

Content

Criminal	Online Content
• <i>Hate speech</i> Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence • <i>Security/Public order</i> Intended and likely to incite to imminent violence • <i>Obscenity</i> Not just offensive material but harmful content like child pornography • <i>Judiciary</i> To protect the integrity of the judicial process, not individual judges • <i>Blasphemy/False news</i> Neither are legitimate	• <i>Content filtering</i> Illegitimate if not end-user-controlled • <i>Blocking orders</i> Should be exceptional, proportionate, carefully tailored to harmful content and subjected to judicial/quasi-judicial oversight • <i>No strict liability for intermediaries</i> Intermediaries should not be held strictly liable for content • <i>Specific to online harms</i> Restrictions should avoid duplicating existing legislation and should target online-specific harms
Civil/Administrative	
• <i>Defamation</i> Only for legitimate reputation, with appropriate defences (truth, opinion, reasonably publication) and limited sanctions • <i>Privacy</i> Only where there is a reasonable expectation of privacy and this is not outweighed by the overall public interest • <i>Right to Information Law</i> Should be adopted and implemented • <i>Online harms</i> Specific to harms unique to cyberspace and non-duplicative of existing laws	

Media Regulation

Independence of Regulatory Bodies and Commercial Issues

Journalists	Print Media	Private Broadcasters
• <i>No licensing/registration</i> Everyone should be free to engage in journalism • <i>Protection of sources</i> Right to protect confidential sources of information • <i>Accreditation</i> Only to ensure privileged access of journalists to limited space venues, not to control access to the profession • <i>Protection from attacks</i> States should protect journalists from attacks by State and non-State actors, including online	• <i>No licensing</i> • <i>Technical registration</i> No discretion to refuse once requisite information has been provided • <i>Rights of correction and reply</i> Right of correction where this will redress the harm; reply only for breach of a legal right • <i>Complaints</i> Preferably self-regulatory; based on a pre-established code of conduct and only light sanctions	• <i>Licensing</i> - Based on a frequency plan - Process should be fair and transparent - Key goal should be to promote diversity • <i>Code of Conduct</i> Developed in consultation with all stakeholders with the aim of setting standards, not punishing
Digital Space		Public Service Broadcasters
• <i>No licensing</i> No licensing requirement for online content, at most only for the means of distribution • <i>Promotion of Internet access</i> Obligation to promote access • <i>No Internet shutdowns</i> No general Internet shutdowns for any geographic area • <i>Net neutrality</i> No differential treatment of Internet traffic based on device, content, author, destination or origin of data		• <i>Independence</i> Governed by an independent board and benefiting from independent sources of public funding • <i>Mandate</i> The mandate should be clearly set out in law, including providing a quality news service and serving all sections of society