
Recommendation CM/Rec(2026)4 of the Committee of Ministers to member States on online safety and empowerment of users and content creators

*(Adopted by the Committee of Ministers on 8 April 2026
at the 1556th meeting of the Ministers' Deputies)*

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity among its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage, *inter alia* by promoting common policies and standards;

Having regard to the obligations of member States under the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, "the Convention"), as interpreted in the case law of the European Court of Human Rights ("the Court"), to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention;

Reiterating their commitment to the promotion and protection of human rights in the online environment;

Emphasising that member States have a positive obligation to guarantee the enjoyment of the right to freedom of expression (Article 10 of the Convention) and other Convention rights, such as the right to respect for private and family life (Article 8 of the Convention), both offline and online, and a negative obligation not to impose any restrictions on rights except those prescribed by law and necessary in a democratic society in pursuit of a legitimate aim;

Conscious of the need to create the conditions for a free, open and accessible internet for all, while also creating an enabling environment for the online exercise of the right to freedom of expression and other rights;

Conscious that the online environment has become one of the principal means for the exercise of the right to freedom of expression, including the right to receive information, that user-generated expressive activity is a rich and diverse exercise of the right to freedom of expression and that any regulatory approach should value and retain its unique benefits;

Emphasising that digital technologies have expanded the ability of individuals and groups to receive and impart information and that they have increased the range and diversity of information individuals and groups can access;

Underlining that information society service providers perform an important role in facilitating access to information and debate on a wide range of political, social and cultural topics;

Underlining that the right to freedom of expression protects not only information and ideas that are favourably received or regarded as inoffensive or neutral, but also those that may offend, shock or disturb the State or any sector of the population, and recognising that such protection is essential in a democratic society and extends to online discourse and the work of content creators in digital environments;

Aware of the urgent need to ensure that women and girls, children and those in situations of vulnerability or at risk of discrimination, including people with disabilities, national, ethnic, linguistic and religious minorities, lesbian, gay, bisexual, transgender and intersex (LGBTI) communities, as well as migrants and people with a migration background, are able to enjoy, individually or collectively, effective access to the online environment, agency and autonomy;

Underlining the role of the media and other public watchdogs in democratic society and the need to ensure media plurality as well as the protection of journalism and the safety of journalists and other media actors both online and offline;

Acknowledging the existence of risks in the online environment and the potential harms resulting from them to the enjoyment of human rights and the functioning of democracy;

Acknowledging that women and girls, children and those in situations of vulnerability or at risk of discrimination face specific and increased risks in the online environment, including identity-based targeting and intersectional obstacles to the full enjoyment of their human rights, and recognising that these risks can extend into the physical environment, which reinforces existing inequalities and harms;

Stressing the need for measures to protect both the right to freedom of expression of users sharing content and the safety of users at risk of being silenced by content carrying the risk of harm, allowing for the full participation of all;

Acknowledging the need for transparent and evidence-based legal frameworks and other initiatives to ensure that online risks, as well as resulting harms, are assessed, addressed and mitigated in a human rights-compliant manner that safeguards against disproportionate interferences with the right to freedom of expression and other human rights;

Stressing the need for such risk assessment and mitigation measures to be undertaken in consultation with users, including content creators, affected groups and communities, and other relevant civil society stakeholders;

Recognising that empowerment is grounded in the human dignity and autonomy of users and contributes to achieving equitable access to digital technologies, enables the full enjoyment of human rights in the online environment and fosters inclusive participation in digital spaces for all;

Emphasising that user empowerment is an important means by which to ensure the fulfilment of all human rights in the online environment, and emphasising in particular that a safer online space can create an enabling environment for the enjoyment of freedom of expression;

Emphasising that whenever it is ascertained or evident that such empowerment fails to mitigate the harmful effects of online risks, States should consider alternative, proportionate ways of addressing harms that flow from such risks, including the imposition of due diligence obligations on platforms and proportionate restrictions to content or its accessibility;

Emphasising that any law, regulation or measure that aims to prevent or mitigate harms arising from online risks must be evidence based, necessary and proportionate to the aim pursued, precise in its wording and foreseeable in its effects;

Acknowledging that the adoption of disproportionately restrictive measures to prevent or mitigate harms arising from online risks has a harmful effect on the enjoyment of the right to freedom of expression and information, debates on matters of public interest, the enjoyment of other human rights, the capacity of users to address risks they may be exposed to and their trust in media and other online content and, ultimately, undermines the functioning of democracy;

Acknowledging that measures taken by platforms, including through content organisation, curation and moderation, may also interfere with the enjoyment of the right to freedom of expression, including the right to receive information and other rights, and disproportionately affect the exercise of these rights;

Further noting that platform design choices, including those geared towards generating virality and user engagement, may enhance the visibility and relevance of content that can adversely affect user safety, the human rights of users, including their right to freedom of expression, as well as on social cohesion and, ultimately, democracy;

Recognising further the significant differences in size, reach and impact of platforms, and the need for a proportionate and graduated approach that ensures that all providers uphold their human rights responsibilities towards users and content creators, while avoiding overburdening micro and small providers and reflecting the increased responsibility and accountability of those of significant influence;

Underlining its strong concern at the concentration of power among a few online platforms, the power asymmetry between these platforms and their users, and the implications of these dynamics for user safety, the human rights of users and democratic processes and institutions;

Considering that it is imperative to reaffirm and further clarify, in particular with regard to user safety and empowerment, the role and human rights impact of those online platforms that significantly influence the public communication environment, and their corresponding duties and responsibilities;

