

Issues in Communication Policy Research

Part 3: the Internet

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Priorities & debates change over time and place

- Access and use: previously thought as 0/1
 - you don't or you do
 - Who has access (men v women; rich v poor; literate v illiterate), **why** and why not
- Then, it was more about **how much access**
 - A fuzzier concept, continuum between 0 -1
- Now, focus on about **what type of digital participation?**
 - What does it mean to be “online?”
- **What impact** of being online and using services?
 - Financial inclusion; eGov;
- Are the impacts different based on who you are
- What is the online experience and what are its impacts?
 - Do experiences or perceptions of privacy, harassment, discrimination, trust, play in getting (and keeping) people online What is the role of intermediaries/platforms
 - What new digital policies do we need (beyond access and use)

Everyone seems to be talking about...

Net Neutrality

Privacy

Trust

Data Protection

Zero Rating

Intermediary Liability

Security

Fake News

Digital Printing

Internet shutdowns

Freedom of Expression

Jurisdiction

Block chain

Artificial intelligence

Algorithmic Decision Making

Data Localization

In light of accusations that social media “helped” the spread of certain types of undesirable content

- In the US Election
 - Allegations of Russian interference via targeting
- In Myanmar’s Rohingya crisis
 - Allegations of anti-Rohingya hate speech spreading via Facebook
- Facebook: everyone’s focus



NEWS / ROHINGYA

UN: Facebook had a 'role' in Rohingya genocide

'I'm afraid that Facebook has now turned into a beast.'

13 Mar 2018



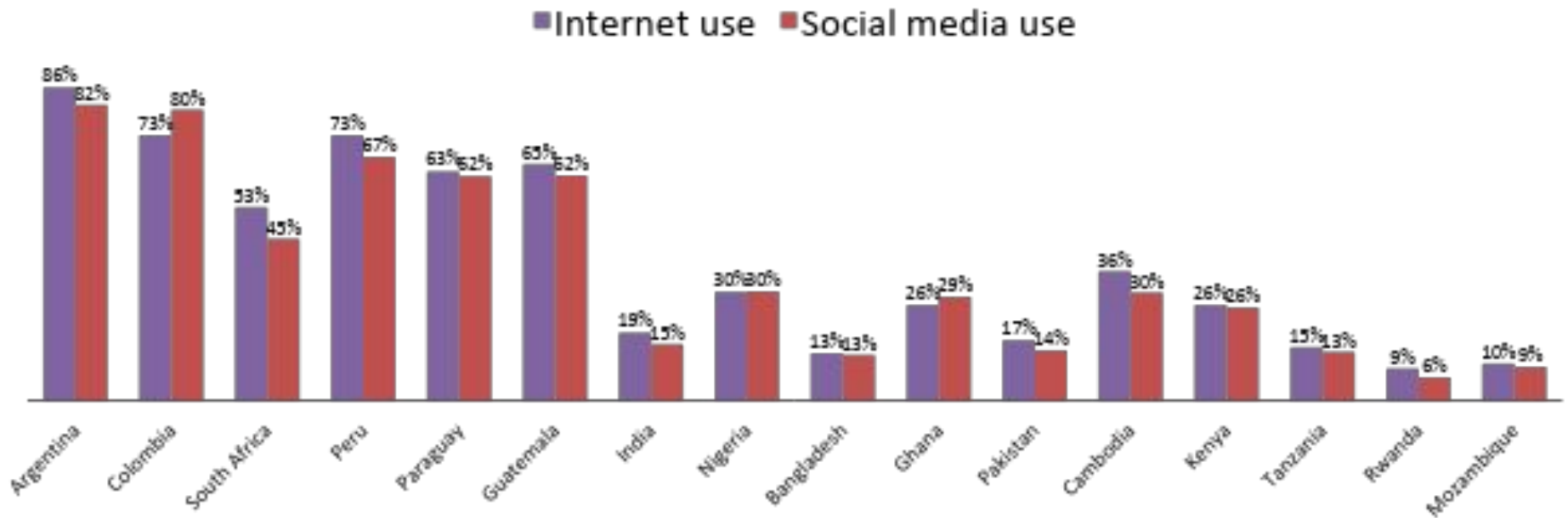
his job

independence in scientific

money should go to homeowners

Internet use ≈ Social media ≈ Facebook in many places

Internet and social media use (% of aged 15-65 population)

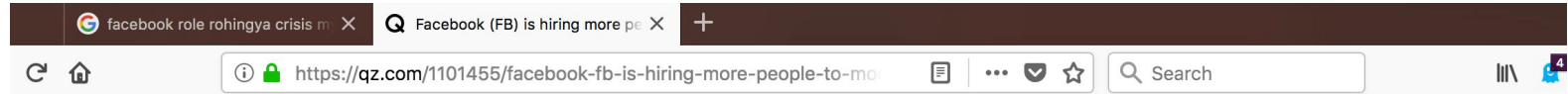


Q1: Have you ever used the Internet (Gmail, Google, Facebook, email)?

