"Social Media: Challenges and Ways to Promote Freedoms and Protect Activists"

Closing Remarks and Conclusions at the
International Conference in Doha, Qatar, on 16-17 February 2020

The international conference on "Social Media: Challenges and Ways to Promote Freedoms and Protect Activists" was organized from 16 to 17 February 2020 in Doha by the Qatari National Human Rights Committee (NHRC) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the European Parliament (EP), the Global Alliance of National Human Rights Institutions (GANHRI) and the International Federation of Journalists (IFJ).

The conference brought together more than 250 governmental and non-governmental organizations, human rights defenders, media workers, the tech community, international human rights mechanisms and national human rights institutions. The conference discussed the opportunities that social media have created for promoting human rights, while also exploring recurrent forms of interference in the use of social media.

The participants identified examples of social media use contributing to the exercise of human rights. They also explored the impact of restrictions to online speech established by national laws and policies on journalists, human rights defenders, political activists and social media influencers. They also discussed responses to hate speech in practice and the use of social media platforms to incite violence and discrimination, including against religious minorities.

The participants emphasized that communications have changed in irreversible ways over the last two decades, and that civic space has moved online. Social media platforms have become key fora for public participation, opening channels for critical voices, who were isolated before. However, hosting massive quantities of private data, the social media platforms can also be a powerful tool for surveillance or attacks of critical voices. Furthermore, laws prohibiting the use of encryption, banning so-called "fake news", or defining online defamation have led to violations of international standards for freedom of expression and the right to privacy.

Participants also discussed how various laws relating to counter-terrorism, preventing violent extremism, cybercrime, lèse-majesté, sedition and hate speech are being used to target civil society and persecute critical voices under criminal charges. Participants stressed the importance of reviewing those laws, especially as some contravene international norms and standards, contain

vague or overly broad definitions of crimes, lack of any form of adequate judicial oversight and call for severe penalties that are disproportionate to the gravity of crimes.

The following ground rules should guide all stakeholders when debating online content regulations:

- **LEGALITY** – any restrictions to content must be provided for by laws that are precise, public and transparent; specific notice must be given to those whose speech is being restricted, restrictions must be appealable and erroneous decisions must be rectified; vague formulations should be avoided.

- **NECESSITY** – in accordance with international law, the least restrictive measures available should be employed to moderate content (and this is rarely criminalization); the effectiveness of the measures taken should be regularly assessed.

- **PUBLIC ACCOUNTABILITY** – all rules for content moderation and grounds for interventions should be based on inclusive consultation processes with all relevant stakeholders; all rules and decisions should be subject to independent oversight.

- **ACCESS TO REMEDY** – procedural safeguards should be respected, e.g. access to independent courts or tribunals; Government agencies should never be the arbiters of lawful expression.

- **TRANSPARENCY** – the standards against which a company decides about take-downs and prioritizes information must be publicly available. Regular transparency reports should reflect all actions and decisions relating to restrictions of online content, including government requests to take down information.

Throughout the plenary debates and working groups, the participants made the following key recommendations to various stakeholders.

States should:

- Ensure that restrictions on online expression are lawful, necessary and proportionate.
- Repeal any law that unduly criminalizes or restricts expression, both online and offline, while prohibiting by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence[1].
- Refrain from establishing laws or arrangements that would require the "proactive" monitoring or filtering of content, which is both inconsistent with the right to privacy and likely to amount to pre-publication censorship.

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[1] See Article 20 (2) of the International Covenant on Civil and Political Rights as well as the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix).

- Adopt models of regulation where only independent judicial authorities rather than government agencies become the arbiters of lawful expression. States should also avoid delegating responsibility to companies as adjudicators of content.

- Establish or strengthen national human rights institutions (NHRIs) in line with the Paris Principles and ensure that NHRIs are not subject to reprisals or any act of intimidation as a result of their mandated activities, including online.

- Include the protection of NHRIs within national cybersecurity policy, plans and infrastructure.

Social media companies should:

- Use international human rights law as reference and accept the companies' responsibility to ensure protecting online civic space in accordance with the Guiding Principles on Business and Human Rights, notably in cases of Internet shutdowns and in terms of transparency.

