

Mandate of the Special Rapporteur on the situation of human rights defenders

Ref.: OL OTH 165/2025
(Please use this reference in your reply)

30 December 2025

Dear Mr. Musk,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 52/4.

I am an independent human rights expert appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. I am part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. I am sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information I have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, I am writing to you concerning the **policies of X Corp., on human rights defenders and the right to defend human rights on the social media platform, X.**

Adopted by consensus at the UN General Assembly in December 1998¹, the UN Declaration on Human Rights Defenders² declares in article 1 that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.” This is reinforced in article 12.1, which declares that “Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.” Article 9 further holds that “In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration,

1 [A/RES/53/144](#)

2 By its official title, 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

X Corp.

everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.”

The Declaration on Human Rights Defenders, and these key articles, form the cornerstone of the mandate of the Special Rapporteur on the situation of human rights defenders.³ The mandate was established in recognition of the fact that people who exercise their right to protect and promote human rights – human rights defenders – face severe and persistent retaliation for doing so, including are harassment, physical and digital attacks, arbitrary detention, enforced disappearance, torture, threats and killings.⁴

Since their creation, social media platforms have been used by people around the world as tools for the exercise of the right to defend human rights. Human rights defenders turn to such platforms to gather information, raise awareness of successes and challenges concerning human rights, share their reports and documentation work, build and organize communities and networks, and amplify marginalized voices.

I am concerned however that X Corp has not provided any information about whether its current policies and practices take into account the impact they may have on the ability of human rights defenders to carry out their legitimate and peaceful work and activities.

Under the United Nations Guiding Principles on Business and Human Rights, companies have the responsibility to avoid causing or contributing to adverse human rights impacts and to prevent or mitigate such impacts directly linked to their operations, products or services from their business relationships. They are expected to conduct due diligence through regular human rights risk and impact assessments, mitigate harmful impacts and provide a remedy to those affected. The guiding principles have been endorsed by the UN Human Rights Council and have become a key tool for the private sector's acceptance and implementation of human rights standards.

Companies are obliged to respect international human rights law in their policies, operations and activities. The right to privacy and the right to freedom of opinion and expression are guaranteed under article 17 and article 19 of the International Covenant on Civil and Political Rights (ICCPR) respectively.

In many countries, individuals and organizations engaged in promoting and defending human rights and fundamental freedoms are frequently subject to threats, harassment and insecurity as well as to unlawful or arbitrary interference with their right to privacy, as a result of their activities.

Article 19(1) of the ICCPR protects the right to freedom of opinion. This right is absolute and cannot be lawfully restricted. Article 19(2) of the ICCPR guarantees

³ [A/HRC/RES//52/4](#)

⁴ Many of these forms of retaliation have been addressed in detail in the annual reports of myself and my predecessors, which are available at: <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/annual-thematic-reports>

freedom of expression, defined as the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. Freedom of expression may be restricted pursuant to article 19(3), which requires that restrictions must be clear and precise (“provided by law”), and are necessary to achieve “respect for the rights or reputations of others”, “the protection of national security or of public order (*ordre public*)”, or of “public health and morals”.

Under article 20(2) of the International Covenant, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” must be prohibited. The Office of the High Commissioner for Human Rights has developed the Rabat Plan of Action (A/HRC/22/17/Add.4, appendix) to provide valuable guidance on the factors that should be considered in assessing the appropriateness of prohibiting advocacy of hatred that constitutes incitement.

Content policies and their implementation, including content moderation and curation algorithms have a significant impact on freedom of expression and on public discourse, the right to privacy, the right to defend human rights. As such, they may inadvertently lead to undue restrictions on expression, including through over-enforcement or take-downs, which may have a particularly adverse effect on the documentation of human rights violations, advocacy campaigns and footage from peaceful protests. I am concerned that such content moderation policies and practices could disproportionately affect content shared by human rights defenders in under-represented languages, particularly in ongoing conflict situations and politically sensitive contexts.

Special Procedures mandate holders have previously expressed concerns regarding failures of social media companies to apply policies consistently across geographical areas and jurisdictions, and with respect to vulnerable groups.

I recommend X to adopt a human rights policy based on the UN Guiding Principles on Business and Human Rights (UNGPs), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. I also strongly recommend X to integrate international human rights standards into all stages of its operations, including re-establishing a team with human rights expertise. In practice, this means that all content restrictions on the right to freedom of expression on the platform should pursue a legitimate aim as prescribed under international human rights law and be necessary and proportionate to achieve the legitimate aim.

I would be grateful to hear your response to my concerns and to receive further information on the questions below. I am also available to meet with your senior colleagues to discuss these issues:

1. Please provide detailed information on your company’s policies and practices regarding the removal, suppression, shadowbanning, or other forms of restriction of content shared by human rights defenders, including content documenting abuses, advocacy campaigns and protests. In particular, how does your company ensure that automated or AI-assisted moderation systems do not disproportionately impact such

content, particularly in conflict zones or where it involves politically sensitive or gender-related themes?

2. What procedures are in place to detect and prevent the misuse of your platform's reporting mechanisms, such as coordinated false flagging or mass reporting campaigns, targeting the accounts of people promoting and protecting human rights? What safeguards and appeal mechanisms are in place to prevent or rectify arbitrary or retaliatory suspensions, especially for human rights defenders from marginalised groups?
3. Please clarify how your company assesses and responds to government requests to remove content or suspend accounts, including those made through formal legal processes or informal pressure (such as threats of throttling, fines or bans). In particular, how does your company ensure such requests comply with its responsibility to respect international human rights standards, in particular article 19 of the International Covenant on Civil and Political Rights and the UN Guiding Principles on Business and Human Rights?
4. What systems does your company have in place to detect, prevent and respond to digital attacks, smear campaigns, disinformation and coordinated harassment directed at human rights defenders, especially women human rights defenders, LGBTI+ defenders and environmental defenders? Please provide information on how complaints are handled, including any human oversight involved, and whether protections or remedy pathways are in place for at-risk users.
5. How does your company engage with civil society and human rights defenders, including through trusted partner programmes or advisory mechanisms? Please provide information on how your company's recent organisational and policy changes have affected your ability to respond to concerns raised by human rights defenders, particularly in underrepresented regions and languages.
6. Has your company assessed the human rights impact of its content moderation policies and practices, with a particular focus on human rights defenders?

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. The communication and any response will also subsequently be made available in the usual report to be presented by Special Procedures to the Human Rights Council. This communication and any response will also be referenced in a scoping paper I will publish in 2026.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders