

ABSTRACT

The conflict in Israel and Palestine has since negatively impacted the people within the region and international community's rights in exercising their freedom of expression. As tension arises, social media platforms expected to help safeguard this right. While platforms, as private companies, have discretion over their content moderation rules, the emergence of duty of care obligations now requires them to implement adequate systems and risk assessments to prevent the spread of illegal and harmful content.

This paper uses a doctrinal approach to examine how this shift in platform governance affects the protection of freedom of expression. The findings suggest that the current climate of social media platform services requires a necessary deviation from the traditional application of Article 19(3) of the ICCPR and the UN Special Rapporteur's standards. Duty of care obligations push platforms toward proactive monitoring, where platforms adopted the proportionality and probabilistic approaches. Although these may challenge the necessity and proportionality tests in the traditional sense, they are essential for managing vast volumes of online content. Meta's adoption of proportionality reflects alignment with international human rights standards. The paper recommends that policymakers establish binding frameworks requiring platforms to ensure transparent, foreseeable, non-discriminatory, and context-sensitive content moderation consistent with Article 19(3) of the ICCPR.

Key Words: *Proactive Content Moderation; Freedom of Expression; Duty of Care Obligations; Meta.*