offering specific feedback about how you believe the document might be improved.

14.Introduction

Paragraph 1

In November 1945, UNESCO was created with the mission of “contributing to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world.”² UNESCO’s global mandate, which includes the promotion of “the free flow of ideas by word and image”, has guided the Organization’s work for nearly 80 years—as a laboratory of ideas, a clearing house, a standard-setter, a catalyst and motor for international cooperation, and a capacity-builder. This history has shaped our mandate within the United Nations system to protect and promote freedom of expression, access to information, and safety of journalists.

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15.Paragraph 2

Building upon relevant principles, conventions, and declarations over the past decade, the UNESCO Secretariat is now developing, through multistakeholder consultations and a global dialogue, Guidelines for regulating digital platforms: a multistakeholder approach to safeguarding freedom of expression and access to information (the Guidelines).

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A multistakeholder approach requires meaningful regional representation and consultation, which were unfortunately limited as part of the elaboration of these guidelines. Since the start of the process, we have not observed sufficient publicly available information or guidelines on UNESCO's stakeholder engagement and consultation with the global community. To date, it remains unclear which and how many stakeholders UNESCO has engaged with during this process, who contributed to the first draft of the Guidance (e.g. civil society, private companies, academia, and States), the number of participants, their respective countries or regions, languages considered and the comments they provided. Without more transparency and inclusiveness in this process, the content and outcomes of these Guidelines are at risk of reflecting the views of only a few stakeholders.

16.Paragraph 3

This endeavour also builds upon UNESCO's work in the domain of broadcast regulation over several decades and furthers the Organization's Medium-Term Strategy for 2022–2029 (41 C/4).

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17.Paragraph 4

In 2015, UNESCO's General Conference endorsed the ROAM principles,⁴ which highlight the importance of human rights, openness, accessibility, and multi-stakeholder participation to the development, growth, and evolution of the internet. These principles recognize the fundamental need to ensure that the online space continues to develop and be used in ways that are conducive to achieving the Sustainable Development Goals.

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18.Paragraph 5

UNESCO's 41st General Conference endorsed the principles of the Windhoek+30 Declaration⁵ in November 2021, following a multistakeholder process that began at the global celebration of World Press Freedom Day in May of that year. The Declaration recognized information as a public good and set three goals to guarantee that shared resource for the whole of humanity: the transparency of digital platforms, citizens empowered through media and information literacy, and media viability. In speaking about information as a public good, UNESCO recognizes that this universal entitlement is both a means and an end for the fulfilment of collective human aspirations, including the 2030 Agenda for Sustainable Development. Information empowers citizens to exercise their fundamental rights, supports gender equality, and allows for participation and trust in democratic governance and sustainable development, leaving no one behind.

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19.Paragraph 6

The focus of the Guidelines on challenges related to freedom of expression and access to information complement the Organization's work in the areas of education, the sciences, and culture. This includes UNESCO's Recommendation on the Ethics of Artificial Intelligence,⁶ the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions,⁷ and the MONDIACULT Declaration of 2022.

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20.Paragraph 7

The current version of the Guidelines was produced through a multistakeholder consultation process that began in September 2022. Draft 2.0 will be discussed and consulted during the Internet for Trust Global Conference, to be held at UNESCO Headquarters in Paris from 21 to 23 February 2023. Subsequently, a revised draft of the Guidelines will be circulated for further consultations with a view towards finalization in the months following the Conference.

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The Access Now team participated in the Internet for Trust Global Conference held at UNESCO Headquarters in Paris from 21 to 23 February 2023. While there were great high-level discussions around content governance issues, there were no actual consultation discussions on the current draft. The conference successfully gathered important experts in content governance and platform accountability, and yet s e, it is not exactly clear how the feedback was collected during the conference. As a result, we cannot assess the quality of the aforementioned consultation process or even consider it a fair process due to the lack of transparency and clarity on the methodology used by the drafters. Furthermore, our global team of experts on free expression based in more than 13 countries around the world was not invited to participate in specific meetings and roundtable organised by the Guidelines' drafters which meant that our contributions and inputs were limited.

21.The objective of the Guidelines**Paragraph 8**

The aim of the Guidelines is to support the development and implementation of regulatory processes that guarantee freedom of expression and access to information while dealing with content that is illegal⁹ and content that risks significant harm to democracy and the enjoyment of human rights.¹⁰ They call for States to apply regulation in a manner consistent with international human rights standards and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

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It is important that the scope of the Guidelines is now narrowed to protect speech and avoid not replicating restrictive measures deployed by states that end up limiting or criminalising speech .

For instance, Including illegal content online to the scope opens challenges connected to states' regulation of private actors that must be tackled with political and legal contextual sensitivity.

The term "illegal content" may be broad enough to be abused in countries with fragile democracies or authoritarian regimes where freedom of expression is restricted through the creation or implementation of laws and regulation that criminalize protected speech under the International Covenant on Civil and Political Rights (ICCPR), or may even involve the deprivation of liberty of those who make such expressions or if digital platforms do not comply with government's request for the removal of such alleged "illegal content".

Finally, we caution the Guidelines drafters to also recognise the different nature of services that digital platforms provide.

22.Paragraph 9

The Guidelines may serve as a resource for a range of stakeholders: for policymakers in identifying objectives, principles, and processes that could be considered in policy making; for regulatory bodies dealing with the implementation of regulation; for digital platforms in their policies and practices; and for other stakeholders, such as civil society, in their advocacy and accountability efforts.

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23.Paragraph 10

1Te Guidelines will inform regulatory processes under development or review for digital platforms, in a manner that is consistent with international human rights standards. Such regulatory processes should be led through an **open, transparent, multistakeholder, and evidence-based manner**.

a. The scope of these Guidelines includes digital platforms that allow users to disseminate content to the wider public, including social media networks, messaging apps, search engines, app stores, and content- sharing platforms. Bodies in the regulatory system should define which digital platform services are in scope, and also identify the platforms by their size, reach, and the services they provide, as well as features such as whether they are for-profit or non-profit, and if they are centrally managed or if they are federated or distributed platforms.

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We welcome the goal of the UNESCO Guidelines to strengthen accountability and the protection of human rights online. The Guidelines address the most complex regulatory and policy issues in relation to online speech: 1) developing adequate response to the

dissemination of illegal content as well as potentially harmful but legal content online; and 2) advancing general regulation of online speech and user generated content. These are deeply context dependent issues, shaped by socio-legal realities of specific jurisdiction around the world. Aiming to regulate or create a global framework for these measures may ignore local and regional speech protection on which people are dependent to express themselves freely online.

Similarly, regulatory frameworks addressing the model of intermediary liability significantly varies across national jurisdictions. As a global human rights organization, we have witnessed how even well intended interventions designed to combat illegal content or to curb problematic speech were used to silence vulnerable groups and to censor critical voices, dissidents, journalists, or human rights defenders.

We support UNESCO efforts to enforce compliance with international human rights law in the online ecosystem. **To achieve this objective, we recommend that UNESCO focus its effort in drafting and adopting a Declaration of principles on these important issues, in contrast to more enforceable Guidelines. A Declaration would enable UNESCO and States to advance crucial international human rights law and accountability commitments while acknowledging the existing complexities surrounding the context-dependent regulatory challenges of measures on online speech. The Declaration can pave the way to further global dialogue on these challenges that can hardly be resolved universally but for which accountability regimes and regular exchanges are necessary.**

24.Paragraph 11

The Guidelines will:

- a. **Enrich and support a global multistakeholder shared space** to debate and share good practices about digital platform regulation to protect freedom of expression and access to information, while dealing with content that is illegal under international human rights law and content that risks significant harm to democracy and the enjoyment of human rights, gathering different visions and a broad spectrum of perspectives.
- b. **Serve as a tool for all relevant stakeholders** to advocate for human rights-respecting regulation and to hold government and digital platforms accountable.
- c. **Add to existing evidence-based policy approaches** that respect human rights, ensuring alignment where possible.

