

SPECIAL  
EDITION 2012

# GLOBAL INFORMATION SOCIETY WATCH 2011 UPDATE II

INTERNET RIGHTS AND DEMOCRATISATION

*Focus on freedom of expression and association online*



# **Global Information Society Watch**

**2011 UPDATE II**

**STRATEGIES FOR ACTION**

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## Global Information Society Watch 2011 UPDATE II

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# Executive summary

**G**lobal Information Society Watch (GISWatch)<sup>1</sup> is an annual report focusing on issues affecting information societies around the world. GISWatch 2011 looked at internet rights and democratisation, with a focus on freedom of expression and association online. This Special Edition picks up where GISWatch 2011 left off, analysing more than 60 country and thematic reports in order to better reveal and build understanding of the broad range of practical actions and strategies that activists are developing.

Five clear themes emerge. The first is a strong emphasis on the need for collaborative networking, online and offline, to build multi-stakeholder engagement that can contribute to protection of internet-related human rights. Key ingredients include building a collaborative network structure, effective engagement with internet rights issues, network diversity, open network infrastructure, clear roles and responsibilities, and connection to offline mobilisation.

Connected to this theme is the finding that although the internet is increasingly used as a space for dialogue and debate, democratic participation has not yet been fully realised and many groups remain marginalised both offline and online. There is a need to link online and offline democratic networks to build more meaningful and effective participation and to generate better internet-related public policy.

A third theme is that advocacy efforts are most effective when based on robust evidence and research, but that there are research and information gaps in many areas, which may hinder activists' advocacy campaigns and drive the need for innovative awareness-raising strategies.

The continuing emergence and evolution of threats to internet freedoms is a major theme from the 2011 GISWatch reports, particularly around

intellectual property laws, content filtering, cyber crime laws and anonymity. Strategies to resist these threats vary widely, but share a common element of being grounded in human rights and the use of rights to fight for wider social justice issues such as the need for the rule of law, affordable quality internet access, and freedom of expression. New forms of resistance are also emerging – for example, developing strategies for secure online communication to protect freedom of expression and freedom of association, including anonymity, particularly for women's human rights defenders.

The fifth theme that arose out of the 2011 GISWatch reports was that in many countries, internet rights advocates have clear, positive policy programmes. They seek to advance their objectives through concrete proposals in national and global policy spaces and through a mix of both online and offline strategies and actions. The policy proposals developed by local internet rights advocates are shaped by social, economic, environmental, political and other factors, but share commonalities. These include an emphasis on multi-stakeholder internet policy-making processes; coherence; a balanced approach to internet policy that responds to national contexts while also linking to global policy issues; and an emphasis on innovation in remedies for internet rights violations.

The GISWatch 2011 reports highlighted a wide array of internet rights issues. We hope that this Special Edition will assist activists, civil society groups, human rights defenders, women's human rights defenders and others, as well as the donors who fund them, to better understand the most effective strategies for practical resistance to threats to internet freedoms and the steps being taken to develop a positive internet rights and public policy agenda.

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1. An annual report published by the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos). [www.gisw.org](http://www.gisw.org)

# Introduction

Each year, through a series of thematic and country reports, Global Information Society Watch (GISWatch)<sup>1</sup> focuses on different issues impacting on information societies across the globe. The theme for GISWatch 2011 was internet rights and democratisation, focusing on freedom of expression and association online. This Special Edition picks up where GISWatch 2011 left off, developing it into a global analysis of strategies to fight for internet rights and freedoms. In GISWatch 2011, authors of 55 country reports were encouraged to write about a story or event which illustrated the role of the internet in defending human rights and to suggest, from their experiences, practical actions for protecting freedom of expression and freedom of association online.

The result was a rich collection of reports that approached the topic of the internet, human rights and social resistance from many different angles – whether discussing the rights of prisoners to access the internet in Argentina, candlelight vigils against “mad cow” beef imports in South Korea, the UK Uncut demonstrations in London, or online poetry as protest in China. Many of the reports offered practical advice and solutions on how to harness the potential of the internet to galvanise progressive social resistance effectively – actions steps for civil society – and offered ways to avoid its pitfalls. GISWatch 2011 showed that whatever challenges they faced, people across the world developed new and innovative ways to use the internet to protect and defend their freedom of expression and freedom of association.

Reflecting on their diverse advice and practical suggestions, we were struck by the clear themes that emerged. This Special Edition draws out these themes, analysing and synthesising them in order to better reveal the broad range of practical actions and strategies that activists are developing. In doing so, we hope that this Special Edition will help

to stimulate deeper critique and support activists to continue to develop their own innovative strategies to defend internet rights and freedoms.

We also hope that this Special Edition will assist wider civil society groups, human rights defenders, women’s human rights defenders and others, as well as the donors who fund them, to better understand the most effective strategies for practical resistance to threats to internet freedoms and the steps being taken to develop a positive internet rights agenda.

In collating and analysing the action steps and recommendations suggested by the GISWatch 2011 country reports, we are not purporting to provide a clear map of action plans for internet freedoms. Instead, we simply take the opportunity to reflect, in summarised form, the main themes of the report. Additionally, we asked country report authors to update their action steps in order to see how civil society advocacy priorities have changed over the past year. Those updates will be available online and periodically updated during 2012 and 2013.

