Upholding digital rights and media plurality: does self-regulation by social media platforms contravene freedom of expression?

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Introduction

In June 2021 Facebook announced that former US President, Donald Trump, would be banned from its platform for at least two years. This move did not only inflame tensions with allies of the former US president but also many who support freedom of expression, accusing the company of censoring conservative views. The ban was a revision from a previous indefinite suspension by Facebook, which was criticised by the company's 'Oversight Board'. The board upheld the decision to kick Trump off the platform but found fault with the lifetime ban. The new suspension is effective from the date of Trump's initial suspension on 7 January 2021, the day after the attack by the ex-president's supporters on the US Capitol building in Washington. The company had barred him from its platform for voicing support for the Capitol rioters. The ban will only be lifted if Facebook feels "the risk to public safety has receded" according to former Lib Dem Leader, Nick Clegg, now Facebook's Vice President of Global Affairs, in a blog post explaining the decision on 4 June 2021. He continued, "when the suspension is eventually lifted, there will be a strict set of rapidly

escalating sanctions that will be triggered if Mr Trump commits further violations in future, up to and including permanent removal of his pages and accounts."[1]

Since its creation in April 2021 Facebook's Oversight Board published its decisions on a wide range of highly significant content issues, including the 'Zwarte Piet' (Black Pete) decision (Case 2021-002-FB-UA).[2] In this case the Oversight Board upheld Facebook's decision to remove specific content that violated the express prohibition on posting caricatures of black people in the form of blackfaces, contained in its 'Hate Speech Community Standard'.

The background to this case was that on 5 December 2020, a Facebook user in the Netherlands shared a post, including text in Dutch and a 17-second-long video on the platform. The video showed a young child meeting three adults, one dressed to portray 'Sinterklaas' (Santa Clause) and two portraying 'Zwarte Piet'; they had their faces painted black and wore Afro wigs under hats and colourful renaissance-style clothes. All the people in the video appeared to be white, including those with their faces painted black. Facebook removed the post for violating its hate speech policy. Though part of the Dutch Christmas celebrations, the use of blackface by white people is regarded as racist and is widely recognised as a harmful racial stereotype. The majority of the Board saw sufficient evidence of harm to justify removing the content. A minority of the Board, however, saw insufficient evidence to directly link this piece of content to the harm supposedly being reduced by removing it. They noted that Facebook's value of 'voice' specifically protects disagreeable content and that, while blackface is offensive, depictions on Facebook will not always cause

[1] Source: 'In Response to Oversight Board, Trump Suspended for Two Years; Will Only Be Reinstated if Conditions Permit', by Nick Clegg, VP of Global Affairs June 4, 2021: https://about.fb.com/news/2021/06/facebook-response-to-oversight-board-recommendations-trump/

[2] FB-S6NRTDAJ Case decision 2021-002-FB-UA Zwarte Piet (originally in Dutch) of April 2021: https://www.oversightboard.com/decision/FB-S6NRTDAJ

harm to others. They also argued that restricting expression based on cumulative harm can be hard to distinguish from attempts to protect people from subjective feelings of offence.

The Donald Trump and Zwarte Piet decisions came as part of an announcement detailing broader changes to Facebook's policies on how it moderates speech by influential public figures, following criticism from the Oversight Board that its existing approach had created 'widespread confusion'.

So, who or what is Facebook's Oversight Board? The platform's 'Transparency Centre' informs us that the board is an external body that people can appeal to if they disagree with Facebook's content enforcement decisions on the Facebook app or Instagram.[3] Facebook implements the Oversight Board's decisions across identical content with parallel context if it exists and when it is technically and operationally possible. Facebook's 'Community Standards' are extremely wide-ranging violence and criminal behaviour, to hate and objectionable speech to cyber security and breach of intellectual property.[4] The Oversight Board comprises a supposed global independent panel of twenty people, featuring academic, political and civic leaders. For a list of Facebook Oversight Board Member (2021) (see Appendix 1).

