

Internet Rights and Principles Dynamic Coalition – UN Internet Governance Forum

Annual Report and Minutes of the Annual Meeting 2013

This document is a report of the IRP Coalition's activities and output of the last year along with a report of its annual meeting held during the 2013 IGF meeting in Bali, Indonesia.

IRP Coalition Annual Report 2013

The key activities and outcomes of the Coalition's work in 2013 included, in chronological order:

1. Re-establishment and upgrading of the coalition website (www.internetrightsandprinciples.org) after it was taken down last year during the 2012 IGF (causes unknown), and social media outlets. The IRP list now hosted at Electronic Frontier Finland (EFFi). The website, Facebook page and Twitter accounts are maintained by Minda Moreira, with support from the SC and Co-Chairs.
2. Charter 2.0 Project: The Steering Committee met at the UNESCO First WSIS +10 Review Meeting in Paris and moved to get the Charter 2.0 project got underway for the Bali IGF meeting in October. The main aim of this project is to promote the current Charter (Version 1.1) much more vigorously as well as seek out ways to develop and deepen individual sections. The larger goal would be to develop an updated version of the Charter by the 2014 IGF.
3. The Coalition, and individual members were active in the following meetings and spaces where human rights and the internet were a featured theme:
 - a. The UNESCO hosted WSIS+10 Review Meeting, Paris, 26-28 February 2013; <https://www.unesco-ci.org/cmscore/events/51-rights-based-principles-and-internet-taking-stock-and-moving-forward>. The coalition's work on human rights and principles of the internet was commended during the MAG meeting the day after the UNESCO meeting by Markus Kummer from the IGF Secretariat. Its role in shaping the Bali IGF program was duly noted in the transcript.
 - b. The European Dialogue on Internet Governance, Lisbon, 21-22 June 2013 where the IRP Coalition organized a workshop on Rights and Responsibilities (Workshop 4), <http://www.eurodig.org/eurodig-2013/programme/workshops/workshop-4> as well as a Flash Panel on Human Rights and Internet Surveillance, <http://www.eurodig.org/flash-7-2013>.
 - c. The IRP Coalition was also represented at the Opening Focus Session on Internet Governance Principles and Closing Focus Session on Human Rights at the Bali IGF.
 - d. Members of the IRP Charter Expert Group and a co-Chair were also invitees at the Council of Europe Ministerial Conference on Freedom of Expression and Democracy in the Digital Age, Belgrade, 7-8 November

2013, <http://www.coe.int/t/dghl/standardsetting/media/Belgrade2013/>. At this conference the Council of Europe Draft Guide on Existing Rights for Internet Users, an initiative that included 4 IRP Coalition members from the IRP Charter Expert Group, was released for consultation. The Council of Europe Guide (<http://www.coe.int/t/information/society/>) and the IRP Charter Booklet (<http://internetrightsandprinciples.org/site/the-irp-charter-is-now-available-in-print/>) are two milestones this year for the coalition.

4. In September 2013 the *IRP Charter Booklet* was compiled with a small working group. This booklet includes the main Charter and 10 Principles as well as key elements from the original website background documents, and selected references and resources. The Booklet was designed by a professional graphic designer, paid for and printed by crowd-funding; <https://www.razoo.com/br/causes/Charter-Of-Human-Rights-And-Principles-For-The-Internet-Irp-Coalition-At-The-Un-Internet-Governance-Forum>. A total of US\$1172 has been raised to date for the booklet design and printing costs of the 1st Edition.

Summary

The outcomes of these meetings underscore the

- (i) formative work being done by the coalition on addressing Internet Governance Principles in a Human Rights framework that is based on international legal standards;
- (ii) proactive and substantive contributions to multistakeholder meetings on topics of the day such as surveillance and privacy (Lisbon EuroDIG Flash Panel), disability rights, and access issues for disadvantaged groups at the EuroDIG and 2013 IGF meetings
- (iii) coalition's substantive contributions to the first part of the WSIS+10 process as part of the UNESCO meeting outcomes (http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/wsisis10/WSIS_10_Event/wsisis10_outcomes_en.pdf)
- (iv) cumulative positive effects of outreach and collaborative work the coalition has undertaken with other IGF Dynamic Coalitions (Gender DC, Public Access in Libraries DC, Accessibility and Disability DC) and other actors such as ICANN, the Council of Europe, eco (Germany), civil society networks such as the Internet Governance Caucus, Best Bits, Global Partners, and Hivos, and research networks such as Giganet and the Danish Institute for Human Rights.
- (v) increasing recognition of the role that the IRP Coalition has played and can continue to play in ongoing negotiations and consultations around internet governance principles and human rights in established UN based multistakeholder venues, and other domains such as regional IGFs, the Council of Europe, and ICANN.

Minutes of the IRP Coalition Annual Meeting
Bali IGF 2013, 25 October 2013, 9-10.30 am
Kantanami, Room #9 (20-30 participants)

Agenda:

- Welcome & Annual Report Summary
- Continuation of Feedback on the IRP Charter Booklet
- Next Steps
- Orders of Business

Marianne Franklin (Chair) provided an overview of the past year and the agenda for the morning. Main aim was to continue the feedback and ideas about next steps from the two other workshops at the Bali Meeting (Workshops #99 and #276).

The meeting recognized the power and effectiveness of having the Charter in printed, booklet form. In the meeting the Chair was able to announce that the Booklet was to be translated into Arabic. It will be used to promote a program on Internet Governance in the MENA region by Hivos; <http://igmena.org/>. Other translations include Spanish (confirmed from the floor by Eduardo Bertoni, Argentina), Portuguese, Bahasa Indonesian, Finnish (by EFFi).

After this overview of the year the meeting moved to continue discussions on the IRP Charter content and next steps.

Feedback in the IRP Charter

Stuart Hamilton – IFLA opened the comments by reaffirming that the IFLA fully supports the Charter and will be using it to update the IFLA Internet Manifesto from 2002. He also confirmed the ongoing support of the DC Public Access in Libraries for the Charter 2.0 project.

Dixie Hawtin – Member of the Council of Europe Expert Group on Existing Rights for Internet User/IRP Steering Committee member and former co-Chair recalled that the CoE Guide project (released for public consultation on 22 October 2013) comprised four members of the IRP Charter expert group. A point for further discussion might be whether the key aim of the exercise is information or enforcement, a point of debate at the outset of the CoE Guide project.

Mike Godwin – Internews (Public policy development) noted that in terms of enforcement, in realm of international cyberlaw many nations have actually implemented repressive laws. In this respect the Council of Europe’s work on existing rights is helpful for playing a more positive influence in light of the more repressive legislation emerging from the Budapest Convention. He advocates this emphasis on positive rights for framing cyberlaws particularly in countries with individual rights issues. Charters like the IRP Charter are also contributing as affirmative framings that can be tools for implementing national law frameworks.

Meryem Marzouki – EDRI/IRP Charter and CoE Guide Expert Group, calling herself an “academic with an activist heart” underscored that the Council of Europe’s

Convention 108 on the Protection of Personal Data is as important as the Budapest (Cybercrime) Convention. With the Charter and Guide as “soft law” and supported by the European Court of Human Rights it is important to remember that civil society, in particular an IGF Dynamic Coalition were equal members of the expert group. There are differences between the two documents though e.g. on the right to access.

A question from the floor (NGO from India) asked whether the intention was for the IRP Charter to be adopted by UN member states.

A representative from the Kenyan Human Rights Commission noted that the IRP Charter is useful for mainstream civil society groups who have not been involved in the drafting process. She appreciates its accessibility and nuance; e.g. the Articles on Duties and Responsibilities tempers more absolutist Freedom of Expression assumptions. She expressed her appreciation of how the IRP Charter recognizes this tension in the way it delineates responsibilities and safeguards against repressive laws.

Representative from the APC Women Rights Network appreciated the growth and movement forwards that the Charter encapsulates. Her point for thinking ahead was to appreciate that application of the Charter articles will differ as not all experiences, nor all responses are homogenous. This means that any eventual recommendations coming from the Charter will need adapting to these varying qualities of experience. She expressed concern about selective recommendations emerging that may hinder some groups e.g. by adopting protective language.

