Regulation and Censorship of the Internet

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The Internet is probably one of the greatest inventions of mankind and one of the best things that happened in my generation. It has become an integral part of day to day activities and therefore subject to national security in countries around the globe. The Internet grows and so does government regulation. The key question is now: should government keep regulating the Internet or leave it as it is? Would it be possible to regulate the Internet without interfering with free speech? Who is most suitable to regulate Internet? These questions and many more are the forefront of this research.

The research will look at Internet regulation from a Net neutrality point of view, which of course includes the pros and cons of what makes it beneficial or why it is destined to fail, the issue included whether government should step in and enforce regulation on infrastructure owners that indirectly dictate how they do business, the potential consequences of Net neutrality or the advantages & disadvantages.

The thesis also includes some academic components which will examine the history of the Internet regulation in various strategic countries around the world and censorship policy of countries in details.

Survey is based on specifics of various angles on Internet regulation which will include some of the questions mentioned above in order to get a clear view and opinion. Most of the materials that are used for the research will be based on previous research, current research, blogs, articles, and on books.

The research/debate will in no way be based on politics or external popular views. The goal is to look at Internet regulation in a more profound way and to create debate/survey on it. Furthermore try to present the best possible result based on the outcome of the questionnaire.

NB: I also want to stress that the information used in this research is based on the current materials available during this period. It will be wise to note that due to the constant changes that keep happening in area of this research, some fact might no longer be valid after a while due to legislative changes.

**Key words**

Internet, Control, Regulation, Censorship, Internet Freedom, Content filtering, Net neutrality, Copyright, Government regulation, ISPs, Harmful contents, Net Neutrality
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1 INTRODUCTION

“The Internet is the first thing that humanity has built that humanity doesn’t understand, the largest experiment in anarchy that we have ever had.” Eric Schmidt

The Internet as we know it is one of the greatest inventions of its generation, ever since it was created by the US military for research and development purposes in 1969, it has gone through dramatic changes and has revolutionized the way we communicate with each other. Since the early 1990s when it became available to the public it has continued to grow by the day as more and more people start to use it and more innovation is coming up as the technology improves.

Most of the developments can be credited to private enterprises and millions of individual developers around the world. The fact that the Internet has been open, allowed people all over the world to contribute and share ideas of how to improve the Internet. It has also created an alternative media or alternative way of sharing information.

During the early days of the Internet, there were no or only very few regulations by the governments. Many agree that the rapid rise of the Internet was due to its openness and innovation. But from the last couple of years, the Internet has drawn a lot of focus from the government and other entities because of regulations; many believed and still believe that an unregulated Internet is a risk to any society. There is an open consensus that the Internet needs some sort of regulation, but the arguments or disagreements seem to be on how far the government should go or who should enforce these regulations. Many argue that the government shouldn’t have any role in regulating the Internet but should be left for the private company to regulate. There is also a widespread support for a limited government regulation or control.

Some argument examples:

An unregulated Internet space, can lead to malpractices and abuse from big company or ISPs, for instance the issue with liabilities: example, when a ISPs unknowingly provide a service for a criminal transaction such as delivering or transferring a mechanism for an Internet fraud, allowing obscenity, providing a
platform or forum for child predators or other illegal activities. The fact is ISPs will avoid liabilities even though their service is being used for criminal purposes.

There are copyright laws already available to protect work, but it remains a huge challenge to enforce this law on an Internet level. Often when the government tries to enforce some of these laws it’s detrimental or contradicts with right of the individual.

The key question of this thesis is why Internet regulation is a good thing and why Internet regulation is not worth the effort. Both arguments will be researched and history’s reviewed and debates will be made and conclusion will be issued based on the results and recommendations.

1.0 Methodology

Figure 1: Research/Debate methodology
1.1 The Pro-Regulation Case

“An open/unregulated Internet is not democracy, but populism” President Nicolas Sarkozy of France

The motion that Internet should be regulated finds some of its support for many reasons:
The question of how to regulate the Internet has been on for years, but it wasn’t until now that it has been so intense and paramount due to the power and the effect it has on daily activities and as an alternative media source.

Advocate of regulation claims that regulation is needed because of: Copyright protection, Pornography, Malicious content, Spamming, Piracy etc. The Regulation of the Internet question has always been sensitive and controversial. It wasn’t until now that government of the so called free World, i.e. countries where freedom of expression is supposed to be a constitutional/fundamental right, initiated attempts to regulate the way the Internet is used. The governments argue that regulation is needed to prevent or curtail some of the following: Cyber war, mass protest organized via the Internet, Internet partiality, civil unrest organized via the Internet, Internet fraud, Internet espionage, unethical hacking etc.

1.1.1 Openness without limitation:

The claim that since the Internet is widely available to everyone, regulation needs to take its course, because unlike in the early days of the Internet which had little or no regulation, the Internet was not as popular or easily accessible by all, and wasn’t playing a major role in everyday life. However in the current age of the Internet, a child can gain Internet access at any given time, which in the sense stresses that one should have some sort or rules or guidelines for filtering or protecting the kids from harmful or illegal contents. Furthermore to have a mechanism to give the authority – in this case the parent – the ability to control or filter what can be accessed on the Internet.

In almost all possible ways the Internet is playing a major role in everyday life; the banking sector is depending more and more on the Internet. The Industrial sectors are also getting involved. In this modern day, there isn’t any national or multinational company out there, which will function properly without the Internet.

Of course in the early days of the Internet, the argument could be made that regulation wasn’t needed, which most all agree on, but times have changed and policies have to change with it, there are so many reasons the Internet
shouldn’t be 100% free without regulation, such as: National security, protection of minors, preservation of human dignity, economic security, information security, protection of privacy, protection of reputation or intellectual property etc. All these reasons cannot be ignored in the name of free Internet because the damage of the consequences overrules Internet freedom.