This Special Edition consists of five chapters: Chapter 1 looks at collaborative advocacy networks, while Chapter 2 focuses on how activists are working for both greater public participation in internet governance and democratic participation in governance more broadly. Chapter 3 discusses research for advocacy and awareness, examining current trends and highlighting research gaps. Chapter 4 looks at threats to internet freedom and security, and the strategies used to resist and redress these threats. Finally, Chapter 5 discusses emerging themes in policy advocacy for internet rights. Together, they provide a unique summary of the inspiring and creative strategies and actions that activists all over the world are taking to expand the possibilities for social activism in the fight for internet rights and freedoms.

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1. An annual report published by the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos). [www.gisw.org](http://www.gisw.org)

## CHAPTER 1

# COLLABORATIVE NETWORKS





# COLLABORATIVE NETWORKS

Internet rights issues are complex, with a diverse set of stakeholders and clear tensions between groups. This chapter analyses how civil society groups have responded to internet rights issues by building collaborative networks to work towards common goals, and to draw on collective knowledge. The importance of inclusive multi-stakeholder collaboration was emphasised by many authors.<sup>1</sup> In particular, reports recommended connecting online and offline networks, and creating common shared communication infrastructure for open learning and information sharing. Several authors also pointed out the need for clear and agreed upon rules for network activities.

## Network diversity

A theme running through many GISWatch country reports was the need to support and mobilise a broad range of stakeholders including media, legislators, human rights activists, content creators, academics, law enforcement and the technical community.<sup>2</sup> Internet rights issues are multi-dimensional and dynamic. Effective action requires diverse skill sets,<sup>3</sup> including matching new technology to local needs, engagement in various governance spaces, and the ability to translate technical jargon into language that is comprehensible by a wider population.<sup>4</sup> While disagreements are inevitable, rather than being avoided, these can be leveraged positively to represent the interests of a wider population and encourage debate: “Mixed voices, multiple sources of knowledge and diverse information are basic conditions for an informed public, a new interest in political participation and solid community decision making.”<sup>5</sup>

Legislation restricting internet rights and freedoms, such as the recent Lleras Bill in Colombia, often serves as a catalyst for diverse groups of actors to work together around a particular theme.<sup>6</sup> This collaboration can lead to joint submissions to

governing bodies, such as those submitted by the multi-stakeholder RedPaTo2 in Colombia. RedPaTo2 expressed well-founded objections to articles within the Lleras Bill, submitted alternative models, and petitioned Congress to make the process of drafting the bill more transparent and participatory.<sup>7</sup>

Authors also highlight the importance of decentralised civic networks' participation in internet governance. Ron Deibert, in assessing global cyber security strategies, suggests that civic networks are essential to preserving cyberspace as an open commons of information, and addressing growing vulnerabilities from cyber crime and security breaches. Civil society participation in forums for cyberspace governance varies widely, and civic networks play a key role by overseeing these spaces and opening doors to participation.

Online networks have the opportunity to affect the dominant discourse, especially among younger generations. In Bangladesh, the International Crime Strategy Forum (ICSF), an online coalition advocating for the fair trial of perpetrators of war crimes, seeks to achieve its goals by instilling a sense of justice, independence and freedom among future generations. One of the ways it does this is through its e-library, which contains documents on the 1971 genocide.<sup>8</sup>

Research suggests that local or national initiatives work best when working together with organisations in other countries within the same region, such as the European Digital Rights Initiative

1. Thirty-one reports mention multi-stakeholder processes or collaboration.

2. Thematic reports by Souter and Deibert, country reports from Bosnia and Herzegovina, Kazakhstan, Lebanon, Mozambique, Occupied Palestinian Territory, Republic of Congo, Spain and Thailand.

3. Wagner, Liddicoat

4. Colombia, Jamaica, Thailand

5. Sulá Batsú, Costa Rica country report

6. China, Colombia, Raouf

7. Colombia

8. [icsforum.org](http://icsforum.org)

(EDRI).<sup>9</sup> This could include working in some way with alternative global policy actors, such as WikiLeaks. In Nigeria, documents released by WikiLeaks built up the credibility of the regional whistle-blowing site Sahara Reporters, which was established in 1996 but did not gain popular readership until after the 2010 WikiLeaks release of government documents.

### Connecting online and offline activism

Short-term engagement, non-representative campaigns and “slacktivism” are serious issues arising out of online advocacy in countries all over the world. Offline activism is portrayed in numerous country and thematic reports<sup>10</sup> as an essential component to overcome these issues and build effective advocacy networks.<sup>11</sup>

In many countries this connection is already occurring,<sup>12</sup> with offline movements, such as the Red Shirts in Thailand, using social media creatively to increase interest, organise events and diversify offline conversations. In Colombia, opponents to the Lleras Bill used both online and offline spaces to gather support, inform the public and develop alternative proposals. Photos and videos of offline events posted to social media also serve to attract support for a movement, particularly youth engagement. Ramy Raouf recommends cross-posting and complementing online mobilisation with offline strategies, arguing that while the internet provides one tool for mobilisation, building movements and improving human rights can only be done offline.<sup>13</sup> In many country reports, researchers suggest that ICT activism must have a strong presence “on the street” and a real impact in the political arena in order to build support.<sup>14</sup>

Thematic and country reports also highlight the need to place more focus on access to online and offline networks by marginalised groups.<sup>15</sup> Several country reports suggest that low internet penetration significantly impairs the impact of online campaigns, particularly in countries where

disillusionment with politics is high.<sup>16</sup> In Spain, individuals working in internet rights organisations highlighted the importance of expanding internet access in order to effectively represent the voices of Spanish citizens and encourage collective debate.