In a statement from 2019, CEO Mark Zuckerberg pledged freedom of speech, explaining the Board's main purpose and remit.[5] Membership, structure and 'bylaws' are contained in what appears to the public as 'the law'.[6] Facebook reportedly pays lofty salaries to members of its 'Supreme Court' as the Facebook Oversight Board has been named by *The Guardian*, which

[3] Facebook's Oversight Board cases can be read here: https://transparency.fb.com/oversight/oversight-board-cases/

[4] Facebook Community Standards: https://transparency.fb.com/policies/community-standards/

[5] See: Facebook's Commitment to the Oversight Board by Mark Zuckerberg, 17 September 2019: https://about.fb.com/wp-content/uploads/2019/09/letter-from-mark-zuckerberg-on-oversight-board-charter.pdf

[6] See: Facebook's Oversight Board Bylaws: https://about.fb.com/wp-content/uploads/2020/01/Bylaws_v6.pdf

could theoretically even overrule Zuckerberg. The tech giant paid its twenty board members a reportedly six-figure salary each in 2020-21, though Zuckerberg reiterates that the Oversight Board is an independent trust. According to *The New Yorker*, Facebook gave the trust $130 million to manage the board's salaries and operations for what amounts to about 15 hours per week work for each board member.[7]

A look at the Oversight Board's recent rulings, Facebook is now stifling any debate about Coronavirus lockdown policies, the Covid 19 vaccines and even blocks links to peer-reviewed scientific papers that appear in international journals, such as *Nature*. As per its regulations, Facebook deletes any discussions about herd immunity, natural immunity, or alternative remedies, such as Ivermectin. If you find yourself blocked by Facebook / Instagram you may well have to wait up to a week before the organization unblocks some of your webpages.

Since 2016, Facebook employs thousands of fact checkers and uses fact-checking programmes across more than 80 organizations working in over 60 languages globally. The idea is to fight the spread of misinformation and to provide people with more reliable information across Facebook, Instagram and WhatsApp. Whilst this appears to be a good idea Facebook, Twitter and Google now employ fact checking algorithms to block and silence some possibly valuable research in virology or biochemistry.

[7] Source: 'Inside the Making of Facebook's Supreme Court. The company has created a board that can overrule even Mark Zuckerberg. Soon it will decide whether to allow Trump back on Facebook,' by Kate Klonick, The New Yorker, 12 February 2021.

Videos advocating right wing hate speech by Tommy Robinson, aka Stephen Yaxley-Lennon, have long been blocked by Twitter since 2018. The far-right founder of the English Defence League has now been permanently banned from Facebook and Instagram for repeatedly breaking policies on hate speech.

Fake news and media plurality

With the arrival of social media and most young citizens now obtaining their news from Facebook as opposed to bona fide news sources, such as the BBC or Reuters, this has meant real and fictional stories are now presented in such a similar way that it can sometimes be difficult to tell the two apart. Currently, nearly three billion people use at least one of the Facebook-owned social media platforms – Facebook, WhatsApp or Instagram. Individuals typically use a combination of Facebook-owned platforms. Socio-demographic research by a team of psychologists found that WhatsApp is the most widely used application and therefore has the strongest reach.[8] The other popular media platforms are Twitter, LinkedIn, Snapchat, TikTok, Pinterest, Reddit and YouTube (owned by Google).

When Donald Trump beat Hillary Clinton in November 2016 by becoming the 45th US President, 'fake news' became his buzzword. In record time, the phrase morphed from a description of a social media phenomenon into a journalistic cliché and an angry political slur. Of course, fake news has always been around as Mark Twain, Jonathan Swift or possibly Winston Churchill, allegedly said, 'a lie gets half the way round the world before the truth gets its shoes on'. And even that quote is disputed and might even be fake news.

[8] Marengo, D., Sindermann C., Elhai J.D. and Montag, C. (2020) 'One Social Media Company to Rule Them All: Associations Between Use of Facebook-Owned Social Media Platforms, Sociodemographic Characteristics, and the Big Five Personality Traits'. *Front. Psychol.* 11:936. doi: 10.3389/fpsyg.2020.00936: https://www.frontiersin.org/articles/10.3389/fpsyg.2020.00936/full

We often do not really know news sources. During the Trump election campaign in 2016, *BuzzFeed News* identified more than a hundred pro-Trump websites being run from a single town in the former Yugoslav Republic of Macedonia.

