

**Committee:** General Assembly

**Issue:** The promotion, protection and enjoyment of human rights of the Internet

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## I) Introduction

The first operative clause resolution regarding the question of the promotion, protection and enjoyment of human rights of the Internet approved on the 5th of July 2018 by the UN Human Rights Committee declares:

**“Affirms that the same rights that people have offline must also be protected online**, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights.”

This main principle guides all the resolution and treaties approved by the UN committees regarding the matter. The digital age has brought immense new opportunities to accelerate human progress. However, this development has improved the population’s living conditions as well as worsening pre-existing criminal phenomena. Establishing a legislative framework in order to preserve individuals’ safety while respecting their fundamental rights of freedom of speech and expression should be the main focus in order to elaborate effective solutions to the issue.

## II) The question of human rights online (analysing the UN Universal Declaration of Human Rights)

### (Art 1, 2) Equality

*“All human beings are born free and equal in dignity and rights.”*

The internet holds the promise of being a great equaliser. On the internet, traditionally marginalised people and groups find a space to voice their opinions. They can find information and associate with other people and groups in order to achieve the change they have longed for.

### Right to access to the internet (also called right to broadband or freedom to connect)

It is “the view that all people must be able to access the Internet in order to exercise their rights to freedom of expression, opinion and other fundamental human rights.” According to this principle, governments have a responsibility to ensure that Internet access is available to everyone but also must not restrict access to it on any premise. Many countries have passed legislation to guarantee this right, for example Finland, where since 2015 every person has access to a 100 Mbit/s connection. On the other hand, when a government is in charge of controlling the internet, in Spain, for example, where Telefonica has a “Universal Service” contract, it can also restrict access to it or exercise censorship.

### Marginalized groups

Special attention must be paid to the needs of marginalized groups including the elderly, young people, ethnic and linguistic minorities, and indigenous peoples, persons with disabilities and all sexuality and gender identities. All hardware, code, applications and content should be designed using universal design principles so that they are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. This includes the need for the support of multiple languages and scripts.

### Digital gender divide

The global gender divide in Internet usage (calculated by the ITU as the difference between Internet penetration rates for men and women relative to the rate for men) has risen from 11% in

2013 to 11.6% in 2017. The divide is over 25% in Africa and 33% in least-developed countries. This means that in order to guarantee equal access to the Information Technologies that might cause unfair influence by the male gender on the content on the platform, measures should be taken by national and international organizations to rectify any imbalances. These actions could include free digital literacy classes, outreach programs in rural areas and awareness programs to show the beneficial impact of the use of technology in advancing women's role in society.

### **(art 26) Education**

*"Everyone has the right to education. Education shall be free, (...) shall be equally accessible. (...) It shall promote understanding, tolerance and friendship among all nations"*

Digital development has proven itself to be a great ally in promoting the right to education worldwide. New technologies applied in the educational field have allowed individuals previously excluded from education for centuries, such as women and disabled people, to access information. E-learning represents the main **learning** source for thousands of citizens, approaching this method for a variety of reasons and belonging to several backgrounds, and therefore its accessibility should remain a prioritized goal for national and international institutions.

This method, thanks to its immediate features, time flexibility, space versatility, has progressively made knowledge accessible to a larger part of the world population. The main barriers are the expenses for purchasing and maintaining the devices as well as the lack of basic e-skills. The latter, apart from being necessary for most professional figures in the tertiary sector, are becoming fundamental to access publicly provided services such as tax payment, public healthcare, education, etc. Moreover, supporting devices such as audio books are helping the integration of kids and adults with special needs in the learning system creating a more inclusive educational space that values differences rather than disregarding them.

### **(Art 3) Security**

*"Everyone has the right to life, liberty and security of person."*

Unfortunately, the growth of opportunities provided by the diffusion of the internet is not only limited to legal activities but also illegal ones. Infractions concerning the Right to Security include: harassment, cyber-stalking, people trafficking and misuse and/or illegal appropriation of one's digital identity and data. However, it is important to note that the firms that provide internet access and/or services, themselves pose a threat to the wellbeing of individuals, especially when they become monopolies.

