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# How to Protect and Expand Internet Freedom

BLUEPRINT FOR THE NEXT ADMINISTRATION

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BLUEPRINT  
FOR THE NEXT U.S.  
ADMINISTRATION

## ABOUT US

On human rights, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

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# How to Protect and Expand Internet Freedom

## BLUEPRINT FOR THE NEXT ADMINISTRATION

*“[This issue] is about what kind of world we want and what kind of world we will inhabit. It’s about whether we live on a planet with one Internet, one global community, and a common body of knowledge that benefits and unites us all, or a fragmented planet in which access to information and opportunity is dependent on where you live and the whims of censors.”*

**Secretary of State Hillary Clinton**

Speech on Internet Freedom

January 21, 2010

## Introduction

The rapid development of the Internet presents profound opportunities and challenges for U.S. interests around the world, particularly around the promotion and protection of human rights. The Internet is the steward of our economic, social, and political activity, but clearly the Internet itself is not the advocate for its possibilities: governments are. How the U.S. government organizes itself and collaborates with the businesses in the information and communication technology (ICT) sector to create policies and priorities for the Internet will set the foundation of whether the Information Age will be a success story for human rights.

Internet freedom is commonly understood as free speech, free flow of information, and privacy rights, and encompasses freedoms of association and expression. For policy makers and businesses alike, an inter-

connected world with Internet freedom also means the potential of newly reachable commercial markets for products, job creation in manufacturing and design, or discovering the next innovator; more efficient disaster relief efforts; and radical leaps in international development efforts in agriculture, communications, health, banking, and education.

However, the vision of “one Internet” is under attack around the world. Dozens of governments—not just China, but Pakistan, Iran, Bahrain, India, Burma, Syria, Ethiopia, Kazakhstan, Vietnam, just to name a few—view the Internet itself as a threat. They track online activity of their citizens, particularly political activists and human rights defenders, pressuring companies to provide users’ information. They pass censorship laws to force multinational Internet Service Providers (ISPs) to block or remove content with unacceptable disregard for freedom of expression. Egregious abuse of the Internet “off switch” was seen in Egypt in 2011, when President Mubarak exercised legal authority to shut down the Internet to stifle the unrest developing in Tahrir Square. Now Iran is starting the forced migration of its entire population from the global Internet to an internal, more “secure” system.

These cases have far-reaching consequences for whether the Internet will be an open platform shared by all the world.

The administration should step up its leadership to promote the use of the Internet as a tool in global trade, investment, communications, banking, development, and aid. It should also streamline the governing bodies of each department, and coordinate their policies and practices across government to effectively assert the administration’s pursuit of “one Internet.”

The U.S. government has shown an admirable commitment, particularly in the last two years, to Internet freedom. In that time, for example, the White House has issued its International Strategy for Cyberspace; Secretary Clinton has given landmark speeches illuminating some of the most pressing challenges and greatest opportunities in this realm; the United States has joined the Digital Defenders Partnership and the Coalition for Freedom Online to increase global engagement on Internet freedom issues; and the Department of State’s NetFreedom Taskforce has

supported technology development and training around the world to help the users on the ground whose Internet freedom is attacked every day. These and similar efforts are pivotal to the ongoing pursuit of “one Internet.” However, there are areas where improvements and expansions are called for in both the short- and long-term in order to marshal the full influence of the U.S. commitment to protect and expand Internet freedom.

It is a serious problem that some U.S. policies have not been reviewed with an eye toward Internet freedom objectives, and are working at cross-purposes to the goal. For example, there are Department of Defense policies that may very well appropriately prioritize intelligence gathering by infringing on privacy for national security reasons, and Google’s last Transparency Report, indicating that the U.S. government makes the highest number of requests to Google for user information, suggests that the United States is still struggling with an appropriate balance.

