

I - INTRODUCTION

The Freedom Online Coalition (FOC or the Coalition) was established at the inaugural Freedom Online (FO) Conference in The Hague, Netherlands, on December 8th and 9th, 2011. The purpose of this document is to outline the updated structure and operational aspects of the FOC.

II - AIMS AND PRIORITIES

a) Mission

The FOC is a group of countries (each a Member) committed to the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and to upholding their respective obligations under the international human rights treaties to which they are a party. The FOC believes that the human rights that people have offline must also be protected online. The Coalition serves as a coordinating body that advances cross-regional diplomacy and commits to working together, and with all others who share these views, including through multistakeholder engagement, to support Internet freedom and protect human rights online worldwide. The FOC aims to be a proactive coalition that works with all stakeholders to ensure Internet freedom issues are on the policy agenda as a way to drive concrete policy changes and outcomes, and shape global norms to promote a rules-based, democratic, and inclusive world where human rights and fundamental freedoms are upheld in online and digital contexts, with the goal of ensuring everyone, irrespective of gender, ethnicity, indigeneity, language, religion, age, national origin, disability, sexual orientation or other factors, can fully enjoy their human rights online.

The work of the FOC is guided by and reflected in the Coalition's foundational documents, including:

- Founding Declaration
- Tallinn Agenda
- Helsinki Declaration
- Ottawa Agenda

b) Working Methods

To support the above-stated mission statement, Members agree to prioritize three primary working methods:

1. Information and knowledge sharing, including through facilitating learning calls, monitoring and research activities, voluntary funding coordination, and sharing best-practices and guidelines on relevant policy and issue areas, as well as strengthening cooperation and coordination with outside stakeholders, where appropriate;
2. Diplomatic coordination, including through developing joint positions and strategies on thematic topics, and coordinating rapid responses to human rights violations; and
3. Advocacy, including through issuing of Coalition statements and other outputs, directly engaging in multilateral fora, facilitating joint demarches, and hosting and participating in internal and external events.

The implementation of these working methods will adhere to the principles of diversity, equity, inclusion, and accessibility.

III - MEMBERSHIP

a) Application for Membership

The FOC seeks to build an open, globally representative and inclusive multilateral coalition composed of countries committed to protecting and advancing human rights online and offline in their domestic, bilateral, and multilateral affairs. Membership is open to all countries with good human rights records. The FOC will strive to



include broad, cross-regional representation.

Countries interested in Membership should contact the Support Unit and/or the Chair of the Coalition. An existing Member may also refer a country for Membership to the Chair.

An application for Membership in the Coalition shall include a letter addressed to the Chair, or in the absence of a Chair, to the FOC Support Unit, that sets out its reasons for seeking Membership and clearly states its commitment to the Membership responsibilities as outlined in paragraph III.b. of these Terms of Reference.

Upon receipt of an application, the Chair or the Support Unit shall inform the Steering Committee (SC), which will be invited to provide any comments within fifteen calendar days. The SC may decide to share notice of the country's application with, and seek relevant information on the country's human rights records from the FOC Advisory Network. The Support Unit shall produce a report, assessing the applicant country's record on:

1. Demonstrating respect for human rights online domestically, including as independently assessed by reports from civil society organizations, such as: the Freedom on the Net, Freedom in the World, and Freedom of the Press reports by Freedom House; the Global Information Society Watch Report (GISWatch), published by the Association for Progressive Communications and Hivos; the Committee to Protect Journalists' list of imprisoned journalists; and Privacy International's stakeholder reports.
2. The record of the applicant country's actions in international and regional fora on Internet, human rights, and press freedom issues, including as expressed in resolutions and statements.
3. The degree to which the country takes a proactive role furthering Internet freedom in its foreign policy.
4. Membership in good standing in other intergovernmental or multistakeholder initiatives focusing on democracy, transparency, or open government, including the Community of Democracies (CD) and the Open Government Partnership (OGP).

The Chair will circulate the candidate country's application, any comments received from the SC, and the Support Unit's report (together, the "application package") to the SC, which will review that documentation and decide, within five working days, whether to recommend the applicant for Membership. If consensus does not exist, the applicant will be informed and may be offered an opportunity to apply to be an "Observer" (see III.c below). If consensus exists within the SC to recommend the applicant for Membership, the application package, together with any other information the SC deems relevant, will be sent to the full Membership for a silence procedure.

If the application is approved, the applicant, as well as the Membership, will be notified and a note indicating the approval will be posted on the FOC's website.

