

Re: Public Comment of Transparency International on Case No. 2025-056-FB-MR

Background

1. On 9 September 2025¹, the Oversight Board announced a case for consideration about a Facebook post from April 2025 on corruption claims involving a politician's children in the Philippines.
2. The post is described in the announcement: *"In April 2025, a Facebook user posted two images with a caption, accusing a Filipino politician of corruption. One photo depicts the politician's family, including children. The other photo is of an unidentified plane flying over water. The caption in Tagalog accuses the politician of corruption by allegedly hiding the purchase of a plane under his children's names. It suggests that such acts put his family's safety and security at risk. It ends with "Hindi ka namin patahimikin" which Meta translated to "We will hunt [you] down".*
3. The post was escalated for subject matter expert review, and it was determined that the post violated neither Meta's Violence and Incitement² policy nor the Bullying and Harassment policy.³ Meta referred the case to the Oversight Board, who selected it *"to examine Meta's human rights responsibilities in preserving public interest debates on political accountability, especially when discussing alleged corruption by elected officials that involves their family members (including their minor children), while protecting minors from potential incitement, especially when they are explicitly mentioned or visually represented in controversial or hostile contexts. The selection of the case also allowed "the Board to assess Meta's responsibilities when it receives requests from politicians to remove posts similar to this one."*
4. The Oversight Board have now opened this case for public consultation.

Response from Transparency International

5. In line with our stated mission⁴, Transparency International is providing a response to the public consultation. Specifically, our response will relate to three issues:
 - 5.1. Public officials and the use of privacy as an argument to avoid public interest scrutiny;
 - 5.2. Public officials and attempts to obscure their ownership of assets by holding them in the name of their children; and
 - 5.3. How popular online movements can contribute to accountability against corruption.

Public officials, privacy, and watchdogs

6. UN Treaty bodies and regional human rights courts have developed considerable jurisprudence on balancing the right to privacy with freedom of information/freedom of expression. The UN Human Rights Committee in its General Comment 34 elaborated on Article 19 (3) of ICCPR on how freedom of expression can be

¹ <https://www.oversightboard.com/news/board-to-assess-corruption-claims-mentioning-children/>

² <https://transparency.meta.com/en-us/policies/community-standards/violence-incitement/>

³ <https://transparency.meta.com/en-gb/policies/community-standards/bullying-harassment/>

⁴ <https://www.transparency.org/en/the-organisation/mission-vision-values>

restricted for the “respect of the rights or reputations of others”, stating “when a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. The Committee recalls that the relation between right and restriction and between norm and exception must not be reversed. [...] Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.” There are various three-part tests for balancing competing rights. For example, before the U.N. Human Rights Council a three-part test was presented concerning the application of the above-mentioned restriction under Article 19 of ICCPR: “(a) the restriction must be provided for by law; (b) it must pursue a legitimate aim; and (c) it must be necessary and proportionate to secure one of those aims.”⁵ The same author interpreted Article 19 of ICCPR in light of the practice of the European Court of Human Rights (hereinafter: ECtHR).⁶

“For a restriction to be legitimate, all three parts of the test must be met:

- *First, the interference must be provided for by law. This requirement will be fulfilled only where the law is accessible and “formulated with sufficient precision to enable the citizen to regulate his conduct”.⁷*
- *Second, the interference must pursue a legitimate aim. The list of aims in the various international treaties is exclusive in the sense that no other aims are considered to be legitimate as grounds for restricting freedom of expression.*
- *Third, the restriction must be necessary to secure one of those aims. The word “necessary” means that there must be a “pressing social need” for the restriction. The reasons given by the State to justify the restriction must be “relevant and sufficient” and the restriction must be proportionate to the aim pursued.”⁸*

7. In its General Comment 34, the UN Human Rights Committee also stated that “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society”. It further addressed public debate concerning public figures in the political domain and public institutions, finding that “the value placed by the Covenant upon uninhibited expression is particularly high”. The principle that public officials should be subject to higher scrutiny is widely accepted.⁹
8. For several decades, in balancing the right to privacy and freedom of expression / freedom of information, the Inter-American Court of Human Rights (IACtHR) has been using the concept of the social dimension of freedom of expression and freedom of information which “implies a collective right to receive any information

⁵ Report of the United Nations High Commissioner for Human Rights and Follow-up to the World Conference on Human Rights, Human Rights Council, 10th Sess., Agenda Item 2, at 7, A/HRC/10/31/Add.3, (2009), at <https://documents.un.org/doc/undoc/gen/g09/103/75/pdf/g0910375.pdf>

⁶ Dr. Agnes Callamard, Expert meeting on the links between articles 19 and 20 of the ICCPR: Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, UNHCHR, October 2-3, Geneva, at 5, at http://www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/experts_papers/Callamard.doc

⁷ The Sunday Times v. United Kingdom, 26 April 1979, Application No. 6538/74, para. 49 (European Court of Human Rights)

⁸ Lingens v. Austria, 8 July 1986, Application No. 9815/82, paras. 39-40 (European Court of Human Rights).

