MULTIMEDIA TRAINING KIT

Group discussions and case studies: Human rights, ICTs and the internet

Developed by: David Souter

Questions for use in group discussions (first half of the workshop)

These questions should provide an opportunity for participants to share experiences and explore some of the issues raised in the text handout and presentation.

1. What have been the most important opportunities and threats of the internet for human rights in my country/our countries? What changes, if any, do these require in the way we interpret rights?

2. Should online and offline behaviour always be treated in the same way in national legal and rights frameworks? What should happen if online enforcement is very difficult or impossible?

3. Should there be a right of access to the internet? If so, what would it contain and what would be required to implement it in my country/our countries?

4. What are the implications of the internet for the enforcement of national law and for the implementation of the rights enabled by the international rights regime through national legal instruments?

5. What is the role of the state in relation to the exercise of rights online?

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Case studies and examples for group discussions – Scenario 1

Google in China

Access to the internet in China is widespread but circumscribed. The internet and social networking are widely used by Chinese citizens and have opened up new spaces for public participation, expression and association. Access to the internet is controlled, however, most notably by filtering arrangements which are commonly called the "Great Firewall of China", which seek to prevent access to content that is critical of the political system. Self-censorship arrangements within the Chinese internet industry also restrict online activity deemed hostile to state security or otherwise objectionable. Some major international websites, including Facebook, Twitter, YouTube and Blogspot, are banned in China (though some users access them through proxy servers), and their local equivalents are monitored by the state. Access to information through search engines is controlled by filtering, which excludes searches that may enable access to material the government considers politically undesirable.

Google is the world's most widely used search engine, with a market share of more than 70% in many countries. It also owns the video file-sharing website YouTube. In June 2006, after negotiations with the Chinese government, Google launched its China-based site google.cn, with results subject to government censorship. Google argued that its presence was more beneficial to freedom of expression in China than its absence: "While removing search results is inconsistent with Google's mission, providing no information (or a heavily degraded user experience that amounts to no information) is more inconsistent with our mission." Google's case is set out at googleblog.blogspot.co.uk/2006/01/google-in-china.html. Some freedom of expression activists disagreed, arguing that Google should not have been complicit in state censorship

Although significantly used in China, google.cn did not seriously challenge the dominance of Chinese search engine Baidu. In January 2010, Google announced that it had been subject to hacking attacks, including attempts to access Gmail accounts, which it claimed originated in China and that, as a result, it would withdraw from China if it were unable to offer an uncensored search facility. Google's statement on this is at googleblog.blogspot.co.uk/2010/01/new-approach-to-china.html.

Other information related to this example can be found at:
- en.wikipedia.org/wiki/Internet_censorship_in_the_People%27s_Republic_of_China
- en.wikipedia.org/wiki/Google_China
- hardboiled.berkeley.edu/archived-issues/issue-13-3/google-vs-china-what-happened

Questions for discussion

1. Should an internet service provider (ISP) or online service provider (OSP), such as a search engine, block access to internet content which it considers inappropriate or which conflicts with laws or social norms in particular countries?

2. Was Google right to provide services in China, in spite of censorship restrictions, because it believes this would still improve access to content for Chinese citizens?

3. Will governments like that in China be able to censor access to content on the internet indefinitely, or will the dynamics of the internet defeat their efforts to do so?

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Case studies and examples for group discussions – Scenario 2

Child sexual abuse images online

Child sexual abuse has been a prominent theme in discussions of internet governance. Images of child sexual abuse (commonly called "child pornography", though this is not the preferred term of child protection agencies) are prohibited under international law. The Convention on the Rights of the Child, which is part of the international human rights regime, requires governments to act to prevent "the exploitative use of children in pornographic performances and materials." Child sexual abuse images are therefore not protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR) concerning freedom of expression.

In public policy terms, this subject is related to other child protection issues including violence, solicitation of children and trafficking. It is a separate issue from adult pornography, which is not explicitly addressed within the human rights regime, but which some governments seek to restrict in accordance with their interpretation of public morality.

The internet has become the main channel for the distribution of child sexual abuse images in recent years. Illegal images and videos are now shared online, across different territorial jurisdictions. There has been increasing international cooperation and national legal action to pursue those producing, distributing and accessing images of child sexual abuse.

