ACHIEVING A COMMON VISION FOR INTERNET FREEDOM

6-7 February 2020
Accra, Ghana

Chair Summary

On 6-7 February, the 8th Annual Freedom Online Conference took place at the Kofi Annan International Peacekeeping Training Centre in Accra, under the theme "Achieving a Common Vision for Internet Freedom". The Conference gathered over 300 participants from civil society, private sector and academia from 60 countries all over the world.

The Internet continues to facilitate innovative and invaluable opportunities for individuals to exercise their rights. At the same time, it can be infiltrated, co-opted, or leveraged by governments and other actors to enact restrictions on the exercise of human rights.

Globally, state-sponsored restrictions to human rights online continue to limit and challenge Internet freedom, and the closing of civic space worldwide, both online and offline, exacerbates this challenge. Debates surrounding cybersecurity, emerging technologies and disinformation continue to challenge all stakeholders when seeking right-respecting regulatory frameworks or non-regulatory solutions. Meanwhile, access to the Internet remains an obstacle for many, as digital divides continue to exacerbate existing inequalities, threatening the realisation of full digital inclusion.

Responding to these challenges, FOC Members continue to work closely together to coordinate their diplomatic efforts, shape global norms, and engage with civil society and the private sector to support Internet freedom – free expression, association, assembly, and privacy online – worldwide. The challenges are many, and the stakes are high. There is a need now, more than ever, for concentrated action by governments and other stakeholders to promote and protect human rights in the digital environment.

The focus of the FO Conference 2020, *Achieving a Common Vision for Internet Freedom,* recognised the significance of convening key actors to renew commitments and pathways towards a rights-respecting framework for Internet freedom through achieving certain key goals. The Conference provided a unique forum to re-examine the state of play of current and arising challenges to freedom online, exchange perspectives and identify possible solutions. With Ghana at the helm, the Conference placed particular emphasis on reviewing the current state of digital rights across Africa, outlining strategies for improving digital rights on the continent, and globally.

To do this, the Conference sought to establish a common understanding across stakeholder groups of the respective challenges, and derive a shared understanding of the responsibilities and need for action by the respective stakeholder groups, with a sharing of ideas and best practices for possible solutions.

The Conference consisted of two plenary sessions and 16 parallel workshops, developed jointly by FOC Governments and the FOC Advisory Network. The Conference program built on FOC priorities identified in

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the Program of Action for 2019-2020, including digital inclusion, the promotion and protection of human rights online in the context of cybersecurity, challenges to human rights caused by misinformation/disinformation, and potential human rights implications of artificial intelligence and emerging technologies. Other issues that were addressed in the parallel workshops included safeguarding elections, social media and offline violence and child online protection.

A key takeaway from across Conference sessions was the notion that tackling issues relating to freedom online must be done in a way that respects international human rights law, and by advocating for the existing universal human rights framework in global forums. The Conference reaffirmed that multistakeholder engagement must be at the heart of FOC's activities going forward. Besides facilitating multistakeholder discussions on topics critical for online freedom, the Conference also provided strategic opportunities for FOC Members and Members of the FOC Advisory Network to hold in-person working meetings. These included a Strategy and Coordination meeting, an in-person meeting of the FOC Advisory Network, an FOC Advisory Network roundtable, and a Peer Learning Session for FOC Members. The Peer Learning Session provided a platform for members to share information about successes and challenges in meeting member responsibilities, noting the commitments made by members and the principles set out in the Tallinn Agenda and the San Jose Statement. The Members discussed successes and challenges around fulfilling membership commitments domestically and internationally as well as relating to FOC engagements. Members emphasized the importance of strengthening internal and external coordination efforts as well as the crucial role of engaging with non-governmental stakeholders.

SESSION SUMMARIES

Opening Ceremony and Plenary: Regional Trends - Focus on Digital Inclusion

At the Opening Ceremony, the Honorable Minister for Communications of Ghana, Mrs. Ursula Owusu-Ekuful, and the German Ambassador to Ghana, Mr. Christoph Retzlaff, launched the FOC Joint Statement on Digital Inclusion. Promoting digital inclusion is of concern to the FOC as it is directly linked to its mandate of protecting and promoting both the exercise of human rights online and supporting an open and interoperable Internet, as affirmed in the FOC's Tallinn Agenda. The statement expresses concern over the persistence of digital divides, and support for measures to promote digital inclusion. The statement addresses the challenges when it comes to digital inclusion and includes recommendations to tackle these, for example facilitating, reinforcing, and developing multi-stakeholder models of Internet governance, welcoming contributions, leadership by the private sector and civil society to promote digital inclusion and addressing underlying causes of digital exclusion because technical solutions alone will not bridge digital divides. Following the launch of the joint statement, the opening plenary session discussed regional trends on the African continent, in particular in the context of digital inclusion and advancing digital rights in Africa. Panelists pointed out the paradox of how more connectivity often means that more people are being left behind. The speakers also addressed the gender gap in access, especially in the African region.

