



JAPAN  
METROPOLITAN  
MODEL  
UNITED  
NATIONS

United Educational  
Scientific and Cultural  
Organization (UNESCO)

Background Guide Topic:  
Discussing Online Freedom  
of Speech



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## Director's Note

Dear Delegates,

Welcome to the United Nations Educational, Scientific and Cultural Organization committee of Japan Metropolitan Model United Nations 2021! Thank you for joining us, and we hope to have a great two days discussing online freedom of speech.

My name is Kano Katayama, and I am in grade 11 at Senzoku Gakuen High School. I spend my school life participating in ski club, Model United Nations, and debate club. In my first year of middle-school, I became interested in Model United Nations and started participating in in-school simulations. In my first year, because I was so nervous speaking in front of everyone, I rarely stood up to talk at simulations and simply watched my senpais give speeches. The only time I talked was probably when we had unmoderated caucuses. After some time, I realized why I was so nervous: I did not complete enough research. Of course, the ability to make speeches in front of a crowd is a skill needed in MUN, but I believe it all depends on how much research you do. If you do enough research, you become more confident in making speeches as well as really being involved in the conference. In addition to doing research, I have also learned that understanding the rules in MUN is super important. Why? Well, if you do not understand what is going on in the conference, you might lose your chance of telling other countries what *your* country wants to do to contribute to the topic. Many senpais in the MUN club as well as many teachers taught me the procedures in MUN, and without their guidance, I would not have been able to confidently participate in MUN. I hope delegates participating in JMMUN keep these two things in mind for a more high quality conference!

Last but not least, please have fun at JMMUN! Though it may seem like MUN is hard at first, MUN is very fun once you participate in conferences! Going to MUN conferences have always been a great experience for me, too, because every conference is a new experience with new delegates, new topics, and new ideas. Also, don't forget that we chairs are always here to help you. Feel free to talk to us if you have any questions about the conference or about anything you are passionate about. I hope everyone does their best to have an enjoyable two days filled with new discoveries and memories!

Sincerely,



Kano Katayama, Director  
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Senzoku Gakuen Model United Nations Club  
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# History of the Committee

United Nations Educational, Scientific and Cultural Organization (UNESCO), is a specialized agency of the United Nations (UN) that was outlined in a constitution on November 16, 1945. It seeks to build peace through international cooperation in Education, Science and Culture. UNESCO's programmes contribute to the achievement of the Sustainable Development Goals defined in Agenda 2030.<sup>1</sup>

UNESCO first called for the promotion of international collaboration in education, science, and culture in 1946. Its initial emphasis was on rebuilding schools, libraries, and museums that had been destroyed in Europe during World War II. Since then its activities have been focusing on assisting, supporting, and complementing member states to eliminate illiteracy and to extend free education. UNESCO also seeks to encourage the free exchange of ideas and knowledge.

Besides its support of educational and science programs, UNESCO is also involved in efforts to protect the natural

environment and humanity's common cultural heritage.<sup>2</sup>

## Key Terms

### National Subversion

National subversion refers to the act of overthrowing or subverting a nationally converted government<sup>3</sup>. A crucial and recent example of this being established as an illegal act is when China declared the National Security Law for the people of Hong Kong<sup>4</sup>. Some countries such as the United Kingdom<sup>5</sup> do not criminalize national subversion and many believe that it is a violation of freedom of speech along with other human rights. Even so, because many governments try to prevent mass mutiny in order to maintain their position, national subversion is illegal in many countries.

### Private Extorsion

Private extortion refers to the act of illegally using threats, such as private information, for things such as money, property, and services from another person or an entity<sup>6</sup>. These crimes usually occur in countries where the government keeps strict surveillance on their people to minimize the amount of people that disrespect the peace of the

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<sup>1</sup> UNESCO in brief - Mission and Mandate. (2020, July 23). Retrieved July 29, 2020, from <https://en.unesco.org/about-us/introducing-unesco>

<sup>2</sup> Mingst, K. (2020, January 09). UNESCO. Retrieved July 29, 2020, from <https://www.britannica.com/topic/UNESCO>

<sup>3</sup> Subversion: Definition of Subversion by Oxford Dictionary on Lexico.com also meaning of Subversion. (n.d.). Retrieved August 30, 2020, from <https://www.lexico.com/definition/subversion>

