

CORPORATE RESPONSIBILITY AND ACCOUNTABILITY MECHANISMS FOR HUMAN RIGHTS PROTECTION IN SOCIAL MEDIA GOVERNANCE*

Abstract

The rapid expansion of social media platforms has fundamentally altered the architecture of information exchange, public discourse, and civic participation. These platforms exercise significant influence over rights traditionally protected under international human rights law, including freedom of expression, the right to privacy, non-discrimination, and access to information. However, despite this increasing normative and practical influence, the human rights obligations of social media companies remain legally disjointed, inconsistently enforced, and largely non-binding. Social media platforms operate within a regulatory gap where they effectively make quasi-legal determinations affecting fundamental rights without corresponding accountability structures comparable to those imposed on states. It is thus necessary to assess the status of social media platforms as actors in the protection and violation of human rights, and to evaluate the adequacy of existing legal and regulatory frameworks in holding such platforms accountable for human rights protection and violation. The study is doctrinal in nature, and employs the use of primary and secondary sources of law in identifying and explaining the issues explored. The study finds that social media platforms function as de facto regulatory actors in the digital space, exercising significant influence over the enjoyment of fundamental human rights through content moderation, algorithmic curation, and data-driven profiling. Further, while social media platforms increasingly acknowledge corporate responsibility in human rights protection, implementation of human rights safeguards remains inadequate and inconsistent, due to inadequate and sparse enforceability of existing international frameworks, resulting in a global accountability gap. The study recommends the development of binding regulatory frameworks that move beyond voluntary corporate commitments to ensure enforceable human rights obligations for social media platforms. The research further proposes the harmonisation of digital governance standards to address cross-border enforcement challenges, reduce regulatory fragmentation, and ensure more consistent protection and enforcement of fundamental human rights across digital platforms and jurisdictions.

Keywords: Human Rights Protection, Social Media Governance, Corporate Responsibility, Accountability Mechanisms

1. Introduction

Social media platforms such as Meta (Facebook, Instagram), X (Twitter), TikTok, and YouTube have evolved beyond passive intermediaries into active governors of online speech, behaviour, and access to information. Through algorithms, content moderation policies, and data governance systems, these social media platforms now influence core human rights outcomes. For instance, recent studies suggest that Facebook's content moderation systems disproportionately target marginalised groups.¹ Thus, social media platforms are not only mediums by which rights may be violated, thus necessitating regulation of digital activity thereon, they may themselves be perpetrators of human rights violation, creating the need for safeguards. This development raises a central question as to whether private digital platforms can be regarded as bearers of human rights obligations traditionally reserved for states.

Under classical international human rights law, states are the primary duty-bearers. However, the scale and power of digital platforms have led scholars and institutions to argue for 'horizontal application' of human rights norms to private actors, especially where corporate decisions significantly affect rights such as freedom of expression, privacy, non-discrimination, and access to information.

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¹ C Lee, K Gligorić, PR Kalluri, M Harrington, E Durmus, K L Sanchez, N San, D Tse, X Zhao, M G Hamedani, H R Markus, D Jurafsky, & J L Eberhardt (2024) People who Share Encounters with Racism are Silenced Online by Humans and Machines, But A Guideline-Reframing Intervention Holds Promise', 121(38)

The article therefore examines corporate responsibility and accountability mechanisms for human rights protection in social media governance. It analyses the role of social media platforms as de facto regulators of expression, privacy, and information flows. It identifies the human rights most frequently affected by platform governance, including the rights of children. It examines the relevance and limitations of existing international human rights and business responsibility frameworks. It further assesses the human rights implications of content moderation, algorithmic recommendation systems, and data-driven profiling, and finally proposes normative and policy recommendations for strengthening accountability in the digital sphere.

2. Clarification of Terms

Corporate Responsibility

Corporate responsibility in this text is the obligation of corporate bodies to respect and protect human rights. This responsibility is not merely ethical but increasingly recognized in international frameworks such as the UN Guiding Principles on Business and Human Rights.² It has its base in Corporate Social Responsibility which is the continuing commitment by businesses to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large.³ The Cambridge Dictionary defines corporate responsibility as a shared duty among all the members of a group to do a thing or to take responsibility for a thing.⁴ It is the impact a corporate body has on its environment.

Corporate responsibility in the human rights context refers to the expectation and, increasingly, legal requirement that business enterprises respect human rights in their operations, products, services, supply chains, and business relationships. Under the United Nations Guiding Principles on Business and Human Rights, business enterprises have a responsibility to respect human rights. This requires them to avoid causing or contributing to adverse human rights impacts and to address such impacts when they occur.

For social media companies, corporate responsibility requires more than publishing broad statements of commitment to human rights. It requires practical systems for identifying, preventing, mitigating, and remedying rights-related harms. These systems should include human rights due diligence, impact assessments, transparent moderation processes, independent audits, user-accessible appeal mechanisms, child-sensitive safeguards, privacy protection, non-discrimination measures, and meaningful cooperation with regulators and civil society.

In practice, corporate responsibility often manifests as voluntary commitments, expressed through policy statements or codes of conduct, rather than binding obligations. The study examines how platforms interpret this responsibility and the extent to which it translates into concrete action.

Social media

These are digital media platforms used for creating awareness, sharing views and social interaction between individuals and groups. They are used for information dissemination, political and product/brand marketing, knowledge sharing and entertainment purposes. Social and online/broadcast media are social networking apps that serve as the major instruments for enhancing the flow of information and relationships between individuals, organizations and governments.⁵ It consists of computer-based technologies for easy

² J Fernando, 'Corporate Social Responsibility (CSR): What It Is, How It Works, and Types' (2025) *Investopedia*, <https://www.investopedia.com/terms/c/corp-social-responsibility.asp> accessed 20/6/2026

³ L Moir, 'What is Corporate Social Responsibility' *Corporate Governance* 2001 (1) 2, pp 16 – 22

⁴ Cambridge Dictionary, 'Corporate Responsibility', <https://dictionary.cambridge.org/dictionary/english/corporate-responsibility> accessed 23/6/2026.

⁵ J Prodanova & A L Van, 'A systematic literature review of the use of social media for business process management' In E. Teniente & M. Weidlich (Eds.), *Business Process Management Workshops* 308, pp. 403–414

communication, interaction and collaboration.⁶ Social media are digitally mediated communication software that enables users to create, share and view content in publicly networked one-to-one, one-to-many, and/or many-to-many communications.⁷

Social Media Governance

Social media governance refers to the rules, institutions, practices, technologies, and decision-making processes through which social media platforms regulate user behaviour, content circulation, data use, advertising, account access, and platform safety. It includes both public regulations imposed by states and private governance designed and enforced by platforms themselves.

