



2023 Counter-Terrorism Week SIDE EVENTS

19-23 JUNE 2023

UNITED NATIONS HEADQUARTERS • NEW YORK



PERMANENT REPRESENTATION
OF BELGIUM TO THE UN



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



UNITED NATIONS
HUMAN RIGHTS
SPECIAL PROCEDURES

SPECIAL RAPPORTEURS, INDEPENDENT EXPERTS & WORKING GROUPS

Upholding human rights in online surveillance and content moderation & regulation for countering terrorism purposes

21 June, 17h00, UN Conference Room 12

Concept Note

The perceived threats posed by the abuses of information communications technologies for terrorist purposes have led to two significant, and worrying, trends: (1) the increased monitoring of communications on social media and the broader internet; and (2) the moderation of online content deemed to be terrorist or violent extremist content.

Law enforcement and intelligence agencies conduct at scale analysis of content, including profiles, posts, photos and videos, shared on publicly accessible communications platforms to support the investigation

2023 COUNTER-TERRORISM WEEK

www.un.org/counterterrorism/CTweek2023-SE
[@UN_OCT](https://twitter.com/UN_OCT) | [#CTWeek](https://twitter.com/#CTWeek) | [#UNiteToCounterTerrorism](https://twitter.com/#UNiteToCounterTerrorism)

and prevention of terrorists acts and to identify and take down content deemed unlawful. As noted in the [2022 report](#) of the UN High Commissioner for Human Rights, the type and amount of information that is collected and analysed is often staggering and include data, such as facial images and other sensitive information revealing people's political opinion, religious belief, health conditions, sexual orientation, and gender identity. The routine collection and processing of *publicly available* information for intelligence gathering may lead to the kind of abuses we observe in other forms of covert surveillance. It can lead to targeting legitimate protests and human rights activists as well as profiling certain ethnic and religious groups.

Content moderation is mainly influenced and shaped by the actions of social media companies on the one hand and State actors – in particular through laws and regulations – on the other. Driven by a perceived increased threat posed by terrorists online, both State actors and private companies (on the behest of governments or out of their own initiative) are increasingly moderating content deemed to be of a terrorist or violent extremist nature. This has included speech qualified as 'hate speech', 'incitement' or 'disinformation/misinformation'. These measures often result in the removal or restriction of legitimate speech, in contravention with established international law and fundamental rights, resulting in chilling expression and cracking down on civic space.

In line with both the UN Global Counter-Terrorism Strategy and the Delhi Declaration adopted by the UN Counter-Terrorism Committee on 29 October 2022, Member States are required to address the use by terrorists of "information and communications technologies, in particular the Internet and other media, to commit, incite, recruit for, fund or plan terrorist acts" and do so in a way that respect "human rights and fundamental freedoms and complying with international law". However, these texts fail to provide meaningful guidance to Member States on the safeguards required to ensure counter-terrorism measures such as online surveillance and content moderation/regulation comply with international law including human rights law.

Co-organizers and Objectives of the side event

This side event is co-organized by Belgium and Switzerland, UN Special Rapporteur on promoting Human Rights while countering terrorism, OHCHR, ARTICLE 19, Privacy International, and the CSO Coalition on Human Rights and Counter-terrorism.

It aims to:

1. Increase participants' understanding of the practices of online surveillance and content moderation/regulation for counter-terrorism purposes, providing analysis of international trends and country specific examples from civil society organisations working in this area;
2. Explore possible regulatory approaches and applicable human rights standards, with a view to guide Member States in developing human rights-compliant counter-terrorism legislation and policies;

3. Inform the developments of key UN counter-terrorism policies in this field, such as the implementation of the UN Global Counter-Terrorism Strategy and the development of the non-binding guiding principles on the “preventing and countering the use of information and communication technologies (ICT) for terrorist purposes” as mandated by the Delhi Declaration of 2022.

Date, format, panelists and venue

Date: 21 June 2023, 17.00 - 18.30

Format: In person event; panel discussion followed by Q&A.

Opening remarks:

- Belgium
- Professor Fionnuala Ni Aolain, United Nations Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism

Moderator: Courtney Radsch, UCLA Institute for Technology, Law & Policy

Panelists:

- Anna Oosterlinck, Head of UN, ARTICLE 19
- Tomaso Falchetta, Global Advocacy Coordinator, Privacy International
- [national partner of the CSO Coalition on Human Rights and Counter-terrorism - TBC]

Closing remarks: Switzerland

Venue: UNHQs Conference room 12

Programme/Agenda

- Opening remarks
- Panel discussion
- Q&A
- Closing remarks