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25.Paragraph 12

The Guidelines will **contribute to ongoing UN-wide processes**, such as the implementation of the proposals in “Our Common Agenda,” including the development of the Global Digital Compact, the preparation of the UN Summit of the Future to be held in September 2024, and the creation of a Code of Conduct that promotes integrity in public information. The Guidelines

will also feed into discussions about the upcoming 20-year review of the World Summit on the Information Society (WSIS) and the Internet Governance Forum (IGF) in 2025.

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26. Structure of the Guidelines

Paragraph 13

The Guidelines start by setting out the overall approach to regulation. They continue by outlining the responsibilities of different stakeholders in fostering an environment for freedom of expression, access to information, and other human rights. This includes:

- a. States' duties to respect, protect, and fulfil human rights.
- b. The responsibilities of digital platforms to respect human rights.
- c. The role of intergovernmental organizations.
- d. The role of civil society, media, academia, the technical community, and other stakeholders in the promotion of human rights.

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Based on our comment in Point 23, Paragraph 10, we urge UNESCO drafters to change the nature of this document from the Guidelines to **Declaration of principles**.

27. Paragraph 14

Then the Guidelines propose some preconditions that should be considered in the establishment of an independent regulatory system, regarding its constitution, powers, and external review.

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We welcome the recognition that establishing independent bodies for platform regulation requires robust and healthy democratic governance systems. However, given that UNESCO has no mandate to enforce such preconditions in non-democratic jurisdictions, we remain concerned that the Guidelines could be abused to further restrict exercising human rights online. We, therefore, reiterate our recommendation made earlier in Paragraph 10 to move from Guidelines to a Declaration of Principles.

28. Paragraph 15

Finally, it describes the areas where digital platforms should have structures and processes in place to fulfil the objective of the regulation.

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29.Paragraph 16

It is important to underscore that this document should be considered in its entirety. The adoption or implementation of specific provisions on their own will not be sufficient to achieve the regulatory goals.

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30.Approach to regulation

Paragraph 17

The goal of any regulation of digital platforms that intends to deal with illegal content and content that risks significant harm to democracy and the enjoyment of human rights should include guaranteeing freedom of expression, the right to access information, and other human rights. This goal should be established in law and be drawn up after an open, transparent, multistakeholder, and evidence-based process.

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This paragraph is inconsistent with paragraph 8 where the scope of the Guidelines is limited to the implications of a problematic term such as "illegal content". In this paragraph the purpose of the Guidelines are expanded to vague terms such as "the content that risks significant harm to democracy and the enjoyment of human rights". Illegal content can impose systemic risks to human rights and fundamental freedoms as well as much as potentially harmful but legal content. We propose to use clear and consistent terminology across the Guidelines, such as "potentially harmful but legal content " and illegal content". In order to mitigate systemic risks stemming from such content and especially from online platforms' systems and processes that they deploy (including algorithmic content moderation and content curation), the emphasis should be placed on due diligence obligations of online platforms as prescribed by the UN Guiding Principles on Business and Human Rights (UNGPs). We strongly encourage the UNESCO team to consult and cooperate with the UN agencies and UN projects focusing on due diligence in the tech sector, including the UN B-Tech Project and the Due Diligence Guidelines developed by the OHCHR.

31.Paragraph 18

Regulation should focus mainly on the systems and processes used by platforms, rather than expecting the regulatory system to judge the appropriateness or legality of single pieces of content. Any specific decisions about the legality of specific pieces of content should follow due process and be open to review by a judicial body, following the three-part test on legitimate restrictions to freedom of expression as laid out in the ICCPR, and where relevant, the six-point

threshold for defining criminal hatred that incites to discrimination, hostility, or violence outlined in the Rabat Plan of Action.

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We suggest improving the terminology of this paragraph as follows: “**impartial and independent** judicial body”; “**the criminal prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence** outlined in the Rabat Plan of Action”.

32.Paragraph 19

Within regulation, digital platforms are expected to be transparent about the systems and processes used to moderate and curate content on their platforms and how those systems and processes fulfil the goal of regulation. If the established goal is not being fulfilled, the regulatory system should have the power to require the digital platform to take further action, as described in paragraph 46(f). The regulator will expect digital platforms to adhere to international human rights standards in the way they operate and to be able to demonstrate how they are implementing these standards and other policies contained in their terms of service.

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The goal of each regulation in national jurisdiction will vary and not every national regulation that seeks to establish platforms’ accountability has a proper legitimate aim. The further steps that regulatory authorities should take as described in Article 46(f) are unclear and do not account for potential abuse of state powers.

This paragraph seems to confuse state-regulation and self-regulation. While terms of service should adhere to international human rights law, states should not be encouraged to informally pressure platforms to comply with their political agenda, especially when states are using platforms’ terms of service to demand removals of user-generated content due to contractual violations. A typical example of such an action are so-called internet referral units that operate in non-transparent manner, using platforms’ terms of service as a tool to censor legitimate speech. Referrals issued by these bodies can have far-reaching consequences for human rights, as removals based on platforms’ terms of service have global implications.

33.Paragraph 20

Alongside the regulation of digital platforms, it is essential that key media and information literacy skills for users are promoted, including by the platforms themselves. This enables users to engage critically with content and technologies, navigate a rapidly evolving media and information landscape marked by the digital transformation, and build resilience in the face of related challenges.

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34.Paragraph 21

The current approach taken by these Guidelines is one of co-regulation, implying that the State, on the one hand, provides a legal framework that enables the creation, operationalization, and enforcement of rules, and self-governing bodies, on the other hand, create rules and administer them, sometimes through joint structures or mechanisms. This should be done in accordance with international human rights law and under the public scrutiny of civil society organizations, journalists, researchers, and other relevant institutions in a system of checks and balances.

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This interpretation of co-regulation is not accurate. Co-regulation is the framework where the state and private actors cooperate to create an ad hoc framework to address a public policy problem. It can also cover situations where industry associations adopt codes, adherence to which can be used to demonstrate compliance with legal obligations. For instance, the European Court of Human Rights has stated that self- and co-regulatory mechanisms may be acceptable, on the condition that they include effective guarantees of rights and effective remedies for violations of rights. For co-regulatory measures, the Court demands a considerable degree of government involvement such as the approval of the rules. The guidelines seem to conflate state regulation with co-regulation (see Paragraph 14 in Point 27 of the Guidelines: *“the Guidelines propose some preconditions that should be considered in the establishment of an independent regulatory system, regarding its constitution, powers, and external review.”*). Recommendations above are specifically addressed to states. They should comply with those when designing state regulation. For instance measures addressing intermediary liability and general monitoring are usually included in laws and regulations enforced by states against the dissemination of illegal content online. The scope of the guidelines needs to be clarified and properly narrowed, otherwise inconsistencies described above will prevail.

35. Enabling environment

Paragraph 22

To accomplish the goal of regulation, all stakeholders involved have a role in sustaining an enabling environment for freedom of expression and the right to information, while dealing with content that risks significant harm to democracy and the enjoyment of human rights.

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This paragraph is inconsistent with paragraph 8 and 17.

As aforementioned, we propose to use clear and consistent terminology across the Guidelines, such as potentially harmful but legal content and illegal content.

36. Paragraph 23

Creating a safe and secure internet environment for users while protecting freedom of expression and access to information is not simply an engineering question. It is also a responsibility for societies as a whole and therefore requires whole-of-society solutions.

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37.States' duties to respect, protect, and fulfil human rights

Paragraph 24

States have a particular duty to promote and guarantee freedom of expression and the right to access information, and to refrain from censoring legitimate content.

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We suggest adding to the wording of Paragraph 24 the following: **States have obligations and duties under international law to respect, promote and guarantee human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights, mainly a particular duty to promote and guarantee freedom of expression and the right to access information, and to refrain from censoring legitimate content.**

38.Paragraph 25

A key element of an enabling environment is the positive obligation to promote universal and meaningful access to the internet. In 2011, in the Joint Declaration on Freedom of Expression and the Internet, the special international mandates on freedom of expression indicated: "Giving effect to the right to freedom of expression imposes an obligation on States to promote universal access to the Internet."

Enter your answer (no character limit)

We suggest to elaborate on positive obligations of states as follows: States have positive obligations to protect human rights against unjustified interferences by private actors, including digital platforms.

39.Paragraph 26

Moreover, it is a responsibility of the State to be transparent and accountable about the requirements they place upon digital platforms.

Enter your answer (no character limit)

The principle of legal certainty and legal predictability, essential preconditions for the rule of law, should be included in the wording of this paragraph. States should draft regulatory frameworks in a compliant manner with these principles.

40.Paragraph 27.a

Specifically, States should:

a. Respect the requirements of Article 19(3) of the ICCPR: any restrictions applied to content should have a basis in law, have a legitimate aim, and be necessary and proportional, ensuring that users' rights to freedom of expression, access to information, equality and non-discrimination, autonomy, dignity, reputation, privacy, association, and public participation are protected.

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41.Paragraph 27.b

Specifically, States should:

b. Provide an effective remedy for breaches of these rights.

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42.Paragraph 27.c

Specifically, States should:

c. Ensure that any restrictions imposed upon platforms consistently follow the high threshold set for defining legitimate restrictions on freedom of expression, on the basis of the application of Articles 19 and 20 of the ICCPR.

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The following should be added to the wording of this Paragraph: **States should impose the least restrictive measures, in line with principles of proportionality and necessity.**

43.Paragraph 27.d

Specifically, States should:

d. Be open, clear, and specific about the type, number, and legal basis of requests they make to digital platforms to take down, remove, and block content. States should be able to demonstrate how this is consistent with Article 19 of the ICCPR.

Enter your answer (no character limit)

Removal requests should be categorized by the type of illegal content concerned, the name of the public authority issuing the order, and the median time needed to inform the authority issuing the order, or any other authority specified in the order, of its receipt, and to give effect to the order.

44.Paragraph 27.e

Specifically, States should:

e. Refrain from disproportionate measures, particularly prior censorship and internet shutdowns, under the guise of combatting disinformation or any other reason inconsistent with the ICCPR.

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The wording should be adjusted as follows: **“prior restraints on the right to freedom of expression, including censorship and internet shutdowns, in violation of international human rights law”**

45.Paragraph 27.f

Specifically, States should:

f. Refrain from imposing a general monitoring obligation or a general obligation for digital platforms to take proactive measures to relation to illegal content. Digital platforms should not be held liable when they act in good faith and with due diligence, carry out voluntary investigations, or take other measures aimed at detecting, identifying, and removing or disabling access to illegal content.

Enter your answer (no character limit)

We recommend adding the following: “Digital platforms do not have the actual knowledge or awareness about the presence of illegal content on their service” However, while prohibition of general monitoring is an essential safeguard for protection of human rights online, the prohibition is normally included in legislative frameworks tackling intermediary liability. This is confirmed by the following wording of Paragraph 27.f that moves away from the prohibition of general monitoring and cites basic criteria that digital platforms must comply with in order to benefit from safe harbors under domestic legal orders. Should this remain in the scope of the guidelines, we encourage the drafters to reject strict models of intermediary liability that have a direct correlation between restrictive liability laws, the over-regulation of content, and the increased censorship, monitoring and restrictions of legitimate and lawful online expression. We also would like to remind the drafters of the 2014 UNESCO report on fostering freedom online and the role of internet intermediaries that provides a comprehensive overview of regulatory objectives pursued by the states, which in turn have a direct impact on how, and to what extent, intermediaries are compelled to restrict freedom of expression online.

46.Paragraph 27.g

Specifically, States should:

g. Refrain from subjecting staff of digital platforms to criminal penalties for an alleged or potential breach of regulations in relation to their work on content moderation and curation, as this may have a chilling effect on freedom of expression.

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47.Paragraph 27.h

Specifically, States should:

h. Promote media and information literacy, including in digital spaces, as a complementary approach to regulation with the aim of empowering users. This should draw upon the expertise

of media and information literacy experts, academics, civil society organizations, and access to information institutions.

Enter your answer (no character limit)

48.Paragraph 27.i

Specifically, States should:

i. Ensure that the regulatory system with responsibilities in this area is structured as independent and has external review systems in place (see paragraphs 47–49) such as legislative scrutiny, requirements to be transparent and consult with multiple stakeholders, and the production of annual reports and regular audits.

Enter your answer (no character limit)

The States should also ensure that public authorities responsible for oversight of such regulatory frameworks have sufficient in-house resources and expertise to conduct adequate oversight and effective enforcement, including human rights and tech experts. The lack of resources is one of the most cited reasons behind ineffective enforcement of regulations around the world.

49.The responsibilities of digital platforms to respect human rights

Paragraph 28. a

Digital platforms should comply with five key principles:

a. **Platforms respect human rights in content moderation and curation.** They have content moderation and curation policies and practices consistent with human rights standards, implemented algorithmically and through human means, with adequate protection and support for human moderators.

Enter your answer (no character limit)

According to the UN Guiding Principles on Business and Human Rights, digital platforms should respect human rights, meaning they should avoid infringing on the human rights of others, and should address adverse human rights impacts with which they are involved (UN Guiding Principle 11). This responsibility goes beyond content moderation and content curation and should be underlined across the text of the Guidelines. Especially in the course of an investigation, they can be used to assess the compliance of a public-private partnership with human rights standards - which we believe should be the main purpose of the Guidelines.

50.Paragraph 28.b

b. **Platforms are transparent**, being open about how they operate, with understandable and auditable policies. This includes transparency about the tools, systems, and processes used to moderate and curate content on their platforms, including in regard to automated processes.

Enter your answer (no character limit)

We caution the drafters not to provide 'one size fits all' recommendations on transparency. It is essential that there is a set of transparency criteria that provide minimum standards all digital platforms have to comply with, as proposed by the Santa. Clara Principles on Transparency and Accountability in Content Moderation. While transparency is an ultimate precondition to meaningful accountability, some additional criteria should be requested from large platforms, especially in relation to their online advertising systems (ad delivery techniques & targeting), tracking users and non-users behavior and content recommender systems. We also encourage drafters to adopt a tiered approach to transparency, namely: User-centric transparency measures; Transparency measures to enable scrutiny by public authorities; Specific requirements for content recommender systems in line with potential broader obligations for algorithmic decision-making systems.

