

MULTIMEDIA TRAINING KIT

Group discussions and case studies: Freedom of expression and freedom of information

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Questions for use in group discussions

1. What impact has the internet had on opportunities for expression, and for the exercise of free expression, in my country/our countries?
2. Should there be any limits to freedom of expression or access to content on the internet? How should governments and rights professionals address the balances between freedom of expression and other rights which are included in the international rights regime where the internet is concerned?
3. What opportunities exist in my country/our countries for increasing freedom of information through the internet?
4. What is the role of internet businesses and intermediaries in relation to freedom of expression and freedom of information?

Case studies and examples for group discussions – Scenario 1

Innocence of Muslims

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) protects freedom of expression, including political expression. The Human Rights Council and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have clarified that free expression includes the right to express ideas and opinions that are likely to be considered offensive by others, for example, on grounds of religious belief. While some countries have blasphemy laws that protect religious believers against offence, these do not fall within the mandate of the international human rights regime. However, the International Convention on the Elimination of All Forms of Racial Discrimination does prohibit and requires governments to act against “the dissemination of ideas based on racial superiority or hatred” and “incitement to racial discrimination.”

Innocence of Muslims is one of the titles of a video produced by an anti-Islamic activist from the United States, with the apparent intention of antagonising Muslims and provoking religious hostility. Some of the material included would be considered blasphemous by Muslim believers. The video was actively promoted by a number of far right activists and organisations in the United States, Germany and elsewhere, which have a record of seeking to provoke sectarian hostility.

Extracts from the video were uploaded to YouTube in July 2012 and subsequently broadcast on Egyptian television. The widespread dissemination of news about the video, rather than actual viewing, led to violent demonstrations in a number of countries, in which it is suggested that some 75 people lost their lives. These events illustrated the speed with which the internet now spreads information, rumour and campaign activity around the world.

Some politicians and religious leaders, particularly in Muslim countries, demanded that the video be banned, and a petition calling for this achieved more than 60,000 signatures on the online campaign site change.org. In some cases, these calls for censorship were based on religious offence and/or hate speech; in others, they were based on fears concerning public order and safety (and therefore on Article 19(3) of the ICCPR, which permits restrictions on expression “for the protection of national security or of public order.”) Some freedom of expression activists, however, responded that the appropriate response to hate speech is not to restrict expression but to counteract it with alternative expression. That approach has been espoused in general terms by the UN Special Rapporteur on freedom of opinion and expression. The debate around the video raised questions concerning whether or how far the impact of expression such as hate speech should be taken into account in decisions concerning free expression.

Google, which owns YouTube, decided that the video did not violate its terms of service regarding hate speech because, in Google’s view, it attacked a religion but not its adherents. However, it temporarily blocked access to the video on YouTube in some countries because of the risk it posed of further violence. Google commented as follows: “We ... recognize that freedom of expression can’t be – and shouldn’t be – without some limits. The difficulty is in deciding where those boundaries are drawn. For a company like Google with services in more than 100 countries – all with different national laws and cultural norms – it’s a challenge we face many times every day.” Some governments blocked access for their citizens to the entire YouTube website and/or Google services in general because the video remained available through them.

Information and comment about this example can be found at:

- en.wikipedia.org/wiki/Innocence_of_Muslims

- www.guardian.co.uk/film/filmblog/2012/sep/17/innocence-of-muslims-demonstration-film
- www.article19.org/data/files/pdfs/publications/blasphemy-hate-speech-article.pdf
- www.nytimes.com/2012/09/15/world/middleeast/google-wont-rethink-anti-islam-videos-status.html?_r=0
- www.foreignpolicy.com/articles/2012/10/05/the_innocence_of_youtube

Questions for discussion

1. How should rights activists counteract online hate speech?
2. Should governments and internet businesses consider the impact of expression on public order in enabling and protecting online freedom of expression?
3. Should national norms and religious beliefs be taken into account by online service providers when considering the content hosted on their sites?
4. How do incidents such as that in this example affect public opinion towards freedom of expression in different countries?

Case studies and examples for group discussions – Scenario 2

Blocking and filtering the internet in Egypt

The internet, and social networking in particular, are widely believed to have played an important part in the events which led to the overthrow of the Mubarak regime in Egypt in 2011. By the end of that year, the number of Facebook users in Egypt was among the highest, in relation to population, worldwide.

