



FREEDOM ONLINE COALITION

BASIC DOCUMENTS

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PREFACE

For the Freedom Online Coalition 2018 was a year of consolidation and reorientation of its work. Founded in 2011 in The Hague and initially structured along the Nairobi Terms of Reference adopted in 2012, the FOC decided in 2016 to undertake an in-depth review of its structure and working methods, together with partners and supporters from civil society and academia. A Members' Survey and External Assessment were carried out on the basis of which the Strategic Review Working Group, with input from the FOC Support Unit, issued conclusions and recommendations to the San Jose Conference 2016. In San Jose the FOC issued a Strategic Review Outcome Workplan which led to the adoption, in Stockholm 2017, of new terms of reference.

The Stockholm Terms of Reference confirm the goal of the FOC to serve as a multilateral coordinating body that advances cross-regional diplomacy and multistakeholder engagement to promote and protect human rights online globally. To be able to achieve that goal, Stockholm introduced a number of important clarifications and improvements to the internal workings of the Coalition and clarified questions of membership in the Coalition. The most important innovation,

however, was the decision to establish an FOC Advisory Network to serve as a mechanism to generate and channel multistakeholder advice on the aims and activities of the FOC. 2018 saw the implementation of the new terms of reference by the German Chair, the Support Unit and the Friends of the Chair, while the Coalition as a group continued its substantive and programmatic work as foreseen in the Hague Declaration and the Tallinn Agenda.

This collection of “Basic Documents”, published on the occasion of the 2018 FOC Conference in Berlin, combines in one handy volume the FOC’s strategic decisions taken by earlier Conferences, the current terms of reference for the work of the Coalition, and all Freedom Online Coalition Statements issued since the beginning of its work. We hope that it serves as an easy reference not only for delegates and supporters of FOC members and the stakeholders cooperating with them, but also a wider audience interested in the workings and achievements of the Coalition – and ultimately anyone who shares the FOC’s commitment, as expressed in the Hague Declaration, “to the principle that the human rights that people have offline enjoy the same protection online”.

Berlin, November 2018



Ambassador

Dr. Thomas Fitschen

Special Representative for
Cyber Foreign Policy and
Cybersecurity,
Federal Foreign Office



Andrew Puddephatt

Head of the FOC Support Unit

ABOUT THE FREEDOM ONLINE COALITION

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 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 Stockholm 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: **www.freedomonlinecoalition.com**

More information on the Digital Defenders Partnership is available at: **www.digitaldefenders.org**

UNDERPINNING DOCUMENTS

The 2017 Stockholm Terms of Reference of the Freedom Online Coalition

I. INTRODUCTION

The Freedom Online Coalition (FOC) was established at the inaugural Freedom Online 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, based upon the results of the Strategic Review of the Coalition that were presented at the 6th Annual Conference in San Jose, Costa Rica in October 2016.

The Coalition Members reaffirmed in the San Jose Statement and Work Plan their individual and collective commitments to the Founding Declaration from The Hague (December 2011) and the Tallinn Agenda for Freedom Online (April 2014). The FOC clarified that the goal of the Coalition is to serve as a multilateral coordinating body that advances cross-regional diplomacy and multistakeholder engagement to promote and protect human rights online globally. Members also acknowledged the importance of remaining flexible in structure and strategy, while recognizing and committing to address, where necessary, the limits that informal arrangements can have on effectiveness, impact, and internal coherence.

II. AIMS AND PRIORITIES

a) **Mission**

The Freedom Online Coalition is a group of countries 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 free-

dom issues are on the international policy agenda as a way to drive concrete policy changes and outcomes.

b) Priorities

To support the above-stated mission statement, Members agreed in the San Jose Statement and Work Plan to prioritize three primary activity areas:

1. Strengthening coordination and cooperation among Members, as well as with outside stakeholders who share the Coalition's objectives, with added focus on fostering cross-regional diplomacy through employing local networks;
2. Shaping global norms on human rights online through joint statements;
3. Holding periodic convenings with Members and other stakeholders.

III. MEMBERSHIP

a) Application for Membership

The FOC seeks to build an open, inclusive multilateral coalition composed of like-minded countries seeking to protect and advance 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 shall 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 this document.

Upon receipt of an application, the Chair or the Support Unit shall inform the Friends of the Chair (FotC), which will be invited to provide any comments within thirty days. The Support Unit shall separately 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 (GIS-Watch) report published by APC and Hivos; the Committee to Protect Journalist's 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 the 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 FotC, and the Support Unit's report (together, the "application package") to the FotC, which will review that documentation and decide 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 FotC to recommend the applicant for membership, the application package, together with any other information the FotC deems relevant, will be sent to the full membership for 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 shall be treated with confidence.

b) Membership Responsibilities

The responsibilities that FOC Members commit to are the following:

1. Upholding the commitments in the Freedom Online Coalition's Founding Declaration;
2. Implementing the principles in the Tallinn Agenda;
3. Participating in the FOC Conference and the peer-learning session;
4. Participating in other FOC meetings and FOC initiatives outlined in the program of action;
5. Providing financial assistance when feasible;
6. Sharing information and feedback gathered from the field, including on specific country situations, as appropriate;
7. Engaging openly with other stakeholders on Internet-related laws and policies, including through existing processes such as the Universal Periodic Review;
8. Committing to preserve and strengthen the multistakeholder model of Internet governance in multilateral fora and in domestic engagement with Internet stakeholders

c) Observer Status

The FOC may at its discretion offer "Observer" status for countries that are interested in joining, but lack the resources to make a full commitment, and/or are invited to become observers after being un-

able to obtain membership through the application process. Countries 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 renewed by the FotC.

