



## Resolution 2281 (2019)<sup>1</sup>

Provisional version

# Social media: social threads or threats to human rights?

Parliamentary Assembly

1. The Parliamentary Assembly highly values the positive contribution of social media to the well-being and development of our societies. They are indispensable tools which help bring people closer together and facilitate the establishment and development of new contacts, thus playing an important role in building social capital. They provide a new public space, where political affairs and socially relevant themes are discussed, and where small parties, minorities or outsider groups frequently silenced in major legacy media can spread their ideas and views. They have the potential to expose users to more diverse sources of information and opinions, foster the plurality of voices which is needed in a democratic society and strengthen democratic participation.

2. Despite the huge beneficial potential of social media for individuals and for our societies, their misuse is also triggering numerous harmful consequences for our individual rights and well-being, for the functioning of democratic institutions and for the development of our societies, such as cyberbullying, cyberstalking, hate speech and incitation to violence and discrimination, online harassment, disinformation and manipulation of public opinion, and undue influence on political – including electoral – processes.

3. Social media are key actors in the regulation of the information flow on the internet and the way they operate has a significant impact on freedom of expression, including freedom of information, but also – in a more insidious way – on the right to privacy. These are not new concerns for the Assembly and, in the past, various reports have sought to identify measures to confine, if not eliminate, the risk of abuses which the internet generates in these sensitive areas. However, recent scandals have highlighted the need to further explore the responsibilities that social media should bear in this respect and the duty that public authorities have to ensure that such fundamental rights are fully respected.

4. The Assembly considers that social media companies should rethink and enhance their internal policies to uphold more firmly the rights to freedom of expression and of information, promoting the diversity of sources, topics and views and better quality information, while fighting effectively against the dissemination of unlawful material through their users' profiles and countering disinformation more effectively.

5. Moreover, the Assembly wonders whether it has become necessary to challenge the business model on which major social media companies have built their wealth, which is based on the massive acquisition of data from their users, as well as from their acquaintances, and on their – in practice almost unlimited – exploitation for commercial purposes. Data mining and profiling are phenomena which seem to have gone too far and beyond democratic control.

6. Proper use of big data can help to enhance policy design (for example on infrastructure development and urban planning) and the provision of key services (for example traffic management and health care); however, it is necessary to ensure data anonymisation and to guarantee that only reasonable inferences are drawn from users' data.

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1. *Assembly debate* on 12 April 2019 (18th Sitting) (see [Doc. 14844](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr José Cepeda). *Text adopted by the Assembly* on 12 April 2019 (18th Sitting).