Several authors recommend broadening participation through crowdsourced mapping and collaboration with offline activists and traditional media.<sup>17</sup> During post-election violence in Kenya in 2008-2009, Ushahidi used mobile phones to crowd-source information on human rights violations, while radio broadcasters read entries from influential bloggers over the airwaves, reaching close to 95% of the population.

### Clear objectives, rules and responsibilities

In many countries, authors report that collaborative networks operate best when there is a clear structure for action. In particular, reports suggest developing spaces where different stakeholders can work together and come to common agreement on internet rights-related issues, as well as strategies for raising awareness.<sup>18</sup> Research from Colombia, Mozambique and Costa Rica suggests assembling a group of trusted individuals to carry out specific tasks, based on clear and agreed rules.

Connected to this is the need for mechanisms to ensure a certain level of quality, accuracy and veracity in shared information, such as information generated by the government, traditional media and citizen journalists.<sup>19</sup> This includes the way in which external sources of information are used to improve or co-opt meaningful dialogue. For example, during the 2007 election in Kenya, traditional and online media exacerbated tensions in the country by broadcasting statements amounting to hate speech by the government and citizens. In response, the Kenyan country report recommends multi-stakeholder discussion on how to respond to hate speech online, both at a local level and at global forums such as the IGF.

9. Spain

10. Seventeen reports in all.

11. Bangladesh, Costa Rica, Mexico, New Zealand, Spain, Thailand

12. Bangladesh, Costa Rica, Mexico, Spain, Thailand

13. Raouf

14. Spain, Thailand

15. Bulgaria, Costa Rica, Egypt, Kazakhstan, Spain, Kee and Moolman

16. Kazakhstan

17. Bangladesh, India, Kenya, Nepal

18. Rwanda

19. Costa Rica, Ecuador

## Common shared communication and network infrastructure

Many 2011 reports suggest coordinating interventions that offer high-impact structural support, strengthen social innovation and promote ethical codes and principles.<sup>20</sup> These reports recommend that activists support initiatives for open knowledge creation and establish social control mechanisms for the management and accountability of the information generated by citizens, mainstream and community media and government.<sup>21</sup> Infrastructure is needed to further these recommendations, particularly to coordinate and foster accountability and open knowledge creation.

Strategic use of software and online tools for network development was recommended in a

number of reports, with a focus on activism-ready functionality, privacy and ownership.<sup>22</sup>

Examining the internet in a new age of digital activism, the GISWatch country report from Spain highlights the importance of choosing commercially independent and community-owned platforms and applications, such as the Wikimedia Foundation, over those with commercial interests, such as Facebook and Twitter. Discussing e-revolutions and cyber crackdowns, Alex Comninos describes how different platforms offer different strengths and weaknesses with regards to activism and privacy. While Twitter allows for anonymous monikers, Facebook does not. Moreover, these platforms have ultimate control over online content posted by users, which could threaten the privacy and anonymity of activists.

### ACTION STRATEGIES

- Develop and expand multi-stakeholder networks, connecting online activism with offline mobilisation.
- Advocate for increased access to online networks and spaces to allow citizens to exercise their rights.
- Develop clear structures to share information, support action and maintain equitable participation in multi-stakeholder networks.
- Choose online networking tools strategically to enable broader participation and protect privacy.

20. Bolivia, Ecuador, Uruguay

21. Bolivia, Ecuador, Egypt, Kazakhstan, Mexico, Morocco, Spain

22. Bosnia and Herzegovina, Bulgaria, Costa Rica, Ecuador, Kazakhstan, Mexico, Nigeria, Spain

## CHAPTER 2

# CIVIL SOCIETY PARTICIPATION IN POLICY SPACES AT NATIONAL AND GLOBAL LEVELS



# CIVIL SOCIETY PARTICIPATION IN POLICY SPACES AT NATIONAL AND GLOBAL LEVELS

This chapter explores a key outcome emphasised in the 2011 GISWatch reports: the potential for the internet to increase participation in political decision making. Social networking platforms such as Twitter and Facebook provide opportunities for discourse and debate that often do not exist in offline spaces. At the same time, the 2011 reports highlight many of the risks that accompany this new opportunity for participatory democracy, including resistance from government actors who perceive online discourse as challenging the established political order. GISWatch reports also note the importance of connecting participation in internet governance with participation in governance more broadly.

## Changing political participation

The internet provides a potential space not only to interactively share information, but to actively participate in the development of movements which seek to augment and regenerate political, social and economic systems.

While online tools such as wikis provide opportunities to share and edit information, new platforms such as IdeaTorrent and Helios Voting allow for secure online voting.<sup>1</sup> Citizen reporting groups like Sahara Reporters use online platforms and websites to expose government corruption in countries all over Africa, in some cases supported by documents released through WikiLeaks.<sup>2</sup> The Romanian government's new eRomania project is intended to increase citizen participation in decision making and improve government services.

