Digital freedom strategy in EU foreign policy

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The Committee on Foreign Affairs adopted an own-initiative report by Marietje SCHAAKE (ADLE, NL) on a Digital Freedom Strategy in EU Foreign Policy.

Members recall that technological developments enable individuals all over the world to use new information and communication technologies (ICTs) and to connect to the internet, thus fostering revolutionary changes in societies, the functioning of democracy, governance, the economy, business, media, development and trade. They consider that the internet is a key enabler of access to information, freedom of expression, freedom of press, freedom of assembly, and economic, social, political and cultural development. Human rights need to be protected and promoted by the EU, both offline and online.

The main recommendations contained in the report are the following:

Human rights and development: the report recognises that uncensored access to the open internet, mobile phones and ICTs have impacted on human rights and fundamental freedoms, exerting an enabling effect, by expanding the scope of freedom of expression, access to information, the right to privacy and freedom of assembly across the world. Nevertheless, Members are aware of the new risks and dangers for human rights arising from the misuse of ICTs.

Stressing that effective EU development and human rights policies require the **mainstreaming of ICTs and bridging the digital divide**, the report calls on the Commission to:

- to duly address the fact that there are countries practising the repression and control of citizens, civil society organisations and activists, while business in some countries involves a growing technological component in terms of the blocking of content and the monitoring and identification of human rights defenders, journalists, activists and dissidents;
- act against the criminalisation of legitimate expression online and the adoption of restrictive legislation to justify such measures ;
- ensure coherence between the EU's external actions and its own internal strategies when defending strictly necessary and proportionate restrictions on fundamental rights.

Members stress that **the promotion and protection of digital freedoms should be mainstreamed and annually reviewed so as to ensure accountability and continuity, in all the EU's external actions**, financing and aid policies and instruments, under the leadership of the High Representative and the EEAS. They encourage the EU Special Representative for Human Rights **to name digital freedoms and the 'No Disconnect Strategy'among his key priorities**.

Trade: Members believe that digital freedoms and cross-border trade should go hand in hand in order to create and optimise business opportunities for European companies in the global digital economy. They deplore the fact that EU-made technologies and services are sometimes used in third countries to violate human rights. They urge the Commission to take all necessary steps to stop this 'digital arms trade' and call for a **ban on exports of repressive technologies and services to authoritarian regimes**.

The Commission is invited to

- submit, during 2013 at the latest, **proposals requiring increased transparency and accountability on the part of EU-based companies**, as well as the disclosure of human rights impact assessment policies, with a view to improving the monitoring of exports of ICTs, products and services aimed

at blocking websites, mass surveillance, tracking and monitoring of individuals, breaking into private (email) conversations or the filtering of search results;
- submit proposals for an **EU legal framework** that would oblige companies engaging in public procurement in Member States to perform human rights impact assessments on the relevant ICTs, starting at the R&D phase, and ensure non-complicity in possible human rights violations in third countries.

The report calls for the inclusion of **conditionality clauses** in EU FTAs, stipulating transparent safeguards, preserving unrestricted access to the internet, and ensuring the free flow of information. It calls on the EU to provide **political backing to European companies** which are faced with requests to remove user-generated content or provide personal information in ways that breach fundamental rights and curtail the freedom to conduct business.

Internet governance: Members consider **transparent and collaborative decision-making** to be essential in order to ensure respect for the open and participatory nature of the internet. In their view, any debate on regulations concerning the internet should be open and involve all stakeholders, especially those specialised in fundamental rights protection. They believe the **EU should play a leading role** in the development of digital freedom ground-rules and norms of behaviour in cyberspace, including dispute settlement mechanisms and taking account of conflicting jurisdictions.

The report stresses the importance of an **overall EU strategy for internet governance**, as also for issues related to telecom regulation, recalling that the sector is internationally governed through the International Telecom Union, in which EU Member States each have one vote. In this context, the Commission is called upon to swiftly present its EU-wide Cloud Computing Strategy, as highlighted in the Digital Agenda for Europe.

Members consider that more **global cooperation** is needed in order to uphold and modernise intellectual property rights (IPR) in the future, this being vital to ensure innovation, employment and open world trade. They call on the Member States and the Commission to **develop IPR policy** in order to continue to allow those who wish to create their own content and share it without acquiring IPRs to do so. They recommend a revision of the Intellectual Property Rights Enforcement Directive (IPRED), which would balance the need for relevant copyright reform and protection with the need to protect fundamental rights online and preserve the open internet.

A digital freedom strategy: the report invites the Commission and the Council to adopt a Digital Freedom Strategy in EU foreign policy as soon as possible.

Underlining that human rights must also be protected online, the report calls for:

- ICTs to be mainstreamed **in all EU programmes**, especially in the European Neighbourhood Policy and the strategic partnerships;
- the Union to recognise **digital freedoms as fundamental rights** and as indispensable prerequisites for enjoying universal human rights.

The report calls on the Commission and the Council to:

- **support, train and empower human rights defenders**, civil society activists and independent journalists using ICTs in their activities;
- promote and preserve **high standards** of digital freedom in the EU, in particular by codifying the principle of net neutrality by means of appropriate regulation, so as to strengthen the Union's credibility in terms of promoting and defending digital freedoms around the world.

Lastly, Members consider coordination and joint diplomatic initiatives with other OECD countries in developing and executing a digital freedom strategy to be essential for efficient and agile action.