2012 update on action steps for selected countries of GISWatch 2011

Global Information Society Watch 2011

Internet rights and democratisation
Focus on freedom of expression and association online

Association for Progressive Communications (APC) and Humanist Institute for Cooperation with Developing Countries (Hivos)
December 2012

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Global Information Society Watch

www.GISWatch.org

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Action steps from GISWatch 2011

• Intensifying the lobby against any future attempts to re-impose a mining licence for transnational companies that would decimate prized historical and environmental resources.

• Intensifying public education around both media literacy and environmental advocacy among all sectors of the society.

• Internet-based environmental and ICT activists must continue to develop innovative ways to achieve similar levels of influence using both traditional and new media forms; this may mean engaging more intensively in community activities and struggles and showcasing these online.

• Public, private and civic measures to increase effective access to the internet by residents of rural Jamaica, including those in the Cockpit Country region.

• The potential of ICTs, in particular the internet, should be further explored for other beneficial uses and applications besides campaigning through a partnership between environmental activists, government and the community.

• Together with the community, alternative sources of economic survival and growth for residents of the Cockpit Country region should be explored.

2012 update

The picture of progress in Jamaica continues to be mixed. There has been progress in the efforts to protect and preserve the Jamaican wilderness area known as the Cockpit Country region, but challenges remain and lobbying against mining licenses for the region continues along with efforts to improve internet access, diversify use of ICTs for activism and to improve digital literacy and skills.

The policy and political context has improved. A commissioned study to determine the boundaries of the Cockpit Country was presented by the Stakeholder Group to both current and former government representatives. This resulted in government attempts to secure a collective agreement amongst government agencies about the precise boundaries of the region. The government has proposed that, once this agreement is secured, there will be a public consultation on the proposals followed by an official declaration of the boundaries. However, the situation remains uncertain, because the timeframe for these deliberations has not been established, with delays being exacerbated by changes in government. These delays remain a major concern for activists.

Work with the community to identify alternative sources of economic growth and survival for residents of the Cockpit region has continued. The region is recognised for its ecotourism potential and for the necessity to provide resources for its unique inhabitants, the Maroons. Although alternative sources have been identified, concrete actions regarding this step have yet to be taken. The Jamaica Environmental Trust (http://www.jamentrust.org/) and the Save the Cockpit Country (www.cockpitcountry.org) Stakeholders Group continue to push for positive change in the region. Access to and use of the internet among the key population stakeholders in the Cockpit Country region remain the main challenges. In addition to not having a physical access, many are not technologically savvy and therefore would need to be educated and trained in order to become fully involved online.
Both the Save the Cockpit country and the Jamaica Environment Trust websites have continued to play key roles in progressing on the action steps of the 2011 GISWatch report. The Save the Cockpit website has generated awareness, gained public and civil support, and raised donations from both within Jamaica and globally, with one petition generating 3,896 signatures. The Jamaica Environment Trust maintains an updated website which covers a range of environmental issues and remains very active in on-the-ground initiatives to protect the environment, such as beach clean ups.

Government efforts to extend access to the internet to rural parts of Jamaica have also continued. The Universal Access Fund Ltd, which has a project to roll out access to rural areas, has been amended to better facilitate this process. There has been recognition of the need to not only provide internet access to schools (previous focus), but also at the community level. These issues were also identified in the TPM ICT Survey in 2011.

There have been new efforts to explore the use of ICTs for activities other than campaigning. While this remains an ongoing venture, particularly in the environmental sector, new initiatives have emerged such as Mona Geoinformatics Institute on the Mona Campus of the University of the West Indies, which has done significant work using ICT applications for various environmental issues (http://www.monagis.com/?q=node/9).
Action steps from GISWatch 2011

- More space for debates between media and government officials is needed so that there is common agreement on issues of freedom of expression, access to information, privacy, legal frameworks, and the need for public awareness.

- The youth and children should be proactively involved in discussions to prepare them for the responsible use of the internet in the future.

- Baseline research on internet use is needed in the country. This should consider the issue of freedom of expression in conjunction with other rights.

