PacificMUN 2017

United Nations
Human Rights Council
(UNHRC)
Backgrounder Guide
Topic A: Internet Censorship

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Dear Delegates,

My name is Xudi Lin and as your Director, I am absolutely honored to welcome you to the United Nations Human Rights Council at PacificMUN 2017! I will be staffing along with Kane Li, your Chair, and Judith Chen, your Assistant Director. I have no doubt that they will create the best environment possible for you to debate! I am currently a grade 11 student at Pacific Academy, studying the IB Diploma Programme. The first ever MUN conference I attended was PacificMUN 2014. It is an absolute pleasure to see the growth of this conference--from a day conference held at my school to a hotel conference held in Vancouver! While staffing is certainly a very rewarding experience, I can honestly say that delegating is just as rewarding, if not more, because you are critically thinking and engaging in debate.

This year, I have worked with Secretariat members to choose topics that are very controversial. The first topic, Internet Censorship, is so relevant in our world today because millions of individuals are restricted from accessing and searching websites. For example, if you utilise the Internet in China, social media platforms like YouTube, Facebook, and Google are blocked. The second topic, Extrajudicial and Summary Executions, is happening even at this moment. In the Philippines, thousands of people are being killed without a court hearing, under the rule of President Rodrigo Duterte. With these two topics, I hope that you will be engaging in debate and be creative in your solutions, as there is currently no defined resolution on the floor. The reason is that every country has a different stance on each issue, consequently increasing the difficulty of finding common grounds.

The UNHRC provides short-term and long-term assistances to locations with human rights violations. This committee requires innovative and practical solutions to combat issues pervading the world. If you have any questions regarding the committee or conference, please do not hesitate to contact me or my fellow Dais members!

Best Regards,

Xudi Lin
Director, UNHRC

The United Nations Human Rights Council (UNHRC) is an intergovernmental body within the United Nations system held responsible for the promotion and protection of human rights and the avoidance of human rights violations[1]. Created on March 15, 2006, the UNHRC replaced the United Nations Commission on Human Rights (UNCHR). The Council is currently made up of 47 United Nations member states which are elected by the UN General Assembly[2].

Any UN member state may be elected to the UNHRC if it receives an absolute majority of votes (97 members of the General Assembly)[3]. The elected member states serve 3-year terms and are required to come from a variety of geographical regions: 13 members from the African region, 13 members from the Asian region, 8 members from the Latin American and Caribbean region, 7 members from the Western European and Others region, and 6 members from the Eastern European region. A member state may be suspended by the UNHRC if it has committed an act of violating human rights. The suspension will be based on a vote by the General Assembly with a two-thirds majority in order to suspend.

As a subsidiary body of the General Assembly, the UNHRC functions to help member states meet their human rights obligations through communication, assistance, and capacity building[4]. The UNHRC assesses the human rights conditions of all 193 UN member states through the "Universal Periodic Review". In addition, its work contains the "Complaint Procedure", which allows individuals and organizations to bring complaints about human rights violations to the attention of the Council[5].

The UNHRC makes recommendations to the General Assembly concerning the development of new laws addressing human rights. All 47 member states must cooperate to ensure that the Universal Declaration of Human Rights is followed throughout the world.

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[1] http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx
[2] Ibid
[3] http://www.un.org/News/dh/infocus/hr_council/hr_q_and_a.htm
[4] Ibid
[5] Ibid

"There is a fine line between censorship and good taste and moral responsibility."
-Steven Spielberg

The issue of Internet Censorship (omitting, manipulating, or deleting online information) has been a controversial topic, particularly in regards to monitoring and surveillance, as well as blocking and filtering[6]. Many have questioned how to manage the Internet, especially given its nebulous nature: the immense size of the Internet as well as its undefined borders. Similar to the Internet, censorship constantly evolves and adapts. Structures for Internet control consistently become outdated with the expansion of the Internet, meaning that there has not been a clearly defined resolution.

Although the Internet provides multitudinous benefits, it can be utilised for dangerous schemes. Cyber-attacks, revolts, and espionage pose great dangers to the safety of a country and its citizens. In order to combat these threats, computer scientists and governments have attempted to answer the many questions Internet Censorship poses. Should governments intervene to censor offensive material, or is self-regulation of the Internet sufficient? Are there fundamental limits to existing online censorship, and if so, how can we draw them? What information should people have access to?

