## The Hebrew University of Jerusalem

## Syllabus

## Clinic on Human Rights in Cyberspace - 62270

Last update 04-09-2019

<u>HU Credits:</u>  6

<u>Degree/Cycle:</u> 1st degree (Bachelor)

<u>Responsible Department:</u> Law

<u>Academic year:</u> 0

<u>Semester:</u> Yearly

<u>Teaching Languages:</u> Hebrew

<u>Campus:</u> Mt. Scopus

<u>Course/Module Coordinator:</u> Adv. Dana Yaffe

<u>Coordinator Email:</u> [Dana.Y@mail.huji.ac.il](mailto:Dana.Y@mail.huji.ac.il)

<u>Coordinator Office Hours:</u> mondays 12:00-17:00, Tuesdays 13:00-17:00

<u>Teaching Staff:</u>

Dr. Tamar Berenblum
Dana Yaffe

Course/Module description:
In recent years CyberSpace has become a main platform for social interactions. The rapid technology innovations and the evolution of social behavior in the cyberspace, alongside the lack of clear regulation in cyberspace create new threats on human rights and liberty. These social changes set the background for the establishment of The Clinic on Digital Rights and Human Rights in Cyberspace, that operates as a joint venture of the Cyber Security Research Center and the Clinical Legal Education Center. An important goal of the Cyber Law Program is to train a new generation of lawyers, criminologists and academics with the skills to study and practice law and criminology in a cybernetic environment. The Digital Rights Clinic would be the natural springboard, offering the means to create a cadre of students, clinicians and academics immersed in cyber-law, cyber-criminology and internet law issues.

Course/Module aims:
Participation in the Clinic will expose students to the legal challenges faced by cyber security and cyber criminology, and more generally to the complex interaction between law on the books, law in action and law enforcement, thereby creating sensitivity to the technological and social context in which abusive on-line interactions occur and inculcate in them a better understanding of the formal social control and the law, its limitation and its potential for protecting rights and advancing social change. The students will experience `hands on` legal casework, under the supervision of the legal director of the Clinic, and contribute to the accumulation of legal knowledge about the actual application of cyber law in Israel, which will serve as the basis for academic research and practical reform proposals.

Learning outcomes - On successful completion of this module, students should be able to:
The academic studies in the Clinic set a substential theoretical backround to the casework of the Clinic, enabling the students who partcipate in the Clinic to have a meaningful part in the legal representation the Clinic offers. The students would acquire tools to analyze complex legal questions regarding the application of the law in the cyberspace.

Among the projects the Clinic will focus on:

On-line Incitement Project: to represent victims of on-line incitement, typically members of minority groups, and to explore possible regulatory responses based on technological solutions and involving law enforcement, civil remedies, social media

*platforms, media outlets etc.*
*On-line Sexually Implicit Contents Project: to represent minors affected by unlawful exposure of sexually explicit contents, and to explore the possibility of harnessing more effective law enforcement tools to curb the utilization of on-line platforms for the commission of unlawful sexual offences, such as child pornography and prostitution.*
*Social Media Providers' Responsibility Project: to support the two aforementioned projects in exploring — at a broader level — the legal, administrative and self-regulatory remedies and solutions that could be made available to individuals and institutions adversely affected by harmful contents on social media.*
*Cyber Rights Awareness Project: to engage law students in outreach activities to raise awareness of legal rights, remedies and other measures that can be taken in order to promote and protect basic interests.*

*Attendance requirements(%):*
*  100%*

*Teaching arrangement and method of instruction: Lectures and Case work*

*Course/Module Content:*
*  1. Law in cyberspace*
*2. Freedom of expression in cyberspace*
*3. The right to privacy in cyberspace*
*4. Regulating cyberspace in Israel*
*5. Alternative Enforcement*
*6. Artificial intelligence and human rights*
*7. Legal liability in the cyberspace*
*8. Digital human rights*
*9. Civil society organizations and their activities in the field of digital rights*
*10. The right to anonymity on line*
*11. Sex offenses in the cyber sphere*
*12. Ethics and Technology*
*13. Conflict of law*
*in the cyber sphere*