So, what's wrong with Facebook, Twitter or YouTube selecting and censoring what is right and wrong for their platforms? How impartial should the media be? What is the difference between comment, conjecture, fact or fiction, and what are the boundaries of a free press and freedom of expression?

Freedom of expression and media pluralism

One of the few certainties in the world of journalism and editorial policy is that the age-old tension between freedom of expression and the right to robust and occasionally rude debate will, from time to time, come into conflict with the sensibilities of those who feel insulted or abused and minorities who can feel oppressed by the slights, real or imagined, of the majority. Populist politics and shifts in media consumption via social networking sites such as Facebook and Twitter mean that it is harder than ever to be sure about the quality of the news and information we consume. Coupled with citizen journalism and increasing public debate via social media it is difficult to discern what is deliberate misinformation (for advertising, commercial or political reasons) and what amounts to 'the truth' in media reporting.

Media plurality supports democracy by ensuring that people can receive a wide range of viewpoints from a variety of different sources and that no one media owner has too much influence over public opinion and the political agenda.

In *Centro Europa* (2012),[9] the Grand Chamber of the European Court of Human Rights (ECtHR) re-affirmed the importance of media plurality under Article 10 of the Convention. The case concerned an Italian TV company's inability to broadcast for nearly ten years, despite having a broadcasting licence, due to lack of television frequencies allocated to it. The Court concluded that the Italian legislative framework had lacked clarity and precision and that the authorities had not observed the deadlines set in the licence, thereby frustrating Centro Europa's expectations. These shortcomings had resulted in reduced competition in the audiovisual sector. The Italian state had failed to put in place an appropriate legislative and administrative framework to guarantee effective media pluralism.

The ECtHR held that this amounted to a serious breach of Article 10(1) ECHR and of Article 1 of the First Protocol, noting that

> there can be no democracy without pluralism. Democracy thrives on freedom of expression. It is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a state is currently organised, provided that they do not harm democracy itself.[10]

The Italian state was not allowed to justify their actions under Article 10(2) ECHR and were ordered to pay the TV company €10,000,000 and €100,000 to Mr di Stefano in respect of costs and expenses, plus any tax that may be chargeable in respect of pecuniary and non-pecuniary damage – a substantial fine in 2012.[11]

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9 *Centro Europa 7 S.R.L. and Di Stefano v Italy (Application No 38433/09)*, [2012] ECHR 974 (ECtHR). Grand Chamber judgment of 7 June 2012. The applicants were Centro Europa 7 S.R.L., an Italian analog TV company based in Rome, and Francescantonio Di Stefano, its statutory representative.

10 Ibid. at para. 129 (Françoise Tulkens, President, Grand Chamber, ECtHR).

11 Ibid. at paras 214–227.

Regulating online harms

The EU Commission is taking steps to regulate social media companies and their platforms though this is of course difficult since all major companies are located in the United States. In its communication of September 2017 on tackling illegal content online, the European Commission promised to monitor progress in tackling illegal content online and assess whether additional measures were needed to ensure the swift and proactive detection and removal of illegal content online, including possible legislative measures to complement the existing regulatory framework. The Commission then recommended a set of operational measures to be taken by companies and Member States to determine and propose future legislation. These recommendations would then apply to all forms of illegal content ranging from terrorist content, incitement to hatred and violence, child sexual abuse material, counterfeit products and copyright infringement. Vice-President for the Digital Single Market Andrus Ansip said:

> Online platforms are becoming people's main gateway to information, so *they h*ave a responsibility to provide a secure environment for their users. What is illegal offline is also illegal online. While several platforms have been removing more illegal content than ever before – showing that self-regulation can work – we still need to react faster against terrorist propaganda and other illegal content which is a serious threat to our citizens' security, safety and fundamental rights.

These EU recommendations remain just that, recommendations, encouraging various voluntary initiatives to ensure that the internet is free of illegal content and reinforces actions taken under different initiatives in each country.