Perhaps to determine the answers to the preceding questions, it is only right to address the United Nations Declaration of Human Rights, an imperative document by which the UNHRC must debate by. As stated by Article 19 in the UN Declaration of Human Rights, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."[7]

Initially, it was believed that self-regulation, with internally developed methods of controlling the Internet, was sufficient for the Internet to function[8]. John Perry Barlow's "Declaration of the Independence of Cyberspace[9]" shows that the principles of the UN Declaration of Human Rights could be upheld without government interference. Rather, an international "Social Contract" that would address Internet issues was thought to be sufficient.

However, over the years, governments have implemented Internet control tools due to the perception that self-regulation is no longer a viable method in controlling the Internet. Due to the conflicting political philosophies of participating countries, the increasing criminal activity, and the growing Internet population, laws have been put in place to prevent dissent and other issues that the Internet poses. There is no international consensus on which Internet governance laws should be implemented, consequently creating ambiguity. As such, there is a growing concern on the Internet control mechanisms implemented by the government, since it will reduce the freedom of speech. It is thus crucial for the UNHRC to address the issue of Internet Censorship given its volatile and multi-faceted nature.

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[6] https://www.princeton.edu/~chiangm/anticensorship.pdf
[7] http://www.un.org/en/universal-declaration-human-rights/
[8] Introduction to Internet Censorship and Control, Steven J. Murdoch and Hal Roberts
[9] A Declaration of the Independence of Cyberspace, John Perry Barlow.

1958	The Internet is created by the United States Department of Defense to enhance communications in the event of a nuclear attack.
1989	The World Wide Web is invented, allowing the access of information sites through the Internet.
1996	The Communications Decency Act (CDA) prohibits "indecent" or "patently offensive" materials on the Internet.
1998	The Digital Millennium Copyright Act (DMCA) criminalizes the dissemination of technology that bypasses control access to copyright works.
2001	The Burmese government, known for its strict censorship laws, begins to allow limited email and Internet access to its citizens. However, Internet traffic is monitored by the Burmese government.
2003	The Indian government prohibits websites that promote hate content, slander, pornography, and gambling.
2005	Kazakhstan closes a .kz Internet domain which was run by a British satirist.
November 2006	The first part of the Great Firewall of China was implemented, which used methods of prohibiting netizens to reach sites the Chinese government deems illegal.
2009	China blocks access to YouTube for showing videos of soldiers beating monks and other Tibetans.
2012	A series of protests in the United States broke out against the Stop Online Piracy Act (SOPA) and the PROTECT IP Act (PIPA).
2015	Protests break out in Turkey due to the banning of Facebook, Twitter, YouTube, and another 166 websites.

The Internet, within a few decades, has become the primary source of communication, enabling academia to collaborate and exchange ideas[10]. In the 1990s, the Internet became increasingly used for commerce and communication. Many believed that the very structure of the Internet would prevent government intervention.

Cyber-libertarianism, the belief that individuals should be granted freedom to pursue their own tastes online, prevailed in the 1990s. Proponents such as John Parry Barlow declared, in 1996, in his "Declaration of the Independence of Cyberspace," that governments had "no moral right to rule" on the Internet nor do they "possess any true methods of enforcement[11]." Similarly, Internet pioneer John Gilmore was known for saying, "The Net interprets censorship as damage and routes around it[12]." Other notable cyber-libertarian speakers included Kevin Kelley (*Wired* magazine editor) and Nicholas Negroponte (Director of the *MIT Media Lab*).

However, the early beliefs of unrestricted access had been proven misleading. National governments soon found ways to censor and govern the internet. Among the earliest attempts to regulate the Internet was through the Communications Decency Act (CDA), passed in 1996, which prohibited materials on the Internet deemed to be "indecent" or "patently offensive". While the act was struck down in 1998 by the U.S. Supreme Court as "an unconstitutional restriction on Internet speech" in the case of the *Reno v. American Civil Liberties Union*, it still set an important precedent for future censorships.

Among the early attempts at Internet Censorship was that of Singaporean government. It should be noted with interest that as early as 1991, Singapore's National Computer Board set forth a study to determine how to effectively implement Information Technology to better the quality of life and develop newer technologies[13]. Over the years, Singapore's censorship evolved to contain different levels for different groups. For example, there is a differentiated access between younger ages and older ages and between public access and private access. It is also of interest that at the time, Singapore's population generally supported its government's endeavors.