<sup>4</sup> Lam, Carrie (30 June 2020). "Promulgation of National Law 2020" (PDF). *The Government of the Hong Kong Special Administrative Region Gazette* (in Chinese). 24(44). Retrieved 10 August 2020

<sup>5</sup> Andrew, C. (n.d.). The Threat Of Subversion: MI5 - The Security Service. Retrieved August 30, 2020, from <https://www.mi5.gov.uk/the-threat-of-subversion>

<sup>6</sup> Extortion - Essential Elements and the Broader Reach of RICO. (n.d.). Retrieved August 30, 2020, from <https://www.stimmel-law.com/en/articles/extortion-essential-elements-and-broader-reach-rico>

country. Therefore, countries that do not ensure the freedom of speech of their people, especially on the internet, lack the privacy of their citizens' information and this results in many crimes of private extortion.

## Communist Society

When talking about problems regarding online freedom of speech, many countries with communist societies such as China, Vietnam, and North Korea come up. This is because a communist society makes sure that everyone in that society is on the same page<sup>7</sup>. Once an individual explores a different and distinguishable interest from others, it goes against a communist society's ideology. Finding a balance between communism and overall freedom of speech is a difficult task, let alone online freedom of speech. However, it will result in massive progress in the step towards the protection of all people's online freedom of speech.

## Current Situation

Freedom of speech, whether exercised by individuals or by the media, and the ability to exercise it, is an essential feature of any democratic society.

In today's society, internet access is expanding rapidly world-wide. Globally, the number of internet users has risen

from only 413 million in 2000 to over 3.4 billion in 2016. Access to mobile networks is available to 90% of the world's population, and it is said that universal availability may be achieved within the next five years.<sup>8</sup>

Currently, media freedom is developing due to technological advancements, increased political polarization, and contestation and threats by non-state actors to national security, which have introduced new issues for media freedom. While journalism remains vital for producing verifiable information and informed content for the public, the line separating producers and receivers of media content has become ambiguous. Therefore, any limits to media freedom, even if intended to impact on journalism and news institutions, can also have a far-reaching impact on public expression more broadly—as well as society's access to information.

Today, criminalized defamation in particular remains a restriction on media freedom in some regions. In Western Europe, legislation was introduced that requires internet platforms such as Facebook, Twitter and Youtube to remove potentially illegal content in less than 24 hours or risk fines.<sup>9</sup> Moreover, the number of internet shutdown cases is rising. Some reasons for internet shutdowns include the following:

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<sup>7</sup> Chu, R., Lau, D., Moriah, S., & Schallich, A. (n.d.). Communism and Computer Ethics. Retrieved August 30, 2020, from <https://cs.stanford.edu/people/eroberts/cs201/projects/communism-computing-china/censorship.html>

<sup>8</sup> Global survey on internet privacy and freedom of expression. (2012). Retrieved from

[https://unesdoc.unesco.org/ark:/48223/pf0000218273\\_page=8](https://unesdoc.unesco.org/ark:/48223/pf0000218273_page=8)

<sup>9</sup> Trends in media freedom. (2018). Retrieved from <https://unesdoc.unesco.org/ark:/48223/pf0000261369>

safeguard government authority, maintain national security, reduce public dissidence, prevent plagiarism, fight terrorism, and protect local businesses and economic interests. As the measures to inhibit media freedom online become increasingly common, campaigns to raise awareness of the threats posed by digital censorship and shutdowns have increased.

Moreover, ensuring privacy of individuals is key to achieving online freedom of speech. While online freedom of speech is vital in the current society where technology is rapidly advancing, there is a high possibility that data may spread far beyond the control of an individual. The problem online privacy is facing is the lack of user control in influencing how their data is being used as well as the lack of transparency of private policies to users.

Although there has been increased recognition of the importance of freedom of information and online privacy, little emphasis has been placed on ensuring women have equal access to it. This is an important step to ensuring that gender issues relating to access, privacy and security of the internet are prioritized. There have also been examples of other more extreme measures, such as local community authorities banning or restricting mobile phone use for girls and unmarried women.

