Association for Progressive Communications (APC) Priorities for the eighth Internet Governance Forum (IGF), Bali, Indonesia, October 22-25, 2013

1. Preamble

The eighth annual IGF will be held in Bali, Indonesia, from 22-25 October 2013. The theme for this year's IGF is "Building Bridges - Enhancing Multi-stakeholder Cooperation for Growth and Sustainable Development." We are encouraged by the emphasis on cooperation and development and believe that this theme creates the opportunity for open and critical debate at a time when restoring trust in the internet, and how it is governed, is crucial.

We are also encouraged by the inclusion of focus sessions on human rights, internet governance principles, and principles for multi-stakeholder cooperation. This affirms the importance of human rights on the internet and is an opportunity for substantive discussion about strengthening accountability and transparency in global, regional and national internet public policy making.

2. APC's priorities at the 2013 IGF

2.1 Openness: Human rights, freedom of expression, free flow of information on the internet

Universal, fair, open and affordable access to the internet demands a rights-based approach to internet governance. One of the key APC's priorities is to promote a rights-based approach to internet governance: "The same rights that people have offline must also be protected online."[1] The IGF 2013 is a strategic opportunity to build on this momentum for a human rights approach to internet public policy.

APC will try to ensure that host country issues are visible in the IGF. Civil society in Indonesia face several human rights challenges, including freedom of expression, online and offline. In *Monitoring and defending freedom of expression and association on the internet in Indonesia*,[2] Ferdiansyah Thajib of APC member EngageMedia describes how the early adoption and use of the internet by human rights activists has played a crucial role in facilitating the social transition from a very authoritarian regime to a more democratic one.

An APC EROTICS project partner in Indonesia, Institut Pelangi Perempuan (IPP), has identified the importance of the internet in advancing sexual rights (rights related to sexual expression, orientation, identity and sexual and reproductive health) in the country. Sexual rights advocates face specific challenges in relation to the internet such as

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1   UN Human Rights Council, Resolution 20/8:
     http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-2_en.pdf
2   http://giswatch.org/en/country-report/internet-rights/monitoring-and-defending-freedom-expression-and-association-intern

intimidation and attacks when talking online about issues such as the concerns of LGBT communities and of people living with HIV/AIDS, or freedom of religion and reproductive health. On April 2011, three major ISPs blocked access to LGBT sites under the Anti-Pornography laws[3]. Together with women's rights advocates, IPP raised these issues at the 2012 Indonesian IGF and during preparatory discussions for the 2013 IGF.

We trust that these issues will be discussed openly at the 2013 IGF.

Women's rights and internet governance

We will highlight women's human rights and with Hivos, launch the 2013 edition of Global Information Society Watch[4] on the theme: Women's Rights, gender and ICTs.[5] Together with the IGF Gender Dynamic Coalition and the IGF secretariat APC will invite workshop and other session organisers to complete a Gender Report Card. The Gender Report Card helps assess inclusion of gender perspectives and women's voices in the IGF. A preliminary analysis of the 2012 IGF Gender Report Card will be shared in the meeting of the Gender Dynamic coalition 'Gender and Internet Governance: Integrating women's rights at the IGF space' in Bali.[6]

APC has been active in the Gender Dynamic Coalition since 2006 and has worked to integrate gender into IGF discussions. Our current focus is on prevention of technology-enabled violence against women (VAW). Preventing technology-enabled violence against women is an important component of combating all forms of VAW. A safe and secure online environment contributes to creating a safe and secure environment for women and girls in every sphere of life. Such an online culture would not tolerate behaviour and practices that are harmful and violent to women and girls and does not need to rely on censorship.

We believe that an open and free internet plays a critical role in the exercise of sexual rights and sexual citizenship, particularly for marginalised sections of society. There is a need to narrow the gap between political assumptions and a better understanding of content and "harm" based on women's real experience of sexuality online and to debate how best policy and regulation can prevent technology-enabled violence.

