SOCIAL PLATFORMS' RESTRICTIONS ON FREEDOM OF EXPRESSION IN YEMEN'S DIGITAL SPACE

SAM
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Digital Rights Project

A non-profit human rights window affiliated with SAM Organization, with the support of Internews, aims to introduce digital rights and monitor digital violations against users of the digital space, as it works to advocate for the digital rights of Yemenis, with the aim of reaching a safe, fair and free digital space. The window allows reporting digital violations, documenting them and creating a database about them. She publishes studies and research on digital activism, digital rights and digital security, in addition to planning and managing local and international advocacy campaigns.

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Introduction

The number of social media users in Yemen has increased exponentially in recent times, and these media have evolved over the years to become an important source of information and communication with others.

These platforms, such as Facebook and Twitter, are important spaces for free expression and shaping public discourse and provide an opportunity for interaction and discussion on political and social issues, in Yemen. Thanks to this wide spread of social media, Yemenis can easily communicate with the outside world, however, users in Yemen, especially the community of journalists and activists, face restrictions imposed by the administrations of social platforms, such as removing content, suspending accounts, and other measures that limit users› ability to express themselves freely.

There are many reasons for removing content and suspending accounts, including the attitudes of those in charge of these platforms, the bias of algorithms, and the different cultural contexts. This requires the management of social platforms to adopt transparent and clear standards regarding content restrictions and account suspensions and to ensure respect for freedom of expression and cultural and social diversity. Users should also learn how to deal with these platforms and express their opinions in a responsible and respectful manner.

Freedom of expression and hate speech .. Dividing boundaries

Freedom of expression involves building knowledge through the exchange of ideas and opinions. Creating a space for open discussion and dialogue allows us to understand each other and recognize the value of what we have in common and those that set us apart and make us different from each other. At the same time, some use their right to freedom of expression to promote misinformation about a group and to foment mistrust and misunderstanding, which can lead to discrimination and violence. According to the Hate Challenge Project, an ARTICLE 19 project.

The former president of the Yemeni Internet Society, Waleed Al-Saqqaf, said in an exclusive interview with the Digital Rights Project: The distinction between hate speech and speech that falls within the framework of freedom of opinion and expression depends on the situation and context, sometimes the difference may be unclear, but there are some basic principles of discrimination. In general, hate speech includes expressions aimed at inciting violence or hatred against a particular group based on

race, religion, nationality, gender, disability, etc. Freedom of opinion and expression includes peaceful opinions, ideas and expressions, even if they are controversial or uncommon. To distinguish between the two cases, you must focus on the content of the message and the intention behind it, and if the goal is to stimulate hatred or violence against a particular group, it is considered hate speech. If the aim is to convey a peaceful point of view or provoke constructive debate, it is considered freedom of expression.

Data journalist Farouk Al-Kamali also added, in an exclusive interview with the Digital Rights Project: I think that Arab societies have crossed these lines, so we no longer discern them in fact, for example, in a society like Yemen, every word becomes questionable, therefore there are those who consider it incitement, and there are those who consider it hatred, and there are those who see it as normal, and there are those who find it directly targeted, even if you ask someone: Are you from the province of X or Y that may raise a thousand question marks that may be classified as bullying, contempt, superiority, derogation or incitement. The situation is no longer normal, al-Kamali said.

In most democracies, hate speech is not considered a form of freedom of opinion and expression protected by laws, nor does it take a specific form, which is direct and clear speech, it may be by acting, suggesting, writing or even signing. We can differentiate between freedom of expression and opinion on the one hand and hate speech on the other by answering questions such as: What effects and actions can this speech have?, who presents this speech, what is its impact, who influences it, and what are the limits of this impact?, according to a report prepared by researcher Balqees Alwan for the Yemeni American newspaper - May 2022

Online hate speech is at the intersection of several tensions: it is an expression of the conflict between different groups within and across groups; it is a vivid example of how transformative technologies such as the Internet can bring with them both opportunities and challenges; and assume a complex balance between human rights and principles, including freedom of expression and the defense of human dignity. UNESCO - 2015.

Social Platform Restrictions

Social media companies have restrictions on posting and interaction,
and these restrictions have led to account closures and bans at times,
however, some argue that the closure of their accounts on social media
platforms has not always come due to violating any of the policies set
by the platforms.

It is difficult to cover all cases where content restrictions have been
imposed by social platforms in one report, but we will provide some
examples of these restrictions.

In March, the Facebook administration closed the account of journalist
Abdul Rahman Anis, after his number of followers exceeded nearly
thirty thousand followers. In a commentary, journalist Anis hinted that

he was unable to restore the account he created in 2009. The closure order issued by Meta did not indicate the justification for the suspension of the account of the editor-in-chief of the October 14 newspaper, journalist Anis.

