

***Freedom of Expression and Information  
in the Time of Globalization - Advanced***

**Description**

This second course will focus on the multiple challenges brought about by the technology revolution of the last two decades. On one hand, it has given the world the means to realize its commitment to freedom of information without frontiers. Technology has shaped, reshaped, and radically transformed the production and distribution of information, profoundly impacting whole societies and greatly influencing, if not defining, information and communication. On the other hand, it has also precipitated or heightened a range of normative, regulatory and political issues related to the protection of freedom of expression, on and off line. This course will examine the complex, and often awkward, interplay of global information flows with national jurisdiction and state sovereignty, and what it means for the realization of a borderless vision for the right to freedom of expression.

**Key Objectives:**

- Present the international jurisprudence and the interactive system of courts and actors protecting freedom of expression globally
- Discuss the most pressing challenges to freedom of expression globally.

**What You Will Learn:**

- The impact of the Information technology revolution on the exercise of, and the global standards related to, freedom of expression and information
- The most recent legal and policy developments in response to challenges to freedom of expression and information, including those related to security, religion and technology.

**WEEK FIRST: THE NORMATIVE FRAMEWORK FOR FREEDOM OF EXPRESSION IN THE DIGITAL AGE (1)**

For this first and second week, the class will focus on some of the most contentious and complex issues related to the digital exercise of freedom of expression. Internet, social media, search engines have largely transformed expression, information, communication. Not all the standards established some fifty years ago for the written press or broadcasting can be easily imported into the new world of Internet and Social Media. The result is often a mismatch between norms and practices, continuing legal and policy developments trying to catch up with the advances of the technology, the invention of new legal concepts and actors. Yet, there is more to these developments than a legal and policy cacophony. As the course will demonstrate, while some of the norms that have accompanied the birth of Internet have largely been challenged, new ones have emerged which are increasingly getting accepted around the world, with some variations.

Video Segments

- 1. Introduction and Overview**  
*Video: Dr. Callamard*
- 2. Freedom of Expression on-Line**

The normative framework for on-line expression is in conflict, opposing a range of actors involved in the on-line world. This segment will highlight some of the challenges that we are confronting when trying to protect freedom of expression on-line. It will briefly highlight them for discussion in the following segments: (i) a challenge of jurisdiction and national sovereignty over a trans-national technology; (ii) a challenge of responsibility over on-line content: besides the original creator of content, what is the responsibility of all the other actors that play an essential role in ensuring on-line information is circulated, such as social media, Internet service providers, etc.; (iii) a challenge of definition: who is a journalist in the on-line world? Who can claim some of the specific rights associated with the task of gathering and producing information?; (iv) a challenge of control and ownership over on-line information and data: this challenge has multiple facets but one has particularly well captured the attention: the right to be forgotten.

Video: Agnes (10 mns)

Readings:

- John P. Barlow, *A Declaration of the Independence of Cyberspace*, 1996 <http://editions-hache.com/essais/pdf/barlow1.pdf>
- UN Special Rapporteur on Freedom of Expression, *2011 Report on Freedom of Expression*, A/HRC/17/27, Paragraphs 19-27 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/132/01/PDF/G1113201.pdf?OpenElement>
- Resolution adopted by the Human Rights Council on 1 July 2016, on The promotion, protection and enjoyment of human rights on the Internet, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/156/90/PDF/G1615690.pdf?OpenElement>
- Agnes Callamard, "For a human rights journey into the online world", in *Human rights and Information and Communication technology* (Bangkok: Asia-Europe Foundation, 2013) <http://www.asef.org/index.php/pubs/asef-publications/2974-human-rights-and-information-and-communication-technology>

### 3. Intermediary Liability

Internet intermediaries include a broad range of companies such as Internet service providers (ISPs), search engines and social media platforms. Altogether they play a crucial role in enabling people around the world to communicate with each other. But what exactly is their legal status? Are they responsible for the content produced by their users? This lesson will first define Intermediaries and will then turn to the evolving legal and policy positions on their liability.

