

## QUESTIONS FOR UNESCO'S COMPREHENSIVE STUDY ON INTERNET RELATED ISSUES\*

### Stakeholder information

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WORLD (NB: WBU cover the 5 continents)

#### A. Questions related to the field of Access to information and knowledge

##### 1.

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

There are many things that could be done. The first, from the traditional media point of view, will consist in assuring that the existing multiplicity of sources of media and media professionals that we currently have in the off-line world, will also exist in our digital future.

This means that:

- the same level of protection and guarantees that exists today for media professionals must be extended to the new media players operating on new platforms, because we need to protect the people that produce news;
- the number and quality of sources of information and media need to remain higher, multiple and pluralistic;
- the number , variety , localization and pluralism of media outlets need to be preserved even in the digital future;

All three of these are essential to preserve the diversity of cultures, languages and content.

EBU Vision2020 executive summary:

<http://www3.ebu.ch/contents/publications/connecting-to-a-networked-societ.html>

EBU position on media freedom and pluralism

<http://www3.ebu.ch/member-support/advocacy-policy-development/media-freedom-pluralism>

## **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?**

The recent WIPO Treaty for special treatment of IP-protected material used for disabled people indicated a path that can be followed for other purposes. Redefining the concepts of public domain, fair use, collective licensing, and non-commercial use could be other interesting tools to explore and to follow in order to achieve the goals mentioned in the question.

### **3.**

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

The broadcasting unions belonging to the WBU, in close cooperation with UNESCO, have made in-depth research into gender equality and gender balance in the media sector and are now continuing their work in the “Global Alliance on Media & Gender International Steering Committee”.

<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSP/GENDER/PDF/GEAPweb.pdf>

Regarding marginalized and disabled people, the best solution is the extension of the concept and principles of public service media to the digital world. The main missions of the public service, in fact, include keeping together the community to which they refer, including disabled and marginal people.

### **4.**

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

The most used content on the internet is that expressed in the local language, referring to local stories, and referring to national and local cultures. In order to be produced, distributed and circulated, this content needs local capacities and professionalism to be preserved and nurtured and economic sustainable conditions maintained. Only in Europe do public service broadcasters invest EUR 10 billion per year in the production of local content reflecting the diversity of cultures and languages.

**See annex 1 : Public service media contribution to local and language cultural diversity**

### **5.**

#### **What can be done to institutionalize MIL effectively in national educational systems?**

Media and digital literacy are essential tools for the citizens of tomorrow, as important as learning to read and write. Unfortunately this is not yet reflected in the national or regional curriculums of schools and universities. Probably things will become easier if MIL is adopted as a part of the basic school curriculum in one region of the world. The EU zone (with its Bologna process) could be the test bed for such an achievement and could result in emulation in other parts of the world.

The EBU strives to coordinate all public service media in this field with regular updates in this field.

[http://www3.ebu.ch/files/live/sites/ebu/files/Knowledge/Publication%20Library/EBU-Viewpoint-Media-Lit\\_EN.pdf](http://www3.ebu.ch/files/live/sites/ebu/files/Knowledge/Publication%20Library/EBU-Viewpoint-Media-Lit_EN.pdf)

## **B. Questions related to the field of freedom of expression**

### **6.**

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

- reliability and protection of sources and media professionals in the on-line world (that are directly threatened, for instance, by mass surveillance)
- filtering processes, even when for good reasons, that may hamper freedom of expression
- challenges that the digital economy brings to the business model of traditional media
- lack of media and digital literacy that reduces the possibility for the receivers to distinguish reliable and relevant information from the rest
- Net neutrality, that could hamper access to content not liked by intermediaries or that cannot remunerate gate keepers
- spectrum allocation that could affect the future of free-to-air media offer

**EBU position on open internet and net neutrality:**

<http://www3.ebu.ch/member-support/advocacy-policy-development/open-internet>

**EBU position on spectrum allocation:**

<http://www3.ebu.ch/member-support/advocacy-policy-development/spectrum>

**WBU position on spectrum allocation worldwide:**

<http://www3.ebu.ch/files/live/sites/ebu/files/Frontpage%20News/2014/07/WBU%20Position%20on%20Spectrum%20Allocation%20Associated%20w%20WRC-15%202014-07-14.pdf>

### **7.**

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

- Harmonization of privacy and data protection standards could be a very relevant step forward, at least regionally and aligned with international standards.
- Adoption of net neutrality principles that are in the interests of citizens and not the richest interest groups could also help.