Criminals have understood the potential of a network that can connect people worldwide, but governments have yet to fully comprehend how to deal with it, mostly because of the novelty of it and the continued evolution of the platform. As all have the right to protection; governments should employ researchers and experts in the field as consultants when writing laws to tackle this issue.

On the other hand, such legislation should take into account international human rights law and standards. This means that security measures will be illegal where they restrict another human right (for example the right to privacy or the right to freedom of expression) and all restrictions must be precise and narrowly defined, in order to prevent governments taking advantages of it. (read more in the subsection about censorship)

### **(art 25) Attention to children**

*"(...) childhood are entitled to special care and assistance."*

When thinking about the security of people worldwide, particular attention should be placed on children, as they are among the most sensitive individuals to crime online. Because of their unparalleled use of technological devices (often unsupervised) and their lack of "real world experience", they are also the "perfect prey" for internet deception of reality (like fake news),

propaganda and recruitment of terrorist organizations, who have mastered the use of social networks. Girls and boys are also targeted by sexual predators, pedophiles that use stolen identities to contact them and take advantage of them, even kidnapping them or luring them to other nations, to then become involved in gangs of sexual exploitation.

For this reason proper digital literacy classes should be organized by all governments, and they should tackle how to recognize scams, properly use social networks and how to have a healthy relationship with IT, with an emphasis on the dangers of addiction to digital devices and body dystrophy caused by the internet.

**(art 5, 12.1) Advocacy of hatred (and cyberbullying)**

*“No one shall be subjected to (...) inhuman or degrading treatment or punishment.”*  
*“No one shall be subjected to (...) to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such (...) attacks.”*

**(Art 12.2) Privacy**

*“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence”*



Privacy has already had numerous “obituaries” written over the years. Some claim that privacy was dead long ago with the advent of the internet and social media. The threat of terrorism has compounded the erosion of privacy as successive governments slowly roll back laws protecting data and communications online.

The United Nations Human Rights Council, the International Covenant on Civil and Political Rights, a number of national and international treaties, and the constitutions of various countries enshrine ‘privacy’ as a fundamental human right. These rules and laws date back to the 1950’s, as signaled by the limitation to the term “correspondence” (that is to say “postal mail”). In 2015, the UN Human Rights Council realized that new technology and means of communications have made it easier for corporations and governments to track people, read their messages, and block free speech. Authoritarian governments can easily crack down on dissidents and limit the spread of information, while corporations can easily leverage their newfound control to drive up profits.

In view of this dangerous trend, the UN has appointed a special rapporteur to oversee internet privacy. Meanwhile, Europe is pushing ahead with legislation protecting online data and communications. This proves that online privacy is, in fact, no different from that of offline privacy and needs to be protected in the same way.

### **(art 27) Copyright**

*“Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”*

The concept of privacy clearly relates to copyright which is the subject of much of the national and international legal framework, especially because of its economic implications. The Universal Copyright Convention was revised in 1971 and clearly does not take the issue of the unaccredited reproduction of intellectual production nor the safeguard of digital creations into account. Since then, the only other piece of legislation put forth has been the World Intellectual Property Organization Copyright Treaty, signed in 1996.

In response to copyright infringement using peer-to-peer software, the creative industries, reliant on copyright, advocate what is known as a "graduated response" which sees users disconnected after a number of notification letters warning that they are infringing copyright. The content industry has sought to gain the co-operation of Internet service providers (ISPs), asking them to provide subscriber information for IP addresses identified by the content industry as engaged in copyright infringement. The proposal for Internet service providers to cut off Internet access to a subscriber who had received three warning letters of alleged copyright infringement was initially known as "three strikes", based on the baseball rule of "three strikes and you're out". The approach was later termed "graduated response". Media attention has focused on attempts to implement such an approach in France (see the HADOPI law) and the UK (see the Digital Economy Act 2010), though the approach, or variations of it, has been implemented in a number of other countries, or attempts are made to do so.

