

Freedom of Thought in the Online World

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What have human rights got to do with marketing?

UN Guidelines on Business and Human Rights

- o Businesses have obligations to respect human rights
- o Governments have obligations to protect human rights

Human rights are key to ESG

Human rights are “ethics with teeth”

Cambridge Analytica – a Lightbulb Moment

Political behavioural micro-targeting
Designed to get inside our minds and
change the way we behave
Social and political consequences



Freedom of Thought

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.



Freedom of Opinion

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.



The scope of freedom of thought

“The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18(1) is far-reaching and profound; it encompasses freedom of thoughts on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others....”

Two aspects to the rights

Absolute protection of the “forum internum”

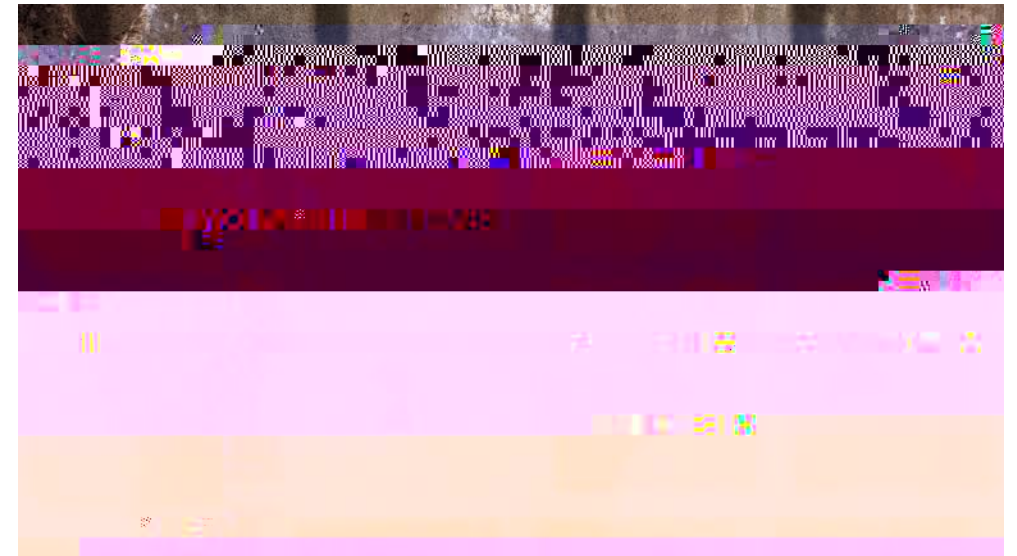
Qualified protection of manifestation and expression



How is the “*forum internum*” protected?

Three layers of protection

- o The right to keep your thoughts and opinions private
- o The right not to have your thoughts and opinions manipulated
- o The right not to be penalised for your thoughts

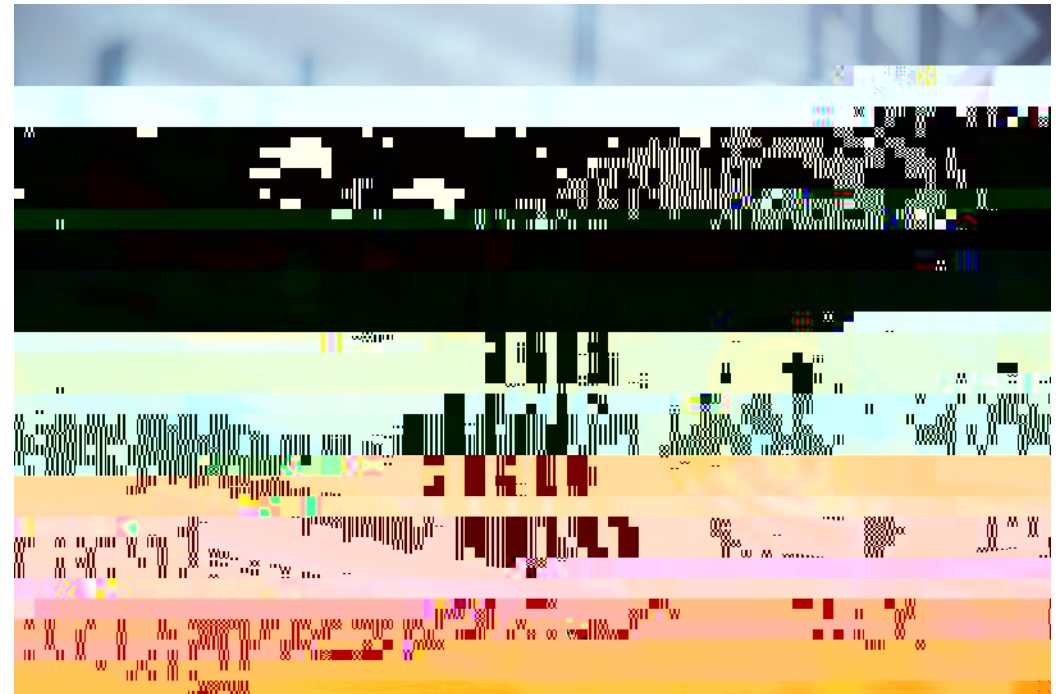


How might digital marketing interfere with the *forum internum*?

Inferring or predicting thoughts and emotions through data

Behavioural micro-targeting using real time inferences to influence thoughts with targeted messaging

Using data to exclude some people from opportunities



“It is by manipulating "hidden forces" that the advertising experts induce us to buy their wares -- a toothpaste, a brand of cigarettes, a political candidate. And it is by appealing to the same hidden forces -- and to others too dangerous for Madison Avenue to meddle with -- that Hitler induced the German masses to buy themselves a Fuehrer, an insane philosophy and the Second World War.”

*“It’s time to strengthen privacy protections;
ban targeted advertising to children;
demand tech companies stop collecting
personal data on our children.”*

US President Joe Biden
State of the Union Address
March 2022

What is the future of digital marketing?

Defining the limits

What kind of inferences might you be able to make about what someone is thinking?

Where is the line between legitimate influence and manipulation?





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