Moreover, the protection of the LGBTQ+ community has been recognized as important in order to achieve freedom of speech. Digital platforms have been playing a powerful role in limiting access to certain content, such as YouTube's 2017 decision to classify non-explicit videos with LGBTQ+ themes as "restricted," a classification designed to filter out "potentially inappropriate content."<sup>10</sup> Another dimension is the manifestation of virtual violence through the increased incidence of hate speech and abuse directed towards women and the LGBTQ+ community. Such abuse has made online participation difficult for these communities.

Technological advancements do not progress evenly; such advancements often spread unevenly across regions, across gender, and across digital and other divides. Therefore, delegates are encouraged to discuss online freedom of speech from a variety of aspects.

## **Subtopic A: Social Media and the Loss of Freedom of Speech**

### *Case Study 1: China*

China is a country known for its strict regulations regarding the censorship of people's voices in the media, despite the fact that the constitution of China declares that the people should enjoy the freedom of speech and press. China adopted its first cybersecurity law in

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<sup>10</sup> Trends in media freedom. (2018). Retrieved from <https://unesdoc.unesco.org/ark:/48223/pf0000261369>

2016 by the Standing Committee of the National People's Congress (NPCSC)<sup>11</sup>, prohibiting several types of content shared in the media, including content that endangers national security and honor, inciting subversion of national sovereignty or the overthrow of the socialist system, and inciting separatism. This goes for all netizens regarding social media platforms in China.

On September 25, 2000, China's Administrative Measures on Internet Information Services issued a regulation that all services on the internet that offer information to netizens need to maintain a license to operate a business on the Chinese internet<sup>12</sup>. Maintaining this license means to have an obligation as a social media platform to track all information disseminated by their users in the span of sixty days, to swiftly remove any information spread from a user that violated any regulations or laws, and to report these crimes to the government immediately. These service providers also have an obligation to confirm that all users have put in authentic identity information and if the government sees that the providers have failed to authenticate their users' information, they would have to face major consequences such as shutting down their platforms completely.

Netizens who use social media platforms in China have to be cautious about not violating the regulations and laws provided, or else the government will inflict harsh penalties. For example, on August 29, 2015, the NPCSC ordered that the Ninth Amendment be placed in the PRC Criminal Law<sup>13</sup>. This law states that fabricating false information onto the internet and disturbing the peace of the public is a crime and any user who commits this offense will be penalized for up to seven years in prison. For decades, China has been struggling to combat misinformation or "false rumors" on their social media platforms, especially on platforms broadly used in China such as WeChat. In the span of only one month in July of 2018, internet regulators reported receiving 6.7 million claims of false information<sup>14</sup>. In 2018, WeChat had to intercept over 84,000 rumors and the government had to counteract misinformation with anti-rumor articles and campaigns<sup>15</sup>. There is negativity surrounding what the government is trying to do by counteracting their so called "false rumors". Many believe that the government is only trying to protect the information that they do not wish to share to the public and maintain their image by intercepting critics and taking away the freedom of speech their people deserve in the process.

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<sup>11</sup> PRC Cybersecurity Law (adopted by the NPCSC on Nov. 7, 2016, effective June 1, 2017) art. 24 (in Chinese), <https://perma.cc/3HAP-D6MZ>

<sup>12</sup> State Council, Administrative Measures on Internet Information Services (Sept. 25, 2000, effective on the same day) art. 2 (in Chinese), <https://perma.cc/M6J4-HV7V>

<sup>13</sup> Ninth Amendment to the PRC Criminal Law (adopted by the NPCSC on Aug. 29, 2015, effective Nov. 1, 2015) (in

Chinese), <https://perma.cc/JZL6-XV2K>, English translation available at Westlaw China (by subscription)

<sup>14</sup> Stella Qiu & Ryan Woo, *China Launches Platform to Stamp Out 'Online Rumors'*, Reuters (Aug. 30, 2018), <https://perma.cc/3976-TPRB>

<sup>15</sup> *2018 Report on Managing Online Rumors Published, 774 Institutions Refuted Rumors on WeChat*, People.cn (Jan. 18, 2019) (in Chinese), <https://perma.cc/8QCK-37ZQ>