51.Paragraph 28.c

c. **Platforms empower users** to understand and make informed decisions about the digital services they use, including helping them to assess the information on the platform.

Enter your answer (no character limit)

While transparency is essential, it is not a silver bullet solution that will immediately lead to users' empowerment.

52.Paragraph 28.d

d. **Platforms are accountable to relevant stakeholders**, to users, the public, and the regulatory system in implementing their terms of service and content policies, including giving users rights of redress against content-related decisions.

53.Paragraph 28.e

e. **Platforms conduct human rights due diligence**, evaluating the risks and impact on human rights of their policies and practices.

Enter your answer (no character limit)

It is not clear from the wording whether due diligence obligations such as risk assessment, human rights impact assessment and mitigations risks measures should apply to all digital platforms as defined in Paragraph 10.1.a of the Guidelines or only to large platforms. This should be clarified, taking into consideration the size, reach and resources as well as nature of the service platform provides. For instance, the issue of deceptive design or dark patterns is completely omitted by the Guidelines which is a huge missed opportunity, given the possibility of international standards being developed in this area.

54.Paragraph 29

To follow these principles, there are specific areas on which digital platforms have a responsibility to report to or act before the regulatory system. These areas are described in paragraphs 50–105.

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55.The role of intergovernmental organizations

Paragraph 30

Intergovernmental organizations, in line with their respective mandates, should support relevant stakeholders in guaranteeing that the implementation of these guidelines is in full compliance with international human rights law, including by providing technical assistance, monitoring and reporting human rights violations, developing relevant standards, and facilitating multistakeholder dialogue.

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It is difficult to properly understand how intergovernmental organizations will be able to achieve this goal, given significant differences in their mandates. Intergovernmental organizations that have legislative and law-making powers may be expected to have sufficient technical resources necessary for adequate monitoring of compliance with international human rights law. This might not be the case for all intergovernmental organizations.

56.The role of civil society and other stakeholders

Paragraph 31

Every stakeholder engaged with the services of a digital platform as a user, policymaker, watchdog, or by any other means, has an important role to play in supporting freedom of expression, access to information, and other human rights. Toward this end, the process of developing, implementing, and evaluating every regulation should take a multistakeholder approach; a broad set of stakeholders should also be engaged in oversight.

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57.Paragraph 32

Civil society plays a critical role in understanding the nature of and countering abusive behaviour online, as well as challenging regulation that unduly restricts freedom of expression, access to information, and other human rights.

Enter your answer (no character limit)

In order for civil societies to play their critical role effectively, they need proper access to digital platforms, their decision makers and formalized channels with regulators and policymakers that will facilitate multistakeholder approach in a meaningful way. Social media platforms must engage with local and regional human rights experts, civil society organizations, and other relevant stakeholders to advise on and monitor each platform's response and the impact their self-regulatory measures have on human rights. National regulators and policymakers should establish proper expert groups and advisory committees where CSOs' representatives are adequately represented and can contribute to developing regulatory standards in this area. While multistakeholder approach is being emphasized throughout the text of the Guidelines, regrettably, the Guidelines fail to provide any granular operational recommendations how to safeguard CSOs active role in consultations on the operation of the self-regulatory and regulatory system.

58.Paragraph 33

Researchers have a role in identifying patterns of abusive behaviour and where the possible root causes could be addressed; researchers should also be able to provide independent oversight of how the regulatory system is working. Independent institutions and researchers can support risk assessments, audits, investigations, and other types of reports on platforms' practices and activities.

Enter your answer (no character limit)

59.Paragraph 34

Media and fact-checking organizations have a role in promoting information as a public good and dealing with content that risks significant harm to democracy and the enjoyment of human rights on their own platforms.

Enter your answer (no character limit)

60.Paragraph 35

Engineers, data scientists, and all the technical community involved also have a role in understanding the human rights and ethical impacts of the products and services they are developing.

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61.Paragraph 36

All of these stakeholders should have an active role in consultations on the operation of the regulatory system.

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Please, see our comment in point 57, paragraph 32.

62.The regulatory system

Paragraph 37

There are vastly different types of bodies involved in online regulation throughout the world. They range from existing broadcast and media regulators who may be asked to take on the role of regulating content online, to newly established dedicated internet content regulators or communications regulators given an extended remit. There may also be overlap in some states with advertising or election bodies, or with information commissioners or national human rights institutions. Some regulators exist independently of the government while others are constituted as government agencies.¹⁵ Recognising the complexity of this environment, these Guidelines are meant to be generally applicable to any system of regulation, irrespective of its specific modalities, and accept that local contexts will impact how regulation is enacted and implemented.

Enter your answer (no character limit)

The local context and specificity does not impact only the way how regulatory frameworks are being enacted but how they are being shaped, drafted and negotiated. Precisely due general application of this text across the world regions, we strongly urge the drafters to change its nature and character **from Guidelines to Declaration of principles.**

63.Paragraph 38

Whatever form it takes, any process that establishes a regulatory system for digital platforms should be open and transparent and include multistakeholder consultation. Additionally, achieving the goal of regulation requires the existence of an independent regulatory system that allows regular multistakeholder consultation on its operation.

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64.Paragraph 39

The World Bank stated that the key characteristic of the independent regulator model is decision-making independence. A guiding document on broadcast regulation commissioned by UNESCO (2006) also highlighted that “an independent authority (that is, one which has its powers and responsibilities set out in an instrument of public law and is empowered to manage its own resources, and whose members are appointed in an independent manner and protected by law against unwarranted dismissal) is better placed to act impartially in the public interest and to avoid undue influence from political or industry interests.”

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65.Paragraph 40

The proposal below is divided into three sections: the constitution of an independent regulatory system, its powers, and suggested provisions for review.

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66.Constitution

Paragraph 41

Any regulatory system—whether comprised of a single body or multiple overlapping bodies—which **assesses applications or performs inspectorial, investigative, or other compliance functions** over how digital platforms conduct content moderation and curation, needs to be independent and free from economic or political pressures.

Enter your answer (no character limit)

These regulatory systems should also be free of any corporate capture and influence.

67.Paragraph 42

The regulatory system must have sufficient funding to carry out its responsibilities effectively. The sources of funding must also be clear, transparent, and accessible to all and not subject to the decisions of the regulator(s).

Enter your answer (no character limit)

The regulatory systems also need to possess sufficient in-house expertise, including technologists and human rights experts.

68.Paragraph 43

Officials or members of the regulatory system should:

- a. Be appointed through a participatory and independent merit-based process.

- b. Be accountable to an independent body (which could be the legislature, an external council, or an independent board/boards).

- c. Have relevant expertise in international human rights law.

d. Deliver a regular public report to an independent body (ideally the legislature) and be held accountable to it, including by informing the body about their reasoned opinion.

e. Make public any possible conflict of interest and declare any gifts or incentives.

f. After completing the mandate, not be hired or provide paid services to those who have been subject to their regulation, and this for a reasonable period, in order to avoid the risk known as “revolving doors.”

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69.Powers

Paragraph 44

The regulatory system should primarily focus on the systems and processes used by digital platforms to moderate and curate content, rather than making judgements about individual pieces of content. The system should also look at how digital platforms promote freedom of expression and access to information and the measures it has established to deal with illegal content and content that risks significant harm to democracy and the enjoyment of human rights.