Observers in the FOC will be restricted from:

1. Providing input, voting, or ending silence as part of the process of developing/approving FOC statements, documents, or decisions;
2. Participating in peer-learning or other closed-door sessions;
3. Serving on the Friends of the Chair 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 FotC may call for a review of any other Member or Observer's compliance with the Membership responsibilities as stated in part III.b. of this document, in which case the Chair or FotC 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 FotC 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 Friends of the Chair set the agenda by developing an FOC program of action that will identify planned priority activities and any other intended deliverables. The program shall be shared with the membership of the FOC.
3. Delivering on the program of action, with support from the FotC;
4. Coordinating policy initiatives, identifying critical issues in human rights online and global Internet governance that deserve further discussion, engagement, or programming;
5. In consultation with the FotC, the Support Unit, and the Advisory Network, organizing or delegating coordination of the FOC Conference;

If multiple bids for Chair are submitted, the Chair will be picked by a simple majority of votes submitted in a secret ballot 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 FotC.

b) Friends of the Chair

The Friends of the Chair (FotC) shall advise and support the Chair 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 of the Coalition. Any Member may volunteer to serve on the FotC. Any member of the FotC 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 FotC will be decided by a secret ballot 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 FotC; at the conclusion of voting, the countries that receive the most votes cast shall be selected to serve on the FotC. At least half of the membership must vote in order for a vote to be valid.

The responsibilities of the FotC include:

1. Supporting the Chair in drafting and delivering on the FOC program of action;
2. Assisting in the planning and organization of official FOC events, including annual conferences, formal events on the margins of Internet governance, human rights, or other multi-lateral 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 FotC.

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. Any Member may volunteer to serve on the FCG.

d) 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:

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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 through stakeholder engagement;
3. Be instrumental in ensuring multistakeholder engagement in the planning and organization of and participation in FOC 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 Advisory Network's structure, membership, and working methods shall be outlined in the Advisory Network's Terms of Reference document.

e) Working Groups and Other Entities

The FotC may establish a subordinate entity, such as a working group, at any time by publishing its mandate and a call for participation on the FOC website. 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. Working Group mandates will be reviewed and must be affirmatively renewed by the FotC at each FOC Conference.

f) Support Unit

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

1. Organizing, as well as taking and distributing notes of FotC calls;
2. Supporting the Chair and the FotC 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 FOC Conference, as well as other FOC meetings and events;
3. Facilitate consultations of the Advisory Network, including requesting advice from Advisory Network Members on behalf of the FOC and presentation of Advisory Network Member input to the FOC;
4. Producing a periodic, publicly distributed FOC newsletter.

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

V. WORKING METHODS**a) Decision Making**

Unless indicated elsewhere in these Terms of Reference, all decisions will be made as follows: FotC decisions will be made by consensus and decisions by the FOC membership shall be taken by silence procedure. The FotC 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 thirty calendar days. However, if the FotC considers that circumstances warrant, an "expedited" [ten-working day] silence procedure may be used.

Where the FotC 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, thirty-day silence procedure.

b) Coalition Statements

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 circulated to the FotC for a fifteen-day review and comment period. When a statement is approved by the FotC, it will be circulated to the FOC membership under silence procedure.

c) Coalition Conferences and Meetings

The Coalition shall endeavor to hold an FOC Conference annually. The Conference may be a free-standing event, or can be organized on the margins of other relevant events. FOC Conferences shall be planned by the Chair, in coordination with the FotC, the Support Unit, and the Advisory Network. 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.

d) Coordination of action in multilateral and regional fora, and third countries

The FOC shall endeavor to establish networks or caucuses to enable and enhance diplomatic cooperation and engagement between FOC members in relevant multilateral and regional fora, and in third countries. The FOC shall endeavor to organize meetings ahead of or as a response to relevant sessions and other events. Responsibility for these meetings shall lie primarily with a “lead” country identified within each network, caucus, or country, with assistance from the Support Unit as appropriate. The lead will be responsible for providing updates to or requesting assistance/advice from the FotC and the Advisory Network.

The FOC shall also coordinate ahead of and/or during important international Internet policy meetings/events, such as the Internet Governance Forum and relevant International Telecommunications Union sessions. Such coordination and any related meetings will be led by the Chair in coordination with the FotC and the Advisory Network.

e) 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 FotC 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.

f) Peer Learning

At the next FOC Annual Conference following publication of these Terms of Reference and on an as-needed basis thereafter, Members will conduct a peer-learning session to share information about successes and challenges in meeting Member responsibilities, noting the commitments made by Members and the principles set out in the Tallinn Agenda and the San Jose Statement. A public statement will be made available after the session. Minutes will not be published unless decided otherwise during the session.

The 2016 San Jose Statement of the Freedom Online Coalition Regarding the Outcome its Strategic Review

The Freedom Online Coalition (“the Coalition”) welcomes the conclusions and recommendations of the Strategic Review Working Group (“the Working Group”) and expresses appreciation to the members of the Working Group, the Support Unit, the author and editors of the External Assessment, and all those who participated in related interviews and surveys. The information gathered and presented by the Working Group reminds us that the motivations and objectives expressed upon the Coalition’s founding remain just as, if not more, pertinent today. The development of the Coalition over the last five years reflects and underscores the many and evolving challenges related to Internet freedom, and the important and unique roles that the Coalition can play in promoting and protecting human rights online. The willingness of members and external stakeholders to contribute their time, energy, and expertise to this exercise demonstrates an enduring commitment to the Coalition and strong desire to improve its effectiveness and impact.

After considering the information presented by the Working Group in the Overview Memorandum and its accompanying reports (the Stock-taking Report, the External Assessment, and the Members’ Survey), the members of the Coalition hereby:

- Reaffirm their individual and collective commitments to the Founding Declaration from The Hague in December 2011 and the Tallinn Recommendations for Freedom Online of April 2014, and clarify that the goal of the Coalition is to serve as a multilateral coordinating body that advances cross-regional diplomacy and multi-stakeholder engagement to promote and protect human rights online globally;
- Emphasize the importance of remaining flexible and nimble both in structure and strategy, while recognizing and committing to address where necessary the limits that informal arrangements can have on effectiveness, impact, and internal coherence;

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- Prioritize strengthening coordination and cooperation among members, as well as with outside stakeholders who share the Coalition's objectives, with added focus on fostering cross-regional diplomacy through activating local networks, on shaping global norms on human rights online through joint statements, and on holding the annual conference with members and other stakeholders.