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Parallel Session 1: Safeguarding Elections in West Africa

This session looked at the challenges of securing the integrity of electoral processes and countering disinformation campaigns. There was a rich debate among the panellists from governments, civil society and the private sector on the challenges of ensuring free and fair elections across West Africa, and the need for greater coordination and collaboration across stakeholder groups. The panel also discussed a number of important solutions that have been effectively deployed to minimise interference in elections, such as fact-checking services, digital literacy programmes and product-level innovations that help prevent the spread of misinformation and disinformation. There was a consensus that a lot more needs to be done at the technical, policy and capacity levels, and that international forums, such as the FOC, can play an important role in supporting efforts that protect individual human rights and freedoms whilst minimising the risks posed by electoral interference campaigns.

Parallel Session 2: Beyond a Buzzword: The Role of Human Rights in the Governance of Artificial Intelligence

The session fostered discussions about the different ways that international human rights standards and the rule of law can be embedded in the governance of Artificial Intelligence(AI). There was the general acknowledgement of the challenge of understanding the scope of use of AI and for which human rights are critical. Some key priorities identified included the need to have multistakeholder discussions around AI governance, developing actionable suggestions that can feed into policy making, and moving from the narrative that pitches security against freedom to a narrative that reflects that they are interdependent. The session also highlighted the fact that FOC can play a key role by encouraging accountability and transparency from its members as well as other stakeholders, such as the private sector.

Parallel Session 3: A People-Centered Approach to Transparency Online

The session highlighted the work done in Working Group 3 of the FOC, and its recommendations for corporate and government transparency. While legal frameworks, such as data protection laws, have proliferated, there are resource challenges to their implementation, grey areas when it comes to regulation on data like electoral data and ongoing challenges when it comes to privacy, data transfers between government and companies, online targeted advertising, and filter bubbles. Participants agreed that there was therefore possibly a renewed need for an FOC working group to address these issues.

Parallel Session 4: Content Moderation Trends and Challenges

The session, and the discussions among the panellists and the audience, covered a range of different issues and challenges relating to online content moderation. From civil society participants, concerns were raised over a

lack of transparency among online platforms for the enforcement of their policies, including algorithms, as well as a lack of nuance when it comes to understanding the context of different countries and communities. Two big areas of concern were hate speech and disinformation, particularly during heightened election periods. In response, Facebook and Twitter highlighted the efforts that they have and continue to make aimed at increasing transparency over content moderation, investing more in people and technology, and engaging a broader range of stakeholders when developing their policies. Finally, Hon. Vincent Sowah Odotei, the Deputy Minister for Communications, Ghana set out the difficult balance that the Government of Ghana is facing, trying to address concerns over the safety and security of citizens, with the commitment to a free and open internet. He noted that the Government of Ghana is drafting a new Cybersecurity Bill to address gaps in the legal framework, consistent with the Government's commitment to human rights online, albeit with many participants raising concerns that similar legislation in other states has led to restrictions on freedom of expression.

Parallel Session 5: Child Online Protection

The session looked at the scale of the problem of child sex abuse imagery online. The UK's Internet Watch Foundation alone has found 125,000 URLs with child sex abuse images. The growth areas are of children under 3 and between 11-13-year-old girls. These images are not hosted on major social media platforms but found on small image hosting platforms and cyberlockers. Last year the Netherlands was found to be hosting 70% of the illegal content. There are also new relevant issues emerging, such as grooming and live streaming, for which there are currently no technological solutions. The session discussed the risks of legitimate materials being removed by automated processes, which is known to occur with some of the organisations that manage illegal content around the world. Participants also noted that the sheer scale of demand means that there is also the need to invest in prevention.

