

**Joint Committee on Tourism, Culture, Arts, Sport and Media**  
**Pre-Legislative Scrutiny of the Online Safety and Media Regulation Bill**  
**3 July 2021**

**Opening statement of ARTICLE 19**

I thank you for the opportunity to speak before the Joint Committee.

ARTICLE 19 is a global freedom of expression non-governmental organization. We work for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination.<sup>1</sup>

ARTICLE 19 acknowledges that part of the content that circulates on social media platforms can contribute to undermining safety and civility and we also acknowledge that preventing social harms linked to the circulation of online content is a worthy objective - but it is a very difficult one, especially so with categories of speech that are, as the expression goes, 'lawful but harmful'.<sup>2</sup> As our colleagues of ICCL have developed in their submission before this committee, definitions of categories of 'harmful content' are highly problematic in the perspective of freedom of expression.

Dealing with each category of social harms is a complex matter that requires many different expertise. It cannot be expected that social media companies would take the place of therapists, social workers, researchers, media literacy experts, and others.

We believe that bringing together the different stakeholders concerned with content moderation in a transparent and participatory forum, could provide an effective approach to the external oversight of social media platforms. Such a mechanism could ensure both the protection of fundamental rights and the effective regulation of problematic content.

This is why, as part of ARTICLE 19's efforts to promote freedom of expression online, we have developed the idea of a Social Media Council (SMC)<sup>3</sup>, which is a model for a multi-stakeholder mechanism of voluntary compliance that will oversee content moderation practices on social media platforms on the basis of international standards on freedom of expression and other fundamental rights. The Social Media Council will have the power to review individual content moderation decisions and it will have the power to elaborate general recommendations for social media platforms.

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<sup>1</sup> <https://www.article19.org>

<sup>2</sup> <https://www.article19.org/resources/internet-companies-alone-cant-prevent-online-harms/>

<sup>3</sup> <https://www.article19.org/social-media-councils/>

In a 2018 report, the previous UN Special Rapporteur on the right to freedom of expression, David Kaye, endorsed the concept and recommended that social media platforms should engage into the creation of industry-wide accountability mechanisms such as the Social Media Council.<sup>4</sup> The current UN Special Rapporteur on freedom of expression, Irene Khan, in her recent report on disinformation, recommended that companies should explore the creation of external oversight mechanisms such as social media councils.<sup>5</sup>

During our discussions on the SMC, one of the concerns that emerged as particularly important is that the oversight of content moderation practices should be well informed of the linguistic, political, historical, cultural and social dimensions of the context of a content moderation dispute. This is why ARTICLE 19 considers that, where possible, Social Media Councils should be created at the national level.

We have submitted the idea to a broad range of stakeholders in Ireland and, on the basis of the interest of a majority of the people we spoke to, we have initiated a process that could lead to the creation of the first Social Media Council. To be clear, ARTICLE 19 does not plan to operate or control the Irish SMC.

We believe that the Social Media Council could work in complementarity with a future public regulatory authority. The regulator would set general and systemic objectives (such as the existence of appropriate processes and measures) while the SMC would provide a space where technical and practical mechanisms towards these objectives can be discussed with all stakeholders and tested for compliance with international standards on freedom of expression and other fundamental rights. Under monitoring by the statutory authority, the SMC provides some breathing room that facilitates the emergence of a consensus on the appropriate approach towards legal requirements as well as a broader understanding of the complex challenges of content moderation. In our written submission, we have made suggestions on how the SMC could fit within the future legal and regulatory framework for social media platforms in Ireland.

Thank you.

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<sup>4</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/38/35, 6 April 2018, § 72.

<sup>5</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/47/25, 13 April 2021, § 101, at <https://undocs.org/A/HRC/47/25>.