In February 2022, the archive of writer Marwan Ghafouri suddenly disappeared from Facebook, and he received a message that his account was permanently disabled without the possibility of appeal before he was able to restore his account with the help of specialists.

In November 2021, activist Adel al-Hassani›s Facebook account was closed because he was considered a deceased person, even though he is still alive. Al-Hasani has not yet been able to restore his account, and it is not yet clear why this error occurred, but it is likely that the reasons behind the closure of the account were related to the submission of a fake death certificate to the Facebook administration by certain parties.

In September 2021, lawyer Abdelwahab Qatran›s Facebook account was suspended for his solidarity with Judge Al-Ezzi Omar and his demand for a halt to his execution. Qatran says: Six months ago I stood in solidarity with Judge Al-Azzi Omar and I received notifications from Facebook that my posts are in solidarity with terrorist organizations and dangerous terrorist people, and my account was banned for a month, and today - after six months - we resumed the solidarity campaign and demanded to stop the execution of the sentence, and I was surprised that my account was permanently disabled

In April 2018, the account of journalist Fathi bin Lazraq was suspended, after a party - who refrained from identifying it - was able to obtain a false identity in his name and submit it to the Facebook administration with a personal request to close the account. Bin Lazraq says that he previously documented his account with an ID card and remained steadfast for years in the face of thousands of malicious reports, and when they failed, they resorted to obtaining a false identity and presented it through a law firm abroad, apparently, and closed the account.

Regulatory and legal considerations

In 2018, a Meta Oversight Board, consisting of a group of experts and activists, was established to monitor the social network and improve user safety, as well as review decisions taken by Meta regarding the removal of content from the platform, and can also make recommendations on how to improve the company›s policies to ensure that they are more effective and transparent. This initiative at Meta is an important step in improving user safety and reducing the spread of offensive and harmful content.

As Facebook founder Mark Zuckerberg explained in a lengthy Facebook post (May 2021) that the team responsible for enforcing Community Standards policies consists of about 30,000 people, including content reviewers who speak almost every widely used language in the world, across offices in several times zones to ensure the ability to respond to reports quickly. «The vast majority of mistakes we make are due to errors in the implementation of the details of our policies rather than disagreements about what those policies should actually be. Depending on the type of content, the wrong decisions are made in more than one in 10 cases reviewed by our team.

As for the legal aspect of keeping legitimate content online, companies are not required to do so under any legal obligation. They are private companies and are free to create and apply their own terms of service and guidelines, including those related to expression protected by human rights law, according to a January 2023 report by Masar (an Egyptian initiative to promote digital rights).

There is also no legal obligation on private companies to protect or even respect any citizen›s right to freedom of expression, and often the fact that they do so is just a result of their final plan, meaning that you will be less likely to use their platform if they do not allow you to talk about what is on your mind openly. When it comes to what you can and can›t post on every social media platform, they set the rules. If you do not abide by the rules of their community, no matter how strict (or unstringent), you may be reprimanded, restricted, or even expelled without explanation and without recourse to the law, therefore, freedom of expression does not apply to social media platforms because these platforms are owned and operated by private companies. Which has the legal right to determine what can and cannot be said on the platform. Social Intelligence – September 2018

As private companies, they are free to define and implement their own terms of service and community guidelines, including content protected by word under human rights law. In response, the UN Special Rapporteur on freedom of expression recommended that companies follow international freedom of expression standards in their content editing practices. This means that their decisions on content must be guided by the same standards of legality, legality and necessity that bind states when they restrict freedom of expression. It follows that the Company›s rules must be clear and specific enough for users to predict with reasonable certainty which content will be excluded (the principle of legality). Derogation must serve a legitimate objective under human rights law (the principle of legality); Georgetown University Berkeley Center – February 2021

Social platforms. Free space or oppressive?

Academic Walid Al-Saqqaf believes that political accounts may play a role in imposing restrictions on social media platforms, as these platforms can be affected by external pressures and political trends. As for the parties to the conflict using the platforms against their opponents, they exploit the reporting of content collectively to suspend or restrict certain accounts. This can lead to a response by platforms based on the number of reports, reflecting the collective influence of these parties in manipulating the platforms. This, in turn, negatively affects the freedom of expression of activists, journalists, and others.