At the private level, social media governance is expressed through terms of service, community guidelines, content policies, advertising rules, data policies, account verification systems, recommender algorithms, moderation procedures, appeals mechanisms, and trust and safety operations. At the public level, it includes laws and policies on data protection, cybercrime, child protection, consumer rights, competition, online harms, digital services, election integrity, national security, and intermediary liability.

The significance of social media governance lies in the fact that platform rules can have direct human rights consequences. A user whose political post is removed may suffer interference with freedom of expression. A journalist whose account is suspended may lose access to an audience. A child exposed to harmful algorithmic content may suffer developmental or psychological harm. A woman targeted with coordinated abuse may be pushed out of public debate. A minority group subjected to hate speech may experience discrimination, fear, or exclusion. A person whose personal information is harvested and profiled without meaningful consent may suffer a violation of privacy and autonomy.

Algorithm

An algorithm is a procedure used for solving a problem or performing a computation. Algorithms act as an exact list of instructions that conduct specified actions step by step in either hardware or software-based routines. The Cambridge Dictionary defines algorithm as a set of mathematical instructions or rules that, especially if given to a computer, will help to calculate an answer to a problem.⁸ Algorithms are widely used throughout all areas of Information Technology. In mathematics, computer programming and computer science, an algorithm usually refers to a small procedure that solves a recurrent problem. Algorithms are also used as terms for performing data processing and play a major role in automated systems. Algorithms work by following a set of instructions or rules to complete a task or solve a problem. They can be expressed as natural languages, programming languages, pseudocode, flowcharts and control tables.⁹

Algorithmic Bias

Algorithmic bias describes systematic and repeatable errors in a computer system that create 'unfair' outcomes, such as 'privileging' one category over another in ways different from the intended function of the algorithm. Bias can emerge from many factors, including but not limited to the design of the algorithm or the unintended or unanticipated use or decisions relating to the way data is coded, collected, selected or used to train the algorithm. This bias can have impacts ranging from inadvertent privacy violations to reinforcing social biases of race, gender, sexuality, and ethnicity. Algorithmic Bias occurs when an algorithm

⁶ M M Irbo & A B Mohammed, 'Social Media, Business Capabilities and Performance: A Review of Literature', *African Journal of Business Management* (2020) 14(9), pp. 271-277,

⁷ J K Sinclair & C E Vogus, 'Adoption of Social Networking Sites: An Exploratory Adaptive Structuration Perspective for Global Organizations' (2011) *Information Technology and Management* 12(4):293-314

⁸ Cambridge Dictionary 'Algorithm' (20 24) <<https://dictionary.cambridge.org/dictionary/english/algorithm>> accessed 4/01/2026

⁹ Tech Target 'What is an Algorithm' (2024) <<https://www.techtarget.com/whatis/definition/algorithm>> accessed 4/01/2026

produces results that are systemically prejudiced due to erroneous assumptions in the machine learning process. These biases result in or amplify discrimination.¹⁰

Algorithmic Governance

Algorithmic governance is simply put, governance by the use of computable procedures referred to as algorithms. It is the use of automated, data-driven systems to manage and coordinate societal functions, replacing or supplementing traditional human-led administrative tasks, for the purpose of efficiency.¹¹

Shadow Ban

Dictionary.com best offers a simplistic, but legally accurate definition of the term ‘shadow ban’ to mean the suppressing from public view of a social media post or posts by platform moderators, without notifying the user who published the content, usually in response to a violation of the platform’s terms of service.¹² Another definition offered by Merriam Webster is that the term means to cause a user or their content to be hidden from some or all other users usually without the user’s knowledge.¹³ Shadow banning is a form of speech repression and control of the right to freedom of expression. The term is colloquial in origin and its usage has changed over time. Originally, the term referred to a deceptive type of account suspension on web forums - a shadow banned user would be give the impression that they were still able to post, whereas in fact their content was no longer visible to any other users.¹⁴ In most recent usage however, shadow banning usually refers to alternative processes, especially visibility remedies such as delisting and downranking.¹⁵ These processes do not cut off access to content entirely, but instead make this content less visible through discovery features such as search and recommendation. Shadow banning is a content moderation sanction which the affected user is unable to detect.

Censorship

Censorship is defined as the restriction of public expression or access to information by an authority. It can be defined as the control of information and ideas being circulated within a society. It involves examination of books, plays, films, TV and radio programmes, new reports, internet posts and other forms of communication for the purpose of altering or suppressing ideas found to be ‘objectionable’ or ‘offensive’. This suppression of knowledge and thoughts is carried out through a framework of laws and procedures that are used by governments or organizations to prevent the free and unopposed circulation of material in society.¹⁶

Digital Suppression and Discrimination

Digital suppression’ and ‘digital discrimination’ refer to the use of technology, algorithms, and digital infrastructure to control, marginalize, or disadvantage individuals and groups. These practices can infringe upon fundamental human rights and perpetuate existing social and economic inequalities.¹⁷

¹⁰ European Union Agency for Fundamental Rights, ‘Bias in Algorithms Artificial Intelligence and Discrimination’ (2022) <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-bias-in-algorithms_en.pdf> Accessed 12/5/2026

¹¹ U Kango, ‘Algorithmic Governance’ (2025) Handbook of Human-Centered Artificial Intelligence (pp.1-26)

¹² Dictionary.com, ‘Shadow Ban’ (2025) <https://www.dictionary.com/browse/shadow-ban> accessed 11/2/2026

¹³ Merriam Webster Dictionary, ‘Shadow-Ban’ (2025) <https://www.merriam-webster.com/dictionary/shadow%20ban> accessed 11/2/2026

¹⁴ L Belli, N Zingales, Y Curzi (Eds.), IGF Glossary of Platform Law and Policy Terms, Internet Governance Forum (2021) <https://perma.cc/7K3Q-HN36>, accessed 12/4/2026

¹⁵ K Cotter, ‘Shadowbanning is Not a Thing’: Black Box Gaslighting and the Power to Independently Know and Credibly Critique Algorithms’ *Inf, Commun Soc* (2021), pp. 1-18

¹⁶ A Kapur, ‘Spectatorship, Censorship and Critical Analysis’ <https://www.egyankosh.ac.in/bitstream/123456789/40676/1/Unit-3.pdf> accessed 12/4/2026

¹⁷ C K Sanders & E Scanlon, ‘The Digital Divide Is a Human Rights Issue: Advancing Social Inclusion Through Social Work Advocacy’ *Justice, Human Rights and Social Work* (2021) 2

Due diligence

Due diligence has been defined as ‘such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the special case’.¹⁸ In the context of the Guiding Principles, human rights due diligence comprises an ongoing management process that a reasonable and prudent enterprise needs to undertake, in the light of its circumstances to meet its responsibility to respect human rights.

