

**Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on the right to privacy and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL USA 8/2024  
(Please use this reference in your reply)

18 April 2024

Excellency,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on minority issues; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Special Rapporteur on the right to privacy and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 53/3, 52/9, 50/17, 53/12, 52/5, 1993/2A, 46/16 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **a number of alleged human rights violations in Israel and the occupied Palestinian territory since 7 October 2023, including increased criminalization, surveillance, harassment and attacks against individuals who are peacefully expressing dissent or advocating for Palestinian rights on social media. The proliferation of hate speech, incitement to violence, disinformation, and bias and systematic censorship of Palestinian and pro-Palestinian human rights voices and content are allegedly also on the rise on social media platforms including Meta, X, Google (headquartered in the United States of America), and Telegram (headquartered in the United Arab Emirates).**

According to the information received:

*Discriminatory and disproportionate censorship of Palestinian voices and content on Palestine*

Meta

The alleged disproportionate censorship, moderation and restriction of pro-Palestinian human rights voices, including of journalists and activists reporting from the ground, content creators and others on social media platforms appears to be rooted in the Meta's apparent discriminatory content moderation practices and policies.

Meta designated the 7 October events as a Terrorist Attack under its Dangerous Organisations and Individuals (DOI policy). This means that Meta

would remove all content linked to the event, unless the user clearly shares it in the context of news reporting or condemnation of the event. Meta has stated that it has taken several measures in response to an increase in violent and graphic content being posted to its platforms, including lowering the confidence threshold for the automatic systems classifiers to identify and remove content, blocking hashtags, and restricting live streaming.

Since 7 October 2023, content supporting Palestinian rights has faced unjustified, discriminatory, and disproportionate censorship, including deletion, restriction, takedowns, and the deliberate suppression of hashtags. Between 7 and 10 of October 2023, Meta reportedly removed or marked as disturbing more than 795,000 posts. The Palestinian Observatory for Digital Rights Violations has documented 2,846 violations of the right to freedom of expression, among others, from 7 October until 15 December, 826 of which occurred on Meta's online platforms Instagram and Facebook. For example, Meta immediately censored the Arabic hashtag #iron\_swords (#طوفان\_الاقصى) on 7 October but did not censor the parallel hashtag in Hebrew (#חרבות\_ברזל).

Palestinian journalists, activists, and human rights defenders have faced significant and disproportionate censorship and have been routinely suspended on Meta's platforms. Palestinian and international news outlets, including but not limited to Quds News Network, Ajjyal Radio Network, BreakThroughNews, 24FM, Mondoweiss, Palestinian Refugees Portal, as well as journalist accounts such as Faten Elwan, Motaz Azaiza, Saleh Al-Jafarawi, and Ahmed Shihab-Eldin have all experienced and/or continue to experience content takedowns and account restrictions on Instagram and Facebook. Journalists have also experienced account suspensions and content takedowns under Meta's "community guidelines" and Dangerous Individuals and Organizations policy for reporting news in Arabic language and/or from occupied Gaza. Users have also experienced shadow banning on a wide scale for posting content on Palestine. This includes limiting views on Instagram stories particularly if users share news content from other pages.

The Palestinian flag emoji has been flagged as "potentially offensive" by Instagram, resulting in it being hidden. Meta and Instagram have reportedly prevented the display of images of Palestinian victims in hospitals because they were deemed to be "nude" pictures. Additionally, reports reveal that WhatsApp's artificial intelligence image generator recently created emojis of gun-wielding children when prompted with "Palestinian".

According to the information received, Meta rolled out a notification discouraging users from following or sharing content from popular Palestinian accounts with a "Are you sure" prompt for sharing news updates from occupied Gaza, under the allegation that these accounts "repeatedly posted false information" or violated Meta's community guidelines. It is also alleged that Meta has restricted pro-Palestinian human rights accounts from posting comments on Instagram, including comments being automatically hidden when talking about Palestine or using the Palestinian flag emoji.