Another fundamental situation that has recently surfaced, is the newly ordered National Security Law in Hong Kong. On June 20, 2020, China passed a security law for the people of Hong Kong<sup>16</sup>. The law stated that offenses of secession, subversion, organization and perpetration of terrorist activities, and collusion of foreign countries and external elements will be suppressed and punished for up to life in prison. The law has explicitly stated that the law will not contravene the freedom of speech of the citizens, but many of the people of Hong Kong disagree. When Britain returned the sovereignty of Hong Kong to China in 1997, Britain returned it on condition that China agree to keep Hong Kong's "one country, two systems" policy<sup>17</sup>. With the National Security Law, China can detain the only part of the country that has the freedom of speech and assembly. Many people who use social media have deleted their accounts to protect themselves from any punishments. Although social media platforms such as Facebook and Twitter deny any requests from the Chinese government<sup>18</sup>, proclaiming that they believe in the freedom of speech, Tik

Tok, a popular Chinese business owned social media platform, has stopped operating in Hong Kong in light of recent events<sup>19</sup>. Protestors are still on the streets of Hong Kong with hundreds being imprisoned to this day<sup>20</sup>.

### *Case Study 2: Iran*

A major turning point for Iran was the 2009 presidential election where many Iranians expressed their discontent with the results on social media platforms such as Twitter and Instagram, being skeptical of the re-elected Mahmoud Ahmadinejad, and many used this as an opportunity to organize some of the largest protests in Iranian history<sup>21</sup>. Because of these anti-government protests, the government decided to ban social media platforms. However, something to be noted is that even after the ban, fifty-eight percent of Iranians were found using the banned platforms through illegally downloaded websites<sup>22</sup>.

After the main committee of censorship of social media in Iran, the Supreme Council on Cyberspace (SCC), was formed in 2012<sup>23</sup>, there were several

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<sup>16</sup>Lam, Carrie (30 June 2020). "Promulgation of National Law 2020" (PDF). *The Government of the Hong Kong Special Administrative Region Gazette* (in Chinese). 24(44). Retrieved 10 August 2020

<sup>17</sup> Levine, S. (1998, October 08). Hong Kong's Return To China. Retrieved August 23, 2020, from <https://www.britannica.com/topic/reversion-to-Chinese-sovereignty-1020544>

<sup>18</sup> Chiu, K. (2020, July 08). Hongkongers still rely on Facebook and Google, long blocked by China. Retrieved August 23, 2020, from <https://www.scmp.com/abacus/culture/article/3>

<sup>19</sup> Banjo, Z. (2020, July 07). TikTok Pulls App From Hong Kong Mobile Stores. Retrieved August 23, 2020, from <https://time.com/5863584/tiktok-pulls-out-hong-kong-bytedance/>

<sup>20</sup> Luu, C. (Director). (2020, July 1). *Hundreds arrested, thousands protest in Hong* [Video file]. Retrieved August 23, 2020, from [https://www.scmp.com/video/hong-](https://www.scmp.com/video/hong-kong/3091430/hundreds-arrested-thousands-protest-hong-kong-during-first-day-under-new)

[kong/3091430/hundreds-arrested-thousands-protest-hong-kong-during-first-day-under-new](https://www.scmp.com/video/hong-kong/3091430/hundreds-arrested-thousands-protest-hong-kong-during-first-day-under-new)

<sup>21</sup> Corker, B. (2018, January 04). Text - S.Res.368 - 115th Congress (2017-2018): A resolution supporting the right of all Iranian citizens to have their voices heard. Retrieved August 23, 2020, from <https://www.congress.gov/bills/115th-congress/senate-resolution/368/text>

<sup>22</sup> Etehad, M. (2014, April 19). OPINION: Why are Twitter and Facebook still blocked in Iran? Retrieved August 23, 2020, from <http://america.aljazeera.com/opinions/2014/4/iran-twitter-rouhaniinternet-censorship.html>

<sup>23</sup> Deasy, K. (2012, March 7). Supreme Council of Cyberspace, new online oversight agency, to launch in Iran. Retrieved August 23, 2020, from <https://www.pri.org/stories/2012-03-07/supreme-council-cyberspace-new-online-oversight-agency-launch-iran>

evident endeavors of the government trying to shut down the access that their people had to the platforms. For example, in 2013 and 2014, the Iranian government banned some of the most popular social media platforms, WeChat and WhatsApp, in Iran at the time<sup>24</sup>. To this day, the Iranian government shuts down the internet in some regions that hold massive anti-government protests, such as the time they stopped it in multiple cities in November of 2019, when massive protests were happening against the rising fuel prices<sup>25</sup>. The people of Iran look to presidents that promise their freedom of speech on the internet, especially on social media platforms. For example, President Hasan Rouhani had promised this in his election, believing that social media networking sites were the key to stop Iran's isolation from the world, but like many presidents before and after him, he was full of empty promises that could not pass the judiciary system of Iran<sup>26</sup>.