China, labeled the "global leader of Internet Censorship," opened the Internet to its citizens in April 1995 after the creation of the China Education Research Network (CERNet) which connected top universities in China. Following Singapore's lead, China was well aware of the potentially disruptive nature of the Internet. To make sure that its citizens were not to be influenced by the Western culture and ideology or be led by prospects of democracy, China only allowed a few Internet service providers (ISPs) to operate in the Chinese market. These ISPs were required to filter pornographic material as well as potentially-damaging political and cultural material. In 1996, all Internet providers as well as

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[10]The Growth of Global Internet Censorship and Circumvention: A Survey. Ramesh Subramanian. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2032098
[11] https://www.eff.org/cyberspace-independence
[12] http://www.chemie.fu-berlin.de/outerspace/internet-article.html
[13] The Growth of Global Internet Censorship and Circumvention: A Survey. Ramesh Subramanian. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2032098

Internet users were required to register with the police[14]. In the same year, China enacted a set of Internet regulations to control the expanding users of the Internet[15]. The regulations were signed on February 1, 1996, identifying two means which the Chinese government aimed to establish governance of the Internet. Unregistered and content-unrestricted use of the Internet was prohibited, and limited physical Internet access was established[16].

Other countries in the Middle East have also had a certain extent of Internet Censorship. Iran opened the Internet to its citizens in 1992; however, seeing the threat posed by the unrestricted nature of the Internet, Iran disconnected the country's only ISP. Since then, Iran's Internet Censorship has increased to a large extent. Saudi Arabia opened the Internet to its citizens in 1996, and similar to Iran, implemented restricted access to certain parts of the Internet. In addition, the government monitored the sites its citizens visited, as well as those who participated in political or religious discussions which were deemed illegal by the Kingdom's rulers. This action by the Saudi Arabian government was easily undertaken since the King Abdel Aziz City for Science and Technology (KACST), is the only ISP for the whole country. Since then, the number of banned sites in the country reached to 400,000 in 2004.

In the nascent stages of the Internet, Western spectators generally viewed Asian countries like Singapore and China as countries that favored Internet Censorship. While it was common to associate those authoritarian countries to restricting Internet freedom, it was not before long that an increasing number of democratic countries started to implement Internet Censorship. The United States of America, after passing the CDA--which was proved unconstitutional in 2009-- and the China Online Protection Act (COPA), established surveillance to monitor Internet traffic and communication due to the terrorist attacks of September 11, 2001. This was accomplished under the USA PATRIOT Act, which stated that law enforcement will be allowed "to use against surveillance against more crimes of terror[17]."

Other democratic countries have also implemented a certain extent of Internet Censorship. Germany censored sites that contained hate speech in 1996. In that same year, the German Justice Minister announced that there would be new legislation regarding Internet Censorship. Similar to Germany, France also declared to create legislation banning websites that contained hate speech[18]. Australia, the United Kingdom, New Zealand, and South Asian countries have also passed legislation regarding the restriction on the content of the Internet in the 1990s.

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[14] Ibid
[15] Regulations Restricting Internet Access: Attempted Repair of Rupture In China's Great Wall Restraining the Free Exchange of Ideas. Scott E. Feir. https://digital.lib.washington.edu/dspace-law/bitstream/handle/1773.1/890/6PacRimLPolyJ361.pdf?sequence=1
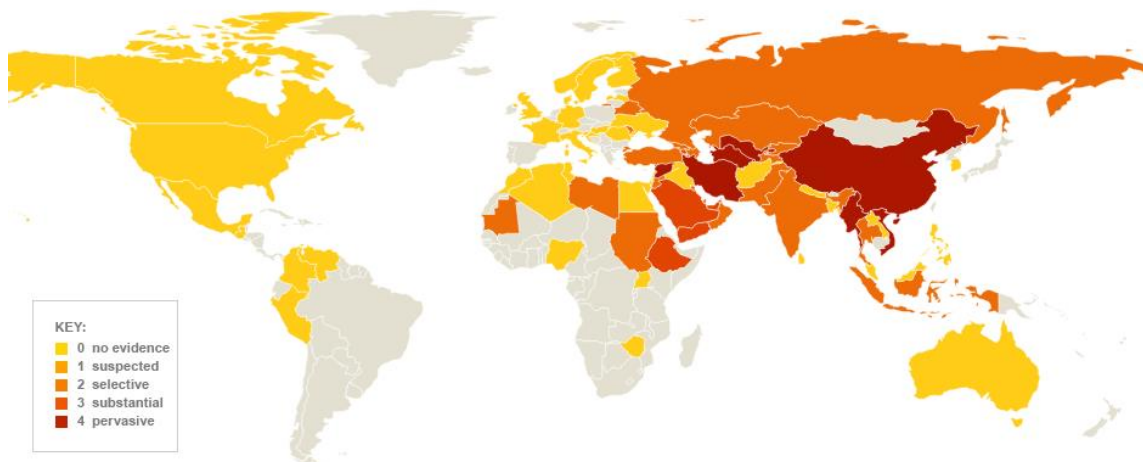[16] Ibid
[17] https://www.justice.gov/archive/ll/highlights.htm
[18] http://arstechnica.com/tech-policy/2012/03/thoughtcrime-french-president-promises-law-to-make-viewing-hate-sites-criminal/

