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Internet Codes of Conduct Around the World

By Faris Mokhtar and Cheong Kah Shin

Introduction

This is a comprehensive survey of efforts by internet communities and governments worldwide that have come up with codes of conducts or have proposed to do so.

The information is arranged by countries and includes:

1. Who the code covers
2. Reasons for the necessity of a code
3. Whether the code is voluntary or mandatory
4. The provisions of the code
5. How the code came about
6. The regulation of speech on the Internet in that country
7. Views expressed about the code: pros and cons
8. The current status of the code

Malaysia: Code of Conduct

- **Who the code covers**
- Created by the Communications and Multimedia Content Forum and officially launched in October 2004.
- Applies to all content in the networked electronic medium — on radio, television, audiotext, Internet (originating from Malaysia), electronic billboards and public transport .
- The forum was formed with the participation of six industry groups, namely advertisers, broadcasters, audiotext hosting service providers, Internet access services providers, civic groups/institutions of higher learning and content creators/distributors representing the demand and supply sections of the communications and multimedia industry.

- **Code — voluntary/mandatory**
- Compliance with code is voluntary

- **Content of code — what it covers**
- Among others, the 81-page code stipulates that all content shall not be indecent, obscene, false, menacing or offensive.
- There shall be no discriminatory material or comment that is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status, or physical or mental handicap .
- Women and men shall be portrayed with fair and equitable demographic diversity taking into account age, civil status, race, ethno-cultural origin, physical appearance, background, religion, occupation, socio-economic condition and leisure activities, while actively pursuing a wide range of interests.
- The code had 'prohibited content' in six categories:
  1. Indecent Content
  2. Obscene Content
  3. Violence
  4. Menacing Content
  5. Bad language
  6. False Content
- It raised attention for special sensitivity in three categories:
  1. Children's Content
  2. Family Values
  3. Persons with special needs

Malaysia: Code of Conduct

- **How it came about**
- On 6 June 1999, in a *New Straits Times* report, Deputy Minister for Energy, Communications and Multimedia Datuk Chan Kong Choy was quoted as saying that it had become necessary to guide Malaysians to behave properly on the Internet. He noted the lack of understanding on this issue and the most common abuse online was to spread malicious lies and rumours to the public.

- **What are the current internet laws**
- Malaysia has its own laws dealing with seditious/defamatory material — what is illegal online is also illegal offline.

- **Arguments for and against the code**
- **Arguments for**:

  1. Compliance with this code shall be a defence against any prosecution, action or proceeding of any nature, whether in court or otherwise as stated under Section 98 (2) of the Communications And Multimedia Act 1998.

  2. Self-regulation and self-discipline is better than government intervention

  3. The need to balance freedom of speech against the need to protect against potentially offensive and harmful material.

  4. The advantage of such an approach is that there is no single authority that is entrusted with the task of screening the Internet of any possible harmful, illegal and unlawful content. Such an approach dispels the possibility that individuals, governments or organisations will then seek to obtain too strong an influence on either the control or the provision of information services.

- **Current status of code**
- No follow-up from press or any reports known that describe whether or not the code is widely adopted. The code is applicable to all Content Application Providers offering services including :

  i) Direct To Home (DTH) subscription broadcasting, whether via satellite or cable;

  ii) Terrestrial Free-to-Air TV and Radio; and

  iii) Internet Web casting and Streaming Videos.

Malaysia: Code of Conduct

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India: Code of Conduct for ISPs

- **Who the code covers**
- Started in 1998, the code is open to voluntary acceptance by all members of the Internet Service Providers Association of India (ISPAI). Consists a total of 46 members.

- **Code — voluntary/ mandatory**
- Members agree that they will abide by this code of conduct in letter and spirit.
- The aim of the ISPAI code of conduct is to enunciate and maintain high standards of Ethical and Professional Practices in the field of Internet Services.

