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Freedom of expression in new frontiers

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan*

Summary

In the present report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression examines how the intersection of public and private powers and the convergence of geopolitical and corporate interests driving the digital revolution is advancing a new global agenda on freedom of opinion and expression and exploiting the vulnerabilities of this right. She analyses the wider implications of the paradigm shift in the governance of freedom of opinion and expression covered in her previous report.

She examines how States, aided, abetted and aggravated by new technologies, are reducing the space for freedom of opinion and expression, online and offline, and its negative impact on gender inequality, children's safety and media decline. Furthermore, the Special Rapporteur looks at the governance, oligarchic structure and culture of large digital platforms and artificial intelligence companies, as well as the complex relations between the corporate actors and States, from regulation and adjudication to collusion and co-optation. She concludes by drawing attention to the resistance, reforms and initiatives seeking to reclaim and revitalize freedom of opinion and expression as a fundamental pillar of democracy and sustainable development.

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* The present report was submitted after the deadline so as to include the most recent information.

I. Introduction

1. "O, it is excellent to have a giant's strength, but it is tyrannous to use it like a giant." William Shakespeare's words speak to a truth older than the digital age, that power becomes tyranny when it is exercised without constraint or regard for the rights of others. The words gain new validity for freedom of expression in the context of the digital age as governments wield their power to silence dissent and digital companies, whose reach and resources dwarf those of most governments, manipulate online information spaces to enrich themselves.

2. Three global trends are reshaping the right to freedom of opinion and expression in the digital age: the backsliding of liberal democracies and the rise of authoritarianism; information manipulation by new technologies and the unbridled power of "big tech"; and the disregard of the fundamental rules of international law in a fraught and fractured world.

3. The space for freedom of expression is shrinking in a political context in which more people live in closed autocracies today than in electoral and liberal democracies. The latter now is home to only 7 per cent of the world's population.[1] Interference, restriction and manipulation of information have long been common practices of autocratic Governments. It is now spreading to democratic States, transforming the public sphere into legitimized exclusion zones.

4. Geopolitical and corporate interests are aligning in ways that jeopardize human rights, especially freedom of opinion and expression. Billions of people around the world communicate and access information through digital platforms governed by a small group of billionaire oligarchs, based largely in the United States of America but with global operations. They determine who can speak, what they can say and where they can say it. However, the issue is no longer just about who speaks and who does not but also about the integrity of information and the health and survival of democracies.

5. The expectation in democratic societies is that free, pluralistic and independent media will hold power to account, but today the media as well as freedom of expression are in distress. The United Nations Educational, Scientific and Cultural Organization, in its *World Trends in Freedom of Expression and Media Development: Global Report 2022–2025*, revealed an alarming 10 per cent decline in its freedom of expression index since 2012. Other studies show that press freedom is in its worst state in 50 years.[2]

6. The Special Rapporteur took up the mandate during the coronavirus disease (COVID-19) pandemic, fittingly described by her predecessor as "a crisis of free expression".[3] The pandemic ended but the crisis of expression has worsened, aggravating old concerns of State repression while generating new threats to freedom of opinion and expression, enabled and amplified by new technologies, driven by oligarchic structures. The rapid advance of new technologies is one of the most consequential developments affecting this right in centuries. It has transformed society but at significant cost. From the spike in disinformation and hate speech to the decline of media freedom, from electoral integrity to gender equality, from the safety of journalists to the suppression of public advocacy, the human and social costs are high and rising.

7. As the Special Rapporteur has come to the end of her tenure, for her final report to the Human Rights Council, she has chosen to focus on the intersection of public and private powers driving the digital revolution while exploiting the vulnerabilities of the right to freedom of opinion and expression. What makes the subject particularly relevant at this moment is the convergence of geopolitical and corporate interests to advance a new global agenda on freedom of opinion and expression. In her final report to the General Assembly,[4] the Special Rapporteur highlighted the paradigm shift in the private governance of freedom of opinion and expression and its effect on content moderation and related policies of the

[1] See https://www.v-dem.net/documents/75/V-Dem_Institute_Democracy_Report_2026_lowres.pdf.
[2] See https://www.unesco.org/en/world-media-trends.
[3] A/HRC/44/49, para. 5.
[4] A/80/341.

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platforms. The present report builds on the earlier findings on content moderation and in it the Special Rapporteur analyses the post-shift implications from a wider perspective.

8. The Special Rapporteur focuses on how freedom of opinion and expression is being squeezed by States and companies operating in tandem. She first examines the actions of States, aided, abetted and aggravated by new technologies, which are reducing the space for freedom of opinion and expression, online and offline, and at their negative impact on such key issues as gender inequality, children's safety and media decline. In the second part of the report, the Special Rapporteur looks at the governance, oligarchic structure and culture of large platforms and artificial intelligence companies, as well as the complex relations between the corporate actors and States, from regulation and adjudication to collusion and co-optation. A recurring theme throughout the report is the erosion of international human rights law and the growing fissures in the relations among States affecting freedom of opinion and expression. Despite the sombre assessment of the threats and challenges, the Special Rapporteur ends on a positive note, drawing attention to the resistance, reforms and initiatives by a whole range of actors and activists, seeking to reclaim and revitalize freedom of opinion and expression as a fundamental pillar of democracy and sustainable development.

9. The report has benefited from information, advice and insights submitted by representatives from Governments, companies, international organizations and civil society, as well as the testimony of individual rights holders with whom the Special Rapporteur met in the course of her mandate. She would also like to acknowledge the important contribution of her team in the research and writing of the report.

II. New frontier: trends reshaping freedom of expression

10. Three key trends characterize the new reality of the convergence of public and private power on the exercise of the right to freedom of opinion and expression in the digital age.

A. Asymmetry of power

11. The size, reach, resources and influence of digital platforms and artificial intelligence companies are staggering and outstrip those of most countries.

12. In 2025, Meta's annual revenue was larger than the gross domestic product (GDP) of about 130 countries. Facebook's monthly user base of 3 billion is larger than the population of any country.[5] This kind of concentration of private power and wealth is replicated in the artificial intelligence sector, where a handful of companies with little transparency and accountability control the models that shape how billions of people access and process information. OpenAI has reported an annual revenue which exceeds the GDP of 80 countries, while ChatGPT is used by nearly a billion people every week, with usage surging most in the global majority.[6]

13. Add to the wealth and influence of digital platforms and artificial intelligence companies a distinct culture that treats disruption as inherently virtuous, regulation and accountability as obstacles, opacity as an advantage and human rights as being in tension with innovation. In this vision, the purpose of technology is not to serve society but to redefine it.

