



May 2020

# FOC Joint Statement on COVID-19 and Internet Freedom

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## The issue

The Freedom Online Coalition (FOC) is a group of 31 countries deeply committed to the promotion and protection of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights (UDHR). We believe that the human rights and fundamental freedoms that individuals have offline must also be protected online. We are committed to working together to support Internet freedom for individuals worldwide—including the freedoms of expression, association, peaceful assembly, as well as privacy rights online.

The FOC shares the concerns of people everywhere in the face of the COVID-19 global pandemic, including the negative economic impact associated with it, and recognizes government efforts to mitigate the spread of the virus by enacting emergency measures. At the same time, more activities are taking place online than ever before, and we are concerned with the human rights implications of certain measures, practices, and digital applications introduced by governments in response to the crisis. This includes the use of arbitrary or unlawful surveillance practices; partial or complete Internet shutdowns; online content regulation and censorship that are inconsistent with human rights law. We are further concerned with the potential short-and-long-term impact of these actions on the rights of freedom of expression, association, and peaceful assembly, and privacy rights, even after the pandemic is over.

Lack of accountability and lack of effective remedy for violations and abuses of human rights online pose a risk of reduced trust in public authorities, which, in turn, might undermine the effectiveness of any future public response. Violations and abuses of human rights also increase risk of discrimination and may disproportionately harm members of already marginalized and vulnerable communities, including women and girls and other individuals who may face multiple and intersecting forms of discrimination. Human rights violations and abuses online are a direct challenge to the FOC's goal of protecting and promoting both the exercise of human rights online and an open, free<sup>1</sup>, secure, reliable, and interoperable Internet.

Furthermore, the FOC is concerned by the spread of disinformation online and activity that seeks to leverage the COVID-19 pandemic with malign intent. This includes the manipulation of information and spread of disinformation to undermine the international rules-based order and erode support for the democracy and human rights that underpin it. Access to factual and accurate information, including through a free and independent media online and offline, helps people take the necessary precautions to prevent spreading the COVID-19 virus, save lives, and protect vulnerable population groups.

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<sup>1</sup> "Free" in this context does not mean "free of cost".

We reiterate that commitments and principles outlined in FOC founding documents remain of the utmost importance. We further emphasize that countries must ensure that measures implemented to address the pandemic are in compliance with international human rights law. Measures should also be limited to what is necessary for the legitimate protection of public health, including by limiting these measures in time only as necessary to address the COVID-19 crisis. Any interference with privacy and other relevant rights and freedoms need also be consistent with the International Covenant on Civil and Political Rights and the UDHR. This is true whether the restrictions apply to activity online or offline. We welcome the focus on this issue by the UN Secretary General, the UN High Commissioner for Human Rights, and UN Special Rapporteurs and experts.

## Call to action

In response to the COVID-19 pandemic, we call upon governments worldwide:

- To refrain from adopting or implementing laws and policies that may negatively affect the enjoyment of human rights, or that unreasonably restrict civic space online and offline, in violation of states' obligations under international human rights law;
- To promote an enabling environment for free expression and access to information online to protect privacy and to refrain from content restrictions that violate international human rights law;
- To take appropriate measures to counter violence, intimidation, threats and attacks against individuals and groups, including human rights defenders, on the Internet and through digital technologies;
- To immediately end Internet shutdowns, and ensure the broadest possible access to online services by taking steps to bridge digital divides; and
- To commit that any actions taken pursuant to emergency measures or laws be subject to effective transparency and accountability measures and lifted when the pandemic has passed.

...while committing ourselves to do the same.



## Freedom Online Coalition Background

The FOC is a multilateral coalition of 31 governments that collaborate to advance Internet freedom worldwide. The Coalition provides a forum for like-minded governments to coordinate efforts and work with civil society, the private sector, and other Internet stakeholders to support the ability of individuals to exercise their human rights and fundamental freedoms online. The FOC invites all states that support an open and interoperable Internet to apply to join the FOC.

The mission and vision of the FOC are founded upon the notion that the same rights that people have offline must also be protected online; a pioneering notion originally outlined in the founding FOC Hague Declaration, reaffirmed in the Nairobi Terms of Reference , Tallinn Agenda and San José Statement, and further confirmed in UN Human Rights Council resolutions 20/8, 26/13, 28/16 and 32/13, adopted July 5, 2012, June 26, 2014, March 26, 2015, and July 1, 2016, respectively, as well as resolutions 68/167, 69/166 and 71/199 adopted by consensus by the UN General Assembly respectively on December 18, 2013, December 18, 2014, and December 19, 2016.

The FOC seeks to identify best practices regarding the application of human rights obligations and commitments in the evolving online landscape, as well as to call attention to conditions that undermine those rights.

The FOC, through the Digital Defenders Partnership, also provides rapid response to a range of threats to Internet freedom; from supporting bloggers and cyber activists who find themselves under digital attack, to helping them exercise their human rights online in Internet repressive environments. More information on the Digital Defenders Partnership is available at: <http://www.digitaldefenders.org/>.

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