Reaffirming that privately owned online platforms and other intermediaries must neither cause nor contribute to adverse human rights impacts through their activities and must take effective measures to prevent or mitigate such impacts arising from their operations, products or services, in particular by providing mechanisms for accountability, redress and user empowerment;

Having regard to the relevant principles and without prejudice to the obligations as set out in relevant Council of Europe conventions, including:

- the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its Amending Protocol (CETS No. 223);
- the Convention on Cybercrime (ETS No. 185), its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) and its Second Additional Protocol on enhanced co-operation and disclosure of electronic evidence (CETS No. 224);
- the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201);
- the Council of Europe Convention on Access to Official Documents (CETS No. 205);
- the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210); and
- the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225);

Considering the importance of previous recommendations and declarations adopted by the Committee of Ministers relevant to the exercise and protection of the right to freedom of expression online and urging their implementation, including:

- Recommendation CM/Rec(2016)5 on Internet freedom;
- Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries;
- Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment;
- Recommendation CM/Rec(2022)4 on promoting a favourable environment for quality journalism in the digital age;
- Recommendation CM/Rec(2022)11 on principles for media and communication governance;

- Recommendation CM/Rec(2022)13 on the impacts of digital technologies on freedom of expression;
- Recommendation CM/Rec(2022)16 on combating hate speech;
- Recommendation CM/Rec(2026)2 on accountability for technology-facilitated violence against women and girls; and
- the Declaration on the need to protect children’s privacy in the digital environment;

Having regard also to the relevant guidance documents adopted by the Steering Committee for Media and Information Society, including:

- the Guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights-compliant manner;
- the Guidance note on content moderation; and
- the Guidance note on the prioritisation of public interest content online;

Emphasising the need for the prompt and thorough implementation of the relevant case law of the European Court of Human Rights,

Recommends that the governments of member States:

- review their legislative frameworks, policies and their own practices with respect to the principles set out in the appendix to this recommendation and promote their implementation in all relevant areas;
- in implementing these principles, take account of the standards enshrined in the Convention, the relevant case law of the European Court of Human Rights and previous Committee of Ministers recommendations to member States and declarations dealing with the implementation of human rights in the online environment, in particular the rights to freedom of expression, respect for private life, freedom of assembly and association, and the protection of groups who may be targeted or who may otherwise be exposed to enhanced risks to their safety and well-being;
- promote the goals of this recommendation at national and international levels by translating and disseminating them as widely as possible and engaging in dialogue and co-operation with all relevant and interested parties to achieve those goals, including regulatory bodies, civil society organisations, corporate actors and other relevant stakeholders;
- evaluate at regular intervals the measures taken to implement this recommendation in order to enhance their effectiveness and inform the Committee of Ministers, within four years from its adoption, about the measures taken by member States and other stakeholders, the progress achieved and any remaining shortcomings;
- ensure that this review, implementation and evaluation involve all relevant stakeholders (notably online platforms and others in the private sector, journalists and other media stakeholders, self- and co-regulatory organisations, civil society organisations and academics), in addition to legislative and executive bodies, and that they are aware of their respective roles, rights and responsibilities in ensuring the online safety and empowerment of users and content creators.

Appendix to Recommendation CM/Rec(2026)4 on online safety and empowerment of users and content creators

Principles for online safety and empowerment of users and content creators

I. Rationale, scope and definitions

Rationale

1. Information society service providers perform an important role in facilitating access to information and debate on a wide range of political, social and cultural topics. The online environment, and specifically a small number of influential platforms, has become the principal means for the exercise of the right to freedom of expression, as well as for other rights. With the expansion of these opportunities, there is growing concern over risks to the online safety of users and content creators that can result in serious harm to individuals, groups, society or societal interests such as democracy, the rule of law and the free flow of information. Such risks are both specific to the online environment and represent an extension and amplification of existing risks in society.

2. Online safety should be understood as a component of an enabling online environment. This environment should be accessible without discrimination, it should be safe, inclusive, pluralistic and trustworthy. It should allow users to enjoy and exercise their human rights without unjustified interference, and it should maximise their autonomy and ability to participate and engage.

3. Online safety thus implies the adoption, by States and platforms in their respective sphere of responsibility, of:

- proportionate and human rights-compliant measures that are necessary in a democratic society to address the risks for individuals and groups of being exposed to violence, exploitation, discrimination, including hate crime, and other unlawful interferences with their human rights in the online environment or as a consequence of activities that take place in the online environment;
- measures that empower users to understand such risks and shape their online experience in accordance with their choices and preferences.

4. Content rules and the enforcement of liability of users and platforms cannot alone address the problem at scale and can result in selective and arbitrary enforcement. They also risk introducing or incentivising excessive or otherwise disproportionate content restrictions and content moderation practices and adversely affect human rights, especially freedom of expression and privacy. Therefore, tackling online safety solely through these measures cannot meet the challenges of promoting an enabling online environment for users and content creators.

5. Effective promotion and protection of human rights online require the development of proportionate and evidence-based regulatory and co-regulatory frameworks to enhance the transparency and accountability of platforms for their design choices and their operations, as well as the online empowerment of users and content creators. Such frameworks, complemented by adequate policies to promote empowerment in society, contribute to building online environments that are safer by design and enhance users' awareness and knowledge about online risks and their ability to respond to them, thereby making online spaces more supportive of freedom of expression.

Scope

6. These Principles focus on how to address, through human rights-compliant measures, online risks that result from or affect the exercise of the right to freedom of expression.

7. They aim to guide States in the adoption, implementation and enforcement of policy and legal frameworks, as well as other measures, that address risks to online safety, mitigate risks of harm and foster an enabling online environment that promotes the enjoyment of human rights.

