



6th Annual Freedom Online Conference

Freedom Online Coalition Chair's Summary

In Brief

On 17-18 October the 6th Annual Freedom Online Conference took place in San José, Costa Rica. This international event gathered more than 200 participants from 48 countries, from all regions of the world and all levels of development. The Conference met under the theme ***Enhancing an open, active and constructive online community for the enjoyment of an effective citizenship online*** and centered on contributing to the ongoing multi-stakeholder exchange on how to address the challenges, opportunities and potential of free, open and accessible online channels and platforms for political, social and economic development.

The Conference was structured around three main tracks - Track 1: An Internet Free and Secure; Track 2 - Digital Development and Openness; and, Track 3 - Privacy and Transparency Online. Each of these tracks was composed of a trio of sessions that took the participants through the statement of the problem, identification and sharing of best practices, and proposition of next steps and the role of the FOC. Furthermore, an additional Track 4 -was proposed in the program to include other sessions not directly related to the above thematic distribution but that addressed various topics relevant to Freedom Online. Participants from all relevant sectorial groups participated in 20 sessions - panel discussions and workshops - which included numerous experts in their respective fields.

Over the course of the two-day conference numerous striking conclusions related to the protection and promotion of human rights and fundamental rights online and their effective implementation, were reached. In summary, it was highlighted the need to, inter alia: enhance the multi-sectorial approach when dealing with Freedom Online, and to build trust amongst all actors; strengthen education, training and capacity building, in particular for legislators and users; address the gaps in the international legal framework and set global norms regarding privacy and transparency, in particular; connect the framework of Freedom Online Coalition (FOC) with existing frameworks with a view to maximize synergies; recognize the mutually reinforcing nature of human rights and cyber-security.

During the conference the *San Jose Statement of the Freedom Online Coalition regarding the outcome of the 2016 Strategic Review* was presented to the international community. This document is the culmination of a 16 month process that began in the 5th Annual Freedom Online Conference that took place in Ulaanbaatar, Mongolia. The San José Statement reiterates the Coalition's key values and purpose and outlines a work plan aiming to make it more dynamic and effective.



Program Overview

The 6th Annual Conference focused on promoting expert and policy-oriented multi-stakeholder exchanges on how to leverage freedom online, as conceptualized by the Freedom Online Coalition (FOC) since 2011, for pursuing, inter alia, the following aims: advancing in expanding the unrestricted use of internet and other online platforms in countries where limitations still prevail, considering, in particular, the opportunities created by anti-blocking and other technologies; approaching, from a human rights-based, rule of law perspective, the increasing tension in democratic societies between openness, data protection, privacy, security and/or commercial strategies; spreading new ways for fostering people's command of online platforms and resources as a tool for participating in public life in meaningful ways; exploring the role of governments, academia, civil society and the private sector in developing partnership to creative and accessible online platforms and resources for openness, innovation, entrepreneurship and the enhancement of social, cultural and economic rights, in the context of the 2030 Development Agenda.

Opening Plenary

Opening Ceremony

With welcoming remarks by Mr. Manuel A. González Sanz (Minister of Foreign Affairs and Worship - Costa Rica) that expressed the country's reiterated commitment with the ideals of humanity, human rights and fundamental freedoms, the Conference began. Ms. Rebecca MacKinnon (Ranking Digital Rights) indicated that whereas there have been advancements since 2011, access to Internet is less free and open than 5 years ago. She also offered a candid assessment of FOC members, and urged them to do more to lead by example in fostering online freedom within their own borders. She welcomed the San José Statement and highlighted the opportunities and benefits of multi-stakeholder discussions in the FOC's work. Ms. MacKinnon recommended four next steps for States participating in the Coalition: issuing more joint statements on relevant issues, utilizing a periodic review mechanism, preparing national action plans, and instituting a multi-stakeholder transparency mechanism for freedom online indicators. Mr. Edison Lanza (Special Rapporteur on Freedom of Expression, Organization of American States OAS) emphasized the role of freedom of expression in strengthening democracies and the importance of Internet for freedom of expression. He also indicated that International Human Rights Law is applicable online, and recalled challenges and opportunities in human rights to access to culture, education and health. He commended the multi-sectorial engagement. Mr. Frank La Rue (Assistant Director-General Communication and Information UNESCO) recalled the balance needed between human rights and new technologies - fundamental right to access information and freedom of expression. He also expressed concern for the broadening digital and gender gap, and incitement to violence. He shared UNESCO's ROAM Principles - Rights oriented policies, Open, Accessible, Multi-stakeholder dialogue. He noted the importance of having indicators to measure implementation. He also recalled Sustainable Development Goal 16 and invited all to contribute to reach it. Mr. Marcelo Jenkins Coronas (Minister of Science, Technology and Telecommunications - Costa Rica) expressed the unwavering commitment to defend access to Internet. He reflected on the lack of access worldwide and in Latin America. He also reminded all that affordability is as important as access. He emphasized the broad uses of Internet –



