

# Workshop Sessions

- Session 1: Introduction to law & jurisprudence
- Session 2: Introduction to ICT law ecosystem
- Session 3: Access, telecom policy and network shutdowns
- Session 4: Privacy, surveillance and data protection
- Session 5: Freedom of Expression
- Session 6: Content moderation and intermediary liability
- Session 7: Gender and vulnerable groups
- Session 8: Emerging Issues
- Session 9: Researching on digital rights
- Session 10: Advocacy and communication

# Session 1: Introduction to law & jurisprudence

**23 November, 2020; 5:30 - 7:30 AM UTC**

In this session, participants should aim to uncover debates around the nature of law, be able to distinguish between legal systems and institutions, appreciate core constitutional doctrines and synthesize various sources of law. This session will also help participants understand the analysis of legal provisions and jurisprudence with the help of tools, databases and methods to access them.

## Reference Materials

*\*Tables are hyperlinked, please click the text to access*

- **Table 1: Overall lay of legal structures**
- **Table 2: Constitutional guarantees**

## Reading Materials

**Suggested readings:**

1. [Oxford Library Guides](#)
2. [Types of Legal Systems, University of Ottawa](#)
3. [Piotr Mikuli, \*Seperation of Power\* \(March 2016\)](#)
- 4.

The Economist, *What is the difference between common and civil law?* (July 2013)

5.  
What is public international law? How are monist and dualist systems different?
6.  
Cornell Law School, *Stare decisis*
7.  
Rod Hollier, *The ultimate guide to the ratio decidendi and obiter dictum*
8.  
What is a constitution?
9.  
Fundamental rights
10.  
What are human rights and their instruments?

### **Additional readings:**

1.  
Zachary Holladay, *Public interest litigation in India as a paradigm for developing nations*
2.  
International law in municipal frameworks
3.  
Guide to statutory interpretation

**Session Presentation**

**Session Summary**

**Cyrilla Database (Digital rights legal resources)**

# Session 2: Introduction to ICT law ecosystem

23 November, 2020; 8:30 - 10:30 AM UTC

The objective of this unit is to summarise regulations, including legislation and policies as applicable, used to govern different aspects of the internet and online experience. Participants will leave the session with an appreciation of the framework within which ICT laws are created, and the powers and processes that create them. They will also have a broad understanding of the common opportunities and challenges across sectors and countries as a result of these regulations.

## Reference Materials

*\*Tables are hyperlinked, please click the text to access*

- **Table 3: Laws and regulations governing the ICT ecosystem**
- **Table 4: Resources/databases on ICT and jurisprudence**

## Reading Materials

### Suggested readings:

1. The APC ICT Policy Handbook (Second Edition), Association for Progressive Communication
2. Divya Srinivasan and Gayatri Khandhadai, *Jurisprudence Shaping Digital Rights in South Asia* (November 2020) (Section on ICT legal landscape)
3. Frank H. Easterbrook, Cyberspace and the Law of the Horse
4. Tim Wu and Jack L. Goldsmith, Who controls the internet?
5. How to find Digital Rights Laws on CYRILLA?

### Additional readings on Artificial Intelligence:

1. Arindrajit Basu, *We need better AI vision* (October 2019)
2. Amba Kak, *"The Global South is everywhere, but also always somewhere": National Policy Narratives and AI Justice* (February 2020)
3. Vidushi Marda and Shivangi Narayan, *Data in New Delhi's predictive policing system* (January 2020)
4. Arindrajit Basu, Elonnai Hickok, Amber Sinha, *Regulatory interventions for emerging economies for the use of Artificial Intelligence in public services in India*
5. Fjeld, Jessica, Nele Achten, Hannah Hilligoss, Adam Nagy, and Madhulika Srikumar, *Principled Artificial Intelligence: Mapping Consensus in Ethical and Rights-based Approaches to Principles for AI* (2020)
6. Aishwarya Natarajan and Vani Swarupa Murali, *Regulating Artificial Intelligence in South Asia: Projections for the future* (March 2020)
7. Access Now, *The Toronto Declaration: Protecting the rights to equality and non-discrimination in machine learning systems* (May 2018)

## Session Summary

# Session 3: Access, telecom policy and network shutdowns

24 November, 2020; 5:30 - 7:30 AM UTC

The first part of this unit is designed to help understand meaningful access and the regulatory framework, including laws and policies, that enable access to the internet or connectivity. Participants will be exposed to international discussions and jurisprudence from the region that recognise the significance of access. The second part of the unit will focus on the unique problem of network shutdowns and its consequences. Participants will be familiarised with laws and regulations used to impose government-mandated disruptions of internet access. This part of the session will provide participants with a factual primer on network shutdowns to appreciate the legal challenges and evolving jurisprudence on the issue.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

