



NEWSLETTER

GLAWCAL

Issue 7, 2014

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Digital Rights: Censorship and Access to Information

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Focus on

DIGITAL RIGHTS: CENSORSHIP AND ACCESS TO INFORMATION

This new issues of gLAWcal Newsletter will be focussed on digital rights.

We will start with a selection of articles to picture the harsh repressive measures, adopted by more and more countries, to fight the modern enemy par excellence: the internet.

Time to reflect should be taken to consider how this surge of restrictive policies is affecting either nations already popular for their heavy-handed approach (such as China or Russia) either nations where recent history had just filled pro-democratic protesters with hopes (such as Tunisia and Turkey).

We will then move to observe the opposite approach. In many other countries, especially in developing nations, projects and policies aiming to grant access to information are proliferating. Here internet is perceived as a fundamental tool to boost economies, promote higher education, support sustainable development and raise awareness on human rights.

But not all that glitters is gold: besides these doubtless benefits, the interventions of western public and private sectors are rising concerns of a lock-in effect and a not-suitable approach to developing countries needs.

Censorship is saying: 'I'm the one who says the last sentence.

Whatever you say, the conclusion is mine.'

But the internet is like a tree that is growing.

*The people will always have the last word -
even if someone has a very weak, quiet voice.*

Such power will collapse because of a whisper.

Ai Wei Wei



Censorship

CHINA IS TIGHTENING ITS ONLINE CENSORSHIP

Chinese President Xi Jinping is using harsher and harsher measures to realise his online censorship. Last year, online public opinion became one of the top priority for the Communist Party of China; since then, the government has instituted new sanctions, punishments and debatable precautionary measures in order to influence the digital world and dissuade dissidents from resisting.

According to many international experts, the last twelve months have been the toughest for Chinese internet freedom and rights.

Social-media defamation charges have brought numerous bloggers in jail, especially since the government has established state media officials whose public duties include exercising online influence and track down dissidents and troublemakers; Prison terms for defamatory post have been extended up to three years; National media and web companies (such as Tencent Holdings Ltd, Alibaba Group Holding Ltd, CCTV and People's Daily) are forced to cooperate with censoring content and report disorderly conducts.



Xi Jinping, President of the People's Republic of China

The already serious situation is degenerating: Xi Jinping himself is leading the Internet Security Committee even promoting policies in contrast with Chinese constitution. Furthermore the unpredictable government impositions make people unaware of current regulations, causing severe downsides for investments. For these reasons, international public opinion concludes that Chinese leaders are harshening their fight because conscious of their failure.



Censorship

CHINA EXPORTS CENSORSHIP TO BRAZIL

After few weeks from its launch, Brazilian users of the search engine Baidu Busca are experiencing censorship made in China. The ambitious Chinese tech search engine giant Baidu is globally expanding its business to be able to confront American companies. China's target is focused on Japan, Brazil, Egypt and Thailand as well.

Together with Baidu, the Chinese Communist Party is backing many of its friendly tech companies in order to support national economic growth and profit from the situation changing international public opinion.

Fully in line with the declaration of Wang Xiujun - deputy director of China's State Internet Information Center according to whom "the struggle for ideological penetration" is a key point for the future of China - Baidu Busca shows search results purged of topics marked as sensitive by the Chinese leaders or produces results that link to the state-run People's Daily newspaper with the state-approved version of the topic.

If the localized versions of Baidu succeed in the effort of establishing themselves in the global market, they will constitute a solid platform to leverage international public opinion and shape a new image for the People's Republic of China. Still, the bad experience in the Japanese market seems to suggest it's unlikely to happen.



The ambitious Chinese tech search engine giant Baidu is globally expanding its business to be able to confront American companies.



Censorship

IN RUSSIA BLOGGERS SHUDDER AT NEW INTERNET CENSORSHIP ENFORCEMENT



Earlier this year the Russian government has passed a law that enables to block websites and to initiate radical investigations without a judicial oversight. This manoeuvre provoked widespread and justified fears across the Russian blogosphere; especially since one of the main icons of Russian internet freedom, Nadezhda Tolokonnikova, is now limiting her activism in the effort of avoiding possible consequences.

