On Facebook's "Oversight Board for Content Decisions"

Facebook's Oversight Board is a positive initiative, although limited in terms of effectively protecting the rights of its users. In its current format, it would not be an external or independent body but a mechanism for corporate self-regulation.

Its existence cannot replace the right to defense and access to justice of any citizen in a democratic society, nor can it block an intelligent and democratic regulation of large platforms, which is necessary to limit their power as gatekeepers over online information and representations.

OBSERVACOM
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Facebook's proposal for an *Oversight Board for Content Decisions* has been welcomed as a positive initiative, as Internet platforms must develop better mechanisms for resolving disputes with their users, given the impact of their tasks of curating and moderating user content.

Facebook's terms of service and application guidelines generate increasingly frequent negative effects on users' freedom of expression and other human rights. Internal mechanisms for appeal and redress are thus essential.

The proposal means that two facts that have been noticed by numerous Latin American digital rights organizations have been recognized: a) that Facebook plays a central role in the circulation of information and opinions in the world and has a responsibility in this regard, b) that current mechanisms are insufficient or inadequate for guaranteeing the treatment of user-generated contents in a manner compatible with international human rights standards.

However, the *Oversight Board* cannot be considered an "external" or "independent" organization in its current form. Without questioning beforehand the suitability of its future members, and after carrying out an analysis of who will choose and designate said members, who will provide the funds to pay their salaries, and the fact that they must be guided by the principles and values of Facebook, it is clear that the necessary guarantees of independence that an external oversight body should provide do not exist.

Furthermore, and given the volume, speed and impact of the contents published on Facebook by its users, there is no way this body will be able to deal with the problems on the current scale. This will therefore limit its ability to respond effectively to complaints regarding the millions of content elements removed by Facebook each month. Users must therefore have effective mechanisms for appeals and guarantees of due process in cases of conflicts of interest.

The establishment of the Facebook *Oversight Board* would represent progress with respect to the platform's current mechanisms for internal appeals, but cannot and should not replace users' access to other ways to exercise their right to defense against possible abuses on the part of the company. In particular, in no case should the creation of an *Oversight Board* mean denying the right to access to justice in any user's own country in a manner that is complementary or runs parallel to the internal mechanisms that have been legitimately established by the company.

OBSERVACOM reiterates that the self-regulation measures announced are positive and necessary, but will not be enough to limit the increasing intervention of platforms in online content, for which an intelligent and democratic regulation that protects the freedom of expression of users and guarantees a free and open Internet is imperative.