⁹ See Public Figures and Social Media from a Freedom of Expression Viewpoint in the Recent U.S. and EU Jurisdiction, available at <https://www.mdpi.com/2673-5172/6/1/26>

*whatsoever and to have access to the thoughts expressed by others.*¹⁰ Parallel with this, the European Court of Human Rights' (ECtHR) jurisprudence is also going back several decades in recognising the possibility of participating in public debate or debate of general/public interest as a necessary restriction of other rights, including the right to privacy.¹¹

9. An important contributor to these debates of public interest are investigative journalism and civic journalism. The ECtHR recognised their role in the context of freedom of information and freedom of expression in several judgments as public watchdogs and social watchdogs.¹²
10. A controversial judgment of the Court of Justice of the European Union in 2022 reignited the debate on how individual privacy can be interpreted as covering also professional or business aspects of an individual's life.¹³
11. Besides the consideration of balancing various human rights, it is also worth examining the bigger picture of illicit financial flows and how these rights play out against various public interests, such as investigating and prosecuting criminal offences. As the case-law of the ECtHR shows, public watchdogs and social watchdogs draw attention to matters of public interest. This is eminently the case in reporting on the suspicion of corruption. Also the ECtHR emphasised that, it is the vital role of watchdogs in a democracy *"reporting facts – even controversial ones – capable of contributing to a debate in a democratic society relating to politicians in the exercise of their functions"*.¹⁴ Often law enforcement authorities are unable or unwilling to detect, investigate or prosecute allegations of corruption concerning politicians or other politically exposed persons; therefore, only the watchdogs serve these public interests. Importantly for the case under consideration by the Oversight Board, the ECtHR considered that *"the role of bloggers/popular users of social media may also be considered to be "public watchdogs"*¹⁵
12. The balancing of the right to privacy and various public interests frequently comes up as a challenge for legislators. An example from Pakistan shows¹⁶ that there is growing recognition that the public interest often outweighs personal privacy for high-level officials. Corruption is also a threat to human dignity and human security which needs to be given more weight in the balancing of human rights.¹⁷ Although social media platforms are not state parties to international human rights instruments, the same considerations described above should guide their rules and practices.

¹⁰ Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (arts. 13 and 29 American Convention on Human Rights). Advisory Opinion OC-5/85 del 13 November 1985. Series A No. 5, para. 30

¹¹ Council of Europe, Guide on Article 8 of the European Convention on Human Rights - Right to respect for private and family life https://ks.echr.coe.int/documents/d/echr-ks/guide_art_8_eng

¹² *Magyar Helsinki Bizottság v. Hungary* [GC], no. 18030/11, § 164,

¹³ <https://www.transparency.org/en/blog/personal-data-protection-has-sole-purpose-cjeu-ruling-beneficial-ownership-transparency>

¹⁴ Case von Hannover v. Germany, (Application no. 59320/00), <https://hudoc.echr.coe.int/eng?i=001-61853>

¹⁵ Registry of the ECtHR, KEY THEME1 - Article 8 The right to private life protecting or limiting the role of "public watchdogs", at <https://ks.echr.coe.int/documents/d/echr-ks/the-right-to-private-life-protecting-or-limiting-the-role-of-public-watchdogs>

¹⁶ <https://www.imf.org/en/Publications/fandd/issues/2019/09/illicit-financial-flows-and-privacy-vs-transparency-purcell>

¹⁷ T.R. van Roomen, B. de Jonge, Balancing privacy and public interest in the fight against illicit financial flows: Lessons from an European Case Study, *Journal of Economic Criminology*, Volume 5, 2024, at <https://www.sciencedirect.com/science/article/pii/S2949791424000459>

Public officials and assets in the name of their children

13. It has been long established that corrupt public officials hide the wealth and assets they derive from corrupt activity through a variety of mechanisms both inside and outside their country. This includes holding assets in the name of their children. There have been numerous examples from around the world, including the daughters of Azerbaijan's president Ilham Aliyev;¹⁸ the children of former Minister of Security in Azerbaijan, Eldar Mahmudov;¹⁹ the daughter of the President of the Republic of Congo, Denis Sassou Nguesso;²⁰ and the children of Czech prime minister Andrej Babis.²¹
14. It is also common for intangible assets, such as company shares, to be placed in the name of minors by public officials, politically exposed persons, or organised criminals. A 2022 investigation by the Organised Crime and Corruption Reporting Project²² found that nearly 300 minors and 290 18- or 19-year-olds owned or controlled significant stakes in Luxembourg companies as of 2020. While in family-run businesses parents might want to give their children shares of their companies, it can also be a way of hiding ownership.
15. It has also been demonstrated that assets are often placed in the name of children by political elites and oligarchs in kleptocracies to evade sanctions, such as in the case of the Russian founder of the Wagner Group, Yevgeny Prigozhin,²³ or the Russian billionaire, Roman Abramovich.²⁴ It has often been too easy to exploit gaps in transparency and weak oversight of family ties. It is therefore essential that social media platforms allow exposure of such cases and practices.