Nadezhda Tolokonnikova became popular when she was arrested due to her militancy in the Pussy Riot; after being a political prisoner for almost two years, she is now involved in a new project called Zone of Rights, an NGO about which she is pretty reluctant to publicly share online information.

Tolokonnikova was recognized as a political prisoner by the Russian human rights group "Union of Solidarity with Political Prisoners".

Tolokonnikova's behaviour is more than understandable: in the last months many are the websites that have been censored by the federal police - including, but unfortunately not limited to one of the most popular news website and prominent political blogs - just because they offered access to discussions about unsanctioned demonstrations.



Censorship

MALAYSIAN EX PRIME MINISTER EXHORTS TO INTERNET CENSORSHIP

Mr Mahathir Mohamad, former Prime Minister of Malaysia, persists in exhorting the current government to censor the internet invoking public morality protection.

After having been in charge for more than twenty years, Dr Mahatir continues to leverage Malaysian ruling coalition and public opinion through the lines of his blog. Lately he went viral by posting an entry in which he explains why he changed his stance about internet freedom.

From supporting the open internet Dr Mahatir swiftd to advocate the need of censorship of this medium because he himself has been experiencing censorship.

Behind this apparent poor reasoning relies an attentive observation of the internet development,

In fact Dr Mahatir claims that his posts and blog have been repeatedly blacken out due to his strong opinions relating to current affairs, and highlights the enormous power wielded over content by servers and platforms hosting providers. It is indeed this unlimited and pervasive control that urges to be bound by governmental policies and regulations.

To support his position, Malaysian ex Prime Minister argues that "freedom, any kind of freedom will always be open to abuse and the worst abuses are in the field of morality"; with these words he intends to persuade his audience that to effectively protect public morality it is necessary the government intervention. Only by doing so it will be possible to prevent internet misuses too often hidden under the guise of freedom of expression.

Former Malaysian prime minister Mahathir Mohamad has called for the Internet to be censored to preserve "public morality", in what the opposition suggested was an attempt to silence government critics.



Censorship

The reactions to this proposal have been immediate; many have interpreted Dr Mahatir words as a serious threat to online freedom and have invited Malaysian people to raise their voice against this act defined as anti-democratic, dictatorial and tyranny.



Malaysia's former prime minister says "the time has come for governments ... to censor the internet."



Censorship

TUNISIA: NEW CYBER-CRIME LAW REMINDS OF REPRESSIVE REGIME

Appointed as a pioneer country for digital rights, Tunisia is now working on a cyber crime law that is worrying its citizens. The leaked draft is claimed to be nebulous in its language and it contains severe sanctions that have been compared to Ben Ali's dictatorship and censorship.

The law has been presented by Tunisian authorities as the follow-up of the previous interim government; it aims to complete the legal framework of Tunisian digital policy enhancing online security and strengthening the Technical Telecommunication Agency's powers: those caught in "obscene acts and assaulting good morals online" will be sanctioned with a \$ 2900 fine and imprisonment between 6

The Minister of Higher Education will be in charge of monitoring social media to detect suspicious activities that may be related to terrorism; Public authorities will be provided with extensive powers to inspect public and private databases.

The government affirms the importance of this law in order to prevent and fight terrorism, nonetheless, many Tunisians fears that it could pave the way to abuses, ruining the enormous progress the country has made after the revolution.