### **(art. 19, 29) Freedom of expression, censorship and use for propaganda**

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

Freedom of expression: the power or right to express one's opinions without censorship, restraint, or legal penalty.

Hate speech: abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation.

Freedom of expression is related to other rights and is essential for their realization. The interdependence between the rights to freedom of expression and non-discrimination requires States to pay detailed attention to laws and policies on "hate speech." Laws and policies which are not clearly and narrowly drafted can violate freedom of expression, and may also be counterproductive to efforts to eradicate racial discrimination. It would be useful to clarify in this context that countries must undertake a holistic approach to combating racial prejudice and discrimination. Doing so will aid considerably in ensuring sufficient legal clarity and are consistent with States' obligations regarding the rights to freedom of expression and non-discrimination.

The Universal Declaration of Human Rights both prohibits discrimination and protects freedom of expression. It is well established in international human rights law that the right to freedom of expression, though not absolute, is a fundamental right which may only be restricted in certain limited circumstances. The conditions in which restrictions are allowed are set out in Articles 19(3) and 20 of

the International Covenant on Civil and Political Rights (ICCPR), as well as numerous regional treaties also ratified by many States parties to the Convention.

Article 19(3) establishes a three-part test to determine the legality of restrictions of the right to freedom of expression:

- 1) they must be aimed at the protection of national security, public order, public health or morals, or respect for the rights and reputations of others;
- 2) they must be provided by law;
- 3) they must be necessary (i.e. proportionate and the least restrictive possible) to achieve the intended aim.

Protecting the rights of others from advocacy of hatred that constitutes incitement to hostility, discrimination or violence justifies some restrictions on the right to freedom of expression. However, governments must also demonstrate that restrictions undertaken to meet this aim are provided by law and necessary to achieve these aims. Excessive or otherwise unlawful restrictions of the right to freedom of expression are likely to have deleterious effects on a host of other human rights.

Navanethem Pillay, the UN High Commissioner for Human Rights, has noted: “Defining the line that separates protected from unprotected speech is ultimately a decision that is best made after a thorough assessment of the circumstances of each case.”

While it is true that the prohibition of such ideas is compatible with freedom of expression in some cases, this requires further clarification: it cannot be said that all conceivable prohibitions would be compatible with the right of freedom of expression.

Therefore it would be useful to clarify that laws seeking to implement Article 4(a) – must demonstrate “due regard” for the right of freedom of expression as well as other human rights. This means demonstrating that restrictions on expression are necessary and proportionate to a legitimate aim. This should include a requirement of intent to bring about a prohibited result. The obligations contained in Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination, read in conjunction with those contained in Articles 2(1) (prohibition of discrimination), 19(3) and 20(2) of the ICCPR, mean that States may restrict the right to freedom of expression in order to protect the right to non-discrimination or to prevent advocacy of hatred that constitutes incitement to racial discrimination, hostility or violence, as long as the restrictions are necessary and proportionate to that aim, and those who advocate hatred do so intentionally.

The “hate speech” provisions of both the ICCPR and the American Convention on Human Rights refer to “advocacy of hatred.” Such advocacy implies intent, since dissemination of discriminatory statements (for example statements of others) without intention to promote hatred cannot be said to advocate hatred. In its jurisprudence, the Human Rights Committee has focused on the element of intent in assessing the lawfulness of restrictions on freedom of expression to protect against discrimination and incitement. Similarly, the UN Special Rapporteurs on freedom of religion or belief; on the promotion and protection of the right to freedom of opinion and expression; and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance have noted that a 2008 Office of the High Commissioner for Human Rights seminar concluded that “the public intent of inciting discrimination, hostility or violence must be present for hate speech to be penalized.” The Special Rapporteurs also cite the Camden Principles on Freedom of Expression and Equality, noting: “the term advocacy is to be understood as ‘requiring an intention to promote hatred publicly towards the target group’” for restrictions on “hate speech” to be compatible with the right to freedom of expression.