If the application is not approved, the applicant will be informed and may be offered an opportunity to be an "Observer" (see III.c below). An applicant can retract its application at any time during this process and may apply again at any point six-months after an unsuccessful application.

All application-related information that is not otherwise public shall be held in confidence by the Support Unit and the Membership.

b) Membership Responsibilities

The responsibilities that FOC Members commit to are the following:

1. Upholding the commitments in the FOC's Founding Declaration;
2. Implementing the principles in the foundational documents;
3. Participating in information and knowledge-sharing, diplomatic coordination, and public advocacy efforts of the FOC;
4. Participating in the FO Conference, Strategy and Coordination Meetings (SCMs) as well as other FOC meetings and initiatives as outlined in the Program of Action;
5. Providing financial assistance when feasible;
6. Engaging openly with other stakeholders on Internet-related laws and policies;
7. Self-reporting on domestic and foreign policy efforts to support Internet freedom through their United Nations Universal Periodic Review reports and other pre-existing mechanisms;
8. Committing to preserve and strengthen the multistakeholder model of Internet governance in multilateral fora and in domestic engagement with Internet stakeholders.
9. Committing to ensuring that FOC processes itself are designed, conducted, and implemented in line with the Coalition's mission of promoting human rights, diversity, equity, inclusion, and accessibility.
10. Members may conduct a peer-learning session to share information about successes and challenges in



meeting Member responsibilities and the functioning of the Coalition as set out in the FOC's foundational documents. These sessions will inform future amendments and additions to these documents, which are available publicly. A public statement will be made available after the session. Minutes will not be published unless decided otherwise during the session.

c) Observer Status

The SC may at its discretion offer "Observer" status for States or non-State entities that are interested in joining the Coalition, but lack the resources to make a full commitment, and/or are invited to become observers after being unable to obtain Membership through the application process. States or non-State entities interested in becoming Observers shall follow the same process as a government applying to join the Coalition as a full Member. Observer status will be valid for two years at which point it must be reviewed and may be renewed by the SC.

Observers in the FOC will be restricted from:

1. Voting or ending silence as part of the process of developing/approving FOC statements, documents, or decisions;
2. Serving on the Steering Committee (SC) or as Chair.

d) Termination

Any Member or Observer may withdraw from the FOC at any time by submitting a letter to the Chair and Support Unit indicating as much. A Member can acquire Observer status when renouncing FOC Membership.

The Chair or SC may call for a review of any other Member or Observer's compliance with the Membership responsibilities as stated in part III.b. of these Terms of Reference, in which case the Chair or SC shall produce, with support of the Support Unit, a report covering the relevant aspects of the Member's performance against their responsibilities. The Member or Observer under review will be informed of this report and afforded an opportunity to submit information in response. If upon consideration of this report, as well as any information submitted by the Member or Observer under review, the SC agrees that Membership or Observer status should be terminated, it will recommend this to the full FOC Membership for a silence procedure. The Member or Observer under review will not be allowed to participate in this silence procedure.

If the Membership of a Member or Observer is terminated, a note indicating as much will be posted on the FOC's website. All other information regarding a Membership termination procedure shall be treated with confidence.

IV - STRUCTURE

a) Chair

The Chair of the FOC shall be held for a one-year, one-time renewable term. Two Members may choose to put forward a joint bid to co-Chair the Coalition. The responsibilities of the Chair include:

1. Leading the Coalition's outreach and Membership processes, including receiving and distributing applications from Member and Observer candidate countries;
2. With support from the SC, set the agenda by developing an FOC Program of Action (PoA) that will identify planned priority activities and any other intended deliverables. The PoA shall be shared with the Membership of the FOC.
3. Delivering on the PoA, with support from the SC, ensuring activities are underpinned by principles of diversity, equity, inclusion, and accessibility;
4. Coordinating policy initiatives, identifying critical issues in human rights online and global Internet governance that deserve further discussion or engagement;
5. In consultation with the SC, the Support Unit, and the Advisory Network, organizing or delegating coordination of the FO Conference, Strategy and Coordination Meetings (SCMs) and other FOC meetings;
6. Participating as a member in all of the FOC sub-entities.

If multiple bids for Chair are submitted, the Chair will be picked by a simple majority of votes submitted in a secret vote by non-bidding FOC Members. If more than two bids are put forward, successive rounds of voting may be used to reach a majority. At least half of the Membership must vote in order for a vote to be valid. In the absence of a Chair, all functions herein assigned to the Chair shall be executed by the SC.