- Clear instructions should be put in place to guide people on what to do when websites are blocked by internet service providers.

2012 update

The most significant development over the year was changes in policy and strategies introduced by government to enhance ICT penetration in rural areas. Rwanda now has fibre optic coverage throughout the country. As a result, the government is pushing to have ICTs reach the entire population in order to increase the prevalence of the benefits associated with them, such as e-education, e-health, e-agriculture, e-finance, e-government, and so on.

The expansion of internet access has opened up more spaces for debate and for civil society actions. Various new awareness campaigns on access to information have been implemented by the Rwanda Advisory Body and Media High Council. In addition, media clubs in secondary schools have been created to help youth get involved in discussions and to prepare them for responsible use of the internet. ICT literacy has increased since 2008, through Telecentres (now called Business Development Centres), as well as through the use of ICT buses.

Policy developments have also taken place in relation to electronic waste. The Ministry of Youth and ICT prepared an e-waste policy and a draft e-waste law. These have been validated by e-waste stakeholders and are awaiting approval by the Government of Rwanda. The policy and draft law propose clear rules to promote the establishment of a licensing and regulatory framework that takes into account new technologies as well as the establishment and strengthening of regulatory institutions to ensure its effective implementation once it becomes law.

In relation to access to online information and knowledge, the Ministry of Youth and ICT has also introduced the “Viziyo” initiative, which aims to increase mobile and data penetration as well as access to information and public services. This initiative could foster an increase in the quality of life of Rwandan citizens and reduce the digital divide. Rwanda strives to operate with an “Open Government Enterprise Architecture Framework,” to develop the most popular services demanded by citizens, and to expand the scope of e-enabled services to private companies capable of providing other enhanced services to citizens.

The challenge in 2013 will be for these pending ICT policies and laws to be finalised as quickly as possible and for actions to implement them in practice to be properly supported. A new area of focus will be to ensure that the Internet Governance Forum is a success and to continue creating mass public awareness campaigns.
Action steps from GISWatch 2011

- Lobby for a local Internet Governance Forum.
- Create groups and collectives around digital challenges. It is important to have hacker spaces, groups and collectives of geeks and non-tech people alike to raise awareness, share knowledge and pioneer the use of technology in innovative projects with social impact. These groups help in the capacity building of new skills that are not being taught in formal education yet, and become crucial to having a leading country in the ICT field.
- Get decision makers involved with social media.
- Beware of “slacktivism.” It is easy to get fooled into a false “feel good” sense about social issues without actually achieving measurable and concrete effects. Raising awareness should not turn into ranting out on social media or spamming.
- Learn to go anonymous. Activists should never shy away from learning the tech skills that will allow them to protect their inalienable human right to privacy and freedom of expression.

2012 update

Significant progress has been made in Lebanon in the past year with regard to internet rights and democratisation. Hivos and partners have been heavily lobbying for a regional Internet Governance Forum. A new hacker space is being formed and a greater number of NGOs are including digital media workshops and challenges in their platforms. Decision makers have become more involved with social media. For example, Prime Minister Najib Mikati and the Minister of Telecom now use Twitter (view their pages at https://twitter.com/Najib_Mikati and https://twitter.com/NicolaSehnaoui). Many young activists are turning into “hactivists” and learning the necessary skills to remain anonymous. Nonetheless, challenges do remain with regard to slacktivism.

As a result of the GISWatch 2011 action steps, Lebanon has seen an increase in transparency and communication between the Minister of Telecom and the tech community. Sharing internet updates in the country has become much more prominent thanks to the Twitter sphere.

A further positive development in the last year was the major upgrades in the internet infrastructure. While the situation is far from being ideal, it has improved and seems to keep doing so.

