

**Testimony of Daniel B. Baer, Deputy Assistant Secretary of State
for Democracy, Human Rights and Labor
before
The Commission on Security and Cooperation in Europe
“Promises we Keep Online: Internet in the OSCE Region”**

July 15, 2011

Thank you, Mr. Chairman. Distinguished Members of the Commission, I appreciate the Commission’s affording me the opportunity to address an issue with profound implications for the exercise of human rights in the OSCE region and across the globe: ensuring a free and open Internet. Your focus on this critical subject is emblematic of the Commission’s strong defense and dedicated promotion of human rights principles enshrined at the core of the Helsinki Final Act and UN Universal Declaration of Human Rights. States have an enduring responsibility to respect these principles and their responsibility extends into the Digital Age. In the 21st Century, men and women everywhere are increasingly turning to the Internet and other connection technologies to exercise their human rights and fundamental freedoms.

I have valued the opportunity to work with Members of this Commission and your superb staff. The Commission’s efforts greatly strengthen my hand and that of Assistant Secretary Michael Posner and our colleagues in the State Department as we work with other governments, civil society advocates and the private sector to defend and advance human rights and democratic government. The defense of Internet Freedom is integral to our efforts.

If I may, Mr. Chairman, first I will describe the Obama Administration’s global policy of support for Internet Freedom. Then, as you have requested, I will highlight key trends and concerns regarding a number of countries in the OSCE region. Finally, I will describe what we are doing institutionally within the OSCE to ensure Internet Freedom.

The U.S. Champions a Rights-Based Approach to Global Internet Freedom

The United States champions Internet freedom because it derives from universal and cherished rights—the freedoms of speech, assembly, and association. An open Internet gives people a neutral platform from which to express their legitimate aspirations and shape their own destiny. We believe that people in every country deserve to be able to take part in building a more peaceful, prosperous, and democratic society. In the 21st century, technology is a powerful tool with which to exercise human rights and fundamental freedoms. In turn, ensuring Internet freedom helps create the space for people to use technology to “know and act upon” their rights.

As Secretary Clinton has emphasized: “The rights of individuals to express their views freely, petition their leaders, worship according to their beliefs – these rights are universal, whether they are exercised in a public square or on an individual blog. The freedoms to assemble and associate also apply in cyberspace. In our time, people are as likely to come together to pursue common interests online as in a church or a labor hall.”

As we all know, the Internet and other new technologies are having a profound effect on the ability to organize citizen movements around the world. And because repressive regimes understand the power of this technology, they are redoubling their attempts to control it. It is no coincidence that authorities who try to restrict the exercise of fundamental freedoms by their people, impede the work of human rights defenders and civil society organizations, control the press and obstruct the flow of information, tend to be the same authorities who try to restrict, impede, control and obstruct their citizens' peaceful use of these new connective technologies.

Governments that respect their citizens have no reason to fear when citizens exercise their rights. And governments that respect the rights of their citizens have no reason to fear a free Internet. As President Obama has said: "suppressing ideas never succeeds in making them go away."

Recently, in Vilnius, on the margins of the Community of Democracies ministerial meeting, Secretary Clinton and I met with activists—including several from the OSCE region -- who spoke of the surveillance, hacking, and harassment they face every day.

Mr. Chairman, we are not cyber-utopians who believe that the Internet is the magic answer to the world's human rights problems. Technology does not change the world; people must. Some governments are using advanced technologies to chill free expression, to stifle dissent, to identify and arrest dissidents. Through our diplomacy and through direct support for embattled activists worldwide, we are helping people stay one step ahead of the censors, the hackers, and the brutes who beat them up or imprison them for what they say online.

At the same time, we will continue to speak out about the regimes that resort to such behavior. And we will continue to point out that cracking down on the Internet only undermines the legitimacy of a government in the eyes of its own people – particularly young people. Those who have grown up in the Internet age understand how critical it is that all people everywhere can join in the global discussion and debate. These young "digital natives" understand intuitively the dangers of an online world where citizens in one country receive only censored information and so form a stilted view of the world. And they understand intuitively the need to protect the promise and the potential of a truly free and global Internet.

Around the world, our embassies and missions are working to advance internet freedom on the ground. We are building relationships with "netizens" and advocating on behalf of imprisoned and arrested online activists. Internet freedom is now a core part of many of our bilateral human rights and economic discussions with a broad range of countries. Fostering free expression and innovation is a core element of the President's International Strategy for Cyberspace, released in May of this year. As Secretary Clinton said in the rollout of the strategy, cyber issues are a new foreign policy imperative. Accordingly, we are integrating Internet freedom into our engagements on the broader range of cyber issues.

Since 2008, the State Department and USAID have committed \$50 million in direct support for activists on the front lines of the struggle against Internet repression. By the end of 2011, we will have allocated \$70 million toward these efforts. Our programming responds to the most urgent priorities we hear from activists on the ground – including embattled democracy and human rights activists from OSCE countries. A critical part of our efforts is support for circumvention

technology, to enable users to get around firewalls erected by repressive regimes. But circumvention alone is not enough. Users do not just need access to blocked content; they also need to be able to communicate safely with each other, to organize, to get their own messages out. For this reason, we are funding the development of better communication technologies, including secure tools for mobile phones, to empower activists to safely organize themselves and publish their own material. We are funding trainings on cyber self-defense, to train activists in person about the risks they face and how to protect themselves online. And we are committing funding to research and development, so that we stay ahead of the curve in understanding evolving threats to Internet freedom.

We also are working with the private sector, to define the steps that governments and businesses need to take to protect and respect human rights and fundamental freedoms at a time when the technology and its implications are changing constantly.

And, through our multilateral diplomacy, we are playing a leading role in building a global coalition of governments committed to advancing Internet freedom. To that end, we are working at the UN Human Rights Council, in UNESCO, in the OECD, and, of course, within the OSCE.

OSCE as a Pioneering Regional Platform for Human Rights and Fundamental Freedoms in the Digital Age

Mr. Chairman, as you know, OSCE was the first regional organization to recognize that respect for human rights, pluralistic democracy and the rule of law are prerequisites for a lasting order of security and prosperity. And OSCE was the first regional organization to acknowledge the vital importance of civil society. The Helsinki process must continue to be a pioneer for human dignity, civil society and democratic government in the Digital Age.

Challenges to Internet freedom in the OSCE region are illustrative of the issues we are addressing across the globe in our efforts to support an open Internet. Let me now address trends and concerns related to Internet Freedom in a number of OSCE participating States:

Belarus

In mid-2010, Belarusian authorities announced a new legal regime designed to restrict freedom of speech on the Internet, and to harass and intimidate individuals and organizations to deter them from expressing their views through Internet postings, email and websites. The law requires all website owners to register with the authorities, and further requires them to maintain their sites on the government-controlled .by domain. Citizens seeking to use the Internet at public locations including Internet cafes must present their identity documents, and Internet cafes are responsible for maintaining lists of users and the websites they visit. Authorities routinely monitor emails and Internet traffic, and at times block access to websites linked to opposition political parties and independent media groups. On December 19, 2010, the day of the presidential election, authorities also blocked access to popular global sites, including Twitter and Facebook. The same day, denial of service attacks led to the disabling of over a dozen popular Belarusian independent media websites.

In recent days, Belarusian citizens have mobilized via the Internet to organize a series of "silent" protests designed to highlight the government's continuing repression, the lack of freedom of speech, and the country's deteriorating economic situation. Since June 8, such protests –in which participants gather silently and clap their hands – have taken place in at least 43 cities and towns across the country. Authorities have responded by dispersing gatherings via heavy-handed tactics and by detaining hundreds of people. Police have ordered the closure of at least seven websites, and reports of denial of service attacks and spear-phishing attacks have also increased. Finding themselves unable to completely suppress free expression via the Internet, Belarusian authorities have created their own Twitter accounts to threaten protest participants, and have flooded the most popular Belarus-focused news feeds with misinformation designed to disrupt plans for further protests.