The Working Group's efforts have created a foundation that allows for informed and considered deliberation and decision-making about how best to focus and strengthen the work of the Coalition. The Coalition welcomes the completion of the latest leg of our collective journey toward enhancing Internet freedom across the world, and especially in places where human rights are severely threatened. The first five years of this journey have been marked by productive work and impactful deliverables, such as the Coalition's joint statements and the outputs from the Working Groups.

This period has also seen steady growth in membership, albeit with an uneven degree of member engagement, and an increase in external stakeholder involvement. Although further consideration is needed to decide a number of issues and diverse views exist about how best to utilize the Coalition's potential, it is clear that increased member participation and continued collaboration with outside stakeholders will be necessary to realize this potential more fully. With this in mind, the Coalition invites all members and engaged stakeholders to continue to contribute to the Coalition's existing work and further evolution in order to better promote and protect human rights online.

In support of these decisions and in order to strengthen the Coalition's ability to achieve its commitments, the members of the Coalition agree and commit to working together toward the goals and objectives set forth in the following work plan for 2016-17.

The Tallinn Agenda: Recommendations for Freedom Online (2014)

Adopted in Tallinn, Estonia on April 28, 2014
by Ministers of the Freedom Online Coalition

We, the members of the Freedom Online Coalition

- **Reaffirming** our commitment to respect and protect the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and endorsed in the Freedom Online Coalition's Founding Declaration,
- **Recalling** our obligation to adopt and encourage policies and practices, nationally and internationally, that promote the protection of human rights and fundamental freedoms online, in particular freedom of expression, including the freedom to seek, receive and impart information, the right to privacy, as set out in the article 17 in the International Covenant on Civil and Political Rights, and the freedom of peaceful assembly and association,
- **Emphasizing** that the same rights that people have offline must also be protected online, and that the respect for human rights and fundamental freedoms and security online are complementary concepts,
- **Reiterating** the fundamental importance that non-discriminatory access to and accessibility of the Internet have for exercising the freedom to seek, receive and impart information,
- **Recalling** that the Internet has been fueled by policies that promote the free flow of information and that protect human rights, foster innovation and economic growth,
- **Noting** with particular concern growing attempts to restrict democratic voices online, including journalists and other media actors as well as human rights defenders, through imprisonment, harassment and physical violence, censorship, hacking as well as through illicit filtering, blocking, monitoring and other repressive means,
- **Recognizing** the growing global concern about surveillance practices which may have a negative impact on human rights on-

line, in particular the right to privacy, as set out in the article 17 in the International Covenant on Civil and Political Rights, and to freedom of expression,

- **Recognizing** transparency of government processes and open government data initiatives as important elements in protecting human rights and fundamental freedoms and that the Internet is a powerful tool for supporting such transparency,
- **Acknowledging** the need for efficient sharing of best practices on how Internet and online communication technologies can be used to guarantee and reinforce human rights and fundamental freedoms, and participation in a democratic society,
- **Noting** the importance and responsibilities of the private sector as a stakeholder in respecting human rights and fundamental freedoms online in the age of data-driven economies,
- **Recognizing** the global and interoperable nature of the Internet, governed by multistakeholder processes open to governments, international organizations, the private sector and civil society, including academic and technical communities, as a driving force in accelerating progress towards development in its various forms,

Decide to:

1. **Support** programs, initiatives and technologies that promote and help to protect human rights and fundamental freedoms online, and recommend other stakeholders to join these efforts,
2. **Invite** governments and the private sector, in consultation with all stakeholders that safeguard human rights and fundamental freedoms online, to implement and share such best practices at the next Freedom Online Coalition conference in 2015,
3. **Call** upon governments to halt imprisonment, harassment, physical violence, censorship, hacking as well as illicit filtering, blocking and monitoring of opposition voices and other repressive measures utilized to restrict freedom of expression and organization online in contravention of international human rights obligations,
4. **Dedicate** ourselves, in conducting our own activities, to respect our human rights obligations, as well as the principles of the rule of law, legitimate purpose, non-arbitrariness, effective oversight, and transparency, and call upon others to do the same,

5. **Reaffirm** support for an open and interoperable internet, noting that strong cyber security and secure and stable communication are critical to maintaining confidence and trust in the internet, and key to safeguarding human rights and realizing the internet's economic, social and cultural benefits,
6. **Call** upon governments worldwide to promote transparency and independent, effective domestic oversight related to electronic surveillance, use of content take-down notices, limitations or restrictions on online content or user access and other similar measures, while committing ourselves to do the same,
7. **Collectively condemn** - through diplomatic channels, public statements, and other means - violations and abuses of human rights and fundamental freedoms online as they occur in different countries throughout the world,
8. **Commit** to enhanced transparency of government processes and open government data initiatives and encourage the development of e-government solutions in the public sector, while safeguarding the privacy of citizens and the security of such data,
9. **Commit** to supporting digital literacy to empower Internet users to make informed decisions, promote their access to information and economic opportunities, and protect their human rights and fundamental freedoms with particular attention being paid to the challenges faced by persons and groups in a vulnerable position or who are subject to discrimination,
10. **Commit** to preserve and strengthen the multi-stakeholder model of internet governance and increased participation in multi-stakeholder fora, such as the Internet Governance Forum,
11. **Invite** governments, the private sector, international organizations, and civil society worldwide to endorse these recommendations to guarantee a free and secure Internet for all.