While Al Kamali believes that the matter has to do with social media algorithms that put specific terms and phrases in the list of prohibitions and therefore when this term or that phrase is written in the context of a post it is considered a violation of the laws that regulate publishing in this or that community,

also Facebook is currently dealing with many information checking platforms to combat disinformation, hate speech and incitement to violence and therefore just that a platform classifies a post as falling into the list of misinformation or falsification or Hate that these posts are prepared, even retroactively, and thus the list of taboos of words grows and restrictions increase. He adds: We do not deny that social media has become an effective weapon and a tremendous force that various forces and parties seek to have the ability and control over, and for this they harness it to achieve their agenda to the extent that there is no social term left except for the name only.

Normally, regional headquarters networks of telecommunications companies attract more investment to these companies in each country, create greater job opportunities and leave different economic, cultural, and social impacts. On the other hand, this strategy leads companies to various laws and practices, including those that violate users› privacy, restrict freedom of expression, or place dissidents under censorship and deprive activists of their right to freedom of opinion and expression. This threat that citizens usually face increases significantly in countries whose governments are considered dictatorial, authoritarian, or populist, or in areas where the authorities practice abusive practices towards minorities or critics and dissidents, which has witnessed - and continues to - a steady increase during the past period. According to an investigation by Impact International for Human Rights Policy (a London-based think tank concerned with state politics and for-profit and non-profit institutions), published in September 2019.

In today›s digital reality, freedom of speech and expression is increasingly being determined by social media companies tasked with managing the unstable balance between open communication and censorship of hate speech. But without a code of conduct that guarantees the protection of human rights, these private companies often succumb to pressure from governments and allow their channels to be used as tools of repression. (Middle East Eye – 14 October 2019)

Different cultural context

On the possibility of the difference in cultural context contributing to causing confusion and misunderstanding among those in charge of social media platforms, Professor Walid Al-Saqqaf says: This happens a lot, especially on the Internet, due to the different expressions, terms and symbols between different cultures. He continues: Those in charge of social platforms may not always understand the cultural connotations of published content and may be misinterpreted, and this can lead to unjustified blocking or restriction of content due to the cultural gap and lack of understanding, citing what was recently discussed in Meta about the use of the phrase «martyr» and considering it normal by Muslims while some parties objected to it.

Fact-checker Farouk Al-Kamali believes that the cultural context may be more influential if we talk about Arabs and the West, but the Arab cultural context in its general form in the entire Arab countries is a close, overlapping, and interconnected context in fact, but the situation created by social media in the Arab world and within each country, is the conflict between generations, between the old and the new, between those who want to get rid of all the old and forget that most of what exists, in reality, is old.

In a June 2022 report by ARTICLE 19 (a free expression rights organization) on content moderation practices in three countries (Bosnia and Herzegovina, Indonesia, and Kenya), the report›s key findings included that social media platforms lack an understanding of specific cultural and social contexts and local languages. This lack is largely related to the unwillingness or lack of allocation of resources by social media platforms to address certain international or regional contexts that they do not see as of strategic global importance, in addition, the current mechanisms created by social media platforms to allow users to protest content moderation decisions are considered insufficiently effective.

Middle East Eye (1 October 2019) quotes experts as saying that social media companies have not invested enough money to ensure that content, particularly in foreign languages or in delicate political contexts, is accurately modified, leaving platforms vulnerable to bots and trolls filing complaints against oversized accounts.

Bias of algorithms and probability of error

Social media companies can filter speech, thereby limiting freedom of expression, using both humans and artificial intelligence to review content whose sharing may not be legitimate. Most of this review, especially those that are not prompted by complaints from other users, involves the use of algorithms that search for content. This is done by content organizing algorithms or so-called upload filters, which, if poorly designed, can lead to blocking a lot of legitimate and legal content along with illegal elements, therefore, regulating online speech is complicated, but if we leave it to social media companies and their algorithms, freedom of expression will be harmed. (Union for Civil Liberties of Europe - October 2021)

Dr. Al-Saqqaf points out that algorithms have evolved remarkably in recent years, but they are still deficient and do not allow dispensing with human reviewers, and adds: Algorithms continue to suffer from poor interpretation and understanding of context and intentions, especially

in different cultures and dialects, and their decisions may sometimes be biased towards the culture of programmers in the West, which achieves unfairness for users from other cultures. The human role remains essential to validate the results and ensure a more accurate response under the supervision of a wide range of people from diverse backgrounds and cultures.

For his part, journalist Al-Kamali explains that algorithms are software codes made by people with cognitive ability, no matter how limited, and therefore the creation of these codes was based on their cognitive abilities in addition to the perceptions presented by others and also what group of countries develops of legislation and laws that are considered acts, words or images as a violation, for example, blood is a violation of human feelings and harms the psychology of Western societies, but the Yemeni citizen does not find a problem in watching and publishing them, circulate and talk about it, and for this, he publishes a picture that pushes Facebook to block it first and ban the account, according to his words.

