**OSCE**

# Organization for Security and Co-operation in Europe
### Office of the Representative on Freedom of the Media
### www.osce.org/fom

## "Guaranteeing Media Freedom on the Internet"

### Findings from the 2nd Amsterdam Internet Conference 27-28 August 2004
presented by
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## *1. The project "Guaranteeing Media Freedom on the Internet" 2004-2006*

From 27 – 28 August 2004, the 2nd Amsterdam Internet Conference organized by the OSCE Representative on Freedom of the Media (RFOM) took place in the City Hall of Amsterdam. This conference was another step in the work of the Representative concerning free expression on the Internet.

Other steps taken so far include:

- A first workshop in Vienna on 30 November 2002.

- "From Quill to Cursor", a publication with working papers of this workshop.

- The 1st Amsterdam Internet Conference, 13-14 June 2003.

- The issuing of the "Amsterdam Recommendations" that have since been translated in six languages and are available on the Representative's website[1].

- "Spreading the Word on the Internet", a publication containing "16 answers to 4 questions" related to media freedom on the Internet.

- The 2nd Amsterdam Internet Conference, 27-28 August 2004.

Further steps implementing this project will include *inter alia* a post conference publication and a 3rd Amsterdam Internet Conference in 2005 to continue this think tank-type of conferences with high level experts from the whole OSCE area.

Contributions and presentations from the 2004 Amsterdam Conference can be found on the conference website[2]. This project is funded until April 2006 by generous contributions from the governments of The Netherlands and Germany.

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[1] http://www.osce.org/fom/
[2] http://www.osce.org/events/conferences/fom/2004amsterdam/

## 2.  The "Cookbook"

Results from the conference and the draft recommendations delivered by the participants will be incorporated in a "Media Freedom Internet Cookbook" to be published later this year by the Media Representative. In the tradition of other "Internet Cookbooks" – such as those on software and programming – this publication will serve as a collection of best practices on a broad range of Internet issues and aims to provide valuable guidelines for OSCE participating States. In addition to concrete recommendations, it will contain explanatory comments by different experts.

The draft chapters of this Cookbook will include

A.  Terminology

B.  Legislation & Jurisdiction

1)  The European Legal Framework

C.  Self-regulation, Co-regulation, State Regulation

D.  Hate speech on the Marketplace of Ideas

1)  Filtering, Labelling and Blocking

2)  Internet Hotlines

3)  Best practices – experiences and lessons learnt

E.  Education & Developing Internet Literacy

1)  Minimum standards for education

2)  Best practices – experiences and lessons learnt

F.  Access to Networks and to Information

1)  Legislation regarding Access to Information

2)  The meaning of access to information for democratic societies

3)  Best practices – experiences and lessons learnt

G.  Social Consequences of the Information Society

In the following paragraphs, first findings from the Amsterdam Conference taken both from the contributions of the panellists and the subsequent discussions will be presented.

## 3.  Terminology

Talking about the Internet, terminology is inconsistent and sometimes the same term can address different concepts or vice versa. For example *child pornography* is sometimes referred to as *child*

*abuse*. *Hate speech* and *hate crimes* are sometimes used synonymous, even if not every incident of hate speech is a criminal act. Concepts of s*elf-regulation* and *co-regulation* are widely discussed at the moment but currently there are still no definite practices. And last but not least positive user rights like the *right of information* or the *public domain* have to be further formulated.[3]

*Hate speech*

There is only a fine line between satire and humour, on the one hand, and intolerance and hurtfulness, on the other hand. Thus, hate speech cannot be described and categorized as other phenomena – other than child pornography, for example. Moreover, it lies in the eye of the user or viewer to make a responsible decision whether particular sites on the Net are tasteless humour or hate.[4]

What is more, it is next to impossible to find consensus on certain issues within the OSCE region due to cultural diversities and historical differences. However, it could prove dangerous for principles of free speech to try to achieve such a consensus on the level of the lowest common denominator. Instead, the "respect for cultural and linguistic diversity"[5] should be fostered and seen as an enrichment rather than a danger. In other words, keeping the accustomed level of freedom on the Internet might be far more beneficial for all than implementing hazardous remedies to uncertain diseases.