8. They also address measures that platforms should take, or should be required by States to take, to ensure that they uphold their own responsibilities in creating such an enabling online environment.

9. This recommendation pursues two distinct but related objectives: protecting the online safety of users and ensuring their online empowerment.

10. Empowerment and safety engage both the positive obligation of the State to take steps to secure the enjoyment of human rights and the negative obligation of the State not to interfere with them beyond what is necessary in a democratic society for the achievement of a legitimate aim. Together, the two obligations of the State promote equitable access to communication technologies, enable the full enjoyment of human rights and foster inclusive participation in online spaces for all.

Definitions

11. For the purpose of this recommendation:

- “users” refer to any natural or legal person, or group thereof, that uses online services;
- “content creators” refer to users who are regularly or professionally engaged in the production and dissemination via a platform of information and ideas, in text, audio, visual, audiovisual or other form, with the intention of reaching an audience beyond their private circle;
- “internet intermediaries” are understood as defined in Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries; bearing in mind that internet intermediaries offer a variety of functions and services and may carry out several functions in parallel, where appropriate, reference is made here to specific functions they perform;
- “platforms” are understood as those providers of online digital services whose primary purpose, function or use is to connect users and facilitate the exchange of information and ideas between them in publicly accessible forums, and that set the rules for their interactions, including through the frequent use of algorithmic systems to collect and analyse data or personalise their services. In the field of communications, such platforms include social networks, as well as search engines, news aggregators and video-sharing services insofar as these platforms provide user-to-user functionality;
- “platforms of significant influence” refer to those platforms that, due to their size, reach or impact, play a substantial role in shaping the information environment globally or in a particular territory and thereby materially affect the enjoyment and exercise of freedom of expression and information and other human rights, and the functioning of democracy. The criteria upon which the size, reach and impact of different platforms are assessed should be specified clearly and reviewed periodically under domestic law;
- “platform design” refers to all the key decisions that shape the functioning of an online platform and the ways in which users experience it; the definition also encompasses the technical means by which platforms implement, maintain and update their architectures and interfaces, including user-facing trust and safety functionalities, but does not extend to content-based choices about curation and moderation of lawful content;
- “user empowerment” refers to the means through which users expand their understanding, informed choice and control of their online experience to fully benefit from its opportunities and address its risks without becoming overburdened. These include measures to be taken in the physical environment, such as digital citizenship education, media and information literacy strategies and initiatives, involvement of users in the decision-making processes affecting them as well as measures taken in the online environment that can include the availability to users of effective tools to personalise their online experience on platforms in accordance with their own preferences, opportunities for exercising and protecting user rights and avenues for collective action;

- “self-regulation” means the process whereby a private actor or sector develops and enforces rules for itself to achieve an industry or public policy objective; this includes the contractual policies and rules of platforms that affect users of their services;
- “co-regulation” refers to industry self-regulation with a mandate and/or some oversight by the State;
- “legally restricted content” means an expression or a manifestation of behaviour of users that is not in compliance with the applicable law, including illegal content and legal, but regulated, content;
- “illegal content” means an expression or a manifestation of behaviour of users that is prohibited under criminal, civil or administrative law;
- “legal but regulated content” means an expression or a manifestation of behaviour of users that is not “illegal content”, but the publication, dissemination or visibility of which is restricted in a content-specific way in a precise setting, including to minimise its visibility to protected groups, such as children, or to reduce its amplification to the general population, such as exposure of personal data in search engines or polling results shortly before elections;
- “lawful content” means an expression or a manifestation of behaviour of users that does not qualify as legally restricted content;
- “flag” is understood as a user-generated signal, embedded in platform design, that content or behaviour may breach platform contractual policies and rules or legal standards;
- “notice” means a formal request addressed to an intermediary by a user or a third party to remove or restrict content, with legal implications; notices can be issued, *inter alia*, by users, rightsholders, regulators and other public authorities;
- “order” means a legally binding directive issued by a public authority requiring platforms to take action, such as to remove content or apply other content restrictions, suspend or terminate an account, or prioritise the assessment of the legality of specific pieces of content.

II. Online risks related to freedom of expression

12. The exercise of freedom of expression inherently entails the possibility of disturbing, offending and shocking the State or some sectors of the population. This alone does not justify, in a democratic society, the adoption of measures to restrict freedom of expression. Views that challenge dominant positions are essential for a public debate that enables democratic societies to correct errors, strengthen governance and foster continual improvement.

13. However, some online risks may adversely affect users and content creators by infringing on their rights or otherwise inhibiting their willingness, ability and determination to freely express themselves, out of concern for their well-being and safety. Online risks can also restrict the public’s ability to access reliable information, encounter a diversity of perspectives and develop informed opinions on matters of public interest. They may also have wider societal consequences, including the erosion of social cohesion, trust in institutions, threats to public health and the weakening of democratic processes.

14. Online risks that are related to freedom of expression include:

- a. risks to personal and community safety and well-being associated with content and communication that users may be exposed to, interact with or be targeted by;
- b. risks to the democratic process, information integrity and informed public discourse;

c. risks associated with the systems deployed by providers which may interfere with the rights to freedom of expression, privacy and personal data protection and other rights of users.

15. Such risks may derive directly from the online activity of other users and content creators and can also be posed or exacerbated by platform design and operations.

16. The wide availability of artificial intelligence systems to produce, present and enhance or reduce the visibility of content creates new risks and potentially amplifies existing risks.