Q2: Do you use social media like Facebook, Whatsapp, Twitter etc?

| Base | Argentina | Colombia | South Africa | Peru | Paraguay | Guatemala | India | Nigeria | Pakistan | Ghana | Bangladesh | Cambodia | Kenya | Tanzania | Rwanda | Mozambique |
|-----------------|-----------|----------|--------------|-------|----------|-----------|-------|---------|----------|-------|------------|----------|-------|----------|--------|------------|
| All respondents | 1,240 | 1,425 | 1,610 | 1,478 | 1,357 | 1,407 | 5,069 | 1,706 | 2,002 | 1,145 | 2,020 | 2,123 | 1,179 | 1,102 | 1,118 | 1,091 |

And Facebook responding by...



POPULAR | LATEST | FEATURED

QUARTZ

OBSSESSIONS | EMAILS | EDITIONS

UNDER REVIEW

Facebook is hiring more people to moderate content than Twitter has at its entire company

By [Dave Gershgorin](#) & [Mike Murphy](#) · October 12, 2017



Freedom to express ourselves selves online

- Article 19 of UDHR
 - “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.**”
- Implications of what content you can read online, irrespective of location of content
- Implications on what you can say online, in any format

Who controls what we say/do online?

- The “law”
 - E.g. Section 66 of MM telecom Law for comments on Facebook
 - “66(d): *Committing extortion, bullying, illegal obstruction, **defamation**, harassment, abuse of power, or threat with the use of a telecommunications network*”
- Increasingly, platforms?
 - FB community guidelines, reporting procedures
 - FB content moderation procedure
 - Twitter take down of content or suspension of accounts
- Governments, advocates looking to platforms sector to help
 - Many situations we can agree with
- Should we worry about non-state actors curbing speech?
 - Government: in theory, you throw them out in next election
 - Facebook/platform: how do you change?

**SHOULD FACEBOOK/SOCIAL MEDIA
AND PLATFORMS OR INTERMEDIARIES
BE ABLE TO MODERATE OR LIMIT OUR
SPEECH?**

Intermediary (platform) liability: are they responsible

- Platforms as aggregator and disseminator of 3rd party content
- Different to news papers or curated websites (where there is editorial control)
 - And editors can be taken to court
- Should they be accountable for what the users (content creators) say?
 - Section 230 CDA in the US says no.
 - Manila principals of Intermediary liability also say no (broadly) but allows exceptions

Intermediary (platform) liability: what content should platforms take down?

- Some clearly (?) defined cases for platforms curbing expression
 - stuff that is defined in international law/treaties (copyright protected content; child pornography)
 - Curbed at point of uploading (e.g. YouTube videos) or taken down upon copyright owner notifying platform.
- Others instances less clear, but defined for a geography
 - E.g. stuff defined by national level law (e.g. US's Fight Online Sex Trafficking Act (FOSTA))
 - EU right to be forgotten:
 - **But take down where?**
- Some content categories less clearly defined in most countries is
 - “hate speech”
 - Some try to define (likely to cause “imminent harm”; against protected groups; etc.)
- Undefined
 - “fake news” or disinformation (my fake news is your news?)

Intermediary Responsibility: many are proposing we need this

- Softer than liability but a set of “good practices” that protect rights of platform users
 - Disallow content that may not necessarily be illegal
 - Curbing hate speech, stop the spreading etc.