### 4. Education & Developing of Internet Literacy

*Internet Literacy?*

Not only should education be of foremost priority "because education is both a fundamental human right and key to sustainable development and peace within and among countries"[6] but it also turns out to be the most suitable means to counter hate speech on the Internet and to build tolerance in all fields.

There was a major consensus in Amsterdam that filtering and blocking content on the Internet can not only be easily circumvented but that, as studies have shown, it is simultaneously "under-effective"

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[3] See Cormac Callanan (INHOPE) *Different responses to Illegal Content on the Internet - Child Pornography and Hate Speech.* 2004 Amsterdam Internet Conference.
[4] See Cathy Wing *Challenging Online Hate: A Media Education Response.* 2004 Amsterdam Internet Conference.
[5] Sylvie Coudray (UNESCO) *Education in and for the Knowledge Society*. 2004 Amsterdam Internet Conference.

and "over-blocking".[7] A complete blockade is merely utopia for democratic states. "Mirroring" of sites will make such an absolute achievement quite difficult to attain. At the same time blocking always goes further than the limits one first sets. This is because it is everything but an exact science. Even worse, different attempts to block content (e.g. manipulating the Domain Name System DNS or IP filtering) endanger basic functionalities of the Internet such as the sending and receiving of e-mails.[8]

Content filtering even proves to be more difficult: Not only is it complex to analyze the content of text, images or even music and pictures (guess what happens to the Lower Austrian town of "Fucking" in most of the filtering mechanisms), but at the same time the basic principles for rating content are not clearly defined nor universal.

Although some participants of the Amsterdam Conference argued in favour of labelling, adversaries replied that the whole concept itself poses a danger to the free flow of information. In order for labelling systems to work, *all* sites must be labelled. Or to put it the other way round: every page that is not labelled will not be allowed to reach the user. Also there are questions that remain unanswered such as: Who is doing the labelling? On what ground? For what costs and for whom?

Overall, digital media are forcing a shift in responsibility from statutory regulators toward the individual household. There is no equivalent of the top shelf in a bookstore or rules for TV broadcasting hours on the Internet: "The goal of media education is to create a media literate individual. It is now widely accepted in education circles that in order to be literate today, children and young people must be able to *read*, understand and bring critical thinking skills to information in many different forms."[9]

In order to achieve this goal two dimensions of education can be identified:
1. Education *through* the Internet
2. Education *for* the Internet

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[6] Sylvie Coudray (UNESCO) *Education in and for the Knowledge Society*. 2004 Amsterdam Internet Conference.
[7] Maximillian Dornseif *Government mandated blocking of foreign Web content.* <http://md.hudora.de/publications/200306-gi-blocking/200306-gi-blocking.pdf>
[8] Ibd.
[9] Cathy Wing *Challenging Online Hate: A Media Education Response*. 2004 Amsterdam Internet Conference.

**4.1 Education *through* the Internet**

During the Amsterdam Conference, UNESCO stressed that "access to education is a basic right, to which information and communication technologies (ICTs) provide immense opportunities."[10] The enormous potential of the Internet for educational purposes has not yet been fully utilised. The Internet is indeed a great tool for fostering development, supporting awareness raising activities and providing key databases of information for wider public dissemination. At the same time, it is quite an efficient way of fighting abuse, more than blunt regulation or filtering mechanisms.

Although there is always a certain amount of illegal content and of racial, religious or xenophobic hatred on the Internet, the benefits of access to information far outweigh the risks. The Internet even enables the rest of us to communicate and collaborate for more progressive ends and to counter "bad" content on it.

The Internet is not the "evil black box" full of hate speech, anti-Semitism and Xenophobia that people often portray it as. The amount of hate websites is rather low. Experts estimate it to be only 400-600 sites, i.e. 0,015 % of all websites.[11]

And it is not only the amount, but also the audience and professionalism of the respective sites. Some hate sites that indeed could be retrieved "are just too small and insignificant for serious chase and prosecution. They belong to oblivion, and that's where the actually reside, despite theoretical accessibility to general audience."[12]

*Instead,* the Internet offers an unprecedented means for the free flow of ideas and information and its potential should be used to counter hatred and educate people. Already, a number of initiatives, NGOs or the web community use the Internet and the WWW to make information easily accessible and offer education programs for children and young people of different age groups. Some random examples could be: wikipedia.org, inhope.org, websafecrackerz.org, media-awareness.ca, jugendschutz.net, etc.

