

## OSCE-wide Expert Workshop

### *Freedom of Expression on the Internet and Countering Violent Extremism and Radicalization that Lead to Terrorism (VERLT)*

7-8 September 2016,  
Sarajevo, Parliamentary Assembly of Bosnia and Herzegovina

*Jointly organized by OSCE Transnational Threats Department,  
the OSCE Representative on Freedom of the Media and the OSCE Mission to Bosnia and  
Herzegovina with the support of the Ministry of Security of Bosnia and Herzegovina*

## CONCEPT NOTE

### Background and objective

A 1,5 day OSCE-wide expert workshop on “Freedom of Expression on the Internet and Countering Violent Extremism and Radicalization that Lead to Terrorism”, to be held in Sarajevo on 7-8 September 2016, will be organized jointly by the OSCE Transnational Threats Department (TNTD), the OSCE Representative on Freedom of the Media (RFOM), and the OSCE Mission to Bosnia and Herzegovina (BiH Mission) with the support of the Ministry of Security of Bosnia and Herzegovina.

The workshop is a follow-up event to the expert workshop “[Media Freedom and Responsibilities in the Context of Counter-Terrorism Policies](#)” organized by TNTD and RFOM in Bucharest held on 7-8 October 2015. It seeks to expand upon the discussions on how to best counter violent extremism and radicalization that lead to terrorism (VERLT) on the Internet. It will contribute to the implementation of the Declaration [No.4/15](#) adopted by the OSCE Ministerial Council in Belgrade in December 2015 on Preventing and Countering VERLT, which calls on participating States to “enhance international co-operation and public-private partnerships to develop practical measures to counter the use of the Internet and other means for the purposes of inciting violent extremism and radicalization that lead to terrorism and for recruiting foreign terrorist fighters. Such international co-operation and public-private partnerships could foster communication efforts, including via social media, to counter violent extremist messaging, while fully respecting the right to freedom of opinion and expression.”

While the Internet has brought unprecedented possibilities for communications, it is also exploited by violent extremists to spread hateful propaganda, incite acts of terrorism, radicalize and recruit new members, and facilitate communications for organizational and operational purposes. OSCE participating States are responding to this through various initiatives and by adopting measures aimed at preventing and countering VERLT that impact the Internet. This includes the criminalization of

concepts such as “extremist speech” and offences such as “incitement to terrorism” leading to blocking of content online, and expansion of investigatory powers related to surveillance and other forms of interference with communication networks.

As envisaged by Article 19 of the Universal Declaration of Human Rights, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” The UN Human Rights Council has affirmed that the same rights people have offline must also be protected online, in particular freedom of expression ([A/HRC/20/L.13](#)).

The objective of this workshop is to raise awareness, discuss responses and share best practices to ensure that all measures taken to prevent and counter VERLT are human rights compliant, based on the rule of law, and democratic values. Any restriction to the right to freedom of expression should be based on the principles of legality, necessity, proportionality and non-discrimination. The workshop will focus on issues such as government blocking policies, use of surveillance, and other investigatory powers impacting free and safe communication online, as well as issues affecting intermediaries and their responsibilities, in particular social media networks.

It will also look further into how freedom of expression and the use of communications technology can advance efforts to counter VERLT on the Internet. Limiting free speech and restricting public debate only advances the goals of those promoting, and supporting terrorism and violence. Accordingly, freedom of expression should be looked at as a tool and an opportunity in the fight against violent extremism and terrorism.

The OSCE is considered well equipped to contribute to countering VERLT with its multi-dimensional approach to security. The workshop will result in actionable outcomes and recommendations.

OSCE delegations are kindly invited to participate in the meeting. The other expected participants include journalists, media experts, counter-terrorism experts, law enforcement officers, and other government and civil society representatives that are working on challenges related to countering VERLT online.

### **Format and content**

The workshop will consist of four thematic sessions following the opening of the conference. The organizers will ensure enough time is allocated for interactive discussions for each panel. The workshop will conclude with a luncheon on the second day.

In order to ensure interactive discussions, formal written statements should be submitted in advance or at the meeting for distribution.