- **Content of code — what it covers**

- Obligations to Law
  1. ISPAI and its members have a responsibility to adhere to law and co-operate with Law Enforcement Agencies — acting within the specified Indian Legal Framework
  2. Members will not knowingly permit any user or fellow member to engage in any illegal activity in terms of the provisions of Information Technology Act 2000, ISP Policy and any other such applicable legal framework
  3. Members will follow and adhere to all jurisdictional laws pertaining to transaction reporting
  4. Members, their services and promotional material will not encourage anything that is patently unlawful

- Obligations to the Public
  1. Members will deal fairly with the fellow professionals and the public, giving due respect to the rights and legitimate interest of others
  2. Members will endeavour to support public service Initiatives in harmony with the jurisdictions in which they provide their services.
  3. Members will ensure that their services and promotional material do not contain anything that may incite violence, cruelty or hatred on the basis of sexual discrimination, cast, creed or religion
  4. Members shall ensure that minors are not registered by them for Internet Services except with the explicit permission of their parents/guardians

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India: Code of Conduct for ISPs

- **Content of code – what it covers**

- Obligations to own profession

   1. Members will abide by all terms & conditions of license agreements in letter and spirit for provision of internet services
   2. Members shall be truthful in all promotional activities and publish such information that is devoid of inaccuracies, ambiguities, exaggerations or omissions about their operations, services and pricing to customers and government / private agencies
   3. Members will institute controls to detect and eliminate fraud and protect their data and the systems from internal and external breaches
   4. Members will co-operate with each other in investigating and preventing instances of hacking
   5. Members will institute adequate control measures to prevent the unauthorised access to the resources of internet services
   6. Members shall ensure that that they explicitly bring to the notice of their customers all terms and conditions for provision of their services, before such customers register with the member for their services

- Obligations to customers

   1. Members have a responsibility to make this code of conduct clear to all their clients as well as to their channel partners / distributors and indicate to them that any breach of code of conduct and / or violation of law will result in cessation of services
   2. Members will design and operate their services to afford customer's privacy and confidentiality and will post their confidentiality practices and procedures appropriately
   3. Members will follow best industry practices in offering customers the latest filtering software and advise them regarding any software tools, that they can use to protect their confidential data and privacy
   4. Members will follow the best industry practices in using anti-spamming software, such that customers can elect to minimise the amount of spam sent to their e-mail account
   5. Where internet services involve collection of personal information such as telephone numbers, credit card details and addresses, etc., from customers, it would be obligatory for members to clarify to them the purpose for which such an information will be used

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India: Proposed Code of Conduct for Social Media

- **How it came about**
- The code was led by Communications and IT Minister Kapil Sibal who complained of offensive images posted online: these included derogatory pictures of Indian prime minister Manmohan Singh, Prophet Muhammad, a Hindu goddess and a Facebook page that "maligned" president of the Congress Party Sonia Gandhi. One example was an image showing pigs running through Islam's holy city of Mecca.

- Sources in the Ministry said the code may contain provisions that stipulate heavy penalties for websites that publish "offensive" material.

- Sibal said he was against censorship but that US laws and community standards could not be applied in India.

- Since 5 September 2011, the Indian government has tried to get companies such as Facebook, Google, Yahoo and Microsoft to formulate a strategy for screening alleged derogatory, defamatory and inflammatory materials that could trigger social/communal strife.

- Sibal said the companies had initially verbally agreed to some elements of the code proposed by the government, but then took a different position, saying they would remove objectionable content only if ordered by the court.

- Officials from those companies refused to make a commitment beyond saying they would look into any specific complaint that was brought to their notice.

- Sibal noted that if those companies were unwilling to co-operate, then the government would step in.

India: Proposed Code of Conduct for Social Media

- **<u>Reactions from the companies</u>**

1. Facebook

- It said in a statement, "We want Facebook to be a place where people can discuss things freely, while respecting the rights and feelings of others, which is why we already have policies and on-site features in place that enable people to report abusive content. We will remove any content that violates our terms, which is designed to keep material that is hateful, threatening, incites violence or contains nudity off the service. We recognise the government's interest in minimising the amount of abusive content that is available online and will continue to engage with the Indian authorities as they debate this important issue."