Video: Agnes

Readings:

- ARTICLE 19, *Internet Intermediary: Dilemma of Liability*. (London: ARTICLE 19, 2013), pp.6-7 and p.14
- UN Special Rapporteur on Freedom of Expression, *2011 Report on Freedom of Expression*, A/HRC/17/27, Paragraphs 38-48 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/132/01/PDF/G1113201.pdf?OpenElement>
- Section 230, US Communication Decency Act, <https://www.law.cornell.edu/uscode/text/47/230>
- *Delfi v. Estonia*, ECHR, June 16, 2015, <https://globalfreedomofexpression.columbia.edu/cases/delfi-as-v-estonia/>

### 4. Censorship by proxy and other implications

In this segment, we review the implications of the liability of Intermediaries on the realization of the right to freedom of expression, focusing in particular on the notion of censorship by proxy.

Readings:

- Freedom House, *Freedom on the Net 2015, Major Findings*, October 2015, pp.6-7 [https://freedomhouse.org/sites/default/files/FH\\_FOTN\\_2015Report.pdf](https://freedomhouse.org/sites/default/files/FH_FOTN_2015Report.pdf)
- Ranking Digital Rights, *Corporate Accountability Index 2015, Findings*, <https://rankingdigitalrights.org/index2015/findings/>
- Derek E. Bambauer, *Censorship V3.1*, Arizona Legal Studies, Discussion Paper No. 12-28, September 2012, pp.7-13, <https://cyber.harvard.edu/pubrelease/internet-control/> (accessed on 16 October 2016)

**Additional Materials: Supplementary Videos**

1. Ricardo Gandour, **The new information environment: Digital Fragmentation** <https://www.youtube.com/watch?v=IJsTlxNcMM0>

**Additional Materials: Supplementary videos and readings**

- **Global Freedom of Expression**, Justice for Freedom of Expression Conference 2015, Panel on the right to be forgotten (Segment 6)
- **ARTICLE 19**, Video on the Right to Blog, to be accessed on: <https://www.article19.org/pages/en/ict.html> (Segment 4)
- ARTICLE 19, *Internet Intermediary: Dilemma of Liability*. (London: ARTICLE 19, 2013)
- ARTICLE 19, *the Right to Blog* (London: ARTICLE 19, 2014)
- Bertrand de la Chapelle and Paul Frehlinger, *Jurisdiction on the Internet: From Legal arms race to transnational cooperation*, (Paris: Internet and Jurisdiction, April 2016)
- Yochai Benckler, *The wealth of Networks: how social production transforms Markets and Freedoms*, (Yale University Press, 2006)
- Derek E. Bambauer, *Censorship V3.1*, Arizona Legal Studies, the University of Arizona, September 2012,
- **Branzburg v. Hayes**, 408 U.S. 665 (1972).
- Agnes Callamard, “Are Courts re-inventing Internet Regulation?,” Discussion Paper for the 24<sup>th</sup> IPSA World Congress of Political Science, Poznan, Poland, July 25, 2016
- Sandra Coliver, **Chelsea Manning’s 35 year sentence: Far beyond All Norms**, Open Society Foundations, May 11, 2016, <https://www.opensocietyfoundations.org/voices/chelsea-mannings-35-year-sentence-far-beyond-all-norms>
- Laura De Nardis, [Internet Points of Control as Global Governance](#), Internet Governance Papers, Paper No. 2, August 2013.
- Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (Oct. 28, 1998)
- ECHR, *Affaire Görmüş et autres c. Turquie*, Par.43, 19 April, 2016,
- Freedom House, *Freedom on the Net 2015*, <https://freedomhouse.org/sites/default/files/FOTN%202015%20Full%20Report.pdf>
- Human Rights Watch, *World Development report 2016 – Internet for Development*, (New York, August 2015) [https://www.hrw.org/sites/default/files/supporting\\_resources/hrw\\_submission\\_re\\_wdr\\_2016\\_internet\\_for\\_development.pdf](https://www.hrw.org/sites/default/files/supporting_resources/hrw_submission_re_wdr_2016_internet_for_development.pdf)
- The International Forum for responsible Media Blog (Inform’s Blog), **The Right to Be Forgotten**, <https://inform.wordpress.com/?s=RTBF>