The sessions will discuss current trends, challenges, and opportunities in countering VERLT online. As a brief background for the discussions, the organizers have prepared this additional information aimed to supplement the agenda:

### ***Conceptual shortcomings***

In the international arena, as also discussed during the afore-mentioned 2015 Bucharest-workshop, much attention has been given to the fact that there are no generally accepted definitions of concepts such as violent extremism and terrorism. Most recently, this was noted as a major challenge in the annual report from the UN Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, who warned against criminalizing extreme views (A/HRC/31/65). The terms “extremism” and “terrorism” are often used interchangeably and without a clear delineation of the boundaries between them.

A number of OSCE participating States are criminalizing views that are considered “extremist”, “radicalized” and so on, without including the qualifying element of incitement to violence or hatred. The RFOM has previously expressed concerns that failing to clearly define the notion of extremism, terrorism and similar offences in anti-extremism laws may be arbitrarily applied and abused to curtail legitimate political debate and may have a chilling effect on journalists working on matters of public interest, see RFOM’s [communiqué](#) on the impact of laws countering extremism on freedom of expression and freedom of the media (7 October 2014).

### ***Blocking, filtering, and removal of online content***

During the first TNTD-RFOM expert workshop in Bucharest, the OSCE participating States were recommended to encourage and promote the development of a freer space for the media and civil society to engage in public discourse and operate in, and refrain from blocking, filtering, and removing online content.

Policies and practices related to content take-down and measures for blocking online content remains, however, an increasing concern as they frequently are in violation of the participating States’ obligations to guarantee freedom of expression and also the right to privacy. Decisions are often not based on law, and with lack of respect of due process principles such as transparency, accountability, the right to reply, and independent judicial control. In many countries these decisions are made by administrative bodies which are given too broad interpretative powers.

### ***Role of social media networks***

Terrorist organizations such as ISIL/DAESH and Al Qaida have demonstrated a sophisticated understanding and use of social media platforms such as Facebook, Twitter, and YouTube to spread and promote their message and incite violence and hatred, which can be done inexpensively and anonymously on these platforms with broad outreach.

Social media networks, in applying their terms of service or community standards, are able to take down content that they assess to be in violation of these standards. Lack of transparency, accountability, and due process in how this “corporate censorship” is being carried out, however, is causing concern. Social media networks are also increasingly facing pressure from governments to suspend so-called extremist content.

The role and responsibilities of the private sector, and most notably social media networks have increasingly come under scrutiny. In his last report, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression asks to what extent the information

and technology sector should be responsible for the promotion and protection of freedom of opinion and expression ([A/HRC/32/38](#)).

Social media networks are called upon to engage in a more pro-active and efficient strategy by using their capabilities in communicating against VERLT. They are responding by increasingly engaging in outreach activities and partnering with organizations working on countering violent extremist content to empower credible non-governmental voices to engage in counter-speech online. It is also debated whether algorithms can be used to promote counter-narratives, as they increasingly shape online content by defining what and how prominent content is published, or what is censored. This, in turn, raises additional questions on their compatibility with principles of free speech on the Internet.

### ***Surveillance and digital security***

Efficient measures to improve national security are essential to prevent and counter VERLT. Intelligence services and police need to be well-equipped with tools to conduct efficient monitoring and investigation. However, the broadening of investigatory powers, including on surveillance and acquisition and retention of communications data, with a lack of transparency, independent judicial review and recourse, is increasingly causing human rights concerns. These raise important questions on the challenge of how to ensure the use of investigatory powers for national security interests do not infringe upon citizens' rights to privacy, protection of personal data, and freedom of expression, while also assuring that the Internet remains a free, open, and safe space.

From a freedom of expression perspective, the question is how to effectively preserve confidentiality of sources within a trusted communications network to prevent surveillance from having a chilling effect on all investigative journalism. In many OSCE participating States there is also an ongoing discussion on whether to prohibit or regulate the use of encrypted communications, a necessary tool to guarantee privacy and security, much needed for the exercise of the right to freedom of expression in the digital age.

### ***Freedom of expression and use of new technologies as a tool to counter VERLT***

Freedom of expression plays a critical role in promoting equality and in combating intolerance. The media, the Internet, and other digital technologies are essential in keeping societies informed, and to provide avenues for counter-speech.

Governments are taking on a more active role in their counter-terrorism strategies on how to identify early signs of violent extremism and radicalization that lead to terrorism online and determining the best methods to develop and distribute counter-speech as a faster, more flexible and responsive way in countering VERLT. State authorities can engage with the media and civil society through Public-Private Partnership Initiatives in developing counter-speech that rejects extremism and terrorism, while at the same time respecting human rights.

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