

Workshop report

1. Title : Content regulations from gender and development perspective (quoted as “Content Regulations and Access...” in the agenda)

2. Organizers and Panellists

Organized by: APC Women's Networking Support Programme (www.apcwomen.org)

Moderator: Natasha Primo, Women'sNet

The Panellists:

Hanne Sophie Greve is a former judge at the European Court for Human Rights, and human-rights expert who has served on UN missions in Cambodia and former Yugoslavia. She works currently as the judge for the Gulating High Court, Norway.

Malcolm Hutty is the Head of Public Affairs at LINX (the London Internet Exchange), Chair of the Network Security Information Exchange and a member of a number of organisations relating to internet regulation, including the Home Secretary's Taskforce for Child Protection on the Internet.

Namita Malhotra is a legal researcher at the Alternative Law Forum in Bangalore, India, and teaches a course on “Rethinking Media Laws” at a women's college. She works on issues of media censorship, media laws, intellectual property, open content and gender.

Michael Silber works for the Wireless Application Service Providers' Association (WASPA) in the Republic of South Africa.

3. Discussion

- illegal content is fixed (there is a law, an agreement) within a particular context, while harmful content is relative, and the borderlines between harmful and non-harmful content are very slippery; indeed the definition of illegal depends on national regulations but harmful content is subject to interpretation various contexts and location; the question is: thereby can we agree on the universally harmful categories/types of content?
- censorship and any other action to stop or control content that is sexually explicit or political turns into an invitation to greater discourse and leads to its greater promotion
- with content regulation, we are handing over a decision of what is harmful to the state; content regulation is opening spaces for monitoring and control in other areas such as freedom of expression, racial profiling, or reproductive rights
- ISPs are pushed into a controlling role over the network by companies, by parents and regulators; if content regulation is applied, identifying who is in the position to implement is critical; responsibility must be applied to the right parties; the ISPs think that they should not be subject of regulation because they have little knowledge about the content that goes through their networks; in this context, it is probably better to place regulations on content producers or content viewers.
- should we pursue liberal or protective attitude?; should we define for children what content they can access, or rather let them decide what they want to access; better

than censorship is to educate children about harassment on the internet and bring their attention to some risks they need to manage

- how can those who we seek to 'protect' - such as children, women and other "vulnerable" groups - be involved in developing policy and regulation around content regulations that are supposed to benefit them?

4. Inventory of events and actors related to the issue under discussion

- ISPs or the internet service providers' associations
- content filtering software developers
- governmental and inter-governmental initiatives that seek to address the challenges raised by exchange of information and communication through ICTs
- civil society organizations that conduct impact assessment and employ strategies to address issues related to harmful content and pornography
- those the content regulations seek to 'protect', e.g. youth, children, women
- trainers, educators, civil society

5. Possible follow-up

Enable concrete dialogue between all stakeholders to:

- define who should intervene in what type/level of harmful content – parents, school, government
- agree on the universally harmful categories/types of content
- develop approach how we deal with the illegal content on the internet
- provide people, "vulnerable" group in particular, with the most complete information about the content – to be able to self-impose their own filters
- engage all affected stakeholders in policy development and employment; including the groups which are deemed to benefit from such content filtering systems – i.e. women and children

6. Useful links

- Cultivating Violence through Technology? Exploring the Connections between Internet Communication Technologies (ICT) and Violence Against Women (VAW): http://www.genderit.org/resources/VAW_ICT_EN.pdf
- Digital Dangers: Information and Communication Technologies and Trafficking in Women: http://www.genderit.org/resoures/digital_dangers_EN.pdf
- Women's human rights: violence against women, pornography and ICTs: http://www.genderit.org/resources/WOCTIS_paper_jk.pdf
- Make-IT-safe campaign: <http://www.make-it-safe.net/eng/index.asp>
- http://www.coe.int/t/e/human_rights/media/Links/Events/IGFAthens2006Homepage_en.asp#TopOfPage