Yet the protests continue and demonstrators continue to express themselves online. Over 216,000 people joined a group on Vkontakte (the Russian-language equivalent of Facebook), calling for "Revolution via the social networks" in Belarus. The page was shut down on July 3, but a replacement page gained 20,000 members in two days. Bloggers and Internet journalists have continued to post videos of police beatings and harassment of peaceful demonstrators on YouTube. During a recent public protest on July 3, police reportedly arrested nearly 200 people; at least 15 journalists were also detained. During protests on July 13, authorities blocked access to Vkontakte for several hours, but hundreds of demonstrators still turned out to silently protest in locations around Minsk. As Secretary Clinton has made clear, we will continue to press for the human rights and democratic aspirations of the Belarusian people. And we will continue our staunch support for those struggling to make their voices heard both online and in the streets.

The Participating States of Central Asia

In the Central Asian region, we continue to be concerned by governments' efforts to block websites, particularly when information or opinions are expressed via the Internet that are critical of government officials or policies. Media laws and registration requirements are also used to target independent activists and dissidents, which does not accord with the commitments that OSCE participating States have made to ensure freedom of expression. Internet censorship further aggravates the constraints on freedom of expression and other fundamental freedoms that impede progress and development in the Central Asian states. In order for the Central Asia region to prosper, 21st century new media technologies must be harnessed to facilitate citizens' vibrant ideas and contributions, not governments' repression.

In Kazakhstan, we have long expressed our concern that the Respublika news portal remains inaccessible to users of Kaztelecom, the government-owned Internet service provider, along with dozens of other independent sites that are intermittently blocked. In Tajikistan too, we have seen the blockage of websites disseminating independent or critical views. And in Turkmenistan and Uzbekistan, heavy monitoring of Internet content and registration requirements continue to impede free expression. In Kyrgyzstan, despite an end to official restrictions on, or monitoring of, the Internet after the April 2010 change in government, we were concerned by the Parliament's recent resolution calling for the Fergana.ru site to be banned on grounds that it is inciting ethnic hatred. We believe that full respect for freedom of expression, including via the Internet, can undergird efforts at reconciliation and accountability in Kyrgyzstan.

Russia

We welcome the Russian President Medvedev's statement at the World Economic Forum in January that: "Any attempts to limit the Internet or stifle innovation will lead the world to stagnation. Russia will not support initiatives that put Internet freedom in question." The spread of the Internet undoubtedly has had a positive effect on Russian civil society, providing new opportunities for grassroots organizations to connect with citizens and new platforms to voice alternative viewpoints and hold government accountable. However, problems associated with press freedom for print media have begun to migrate to online media as well. Russia is one of the countries "under surveillance" in the 2010 Enemies of the Internet report by the Committee to Protect Journalists.

Even when technical blocks or filtering are not deployed systematically, if people are punished physically or through legal action for peacefully expressing themselves online, Internet freedom is constrained. The threats to Internet freedom in Russia range from attacks on bloggers to criminal prosecutions of bloggers for 'extremism', to the blocking of specific sites by local service providers, denial of service (DDOS) attacks on sites site of opposition groups or independent media, and attempts by security services and some regional authorities to regulate Internet content. For example:

In November 2010, journalist and blogger Oleg Kashin was brutally beaten outside his home in Moscow. Leading human rights organizations in Russia connect the attack with material he had published on his blog.

The independent newspaper *Novaya Gazeta* came under a DDOS attack in April, while a wide-scale March DDOS attack on LiveJournal, a blog hosting site, began by targeting the blog of prominent anti-corruption activist Alexei Navalny. Navalny has also been targeted for prosecution for criminal charges alleging that he had facilitated a 2009 bad investment for a regional government in his capacity as a legal advisor. Rights groups in Russia believe that the charges are politically motivated.