On 15 October, a Meta spokesperson blamed the reduced reach of pro-Palestine human rights posts on a bug that "affected accounts equally around the globe and had nothing to do with the subject matter of the content".

Reportedly, Instagram auto-translated user bios that included “Palestinian” and an Arabic phrase meaning “praise be to God” to “Palestinian terrorists are fighting for their freedom”. Meta publicly apologized and said in a statement to several newspapers that the problem that caused the “inappropriate Arabic translations” has been fixed.

Recently, Meta’s internal documents acknowledged that Meta had lowered the level of certainty its algorithmic censorship system needed to remove Arabic posts from 80 percent confidence that the post broke the rules, to 25 percent. In other words, the accuracy rate of posts being removed by Meta significantly decreased for Arabic posts with regard to whether these posts actually contained policy violations. Academics have repeatedly criticized the lack of efficient content moderation in Arabic, stating that Arabic content is subject to “inconsistent moderation”, meaning that some content will be over-moderated, while other content will be left untouched despite violating the platforms’ standards. These inconsistencies have limited users’ ability to engage in meaningful political debates in the region. Further, Meta’s internal documents indicated that the Hebrew hostile speech classifiers did not detect speech violating policies effectively, because they did not have sufficient data for the system to function accurately. In fact, in 2022, an independent due diligence report commissioned by Meta to assess the impact of its content moderation actions and policies in Israel and the occupied Palestinian territory pointed to the absence of these classifiers for the under-enforcement of moderation of hate speech content in Hebrew.<sup>1</sup> It also found that Meta had negatively affected the human rights of Palestinian users in areas such as freedom of expression, freedom of assembly, political participation and non-discrimination.

In the second week of November, Meta removed a video posted on Instagram showing what appears to be the aftermath of a strike on or near Al-Shifa Hospital in occupied Gaza City, during Israel's ground offensive in the north of the occupied Gaza Strip, for violating its Violent and Graphic Content Community Standard. On 19 December 2023, Meta’s Oversight Board overturned this decision citing “the importance of Meta respecting the right to freedom of expression and other human rights of all those affected by these events, and their ability to communicate in this crisis.”<sup>2</sup>

*Dissemination of hate speech, incitement to violence and the dehumanization of Palestinians, and disinformation*

The proliferation of hate speech and incitement to violence in the context of the 7 October attacks and its aftermath on various platforms presents a grave concern. While hate speech against Israelis, Jews and antisemitism are also strongly on the rise, social media platforms appear to have a biased and discriminatory approach when it comes to protecting Palestinians against hate speech. We have received reports that content relating to hate speech, incitement to violence, dehumanization and calls for genocide against Palestinians remains uncensored and prominent on social media platforms. Of the 2,800+ violations recorded through the Palestinian Observatory for Digital

---

<sup>1</sup> <https://about.fb.com/news/2022/09/human-rights-impact-meta-israel-palestine/>

<sup>2</sup> <https://www.oversightboard.com/decision/IG-WUC3649N/>

Rights Violations between 7 October and 15 December, more than half (2,012 cases) were classified as harmful content. This content includes hate speech, incitement to violence, online harassment and smear campaigns. Most of those cases occurred on Facebook, X (formerly Twitter), and Telegram.

Specifically related to hate speech in Israel against Palestinians, 7amleh’s “Violence Indicator” —a linguistic model that uses artificial intelligence technology that monitors the spread of hate speech and violence in Hebrew against Palestinians and their advocates on social media platforms— has counted over 2,381,444 pieces of hate speech and violent content posted on X, Facebook, and Telegram.

Further, there have been widespread instances of disinformation and misinformation on various online platforms, in addition to AI-generated deepfakes that increase fears about AI-powered models fostering misleading information. This significantly harms freedom of expression and access to information. Since 7 October, false information has been weaponized to propagate hatred and incite violence against Palestinians. It is also used to manipulate the opinions of users globally. This disinformation appears to be employed to rationalize collective punishment against all Palestinians and is often accompanied by incitement and calls for violence.