17. Certain categories of users and content creators face specific and increased risks in the online environment, including identity-based targeting and intersectional obstacles to the full enjoyment of their right to freedom of expression. These risks can extend into the physical environment, reinforcing existing inequalities and harms. Groups at heightened risk include:

a. children, who are in an enhanced situation of vulnerability in the online environment and have a right to protection from content that is legally restricted for them, in line with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment;

b. women and girls, especially content creators, who face a heightened risk of online abuse and attacks, which are often gendered in nature and aimed at silencing their voices. Furthermore, women and girls may be negatively and disproportionately affected by various forms of online content, which can reflect and exacerbate existing harmful societal dynamics;

c. individuals and groups that are perceived to be in situations of vulnerability or at risk of discrimination, including people with disabilities, national, ethnic, linguistic and religious minorities, LGBTI communities, as well as migrants and people with a migration background, who face identity-based targeting aimed at silencing them; and

d. journalists, politicians, researchers, activists and others who frequently contribute to debate on matters of public interest and potential controversy are often targeted with content aimed at stopping their future participation or their exercise of freedom of expression. This can include threats and other types of abuse which may be targeted at them, their families, their collaborators or their community.

18. Not all online risks necessitate the introduction of measures interfering with the exercise of human rights, in particular freedom of expression. Measures taken should be proportionate to the risk of harm.

19. Measures adopted, by either States or platforms, to protect online safety may themselves present a risk to the enjoyment of human rights, in particular freedom of expression. In addressing concerns about potential harms that flow from the categories of risk outlined above, States and private actors should ensure that such measures do not disproportionately interfere with freedom of expression and other rights.

III. General principles for an enabling online environment

Principles for States

20. The aim of governance of online safety and the empowerment of users by States and internet intermediaries, including platforms, should be to create an enabling online environment as described in paragraph 2.

21. Measures specific to the online space, such as those recommended in Section IV, paragraphs 57 to 65 (platform accountability and user empowerment rules), and Section V (measures for online user empowerment), are not sufficient to ensure an enabling online environment. They should complement and build on broader actions taken in the offline realm. States' policies and interventions in this regard should be embedded within a comprehensive and co-ordinated strategy that addresses underlying societal conditions and inequalities that cause online abuse and users' exposure to it. They should promote equality, social

cohesion and democratic values, reinforce the rule of law, ensure public safety and empower users to make informed decisions about their online experience. Measures should include educational initiatives to foster digital citizenship, strategies and policies that strengthen media and information literacy, community empowerment initiatives, measures aimed at promoting free, independent, responsible and pluralistic media and quality journalism, and effective mechanisms to safeguard the physical and mental safety and well-being of users, investigate technology-facilitated criminal offences and ensure accountability in accordance with the law.

22. States should abstain from action that may compromise online safety, whether by heightening risks of harm or diminishing opportunities for protection and empowerment. In particular, States should avoid any measures that would introduce new weaknesses or vulnerabilities into technical features of online services that constitute vital safeguards for the enjoyment of privacy and other human rights online.

23. States should consider, assess and take into account the effects of their interventions, or lack thereof, on the access to and inclusion on platforms for all users, regardless of their socio-economic status, disabilities or other inherent disadvantages. Furthermore, they should pay specific attention to higher risks to online safety that may be faced by categories of users listed above in paragraph 17.

24. Measures to assess and address risks for children, mitigate harms, empower children and protect them should give primary consideration to the best interests of the child and take into account children's age, situations of vulnerability and evolving capacities. Any such measures should uphold their rights, including the rights to freedom of expression and to private life.

25. Public authorities should be transparent about their interactions with platforms. In particular, they should ensure access to information and that exceptions relating to commercial and other economic interests are not drafted or interpreted in such a way as to unduly preclude the interest of the public in obtaining information about such interactions, in line with standards on access to information, as promoted in the Council of Europe Convention on Access to Official Documents. Furthermore, States should promote transparency in the operations of platforms, including by ensuring that whistle-blowers are fully protected in line with CM/Rec(2014)7 on the protection of whistleblowers.

Principles for platforms

26. Given the central role that all platforms, especially those of significant influence, have in enabling the exercise of the right to freedom of expression, they bear a responsibility to incorporate user safety and empowerment considerations into all their key service design decisions, including those related to artificial intelligence and other algorithmic systems, in a manner that fosters an enabling online environment. The nature and extent of such responsibility should vary in accordance with the platforms' size, reach or impact.

27. Protecting the safety of users and content creators should be a key consideration in the development, design, governance and operation of platforms. The integration of safety considerations into the design and operation of platforms, especially those of significant influence, contributes to maximising the effective exercise of the right to freedom of expression by creating environments where users and content creators can participate without fear of violence, harassment or undue interference. At the same time, such measures should not be pursued at the expense of media pluralism, diversity of voices or the open and inclusive nature of public discourse. Any interventions should be transparent, proportionate and grounded in international human rights law, ensuring that efforts to promote safety do not lead to the marginalisation or silencing of minority or dissenting perspectives.

28. In discharging their responsibility, platforms should pay specific attention to higher risks that may be faced by the categories of users listed above in paragraph 17.

29. Whenever platforms have a significant user base in a country, region or territory, they should ensure they understand the specificities of user safety risks associated with the local context, including gender-specific risks, designate contact points for communication and compliance and employ a sufficient

number of staff or contractors who are versed in local political, cultural and social contexts and who are fluent in the applicable official languages to assess risks and implement appropriate responses.

Principles for content creators

30. Content creators have a responsibility to contribute to a healthy, informed and democratic public discourse which is respectful of the rights of others. The level of their responsibility may vary according to factors such as the nature and form of the content and its contribution to debate on matters of public interest, as well as the age of the intended audience. Content creators who reach a significant audience or claim professional expertise bear a heightened duty to act in good faith, to uphold principles of accuracy, fairness and integrity and to respect the rights of others.

