



Te Kāhui Tika Tangata
Human Rights Commission



How to improve the Aotearoa New Zealand Code of Practice for Online Safety and Harms?

December 2023

By the Independent Accountability Group

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Foreword

Paul Hunt, Chief Human Rights Commissioner

Earlier this year, Te Kāhui Tika Tāngata | New Zealand Human Rights Commission published a briefing called [The communication revolution, human rights, and te Tiriti o Waitangi](#). It outlines a human rights and te Tiriti o Waitangi approach to the communication revolution in Aotearoa New Zealand.

By communication revolution, I refer to new inter-related technologies including the internet, smart phones, social media platforms, algorithmic recommendation systems shaped by artificial intelligence, and generative artificial intelligence, such as Google Bard, MidJourney, and OpenAI's ChatGPT-4.

These developments are enormous, complex, and historic. Sometimes they appear overwhelming. One of the challenges is to identify and deliver manageable contributions in relation to these huge multidimensional issues.

The contributions may be modest but, if we work together, we can help to ensure today's communication revolution does not erode, but deepens, our democracy. The present report builds on *The communication revolution, human rights, and te Tiriti o Waitangi*, as well as the work of countless others.

Last year, Meta (Facebook and Instagram), Google (YouTube), Tiktok, Twitch, and Twitter (now X) signed the [Aotearoa New Zealand Code of Practice for Online Safety and Harms](#). The five signatory digital platforms contributed to the drafting of this voluntary Code.

NZTech is the Code's Administrator and establishes the Code's Oversight Committee. The Oversight Committee will "review how Signatories are meeting their commitments under the Code."¹ The current Chair of the Oversight Committee is Netsafe's Chief Executive. A Meta employee sits on the Oversight Committee in an independent capacity.

According to the Code, the Administrator "will not receive complaints against Signatories regarding content on their platforms, including whether specific items of content should be retained or removed."²

This year, the Human Rights Commission launched a three-month pilot initiative to consider a few human rights and te Tiriti o Waitangi issues arising from the Code. The initiative's objectives, terms of reference, and modus operandi are set out in the Appendix to this report.

I appointed an Independent Accountability Group (IAG) which is the heart and brains of the three-month initiative. I invited experts to join the IAG because of their professionalism, lived experience, robust independence, and exceptional expertise. Some of the members have lived experience of online harms which add authenticity and depth to their insights and mahi.

As the Appendix confirms, one of the IAG's tasks is to hold the Code's five signatories accountable for their human rights responsibilities. Where do these responsibilities come from?

In 2008, after many years of research and discussion, including with the private sector, the member States of the United Nations adopted the United Nations 'Protect, Respect and Remedy' Framework ('Framework'). This Framework affirms that businesses have human rights responsibilities.

In 2011, the member States adopted the United Nations Guiding Principles on Business and Human Rights (UNGPs) which set out the contours and content of the Framework, including the human rights responsibilities of business. The UNGPs are not legally binding, but they are authoritative and need to be taken seriously.

Companies have a social licence to operate because most of them play an extremely valuable role in society. A social licence to operate is conditional. Among the conditions is a requirement that the business discharges its human rights responsibilities set out in the United Nations Guiding Principles on Business and Human Rights.

To begin with, the IAG considered whether the Code was consistent with the human rights responsibilities of the signatories and their partners. For several reasons, the Group decided to adjust this approach. Instead, it asked, considering human rights and te Tiriti o Waitangi, how could the Code be improved?

The report has four short sections:

First, it asks whether the Code would be improved by more detailed attention to the unique context of Aotearoa New Zealand.

Second, the report asks whether the Code would be improved by more clarity about the role of te Tiriti o Waitangi.

Third, it asks whether the Code would be improved by ensuring its standards are not lower than those agreed by the Code's signatories in other countries. The report also looks forward to learning how the new Coalition Government proposes to discharge its responsibilities to put in place an effective regulatory framework that protects everyone, and all communities, from online harm in Aotearoa New Zealand.

Fourth, a conclusion – headed 'Map, compass, and guardrails' – briefly outlines six key features of a human rights and te Tiriti approach to online safety and harms.

Notably, the IAG is a three-month initiative designed to consider a sample of human rights and te Tiriti o Waitangi issues arising from the Code. Because it is a pilot project, the IAG's report is not remotely comprehensive but indicative of what human rights and te Tiriti o Waitangi can bring to online safety and harms in Aotearoa New Zealand.

