



FREEDOM
ONLINE
COALITION

March 2017

FOC Joint Statement on State Sponsored Network Disruptions

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The issue

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.

Good Practices for Governments

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.**

Freedom Online Coalition Background

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

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

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

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

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