2.2 Internet governance principles

APC supports using the IGF as a forum for further exploration and consensus building on a set of principles that can be used by the IGF and other internet governance institutions to guide their efforts in support of an internet that is a global public space, open, affordable and accessible to all. Internet governance principles must first and foremost protect and promote the internet as an enabler of human rights. APC's Internet Rights Charter includes principles which we believe can achieve this. This and many other statements of principles, including those developed by the Dynamic Coalition on Internet Rights and Principles[7], the Brazilian Internet Steering Committee CGI.br[8] and the Council of Europe[9], provide a solid basis for the IGF to make substantial progress towards a set of globally agreed principles. IG principles must also be consistent with the Universal Declaration of Human Rights (UDHR)[10] and the International Covenant on Civil and Political Rights (ICCPR)[11] and recent resolutions on the internet and human rights adopted at the Human Rights Council.[12] Principles are most powerful when they are being debated and applied to

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3   http://www.genderit.org/node/3834/
4   http://giswatch.org/
5   Room 7 Kintamani 1, 12:30 – 14:30, Day 2
6   Room 7 Kintamani 1, 11.00 – 12.30, Day 4
7   http://internetrightsandprinciples.org/site/charter/
8   http://www.cgi.br/english/
9   http://www.coe.int/t/informationsociety/
10 http://www.un.org/en/documents/udhr/index.shtml
11 http://www1.umn.edu/humanrts/instree/b3ccpr.htm
12 http://www.ohchr.org/EN/HRBodies/HRC/Pages/Documents.aspx

specific contexts and policy processes. The IGF can be the catalyst for internet stakeholders owning, spreading and defending principles that address the specificity of the internet, but that remain grounded in agreed international human rights standards.

2.3 Principles of multi-stakeholder cooperation

Multi-stakeholder participation is not an end in itself, it is a means to achieve the end of inclusive democratic internet governance. APC firmly believes that different stakeholders should have the opportunity to participate meaningfully and on equal footing in internet governance processes, at global, regional and national level. To achieve meaningful inclusion we need to improve current processes, and thereby the outcomes of those processes. This, in turn, will make them not only more fair but also more sustainable.

"There are vast differences in access to resources and power, between countries, and within countries. Governance bodies and processes need to recognise these differences, and try to redress them to achieve legitimacy over time [...]".[13] The challenge is to give greater voice not only to developing country governments but also civil society to develop a rights-based approach to internet policy.

Multi-stakeholder partnerships should also set benchmarks and indicators to measure their progress and goals. The ability to show successful outcomes is more likely to result in support for ongoing and future multi-stakeholder approaches.[14]

2.4 Access/Diversity: Internet as an engine for growth and sustainable development

Affordable, reliable and sufficient internet access is a vital means to exercise fundamental rights and freedoms. "The internet is one of the most powerful instruments of the 21st century for increasing transparency in the conduct of the powerful, access to information, and for facilitating active citizen participation in building democratic societies".[15] However, as observed by the UN Special Rapporteur on Racism, Racial Discrimination and Xenophobia in his 2012 report,[16] attention must be paid to the dangers of unequal access to the internet, including the exclusion of the victims of discrimination from digital conversations, due to the intersection of poverty and discrimination. This requires pervasive internet infrastructure, net neutrality, access to relevant content, freedom of expression and association, as well as social, cultural and political rights which enable access, and are supported by appropriate regulatory and policy frameworks.

Substantial inequalities in internet access still exist between developed and developing countries. But they also exist within countries, and impact particularly on disadvantaged groups, isolated communities, older people, or people with special needs.[17]

Among the major reasons for these inequalities are the limited distribution of basic internet infrastructure in many areas – international and national backbones and last mile/local networks – and the high cost of access, particularly in Africa and small island states. The IGF should consider how internet access can be expanded through innovative and dynamic use and management of radio spectrum, more open and competitive telecom markets, local community-owned networks and free public access to the internet, particularly in spaces such as public and community libraries.