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**Table 3: Laws and regulations governing the ICT ecosystem**

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**Table 4: Resources/databases on ICT and jurisprudence**

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**Table 5: International human rights law landscape**

## Reading Materials

Suggested readings:

1. Divya Srinivasan, Gayatri Khandhadai, *Jurisprudence Shaping Digital Rights in South Asia* (November 2020) (Section on Access)
2. APC, Redes A.C., Universidad Polit cnica de Catalunya, *Expanding the telecommunications operators ecosystem: Policy and regulatory guidelines to enable local operators* (September 2020)
3. Aayush Rathi, Arindrajit Basu and Anoushka Soni, *Dialling in the Law: A comparative assessment of jurisprudence on internet shutdowns* (November 2020)

**Additional readings:**

1. Ritu Srivastava, *Mapping the regulatory environment of community networks in India, Myanmar and Philippines* (August 2019)
2. [Podcast] Chips with Everything podcast, 2020, *Turning off the internet*, The Guardian

## **Presentation by Shyam Ponappa**

## **Presentation by Umer Gilani**

## **Session Summary**



# Session 4: Privacy, surveillance and data protection

24 November, 2020; 8:30 - 10:30 AM UTC

This unit will identify the different facets of an individual's privacy that are impacted in the digital age and map regulations that are intended to protect those rights. It will examine the impact of emerging technologies on decisional privacy by analysing the different forms of surveillance currently deployed in society and the legal frameworks enabling them. Since the increasing use of personal data in the ICT space warrants a closer look at the data protection legislations, we will look at the current level of protection offered by legislations and examine if they have been adapted to address the informational privacy harms arising out of the technological changes.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

- **Table 3: Laws and regulations governing the ICT ecosystem**
- **Table 4: Resources/databases on ICT and jurisprudence**
- **Table 5: International human rights law landscape**
- **Table 2: Constitutional guarantees**

## Reading Materials

### **Suggested readings:**

1. Rishab Bailey, Vrinda Bhandari, Smriti Parsheera, Faiza Rahman, *Use of personal data by intelligence and law enforcement agencies*, NIPFP (August 2018)
2. Amber Sinha, *Fundamental Right to Privacy series*
3. A Free and Fair Digital Economy Protecting Privacy, Empowering Indians Committee of Experts under the Chairmanship of Justice B.N. Srikrishna
4. Smitha Krishna Prasad and Sharngan Aravindakshan, *Playing catch up - privacy regimes in South Asia* (June 2018)
5. Access Now, *India's plan to regulate non-personal data: protect personal data first* (September 2020)

### **Additional readings:**

1. Comments on the Framework for a Proposed Data Protection Legislation for Sri Lanka (July 2019)
2. OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data
3. APEC Privacy Framework
4. General Data Protection Regulation
5. Amber Sinha and Arindrajit Basu, *The Politics of India's Data Protection Ecosystem* (December 2019)
6. Centre for Internet and Society, *Essay: Watching Corona or Neighbours? - Introducing 'Lateral Surveillance' during COVID-19* (May 2020)

## **Presentation by Gautam Bhatia**

### **Session Summary**

# Session 5: Freedom of Expression

25 November, 2020; 5:30 - 7:30 AM UTC

This unit seeks to familiarize participants with the different laws protecting freedom of speech and expression across South Asia, and the restrictions on freedom of expression that are common in these legal systems. Particular attention will be provided to laws addressing hate speech, sedition, blasphemy and defamation in online spaces. The session will also look at the brief history of these laws and restrictions, and how they surface both off-line and on-line in contemporary times.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

- **Table 3: Laws and regulations governing the ICT ecosystem**
- **Table 4: Resources/databases on ICT and jurisprudence**
- **Table 5: International human rights law landscape**
- **Table 2: Constitutional guarantees**

## Reading Materials

**Suggested readings:**

1. Association for Progressive Communications, *Unshackling Expression: A Study on Laws Criminalising Expression Online in Asia*, GISWatch 2017

2. Divya Srinivasan, Gayatri Khandhadai, *Jurisprudence Shaping Digital Rights in South Asia* (November 2020) (Section on Freedom of Expression)