Regional authorities have acted to block sites or prosecute those who produce content that they deem politically undesirable. Bloggers in Oryol, Marii El, Syktykvar, and other areas of Russia have have faced prosecution for posting insults to Prime Minister Putin or other official persons in online forums. Local authorities have acted in multiple cases to compel local service providers to block certain sites that contain materials listed on the Federal List of Extremist Materials—a problematic and expanding list of over 700 publications. Regional providers have also temporarily blocked sites of the political opposition, such as the site of the Solidarity Movement and Kasparov.ru, and independent publications like the *New Times*.

Whistleblowers also face legal retaliation.. For instance, Yuri Yegorov, a blogger from Tatarstan and a former employee of the regional government, received a 6-month suspended sentence in May for libel after he alleged corruption and embezzlement on the part of Tatarstan human rights ombudsman Rashit Vagizov. His reports of corruption were later supported by other witnesses' testimonies, which were ignored by the court.

Turkey

We are increasingly concerned by the restrictions that the Government of Turkey places on Internet freedom. Turkish authorities have blocked over 5,000 websites, many with content on sensitive social and political issues. Much of this blocking is done in accordance with Turkey's 2007 Internet law, which allows the government to prohibit a Web site if there is suspicion that the site is committing any of eight crimes. These restrictions have been criticized by prominent officials within the Turkish government itself, including President Abdullah Gul.

This year has brought two new proposed restrictions on Internet freedom. Turkish authorities announced a new ban on Internet domain names that contain 138 words deemed offensive based on vague criteria. In addition, the government announced that it planned to introduce a nationwide filtering system to be implemented by Internet Service Providers. The proposal was met with widespread criticism, from the international community and from within Turkish civil society. Although some Turkish Internet associations indicate this decision may be postponed, yet the regulations are still scheduled to take effect August 22. While we understand these restrictions are allegedly designed to protect children from harmful content on the Internet, banning words in an attempt to eliminate undesirable content from the Internet cannot succeed. Major international Internet companies have voiced concerns over operating in Turkey under such regulations. If Turkey is to ensure a modern, prosperous, and peaceful society, it cannot continue to constrain the potential of the Internet for the exercise of human rights.

Azerbaijan

In Azerbaijan, Internet access is not restricted. For example, the government does not restrict web sites such as You Tube or Facebook, both of which are very popular. The government's release of young blogger-activists Adnan Hajizade and Emin Milli last fall and newspaper editor Eynulla Fatullayev this spring were positive developments.

We are concerned, however, that government officials appear to have monitored certain types of online activity, including postings on social media sites, in order to restrict freedom of assembly, specifically the activities of youth and opposition organizers who used these sites to organize anti-government demonstrations in March and April. Several of these activists – presumably identified from internet postings as organizers – were detained or imprisoned following these events. For example, youth activists Bakhtiyar Hajiyev and Jabbar Savalanli were arrested earlier this year after using the Internet for pro-democracy activism. Hajiyev, a candidate in last November's parliamentary elections, was detained on draft evasion charges pending since 2010 after he was associated with Internet postings related to March 2011 protests. International and domestic observers have alleged that the authorities prosecute draft evasion selectively, and have singled out Hajiyev because of his political activities. He was convicted on May 18 of draft evasion and sentenced to two years imprisonment. This is not the first time Hajiyev has encountered problems with the government after utilizing the Internet for social activism; in 2007 the authorities arrested him after he established a web site to protest price increases. Savalanli, a young opposition Popular Front Party activist, was convicted on May 4 and sentenced to two and a half years in prison on drug charges considered to be spurious by human rights groups.

Enduring Freedoms, New Apps

Mr. Chairman, as you know, in the past, the Helsinki process was a major international platform for defending citizens expressing dissenting views via samizdat and for protesting the jamming of radio broadcasts. Two decades ago, in response to efforts by the Ceausescu regime to restrict citizens' access to Xerox machines, an explicit commitment was included in the OSCE's Copenhagen document pledging that "no limitation will be imposed on access to, and use of, means of reproducing documents of any kind." Today, email, social networking and text messaging are new forms of samizdat as well as indispensable tools of commerce, education, and global communications.