While there has been progress, barriers to implementation of the action steps continue. The main barrier is that Lebanese citizens face a huge amount of challenges in politics and in their daily lives. A growing concern is that the internet and digital rights are becoming secondary to these challenges. Despite this, those who work in the field of digital rights are very enthusiastic and persistent.
Action steps from GISWatch 2011

- Mobilising small groups in a larger stream makes a protest more visible to the media and to the public at large.
- Civil society actors should be more proactive in participating in ICT policy making and advocating for digital rights.
- A connected, fair and inclusive information society for all should be the common goal of government, business and civil society actors. As Tim Berners-Lee put it, “competitive disclosure” is necessary for an open internet: the public’s right to know overwrites the authorities’ reflex for secrecy.

2012 update

There has been good progress in all the three action steps. Civil society organisations (CSOs) took the lead on making protests more visible and in increasing participation amongst civil society actors in ICT policymaking and in advocating for digital rights. StrawberryNet provided support in civic actions against ACTA locally and nationally, as well as in facilitating dialogue among environmental CSOs through the Coalition for the Environment.

Positive trends are also emerging in the field of ICTs from the governmental, civil society and business sectors equally. A talented young programmer – Octavian ‘Vivi’ Costache has developed a portal comprising all Romanian Members of Parliament contact information and their main legislative activity, on a platform called hartapoliticii.ro. On his personal webpage, Costache explains:

“I've built a map of Romanian politicians because I want to make Romania a better place. Because of that, Forbes Romania thinks I'm one of 30 people under 30 to restart the country.”

In February 2012 the non-profit Association for Technology and Internet (ApTI) used this online political map to create a rank of Romanian MPs who voted in favour of digital rights during the 2008-2012 parliamentary cycle. The map identifies votes on topics such as access to online information, privacy on the internet, and open access issues.

In June 2012 the first public debate on network neutrality was held in Bucharest, organised by the Romanian national regulatory authority of communications and the ApTI. These initiatives, among others, indicate there is growing support for the common goal or encouraging a connected, fair, and inclusive information society.
INDONESIA

DOCUMENTING TORTURE: THE RESPONSIBILITIES OF ACTIVISTS

EngageMedia Collective Inc.
Alexandra Crosby
www.engagemedia.org

Action steps from GISWatch 2011

• Be informed. Listen, watch and read stories from West Papua.
• Follow the AHRC campaign to end violence in West Papua.
• Sign the petition opposing US cooperation with Kopassus (the Indonesian Special Forces Command).
• Consider security implications to filmmakers and witnesses when conducting video documentation of human rights violations.
• Download WITNESS's Video for Change: A How-To Guide on Using Video in Advocacy and Activism.
• Visit Tactical Tech's Security-in-a-Box.

2012 update

The GISWatch 2011 report highlighted the torture of Kiwo and his neighbour by Indonesian soldiers, particularly the distribution of video material documenting this terrible incident and inadequacies in the trial of soldiers responsible for perpetrating this crime. Action steps focused on raising awareness of and this and focusing activists on the issues related to documenting torture and secure online communications.

Since then, the majority of Indonesia's progress with regard to internet rights and democratisation has been in utilising ICTs to raise awareness about issues in the West Papua province. EngageMedia's Papuan Voices project has significantly raised the profile of Papuan issues. An outreach campaign was launched in September which featured study guides, a new website, and a DVD. Many stories from West Papua have been released (http://www.engagemedia.org/taxonomy/countries/WP).

Papuan Voices filmmakers won the Best Documentary award at Jakarta's South to South film festival and both first and second prize for Metro TV’s ‘Yuk Awasi’ competition, which included broadcast on this national TV station. Together they collected more than 15 million Rupiah in prize money for themselves and their communities.

During 2011 there were attacks on the Papuan National Congress in Jayapura. Papuan Voices trainees were present and captured some of the few videos made available internationally. The videos, despite not yet being officially launched, have already screened in more than 20 locations including at Yale Law School, WITNESS' New York office and the Asian Human Rights Commission in Hong Kong.

Many of the Papuan Voices videos have been translated into multiple languages. Love Letter to the Soldier, for example, has been translated into eight languages by volunteers including Russian, French and Thai. Since the report, Amara's subtitling system has been integrated into the EngageMedia website making translation and subtitling easier to incorporate into advocacy campaigns. The Asian Human Rights Commission campaign to end violence in West Papua also remains active and ongoing.