2. Microsoft and Yahoo! refused to comment.

3. Google seemed to have disagreements with Sibal's statements:

- Its statement reads: "We work really hard to make sure that people have as much access to information as possible, while also following the law. This means that when content is illegal, we abide by local law and take it down. And even where content is legal, but violates our own terms and conditions, we take that down too, once we've been notified. But when content is legal and doesn't violate our policies, we won't remove it just because it's controversial, as we believe that people's differing views, so long as they're legal, should be respected and protected."

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Arguments for the code

1. The President of the Internet Service Providers Association of India (ISPAI) said internet companies should be aware of national security issues and that self-regulation is the best censorship; one should not do anything to harm the peace of the country.

2. Communications and IT Minister Kapil Sibal said it is important to safeguard the sensibilities of the people — cultural ethos is very important in India.

3. Indian politician Sajjad Lone said that blasphemous and obscene content needs to be censored. He took issue with India trying to imitate the West, highlighting that they both have different values, cultures, responses and interpretations.

Arguments against the code

1. Companies such as Google and Facebook said their policies are in place to enable people to report on abusive content and also will remove content that violates their terms designed to keep material that is hateful, threatening, incites violence or contains nudity off the service.

2. Critics viewed the code as an attempt by the government to gag the medium. Indian politician Varun Gandhi tweeted that the internet is the only truly democratic medium free of vested interests, media owners and paid-off journalists.

3. An opinion piece by India-born writer based in London Salil Tripathi for the *Wall Street Journal Asia* said the real reason for the code could be to limit criticisms of the government. He said, "While Mr. Sibal cloaks his censorship threat in terms of social harmony, political reputation may be more the point. In the first half of 2011, India made 358 requests to Google to remove content from the internet, of which 255 dealt with criticism of the government. Significantly, India is now one of only four countries to ask to remove content critical of the government." The other three countries are Thailand, Turkey and the United States.

4. Sibal's proposed pre-screening policy was widely satirised on the internet.

India: Proposed Code of Conduct for Social Media

<u>Arguments against the code</u>

- News reports stated that Indian netizens took to Facebook and Twitter to express their frustration with the government in the aftermath of Sibal's proposal.

- Sibal's proposed pre-screening policy was widely satirised on the Internet.

<u>Current status of the code</u>

- Based on press reports, the Indian government intends to pursue this but no expected date is given indicating when the code will be implemented. According to the *Times of India*, sources within the IT ministry said the legal process is expected to "take a while".

India: Proposed Code of Conduct for Social Media

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India: Proposed Code of Conduct for Social Media

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US: Bloggers' Code of Conduct

2007 Proposal for Bloggers' Code of Conduct

- **Who the code covers**
- Idea of a code of conduct for bloggers mooted by web expert Tim O'Reilly in April 2007

- **How it came about**
- Due to the "Kathy Sierra incident": Sierra, a technology blogger, had received death threats on her blog. Main reason remains elusive but it has been said that it could be because she was "too damned optimistic".

- **Code — voluntary/ mandatory**
- Emphasised on self-regulation as opposed to government/ legal regulation

- **Content of the code — what it covers**
- Tim O'Reilly and Wikipedia founder Jimmy Wales created a seven-point provision:

  1. Take responsibility not just for your own words, but for the comments you allow on your blog
  2. Label your tolerance level for abusive comments
  3. Consider eliminating anonymous comments
  4. Ignore the trolls
  5. Take the conversation offline, and talk directly, or find an intermediary who can do so
  6. If you know someone who is behaving badly, tell them so
  7. Don't say anything online that you wouldn't say in person

- To back up the code, they proposed a "civility enforced" badge marking sites which subscribe to the guidelines, and an "anything goes" badge to denote those that do not. The proposed guidelines can be interactively amended by web users, until a final version is agreed upon.

