Chapter Five

Audio-visual Media and the Internet

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Introduction

- Specific mediums
- They are nascent and emerging
- Audio-visual: using both sight and sound, typically in the form of slides or video and speech or music.(Oxford Dictionary)
- **Internet**: an international information network linking computers, accessible to the public via modem links.

Horizontal Rating and Classification of Audio-visual content

- Film display：Cinema、DVD、Television、Video Game
- Rating grounds:

：Protection of Youths

：Well-being of Children

：Age – to protect minors at 11, 12, 14, 15, 17 and even 18

*Horizontal rating—a regulation by private parties

*Vertical rating—governmental regulation

*Horizontal classification means classifying the content of different audiovisual media (e.g. films, videos, DVDs, computer games) on the basis of a common regulatory framework.

Comparative Studies: Horizontal Rating

I. The Netherlands

- **Kijkwijzer** is a rating system has been used in the Netherlands since November 2001 for the classification of cinema and TV films, videos and DVDs.
- Computer games and Internet content are not classified, although these markets are monitored.
- This rating system was developed by an independent group of experts commissioned by NICAM, **the Netherlands Institute for the Classification of Audiovisual Media**. NICAM itself was founded with government support in 1999 as an independent body representing all public service and commercial TV broadcasters as well as organizations from the film, computer game and video/DVD industry.
- The aim was to provide consumers, particularly parents, with standardized information about whether an audiovisual product is suitable for children and young people.
- Kijkwijzer is based on the computer-aided self-classification of products by the supplier. A company employee (the "coder") fills out a questionnaire provided by NICAM and transmits it online to NICAM.
- The effectiveness of the whole system is evaluated annually by the Dutch media regulator, the Commissariaad voor de Media (CvdM).

Underlying concept: Self-regulation system

II. Norway

- The Statens Filmtilsyn is responsible for the classification of audiovisual media.
- This independent body is attached but not directly answerable to the Ministry for Cultural Affairs.
- All films, videos and DVDs must be registered with the Statens Filmtilsyn before they are distributed. However, registration does not include any form of content evaluation.
- Cinema films that are to be shown in public must, however, be rated. Possible ratings are "all ages", 7, 11, 15 and 18. If accompanied by their parents, children up to three years below the recommended minimum age may watch a film.
- Videos and DVDs do not require an age rating in Norway.

Regulation of the Internet

- **World Wide Web(WWW):** an extensive information system on the Internet providing facilities for documents to be connected to other documents by hypertext links. (Oxford Dictionary)
- WWW was developed by British physicist and computer scientist Timothy Berners-Lee as a project within the European Organization for Nuclear Research (CERN) in Geneva, Switzerland.
- Groups at the National Center for Supercomputing Applications at the University of Illinois at Urbana-Champaign researched and extended Web technology. They developed the first browser that was used at many sites, named Mosaic, in 1993.
- The Internet corresponds to a highway that allows traffic to flow between computers, and the Web corresponds to a service that uses the highway to move information from one computer to another.

Mechanisms of Internet Governance

- Internet governance is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision making procedures, programs that shape the evolution and use of the internet.
- 3 Categories of governance

1. Standardization of software or procedure :Spam; Cyber security, cyber crime; Security of network and information systems; Critical infrastructure protection.
2. Harmonization of global regulatory framework: Applicable jurisdiction, cross-border coordination; Consumer rights; Data protection and privacy rights; Freedom of expression; Internet service providers (ISP) and third party liabilities.
3. National policies and regulations.

The Internet

- In the past few decades, the advent of the Internet has profoundly changed the landscape of the mass media from the traditional means to more advanced forms.
- However, this does not mean the Internet has fully replaced the print, the broadcasting and other traditional mediums rather it facilitates their potential through creating an online platform used to disseminate facts, information, opinions and judgments in turn, reshaped and redefined the cameo of traditional mediums.(*Ethan M. Katsch, The Electronic Media and the Transformation of Law, (OUP, 1989) 112-115*
- The Internet is a ‘network of networks’ that enables communication between networks on a global scale.

UNESCO initiative

- Although the Internet is ubiquitous, decentralized and non-territorial in nature, to ensure freedom of expression on the Internet — a global multi-actors cooperation and shared respect for human rights are required.
- To achieve these commitments, the UNESCO's General Conference has endorsed the concept of the 'Internet Universality' in 2015.

see UNESCO, *The Internet Universality: A Means Towards Building Knowledge Societies and the Post-2015 Sustainable Development Agenda*, (UNESCO Discussion Paper, 2015) at < http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/internet_universality_en.pdf >

- What is Internet Universality?

Internet Universality

- The notion of Internet Universality apparently resembles a nebulous, and utopian concept.
- However, the UNESCO has clarified it to embrace four fundamental principles also called **'ROAM' Principles** after taking the key terms underlying each principle. These are:

(i) the **R**ights-based approach to the Internet,

(ii) **O**penness,

(iii) **A**ccessible to all, and

(iv)nurtured by **M**ulti-stakeholder participation.

- The UNESCO discussion paper further reiterates:

The fundamental position is for a global internet where the ROAM principles frame regional, national and local diversities. In this context, significant objectives are media freedom, network interoperability, net neutrality and the free flow of information (minimal barriers to the rights to receive and impart information across borders, and any limitations to accord with international standards).

- Thus, a human right based approach is the leading underlying concept of the Internet universality tenet. This can be done through ensuring freedom of expression on the Internet, which further resonates state parties to the African Charter or ICCPR duty bound to respect, protect, and fulfill it.

See Anri van der Spuy, *What if we all governed the Internet? Advancing multistakeholder participation in Internet governance (*UNESCO Series on Internet Freedom. Paris:UNESCO, 2017) 12 at < http://unesdoc.unesco.org/images/0025/002597/259717e.pdf>

Freedom of Expression on the Internet

- States have undertaken to respect, protect and fulfill—freedom of expression both offline and online since the UN Human Right Council has adopted a landmark resolution in 2012 affirming **“the same rights that people have offline must also be protected online.”**
- **The Principle of ‘What applies Offline be Online’**

see UN OHCHR, Report of the Special Rapporteur to the Human Rights Council on the Promotion, Protection and Enjoyment of Human Rights on the Internet, 29 June 2012, UN Doc. A/HRC/20/L.13, para. 1,< http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_20_L13.doc
> accessed May 6, 2018

Freedom of Expression on the Internet & its Limits

- Freedom of Expression on the Internet can be limited by:

 Internet blackouts/shutdown measures,

Outrageous jamming,

a content filtering(Internet censorship)

License withdrawal, and

Draconian national laws.

??? Questions

Thank you!!

Dank Je wel

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