The current Chair shall coordinate its work with the former and incoming Chair, as appropriate.

b) Steering Committee

The Steering Committee (SC) shall advise and support the Chair or co-Chairs of the Coalition and will be comprised of not more than one-third of the Coalition's Membership at any time, and include the previous Chair or co-Chairs of the Coalition, as well as the future Chair or co-Chairs, once identified, irrespective of the one-third count. Any Member may volunteer to serve on the SC. Any Member of the SC may withdraw at any time by submitting a letter to the Chair indicating as much. If more than one-third of Members express interest, Membership in the SC will be decided by a secret vote in which the contending countries are ranked by number of votes they receive. Each Coalition Member shall be allowed to vote for three (3) countries to serve on the SC; at the conclusion of voting, the countries that receive the most votes cast shall be selected to serve on the SC. At least half of the Membership must vote in order for a vote to be valid.

The responsibilities of the SC include:

1. Supporting the Chair in drafting and delivering on the FOC PoA, and upholding and implementing the FOC's mission;
2. Assisting in the planning and organization of official FOC events, including periodic conferences, formal events on the margins of Internet governance, human rights, or other multilateral meetings or conferences;
3. Proposing decisions on Membership to the FOC;
4. Aiding in the drafting of FOC statements and documents;
5. Supporting the Chair in conducting outreach to governments, civil society groups, businesses, academics, and other Internet stakeholders;
6. Recruiting future Chairs;
7. Other duties as requested by the Chair and agreed upon by the SC.

c) Funding Coordination Group

The FOC Funding Coordination Group (FCG) shall aim to ensure the financial sustainability of the Coalition and coordinate donor activity to support Coalition aims and objectives, in line with the principles of transparency, good governance, diversity, equity, inclusion, and accessibility. Any Coalition Member may volunteer to serve on the FCG.

d) Diplomatic Networks

The FOC's diplomatic networks enable and enhance diplomatic cooperation and engagement between FOC Members in relevant multilateral and regional fora, and in non-Member countries. The FOC diplomatic networks consist of FOC Members' working-level representatives stationed in the respective location of the network, while the work of each network is led and coordinated by the active Chair and, if appropriate, a designated co-lead government, with assistance from the Support Unit, as appropriate.

The FOC shall facilitate coordination in relevant local and/or regional forums and processes in order to advance the FOC's agenda by organizing meetings ahead of or as a response to relevant sessions and other events.

e) Freedom Online Coalition Advisory Network

The Members welcome the participation and contributions of non-State Internet stakeholders in the FOC. Such participation will primarily be channeled through the Advisory Network, which will:

1. Serve as a mechanism for multistakeholder advice on the aims, objectives and activities of the FOC, and pertinent issues related to human rights online;
2. Support the FOC's mission of advancing human rights online, including through stakeholder engagement;
3. Be instrumental in ensuring multistakeholder engagement in the planning and organization of and participation in FO Conferences, as well as other FOC events and meetings.

The Advisory Network will consist of 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. Any individual or institution that has demonstrated consistent support for the goals of the FOC may join the Advisory Network. The FOC is committed to ensuring that the FOC-AN processes and structure are in line with the Coalition's mission, and in keeping with the principles of diversity, equity, inclusion and accessibility.



The Advisory Network's structure, Membership, and working methods shall be outlined in the Advisory Network's Terms of Reference document.

f) Sub-Entities

The SC may establish a subordinate entity, such as a working group or task force, at any time by publishing its mandate and a call for participation on the FOC website. The mandate for each sub-entity will be affirmatively approved by the SC via a silence procedure process, operate for one calendar year, and must include at least one concrete and actionable diplomatic goal; the SC may renew the mandate of a sub-entity via a silence procedure process at the end of the calendar year, but co-Chair(s) should include a convincing argument to continue operations after the initial diplomatic goal is achieved, and/or if the calendar year is expiring. The call for participation should specify if there is any limit to the number of participants and whether it is open to Observers, Members of the Advisory Network, or others. In the spirit of the multistakeholder approach, sub-entities are encouraged to include Members of, or co-Chair(s) from, the Advisory Network. Sub-entities will also strive for geographic, gender, and stakeholder group balance, in line with the principles of diversity, equity - including gender equality - inclusion and accessibility.

g) Support Unit

The FOC shall maintain a Support Unit, whose functions shall include:

1. Organizing, as well as taking and distributing notes of SC calls;
2. Supporting the Chair and the SC in ensuring effective outreach to Members within the FOC, including via regularly checking the assigned contact points and by facilitating FOC decision making; assisting with organizing the FO Conference, as well as other FOC meetings and events;
3. Facilitating consultations of the Advisory Network, including requesting advice from Advisory Network Members on behalf of the FOC and presenting Advisory Network Member input to the FOC;
4. Providing annual progress reporting on implementation of the FOC's PoA.