31. The particular role, professional standing or position in society of the content creator may entail specific and additional responsibilities, as well as corresponding accountability mechanisms. In particular, content creators who exercise editorial responsibility over the content they produce and disseminate and whose main purpose is to inform the public or influence their opinion on current events and matters of public interest should uphold the principles of journalism regardless of their reach, legal form and characterisation as a journalist under domestic law. They should be transparent about their sources of income and clearly label paid and sponsored content. If the content creator is a corporate entity, it should be transparent about its ownership.

32. In addition to assuming responsibility for the issues referred to in the previous paragraphs, parents or legal representatives of children acting as content creators should also ensure that, in the publication of any content, the best interest of the child is the primary concern and that the dignity and safety of the child are preserved.

IV. Principles for legal frameworks on online safety and user empowerment and their implementation and enforcement

Common principles

33. States have a positive obligation to effectively address the risk of harm online. States may act on this responsibility by adopting and enforcing legal frameworks that:

- a. specify what content is legally restricted and when such restrictions apply (content rules);
- b. specify the exceptional cases and conditions under which internet intermediaries may be held liable for violations of content rules committed by users (intermediary liability rules);
- c. impose systemic duties and responsibilities on intermediaries, such as platforms, to improve their accountability and online safety and user empowerment through improvements to their systems and processes (platform accountability and user empowerment rules).

34. Platforms do not produce content but may assume an active role in public communication by managing or curating content, including through the design and use of algorithmic systems. Duties imposed on platforms should therefore differ from those that may be imposed on media that exercise editorial responsibility over content. This does not preclude certain rules from being applicable to all media and platforms, based on their respective legal frameworks.

35. States should clearly distinguish between responses to risks posed by the dissemination of, respectively, legally restricted content and lawful content. Lawful content should be addressed by States only through risk mitigation measures in accordance with the principles on platform accountability and user empowerment frameworks as set out below, including measures for online user empowerment, under Section V. In addition to risk mitigation measures, legally restricted content may be addressed through proportionate restrictive measures, in accordance with the principles on content rules and intermediary liability set out below.

36. Systemic duties and responsibilities imposed on intermediaries regarding lawful content or behaviour should not be used to circumvent the legislative process by introducing content-specific restrictions that do not have a proper basis in law. This should not prevent States from holding platforms accountable as to how they procedurally apply and enforce content rules and restrictions deriving from their own contractual policies and rules.

37. The blocking or banning of an entire online service, domain or website constitutes a prior restraint and is an exceptionally severe interference with the right to freedom of expression. Any such action should be ordered by a judicial authority or another independent public authority whose decisions are subject to judicial review and conform to a very high standard of justification. Both operators and directly affected users should receive meaningful explanations of the action taken and have access to an effective remedy.

38. States should not exert pressure on internet intermediaries and content creators to introduce measures that affect the availability of online content through means other than those prescribed by law. Internet intermediaries and users should have recourse to an effective remedy to defend themselves against such forms of pressure.

39. Any legal framework governing content, intermediary liability or platform accountability and user empowerment that potentially interferes with freedom of expression should comply with Article 10 of the Convention and align with the guidelines developed in the appendix to Recommendation CM/Rec(2022)13 on the impacts of digital technologies on freedom of expression, as well as the procedural principles outlined in Recommendation CM/Rec(2022)11 on principles for media and communication governance.

40. Any legal framework governing content, intermediary liability or platform accountability and user empowerment, which is applicable to internet intermediaries and to their relations with States and users, as well as any implementing or enforcing action taken in compliance with such frameworks, should align with the principles set forth in Section 1 of the appendix to Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries.

41. Considering the roles that intermediaries play as facilitators of freedom of expression, platform accountability requirements and, where applicable, intermediary liability in accordance with this recommendation, should be differentiated and graduated to their respective technological capabilities and economic resources, so that each of them benefits from both the appropriately differentiated form of protection and is subject to the appropriately graduated level of responsibility. Regulatory and co-regulatory interventions affecting platforms should be proportionate and graduated to the platforms' size, reach or impact, so as not to overburden micro and small actors, while taking into account the heightened responsibilities of platforms of significant influence.

42. State authorities should not directly or indirectly impose a general obligation on intermediaries to monitor content which they merely give access to or which they transmit or store, be it by automated means or not.

43. In order to be effective, legal frameworks that are put in place to address online risks should be coherent, as far as possible, across borders. Therefore, States should co-operate to avoid fragmentation and support the consistent enforcement of human rights-compliant rules.

Content rules

44. In principle, content that is lawful offline should be lawful online.

45. Any rule that restricts the publication of certain types of expression or manifestation of behaviour or their dissemination or accessibility online (content rules) should be prescribed by law, pursue one of the legitimate aims listed in Article 10, paragraph 2, of the Convention, employ proportionate means and fulfil the requirements of legal certainty, necessity and predictability. When relevant, they should also specify any associated duties and responsibilities of internet intermediaries. Any such rule should be based on evidence gathered transparently. The material, remedial and geographic scope of legally restricted content should be proportionate to avoid collateral removal of lawful content.

46. Legally restricted content should be identified with sufficient clarity by law to ensure foreseeability and predictability and to prevent arbitrariness in the application of the law. Such requirements may vary depending on the severity of the restriction that is placed on freedom of expression.