The UK Government has already set up a Digital Markets Unit (DMU) with a new regulatory regime under the auspices of the Competition and Markets Authority (CMA) to oversee a pro-competition regime for social media platforms that currently dominate the market, such as Google and Facebook. The UK Government aims to introduce and enforce a new code to govern social media companies' behaviour when interacting with competitors and users.

Ofcom the communications regulator in the UK has a range of statutory duties, introduced by Parliament in 2003, to support media plurality in the UK by way of the *Communications Act 2003*. However, 2003 is a long time ago in a field which is now dominated by AI and fast changing online technology. The way that people access news and information has changed significantly since the legislation was introduced. The influence of online news sources has grown substantially and social media, search engines and news aggregators are increasingly acting as intermediaries between news content and the public.

Freedom of expression and media pluralism online have been protected by the UK Government by the *Communications Act 2003*, supported by the courts in common law, believing that people's rights to participate in society and engage in robust debate online must be safeguarded. The *Online Harms White Paper* (2019) argued that existing regulatory and voluntary initiatives had "not gone far or fast enough" to keep users safe. The Paper proposed a single regulatory framework to tackle a range of harms. At its core would be a duty of care for internet companies, including social media platforms.

Ofcom has an inherent duty of care role required by the *Communications Act 2003*. Ofcom can now require social media companies and online media service providers to address harms, such as misinformation and disinformation about vaccines for example, that have taken place on their platforms during the Covid pandemic. Services accessed by children need to protect underage users from harmful disinformation. Services with the largest

audiences and a range of high-risk features are required to set out clear policies on harmful disinformation accessed by adults. Social media companies are required to set out what content, including many types of misinformation and disinformation on social media platforms, such as anti-vaccination content and falsehoods about Covid-19, and what is and is not acceptable in their terms and conditions. The companies must enforce this effectively.

If these rules are breached, Ofcom will take enforcement action. Companies are expected to remove illegal disinformation, for example where this contains direct incitement to violence. Ofcom now has the power to levy unprecedented fines of up to £18m or 10% of global turnover on social media giants. This could leave a company such as Facebook potentially paying a £5bn fine for serious breaches. By contrast, GDPR laws cap fines at €20m (£18m) or 4% of global turnover. Ofcom has the power to block services from the UK entirely.

Are social media platforms publishers?

US law is quite clear on the matter: social media platforms are *not* publishers. They are conduits or walls on which 'graffiti' can be plastered – as the New York court ruled in the Prodigcase in 1999. Companies such as Facebook, Twitter and Google rely on US law which confirms that they are platforms only, covered by the legal protection of section 230 of the US *Communications Decency Act* of 1996 (CDA). This means they cannot be sued for libellous content, hate speech or any other damaging material which appears on their platforms. Section 230 removes the duty of care element.

The *Communications Decency Act* (CDA) was the United States Congress's first notable attempt to regulate pornographic material on the internet. Section 230 ('Protection for private blocking and screening of offensive material') provides immunity for website platforms from third-party content.

At its core, section 230(c)(1) provides immunity from liability for providers and users of an 'interactive computer service,' who publish information provided by third-party users:

> "No provider or user of an interactive computer service *shall be treated as the publisher* or speaker of any information provided by another information content provider."

The statute in section 230(c)(2) further provides 'Good Samaritan' protection from civil liability for operators of websites ('interactive computer services') in the removal or moderation of third-party material they deem obscene or offensive, even of constitutionally protected speech, such as the First Amendment of the American Constitution. Certain sections of the CDA were subsequently challenged in courts and ruled by the Supreme Court to be unconstitutional, though section 230 was determined to be severable from the rest of the legislation and remains in place.[12]

Facebook and other social media companies are platforms in US law and are afforded legal protection under s. 230. Facebook and Twitter's policies include the importance of freedom of speech protection yet censor or ban content which then leans towards the fact that they are publishers. We could of course go further and include video and communications platforms such as Comcast, Netflix, Verizon, AT&T. These are also platforms which primarily serve to facilitate communication and distribute information. They cannot be regulated by UK law for streaming harmful material to children before the watershed.