*Required Reading:*
* - Anja Mihr, Cyber Justice: Cyber Governance through Human Rights and a Rule of Law in the Internet, 13 US-China L. Rev. (2016)*
*- APC Internet Rights Charter*
*- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc. A/HRC/38/35 (2018)*

- Report of the Special Rapporteur on the right to privacy in the digital age, UN Doc. A/HRC/39/29 (2018)
- Katie Shilton, Four Billion Little Brothers? Privacy, mobile phones, and ubiquitous data collection, acmqueue (2007)
- David R. Johnson and David G. Post, Law and Borders: The Rise of Law in Cyberspace, 48 Stanford Law Review (1996) 1367
- Jack L. Goldsmith, Against Cyberanarchy, 65 U Chicago L Rev (1998) 1199.
- Lawrence Lessig, The Law of the Horse: What Cyberlaw Might Teach, 113 Harvard L.R. (1999) 501.
- Anja Mihr, Cyber Justice: Cyber Governance through Human Rights and a Rule of Law in the Internet, 13 US-China L. Rev. (2016) 314
- Rona, Gabor and Aarons, Lauren, State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace 8 J. Nat'l L & Pol'y (2016)
- Yael Ronen, Big Brother's Little Helpers: The Right to Privacy and the Responsibility of Internet Service Providers (2015) 31(80) Utrecht Journal of International and European Law 72
- Gabor Rona & Lauren Aarons, State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace, 8, J. Nat'l Security L. & Pol'y

DeNardis, L. (2014). Controlling internet resources. In L. DeNardis (Ed.), The global war for internet governance (pp. 33-62). CT: Yale university press.

Mueller, M.L. (2010). Critical internet resources. In M.L. Mueller (Ed.), Network and states: The global politics of internet governance (pp. 215-252). MA: MIT press.

Lindsay, D. F. (2013). What do the .XXX disputes tell us about internet governance? ICANN's legitimacy deficit in context. Telecommunications Journal of Australia, 63(3). doi: //dx.doi.org/10.7790/tja.v63i3.432.
- Yuval Shany, Contribution to Open Consultation on UN GGE 2015 Norm Proposals - Daskal E. (2017): Let's be careful out there ... : how digital rights advocates educate citizens in the digital age, Information, Communication & Society, DOI:10.1080/1369118X.2016.1271903
- Daskal, E. (2017). The Israeli Digital Rights Movement's campaign for privacy. Internet Policy Review, 6(3). DOI: 10.14763/2017.3.711.
- Asaf Lubin, A Roadmap for the Cross-Border Data Transfers Debate
- Alicia Loh (Edited by Mark Weston) Google v. Equustek: United States Federal Court Declares Canadian Court Order Unenforceable
- Paul Alster, Criminalizing virtual rape, The Jerusalem Post, 23.3.2015
- Danielle Keats Citron, Law's expressive value in combating cyber gender harassment, 108 Mich. L. Rev. 373
- Litska Strikwerda, Present and Future Instances of Virtual Rape in Light of Three Categories of Legal Philosophical Theories on Rape, 28 Philosophy & Technology, 491
- Mouchette with Manthos Santorineos Introduction by Toni Sant, Rape, Murder and Suicide Are Easier When You Use a Keyboard Shortcut: Mouchette, an On-Line Virtual Character

 *Additional Reading Material:*


 *Course/Module evaluation:*
 *End of year written/oral examination 0 %*
 *Presentation 0 %*
 *Participation in Tutorials 10 %*
 *Project work 0 %*
 *Assignments 20 %*
 *Reports 0 %*
 *Research project 0 %*
 *Quizzes 0 %*
 *Other 70 %*
*Case Work*


*Additional information:*