Deutschland 2016

Conference

"Internet Freedom – a Constant Factor of Democratic Security in Europe"

Speech by the Special Representative for the German OSCE Chairmanship Dr. Gernot Erler

9 September 2016
European Council, Strasbourg

Secretary General Jagland,
Ambassador Laanemäe,
Dunja Mijatović,
Ms Nyman-Metcalf, esteemed representatives of the Freedom Online Coalition,
Ladies and gentlemen,

Welcome to this joint conference of the Estonian Chair of the Council of Europe and the German Chairmanship of the OSCE.

Allow me to take this opportunity to congratulate Mart Laanemäe most sincerely on his appointment as the new Estonian Ambassador to Berlin, which I hope will lead to many more joint projects!

I would also like to thank our second partner and co-organiser of this conference, the Secretariat General of the Council of Europe, and especially Secretary General Jagland, for providing this venue and for their exceptional logistical and financial support.

I am delighted that I have an opportunity to visit Strasbourg for the second time this year after presenting the programme for the German Chairmanship of the OSCE in 2016 at the beginning of February.

While working to establish the priorities of this programme last year, topics such as "cyber security", "conflict risks of information and communications technology" and "Internet freedom" suddenly cropped up in our discussions. And I must admit that I was either not too clued-up about the majority of these headings and what it is that they actually signify, or even harboured severe doubts as to whether these might have anything to do with the OSCE's remit!

I belong to a generation that was shaped both at a personal and political level by the Cold War, and especially by the policy of détente and the CSCE process of the 1970s.

And so concepts such as "security", "conflict risks" and "confidence-building measures" were tremendously important to me for many years – concepts that were always bound up with military "hardware", with tanks and soldiers, rather than with electronic "software" or the Internet.

And when I hear that great word "freedom", the subject of today's conference, then the first thing that springs to mind are the images of people protesting for the cause of freedom on the streets of Gdansk, Leipzig and Tallinn in 1989 – and singing for their freedom in Estonia's capital in a movement that came to be known as the "Singing Revolution" – and not so much online petitions or the publication of diplomatic reports on the Internet.

However, ladies and gentlemen,

This qualification is incorrect, of course – as overcoming the division of our continent and the history of the CSCE process and the Helsinki movements in Europe and North America had much to do with the free distribution of information.

It is a well-known fact that a key provision of the Helsinki Final Act of 1975 was the voluntary commitment by the signatory States to make this Final Act freely available to their citizens. And it was precisely this publication that made the Final Act a reference document for human rights groups throughout the CSCE area, and therefore a tool to promote freedom and peaceful change.

Today, over 40 years later in the age of Wikipedia and Wikileaks, it would hardly be possible to actually prohibit the publication of this sort of document, something which was certainly attempted in some countries, such as the former GDR, in the years after Helsinki.

But, then as now, there is an inseparable link between the freedom of information and the freedom of expression and the democratic character of a society, with one barely conceivable without the other.

Is today's Internet therefore a digital sphere of freedom that guarantees the rule of law and democracy in the analogue world? Are we not currently witnessing the dawn of an age of digital democracy and the end of censorship and propaganda?

Ladies and gentlemen,

While the possibilities offered by today's communications and information technology are so diverse and perhaps unfamiliar to some of us, we are actually quite familiar with the threats and challenges that we face here.

Balancing the right to privacy and the right to information and its free distribution, as well as balancing the freedom of expression and protection against discrimination and hate propaganda or the state's mandate to protect its citizens against threats such as organised crime and terrorism and the right to freedoms without state intervention and surveillance – all

of these difficult questions go much further back than the history of new information technologies.

Similar considerations apply to the justifications that were used and continue to be used to restrict freedoms and monitor channels of information.

In the face of new threats to our security and stability – as we regularly hear nowadays – countries have to decide either to protect their citizens or to preserve their fundamental rights.

It goes without saying that countries have legitimate security interests that must be protected particularly in times of increased threats, both offline and online. However, this does not mean that purported or actual security interests can be a licence to restrict the protection of fundamental rights to an excessive degree and on a permanent basis.

These restrictions are carried out in various ways today, in many cases in the customary way in the analogue world – in the form of arrests, intimidation or even murder of critical bloggers, journalists and activists, through the confiscation of data or the closure of undesirable media outlets.

Instruments of surveillance and oppression are also keeping pace with the development of new technologies and using these to their own ends. The Internet can be searched for undesirable content, and websites can be blocked and filtered or shut down entirely.