### **Additional readings:**

1. [Video] Media Matters for Democracy, Pakistan, *A Democratic Fundamental: Making the case for free speech and expression*
2. Gayathry Venkiteswaran, *"Let the mob do the job": How proponents of hatred are threatening freedom of expression and religion online in Asia* (September 2017)
3. Body and Data, Nepal, *Unshackling Expression: A study on criminalisation of freedom of expression online in Nepal* (November 2020)
4. Bhamati Sivapalan and Vidyun Sabhaney, *In Illustrations: A Brief History of India's National Security Laws* (July 2019)
5. Wired.com, *The Quest to Topple Science-Stymying Academic Paywalls* (April 2019)
6. DailyMirror, *Arrest of writer Sathkumara sparks debate on freedom of expression* (April 2019)
7. *"Ardha"(Half): The Controversial Sinhala Short Story by Shakthika Sathkumara That Landed Him In jail* (August 2019)
8. Nepali Times, *Blasphemy Charges in a Secular State* (September 2012)
9. Columbia Journalism Review, *Infection and Repression* (September 2020)
10. International Press Institute, *Rush to pass 'fake news' laws during Covid-19 intensifying global media freedom challenges* (October 2020)

## **Session Presentation**

### **Session Summary**

# Session 6: Content moderation and intermediary liability

25 November, 2020; 8:30 - 10:30 AM UTC

This session will uncover the approach taken by countries in the region to content moderation and intermediary liability covering regulatory tools used by governments, jurisprudence laid down by courts, and concerns identified by scholars. The core objective of this session is for participants to unpack how individual rights and public interest are dealt with by platforms under the law with a specific focus on hate speech and gender related content.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

- **Table 3: Laws and regulations governing the ICT ecosystem**
- **Table 4: Resources/databases on ICT and jurisprudence**
- **Table 5: International human rights law landscape**

## Reading Materials

### Suggested Readings:

1. Association for Progressive Communications, *APC policy explainer: Platform Responsibility and Accountability* (November 2020)

2. Global Network Initiative, *Addressing Digital Harms AND Protecting Human Rights — GNI Shares Recommendations for Policymakers*
3. Divya Srinivasan, Gayatri Khandhadai, *Jurisprudence Shaping Digital Rights in South Asia* (November 2020) (Section on Intermediary Liability)
4. APC, *Reorienting rules for rights: A summary of the report on online content regulation by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*

#### **Additional Readings:**

1. Bolo Bhi, *Pakistan's Online Censorship Regime* (July 2020)
2. SFLC.in, *Intermediary Liability 2.0: A Shifting Paradigm* (March 2019)
3. Manila Principles on Intermediary Liability
4. *Media Matters for Democracy conducts an initial analysis of the new social media rules and their potential impact on digital rights and economy in Pakistan* (November 2020)
5. The Ringer, *The BTS Army and the Transformative Power of Fandom As Activism* (June 2020)
6. Equality Labs, *Facebook India - Towards the tipping point of violence: Caste and religious hate speech* (2019)

## **Session Presentation**

### **Session Summary**

# Session 7: Gender and vulnerable groups

26 November, 2020; 5:30 - 7:30 AM UTC

This unit is designed to get participants familiar with special provisions that protect gender and vulnerable groups in the ICT spaces, how these provisions may be used to target their agency and to get participants to understand how a feminist and rights perspective could be used in the process of legal analysis. It will adopt a feminist lens to critique legal systems and jurisprudence that govern technology, while also discussing provisions that are designed to protect vulnerable groups from negative impact. The experiences of vulnerable groups as they adopt and resist technology and data systems will be highlighted. The session will also discuss the role of marginalised groups in policy making, including reimagining technology law and policy through feminist principles as they are mobilised to create alternative feminist realities.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

- **Table 3: Laws and regulations governing the ICT ecosystem**
- **Table 4: Resources/databases on ICT and jurisprudence**
- **Table 5: International human rights law landscape**
- **Table 2: Constitutional guarantees**

## Reading Materials

**Suggested readings:**

1. Association for Progressive Communications, *Feminist Principles of the Internet - Version 2.0* (August 2016)
2. Dr. Anja Kovacs, *Gendering Surveillance: An Introduction* (February 2017)
3. Point of View, Mumbai, *Guavas and Genitals: A research study in Section 67 of the Information Technology Act* (2018)

#### **Additional reading:**

1. Report of the Office of the United Nations High Commissioner for Human Rights on ways to bridge the gender digital divide from a human rights perspective
2. Deep Dives, *'If you see a binary, it usually hides a hierarchy': A conversation on data feminism* (July 2020)
3. Digital Rights Monitor, *Stolen Images and Violations of Privacy: How Women in Pakistan Navigate Digital Spaces* (August 2020)
4. Huffington Post, *'Revenge Porn' Is Not The Right Term To Describe Our Experiences, Say Victims* (August 2019)
5. Niles Christopher and Varsha Bansal, *Meet the rising stars of India's video apps* (May 2020)
6. Anja Kovacs (Deep Dives), *When our bodies become data, where does that leave us?* (May 2020)
7. [Video] Internet Democracy Project, *Episode 3: Access to Technology: The Skewed Sex Ratio* (September 2020)