social, cultural, academic, etc. He offered we look further, change current paradigm for universal access and incorporate health, education, and culture. Mr. Luis Guillermo Solís Rivera (President of Costa Rica) commended Ms. MacKinnon for her tough words. He invited all to recall the technological advances of the XIX century and their impact in society and effects in the World Wars. He reflected on the power dynamics and the challenges of will and action. He indicated that the debate goes beyond politics - deals directly with the role of the State and new societies. In a final consideration regarding FOC, he invited the Coalition to deepen its coordination with the private sector and civil society, and also to strengthen partnerships with international organizations and other such frameworks dealing with the issue, like UNESCO. He concluded reminding all that Freedom Online is about people and about the decisive role they play in their own development in the digital world.

Youth as Digital Innovators

This panel brought together Ms. Montserrat Solano Carboni (Ombudsperson of Costa Rica), Natalia Camacho (Director of the Young Person Council - Costa Rica) and Ms. Isabel Rojas (Sulá Bastú) in a discussion that addressed the intersections of youth, internet and the era of high tech revolution. Concern was expressed over limitations of freedom of expression resulting in imprisonment. The urban-rural digital gap was examined as well as education based inequalities. The need to identify risks to eliminate vulnerability was marked as urgent. A positive use of internet – self-expression, education, job hunting, etc. - was recommended. Deep concern was expressed over online bullying and its recurrence. To better approach the situation the generation differences must be accounted for - youngsters are naturals to technology, and seen as an inherent skill. Important to consider the role of parents in educating about cyber-security. It was mentioned that the ways to assure and motivate youth participation will play a key factor. It was recommended to revise our governmental structures to understand and address the needs of our youth in the technological era. Changes must be made on political, economic and social levels.

Spotlight on the Freedom Online Coalition

The session brought together Mr. Uri Rosenthal (Special Envoy for Cyberspace - Netherlands), Mr. Tom Malinowski (Assistant Secretary of State for Democracy, Human Rights, and Labor - United States), Mr. Manuel A. González Sanz (Minister of Foreign Affairs and Worship - Costa Rica) and Ms. Eileen Donahoe (FOC Working Group 1 member). It was mentioned that the protection of freedom online is essential for democratic societies. Some of the positive developments were highlighted. Also some of the current challenges were expressed, including threats of propaganda and hate and cyber-terrorism. The importance of fostering the multi-stakeholder dialogue was a common point, as well as the role the FOC can play in this regard. Academia, civil society and the private sector were called instrumental. It was emphasized that for the FOC to continue its mission to tackle threats to Internet freedom, it will need enhanced commitment from members, more capacity building and more engagement from external stakeholders. The FOC Working Groups were cited as good practices. It was proposed to strengthen the FOC in the international arena - to coordinate better on multilateral diplomacy to challenge restrictions to human rights online and to share information and exchange best practices. Some of the key issues flagged for increased FOC leadership were facilitating digital security for online users and implementing the norm that the same human rights guaranteed offline should be protected online.



