

**Forum:** The Human Rights Council

**Issue:** Issue #03-02: The question of freedom of speech and rights to privacy online.

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### Guiding Questions as you Read

1. What is your country's **point of view** regarding this issue? **Why** do they think this way?
2. Do the **advantages/benefits** of freedom of speech and privacy **outweigh** the **disadvantages**?
3. How do **restrictions** of speech and privacy online **influence** individuals and society?

## Introduction

To what extent can we apply a right online? Is it valid for a country to choose the rights that would only remain valid within the country's territory? Are **Human Rights** being fulfilled if

we are restrained from Internet access? And if not, can the user

feel that its human rights are being respected within in the **Digital**

**World**? How can we solve this issue? The Internet is a very vast

world laying behind our electronic devices. How can we be

assured that in that vast world our rights are being respected?

### Key Terms

Human rights  
Digital world  
Freedom of speech  
Privacy

Since its invention in 1983, lots of loopholes have been found in the internet where

private organizations and governments have violated main human rights of the citizens of their own country and even of a foreign nation. Rights such as **Freedom of Speech** and **Privacy** are no longer fulfilled. Issues such as the Facebook privacy leak, the prohibition of expression in China, North Korea, Russia, and even the United States of America have negatively impacted the citizens. These issues make us question ourselves, our rights, our humanity.

## Background

The Internet has been around since the 1960's, but when it was really invented in 1983, it became part of the decisive technology of the Information Age. In 1989, email servers connected around 500,000 users, and in 1996 there were 36 million Internet users worldwide, which was about 0.9% of the population. Then, with the explosion of wireless communication in the early 21<sup>st</sup> century, wireless connection allowed humans to communicate around the world and the ability to be almost entirely connected. The Internet allowed for people to give and receive knowledge of any sort freely from around the globe.



Correspondent of New York Times, Mark Scott, discusses Who Controls Your Digital Identity at Weber State University on Oct. 11. (Source: [blogtrepreneur.com/tech](http://blogtrepreneur.com/tech))

This year, it's about half of the world's population: there are about 4 billion Internet users, a number that keeps rapidly increasing. And 40% of all Internet users worldwide live in China, India, and the United States. The Internet is necessary for human advancement and

development and is key to solving many issues around the world, such as combating inequality. This is why within the 17 Sustainable Development Goals of the United Nations, there's goal 9c, that looks to "Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020."

Not everyone has the privilege to access the digital world for different reasons, but for most, it's not a choice they get to make. Although many are not able to enter the Internet due to their living conditions, many states worldwide restrict parts of the Internet, as well as the Internet itself using advanced technologies. Governments tend to **ensor** content to keep the Internet safe for their citizens; to prevent any uprisings or any criticism that might harm others and **cyberactivism**. They use the Internet as a way of keeping things in order and maintaining the same principles and beliefs for all their citizens. For this, they take measures such as monitoring and identifying activists and critics; making laws to prohibit ideas seen as **subversive** or disruptive online; disconnecting users (that convey unacceptable messages) from the Internet; and taking surveillance measures online to find such people that are seen to contradict the government or might harm others in some way.



People use the Internet as a way to express themselves and their opinions in different forms; being creative, starting movements, participating in open debates, publishing unknown information, but also for entertainment, for the news, to read, to search and most importantly, to learn. This is why some might consider that by blocking information, articles, videos, messages, and posts online or permanently disconnecting someone from the Internet, nations are violating

the human rights. More specifically, article 19 of the Universal Declaration of Human Rights (UDHR) that says, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” The right to freedom of speech enables a variety of other human rights such as economic, social, and cultural rights as well as civil and political rights, making the Internet fundamental for the progression of humanity. However, countries argue that if through the use of their right of freedom of speech individuals hurt other people’s rights through hate speech, they might also disrupt the progression of humanity and these comments, posts, articles, websites, etc. should be punished and **censored**.

Internet Privacy is a controversial topic for nations around the globe. In article 12 of the Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights it is stated: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.” However, it was not until the resolution on *The Right to Privacy in the Digital Age* was made, that the right on privacy also included Internet privacy. According to the UN, everyone has the right to privacy on the Internet as it results in security and confidence online, therefore embracing the circulation of knowledge/information and ideas. On the other hand, many governments believe that by eliminating anonymity, the Internet becomes a safer place for everyone, and any violations online can be easily punishable.

**Comprehension Questions:** What is **freedom of speech** and how does it affect people's lives? **Why** is privacy **important**?

## Definition of Key Terms

**Censorship:** The suppression of speech and prohibition of communication or information on books, posts, films or news considered obscene, dangerous, harmful or sensitive.

**Criminalize:** The action of creating laws to make an action or behavior illegal.

**Subversion:** Undermining (undercutting, weakening or threatening) the power of an authority or system.

**Digital activism:** Citizens taking action to create a social, political or economic movement or change, using the internet (social media, email, websites, etc.).

**ISP:** is short for Internet service provider which is a company that gives customers Internet access.

**Telecommunications Infrastructure:** The facilities, companies, procedures and networks that enable the transfer of information electronically.

