

**Freedom Online**  
Joint Action for Free  
Expression on the Internet

8 & 9 December 2011, The Hague

Programme



# Foreword

Friends and colleagues,

Welcome to the Netherlands for the conference 'Freedom Online: Joint Action for Free Expression on the Internet'. We live at a time when the Internet is becoming ever more important to our daily lives. At the same time, an increasing number of people around the world are subjected to online repression.

The global nature of the threat to internet freedom requires a global debate. That is why I decided to facilitate a dialogue about the responsibility of governments across the world to further freedom of expression, association and assembly on the Internet, in close consultation with companies, NGOs, representatives of international organisations and experts.

It is my goal today for participants to identify proactive steps we can take together to stand up for internet freedom and to suggest ways in which governments can improve the situation of bloggers, cyber dissidents and other internet users around the world.

I wish all of you a successful and enjoyable conference.

**Uri Rosenthal**

Minister of Foreign Affairs of the Kingdom of the Netherlands

# Official programme

## Freedom Online

Joint Action for Free Expression on the Internet

8 DECEMBER

### OPENING SESSION OF THE CONFERENCE

Hosted by Google & Free Press Unlimited

*Fokker Terminal, The Hague*



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**16.30** Registration

**18.20** **Welcome by Eric Schmidt**  
(Executive Chairman Google)

**18.30** **Opening of the conference by Netherlands'**  
**Minister of Foreign Affairs Uri Rosenthal**

**18.40** **Key note speech by Secretary**  
**of State Hillary Clinton**

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**19.15** Q&A with Eric Schmidt

**19.30** Panel discussion with Chiranuch Premchaiporn,  
Bernard Dijkhuizen and Tarik Nesh-Nash, moderated  
by Joris Luyendijk

**20.15** Closing remarks by Sweden's Minister of Foreign  
Affairs Carl Bildt



[facebook.com/ifreedom2011](https://facebook.com/ifreedom2011)



[@ifreedom\\_2011](https://twitter.com/ifreedom_2011), [#ifreedom](https://twitter.com/#ifreedom)

## 9 DECEMBER – MORNING

### PLENARY SESSION OF CONFERENCE

Moderated by Ahmad Fawzi

(Communications consultant, UN Support Mission in Libya)

***Netherlands Ministry of Foreign Affairs, The Hague***

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- 08.00** Registration and coffee for delegates and press
- 08.30** Arrival of Ministers (VIP-lounge)
- 09.00** **Welcome by Minister Rosenthal**
- 09.10** Speech by Minister Baird (Canada)
- 09.20** Testimonial by Syrian blogger Amjad Baiazy  
(Cyber Activist and Content Editor with  
Amnesty International)
- 09.25** Speech by Minister Paet (Estonia)
- 09.35** Testimonial by Gregory Shvedov (Editor-in-chief  
of the Caucasian Knot, Board Member of the  
International Memorial Society)
- 09.40** Speech by State Secretary Kurz (Austria)

## 9 DECEMBER – MORNING

- 09.45** **First panel session: *What can governments do to protect human rights online?***  
Introductory speech by Minister Bildt (Sweden)
- 09.55** Panel discussion with Maud de Boer-Buquicchio (Deputy Secretary-General, Council of Europe), Marietje Schaake (Dutch MEP, D66), Dunja Mijatovic (Representative on Freedom of the Media, OSCE), Sigrid Kaag (Assistant Secretary-General, UNDP), Eduardo Bertoni (Executive Director, CELE, Argentina).  
*Online questions from Facebook and Twitter*
- 11.05** Closing remarks and speech by Commissioner Kroes (Vice-President of the European Commission)
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- 11.15** Coffee Break
- 
- 11.45** **Second panel session: *Supporting bloggers and cyber dissidents: what action needs priority?***  
Testimonial by Stephanie Lamy (CEO of webcommunitymanagement.com and VP of Global Relief Libya)
- 11.50** Panel discussion with Karen Reilly (Director of Public Policy, the Tor Project), Manuela Monteiro (Executive Director, HIVOS), Sacha van Geffen (CEO, Greenhost) and Nizar Zakka (Secretary-General, Ijama3).  
*Online questions from Facebook and Twitter*
- 
- 13.00** Lunch

## 9 DECEMBER – AFTERNOON

### **14.30** Third panel session: *Corporate responsibility: how can companies ensure freedom online?*

Introductory speech by Brett Solomon,  
Executive Director of Access

**14.40** Panel discussion with Bob Boorstin (Director of Public Policy, Google), Ben Wagner (Researcher, European University Institute), Han ten Broeke (Member of the Dutch Parliament, VVD), Jermyn Brooks, (Independent Chair, Global Network Initiative, GNI), Leon Willems (Free Press Unlimited), Ahmed Nassef (Managing Director, Yahoo! Middle East).

