UNESCO's Comprehensive Study on Internet Related Issues

Submitted by :

Name: Human Rights in China

Gender: Female

Category of Stakeholder: A. civil society and NGOs including individual users

Country: China

Region: Asia and the Pacific

1. **What can be done to reinforce the right to seek and receive information in the online environment?**

   In China, there needs to be greater development of a domestic regulatory environment that comports with international standards including freedom of expression, freedom of association, and privacy rights.

   Globally, the role of civil society in the international policy space should be expanded and strengthened.

2. **What mechanisms can develop policies and common standards for open-licensed educational resources and scientific repositories, and for the long-term preservation of digital heritage?**

   Regardless of the mechanism, it is critical that policies and standards for open-licensed educational resources address specific local needs, conditions, and challenges.

3. **How can greater progress be made as regards inclusive strategies for women and girls as well as marginalized and disabled people?**

   Women and girls need more opportunities to participate in strategy development.

   Gender-specific indicators should further be integrated into program design, implementation, and assessment.

4. **How can accessibility be facilitated through increases in locally produced and relevant content in different languages?**
When translating documents into local languages it is important that the process incorporates cultural as well as linguistic translation. This requires that translation is undertaken by groups or individuals that are deeply knowledgeable about the local space.

Dissemination strategies must also be targeted as well as creative and should incorporate local platforms and practices (e.g., in China, weibo, wechat, etc.). Information regarding the effectiveness of these dissemination strategies should be tracked and analyzed.

5. **What can be done to institutionalize Media and Information Literacy (MIL) effectively in national educational systems?**

6. **What are the current and emerging challenges relevant to freedom of expression online?**

In China, state-of-the-art technology and a substantial “stability maintenance” budget, a restrictive regulatory environment that limits civil society space and criminalizes legitimate expression, and both on- and offline monitoring and intimidation of active citizens, present significant challenges to free expression.

7. **How can legislation in a diverse range of fields which impacts on the Internet respect freedom of expression in line with international standards?**

National governments, like China, should implement relevant recommendations from international human rights mechanisms (including from treaty bodies, Universal Periodic Reviews, and regional fora).

8. **Is there a need for specific protections for freedom of expression for the Internet?**

Challenges facing free expression on- and offline are the same (e.g., tensions between free expression and security, reputation damage, or hate speech, etc.). Protections should therefore be consistent whether expression occurs on- or offline.

9. **To what extent do laws protect digitally interfaced journalism and journalistic sources?**

In China, rather than protecting online journalism, authorities have increasingly targeted journalists, outlets, and individual reporters both on- and offline. Through laws, regulations, and policy they have further controlled and punished online content.
10. What are the optimum ways to deal with online hate speech? How can Media and Information Literacy empower users to understand and exercise freedom of expression on the Internet?

11. What are the optimum systems for independent self-regulation by journalistic actors and intermediaries in cyberspace?

12. What principles should ensure respect for the right to privacy?
In light of legitimate tensions between law enforcement/security goals and individual privacy rights, it is important that overarching principles are developed within a human rights framework.

13. What is the relationship between privacy, anonymity and encryption?
Privacy can refer to limits on who can see or access information, whereas anonymity relates to who can see or access information specifically regarding an individual’s identity.

Anonymity is particularly important in circumstances where revealing an individual’s identity could be dangerous for political or other reasons, especially in authoritarian regimes. For instance, in China, without anonymity, individuals are vulnerable to state surveillance, harassment, and criminal prosecution for legitimate expression. Encryption is one tool for protecting both privacy and anonymity.

14. What is the importance of transparency around limitations of privacy?
Companies and governments need to provide full transparency to people regarding policies and practices that limit privacy. Such transparency engenders accountability on the part of companies and governments, and also enables individuals to make informed choices about their on- and offline activities.

15. What kinds of arrangements can help to safeguard the exercise of privacy in relation to other rights?

16. How can openness and transparency of data be reconciled with privacy?
This balance should be conducted within a human rights framework and will differ in individual circumstances.

17. What may be the impact of issues relating to big data on respect for privacy?
In China, where there is a powerful government capacity for data collection and mining, big data, which on its surface does not identify individuals, can nonetheless show patterns and behaviors that reveal true identities. This can result in troubling vulnerabilities including criminalization of legitimate expression and activities, targeting of civil society actors, and harassment, etc.

A second concern is presented by big data that is held by private corporations. This concern arises when stored data are hacked or when data are stored within a jurisdiction that has an authoritarian government, where laws and practices may require handing over data in ways that are inconsistent with human rights principles.

18. How can security of personal data be enhanced?

As recent hacks on governments, large companies, and NGOs underscore, there is no perfect security solution. However, training and education on security best practices and use of encryption tools can help to mitigate these risks for users.

19. How can Media and Information Literacy be developed to assist individuals to protect their privacy?

20. How can ethical principles based on international human rights advance accessibility, openness, and multi-stakeholder participation on the Internet?

21. What conceptual frameworks or processes of inquiry could serve to analyse, assess, and thereby inform the choices that confront stakeholders in the new social uses and applications of information and knowledge?

22. How does ethical consideration relate to gender dimensions of the Internet?

23. How can ethics, i.e. the simultaneous affirmation of human rights, peace, equity, and justice - inform law and regulation about the Internet?

24. What international, regional and national frameworks, normative guidelines and accountability mechanisms exist of relevance to one or more fields of the study?

The Global Network Initiative is one relevant multistakeholder initiative which focuses on freedom of expression, access to information and privacy rights in the ICT sector.
There have also been recent efforts undertaken by multilateral institutions to investigate related questions, such as reports by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and by the Office of the United Nations High Commissioner for Human Rights (see e.g., the report on the right to privacy in the digital age).

25. **How do cross-jurisdictional issues operate with regard to freedom of expression and privacy?**

There are several ways in which freedom of expression and privacy may implicate cross-jurisdictional considerations. Two examples include: joint law enforcement (e.g., sharing and demanding information on individuals and crimes, or blacklists) and extra-territorial impacts of national censorship policies (e.g., China’s surveillance and pressure on individuals outside its borders and censorship of domestic actors such as journalists that impact on expression and information flow outside Chinese borders). These issues can directly undermine freedom of expression and privacy rights.

26. **What are the intersections between the fields of study: for example, between access and freedom of expression; ethics and privacy; privacy and freedom of expression; and between all four elements?**

27. **What pertinent information materials exist that cut across or which are relevant to the four fields of the study?**

One recent and useful study that addresses the policy, practice, and infrastructure of the internet space is Framing the Net, by Rikke Frank Jørgensen of the Danish Institute for Human Rights.

28. **What might be the options for role of UNESCO within the wider UN system in regard to the distinct issues of online Access to information and knowledge, Freedom of Expression, Privacy and Ethical dimensions of the information society?**

29. **What might be options for the role of UNESCO in relation to stakeholders outside the UN system?**

30. **For each study field, what specific options might UNESCO Member States consider?**