[12] *Reno v American Civil Liberties Union* (1997) 521 U.S. 844 (US Supreme Court).

In the *Prodigy* case (1999),[13] the New York court ruled that an ISP *cannot* be held liable for any material posted on its server since it is merely a 'host'. In this case an unknown imposter had opened several accounts with the ISP Prodigy, by assuming and usurping the (real) name of Alexander Lunney, a teenage Boy Scout claimant in this appeal. The imposter posted two vulgar messages in Lunney's name on a Prodigy bulletin board and sent a threatening, profane email message in Lunney's name to a third person, with the subject line: 'HOW I'M GONNA'KILL U'. Lunney sued Prodigy (via his father), asserting that he had been stigmatized by being falsely cast as the author of these messages. The court accepted Prodigy's defence argument, that the ISP had not actively participated in the message and could therefore not assume any responsibility. The US court held that Prodigy was not a publisher.

The British courts have sent mixed messages and we can find the answers largely in the tort of defamation, mostly online libel cases. The first case which raised the issue whether an ISP was a publisher was that of *Godfrey v Demon Internet* (2001).[14] *Godfrey* hinged on whether the ISP Demon - located in the UK - could be treated as publisher of the defamatory material posted by an unknown person about the university lecturer in 1997, Dr Lawrence Godfrey, on a foreign website located in Thailand (soc.culture.thai). Importantly, Dr Godfrey had asked Demon to remove the defamatory posting, but Demon failed to remove the message for 12 days. Mr Justice Morland held Demon Internet liable for the defamatory statement hosted on its server. He said that the defendants Demon knew of the defamatory posting but chose not to remove it from their unsernet news servers.

Dr Godfrey was awarded £15,000 plus legal costs, totalling £200,000, by Demon Internet.

[13] *Lunney (Alexander G.) & c. v Prodigy Services Company et al* (1999) 99 NY Int 0165.

[14] [2001] QB 201.

The judgment sent the message to ISPs and operators of websites in the UK that they were publishers which in turn gave rise to the unwelcome practice of ISPs simply removing material upon complaints without a great deal of scrutiny, causing a chilling effect on freedom of expression and freedom to receive information. The common law message in *Godfrey* had been clear: an ISP was a publisher not a mere 'conduit' of information. Demon's defence argument in court wore rather thin with the High Court when it referred to US case law such as the *Prodigy* case on electronic commerce where US law clearly states that an ISP is only 'hosting' information on its servers.

As English common law developed, we saw a groundbreaking judgment by Mrs Justice Sharp, in *Budu v BBC* (2010),[15] when she ruled that publishers *cannot* be held liable for libellous material republished out of context on internet search engines. The case concerned a long-running dispute between the BBC and Ghanaian-born Sam Budu. When putting his own name into the Google search engine, he had found three articles about himself which he claimed as libellous. The BBC had reported that Cambridgeshire Police had been compelled to withdraw a job offer from Mr Budu when it transpired that he was an illegal immigrant. The High Court deemed that neither a search engine nor operator of website, such as the BBC, should face libel claims for republished material accessed only via its web-archives and Mrs Justice Sharp ruled that the BBC was not liable for the Google 'snippets'.

A couple of years later, the question whether an ISP was a 'publisher,' was raised once again in *Tamiz v Google inc.* (2012).[16] Google argued successfully in this case that it was *not* a publisher for the purposes of the English libel laws. And even if Google was to be regarded as a publisher of the words complained of by Payam Tamiz, the ISP argued that it was

[15] [2010] EWHC 616 (QB).

[16] [2012] EWHC 449 (QB).

protected against liability by Regulation 19 of the Electronic Commerce (EC Directive) Regulations 2002.

The difference between a news media organization and social media companies is that a media organization whether in print or online is a publisher. There is then not only a semantic difference between 'platform' and 'publisher' but also a legal one. Media companies publish views, news, editorials, and opinions. The BBC, Reuters, The Times, The Daily Mail, The Sun or the Glasgow Herald all make editorial decisions about what news to publish, have editorial boards, publish op-ed pieces, and make every effort possible to fact-check (and fact-check again) about every single item they publish. If they publish a defamatory article about a high-profile individual, such as Johnny Depp, they can expect to be sued in court as ample case law tells us.