However, the failure to articulate, publicly and consistently, the difference between privacy invasions following due process in a democratic political system, and privacy invasions imposed by an authoritarian regime, leaves the field open for authoritarian countries to point to the privacy-infringing tactics of the U.S. government as a shield for their bad acts. This vacuum undermines the vision put forth by Secretary Clinton.

Similarly, export controls on technology are meant to strike a balance between maximizing the flow of useful technology to good actors and hindering the flow of harmful technology to bad actors, but the best balance is not being achieved. Confusing bureaucracy stretched across three controlling agencies—State, Commerce, and Treasury—creates time-consuming obstacles to technology developers getting helpful products to, for

example, the Syrian rebels that the U.S. government openly supports. The same convoluted bureaucracy keeps some small- and medium-sized enterprises from engaging in international markets at all because they lack the internal capacity to ensure export control compliance. An overly narrow focus on an export control strategy that promotes the rights afforded by the Internet does not capture the full impact of U.S. technology exports on the power of the Internet. Current policies to use technology to circumvent government oppression are important, but “one Internet” recognizes that export controls must also address malevolent uses by repressive regimes to surveil users, censor, and stifle dissent.

In the Information Age the United States should be supporting the development of technologies that can achieve the global imperatives of national security, human rights, and economic prosperity through “one Internet.”

The ICT sector should be a full partner toward this goal because they want a stable environment with clear operating principles so that they can provide a service. Where that is not possible, they want to be protected by the U.S. government from pressure by a host government to comply with requests that violate basic human rights. More than ever, the U.S. government and ICT companies must act together to advocate for “one Internet,” keeping at the forefront Secretary Clinton’s imperative that:

*[Issues such as] censorship should not be in any way accepted by any company from anywhere. And in America, American companies need to make a principled stand. This needs to be part of our national brand...Consumers worldwide will reward companies that follow those principles.*

# How to Protect and Expand Internet Freedom

## SUMMARY

The vision of “one Internet” requires a coordinated policy objective across all departments of the U.S. government and throughout the ICT sector. The Department of State is best equipped to lead that process. The elements of the strategy include:

- **A declaration by the president** that recognizes and defines the full breadth of global interests in promoting Internet freedom.
- **A review of existing U.S. government policies and programs** to ensure they advance U.S. goals, maximize opportunities to promote the “one Internet” vision, and are self-reinforcing. Adjust those that are inconsistent with or undermine each other to create the most productive balance of interests.
- **Coordination of U.S. government policies** to maximize the efficiency and effectiveness of Internet freedom initiatives around the world.
- **Continuation and further development of capacity-building initiatives** for Internet users, democracy and human rights activists, foreign officials, and foreign parliamentarians to increase protection of Internet freedom through enhanced technology, expertise and skills building, and legal frameworks.
- **Partnering with the ICT sector and a broad community of stakeholders** to promote improved identification and management of threats to freedom of expression and privacy online.

## RECOMMENDATIONS

The president should:

- **Make a landmark declaration that illuminates the full range of U.S. interests in Internet freedom to articulate the stakes for each agency in the U.S. government.** In 2010, Secretary Clinton outlined a road map for the U.S. strategy on Internet freedom and followed it up in 2011 with “Internet Rights and Wrongs.” In 2013, the president should advance the strategy with a major statement laying out the next phase of U.S. government action. It should include:
  - An updated articulation of U.S. interests in “one Internet.” Internet freedom is commonly understood as free speech, free flow of information, freedoms of association and expression, and privacy rights. However, there are further fundamental implications of the Internet that affect U.S. interests. For example: the Internet enables products to reach new commercial markets and develop more jobs for manufacturers; international relief efforts are supported or hampered by the status of Internet use and policy in-country; and international development efforts such as agriculture, health, banking, and education are more effective in a well-connected country.
  - Tangible benchmarks for U.S. government agencies to pursue in the development of “one Internet.” For example, Internet freedom should be included in trade, aid, investment, and procurement policies; Internet freedom should be assessed in existing agency reports; and all U.S. agencies should engage Internet freedom in bilateral relations.
  - Direction to every U.S. agency to prioritize related issues of Internet freedom.
  - A commitment to expand international partnerships already in place to strengthen strategic goals of “one Internet.” For instance, the United States and Jordan share a mutual interest in the economic benefits of “one Internet,” however progress will be limited until Jordan commits to the full range of Internet rights, such as freedom of speech.

