

Freedom Online Coalition Advisory Network – FINAL Terms of Reference (January 2018)

1. Introduction

The Freedom Online Coalition (FOC) is a partnership of at present 30 governments, working to advance Internet freedom. Coalition members work closely together to coordinate their diplomatic efforts and engage with civil society and the private sector to support Internet freedom – including respect for the right to freedom of expression and rights to association, assembly, and privacy online – worldwide.

The Members welcome the participation and contributions of non-state Internet stakeholders in the work of the FOC. Such participation will primarily be channeled through the **FOC Advisory Network (FOC-AN)**. The FOC-AN will be a platform for multistakeholder dialogue which, independently of FOC members, provides advice on the work of the FOC, organizes multistakeholder collaboration around FOC activities and explores possibilities for cooperation. By joining the FOC-AN, its participants agree to abide by and support the goals and principles enshrined in FOC underpinning documents¹. Participation in the FOC-AN is not a prerequisite for participation in FOC Conferences for non-state Internet stakeholders.

2. Mandate (as specified in the Stockholm Terms of Reference)

The objectives of the FOC-AN are:

- To serve as a mechanism for multistakeholder advice on the aims, objectives and activities of the FOC, and pertinent issues related to human rights online;
- To support the FOC's mission of advancing human rights online through stakeholder engagement;
- To be instrumental in ensuring multistakeholder engagement in the planning and organization of and participate in FOC Conferences, as well as other FOC events and meetings.

Specifically, the FOC-AN:

- Is encouraged to regularly collaborate with other FOC entities (section IV, Stockholm ToR) and communicate with FOC Members.
- Is invited to provide advice and recommendations on any and all substantive issues, procedures, and other relevant matters within the FOC's mandate (section IV.d. Stockholm ToR).
- Is invited to contribute to and participate in subordinate entities such as ad hoc or ongoing working groups on specific policy topics, that make recommendations to the FOC (section IV.e. Stockholm ToR).
- Can recommend topics for development of FOC statements, and will be offered an opportunity to provide input during the drafting process (section V.b. Stockholm ToR).
- Is invited to participate in FOC annual conferences/meetings/events (section V.c. and V.d. Stockholm ToR).
- Can assist with planning, organization, and dissemination of information on FOC conferences, as well as other FOC events and meetings and processes, as appropriate (Section V.d. Stockholm ToR).

¹ See **FOC Underpinning documents** here: <http://bit.ly/2yd7jN4>; **FOC Mission Statement:** The Freedom Online Coalition is a group of governments deeply committed to the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights. We believe that the human rights that people have offline must also be protected online. We commit to working together, and with all others who share these views, to support Internet freedom and protect human rights online worldwide. The FOC aims to be a proactive coalition that ensures Internet freedom issues are on the international policy agenda as a way to drive concrete policy changes and outcomes.

3. Composition, Appointment and Term

The FOC-AN consists of (up to) 30 participants selected among individuals, serving either in personal or organizational capacities and representing non-state Internet stakeholders, including civil society, businesses, academics, technical organizations, and other experts seeking to promote and protect human rights and fundamental freedoms online.

The first AN cohort shall be selected by the AN Chartering Group² through an open application process administered by the FOC Support Unit. Selection shall be guided by stakeholder group balance, gender balance, geographic balance, commitment to the values of the FOC and relevant expertise. Applications from developing and least developed countries will be actively encouraged. Non-governmental Chartering Group members can be part of the AN when it commences its normal work. The Friends of the Chair shall be notified of the outcome of the AN selection process.

FOC-AN members shall initially serve for a two-year term, with the possibility of renewal.

Subsequent AN cohorts shall be selected through a process developed by the first AN cohort, based on criteria developed in consultation with the Friends of the Chair. In addition to these criteria, the selection process shall take into account the need to guarantee appropriate rotation and diversification of membership, and to enhance continuity and institutional memory through putting in place staggered membership terms.

Membership of the FOC-AN will be published on the Coalition website. Members can terminate their membership through informing the co-Chairs and addressing the Support Unit with a short written statement.

4. Day to Day Management and Working Modalities

The FOC-AN shall function primarily through online means of communication and coordination.