US: Bloggers' Code of Conduct

Arguments for the code:

1. Blogger Kathy Sierra thinks it could be the time to re-examine whether the blogosphere needs to be completely uncensored. She said that there was a need to combat the "culture of abuse" online. "There is an unwritten rule in the blogosphere that it is wrong to delete nasty comments. It suggests that you can't take criticism but now there is a sense that this is nonsense," she said.

2. Technology blogger Sam Sethi takes issue with the anonymity of users. He said, "These young geek guys, they feel that they can say what they want and do it with anonymity. It can bring out the worst character behaviour because they feel that they are hidden." For instance, he has turned off the facility on his blog that allows anonymous posts.

3. Blogger Tim O'Reilly said that setting standards for acceptable behaviour in a forum one controls is conducive to free speech, not damaging to it.

4. Sethi said it might be the time where bloggers professionalise what they do. He said that it is up to them to decide on the rules and it would simply be a line at the top of the blog which shows readers the sites that adhere to this code.

Arguments against the code:

1. Dan Gillmor of the Centre for Citizen Media, a group devoted to grassroots media attached to Berkeley's Graduate School of Journalism, said that bloggers require only one simple rule: be civil. He added that it would be hard to judge what is considered unacceptable behaviour.

2. New media site 910am said that civility is subjective and controlling what people say and do on blogs can only be a recipe for the decline of the medium and the introduction of totalitarianism online.

3. Blogger John Hawkins questions the applicability of the code to all blogs since there various types of blogs and internet publications that do not consider themselves as part of the blogosphere. "Would a political blog have the same rules as a tech blog?" he asked.

4. Hawkins also argued that any set of rules without a method of enforcement is "useless" . He also questioned whether readers would heed the code even if it is displayed on those blogs and if there were to be government interference to enforce this, he said that the "cure would be worse than the disease".

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US: Bloggers' Code of Conduct

2007 Proposal for Bloggers' Code of Conduct

- **Current status of the code**
- O'Reilly later wrote a piece, "Code of Conduct: Lessons Learnt So Far" which addressed criticism and issues raised after the code was mooted.
- There was much debate on O'Reilly's proposal for a bloggers' code of conduct but the idea did not take off.
- No follow-up reports from press or O'Reilly himself on why the idea did not succeed.

US: Bloggers' Code of Conduct

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China: Internet Code of Conduct

- **Who the code covers**
- A pledge called the "Public Pledge on Self-Discipline for the China Internet Industry" was created by the Internet Society of China — a self-governing internet industry body — in March 2002. Covers the Internet — both ISPs and ICPs — in general.
- Applicable to both local and non-Chinese web companies

- **Code — voluntary/ mandatory**
- Signing it is officially optional, but firms that do not sign are no eligible to receive a Chinese Internet Content Provider license, which is required to obtain a ".cn" domain.

- **Content of code — what it covers**
- The four-page document contains four chapters and 31 articles covering four "principles of self-discipline for the Internet industry": patriotism, observance of the law, fairness and trustworthiness.
- Among some of the guidelines which the pledge stipulates include "refrain from producing, posting or disseminating harmful information that may jeopardise state security and disrupt social stability, contravene laws and regulations and spread superstition and obscenity".

- **What are the current internet laws?**
- All internet traffic entering or leaving China must pass through government-controlled gateways — that is, banks of computers — where e-mail and Web-site requests are monitored. E-mail with offending words such as "Taiwan independence" or "democracy" can be pulled aside and trashed.
- Uses filters to block access to sites run by the banned spiritual movement Falun Gong, human rights groups and some foreign news organisations.
- On 22 April 2010, the government approved an amendment to the revised draft Law on Guarding State Secrets. The revised law requires internet and telecom firms to "co-operate with public security organs, state security agencies [and] prosecutors" on suspected cases of state secrets transmission.

China: Internet Code of Conduct

- **<u>Arguments against the code</u>**

- The main and most common criticism is that the pledge is considered as a form of censorship. In criticising Yahoo for signing the pledge, the Human Rights Watch noted that it opens the door to online censorship.