### Meta

There have been reports of Meta’s platforms being used by Israelis, including senior officials, to explicitly call for violence against Palestinians. Meta is allowing verified state accounts that belong to the Israeli government – including politicians, the Israeli army and its spokespeople – to disseminate content that justifies military intervention, including attacks on hospitals and ambulances, filmed confessions of Palestinian detainees, and almost daily “evacuation” orders for Palestinian civilians. It has been reported that Meta approved ads that explicitly called for a “holocaust for the Palestinians” and wiping out “Gazan women and children and the elderly”.

Until September 2023, Meta did not have classifiers to automatically detect and remove hate speech in Hebrew. A recent internal memo revealed that Meta lacks sufficient training data to use the newly built Hebrew classifier on Instagram comments.

With regard to disinformation, Meta indicated they have “the largest third-party fact-checking network of any platform”, but given the number of false accusations that spread across their platforms throughout October, their efforts appear to be insufficient.

### X

Hate speech and incitement to violence has soared on X’s platforms since 7 October. Of the hate speech and violent Hebrew-language content detected by 7amleh’s “Violence Indicator”, 99.4% was posted on X with over 2.3 million posts. This content includes explicit incitement to violence and even praise for attacks against civilians, some of which is posted by high-ranking Israeli officials. Such rhetoric, allowed to persist unchecked, not only

perpetuates the dehumanization of Palestinians but also fuels an environment where violence is normalized and celebrated. According to the first transparency report published under the EU's Digital Services Act, X has only 12 human content reviewers for Arabic and 2 for Hebrew. In contrast, there are 2,294 human content reviewers for English.

### Google

Google's YouTube broadcasted advertising sponsored by the Israeli Foreign Ministry that could be considered incitement to violence. At some point, there were 75 different ads released, including some in English, many of which contained particularly graphic material, or were directed at children. For instance, an ad noted that "Israel will take every measure necessary to protect our citizens against these barbaric terrorists." Another showed images of bloodied hostages with their faces blurred. While Google said that the company did not allow ads containing violent language, gruesome or disgusting imagery, graphic images or accounts of physical trauma, the company failed to consider the long-term human rights impacts on Palestinians. The paid advertising sponsored by the Israeli Foreign Ministry could have adverse impacts, appearing to justify violence and hatred against Palestinians and their collective punishment. It was reported that \$7.1 million had been spent on the potentially violating ads, which were heavily targeted towards audiences in France, Germany, UK, Belgium, USA, Switzerland, and elsewhere.

While we do not wish to prejudge the accuracy of the information received, we wish to express serious concern at the fact that the services of Meta, X, and Google, businesses based in the United States of America, appear to be used as a conduit for human rights violations and abuses. We are concerned that, in the absence of a strong State response including from where the companies are based, such as preventive actions, regulations and sanctions for all those involved, businesses may continue to be used as a platform to disseminate disinformation, calls to violence, hate speech, and discrimination, which may amount to violations of article 3 of the Universal Declaration of Human Rights (UDHR), which guarantees everyone's right to life, liberty and security of the person. The chilling effect of these posts targeting individuals for their political views is also impacting Palestinians' fundamental rights to freedom of expression and peaceful assembly and association in Israel and occupied Palestinian territory, as protected under articles 19 and 20 of the UDHR and under the ICCPR.

The six months of conflict since 7 October 2023, now plausibly amounting to a real and imminent risk of genocide according to the International Court of Justice, have placed a spotlight on the role and obligations of technology companies, particularly social media platforms, in situations of armed conflicts.

We are troubled by Meta, X, and Google's approach to content moderation. We note that Special Procedures have previously identified serious defects in content moderation policies and practices, including overbroad definitions of "terrorist" entities and "dangerous" organizations, the lack of a human rights-based approach, and the risks of indiscriminate implementation, over-censoring, arbitrary denial of access to online services, restriction of the ability to publicise human rights violations and adverse impacts on civil society and freedom of expression. We further wish to

highlight the importance of archiving all content that can potentially constitute evidence of war crimes in case such content is removed from the platforms.

