



Understanding Human Rights

05. A Fourth Generation of Human Rights for the 21st Century

3 Generations of rights

1 st Generation Of Human Rights	Civil and political rights	Liberty	Negative	-Focus on individuals' rights -1700 – 1800s – through to WWII/UDHR
2 nd Generation Of Human Rights	Economic, social and cultural rights	Equality	Positive	-Focus on equal treatment and opportunity -Post WWII era
3 rd Generation Of Human Rights	Collective rights	Fraternity	Aspirational	-Focus on the environment and sovereignty -Late 1970s - onwards

3 Generations of rights

- Disconnecting people from the internet violates human rights and goes against international law



UN

- “Shouldn’t be a luxury, it should be a right”



David Cameron

THE WEB WE WANT WILL...

1. Not let companies pay to control it, and not let governments restrict our right to information
2. Allow freedom of speech
3. Be free from government censors in all countries
4. Not allow any kind of government censorship
5. Be available for all those who wish to use it
6. Be free from censorship and mass surveillance
7. Allow equal access to knowledge, information and current news worldwide
8. Have freedom of speech
9. Not be censored by the government
10. Not sell our personal information and preferences for money, and will make it clearer if the company/Website intends to do so

Overview

- Terrorism: An Old Problem
- The Definition of Terrorism
- September 11th, 2001
- The War on Terror
- Terrorism and Human Rights

Terrorism: An Old Problem



French revolution prise de la bastille



ETA



IRA



Nicaraguan Contras



Tamil Tigers

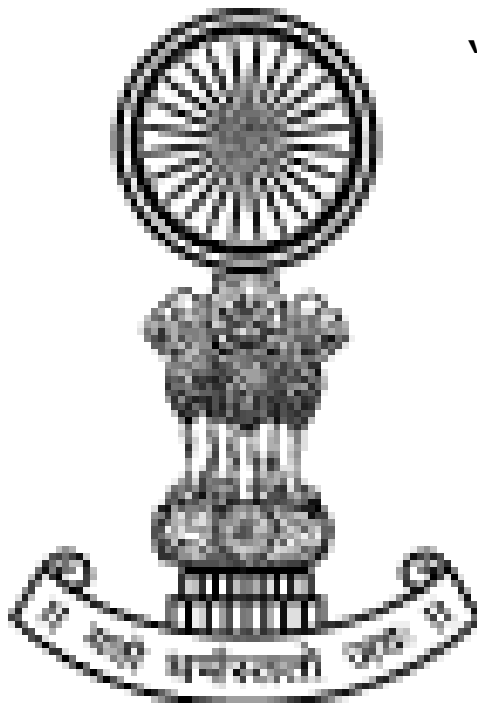


Hezbollah

The Definition of Terrorism

- (a) Attacks upon a person's life which may cause death
- (b) Attacks upon the physical integrity of a person
- (c) Kidnapping or hostage taking
- (d) Causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility...or private property likely to endanger human life or result in major economic loss
- (e) Seizure of aircraft, ships or other means of transport
- (f) Research into or the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons
- (g) Release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life
- (h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource
- (i) Threatening to commit any of the acts listed in (a) to (h)

The Definition of Terrorism



The Supreme Court of India

"Peacetime equivalents of war crimes."



The Definition of Terrorism

- 1) have political, social or religious motivations
- 2) be designed to send a message to a larger audience beyond the immediate victims
- 3) lie outside internationally recognised warfare activities



ROUTE 91
≡ HARVEST ≡
COUNTRY MUSIC FESTIVAL

The Definition of Terrorism

Global Terrorism Database

- 1) have political, social or religious motivations
- 2) be designed to send a message to a larger audience beyond the immediate victims
- 3) lie outside internationally recognised warfare activities

The Definition of Terrorism

The UN's 1999 International Convention for the Suppression of the Financing of Terrorism