Human Rights Risks

Human rights risks for corporations are any risks that may result from corporate operations, or such adverse human rights impacts which may be engendered by corporate operations. In traditional risk assessment, risk factors in both the consequences of an event (its severity) and its probability while in the context of human rights risk, severity is the predominant factor. Importantly, an enterprise’s human rights risks are the risks that its operations pose to human rights or the potential human rights impact.¹⁹

Mitigation and Remedy

While mitigation of adverse human rights impact refers to actions taken to reduce the extent of impact human rights may experience by virtue of enabled risks, or such actions taken to reduce the likelihood of a certain adverse impact occurring, Remediation/remedy refers to both the processes of providing remedy for an adverse human rights impact and the substantive outcomes that can counteract, or make good, the adverse impact. These outcomes may take a range of forms, such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.²⁰

3. The Role of Social Media Platforms as Rights Regulators

The discourse about regulation of social media has moved from how States can effectively regulate social media to understanding how social media platforms themselves serve as regulators of human activity and human rights. Social media platforms have become *de facto* rights regulators in the role they play in exercising practical control over the conditions under which rights are enjoyed online. The decisions of these platforms determine whether speech remains visible, whether a user can access an account, whether information is amplified or suppressed, whether personal data is monetised, and whether certain groups are protected from abuse or exposed to harm. The role performed by these platforms usually take the following forms:

Regulation of Expression

Traditionally, freedom of speech has enjoyed its regulation from State and State actors. Constitutional protections like the Nigerian Constitution’s Section 39²¹ or the US First Amendment²² applied solely to government censorship. Private entities were traditionally exempt from these constitutional free speech obligations. Given the emergence of digitalization and the rise of social media platforms, the regulation of expression has fallen to a large extent, under the ambit of corporations which operate these social media platforms. Corporate censorship is also a rising risk for this right as freedom of expression is one of the most visibly affected rights in social media governance.

¹⁸ Black’s Law Dictionary, 6th ed. (St. Paul, Minnesota, West, 1990).

¹⁹ United Nations Office of the High Commissioner for Human Rights, ‘The Corporate Responsibility to Respect Human Rights, An Interpretative Guide’ (2012) HR p 7

²⁰ United Nations Office of the High Commissioner for Human Rights, ‘The Corporate Responsibility to Respect Human Rights, An Interpretative Guide’ (2012) HR p 7, *Ibid*

²¹ CFRN, s 39

²² U.S. Const. amend. I.

Freedom of expression is the right to express one's thoughts and opinions without government restrictions.²³ This right is guaranteed and protected under international instruments²⁴ as well as under the 1999 Constitution of the Federal Republic of Nigeria (As Amended) by Section 39 (1), which provides thus: 'Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference.'

Social media platforms regulate expression through content moderation. These platforms remove or restrict content considered to violate community standards, including hate speech, harassment, misinformation, violent content, impersonation, spam, or unlawful material. While content moderation is necessary for safety and legality, it also creates risks of over-removal, under-removal, inconsistency, political bias, cultural insensitivity, and suppression of legitimate speech.

The difficulty lies in balancing competing rights and interests. A platform may remove content to protect users from abuse or incitement, but inversely, excessive removal may interfere with legitimate expression. A platform may allow controversial speech in the interest of open debate, but failure to act against targeted harassment may silence vulnerable groups. The platform therefore makes decisions similar to those made by courts or regulators, but often without the same level of transparency, procedural fairness, or public accountability.

Regulation of Privacy and Data Flows

Social media platforms regulate the right to privacy and how human data moves through localized privacy settings, encryption protocols, and adherence to regional data protection frameworks like the European Union's GDPR or Nigeria's Data Protection Act.²⁵ Social media platforms collect, analyse, and monetise large volumes of personal data. This includes names, locations, contacts, interests, browsing behaviour, messages, images, biometric indicators, device information, and behavioural patterns. The right to privacy is implicated when these platforms collect data without meaningful consent, retain excessive information, share data with third parties, use opaque profiling techniques, or expose users to surveillance and manipulation.²⁶

Data-driven profiling and data exploitation²⁷ can also affect autonomy and dignity. Social media users may be targeted with political messaging, commercial advertising, or emotionally manipulative content based on inferred vulnerabilities. Where children are involved, the concern becomes more serious because children may lack the maturity to understand data exploitation, targeted advertising, addictive design, or algorithmic manipulation.

Regulation of Access to Information

The Right to freedom of expression which encompasses right of access to information, is integrated into the Constitution of the Federal Republic of Nigeria (CFRN), 1999 as amended;²⁸ the African Charter on Human and Peoples Rights,²⁹ the International Covenant on Civil and Political Rights (ICCPR),³⁰ and even the non-binding Universal Declaration of Human Rights.³¹ Thus, the right enjoys a universally recognized dimension, as a factor in the preservation of all other rights, and modern democracy.

²³ Bryan A. Garner Black's Law Dictionary, Ninth Edition, 735.

²⁴ Universal Declaration of Human Rights, 1948, Article 19; African Charter on Human and Peoples Rights, 1981, Article 14(2)

²⁵ Nigeria Data Protection Act, 2023

²⁶ L. Srjana & Madhunayaka, 'A Study on Data Privacy Concern in Social Media Platform'

²⁷ E. Barnes, 'Why should data mongering be regulated?' (2024) <https://www.vktr.com/ai-upskilling/data-mongering-is-the-silent-ai-threat-to-privacy-and-personal-autonomy/> Accessed 27/5/2026

²⁸ CFRN, s 39.

²⁹ African Charter on Human and Peoples' Rights (ACHPR), 1986, Art 9.

³⁰ ICCPR, Art 19

³¹ UDHR, Art 19

Algorithmic recommendation systems determine what social media users see, when they see it, and how often they encounter certain types of content. This gives social media corporations or platforms enormous influence over public discourse. Algorithms may promote sensational, divisive, or harmful content because such content drives engagement and advertising revenue. They may also create echo chambers, amplify misinformation, distort democratic debate, and marginalise minority perspectives.