To achieve the potential of the internet to enable the rights to equality, dignity and freedom from discrimination for all access to the internet should be considered as part of the right to equal access to public services (Article 21 of the UDHR), and be reported on by states, so that their progress in ensuring equality of access can be monitored. States

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13 Esterhuysen, Anriette. A long way to go. Civil society participation in internet governance, in MIND Collaboratory discussion paper series No. 1, #2 Internet Policy Making, Berlin, Nairobi, September 2011.
14 APC's Frequently asked questions about multi-stakeholder partnerships in ICTs for development - http://www.apc.org/en/system/files/catia_ms_guide_EN-1.pdf
15 United Nations document A/HRC/17/27, (2011) para 2.
16 http://www.ohchr.org/Documents/Issues/Racism/A.HRC.20.33_en.pdf
17 World Internet Project 2012 International" Report Third Edition, 2012.

must also develop and implement national internet access plans using multi-stakeholder processes which ensure participation by all, including racial and ethnic minorities and other groups.

2.5 Emerging issues

Revelations about mass surveillance and data collection by the US National Security Agency (NSA) has shaken the internet community and undermined the legitimacy of actors from government and business who had positioned themselves as leaders of the "internet freedom" movement. In response, some states have, opportunistically to some degree, renewed calls for more intergovernmental oversight and control of ICT policy processes.[18] Experts in human rights, including UN Special Rapporteur on Freedom of Opinion and Expression, Frank La Rue, have responded by emphasising that existing human rights and legal frameworks protect the right to privacy on the internet. Developed by international experts in human rights, communications surveillance law, policy and technology, endorsed by over 200 civil society groups and fully consistent with work of UN Special Rapporteur Frank La Rue, the 'International principles on the application of human rights to communications surveillance'[19] explain how international human rights law applies in the online environment, in light of communications surveillance technologies and techniques in the context of international human rights obligations.

The most positive – and challenging – outcomes of these disturbing revelations can be built on by the IGF. Firstly, awareness of how internet policy and regulation affects all users is now much more widespread and talked about in global media. Secondly, it cannot be ignored that while public debate is flourishing at the IGF and internet freedom events around the world there is, in the shadows, another internet governance universe: one that is secret, that follows the rule of law very selectively, or not at all. A universe in which powerful governments can ask powerful internet companies to comply with rules that are not public, not known, not even to the elected representatives of those governments, not to mention the shareholders of those companies, or the staff members of those administrations working hard to promote human rights on the internet, transparency and multi-stakeholder participation in global internet governance.

The IGF is a space where the internet community can let off steam, confront one another (surely that is why we come together in multi-stakeholder spaces?), and identify how to move forward to restore trust in internet governance as a process, and an ecosystem made up of institutions, actors, analysts and activists. Complacency is not an option.

Security on the internet is relevant to all internet users, not just to States. For recent APC publications on online security from a civil society perspective see 'A cyber security agenda for civil society: what is at stake?'.[20]

3. Strengthening and impact of regional and national IGFs

Regional and national IGFs continue to evolve – with ups and downs – as spaces for multi-stakeholder discussion on internet governance. APC is pleased to see efforts towards a more effective integration of regional and national perspectives into the IGF global agenda. We welcome the initiative to capture approaches, views and themes emerging at the various events to facilitate analysis, comparison and review. It will contribute not only to explore concrete ways to translate national and regional priorities into meaningful inputs for the various workshops and sessions but will also allow a peer learning process among the various initiatives.