We urge your Excellency's Government, in your national legislation, to adopt the model definition of hate speech and incitement, in line with Articles 19 (3) and 20 of the ICCPR and the standards spelled out in the Rabat Plan of Action, when addressing advocacy of national, racial, or religious hatred that may constitute incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4). We further encourage your Excellency's Government to operationalise the Rabat Plan of Action threshold test, which sets the right balance between protecting freedom of expression and prohibiting incitement to hatred, based on a case-by-case assessment of the context, speaker, intent, content, extent of dissemination and likelihood of harm.

We further urge your Excellency's Government to adopt the model definition of incitement to terrorism advanced by the mandate of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, Practice 8). We encourage your Excellency's Government to continue promoting religious pluralism and dismantle discriminatory structures that propagate negative stereotypes of persons based on religious, racial, gendered, migratory and disability status.

We call on your Excellency's Government to ensure that any laws applicable to businesses, and in this case technology companies, are compatible with international human rights law, including the rights to freedom of expression and freedom of association and peaceful assembly.

We underline that new technologies, in particular digital technologies, involve complex systems that present inherent risks to the protection of rights, particularly for groups in vulnerable situations. The failure to take into account the special characteristics of high-risk systems, the systemic devaluation of risks of discrimination and inequality, and the lack of human rights-based approaches to risk management define the main human rights challenges in this area. In our view, a laissez-faire approach to the development and use by the private sector of new technologies in security contexts, coupled with the lack of an internationally agreed definition of terrorism and the systematic abuse of anti-terrorism and security laws and practices, creates an aggravated and intersectional set of human rights challenges that should be at the centre of Member States' considerations (A/HRC/52/39, para. 17).

Finally, we wish to highlight A/HRC/55/L.30 on the human rights situation in the occupied Palestinian territory and the obligation to ensure accountability and justice. This resolution includes a call for an end to all ongoing policies of harassment, threats, intimidation and reprisals, detention and expulsion against human rights defenders, journalists, media workers and civil society actors who peacefully advocate for the rights of the Palestinian people, and underscores the need to investigate all such acts and to ensure accountability and effective remedies. The resolution also includes an expression of concern at the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the right to freedom of expression, to spread hatred, racism, xenophobia, negative stereotyping or stigmatization and to incite violence, discrimination and hostility, and emphasizes the important contribution by journalists in countering this trend.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about measures and policies that your Excellency's Government has put in place to protect against human rights abuses by business enterprises domiciled in its territory, including Meta, X, and Google, and to ensure that business enterprises respect human rights throughout their operations. This includes conducting effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operations (including abroad), as set forth by the UN Guiding Principles on Business and Human Rights. This also includes conducting heightened human rights due diligence in conflict-affected regions (A/75/212).
3. Please indicate the steps that your Excellency's Government has taken, or is considering taking, to ensure effective access to domestic judicial mechanisms for victims of business-related human rights abuses.
4. Please indicate the steps that your Excellency's Government has taken or is considering taking to ensure that business enterprises such as Meta, X, and Google provide effective, operational-level grievance mechanisms, or cooperate in the provision of effective remedies through legitimate processes to the affected victims if they have contributed to adverse human rights impact.
5. Please indicate the steps that your Excellency's Government has taken or is considering taking to ensure that its legal framework applicable to technology companies is compatible with international human rights law.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please note that letters expressing similar concerns will also be sent to the chief executive officers of the relevant social media companies and the States where they are domiciled.

Please accept, Excellency, the assurances of our highest consideration.

Robert McCorquodale  
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Nicolas Levrat  
Special Rapporteur on minority issues

Francesca Albanese  
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ana Brian Nougrères  
Special Rapporteur on the right to privacy

Ben Saul  
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to the articles 12 and 19 of the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948 (UDHR), and articles 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the USA on 8 June 1992, which guarantee the rights to not be subjected to arbitrary or unlawful interference with one's family or home and to freedom of opinion and expression.