Enforcement mechanisms concerned with child sexual abuse typically involve surveillance and censorship techniques which can also be used to suppress legitimate expression and association. Human rights professionals concerned with these freedoms and with privacy have therefore been concerned that the scope of any measures taken against child sexual abuse images should be narrowly defined. They have also been concerned about law enforcement agencies acquiring and using powers to require personal data from ISPs and OSPs.

Different countries have adopted different approaches to enforcement of laws in this field. The United Kingdom's Internet Watch Foundation (IWF) has become an influential model. It is a self-regulatory association of ISPs and OSPs which monitors child sexual abuse images online, reporting them to law enforcement agencies and implementing a "notice and take down" procedure whereby ISPs and OSPs remove content from their servers. It was established as an independent self-regulatory body as a means "to combat the hosting of such content in the UK whilst protecting the internet industry from being held criminally liable for providing access to the content." While the IWF has mostly avoided controversy, it has occasionally raised issues at the boundary between online and offline publication, for example in 2008 when it barred a Wikipedia page illustrating the cover of a legally available record album.

Information about this example can be found at:
- www.iwf.org.uk
- news.bbc.co.uk/1/hi/uk/7770456.stm
- www.itu.int/osg/csd/cybersecurity/gca/cop
- www.article19.org/join-the-debate.php/36/view

Questions for discussion

1. How can governments meet their obligation to prevent child exploitation through sexual images without adversely affecting legitimate expression?

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2. What are the responsibilities of ISPs and OSPs? Does the Internet Watch Foundation provide a suitable model for other countries?

3. The international human rights regime also requires governments to make unlawful the dissemination of racial supremacism, racial hatred and incitement to racial discrimination (Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination). Should governments act in the same way regarding this content as they do concerning images of child sexual abuse?

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Case studies and examples for group discussions – Scenario 3

Online privacy, expression and LGBT rights in Uganda

Same-sex relationships are illegal in Uganda and aggressive hostility to homosexuality is widespread. In 2009, a private member's bill was introduced in the country's parliament, which would have increased penalties against homosexuality, including the possibility of the death penalty in some circumstances. This bill had substantial support. Although legislation has not so far been enacted, the issue has been prominent in public and parliamentary debate, and has been the subject of considerable international pressure on Uganda's government. An international online petition against the draft legislation secured almost half a million signatures worldwide.

In 2009 two Ugandan newspapers printed the names of a number of people whom it claimed were homosexual, in one case apparently inciting violence against them. In January 2011 a prominent gay activist, whose photograph had been published in one of these newspapers, was murdered.

A Facebook page outing Ugandan LGBT citizens received considerable online traffic and publicity at the beginning of January 2013. An online petition was initiated on Change.org by Ugandan LGBT activists demanding the removal of the page, on the grounds that it was "attempting to incite mob violence, firing, eviction and annihilation of named people in Uganda who are perceived to be gay – or rumored to be gay … by 'exposing' them online." Facebook removed the page concerned following this petition.

Campaigners in the United States have also been reported as requesting Facebook to block access to Facebook in Uganda because the country violates Facebook's stated commitments to human rights.

Information relating to this example can be found at:
- en.wikipedia.org/wiki/Uganda_Anti-Homosexuality_Bill
- news.bbc.co.uk/1/hi/world/africa/8542341.stm
- www.huffingtonpost.com/2013/01/07/ugandan-anti-gay-facebook-page_n_2427078.html
- www.bigeye.ug/news/1367/FACEBOOK-To-Be-Banned-From-UGANDA/#.UQEX4CevEsK

Questions for discussion

1. Was Facebook right to ban the page described? What are the human rights grounds for doing so?

2. What does this example tell us about the relationships between freedom of expression and other rights, such as privacy and security? What are the implications for freedom of expression?

3. Would it be legitimate for Facebook to block access to its site in Uganda as a result of this issue? Are there any circumstances in which Facebook should do this?

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Questions for use in final discussion session

1. What should be the role of international agencies, such as the United Nations, and national governments in protecting human rights on the internet?

2. How can human rights organisations use the internet to improve their work in securing and protecting human rights?

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