Popular online movements and accountability against corruption

16. There has been much written about the importance of popular online movements and the impact they can have on revealing corruption and holding perpetrators to account. We provide below some examples from around the world which show the positive impact of revealing corruption on social media.
17. The 2018 study '*Social Media and Corruption*' by Enikolov, Petrova and Sonin²⁵ looks at the consequences of blog posts about corruption in Russian state-controlled companies. It seeks to show that anti-corruption blog posts by Aleksei Navalny, a popular Russian civic activist, had a negative causal impact on market returns of state-controlled companies. The effect becomes less pronounced and even positive for the posts that attract the most attention, consistent with disciplining effect of social media. Furthermore, the posts

¹⁸ <https://www.icij.org/investigations/offshore/offshore-companies-provide-link-between-corporate-mogul-and-azerbajians-president/>; <https://www.occrp.org/en/project/the-pandora-papers/azerbajians-ruling-aliyev-family-and-their-associates-acquired-dozens-of-prime-london-properties-worth-nearly-700-million>; and <https://www.washingtonpost.com/wp-dyn/content/article/2010/03/04/AR2010030405390.html>

¹⁹ <https://www.occrp.org/en/investigation/dethroned-azerbajani-elites-made-big-investments-in-europe>; and <https://www.transparency.org/en/news/who-is-opening-the-gates-for-kleptocrats>

²⁰ <https://www.icij.org/investigations/pandora-papers/us-prosecutors-push-to-seize-apartment-tied-to-congolese-president-in-luxury-trump-complex/>

²¹ <https://www.icij.org/investigations/pandora-papers/czech-prime-minister-andrej-babis-french-property/>

²² <https://www.occrp.org/en/project/openlux/boss-babies-the-children-who-own-hundreds-of-luxembourg-corporations>

²³ <https://www.justsecurity.org/88369/baby-on-board-how-kleptocrats-and-associates-use-family-members-to-evade-sanctions/>

²⁴ <https://www.occrp.org/en/news/abramovichs-kids-lithuanian-citizens-shield-his-wealth-from-sanctions>

²⁵ Enikolopov, Ruben, Maria Petrova, and Konstantin Sonin. 2018. "Social Media and Corruption." *American Economic Journal: Applied Economics* 10 (1): 150–74, available at <https://www.aeaweb.org/articles?id=10.1257/app.20160089>

have a long-term impact on returns and are associated with higher management turnover and less minority shareholder conflicts. Taken together, the results suggest that social media can discipline corruption even in a country with limited political competition and heavily censored mass media.

18. The 2019 paper '*The effects of social media use on control of corruption and moderating role of cultural tightness-looseness*' by Tang, Chen, Zhou, Warkentin and Gillenson²⁶ shows that social media usage is correlated with the level of perceived control of corruption after controlling other variables. In countries where social norms and the degree of sanctioning within the society are looser, the relationship is stronger, i.e. a greater use of social media was associated with lower perceived corruption.
19. The 2018 study '*The New Face of People Power: An Exploratory Study on the Potential of Social Media for Combating Corruption in Indonesia*' by Prabowo et al.²⁷ uses the Social Network Analysis (SNA) to illustrate the potential of social media as a means for citizens to participate in an anti-corruption movement in Indonesia. Overall, this study demonstrates that the growth and development of Information and Communication Technologies (ICTs) in Indonesia has had a profound effect on how people interact with each other by, among other things, using social media platforms. Such interaction includes discussions and dissemination of news and information related to corruption. As the conventional punishment-oriented approaches have not had a lot of success in mitigating the corruption problem in Indonesia, engaging citizens to actively participate in the anti-corruption movement may increase the chance of success in eradicating corruption in the future. This would be in line with one of the maxims of criminology, recognised by the Italian jurist Beccaria, that "*the certainty of even a mild punishment will make a bigger impression than the fear of a more awful one which is united to a hope of not being punished at all.*"²⁸

Recommendation

20. Whilst Transparency International agrees with the need for social media platforms to prevent the incitement of violence and the need to protect minor children, there is a clear need to balance this against the importance of ensuring citizens are informed of instances where their high-level officials are subject to legitimate allegations of corruption revealed on social media platforms. Any restriction of rights should be based on the principles of necessity and proportionality. In the case before the Oversight Board, the removal of the entire post would not meet this standard, given the existence of other options available that would allow to mitigate the potential incitement to violence and ensure the protection of minors, while also safeguarding the public interest.
21. Any requests to remove social media posts that reveal corruption by a high-level official should consider the risk that such requests are made to protect the high-level public official and prevent such allegations becoming known. Social media platforms should determine what would be a proportional response to prevent the incitement of violence and the need to protect minor children whilst also respecting the clear public interest in such corruption being revealed.

²⁶ <https://www.sciencedirect.com/science/article/abs/pii/S0740624X18304994>

²⁷ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3784334

²⁸ <https://www.cambridge.org/core/books/abs/beccaria-on-crimes-and-punishments-and-other-writings/lenience-in-punishing/4C225F3B4BF1BDFF0A9E2D01E4CE6210>