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Dear Ofcom, Meta, Alphabet, X and ByteDance,

### **Implementation of Palestine Action proscription on social media**

We are writing with serious concerns about how Ofcom and social media platforms will interpret the [Government's decision to proscribe Palestine Action as a terrorist organisation under the Terrorism Act 2000](#). As human rights organisations and concerned individuals committed to upholding freedom of expression and democratic accountability, we believe this decision raises urgent questions about the role of online service providers and regulators in defending the right to speak freely online.

We are seeking clarity on what steps Ofcom and platforms will take to ensure lawful content does not get wrongly identified as proscribed terrorist content. This poses a risk to public debate, digital rights and free expression.

### **Suppressing Dissent and Solidarity Online.**

[We believe that the proscribing of Palestine Action risks restricting other forms of lawful protest](#). It also threatens those engaging in online solidarity, sharing information, and citizen journalists reporting on these issues. A key way that people in the UK have been informed about war crimes and human rights abuses has been through content shared on platforms such as Instagram, TikTok and X. This has helped enable a plurality of views and opinions to be expressed, drawn attention to war crimes, and helped people form their own opinions about the conflict.

We are concerned that the proscription of Palestine Action may result in an escalation of platforms removing content, using algorithms to hide Palestine solidarity posts and leave individuals and those reporting on events vulnerable to surveillance or even criminalisation for simply sharing or liking content that references non-violent direct action. We are also concerned about what platforms understand by their legal duties regarding expressions of 'support' for Palestine Action.

Already, [individuals have been detained for publicly supporting Palestine Action, including an 83-year-old retired priest](#). Political speech that has the strongest protection under the right to free expression [is already heavily moderated and removed from major platforms, including Instagram, TikTok and YouTube](#). The ban on Palestine Action risks further entrenching this censorship, inhibiting people's ability to report on or give different accounts of the war and restrict public debate.

### **Vagueness in Counter-Terrorism Laws**

These concerns are magnified by the UK's broad definition of Terrorism within its counter-terrorism laws. [Under the Terrorism Act 2000, someone may be criminalised not only for taking part in the actions of a proscribed organisation, but also for expressing "support" which is "reckless" in encouraging others to support it](#). These terms are dangerously open to interpretation. This creates a climate in which people may self-censor - not because they are breaking the law - but because they cannot clearly know what is permitted.

### **Online Safety Act Exacerbating Overreach**

The Online Safety Act (OSA) compounds these threats by granting Ofcom powers to regulate online service providers. While the Act is intended to curb illegal and harmful content, existing provisions in the [OSA empower Ofcom to direct platforms to remove material or implement sweeping scans, including of encrypted private messages, for terrorism related content](#).

While citizens in the EU have protections from the **Digital Services Act** (DSA) that establishes a mechanism for independent settlement of **disputes** between users and platforms, there is no accessible mechanism for many UK users to obtain justice when their posts are wrongly censored or accounts are wrongfully banned and platform's internal appeals processes fail.

The OSA requires platforms to assess and mitigate the risk of illegal content – but where definitions are unclear, this will likely result in platforms erring on the side of caution and over-removing content, particularly about protest, direct action and Palestine solidarity.

Our concerns are only exacerbated given [Ofcom's advice that platforms can avoid worrying about Online Safety Act duties, if they ensure they are more censorious than the Act requires \(known as the "bypass strategy"\)](#). This approach risks encouraging automated moderation that disproportionately affects political speech, particularly from marginalised communities, including Palestinian voices.

Exactly how Ofcom and social media platforms interpret the Online Safety Act and duties to act against illegal material will be a serious test of the Act's ability to protect free expression. In particular, we are concerned about:

1. Misidentification of support for Palestine as support for Palestine Action
2. Misidentification of objections against Palestine Action's proscription as support for Palestine Action
3. Identification of support for Palestine Action's tactics and positions as support for terrorism or a proscribed organisation
4. The methods that platforms intend to employ to monitor content
5. Incentives for misreporting of content vulnerable to misassessment
6. Whether UK takedowns require or should not require global removal
7. Monitoring, appeals, and put backs

Many of these problems stem from the government's misidentification of Palestine Action's direct action tactics as plain terrorism. However, given this conflation, it is necessary that Ofcom and platforms draw up their response in a proportionate and necessarily cautious manner.

### **Our Questions to platforms and Ofcom**

Ofcom has a responsibility to uphold freedom of expression and public debate, ensuring individuals can engage online without fear of being mischaracterised as terrorists.

Platforms will take action under their guidance. We therefore ask:

1. Will Ofcom provide clear guidance to platforms to distinguish lawful expression of solidarity, protest, or critique of corporate and state power from content deemed in support of terrorism?
2. Will Ofcom provide clear guidance to platforms to help them ensure that those reporting on war, collecting evidence of illegal activity, and those critiquing terrorist content from content deemed in support of terrorism, including individuals producing citizen journalism and potentially outside of provisions protecting journalists, are protected from excessive takedowns?
3. Will Ofcom issue guidance describing what does and does not constitute support for PA as a "terrorist" organisation, and when such support would need to be removed?
4. Will Ofcom clarify what kinds of support for PA's tactics, positions, appeals

against proscription, do not qualify for takedown?

5. Will platforms provide detailed transparency regarding their policies regarding PA, PA-related and Palestine related content?
6. Will Ofcom assess any impact on free expression resulting for narrower interpretations of what is taken down than the law requires, ie use of the “bypass strategy”?
7. In its latest consultation on extended illegal harm duties Ofcom recognises a risk to freedom of expression. Alongside any policy advice, will Ofcom provide and publish an assessment of how implementing OSA duties regarding the proscription of Palestine Action create further risks to free expression?
8. What steps will Ofcom and platforms take to maintain transparency in enforcement, appeal mechanisms, and oversight of PA related takedowns?
9. Will platforms commit to establishing an independent dispute mechanism if there is clear evidence of lawful speech being suppressed and of internal appeals processes failing to accurately resolve complaints?
10. Will platforms be removing PA related content globally, or just for the UK, where there does not seem to be support for identifying this as terrorism as defined in other legal jurisdictions?

At a time where political expression is under increasing threat from vague and over-reaching counter-terrorism laws and sweeping surveillance powers, Ofcom and platforms must act transparently and proactively to defend the right to speak freely. We urge Ofcom and platforms to clarify their positions, issue appropriate guidance and ensure that protest, citizen journalism, international solidarity and free speech can continue to be expressed online without fear of censorship and criminalisation.

Yours sincerely,

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Julian Tait, Chief Executive, [Open Data Manchester](#)

European Digital Rights (EDRi), Brussels

Access Now

[Statewatch](#)

[Vrijschrift.org](#), Netherlands

[Homo Digitalis](#), Greece

[Danes je nov dan, Inštitut za druga vprašanja](#) Slovenia

[Hermes Center](#), Italy

[Bits of Freedom](#), Netherlands

[D3](#), Portugal

[Alternatif Bilisim](#), Turkey

[Electronic Frontier Foundation](#), USA

[Superrr](#), Germany

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