1.1.2 The Internet is the same entity as radio and television are

Despite of all arguments or complication about what exactly the Internet is: It’s still a medium of communication just like the television, radio and other telecommunication devices. All of this other devices or medium are well regulated with a majority consenus, for example, why should someone not be allowed to make hate speech using a radio or television but can do so with the Internet? So if other electronic devices for communication and information are regulated, why shouldn’t the Internet be?

There is a problem with the comparison of radio and television with the Internet. Radio and television are push media and Internet is both push and pull. Meaning no individual can make radio station as one need the equipment and the license, same with television. Therefore regulation is a lot easier for radio and television. If one wants to say something on the Internet, then Internet access is needed.

Furthermore Internet is anonymous which radio and television are not.

This point should be kept in mind when it’s compared with other media devices.

It is in fact regulations that determines what type of movies or program are suitable for a specific audience on the television, for example, without regulations, movie won’t be rated and there won’t be any sort of parental guidance, adult movies would be shown on local television, irrespective of who the viewer is. Think about how unsafe watching television would be today for kids without regulation. (And it is! There’s great debate going on that very subject.)

When the Internet was invented, it was never intended to be used for a public device, so the architecture wasn’t meant to be regulated. In other word, it wasn’t meant to be compared with other devices, so to get a clear cut result, The definition of the Internet has to be rethought, not how to compare it. The Internet is of course different is from other communication devices, but yet still serve the purposes of those other devices and even more, i.e. It is more
personal with an unlimited possibilities. The US military, which built the Internet from the start, didn’t envision that it would be used as it is today. Just as it has evolved from being a personal military framework to a public open framework, it is then normal for regulation to take its course.

Below is an illustration that shows that the Internet isn’t fundamentally different from other communication devices such as television and radio.

![Diagram showing the similarity between the Internet, television, and radio](Image)

Figure 2: Internet fundamentally similar to Television & Radio
1.1.3 The harmful content scenario:

The biggest morality issue with the Internet is the problem of child pornography and allurement of children, though pornographic content holders and providers like websites or news organization might be in there tiny minority, the fact still remains that material is still available even little volumes, “an epidemic starts with a little tiny virus”. The people who indulge in these activities continue to do so because they have the Internet as medium to do it discreetly; most of these activities even involve or form of child abuse. There are a huge number of pedophiles and predators crowing over the Net, looking for vulnerable kids to pounce on. Children shouldn’t pay the price for freedom of expression over the Internet.

The Internet is not just a communication medium anymore, it can be quantified as the backbone of daily lives, in the area of research, communication and commercial purposes, and people have become so reliant on it that it is now fundamental and indispensable instrument for humanity. It is right thing to do for the government to get involved in it such as, guaranteeing every citizen a right to Internet access, for example, in Finland, by law it is a fundamental human right for every citizen to have access to the Internet. Just like the government strives to make sure every citizen has access to the Internet, it is also the right thing to place regulations or policies that will protect children from illegal or harmful contents such as; hard-core pornography which is easily available online, bullying, suicide, hate speech, or even social media which might be used by predators.

1.1.4 The offensive content scenario:

Nowadays no radio or television station with a public interest will allow their medium to be used for broadcasting extremist or racial content, either because they are morally obliged to prevent it or because they can be held accountable for it due to some sort of regulation. In this research radio and television is used as a yardstick to point this out because they have the same target audience as the Internet does, so why shouldn’t the Internet be regulated if those
mediums are? There are a lot of websites out there with an extreme propaganda, which sometimes can be racist in nature.

The argument can be made that all this content is legal and should be available in the name of freedom of speech, but the picture is a lot bigger: For example will the Germans tolerate contents on their Internet glorifying the Nazi Germany? Absolutely not, but the case can be made that the person has the right for free speech. This double standard cannot continue over the Internet because once the damage is done, it will be too late. No parents want their child to access content or material with racial or extremist view. Content like "How to make a bomb" are so freely available on the Internet due to non-regulation or under-regulation.

1.1.5 The criminality scenario

The Internet has become a very powerful tool for promulgating all sort of information and also for business purposes. But just like it can be a tool for business and legal transaction, it can also be a tool for perverse activities. Some of these enterprise ranges from money laundry, advance free fraud (419 scam), credit card larceny, organized crime, unethical hacking, illegal eavesdropping, industrial espionage, industrial terrorism or terrorism related act, child trafficking. Illegal gambling, denigration, spamming, copyright infringement, and many more, Any country or society which values survival or national security will also see these as a threat and it should preserve the right to protect itself and should reinforce the rule of law and make these a criminal offense just as if it was in the same scenario as crime committed offline, in other words, regulation should be implemented.

Regulation certainly will not stop the crime, but it will definitely reduce it to the minimum and also provide a legal framework to prosecute the perpetuators. Criminal activities can cause a huge damage and financial loss to any institution. There are currently some regulations to protect against the acts, but not enough. The fact is that the Internet is growing bigger and advances more and more which means that cyber criminals are getting more sophisticated. In the year 2000, an Italian bank: bank of Sicily was almost defrauded of about 400 million Euros by a group of criminal gang numbering about 20, some of them are staff of the banks, some even belonging to the mafia family in Italy, that managed to create a digital clone of the vital components of the banks online services, the scheme only failed when one of the accomplice informed the authorities about it. {http://www.crime-research.org/library/Cybercrime.htm: Major Trends in Organized Crime and Cybercrime}
Without up to date regulation, the Internet will be turned into an avenue for criminality, such that people will commit crimes and get away with it. The fact that one can be on the Internet anonymously, is certainly an indefectible opportunity for criminals.
1.1.6 Everyone wants regulation

Most law abiding person out there will likely opt in for some form of government regulation of the Internet, that is to say, if every individual should ever experience such harm that can be coursed by an unregulated Internet, then he or she will probably understand why regulation is needed. My point here is that: An unregulated Internet is like a massive accident waiting to happen that may cause irreparable damage to society. It is also most likely that the libertarian (regulated Internet advocate) ideology of a free and unregulated Internet is an obsolete ideology, the Internet is not the same as it was 10 years ago, or 5 years or will it be the same five years from now. Adjustment is needed on the rules and how one deal with the Internet as it become more intimate in everyday life. They definitely want the government to make sure that there data on the Internet is not being misused by companies, which in fact is calling on the government to regulate.

