

Cyber Dimension of State Repression

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Overview

- Recent cyber repression events
- What is different about the cyber dimension of state repression? What is the same?
- Citizen use of technology
- State use of technology
- International human rights norms and laws
- Solutions?

Recent Cyber Repression Events

Cyber Repression - Ukraine

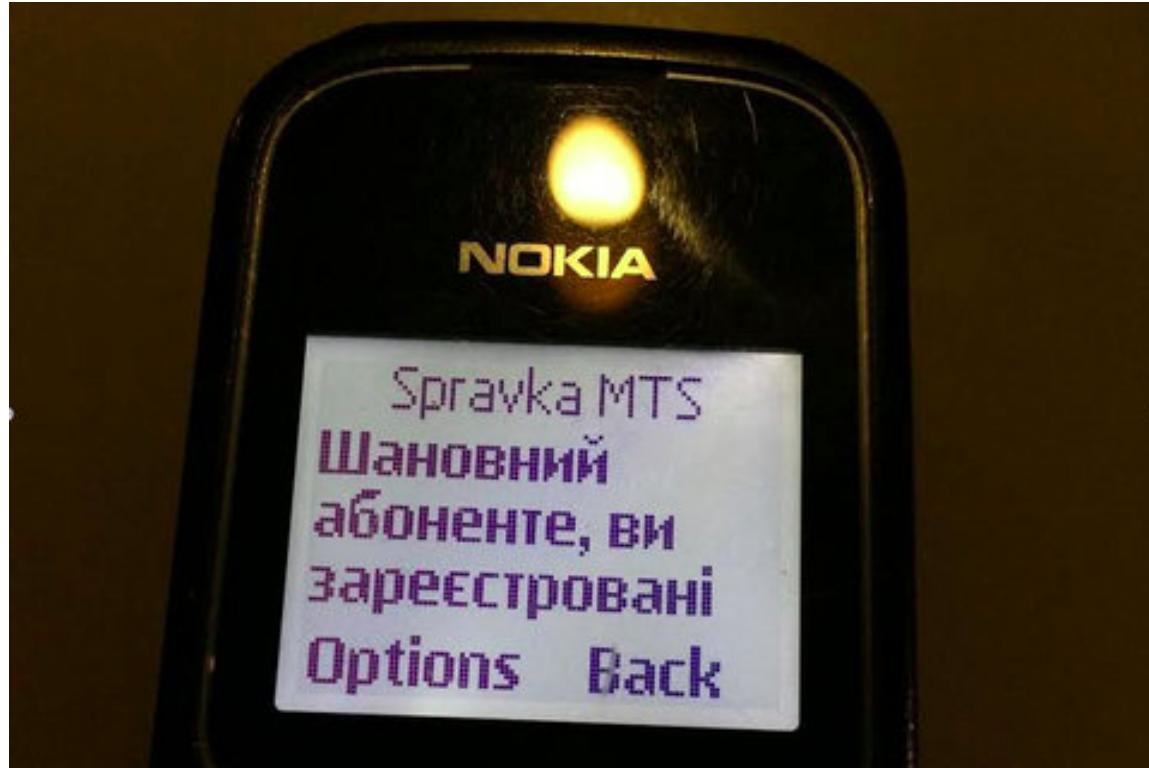
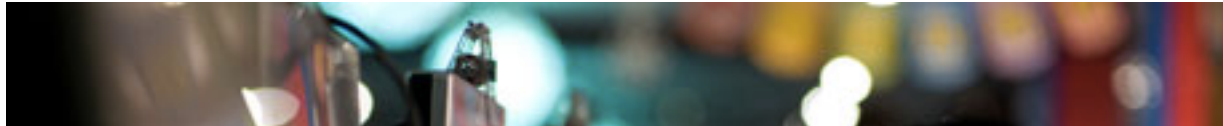


Photo: Andrew E. Kramer/The New York Times

“Dear subscriber, you are registered as a participant in a mass disturbance.”

