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)
This edition of Global Information Society Watch is dedicated to the people of the Arab revolutions whose courage in the face of violence and repression reminded the world that people working together for change have the power to claim the rights they are entitled to.
Steering committee
Anriette Esterhuysen (APC)
Loes Schout (Hivos)

Coordinating committee
Karen Banks (APC)
Monique Doppert (Hivos)
Karen Higgs (APC)
Marjan Besuji (Hivos)
Joy Liddicoat (APC)
Pablo Accuesto (APC)
Valeria Betancourt (APC)

Project coordinator
Karen Banks

Editor
Alan Finlay

Assistant editor
Lori Nordstrom

Publication production
Karen Higgs, Analía Lavin and Flavia Fascendini

Graphic design
MONOCROMO

info@monocromo.com.uy
Phone: +598 2 400 1685

Cover illustration
Matías Bervejillo

Proofreading
Stephanie Biscomb, Valerie Dee and Lori Nordstrom

Financial partners
Humanist Institute for Cooperation with Developing Countries (Hivos)
Swedish International Development Cooperation Agency (Sida)

The views expressed in this publication are those of the individual authors and not necessarily those of APC or Hivos

Printed in Goa, India
by Dog Ears Books & Printing

Global Information Society Watch
Published by APC and Hivos
South Africa
2011

Creative Commons Attribution 3.0 Licence
<creativecommons.org/licenses/by-nc-nd/3.0/>
Some rights reserved.

ISBN: 978-92-95096-14-1

APC and Hivos would like to thank the Swedish International Cooperation Agency (Sida) for its support for Global Information Society Watch 2011.
Table of contents

Preface ........................................... 7
United Nations Special Rapporteur on
the Promotion and Protection of the Right
to Freedom of Opinion and Expression - FRANK LA RUE

Introduction ................................. 8
Electronic Frontier Foundation - JILLIAN C. YORK

Thematic reports

Conceptualising accountability
and recourse ................................. 13
Association for Progressive Communications - JOY LIDDICOAT

Freedom of expression on the internet:
Implications for foreign policy ............ 18
European University Institute - BEN WAGNER

Towards a cyber security strategy
for global civil society? ................. 21
The Canada Centre for Global Security Studies
and the Citizen Lab, Munk School of Global Affairs,
University of Toronto - RON DEIBERT

Internet intermediaries:
The new cyber police? ................. 25
European Digital Rights - JOE MCNAMEE

E-revolutions and cyber crackdowns:
User-generated content and social
networking in protests in MENA
and beyond ................................ 29
Justus Liebig University Giessen - ALEX COMNINOS

The internet and social movements
in North Africa .......................... 36
Egyptian Blog for Human Rights - RAMY RAOOF

Workers’ rights and the internet ........ 40
LaborNet - STEVE ZELTZER

Sexuality and women's rights ........... 44
Association for Progressive Communications -
JAC SM KEE and JAN MOOLMAN

Internet charters and principles

Internet charters and principles:
Trends and insights ....................... 49
Global Partners and Associates - DIXIE HAWTIN

Mapping rights

Mapping internet rights and freedom
of expression ............................ 55
ict Development Associates - DAVID SOUTER

Country reports

Introduction ................................ 63
Alan Finlay

Argentina .................................. 66
Nodo TAU

Australia .................................. 70
EngageMedia Collective Inc.

Bangladesh ................................ 74
VOICE

Benin ....................................... 78
CréACTION BENIN

Bolivia ..................................... 81
REDES Foundation

Bosnia and Herzegovina ............... 85
oneworld-platform for southeast europe (owpsee)

Brazil ..................................... 89
GPoPAI-USP

Bulgaria ................................... 92
BlueLink Foundation

Cameroon .................................. 96
PROTEGE QV

China ...................................... 99
Danwei

Colombia .................................. 103
Colnodo

Congo, Republic of ....................... 107
AZUR Développement

Costa Rica ................................ 110
Sulá Batsú
Côte d'Ivoire ........................................ 113
nnenna.org

Croatia .............................................. 116
ZaMirNET

Ecuador ............................................. 119
IMAGINAR

Egypt ............................................... 123
ArabDev

Ethiopia ............................................ 127
Ethiopian Free and Open Source Software Network (EFOSSNET)

France ............................................. 130
VECAM

India ................................................. 134
Digital Empowerment Foundation

Indonesia .......................................... 138
EngageMedia Collective Inc.

