ARTICLE 19 PROMOTES SELF-REGULATION

ARTICLE 19 believes that it should be acknowledged that social media platforms are a kind of hybrid beast that does not fit into any of the traditional categories and that the situation is both relatively new and still in flux.

ARTICLE 19 suggests exploring the possibility of establishing new models of self-regulation for social media, inspired by effective self-regulation models created to support and promote journalistic ethics.

The most ambitious task in this respect would be the creation of an independent self-regulatory body for social media (Social Media Council); it could be created at national level or international level or a combination of both. It would deal with content moderation issues and would be adequately funded by social media companies and relevant stakeholders. The Council could elaborate ethical standards specific to the online distribution of content and cover topics such as terms and conditions, community guidelines and the content regulation practices of social media companies.

By making the work transparent to the general public, and through appropriate consultative processes, this mechanism could provide a public forum for important public discussions on the regulation of online content distribution. Through light sanctions, and mainly relying on transparency, peer and public pressure, this body could monitor and promote respect of appropriate ethical standards by social media companies. Transparency and openness, combined with independence, could give this mechanism the needed credibility to gain public trust.

The following issues should be considered when exploring this mechanism:

• **Remit**: A Social Media Council (Council) could either be tasked with dealing with a specific issue (such as 'hate speech') or be given general jurisdiction over content issues on the social media platforms that are members of the Council;

• **Scope**: It could be created on a national level to ensure a sufficient level of proximity and understanding of the relevant community and context, or on an international level or a combination of both;

• **Independence**: The Council would have to be independent from any particular social media company and should include representatives from all relevant stakeholders, such as media associations, media regulatory bodies, freedom of expression experts, academia and civil society. In order to avoid an excessive number of representatives, its composition could vary according to areas of intervention;

• **Commitments:** Social media platforms would have to commit to providing an appropriate level of information on their internal content moderation practices to the Council of which they are a member. They would also have to commit to accepting the decisions of their Council as binding;

• **Charter of ethics/Code of conduct**: As a fundamental part of its remit, Councils would have to adopt a Charter of Ethics for social media. This document would have to be adopted through a transparent and open process, including broad consultations with all relevant stakeholders, including civil society organisations. At a minimum, a Charter of Ethics would include a commitment to comply with international human rights standards, including on freedom of expression and due process;

• **Decision-making**: The Council could adopt recommendations, – either of their own initiative or at the request of its members – to further clarify the interpretation and application of ethical standards in given areas. Such recommendations would have to be adopted through a transparent process, open to participation from all relevant stakeholders and civil society. For instance, Councils could adopt a recommendation on how to include robust notice and counter-notice procedures in social media platforms' terms and conditions;

• **Complaints procedures**: The Council could be empowered to receive complaints from individual users, provided that all possibilities of remedying the issue with the social media company (either through ombudspersons or other flagging procedures) have already been exhausted. The Council would hold a hearing and reach a decision, including the possibility of a sanction that seeks to promote rather than restrict speech (such as a right of reply, an apology or the publication of its decision);

Other functions: The Council could also be tasked with providing advice on ethical standards to social media platforms' own ombudspersons, staff, and departments in charge of content regulation;

• **Funding**: The Council would have to benefit from a stable and appropriate level of funding to ensure its independence and capacity to operate. Social media platforms would have to commit to providing at least part of its income on a multiannual basis, while additional resources could be provided by other stakeholders or philanthropic organisations; and

• **Accountability**: The Council would have to ensure its accountability to the public. In particular, it would have to make its work and decisions readily available to the public – including, of course, through social media.