47. Content that should or may be legally restricted varies in degree of severity and the imminence of risks. Content rules should only provide for restrictions that are necessary and proportionate to the gravity and harmful potential of the proscribed content. They may range from fully fledged prohibitions, under criminal, administrative or civil law, of expressions or behaviour that should be removed or blocked (illegal content) to measures affecting the accessibility, distribution or visibility of content in specific circumstances (legal but regulated content), such as age-related limits on accessibility, specific rules for audiovisual media service providers or commercial advertisements, measures for the realisation of the right to be forgotten or restrictions imposed only during elections. Restrictions imposed on legal but regulated content must always be assessed case by case and should not be presumed to be less severe than those imposed on illegal content. Given that the online environment continuously evolves, resulting in novel situations and challenges, member States should periodically review whether their content laws are sufficiently clear and up to date to deal with emerging challenges in specific areas.

48. States may only enforce content-specific restrictions of content that is legally restricted, and any such enforcement action should be in line with the requirements of Article 10, paragraph 2, of the Convention. Any enforcement of legal restrictions to content on platforms by public authorities shall be prescribed by law and exercised within the limits conferred by it, with safeguards against selective, discriminatory or arbitrary application. Any such enforcement decision should be limited to what is necessary and proportionate and provide relevant and sufficient reasons.

49. Measures referred to in paragraph 48 should, in principle, be taken only on the basis of formal orders by a judicial authority or another independent public authority whose decisions are subject to judicial review. Mere notices received from public authorities should not be afforded the same legal effects as orders only because they are received from public authorities. Any user or intermediary whose freedom of expression or other rights are limited as a result of such measures should have access to an effective remedy before a court.

50. Platforms may introduce further restrictions for lawful user-generated content and behaviour through their contractual policies and rules, such as terms of service agreements and community standards. In doing so, they should fully assess and take into account the impact of these restrictions on the human rights of users. Such contractual policies and rules should be transparent, clearly communicated and drawn up in consultation with, and with meaningful input from, users and communities of users. They should be applied consistently and in a non-discriminatory or arbitrary manner.

51. While taking into account the safeguards set out in the preceding paragraphs, platforms should take evidence-based and proportionate measures against users or content creators who are found to repeatedly disseminate manifestly legally restricted content and notifiers who repeatedly submit manifestly incorrect or unfounded notices. Such measures may include reducing the visibility of, or the ability to monetise, their content or accounts, imposing temporary limits on the ability to submit notifications, suspending or terminating their account and banning the user. These measures should only be applied where the case for intervention is clear and supported by a high threshold of justification and be accompanied by procedural guarantees, as stated in paragraphs 90 to 93 below.

52. States may compel platforms to publish on their services specific information of public interest. However, since such legal mandates interfere with rights of platforms under Article 10 of the Convention, they are to be prescribed by law. Whenever such a mandate is invoked in practice, States should demonstrate a pressing social need to do so, based on relevant and sufficient reasons, as well as demonstrate that the envisaged mandate is necessary and proportionate to a legitimate aim.

53. Content creators may be subject to obligations under existing legal frameworks such as those applicable to the dissemination of audiovisual media services and the protection of consumers. Content creators exercising certain professions, such as journalists, lawyers and medical doctors, may furthermore be subject to professional duties and related self-regulatory mechanisms. States should require professional content creators to be transparent about how their content is monetised. Without prejudice to such obligations, States should encourage the development and promotion of transparent, inclusive and human

rights-based self-regulatory frameworks for content creators for whom such frameworks do not yet exist. These mechanisms should support content creators in adhering to ethical and professional standards, in enhancing the quality and trustworthiness of content and in fostering their empowerment and accountability.

Intermediary liability rules

54. Placing an excessive content moderation burden on intermediaries effectively compels them to act as censors of speech on behalf of the State authorities, which is an approach that is incompatible with Article 10 of the Convention. States should refrain from imposing disproportionate liability on internet intermediaries for user content, which may incentivise or result in overblocking of lawful content.

55. States should ensure, in law and in practice, that internet intermediaries, including platforms, are not held liable for third-party content which they merely give access to or which they transmit or store. State authorities may hold intermediaries co-responsible with respect to content that they store if they do not act expeditiously to restrict access to content or services as soon as they become aware of their legally restricted nature, including through transparent, accessible and effective notice-based procedures. The conditions for the removal of illegal content or the enforcement of other restrictions on legal but regulated content should be established by law. Such conditions, including time frames for removal if any, should be differentiated taking into account the nature of the content and the seriousness and imminence of the risk deriving from its dissemination.

56. When the law, including when a public authority acting under the law and in the context of co-regulatory frameworks, requires platforms to remove, block, restrict access to or reduce the visibility of legally restricted content, safeguards should be in place to prevent the application of disproportionate restrictions. The State remains ultimately responsible for ensuring the protection of human rights and cannot transfer this obligation to private entities. Any measures taken by private actors in response to State instructions should respect freedom of expression and other human rights. When implementing lawful orders or introducing restrictions at the initiative or under the direction of a public authority, platforms should provide users with sufficient information to enable them to challenge such decisions.

Platform accountability and user empowerment rules

57. Legislative frameworks for platform accountability and user empowerment are essential to promoting an enabling online environment that furthers freedom of expression. User empowerment duties for platforms are a core element of online safety and platform accountability laws. A core objective of online safety regulatory interventions should be to ensure that users are empowered to confidently navigate the online environment, effectively respond to its risks and take control of their online experiences.

58. Platform accountability and user empowerment legislation should focus on the systemic duties and responsibilities that platforms should assume in order to create an enabling online environment. These duties and responsibilities should address the platforms' systems and processes, including overall design, procedures, governance and operation of platform services, according to a graduated approach, based on the size, reach or impact of the platform. They should cover issues of transparency, systems and processes of content organisation, curation and moderation, design practices, risk management and corporate governance.