This map assesses the level of Internet Censorship around the world on a scale of 0 to 4[19]

Although Internet censorship seems justifiable, as hate websites and child pornography are sufficient reasons to justify the actions of governments employing censoring techniques, recent controversies regarding Internet Censorship have surfaced. Formal laws regarding Internet Censorship have been met with organized protesting. For instance, on January 18, 2014, thousands of protesters rallied against the new legislation against Internet Censorship in Turkey[20]. The legislation required that ISPs must store data on their clients' online activities and be prepared to provide that information when requested by authorities. In addition, authorities would have been permitted to block websites without court order in a matter of hours[21]. Hundreds of Turkish protesters were dispersed by the riot police with water cannons and tear gas.

In a similar protest, residents poured into the streets in Hong Kong to protest against Beijing's political vision in 2014[22]. As hundreds of protest posts appeared on Instagram, the next day, the social media platform was blocked, and users could not refresh the feed. This was just one of the many incidents which occurred in China and which resulted in an Internet Censorship. Protesters in Hong Kong were arguing for democracy and political reform, two topics which the government of China are sensitive to. At the scene, the protest intensified after Hong Kong police threw tear gas at the protesters. After the Instagram blockade, news agencies and search engines in China were reported to not mention the events which took place in Hong Kong[23].

In 2012, the so-called "largest online protest in the history of the internet" took place in the United States of America[24]. The protests were aimed against the Stop Online Piracy Act (SOPA) and the Protect IP Act (PIPA). These two bills would aim to stop the copyrighted material over the Internet, which would also mean the

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[19] https://www.theguardian.com/technology/datablog/2012/apr/16/internet-censorship-country-list
[20] https://www.rt.com/news/turkey-internet-censorship-bill-861/
[21] Ibid
[22] http://www.cnn.com/2014/09/29/world/asia/china-censorship-hong-kong/
[23] Ibid
[24] https://www.theguardian.com/commentisfree/cifamerica/2012/jan/18/sopa-blackout-protest-makes-history

shutdown of websites like YouTube if copyrighted material was reported and found. Fearing that the United States of America could damage the free and open Internet, a reported 75,000 websites, from large to small, took part in the protest, many of which "blacked out"[25]. In addition, an ad-hoc coalition was formed, containing technology companies such as Google, in response to the two bills. The SOPA and the PIPA were removed from Congress's agenda after the protests and the coalition.

It should be noted with significance that in 2011, Egypt, with a population of 80 million and an Internet populace of 23 million, completely shut down the Internet[26]. This sudden act was performed in response to the anti-government protests that were calling for the resignation of President Hosni Mubarak. The shutdown of the Internet seemingly had little effect on the protests, and if not, worsened the situation. Five days later, the Internet was restored, but the protests were not. Consequently, President Hosni Mubarak resigned on February 11th.