Manila Principles on Intermediary liability: civil society answer

- Intermediaries should be shielded from liability for third party content
- Content must not be restricted without an order by judicial authority
- Requests for restrictions and laws/policies on take downs restrictions should follow due process
- Orders and practices must comply with test of necessity and proportionality
 - Least restrictive means; In relevant jurisdiction ; for applicable time
- Transparency and accountability

Legal take down orders: power dynamics

- Most legal orders for content take down obtained by
 - Governments: including non-democratic ones (US and Turkey high in # of demands)
 - Powerful companies and individuals (reputation management firms; copyright owners with an army of lawyers)
- Does the "average person" seek judicial process?
- Do countries have the enabling laws?
- Does police have the capacity to investigate?
- Are Legal orders being faked?
 - Lumen Data Base of take down request
- Do platforms have capacity to authenticate such legal request?
 - Are they safer just taking down to avoid liability?

Automating parts of the take down process

- Only way to do content moderation at scale
 - Algorithms to tag content
 - Then human review
- How do algorithms work beyond English and a few other languages
 - “Kala” the bean vs derogatory term in Myanmar
- Are we ok with Algorithms taking down at point of speech (vs. taking down after it’s been published and someone complains?)
- Process?

Competition and innovation issues

- Can anyone but Facebook afford to hire 20,000 content reviewers?
- How does a small intermediary (up and coming) compete with this?
- So should size (number of users) be a factor in how and which rules apply?

Process of take down being discussed seriously

- Allow users to post (without restriction - except in places of clearly defined violations?)
- Allow someone to complain (send a take down notice)
- Inform original content source that notice has been received
 - Allow for defined number of days to respond
- Take down automatically if take-down notice seems valid
- Keep the content that is taken down “safe” for future reference
- Allow appeals process

Fragmentation of the internet / data localization

- Because jurisdiction on the Internet is a tough issue to deal with
- Nation states moving towards data localization measures
 - Keep all local content inside the country
 - Keep a copy of local content inside the country
 - Insist on local (hard) infrastructure (not just data)
- What happens to small markets?

What's a intermediary anyway?

- ISPs?
 - Can block packets at network layer based on origin, destination, type of content
 - Block for every type of application
- Applications/content aggregators
 - Can look at content and make decisions to take-down
- What about transactional platforms
 - Uber?
- The “whois” service of the internet (www.<website>.TLD)
 - Privacy violations
- Should it apply to apply
 - Craig's List: shut it's personals section (after US passed Fight Online Sex Trafficking Act, FOSTA)
 - A school's online forum where pupils discuss “stuff”

What impact does this have on user behavior

- What impact does negative online experiences have?
 - Change their behavior: go offline
 - Change their behavior: reduce use
 - Change their behavior: self censorship of certain topics (e.g. stop posting photos; avoid political discussions)
- What effect does platform actions have on the trust users have of the internet
- How does this impact their lives; finances; relationships

What about media/digital literacy

- Do "literate" users vs. "non-literate" users deal with content differently?
 - Specially fake news/disinformation
- IF so, what is the basic level of literacy people need?
- How do we give people these skills
 - E.g. Does putting them through basic "fact checking" courses help?
- How to scale up?

Scenario: Your country is proposing a internet content-take down law. What research can u have ready?

- **Examination of the proposed law** and ask questions (due process? Necessary and proportionate? Which platforms does it apply to?)
- **Examination of OTHER laws in country:** Can the intent of the new law be achieved by those other existing laws? (or changing them to cover online behaviors)?
- **Comparative legal research** (who did X country vs Y country do it?)
- **Research the consequences of similar action** (Lumen database; Transparency reports from Google/Facebook/Twitter and other platforms; mLabs and others who test content blocking; etc.)
- **Examine existing take-down processes by platforms** (e.g. Facebook's privacy policies; Facebook's community guidelines etc.). **Compare with other platforms**
- **Content analysis:** what content is allowed to remain in specific conditions
- **Algorithms/data analytics methods:** Content analysis automated + identifying of problematic users
- **Action research?** E.g. Pro-Publica's placement of FB Ads
- Demand side research: **Studying users** who are internet users; those trained in media literacy and how to fact check
 - Qualitative methods

Some reading to get you started

- Search for “notice and take down” and “platform liability”
- Daphne Keller’s work (e.g. “Towards a clearer conversation about platform liability”)
- Jennifer Urban’s work (e.g. “Notice and take down in every day practice” by Urban, Karaganis Schofield)
- David Kaye’s 2018 report (UN Special Rapporteur of Freedom of Expression)
- Relevant publications at Center for Governance innovation (<https://www.cigionline.org>)
- Many other events and publications from them
 - The Global Internet and Jurisdiction Conference

THE END