Iran .................................................. 142
Arseh Sevom School

Italy .................................................. 146
With the support of Centro Nexa

Jamaica ............................................. 150
Telecommunications Policy and Management Programme, University of the West Indies

Japan ............................................... 154
Institute for InfoSocionomics and information Support pro bono Platform (iSPP)

Jordan .............................................. 159
Alarab Alyawm

Kazakhstan ......................................... 163
Adil Nurmakov

Kenya ............................................... 168
Kenya ICT Action Network (KICTAnet)

Korea, Republic of ............................... 172
Korean Progressive Network Jinbonet

Kyrgyzstan ......................................... 176
Civil Initiative on Internet Policy (CIIP)

Lebanon ............................................. 180
Mireille Raad

Mexico ............................................... 184
LaNeta

Morocco ............................................. 188
DiploFoundation

Mozambique ....................................... 191
Polly Gaster

Nepal ............................................... 195
Panos South Asia

The Netherlands .................................. 198
Institute for Information Law

New Zealand ...................................... 202
Jordan Carter Ltd. Internet Consulting

Nigeria .............................................. 206
Fantsuam Foundation

Occupied Palestinian Territory .............. 209
Applied Information Management (AIM)

Pakistan ............................................ 212
Bytes for All Pakistan

Peru .................................................. 215
Red Científica Peruana and CONDESAN

Romania ............................................ 218
StrawberryNet Foundation

Rwanda ............................................. 222
Media High Council

Saudia Arabia ..................................... 226
Saud Arabian Strategic Internet Consultancy (SASiC)

Spain ............................................... 229
Pangea and BarcelonaTech (UPC)

Sweden ............................................. 233
Association for Progressive Communications (APC)

Switzerland ........................................ 236
Comunica-ch

Tanzania ............................................ 240
Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

Thailand ............................................. 243
Thai Netizen Network

Tunisia ............................................. 247
Arab World Internet Institute

United Kingdom .................................. 251
Open Rights Group

United States ..................................... 257
Sex Work Awareness

Uruguay ............................................. 261
OBSERVATIC, Universidad de la República

Venezuela .......................................... 264
EsLaRed

Zambia .............................................. 268
Ceejay Multimedia Consultancy
Unlike any other medium, the internet enables individuals to seek, receive and impart information and ideas of all kinds instantaneously and inexpensively across national borders. Unlike any other technological development, it has created an interactive form of communication, which not only allows you to send information in one direction, but also to send information in many directions and receive an immediate response. The internet vastly increases the capacity of individuals to enjoy their right to freedom of opinion and expression, including access to information, which facilitates the exercise of other human rights, such as the right to education and research, the right to freedom of association and assembly, and the right to development and to protect the environment. The internet boosts economic, social and political development, and contributes to the progress of humankind as a whole; but it is especially an instrument that strengthens democracy by facilitating citizen participation and transparency. The internet is a “plaza pública” – a public place where we can all participate.

The past year has been a difficult time globally: whether the aftermath of the tsunami in Japan, unsteady global markets, post-election riots in Nigeria, civil war in Libya and a military clampdown in Syria. But there have been positive, and equally challenging, developments in countries such as Tunisia and Egypt. Throughout the year people around the world have increasingly used the internet to build support for human rights and social movements. This edition of Global Information Society Watch (GISWatch) offers timely commentary on the future of the internet as an open and shared platform that everyone has the right to access – to access content and to have access to connectivity and infrastructure.

