IGF 2017 Reporting Template

- Session Title: Tackling violent extremism online: New Human Rights Challenges for States and Businesses (Open Forum OHCHR)

- Date: 19 December 2017

- Time: 16.10-17.10

- Session Organizer: Tim Engelhardt

- Chair/Moderator: Peggy Hicks

- List of Speakers and their institutional affiliations:

- David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Chinmayi Arun, National Law University Delhi
- Brett Solomon, Access Now
- Fiona Asonga, Technology Service Providers Association of Kenya
- Alexandria Walden, Google

- Key Issues raised (1 sentence per issue):

1. The lack of an universal definition of terms like extremism or terrorism, often leading to an overly broad understanding and abuse.
2. How companies are to balance respect for freedom of expression and preventing violent extremism on the internet

- If there were presentations during the session, please provide a 1-paragraph summary for each presentation:

David Kaye discussed the issue that extremism lacks a universal definition. He explained that this posed a problem to public governance, to individuals who needed to know the law in order to follow it, and to online platforms who needed to know exactly what content they have to restrict. There was a real problem in redefining a broad range of activities and expression as extremism (including, for example journalism, minority expression, particularly minority religious expression). He also addressed the issue of many governments' increasing reliance on platforms' terms of service for obtaining content takedowns. This provided an avenue for restricting expression that the government itself could not restrict as a matter of human rights law or domestic law. Also, Mr. Kaye pointed out that there is very little information and transparency concerning the occurrence of takedowns relying on terms of service. Concluding, he emphasised that the issues raised were essentially issues of the rule of law that could not be solved by the platforms themselves.

Chinmayi Arun also addressed the issue of defining the scope of what is considered extremism and what not. She illustrated that by referring to the removal from social media of photographs of Burhan Wani, a Kashmiri militant commander who had been killed, even if those photographs showed simply his face or him as a teenager with his mobile phone, smiling. According to her, this example reflected the kinds of decisions social media platforms had to make in balancing freedom of expression with countering extremism. She also pointed out that protected political speech may be mixed with extremist content, for example in expressions supporting independent movements, further complicating the situation.

Brett Solomon's presentation discussed the need to understand how much violent extremism was actually present in online content and the impact that the content had in enabling violent extremism in the real world. These issues needed to be understood in the context of necessity and proportionality. Removing content involved surveillance and censorship, which may infringe on the right to privacy and freedom of expression. He pointed out that this sort of rights-infringement had long-term consequences on how technology interfaces with identity, biometrics, access to essential services, and more. He cautioned that societies could inadvertently create massive surveillance and monitoring infrastructures with consequences not only for the right to privacy and freedom of expression but also other rights, such as to education, healthcare, water, political participation, et cetera. Other, related, issues, he raised included: remedies for wrongful content takedowns, the problematic redefinition of disagreeable news and content as fake and extremist, the risks for minority and opposition voices to be classified as extremist. He also underscored that the concentration of online market power constituted great risks for free expression: the practice of sharing hash values of pictures between the few dominant major online platforms meant that pictures that were deemed extremist by only one platform could effectively not shared anymore. Finally, Mr. Solomon also mentioned the importance of understanding these issues from a gender and sexual orientation perspective, as many countries viewed expression of LGBT rights as extremist content whereas it is a lawful expression of identity.

Fiona Asonga's presentation added a business perspective to the issue at hand. She emphasized that people needed to exercise their rights without abusing them or infringing on the rights of others who are also using the same platforms and services. The government and the private sector thought differently about countering extremism online because of the different environments that they operate under. She stated that in Kenya, attacks by al-Shabab were increasing and this needed to be addressed , which is why the private sector and government entities collaborated and shared information between each other.

Alexandria Walden provided Google's perspective of the issues at hand, discussing the importance of maintaining openness and democratization within the Google platform while at the same time figuring out how to deal with exploitation of it. In dealing with this issue, Google was collaborating with other companies within the Global Internet Forum to Counter Terrorism. Google was also working with academics, as well as NGOs who are experts in hate speech and terrorism, to analyse the challenges of freedom of expression and privacy in relation to the government. Most importantly, Google relied on these experts to flag illegitimate content in bulk, which allowed Google to train their classifiers in the type of terrorist content to look for. She also mentioned that Google was committed to being more transparent in their flagging process.

- Please describe the Discussions that took place during the workshop session (3 paragraphs):

During the discussion one audience member raised the question whether a private platform taking down legal content, based on their terms of service, without any government Interference was a freedom of expression issue under international human right law. David Kaye referred to Article 19 of the ICCPR, pointing out that human rights law is about the right of the individual to express herself freely. He saw hence interferences of businesses with that freedom to express as a human rights issue. Private companies had a responsibility to protect individual rights.

Transparency about content takedowns and blocking was another focus of the debate. In particular, transparency reports as an important tool for informing the public were discussed. Alexandria Walden mentioned that platforms like Google were often not the first to find out about their services that had been blocked. However, to the extent possible that information was always included in their transparency reports. On audience member raised the issue of a lack of transparency reports from governments.

One audience member brought up the lack of transparency in algorithms and the biases that exist in those algorithms. Another issue raised was the treatment of multilingual content. Ms. Walden responded that Google used machine learning to identify extremist content, but that content was not automatically removed; there was still a human component to the process. She also mentioned that they had lawyers and reviewers that could review content in a variety of languages around the world 24/7. Mr. Kaye added that the human inputs that go into the algorithms had to be transparent.