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[10] Sylvie Coudray (UNESCO) *Education in and for the Knowledge Society*. 2004 Amsterdam Internet Conference.

[11] Karin Spaink *Is prohibiting hate speech feasible – or desirable?*. Background Paper for the 2004 Amsterdam Internet Conference.

[12] Anton Nossik *Confronting Hate Speech Online*. 2004 Amsterdam Internet Conference.

**4.2 Education *for* the Internet**

"The objective of media education is to help students to step back and ask critical questions about what they're seeing – rather than just absorbing media messages passively and unconsciously."[13] The autonomous and self-dependent use of any media including the Internet demands media literate individuals.

In any case, a critical and literate individual has better protection against the hostilities of hate speech and the seducements of extremists than anything blocking or filtering could ever achieve. This is true because education not only hides symptoms. Rather, it directly fights the roots of hatred by building tolerance.

A number of organizations and initiatives (e.g. the Media Awareness Network) have developed programs for the improvement of media and especially Internet literacy.

*Developing Internet Literacy*

Research of the Canadian Media Awareness Network among young people showed that "the Internet doesn't work on the principles of *censorship* or *control* they feel, but rather on principles of *responsible decision-making* and *calculated risk-taking* – and those are the kind of skills they want to develop." At the same time, "while young people may be a more vulnerable group online because of their limited life experience, in many ways, they understand the Internet more intuitively than adults."[14]

Best practices in the field of media education presented by the Canadian Media Awareness Network at the Amsterdam Internet Conference include[15]:

- An effective media education strategy to address online hate starts with an examination of stereotypes and bias.
- The next key concept is that all media are constructed. Representing people, places, and events to viewers involves steps and decisions on who to leave in and who to leave out.
- Other key concepts of media education look at the role of mass media as "big business",
- and at the notion that ideological messages about values, power and authority underpin all media.

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[13] Cathy Wing *Challenging Online Hate: A Media Education Response.* 2004 Amsterdam Internet Conference.
[14] Ibd.
[15] Ibd.

- One aim, for example, is to enable students to decide on their own where the line should be drawn between freedom of expression and indecent or illegal web content.

Other examples will be introduced by Jane Tallim of the Media Awareness Network during this side event.

Eventually, Internet education should not forget to mention that at its core online hate is nothing more than old-fashioned propaganda, wrapped in flashy new packaging. Or as Nico van Eijk of the Amsterdam Institute for Media Law put it in his presentation at the Amsterdam Internet Conference:

> The Internet is not something that changes fundamental rights such as the freedom of information. Freedom of information includes the right to receive and impart information as it has been defined throughout history […] These old values - the old bags - are the foundations of society and should not be called into question because someone is pouring in a new wine called Internet. The Internet is primarily a technology, a network enabling communications. The Internet is not something that changes the world. It is people who cause change by using technologies.[16]

## 4.  Conclusions

Censorship and control are impossible from a technical point of view and unwanted from a freedom of expression point of view. Responsible decision-making and calculated risk-taking go together for the young online. The development of Internet literacy can minimize the risks for the young and instead educate responsible and critical citizens.

Education, awareness raising and Internet literacy should always be favored as the less restrictive approach to counter hatred. Lessons learnt from a number of already established initiatives and implemented programs could serve as good practices for similar efforts. This, too, was one of the aims of the Amsterdam Conference.

One recommendation from the 2004 Amsterdam Internet Conference can already be phrased as a basic principle: Regulation must be limited to fields where it is absolutely inevitable. Actions taken towards the "normalization" of the Internet, even with the best of intentions, can cause potentially disastrous collateral damages.

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[16] Nico van Eijk (IViR) *Regulating old values in the Digital Age*. 2004 Amsterdam Internet Conference.