Since the election results in 2011, the Russian Federation has seen its citizens voicing their disapproval. In that same year, thousands of citizens rallied outside the Bolotnaya Square in Moscow; that same group of citizens grew to over 100,000[27]. The protests were organized and communicated over social media platforms such as Facebook and Twitter, allowing the citizens to see the potential orchestration of the election results by the party in power. In response to these protests, the government of Russia has tightened its grip on the Internet. The "Blacklist Bill" was signed in 2012, less than six months after the protests in 2011. The law aimed to block hate websites as well as child pornography. Seeing the bill's obscure language and opposing it, many websites blacked out. The bill was passed within a week with an overwhelming majority, and within the first two weeks of its inception, blocked out 180 websites[28]. After four months, the number of blocked websites rose significantly to over 4,000.

Censorship Circumvention

As the recent protests show, the actions of many states trying to restrict access to information on the Internet have succeeded to a certain extent, but means of circumvention are constantly developed in order to thwart attempts by the government to block the internet. Systems such as anonymizers and proxy servers anonymize user-specific information, such as their IP-addresses[29]. For example, in 2007, citizens in Myanmar used proxy servers such as glite.sayni.net and your-freedom.net to bypass the Myanmar firewall[30]. Companies also provide products that encrypt HTTP requests to ensure freedom on the Internet for users[31].

While the means of circumvention through anonymizers and proxy servers are effective ways to gain freedom on the Internet, countries can still block access to the specific domains that provide the materials necessary for circumvention. Furthermore, the constant usage of censorship circumvention provokes the government to enhance its censorship mechanisms, inherently not solving the issue at all.

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[25] http://www.cbsnews.com/news/sopa-and-pipa-internet-blackout-aftermath-staggering-numbers/
[26] http://www.caida.org/publications/papers/2014/outages_censorship/outages_censorship.pdf
[27] https://www.aei.org/wp-content/uploads/2015/01/Internet-freedom-in-Putins-Russia.pdf
[28] Ibid
[29] https://www.usenix.org/legacy/events/sec02/full_papers/feamster/feamster_html/
[30] http://www.atimes.com/atimes/Southeast_Asia/II21Ae01.html
[31] Ibid

The United Nations created the Internet Governance Forum (IGF) in 2006 to bring countries together to discuss issues of Internet governance[32]. At each annual meeting, delegates exchange information and share practices. While there is no "resolution" created, the IGF informs and inspires policy-making individuals in both the private and public sectors on the Internet and how it could be governed.

The first resolution aimed at adopting free speech to individuals in cases of Internet Censorship was passed unanimously on July 5, 2012 by the UNHRC[33]. Resolution L13, titled the "Promotion, Protection, and Enjoyment of Human Rights on the Internet," was initially met with reservation from representatives from China, but ultimately approved of the resolution. The resolution referred to the "fundamental freedoms enshrined in the Universal Declaration of Human Rights" and acknowledged that the right of freedom "on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communications technologies":

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and in other technologies, as well as of how the Internet can be an important tool for development and for exercising human rights, in accordance with its programme of work.

In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has collaborated with the International Telecommunication Union (ITU) to hold workshops that provoke discussions on Internet freedom and privacy protection[34]. In 2011, UNESCO published "a pioneering standard-setting report" on the subject of Internet freedom and governance titled "Freedom of Connection-Freedom of Expression: The Changing Legal and Regulatory Ecology Shaping the Internet[35]."

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[32] http://www.intgovforum.org/cms/aboutigf
[33] http://www.loc.gov/law/foreign-news/article/u-n-human-rights-council-first-resolution-on-internet-free-speech/
[34] Ibid
[35] http://unesdoc.unesco.org/images/0019/001915/191594e.pdf

The lack of direct solutions to the controversy over Internet Censorship shows the multifaceted nature of this issue. Solutions should include an international consensus on the amount of Internet Censorship that should be implemented, and by which means it will be done. However, a consensus will be difficult to reach given the varying views of every nation.

Lightly Limiting Internet Censorship

A possible solution to address the ongoing protests and dissidence from recent legislation regarding Internet Censorship would be to limit Internet Censorship to a minimal point. While some countries may agree to this action, other nations with strict rules on Internet limitation would likely not comply. It should also be noted that every nation has a different level of Internet Censorship, meaning that a compromise is possible but difficult.

Greatly Limiting Internet Censorship

Another possible solution would be to increase and to enhance current Internet censorship mechanisms. This would be very effective in addressing hate content and other potentially malicious websites. However, this solution would be infringing upon an individual's freedom of speech.