From white supremacists to #freethenipple

*Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.*

The internet's role has become so much more relevant today that many governments have tried to regulate it in ways that threaten citizens' rights. There are many examples: internet shutdowns in whole regions used to limit expression and political participation. The lack of legislative schemes remain the main question regarding this issue. Restraining users' fruition of online information is a sensitive topic and therefore should be dealt with delicately to avoid the violation of basic human rights such as the right of expression, association and opinion.

**What we can gather overall is that there is a lack of legislations in many fields of human rights protection on the internet, but such laws should take into account that IT were created with the aim of being a free, boundless platform for the benefit of us all, and should not limit it.**

As stated in article 29 of the UNUDHR: *"In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."*

On June 20<sup>th</sup>, the European Parliament will vote on the controversial Directive of the European Parliament and of the council on copyright in the Digital Single Market. The final draft went through revisions and ordinary legislative procedures, being extensively reviewed multiple times. The directive aims to provide broader framework legislation regarding the matter of copyright on the Internet. However, three main articles have been mostly criticised for their content. The most strenuous opponents are concerned with the damaging impact this directive could have on the users' enjoyment of contents. For instance, article 3 allows educational and research institutions to perform "data mining". This article may open up new possibilities to analyse big data but its nonspecific formulation may prevent other minor developers and users access to this data, depending on national laws. Article 11, renamed "the link tax", is designed to protect intellectual work and contents. Users will need a license to report part of articles, images and other digital content. Therefore, right holders will be paid accordingly. However, the EPRS (European Parliamentary Research Service) underlined in its most recent report the damaging impact on the availability of information of the national directive guidelines approved in Spain and Germany. Moreover, freedom of speech could be potentially limited since revoking satirical or critical content regarding others' work would become easier for the right holders. Article 13, also commonly known as the "upload filter" would apply the concept of content ID to the entire content of the digital world. In order to prevent copyright infringement, every digital platform would be forced to review every single piece of digital content uploaded by its users. Apart from being criticized for seeming quite vague, this article could favour big companies, which already have the financial means to abide by the rule, while preventing new startup from flourishing.

Here's the full text of the European Parliament proposal

[DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on copyright in the Digital Single Market](#)

**For more in depth information visit:**

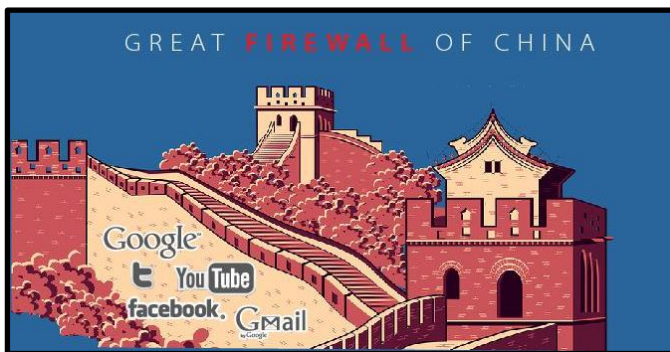
<https://www.ohchr.org/Documents/Issues/Opinion/Communications/InternetPrinciplesAndRightsCoalition.pdf>

<https://www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/2008Seminar/Pages/ExpertSeminar2008.aspx>

### **III) Key players**

#### **Chinese Government - The Great Firewall**

The Golden Shield Project or the Great Firewall is a project promoted by the government of the People Republic of China to regulate the citizens' access to Internet. Its main purpose is limiting the access of users to foreign websites and foreign Internet tools such as Google



Search, Facebook, Twitter. Due to this partial isolation, China has developed its own substituting websites. As an example, WeChat far more popular instant messaging app in Asia than its Western counterpart WhatsApp. 700 million users interact behind the GFW and therefore represent a sort of parallel system to the Internet that exists outside.

