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Global Industry Perspectives on UNESCO Internet for Trust Initiative

4 July 2023

UNESCO has announced work to develop [Guidelines for Regulating Digital Platforms](#) and is currently engaged in consultations with stakeholders to shape the final outcome. Given this, global industry representatives would like to take the opportunity to provide general views and recommendations for this important work.

First and foremost, we wish to express our sincere appreciation to UNESCO for incorporating the feedback received by multiple stakeholders for draft V2.0. The Industry sees demonstrable progress in trying to solve some challenges concerning scope, affected content, and the importance that any regulation conforms to freedom of expression standards.

Multilateral organizations like UNESCO, along with civil society and various stakeholders, have the potential to significantly contribute to the promotion of 'good regulatory guidelines' that uphold human rights, mitigate risks, and incorporate inclusive consultation from the beginning. With regard to draft V3.0, we wish to raise the following points for consideration:

- **A principles-based approach is called for:** UNESCO's multistakeholder consultation specifically sought comment on whether the document should present high-level principles or delve into more detail. We feel strongly that the document should focus on principles-based approach (which might encompass self and co-regulation rather than regulatory directions) and provide supporting explanations where appropriate. This will ensure that the guidelines provide a framework to facilitate regulation that can be targeted and customized to local and national contexts. This approach also needs to recognize novel regulatory frameworks and their intersection with existing industry practice is important, along with the benefits of harmonization.
- **Unintended consequences must be carefully considered:** In its current form, we are concerned that the draft guidelines empower regulators in a way that may lead to handing over more power to undemocratic processes, particularly in regions with authoritarian regimes. The objectives for and limits of regulatory powers need to be clear in order to prevent abuses by some governments that may use these guidelines as a pretext to impose controls over information and

speech that could threaten democratic values or even human rights. In addition to this, the guidelines fail to address transparency and accountability issues related to the regulator and the content decisions they make.

- **Maximizing transparency of platforms and states with respect to take-down requests:** Illegitimate take-down requests are a problem identified by many Internet governance stakeholders. The proposed UNESCO model does not provide the type of strong and clear principles needed to reverse this trend.
- **Clear guidance on platform transparency will improve outcomes:** There is a lack of clarity on when certain information should be reported publicly, versus being reported “to the regulatory system.” These gaps illustrate the need for further consultation on the specific types of guidance and good practice that regulators could benefit from regarding “meaningful transparency.”
- **Existing progress on privacy challenges should not be duplicated or disrupted:** There remain privacy considerations, including the risks of enabling greater law enforcement access to user data through these same mechanisms. There is already a significant amount of experience and good work taking place in a number of forums and spaces on this topic that doesn’t require duplication of efforts to address illegal content and content that risks significant harm to democracy. This includes work done by the National Center for Missing & Exploited Children (NCMEC), Global Internet Forum to Counter Terrorism (GIFCT) and for the purposes of transparency, Digital Trust & Safety Partnership (DTSP).
- **Rushing the guidelines to publication will cause more harm than good:** Regulating online platforms is a complex task that requires a thorough examination and inclusive consultation to effectively address the significant impact on human rights. It is not a process that should be rushed. We therefore urge UNESCO to continue and consult with industry, civil society, and existing bodies who are committed to developing rights-respecting standards for online content regulation, to further reinforce the legitimacy of the guidelines. In addition, careful consideration should be made of other initiatives underway to establish global standards and best practices for content governance, e.g. World Economic Forum, Organisation for Economic Co-operation and Development (OECD) and more recently the United Nations as well as industry initiatives like the DTSP. We encourage some level of dialogue and collaboration across these initiatives to ensure some level of alignment and harmonization.
- **Scope of the guidelines:** While there have been positive changes in the scope, such as narrowing down the types of services covered under the guidelines, we encourage continued efforts to consider which spaces are the highest risk and the ways in which the guidelines can be appropriately scoped, including to protect private and secure online spaces and messaging. Messaging services should be removed from the guideline scope, since private messaging has different risk, safety approaches and consumer expectation from public social media. Otherwise, the obligations included in the guidelines could undermine secured users-to-user communications that use encryption.

We would also like to take this opportunity to seek clarity on the following:

- **Size of digital platforms:** The development of the framework should recognize

some actors have more capacity and responsibility to act and recognize the need for proportionality, but there should not be a specific focus or targeting of large platforms. Any approach to digital regulations should be responsive to the entire online ecosystem, and enable a risk-based and proportionate approach, depending on the service. Furthermore, focusing on specific platforms, whether based on size or other criteria, risks fragmenting industry collaboration/efforts as well as exposing users to harm on platforms that fall below the criteria.

On a final note, we strongly feel that there should be more comprehensive thematic consultations with experts in each specific relevant field and that these consultations are geographically distributed to ensure views from a broader range of stakeholders across all regions and cultures are accounted for. This process will undoubtedly demand time and resources and may result in the finalization of this document extending beyond the originally anticipated timeline. Nevertheless, such efforts are crucial in order to prevent unintended or counterproductive consequences on freedom of expression.

We look forward to continuing to provide in-depth comments in the future and welcome opportunities to offer our inputs and insights on industry best practices, directly through discussions to help shape the advancement of this guideline.