14. The asymmetry of power challenges the human rights model, in which States are duty bearers protecting the fundamental rights of their citizens against corporate overreach. The line between the regulator and regulated, protector and predator is blurred, especially in contexts where the State itself restricts expression unlawfully. Platforms and artificial intelligence companies successfully leverage their immense influence across borders to shape

[5] See https://tickerleague.com/companies/META/economic-scale; and https://www.statista.com/statistics/272014/global-social-networks-ranked-by-number-of-users/?srsltid=AfmBOoqVxZb6jK-buKFveHqYsEeehcYpNB3mM_PSv0WFCkDgKRxmONWV.

[6] See https://www.reuters.com/business/openai-cfo-says-annualized-revenue-crosses-20-billion-2025-2026-01-19/.

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policies, laws and regulations with little regard for human rights, healthy information spaces, transparency or accountability.[7] Corporate lobbying is not a new phenomenon. What is novel is that these corporate actors control and manipulate, at a massive global scale, the very infrastructure, tools and content of the information environment through which States, societies and individuals inform themselves, communicate and debate.

15. Freedom of opinion and expression, which encompasses the right to information, is an inalienable human right. It has been subjugated to private power. That speaks to corporate greed as well as to State failure.

B. Artificial intelligence running amok

16. New technologies are transformative but also highly dangerous. Artificial intelligence-generated information manipulation and the engagement-centred business models of digital platforms both control speech and manipulate opinion.

17. Article 19 (1) of the International Covenant on Civil and Political Rights states that freedom of opinion is an absolute right. Any interference with that right is a violation of international human rights law.[8] Artificial intelligence-driven algorithms shaping content feeds, by steering and determining the relevance of the content that individuals see, raises serious concerns regarding the right to freedom of opinion. Artificial intelligence-powered chatbots take the concerns to a new tier of risk with their immense ability to shape and manipulate what individuals believe to be "real".

18. From the highly political to the deeply personal, nothing is out of bounds for new technologies. The ubiquity of artificial intelligence in creating, curating and amplifying information, coupled with the attention-seeking models of social media platforms and artificial intelligence firms, have played a major role in creating and sustaining the polarized political discourse in backsliding democracies. Fragmented, unreliable and toxic information environments are easier for demagogues to exploit, capture and sustain. The ability of political actors to use artificial intelligence to flood the information environments in the context of elections at unprecedented speed and scale with "generative propaganda" or "slopaganda" is cause for alarm.[9] Parties to armed conflicts have escalated the weaponization of artificial intelligence as a tool to undermine humanitarian operations and manipulate and distort information that can be life-threatening for civilians.[10]

19. There is increasing evidence of interactions between chatbots with individuals leading to bizarre behavioural changes, delusions, self-harm and, in some cases, even suicide.[11] According to the Chief Executive Officer of OpenAI, Sam Altman, which is the company that produces ChatGPT: "It's not all going to be good. There will be problems. People will develop these somewhat problematic or maybe very problematic parasocial relationships, and society will have to figure out new guardrails. The upsides will be tremendous!"[12] The admission of the risks so nonchalantly by those who create them is beyond irony.

20. Generative artificial intelligence has had a ruinous effect on public trust. Nearly three quarters of persons surveyed across 47 countries say that generative artificial intelligence makes it difficult to trust information online, and nearly 90 per cent support better fact-checking and regulation of artificial intelligence-generated disinformation.[13]

21. Despite the significant risks and the need for accountability, emerging governance frameworks for artificial intelligence are weak and fragmented. Many Governments are

[7] See https://www.somo.nl/presenting-the-big-tech-lobby-playbook/.
[8] A/HRC/47/25, paras. 34–36.
[9] A/HRC/59/50, paras. 25 and 26.
[10] See A/77/288.
[11] See www.ohchr.org/sites/default/files/documents/issues/expression/statements/2025-10-24-joint-declaration-artificial-intelligence.pdf.
[12] See https://techcrunch.com/2025/06/18/kid-pilled-sam-altman-constantly-asked-chatgpt-questions-about-his-newborn/.
[13] See https://assets.kpmg.com/content/dam/kpmgsites/xx/pdf/2025/05/trust-attitudes-and-use-of-ai-global-report.pdf.

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treating artificial intelligence as a driver of economic growth and market competition while downplaying its risks to people. The largest artificial intelligence companies have consistently resisted meaningful oversight, opposing even modest reporting and transparency requirements. The United States has shielded its companies from any accountability measures, including from other States. The Special Rapporteur has voiced her grave concerns about innovation at speed with no guardrails and has urged States and companies to ensure the integration of human rights into product design and algorithmic development from the outset.[14]

C. Erosion of international human rights law and the surrender of freedom of expression to geopolitics

22. The erosion of international human rights law and the surrender of freedom of expression to geopolitics is an area where the United States is playing a prominent role.

23. The United States is promoting an "absolutist" notion of free speech and redefining censorship in a way that is inconsistent with international human rights law, and as discussed in the next section, it is hypocritical in its application and highly polarizing, in an information environment awash with hate speech and incitement against minorities, migrants and women. The Administration has discouraged United States-based platforms from content moderation or compliance with transparency or accountability requirements by other States or the European Union.

24. At a scale that no other State has ever dared before, the United States has asserted its political and commercial power to punish other States for upholding international law. The Government of the United States sanctioned a Brazilian Supreme Federal Court Justice for his decision against United States digital platforms operating in Brazil.[15] It has assailed the European Union with tariffs, subpoenas, political interference, travel bans on regulators, fact-checkers and researchers and threats of further sanctions in retaliation for the application of the Digital Services Act to United States-based social media platforms. It has reportedly also retaliated against the Republic of Korea for its regulation against social media monopolies.[16] Within hours of taking office, the Administration of Donald J. Trump rescinded its predecessor's commitments to international cooperation on safety standards and rights-based governance of artificial intelligence, in favour of unilaterally pursuing "global artificial intelligence dominance".[17]

25. These are not only geopolitical or diplomatic disputes. They are clear signs of rejection of international human rights standards and withdrawal from international cooperation on major human rights issues of global concern. They are direct attempts to interfere in the fulfilment by other States of their international obligations to protect the right to freedom of opinion and expression. In addition to the direct damage, the chilling effect of these actions on other Governments upholding international law could be significant.

[14] A/80/341, paras. 24–27; and www.ohchr.org/sites/default/files/documents/issues/expression/statements/2025-10-24-joint-declaration-artificial-intelligence.pdf.

[15] United States, Department of the Treasury, "Treasury Sanctions Alexandre de Moraes", press release, 30 July 2025, available at https://home.treasury.gov/news/press-releases/sb0211.

[16] See https://ustr.gov/about/policy-offices/press-office/press-releases/2026/march/ustr-initiates-section-301-investigations-relating-structural-excess-capacity-and-production; and https://www.bloomberg.com/news/articles/2025-08-26/digital-services-taxes-why-trump-is-threatening-tariffs-over-tech-levies.

[17] Executive Order No. 14179 of January 23, 2025 (Removing barriers to American leadership in artificial intelligence).

