**TESTIMONY OF**

# HUMAN RIGHTS FIRST

**HEARING ON**

**HUMAN RIGHTS CHALLENGES FACING THE TECHNOLOGY INDUSTRY**

**BEFORE THE**

**SENATE JUDICIARY SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW**

**MARCH 2, 2010**

Human Rights First thanks Senator Durbin and the Senate Judiciary Subcommittee on Human Rights and the Law for its ongoing leadership to examine the human rights challenges facing the technology industry. Threats to freedom of expression and privacy on the Internet and other communications technologies are gaining ground, impeding not only the freedom of individuals but also the work of civil society organizations and human rights defenders around the globe. These challenges are not limited to China and Google, and they now permeate the business environment in the technology sector. Every company in this sector with an international presence must consider the human rights impacts of its operations. Action by the Administration and the Congress is needed to ensure that U.S. policy is responsive to the challenges faced by those on the frontlines of the struggle to protect Internet freedom and that companies are being held accountable for their human rights impacts.

## INTRODUCTION

New technology demands new thinking about how companies, governments and civil society groups can each work to protect freedom of expression and privacy . Each has a part to play. Secretary of State Clinton's January 21 speech marked a major turning point for promoting freedom of expression, and made clear the Obama Administration's intent to put into practice its previously stated commitment to Internet freedom - a welcome announcement. We encourage this Subcommittee to oversee these efforts, to ensure that all parts of the government concerned with this issue are coordinating their efforts behind a concrete strategy, as further discussed below. We also recommend that the Subcommittee consider several steps it can take to encourage greater transparency and attention to human rights by companies in the technology sector.

## OVERSIGHT OF U.S. GOVERNMENT EFFORTS

As a starting point, the Subcommittee should help to ensure collaboration among the various agencies and offices charged with aspects of internet policy. Any U.S. policy to address threats to Internet freedom must incorporate and coordinate diplomacy, economic and security objectives. If these various efforts are not closely coordinated and aligned, there is the danger that U.S. policies in this sphere may be duplicative, or at cross purposes. It will be especially important to ensure that the various U.S. government departments and agencies transmit a consistent message to foreign governments and to the private sector on protecting Internet freedom.

The Subcommittee can also help ensure that the experiences and priorities of civil society groups and human rights defenders are taken into account as the Administration develops and implements their Internet freedom strategy.

As seen in recent events in China and Iran, as well as less publicized repression in Russia, Egypt, Belarus and elsewhere, the voices of civil society and human rights defenders are among the first to be silenced by repressive government communication technology policies. The U.S. Internet freedom strategy must focus on support for and protection of those voices. Activists from over 20 countries recently raised the importance of

protecting Internet freedom when they met with President Obama as part of the Human Rights Summit 2010 organized by Human Rights First and Freedom House.

The State Department's commitment to expand reporting on Internet freedom as part of annual country reporting on human rights will help focus attention and activities where most needed. In countries where freedom of expression is curtailed, U.S. Embassies and missions should develop plans of action for supporting the open use of communications technology by independent civil society organizations, media and human rights defenders. This would include convening regular meetings and building relationships with human rights defenders, journalists and bloggers – to show support and to remain engaged, and monitoring repressive government actions against human rights defenders. U.S. Embassies can also help bring together civil society activists, bloggers and others with technology companies operating in their countries.

Among other components of this policy as recommended by our Summit participants are: ensuring that respect for Internet freedom is a consideration in U.S. trade and investment policies, technical support and foreign assistance; reviewing U.S. export control and related policies to ensure that technology is not being denied to activists, or, conversely, being used by governments to violate the rights of activists; support for access to anti-circumvention tools; and continuing support for broadcast of news into countries where the media is heavily censored.

PRIVATE SECTOR ENGAGEMENT

The U.S. government has made clear that companies have its support in fighting repressive censorship and surveillance practices that threaten Internet freedom around the globe. But companies must do their part as well. We welcome the Subcommittee's ongoing engagement with companies to hold them accountable for the human rights impacts of their operations, and to make clear that the failure by companies to address those impacts may trigger sanctions.

Relying on individual companies to make the right decisions without mechanisms for transparency, reporting and accountability to other stakeholders simply does not go far enough to ensure respect for freedom of expression and privacy. As this Subcommittee has recognized, voluntary multistakeholder initiatives like the Global Network Initiative provide invaluable support and guidance for companies often forced to navigate difficult waters as they address the human rights impact of their operations – which involve hundreds of millions of Internet users around the world.

The Global Network Initiative is working toward a fully functioning, transparent and accountable mechanism to address human rights concerns. It has several key elements: clear standards, guidelines for implementation, and an independent assessment mechanism. It is a cost effective strategy for managing business and human rights risk, and it offers ongoing learning and expertise that no one company can provide. Human Rights First has played an active role in the development of this initiative, drawing on over 15 years' expertise in multistakeholder approaches to human rights concerns. We

hope that GNI membership will, over time, become a yardstick by which company respect for Internet freedom can be measured. We recommend that the Subcommittee continue its efforts to encourage companies to join the GNI as one way to address the human rights challenges that they face in doing business in the information sector.

We respectfully suggest that the Subcommittee consider these additional measures to encourage information technology companies to accept responsibility for the human rights impact of their business operations:

- Take the lead in development of definitions and standards on Internet freedom that are necessary to form the basis for U.S. engagement with foreign governments, companies and international institutions.

- Work with the Department of State and the GNI to support a series of convenings on privacy and surveillance issues of central concern to the technology industry, in order to develop focused recommendations for industry best practices and supportive government policies. Civil society organizations and human rights defenders in countries where Internet freedom is curtailed should be a part of these discussions.

- Request the Departments of State, Commerce and the Office of the U.S. Trade Representative to collaborate on a joint training initiative for personnel responsible for U.S. government Internet related policies and programs and other forms of industry facing engagement, in partnership with the GNI. This training should include information to assess the effectiveness of corporate policies on Internet freedom and the key components of such policies.

CONCLUSION

Human Rights First looks forward to continuing to work with Senator Durbin and the Subcommittee to ensure the development and coordination of a focused and robust U.S. policy on Internet freedom and to ensure greater private sector accountability for promoting freedom of expression and privacy in global operations.