Representative from the Global Internet Freedom Alliance (SE Asia) noted that they have already been using the IRP Charter to put forward arguments against repressive cyberlaw in the Philippines in order to address rights primarily.

Robert Bodle (IRP Steering Committee) commented that the Charter has been very helpful in the classroom. It allows him to shape lesson plans along its different sections in order to encourage case studies around specific violations.

The meeting then moved on to considering next steps.

Next Steps

Catherine Easton (academic): Thanked the coalition for moving the discussion into positive developments. Her suggestions were along some of the potentially legalistic moves to take: e.g.

- working with EU member state governments to see the IRP Charter attached as an amendment or schedule for national and local regulations such as in the case of standards on accessibility in the UK
- Promote the Charter as a core point of reference

Karmen Turk (Estonia): noted that in Estonia civil society have been using the Charter as a model to draw up their own principles/

Meryem Marzouki; stressed the difference between the Council of Europe and the European Union Council. Her suggestion was to use the Charter as a practical tool at the national levels by taking each section (21 in total) one by one to

- develop some indicators on national legislation compliance
- use specific articles (e.g. article 4) to assess telecom regulation at national level

Lee Hibbard (Council of Europe): wanted to note that a good step for the Charter, as well as the CoE Guides, was to try and measure the impact in ways that go further than noting how many times the document is cited; need to follow up on exactly how it has been used by cataloguing and demonstrating how it e.g. changes law, clarifies a right, creates a movement, helps prove the utility of rights-based measures for the online environment. Mentions global recognition across the world.

Shawna Finnegan (APC) asked how people saw the Charter feeding into measures on Hate speech; in short how to specific sections address this issue more deeply beyond reiterating Freedom of Expression.

- This comment followed up by Susan Antony (Federal Government, Virginia USA); in her experiences even for Americans there is room for the First Amendment to be tempered in cases of extreme offensiveness by using take down policies.
- Mike Godwin (First Amendment lawyer) responded by taking an historical and comparative take on Human Rights instruments. Reminded the meeting that Freedom of Expression is a 20th century understanding of rights; prior to period of rapid development every government reserved the right to “shut people up”. He then asked the meeting whether rudeness should be a crime. His point was that articulating FoE principles strongly has led to progressive interpretations of international and national HR instruments towards tolerance in situations where censorship remains a genuine concern
- APC Rep noted in return that there is a qualitative difference between rudeness and offensiveness and threats of violence, e.g. “I know where you live and I am coming to rape you”. To her mind this is a different issue and in this sense censorship means to stipulate that some things are not OK.

These points were tabled, to be combined with suggestions and comments from the other two workshops (#99, #276) for developing a strategy in the year to come to continue promoting the booklet to civil society organizations, governmental departments, and IGOs, flesh out respective sections of the IRP Charter Booklet (Version 1.1) and set up a working group to work on an eventual upgrading.

The meeting then moved into orders of business.

Orders of Business

1) The Chair noted that the following people had indicated prior to the Bali meeting that they would be continuing on the Steering Committee this coming year: Dixie Hawtin, Parminder Singh, Carlos Souza, Tapani Tarvainen, Robert Bodle, Viktor Szabados.

The Chair asked the meeting to thank those SC members who were standing down (Norbert Bollow, Allon Bar, Michael Gurstein, Shaila Mistry, Jaco Aizenman) and the outgoing co-Chair, Matthias Kettemann, with a round of applause for their contribution. The outgoing co-Chair and SC members were warmly applauded for the record. Matthias Kettemann joins the SC as former co-Chair. Marianne Franklin continues for her second year as co-Chair.

2) The meeting considered whether the current SC membership was sufficient at 6 plus co-Chairs. It was agreed that it this size was sufficient but not necessary in that it would be good to have new input into the SC, encourage newer participants to get involved. The Chair moved that (self-)nominations for any new SC members and a Co-Chair be taken to the wider coalition list, to be elected or endorsed following the model from the previous year. Motion carried.

Lee Hibbard (Council of Europe) moved that a Friends of the IRP Coalition group be convened, for those who want to be involved but who do not have time to take part as an SC member, e.g. long-serving IRP coalition members, IRP Charter expert group and others who could be invited or who express interest. Motion carried.

The Meeting was closed at 10.30am