Reporters Without Borders at the World Summit on the Information Society

@ The 15 enemies of the Internet

@ Internet governance

@ Six recommendations to ensure freedom of the expression on the Net

Tunis / 16-18 November 2005

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INTERNET UNDER SURVEILLANCE

WORLD SUMMIT ON THE INFORMATION SOCIETY [Tunis / 16–18 November 2005]

The 15 enemies of the Internet and other countries to watch

Reporters Without Borders marks the World Summit on the Information Society by presenting 15 countries that are "enemies of the Internet" and pointing to a dozen others whose attitude to it is worrying.

The 15 "enemies" are the countries that crack down hardest on the Internet, censoring independent news sites and opposition publications, monitoring the Web to stifle dissident voices, and harassing, intimidating and sometimes imprisoning Internet users and bloggers who deviate from the regime's official line.

The "countries to watch" do not have much in common with the «enemies of the Internet.» The plight of a Chinese Internet user, who risks prison by mentioning human rights in an online forum, does not compare with the situation of a user in France or the United States. Yet many countries that have so far respected online freedom seem these days to want to control the Internet more. Their often laudable aims include fighting terrorism, paedophilia and Internet-based crime, but the measures sometimes threaten freedom of expression.

The 15 enemies of the Internet
(in alphabetical order)

Belarus
The regime uses its monopoly of the communications system to block access to opposition websites when it chooses, especially at election time. President Alexander Lukashenko dislikes criticism, as shown by the harassment in August 2005 of youngsters who were posting satirical cartoons online.

Burma
This country is among the very worst enemies of Internet freedom and in many ways its policies are worse than China's. The price of computers and a home Internet connection is prohibitive so Internet cafés are the target of the military regime's scrutiny. As in neighbouring Vietnam and China, access to opposition sites is systematically blocked, in this case with technology supplied by the US firm Fortinet. Burma's censorship is special – Web-based e-mail, such as Yahoo! or Hotmail, cannot be used and all Internet café computers record every five minutes the screen being consulted, to spy on what customers are doing.

China
China was one the first repressive countries to grasp the importance of the Internet and of controlling it. It is also one of the few countries that has managed to "sanitise" the Internet by blocking access to all criticism of the regime while at the same time expanding it (China has more than 130 million users). The secret of this success is a clever mix of filter technology, repression and diplomacy. Along with effective spying and censorship technology, the regime is also very good at intimidating users and forcing them to censor their own material. China is the world's biggest prison for cyber-dissidents, with 62 in prison for what they posted online.

Cuba
President Fidel Castro's regime has long been good at tapping phones and these days is just as skilled when it comes to the Internet. The Chinese model of expanding the Internet while keeping control of it is too costly, so the regime has simply put the Internet out of reach for virtually the entire population. Being online in Cuba is a rare privilege and requires special permission for the ruling Communist Party. When a user does manage to get connected, often illegally, it is only to a highly-censored version of the Internet.

Iran
The information ministry boasts that it currently blocks access to hundreds of thousands of websites, especially those dealing in any way with sex but also those providing any kind of independent news. A score of bloggers were thrown in prison between autumn 2004 and summer 2005. One of them, Mojtaba Saminejad, 23, has been held since February 2005 and was given a two-year sentence in June for supposedly insulting the country's Supreme Guide, Ayatollah Ali Khamenei.

Libya
With nearly a million people online (about a sixth of the population), Libya could be a model of Internet expansion in the Arab world. But it has no independent media, so the Internet is controlled, with access blocked to dissident exile sites by filters installed by the regime, which is also now targeting cyber-dissidents, with the January 2005 arrest of former bookseller Abdel Razak al-Mansouri, who posted satirical articles on a London-based website. He was sentence in October to 18 months in prison for supposed "illegal possession of a gun."

The Maldives
The archipelago is a paradise for tourists but

a nightmare for cyber-dissidents. The 25-year regime of President Maumoon Abdul Gayoom cracks down harshly on freedom of expression. Several opposition websites are filtered and one of four people arrested in 2002 is still in prison for helping to produce an e-mailed newsletter. A British company, Cable & Wireless, controls Internet access in the country.

Nepal
King Gyanendra's first reflex when he seized power in February 2005 was to cut off Internet access to the outside world. It has since been restored, but the regime continues to control it and most online opposition publications, especially those seen as close to the Maoist rebels, have been blocked inside the country. Bloggers discussing politics or human rights do so under constant pressure from the authorities.

North Korea
The country is the most closed-off in the world and the government, which has total control of the media, refused until recently to be connected to the Internet. Only a few thousand privileged people have access to it and then only to a heavily-censored version, including about 30 sites praising the regime. Among these is www.uriminzokkiri.com, which has photos and adulation of the "Dear Leader" Kim Jong-il and his late father Kim Il Sung.

Saudi Arabia
The government agency in charge of "cleaning up" the Web, the Internet Service Unit (ISU), boasts that it currently bars access to nearly 400,000 sites with the aim of protecting citizens from content that is offensive or violates Islamic principles and social standards. The sites blocked deal mainly with sex, politics or religion (except those about Islam that are approved by the regime). This censorship regularly affects blogging, and blogger.com was made inaccessible for several days in October 2005.