## **Subtopic B: Privacy and surveillance**

*Case Study 1: Europe (GDPR)  
What is General Data Protection regulation (GDPR)*

General Data Protection Regulation (GDPR) is a privacy and security law

passed by the European Union (EU). The regulation was put into effect on May 25, 2018.<sup>27</sup> GDPR gave numerous new privacy rights to consumers, including the right to demand companies to tell them how their data is used. The law also imposed what could be the most stiffest privacy fines of up to twenty million euros for violations.

### *Effect of GDPR and its problems*

However, the effectiveness of GDPR is questionable according to Consumer New and Business Channel (CNBC).<sup>28</sup>

GDPR often gives a notice on how they have updated their privacy policy. Laura Jehl, partner in the privacy and data protection practice at law firm BakerHostetler states the law is offloading too much responsibility to the individual to understand the notices and taking action on them. The constant change in the policies make it hard for consumers to really understand the law. Thus, though this law was created to help consumers with their privacy, they are becoming even more confused as to how they can actually take advantage of GDPR.

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<sup>24</sup> Khodabakhshi, L. (2014, May 07). Rouhani move over WhatsApp ban reveals Iran power struggle. Retrieved August 23, 2020, from <https://www.bbc.com/news/world-middle-east-27330745>

<sup>25</sup> Internet disrupted in Iran amid fuel protests in multiple cities. (2020, March 26). Retrieved August 23, 2020, from <https://netblocks.org/reports/internet-disrupted-in-iran-amid-fuel-protests-in-multiple-cities-pA25L18b>

<sup>26</sup> Khodabakhshi, L. (2014, May 07). Rouhani move over WhatsApp ban reveals Iran power struggle. Retrieved

August 23, 2020, from <https://www.bbc.com/news/world-middle-east-27330745>

<sup>27</sup> What is GDPR, the EU's new data protection law? (2019, February 13). Retrieved from <https://gdpr.eu/what-is-gdpr/>

<sup>28</sup> Fazzini, K. (2019, May 05). Europe's sweeping privacy rule was supposed to change the internet, but so far it's mostly created frustration for users, companies, and regulators. Retrieved from <https://www.cnbc.com/2019/05/04/gdpr-has-frustrated-users-and-regulators.html>



### *Case Study 2: China*

The Chinese population produces huge amounts of online data, but little is protected. Insufficient privacy protection has led to thriving market for stolen personal information, from national identification numbers to home addresses. Some of the data is used for state surveillance, while much of it is used for private extortion and fraud.<sup>29</sup>

However, Chinese consumers are vocally standing up for their privacy in front of internet giants. Recently, Chinese users challenged Alibaba, a Chinese online commerce company, on personal data privacy. Ant Financial, Alibaba's financial arm launched the Zhima Credit, an online credit scoring service which offers loans based on users' digital activities, transaction records and social media presence. Users discovered that they had been enrolled in the credit scoring system by default and without consent. Under pressure, Alibaba apologized.

China does have its official laws related to protecting personal information. According to Qi Aimin, a professor at Chongqing University's School of Law, currently there are over two-hundred Chinese rules and documents covering the protection of personal information both in civil and criminal aspects.<sup>30</sup>

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<sup>29</sup> Feng, E. (2020, January 05). In China, A New Call To Protect Data Privacy. Retrieved from <https://www.npr.org/2020/01/05/793014617/in-china-a-new-call-to-protect-data-privacy>

However, he believes that they are still inadequate to protecting the personal information of netizens. Qi states the current Personal Information Security Specification does not give Chinese citizens any right to protect their privacy because it is not a law. Furthermore, he emphasizes the need of a unified law, similar to the GDPR in Europe.

In order to better protect citizens' privacy, the Cyberspace Administration of China (CAC) is working on creating a new regulation. In May 28, the CAC introduced a new data security regulation, stating that customized content using recommendation algorithms driven by personal information, including news feeds and advertising, should be explicitly labeled.