1.1.7 Net neutrality

With Internet neutrality in place, the government can and will be able to assure that every citizen has access to the Internet and is unburdened or unrestricted, irrespective of what, where and when they are connected. This sort of regulation will guarantee that the Internet providers will provide even access and non-discriminatory act towards to customer or user. Net neutrality regulation is needed due to the coadunation and variegation of Internet and content providers, because this has some possibility to lead to some sort of prejudicial behavior by them, since the Internet providers are also becoming more and more content providers, this might lead to some interest conflict, that are favoring contents that is owned or there partners, which in this case will lead to disadvantage of rivals.

The ability of an Internet provider to prioritize traffic is a disadvantage to the customers as a whole and to fellow competitors, for example a bigger content provider who has the ability to pay more for traffic will have a competitive edge over a smaller content provider with a smaller budget, this will eventually lead to the demise of the smaller content provider, in other word, without net neutrality regulation, big corporation will have an unfair advantage over small business.

Supporter of the Net neutrality regulation argue that they are not trying to police the Internet but rather make it a fair and competitive place, which is, has the interest of the public in heart. In clarification, Net neutrality is simply a standard or principle that supports freedom of expression, in the way of making sure ISPs does not favor some contents over the other. It can also be an economic policy tool, to protect small business and prevent price fixing or manipulation by the ISPs.
Below is a brief illustration of how the scenario could be without Net Neutrality regulation.

In the above illustration, the ISP (ISP x) has a priority software or device in its system, which could then be used to give the bigger company (“company”) priority over the smaller company (“companyX”). The sort of scenario can happen if “company” with its enormous or superior wealth, enters into some sort of arrangement with the ISP (“ISPx”) to pay a higher fee for better service, on the other hand the smaller “companyX” might not be able to match the same fee that “companyY” is offering to the ISP, which will then lead to its demise.
“The Internet existed long before most of these smart-ass entrepreneurs were born. It was never designed to be used for commerce or trade. It was created as a resilient, open communications network and functioned perfectly as such for nearly 20 years. For those of us who like communicating with our peers, sharing information and helping one another, it’s long been the best thing since sliced bread. Then suddenly a horde of gold-diggers backed by slavering venture capitalists arrive on the scene and begin throwing their weight around”.

John Naughton, in his column "The Networker", in the "Observer" of 20 February 2000

The Internet has changed so much that is playing a role in everyday life; it’s not almost unimaginable to think about life without the Internet. It has become a global network that should not and cannot be regulated. Most people argue that the reason why the Internet has played such a key role in daily lives is due to its unregulated nature. When a country makes a regulation on something, it is always based on the national law of that country, but since the Internet is a global phenomenon, no country should try to apply its national law on it.

The Internet invention is a totally different means of communication. It differentiates itself from all other form of communication. These squabble dates back to the origin of the Internet itself. When the military first created the Internet, they made it because they wanted a medium that guarantees that information always gets through. This was later continued by scholar, who in fact placed high priority for its freedom and openness to continue. Make this a little clearer, the government can or should certainly regulator the information that flows on a "Push" technology like the radios and TVs because of the inability of the end user to control or censor it. But contrary to that, the Internet on the other hand is a "Pull" technology, meaning that information has to be searched for and pulled in order to receive it and it can be censored individually. For example, content can be blocked from own computers.

The fact that the Internet has gone global means regulation is almost impossible. Simply because there should be a global law that applies to every country in order to have an effective regulation. This is certainly impossible because countries will apply this law only if it serves its interest. The Internet is so globally connected in such that any form regulation is ineffective, it is too technical and complex to regulate. No matter the amount of blocking and filtering the government impose, those who know how to put or get information out there will always do, only the innocent legitimate people will pay the price or government over-reaction. For example, regulation sometime most time block illegal content of course, but sometime block educational or legitimate contents.
1.2.1 Right to Free Speech

No government in any democratic country should ever deny its citizens the right to freedom of expression; it is a constitutional right in most democratic countries, for example the “First Amendment. In the United States, also known as the bill of right, this guarantees the right to freedom of expression or free speech. It has been wrangled that any law or regulation in place to control or filter the content we see on the Internet is a breach to individual freedom. In other word, the Internet cannot be regulated without curtailing individual right to free speech. There will be more harm done than good with these regulations.

Freedom of expression or free speech is one the fundamental base of the Internet; it is vital for the survival of the Internet. The Internet has brought exceptional and unprecedented fortuities for communication. It has given hope to people fighting to be heard, people fighting for freedom and alternative way to communicate for pro-democracy activist around the word.

Most governments around the world see this as a threat to them, because the Internet could help make them accountable in many ways, even some countries with tested democratic rules see it as a threat. So they keep looking for constant ways or pretext to impose regulation on the Internet. Freedom of expression is the foundation or the base of the Internet, if the battle for freedom of the expression is lost, then the Internet might lose all its effectiveness and soon become obsolete or in an anachronistic state.

For the Internet to remain open, it needs freedom of expression has to be safeguarded, government should not be allowed the power to control the flow of information, knowledge or ideas. If governments are allowed to do this, they will proceed to regulate information flow, with techniques such as blocking and monitoring (spying) and curtailing freedom of expression. The most important amendment in American constitutional history is the "First Amendment" which guarantees freedom of expression. Government should instead be the enforcer or advocate of the freedom of expression and not the opposite, dictatorship always starts with government trying to consolidate power and abuse of fundamental human right in which freedom of expression is the most important.
1.2.2 The Internet is fundamentally different from other communication entities

The Internet is more complex and fundamentally different from other communication devices in so many ways. It is in fact a pull technology i.e. a type of technology that requires the information seeking by the user. Television and radio are built in push technology, i.e. the user does not have control over the information that is delivered on a particular station or channel.

It is also to be noted that both television and radio can be viewed or heard via the Internet, but the same cannot be said of the reverse. Below is an illustration of the differences.

![Figure 4: Internet as pull technology](image-url)
1.2.3 Child protection: Parents and teachers role, not The Government

The role of protecting kids from harmful content or predators on the Internet should be left for the parents or the teachers, the government or regulators will never be effective in this role. For instance no matter how much regulation or content filtering the regulators impose, content will always get out there. But in the case of parents or teachers, they have the direct authority or ability to filter what the kids do or see on the Internet because they have the direct authority. “Determining which ideas are "harmful" is not the government’s job. Parents should judge what information their children should see - and should expect that older children will, as they always have, find ways around restrictive rules.”

Harry Lewis (The dangers of Internet censorship)

It can be argued that most minors who browse the Internet can easily access unsuitable materials. Most of the inappropriate materials can also be accessed offline i.e. without the use of the computer or Internet. The point is censorship or regulation of the Internet will not solve this problems, instead the best way to go about this is to let the parents do the censoring, that is by taking more active or stronger role in the child’s life and also acting as a moral guild to the child. The parents can even take it a little further by doing the censorship themselves, there is a lot of software out there, which can do the job but should be administered by the parents not the government.

1.2.4 Content filtering regulation is irrelevant

No matter the amount of content filtering the government or regulators impose on the Internet, contents will always find its way out there. The Internet is too complex and global to be filtered. Government filtering software are doing more harm than good to the Internet, because it often exclude sites or contents which are legitimate. On the other hand those seeking those illegal contents or sites always find a way to circumvent the filtering imposed by the regulators. For example, content filtering will not prevent someone seeking to find a bomb making text on the Internet; they will always find a way to it.

Content filtering should be left for parents or ISPs to do, government have no business in that, it can and will never be effective, instead lead to more government control and curtailing free speech. Content are not sent directly to anyone private computers or email. Instead it is posted on the Internet, so only those who look for it will find it. For example if a manual on how to make a bomb is posted on the Internet, it will not show up on my computer or email or websites. Instead it has to be searched for before it can be available,
The point is filtering will never be effective if it isn’t done personally, not by the government but rather the individual, that is the parents, or the sole owner of the PC.

1.2.5 Unfair notice and take down

The notice and taking down of sites by regulators is becoming more and often and impetuous. The regulations is a scare tactics used by the government to pressure ISPs into submission, in other word, most of the ISPs are forced to play safe and other over reacting, such that they remove contents which in most cases are not illegal but just for the mere fact that its section of the society oppose it.

1.2.6 Net neutrality disadvantage

Most of the backers of the net neutrality regulation do not seem to understand that innovation does not come from one direction, i.e., it can take place in the application layer or at the network level layer, or even both. Most of the innovation that has happened to the Internet over the last decade has come from private cooperation which tries to be as competitive as possible in an open market, all this weren’t done by regulation but for the fact that companies are always trying to find new ways or ideas to make their service better and profitable.

The fact is the effect that Net neutrality regulation will have on innovation cannot yet be measured yet. Of course it could have a positive effect in a way that will force ISPs to find new ways to innovate and offering services that will be salutary to the customers/consumers. On the other hand these regulations may add some unnecessary burden on the ISPs or even diminish the appetite for innovation. This might prevent them from exploring new ways to offer better content or services at different rate, customers should be able to have a choice.

Net neutrality will also impede ISPs from managing their network traffic; this might or will place a huge and unnecessary financial burden on them, which might also affect the quality of services they offer. The fact is that no ISP has unlimited bandwidth space, for example there might be a situation where a few users with a huge application take a lot of bandwidth space, thereby forcing the whole system to slow down and also affecting other customers. This type of scenario will certainly make the ISP lose customers. There is also the argument
that will force them to build more infrastructures to accommodate more bandwidth, but they might not have the finances to do that.

Theses Regulation might also cause some unforeseen damages, like killing competition, without competition, there won’t be growth, and without growth, there won’t be an incentive to innovate.

The diagram below (figure5) illustrates how the connections looks like: Without net neutrality regulation and the second diagram (Figure6) shows the connection when Net neutrality is in place.

**Without Net neutrality**

![Diagram](image)

**Figure 5: Internet without Net Neutrality regulations**
With Net neutrality

UserA, UserB and UserC get the same services and bandwidth irrespective of the price or need.

Here Google, Netflix and Facebook get the same bandwidth irrespective of the price or need.

Figure 6: Internet with Net Neutrality regulations
1.3 Regulation: From censorship viewpoint, countries and status

"Internet censorship is the control or suppression of the publishing of, or access to information on the Internet. It may be carried out by governments or by private organizations either at the behest of government or on their own initiative. Individuals and organizations may engage in self-censorship on their own or due to intimidation and fear". Wikipedia.org

Many countries around the world have some sort of restriction on what the citizens can view on the Internet, for example in the United States there are different types of law on restrictions on what can be viewed in a public library, school or government properties. Some countries have limited restrictions some don’t even have any restriction and some even have total restrictions. The following chapters give a few examples of countries and their restriction policies.

1.3.1 Internet censorship in America

The United States have a very strong federal law which protects freedom of speech or free speech among others, are all part of the famous “First Amendment” to the United States constitution. This law also covers the Internet, thereby making it harder for the United States’ Government to filter and censor the Internet. This however doesn’t mean there is no censorship or regulation of the Internet, in fact Internet in America is highly censored or regulated, but this is done with legal means or some law binding mechanism.

Most strategies used in filtering in the United States are done via legislations dialogue and sometimes through judicial reviews. This is because most of the time the government tries to restrict or censor the Internet had ended up in legal battles with the companies because most of it is protected under the first Amendment. In other words the government tries to exert some artificial pressure indirectly on those companies that control the content it can’t censor.