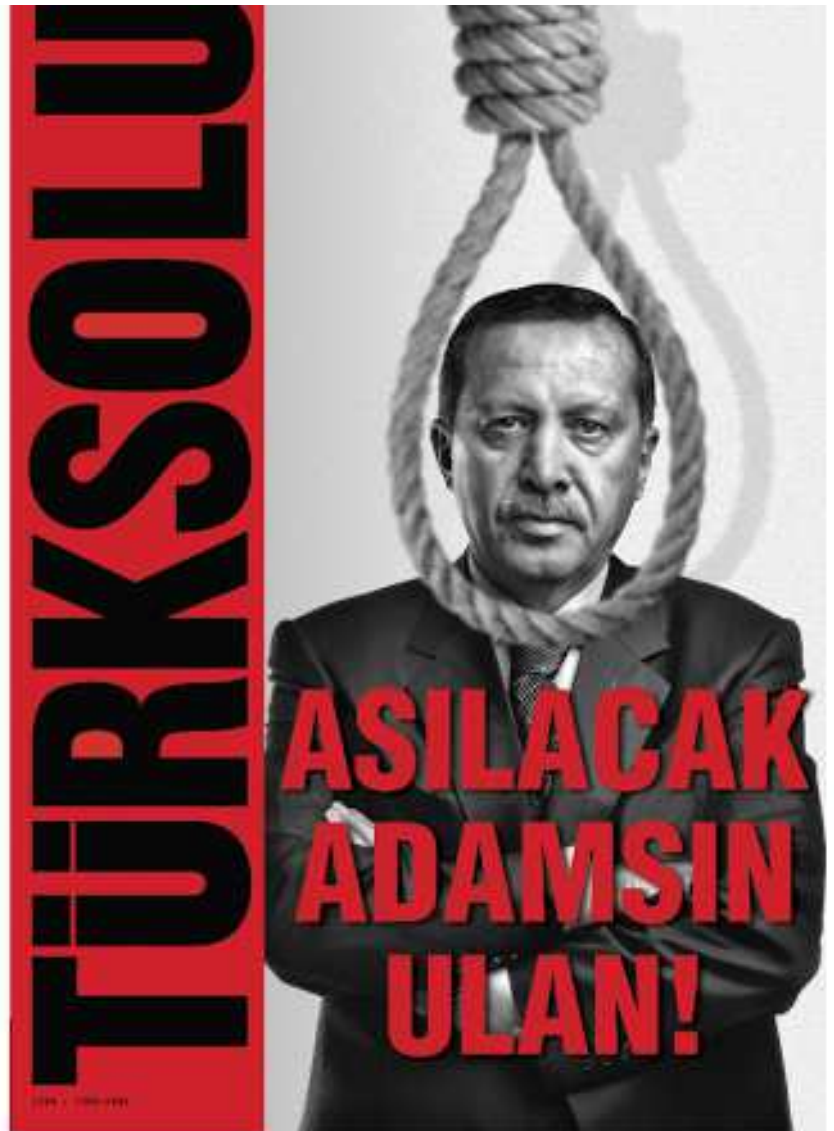
Censorship

TURKISH MEDIA CENSOR THEMSELVES

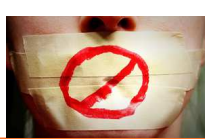
After Erdogan presidential election the chilling effect is rapidly spreading among Turkish media and Ambering Zaman - a reporter for The Economist and Taraf - is one of the last journalist he focused his intimidation techniques on.

Indeed, Erdogan has exposed her to public shame and outrage just because, during the election campaign, the woman has repeatedly expressed her negative opinions about his politics. For the very same reason she also has been targeted on social media by radical groups forcing her to interrupt her activity out of fear.

The country has recently become more and more popular for attacks on press freedom and for the increasing number of journalists in prison.



A weekly newspaper published in Turkey, showing the Prime Minister with gallows and reads: You are the person to be hanged. 25 November 2013.



Censorship



Unfortunately, Zaman is just one of the many Turkish reporters victim of their president threats; many are the names popped up in the last month, only to mention a couple: Enis Berberoğlu, editor-in-chief of Hurriyet, was forced to resign, while Mehmet Baransu, an investigative journalist, was beaten by police and detained by Istanbul public prosecutor because he tweeted about it.

They are just examples of direct and indirect control over media, especially television, that Erdogan is able to employ and he has already disclosed his concrete plans to expand these powers.

“ Turkey has recently become more and more popular for attacks on press freedom”.



Access to Information

A NEW STEP IN THE OPEN DATA DEBATE

The Open Knowledge Festival succeeded in promoting an active change in public and private open data policies. From 15 to 17 July, Berlin hosted the second festival on open data culture aiming to stimulate the long path towards the open availability and distribution of information for everyone to use.

