

The DSA Must Follow a Human-Rights Centered Enforcement Process and Regulators Must Include International Civil Society Voices

DSA Human Rights Alliance

The Digital Services Act Human Rights Alliance is a group of human rights organizations representing diverse communities across the globe. The Alliance came together around the central tenet that the Digital Services Act must adopt a human rights-based approach to platform governance and that EU policy makers should consider the global impacts of EU legislation. Many members of the Alliance know firsthand why this is necessary. As grassroots organizations operating in non-EU countries, they have monitored human rights abuses stemming from shortsighted legislation tailored to prosecute human rights defenders and to suppress dissent.

DSA Negotiations and Recommendations

During the DSA negotiations, the DSA HR Alliance [issued a number of recommendations](#) for EU policymakers to make sure that future EU internet rules follow a human rights-based approach to content governance and platform accountability. Among others, we supported the following recommendations:

- to preserve the conditional model of intermediary liability for user-generated content hosted by online platforms;
- to avoid disproportionate demands on smaller service providers that would put users' access to information in jeopardy;
- to reject unduly short time frames for platforms to remove problematic content due to their detrimental impact on the right to freedom of expression online and other fundamental rights;
- to not mandate the use of intrusive automated content moderation and content curation tools on platforms but to focus on safeguarding people's fundamental rights;
- to protect user privacy and personal data protection rights when it comes to cooperating with law enforcement authorities and to refrain from awarding such authorities the status of trusted flaggers;
- to strengthen due diligence obligations of large platforms, with specific focus on mandatory *ex ante* fundamental rights impact assessments and to make sure that risk assessment and mitigation measures respect necessity and proportionality requirements.

Human Rights-Centered Enforcement

We welcome the fact that many of our suggestions were taken into account by the drafters of the final DSA text. However, the DSA still features problematic aspects that can have negative

consequences for vulnerable and historically oppressed groups. There is ambiguity of several provisions in the text and their practical consequences they may have once implemented are unknown. For example, as the DSA gives a lot of power to government agencies and other actors with partisan interests to flag and remove potentially illegal content, these actors may take advantage of the vagueness of the concept to undermine fundamental rights protection. Moreover, it is not clear how very large online platforms will mitigate risks in practice. The role of civil society groups, researchers, and overall stakeholder engagement in the due diligence process is still shrouded in mystery.

The co-regulatory model of the DSA is an opportunity to ensure that Civil Society Organisations and Digital Rights Defenders worldwide have a voice in, and are allowed to make a difference, during the implementation and enforcement of the Act. However, if done wrong, it could also invite shadow negotiations suspected of corporate capture, and to exclude fundamental rights voices. Such worrisome developments will ultimately deepen the existing adverse fundamental rights impacts of the platforms' practices and policies, particularly on vulnerable communities.

Thus, for the DSA to constitute a positive framework aimed at protecting digital rights also beyond the EU, there must be human rights-centered implementation and enforcement of the text over the next few years, accompanied with proactive and meaningful engagement of international civil society voices. The DSA HR Alliance has a critical role to play in this process. We are already witnessing the spread of platform regulatory bills in regions outside the EU, many of which are inspired by or directly copy the principles of the DSA. We also have started assessing the undeniable impact that the DSA has throughout the Global Majority.

Call on EU Regulators to Value Insights of Non-EU Voices

The DSA HR Alliance calls on EU regulators to establish transparent international regulatory dialogues, and for an inclusive implementation and enforcement approach that includes meaningful and formalized stakeholder engagement.

We urge them to value the insights that non-EU organizations can bring to the implementation process of the DSA. This is the case especially for grassroots organizations operating in the Global Majority and civil rights groups fighting for the protections of historically oppressed and vulnerable groups. These groups frequently find themselves on the receiving end of badly designed legislation and can contribute substantially to minimizing the damage throughout the platforms' value chains.

Signatories

Electronic Frontier Foundation (EFF)

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Civil Liberties Union for Europe

Centre for Democracy & Technology, Europe Office

European Center for Not-for-Profit Law (ECNL)

Global Forum for Media Development

CELE (Center for Studies on Freedom of Expression and Access to Information)

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Association for Progressive Communications (APC)

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Network in Defense of Digital Rights (R3D)