Through the lens of freedom of expression, freedom of association and democracy, the thematic reports included here go to the heart of the debates that will shape the future of the internet and its impact on human rights. They offer, amongst other things, an analysis of how human rights are framed in the context of the internet, the progressive use of criminal law to intimidate or censor the use of the internet, the difficult role of intermediaries facing increasing pressure to control content, and the importance of the internet to workers in the support of global rights in the workplace. Some call for a change of perspective, as in the report on cyber security, where the necessity of civil society developing a security advocacy strategy for the internet is argued. Without it, the levels of systems and controls, whether emanating from government or military superpowers, threaten to overwhelm what has over the years become the vanguard of freedom of expression and offered new forms of free association between people across the globe.

Many of these issues are pulled sharply into focus at the country level in the country reports that follow the thematic considerations. Each of these country reports takes a particular “story” or event that illustrates the role of the internet in social rights and civil resistance – whether positive or negative, or both. Amongst other things, they document torture in Indonesia, candlelight vigils in South Korea, internet activism against forgetting human rights atrocities in Peru, and the rights of prisoners accessing the internet in Argentina. While the function and role of the internet in society remains debated, and necessarily so, in many contexts these stories show that to limit it unfairly will have a harmful impact on the rights of people. These stories show that the internet has become pivotal in actions aimed at the protection of human rights.

GISWatch makes a valuable contribution to dialogue on freedom of expression, freedom of association and democratisation and seeks to inspire and support collaborative approaches.

Frank La Rue
UNITED NATIONS SPECIAL RAPPOPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION
SAVING A PRIZED JAMAICAN WILDERNESS: COMBINING INTERNET PROTESTS WITH LOCAL ACTIVISM

Telecommunications Policy and Management Programme, University of the West Indies
Hopeton S. Dunn
myspot.mona.uwi.edu/msb/biblio

Introduction

The Cockpit Country region in northwestern Jamaica has immense historical and environmental importance. Sparsely populated by rural farmers, it is regarded by geographers as:

[T]he largest remaining intact primary wet lime-
stone forest in Jamaica, and is the home to what
is likely to be the only viable population of the
globally endangered Giant Swallowtail Butterfly. Many of Jamaica's threatened birds are
found there, including the endangered Jamaican
Blackbird, and it is the habitat for 95% of Jamai-
ca's endemic Black-billed Parrot population.

Its vast and varied vegetative cover is considered to
have significant medicinal importance. Additionally,
the Cockpit area replenishes the aquifers of major
rivers such as the Black River, Great River, Martha
Brae, Montego River and Hector's River. These rivers
supply water to at least three of Jamaica's fourteen
parishes.

Against that background, this Jamaica country
report outlines and explains the role of the inter-
net, alongside other traditional media forms, in the
advocacy and resistance of Jamaican lobbyists op-
posed to the government's granting of licences for
bauxite prospecting in the Cockpit Country region.

Policy and political context

Though still in need of updating, Jamaica's policy
frameworks governing the information and
communications technology (ICT) sector and the
environment are steadily reaching global stand-
ards. In 2010, the government launched its new ICT
policy, which takes into account relatively new de-
velopments in ICTs and digital convergence. There
is a Telecommunications Act (2000), an Access to
Information Act (2002), the Electronic Transac-
tions Act (2007), Cybercrimes Act (2010), and a
Copyright Act (1993), all which occur in a context
of ample freedom of expression guaranteed by the
Constitution. The main legislation underpinning
environmental regulation is the Natural Resources
Conservation Authority Act (1991), which forms the
basis for the establishment of the Natural Resour-
ces Conservation Authority (NRCA). In terms of the
actual enforcement of the NRCA Act, the National
Environmental Planning Agency (NEPA) has the
lead responsibility.

Among the varying functions of the NRCA is to
advise the minister on “matters of general policy
relating to the management, development, conserv-
ation and care of the environment.” Additionally,
Section 5 of the NRCA Act grants the minister power
over the NRCA. This ostensibly compromises the au-
tonomy and impartiality of the NRCA. If this is so,
then in instances where the government authorises
economic or social activity that may be deemed to
have a deleterious impact on the environment, civil
society and activists may have to intervene in the
public interest, since the NRCA can be overruled
by the minister. The central challenge, however,
concerns balancing the need for environmental
protection and the need for economic development
and expansion, which is the main prerogative of the
political directorate.

