

QUESTIONNAIRE FOR UNESCO'S COMPREHENSIVE STUDY ON INTERNET RELATED ISSUES

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

Q1. What can be done to reinforce the right to seek and receive information in the online environment?

Q2. 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?

- Avail knowledge and awareness to the public on their right to information and knowledge.
- Proper national ICT policy including a legal framework should be put in place to encourage use of ICT.
- Infrastructure to support ICT must be in place.
- Basic literacy among all people is necessary

Q3. How can greater progress be made as regards inclusive strategies for women and girls as well a marginalized and disabled people?

Deliberate efforts by the Government and other stakeholders should be made to reach out to people in rural areas e.g. through;

- Equipping and supporting facilities like the Information Resource Centres (IRCs) under the Ministry of Information, communications and Technology,
- Provision of free internet to disadvantaged communities like the proposed one at Kibera.
- All facilities should have provisions for persons with disability as provided in the persons with disability Act.
- Policies that make such facilities friendly to girls and women should be put in place.
- Affirmative action in favour of minority/disadvantaged groups targeting those who are socially and culturally disadvantaged should be put in place.

Q4. How can accessibility be facilitated through increases in locally produced and relevant content in different languages?

- Availing access to information and knowledge through translation into local languages. Currently not all tribes and sub-tribes have materials in written form.
- Develop more audio related communication materials in vernacular to give greater access to information and knowledge.
- Develop appropriate IEC materials in local languages

- Gauge the efficacy of vernacular radio as agents for change. If found to be ineffective through a study, the matter to be addressed appropriately.

Q5. What can be done to institutionalize Media and Information Literacy (MIL) effectively in national education systems?

- Introduce effective communication studies component in the national education curriculum to assist in promoting Media and Information Literacy.

B. Questions related to the field of Freedom of Expression

Q6. What are the current and emerging challenges relevant to freedom of expression online?

- Currently in Kenyan law, there is no specific law regarding media practice specific to freedom of expression on line.
- On-line journalism in Kenya is just emerging and there is no appropriate legislation to address arising challenges.

Q7. How can legislation in a diverse range of fields which impact on the internet respect freedom of expression in line with international standards?

- Cyberspace legislation is lacking in Kenya and should be developed.

Q8. Is there a need for specific protections for freedom of expression for the internet?

- Yes. This will help avert incidences of misuse and abuse and infringing into other people's rights.

Q9. To what extent do laws protect digitally interfaced journalism and journalistic sources?

- On line journalism in Kenya is an emerging field. Currently, there are no specific laws to address digitally interfaced journalism and journalistic sources.

Q10. 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?

- Existing legislation should be enriched and enforced. The Media Council Act of 2013 has provision for practicing journalists regarding hate speech.

- Guidelines on tracking, detection, investigation and documentation of hate speech for adequate evidence should be in place.
- Police officers specializing in cyber crime should be trained.
- Appropriate specific laws should be introduced to address cyber crimes.

Q11. What are the optimum systems for independent self-regulation by journalistic actors and intermediaries in cyberspace?

- Adherence to local and international media code of ethics and practices including cyberspace journalism.

C. Questions related to the field of privacy

Q12. What principles should ensure respect for the right to privacy?

- Journalists should adhere to code of ethics in media practice which uphold privacy. *The public's right to know shall be weighed against the privacy right of people in the news. Intrusion and inquiries into an individual's private life without the person's consent are not generally acceptable unless public interest is involved. Public interest shall itself be legitimate and not merely prurient or morbid curiosity. (Media Council Act 2013)*
- Journalists must be clear on the boundary between providing information of public interest and intruding into matters of privacy. *Things concerning a person's home, family, religion, tribe, health, sexuality, personal life and private affairs are covered by the concept of privacy except where these impinge upon the public. (Media Council Act 2013)*
- Globally binding laws to regulate the conduct of internet service providers should be put in place

Q13. What is the relationship between privacy, anonymity and encryption?

Privacy – This is the right to enjoy doing your affairs without disturbance or unauthorized intrusion.

Anonymity – Shielding of identity for whatever reason.

Encryption – Writing of a message or document in a code so that its only understood by the intended target audience.

- The relationship between the three in online journalism depends on the context of usage. Any of the three can be used positively or negatively.

Q14. What is the importance of transparency around limitations of privacy?

Q16. How can openness and transparency of data be reconciled with privacy?

- In the matter of an individual enjoying his/her right to privacy and in the issue of a matter of public interest, there should be a fair balance to ensure truth and transparency are not compromised without infringing on the interest of both sides i.e the individual's right to privacy or the public right to information.

Q15. What kinds of arrangements can help to safeguard the exercise of privacy in relation to other rights?

- In order to safeguard the enjoyment of the right to privacy in relation to other rights, online journalists must ensure compliance with ethics and norms of Media practice.
- Awareness campaigns should be done.
- There should be education to ensure compliance.

Q17. What may be the impact of issues relating to big data on respect for privacy?

- Unlimited flow and access to big data may result in data being accessed by unintended target audience or being manipulated for negative end hence the need to distinguish if information is for the open media market or is intended for private parties. Even though society has a right of access to information, distinction should be made between what is public or private data.
- Hiring/training of specialists to manage big data may be necessary.

Q18. How can security of personal data be enhanced?

- Personal data can be protected by having in place mechanisms which guard against intrusion into the data.
- Appropriate laws should be enacted to offer legal protection to personal data against hackers/intruders.
- Awareness to internet users on how to protect personal data.

Q19. How can Media and Information Literacy be developed to assist individuals to protect their privacy?

- There should be a sustained media awareness campaign to assist individuals including media practitioners to distinguish the right of the public to access to information and knowledge and the importance of observing a person's/organization's right to privacy.

D. Questions related to the field of Ethics

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

- On line media practitioners should adhere to their code of ethics and practice based on the respect of internationally accepted human rights while national governments should

ensure that the right to enjoyment of universally-accepted human rights is enforced. Efforts should be made to include relevant stakeholders to enjoy the right to information, freedom of expression and privacy.

- Adherence to provisions in the Kenyan constitution, the African Charter on human rights and article 19 of the UN charter.

Q21. 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?

- There should be relevant legal framework in different national jurisdictions as well as universally accepted treaties which members are signatory to on the use of online journalism which would assist to address legal or ethical challenges that can arise in matters related to the right to access to information and knowledge.
- Awareness creation

Q22. How does ethical consideration relate to gender dimensions of the internet?

- There should be no discrimination in the quest for access to knowledge and information. Efforts to mainstream gender and other marginalized groups to participate through usage of internet.
- Efforts should be made to ensure inclusivity of all segments of the population to equal access to information through internet.

Q23. How can ethics, i.e the simultaneous affirmation of human rights, peace, equity and justice – inform law and regulation about the internet.

Matters of ethics should guide enactment and enforcement of laws and regulations governing the use of the internet.