

Dear Special Rapporteur,

We are Taiwan Association for Human Rights(TAHR), a NGO based in Taiwan. We know Taiwan is not a member of UN, but we do need more resources from international community. Therefore, we still submit this opinion to you.

Company compliance with State laws:

a. What processes have companies developed to deal with content regulation laws and measures imposed by governments, particularly those concerning:

- i. Terrorism-related and extremist content;
- ii. False news, disinformation and propaganda; and/or
- iii. The “right to be forgotten” framework?

b. How should companies respond to State content regulation laws and measures that may be inconsistent with international human rights standards?

In Taiwan, to deal with the false news or disinformation, the National Communication Commission (which is like FCC in U.S.) “actively” try to collaborate with Facebook and some other media-supervision NGOs to establish a third party fact-checking organization (briefly as “FCO”, click [here](#) to see news).

Since this FCO will largely be promoted by the government, and we don’t know what’s the relation between government and FCO, so we are worrying that the FCO may be abused to list the speeches which governments do not like as disinformation or false news. That will be harmful for civic society.

Besides FCO, NCC also try to enact the law named “[Digital Communication Act \(DCA\)](#)” as the basic principle to regulate the liability of Internet Intermediaries. In the draft of DCA, NCC choose the “notice and takedown” as the liability-free mean for Internet intermediaries to deal with the speeches which could invade people’s rights (not only limited in copyrights). We are afraid that the notice and takedown will cause Internet Intermediaries over-censor the contents to avoid the liability.

TAHR, as signatory of “[Manila Principle](#)”, we have below two suggestions to special rapporteur: (1) figure out the working principle for making FCO more trustful, because FCO’s attitude will affect how company and government work, (2) recommend the government take “notice and notice” as the mean to free the liability.

Transparency:

a. Are users notified about content restrictions, takedowns, and account suspensions? Are they notified of the reasons for such action? Are they notified about the procedure they must follow to seek reversal of such action?

b. What information should companies disclose about how content regulation standards under their terms of service are interpreted and enforced? Is the transparency reporting they currently conduct sufficient?

Until now, only six international companies(Apple, Facebook, Google, Microsoft, LINE, Yahoo) and one semi-official organization ([iWIN](#), Institute of Watch Internet Network) reveal how they deal with the Taiwan’s government in content regulation. But in fact, most content

restrictions were happened on the local companies' platform, so there's lots of cases which are not included in statistic. And even through those disclosed information, almost all transparency reports and statistic lack the number of user notified.

The problem in Taiwan is that "iWIN" as a semi-official organization (funded by several government department authorized by [Article 46 of The Protection of Children and Youths Welfare and Rights Act](#)), iWIN did not have any public power. Although its "original" function is to receive appeals related to content not suitable for children and youths, but iWIN actually handle all types of appeals. Now, iWIN take all appeals, and transfer those appeals and its own suggestion to related companies or competent authorities.

However, based on TAHR's investigation, iWIN seldom explain their function clearly either to public or respondent. Therefore, lots of respondent (including individuals, companies even public sectors like police department) will just take iWIN's suggestion as an "order", and that would cause many online content be improperly removed.

Therefore, we have below two opinions to special rappouteur: (1) to ask the government to obligate companies to disclose the way they notify users and related statistic.(2) to ask companies disclose which (type of) government department contact with them (3) to ask related government department or semi-official organization to clearly explain the power they have.