The Founding Declaration - Freedom Online: Joint Action for Free Expression on the Internet (The Hague, 2011)

1. Underscoring our commitment to respect the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, and reaffirming that everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers, as well as the right to freedom of assembly and association, the right to the protection of the law against arbitrary interference with his or her privacy, and the freedom of religion or belief, amongst others,
2. Recalling our commitment to the principle that the human rights that people have offline enjoy the same protection online,
3. Noting that the Internet has always been fueled by policies that promote the free flow of information and that protect human rights and foster innovation, creativity, and economic growth,
4. Noting with concern that in many countries these human rights and fundamental freedoms are increasingly subject to restrictions, whereby the flow of information on the Internet and through connection technologies is limited beyond the few exceptional circumstances in which restrictions are acceptable in accordance with international human rights legal obligations,
5. Noting that governments are increasingly making use of a variety of measures to limit these freedoms in a manner contrary to their obligations, such as illicit monitoring, filtering and hacking, on- and offline repression of network technology users, including intimidation and arrests, and even completely shutting down the Internet and mobile networks,
6. Recognizing the need for States to protect the exercise of human rights and fundamental freedoms on the Internet and through connection technologies, and to support individuals, organizations and institutions who use new technologies to promote human rights, democracy and development,

7. Considering the key importance of engagement by all relevant stakeholders, including governments, businesses, civil society, academics and other experts, in protecting and promoting human rights and fundamental freedoms online, and underlining our commitment to work closely together in a multi-stakeholder process to further Internet freedom globally,
8. Considering the responsibility of businesses to respect human rights and fundamental freedoms on the Internet and through connection technologies, and the ways in which those technologies, products, and services can be used to impact these rights and freedoms,

We, as participating States, dedicate ourselves to:

- A. Establishing a coalition to share, as appropriate, information between our States on potential violations and other measures that undermine the enjoyment of freedom of expression and other human rights on the Internet and through connection technologies around the world, and to consider measures needed to protect and advance these rights, working in close engagement with all relevant stakeholders. The coalition intends to hold a senior-level meeting at least once a year and maintain frequent working-level Coordination.
- B. Collaborating closely to support – both politically and through project aid – the ability of individuals, particularly those operating in repressive environments, to exercise their human rights through the Internet and connection technologies. Participating States intend to engage with other governments, regional organizations, international institutions, civil society organizations and other relevant stakeholders to reinforce our efforts in this regard.
- C. Cooperating together in appropriate international and regional organizations and through our diplomacy with individual countries to promote the freedoms of expression, association, and peaceful assembly with respect to the Internet and connection technologies, and

- D. Engaging together as members of this coalition with information and communication technology businesses from across the globe on their responsibility to respect human rights and fundamental freedoms online. Participating states intend to encourage such businesses to adopt practices, as well as policies or statements of principle, that address concerns related to the export and misappropriation of technologies for repressive ends, inappropriate requests for personal data for political purposes, and illegitimate blocking of content, and to take all other measures necessary to respect human rights and fundamental freedoms on the Internet and through connection technologies.

Endorsed by Austria, Canada, Costa Rica, the Czech Republic, Finland, France, Estonia, Ghana, Ireland, Kenya, Latvia, the Republic of Maldives, Mexico, Mongolia, the Netherlands, Tunisia, the United Kingdom, the United States, and Sweden.



**JOINT
STATEMENTS**



Joint Statement of the FOC to the OSCE at the “Internet 2013” Conference (February 2013)

Statement by Permanent Representative of the Kingdom of the Netherlands to the OSCE, Mr. Ron van Dartel, on behalf of the Freedom Online Coalition (FOC)

This statement is on behalf of Austria, Canada, the Czech Republic, Estonia, Finland, France, Ireland, Latvia, Sweden, the United Kingdom, the United States, Mongolia and The Netherlands; all of them members of the Freedom Online Coalition.

As introduced during the Permanent Council of April 19th 2012, the Freedom Online Coalition is a global group of countries dedicated to co-operate for the advancement of Internet freedom and the protection of human rights and fundamental freedoms online, inter alia by furthering and protecting the free flow of information on the Internet and through connection technologies around the world. In addition to the mentioned OSCE participating states, the coalition currently consists of OSCE mediterranean partner country Tunisia, Mexico, Costa Rica, Ghana and Kenya. The Freedom Online Coalition underlines the need for cross-regional co-operation between governments and other stakeholders to protect Internet freedom, as protecting human rights online is a global issue that requires global efforts.

The coalition continues to dedicate itself to sharing information on violations of fundamental human rights on the Internet and other connection technologies, to co-operate in finding means to protect human rights online and to support - both politically and through project support - the ability of individuals to exercise their human rights online, including in the OSCE area.

After the Coalition’s constituent multistakeholder conference in The Hague in December of 2011, Coalition member Kenya organized a successful event on Internet freedom in Africa in September 2012 in Nairobi, which highlighted opportunities for economic development presented by increased connectivity. Tunisia will host a 3rd Free-

dom Online conference in Tunis from 16-18 June 2013 to provide a multistakeholder platform to discuss issues of Internet freedom in the Middle East and North Africa. We engage with other governments, regional organisations, international institutions, civil society and other relevant stakeholders, such as businesses and academics, to reinforce our efforts in this regard.

The Freedom Online Coalition wishes to express its sincere gratitude to the Representative on Freedom of the Media, Ms Dunja Mijatović, and her team for having organized an OSCE conference which deals with the important topic of Internet freedom. This event has provided an open platform for all relevant stakeholders to engage in meaningful debate about human rights and digital media in the OSCE region.

At the same time the Freedom Online Coalition notes with concern the continued harassment, intimidation and killings of journalists, civil society members and other professionals working online, as well as illicit monitoring, filtering and hacking, and urges all participating States to fully implement our common commitments on freedom of expression and freedom of the media. We are no less concerned by the attempts to arbitrarily block or control Internet content.

Limiting access to information as well as the free flow of information beyond the few exceptional circumstances in which restrictions are acceptable in accordance with international human rights legal obligation, is unacceptable.

