

UNESCO's Comprehensive Study on Internet Related Issues

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

The Internet and online media have changed everything about how we get our information and entertainment, but there is a long way to go in making sure that they are open and evenly distributed. Well over half of the world doesn't have reliable access to the Internet, the battle for net neutrality continues in the US and elsewhere, and censorship of political speech online ensures that some of us are not getting the whole story. Supporting multistakeholder and civil society-led efforts to spread connectivity and maintain openness are key contributions that UNESCO could and should prioritize, with the understanding that a lack of access and fairness online violate human rights values -- the rights to access to information, free expression, and economic opportunity -- that should be carried over to the digital world.

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?

As more and more people gain the freedom to create and share content, archiving is an important consideration. Educational and scientific repositories are mentioned in the question, but it is also worth flagging the importance of preservation for citizen journalism that may have value in news or legal contexts. WITNESS is working on this need by training activists with our Activists' Guide to Archiving Video and by talking to the mainstream online platforms that end up hosting the vast majority of citizen-created content.

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

First and foremost, the goal should be to ensure that more people have reliable access to the Internet and that their traffic and communications are given equal footing. And Just as in the offline world there are populations who are especially vulnerable to exclusion and even abuse

online. There are a number of improvements that need to be made in order to address the issue. First, we need forums for Internet governance that are more inclusive of cultural and geographical diversity and that are grounded in human rights values and language. Second, we need to be proactive when it comes to hostile speech and spaces online, taking lessons from movements like Panzagar in Burma that respond to such content with education, counterspeech, influencing social norms, and calls for decency rather than censorship. Finally, we need nuanced understandings of what consent means in the context of images, video, and other content online, especially when generated by other users; a model on informed consent and the concept of a ‘duty of care’ for the 21st century would be beneficial to the creation of new social and legal norms that would protect all of us, but especially those who are more vulnerable both on and off the Internet.

The role of companies in these conversations cannot be ignored, as they have a responsibility to clearly communicate how they see their role on each of these issues and the overall question of vulnerable populations online, be they activists speaking out politically, ethnic or religious minorities, women, people with disabilities, or other groups. These are basic human rights issues, and it is not acceptable for companies to focus on their growth and their revenue streams before having a stance on these issues and taking the necessary steps to make themselves accountable.

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

First and foremost, the goal should be to ensure that more people have reliable access to the Internet and that their traffic and communications are given equal footing. The opportunities opened up by open access to information are immense, and it is the first step to allowing people to generate more content of their own. Further, it is also important to make sure that there is cultural and geographical diversity represented in the various Internet governance forums. There may be a role for international organizations like UNESCO to put resources towards supporting wider participation -- by indigenous populations, the global south, and other underrepresented cultures -- in those discussions.

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?

The Internet is flourishing worldwide, but the challenges to expression and continued growth are myriad. From governments, there are the chilling effects of indiscriminate surveillance and outright censorship of creative, political, and religious speech in many countries. The Necessary & Proportionate principles are an exemplary effort addressing the surveillance issue. From companies, there is the need to respond to economic pressures, which means users and their

data are actually the product being sold instead of something to be protected, and to accede to undue government pressures in many countries, which leads them to hand over user data or remove content. Companies should have a clear process for protecting users from government overreach and publish transparency reports to that effect, design for privacy by default, and allow users to protect their identities as much as possible, including allowing for deletion of all data and accounts. From other users, there is the threat that comes from the lack of a nuanced understanding of what consent means in the context of images, video, and other content online, especially when generated by other users; a model on informed consent and the concept of a ‘duty of care’ for the 21st century would be beneficial to the creation of new social and legal norms that would protect all of us, but especially those who are more vulnerable both on and off the Internet, be they activists speaking out politically, ethnic or religious minorities, women, people with disabilities, or other groups.

At WITNESS, we are specifically focused on how video can be used for journalism and activism around the world, and that presents a unique set of challenges above and beyond the general ones mentioned above. Besides extensive training and collaboration with our partners around the world, we advocate to companies in order to push for a better understanding of privacy and consent when it comes to the imagery shared or created on their platforms, clearer policies and more context when they are deciding what content to remove, better tools for users to verify content that has potential news or justice value, and processes for highlighting content with human rights value and shielding such content from censorship.