Looking ahead, EngageMedia will continue to call for ongoing support for local activists in West Papua from regional and global networks and to demand the retrial of the soldiers who perpetrated the torture of Kiwo and his neighbour.

Action steps from GISWatch 2011

- Policies that limit censorship of online communication should be formulated.

- Law No. 90/052 of 19 December 1999 on social communication should be amended to take into account the internet.

- The legislation setting up the National Commission on Human Rights and Freedoms should be reformed to conform to the UN principles relating to the status of national institutions to guarantee its independence.

- Citizens are not mere consumers of content, but also creators of content on the internet. Taken as an analogy, activists should not only use the internet to call for protest, but also to formulate ideas that can contribute constructively to the development of a country.

2012 update

None of the five recommendations that were proposed in Cameroon’s 2011 country report have been implemented thus far. This is largely due to a lack of political will, as the government is concerned with other matters and also because civil society and the private sector lack the necessary resources to take concrete action.

Nevertheless, there have been changes in policy and some new government initiatives in relation to ICTs since the 2011 report. Law No. 2010/012 of December 21, 2010 related to cyber security and cyber criminality came into force. In July 2012, the government organised a workshop on capacity building for various actors in order to facilitate the appropriation of laws on e-communication, e-commerce, cyber criminality, cyber security, and protection of consumers. Civil society members were present and advocated to ensure these laws would make it possible for all citizens to have access to the internet. The Cameroon government maintains that it wishes to provide “internet for all,” including those in remote areas, but a law dealing specifically with the internet has not been passed.

In October 2012, the action steps were taken into the international arena and highlighted in a submission to the United Nations Human Rights Council on the Cameroon Universal Periodic Review, which will take place in 2013 (www.upr-info.org). The submission called on the Cameroon government to:

- Engage with and support civil society actors, human rights defenders and minority groups on issues related to human rights online, including protection of freedom of expression and freedom of association.

- Amend laws that provide for cutting off of internet access and undertake not to use internet and SMS shutdowns to stifle freedom of expression and freedom of association.

- Ensure constitutional protections make it clear that freedom of expression in Cameroon includes internet related expression, in accordance with General Comment 34 on Article 19 of the Human Rights Committee.¹

- Extend legislation intended to combat violence against women to include ICTs and violence against women online.

¹ Frank La Rue “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” (26 April 2011, A/HRC/17/27) at page 21, note 3.
• Undertake to establish multi-stakeholder processes for internet related human rights issues and on internet access and development.

• Make the National Commission on Human Rights and Freedoms so that it is fully compliant with the Paris Principles on national human rights institutions.

Looking ahead, advocacy efforts will focus on ensuring uptake of these by the Cameroon government in 2013.
ARGENTINA

ACCESSING THE INTERNET AS A RIGHT IN PRISONS

Nodo TAU
Florence Roveri
www.tau.org.ar

Action steps from GISWatch 2011

• Contribute to the debate about the importance of guaranteeing widespread access to the internet in prisons.

• Promote the creation of internet access points, so that all prisoners have the possibility to send email or find information. Access can offer various forms of assistance and help, as well as training.

• Discuss the ban on mobile phones in prisons, and promote the use of wireless connectivity.

• Demand that data collection tools be developed so that quantitative and qualitative information on various issues in prisons can be collated to inform policy. This could also be used to collect stories on the use of the internet in prisons to analyse the potential of the internet to rehabilitate prisoners.

2012 update

Although not much action has been taken since Argentina’s 2011 report, the action steps remain relevant today.

The report focused on prisoners’ access to internet rights. The persistent issue is the relentless violation of human rights within prisons. The 2012 report on Human Rights, led by the CELS (Centro de Estudios Legales y Sociales - Legal and Social Studies Center) stated that “in general, detainees continue to suffer various types of violence, supported by strategies of political, legal and social denial. Its extreme manifestation is torture and death.” (http://www.cels.org.ar/common/documentos/Informe2012.pdf)

Recent debate has been focused on whether permission should be given to some inmates to participate in cultural activities outside of jail. Access to ICTs has also been discussed in light of the need to revise regulations that forbid the use of mobile phones. This debate has brought widespread attention to the necessity of guaranteeing human rights to prisoners, which would hopefully lead to the inclusion of the internet as a necessary resource in this field, as it is in other fields.