For example when (whistle blower website) published some classified documents of the United States government. Under the First amendment it would be illegal for the government to block Wikileaks transactions or sites in the United States, instead the government used the artificial pressure tactics on the private company’s’ like Amazon, Master, Visa, etc. to convince them to stop doing business with Wikileaks. In the technicality, no law was broken because those companies are private entities and do reserve the right to do that. With the First amendment the United States government can’t censor the Internet. But with some exception, which has to do with for example, child pornography and obscenity that technically are not protected by the first amendment, below are two of the Federal laws.
Communications Decency Act (CDA), Child Online Protection Act (COPA), Digital Millennium Copyright Act (DMCA), Children's Online Privacy Protection Act (COPPA), Children's Internet Protection Act (CIPA), Trading with the Enemy Act—Wikipedia.org

Proposed federal legislation that has not become law
Deleting Online Predators Act (DOPA), Protecting Cyberspace as a National Asset Act, Combating Online Infringement and Counterfeits Act (COICA)—Wikipedia.org

1.3.2 Internet censorship in Germany

The level of censorship that is carried out in Germany is determined by the law. Sometimes the Government will need to get a court order before it can censor. Some of the content censored by law includes sensitive issues such as felony, denial of the Holocaust, etc. It wasn’t until June 2009 that Germany introduced a law to block sites that distribute child pornography. It took a long time to debate it in the German parliament, because of the opposition that might infringe freedom of speech. The strategy later changed because of stiff opposition to the law, the government decided on a tactics of taking down a site instead of blocking them.

The first censorship attempt in Germany was made in 1996. ISPs in Germany were ordered to block access to content that is outside Germans jurisdiction that contains materials that are deemed illegal under German law; some of these contents include child pornography, racist materials, anti-Semitic contents etc. This attempt wasn’t as successful as the government would have wanted it. It faced a lot of legal battles, because most of this ISPs are not in Germany (mostly in the USA), they are therefore not obliged to comply with German law, on the other hand, it was almost impossible for the German government to block access to the content holders since it was illegal under German law.

1.3.3 Censorship in France

When it comes to censorship in general, France is one of the oldest practitioners in the censorship business. Censorship in France dates back to the 16th century during the time of Philip III of France, he ordered that the
scriptoria was to be monitored by the university of Paris, to make sure there weren’t mistakes or content that weren’t favorable to the king.

Censorship in France is a bare much similarity to the type in Germany. French law forbids content such as child pornography, denial of the Holocaust, racist content, terrorism related contents etc. There are also laws in France that protect the right of the Internet user, similar to "First amendment" in the United States, the law known as "Loi pour la Confiance dans l'Économie Numérique".

But in the last couple of years, the French government has been to assert more control of the Internet, such as the passage of the copyright law, which will force an ISP to ban a user that violates copyright law three times. Some French laws on censorship include:

Hadopi law, Loppsi2 law

1.3.4 Censorship in China

China is the most populous nation on earth and also one of the most censored nations on earth. There are so many regulatory apparatus and laws that are used for regulation in China, though there isn’t any direct or specific rule that the censoring body follows. Most of the regulations are done in the provinces by the ISPs, which are also owned by the Chinese government. According to freedom House’s Internet survey, a non-government organization, which ranks the level of freedom of Internet in countries around the world. It ranked China as "Not Free".

Hong Kong and Macau which are also part of China do not have this sort of censorship or restrictions that are applied in Mainland China; this is because they are special entities, which are under international laws they are partially independent with a separate judicial power.

Internet repression in China is one of the most advanced in the world, also known as the "Great firewall of China" in which the government does not only block the free flow of the Internet but also has the capabilities to monitor what individual users are doing on the Internet. In 2010 alone more than 1 million websites based in China were shut down. Internet laws in China are getting tougher by the day, the most recent being during the revolution is the Middle East and North Africa. The Chine’s government has made it mandatory for anyone posting contents on blog site or social networks in China has to do it with their real name, in other words making it easier to track them down. Anyone who is found not to comply will be fined or face jail time.
1.3.5 Censorship in Finland

Finland is one of the few countries with a limited level of censorship on the Internet. According to *freedom House’s Internet survey* there has been little or no evidence of censorship of the Internet in Finland, except for child pornography, which is taken very seriously in Finland. In early 2006 the Finnish government delivered a list of website that it deemed inappropriate (pornographic) to some Finnish ISPs to be filtered or blocked. Though the implementation of this blocking were voluntary, the ISPs most times carried them out.

This didn’t happen without some controversy though, for instance, in this secret list of pornographic sites that were to be blocked was site known as "lapsiporno.info"(childporno.info). The site was blocked as a pornographic site even though it didn’t contain any content of pornography.

A copyright law known as "Lex Karpela" was introduced in 2006. The essence of this law is to set some sort of restriction on the publication of information with or without a copyright. There is also consideration to implement some sort of filtering to curb online gambling.

1.4 Map of Regulation/censorship by Countries/demography

Looking at regulation/censorship based on geographical location, the level of filtration or restriction of contents based on the following viewpoints: Political contents, social, conflict/security situation and based on Internet tools.
1.4.1 Contents based on politics

“Content that expresses views in opposition to those of the current government, or is related to human rights, freedom of expression, minority rights, and religious movements.” - Open Net Initiative (http://map.opennet.net/filtering-pol.html)

Note: Full description of map can be found at: http://map.opennet.net/filtering-pol.html

Figure 7: Content filtering by country.
1.4.2 Social related contents

“Content related to sexuality, gambling, and illegal drugs and alcohol, as well as other topics that may be socially sensitive or perceived as offensive.” - Open Net Initiative (http://map.opennet.net/filtering-soc.html)

Note: Full description of map can be found at: http://map.opennet.net/filtering-pol.html

Figure 8: Social content filtering by country
1.4.3 Materials related to Conflict & security