In 2013 APC supported and co-organised regional IGFs in Africa (West African IGF, Southern Africa IGF, Central Africa IGF and the African IGF) and Latin America and the Caribbean (LAC). We co-organised pre-events at the LAC (on human rights on the

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18 http://www.apc.org/en/pubs/response-pakistans-submission-24th-human-rights-co
19 https://en.necessaryandproportionate.org/text
20 http://www.apc.org/en/pubs/cyber-security-agenda-civil-society-what-stake

internet) and the African IGFs (on multi-stakeholder participation in ICT policies).
Recommendations from the African IGF pre-event are particularly relevant to the global
IGF.[21]

4. Capacity building in internet governance

From 10-12 July, APC, in partnership with the African Union Commission's NEPAD Agency's
e-Africa Programme, organised the first African internet governance school. It was
inspired by the Meissen School of Internet Governance, and benefit from the involvement
of senior Meissen faculty as well as leading internet governance actors from Africa and
LAC. Participants returned to their countries committed to translate the ever changing and
evolving world of internet governance into a language meaningful to their constituencies:
colleagues at the parliament or regulatory agency, media organisations, academic centres,
NGOs.

5. APC's presence at the IGF 2013

5.1 Pre-events
APC is involved in three pre-events on 21 October:

- Human Rights and the Internet capacity-building workshop: Using APC's Internet
Rights are Human Rights Curriculum[22], the workshop will help human rights
defenders identify risks to internet freedoms and respond to violations.

- GigaNet and APC joint forum on 'Security, Surveillance and the Militarization of
Cyberspace', made of two panels: a) Cyber War, Cyber Weapons and Internet
Governance, and b) Surveillance & Snowden. It will take place on Day 0 of the IGF
(Monday, 21 October) from 15:00 to 18:00 at the Bali Nusa Dua Convention
Centre.

- DiscoTech: An informal evening event organised by APC and the Tactical Technology
Collective to raise awareness of online security (and insecurity) in peer-learning
environment. Short "lightning talks" will be presented and participants can set up
stations to share tools, information and hold discussions. A "cryptoparty", or
encrypted key signing, will be held in parallel. It will take place on day 0 (Monday,
21 October), from 19:00–22:00 at Mantra Nusa Dua ballroom.

5.2 Workshops
APC is the lead organiser of two workshops that address topical questions:

#134 "Connecting Our Rights: Strategies for Progress"[23], 09h00 to 10h30 on Room
7 Kintamani 1, Day 1: What is the impact on IG of recent developments in UN human
rights mechanisms?

#222 "Internet universal affordable access: Are we there yet?"[24], 14h30 to 16h00
on Room #6 Uluwatu 7, Day 2: What is the nature of the gap between the internet haves
and have-nots? How do address the needs of those who are still left out?

APC is a co-organiser of several other workshops and staff and members will actively
participate as panellists and moderators in them all.

Together with the government of Brazil, the Internet Society (ISOC) and the Business
Action to Support the Information Society (ICC – BASIS) of the International Chamber of
Commerce, we are hosting a workshop on **#41** "**Developing and effectively using**

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21 http://www.apc.org/en/node/18567/
22 http://rights.apc.org/training/contents/ictpol_en?set_language=en
23 http://www.intgovforum.org/cms/wks2013/workshop_2013_accomplish_list_view.php?xpsltipq_je=134
24 http://www.intgovforum.org/cms/wks2013/workshop_2013_accomplish_list_view.php?xpsltipq_je=222

multi-stakeholder principles",[25] Room 1, Nusa Dua Hall 2, 11.00-12.30, Day 3.

With the Council of Europe, ADC and Derechos Digitales, we are hosting the workshop **#110** "**Digital rights protection in Latin America and Europe"[26]**, Room 2, Nusa Dua Hall 1, 9.00-10.30, Day 3.

5.3 Focus sessions and roundtables
Focus session (Openess) Human rights, freedom of expression and free flow of information on the internet, Main hall, Nusa Dua Hall 5, 14.30 – 18.00, Day 3. Organised by Anriette Esterhuysen in her capacity as MAG member. Based on specific questions, it will bring regional perspectives on human rights on the internet, delve into specific issues (such as freedom of expression, internet intermediary liability, sexual rights, access to knowledge and IP issues, network neutrality, surveillance), and provide inputs from workshops, dynamic coalitions, open forums and other focus sessions.

