

UNESCO's Comprehensive Study on Internet Related Issues

Submitted by :

Name:

Gender: Male

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

Country: Chile

Region: Latin America and the Caribbean

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

Reinforce right to access and use information in the hands of State entities; establish open data policies that consider interoperability; enhance regulation surrounding public archives; enhance access to scientific information and all projects financed publicly, establishing an obligation to post online; reject international trade agreements that impact users' rights; enhance copyright legislation preventing public information from entering the private domain; enhance net neutrality; establish public policies of access to the internet with public awareness campaigns to empower citizens to use the net for accessing information.

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?

Public policy from the central administration; new legislation demanding open access of publicly funded materials, including textbooks and scientific data, establishing technical requirements; institutional mandates within research institutions for preservation of all data and reports.

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

Aside from voluntary affirmative action mechanisms, and mandatory quotas in publicly funded activities, there must be public and private awareness efforts to consider pluralism and insertion in all activities. Also all materials should be, as well as interoperable between systems, equally accessible between different people taking into account possible disabilities. Funding institutions, both public and private, must take into account inclusion mechanisms to grant funding.

4. How can accessibility be facilitated through increases in locally produced and relevant content in different languages?

The question answers itself.

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

By including it since early ages and requiring it in mandatory programmes, and including technologically trained teachers from early ages. This also requires changes in the mandatory courses for teachers' training and constant training for licensed teachers. This also requires access to computers, whether within the classroom or through laboratories.

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

Net neutrality by legal mandate is still not everywhere. Other challenges: increasing blocking or filtering of content by governments; increasing use of criminal law to prosecute online commentators; bad practice regarding the identification of users; bad legislation that establish requirements to identify online commenters or makes platforms liable for offensive speech; use of copyright claims to take down lawful content; mass surveillance by states; data retention laws; bad legislation (and constitutions) outlawing anonymity; bad legislation requiring cooperation identifying users from ISPs; bad court decisions including Google Spain and its "right to be forgotten".

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

By establishing clear, broad and horizontal rules that shield all intermediaries from liability for content; by establishing clear rules for removal or blocking of online content with proper judicial review; by allowing anonymous speech; by removing censorship rules.

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

Yes, regarding intermediary liability, removal or blocking of contents, and identification of users respecting due process of law.

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

Laws barely protect digitally interfaced journalism in Latin America. Several communications law only extend the protection of sources to "journalists", only considering those defined by their education or inscription in a registry or guild. This affects the possibility of any citizen to become a whistleblower or enable one online.

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?

The optimum ways to deal with online hate speech are through education first, and by proper rules regulating such speech. Rules must be clear regarding what constitutes hate speech, and establishing basic rules for its sanction and its removal on and offline. Certain grave hate speech might be acceptably left within the group of contents that allow voluntary removal for platform owners.

MIL should be used to educate people of the power of communication beyond technical aspects, as all human rights that consist of or are mediated by acts of communication are therefore subject to special consideration within online communication as well, and that other rights are also considered along freedom of expression in that sense.

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

There are no optimum systems that work for every country or situation. But any system must consider clear rules, both for content and its procedure of revision; also, for proactive removal and for removal requests; for contacting authorities and for the delivery of user information (including forceful delivery only in the face of a court order).

12. What principles should ensure respect for the right to privacy?

Due process of law; legality for any and all aspects of its possible suspension; presumption of innocence (therefore outlawing gathering of information without probable cause); necessity and proportionality for any and all measures that affect privacy.

13. What is the relationship between privacy, anonymity and encryption?

Encryption allows maintaining anonymity and/or privacy, depending on the encrypted information. It is therefore a technical tool for the defence of privacy or anonymity. Privacy, in turn, provides a legal condition for the protection of private communications and private information, thus safeguarding the exercise of free expression anonymously; while anonymity allows to carry out acts of expression without compromising the person providing the expression, thus safeguarding that person's well-being and safety from repression.

14. What is the importance of transparency around limitations of privacy?

Transparency allows to know the circumstances under which privacy is breached, and to assess its legality, thus allowing the review of the legality of an act and the defense of human rights.

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

By establishing rules of due process that set the conditions for breaching privacy in clear, specific terms and with institutional safeguards that prevent arbitrary action by private or State entities.

16. How can openness and transparency of data be reconciled with privacy?

Reconciliation between data openness and privacy is possible by both legal and technical means. Anonimisation must be required for all personal data that is not to be disclosed in the public interest. Anonimisation must be obtained by technical means that prevent technical deanonimisation. Rules must be established regarding technical standards for processing, displaying and storing personal data. Rules must be established regarding the collection and (very especially) the use of personal gathered without consent.

17. What may be the impact of issues relating to big data on respect for privacy?

By allowing the discourse of "big data" cloud the issue that it is all just data, and that as such, privacy is at the centre of concerns regarding its collection and use.

18. How can security of personal data be enhanced?

Through technical means. First by users, but mostly by default settings of hardware and software that collect and process all personal information and communications.

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

By providing basic tools and basic training regarding the use of technologies, platforms and applications, considering risks.

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

Incomprehensible question.

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?

Any kind that allow for greater participation by all stakeholders.

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

The big gender gaps on the internet must be addressed whenever ethical consideration is sustained: equality must consider the full compliance of human rights by all parties, and the need for greater participation from those most affected by the gap.

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

Greatly. All law and regulation governing the internet, just as with offline regulation, must consider the need for respect of all human rights within a framework of inclusion, dignity, equality for every person.

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

Too many to mention.

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

The nature of the internet allows for people to express themselves through networks and platforms, many of which are abroad. This means that an act of expression might be hosted within a different country, with its servers subject to that country's laws and practices regarding identification, blocking of content, surveillance, et cetera.

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?

Only to mention a few of such possible intersections: access to information allows a greater amount of informed expression, while freedom of expression guards the possibility of providing such access to more people without facing penalties. Ethical management of online platforms and services includes the safeguarding of privacy and the denial of delivering personal information to third parties. Privacy allows people to express freely without facing consequence, thus ensuring that third parties do not, by breaching privacy, instill a sense of fear or self-censorship. Ethics tend to cover the full relationship within rights.

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

International human rights declaration and covenants, international justice courts decisions, civil society organisations' documentation, academic reports, much more.

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?

All its courses of action are open to promote the issues within UNESCO's mandate are completely applicable to the internet.

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

UNESCO can lead discussions, provide reports, fund reports, and get in touch with all relevant stakeholders that might have different interests in the fields and markets that affect the rights under UNESCO's watch. As a UN body, even outside the UN system, UNESCO is an authorised voice regarding the human rights concerns that affect all people and that might call into question the action of States and privates; it can therefore mobilise all stakeholders.

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