## **Session Summary**



# Session 8: Emerging Issues

26 November, 2020; 8:30 - 10:30 AM UTC

In this unit, we will have a free flowing discussion among experts from the region commenting on nationalist laws and policies that are inherently political with a variety of stakeholders attempting to find favour with decision-makers in each country. The objective of this panel is to focus the debate away from the oft-referenced framework of the US-China trade war and hone in on developments in South Asia and the legal trends and political economy of this region. It will feature leading legal experts from countries across South Asia to capture a broad range of insights and perspectives.

## Additional Readings:

1. Ananda Gautam, *COVID 19: Another Excuse to Assassinate Internet Freedom in Nepal* (June 2020)
2. MyRepublica, *PM's IT consultant 'tapping' private data on people for commercial use* (October 2018)
3. The Budapest Convention on Cybercrime

## Session Summary

# Session 9: Researching on digital rights

27 November, 2020; 5:30 - 7:30 AM UTC

This unit will seek to help participants unearth practices for developing a research process by addressing key issues around developing research questions, methods and ethical practices. The session will also provide an overview on collecting data and engaging in developing a narrative in the research. This will be followed by a break-out session where participants will hear from the developers of two key researches on policies from the region discussing the process and challenges they faced.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

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### **Table 4: Resources/databases on ICT and jurisprudence**

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### **Table 6: Resources for referencing**

## Reading Materials

### **Suggested readings:**

1. De Nardis et al, *Researching internet governance: methods, frameworks, futures* (2020)
2. Jessica Dheere, *A methodology for mapping the emerging legal landscapes for human rights in the digitally networked sphere* (2017)
3. Marsha L. Baum, *Ten tips for moving beyond the brick wall in the legal research process* (2001)
4. Point of View, Mumbai, *Guavas and Genitals: A research study in Section 67 of the Information Technology Act* (2001)

5. Body and Data, Nepal, *Unshackling Expression: A study on criminalisation of freedom of expression online in Nepal* (November 2020)

**Additional readings:**

1. George Orwell, *Politics and the English Language*
2. Strunk, *The Elements of Style*

## **Session Presentation**

## **Session Summary**

# Session 10: Advocacy and communication

27 November, 2020; 8:30 - 10:30 AM UTC

This unit will start with an overview of the different kinds of advocacy initiatives that groups have undertaken to effect changes in both enacted ICT laws and draft laws. Discussions will include addressing stakeholders and developing documents for the initiatives. Strategies for public campaigning and key considerations for engaging in strategic litigation will be shared. This will be followed by two breakout groups. One group will specifically look at how advocacy around the Prevention of Electronic Crimes Act in Pakistan evolved over different stages of the law. The other group will look at the value of engaging in international advocacy, specifically with the mechanisms of the United Nations, and will seek to provide practical directions on effectively working with them to address national developments.

## Reference Materials

*\* Tables are hyperlinked, please click on the text to access*

- **Table 7: Map on UN spaces for advocacy**
- **Table 8: Map of UNHRC spaces**
- **Table 9: Status of Ratification and reservations**

## Reading Materials

**Suggested readings:**

1. Steve Buckley, *Advocacy strategies and approaches: Overview* (May 2018)
2. Open Society Foundations, *An introductory guide to successful advocacy*
3. Nani Jensen Reventlow, *Making accountability real: Strategic litigation* (January 2020)
4. Media Legal Defence Initiative, *Digital Rights Litigation Guide* (June 2020)

5. Deborah Brown and Sheetal Kumar, *A guide to help human rights defenders navigate the Universal Periodic Review* (June 2016)

#### **Additional readings:**

1. The Advocates for Human Rights, *Advocacy at the United Nations*
2. International Service for Human Rights, *Special Procedures: New ISHR guides for human rights defenders* (November 2019)
3. International Service for Human Rights, *A practical guide to the UN Committee on NGOs* (July 2017)
4. International Service for Human Rights, *Third Committee of the UNGA: A practical guide for NGOs* (July 2017)
5. Global Partners Digital, *Navigating Human Rights in the Digital Environment: The UNHRC* (December 2017)
6. [Video] Association for Progressive Communications, *Introduction to the Universal Periodic Review*

## **Session Summary**