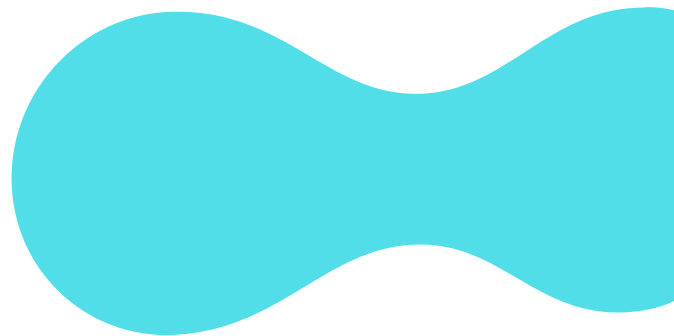
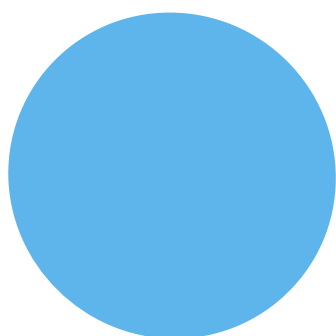




Global  
**Online Safety Regulators**  
Network

# **Position Statement:** Human Rights & Online Safety Regulation



## Introduction

The Global Online Safety Regulators Network (the Network) is a collective of regulators committed to online safety, human rights, democracy, and the rule of law. Membership to the Network is conditional upon demonstrating these commitments, as well as the ability to regulate independently of commercial and political influence.

This statement articulates the Network's shared commitment to championing a human rights-based approach to online safety regulation and harm prevention. Recognising the profound impact of digital technologies and the online environment on our lives, we acknowledge that this requires consideration of a range of fundamental human rights in the execution of our functions and duties.<sup>i</sup>

The Network affirms its position that regulating in a human rights-based and ethical manner will support an open, secure, stable, accessible, peaceful – and safe – digital ecosystem, which protects users from online harms and safeguards fundamental human rights.<sup>ii</sup>

## Human rights, responsibilities and regulation

The Network acknowledges the challenge we face today on how to regulate online spaces without unduly impacting on or restricting the human rights and freedoms of users. On the one hand, allowing online spaces to remain ungoverned with the onus on individuals or service providers to self-regulate could enable human rights abuses and serious online harms, such as the production and distribution of child sexual exploitation and abuse material or the incitement of extreme violence. On the other hand, imposing strict regulations without a human rights-based approach could restrict freedom of expression through censorship inhibiting comments on issues of public concern or arbitrary takedown of content, or enable invasion of privacy through using surveillance technologies to monitor and impose limits on users.

In executing our functions and duties as online safety regulators, the Network reaffirms the inherent dignity, and equality of each person, regardless of background, location, ethnicity, appearance, thoughts, or beliefs, and recognises the need to protect, respect and fulfil human rights in the digital environment.<sup>iii</sup>

The Network is committed to the human rights principles of universality, equality, and transparent governance for the digital environment.<sup>iv</sup> Our position draws on the Universal Declaration of Human Rights and core international and regional human rights treaties, with an emphasis on:

- the principle of the best interests of the child
- the principles of dignity, equality, and mutual respect
- the right to freedom of information, opinion, and expression
- the right to freedom of association
- the right to privacy
- the right to protection from exploitation, violence, and abuse
- the right to non-discrimination.<sup>v</sup>

The Network understands that the need to uphold these fundamental rights while protecting users from harm is crucial, but not always straightforward.

We recognise that human rights are indivisible and interdependent, insofar as no human right is inherently inferior to another human right. This means that the dignity and rights of a child to be protected from exploitation is no less important than the right to privacy. Both must be respected, protected, and realised.

We recognise that human rights abuses can occur through the production, distribution, and consumption of illegal and harmful online content, such as when a person is physically harmed and the abuse is recorded and streamed.

We promote a shared responsibility to protect users from serious online harms, particularly those most at risk in our communities, such as children and people who face intersecting systemic forms of discrimination and oppression,<sup>vi</sup> who are often silenced or pushed out of online spaces due to targeted relentless abuse. At the same time, we acknowledge that efforts to eradicate illegal and harmful content should not be used to restrict freedom of expression beyond what is permitted under law.

We recognise that everyone has the right to freedom of opinion and expression and that exercising this right carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, in line with the Article 19(3) of the International Covenant on Civil and Political Rights three-part test on legitimate restrictions to freedom of expression.<sup>vii</sup>

We also recognise the intersection between individuals' right to privacy and efforts to enhance online safety. This is especially important in online spaces and when using digital technologies, which can serve as vectors for harm, as well as being critical tools of modern communication, education, work, socialisation and civic participation.

Our approach places user safety as the third pillar of digital trust, sitting equally alongside privacy and security.

We commit to stand united in our shared resolve to protect all people from online harms, so that the internet becomes a safer space for engagement, information sharing and expression.

## **An approach to human rights-respecting regulation**

We support an approach to regulation that is human rights-respecting and proportionate and recognises the shared ethical duty for governments, regulators, businesses and service providers to preserve the human rights and dignity of users online, to mitigate and prevent online harms, and promote user safety, empowerment and autonomy.

We strive to adopt a holistic and inclusive approach to creating a safer online environment that enables human rights to flourish – where there are proper guardrails in place to prevent online harms, discrimination, abuse, and the silencing of voices, and allow for freedom of expression and opinion. This is an online environment where children can learn and explore safely without fear of exploitation, where their best interests are upheld, and where all people have privacy, dignity, and choice around who and what they engage with.

Regulators have an essential role in engaging with service providers to support, through codes, rules, guidance, dialogue, and other mechanisms intended to achieve a safer online environment. This can involve regulators engaging with service providers to:

- implement systems and processes, such as risk assessments and mitigations and to have and uphold clear terms of service and reporting pathways. These systems and processes should be transparent and user-friendly and service providers should be accountable for them.
- adhere to robust safety standards and ensure that safety and human rights are at the centre of the development and design of online products and services.
- promote governance structures that prioritise the safety of users and encourage shared responsibility and accountability to minimise, detect and eliminate online harms, with the goal of embedding safety into the culture and leadership of an organisation.
- strengthen user empowerment by providing accessible redress and remedial pathways for users such as complaints mechanisms, tools to choose what they can see and experience and online safety, media literacy and digital citizenship education. Where service providers do not adequately provide these user empowerment measures, regulators may step in and provide this support.
- consider how service providers' online safety activities and our regulatory interventions intersect with and impact on human rights.

It also requires regulators themselves to uphold principles of transparency regarding regulatory processes and decisions, and accountability to individuals and communities, through regular public and multistakeholder consultations, and complying with oversight and review mechanisms.

## Embedding into practice

This statement serves as a tool for the Network to advocate for human rights-respecting regulation, and to hold the Network accountable to this goal.

In doing so, the Network commits to:

- proactively engaging in open dialogue with a range of stakeholders – such as other digital platform and media regulators, researchers, industry, governments, multilateral organisations and civil society – to deepen our understanding of a human rights-respecting approach to online safety.
- welcoming observers to the Network from civil society, to feed into our collective efforts to share information, improve transparency, and enhance human rights-based online safety practice.
- collaborating to understand and address the human rights and safety implications of technological advancements, service provider activities and regulatory interventions and approaches to protecting children from harms, including age assurance technologies.
- focusing on transparency and accountability – both our efforts to encourage services providers to uphold human rights and safety standards, but also our efforts to be transparent with the community about the role, remit, and functions of the Network.

Through our shared commitment, and by fostering collaboration, sharing knowledge and best practices, we will collectively develop effective and proportionate regulatory measures that align with international human rights standards, as we aspire to build a sustainable, global digital future.

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<sup>i</sup>Global Online Safety Regulators Network – Charter of Engagement, <https://www.esafety.gov.au/sites/default/files/2022-11/Terms%20of%20Reference%20-%20%20The%20Global%20Online%20Safety%20Regulators%20Network.pdf>

<sup>ii</sup>UN General Assembly, A/76/135 (29 May 2020) <https://www.aspi.org.au/report/un-norms-responsible-state-behaviour-cyberspace>

<sup>iii</sup>Global Online Safety Regulators Network – Charter of Engagement, <https://www.esafety.gov.au/sites/default/files/2022-11/Terms%20of%20Reference%20-%20%20The%20Global%20Online%20Safety%20Regulators%20Network.pdf>; United Nations, Rule of Law and Human Rights <https://www.un.org/ruleoflaw/rule-of-law-and-human-rights/>

<sup>iv</sup>Internet Rights Principles Coalition, The charter of human rights and principles for the internet, 2014, <https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/Communications/InternetPrinciplesAndRightsCoalition.pdf>

<sup>v</sup>United Nations General Assembly. “The Universal Declaration of Human Rights.” (UDHR). New York, 1948. United Nations General Assembly. “International Covenant on Economic, Social, and Cultural Rights.” Treaty Series 999 (December 1966): 171. United Nations General Assembly. “International Covenant on Civil and Political Rights.” Treaty Series 999 (December 1966): 171. United Nations General Assembly, “Convention on the Rights of the Child.” Treaty Series (November 1989): vol. 1577, p. 3

<sup>vi</sup>For example, people who experience multiple forms of sexism, racism, ableism, ageism, colonialism, classism, or discrimination due to language, ethnicity, religion.

<sup>vii</sup>Article 19(3) of the International Covenant on Civil and Political Rights.

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| September 2023