

**IGF 2016 THE ROLE OF JUDICIARY SYSTEMS AND INTERNET GOVERNANCE
WORKSHOP REPORT**

Session Title	The Role of Judiciary Systems and Internet Governance
Date	7 December 2016
Time	09h-10h30min
Session Organizer	UNESCO
Chair/Moderator	Guilherme Canela, UNESCO
Rapporteur/Notetaker	Rachel Pollack, UNESCO
List of Speakers and their institutional affiliations	<p>Hawley Johnson, Project Manager for Columbia Global Freedom of Expression</p> <p>Guilherme Canela, Communication and Information Adviser, UNESCO Montevideo Office</p> <p>Edison Lanza, Special Rapporteur for Freedom of Expression. The Inter-American Commission on Human Rights</p> <p>Toby Mendel, Human rights lawyer specialising in freedom of expression, the right to information and democracy rights; executive director of the Centre for Law and Democracy.</p> <p>Paola Carmona, School of Judges, Mexico</p> <p>Carlos Affonso Souza, Director of the Institute for Technology and Society of Rio de Janeiro at the Law School of the Rio de Janeiro State University (UERJ).</p> <p>Marcel Leonardi, Director of Public Policy of Google in Brazil</p> <p>Catalina Botero, Dean, School of Law, Universidad de los Andes, Colombia (via video)</p>
Key Issues raised (1 sentence per	<ol style="list-style-type: none"> 1. The key challenges facing freedom of expression with regard to the Internet. 2. the lack of knowledge of available options, leading to

<p>issue):</p>	<p>overbroad restrictions such as blocking access to different platforms to a disproportionate extent</p> <ol style="list-style-type: none"> 3. the right to be forgotten' in the region, the importance of journalists' safety and source protection, and the pressure that judges receive to censor content. 4. The need for transparency regarding judicial decisions, such as through the Marco Civil Observatory, and for more research related to decisions in the lower courts, where most issues arise.
<p>If there were presentations during the session, please provide a 1-paragraph summary for each Presentation</p>	<p>Hawley Johnson, project manager of Global Freedom of Expression at Columbia, of her organization's Global Database of Freedom of Expression Case Law. Launched in 2015, the database now includes nearly 800 cases from 125 countries, and seminal cases from Latin America are available in English and Spanish, with the support of UNESCO and other partners.</p> <p>The Organization of American States' Special Rapporteur on Freedom of Expression, Edison Lanza, opened the discussions on the 'right to be forgotten' in the region, the importance of journalists' safety and source protection, and the pressure that judges receive to censor content.</p> <p>The question of the right to be forgotten was also presented by Carlos Affonso Souza, founder and director of the Institute for Technology and Society Rio, who spoke about its increased presence in cases in Brazilian courts as an example of the influence that a decision in one country can have on another.</p> <p>Marcel Leonardi, senior public policy and government relations counsel at Google Brazil, discussed transparency regarding judicial decisions, such as through the Marco Civil Observatory, and for more research related to decisions in the lower courts, where most issues arise. He also mentioned that, in Brazil alone, Google is mentioned in more than 3,000 cases currently being assessed by the country's courts.</p> <p>Eugenia Paola Carmona Díaz de León, formerly of the Mexican school of judges, addressed the conceptual framework and history of legislation in Mexico on the right of reply.</p> <p>Toby Mendel and Catalina Botero underlined the challenges faced by the Judiciary Systems in protecting freedom of expression on line.</p>

<p>Please describe the Discussions that took place during the workshop session: (3 paragraphs)</p>	<p>The workshop, included more than 80 participants, and took place on Wednesday, 7th December 2016. It built on insights drawn from UNESCO's work in Latin America to enhance the capacity of judicial officials on issues related to freedom of expression.</p> <p>The session opened with a global overview by Toby Mendel, Executive Director of the Centre for Law and Democracy, who highlighted the key challenges facing freedom of expression with regard to the Internet. These include judges' lack of understanding of the technical implications and the impact on freedom of expression of their decisions.</p> <p>Another issue is the lack of knowledge of available options, leading to overbroad restrictions such as blocking access to different platforms to a disproportionate extent, he said.</p>
<p>Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)</p>	<p>Catalina Botero Marino, Dean of the Faculty of Law at the University of the Andes, spoke by video message, stating the Internet must remain an open, free, global and neutral network, and that judges should protect the conditions necessary for the Internet to provide access to information.</p> <p>Several speakers touched on the challenge introduced by the volume of cases related to Internet issues. The idea of a specialized court on Internet issues was mentioned, but largely discarded by the panelists since the range of issues spans many areas of existing law. Online dispute resolution and an independent administrative body were also proposed as potential alternatives to processing cases through the courts.</p>