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26. The Prime Minister of Canada, Mark Carney, described the international norms-based order as undergoing a "rupture, not a transition".[18] The rupture is being felt painfully in the context of freedom of opinion and expression. As an enabling right for democracy and sustainable development, permitting the free flow of "information and ideas of all kinds, regardless of frontiers", it must not become fodder for geopolitics.

III. Assault on freedom of expression

27. The right to freedom of expression is under attack in multiple ways. In this section, the Special Rapporteur looks at three ways in which States are restricting the right: weaponizing it to legitimize incitement to violence, discrimination and hostility towards those most vulnerable in society; criminalizing and securitizing it to silence those who raise their voices; and restricting it by blocking access to digital spaces.

A. Weaponizing freedom of expression

28. Political rhetoric expressing hatred and stigmatizing and vilifying migrants, women, minorities and other marginalized groups has spiked in many parts of the world.[19] It appears to be a tactic to intimidate minorities and undermine the diversity of democratic societies. In its resolution 80/192, the General Assembly expressed its alarm at the global spread of extremist political parties, movements, ideologies and groups of a racist or xenophobic character, and at the fact that such groups use the Internet and social media to disseminate and to amplify their hate-filled messages and inject such ideologies into mainstream political discourse.

29. Underlying that trend is a dangerous strategy of some politicians to weaponize freedom of expression and, under the pretext of promoting a free and open information environment, depict the restriction of hate speech or the prohibition of incitement as censorship.[20] The promotion of freedom of expression as a right with no guardrails is an effort to legitimize hate speech. When speech moves beyond "lawful but awful" into a deliberate strategy to chill and exclude the public participation of others, it undermines the foundational principles of human dignity, equality and non-discrimination.

30. The absolutist framing of "free speech" is a central feature of the Trump Administration's domestic politics and increasingly its foreign policy, especially towards Europe and Latin America. The double standards are evident, as the Government of the United States seeks at the same time to block journalists and silence critics.

31. The information environment online and offline in the United States is starkly polarized, intolerant and dangerous, with rhetoric from the highest levels of government calling migrants "animals", journalists "enemies" and peaceful protesters "terrorists".[21] The racist, derogatory and dehumanizing vitriol, backed by harsh immigration measures against migrants, refugees and asylum-seekers, reached such a level that the Committee on the Elimination of Racial Discrimination recently reminded the Government of the United States of its obligations as a Party to the International Convention on the Elimination of All Forms of Racial Discrimination and asked it to refrain from such actions.[22]

[18] See https://www.weforum.org/stories/2026/01/davos-2026-special-address-by-mark-carney-prime-minister-of-canada/.

[19] See IND 5/2024, TUN 2/2026, HUN 2/2025, USA 42/2025, PAN 3/2025 and PER 1/2023. All allegation letters and/or urgent appeals mentioned in the present document are available at https://spcommreports.ohchr.org/Tmsearch/TMDocuments. See also A/HRC/62/67/Add.1; and https://www.ohchr.org/sites/default/files/statements/20260206-eom-stm-europe-central-asia-region-sr-protection-right-en.pdf.

[20] See https://www.indexoncensorship.org/2026/01/how-the-far-right-has-weaponised-free-speech/.

[21] See USA 7/2026, USA 38/2025 and USA 27/2025.

[22] The United States is a Party to International Convention on the Elimination of All Forms of Racial Discrimination, having ratified it in 1994. See also A/81/18, sect. II.A.

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32. This distorted understanding of "free speech" is increasingly gaining ground in some other countries. It has found resonance among users of such platforms as X, Rumble and Truth Social, which shun content moderation as censorship. The leadership of Argentina has reportedly called X's lack of content moderation and rollback on safety a "gift of absolute freedom", while using the platform to launch hateful vitriol against journalists, women and political opponents.[23] In Germany, politicians from the extreme right have consistently attacked regulation by the European Union of platforms as "censorship", while adopting anti-migrant and Islamophobic stances.[24] The leadership of El Salvador has reportedly accused Western Governments of forcing social networks to censor users.[25]

33. The Special Rapporteur reiterates that the instrumentalization of freedom of expression to legitimize incitement and hatred is contrary to international law.[26] Freedom of expression under international law is a broad right and integral to the protection of equality, autonomy and the dignity of all individuals.[27] The right, though expansive, is not unlimited. It may be restricted by law that is clear, precise and public using measures that are necessary and proportionate for the legitimate aim of respecting the rights and reputation of others or protecting national security, public order, public health and public morals. Advocacy of racial, religious or national hatred that constitutes incitement to discrimination, hostility or violence must be prohibited under international law.[28]

34. The paradox of freedom of expression is that the restrictions and prohibition of expression serve a "protective function", intended to create a level playing field.[29] If hate speech or incitement is allowed to flourish unchecked, the result is not more speech but less. Those targeted are intimidated into silence and driven out of public life, making freedom of expression the right of a few and not all. Furthermore, when people are denied a voice, they feel invisible and excluded from public participation, and may become more vulnerable to bigotry, prejudice and marginalization.[30]

35. Freedom of expression and the right to equality are mutually supporting, interdependent, and essential to the realization of other human rights. To be true to that purpose, any restriction of freedom of expression must be interpreted narrowly. Where restrictions are interpreted too broadly, they become a means to censor lawful speech, turning a means to secure equal expression into an instrument of its denial.

B. Securitizing expression

36. The use of national security, counter-terrorism or similar legislation to prosecute the legitimate exercise of the right to freedom of expression has hardened across the political spectrum of States in recent times. For example, in Hong Kong, China, the authorities have aggressively cracked down on media, human rights defenders and pro-democracy activists under the umbrella of its "national security" law.[31] In the Philippines, "terrorism financing" laws have been used against many journalists and human rights defenders, in one case

[23] See ARG 4/2025; https://buenosairesherald.com/politics/argentinas-milei-claims-elon-musk-has-bought-cnn-after-spoof-post; https://www.nytimes.com/2025/07/02/world/americas/argentina-president-milei-press-attacks.html; and https://www.weforum.org/stories/2025/01/davos-2025-special-address-javier-milei-president-argentina/.

[24] A/HRC/62/67/Add.1, para. 74.

[25] See https://ticotimes.net/2025/09/27/el-salvadors-bukele-skips-un-meeting-shares-last-years-speech-online.

[26] A/80/341, paras. 13 and 14.

[27] See Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression.

[28] International Covenant on Civil and Political Rights, arts. 19 (3) and 20.

[29] Human Rights Committee, general comment No. 34 (2011), para. 34.

[30] ARTICLE19, Camden Principles on Freedom of Expression and Equality.

[31] See CHN 23/2025.

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dragging out legal proceedings for five years on dubious evidence while the journalist languished in pretrial detention and eventually received a disproportionately severe punishment.[32]

37. The results of the surveys of the Varieties of Democracy Institute show that overly restrictive measures of freedom of expression have become a key indicator in the backsliding of Western liberal democracies.[33] The trend is most vivid in the crushing scale and severity of repression of advocacy for Palestinian rights, often using counter-terrorism laws, as well as criminal laws against incitement. Some measures, such as the outright bans of protests, slogans and symbols, like the keffiyeh or the Palestinian flag, mirror those typically seen in authoritarian States.[34]

38. The United Kingdom of Great Britain and Northen Ireland has designated the entire political protest movement, Palestine Action, as "terrorist" and prosecuted peaceful activists and elderly supporters.[35] The United States subjected students and scholars in support of Palestine to retaliatory surveillance, arrest, detention, denial of medical care, religious discrimination and forced removal on unsubstantiated grounds of "national security".[36] In Germany, the use of anti-terrorism laws to restrict advocacy for Palestinian rights has had a wider chilling effect on public participation, academic research and cultural and artistic expression.[37]

39. Domestic courts have proved a crucial safeguard against executive overreach. In the United Kingdom, the response to activism in support of Palestinian rights has prompted a stern rebuke from the courts.[38] In Australia, the New South Wales Court of Appeal struck down the restrictive terrorism law adopted in the wake of the attacks on Bondi Beach as "not compatible" with a system of representative government.[39] In the United States, judges have decried the "full-throated assault" on advocacy for Palestinian rights through deportations of activists.[40]

40. Non-violent climate activism has been equated with terrorism in a range of countries, from Western Europe to Central America to South-East Asia.[41] International treaties, such as the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, guarantee access to information, public participation and access to justice on climate issues, yet the parties to those treaties continue to criminalize or label peaceful climate activists as terrorists or public security threats.[42] Activists are being placed under surveillance, deprived of their liberty and subjected to violence, all with a dangerous chilling effect.[43]

[32] See PHL 1/2026; PHL 7/2025; PHL 5/2024 and PHL 4/2023.
[33] See https://www.v-dem.net/documents/75/V-Dem_Institute_Democracy_Report_2026_lowres.pdf.
[34] See DEU 2/2025 and GBR 13/2025.
[35] A/79/319, paras. 69–74; GBR 13/2025; and https://www.ohchr.org/en/press-releases/2025/07/un-experts-urge-united-kingdom-not-misuse-terrorism-laws-against-protest.
[36] See USA 33/2025, USA 17/2025; and A/HRC/59/41/Add.1.
[37] See DEU 2/2025; A/HRC/62/67/Add.1; and www.ohchr.org/en/press-releases/2026/02/germany-un-expert-warns-space-freedom-expression-shrinking-amidst-growing.
[38] Royal Courts of Justice, *Huda Ammori vs. Secretary of State for the Home Department*, Case No: AC-2025-LON-002122, Judgment, 13 February 2026.
[39] Australia, Supreme Court of New South Wales, Court of Appeal, *Elizabeth Ann Jarrett State of New South Wales*, Case No. 2026/44249.
[40] See USA 33/2025; United States, District Court of Massachusetts, *American Association of University Professors et al. vs. Marco Rubio et al.*, Case No. 25-cv-10685-WGY, document No. 261, 30 September 2025, available at https://knightcolumbia.org/documents/ahmr9jfap2.
[41] A/80/114, paras. 66–68 and 94; and DEU 6/2024.
[42] Michel Forst, "State repression of environmental protest and civil disobedience: a major threat to human rights and democracy", February 2024, available at https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf.
[43] See KAZ 6/2025, THA 13/2025, KHM 3/2025, MEX 14/2025 and SLV 7/2025.

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41. The "security" lens has also been applied to sexual orientation and gender identity in some countries. For instance, the Supreme Court of the Russian Federation in 2023 declared the "international lesbian, gay, bisexual and transgender persons movement" an "extremist organization", banning its activities in the country entirely.[44]

C. Shrinking digital spaces

42. One of the most direct and blunt means by which States control expression is through Internet shutdowns. The Internet has transformed the ability of individuals to seek, receive and impart information and ideas of all kinds; its closure inverts the power dynamic into the hands of those who control access.

43. Global Internet freedom has continued to decline for the fifteenth consecutive year.[45] A recent study found that up to 2 billion people are now at risk of being trapped behind authoritarian firewalls.[46] While blunt Internet shutdowns continue to rise, a more insidious and growing trend is the shift of States from blanket bans that disrupt a wide range of public services to subtle, precise, state-of-the-art information controls at scale.[47] New technologies allow targeted "throttling" or the use of artificial intelligence to identify signs of anti-censorship tools.

44. Some Governments use artificial intelligence-driven automated bot networks to spread disinformation, hate speech and violence.[48] They are increasingly weaponizing artificial intelligence systems to target journalists, human rights defenders and dissidents, including across borders. As one example, the rapid response mechanism of Canada uncovered six artificial intelligence chatbots that had amplified the leak of sensitive personal information of five journalists who were singled out as part of a "hack and leak" operation linked to the Islamic Republic of Iran.[49]

45. Many liberal democracies are using emerging technologies to restrict and control information in ways that look innocuous but could be incompatible with their obligations to protect freedom of expression. For instance, States are increasingly using artificial intelligence-driven digital systems for identification and essential services that are vulnerable to manipulation, surveillance and filtering.[50] In countries where public trust in the State machinery is historically low, such actions raise fear of data misuse and risk of surveillance in future. Many Latin American countries are expanding "algorithmic governance" initiatives and digital identification, which led the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights recently to warn that there was "no coincidence" between such actions and normalized surveillance practices that are aimed at chilling freedom of expression.[51]

46. The Special Rapporteur has consistently warned that surveillance has a chilling effect on freedom of expression.[52] People speak less freely when they know that they are being watched. Digital identification systems and algorithmic governance expand that watchfulness into everyday life, linking identity to services in ways that make the cost of speaking out higher for those who depend most on the State.

[44] See RUS 28/2023; and https://www.ohchr.org/en/press-releases/2026/04/strategy-blatant-abuse-counter-terrorism-and-extremism-laws-destroy-russian.

[45] See https://freedomhouse.org/report/freedom-net/2025/uncertain-future-global-internet.

[46] See https://www.article19.org/wp-content/uploads/2026/04/ARTICLE-19_Targeted_FINAL_April-2026.pdf.

[47] See https://news.un.org/en/story/2026/01/1166813.

[48] See A/HRC/59/50.

[49] See https://www.international.gc.ca/transparency-transparence/rapid-response-mechanism-mecanisme-reponse-rapide/iran-hack-piratage-iranien.aspx?lang=eng; and https://citizenlab.ca/wp-content/uploads/2026/03/Deibert-Written-Testimony_Canadian-House-of-Commons-Standing-Committee-12-March-2026.pdf.

[50] A/HRC/60/45, paras. 22 and 29; and A/HRC/59/61, para. 11.

[51] See https://www.oas.org/en/iachr/expression/reports/VigilanciaRELECIDH.pdf.

[52] A/76/258, paras. 37–40.

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47. The expansion of State surveillance capabilities is being accompanied by restrictions on the technologies, such as encryption and anonymity tools, used by journalists, dissidents and human rights defenders to protect themselves.[53] The blocking of secure messaging applications has also surged, with blocks of Signal increasing fivefold in 2024 across nine countries.[54] These concerns are deepened following the recently enacted United Nations Convention against Cybercrime, which extends broad electronic surveillance and cross-border data-sharing powers to States with documented records of human rights abuse, risks compelling third parties to undermine encrypted communication and provides insufficient safeguards for freedom of expression and the right to privacy.[55]

IV. When promise turns to peril

48. Digital technology came with much hope of a new age in which those whose voices were being ignored would be able to speak freely and safely and in which media would flourish as a pillar of democracy. The reality has turned out to be otherwise. The lost opportunities and the human and social costs of digital technology create an imperative for action that the international human rights system ignores at its peril.

49. In the section below, the Special Rapporteur looks at three issues critical to society and democracy: gender equality; safety of children; and media freedom. Despite States' commitment to gender equality, women's voices continue to be censored or sidelined and their safety threatened online. In the rush to ban children's access to social media, their right to freedom of expression could become a zero-sum game between safety and access online. Independent news media are lauded as the lifeblood of democracy, but new technologies and the platform economy are draining its diversity, plurality and viability. Generative artificial intelligence has provided tools to improve access to information, but it has also become a key vector for information manipulation.

A. Gendered exclusion

50. In the first ever report under the mandate on women's freedom of expression since the creation of the mandate in 1993, the Special Rapporteur used the term "gendered censorship" to denote the suppression of women's voices, not just explicitly by laws and policies but also implicitly through discriminatory practices, social attitudes, cultural norms and patriarchal values and sexual and gender-based violence.[56]

51. The Internet has become the new battleground for gender equality, amplifying opportunities for women to express themselves, but also multiplying the risks of online violence and gendered disinformation, targeting especially female politicians, journalists and human rights defenders, with enhanced risks for those belonging to racial, ethnic or religious minorities.

52. In one study, researchers found that 70 per cent of human rights defenders, activists and journalists surveyed had experienced online violence in the course of their work.[57] Artificial intelligence has been an escalating vector for these harms.[58] In early 2026, xAI's "Grok" chatbot prompted global outrage over its widespread generation of non-consensual and sexualized imagery of women and girls.[59]

[53] A/HRC/29/32; General Assembly resolution 79/175, para. 15; General Assembly resolution 54/21, para. 12.
[54] A/80/341, para. 91.
[55] See https://www.ohchr.org/sites/default/files/documents/issues/civicspace/DRAFT-CYBERCRIME-CONVENTION.pdf.
[56] A/76/258, paras. 12–16.
[57] See https://www.unwomen.org/sites/default/files/2025-12/tipping-point-the-chilling-escalation-of-violence-against-women-in-the-public-sphere-in-the-age-of-ai-en.pdf.
[58] Ibid.
[59] See https://www.techpolicy.press/tracking-regulator-responses-to-the-grok-undressing-controversy/.

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53. Women have demonstrated their agency and empowerment by raising their voices, online as well as offline. Online mobilization of women's groups, feminist movements and campaigns like #MeToo has had a game-changing impact on garnering public support against gender-based violence and gender-based discrimination. Some States are taking initiatives to protect women journalists, such as the "No es hora de callar" fund in Colombia, launched in April 2026 to provide legal, financial and psychological support for women journalists targeted by gender-based violence.[60] Frameworks by civil society, such as the Feminist Principles of the Internet, have emerged as a critical tool for building awareness that women's expression, access to information on sexual and reproductive health and the right to discuss gender identity are core freedom of expression issues of equal standing with political and religious expression.[61]

54. Key issues that continue to hamper women's freedom of expression include the gender digital divide, insufficient gender disaggregated data and unequal access to information, especially on sexual and reproductive health. Women's health organizations have reported that more than 60 per cent of them have had posts removed by Meta, over half have had posts removed by TikTok and nearly three quarters had advertisements rejected by Google, while sexualized, explicit men's sexual health content was overwhelmingly allowed.[62]

55. There is also growing backlash against women's visibility in public spaces, including orchestrated online campaigns using sophisticated artificial intelligence tools and the global rise of the misogynistic "manosphere" influencer culture.[63] They reinforce the need for concerted whole-of-society approaches from States, companies and communities.

56. The Special Rapporteur has reminded States Parties of their obligation under the Convention on the Elimination of All Forms of Discrimination against Women to remove structural and systemic barriers to the equal enjoyment by women of human rights, including freedom of opinion and expression. She has called upon all platforms to carry out gender impact assessments of their business models and algorithmic practices and to provide gender-specific support and remedies to address online violence and gendered disinformation.[64]

B. Children's safety

57. One in three users of the digital environment are children.[65] Access to digital spaces has a significant positive impact on the development of children, but those advantages are being overshadowed by mounting concerns regarding children's safety online. Children are being exposed to serious online harms, including harmful content, cyberbullying, sexual violence, compulsive use and data privacy violations.[66] The scale of the problem is alarming.

58. The main response from States to address children's safety has been blanket age-defined restrictions on access to social media. As of early 2026, at least six European Union member States have passed or are actively legislating social media age restrictions, following the examples of age restriction measures taken in Australia and the United Kingdom. Recommendations for European Union-wide action are under consideration.[67]

[60] See https://latamjournalismreview.org/news/colombia-sets-rules-for-fund-supporting-women-journalists-facing-gender-based-violence/.

[61] See https://feministinternet.org/.

[62] Center for Intimacy Justice, "The digital gag: suppression of sexual and reproductive health on Meta, TikTok, Amazon and Google", 28 February 2025, available from https://www.intimacyjustice.org/report2025.

[63] United Nations Entity for Gender Equality and the Empowerment of Women, *Women's Rights in Review 30 Years After Beijing* (New York, 2025).

[64] See https://www.ohchr.org/sites/default/files/2022-05/Gender-Joint-Declaration-Freedex.pdf.

[65] See https://www.unicef.org/innovation/stories/protecting-childrens-rights-in-digital-environments.

[66] Committee on the Rights of the Child, general comment No. 25 (2021) on children's rights in relation to the digital environment, para. 54.

[67] See https://builtin.com/articles/social-media-bans-children; and https://www.unicef.org/press-releases/age-restrictions-alone-wont-keep-children-safe-online.