Enter your answer (no character limit)

70.Paragraph 45

The regulatory system should have the power to assess applications or perform inspectorial, investigative, or other compliance functions over digital platforms to fulfil the overarching goals to protect freedom of expression and access to information, while moderating illegal content and content that risks significant harm to democracy and the enjoyment of human rights, in a way consistent with the provisions of Article 19 of the ICCPR.

Enter your answer (no character limit)

We would welcome more clarifications on safeguards that the UNESCO drafting team envisions if such inspectorial and investigative powers are in hands of authoritarian regimes with the tradition of adopting for instance, “foreign agent” laws or excessive and disproportionate criminal laws.

71.Paragraph 46.a

To fulfil the goal of regulation, the regulatory system should have the following powers:

a. Establish standardized reporting mechanisms and formats. Ideally, reports should be made annually in a machine-readable format.

Enter your answer (no character limit)

72.Paragraph 46.b

Commission off-cycle reports if there are exigent emergencies, such as a sudden information crisis (such as that brought about by the COVID- 19 pandemic) or a specific event which creates vulnerabilities (for example, elections or protests).

Enter your answer (no character limit)

73.Paragraph 46.c

Summon any digital platform deemed non-compliant with its own policies or failing to protect users. Any decision by the regulator should be evidence-based, the platform should have an opportunity to make representations and/or appeal against a decision of non-compliance, and the regulatory system should be required to publish and consult on enforcement guidelines and follow due process before directing a platform to implement specific measures.

Enter your answer (no character limit)

74.Paragraph 46.d

Commission a special investigation or review by an independent third party if there are serious concerns about the operation or approach of any platform or an emerging technology when dealing with illegal content or content that risks significant harm to democracy and the enjoyment of human rights.

Enter your answer (no character limit)

75.Paragraph 46.e

Establish a complaints process that offers users redress should a platform not deal with their complaint fairly, based on the needs of the public they serve, the enforcement powers they have in law, their resources, and their local legal context.

Enter your answer (no character limit)

76.Paragraph 46.f

Oversee the fulfilment by the digital platforms of the five principles detailed in these guidelines, taking necessary and proportional enforcement measures, in line with international human rights law, when platforms consistently fail to implement these principles.

Enter your answer (no character limit)

77.Review of the regulatory system

Paragraph 47

There should be a provision for a periodic independent review of the regulatory system, conducted by a respected third party, reporting directly to the legislature.

Enter your answer (no character limit)

78.Paragraph 48

Any part of the regulatory system should act only within the law in respect of these powers, respecting fundamental human rights—including the rights to privacy and to freedom of expression. It should be subject to review in the courts if it is believed to have exceeded its powers or acted in a biased or disproportionate manner.

Enter your answer (no character limit)

79.Paragraph 49

Decisions on eventual limitations of specific types of content must be allowed to be reviewed by an independent judicial system, following a due process of law.

Enter your answer (no character limit)

80.Responsibilities of digital platforms

Paragraph 50

Digital platforms should respect human rights and adhere to international human rights standards in accordance with the UN Guiding Principles on Business and Human Rights.

Enter your answer (no character limit)

Nothing to add

81.Paragraph 51

According to the five principles set above, digital platforms are expected to have structures and processes in place and should be accountable to the regulatory systems, in line with the powers described above, in the following areas:

Enter your answer (no character limit)

Nothing to add

82.Principle 1. Platforms respect human rights in content moderation and curation

Content moderation and curation policies and practices

Paragraph 52

Digital platforms should ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices.

Enter your answer (no character limit)

Nothing to add

83.Paragraph 53

The content moderation and curation policies of digital platforms should be consistent with the obligations of corporations to respect human rights, as set out in the UN Guiding Principles on Business and Human Rights and other established international human rights standards.

Enter your answer (no character limit)

We suggest sticking to the accurate wording as provided by the UN Guiding Principles: protect, respect, remedy.

84.Paragraph 54

Content moderation and curation structures and processes should be applied consistently and fairly across all regions and languages.

Enter your answer (no character limit)

85.Paragraph 55

No distinction should be made between content that is similar or between users. However, content moderation decisions should, in a transparent manner, take into account the context,

the wide variation of language nuances, and the meaning and linguistic and cultural particularities of the content.

Enter your answer (no character limit)

It is not clear from the wording what is meant by “no distinction should be made between content that is similar.” This can be interpreted in various ways, such as identical content to the one previously identified as illegal or its equivalent content. We strongly recommend to reformulate Paragraph 55 in order to provide more clarity and understanding of drifters’ intention.

86.Paragraph 56

Digital platforms should—in policy and practice—ensure whenever they become aware of the availability of illegal content that they act with due diligence and in accordance with international human rights standards. At a minimum, they should ensure that there is quick and decisive action to remove known child sexual abuse materials or other explicit and severe illegal content which is not contextually dependent.

Enter your answer (no character limit)

First, the order of Paragraphs 56 and 57 should be changed in order to emphasize the importance to comply with international human rights law when defining what expression fall outside protective scope of Article 19 of the ICCPR and consequently, the terminology should build upon existing recommendations on intermediary liability that proposes the term “manifestly illegal irrespective of its context”. While child sexual abuse material us certainly that type of content, the Guidelines now include messaging services in its scope. However, nowhere in the Guidelines is mentioned the importance of protecting end-to-end encryption.

87.Paragraph 57

It would be expected that illegal content be made unavailable solely in the geographical jurisdiction where it is illegal.²⁰ Identification of illegal content should be interpreted consistently with international human rights law to avoid unjustified restrictions on freedom of expression.

Enter your answer (no character limit)

88.Paragraph 58

Platforms should be able to demonstrate to the regulatory system about the measures they carry out to detect, identify, or remove Illegal content.

Enter your answer (no character limit)

89.Paragraph 59

In the case of other content that risks significant harm to democracy and the enjoyment of human rights, digital platforms should systematically assess the potential human rights impact of such content and take action to reduce vulnerabilities and increase their capacities to deal with it. For instance, companies should be able to demonstrate to the regulatory system the measures that they have in place if such risk is identified. These could be by, for example, providing alternative reliable information, indicating concerns about the origin of the content to users, limiting or eliminating the algorithmic amplification of such content, or de-monetizing from advertising revenue.

Enter your answer (no character limit)

90.Human content moderation

Paragraph 60

Human content moderators should be adequately trained, sufficiently staffed, fluent in the language concerned, vetted, and psychologically supported. Platforms should further put in place well-funded and -staffed support programmes for content moderators to minimize harm caused to them through their reoccurring exposure to violent or disturbing content while at work. Where possible and when it would not negatively impact human rights or undermine adherence to international norms for freedom of expression, human moderation of content should take place in the country or region where it is published to ensure close awareness of local or national events and contexts, as well as fluency in the language concerned.

Enter your answer (no character limit)

91.Paragraph 61

The platform should also be explicit about whether it partners with outside organizations or experts to help it make decisions, particularly in countries or regions where the platform itself has little local knowledge. In so doing, they should always follow the “do no harm principle” and refrain from revealing partners in situations in which revealing these partners may present risks for their safety.

Enter your answer (no character limit)

Platforms should be explicit about third-party content moderation service providers as well as the number of human reviewers employed or contracted per market/ language. Platforms should refrain, however, from publishing lists of trusted flaggers or partners especially civil society organizations and activists for fear of reprisal.

92. Use of automated systems for content moderation and curation

Paragraph 62

Digital platforms should commission regular external audits of machine learning tools utilised for content moderation for their precision, accuracy, and for possible bias or discrimination across different content types, languages, and contexts. They should also commission regular independent assessments of the impacts of automated content moderation tools on human rights. The results of these reviews should be reported to the regulatory system.