The event is becoming more and more eye-catching for industry and businesses that see commercial opportunities and thus joined the festival with sponsorships and keynotes.

At the conference was also present the EU Commission, represented by the vice-president Neelie Kroes, that took the opportunity to gather people suggestions on what the EC should focus on and how to create a truly open scientific culture.

People enjoying the Open Knowledge Festival





Access to Information

The main idea is to require open access publication of researches funded by EU on the basis that open access, free papers are more likely to be quoted and divulged compared to paid-for articles.

On the other hand many are concerned by the uncertainty surrounding the evaluation parameters of researchers reputation and the role that affiliation to an institution will play.

The next step is now collecting examples of best practice to analyse with a critical spirit when the efficiency of open science exceeds traditional one.



Governments and big businesses want information to be free, but how will it work? The Berlin Open Knowledge Festival cast a friendly but critical eye over the idea.



Access to Information

INDIAN UNIVERSITY MAKES OPEN ACCESS POLICY TO SCIENTIFIC WORK

The University of Mumbai is working to grant unlimited access to its scientific papers. The departments of biotechnology and science and technology will soon share their researches online.

The policy draft suggests a mechanism consisting in a deposition at the researcher's institution repository after the paper has passed a professional peer review. Alternatively it is expected the creation by the government of a national central repository that pursues the same scope.

Following the example of other leading universities and institutions - such as the University of Southampton, Harvard and MIT - the Indian open access proponents advocate the benefits of this policy will not be restricted to supporting teaching and learning, but it will also allow universities to expand their library limiting the high costs of academic journal subscriptions.



To incentivize the application of this policy, the mechanism has been enforced to avoid non compliance: researchers who fail or refuse to comply will not be considered for future fund allocations; while those in government service will put at risk their career advancement.

According to T Vishnu Vardhan - programme director of Access to Knowledge at the Centre for Internet and Society (CIS) - this is also a long term strategy to heighten education quality in India.



Access to information policies

NIGERIA PROMOTES INTERNET ACCESS FOR ALL AFRICA HOSTING THE AfIGF

Governments and stakeholders from all Africa reunited in Nigeria to discuss internet policy developments at the African Internet Governance Forum (AfIGF).

For the third year many institutions from the public and private sector actively helped co-organising and supporting this growing event: the Federal Ministry of Communications and Information Technology, the Nigerian Internet Registry Authority, the Economic Commission for Africa (ECA), the Local Multi-stakeholder Advisory Group (LMAG) of the Nigerian Internet Governance Forum (NIGF), and the African Union Commission (AUC) together with the African sub-regional IGFs.



African Internet Governance Forum 2014, Abuja Nigeria. Theme for 2014 AfIGF: "Connecting Continents for Enhanced Multi stakeholder Internet Governance".



Access to Information

Between 2010 and 2014 Africa managed to grow over ten times mobile broadband penetration, allowing millions of people to experience web access. According to Ms. Fatima Denton - Director, Special Initiatives Division at the ECA - in order to sustain internet growth in Africa, each single nation has to foster private market and stimulate stake holding; many are the successful examples that seem to confirm this strategy, especially in the health sector such as the ABIYE safe motherhood programme.

During the forum, several were the recommendations proposed to create sound basis for tomorrow's policies, among others: educational policies relating to content creation, development and distribution; the need of policies to enhance Human Rights protection and respect; policies to stimulate multi-stakeholder cooperation as a means to drive internet access, growth and development, as well as improving digital trust and many others.