7. The Assembly believes that public authorities should guide efforts seeking to “secure the human dignity and protection of the human rights and fundamental freedoms of every individual and ... personal autonomy based on a person’s right to control of his or her personal data and the processing of such data”, as stated in the Protocol (CETS No. 223) amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) (“the modernised Convention 108”). In line with the view expressed by the ministers when adopting the above-mentioned Protocol, the Assembly highlights the importance of a speedy ratification or accession by the maximum number of Parties in order to facilitate the formation of an all-encompassing legal regime of data protection under the modernised Convention 108.
8. The Assembly considers that strong collaboration of internet operators and public authorities is crucial to achieve results. In this respect, it welcomes the setting up of forms of partnership and co-operation between internet operators and various Council of Europe bodies, including the Assembly itself, and it encourages the partners concerned to further develop this co-operation and engage in ongoing constructive dialogue, in order to promote good practice and develop standards to uphold users’ rights and a safe use of social media.
9. The Assembly therefore recommends that the Council of Europe member States:
  - 9.1. fully comply with relevant international obligations concerning the right to freedom of expression, in particular those arising from Article 10 of the European Convention on Human Rights (ETS No. 5), when developing the legal framework of this right, and deliver national regulations requiring that social media providers ensure diversity of views and opinions and do not silence controversial political ideas and content;
  - 9.2. embed the teaching of information technology skills, including the use of social media, in the school curricula from the earliest age;
  - 9.3. initiate without delay the process required under their national law to ratify the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data;
  - 9.4. pending the above-mentioned ratification process, review as required the national legislation in force to ensure its full consistency with the principles enshrined in the modernised Convention 108, and in particular legitimacy of data processing, which must find its legal basis in the valid (and therefore also informed) consent of the users or in another legitimate reason laid down by law, as well as the principles of transparency and proportionality of data processing, data minimisation, privacy by design and privacy by default; the controllers, as defined in Article 2 of the modernised Convention 108, should be bound to take adequate measures to ensure the rights of the data subjects, as listed in its Article 9;
  - 9.5. encourage and support collaborative fact-checking initiatives and other improvements of content moderation and curation systems which are intended to counter the dissemination of deceiving and misleading information, including through social media;
  - 9.6. equip themselves with the means to sanction violations of their national legislation and of their international commitments that could occur on social media;
  - 9.7. promote, within the Internet Governance Forum and the European Dialogue on Internet Governance, a reflection on the possibility for the internet community to develop, through a collaborative and, where appropriate, multi-stakeholder process, an external evaluation and auditing system aimed at determining that algorithms respect data protection principles and are not biased, and a “Seal of Good Practices” which could be awarded to internet operators whose algorithms are designed to reduce the risk of filter bubbles and echo chambers and to foster an ideologically cross-cutting exposure of users.
10. The Assembly invites the European Union to examine ways to encourage and support a Europe-wide project intended to provide internet users with a tool to create, manage and secure their own personal online data stores (“PODs”), and to consider how the national and European regulations should evolve to ensure that online services – especially the most popular ones – offer their users tools which respect data protection principles and are compatible with POD functionalities.
11. The Assembly calls on the social media companies to:
  - 11.1. define in clear and unambiguous terms the standards regarding admissible or inadmissible content, which must comply with Article 10 of the European Convention on Human Rights and should be accompanied, if need be, by explanations and (fictional) examples of content banned from dissemination;

11.2. take an active part not only in identifying inaccurate or false content circulating through their venues but also in warning their users about such content, even when it does not qualify as illegal or harmful and is not taken down; the warning should be accompanied in the most serious cases by the blocking of the interactive functions, such as “like” or “share”;

11.3. make systematic use of a network analysis approach to identify fake accounts and bots and develop procedures and mechanisms to exclude bot-generated messages from their “trending” content or at least flag their accounts and the messages they repost;

11.4. encourage collaborative evaluation of the sources of information and items of news distributed, developing tools which could allow the online community to provide feedback on the accuracy and quality of content they consult, and put in place mechanisms of editorial oversight by professionals to detect and flag misleading or inaccurate content;

11.5. strongly engage in fact-checking initiatives which are intended to counter the dissemination of deceiving and misleading information through social media;

11.6. support and adhere to the Journalism Trust Initiative launched by Reporters Without Borders and its partners, the European Broadcasting Union, Agence France-Presse and the Global Editors Network;

11.7. design and implement algorithms which respect data protection principles and encourage plurality and diversity of views and opinions;

11.8. promote visibility of relevant issues with low emotional content against content of low relevance which is shared by emotional triggers;

11.9. even in the absence of binding national rules, abide by the principles enshrined in the modernised Convention 108 and ensure, through voluntary regulations and the development of good practice, the full respect of the rights of the data subjects, as listed in its Article 9; positive measures in this direction should be, among others, to:

11.9.1. improve the readability of the contractual terms and conditions which the users have to accept, for example by drawing up visual-based summaries of this information, in the form of tables with clear replies to key questions related to privacy concerns;

11.9.2. set privacy rules at the highest restriction level by default or, at least, provide the users with clear information and a user-friendly functionality to easily check privacy rules applicable to them and have the possibility to set these rules at the highest restriction level;

11.9.3. ensure that their users can oversee, evaluate and refuse profiling, including the possibility to check the “micro-categories” used to classify them and determine which ones must not apply to them; users must also be duly informed about the data the platform is using to filter and promote content based on their profile and be able to ask for any data to be deleted, unless the controller has conflicting legal obligations;

11.9.4. guarantee that the ownership of social media accounts of defunct people is transmitted to their relatives;

11.9.5. make sure that all functionalities offered to their users are progressively made compatible with the possibility for users to create, manage and secure their own personal online data stores.