

# CT & CONTENT MODERATION



28 June 2023

## LEGAL & POLICY LANDSCAPE



European Center for  
Not-for-Profit Law



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# UN Security Council Counter-Terrorism Committee

## UAE Statement at the Special Meeting of the UN SC CTC, October 29, 2022

“Second, the Internet must not be a terror enabler. We’ve been having this discussion for years. Aren’t you tired of these discussions? Despite the efforts of technology companies in developing detection tools based on artificial intelligence and human moderation, these are simply not enough. **Extremist content remains on the Internet, with algorithms that promote the search for new audiences, making terror activity so appealing.** Hate speech, terrorist narratives, extremist language, disinformation, misinformation campaigns continue to undermine and break down our social fabric. We must find ways to **fast-track efforts and strengthen regulatory and legislative frameworks** to protect users, our communities, and our children.”



# UN CTED Guiding Principles on ICT

Development of a set of **non-binding guiding principles (NBGPs) for Member States** on “preventing and countering the use of information and communication technologies (ICT) for terrorist purposes” in accordance with the Delhi Declaration adopted in October 2022 by the Committee during its Special Meeting held in Delhi, India

- **Policy, legal and regulatory frameworks, including definitions and consensus on terminology;**
- **Evolving and emerging technologies and their use for both terrorism and counter-terrorism purposes;**
- **Good practice and challenges in content moderation – from digital literacy through/to counter-narratives, content takedown, and broad Internet restrictions;**
- Digital evidence and data protection;
- Human rights, gender and youth considerations in countering terrorism online, including online surveillance, online investigations and OSINT;
- Privacy, transparency, and accountability;
- **Public-Private Partnerships.**



# European Union Regulation

TERREG: Regulation 2021/784 on addressing the dissemination of terrorist content online

Digital Services Act: provisions related to violent extremist content

- Illegal content removal obligations and fines
- Transparency and due diligence obligations, including for algorithmic systems (heightened for VLOPs and VLOSEs)

Internet Referral Unit (IRU) / Europol: flagging terrorist and violent extremist content online for removal



European Parliament confirms new online censorship powers

EU regulation against 'terrorist' content online (TERREG) was approved without a final vote by the European Parliament on April 29th. The regulation will harm our ability to freely express ourselves and access information online.

By EDRI · April 29, 2021



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# U.S. Law

- “Material support law” prohibits U.S. persons and entities from providing financial or in-kind assistance to groups on the State Department’s list of foreign terrorist organizations.
- The U.S. government has not (at least publicly) taken the position that allowing a designated foreign terrorist organization to use a free and freely available online platform is tantamount to “providing material support” for such an organization, as is prohibited under the patchwork of U.S. anti-terrorism laws. Although the laws prohibit the offering of “services” to terrorist organizations, the U.S. Supreme Court has limited that to concerted “acts done for the benefit of or at the command of another.”

*“The nexus between defendants and the Reina attack is far removed. As alleged by plaintiffs, defendants designed virtual platforms and knowingly failed to do “enough” to remove ISIS-affiliated users and ISIS-related content—out of hundreds of millions of users worldwide and an immense ocean of content—from their platforms. Yet, plaintiffs have failed to allege that defendants intentionally provided any substantial aid to the Reina attack or otherwise consciously participated in the Reina attack—much less that defendants so pervasively and systemically assisted ISIS as to render them liable for every ISIS attack. Plaintiffs accordingly have failed to state a claim under §2333(d)(2). We therefore reverse the judgment of the Ninth Circuit.”*

*Twitter v. Taamneh (N. 21-1496, 5/18/23)*



# Multi-stakeholder initiatives



# Ongoing civil society advocacy & coalitions



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**EFF and ECNL's Comment to the Meta Oversight Board on the Term 'Shaheed'**

BY JILLIAN C. YORK | APRIL 24, 2023

## The Santa Clara Principles

On Transparency and Accountability in Content Moderation

**Declaration of principles for content and platform governance in times of crisis**



**Content governance in times of crisis: how platforms can protect human rights**

# National legislation & advocacy

How is online content regulated in your country?

Are there existing or emerging advocacy efforts related to content moderation or online content?





# THANK YOU!

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