

Committee of Experts on online safety and empowerment of content creators and users (MSI-eSEC)



A subcommittee to the Steering Committee on Media and Information Society (CDMSI)



MSI-eSEC was composed of expert (7 member States + 6 independent)



Inputs from member States, other CoE sectors, public consultations

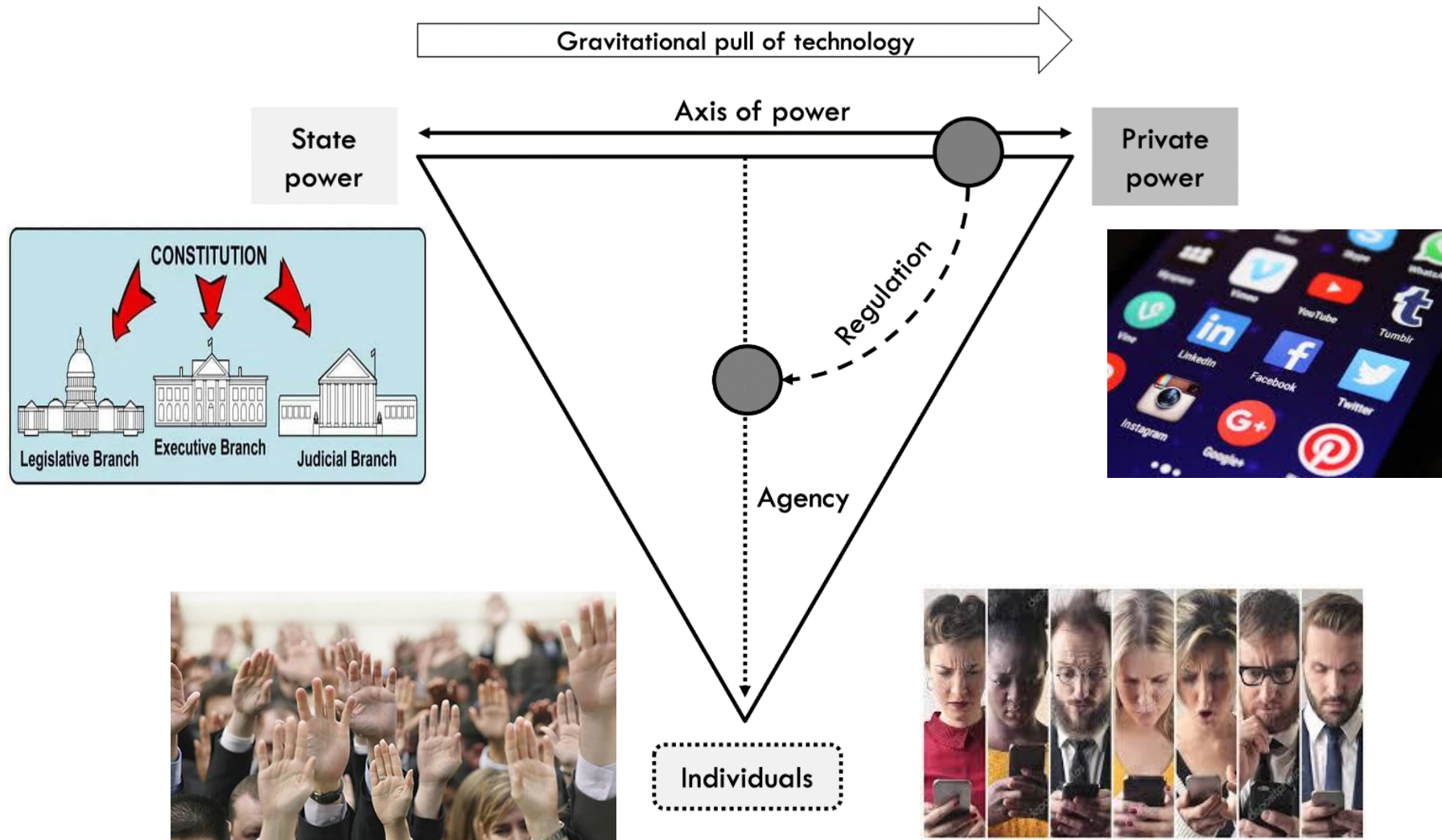


Prepared a draft Recommendation on online safety and empowerment of users and content creators and an Explanatory Memorandum



➡ approved by the CDMSI on 3/12/2025 ➡ adopted by the CM on 8/4/2026

redistributing power?