Social media corporations are increasingly enabled by automation and artificial intelligence to wield their powers to gatekeep information from the public by the use of their platforms. Given that a large part of communication processes today are mediated by technology, it is now extremely easy for social media to be used to enact prior restraint, and to do so at great speed and massive scale. This would create circumstances in which the basic human ability to turn ideas into speech could be compromised, as and when a government or other non-state actors wish it to be.³² Platforms such as Google and Facebook increasingly utilize AI-driven tools to filter and block specific types of content such as different forms of ‘hate speech’, ‘mis- and disinformation’ and ‘terrorist content’, if they are not in accordance with their terms of service under an institutionalized ‘content moderation’ feature.³³

The regulation of information circulation is particularly significant during elections, public emergencies, conflicts, public health crises, and periods of social unrest.³⁴ Social media corporations by wielding the power to make decisions during such periods may affect public order, democratic participation, access to accurate information, and freedom of expression.

4. Salient Human Rights

Under the United Nations Guiding Principles for Business and Human Rights, salient human rights³⁵ are rights which are most vulnerable to adverse impacts arising from platform governance practices.³⁶ These include freedom of expression, the right to privacy, access to information, equality and non-discrimination, and the rights of children. Given the significant influence exercised by social media platforms through content moderation, algorithmic curation, and data processing activities, these rights warrant particular attention in assessing corporate responsibility and accountability for human rights protection.

The emphasis of salience lies on those impacts that are most severe, based on how grave and how widespread the impact would be and how hard it would be to put right the resulting harm; with the most potential or likelihood of occurring in the future, recognizing that these are often, though not limited to, those impacts that have occurred in the past; negative, placing the focus on the avoidance of harm to human rights rather than unrelated initiatives to support or promote human rights; and most impactful on human rights of subjects, placing the focus on risk to people, rather than on risk to the business.³⁷

Social media corporations or platforms may understand these salient human rights issues by the development of a process by which the company identifies the full range of human rights that could potentially be

³² P Seargeant, ‘How AI Threatens Free Speech – and What Must Be Done About It’ (2024) <https://theconversation.com/how-ai-threatens-free-speech-and-what-must-be-done-about-it-221330> accessed on 11/4/2026

³³ Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, United Nations General Assembly, April 6, 2018, <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/ContentRegulation.aspx>.

³⁴ Unreported Suit No. FHC/IB/CS/101/2020, judgment delivered on 23/06/2021 by J.O. Abdulmalik J at Federal High Court of Nigeria, Ibadan Judicial Division

³⁵ UNGP Reporting Framework, ‘Salient Human Rights Issues’ (2017) <https://www.ungpreporting.org/resources/salient-human-rights-issues/>, accessed 23/6/2026

³⁶ United Nations Guiding Principles on Business and Human Rights: Implementing the UN ‘Protect, Respect and Remedy’ Framework, 2011

³⁷ UNGP Reporting Framework, *Ibid*

negatively impacted by its activities or through its business relationships and engaging with internal and external stakeholders to explain its conclusions and check whether any considerations have been missed.³⁸

We shall assess these rights for the purpose of identifying the extent to which platform governance practices align with international human rights standards, exposing gaps between corporate commitments and actual implementation, and evaluating the adequacy of accountability mechanisms in safeguarding users against rights violations.

Freedom of Expression

Freedom of expression includes the right to seek, receive, and impart information and ideas. Social media platforms can protect this right by enabling communication and participation. At the same time, they can restrict it through arbitrary takedowns, account suspensions, demonetisation, shadow banning, or algorithmic suppression. The absence of clear explanations and effective appeals compounds the risk of arbitrary interference.

Right to Privacy

Privacy is affected by data collection, surveillance advertising, location tracking, facial recognition, metadata analysis, data breaches, profiling, and sharing of user information with third parties or public authorities. Social media companies frequently operate business models built around the extraction and monetisation of personal data. This creates tension between corporate profit and human rights protection.

Non-Discrimination and Equality

Social media platforms may contribute to discrimination in several ways. Their algorithms may reproduce social bias. Their advertising systems may enable exclusion of certain groups from housing, employment, credit, or political messages. Their moderation systems may under-protect minority groups from hate speech or over-police the speech of marginalised communities. Digital discrimination may be difficult to detect because algorithmic systems are often opaque and technically complex.

Right to Dignity

Online harassment, image-based abuse, doxxing, cyberbullying, hate speech, impersonation, and coordinated attacks can undermine human dignity. Platforms that fail to respond effectively to such conduct may contribute to a hostile digital environment. Dignity is particularly implicated where users are subjected to humiliation, dehumanisation, sexualised abuse, ethnic hostility, religious hatred, or targeted attacks because of identity or vulnerability.

Access to Information

Social media platforms have become major gateways to news and public information. Algorithmic curation may determine whether users receive accurate, diverse, and reliable information. The right of access to information is threatened where misinformation is amplified, credible journalism is suppressed, state propaganda is promoted, or users are trapped in personalised information bubbles.

Political Participation and Democratic Rights

Social media platforms influence political participation by shaping campaign communication, voter mobilisation, political advertising, public debate, and election-related information. Manipulative political ads, bot networks, coordinated disinformation, foreign interference, and opaque content amplification can undermine democratic processes. Platforms therefore bear responsibility to ensure transparency in political advertising, protect electoral integrity, and prevent manipulation of civic discourse.

³⁸ UNGP Reporting Framework, *Ibid*

Rights of Children

Children are among the most vulnerable users of social media. Their rights to privacy, dignity, development, protection from exploitation, access to appropriate information, and freedom from harmful treatment are directly implicated. Children may be exposed to cyberbullying, grooming, exploitative advertising, harmful challenges, age-inappropriate content, addictive design, and algorithmic recommendation of harmful material. Platforms must therefore adopt child-sensitive governance standards, including age-appropriate design, stronger privacy defaults, parental and guardian safeguards where appropriate, effective reporting systems, and restrictions on profiling children for commercial purposes.