*Online questions from Facebook and Twitter*

### **16.00** Closing remarks by Minister Rosenthal

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**16.05** Reception

# List of delegations

## Countries

Austria	<a href="http://bmeia.gv.at">bmeia.gv.at</a>
Brazil	<a href="http://itamaraty.gov.br">itamaraty.gov.br</a>
Canada	<a href="http://international.gc.ca">international.gc.ca</a>
Czech Republic	<a href="http://mzv.cz">mzv.cz</a>
Estonia	<a href="http://vm.ee">vm.ee</a>
Finland	<a href="http://formin.finland.fi">formin.finland.fi</a>
France	<a href="http://diplomatie.gouv.fr">diplomatie.gouv.fr</a>
Germany	<a href="http://auswaertiges-amt.de">auswaertiges-amt.de</a>
Indonesia	<a href="http://kemlu.go.id">kemlu.go.id</a>
Ireland	<a href="http://dfa.ie">dfa.ie</a>
Japan	<a href="http://mofa.go.jp">mofa.go.jp</a>
Kenya	<a href="http://mfa.go.ke">mfa.go.ke</a>
Mexico	<a href="http://sre.gob.mx">sre.gob.mx</a>
Netherlands	<a href="http://minbuza.nl">minbuza.nl</a>
Sweden	<a href="http://sweden.gov.se">sweden.gov.se</a>
United Kingdom	<a href="http://fco.gov.uk">fco.gov.uk</a>
United States	<a href="http://state.gov">state.gov</a>
Uruguay	<a href="http://mrree.gub.uy">mrree.gub.uy</a>

## International organizations

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Council of Europe	coe.int
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European Commission	ec.europa.eu
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Organization for Security and Co-operation in Europe	osce.org
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United Nations Development Programme	undp.org
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## NGO's

Access	<a href="https://accessnow.org">accessnow.org</a>
Bits of Freedom	<a href="https://bof.nl">bof.nl</a>
Center for Democracy & Technology	<a href="https://cdt.org">cdt.org</a>
Citizen Lab	<a href="https://citizenlab.org">citizenlab.org</a>
Free Press Unlimited	<a href="https://freepressunlimited.org">freepressunlimited.org</a>
Freedom House	<a href="https://freedomhouse.org">freedomhouse.org</a>
Global Network Initiative	<a href="https://globalnetworkinitiative.org">globalnetworkinitiative.org</a>
HIVOS	<a href="https://hivos.nl">hivos.nl</a>
Human Rights First	<a href="https://humanrightsfirst.org">humanrightsfirst.org</a>
Human Rights Watch	<a href="https://hrw.org">hrw.org</a>
Ijama3	<a href="https://ijma3.org">ijma3.org</a>
Institute for Human Rights and Business	<a href="https://ihrb.org">ihrb.org</a>
Internews	<a href="https://internews.org">internews.org</a>
Open Society Foundations	<a href="https://soros.org">soros.org</a>
Radio Zamaneh	<a href="https://radiozamaneh.com">radiozamaneh.com</a>
Radio Netherlands Worldwide	<a href="https://rnw.nl">rnw.nl</a>
Reporters without Borders	<a href="https://rsf.org">rsf.org</a>

## Companies

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AT&T	att.com
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British Telecom	bt.com
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Facebook	facebook.com
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Google	google.com
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Microsoft	microsoft.com
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Telefónica	telefonica.com
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Vodafone	vodafone.com
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XS4ALL	xs4all.nl
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Yahoo!	yahoo.com
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# Panel members

## Panel 1

**Maud de Boer-Buquicchio** is Deputy Secretary-General of the Council of Europe and a human rights advocate. Throughout her mandates, she has focused on the rights of the most vulnerable groups in society (particularly children), on the fight against discrimination and violence and on the promotion of human rights in the information society.

**Marietje Schaake** (@MarietjeD66) is a Member of the European Parliament for the Dutch Democrats '66 party within the Alliance of Liberals and Democrats for Europe Group. She serves on the Committees on Foreign Affairs, International Trade & Culture, Media and Education. Her special interests are neighbourhood policy, human rights, internet freedom and the EU's digital agenda. She is a member of the European Council on Foreign Relations.

