

Landmark report by UN expert urges governments and internet firms to ensure freedom of expression online

GENEVA (19 June 2018) – A landmark report by a UN human rights expert warns that governments and companies risk undermining free speech on the internet, and urges both public officials and private authorities to address problems such as online hate speech and disinformation.

“Governments have a responsibility to ensure compliance with national and international law, but they must act now to ensure that the ability of internet platforms to provide space for freedom of expression is not undermined,” said David Kaye, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

“Unfortunately, governments are moving in the wrong direction and often pose direct threats to online freedom of expression,” he said.

“The worst threats include the criminalising of online criticism of government, religion or other public institutions. Other rules make companies responsible, at the risk of steep financial penalties, to assess what is illegal online, without the kind of public accountability that such decisions require,” said Mr. Kaye.

“Governments should move away from such ‘viewpoint regulation’ and focus their regulatory efforts, if any, on company incentives to disclose information about the enforcement of their rules.”

Mr. Kaye suggests instead that governments should reinforce the role of public authorities, especially the courts, in determining the lawfulness of content, and that States should disclose much more than they do currently about their own demands for companies to remove content.

The [report](#) also provides an unprecedented examination of how internet companies regulate online content, and calls for company standards rooted in human rights law, and implementation of the [UN Guiding Principles on Business and Human Rights](#).

“Internet companies provide unprecedented space for communication and access to information, but they are also the global speech regulators of our time,” the Special Rapporteur noted.

“Governments and individual users deserve to know not just the rules in effect but also how and why those rules are adopted and enforced, and what forms of remedy and accountability exist when companies get it wrong,” Mr. Kaye stressed.

“Company standards and processes, particularly in the context of social media, raise human rights concerns. These include a lack of clear and transparent rule-making and enforcement, weak and inconsistent consideration of context, extensive reliance on automation, and a lack of any meaningful appeals process and remedies,” he said.

The report calls for companies to undertake radically different approaches to transparency at all stages of their operations, from rule-making to implementation and for the development of “case law” framing the interpretation of private guidelines. It also calls for public accountability, including third-party monitoring of human rights compliance.

“Reliance on human rights standards would give companies the tools to articulate their positions in ways that respect democratic norms and counter authoritarian demands,” the UN expert added.

“States are required to ensure that their policies toward online expression sustain enabling environments for freedom of expression. The same applies to social media companies, which should incorporate relevant principles of human rights law into content-moderation standards,” he emphasised.

The report by the Special Rapporteur is part of a broader initiative to examine challenges to freedom of expression in the digital age, and is the culmination of a year-long series of consultations, visits to major internet companies and a wide range of State and civil society input.

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Mr. David Kaye (USA) was appointed as Special Rapporteur on the promotion and protection of the [right to freedom of opinion and expression](#) August 2014 by the United Nations Human Rights Council.

As Special Rapporteur, Mr. Kaye is part of what is known as the [Special Procedures](#) of the 1UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures’ experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

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*This year is the **70th anniversary of the Universal Declaration of Human Rights**, adopted by the UN on 10 December 1948. The Universal Declaration – translated into a world record 500 languages – is rooted in the principle that “all human beings are born free and equal in dignity and rights.” It remains relevant to everyone, every day. In honour of the 70th anniversary of this extraordinarily influential document, and to prevent its vital principles from being eroded, we are urging people everywhere to **Stand Up for Human***

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