IGF 2017 Reporting Template

Session Title: The Dark Side of Internet Policy: How flawed policy can lead to censorship, surveillance and shutdowns

Date: Wednesday, 20 Dec 2017

Time: 10:40 local time

Session Organizer: Dominic Bellone, Counterpart International

Robert Guerra, Special Advisor, Counterpart International

Chair/Moderator: Dominic Bellone, Counterpart International

Rapporteur/Notetaker: Marilyn Vernon, Counterpart International

List of Speakers and their institutional affiliations:
- **Iria Puyosa**, Researcher and consultant on political communication, stakeholder relations, internet policies and digital strategy, (Quito, Ecuador).
- **Vitaliy Moroz**, Director of New Media Development, Internews-Ukraine (Kyiv).
- **Andrii Paziuk**, Taras Shevchenko University (Kyiv, Ukraine), Hubert Humphrey Fellow, American University Washington College of Law.
- **Nalaka Gunawardene**, science writer, journalist and development communication specialist (Colombo, Sri Lanka).
- **Sachini Perer**a, is a Sri Lankan feminist activist currently based in Malaysia. She has a background in law, journalism and international relations, and has worked in strategic communications and advocacy with feminist and women's rights organizations for the last decade.
- **Earnest Mudzengi**, Executive Director, Media Centre (Harare, Zimbabwe).

Key Issues raised (1 sentence per issue):
- **Computer and cyber crimes laws**: Zimbabwe's Cybercrime and Security Bill 2017, seeks to criminalise cyber related offences and violations of the law via the internet. However, critics of the bill argue it is an attempt to control cyberspace, infringe on human rights, FOE and privacy.
- **Social media and information manipulation**: Gaining prominence in the Ukraine/Russian conflict, the Russian propaganda tactics and its use of targeted speech to weaken existing democratic narratives of Western societies.
- **Cyber Security / Surveillance**: Cyber security being defined as state security and used as protective measures to censor and block content. Increased capacities for surveillance are not balanced by adequate democratic oversight and guarantees to protect citizens right to privacy. Lack of due process will lead to egregious human rights violations and will further erode civil liberties.

- **Gender based harassment** (**GBV)**: Threats to women's freedom of expression and hate speech online. The increasing risk to women in cyberspace and the lack of state action to thwart and criminalise offences.
- **FOE and ATI**: Flawed policies does not guarantee rights, instead they lack citizen input and primarily designed to maintain the status quo.
- **Hate Speech / Propaganda:** Disguised as well intentioned content flagging, the removal of national security related and "harmful" content online is increasingly used as a tool to stifle free expression, suppress legitimate political discourse and impede human rights.

If there were presentations during the session, please provide a 1-paragraph summary for each presentation: NO PRESENTATIONS

Please describe the Discussions that took place during the workshop session (3 paragraphs):
- Discussions centred around similar global patterns and trends, with attention to: the shrinking civic space of civil society actors and the increased efforts of the state to regulate and control cyberspace; the tools and tactics of state actors to curtail the freedoms of those in the online space; military imposed surveillance and the lack of democratic oversight; the drafting and implementation of legal frameworks that is not inclusive of stakeholders; the cherry picking of acts from archaic laws that seek to supress FOE and publication of content online; and more importantly the reality of this is where we are and where do we go from here?
- Online gender based violence and hate speech happens, however, the problem is the context in which this violence appears. In many cases obscenity is used as the primary harm or crime as opposed to violation of right to privacy and consent. As women or people from marginalized communities increasingly express themselves online it becomes problematic for law enforcement and state actors who see no differentiation between consensual and non-consensual acts in the online space thereby creating a false dichotomy between on/offline. In the case of hate speech, we must strike a balance to not use "hate speech" as a disproportionate means of regulation.
- During the session, a very important question was asked by a secondary student participant: "looking at the opportunity cost between privacy and security, do we lose one to obtain the other, should there be a trade-off between the two and if so, which do we value privacy or security?" Consensus from the session would point to privacy, but we have reached a cross road in which both are interdependent. How do you safeguard a changing variable? The norms and limitations of what we regard as privacy are changing and presents a big challenge to governments to which there are no easy answers.

Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways (3 paragraphs):

- The creation and focus on institutional frameworks to protect the ordinary citizen.
- Reforms that will protect and maintain an open and free internet that is accessible to all.
- Democratic institutions should establish a base for balance and proper measures to respect human rights in times of crisis/conflict.
- Telcos and civil society should engage state officials in regional and national forums, like the IGF, to broaden the discourse.
- Moral panic is not a good basis for policy making or regulation: Both governments and CSO's must work with regional and international networks to establish best practices and formulate positions for advocacy.
- Policies and Rights: How do these translate to impact and accessibility?

Gender Reporting

Estimate the overall number of the participants present at the session: 2

Estimate the overall number of women present at the session: roughly half

To what extent did the session discuss gender equality and/or women's empowerment?
- Online gender based violence and the need for increased digital literacy and laws. CSO's should seek to examine the laws around violence, against women and extend it to the online space.

If the session addressed issues related to gender equality and/or women's empowerment, please provide a brief summary of the discussion: