

Forum: Special Conference 1 - Communications in a Globalised World

Issue: The issue of censorship of social media

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Introduction

Most of us are signed up on at least one social media platform. It is of no wonder when we consider most of the delegates of this committee were born during the social media boom. Companies such as Facebook, Instagram, Snapchat, to name a few, have dominated the way we perceive the world and reality, completely changing the way we interact with the world and people.

At the beginning, social media companies did not have many regulations aside from the regular laws that ruled over the general use of the internet. Social media companies have always been treated as internet platforms and not media companies, meaning that they have not been held accountable for the content posted by their users. Companies were free to decide their own rules, leaving a plethora of liberties and freedoms that had to later be addressed by governments. This is why the main objective for most social media companies has been to be a haven for free speech, something that traditional media is not so famous for.

After hate speech posts and terrorists groups started to emerge inside these platforms, it became evident that regulations needed to be implemented to keep such environments safe and legal. In some cases, such as Twitter, this has translated into censoring said content, diverging from their original intent for their users.

An ethical issue comes to the table at this point. The limitation to freedom of expression is allowing a certain type of content to be posted, meaning that content creators need to follow this “political correctness” or “ideal content creator” in order to be promoted, succeed in this competitive industry, and ultimately getting their voices and ideas heard by other people. Such “prototype” creator incites a “prototype” user to the platform. Freedom under a homogenized expression. To give some contextualization to this problem, the demonetization of some YouTube videos has been an ongoing problem for the platform, where videos that do not fit YouTube’s criteria, are being punished.

The issue of censorship in social media has been a recent topic of debate due to Facebook's removal of political pages and accounts, that weren't necessarily a danger to society or its users. This has sparked a chain reaction of governments and institutions all over the world, mainly the United States and the European Union, drafting legislations to regulate the issue. The most recent example would be the E.U's Legal Affairs committee voting in favour of the Copyright Directive legislation.

It cannot be denied that social media dictates our society, so it is of great importance to address this issue and stop delaying such transcendental debate. There isn't a definite answer for social media companies or one correct way for governments to legislate. Should there be a standard regulation? Should we leave the decisions to be taken by the companies? Do the users even have a say on such decisions? The only clear answer is what is or isn't established today, will have tremendous consequences in tomorrow's digital era.

Definition of Key Terms

Social media

Forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).

Censorship

The suppression or prohibition of any parts of books, films, news, etc. that are considered obscene, politically unacceptable, or a threat to security.

Hate speech

Speech expressing hatred of a particular group of people.

Free speech

The right to seek, receive and impart information and ideas of all kinds, by any means.

Algorithms

An algorithm is a step by step method of solving a problem. It is commonly used for data processing, calculation and other related computer and mathematical operations. An algorithm is also used to manipulate data in various ways, such as inserting a new data item, searching for a particular item or sorting an item.

Terms of service (ToS)

Set of rules and regulations a provider attaches to a software service or Web-delivered product. These kinds of agreements are so common in the digital world that most consumers understand the use of a terms-of-service agreement and must often agree to it before utilizing the software service.

Background Information

Laws that regulate the content of social media specifically is almost non-existent and current legislations generally address the internet as a whole, so social media companies have their own terms of use and rules. As an example that resonates to most legislations around the world, social medias are currently regulated under a somewhat outdated Communications Decency Act of 1996 from the United States' Congress. However, there has been a recent worry on governments to regulate aspects of social media and its content posted, leading to forms of censorship inside these platforms. Eliminating the content is the easiest way for a social media companies to get rid of potentially illegal content from their platforms. This action is a form of censorship that is taking place throughout most social medias, which is generally done by computer algorithms that are prompt to error, hence leading to an unnecessary censoring of accounts and/or posts.

Social media's original objective

The American Interest reports the reason why this issue is being debated in the first place: "The large internet companies have maintained that they are simply neutral platforms on which their users can exchange information freely with one another. As such, they do not have an obligation to filter that content for accuracy. They are supported in this position by Section 230 of the Communications Decency Act of 1996, which exempts these companies from liability for what appears on their sites provided they do *not* play the role of traditional media companies like the *New York Times*, the *Wall Street Journal*, CNN, or Fox News" (Fukuyama, 2018). This legal loophole has allowed social media companies to be a haven for free speech, unlike the traditional media companies mentioned. However, even though, social media companies have expressed from the beginning their neutrality and

non-involvement in what is being posted on their platforms, they have had to filter content since their creation when it comes to taking down terrorist propaganda or child pornography. This has led to stricter legislation, modifications to their terms of service, leading to different forms of censorship.

Who controls social media companies?

The laws of each country regulate the use of internet and social media. In some extreme cases, social media companies are completely banned from a country, like China or North Korea. However, since every country has its own laws, what is allowed and censored is different for every country, even though it is on the same social media platform. This censoring is done under the pretence of protecting the safety of its citizens and the political ideologies of the government.

Nevertheless, most social media companies are based on the United States and their terms of service or community guidelines are regulated by the laws of that country. Gubernamental institutions are not the only ones regulating the content of social media companies. Apple's App Store has a big role in homogenizing the apps (social media apps) available for download on their store. Given Apple devices' domination of the U.S and global market¹, these platforms change their terms of use to appeal Apple's terms, because social media companies require the App Store to reach their users.

The most recent example would be Tumblr's nudity (pornography) ban. This action is said to be taken place after Apple's App Store removed the app from their store in November of 2018. The Yahoo-owned company quickly implemented the ban managed by their new algorithm that would set to private mode the accounts that violate Tumblr's new terms. This has affected accounts that are not affiliated with pornography such as activists and artists.

Advertisers seem to be a key factor when determining the content allowed on social media. As it was mentioned in the Introduction, YouTube demonetization is done to protect the advertiser's interests and keep them in their platforms. YouTube's "Advertiser-friendly content guidelines" are an explicit example of what is being mentioned. This might not look like a big problem among this ocean of issues, since

¹ Device Atlas

people are still able to upload their content on the video platform without gaining any profit out of it. However, when considering that monetization is a content-creator's main income source, such content that is not "advertiser-friendly" is not uploaded. Ultimately resulting in an involuntary "self-censoring".

The dilemma presented is also seen in other social medias that rely on advertisers, like Facebook and Instagram. Only that in these two content is usually deleted by the company if they violate their community guidelines. But then again, the infringing content is not always a violation to said guidelines if it is a form of art, a documentary, educational purposes, etc. Yes, content can be retrieved if proved to be "acceptable", YouTube's guidelines emphasizes on context, but that is just too vague and leads to this vicious cycle, slowing down the growth and reachability of their users in their platform.

However, it also seems that social medias have created a monopoly of their own by regulating themselves. Francis Fukuyama summarizes this idea when referring to the Alex Jones case: "Facebook today exercises government-like powers of censorship despite the fact that it is a private company. The *New York Times* or the *Wall Street Journal* can in effect censor Alex Jones by refusing to carry his content. But because there is a pluralistic and competitive market in traditional print media, this doesn't matter; Jones's followers can simply choose different media outlets. The same is not true in today's social media space" (Fukuyama, 2018). This could indicate the promotion of a certain agenda by these social media platforms. It also sends out the message that something similar might happen to someone that uses their platforms to show similar content as Jones's. Again, a debate can be generated when defining the limits of hate speech, since this was the reason his content and accounts were shut down.

Regulating hate speech

Most of these regulations are on the basis of censoring hate speech as safety measures. However, this has had little to no impact on reducing hate speech if we analyze Canada or Australia, two countries that have implemented laws against hate speech in social media, yet are still victims of those problems.

The Atlantic states the following: “Censorship laws have not been effective, most ironically being used to suppress the rights of marginalized individuals and groups” (Atlantic, 2018). This is especially true when looking at the deletion of Facebook pages related to the “Black Lives Matter” movement that did not violate any of the company’s terms and conditions. Arbitrary decisions like this makes it urgent to generate fair regulations.

Now, even though “hate speech” was defined in this research report, what is or isn’t considered hate speech may vary between the political affiliations of the social media company or the country they are being used in. This is why content that may not be necessarily infringing any terms of service, such as the Black Lives Matter Facebook pages, are being deleted or censored. This is closely related to the idea of political correctness. It could be argued that this concept is what rules over “advertiser-friendly” content, but it is a much bigger problem when considering that arbitrary decisions are taken when deciding the deletions or censoring of content in social media. In some cases, what lies outside of what is considered politically corrected is targeted as hate speech. This could be the case for Alex Jones’s removal of virtually all social media, where he addresses the actions taken as “censorship targeting conservative voices”. Even if this is not true, it goes back to the “prototype” or ideal user social media promote on their platforms, and opens up a debate whether it is correct to censor opposite ideas.

The case of China

China has a strict policy on censorship, so it comes as no surprise that social media is censored constantly. China has come so far to even block “western” social media and create their own, such as Weibo. This has allowed the Chinese government to control many aspects of chinese lives and strengthening the power of the government. This has lead to Chinese people to be blocked from social media if they are open about their opposition to the government and leaves them out from the rest of the internet.

Even though resolution A/HRC/32/L.20 would force the country to change their current legislation, given that the PRC has not signed it, it is not required to do so.

Other types of censorship in social media

E.U’s “Article 13”

The European Union Directive on Copyright in the Digital Single Market has contributed solutions to the issue but it is not focused on hate speech, but to safeguard copyright content. This is known throughout social media as the “meme

ban”, since it would be classified as copyright content. “Article 13” would make social media companies accountable for what is being posted on their platforms, hence, they are going to be more strict on taking down copyrighted content. This could be considered as a form of censorship and a barrier to freedom of expression.

YouTube

The news outlet The Sun reported: “[YouTube] is now putting videos into a “limited state” if they are deemed controversial enough to be considered objectionable, but not hateful, pornographic or violent enough to be banned altogether” (Hamill, 2017). Since there is not a standard definition for controversial and its culture-specific implications, some YouTube channels have been unfairly affected by this new policy by making it harder to find their content on the platform. This raises the questions whether social media companies are promoting an agenda. YouTube also implemented “comment filters”, so comments are unable to be posted if key words are identified. Even though it is done to bring a safe environment and discussion, it could be argued that its censoring of opposing ideas homogenizes the thoughts of their users, where free speech is nowhere to be seen.

Major Countries and Organizations Involved

United States

Since most of social media companies are based in the U.S, laws passed by the congress of this country will ultimately affect them. An example of this is Facebook's CEO Mark Zuckerberg's testification in front of the US Congress in April of 2018. This also shows the grater action taken by governments to tackle this issue.

European Union

The EU's Article 13 will result in the censorship of content posted on social media. Some are calling it the “meme ban” since that type of content will also be affected by said article. The “meme ban” is a reflection of how free speech might be affected.

United Nations

Has drafted the “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development” resolution in 2018 and indicates the importance that must be taken to this issue.

People’s Republic of China

This member state has violated constantly human rights and free speech in social media. It has virtually banned all “western” social medias and Chinese companies have created their counterparts like Weibo. This allows the Chinese government to have greater control over their citizens.

Timeline of Events

Date	Description of Event
2004	Facebook was founded
2006	YouTube was founded
2009	Weibo was founded
2012	Facebook buys Instagram
2016	UN's A/HRC/32/L.20 resolution
2018	EU's Article 13
2018	Alex Jones's social media accounts deleted
2018	Tumblr adult content ban

Relevant UN Treaties and Events

- “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development”, 27 June 2016 (A/HRC/32/L.20)

Previous Attempts to solve the Issue

Passing of the resolution at the General Assembly that safeguards internet freedom. This resolution addresses current and real problems on internet such as human rights violations online and promotes freedom of expression. Nonetheless, it does not tackle the

issue of censorship directly in any of its clauses. Moreover, member states that have violated what it is stated in the resolution for years, such as the PRC, have not signed it.

The U.S's Communications Decency Act of 1996 targets primarily the access of pornography for underage users, meaning that social media companies would have to be more strict with the content uploaded, hence a more harsh censoring and removal of "inappropriate" content that most of the times is not the case. An example of this was given with the situation of Tumblr in "Background Information".

Possible Solutions

Government officials could regulate the content posted on social media by passing laws. However, this would be limited to a country's border, so the rest of the world would still be able to access content freely. Instead, social media companies could be forced to implement safety measures for all users.

Social media company's acknowledgement as media companies rather than platforms, so to make them accountable for the content uploaded, hence making it possible to legislate appropriately.

Reduce the size and power of big social media companies such as Facebook and encourage the creation of new ones in order to reduce the monopoly.

Let the users ignore the content they see on social media, without the intervention of any entity. Taking decision by themselves of filtering content. This would enable full free speech to the users, however, it would put at risks democracies and governments.

Implementation of more sophisticated algorithms and technologies that would allow a comprehensive and more justified censorship process.

Drafting of updated and more specific guidelines for social media companies that would reduce the ambiguity and the unfair removal of content.

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