In the United States, measures adopted in the name of child protection included invasive surveillance of children's own online content, raising privacy issues for children and young people. Despite their high use of technology, the lack of engagement of young people as political activists and the need for more education rather than regulation were cited as critical points for change. The importance of campaigns and research to sustain good quality legislation was also highlighted.

Online tools and platforms also contribute to changes in participation in governance more

broadly, such as the disbursement of essential public services during crises, for example, the 2011 tsunami in Japan. After the tsunami hit, groups of individuals and ICT professionals quickly set up voluntary, ad hoc information-sharing platforms intended to complement official relief work, which included lists of shelters and missing people, services that matched demand, and data on roads that were passable. However, no well-structured information-sharing mechanisms had been developed before the disaster, and this lack of preparedness limited the impact of ICT-facilitated rescue work. New online tools and platforms can be used strategically for greater contribution to government services, but these tools need to be developed in advance of emergency situations.

## Threats to effective participation

Although the internet has been an important tool for sharing knowledge and skills, and for directing attention towards particular issues, it has not proven to be an inclusive and safe space for all groups. Internet penetration remains low in many countries, particularly among poor and rural communities. While research suggests that in many countries, online campaigns are using mobile technology to reach a wider population, very few target women and other marginalised groups. For those who do have internet access, online security is becoming a major issue, as was highlighted by Alex

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1. Spain  
2. Nigeria

Comminos, Ron Deibert and Joe McNamee in their thematic reports, as well as a number of country reports. As online platforms have provided new spaces for open discussion, many governments have responded with new legislation intended to silence criticism and prevent dissent.<sup>3</sup> In addition to online censorship and monitoring, many citizens participate in self-censorship<sup>4</sup> in order to avoid undue scrutiny.

There is also a serious danger in many countries that those in power will continue to ignore and subvert the democratising power of the internet. Several country reports expressed concern over the lack of interest in using the internet to interact with citizens shown by traditional political parties and public administrations. While political parties may maintain an “active presence” on social media sites during their campaigns, afterwards they often return to traditional one-way information flows, such as through government websites.<sup>5</sup> According to researchers in Spain, the result is that the political sphere ignores the majority of initiatives and ideas that are formulated online by informal groups.

Initiatives which successfully affect policy often do so through established structures, such as petitions and the judiciary. However, even in countries where the government is working towards online participation, difficulties can arise. While online government data presents the illusion of transparent governance, research suggests that in practice this data is not easily accessible for the general public, often due to lack of infrastructure and technical training.<sup>6</sup> Moreover, government platforms often do not provide adequate space for civil society consultation and provision of public services.<sup>7</sup> In response, action strategies have been developed to improve transparency and accountability, based in part on a human rights approach.

## Overcoming barriers

The 2011 GISWatch reports recommend, both explicitly and implicitly, several important strategies to overcome existing threats to online civic participation, using multi-stakeholder processes, practical tools and offline activism.

More than half of the 2011 country reports describe training and information dissemination as essential components for effective participation by citizens, in order to overcome knowledge and skill barriers.<sup>8</sup> In particular, reports suggests that activists, the government and the general public should be trained in existing technology, including digital storytelling, citizen media and online tools for emergency situations.<sup>9</sup> Governments in particular need training to understand and use online platforms. Several reports recommend developing information sheets on internet rights issues, including online privacy and security, available in local languages for activists, government, judiciary, police and citizens.<sup>10</sup>

Awareness campaigns can also be an effective tool in the struggle against attacks on internet rights and freedoms. In Pakistan, the threat of online spying and censorship is combated in part through international attention as a result of online campaigns, particularly on Facebook and Twitter.

One way to overcome barriers to participation is by choosing alternative governance spaces to take issues forward. Ramy Raof and a number of country authors<sup>11</sup> emphasise that offline activism is often more successful than online activism, particularly where low internet penetration and government buy-in prevent online campaigns from gaining popular support. Research in Rwanda also recommends developing spaces for debate between citizens, media and government to find common agreement on internet rights issues and to raise public awareness.

3. Pakistan, Saudi Arabia

4. Italy, Rwanda

5. Kazakhstan, Spain

6. Bulgaria, India, Kenya, Romania

7. Bulgaria, Romania

8. Argentina, Benin, Cameroon, Ecuador, Egypt, Ethiopia, Kazakhstan, Kyrgyzstan, Mozambique, Romania, Rwanda, Zambia

9. Argentina, Bolivia, Bosnia and Herzegovina, Colombia, Costa Rica, Cote d'Ivoire, Ecuador, Egypt, Italy, Jamaica, Kazakhstan, Lebanon, Morocco, Mozambique, Nepal, New Zealand, Occupied Palestinian Territory, Rwanda, Tanzania, Thailand, Uruguay, Zambia

10. Bangladesh, Bosnia and Herzegovina, Colombia, Egypt, Italy, Jamaica, Kazakhstan, Lebanon, Occupied Palestinian Territory, Pakistan, Republic of Congo, Rwanda, Switzerland

11. Bangladesh, Spain, Thailand

## Participation in internet governance

Many of the GISWatch country and thematic reports draw strong links between participation in internet governance and in political participation more broadly. As the internet continues to grow as a space for dialogue and debate, and threats to internet rights and freedoms become more prevalent, many authors conclude that it is essential for citizens to be represented in debates around internet governance and proposals for new laws and regulatory policy.