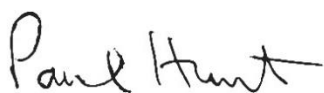
The report is not a comprehensive account of IAG's deliberations, for example, the Group reviewed the appalling online harm recently posted on X (formerly Twitter) and Meta (Facebook) in relation to former Prime Minister Dame Jacinda Ardern. This detailed review, which focused on a period during New Zealand's recent general election campaign, informed IAG's approach to online safety and harms in Aotearoa New Zealand.

The IAG has acknowledged that the Code makes an instructive contribution to very important, fast-moving, complex developments which bear upon the lives and well-being of billions of people, as well as the health of democracies around the world. The IAG has also commended everyone who contributed to the drafting of the Code. IAG members are not against the Code. They want it improved.

Next year, the Code will be reviewed and we hope the IAG's report will contribute to the Code's improvement. The Code is attracting interest in other countries where it may serve as a template or precedent. So, the Human Rights Commission is submitting the IAG's report to the independent United Nations Working Group on Business and Human Rights for their consideration.

This short report is a small step in a long journey which lies ahead of all of us. Human rights and te Tiriti o Waitangi provide a map and compass as we travel. We hope you find the IAG's observations useful.

I take this opportunity to thank members of the IAG for their wonderful, collegial, patient, erudite professionalism. Working with you has been among my highlights as Chief Commissioner over the last five years. I am extremely grateful to you and my terrific Commission colleagues, especially Delia Nolan, Philippa Mitskevitch, Tamzin Jordin, Aaron Packard, and Sophie Bradwell-Pollak.



Paul Hunt

Chief Commissioner | Te Amokapua
Te Kāhui Tika Tangata | New Zealand Human Rights Commission
4th December 2023



1. Context matters

The unique context of Aotearoa includes:

- the systematic dispossession of Māori land and the ongoing impacts of colonisation;
- te Tiriti o Waitangi (te Tiriti) and the crucial importance of ensuring the culture of tangata whenua, the uniquely Indigenous people of Aotearoa, is recognised and flourishes;
- enduring discrimination on race, ethnicity, religion, disability, gender, sexual orientation and other prohibited grounds;
- there is evidence of increasing discrimination, amplified by social media, eroding social cohesion in Aotearoa;³
- the need for a dynamic inclusive multiculturalism grounded on te Tiriti and underpinned by respect (manaakitanga) and human rights for all.

When applying human rights, te Tiriti, and the *UN Guiding Principles on Business and Human Rights* to the Code, it is important to ask, does the Code adequately recognise and reflect the unique historical, demographic, economic, social, cultural, environmental, and legal context of Aotearoa?

UN Secretary-General Kofi Annan spoke for the last time to the UN Commission on Human Rights in 2005. On this notable occasion, he emphasised that “the era of [human rights] declaration is now giving way, as it should, to an era of [human rights] implementation.”⁴ The Secretary-General’s insight has major human rights implications.

By their nature, declarations of human rights are likely to be high-level and abstract. But effective, meaningful, real-life, practical implementation of human rights requires a deep appreciation of context. One country’s unique context may demand one set of operational measures, while the unique context in another country may demand a different set of measures. Of course, all measures must comply with, and not lower, human rights standards.

In short, in the era of human rights implementation, context matters.

The discussion paper *Safer Online Services and Media Platforms* was published by the Department of Internal Affairs (DIA) in June 2023. Consistent with human rights requirements, the paper underlines the importance of context, for example it says, “Codes should reflect our domestic context”⁵ and:

It is important that the new regulatory framework reflects New Zealand’s unique cultural and social perspectives, and that it is grounded in Te Tiriti o Waitangi. The new regulatory framework would aim to achieve outcomes that reflect Māori perspectives, needs, and aspirations.⁶

The IAG recognises that,

The Code was developed by Netsafe in collaboration with industry and in consultation with Māori advisors, Government, civil society, and the public.⁷

Here, however, we are not focussing on the process by which the Code was developed. We are focussing on the degree to which the Code explicitly acknowledges and reflects the unique context of Aotearoa.