Parallel Session 6: Internet Shutdowns: A "Think and Do" Discussion on Multistakeholder Responses

The session examined the growing trend of internet shutdowns which are not only rising in frequency, but taking place in more countries, often lasting longer, and increasingly targeted at particular or identifiable groups. Participants noted that these shutdowns are often used to quell protests and effected during periods of election. Following a breakout session, a range of ideas for how different stakeholders – governments, industry bodies, and civil society can address this trend were put forward.

Parallel Session 7: Open-ended Working Group on Cyber – an FOC Approach

The session began with governments sharing their perspectives on human rights and the OEWG's mandate, emphasising the importance of ensuring that human rights and security are seen as mutually reinforcing, while noting the need for greater clarity on how international law applies in cyberspace, and the importance of meaningful stakeholder engagement, including in the OEWG and at the national level. Concrete suggestions

were made on how to engage civil society and leverage the FOC Advisory Network, such as, position papers or key messages from the FOC Advisory Network members that could be circulated through FOC channels.

Parallel Session 8: Towards a Meaningful Inclusive Multistakeholder Governance Model for Digital Technology

Prominent themes of this discussion included representativeness, meaningful inclusion, mitigation strategies for exclusion and accountability. Participants identified best practices for making multistakeholder constructs more inclusive and accountable and noted that building out multistakeholderism is key to establishing truly consultative structures that can lead to the development of more accountable, fair and transparent digital and online governance.

Parallel Session 9: Tackling Online Disinformation

The session examined the phenomenon of disinformation, noting that the issue is not a new one, but one that has presented challenges to societies for centuries. Participants discussed the range of impacts that disinformation can have on human rights, such as freedom of expression and the right to health, as well its ability to polarise society and create distrust among players and citizens. The different forms of disinformation in different parts of the world were considered, as well as the different motivations of those spreading disinformation. Participants discussed a range of responses that should be considered by different stakeholders to counter disinformation, agreeing that respect for human rights is a critical precondition, such as well-resourced fact-checking mechanism or solution, promoting high quality and trusted journalism, and promoting digital literacy in schools. The FOC announced that a joint statement on disinformation was in development.

Parallel Session 10: Upholding FOC Commitments

This session explored how FOC member states can ensure that domestic policies addressing legitimate concerns such as security and crime do not contradict their commitments to foster a free and open global internet. Through open and frank submissions by panellists from the FOC member states and the FOC Advisory Network, the session explored some of the key successes and challenges that member states face upholding their FOC commitments, as well as some best practices for non-FOC members.

Parallel Session 11: Surveillance - Efforts to Ensure Effective Oversight and Accountability

In this session, panellists shared experiences from different countries relating to surveillance, outlined challenges, and discussed recommendations on providing effective oversight of state surveillance activities. Some of the challenges highlighted by participants included the use of facial recognition technologies, which can reinforce existing social and economic inequalities. The panelists also discussed the role provided by different

actors in terms of provision of oversight and accountability, including the judiciary, parliaments, internal executive branch actors, private sector players, civil society and other non-governmental stakeholders.

Parallel Session 12: Digital Safety of Human Rights Defenders

The session launched the "digital safety manual", focused on diplomats and embassy staff working with civil society. The session also included a presentation of the Digital Defenders Partnership (DDP), including its areas of work (emergency response, sustainable protection support and community and network strengthening). The safety manual is based on interviews which identified key needs and is composed of twelve cards with concrete guidance on how to protect digital safety. Participants shared a wide-ranging set of examples of challenges in implementing digital security trainings in different contexts.

Parallel Session 13: Human Rights Impact of Cybersecurity Laws, Practices and Policies

This parallel session started with the launch of an FOC Joint Statement on Human Rights Impact of Cybersecurity Laws, Practices and Policies. The statement, developed by a multistakeholder task force of governments, civil society and private sector representatives, led by the Government of Estonia and the Netherlands, reaffirms and builds on commitments the FOC made in 2016. The statement further elaborates on the human rights based approach to cybersecurity as a basis for strengthening cybersecurity, promoting stability in cyberspace, and promoting emerging technologies that are trust-worthy whilst ensuring the protection of all online users. The statement contains recommendations for national cybersecurity practices and international cybersecurity processes and is based on recommendations developed by the multistakeholder FOC working group.