The members of the FOC deeply regret that, for the second consecutive year, the OSCE was unable to adopt any decisions at the 2012 Dublin Ministerial Council meeting on human dimension priorities, including strengthening media freedom.

We also see the need for participating States to recognize the applicability of fundamental human rights on the Internet. To that end, the Freedom Online Coalition members reiterate their support for the draft Declaration on Fundamental Freedoms in the Digital Age.

Within our OSCE context we will continue to develop, promote and support new initiatives in the field of Freedom Online, and we will continue supporting already existing efforts that can fortunately count on the support of many more participating states in this room.

Thank you for your attention.



Joint Statement of the FOC at the OSCE Human Dimension Implementation Meeting (September 2013)

Statement by the Permanent Representative of Estonia, Mrs Mariin Ratnik, on behalf of the OSCE participating states which are members of the Freedom Online Coalition (FOC)

Mr. President, dear colleagues and civil society representatives,

I have the honour of making this statement on behalf of the following OSCE participating States, which are members of the Freedom Online Coalition: Austria, Canada, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Ireland, Latvia, Mongolia, the Netherlands, Sweden, the United Kingdom, the United States and the OSCE Mediterranean partner for Co-operation Tunisia.

The Freedom Online Coalition would like to commend Ms Dunja Mijatović, OSCE Representative on Freedom of the Media, for her active and dedicated work on this issue and for having organized a successful conference on internet freedom last February.

We found the debate very timely and we consider it extremely necessary to bring such an important issue to the attention of OSCE participating States. The importance of the internet as a tool to receive and share information and otherwise exercise freedom of expression and other fundamental freedoms cannot be overestimated; but the internet only fulfills its full potential if it is kept free and secure.

We are pleased to note that an increasing number of countries all over the world are becoming connected online. However, unfortunately, some governments take the decision to restrict or filter access to the internet. Freedom of opinion and expression is a cornerstone of every democratic society and the birthright of every individual, whether it be exercised online or offline. Governments have the obligation to respect and ensure the fundamental freedoms of individuals under their jurisdiction. Internet freedom and media pluralism contribute to rights-based development by increasing media freedom, deepening accountability and tackling corruption. We encourage all participating States to work to ensure that the internet remains open, especially noting the difficulties faced by persons and groups who are subject to discrimination as they usually face higher barriers to Internet access.

We note with concern that the world continues to witness restrictions on freedom of opinion and expression and other fundamental freedoms online, including within social media platforms. The Freedom Online Coalition would like to draw special attention to the practices in some OSCE member states in this regard. We note the occurrence of physical and technological attacks against journalists and bloggers and the existence of legislation that negatively impacts on internet freedom in the OSCE area. The members of the Freedom Online Coalition would like to underline the Eesti Vabariigi Alaline Esindus OSCE juures Permanent Mission of the Republic of Estonia to the OSCE importance of safeguarding and supporting media pluralism. We believe that it is time to counter the trend of increased controls over internet content.

Freedom Online Coalition members stand with the journalists, including bloggers and all people whose human rights online are violated. We urge all governments to respect their international human rights obligations and commitments both online and offline and put an end to the persecution of those who exercise their fundamental freedoms to express themselves on the internet and through social media channels. The Freedom Online Coalition calls on the governments responsible for the intimidation or harassment of journalists, including bloggers or people expressing their opinion and otherwise exercising their fundamental freedoms on the internet to desist without conditions. States are

responsible for ensuring that human rights and fundamental freedoms are respected online and offline. We reiterate the need to develop and increase access to social media channels, which can play an important role in increasing quality of life, combating poverty and advancing respect for human rights and fundamental freedoms for all.

Following the high level meetings in The Hague in 2011 and in Nairobi in 2012 the Freedom Online Coalition held the third ministerial meeting in Tunis in June 2013, hosted by OSCE Mediterranean partner country Tunisia. The participants, including regional organizations, international institutions, and representatives of civil society and the private sector, committed themselves to working together to voice concern over measures restricting internet freedom and support the individuals whose rights online are curtailed.

As my country will be coordinating the Freedom Online Coalition activities this year, I wish to reaffirm the Coalition's continued strong support for the Fundamental Freedoms in the Digital Age initiative, and to urge OSCE participating States that have not yet done so to join its now 51 supporters in pressing for its adoption at the Kyiv Ministerial this December.

I am very pleased to announce herewith that the fourth Freedom Online high-level conference will be held from 28 to 29 April, 2014, in Tallinn, Estonia.

The Freedom Online Coalition confirms that it will remain committed to the protection and promotion of freedom of expression and other fundamental freedoms on the Internet through active engagement with civil society and all other relevant stakeholders.

Thank you.



Joint Statement on Restrictions on Access to Social Media (August 2014)

The Freedom Online Coalition is deeply concerned about the recent increase in the number and types of observed restrictions on access to social media platforms in a variety of countries and contexts, including legislation restricting social media in violation of human rights law and temporarily or permanently banning access to social media sites.

Access to social media provides invaluable opportunities for citizens to exchange information and organize within and across national boundaries. It empowers ordinary citizens and members of civil society organizations to access educational information and material as well as facilitates advocacy of and mobilization for the promotion of human rights, accountability, and democracy.

In addition, social media platforms enable unprecedented levels of communication and commerce. The free flow of information across borders boosts prosperity including immense economies of scale, promotes innovations, and fosters healthy economic environments ripe for entrepreneurial and commercial activities.

Freedom of expression is a human right, and includes the right to seek, receive and impart information and ideas of all kinds through any media without impermissible interference by public authorities. Individuals must be free to communicate and choose freely the means to do so. Just as important for the realization of the potential of the Internet are the related freedoms of association and peaceful assembly.

Restrictions on content or links shared via social media sites are only permissible in accordance with International human rights law, in particular Article 19(3) of the International Covenant on Civil and Political Rights. Such legal provisions should be established pursuant to democratic processes, narrowly tailored, and enforced with appropriate transparency.

