**Freedom Online Conference
17-18 June 2013, Tunis**

Conference report

Prepared by Global Partners Digital, July 2013

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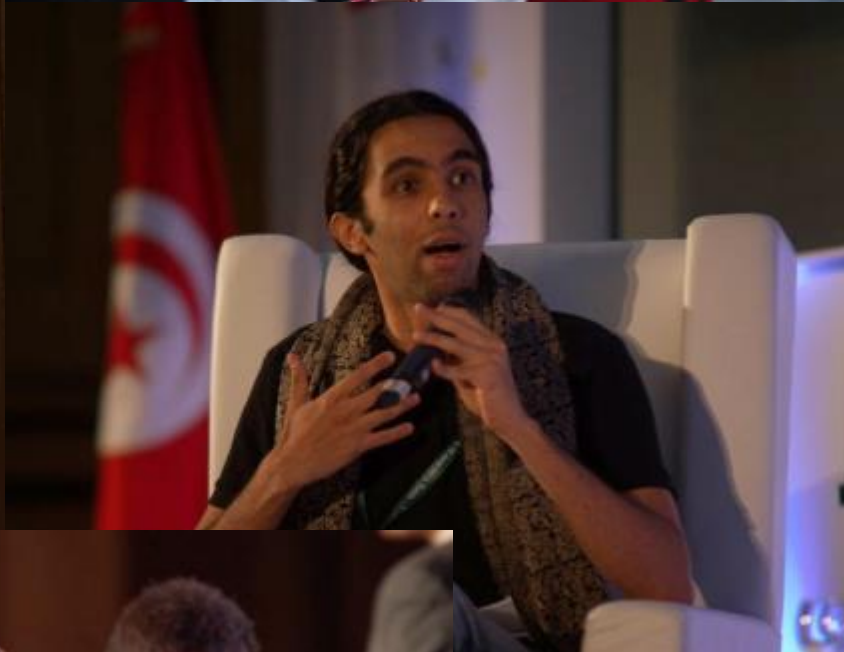Instance Nationale des Télécommunications

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TUNISIE TELECOM

The Freedom Online Coalition

The Freedom Online Coalition (FOC) is an intergovernmental coalition that was established at the inaugural Freedom Online Conference in The Hague, the Netherlands, on December 8th and 9th 2011. As indicated in its founding declaration, the FOC is committed to advancing internet freedom – free expression, association, assembly, and privacy online - worldwide. FOC member states are committed to working together diplomatically to voice concern over measures to restrict internet freedom and support those individuals whose human rights online are curtailed.

Since 2011, the Coalition has grown from 15 initial members to 21 today. In Tunis, the Freedom Online Coalition welcomed Latvia, Georgia and Germany as its new members. Currently, the Freedom Online Coalition consists of Austria, Canada, Costa Rica, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Ireland, Kenya, Latvia, the Republic of Maldives, Mexico, Mongolia, the Netherlands, Sweden, Tunisia, the United Kingdom and the United States.

Since its inception, members of the Coalition have gathered informally as governments and in consultation with other stakeholders at numerous conferences and intergovernmental meetings relevant to internet freedom as well as in specific countries, to coordinate viewpoints, share relevant information, and discuss strategies to advance an open internet in each context. Many FOC meetings took place in 2012, in forums ranging from the Organization for Security and Cooperation in Europe (OSCE), to the United Nations Human Rights Council, to the Internet Governance Forum and the Stockholm Internet Forum. An example of joint action since the founding of the coalition was coordination among FOC members during the ITU WCIT meeting, December 2012, in Dubai and a joint statement at the OSCE Internet Freedom conference in Vienna, February 2013.

In addition to these meetings, the FOC hosts annual multi-stakeholder Conferences that aim to deepen the discussions on how freedom of expression on the internet is helping to promote social, cultural and economic development. After the inaugural conference in The Hague, the FOC members met formally for the second time in Nairobi in September 2012, when the government of Kenya hosted the second major Conference, which attracted over 450 participants from a range of stakeholder groups from across the world. Tunisia organized the third Freedom Online conference in Tunis, Tunisia, from June 16th to 18th 2013, which focussed on three specific themes: "Towards an internet free and secure", "Digital development and openness", and "Supporting privacy and transparency online". The Conference aimed to provide a multi-stakeholder platform to discuss issues of Internet freedom with a focus on the Middle East and North Africa. FOC members came to Tunis to engage with other governments, regional organisations, international institutions, civil society and the private sector, to reinforce the Coalition's efforts in this regard. At this year's Conference in Tunis, it was announced that the fourth Freedom Online conference will be held in Tallinn, Estonia, in the spring of 2014.

Preface

Tunisia has engaged since the revolution of January 2011 in the promotion of the online freedom of expression, after decades of the worst internet censorship in worldwide history, it had been very meaningful for our country to host the 3rd freedom online conference, especially that Tunisia kept advocating for a neutral internet, developing access and keeping the benefits growing, for more than two years. Because no one will invest in a country practicing censorship or surveillance, Tunisia approach for Internet governance model is based on a multi-stakeholders participation, in which the civil society has the main role of a safeguard for the respect of the online human rights.

I would like to stress on the fact that we cannot be selfish on the internet, the internet is for everyone (Rights, technologies and infrastructures), we are all netizens, this is the right approach, as a country our successes and benefits depends on individuals, and we are committed to focus on their needs first, thus we respect their rights and we help each other as a community.

The conference was a huge opportunity to open the dialog between the different internet actors on very important issues. Freedom of expression, privacy and surveillance, have been largely debated between about 500 participants that we've welcomed in June. On government and surveillance, users and privacy, government and civil society representatives have surprised us by their transparency in expressing their ideas, and sharing knowledge and different experiences.

After the success of the 3rd Freedom online conference, I came to the conclusion that we cannot achieve a single progress or reform without including all the concerned parties in a transparent and open dialog process.

Moez Chakchouk,
Head of the Organising Committee

The Tunis meeting of the Freedom Online Coalition marks another milestone in its development. Twenty- nine countries were represented at the meeting and the involvement of steering group of civil society representatives broadened the constituency of support for the Coalition. It represents an exciting opportunity to strengthen support for human rights and democracy online.

The Steering Group agreed, in consultation with the member governments, to focus the work around three themes with the goal of giving real substance and focus to the Coalitions discussion and in order to provide focal points for collaboration in between major events.

There are many fora where governments, civil society and businesses can argue about the future of the internet – there are very few fora which allow constructive problem sharing and provide an opportunity for those committed to supporting human rights and democracy online.

Internet freedom will only survive and flourish if all those who believe that the internet must continue to be developed for the benefit of all, through co-operation between users, the companies that provide the technology and governments which respect the human rights of users find ways of working together.

The next few years will pose a formidable challenge to internet freedom – the Tunis conference was an opportunity to begin to strengthen alliances and common understanding and to develop strategies that meet the threats that lie ahead.

Andrew Puddephatt, Chair of the FOC NGO Steering Committee

Chair's summary[1]

- Tunisia organized the third Freedom Online meeting in Tunis, Tunisia, from June 16th to 18th 2013, in which the central themes of the first Freedom Online conference were built upon. The conference aimed to provide a multistakeholder platform to discuss issues of Internet freedom with a focus on the Middle East and North Africa. Freedom Online Coalition (FOC) member countries came to Tunis to engage with other governments, regional organisations, international institutions, civil society and the private sector, to reinforce our efforts in this regard.

- The conference focused on the following issues of concern:
  1. How can we work towards an internet that remains both free and secure?
  2. How can we build a digital development agenda that allows more people access to internet and ICT?
  3. How do we assure that both companies and governments assure transparency and privacy on the internet?

- The founding principles of the Freedom Online Coalition (See Appendix B) were the point of departure for the Tunis event, which has been prepared with the active input of many stakeholders in Tunisia and around the world. Prior to the conference, two days of training and capacity development workshops took place for bloggers, hackers, activists, and government officials. The conference has been prepared with the help of an NGO Steering Committee representing experts on Internet freedom around the world. The coalition will continue to engage with civil society in the preparation of its coming conferences and to assist in further developing its future work.

- 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, assembly, and association. We are no less concerned by the attempts to arbitrarily block or control Internet content, and reiterate our commitment to the principle that the human rights that people have offline enjoy the same protection online.

- Members of the coalition have gathered informally as governments and in consultation with other stakeholders at numerous conferences and intergovernmental meetings relevant to internet freedom as well as in specific countries, to coordinate viewpoints, share relevant information, and discuss strategies to advance an open internet in each context. Frequent FOC meetings took place last year, in forums ranging from the Organization for Security and Cooperation in Europe, to the United Nations Human Rights Council, to the Internet Governance Forum and the Stockholm Internet Forum. An example of joint action since the founding of the coalition was coordination among FOC members during the ITU WCIT meeting, December 2012, in Dubai and a joint statement at the OSCE Internet Freedom conference in Vienna, February 2013.

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[1] This year's Freedom Online Coalition Chair was the Dutch government.

- As the next occasion to meet in person, FOC members look forward to attending the Internet Governance Forum in October in Bali, Indonesia, and consulting with other stakeholders there on issues of concern to Internet freedom.

- Looking forward to Tallinn, FOC members intend in the coming months to continue the dialogue held in Tunis through the establishment of working groups on key issues of concern. Additionally, the FOC will establish a mechanism of regular communication with other stakeholders throughout the year. Finally, before Tallinn, FOC members will aim to hold national consultations on Internet freedom with civil society and industry in their countries.

The Freedom Online Coalition consists of Austria, Canada, Costa Rica, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Ireland, Kenya, Latvia, the Republic of Maldives, Mexico, Mongolia, the Netherlands, Sweden, Tunisia, the United Kingdom and the United States.

Conference summary and principle outcomes

On the 17th and 18th of June 2013, Tunisia hosted the third edition of the Freedom Online Conference – a Conference organized by the coalition of countries that have been working since December 2011 to defend and promote the online freedom of expression, that Tunisia, as the first country in the Arab region, joined in September 2012.

Different Tunisian Internet sector representatives (government, civil society, private sector), committed to the freedom principle of the revolution, and after breaking up with the censorship practices of the old regime, have joined their efforts to defend the human rights fundamental principles: freedom of expression, private data protection and access to information. From initiating the UNHRC resolution on "promotion, protection and enjoyment of human rights on the Internet", to the abolition of the internet censorship practices – as announced in the ICT sector reform program for 2012/ 2013, Tunisia, through its internet players, worked to make this conference a forum that would deepen the discussions on how to protect freedom of expression on the Internet.

Hosting this year's edition was an important step toward developing a multi-stakeholder internet governance model that facilitates human rights principles to be upheld online.

Among its **498 participants**, the Conference welcomed global government representatives, civil society representatives, bloggers, hackers, academia and business and technical community representatives from **51 countries**. Most participants came from the MENA region, and **59% of participants were from Tunisia** (see Appendix H for a detailed breakdown).

One of the distinctive features of the Tunis Conference was the **multi-stakeholder set-up** of its audience. Over 22% of participants were representatives of various governments, while the rest was split between civil society, the business sector, netizens, and the media. The importance of discussing internet freedoms in such a setting has been one of the founding principles of the Coalition, and the Tunis Conference reinforced the commitment of the Coalition to multi-stakeholderism in its work going forward.

Principle Conference outcomes:

- The Coalition will continue to engage with civil society in the preparation of its coming conferences and to assist in further developing its future work.
- Looking forward to the next FOC Conference in Tallinn, FOC Members intend in the coming months to continue the dialogue held in Tunis through the establishment of working groups on key issues of concern.
- Participants identified that the value of the Conferences is bringing together a group of like-minded governments with civil society groups and businesses to effectively promote freedom of expression, openness and democracy online. It was the interaction around shared goals that was so important, and which makes the Coalition such a distinctive forum. This led participants to conclude that there should be more to the Coalition than a series of meetings.
- Therefore it was agreed that in between meetings there should be more in-depth cooperation to come up with joint solutions and approaches for the issues at play in the field

of internet freedom. Hence the development of the three work streams agreed upon by the government participants that will reflect the themes identified at the conference. The various working sessions at the conference each identified specific goals for the Coalition and these can provide the basis for discussion in the working groups.

- Additionally, the FOC plans to establish a mechanism of regular communication with other stakeholders throughout the year to strengthen its presence and build support for Coalition goals.
- FOC Members plan to attend the Internet Governance Forum in October 2013 in Bali, Indonesia, and consult with other stakeholders there on issues of concern to Internet freedom.
- Finally, before Tallinn, FOC members will aim to hold national consultations on Internet freedom with civil society and industry in their countries.

Conference program

Based on the founding principles of the Freedom Online Coalition, the Tunis event was prepared with the active input of many stakeholders in Tunisia and from around the world, including country members of the Coalition and an NGO Steering Committee representing experts on internet freedom.

The main conference program featured a mix of plenary discussions, individual working sessions, and practical training workshops for participants. This two-day main program was supplemented by a pre-event held on June 15th and 16th which offered training and capacity development workshops for bloggers, hackers, human rights defenders, activists, and government officials.
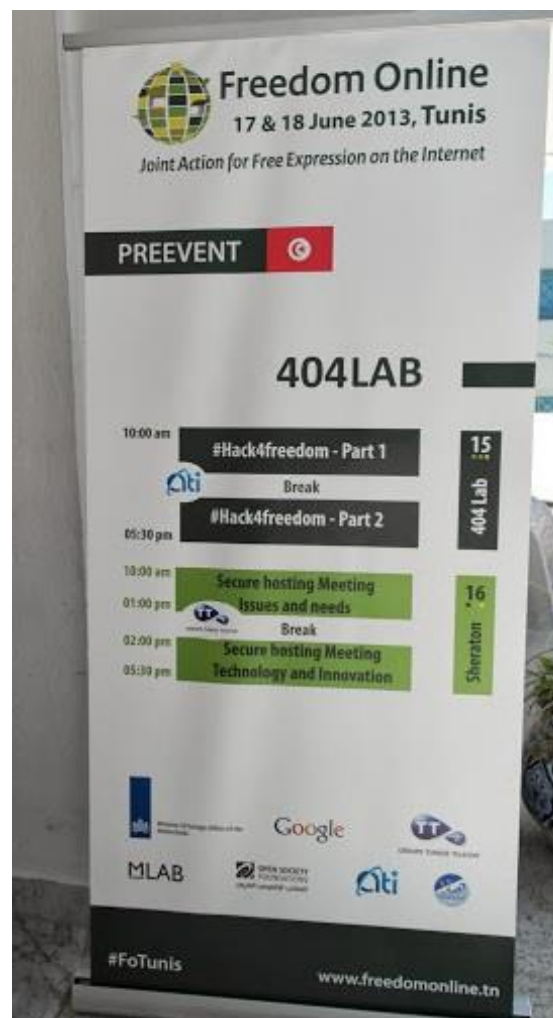
Based on input from Coalition members and the NGO Steering Committee, this year's Freedom Online Conference focused on three themes that served as a framework for the Conference main program and its discussions:

Theme 1: How can we work towards an internet that remains both free and secure
The coalition members support the principle that all people enjoy the same human rights online as they do offline. In recent years debates about digital rights and internet freedom have highlighted the need for an internet both safe and secure in balance with the free exercise of those rights. While threats of cybercrime and cyber security are real, some approaches to counter those threats could potentially undermine civil liberties and balkanize the internet. It is necessary to pursue approaches to cyber security which upholds human rights standards and values. This thematic discussion will explore how governments and other stakeholders can assure ample cyber security measures to protect citizens operating online, while working from the basis of an open, accessible and transparent internet.

Theme 2: How can we build a digital development agenda that allows more people access to internet and ICT?

For human rights to be exercised online, people need affordable access to the internet. If the internet is to sustain democracy and human rights, governments and civil society organizations committed to these principles must step up their efforts to push the digital development agenda to ensure the inclusion of all voices in shaping the Internet's future. In doing so, it is important to consider what approaches to development will support and protect human rights and an open Internet. This thematic discussion will look at digital development issues through this human rights lens, addressing concerns of those in the global south who currently feel excluded from policy debates on the national and international level.

Theme 3: How do we assure that both companies and governments assure transparency and privacy on the internet?

As the instigators and builders of the technology and infrastructure that form ICTs and the internet, industry has a large and growing impact on debates about rights online. Companies increasingly have access to a wide range of user data. They respond to government requests on law enforcement and lawful interception, which can raise important questions about transparency and civil liberties protection for users. There are also important questions about how privacy can be integrated into the development and innovation of technology. This thematic discussion will explore the roles and responsibilities of companies in interacting with users and governments.

Conference plenary sessions

Opening Ceremony

Welcome Notes
- Introduction by Mr. Moez Chakcouk
- Introductory Video of FoTunis

Opening Statements
- H.E Mr Frans Timmermans, Minister of Foreign Affairs of the Netherlands (Chair of the FOC)
- H.E Mr Mongi Marzoug, Minister of ICT, Tunisia (Host of the FOC Conf.)
- H.E. Mr Urmas Paet Minister of FA, Estonia (Host of the 2014 FOC meeting)

New FOC members statements:
- H.E Mr Edgars Rinkēvičs, Minister of Foreign Affairs of Latvia
- H.E. Mr Löning, Human Rights Commissioner Germany
- H.E Gocha Lordkipanidze: Minister of Justice of Georgia

Three countries officially joined the Freedom Online Coalition, Latvia, Germany, and Georgia. Nineteen of the twenty one members were present in Tunis. Fifty one countries were represented at the conference including a substantial number from civil society and business.

The conference was opened by Minister Timmermans who expressed his appreciation for the role played by Tunisia in promoting the essential human right of freedom on the internet. He spoke of why the Netherlands attaches so much importance to this area of freedom arguing that the internet has become an integral part of our society, both in terms of content and the power to connect. It has increased our ability to communicate tenfold and has endless advantages in increasing people's participation in society and promoting human rights.

But "there is a dark side to the force" as violations of human rights can utilise new technologies. Iranians right to vote was challenged by the authorities who blocked opposition websites. Violations of the right to communicate and access information freely have resulted in a lack of democracy and justice.

There is also a challenge in the potential antagonism between freedom and security on the internet. States face a dilemma: they must allow free and open access to the internet, so that citizens' rights apply online as well as offline. On the other hand, there are also serious security threats online and the state is responsible for ensuring both the safety of citizens and critical infrastructure. Minister Timmermans argued that democratic principles must in all cases inform considerations on the balance between security and freedom online as offline.

The Minister also argued that as the internet is governed by private and public actors, it is essential that all stakeholders take responsibility for its future. Governments can bring together all stakeholders to conduct an inclusive dialogue on the future of the internet as it is doing with the Coalition. Regulation of the internet by the state is not a solution. But insofar as companies develop and provide the infrastructure on which the Internet operates, they have important responsibilities.

Finally, as a coalition, the Minister said that part of the mission was to devise solutions to bridge the digital divide. Two-thirds of the world population still do not have access to the Internet, and therefore not to the knowledge and information that are available. He said that it cannot be stressed enough how an open and free internet is essential in terms of economic growth.
To further the goal of keeping the internet open and free for all members of the Coalition established the Digital Defenders Partnership, a fund to support innovative solutions to the protection of bloggers and online activists in danger.

There were further welcomes to the conference from His Excellency Mr Mongi Marzoug, Minister of ICT, Tunisia. The Minister talked about the progress Tunisia had made and how pleased the government was to be hosting this important conference. His Excellency Mr Urmas Paet, Minister of Foreign Affairs in Estonia, announced that Estonia would be the host of the 2014 Freedom Online Coalition meeting. He argued that internet access underpinned economic success as well as modernisation of the state. The Estonian experience had shown that the internet could create great transparency and make government more effective and efficient.

Finally there were introductory statements by representatives of governments joining the Coalition – Germany and Georgia, and the representative of Latvia, which officially joined the Coalition at the beginning of 2013. His Excellency Mr Edgars Rinkēvičs, the Minister of Foreign Affairs of Latvia, said that his government was working actively to support internet freedom and had supported the July resolution at the UN Human Rights Council which stated that human rights offline applied online. He also said freedom of expression was essential to democracy and other human rights and that access to technology underpinned free expression. The Latvian government saw cross regional co-operation as essential to internet freedom and the Coalition was an excellent example of such co-operation. His Excellency Mr Markus Löning, Human Rights Commissioner from Germany spoke of his admiration for the scale of change in Tunisia and the region as a whole. He identified the

importance of the internet as a medium that provided a bridge between people and continents. Supporting internet freedom meant supporting internet activists as well as recognising the important responsibilities of companies. He hoped that the German government could work with the young internet activists and experts in Germany to bring them into the wider global debate. Finally His Excellency Gocha Lordkipanidze, the Deputy Minister of Justice from Georgia spoke of the importance of co-operation between governments and expressed his government's pleasure at joining the Coalition and their determination to work with other governments to promote the cause of internet freedom and to protect basic human rights online.

The introductory statements were followed by a short introduction to the FoTunis'2013 Program, theme and workshops by Andrew Puddephatt, Chair of the NGO Steering Committee. He welcomed all the participants to the third edition of the Freedom Online Conference, saying the conference was an exciting opportunity to strengthen support for human rights and democracy online. He explained that the conference was organised around three themes which would form the basis for working groups that would meet between subsequent events.

The final part of the opening session was a key note speech by Rebecca MacKinnon of New America Foundation. Miss MacKinnon praised the governments that joined the Freedom Online Coalition for taking two vital steps: recognizing that human rights extend to the internet; and making a shared commitment to preserving and nurturing a free and open, globally interconnected internet. However, she warned that balkanization of the internet was inevitable unless there was a commitment to mechanisms, norms and standards that hold government surveillance – and corporate business practices including compliance with surveillance demands – appropriately accountable to universal human rights standards. She counseled that governments of political systems all over the world will point to the widespread deployment of pervasive surveillance by the developed democracies to justify their own surveillance states as so-called "standard international practice." This in turn could make it harder for citizens to use the internet to expose government officials who may be stealing their food without being caught and punished immediately.

She called upon the governments of the Freedom Online Coalition, civil society and private sector companies to commit to a multi-stakeholder process, working with civil society and the private sector, to determine how the UN Special Rapporteur's recommendations on surveillance and human rights can be implemented, along with the United Nations Principles on Business and Human Rights and the Global Network's Initiative principles on free expression and privacy. She argued that these must be implemented across the Freedom Online Coalition community and beyond and that Tunis represented an opportunity to come up with a plan and timetable for doing so.

Plenary Session: Challenges and Opportunities

Moderator: Geraldine de Bastion, Digitale Gesellschaft e.V.
Speakers:
Richard Allan, Facebook
Lionel Veer, Dutch Human Rights Ambassador
Dan Baer, US Department of State
Nigel Hickson, ICANN

The closing plenary on the first day was an opportunity for a panel debate involving participants looking at the opportunities and challenges for internet freedom.

Nigel Hickson spoke of the importance of looking at development and openness and of the need to balance freedom and security. He argued that if you do not have an interoperable, open and secure internet, you have no internet at all, let alone having it as a tool for development. Like others he was concerned about the dangers of balkanization and of how at WCIT, the lesson was that we have to discuss all the issues together in order to make development happen.

Lionel Veer spoke of the importance of a multi-stakeholder model for decision making and how an open internet was the precondition for innovation and development. There were many challenges including that of sustaining the Freedom Online Coalition in an environment that was fast moving and where it was difficult to focus consistent attention on attempts to push back against governments that want a top down controlling approach to the internet.

Dan Baer spoke of the challenges (particularly in the MENA region) we face with laws that prohibit speech. He argued that in a process of political change, we need to become comfortable with all kinds of speech. No-one should be sent to prison for writing a poem about government corruption and bans on speech has never reduced social tensions. He recognised, especially in the light of current revelations, there was a need to define security and HR as part of a continuum. Current global internet governance offers opportunities to increase access – if we get regulation and markets right we can get many people online. But as we close the access gap it is important that we do not replicate other gaps from the offline world, such as gender. This is not a question of adjusting our principles to practice but vice versa. The Freedom Online Coalition is an opportunity for governments, civil society and industry to work more closely together – through the three work streams of the conference to identify concrete action items and to make the work of the FOC more relevant and inclusive.

Finally, Richard Allen spoke of how people "paint pictures" online and the challenge was to think about tolerance on the part of governments as people start to take power into their own hands. As well as freedom of speech, freedom of association was a crucial right to be exercised online. In terms of opportunities the transition to mobile could change a lot of things. The business model of the mobile world is very different from the traditional internet model and the implications of this needed to be understood. And there was a permanent and dynamic tension between those voices arguing for more surveillance and those calling for restraint – we need to find a way in which governments make better decisions.

Closing Ceremony

Conference wrap-up
- **Moez Chakchouk,** Head of the Organising Committee for the Host Country
- **Andrew Puddephatt,** Chair of the Steering Committee
- **Sami Ben Gharbia,** on behalf of the Civil Society present

Closing Statement
- H.E. Mr. Nadhir Ben Ammou : Tunisia Minister of Justice

Video: Closing & Next Freedom Online Conference

The Closing ceremony was an opportunity to thank the participants and the local organisers for all their hard work. Speakers emphasised the importance of the Freedom Online Coalition as a space for constructive engagement with difficult issues and as an opportunity to share knowledge and perspectives. The workshops had produced a series of recommendations and ideas for future work which can be carried forward to the meeting in Estonia.

The closing ceremony was also an opportunity for civil society organisations that participated at the conference to present their joint appeal to the members of the Freedom Online Coalition for more transparency and accountability about surveillance programmes. Specifically, the groups called upon Coalition governments to:[2]
- Recognise that governments are responsible for protecting the human rights of all people online, not just those of their own citizens and Coalition members should review their policies and practices to ensure that they adhere to this principle.
- Render any law, regulation, or legal interpretation related to monitoring and surveillance of online communications and connection transparent, accessible and foreseeable to the public.
- Make transparent the scope and nature of requests to service providers related to surveillance of online communications and not prohibit public disclosure to users by these service providers.
- Improve understanding within national governments on the implications of surveillance for digital freedoms and the relations of trust between states and citizens.

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[2] The full statement drafted by civil society groups is available in Appendix G.

Working sessions

Theme 1: Towards an internet free and secure

Workshop 1.1: Cyber security and human rights

Speakers: Anja Kovacs, Internet Democracy Project; Robert Guerra, Citizen Lab; Dunja Mijatovic, OSCE special rapporteur on freedom of the media; Johan Hallenborg, Swedish Ministry of Foreign Affairs; Mohamed El-Taher, Association for Freedom of Thought and Expression (remote participation); **Moderator:** Dixie Hawtin, Global Partners

Summary: Cyber-security concerns have come to dominate internet policy and international policy more generally, with potentially vast consequences on the internet environment. Panellists agreed that security and human rights are not necessarily incompatible. However, they rejected the idea that security concerns must be "balanced" with human rights. Human rights apply online as they do offline, and therefore all security measures must comply fully with human rights standards. Panellists highlighted the importance of reframing the debate – cyber-security initiatives should have citizen interests and the free flow of information at the very heart of them, and should certainly in no way undermine these basic tenets. The goal of cyber-security should be for citizens to act fearlessly online, so long as they are respecting the rights of others. To achieve this in practice there is a need for much more information and analysis. There is need for a robust conversation about how technology actually works, and the points which allow for repression, control and other vulnerabilities. Far greater definitional clarity is needed about the term "cyber security". For instance, hate speech is very different from threats to the critical infrastructure and they should not be dealt with alike. Targeted approaches must be developed. Finally there is a need for much more accurate data, at present the discourse is driven by anecdote or data which comes from interested parties.

This led to a discussion about surveillance. Surveillance is often presented as a useful tool for increasing security, but the impact is much more complex. Surveillance measures tend to undermine the ability of citizens to protect their own security. In the context of the PRISM revelations it was noted that there is an urgent need to consider the use of technology by intelligence agencies, and what limitations and safeguards are essential. Finally there was widespread agreement that centralising security efforts in particular - and internet governance more widely - was unlikely to improve security in practice and could actually augment vulnerabilities. Instead, participants call for distributed security and governance processes whereby networks of institutions and actors keep each other in check.

Recommendations:
- Bringing cyber security in line with human rights is not a "balancing act" **- human rights apply online as they do offline** and therefore all security measures must fully comply with human rights standards.
- The goal of cyber-security measures is to preserve the free flow of information and for people to use the internet fearlessly as long as they are not violating the human rights of others. **We must adopt a positive approach that puts people and their well-being at the centre of every cyber-security initiative.**
- Cyber-security measures should not seek to centralise governance of the Internet. **The best way to ensure cyber-security is through a distributed governance process where networks of institutions and actors keep each other in check**.

Workshop 1.2: Promoting standards – the role of civil society and intergovernmental organisations

Speakers: Fieke Jansen, Hivos; Guy Berger, UNESCO; James Lawson, Council of Europe; Anriette Esterhuysen, APC; **Moderator:** Meryem Marzouki, CNRS, Paris 6 University

Summary: This session looked at the various soft law standards and approaches that have been established to protect human rights online and the challenges in realizing them (with an emphasis on how these could apply to regulatory challenges in the region).

Recommendations:
- **NGOs and civil society should start at home, understand and assess their national laws.**
- **Civil society should bridge their work with intergovernmental organizations through national multi-stakeholder discussions,** in order to feed national legislation discussions with global or regional soft law instruments
- **NGOs and civil society should be systematically and formally included in inter-governmental soft law instruments discussions**

Workshop 1.3: Change and challenges – user perspectives from the MENA region

Speakers: Mohammed Tarakiyee, Jordan Open Source Association; Slim Amamou, Alixsys / Tunisian Pirate Party; Zineb Belmkaddem, Mamfakinch; Same Ben Gharbia, Nawaat; **Moderator:** Hisham Almiraat, Global Voices

Summary: Panellists, representing civil society from Tunisia, Jordan and Morocco, discussed changes and challenges in a "post-Arab Spring" MENA region. The debate focused on exploring emerging threats for freedom of expression online in the region. Zineb Belmkaddem from Mamfakinch.com (Morocco) described how online activists are being increasingly targeted in her country. She talked about how the Moroccan government is acquiring online surveillance and interception technology from a French company called Amesys. She proceeded to describe the "unintended" psychological consequences of mass surveillance. Mohamed Tarakiyee, communications officer at the Jordan Open Source Association, spoke of illiberal legislation passed in Jordan and other Arab countries. Under the guise of religion or under the pretence of combating pornography, laws are being used to curtail freedom of expression online in many of these countries. Sami Ben Gharbia, co-founder of Nawaat.org (Tunisia), spoke of new threats for freedom of expression online in post-revolution Tunisia. While censorship was the major feature of the previous regime, surveillance seems to constitute the biggest threat today. Slim Amamou, former Secretary of State from Tunisia, also spoke of emerging threats for freedom of expression online in his country, emphasizing the role of non-state actors like powerful religious groups.

Recommendations:
- In an effort to ensure open governance and a commitment to government transparency: **a regular transparency report from all Coalition members** could inform about who's being surveilled and why.
- In addition, the Coalition should work to promote the following:
    - Ensuring the independence of bodies responsible for online surveillance. These bodies should be composed of judges, civil society representatives - in short, of all stakeholders.
    - Providing support for educating and empowering users to allow them to use technological alternatives and solutions ensuring a safer use of the Internet.
    - Providing support to, and promoting open software and free culture.
    - Providing protection for, and standing up in support of whistle-blowers.
    - Ensuring the integrity of Internet infrastructure.
    - Respecting the principles of net neutrality and human rights online, as well as offline.
    - Giving up national boundaries between coalition members the way Internet has opened borders between them.
    - Understanding that it's our job as civil society representatives to assume that governments are the bad guys, but that we're always happy when governments prove us wrong.

Workshop 1.4: Government and surveillance

Speakers: Amr Gharbeia, Egyptian Initiative for Personal Rights; Eleanor Saitta, OpenITP; Simone Halink, Bits of Freedom; Moez Chakchouk, Tunisian Internet Agency; **Moderator:** Eric King, Privacy International

Summary: There was a strong feeling of frustration by civil society that governments aren't being transparent enough about surveillance capabilities, the legal framework under which capabilities are deployed as well as the evidence base to support said powers. Government representatives strongly rejected civil society arguments, suggesting that the view held by panellists was utopian and could never work in the real world. Regardless of viewpoint, the fact the debate was so polarised suggests to me that there is little trust or respect between stakeholders on this issue. One clear outcome was a need for increased fact based argument on both sides as the secrecy surrounding the issue made it hard to have an informed debate. Another clear issue that left much of the audience unhappy was the idea that varying standards of rights protections could apply vis a vis surveillance depending on your nationality. Should human rights not be applied universally? An audience member suggested during the Q+A that both sides must speak to the other as if they are not a) evil, b) stupid, or c) both. For discussions on this matter in future, I would suggest that it's considered how to overcome this problem when selecting panellists and format.

Recommendations:
- **Government must be more transparent about surveillance capabilities** and legal justification for its use. Informed debate cannot be had without facts.
- **Human rights must apply universally.** Any laws that provide different standards of protection based on nationality are discriminatory and **governments must bring domestic laws in line with international human rights obligations**.

Workshop 1.5: Positive actions to combat intolerance

Speakers: Kamel Laabidi, Former INRIC President (Tunisia Media reform Authority); Wael Abbas, Activist/Blogger - Citizen Media Trainer; Joëlle Fiss, Human Rights First; **Moderator:** Andrew Puddephatt, Global Partners

Summary: This session looked at questions of hate speech from the point of view of building a culture of tolerance rather than imposing restrictions upon speech and explored the challenges in learning to live with diverse viewpoints that some may find offensive. The session began by setting out the position with regards to hate speech and blasphemy in international human rights law. Freedom of speech is essential to the integrity of a human being and it underpins other rights and freedoms including the right to form political parties, contest elections, and allowing non-violent expressions of disagreement and contest. The principle is that freedom of expression should be the rule, and limitations the exception. International law generally protects people rather than beliefs. If someone takes offense, it is essentially a subjective reaction to another's belief. If we allow anyone to restrict freedom of expression by claiming its exercise causes offence, then it is possible to restrict any discussion by arguing that criticism, or even jokes, are a form of denigration of belief. Once claimed by one group it is claimed by all and free flowing discussion is stifled. A necessary condition for one's own belief to be respected is that the beliefs of others – even they may seem offensive, should be respected. Speakers referred to the polarisation and division caused by attempts to impose particular views about speech. It was noted that blasphemy was often used as a political tool by some groups to impose what was – in essence – a political agenda on others. Nor was this a recent phenomenon – one speaker mentioned that in Egypt, these tactics had been used for decades by different regimes to divide and polarise people.

Recommendations:
- **Government should promote greater toleration and the Freedom Online Coalition should recognise this is an important issue** and work together to promote greater understanding of the importance of freedom of expression;
- **Greater emphasis should be given to human rights education** and positive action to promote tolerance and awareness of the important of other beliefs;
- **Support should be given to activists and NGOs struggling to assert pluralism** in the face of attacks.

Workshop 1.6: Dealing with an authoritarian past

Speakers: Emmet Tuohy, International Centre for Defence Studies; Hisham Almiraat, Global Voices; Nasser Weddady, Mauritanian activist; **Moderator:** Pavel Fischer, Political Director of the Czech Ministry of Foreign Affairs

Summary and recommendations: Many countries undergoing transformation into democracies have to deal with an authoritarian legacy. This session explored ways to assess that legacy, deal with the pervasive history of surveillance and repression, what records to keep, and how to respond to past perpetrators.

Panelists suggested focusing on three broad ways in which this goal has been furthered in post-transition states—and which can be best implemented by societies in other regions faced with similar challenges:

- **Lustration** (ensuring that the previous regime's officials do not play a political role in the new democracy),
- **Access to justice** (prosecuting those responsible for human rights abuses), and
- **Access to truth** (allowing the public to learn the facts of what happened during the previous period by opening security service archives to affected individuals and to neutral historians.)

One key issue raised in the session was that of timing. Panelists emphasized **need to ensure both lustration and access to justice as quickly as possible** after transition. A second question raised was about symbolism: how does a society address issues that divide people within a post-transitional society, such as flags, holidays, and the like? Some authoritarian regimes seek to exploit and exacerbate differences in ethnicity, religion, etc. within their population in order to retain power. While history can remain a contested issue panelists suggested that underlying ties within states can allow democratic movements to reach agreement or compromise on such symbolic issues. Furthermore if the economic power of elites is unchanged after a nominal move to democracy, then in a real sense the system has not transitioned at all. Indeed, it can even be worse if outgoing elites exploit conditions in the pre-transition environment to enrich themselves personally, as arguably happened in Russia and many Central Asian states during the 1990s. While this is likely to remain a challenge in the future, panelists suggested that the conditionality effect provided by the process of joining international organizations with clear rules— the WTO or the EU—can help to ensure a more equitable transition in economic and political terms. In terms of access to truth, authoritarian regimes may leave a considerable archive (if not destroyed in transition) but the story of those who were oppressed and who survived is much more faint. One option is to collect the oral history of survivors and make it accessible online. The question of whether to open regime archives is more complex – it can help establish the legitimacy and distance of the new authority from the old, but it can also lead to purges or vindictive policies and so threaten a fragile society. While ensuring justice for the victims and perpetrators of crimes is important, political leadership at this time is crucial to maintain the cohesion of society as a whole.

Theme 2: Digital development and openness

Workshop 2.1 Access and affordability – perspectives from the South

Speakers: Mohamad Najem, Social Media Exchange; Anahi Ayala, Internews; Sofie Maddens, Internet Society; **Moderator:** Pranesh Prakash, Centre for Internet and Society

Summary and recommendations: This session gave a Global South perspective on digital development. Speakers from developing countries highlighted issues specific for their environments and explored ways to tackle them. The panel framed their recommendations around issues surrounding infrastructure development, the need for local content, the need to keep in mind marginalised communities, and policy challenges.

Infrastructure
- Spectrum distribution, auctioning, reframing and other such **policies need to pay attention to and should be crafted with an aim to benefit the underserved** and not merely as a means of raising revenues for the government.
- Telecom licensing should impose obligations and provide incentives to telecom providers to reach unserved and underserved communities.
- Governments should regard communications networks as basic infrastructure and invest in them to reach out to those segments that aren't — and won't be — covered by the market, and such **infrastructure should be open to access by all**.
- **Patent policies are crucial to ensure cheap access to both technologies (like 4G) and devices that enable access to knowledge**.
- **Free and open source software is a crucial part of ensuring equitable access**.

Localised Content
- **Local content is necessary**. This would be encouraged by:
  - Liberalization of copyright laws to allow libraries and other bodies to engage in digitization of existing media, and open licensing.
  - Mere increased access to the Internet will increase localised content.
  - Policies to encourage devices and software to support the ability to input local languages, including promotion of free and open source software.

Marginalised communities
- **Policies should keep in mind marginalised communities** (including persons with disabilities, women, rural poor, lower caste communities, migratory communities, etc.) and provide positive steps to enable their access to both knowledge and to frameworks of access.

Policy-making
- **Civil society organizations need to ensure that they are sitting at the table** when regulatory policies are being designed.
- **Regulatory frameworks should encourage community-level infrastructure creation**. This is a necessity to reach out to the next 5 billion.

Workshop 2.2: Access and affordability – defining roles and responsibilities

Speakers: Victor Kapiyo, KICTANet; Olof Ehrenkrona, Swedish Ministry of Foreign Affairs; Meredith Whittaker, Measurement Lab; Karina Brisby, World Wide Web Foundation; **Moderator:** Ben Scott, OTI / New America Foundation

Summary: This session focused on how to support the Internet Freedom agenda through affordable access to networks. Perspectives were offered from government, civil society, and commerce. We focused on three aspects of this debate: rights, programs, and policies. Some argue that the right to affordable access an extension of the right to freedom of expression on the Internet – since without the former, the latter is not meaningful. This framing was gently rejected by this panel. We concluded that access and affordability are critically important to the Internet Freedom agenda, but connectivity does not constitute a protected human right by itself. There is value in separating the rights of speech and assembling from the infrastructure and economic questions of access. There is a useful policy narrative that unites: a) the "functional" approach to access, affordability, digital literacy and adoption that supports economic growth; and b) the "principled" approach to open networks that supports human rights of freedom of expression. This permits the combination of the two issues without burdening the human rights of free expression with the market challenges of universal access. And it also permits an economic argument for access without the political narrative of ideological liberalization in the marketplace of ideas. The panel discussed a variety of ways that the Internet Freedom community – government, NGO, and commercial enterprises – can and should support the implementation of programs that increase affordable access. Particular attention was directed to mesh networking technologies. These networks are often community built and locally operated. They provide low-cost connectivity in a network that has an architecture resistant to the most pernicious forms of surveillance and censorship. These features make mesh a dual-purpose technology for the Internet Freedom community. Finally, the panel focused on policies that should be made to support access, affordability – and most importantly, adoption. In particular, we discussed how to promote policies that increase the likelihood of adoption including lower costs, security, transparency, trust/credibility, and content salient to local needs/demands. Governments should work with a multi-stakeholder community to identify the needs of communities and put in place the laws, institutions, and programs to support an open, universal and affordable Internet.

Recommendations:
- **The Internet Freedom community should explore ways to promote low-cost, community-driven access technologies - such as mesh networks** - because they serve the dual goals of bridging the digital divide with affordable access and create an infrastructure that resists censorship and surveillance.
- **A broad policy agenda promoting access and affordability should ultimately see expanding adoption as the core goal**. To this end, we should promote policies that increase the likelihood of adoption including access, affordability, security, transparency, trust/credibility, and content salient to local needs/demands.

Workshop 2.3: Accessibility and inclusion for women

Speakers: Françoise Mukuku, feminist leader in DRC, Eunice Kariuki, Kenya ICT Board; Hanane Boujemi, HIVOS; **Moderator:** Jac SM Kee, APC

Summary: This session looked at the different types of barriers that women face in accessing and appropriating the internet in the exercise of their rights, and the strategies and approaches for overcoming them. The discussion was focussed mainly in the Arab and African region. All speakers shared about how access for women and girls can bring significant changes to their lives in the Arab region and in Kenya and the DRC. From concrete levels in empowering them to make more informed decisions about themselves in terms of health and education, to contributing to the economic, socio-cultural and political development of her community and nation. However, few countries actually engage in specific gender disaggregated data collection, and the development of gender indicators to measure this more effectively towards more targeted responses. Major barriers to access for women and girls include affordability (cost) of equipment and data, literacy (general and computing) as well as overcoming gendered social norms that under-privileges women and girls from learning and having control over ICTs. Women and girls also have to balance between multiple demands and are expected to prioritise their family in decision-making over improvements to their own lives. ICTs is seen as something that belonged to the "public sphere" and women accessing this is seen as also transgressing their gendered role of being limited primarily to the private or domestic sphere. This "transgressive potential" is also one of the positive transformatory impacts of the internet to the lives of women and girls, and measures to address barriers to access need to take this into account. In other words, addressing barriers must also take into account socio-cultural norms and barriers. Incidences of violence against women also act as a significant gendered barrier to access that needs attention. E.g. online sexual harassment and cyber stalking, women being beaten by their partners over use of mobile phones, violation of privacy through dissemination of private data (including photographs and videos) etc. There is also a need for greater knowledge building on risks related to sexual expression through ICTs, and to balance this against the potential of the internet to promote sexual rights and health. This is however little interrogated and included in debates on privacy and safety on the internet broadly. Also issues on sensitivity of particular kinds of personal data, such as reporting on cases of sexual violence in situations of conflict to demand for greater accountability by the state, and how well current privacy policies and mechanisms take this into consideration is not debated, even as privacy and surveillance are key topics in the space.

Recommendations:
- **There is a need for comprehensive research, gender disaggregated data and indicators** to be able to concretely identify the issues and challenges on promoting access for women and girls and narrow gender digital gap. This is also to be able to assess impact of ICTs for women and girls to be able to develop priorities for dialogue and policy. A suggestion is for FOC to do both country reports as well as potentially regional reports that are shared at the annual meetings for sustained sharing of best practices and monitoring of what works and what are priority issues that need collective attention.
- **Gender issues should be integrated throughout the FOC's thematic areas**. E.g. the issue of privacy and safety ignores the issue of specific violence and harassment targeted at women and girls, which not only then becomes barriers to access, but places them at great personal risk when they use ICTs in some contexts (this was explored in the context of The Congo, where sexual violence in the context of conflict is one of the highest in the world). Recommend integrating gender as a critical cross cut in future FOC meetings and working areas, as well as provide visible prioritisation through e.g. inclusion at plenary discussions.
- **Capacity building is needed to further understand and integrate a gendered analysis and women's human rights framework into FOC's areas of work**. Recommend for future FOC meeting to also include this in their capacity building tracks and planning.

Speakers: Ronaldo Lemos, CTS/FGV; Matthew Shears, CDT; Ashraf Abdelwahab, Microsoft; **Moderator:** Cynthia Wong, Human Rights Watch

Summary: This session looked at why net neutrality is a crucial development issue. Does network neutrality help, or hinder, development? Are there any examples we can draw upon? What are the current challenges to network neutrality and how should we respond to them?

Recommendations:
- **Coalition can aim to improve mechanisms to enforce net neutrality principles** where they exist, and develop mechanisms to identify discriminatory practices by telecommunications operators and assess their impact on human rights, innovation, and development (even in the absence of net neutrality laws).
- **Coalition should aim to give visibility and support to those countries that have passed net neutrality laws**, and to civil society/multi-stakeholder efforts to develop and implement a human rights approach to net neutrality.
- **Coalition should promote regulatory environment for telecommunications and the Internet that is strongly rooted in the rule of law** among all governments.

Workshop 2.5: Barriers to innovation in development – the problem of copyright

Speakers: Hala Essalmawi, Library of Alexandria and Creative Commons; Slim Amamou, Alixsys / Tunisian Pirate Party; Joana Varon Ferraz, CTS/FGV; **Moderator:** Alberto Cerda, ONG Derechos Digitales

Summary: This session looked at copyright and its complex relationship with broader development issues. Panellists provided a three-prong analysis of copyright issues. The first layer of analysis focused on the political aspects of copyright, by emphasizing its governance model, misleading language, and clash between a regulation designed for analogous content and the opportunities offered by digitalization and Internet. The second layer of analysis concentrated on mechanisms available for advancing development policies, in spite of deficiencies of the current legal framework, such as practices of open licensing for software and content, and public policies on access to knowledge. Finally, the third layer of analysis scrutinized the current regulatory framework by challenging constitutional protection of intellectual property and copyright in particular, examining flexibilities available in international law that developing countries have failed to implement into domestic law (compulsory licenses, copyright exceptions, and public domain), and encouraging the endorsement of on-going initiatives at international forums that switch emphasis from copyright and authors' right to users' rights.

Recommendations: The panel provided several recommendations, some on them aimed at governments, others at civil society organizations.
- First, it is necessary to emphasize the actual purpose of the regulation, to avoid misleading language, and to focus the effort on protecting actual creators and authors, as well as users rather than intermediaries.
- Second, governments and civil society organizations, especially in developing countries, should take advantages of flexibilities available in international law already, such as limitations and exceptions, compulsory licenses, practices of open licensing, and mechanisms for stretching public domain, among other measures of public policies that provide bases for personal and social developments.
- Third, civil society should encourage governments to support the development agenda on intellectual property at international forums, including the proposal of a treaty on access to people with disabilities, and a treaty on copyright exceptions for libraries and museums.
- Finally, panel recognized the need for increasing the concerns of diminishing human rights by overprotecting intellectual property, and improving network between public interest advocates on the matter.

Theme 3: Supporting privacy and transparency online

Workshop 3.1: UN guiding principles on business and human rights - state duty to protect, corporate responsibility to respect, and access to remedy

Speakers: Jermyn Brooks, Global Network Initiative; Lucy Purdon, Institute for Business and Human Rights; Yves Nissim, Orange; Mohamed Garbouj; Markus Löning, German Government's Human Rights Commissioner; **Moderator:** John Kampfner

Summary: This session looked at benefits of, as well as possibilities and challenges in implementing the Ruggie framework in the ICT industry through local and international initiatives.

Recommendations:
- **Need for multi stakeholder approach to determining best practice** in adhering to and advancing Ruggie principles
- In particular there needs to be **more work on developing access to remedies** in the case where companies have been compliant with human rights abuses which include accountability in the judicial process (though raises questions about Ruggie approach)
- **Transparency lies at the heart of human rights. Management systems should be put in the place to drive the behaviour of corporations**

Workshop 3.2: Privacy and data protection: the challenges of big data

Speakers: Ian Brown, Oxford Internet Institute; Reem Al-Masri, 7iber; Sophie Kwasny, Council of Europe; Richard Allan, Facebook ; **Moderator:** Ben Wagner, European University Institute

Summary: The mining of data by companies is a pervasive feature of current business models on the internet. But while big data presents opportunities for businesses, it also poses new challenges for protecting user rights online. This session explored best mechanisms for protecting privacy and the value of national regulation, self–regulation, and normative standards. It took place under the shadow of the U.S. PRISM scandal. This led Reem Al-Masri from 7iber in Jordan to criticize the lack of end user control over their own data. In response Richard Allan from Facebook claimed that all actions were conducted in a lawful manner and that the company refused to hand anything other than a court order. Sophie Kwasny from the Council of Europe emphasized the importance of European norms in this regard. This comment was further brought to the fore by a member of the Tunisian Data Protection Authority, who asked for the EU to increase the level of data protection legislation to support the privacy of individuals not just in the EU but also in Tunisia and in the MENA region. His description of Richard Allan representing Facebook as "the most powerful man in the world" further emphasized the evident disempowerment felt by the Tunisian DPA, as did his request for help from Facebook. Ian Brown emphasized the global nature of the Internet. National boundaries of jurisdiction do not however limit global state surveillance. Indeed as the PRISM scandal shows individuals have no constitutional protection or legal path of recourse from surveillance regimes of countries of which they are not citizens. While there are greater levels of protections for U.S. citizens from the PRISM surveillance program, similar protections do not exist for individuals from the MENA region or from Europe. During questions it was repeatedly argued that one key way to support privacy is for end-users to have greater access encryption technologies and knowledge how to protect their own rights. Following this, Reem Al-Masri noted that is was not private companies collecting data in a highly problematic manner but also NGOs and academics. These groups need to publish far more extensive and granular information about the information they collect from human beings and how it will be used, to ensure informed consent.

Recommendations:
- **Increase end-user access to encryption technologies** and knowledge how to protect their own rights to empower human beings to protect themselves.
- **The EU to increase the level of data protection legislation** as this will enable privacy support not just in EU but also in Tunisia and in the MENA region.
- **Transparency: private corporations, NGOs and academics need to publish far more extensive and granular information about the information they collect** from human beings and how it will be used, to ensure informed consent.

Workshop 3.3: Emerging technologies and future challenges to upholding human rights online

Speakers: Morgan Marquis Boire, Google; Dan Meredith, Radio Free Asia; Seth Schoen, Electronic Frontier Foundation; **Moderator:** Jillian York, EFF

Summary: We are seeing an emergence of new technological capabilities – IMSI catchers, nation-wide interception capabilities, hacking tools, and Trojans – that pose new challenges to upholding human rights online. This session explored different ways to tackle these challenges and protect human rights online and look at the value of legal solutions, as well as responsibilities of engineers to design systems that enhance data protection.

Recommendations:
- Governments are funding lots of anti-censorship technology as well as privacy tools like Tor, but existing encryption tools (e.g., Enigmail for PGP) are outdated and unfunded: governments should look to existing unfunded solutions before creating new ones. Perhaps **some kind of knowledge bank should be created**?
- **Governments in the coalition should take a stronger role in ensuring that corporations implement the strongest privacy protections available** (for clarification: we don't mean consumer privacy, but rather tools like opportunistic encryption, HTTPS).

Workshop 3.4: Transparency reporting: private and public sector roles and responsibilities

Speakers: Bill Echikson, Google; Bertrand de la Chapelle, Internet Jurisdiction project; Pranesh Prakash, Centre for Internet and Society; **Moderator:** James Losey, New America Foundation

Summary: This session looked at respective roles and responsibilities of public and private sector actors for transparency reporting on takedowns and data requests, and how civil society organizations can most effectively use publicly available data to advocate for effective legislation and regulation? Key gaps remain with existing transparency reports. First, the process in which requests are made and complied with is not always clear. De la Chappelle describes this as a lack of traceability. Documenting applicable laws and publishing requests (when possible and when they do not compromise the privacy of the user) would be steps towards traceability.   Secondly, reports are only issued by a handful of companies, and while granularity of data has increased since Google's first report in 2008, the reports do not always provide background. And as the NSA surveillance revelations demonstrate in the United States, significant gaps remain in data that is handed over to government entities. A third existing gap is the original source of data requests when they are made through mutual legal assistance treaties (MLATs). Though an MLAT a company might receive a request for data from Country B who is making the request on behalf of Country A, a process that convolutes the original source of data request and makes it more difficult for companies to evaluate the legitimacy of the request. The panellists noted that relatively few intermediaries publish transparency reports, while the ISP and telco sectors are a whole have not yet published reports. While it can be more difficult for smaller companies to publish reports civil society does not have the resources to collect and publish data and particularly for larger companies the business sector should be responsible. However, governments can contribute to a democratic debate on the legal framework for surveillance by documenting their own processes for making requests for data and publishing their own transparency reports on the practice. The Freedom Online Coalition could support a normative framework for establishing transparent practices.

Recommendations:
- **Establish a clear process for making information requests of companies**, starting by documenting existing laws and processes.
- **Encourage more companies to publish transparency reports**, particularly given public concern over the nature and extent of surveillance programmes.
- **Governments should document their own procedures for making requests for data and publish their own transparency reports on the practice**

Training workshops

Digital security workshop

Convener: Bahaa Nasr, IWPR

Description: The Digital Security workshop offered by Bahaa Nasr from the Cyber Arabs team (www.cyber-arabs.com) of the Institute for War and Peace Reporting provided an introduction into the concept and basic rules of mobile and internet security. Around 25 participants attended the training from different Arab countries most from Tunisia, Egypt, Morocco and Libya. The workshop addressed topics such as secure passwords and how to store them securely, the risk of viruses and best practices to protect one´s computer from getting infected, the importance of encryption and the difference between http and https... Even though time was limited, the trainer managed to answer many questions of the participants who were very engaged during the workshop. Many of them showed interested in receiving a full-fledged digital security training to go into more details and to cover additional topics.

Civil Society and Internet Policy Development

Convener: Jillian York, EFF & **Laura Mottaz, Internews**

Description: The Civil Society and Internet Policy Development workshop explored strategies for increasing civil society input/engagement in the development of *domestic* internet policies. The workshop featured civil society representatives from around the region who described how their organizations have successfully helped shape internet policy in their country—either by lobbying for the implementation of a good policy or advocating against a bad one—and shared lessons learned. The panel looked specifically at how organizations could work collaboratively with government policymakers to educate officials about the implications of possible policies and build multi-stakeholder coalitions as well as how civil society could organize advocacy campaigns to bring pressure against governments when necessary.

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Appendix A – List of Freedom Online Coalition members

Austria

Canada

Costa Rica

The Czech Republic

Estonia

Finland

France

Georgia

Germany

Ghana

Ireland

Kenya

Latvia

The Republic of Maldives

Mexico

Mongolia

The Netherlands

Sweden

Tunisia

United Kingdom

United States

Appendix B – Founding principles of the Freedom Online Coalition

Freedom Online: Joint Action for Free Expression on the Internet

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, organisations 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 organisations, 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.

Appendix C – List of Freedom Online Coalition NGO Steering Committee members

Andrew Puddephatt, Global Partners (Chair)

Alberto Cerda, Derechos Digitales

Anja Kovacs, Internet Democracy Project

Ben Scott, OTI / New America Foundation

Ben Wagner, European University Institute

Cynthia Wong, Human Rights Watch

David Sullivan, Global Network Initiative

Fieke Jansen, Hivos

Gus Hosein, Privacy International

Hisham Almiraat, Global Voices Advox

Jillian York, Electronic Frontier Foundation

John Kampfer, Global Network Initiative

Meryem Marzouki, CNRS, Paris 6 University

Ron Diebert, Citizen Lab

Appendix D – Conference agenda

Monday, June 17, 2013

8:00 am – 9:15 am	Registration		
9:15 am – 10:30 am	**Opening Ceremony**		
10:45 am - 12:00 pm	1.1 Cyber security and human rights	2.1 Access and affordability – perspectives from the south	3.1 Implementing the UN guiding principles on business and human rights
12:00 pm – 1:30 pm	LUNCH		
1:30 pm – 3:00 pm	1.2 Promoting normative standards – the role of civil society and IOs	2.2 Access and affordability – defining roles and responsibilities	3.2 Privacy and data protection: the challenges of big data
3:00 pm – 5:00 pm	**Plenary Session – Challenges and Opportunities**		
5:30 pm – 10:00 pm	**Google Big Tent Tunis**		

Tuesday, June 18, 2013

9:30 am – 11:00 am	1.3 Change and challenges – user perspectives from the MENA region	2.3 Accessibility and inclusion for women	3.3 Modern surveillance capabilities and new privacy challenges
11:00 am – 11:30 am	MORNING BREAK		
11:30 am – 1:00 pm	1.4 Government and surveillance	2.4 Development and innovation: making a case for net neutrality	3.4 Transparency reporting
1:00 pm – 2:00 pm	LUNCH		
2:00 pm – 3:30 pm	1.5 Positive actions to combat intolerance	2.5 Barriers to innovation in development – the problem of copyright	1.6 Dealing with an authoritarian past
4:00 pm – 5:00 pm	**Plenary Session - Conference wrap-up**		
5:00pm – 6:00pm	**Closing Ceremony**		

Appendix E – Conference speakers and moderators

Opening Ceremony

Speakers:

Moez Chakcouk, Head of the FOC Conference Organising Committee

Frans Timmermans, Minister of Foreign Affairs of the Netherlands (Chair of the FOC)

Mongi Marzoug, Minister of ICT, Tunisia (Host of the FOC Conference)

Urmas Paet Minister of FA, Estonia

Edgars Rinkēvičs, Minister of Foreign Affairs of Latvia

Markus Löning, Human Rights Commissioner of Germany

Gocha Lordkipanidze. HE Minister of Justice of Georgia

Andrew Puddephatt, Chair of the FOC Conference Steering Committee

Keynote speech (see Appendix F):

Rebecca MacKinnon, New America Foundation

Rebecca is a Senior Research Fellow at the New America Foundation where she conducts research, writing, and advocacy at the intersection of networked technologies, human rights, and corporate accountability. She is author of the award-winning book, Consent of the Networked: The Worldwide Struggle For Internet Freedom (2012) and co-founder of Global Voices Online, the citizen media network and digital rights advocacy organization. A founding board member of the Global Network Initiative, a multi-stakeholder organization that advances corporate responsibility and human rights in the technology sector, she also serves on the Board of Directors of the Committee to Protect Journalists.

Closing Ceremony

Speakers:

Moez Chakchouk, Head of the FOC Conference Organising Committee

Andrew Puddephatt, Chair of the FOC Conference Steering Committee

Nadhir Ben Ammou, Tunisian Minister of Justice

Plenary Session: Challenges and Opportunities

Moderator

Geraldine de Bastion, **Digitale Gesellschaft e.V.**

Geraldine is an international consultant for new media and development at newthinking communications. During the past years she has worked for organisations including the German Federal Ministry for Economic Cooperation and Development and the Gesellschaft für technische Zusammenarbeit (GTZ) and has managed a number of projects on Information and Communication Technology for social and economic development. Geraldine has a passion for music, politics, media and technology as well as for sustainable business models.

Speakers:

Nigel Hickson, **ICANN**

Richard Allan, **Facebook**

Richard Allan joined Facebook in June 2009 to lead the company's public policy work in Europe, Middle East and Africa. Richard works on a broad portfolio of issues including privacy, online child safety, freedom of expression, e-commerce regulation and public sector uses of social media, Richard also appears regularly in the media as a spokesman for Facebook in Europe. Prior to joining Facebook, Richard was European Government Affairs Director for Cisco from September 2005 and had been an academic visitor at the Oxford Internet Institute. From 2008 to 2009 Richard was Chair of the UK Cabinet Office's Power of Information Task Force working on improving the use of government data. Richard was an elected Member of the UK Parliament between 1997 and 2005, and was appointed to the House of Lords in 2010. In the early part of his career Richard was an archaeologist and created software for the UK's National Health Service - he remains equally fond of Latin and SQL.

Lionel Veer, **Dutch Human Rights Ambassador**

Lionel Veer became the Dutch human rights ambassador in august 2010. This position was created in late 1999 to strengthen the human rights component in foreign policy and make it more coherent. Lionel Veer has worked for the Ministry of Foreign Affairs since 1984, in such policy fields as European affairs, asylum and migration, and international cultural policy. In recent years he has held the posts of Dutch ambassador in Zagreb and consul-general in Munich.

Dan Baer, US Department of State

Dr. Daniel B. Baer was sworn in as a Deputy Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor on November 23, 2009. Baer's portfolio for the Bureau of Democracy, Human Rights, and Labor includes the Office of East Asia and Pacific Affairs, and the Office of Multilateral and Global Affairs. Prior to joining the Department of State, Baer was an Assistant Professor of Strategy, Economics, Ethics, and Public Policy at Georgetown University's McDonough School of Business, where he taught business ethics to MBA and undergraduate students. In 2007-2008 he was a Faculty Fellow at the Edmond J. Safra Foundation Center for Ethics at Harvard University. From 2004-2007, he worked at The Boston Consulting Group where he was a Project Leader and provided strategic advice to leaders in the corporate, government, and non-profit sectors. A Colorado native, Baer holds doctoral and masters degrees in international relations from the University of Oxford, where he was a Marshall Scholar. He received his undergraduate degree from Harvard University in social studies and African American studies.

Workshop 1.1: Cyber security and human rights

Moderator

Dixie Hawtin, Global Partners

Dixie is the project manager for freedom of expression at Global Partners & Associates – a social purpose company whose mission is to promote a human rights approach to internet policy making. Dixie workes closely with civil society in democratic countries in the Global South - particularly South Asia - to foster more effective and broad-based movements for human rights on the internet. These projects support the generation of original research, advocacy, alliance building and outreach to engage new groups on internet issues. She has worked on many reports about the relationship between human rights and internet policy – including the Global Survey on Internet Privacy and Freedom of Expression for UNESCO; and Cyber Security, Surveillance and Online Human Rights for the Stockholm Internet Forum (authored with Anja Kovacs). Dixie serves as an independent expert at the Council of Europe working on a user guide to online human rights and remedies; and was a co-chair of the Internet Rights and Principles Coalition for 2 years. Dixie has an LLB in Law and an MA in Understanding and Securing Human Rights.

Speakers:

Anja Kovacs, Internet Democracy Project

Anja Kovacs is a Project Director, The Internet Democracy Project which engages in research and advocacy on the promises and challenges that the Internet poses for democracy and social justice in the developing world. She was earlier a Fellow at the Centre for Internet and Society, Bangalore. She obtained her PhD in Development Studies from the University of East Anglia in Norwich, UK.

Robert Guerra, Citizen Lab

Robert Guerra is a civil society expert specializing in issues of internet governance, cyber security, social networking, multi-stakeholder participation, internet freedom and human rights. Robert is the founder of Privaterra, a Canadian based organization that works with private industry and nongovernmental organizations to assist them with issues of data privacy, secures communications, information security, internet governance and internet freedom. Robert also works as special adviser to The Citizen Lab and Canada Centre for Global Security Studies at the Munk School of Global Affairs at the University of Toronto. Robert serves as a member of ICANN's Security and Stability Advisory Committee (SSAC), as well as a member of the US IGF Steering Committee. Additionally he has participated as a member of the official Canadian delegation at two UN World Summits on the Information Society (WSIS).

Dunja Mijatovic, OSCE Special Rapporteur on Freedom of the Media

Dunja Mijatovic has been the OSCE Representative on Freedom of the Media since March 2010. She observes media developments in all 57 OSCE participating States. She provides early warning on violations of freedom of expression and promotes full compliance with OSCE press freedom commitments. She was previously Director of the Broadcasting Division of the Communication Regulatory Agency (CRA) of Bosnia and Herzegovina and Chairperson of EPRA, the European Platform of Regulatory Authorities.

Johan Hallenborg, Swedish Ministry of Foreign Affairs

Mohamed El-Taher, Association for Freedom of Thought and Expression (remote participation)

Mohamed Al Taher, Egyptian blogger and activist, is working in the Human Rights field, focused on digital freedoms and the freedom of expression. He believes in free software culture and the enrichment of the Arabic content on the Internet. He is working on how to serve the Technology in the civil society organization development and enhance the Human Rights principles. Currently, he is a digital freedom program coordinator at Association for Freedom of Thought and Expression.