Enter your answer (no character limit)

The Guidelines should ensure that auditors that are commissioned by digital platforms to conduct independent audits are not only private actors but also civil society organizations and stakeholders who advocate for public and not corporate interest. The risk of corporate capture has to be properly mitigated. Independent auditors should possess relevant expertise in human rights law as well. It is essential that independent auditors are properly scrutinized. Furthermore, we strongly recommend to drafters to dedicate separate paragraphs to ex ante human rights impact assessments (HRIAs). HRIAs are essential precondition for conducting meaningful independent audits but they are a different type of due diligence measure and should be treated that way.

93. Paragraph 63

Digital platforms should commission regular external audits of machine learning tools utilised for automated curation and recommender mechanisms –designed to enhance user engagement –for their precision, accuracy, and for possible bias or discrimination across different content types, languages, and contexts. They should also commission regular independent assessments of the impacts of these mechanisms on human rights. The results of these reviews should be reported to the regulatory system.

Enter your answer (no character limit)

See our comment above.

94. Paragraph 64

Digital platforms should have in place systems and processes to identify and take necessary action, in line with the provisions of these guidelines, when automated curation and recommender mechanisms –designed to enhance user engagement –result in the amplification of content that risks significant harm to democracy and human rights.

Enter your answer (no character limit)

The terminology used in this paragraph is rather confusing. Content curation of user generated content shared on digital platforms is done by content recommender systems (or in other words, open content recommender systems) that are optimized in nontransparent manner, often to enhance the engagement. There is no need to distinguish between content curation and “recommender mechanisms”. We suggest focusing the language on systemic risks stemming from content recommender systems to human rights.

95.Paragraph 65

Users should be given the ability to control the algorithmic curation and recommender mechanisms used to suggest content to them. Content curation and recommendation systems that provide different sources and include different viewpoints around trending topics should be made clearly available to users.

Enter your answer (no character limit)

See our comment above.

96.Paragraph 66

Finally, digital platforms should notify users when their content is removed or subject to content moderation and why. This would allow users to understand why that action on their content was taken, the method used (algorithmic or after human review), and under which platform rules action was taken. Digital platforms should also have processes in place that permit users to appeal such decisions (see paragraphs 89-91).

Enter your answer (no character limit)

97.Principle 2. Platforms are transparent

Paragraph 67

Digital platforms should report to the regulatory system on how they fulfil the principles of transparency, explicability, and reporting against what they say they do in their terms of services and community standards. The meaning of transparency depends upon the audience. For users, it can mean, for example, understanding how the platform finds and presents information and collects their data; for regulators, it can mean information needed to verify the way in which digital platforms’ business operations may impact democracy and human rights, and if terms of service and community standards are consistently and fairly applied; and for researchers, it can mean understanding the impact of the services on society in general.

Enter your answer (no character limit)

Precisely because transparency can carry different meanings to different stakeholders, it is important to outline what the key mandatory transparency measures should be as the current draft further outlines. We suggest rewording the paragraph to reflect the section’s structure and goal on meaningful transparency.

98.Paragraph 68

The regulatory system and digital platforms should understand transparency as meaningful transparency. Transparency is not simply the provision of legal texts or a data dump—it should be understood as providing stakeholders with the information they need to make informed decisions.

Enter your answer (no character limit)

Please see our comment on the tiered approach to transparency in point 50, Paragraph 28b.

99.Meaningful transparency

Paragraph 69

The effectiveness of digital platforms’ transparency mechanisms should be independently evaluated through qualitative and empirical quantitative assessments to determine whether the information provided for meaningful transparency has served its purpose. Reports should be made available to users on a regular basis.

Enter your answer (no character limit)

100.Transparency in relation to terms of service

Paragraph 70 a.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (a) Any measures used to moderate and curate content, set out in platforms’ terms of services.

Enter your answer (no character limit)

We suggest rewording this paragraph to include that platforms should make public any policies, rules, or systems used to moderate and curate content under their terms of services including, for instance, white-lists and black-lists of banned content or users. These should be detailed and provide comprehensive guiding examples on permissible and impermissible content under these policies so that users know how to conduct themselves on the platform. They should also be accessible and made available in local languages.

101.Paragraph 70 b.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (b) Any information about processes used to enforce their terms of service and to sanction users, as well as government demands/requests for content removal, restriction, or promotion.

Enter your answer (no character limit)

We recommend moving the point on government requests as a stand-alone requirement under the section below on content moderation and curation below and, explicitly highlight government requests that come through voluntary reporting mechanisms such Internet Referral Units (IRUs) which do not get captured in companies' transparency reporting. As to the point on terms of services, platforms should make public any trusted flaggers or partnership programs or reporting mechanisms that include governments.

102.Paragraph 70 c.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (c) Information about the reasons behind any restrictions imposed in relation to the use of their service, publicly available in an easily accessible format in their terms of service.

Enter your answer (no character limit)

103.Transparency in relation to content moderation and curation policies and practices

Paragraph 70 d.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (d) How content is moderated and curated, including through algorithmic (automated) means and human review, as well as content that is being removed or blocked under either terms of service or pursuant to government demands/requests.

Enter your answer (no character limit)

104.Paragraph 70 e.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (e) Any change in content moderation and curation policies should be communicated to users periodically.

Enter your answer (no character limit)

105.Paragraph 70 f.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (f) Any use made of automated means for the purpose of content moderation and curation, including a specification of the role of the automated means in the review process, and any indicators of the benefits and limitations of the automated means in fulfilling those purposes

Enter your answer (no character limit)

106.Paragraph 70 g.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (g) Any safeguards applied in relation to any content moderation and curation that are put in place to protect freedom of expression and the right to information, including in response to government requests, particularly in relation to matters of public interest, including journalistic content.

Enter your answer (no character limit)

107.Paragraph 70 h.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (h) Information about the number of human moderators employed and the nature of their expertise in local language and local context, as well as whether they are in-house staff or contractors.

Enter your answer (no character limit)

108.Paragraph 70 i.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (i) How personal data is used and what treatment is made of users’ personal data, including personal and sensitive data, to make algorithmic decisions for purposes of content moderation and curation.

Enter your answer (no character limit)

109.Transparency in relation to user complaints mechanisms

Paragraph 70 j.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (j) Information relevant to complaints about the removal, blocking, or refusal to block content and how users can access the complaints process.

Enter your answer (no character limit)

110.Transparency and commercial dimensions

Paragraph 70 k.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (k) Information about political advertisements, including the author and those paying for the ads; these advertisements should be retained in a publicly accessible library online.

Enter your answer (no character limit)

111.Paragraph 70 l.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (l) Practices of advertising and data collection.

Enter your answer (no character limit)

112.Paragraph 70 m.

Digital platforms should publish information outlining how they ensure that human rights and due process considerations are integrated into all stages of the content moderation and curation policies and practices. **This publicly available information should include:** (m) Information which allows individuals to understand the basis on which they are being targeted for advertising.

Enter your answer (no character limit)

113.Paragraph 71

Many regulatory regimes require broader and more granular transparency standards than those outlined here. The standards presented in these Guidelines can be considered as a baseline from which regulatory regimes can elaborate further.

114.Data access for research purposes

Paragraph 72

Digital platforms should provide access to non-personal data and anonymised data for vetted researchers that is necessary for them to undertake research on content to understand the impact of digital platforms. This data should be made available through automated means, such as application programming interfaces (APIs), or other open and accessible technical solutions allowing the analysis of said data.