The increasing use of AI algorithms to automatically selectivize disinformation and other types of content may lead to excessive censorship of legitimate content, thereby violating the author›s freedom of expression and right to access information. These algorithms may also have inherent biases and may be prone to manipulation... Therefore, algorithms are still not accurate enough to be used in a fully automated way in organizing content. They also have procedural weaknesses, including a lack of oversight and transparency. As algorithms are subject to both implicit and potentially explicit bias in their design and in the training data used to develop them, it increasingly poses significant problems, especially when companies have also limited users› ability to resort to a human-run stabbing process. (Report of the Broadband Commission - previous source)

Social Platform Responsibility

Prof. Waleed Al-Saggaf recommends that the management of social platforms should work to establish clear and transparent standards for acceptable behavior in an easy language that is not open to different interpretations, and rely on human reviewers to assess the context and intentions, especially people with competence and knowledge of the cultures from which users come, and also improve algorithms to identify offensive content more accurately, in addition to collaborating with civil society organizations and independent local activists to understand the cultural and social context. In doing so, platforms ensure a balance between freedom of expression and tackling offensive content.

I would like to express my thanks to the Digital Rights Project, which contributes to communicating the voice of users to social platforms, which in turn must
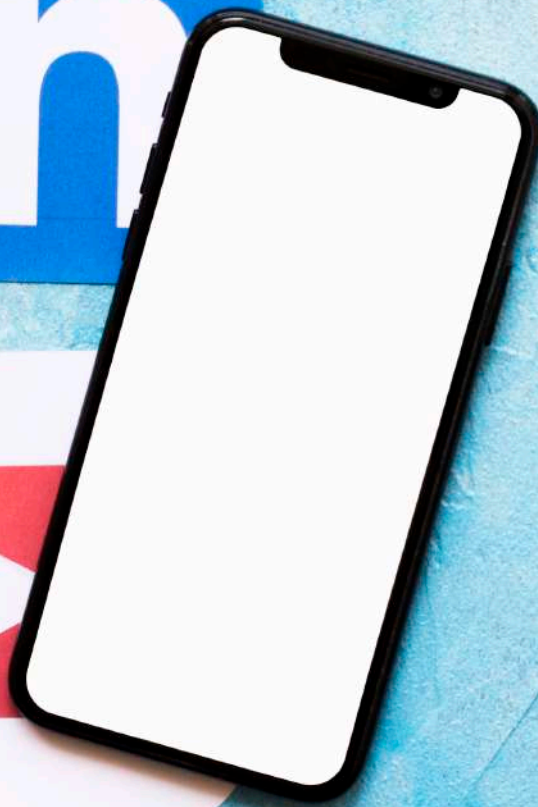
respond to you, communicate with the user community, listen to their opinions and concerns, and continue to improve tools and resources for users to report and deal with offensive content, enabling these platforms to promote a more efficient, safe and respectful interactive environment for all users. Platforms must also ensure that there is a prompt, clear, and fair appeal procedure for users who believe that their accounts or content have been handled incorrectly.

From the point of view of the protection of freedom of expression, it is important for companies to establish procedures that allow appealing bans, demotion and removal decisions, and deactivating or suspending accounts, and this requires detailed notification of the procedure that has been applied, the possibility of appealing the action directly through the Company›s service, and notification of the decision taken by the Company regarding the appeal filed. According to an in-depth report by the Broadband Commission (an international commission established in 2010 by the International Telecommunication Union and UNESCO with the aim of promoting global Internet access) published in September 2020.

Its decisions should adhere to the same standards of legality, necessity, and legality binding on states when they limit freedom of expression. As a result, the company›s rules should be clear enough so that users can predict, with acceptable confidence, which content will be blocked (legal principle). Under human rights law, restrictions must serve a legitimate purpose (the principle of legality), and restrictions must be applied narrowly and without resorting to interventionist measures (the principle of necessity). Masar - Previous source

Holding social media platforms responsible for removing legal content will motivate them to create a review system that appropriately takes into account the user›s freedom of expression. To ensure that this remains the case, the technology industry must be properly regulated, ensuring that it continues to grow and prosper without restricting our rights. (Union for Civil Liberties of Europe - October 2021)

Conclusion

The restrictions imposed by social platforms on users pose a major challenge, and raise many questions and concerns about freedom of expression, which requires taking into account the different cultural context and any other factors that may cause confusion and confusion among those in charge of the platforms. Social platforms should assume responsibility in protecting users› rights online, providing transparent and clear criteria for enforcing restrictions and ensuring respect for freedom of expression and cultural diversity.

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