- While this does not imply that Yahoo is supportive of the public pledge agreement, it pointed out that restrictions on content as stipulated in the pledge impose no greater obligation that already exists in laws in China. However, it pointed out that if the pledge had called for a form of self-censorship beyond existing laws, then they would have "serious questions".

- **<u>Current status of code</u>**

- In 2002, Yahoo became the first and remains to be the only Western company known to have signed the pledge.

- The pledge was signed in March 2002 by Yahoo's wholly-owned subsidiary based in Hong Kong and Chinese software company Founder, which operates Yahoo China.

- As of 2006, the pledge had been signed by more than 3,000 entities operating websites in China.

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China: Internet Code of Conduct

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Nepal: Blogger's Code of Conduct

- **Who the code covers**
- A code of ethics for bloggers was created in July 2011. A joint initiative by BLOGAN, a loose network of Nepali bloggers, and Online Journalists Association of Nepal (OJA), an associate member of Federation of Nepali Journalists (FNJ).
- Ten bloggers were present during the event to be signatories of the code. It was reported that seven prominent bloggers who pledged to sign the code were not able to attend but had expressed "full support" of it.

- **Code — voluntary/ mandatory**
- The code is not legally binding, acting only as guidelines. However, bloggers who are signatories, by doing so, pledge to follow the code.

- **Content of Code — what it covers**
- A one-page document listing what bloggers should and should not do:

As a blogger, I would honestly:
1. Be fair on what I write in my blog
2. Write things that I believe to be truth
3. Specify my source of information — credit to offline sources and link to online sources
4. Specify clearly the use of any unconfirmed fact or information
5. Avoid conflict of interests — clearly disclose my position including job, financial interest, affiliation and relationship if they related to the post OR maintain a detailed About Me page
6. Clearly differentiate between advertisements and blog content
7. Disclose clearly if an entry posted is sponsored or is an advertisement after accepting a payment or goods to write it
8. Admit and correct mistakes as soon as possible but only with strikethrough or editorial notes
9. Allow comments to engage audience, allow different opinions and clearly state my moderation policy, if any
10. Show compassion for human being — be sensitive writing about or using photos of victims
11. Promote freedom of speech

Nepal: Blogger's Code of Conduct

As a blogger, I wouldn't intentionally:

1. Completely rewrite or delete an entry
2. Threaten people and institutions using the blog for personal benefits
3. Write anything undermining nationality, national security, religious harmony and social order
4. Give space to pornography, hate speech and crude content
5. Publish personal and confidential information of people collected during their visit to my blog
6. Spam, spread malware and viruses and engage in criminal activities
7. Plagiarise — copy and paste from other sources
8. Disclose the source of primary information without source's consent

- **How it came about**
- Modelled after US web expert Tim O'Reilly's suggestion for a blogger's code of conduct to establish the medium as a credible source of information

- **Do the bloggers abide — how does one find out?**
- It is not apparent how readers are able to know if a blogger abides by the code

- **Arguments for the Code**
- "Ethics is not a restriction or regulation; rather it's a responsibility that will help to establish blogs as a credible medium of information." – Nepalese blogger Ujjwal Acharya
- Becoming a signatory is also a way to inform audience that bloggers are blogging responsibly and ethically

- **Current status of code**
- It is understood that only 10 bloggers became signatories when the code was launched. Seven others were unable to attend but had pledged their support. However, it remains unknown whether they would later on become signatories. Based on the blogs of those who became signatories, there was no logo/ label or written information to display to readers that they abide by the code.

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Canada: Code of Conduct for ISPs

- **Who the code covers**
- Created by the Canadian Association of Internet Service Providers (CAIP) in 1996. CAIP represents more than 100 ISPs and carry over 85% of Canadian Internet traffic. The code covers only the ISPs.

- **Code — voluntary/ mandatory**
- A voluntary code aimed to promote self-regulation and good business practices among Canadian ISPs.