Access to Information

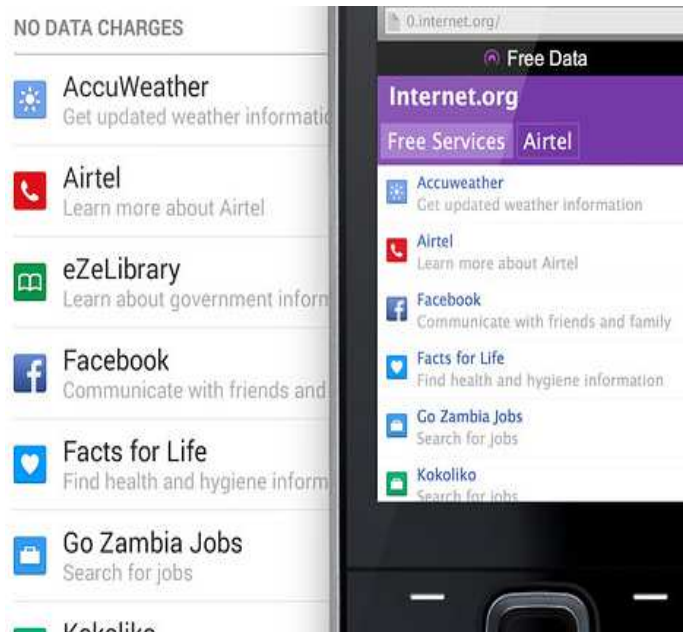
FACEBOOK IN AFRICA STANDS FOR WOMEN'S RIGHTS

Every year, dozens of social venture startups enter annual competitions sponsored by universities, government agencies and other organizations. Winning these contests often means a cash prize and technical assistance, as well as welcome attention from potential new investors and customers.

Facebook's free accessibility initiative Internet.org makes women become aware of their rights. The American social network has recently launched a new app that gathers and gives free access to all the main resources related to women's rights such as MAMA (Mobile Alliance For Maternal Action), WRAPP (Women's Rights App), and Facts For Life by UNICEF.

The project revolves around the idea of empowerment through information: once people are acknowledged with their rights and they know who to contact if a violation occurs, they will be more keen to react to injustices.

The first market to enjoy the initiative is Zambia - whose mobile carrier Airtel, together with local governments, worked hard to offer access at no charge to people who can't afford a mobile data plan; but since the app is available around the globe, frictions are expected in those countries governed by oppressive regimes that deny human rights and where gender discrimination is socially and culturally accepted.



Facebook has recently launched a new app that gathers and gives free access to all the main resources related to women's rights.

In Musimbi Kanyoro's opinion - President and CEO at Global Fund for Women's - this technology will be crucial to build solid foundation and fight gender inequality as well as developing more inclusive and democratic societies.

Considering Mark Zuckerberg global business, this noble move could cost Facebook permanent ban from countries ruled by "morally concerned" governments like Syria, Iran, Pakistan, Bangladesh, Saudi Arabia and China.



Access to Information

DIGITAL ILLITERACY HIT WOMEN MORE THAN MEN

W

ithin the 70% of the world population with no access to the internet, the majority is represented by women. In the south of the world, online women present a 25% lower number than men and goes up to 45% in sub-Saharan Africa.

The UNESCO asserts that empowering women with access to the internet, and the basic technical skills required to use it, will result in cultural, social and economic benefits; indeed, promoting digital literacy granting access to information has to be considered as a necessary life skills that will allow to elevate families, communities and whole nations.

According to Plan UK - a global children's charity - a woman's income increases up to 20% thanks to a single extra year of education; furthermore, fighting digital illiteracy means supporting democracy by giving people, especially women, the tools to raise their voice and stand for their rights.

DONATE TO

W

WOMEN'S
ANNEX
FOUNDATION

Women's Annex Foundation is a not-for-profit 501C3 that began operating in April 2012 -

See more at: <http://www.womensannexfoundation.org/mission/#sthash.cDs3KDBV.dpuf>



Access to Information



Women's Annex Foundation was initially established to financially empower the women and children of Central Asia.

Pursuing this direction, copious initiatives are sprouting such as the Women's Annex Foundation and the She Will Connect project by Intel which are committed to close the technology divide for millions of women around the globe.

Women and the Web
Bridging the Internet gap and creating new global opportunities in low and middle-income countries

intel

Dalberg



Access to Information

IS ZERO-RATING HELPING OR PREVENTING DEVELOPMENT?

In less developed countries special deals between web giants and mobile phone carriers are causing increasing concerns about their long term results: will they drive development or kill local competition?

Zero-rating refers to partnerships between the major online content, service providers and local mobile network operators that give customers free access ("zero-rated", at no charge) to text-only version of services such as Facebook, Google and Wikipedia.

Zero-rated services supporters argue this is a highly efficient way to lower the costs of access to information, increase general demand for internet access and attract investments in the sector.

On the other hand it's been stressed that zero-rating agreements imply mobile phone carriers operate content and service discrimination to foster their partners; in doing so, many questions whether giving this preferential treatment actually realize a constraint to nascent local competition.



Zero-rating is the practice of mobile network operators (MNO) and mobile virtual network operators (MVNO) to not charge end customers for a well defined volume of data by specific applications or internet services via the MNO's Wireless network in limited or metered data plans and tariffs.

The Center for Democracy and Technology - an NGO whose mission is to promote an open, innovative and free internet - is leading a preliminary research to assess the relation among zero-rating, broadband development and internet adoption in less developed countries; the CDT aims to set policy recommendations for zero-rating partnerships to follow so to win one important battle in order to protect net neutrality and fight digital divide.



Access to Information

HOW MASSIVE OPEN ONLINE COURSES CAN BE A FORM OF NEO-COLONIALISM

While

supporters claim massive open online courses (MOOCs) are the key to open access to knowledge, sceptics accuse them to be a new way of colonialism. The debate took place at the forum on "MOOCs in the Developing World" - hosted by the Nelson A Rockefeller Institute of Government of the State University of New York and the United Nations Academic Impact and the Institute of International Education - and lively opposite points of view illustrated the pros and cons of the matter.

It's undeniable the success of online platforms such as edX, Coursera and Udacity and many advocates they are bringing high quality instruction from top worldwide universities to an increasing number of students from developing countries. Nevertheless, it's arguable whether the western approach to the topics discussed in these courses will have a positive impact in other learning environments.

Critics argue that imposing this western inspired education system, instead of adapting the courses, can be easily called a form of neo-colonialism that could take to a worsening of class differences.



From this perspective only technical courses can be helpful to poorer countries, while humanities and philosophy-oriented classes are too biased and have to be cut off from the dispute.

Eventually, to effectively help the raise of developing nations, MOOCs will have to face many other challenges such as school dropout and lack of electricity, stable infrastructure or internet connection.

gLAWcal activities in 2014

Conferences and Workshops

- **Paolo Farah** has presented a paper on “**Globalization, Liberalism and Western Concepts of Intellectual Property Law : A Need of Protection of the Rights of Indigenous People and the Cultural Diversity in Contemporary World**” at the Workshop on “**Political, Philosophical and Legal Aspects of Liberalism in a Comparative Perspective**”, at Peking University School of Government in the framework of the FP7-PEOPLE-2012- Marie Curie IRSES, LIBEAC Project “Liberalism In Between China And Europe”, Workpackages 2 & 4. The workshop is organized by University Institute of European Studies (IUSE), Turin, Italy in consortium with Aix-Marseille University (AMU), France; University of Piemonte Orientale Amedeo Avogadro, Novara, Italy; Charles University, Prague, Czech Republic; Resurgences, Marseille, France; Peking University, Beijing, China; Tsinghua University, Beijing, China; Hokkaido University, Hokudai, Japan, - Beijing, China - 22nd July 2013
- **Paolo Farah** has been Chair, Moderator and Discussant in the Workshop “**Influences and Perspectives on Legislation and Rulemaking**” at the Conference “**New Approaches and New Questions in Chinese Law**”, European China Law Studies Association (ECLS), University of Oxford, Oxford, 18-20th September 2013.

Working Papers

- **Paolo Farah** and **Riccardo Tremolada**, “Intangible Cultural Rights and Information Society: at the Crossroads of IPRs and Innovation”, in Daniele Archibugi and Andrea Filippetti, HANDBOOK OF GLOBAL SCIENCE, TECHNOLOGY, AND INNOVATION, Handbooks of Global Policy Series, Oxford: Wiley Publisher (forthcoming)

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GLAWCAL

GLOBAL LAW INITIATIVES FOR SUSTAINABLE DEVELOPMENT

WHO ARE WE

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns.

Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

All these values are directly affected by the global expansion of world trade and should be upheld to balance the excesses of globalization.

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