59. States should require platforms to design their services in a manner that incorporates user safety considerations by default and by design, respecting the right to freedom of expression and the need for a pluralistic information environment. Platform user interfaces and algorithms for content organisation, curation and moderation strongly influence the experience and behaviour of users and content creators. Their design should therefore be subject to risk mitigation measures that tackle the amplification of content and behaviour which carry clear risks of harm.

60. States should require platforms of significant influence to carry out a risk assessment of decisions relating to the design, operation and use made of their services, including their contractual policies and rules, so as to closely consider the impact that their services have on human rights and democracy. If such

assessments conclude that proposed interventions pose risks, they should also include concrete measures to mitigate such risks, which platforms should be bound to implement before introducing design changes.

61. When undertaking risk assessments, platforms of significant influence should proactively consult affected stakeholders and provide participation opportunities for the general public in a timely and continuous manner. The outcomes of such consultations should be taken into due account.

62. States should require platforms of significant influence to produce and publish documentation on their assessment of risks and human rights and democracy impacts to allow the public to understand how such platforms reflect and act upon the risks of harm associated to their services. Information may be retained or redacted when necessary for the protection of a legitimate aim, especially when publication would adversely affect the safety of users, taking into account the public interest served by disclosure.

63. States should support the public, experts and researchers in their effort to identify priority risk areas on various online services and effective risk mitigation strategies. States should proactively empower the public to be able to scrutinise, provide input and comment on how risk assessments and mitigation measures in such rules and regulations are implemented.

64. States should ensure that regulatory authorities tasked to supervise, implement or enforce the legislative framework for platform accountability and user empowerment are independent in law and practice, are equipped with adequate resources and expertise, rely on evidence and always carefully consider the types of risks which they are supervising. Platforms should be required by the law to provide the necessary information for these monitoring activities in a timely manner, subject to proportionate sanctions for non-compliance with such obligations. Decisions of such regulatory authorities should be subject to judicial review.

65. States should aim to share responsibility over online safety by entrusting roles to non-state actors, such as researchers, user groups, professional notifiers and flaggers, out-of-court dispute settlement bodies and third-party labellers, in the public interest. Such non-state actors should be subject to transparency and accountability mechanisms. States should explore ways to incentivise and compensate such non-state actors for their efforts through measures that do not depend on political or commercial discretion.

V. Measures for online user empowerment

General provisions

66. States should adopt evidence-based legislative frameworks to impose on platforms the empowerment duties set out below. The scope and conditions of such duties should be further refined based on evidence that would be assessed through an inclusive consultative process. The key duties for platforms, aimed at user empowerment, are:

- a. design-related duties, such as those ensuring to users the right to personalise their online experience, opt out of specific types of recommendations, hide types of content, block other users or opt into third-party labelling of content;
- b. transparency-related duties, such as those ensuring to users the right to generally understand automated systems for content organisation, curation or moderation, as well as monetisation mechanisms, the right to inspect the provenance of advertising and the right of researchers to study the platform and use the platform to study social phenomena;
- c. fair process duties, such as those ensuring users the right to be notified about content moderation decisions, to understand their legal or contractual basis and to contest platforms' content moderation decisions;

d. collective action-related duties that enable users to individually or collectively flag breaches of contractual policies and rules, notify legally restricted content and benefit from professional representation.

67. The management of online risks should always explore how they can be tackled – either wholly or as part of a comprehensive intervention – by granting users more agency over their online experience. User controls of organisation, curation and moderation of content and behaviour, such as adjusting the scope of lawful content that can be prioritised or restricted by specific users, including with the support of third parties of their choice, should be encouraged and, where appropriate, required. Such user-centred content organisation, curation and moderation should devolve power but not responsibility over online risks to users.

68. Empowerment duties imposed on platforms should be proportionate and graduated to their size, reach or impact, so as not to overburden micro and small actors while taking into account the heightened responsibilities of platforms of significant influence.

69. Unless stated otherwise, the empowerment duties outlined in this section apply in principle to all platforms. However, the means of their implementation should be adapted based on the platforms' nature, as well as their size, reach or impact. Exemptions to micro and small platforms should be provided for empowerment duties indicated in paragraphs 71, 72, 86, 91 and 92. In accordance with their responsibilities as referred to in paragraph 26, platforms are encouraged to implement empowerment measures even if they are not obligated to do so under the applicable legal frameworks.

Empowerment by design

70. Platforms should design their services in ways that maximise user empowerment.

71. The design of automated systems for the organisation, curation or moderation of lawful content should allow users to personalise their online experience based on their preferences. This should be done through easily accessible and user-friendly tools allowing users to opt out of specific types of recommendations, hide types of content or block users.

72. Platform design should enhance the ability of users to make informed choices about the content they engage with. This could include facilitating third-party labelling of lawful content by experts, fact-checkers or communities. Users should then be allowed to act upon such labels in their settings to further personalise their online experience by hiding or prioritising content corresponding to specific labels.

73. States should explore options for opening platforms of significant influence to tools developed by third parties that users can choose to personalise their online experience in managing lawful content, including the organisation, curation and moderation thereof, subject to the appropriate level of accountability and user empowerment requirements, as provided for in these Principles. This possibility should be without prejudice to measures taken by States in accordance with paragraph 52. To facilitate accountability, the provision of such tools may be subject to certification.

74. Platform design should proactively promote user empowerment and safety online for persons with impairments, including through third-party tools. This should include ensuring that persons with impairments can use and deploy such tools to address accessibility barriers that hinder their ability to benefit from safety and empowerment measures.