Syria
The accession to power of President Bashar el-Assad in 2000 raised hopes of greater freedom of expression, but these were disappointed. The regime restricts Internet access to a minority of privileged people, filters the Web and very closely monitors online activity. A Kurdish journalism student is in prison for posting photos on a foreign-based site of a demonstration in Damascus. Another Internet user was freed in August 2005 after more than two years in prison for simply passing by e-mail on a foreign-produced newsletter. Both were tortured in prison.

Tunisia
President Zine el-Abidine Ben Ali, whose family has a monopoly on Internet access inside the country, has installed a very effective system of censoring the Internet. All opposition publications are blocked, along with many other news sites. The regime also tries to discourage use of webmail because it is harder to spy on than standard mail programmes that use Outlook. The Reporters Without Borders site cannot be seen inside Tunisia. The government also jails cyber-dissidents and in April 2005, pro-democracy lawyer Mohammed Abbou was given a three-and-a-half-year sentence for criticising the president online. Yet Tunisia seems well thought-of by the international community for its management of the Internet since it has been chosen the International Telecommunication Union to host the second stage of the World Summit on the Information Society (WSIS) in November 2005.

Turkmenistan
No independent media exists here under the dictatorship of megalomaniac Stalinist President Neparmurad Nyazov. As in Cuba and North Korea, the regime takes a radical attitude to the Internet and keeps virtually all citizens away from it, with home connections not allowed. There are no Internet cafés and the Web is only accessible through certain companies and international organisations. Even when connected, it is only to a censored version of the Internet.

Uzbekistan
President Islam Karimov proclaimed the "era of the Internet" in his country in May 2001. On-line facilities have expanded rapidly but so has censorship of them. The state security service frequently asks ISPs to temporarily block access to opposition sites. Since June 2005, some Internet cafés in the capital have displayed warnings that users will be fined 5,000 soms (4 euros) for looking at pornographic sites and 10,000 (8 euros) for consulting banned political sites.

Vietnam
The country closely follows the Chinese method of controlling the Internet, but though more ideologically rigid, the regime does not have the money and technology China has to do this. It has Internet police who filter out "subversive" content and spy on cybercafés. Cyber-dissidents are thrown in prison and three have been in jail for more than three years for daring to speak out online in favour of democracy.

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Countries to watch
(in alphabetical order)

Bahrain

Except for pornographic sites, Bahrain does not censor the Internet much. But it has unfortunately begun to regulate it in ways that endanger freedom of expression. The government said in April 2004 that all online publications, including forums and blogs, must be officially registered. Loud protests led to suspension of the measure but it is still on the books. Three editors of a forum were held for nearly two weeks in March 2005 for allowing "defamation" of the king to be posted.

Egypt

The government has taken steps since 2001 to control online material. Though censorship is minor, some criticism of the government is not welcome. The government seems unsure what to do about the explosion of blogs, being more used to pressuring the traditional media. A blogger was arrested for the first time in late October 2005 because of the content of his blog.

European Union

The EU is responsible for regulating the Internet and rulings often apply to member-states. A European directive on 8 June 2000 about e-commerce proved a threat to freedom of expression, by making ISPs responsible for the content of websites they host and requiring them to block any page they consider illegal when informed of its existence. This creates a private system of justice, where the ISP is called on to decide what is illegal or not. Technicians thus do the job of a judge. The EU is now studying a proposal to oblige ISPs to retain records of customers' online activity. The proposal could limit Internet users' right to privacy.

Kazakhstan

The media here, including the Internet, are under official pressure and control of online publications has become a key issue because many government scandals have been exposed on websites. President Nursultan Nazarbayev's regime added new sites to its blacklist in January 2005, including that of a democratic opposition party. In October, an opposition site was forced to give up its national domain name (.kz) after officially-inspired legal action.

Malaysia

Government intimidation of online journalists and bloggers has increased in the past three years, notably of Malaysiakini, the country's only independent online daily whose journalists have been threatened and its premises searched. Summonses and questioning of bloggers has been stepped up recently, leading to self-censorship that harms democracy.

Singapore

The government does not filter the Internet much but is good at intimidating users and bloggers and website editors have very little room for manoeuvre. A blogger who criticised the country's university system was forced to shut down his blog in May 2005 after official pressure.

South Korea

The country is the fourth most-wired country in the world but it excessively filters the Internet, blocking mainly pornographic sites but also publications that supposedly "disturb public order," including pro-North Korean sites. The government is very sensitive to political opinions expressed online and punishes Internet users they consider go too far. Two users were briefly detained and then fined in 2004 for posting pictures online making fun of opposition figures.

Thailand

The government filters the Internet as part of its fight against pornography and has used it to extend censorship well beyond this. The method employed is also sly, since when a user tries to access a banned site, a message comes back saying "bad gateway," instead of the usual "access refused" or "site not found." In June 2005, the websites of two community radio stations very critical of the government were shut down after it pressed their ISP to do so.