Enter your answer (no character limit)

115.Paragraph 73

They should provide access to data to undertake research on illegal and harmful content such as hate speech, disinformation, misinformation, and content which incites or portrays gender-based violence; such data should be disaggregated for the purpose of investigating impacts on specific populations. There need to be additional safeguards to protect the privacy and personal data of users, as well as businesses' proprietary information, trade secrets, and respect of commercial confidentiality.

Enter your answer (no character limit)

116.Paragraph 74

Platforms should build reliable interfaces for data access. The independent regulatory system should determine what is useful, proportionate, and reasonable for research purposes.

Enter your answer (no character limit)

117.Principle 3. Platforms empower users User reporting

User reporting

Paragraph 75

It is critical to empower users of digital platforms. In addition to the digital platform making information about its policies accessible in a digestible format and in all relevant languages, it should demonstrate how users can report potential abuses of the policies, whether that be the unnecessary removal of content or the presence of allegedly illegal content or content that risks significant harm to democracy and the enjoyment of human rights, or of any other content which is in breach of its policies. Digital platforms should also have the means to understand local context and local conditions when responding to user complaints and ensure that their systems are designed in a culturally sensitive way.

Enter your answer (no character limit)

118.Paragraph 76

The user reporting system should give high priority to concerns regarding content that threatens users, ensuring a rapid response, and, if necessary, by providing a specific escalation channel or means of filing the report. This is particularly important when it comes to gender-based violence and harassment.

Enter your answer (no character limit)

119.Media and information literacy

Paragraph 77

When reporting to the regulatory system, platforms should demonstrate their overall strategy related to media and information literacy and the actions they have taken to advance on it.

There should be a specific focus inside the digital platform on how to improve the digital literacy of its users, with thought given to this in all product development teams. The digital platform should consider how any product or service impacts user behaviour beyond the aim of user acquisition or engagement.

Enter your answer (no character limit)

120.Paragraph 78

Platforms should train their product development teams on media and information literacy from a user empowerment perspective, based on international standards, and put in place both internal and independent monitoring and evaluation mechanisms. They should inform the regulatory system about any relevant result of these evaluations.

Enter your answer (no character limit)

121.Paragraph 79

Digital platforms should implement such measures in close collaboration with organizations and experts independent of the platforms, such as public authorities responsible for media and information literacy, academia, civil society organizations, researchers, teachers, specialized educators, youth organizations, and children's rights organizations. Specific measures should be taken for users and audiences in social or cultural vulnerability and/or with specific needs.

Enter your answer (no character limit)

122.Paragraph 80

Digital platforms should be explicit about the resources they make available to improve media and information literacy, including digital literacy about the platform's own products and services, as well as relevant processes, for their users.

Enter your answer (no character limit)

123.Paragraph 81

Digital platforms should also ensure that users understand their rights online and offline, including the role of media and information literacy in the enjoyment of the rights to freedom of expression and access to information. Toward this end, they could partner with independent media and information literacy experts or organizations that have relevant expertise in the thematic area, including academic and civil society organizations.

Enter your answer (no character limit)

124.Language and accessibility

Paragraph 82

Major platforms should have their full terms of service available in the primary languages of every country where they operate, ensure that they are able to respond to users in their own language and process their complaints equally, and have the capacity to moderate and curate content in the user's language. Automated language translators, while they have their limitations, can be deployed to provide greater language accessibility.

Enter your answer (no character limit)

This is the only time the Guidelines point out to distinction between major platforms, online platforms and small medium enterprises. Why the text recognises the importance of such a distinction based on the number of registered users and the reach digital platforms have, recommendations are not calibrated based on the size and reach of digital platforms.

125.Paragraph 83

Platforms should also ensure that content that risks significant harm for democracy and human rights is not amplified by automated curation or recommender mechanisms simply due to a lack of linguistic capacity of those mechanisms.

Enter your answer (no character limit)

These recommendations should mainly concern major platforms.

126.Paragraph 84

The rights of persons with disabilities should always be taken into account, with particular attention to the ways in which they can interact with and make complaints in relation to the platform.

Enter your answer (no character limit)

127.Children's rights

Paragraph 85

Children have a special status given their unique stage of development, limited or lack of political voice, and the fact that negative experiences in childhood can result in lifelong or transgenerational consequences. Digital platforms should therefore also recognise their specific responsibilities toward children.

Enter your answer (no character limit)

128.Paragraph 86

Where digital platforms allow use of their services by children, they should provide all children with equal and effective access to age-appropriate information, including information about their rights to freedom of expression, access to information, and other human rights. Terms of services and community standards should be made available in age-appropriate language for children and, as appropriate, be co-created with a diverse group of children; special attention should be paid to the needs of children with disabilities to ensure they enjoy equal levels of transparency as set out in the previous section.

Enter your answer (no character limit)

129.Principle 4. Platforms are accountable to relevant stakeholders

Paragraph 87

Digital platforms should be able to demonstrate that any action taken when moderating and curating content has been conducted in accordance with their terms of services and community standards and should report fairly and accurately to the regulatory system on performance vis-à-vis their responsibilities and/or plans. In case of failure to comply with this provision, the regulatory system should act in accordance with the powers outlined in these Guidelines.

Enter your answer (no character limit)

130.Use of automated tools

Paragraph 88

Digital platforms should be able to explain to the regulatory system about the use and impact of the automated systems, including the extent to which such tools affect the data collection, targeted advertising, and the disclosure, classification, and/or removal of content, including election-related content. In case of failure to comply with this provision, the regulatory system

should act in accordance with the powers outlined in these Guidelines (see paragraph 46(f)). User appeal and redress 89. There should be an effective user complaints mechanism to allow users (and non-users if impacted by specific content) meaningful opportunities to raise their concerns. This should include a clear, easily accessible, and understandable reporting channel for complaints, and users should be notified about the result of their appeal.²³ See United Nations Committee on the Rights of the Child (2013), “General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights,” para. 4. See also General comment No. 25 (2021) on children’s rights in relation to the digital environment.

Enter your answer (no character limit)

131. User appeal and redress

Paragraph 89

There should be an effective user complaints mechanism to allow users (and non-users if impacted by specific content) meaningful opportunities to raise their concerns. This should include a clear, easily accessible, and understandable reporting channel for complaints, and users should be notified about the result of their appeal.

132. Paragraph 90

The appeals mechanism should follow the seven principles outlined in the UN Guiding Principles on Business and Human Rights for effective complaints mechanisms: legitimacy, accessibility, predictability, equitability, transparency, rights-compatibility, and continuous learning.

133. Paragraph 91

Digital platforms should notify users and explain processes for appeal when their content is removed or expressly labelled, restricted in terms of comments or re-sharing or advertising association, given special limits in terms of amplification or recommendation (as distinct from “organic/algorithmic” amplification and recommendation), and why. This would allow users to understand the reasons that action on their content was taken, the method used (algorithmic or after human review), and under which platform rules action was taken. Also, they should have processes in place that permit users to appeal such decisions.

134. Principle 5. Platforms conduct human rights due diligence

Human rights safeguards and risk assessments

Paragraph 92

Digital platforms should be able to demonstrate to the regulatory system the systems or processes they have established to ensure user safety while also respecting freedom of expression, access to information, and other human rights

Enter your answer (no character limit)

We urge UNESCO drafters to specifically mention the right to privacy and data protection. Data protection language is excluded from the current text of the Guidelines. There is no meaningful user empowerment and freedom of expression without adequate safeguards of the right to privacy.