The day-to-day management of the FOC-AN will be the responsibility of up to three (3) non-governmental co-Chairs. The FOC-AN co-Chairs will be elected for renewable annual terms by the AN. The co-Chairs shall be from different stakeholder groups and regions and their selection shall reflect gender balance and aim at maximizing diversity. Any AN member can be nominated or self-nominate for the role of AN co-Chair. The non-governmental members of the AN Chartering Group will act as interim co-Chairs until the AN is fully composed and until co-Chairs are elected by their peers.

The primary role of the co-Chairs is to act as neutral facilitators of the AN as a whole, ensuring that the diversity of views is duly solicited and reflected in any AN outcomes and outputs.

The co-Chairs shall, inter alia, perform the following functions:

- Facilitating the development of AN contributions, recommendations and advice;
- Convening and chairing AN meetings and calls, setting agendas, and summarizing outcomes of AN deliberations;
- Monitoring and encouraging engagement by all AN members;
- Managing the quarterly calls between the AN and the FOC, including by setting agendas, chairing the calls, and helping summarize outcomes of deliberations.

Administrative support will be provided by the FOC Support Unit as needed.

5. Format of Contributions

The FOC-AN may provide two types of input in accordance with its mandate: 1) proactive advice and 2) advice by FOC request.

² To assist the Coalition in setting up the Advisory Network and developing its draft terms of reference, the FOC Friends of the Chair established an ad hoc Advisory Network Chartering Group (CG) comprised of Matthew Shears (former co-chair of FOC working Group 1), Katharine Kendrick (former co-chair of FOC Working Group 3), and the governments of Costa Rica, Finland and Germany.

Proactive advice arrived at by consensus may be submitted to the FOC in writing at any time. Individual AN members may share independent proactive input with the FOC during quarterly calls and in-person meetings at the annual conference or other international conferences (see Section 6).

An FOC request for advice shall clearly state the question, its scope and type of input requested, and state a clear deadline for input. The AN's response should be submitted in writing via the Support Unit, in form of concise text or in text comments. The FOC-AN may decide to submit a joint response or to facilitate input by individual members.

The advice provided by the FOC-AN shall be considered public unless otherwise specified by the AN or the FOC. Should the subject of AN advice address or refer to FOC processes or discussions considered as internal or otherwise sensitive by the FOC, the respective AN advice shall assume the appropriate level of confidentiality. The relevant designation of confidentiality shall be provided by the FOC at the point when the respective information is first shared with the AN.

6. Relationship with the FOC

The FOC Chair, or another member of the Friends of the Chair, will be the primary contact point in questions relating to the functioning of the AN. The Support Unit will assist and facilitate where needed.

The primary means of coordination between the AN and the FOC will be quarterly calls open to all AN members. These calls will be managed/facilitated by the AN co-Chairs and serve to exchange information, give and seek advice, and contribute to FOC activities. Where feasible, in-person meetings between the FOC and the AN shall be organised on the margins of international conferences/ events.

Any advice or recommendation made by the FOC-AN will be acknowledged within two working days of receipt and given due consideration. The outcome of the consideration will be communicated to the AN within a reasonable timeframe on behalf of FOC Members by the FOC Chair, Friends of the Chair, or the Support Unit.

7. Member Roles and Responsibilities

Members are expected to play an active role in all FOC-AN communications. On an exceptional basis, a member who cannot participate in a call or meeting, may nominate an observer to participate in their stead.

Members who do not actively participate in calls, emails, or other FOC-AN activities for a period of at least three months may be asked to step down by the AN co-Chairs. A replacement will be found through an open application process developed and implemented by the AN, consistent with Section 3 above.

8. Amendments to the Terms of Reference

The AN Terms of Reference (ToR) can be reviewed by the AN as deemed appropriate. Suggested amendments to the FOC-AN ToR shall be agreed to by consensus by the AN and submitted to the FOC for consideration and sign off.

9. Funding

FOC-AN Members serve as non-remunerated volunteers. Reimbursement of AN members for any travel and lodging costs will be made on the basis of available funds and taking into account financial need. Funding allocation shall be administered by the FOC Support Unit.