**8.**

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

Yes. The digitalized world creates new problems that didn't exist in the analogue world, such as the possibility of mass surveillance, data retention and treatment globally, and discrimination of different signals. These problems are specific to the internet and need appropriate protection mechanisms that go beyond current national legislative boundaries.

**9.**

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

Most current legislations in the world are national and so may no longer be sufficient to protect media professionals and journalistic sources in the global on-line world. The internet also challenges the previous concepts of publisher, journalist and distribution on which all regulatory systems were based. UNESCO definitions of "media professionals" and "media activists" need to be discussed extensively and adopted in international forums, in order to provide the basis for new protection for a sector undergoing deep transformation.

<http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/un-plan-of-action/>

**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 main problem in tackling online hate speech derives from the global nature of the internet that makes the previous national regulation obsolete. The global scale highlights the conflict between the European approach (hate speech is defined on the basis of history and culture of each country), the US approach (where the concept of "hate speech" is simply one aspect of the freedom of expression) and other approaches (where national authorities decide what "hate speech" is).

Media and information literacy could partly solve the problem, but cannot overcome these different approaches based on historical reasons. For instance the "hate speech" concept applied to the Hutu-Tutsi conflict has a completely different relevance if applies in Europe or in Sub-Saharan Africa.

**11.**

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

The indispensable premise is that self- and co-regulation would mainly work in consolidated democratic countries where the rule of law and separation of powers is universally accepted.

If such general conditions exist, then self- and co-regulation might work, on the condition that judiciary enforcement exists in case the system fails (cf. The News of the World case in the UK).

Models such as ombudsman and mediators have proved to be effective, but not at all times, especially when they have to face huge economic or political interests beyond the national scale.

CoE document on Ethical journalism and human rights: <https://wcd.coe.int/ViewDoc.jsp?id=1863637>

### **C. Questions related to the field of Privacy**

#### **12.**

#### **What principles should ensure respect for the right to privacy?**

The same principles that govern the right to privacy in the real world must also apply to the on-line world. The only difference to be taken in account is the unprecedented mass of records and data that now exist on line for each individual. This new situation, where millions of letters (in the form of e-mails) could be read by supercomputers in a fraction of a second, requires old principles to be adapted to the new situation determined by technological progress. The same (and even more) attention must be given to the mass of very personal data that the digital consumption of media produces and that today receives very scarce attention from the regulators.

#### **13.**

#### **What is the relationship between privacy, anonymity and encryption?**

The importance of anonymity and encryption is absolutely relevant in situations where respect for privacy in the digital sphere is not in line with international standards. It is clear that, where executive power or even economic power could easily access personal data (with relatively weak barriers of protection and no transparency), encryption could be the only way to ensure freedom of expression.

#### **14.**

#### **What is the importance of transparency around limitations of privacy?**

The recent cases in some countries where new technologies were abused by the executive power resulted in an increase in mistrust of citizens towards on line systems. This mistrust needs to be fixed, re-establishing clear and transparent rules on the very few exceptions that could be made to the absolute right of privacy that also applies to the on-line world. If this does not happen, the whole relationship of citizens to the internet will be hampered, probably for ever.

#### **15.**

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

1. apply privacy regulations of the user's country, instead of the service provider's country;
2. apply media legislation instead of telecom legislation whenever media products are used, because of the special nature of media products;
3. promote clear, transparent and very understandable rules in the contracts between service providers and users, and appoint an independent ombudsman or bodies that could guarantee the respect of the contracts beyond national legislation (right to be forgotten, respect of IP rights, etc.).