Internet activism and human rights

In December 2006, the Jamaican public was in-
formed that the minister of agriculture had granted
a prospecting licence to the mining company Alcoa.
This news was not of itself unusual, excepting that
the particular prospecting licence would permit Al-
coa to explore for bauxite in the Cockpit Country,
that area of significant national and international
environmental significance so treasured by both
historians and environmentalists.

Professor Michael Day, an international expert
on geomorphology, is quoted as saying:

The Cockpit Country is the international type-
example of cockpit karst landscape, and is
recognised world-wide as a unique and in-
valuable natural heritage. In addition to its
iconic landscape status, it has great biological

1  www.cockpitcountry.org/factsheet.html

significance and plays a critical role in maintaining regional groundwater supplies and river discharges. It is probably the only near-pristine karst system remaining in the Caribbean. Additionally, the Cockpit Country has historical and cultural value as a hearth of resistance to colonial occupation.3

Beyond just the environmental ramifications, it was felt that the government’s unilateral action violated the procedural rights of Jamaicans to be consulted and to be fully engaged in the process of determining whether the Cockpit Country area should be mined for bauxite. These rights are entrenched and guaranteed in the Universal Declaration of Human Rights (UDHR) and the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The UDHR, while not explicitly outlining specific environmental rights, has successfully established reasonable indicators of the link between human and environmental rights when it states in Article 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.” The term “including” must be qualified, since it suggests that the reference is not an exhaustive listing of all factors that could reasonably be construed as being critical to the adequacy of an individuals’ health and well-being, and could be further expanded to include the natural environment.

Despite Jamaica not being a signatory or party to the Aarhus Convention, the provisions of the convention bear direct relevance to the issue at hand. In Article 7, which deals with “Public Participation Concerning Plans, Programmes and Policies Relating to the Environment”, the convention states:

Each Party shall make appropriate practical and/or other provisions for the public to participate during the presentation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. (...) To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in preparation of policies relating to the environment.4

Clearly, given the environmental and historical significance and worth of the Cockpit Country to the material well-being of Jamaicans, they had a procedural right to be consulted in the process of evaluating Alcoa’s application for the prospecting licence. Civil society and environmental activists were therefore forthright in their demonstration and refutation of the government’s position. And, through this protest and advocacy, they succeeded in forcing the government to withdraw the prospecting licence and establish a process for consultation and wider stakeholder participation. But how and in what ways were the internet and other media crucial to the success of the campaign to save the Jamaican Cockpit wilderness?

Democratising access and the amplification of grassroots voices

Since its emergence less than two decades ago, the internet has given rise to a form of bottom-up grassroots politics among environmental advocates and concerned citizens globally, including in Jamaica and in the diaspora. This grassroots politics is characterised by direct participation, self-organising and community action. For instance, a “Cockpit Country.Org” website was launched which contained a “Save the Cockpit Country” online petition. The website was used as a central repository of information about the Cockpit Country, and contained documents such as letters to various stakeholders and press releases.3 Other mainstream media were used, such as newspaper articles and letters to the editor, but the new global media networks extended the reach of such local print inputs and helped overcome the circulation bottlenecks involved in only relying on traditional media forms. The internet was able to galvanise, in a more systematic and widespread way, support from a disparate number of individuals and groups in support of preserving the Cockpit Country. For instance, in the online petition, there were comments from locally based individuals but also Jamaicans and others living outside of the country, in such faraway countries as the Netherlands and Poland.

Clearly, unlike other traditional media platforms, the internet is proving and has proven to be among the most effective media to influence public policy and to also assert people’s right to be consulted on issues with an impact on their material well-being, ecosystems and historical heritage.