The Freedom Online Coalition strongly condemns restrictions in violation of human rights law of content shared via social media, and

in particular the wholesale blocking of social media sites, to restrict individuals from exercising their human rights online. We also note with concern efforts by states to use third-parties to impermissibly restrict access to content or undermine the security and stability of social media sites. Equally troubling are instances where national security or public order is evoked as pretext to block social media.

As stated in the Freedom Online Coalition’s “Tallinn Agenda”, we call upon governments worldwide to promote transparency and independent, effective domestic oversight related to electronic surveillance, use of content take-down notices, limitations or restrictions on online content or user access and other similar measures, while committing ourselves to do the same. The Freedom Online Coalition also notes that, as outlined in the U.N. Guiding Principles on Business and Human Rights, social media companies have human rights-related responsibilities, and recommends they emphasize appropriate transparency in their actions that may affect the exercise of human rights, consistent with applicable law.



Joint Statement on the use and Export of Surveillance Technology (October 2014)

The Freedom Online Coalition is concerned that the use of surveillance technology and related services can contribute to violations of the right to privacy, as set forth in the ICCPR (henceforth, “right to privacy”), through unlawful and arbitrary surveillance, interception of communications, and data collection, particularly in relation to its use for political repression. Such surveillance in contravention to states’ obligations under international human rights law infringes on the right to privacy and can lead also to other violations or abuses of human rights both online and offline including the rights to freedoms of expression, association, and peaceful assembly.

In particular, the Coalition is concerned by the increase in the use of surveillance technology in contravention to states’ obligations under international human rights law to interfere with privacy. Curbing such

use of surveillance technology should be an international, multistakeholder effort, and should include the development of appropriate and consistent national laws and policies governing the use and export of such technologies. The Coalition welcomes the recent steps taken to update international trade regimes, such as the Wassenaar Arrangement, to control the export of surveillance technologies.

The Coalition notes that, as reflected in the UN Guiding Principles on Business and Human Rights, companies, including those that market and provide surveillance technology, have human rights-related responsibilities. The Coalition recalls the expectation that such companies uphold these responsibilities, including by implementing appropriate systems and policies and conducting human rights due-diligence with regard to the provision of surveillance technology and related services.

In addressing new and emerging challenges to Internet freedom, the members of the Coalition reaffirm our commitment, in conducting our own activities, to respect our human rights obligations, as well as the principles of the rule of law, legitimate purpose, non-arbitrariness, effective oversight, and transparency, and call upon others to do the same.



Joint Statement of the FOC Presented at the 29th Session of the United Nations Human Rights Council (June 2015)

I have the honour to speak on behalf of the Freedom Online Coalition – a group of 26 countries from every major region of the world, which are dedicated to working closely together for the promotion, protection, and enjoyment of fundamental freedoms and human rights online. The intergovernmental coalition reaffirms its commitment to respect the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, including privacy and freedoms of expression, association, and peaceful assembly.

Mongolia has chaired the Coalition over the past year, and I would like to extend the group's warm welcome to the newest members – Lithuania, Norway, and Australia, which joined during the Mongolian chairmanship.

In May 2015, on the heels of World Press Freedom Day, the coalition held its 5th annual highlevel conference in Ulaanbaatar. There the group underscored its strong commitment to the Coalition's Founding Declaration, which affirms that governments must ensure the exercise of human rights and fundamental freedoms, both on the Internet and through other connective technologies, and should support individuals, organisations and institutions in employing new technologies to promote human rights, democracy and development. Since its creation in The Hague in 2011, the Coalition countries have been working closely together to share best practices and learn from their collective experiences.

The Coalition recognizes the need to actively engage with all relevant stakeholders, including governments, businesses, civil society, academics and other experts, in protecting and promoting human rights and fundamental freedoms online, and underlines its commitment to continuously work together in a multi-stakeholder process to further Internet freedom globally. We fully support the principle first affirmed in the 2012 Human Rights Council consensus resolution 20/8 that the same rights that people have offline must also be protected online.

The Coalition remains committed to further implementation of the Tallinn Agenda for Freedom Online, which was formulated in 2014 in close cooperation with various stakeholders as an outcome of the fourth annual Coalition conference in Tallinn. The Agenda set forth the framework and main principles for the work of the Coalition, which continues to be implemented by three moderated multistakeholder workings groups currently examining an open and secure Internet, the rule of law and global digital development, and privacy and transparency.

The members of the Coalition are concerned over increasing measures by States to restrict Internet freedom for their citizens, and in many instances measures that unduly interfere with the Internet use of indi-

viduals residing beyond their borders. The Coalition remains deeply critical of increased government restrictions on social media users and content, which can undermine the Internet's open and global nature that has been a driving force towards its social and economic success and overall development. We strongly condemn any restrictions to individual rights to freedom of opinion and expression, or assembly and association online that are inconsistent with international human rights obligations. We urge all states to fully respect and protect the enjoyment of human rights online, including by journalists and human rights defenders, particularly when it affects their ability to pursue their professions free from fear of being subjected to attacks, reprisals, intimidation, politically-motivated prosecutions and arbitrary libel suits. And to put those words into action; the coalition has initiated the Digital Defenders Partnership – a communal fund to protect human rights defenders and journalists against digital emergencies and attacks.

We welcome and follow closely the work of the UN mandate holders and would like to encourage them to devote special attention and assistance to the countries where human rights online are unduly restricted.

The Freedom Online Coalition remains committed to its dedication to promote and protect everyone's rights and freedoms online.

Thank you!