75. In addition to other appropriate risk mitigation measures that may be adopted by platforms and in line with Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment, States should require the use of effective systems of age assurance to ensure children are protected from products, services and content in the digital environment which are legally restricted with reference to specific ages. In particular, such systems should be required for platforms that predominantly provide services or content that is legally restricted to protect children. Such systems should uphold human rights and use methods that respect freedom of expression and the protection of personal data and privacy and that are consistent with the best interests of the child. When requiring the

implementation of such systems, States should provide safeguards to ensure they do not result in disproportionately excluding children from online spaces and restricting their right to participate in debates on matters of public interest. Safeguards should also be provided to ensure that these systems do not create or exacerbate exclusion from the online space of people in situations of vulnerability and at risk of discrimination.

76. States should require the development, production and regular updating by platforms of other age-appropriate and effective tools to mitigate risks for children in the online environment. Such tools, for either children or parents as appropriate, should give primary consideration to the best interests of the child and be developed and deployed taking into account children's evolving capacities, in accordance with their age and maturity. They should not reinforce discriminatory attitudes, infringe the right of children to privacy or their best interests, or deny children the right to freedom of expression and information.

77. Platforms of significant influence should ensure that content creators have the option to implement age labels for their content, where these creators choose or are under a legal obligation to do so.

78. The deployment of systems and tools to protect and empower children online should not be understood as, or result in, devolving responsibilities for online safety from platforms to parents, children or content creators.

79. Platforms should not obstruct the ability of their users, including content creators, to move their online profiles to other complementary or competing platforms.

Transparency

80. Platforms should meaningfully explain how they design their algorithmic systems for content organisation and curation so that users can understand what information is given priority or is demoted.

81. Platforms should disclose to the public the details of their content moderation practices and periodically publish aggregate statistics about the number and types of content moderation decisions on their services.

82. Platforms should describe the automated systems they rely on for content moderation and in which areas of content and publish qualitative reports on the accuracy of, and the safeguards applied to, such tools.

83. Platforms should be transparent about the identity of their advertisers, the use of advertisement targeting techniques and spending for each advert.

84. Platforms should be transparent about the user-generated content that is monetised on their services and by whom, and about the basic principles used to allocate resources to content creators.

85. Platforms of significant influence should provide tools to content creators to ensure transparency about how their content is monetised.

86. Independent researchers should have effective access to data held by platforms, without discrimination and in ways that are secure, legal and privacy compliant, to conduct, in an ethical and responsible way, research that pursues a public interest. This includes, in particular, research to study social phenomena, the nature and impact of risks and the effectiveness of mitigation strategies. When access to personal, individual-level or confidential data is necessary for the purpose of the research, access should be granted to researchers who are vetted by an external independent body. Robust safeguards for the protection of privacy and personal data should be in place, in line with Section 6 of Recommendation CM/Rec(2022)13 on the impacts of digital technologies on freedom of expression.

87. Independent researchers should be technically and legally allowed, without discrimination, to use platforms to conduct research that is carried out within established principles of research integrity and ethics and in compliance with applicable data protection safeguards.

Procedural rights

88. Platforms should state clearly and unambiguously the contractual policies and rules under which they offer their services to the public. Any significant changes to such rules should be notified in advance to the affected users. Contractual policies and rules, and any changes to them, should be meaningfully explained to affected users, in accessible terms that enable them to understand both the rules themselves and how changes may affect their future activity. Rules applicable to user content and behaviour, and changes thereto, should be sufficiently predictable to avoid arbitrariness of potential sanctions. Contractual policies and rules applicable to children should be explained in a way which children can understand, and which is appropriate to their age, maturity and circumstances.

89. Users and content creators should be able to effectively challenge content moderation decisions of platforms that affect their right to freedom of expression, including their right to receive information, or other rights.

90. Any content moderation decisions of platforms that target or affect specific users, including restrictions imposed on the visibility of user content, monetisation and account privileges, should be swiftly notified and explained to the users who have created the content or accounts affected by the decision. Such a notification must specify the grounds for the decision, explain the decision-making process and specify any possibilities of appeal, in a non-technical, clear and age-appropriate language.

91. Platforms should notify also any other identifiable user who is directly concerned or affected by the content and who has opted to receive such notifications.

92. Content moderation decisions of platforms that have a significant impact on users should be subject to external independent appeals, such as out-of-court dispute settlement bodies or another form of independent oversight. Such appeals should be accessible, transparent and heard swiftly within transparent time frames, and should provide effective remedies. This should not prevent users or platforms from having recourse to judicial or other legal remedies available under domestic law.

Collective action of users

93. Platforms should ensure that users have the possibility to easily flag breaches of contractual policies and rules by other users and provide flaggers with sufficient feedback about follow-up to their flags.

94. Platforms should ensure that users have the possibility to submit a notice relating to potentially legally restricted content and provide notifiers with sufficient feedback about follow-up to their notice. If the content moderation decision of a platform is not satisfactory, notifiers should be given the possibility to appeal the decision, including in accordance with paragraph 92.

95. States should encourage the identification of professionals to act as independent experts in notifying legally restricted content or flagging breaches of contractual policies and rules on platforms. States should incentivise the recognition of such professionals by granting them certain privileges, such as priority treatment of their flags, notices and appeals, financial support or better access to technical interfaces.

96. States should encourage the formation of professional user groups who can act as independent experts in defending the interests of users and content creators before platforms or public authorities. States can grant these user groups privileges such as priority appeals, financing, better access to technical interfaces or a right of collective action against infringement of the rights of users.