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 or local legislative efforts to address online content and free expression should draw from the same human rights principles and language that drives the protection of free expression offline. The difficulty here is increased due to the cross-border nature of the Internet, and the exemplary work by civil society groups like Access on MLAT reform as well as the legal work from the Necessary and Proportionate coalition focused on reforming surveillance practices are both efforts that provide models for how to do this work in a multistakeholder fashion and with human rights values at the center.

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

Human rights values should apply online just as they should offline. The right to free expression, privacy, a free press, and freedom of assembly all apply in a digital realm, and the gravest problems with online expression have arisen in instances where

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

A lack of liberal protections for free speech and a free press are problems in many parts of the world, and that has long been true both offline and online. But the proliferation of online tools

and spaces for discussion have forced repressive actors to respond in new ways. Still, the solutions to those pernicious dangers already exist in the form of the Universal Declaration of Human Rights and the vast constitutional and legal protections for expression and reporting in liberal democracies worldwide. Respect, enforcement, and proliferation of those statutes, with the understanding that they apply online just as they do offline, is what is called for.

At the same time, in many of those liberal democracies the prevalence of widespread data collection and mass surveillance by governments, combined with a lack of transparency and accountability with regard to those practices, make journalism difficult and potentially dangerous. Those powers have expanded in recent years and at least in some cases need to be specifically addressed.

Finally, it is important to note that what we want to protect is the act of journalism -- documenting occurrences and contexts around you, sharing information with an audience, and/or providing analysis or insight -- no matter who is doing those things. Citizens reporting on what they see, hear, or feel should be afforded the same protections as a professional employed by a recognized media outlet.

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 mention of MIL here is the right tack to take. Efforts like the Panzagar movement in Burma present a compelling vision of how to combat hate speech with education, counterspeech, influencing social norms, and calls for decency. The role of platform providers is also important to consider; again, content hosts and social networks need to be very clear on the circumstances under which they remove content posted by users. It is important that when making those decisions they are sensitive to the potential news or evidentiary value of content given contexts and developments on the ground, as well as how they train their frontline moderators. Engaging the help of civil society experts can be an asset in that regard.

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

Again, when the intermediaries in question are private actors that provide the most prevalent platforms for communication, information sharing, and content online, it is essential that they are able to clearly articulate and be held accountable for their processes when it comes to protecting the data and identities of their users, protecting users' content from being wrongly removed, and providing support to users at risk, such as those creating advocacy or news content. It is important to note that discussions about intermediary responsibility and liability often emphasize issues like intellectual property and copyright, but intermediaries have a set of roles and responsibilities in protecting users and their content from illegal censorship, surveillance, and other forms of oppression.

Journalists have to protect themselves and their sources with digital security practices, and there is a great deal that could be done to share knowledge and resources from well-resourced news organizations, as well as other bodies, to journalists in less developed and more authoritarian regions, regardless of whether those journalists are employed for a recognized media outlet, working independently, or not practicing journalism as their primary occupation.

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

Addressing these concerns in a macro sense is best done through multistakeholder participation and through Internet governance that is built on a human rights framework and uses human rights language to determine norms and rules for accountability. In short, both companies and governments must aim to maximize transparency, restraint, and user consent when it comes to the data they are collecting and using.

Civil society is attempting to band together to address each of the facets of this issue. On the question of government surveillance and privacy, the Necessary and Proportionate coalition, which WITNESS is glad to be a part of, present a clear and legally sound model for reform, deftly dealing with the difficulties associated with practices that cross various jurisdictions and borders. Through forums like the Responsible Data Forum, civil society is attempting to develop norms and mechanisms through which to govern the ways in which organizations in that sector use and protect data, with heavy emphasis on consent, restraint, transparency, and user control. Those same organizations are constantly advocating for more of the same from companies, who balance privacy with their profit goals.

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

The latter two are often necessary for people to protect their right to the former, and they should therefore be recognized as valuable tools for activists speaking out, journalists protecting their stories and sources, and ordinary citizens wanting to share their views or avoid persecution by authoritarian regimes.

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

Governments are going to conduct surveillance, much of it lawful and necessary, and companies are going to collect user data for the purposes of providing better service, delivering advertising, and other monetization schemes. What is needed is accountability and transparency around those activities, at the very least. Governments need to allow companies to report on what requests for user data and content removal are being made of them, and they need to be more transparent about their own activities. Companies need to protect their users and only collect data in a targeted way. In short, both sides need to maximize transparency, restraint, and user control.

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?