Gender and Internet Governance Roundtable, Room 9, Kintamani #7, 9.00 – 10.30, on Day 2. Co-organised by APC and the Gender Dynamic Coalition this event will address women's rights and gender equality in internet governance and assess the extent to which the IGF has been successful in incorporating a gender equality agenda since its inception

Gender Dynamic Coalition meeting "Gender and Internet Governance: Integrating women's rights at the IGF space", Room 7, Kintamani #1, 11.00-12.30, Day 4. Convened by the Gender Dynamic Coalition to discuss a) the proposed resolution on women's human rights and freedom of expression at the Human Rights Council; b) ISP accountability on gender-targeted hate speech and abuse; c) issues raised in the Gender and Internet Governance Roundtable, and d) preliminary analysis of the 2012 IGF Gender Report Card.

5.4 Book launch
Launch of the 2013 edition of Global Information Society Watch Room Kintamani #1, 12:30-14:30, Day 2. APC and Hivos invites you to the launch of the 2013 edition of GISWatch, which examines how the internet and other ICTs have extended the public sphere and created new opportunities and freedoms for women. It highlights the threats to these freedoms and explores the role of technology in resistance to these threats.

6. Follow APC at the 2013 IGF online

News updates and latest blog posts: www.apc.org
In-depth resources check our publications page: www.apc.org/en/pubs
Aggregated IGF resources: www.apc.org/en/projects/internet-governance-forum-igf
Updates on gender and ICT policy: GenderIT – genderit.org

Media: Contact analia@apc.org in English, French or Spanish. For GenderIT.org contact flavia@apcwomen.org in English, Spanish or Portuguese.

Twitter:@APC_News; @APCNoticias; @APCNouvelles; @GenderITorg; @GenderITorgES

APC staff: @anriette (Anriette Esterhuysen), @emilarvushe (Emilar Vuse), @esmex (Erika Smith) (@FlaFlak (Flavia Fascendini), @internetrights (Joy Liddicoat), @jen_ct (Jennifer Radloff), @jhybe (Jac SM Kee), @malloryknodel (Mallory Knodel), @nmoawad (Nadine Moawad), @shawnafinnegan (Shawna Finnegan), @valeriabet (Valeria Betancourt).

Facebook: www.facebook.com/APCNews; www.facebook.com/APCNoticias; www.facebook.com/APCNouvelles

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25 http://www.intgovforum.org/cms/wks2013/workshop_2013_accomplish_list_view.php?xpsltipq_je=41
26 http://www.intgovforum.org/cms/wks2013/workshop_2013_accomplish_list_view.php?xpsltipq_je=110

Flickr: www.flickr.com/groups/apcimages/

7. APC members and staff at the IGF 2013

<u>Members:</u> Valentina Pelizzer and Aida Mahmutovic (OPWSEE, Bosnia-Herzegovina); Andrew Garton (APC board, Australia), Graciela Selaimen (APC board, Brazil); Benjamin Baretto and Lisa Garcia (FMA, The Philippines); Byoung-il Oh (Jinbonet South Korea); Claudio Ruiz and Francisco Vera (Derechos Digitales, Chile); Grace Githaiga and Victor Kapiyo (KICTANet, Kenya); Hamada Tadahisa (JCA, Japan); Julian Casasbuenas (Colnodo, Colombia); Lillian Nalwoga (CIPESA, Uganda); Osama Manzar and Ritu Srivastava (DEF, India); Shahzad Ahmad, Faheem Zafar and Furhan Hussain (Bytes for All, Pakistan); Liz Probert (GreenNet, United Kingdom); Carlos Afonso (Nupef, Brazil); Avri Doria, Emma Reade, Rafik Dammak, Jeanette Hoffman, Michael Gurstein (affiliates).

<u>Staff:</u> Analia Lavin; Alexandra Groome; Anriette Esterhuysen; Caroline Tagny; Chat Ramilo; Emilar Vushe; Erika Smith; Jac SM Kee; Jan Moolman; Joy Liddicoat; Katerina Fialova; Mike Jensen; Nadine Mouwad; Shawna Finnegan; Valeria Betancourt.