### **16.**

#### **How can openness and transparency of data be reconciled with privacy?**

1. Exploitation of big data needs to be authorized in national and global legislation only when data is anonymized;
2. Citizens and NGOs need to ask companies to publish their official commitment to respect privacy and the use of personal data. Independent authorities need to check that these commitments are adhered to and will have to be empowered to intervene in case of violation.
3. Contracts with users need to clearly explain what the provider can do and cannot do with the citizens' data and how far they can go to make money out of it. In case data processing is regulated by a law different from the one of the users, the main differences must be clearly explained to the users, indicating also that there are limitations to the transparency practices of the provider.
4. Citizens need to have guaranteed full access to their data stored by the service providers and must be granted the right to ask for partial or full deletion. Best practices and name-shame campaigns by NGO and global institutions are more than welcome in this field

Examples of "contract" between public service media and their viewers on treatment of big data:

See annexe 2 PR FTV data Friendly Charter – France Télévision

See Channel Four: <http://www.channel4.com/4viewers/viewer-promise>

### **17.**

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

The use of big data could be devastating for the social, private and professional lives of citizens if it is not done in a totally fool-proof anonymous form. The fact that one party, one government, one company (because of the abuse of executive power or of money) could obtain the private details on the behaviour, political or sexual preferences of individual citizens could alter democratic processes and create the Big Brother society described by Orwell.

18.

**How can security of personal data be enhanced?**

The only solution is not to allow encryption system to keep improving, but to make sure that citizens understand the consequences of the lack of privacy. Digital and information literacy is, in the long run, the ultimate solution, but it's only a part of the solution. Legislation and regulation need to protect citizens, because they alone have no power against big data companies. Personal self-defence against big data hunters cannot solve the problem, unless people give up a connected life, and that is no longer possible.

19.

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

In the long run digital and information literacy could only be really useful to citizens if it enhances their protection. Media could play an important role in creating awareness among citizens and promoting best practices or "naming and shaming". But the interests and the money involved in the use of big data cannot be tackled in this way: only appropriate legislation and regulation can help.

**D. Questions related to the field of Ethics**

20.

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

The EBU has produced its own charter on the values of public service media in the digitization and internet age. This is a basis that could be shared with any other stakeholder interested in establishing a trustful and participatory relation between media, intermediaries and citizens.

**EBU Values**

[http://www3.ebu.ch/files/live/sites/ebu/files/Knowledge/Publication%20Library/EBU-Empowering-Society\\_EN.pdf](http://www3.ebu.ch/files/live/sites/ebu/files/Knowledge/Publication%20Library/EBU-Empowering-Society_EN.pdf)

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?**

The main question we need to assess and answer is whether the same level of quality , reliability and diversity of information and media offer can be secured in the digital world.

In this sense the research conducted by UNESCO and OECD on the diversity of content available over the internet in various languages and cultures needs to be enlarged and updated, including content provided by traditional media and migrated or made available over the internet.

If we don't analyse in a holistic way, we could be victims of a partial view, where we see a new offer arising (of quality and reliability to be proved) in parallel with a weakening of the traditional forms of media or education or access to information.

**22.**

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

Most of broadcasting unions in the world have largely cooperated with UNESCO in the last two years to assess the issue of gender equality in the media sector. The results of this research are available on the UNESCO website, as well as in the broadcasting union websites. The next stage of this research and action to promote gender equality has now been conducted by the Global Alliance on Media & Gender. In this context the ethical dimension is also considered in the on-line world.

**23.**

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

**E. Broader issues**

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

In Europe we have the Directive on Audiovisual Media Services that set up a minimum level of safeguards and protection related to citizens' relationship with the media. Even if it only refers to traditional media and not to the on-line world, it could provide very useful guidelines to establish a bottom-line in the use of media over the internet.

European Union and Council of Europe regulations on privacy and on the right of citizens over data retention and data usage are one sure reference for the privacy issues.

UNESCO reference on media, digital and information literacy could also be very useful. The UN Interagency Initiative for the Safety of Journalists is a reference in the field of protection of journalists and media professionals extended to the on-line and digital world.