A number of threats to the freedom of information and, by extension, also to democracy in the digital world possess a new quality. They target not only the channels, and those who gather and mediate information, but also the concept of true information and documented facts itself.

Information is no longer simply suppressed or deleted, but it is indeed propagated. Deliberate distortions, exaggerations or false claims are placed alongside serious information for which every effort has been made to ensure its verifiablity and reliability, thereby relativising facts and giving rise to uncertainties.

Many people in our societies now even fundamentally doubt whether it is possible to access information that is true.

According to a recent survey, less than half of Germany's citizens believe that the media reports on events in a truthful way, while 60 per cent of the Germans questioned are convinced that many valid opinions on current issues are systematically ignored by the media.

Ladies and gentlemen,

This distrust and underlying attempts to turn our modern information society into a "misinformation society" are real threats to our democratic communities.

But this is where an old insight may perhaps help us, namely the realisation that lawlessness does not guarantee the greatest possible freedom - and this is true of the Internet as well. Human rights and fundamental freedoms must apply both offline and online, and this is why we need rules and instruments to protect these rights and freedoms in both cyberspace and the analogue world.

In order to make this old insight fit for the new requirements of digital interconnectivity, we definitely need a global approach, because cyberspace simply does not stop at state borders.

It was with this in mind that Germany, together with Brazil, tabled a resolution in the United Nations in 2013 on the right to privacy in order to explore the conflict between mass surveillance and human rights. Furthermore, a Special Rapporteur on the right to privacy was appointed for the first time by the UN Human Rights Council last year. And we are currently in the process of drafting a new resolution on the right to privacy for the UN General Assembly this autumn.

What we also need is, secondly, a comprehensive approach. The potential of new information technologies can be used in order to allow citizens to be included in political decision-making processes, generate prosperity and raise awareness of political abuses. But it can also be used for military ends, to reinforce economic inequality or to open the door to increased surveillance.

In order to respond to these threats in equal measure, we are, as this year's OSCE Chair, pursuing a three-pronged approach that addresses the security policy, economic and human dimensions of this issue.

As part of this approach, the OSCE participating States have, under Germany's Chairmanship, adopted [a second set of] confidence-building measure to reduce the risks of conflict stemming from the use of information and communication technologies.

The freedom of expression and of the media are one of our core priorities also in the human dimension of the OSCE. We firmly believe that the best remedy for misinformation and propaganda are free media and therefore access to diverse and independent information. We must therefore do more to protect those who gather, research and disseminate this information. We have therefore placed a special focus on the security of journalists in crisis regions, for example.

And we are supporting the work of the OSCE Representative on Freedom of the Media Dunja Mijatović, who has devoted herself to the right to freedom of expression both online and offline through numerous initiatives. Ms Mijatović has also recently published an OSCE Guidebook on media freedom on the Internet, which includes specific recommendations for political decision-makers. This will doubtlessly be a topic of discussion at this conference.

After all, freedom on the Internet will be an important topic at our OSCE Chairmanship conference on tolerance and diversity in Berlin on 20 October 2016. At this conference, we intend to place a particular focus on combating hate speech and discrimination on the Internet.

Thirdly, we need new alliances and coalitions among nations and international organisations, as well as with civil society as increasing numbers of non-state actors are playing an important role in the digital sphere.

The Council of Europe is one of our most important partners in this regard. We agreed at the beginning of this year that we intend to intensify our cooperation still further and create synergies in the fight against human trafficking, efforts to protect minorities and the promotion of tolerance and non-discrimination, and also with a view to safeguarding the freedom of expression and freedom of information.

I am therefore delighted that Secretary General Jagland has launched an exceptional new initiative with the No Hate Speech Movement of the Council of Europe.

And I welcome the Internet Governance Strategy [2016 – 2019] adopted in March and the Council of Europe's recommendation on Internet freedom of April 2016.

Today's conference is a further example of this productive cooperation for which I would like to express my sincere gratitude and which we will hopefully continue after Germany's Chairmanship!

It goes without saying that we will not be able to solve all of these problems today. But we can at least ask and discuss the right questions and – as a sort of "swarm intelligence", if you will – inject impetus into achieving possible solutions together.

Allow me to wish you and all of us every success at this conference. And now I look forward to – very much analogue – discussions with our experts.

Thank you very much.