- **Joint Declaration on Freedom of Expression and the Internet, 2011**, The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, <https://www.article19.org/resources.php/resource/3313/en/>
- Lawrence Lessig, **Code. Version 2.0** New York : Basics Book, 2006
- Lyon, D., ed. 2003. **Surveillance and Social Sorting**. London: Routledge.
- Manila Principles on Internet Intermediaries, Principles 1 to 3, 2015, <https://www.manilaprinciples.org>
- Milton Mueller, **Networks and States, the Global Politics of Internet Governance**, London: MIT Press, 2011
- Eben Moglen, "Privacy Under Attack: the NSA Files reveal New Threats to Democracy," in **The Guardian**, 27 May 2014, <https://www.theguardian.com/technology/2014/may/27/-sp-privacy-under-attack-nsa-files-revealed-new-threats-democracy>
- Right to Remove Petition, US: <https://right2remove.us>
- Jacob Silverman, **Terms of Service: Social Media and the Price of Constant Connection**, HarperCollins, 2015.
- Joel Simon, **the New Censorship: Inside the Global Battle for Media Freedom**, pp.150-154 and pp.159-166 (*the Assange conundrum*)
- **Reno v. ACLU**, 521 U.S. 844 (1997)
- Jacob Silverman, "Big Data's big libertarian lie: Facebook, Google and the Silicon Valley ethical overhaul we need", **Salon**, April 26 2015 [http://www.salon.com/2015/04/26/big\\_datas\\_big\\_libertarian\\_lie\\_facebook\\_google\\_and\\_the\\_silicon\\_valley\\_ethical\\_overhaul\\_we\\_need/](http://www.salon.com/2015/04/26/big_datas_big_libertarian_lie_facebook_google_and_the_silicon_valley_ethical_overhaul_we_need/)
- Timothy Wu, **the Master Switch**, New York: Knopf, 2010
- Timothy Wu, "Cyberspace Sovereignty? The Internet and the International System," in **Harvard Journal of Law and Technology** 10 (3) 647-666, 1997
- Tim Wu, [Why You Should Care About Network Neutrality: The future of the internet depends on it!](#), **Slate Magazine**, May 1, 2006.
- Tim Wu, [The Coming War Over Net Neutrality](#), in **The New Yorker**, 3 May 2013.

**Open Forum:** Weekly Question Posted

**Weekly Wrap-up:** Summary of key points from the week's lesson.

**Weekly and Final Quiz**

## **WEEK SECOND: THE NORMATIVE FRAMEWORK FOR FREEDOM OF EXPRESSION IN THE DIGITAL AGE (2)**

### **1. Are Bloggers journalists?**

Citizen Journalists and Bloggers have emerged as major sources of information and opinion around the world, rivaling newspapers and television, and calling into question the definitions of 'journalism' and 'media.' Difficult questions have been raised such as whether citizen journalists and bloggers should be held to the same professional and ethical standards as those of a

journalist and whether they can be held liable for what they write. This segment will first consider the various ways countries and courts around the world have responded to this question and will then review the recommendations from International and Regional organisations.

Video: *Agnes Callamard*

Readings:

- **Code of Ethics for Bloggers, Social Media and Content Creators**, <https://mor10.com/code-of-ethics-for-bloggers-social-media-and-content-creators/>
- European Journalism Center, “In the aftermath of the Arab Spring revolutions, journalists ask: “Who is a journalist?” <http://ejc.net/magazine/article/in-the-aftermath-of-the-arab-spring-revolutions-journalists-ask-who-is-a-jo#.V2LZd2Nluhc>
- Daoud Kuttub, *Who is a Journalist*, Doha Center for Media Freedom, 07/09/2015 <http://www.dc4mf.org/en/content/who-journalist-6639>
- International Media Support, *Principles on the regulation of the journalistic profession, 13 March 2015*, <https://www.mediasupport.org/specialists-take-journalist-regulation-principles-call-reform/>
- Kimberly Voss, “Will lawmakers raise shields to protect bloggers?” in *Online Journalism Review*, October 12, 2005, <http://www.ojr.org/051013voss/>

## 2. The liability of Search Engines

Search Engines, such as Google or Bing, have become common and central features of the digital information landscape. They too have challenged the exercise of freedom of expression by offering Internet users a historically unprecedented access to information. They are also becoming the center of controversies regarding the extent of freedom of expression and their own liability. In particular: Are search engines liable for the results of a search? In this video, we will return to the responsibility of Search Engines when they index content and focus on one particular decision which has given raise to many controversies: The European Court of Justice decision on Google v. Spain and the various other decisions by Courts and regulators. We will review in particular why many in the press freedom world have opposed the ruling on the ground of its violation of freedom of expression and the implications of the right to be de-indexed going global.

Video: *Agnes*

Readings:

*European Court of Justice, Google Spain v. Gonzalez, 2014*  
<https://globalfreedomofexpression.columbia.edu/cases/google-spain-sl-v-agencia-espanola-de-proteccion-de-datos-aepd/>

Kent Walker, Google’s global general counsel, A right to be forgotten, May 19, 2016, <http://googlepolicyeurope.blogspot.fr/2016/05/a-principle-that-should-not-be-forgotten.html>

## 3. The Right To Be Forgotten

In this segment we will review one of the most important cases of the last few years: the European Court of Justice decision regarding a right to be forgotten, or more accurately, a right to be de-indexed or delisted. We will discuss whether the right to be delisted constitutes a violation to the right to freedom of expression; and whether a global implementation of delisting is particularly dangerous for freedom of expression.

Video: *Agnes Callamard*

Readings:

Agnes Callamard, “Comity for Internet: Recent Courts Decisions on the Right to be Forgotten,” in **National Law Review**, August 12, 2015, <http://www.natlawreview.com/article/comity-internet-recent-court-decisions-right-to-be-de-indexed>

ARTICLE 19, *The right to be forgotten: Remembering Freedom of Expression*, Policy Brief, (London: ARTICLE 19, 29 March 2016)

[https://www.article19.org/data/files/medialibrary/38318/The right to be forgotten A5-EHH-HYPERLINKS.pdf](https://www.article19.org/data/files/medialibrary/38318/The%20right%20to%20be%20forgotten%20A5-EHH-HYPERLINKS.pdf)

#### 4. Surveillance within and across borders

The nature of *surveillance* (monitoring of the behavior or activities of people for the purpose of national security or commercial espionage) has been greatly, indeed radically transformed, by the digitalization of our life, work, entertainment, etc. In 2013, Edward Snowden revealed that the National Security Agency of the USA, and others had engaged in a very broad range of surveillance activities, targeting US and non-US citizens, within and outside the national territories, including by collecting big data. The revelation generated a huge outcry around the world regarding the protection of the right to privacy but also that of freedom of expression and information. In this class, we will review the normative challenges raised by the surveillance of people computers outside national jurisdictions, including with regard to the notion of extra-territorial obligations, and the normative and legal responses by some Governments, Companies and civil society to the practices.

*Video:* Dinah Pokemper, Human Rights Watch

*Readings:*

Office of the United Nations High Commissioner for Human Rights, **Right to Privacy in the Digital Age**, 30 June 2014, A/HRC/27/ 37, pp. 5-15

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37.en.pdf>

**International Principles on the Application of Human Rights to Communications Surveillance**, May 2014, <https://en.necessaryandproportionate.org/text>

Sandra Coliver, **Why Snowden wont get the public interest defense he deserves**, Open Society Foundation, June 24, 2015, <https://www.opensocietyfoundations.org/voices/why-snowden-won-t-get-public-interest-defense-he-deserves>

#### **Additional Materials**

**Mishi Choudhary**, Founding Executive Director of SFLC.in, India, **Intermediary liability, 4** videos produced for MOOC Global Freedom of Expression:

- a. **Introduction to India Internet Ecosystem**
- b. **The Repeal of Section 66A**
- c. **Internet Neutrality**
- d. **The Future of Intermediary Liability**

**Tais Gasparian**, lawyer, Brazil, “**Marco Civil and the First Internet Bill of Rights**,” a video produced for MOOC Global Freedom of Expression

#### **WEEK THREE: CHALLENGES TO ON-LINE FREEDOM OF EXPRESSION: HATE AND INCITEMENT SPEECH**

The class will turn its focus on a form of speech that should be restricted by governments under article 20 of the International covenant for civil and political rights: propaganda of war, and incitement to violence, discrimination and hostility. It will then focus on specific forms of speech that have been the



object of much regulation or attempted regulation on-line, including incitement to violence, and terrorism.

**1. Incitement and Hate Speech: Article 20 of the ICCPR**

This and the next video will introduce Article 20 of the ICCPR, which requires of States that they prohibit Any propaganda for war and Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence

Readings:

ARTICLE 19, *Prohibiting Incitement to Discrimination, hostility or violence*, Policy Brief (London: ARTICLE 19, 2012) accessed on 19 September 2016:

<https://www.article19.org/data/files/medialibrary/3572/12-12-01-PO-incitement-WEB.pdf>

OHCHR, *Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence*,

A/HRC/22/17/Add.4, 11 January 2013, accessed on 19 September 2016: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/101/48/PDF/G1310148.pdf?OpenElement>

**2. Incitement and Hate Speech: International comparison**

This video will seek to offer an integrated framework to the various international and regional standards that govern incitement speech and hate speech

**3. Regional and Domestic Implementation of the prohibition of incitement**

This segment will review critically some of the seminal cases related to incitement from around the world, including by the European Court and the US Supreme Court.

Readings:

- *Mbala Mbala v. France*, No.25239/13, ECHR, 2015
- <https://globalfreedomofexpression.columbia.edu/cases/mbala-v-france-no-2523913/>
- *Ross v. Canada*, No. 736/1997, HRC, 2000 in Selected Decisions by the Human Rights Committee, pp.54-64, <http://www.ohchr.org/Documents/Publications/SDecisionsVol7en.pdf>
- *The case of Sheikh Ali*, Bahrain, 2015, accessed on 19 September 2016, <https://globalfreedomofexpression.columbia.edu/cases/the-case-of-ali-salman/>

**4. National Security and Speech: International Standards**

Historically, national security and counter-terrorism have been frequently invoked by Governments to justify excessive curtailment of the right to freedom of expression and other rights. Such an abuse is facilitated by the difficult relationship and tension between national security and human rights protection. The aftermath of 9/11 saw the adoption of anti-terrorism laws and policies throughout the world, many of which resulted in restrictions to freedom of expression. This segment will focus on the international standards that should guide the relationship between the protection of national security and that of freedom of expression.

Video: Dr. Agnes Callamard

Readings:

- **The Johannesburg Principles on National Security, Freedom of Expression and Access to Information** (London: Article 19, November 1996), Principles 1-10 <https://www.article19.org/data/files/pdfs/standards/joburgprinciples.pdf>
- Agnes Callamard, **National Security and freedom of Expression: Training Manual** (Columbia Global Freedom of Expression, 2015) pp. 1-6
- <https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2016/01/A-Callamard-National-Security-and-FoE-Training.pdf>

- Human Rights Committee, **General Comment 34**, Geneva, 11-29 July 2011, Par.30 <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

#### 5. Counter-Terrorism and Freedom of Expression

This second segment on national security will present examples of curtailment of freedom of expression, on and off-line, in the name of national security or counter-terrorism. It will then discuss the current trends regarding the relationship between national security and freedom of expression.