### *Case Study 3: India*

Paul Bischoff, a privacy advocate and vpn expert of compareitech released a ranking on countries lacking in protection of online privacy. India ranks third in this ranking, given the reason of how there are a number of concerning aspects of India's laws and regulations threaten citizens' privacy.

Talwar Thakore & Associates, an association in India states India is not a party to any convention on protection of personal data which is equivalent to major data protection laws such as the *GDPR* or the *Data Protection Directive*.

<sup>30</sup> Sheng, W. (2020, March 16). One year after GDPR, China strengthens personal data regulations, welcoming dedicated law · TechNode. Retrieved from <https://technode.com/2019/06/19/china-data-protections-law/>

As many countries in this world today recognize protecting its citizens' online privacy as a major issue, India is working on creating their data privacy law as well. According to Linklaters, the Government of India constituted a committee to propose a draft statute on data protection. The committee proposed a draft law and the Government of India issued the Personal Data Protection Bill 2019 (PDP Bill) based on the draft proposed by the committee.<sup>31</sup> This law is planned to be passed in 2020, and will be India's first law on the protection of personal data.

Though this new law on the protection of personal data seems to be beneficial for the 1.3 billion population of India, there are problems regarding this law. Since the Indian government is creating this law, it gives the government more information on citizens' privacy. This results in lack of surveillance for the country.

The PDP Bill has received criticism over the intervention powers it gives India's government. For example, the global legal post states clause twelve of the bill gives power to the government to process individuals' personal data without their consent.<sup>32</sup> Moreover, new

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<sup>31</sup> "Data Protected India: Insights." *Linklaters*, [www.linklaters.com/en/insights/data-protected/data-protected---india#:~:text=General%20data%20protection%20laws&text=India%20has%20also%20not%20yet,improper%20disclosure%20of%20personal%20information](http://www.linklaters.com/en/insights/data-protected/data-protected---india#:~:text=General%20data%20protection%20laws&text=India%20has%20also%20not%20yet,improper%20disclosure%20of%20personal%20information).

<sup>32</sup> "Will India's New Data Protection Law Serve as a Government Surveillance Tool?" *The Global Legal Post*, [www.globallegalpost.com/big-stories/will-indias-new-data-protection-law-serve-as-a-government-surveillance-tool-4261027/](http://www.globallegalpost.com/big-stories/will-indias-new-data-protection-law-serve-as-a-government-surveillance-tool-4261027/).

York Times states lawyers have said the bill would move India closer to China, where the internet is tightly overseen by the government. Salman Waris, head of the technology practice at TechLegis a New Delhi law firm, also states, "It gives a semblance of owning your data, and having the right to know how it is used, to the individual, but at the same time it provides *carte blanche* (complete freedom to act as one wishes) to the government".<sup>33</sup>

## Subtopic C: Gender

### *Case Study 1: Uganda*

In July 2018, President Museveni of Uganda introduced the "over-the-top" (OTT) tax which is a tax on social media in order to access online services such as WhatsApp, Facebook, and Twitter.<sup>34</sup> While many people were influenced by the new tax, women, who had already faced barriers in accessing the internet, had been damaged the most. A survey carried out in 2014 by the Uganda Communications Commission found that only 6 percent of women are online in Kampala, the capital of Uganda, and only 21 percent of women have been reported as to having used the internet,

<sup>33</sup> Goel, V. (2019, December 10). On Data Privacy, India Charts Its Own Path. Retrieved August 18, 2020, from <https://www.nytimes.com/2019/12/10/technology/on-data-privacy-india-charts-its-own-path.html>

<sup>34</sup> Taxing dissent: Uganda's social media dilemma · Global Voices. (2020, January 03). Retrieved from <https://globalvoices.org/2019/12/12/taxing-dissent-ugandas-social-media-dilemma/>

versus 61 percent of men.<sup>35</sup> Research by the Women of Uganda Network and the Web Foundation indicates that many Ugandan women who are dependent on subsistence agriculture cannot afford to buy smartphones as a result of feminised poverty.<sup>36</sup> Even those who are able to afford mobile devices often face barriers of language and low literacy and have a difficult time using it. Moreover, the Ugandan society which has a negative view towards women's engagement in public areas makes it difficult for women to use spaces like cafes where internet access is often available. The gender gap in internet access hinders women in Uganda from participating in ICT policy and decision making processes.