United States

US policy towards the Internet is important because it is the country where the Internet began. But its laws about interception of online traffic do not provide enough privacy guarantees for users. Leading US Internet firms such as Yahoo!, Cisco Systems and Microsoft are also working with censorship authorities in China, thus throwing doubt on the US commitment to freedom of expression. The United States, home of the First Amendment, the Internet and blogs, should be a model for respecting the rights of Internet users.

Zimbabwe

The local media says the government is about to take delivery of Chinese equipment and technology to spy on the Internet. The state telecoms monopoly TelOne asked ISPs in June 2004 to sign contracts allowing it to monitor e-

mail traffic and requiring them to take steps to stop illegal material being posted. Since political opposition seems to be regarded as illegal by President Robert Mugabe, this is bad news for the country's Internet users.

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Internet governance, the position of Reporters Without Borders

The second stage of the World Summit on the Information Society (WSIS) in Tunis from 16 to 18 November will be a showy United Nations event where countries will try to agree on the legal and technical future of the Internet. How the Web is administered and regulated world-wide will be the hottest topic on the agenda.

The United States currently controls the main bodies that run the Internet, including the main one, ICANN, a California-based legal body that assigns domain names worldwide. Virtually every other country criticises this US monopoly as unacceptable.

The reaction is understandable because ICANN's decisions, though they seem very technical, have direct political repercussions. It can, in theory, block access to country domain names (for example, all the .fr or .cn sites). Money is also an issue because the body that runs the Internet has power to give advantage to some technologies and thus certain firms. The recent hiring by Google of Internet pioneer Vinton Cerf, ICANN's vice-president, has therefore raised concern.

The situation can certainly be criticised but the proposed remedies seem much worse. China, Cuba and the world's other most repressive countries want to hand over control of the Internet to an independent supra-national body such as the United Nations. But the UN's clumsy record on human rights - its Rights Commission was recently chaired by Libya - make the prospect a chilling one.

Do we really want the countries that censor the Internet and throw its users in prison to be in charge of regulating the flow of information on it? The simple fact of holding of WSIS in Tunisia, whose president and his family control the national media and Internet access with an iron grip, shows that freedom of expression is not seen as a key issue at the Summit.

Yet under all the world's dictatorships, the Internet is these days an outlet for independent news that escapes censorship. Seeing the Internet as just something technical and thus allowing the likes of Iran and Vietnam to take part in running it worldwide is a mistake that could cost hundreds of millions of users dearly.

The European Union has recently distanced itself clearly from the US position. Without lining up with China, it wants the WSIS to come up with a new multilateral decision-making process. It suggests that an international forum of private and public representatives be involved in running the Internet. But this is still too vague to be a credible alternative.

The entire Internet depends on the reliability of procedures and technology approved by ICANN. Politicians sometimes have to be consulted, but giving too much importance to governments could harm the growth of the Web and undermine its stability.

It is hard to justify ICANN being under control of one country forever. The United States will have to negotiate on this point and indeed it has proposed that the Internet be run by the private sector.

It has to be admitted that the US has managed to develop the Internet without major problems and that it broadly respects online freedom of expression. So let us hope an acceptable compromise - that reduces government intervention to a minimum and guarantees freedom of expression -will be found at the WSIS. If not, it would be best to leave things as they are.

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Reporters Without Borders and the OSCE make six recommendations to ensure freedom of expression on the Internet.

This declaration by Reporters Without Borders and the representative of the OSCE (Organisation for Security and Cooperation in Europe) on Freedom of the Media aims to deal with the main issues facing countries seeking to regulate online activity. Should the Web be filtered ? Can online publications be forced to register with the authorities ? What should the responsibility of service providers (ISPs) be ? How far does a national jurisdiction extend ?

Reporters Without Borders thinks the six recommendations go beyond Europe and concern every country. It hopes they will provoke discussion during the World Summit on the Information Society (WSIS).

Full text of the Declaration :

1. Any law about the flow of information online must be anchored in the right to freedom of expression as defined in Article 19 of the Universal Declaration of Human Rights.

2. In a democratic and open society it is up to the citizens to decide what they wish to access and view on the Internet. Filtering or rating of online content by governments is unacceptable. Filters should only be installed by Internet users themselves. Any policy of filtering, be it at a national or local level, conflicts with the principle of free flow of information.

3. Any requirement to register websites with governmental authorities is not acceptable. Unlike licensing scarce resources such as broadcasting frequencies, an abundant infrastructure like the Internet does not justify official assignment of licenses. On the contrary, mandatory registration of online publications might stifle the free exchange of ideas, opinions, and information on the Internet.

4. A technical service provider must not be held responsible for the mere conduit or hosting of content unless the hosting provider refuses to obey a court ruling. A decision on whether a website is legal or illegal can only be taken by a judge, not by a service provider. Such proceedings should guarantee transparency, accountability and the right to appeal.

5. All Internet content should be subject to the legislation of the country of its origin («upload rule») and not to the legislation of the country where it is downloaded.

6. The Internet combines various types of media, and new publishing tools such as blogging are developing. Internet writers and online journalists should be legally protected under the basic principle of the right to freedom of expression and the complementary rights of privacy and protection of sources.