In Mexico, for example, politicians have called for greater regulation of digital tools following news that some drug cartels were using social networks as a main vehicle for communication. However, if restrictive regulation is put in place, it will likely also harm the emergence of real-time reporting of violence through online social platforms. In Pakistan, internet rights activists called on the global community to raise awareness about internet rights among the general public, and promote the effective participation of women and other marginalised groups in policy processes relating to digital rights.

### ACTION STRATEGIES

- Develop online tools and spaces to encourage broad participation in governance.
- Engage a human rights approach to access to the internet, provision of government services, and online discourse.
- Develop training modules and tools to build the capacity of all stakeholders to safely and effectively use new technology for democratic participation.
- Provide opportunities for civil society and the general public to participate in internet governance, including consultation in national and international policy making.

## CHAPTER 3

# RESEARCH FOR ADVOCACY AND AWARENESS RAISING





# RESEARCH FOR ADVOCACY AND AWARENESS RAISING

Robust evidence, including case studies, statistical data and even online discourse, can provide essential insight into the promotion and protection of human rights online. However, that information is not always available, or may come from non-traditional sources. This chapter analyses the strategies and actions that activists are using to raise awareness of human rights on the internet, and considers how research is being used to support national, regional and global advocacy on freedom of expression and association on the internet.

## Research gaps

Country authors highlight a number of areas where more research is needed, ranging from statistical data on internet usage and public perceptions<sup>1</sup> to best practices for complex issues such as intermediary liability and hate speech online.<sup>2</sup>

GISWatch reports demonstrate how online tools and advocacy campaigns have amplified advocacy and participation in local governance. However, in many countries, low internet penetration significantly impairs the impact of online advocacy – in Jamaica, for example, online campaigns such as “Save the Cockpit Country” involved only an elite minority of citizens, as only 16% of households have access to the internet.<sup>3</sup> In these cases there is a need for advocacy for access to the internet as an enabler of human rights and democratisation. However, it is often difficult to find baseline research on internet usage, including differences between rural and urban communities, marginalised groups and women.<sup>4</sup>

Country reports also suggest the importance of looking at how citizens perceive and use the internet and other ICTs.<sup>5</sup> In Tanzania, “netizens” responded to government secrecy around an army base explosion by sharing information and photos, which led to critical discussion among a wide group of citizens. Researchers suggest that by

understanding perceptions of ICTs, especially with regards to social resistance, internet rights activists can determine how best to engage other citizens in exercising their rights online.

In addition to relatively straightforward research on ICT use and perceptions, GISWatch authors called for in-depth empirical research to inform policy discussions on complex issues, such as intermediary liability<sup>6</sup> and responses to hate speech online. Both country and thematic authors suggest that in-depth examination is needed to contribute to the development of an appropriate regulatory model to govern intermediaries as common carrier networks.<sup>7</sup> As Ben Wagner points out, the role of the corporate sector in securing free expression is highly ambiguous, with many intermediaries acting as allies in government censorship.<sup>8</sup>

Research and debate are also needed to find appropriate responses to hate speech online, and to provide safe online spaces for marginalised groups.<sup>9</sup> In Bulgaria, hate speech flourished in reaction to a street murder by the driver of a crime boss who had been linked for years to political corruption. Online and offline protests against “Roma crime” began, and calls for the “protection of Bulgarians against Roma” have increased. As in any

1. Jamaica, Rwanda
2. Bosnia and Herzegovina, Bulgaria, Kenya, Venezuela
3. Dunn, H., Williams, R., Thomas, M. and Brown, A. (2011) Caribbean Broadband and ICT Indicators Survey, Telecommunications Policy and Management Programme, University of the West Indies, Jamaica.
4. Jamaica, Rwanda, Tanzania
5. Jamaica, Kenya, Tanzania

6. Internet intermediaries, such as internet service providers (ISPs), are under certain conditions liable for the content that their subscribers or other internet users put online.
7. Liddicoat, Wagner, Kenya
8. Human Rights Watch (2006) “Race to the bottom”: Corporate complicity in Chinese internet censorship, Human Rights Watch, New York.
9. Bosnia and Herzegovina, Bulgaria, Kenya, Kee and Moolman, Souter

policing of assemblies, there is a delicate balance between protecting an assembly and allowing the free speech of others. Local online advocacy groups have called for public debate and regulation of freedom of speech and its limitations to better protect this balance.

### Citizen research and open data

Crowdsourced reporting of human rights violations is a form of research that has become an important tool for policy advocacy. Examining social networking and the “war on drugs” in Mexico, LaNeta revealed the importance of citizens participating in the reporting of violence, as well as monitoring judicial and legislative processes. In Kenya, Ushahidi used mobile phones and the internet to crowdsource information on human rights violations during post-election violence.