We have plenty of cases which deal in both UK and EU human rights law that deal with an individual's privacy challenge against the media, fighting for their freedom of expression right either under Article 10 ECHR or under the common law journalistic defence of the public interest, such as we have seen in famous cases, *Douglas v Hello!* (2001),[17] *Naomi Campbell* (2004),[18] *Max Mosley* (2008)[19] and the v*on Hannover No 1* (2005)[20] and *2* (2012)[21] actions.

[17] *Douglas v Hello! Ltd* [2001] QB 967; [2001] 2 WLR 992.

[18] *Campbell (Naomi) v Mirror Group Newspapers Ltd* [2004] 2 AC 457, [2004] UKHL 22.

[19] *Mosley (Max) v Newsgroup Newspapers Ltd* [2008] EWHC 1777 (QB).

[20] *von Hannover v Germany (No 1)* (2005) 40 EHRR 1 (Application no 59320/00), [2004] EMLR 21 (ECtHR).

[21] *von Hannover v Germany (No 2)* [2012] ECHR 228; (2012) (Application Numbers – 40660/08, 60641/08) Judgment of 7 February 2012; *Axel Springer v Germany* (2012) (Application No 39954/08) Judgment of 7 February 2012 (ECtHR (Grand Chamber) (ECtHR).

Looking to the future

Now out of the European Union, the UK government faces a choice as to whether it will respond to these challenges with a strategy based on values, or whether it will opt for a more nationalist approach, potentially jeopardising civil liberties, diplomacy and the economy in the process. While the likelihood is that the UK Government's digital policy will continue to follow the EU's in the short term, the Government has the option to follow a more divergent agenda in future, which could undermine the right to privacy and freedom of information online.

The *Online Harms Regulator (Report) Bill*, first proposed by Theresa May's Government in April 2019, introduced by Lord McNally as a Private Members Bill in the House of Lords in January 2020, assigns functions to Ofcom in relation to online harms' regulation and sets out strict new guidelines governing removal of illegal content such as child sexual abuse, terrorist material and social media that promotes suicide, which sites must obey, or face being blocked in the UK. Regulator Ofcom would oversee and enforce compliance. The bill stalled due to the Covid pandemic and has so far not progressed. However, should the new law come into force it would apply to all companies that host user-generated content such as images, videos and comments, or allow UK users to talk with other people online through messaging, comments and forums. It would also apply to search engines because they play a significant role in enabling individuals to access harmful content online. The proposed legislation envisages safeguards for freedom of expression and pluralism online - protecting people's rights to participate in society and engage in robust debate.

The Digital Economy Act 2017 Part 3 Enforcement Bill, introduced in the HL by Baroness Howe of Idlicote in June 2021, seeks to enforce the remaining sections of Part 3 of the Digital Economy Act 2017 that deal with pornographic material on internet services. It would

give Ofcom the power to require internet service providers to block access to pornographic material.

The EU Commission's Paper 'Shaping Europe's Digital Future' of February 2020 outlines the EU's digital future strategy and a commitment to invest in digital competences for all European member states, including: protecting its citizens from cyber threats, such as hacking, ransomware and identity theft and ensuring Artificial Intelligence is developed in ways that respect people's rights.

Conclusion and questions

We conclude with the question 'does the regulation of online services amount to a breach freedom of expression'? Freedom of expression under Article 10 ECHR includes not only the inoffensive, but also the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative, provided it does not tend to provoke violence. Should the big tech companies be able to self-regulate content on their platforms or has the time come for legislation by governments, such as the proposed UK statutory regulation?

The best deal the IT firms can strike with governments is to have clear and verifiable rules on how they publish and moderate content, helping users own, control and profit from their own data; as well as fair treatment of competitors that use their platforms. EU governments will be judged on how they deal with media plurality, freedom of expression, balancing the right to speak up online versus the spread of misinformation and hate speech on their platforms.

