


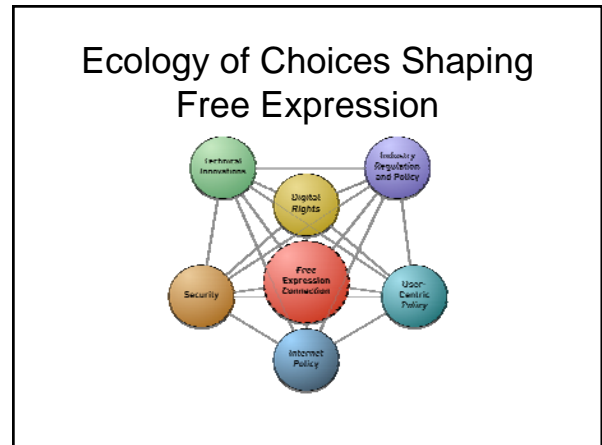
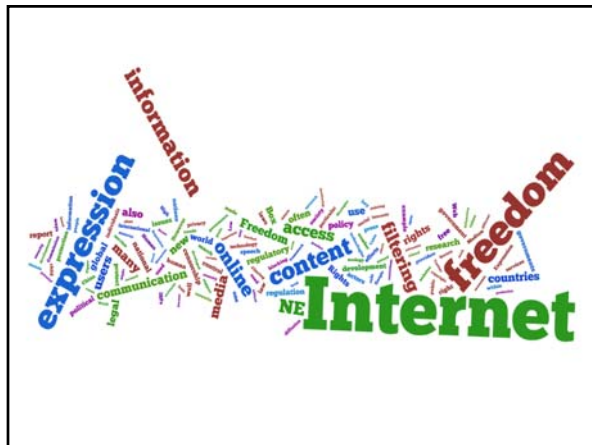
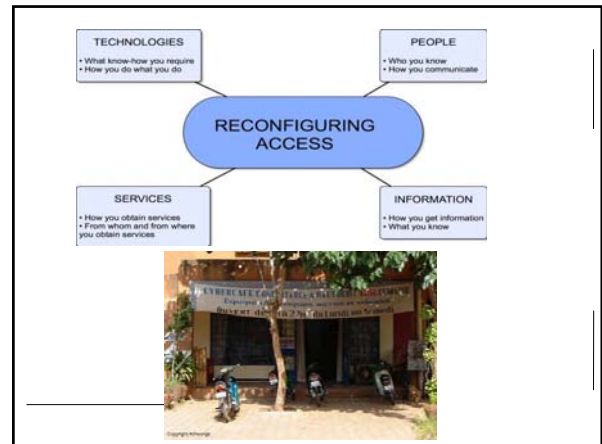
Freedom of Connection – Freedom of Expression:  
The Changing Legal and Regulatory Ecology Shaping the Internet

William H. Dutton, Anna Dopatka, Michael Hills,  
Ginette Law, and Victoria Nash

Oxford Internet Institute, University of Oxford




Presentation for a workshop at the Internet Governance Forum, Vilnius, Lithuania, 14 September 2010. Based on a report prepared for UNESCO's Division for Freedom of Expression, Democracy and Peace.



**Table 2. The Ecology of Freedom of Expression on the Internet**

Categories	Objectives Defining Choices in Games
Digital Rights	Access – Freedom of Connection
	Freedom of Expression
	Censorship
	Equality, e.g., Media Literacy and Skills
	Freedom of Information (FOI)
Industry Policy and Regulation and Policy	Privacy and Data Protection
	Intellectual Property Rights (IPR): Copyright
	IPR: Patents
	Competition
User-Centric	Technology-led industrial strategies
	ICT for Development
	Child Protection
	Decency: Pornography
	Libel: Defamation
Net-centric	Prevention of Hate Speech
	Fraud
	Internet Governance and Regulation
	Domain Names and Numbers
	Standard Setting: Identity
Security	Net Neutrality
	Licensing, Regulation of Internet Service Providers
	Secrecy, Confidentiality
	Security against malware, such as spam and viruses
	Counter-Radicalisation
	National Security, Counter-Terrorism

### The Ecology of Freedom of Expression



- Freedom of expression is not an inevitable outcome of technological innovation.
- OII study not focused solely on filtering or censorship.
- Shows instead that freedom of expression can be enhanced or eroded indirectly in the pursuit of other goals in a larger ecology.
- Study of six main arenas shaping freedom of expression.

## Developing Guidelines on Freedom of Expression - Connection

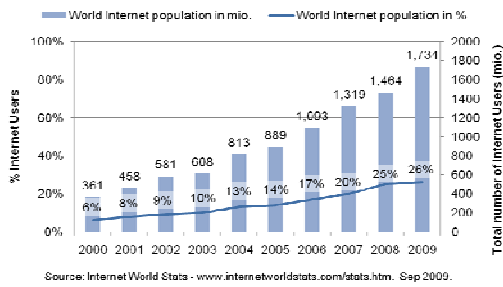


- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- European Convention
- American Convention
- African Charter on Human and People's Rights
- Hilary Clinton's 'Freedom of Connection'