**Dunja Mijatović**, who was appointed Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) in March 2010, is an expert on media law and regulation from Bosnia and Herzegovina.

**Sigrid Kaag** has headed UNDP's Bureau for External Relations and Advocacy (BERA) as Assistant Secretary-General and Assistant Administrator since 1 August 2010. She was Regional Director for Middle East and North Africa for UNICEF from December 2007 to August 2010. Previously, she served as Chief of Staff in the Office of the UNICEF Executive Director from April 2006 to December 2007. Prior to December 2007 Ms Kaag worked for IOM, UNRWA, the Dutch Ministry of Foreign Affairs and Shell International.

**Eduardo Bertoni** is the Executive Director of the Center for Studies on Freedom of Expression and Access to Information (CELE) at Palermo University School of Law in Argentina. He was previously the Executive Director of the Due Process of Law Foundation and the Special Rapporteur for Freedom of Expression of the Inter-American Commission of Human Rights at the Organization of American States.

## Panel 2

**Stephanie Lamy** is the founder and CEO of webcommunitymanagement.com, a social media and strategic marketing company founded in 2010. She also co-founded Global Relief Libya, one of the first NGOs to bring medical aid into Libya and raise public awareness about the sieges of Misrata and the Nafusa Mountains. She continues to advise Libyan associations and decrypt the evolving situation in Libya, and is today supporting Yemeni groups by disseminating their message.

**Karen Reilly** is Public Policy Director at The Tor Project. Tor is both software and a volunteer network that enables people to circumvent censorship and guard their privacy online. She studied Government and International Politics at George Mason University, and was previously Project Coordinator at Iraq and Afghanistan Veterans of America.

**Manuela Monteiro** is the Executive Director of HIVOS (the Humanist Institute for Development Cooperation). She is also a member of the Advisory Council on International Affairs, a member of the Task Force on Biodiversity and Natural Resources, deputy chair of Partos, and a member of the South-North Commission of the Dutch Labour Party (PvdA).

**Sacha van Geffen** is the CEO of Greenhost, a Dutch web hosting company dedicated to providing a sustainable internet infrastructure and protecting digital rights. He is also a co-author of *Basic Internet Security* – a manual primarily for journalists on securing online communication – a specialist on internet security, and a participant in the effort to build more secure systems.

In 2005 **Nizar Zakka** founded and became Secretary-General of IJMA3 – the Arab ICT Organization (IJMA3). IJMA3 now comprises 19 regional members from 15 countries, making it the largest ICT sector representative in the Middle East and North Africa. Mr Zakka has extensive global experience in leading ICT for development efforts, including programmes in Iran, Pakistan, India and elsewhere.

## Panel 3

**Brett Solomon** is the Executive Director of Access, a non-profit international organisation based on the belief that human rights and democracy in the 21st century increasingly depend on access to the Internet and other forms of information and communication technology.

**Bob Boorstin** is a Director of Public Policy in the Washington, D.C., office of Google, where his portfolio includes the company's promotion of online free expression and other geopolitical issues. Mr. Boorstin has more than twenty years experience in national security, political communications, public opinion research and journalism.

**Ben Wagner** is a Researcher at European University Institute in Florence and coordinates the Dynamic Coalition on Freedom of Expression at the Internet Governance Forum. He has conducted research on internet governance in Tunisia, on trade in censorship and surveillance technologies with HIVOS, and on internet freedom strategies in international relations.

**Han ten Broeke** has been a member of parliament for the liberal VVD-party since 2006. He is spokesperson on Foreign Affairs and Defence. He was co-initiator of a parliamentary motion calling on the government to initiate EU legislation regarding the internet freedom. Before he became an MP he was an independent consultant and worked for Royal KPN Telecommunications.

**Jermyn Brooks** became the first Independent Chair of GNI in January 2011. Currently Chair of Transparency International's (TI) Business Advisory Board, he was Executive Director and CFO of TI from 2000 to 2003 and a member of their international Board from 2003 to 2006. Jermyn Brooks joined TI after a career with PricewaterhouseCoopers (PwC) which saw him elected worldwide chairman in 1997.