Moreover, the number of abuse through social media and smartphones towards the LGBTQ+ community is increasing rapidly. Although the internet can help the LGBTQ+ community reach larger audiences, it can also be a tool which allows their attackers to attack them. According to a Pew Research, Uganda has a negative view on homosexuality where 96 percent of the population disapproves of it.<sup>37</sup>

In 2013, the Ugandan parliament passed the Uganda Anti-Homosexuality Law which proposes a life sentence for

engaging in “homosexual activity” and the death sentence for “aggravated homosexuality.”<sup>38</sup> Although this act was ruled invalid due to procedural grounds, people who were identified or accused as LGBTQ+ were arrested by the Ugandan police during the five months that this act was valid.

While the internet allows for the women and the LGBTQ+ community to come together and reach large audiences, it has become difficult for these communities to actively access the internet and have freedom online.

#### *Case Study 2: Russia*

In 2019, the Russian court ordered the social media platform Vkontakte to block two popular LGBTQ+ groups for disseminating information that goes against family values. The court states to have found that the groups provided information that “negates family values, propagates non-traditional sexual relations and promotes disrespectful attitudes towards parents.”<sup>39</sup>

One of the affected groups is the LGBT Community, one of the most popular online LGBTQ+ groups on Russian social media with more than 187,000 members. The group was created in 2017

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<sup>35</sup> *Women's Rights Report Card Uganda*. (n.d.). [http://webfoundation.org/docs/2016/09/WF\\_GR\\_Uganda.pdf](http://webfoundation.org/docs/2016/09/WF_GR_Uganda.pdf)

<sup>36</sup> Uganda's tax on social media will widen the digital gender gap. (2019, May 16). Retrieved from <https://advoc.globalvoices.org/2018/07/09/ugandas-tax-on-social-media-will-widen-the-digital-gender-gap/>

<sup>37</sup> The Global Divide on Homosexuality. (2020, July 24). Retrieved from <https://www.pewresearch.org/global/2013/06/04/the-global-divide-on-homosexuality/>

<sup>38</sup> Anti-Homosexuality Bill could mean a death sentence for LGBT People in Uganda. (2020, March 20). Retrieved from <https://www.amnestyusa.org/anti-homosexuality-bill-could-mean-a-death-sentence-for-lgbt-people-in-uganda/>

<sup>39</sup> Russian Court Blocks Major LGBT Online Groups. (n.d.). Retrieved from <https://www.voanews.com/europe/russian-court-blocks-major-lgbt-online-groups>

and has provided extensive support to LGBTQ+ people in Russia, who are heavily restricted by repressive laws. In addition, the Russian LGBT Network, a civil society organisation that promotes equal rights regardless of sexual orientation and gender identity was also affected. Founded in 2008, the network provides legal services as well as bringing together national and international advocacy groups.<sup>40</sup>

These two groups were taken away the right to speak freely online by the Russian Gay Propaganda Law, passed in 2013 with the main purpose being to protect young children from being exposed to homosexuality.

The LGBTQ community in Russia which had depended on these groups for support and advice as well as an environment where they can anonymously share their emotions has received a large damage. In Russia, violation and attacks on LGBTQ+ people are common and homophobia is widespread throughout the country.

## Past UN Actions

The first step taken by the United Nations for the protection of freedom of speech was in 2013, when the OHCHR created the first resolution to expressly

state that individuals of each country have the right of freedom of speech on the internet<sup>41</sup>. The resolution focused on the fact that the internet itself is a “key means” of people’s way of not only enabling their right to exercise their freedom of speech, but a way to enable other human rights such as the right to education and the right of association and assembly. Although this resolution was an improvement from prior years in which the United Nations only implied that the access to the internet was a human right, this resolution did not have an enforcement power over countries and was merely a first step.

Since then, the United Nations have focused towards the preservation of human rights online the same way it should be offline. In 2015, the “CONNECTing the Dots: Options for Future Action” conference<sup>42</sup> was held in March and UNESCO formed a number of options to establish as certain future resolutions for the preservation of the freedom of speech on the internet, including an option regarding the R.O.A.M principles<sup>43</sup>.