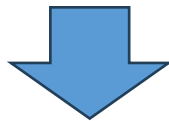
emerging legislation in member states

- ✓ 2022: EU [DSA](#)
- ✓ 2023: UK [OSA](#)

-
- ✓ 2026: CH, Projet de loi

CONCEPTUAL SHIFT

From content regulation



To accountability for design



at a glance

- ✓ **Approach:** online safety ~~versus~~ for human rights
 - ➔ “enabling online environment” for the exercise of human rights online
- ✓ **Focus:** online risks related to freedom of expression
 - ✓ Chilling effect on speech of unsafe online environment because of others’ abuse and misuse of speech
 - ✓ Risks of excessive limitation of speech by
 - ✓ States, through broad and unpredictable on content limitation and intermediary liability rules
 - ✓ Platforms, through service design and excessive content moderation
- ✓ **Scope:** user-to-user functionalities of public-facing informational platforms
 - ✓ “platforms of significant influence”
 - ✓ Graduated approach
- ✓ **Objective:** guide the design and implementation of regulatory frameworks for platform accountability and online user empowerment

at a glance



Reconciliation
of online safety
with freedom of
expression
through
empowerment



Principles for
platform
accountability
and interaction
with other rules



Minimum legal
duties for
platforms and
guarantees for all
individuals across
CoE member
states



Innovation in
terms of new
requirements to
open-up the
ecosystem
further

three types of rules for online safety



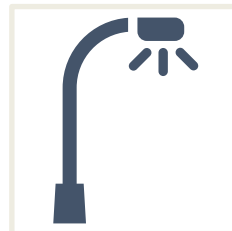
Content Rules

- Legally restricted content
- Legality of restrictions
- Proportionality of responses



Intermediary liability rules

- For hosting legally restricted content
- Knowledge-and-(in)action based
- No obligations of general monitoring



Platform accountability and user empowerment

- Platform design
- Systemic risk assessment and management
- Tools for empowering users

content rules: legality and rule of law

- **Legally restricted content** means an expression or a manifestation of behaviour of users that is not in compliance with the applicable law, including
 - **Illegal content** -> is prohibited under criminal, civil or administrative law;
 - **Legal but regulated content** -> is not “illegal content”, but the publication, dissemination or visibility of which is restricted in a content-specific way in a precise setting
- **Lawful content** means an expression or a manifestation of behaviour of users that does not qualify as legally restricted content;
- **States** should clearly distinguish between responses to risks posed by the dissemination of, respectively, legally restricted content and lawful content.
- **Lawful content** should be addressed by States only through **risk mitigation measures** in accordance with the principles on platform accountability and user empowerment frameworks as set out below, including measures for online user empowerment, under Section V. (..)
- **Systemic duties and responsibilities** imposed on intermediaries regarding lawful content or behaviour should not be used to circumvent the legislative process by introducing content-specific restrictions that do not have a proper basis in law.

legal frameworks for platform accountability



platform design

enabling online
empowerment



risk management

risk assessment
risk mitigation



content moderation

content disputes
due process



transparency

algorithms
reports
researchers' access

empowerment duties



design

ensuring to users the right to personalise their online experience, opt out of specific types of recommendations, hide types of content, block other users, or opt into third-party labelling of content



transparency

ensuring to users the right to understand recommender systems and monetisation mechanisms, the right to inspect the provenance of advertising, and the right of researchers to study the platform and use the platform to study society;



fair process

ensuring to users the right to be notified about content moderation decisions, to understand their legal or contractual basis, and to contest platforms' content moderation decisions;



collective action

enable users to individually and collectively flag violations of contractual rules, notify legally restricted content, and benefit from professional representation.



focus on children



children between protection and empowerment



not a specific focus of the text



category at particular risk + intersectional risks

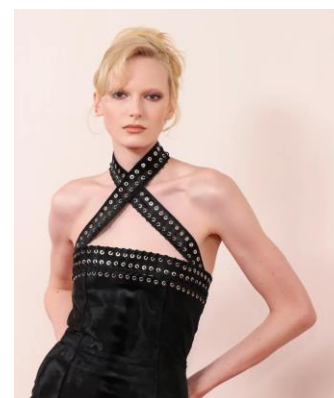


protection and empowerment



specific risk assessment and dedicated protection and mitigation

- design (algorithms, data protection, etc...)
- human-rights compliant age assurances
- tools for parents and responsible content creators



focus on
content creators

content creators

1. COMMENTARY

(Often partisan, mostly men)



Tucker Carlson **Russell Brand**

Also: Julian Reichelt (Germany),
Jordan Peterson (Canada)



More balanced commentary
& analysis formats are being
outgunned by more partisan or
entertaining formats

2. NEWS/INVESTIGATION

(War, scandals, OSINT)



Johnny Harris **Raza Graphy**

Also: Michael West (Australia),
citizen journalists



Creators have brought new skills
but do not have resources for
largescale newsgathering

3. EXPLANATION

(Decoding and simplifying news)



Hugo Travers

Kovy

Also: V Spehar (USA), Dylan Page (UK)



News media is especially challenged
in this area as young people prefer
more authentic voices

4. SPECIALISM

(Building niche businesses)



Fabrizio Romano
(sport transfers)

Taylor Lorenz
(internet culture)



A talent problem for specialist
publications – with more stars
setting up on their own

© Newman and others, Reuter Institute, DOI: [10.60625/risj-44pf-1k13](https://doi.org/10.60625/risj-44pf-1k13)

“newsfluencers” and responsible journalism

content creators



broad definition

any user who
produce/publishes content
regularly or professionally on
platforms



responsibilities

all CCs have responsibilities
under Article 10;
these responsibilities vary
depending on several factors



empowerment on platforms

platforms of significant
influence should allow CC to
“behave responsibly”