“Content related to armed conflicts, border disputes, separatist movements, and militant groups.” - open Net Initiative (http://map.opennet.net/filtering-soc.html)

Note: Full description of map can be found at: http://map.opennet.net/filtering-pol.html

Figure 9: Filtering due to Conflict & Security
1.4.4 Internet tools usage

“Web sites that provide e-mail, Internet hosting, search, translation, Voice over Internet Protocol (VoIP) telephone service, and circumvention methods.” - open Net Initiative (http://map.opennet.net/filtering-soc.html)

Figure 10: Internet tools usage by country

Note: Full description of map can be found at: http://map.opennet.net/filtering-pol.html
The survey isn’t just about finding out whether people support or decline government regulation/censorship of the Internet, but also to get a more detailed/specific opinion about Internet regulation. The reason for using the technique/method (below), is because, one way or another every person who uses the Internet does support one form of Internet regulation or the other, knowingly or unknowingly: for example, everyone will happily say the government should do more to fight child pornography and at same time those same people who like the government to reduce its gripe on Internet freedom.

The target group chosen for the survey is mostly educated people with a good knowledgably level of the topic. The target group had to be narrowed down to those people to avoid responses based on fiction rather than facts and understanding.

Every question asked in the survey is based on one form of Internet regulation to another, so when these question are broken down, the respondent will be able to give opinions based on specifics rather than popular view.

2.0 Survey technique

This survey isn’t just based on a Yes or No answer option from the respondents nor is it just about finding out if respondents support Internet regulation or not. It is much more complex than that, so instead of giving the yes or no option, the results are made to be more calculative and measurable, for example: A person who “strongly agrees” or “strongly disagrees” is less likely to change opinion, than a person who just “agrees” or “disagrees”.

In other words, people give their opinion based on what they know about the subject/topic or based on the information available to them at that moment. So asking respondents if they support or oppose Internet regulation/censorship will not give the real result or opinion on the topic but rather a popular opinion.

The following statistics show the basic facts.
2.1 Basic statistics

Some basic info about the respondent to the survey is:

Figure 11: Gender of respondents.

Figure 12: Age range of respondents

Figure 13: Internet skill level

Figure 14: How often you use the Internet
2.2 Child protect motion

**Question:** will do a better job censoring what minors or kids do and see over the Internet.

**Response:**
-56.4% of the respondents think it’s the job of the parents to regulate what minors do over the Internet and that they will be most effective in doing that.

-5.5% thinks the government will be more effective in the role

-37.7% thinks both the government and parents should do it in order for it to be effective

-1.0% Additional comments:
  - Comment1: “Both, but it's start with a proper upbringing, so it's start with the parents.”
  - Comment2: “Website developers should follow standard rules set by an international non-governmental organization.”

**Who will be more effective in protecting minors/kids, from harmful/inappropriate materials on the internet?**

![Figure 15: Who will be more effective in protecting minors/kids, from harmful/inappropriate materials on the internet?](image-url)
2.3 Government role and cybercrimes motion

Question: Should the government do more to combat Internet crimes, even if it results to more blocking, spying and filtering of website/contents?

Response:
- 10.9% of respondents “strongly agree” with the motion.
- 38.2% of respondents just about “agree” with the motion.
- 23.6% of respondents are “not sure” if they will want the government to do that with such a power.
- 16.4% of respondents “disagree” with the motion.
- 10.9% of respondents “strongly disagree” with the motion.

Figure 16: Should government do more to combat internet crimes, even if it results to more blocking, spying and filtering of website/contents?

Figure 16: Should government do more to combat Internet crimes, even if it results to more blocking, spying and filtering of website/contents?
2.4 Government and the copyright/intellectual property motion.

**Question:** Should government do more to protect copyrights/intellectual properties (movie/music companies, book writers), even if it meant giving government more power?

**Response:**
- 5.5% of respondents “strongly agree” with the motion.
- 23.6% of respondents “agree” with the motion.
- 20% of respondents “are not sure” or undecided with the motion.
- 30.9% of respondents “disagree” with the motion
- 20.0% of respondents “strongly disagree” with the motion

**Figure 17:** Should government do more to protect copyrights/intellectual properties (movie/music companies, book writers), even if it meant giving government more power?

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2.5 User date abuse/misuse motion.
Question: Should government do more to protect user data on the Internet from misuse/abuse?

Response:
-23.6% of respondents “strongly agree” with the motion
-52.7% of respondents “agree” with the motion
-10.9% of respondents “are not sure” or undecided with the motion
-10.9% of respondents “disagree” with the motion
-0.1% Additional comments:
  Comment1 ‘site provider, government and family’

Figure 18: Should government do more to protect user data on the Internet from misuse/abuse?
2.5 Internet neutrality (Net neutrality) motion.

**Question:** Should government enforce Internet neutrality regulation?

**Response:**
-9.1% of respondents “strongly agree” with the motion.
-38.2% of respondents “agree” with the motion.

-36.4% of respondents are “not sure” or undecided with the motion.

-12.7% of respondents “disagree” with the motion

Figure 19: Should government enforce Internet neutrality regulation
2.7 Internet like other media entities motion

**Question:** Should the Internet be censored or regulated like other media entities such as television and radio?

**Response:**
- 5.5% of respondents “strongly agree” with the motion.
- 20.0% of respondents “agree” with the motion.
- 29.1% of respondents are “not sure” or undecided with the motion.
- 30.9% of respondents “disagree” with the motion.
- 14.5% of respondents “strongly disagree” with the motion.

![Figure 20: Should the Internet be censored/regulated like other media entities?](image)

Figure 20: Should the Internet be censored/regulated like other media entities?
2.8 Internet rights & National security motion.

**Question:** will you give up your Internet rights for the sake of national security?

**Response:**
- 3.6% of respondents answered, “yes (definitely)” to the motion
- 34.5% of respondents answered, “yes (to some extent)” to the motion
- 18.2% of respondents said “not sure” or have decided to the motion
- 38.2% of respondents answered “no” to the motion.

Figure 21: Will you give up your Internet rights for the sake of national security?
The survey questions ‘Who will do a better job censoring what minors or kids do and see over the Internet.’ Shows that more than half (56.4%) of the respondents think parents should be responsible for what their kids see or do on the Internet, and that government shouldn’t play any role in that. But one thing to note here is that about 32.7% of the respondents think that both parents and the government should have a role in it, so by putting this together, It shows that parents should determine what needed to be done and how it should done over the issue of policing what their kids do or see on the Internet. Having said that, I think the government has a minimum role to play too, if external enforcement is needed.

The question ‘Should government do more to combat Internet crimes, even if it results to more blocking, spying and filtering of website/contents?’ shows that about 10.9% on both ends gave a negative or positive answer to the question, but 38% agreed that government should do more to combat this issue, even if it results in filtering and censorship. To add it up nearly half the respondents agreed with this. As the survey has shown, people are much likely to support censorship if its effect will not affect them on a personal level, for example overwhelming majority of the respondent thinks government should go ahead and implement Net Neutrality regulation, because they believe it will benefit them personally and only affect big corporate entities

The motion ‘should the Internet be censored or regulated the Internet like other media entities such as television and radio?’ Shows that most people do not want the Internet to be censored like television and radios which is in fact the correct decision, since the Internet is a pull device, meaning one have to look for something to get it. But on the other hand as the Internet grows so does the technology and in these days one can now watch television and listen to radio via the Internet. In my conclusion here, the Internet is not like the TV or radio, but actually more than that, so it shouldn’t be regulated as such, but based on agreed principles with stakeholders.

The fact to note in this survey is that in the entire questionnaire both favorable and unfavorable responses from the respondents were given. And none of the respondents said there wasn’t any regulation or censorship in their home country, so future debates should no longer be “If people want regulation of not” but rather how far government can go or what sort of regulation is needed. Some sort of check and balance between regulating the Internet and maintaining freedom of the Internet, most think Internet can be regulated in a way it doesn’t block or prevent freedom of expression. The Internet should be like a free market economy where the market is left alone to decide its faith, but we must also remember that in a free market economy there is some sort government regulation. An un-regulated Internet is a chaotic Internet and an
over-regulated Internet is a police state, No law-abiding person wants to live in either of those worlds, but rather somewhere in the middle.

Making choices or preferences about regulation are not as clear as it looks, to regulate or not to regulate the Internet did not and will not give any conclusive result. Just like other offline entities, the use of Internet already has rules and regulations available to it, but the Internet infrastructures itself doesn’t have a clear cut rules to follow, offline laws must be updated quickly so that it can also keep pace with technology. Government must also respect and protect the fundamental rights of its citizens, which include freedom of speech and expression.

**Recommendation**

Taking into account the result of the survey and many other occurrences, It seems people do not trust the government to regulate the Internet, and rightly so. Government should play fewer roles in regulation of the Internet, like in a free market economy; government shouldn’t decide the outcome or control of the market. To conclude, a real and sincere debate/dialog is needed between all stakeholders and governments, so that everyone can have a say and decide a fair an honest outcome to this issue. To add to that, below are some of the recommendations that are compatible with mine.

“My personal position is totally opposed to all forms of state blocking of generic categories of material on the Internet. I am most uncomfortable with the use of a constitution or statute to regulate such a fast-moving and complex medium as the Internet. My strong preference is for co-regulation by industry bodies with government support plus - in the case of children on the Net - the appropriate use of filtering software supported by adult supervision and more public awareness. Also I believe that there is considerable potential for resolving certain problems of Internet content - especially civil issues like defamatory libel and copyright infringement - using on-line mediation and arbitration procedures.” - Roger Darlington

“As a core principle, governments must respect and protect the rights of its citizens and uphold the rule of law. While society grapples with how best to understand and respond to the risks, opportunities and potential of the Internet, it is absolutely crucial that all actors approach these conundrums with the utmost understanding and thoughtfulness, so as not to destroy the conditions that have made the Internet such a dynamic success — namely its openness, neutrality, and resilience. As the use of the Internet shifts from being an occasional choice to an unavoidable component of participation in society, the responsibility of governments, corporations and civil society to optimize this experience only grows. Thus, the question is not whether or not to regulate, but how to regulate. When implemented, regulation of the Internet should only be imposed to further or protect the ability of users to freely, fully,
and safely participate in society, and to ensure the openness, quality, or integrity of the Internet. Any regulation must be targeted, necessary, proportionate to these goals, and achieved in the least restrictive way possible.

Government (and corporate) policies toward the Internet should be focused on an Internet with maximized openness, they should keep pace with technological advances, ensure transparency, accountability, and appeal ability, and they should enlist participation of all stakeholders. Above all, a rights respecting user-centric Internet is one that everyone has high-quality access to. This policy paper is intended to serve as a roadmap to regulation that serves the interests of users, as well as to invite policy leadership on ways to achieve the above mentioned ends.”

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## Appendix1: Research questionnaire

### Government censorship/regulation versus Internet freedom

1. **Gender**
   - ☐ Male
   - ☐ Female

2. **Age**
   - ☐ 10yrs. or under
   - ☐ 21-25
   - ☐ 26-30
   - ☐ 31-35
   - ☐ 36-40
   - ☐ over 40 yrs

3. **Nationality**
   
4. **How often do you use the internet?**
   - ☐ Very often (at least 10 hours a day)
   - ☐ Often (2-9 hours a day)
   - ☐ Rarely often (once or twice a week)
   - ☐ Not often (once a month)
   - ☐ Never (don’t use it)
   - ☐ Others

5. **How will you measure your internet skills?**
   - ☐ Expert (maximum level)
   - ☐ Experienced (above average level)
   - ☐ Intermediate (average level)
   - ☐ Basic (below average)
   - ☐ Amateur (beginner level)
   - ☐ Others