Whether you are a government or a company, being transparent about what types of data you are collecting and how you are using it is the least you can do, and doing so is consistent with privacy goals. For both, but especially in the case of governments, citizens or users also have a right to hold you accountable to your promises, meaning that some reporting about what the data says is also called for. (For example, governments should report on the outcomes of their surveillance efforts so citizens can decide democratically whether the benefits outweigh the costs.) But again, the simple formula is that companies and governments should maximize transparency, consent, and user control.

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

18. How can security of personal data be enhanced?

There are many answers to this question, including increased transparency from governments and companies about what they are collecting and why, more restraint from both to minimize what they are collecting rather than doing so indiscriminately, and better mechanisms for holding them accountable to the standards that are set collaboratively by those who collect and those who are subject to the collection. An important question that is especially relevant to the context of company-user/customer relationships is the question of how one opts out of data collection and what the cost is for doing so. In other words, is there an understanding of informed consent and user control?

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

This is a good question, as MIL can be a great asset for privacy but also for combatting abuse and hate speech online, opening up more opportunities for new users, and generally making the Internet a more diverse and rich space. To the privacy question in particular, an important place to look when thinking about literacy is to the decisions companies make about the design of their platforms and the ways in which they provide guidance to users about their privacy. Most of our interactions online – be they on social networks, through messaging apps, or when accessing services – will necessitate the flow of our personal data to or through company servers and databases, so the responsibility for making sure we are aware and consenting to the use and sharing of our data lies with the companies who are doing the bulk of that collection. Every choice of how a service is laid out and what decisions the user is presented with matters, and companies have a responsibility to allow us to protect ourselves and each other.

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

First and foremost, the forums for Internet governance need to keep the multistakeholder nature as a primary goal and to lean heavily on the expertise and ideals of civil society for ideas, priorities, and framing. Those processes should be guided by human rights values and use human rights language to craft their guidance. The next step is to build norms through which those values filter down to the companies who are responsible for facilitating most of our activity, interactions, and data sharing online.

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?

It is often said that technology is agnostic, that the platforms we access online are just tools that can be used for any number of purposes, be they good or evil. That is true to an extent, but it is always worth thinking about the ways in which the designs and functions of the tools we use, as well as the policies and procedures of the companies that build them, influence our choices and actions online. WITNESS produced a report in 2011 that attempted to do this analysis and better understand the landscape of technology, media, and free expression that continues to evolve every day. Called 'Cameras Everywhere' and available on our website, the report may offer some insights into how that type of analysis can be conducted smartly and with an eye towards specific action.

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

The Internet can be a huge asset for outreach, education, and progress towards the United Nations' third Millennium Development Goal of promoting gender equality and empowering women. It can open new avenues for economic opportunity and education that were previously closed off to many women, and in that way and many others it can be a tool for empowerment. At the same time, the Internet can be a conduit for the many of the same types of abuse that women face offline. Groups like the Association for Progressive Communications, with their Take Back the Tech! and Feminist Principles for the Internet campaigns, are a great asset for strategies on how to respond by raising awareness and changing social norms.

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

The universality of human rights means that everyone is entitled to basic dignities and protections no matter where they are, and that universality extends into the digital realm. This basic tenet is especially important to consider in the context of Inte

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

On the question of government surveillance and privacy, the Necessary and Proportionate coalition, which WITNESS is glad to be a part of, present a clear and legally sound model for

reform, deftly dealing with the difficulties associated with practices that cross various jurisdictions and borders. Another question that is relevant to UNESCO's future activities is that of access and equality online, which is playing out in the debates on net neutrality in various countries around the world. The Net Neutrality coalition of civil society groups (thisisnetneutrality.org) is a recent effort to study the responses by governments and companies around the world and find best practices that will preserve the openness of the Internet while ensuring that more of the world can get online.

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

National or local legislative efforts to address online content and free expression should draw from the same human rights principles and language that drives the protection of free expression offline. The difficulty here is increased due to the cross-border nature of the Internet, and the exemplary work by civil society groups like Access on MLAT reform as well as the legal work from the Necessary and Proportionate coalition focused on reforming surveillance practices are both efforts that provide models for how to do this work in a multistakeholder fashion and with human rights values at the center.

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?

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?

Close to half of the people in the world are online today, and now the question is how that access will reach the corners of the developing world and whether the future will be evenly distributed. Questions about quality of access are being debated in the developed world already -- namely, net neutrality -- and those questions will need even more attention in the developing world. Schemes like zero-rating ensure that as millions more people are finally given the ability to be online, their access could be stunted from the beginning.

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