Joint Statement on Restrictive Data Localization Laws (September 2015)

The Freedom Online Coalition expresses concern that authoritarian governments are using privacy and security considerations as a pretext to force Internet companies and service providers to store user data on servers physically located within their domestic borders. Such forced data localization measures can be used to stifle freedom of speech, restrict user Internet access, and surveil citizens in a manner inconsistent with democratic principles and States' international human rights

obligations. These measures can create a climate of fear and self-censorship, especially when imposed in countries that routinely silence criticism and that improperly access the sensitive and confidential information of investigative journalists, members of minority groups, civil society activists, and perceived political opponents.

The Freedom Online Coalition recognizes that personal data should be protected by reasonable security safeguards against security and privacy risks, but governments should refrain from restricting transborder flows of personal data between their own and another country where sufficient safeguards exist. The Coalition also recognizes that governments may decide that certain data they hold or are responsible for must be stored on servers within their national borders, as one aspect of a comprehensive, secure information management policy. The Coalition notes that the security of data depends not solely on the data's location, but on the robustness of the systems built and maintained to protect them. Accordingly, data localization may increase the vulnerability of information to intrusion and attack, thereby defeating the stated aims of greater data privacy and security. Political activists and human rights defenders are particularly susceptible to such risks. Furthermore, by placing additional requirements on companies and hindering public platforms used for the exchange of ideas, data localization rules are likely to impede the free flow of information, thereby reducing the social, political, and economic benefits derived from the open nature of the global Internet.

The Freedom Online Coalition members support an open and interoperable Internet, as reaffirmed in the "Tallinn Agenda," as well as in the NETmundial Principles and the OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, and the Coalition calls on all States to do the same. Similarly, the Coalition invites companies, when required by laws or regulations to store data locally, to conduct appropriate human rights due diligence consistent with the UN Guiding Principles on Business and Human Rights.



Joint Statement on Cross-Border Attacks on Freedom of Expression Online (March 2016)

The Freedom Online Coalition emphatically calls upon governments to halt measures designed, in contravention of states' international human rights obligations, to restrict the freedoms of expression, association and peaceful assembly online, as stated in the "Tallinn Agenda". These measures include imprisonment, harassment, physical violence, censorship, as well as illicit filtering, blocking, and monitoring of opposition voices. The "Tallinn Agenda" similarly conveys our resolve to collectively condemn — through diplomatic channels, public statements, and other means — violations and abuses of human rights and fundamental freedoms online as they occur in different countries throughout the world. The Freedom Online Coalition also believes states should strive to promote and protect the enjoyment of human rights and fundamental freedoms online even when their obligations are not directly implicated.

The Freedom Online Coalition is therefore troubled by the rise in state-sponsored actions, which aim to block access to legitimate online content, intimidate Internet users, or harm intermediary technologies and companies, frequently with intended consequences beyond their borders. All too often, these actions are conducted under the pretext of security or public order and without appropriate safeguards respecting the rule of law.

We deplore tactics such as the use of malware to target exiled activists sent from computers located inside their country of origin. We decry organized campaigns that target legitimate user content worldwide by manipulating social media sites' terms of service procedures. We denounce the use of malicious code embedded in popular domestic websites that reroute global Internet traffic to incapacitate civil society websites hosted abroad, as well as other types of distributed denial of service attacks. These tactics negatively impact the exercise of freedoms online, diminish trust among actors in the digital space, and erode the Internet's economic and social benefits for all. Furthermore, actions designed to silence dissident voices and alternative viewpoints

often incidentally or deliberately dismantle the Internet’s benefits for political and religious expression, and damage the ability of other states and companies to create stable environments conducive to the exercise of human rights online.

We call on governments, the private sector, international organizations, and civil society worldwide to endorse this statement and we invite states that support a free and secure Internet for all to consider joining the Freedom Online Coalition.



Joint Statement on a Human Rights Based Approach to Cybersecurity Policy Making (October 2016)

The Freedom Online Coalition recognizes that as the world has become increasingly interconnected through information and communications technologies (ICTs), cybersecurity has become a critical issue on the international agenda. Cybersecurity threats are increasing in frequency and sophistication, asking for innovative solutions. This creates a growing need for all stakeholders to work together to address these issues in a manner that promotes and respects human rights.

Regrettably, the prevalent worldview is to see human rights and cybersecurity interests in absolute terms – one must be traded-off in the favor of the other. The Freedom Online Coalition maintains that human rights and cybersecurity are complementary, mutually reinforcing and interdependent. Both are essential for the promotion of freedom and security. The Coalition believes there is a pressing need to move beyond the dominant rights versus cybersecurity paradigm, by recognizing that individual security is a core component of cybersecurity and that a secure Internet is central to promoting human rights.

The Freedom Online Coalition Working Group 1 “An Internet Free and Secure”, comprised of experts from the private sector, academia, civil society and select member states, is helping bring about this paradigm shift and translating it into action. It is seeking to increase the

priority policy makers, private firms and other stakeholders place on individual security and human rights. To this end, the Working Group has developed a definition of cybersecurity that promotes respect for human rights and recognizes individual security as a core component of cybersecurity. Building upon the definition, the Working Group has drafted a set of Recommendations for Human-Rights Based Approaches to Cybersecurity, which will be officially launched at the Freedom Online Conference in Costa Rica, October 17-18. These Recommendations can help to advance existing cybersecurity policy-making efforts while prioritizing, promoting, and respecting human rights.

These Recommendations should not be read as creating new international law obligations, or as limiting or undermining any legal obligations a State may have undertaken or be subject to under international law about human rights. The Freedom Online Coalition reaffirms that States must respect their international human rights obligations, including when implementing laws internally.

The Freedom Online Coalition applauds the direction of the work undertaken by Working Group 1, and hopes that this will work towards the realization of a paradigm shift in cybersecurity policy making that is human rights respecting by design. We encourage all stakeholders involved in cybersecurity-related activities to take into account the Working Group's Definition and Recommendations in their policy development and deliberations.



Joint Statement on Human Rights in the Context of International Security and the Work of the UN GGE (February 2017)

The Freedom Online Coalition notes that the 2016/2017 Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (GGE) has begun deliberations on a report.