- Direct a review of existing U.S. government policies and programs to ensure that they advance U.S. goals, maximize efficiency and opportunities, and are self-reinforcing. At a minimum, such a review should include:
  - **A study of how existing export, trade, investment, and procurement policies can promote “one Internet,” and how they can inadvertently undermine that goal.** This concern is most immediately directed at export restrictions on circumvention and other relevant technologies, the free availability of open source code, technology support and training, and language in trade and investment agreements that treats Internet blocking or shutdowns as an unlawful restraint on trade. Additionally, the study should make recommendations on how export, trade, investment, and procurement policies should be modified to better advance Internet freedom, including language in trade agreements that promotes “one Internet.”
  - **An examination of the consequences of imposing intellectual property regimes and other well-developed legal concepts on countries that lack equally well-developed legal traditions and institutions.** Examples of these regimes include the intellectual property enforcement provisions of the Anti-Counterfeiting Trade Act and the Trans-Pacific Partnership Trade Agreement.
- **Direct more robust and intentional coordination within the U.S. government and among the international community:**
  - **Within the U.S. government:** Internet freedom is currently managed by several different agency task forces, including the State Department’s NetFreedom Taskforce, the Department of Commerce’s Policy Task Force, and the White House Chief Technology Officer for Internet Policy. This disjointed approach fails to maximize the force and efficiency of U.S. Internet freedom initiatives. Alternatively, “one Internet” would be best pursued by a streamlined, coordinated inter-agency process supporting the vision advocated by the State Department
  - Based on the review of existing policies recommended above, the Department of State should develop a plan to improve inter-agency coordination to achieve Internet freedom goals.
  - The Departments of State, Commerce, and Treasury and the U.S. Trade Representative should use existing reports to identify Internet freedom challenges and policy implications. For example, the U.S. Trade Representative, in consultation with the Commerce Department, publishes an annual report on foreign government barriers to U.S. trade and investment that could include reference to censorship, local content hosting requirements, and other barriers to the free flow of information. The Office of the Coordinator for Cyber Issues in the State Department could use this information to identify possible policy responses.
  - **Among the international community and in bilateral relationships:** The Departments of State, Labor, Commerce, Treasury, Defense, and the U.S. Trade Representative should expand diplomatic engagement on Internet freedom. The United States has longstanding allies in this field, and it should step up efforts to engage emerging democracies and/or countries developing Internet policies. The goal should be a shared commitment to “one Internet” that promotes a level economic and social playing field.
    - The recently founded Digital Defenders Partnership—a coalition of countries committed to providing emergency support to Internet users whose human rights online are threatened—offers one such opportunity for continued multistakeholder action. The Department of State must maintain leadership in the partnership to advocate for beneficial policies, to engage with other members, and to model good behavior by doing a self-assessment across U.S. agencies to ensure that U.S. policies support the work of the partnership. For



example, the Department of State must continue to help fund the development of circumvention technology, and, in conjunction with other partnership members, give particular attention to the development of technologies for quickly reestablishing Internet connections when an authoritarian government cuts them off, and for mobile Internet access applications that can keep users online in emergency situations.

- The Department of State should support developing countries in mainstreaming Internet freedom norms. Countries with rapidly developing economies and political systems are potentially hubs of ICT sector investment with the commensurate economic growth. Thus, there is a common interest in creating Internet policies that respect human rights.

