Supplementary Materials for Webinar #4

# Key Priority Issue: Free Expression

## Global Guiding Principles and Frameworks

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### [GNI Global Principles on Freedom of Expression and Privacy](https://globalnetworkinitiative.org/gin_tnetnoc/uploads/2018/04/GNI-Principles-on-Freedom-of-Expression-and-Privacy.pdf)

The Global Principles on Freedom of Expression and Privacy have been developed by companies, investors, civil society organizations and academics who aim to protect and advance freedom of expression and privacy in the Information and Communications Technology (ICT) industry globally. The Principles are based on internationally recognized laws and standards for human rights and their application is informed by the UN Guiding Principles on Business and Human Rights. The Principles also include a set of [Implementation Guidelines](https://globalnetworkinitiative.org/implementation-guidelines/), aimed to provide further details on how participating companies will put the Principles into practice.

### [International Covenant on Civil and Political Rights](https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx)

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly. It commits it parties to respect the civil and political rights of individuals such as freedom of speech. Article 17 of the ICCPR emphasizes the right to privacy.

### [Santa Clara Principles on Transparency and Accountability in Content Moderation](https://santaclaraprinciples.org/)

New America’s Open Technology Institute and a group of organizations, advocates and academic experts who support the right to free expression developed the Santa Clara Principles which are meant to outline minimum levels of transparency and accountability around content moderation that internet companies should aim to provide. The Principles emphasize the need for transparency around:

* Numbers: Companies should publish the number of posts removed and accounts permanently or temporarily suspended due to violations of their content guidelines
* Notice: Companies should provide notice to each user whose content is taken down or account is suspended about the reason for the removal or suspension.
* Appeals: Companies should provide a meaningful opportunity for timely appeals of any content removal or account suspension.

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### [UN Guiding Principles on Business and Human Rights](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

The UN Guiding Principles on Business and Human Rights (UNGPs) is a framework that affirms that just as governments have a duty to protect human rights, companies also have a responsibility to respect human rights. The principles are grounded in the acknowledgement that the actions of transnational corporations and other business enterprises can significantly impact human rights. The UNGPs articulate the responsibilities of government and business actors with regards to business and human rights, and lays out operational principles for governments and businesses to meet these obligations.

### [Universal Declaration of Human Rights](http://www.un.org/en/universal-declaration-human-rights/)

The Universal Declaration of Human Rights (UDHR) outlines a set of human rights which are to be universally protected. The UDHR was proclaimed by the United Nations General Assembly in December 1948. Article 12 of the UDHR emphasizes the right to privacy.

## Regionally Specific Guiding Principles and Frameworks

### [African Charter on Human and Peoples’ Rights](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf)

The African Charter on Human and Peoples’ Rights, also known as the Banjul Charter, is an international human rights instrument that aims to promote and protect human rights and basic freedoms in the African continent. Oversight of the Charter is conducted by the African Commission on Human and Peoples’ Rights, which is headquartered in Banjul, Gambia. Article 9 of the charter highlights free expression.

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### [American Convention on Human Rights](https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm)

The American Convention on Human Rights, also known as the Pact of San José, is an international human rights instrument that covers the Americas. Compliance with the Convention is overseen by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, both of which stem from the Organization of American States (OAS). Article 11 of the Convention highlights the right to privacy.

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### [European Convention on Human Rights](https://www.echr.coe.int/Documents/Convention_ENG.pdf)

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The European Convention on Human Rights (ECHR) is an international treaty that aims to protect human rights and political freedoms in Europe. Compliance with the Convention is overseen by by the European Court of Human Rights. Article 8 of the Convention highlights privacy.

## Guides, Reports, and Toolkits

### [Applying the Guiding Principles on Business and Human Rights to the ICT Industry Briefing Paper, BSR](https://www.bsr.org/reports/BSR_Guiding_Principles_and_ICT_2.0.pdf)

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In June 2011, the United Nations Human Rights Council approved new Guiding Principles on Business and Human Rights. This decision represented a significant milestone in the history of business and human rights: More clarity exists today than ever before on government's’ duty to protect human rights and the business responsibility to respect human rights. In response, BSR published a report that highlights how companies, particularly those in the ICT industry, should apply the Guiding Principles to their business strategy and operations. In addition, this version of the briefing paper includes 10 lessons BSR learned while working to apply their strategies in practice.

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### [Content Regulation in the Digital Age Report, UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression](https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/ContentRegulation.aspx)

This report addresses the regulation of user-generated online content and was produced based on comments and consultations with a number of civil society actors, companies and experts, including [New America’s Open Technology Institute](https://www.newamerica.org/oti/blog/promisesand-pitfalls-content-regulation-digital-age/) and New America’s [Ranking Digital Rights](https://rankingdigitalrights.org/wp-content/uploads/2018/01/RDR-2018-David-Kaye-Submission.pdf) program. The report recommends that States ensure an enabling environment for online freedom of expression and that companies apply human rights standards at all stages of their operations. Companies and States should at a minimum improve their transparency efforts, from rulemaking to enforcement of their rules, as this will ensure user autonomy as individuals increasingly exercise fundamental rights online.

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### [Corporate Accountability Index, Ranking Digital Rights](https://rankingdigitalrights.org/)

Ranking Digital Rights produces an annual [Corporate Accountability Index](https://rankingdigitalrights.org/index2018/) that evaluates 24 of the world’s most powerful internet, mobile, and telecommunications companies on their disclosed commitments and policies affecting freedom of expression and privacy. The Index provides concrete and measurable steps that internet, mobile, and telecommunications companies—as well as other companies throughout the sector—can take to improve how and what they disclose about policies and practices that impact digital rights, instead of having to come up with the answers on their own. The [Privacy category of the Index Methodology](https://rankingdigitalrights.org/2019-indicators/) seeks evidence that the company demonstrates concrete ways in which it respects the right to privacy of users. The company’s disclosed policies and practices should demonstrate how it works to avoid contributing to actions that may interfere with users’ privacy, except where such actions are lawful, proportionate and for a justifiable purpose. The company should also demonstrate a strong commitment to protect and defend users’ digital security, and clearly explain how they handle user information.

[Findings from the 2018 Corporate Accountability Index](https://rankingdigitalrights.org/index2018/report/privacy-failures/) show that companies don’t disclose enough about how they handle user information, which makes it difficult to assess the privacy, security, and human rights risks of using their services. In addition, the [2017 Investor Note](https://rankingdigitalrights.org/wp-content/uploads/2017/09/RDR_2017InvestorNote.pdf) and [2018 Investor Update](https://rankingdigitalrights.org/wp-content/uploads/2018/10/RDR_2018InvestorUpdate.pdf) both highlight the material risks in the ICT sector when companies fail to adequately assess the freedom of expression and privacy risks associated with their business practices.

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### [Getting Internet Companies To Do the Right Thing, New America’s Open Technology Institute](https://www.newamerica.org/in-depth/getting-internet-companies-do-right-thing/)

For advocates seeking to protect privacy and security online, one of the most powerful levers for change is the internet industry itself. Getting internet companies to do the right thing when it comes to protecting their users can have a positive impact on millions or even billions of people. OTI explores how to push companies’ to do the right thing by developing case studies on three privacy and security practices:

* [Using Transit Encryption by Default](https://www.newamerica.org/in-depth/getting-internet-companies-do-right-thing/case-study-1-using-transit-encryption-default/)
* [Offering Two-Factor Authentication](https://www.newamerica.org/in-depth/getting-internet-companies-do-right-thing/case-study-2-offering-two-factor-authentication/)
* [Transparency Reporting](https://www.newamerica.org/in-depth/getting-internet-companies-do-right-thing/case-study-3-transparency-reporting/)

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### [Privacy and Free Speech: It’s Good for Business Guide, ACLU of California](https://www.itsgoodfor.biz/)

Over the past few years, scandal after scandal has put tech companies under a microscope. Users, policymakers, and investors are demanding to know how companies are protecting privacy and free speech, and companies that fail to do so are being held accountable, by the government, by their users, and by their employees. This guide offers advice for companies wrestling with today’s most pressing challenges and includes sections on respecting user data, being transparent, partnering with users, and speaking up for free speech.

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### [Transparency Reporting Toolkit on Content Takedown Reporting, New America’s Open Technology Institute](https://www.newamerica.org/oti/reports/transparency-reporting-toolkit-content-takedown-reporting/)

This toolkit surveys how 35 global internet and telecommunications companies report on six categories of content takedowns and offers a set of guiding best practices on how their reporting can be improved going forward, with a focus on making them clearer, more detailed and more standardized across companies.

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### [Who Has Your Back (Censorship Edition), The Electronic Frontier Foundation](https://www.eff.org/who-has-your-back-2018)

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EFF’s Who Has Your Back report aims to provide objective measurements for analyzing the policies and advocacy positions of major technology companies when it comes to handling data to the government. This year for the first time, EFF issued a Who Has Your Back report focused on censorship. It assess companies’ policies against the following criteria:

* Transparency in reporting government takedown requests based on both legal requests and requests alleging platform policy violations;
* Providing meaningful notice to users of every content takedown and account suspension;
* Providing users with an appeals process to dispute takedowns and suspensions; and
* Limiting the geographic scope of takedowns when possible

## Corporate Resources

Here are examples of Corporate Transparency Reports Related to Government Requests for User Data

### Google

* [Government requests for content removals report](https://transparencyreport.google.com/government-removals/overview?hl=en)
* [YouTube Community Guidelines enforcement report](https://transparencyreport.google.com/youtube-policy/overview?hl=en)

### Facebook

* [Community Standards](https://www.facebook.com/communitystandards)
* [Content restrictions report](https://transparency.facebook.com/content-restrictions)
* [Community Standards Enforcement report](https://transparency.facebook.com/community-standards-enforcement)

### Twitter

* [Legal requests for content removal report](https://transparency.twitter.com/en/removal-requests.html)
* [Government Terms of Service requests report](https://transparency.twitter.com/en/gov-tos-reports.html)

### Tumblr

* [Copyright and trademark request report](https://www.tumblr.com/transparency)