BACKGROUND PAPER:

United Nations Human Rights Council - UNHRC

Internet Censorship

The fact is that censorship always defeats its own purpose, for it creates, in the end, the kind of society that is incapable of exercising real discretion.

~Henry Steele Commager

INTRODUCTION

In 2005, the number of internet users worldwide reached 1 billion. In 2010, the second billion was reached, and just 4 years later the 3 billion mark was reached. Technology has exploded and spread at an incredible rate since the coming of the twenty first century. The exponential growth means that smartphones available on the market today contain access to an amount of data greater than the access government executives had ten years ago (http://www.mstech.com/nh-it-blog.php?show=171). The greater ability to gain access to the internet creates the opportunity for people to receive a wider spread of information at faster rates than ever before. The internet has a very clear impact on the creation of a global community. Throughout these changes a new issue, the control and governance of the internet, has unfolded in international debate. Efforts to censor and restrict the information highway have been made in many different nations. The UN has examined the issue in the past, but there is still debate over how this newer form of communications should be treated.

Censorship separate of the internet has created controversy in many situations throughout history. Although the Universal Declaration of Human Rights protects the right of opinion and expression without interference through any media (UDHR/Article 19), there is still a large amount of regulation of what is deemed unacceptable. The issue encompasses many items involved with freedom of speech and expression, but the inclusion of cyberspace creates a new dimension to be discussed and solved.
BACKGROUND AND PAST ACTIONS

Censorship has been abundant throughout all of history. The restriction of school textbooks, removal of anti-government information from resources, and shutdown of unfavorable news sources has occurred worldwide through the means of governmental action. It has been used to control the economic, intellectual, and cultural aspects of a society. Individual states control the laws regarding internet governance within their own borders, and according to the OpenNet Initiative, about “half of the world’s internet users experience some form of censorship online” (Council on Foreign Relations). Different organizations and nonprofits, like the Internet Corporation for Assigned Names and Numbers (ICANN), Internet Society, and Amnesty International have made efforts to keep the internet available without restrictions. The Internet Society specifically believes that the internet should be ruled from consensus of the masses rather than in a top-down manner (Internetsociety.org, Internet Governance).

In June 2012, the United Nations Human Rights Council decided through a treaty that the same rights a person receives in the real world should also apply on the internet. This treaty, however, was non-binding, and each member state still has the authority to govern its internet usage according to its own terms. It calls upon states to “promote and facilitate access to the internet,” acknowledging that the internet is an influential force in education and development. Operative clause 5 develops further the responsibilities of the states regarding the internet:

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; (A/HRC/26/L.24)

While a large majority of nations supported this resolution, it is clear that multiple nations still censor the web. It is important to remember that the support for this bill despite actions against it reflect positively on the issue as a whole; even nations with opposing actions do not want to outwardly oppose freedom of speech on the internet. While the past actions in the Human Rights Council have set guidelines for freedoms on the internet, to fully solve the issue more actions are necessary.

The non-binding aspect of this resolution has given power to the private sector in deciding the extent technology will be produced to analyze and prevent internet usage. Companies like Cisco, a company that provides technology for China’s firewall, now
have responsibility in the protection of freedoms in the world wide web. Social media websites are also given a choice to inform their users of data oversight, as Twitter did for supporters of the Occupy Wall Street movement, or to not provide such information, like Facebook (Somini Sengupta, New York Times). The systems built for surveillance and tracking of technology, which surfaced in the WikiLeaks scandal and led to the reveal of a hidden international industry, caused uproar regarding privacy and safety of expression on the internet.

**CURRENT SITUATION**

Censorship is currently causing restraints on freedom of expression and the free flow of information. Creating an educated, global community motivates the United Nations to protect all forms of education, and the internet has been widely recognized as a grand force in the spread of information and knowledge. It understands the possible uses of the internet in protecting and increasing understanding of human rights. Although there has been actions within nations in regards to internet governance, there are drastically different standards internationally.

Reporters without Borders, a non-governmental organization working to protect freedom of expression and the press, releases an annual list called “Enemies of the Internet,” which categorizes nations infringing on internet freedom according to four criteria: surveillance, censorship, imprisonment, and disinformation (http://12mars.rsf.org/2014-en/). US News has also created a list of the “Top 10 Internet-censored Countries” (http://www.usatoday.com/story/news/world/2014/02/05/top-ten-internet-censors/5222385/). Governance on the internet, especially surveillance and censorship, is still found in countries considered to have favorable conditions on human rights.

The reason for this inconsistency is the complexities that evolve when allowing complete freedom, many of which have occurred offline as well. Much of the debate stems from the protection of children. The internet contains a large amount of inappropriate content, and one of the strongest supports for controlling the internet is to keep children away from mature content. The argument is that restricting children from viewing this content, including pornography, will encourage a better future for them. It cannot be said, however, that every nation censoring their internet is doing so to prevent this from happening.

Another effect that is damaging to human rights is the increase in issues like cyber-racism and cyber-sexism that have grown in recent times. The lines between free speech and hate speech or threats is already thin without the inclusion of the internet,
and further specifications and actions are recommended to protect the rights of humans to life.