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59. Children have the right to freedom of expression, and as in the case of adults, it can be restricted provided the restriction complies with the test of legality, necessity, proportionality and legitimate aim. It must also take into account children's best interests, evolving capacities and right to be heard, with due weight being given to their views in line with their maturity.[68]

60. Blanket, age-defined bans on social media can be disproportionate and discriminatory, for instance, towards migrant or undocumented children who cannot prove their age or those whose identities do not reflect their gender. Any online safety measure to protect children must recognize the intersectionality of children and respond to their varied needs and demands.[69] States have an obligation to remove inequalities among children, not create new ones.[70]

61. Bans may create other risks. They could drive young people towards less transparent and more harmful corners of the Internet.[71] Without robust data protections, "age assurance" measures could expose children to ad tracking and surveillance,[72] a concern documented in Brazil.[73]

62. Age restriction debates have been focused heavily on social media and less attention has been given to the distinct, and in some respects more direct, risks that generative artificial intelligence systems, for instance, chatbots capable of forming parasocial relationships with children, pose to their development, well-being and freedom of opinion. These generative systems can target children with inappropriate content or create sexualized imagery of them, as happened at an alarming scale in the case of Grok. Ensuring the safety of children should be tailored to the complementary and differing opportunities and risks posed by digital platforms and generative artificial intelligence.[74]

63. Critically, any initiative to keep children safe must address the real problem, which is the failure of companies to conduct human rights due diligence and design products with child safety at the centre. States must insist upon and enforce the requirement of companies to ensure safety by design and age-appropriate protection and respect the Guiding Principles on Business and Human Rights. These measures must be respected not only by digital platforms, but also companies creating generative artificial intelligence systems that can be used by children.[75]

C. Media in jeopardy

64. The way in which news is gathered, disseminated and consumed is being fundamentally reshaped. On the positive side, digital technologies have expanded the possibilities for investigative journalism, helped to streamline editorial functions, provided a lifeline for journalists in exile, enabled research and data analysis, promoted communication with more diverse audiences and facilitated cross-border, collaborative media networks. On the negative side, they have increased the threats to journalists' safety and, combined with the platform economy, are eroding the diversity, pluralism, quality and viability of media.

65. Violence against journalists with impunity, including killings, imprisonment, disappearances and assault, as well as online harms, has reached its most harrowing levels. Digital technologies have enabled attacks, as well as smear campaigns, against journalists.

[68] See https://achpr.au.int/en/news/press-releases/2026-06-02/joint-declaration-information-children-digital-age. See also Convention on the Rights of the Child, arts. 3, 5, and 12.

[69] Committee on the Rights of the Child, general comment No. 25 (2021), para. 11.

[70] Ibid., para. 101.

[71] See https://www.brookings.edu/articles/how-will-bans-on-social-media-affect-children/.

[72] See GBR 1/2017; and https://www.eff.org/deeplinks/2025/12/age-verification-threats-across-globe-2025-review.

[73] https://www.oas.org/en/iachr/expression/reports/relebrazilreport.pdf, para. 251.

[74] Committee on the Rights of the Child, general comment No. 25 (2021), para. 52.

[75] See https://achpr.au.int/en/news/press-releases/2026-06-02/joint-declaration-information-children-digital-age.

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The use of surveillance technologies against journalists, including those in exile, is surging, compromising their sources and jeopardizing their safety.[76]

66. Journalists are dependent on digital platforms for distribution, visibility, recommendations and monetization. Artificial intelligence-generated summaries on search engines that deprioritize, demonetize and divert online traffic are having a significant impact on the revenue of media.[77] They also place immense pressure on media outlets to prioritize speed and virality over quality and content, in order to compete with an artificial intelligence- and influencer-driven information space.

67. Media outlets are struggling from financial viability problems in over 160 countries.[78] The financial impact is particularly severe on local journalism, leading to a global rise in so-called "news deserts". In Latin America, desert and semi-desert news ecosystems surpass 65 per cent of the territory across Argentina, Chile, Colombia, Mexico and Peru.[79] Growth in digital outlets has helped news deserts to shrink slightly in Brazil, however, at least 10 per cent of the population still lives in municipalities without a local media market.[80]

68. New innovations are affecting the media industry globally. Some journalists have found considerable success and financial sustainability by moving to subscription-based platforms like Substack, its European counterpart Steady or the open-source Ghost from Singapore. Another innovation has been the rise of the online journalist influencer, or "news creator", which is gaining traction, especially in many global majority countries.[81] In Nigeria, over 60 per cent of individuals now report paying attention to such creators.[82] The impact of journalist influencers has been such that over three quarters of publishers around the world now indicate that they want their staff to behave more like personality-based creators.[83] While these innovations can promote the diversity of audiences, particularly among young people, there are some risks. For instance, the creators lack institutional resources, are not bound by editorial standards and do not have clear accountability.

69. The broader impact of the innovations remains to be seen and requires further study. However, they demonstrate the potential for creativity when digital technology works to empower, not disempower, journalists and their audiences. As the Latin American bureau chief for *Agence France Presse* put it: "The rise of creators has pushed us to think more deeply about voice, authenticity, and direct audience connection" and "ultimately, creators remind us that audiences gravitate towards content that feels human, expert, and trustworthy".[84]

V. New frontiers, old problems

70. In the section below, the Special Rapporteur highlights the monopolistic power of platforms, companies and digital oligarchs and their relationship with States, including regulation. The role of States in corporate governance, especially that of the United States, continues to evolve as the global agenda for freedom online is reset to advance geopolitical and corporate interests.

[76] A/HRC/56/53, para. 37. See also SRB 1/2025.

[77] See https://pressgazette.co.uk/news/german-media-groups-file-complaint-against-google-ai-overviews/.

[78] See https://rsf.org/en/rsf-world-press-freedom-index-2025-economic-fragility-leading-threat-press-freedom.

[79] See https://reutersinstitute.politics.ox.ac.uk/news/latin-america-dotted-news-deserts-these-are-reporters-filling-void.

[80] See https://latamjournalismreview.org/articles/news-deserts-in-brazil-shrink-7-7-in-two-years-driven-by-growth-of-digital-outlets/.

[81] See https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2025-10/Newman%20et%20al%20Mapping%20News%20Creators%20and%20Influencers%20FINAL.pdf.

[82] Ibid.

[83] https://reutersinstitute.politics.ox.ac.uk/journalism-media-and-technology-trends-and-predictions-2026.

[84] Ibid.

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A. Governance by oligarchy

71. Digital platforms are global players deeply affecting the fundamental rights of billions of people. The wealth, influence and culture of the platforms and companies have combined to create a small group of "tech oligarchs" who leverage their "unprecedented informational, sociotechnical and political power" to exert direct personal control over digital spaces and infrastructures.[85] In this context, "oligarch" describes not only the wealth and influence of billionaires but their ability to avoid meaningful accountability. Enabled by new technologies, the tech oligarchs wield much greater power than any media mogul has ever done over larger expanses of the globe and with no editorial liability or accountability for the consequences, ranging from toxic disinformation endangering civilians during war to election interference and genocide, while claiming to be neutral intermediaries. These concerns extend now also to the leaders of emerging artificial intelligence platforms.