Workshop 1.2: Promoting standards – the role of civil society and intergovernmental organisations

Moderator

Meryem Marzouki, CNRS, Paris 6 University

Dr. Meryem Marzouki, is a senior academic researcher with the French National Scientific Research Center, currently with the Computer Science Laboratory of Paris 6, where she runs a multi-disciplinary research activity at the nexus of ICTs, public policies and the public space, with a focus on Internet governance, Human Rights, and the transformation of the rule of law. As part of her volunteering activities, Meryem Marzouki has also been actively promoting human rights in the digital environment since 1996 at the French, European and global levels. Since then, she co-founded, has served in, or is an active member of several NGOs and civil society coalitions: Imaginons un Réseau Internet solidaire, European Digital Rights, The Public Voice, The UN WSIS Civil Society Human Rights Caucus, The IGF Dynamic Coalition on Internet Rights and Principles and The OECD Civil Society Information Society Advisory Council.

Speakers:

Fieke Jansen, Hivos

Fieke Jansen based at Hivos where she runs the Digital Defenders Partnership. Her background is working in the field of internet freedom, technology for transparency and accountability and independent media. In her Master in International Communication and her Advanced Master in International Development Cooperation she has looked at the role of media and digital technologies in social change processes like digital activism in repressive environments. Her areas of interest are to understand the new spaces, grey areas and changing dynamics that technologies bring to the world.

Guy Berger, UNESCO

Guy Berger is UNESCO's director for Freedom of Expression and Media Development, based in Paris. Between 1994 and 2011, he was head of the School of Journalism and Media Studies at Rhodes University, South Africa.

James Lawson, Council of Europe

James Lawson currently works in the Internet Governance Unit of the Council of Europe, the 47 member state organisation whose primary aim is to create a common democratic and legal area throughout the whole of the continent, ensuring respect for its fundamental values: human rights, democracy and the rule of law. He has also been active in the NGO world for many years where inter alia he lead a project to develop a web-based system for documenting human rights violations and set up a vertical human rights search engine.

Anriette Esterhuysen, APC

Workshop 1.3: Change and challenges – user perspectives from the MENA region

Moderator

Hisham Almiraat, Global Voices

Hisham Almiraat is Global Voices Advocacy director and long-time member of the Global Voices community of international authors and translators. He is passionate about citizen media and freedom of speech. He is also a medical doctor and blogger. In 2009, he co-founded TalkMorocco.net, an award winning citizen media portal dedicated to promoting cultural understanding and online commentary. Shortly after the start of the Arab uprisings in 2011, Hisham, co-founded Mamfakinch.com, a citizen-media platform dedicated to defending freedom of expression and democracy in Morocco. The website works at aggregating, curating and disseminating online citizen media material related to the grassroots movement for democratic change in Morocco. In 2012, Mamfakinch won Google's Breaking Borders award in support of online freedom of expression.

Speakers:

Mohammed Tarakiyee, **Jordan Open Source Association**

Mohammad Tarakiyee is the Communications Officer at the Jordan Open Source Organization, which advocates for Free Culture, Free Software, and a Free and Open Internet. He is involved in documenting and raising awareness of digital rights issues in Jordan, as well as pushing policy makers to protect the Internet as a space for the free exchange of ideas and information. He is leading the Jordan Charter of Digital Rights (netfreedomjo.org), a platform that aims to enshrine digital rights into Jordanian law by rallying citizens, companies, and civil society around a common charter.

Slim Amamou, **Alixsys / Tunisian Pirate Party**

Slim Amamou is a computer programmer, entrepreneur and blogger. He co-founded the web agency AlphaStudios in 1999 and ALIXSYS in 2008 as a web services company for entreprise. His writings focus on the modalities and mechanisms for the emergence of new global society of the Internet. He is also a founder of the Pirate Party and known for his positions against censorship and intellectual property and fights for the neutrality of the Internet. Arrested in 2010 for organizing a street protest against internet censorship and then again in 2011 during Tunisian revolution on the background of Anonymous attacks, he

was appointed Secretary of State for Youth and Sports in the new Tunisian interim government 3 days after getting out of jail. He resigned after the return of Internet censorship.

Zineb Belmkaddem, Mamfakinch

Zineb Belmkaddem is a consultant and business English teacher in Rabat. A pro-democracy activist and blogger since 2011 with the February 20th movement in Morocco, and a member of mamfakinch.com team. #Feb20 called for protests nationwide and Mamfakinch.com ensured citizen media coverage online.

Sami Ben Gharbia, Nawaat.org

Workshop 1.4: Government and surveillance

Moderator

Eric King, Privacy International

Eric is the head of research at Privacy International, where he runs the Big Brother Incorporated project, an investigation of the international trade in surveillance technologies. His work focuses on the intersection of human rights, privacy and technology. He is the secret prisons technical adviser at Reprieve, is on the advisory council of the Foundation for Information Policy Research and holds a degree in law from the London School of Economics.

Speakers:

Simone Halink, Bits of Freedom

Simone works for Bits of Freedom, a leading Dutch digital rights organization. Her main areas of focus are social media surveillance, cybersecurity and unlawful interception. Simone studied law at the University of Amsterdam and New York University and was a commercial litigator at the Dutch firm De Brauw Blackstone Westbroek before joining Bits of Freedom.

Moez Chakchouk, Tunisian Internet Agency

Amr Gharbeia, Egyptian Initiative for Personal Rights

Eleanor Saitta, OpenITP

Workshop 1.5: Positive actions to combat intolerance

Moderator

Andrew Puddephatt, Global Partners

Andrew Puddephatt is the Director of Global Partners leads the organisation's work on human rights, communications policy and transparency. The main focus of his work is global digital communication policy. He has advised the European Commission and Swedish SIDA on implementing freedom of expression policies, and assisted the Brazilian government evaluate implementation of its right to information law. He has published widely on different aspects of freedom of expression and digital policy , written guides on assessing the impact of development programmes on human rights policy for UNDP and UNESCO, as well as well strategic advice to DevCo in the European Commission. He was previously director of Article 19, an international human rights organisation; is currently chair of International Media Support in Denmark; Deputy Chair of the Sigrid Rausing Trust; management board member of the European Council on Foreign Relations.

Speakers:

Kwame Karikari, Media Foundation for West Africa

Kwame is the executive director of the Media Foundation for West Africa, a press freedom/freedom of expression advocacy and promotion organisation based in Accra, Ghana. The MFWA engages in media law reform, legal defence of journalists, press freedom monitoring, and in protection for persecuted journalists. He has been a professor in journalism and mass communication at the School of Communication Studies at the University of Ghana. He has also been involved in training journalists in several countries in Africa over the years. Prior to that and during all those years, he practiced as a journalist, including serving as director general of the public Ghana Broadcasting Corporation in the early 1980s. He is dedicated to pursuing social justice and human rights causes in Africa, including democratic reforms in Ghana. He serves on the boards of a number of African and international rights organisations and on the editorial boards of academic publications. He was educated at the City College of New York and Columbia University in New York.

Kamel Laabidi, Former INRIC President (Tunisia Media reform Authority)

Kamel Labidi is a Tunisian journalist and human rights defender with many years of media experience. He is the former head of the National Authority for Reform of Information and Communication (INRIC) in Tunisia and a prominent campaigner within the IFEX Tunisia Monitoring Group (IFEX-TMG). He has also worked as a consultant on the Middle East and North Africa for the Committee to Protect Journalists (CPJ). Kamel has a long history working in journalism and has contributed pieces on peace, conflict, and human rights in his region to many US and Arab publications, including The New York Times, The Wall Street Journal, The Herald Tribune, Annahar, and Al-Masry El-Youm. Kamel has also worked for various papers, news agencies, Reporters Sans Frontières, and Amnesty International.

Wael Abbas, Activist/Blogger - Citizen Media Trainer

Wael is an internationally renowned Egyptian journalist, blogger, and human rights activist, who blogs at Misr Digital (Egyptian Awareness). He reported an incident of mob harassment of women, and broadcast several videos of police brutality and this led to the conviction of police for torture. He has been harassed by the Egyptian government, and his YouTube and Yahoo accounts were closed. YouTube has since restored his account and most of his videos.

Joëlle Fiss, Human Rights First

Joelle is Swiss and British, and has been living in New York since 2009. Currently Senior Associate at the U.S. based organisation Human Rights First, she is working on issues linked to freedom of expression worldwide, in particular human rights violations caused by blasphemy laws. Joelle has participated in many international debates around these questions- not least in the context of "defamation of religions" at the United Nations, where UN member states omitted reference to this concept for the first time in over a decade, since March 2011. She has researched on many blasphemy cases across the world, and has published and lectured publicly on issues relating to: upholding international standards on freedom of expression, the right to freedom of thought, conscience and religion and fighting discrimination and intolerance. Prior to moving to New York City, Joelle worked in the European Parliament for six years, notably as a policy advisor to the Alliance of Liberals and Democrats for Europe.

Workshop 1.6: Dealing with an authoritarian past

Moderator

Pavel Fischer, Political Director of the Czech Ministry of Foreign Affairs

Speakers:

Emmet Tuohy, International Centre for Defence Studies

Emmet Tuohy joined International Centre for Defence Studies (ICDS) as a research fellow in June 2012, focusing on cybersecurity, energy policy, and regional defence issues. A specialist in the politics and security of the Black Sea states, particularly Georgia, Moldova, and Ukraine, Tuohy has also written extensively on issues such as Central Asian affairs and political Islam.

Hisham Almiraat, Global Voices

Nasser Weddady, Mauritanian activist

Workshop 2.1 Access and affordability – perspectives from the South

Moderator

Pranesh Prakash, Centre for Internet and Society

Pranesh is Policy Director at the Centre for Internet and Society, a Bangalore-based non-profit that engages in research and policy advocacy. He studied at the National Law School, Bangalore, and his research interests converge at the intersections of technology, culture, economics and the law. His current work focusses on interrogating and promoting access to knowledge (primarily copyright reforms), 'openness' (including open government data, open standards, free/libre/open source software, and open access), freedom of expression, security, privacy, and Internet governance. His writings and views on law and policy issues have been quoted in the Indian Parliament, and by publications ranging from the New York Times to the Times of India. The newspaper Mint called him "one of the clearest thinkers in this area". He was selected as an Internet Freedom Fellow 2012-2013 by the US government.

Speakers:

Mohamad Najem, Social Media Exchange

Mohamad Najem is the advocacy and policy director at Social Media Exchange (SMEX). He has initiated and contributed to several successful online campaigns, such as #stopthislaw and Protect Privacy, and is currently focused on bringing together knowledgeable and progressive voices to push for sound Internet governance in the Arab region. He tweets as @MoNajem and blogs for SMEX and Global Voices Advocacy. He previously worked as a fixer and translator for journalists and activists covering the aftermath of the 2006 war and as a staffer with the French NGO Architectes de l'Urgence.

Anahi Ayala, Internews

Anahi Ayala Iacucci is the Senior Innovation Advisor for the Internews Center for Innovation & Learning. Before covering this role, Anahi was for 2 years the Media Innovation Advisor for the Africa Region, Health and Humanitarian Media, covering Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Kenya, Mali, Nigeria, Republic of South Sudan and Haiti. In the past 4 years Anahi has consulted for NGOs and international organizations on the use of the ICT4D, new technologies and crisis mapping, and namely UNOCHA Iraq Inter-Agency Information and Analysis Unit, UNDP, Unicef, Alliance Guinea, Freedom House, the World Bank, Ushahidi Inc., and NDI in countries like Iraq, Jordan, China, Afghanistan, Egypt, Armenia, Bosnia, etc. Anahi is currently also Expert Advisor on Mobile Technology for The Popular Engagement Policy Lab in Pakistan and sits on the Board of Director of the NGO Freedom Connect. Anahi is also the Co-Founder and Advisor of the Standby Task Force, and a member of the International Network of Crisis Mappers. Anahi has been recently named by the Diplomatic Courier to the 2012 99 Under 33 list, as one of the 99 under 33 most influencial foreign policy leader in the Innovators Category. She holds a Master degree from Colombia University - School of International and Public Affairs, a BA in International Affairs from the University of Bologna and a Master in Human Rights from the University of Padova.

Sofie Maddens, Internet Society

Sofie Maddens-Toscano is Senior Director of Global Services at the Internet Society, providing global leadership and management of the Internet Society's regionalization program, which includes five Regional Bureaus located in Africa, Asia, Europe, Latin America and Caribbean, and North America. The daughter of a Belgian Diplomat, Ms. Maddens-Toscano has traveled extensively throughout her life and has lived in the United States, Europe and Africa. Her professional life has built on this experience, thereby providing her with a good understanding of peoples and cultures around the world. She is fluent in Dutch, English, French and Portuguese and reads Italian and Spanish. Prior to joining the Internet Society, she was Managing Director of Pygma Consulting International, LLC, an international consulting firm specialized in providing regulatory and policy advice to public and private sector clients in the Information and Communications field. For over 20 years, she has managed complex private sector, government, and regional and international projects and grants in more than 50 countries in Africa, Asia, the Caribbean, Europe and the Middle East,, defining and drafting legal and regulatory frameworks and texts, developing and implementing advocacy initiatives and corporate and government strategy recommendations and plans, and defining and executing training programs, while balancing budgetary, legal, institutional, training considerations as well as cultural and geo-political needs and issues.