Track 1 - An Internet Free and Secure

This core track addressed the issue on how to work for an internet that remains free and secure. Problem statement: It was highlighted that there is no contradiction between freedom and security, and that in fact they complement each other. A clear distinction must be made, however, between security and repression. It was mentioned that people should need to have confidence in an accountability mechanism according to the law, but also that existing legislation does fulfill all the needs. The necessity to build trust was highlighted throughout the session. The current situation, with the war on terror, mass surveillance, encrypted communication and the justification of the need to apprehend perpetrators and to protect citizens has affected the rights of people not only in the home country but all around the world, all the internet users, and social media. It was emphasized that technology is a tool (neutral) and can be used in positive and negative ways. It does certainly pose risks but also offers great opportunities. The practice of network and communications shutdowns was explored and found to be unacceptable, and the need for clear rules was pointed out. The evolution of the consideration of the matter was addressed from surveillance and security to include data protection today. The link between online harassment and physical violence was discussed and deep concern expressed. Best Practices: The experience of Freedom House was shared in the session to highlight how to protect citizens while maintaining an open, accessible and transparent internet. The Freedom on the Net report was mentioned and how it is used by civil society, journalists and other to strengthen accountability from their governments. It was stated that States are looking at these report in search of recommendations to improve their policies. Whereas the important issue of protecting human rights defenders was addressed, the asymmetry of information was mentioned when it comes to internet legislation and mechanisms available. It was mentioned that security and human rights are reinforcing and best practices could come from either of these approaches. The important role of education, capacity building and research was highlighted, as well as the need to engage with academia. It was mentioned that while there is much knowledge, not enough exchange takes place and more collaboration is needed. The session addressed transparency reports, which were identified by some as a good practice although the information sometimes is not useful, others mentioned they are very valuable. Some recommendations were put forth so that States promote and protect human rights when developing cybersecurity practices and policies: draft guidelines for more the significant issues; enhance transparency; encourage policy makers to identify impact; work bridge civil society-government gap. Next steps/FOC role: The session proposed specific actions to work towards security and human rights that are interdependent and mutually reinforcing. It was mentioned that information sharing and exchanging should improve. Also diplomatic activities should be strengthened, and the FOCs multi-stakeholder space be enhanced. A change of mindset is needed to recognize that freedom and security are not opposite to one another, they are mutually reinforcing. In this same sense, further understanding that privacy is a part or security would benefit greatly. Additionally, it was said that the mindset should change to comprehend that cyber security does not only structure and data but with people, and that human rights protection and promotion is necessary. FOC members were invited to launch review processes together. WG1 recommendations were highlighted as best practice (see below for details about the official launch) and all participants were invited to get acquainted with them as well as promote and implement them.

Track 2 - Digital Development and Openness

This session looked at digital development issues through a human rights lens, addressing concerns of those who currently feel excluded from policy debates on the national and



international level. Problem Statement: The Internet promotes development and as a platform to share ideas, all people are entitled to universal access. It was mentioned that access is unequal based on a series of situations: gender gap; rural/urban gap; digital literacy; etc. It was mentioned that rural and indigenous communities are being left behind. This is often a cultural problem, as there is sometimes a perception that men need greater access than women. Only 4% of women want to register for a university career regarding technology, this number is higher amongst young girls but diminish drastically when time comes to enroll. Also, the role of the private sector on ruling the content of communications, in shaping the fabric of society through access. It was also mentioned that often domestic media is dominated by foreign companies. The need to think of this from a global, national and local perspective was emphasized. The session discussed the right of the individual to self-expression, self-determination of communication from this standpoint. There was concern expressed with regards to access and control of data. Some participants expressed it was urgent to think of “freedoms to” and not just of “freedoms from”. Best practices: It was mentioned that we should adapt our systems to the globalization of Internet and create new concepts in this respect to policymakers. The importance of setting standards was addressed and the recommendations of the Council of European Union mentioned. These are voluntary, but policymakers need to try to adapt the internet model to the concept of democracy, and address the issue looking to make the apparent division between online and offline vanish. The recommendations also encourage a focus on multi-stakeholder approach to policymaking. Education was another good practice identified. Capacity building programs for local legislators, and the need to empower citizens so that we are more aware of rights and obligations, was cited. The importance of enhancing digital literacy. The need to train people to manage the internet was also expressed. Another practice proposed was to ensure the inclusion of criteria relating to freedom of expression on agreements, including but limited to donors or financial institutions such as the World Bank, and to monitor to verify compliance. Another good practice pointed to the inclusion of ordinary citizens in the process of digital development. It was mentioned that policies are taken without ownership tend to be unsuccessful. In this regard, the process is as important as the content of regulation. This builds on the multi-stakeholder approach. Finally, the importance of a differentiated approach when dealing with different sectors and segments of society was highlighted. A “one fit all” approach may not be appropriate. There are best practices in terms of legislative packages, and the Sweden experience was highlighted. A challenge is that the Conference addresses broad concepts that need to be grounded to national processes, situations and conditions. Next steps/FOC role: Firstly, it was mentioned that, bridging the gender digital divide is key. Men and women should have the same access to the Internet as it is key to social, economic and political development and for the promotion of their human rights. The FOC needs to strengthen women's rights on the Internet, and promote strategies to close the digital gender gap. The FOC must make efforts to make it more inclusive and safer for women. Secondly, there is a need for more coordination between the members of the Coalition in a multi-stakeholder format. Embassies or diplomatic missions could spearhead this effort. The coalition is sub-utilized, needs more practical coordination, as the discussions already take place in FOC. Thirdly, the FOC should push for Internet related public policy, Internet governance in developing countries. Good governance cannot be implemented without global access to the free and open Internet, this needs to be stressed for all countries, implemented horizontally to promote transparency. Fourthly, digital literacy is the most important element



to empower users to make informed decisions and protect their human rights and freedoms and FOC advocate for it and relate it to the practical coordination that is absolutely necessary. Fifthly, FOC needs accountability and should consider a peer review system for countries to retain their membership. To prevent hypocrisy and retain trust in the government, countries need to promote and enforce good experiences and denounce bad practices. And finally, proposed laws affecting digital rights need to be reviewed by FOC and discussed to help countries in making the best decisions.

Track 3 - Privacy and Transparency Online

These sessions explored the roles and responsibilities of companies in interacting with users and governments. Problem Statement: The participants addressed what can be done to make it possible for the governments to achieve their commitments, as well as the role that human rights instruments provide to the States in order to protect the freedom of information. There was a call to establish an agenda of privacy and transparency and accountability. At the present moment, it was noticed, there are no conditions for many countries to provide legal frameworks to protect the right to privacy, and there is a need of work on that. In this sense, it is important to establish basic criteria for the use of information online. It was also highlighted that cultural issues must be taken into consideration to understand societies. The lack of adequate legislation was mentioned as a key challenge. A recurring topic was the importance of building trust in society to make transparency possible. There is no clarity in what can be revealed to governments; the lack of meaningful methodologies goes against transparency. The private sector has self-regulated and can be checked in order to learn about worldwide best practices. It was highlighted that there is a culture of imposing everything under “the principle of secrecy” in Latin American countries. The necessary balance between confidentiality and transparency was addressed. The role of the judiciary system to help implementing the transparency policies was mentioned. Best practices: After breaking out in work groups the session identified some examples in the world. A private sector company shared that for them it is difficult to have basic guidelines because they cover more than 120 countries, but that nonetheless they had provide them some basic frameworks. The issue of the quality and quantity of information was addressed. It was mentioned that best practices should refer to disclosure reports more than transparency reports. Sometimes governments don't allow them to publish information or to even tell how many requests they have from them. The clarity of the law must be overcome, in many instances there is no discussion (example cases of inappropriate sexual content), but sometimes they have to be assessed and interpreted. In concluding, it was stated that there is a need to focus on government reporting because there is where the big gap is. FOC could work to promote best practices. A need to engage different actors within the government, not only Foreign Offices. Some model legislation could be proposed to recommend what governments should allow to report and not to report. Some practices in the Republic of Korea were highlighted. Thanks to the transparency report the government can deduce which kind of access can be determined. Policy strategy can be decided based on the data that is disclosed by the companies and the government. There was a public campaign in Korea in order to find out which data could be released. In conclusion, the importance to move to transparency 2.0 was emphasized: evolve to a stage in which people can know when they are been check by the government or anyone else (Surveillance request). Next steps/FOC role: The meaning of being an FOC member with regards to this issue was discussed: whether it exists to make the group better or to make the



world better. Striking the right balance between reporting obligations and framework, and guidance and criteria, was discussed. The issue of privacy was addressed. The 2012 Human Rights Council Resolution on privacy and the work in the General Assembly were highlighted. The importance to transfer important human rights language from one body intergovernmental body to another to build consensus among the countries was emphasized. The tension related to UN language v. international work language was pointed out. The value of international norms to companies was addressed, as well as the importance of having the same standards. The multi-stakeholder approach was underlined. It was proposed to strengthen information sharing and best practices between governments. It was mentioned that FOC has a central role to play in articulating many discussions between governments and companies and other stakeholders (i.e. right to be forgotten, nature of public figure, etc.).

Track 4 - Other sessions

Network Shutdowns

“Intentional disruption of Internet or electronic communications, rendering them inaccessible or effectively unusable for a specific population or within a location often to exert control over the flow of information” As agreed at RightsCon, presented by Brett Solomon, AccessNow

The session discussed the concept of shutdowns, accounting both for Internet and mobile network shutdowns. It reflected on the social and economic costs of shutdowns, estimated by the Brookings Institute to be 2.4 billion dollars. Government intentional use of this practice, widely documented during protests in 2011, has been used in different regions of the world and shows a rising increase. Deep concern was expressed over the fact that network shutdowns have become a widespread tool for government control. The main causes where identified, and included, inter alia: the claim by some governments that Internet use threatens national security; situations of conflict or unrest in the population; to contain response to content from social media; to prevent hackers from independent interest groups or governments from shutting down, changing or damaging Internet access as well as stealing information. The session pointed out some of the challenges faced in dealing with network shutdowns, particularly: international norm setting, incorporating corporate responsibility and accountability, securing networks, dealing in the rights based approach, calling the attention of international human rights bodies to the issue. It was noted that the FOC members had agreed to look into the possibility of drafting a joint statement on network shutdowns in due course. The participants discussed tools to fight back against network shutdowns. Some of the proposals included: engaging International Organizations (UN: Human Rights council resolution, African Declaration of Human Rights and Freedom Online); regional and national collaborations and legal mechanisms (i.e. courts of justice); capacity building for policy drafters and decision makers; rapid response, monitoring from NGOs and citizen groups; multi-sectorial condemnation.

FOC WG1 Recommendations - Launch

This session shared the work of the FOC Working Group 1 - Internet Free and Secure. It shared the working methods of the WG, including the rule of consensus, and mapped key events and key processes for the issue. For the past years, the WG has explored cyber-security issues, and presented their recommendations for human based approaches to cyber-security. It was mentioned that when dealing with this issue, a change in mentality is needed. The old paradigm where human rights and cyber-security were opposed no longer applies. Quite the opposite: working group members believe that human rights and cyber-security are mutually



reinforcing. Human rights online make us all safer. Some common threads were highlighted: the understanding that without security there is no freedom; security is not a complement to freedom, it is a human rights issue in itself; privacy is a dimension of security and essential for the exercise of freedom; cyber-security should enhance the security of persons online and offline; cyber-security related framework should be developed by all stakeholders; human rights protection is comprehensive and interrelated to peace and security.

Digital Defenders Partnership (DDP)

DDP was created in 2012 to coordinate emergency support and build emergency response capacity for at-risk Internet users, such as bloggers, cyber activists, journalists, human rights defenders, and other civil society activists, whenever and wherever they are under threat. This workshop provided information on what DDP support mechanisms do and how these activities provide vital assistance and protection to vulnerable groups such as LGBT activists, political journalists, women rights defending groups and organizations and any other human rights defenders or independent media who are under threat. The organizations works with "Strategic Partners" such as Media Legal Defence Initiative, VirtualRoad.org, Front Line Defenders and Access Now help line to provide response. DDP and its partners provide corporate response, legal support, Internet infrastructure support, immediate short-term protection support, and long-term security strategy support to mitigate the effects of threats and reduce the possibility of future threats. Emergency response for DDP and partners entails both immediate protection (legal, digital, physical and psycho-social security) to Human Right Defenders at a local and international level and long-term security strategies (capacity of networks of emergency responders, or digital integrity fellows having long-term involvement with champions within local organizations). It was noted with concern that digital attacks often transfer to physical threats as well.

Comparative Surveillance Oversight

Panelists discussed about surveillances oversight mechanisms in a world that demands greater transparency around the government's surveillance practices. It was indicated that many policies are intended to encourage the private sector to share information on security threats with government, and argued that the definitions of threats were still too vague to determine. The objective was to understand what constitute the surveillance oversight mechanisms and how to make a comparison among France, India, Nigeria, United Kingdom and United States security system. Some European countries have a traditional oversight - namely judicial. Others have a very different experience regarding this subject. Multiple Indian pieces of legislation contain explicit provisions that allow the government to intercept private information as needed. It was mentioned that there is a lack of other surveillance oversight systems and a need for a significant form of public policy debate. It was emphasized that some of the ongoing projects afford the government an unrestricted right to access civil society information for purposes of national security. In the case of Nigeria, terrorism has become an all too common justification for the government to access and use private information and data. The panelists mentioned that the government response lacked a proper legal framework or an appropriate oversight mechanism. The surveillances oversight mechanism in United States was categorized as often ineffective despite its transparent government, strong legislation and greater latitude for free speech. The session addressed the challenge of



achieving a delicate trade-off involving both cyber defense and surveillance for law enforcement in new ways in each country and in the world in general. As a result of the discussion here are the most important elements in surveillance oversight to keep governments accountable: a robust normative body (set of laws that can overcome complexity and the lack of clarity trying to keep up with the rapid advance in digitalization); and, a strong prior revision of the bills proposed and the creation of Committees dedicated to their oversight.

Children's Rights Online

This session stated that when dealing with children's rights and the use of technology connectivity and technological literacy have to be in the focus. This literacy is what will develop a culture of technology more than an education of technology. The panelist highlighted the need to under importance of the ownership and effective use of the ITs in shaping of the future that is already here. In order for this to happen there is a need to create a better shaped public and private sector strategy that first need to design what is that wants to be achieved in the process. Discussions ensued regarding the role of technology within the education system (fear of replacement v. opportunity for synergies, especially from a generation that does not understand the world without technology). It was indicated that the empowerment and the accompaniment of the children what will bring the progress to our society not control and prohibition. Concern was expressed to the presence of the violence in the social media technology and others express and spreading dangerous aspects such as: Xenophobia, the apology of violence and hate speech. In conclusion, the discussions allowed for the essential and key factors in the process of assuring Children's Rights Online to be summarized as: safe use of the opportunities that technology brings to them; a responsible use that involves the government, the families and the private sector; a productive use through the implementation and innovation in the educational system; a civic use to enhance the consciousness of the fact we are part of one world.

Addressing Hate Speech and Harassment on Social Media while Protecting Freedom of Expression

Panelists expressed deep concern was expressed over the fact that hate crimes and violence online through social media platforms has increased with the massive refugee migration to Europe within the last year. It was shared that a new code of conduct has been recently adopted in Europe to help identify hate speech online. Identifying hate speech online and determining the illegality of a post online were identified as major concerns. Participants were reminded that freedom of speech may be limited under certain circumstances according to International Law and Human Rights protection standards. The role of the private sector was examined as well, as companies nowadays face new challenges working in different jurisdictions and with civil society groups and NGOs to educate and help regulate the content of the websites online. It was mentioned that removing the illegal content from the web is not the answer to the problem. The panel elaborated on the self- regulation v government regulation discussion, and on achieving a balance between transparency and anonymity. Other challenges include the fact that "hate speech" is a vague concept, often applied differently in every region. There are two additional challenges regarding freedom of expression according to International Law: penalization and censorship. Some concrete recommendations were



issued to freedom online defenders: promotion of tolerance online; creating awareness to pursue best practices to fight and ban hate speech; establish formal commitments for governments to follow; reinforce the principles of the Tallinn Agenda; strengthen multi-sectorial engagement and oversight; creating legal frameworks, including codes of conduct; dissemination and implementation of Rabat Principles; creation of a special jurisdiction.

ICT Access and Affordability

The importance of addressing the issue stems from the view that ICTs are to be used safely and productively to increase quality of life: reduce the digital divide and promote a transparent and electronic government. Some of the challenges were identified. It was mentioned that whereas the Internet has spread faster than any other technological advance, the digital divide has persisted between and within countries leaving many without the advantages brought by the digital economy. Even though the price of devices is coming down, access by those in the lower 40% of income is still low. Additionally, in some areas, men mostly control the tools and equipment, so the gender gap persists. It was mentioned that a mere normative approach is not enough, as governments need to create an environment that encourages investment in infrastructure for Internet access. Some best practices were shared: Bridging the divide through public private partnerships; assist policy makers and build a network for best practices and cooperation; concentrate on the two lower quintiles to use Internet as a key to development and increased quality of life; focusing on access for women and including them in all relevant conversations - not a charity case, an economic opportunity; deeper coordination between governmental structures. Some specific examples were highlighted, such as the Global Connect Initiative.

Human Rights Council Resolution on Internet Freedom

The session discussed the history of the resolution, next steps and the role of multilateral bodies in the development of internet freedom norms. HRC Resolution was first presented in 2012 on the heels of the founding of the Freedom Online Coalition and on the basis of the norm first articulated in the Coalition's Founding Declaration that the same human rights that apply offline also apply online. The resolution was subsequently run in 2014 and 2016, and there has been a gradual development in the scope and complexity of the resolution text, which has been adopted by consensus each time. The resolution has become fundamental for HR defenders. Importance of diplomatic efforts in Geneva and in New York (UN Offices) and demonstrate how FOC can bring a more robust mechanism for diplomatic coordination. It was mentioned that the online gender gap and digital gap must continue to be addressed, and the links to the SDGs and the rights of persons with disabilities must be strengthened. Critical issues of a rights-based approach to connectivity and condemning intentional government disruptions of online services were also raised in the resolution this year. The issue of surveillance and transparency should also be discussed in this multilateral forum. The importance of the multi-sectorial approach was echoed. The need to have the resolution permeate at national level, informing national discussions and policies, was pointed out. It was recommended that further concerted action by the Human Rights Council and the United Nations is needed.



Freedom Online Coalition @5: Looking Back to Move Ahead

The session presented the results of the Strategic Review Working Group, a team established in 2015 at the 5th Annual Conference to review FOC's work after 5 years of existence, as well as to discuss next steps for the Coalition and its Members, as presented in the FOC's San Jose Statement and work plan. FOC has increased in size from 15 members in 2011 to 30. It has become more than a conference with working groups and diplomatic coordination. The conclusions of the Coalition made by the SRWG focused on 4 main areas which were Membership, what are the criteria the FOC has to ask for in adopting new members to ensure commitment with the organization's objectives and commitments, Governance and Structure, giving the growth of FOC, how should the organization continue to expand in order to support FOC activities, is it meant to be big?, Aims and Activities, whether or not activities should be formal, and lastly Funding. The San Jose Statement of the Freedom Online Coalition Regarding the Outcome of the 2016 Strategic Review is a recommitment to the principles of the FOC and includes a work plan to guide the way forward, acknowledging three main objectives. Objective 1: Increase effectiveness, coherence and credibility while sustainably and strategically expanding Coalition membership. Objective 2: Improve the Coalition's ability to cooperate strategically and cross regionally among members to develop and promote norms and coordinate activities. Objective 3: Clarify and enhance external relationships. During the ensuing discussion amongst more than 50 government representatives and external stakeholders helped identify potential structures, working methods, and framing for moving forward with the aims and activities of the FOC. Some of the suggestions included: engaging local networks (in Geneva, Paris and New York) to facilitate dialogue with civil society; recognizing the role of joint statements in promoting coordination and establishing global norms; improving the ability to react quickly to emerging situations; considering the establishment of an multi-stakeholder advisory board for a more focused approach.

"Civil Society 2.0": Harnessing the Power of Technology to Support Social Change

The session highlighted the fact that technology has become one of the most revolutionary inventions that empower people to make positive change. It was mentioned that ICTs can improve not only the access to connection technologies but also transparency and human rights. Internet is a very important tool for social change, promoting democratic practices, pluralism, promotion of freedom of expression and human rights. It was emphasized that civil society, citizens and the private sector have an active role, and that it's important to reflect on current practices and other future possibilities. Three projects were shared with the audience: GENERACIÓN 3.0: Uses media literacy for younger people to empower the local knowledge to create solutions and become an agent of change. Addresses access inequalities. It organizes technological festivals and workshops for kids and teenagers to learn how to use technology in a safe way. Vote Compass: Brings together technologies and data science to engage in election campaigns and enhance citizens' involvement. The app vote compass can facilitate citizens' understanding of the platforms of political parties and candidates running for election. The objectives are to promote civil engagement, to acquire political knowledge, increase transparency and accountability and prompt a more responsive government. Deflect.ca: Deflect.ca protects civil society from DDoS (Distributed Denial of Service), secure website hosting, site and attacks analytics. It works to diminish the costs of Online Speech and



advocacy, restrictions on freedom of expression, DDoS and other obstacles. Internet Legislation Atlas: Provides information about legal framework, related to Internet access and use. Its objective is to make more accessible and comprehensible the laws that have an impact on human rights. The platform allows for comparisons of national legislation, and international human rights legislation and indicators.

Internet Freedom as a Key Element for the Open Government

The session explored experiences and best practices used by reformers and advocates for open government to provide online platforms and resources as tools for participating in public matters in a meaningful way. The departing point was the joint responsibility of open government for all sectors of society: it is not the sole responsibility of the government. It was mentioned that the process of open government and open data needs to be truly open in transparency, efficiency and accountability in order to create and promote trust in the information relayed to citizens. Freedom of expression and human rights must be respected at all times and not be subject to impunity and lack of controls. Governments must commit to being coherent in open government and addressing the digital divide in their countries, as it is not only a matter of availability of the information but also access to that information. The required balance between open data for citizens and state secret or confidential information was addressed. Some of the challenges mentioned link to populist or authoritarian governments abusing open government platforms to limit transparency and accountability. Another challenge relates to preventing open government from transforming into massive vigilance, tracking and segregation of its own citizens, which would result in human rights violations. In conclusion, it was mentioned that civil society and government officers need to be trained to promote open government and continue these practices as a State policy and not just a plan of a specific administration.