Additionally, the Cockpit Country petition and advocacy campaign lend support to the notion of

---

3 Cited in a letter from Wendy Lee to NRCA Chairman James Rawle, 2 November 2006. www.jamaicancaves.org/NJCA_Cockpit-Country_Concerns.pdf
5 www.cockpitcountry.org
the emerging “global citizen”: an individual who believes that by virtue of our global ecological interconnectedness, one has the “right” to comment and influence policy and decisions concerning the environment in foreign jurisdictions when they may have implications for the entire global ecological system. An example here in the context of the Cockpit Country story is the concern that many natural scientists have about the continued existence of the Giant Swallowtail butterfly, the largest in the western hemisphere. This butterfly can be found only in two parts of the world. It is for this reason that many natural scientists in the Western hemisphere are also opposed to any form of mining in the Cockpit region. Clearly, these concerns and the articulation of them transcend just the concerns of native Jamaicans, to that of the global citizen, and these global expressions of concern were enabled by use of the internet.

**Presence and prominence**

Faced with limited resources, the leading activists against mining in the Cockpit Country resorted to low-cost internet campaigns that provided a presence among their respective publics: other international environmental advocates, governments, civil society and ordinary Jamaicans, both in the country and in the diaspora. In addition to the online activism, the internet was also used to post material about the groups’ offline activities, such as community consultation sessions, and scanned hardcopy petitions by residents of the area against the proposed mining activities. Uploading these offline activities online was found to embolden others elsewhere in Jamaica to join in the process and to lobby the government against giving the go ahead for the start of mining in the Cockpit Country region.

**Public education and environmentalism**

By far one of the most critical ways in which the internet has been used in the struggle for human rights in the Cockpit Country mining episode is the level of public education about the need for environmental conservation it enabled. The main advocacy website, for instance, contains copious amounts of information about environmental organisations and their work as well as key information about the Cockpit Country and the need for its preservation. A large number of Jamaicans and others who have visited the website have been exposed to the information about the critical need to preserve the natural environment, and in particular the Jamaican Cockpit Country.

**Conclusions**

Through this instance and others, the internet is being confirmed as a key tool in mobilising public support for environmental, political and ethical causes. Through what are often called the “social networks”, activists have been able to go well beyond the social to make them political and advocacy channels that belie their innocuous designation. It is these channels on the internet that in recent times facilitated a successful uprising in Tunisia and Egypt, and which continue to be used where available to mobilise not just local but global public opinion and support for specific causes. They have helped to bring about transparency in many locales by virtue of ordinary citizens digitally capturing events and activities that are illegal or contrary to the tenets of the UDHR.

In more general terms, the main way in which we see the internet helping in securing human rights is through the empowerment of citizens to lobby for their procedural rights to be engaged and included in policy discussions about issues that bear direct relevance to their history and livelihoods. At the same time this global information channel can be used by governments to better consult their constituents on varying policy decisions, once access to the internet is available to wide segments of the population.

However, despite the potential of the internet in enabling both substantive and procedural rights of citizens in Jamaica, and elsewhere, certain critical access limitations remain. Digital divides persist between those Jamaicans living within the country and those residing in the global industrial countries. Similarly, there is a persistent divide between those Jamaicans who live in urban centres and those who reside in the poor rural communities bordering the Cockpit Country. A 2011 study of Jamaican ICT indicators suggested that while individual internet access in all locations was 42%, only 16% of Jamaican households currently have access to the internet. The study also showed that there was an 18% differential in internet access in favour of those individuals who live in urban centres over rural Jamaican residents.6

The internet was therefore useful in the Cockpit Country struggle, but mainly through its use by elite lobbyists and advocates, linking this new medium with traditional channels and information and advocacy methods. Any repeat of the mining scenario

---

in the Cockpit Country should see ordinary citizens being able to use new media in their own online environmental campaign. But whether this happens or not will depend on strategic measures implemented to improve rural ICT access in Jamaica. In the meantime, the victory over Alcoa and the government of Jamaica remains a notable one, facilitated through use of the internet by those citizens with access to this technology.

**Action steps**

The advocacy campaign to save the Cockpit Country in Jamaica has thrown up some key action steps that must be taken by ICT and environmental activist networks. Some of these include:

- 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.