The IAG also appreciates that the Code is not silent on the unique context of Aotearoa, for example, it says:

The Code encapsulates four principles drawn from values and concepts sourced in te ao Māori, to honour and reflect the unique indigenous culture of Aotearoa New Zealand and to serve as the basis for inclusion of our diverse internet user communities.⁸

The Code recognises the importance of te Tiriti o Waitangi, as we discuss in the next section.

The Code also confirms,

Supported by a broad range of digital platforms, the Code was designed for organisations providing online services to people in Aotearoa New Zealand.⁹

We understand the Code “was designed for organisations providing online services”; we also want to be sure the Code is designed for everyone, and all communities, in Aotearoa New Zealand.

In the IAG’s view, a more detailed and nuanced appreciation of the country’s historical, demographic, economic, social, cultural, environmental, and legal context will help the Code strengthen online safety for everyone, and all communities, in the unique context of Aotearoa New Zealand.



2. Te Tiriti o Waitangi

The preceding section signals the importance of context in which the *Aotearoa New Zealand Code of Practice for Online Safety and Harm* is located. In this section, the IAG makes a few additional remarks about a vital feature of this context. We highlight te Tiriti o Waitangi, the foundational governance document of New Zealand, and we briefly consider the Code's treatment of te Tiriti.

As New Zealand's founding document, te Tiriti o Waitangi provides the basis upon which the pre-existing rights of Māori could be maintained, while allowing non-Māori to make Aotearoa their home. It also provides for both groups to exercise governance over their relative matters.¹⁰ Honouring te Tiriti o Waitangi is a crucial indicator of proficient governance and is fundamental to addressing the harms caused by a sustained history of Crown violations of te Tiriti.

Articles 1 and 2 of te Tiriti provide for co-existing systems of governance. Article 1 provides for the Crown to exercise a limited level of authority, while article 2 provides for the guaranteed continuation of iwi and hapū rangatiratanga (self-determination and self-governance) over their people, resources, and way of life. Article 3 promises Māori equal enjoyment of all citizenship rights, placing obligations on the Crown to ensure equity for Māori and other New Zealanders.

Within te Tiriti jurisprudence is the principle of active protection. This principle derives from article 1, the obligation of the Crown to actively prevent harm to Māori; article 2, which maintains the right of Māori to actively protect their own taonga as an exercise of tino rangatiratanga; and article 3, a rightful expectation of equitable citizenship for Māori and non-Māori.

The UN Declaration of the Rights of Indigenous Peoples ('UN Declaration') affirms the rights of Māori under te Tiriti, and explicitly calls for the recognition, observance, and enforcement of such treaties. Te Tiriti and the UN Declaration are also reinforced by the International Bill of Human Rights, consisting of the Universal Declaration of Human Rights, International Covenant on Civil and Political

Rights, and the International Covenant on Economic, Social and Cultural Rights. The twin Covenants have a common article 1(1): “All peoples have the right of self-determination.”

In short, te Tiriti o Waitangi, the UN Declaration on the Rights of Indigenous Peoples, and the International Bill of Human Rights are mutually reinforcing human rights instruments.

Te Tiriti gives rise to overarching constitutional obligations, including the responsibility: (a) to actively address the unique and disproportionate online harms that Māori experience arising from the intergenerational discriminatory impacts of colonisation and (b) to defer to Māori on matters that affect their well-being.

In the preceding section, the IAG recognised that,

The Code was developed by Netsafe in collaboration with industry and in consultation with Māori advisors, Government, civil society, and the public.¹¹

We also appreciated that,

The Code encapsulates four principles drawn from values and concepts sourced in te ao Māori, to honour and reflect the unique indigenous culture of Aotearoa New Zealand and to serve as the basis for inclusion of our diverse internet user communities.¹²

Further, we acknowledge the current Code,

- recognises that te Tiriti is of constitutional significance to Aotearoa New Zealand
- acknowledges that te Tiriti establishes a relationship of partnership between Māori and the Crown
- acknowledges that the Crown may introduce public policy measures that intersect with industry responsibilities in fulfilment of the Crown’s obligations under te Tiriti. Where measures are introduced that impact the Code, the signatories, Oversight Committee and Administrator will make best endeavours to engage as appropriate with Māori and the Crown.