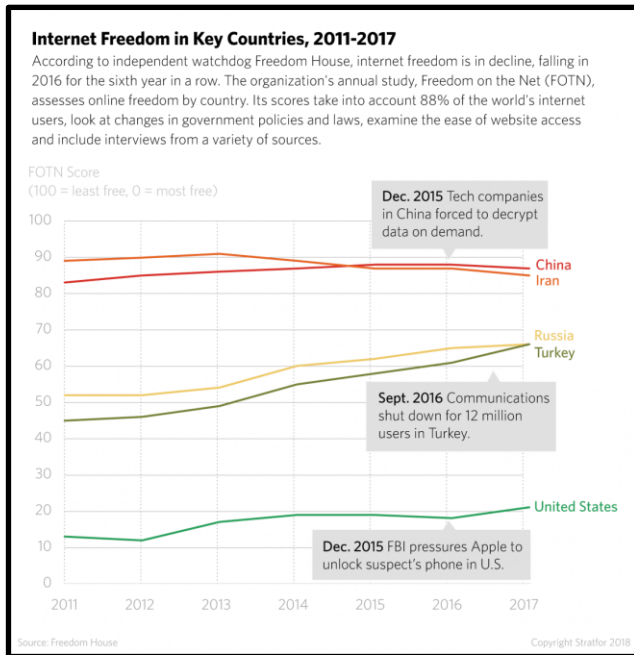
#### **Turkish Government**

The Turkish government has had a longstanding policy of control over all media outlets in the country. Legislation passed in recent years has repeatedly extended the powers of the authorities to block websites without reference to a judge. Aside from the leading outspoken

Turkish news websites, the authorities have repeatedly blocked Twitter and YouTube, while Wikipedia continues to be inaccessible.

Year after year, Turkey has continued to be the country to request the removal of the most

content on Twitter. Censorship circumvention tools (such as VPNs and the Tor Network) are also increasingly blocked.



The already worrying media situation in Turkey has become critical under the state of emergency proclaimed after a coup attempt in July 2016. Around 150 media outlets have been closed, mass trials are being held and Turkey now holds the world record for the number of professional journalists detained. It is ranked 155th out of 180 countries in RSF's 2017 World Press Freedom Index.

Now, to exercise what has been called “a crackdown on civil society”, Turkey’s parliament has passed a law placing online video services under the control of the

broadcast media regulator, the High Council for Broadcasting (RTÜK).

On the other hand, protests against the president and the ruling party's authoritarian streak are a common threat. The constraints on Erdogan and the AKP will remain in place regardless of whether they win the upcoming presidential and parliamentary elections. Consequently, despite his campaign to consolidate his authority over the internet, Erdogan is unlikely ever to match the degree of centralization achieved in China or Iran.

### **Russia - American Meddling (alleged Russiagate)**

Acting on the personal animus of Mr. Putin, public and private instruments of Russian power moved with daring and skill to harness the currents of American politics. Well-connected Russians worked aggressively to recruit or influence people inside the Trump campaign. Using the power to reach people everywhere on the internet and data about users acquired in doubtfully legal ways, Russian agents have carried out social campaigns spreading misleading and slandering information about anti-Russian candidates.

To many Americans, the intervention seemed to be a surprise attack, a stealth cyber age Pearl Harbor, carried out by a sinister Russia. For Mr. Putin, however, it was long-overdue payback, a justified response to years of “provocations” from the United States, and there is a plausible case that Mr. Putin succeeded in delivering the presidency to his admirer, Mr. Trump, though it cannot be proved or disproved.

### **For-profits:**

Almost all our online interactions are made through private platforms; therefore, the human rights of users are also impacted by the role of private companies. For example, private companies have the



power to track, trade and sell users' data. They can also regulate key issues, like online harassment and hate speech according to their own terms of service or community guidelines, which may or may not comply with international human rights law.