**Network Infrastructure:** The hardware (routers, cables switches) and software resources (operating systems, firewall, network security applications) that enable network connectivity and communication.

**Separatism:** The separation of a certain group of people from a larger ethnic, cultural, religious,

tribal, political group.

**Terrorism:** The use of violence to create fear among masses of civilians for political, ideological religious, and economic aims.

**Defamation:** To damage someone's reputation.

**Extremist:** A person capable of extreme action for their excessively fanatical political or religious views.

**Genocide:** Mass murder; to kill a large group of people, generally from an ethnic, national, racial or religious group.

## Current Situation

Countries around the world have yet to come to an agreement on freedom of speech and the right to privacy on the Internet. Even though the UN has passed resolutions on both issues, this topic remains controversial, where some countries believe freedom of speech and privacy online are human rights and others believe freedom of speech should be restricted and surveillance measures have to be taken. In recent years, the manipulation of information by governments on social media globally has increased, and there's been a decrease in privacy and anonymity online. Many governments think these measures are necessary to protect and maintain their culture and religion, to prevent discrimination and critics, and to stop any social or political movements against their views. Freedom of speech allows for users to publish anything, and this can get dangerous at times. This issue consists of three main parts: obstacles to Internet access, content regulation, and privacy and anonymity.

## *Obstacles to Access*

Although the number of Internet users keeps increasing, there are still many obstacles worldwide preventing people from accessing. These obstacles include economic barriers, which is the inability to buy the technology that provides the Internet and poor infrastructure, meaning, poor electricity, telecommunications, etc. Other barriers come under the power governments have over Internet and mobile phone access providers. They can control Internet access and what citizens can see, they can block apps, websites, social media platforms and technologies. Some countries don't think this should be the case, as they support that the Internet and all its parts are a human right.

## *Content Regulation*

Throughout the years, governments around the world have employed “opinion shapers” to spread their views and eliminate “wrong” ideas or beliefs. This has evolved and become more advanced in recent years, using technology to make an influence on people. Today, the easiest and most



efficient way of doing this is regulating the Internet, or regulating content on the Internet. Governments filter/modify and block websites; they use different types of **censorship** including **self-censorship** from citizens; there's content manipulation; **criminalizing** expression, restrictions and repercussions on activity online etc. This way, they make sure their citizens aren't exposed to false information, unwanted ideas, discrimination, etc.

### *Privacy and Anonymity*

Surely, privacy and anonymity give confidence and courage for people to participate on online debates and share information, opinions, views, which for many, might be a good thing. However, others believe this could potentially get out of control. When users are anonymous, they don't have to be responsible or accountable for their actions online. Different governments have different laws or beliefs as to what is allowed on the internet and what is not, so if anyone is found to do any activity online considered wrong or illegal, is it ethical for the government to break that person's anonymity to find them? Should there not be any anonymity online? Nevertheless, are these laws against some types of expression online legitimate? In other words should they be illegal? And what types of punishments would be employed? Other governments think that for the progression of humanity, people have to be heard and if anonymity allows for that then anonymity should be allowed.

The issue becomes more critical when were talking about privacy. With anonymity comes privacy and when there is no anonymity, the private data people might have online could be dangerous if it lands in the wrong hands. Nonetheless, with surveillance, the government can prevent dangerous protests or violent encounters of social or political movements that are organized through the web. Governments can make the Internet a safer place with these surveillance measures; that is, if the information about their citizens is kept private. Otherwise, if anyone is against what someone does or says online and is able to get their private information, there could be blackmail, stalking, or even physical violence. This question of privacy online is double sided and important, as there are pros and cons to both perspectives.



**Comprehension Questions:** Why are privacy and freedom of speech controversial topics?

## Major Parties Involved and Their Views

### China

China is the country with most Internet users in the world and still, there are many obstacles to access. The Chinese keep a tight hold on people's what individuals say and do, online as well as offline, as a way to maintain national security and keep their culture alive. They use jail sentences, deportation, or loss of jobs or businesses to penalize for certain types of speech that aren't accepted by the government and are seen as **subversion**, **separatism**, **terrorism**, and **defamation**. Other than that, China has large filtering systems and millions of people working to block and restrict **subversive** content from websites, especially if they're about controversial political, social, or religious topics. They also



#### Key Terms

Separatism  
Subversion  
Terrorism  
Defamation  
Digital activism

take surveillance measures by requiring network operators to register users under their real names and adding licensing requirements for the collection and spread of any news. To the benefit of Xi Jinping, these and other restrictions have stopped **digital activism** throughout the years and given the government solid control and authority.