135.Paragraph 93

Platforms should conduct periodic risk assessments to identify and address any actual or potential harm or human rights impact of their operations, based on the provisions of Article 19 of the ICCPR and drawing on the principles set out in the UN Guiding Principles on Business and Human Rights.

Enter your answer (no character limit)

136.Paragraph 94 a.

Apart from periodic assessments, risk assessments should also be undertaken:

a. Prior to any significant design changes, major decisions, changes in operations, or new activity or relationships;

Enter your answer (no character limit)

It is not clear what is the exact difference between “periodic risk assessments” that should be also undertaken on ex ante basis and “risk assessments” mentioned in this paragraph. Regrettably, the Guidelines do not call for ex ante human rights impact assessments elsewhere in the text.

137.Paragraph 94 b.

Apart from periodic assessments, risk assessments should also be undertaken:(b) To protect the exercise of speech by minority users and for the protection of journalists and human rights defenders

Enter your answer (no character limit)

138.Paragraph 94 c.

Apart from periodic assessments, risk assessments should also be undertaken: (c) To help protect the integrity of electoral processes

Enter your answer (no character limit)

139.Paragraph 94 d.

Apart from periodic assessments, risk assessments should also be undertaken: (c) In response to emergencies, crises, or conflict or significant change in the operating environment

Enter your answer (no character limit)

140.Paragraph 95

Digital platforms should be open to expert and independent input on how these assessments are structured.

Enter your answer (no character limit)

141.Paragraph 96

Platforms can create spaces to listen, engage, and involve victims, their representatives, and users from minorities to identify and counter illegal content and content that risks significant harm to democracy and the enjoyment of human rights, to identify opportunities and systemic risks in order to then promote solutions and improve their policies. Consideration should be given to the creation of specific products that enable all relevant groups to actively participate in the strengthening of counter-narratives against hate speech.

Enter your answer (no character limit)

142.Specific measures to fight gendered disinformation and online gender-based violence

Paragraph 97

There is considerable evidence that women in public life—including politicians, journalists, and public figures—are targeted by disinformation, fake stories, sexual harassment and threats, and incitement to violence. While some of these instances may be the result of individuals, others are the result of deliberate campaigns designed to undermine women’s participation in civil and political life, to undermine their trustworthiness, or simply drive them off the digital platform and deny their right to freedom of expression. This phenomenon is even more marked for women from racial or other minority groups. Such disinformation can all too often lead to gender-based violence. This represents a significant erosion of women’s human rights.

Enter your answer (no character limit)

143.Paragraph 98 a.

To fight gendered disinformation and online gender-based violence, digital platforms should:

(a) Conduct annual human rights and gender impact assessments, including algorithmic approaches to gender-specific risk assessment, with a view to identify the systemic risks to women and girls and to adjust regulations and practises to mitigate such risks more effectively.

Enter your answer (no character limit)

144.Paragraph 98 b.

To fight gendered disinformation and online gender-based violence, digital platforms should: (b)

Use privacy-enhancing technology to provide external researchers access to internal data of platforms to help identify algorithmic amplification of gendered disinformation, gender-based harassment, hate speech, and toxic speech.

Enter your answer (no character limit)

145.Paragraph 98 c.

To fight gendered disinformation and online gender-based violence, digital platforms should: (c)

Create dedicated engineering teams that are made up of both men and women who are specifically trained to develop algorithmic solutions to different forms of gendered disinformation, including violent and other forms of toxic speech and harmful, stereotypical content.

Enter your answer (no character limit)

146.Paragraph 98 d.

To fight gendered disinformation and online gender-based violence, digital platforms should: (d)

Develop and launch inclusive structured community feedback mechanisms to eliminate gender bias in generative AI and generative algorithms producing content that perpetuates or creates gendered disinformation or harmful or stereotypical content.

Enter your answer (no character limit)

147. Specific measures for the integrity of elections

Paragraph 99

While electoral bodies and administrators need to ensure that the integrity of the electoral process is not affected or undermined by disinformation and other harmful practices, digital platforms should have a specific risk assessment process for any election event. Such risk assessments should also consider the users, the level of influence that advertisement messages may have on them, and the potential harm that may come out of such messages if used against specific groups, such as minorities or other vulnerable groups.

Enter your answer (no character limit)

148. Paragraph 100

Within the assessment, digital platforms should review whether political advertising products, policies, or practices arbitrarily limit access to information for citizens, voters, or the media, or the ability of candidates or parties to deliver their messages.

Enter your answer (no character limit)

149. Paragraph 101

Digital platforms should also engage with the election's administrator/regulator (and relevant civil society groups), if one exists, prior to and during an election to establish a means of communication if concerns are raised by the administrator or by users/voters. Engagement with other relevant independent regulators maybe necessary according to the particular circumstances of each jurisdiction.

Enter your answer (no character limit)

150. Paragraph 102

Digital platforms that accept political advertising should clearly distinguish such content as advertisements and should ensure in their terms of service that to accept the advertisement, the funding and the political entity are identified by those that place them.

Enter your answer (no character limit)

151. Paragraph 103

The platform should retain these advertisements and all the relevant information on funding in a publicly accessible library online.

Enter your answer (no character limit)

152. Specific measures in emergencies, conflict, and crisis

Paragraph 104

As a human rights safeguard, digital platforms should have risk assessment and mitigation policies in place for emergencies, crises, and conflict, and other sudden world events where content that risks significant harm to democracy and the enjoyment of human rights is likely to increase and where its impact is likely to be rapid and severe. In the case of emerging conflicts, digital platforms should be alert to this type of content, which has in many instances fuelled or even driven conflict. Measures such as fact-checking content related to the crisis should be considered.

Enter your answer (no character limit)

153. Paragraph 105

Risk assessments may require digital platforms to have processes in place for cases in which a large number of simultaneous requests for action by users are made, as sometimes happens in the context of social unrest or massive violations of human rights.

Enter your answer (no character limit)

154. Conclusion

Paragraph 106

Digital platforms have empowered societies with enormous opportunities for people to communicate, engage, and learn. They offer great potential for communities in social or cultural vulnerability and/or with specific needs, democratizing spaces for communication and opportunities to have diverse voices engage with one another, be heard, and be seen. But due to the fact that key risks were not taken into account earlier, this potential has been gradually eroded over recent decades.

Enter your answer (no character limit)

155.Paragraph 107

The goal of these Guidelines is to support the development and implementation of regulatory processes that guarantee freedom of expression and access to information while dealing with illegal content and content that risks significant harm to democracy and the enjoyment of human rights. They aim to enrich and support a global multistakeholder shared space to debate and share good practices about digital platform regulation; serve as a tool for all relevant stakeholders to advocate for human rights-respecting regulation and to hold government and digital platforms accountable; add to existing evidence-based policy approaches that respect human rights, ensuring alignment where possible; and contribute to ongoing UN-wide processes.

Enter your answer (no character limit)

156.Paragraph 108

The Guidelines were produced through a multistakeholder consultation process that began in September 2022. The present draft Guidelines will be the basis for the dialogue taking place during the Internet for Trust Global Conference.

Enter your answer (no character limit)

157.Paragraph 109

Consultations will continue in the following months to seek a wide diversity of voices and positions to be heard around this complex issue that requires immediate action to protect freedom of expression, access to information, and all other human rights in the digital environment.

Enter your answer (no character limit)