Despite government claims that human rights violations in prisons are being addressed, there is concrete evidence that the conditions in prisons remain the same. Access to statistics and figures to support this evidence is pending, and is integral to improving policy to aid prisoners. As human rights are not respected in prisons in Argentina, the possibility of improving internet accessibility is not a priority at this time. The permissibility of mobile phones, however, is still in discussion.

With regards to internet rights in general in Argentina, freedom of expression is an issue that has acquired certain visibility in the last year through some judicial cases that have highlighted the discussion over intellectual property and access to information and culture.

Action steps from GISWatch 2011

• Work towards the approval of the civil rights framework for the internet.
• Work towards rejecting Senator Eduardo Azeredo’s cyber crime bill.
• Work towards the approval of Deputy Paulo Teixeira’s alternative cyber crime bill.

2012 update

Brazil has made significant progress in policy reform since its proposed action steps in the 2011 GISWatch report, though full realisation is still pending. A civil rights framework for the internet has been on the agenda in Congress. In March 2012, the Special Commission of the Marco Civil da Internet was formed. Consequently, seven public hearings have been held throughout Brazil covering issues such as liability of Internet Services Providers (ISPs), public policies, user and consumer rights and censorship on the internet, freedom of speech and the innovation potential of the internet, and net neutrality. The results of these public hearings were submitted for Special Commission approval in July. Unfortunately a consensus has yet to be agreed upon. At this time, civil society has been pressuring deputies to vote the bill into the House of Congress before the Brazilian local elections in October. If deputies do not do so, the project will only be voted on at the end of the year. This is risky, since negative changes could be introduced to the bill - such as the removal of net neutrality for instance, due to pressure from telecommunications companies.

In May 2012, an alternative cyber crime bill (PL 2793/11) was authored by Deputy Paula Teixeira. The bill amends the penal code to, for example, criminalise the act of wrongfully entering into the email accounts of others. This bill has undergone an extensive process of public consultation, including via the website e-democracy, a space for public debate and social participation by electronic means from the House of Deputies. The proposal has now gone to the House of Senate analysis and has already obtained a favourable opinion from deputy Nelson Pellegrino (PT-BA), from the Committee on Constitution and Justice.

A week after the approval of the bill by Deputy Paulo Teixeira, the controversial bill PL 84/1999, known as Azeredo Bill, was voted on and approved, but without some of its most controversial content. Of the 22 articles proposed in the original text, 17 were vetoed. The project, which could criminalise users sharing a single song, for example, now provides for the creation of a police structure to combat internet crimes, and makes racism, as well as the falsification of data online, a crime. The project will now go through the committees of the Constitution, Justice and Citizenship and Public Safety. Then, it still must be approved by the Senate and ratified by President Dilma Roussef.

Civil society groups also joined forces to advocate for internet rights in Brazil at the United Nations Human Rights Council. This resulted, in September 2012, in the Brazil government accepting a recommendation (made by Estonia during its Universal Periodic Review in May 2012) that it consider freedom of expression concerns when drafting cyber crime legislation (see http://www.apc.org/en/blog/apc-and-upr-2012-review). Activists were also able to call on the Brazilian government to honour this commitment during the negotiations on the new laws.
Action steps from GISWatch 2011

• Push for universal access to ICT infrastructure and the availability of information on the internet.

• Support free and open models of knowledge creation that ensure protection against undue commercial influence over the free flow of information and knowledge.

• Panchayat Offices can be used as RTI filing centres or can be internet-enabled and converted to Public Citizen Offices (PCOs) where citizens can file RTI applications.

• Utilise the power of mobile technology for the filing of RTI applications (for instance, using SMS).