GISWatch reports describe a number of different organisations, networks and campaigns that conduct and disseminate research. Citizen journalist groups like Sahara Reporters in Nigeria and El Diario Vanguardia in Mexico use online resources and platforms to expose corruption and violence in close to real time. Local campaigns also rely on open platforms and crowdsourced data to inform and influence decision making in emergency situations, and to combat violence and government inefficiency.<sup>10</sup>

Both country and thematic researchers recommend using new technology to provide opportunities for transparency and oversight in governance,<sup>11</sup> including the open provision and exchange of information online. In India, sub-national projects to digitise land records evolved into a nationwide project, including Common Services Centres (CSC), set up in rural areas across the country to enable real-time access to information and e-government services. This data can enable citizen research, and lead to increased awareness and engagement with public policy and governance.

### Examining diverse stakeholders and policy spaces

Future research priorities require significant data and input from a variety of stakeholders, including government, the private sector, the technical community and human rights organisations.

An important aspect of multi-stakeholder research is the need for collaborative action, based on clear and agreed upon objectives and principles. In Spain, country authors recommend research that is focused on getting government on board – suggesting that online campaigns are perceived by government to be manipulative and unrepresentative. In Kenya, multi-stakeholder discussions are recommended in order to determine appropriate responses to incitement of hatred and violence through online media.

GISWatch reports also recommend research to determine what spaces specific advocacy campaigns should target. In her report on UN accountability mechanisms, Joy Liddicoat suggests that research is needed to develop a better global picture of how these various mechanisms are being used, and to monitor change. For example, some mechanisms may be best suited to certain types of complaints and offer different remedies. In Saudi Arabia, an online campaign against legislation prohibiting women from driving provoked social engagement and discussion, but led some to question whether this was the best way to change public policy, arguing for a rights-based approach which considers driving a constitutional freedom.

Recommendations were also made to evaluate international agreements and responsibilities, to inform national policy making, and to identify conflicts with existing legislation.<sup>12</sup> In his report on internet foreign policy, Wagner suggests that research into internet freedom issues should not aim to bring the relevant policy areas together in one document, but to develop a coherent framework with principles that can be applied across government ministries and public policy areas.

10. Australia, Mexico, Nigeria

11. Liddicoat, Australia, Bolivia, Colombia, Ecuador, Egypt, Kazakhstan, Mexico, Morocco, New Zealand, Spain, Uruguay

12. Venezuela

## **ACTION STRATEGIES**

- Conduct research on perceptions and uses of ICTs by the general public.
- Engage all relevant stakeholders in research to support advocacy on complex issues such as hate speech and intermediary liability.
- Work with citizen journalists and open data advocates to fill research gaps and diversify sources of information.
- Use research to develop a coherent framework with principles that can be applied across policy spaces.

## CHAPTER 4

# STRATEGIES FOR RESISTING THREATS TO INTERNET FREEDOMS



# STRATEGIES FOR RESISTING THREATS TO INTERNET FREEDOMS

This chapter examines the diverse threats to internet freedoms from national and global policy as well as from corporate policies that civil society groups and internet rights activists have encountered, noting that these have emerged in the areas of cyber crime, intellectual property, content filtering and protection of anonymity. Strategies to resist these threats varied widely, including national and global strategies. In some cases these strategies are linked to global debates in order to better inform strategy development and tactics in jurisdictions which are not yet affected by global debates, but which are likely to be.

## Intellectual property

Regulation around intellectual property was a site of both threat and opportunity in 2011. Intellectual property rights are protected under international human rights law. But the key trend in 2011 was the global attempts to negotiate, via negotiation through multilateral trade agreements, intellectual property rights protections which did not comply with those international human rights standards (nor indeed with many national laws and constitutional frameworks protecting human rights).<sup>1</sup> While Colombian civil society battled against the now passed Lleras Bill, in India civil society groups devised a variety of actions to oppose these global developments which would have resulted in restrictive intellectual property laws in India. In New Zealand, activists opposing copyright reforms and the repressive measures proposed in the Anti-Counterfeiting Trade Agreement (ACTA)<sup>2</sup> focused on educating politicians and officials making ICT policy on internet rights-related issues in order to prevent poorly informed legislation.

## Content filtering

In Pakistan and France, advocates faced content filtering measures, such as the blocking of videos of human rights violations by army personnel, and

developed strategies to strongly oppose this. Strategies drew on the rule of law, applying online the same human rights standards and rules that apply offline to surveillance – for example, by demanding that citizens be given notice of orders to remove content or block access.

## Cyber crime

A clear theme from the country reports of Brazil, France, Jordan, the Republic of Korea, Switzerland, Tanzania and the United States was the critical need to actively organise to resist cyber crime laws and laws criminalising online content. Effective strategies could prevent the adoption of such laws, effect real change to proposed laws, or mitigate the effect of laws in a variety of ways. For example, in Brazil, strategies focused on rejecting a proposed cyber crime law while promoting the approval of a civil rights framework for internet regulatory measures and building coalitions around an alternative proposal. In France, activists focused advocacy efforts on the freedom offered by the internet, such as free communication and other fundamental rights, and argued that these must be strictly protected by law. They were able to use this advocacy to address rule of law, due process, transparency and other issues in the context of LOPSSI, a controversial bill that allows the executive branch to censor the internet under the pretext of fighting child pornography. In Jordan, advocates emphasised the importance

1. Colombia, India, New Zealand, Spain, Deibert, McNamee

2. The Anti-Counterfeiting Trade Agreement (ACTA) is a multinational treaty to establish standards for intellectual property rights enforcement, which in its current form would create harsh legal standards and facilitate privacy violations.

of considering the wider environment in which internet regulation takes place, especially the rule of law and a free media as the fundamental infrastructure of good governance. Strategies to secure internet freedoms were therefore linked to affordable internet access, abolishing cyber crime laws and amending existing laws (to ensure the right of access to online information, for example), rather than adopting separate legislation on internet content.