5. Legal Frameworks for Human Rights in Relation to Social Media Companies and Platforms

5.1 Nigerian Human Rights Framework in Relation to Social Media Governance

In Nigeria, the governance of human rights within the digital sphere is shaped not only by internal policies and practices of social media corporations, but by constitutional and statutory provisions:

Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended):

The Right to Freedom of Expression and Information - Section 39 of the CFRN states that: 'Every person shall be entitled to freedom of expression; including freedom to hold opinions and to receive and impart ideas and information without interference' In *Chief of Defence Staff & Anor v. Tijah*,³⁹ the court held that 'every person shall in accordance with Section 39(1) of the 1999 Constitution be entitled to freedom of expression including the freedom to hold opinions...' the right to freedom of expression and the press, as recognized and guaranteed by law, is geared towards the safeguarding of the right of the citizen to impart and receive ideas and information as permitted by law. It therefore exists to protect the right to seek and receive information for the purpose of disseminating such information and ideas as well as the right to freely express opinions orally or through publications. The real essence of this right therefore, is to guarantee to each citizen the right within the purview of the law to express himself freely without unjustifiable interference.⁴⁰

Freedom of the Press - Section 22 of the Constitution of the Federal Republic of Nigeria. Section 22 of the Nigerian Constitution provides thus: 'The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people'. The right to freedom of the press as contemplated by section 22 of the CFRN was with respect to traditional mass media agencies. However, with the advent of social media the boundaries of press freedom have expanded beyond conventional institutions to include digital platforms that now function as primary vehicles of information dissemination and public discourse. Social media corporations, through their governance practices, effectively regulate the flow of information and exercise gatekeeping powers comparable to those of traditional press agencies. This transformation raises critical questions about how constitutional guarantees of press freedom apply in the digital age, and whether corporate policies on content moderation, algorithmic curation, and data management align with the spirit of section 22 in safeguarding the public's right to receive and impart information. Unfortunately, Courts' interpretation of the right to free press has, in most instances, fallen into restrictive rather than advancing an expansive reading that would reinforce its democratic function.⁴¹

Right to Privacy: The right to privacy is subsumed in Section 37 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 as amended which provides for the Right to Private and Family Life. The Section provides thus: 'The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected'. While this provision may not have

³⁹ (2016) LPELR- 40818 (CA)

⁴⁰ See *Ukegbu v NBC* (2007) 14 NWLR (Pt. 1055) 551 @ p. 578

⁴¹ The case of *The Amalgamated Press (of Nig) Ltd & Anor v. Queen* (1961) LPELR-25124(SC) (Pp. 3 paras. C) and many others are apposite on this point.

envisaged the emergence social media and its enabling technologies and actors on the privacy of individuals, this provision of the Constitution protects citizens' privacy, which is crucial in the context of social media, particularly regarding data collection and processing. In interpreting this provision, the Court of Appeal in *Nwali v. EBSIEC & Ors* stated thus:⁴²

S. 37 of the 1999 Constitution states that 'the privacy of citizens, their homes, correspondence, conversations and telegraphic communication telephone guaranteed and protected'. It is clear from the text of the provision that it specifically mentioned the types of privacy that it protects. Five of them are listed therein as follows- 1. The privacy of citizens 2. The privacy of their homes 3. The privacy of their correspondence 4. The privacy of their telephone conversations 5. The privacy of their telegraphic communication. These are clearly restated by this Court in *Federal Republic of Nigeria v Daniel* (2011) 4 ELR 4152 thus- 'Undoubtedly, by virtue of the Provision of Section 37 of the 1999 Constitution, the privacy of every Nigerian citizen, the home, correspondence, telephonic and telegraphic communications are cherishingly guaranteed and protected. The trial Court in stating the scope of the said right, listed the aspects of privacy S.37 contemplates as follows-

1. Privacy at home
2. Privacy of one's communication
3. Privacy in private family and matters incidental thereto.

I understand privacy of one's communication as used by the trial Court to mean privacy of correspondence, privacy of telephone conversations and privacy of telegraphic communication. It excluded the privacy of the citizens expressly provided for in S. 37 of the Constitution and included privacy of private family life and matters incidental thereto not expressly provided for in the text of the provision. The privacy of home, privacy of correspondence, privacy of telephone conversations and privacy of telegraphic communication are clear and particular as to the nature of privacy protected or the area or activity in respect of which a person is entitled to enjoy privacy. It is obvious that the right to the privacy of the person's decision and choice of candidate to vote for cannot be enjoyed as part of the privacy of his home, the privacy of his correspondence, the privacy of his telephone conversation and the privacy of his telegraphic communication...

In the same case, the Court of Appeal in explaining the importance of an extensive interpretation of Section 37 of the Constitution on the right to privacy accepted the non restrictive approach to the interpretation of the right to privacy. The scale and application of this right in the digital age creates a unique environment where physical privacy as well as digital privacy are subject to protection. As held by the trial court in *Incorporated Trustees of Digital Rights Lawyers Initiative & Ors v. NIMC*,⁴³ this right to privacy guaranteed in Section 37 of CFRN, extends to anything that is private and personal, including personal communication and personal data. Thus Section 37 provides a constitutional basis for protecting personal data against unauthorized exploitation and misuse.

Nigerian Data Protection Act, 2023

The Nigerian Data Protection Act is the first comprehensive legislation on data protection in Nigeria, replacing the Nigeria Data Protection Regulations 2019 (NDPR) as the primary instrument on data protection in Nigeria. The provisions of the Act reflect a technological and commercial consciousness in respect of data and its use. While the Act did not repeal its predecessors, the provisions of the Act will prevail in the event of any conflict with the provisions of any of the other regulations. The Act establishes the legal framework for the regulation of personal data in Nigeria and replaces the Nigerian Data Protection Regulations (NDPR)

⁴² (2014) LPELR-23682(CA) (Pp. 27-29 paras. E-E)

⁴³ (2021) LPELR-55623(CA)

2019 and the NDPR Implementation Framework 2019 issued under the National Information Technology Development Agency (NITDA) Act. The key objectives of the Act include:⁴⁴

- a. safeguarding the fundamental rights and freedoms and the interests of data subjects as guaranteed under the 1999 Constitution;⁴⁵
- b. regulating the processing of personal data;⁴⁶
- c. promoting data processing best practices that safeguard the security of personal data and the privacy of data subjects;⁴⁷
- d. protecting the rights of data subjects and providing means of recourse and remedies, in the event of the breach of the data subjects' rights;⁴⁸
- e. ensuring that data controllers/ processors fulfil their obligations to data subjects;⁴⁹
- f. establish an impartial, independent, and effective regulatory Commission to superintend over data protection and privacy issues, and supervise data controllers and data processors;⁵⁰
- g. strengthening the legal foundations of the national digital economy,⁵¹ and
- h. guaranteeing Nigeria's participation in regional and global economies through beneficial and trusted use of personal data.⁵²

The Nigeria Data Protection Act applies where:

- a. Data controller or data processor is domiciled in, resident in, or operating in Nigeria;⁵³
- b. Processing of personal data occurs within Nigeria;⁵⁴ or
- c. The data controller or the data processor is not domiciled in, resident in, or operating in Nigeria, but is processing personal data of a data subject in Nigeria.⁵⁵

The Nigerian Data Protection Act protects the data and right to privacy of data subjects on the internet including social media users. In this regard, the Act establishes binding obligations on social media corporations as data controllers and processors, requiring them to adopt lawful bases for processing, implement adequate safeguards against misuse of personal data, and provide accessible remedies in cases of breach. The NDPA's provisions and scope recognize both domestic and foreign entities that process the data of Nigerian users, thus, the Act situates social media platforms within a comprehensive accountability framework. This framework not only reinforces the constitutional guarantee of privacy under the 1999 Constitution but also ensures that corporate practices in data collection, algorithmic profiling, targeted advertising, and content curation are subject to regulatory oversight. Consequently, the NDPA 2023 represents a significant step toward aligning Nigeria's digital governance with international human rights standards, while simultaneously addressing the unique vulnerabilities of social media users in the digital economy.

Guidelines for the Management of Personal Data by Public Institutions 2020

This guideline was issued as a guide for the implementation of the Nigeria Data Protection Regulation (NDPR), 2019, within Public Institutions in Nigeria. It recognizes that protection of personal data has assumed an international human rights status⁵⁶ as envisaged by international treaties like the International

⁴⁴W Ajayi & J Anyanwu, *The Nigeria Data Protection Act, 2023*, (2023) <<https://kpmg.com/ng/en/home/insights/2023/09/the-nigeria-data-protection-act--2023.html>> accessed 16/7/2024

⁴⁵ NDPA, s. 1(a)

⁴⁶ NDPA, s. 1(b)

⁴⁷ NDPA, s. 1(c)

⁴⁸ NDPA, s. 1(d)

⁴⁹ NDPA, s. 1(e)

⁵⁰ NDPA, s. 1(f)

⁵¹ NDPA, s. 1(g)

⁵² NDPA, s.1(h)

⁵³ NDPA, s.2(2)(a)

⁵⁴ NDPA, s. 2(2)(b)

⁵⁵ NDPA, s.2(2)(c)

⁵⁶ Guidelines for the Management of Personal Data by Public Institutions in Nigeria, 2020, Art. 1.1

Covenant on Civil and Political Rights,⁵⁷ and Article 12 of the Universal Declaration of Human Rights (1948) which provides that: ‘No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.’ Although directed primarily at public institutions, the Guidelines reinforce broader data protection principles that are equally relevant to the activities of social media platforms and other private actors

5.2 International Human Rights Framework for Preventing Corporate Violations of Human Rights in the Digital Sphere

International human rights law imposes binding obligations primarily on states. Instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and regional human rights instruments protect rights that are directly affected by social media governance. However, the classical structure of international human rights law which is centered on States and State obligations, creates limitations when addressing harms caused by private digital corporations. While states have a duty to protect individuals from abuses by private actors, corporations are not generally treated as direct duty-bearers under international human rights treaties in the same way as states. This creates an accountability gap where social media corporations and platforms may affect rights globally, but with scarce enforcement of safeguards, which remains dependent on domestic law, voluntary standards, or fragmented regulatory interventions.

United Nations Guiding Principles on Business and Human Rights

The United Nations Guiding Principles on Business and Human Rights⁵⁸ provide the most influential global framework for corporate human rights responsibility. They rest on three pillars: the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy. For social media companies, the UNGPs recommend the adoption of human rights policies, due diligence processes, risk assessment systems, stakeholder consultation, mitigation strategies, and remedial mechanisms.⁵⁹ The strength of the UNGPs lies in their global acceptance⁶⁰ and normative clarity. The weakness of the UNGPs however lies in their non-binding character as they do not, by themselves, impose enforceable sanctions on companies that fail to respect human rights. Implementation of these principles therefore depends heavily on domestic incorporation, regulatory pressure, investor expectations, reputational concerns, and civil society scrutiny. The UNGPs established the ‘Protect, Respect, Remedy’ framework. They explain that corporations, including social media companies, have a responsibility to respect human rights and provide remedies for violations.

Universal Declaration of Human Rights (UDHR) 1948

The Universal Declaration of Human Rights serves as a foundational international human rights instrument for assessing the human rights responsibilities of social media platforms. While it does not specifically address digital technologies, several rights contained therein are directly implicated by platform governance practices. The UDHR establishes foundational rights such as freedom of expression⁶¹ which is affected by content moderation, account suspension, and algorithmic amplification or suppression of speech; privacy,⁶² a right increasingly challenged by extensive data collection, profiling, and targeted advertising practices employed by social media companies; and equality and non-discrimination,⁶³ provisions upon which rights are relevant in evaluating algorithmic bias and discriminatory outcomes arising from automated systems.

⁵⁷ ‘International Covenant on Civil and Political Rights.’ Treaty Series, vol. 999, Dec. 1966, p. 171, Art. 17

⁵⁸ UNGP, 2011, *Ibid*

⁵⁹ UNGP, Principles 11-20

⁶⁰ UNGP, general Principles; The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011.

⁶¹ UDHR, Article 19

⁶² UDHR, Article 12

⁶³ UDHR, Article 7

Though not binding, the UDHR provides the normative basis for subsequent treaties and corporate responsibility frameworks.

International Covenant on Civil and Political Rights (ICCPR), 1966

Legally binding treaty protecting freedom of expression (Article 19), privacy (Article 17), and access to information. The International Covenant on Civil and Political Rights is directly relevant to social media governance, as platforms influence these rights globally. The International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly in 1966 and entering into force in 1976, is one of the principal international human rights treaties and a key component of the International Bill of Human Rights. The Covenant elaborates and legally binds State Parties to respect, protect, and fulfil a broad range of civil and political rights, many of which are directly implicated by the activities of social media platforms.

Although the ICCPR was adopted before the advent of the internet and social media, its provisions remain highly relevant to the regulation and governance of digital platforms. In particular, Article 19 guarantees the right to hold opinions without interference and the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas through any media and regardless of frontiers.⁶⁴ This provision is especially significant in the context of social media, where content moderation decisions, account suspensions, algorithmic amplification, and restrictions on user-generated content can substantially affect individuals' ability to exercise their expressive rights.

The Covenant is also relevant in relation to the right to privacy under Article 17,⁶⁵ which protects individuals against arbitrary or unlawful interference with their privacy, family, home, or correspondence. The extensive collection, processing, and monetisation of personal data by social media platforms raise important questions concerning data exploitation and the adequacy of privacy safeguards and the protection of users against intrusive surveillance and profiling practices.

Further, Articles 21⁶⁶ and 22,⁶⁷ which protect the rights to peaceful assembly and freedom of association, have acquired renewed significance in the digital age. Social media platforms frequently serve as spaces for political mobilisation, civic engagement, social movements, and collective action. Consequently, social media corporations and platform policies and governmental restrictions imposed through or upon social media may directly affect the exercise of these rights.

