

Online Harms White Paper Roundtable Points of Consensus

1. All users, including children, have a right to freedom of expression. Online platforms have brought huge benefits to children, and other users, in creating new ways for them to communicate and express themselves, and to be able to access information which supports their wellbeing and development. It is vital that these benefits are not lost in any efforts to address online content.
2. While the right to freedom of expression is not an absolute right, any restrictions will only be justified if they comply with the requirements of international human rights law as set out in the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. This means that they must have a legal basis, be in pursuance of a legitimate aim, and be necessary and proportionate.
3. To ensure that any restrictions on particular forms of content comply with these requirements, they must be clearly defined. At present, the forms of harm identified in the Online Harms White Paper - as well as the concept of 'harm' itself - are not clearly defined.
4. While restrictions on certain forms of content may be appropriate when it comes to children specifically, they may not also be appropriate when it comes to adults. And among children, there may also be differences in what is appropriate depending on the age of the child concerned. Consideration should be given as to how to ensure, in a way which does not undermine rights to freedom of expression or privacy, content which is inappropriate for one particular age group is not unnecessarily restricted from being accessible to others.
5. The Online Harms White Paper proposes a broad scope of companies to which regulatory proposals will apply. Different regulatory responses are needed for different types of companies, however. Responses suitable for online platforms that host content, for example, will be different to those suitable for internet service providers. Further, any regulatory proposals must be proportionate, and that principle must be embedded in the proposals' implementation and in the imposition of any sanctions.
6. The duty of care proposed in the Online Harms White Paper is a vague concept and there is a need for greater clarity over what it would require in practice. Further, the success of any duty of care can only be measured if there is a clear definition of the harm which it is seeking to address, which the White Paper also lacks, as noted above.
7. Online platforms should be incentivised to consider the human rights implications of the decisions they make. In addition to the 'safety by design' measures suggested in the Online Harms White Paper, online platforms should therefore be required to undertake human rights impact assessments when developing their services, products

and policies. The methodology and conclusions should be available for public and regulatory scrutiny.

8. Greater transparency on the part of online platforms must be an essential part of any regulatory proposals. It should be designed to empower users, the government and civil society to play a meaningful and effective role in strengthening accountability and transparency in how online platforms shape our society. This should range from how the platforms moderate user-generated content to broader issues relating to the different actors in the value chain of the online world.
9. To fulfil the government's commitment to improving transparency in the sector, any regulatory body should have strong technical research capabilities. In order to understand how algorithms shape the online information ecosystem and encourage certain user behaviour, for instance, the regulator would need sufficient technical capacity to develop (in collaboration with civil society) and implement appropriate audit methodologies .
10. Transparency reports should, at a minimum:
 - a. Help users and the regulator to understand how platforms make decisions in relation to what content is and is not permitted;
 - b. Help users and the regulator to understand what decisions are made by platforms in relation to content, including the use of algorithms to filter, curate or push particular forms or pieces of content;
 - c. Help users to understand how to report particular pieces of content, how long it will be before a response is provided, and what appeal processes exist to challenge decisions; and
 - d. Enable users to assess, and any regulator to audit, how platforms are performing in implementing their own content moderation policies and any legal obligations.
11. Transparency reports should also include reviews of user journeys for reporting content and online abuse and harassment. These reports should be benchmarked for comparisons across companies, and should include qualitative, outcome-focused surveys of complainants.
12. Any moral responsibility that companies have to protect children and other users from unlawful and harmful online content must be shared with users themselves and, when users are children, parents, teachers and other responsible adults. Alongside greater transparency, there is therefore a need to strengthen the digital education and literacy of users, including children and their parents, so that they are better able to deal with the challenges that result from online content. Companies should be made responsible for providing information about users' rights and responsibilities, as well as companies' responsibilities. This should be proactive, not just a page buried in the site. There should also be a collaboration between companies, government, and civil society to

inform and engage the public as digital citizens, with public information campaigns. This could have an impact much earlier than the regulatory proposals.

13. The fast-changing nature of the Internet, and the different online platforms, means that regular review of any regulation is needed. Any legislation should be iterative, reviewed on an annual basis to assess its impact and effectiveness, and revised, where necessary, to adapt to the changing tech landscape.

Signatories:

- Global Partners Digital
- English PEN
- Open Rights Group
- ARTICLE 19
- Child Rights International Network