Strong clear opposition to cyber crime bills and legislation that violate internet rights and freedoms was not always successful. But even failure could have a galvanising effect, catalysing networks to form and be sustained beyond the specific proposal and remain in place to monitor repressive measures, report on violations, and continue efforts for repeal.

## Anonymity

The issue of anonymity on the internet, while not a new one, was brought into sharp relief in 2011 in the WikiLeaks case. While the internet has enabled almost limitless possibilities to publish large amounts of data, and opened up whistle-blowing opportunities in various contexts, the WikiLeaks case has highlighted that protection of sources and anonymity has become an intensely political issue. In Sweden, where WikiLeaks has been established as a public company, advocates debated that the

legal situation is not clear and noted that it was necessary to promote legal source protection and technical protection, as well as technical measures to protect source anonymity.

The issue of anonymity was also relevant in the Middle East and North Africa (MENA) region, where threats to anonymity included moves by government security officials to insist on the taking down of anonymous online and user-generated content. At the same time, government security officials also used anonymity to carry out their own surveillance of human rights defenders, such as through “astroturfing” and “sockpuppetry”.<sup>3</sup> Many user-generated content platforms do not allow for anonymity and Comminos suggests that anonymity is not ideal for activism, especially if the source of the activism is not known. Nonetheless, Comminos also notes that in the context of repressive regimes, the protection afforded by anonymity does have its merits and in some cases may be absolutely essential for the safety and security of human rights defenders. In this context, secure online communication strategies emerged as another way to combat threats to freedom of expression and association online. These included safe and informed use of social networking sites, backup and mirroring of content, using alternatives to Facebook when organising for specific purposes, and using https secure browsing, encryption and other security measures to organise securely.

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3. Comminos

## ACTION STRATEGIES

- Use human rights standards as a basis to oppose and reform threats to internet freedoms in the areas of intellectual property law reforms, content filtering, cyber crime legislation and protection of anonymity.
- Promote the adoption of national human rights frameworks for internet regulatory measures.
- Develop and sustain collaborative advocacy networks to monitor repressive policies, and continue efforts to repeal legislation that violates human rights.
- Raise public awareness of threats to privacy, freedom of expression and freedom of association online.
- Provide training in secure online communication by human rights advocates, internet activists, and the general public.

## CHAPTER 5

# PROMOTING POLICIES THAT WILL SECURE INTERNET RIGHTS





# PROMOTING POLICIES THAT WILL SECURE INTERNET RIGHTS

Civil society groups' strategies are not only reactive. On the contrary, GISWatch 2011 country reports demonstrate that in many countries, internet rights advocates have clear, positive policy programmes and they seek to advance their objectives through concrete proposals in national and global processes and through online and offline strategies and actions. These policy proposals vary widely according to specific and unique national contexts and are necessarily shaped by social, economic, environmental, political and other factors. Yet, as outlined in this chapter, several strong themes and commonalities emerge from these reports, including an emphasis on promoting and protecting internet rights through internet policy making that is founded on multi-stakeholder processes, is coherent across internet policy spaces, and takes a restrained and balanced approach to policy making in light of national contexts and links to global policy issues. Finally, country reports emphasised innovation in developing remedies for internet rights violations and the need for more research of the experiences of victims of internet-related rights violations.

## Multi-stakeholder internet policy processes

Nearly one third of country reports (17) highlight the strategy of building multi-stakeholder platforms or forums that enable people to work together towards shared understanding of policy frameworks for the internet. These include developing a multi-stakeholder national civil rights framework for the internet (including freedom of expression and access to information online) or establishing a national commission for internet use.<sup>1</sup> These platforms were also considered vital for direct calls to action, for example, in Switzerland by building widespread support for a referendum should a new law be passed and, in doing so, concurrently appealing to the Swiss tradition of direct democracy.

## Coherent internet regulation and policy

Civil society groups also advocate a positive programme of internet policy which is coherent across the internet ecosystem. In mapping internet rights

and freedoms, David Souter, for example, provides pathways to the intersections of internet public policy-making processes and concludes that the internet has impacted on human rights in a variety of ways that must be taken into account by internet activists but which also have importance for policy makers and coherent policy making. Mapping policy spaces also enables deeper analysis of the different strategies that arise from particular country contexts.