For example, Egypt has a history of Internet censorship amidst heavy Internet use among citizens. As the new Egyptian government embeds protections for Internet freedom in the new constitution, legislation, and judicial processes, the stakes are high that it is commits to the free flow of information. In fact, the United States should be clear that it regards Internet freedom as a primary marker of progress in the transition to democracy. Key reforms toward Internet freedom that the United States should engage include: civilian control over the National Telecommunications Regulatory Authority (NTRA); adoption of a circumscribed Internet “killswitch” authority with protections against abuse by the government; and removal of restrictions on the use of encryption services by NGOs and other non-business and non-government users.

- **Develop and implement training and capacity-building programs for relevant stakeholders on Internet freedom principles, challenges, and policy responses.**

- **Continue to build the resistance capacity of netizens around the world:** The Department of State has trained over ten thousand activists in environments that are hostile to Internet freedom. It should continue to do so and aggressively expand efforts where possible. Additionally, the State Department should increase support for development and distribution of circumvention and secure communication technologies, and of education materials for non-technical audiences. Currently, online education material for non-technical audiences is available in ten languages. Continuing efforts to clarify, expand, and translate those materials should remain at the forefront of outreach. Circumvention and secure communications technologies should also be made more easily available on a range of Internet devices, particularly mobile devices.

- **Train foreign government executive officials and regulatory authorities:** The Departments of Commerce and the Treasury, the U.S. Trade Representative, and the Federal Communications Commission should train executive and enforcement bodies in international human rights norms and challenges, with particular focus on emerging democracies in the Middle East and North Africa (MENA) region. The Coalition for Freedom Online may be the best coordinator of this program.

- **Support the development and promulgation of written guidance for ICT businesses currently operating in or entering markets with unfavorable Internet freedom policies.**

- The Department of State, in consultation with the Departments of Commerce, Defense, Treasury, and the U.S. Trade Representative, should support the ongoing development of best practices and key guidance for ICT businesses operating in difficult settings through diplomacy,

convenings, outreach, training, and other engagement. The Global Network Initiative (GNI) can play a key facilitative role in this effort.

- Guidance should address the following questions: What are the “best practices” that businesses can look to when forming their own plans for responding to online limitations of the free flow of information and user privacy? What are the appropriate steps towards adopting a minimum level of human rights due diligence? What sorts of longer-term advocacy strategies could best complement the Coalition for Freedom Online’s effort to broaden the number of countries willing to support and promote Internet freedom? These questions should be answered with specific reference, where possible, to existing guidance mechanisms such as the U.N. Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.

■ **The administration should increase engagement with stakeholders to cultivate new relationships and to continue implementation of the Internet Freedom Policy Priorities outlined in the White House’s 2011 “International Strategy for Cyberspace.”**

- The president should host a White House meeting with chief executive officers of American technology companies to reach agreements on how the U.S. government can nurture the environment for “one Internet” and promote U.S. products, and what companies can do to uphold basic human rights.
- The Department of State should lead a standing group, with appropriate representation from

government agencies, multinational companies, foreign bodies, and civil society groups, to increase shared goals and resources across agencies, monitor and evaluate ongoing efforts, and maintain open and productive relationships throughout the sector. The Department of State has had several successful multistakeholder convenings, including most recently the NetFreedom Taskforce’s informative Workshop on Internet Freedom Policy. These broad-based meetings need to become routine, with appropriate sector-specific and issue-specific follow-up engagement, as necessary.

- The Department of State’s NetFreedom Taskforce should specifically seek to engage new stakeholder groups in broad multistakeholder meetings and sector-specific convenings. Specifically, engagement should include:
  - Venture capitalists: The NetFreedom Taskforce should understand their stake in the human rights policies adopted by the companies they invest in and the agencies regulating the products their capital helps to develop. It should also learn what could motivate venture capitalists to advocate for human rights due diligence through their investment practices.
  - Engineers: The NetFreedom Taskforce should enlist the expertise of engineers to learn how, if at all, human rights goals factor into the development process, and whether education regarding human rights issues and norms could be helpful in developing technology that benefits citizens and activists but is less susceptible to misuse by repressive governments.











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