These provisions are in the Code under the heading ‘Guiding Principles’.¹³

In the IAG’s view, the Code would be improved if it were clearer how these important provisions:

- (a) *shaped* the Code and**
- (b) *guide the practical application* of the Code e.g. how the provisions, including the articles of te Tiriti, are integrated into the routine work of the signatories, Oversight Committee, and Administrator.**

Tangata Whenua can help to deepen this understanding and its real-life application.

Finally, it would improve the Code if there were greater clarity about how the signatories, Oversight Committee, and Administrator understand their relationship with te Tiriti o Waitangi.

3. Transparency standards

The *Aotearoa New Zealand Code of Practice* is diminished if, without any reasonable justification, its standards are lower than those adopted by the Code's signatories in other countries.

The IAG considers, by way of illustration, transparency standards because they are extraordinarily important human rights issues in relation to digital platforms and online safety and harm.

The EU's Strengthened Code of Practice on Disinformation

Meta, Google, TikTok, and Twitch have adopted the EU's [Strengthened Code of Practice on Disinformation](#) (2022), but Twitter/X has withdrawn from it.

In relation to transparency standards, the *New Zealand Code* has two outcomes and four measures, whereas the EU's *Strengthened Code of Practice* (2022) has three commitments and 14 measures. Some of the differences between the two codes are material. For example, commitment 35 of the EU's *Strengthened Code of Practice* is not matched by the outcomes and measures in the *Aotearoa New Zealand Code of Practice*. Commitment 35 says:

Signatories commit to ensure that the Transparency Centre contains all the relevant information related to the implementation of the Code's Commitments and Measures and that this information is presented in an easy-to-understand manner, per service, and is easily searchable.

Notably, the corresponding provisions of the *Aotearoa New Zealand Code of Practice* require neither a dedicated Transparency Centre nor that the information is "presented in an easy-to-understand manner, per service, and is easily searchable."

Human rights are averse to arbitrary differences between a signatory's conduct in different jurisdictions.

One way of improving the NZ Code is by ensuring its standards are not lower than those agreed by the Code's signatories in other countries.

The EU's Digital Services Act

The EU's *Strengthened Code of Practice* should be considered with the EU's [Digital Services Act](#) (2022).

Transparency reporting under the EU's Digital Services Act is mainly covered by articles 15, 24 and 42. These articles place different transparency reporting obligations on different levels of provider under the Act's graduated (or calibrated) responsibilities. For example, article 15(1) sets out transparency reporting obligations for "providers of intermediary services":

Providers of intermediary services shall make publicly available, in a machine-readable format and in an easily accessible manner, at least once a year, clear, easily comprehensible reports

on any content moderation that they engaged in during the relevant period.

The article then sets out, in considerable detail, what those reports shall include, for example:

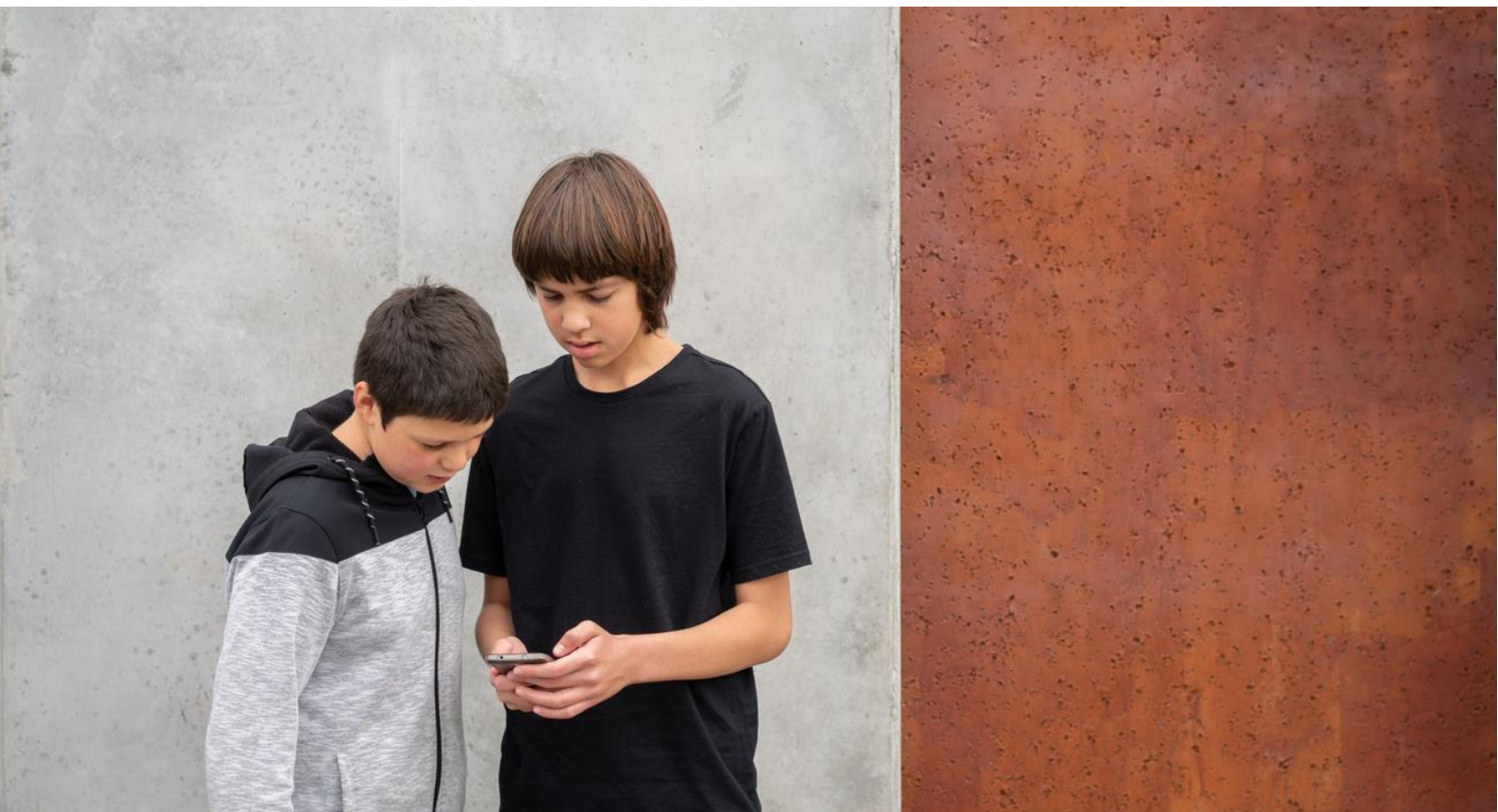
... meaningful and comprehensible information about the content moderation engaged in at the providers' own initiative, including the use of automated tools, the measures taken to provide training and assistance to persons in charge of content moderation, [and] the number and type of measures taken that affect the availability, visibility and accessibility of information¹⁴

Articles 24 and 42 set out additional transparency reporting obligations “for providers of online platforms” (article 24) and “very large online platforms” (article 42).

Articles 15, 24 and 42 are not matched by primary or secondary legislation in Aotearoa New Zealand.

It is important that the National-led government, established in November 2023, revisits the issues canvassed by DIA’s *Safer Online Services and Media Platforms* (2023).

We look forward to learning how the government proposes to discharge its responsibility, arising from national and international human rights law and te Tiriti o Waitangi, to put in place an effective regulatory framework that protects everyone, and all communities, in Aotearoa New Zealand from online harms.



4. Map, compass, and guardrails

In this conclusion, we signal six of the key features of a human rights and te Tiriti approach to online safety and harms in Aotearoa New Zealand. The features are illustrative, not exhaustive, and invite constructive discussion.

1. Values

They are the starting point. Critically important values, such as kaitiakitanga (stewardship), manaakitanga (respect), dignity, decency, fairness, equality, transparency, freedom, wellbeing, safety, participation, autonomy, partnership, community, and responsibility, are embodied in human rights and te Tiriti o Waitangi.

These values affirm and supplement the Code's 'Guiding Principles'.¹⁵

2. Laws, norms, and standards

Standards are designed to help all parties navigate these challenging issues. Map, compass, and guardrails, they include:

- te Tiriti o Waitangi (see section 2)
- International Bill of Human Rights¹⁶
- *UN Guiding Principles on Business and Human Rights*
- Human Rights Act 1993
- New Zealand Bill of Rights Act 1990
- *Aotearoa New Zealand Code of Practice for Online Safety and Harms*
- digital platforms' community guidelines.

