Forum on Information & Democracy

Working group on accountability regime of social networks and their users

Call for contributions

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The Internet has fostered a major disintermediation of public debate. Actors in all fields (political, economic, cultural and religious, entertainment, etc.) and individuals can address their "audience" directly, without passing through a journalistic "filter".

Although this journalistic filter knows imperfections (bias, influences, errors) it allows, thanks to the methods and ethical rules inherent to professional media, an improvement of the quality and reliability of information.

The classic law on freedom of expression and its reasonable restrictions (notably as set in the Article 19 of the International Covenant on Civil and Political Rights) is neither applied nor adapted to accounts on social networks, because even if it allows in principle to rule on content, it does not provide any effective guarantee with regard to the treatment of the accounts themselves (responsibilities, sanctions, etc). The only rules on suspensions or deletions and the visibility of accounts have been developed by the platforms themselves, and not by public institutions.

The moderation of accounts cannot be left to the sole discretion of digital platforms, as the famous example of the suspension of Donald Trump's account proved. But what applies to the President of the United States also applies to everyone. Whatever the relevance of these decisions, they should have been taken in application of principles enacted by democratic institutions (and perhaps taken by them).

Thus, it is becoming urgent to develop a accountability regime (rights and obligations) and a legal architecture exclusively for accounts on social networks: rights and obligations of account holders, rights and obligations of technology companies with respect to these accounts, if necessary criteria for distinguishing accounts, a regime of sanctions applicable by platforms to accounts, and the organization of legal decision-making.

To answer these challenges, the Forum on Information and Democracy has launched a specific working group on accountability regimes for social networks and their users.

1/ About the working group

1.1/ Mandate

This working group will cover four major issues, based on the principles set out in the International [Partnership](#) on Information and Democracy:

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1/ Categorization of social network accounts

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The working group will work on the question of the different types of accounts on social networks and the relevance of a differentiated treatment.

The group will first study the measures already taken by platforms such as verification or labeling of accounts (e.g. state media accounts).

It will propose different regimes depending on the nature of the account, in order to guarantee freedom of expression while ensuring the reliability of the information conveyed.

2/ Rights and obligations of users

The group will propose specific accountability regimes for different types of accounts. It will provide proposals for establishing a protection and sanction regime for accounts based on the offenses committed and the status of the account.

This involves defining the offenses applicable to accounts and the applicable regime. The working group will distinguish between sanctions that can be imposed by platforms and those that must be imposed directly by a court. It will also highlight the possible control operated by the courts on the sanctions imposed by the platforms.

3/ Rights and obligations of platforms

The group will propose the accountability regimes of platforms managing social networks.

It will provide proposals on their obligations and possible measures to sanction non-compliance.

This implies the definition of the applicable offenses as well as the existence of procedures allowing to stop the infringement committed, to impose a sanction and/or to obtain compensation for the damage suffered.

4/ Provide recommendations on governance

The working group will make recommendations on the legal architecture for the application of the accountability regime(s).

They should include mechanisms to verify the compliance of platforms with their obligations, in order to monitor the implementation of decisions taken by democratic institutions.

They will also include an analysis of the role of states in regulating platforms to ensure that freedom of expression is respected and not undermined. To this end, the working group will consider the possibility of using regional or international legal instruments.

1.2/ Deliverable and objectives

The objective of the working group is to provide governments, policy makers and relevant stakeholders with concrete recommendations for regulation and self-regulation. These recommendations will be based on consultation with experts and written contributions received through the present call.

The report of the working group will be addressed to the 45 signatory States of the International Partnership on Information and Democracy and relevant stakeholders. It will be presented during the second edition of the Annual Summit for Information and Democracy to be organized in September 2022 on the margins of the UN General Assembly.

1.3/ Organization

The Forum on Information and Democracy

The Forum on Information and Democracy is the implementing organization of the International Partnership for Information and Democracy endorsed by 45 countries. Founded by 11 NGOs and research centers around the world, its mission is to implement democratic safeguards in the global information and communication space.

The Forum gathers international working groups composed of experts whose mandate is to publish regulatory and self-regulatory recommendations addressed to various stakeholders (States, platforms, civil society, etc.).

The Steering Committee

The Steering Committee is co-chaired by Kjersti Loken Stavrum and Damian Tambini. It is composed of 10 international experts and its main mission is to guide the orientations of the working group.

It provides expertise to the rapporteur team in charge of drafting the recommendations and advises the Forum's Board of Directors on the final recommendations.

It meets periodically to help develop the recommendations.

The team of rapporteurs

The rapporteurs team ensures the integration of contributions and drafts the recommendations of the regulatory and self-regulatory framework.

Sarah Jamal, lead-rapporteur, is professor in Public Law at the University Paris-Panthéon-Assas, she is also director of publication at the Revue Droits Fondamentaux. Anuchika Stanislaus, rapporteur, is the former International affairs officer of the tech program of the French think tank Institut Montaigne.

2/ Submit a contribution

2.1/ Type of contributions

Contributors are called upon to provide proposals for regulation or self-regulation concerning the issues raised by the four structural challenges developed in the previous section.

Contributions may, for example, examine one or more of these aspects:
- Proposals for legal recommendations (published or not)

- Existing legislative or regulatory provisions
- Examples of offenses
- Examples of liability mechanisms
- Examples of national regulatory institutions (competencies/powers, etc.)
- Comments on these proposals, if any

2.2/ Format of the contributions

The format of the contributions is open. We welcome contributions from individuals and institutions in English, French and Spanish.

The call for contributions is open to any individual or institution working in any capacity on these issues. Contributors may be contacted for in-depth interviews.

Depending on the integration of their contributions, the contributors will be mentioned in the final report.

Please send your contribution and a biography or presentation of the institution to contributions@informationdemocracy.org. Please disclose any links of interest with digital platforms.