

The Global Classroom Project:

Class Session: The Power of Information and the Role of Media in Contemporary Society

Required Reading Prior to Class Session:

- Gatekeeping in Digital Media by Peter Olaf Looms (Open Society Foundations)
- German Interstate Media Treaty
- Freedom of Expression Rights in the Digital Age by Andrew Puddephatt (Open Society Foundations)
- <https://www.coe.int/en/web/freedom-expression/internet>
- <https://www.coe.int/en/web/freedom-expression/internet-and-free-societies>
- Information Disorder, <https://rm.coe.int/Report-D/09000016807bf5f6>

Class Session Segments and Group Discussion Questions:

****Segment 1: Law in the Age of Social Media: Where Misinformation and Fact Co-exist**

Based off the podcast, The Big Fib/ the “Liar” Exercise



In the era of fake news, we need to learn to be able to tell what's true from what's false. One chosen student in the class will interview two experts in a particular topic, one of whom is a genuine, credentialed expert, the other a liar. This exercise is meant to teach us how to ask insightful questions, weigh the evidence before us, and trust our gut. We must learn to be good skeptics and develop the critical-thinking tools we need to interpret the world around us.

In your groups, determine: **WHO IS THE LIAR AND WHO IS THE EXPERT?**

*****GROUP DISCUSSION QUESTIONS (ONCE YOU'VE DECIDED WHO IS THE LIAR):**

- Where do you find information?

- Information - is it the most important issue in your life or is there anything else more important?
- What are the main sources of information you base your decisions on?
- Is there any pure /objective/ information, or is every piece of information polluted by the deliverer of the information?

****Segment 2: Gatekeeping in Digital Media: the German Interstate Media Treaty**



<https://www.reuters.com/article/us-germany-security-facebook/treat-us-like-something-between-a-telco-and-a-newspaper-says-facebooks-zuckerberg-idUSKBN2090MA>

Speaking at the Munich Security Conference in Germany, Zuckerberg said Facebook had improved its work countering online election interference and expanded on his previous calls for regulation of social media firms.

“I do think that there should be regulation on harmful content ... there’s a question about which framework you use for this,” Zuckerberg said during a question and answer

session.

“Right now there are two frameworks that I think people have for existing industries - there’s like newspapers and existing media, and then there’s the telco-type model, which is ‘the data just flows through you’, but you’re not going to hold a telco responsible if someone says something harmful on a phone line.”

“I actually think where we should be is somewhere in between,” he said.

Facebook and social media giants including Twitter and Alphabet's Google have come under increasing pressure to better combat governments and political groups using their platforms to spread false and misleading information.

Zuckerberg said he now employed 35,000 people to review online content and implement security measures.

Those teams and Facebook’s automated technology currently suspend more than 1 million fake accounts each day, he said, adding that “the vast majority are detected within minutes of signing up.”

*****GROUP DISCUSSION QUESTIONS**

****Review the German Interstate Media Treaty (Transparency (Article 85) and Non-discrimination (Article 94) Rules)**

In Germany, the federal states are in charge of developing rules for media regulation, which are implemented and enforced by the independent state media authorities. The new media rules expand and update long-standing German broadcasting regulation and provide guidance to “media intermediaries.”

Media intermediaries are defined as “any telemedia that aggregates, selects, and presents third-party journalistic/editorial offers, without presenting them as a complete offer.” Under the transparency provisions, intermediaries will be required to provide information about how their algorithms operate, including:

- The criteria that determine how content is accessed and found.
- The central criteria that determine how content is aggregated, selected, presented and weighed.

Information should be made available in easy-to-understand language. If intermediaries make any changes to their criteria, these changes must be made publicly available immediately. Media Intermediaries that act as social networks will also be required to identify and label “social bots.”

The provisions on non-discrimination prohibit media intermediaries from discriminating against journalistic and editorial offers or treating them differently without “appropriate justification.” According to the treaty, discrimination amounts to “systematically hampering” one offer over another. If the provider of journalistic/editorial content believes that their content has been discriminated against, they can file a claim with their state broadcasting authority. <https://algorithmwatch.org/en/new-media-treaty-germany/>

- What exactly qualifies as a media intermediary?
- What algorithmic decision-making criteria should be disclosed and how would these disclosures be different from the information that is already self-reported by platforms like Google?
- What is a “social bot” and how can platforms identify them?
- Because the transparency requirements serve as the basis for assessing compliance with nondiscrimination provisions, how can systematic (non)discrimination could be proven or disproven in practice?
- Even if the media authorities are able to successfully identify and prove discrimination, is it really only possible for providers of journalistic or editorial content to launch a complaint?
- YouTube content creators argue that the platform’s trending algorithm is biased in favor of publishers and traditional media. Would such provisions end up shutting out important voices from independent creators who also make valuable contributions to the digital public sphere?

*****ADDITIONAL GROUP DISCUSSION QUESTIONS:**

- How do people manipulate information? What are the legal instruments of protection against information abuse or manipulation? (i.e., data protection, entrepreneur’s classified information – definition and its protection).
- What are the short term and long term consequences of “fake news”?
 - Consider a fake U.S. Consumer Price Index (CPI) report (July 13, 2022) that stated that inflation was running into double digits at 10.20% (despite some fairly obvious signs that the document was counterfeit, i.e., released a day early, errors in the release such as a chart that showed figures that did not match the text). The fake report drove a sell off in markets late in the day. The U.S. Bureau of Labor Statistics released official figures the following day correcting the fake report, showing a year on year inflation rise of 9.10%. <https://fortune.com/2022/07/13/inflation-report-july-2022-cpi-consumer-price-index-bls-fake/>

****Segment 3: Freedom of Expression Rights and Right to Privacy in the Digital Age**

[Freedom of Expression explained \(explainity® explainer video\) - YouTube](#)

- Explain the freedom of expression. What are the limits of this freedom, and why is it important?
- Can the government restrict any ideas/speech that are considered hurtful? Can they be restricted before they are expressed?
- What constitutes an interference with the freedom of expression?
- Does the European Convention on Human Rights require a protection mechanism for freedom of expression?
- Does the 1st Amendment itself adequately protect the freedom of expression? Can anyone say anything they want, wherever they want, to whomever they want?
- What are the ideal consequences for a violation of the freedom of expression?
- Is there a democracy without freedom of expression?
- Should the press be considered the “watchdog” of democracy?

There has been a lot of discussion as to the freedom of expression on the internet: the right to information online and access to the internet.

That said, there is also a right to privacy in the digital age:

- Discuss the conflict between freedom of expression and the right to privacy.
- What are the international legal norms related to the right to privacy and how do we apply those standards to modern issues that affect users’ privacy rights, such as internet communications surveillance, the right to be forgotten, and cybersecurity?
- How do we develop strategic litigation and advocacy in defense of internet freedom, primarily freedom of expression and privacy rights?
- Should there be legal aid to defend defamation proceedings?
- How should leaks of confidential information be handled?
- How should we handle incitement to violence and hate speech?
- How should we handle obscenity and blasphemy?
- What about damage to a business’ reputation and compensation for moral damages?
- What about the freedom of expression of judges and towards judges?
- Hungary has in its updated Constitution (Chapter "Freedom and Responsibility" Art. IX, para 5) a provision emphasizing that "the right to freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation (...)", which has been used by the executive branch lately. How do we interpret such language? When you compare this provision with your country’s legal rules and/or practices can you find similarities or differences?