- **Content of code — what it covers**
- A one-page document containing seven principles:

1) CAIP will co-operate with all government officials, international organisations and law enforcement authorities seeking to clarify the responsibilities for each of the different functions performed by internet companies
2) CAIP members pledge to comply with all applicable laws
3) CAIP members are committed to public education about Internet issues and technology
4) Privacy is of fundamental importance to CAIP members who will respect and protect the privacy of their users. Private information will be disclosed to law enforcement authorities only as required by law.
5) CAIP members will not knowingly host illegal content. CAIP members will share information about illegal content for this purpose.
6) Although internet providers are unable to monitor all content, CAIP members will make a reasonable effort to investigate legitimate complaints about alleged illegal content or network abuse, and will take appropriate action.
7) Prior to taking any action, upon receipt of such complaints CAIP members will:
a) conduct an internal review to determine the nature and location of the content or abuse, and where warranted; b) consult with legal counsel and/or outside authorities, and/or; c) notify the content provider or abuser of the complaint, with a request for a response within seven days.

Canada: Code of Conduct for ISPs

- **What are the current internet laws?**
- There are specific Canadian legislation that deals with the Internet as a unique medium, presenting its own distinct problems and requiring its own solutions.
- With respect to the use of the internet for offences such as hate propaganda, pornography, or the publication of licensed works, other laws — such as the Criminal Code and the Copyright Act — take over.

- **Do the ISPs abide — how does one find out?**
- ISPs need not comply with the code to become or remain as a member. No apparent way for consumers to verify whether an ISP member abides by the code.

- **Arguments for the code**
- CAIP's Code of Conduct sets out general principles by which the Association, if not the membership, will guide itself. It also provides a strong foundation upon which to build a more transparent, effective system within which greater compliance and accountability can be achieved.
- By setting standards and behaviours that a group of companies or an industry agree to adhere to, voluntary codes of conduct can strengthen consumer confidence.

- **Arguments against the code:**
- An ISP need not agree to comply with the code to become a member or stay a member of CAIP. This eliminates the possibility of using loss of membership as a way to punish behaviour that runs contrary to the code.
- No readily apparent way by which a consumer can verify, at the level of the Association, whether or not a current member complies with the code's principles.

- **Current status of code**
- The code is in place but there have been no follow-up reports on whether members of the CAIP abide strictly by the code.

Canada: Code of Conduct for ISPs

References

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Alternative/ Supplementary Action

Media Literacy

- Canada, for instance, has established a not-for-profit organisation called the "Media Awareness Network" or Mnet, which specialises in media education focusing on imparting critical skills instead of prescribing particular courses of action in dealing with the Internet.
- This policy is managed by a board of directors with members from the internet industry, government, library and public education sectors.
- Staff of highly-skilled personnel with expertise in areas of communications and media are roped in to carry out the programme.
- Mnet launches internet education programmes / Internet education Web site that, among others:
  1. Highlight challenges and issues arising from the increasing number of children connected to the Internet.
  2. Provide parents and educators with practical information and hands-on activities to empower children to be "safe and savvy" users.
  3. The website, together with additional workshops, address issues on online marketing to children, offensive content, online safety issues and authenticity of online information.

Alternative/ Supplementary Action

Desktop filtering technologies

- Desktop filtering technologies allow users to control the content they are able to access on their computers. The most common application of desktop filters is in the family setting where parents determine which web sites and chat rooms their children are permitted to go to while on-line.

- However, there is a caveat, the filters might not effectively capture all undesirable content and may filter out some content unintentionally. In addition, those technologically adept might be able to beat the filter.

Voluntary rating systems

- Voluntary rating systems which are used together with browser-based and stand-alone filtering technologies can help block undesirable content and also to direct users to desirable content.

- For instance, Voluntary Content Rating or VCR is a specification which uses HTML metadata tags embedded in web pages which allow parents and educators to control online materials that can be accessed by children.

- Using this method, parents can rate web pages using two basic categories, "mature" and "adult". Sites rated as "mature" refers to Internet materials not suitable for children under 13 years of age. Sites classified under "adult" would include content meant for those 18 years of age and above.

Alternative/ Supplementary Action

References

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