

## Content

Criminal	Online Content
<ul style="list-style-type: none"> <li>• <i>Hate speech</i></li> </ul> <p>Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence</p> <ul style="list-style-type: none"> <li>• <i>Security/Public order</i></li> </ul> <p>Intended and likely to incite to imminent violence</p> <ul style="list-style-type: none"> <li>• <i>Obscenity</i></li> </ul> <p>Not just offensive material but harmful content like child pornography</p> <ul style="list-style-type: none"> <li>• <i>Judiciary</i></li> </ul> <p>To protect the integrity of the judicial process, not individual judges</p> <ul style="list-style-type: none"> <li>• <i>Blasphemy/False news</i></li> </ul> <p>Neither are legitimate</p>	<ul style="list-style-type: none"> <li>• <i>Content filtering</i></li> </ul> <p>Illegitimate if not end-user-controlled</p> <ul style="list-style-type: none"> <li>• <i>Blocking orders</i></li> </ul> <p>Should be exceptional, proportionate, carefully tailored to harmful content and subjected to judicial/quasi-judicial oversight</p> <ul style="list-style-type: none"> <li>• <i>No strict liability for intermediaries</i></li> </ul> <p>Intermediaries should not be held strictly liable for content</p> <ul style="list-style-type: none"> <li>• <i>Specific to online harms</i></li> </ul> <p>Restrictions should avoid duplicating existing legislation and should target online-specific harms</p>
Civil/Administrative	
<ul style="list-style-type: none"> <li>• <i>Defamation</i></li> </ul> <p>Only for legitimate reputation, with appropriate defences (truth, opinion, reasonable publication) and limited sanctions</p> <ul style="list-style-type: none"> <li>• <i>Privacy</i></li> </ul> <p>Only where there is a reasonable expectation of privacy and this is not outweighed by the overall public interest</p> <ul style="list-style-type: none"> <li>• <i>Right to Information Law</i></li> </ul> <p>Should be adopted and implemented</p> <ul style="list-style-type: none"> <li>• <i>Online harms</i></li> </ul> <p>Specific to harms unique to cyberspace and non-duplicative of existing laws</p>	

## Media Regulation

### Independence of Regulatory Bodies and Commercial Issues

Journalists	Print Media	Private Broadcasters
<ul style="list-style-type: none"> <li>• <i>No licensing/registration</i></li> </ul> <p>Everyone should be free to engage in journalism</p> <ul style="list-style-type: none"> <li>• <i>Protection of sources</i></li> </ul> <p>Right to protect confidential sources of information</p> <ul style="list-style-type: none"> <li>• <i>Accreditation</i></li> </ul> <p>Only to ensure privileged access of journalists to limited space venues, not to control access to the profession</p> <ul style="list-style-type: none"> <li>• <i>Protection from attacks</i></li> </ul> <p>States should protect journalists from attacks by State and non-State actors, including online</p>	<ul style="list-style-type: none"> <li>• <i>No licensing</i></li> <li>• <i>Technical registration</i></li> </ul> <p>No discretion to refuse once requisite information has been provided</p> <ul style="list-style-type: none"> <li>• <i>Rights of correction and reply</i></li> </ul> <p>Right of correction where this will redress the harm; reply only for breach of a legal right</p> <ul style="list-style-type: none"> <li>• <i>Complaints</i></li> </ul> <p>Preferably self-regulatory; based on a pre-established code of conduct and only light sanctions</p>	<ul style="list-style-type: none"> <li>• <i>Licensing</i></li> </ul> <ul style="list-style-type: none"> <li>- Based on a frequency plan</li> <li>- Process should be fair and transparent</li> <li>- Key goal should be to promote diversity</li> </ul> <ul style="list-style-type: none"> <li>• <i>Code of Conduct</i></li> </ul> <p>Developed in consultation with all stakeholders with the aim of setting standards, not punishing</p>
Digital Space		Public Service Broadcasters
<ul style="list-style-type: none"> <li>• <i>No licensing</i></li> </ul> <p>No licensing requirement for online content, at most only for the means of distribution</p> <ul style="list-style-type: none"> <li>• <i>Promotion of Internet access</i></li> </ul> <p>Obligation to promote access</p> <ul style="list-style-type: none"> <li>• <i>No Internet shutdowns</i></li> </ul> <p>No general Internet shutdowns for any geographic area</p> <ul style="list-style-type: none"> <li>• <i>Net neutrality</i></li> </ul> <p>No differential treatment of Internet traffic based on device, content, author, destination or origin of data</p>		<ul style="list-style-type: none"> <li>• <i>Independence</i></li> </ul> <p>Governed by an independent board and benefiting from independent sources of public funding</p> <ul style="list-style-type: none"> <li>• <i>Mandate</i></li> </ul> <p>The mandate should be clearly set out in law, including providing a quality news service and serving all sections of society</p>