Closing Plenary

On the final day of the Conference the closing plenary allowed for the coordinators of Track 1: An Internet Free and Secure, Track 2: Digital Development and Openness, and Track 3: Privacy and Transparency Online, Mr. Matthew Shears, Mr. Marcin de Kaminski, and Ms. Rebecca MacKinnon, respectively, to present a balance of the issues after the Conference. Mr. Shears highlighted some of the findings of Track 1: the changing nature of digital space; the difficulty of separating the offline from the online; the need to building trust; that freedom and security are not in opposition; the power of reporting and research on State openness and its use to shape international funding; the need bringing human rights to the world international protocols IUTF; notion that security starts with the user; the need to have a change of mindset; the learning of WG1, how and why it worked, a successful expression of the multi-stakeholder approach; that Human Rights in cyber security mutually reinforcing and not in opposition. Finally he mentioned the WG1 recommendations and invited all to visit <https://freeandsecure.online/> Mr. de Kaminski referred to some of the findings discussed, inter alia: that the core interests in internet have changed due to regulatory situation, and hence discussions have changed; that when rule of law is lacking, private companies are forced or willing to set global norms, that can result limitation of access, through devices and infrastructure, and knowledge and information; that social issues are a premise for human rights, when rule of law is lacking; that experts are outside of formal processes, reiterating the



need for the multi-stakeholder approach; an important outcome, to connect the framework of FOC with existing frameworks instead of creating new ones, UNESCO ROAM Principles, OAS human rights framework, OGP Good Governance Principles, Community of Democracies work on Freedom of Expression, and Council of Europe recommendations, were mentioned; that transparency may be used as a tactical tool for promoting accountability; and the importance to deal with the asymmetric information flows. Ms. MacKinnon shared some of the most salient issues addressed by the track. She mentioned the importance of working towards a firm commitment by governments and private companies to assure transparency and privacy online. She mentioned that the work has been mostly towards addressing the transparency side, but that the privacy protection side has started to get more traction. She mentioned what could be described as rising tensions between the two issues. She mentioned that the track delivered some concrete ideas: importance of working together to move forward, there are principals, ideals but no perfect State - bringing in new States and measure progress not judge; transparency is difficult in some countries because of legal framework - develop set of principles for law and regulation to support transparency by government and companies; develop transparency reporting frameworks - guidelines; need to link work of FOC with other existing multilateral bodies, OGP, OECD, World Bank and the standards they have or should have; FOC may provide a forum to discuss difficult issue of right to be forgotten. Governmental representatives - including Ms. Piret Urb (Estonia), Ms. Tara Denham (Canada), H.E. Ms. Pia Rantala-Engberg (Finland), H.E. Mr. Ricardo Mor Solá (Spain), H.E. Ms. Ross Patrick Denny (United Kingdom), H.E. Dr. Thomas Fitschen (Germany), and Mr. Alejandro Solano Ortiz (Costa Rica) - addressed the audience. Amongst the more striking issues mentioned: The difference Internet has made in the world, the opportunity it creates. The importance to never fragment it or have it under control of only one or two stakeholders. In regards to security, the need to have two-way communication and dialogue. The importance of building trust and sharing information. The evident space Human Rights and fundamental freedoms have online. Reaffirmation for the commitments of the FOC Founding Declaration of The Hague and the Tallinn Agenda. The need to enhance the multi-stakeholder approach. The importance of defending the work of Human Rights defenders. The importance of reducing the digital gap and the gender gap. The need to work for an international legal framework. The relevance of education and capacity building - digital literacy. The unconditional support of the FOC and FOC Members States to Freedom Online was reiterated. The adoption of the *San Jose Statement and Work Plan* (<https://www.freedomonlinecoalition.com/wp-content/uploads/2016/10/FOC-San-Jose-Statement-1.pdf>) as a means to enable the FOC to participate more actively and decisively in the international arena.