Nations that are instituting widespread use of censorship are majorly doing so to control the information that is either sent or received. Opposition to these governments is surveyed or deleted entirely, depending on the strength of the censor. Firewalls, like those in China, Saudi Arabia, and Vietnam, block sites that are considered unfavorable or threatening to the state. Communications online are also observed and filtered, if deemed necessary. This is a violation to the freedom of expression, and is implying the removal of the freedoms of thought and opinion, because any opinions opposing the government will be chastised. As of now, little has been done to secure the freedoms of the people in these places. The governments are left to their own devices, but as the infringements continue, action becomes more of a priority.

There are many different intricacies in this issue that are necessary to reaching a definitive solution to internet censorship. While incorporating it with offline debate on free speech is beneficial in drawing parallels and finding similar solutions, it is important to remember that there are more aspects involved when discussing internet censorship specifically. Economically, the influence of the private sector particularly differentiates the two debates. Technology producers and businesses have a power in providing the means in which censorship and surveillance is created. Other private based actions like hackers can pose issues in placing restrictions on security. All actions must be carefully calculated, as the endless data and information on the internet ensures the security of many people, and missteps could be extremely detrimental.

THE PROBLEM

Internet censorship is a fairly new method of government control. There are many possibilities regarding its usage as a form of control, such as its effectiveness or its actual implementation. The problem is that there are not many regulations or limits put into place as to what a government can censor and how it should do so. This is very concerning considering that restriction without regulation can have many consequences that follow. Some examples include restricted access to reliable information, as well as access to information a government deems unfavorable without popular consent. A lack of regulations, however, may also cause other problems such as cyberbullying without intervention from the government.

Most forms of government intervention will cause some aspect of an individual’s personal liberties to be restricted or removed. A lack of any intervention leads to anarchical states and chaos. In this new dimension of communication and information, a precedent must be set to secure basic human rights while halting the possible spread of violence that can be created through technological means.
RELEVANT DOCUMENTS

- Draft Resolution A/HRC/26/L.24 - "The promotion, protection, and enjoyment of human rights on the Internet"
- *The Universal Declaration of Human Rights*
- *International Covenant on Civil and Political Rights*

BLOCK POSITIONS

The issue of internet censorship has multiple facets, and thus many countries’ policies are based on finding a balance between many different aspects. As a delegate, it is your responsibility to accurately represent your nation’s policies, fully understanding in what ways and for what reasons internet governance is present in your nation. As always, it is beneficial to form alliances and blocs with nations who hold similar beliefs.

While there are varying degrees of censorship use, there is a large amount of nations that actively restrict information on the internet. The use of firewalls, government checkpoints, or filtering systems allow governments to have complete control over the flow of information in their nation. These countries will do so to prevent knowledge that is harmful to the state or is against the beliefs of the governing bodies. In many ways, the use of censorship is considered protection for the citizens. The restriction of access to official government documents is also common in bodies that use harsh censorship.

Other bodies, such as the United States and the United Kingdom, do not censor their internet but use surveillance methods. While the discussion of internet surveillance is another topic, understanding each nation’s governmental control of cyberspace will be extremely beneficial in reaching a solution.

The belief in a completely free communication system is extended across many bodies. This group, consisting of those countries that do not make use of internet governance, believe that any or most forms of censorship are detrimental to society. In order to expand economic development and educational progression, the internet must remain an option for free expression and collection of information.

Committee Mission

The United Nations High Commissioner for Human Rights (OHCHR) represents the world’s commitment to universal ideals of human dignity. We have a unique mandate from the international community to promote and protect all human rights. UNHRC believes that these rights extend into usage of the internet as well. As members of the
UNHRC you will be entrusted with the task of ensuring that the rights extending through the internet usage are protected.

The scope of the committee will be to create an international definition of freedom of expression and freedom of association to help achieve collective international appreciation for online liberties. As well as ensuring that privacy and other human rights are protected online through national democratic, transparent institutions, all while making sure that the institutions protecting the rights are indeed transparent and run under rule of law.

In regards to the current events the committee is expected to resolve the issues pertaining to censorship. This should be done by first assessing what exact problems countries are facing with censorship and then addressing the sources of those problems, be it the government or another source. Finally, the committee will be expected to draft resolutions to effectively deal with the issues as well as create guidelines to prevent future occurrences of the problem.

Questions to Consider:

- Who holds responsibility for censorship that restricts access to education and expression?
- Who deserves the right to uncensored internet?
- Is uncensored internet ideal?
- What can be done to allow for more access to the internet?
- How can countries guarantee the rights associated with the internet, while also preserving their right of governance over the internet?
- How involved should the government be in controlling the internet?
- Is it justified to censor material for security purposes?
- In what instances has your nation used censorship, and what regulations has your government put in place (if any)?

Sources for Further Research:

- CIA World Factbook
- BBC Country Profiles
- Reporters Without Borders, Enemies of the Internet
- Internetsociety.org
- The New York Times
- Office of the High Commissioner for Human Rights