*Video: Dr. Agnes Callamard*

*Readings:*

- Jack Kobrick, **The Pentagon Papers in the Federal Courts**, Federal Judicial Center Federal Judicial History Office 2014, pp.1-6 and pp.30-34, [https://www.americanbar.org/content/dam/aba/images/public\\_education/presentations/PentagonPapers\\_fullcasestudy.pdf](https://www.americanbar.org/content/dam/aba/images/public_education/presentations/PentagonPapers_fullcasestudy.pdf)
- ECtHR, **Observer and Guardian v. the United Kingdom**, Application No. 13585/88 (1991), summarized and analysed by: ARTICLE 19, in: <https://www.article19.org/resources.php/resource/3110/en/echr:-the-observer-and-guardian-v.-the-united-kingdom>
- US Supreme Court, **Holder v. Humanitarian Law Project**, 2010, summarized and analysed by Columbia Global Freedom of Expression: <https://globalfreedomofexpression.columbia.edu/cases/holder-v-humanitarian-law-project/>

#### 6. Countering Incitement and Hate Speech

This segment will elaborate on the various approaches, including in the on-line world, used by organisations, social media platforms and governments to respond to hate and incitement speech and the many challenges they may raise in turn, including with regard to freedom of expression.

#### Additional Materials: Readings

- *Chimakure v. Attorney-General of Zimbabwe*, CC& 247/09, Zimbabwe Constitutional Court, 2014
- *Wegrzynowski and Smolczewski v. Poland*, 33846/07, ECHR, 2007
- *Omar Humberto Maldonado et al. v. Chile*, 12.500, Inter-American Court, 2015
- *Shin v. Republic of Korea*, 926/2000, Human Rights Committee, 2004
- *Snyder v. Phelps*, [562 U.S.](#) 443 (2011),
- Stone, Seidman, et al. *Constitutional Law*, Seventh Edition, ISBN 9781454817574, pp. 1236-1263
- Sindre Bangstad, *Hate Speech, the Dark Twin of Free Speech*, A paper written for Columbia Global Freedom of Expression, 2016 [https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2016/03/BANGSTAD\\_HATE\\_SPEECH\\_COLUMBIA.pdf](https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2016/03/BANGSTAD_HATE_SPEECH_COLUMBIA.pdf)
- Catherine MacKinnon, foreword to *Speech and Harm: Controversies over Free Speech*, Edited by I. Maitra and M. K. McGowan, (Oxford: Oxford University Press, 2012)
- Stephanie Farrior “Molding The Matrix: The Historical and Theoretical Foundations of International Law Concerning Hate Speech,” *Berkeley Journal of International Law* 14.1 (1996)
- Katherine Gelber, “Reconceptualizing Counterspeech in Hate-Speech Policy,” in *The Context and Content of Hate Speech*, ed. By Michael Herz and Peter Molnar, (Cambridge University Press, 2012)



## **WEEK FOUR: FREEDOM OF EXPRESSION IN THE DIGITAL AGE**

The information revolution brought about by Internet has radically transformed the exercise of freedom of expression and information. Information flows in the 21<sup>st</sup> century are likely to have originated from, crossed, and impacted on, many different countries, societies and jurisdictions. In this lesson, we will explore how governments are regulating and restricting freedom of expression, when confronted with these global information flows. We will focus on the emerging regulatory practices and standards with regard to defamation and reputation, and privacy. We will then turn our attention to a final challenge which, while not directly related to the information revolution, is no less acute and persistent: that of violence against those who impart information to the rest of the world. Each class will demonstrate a dual evolution: new national regulations and responses, often enough although not exclusively, resulting in shrinking freedom of expression, alongside continuing efforts to develop new global standards protecting freedom of expression, for consideration and adoption by governments and courts.

### Video Segments

#### **1. Defamation (1): The basics**

Defamation law protects an individual's reputation or feelings from unwarranted attacks. There is little dispute that defamation laws can serve a legitimate purpose and it is recognised internationally as a valid grounds for restricting freedom of expression. However, around the world, defamation laws, civil or criminal, and defamation charges are often abused, resulting in a stifling effect on freedom of information and expression. This first segment will first define defamation. I will then highlight some of the ways a balance has been reached between freedom of expression and the protection of reputation. I will then focus on criminal defamation and the trend towards decriminalization.