### United States of America

Internet access in the US is not regulated by the government but



managed by companies that provide the **network infrastructure**. This has been criticized, because the prices can increase depending on the **Internet service provider (ISP)** market; which means people might not be able to afford it. The first amendment to the US constitution largely supports freedom of speech, it being online or offline. However, certain categories of speech are unprotected by the first amendment. Most limitations lie in making sure you don't hurt other people's rights through the use of your own for example incitement to commit **genocide** can be

#### Key Terms

Network infrastructure  
Internet service provider  
Genocide

restricted because it can hurt the right to life. Another limitation is that you usually don't completely have freedom of expression in privately owned social media websites and forums (Twitter, Facebook, etc). Under Section 702 of the FISA Amendments

Act, the US government is authorized to use "upstream" and "downstream" surveillance, which are the collection of communications on different parts of the Internet. Which means the government can find private conversations of people on the internet which to some is a violation of human rights.

## Russia

The Internet is highly accessible in Russia and the number of users keeps increasing. In recent years, the Russian government has taken action to maintain the Internet free from content seen as "“**extremist**,”

out of line with 'traditional values,' or otherwise harmful to the public." ("Russia: Assault on Freedom of Expression.") Numerous laws have been passed

#### Key Terms

Extremists  
Telecommunications  
infrastructure

prosecuting people for criminal offenses based on social media posts, online videos, media articles, and interviews. They have tools and



technology to regulate access to information by blocking and censoring sites, web pages and restricting Internet content and infrastructure. They also take surveillance measures such as passing laws in order to eliminate anonymity and for private companies to enable access to private user data or messages.

## Iceland

According to Freedom House, “Iceland is one of the most connected countries in the world” and obstacles to access the Internet are almost nonexistent. The government doesn’t generally interfere with information and communication



online. They took action to reinforce public e-service and still support the use of technology for political purposes. It is a tradition to protect freedom of expression in Iceland, which is now also seen to be applied on the Internet. It is rare for people to be prosecuted for any content posted online, even it being political or social. “The Icelandic Modern Media Initiative seeks to develop legal frameworks for protecting the press, bloggers, and whistleblowers from illegitimate prosecutions or harassment.” (Freedom House)

## Syria

Two-thirds of the Syrian country was disconnected from the Internet since the war destroyed **telecommunications infrastructure**. In regions controlled by the government and different rebel groups, Internet access is commonly shutdown. The government filters websites to protect their citizens and **self-censorship** is also widespread especially in areas



controlled by the government. Regardless of this, activists and journalists use the Internet to

spread information of the war and many are detained, tortured or killed for actions of these sorts.

## Timeline

Date	Description of event
1960s	First wide-area (yet small) <b>computer network</b> was made
1972	The Network Technology, ARPANET was made public,  The Electronic Email was introduced.
Dec. 2013	Resolution on “The right to privacy in the digital age”
Dec. 2014	Human Rights Council panel discussion on the right to privacy in the digital age.
May 2016	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue*
July 2016	Resolution on “The promotion, protection and enjoyment of human rights on the Internet”

April 2018      Facebook privacy leak involving 87 million users

## Past International Action

The main base of human rights online regarding freedom of speech and privacy are mentioned in two main documents: the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. For Internet privacy, one of the articles says, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.” However, the world has yet to come to an agreement if this right can apply online, and many nations have not agreed with all the information in these documents, nor are they required to make sure these rights exist within their country. Regarding freedom of speech, an article says, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

On May 16th 2011, Frank La Rue, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression from 2008 to 2014, made a report on “key trends and challenges” of the right of freedom of speech online. After talking about the current situation, the Special Rapporteur made conclusions and recommendations, emphasizing, “...that there should be as little restriction as possible to the flow of information via the Internet,

except in few, exceptional, and limited circumstances prescribed by international human rights law.” Some of these circumstances that allow for the suppression of speech include, hate speech, defamation, incitement to commit genocide, discrimination, hostility or violence.

As a succession of La Rue’s work, The UNHRC passed a resolution on “The promotion, protection and enjoyment of human rights on the Internet” which primarily, “affirms that the same rights that people have offline must also be protected online”. This resolution addresses issues in relation to the internet including the disrupt of information online and any measures taken to prevent anyone from accessing the internet. The resolution, “Calls upon all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure protection of freedom of expression, freedom of association, privacy and other human rights online, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development”. This resolution presented by Sweden, Brazil, Nigeria, Tunisia, and the United States was backed by around 80 countries and is evaluated bi-annually. The resolution pressures the countries into doing this, yet it can’t actually make them follow these “obligations”.

On December 18th 2013, the General Assembly adopted a resolution on “The right to privacy in the digital age”. The resolution highlights article 12 of the the *Universal Declaration of Human Rights* and article 17 of the *International Covenant on Civil and Political Rights* and calls upon states to respect the right to privacy online, to take measures to prevent the violation of this right, to review their surveillance of communications and collection of personal data and to ensure transparency and accountability for such actions. There’s also a Report of the Office of

the United Nations High Commissioner for Human Rights informing more about the right to privacy in the digital age.

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## Useful Links for Research

- I. This is the main website for the United Nations Human Rights Council, which will give you excellent information on the council and how it works.

Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/index.htm>

- II. This is the full text of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which are the base for freedom of speech and the right to privacy.

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