## The Freedom to Connect



## Worldwide Diffusion of the Internet



## Internet Users by Region

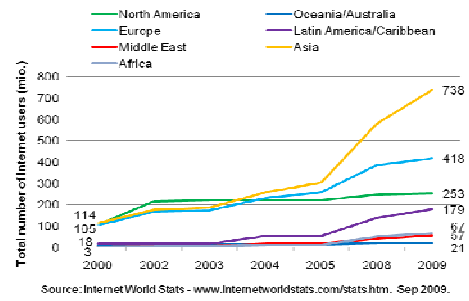
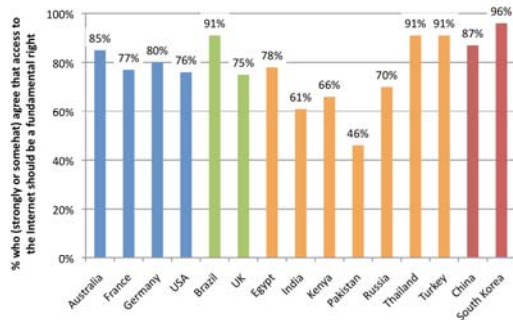
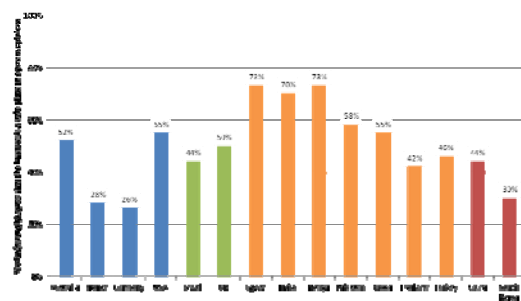


Figure 8. Access to the Internet Should be a Fundamental Right of All People.<sup>18</sup>



<sup>18</sup> Source: BBC (2010): 17. Percent who 'strongly agree' or 'somewhat agree' to the statement: 'Access to the Internet should be a fundamental right of all people.'

Figure 7: the Internet is a safe place to express my opinions.



<sup>19</sup> Source: BBC (2010): 15. Percentage of internet users responding 'strongly agree' or 'somewhat agree' with the statement: 'The internet is a safe place to express my opinions.'

## Finding of Report: Growth of Filtering



Meta-analysis of filtering surveys of Internet shows:

- Countries with high ratings (heaviest filtering) include: China, Myanmar, Saudi Arabia, South Korea, Sudan, Tunisia, United Arab Emirates, Uzbekistan and Vietnam.
- Countries with medium levels of filtering include: Australia, Bahrain, Egypt, India, Kenya, Malaysia, Russia, Turkey.
- Countries filtering, but at comparatively low levels: Azerbaijan, Brazil, Estonia, Italy, Morocco, Singapore, United Kingdom.

## Industrial Policy and Regulation



Copyright enforcement:

- 'Three Strikes' policy in France
- Digital Economy Act (UK)

Countered by:

- The Pirate Party
- Brazilian Copyright Reform Bill



Copyright Mot

## User-Centric Policy



Child Protection Policy

- Blocking of illegal child abuse images, e.g., UK CleanFeed.
- Broader 'harm-reduction' strategies, e.g., US Children's Internet Protection Act, Australian Clean Feed, or China's Green Dam Youth Escort.



Copyright Mugley

## User-Centric Policy



Defamation and Libel Tourism

- Rachel Ehrenfeld's 'Funding Evil', Arnold Schwarzenegger, Cameron Diaz
- Reforms to UK and US legislation



Copyright Thomas Hawk

## Net-centric policy:



Internationalised top-level domain names



## Net-Centric Policy:



Standard-setting: Identity



## Security

### Privacy vs. National Security

- Blackberry Use in UAE and Saudi Arabia
- The Clipper Chip (USA)



### Harnessing the Web

- StopBadWare



## Findings: Countervailing Trends

- Increasing Internet penetration has meant more connections – empowering networked individuals.
- More content in more languages and scripts enabling more people to find, share and create information.
- Many efforts to limit freedom of expression online can be circumvented.
- Growth of filtering and censorship

## Freedom the Outcome of an Ecology of Choices Shaping Policy and Regulation

- Choices across many different policy areas (e.g. industrial policy, user-focused policies, security policy)
- Many different types of actors (e.g. governments, regulators, firms, NGOs, individuals)
- Pursuing a wide range of different goals (e.g. national security, privacy, protection of intellectual property, protection of minors).

## Directions for Policy

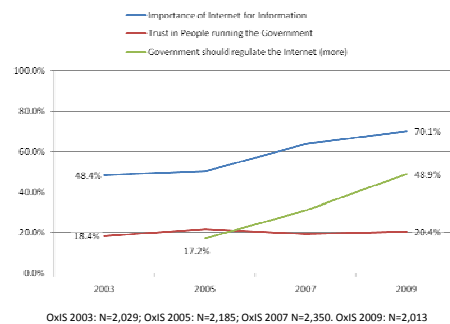
- Continue efforts to counter global digital divides
- Renew and inform debates about appropriate regulatory models for the Internet
- Strengthen and clarify global approaches to Internet governance
- Cultivate broader citizen consultation and involvement in Internet governance
- Develop and encourage corporate social responsibility, especially for multi-nationals
- Adopt broader perspectives on policies shaping freedom of expression

## Cascading Issues over Freedom of Expression



**OxIS**  
Oxford Internet Surveys

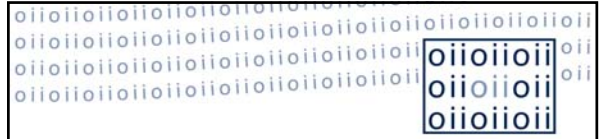
## Centrality of the Internet, Trust in Government and Attitudes toward Internet Regulation over Time



## Directions for Research



- Monitor world wide Internet filtering in a more systematic and sustained manner
- Track an expanded range of policies and regulatory issues in this ecology
- Explore the relationship between freedom of expression and other key values and rights.
- Study impacts on the ground, including public attitudes
- Understand assaults on freedom of expression as efforts to protect other values and interests



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