*Video: Dr. Callamard (10 mns)*

*Readings:*

- Human Rights Committee, **General Comment 34**, Paragraph 38, Paragraph 47
- African Court on People's and Human Rights, **Lohé Issa Konaté v. The Republic of Burkina Faso**, (2014), Par. 139-166 <http://www.ijrcenter.org/wp-content/uploads/2015/02/Konate-Decision-English.pdf>

#### **2. Defamation (2): Digital speech**

This second segment on defamation will explore some of the ways the Internet and Information Technology have impacted on defamation, the emerging challenges and the preliminary responses that have been developed.

*Video: Dr. Agnes Callamard*

*Readings:*

- ARTICLE 19, **Revised Defining Defamation Principles: Background paper**, 2016, pp.15-21, <https://www.article19.org/data/files/medialibrary/38362/Defamation-Principles-Background-paper.pdf>
- ECfHR, **Magyar Tartalomszolgáltatók Egyesülete ("MTE") and Index.hu Zrt v. Hungary**, 2015, analysed by Columbia Global Freedom of Expression: <https://globalfreedomofexpression.columbia.edu/cases/magyar-tartalomszolgáltatok-egyesulete-index-hu-zrt-v-hungary/>

#### **3. Privacy on-Line**

*Video:*

- **Dirk Voorhoof:** “Balancing conflicting rights: Freedom of Expression and privacy at the European Court for Human Rights” Video produced for MOOC Global Freedom of Expression
- **Privacy International,** “What is Privacy?” Privacy International, <https://www.privacyinternational.org/node/568>
- **Privacy International,** “Big Data,” Privacy International, <https://www.privacyinternational.org/node/572>

#### 4. Violence against Expression

Violence against journalists, media workers, human rights defenders and political activists, to name a few, including murders, has become a far too common feature of the world of news reporting. According to the Committee to Protect Journalists, on average, more than 30 journalists are murdered every year, and the murderers go unpunished in nearly nine of 10 cases. In this first segment, we will review the extent and nature of violence against those that impart information, based on data collected by press freedom organisations: over time, patterns have emerged which allow to draw a fairly precise, if bleak, picture of the risk factors most likely to generate attacks on those reporting news, the perpetrators, and the countries.

*Video:* Dr. Agnes Callamard

*Readings:*

- Committee to Protect Journalists, **Syria, France most deadly countries for journalists**, December 29, 2015 accessed here: <https://cpj.org/reports/2015/12/journalists-killed-syria-france-most-deadly-countries-for-the-press.php#more> and *Journalists killed in 2016*, accessed here: <https://www.cpj.org/killed/2016/>;
- **UN Resolution on the Safety of Journalists**, A/RES/70/162, adopted 17 December 2015: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/162](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/162)
- **Human Rights Council Resolution (A/HRC/RES/33/2)** on the Safety of Journalists (2016)
- **UN Security Council, Resolution 2222** (2015), S/RES/2222, May 27, 2015
- [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2222.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2222.pdf)

#### 5. Protection of Journalists and HRDs

In this second segment on violence against journalists and others who impart information of public interest, we will turn to a review of the existing international standards for the protection of journalists and to the additional measures that journalists, civil society, Media and states have taken to protect journalists.

*Video:* Dr. Agnes Callamard

*Readings:*

- CPJ, **Journalist Security Guide**, 2016, <https://www.cpj.org/reports/2012/04/journalist-security-guide.php>;
- The United Nations Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, **Joint declaration on crimes against freedom of expression (25 June 2012)**; <https://www.article19.org/resources.php/resource/3348/en/joint-declaration-on-crimes-against-freedom-of-expression>
- **Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**, A/HRC/20/17, June 4 2012, Par. 48-91;

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#### **Open Forum**

7. Weekly Question Posted

**Weekly Wrap-up:** Summary of key points from the week’s lesson.

**Weekly Quiz** (10 questions)