**Leon Willems** is the Director of Free Press Unlimited, a Netherlands-based organisation that works to ensure that reliable news and information are and remain available to people across the globe. Free Press Unlimited helps to enable as many people as possible to access and store the information they require to survive and develop. Mr Willems is also a member of the Steering Committee of the Global Forum for Media Development and a board member of Ghetto Radio.

**Ahmed Nassef** is the Vice-President and Managing Director for Yahoo! Middle East. He is responsible for driving the strategy and market implementation for Yahoo!'s businesses in the Middle East. Prior to this role he was the Vice President of the Maktoob Group and General Manager of Maktoob.com, the Arab world's leading Web portal and online community.

# General information

## 1. Information Desk & Conference Secretariat

The Information Desk is located in the lounge on level 1, tel. +31 (0) 70 348 4574 or +31 (0) 70 348 4598, fax +31 (0) 70 348 4498.

## 2. ICT support

The Dutch Ministry of Foreign Affairs will be offering unlimited Wi-Fi during the conference. Access is through the network 'Freedom Online', no password is required, and there is no time limit. Our ICT support staff will be happy to help you with any questions or problems. They can be contacted through the Information Desk (see above).

## 3. Transport

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Public transport information	0900 9292
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Taxis in The Hague	+31 (0)70 330 1040 or +31 (0)70 390 7722
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Schiphol Airport	0900 0141
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There are two direct trains every hour (:28, :58) from The Hague Central Station to Schiphol Airport.

## 4. Catering

Refreshments and light snacks will be provided during the day in the Lounge, where a buffet lunch will be served from 13.00 onwards.

## 5. Smoking policy

Please note that smoking restrictions apply. Smoking is only permitted in room 01C19, on the first floor.

## 6. Emergency procedure

In case of emergency, please follow the green exit signs.

## 7. Conference online

During the day a conference blog and live stream will be on Facebook and at [minbuza.nl/internetfreedom](http://minbuza.nl/internetfreedom).



[facebook.com/ifreedom2011](https://facebook.com/ifreedom2011)



[@ifreedom\\_2011](https://twitter.com/ifreedom_2011)

# Information for the media

## 1. Accreditation

Badges for accredited journalists can be collected at the Accreditation Desk downstairs at the Ministry of Foreign Affairs.

Press accreditation badges (yellow) are non-transferable and must be displayed visibly at all times. In case of loss, members should contact the press accreditation desk.

## 2. Media Information Desk

The Information Desk in the Lounge will provide information on the meeting, press releases, equipment in the media working spaces, logistics and any other questions.

## 3. Facilities

The following equipment is available at the media working spaces:

- cabled and wireless network connection
- PCs with internet access
- video and audio pool feed
- workstations with ISDN and analogue lines
- printers
- photocopiers

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# Background Papers

# Internet, freedom and the rule of law

## General background paper (abstract)

### Introduction

The Internet is of vital importance for the international community and the global economy. It has opened up new possibilities for social interaction, democratic participation and economic activity. But while in general the Internet is a great boon for humankind, it has also given rise to new societal issues such as cybercrime, invasions of privacy and online censorship.

One of the key questions for the 21st century is how we can ensure that the Internet remains an open, inclusive and dynamic environment where the fundamental rights and freedoms of citizens are protected and respected. Ideally, the online world should reflect the norms and values of the international community, provide a safe and secure environment, empower its users, and be respectful of human rights.

### The rule of law

When humans come to live together in communities they set up institutions that regulate these communities.<sup>1</sup> The values and norms of society are translated into, made explicit in and reflected by rules and legislation. In this way the rule of law governs our physical world. For many years, the Internet or 'Cyberspace' was seen as a separate and distinct environment where the laws of the physical world did not apply.<sup>2</sup> But as the Internet grew in importance and became an integral part of our physical world and everyday life, it became apparent that the rule of law also had to be secured online.

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1 Kelsen, H. (1964), *The Law as a Specific Social Technique*.

2 See for instance: *The Declaration on the Independence of Cyberspace*.

The Internet is characterised by its open, global and borderless nature and the fact that no single entity is in charge of it. These characteristics are central to the success of the Internet as an engine for growth and prosperity and as a forum for the free expression of thoughts and ideas. However, these same characteristics also complicate the process of governing the Internet.<sup>3</sup> For instance, the fact that the Internet is a global infrastructure where people can access information and services regardless of their nationality may lead to issues of competing sovereignty. Furthermore, the relative anonymity of the Internet makes enforcement difficult. Finally, the speed at which technology develops makes governance more difficult.<sup>4</sup>

But while these characteristics of the Internet complicate internet governance and regulation, the fact that the Internet is a human construct may also facilitate effective regulation. By shaping the architecture of the Internet (i.e. the software code), human behaviour can be controlled quite effectively. This idea is called 'Code as Code' or 'Code as Law'.<sup>5</sup> Examples of 'Code as Code' approaches to cyberspace regulation are Digital Rights Management, Privacy by Design, monitoring, filtering and blocking. In particular, monitoring, filtering and blocking may impede the free flow of information and exert a chilling effect on online behaviour, thereby impeding the freedom of expression.