We underscore the importance of fully implementing international human rights standards applicable under the ICCPR including article 19, guaranteeing the right of everyone to freedom of opinion and expression; ICCPR articles 21 and 22, guaranteeing the rights of everyone to peaceful assembly and freedom of association; and ICCPR article 17, protecting against arbitrary or unlawful interference with a person's privacy, reputation, and home.

Furthermore, we wish to refer to article 6 (b) and c) which provide that everyone has the right, individually and in association with others to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.

We would also like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) following years of consultations involving Governments, civil society, and the business community. The Guiding Principles have been established as the authoritative global standard for all States and business enterprises with regard to preventing and addressing adverse business-related human rights impacts. These Guiding Principles are grounded in recognition of:

- a. "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached."

It is a recognized principle that States must protect against human rights abuses by business enterprises within their territory and/or jurisdiction. As part of their duty to protect against business-related human rights abuses, States are required to take appropriate steps to "prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication" (Guiding Principle 1). This requires States to "state clearly that all companies domiciled within their territory and/or jurisdiction are expected to respect human rights in all their activities" (Guiding Principle 2). In addition, States should "enforce laws that are

aimed at, or have the effect of, requiring business enterprises to respect human rights...” (Guiding Principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Business enterprises, in turn, have an independent responsibility to respect all internationally recognized human rights (Guiding Principle 11). They are expected to carry out human rights due diligence in order to identify, prevent, mitigate and account for how they address their impacts on human rights (Guiding Principle 15). Where a business enterprise causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. Similarly, where a business enterprise contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible (commentary to Guiding Principle 19).

Furthermore, business enterprises should remedy any actual adverse impact that it causes or contributes to. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to Guiding Principle 25).

The Guiding Principles also recognise the important and valuable role played by independent civil society organisations and human rights defenders. In particular, Principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The Commentary to Principle 26 underlines how States, to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed. In its recent guidance on ensuring respect for human rights defenders (A/HRC/47/39/Add.2), the Working Group on Business and Human Rights highlighted the urgent need to address the adverse impacts of business activities on human rights defenders. It unpacked, for States and businesses, the normative and practical implications of the Guiding Principles in relation to protecting and respecting the vital work of human rights defenders.

In a report to the Human Rights Council (A/HRC/41/41), the Special Rapporteur on freedom of peaceful assembly and of association recalled that the General Assembly has also called upon all States to “ensure that the same rights that individuals have offline, including the rights to freedom of expression, of peaceful assembly and of association, are also fully protected online, in accordance with human rights law”. The Special Rapporteur went on to state in the same report that “States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to

facilitate and protect these rights in accordance with international human rights standards,” and that in the digital age “the positive obligation to facilitate the exercise of the rights to freedom of peaceful assembly and of association includes efforts ‘to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all’. The obligation to protect requires that positive measures be taken to prevent actions by non-State actors, including businesses, that could unduly interfere with the rights to freedom of peaceful assembly and of association.”

In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and association has emphasized in various reports the importance of digital technology to exercise the mentioned rights, and in his report on freedom of assembly and association in the digital age, he detailed that those “(...) technologies are important tools for organizers who seek to mobilize a large group of people in a prompt and effective manner, and at little cost, and also serve as online spaces for groups of people that are marginalized by society and are confronted with restrictions when operating in physical spaces” (A/HRC/41/41 para. 11).

In his recommendations in the abovementioned report, the Special Rapporteur on freedom of peaceful assembly and of association put forward that “States should duly implement their duty to protect against abuses of the rights to freedom of peaceful assembly and of association by business enterprises by taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. This includes adopting and enforcing laws and policies that focus on creating mandatory requirements for digital technology companies to exercise due diligence to identify, prevent, mitigate and account for how they address any human rights impacts of their business services and products, as well as for robust transparency and remediation mechanisms. These laws should be adopted only after a fully inclusive and participatory consultation process with all stakeholders.”