Cyber Repression - China



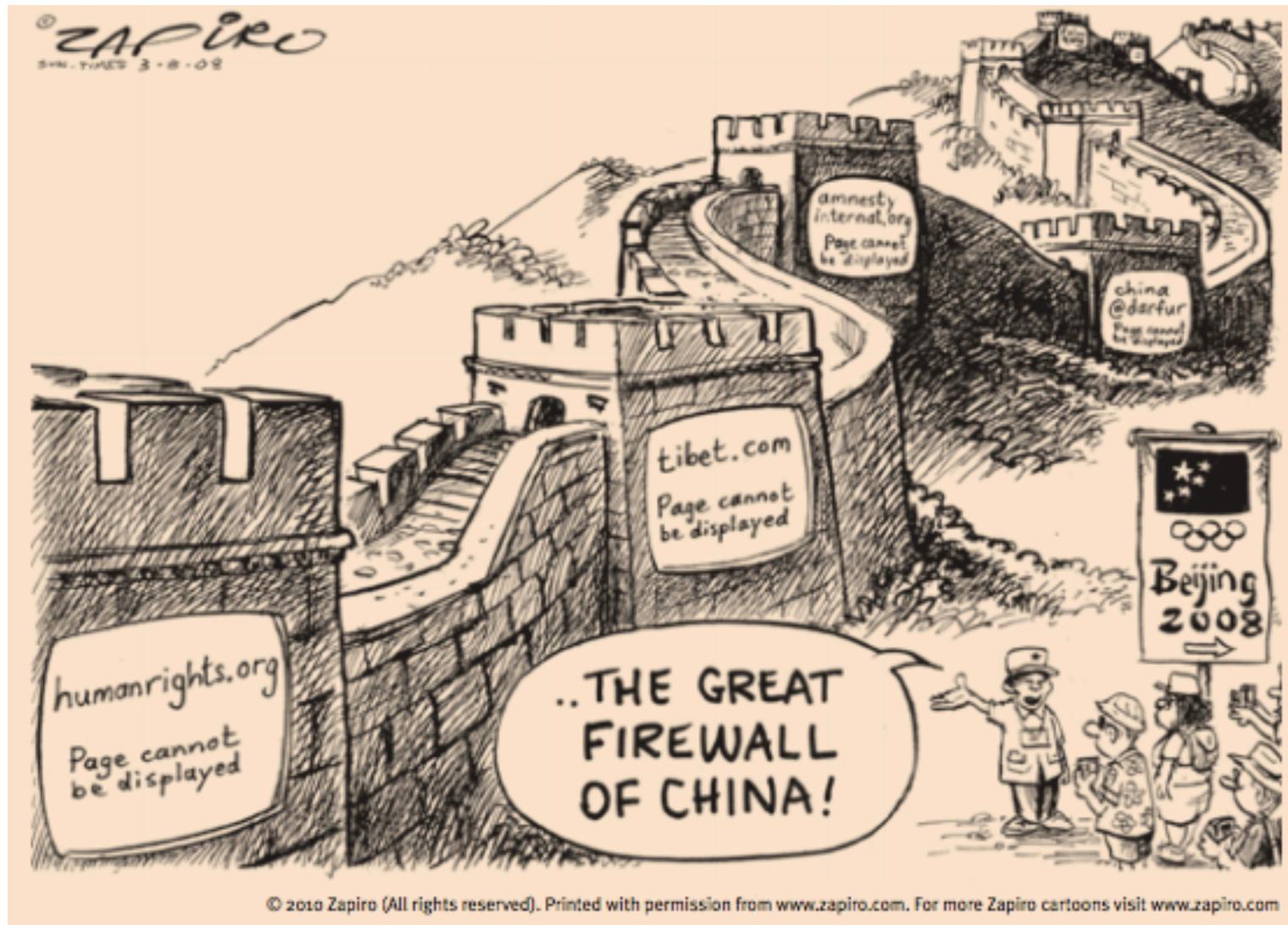
WEB & COMMUNICATION SOFTWARE

20 Years After Tiananmen, China Containing Dissent Online



China's internet users temporarily blocked
from foreign websites, April 2012

Cyber Repression – China



Russia

Cyber attacks:

- use of patriotic hacker community (Nashi)



**The more things change...the
more they stay the same?**

Traditional Conception of Repression

1. Actual or threatened use of **physical** sanctions against an individual or organization
2. Within the territorial jurisdiction of the state,
3. For the purpose of imposing a cost on the target as well as deterring specific activities

(Goldstein 1978, p. xxvii).