The Human Rights Committee has reinforced the applicability of the ICCPR to digital environments, particularly through General Comment No. 34 on Article 19,⁶⁸ which emphasizes that freedom of expression protections extends to internet-based modes of communication.⁶⁹ This interpretation underscores the continuing relevance of the Covenant in addressing human rights concerns arising from social media governance.

Although the ICCPR imposes obligations primarily on states rather than private corporations, it remains a critical instrument for this study because it establishes the legally binding human rights standards against which state regulation of social media platforms and the human rights impacts of platform activities may be

⁶⁴ ICCPR, Article 19

⁶⁵ ICCPR, Article 17

⁶⁶ ICCPR, Article 21

⁶⁷ ICCPR, Article 22

⁶⁸ Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34 (2011)

⁶⁹ A Oyepho, 'Human Rights in Nigeria's Cyberspace: A Critical Appraisal', *Nnamdi Azikiwe University Journal of Human Rights Law* (UNIZIK-JHRL) 2026 (3) 1, p 76

assessed. It therefore provides an important normative framework for evaluating whether existing accountability mechanisms adequately protect fundamental rights in the digital sphere.

Convention on the Rights of the Child (CRC) 1989

The Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly in 1989 and entering into force in 1990,⁷⁰ is the principal international instrument dedicated to the protection and promotion of the rights of children. As the most widely ratified human rights treaty, the CRC establishes a comprehensive framework for safeguarding the civil, political, economic, social, and cultural rights of children. The Convention rose before social media, but its provisions have become increasingly relevant in addressing the opportunities and risks associated with children's participation in digital environments. The CRC is particularly significant to the study of social media platforms because children are exposed to risks such as cyberbullying, online exploitation, privacy violations, harmful content, misinformation, and manipulative data-processing practices. Consequently, the protection of children's rights has become a central concern in discussions surrounding platform accountability and digital governance. The role of the Convention of the Right of the Child is particularly significant given the vulnerability of minors on social media platforms.

6. Legal and Institutional Gaps in Platform Accountability

Non-Binding Nature of International Standards

Many global standards on business and human rights are soft law instruments. They influence corporate behaviour but do not automatically create enforceable obligations.⁷¹ This limits the effectiveness of these laws allowing companies to prioritise profit, market expansion, or engagement over rights protection.

Jurisdictional Incoherence Due to Cross Border Nature of Social Media

Social media platforms operate seamlessly across national borders, yet the legal regimes that govern them remain firmly territorial.⁷² This mismatch produces jurisdictional incoherence: a single corporate decision such as removing content, processing user data, or altering algorithmic visibility, may have consequences for users in multiple countries, but the applicable legal standards differ from one jurisdiction to another. Enforcement capacity is uneven, with some states possessing robust regulatory frameworks while others lack effective oversight. For social media users, this creates uncertainty about the protection of their rights; for regulators, it complicates the task of ensuring accountability; and for corporations, it generates a patchwork of obligations that are difficult to reconcile. The result is a disjointed legal landscape in which global platforms exercise significant power without a correspondingly coherent system of international regulation.

Social media platforms operate across borders, but laws remain largely territorial. A harmful decision made by a platform in one jurisdiction may affect users in several countries. The jurisdictional incoherence precipitated by varying regulatory standards and enforcement capacities across states, creates uncertainty for users, regulators, and companies. Issues of regulation, responsibility and enforcement arise at various levels of social media use and corporations. This tension underscores the need for harmonization of standards or the development of transnational accountability frameworks that can address the global reach of platforms while respecting the territorial nature of law.

⁷⁰ Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with Article 49

⁷¹ S Joseph & J Kyriakakis, 'From Soft Law to Hard Law In Business and Human Rights and the Challenge of Corporate Power' (2023) *Leiden Journal of International Law*, 23, 36(2), pp 335-361

⁷² N Kadham, 'Jurisdictional Issues in Cross Border Hacking' (2013) *The Asian Conference on Arts & Humanities*, pp 1-13

Opacity of Platform Systems

Many platform decisions are difficult to scrutinise because the relevant systems are proprietary, automated, and technically complex. Opaque business practices often limit public scrutiny, thereby frustrating transparency and redress where corporations violate rights in exercise of their pseudo regulatory powers over human rights.⁷³ Among the main demands is the need for greater clarity in the criteria used for the formulation and application of content moderation policies as well as the opening of the 'black box' of automated systems.⁷⁴ Specialized literature has emphasized that transparency allows access to the internal functioning of these systems, which, in turn, enables more effective forms of control and accountability of their operators.⁷⁵ Social media users often do not know why content was removed, why accounts were restricted, why certain content was recommended, or how their data was used. Without transparency, accountability is weak.

Corporate governance structures, internal accountability mechanisms, and overarching business models directly influence whether human rights are embedded or ignored in platform design and development. The UN Guiding Principles on Business and Human Rights (UNGPs)⁷⁶ articulate that while States have the duty to protect against human rights abuses, businesses have a corresponding responsibility to respect human rights and to conduct due diligence across their operations.

Weak Access to Effective Remedy and Justice

There is uncertainty in tracing liability and culpability for rights violations on social media platforms which introduces difficulty or loopholes for users who have suffered damages to obtain remedy against these harms. Affected users often face ineffective complaint systems. Appeals may be automated, delayed, confusing, or unavailable in local languages. Even where internal remedies exist, they may not provide compensation, restoration, explanation, or systemic correction. Courts may be inaccessible due to cost, jurisdictional barriers, or the difficulty of proving algorithmic harm.

Unequal Regulatory Capacity

Developed jurisdictions may have stronger digital regulators, data protection authorities, and competition agencies. Many developing countries lack equivalent institutional capacity.⁷⁷ It is observed that a small group of technologically advanced states and corporations wield disproportionate influence in setting global social media agendas, shaping everything from technical standards to ethics guidelines. At the same time, developing countries face challenges in asserting regulatory sovereignty over digital systems and platforms developed abroad but deployed locally. Without adequate legal capacity or bargaining power, they may become passive recipients of these digital technologies that are neither appropriate for their local needs nor respecting of relevant rights. This dynamic risks human rights in the underrepresented communities, marginalizing the voices and interests of structurally disadvantaged populations⁷⁸ and also allows platforms to apply different levels of diligence in different markets.