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3 Lessig, L. (2006), *Code and Other Laws of Cyberspace, Version 2.0*, New York: Basic Books.

4 Franken, H. et al. (2000), 'Report of the Committee on Constitutional Rights in the Digital Era' (in Dutch).

5 Lessig, L. (2006).

So, on the one hand the very characteristics of the Internet make governing it more difficult, but on the other, the Internet can also make enforcement very effective and control ubiquitous.

### **Governance of the online world**

In the physical world it is the province of sovereign nation states to govern and regulate. However, given the Internet's global and borderless nature the influence of nation states to directly influence it is limited. Rather, the rules that govern the global Internet are set forth in a consensus-based, multi-stakeholder process that involves governments, civil society, academia and the private sector. However, this does not mean that nation states cannot control the Internet. Via the infrastructure that is under the geographical control of a state, and via the intermediaries that fall under their control and jurisdiction (i.e. access providers, hosting providers and other information society services), nation states are able to set rules on the use of the Internet by their citizens.<sup>6</sup> While national regulation of the Internet allows for effective regulation and enforcement at national level, it may also be abused to impede the free flow of information. Authoritarian regimes in particular exercise a significant degree of control over the Internet, for instance banning free, uncensored access to websites.

### **Conclusion**

The challenge for the international community is to define and uphold key principles of internet governance that strengthen

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6 Goldsmith, J. and Wu T., (2006), *Who Controls the Internet? Illusions of a Borderless World*, New York: Oxford University Press.

the open and free character of the Internet and secure the rule of law online. The biggest challenge for the international community is to answer the difficult question of how to shape the architecture of cyberspace, striking a careful balance between freedom, openness and accountability. Furthermore, it means engaging civil society (the public, NGOs, companies) in the debate about online freedom and the collective responsibility to protect this freedom throughout the world.

# The role of governments in protecting and furthering Internet freedom

## First panel session: Background paper (abstract)

As the primary entities responsible for the protection of the fundamental rights and freedoms of their citizens, governments play a crucial role in maintaining open access to the Internet, guaranteeing internet freedom and securing the rule of law online. The main question is how governments can foster the continued evolution of an Internet ecosystem that supports human creativity, expression and knowledge sharing, while also protecting interests such as privacy and security.<sup>7</sup>

In answering this question we must consider that the online world is borderless and, consequently, the influence of national governments to oversee the Internet is limited. But the fact the Internet is borderless does not mean that nation states have no influence over it whatsoever. Through the physical infrastructure on which it runs, the Internet is still intimately connected to the physical world, and thus to the territories of sovereign nation states.<sup>8</sup> Therefore, states can influence the free flow of information within their territory to a significant degree. At the national level we see striking differences in the degree of online freedom. Estonia, the United States and Germany are considered the most free countries when it comes to the Internet; Cuba, Burma and Iran the least.<sup>9</sup> The challenge for the international community is to promote internet freedom throughout the world, in particular in those countries where it is limited by the national government.

At regional and global level, national governments endeavour to protect and further internet freedom both domestically and

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7 Gutterman, B. (2011), 'Developing the Future Together: the Fifth Internet Governance Forum', Vilnius 14-17 September 2010, p. 168.

8 Goldsmith, J. and Wu, T., (2006).

9 Kelly, S. and Cook, S. (2011), 'Freedom on the Net 2011, A Global Assessment of Internet and Digital Media', Freedom House.

as part of their foreign policy. Apart from national initiatives, most of the intergovernmental organisations have committed themselves to strengthening and protecting internet freedom.

Within the United Nations, a cross-regional statement on freedom of expression on the Internet was made during the 17th session of the Human Rights Council (HRC).<sup>10</sup> At that same time, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank LaRue, presented his report on the role of the Internet in promoting freedom of expression. The report underlines the importance of the Internet in promoting and protecting the right to freedom of opinion and expression.<sup>11</sup> During this session of the HRC, the Special Rapporteur issued a Joint Statement on freedom of expression on the Internet together with the Representative on Freedom of the Media (of the Organization for Security and Co-operation in Europe (OSCE)), the Special Rapporteur on Freedom of Expression (of the Organisation of American States (OAS)), and the Special Rapporteur on Freedom of Expression and Access to Information (of the African Commission on Human and Peoples' Rights (ACHPR)).<sup>12</sup> During the 18th Session of the Council, a proposal made by the Swedish Government for the creation of an Expert Panel on Freedom of Expression on the Internet to convene at the 19th Session of the Human Rights Council in March 2012 was accepted.<sup>13</sup>

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10 Human Rights Council 17th session, 10 June 2011, Freedom of Expression on the Internet Cross-regional Statement, via: <http://www.regeringen.se/sb/d/14186/a/170565>.

11 LaRue, F. (2011), Human Rights Council, 17th session, Agenda item 3, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 16 May 2011, A/HRC/17/27.

12 <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=848&ID=1>.

13 United Nations Human Rights Council, 18th session, Decision 18/119, Panel on freedom of expression on the Internet, A/HRC/18/L.27.

At regional level, intergovernmental organisations such as the OAS, the African Union (AU), the European Union (EU), the Council of Europe, the OSCE and the Organization for Economic Cooperation and Development (OECD) are active in promoting internet freedom and establishing mechanisms for (global) Internet governance.

While governments play an important role in protecting freedom online, they are by no means the only stakeholders involved. As an international network of networks, the Internet is managed not just by governments, but largely by academia, the private sector and civil society. Inclusive participation of all these actors is necessary for effective and fair Internet governance. Therefore, ‘multi-stakeholderism’ is a recurring theme in discussions on Internet governance.<sup>14</sup> Governments, civil society, the private sector and academia engage in multi-stakeholder dialogues on Internet governance via institutions such as the Internet Governance Forum (IGF), the International Telecommunications Union (ITU), and the Internet Society (ISOC).

Through discussions within intergovernmental organisations and multi-stakeholder dialogue, a number of principles for internet governance are emerging. These principles centre on the protection of human rights, the open and neutral character of the Internet, multi-stakeholderism, and the respect for the rights and interests of all members of society. The challenge for the coming years is to put these principles into action.

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<sup>14</sup> World Summit on the Information Society (2003), Geneva Declaration of Principles, WSIS-03/GENEVA/DOC/0004.

## Protecting cyber dissidents

### Second panel session: Background paper (abstract)

Freedom of expression, as laid down in article 19 of the Universal Declaration of Human Rights (UDHR), is an important condition for building democratic societies based on the rule of law. In our modern information age, the Internet has become one of the key means by which people can exercise this right.<sup>15</sup> Especially for people in authoritarian regimes the Internet has become the primary means of finding and imparting information. Furthermore, services like social networks, user generated content sites and blogs help dissidents to organise themselves, develop and share their views, and focus the eye of the world on the situation in their country.

To limit the power of the Internet in supporting free speech, authoritarian regimes have turned to censorship and use blocking and filtering techniques to stem the free flow of information. Authoritarian regimes also employ the Internet to crack down on dissident movements, for instance through monitoring and surveillance, hacking and physical persecution of Internet users. More than other forms of communication, the Internet allows for ubiquitous and fine-grained surveillance. So while the Internet may act as a countervailing force against the power of an authoritarian regime, we must also acknowledge the fact that it may adversely affect dissident movements.<sup>16</sup>

Initiatives aimed at protecting and furthering internet freedom in oppressive regimes are for the most part aimed at enabling open access to information on the Internet, supporting the activities of cyber dissidents and protecting them against

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<sup>15</sup> LaRue, F. (2011).

<sup>16</sup> Morozov, Y. (2011), *The Net Delusion: the Dark Side of Internet Freedom*, New York: Public Affairs.

surveillance. Governments, civil society, the private sector and academia throughout the world are engaged in projects aimed at supporting and strengthening cyber dissidents. Examples include providing circumvention tools against censorship, anonymisation tools to counter surveillance, and research and reporting on internet censorship practices.

As the primary actors responsible for ensuring the freedom of citizens and the protection of their fundamental rights at national and international level, governments play a central role in protecting and furthering internet freedom. Supporting dissidents in countries with authoritarian regimes by ensuring an open Internet while at the same time protecting them against surveillance is therefore an important aspect of modern human rights and foreign policy. Countries like the United States, Sweden, Estonia, Canada and the Netherlands have programmes for helping cyber dissidents.