We are then left with the age-old question: can the internet be regulated at all? We are left with uncertainty in the global laws. Is it right that social network providers are self-regulating

content on their platforms by blocking and deleting offensive posts and individuals' accounts which may well amounts to online censorship?

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Appendix 1: The Facebook Oversight Board members (2021) include:

- Catalina Botero-Marino, a Colombian attorney who was the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights of the Organization of American States from 2008 to 2014. Presently Dean of the Universidad de los Andes Faculty of Law.

- Jamal Greene, a Columbia law professor whose scholarship focuses on constitutional rights adjudication and the structure of the legal and constitutional argument. Greene was a law clerk for former U.S. Supreme Court Justice John Paul Stevens.

- Michael McConnell, a constitutional law professor at Stanford Law, was a U.S. federal circuit judge appointed by President George W. Bush, once a possible U.S. Supreme Court nominee. McConnell is an expert on religious freedom and is a Supreme Court advocate who has previously represented clients in First Amendment cases.

- Helle Thorning-Schmidt was the first woman Prime Minister of Denmark. Thorning-Schmidt is a Social Democrat who led a coalition government from 2011-2015 and later served as chief executive of the charity organization, Save the Children International.

- Afia Asantewaa Asare-Kyei, a dual citizen of Ghana and South Africa, is a human rights advocate focusing on women's rights, media freedom, and access to information issues across Africa at the Open Society Initiative for West Africa.

- Evelyn Aswad, a University of Oklahoma law professor, was a senior U.S. State Department lawyer. Aswad specializes in the application of international human rights standards to content moderation issues.

- Endy Bayuni, an Indonesian journalist who twice served as the editor-in-chief of the Jakarta Post, involved with media advocacy organizations.

- Katherine Chen, a former national communications regulator in Taiwan. Chen is a professor in public relations and statistics at Taiwan's National Chengchi University. Her research focuses on social media, mobile news and privacy.

- Nighat Dad, a Pakistani lawyer and internet activist who runs the Digital Rights Foundation, a non-profit organization focused on cyber harassment, data protection and free speech online in Pakistan and South Asia.

- Suzanne Nossel, CEO at PEN America, a non-profit organization. Nossel was previously Chief Operating Officer of Human Rights Watch, an executive director of Amnesty International USA. Nossel has also held roles in the administrations of former U.S. presidents Barack Obama and Bill Clinton.

- Tawakkol Karman, a Yemeni human rights activist and journalist who became the first Arab woman to win a Nobel Peace Prize in 2011 for her nonviolent push for change during the Arab Spring.

- Maina Kiai, a Kenyan lawyer and human rights activist who is director of Human Rights Watch's Global Alliances and Partnerships Program. Kiai also served as the United Nations special rapporteur on the Rights to Freedom of Peaceful Assembly and Association from 2011 to 2017.

- Sudhir Krishnawamy, the vice chancellor of the National Law School of India University, a civil society activist, and an expert on constitutional law in India.

- Ronaldo Lemos is a Brazilian academic and lawyer who co-created a national internet rights law in Brazil and co-founded a non-profit focused on technology and policy issues. Lemos teaches law at the Universidade do Estado do Rio de Janeiro.

- Julie Owono, a lawyer and the executive director of Internet Sans Frontières, a digital rights organization based in France. Owono campaigns against internet censorship in Africa and around the world.

- Emi Palmor, a former director-general of the Israeli Ministry of Justice who led initiatives to address racial discrimination and advance access to justice via digital services and platforms.

- Alan Rusbridger, a British journalist who was the editor-in-chief of the Guardian newspaper. Rusbridger is principal of Lady Margaret Hall, an Oxford College.

- Andras Sajo, a Hungarian legal academic and former judge at the European Court of Human Rights. Sajo is an expert in comparative constitutionalism and was involved in the drafting of the Ukrainian, Georgian and South African constitutions.

- John Samples is a vice president at the Cato Institute, a U.S. libertarian think tank. Samples advocates against restrictions on online expression and writes on social media and speech regulation.

- Nicolas Suzor, an associate law professor at the Queensland University of Technology in Australia who studies the governance of social networks and the regulation of automated systems

Source: Reuters.