Commercial Incentives

Corporate governance structures, internal accountability mechanisms, and overarching business models directly influence whether human rights are embedded or ignored in Artificial Intelligence design and

⁷³ O Porto, 'Algorithmic Opacity in Social Platforms and the Invisible Manipulation of Digital Markets' (2026) <https://whpartners.eu/news/algorithmic-opacity-in-social-platforms-and-the-invisible-manipulation-of-digital-markets/> accessed 20/6/2026

⁷⁴ I Veloso, N Zingales, N M Couto, D K Richter, 'How Transparent are Social Media Platforms? A Legal and Empirical Evaluation of Brazil's Regulatory Landscape' *Computer Law & Security Review* (2026) 61

⁷⁵ S Matei, E Bertino & M Russell (2015) 'Transparency in Social Media', 10

⁷⁶ The UN Guiding Principles on Business and Human Rights (UNGPs), *Ibid*

⁷⁷ N Appelman, 'Disparate Content Moderation Mapping Social Justice Organisations Perspectives on Unequal Content Moderation Harms and the EU Platform Policy Debate' (2023) Institute for Information Law, University of Amsterdam. <https://dsaobservatory.eu/2023/10/31/research-report-on-disparate-content-moderation/>. Accessed 25/6/2026.

⁷⁸ P U Ogbonna, 'Influence of Artificial Intelligence on Human Rights: prospects and Challenges' (2026) p 273

development. Profit-maximization models and data-driven revenue strategies can create perverse incentives for companies to prioritize efficiency, prediction, and profit over fairness, privacy, and accountability. Scholars have observed that ‘surveillance capitalism,’⁷⁹ encourages companies to commodify personal data at the expense of individual rights, leading to systemic violations of the right to privacy guaranteed by the International Covenant on Civil and Political Rights.⁸⁰ Platform business models are often based on data extraction, advertising revenue, and engagement maximisation. These incentives may conflict with human rights protection. Without binding accountability mechanisms, companies may not sufficiently address harms that are profitable or costly to mitigate.

7. Conclusions and Recommendation

Social media platforms have become powerful actors in the governance of modern public life. They shape expression, privacy, information access, political participation, equality, dignity, and the rights of children. Although they are private corporations, their decisions often have public consequences. They therefore cannot be treated merely as neutral intermediaries or ordinary private businesses.

The central challenge is that platform power has outgrown traditional accountability structures. International human rights law remains largely centered on States and their obligations, while many corporate responsibility standards remain non-binding. As a result, social media companies often exercise quasi-regulatory authority without equivalent obligations of transparency, fairness, proportionality, due process, and remedy, such as those required of States.

The future of human rights protection in the digital sphere requires a shift from voluntary self-regulation to enforceable accountability. Social media platforms should be required to respect human rights not only in principle but also in design, operation, enforcement, and remedy. Binding human rights due diligence, independent audits, transparency obligations, effective complaints systems, child-sensitive safeguards, and cross-border regulatory cooperation are essential to closing the global accountability gap.

The findings demonstrate that while social media platforms increasingly acknowledge corporate responsibility for human rights, the absence of binding and enforceable obligations sustains a global accountability gap. The challenge therefore lies not in recognising the problem, but in developing coherent, enforceable, and harmonised frameworks that can translate normative commitments into practical safeguards. It is against this backdrop that the following recommendations are advanced

Ultimately, social media governance must be reconstructed around the principle that technological innovation and corporate profit cannot override human dignity, democratic participation, privacy, equality, and freedom of expression. There therefore arises the necessity for a rights-based model of platform governance to ensure that the digital public sphere remains open, safe, accountable, and consistent with the values of international human rights law.

The preceding analysis has highlighted the complex interplay between corporate responsibility, accountability mechanisms, and the protection of human rights in the governance of social media platforms. It has shown how national frameworks, such as Nigeria’s constitutional and statutory provisions, intersect with international human rights norms, while also exposing the challenges posed by jurisdictional incoherence and the global reach of corporate practices. Against this backdrop, it becomes imperative to move from diagnosis to prescription. The following recommendations are therefore advanced to strengthen accountability, harmonize regulatory approaches, and ensure that social media corporations operate in ways that respect and protect the fundamental rights of users in Nigeria and beyond:

⁷⁹ S Hongladarom & S Zuboff, ‘The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power’ *AI & Society* [2018] 38.

⁸⁰ ICCPR, Art 17

- States should enact binding legal frameworks imposing human rights due diligence obligations on social media platforms. These laws should require platforms to assess and mitigate risks to expression, privacy, equality, dignity, children's rights, and democratic participation.
- Social media platforms should be required to conduct regular human rights impact assessments before deploying major changes to content moderation systems, recommender algorithms, advertising tools, and data processing practices.
- Large platforms should be subjected to independent audits. These audits should examine algorithmic amplification, moderation accuracy, discrimination risks, child safety, data protection, advertising transparency, and the effectiveness of complaint mechanisms.
- Social media platform terms of service and community standards should be aligned with international human rights principles. Rules should be clear, accessible, consistently applied, and subject to appeal.
- Access to effective remedies for users must be developed and made accessible. These may include reinstatement of wrongfully removed content, restoration of suspended accounts, correction of inaccurate decisions, compensation where appropriate, explanation of decisions, and access to independent dispute resolution.
- Stronger safeguards should be established for children. Platforms should adopt privacy-by-default settings for minors, restrict behavioural advertising directed at children, prevent harmful recommender patterns, and provide child-friendly reporting and support systems.
- Data protection authorities, digital service regulators, competition agencies, electoral bodies, and child protection institutions should cooperate in regulating social media platforms. Human rights harms in social media governance are often cross-sectoral and cannot be addressed by one institution alone.
- Developing countries should strengthen institutional capacity for digital regulation. This includes establishing independent regulators, training judges and enforcement agencies, supporting digital rights research, and participating in international standard-setting.
- States, regional organisations, and international institutions should pursue the development of harmonised digital governance standards and transnational accountability mechanisms for social media platforms. Such frameworks should facilitate regulatory cooperation, mutual recognition and enforcement of decisions, cross-border investigations, information sharing, and coordinated oversight of platform activities to reduce regulatory division, prevent platforms from exploiting weaker jurisdictions, and ensure more consistent protection and enforcement of human rights irrespective of the user's location
- Corporate accountability should include both preventive and remedial obligations. Social media platforms must integrate human rights principles into platform design, governance, and innovation processes, ensuring that freedom of expression, privacy, equality, access to information, and the rights of children are actively promoted rather than merely protected from infringement. Regulatory penalties, administrative fines, and civil liability regimes sufficient to ensure that non-compliance becomes more costly than compliance must be instated to ensure that corporations design systems that reduce foreseeable human rights risks from the outset.