Apart from governments, the private sector also plays a significant role in protecting and supporting and protecting dissidents, because most of the infrastructure and services that make up the global Internet are in the hands of private sector actors. Awareness of corporate social responsibility (CSR) online is growing. An important development in this regard is the Global Network Initiative (GNI), in which leading technology companies, investors and academics have adopted joint principles on freedom of expression and privacy, as well as guidelines for dealing with censorship and/or surveillance requests from governments.<sup>17</sup>

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17 [http://www.globalnetworkinitiative.org/cms/uploads/1/GNI\\_-\\_Principles\\_1\\_.pdf](http://www.globalnetworkinitiative.org/cms/uploads/1/GNI_-_Principles_1_.pdf).

Finally civil society and academia play an important role in protecting and furthering internet freedom. NGOs in particular are strongly involved in the internet freedom debate and help cyber dissidents by, for example, informing the global community about internet censorship and surveillance practices in different countries, lobbying for more international action against oppressive regimes, providing information on the safe use of the Internet, and developing and distributing encryption, anonymisation and circumvention tools.

## Global corporate responsibility for Internet freedom

### Third panel session: Background paper (abstract)

The Internet, as a global network of networks, is not under the control of a single government or international entity. Rather, it is created and governed by a multitude of public and private sector organisations. The private sector plays a key role in the process of Internet governance and the protection and furtherance of internet freedom, since most of the infrastructure and services that make up the Internet are in the hands of the private sector.

Characteristics such as relative anonymity and the borderless nature of the Internet ensure the open and free character of the Internet. However, this does not mean that the Internet is immune to control. Because the Internet is a human construct, it can be monitored, manipulated and controlled.<sup>18</sup> In this way, the Internet may also strengthen two key powers of authoritarian regimes: censorship and surveillance.<sup>19</sup> To use the capacity of the Internet for censorship and surveillance, authoritarian regimes need to exercise control over the actors that provide internet infrastructure and services in their territory, and they need access to the technologies that enable censorship and surveillance. In both cases these actors are for the most part national and multinational companies.

If authoritarian regimes wish to control the free flow of information they need the cooperation of those entities that control the infrastructure and services based within their jurisdiction. In many – if not most – cases these entities are private sector companies. This means that companies may be forced by national governments to take measures that

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<sup>18</sup> In fact, 'cyberspace' is a portmanteau word, composed of 'cybernetics' (the science of control) and 'space'.

<sup>19</sup> Morozov, E. (2011), *The Net Delusion: the Dark Side of Internet Freedom*.

restrict the free flow of information and endanger the freedom of expression. Furthermore, companies may be forced to relinquish user data without proper legal grounds.

The private sector also plays a crucial role in the development of Internet-related technologies (e.g. routers, servers, software). Governments that wish to limit the free flow of information for their citizens may wish to shape the architecture of cyberspace in such a way that they can monitor, filter, block or otherwise control the information that flows over the Internet. To this end they may employ technologies and services developed by the private sector (e.g. filtering and surveillance technologies). Internet security and surveillance technologies are therefore something of a double-edged sword. On the one hand these technologies may be employed by free societies to protect the rights and interests of their citizens and ensure (cyber)security, but they may also be used by authoritarian regimes to exercise control over their citizens.

How companies deal with these two issues is an important question of corporate social responsibility. The topic of CSR in the context of the Internet is relatively new. While existing CSR frameworks, such as the Ruggie Framework and the OECD Guidelines for multinational enterprises, can be applied, they are not specifically tailored to the Internet. Thus we are seeing the emergence of Internet-specific corporate responsibility initiatives that provide more clear guidance on internet freedom and human rights.<sup>20</sup>

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<sup>20</sup> Ruggie, J. (2008), *Protect, Respect and Remedy: a Framework for Business and Human Rights*, Human Rights Council, 8th Session, Agenda Item 3, April 2008, A/HRC/8/5 7; OECD (2011), *OECD Guidelines for Multinational Enterprises*, OECD Publishing.

These different initiatives are characterised by their multi-stakeholder approach to CSR in the context of internet freedom. Within these initiatives the private sector cooperates with other societal stakeholders such as government, civil society and academia on finding adequate regulatory solutions to the two issues mentioned above.