Additional functions may be assigned to the Support Unit by the Chair or the SC, as appropriate. The Support Unit shall propose a program of activities and related budget to the SC annually. The SC will review and approve these documents and work with the Funding Coordination Group to secure the financial commitments necessary to support them.

V - OPERATIONAL PROCEDURES

a) Decision Making

The FOC strives to operate by consensus. Unless indicated elsewhere in these Terms of Reference, all decisions will be made as follows: SC decisions will be made by consensus and decisions by the FOC Membership shall be taken by a silence procedure. The SC may also make decisions by means of a silence procedure, if deemed appropriate. A silence procedure is ended when any Member submits a written note before the end of the procedure to the Chair and/or Support Unit stating that it is breaking silence and providing an explanation for such action.

Information about such a country's difference of opinion will be provided to the initiator(s) of the silence procedure. Silence procedures shall typically last fifteen calendar days. However, if the SC considers that circumstances warrant, an "expedited" five-working day silence procedure may be used.

Where the SC deems it necessary, it may put a matter that has not passed a silence procedure to a secret vote by the FOC Membership. In such instances, at least half of all Members must vote in order for a vote to be valid, and two-thirds of voting Members will be required to approve a matter by vote.

For further clarification, these Terms of Reference may only be amended through the full, fifteen-day silence procedure.

1. Issuing Statements and Other Outputs

Coalition statements and outputs can be thematic or country-specific. These can be joint, i.e. issued on behalf of the full Coalition, or opt-in, in the exceptional case when a consensus is not reached.

Any Member or the Advisory Network may recommend a topic for development of an FOC statement, by submitting a justification in writing to the Chair and/or Support Unit. If the recommendation is made by a



Member, the Advisory Network may be offered an opportunity to provide input if appropriate and practical; and vice-versa. If the Chair decides to develop a statement it will assign primary drafting responsibilities to an FOC Member, who will endeavor to produce a draft within thirty days. If appropriate, the Chair will at the same time request input from the Advisory Network on the topic in question.

A draft statement will be shared with the full Coalition for comments after it has been circulated to the SC for a seven-day review and comment period. The lead drafters may also decide to circulate the draft to the full FOC for review and comment at the same time. Following a review by the SC, it will be circulated to the FOC Membership under a silence procedure. A statement that achieves consensus will be issued on behalf of the FOC.

In case consensus is not reached, the lead drafter may offer Members the opportunity to proactively opt-in to support the statement, and the statement will be issued on behalf of the supporting Members, rather than on behalf of the FOC. The final statement will include wording such as “This statement is delivered on behalf of the following FOC Members...”, followed by a list of signatories.

Country-specific statements or thematic statements mentioning country-specific situations must remain on an exceptional¹ basis, in response to repeated and publicly documented human rights violations online.

In case of statements issued under exceptional circumstances, the Chair will seek to inform the Coalition about the intent to develop a draft as early as possible. The lead drafters of exceptional country-specific statements must respect a reasonably long consultation period and indicate the expected date of publication. Lead drafters must regularly update FOC Members on the list of signatory countries. Regular statements that require extensive consultation as they feed into shaping and affirming global norms, will have the regular time period for review and comments.

b) Convening Coalition Conferences and Meetings

The Coalition shall endeavor to hold Strategy and Coordination Meetings (SCMs) and an FO Conference. The SCMs and Conferences may be free-standing events, or can be organized on the margins of other relevant events. The SCMs and FO Conferences shall be planned by the Chair, in coordination with the SC, the Support Unit, and the Advisory Network, and will adhere to principles of diversity, equity, inclusion, and accessibility. Unless otherwise indicated in these Terms of Reference or in its agenda, all FOC meetings/events will be open to all FOC Members, Observers, and Advisory Network Members.

c) Transparency and Communication

The FOC is committed to the principle of transparency and endeavors to improve both internal and external communication about its work. The FOC will make minutes (redacted if necessary) of the SC and other FOC meetings public unless otherwise stated in this document, and proactively communicate about its activities with non-Members through its website, newsletter, social media, and other mediums, as appropriate. The Advisory Network will also be responsible for helping to ensure better dissemination of and participation in FOC events and processes.

¹ The FOC defines exceptional as a repeated and publicly documented violation of human rights online whereby the FOC Chair determines that a timely public response is imperative to raise awareness and/or register the FOC’s condemnation.