Workshop 2.2: Access and affordability – defining roles and responsibilities

Moderator

Ben Scott, **OTI / New America Foundation**

Ben Scott is Senior Adviser to the Open Technology Institute at the New America Foundation in Washington DC and a Visiting Fellow at the Stiftung Neue Verantwortung in Berlin. Previously, he was Policy Adviser for Innovation at the US Department of State where he worked at the intersection of technology and foreign policy. In a small team of advisers to Secretary of State Hillary Clinton, he worked to help steward the 21'st Century Statecraft agenda with a focus on technology policy, social media and development. Prior to joining the State Department, for six years he led the Washington office for Free Press, the largest non-profit organization in the US dealing exclusively with media and communications policy. As policy director for Free Press, he headed a team of lawyers, researchers, and advocates, and directed a public interest policy agenda to expand affordable access to an open Internet and to foster more public service journalism. He was frequently called as an expert witness before the US Congress. Before joining Free Press, he worked as a legislative aide handling telecommunications policy for then-Rep. Bernie Sanders (I-Vt.) in the U.S. House of Representatives. He holds a PhD in communications from the University of Illinois.

Speakers:

Victor Kapiyo, **KICTANet**

Victor is an Advocate of the High Court of Kenya practicing in the Kenyan Bar. He also works in the Human Rights Protection Programme of the Kenyan Section of the International Commission of Jurists (ICJ Kenya). His areas of interest are development, governance, human rights, law and technology. He has conducted research in these areas to inform new legislation and engaged in policy advocacy on the same at various levels. Further, he works closely with the indigent and disadvantaged members of the society including through the conduct of public interest litigation. In 2012, he was involved in organising Kenya's annual Internet Governance Forum as well as the East Africa Governance Forum. His more recent assignments include among others joint studies on Intermediary Liability in Kenya and Online Violence against Women; and the production of a Handbook on Devolution in Kenya. Victor is a member of the Internet Society; the Internet Society Kenya Chapter; Kenya ICT Action Network (KICTANet); and the Law Society of Kenya (LSK). He holds a degree in law (LL.B) and post-graduate certification in Internet Governance and Policy from the University of Nairobi and DiploFoundation respectively.

Olof Ehrenkrona, **Swedish Ministry of Foreign Affairs**

Meredith Whittaker, **Measurement Lab**

Karina Brisby, **World Wide Web Foundation**

Workshop 2.3: Accessibility and inclusion for women

Moderator

Jac SM Kee, APC

Jac sm Kee is a feminist activist, writer & researcher. She is the Women's Rights Programme Manager of the Association for Progressive Communications (www.apc.org) and works on the issue of women's rights, violence against women, sexualities, and internet rights. Jac leads the Take Back The Tech! global campaign on violence against women and internet technology, and the EROTICS research project on sexuality and internet regulation, and serves as a board member to the Association for Women's Rights in Development (AWID) and one of the directors of Centre for Independent Journalism, Malaysia.

Speakers:

Françoise Mukuku, feminist leader in DRC

Françoise Mukuku is an international consultant in communication from the Democratic Republic of the Congo carrying out research and communication with various NGO's on sexual and reproductive health and rights and women rights in general in the Democratic Republic of the Congo and the African Great Lakes Region (Rwanda, Burundi, and Uganda).

Eunice Kariuki, Kenya ICT Board

Eunice Kariuki is Deputy Chief Executive and Marketing Director, Kenya ICT Board, in Nairobi whose role is to promote Kenya as an ICT destination and advise the government on all matters to do with ICT industry. Prior to joining the ICT Board, Eunice worked for Microsoft East Africa.

Hanane Boujemi, HIVOS

Workshop 2.4: Development and innovation: making the case for net neutrality

Moderator

Cynthia Wong, **Human Rights Watch**

Cynthia M. Wong is the senior researcher on the Internet and human rights at Human Rights Watch. Before joining Human Rights Watch, she worked as an attorney at the Center for Democracy & Technology (CDT) and as director of their Project on Global Internet Freedom.

Speakers:

Ronaldo Lemos, **CTS/FGV**

Ronaldo Lemos is the director of the Center for Technology and Society at the Fundação Getúlio Vargas (FGV) School of Law in Rio de Janeiro. Dr. Lemos is the head professor of Intellectual Property law at FGV Law School. He is also the director of the Creative Commons Brazil and chairman of the Board of iCommons. He has earned his LL.B. and LL.D. from the University of Sao Paulo, and his LL.M. from Harvard Law School.

Ashraf Abdelwahab, **Microsoft**

Matthew Shears, **CDT**

Workshop 2.5: Barriers to innovation in development – the problem of copyright

Moderator

Alberto Cerda, **ONG Derechos Digitales**

Alberto J. Cerda Silva is a founding member and international affairs director of ONG Derechos Digitales, a Chilean civil society organization that works on promoting and defending human rights in digital environments. He is also a tenure professor in law and technology at the Center of Studies on Law and Information of the University of Chile Law School. Currently, he is a Fulbright Commission scholar pursuing a doctoral degree in law at Georgetown University Law Center with a dissertation on human rights and Internet regulation in Latin America.

Speakers:

Hala Essalmawi, **Creative Commons**

Hala Essalmawi is the Principal Attorney and the Intellectual Property Rights Officer at the Library of Alexandria, Egypt. She is the Project Lead of the Library's Access to Knowledge initiative and the editor of its website (www.bibalex.org/a2k) . She was eIFL-IP Country Coordinator and the research coordinator for the International Development Law Organization (IDLO) "Consumer Protection in the Microfinance Industry Research Project. She is the Project Lead for Creative Commons in Egypt.

Slim Amamou, **Alixsys / Tunisian Pirate Party**

Joana Varon Ferraz, **CTS/FGV**

Workshop 3.1: UN guiding principles on business and human rights - state duty to protect, corporate responsibility to respect, and access to remedy

Moderator

John Kampfner

John Kampfner is an adviser to Google on freedom of expression and culture. He is an author, broadcaster and commentator specialising in UK politics, international affairs, media and human rights issues. He is also Chair of the board of Turner Contemporary, one of the UK's highest profile art galleries. The opening of the gallery in Margate in April 2011 received plaudits around the world, and it is regarded as one of the UK's most important culture-driven regeneration projects. In August 2012 he became a member of the Council of King's College, London. From Sept 2008 until March 2012 he was Chief Executive of Index on Censorship, one of the world's leading free expression organisations. In late 2009 Index launched a successful campaign to change UK libel laws.

Speakers:

Lucy Purdon, Institute for Business and Human Rights

Lucy Purdon is the ICT Programme Support Manager at the Institute for Business and Human Rights. Lucy joined IHRB as a researcher on the European Commission ICT Sector Guidance on Implementing the UN Guiding Principles on Business and Human Rights. She manages IHRB's ICT Programme and works mainly on the 'Digital Dangers' project which analyses situations where ICT companies may be complicit in violations of freedom of expression and privacy. Lucy graduated with an MA in Human Rights from The Institute of Commonwealth Studies (ICwS), University of London. She also holds a First Class BA (Hons) in Film and Video from London College of Communications, University of the Arts.

Mohamed Garbouj

Mohamed GARBOUJ is an international consultant for internet and telecommunications with more than seventeen years in the internet industry. During the past years he has worked for Tunisian ISPs and data operators on a C level. He has managed number of launch projects on information technologies particularly supporting the creation of the first Internet Exchange Point in Tunisia, the first neutral data center in North Africa and sharing infrastructure initiatives. He is an elected member on the Tunisian board of the Internet Governance Forum. Mohamed is an engineer with a Master of science in telecommunications from the Institut National des Telecommunications in Paris.

Markus Löning, German Government's Human Rights Commissioner

Markus Löning is the Federal Government Commissioner for Human Rights in Germany. Previously, he was from 2002 to 2009 Member of the German Bundestag from 2004 to 2009 and state chairman of the FDP in Berlin.

Yves Nissim, Orange

Jermyn Brooks, Global Network Initiative

Workshop 3.2: Privacy and data protection: the challenges of big data

Moderator

Ben Wagner, European University Institute

Ben Wagner is a Researcher at the European University Institute in Florence. He is also a Visiting Fellow at the European Council on Foreign Relations and Human Rights Watch in Berlin. His research focuses on human rights, digital foreign policy and internet governance in the Middle East, Europe and North America. In recent years Ben has served as an academic expert for the European Commission, the German Ministry of Foreign Affairs, UNESCO, Hivos, the Open Society Institute and the European Parliament.

Speakers:

Ian Brown, Oxford Internet Institute

Dr Ian Brown is Associate Director of Oxford University's Cyber Security Centre and Senior Research Fellow at the Oxford Internet Institute. His work is focused on technology and public policy related to Internet privacy and security. Dr Brown spent December 2012-February 2013 working as a consultant for the United Nations Office on Drugs and Crime on their forthcoming study of global cybercrime. For the OECD, he co-authored with Peter Sommer the 2010 report "Reducing Systemic Cybersecurity Risk".

Reem Al-Masri, 7iber

Reem Al-Masri is the Research and Development officer of 7iber Dot Com, a hybrid media platform that works to encourage freedom of speech and responsible journalism in Jordan. Currently researching the current state of Internet Governance in Jordan, Reem have actively participated in a campaign aiming to to halt passing the new "Media and Publication Law" in the Parliament. Reem is also working on creating awareness of Digital Rights through interactive content on the website. Prior to joining 7iber, Reem co-produced a media monitoring radio show at a community radio station. She obtained her M.A in "Communication, Culture and Technology" from Georgetown University, and currently resides in Amman, Jordan.

Sophie Kwasny, Council of Europe

Sophie Kwasny is the Head of the Data Protection Unit of the Council of Europe and is responsible for standard-setting (notably the current modernisation exercise of Convention 108) and policy on data protection and privacy, including with regard to new technologies and the Internet. She is a graduate of the Strasbourg Law University and has been working for the Council of Europe for over 15 years on a variety of topics ranging from prisons' reforms to medical insurance, or from the independence of the judiciary to nationality law.

Richard Allan, Facebook

Workshop 3.3: Emerging technologies and future challenges to upholding human rights online

Moderator

Jillian York, **Electronic Frontier Foundation**

Jillian C. York is the Director for International Freedom of Expression at the Electronic Frontier Foundation. Her work focuses on free expression, with an focus toward the Arab world, and as such she has written for a variety of publications, including Al Jazeera, The Atlantic, The Guardian, Foreign Policy, and CNN. Jillian contributed chapters to the upcoming volumes Beyond Wikileaks: Implications for the Future of Communication, Journalism, and Society (Palgrave Macmillian; March 2013) and State Power 2.0: Authoritarian Entrenchment and Political Engagement Worldwide (Ashgate Publishing; expected November 2013). She serves on the Board of Directors of Global Voices Online, and on the Advisory Boards of R-Shief, OnlineCensorship.org, Radio Free Asia's Open Technology Fund and Internews' Global Internet Policy Project.

Speakers:

Morgan Marquis Boire, **Google**

Morgan Marquis-Boire is a Senior Security Engineer at Google where he focuses on Incident Response, Forensics and Malware Analysis. He also serves as a Special Advisor to Google Ideas. He is a Security Researcher and Technical Advisor at the Citizen Lab, Munk School of Global Affairs, University of Toronto. Best known for his work tracking targeted surveillance and digital repression, he received an honorable mention from SC Magazine as one of the influential minds of IT Security in 2012.

Dan Meredith, **Radio Free Asia**

Dan Meredith has been an activist, technologist, and journalist exploring emerging trends intersecting human rights, transparency, global communication policy, the Internet, and information security for over a decade. As director of Radio Free Asia's Open Technology Fund in Washington, D.C., Dan provides support for global technology projects increasing both capacity for and access to secure channels of communications essential to the principles of free speech, free expression, and the free exchange of ideas.

Seth Schoen, **Electronic Frontier Foundation**

Workshop 3.4: Transparency reporting: private and public sector roles and responsibilities

Moderator

James Losey, New America Foundation

James Losey is a fellow with the Open Technology Institute at the New America Foundation where he focus on policies in support of an open, secure, and affordable internet. Mr. Losey has published articles and chapters with Advances in Computing, Ars Technica, CommLaw Conspectus, IEEE Internet Computing, IEEE Spectrum, and Slate. Additionally, he is a graduate student at Uppsala University in Sweden where he researches the networked public sphere and the role of global civil society in information policy making.

Speakers:

Bill Echikson, Google

William Echikson is Head of Free Expression Policy and PR, Europe, Middle East & Africa, for Google. Bill is a veteran European correspondent, writing over the past two and a half decades for a series of prestigious US publications including the Christian Science Monitor, Wall Street Journal, Fortune, and BusinessWeek. From 1985 to 1990, he covered the collapse of communism in Central Europe, publishing a book "Lighting the Night: Revolution in Eastern Europe" on his observations and experiences. From 2001 until 2007, he managed the Brussels bureau for Dow Jones as bureau chief. He has considerable experience with EU issues, most prominently antitrust, trade and environment.