The Members of the Freedom Online Coalition welcome that previous GGE reports emphasized that State efforts to address the security of Information and Communication Technologies must go hand-in-hand with respect for human rights and fundamental freedoms.

The Freedom Online Coalition underscores that respecting human rights and fundamental freedoms is of central importance in the application of international law to State use of Information and Communication Technologies. States must comply with their obligations under international law to respect and protect human rights and fundamental freedoms.

Therefore, the Freedom Online Coalition urges the GGE experts to consider these points, and to emphasize in their report the importance of respecting human rights for the maintenance of international peace and security.



Joint Statement on State Sponsored Network Disruptions and Good Practices for Governments (March 2017)

The Freedom Online Coalition (FOC) expresses deep concern over the growing trend of intentional state-sponsored disruptions of access to or dissemination of information online. Measures intended to render Internet and mobile network services inaccessible or effectively unusable for a specific population or location and which stifle exercise of the freedoms of expression, association, and peaceful assembly online undermine the many benefits of the use of the internet and ICTs. In doing so, such disruptions challenge the FOC's goal of protecting and extending an open and interoperable Internet, as affirmed in the Tallinn Agenda.

Whether state-sponsored network disruptions silence political opposition, limit peaceful protests, prevent human rights defenders from documenting abuses by security forces, or even civil society's vital role in ensuring public accountability, these disruptions too often fail to meet

the established test for restrictions on freedom of expression found in Article 19(3), and the right of peaceful assembly under Article 21, of the International Covenant on Civil and Political Rights (ICCPR). The FOC calls on all governments to end such violations of the rights to freedom of expression and of peaceful assembly.

These intentional network shutdowns and disruptions undermine the economic benefits of the Internet and disrupt access to essential services such as health care. They are not consistent with the targets of the Sustainable Development Goals, in particular the target to increase access to information and communications technologies. The FOC points to recent studies released by the Brookings Institution and the Global Network Initiative, highlighting the various damaging impacts of these state-sponsored network disruptions. Even in low-connectivity countries, these sorts of intentional network disruptions have lasting, significant economic impacts. In addition, these types of network shutdowns and disruptions also undermine the socio-cultural benefits of the Internet. To this end, UNESCO has highlighted the key role played by information and communications technologies for culture and development and in its work to build Knowledge Societies rooted in the need for all to have the opportunity to access information and to express ideas and interests in an open and inclusive environment that fosters and benefits from diversity of opinion.

The FOC highlights the 2016 Human Rights Council resolution (A/HRC/RES/32/13) on the promotion, protection, and enjoyment of human rights on the Internet, which 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.

We further encourage governments to adopt the accompanying good practices proposed by the FOC to refrain from these types of network disruptions while bolstering multi-stakeholder, participatory and inclusive Internet governance, strengthening Internet infrastructure, and improving transparency. This will secure in turn the economic and social growth the Internet brings states.

We call on governments, the private sector, international organizations, civil society, and Internet stakeholders to take note of and to endorse this statement; and we invite states that support an open and interoperable Internet to apply to join the FOC.

All governments who are concerned about the growing trend of state-sponsored network disruptions intended to render Internet and mobile network services inaccessible or effectively unusable for a specific population or location in order to stifle exercise of the freedoms of expression, association, and peaceful assembly online are encouraged to adopt or implement any or all of the following measures, as appropriate:

1. Publicly commit to maintain or develop human rights-respecting legislation that details the limited circumstances in which communication networks may be intentionally disrupted, consistent with Article 19 of the International Covenant on Civil and Political Rights (ICCPR) in this regard. The members of the Freedom Online Coalition are committed to respecting the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and ICCPR, reaffirming that everyone has the right of peaceful assembly and to the freedoms of association, opinion, and expression. This includes the right to hold opinions without interference and the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice.
2. Improve transparency in national governments' regulatory, judicial, and law enforcement agencies. Governments can demonstrate their commitment to promoting and protecting human rights online by taking steps to improve transparency regarding how and when governmental agencies may conduct network disruptions.
3. Include issues related to intentional network disruptions adversely affecting human rights in diplomatic activities, such as bilateral and multilateral engagements and negotiations. Governments can address the economic, social, and political risks of these sorts of network disruptions in bilateral and multilateral engagements, encouraging partners to refrain from such intentional disruptions and

developing effective, human rights-respecting laws, legislation, and regulations designed to protect human rights online.

4. Collaborate with Internet service providers (ISPs), mobile telephony operators, social media companies, and other stakeholders to promote policies and practices in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs) regarding responses to government requests to disrupt Internet and mobile network services in order to stifle human rights. The FOC encourages governments to develop dialogues with Internet stakeholders to discuss how to promote and protect human rights online, including issues around such network disruptions.
5. Issue public statements that highlight such instances of network disruptions and coordination; coordinate through embassies in the countries where such network disruptions are taking place to jointly urge governments to refrain from and cease such measures.



Joint Statement on Internet Censorship (May 2018)

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.



Joint Statement on the International Telecommunications Union's (ITU) Plenipotentiary Conference (October 2018)

We, the Freedom Online Coalition governments, recognise the importance of accountability, transparency and multistakeholder engagement where international public policy issues are discussed. Our engagement at the ITU aims at building and improving our telecommunications network. Moreover, our decisions are anchored in the existing human rights framework as we all have a duty to promote and protect human rights in all forums where we engage, including the ITU.

The International Telecommunication Union's 2018 Plenipotentiary Conference will set the ITU's strategy for the upcoming years, and will see a wide range of technical and policy matters on the agenda. In line with the values set out above, we recognize the importance of engaging non-governmental human rights experts in our national processes for the 2018 Plenipotentiary Conference, precluding any obligation.

FREEDOM ONLINE COALITION

We further encourage governments that are not members of the Freedom Online Coalition to also consider enhancing their processes by engaging non-governmental human rights experts



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