



FREEDOM
ONLINE
COALITION

May 2018

FOC Joint Statement on Internet Censorship

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The issue

The Freedom Online Coalition (FOC) is deeply concerned about the growing trend of state-sponsored Internet censorship, including when conducted in the name of security. State-sponsored Internet censorship is a direct challenge to the FOC's goal of protecting and promoting human rights online and protecting and extending an open and interoperable Internet, as affirmed in the FOC's "Tallinn Agenda".

In this statement, the FOC uses the term Internet censorship to refer to all state-driven content restriction, moderation or manipulation online when it is in violation of international human rights law, and notably of Article 19 of the ICCPR, including those which are the result of automated processes or algorithms, executed directly or through third parties. Often, such Internet censorship aims to interfere with citizens' participation in representative government and the conduct of public affairs, and attempts to stifle political dissent online, suppressing various forms of expression and access to information online. These actions can violate a state's international obligation to respect, promote and fulfill human rights, including the freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds, as well as the right to peaceful assembly and the freedom of association.

State sponsored Internet censorship has a significant impact on women and girls and other individuals who may face multiple and intersecting forms of discrimination. Individuals whose expression and interests are not equally represented by mainstream media sources often use online platforms to exercise their human rights. State-sponsored censorship can deprive these individuals of the core platforms where they access educational resources, express themselves and interact with each other.

Recent Trends: New Forms of Censorship

In 2017, the world witnessed state-sponsored Internet censorship in various forms: states have manipulated and suppressed online expression protected by international law, have subjected users to arbitrary or unlawful surveillance, have used liability laws to force ICT companies to self-censor expression protected by international law, have disrupted networks to deny users access to information, and have employed elaborate technical measures to maintain their online censorship capabilities. Further unlawful efforts included state censorship in private messaging apps and systematic bans of news websites and social media. Likewise certain states have introduced or implemented laws which permit executive authorities to limit content, on the Internet broadly and without appropriate procedural safeguards. Individuals who may face multiple and intersecting forms of discrimination, including women and girls, often faced disproportionate levels of censorship and punishment.

International Human Rights Framework

Many forms of Internet censorship are inconsistent with international human rights instruments, including Articles 19 of the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration on Human Rights, as well as the 2016 UN Human Rights Council Resolution (A/HRC/RES/32/13) on the Promotion, Protection, and Enjoyment of Human Rights on the Internet. This Resolution was adopted by consensus and unequivocally condemns measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all states to refrain from and cease any such restrictive measures.

Any effort by governments to address problematic content online, including limiting violent extremist content, must be consistent with international human rights law. Article 19 of the ICCPR allows for certain restrictions on free expression, but these restrictions must be provided by law and necessary to respect the rights or reputation of others, or for the protection of national security, public order or public health or morals. When domestic laws and regulations exceed the narrow limits imposed by international human rights law, they undermine the ability of individuals to exercise and enjoy their human rights, both offline and online.

Call to action

The FOC calls on all governments to refrain from content restrictions on the Internet that violate international human rights law and to create an enabling environment for free expression and access to information online.

States must not restrict, moderate, or manipulate online content, disrupt networks to deny users access to information, or employ internet censorship technologies, contrary to their international obligations. At the same time, states should play a constructive role in working with ICT companies to enhance transparency regarding their content moderation and mediation processes, including those that are automated. Governments should also encourage ICT companies to adopt fair remedial mechanisms in contentious cases.

The FOC firmly believes in the value of free and informed political debate, offline and online, and its positive effects on long term political stability. The Coalition calls on governments, the private sector, international organizations, civil society, and Internet stakeholders to work together toward a shared approach - firmly grounded in respect for international human rights law - that aims to evaluate, respond to, and if necessary, remedy state-sponsored efforts to restrict, moderate, or manipulate online content, and that calls for greater transparency of private Internet companies' mediation, automation, and remedial policies.

The FOC invites all the involved actors to take note of and to endorse this statement. We further invite all states that support an open and interoperable Internet to apply to join the FOC.

Freedom Online Coalition Background

The FOC is a multilateral coalition of 30 governments that collaborate to advance Internet freedom worldwide. The Coalition provides a forum for like-minded governments to coordinate efforts and work with civil society, the private sector, and other Internet stakeholders to support the ability of individuals to exercise their human rights and fundamental freedoms online. The FOC invites all states that support an open and interoperable Internet to apply to join the FOC.

The mission and vision of the FOC are founded upon the notion that the same rights that people have offline must also be protected online; a pioneering notion originally outlined in the founding FOC Hague Declaration, reaffirmed in the Nairobi Terms of Reference, Tallinn Agenda and San José Statement, and further confirmed in UN Human Rights Council resolutions 20/8, 26/13, 28/16 and 32/13, adopted July 5, 2012, June 26, 2014, March 26, 2015, and July 1, 2016, respectively, as well as resolutions 68/167, 69/166 and 71/199 adopted by consensus by the UN General Assembly respectively on December 18, 2013, December 18, 2014, and December 19, 2016.

The FOC seeks to identify best practices regarding the application of human rights obligations and commitments in the evolving online landscape, as well as to call attention to conditions that undermine those rights.

The FOC, through the Digital Defenders Partnership, also provides rapid response to a range of threats to Internet freedom; from supporting bloggers and cyber activists who find themselves under digital attack, to helping them exercise their human rights online in Internet repressive environments. More information on the Freedom Online Coalition is available at: <http://www.freedomonlinecoalition.com/>. More information on the Digital Defenders Partnership is available at: <http://www.digitaldefenders.org/>.

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