Allowance for State-Determined Censorship

Due to the fact that even if an international consensus may be reached, countries may still not acquiesce to the internationally agreed-upon standard. Given that notion, perhaps it is only possible to allow a country to determine its own Internet censorship. However, this solution would unlikely solve the problem since the very issues of Internet censorship stem from government-induced censorship.

Transparency in Internet Censorship

The committee could strive for global transparency in order to understand the issues caused by Internet Censorship. This task is challenging since governments deliberately hide their censorship mechanisms. Some governments use laws and intimidation to cause individuals to self-censor rather than blocking content themselves. Other governments accentuate the use of surveillance to create the perception that once an individual does not comply with the law, he or she will face consequences. As aforementioned, Internet Censorship is a controversial topic. Certain countries may not comply with sharing their censorship mechanisms.

Asia

Asian countries, with China in the lead, have varying levels of Internet Censorship. China has shown to heighten Internet Censorship in cases of political dissent and likely will continue to do so in the future. In 2012, Chinese officials shut down 16 blogs and arrested 6 people. In that same year, Internet connectivity was shut off in parts of Tibet where protests were occurring. In the Philippines, a new anti-cybercrime law was introduced in 2012, raising concerns over free speech[36].

Middle East

Internet Censorship is abundant in Middle Eastern countries. In 2013, Iran deployed its own domestic Internet system, blocking search engines such as Google. Egypt has a diverse history of Internet Censorship, from censoring certain media sites to shutting down the Internet completely during the Arab Spring. The Egyptian government was said to be introducing a new cybercrime law in 2015. Saudi Arabia operates a "sophisticated" filtering system run by internet services at King Abdulaziz City for Science and Technology in the capital Riyadh[37]. In Syria, at least 160 websites relating to opposition parties are banned.

Africa

Eritrea is said to be among the most censored countries in the world. ISPs must use the government-controlled gateway and access to the Internet is extremely limited. Only 1 percent of the population goes online, and those who work in the state media are in constant fear of arrest by the government if any report is perceived to be critical to the ruling party[38]. In Ethiopia, the sole ISP is the Ethiopian Satellite Television, which routinely suspends websites.

Australia

In 2015, the Australian senate passed anti-piracy and website-blocking laws, raising controversy and concern[39]. The legislation allows a rights holder to go to a Federal Court judge to disable a website upon review.

United States of America

The First Amendment in the Constitution embodies the freedom of speech. The United States had two federal acts to restrict online content, the COPA and the PIPA, which were ultimately rejected. Several states have also attempted to pass Internet Censorship bills which were struck down on constitutional grounds.

European Union

A majority of the members in the European Union follow the 1996 recommendations, which basically stated that illegal content presented offline is illegal when presented online. Recently, a "code of conduct" was introduced in Europe regarding illegal hate speech on the internet, and Europe has been collaborating with social media platforms to reduce illegal content[40].

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[36] http://www.commentary.com/topics/internet-censorship-china.htm
[37] https://www.theguardian.com/world/2009/jun/30/internet-censorship-arab-regimes
[38] https://cpj.org/2015/04/10-most-censored-countries.php
[39] http://www.smh.com.au/digital-life/digital-life-news/australian-senate-passes-controversial-antipiracy-websiteblocking-laws-20150622-ghuorh.html
[40] https://www.gatestoneinstitute.org/8189/social-media-censorship

1. What role does the Internet play in your country?

2. Does your government support Internet access or restrict Internet usage?

3. Does your government believe in freedom of expression on the Internet?

4. To what extent should governments impose Internet Censorship given the different levels and techniques of censorship around the world?

5. What should be classified as content that should be filtered on the Internet? Similarly, which types of websites should be blocked?

6. To which international standards regarding Internet regulation have your country agreed upon, if at all?

7. What can be done to ease the protests, arrests, and other issues created by governments instituting legislation on Internet Censorship?

8. Is it possible to negotiate with countries that implement strict regulations over the Internet?

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http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx

The Guardian
https://www.theguardian.com/technology/datablog/2012/apr/16/internet-censorship-country-list

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http://www.intgovforum.org/cms/

The World Summit on the Information Society
http://www.itu.int/net/wsis/index.html

Freedom of Connection-Freedom of Expression: The Changing Legal and Regulatory Ecology Shaping the Internet
http://unesdoc.unesco.org/images/0019/001915/191594e.pdf

The OpenNet Initiative
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