From the Inter American Press Association, we appreciate that UNESCO has opened this space for consultation on the declaration "Model regulatory framework for the digital content platforms to secure information as a public good," which will be presented and discussed in Paris between February 21 and 23, 2023.

We share with UNESCO the principles that give rise to this global concern about content moderation and curation by platforms.

We understand that this declaration aims to regulate aspects of misinformation, disinformation, and hate speech, vices that tarnish freedom of expression, human rights, and democracy.

We appreciate that UNESCO insists and makes explicit that regulatory bodies or systems must be "completely independent," free from economic, political, or governmental pressures.

We believe that this requirement is indispensable for the success of this declaration since there is a danger -we have witnessed the movement of legislators in several countries in our region- that governments, both democratic and authoritarian, may over-regulate, with severe consequences for freedom of expression.

We are convinced that emphasis should be placed on self-regulatory mechanisms, despite digital platforms have been erratic in creating more efficient tools for accountability, content cancellation, and good practices.
We believe that digital platforms and other private companies that generate content should not have excessive burdens when curating content beyond those required by international human rights laws and standards, including the apology for violence and hate speech, the protection of minors, and the removal of malicious information.

We reaffirm that any further restrictions and sanctions affecting the right to disseminate, share or disclose information and ideas on the Internet must be established by law per the considerations outlined in the conventions that safeguard human rights.

We consider that the public or private blocking of the information constitutes prior censorship since it presupposes crimes or offenses that have not yet occurred, as it does not consider the principle of subsequent liability.

We believe that those affected by blocking or cancellation should have expeditious, free, or low-cost access to the courts in their jurisdiction so that any excesses in community standards may be corrected. In general, bodies of this nature are more independent and impartial, and their rulings can be appealed or reach international human rights tribunals.

In summary, we consider self-regulation should prevail over state regulations to maintain an adequate balance between freedom of expression and other personal rights. Self-regulation should be based on international human rights standards, transparency, due process, the right to defense, appeals at the administrative and judicial stages, and accountability. In addition, those community norms must be subject to prior control of compliance with human rights standards and agile avenues for the right to defense in judicial systems to be enabled.

However:
Not including aspects of data privacy, competition, and intellectual property in this regulatory framework contradicts the transparency standards required of digital platforms in the five fundamental transparency principles of the proposed declaration and Windhoek + 30.

We understand that content moderation is intimately linked to other operational aspects of platforms, such as the opacity of their algorithms, the handling and editing of content, and accountability on economic factors.

We note that platforms are content distributors and publishers, generating their content from data produced by journalists and media, and positioning and recommending content in search results to retain audiences in their "walled garden."

We are convinced that moderation and content curation without transparency criteria allow platforms to adopt unilateral measures antagonistic to the definition of information as a public good. For example, in situations of conflict in Australia in 2021, after digital platforms were forced by law to pay the media for the use of the content, they threatened to block news content and the media. The same attitude and threats were adopted in Canada, Spain, and other countries.

In addition, by abusing their dominant position in the advertising market, platforms are absorbing almost all the resources available in the digital environment, which accelerates the disappearance of professional media (those with equipment prepared to verify and contrast data), consequently expanding the space for citizen disinformation.
Therefore, we urge the promotion of a healthy and balanced digital ecosystem, in which the opacity of algorithms and the unilateral decisions of the platforms do not decide what information is relevant for a person or a society.

As with the issue of media content, the problems of media sustainability - to a large extent generated by the platforms – should not be left out of the considerations of a regulatory framework. The unilateral decisions of the digital platforms in the advertising market, where they are arbitrators and principal players, seriously impact media finances. It should be considered that the advertising concentration in Meta, Google, and other prominent global players was primarily based on data obtained from the user journey, from the consumer journey, that is, from the knowledge of the consumption dynamics of media news users.

We know that without these large global companies competing for advertising in the market, media revenues would not have fallen so rapidly and intensely and would not have led to the expansion of information deserts, with severe consequences for societies.

We understand that the fight against disinformation begins with quality content and the existence of sustainable media. Hence, Windhoek + 30 recognizes "the severe economic crisis that represents an existential threat for media..." and says "Economic sustainability" is "a key prerequisite for their independence." Therefore, among other issues, it calls on digital companies and states to support the media with financial measures.

Together with media associations in Europe, Oceania, Asia, and the Americas, we propose the need to negotiate fair, reasonable, long-term agreements with the platforms that grow in line with the evolution of the business. Contracts must be defined according to the traffic, data,
and content generated by the media and the business that this traffic, data, and content produces for the global platforms.

We need the disparities and asymmetry between platforms and media to begin to balance out. Therefore, members of the newspaper industry believe that there must be globally consistent approaches to enforce a right that has its basis in intellectual property and antitrust rules.

We insist that this new regulatory framework cannot ignore the economic factors inherent to content moderation and curation.