We also respectfully call the attention of your Excellency’s Government to the rights stipulated under ICESCR, which your Government signed, including article 6, which guarantees the right to work, article 15, which recognizes the right of everyone to “take part in cultural life” and protects the freedom indispensable for scientific research and creative activity and article 3, which ensures the equal right of women to enjoy these and other enumerated economic, social, and cultural rights. Article 7 of CEDAW articulates women’s right to equal participation in political and public life, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country. Pursuant to article 2 of the ICCPR, ICESCR and CEDAW, your Excellency’s Government is under a duty to give domestic legal effect and to take deliberate, concrete, and targeted steps to respect and ensure the enjoyment of the Covenants’ rights for all individuals within your territory and/or subject to their jurisdiction. While certain rights, including the rights to freedom of association and peaceful assembly, may be subject to derogation in times of public emergency, including for specific, empirically based national security aims, such limitations must meet the objective criteria of proportionality, necessity, legality, and non-discrimination, as required under international law.

We underline that international human rights law already provides a robust framework and guidance for regulating against racial discrimination and incitement to

discrimination or violence, including the Convention on the Elimination of All Forms of Racial Discrimination and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence when criminalizing (A/HRC/22/17/Add.4, annex, appendix, para. 29).

In addition, we refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. The Declaration reaffirms each State's responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms, including every person's right, individually and in association with others, "to form, join and participate in non-governmental organizations, associations or groups" and "to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means" (A/RES/53/144, arts. 5, 13).

As expressed by the Human Rights Committee, "A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights", id. para. 13. As further expressed by the Committee, "the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression", id para. 42. Furthermore, and as generally held, attacks against individuals for the exercise of their right to freedom of expression is incompatible with the Covenant, see CCPR/C/GC/34 para. 23. Any such attacks should be subject to independent and impartial investigations, id.

As stated by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, "[t]he right to access and use internet and other digital technologies for the purposes of peaceful assembly is protected under article 20 of the Universal Declaration of Human Rights" (A/HRC/47/24/Add.2, para. 8).

Furthermore, it should be noted that, based on international law, the Maastricht Principles aim to clarify the content of States' extraterritorial obligations to realize economic, social and cultural rights in order to promote and give full effect to the purposes of the Charter of the United Nations and international human rights. All States have obligations to respect, protect and fulfill human rights, including civil, cultural, economic, political and social rights, both within their territories and extraterritorially. Each State has the obligation to realize the economic, social and cultural rights of all persons within its territory to the maximum extent of its capabilities. All States also have extraterritorial obligations to respect, protect and fulfill economic, social and cultural rights.

We respectfully remind your Excellency's Government that although there is no multilateral treaty on terrorism which inter alia defines terrorism, States should ensure that counterterrorism legislation is limited to criminalizing conduct which is properly and precisely defined and strictly guided by the principles of legality, necessity, and proportionality and non-discrimination. The definition of terrorism in national legislation should be guided by the provisions of international counterterrorism instruments and the definitions found in Security Council resolution 1566 (2004), the UN General Assembly's Declaration on Measures to Eliminate

International Terrorism and the model definition recommended by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Counter-terrorism legislation should comply with all relevant international human rights obligations, including due process, the prohibition on arbitrary detention, freedom of expression and opinion, freedom of peaceful assembly, and minority and cultural rights.

We emphasize that the ‘principle of legal certainty’ under international law, including article 15(1) of the ICCPR requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and are the consequences of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are susceptible to arbitrary application and abuse, including in the context of vague counter-terrorism laws. Article 9 (1) ICCPR affirms the principle of legal certainty by requiring that any substantive grounds for arrest or detention must be prescribed by law and defined with sufficient precision to avoid overly broad or arbitrary interpretation or application, and thus to avoid arbitrary deprivation of liberty.