

# **Freedom of Expression and Freedom of the Media on the Internet Dynamic Coalition Meeting**

## **Internet Governance Forum – November 17<sup>th</sup>, 2009, Sharm El Sheikh**

The Freedom of Expression and Freedom of the Media on the Internet Dynamic Coalition meeting was attended by a broad range of stakeholders from the civil society, governmental and business sectors. The discussion opened with short contributions from four discussants:

- Frank La Rue, U.N. Special Rapporteur on the right to freedom of opinion and expression.
- Sami Ben Gharbia, Advocacy Director for Global Voices Online.
- Johan Hallenborg, Special Advisor at the Swedish Ministry for Foreign Affairs.
- Mogens Schmidt, Deputy Assistant Director-General for the Communication and Information Sector, UNESCO.

Each contributor reflected on the main challenges and opportunities for freedom of expression in the internet age, outlined the work being done by their respective institutions and provided suggestions for the future direction and work of the dynamic coalition. Their presentations were followed by open discussion from the floor.

A number of key themes and points of agreement emerged during the course of the presentations and discussion, outlined below.

### **The centrality of the human right to freedom of expression.**

All workshop participants stressed the importance of freedom of expression for the realisation of the humanity of all people across the world. One participant commented that, whilst freedom of expression used to be seen as the passive responsibility of states, the importance of realising the positive dimensions of the right is increasingly recognised. These positive dimensions include providing access to the means of communication, ensuring that people have the ability to both receive and document information, and ensuring diversity and pluralism in communications content. This point was echoed by other participants who stressed the importance of all three dimensions of the right to freedom of expression as defined in the Universal Declaration of Human Rights: the ability to seek, receive and impart information and ideas through any media, regardless of frontiers.

### **The internet has unleashed new opportunities for realising freedom of expression.**

Workshop participants agreed that the internet presents new opportunities to protect freedom of expression and to realise and enhance its positive dimensions. One discussant highlighted the rise of citizen journalism and activism, with the internet allowing people to document news and views on an everyday basis and to reach out to global audiences. Another commented that in the past, it took decades for crimes against humanity to come to public attention, whereas now the mobile internet has opened windows through which awareness can be raised about human rights violations in real time. The internet has made the human right to be able to seek, receive and impart information a tangible possibility for increasing numbers of people across the world.

### **Freedom of expression is under threat in old and new ways.**

Whilst the internet has given rise to new opportunities for freedom of expression, both workshop discussants and people participating from the floor stressed that significant challenges remain. Many of

these challenges are not new, with legal systems, regulation and activities continuing to restrict and undermine freedom of expression across the world in both online and offline media. A number of participants raised the issue of defamation law all too often being used across the world to restrict legitimate speech, arguing that defamation should not be a criminal offence and should never be used to limit criticism of public policy or officials. One participant stressed the danger of the notion that ideologies and ideas can be defamed. Other long-standing violations of freedom of expression that were discussed include the direct censorship of communications content, violence against, or intimidation of, journalists and other forms of indirect censorship. One discussant described censorship practices as a form of terror, and expressed shock at its continued extensiveness and pervasiveness across the world.

With the emergence of the internet, these threats to expression remain, and in many instances have been exacerbated. For example, increasingly sophisticated censorship and surveillance mechanisms are being used, often unbeknown to internet users. Enhanced access to materials via the internet regardless of geographical location increases opportunities for “libel tourism” in which cases from all over the world are taken to court in countries whose laws have insufficient protections for free expression. Thus, whilst longstanding challenges to freedom of expression persist, the nature of these challenges often shifts in online environments, requiring new approaches amongst freedom of expression defenders. It was stressed that new human rights standards are not required, and that the limited circumstances in which freedom of expression can be limited legitimately are already clearly defined in international law. Rather, how human rights standards apply in different online scenarios needs to be clarified, for example with one participant asking whether online journalists should receive the same protections as offline journalists. New tools and strategies are also needed. One participant highlighted initiatives that are being led by citizen activists, including for example the building, translating and sharing of censorship circumvention tools that can be plugged into everyday internet applications.

#### **Freedom of expression should be a central issue at the IGF.**

The workshop also discussed levels of awareness about freedom of expression at the IGF and the role that the Forum can play in ensuring that internet governance processes protect rather than undermine freedom of expression. One discussant noted that there appears to be increasing consensus amongst stakeholders at the Forum that freedom of expression is a universal principle that should both underpin and be a goal of internet governance. In the opening sessions of the Forum, a large number of diverse stakeholders made comments along these lines, committing themselves to supporting the openness of the internet and expressing recognition of the universality of human rights. However, workshop participants generally felt that much work remains to be done in terms of raising awareness, finding practical solutions to issues and pressurising actors who violate freedom of expression to comply with human rights standards. Worrying statements are being made within IGF workshops and plenary sessions which betray a widespread misunderstanding of, and/or disregard for, human rights. For example, one participant reported that in one IGF workshop, “propagating rumours” was classed as a cybercrime of the same level of seriousness as child pornography. They argued that freedom of expression defenders have to be more proactive and maintain a more reflexive analysis of wider events at the IGF outside of workshops that are explicitly focused on human rights.

#### **The dynamic coalition has an important role to play.**

All participants agreed that the Freedom of Expression Dynamic Coalition has an important role to play in protecting and advancing freedom of expression in and through internet governance. However, the precise nature of this role has yet to be defined. The workshop highlighted the difficulties that the

coalition has experienced in maintaining momentum between annual IGF meetings, and discussed potential ways of addressing this problem. One participant stressed that, whilst the IGF as a whole is not mandated to produce outputs, the dynamic coalitions can and should be making practical recommendations, demonstrating how multi-stakeholder collaboration can work in practice. However, it was felt that the coalition should not be too ambitious, and that it also has to find ways to be proactive whilst at the same time respecting the different mandate of all member organisations. There was general agreement that the coalition could be a more valuable space for networking and sharing information amongst free expression advocates, acting as a clearing house for information and an early warning system for new expression threats. However, this would require committed participation by key human rights organisations and individual activists, coupled with outreach to new constituencies, especially in developing countries. Coalition members have committed to continuing discussion on these issues in the coming weeks, developing a strategy for effective working and enhanced impact.

The coalition would like to invite all interested stakeholders to participate in these discussions via the coalition mailing list at the group's new networking site, <http://dcexpression.ning.com>, and via the coalition mailing list which can be joined at <http://mailman.ipjustice.org/listinfo/expression>.

This report was compiled for the dynamic coalition by Lisa Horner, Global Partners and Associates.  
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