6. **Who will be more effective in protecting minors/kids, from harmful/inappropriate materials on the internet?**
   - ☐ The parent/guardian
   - ☐ The government
   - ☐ Both
   - ☐ I don’t know
   - ☐ Others

7. **Should government do more to combat internet crimes, even if it results to more blocking, spying and filtering of website/contents?**
   - ☐ More government power, less individual freedom
   - ☐ I strongly agree
   - ☐ I agree
   - ☐ I am not sure
   - ☐ I disagree
   - ☐ I strongly disagree
   - ☐ Others

8. **Should government do more to protect copyrights/intellectual properties (movie/music companies, book writers), even if it meant giving government more power?**
   - ☐ Protection from: copyright infringement, illegal downloading, counterfeiting etc.
   - ☐ I strongly agree
   - ☐ I agree
   - ☐ I am not sure
   - ☐ I disagree
   - ☐ I strongly disagree
   - ☐ Others

9. **Should government do more to protect user data on the internet from misuse/abuse?**
   - ☐ Example: Facebook/Google/Microsoft/Yahoo misusing or selling your data for targeted marketing/advertisement without your permission.
   - ☐ I strongly agree
   - ☐ I agree
   - ☐ I don’t know
   - ☐ I disagree
   - ☐ I strongly disagree
   - ☐ Others
10. Should government enforce internet neutrality regulation *

Internet neutrality: is the principle that all Internet traffic should be treated equally, irrespective of the size or financial power of the companies.

- I strongly agree
- I agree
- I am not sure
- I disagree
- I strongly disagree
- Others

11. How will you rate internet filtering/censorship in your home country? *

Example: blocking pirates bay website or download sites

- Pervasive (very strong)
- Substantial (strong)
- Selective (light)
- Suspected (rarely)
- No evidence
- Others

12. Should the internet be censored/regulated like other media entities? *

Other entities like television and radio

- I strongly agree
- I agree
- I am not sure
- I disagree
- I strongly disagree
- Others

13. Will you give up your internet rights for the sake of national security? *

Protection from: copyright infringement, illegal downloading, counterfeiting etc.

- Yes (definitely)
- Yes (to some extent)
- No
- No (never in a million years)
- I don't know
- Others

14. Further comments?

-
### Appendix 2: Questionnaire result data

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<th>Respondent e-mail</th>
<th>Gender</th>
<th>Age</th>
<th>Nationality</th>
<th>How often do you use the internet?</th>
<th>How will you measure your internet skills?</th>
<th>Who will be more effective in protecting minors/kids, from harmful/inappropriate materials on the internet?</th>
<th>Should government do more to combat internet crimes, even if it results to more blocking, spying and filtering of website/contents?</th>
<th>Should government more to protect copyrights/Intellectual property (movie/music companies, book writers), even if it means giving government more power?</th>
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1 = I strongly agree  1 = I strongly agree  1 = Penasive (very strict)  1 = I strongly agree  1 = Yes (definitely)
2 = I agree  2 = I agree  2 = Substantial (strong)  2 = I agree  2 = Yes (to some extent)
3 = I don't know  3 = Am not sure  3 = Selective (light)  3 = Am not sure  3 = No sure
4 = I disagree  4 = I disagree  4 = Suspected (rarely)  4 = I disagree  4 = No (never in a million years)
5 = I strongly disagree  5 = I strongly disagree  5 = No evidence  5 = I strongly disagree  5 = I don't know
6 = Others  6 = Others  6 = Others  6 = Others  6 = Others
Appendix 3: Respondents nationality by percentage.

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<td>Switzerland</td>
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<td>United Kingdom</td>
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Appendix 4: Censorship in respondents’ home Country.

- Pervasive (very strong): 0.055 (5%)
- Substantial (strong): 0.2 (20%)
- Selective (light): 0.491 (49%)
- Suspected (rarely): 0.145 (15%)
- No evidence: 0.109 (11%)
- Others: 0 (0%)
GROSSARY

**ISP:** Internet Service Provider

**Intellectual property:** A work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc.

**Copyright:** the exclusive right to make copies, license, and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, etc.

**Motion:** The debate or question

**Respondents:** The person/people who answered the survey

**Net Neutrality:** Is a principle that advocates no restrictions by Internet service providers or governments on consumers' access to networks that participate in the Internet. Specifically, network neutrality would prevent restrictions on content, sites, platforms, types of equipment that may be attached, and modes of communication

**Substantial:** Of ample or considerable amount, quantity

**Selective:** Targeted or specific

**Suspected:** Might be, but not proven

**Pervasive:** Spread throughout

**Filtering:** Is the act of screening an incoming Web page or contents to determine whether some or all of it should not be displayed to the user.

**Broadband:** refers to a telecommunications signal or device of greater bandwidth, in some sense, than another standard or usual signal or device (and the broader the band, the greater the capacity for traffic).

**Infrastructure:** the basic, underlying framework or features of a system or organization

**Spam:** disruptive messages, especially commercial messages posted on a computer network or sent as e-mail.

**Debate:** a discussion, as of a public question in an assembly, involving opposing viewpoints

**Cybercrimes:** Criminal activities committed via the Internet
**Regulation:** laws, rules, policy or other order prescribed by authority, especially to regulate conduct.

**Contents:** something that is to be expressed through some medium

**419 Scam:** An advance-fee fraud is a confidence trick in which the target is persuaded to advance sums of money in the hope of realizing a significantly larger gain

**Wikileaks:** is an international, online, self-described not-for-profit organization that publishes submissions of private, secret, and classified media from anonymous news sources, news leaks, and whistleblowers.

**First amendment:** The First amendment to the United States Constitution is part of the Bill of Rights. The amendment prohibits the making of any law respecting an establishment of religion, impeding the free exercise of religion, abridging the freedom of speech, infringing on the freedom of the press, interfering with the right to peaceably assemble or prohibiting the petitioning for a governmental redress of grievances.