These options formed in the 2015 conference were vital starters for the resolution made in 2016, when the OHCHR established a resolution called, “The promotion, protection and enjoyment of human rights on the

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<sup>40</sup> Russia: Courts invoke 'family values' to block LGBTQ groups online. (n.d.). Retrieved from <https://www.article19.org/resources/russia-courts-invoke-family-values-to-block-lgbtq-groups-online/>

<sup>41</sup> Park, S. (2013). *The United Nations Human Rights Council's Resolution on Protection of Freedom of Expression on the Internet as a First Step in Protecting Human Rights Online* [PDF]. North Carolina Journal of International Law.

<sup>42</sup> *Options for future action\_outcome statement\_26 Jan\_to circulate with KSD.docx* [PDF]. (2015). United Nations Educational, Scientific and Cultural Organization.

<sup>43</sup> ROAM-X Indicators. (2019, November 23). Retrieved August 10, 2020, from <https://en.unesco.org/internet-universality-indicators/roamx-indicators>

Internet”, strongly affirming that the human right of freedom of speech in particular, will be protected<sup>44</sup>. Another fundamental topic emphasized in the resolution was about the protection of the “safety of journalists in the digital age”, condemning any online attacks, including gender-based attacks made towards women. UNESCO welcomed this resolution, noting the fact that the resolution called upon a launch of a project to develop Internet Universality indicators to provide “a holistic approach to promote human rights online”<sup>45</sup>.

What makes the Internet Universality indicators a fundamental part of preserving freedom of speech? The concept of Internet Universality was created and endorsed by UNESCO themselves in 2014, and this concept divided the future of the internet into four core themes, which were Rights, Openness, Accessibility to All, and Multi Stakeholder Participation. The Internet Universality indicators are indicators based on these four themes, otherwise known as the R.O.A.M principles<sup>46</sup>, for governments and stakeholders worldwide to assess their current state of their internet. These indicators are not for ranking each country in comparison to other countries, but they are for assisting with developing

new and improved internet policies and a better online environment. Because these indicators are based on the R.O.A.M principles, 55 of the 303 set of indicators are based on the Rights of what an internet should withhold, and in these Rights, is the crucial right of freedom of speech. By having these types of indicators, it ensures that an online environment cannot fully develop without the proper systems and policies in place to ensure a safe internet for freedom of speech.

Although the sets of indicators established, otherwise known as R.O.A.M X, was a massive improvement from the resolutions that UNESCO have made in the past, the only country that has successfully completed the assessment of indicators in their online system is Brazil, with them being the first country of study in the first edition of the *UNESCO Series of Internet Universality National Assessments*, published in the December of 2019<sup>47</sup>. This first edition of studies shows the massive research findings that lead to the recommendation of actions to improve Brazil’s internet policies. A vital challenge to overcome however, is implementing these strategies, along with other effective strategies, to ensure the freedom of speech worldwide,

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<sup>44</sup> United Nations, General Assembly, *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*A/HRC/32/L.20 (27 June 2016) available from [https://www.article19.org/data/files/Internet\\_Statement\\_Adopted.pdf](https://www.article19.org/data/files/Internet_Statement_Adopted.pdf)

<sup>45</sup> UNESCO publishes Internet Universality ROAM-X Indicators: A Framework for Assessing Internet Development. (2019, April 10). Retrieved August 10, 2020, from <https://en.unesco.org/news/unesco-publishes-internet-universality-roam-x-indicators-framework-assessing-internet>

<sup>46</sup> ROAM-X Indicators. (2019, November 23). Retrieved August 10, 2020, from <https://en.unesco.org/internet-universality-indicators/roamx-indicators>

<sup>47</sup> Assessing Internet Development in Brazil: UNESCO launches the first edition of a new publication series of Internet Universality National Assessments. (2020, January 06). Retrieved August 10, 2020, from <https://en.unesco.org/news/assessing-internet-development-brazil-unesco-launches-first-edition-new-publication-series>

especially in socialistic countries. Though a challenging task to accomplish, the hard work of each delegate will surely achieve success.

## Questions to consider

- What is your country's stance on online freedom of speech?
- What are the pros and cons of online freedom of speech ?
- Has your country taken any past actions regarding online freedom of speech?
- Has your country experienced any effects regarding online freedom of speech due to COVID-19?
- What is your country's policy on online privacy? Are there any laws?
- What is your country's view on LGBTQ's freedom of speech online?
- Does your country have laws or restrictions on the citizens' use of Social Networking Services (SNS)?

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