• Properly catalogue, index, and digitise government policies, applications, schemes, papers, announcements, etc. so that these records can be easily accessed.

• Oppose trend towards developing worldwide restrictive intellectual property laws and practices and the coercive implementation of laws, often through technical restrictions.

• Civil society needs to identify political contours in the struggle for rights, democracy, equity and social justice, and in a way that enables them to campaign effectively for people’s rights.

2012 update

While the action steps of 2011 remain highly relevant, DEF action to address them has focused on three areas. First, to address the issue at the national level, DEF initiated a campaign programme ‘internet as a basic human right’ and organised a national level consultation, ‘Internet Rights, Accessibility, Regulation & Ethics’ focusing on internet access, regulations and ethics in India. Various articles have been published in national newspapers for advocating this campaign programme, thereby helping to raise awareness.

Second, in November 2011, DEF submitted its first report on the status of internet rights in India to the Universal Periodic Review (UPR). This submission outlined India’s progress and specific areas of concern: information technology (IT) law and policies; the right to information and internet access; internet governance and; it highlighted that the internet plays a major role in accessing information; that it is a tool for social and economic development. These internet rights issues were insisted on during the Universal Periodic Review of India in May 2012 (http://internetrights.in/events-n-workshops/def-joins-india-upr-review-meeting-in-geneva-switzerland/). The Indian Government recently announced that it will not censor or filter internet content and it will create a working group to manage IT rules. This working group will also act as a consultancy to form recommendations to government. Civil society groups maintain a close watching brief in this area.

Thirdly, a new focus has emerged on the need to build common platforms for multi-stakeholder dialogue. Through its work on the wider campaign and advocacy for the internet as a basic human right, DEF has developed broader perspectives, leading to new initiatives for help build common platforms to address and advocate for internet issues, solutions, and reforms at national and South Asian levels. Two of these initiatives are the Manthan Award in December 2012 and proposals for a regional Internet Governance Forum in 2013.
**NIGERIA**

**IMPACT OF THE WIKILEAKS CABLES ON NIGERIA: TRANSPARENCY IN GOVERNANCE AND FORUMS FOR CITIZEN VOICE**

**Fantsuam Foundation**
John Dada and Bidi Bala
www.fantsuam.org

**Action steps from GISWatch 2011**

- Address the high cost of internet access so that the online community Sahara Reporters can become accessible to more citizens. The retail cost for broadband in particular needs to be lowered.

- Enforce the rights of Omoyele Sowore, the editor of Sahara Reporters, to safe unencumbered passage whenever he chooses to return to or visit Nigeria.

**2012 update**

The GISWatch 2011 report from Nigeria had a prescient focus. Since its publication a series of events have unfolded rapidly that authenticated the Wikileaks cables.

From January 1, 2012, when the Nigerian Government announced the withdrawal of fuel subsidy, monumental reports of corruption that implicated high-ranking members of the government were exposed. The level of corruption reported in GISWatch 2011 is on much smaller scale than what has just been revealed.

To a large extent, the catalyst for the damning disclosures about the corruption in the Nigerian oil industry has been the civil society within Nigeria and in the diaspora. These netizens have deployed social media on a scale that is unprecedented in the history of investigative journalism in Nigeria. Their tenacity in ensuring that the issues and personalities involved in the various fraud investigations and reports remain in the public domain has been largely responsible for the level of transparency and accountability that has marked recent governance in the country. It is therefore safe to admit that their actions have exceeded the action points recommended in our report. The ICT exploits of the Nigerian civil society have been captured in GISWatch 2012.

The limiting factor in further civil society empowerment remains the cost of internet access. There is a chance that the backbone cable that has been lying idle after being laid from the UK over 2 years now, will begin to be deployed inland. This will bring about a substantial drop in internet costs and thereby make it more accessible. With the exponential increase in net users in Nigeria, the internet is set to be a major tool in the quest for accountable governance in Nigeria. Civil society is firmly in the saddle for this effort.

For more on Nigeria, read the in-depth report in GISWatch II: http://www.giswatch.study.org/2012-internet-and-corruption