72. The most ideologically vocal tech oligarch is Elon Musk, the owner and controlling shareholder of X, who publicly identifies himself as a free speech "absolutist", shunning content moderation as censorship. xAI launched Grokipedia using the Grok chatbot to create an authoritative encyclopedia under private control, linked to the X platform.[86] The same platform deciding what people can see and what is "true" raises serious concerns about information integrity, transparency and accountability, especially when the main shareholder is also directly shaping the platform.

73. As controlling shareholders, the oligarchs have made major policy changes without notice or human rights due diligence. One example was the significant policy changes, abruptly announced by Mark Zuckerberg in January 2025, to relax protections against hate speech and eliminate Meta's third-party fact-checking programme in the United States.[87]

74. The motivations behind the decisions of the oligarchs are not uniform. In some cases, they appear to reflect ideological commitments. In other cases, they seem to be driven by political or business calculations. The outcome is the same: major decisions about the global information environment, which have an impact on billions of people, are made by individuals who are accountable to no democratic process nor subject to meaningful oversight.

B. Variants of regulation

75. The relationships of digital platforms to States do not resemble the standard regulator-regulated ones. They are varied, complex, multifaceted and enmeshed in unprecedented ways, complicating transparency and accountability.[88]

76. Traditionally, States have attempted, with varying degrees of success, to assert regulatory jurisdiction over platforms operating in their territories. Regulation can take many forms, including licensing or data localization requirements, content takedown demands or transparency and accountability frameworks. Most commonly, States have adopted measures that are framed as "regulations" but function in practice to restrict online expression, often not in compliance with international human rights law. For instance, the Government of India maintains a portal allowing for authorities to issue content takedown orders to platforms outside established legal safeguards.[89]

[85] Julie E. Cohen, "Oligarchy, state and cryptopia", *Fordham Law Review*, vol. 94, pp. 563–625 (March 2025), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5171050.

[86] See https://www.researchgate.net/publication/404266487_The_digital_oligarchic_public_sphere_contesting_human_rights_in_the_age_of_billionaires/; and www.sciencefocus.com/news/wikipedia-founder-responds-to-elon-musk-wokepedia.

[87] See 105/2025.

[88] Akriti Gaur, "Covert Connection and the First Amendment, the nexus between the state and tech platforms in an era of democratic backsliding", *Social Science Research Network*, 23 April 2026, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6635718.

[89] Karnataka High Court, *X Corp. vs. Union of India*, Case No. WP 7405/2025, Judgment, 24 September 2025.

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77. The most developed example of platform regulation is the Digital Services Act of the European Union, which is focused on content governance, rather than content, and imposes systemic risk assessment obligations, researcher access mechanisms and due diligence requirements on very large platforms. It provides for monitoring and enforcement powers at the level of the European Commission and the national level. The emergence of generative artificial intelligence systems like ChatGPT has complicated the Digital Services Act-based regulatory framework, and the European Commission is assessing whether to incorporate such artificial intelligence systems under the jurisdiction of the Digital Services Act.

78. Since the Digital Services Act was adopted in 2022, the European Commission has launched several investigations and successfully fined X 120 million euros for deceptive verification, inadequate transparency and limiting researcher access. However, so far the Commission has not taken any decisive action against platforms for their failure to assess and mitigate the systemic risks of their algorithms. The Commission appears to have made a strategic choice to focus on relatively easier targets, like transparency obligations and research access, rather than systemic risks, where the evidentiary and political stakes are higher.[90]

79. For regulatory measures to work effectively, the independence of the regulator must be assured. In the case of the Digital Services Act, the responsibility for monitoring and enforcing obligations relating to the largest platforms rests with the European Commission, a political body which is also responsible for the trade and external relations of the European Union and hence susceptible to pressure.

80. In jurisdictions with robust independent judiciaries, the courts are increasingly being used as important complements for holding platforms accountable. In a landmark decision, a court in the Netherlands issued an injunction against xAI and X for Grok to cease the functionality for generating non-consensual sexualized content.[91] The Court of Justice of the European Union upheld a law in Italy that allows news publishers and media companies to claim "fair remuneration" for the online use of their journalistic content by digital platforms.[92] The High Court of Kenya found that Kenya had jurisdiction over Meta regarding claims of amplifying hate content that incited violence in Ethiopia, opening the possibility for platforms to be held liable for digital harms across borders.[93]

81. In some countries the issue of regulation is redundant as the platforms operate under the full control of the Government and behave in ways that are consistent with that Government's policies. The "super app" WeChat, which operates in China, falls into this category. Pro-democracy posts on WeChat have led to accounts being blocked and subsequently the detention of human rights defenders, indicating State control over the platform.[94] The State capture of platforms undermines freedom of expression as it allows the State authorities to influence or block content.

82. There were concerns in the United States that, because TikTok's parent company ByteDance was located in China, its algorithms and user data could be subject to the controls, surveillance and censorship of the Government of China. To avoid a ban in the United States, TikTok's operations have become majority-owned by United States investors, some of whom are reportedly connected to the Trump Administration, raising similar concerns about a State's ability to control information with no transparency.[95]

83. In the United States the platforms are increasingly aligning themselves with the policies and positions of the Trump Administration, for instance, by relaxing restrictions on

[90] See https://www.realinstitutoelcano.org/analisis/el-dilema-de-aplicacion-del-dsa-regulacion-sistemica-en-un-entorno-geopolitico-adverso/.

[91] See https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2026:3106.

[92] European Court, *Meta Platforms Ireland Limited vs. Autorità per le Garanzie nelle Comunicazioni*, Case No. C-797/23, Judgment, 12 May 2026, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0797.

[93] See https://www.theguardian.com/technology/2025/apr/03/meta-faces-18bn-lawsuit-over-claims-it-inflamed-violence-in-ethiopia.

[94] See CHN 12/2024.

[95] See https://www.politico.com/news/2026/01/23/how-the-tiktok-deal-could-tighten-trumps-cultural-grip-00744497.

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hate speech online to mollify the Administration, and in return benefiting from political and other support from the Government for their business objectives. The relationships of the Government of the United States with the various artificial intelligence companies have moved between collaboration and criticism.[96] The Government, as well as the platforms and artificial intelligence companies, appears ready to barter away their human rights obligations for geopolitical and commercial interests.[97] Companies have a responsibility under international law to uphold human rights, not abandon them to gain political favour from Governments.[98]

84. Reports indicate that the United States is contemplating an executive order that would require that the Government vet in advance mass-consumer generative artificial intelligence systems, purportedly to assure safety in a similar way as the government clearance of pharmaceuticals prior to their use by the public.[99] Such control would give rise to serious concerns about State interference in the right to freedom of opinion and expression, if it is done without explicit adherence to international human rights standards and full commitment to transparency and accountability. If implemented, such a system of pre-vetting would be a significant departure from the current governance model of platforms in the United States, which are based largely on self-regulation, backed by the legal exemption of intermediaries from liability for content produced by third parties.[100]

85. Increasingly, the failure of companies to address threats to the rights and safety of users is leading the courts in the United States to address the impunity and lack of transparency and accountability of major platforms through consumer protection tort laws. Hundreds of families and school districts have been able to litigate and overcome claims of immunity by four major platforms on the grounds that the services were inherently addictive and harmful to children.[101]

VI. Way forward: resist, reform, reclaim

86. **State and corporate powers are increasingly aligning in ways that narrow the space for freedom of opinion and expression and weaken the institutions that protect it. That shrinking space is more vulnerable than ever to the manipulation of information and the amplification of disinformation and incitement, weakening the pillars of democracy, tearing communities apart, eroding human connection, driving vulnerable persons to harm and increasing distrust, suspicion, hopelessness, isolation and radicalization. Whether at the individual or the societal level, there is less tolerance and empathy and more anger and violence.**

87. **The "costs" of the convergence of State and corporate powers are not borne by those who profit from it. They are borne by women whose voices are silenced online, children whose health and safety are endangered, journalists whose livelihoods are destroyed by platforms that refuse to share value and the public whose capacity to form independent opinions is degraded by information environments polluted by hate and lies and designed to maximize engagement rather than informed, democratic discourse. As recorded by Thucydides, "the strong do what they can; the weak suffer what they must."**

88. **The problems are grave; the solutions are not simple. The conditions for healthy, pluralistic, information environments of quality will not create themselves but rather must be cultivated by stakeholders committed to human rights. The Special Rapporteur does not intend to provide a set of recommendations for stakeholders as she has done in other reports. Instead, she would like to leave behind a few thoughts.**

[96] A/80/341, para. 26.
[97] Ibid., paras. 15–18.
[98] Guiding Principles on Business and Human Rights.
[99] See https://www.nytimes.com/2026/05/04/technology/trump-ai-models.html.
[100] Communications Decency Act, sect. 230.
[101] United States District Court, Northern District of California, *Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, Case No. 4:22-md-3047-YGR.

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89. **A small group of powerful oligarchs, platforms, companies and Governments have created "a crisis of expression". It will need the empowered many – States, international organizations, civil society, experts and activists – to band together to overcome it. The gap is not in international human rights law. The standards are not missing. What is missing is the political will and collective strength to build a global strategy to resolve a global crisis. Without collaboration and consensus among States, and without the engagement of civil society, corporate accountability will remain paper promises in the drawers of the platforms and artificial intelligence firms. Various initiatives are under way within the United Nations system and outside of it, such as Online Freedom Coalition, the Media Freedom Coalition, the Internet Governance Forum, RightsCon and others. They keep international standards and the multilateral and multi-stakeholder spirit alive at a moment when those standards are coming under extraordinary pressure. To use a phrase from an activist group: "Rally the many to resist the few". Broad coalition-building is critical to confront the powerful.**

90. **The basis of that coalition must be respect for the values and principles of international law and human rights, including an unequivocal reaffirmation of the right to freedom of opinion and expression as a right that permits dissenting and uncomfortable speech, while also recognizing the equal rights of all to be protected from advocacy of hatred that constitutes incitement to discrimination, hostility or violence. States must neither seek to legitimize prohibited speech, nor prohibit legitimate expression. When States distort or restrict freedom of expression unlawfully, they do not only fail to uphold their obligations, they also create an enabling environment for corporate and other actors to take the assault on human rights to a new level.**

91. **Private, monopolistic ownership of large platforms and artificial intelligence firms without transparent and accountable governance has not just privatized but has monetized freedom of opinion and expression to the detriment of rights holders. That is unacceptable, and institutional counterweights must be built to resist it, including independent regulation, robust data protection and well-targeted measures to break the monopolistic grip on the information environment.**

92. **Regulation without safeguards can be a risk. Regulatory bodies must be independent of political influence and adequately resourced. Regulatory frameworks must be grounded in international human rights standards, with clear requirements for human rights due diligence, mitigation and meaningful transparency. Robust data protection laws must limit extractive data mining and pervasive tracking, the very practices that have made the surveillance business model so lucrative and corrosive. Without these safeguards, regulation becomes a vector of the same problem: a tool through which States and companies, jointly, narrow the space for expression.**

93. **Regulation can be problematic, given the asymmetry of power between the corporate actors and Governments, especially those from the global majority. Novel regulatory approaches are emerging to circumvent the asymmetry of power and still achieve some measure of accountability, such as the "pay for harm" model in South Africa.**[102] **Such experiences are opportunities for learning and cooperation among global majority countries, which the international community should encourage and support.**

94. **Reducing the reliance on large companies must become a priority and can be achieved through measures such as interoperability and data portability, which provide a possibility for people to move their data and connections between platforms instead of being locked into one. States must take measures to guarantee a competitive field in the artificial intelligence domain, with the aim of promoting plurality, diversity, inclusiveness and innovation that promotes freedom of expression, including media freedom.**

[102] See https://www.techpolicy.press/a-pragmatic-win-not-a-structural-fix-in-south-africas-deal-with-big-tech/.

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95. **The actions of platforms, oligarchs and artificial intelligence companies have "scorched the earth" of healthy information ecosystems, yet, from the ashes of that desolate landscape, some green shoots are sprouting. They should be encouraged and supported.**

96. **Strategies to "de-oligarchize" information spaces have included infrastructural alternatives that incorporate democratic principles into platform design to try to reclaim a "digital commons". Federated platforms like Mastodon, for example, decentralize control over content governance, and projects like MyData Global develop standards for human-centric, collectively mediated data-sharing. The non-profit video platform Cinemata has emerged as an alternative for Asia-Pacific civic media, promoting regional solidarity across Indonesia, Malaysia and the Philippines.**[103] **In Canada, after Meta blocked all news content on Facebook and Instagram in 2023 rather than comply with the Online News Act, independent newsrooms reinvented themselves, using vlog-style formats to engage readers directly.**[104]

97. **Using online space in creative ways, a new generation of politicians are bringing fresh enthusiasm and respect for political expression, from Hana-Rāwhiti Maipi-Clarke of New Zealand to Eric Omondi of Kenya to New York's Zohran Mamdani.**

98. **These efforts are novel, still in their early stages, and where they will go remains to be seen, but they show that accountability and pluralism can be rebuilt from below when they are not being protected from above.**

[103] https://cinemata.org/about.

[104] See https://www.medianes.org/canadian-independent-news-rebuilds-after-meta-ban/.

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