Cyber Repression and Reconceptualization

- Physical integrity rights vs. Civil and political rights
- Alternatively, “the more things change, the more they stay the same...”
 - Claims of “internet” sovereignty
 - Overt and covert
 - Use of government agents OR government-sponsored agents (cyber militias)

Cyber Repression: Unconventional but Effective

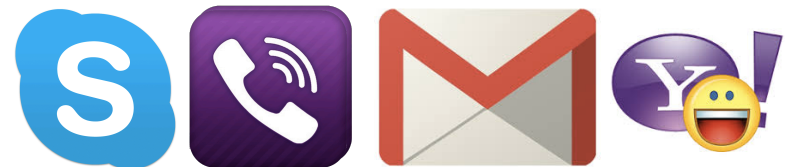
1. Undermine trust in opposition groups / local challengers to the state
2. Increase information advantage of state
(MacKinnon 2011)

**How is the technology being used
by states and challengers?**

Citizen Use of Technology

- Communication

- VOIP
- IM
- Email



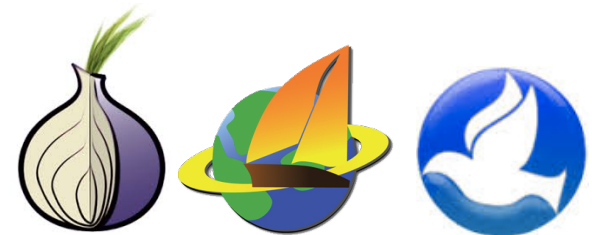
- Citizen Journalism

- Blog
- Microblog
- Video Sharing



- Accessing Restricted Contents

- Anonymization



State Use of Technology

- Censorship
- Falsification of information
- Intimidation
- Retaliation

International Human Rights Norms and Laws

Right to Privacy + Freedom of Expression

- Cyber repression primarily concerns violations of the **right to privacy** and **freedom of opinion and expression**
- Rights enshrined in:
 - Universal Declaration of Human Rights
 - International Covenant on Civil and Political Rights
 - Convention on the Rights of the Child
 - International Convention on the Protection of All Migrant Workers and Members of Their Families
 - Regional charters

UN Human Rights Council Report

- *"The lack of explicit articulation of the content of this right has contributed to difficulties in its application and enforcement" [UNESCO, 2012]*
- *"As the right to privacy is a qualified right, its interpretation raises challenges with respect to what constitutes the private sphere and in establishing notions of what constitutes public interest."*

A new definition of the right to privacy?

The right to privacy is our right to keep a domain around us, which includes all those things that are part of us, such as our body, home, thoughts, feelings, secrets and identity. The right to privacy gives us the ability to choose which parts in this domain can be accessed by others, and to control the extent, manner, and timing of the use of those parts we choose to disclose.

-Haifa Center of Law and Technology

Monitoring and Enforcement

- Numerous violations of the rights to privacy, expression, and opinion
- Not just in traditionally repressive countries
 - NSA surveillance scandal
- Cyber repression activities offer governments *plausible deniability*

Solutions?

Targeting the Technology

Cyber repression is enabled by cyber technologies...

....but so are the best policy prescriptions!

[“Wired for Repression”](#)

Targeting the Technology

- Export Controls
 - [Executive Order re: Syria](#)
 - Wassenaar Arrangement
- TOR
 - State Department support
- Combating Censorship
 - Google vs. China, Microsoft vs. China
 - Reputational costs? Financial costs?

Conclusion

- Cyber repression is widespread
 - Varying degrees of repression, but violations of the right to privacy are not limited to traditionally repressive states
- Citizens are “wired to challenge” and states are “wired to repress
- Need to update and formalize norms around the right to privacy
- Most effective solutions will target the technology (for now)