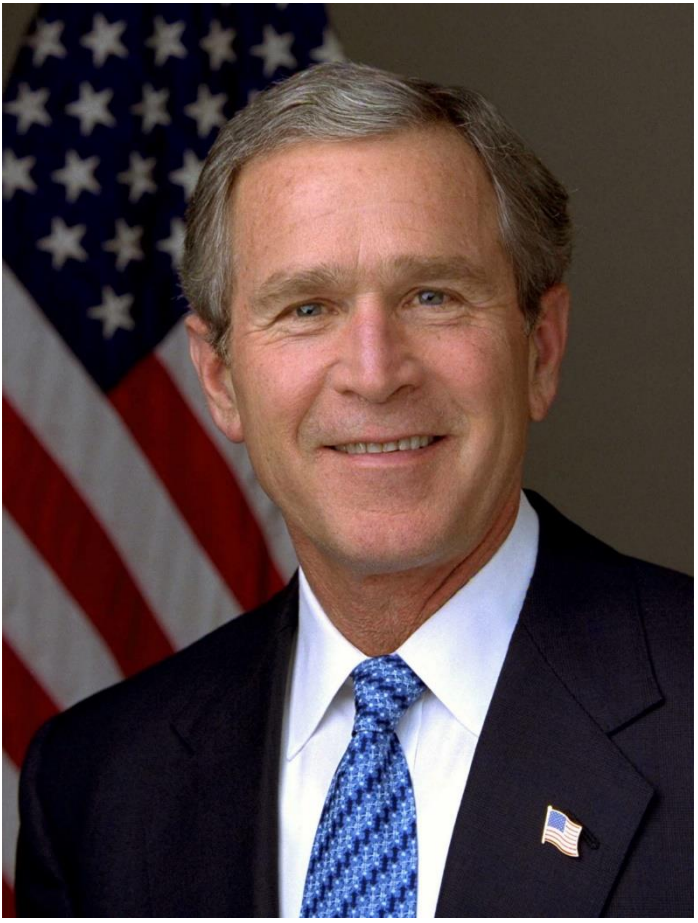
“act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”

September 11th, 2001



WTC smoking on 9-11

The War on Terror



Goerge W Bush



Iraq War

The War on Terror

- “Criminal law of the enemy”
- “Criminal law of the citizen”



Gunatanamo Bay

overview

- Background Info on the FBI vs. Apple Case
- Lessons from the FBI vs. Apple Case
- Aftermath of the FBI vs. Apple Case
- Similar Cases
 - 1) The Anti-Terror Law (South Korea, 2016)
 - 2) WhatsApp – MI5 (UK, 2017)

Background Info. on the FBI vs. Apple Case

- Public v. Personal Security



Syed Rizwan Farook

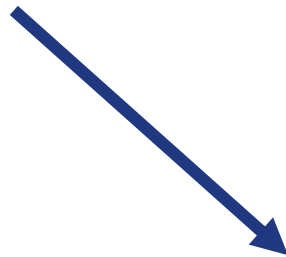


California map

Lessons from the FBI vs. Apple Case

- <https://www.theguardian.com/technology/2016/feb/24/apple-ceo-tim-cook-government-fbi-iphone-encryption>

The Universal Declaration
of Human Rights



International Covenant on Civil
and political Rights

Rights to Privacy

Lessons from the FBI vs. Apple Case



Personal security



national/public security



Personal security



national/public security

- No hierarchy of rights
- interrelated
- Interdependent
- Indivisible

Logical abyss

Will always be some sort of gap between what should be, the way things ought to be and the way they actually are in reality

Aftermath of the FBI vs. Apple Case

- Cellebrite Ltd
- Freedom of Information Act



FoIA

Similar Cases

- 1) The Anti-Terror Law (South Korea, 2016)
- 2) WhatsApp – MI5 (UK, 2017)

Overview

- The Right to Know vs. The Right to be Forgotten
- Example Case 1: Mario Costeja Gonzalez
- Example Case 2: Dog Poop Girl
- Example Case 3: Revenge Porn
- Example Case 4: Historical Record
- Concerns About Censorship

Overview

- The right to have irrelevant, out of date or damaging material removed or 'forgotten' from the internet



Argentina



EU

- Desires and determination of individuals to maintain a grasp of some level of autonomy in their lives and not be stigmatized as a consequence of an action that happened in the past
 - <https://www.youtube.com/watch?v=FtSFGthF6Qs&list=PLZRxWWVz8dSvJGjNfWakdf73x6ZFx1I3Q&t=0s&index=26>

The Right to Know vs. The Right to be Forgotten

- Example Case 1: Mario Costeja Gonzalez
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- Example Case 3: Revenge Porn
- Example Case 4: Historical Record

Concerns About Censorship

- Censorship



Index on Censorship

"Akin to marching into a library and forcing it to pulp books."



Open Rights Group

"We need to take into account individuals' right to privacy but if search engines are forced to remove links to legitimate content that is already in the public domain, it could lead to online censorship."

Concerns About Censorship

- Should the right to be forgotten be a basic right? What about the right to know? How can we balance these two?
- Does this controversial right – the right to be forgotten – illustrate the need for a new set of human rights, a fourth generation of rights for the digital age? Do we need a new Magna Carta for the digital age?
- In right to be forgotten cases one has to prove that information is out dated or irrelevant. However, consider this in a historical context; what is irrelevant now may be very much relevant in the future, what do you think?
- If we delete content, are we editing history?
- Will the right to be forgotten influence on the freedom of expression online?
- Is the right to be forgotten equivalent to censorship?