### **Facebook in Myanmar**

The social platform owned by Mark Zuckerberg faced accusation for not responding promptly while its platform was being used to propagate hate speech against the Rohingya minority in 2017. Hate speech against this Muslim minority has played a tragic role in the ethnic cleansing perpetrated by Myanmar army and allied Buddhist militias. It took Facebook until August 2018 to ban Tatmadaw, the last remaining militia's representatives on the platform. Facebook was criticized for this serious delay in taking action and for not having any a Burmese speaking staff to properly explain the situation on the platform. The four most active militias are currently banned. However, many more unrecognised groups are active on social media.

**GERMANY** censorship in the net:

<https://cs.stanford.edu/people/eroberts/cs201/projects/2010-11/FreeExpressionVsSoci>

**Sites banned in France and Germany:**

<https://cyber.harvard.edu/filtering/google/results1.html>

### **Cambridge analytica**

The Facebook-Cambridge Analytica scandal played a key role in raising awareness of data management and raising several privacy concerns. The public outcry regarding the illegal harvesting of user data led to the convocation of Facebook CEO Mark Zuckerberg to testify in front of the US Congress. Cambridge Analytica founded in 2013 by Robert Mercer, has collected thousands of pieces of datum regarding the content preferences of social network users including "likes" and comments to elaborate psychometric profiles. Its main purpose is behavioural micro targeting: creating personalized ads aimed for profiled users.

Meanwhile, Aleksandr Kogan created an app called "this is your digital life," a profiling tool to predict online behaviour through Facebook login. Later, Facebook decided to terminate this collaboration regarding this data collection as too invasive. The main issue arose when Kogan shared the data of 50 million users with Cambridge Analytica. It is a severe violation of Facebook's terms of use and Christopher Wylie, former Cambridge Analytica employee affirmed that Facebook had been aware of Kogan misconduct for two years before the news was published by the New York Times and the Guardian. Investigations started in order to determine its impact on the 2016 American presidential elections and Brexit. Furthermore, this system might have played a huge role in the ongoing investigation named Russia-gate.

## IV) Key events

1960s Early communications protocol among devices such as ARPANET  
1970s The Internet protocol suite (TCP/IP): end to end data communication  
1980s World Wide Web by British computer scientist Tim Berners Lee  
Mid 1990s social networking development (VoIP protocol, e-mails, instant messaging)  
1996 Google foundation  
2004 Mark Zuckerberg founds Facebook  
2006 Youtube is acquired by Google  
2009 Whatsapp Inc foundation  
July 2012 Human Rights Council (Twentieth session) approves the first resolution regarding “The promotion, protection and enjoyment of human rights on the Internet “  
2014 Whatsapp acquired by Facebook  
2017 Facebook Hate speech against Rohingya people  
Early 2018 Facebook-Cambridge Analytica scandal  
January 2019 Japan Monthly Labor Survey scandal

## V) Previous attempts to solve the issue

- [International Covenant on Civil and Political Rights](#)
- [International Covenant on Economic, Social and Cultural Rights](#)
- [European Convention for the Protection of Human Rights and Fundamental Freedoms](#)
- [HR resolution 12/16](#). Freedom of opinion and expression
- [HR resolution 20/8](#). The promotion, protection and enjoyment of human rights on the Internet

## VI) Key terms or useful links (if necessary)

**Gender divide:** with the word gender divide or gender gap we are usually referring to the difference between men and women in society, used in a range of fields including sociology, politics and economics. Within the Information Technologies, it is usually referring to the difference in availability of digital devices and education due to their traditional role in society, especially in underdeveloped countries.

**Micro targeting:** collecting data with a profiling approach in order to target particular groups or individuals with your message

**Freedom of expression:** the power or right to express one's opinions without censorship, restraint, or legal penalty.

**Hate speech :** abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation.

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