As the United States has done since the inception of the Helsinki Process, so, too, in this new century, we stand with those in the OSCE region who seek to peacefully exercise their fundamental freedoms and promote and protect human rights, including via new technologies.

I commend Lithuania, which has made key themes of its Chairmanship media freedom via old and new technologies and the safety of journalists. We are particularly grateful for the tireless efforts of the OSCE Representative on Freedom of the Media Ms. Dunja Mijatovic and her dedicated staff to ensure that fundamental freedoms can be exercised via digital media, and I am delighted that she is here with us today. Last week, she co-organized with the OSCE Office for Democratic Institutions and Human Rights a Supplementary Human Dimension Meeting on Promotion of Pluralism in New Media. Her office is working on a matrix representing Internet laws and policies in the OSCE region to identify and encourage best practices and adherence to OSCE commitments on freedom of expression. Additionally, her office provides critical training to journalists in Central Asia and the Caucasus, as well as legal reviews of OSCE participating States' legislation, to advance broader respect for freedom of expression norms. Perhaps most critically, Ms. Mijatovic has been a voice for bloggers, journalists and other activists who are harassed or imprisoned for their work to disseminate independent information that is essential for democratic development.

Mr. Chairman, the Commission has long supported the vital role that non-governmental organizations play in the OSCE process. I am pleased to say that we are exploring creative ways that we can help connect human rights and democracy activists across the OSCE region through new technologies in order to enhance their ability to network with one another and leverage the contribution of their ideas and insights to the work of the OSCE. On her trip to Vilnius last week, Secretary Clinton spoke at a "tech camp" we organized to help civil society groups from the OSCE region and beyond use these new technologies most effectively.

I want also to emphasize, Mr. Chairman, that cyber issues are relevant to all three dimensions of the OSCE. As we partner with other governments, civil society and the business sector on ways we can safeguard against very real cyber security threats, we do so ever mindful that the measures we take must be consistent with our human dimension commitments to respect the exercise of human rights and fundamental freedoms.

Mr. Chairman, last year, in the run-up to the OSCE Summit in Astana, the U.S. advanced language for inclusion in the Summit Action Plan stating that the participating States, in fulfillment of their longstanding OSCE commitments, will permit their people to peacefully

exercise their rights to freedom of expression, peaceful assembly and association through Digital Age technologies. The language did not aim to create new commitments; rather it was designed to reinforce the message that existing commitments to respect human rights and fundamental freedoms apply in the Digital Age. The language represents a conceptual breakthrough in that it recognizes that individuals and members of civil society organizations utilize digital technologies not only to exercise freedom of expression, but also to connect, network, form organizations, and gather in both virtual and real space. The language also highlights a key human dimension priority: defending and supporting the vital role of civil society in human rights protection and democratic development.

In Astana, our negotiators worked to advance our Digital Age language along with highly compatible language from the European Union related to freedom of expression.

As you know, Mr. Chairman, the Astana Summit did not adopt an Action Plan. We intend, however, to renew our efforts to advance our language on Human Rights and Fundamental Freedoms in the Digital Age with a view to its adoption at the OSCE Ministerial in Vilnius this December. OSCE's adoption of the Digital Age language would, I believe, mark the first time that any regional organization formally recognizes that respect for the full range of human rights and fundamental freedoms must extend to the use of new technologies.

The United States will take every opportunity to work with the Lithuanian Chair, the EU, other participating States and civil society to ensure that the OSCE sends a clear message from Vilnius on Internet Freedom. If I were to distill that message into a tweet to the world, it would be: "Enduring Freedoms, New Apps."

Mr. Chairman, when he signed the Helsinki Final Act 35 years ago, President Ford famously said that: "History will judge this Conference not by what we say here today, but by what we do tomorrow -- not by the promises we make, but by the promises we keep." He was right then, and his statement is even more true today. In this Digital Age, keeping our promises greatly depends on ensuring that the Internet is open and free.

Thank you, Mr. Chairman. Now I would be happy to answer your questions.