These standards, which range from binding law to voluntary guidance, need 'unpacking' and applying to online safety and harms in Aotearoa New Zealand.¹⁷

3. Context matters (see section 1)

The effective implementation of human rights and te Tiriti o Waitangi depends upon a nuanced appreciation of the historical, demographic, economic, social, cultural, environmental, and legal context in Aotearoa New Zealand.

4. Equity and non-discrimination

These are critically important dimensions of human rights and te Tiriti o Waitangi: they need to shape process, implementation, and accountability. The Universal Declaration of Human Rights begins, "All persons are born free and equal in dignity and rights".¹⁸

5. Transparency (see section 3)

It is imperative that we understand how digital platform services operate and how companies and governments collect and use the data they generate.

Transparency is an established feature of a human rights approach.

6. Accountability

Monitoring is often conflated with accountability, but monitoring is only one step towards accountability. Accountability can be understood as:

- *monitoring*
- *review* (including independent review) of policies and practice in relation to standards and commitments
- and *remedial/restorative action*, if needed.

Human rights accountability is primarily about identifying what is working, so it can be repeated, and what is not working, so it can be revised and put right.

It is less about blame, sanction, and punishment, and more about remediation and restoration, when possible.

In Aotearoa New Zealand, holding companies to account for their human rights responsibilities is little understood, underdeveloped, and often much contested.

Appendix

Digital platforms, human rights, and te Tiriti o Waitangi: A 'pilot' accountability initiative

This pilot initiative of Te Kāhui Tika Tāngata | New Zealand Human Rights Commission will be transparent, constructive, and focus on Aotearoa New Zealand. It begins in August 2023, will end in mid-November 2023, and be subject to review early in 2024. The initiative's objectives and terms of reference are based on section 5(1) and (2) Human Rights Act 1993.

Objectives

- to identify, elevate, explore, and apply social media corporations' responsibilities arising from human rights, te Tiriti o Waitangi, and the *UN Guiding Principles on Business and Human Rights* (UNGP).
- to hold social media corporations accountable for these responsibilities.

Terms of reference

1. An Independent Accountability Group (IAG) will apply, in whole or in part, the 'lens' of human rights, te Tiriti o Waitangi, and UNGP to selected features of:
 - a. *Aotearoa New Zealand Code of Practice for Online Safety and Harms* (2022) ('Code'), including its governance framework.
 - b. The signatory platforms' baseline and/or annual reports (Code para 5.4).
 - c. The Administrator's annual transparency report (Code para 5.3) and analysis of signatories' reports (Code para 5.4).
 - d. Any other outputs or outcomes associated with the Code.
 - e. *Safer Online Services and Media Platforms*, Department of Internal Affairs (DIA), 2023.
2. In light of (1), the IAG may make findings which demonstrate consistency and/or inconsistency with human rights, te Tiriti o Waitangi, and UNGP. Any statements will conform with section 138 Human Rights Act 1993.¹⁹
3. In light of (1) and (2), the IAG may make recommendations associated with any of the issues in the Code and/or *Safer Online Services and Media Platforms* (DIA, 2023).

Statutory foundations

Under the Human Rights Act 1993, the Human Rights Commission has a broad mandate to "advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society".²⁰ To fulfil this mandate, the Commission is empowered, inter alia, to:²¹

- Advocate for human rights and promote and protect, by education and publicity, respect for, and observance of, human rights.
- Make public statements in relation to any matter that may affect human rights, including statements commenting on the position of Government in relation to that matter.
- Promote by research, education, and discussion a better understanding of the human rights dimensions of te Tiriti o Waitangi and their relationship with domestic and international human rights law.

- Consult and co-operate with other persons and bodies concerned with the protection of human rights.
- Inquire generally into any matter if it appears to the Commission that the matter involves, or may involve, the infringement of human rights.

The establishment of the IAG, and its consideration of the Code through this pilot initiative, closely aligns with the Commission's statutory mandate.

Process

The Commission adopted the following process when designing, establishing, and implementing this pilot initiative:

- The Chief Commissioner undertook consultations with relevant stakeholders before settling upon and launching the initiative.
- He appointed six members to the IAG, based on their professionalism, lived experience, robust independence, and exceptional expertise in the field of online harm. The Chief Commissioner chaired the IAG.
- Between August and November 2023, the IAG met online on three occasions.
- Between August and October 2023, the IAG wrote several letters to the Chief Executive of NZTech (as the Code's Administrator) outlining specific issues relating to the Code. The IAG requested that each of these letters be passed to the Code's signatories, as well as the Chair of the Code's Oversight Committee. We understand that, as requested, each of the letters was passed on as requested.
- On 18th September 2023, the Code's Administrator requested a meeting which took place on 21st September attended by three IAG members and staff of NZTech, Netsafe, and Meta. The meeting was constructive and informative.
- The IAG received replies to some of its letters in October and November 2023. The IAG considered the information presented in these replies and, as a result, the IAG made significant revisions to what was outlined in its letters and is now reflected in this report. For example, section 2 on te Tiriti o Waitangi has been revised because, at the time the IAG wrote a letter to NZTech about te Tiriti, it was unaware that the latest version of the Code makes specific reference to te Tiriti. Section 2 has been drafted accordingly.
- The basis of this report does not depart from the scope of issues canvassed in the IAG's letters to the Code's Administrator and Oversight Committee. The IAG understands that the Code's Administrator and Oversight Committee were aware of the content of these letters for one to three months prior to publication of this report. The IAG confirmed on several occasions that if NZTech and colleagues wished to discuss, the IAG was at their disposal.

Endnotes

¹ Aotearoa New Zealand Code of Practice for Online Safety and Harms (The Code), <https://thecode.org.nz/wp-content/uploads/sites/38/2023/06/THE-CODE-DOCUMENT-FINAL.pdf>, para 5.2.

² The Code, para 5.3.

³ See: *Race and Rage: Examining rising anti-Māori racism and white supremacist ideologies in Aotearoa New Zealand* (September 2023) <https://thedisinfoproject.org/wp-content/uploads/2023/10/Race-and-rage-Examining-rising-anti-Maori-racism-and-white-supremacist-ideologies-in-Aotearoa-New-Zealand.pdf>; *The edge of the infodemic: Challenging misinformation in Aotearoa* (2021) <https://www.classificationoffice.govt.nz/resources/research/the-edge-of-the-infodemic/>.

⁴ UN Secretary-General, “Address to the UN Commission on Human Rights” (7 Apr. 2005), <http://www.un.org/sg/STATEMENTS/index.asp?nid=1388>.

⁵ Department of Internal Affairs (DIA), *Discussion Document: Safer Online Services and Media Platforms* (Jun. 2023) <https://www.dia.govt.nz/safer-online-services-media-platforms-consultation#Discussion>, p 35.

⁶ DIA, p 67.

⁷ The Code, p 4.

⁸ The Code, p 5.

⁹ The Code, p 4.

¹⁰ Waitangi Tribunal, *Report on Stage 1 of the Te Paparahi o Te Raki Inquiry*, (2014) <https://waitangitribunal.govt.nz/assets/WT-Part-1-Report-on-stage-1-of-the-Te-Paparahi-o-Te-Raki-inquiry.pdf>

¹¹ The Code, p 4.

¹² The Code, p 5.

¹³ The Code, p 5-6.

¹⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), Art 15(1)(c).

¹⁵ The Code, section 2, p 5-7.

¹⁶ The ‘International Bill of Rights’ is the well-established shorthand for three documents which together provide the foundation for the entire global system of human rights painstakingly drafted and agreed since 1945: the Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights; and International Covenant on Civil and Political Rights.

¹⁷ A vast amount of literature exists on human rights standards and approaches in relation to online harm. Two examples, one with a focus on Aotearoa New Zealand: Helen Clark Foundation, *Christchurch Principles*, (November 2019) https://helencClark.foundation/app/uploads/2021/10/HCF_The-Christchurch-Principles_Hall_November-2019.pdf, and the other with an international perspective: Rikke Frank Jørgensen, ed., *Human Rights in the Age of Platforms* (MIT Press, 2019) <https://direct.mit.edu/books/oa-edited-volume/4531/Human-Rights-in-the-Age-of-Platforms>

¹⁸ Universal Declaration of Human Rights, (United Nations 1948) Art 1.

¹⁹ Human Rights Act 1993, s 138., “The Commission must not, in any report or statement made pursuant to this Act, make any comment that is adverse to any person unless that person has been given an opportunity to be heard.”

²⁰ Human Rights Act 1993, s 5(1)(a).

²¹ Human Rights Act 1993, s 5(2)(a), (c), (d), (g) and (h).