As the US Secretary of State Hillary Clinton stated in her keynote speech at the first Freedom Online conference in The Hague conference in December 2011, the need to guarantee Internet freedom is a global responsibility. UNESCO has no hesitation in acknowledging its commitment as one of the intergovernmental organisations active in pursuing this responsibility. This follows from our imperative, as enshrined in our Constitution, to promote the “free flow of ideas by word and image”. As such, this UN body - representing 195 member states - is firmly committed to enabling a free, open and accessible Internet space as part of promoting comprehensive freedom of expression online and offline. We at UNESCO stand for media that is free, pluralistic and independent, and this applies online as much as offline.

It is quite clear that the freedom of expression is not only a human right, but is also in the development interests of all countries. Restraints on the flow of information directly undermine economic well-being at global level. Global interdependence means that those who can receive and disseminate information freely have an edge over those who do not. The ability to receive, download and send information through electronic networks, and the capacity to share information, have become crucial to the health of economies and civil societies and have a direct impact on the accountability, effectiveness and transparency of governments.

We believe it is in the best interests of all governments to resist the temptation to control and censored information for short-term political gain. It is the best interests of their citizens to live in a state that is free, that is economically competitive and that has an effective government. We therefore much appreciate the initiative of Freedom Online coalition, and encourage all countries committed to promoting Internet freedom to also help to promote greater, freer and fairer access to information technology worldwide, and especially in support of those living in the developing world.

In recent years, we have witnessed a steady growth of Internet usage in Africa, with an estimated 140 million internet users, or 13.5% of the population on the continent, currently using the net. Increased popularity of social media and mobile phone to access the internet are all enabling more people in Africa to get online for various purposes including mobile banking, connecting with fellow citizens and with leaders, tracking corruption and poor service delivery, etc. The impact of social media in the Arab Spring uprisings has led many governments including those in Africa to recognize the power of online media in combination with other media.

While we applaud the emerging communications opportunities, we are concerned that, as is the case in other regions, the increasing usage of the internet has in some African countries attracted negative attention from the authorities. States should be emphasizing the obligation of the state as described by the UN Human Rights Committee, in its General Comment number 34 on the International Covenant on Civil and Political Rights, which is to protect citizens from any entity that impairs the enjoyment of
freedom of expression. The same UN HRC General Comment urges UN member states to foster the independence of new media and to ensure access.

Instead of following the drift of these recommendations, some of our governments are overly-eager to focus on problems, real – or more often – still hypothetical, and in the process overshadow the opportunities. They place caveats on the openness of the net and the range of freedoms which citizens, media and civil society organizations enjoy online. In a number of African countries, there have already been curbs on internet rights in the name of security. Bloggers have been arrested. Internet intermediaries are sometimes ordered to pull down internet content deemed to be hostile to, or even merely critical of, governments, thus curbing the rights to freedom of expression and opinion on the internet. The proportion of concern for facilitating freedom of expression gets out of balance with concern for possible abuses of expression, forgetting that limitations must always be the exception not the norm. In the words of the Human Rights Committee General Comment, “the relation between the right and restriction and between norm and exception must not be reversed”.

Even worse, some governments also seem to forget that limitations on freedom of expression, to the extent they do indeed merit attention, are only legitimate if they meet all three tests of international standards which put boundaries on what can be limited, and the process of how it can be limited.

- First, only that content that violates other rights (for example like reputation), or which runs against very specific social purposes (to be discussed below) can be subjected to limits. Accordingly, any restrictions need to be for proper purpose, i.e. for one of the very specific reasons directly related to protecting other rights or social purposes. In this regard, as the UN Human Rights Committee General Comment states, it is not permissible to “prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.”
- Second, restrictions are boundaried by how any legitimate limits may be implemented: they need to be transparent, and law-based rather than arbitrary.
- Third, even if the above are met, it is also vital that limitations on expression also need to be proportional to the problem at hand, and not constitute a form of overkill.

Africa is not unique in some governments getting it wrong. As demonstrated by UNESCO’s 2011 publication “Freedom of Expression: Freedom of Connection, the Changing Legal and Regulatory Ecology Shaping the Internet”, there is a global tendency where more and more controls and regulations, in one way or another, have been applied in many countries. In many cases they clearly do not conform to the international standards for justifiable limitation of freedom of expression. That means that too often, they are not transparent, not intended for legitimate purposes, and not proportional to the particular information they seek to limit. Meantime, the option of promoting Media and Information Literacy as a tool that reduces the need to control the pipeline because the end users are empowered to do their own gatekeeping.

At a time of rapid change, we must work every day to promote freedom of expression as the foundation for all human rights and fundamental freedoms. We are fully aware that Internet freedom is complex in many ways: this means working to find a balance between sometimes conflicting imperatives -- including freedom of expression, national security, protection of authors’ rights, respect for privacy, and others. But as our Director General, Irina Bokova, has underlined: complexity must not be a justification for curtailing legitimate freedom of expression.
At present, UNESCO has been exploring how freedom of expression is impacted upon by the right to privacy, and how a balance can be forged in this complex intersection of rights. The challenge is that mechanisms to protect online privacy can sometimes be abused by governments or corporations to infringe legitimate freedom of expression in general and the democratic roles of journalism in particular. An additional challenge in balancing these rights on the Internet lies in the discrepancy of the legal frameworks between online and off-line territories, as well as national and international jurisdictions. To analyse all these challenges, UNESCO will launch a new research publication titled “Global Survey on Internet Privacy and Freedom of Expression” at the forthcoming Internet Governance Forum in Baku in 6-9 November.

In finding an appropriate balance of rights, UNESCO is guided by the already mentioned issue of international standards to ensure protection of freedom of expression against informal, unjustifiable, unnecessary and disproportionate limitations. These standards place strong conditions about transparency, predictability, legitimate purpose and due process on any limitations of freedom of speech.

With regard to legitimate purpose, we note that the international standards are fairly specific: speech can be limited for reasons of protecting rights like reputation as well as national security, public order, public morals and public health. These are concepts that can be, and have been, elaborated in more detail. In principle, these limitations are not violations of free expression. While not perfect in practice in terms of excluding abuse, they have the merit of being more circumscribed than subjective catch-all criteria like proposing to restrict speech on the basis of it being deemed “sensitive”, which is one proposal at the forthcoming World Conference on International Telecommunications (WCIT) in Dubai, 3-14 December.

In our view, only by following the language and vision in agreed, existing international standards, can we confine limitations on free speech to a narrow range and avoid both arbitrary and hidden violations of a key human right. With these standards, therefore, we can uphold the vital human right of freedom of expression in the wider universe of other human rights and at the same time defend it from violations. In our view, the international standards for freedom of expression thus provide the guidelines for navigating complexities and resisting unjustifiable controls, and they are relevant to all stakeholders who have powers to curb what is online, whether governmental, internet intermediaries or media that carry user-generated contents.

To effectively promote freedom of expression on Internet, UNESCO supports the model of the multi-stakeholder framework for Internet governance at the international level. This framework grew out of the World Summit on the Information Society (WSIS), in which UNESCO was deeply involved and six of whose outcomes UNESCO has been mandated to pursue – in Education, Access, Science, Cultural and Linguistic Diversity, Ethics and of course Freedom of Expression and Media Development.

It is in this light that we hold that all actors should be involved in the many dimensions of Internet governance and regulation, and particularly that citizens should more actively participate in the decision-making processes related to the use and misuse of filtering systems online. Informing all ongoing deliberations in the multi-stakeholder dialogues should be the framework of international standards concerning freedom of expression. In this light, UNESCO is pleased to announce a major conference in Paris for 25-27 February 2013, titled “Towards knowledge societies for peace and sustainable development”, available at: http://bit.ly/NdXbqO This constitutes the first of a series of rolling events to review the progress since the WSIS. The conference spotlight is on the content and
freedom of expression dimensions of the internet, and this event will be followed in 2014 by an event convened by the ITU which will put the focus on the technical and access issues. Both events will feed into a formal summit at the UN General Assembly in 2015 to review the WSIS – not entirely coincidentally being the deadline also for the Millennium Development Goals. We invite all stakeholders to join us in formulating the programme for the UNESCO February 2013 event, and to also take advantage of this key event as sponsors and partners.

In conclusion, UNESCO urges representatives of international organisations, governments, civil society and the Internet and media industries to work together to ensure transparency, promote a multi-stakeholder approach and apply international standards to protect freedom of expression as a fundamental human right whether in cyberspace or offline. UNESCO for its part will continue to work with stakeholders on these issues. In particular, we stand ready to support governments in ensuring that their legislation related to Internet have safeguards that meet the criteria in international human rights law respecting and protecting our cherished and often hard-won right to freedom of expression and its benefits for democracy and development.