The discussion in this session focused on the question of how to ensure complementarity between cybersecurity and the promotion and protection of human rights. The participants discussed how to develop and implement cybersecurity related laws, policies and practices in a manner consistent with international human rights law, and how to minimise potential negative impacts on vulnerable groups and civil society. While some states attempt to assert greater control over the internet with the pretext of ensuring national cybersecurity, the respect and promotion of human rights and the principles of an open, free, secure and interoperable Internet are often disregarded.

Parallel Session 14: Social Media, Conflict and Offline Violence

Moderated by Facebook, the panel examined emerging risks with respect to social media, conflict and offline violence. Panelists provided an overview of three case studies of countries where platform related risks were linked to offline violence: DRC, Ethiopia, and New Zealand. The discussion reviewed the work that governments, social media companies, and other actors have done to identify and address offline harm, and highlighted the necessity of partnerships.

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Exchanges between participants centered on the strengths and weaknesses of different approaches and the possibility of using the Christchurch Call as a model. Participants raised the heavily executive centered nature of the Christchurch Call and the absence of sufficient consultation or deliberation in the approach adopted. The unique circumstances and socio-political configuration that enabled the emergence of the Christchurch call were also raised as variables that would be hard to replicate elsewhere in the world.

Parallel Session 15: Data Protection and Digital ID Systems

This session was organised with MyData Global, Paradigm Initiative, Access Now and AfroLeadership. Thanks to the two keynotes and interventions from all panelists, as well as comments and questions from the public, the following pressing issues were identified as challenges relating to the implementation of the digital ID systems, particularly in the countries of Global South or among the vulnerable population:

- The lack of trust towards government, business and technology ("Trust is a luxury and privilege", "Trust is a very precious commodity").

- The governments' lack of interest or incentives to implement the ethical digital ID systems.

- The misuse of the vulnerable position of certain population groups, e.g. refugees when imposing the digital ID systems.

- Unclear benefits of the digital ID systems on the population with the continuous use of data by the business at the same time.

- Businesses coming in place without having a legal framework established, forcing the fragmented technological solutions.

- The need for the civil society to engage in the design phase of the digital ID system development, and to be able to safeguard their framework and implementation.

- The need to empower individuals to be aware of their digital rights.

Parallel session 16: Architecture of Global Internet Governance

Lia Hiltz, Special Adviser, German Federal Foreign Office, and Anriette Esterhuysen, Association for Progressive Communications and Chair of the IGF MAG, facilitated this outreach session to seek perspectives and concrete ideas from participants on strengthening the current systems of global internet governance. In 2019, a UN

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high-level panel of experts on Global Digital Cooperation released recommendations for strengthening international cooperation in the online world. For the implementation of the panel's recommendations on digital cooperation, Germany along with the United Arab Emirates and Undersecretary General Fabrizio Hochschild's office were named co-champions and the Association for Progressive Communications a key constituent.

Following an introduction by the facilitators, the participants posed questions about the consultation process, the development of recommendations, and decision-making to be taken by the United Nations, Germany and the other co-champions. Several concrete suggestions were made on how consultations could be fruitfully conducted, including in a particular region. Several participants voiced support for an enhanced mandate for the Internet Governance Forum (IGF+) with others wishing that the national and regional IGFs would remain autonomous. Concerns were raised about resourcing the IGF+. Feedback from this session and other organized discussions will be a major source for the compilation of an 'Options Paper', which will be delivered by the co-champions to the UN Secretary General later in 2020.

Closing Plenary: FOC - Vision and Future Direction

FOC Members and Advisory Network Members discussed key ways in which the FOC can promote and protect human rights online in the face of increasing challenges to online freedom. Panelists reflected on the challenges of adoption of digital technology and threats to online spaces towards achieving a common vision for internet freedom. Panelists also outlined their vision for the future of the FOC and noted the importance of multistakeholder engagement as well as outreach and collaboration with governments across the world, especially in the Global South. Advisory Network Members discussed the importance of developing alternatives to the surveillance capital model of internet freedom and emphasized that the FOC's approach should be an offer of friendship in order to maintain the health of the internet. Finland confirmed that they would become the Chair of the FOC in January 2021 and host the next Freedom Online Conference in Finland next year. Finland also noted that freedom online is essential not only for human rights but also for sustainable development.

The Honorable Deputy Minister for Communications, Ghana, Hon George Andah closed the conference with an executive summary of the key lessons learned from the Conference, and thanked all those who had participated, for their contributions and engagement at the 8th Annual FO Conference 2020.