Some country reports recommend that policy makers focus on data privacy and disclose processes for data processing in order to allow evidence-based policy making on transport policy, intellectual property policy and development of real name registration policies.<sup>2</sup> Some recommend keeping internet regulation separate from regulations that govern traditional media, focusing instead on network neutrality and protection of internet intermediaries.<sup>3</sup> Others maintain that in

1. Australia, Brazil, Bulgaria, Cameroon, Ecuador, India, Italy, Jordan, Kenya, Morocco, New Zealand, Nigeria, Pakistan, Republic of Congo, Republic of Korea, Spain, Tunisia, Uruguay

2. Netherlands, New Zealand, Republic of Korea

3. Ecuador, Italy, Kenya, Mozambique, Spain

their contexts, the best strategy is to amend existing legislation to take account of internet-related rights, rather than create new legislation.<sup>4</sup> Overall, the reports suggest that activists are striving for more coherent internet policy in light of specific national contexts, suggesting that while there may be a broad focus on internet rights and freedoms, there is no single way, nor any best way, to make this happen.

## Common themes in positive policy proposals

### Affordable access for all

Fifteen reports recommend advocacy strategies which call on the government to prioritise broadband internet penetration and affordable access to the internet for everyone.<sup>5</sup> This includes recommendations for training for ICT literacy, which in many countries significantly limits the impact of improved broadband penetration.<sup>6</sup>

### Human rights

Country authors highlighted a number of policy proposals affecting freedom of association (6), freedom of expression (33), privacy (17), anonymity (14), freedom from surveillance (11), access to information (23) and freedom from arbitrary arrest or seizure of property (5). Specific policy proposals also emerged about the rights and freedoms of particular groups or stakeholders, including securing and upholding women's rights (12), the rights of children and young people, codes of conduct for intermediaries, and the need for actions to resist and combat discrimination (for example, on racial and other grounds). Strategies for the protection of the rights of vulnerable and marginalised groups included the use of ICTs by prisoners to document and highlight human rights abuses<sup>7</sup> and creating safe online spaces to protect the rights of Roma.<sup>8</sup>

4. Bulgaria, Cameroon, Jordan, Republic of Korea, Switzerland, Tanzania, Uruguay

5. Argentina, Bangladesh, Colombia, Ecuador, Egypt, India, Jordan, Kazakhstan, Mexico, Nigeria, Spain, Tanzania, Tunisia, Uruguay, Zambia

6. Benin, Costa Rica, Ecuador, India, Italy

7. Argentina

8. Bulgaria

## Good governance and combating corruption

ICTs and online campaigns are also being used to combat corruption and strengthen good governance, especially where traditional media are censored.<sup>9</sup> However, these campaigns have been met with varied success, with recommendations made to target offline users and develop calls to action which focus on specific wrongdoings rather than abstract issues.<sup>10</sup>

## Innovation in remedies for rights violations

There are a variety of policy spaces and accountability mechanisms for internet-related human rights violations.<sup>11</sup> At the United Nations level, these include the Security Council, the Human Rights Committee and, more recently, the Human Rights Council. While each of these mechanisms is intended to hold states accountable for upholding the Universal Declaration of Human Rights, in practice, their effectiveness varies widely, with reporting processes often overly cumbersome and time consuming. As Joy Liddicoat argues:

The UN system is evolving with new processes such as the Universal Periodic Review providing new opportunities for scrutiny and leadership. While changes may be positive, these take time to implement, requiring civil society organisations (CSOs) to develop or enhance capacity to engage and use them effectively while also trying to advance their issues and concerns.

Civil society groups continue to grapple with the complexity of accountability and remedies for human rights violations. Both in the field of sexual rights and in human rights generally, the pathways for remedies for rights violations are not always clear, can be contradictory, and may fail to uphold users' rights.<sup>12</sup> Civil society groups have responded with a variety of strategies and some innovative calls to action.

9. For example, Tanzania

10. China: The Jasmine Revolution, a response to uprisings in Egypt and Tunisia, was based on the abstract call to challenge the political system.

11. Liddicoat

12. Kee and Moolman, Liddicoat

In Cameroon, following a ten-day Twitter blackout, local groups called for the Cameroon National Commission on Human Rights and Freedoms to have jurisdiction to deal with internet-related human rights violations. In Switzerland, activists also called for the establishment of a national

human rights institution in accordance with the Paris Principles to promote and protect internet-related rights and freedoms. In Colombia, online videos of legislative sessions provide an opportunity for viewers to comment through sites such as Twitter.

### **ACTION STRATEGIES**

- Encourage internet policy making that is founded on multi-stakeholder processes.
- Advocate for a positive programme of internet policy which is coherent across the internet ecosystem.
- Build the capacity of local internet rights activists to participate in human rights processes, such as the Universal Periodic Review.
- Raise awareness of internet rights violations among the general public through targeted campaigns and calls for specific action.



This publication is a follow-up to the 2011 edition of **GLOBAL INFORMATION SOCIETY WATCH** (GISWatch), an annual report that offers a civil society perspective on critical emerging issues in information societies worldwide. The theme for **GISWATCH 2011** was internet rights and democratisation, with a focus on freedom of expression and association online.

This follow-up report maps themes and trends that emerged in the 2011 publication, and also follows up on the action steps suggested in the country reports to see how relevant they still are one year later. There are five chapters here, focusing on the themes of collaborative advocacy networks; how activists are working for greater public participation in both internet governance and governance more broadly; research for advocacy and awareness; threats to internet freedom and security; and emerging issues in policy advocacy for internet rights.

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