

Meeting Report from the IGF 2010 of the Freedom of Expression and Freedom of the Media on the Internet Dynamic Coalition

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The annual face-to-face meeting of the Freedom of Expression and Freedom of the Media on the Internet Dynamic Coalition took place from 2:15 to 4:15 pm on Thursday 16 September at the 2010 Internet Governance Forum in Vilnius, Lithuania.

The meeting was well attended by broad range of stakeholders representing both long term members of the coalition, together with many new faces. The meeting provided a valuable space for people with similar interests to gather, network and get up-to-date information about the most pressing issues relating to freedom of expression and freedom of the media on the internet. We designed the workshop as a fairly informal and flexible space where everyone was encouraged to shape the discussion to meet current concerns.

A number of important substantive issues were discussed during the meeting:

New Top Level Domains: Alexander Schubert presented his initiative at ICANN to introduce a new Top Level Domain name: .gay. The group discussed the merits and demerits of a new TLD (beinging up considerations about resources, strategy, and terminology). This case study led in to a discussion about the process involved in setting up a new TLD, and to what extent considerations of “morality” and “public order” constitute an illegitimate restriction on freedom of expression.

Intermediary Liability: Karmen Turk from the University of Tartu presented her research looking at intermediary liability in Estonia and the implications for freedom of expression. Her work is based on a recent Supreme Court ruling concerning user comments on a media outlet website which found that where an intermediary has any direct or indirect economic interest, or any kind of control over, user content that intermediary will be held strictly liable for that content. The discussion centred around whether this ruling is compatible with EU law, analysis of the notice and takedown system, and in particular the limits of when an economic interest should result in liability for user content. Some consensus seemed to be emerging that there is a need for graduated liability depending on the relationship between the intermediary and the content.

Youth Empowerment: Gry Hasselbalch Presented a recent study she had carried out which surveyed 4000 youths for their opinions on internet governance issues. The findings indicated that privacy was their top priority and that when they talked about privacy they were by-and-large objecting to parents and teachers monitoring their internet usage rather than about commercial collection of data. She argued that child protection was only one aspect of guaranteeing children’s rights on the internet, and more effort was needed to empower young people through human rights,

Online Activism: Brett Solomon of Access Now spoke about his work with human rights organisations from around the world. He argued that denial of service attacks are an increasingly serious threat to online freedom of expression. He explained that many of the organisations that work with AccessNow are increasingly under technical attack, and by taking a site down the attackers are engaging in social

engineering as the communities associated with that site are then lost. A discussion ensued about the type of assistance which such organisations need ranging from technical training, to access to more secure online services and proxies etc.

Library filtering programmes: Many members were concerned about library filtering systems and wanted to know more about what systems and safeguards which are in place. Tapani Tarvainen from EFF Finland presented a study that they conducted in cooperation with the Finnish Library Association. The results found that there were no consistent processes followed for identifying content for filtering, and that there was a serious lack of understanding amongst librarians about what is and is not legitimate expression, and that most librarians were not comfortable with the responsibility of blocking content.

Deep Packet Inspection (DPI): Ben Wagner presented the newest trends in DPI and the implications for freedom of expression and the internet architecture more broadly. He explained possible uses of new capabilities both those which are positive (to combat viruses) and those which are negative (behavioural advertising, and surveillance). He presented promotion and development of encryption technologies as a key tool for protecting freedoms.

Filtering: Yaman Akdeniz, founder of cyberrights.org, informed the Coalition about the extensive filtering and blocking regime in Turkey. She stated that a key argument used by the Turkish authorities to justify their blocking regimes is the fact that Australia, Germany, the UK and other countries block content too. Many participants noted that this was the case in their countries also. The Coalition agreed that it is vital that freedom of expression issues are advocated in both local and international contexts.

Franco-Dutch initiative: Bertrand De La Chapelle, the French Special Envoy to the Information Society, presented the Franco-Dutch Initiative. The Initiative is an attempt to look at how these countries can protect online freedom of expression, especially through foreign policy and trade. This provoked a very lively debate over inconsistencies among French ministries in terms of freedom of expression, the challenges of regulating trade (particularly when dealing with dual use technologies), and the implications of distributing encryption technologies to human rights defenders.

International waterways: Bertrand also presented an ongoing initiative to explore analogies between the internet and the international regime of canals, waterways and international straits, particularly in terms of harm-free passage, and relationships of upstream actors towards downstream actors regarding information flows.

An Update on the Freedom of Expression and Freedom of the Media on the Internet Dynamic Coalition

Lisa Horner, Global Partners and Associates, has stepped down as co-coordinator of the Coalition, and a number of people have expressed interest in taking on the roll. A coordination team has been set

up to guide future work of the Coalition. It consists of Karmen Turk, Roman Woznik, Kim Pham, Dixie Hawtin, Gry Hasselbalch, Walid Al-Saqaf and is organised by Ben Wagner.

There is a lot of energy and momentum around the Coalition at the moment and the Coalition plan to undertake many concrete activities over the next year including responding to consultations, developing common position papers, carrying out research on issues of interest to our members, as well as feeding into other relevant

initiatives such as the Internet Rights and Principles Dynamic Coalition's Charter on Human Rights and Principles on the Internet.

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>.