Council of Europe documents on the concept of public service applied to the internet and to the on-line world are a very useful and interesting series of recommendations that try to extend the concept of "public service" (that goes well beyond the limited notion of "universal service") into the new on-line world.

[http://www.coe.int/t/dghl/standardsetting/media/Doc/H-Inf\(2006\)003\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/media/Doc/H-Inf(2006)003_en.pdf)

From the same source the "Guide of Human rights of the Internet" is also significant.

<https://wcd.coe.int/ViewDoc.jsp?id=2184807&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

that includes and goes beyond the concepts expressed in the “Internet Bill of Rights” and “Marco civil” legislation from Brazil and in the “Charter of human rights and principles on the internet”.

[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=3&cad=rja&uact=8&ved=0CDYQFjAC&url=http%3A%2F%2Finternetrightsandprinciples.org%2Fsite%2Fcharter-of-human-rights-and-principles-on-the-internet%2F&ei=OJaEVOD5Bs2PaOzlgNAD&usg=AFQjCNFfoRM0g9XkfLLOhg\\_C3Pc13B56kw&bvm=bv.80642063,d.d24](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=3&cad=rja&uact=8&ved=0CDYQFjAC&url=http%3A%2F%2Finternetrightsandprinciples.org%2Fsite%2Fcharter-of-human-rights-and-principles-on-the-internet%2F&ei=OJaEVOD5Bs2PaOzlgNAD&usg=AFQjCNFfoRM0g9XkfLLOhg_C3Pc13B56kw&bvm=bv.80642063,d.d24)

Last but not least the guidelines produced by the ITU and by UNICEF for Child On-Line Protection (with the cooperation of EBU and other industry players) over the internet are very useful for extending current degrees of protection existing in the traditional media world to the new interactive world on-line.

[http://www.itu.int/en/cop/Documents/bD\\_Broch\\_INDUSTRY\\_0909.pdf](http://www.itu.int/en/cop/Documents/bD_Broch_INDUSTRY_0909.pdf)

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

EU and CoE regulations and recommendations in these two fields are an example of how different countries could accept to share the same values and common solutions despite different national legislative frameworks. The ECHR provides the common background, linking fundamental rights to their defence in daily social life.

**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? Responses may wish to distinguish between normative and empirical dimensions to these questions.**

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

The EBU keeps track of the cultural and linguistic diversity of the offer in the media field (radio and TV broadcasting, multimedia, etc.) and of the massive investment that public service media inject into the production of local and diverse content in Europe each year. These data can be easily made accessible to UNESCO for its study.

The same could be done for experiments in digital and media literacy conducted in partnership with public service media in Europe, that are carefully monitored and followed by the EBU, in its efforts to share and expand best practices among all the Members and within the European region.

**F. Questions related to options**

**28. What might be the options for the 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?**

The UNESCO general mandate as an agency of the UN, as well as the specific mandate of UNESCO as a partner of the WSIS follow-up and of the implementation process derived from the Geneva and Tunis summits, already attributes specific competences in the IG field to UNESCO.

For instance in preserving media freedom and pluralism, in promoting independent public service and community media, in promoting education, sciences and general knowledge; gender equality in media and access to education; in supporting linguistic and cultural diversity; in defining and preserving journalists and media professionals skills, training and prerogatives (first of all safety).

**29. What might be options for the role of UNESCO in relation to stakeholders outside the UN system such as individual governments, Internet companies, civil society and individual users, in regard to the distinct issues of online Access to information and knowledge, Freedom of Expression, Privacy and Ethical dimensions of the information society?**

See answer above.

**30. For each study field, what specific options might UNESCO Member States consider, including for the Organization's Global Priorities of Africa and Gender Equality, shaping the post-2015 development agenda, supporting the goals of Small Island Developing States and taking forward the Decade for the Rapprochement of Cultures?**

UNESCO's priority over the next few years would need to be revising and implementing all its policy and existing conventions, in order to adapt both to the endeavours of the digital era. This would be, by far, the most important and urgent mission.