Internet adoption and use in Egypt grew rapidly in the years before the revolution, and were promoted by the Mubarak government as an instrument of national economic development. However, the government also monitored expression and access to content on the internet. Three issues were raised as concerns by human rights organisations:

- Allegations of the filtering and blocking of some content, for example on grounds of public morality
- The mandatory recording of internet café users' identities
- The arrest and detention of bloggers responsible for criticising the country's political and military leadership.

The high point of government intervention on the internet during the Egyptian revolution came in January 2011. First, the authorities blocked access to Twitter and Facebook, which were being extensively used by opponents of the regime to exchange ideas and organise demonstrations. Then, they shut down the country's internet connectivity altogether and ordered mobile phone companies to cut mobile phone service, including mobile internet. Although it lasted only a few days, this action and the international reaction to it illustrated the importance which both governments and their opponents now attach to the internet as a medium for free expression and access to information.

Issues concerning online content continue to be debated in Egypt. This is particularly so where content is considered morally offensive. The revolution in Egypt was supported by both religious conservatives and liberal secularists. While both generally opposed political censorship, they tend to have divergent views on moral censorship. In 2012, the country's prosecutor-general instructed government agencies to enforce a ban on pornographic websites following a court ruling that "freedom of expression and public rights should be restricted by maintaining the fundamentals of religion, morality and patriotism."

Information about this example can be found at:

- en.wikipedia.org/wiki/Internet_in_Egypt
- www.freedomhouse.org/sites/default/files/resources/FOTN%202012%20-%20Full%20Report.pdf, pages 164-176
- www.eff.org/deeplinks/2012/11/egyptian-prosecutor-orders-ban-internet-porn
- dailycaller.com/2012/11/08/egypt-moves-to-ban-online-porn-blocking-some-of-the-countrys-most-popular-websites

Questions for discussion

1. How should internet service providers and human rights organisations respond to government efforts to block and filter internet content, or to close down the internet?
2. Are there differences in the way that content of a political or sexual nature, and the censorship of political and sexual content?
3. Do any freedom of expression concerns arise from the dominance of a small number of social networking providers?

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Case studies and examples for group discussions – Scenario 3

Open data in Kenya

Freedom of information is not simply a matter of making it lawful for citizens to access information that is held by governments or their agencies. It requires governments to legislate in order to enable access and to make access to information possible on different platforms, including the internet. It is believed that this helps to make government more transparent and accountable. Freedom of information also enables users and third parties to aggregate information and to publish their own analyses online. As well as datasets, freedom of information legislation usually enables citizens to access a wider range of government information, including that within decision-making processes, making it possible for them to contribute more effectively to public discourse. This may be accompanied by consultation and other measures intended to encourage such participation.

The government of Kenya claims that its Open Data Initiative has provided the first freedom of information portal in sub-Saharan Africa. The portal's goal was described as being "to make core government development, demographic, statistical and expenditure data available in a useful digital format for researchers, policymakers, ICT developers and the general public." It was launched in 2011, with support from the World Bank, initially providing access online to data from the national census and on public expenditure and public services (examples can be seen on the portal home page at opendata.go.ke). By mid-2012, more than 400 datasets had been made available, though available information did not include material concerned with internal policy discussions inside government.

Concerns have been expressed more recently that some government departments are resisting online publication of information. The permanent secretary at the ministry responsible for the portal has said, "We are not getting data from organisations because they claim to own it, even those that have collected the data using taxpayers' money." This has raised questions about the importance of the ethos of government in enabling online freedom of information, and also about the role of journalists and other professionals who can act as intermediaries interpreting information for the public.

Information about this example can be found at:

- opendata.go.ke
- www.princeton.edu/successfulsocieties/content/data/policy_note/PN_id206/Policy_Note_ID206.pdf
- www.nation.co.ke/business/news/Open-data-initiative-has-hit-a-dead-end/-/1006/1617026/-/n18uhrz/-/index.html
- allafrica.com/stories/201212281054.html

Questions for discussion

1. What limits should apply to freedom of information, in order to protect other rights such as privacy and security?
2. Is open data sufficient for open government, or should online access be made available to a much wider range of public information?
3. What should human rights organisations do to stimulate freedom of information, and how can they use it most effectively in their work?

Questions for use in final discussion session

1. What should be the role of governments in enabling, promoting and protecting freedom of expression and information on the internet?
2. What should human rights organisations do to promote freedom of expression and information on the internet? How should they monitor and respond to violations of these rights?