Intermediary Liabilities and the protection of women:

Be careful what you wish for.

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What is an intermediary?

In simple terms: An intermediary is any service provider which transmits, hosts and publishes user content without exercising editorial control over the content.
What are the benefits?

- Protection of children
- Protection against hate speech against minorities and women
- Protection from abuse on and offline
- Curbing the spread of misinformation and illegal activities
- Security and protection from terrorists and terrorist activities
The slippery slope
Problems

- Giving control to companies and/or government bureaucrats which may lead to arbitrary takedowns and blocking
- Promotes censorship
- Cultural differences require different interpretations
- Breaks trust and security
- What is ‘unlawful content’? not defined.
- Jeopardizes user rights to privacy
- Jeopardizes free speech and freedom of expression
- Threatens net neutrality
- Overrides encryption and encourages traceability
Proposed (flawed) remedies

- Technological
- Social and cultural
- Political
- Legal
Algorythmic bias”: Nyome Nicholas-Williams
Solution

• The “notification and take-down” approach is important.

• Anything that violates the law needs to be taken down and perpetrators arrested according to the law.

• Back to the Manila Principles

• Keeping a rights framework in mind.

• Considering women’s protections on the same level as protecting the public from online terrorist activity, and/or protecting children from being abused through pornography.
The 6 Manila Principles

1-Intermediaries should be shielded by law from liability for third-party content.

2-Content must not be required to be restricted without an order by a judicial authority.

3-Requests for restrictions of content must be clear, be unambiguous, and follow due process.

4-Laws and content-restriction orders and practices must comply with the tests of necessity and proportionality.

5-Laws and content restriction policies and practices must respect due process.

6-Transparency and accountability must be built into laws and content restriction policies and practices.