- Uphold, as a starting point, the Santa Clara Principles on Transparency and Accountability in Content Moderation[2] and implement the recommendations by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression[3].

- Improve responses to online attacks, intimidation and threats against critical voices, including through greater cooperation among technical experts, civil society actors and companies to improve the reporting and ensure accountability.

- As a temporary measure, social media companies should include human rights defenders and journalists as a protected category under their harmful content policies, particularly in countries where defenders face persecution by the State or are not protected by the government from retaliation for their advocacy.

- Explore all legal options for challenging requests that are excessively intrusive such as requests for shutdowns. If they implement shutdowns, companies should disclose all relevant and publishable information and provide regular updates about the services affected or restored, the steps they are taking to address the issue and explanations after the fact.

- Comply with human rights due diligence frameworks to avoid fostering or entrenching discrimination through algorithmic systems and maximize user choice when accessing information.

- Develop proposals to transfer some of the profit made by social media companies to protect and safeguard in particular local and independent news outlets.

Human rights defenders, journalists and civil society at large should:

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[2] https://www.santaclaraprinciples.org/
[3] https://www.ohchr.org/en/issues/freedomopinion/pages/opinionindex.aspx

- Ensure that all perspectives, including of those of under-represented groups, are brought into the decision-making about regulation of online content and in the formulation of community standards.
- Advocate for enhanced media literacy in national education curricula and build capacity of civil society actors amongst peers, in relation to the use of social media.
- Provide legal aid to human rights defenders and journalists in emblematic cases related to freedom expression online.
- Enhance the implementation of global standards of journalism, including the IFJ Global Charter of Ethics for Journalists.[4]
- Media outlets should provide adequate training to enhance online safety and security awareness for their staff, in particular those conducting investigative journalism.
- Social media users, human rights defenders and journalists should ensure they use appropriate tools such as encryption in order to protect themselves and their sources.

International and regional organizations should:

- Ensure that all discussions on the formulation of laws and regulations for social media are firmly grounded in human rights law. International human rights instruments provide an authoritative global standard for ensuring freedom of expression and right to privacy online.
- Consider how to expand civic space online, including through drafting an international declaration on the protection of civil society operating on social media.
- Strengthen the response to attacks and attempts to undermine vibrant civil society and independent journalism.
- Engage with new and traditional media to address hate speech narratives and promote the values of tolerance, non-discrimination, pluralism and freedom of opinion and expression.[5]
- Take all possible measures to enhance the protection of human rights defenders and journalists who operate in conflict situations, from Afghanistan to Syria and Yemen. They risk their lives every day to report on violations of international law on social media and they continue to be monitored, intimidated and killed.

National human rights institutions should:

- Promote and protect online civic space, including by advising the State on national legislation and policy to ensure they comply with international human rights obligations;

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[4] https://www.ifj.org/who/rules-and-policy/global-charter-of-ethics-for-journalists.html
[5] https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf

interacting with civil society organizations, users, journalists, media; and engaging with business on their responsibility to respect human rights.

- Implement the Marrakech Declaration (2018) on the role of NHRIs in promoting and protecting civic space and human rights defenders, with a specific focus on women.[6]
- Monitor and report on civic space – online and offline – through the collection and analysis of disaggregated data, including gender-based disaggregation and statistics related to killings, fabricated legal charges, misuse of specific laws and other attacks against human rights defenders, journalists and trade unionists, lawyers, students, academics, in line with Sustainable Development Goal 16.

The participants of the conference recognized that NHRIs have an important and unique role to play in promoting and protecting online civic space and safeguarding human rights, due to their mandates and functions under the Paris Principles and their independent and authoritative status. The participants expressed their gratitude and appreciation to the Qatari National Human Rights Committee and the State of Qatar for hosting the conference. All relevant stakeholders are encouraged to implement these recommendations. The participants are also encouraged to utilize these recommendations in their work and advocacy to promote freedoms and protect activists, both online and offline.

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[6]
https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration_EN_%2012102018%20-%20FINAL.pdf