Bertrand de la Chapelle, Internet Jurisdiction project

Bertrand de La Chapelle is a Board member of ICANN and has actively promoted multi-stakeholder governance processes since 2001, building on wide-ranging experience as a diplomat, an entrepreneur and a civil society actor. From 2006 to 2010, Bertrand served as France's Thematic Ambassador and Special Envoy for the Information Society. Bertrand is a graduate of Ecole Polytechnique (1978), Institut d'Etudes Politiques de Paris (1983) and Ecole Nationale d'Administration (1986).

Pranesh Prakash, Centre for Internet and Society

Digital security – training workshop

Convener: Bahaa Nasr, IWPR

Civil Society and Internet Policy Development – training workshop

Convener: Jillian York, EFF & Laura Mottaz, Internews

Appendix F – Keynote speech by Rebecca MacKinnon

Thank you so much Moez.

It is a real honor to be invited as the only non-governmental speaker at this opening ceremony – and the only woman! Congratulations to the Tunisian government organizers and to you Moez, for all you have done to make this conference possible and thank you also Moez for all the important work you have done for the new Tunisia – and for the global Internet community. Congratulations also to the people of Tunisia.

Those of you who have connected to the wireless Internet in this room will notice that in addition to the Sheraton wifi signal there is another signal, "openwireless.org." That signal is generated by a group of hackers and activists from a room called the #404lab – in reference to the 404 browser error associated with censorship under the old regime. In fact, that lab is in a building that was once a private home of the dictator Ben Ali.

Speaking here today is especially meaningful for me because the first time I came to Tunis was in 2005 – for the United Nations World Summit for the Information Society. The Internet was censored. Tunisian civil society groups critical of the previous government were kept far away from the conference hall.

I came because I was invited to moderate a panel sponsored by the Dutch organization, Hivos, on the theme of "Expression under repression." Our panel was almost canceled. Some of the people in charge at the time said the subject matter was unrelated to the designated theme of the conference's NGO forum: "ICT for Development."

We were able to proceed only after a diplomatic intervention by the Netherlands. Bloggers from China, Iran, Malaysia, and Zimbabwe spoke about the challenges and threats faced by citizen media in their countries. Then a member of the audience stood up and criticized our motives: Our topic, freedom of speech, was not relevant she said to developing countries.

Governments, she said, must first solve the problems of feeding, clothing, and housing before addressing other demands. I asked the panelists to respond to her critique. Taurai Maduna of Zimbawe immediately said: "Without freedom of speech, I can't talk about who is stealing my food."

The people of Tunisia have made it very clear that they agree.

Tunisia – like any new democracy – is now struggling to figure out how to balance all kinds of conflicting economic, social, cultural, and religious interests. It is *inevitable* that there will be never-ending tensions between the government's duty to protect national security and fight crime, and the imperative of protecting civil liberties and human rights.

The world's oldest modern democracies continue to struggle with that tension. The Internet has extended that tension into a new, more challenging and often confusing dimension. In fact my own country the United States is now facing something of a crisis over how to balance the government's national security responsibilities with respect for fundamental – universal – human rights.

For those of you on Twitter, you may have noticed that one of the participants [pledged to have a drink](#) every time the U.S. National Security Agency's surveillance program, [PRISM](#), is mentioned in the plenary. So: prism, prism, prism, prism, prism. Now if you see somebody stumbling around the corridors you'll know who that person is.

The responsibility of a government to protect human rights relates not only to its own citizens but to people everywhere in the world who are using the Internet services that are based in or pass through its jurisdiction.

The governments that joined the [Freedom Online Coalition](#) deserve the world's praise in taking two vital steps: recognizing that human rights extend to the Internet; and making a shared commitment to preserving and nurturing a free and open, globally interconnected Internet.

But without a third step that effort will fail. We are *not* going to have a free and open global Internet if citizens of democracies continue to allow their governments to get away with pervasive surveillance that lacks sufficient transparency and public accountability – mechanisms to prevent its abuse against all Internet users wherever they are connecting from.

Nobody will have good reason to trust any networks or platforms run by foreign organizations or companies – or trust any service whose communications traffic might cross through *any* jurisdiction whose government is *not* committed to being accountable and honest about its surveillance practices.

The Internet's balkanization is inevitable *unless and until* we make a shared commitment to mechanisms, norms and standards that will hold government surveillance – and corporate business practices including compliance with surveillance demands – appropriately accountable to universal human rights standards.
A minister from one of the Freedom Online Coalition countries [recently remarked](#) on a conference panel that surveillance is not an obstacle to Internet freedom because it is *discrete*. That's like saying execution by lethal injection is humane because it is painless.

Certainly, there is a real difference between countries where public debate about surveillance is made *impossible* by censorship and repression – facilitated of course by surveillance – and countries where it is in fact politically and legally *possible* for journalists and bloggers to report on government abuses, or write commentaries criticizing their leaders, in response to revelations about the abuse and over-extension of government surveillance powers.

But human history is a story of how un-checked power has *always* been abused, whatever good intentions those in power may hold at the beginning.

If surveillance is so discrete that there is no meaningful way to hold the abusers accountable, then democracy *will* be degraded and corroded.

The breakdown of democracy under pervasive unaccountable surveillance will happen subtly and gradually – unobtrusively – like a frog in a pot with the temperature rising so slowly the frog doesn't notice until he's nearly cooked.

Meanwhile governments of all kinds of political systems all over the world will point to the widespread deployment of unobtrusive and pervasive surveillance by the developed democracies to justify their own surveillance states as so-called "standard international practice." Thus making it

harder for citizens to use the Internet to expose government officials who may be stealing their food without being caught and punished immediately.

A recent report by the UN Special Rapporteur for Freedom of Expression Frank La Rue could not have come too soon. In it he presented examples from all over the world of exactly how pervasive and unaccountable surveillance threatens freedom of expression – and how this reality holds true for democracies and dictatorships alike.

He made several recommendations that will require effort but should be achievable. They include:
- Updating and strengthening laws and legal standards to ensure that surveillance is conducted only in a manner that is publicly accountable.
- Allowing and facilitating private, secure and anonymous communications.
- Regulating the commercialization of surveillance technology.
- Educating the public on the facts and implications of surveillance.
- And making sure that international human rights mechanisms and frameworks are up to the task of identifying and constraining abuses by private and public entities alike.

Given the globally interconnected nature of the Internet it will *not* be enough if one or two enlightened democracies stand up and implement these recommendations while everyone else carries on as they presently do.

It is equally vital that the companies on whose platforms and services we depend – for practically everything in our lives these days – commit to technical and design standards, as well as business practices, that are consistent with universal human rights principles and standards.

Here in Tunis, the governments of the Freedom Online Coalition, civil society and private sector companies should commit to a multi-stakeholder process, working with civil society and the private sector, to determine how Mr. La Rue's sensible recommendations can be implemented, along with the United Nations Guiding Principles on Business and Human Rights and other related principles like the Global Network Initiative's principles for the ICT sector on free expression and privacy. These must be implemented across the Freedom Online Coalition community and beyond. Here in Tunis we should come up with a plan and timetable for doing so.

That process will not be easy. It will make the efforts we have made thus far on behalf of a free and open Internet look like a walk in the park compared to the mountain we must now climb.
But we must start immediately. Winter is coming.

The window of opportunity to salvage our shared vision of a free and open Internet is closing fast. Our way forward could soon be blocked – unless we get moving. Right now. May the force be with you – always.

[Note: Some of the most iconic Star Wars scenes for many of the movies were shot in Tunisia, and the Dutch foreign minister's speech at the beginning of the opening ceremony contained multiple Star Wars references.]

Appendix G – Freedom Online Coalition: A call to governments from civil society

THIS IS A CALL TO GOVERNMENTS FROM CIVIL SOCIETY. THIS CALL WAS PRESENTED DURING THE CLOSING CEREMONY OF THE FREEDOM ONLINE CONFERENCE THAT TOOK PLACE IN TUNIS BETWEEN JUNE 17-18, 2013. THIS CALL CAPTURES THE "SENSE OF THE ROOM" AT THE JUSTICE TENT THAT WAS ORGANIZED AT NAWAAT ON JUNE 17TH, 2013[*]:

 In the light of recent events a number of civil society organisations participating in this Coalition meeting, call on governments who are members of the Freedom Online Coalition (FOC) to commit to the following:

- Recognize that they are responsible for protecting the human rights of all people online, not just those of their own citizens. FOC members should review their policies and practices to ensure that they adhere to this principle.
- Render any law, regulation, or legal interpretation related to monitoring and surveillance of online communications and connection accessible and foreseeable to the public. **Secret law is not law**.
- Make transparent the scope and nature of requests to service providers related to surveillance of online communications, and not prohibit public disclosure to users by these service providers.
- Improve understanding within national governments on the implications of surveillance for digital freedoms and the relations of trust between states and citizens.

The explosion of digital communications content and information about communications, or "communications metadata," the falling cost of storing and mining large sets of data, and the provision of personal content through third party service providers make State surveillance possible at an unprecedented scale. Broad collection of such information not only has a chilling effect on free expression and association; it threatens confidence in the internet as a safe platform for personal communications. It is therefore incumbent upon FOC members to extend and defend fundamental rights in ways that respond to this changing environment.

In taking this commitment forward, we urge FOC members to adopt, comply with, and implement the International Principles on the Application of Human Rights to Communications Surveillance published in June, 7, 2013 by civil society groups active in the FOC. These principles address the following:

- **Legality:** Any limitation on the right to privacy must be prescribed by law.

- **Legitimate Aim:** Laws should only permit communications surveillance by specified State authorities to achieve a legitimate aim that corresponds to a predominantly important legal interest that is necessary in a democratic society.

- **Necessity:** Laws permitting communications surveillance by the State must limit surveillance to that which is strictly and demonstrably necessary to achieve a legitimate aim.

- **Adequacy:** Any instance of communications surveillance authorized by law must be appropriate to fulfill the specific legitimate aim identified.

- **Proportionality:** Decisions about communications surveillance must be made by weighing the benefit sought to be achieved against the harm that would be caused to the users' rights and to other competing interests.

- **Transparency:** States should be transparent about the use and scope of communications surveillance techniques and powers.

- **Public oversight:** States should establish independent oversight mechanisms to ensure transparency and accountability of communications surveillance.

- **Integrity of communications and systems:** States should not compel service providers, or hardware or software vendors to build surveillance or monitoring capabilities into their systems, or to collect or retain information.

- **Safeguards for international cooperation:** Mutual Legal Assistance Treaties (MLATs) entered into by States should ensure that, where the laws of more than one State could apply to communications surveillance, the available standard with the higher level of protection for users should apply.

- **Safeguards against illegitimate access:** States should enact legislation criminalizing illegal communications surveillance by public and private actors.

Widespread, untargeted surveillence and data collection is not consistent with these principles.

Click here for the full text of the Principles.

These principles, the concept of privacy by design, and the international human rights framework should also be applied to the technical architecture of communications and surveillance systems, ensuring that technological and policy protections are developed in parallel.

We see the FOC as a platform for constructive multistakeholder global debate on these issues and look forward to working with the FOC to take substantive steps to advance the goals above and report back on progress made at the IGF in Bali and the 2014 Freedom Online Conference in Talinn.

Tunis, 19 June, 2013

Appendix H – Conference statistics

Participants per affiliation:

Government		108	22%
Speakers		67	13%
Medias		32	6%
Team		39	8%
Participants (Civil society Rep., Private Sector Rep., Netizens)		252	51%

Participants per country: Tunisia: 59% - International: 41%

1	Tunisia	293	27	Jordan	5
2	Australia	2	28	Kenya	6
3	Austria	6	29	Latvia	2
4	Belgium	1	30	Lebanon	6
5	Benin	1	31	Libya	5
6	Brazil	1	32	Mauritania	1
7	Bulgaria	2	33	Malaysia	1
8	Canada	5	34	Malta	1
9	Chile	2	35	Mexico	1
10	China	1	36	Mongolia	1
11	Costa Rica	2	37	Morocco	3
12	Czech Republic	2	38	Poland	1
13	DRC	1	39	Qatar	1
14	Egypt	8	40	Russia	2
15	Estonia	5	41	Senegal	1
16	Finland	2	42	South Africa	3
17	France	12	43	Sudan	1
18	Georgia	2	44	Sweden	2
19	Germany	11	45	Syria	3
20	Ghana	3	46	The Netherlands	31
21	India	2	47	UAE	2
22	Indonesia	2	48	Uganda	1
23	Iran	2	49	United Kingdom	20
24	Iraq	4	50	United States	19
25	Ireland	1	51	Vietnam	1
26	Italy	4			

Panelists:
...er, Dutch Human Rights Ambassador
    Richard Allan, Facebook
    Nigel Hickson, ICANN
...n Baer, US Department of State

Free Expression on the ...